

THE DELHI DEVELOPMENT ACT, 1957 (61 of 1957)

along with

- THE D.D.A (VALIDATION OF DISCIPLINARY POWER) ACT, 1998
- THE D.D.A (ELECTION OF REPRESENTATIVE OF DELHI MUNICIPAL CORPORATION) RULES, 1958.
- THE D.D.A RULES, 1958
- THE DELHI DEVELOPMENT (MASTER PLAN AND ZONAL DEVELOPMENT PLAN) RULES, 1959.
- THE D.D.A (PROCEDURE FOR REFERENCE TO THE CENTRAL GOVERNMENT) RULES, 1960.
- THE DELHI DEVELOPMENT (BETTERMENT CHARGE ARBITRATION) RULES, 1961.
- THE D.D.A (PROCEDURE TO STOP DEVELOPMENT) RULES, 1974.
- THE D.D.A (REMOVAL OF OBJECTIONABLE DEVELOPMENTS) RULES, 1975
- THE D.D.A (DISPOSAL OF DEVELOPED NAZUL LAND) RULES, 1981.
- THE D.D.A (SEALING OF DEVELOPMENT) RULES, 1986.
- THE D.D.A (FORM OF APPEAL) RULES, 1986.
- THE D.D.A REGULATIONS, 1959.
- THE D.D.A (PUBLICATION OF APPROVAL OF PLAN) REGULATION, 1962.
- THE D.D.A (MANAGEMENT AND DISPOSAL OF HOUSING ESTATE) REGULATIONS, 1968.
- THE DELHI URBAN HERITAGE FOUNDATION REGULATION, 1999
- THE D.D.A (PERMISSION OF RESIDENTIAL LAND AND BUILDING FOR USE AS NURSING HOMES) REGULATION, 2003.
- THE D.D.A (PERMISSION OF RESIDENTIAL LAND AND BUILDING FOR USE AS GUEST HOUSES) REGULATIONS, 2003.

THE DELHI DEVELOPMENT ACT, 1957

Along with

- THE D.D.A (VALIDATION OF DISCIPLINARY POWER) ACT, 1998
- THE D.D.A (ELECTION OF REPRESENTATIVE OF DELHI MUNICIPAL CORPORATION) RULES, 1958.
- THE D.D.A RULES, 1958
- THE DELHI DEVELOPMENT (MASTER PLAN AND ZONAL DEVELOPMENT PLAN) RULES, 1959.
- THE D.D.A (PROCEDURE FOR REFERENCE TO THE CENTRAL GOVERNMENT) RULES, 1960.
- THE DELHI DEVELOPMENT (BETTERMENT CHARGE ARBITRATION) RULES, 1961.
- THE D.D.A (PROCEDURE TO STOP DEVELOPMENT) RULES, 1974.
- THE D.D.A (REMOVAL OF OBJECTIONABLE DEVELOPMENTS) RULES, 1975
- THE D.D.A (DISPOSAL OF DEVELOPED NAZUL LAND) RULES, 1981.
- THE D.D.A (SEALING OF DEVELOPMENT) RULES, 1986.
- THE D.D.A (FORM OF APPEAL) RULES, 1986.
- THE D.D.A REGULATIONS, 1959.
- THE D.D.A (PUBLICATION OF APPROVAL OF PLAN) REGULATION, 1962.
- THE D.D.A (MANAGEMENT AND DISPOSAL OF HOUSING ESTATE) REGULATIONS, 1968.
- THE DELHI URBAN HERITAGE FOUNDATION REGULATION, 1999
- THE D.D.A (PERMISSION OF RESIDENTIAL LAND AND BUILDING FOR USE AS NURSING HOMES) REGULATION, 2003.
- THE D.D.A (PERMISSION OF RESIDENTIAL LAND AND BUILDING FOR USE AS GUEST HOUSES) REGULATIONS, 2003.

CONTENTS

THE DELHI DEVELOPMENT ACT, 1957

Page

Introduction

CHAPTER I PRELIMINARY

Section

1. Short title, extent and commencement
2. Definitions

CHAPTER II THE DELHI DEVELOPMENT AUTHORITY AND ITS OBJECTS

3. The Delhi Development Authority
4. Staff of the Authority
- 5A. Constitution of committees
6. Objects of the Authority

CHAPTER III MASTER OPALN AND ZONAL DEVELOPMENT PLANS

7. Civic survey of, master plan for, Delhi
8. Zonal development plans
9. Submission of plans to the Central Government for approval.
10. Procedure to be followed in the preparation and approval plans
11. Date of operation of plan

CHAPTER IIIA MODIFICATION TO THE MASTER PLAN AND THE ZONAL DEVELOPMENT PLAN

- 11A. Modification to plan

CHAPTER IV DEVELOPMENT OF LANDS

12. Declaration of development areas and development of land in those and other areas
13. Application for permission
14. User of land and buildings in contravention of plans.

CHAPTER V ACQUISITION AND DISPOSAL OF LAND

15. Compulsory acquisition of land
16. Compensation for Compulsory Acquisition of Land
17. Appeal to the district judge against decision of the collector.. . . .
18. Disputes as to apportionment of the compensation
19. Payment of compensation or deposit of the same in court

20. Investment of the amount of compensation deposited in court.	.	.	.
21. Disposal of land by the Authority or the local authority concerned	.	.	.
22. Nazul lands	.	.	.
22A. Power of Authority to develop land in non-development area.	.	.	.

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

23. Fund of the Authority.	.	.	.	.	.	.	.
24. Budget of the Authority	.	.	.	.	.	.	.
25. Accounts and audit	.	.	.	.	.	.	.
26. Annual report	.	.	.	.	.	.	.
27. Pension and provident funds	.	.	.	.	.	.	.

CHAPTER VII

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

28. Power of entry	.	.	.	.	.	.	.
29. Penalties	.	.	.	.	.	.	.
30. Order of demolition of building	.	.	.	.	.	.	.
31. Power to stop development	.	.	.	.	.	.	.
31A. Power to seal unauthorized development	.	.	.	.	.	.	.
31B. Appellate Tribunal	.	.	.	.	.	.	.
31C. Appeals	.	.	.	.	.	.	.
31D. Appeals against orders of Appellate Tribunal	.	.	.	.	.	.	.
31E. Bar of jurisdiction of court	.	.	.	.	.	.	.
32. Offences by companies	.	.	.	.	.	.	.
33. Fines when realized to be paid to Authority or local authority concerned	.	.	.	.	.	.	.
34. Composition of offences	.	.	.	.	.	.	.
34A. Certain offences to be cognizable	.	.	.	.	.	.	.
35. Default powers of the Authority	.	.	.	.	.	.	.
36. Power of Authority to require local authority to assume responsibility for amenities in certain cases	.	.	.	.	.	.	.
37. Power of Authority to levy betterment charges	.	.	.	.	.	.	.
38. Assessment of betterment charge by arbitrators	.	.	.	.	.	.	.
39. Settlement of betterment charge by arbitrators	.	.	.	.	.	.	.
40. Payment of betterment charge	.	.	.	.	.	.	.
40A. Mode of recovery of moneys due to authority	.	.	.	.	.	.	.
41. Control by Central Government	.	.	.	.	.	.	.
42. Returns and inspection	.	.	.	.	.	.	.
43. Service of notices, etc.	.	.	.	.	.	.	.
44. Public Notice how to be made known.	.	.	.	.	.	.	.
45. Notices, etc., to fix reasonable time	.	.	.	.	.	.	.
46. Authentication of orders and document of the Authority	.	.	.	.	.	.	.
47. Member and officers to be public servants	.	.	.	.	.	.	.

48. Jurisdiction of courts	. . . . .
49. Sanction of prosecution	. . . . .
50. Magistrate`s power to impose enhanced penalties	. . . . .
52. Power to delegate	. . . . .
53. Effect of other laws	. . . . .
53A. Restriction on power of a local authority to make rules	. . . . .
53B. Notice to be given of suits	. . . . .
54. Savings	. . . . .
55. Plans to stand modified in certain cases	. . . . .
56. Power to make rules	. . . . .
57. Power to make regulations	. . . . .
58. Laying of rules and regulations before Parliament	. . . . .
59. Dissolution of the Authority	. . . . .
60. Repeal, etc., and saving	. . . . .

**THE DELHI DEVELOPMENT AUTHORITY
(VALIDATION OF DISCIPLINARY POWER) ACT, 1998**

1. Short title	. . . . .
2. Definitions	. . . . .
3. Validation of disciplinary powers exercised or action taken by Vice-Chairman or other officers	. . . . .

**THE DELHI DEVELOPMENT AUTHORITY
(ELECTION OF REPRESENTATIVE OF DELHI MUNICIPAL CORPORATION)
RULES, 1958.**

Rules

1. Short title and commencement	. . . . .
2. Manner of election of representatives of corporation to the authority	. . . . .
FORM 1	. . . . .
FORM 2	. . . . .
FORM 3	. . . . .

THE DELHI DEVELOPMENT AUTHORITY RULES, 1958

1. SHORT TITLE AND COMMENCEMENT	. . . . .
2. DEFINITIONS	. . . . .
3. Qualification for being chosen as members of the Delhi Development Authority or the Council section 56(2)(b)	. . . . .
4. Salaries Allowances etc., of whole time paid members section 56(2)(c)	. . . . .
5. Time to be taken by Collector in disposal of cases for determination of compensation Section 56(2)(i)	. . . . .

**THE DEVELOPMENT (MASTER PLAN AND ZONAL
DEVELOPMENT PLAN) RULES, 1959**

CHAPTER I

GENERAL

1. Short title and commencement
2. Definitions

CHAPTER II

SURVEY, FORM AND CONTENT OF THE MASTER PLAN

3. Civic Survey
4. Form and contents of Master Plan

CHAPTER III

PROCEDURE FOR PREPARATION OF MASTER PLAN

5. Public Notice regarding preparation of Master plan
6. Mode of Publication of Public Notice
7. Notice to and representations from local authorities
8. Appointment of Board for enquiry and hearing
9. Enquiry and hearing
10. Report of Enquiry
11. Preparation of final draft Master Plan and its submission to Central Government
12. Amendment of Master Plan.
13. Approval of Central Government to Amendment of Master Plan

CHAPTER IV

ZONAL DEVELOPMENT PLANS

14. Contents of Zonal development plans Section 56(2)(a)
 15.
- FORM A

**THE DELHI DEVELOPMENT AUTHORITY (PROCEDURE FOR REFERENCE
TO THE CENTRAL GOVERNMENT) RULES, 1960**

1. Short title
2. Definitions
3. Procedure to be followed in making reference to the Central Government under section 36 of the Act.

**THE DELHI DEVELOPMENT (BETTERMENT CHARGE
ARBITRATION), RULES, 1961**

1. Short title

2. Definitions	.	.	.	.	.	.	.	.	.
3. Reference to arbitrators	.	.	.	.	.	.	.	.	.
4. Service of notice	.	.	.	.	.	.	.	.	.
5. Appearance before the arbitrators	.	.	.	.	.	.	.	.	.
6. Powers of the objectors	.	.	.	.	.	.	.	.	.
7. Statement by the objectors	.	.	.	.	.	.	.	.	.
8. Procedure in case of non-attendance of one or more objectors	.	.	.	.	.	.	.	.	.
9. Adjournment	.	.	.	.	.	.	.	.	.
10. Adjournment after objection for further hearing	.	.	.	.	.	.	.	.	.
11. Right to begin	.	.	.	.	.	.	.	.	.
12. Statement and production of evidence by objectors	.	.	.	.	.	.	.	.	.
13. Record of the proceedings	.	.	.	.	.	.	.	.	.
14. Arguments	.	.	.	.	.	.	.	.	.
15. Community of proceedings	.	.	.	.	.	.	.	.	.
16. Powers of arbitrators to inspect	.	.	.	.	.	.	.	.	.
17. Award	.	.	.	.	.	.	.	.	.
18. Award to be signed	.	.	.	.	.	.	.	.	.
19. Time for making the award	.	.	.	.	.	.	.	.	.
20. Award to be sent to the authority and the Central Government	.	.	.	.	.	.	.	.	.
21. Fees of the arbitrators	.	.	.	.	.	.	.	.	.

**THE DELHI DEVELOPMENT AUTHORITY
(PROCEDURE TO STOP DEVELOPMENT) RULES, 1974**

1. Short title and commencement	.	.	.	.	.	.	.	.	.
2. Definitions	.	.	.	.	.	.	.	.	.
3.	.	.	.	.	.	.	.	.	.
FORM A	.	.	.	.	.	.	.	.	.

**THE DELHI DEVELOPMENT AUTHORITY
(REMOVAL OF OBJECTIONABLE DEVELOPMENTS) RULES, 1975**

1. Short title and Commencement	.	.	.	.	.	.	.	.	.
2. Definitions	.	.	.	.	.	.	.	.	.
3. Issue of show-cause notice.	.	.	.	.	.	.	.	.	.
4. Fixation of hearing	.	.	.	.	.	.	.	.	.
5. Decision on objection or representation	.	.	.	.	.	.	.	.	.
FORM A	.	.	.	.	.	.	.	.	.

**THE DELHI DEVELOPMENT AUTHORITY
(DISPOSAL OF DEVELOPED NAZUL LAND) RULES, 1981**

CHAPTER I

Rules

1. Short title and commencement	. . . . .
2. Definitions	. . . . .

CHAPTER II

DISPOSAL OF NAZUL LAND

3. Purpose for which Nazul land may be allotted	. . . . .
4. Persons to whom Nazul land may be allotted	. . . . .
5. Rules of premium for allotment of Nazul land to certain public institutions	. . . . .
6. Allotment of Nazul land at pre-determined rates	. . . . .
7. Allotment of land to certain licensed areas	. . . . .
8. Manner of allotment	. . . . .
9. Allotment to owners in slum clearance areas	. . . . .
10. Allotment of tenants in slum areas	. . . . .
11. Allotment to owners of dangerous buildings in slum areas	. . . . .
12. Priority of allotment for residential purposes	. . . . .
13. Reservation for scheduled Castes, Scheduled Tribes and other	. . . . .
14. Reservation not to affect right to general allotment	. . . . .
15. Allotment to individuals not accepting allotment of Nazul land on certain conditions	. . . . .
16. Certain persons entitled to allotment by auction	. . . . .
17. General restriction to allotment for residential purposes	. . . . .
18. Size of plots	. . . . .
19. Allotment of industrial and commercial plots	. . . . .
20. Allotment to certain public institutions	. . . . .
21. Allotment to co-operative societies	. . . . .
22. Vesting of lease-hold rights	. . . . .
23. Agreements between the co-operative societies and their number	. . . . .
24. Manner of realization of premium or price of plots	. . . . .
25. Nazul land for use of the authority	. . . . .

CHAPTER III

ALLOTMENT BY AUCTION

26. Allotment by auction	. . . . .
27. Procedure for auction	. . . . .
28. Conduct of auction	. . . . .
29. Sale to the highest bidder	. . . . .
30. Rejection of bid	. . . . .
31. Withdrawal not permitted	. . . . .
32. Forfeiture of earnest money	. . . . .

CHAPTER IV

ALLOTMENT BY TENDER

33. Allotment by tender	. . . . .
34. Procedure for inviting tender	. . . . .

35. Acceptance of tenders	.	.	.	.	.	.	.	.	.
36. Deposit of earnest money	.	.	.	.	.	.	.	.	.
37. Receipt of tenders	.	.	.	.	.	.	.	.	.
38. Opening of tenders	.	.	.	.	.	.	.	.	.
39. Acceptance of highest tenders	.	.	.	.	.	.	.	.	.
40. Final acceptance	.	.	.	.	.	.	.	.	.
41. Communication to other tenders	.	.	.	.	.	.	.	.	.

CHAPTER V

MISCELLANEOUS

42. Allotment to be lessee of the Central Government	.	.	.	.	.	.	.	.	.
43. Lease to be executed by the allottee	.	.	.	.	.	.	.	.	.
44. Temporary allotment of Nazul land	.	.	.	.	.	.	.	.	.
45. The directions of the Central Government to be supplementary to rules	.	.	.	.	.	.	.	.	.
FORM A	.	.	.	.	.	.	.	.	.
FORM B	.	.	.	.	.	.	.	.	.
FORM C	.	.	.	.	.	.	.	.	.
FORM D	.	.	.	.	.	.	.	.	.

THE DELHI DEVELOPMENT AUTHORITY (SEALING OF DEVELOPMNT) RULES, 1986

1. Short title	.	.	.	.	.	.	.	.	.
2. Definitions	.	.	.	.	.	.	.	.	.
3. Order of sealing and its service	.	.	.	.	.	.	.	.	.
4. Manner of sealing unauthorized development	.	.	.	.	.	.	.	.	.

THE DELHI DEVELOPMENT AUTHORITY (FORM OF APPEAL) RULES, 1986

1. Short title	.	.	.	.	.	.	.	.	.
2. Definitions	.	.	.	.	.	.	.	.	.
3.	.	.	.	.	.	.	.	.	.
4.	.	.	.	.	.	.	.	.	.
5.	.	.	.	.	.	.	.	.	.
FORM A	.	.	.	.	.	.	.	.	.

THE DELHI DEVELOPMENT AUTHORITY REGULATIONS, 1959

CHAPTER I GENERAL

Regulations

1. Short title	.	.	.	.	.	.	.	.	.
2. Definitions	.	.	.	.	.	.	.	.	.

CHAPTER II

3. Conduct of business
------------------------	---	---	---	---	---	---	---	---	---

CHAPTER III

FORMS OF APPLICATIONS FOR PERMISSION UNDER SECTION 13(1)

4. Forms of applications for permission under Section 13 (1)	.	.	.	.	.	.	.	.
5. Communication of orders on application for development	.	.	.	.	.	.	.	.
6. Form of register of application	.	.	.	.	.	.	.	.
SCHEDULE I	.	.	.	.	.	.	.	.
FORM A	.	.	.	.	.	.	.	.
FORM B	.	.	.	.	.	.	.	.
SCHEDULE II- Form of Register of applications for permission to develop land, other than the erection of a building has defined in sub-section (j) of section 2 of the Act	.	.	.	.	.	.	.	.

THE DELHI DEVELOPMENT AUTHORITY (PUBLICATION OF APPROVAL OF PLAN) REGULATIONS, 1962

1. Short title	.	.	.	.	.	.	.	.
2. Publication of notice under section 11	.	.	.	.	.	.	.	.
APPENDIX	.	.	.	.	.	.	.	.

THE DELHI DEVELOPMENT AUTHORITY (MANAGEMENT AND DISPOSAL OF HOUSING ESTATES REGULATIONS, 1968)CHAPTER I
GENERAL

1. Short title, application and commencement	.	.	.	.	.	.	.	.
2. Definition	.	.	.	.	.	.	.	.

CHAPTER II

TERMS AND CONDITIONS OF DISPOSAL OF PROPERTY

3. Administration of regulations and delegation of powers	.	.	.	.	.	.	.	.
4. Execution of agreements	.	.	.	.	.	.	.	.
5. Disposal of property	.	.	.	.	.	.	.	.
6. Fixation of price	.	.	.	.	.	.	.	.
7. Eligibility of allotment	.	.	.	.	.	.	.	.
8. Manner of payment of disposal price	.	.	.	.	.	.	.	.
9. Manner of payments of hire-purchase price	.	.	.	.	.	.	.	.
10. Period of hire-purchase	.	.	.	.	.	.	.	.
11. Monthly tenancy	.	.	.	.	.	.	.	.
12. Allottee/hirer to enroll as a member of Registered Agency	.	.	.	.	.	.	.	.
13.	.	.	.	.	.	.	.	.
14. Use of property	.	.	.	.	.	.	.	.
15. Payment of property	.	.	.	.	.	.	.	.
16. Functions of Registered Agency	.	.	.	.	.	.	.	.
17. Payment of rates, fees, etc.	.	.	.	.	.	.	.	.

18. Payment of charges for maintenance of roads, etc.
19. Allottee/hirer precluded from objecting to property circumstances
20. Administration of common portions/services by the Registered Agency.

CHAPTER III

PROCEDURE FOR DISPOSAL OF PROPERTY

21. Issue of public notice
22. Form of application
23. Entry of application in register
24. Application to be acknowledged.
25. Rejection of invalid applications
26. Construction of Property Allotment Committee
27. Scrutiny of applications
28. Draw of lots
29. Formation of group of allottees
30. Entry of final list of allottees in a register
31. Intimations about allotment
32. Allotment from waiting list
33. Intimation about grouping of allottees/hirer
34. Powers to decide representations
35. Execution of agreements
36. Handing over of possession of property (hire-purchase)
37. Handing of possession of property (sale)

CHAPTER IV

REGISTERED AGENCY

38. Formation and function of Registered Agency
39. Constitution of Registered Agency
40. Application for registration
41. Registration of Agency
42. Execution of documents by agency
43. Election of Managing by Agency
44. Time limit for execution of agreement
45. Responsibility of Registered Agency about services
46. Liability of Registered Agency about services
47. Control by the Vice-Chairman over the affairs of the agency
- 48.
49. Recovery of dues
50. Settlement of disputes

CHAPTER V

HIRE-PURCHASE TENANCY AND TRANSFER OF OWNERSHIP

51. Status of hirer							
52. Hirer to abide by tenancy stipulations							
53. Enforcement of provision of agreement							
54. Transfer of ownership to hirer							
55. Transfer to ownership to allottee							
56. Lease Deed for land under flats	.	.	.	.	.	.	.
57. Transfer of common services to local authority	.	.	.	.	.	.	.
58. Federation of Registered Agencies	.	.	.	.	.	.	.
59.	.	.	.	.	.	.	.

THE DELHI URBAN HERITAGE FOUNDATION REGULATIONS, 1999

Regulations

1. Short title and commencement	.	.	.	.	.	.	.
2. Definitions	.	.	.	.	.	.	.
3. Aims and Objectives	.	.	.	.	.	.	.
4. Constitution	.	.	.	.	.	.	.
5. Function/Power	.	.	.	.	.	.	.
6. Powers of the Chairman	.	.	.	.	.	.	.
7. Meetings	.	.	.	.	.	.	.
8. Fees and allowances	.	.	.	.	.	.	.
9. Finance, Accounts and Audit	.	.	.	.	.	.	.
10. Operation of accounts	.	.	.	.	.	.	.
11. Powers to incur expenses	.	.	.	.	.	.	.

THE DELHI DEVELOPMENT AUTHORITY (PERMISSION OF RESIDENTIAL LAND AND BUILDING FOR USE AS BANKS) REGULATIONS, 2003

I. Short title and commencement	.	.	.	.	.	.	.
II-IV.	.	.	.	.	.	.	.
V. Definitions	.	.	.	.	.	.	.
VI. The manner to allow permission	.	.	.	.	.	.	.
VII. Competent Authority	.	.	.	.	.	.	.
VIII. Application	.	.	.	.	.	.	.
IX. Permission fee	.	.	.	.	.	.	.

THE DELHI DEVELOPMENT AUTHORITY (PERMISSION OF RESIDENTIAL LAND AND BUILDING FOR USE AS NURSING HOMES) REGULATIONS, 2003

Regulations

I. short title and commencement	.	.	.	.	.	.	.
II.	.	.	.	.	.	.	.
III.	.	.	.	.	.	.	.
IV.	.	.	.	.	.	.	.
V. Definitions	.	.	.	.	.	.	.

VI.	The manner to allow permission	.	.	.	.	.	.	.	.
VII.	Application	.	.	.	.	.	.	.	.
IX.	Permission fee	.	.	.	.	.	.	.	.

**THE DELHI DEVELOPMENT AUTHORITY (PERMISSION OF RESIDENTIAL
LAND AND BUILDING FOR USE AS GUEST HOUSES) REGULATIONS, 2003**

- i. Short title and commencement
- ii.
- iii.
- iv.
- v. Definitions
- vi. The manner to allow permission
- vii. Competent authority
- viii. Application
- ix. Permission fee

THE DELHI DEVELOPMENT ACT, 1957

INTRODUCTION

After India attained independence and New Delhi became the capital of India, Development activities started increasing. In the absence of any proper planning the growth was very haphazard. It was being felt necessary to develop Delhi in a planned manner. To achieve this objective the Delhi Development Bill was introduced in the Parliament.

ACT 61 OF 1957

The Delhi Development Bill having been passed by both the Houses of parliament received the assent of the President on 27th December, 1957. It came on Statute Book as THE DELHI DEVELOPMENT ACT, 1957 (61 of 1957)

LIST OF AMENDING ACTS

1. The Delhi Development (Amendment) Act, 1963 (56 of 1963)
2. The Repealing and Amending Act, 1964 (52 of 1964).
3. The Delhi Administration Act, 1966 (19 of 1966).
4. The Delhi Development (Amendment) Act, 1976 (4 of 1976).
5. The Delhi Development (Amendment) Act, 1984 (38 of 1984).
6. The Delhi Development (Amendment) Act, 1996 (36 of 1996).

THE DELHI DEVELOPMENT ACT, 1957

(61 OF 1957)

[27th December, 1957]

An Act to provide for the development of Delhi according to plan and for matter ancillary thereto.
BE it enacted by Parliament in the Eighth Year of the Republic of India as followed:-

CHAPTER I PRELIMINARY

1. Short title, extent and commencement. – (1) This Act may be called the Delhi Development Act, 1957.

(2) It extends to the whole of the ¹[National Capital Territory of Delhi].

(3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.- in this Act, unless the context otherwise requires-

- (a) “amenity” includes road, water supply, street lighting, drainage, sewerage, public works and such other convenience as the Central Government may, by notification in the Official Gazette, specify to be an amenity for the purpose this Act;
- (b) “building” includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial, commercial or other purpose, whether in actual use or not;
- (c) “building operations” includes rebuilding operations, structural alterations of or additions to buildings and other operations normally undertaken in connection with the construction of buildings;
- (d) “development” with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land and includes redevelopment;
- (e) “development” area means any area declared to be a development area under sub-section 1 of section 12;
- (f) “engineering operations” includes the formation or laying out of means of access to a road or the laying out of water supply;
- (g) “means of access” includes any means of access whether private or public, for vehicle or for foot passengers, and includes a road;
- (h) “regulation” means a regulation made under this Act

by the Delhi Development Authority constituted under section 3;

(i) “rule” means a rule made under this Act by the Central Government;

(j) “to erect” in relation to any building includes—

- i. Any material alteration or enlargement of any building,
- ii. The conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;
- iii. The conversion into more than one place for human habitation of a building originally constructed as one such place;
- iv. The conversion of two or more place of human habitation into a greater number of such places;
- v. Such alteration of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security;
- vi. The addition of any rooms, buildings, houses or other structures to any building, and
- vii. The construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land;
- viii. The construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land;

(k) “zone” means any one of the divisions in which Delhi may be divided for the purposes of development under this Act;

¹[(1) the expression “land” shall have the meaning assigned to it in section 3 of the Land Acquisition Act, 1894 (1 of 1894).]

1. Subs. by Act 36 of 1996, sec. 2, for “Union territory of Delhi” (w.e.f 21-12-1996

2. Came into force on 30-12-1957, vide S.R.O. 120, dated 30th December, 1957, published in the gazette of India, 1958, Pt. II, sec. 3, p.94, dated 11th January, 1958.

3. Subs. by Act 56 of 1963, sec.2, for clause (1) (retrospectively).

CHAPTER - II
**THE DELHI DEVELOPMENT AUTHORITY
AND ITS OBJECTES**

3. The Delhi Development Authority- (1) As soon as may be after the commencement of this Act, the Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act an authority to be called the Delhi Development Authority (hereinafter referred to as the Authority).

(2) The authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of the following members, namely:-

- (a) A chairman who shall be the ¹[Lieutenant Governor] of the ²[National Capital Territory of Delhi], *ex officio*;
- (b) A vice-chairman to be appointed by the Central Government;
- (c) A finance and accounts member to be appointed by the Central Government;
- (d) An engineer member to be appointed by the Central Government;
- (e) As and when the Municipal Corporation of Delhi is established, two representatives of that Corporation to be elected by the councilors and aldermen of the Corporation from among themselves;
- (f) ³[three representatives of the Legislative Assembly of the National Capital Territory of Delhi to be elected by means of a single transferable vote by the members of the Legislative Assembly from among themselves of which two shall be from among the ruling party and one from the party in opposition to the Government;

Provided that no member of the Council of Ministers for the Government of National Capital Territory of Delhi shall be eligible to be elected to the Authority.

Explanation- For the purposes of this clause, "ruling party" and "party in opposition to Government" shall mean the ruling party and the party in opposition to the Government recognized

as such by the Speaker of the Legislative Assembly of the National Capital Territory of Delhi;]

- (g) ⁴[three other persons to be nominated by the Central Government, of whom one shall be a person with experience of town planning or architecture; and]
- (h) The Commissioner of the Municipal Corporation of Delhi, *ex officio*.

⁵[(3A) The appointment of the vice-chairman may be either whole-time or part-time as the Central Government may think fit but the appointment of the finance and accounts member and the engineer member shall be whole-time.]

⁶[(4) The vice-chairman, if he is a whole-time member, the finance and accounts member and the engineer member shall be entitled to receive from the fund of the Authority such salaries and such allowances, if any, and governed by such conditions of service as may be determined by rules made in this behalf.

(5) The vice-chairman, if he is a part-time member and other members specified in clause (e), clause (f) and clause (g) of sub-section (3) may be paid from the funds of the Authority such allowances, if any, as may be fixed by the Central Government in this behalf.]

(6) The vice-chairman, the finance and accounts member, the engineer member and the ⁷[three member] referred to in clause (g) of sub-section (3) shall hold office during the pleasure of the Central Government ⁸[***].

⁹[(7) An elected member shall hold office for a term of five years from the date of his election to the Authority and shall be eligible for re-election;

Provided that such term shall come to an end as soon as the member cases to be a member of the body from which he was elected.]

1. Subs by Act 36 of 1996, sec. 2 for "Administrator" (w.e.f. 21-12-1996).

2. Subs. by Act 36 of 1996, Sec. 2, for "Union territory of Delhi" (w.e.f. 21-12-1996)

3. Clause (f) subs. By Act 19 of 1966, sec 36 (w.e.f. 30-12-1966) and again subs. By Act 36 of 1996, sec.3 (w.e.f. 21-12-1996).

4. Subs. By act 56 of 1963, sec. 3, for clause (g) (w.e.f. 30-12-1963)

5. Ins. By Act 56 of 1963, sec. 3 (w.e.f. 30-12-1963)

6. Subs. By Act 56 of 1963, Sec.3, for sub-section (4) and (5) (w.e.f. 30-12-1963)

7. Subs. By Act 56 of 1963, sec.3, for "two members" (w.e.f. 30-12-1963).

8. Certain words omitted by Act 19 of 1966, sec.36 (w.e.f. 7-9-1969).

9. Subs. By Act 19 of 1966, sec. 36, for sub-section (7) and (8) (w.e.f. 7-9-1966).

(8) A member other than an ex officio member may resign his office by writing under his hand addressed to the Central Government but shall continue in office until his resignation is accepted is accepted by that Government.

(9) No act or proceedings of the Authority shall be invalid by reason of the existences of any vacancy in, or defect in the constitution of, the Authority.

4. Staff of the Authority- (1) The Central Government may appoint two suitable persons respectively as the secretary and the chief accounts officer of the Authority who shall exercise such powers and perform such duties as may be prescribed by regulation or delegated to them by the Authority or the chairman.

(2) Subjects to such control and restrictions as may be prescribed by rules, the authority may appoint such number of other officers and employees (including experts for technical work) as may be necessary for the efficient performance of its functions and may determine their designation and grades.

(3) The secretary, chief accounts officer and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and such allowance, if any, and shall be governed by such conditions of service as may be determined by regulations made in this behalf.

5. Advisory Council- (1) The authority shall, as soon as may be, constitute an advisory council for the purpose of advising the Authority on the preparation of the master plan and ¹[on such other matters relating to the planning of development, or] arising out of, or in connection with, the administration of this Act as may be referred to it by the Authority.

(2) The advisory council shall consist of the following members, namely:-

- (a) The chairman of the Authority , ex officio, who shall be the president;
- (b) Two persons with knowledge of town planning or architecture to be nominated by the Central Government.
- (c) One representatives of the Health Services of Delhi Administration to be nominated by the Central Government;
- (d) four representatives of the Municipal Corporation of Delhi to be elected by the councilors and aldermen from among themselves;
- (e) ²[two persons representatives the Delhi Electric Supply Committee and the Delhi Water Supply

and Sewage Disposal Committee of the said Corporation, of whom

- (i) One shall be elected by the members of the Delhi Elected Supply Committee from among themselves; and
 - (ii) One shall be elected by the members of the Delhi Water Supply and Sewage Disposal Committee from among themselves;
- (ee) One representative of the Delhi Transport Corporation to be nominated by the Central Government.]
- (f) Three persons to be nominated by the Central Government of whom one shall represent the interests of commerce and industry and one, the interests of labor in Delhi;
 - (g) Four persons from the technical department of the Central Government to be nominated by that Government; and
 - (h) Three members of parliament of whom two shall be members of the House of the people and one shall be a member of the Council of States to be elected respectively by the members of the House of the People and the members of the Council of States.
- (3) The Council shall meet as and when necessary and shall have the power to regulate its own procedure.
- (4) An elected member shall hold office for a term of four years from the date of his election to the council and shall be eligible for re-election:

Provided that such term shall come to an end as soon as the member ceases to be a member of the body from which he was elected.

³[5A. Constitution of committees. –(1) The authority may constitute as many committees consisting wholly of members of wholly of other persons or partly of members and partly of other persons and for such purpose or purposes as it may think fit.

(2) A committee constituted under this section shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be determined by regulations made in this behalf.

(3) The members of a committee (other than the members

1. Subs. by Act 56 of 1963, sec. 4, for certain words (w.e.f. 30-12-1963).

2. Subs. by Act 38 of 1984, sec. for clause (e) (w.e.f. 12-3-1985)

3. Ins. by Act 56 of 1963, sec.5 (w.e.f. 30-12-1963)

of the Authority) shall be paid such fee and allowances for attending its meeting and for attending to any other work of the Authority, as may be determined by regulation made in this behalf.]

6. Object of the Authority :- The objects of the Authority shall be to promote and secure the development of Delhi according to plan and for that purpose the Authority shall have the power to acquire, hold, manage and dispose of land other property, to carry out building, engineering, mining and other operations, to execute works in connection with supply of water and electricity, disposal of sewage and other services and other services and amenities and generally to do anything necessary or expedient for purposes of such development and for purposes incidental thereto:

Provided that save as provided in this Act, nothing contained in this Act shall be constructed as authorized the disregard by the Authority of any law for the time being in force.

CHAPTER - III

MASTER PLAN AND ZONAL DEVELOPMENT PLANS

7. Civic survey of, and master plan for, Delhi:- (1) The Authority shall, as soon as may be, carry out a civic survey of, and prepare a master plan for, Delhi.

(2) The master plan shall-

- (a) Define the various zones into which Delhi may be divided for the purposes of development and indicate the manner in which the land in each zone is purposed to be used (whether by the carrying out thereon of development of otherwise) and the stages by which any such development shall be carried out; and
- (b) Serve as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared.

¹[(3) The master plan may provide for any other matter which is necessary for the proper development of Delhi.]

8. Zonal development plans- (1) Simultaneously with the preparation of the master plan or as soon as may be thereafter, the Authority shall proceed with the preparation of a zonal development plan for each of the zones into which Delhi may be divided.

(2) A zonal development plan may-

- (a) Contain a site-plan and use-plan for the development of the zone and show the approximate locations and

extents of land-uses proposed in the zone for such thing as public building and other public works and utilities, roads, housing, recreation, industry, business markets, schools, hospitals, and public and private open spaces and other categories of public and private uses;

- (b) Specify the standards of population density and building density;
- (c) Show every area in the zone which may, in the opinion of the Authority, be required or declared for development or re-development; and
- (d) In particular, contain provisions regarding all or any of the following matters, namely:-
 - (i) The division of any site into plots for the erection of buildings;
 - (ii) The allotment or reservation of land for roads, open spaces, gardens, recreations grounds, schools, markets and other public purposes;
 - (iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;
 - (iv) The erection of buildings on any site and the restrictions and conditions in regard to be open spaces to be maintained in or around buildings and height and character of buildings;
 - (v) The alignment of buildings on any site;
 - (vi) The architectural features of the elevation or frontage of any building to be erected on any site'
 - (vii) The number of residential buildings which may be erected on any plot or site
 - (viii) The amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or authority by whom or at whose expense such amenities are to be provided;
 - (ix) The prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in the locality;
 - (x) The maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;

1. Ins. by Act 56 of 1963, sec. 6 (w.e.f. 30-12-1963).

- (xi) The restriction regarding the use of any site for purposes other than erection of buildings; and
- (xii) Any other matter which is necessary for the proper development of the zonal or any area thereof according to plan and for preventing buildings being erected haphazardly in such zone or area;

9. Submission of plans to the Central Government for approval- (1) In this section and in section 10, 11, 12 and 14 the word “Plan” means the master plan as well as the zonal development plan for a zone.

(2) Every plan shall, as soon as may be after its preparation, be submitted by the Authority to the Central Government for approval and that Government may either approve the plan without modifications or with such modifications as it may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions.

10. Procedure to be followed in the preparation and approval of plans:- (1) Before preparing any plan finally and submitting it to the Central Government for approval, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the draft plan before such any may be specified in the notice.

(2) The Authority shall also give reasonable opportunities to every local authority within whose limits any land touched by the plan is situated, to make any representation with respect to the plan.

(3) After considering all objections, suggestion and representations that may have been received by the Authority, the Authority shall finally prepare the plan and submit it to the Central Government for its approval.

(4) Provision may be made by rules made in this behalf with respect to the form and content of a plan and with respect to the procedure to be followed and any other matter, in connection with the preparation, submission and approval of such plan.

(5) Subject to the foregoing provision of this section the Central Government may direct the Authority to furnish such information as that Government may require for the purpose of approving any plan submitted to it under this section.

11. Date of operation of plan:- Immediately after a plan has been approved by the Central Government, the Authority

shall publish in such manner as may be prescribed by regulations a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at all reasonable hours and upon the date of the first publication of the aforesaid the plan shall come into operation.

¹[CHAPTER - IIIA

MODIFICATIONS TO THE MASTER PLAN AND THE ZONAL DEVELOPMENT PLAN

11A. Modifications to plan:- (1) The authority may make any modifications to the master plan or the zonal development plan as it thinks fit, being modifications which, in its opinion, do not effect important alterations in the character of the plan and which do not relate to the extent of land-use or the standards of population density.

(2). The Central Government may make any modifications to the master plan or the zonal development plan whether such modifications are of the nature specified in sub-section (1) or otherwise.

(3). Before making any modification to the plan, the Authority or, as the case may be, the Central Government shall publish a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the proposed modifications before such date as may be specified in the notice and shall consider all objections and suggestion that may be received by the Authority or the Central Government.

(4) Every modification made under the provisions of this section shall be published in such manner as the Authority or the Central Government, as the case may be, may specify and the modifications shall come into operation either on the date of the publication or on such date as the Authority or the Central Government may fix.

(5) When the Authority makes any modifications to the plan under sub-section (1) it shall report to the Central Government the full particulars of such modifications come into operation.

(6) If any question arises whether the modifications proposed to be made by the Authority are modifications which effect important in the character of the plan whether they relate to the extent of land-uses or the standards of population density, it shall be referred to the Central Government whose decision thereon shall be final.

(7) Any reference in any other Chapter, except Chapter III, to the master plan of the zonal development plan shall

1. Ins. by Act 56 of 1963, sec. 7 (w.e.f. 30-12-1963)

be construed as a reference to the master plan or zonal development plan as modified under the provisions of this section.]

CHAPTER IV DEVELOPMENT OF LANDS

12. Declaration of development areas and development of land in those and other areas.- ¹[(1) As soon as may be after the commencement of this Act, the Central Government may be, by notification in the Official Gazette, declare any area in Delhi to be a development area for the purposes of this Act:

Provided that no such declaration shall be made unless a proposal for such declaration has been referred by the Central Government to the Authority and the Municipal Corporation of Delhi for expressing their views thereon within thirty days from the date of the receipt of the reference or within such further period as the Central Government may allow and the period so specified or allowed as expired.]

(2) Save as otherwise provided in this Act, the Authority shall not undertake or carry out any development of land in any area which is not a development area.

(3) After the commencement of this Act no development of land shall be undertaken or carried out in any area by any person or body (including a department of Government) unless,-

- (i) Where that area is a development area, permission for such development has been obtained in writing from the Authority in accordance with the provisions of this Act;
- (ii) Where that area is an area other than a development area, approval of, or sanction for, such development has been obtained in writing from the local authority concerned or any officer or authority thereof empowered or authorized in this behalf, in accordance with the provision made by or under the law governing such authority or until such provision have been made, in accordance with the provision of the regulations relating to the grant of permission for development made under the Delhi (Control of Building Operations) Act, 1955 (53 of 1955), and in force immediately before the commencement of this Act:

Provided that the local authority concerned may ²[subject to the provisions of section 53A] amend those regulations in their application to such area.

(4) After the coming into operation of any of the plans in

any area no development shall be undertaken or carried out in that area unless such development is also in accordance with such plans.

(5) Notwithstanding anything contained in Sub-sections (3) and (4) development of any land begun by any department of Government or any local authority before the commencement of this Act may be completed by that department or local authority without compliance with the requirements of those sub-sections.

13. Application for permission- Every person or body (including a department of Government) desiring to obtain the permission referred to in section 12 shall make an application in writing to the Authority in such form and containing such particulars in respect of the development to which the application relates as may be prescribed by regulations.

(2) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed by rules:

Provided that no such fee shall be necessary in the case of an application made by a department of the Government

(3) On the receipt of an application for permission under sub-section (1), the Authority after making such inquiry as it considers necessary in relation to any matter specified in clause (d) of sub-section (2) of section 8 or in relation to any other matter, shall by order in writing, either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such permission:

Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

(4) Where permission is refused, the ground of such refusal shall be recorded in writing and communicated to the applicant to the application in the manner prescribed by regulations.

(5) The Authority shall keep in such form as may be prescribed by regulations a register of applications for permissions under this section.

(6) The said register shall contain such particulars including information as to the manner in which applications for permission have been dealt with as may be prescribed by regulations and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee not exceeding rupees five as may be prescribed by

1. Subs. by Act 56 of 1963, sec.8, for sub-section (1) (w.e.f. 30-12-1963)

2. Ins. by Act 56 of 1963, sec.8, (w.e.f. 30-12-1963)

regulations.

(7) Where permission is refused under this section, the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for permission but the Authority may, on an application for refund being made within three months of the communication of the grounds of the refusal under sub-section (4) direct refund of such portion of the fee as to it may seem proper in the circumstances of the case.

14. User of land and buildings in contravention of plans.- After the coming into operation of any of the plans in a zone no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plan:

Provided that it shall be lawful to continue to use upon such terms and conditions as may be prescribed by regulation made in this behalf any land or building for the purpose and to the extent for and to which it is being used upon the date on which such plan comes into force.

CHAPTER V

ACQUISITION AND DISPOSAL OF LAND

¹[15. Compulsory acquisition of land.- (1) if in the opinion of the Central Government, any land is required for the purpose development, or for any other purpose, under this Act, the Central Government may acquire such land under the provision of the Land Acquisition Act, 1894(1 of 1984).

(2) Where any land has been acquired by the Central Government, That Government may, after it has taken possession of the land, transfer the land to the authority or any local authority for the purpose for which the land has been acquired on payment by the Authority or the local authority of the compensation awarded under Act and of the charges incurred by the Government in connection with the acquisition.]

16. Compensation for Compulsory Acquisition of Land.- [Rep. by Act 56 of 1963, sec.10 (retrospectively)]

17. Appeal to the district judge against decision of the collector.- [Rep. by Act 56 of 1963, sec.10 (retrospectively)]

18. Disputes as to apportionment of the compensation.- [Rep. by Act 53 of 1963, sec.10 (retrospectively)]

19. Payment of compensation or deposit of the same in court.- [Rep. by Act 56 of 1963, sec. 10 (retrospectively)].

20. Investment of the amount of compensation deposited in court. [Rep. by Act 56 of 1963, sec.

10 (retrospectively)].

21. Disposal of land by the Authority or the local authority concerned- (1) Subject to any directions given by the Central Government under this Act, the Authority or, as the case may be, the local authority concerned may dispose of-

- (a) any land acquired by the Central Government and transferred to it, without undertaking or carrying out any development thereon; or
- (b) Any such land after undertaking or carrying out such development as it thinks fit,

to such persons, in such manner and subject to such terms and conditions as it considers expedient for securing the development of Delhi according to plan.

(2) The power of the Authority or, as the case may be, the local authority concerned with respect to the disposal of land under sub-section (1) shall be exercised as to secure, so far as practicable, that persons who are living or carrying on business or other activities on the land shall, if they desire to obtain accommodation on land belonging to the Authority or the local authority concerned as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settle with due regard to the price at which any such land has been acquired from them:

Provided that where the Authority or the local authority concerned proposed to disposal of by sale any land without any development having been undertaken or carried out thereon, it shall offer the land in the first instance to the persons from whom it was acquired, if they desire to purchase it subject to such requirements as to its development and use as the Authority or the local authority concerned may think fit to impose.

(3) Nothing in this Act shall be construed as enabling the Authority or the local authority concerned to dispose of land by way of gift, mortgage or charge, but subject as aforesaid reference in this Act to the disposal of land shall be construed as reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement right or privilege or otherwise.

22. Nazul Lands- (1) The Central Government may, by notification in the Official Gazette and upon such terms and conditions as may be agreed upon between that Government and the Authority, place at the disposal of the Authority all or

1. Subs. by Act 56 of 1963, sec. 9, for section 15 (w.e.f. 30-12-1963.)

any development and undevelopment lands in Delhi vested in the Union (known and hereinafter referred to as “nazul lands”) for the purpose of development in accordance with the provisions of this Act.

(2) No development of any nazul land shall be undertaken or carried out except by, or under the control and supervision of, the Authority after such land has been placed at the disposal of the Authority under sub-section (1).

(3) After any such nazul land has been developed by, or under the control and supervision of, the Authority, it shall be dealt with by the Authority in accordance with rules made and directions given by the Central Government in this behalf.

(4) If any nazul land placed at the disposal of the Authority under sub-section (1) is required to any time thereafter by the Central Government, the Authority shall, by notification in the Official Gazette, replace it at the disposal of that Government upon such terms and conditions as may be agreed upon between that Government and the Authority.

¹[**22A . Power of Authority to develop land in non-development area.-** Notwithstanding anything contained in sub-section (2) of section 12, the authority may, if it is of opinion that it is expedient to do so, undertake or carry out any development of any land which has been transferred to it or placed its disposal under section 15 or section 22 even if such land is situate in any area which is not a development area.]

CHAPTER - VI

FINANCE, ACCOUNTS AND AUDIT

23. Fund of the Authority.- The Authority shall have and maintain its own fund to which shall be credited-

- (a) all moneys received by the Authority from the Central Government by way of grants, loans, advances or otherwise;
- ²[(aa) all moneys borrowed by the Authority from sources other than the Central Government by way of loans or debentures;]
- (b) all fees and charges received by the Authority under this Act;
- (c) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable ; and
- (d) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source.

(2) The fund shall be applied towards meeting the expenses incurred by the Authority in the administration of this Act and for no other purposes.

(3) The Authority may keep in current account of the State Bank of India or any other bank approved by the Central Government in this behalf such sum of money out of its fund as may be prescribed by rules and any money in excess of the said sum shall be invested in such manner as may be approved by the Central Government.

(4) The Central Government may, after due appropriation made by Parliament by law in this behalf, make such grants, advances and loans to the Authority as that Government may deem necessary for the performance of the functions of the Authority under this Act; and all grants, loans and advances made shall be on such terms and conditions as the Central Government may determine.

³[(5) The Authority may borrow money by way of loans or debentures from such sources (other than the Central Government) and on such terms and conditions as may be approved by the Central Government.

(6) The Authority shall maintain a sinking fund for the repayment of moneys borrowed under sub-section (5), and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.

(7) The sinking fund or any part thereof shall be applied in, or towards, the discharge of the loan for which such fund was created, and until such loan is wholly discharge it shall not be applied for any other purpose.]

24. Budget of the Authority.- The Authority shall prepare in such form and at such time every year as may be prescribed by rules a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Authority and shall forward to the Central Government such number of copies thereof as may be prescribed by rules.

25. Accounts and audit.- (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may by rules prescribed in consultation with the Comptroller and Auditor-General of India.

(2) The account of the Authority shall be subject to audit

1. Ins. by Act 56 of 1963, sec.11 (w.e.f. 30-12-1963).

2. Ins. by Act 56 of 1963, sec. 12 (w.e.f. 30-12-1963).

3. Ins. by Act 56 of 1963, sec.12 (w.e.f. 30-12-1963).

annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of account of the Authority shall have the same right, privilege and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and paper and to inspect the office of the Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause a copy of the same to be laid before both Houses of Parliament.

26. Annual report.- The authority shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed by rules, and that Government shall cause a copy of the report to be laid before both Houses of Parliament.

27. Pension and provided funds.- (1) The Authority shall constitute for the benefit of its whole-time paid members and of its officers and other employees in such manner and subject to such conditions, as may be prescribed by rules, such pension and provident funds as it may deem fit.

(2) Where any such pensions or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 (19 of 1925), shall apply to such fund as if it were a Government Provident Fund.

CHAPTER - VII SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

28. Power of entry.- The authority may authorize any person to enter into or upon any land or building with or without assistants or workmen for the purpose of-

- (a) Making any enquiry, inspection, measurement or survey or taking levels of such land or building;
- (b) Examining works under construction and ascertaining the course of sewers and drains;

- (c) Digging or boring into the sub-soil;
- (d) Setting out boundaries and intended lines of works;
- (e) Making such levels, boundaries and lines by placing marks and cutting trenches;
- (f) Ascertaining whether any land is being or has been developed in contravention of the master plan or zonal development plan or without the permission referred to in section 12 or in contravention of any condition subject to which such permission has been granted; or
- (g) Doing any other thing necessary for the efficient administration of this Act:

Provided that-

- i. No such entry shall be except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;
- ii. Sufficient opportunity shall in every instance be given to enable woman (if any) to withdraw from such land or building;
- iii. Due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

29. Penalties.- (1) Any person who whether at his own instance or at the instance of any other person or anybody (including a department of Government) undertake or carries out development of any land in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 12 or in contravention of any condition subject to which such permission or sanction has been granted, ¹[shall be punishable,-

- (a) With rigorous imprisonment which may extend to three years, if such development relates to utilizing, selling or otherwise dealing with any land with a view to the setting up of a colony without a layout plan; and
- (b) With simple imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both, in any case, other than

1. Subs. by Act 38 of 1984, sec.3 for certain words (w.e.f. 12-3-1985).

those referred to in clause (a).]

(2) Any person who uses any land or building in contravention of the provision of section 14 or in contravention of any terms and conditions prescribed of section 14 or in contravention of any terms and conditions prescribed by regulations under the proviso to that section shall be punishable with fine which may extend to five thousand rupees ¹[and in the case of a continuing offence, with further fine which may extend to two hundred and fifty rupees for every day during which such offence continues after conviction for the first commission of the offence].

(3) Any person who obstructs the entry of a person authorized under section 28 to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

30. Order of demolition of building.- ²(1) Where any development has been commenced or is being carried on or has been completed in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 12 or in contravention of any conditions subject to which such permission, approval or sanction has been granted-

- (i) In relation to a development area, any officer of the Authority empowered by it in this behalf,
- (ii) In relation to any other area within the local limits of a local authority, the competent authority thereof,

May, in addition to any prosecution that may be instituted under this Act, make an order directing that such development shall be removed by demolition, filling or otherwise by the owner thereof, or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period (not being less than five days and more than fifteen days from the date on which a copy of the order of removal, with a brief statement of the reason thereof, has been delivered to the owner or that person) as may be specified in the order and on his failure to comply with the order, the officer of the Authority or, as the case may be, the competent authority may remove or cause to be removed the development and the expenses of such removal shall be recovered from the owner or the person at whose instance the development was commenced or was being carried out or was completed as arrears of land revenue:

Provided that no such order shall be made unless the owner or the person concerned has been given a reasonable opportunity to show cause why the order should not be

made.

(1A) if any development in an area other than a development area has been commenced or is being carried on or has been completed in contravention of the master plan or zonal development plan or without the approval or sanction referred to in section 12 or in contravention of any condition subject to which such approval or sanction has been granted and the competent authority has failed to remove or cause to be removed the development within the time that may be specified in this behalf by the ³[Lieutenant Governor] of the ⁴[National capital territory of Delhi], the ³[Lieutenant Governor] may, after observing such procedure as may be prescribed by rules made in this behalf, direct any officer to remove or cause to be removed such development and that officer shall be bound to carry out such direction and any expenses of such removal may be recovered from the owner or the person at whose instance the development was commenced or was being carried out or was completed as arrears of land revenue.]

⁵[***]

⁶[(2A) Any person aggrieved by the direction of the [Lieutenant Governor] under sub-section (1A) may appeal to the Central Government within thirty days from the date thereof, and the Central Government may after giving an opportunity of hearing to the person aggrieved, either allow or dismiss the appeal or may reverse or vary any part of the direction]

⁷[(3) The decision of ⁸[The Central Government on the appeal and subject only to such decision], the direction under sub-section (1A), shall be final and shall not be questioned in any court.

(4) The provision of this section shall be in addition to, and not in derogation of, any other provision relating to demolition of buildings contained in any other law for the time being in force.]

⁹[**31. Power to stop development.-** (1) where any development in any area has been commenced in contravention

1. Inss. by Act 56 of 1963, sec. 13 w.e.f. 30-12-1963)
2. Subs. by Act 56 of 1963, sec. 14, for sub-section (1) (w.e.f. 30-12-1963)
3. Subs. by Act 36 of 1996, sec. 2, for "Administrator" (w.e.f. 21-12-1996).
4. Subs. by Act 36 of 1996, sec. 2 for " Union territory of Delhi" (w.e.f. 21-12-1996).
5. Sub-section (2) omitted by Act 38 of 1984, sec. 4 (w.e.f. 24-2-1986)
6. Ins. by Act 56 of 1963, sec. 14 (w.e.f. 30-12-1963).
7. Subs. by Act 56 of 1963, sec. 14, for sub-section (3) (w.e.f. 30-12-1963)
8. Subs. by Act 38 of 1984, sec. 4 for certain words (w.e.f. 24-2-1986).
9. Subs. by Act 56 of 1963, sec. 15 for section 31 (w.e.f. 30-12-1963).

of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 12 or in contravention of any conditions subject to which such permission, approval or sanction has been granted,-

- (i) In relation to a development area, the Authority or any officer of the Authority empowered by it in this behalf,
- (ii) In relation to any other area within the local limits of a local authority, the competent authority thereof,

may, in addition to any prosecution that may be instituted under Act, make an order requiring the development to be discontinued on and from the date of the services of the order, and such order shall be complied with accordingly.

(2) Where such development is not discontinued in pursuance of the order under sub-section (1), the Authority or the officer of the Authority or the competent authority, as the case may be, may require any police officer to remove the person by whom the development has been commenced and all his assistants and workman from the place of development ¹[or to seize any construction material, tool, machinery, scaffolding or other things used in such development] within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

¹[(2A) Any of the things caused to be sized by the Authority or the officer of the Authority or the competent authority, as the case may be, under sub-section (2) shall, unless the owner thereof turns up to take back such things and pays to the Authority, the officer of the Authority or the competent authority, as the case may be the charges for the removal or storage of such things, be disposed of by it or him by public auction or in such other manner and within such time as the Authority, the officer of the Authority or the competent authority thinks fit.

(2B) The charges for the removal and storage of the things sold under sub-section (2A) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the things sold on a claim being made there for within a period of one year from the date of sale, and if no such claim is made within the said period, shall be credited to the fund of the Authority or the competent authority, as the case may be.]

(3) If any development in an area other than a development area has been commenced in contravention of the master plan or zonal development plan or without approval or sanction referred to in section 12 or in contravention of any conditions subject to which such approval or sanction has been granted and the competent authority has failed to make an order

under sub-section (1) or, as the case may be, requisition under sub-section (2) within the time that may be specified in this behalf by the ²[Lieutenant Governor] of the ³[National Capital Territory of Delhi], ²[Lieutenant Governor] may, after observing such procedure as may be prescribed by rules made in this behalf, direct any officer to make the order or requisition, as the case may be, and that officer shall be bound to carry out such direction and the order or requisition made by him in pursuance of the direction shall be complied with accordingly.

(4) After the requisition under sub-section (2) or sub-section (3) has been complied with, the Authority or the competent authority or the officer to whom the direction was issued by the ²[Lieutenant Governor] under sub-section (3), as the case may be, may depute by a written order a police officer or an officer or employee of the Authority or local authority concerned to watch the place in order to ensure that the development is not continued.

(5) Any person failing to comply with an order under sub-section (1) or, as the case may be, under sub-section (3), shall be punishable with fine which may extend to two hundred rupees for every day during which the non-compliance continues after the service of the order.

(6) No compensation shall be claimable by any person for any damage which he may sustain in consequence of the removal of any development under section 30 or the discontinuance of the development under this section.

⁴[***]

(8) The provision of this section shall be in addition to, and not in derogation of, any other provision relating to stoppage of building operations contained in any other law for the time being in force.]

⁵[31A. Power to seal unauthorized development- (1) It shall be lawful for the Authority or the competent authority, as the case may be, at any time, before or after making an order for the removal or discontinuance of any development under section 30 or section 31, to make an order directing the sealing of such development in the manner prescribed by rules, for the purpose of carrying out the provision of this Act, or for preventing any dispute as to the nature and extent of such development.

1. Ins. by Act 38 of 1984, sec. 5 (w.e.f. 12-3-1985).

2. Subs. by Act 36 of 1996, sec. 2, for Administrator" (w.e.f. 21-12-1996).

3. Subs. by Act 36 of 1996, sec. 2, for Union territory of Delhi" (w.e.f. 21-12-1996).

4. Sub-section (7) omitted by Act 38 of 1984, sec.5 (w.e.f. 27-2-1986).

5. Ins. by Act 38 of 1996, sec.6 (w.e.f. 24-2-1986)

(2) Where any development has been sealed, the Authority or the competent authority, as the case may be, may, for the purpose of removing or discontinuing such development order the seal to be removed.

(3) No person shall remove such seal except—

(a) Under an order made by the Authority or the competent authority under sub-section (2); or

(b) Under an order of the Appellate Tribunal or the ¹[Lieutenant Governor] of the ²[National Capital Territory of Delhi], made in an appeal under this Act.]

³[**31B. Appellate Tribunal.**- The Appellate Tribunal or Appellate Tribunals constituted under section 347A of the Delhi Municipal Corporation Act, 1957, (66 of 1957) shall be deemed to be Applicant Tribunal or Appellate Tribunals for deciding appeals under section 31C, and the provision of section 347A and section 347C of the Delhi Municipal Corporation Act, 1957 and the rules made there under, shall, so far as may be, apply for the purposes of that Act as they apply for the purposes of that Act.]

³[**31C. Appeals.**- (1) Any person aggrieved by any of the followed orders made under this Act, any prefer an appeal for the Appellate Tribunal, namely:-

(a) An order of the Authority granting or refusing to grant permission for development under sub-section (3) of section 13;

(b) An order of the Authority or the local authority disposing of any land under section 21;

(c) An order of the Authority in the course of dealing with any nazul land developed by it under section 22;

(d) An order of an officer of the Authority or the competent authority made under sub-section (1) of section 30, for the removal of any development;

(e) An order of the Authority or an officer of the Authority, or the competent authority made under sub-section (1) of section 31, for discontinuing any development;

(f) An order of the Authority or the competent authority made under section 31A, directing the sealing of any development.

(2) An appeal under this section shall be filed within thirty days from the date of the order appealed against:

Provided that the Appellate Tribunal may entertain an

appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period,

(3) An appeal to the Appellate Tribunal shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed by rules.]

³[**31D. Appeals against orders of Appellate Tribunal.**- (1) An appeal shall lie to the ¹[Lieutenant Governor] of the ²[National Capital Territory of Delhi] against an order of the Appellate Tribunal, confirming, modifying or annulling an order of the Authority, officer of the Authority, local authority or competent authority, as the case may be, under this Act.

(2) The provisions of sub-sections (2) and (3) of section 31C and the provisions of section 347c of the Delhi Municipal Corporation Act, 1957 (66 of 1957), and the rules made there under, shall, so far as may be, apply to the filing and disposal of an appeal under this section as they apply to the filing and disposal of an appeal under the said section 31C.

(3) An order of the ¹[Lieutenant Governor] on an appeal under this section, and subject only to such order, an order of the Appellate Tribunal under section 31C and subject to such orders of the ¹[Lieutenant Governor] or an Appellate Tribunal, an order of the Authority, officer of the Authority, local authority or competent authority referred to in sub-section (1) of that section shall be final.

Explanation- In section 30, 31, 31A and 31D, "competent Authority" in relation to a local authority means any authority of officer of that local authority empowered or authorized to order demolition or stoppage of buildings or works, in accordance with the provision made by or under the law governing such local authority.]

³[**31E. Bar of jurisdiction of courts.**- (1) After the commencement of section 6 of the Delhi Development (Amendment) Act, 1984, no court shall entertain any suit, application or other proceedings in respect of any order appealable under section 31C, and no such order shall be called in question otherwise than by preferring an appeal under that section.

(2) Notwithstanding anything contained in sub-section (1), every suit, application or other proceeding pending in any

1. Subs. by Act 36 of 1996, sec. 2, for "Administrator" (w.e.f. 21-12-1996).

2. Subs. by Act 36 of 1996, sec. 2, for "Union territory of Delhi" (w.e.f. 21-12-1996).

3. Ins. by Act 38 of 1984, sec. 6 (w.e.f. 24-2-1986).

court immediately before the commencement of section 6 of the Delhi Development (Amendment) Act, 1984, in respect of any order, appealable under section 31C shall continue to be dealt with and disposed of by that court as if the said section had not been brought into force.]

32. Offences by companies.- (1) If the person committing an offence under this Act is a company, every person, who, at time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to nay neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section-

- (a) "company" means a body corporate and included a firm or other association of individuals; and
- (b) "Director" in relation to a firm means a partner in the firm.

33. Fines when realized to be paid to Authority or local authority concerned.- All fines realized in connection with prosecutions under this Act shall be paid to the Authority or, as the case may be, the local authority concerned.

34. Composition of offences.- ¹[(1) Any offence made punishable by or under this Act may, either before or after the institution of proceedings, be compounded-

- (i) In the case of an offence referred to in sub-section (2) of section 49, by the ²[Lieutenant Governor] of the ³[National Capital Territory of Delhi] or any officer authorized by him in this behalf by general or special order; and
- (ii) In any other case, by the Authority or, as case may be, the local authority concerned or any person

authorized by the Authority or such local authority by general or special order in this behalf.]

(2) Where an offence has been compounded, the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

⁴[**34a. Certain offences to be cognizable.-** The code of Criminal Procedure, 1973 (2 of 1974), shall apply to an offence under sub-section (1) of section 29 as if it were a cognizable offence,-

- (i) For the purposes of investigation of such offence, and
- (ii) For the purposes of all matter other than—
 - (1) Matters referred to in section 42 of that Code, and
 - (2) Arrest of a person except on the complaint of, or upon information received from-
 - (a) Such officer of the Authority not below the rank of a Director as may be appointed by the ²[Lieutenant Governor] of the ³[National Capital Territory of Delhi], if the offence is committed in relation to a development area;
 - (b) Such officer of the Municipal Corporation of Delhi not below the rank of a Deputy Commissioner as may be appointed by the ²[Lieutenant Governor] of the ³[National capital territory of Delhi], if the offence is committed in relation to nay area within the local limits of that Corporation; or
 - (c) The Secretary, New Delhi Municipal Committee, if the offence is committee in relation to any area within the local limits of that Committee;

Provided that no offence which relates to any deviation from the permission approval or sanctions given under section 12 and which could be compounded under the provision of this Act, shall be cognizable.]

⁵[**35. Default power of the Authority.-** (1) If the Authority, after holding a local enquiry or upon report from any

1. Subs. by Act 36 of 1996, sec. 2, for Administrator" (w.e.f. 21-12-1996).

2. Subs. by Act 36 of 1996, sec. 2, for Union territory of Delhi" (w.e.f. 21-12-1996).

3. Subs. by Act of 1963, sec.16, sub-section (1) (w.e.f. 30-12-1963)

4. Ins. by Act 38 of 1984, sec. 7 (w.e.f. 12-3-1985)

5. Subs. by Act 56 of 1963, sec. 17, for section 35 (w.e.f. 30-12-1963).

of its officers or other information in its possession, is satisfied that any amenity in relation to any land in a development area has not been provided in relation to that land which in the opinion of the Authority is to be provided, or that any development of the land for which permission, approval or sanction has been obtained under this Act has not been carried out, it may, after affording a reasonable opportunity to show cause, serve upon the owner of the land upon the person providing or responsible for providing the amenity a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.

(2) If any amenity is not provided or any such development is not carried out within the time specified in the notice, then the Authority may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:

Provided that before taking any action under this subsection, the Authority shall afford reasonable opportunity to the owner of the land or to the person providing or responsible for providing the amenity to show cause as to why such action should not be taken.

(3) All expenses incurred by the Authority or the agency employed but it in providing the amenity or carrying out the development together with interest at such rate as the Central Government may be order fix from the date when a demand for the expenses is made until payment may be recovered by the Authority from the owner or the person providing or responsible for providing the amenity as arrears of land revenue.]

36. Power of authority to require local authority to assume responsibility for amenities in certain cases.- Where any area has been developed by the Authority may require the local authority within whose local limits the area so developed is situated, to assume responsibility for the maintenance of the amenities which have been provided in the area by the Authority and for the provision of the amenities which have not been provided in the area, on terms and conditions agreed upon between the Authority and that local authority; and where such terms and conditions cannot be agreed upon, on terms and condition settled by the Central Government in consultation with the local authority on a reference of the matter to that Government by the Authority.

¹[**37. Power of Authority to levy betterment charges.-**
(1) Where, in the opinion of the Authority, as a consequence of any development having been executed by the Authority in any development area, the value of any property in that area or in any area other than the development area, which has been

benefited by the development, has increased or will increase or will increase, the Authority shall be entitled to levy upon the owner of the property or any person having an interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development:

Provided that no betterment charges shall be levied in respect of lands owned by Government within Delhi:

Provided further that where any land belonging to Government has been let out by Government to nay person, then that land and any building situate thereon shall be subject to a betterment charge under this section.

(2) Such betterment charge shall be an amount-

- (i) in respect of any property situate in a development area, equal to one –third of the amount, and
- (ii) in respect of property situate in any other area, not exceeding one-third of the amount.

By which the value of the property on the completion of the execution of the development scheme estimated as if the property were clear of building exceeds the value of the property prior to such execution estimated in like manner:

Provided that in levying betterment charge on any property under clause (ii), the Authority shall have regard to the extent and nature of benefit accruing to the property from the development and such other factors as may be prescribed by rules made in this behalf.]

38. Assessment of betterment charge by Authority.-

(1) When it appears to the Authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment charge the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property or any person having an interest therein that the Authority proposed to assess the amount of the betterment charge in respect of the property under section 37.

(2) The authority shall then assess the amount of betterment charge payable by the person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of the notice in writing of such assessment from the Authority, inform the Authority by a declaration in writing that he accepts the assessment or dissents from it.

1. Subs. by Act 56 of 1963, sec. 18, for Section 37” (w.e.f. 30-12-1963).

(3) When the assessment proposed by the Authority is accepted by the person concerned within the period specified in sub-section (2) such assessment shall be final

(4) If the person concerned dissents from the assessment or fails to give the Authority the information required by sub-section (2) within the period specified therein the matter shall be determined by arbitrators in the manner provided in section 39.

39. Settlement of betterment charge by arbitrators.- (1) For the determination of the matter referred to in sub-section (4) of section 38, the Central Government shall appoint three arbitrators of whom one at least shall have special knowledge of the valuation of land.

(2) The arbitrators shall follow such procedure as may be prescribed by rules made in this behalf.

¹[(2A) The arbitrators shall, for the purpose of determining any matter referred to them, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit, in respect of the following matters, namely:-

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of documents;
- (c) Administrating to any party to the arbitration such interrogatories as may, in the option of the arbitrators, be necessary.]

(3) In the event of any difference of opinion among the arbitrators the decision of the majority shall prevail and that decision shall be the award of the arbitrators.

(4) If any arbitrator dies, resigns, or is removed under sub-section (5) or refuses, or neglects in the opinion of the Central Government, to perform his duties or becomes incapable of performing the same, then the Central Government shall forthwith appoint another fit person to take the place of such arbitrator.

(5) If the Central Government is satisfied after such inquiry as it thinks fit-

- (a) That an arbitrator has misconducted himself, the Central Government may remove him from his office;
- (b) That the award of the arbitrators has been improperly procured or that any arbitrator has misconducted himself in connection with such award, the Central

Government may set aside the award.

(6) An Award which has not been set aside by the Central Government under clause (b) of sub-section (5) shall be final and shall not be questioned in any court.

(7) The provision of the Arbitration Act, 1940 (10 of 1940), shall not apply to arbitration under this section.

40. Payment of betterment charges.- (1) The betterment charge levied under this Act shall be payable at such time and in such number of installments and each installment shall be payable at such time and in such manner as may be fixed by regulation made in this behalf.

(2) Any arrear of betterment charge shall be recoverable as an arrear of land revenue.

²[**40A Mode of recovery of moneys due to Authority.-** Any money due to the Authority on account of fees or charges, or from the disposal of lands, buildings or other properties movable or immovable, or by way of rents and profits may, if the recovery thereof is not expressly provided for in any other provision of this Act, be recovered by the Authority as arrears of land revenue.]

41. Control by Central Government.- (1) The Authority shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by the Authority under this Act, any dispute arises between the Authority and the Central Government the decision of the Central Government on such dispute shall be final.

³[(3) The Central Government may, at any time, either on its own motion or on application made to it in this behalf, call for the records of any case disposed of or order passed by the Authority for the purpose of satisfying itself as to the legality or propriety of any order passed or direction issued and may pass such order or issue such direction in relation thereto as it may think fit:

Provided that the Central Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.]

⁴[**42. Returns of inspection.-** (1) The Authority shall furnish to the Central Government such reports, returns and

1. Ins. by Act 56 of 1963, sec. 19 (w.e.f. 30-12-1963).

2. Ins by Act 56 of 1963, sec. 20 (w.e.f. 30-12-1963).

3. Ins by Act 56 of 1963, sec. 21 (w.e.f. 30-12-1963).

4. Subs. by Act 56 of 1963, sec. 22, for section 42 (w.e.f. 30.12.1963).

other information as that Government may from time to time require.

(2) Without prejudice to the provision of sub-section (1), the Central Government or any officer authorized by the Central Government in this behalf, may call for reports, returns and other information from the Authority or local authority in regard to the implementation of the master plan.

(3) Any person authorized by the Central Government or the Officer referred to in sub section (2) may enter into or upon any land with or without assistants or workmen for ascertaining whether the provision of the master plan are being or have been implemented, or whether the development is being or has been carried out in accordance with such plan.

(4) No such entry shall be made except between the hours of sunrise and sunset and without given reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building.]

43. Service of notices, etc.- (1) All notices, orders and other documents required by this Act or any rule or regulation made there under to be served upon any person shall, save as otherwise provided in this Act or such rule or regulations, be deemed to be dully served-

(a) Where the person to be served in a company if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either-

- (i) Sent by registered post, or
- (ii) Delivered at the registered office or at the principal office or place of business of the company;

(b) Where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which is business is carried on, and is either-

- (i) Sent by registered post, and
- (ii) Delivered at the said place of business;

(c) Where the person to be served is a public body or a corporation or society or other body, if the document addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either-

- (i) Sent by registered post, or
- (ii) Delivered at that office;

(d) In any other case, if the document is addressed to the person to be served and-

- (i) is given or tendered to him, or
- (ii) if such person cannot be found, is affixed on some conspicuous part of this known place of residence or business, if within the ¹[National capital territory of Delhi] or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or
- (iii) is sent by registered post to that person.

(2) Any document which is required or authorized to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be dully served-

- (a) If the document so addressed is sent or delivered in accordance with clause (d) of sub-section (10); or
- (b) If the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part to the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property the secretary to the Authority may by notice in writing require the occupier (if any) of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be service upon the minor.

(6) A servant is not a member of the family within the meaning of this section.

44. Public Notice how to be made known.- Every public notice given under this Act shall be in writing over the signature of the secretary of the Authority and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by

1. Subs. by Act 36 of 1996, sec. 2, for "Union territory of Delhi" (w.e.f. 21-12-1996).

advertisement in local newspaper or by any two or more of these means, and by any other means that the secretary may think fit.

45. Notice, etc., to fix reasonable time- Where any notice, order or other document issued or made under this Act or any rule regulation made there under requires anything to be done for the doing of which no time is fixed in this Act or the rule or regulation, the notice, order or other document shall specify a reasonable time for doing the same.

46. Authentication of orders and documents of the authority.- All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the secretary to the Authority or any other officer authorized by the Authority in this behalf.

47. Members and officers to be public servants.- every member and every officer and other employee of the Authority shall be deemed to be public servant within the meaning of section 21 of the Indian Panel Code (45 of 1860).

48. Jurisdiction of courts.- No court inferior to that of a ¹[Metropolitan Magistrate] shall try an offence punishable under this Act.

49. sanction of prosecution.- ²[(1)] No prosecution for any offence punishable under this Act ³[other than an offence referred to in sub-section (2)] shall be instituted except with the previous sanction of the Authority or as the case may be, the local authority concerned or any officer authorized by the authority or such local authority in this behalf.

³[(2) No prosecution for any offence for failure to comply with the order of the officer referred to in sub-section (3) of section 31 and punishable under sub-section (5) of that section shall be instituted except with the previous sanction of the ⁴[Lieutenant Governor] or any officer authorized by him in this behalf.]

50. Magistrate`s power to impose enhanced penalties.- Notwithstanding anything contained in ⁵[section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any court of a Metropolitan Magistrate] to pass any sentence authorized by this Act in excess of its powers under the said section.

51. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made there under.

52. Power to delegate.- ⁶[(1)] The authority may,

notification in the Official Gazette, direct that any power exercisable by it under this Act except the power to make regulations may also be exercised by such officer or local authority ⁷[or committee constituted under section 5A] as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

⁸[(2) The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act, except the power to make rules, may also be exercised by such officer as may be mentioned therein, in such cases and subject to such conditions, if any as may be specified therein.

(3) The ¹[Lieutenant Governor] of the ²[National capital territory of Delhi] may, by notification in the Official Gazette, direct that any power exercisable by him under this Act ³[Except the power to hear appeals] may also be exercised buy such officer as may be mentioned therein, in such cases and subject to such condition, if any, as may be specified therein]

53. Effect of other laws.- (1) Nothing in this Act shall affect the operation of the slum areas (Improvement and Clearance) Act, 1956 (6 of 1956).

(2) ⁴[Save as otherwise provided in sub-section (4) of section 30 or sub-section (8) of section 31 or sub-section (1) of this section], the provisions of this Act and the rules and regulations made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law.

(3) Notwithstanding anything contained in any other law-

(a) When permission for development in respect of any land has been obtained under this Act such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under

1. Subs. by Act 38 of 1984, sec. 8, for "magistrate of the first class" (w.e.f. 12-3-1985).
2. Section 49 renumbered as Sub-section (1) thereof by Act 56 1963, sec.23 (w.e.f. 30-12-1963)
3. Ins. by Act 56 of 1963, sec.23 (w.e.f. 30-12-1963).
4. Subs.by Act 36 of 1996, sec. 2 for "Administrator" (w.e.f. 21-12-1996).
5. Subs. by Act 38 of 1984, sec. 9 for certain words (w.e.f. 12-3-1985).
6. Section 52 renumbered as Sub-section (1) thereof by Act 56 of 1963, sec. 24 (w.e.f. 30-12-1963).
7. Ins. by Act 56 of 1963, sec.24, (w.e.f. 30-12-1963).
8. Subs. by Act 36 of 1996, sec. 2 for "Union territory of Delhi" (w.e.f. 21-12-1996).
9. Ins.by Act 38 of 1984, sec 10 (w.e.f. 24-2-1986).
10. Subs. by Act 56 of 1963, sec.25, for Save as aforesaid" (w.e.f. 30-12-1963)

such other law for such development has not been obtained;

- (b) When permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

¹[**53A. Restriction on Power of a local authority to make rules.**- (1) Notwithstanding anything contained in any law for the time being in force, no rule, regulation or bye-law shall be made or amended by a local authority in respect of matters specified in sub-section (2) unless the Authority, upon consideration of such rule, regulation or bye-law, certifies that it does not contravene any of the provisions of the master plan or the zonal development plan.

(2) The matters referred to in sub-section (1) are the following, namely:-

- (a) Water supply, drainage and sewage disposal;
- (b) Erection and re-erection of buildings, including grant of building permissions, Licenses and imposition of restrictions on use and sub-division of buildings;
- (c) Sub-division of land into building sites, roads and lanes, recreational sites and sites for community facilities; and
- (d) Development of land, improvement schemes, and housing and re-housing Scheme.

¹[**53B. Notice to be given of suits.**- (1) No suit shall be instituted against the Authority, or any member thereof, or any of its officers or other employees, or any person acting under The directions of the Authority or any member or any officer or other employee of the – Authority in respect of any act done or purporting to have been done in pursuance of this Act or any rule or regulation made thereunder until the expiration of two months after notice in writing has been, in the case of the office or place or abode of, the person to be sued and unless such notice states explicitly the cause of action, the nature of relief sought, the amount of compensation claimed and the name and place of residence of the intending plaintiff and unless the plaint contains a statement that such notice has been so left or delivered.

(2) No suit such as is described in sub-section (1) shall, unless it is a suit for recovery of immovable property or for a declaration of title there to, be instituted after the expiry of six

months from the date on which the cause of action arises.

(3) Nothing contained in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the notice or the postponement of the institution of the suit.]

54. Savings.— Nothing in this Act shall apply to-

- (a) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building, being works which effect only the interior of the building or which do not materially affect the external appearance of the building;
- (b) The carrying out by any local authority by any department of Government of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;
- (c) The erection of a building, not being a dwelling house if such building is required for the purposes subservient to agriculture;
- (d) The erection of a place of worship or a tomb or cenotaph or of a wall enclosing a graveyard, place of worship, cenotaph or Samadhi on land which at the commencement of this Act is occupied by or for the purpose of such worship, tomb, cenotaph, graveyard or Samadhi;
- (e) The excavations (including wells) made in the ordinary course of agricultural operations; and
- (f) The construction of unmetalled road intended to give access to land solely for agricultural purpose.

55. Plans to stand modified in certain cases.- (1) where any land situated in any area in Delhi is required by the master plan or zonal development plan to be kept as an open space or un built upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of operation of the plan under section 11 or where such land has been so required or designated by any amendment of such plan, from the date of operation of such amendment²[***], the owner of the land may³[serve on the Central Government a

1. Subs. by Act 56 of 1963, sec. 26, (w.e.f. 30-12-1963).

2. Certain words omitted by Act 56 of 1963, sec 27 (retrospectively).

3. Subs. by Act 56 of 1963, sec. 27 for, serve on the authority a notice” (w.e.f. 30-12-1963)

notice] requiring his interest in the land to be acquired.

(2) ¹[If the Central Government] fails to acquire the land within a period of six months from the date receipt of the notice, the master plan or, as the case may be, the zonal development plan shall have effect, after the expiration of the said six months as if the land were not required to be kept as an open or un built upon or were not designated as subject to compulsory acquisition.

56. Power to make rules.- (1) The Central Government, after consultation with the Authority, may by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Provided that consultation with the Authority shall not be necessary on the first occasion of the making of rules under this section, but the Central Government shall take into consideration any suggestion which the Authority may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) The manner of election of representatives of the Municipal Corporation of Delhi under clause (e) of sub-section (3) of section 3;
- (b) The qualification and disqualifications for being chosen as, and for being, members of the Authority or the Advisory Council;
- (c) The salaries, allowances and conditions of service of the whole-time paid member of the Authority;
- ²[(cc) Travelling and other allowances of the members of the Advisory Council except those of the ex officio member and such other members as are Government servants;]
- (d) The control and restriction in relation to appointment of officers and other employees;
- ³[(dd) the stages by which the development of any particular feature of a zone may be carried out;]
- (e) The zone and contact of the master plan and a zonal development plan and the procedure to be followed in connection with the preparation, submission and approval of such plans and the form, and the manner of publication, of the notice relating to any such plan in draft;
- (f) The local inquiries and other hearing that may be held

before a plan is approved;

(g) ⁴[The form and manner in which notice under sub-section (3) of section 11A shall be published;]

(h) The fee to be paid on an application for permission under sub-section (1) of section 13 and the factors and circumstances to be taken into consideration in determining such fee;

⁵[***]

(j) The manner in which nazul lands shall be dealt with after development;

³[(jj) the procedure to be observed by the Administrator under section 30 or section 31;

(jjj) The factors to be taken into consideration in determining the rate of betterment charge in respect of property situate in any area outside the development area;]

⁶[(ja) the manner in which the sealing of any development under sub-section (1) of section 31A shall be made;

(jb) The form in which an appeal shall be made to the Appellate Tribunal under sub-section (3) of section 31C and the fees that shall accompany such appeal;]

(k) The procedure for referring any matter to the Central Government under section 36 for settlement of terms and conditions subject to which a local authority may be required to assume responsibility for amenities in any area;

(l) The procedure to be followed by arbitrators in the determination of betterment charge;

(m) The sum of money that may be kept in current account;

⁷[(mm) The procedure to be followed for borrowing moneys by way of loans or debenture and their repayment;]

(n) The form of the budget of the Authority and the manner of preparing the same;

1. Subs. by Act 56 of 1963, sec. 27, for certain words" (w.e.f. 30-12-1963).

2. Ins. by Act 4 of 1976, sec.2 (w.e.f. 24-1-1976).

3. Ins. by Act 56 of 1963, sec.28 (w.e.f. 30-12-1963).

4. Subs. by Act 56 of 1963, sec. 28 for clause (g) (w.e.f. 30-12-1963).

5. Clause (i) omitted by Act 56 of 1963, sec. 28 (w.e.f. 30-12-1963).

6. Ins. by Act 38 of 1984, sec.11, (w.e.f. 24-2-1986).

7. Ins. by Act 56 of 1963, sec. 28 (w.e.f. 30-12-1963).

- (o) the form of the balance-sheet and statement of accounts;
- (p) The form of the annual report and the date on or before which it shall be submitted to the Central Government;
- (q) The manner of constitution of the pension and provident funds for whole-time paid members and officers and other employees of the Authority and the conditions subject to which such funds may be constituted;
- (r) Any other matter which has to be, or may be, prescribed by rules.

57. Power to make regulations.- (1) ¹The authority with the previous approval of the Central Government, may, by notification in the Official Gazette make regulations] consistent with this Act and rules made there under, to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for-

- (a) The summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meeting and the number of members necessary to form a quorum thereat;
- ²[(aa) the summoning and holding of meetings of a committee constituted under section 5A, the time and place where such meetings are to be held, the conduct of business at such meetings, and the number of members necessary to form a quorum thereat and the fees and allowances payable to the members for attending the meetings or any other work of the authority;]
- (b) The powers and duties of the secretary and chief accounts officer of the Authority;
- (c) The salaries, allowances and conditions of service of the secretary chief accounts officer and other officers and employees;
- (d) The procedure for the carrying out of the functions of the Authority under Chapter III;
- (g) The manner of communicating the grounds of refusal of permission for development;
- (h) The form of the register of applications for permission and the particulars to be contained in such register;
- (i) The management of the properties of the Authority;

- (j) The time and manner of payment of betterment charge; and
- (k) Any other matter which has to be, or may be, prescribed by regulations.

(2) Until the Authority is established under this Act, any regulation which may be made under sub-section (1) may be made by the Central Government; and any regulation so made may be altered or rescinded by the Authority in exercise of its powers under sub-section (1).

³[**58. Laying of rules and regulations before Parliament.-** Every rule and every regulation made under this Act shall be laid, as soon as may be after such rule or regulation is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session of the successive session aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall, thereafter, have effect only in such not be made, the rule or regulation shall, thereafter have effect only in such modified from or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.]

59. Dissolution of the Authority.- (1) Where the Central Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render Central Government unnecessary, that Government may by notification in the Official Gazette declare that the Authority shall be dissolved with effect from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly.

(2) From the said date-

- (a) All properties, funds and dues which are vested in, or realizable by, the Authority shall vest in, or be realizable by the Central Government;
- (b) All nazul lands placed at the disposal of the Authority shall revert to the Central Government;
- (c) All liabilities which are enforceable against the

1. Subs. by Act 4 of 1976, sec. 3, for certain words (w.e.f. 24-1-1976).

2. Ins. by Act 56 of 1963, sec. (w.e.f. 30-12-1963).

3. Clause (g) omitted by Act 56 of 1963, sec. 29 (retrospectively).

Authority shall be enforceable against the Central Government; and

- (d) For the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realizing properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the Central Government.

60. Repeal, etc., and savings.- (1) As from the date of constitution of the Authority,-

- (a) The United Provinces Town Improvement Act, 1919 (U.P. Act of 1919), shall cease to have effect in the 1[National territory of Delhi]; and
- (b) The Delhi (Control of Building Operations) Act, 1955 (53 of 1955) shall stand repealed.

(2) Notwithstanding the provision of sub-section (1)-

- (a) Every officer and other employee serving under the Delhi Improvement Trust or the Delhi Development (Provisional) Authority immediately before the date of the constitution of the Authority shall, on and from such date, be transferred to and become an officer or other employee of the Authority with such designations tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Authority had not been constituted, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority;

Provided that any service rendered by the any such officer or other employee before the constitution of the Authority shall be deemed to be service rendered under it:

Provided further that the Authority may employ and such officer or other employee in the discharge of such functions under this Act as it may think proper and every such officer or other employee shall discharge those functions accordingly;

- (b) Anything done or any action taken (including any appointment, delegation, notification, order, scheme, permission, rule, bye-law, regulation or form made, granted or issued) under any of the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been done or taken under

the provisions of this Act unless and until it is superseded by anything done or action taken under the said provisions.

- (c) All debts, obligations and liabilities incurred, all contract entered into and all matters and things engaged to be done by, with or for the Delhi Improvement Trust or the Delhi Development (Provisional) Authority shall be deemed to have been incurred, incurred, entered into or engaged to be done by, with or for the Authority;
- (d) All properties movable and immovable vested in the Delhi Improvement Trust or the Delhi Development (Provisional) Authority shall vest in the Authority;
- (e) All rents, fees and other sums of money due to the Delhi Improvement Trust or the Delhi Development (Provisional) authority shall be deemed to be due to the Authority;
- (f) All suits, prosecutions and other legal proceedings instated or which might have been instituted by, for or against the Delhi Improvement Trust or the Delhi Development (Provisional) Authority may be continued or instated by, for or against the Authority.

THE DELHI DEVELOPMENT AUTHORITY (VALIDATION OF DISCIPLINARY POWER) ACT, 1998

(6 OF 1999)

[January 8, 1999]

An act to provide for validation of disciplinary powers exercised by the Vice-Chairman and officers of the Delhi development Authority.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:-

1. Short title.- This Act may be called the Delhi Development Authority (Validation of Disciplinary Powers) Act, 1998.

2. Definitions.- In this Act,-

- (a) "Authority" means the Delhi Development Authority established under section 3 of the Delhi

Development Act, 1957 (61 of 1957).

(b) "Vice-Chairman" means the Vice-Chairman of the Authority.

3. Validation of disciplinary powers exercised or action taken by vice-Chairman or other officers.- Notwithstanding any judgment, decree or order of nay court or tribunal or other authority to the contrary, where any disciplinary powers or action which the Central Government or the Authority may exercise or take under the Delhi Development Authority (salaries, Allowances and Conditions of service) Regulations, 1961 has been exercised taken by the Vice-Chairman or other officers of the Authority during the period on and from the 22nd day of November, 1979 to the 1st day of March, 1994, such disciplinary powers on action shall be deemed to have been validly and effectively exercised such other officer as if the vise-chairman or such other officer had been specified, with the previous approval of the Central Government in the said Delhi Development Authority (Salaries, Allowances and conditions of service) Regulations in that behalf and accordingly, no suit or other proceeding shall be instituted, maintained or continued in any court or tribunal or before other authority on the ground that the Vice-Chairman or such other officer was not competent to exercise such disciplinary power or take such action.

THE DELHI DEVELOPMENT AUTHORITY (ELECTION OF PRESENTATIVE OF DELHI MUNICIPAL CORPORATION) RULES, 19581

In exercise of the powers conferred by sub-section (1) of section 58 of the Delhi Development Act, 1957 (61 of 1957), red with clause (a) of sub-section (2) of that section, the Central Government hereby makes the following rules namely:-

1. Short title and commencement.- (1) These rules may be called the Delhi Development Authority (Election of Representative of Municipal Corporation) Rules, 1958.

(2) They shall come into force at once.

2. Manner of election of representatives of corporation to the Authority.- (1) The election of two representatives of the Municipal Corporation of Delhi (hereinafter referred to as the Corporation) in pursuance of clause (e) of sub-section (3) of section 3 of the Delhi Development Act, 1957 (61 of 1957) shall be held at a meeting of the Corporation in accordance with the system of proportional representative by means of the single transferable vote and the voting at such election

shall be held by secret ballot.

(2) Every candidate for election as such representative shall be nominated by a nomination paper in Form 1 which shall be signed by the candidate and two other members of the Corporation as proposer and seconder and delivered to the Municipal Secretary between the hours of eleven O` clock in the forenoon and five O` clock in the afternoon at least three days before the date of meeting at which the election is to be held.

(3) No member of the Corporation shall sign as proposer or seconder the nomination papers of more candidates than the number of representatives to be elected. Any nomination paper subscribed in contravention of this sub-rule shall be invalid and shall be declared as such by the Mayor.

(4) Any candidate may withdraw his candidate at any time before the election is proceeded with in the meeting.

(5) Where the number of validity nominated candidates is equal to, or less than, the number of representatives to be elected, the Mayor shall declare all such candidates to be duly elected as representatives of the Corporation, and where the number of validity nominated candidate is more than the number of representatives to be elected, a poll shall be taken.

(6) The Municipal secretary shall provide at the meeting-

(a) A ballot box;

(b) A sufficient number of ballot papers as prescribed in Form 2;

(c) Materials sufficient for the purpose of enabling members of the Corporation to Mark ballot papers.

(7) (a) Every member of the Corporation shall have one vote only.

(b) A member in giving his vote-

(i) Shall place on his ballot paper the figure 1 in the space opposite the name of the Candidate for whom he votes; and

(ii) May, in addition, place on his ballot paper the figure 2 or the figures 2 and 3 the figures 2, 3 and 4 and so on the spaces opposite the names of other candidates in the order of his preference.

(8) (a) Every member of Corporation on receiving a ballot paper shall proceed into one of the polling compartments provided for the purpose of recording votes and shall there record his vote in accordance with the instruction set out on the ballot paper.

(b) The member shall then before quitting the polling compartment, fold up his ballot paper so as to cast his vote and put the ballot paper so folded into the ballot box in the presence of the Mayor.

(c) Every member shall record his vote and quit the polling compartment without undue delay.

(9) The ballot box shall remain open for the casting of votes for such period as may be fixed by the Mayor.

(10) (a) As soon as the period fixed for casting of votes is over, the Mayor shall-

- (i) Open the ballot box and take out the ballot papers contained therein;
- (ii) Count the number of ballot papers so taken out or cause it to be counted and record such number in a statement;
- (iii) Scrutinize the ballot papers and separate the ballot papers which he deems valid from those which he rejects as invalid by endorsing thereon the word "Rejected" and the ground of such rejection;
- (iv) Arrange the valid ballot papers in parcels according to the first preference recorded for each candidate; and
- (v) Count the votes in the meeting in the presence of such members as may be present, with the assistance of such persons as may be appointed by the Mayor in this behalf.

(b) The provisions of rule 115, sub-rule (1) of rule 116, rules 121 to 127 and 129 of Representation of the people (Conduct

Sl. No. of Candidate	Name of Candidate	Marks order of preference
1		
2		
3		
4		
Etc.		

of Elections and Election Petitions) Rule 1956, shall so far as may be, apply in relation to the counting of votes at elections in council constituencies subject to the modification that any reference to the "Returning officer" in any of those provisions shall be construed as a reference to the "Mayor"

(11) Upon the completion of the counting of votes, the Mayor shall prepare and certify a return in Form 3 setting fourth-

- (i) The names of the candidates for whom valid votes have been given;
- (ii) The number of valid votes given to each candidate;
- (iii) The number of valid votes declare invalid and rejected; and
- (iv) The name of the person declared elected;

And shall forward an attested copy thereof to the Chairman of Delhi Development Authority.

(12) The ballot papers shall be kept by the Municipal Secretary for three months from the date of election and may then be destroyed by him.

FORM 1 NOMINATION PAPER

[See rule 2(2)]

Election of representatives of the Municipal Corporation of Delhi under clause (e) of sub-election (3) of section (3) of Delhi Development Act, 1957.

(To be filled by the proposer)

Sl. No.	Name of Candidate	Number of valid votes given to the candidate
(1)		
(2)		
Etc.		

I hereby nominate Shri/Smt..... a Councilor/an aldermen, as a candidate for election as a representative of the Corporation of the Delhi Development Authority.

1. Full name of proposer.....

2. Full name of Secunder.....

Signature of proposer.

Dated.....

Signature of Secunder.

(To be filled by the candidate)

I, the above-mentioned candidate, assent to this nomination.

Dated.....

Signature of Candidate.

(To be filled by the Municipal Secretary)

S.No. of nomination paper... ..

This nomination paper was delivered to me at my office at (hour) on (date) by the ¹Candidate/proposer/seconded.

Dated... .. Municipal Secretary.

Receipt for nomination paper to be handed over to the person presenting the nomination paper.

S.No. of nomination paper... ..

This nomination paper of A candidate for election as representative of the Municipal Corporation of Delhi Development Authority was delivered to me at my office... .. (hour) on (date) by the candidate/proposer/seconded.

Dated... .. Municipal Secretary.

**FORM 3
RETURN OF ELECTION**

[See rule 2(11)]

Election of the representative of the Municipal Corporation of Delhi under clause (e) of sub-section (3) of section 3 of the Delhi Development Act, 1957.

Total number of valid votes... ..

Total number of invalid votes... ..

I declare that-

(1) (Name)

(2) (Name)

Have been duly elected.

(Signature)
Mayor

Dated... ..

**FORM 2
BALLOT PAPERS**

[See rule 2(6)]

Election of representative of the Municipal Corporation of Delhi under clause (e) of sub-section (3) of section 3 of the Delhi Development Act, 1957.

Instructions

- The number of representatives to be elected is¹... ..
- Vote by placing the figure 1 in the space opposite the name of the candidate for whom you wish to vote. Place the figure 1 opposite the name of one candidate only (although¹... .. representative(s) are to be elected).
- You may indicate your relative preference for the other candidates by placing in the space opposite their names the figures 2, 3, 4, etc., in order of such preference.
- Do not place more than one figure opposite the name of any candidate.
- Do not place the same figure opposite the names of more candidates than one.

Back

Serial No... ..

- here give the number of representatives to be elected.

**THE DELHI DEVELOPMENT AUTHORITY
RULES, 1958¹**

In exercise of the powers conferred by sub-section (1) of section 56 of the Delhi Development Authority Act, 1957 (61 of 1957) read with clause (b), (c) and (i) of sub-section (2) of that section, the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the Delhi Development Authority rules, 1958.

(2) They shall come into force at once.

2. Definitions.- In these rules, "Authority" means the Delhi Development Authority and "Advisory Council" means the Advisory Council of the Delhi Development Authority.

3. Qualification for being chosen as member of the Delhi Development Authority or the Advisory Council [Section 56(2)(b)].- (1) A person shall be disqualified for being chosen as, or for being, member of the Authority or the Advisory Council-

- If he is of unsound mind and stands so declared by a competent court;
- If he is an undischarged insolvent;
- If he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;
- If he is a licensed architect, draftman, engineer,

1. Subs. by Notification No. F. 12-19/57 LSG, dated 18th July, 1958

- plumber, surveyor or town planner or is a partner or employee of a firm of which any such licensed person is also a partner;
- (e) If he is interested, directly or indirectly, in any business of development of land in Delhi;
- (f) If he is interested in any subsisting contract made with, or any work being done for, the Authority except as a shareholder (other than a director) in an incorporated company or as a member of a co-operative society;
- (g) If he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity, in connection with any cause or proceeding in which the Authority is interested or concerned;
- (h) If he having held any office under the Government, has been dismissed for corruption or disloyalty to the State unless a period of four years has elapsed since his dismissal or the disqualification has been removed by the Central Government.
- (i) If he fails to pay any arrear of any kind due by him, otherwise than as an agent, receiver, trustee or an executor, to the Authority within three months after a notice in this behalf has been served upon him.
- (2) Notwithstanding anything contained in sub-rule (1), a person shall not be deemed to have any ¹[Interest in a business or a contract or work such as is referred to in clause (e) or clause (f) of that sub-rule] by reason only of his having a share or interest in-
- i. Any lease, sale, exchange or purchase of immovable property or any agreement for the same; or
 - ii. Any agreement for the loan of money or any security for the payment of money only; or
 - iii. Any newspaper in which any advertisement relating to the affairs of the Authority is inserted; or
 - iv. The sale to the Authority or to any officer or other employee of the Authority on behalf of the Authority, of any article in which he regularly trades or the purchase from the Authority. Or from any officer or other employee on behalf of the Authority, of any article of a value in either case not exceeding five thousand rupees in the aggregate in any year during the period of contract of work; or
 - v. The letting out on hire to the Authority or the hiring from the Authority of any article of value not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work.
- 4. Salaries Allowances, etc., of whole time paid members [Section 56(2)(c)]-** The salaries, allowances and conditions of service of the whole time paid members of the Authority shall be such as may be determined by the Central Government at the time of their appointment:
- Provided that as respects any matter which is not specifically so determined by the Central Government, the rules applicable to the other staff of the Authority shall also apply to the whole time members of the Authority.
- 5. Time to be taken by Collector in disposal of cases for determination of compensation [Section 56(2)(i)]-** Cases referred to the Collector under sub-section (30) of section 16 of the Act for determination of compensation shall be disposed of by him within one year, or within such extended time as the Central Government may allow.

