

No. J-13036/1/2021-DD.II  
Government of India  
Ministry of Housing and Urban Affairs


New Delhi, dated the 18<sup>th</sup> August, 2022.

For The Notice of Public/Stakeholders

**Subject: Pre-legislative consultation with regard to proposed amendment in  
Delhi Development Act, 1957 – Regarding**

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The undersigned is directed to place the proposed amendments in Delhi Development Act, 1957 as a part of pre-legislative consultation for the information of the public/stakeholders for a period of 30 days from the date it is placed on this Ministry's website. Feedback/comments on the same, if any, may be conveyed to Shri PC Dhasmana, Director (DD-II), Room No.239C, Nirman Bhawan, New Delhi (dsdd-mud@gov.in) or to the undersigned.



(U.K. Tiwari)

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Encl.: as above

To,

IT Cell, MoHUA - with request to upload the proposed amendments in Delhi Development Act, 1957 as a part of pre-legislative consultation

## **PROPOSED AMENDMENTS IN DELHI DEVELOPMENT ACT,1957**

### **Justification along with essential elements:**

#### **A. Land Pooling**

The Land Pooling Policy was notified on 11.10.2018 and to operationalize the policy, Regulations were also notified on 24.10.2018. Under this concept, owners or group of owners will pool land parcels for development as per prescribed norms and guidelines making them partner in the city development process. The Land Policy is applicable in 06 Zones spread over 109 sectors falling in 95 urbanized villages in Delhi.

2. The Delhi Development Authority (DDA) has informed that as on 27.07.2022, total 6,973 applicants have expressed their willingness for participation of 7,317 hectares under Land Pooling which is 38.36% of the 19,074 hectare, of total poolable land. However, despite the initial enthusiasm shown by the land owners none of the sectors so far could qualify for undertaking the development under the Land Policy.

3. Representations have been received from landowners/stakeholders on issues relating to Land Pooling Policy raising concerns over provisions and aspects of current policy/ regulations and to bring out suitable modifications to make policy more attractive and implementable. Detailed consultations with concerned stakeholders have been held both at the level of DDA and Ministry.

4. It is felt that in order to realize the Land Pooling as an alternative city development strategy with private participation, the policy/ regulations require certain enabling provisions and legal backing. The present Land Policy its Regulations notified in 2018, do not address many key issues like compulsory land pooling for optimal planning, conferment of land title after redistribution of land and clarity about the levying of stamp duty on redistribution of land among other issues. It is observed that in many areas where land policy is being implemented, the requirement of 70% contiguity has not been achieved due to non-participation of some land pockets.

## B. Urban Regeneration

5. Many existing areas in Delhi have developed over the last more than 100 years and some of them do not meet the norms required for healthy and safe urban habitations. These areas can be utilised optimally through redevelopment/urban regeneration. At present, there is no policy for urban regeneration except the provisions for redevelopment in the Master Plan for Delhi (MPD)-2021. The process of urban regeneration will be similar to that of land pooling, wherein if the voluntary participation of property owners reaches a specified threshold level, then it will be mandatory for other remaining owners to participate. It is envisaged that during the implementation of urban regeneration policy, similar issues as experienced in the case of land pooling, i.e mandatory participation, multiple stamp duty etc. will be encountered.

6. Accordingly, it is proposed to insert an enabling provision for Land Pooling and Urban Renewal in the Delhi Development (DD) Act, 1957 by introducing chapter IV-A. Briefly, important proposals in this are summarized below:

- a. Provision of mandatory pooling of balance land in a sector or mandatory participation of balance land/ properties in urban regeneration block, where specified threshold has been achieved, in order to facilitate planned urban development.
- b. Central Government to have powers to declare mandatory land pooling and mandatory urban regeneration even if minimum threshold participation has not been achieved.
- c. Authority or local body, as the case may be, to have powers to direct mandatory urban regeneration for areas which are vulnerable to disasters, lack minimum standards of built environment, comprise of sub-standard or aged building stock, unauthorized construction and settlements.
- d. Land record shall continue to be maintained and updated by the Revenue Department of Government of National Capital Territory of Delhi (GNCTD) under Delhi Land Reforms Act, 1954, as was being done before declaring the villages as 'Urban'.

- e. Provision to avoid multiple stamp duty and registration charges on deed of exchanges during implementation of land pooling and regeneration processes.
- f. Amendments in Section 56 and 57 to provide for making rules and regulations in respect land pooling and urban regeneration.

### **C. Transferable Development Rights (TDR)**

7. During the course of planning in certain scenario, the development rights of some land owners are restricted due to various reasons like provisioning of green spaces, road network, proximity to monuments, height restriction due to air funnel or high tension power lines etc. There is a need to compensate such land owners by means of which they can enjoy their property rights. This can be accomplished by issuing Transferable Development Rights (TDR) certificates to affected land owners who can then transfer, exchange, and sell them in the specified TDR receiving areas. A suitable provision (section 15-A) regarding TDR is proposed in the DD Act, 1957 besides provisions under section 56 and 57 to make rules and regulations.

### **D. Other Issues**

8. Unauthorized Colonies (UCs): Large population in Delhi reside in unauthorized colonies (UCs). The Government has brought out a scheme for conferment of ownership or transfer or mortgage rights to the residents of these UCs. The DD Act 1957 does not have any provision for dealing with the issues related to UCs. Definition of UCs and provision for making regulations in section 57 in respect of UCs are proposed to be included in the DD Act, 1957.

9. Apart from above, some other amendments are also proposed as detailed below:

- a. Consequential amendments in section 2 of the Act, relating to new definitions being introduced.
- b. Objects of Authority (section 6) are being expanded to facilitate land pooling and urban regeneration.

- c. Vice Chairman, DDA being included in the Advisory Council of Authority as Vice President.
- d. Inclusion/ updation of relevant stakeholders in the Advisory Council namely, Education Department, Delhi Administration, Power Department, GNCTD, Chief Executive Officer, Delhi Jal Board, Chief Executive of Delhi Transport Corporation, Delhi Metro Rail Corporation and National Capital Region Transport Corporation in the Authority Council.
- e. Land Acquisition Act, 1894 appearing in section 15 of the Act, being replaced by RFCTLAAR Act 2013.
- f. Section 29 relating to penalty is proposed to be amended to provide stricter deterrent provisions.

**DRAFT OF PROPOSED AMENDMENTS DD ACT, 1957:**

10. The proposed amendments have been drafted accordingly and may be referred to at **ANNEX-I**.