Criteria adopted for regularisation of unauthorized colonies in Delhi

142. SHRI RAM KRIPAL YADAV: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) the criteria adopted for regularisation of unauthorized colonies in Delhi, where 1639 such colonies were given provisional certificate for further authorization;

(b) whether Government has followed guidelines amended by Parliament in June, 2012 of Master Plan 2021 for authorizing only 895 colonies out of 1639 colonies *vide* notification of NCT of Delhi dated 4th September, 2012;

(c) whether it is a fact that hundreds of colonies are left out from list of 1639 which are on private lands and built up area is more than 50 per cent; and

(d) the details of status of rest of the colonies which are on private lands but not included in this list of 4th September, 2012?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRIMATI DEEPA DASMUNSI): (a) The regularisation of unauthorized colonies in Delhi is done on the basis of criteria prescribed in the Regulations for unauthorized colonies notified by DDA *vide* Gazette Notification No. S.O. 683(E) dated 24.03.2008 and amendments therein notified *vide* Gazette Notification No. S.O. 1452(E) dated, 16.6.2008 and Gazette Notification No. S.O. 1297(E) dated 6.6.2012 and Copies given in the Statement (*See* below). Government of National Capital Territory (NCT) of Delhi has intimated that provisional certificates were issued only to 1218 colonies.

(b) As per Regulations, the entire process of regularization is to be coordinated and supervised by Government of NCT of Delhi. Government of NCT of Delhi has indicated that it has followed the criteria prescribed in the Regulations while authorizing 895 colonies.

(c) and (d) Government of NCT of Delhi has informed that the regularisation of the unauthorized colonies has been effected for all those colonies which fulfilled the criteria as laid down in the Notification dated: 24.3.2008 and as amended on 6.6.2012 and where boundary was fixed with, the assistance of Survey of India/ Geo Spatial Delhi Limited (GSDL), agencies appointed by Government of NCT of Delhi.

Statement

THE GAZETTE OF INDIA: EXTRAORDINARY [Part-II—Sec. 3(ii)]

DELHI DEVELOPMENT AUTHORITY
NOTIFICATION

New Delhi, the 24th March, 2008

Regulations for Regularization of Unauthorized Colonies in Delhi

(under Section 57 of DD Act, 1957)

S.O. 683(E).-In exercise of powers conferred by Section 57 of the Delhi Development Act, 195 T/61 of 1957, the Delhi Development Authority with the previous approval of the Central Government, hereby makes the following regulations:—

1. Introduction
2. Definitions
3. Criteria for Regularization of Unauthorized Colonies
   - 3.1 Cut off date
   - 3.2 Habitation eligible for regularization
   - 3.3 Types of colonies NOT to be considered regularization
   - 3.4 Residential buildings used for non-resident purposes
   - 3.5 Action against unauthorized constructed
   - 3.6 Regulations not relate to affluent colonies
4. Procedure for Regularization
   - 4.1 Registration of Resident Society
   - 4.2 Functions Resident Society
   - 4.3 Submission of Layout Plan
   - 4.4 Modification in the Layout Plan
   - 4.5 Requisites for submission of Layout
     - 4.5.1 Documents to be submitted
     - 4.5.2 Information regarding existing Layout Plan
     - 4.5.3 Undertaking

5. Steps/procedure to be followed by DDA/GNCTD for regularization

   5.1 Creation of a separate Cell

   52 Scrutiny of Layout Plan

   53 Finalization of boundaries

   5.4 Forwarding of Layout Plan to Local Bodies

   5.5 Approval of Layout Plan

   5.6 Change of Land Use

   5.7 Issue of Orders

   5.8 Cost of land

   5.9 Penalties

   5.10 Commencement of development

   5.11 Time Schedule

6. Parameters/basis for regularization

   6.1 Title of land

   6.2 Planning norms

   6.3 Mixed use

   6.4 Recovery of cost/development charges

7. Miscellaneous

   7.1 Grant of sanction or refusal

   7.2 Regulations to be read together with Guidelines

   7.3 GNCTD to Coordinate, etc.

1. Introduction

Ministry of Urban Development *vide* letter dated 05.10.2007 conveyed the Revised Guidelines 2007 far regularization of unauthorized colonies in Delhi which also referred to orders of Supreme Court dated 14.02.2006 in WP@ No. 725 of 1994 and orders of Delhi High Court dated 27.2.2001 in CW(P) No. 4771 of 1993. The High Court order stipulates notification, of the colonies to be regularized as per the guidelines and framing of modalities.

2. Definitions

(a) "Architect/Town Planner": An architect registered with the Council of Architecture and having qualification in Town Planning, recognized for the membership of institute of Town Planners, India;

(b) "Concerned agency" means Local Body/Delhi Development Authority (DDA)/Government of NCT of Delhi (GNCTD) or any other agency involved in the process of regularization/preparation, implementation of the plans and work of regularization of unauthorized colonies felling within their respective jurisdictions;

(c) "Habitations" for the purpose of regularization as envisaged in the Revised Guidelines 2007/Regulations means those habitations existing as on 31.3.2002 that have come up is extension to village abadi and have not been notified as Lal Dora extension to village abadi;

(d) "Infrastructure" means infrastructure other than 'social infrastructure' such as water supply, drainage, sewerage, electricity and solid waste management, as mentioned in the Chapter 14 (Physical Infrastructure) of the Master Plan for Delhi (MPD)-2021;

(e) "Layout Plan" means a plan that will indicate the location of all existing (also proposed, if any) roads with their widths, dimensions of plots alongwith building tines, location of drains and public facilities, if any, a statement indicating the total area of the site under roads, and if available, then open spaces for parks, playgrounds, recreational spaces and other public spaces;

(f) "Resident's Society" means a registered Resident Society and comprising the members of the unauthorized colony/habitation which will be responsible for coordination, preparation of layout plans, and for liaison with the concerned agency in respect of various issues pertaining to the regularization process;

(g) "Service Road" — A road/lane provided at the rear or side of a plot for service purposes;

(h) "Site or Plot" — A parcel/piece of land enclosed by definite boundaries;

(i) "Social infrastructure" means social infrastructure facilities pertaining to health, education, sports facilities and socio-cultural activities and religious activities;

(j) "Street" includes any way, road, lane, square, court, alley, gully, passage, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the roadway or footway over any bridge or causeway;

(k) "Unauthorized colony" means a colony; development comprising of contiguous area, where no permission of concerned agency has been obtained for approval of Layout Plan, and/or building plan.

3. Criteria for Reclamation of Unauthorized Colonies and Habitations:

3.1 Cut off date for regularization is 31.3.2002.

3.2 Habitations that have come up as extension to village abadi and are outside the Lal Dora of village, would be eligible for regularization on the same lines as those of unauthorized colonies.

3.3 The following types of colonies or parts thereof would not be considered for regularization:—

(a) Unauthorized colonies/part of colonies/habitations falling to notified or reserves forest areas.

(b) Unauthorized colonies/part of colonies/habitations which pose hindrances in the provision of infrastructure facilities or fall in the area of right of way (ROW) of existing/proposed railway lines; Master Plan roads and major/trunk water supply and sewerage lines.

(c) Unauthorized colonies/habitations whore more man 50% plots are un-built on the date of formal announcement of regularization scheme. However, plots, which have been built up in the above mentioned colonies, even after 31.3.2002 and till the date of formal announcement of regularization scheme will be takes into consideration for deciding the eligibility of the colony for regularization.

(d) Unauthorized colonies/part of colonies/habitations which violates the provisions of Ancient Monuments and Archeological Sites and Remains Act, 1958.

3.4 No regularization will be done in respect of residential buildings used for non-residential purposes except those covered under the mixed land use regulations contained in the MPD-2021 as may be amended from time to time. The time limit of 90 days for conducting survey for notification of mixed use streets as prescribed in clause 15.3.4 of the MPD-2021 in respect

of these colonies will commence with effect from the date of notification of the colony as deemed regularized colony by the GNCTD or the date with effect torn which the colony shall qualify for regularization.

3.5 Action against unauthorized constructions in unauthorized colonies/parts of colonies/habitations which do not fulfill the conditions for regularization, will be taken by concerned Local Body/DDA subject to provisions contained in Master Plan of Delhi including those in para 16.2.3.

3.6 These Regulations do not relate to unauthorized colonies/habitations inhabited fey affluent sections on public and private land.

4. Procedure for regularization

The following steps are to be followed for regularization:—

4.1 Registration of Residents' Society

The residents of each unauthorized colony/habitation shall establish a registered Residents Society (henceforth called as Resident Society). This shall be a pre-condition for considering fee case for regularization. There would fee no objection to several associations is a colony, bat they would have to be federated into one recognized Residents Society. The Local Body shall only recognize and interact with such Residents Societies which have at least 75% of residents of feat colony as its members.

4.2 The Resident Society shall perform/carry out the following functions;

42.1.1 Liaise wife the concerned agency in various matters pertaining to the regularization process.

4.2.12 Prepare through an Architect/Town Planner, the existing layout plan of the colony. The Resident Society may, however, voluntarily also submit proposal for improved Layout Plan in respect of their colony.

4.2.1.3 The Layout Plan thus prepared shall be submitted by the Resident Society to the concerned Local Body/DDA, and simultaneously, a copy of the Layout Plan shall also be submitted to GNCTD by the Resident Society.

4.2.2 Alongwith the layout plan, the Resident Society shall be required to submit the complete list of members with details such as plot nos. and area of the colony to the Local Body. It shall be the duty of the Resident Society to make available, wherever possible, land to the concerned agency for

taking up the works for provision of social infrastructure. In such colonies where land cannot be made available by the society for social infrastructure, the colony shall have to manage without the provision of such infrastructure

4.2.3 There shall be no obligation on part of the Local Body/DDA/GNCTD/Union of India to allot alternate sites/flats to residents who may be displaced on account of provision of land for civic amenities/infrastructure which are not regularized as in clause 3.3.

4.2.4 The GNCTD shall determine the development charges/processing fee, if any, to be charged from the Residents Societies/individuals.

4.3 The Resident Society shall be required to submit the layout plan and proposal for improved layout, plan if any. It shall be submitted in men manner and numbers as the GNCTD may deem fit

4.4 Once sanctioned, a printed authenticated copy of the layout plan shall be made available by the Resident Society to all its members. Any deviation and modification la the sanctioned layout plan shall be subject to approval by the concerned Local Body/DDA.

4.5 Requisites For submission of Layout Plan:

4.5.1 Documents to be submitted

Application for regularization of unauthorized colonies shall be accompanied by the following documents:—

(i) Land details with Khasra No. accompanied by a site plan giving the physical description of the site.

(ii) The certificates duly signed by the authorized signatory of Resident Society owner and the Architect/Town Planner.

(iii) The layout plan submitted with the application for regularization shall be drawn to a scale of 1 : 1000 or larger and shown show details as given in the following paragraphs.

4.5.2 Information required to be furnished on Existing/Proposed Layout Plan:

(i) The boundaries of the site and of contiguous land with ownership status;

(ii) The position of the site hi relation to neighbouring area/roads;

(iii) The name of the streets in which the plots are proposed/existing;

(iv) The use and position of the plots on the land including sub-division;

(v) The means of access/roads streets and their widths;

(vi) The North point;

(vii) Any existing physical features, such as wells, drains, trees etc.; and

(viii) The plan shall be authenticated by the authorized signatory of Resident Society and Architect/Town Planner.

4.5.3 Undertakings

The Residents' Society shall furnish the following undertakings at the time of submission of the layout plan:—

(i) That they shall abide by the layout plans as may be approved with or without conditions.

(ii) That they shall transfer the land available if any for social infrastructure in the name of the DD A or the MCD/NDMC, fee of cost, in order to provide such social infrastructure.

5. Steps/Procedure to be followed by Local Body/DDA/GNCTD for regularization:—

5.1 A separate Cell is to be created in the local bodies/DDA/GNCTD to carry out the work relating to regularization of unauthorized colonies within their jurisdiction. The layout plan prepared by Resident Societies, would be submitted to this Cell.

5.2 On receipt of the layout plait submitted by the Resident Society, the Local Body or DDA, as the case may be, within two months will complete the scrutiny of the layout plan.

5.3 Simultaneously, GNCTD will finalize the boundaries of each identified colony within three months from the last date of submission of layout plan by using satellite/aerial survey images.

5.4 After fixing the boundaries on the scrutinized layout plan by the Local Body concerned, GNCTD to formally forward the layout plan to Local Body for approval.

5.5 Layout plan to be approved by the competent authority in the Local Body concerned within one month of receipt of LOP after fixation of boundaries by GNCTD.

5.6 Simultaneously, the Local Body to refer the cast to GNCTD for regularization and to DDA for land use change.

5.7 Formal orders or regularization to be issued by GNCTD only after completing all formalities including Sand use change and payment of ail requisite charges.

5.8 The cast of land shall be collected by Local Body/DDA on behalf of land owning agency in respect of colonies on public land. Amounts so recovered to be credited to the account of respective land owning agency. .

5.9 Similarly, penalties to be collected by Local Body/DDA and to be credited into a separate fund.

5.10 GNCTD may commence the development works and augmentation of infrastructure facilities in public interest in colonies soon after the receipt of layout plan if it is satisfied that the colonies or part thereof fulfil the general principles contained in the Revised Guidelines 2007.

5.11 GNCTD shall take all required steps to ensure that the entire process of regularization except change in land use is completed within six months and formal regularization after effecting change in land use is done within nine months of submission of LOP by Resident Society, Lt. Governor, Delhi may relax the time limit in respect, of individual colonies an specific request of GNCTD.

6. Parameters/basis for regularization

6.1 Title of land

GNCTD shall constitute a Committee with representatives of DDA to evolve suitable Revised Guidelines-2007 to confer title of land preferably within a time frame of two months

6.2 Planning norms

Relevant provisions as contained in para 4.2.2.2(B) of MPD 2021 to apply.

6.3 Mixed Use

The relevant provisions of MPD-2021 shall be applicable subject to declaration of mixed use street/local Commercial Street by the concerned Local Body.

6.4 Recovery of cost of land and development charges Based on criteria adopted by the Municipal Corporation of Delhi for categorization of colonies for recovery of property tax based on Unit Area. Method, the colonies are broadly clubbed under three groups for regularization purpose based on the criteria of two stage lower than adjacent planned colony.

Group-I: Unauthorized Colonies in Category C and D

Group-II: Unauthorized Colonies in Category E&F

Group-III: Unauthorized Colonies in Category G

The cost of Government land shall be recovered as under:—

(a) For undeveloped public/Government land

In Group-I colonies:

Prevailing Cost of acquisition of agricultural land (Rs. 575 per sqm.) 10% penalty for plot size upto 100 sqm. and 25% penalty for plot size from 100 to 250 sqm. and 50% penalty for plot size beyond 250 sqm.

In Group-II colonies:

Prevailing Cost of acquisition of agricultural land minus 15% +10% penalty for plot size from 100 to 250 sqm. and 25% penalty for plot size beyond 250 sqm. No penalty is to be levied for plot size upto 100 sqm.

In Group-III colonies:

Prevailing Cost of acquisition of agricultural land minus 30% + 5% penalty for plot size from 100 to 250 sqm. and 10% penalty for plot size beyond 250 sqm. No penalty is to be levied for plot size upto 100 sqm.

(b) For developed public land/Government land

Notified land rate and penalty (10% upto 100 sqm. plot and 50% beyond 100 sqm. plot).

(c) No conversion charges or compounding fee for non-affluent colonies on lands identified as private land by the GNCTD shall be levied.

Above rates are subject to changes from time to time.

7. Miscellaneous

7.1 Grant of Sanction or Refusal — The Local Body may either approve or modify the plans, or may sanction them with modifications or directions as it may deem necessary and thereupon shall communicate its decision to the person giving the notice in the prescribed form, in cases where the plans are substantially violative of the guidelines-2007 or the Regulations, the Local Body may reject or cause the plans to be modified by the Resident Society.

7.2 These Regulations may be read together with the Revised Guidelines 2007 and may be interpreted harmoniously so as to facilitate the process of regularization of the unauthorized colonies.

7.3 The entire process of regularization is to be coordinated and supervised by GNCTD, which may also give wide publicity to the Revised Guidelines 2007 and these Regulations.

[F.No.3(II)2004-MP-Pt.I]

V.M. BANSAL, Pr. Commr.-cum.-Secy.

Annexure

Checklist for Regularization of Unauthorized Colony

1. Name and address of the Colony
2. Serial No. in the GNCTD List, if any
3. Name of RWA/Applicant Society
4. Registration no. of the RWA/Society
5. Name of Authorized Signatories
6. Category of colony (As per MCD Property Tax)
7. Revenue Village/Khasra no.
8. Zone (As per Master Plan of Delhi)
9. Date from which unauthorized colony exists
10. Location/surroundings (Towards North, South, East West)
11. Development Area No:
    MCD/NDMC/Cantt. Board Area/Whether fails in Notified Slum Area?

12. Total area of Unauthorized Colony

13. Land Status

14. Court Case, if any (Please attach details)

15. Land whether notified for acquisition

16. Percentage of Residents/house owners as members of the Residents Society

17. No. of Built up Plots:

    (i) Upto 100 sqm._____

    (ii) Above 100 sqm. and upto 250 sqm._____

    (iii) Above 250 sqm._____

18. No. of Vacant Plots:

    (i) Upto 100 sqm._____

    (ii) Upto 100-250 sqm._____

    (iii) Above 250 sqm._____

19. Status of Facilities Nos./Area/Stage of Width/Length Development.

    - Parks/Transport lots/Common open space
    - Schools
    - Community Hall
    - Common Parking Areas
    - Dispensary/Health Centre
    - Religious Structures
    - Police Post/Fire Post

    —Enclosures:

    (a) Lists of members/owners occupants.

    (b) Registration/resolution of the Residents Society.

    (e) Regularization Plans/Layout Plan.

    (d) Undertakings

(e) Certified Land Ownership documents/Khasra Gildawari

(f) Receipt of payments

Signature of Authorized Signatory
Resident Society

DELHI DEVELOPMENT AUTHORITY

NOTIFICATION

New Delhi, the 16th June, 2008

Regulations for Regularization of Unauthorized Colonies in Delhi (under Section 57 of DD Act, 1957)

S.O. 1452(E).—In exercise of power conferred by Section 57 of Delhi Development Act, 1957 (61 of 1957) the Delhi Development Authority with the prior approval of Central Government hereby makes following Amendments in Regulations for Regularization of unauthorized colonies in Delhi which were notified *vide* Notification No. F.3(II)2004/MP/Part-I *vide* No. S.O. 683 (E) dated 24.3.2008.

Amendments:—

The following Sub-clauses shall be added after Sub-clause 4.5.3 (Undertakings):—

"4.6.1 Soon after the requirements of Clause 4 of the Regulations are fulfilled by the residents of the colony, the GNCTD may issue a provisional regularization certificate to that unauthorized colony. The local body/DDA and GNCTD would complete the prescribed formalities before formal regularization of the unauthorized colony as prescribed under Clause 5 of the Regulations within a period of 12 months from the date of issue of the Provisional Certificate. Lt. Governor, Delhi may relax the time limit in respect of individual colonies as provided in Clause 5.11 of the Regulations.

4.6.2 However, this certificate cannot be issued to unauthorized colony/ habitations inhabited by affluent sections.

4.6.3. However, the final boundary of these colonies would be fixed by the GNCTD only after completing all requisite formalities including those in Clause 3 of the Regulations."

[No. F.3(II)2004/MP/Part-I]

V.M. BANSAL, Pr. Commn.-cum-Secy.

DELHI DEVELOPMENT AUTHORITY
NOTIFICATION

New Delhi, the 16th June, 2012

Regulations for Regularization of Unauthorized Colonies in Delhi (under Section 57 of DD Act, 1957)

S.O. 1297(E).—In exercise of power conferred by Section 57 of Delhi Development Act, 1957 (61 of 1957) the Delhi Development Authority with the prior approval of Central Government hereby makes following Amendments in regulations for regularization of unauthorized colonies in Delhi which were notified *vide* Notification No. F.3(II)2004/MP/Part-I *vide* No. S.O. 683(E) dated 24.3.2008 and No. S.O. 1452(E) dated 16.06.2008.

Amendments:—

Clauses 5.3, 5.4, 5.6, 5.7 and 5.8 are amended as follows:—

Clause 5.3: "GNCTD will finalize the boundaries of each identified colony having more than 50% built up area, by superimposing the satellite/aerial survey images as obtained in 2007 on the layout plan submitted by the resident society. In case colony boundary happens to run along any physical features such as drains, roads, railway lines, nallahs and bye-lanes as interpreted in the satellite images, then the boundary shall be fixed along the above mentioned physical feature."

Clause 5.4: "After fixing the boundaries on layout plan as in para 5.3, GNCTD will forward the layout plans to Local Body. Simultaneously, GNCTD will issue orders regularizing the colony as per the boundaries fixed after recovery of cost of land on behalf of land owning agency in respect of colonies on public land to be credited to the account of land owning agency. Thereafter, DDA will affect change in land use and local body concern shall approve the Layout Plan, Development charges as determined will be collected by Local Body concern from the Residents Societies/individual."

Clause 5.6: "Deleted"

Clause 5.7: "Deleted"

Clause 5.8: "Deleted"

[F. No. F.3(II)2004/MP/Pt-I/Vol.-III]
ASMA MANZAR, Commissioner-cum-Secy.