

(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 purposes, 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 in a building, engineering, mining or other operations or in, on, over or under the land or the making of any material change in any building or land and includes re-development;

(e) "establishment" means,— 10

(i) any body or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013, and includes a Department of the Government; or 18 of 2013.

(ii) any company or body corporate or association or body of individuals, firm, cooperative or other society, association, trust, agency, institution; 15

(f) "local authority" means the municipal corporation or municipality or Panchayat or any other local body constituted under any law for the time being in force for providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction; 20

(g) "Old Delhi" means all public areas localities, colonies, residential and commercial structures, etc. falling within such zone as may be demarcated by notification in the official gazette by the Central Government from time to time;

(h) "prescribed" means prescribed by rules made under this Act.

CHAPTER II 25

THE OLD DELHI CONSERVATION AUTHORITY

Constitution of the Old Delhi Conservation Authority.

3. The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Old Delhi Conservation Authority to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

Composition of the Authority.

4. The Authority shall consist of,— 30

(a) a person of repute having experience in the field of heritage conservation to be nominated by the Central Government, as Chairperson; and

(b) the following persons as members:—

(i) a representative of the Delhi Development Authority nominated by the Lieutenant Governor; 35

(ii) a representative each of the Delhi Urban Arts Commission, the Disaster Management Centre, Government of National Capital Territory of Delhi, and the Archeological Survey of India, to be nominated by the Central Government;

(iii) a reputed historian who has been working for the conservation of Old Delhi to be nominated by the Central Government; 40

(iv) two reputed architects with experience in heritage conservation to be nominated by the Central Government; and

(v) a representative each of the BSES Rajdhani Power Limited, the Delhi Jal Board, the Public Works Department, and the North Delhi Municipal Corporation of Delhi; and 45

(vi) Shahjahanabad Redevelopment Corporation, to be nominated by the Government of NCT of Delhi.

5 **(2) The salaries and allowances payable to and other terms and conditions of service of the Chairperson and other members of the Authority shall be such, as may be prescribed.**

(3) The Authority shall have a Secretariat with such number of officers and staff headed by a Secretary who shall be the Member Secretary to the Authority, with such terms and conditions of service, as may be prescribed from time to time.

10 **(4) The Authority shall observe such procedure in the transaction of its business as may be prescribed.**

5. The Authority shall perform the following functions, namely to,—

Functions of the Authority.

(a) act as the statutory body in the matter of preserving, developing and maintaining the aesthetic quality of heritage of the Old Delhi.

15 (b) supervise, regulate and oversee local authorities or establishments in respect of any project of building operations or engineering operations or any redevelopment proposal undertaken which are likely to affect or shall affect the aesthetic quality of any building or structure of historical significance in Old Delhi;

(c) tag all the heritage buildings or structures in Old Delhi and maintain a register of these buildings or structure in such manner as may be prescribed;

20 (d) grant funds to heritage structures or buildings including havelis, mosques, temples, gurudwaras, etc. for their renovation and restoration;

(e) take steps to conserve, preserve and beautify monumental buildings or structures in Old Delhi; and

25 (f) initiate any other project or lay-out to beautify and conserve the character of Old Delhi.

6. The Authority shall have the power to reject or stop any redevelopment project undertaken by any establishment or local authority if it is satisfied that the project is not in public interest after recording the reasons thereof.

Power of Authority to reject redevelopment projects.

CHAPTER III

30 DUTIES OF ESTABLISHMENT AND LOCAL AUTHORITIES

7. (1) Notwithstanding anything contained in any other law, for the time being in force, every establishment or local authority shall, before according approval in respect of any proposal for building operations, engineering operations or redevelopment or development work to be undertaken in Old Delhi, shall refer such proposal to the Authority for its scrutiny and the decision made by the Authority shall be binding, on such establishment or local authority.

Duty of Establishments and Local Authorities to Refer Development Proposals to the Authority.

CHAPTER IV

HERITAGE CELL

40 **8. (1) A Heritage Cell shall be established under the Authority, in such manner as may be prescribed.**

Establishment of a Heritage Cell.

(2) The Heritage Cell shall tag all the historically significant buildings or structures in Old Delhi in such manner as may be prescribed.

45 (3) The Heritage Cell shall regularly inspect all the historical buildings or structures and shall make periodic recommendations to the Authority for their upkeep and conservation.

CHAPTER V

MISCELLANEOUS

Overriding powers of the Authority.	9. Notwithstanding anything provided in the Memorandum and Articles of Association of Shahjahanabad Redevelopment Corporation, the Authority shall have the powers to make by-laws, regulations, and pass directions on the redevelopment, construction and renovation work with respect to Old Delhi.	5
Recommendations of the Authority to be binding in nature.	10. The recommendations made by the Authority shall be binding in nature on all the local authorities and establishments.	
Authority to take stakeholders' recommendations into account.	11. The Authority shall take the recommendations of stakeholders into account before making any decision.	10
Central Government to provide funds to the Authority.	12. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Authority for its functioning as well as for the renovation, conservation, and redevelopment work carried on by the Authority.	
Authority to accept grants from international and national organisations.	13. The Authority shall have the powers to receive grants from international and national organisations working for heritage conservation.	15
Power to make rules.	14. The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.	
Power to issue directions.	15. The Authority may, for giving effect to the provisions of this Act or the rules thereunder, issue such directions to an establishment or a local authority, as it deems fit.	

STATEMENT OF OBJECTS AND REASONS

There are hundreds of old havelis, mosques, temples, bazaars, mohallas, chowks and streets in old Delhi area which rival the finest heritage cities in the world. Because of neglect and lack of funds these heritage structures and buildings are in dilapidated condition. To redevelop a part of Delhi, i.e., Chandni Chowk, a redevelopment project was initiated by the Government of NCT of Delhi. However, it has led to destroying the cultural and historical character. It is pertinent to conserve the character of Old Delhi during the course of its redevelopment in the future as well. Therefore, the Bill proposes establishment of Old Delhi Conservation Authority under the Central Government to ensure the planned development of Old Delhi while conserving its historical and cultural character.

The Old Delhi Conservation Authority shall be the exclusive authority to conserve, redevelop and maintain aesthetic quality of Old Delhi. The Shahjahanabad Redevelopment Corporation (SRDC), which is under the Government of NCT to Delhi, shall not have any powers or functions with respect to the conservation and redevelopment of Old Delhi. The Shahjahanabad Redevelopment Corporation shall not intervene in the functioning of the Authority and there shall be no overlap in the functions of the Authority and the Corporation.

The Old Delhi Conservation Authority shall also advise the North Delhi Municipal Corporation, the Disaster Management Centre, and any other corporations undertaking redevelopment work in Old Delhi. It shall take the opinion of stakeholders into account before confirming any development or redevelopment or conservation project. It shall also have a heritage cell which will ensure that heritage structures in Chandni Chowk retain their original Character.

Hence, this Bill.

VIJAY GOEL.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to constitute an Authority for Conservation of Old Delhi. The creation of Authority as per section shall involve expenditure on account of office expenses, salaries and allowances of the staff clause 12 provides for funds to be made available by the Central Government for the functioning of the Authority.

2. Hence, the Bill, if enacted will involve expenditure from the Consolidated Fund of India. At this stage, it will be difficult to quantify the exact amount of expenditure of both recurring and non-recurring nature on account of the constitution of the Authority.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

The matters in respect of which rules may be made or notification may be issued are essentially matters of detail or procedure only. The delegation of legislative power, therefore, is of normal character.

RAJYA SABHA

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BILL

to conserve the iconic Old Delhi located in the heart of the National Capital Territory of Delhi and to provide for matters connected therewith and incidental thereto.

(Shri Vijay Goel, M.P.)