

COMMITTEE ON SUBORDINATE LEGISLATION**(2023-2024)****(SEVENTEENTH LOK SABHA)****DRAFT THIRTY-FIFTH REPORT****MINISTRY OF HOUSING AND URBAN AFFAIRS**

Infirmity in the " Delhi Development Authority (Management and Disposal of Housing Estates) Amendment Regulations, 2022 [S.O.753 (E)]".

(Presented to Lok Sabha on 20.12.2023)



**LOK SABHA SECRETARIAT
NEW DELHI
DECEMBER, 2023/ Agrahayana 1945 (Saka)**

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MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(2023-2024)

Shri Balashowry Vallabhaneni Chairperson

MEMBERS

2. Shri. Manickam Tagore B.
3. Shri Pinaki Mishra
4. Dr. Pritam Gopinath Rao Munde
5. Shri Chandeshwar Prasad
6. Shari N.K.Premachandran
7. Shri Suresh Kumar Pujari
8. Shri A.Raja
9. Shri Nama Nageshwara Rao
10. Shri Sanjay Seth
11. Dr. Amar Singh
12. Shri Brijendra Singh
13. Shri Su Thirunavukkarasar
14. Shri Ram Kripal Yadav
15. Shri Arvind Ganpat Sawant

SECRETARIAT

- | | | | |
|----|-------------------------|---|-----------------------------|
| 1. | Shri Srinivasulu Gunda | - | Joint Secretary |
| 2. | Smt. Jagriti Tewatia | - | Director |
| 3. | Shri Maya Ram | - | Deputy Secretary |
| 4. | Shri Kanhaiya Lal Yadav | - | Assistant Committee Officer |

INTRODUCTION

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to submit the Report on their behalf, present this Thirty-fifth Report.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 14.12.2023.

3. The Committee considered and adopted this Report at their sitting held on 19.12.2023.

4. For facility of reference and convenience, Observations/Recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in Appendix-I of the Report.

5. Extracts from Minutes of the Third Sitting of the Committee (2023-24) held on 14.12.2023 and Extracts from Minutes of the Fourth Sitting of the Committee (2023-24) held on 19.12.2023 relevant to this Report are included in Appendix-II & Appendix- III of the Report .

**New Delhi;
19 December, 2023
28 Agrahayana, 1945 (Saka)**

**BALASHOWRY VALLABHANENI
Chairperson,
Committee on Subordinate Legislation**

REPORT

The Delhi Development Authority (Management and Disposal of Housing Estates) Amendment Regulations, 2022 [S.O.753(E)]

The Delhi Development Authority (Management and Disposal of Housing Estates) Amendment Regulations, 2022 were published in the Gazette of India, Extraordinary dated 17.02.2023 [S.O.753(E)] (Annexure-I). The Order was scrutinized in accordance with the laid down norms and various Recommendations made by the Committee on Subordinate Legislation.

2. On scrutiny of the aforesaid Regulations, which were published in the Official Gazette on 17.02.2023, it was noticed that the Year in the Short Title was mentioned as 2022, which did not tally with the year in which the Order was published in the Extraordinary Gazette i.e., 2023.

3. The Ministry of Housing and Urban Affairs was, thus, asked vide this Secretariat O.M. No. 11/19/(1)/COSL/2023 dated 19.10.2023 to furnish their comments as to why the year in the Short Title of the Regulations was not in conformity with the 'year' of their publication in the Gazette of India.

4. In response, the Ministry of Housing and Urban Affairs vide their O.M. No. J-13036/01/2019-DD.III dated 07.11.2023 have submitted as under:-

“The proposal titled ‘Delhi Development Authority (Management and Disposal of Housing Estates) Amendment Regulations, 2022’ was moved in the year 2022 but due to the final approval in the month of Feb, 2023 it got notified in the Gazette in 2023 with the same nomenclature. Further, it may be stated that the Gazette notification with the nomenclature of 2022 does not in any way affect the sanctity of these amendments as these amendments are prospective in nature being effective with 17.02.2023 i.e., the date of Gazette notification.”

5. **The Committee note that the Delhi Development Authority (Management and Disposal of Housing Estates) Amendment Regulations, 2022 which was published in the Official Gazette on 17.02.2023. On scrutiny of the Regulations, it was observed that the year in the short title i.e. 2022 did not tally with the year of their publication in the Gazette i.e. 2023. The Committee have time and again**

emphasized that the 'year' indicated in the Short Title of Regulations should be in conformity with the 'year' of their publication in the Gazette of India so as to facilitate easy location and referencing of such statutory 'Order' by all concerned. If the year indicated in the short title is at variance with the 'year' of publication in the Gazette of India, there may be difficulty for easy location/referencing to common people. On being pointed out about this infirmity, the Ministry of Housing and Urban Affairs, in their comments, have stated that the Delhi Development Authority (Management and Disposal of Housing Estates) Amendment Regulations, 2022' was moved in the year 2022 but due to the final approval in the month of Feb, 2023 it got notified in the Gazette in 2023 with the same nomenclature. The Ministry have further stated that the Gazette notification with the nomenclature of 2022 did not in any way affect the sanctity of these amendments as these amendments were prospective in nature being effective with 17.02.2023 i.e., the date of Gazette notification.

6. The Committee are surprised to note that despite drawing attention of the Ministry to the oft repeated recommendation made by the Committee that the year of the Short Title should invariably match with the year of the Notification, in which the same was published for each referencing, the Ministry have furnished evasive reply. This shows the callous approach of the Ministry in dealing with publication of Orders and also lack of awareness pertaining to procedure required to be followed for publication of Orders in the Gazette of India.

7. The Committee would, therefore, like to draw the attention of the Ministry towards the Recommendation made by the Committee, way back in 1972, when the then Committee, in their Fifth Report of the Fifth Lok Sabha, while taking a serious view of the recurrence of discrepancy in the year in Short Title, had then desired that the Legislative Department in the Ministry of Law and Justice should, in consultation with the Government of India Press, devise some procedure for making changes in the year of the Short Title, especially in case of the Rules, which are sent by the Ministries towards the end of Year for Publication and get published in the next corresponding Year. Accordingly, the Ministry of Law and

Justice had issued instructions to the Directorate of Printing and all Ministries/Departments of the Central Government vide their OM No. 4(3)/2012-L.I. dated 29.06.2012 (Annexure-II). Since then the Committee have many times reiterated this Recommendation.

8. The Committee are, therefore, not inclined to accept the contention of the Ministry that the nomenclature of 2022 does not in any way affect the sanctity of these amendments as these amendments are prospective in nature. Under the circumstances, the Committee, while taking serious note of the evasive and lackadaisical approach adopted by the Ministry towards correcting the year of publication of the Regulations under reference by bringing out necessary correction/amendment in the notification, expect the Ministry to be more careful henceforth so that technical flaws of this nature do not recur in future and the year of Short Title should invariably tally with the year of publication. The Committee may, therefore, like to recommend the Ministry to issue a corrigendum rectifying the error in the Short Title in order to make it consistent with the 'year' of publication. The Committee may also be apprised of the conclusive action taken in the matter.

9. The Committee would also like to draw attention of the Ministry towards the fact that, with the change in the manner of publishing Gazette Notifications from analog to digital, the precise time and year when the Gazette is published in the electronic mode assumes more significance as it will facilitate in searching and locating the Order easily. The Committee, therefore, desire that the Ministry of Law and Justice (Legislative Department) should once again issue suitable instructions to the Department of Publication in the Ministry of Housing and Urban Affairs and all the Ministries/ Departments of Government of India for making consequential changes in the year of the Short Title of such cases and avoid occurrence of such infirmities in the Rules, Regulations, Bye-laws etc. in future.

New Delhi;
19 December, 2023
28 Agrahayana, 1945 (Saka)

BALASHOWRY VALLABHANENI
Chairperson,
Committee on Subordinate Legislation


भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-17022023-243701
CG-DL-E-17022023-243701

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 723]	नई दिल्ली, शुक्रवार, फरवरी 17, 2023/माघ 28, 1944
No. 723]	NEW DELHI, FRIDAY, FEBRUARY 17, 2023/MAGHA 28, 1944

दिल्ली विकास प्राधिकरण

अधिसूचना

नई दिल्ली, 17 फरवरी, 2023

का.आ. 753(अ).—दिल्ली विकास प्राधिकरण अधिनियम 1957 (1957 का 61) की धारा 57 की उपधारा (I) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार के पूर्व अनुमोदन से दिल्ली विकास प्राधिकरण ने दिल्ली विकास प्राधिकरण (आवास सम्पदा का प्रबंधन और निपटान) विनियम, 1968 में पुनः संशोधन करने के लिए एतत् द्वारा निम्नलिखित विनियम तैयार किए हैं:-

1. **संक्षिप्त शीर्षक और प्रारंभ-** (I) इन नियमों को दिल्ली विकास प्राधिकरण (आवास सम्पदा का प्रबंधन और निपटान) संशोधन विनियम, 2022 कहा जा सकता है।

(2) वे सरकारी राजपत्र में उनके प्रकाशन की तिथि से लागू होंगे।

2. दिल्ली विकास प्राधिकरण (आवास सम्पदा का प्रबंधन और निपटान) विनियम, 1968 (इसके बाद उक्त विनियमों के रूप में संदर्भित), में विनियम 2 में:-

(i) अनुच्छेद (4) और (4 क) के लिए निम्नलिखित अनुच्छेद को विकल्प माना जाएगा, अर्थात्:-

‘(4) “आवंटिती” का अर्थ है, एक व्यक्ति या संस्था, जिसे कोई सम्पत्ति विक्री द्वारा आवंटित की गई है।

(ii) (5) और (5 क) अनुच्छेदों के लिए, निम्नलिखित अनुच्छेद को विकल्प माना जाएगा अर्थात्:-

DELHI DEVELOPMENT AUTHORITY**NOTIFICATION**

New Delhi, the 17th February, 2023

S.O. 753(E).—In exercise of the powers conferred by sub-section (1) of section 57 of the Delhi Development Authority Act, 1957 (61 of 1957), the Delhi Development Authority with the previous approval of the Central Government, hereby makes the following regulations further to amend the Delhi Development Authority (Management and Disposal of Housing Estates) Regulations, 1968, namely:-

1. **Short title and commencement.**- (1) These regulations may be called the Delhi Development Authority (Management and Disposal of Housing Estates) Amendment Regulations, 2022.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Delhi Development Authority (Management and Disposal of Housing Estates) Regulations, 1968 (hereinafter referred to as the said regulations), in regulation 2,-
 - (i) for clauses (4) and (4a), the following clause shall be substituted, namely:-
'(4) "Allottee" means a person or an entity to whom a property has been allotted by way of sale;'
 - (ii) for clauses (5) and (5a), the following clause shall be substituted, namely:-
'(5) "Applicant" means a person or an entity who has sent an application through physical mode putting his or her or its representative's signature or affixing thumb impression thereon or through online mode;'
 - (iii) for clauses (16) and (16a), the following clause shall be substituted, namely:-
'(16) "Eligible person" means a person or an entity who is entitled to purchase the property in accordance with conditions of the scheme and in terms of these regulations;'
 - (iv) after clause (30a), the following clauses shall be inserted, namely:-
'(30b) "Developing area" means an area or locality wherein more than 25 per cent. Flats or dwelling units under a housing scheme remain unsold;'
'(30c) "Unsold flats" means flats which could not find buyer after closing of a scheme and shall also include surrendered or cancelled flats;'
'(30d) "Entity" means,-
a) the Central Government or State Government or Union territories administration including subordinate or attached offices under their administrative control;
b) autonomous body and public sector undertakings constituted by the Central Government or State Government or Union territories administration or partly by the Central Government and partly by one or more States Government or Union territories administration; and
c) local bodies;'
'(30e) "Closing of Scheme" means six months from the conduct of draw of lots of the scheme;'
3. In the said regulations, for regulations 7 and 7(a), the following regulation shall be substituted, namely:-

"7. Eligibility of Allotment.- A dwelling unit or flat in the Housing Estates of the Authority shall be allotted to a person who or his/her spouse or any of his/her dependent relations including unmarried children who do not own in full or in part on freehold or lease hold basis, a residential plot/s' area exceeding 67 square metres cumulatively or flat/s' or build up house/s' having carpet area exceeding 67 square metres cumulatively in the urban area of Delhi, New Delhi and Delhi Cantonment:

Provided that nothing in this regulation shall affect allotment of unsold flat or dwelling unit located in developing area to any person or entity by way of sale."
4. In the said regulations, for regulation 28, the following regulation shall be substituted, namely:-

"28. Draw of Lots.- The allotment of property to eligible applicants shall be made by draw of lots under supervision of the Committee and where the number of eligible applicants exceeds the number of properties, lots shall be drawn to the extent of the number of properties available plus 100 per cent. thereof, if available serve as a waiting list."

5. In the said regulations, after regulation 28, the following regulation shall be inserted, namely:-
- “28(a). In addition to the mode specified in regulation 28, in case of unsold flats in a developing area, the allotment of property may be done through online mode on ‘First Come First Serve’ basis to the eligible applicants.”

[F. No. F/1/0027/2019/CORD/-Housing (Coordn.)]

D. SARKAR, Commissioner-cum-Secy.

Note : The principal regulations were published in the Gazette of India, Part II, Section 3, Sub-section (ii) vide number S.O. 1457(E) dated the 27.04.1968 and subsequently amended vide number S.O. 1699(E) dated 25.07.2011.

F.No.4 (3)/2012- L.I
Government of India
Ministry of Law and Justice
Legislative Department

Most Immediate

Shastri Bhawan, New Delhi,
29th June, 2012

OFFICE MEMORANDUM

Subject: Infirmities in the short-title of rules, regulation, bye-laws etc. – regarding.

The undersigned is directed to refer to Lok Sabha Secretariat's O.M. No. 38/15/(14)/COSL/2010 dated 9th May, 2012 on the above mentioned subject. The Lok Sabha Secretariat has observed therein that in the scrutiny of Rules, Regulations, etc, framed by Ministries, it is found that various infirmities such as non-tallying of year, non-indication of the year of making, amending the rules, long short-title, etc., continues to occur in the Rules/Regulations. The Secretariat has also stated therein that the Committee has been repeatedly drawing attention of the Ministries to these infirmities and has also made several recommendations, which are as follows:

- (1) (i) All rules should be given short-title.
- (ii) All amendments in rules should be given short titles. The title should show the serial number of the amendment and 'year' of making.
- (iii) All titles, besides being given in the body, should be given at the top also. (Para 44 of Third Report of 1st Lok Sabha)

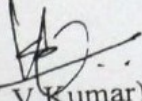
(2) The 'year' in the short title to all rules whether original or amended should conform to the 'year' of publication of the Gazette Notification. (Para 8.3 of Second report of 13th Lok Sabha)

(3) The short title should not be too long describing the entire content, rather than indicating the substance of the rules. (Para 4.3 of Fifth report of 14th Lok Sabha)

2. The Lok Sabha Secretariat has also mentioned therein that even after the due instructions were issued by the Ministry of Law and Justice (Legislative Department) to the Chief Controller of Printing and Stationary to make consequential changes in the short-title of the rules with regard to the year in which

the rule is made and the number of the amending rules, such infirmities still continues to occur in the Rules/Regulations.

3. In view of the above, you are requested to take note of the above mentioned recommendations of the Committee on Subordinate Legislation so that necessary consequential changes in the short-title of the rules with regard to year in which the rules are made and number of the amending rules are made/carried out and indicate correct year in the short title and avoid occurrence of such infirmities in the Rules/Regulations in future.


(K.V.Kumar)
Deputy Legislative Counsel
Tel.No. 23384841

Directorate of Printing,
'B' Wing, Nirman Bhawan,
Maulana Azad Road,
New Delhi-110108.

Copy for information and strict compliance:

All Ministries/Departments of Government of India

APPENDIX I

(Vide Para 4 of the Introduction of the Report)

**SUMMARY OF OBSERVATIONS/RECOMMENDATIONS MADE IN THE THIRTY-FIFTH
REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION**

(SEVENTEENTH LOK SABHA)

Sl. No.	Reference to Para No. in the Report	Summary of Observations/Recommendations
1.	5	<p>The Committee note that the Delhi Development Authority (Management and Disposal of Housing Estates) Amendment Regulations, 2022 which was published in the Official Gazette on 17.02.2023. On scrutiny of the Regulations, it was observed that the year in the short title i.e. 2022 did not tally with the year of their publication in the Gazette i.e. 2023. The Committee have time and again emphasized that the 'year' indicated in the Short Title of Regulations should be in conformity with the 'year' of their publication in the Gazette of India so as to facilitate easy location and referencing of such statutory 'Order' by all concerned. If the year indicated in the short title is at variance with the 'year' of publication in the Gazette of India, there may be difficulty for easy location/referencing to common people. On being pointed out about this infirmity, the Ministry of Housing and Urban Affairs, in their comments, have stated that the Delhi Development Authority (Management and Disposal of Housing Estates) Amendment Regulations, 2022' was moved in the year 2022 but due to the final approval in the month of Feb, 2023 it got notified in the Gazette in 2023 with the same nomenclature. The Ministry have further</p>

		<p>stated that the Gazette notification with the nomenclature of 2022 did not in any way affect the sanctity of these amendments as these amendments were prospective in nature being effective with 17.02.2023 i.e., the date of Gazette notification.</p>
2.	6	<p>The Committee are surprised to note that despite drawing attention of the Ministry to the oft repeated recommendation made by the Committee that the year of the Short Title should invariably match with the year of the Notification, in which the same was published for each referencing, the Ministry have furnished evasive reply. This shows the callous approach of the Ministry in dealing with publication of Orders and also lack of awareness pertaining to procedure required to be followed for publication of Orders in the Gazette of India.</p>
3.	7	<p>The Committee would, therefore, like to draw the attention of the Ministry towards the Recommendation made by the Committee, way back in 1972, when the then Committee, in their Fifth Report of the Fifth Lok Sabha, while taking a serious view of the recurrence of discrepancy in the year in Short Title, had then desired that the Legislative Department in the Ministry of Law and Justice should, in consultation with the Government of India Press, devise some procedure for making changes in the year of the Short Title, especially in case of the Rules, which are sent by the Ministries towards the end of Year for Publication and get published in the next corresponding Year. Accordingly, the Ministry of Law and Justice had issued instructions to the Directorate of Printing and all Ministries/Departments</p>

		of the Central Government vide their OM No. 4(3)/2012-L.I. dated 29.06.2012 (Annexure-II). Since then the Committee have many times reiterated this Recommendation.
4.	8	The Committee are, therefore, not inclined to accept the contention of the Ministry that the nomenclature of 2022 does not in any way affect the sanctity of these amendments as these amendments are prospective in nature. Under the circumstances, the Committee, while taking serious note of the evasive and lackadaisical approach adopted by the Ministry towards correcting the year of publication of the Regulations under reference by bringing out necessary correction/amendment in the notification, expect the Ministry to be more careful henceforth so that technical flaws of this nature do not recur in future and the year of Short Title should invariably tally with the year of publication. The Committee may, therefore, like to recommend the Ministry to issue a corrigendum rectifying the error in the Short Title in order to make it consistent with the 'year' of publication. The Committee may also be apprised of the conclusive action taken in the matter.
5.	9	The Committee would also like to draw attention of the Ministry towards the fact that, with the change in the manner of publishing Gazette Notifications from analog to digital, the precise time and year when the Gazette is published in the electronic mode assumes more significance as it will facilitate in searching and locating the Order easily. The Committee, therefore, desire that the Ministry of Law and Justice

		<p>(Legislative Department) should once again issue suitable instructions to the Department of Publication in the Ministry of Housing and Urban Affairs and all the Ministries/ Departments of Government of India for making consequential changes in the year of the Short Title of such cases and avoid occurrence of such infirmities in the Rules, Regulations, Bye-laws etc. in future.</p>
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5. After due deliberations, the Committee adopted the Memoranda Nos. 3 and 4 without any modification and decided that draft reports be prepared on the points raised in the Memoranda and submitted before the Committee for consideration and adoption.

The Committee then adjourned.

XXX Omitted portion of the Minutes is not relevant to this Report.

**EXTRACTS OF MINUTES OF THE FOURTH SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (2023-2024)**

The Fourth Sitting of the Committee (2023-24) was held on Tuesday, the 19th December, 2023 from 1030 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Balashowry Vallabhaneni Chairperson

MEMBERS

2. Dr. Pritam Gopinath Rao Munde
3. Shri Chandeshwar Prasad
4. Shri Suresh Kumar Pujari
5. Shri Nama Nageswara Rao
6. Shri Ram Kripal Yadav
7. Shri Arvind Ganpat Sawant

SECRETARIAT

1. Sh. Srinivasulu Gunda - Joint Secretary
2. Smt. Jagriti Tewatia - Director
3. Sh. Maya Ram - Deputy Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee then considered the following draft Reports :-

(i) Thirty-fifth Report on infirmities observed in the Ministry of Housing & Urban Affairs, 'The Delhi Development Authority (Management and Disposal of Housing Estates) Amendment Regulations, 2022 [S.O.753 (E) dated 17.02.2023];

(ii) *** *** ***

(iii) *** *** ***

3. After deliberations, the Committee adopted the above draft Reports without any modification. The Committee also authorized the Chairperson to present the same to the House.

The Committee then adjourned.

***** Omitted portion of the Minutes are not relevant to this Report.**