THE DELHI LANDS (RESTRICTIONS ON TRANSFER) ACT, 1972

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SECTIONS

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THE DELHI LANDS (RESTRICTIONS ON TRANSFER) ACT, 1972

ACT NO. 30 OF 1972

[14*th June*, 1972.]

An Act to impose certain restrictions on transfer of lands which have been acquired by the Central Government or in respect of which acquisition proceedings have been initiated by that Government, with a view to preventing large-scale transactions of purported transfers or, as the case may be, transfers of such lands to unwary public.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(*1*) This Act may be called the Delhi Lands (Restrictions on Transfer) Act, 1972.

(*2*) It extends to the whole of the Union territory of Delhi.

(*3*) It shall come into force at once.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "Administrator" means the administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution;

(*b*) "competent authority" means any person or authority authorised by the Administrator, by notification in the Official Gazette, to perform the functions of the competent authority under this Act for such areas as may be specified in the notification;

(*c*) "Development Act" means the Delhi Development Act, 1957 (61 of 1957);

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "Scheme" means the scheme of acquisition of land for the planned development of Delhi and includes any scheme, project or work to be implemented in pursuance of the provisions of the Delhi Master Plan as approved by the Central Government under sub-section (*2*) of section 9 of the Development Act.

3. Prohibition on transfer of lands acquired by Central Government.—No person shall purport to transfer by sale, mortgage, gift, lease or otherwise any land or part thereof situated in the Union territory of Delhi, which has been acquired by the Central Government under the Land Acquisition Act, 1984 (1 of 1984), or under any other law providing for acquisition of land for a public purpose.

4. Regulation on transfer of lands in relation to which acquisition proceedings have been initiated.—No person shall, except with the previous permission in writing of the competent authority, transfer or purport to transfer by sale, mortgage, gift, lease or otherwise any land or part thereof situated in the Union territory of Delhi, which is proposed to be acquired in connection with the Scheme and in relation to which a declaration to the effect that such land or part thereof is needed for a public purpose having been made by the Central Government under section 6 of the Land Acquisition Act, 1894 (1 of 1894), the Central Government has not withdrawn from the acquisition under section 48 of that Act.

5. Application for grant of permission for transfer under section 4.—(*1*) Any person desiring to transfer any land referred to in section 4 by sale, mortgage, gift, lease or otherwise may make an application in writing to the competent authority containing such particulars as may be prescribed.

(*2*) On receipt of an application under sub-section (*1*), the competent authority shall, after making such inquiries as it deems fit, may, by order in writing, grant or refuse to grant the permission applied for.

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(*3*) The competent authority shall not refuse to grant the permission applied for under this section except on one or more of the following grounds, namely:—

(*i*) that the land is needed or is likely to be needed for the effective implementation of the Scheme;

(*ii*) that the land is needed or is likely to be needed for securing the objects of the Delhi Development Authority referred to in section 6 of the Development Act;

(*iii*) that the land is needed or is likely to be needed for any development within the meaning of clause (*d*) of section 2 of the Development Act or for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, business, markets, schools and other educational institutions, hospitals and public open spaces and other categories of public uses.

(*4*) Where the competent authority refuses to grant the permission applied for, it shall record in writing the reasons for doing so and a copy of the same shall be communicated to the applicant.

(*5*) Where within a period of thirty days of the date of receipt of an application under this section the competent authority does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the competent authority shall be deemed to have granted the permission applied for.

6. Appeals against orders of competent authority.—(*1*) Any person aggrieved by an order of the competent authority under section 5 may, within thirty days of the date of receipt of the order by him, file an appeal to the prescribed authority in such form and containing such particulars as may be prescribed.

(*2*) On receipt of an appeal under sub-section (*1*), the prescribed authority shall, after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

(*3*) Every order made by the prescribed authority in appeal under this section shall be final.

7. Period of operation of orders of refusal to grant permission to transfer land.—Where the competent authority has made any order under section 5 refusing to grant permission to transfer any land or where, an appeal having been filed against such order, the prescribed authority has made an order under section 6 confirming such order, then, the order refusing to grant permission to transfer such land shall be in operation only for a period of three years from the date of the order made by the competent authority or the prescribed authority, as the case may be, and thereafter, but subject to the provisions of section 3, it shall be lawful for the person who has applied for permission, or his successor-in-interest, to transfer such land by sale, mortgage, gift, lease or otherwise.

Explanation.—In computing the period of three years, under this section, in relation to any land, the period during which the acquisition proceedings in relation to such land have been stayed by any court shall be excluded.

8. Restrictions on registration of transfers of land.—Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clause (*a*) to clause (*e*) of sub-section (*1*) of section 17 of the Registration Act, 1908 (16 of 1908), purports to transfer by sale, mortgage, gift, lease or otherwise any land or part thereof referred to in section 4, no registering officer appointed under that Act shall register any such document unless the transferor produces before such registering officer a permission in writing of the competent authority for such transfer.

9. Penalty.—If any person contravenes the provisions of section 3 or section 4, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

10. Offences by companies.—(*1*) If the person committing an offence under this Act is a company, every person, who, at the 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, 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*), when 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 any 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 any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

11. Power to make rules.—(*1*) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely:—

(*a*) the particulars which an application to be made under sub-section (*1*) of section 5 shall contain;

(*b*) the authority to which an appeal may be filed under sub-section (*1*) of section 6, the form in which such appeal may be filed and the particulars which such appeal shall contain;

(*c*) any other matter which is required to be, or may be, prescribed.

(*3*) Every rule made under this section shall be laid, as soon as may be after it 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 or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form 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.

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