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THE DELHI URBAN ART COMMISSION ACT, 1973

ACT NO. 1 OF 1974

[1*st January*, 1974.]

An Act to provide for the establishment of the Delhi Urban Art Commission with a view to preserving, developing and maintaining the aesthetic quality of urban and environmental design within Delhi.

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Delhi Urban Art Commission Act, 1973.

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

(*3*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

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

(*a*) "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;

(*b*) "building operations" includes rebuilding operations, structural alterations of, or additions to, buildings and other operations normally undertaken in connection with the construction of buildings;

(*c*) "Commission" means the Delhi Urban Art Commission established under section 3;

(*d*) "Delhi" means the Union territory of Delhi;

(*e*) "development" with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under, land or the making of any material change in any building or land and includes re-development;

(*f*) "engineering operations" includes the formation or laying out of means of access to a road or the laying out of means of water supply;

(*g*) "local body" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957 (66 of 1957), the New Delhi Municipal Committee constituted under the Punjab Municipal Act, 1911 (Punjab Act III of 1911), as in force in Delhi, the Delhi Development Authority constituted under the Delhi Development Act, 1957 (61 of 1957), or any other local authority concerned with urban development of Delhi;

(*h*) "member" means a member of the Commission and includes its Chairman;

(*i*) "public amenity" includes road, water supply, street lighting, drainage, sewerage, public works and such other convenience as the Central Government may, by notification in the Official Gazette, specify to be a public amenity for the purposes of this Act;

(*j*) "regulation" means a regulation made under this Act by the Commission;

(*k*) "rule" means a rule made under this Act by the Central Government.

1. 1st May, 1974, *vide* notification No. G.S.R. 189(E), dated the 27th April, 1974, *see* Gazette of India, Extraordinary, Part II, sec. 3(*i*).

CHAPTER II

ESTABLISHMENT OF THE COMMISSION

3. Establishment of the Commission.—(*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Commission by the name of the Delhi Urban Art Commission.

(*2*) The Commission shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract and shall by the said name sue or be sued.

4. Composition of the Commission.—The Commission shall consist of a Chairman and such number of other members, being not less than two and not more than four as the Central Government may, by notification in the Official Gazette, appoint from amongst persons who, in the opinion of the Central Government, have sensibility and interest in the plastic and visual arts and urban environment, or possess special knowledge or practical experience in respect of architecture or art.

5. Terms and conditions of service of members.—(*1*) A member shall, unless his appointment is terminated earlier by the Central Government, hold office for a term of three years from the date of his appointment.

(*2*) A person who holds, or who has held, office as Chairman or member shall be eligible for re-appointment to that office once, but only once.

(*3*) A member may resign his office by writing under his hand addressed to the Central Government, but he shall continue in office until his resignation is accepted by the Central Government.

(*4*) A casual vacancy caused by the resignation of a member under sub-section (*3*) or for any other reason, shall be filled by fresh appointment.

(*5*) A member may be appointed either as a whole-time or part-time member as the Central Government thinks fit.

(*6*) Subject to the foregoing provisions, the terms and conditions of service of the Chairman and other members shall be such as may be prescribed by rules.

6. Meetings of the Commission.—The Commission shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.

7. Vacancies amongst members or defect in constitution not to invalidate acts or proceedings of the Commission.—No act or proceeding of the Commission shall be deemed to be invaild by reason merely of any vacancy in, or any defect in the constitution of, the Commission.

8. Temporary association of persons with the Commission for particular purposes.—(*1*) The Commission may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(*2*) A person associated with it by the Commission under sub-section (*1*) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Commission, and shall not be a member for any other purpose.

9. Appointment of staff of the Commission.—(*1*) The Central Government shall, in consultation with the Commission, appoint a Secretary of the Commission who shall hold office during the pleasure of the Central Government:

Provided that the first appointment of the Secretary may be made by the Central Government without consultation with the Commission.

(*2*) The terms and conditions of service of the Secretary shall be such as may be prescribed by rules.

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(*3*) Subject to any rules, the Commission may appoint such other employees as it may think necessary for the efficient performance of its functions under this Act, and the terms and conditions of service of the employees so appointed shall be such as may be determined by regulations.

10. Authentication of orders and other instrument of the Commission.—All orders and decisions and other instruments of the Commission shall be authenticated by the signature of the Secretary or any other officer of the Commission duly authorised by it in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

11. Functions of the Commission.—(*1*) It shall be the general duty of the Commission to advise the Central Government in the matter of preserving, developing and maintaining the aesthetic quality of urban and environmental design within Delhi and to provide advice and guidance to any local body in respect of any project of building operations or engineering operations or any development proposal which affects or is likely to affect the sky-line or the aesthetic quality of surroundings or any public amenity provided therein.

(*2*) Subject to the provisions of sub-section (*1*), it shall be the duty of the Commission to scrutinise, approve, reject or modify proposals in respect of the following matters, namely:—

(*a*) development of district centres, civic centres, areas earmarked for Government administrative buildings and for residential complexes, public parks and public gardens;

(*b*) re-development of the area within the jurisdiction of New Delhi Municipal Committee including Connaught Place Complex and its environs, Central Vista, the entire bungalow area of Lutyen's New Delhi, and such other areas as the Central Government may, by notification in the Official Gazette, specify;

(*c*) plans, architectural expressions and visual appearance of new buildings in the centres, areas, parks and gardens specified in clauses (*a*) and (*b*) including selections of models for statues and fountains therein;

(*d*) re-development of areas in the vicinity of Jama Masjid, Red Fort, Qutab, Humayun's Tomb, Old Fort, Tuglakabad and of such other places of historical importance as the Central Government may, by notification in the Official Gazette, specify;

(*e*) conservation, preservation and beautification of monumental buildings, public parks and public gardens including location or installation of statues or fountains therein;

(*f*) under passes, over-passes and regulations of street furniture and hoardings;

(*g*) location and plans of power houses, water towers, television and other communication towers and other allied structures;

(*h*) any other projects or lay-out which is calculated to beautify Delhi or to add to its cultural vitality or to enhance the quality of the surroundings thereof;

(*i*) such other matters as may be prescribed by rules.

Explanation.—For the purposes of this sub-section,—

(*i*) "civic centre" means the headquarters of a local body comprising therein its office buildings and buildings intended for cultural activities;

(*ii*) "Connaught Place Complex" means the area comprising Connaught Place and its extension measuring approximately 140 hectares, being the area described as Zone D-I (Revised) in the Delhi Master Plan;

(*iii*) "district centre" means a self-contained unit created in the Delhi Master Plan comprising areas for retail shopping, general business, commercial and professional offices, forwarding, booking and Government offices, cinemas, restaurants and other places of entertainment.

(*3*) Without prejudice to the provisions contained in sub-section (*1*) and sub-section (*2*), the Commission may *suo motu* promote and secure the development, re-development or beautification of any areas in Delhi in respect of which no proposals in that behalf have been received from any local body.

12. Duty of local bodies to refer development proposals, etc., to the Commission.— Notwithstanding anything contained in any other law for the time being in force, every local body shall, before according approval in respect of any building operations, engineering operations or development proposals referred to in sub-section (*1*) of section 11 or intended to be undertaken in any area or locality specified in sub-section (*2*) of that section, refer the same to the Commission for scrutiny and the decision of the Commission in respect thereof shall be binding on such local body.

13. Appeal to the Central Government in certain cases.—If any local body is aggrieved by a decision of the Commission in respect of any building operation, engineering operation or development proposal intended to be undertaken or notified, as the case may be, by that local body and referred to the Commission under section 12, the local body may, within sixty days from the date of such decision, prefer an appeal to the Central Government, and the Central Government may pass such order thereon as it deems fit.

14. Power to revise decision in certain cases.—Nothing contained in this Act shall preclude the Central Government from calling for and examining, on its own motion, if it considers it necessary so to do in the public interest, any case in which a decision has been made by the Commission under section 12 but no appeal lies thereto, and passing such order thereon as it thinks fit:

Provided that no such order shall be made prejudicially affecting any person except after giving him an opportunity of making a representation in the matter.

15. Powers of the Commission.—for the purpose of performing its functions under this Act, the Commission shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him;

(*b*) requiring discovery and production of any documents;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record or copies thereof from any office;

(*e*) any other matter which may be prescribed by rules.

CHAPTER IV

FUND, ACCOUNTS AND AUDIT

16. Payment to the Commission.—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Commission in each financial year such sums as the Central Government may consider necessary for the performance of the functions of the Commission under this Act.

17. Fund of the Commission.—(*1*) The Commission shall have its own fund, and all sums which may, from time to time, be paid to it by the Central Government shall be carried to the fund of the Commission and all payments by the Commission shall be made therefrom.

(*2*) The Commission may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Commission.

(*3*) All moneys in the fund shall be deposited in such bank or invested in such manner as may, subject to the approval of the Central Government, be decided by the Commission.

18. Budget.—The Commission shall prepare, in such form and within such time, each year as may be prescribed by rules, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government.

19. Annual report.—The Commission shall prepare once every year, in such form and within such time as may be prescribed by rules, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the Central Government, and the Central Government shall cause every such report to be laid before both Houses of Parliament.

20. Accounts and audit.—(*1*) The Commission shall cause to be maintained such books of accounts and other books in relation to its accounts in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed by rules.

(*2*) The Commission shall, as soon as may be after closing its annual accounts, prepare a statement of accounts in such form as may be prescribed by rules, and forward the same to the Comptroller and Auditor-General of India by such date, as the Central Government may, in consultation with the Comptroller and Auditor-General of India, determine.

(*3*) The accounts of the Commission shall be audited by the Comptroller and Auditor-General of India at such times and in such manner as he thinks fit.

(*4*) The annual accounts of the Commission together with the audit report thereon shall be forwarded to the Central Government, and the Central Government shall cause the same to be laid before both Houses of Parliament and shall also forward a copy of the audit report to the Commission for taking appropriate action on the matters arising out of the audit report.

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21. Returns and information.—The Commission shall furnish to the Central Government such returns or other information with respect to its fund or activities as the Central Government may, from time to time, require.

22. Power to exempt.—The Central Government may, subject to such conditions as may be prescribed by rules in this behalf, exempt any building, building operation or engineering operation which has been designed as a result of an architectural competition, from the operation of all or any of the provisions of this Act.

23. Delegation of powers.—The Commission may, by general or special order in writing, delegate to the Chairman or any other member or any officer of the Commission, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary for the efficient running of the day-to-day administration of the Commission.

24. Members and officers of the Commission to be public servants.—All members and officers of the Commission shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

25. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against any member or officer of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

26. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the salaries, if any, allowances and other terms and conditions of service of members of the Commission;

(*b*) the terms and conditions of service of the Secretary of the Commission;

(*c*) the matters in respect of which the Commission may tender advice to the Central Government under clause (*i*) of sub-section (*2*) of section 11;

(*d*) the form in which, and the time within which, the budget and annual report of the Commission may be prepared and forwarded to the Central Government;

(*e*) the form and manner in which the accounts of the Commission may be maintained, and the time at which, and the manner in which, such accounts may be audited;

(*f*) the returns and information which the Commission may be required to furnish to the Central Government;

(*g*) the conditions subject to which any building, building operation or engineering operation, designed as a result of an architectural competition, may be exempted;

(*h*) any other matter which has to be or may be prescribed by rules.

(*3*) Every rule made by the Central Government under this Act 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.

27. Power to make regulations.—[1][(*1*)] The Commission may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder for—

(*a*) regulating the meetings of the Commission and the procedure for conducting business thereat;

(*b*) regulating the manner in which and the purposes for which persons may be associated with the Commission under section 8:

(*c*) determining the terms and conditions of service of persons appointed by the Commission under sub-section (*3*) of section 9;

(*d*) any other matter which has to be or may be prescribed by regulations.

[2][(*2*) Every regulation 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 regulation or both Houses agree that the regulation should not be made the regulation 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 regulation.]

1. Section 27 renumbered as sub-section (*1*) thereof by Act 4 of 1986, s. 2 and the Schedule (w.e.f.15-5-1986).
2. Ins. by s. 2 and the Schedule, *ibid.* (w.e.f. 15-5-1986).