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# Delhi Geo-Spatial Data Infrastructure (Management Control, Administration, Security And Safety) Act, 2011

#### 06 of 2011

[06 April 2011]

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**SCHEDULE 1:-** SCHEDULE I

# Delhi Geo-Spatial Data Infrastructure (Management Control, Administration, Security And Safety) Act, 2011

#### 06 of 2011

### [06 April 2011]

An Act to create, update, manage, disseminate, and share, for Delhi a geo-spatial data, geo-spatial map, geo-spatial system, geospatial application, geo-spatial portal of the land revenue records; utilities including roads, water, sewerage, telecommunication/internet services and other services of utility; property details, property ownership and the like, by entrusting the responsibility to Geo Spatial Delhi Limited, a body registered under the Companies Act, 1956 (1 of 1956) making it mandatory for the departments, corporations, boards of the Government of NCT of Delhi; local bodies; public authorities; public or private agencies, etc to use and update the Delhi Geo-spatial data; by establishing a regulatory authority and an appellate authority for proper coordinated planning and development of Delhi, and for matters connected therewith or incidental thereto. WHEREAS the Ministry of Space and Technology, Department of Science and Technology (National Disaster Management Services Division), Government of India has framed the National policy for Sharing and Accessibility of the data vide communication dated 14-07-2010 and has mandated data as created by the various departments and that the authorities of the Government at the cost of public exchequer must be shared and utilized in the beneficial interest of the public; AND WHEREAS the Government of National Capital Territory of Delhi has created an integrated geo spatial information system for easy accessibility of all relevant information including land revenue records, land use, property details, utility services, infrastructure, etc. for the National Capital Territory of Delhi, with the expert guidance of the Survey of India, Department of Science and Technology, Government of India, in pursuance of the Cabinet Decision no. 1302 dated 13-11-2007 of the Government of National Capital Territory of Delhi; AND WHEREAS theDelhi Geo-Spatial Data and its Information can be applied and utilized for better planning and management as part of good governance by the departments, corporations, boards of the Government of National Capital Territory of Delhi; local bodies; public authorities; public and private agencies rendering services of public utilities in Delhi; BE it enacted by the Legislative Assembly of the National Capital

Territory of Delhi in the Sixty - second Year of the Republic of India as follows:-

### 1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Delhi Geo-Spatial Data Infrastructure (Management, Control, Administration, Security and Safety) Act, 2011
- (2) It extends to the whole of the National Capital Territory-of Delhi.
- (3) It shall come into force on such date as the Government may, by notification, appoint

### 2. Definitions :-

In this Act, unless the context otherwise requires,-

- (a) "Appellate Authority" means the authority appointed in accordance with section 19 of this Act;
- (b) "attribute" means the qualifying data pertaining to the spatial feature and any non-spatial or texture data that is to be associated with the mapped feature,
- (c) "company" means the Geo-Spatial Delhi Limited, a wholly owned company of the Government, registered under the Companies Act; 1956(1 of 1956);
- (d) "Delhi" means the National Capital Territory of Delhi,
- (e) development activity includes construction activity, excavation activity and the like carried out either by any line department, local body, public authority, public and private agency for the purpose of rendering any public utility services like laying of cables, water pipe lines, sewerage lines, gas pipelines, etc;
- (f) "geo-portal means the Delhi geo-spatial map server or software application for access of geo-spatial data and application residing on an identified system of a control centre or a monitoring centre;
- (g) "geo-spatial applications" include the applications developed to use the -geo-spatial data to cater to specific governance needs of the Government;
- (h) "geo-spatial data" includes 3-dimensional Geo-spatial information system including land information system of Delhi comprising land revenue record data, land ownership, etc. along with urban information system comprising property details, property ownership; pipelines, sewerage tines, roads, bridges, water tanks and the like of Delhi, base map in hardcopy, softcopy and electronic transaction forms to be made available by and to a

line department, local body, public authority, public and private agency;

- (i) "geo-spatial map" includes the 2-dimensional or 3-dimensional map of Delhi generated with the help of aerial photography, photogrammatory, created with 2-dimensional or 3-dimensional topology and texturing including ortho-photo vectorization, validation, digital electronic model so as to provide 2-dimensional or 3-dimensional visualization of the projected area;
- (j) "geo-spatial system" includes all the hardware, software, spatial data applications, surveillance system and other allied information technology equipments for the control centres and monitoring centres with appropriate linking mechanism to the line department, local body, public authority, public and private agency;
- (k) "Government" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under article 239 and designated as such under article 239 AA of the Constitution;
- (I) "line department" includes a department, corporation, board of the government, having right to access the base map through access control;
- (m) "local body" includes any public authority, municipality, Delhi Cantonment Board, Delhi Jal Board Town Planning Authority, Delhi Development Authority or any other body or authority, by whatever name called, for the time being invested by law to render essential services of public utility within the territory of Delhi or to control or manage or to regulate civic services within a specified local area;
- (n) "monitoring centre" means the monitoring centre established in Delhi for monitoring live archives, buildings, real estates and other assets for change detection in achieving and creating a local archive of the data collected through internet protocol, camera installed or through any other mode;
- (o) "notification" means a notification published in the official Gazette;
- (p) "public and private agency" includes public or private electricity distribution companies, public or private telecommunication services, internet services providers and the like rendering services of public utility;
- (q) "public authority" means any authority or body or institution of sell-governance established or constituted (i) by or under the Constitution; (ii) by any other law made by Parliament; (iii) by any law made by the Legislature of a State or Union territory; (iv) by a notification issued or order made by the Government; and includes

- (a) a body owned, controlled or substantially financed by the Government; (b) a non-government organization substantially financed directly or indirectly by funds provided by the Government; and (c) an organization or body corporate in its capacity as an instrumentality of State as defined under article 12 of the Constitution of India, rendering services of public utility;
- (r) "regulation" means a regulation made by the Regulatory Authority under this Act, by notification;
- (s) "Regulatory Authority" means the Delhi Spatial Data Regulatory Authority constituted under section 12 of this Act,
- (t) "rule" means a rule made by the Government under this Act, by notification;
- (u) "Schedule" means the Schedule appended to this Act;
- (v) "utility mapping" includes the mapping and creation of a geospatial data base of on the ground, underground or over ground utilities such as water pipelines, sewerage lines, cables, mapped using ground probing radar and ground survey and other forms of survey;
- (w) "utility services" include services of water, sewerage, electricity and the likes;

# 3. Mandatory Sharing, Accessing, Utilization And Updation Of Geo-Spatial Data:

Every line department, local body, public authority, private and public agency rendering services of public utility in Delhi shall-

- (a) ensure that various geo-spatial data attributes pertaining to them are uploaded in the geo-spatial data base;
- (b) utilise the geo-spatial data and geo-spatial map for proper coordinated planning, management and delivery of the various services rendered as a part of their administrative and statutory functions;
- (c) update their respective attribute data continuously on real time basis for updation of geo spatial data and geo-spatial map created, maintained and managed in accordance with the provisions of this Act;
- (d) link their respective attribute data to the geo-spatial data and geo-spatial map created, maintained and managed accordance with the provision of this Act;
- (e) ensure safety security of geo-spatial data.

# 4. Services Of Public Utility :-

- (1) For the purposes of this Act, services of public utility include the services rendered by the line department, local body, public authority, public and private agency of the Government which are listed in the Schedule.
- (2) The Government may, by notification, amend the Schedule on the recommendation of the Regulatory Authority from time to time.

### 5. Empowerment :-

For the purpose of creating, updating, managing, disseminating and sharing, for Delhi geo-spatial data, geo-spatial map, geo-spatial system, geo-spatial application, geo-spatial portal of the (and revenue records; public utilities including roads, water, sewerage, electricity, telecommunication or internet services and other services of utility, property details, property ownership and the like, the company shall, after the commencement of this Act, be empowered by the Government by notification and by such amendments to the memorandum of association of the company as may be necessary.

### 6. Functions Of The Company :-

The company shall maintain geo-spatial data, geo-spatial map, geo-spatial system, develop geo-portal and applications, for the Government and shall-

- (a) make the appropriate use of the data of the line departments, local bodies, public authorities, public or private agencies, individuals, etc. as authorised by the Government for the benefit of citizens of Delhi;
- (b) own and maintain the hardware and software, produced and used in the Delhi Spatial Data Infrastructure project;
- (c) update the geo-spatial data on the basis of change requests received from the line departments, local bodies, public authorities, private and public agencies rendering services of public utility;
- (d) provide value added services and consultancy to the Government and the Government of India for better co-ordinated planning, utilization and maintenance of the resources;
- (e) formulate the revenue model governing charges, fees, costs and the like to be levied upon the line departments, local bodies, public authorities, public and private agencies and citizens of India for usage and access of the geo-spatial data, geo-spatial map, geo-spatial applications and the like.

### 7. Administrative Control Of The Company :-

The company shall function under the over-all administrative control and supervision of the Government through its Department of Information Technology and shall be bound by all policies, guidelines, directions, etc. issued by the Government from time to time.

# 8. Access Of Geo-Spatial Data By The Line Departments, Local Bodies, Public Authorities, Public And Private Agencies And General Public:

- (1) Every line department, local body, public authority, public and private agency shall have access to the geo-spatial data, geo-spatial map and geo-spatial application through access control to access, utilize, update their-spatial as well as attribute data. -
- (2) Every line department, local body, public authority, public and private agency may, subject to payment of charge, fee, cost, download both spatial and attribute data in various forms, such as portable document format and the like for their internal use and application.
- (3) The Government shall allow controlled access of the geo-spatial data, geo-spatial map and geo-spatial application to the public in general, private individual, public and private agencies subject to the rules made under this Act.

Provided that the Government shall be authorized to classify the geo-spatial data, geo-spatial map, geo-spatial application into the categories of restricted and unrestricted and allow access to the data classified as unrestricted in accordance with the rules made under this Act, to the public in general, private individual, public and private agencies, and the like

Provided further that the Government shall abide by the policies, guidelines, rules, regulations, etc. of the Government of India, made from time to time regarding display of information in, public domain, to private individual, public and private agencies, and the like.

# <u>9.</u> Service Level Agreement Or Other Agreement With The Line Department, Local Bodies, Etc. :-

(1) The company may enter into service level agreements or other agreements with any line department, local body, public authority, public and private agency rendering services of public utility in

Delhi to achieve the objective of this Act.

- (2) The company may authorize the line departments, local bodies, public authorities, public and private agencies to have access through secured password and the like to the geo-spatial data geo-spatial map, geo-spatial portal, geo-spatial system, geo-spatial applications of their respective data assets, to use and update to enhance its value and utility.
- (3) Every line department, local body, public authority, public and private agency shall update the attribute data on real time regular basis. In case of failure, the Regulatory Authority shall be entitled to take action against defaulting officials and /or line department, local body, public authority, public and private agency in the manner provided in the regulations.
- (4) Every line department, local body, public authority, public and private agency rendering services of public utility-shall mandatorily use geo-spatial data, geo-spatial map, geo-spatial application, geo-spatial system, geo-spatial portal
- (5) Every person or government employee authorized to access geo-spatial data, geo-spatial map, geo-spatial portal, geo-spatial system, geo-spatial application may use his respective Digital Signature, secured password or the like while using, updating and administrating the same.
- (6) It shall be mandatory for all such departments, local bodies and public authorities to establish a paperless regime, to the extent possible in terms with the policy of e-governanc

# 10. Application And Utility Of The Geo-Spatial Data :-

- (1) The Government shall, with the consultation of the company, formulate the various geo- spatial applications to use the geo-spatial data and geo-spatial map in accordance with the scheme of this Act and the rules and regulations framed thereunder:
- Provided that all such schemes shall be put by the company before its Board of Directors for approval and shall be effective once these are approved by the Board.
- (2) Any contractor authorized by any line department, local body, public authority or public and private agency shall apply to the company online and shall obtain a unique identification number before starting any development work in Delhi. The line department, local body, public authority or public and private agency authorised under this Act to use or access geo-spatial data and the like shall be responsible for providing and continuously

updating, all relevant information of the proposed project of development with the progress of the work of development identifiable by the unique identification number so generated end obtained online in accordance with rules made under this Act.

(3) The unique identification number in terms of sub-section (2) shall be generated online and all such request applications seeking unique identification number shall be decided within fifteen days of receipt thereof by the company:

Provided that the company shall be authorized to charge such application fee as per the rates so finalized and fixed by the Board of Directors of the company payable by the contractors, persons or authority intending to start any development work in Delhi. The company shall be authorized in the like manner to revise such rates from time to time. All such rates of application fee or revised application fee shall be duly notified by a notification.

(4) it shall be the duty of all the line departments, local bodies, public authorises and public and private agencies, having right to access to the geo-spatial data and the like under this Act to certify in writing every quarter of the year to the Regulatory Authority that all geo-spatial data and attribute data generated as a result of developmental activities has been updated to that effect

### 11. Delhi Spatial Data Regulatory Authority :-

With effect from such date as the Government may notify in this behalf, there shall be established for the purpose of this Act, an authority to be known as "Delhi Spatial Data Regulatory Authority" (hereinafter referred to as the "Regulatory Authority").

# 12. Composition Of The Regulatory Authority :-

The Government shall constitute the Regulatory Authority having following members, namely.-

- (a) Chief Secretary of the Government, ex-officio Chairperson;
- (b) Surveyor General of India, member;
- (c) Secretary, Department of Finance of the Government, member;
- (d) Secretary, Department of Urban Development of the Government, member;
- (e) Secretary, Department of Law, Justice and Legislative Affairs of the Government, member;
- (f) Secretary, Department of Information Technology of the Government, member-secretary.

# 13. Power To Appoint Supporting Administrative Officers, Consultants, Experts, Advisors, Etc. :-

The Regulatory Authority may, as and when required, appoint such officers, consultants, experts and advisors of the respective fields, including administration, information technology, legal, finance and the like, to assist it to fulfil the obligations of this Act conferred upon the Regulatory Authority.

# 14. Tenure Of Office Of Regulatory Authority And Its Members:-

The tenure of office of the Regulatory Authority and/or its members shall be determined by the Government as may be prescribed: Provided that no person shall hold office of the Regulatory Authority after attaining the age of sixty five years.

#### 15. Salaries And Allowances :-

The terms and conditions, salaries and allowances payable to the persons appointed under section 13 shall be such as may be prescribed by rules by the Government:

Provided that the Government shall provide to the Regulatory Authority with such officers, consultants and employees as it may deem necessary for the efficient performance of its function under this Act.

# 16. Powers, Functions And Duties Of Regulatory Authority :-

Subject to the provisions of this Act, the Regulatory Authority shall have the responsibilities for laying down policies, plans and guidelines in respect of the following matters, namely:-

- (a) monitoring the geo-spatial systems as created by the Government;
- (b) terms and conditions including service charges, fees and cost governing sharing and accessing the geo-spatial data, geo-spatial map, geo-spatial system, geo-spatial application, geo-spatial portal by the line departments, local bodies, public authorities, public and private agencies rendering services of public utility;
- (c) efficient monitoring of the various application and utility of the data infrastructure;
- (d) lay down safety code pertaining to geo-spatial system;
- (e) fix liability and accountability in case of breach of safety code

by line departments, local bodies, public authorities, public and private agencies rendering services of public utility in Delhi and the public or its respective responsible officers;

- (f) enforcement and implementation of policy and plan for development of geo-spatial system and its further application and utilization,
- (g) act as adjudicating authority in case of any dispute governing sharing accessing, application and updation of the data infrastructure between or among the various line departments, local bodies, public authorities, public and private agencies rendering services of public utility in Delhi;
- (h) act as a disciplinary body in case of violation of any of the provisions of this Act, rules and/or regulations made thereunder on the part of any line department, local body, public authority, public and private agency rendering services of public utility in Delhi and its officers and impose penalties in accordance with the regulations framed under this Act:

Provided that all such decisions shall be taken by the Regulatory Authority by majority.

### 17. Procedure :-

- (1) Before passing any adverse order, the Regulatory Authority shall issue a show cause notice, seeking explanation within a period not less than fifteen days.
- (2) If no explanation is furnished or the explanation furnished is not satisfactory in the opinion of the Regulatory Authority, the Authority shall initiate disciplinary and/or adjudication proceedings, as the case may be, by directing an enquiry on the issue involved.
- (3) While enquiring into the issue arisen before the Regulatory Authority, the Regulatory Authority shall not be bound by the provisions of the Code of Civil Procedure, 1908 (5 of 1908), or the provisions of the Evidence Act, 1872 (1 of 1872). The Regulatory Authority shall adhere to the principles of natural justice and shall afford full opportunity to the parties concerned to establish and prove their respective contentions.
- (4) The Regulatory Authority shall pass a speaking order containing facts of the case, contentions raised by the parties, the reasons leading to the finding of fact arrived at by the Regulatory Authority and the final decision.
- (5) In the discharge of its functions, the Regulatory Authority shall have the following powers, namely :-

- (a) summoning and enforcing the attendance of any person or authority;
- (b) summoning and directing production of any document, books of account, record;
- (c) summoning any witness, record his statement in evidence on oath; and
- (d) passing such directions or orders as deemed necessary and expedient while enquiring into any issue which the Regulatory Authority is competent and empowered under this Act.

# 18. Appeal Against The Orders Of The Regulatory Authority :-

Any person, authority, department or officer aggrieved by any order passed by the Regulatory Authority under this Act shall be entitled to file an appeal to the Appellate Authority constituted for this purpose under this Act, within a period not exceeding thirty days from the date of the receipt of the impugned order. The order of the Appellate Authority shall be final and binding:

Provided that the Appellate Authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

# 19. Appointment Of Appellate Authority :-

- (1) The Government shall constitute an Appellate Authority having power to hear and decide appeals against the order passed by the Regulatory Authority under this Act.
- (2) The terms and conditions, salaries and allowances payable to the Appellate Authority shall be such as may be prescribed by the Government.

# **20.** Composition Of Appellate Authority :-

- (1) The Appellate Authority shall consist of one Chairman, one administrative and one technical member for the purposes of this Act The Chairman of the Appellate Authority shall be drawn from the pool, of retired officers having served not below the rank of Secretary to the Government of India.
- (2) The administrative member shall be a person of eminence in public life having wide knowledge and experience of not less than twenty five years in the field, namely, public policy, public affairs, social services, law, management, administration or governance.

(3) The technical member to be appointed shall be an expert in the field of information technology and the like, having related qualification and experience in his field of not less than twenty five years:

Provided that no member of an Appellate Authority shall be a Member of Parliament or Legislature of any State or Union territory nor shall hold any office connected with any political party.

### 21. Procedure Of Hearing Appeal :-

- (1) While hearing appeal, the Appellate Authority shall be guided by the principles of natural justice and, shall grant opportunity of hearing to the parties concerned.
- (2) The Appellate Authority shall have the power to call for and summon the records of the case decided by the Regulatory Authority and shall be competent to reverse, modify or set aside the order passed by the Regulatory Authority. The Appellate Authority shall also be empowered after setting aside the order of the Regulatory Authority, to remand the case back to it with direction to pass a fresh order.
- (3) The Appellate Authority shall not be bound by the Code of Civil Procedure, 1908 (5 of 1908) or the Evidence Act, 1872 (1 of 1872) and may prescribe its own procedure of hearing the appeal.

#### 22. Remuneration And Allowances :-

The Chairperson and members of the Appellate Authority shall be paid such remuneration and allowances as prescribed by the Government in accordance with the rules made under this Act.

#### 23. Power To Issue Directions :-

The Government may from time to time, issue to the Regulatory Authority such directions as, in its opinion, may be necessary or expedient for carrying out the purposes of this Act and it shall be the duty of the Regulatory Authority to comply with such directions.

#### 24. Protection Of Action Taken In Good Faith :-

No suit prosecution or other legal proceedings shall lie against the Government, Regulatory Authority and Appellate Authority or any member or officer or employee thereof in respect of anything which is in good faith done or intended to be done in pursuance of this Act, the rules and regulations made thereunder.

### 25. Power Of Government To Make Rules :-

- (1) The Government may, by notification, make rules to carry out the provisions 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) terms pertaining to framing of revenue model governing charges, fees, costs and the like to be levied upon the line departments, local bodies, public authorities, public and private authorities and citizens of India;
- (b) the conditions to be inserted in the service level agreements or other agreements with the line departments, local bodies, public authorities, public and private authorities,
- (c) application and procedure governing generation of unique identification number and notification of schedule of fees fixed and revised from time to time, payable by the contractor;
- (d) the method and procedure for classification of data into restricted and un-restricted;
- (e) terms of appointment of Regulatory Authority and Appellate Authority, their respective salaries, remuneration, allowances etc. as applicable there to;
- (f) any other matter which is required to be, or may be prescribed.

# 26. Power Of Regulatory Authority To Make Regulations :-

- (1) The Regulatory Authority may, with the approval of the Government, make regulations not in consistent with the provisions of this Act, to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality, of the foregoing power, such regulations may provide for all or any of the following matters, namely: -
- (a) fixing terms, qualifications and experience for the appointment of supporting staff, officers, consultants, experts, advisors;
- (b) procedure governing adjudication of dispute between and among the line departments, local bodies, public authorities, private and public agencies;
- (c) the procedure governing, enquiry and imposition of penalty as a disciplinary authority;
- (d) the manner and the forms of giving notice under the Act;
- (e) any other matter which is required to be, or may be prescribed.
- (3) The maximum penalty, however, that may be imposed by the

Regulatory Authority shall not exceed ten thousand rupees per default.

### 27. Laying Of Rules And Regulations :-

Every rule made under this Act by the Government and every regulation made by the Regulatory Authority thereunder shall be laid, as soon as may be after it is made, before the Legislative Assembly of Delhi, 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 session immediately following the session of the successive sessions aforesaid, the Legislative Assembly agrees, in making any modification in the rule or regulation, or the Assembly agrees that the rule or regulation should not be made, the rule or 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 rule or regulation.

### 28. Power To Remove Difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act comes into force.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly.

# SCHEDULE 1 SCHEDULE I

[See section 4]

S. No.	Line Departments/Local Bodies/Public Authorities/Public or Private Agencies rendering services of public utility
1.	Delhi Fire Services
2.	Department of Excise, Entertainment and Luxury Tax
3.	Department of Environment, Forests and Wildlife
4.	Department of Health and Family Welfare
5.	Department of Trade and Taxes
6	Directorate of Census Operation Delhi

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7.	Directorate of Education
8.	irrigation and Flood Control Department
9.	office of the Chief Electoral Officer, Delhi
10.	Office of the Labour Commissioner
11.	Office of the Registrar Co-operative Societies
12.	Public Works Department
13.	Revenue Department
14.	Delhi Disaster Management Authority
15.	Delhi Pollution Control Committee
16.	Delhi State Industrial & Infrastructure Dev. Corporation Limited
17.	Delhi Tourism and Transportation Development Corporation Limited
18.	Delhi Transco Limited
19.	Delhi Transport Corporation
20.	Delhi Development Authority
21.	Delhi Jal Board
22.	Municipal Corporation of Delhi
23.	New Delhi Municipal Council
24.	Delhi Integrated Multi-Modal Transit System Limited
25.	Delhi Metro Rail Corporation Limited
26.	indraparastha Gas Limited
27.	Mahanagar Telephone Nigam Limited
28.	North Delhi Power Limited
29.	Yamuna and Rajdhara - BSES Power Limited