

V.K. Jain, IAS
Chief Executive Officer



DELHI URBAN SHELTER IMPROVEMENT BOARD
दिल्ली शहरी आश्रय सुधार बोर्ड
Govt. of National Capital Territory of Delhi
राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार
Delhi - 110 002

दिल्ली-110 002

D.O. No. PS/CEO/DUSIB/2015/D-71

Dated: 30/08/2015

Respected Sir

I would like to draw your kind attention to the demolition of about 40 jhuggies in Mehrauli area, located near Lal Masjid in Aam Ka Bagh (Shamshee Talaab). These jhuggies were demolished by DDA on 26th of August, 2015 without rehabilitating the affected families living there for about 15-20 years. These jhuggi dwellers have suddenly become homeless and are squatting there in very inhuman conditions; so much so that a young child from these families died.

2. In this connection, I want to bring to your kind notice that a meeting was taken by the Hon'ble Chief Minister of Delhi on 02.05.2015 which was attended by the then VC, DDA and the decisions regarding removal of JJ clusters taken in the said meeting are reproduced below:

"As far as removal of JJ clusters is concerned any structure which was existing before 1st June, 2014 is not to be removed at any cost. However, any encroachment which has come after this date is to be removed and it has to be ensured that no further encroachment or new construction comes up in these areas. The then Vice Chairman of DDA agreed to the following decisions in the said meeting (copy enclosed as Annexure 'A'):

- (i) DDA will not demolish any jhuggi which existed before 01.06.2014;
- (ii) If DDA needs any land for any project, DDA will intimate Delhi Government at least 6 months in advance so that appropriate action could be taken for their rehabilitation."

3. It is apparent that the demolition of jhuggies in Mehrauli on 26.08.2015 is not in consonance with the assurance given by the then VC, DDA to Hon'ble Chief Minister, Delhi. Further, I also want to bring to your kind notice that the Vice Chairman, DDA is an ex-officio member of the Delhi Urban Shelter Improvement Board (DUSIB) and your predecessor Sh. Balvinder Kumar attended the 12th meeting of the Board held on 15.06.2015 wherein it was decided that till the preparation of a detailed Slum Rehabilitation policy/guidelines, no demolition of JJ clusters should be carried out without taking into confidence the Chief Executive Officer, DUSIB. The relevant part of the decision of the Board is reproduced below :

"Dy. Chief Minister/Vice Chairman, DUSIB observed that DUSIB is facing difficulties in rehabilitation of slum clusters. In view of that, he proposed before the Board that:

Punerva Bhawan, I.P. Estate, New Delhi - 110002
E-mail : delhishelter@gmail.com. Website : delhishelter.nic.in
Tel.: +91-11-23379626 Fax : 23370965



- 15/c
- (i) The cut-off date for considering the eligibility for rehabilitation may be raised to 14.02.2015;
 - (ii) DUSIB should prepare a detailed slum rehabilitation policy / guidelines;
 - (iii) Till that time no demolition of JJ clusters should be carried out without prior permission of CEO, DUSIB;
 - (iv) DUSIB should come out with an in-situ up-gradation proposal for slum relocation."

4. Not only this, there are number of judgments of Hon'ble High Court of Delhi and the Hon'ble Supreme Court, wherein it is held that no demolition should take place without rehabilitating the affected families. In this connection, your kind attention is drawn to the observations made by the Hon'ble High Court of Delhi in WP(C) 8904/2009, titled 'SUDAMA SINGH & OTHERS Vs GOVERNMENT OF DELHI & ANR. which are reproduced below:

"BINDING NATURE OF MPD-2021

The Master Plan for Delhi (MPD-2021) envisages rehabilitation or relocation of the existing squatter settlement/jhuggi dwellers. **It provides for relocation of the jhuggi dwellers if the land on which their jhuggies exist is required for public purpose, in which case, the jhuggi dwellers should be relocated / re-settled and provided alternative accommodation.** It also provides that resettlement whether in form of in-situ up-gradation or relocation should be based mainly on built-up accommodation of around 25 sq mtrs. with common facilities."

5. The provisions of 'The National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 as amended in 2014 and the DUSIB Act, 2010 as interpreted by various Courts from time to time and read in letter and spirit mandate that no demolition of jhuggie should be undertaken by any land owning agency without rehabilitating the affected persons as per the rehabilitation policy.

6. It is understood that DDA has planned more such demolitions in the same area such as in Goshia Colony. I am directed to request you to stop such demolitions forthwith in view of the facts and circumstances discussed above.

7. I am also directed to convey the following plans/proposals of the GNCTD/ DUSIB:

- (i) Govt. of NCT of Delhi is committed to rehabilitate/relocate all the slums of Delhi within a period of 5 years and for the said purpose, DUSIB is working out a Rehabilitation and Resettlement policy for Jhuggie jhompri clusters.
- (ii) Even if DDA wants to clear some land for specific public projects, the same be conveyed to DUSIB 6 months in advance so that the rehabilitation of affected persons can be worked out as per the Rehabilitation Policy for JJ clusters being framed by GNCTD/DUSIB.
- (iii) GNCTD has decided to ensure that no new jhuggie cluster will be allowed to crop up in Delhi .

(iv) DDA may consider to hand over to DUSIB the JJ clusters in Delhi belonging to DDA, on as is where is basis on the same terms & conditions on which JJ cluster at Kathputli Colony has been given to a private developer, on nomination basis. GNCTD will rehabilitate these clusters as per the commitment mentioned above and as per the rehabilitation policy which is likely to be announced shortly.

Keeping in view the urgency of the matter and on humanitarian grounds, Hon'ble Chief Minister of Delhi has decided to hold a meeting in his office on **31st August, 2015 at 10.00 A.M.** I am directed to request you to kindly make it convenient to attend this meeting in person.

[Handwritten signature]

Yours sincerely,

[Handwritten signature]

(V.K. Jain)

Encls: as above

To,
Shri Arun Goel, IAS
Vice Chairman,
Delhi Development Authority,
Vikas Sadan, INA
New Delhi

ANNEXURE - 2^{17/c}

DELHI DEVELOPMENT AUTHORITY
Office of the Commissioner (LM)
Vikas Sadan, INA, New Delhi-110023

No. SW(134)/2013/LM/SWZ/ 195

Dated: 31.8.2015

To

Shri V K Jain, IAS
Chief Executive Officer
Delhi Urban Shelter Improvement Board
National Capital Territory of Delhi
Punarwas Bhawan, I P Estate
Delhi-110002.

Sub: Removal of jhuggis from Stamsi Talab, Mehrauli.

Ref: Your D.O. letter No. PS/CEO/DUSIB/2015/D-71 dated 30.8.2015.

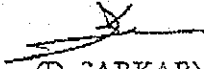
Sir,

With reference to your above cited letter, it is intimated that DDA has already decided to withhold demolition of jhuggi jhonpri clusters till review by the Hon'ble Lt. Governor, Delhi/Chairman, DDA.

Hon'ble Lt. Governor, Delhi/Chairman, DDA has scheduled a meeting in this matter on 31.8.2015 at 10.00 a.m. in his office.

In view of the above, it would not be possible for Vice Chairman, DDA to attend the meeting on 31.8.2015 at 10.00 a.m. as mentioned in your above mentioned letter.

Yours faithfully,


(D. SARKAR)
Commissioner (LM)

DELHI DEVELOPMENT AUTHORITY
Office of the Commissioner (L.M.)

No. F.10(7)2010/LMC/Part-III/C 64

Dated: 2nd September, 2015

Sub: Minutes of the meeting held under the chairmanship of Vice Chairman, DDA on 2.9.2015 regarding rehabilitation of dwellers of three unauthorized jhuggi jhonpri clusters.

1. A meeting was convened under the chairmanship of Vice Chairman, DDA on 2.9.2015 regarding rehabilitation of dwellers of three unauthorized jhuggi jhonpri clusters. A list of officers who attended the meeting is placed at Annexure-A.

2. A list of three DDA lands encroached by jhuggi jhonpri clusters which are required to be cleared for DDA's projects had been intimated to DUSIB with the request that DUSIB should prepare plans for rehabilitating dwellers of these jhuggi jhonpri clusters within two months and these plans would be discussed during the meeting. The above mentioned three sites are as follows:-

- i) Village Chowkari Mubarakabad (Anand Parbat area) - removal of approximately 500 kuchcha and pucca structures/jhuggis. Area required for development of green.
- ii) Vishwas Nagar 60 ft connecting road - removal of 59 jhuggis. Area required for construction of road.
- iii) Khasra No. 217, Near Son Burj, Ladha Sarai, Gosia Colony - 350-400 jhuggi jhonpris. Area required for development of green and preservation of heritage and ancient monuments as per orders of Hon'ble High Court of Delhi.

3. Vice Chairman, DDA stated that DDA is committed to the provisions contained in the National Capital Territory Laws (Special Provisions) - Second (Amendment) Act, 2014 and is committed to rehabilitating dwellers of identified jhuggi jhonpri clusters on DDA lands which are protected under the said Act. However, the rehabilitation work should be expedited and executed within two months and stage-wise timelines should be prepared.

4. CEO, DUSIB stated that it would not be possible to carry out the rehabilitation within two months as the draft rehabilitation policy which is in the draft stage would need to be approved and, therefore, suggested that the rehabilitation of jhuggi dwellers in the above mentioned three DDA lands be carried out within the next six months. The proposed rehabilitation policy of DUSIB would specify details with regard to eligibility for rehabilitation, cost

of alternative flats, cost to be borne by the land owning agency and stages of payment.

5. Vice Chairman, DDA suggested that DDA and DUSIB should work in a coordinated manner and carry out the task simultaneously to save time and expedite rehabilitation of these jhuggi dwellers. Vice Chairman, DDA suggested that the survey be conducted now and eligibility decided after the rehabilitation policy of DUSIB is finalized. CEO, DUSIB agreed to this proposal. Joint bio-metric survey of these three sites shall be conducted by two teams each of DDA and DUSIB. DDA would bear the cost of the bio-metric surveys. Individuals eligible for rehabilitation shall be identified, on the basis of this survey record, after the DUSIB rehabilitation policy is finalized.

6. CEO, DUSIB agreed that bio-metric surveys would commence at all the three sites simultaneously from 17.9.2015 and would be completed by 17.10.2015.

7. CEO, DUSIB intimated that the rehabilitation policy is likely to be finalized by end October, 2015.

8. CEO, DUSIB stated that DSIDC had intimated that the flats in which dwellers of jhuggi jhonpri clusters are to be rehabilitated can be made habitable within six months after receipt of requisition from DUSIB.

9. Vice Chairman, DDA desired that DUSIB should explore the possibility of getting these flats for rehabilitation of dwellers of these three jhuggi clusters completed on priority at the earliest preferably within 2-3 months.

The meeting ended with a vote of thanks to the Chair.

(D. SARKAR)
Commissioner (LM)

1. OSD to Vice Chairman, DDA for kind information of the latter
2. Chief Executive Officer, DUSIB.
3. Finance Member
4. Engineer Member
5. Commissioner (Planning)
6. Chief Architect
7. Director (Horticulture) North & West
8. Director (Horticulture) South & East
9. Director (LM)-I
10. Deputy Director (LM) Coordn.

ANNEXURE-A

List of officers who attended the meeting chaired by Vice Chairman, DDA on 2.9.2015 regarding rehabilitation of dwellers of three unauthorized jhuggi jhonpri clusters:

Shri Arun Goel, Vice Chairman, DDA - (in Chair)

DUGHB

- 1 Shri V K Jain, Chief Executive Officer
- 2 Shri Sanjeev Mittal, Director

DDA

- 1 Shri D Sarkar, Commissioner (LM)
- 2 Shri Vinod Dhar, Chief Architect
- 3 Shri Amit Dass, Addl. Commissioner (AP), Planning
- 4 Shri Vikva Mohan, OSD to Vice Chairman
- 5 Shri S K Maana, Director (LM)-I
- 6 Smt. P P Parate, Director (F&H), Planning
- 7 Shri S S Dagar, Director (Horticulture) South & East
- 8 Shri Brij Lal, Director (Horticulture) North & West
- 9 Shri S D Sharma, Sr. Law Officer (LM)
- 10 Shri Sunesh Kumar, Dy. Director (I/M)/SWZ
- 11 Shri S S Nagar, Dy. Director (S&S)-II
- 12 Shri Y D Sharma, Dy. Director, Hort. Divn.-I
- 13 Shri Vinod Kumar, Dy. Director (Horticulture)
- 14 Shri Rajesh Kumar, Dy. Director (LM) Coordn.

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 5081/2007

VIRAAT COOPERATIVE G/H SOCIETY and ORS Petitioners
Through Mr. Raj Panjwani with Ms. Sonia Singhani, Advocates.

versus

M.C.D and ORS

Respondents

Through Mr. O.P. Saxena, Advocate for R-1/MCD.

Ms. Rajdipa Behura with Mr. Chhinubhal Singh and Mr. Deepak Anand, Advocates for R-2/DDA.

Mr. Prakash Kumar for Mr. Navin Chawla, Advocate for R-4.

Ms. Soua Ausari for Ms. Zubeda Begum, Advocate for R-5/Commissioner of Police.

Ms. Avnish Ahlawat and Ms. Simran, Advocates for R-6/DTC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

11.02.2009

Four Cooperative Societies have filed the present petition for removal of illegal encroachments on two roads as per the site plan at page 73 of the paper book. The two roads, around these Cooperative Societies, have been illegally and unauthorisedly occupied, as result of which the residents of the Cooperative Societies cannot use the roads and have been forced and compelled to use back door or other entrances. The Petitioners have also filed photographs in support of their contention.

2. The Respondents have admitted encroachment on the two roads as shown in the site plan and harassment caused to the members of the four Cooperative

Societies. There is violation of the Zonal Development plan and the layout plan.

W.P.(C) 5081/2007 Page I
of 2

3. In view of the aforesaid admitted position, the Respondents are directed to remove illegal encroachments from the two roads as shown in the site plan at page no. 73. Reasonable notice will be given to the unauthorized occupants, who have encroached upon the said roads and they may be relocated in terms of the policy of the Government. If required, the Slum and JJ Wing of MCD will coordinate with the General Wing of MCD and other statutory bodies / authorities. The aforesaid exercise will be completed within a period of two months from today. It will be the responsibility of MCD and the local police to ensure that after removal, roads have not again re-encroached. We may note here that one of the Petitioner Cooperative Society's - Jahaz Cooperative Housing Society had earlier filed Writ Petition 7568/2000 and jhuggi jhoprees along with the said Cooperative Society had been removed and relocated. However, with regard to removal of jhugges on the main road beyond the wall of the said Cooperative Society, the matter was adjourned. No steps, thereafter have been taken by the Respondents. Keeping the aforesaid aspects in mind, we have issued aforesaid time bound directions. The writ petition stands disposed of.

(L.P.S)
 G 462
 Date: 23/02/13
 To the C.E.O. (DUSIB)
 C.N.C.T. of Delhi

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF URBAN DEVELOPMENT
9TH LEVEL, 'C' WING, DELHI SECRETARIAT, NEW DELHI

No.FJ8(7)/UD/DUSIB/2011/Vol-I 2350

Date: 25/02/2013

ORDER

Relocation and rehabilitation of the JJ dwellers has been the priority of the Govt. of NCT of Delhi for quite some time. With the launch of Jawaharlal Nehru Urban Renewal Mission (JNNURM) by the Government of India financial assistance was given to the GNCTD for construction of flats under this scheme for urban poor. Standard flats of approximately 25 sq. meters carpet area (and 32 sq. meters plinth area) have been constructed for this purpose and are now ready for allotment. A number of guidelines were issued by the GNCTD from time to time for regulating the matter of allotment of these flats like determining criteria of eligibility, prescribing procedures for publicizing and identifying beneficiaries, enumerating the documents for verification, determining the quantum of contribution from beneficiaries, land owning agencies and the government, prescribing the nature and extent of tenurial rights after allotment etc. However since sufficient number of persons did not become eligible for allotment as per the strict criteria and procedures in the guidelines and because of some court rulings, the government decided to constitute a Group of Ministers (GoM) to examine the existing guidelines and suggest appropriate modifications. After careful consideration of the report submitted by the GoM, the Lt. Governor of the Government of National Capital Territory of Delhi is pleased to issue the following guidelines, which will supersede all previous guidelines and modifications thereof.

By Order


 Project Officer (BSUP)

Department of Urban Development

Guidelines for implementation of the Scheme for relocation/rehabilitation and allotment of flats to the Jhuggi Jhopri dwellers under JNNURM-2013.

1. The Delhi Urban Shelter Improvement Board (DUSIB) will be the Nodal Agency for relocation/ rehabilitation of JJ clusters in respect of the lands belonging to MCD and Delhi Government and its Departments/Agencies. In case JJ colonies existing in lands belonging to Central Government/Agencies like Railways, Delhi Development Authority, Land & Development Office, Delhi Cantonment Board, New Delhi Municipal Council, etc. the respective agency may either carry out the relocation/rehabilitation themselves as per the policy of the Delhi Government or may entrust the job to the DUSIB.
2. The DUSIB will initiate the process of notification of those 'jhuggi jhopri basties' which satisfies the conditions as given in Section 2(g) of the Delhi Urban Shelter Improvement Board, Act, 2010 .
3. The DUSIB will carry out the survey of jhuggi jhopri bastis as per section 9 of the Act and in such surveys will follow the procedure as given below;
 - (a) DUSIB shall paste a notice regarding conduct of survey at least four weeks in advance at conspicuous places in the JJ Clusters and public announcement should be made through mass communication media like loud speakers and /or beating of drums etc. from the date of issue of notice on regular basis till the completion of survey, in order to ensure that all the jhuggi dwellers be informed about the survey being carried out by the DUSIB/Govt./any authorized person/ agency by the DUSIB.
 - (b) After four weeks of notice period, the joint-survey may be conducted by DUSIB so as to ensure that no genuine JJ cluster dweller is left out of the joint survey. However, in exceptional circumstances the above said notice period can be relaxed by DUSIB.
 - (c) The survey team has to ensure that the names of JJ cluster dweller and his/her family member who are actually residing in the said jhuggi (whether they are occupying the jhuggi themselves or occupying the jhuggi on rental basis), should be incorporated in the survey list. After the preparation of survey report JJ Cluster dwellers may be asked to submit the documents in support of their claim within 21 days.
 - (d) In addition to the above prescribed procedure if any genuine case(s) is/are still left out, then the CEO, DUSIB may consider the same as per individual merits of the case.

4. For any person to become eligible for allotment under these guidelines, he/she should satisfy the following eligibility criteria and will be further subject to the conditions and procedures as under:

- (i) The JJ dweller must be a citizen of India and not less than 18 years of age;
- (ii) The JJ dweller should have been occupying the Jhuggi on or before 4.6.2009 i.e. the date of announcement of RAY by Government of India;
- (iii) The JJ dweller cannot claim the allotment of a flat as a matter of right;
- (iv) The name of the JJ dweller should figure in the joint survey conducted by Slum & JJ Deptt./ DUSIB with the representative of Land Owning Agency. Based on the joint survey and verification of documents eligibility list will be prepared by the eligibility determination committee to be constituted by CEO, DUSIB;
- (v) The JJ dweller will be entitled for one residential flat only, even if he/she is occupying more than one jhuggi;
- (vi) No flat shall be allotted if the jhuggi is used for commercial purpose;
- (vii) The jhuggi being used for both residential and commercial purpose can be considered for allotment of one residential flat only. In case, the ground floor of the jhuggi is being used for commercial purpose and other floors for residential purpose that will entitle the JJ dweller for one residential flat only, if such commercial and residential parts are occupied by the same person;
- (viii) In case of multi-storied jhuggi occupied by the same person or different persons for residential purpose, the allotment will be considered to the occupant of ground floor only.
- (ix) Allotment will be made in the joint-name of the husband and wife occupying the jhuggi, biometrics along with photos of both husband and wife and members of family will be prepared and maintained by Delhi Urban Shelter Improvement Board;
- (x) The flats to the eligible slum dwellers will be allotted initially on lease hold basis for 15 years and converted to free hold thereafter for which modalities will be worked out by the Delhi Urban Shelter Improvement Board (DUSIB) and Government's approval obtained;
- (xi) The lessee shall use the flat for residential purpose only;
- (xii) Neither allottee nor any of his/her family member(s) should own any plot/pucca house, full or part in Delhi;
- (xiii) The allottee shall abide by the terms and conditions of the allotment/lease deed of flat and shall pay the ground rent as to be determined by the Delhi Urban Shelter Improvement Board;
- (xiv) The Delhi Urban Shelter Improvement Board has the right to cancel allotment of the flat and to take over the possession of such flat in case the stipulated terms and conditions are violated by the allottee. In such event, such allottee

cannot claim any compensation whatsoever and such allottee shall handover the peaceful possession of the flat to the Lessor/DUSIB;

- (xv) In case it is discovered that the allotment has been procured by misrepresentation, suppression of facts or fraud and producing fake documents, etc., the allotment shall stand cancelled and possession of the flat shall vest with the Delhi Urban Shelter Improvement Board without paying any compensation to the allottee, this shall be without any prejudice to any criminal action called for;
- (xvi) Before allotment of a flat, the beneficiary shall have to file an affidavit duly verified by a First Class Magistrate /Notary Public specifying the above eligibility conditions. The photograph of the beneficiary (wife and husband together) should be pasted on the affidavit duly verified by the First Class Magistrate /Notary Public.

5. Those Jhuggi dwellers, who have come after the cut of date i.e. 4.6.2009, who do not have sufficient proof/documents of eligibility and is not covered by the eligibility norms and who have rented out / sold out the jhuggi and not in a possession of jhuggi at the time of removal. No allotment would be done against vacant /demolished / unoccupied jhuggi at the time of survey and no Jhuggi dwellers once allotted plot / flat will not be eligible for future allotment.

6. The Chief Executive Officer (CEO) of the DUSIB is authorized to constitute scrutiny/eligibility determination committee comprising of officer(s) of DUSIB, the concerned ERO/AERO/or any authorized officer(s) nominated by District Election Officer and officer(s) of the Land Owning Agency to determine the eligibility of slum/JJ dwellers. CEO, DUSIB is also authorized to devise any suitable mechanism/procedure and/or to modify/reconstitute the scrutiny/eligibility determination committee as per the exigencies of the work.

7. In order to ensure that no eligible JJ dweller (s) is left out from the Rehabilitation Scheme, the following documents will be considered for the purpose of proof of residence:

- a. The name of the JJ dweller should be in the list of electors maintained by the Office of the Chief Electoral Officer as per the instructions of the Election Commission of India on or before the proposed cut off date i.e 4.6.2009 and also in the year of survey;
- b. In addition to above the JJ dweller shall submit any one of the following documents, issued on or before 4.6.2009 to substantiate the proof of residence:
- (i) Passport
 - (ii) Ration Card with photograph

- (iii) Driving Licence
- (iv) Identity Card/Smart Card with photograph issued by State/Central Government and/or its autonomous bodies/agencies like PSU/Local Bodies.
- (v) Passbooks issued by public sector Bank/Post Office with photograph.
- (vi) SC/ST/OBC Certificate issued by the Competent Authority with photograph.
- (vii) Pension document with photograph, such as Ex-servicemen's Pension Book, Pension payment order, Ex-servicemen's widow/dependents certificate, old age pension order or widow pension order.
- (viii) Freedom fighter's identity card with photograph.
- (ix) Certificate of physically handicapped with photograph issued by Competent Authority.
- (x) Health Insurance Scheme Smart Cards with photograph (Ministry of Labour's Scheme).
- (xi) Identity Card with photograph issued in the name of the descendants of the slum/JJ dweller from a Government School.
- (xii) The JJ cluster dweller shall have to file an affidavit duly sworn before the Notary Public about the authenticity and veracity of the documents submitted by him/her.

In the case of minor legal heirs the above said prescribed documents/requirement can be relaxed by the CEO, DUSIB. In addition to above prescribed procedure, if any genuine case(s) is/are still left out, then the CEO, DUSIB may decide the genuineness of the same on case to case basis.

8. To have uniformity in the allotment of the dwelling units available for allotment as on date, the Land Owning Agency's contribution may be kept as Rs.1,50,000/- per eligible beneficiary and the cost of the dwelling units may be shared equally by the State Government and the beneficiary after deduction of Central Government share from the actual cost of the dwelling unit. In case of *in situ* development, the eligible beneficiary will have to pay the land owning agency share in addition to the beneficiary share.

9. The rehabilitation/relocation of JJ clusters shall be started without waiting for the receipt of Land Owning Agencies contributions from the Delhi Government Departments and/or its autonomous bodies/Public Sector Undertakings and the shortage of funds on accounts of this can be met out from the funds given by Government to the implementing agency. After the removal of JJ clusters, the said land may be handed over to the Land Owning Agency and the process for recovery of the Land Owning Agency contribution may be carried out simultaneously. However, in

cases where the land owner is a Government of India Department/Agency, the cluster may be removed only after receipt of the Land Owning Agency contribution.

10. The entire relocation/rehabilitation of JJ clusters shall be treated as a public project under JNNURM/RAY, under The National Capital Territory of Delhi Laws (Special Provisions) Act, 2011.

11. DUSIB will utilise the Aadhaar/UIDAI Card data of the JJ dweller for biometric authentication. However, in case Aadhaar/UIDAI Card data is not available, then DUSIB may authenticate the JJ dweller through its own bio-metric process. Aadhaar/UIDAI/DUSIB bio-metric identity card data of each member(s) of the JJ dwellers family shall be kept in record for reference. However, production of UID/EID No. of the beneficiary will be compulsory before handing over the possession of the flat.

12. In the case of a JJ cluster dweller expiring after the date of survey, the widow/widower becomes eligible for allotment under the Scheme. However, where the JJ dweller and his/her spouse dies after the conduct of survey, the legal heir(s) who have been actually residing in the said jhuggi shall be eligible to avail the benefits under the Scheme, in order to remove hardships to the family of deceased beneficiary.

13. DUSIB shall refer specific complaint(s), if any, pertaining to foreign nationals case(s) to Delhi Police for verification and to consider remaining cases by taking an affidavit from the beneficiary regarding his/her details of permanent address and also a declaration to the effect that he/she is a *bonafide* citizen of India.

14. The cases of minor mistakes/variations in the name(s) and/or address(s) of the slum/JJ dweller/beneficiary would be decided by the CEO, DUSIB on the basis of documentation and verification.

15. Allotment of flats to the identified and selected eligible JJ dwellers will be made by computerized draw of flats by the DUSIB. Possession of the flats will be handed over to the eligible JJ dwellers by the DUSIB as per the terms and conditions.

16. The work of maintenance of flats will be the responsibility of the construction agency (DSIIDC/DUSIB) for a minimum period of five years from the date of allotment and, thereafter, the property will be transferred to the Nodal Agency/local body or RWA for maintenance. Maintenance charges as may be decided will be recovered from the allottees on sharing basis and will be deposited in the "Estate Management Fund" to be operated by the construction agency concerned.

17. DUSIB will assist those beneficiaries who are not able to arrange the beneficiary contribution to avail loans from banks /financial institutions including cooperative banks. However, in case of default in payments by the beneficiary, nodal agency i.e. DUSIB shall have the right to cancel the allotment and allot the flat to some other eligible JJ dweller.

18. In case of SC beneficiaries, financial assistance will be provided to meet the total amount of beneficiary contribution required under the relocation scheme as per the procedure prescribed vide Cabinet Decision No 1810 dated 19.9.2011 including in situ redevelopment.

19. In addition to above prescribed procedure, if any genuine case(s) is/are still left out, then CEO, DUSIB may consider the same as per individual merits of the case. The requirements of additional documents, if any, to decide the eligibility of the applicant in these cases may be decided by CEO, DUSIB.

20. The benefit of these guidelines will apply to the following eight JJ clusters namely (a) Cement Godown Moti Bagh/Netaji Nagar, (b) G-Point, Gole Market, (c) Pkt-5, near Dhobi Ghat, DDU Marg (d) Bengali Camp at Kidwai Nagar (e) Mandir Gali, G-F Block, Karam Pura (f) Shiv Camp near Safdarjung Airport (g) Cluster near Bharti Nagar (Khan Market) and (h) Arjun Das Camp, East Kidwai Nagar, which have already been relocated by DUSIB as per the policy guidelines issued vide order dated 19.2.2010 and its subsequent amendments. However, the financial sharing pattern in these cases would be as per order dated 19.2.2010.

MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER-(M-RZ)-I
NEAR RANI JHANSI STADIUM KESHAVPURAM NEW DELHI

ANNEXURE 3

Dated: 1/4/14

No.E.E.-(M-RZ)-I/13/D/ 04

To

Sh. Sajal Mitra
Ex. Engineer (PWD)
M-112, Rani Bagh
New Delhi

Subject:

Payment of Relocation Charges in the respect of eligible jhuggi dwellers of J.J. Cluster S.P. Camp Virat Co-Operative Jawlapuri Delhi.

Sir,

Please find enclosed herewith a demand letter for Rs. 5,07,00,000/- against payment of re-location charges in respect of 338 eligible jhuggi dwellers of J.J. Cluster S.P. Camp Virat Co-operative Jawlapuri. The said demand has been raised in pursuant to the guideline for implementation of the scheme for relocation/rehabilitation and allotment of flats to the Jhuggi Jhopri dwellers under JNNURM-2013 notified by Govt. of NCT of Delhi Deptt. of Urban Development vide order No. F 18(7)/UD/DUSIB/2011*Vol-1/2350 dated 25/02/2013. As per the para 8 of the guidelines the contribution of the land owning agency has been kept as Rs. 1,50,000/- per eligible beneficiary and the relocation charges are to be borne by the land owning agency. Since presently the area /road in question falls under the jurisdiction of PWD, as such you are requested to take urgent action in the matter for release of payment to the tune of Rs. 5,07,00,000/- in favour of Delhi Urban Shelter Improvement Board. An early action from your side shall speed up the rehabilitation process.

Encl: As above.

Executive Engineer (M-RZ)-I

Copy to:-

1. C.E. (Rohini), for kind information.
2. D.C. (Rohini), for kind information.
3. S.E. (Rohini)-I, for kind information.
4. Dy. Director, (JNNURM)-II, with the request to follow up the matter with PWD.
5. Office Copy.

3/3/14
Executive Engineer (M-RZ)-I

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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 890/2011

VIRAT COOPERATIVE GROUP
HOUSING SOCIETY LTD & ORS Petitioners
Through: Mr. D.K. Sharma, petitioner in person.

versus

COMMISSIONER MUNICIPAL
CORPORATION OF DELHI & ORS Respondents
Through: Mr. Parvinder Chauhan, Advocate for
respondent No.1-DUSIB.
Ms. Mini Pushkarna, Standing counsel
for respondent No.2.
Ms. Niti Jain, Advocate for Mr. Anuj
Aggarwal, Advocate for respondent
No.3-GNCTD.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

% **ORDER**
01.07.2015

It is strange that a contempt petition in this Court has been pending in Court for more than four years. A perusal of the file reveals that on one pretext or the other respondents are seeking an adjournment and not complying with the order. However, this Court is not able to find out as to who is stalling the execution of a legal and valid order which has attained finality.

Let a personal affidavit of Chief Executive Officer, DUSIB be filed, clearly naming the officer or the authority, who is stalling the execution of

the order.

It is made clear that execution of a legal and valid order cannot be stalled on the ground for four years on the ground that a new policy is under contemplation.

It is also not understood as to why the Government could not frame a new policy if it wanted to do so for the last four years.

The Chief Executive Officer, DUSIB, is also directed to be personally present in Court on the next date of hearing.

This Court clarifies that the personal presence of Chief Executive Officer, DUSIB, is being insisted upon as it is a gross case in which for the last four years on one pretext or the other a legal and valid order passed by the Division Bench of this Court is not being implemented.

List the matter on 15th September, 2015.

MANMOHAN, J

JULY 01, 2015

js

फ्लैटों का विवरण, अनुमानित लागत और स्थान के कोड DETAILS OF FLATS, TENTATIVE COST AND LOCALITY CODES

क्र. सं.	स्थान	स्थान कोड	फ्लैटों की संख्या	कुर्सी क्षेत्रफल की लगभग सीमा (वर्ग मीटर में)	अनुमानित निपटान लागत की विस्तृत सीमा (लाख रुपए में)
S. No.	Locality	Locality Code	No. of flats	Approx. Range of Plinth area (in sq. meter)	Broad range of Tentative Disposal Cost (Rs. in lakhs)

अ/ A पुरानी संपत्ति सूची OLD INVENTORY

एच आई जी HIG

1	रोहिणी सेक्टर-18 Rohini Sector-18	11	5	96.49 to 110.44	60.52 to 69.37
2	जसोला Jasola	12	4	131.92	108.66
3	मुखर्जी नगर Mukharjee Nagar	13	1	164.11	111.80
4	रोहिणी सेक्टर-29 Rohini Sector-29	14	9	151.06 to 156.61	92.60 to 96.03
5	शालीमार बाग Shalimar Bagh	15	1	84.82	37.50
6	मोतिया खान Motia Khan	16	1	131.10	120.65

एम आई जी MIG

7	रोहिणी फेस- IV Rohini Ph. IV	21	19	72.28 to 94.54	32.55 to 48.53
8	रोहिणी, कालकाजी, कोन्डली घरोली, मानसरोवर पार्क, ईस्ट ऑफ लोनी रोड एवं झिलमिल Rohini, Kalkaji, Kondli Gharoli, Mansarovar Park, East of Loni Road & Jhilmil	22	10	65.46 to 84.70	33.19 to 46.00
9	जहांगीरपुरी Jahangirpuri	23	8	64.04 to 99.73	32.47 to 71.42
10	नरेला Narela	24	12	75.78 to 75.96	28.76 to 38.43

एलआईजी / एक शयन कक्ष LIG/ONE BED ROOM

11	रोहिणी Rohini	31	81	42.83 to 49.81	14.57 to 27.57
12	द्वारका एवं नसीरपुर Dwarka & Nasirpur	32	2	43.56 to 50.71	19.25 to 21.53
13	जसोला, मोलरबुंद Jasola, Molarbund	33	24	39.04 to 57.03	15.38 to 27.85
14	लोकनायक पुरम, पश्चिम विहार Loknayak Puram, Paschim Vihar	34	234	41.15 to 44.33	16.58 to 19.04
15	जाफराबाद, दिलशाद गार्डन, कोन्डली घरोली, ईस्ट ऑफ लोनी रोड Jafraabad, Dilshad Garden, Kondli Gharoli, East of Loni Road	35	69	31.34 to 73.99	14.80 to 27.63
16	नरेला Narela	36	41	41.43 to 52.63	14.34 to 16.81

विस्तारणीय आवास योजना, टाइप 'ए' EXPANDABLE HOUSING SCHEME TYPE "A"

17	रोहिणी सेक्टर 20 एवं 25 Rohini Sector 20 & 25	51	40	35.00	19.80
18	नरेला ए-6 एवं ए-10 Narela A-6 & A-10	52	89	34.50 to 35.29	12.50 to 13.35

जनता JANTA

19	रोहिणी, मंगोलपुरी Rohini, Mangolpuri	61	45	19.62 to 28.72	6.57 to 9.90
20	नसीरपुर, द्वारका, बिन्दापुर Nasirpur, Dwarka, Bindapur	62	30	20.51 to 27.76	6.10 to 9.30
21	तिगड़ी, मदनगिरी, जसोला Tigri, Madangiri, Jasola	63	5	20.06 to 23.22	5.87 to 9.60
22	रघुबीर नगर, पश्चिमपुरी, तोड़पुर Raghbir Nagar, Paschimपुरी, Todapur	64	19	18.85 to 23.17	5.40 to 9.50
23	कोन्डली घरोली Kondli Gharoli	65	43	25.10 to 26.58	7.00 to 9.70
24	नरेला Narela	66	19	26.11 to 28.07	6.65 to 7.15
उप-योग (ख) Sub Total (A)			811		

ब/ B नव निर्मित फ्लैट्स NEWLY CONSTRUCTED FLATS

एमआईजी MIG

25	मुखर्जी नगर (श्रेणी II) Mukharjee Nagar (Cat. II)	*	25	112	126.17 to 126.81	69.25 to 69.60
26	नरेला ए-9 Narela A-9	**	26	384	109.00	67.38
27	कल्याण विहार Kalyan Vihar	*	27	16	75.90 to 90.60	42.00 to 49.00

एलआईजी / एक शयन कक्ष LIG/ONE BED ROOM

28	द्वारका सेक्टर-23-बी Dwarka Sector-23-B	*	41	2360	33.29 to 33.85	17.76 to 18.06
29	रोहिणी सेक्टर-34 व 35 Rohini Sector-34 & 35	**	42	10875	33.29 to 33.85	15.00 to 15.25
30	नरेला जी-2 व जी-8 Narela G-2 & G-8	**	43	6422	33.29 to 33.85	14.70 to 14.94
31	सिरसपुर और नरेला Siraspur & Narela	**	44	2920	32.00	20.31
32	रोहिणी सेक्टर-16 Rohini Sector-16	**	45	50	46.80 to 48.50	20.73 to 21.93

जनता JANTA

33	ओआरटी (एक कमरे का मकान) रोहिणी सेक्टर-4 ORT Rohini Sec.-4	**	67	384	28.20	10.36
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ई. डब्ल्यू. एस. E.W.S.

34	शिवाजी मार्ग, नई दिल्ली Shivaji Marg, New Delhi	**	71	700	25 to 40	6.90 to 11.00
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उप योग (क) Sub Total (B) **24223**

महा योग (क+ख) Grand Total (A+B) **25034**

* नव निर्मित Newly constructed. ** निर्माण कार्य पूरा होने के अंतिम चरण में है। Advanced stage of completion

ई. डब्ल्यू. एस. फ्लैट्स के लिए-पार्किंग का मूल्य वास्तविक आधार पर अलग से लिया जाएगा। For EWS flats-Price of Parking will be charged extra on actual basis.

395/C

DUSIB is unable to protect a lot of standalone properties, small / built up assets from vandalism/unauthorized encroachment due to paucity of funds and man power. It is therefore, in the interest of the Department to auction / tender these scattered properties to avoid unnecessary expenditure on watch and ward and their maintenance. This will help in augmenting scarce fiduciary / pecuniary resources for the Department.

As per section 33 (1) of the DUSIB Act,2010 " The Board shall for the purposes of this Act, by agreement on such terms and at such price as may be approved by the Board, have power to acquire and hold or dispose of movable and immovable property or any interest thereon".

The matter was placed before the Board along with the requisite agenda (Copy of the minutes of Vth meeting and the requisite agenda enclosed) and consequent upon the approval accorded by the Board in its Vth meeting held on 19.12.2011, the Chief Executive Officer has been authorised to constitute committee to fix the reserve price and accept the bid of properties proposed to be disposed off through auction / tender. Further, the C.E.O. has been authorized to exercise the power for disposal of land / properties on free hold / lease hold basis through auction / tender on the recommendation of committee except Nazul land for which approval of Competent Authority i.e., Hon'ble Lt. Governor of NCT of Delhi is required.

In view of the above, it is requested to intimate whether DUSIB can dispose of its properties through auction / tender for generating the revenue as per the practice that had been adopted by erstwhile Slum & JJ Department, now DUSIB. If required, a request for the same, may be sent to Government of India for approval.

Thanking you in anticipation.

Yours sincerely,

Kamal Malhotra
(KAMAL MALHOTRA) 7/5/14
DIRECTOR (AM)

Annexure-II 406/C 15/17 11/7/14

GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF URBAN DEVELOPMENT
9TH LEVEL, C-WING, DELHI SECRETARIAT
I.P. ESTATE, NEW DELHI-110002

F.No.3(7)/UD/DUSIB/2010/2206 .

Dated: 13/06/2014.

To,
The Chief Executive Officer,
Delhi Urban Shelter Improvement Board,
4TH Floor, Vikas Bhawan - II,
Bela Road, Delhi.

Diary No. 3291 ✓
Date: 13/06/14
App: [Signature]

Sub: Clarification regarding disposal of DUSIB, Properties (erstwhile Slum & JJ Deptt.) through auction.

Sir,

I am directed to refer to the letter No.R/02/SR-AO/HAU/2006/14/D-125 dated 08.05.2014 on the subject cited above, addressed to the Secretary (UD) by the Director (AM), DUSIB. In this regard it is intimated that the matter has been examined in the Govt. of NCT of Delhi and the suggestion of the Finance Department, GNCT of Delhi is given as under:-

"That as per scheduled to Rules 7 and 8 of Transaction of Business Rules, the approval of the Council of Ministers is required in respect of proposals involving alienation, either temporary or permanent, or of sale, grant or lease of Government property exceeding (Rupees one lakh in value) or the abandonment or reduction of revenues exceeding that amount except when such alienation, sale, grant or lease of Government property is in accordance with the rules or with a general scheme already approved by the Council.

In view of above, FD feels that the approval of Council of Ministers or of the competent authority empowered to exercise the powers of the Cabinet is required in the instant case, since it involves disposal of land. FD also feels that if the competent authority agreed to dispose off the land through auction, the Board may either adopt the auction policy being followed by DDA for the public auction of movable ad immovable property or chalk out a better improved transparent policy which will fetch more revenue. DUSIB should seek the approval of the competent authority for the specific property, being auctioned, each time. Blanket approval for the disposal of land through auction is not advisable. Further, DUSIB should also ensure that the immovable property to be auctioned is not required for resettlement of residents of Jhuggi Jhopari Bastis removed from the encroached land of Government and other agencies or for any other use as per the mandate of DUSIB".

Therefore, DUSIB is requested to initiate further necessary action as per the advice of Finance Deptt. GNCT of Delhi.

Yours faithfully,

[Signature]

Project Officer (BSUP)

-50-

15/7/14
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31/7/14

AD (R.P Cell)
28/7/14

31/7/14

(ग) किसी झुग्गी झोपड़ी बस्ती के लिए बस्ती विकास समिति, जो संबद्ध बस्ती या बस्तियों के संदर्भ में बोर्ड की गतिविधियों के मामलों में बोर्ड की सहायता करे और उसे सलाह दे, के गठन के सिलसिले में बोर्ड द्वारा अपनायी जाने वाली प्रक्रिया;

(घ) कोई अन्य मामला, जो विनियमों द्वारा निर्धारित किया जाना हो अथवा किया जा सकता हो।

54. दिल्ली की विधानसभा के समक्ष नियमों और विनियमों को प्रस्तुत करना.—इस अधिनियम के अंतर्गत बनाए गए प्रत्येक नियम और विनियम को, सम्बद्ध नियम या विनियम के तैयार होने के बाद यथाशीघ्र, दिल्ली की विधानसभा के समक्ष उस समय रखा जब उसकी बैठक कुल 30 दिन की अवधि के लिए हो रही हो, जिसमें एक सत्र अथवा लगातार दो या अधिक सत्र शामिल हो सकते हैं, और यदि, उपरोक्त सत्र के समाप्त होने से पहले, उसके तत्काल बाद आने वाले सत्र या परवर्ती सत्रों में, सदन नियमों या विनियमों, जो भी लागू हो, में कोई संशोधन करता है या सदन इस बात पर सहमति व्यक्त करता है कि या नियम अथवा विनियम, जो भी लागू हो, न बनाये जायें, तो उसके बाद नियम या विनियम केवल संशोधित रूप में ही प्रभावी होंगे अथवा प्रभावी नहीं होंगे, जैसी भी स्थिति होगी; किन्तु, ऐसे में, किसी प्रकार के संशोधन या निरसन का प्रतिकूल प्रभाव उस नियम या विनियम की वैधता अथवा पूर्व में उनके अंतर्गत किए गए किसी कार्य पर नहीं पड़ेगा।

55. कठिनाइयां दूर करने की शक्ति.—(1) इस अधिनियम के प्रावधानों को प्रभावी बनाने में यदि कोई कठिनाई आती है, तो सरकार, सरकारी राजपत्र में सामान्य या विशेष आदेश प्रकाशित करके, ऐसे प्रावधान कर सकती है जो इस अधिनियम के प्रावधानों से असंगत न हों, जो कठिनाई दूर करने के लिए सरकार को अनिवार्य या समीचीन लगते हों :

परन्तु, ऐसा कोई आदेश इस अधिनियम के प्रारंभ होने की तारीख से दो वर्ष की अवधि समाप्त होने के बाद जारी नहीं किया जायेगा।

(2) इस धारा की उप-धारा (1) के अंतर्गत किया गया कोई भी आदेश, उसके जारी होने के बाद यथाशीघ्र, दिल्ली की विधानसभा के समक्ष प्रस्तुत किया जायेगा।

सविता राव, संयुक्त सचिव

DEPARTMENT OF LAW, JUSTICE
AND LEGISLATIVE AFFAIRS

NOTIFICATION

Delhi, the 31st May, 2010

No. F. 14(18)/LA-2007/LC Law/217.—The following Act of the Legislative Assembly of the National Capital Territory of Delhi received the assent of the President of India on 13th May, 2010 and is hereby published for general information :—

“THE DELHI URBAN SHELTER IMPROVEMENT
BOARD ACT, 2010

(Delhi Act 07 of 2010)

(As passed by the Legislative Assembly of the
National Capital Territory of Delhi on the 1st April, 2010.)
[13th May, 2010]

An Act to provide for the establishment of The Delhi Urban Shelter Improvement Board in the National Capital Territory of Delhi and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Sixty First 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 Shelter Improvement Board Act, 2010.

(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 in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

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

(a) “Board” means the Delhi Urban Shelter Improvement Board constituted under sub-section (1) of Section 3 of this Act;

(b) “building” includes a house, out-bouse, stable, latrine, urinal shed, but, jhuggi, wall (other than a boundary wall) or any other structure whether made of masonry, brick, wood, mud, metal or any other material but does not include any portable shelter;

(c) “Delhi” means the National Capital Territory of Delhi;

(d) “Government” means the Lt. Governor of the National Capital Territory of Delhi appointed by the President under Article 239 and designated as such under Article 239AA of the Constitution;

(e) “improvement” in relation to any jhuggi jhopri basti means the activity of improvement as provided under Section 11 of this Act;

(f) “Jhuggi” means a structure whether temporary or pucca, of whatever material made, with the following characteristics, namely :—

(i) it is built for residential purpose;

(ii) its location is not in conformity with the land use of the Delhi Master Plan;

(iii) it is not duly authorized by the local authority having jurisdiction; and

- (iv) it is included in a jhuggi jhopri basti declared as such by the Board, by notification;
- (g) "Jhuggi jhopri basti" means any group of jhuggis which the Board may, by notification, declare as a jhuggi jhopri basti in accordance with the following factors, namely:—
- (i) the group of jhuggis is unfit for human habitation;
 - (ii) it, by reason of dilapidation, overcrowding, faulty arrangement and design of such jhuggis, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, is detrimental to safety, health or hygiene; and
 - (iii) it is inhabited at least by fifty households as existing on 31st March, 2002 :
 Provided that the Board may, by order, attach any jhuggi or jhuggis scattered in the nearby areas to any jhuggi jhopri basti and such jhuggi or jhuggis shall be deemed to be part of such jhuggi jhopri basti;
- (h) "katra" includes a residential building or group of buildings in which more than one household share common facilities which is traditionally and popularly known in Delhi as a "katra";
- (i) "land" includes benefits arising out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street;
- (j) "Lieutenant Governor" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under Article 239 of the Constitution;
- (k) "local authority" includes the Delhi Development Authority, the Municipal Corporation of Delhi, the New Delhi Municipal Council, the Delhi Cantonment Board, and any other authority performing the functions of a local authority;
- (l) "Master Plan" means the Master Plan for Delhi prepared under the Delhi Development Act, 1957 (61 of 1957);
- (m) "occupier" includes—
- (i) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;
 - (ii) an owner in occupation of, or otherwise using his land or building;
 - (iii) a rent-free tenant of any land or building;
 - (iv) a licensee in occupation of any land or building; and
 - (v) any person who is liable to pay to the owner damages for the use and occupation of any land or building;
- (n) "Official Gazette" means the Official Gazette of Delhi;
- (o) "owner" in respect of clause (b) of Section 38 and Section 40 of this Act shall have the same meaning as assigned in clause (37) of Section 2 of the Delhi Municipal Corporation Act, 1957 (66 of 1957), whereas in respect of sub-section (2) of Section 10, sub-section (1) of Section 11 and sub-sections (1) and (4) of Section 12, it means the Central Government, or Government of Delhi, as the case may be, or their agencies;
- (p) "person interested" in relation to any land or building, includes any person claiming, or entitled to claim, an interest in the compensation payable on account of the acquisition of that land or building under this Act;
- (q) "premises" means any land or building or part of a building and includes—(a) the garden, ground and out-houses, if any, appertaining to a building or part of a building, and (b) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof;
- (r) "public premises" shall have the same meaning as defined in clause (e) of Section 2 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971);
- (s) "redevelopment" means the activity of redevelopment of an area where jhuggi jhopri basti is situated in accordance with the provisions of Section 12 of this Act;
- (t) "regulation" means a regulation made by the Board with the approval of the Government, under this Act, by notification in the Official Gazette;
- (u) "rule" means a rule made by the Government under this Act, by notification in the Official Gazette;
- (v) "slum" and "slum area" shall have the same meanings as assigned to them under the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956);
- (w) "unauthorized regularized colonies" mean the unauthorized colonies regularized from time to time.

CHAPTER II

DELHI URBAN SHELTER IMPROVEMENT BOARD AND ITS CONSTITUTION

3. **Establishment of the Board.**—(1) As soon as may be after the commencement of this Act, the Government shall, by notification in the Official Gazette, constitute an authority to be called "the Delhi Urban Shelter Improvement Board" (herein after referred to as "the Board").

(2) The Board constituted under sub-section (1) shall be the competent authority to implement the provisions of the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956).

2061 D G/10-4

-52-

(3) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal and to contract and shall by the said name sue and be sued.

(4) The Board shall consist of the following, namely:—

- (i) (a) a Chairperson, who shall be the Chief Minister;
- (b) a Vice-Chairperson who shall be the Minister in-charge of the concerned department of the Government dealing with the Board;
- (ii) the Chief Executive Officer, to be nominated by the Government who shall be an officer carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India;
- (iii) three members of the Legislative Assembly of Delhi, to be nominated by the Chairperson in consultation with the Speaker;
- (iv) two members of the Municipal Corporation of Delhi, to be nominated by the Mayor;
- (v) the Vice-Chairman, Delhi Development Authority, ex-officio;
- (vi) the Commissioner of the Municipal Corporation of Delhi, ex-officio;
- (vii) the Chief Executive Officer, Delhi Jal Board, ex-officio;
- (viii) the Chairperson of the New Delhi Municipal Council, ex-officio;
- (ix) a Member (Engineering), to be nominated by the Government, who shall be an engineer, carrying a scale of pay, which is not less than that of a Joint Secretary to the Government of India, having specialized knowledge and experience in the matter relating to engineering;
- (x) a Member (Finance), to be nominated by the Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India, having specialized knowledge and practical experience of accounting and financial matters;
- (xi) a Member (Administration), to be nominated by the Government carrying a scale of pay, which is not less than that of a Joint Secretary to the Government of India, having specialized knowledge and practical experience of personnel and administrative matters;
- (xii) a Member (Power), to be nominated by the Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India, having specialized knowledge and practical experience of power and administrative matters;

(xiii) the Secretary in-charge of the concerned Department of the Government dealing with the Board, ex-officio;

(xiv) a representative of the Ministry of Urban Development, Government of India, who shall be an officer of the rank of Joint Secretary to the Government of India, to be nominated by the Central Government;

(xv) two experts on the subjects dealing with the urban planning and slum matters non-officials, to be nominated by the Chairperson.

4. **Term of office and conditions of service of members.**—The term of office and other conditions of service of the members shall be as follows:—

- (1) Members nominated under clauses (ii), (ix), (x), (xi), (xii) and (xv) of sub-section (4) of Section 3 of this Act shall receive from the funds of the Board such salaries and allowances, and shall be governed by such conditions of service, as may be prescribed.
- (2) Except in the case of ex-officio members and members nominated under clauses (iii) and (iv) of sub-section (4) of Section 3 of this Act, the members of the Board shall hold office at the pleasure of the Government.
- (3) The members of the Board nominated under clauses (iii) and (iv) of sub-section (4) of Section 3 of this Act shall hold office for a period of two years and such term shall come to an end as soon as the member concerned ceases to be a member of the body from which he/she was nominated.

5. **Acts and proceedings not to be invalidated by vacancies, etc.**—No act done or proceeding taken by the Board or under the authority of the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of the Board.

6. **Appointment of officers and employees and their salaries and allowances.**—(1) The Board may appoint a Secretary and such other officers and employees as it may consider necessary for the efficient performance of its functions under this Act.

(2) The pay and other conditions of service of the officers and employees of the Board shall be such as may be prescribed by regulations.

(3) Unless expressly provided to the contrary under this Act or the regulations made thereunder, the terms and conditions of service of officers and employees of the Board shall be governed *mutatis mutandis* by the terms and conditions of service under the rules and regulations applicable to the employees of the Government and by the orders and decisions issued by the Government from time to time.

7. **Power to levy fees and charges.**—The Board shall, for the purposes of this Act, levy fees and charges for any services, which it may be required to provide, as may be prescribed by the rules in this behalf.

8. **Urban shelter consultative committee.**—(1) The Government may constitute an urban shelter consultative committee to perform functions described in sub-section (3) of this Section.

(2) The composition of the consultative committee shall be as may be prescribed by rules.

(3) The functions of the urban shelter consultative committee shall be—

- (i) to provide feedback to the Board regarding the status of redevelopment and various initiatives of the Board;
- (ii) to articulate the felt needs and problems of the slum and jhuggi dwellers;
- (iii) to suggest to the Board strategies for more effective provision of basic infrastructure of services;
- (iv) to advise the Board on any other matter regarding which the Board may seek its advice.

(4) the members of the consultative committee shall be paid remuneration as prescribed by rules.

CHAPTER III

FUNCTIONS OF THE BOARD

9. **Survey of jhuggi jhopri bastis.**—(1) The Board shall have the power to make a survey of any jhuggi jhopri basti, with a view to ascertaining the number of residents thereof, the existing standard of health, sanitation and civic amenities, the availability of medical and educational facilities for the residents thereof, and any other matter which may appear necessary to it to enable it to perform its functions under this Act.

(2) It shall be the duty of every local authority and every department of the Government to make available to the Board all information in its possession relevant to the conduct of such survey.

10. **Removal and resettlement of jhuggi jhopri bastis.**—(1) The Board shall have the power to prepare a scheme for the removal of any jhuggi jhopri basti and for resettlement of the residents thereof, and the consent of residents of the jhuggi jhopri basti shall not be required for the preparation or implementation of such a scheme.

Explanation.—Nothing in sub-section (1) shall derogate the power of the Central Government to remove jhuggis, if required.

(2) Every such scheme shall specify the amount to be paid by the land owner and by the persons to be resettled towards the cost of new houses to be allotted to them and also the criteria for eligibility for resettlement.

Explanation.—For the removal of doubts it is hereby clarified that owner of the land from where the basti is

removed and the subsequent beneficiary-residents to be resettled shall contribute towards the cost of new houses to be allotted to them and the said amount of the contribution shall be specified in the scheme.

(3) The Board may, after prior consultation with the Government, cause any jhuggi jhopri basti to be removed and may resettle such residents thereof as may be eligible in accordance with the scheme prepared under sub-section (1), and it shall be the duty of the local authority having jurisdiction and of the police and of any other agency or department whose assistance the Board may require to co-operate with the Board to render all reasonable assistance to the Board:

Provided that where jhuggi jhopri basti is on the land belonging to the Central Government or any of its organizations, the process of removal and resettlement shall be undertaken with the prior consent of the Central Government or its organization concerned:

Provided further that such resettlement shall not be done in contravention of the provisions of the Delhi Development Act, 1957 (61 of 1957) and those of the Master Plan for Delhi or the Zonal Development Plans prepared thereunder.

11. **Scheme of improvement of jhuggi jhopri bastis.**—(1) The Board may prepare a scheme for the improvement of any jhuggi jhopri basti which may include provision of toilets and bathing facilities, improvement of drainage, provision of water supply, street paving, and provision of dustbins, or sites for garbage collection, street lighting, or any of them, or provision of any like facilities:

Provided that no such scheme shall be prepared if the owner of the land on which the jhuggi jhopri basti is situated has already consented to the preparation of a scheme for the removal of the jhuggi jhopri basti under Section 10 and has paid his share of the cost thereof.

(2) The Board may take all measures which may be necessary for the implementation of any scheme for improvement of a jhuggi jhopri basti prepared under sub-section (1) and it shall be the duty of the local authority, power generation and distribution companies or any licensee under the Electricity Act, 2003 (36 of 2003) having operations in the area, and any department or undertaking of the Government to render all reasonable assistance for the implementation thereof.

(3) A scheme prepared under sub-section (1) may include provision for payment or for contribution of labour by the residents of the jhuggi jhopri basti individually or collectively, and may also include provision for recovery of charges for the use of toilets and bathing facilities:

Provided that no such payment or contribution of labour, other than charges for use of toilet and bathing facilities, shall be levied unless the scheme has been

published and the residents given an opportunity to make representations and suggestions regarding it in such manner as may be prescribed by regulations, and such representations or suggestions, if any, have been duly considered by the Board.

12. Scheme of redevelopment of jhuggi jhopri basti.—(1) The Board may, with the consent of the owner of the land on which the jhuggi jhopri basti is situated, work out schemes for collective community rehabilitation, relocation or in-situ upgradation and involve private sector/slum cooperatives for redevelopment of the basti with a view to bringing about environmental improvement and improvement in the living conditions of the residents. Rehabilitation of the residents of the jhuggi jhopri bastis who would be affected by redevelopment shall form an integral part of the rehabilitation scheme.

(2) The consent of the residents of the jhuggi jhopri basti shall not be required for the preparation and implementation of any scheme for redevelopment of the basti under this section.

(3) The redevelopment scheme referred to in sub-section (1) may provide for construction and disposal by sale or lease of land for commercial, residential, institutional and light industrial use or any one or more of them as per the provisions of the Delhi Development Act, 1957 (61 of 1957) and those of the Master Plan for Delhi and Zonal Development Plans, etc. prepared thereunder.

(4) The Board may permit the owners on whose land a basti for which the scheme of re-development has been prepared under sub-section (1), to implement that scheme. Such scheme may not be executed by the Board itself :

Provided that the prior approval of the Central Government shall be taken if the land in question belongs to the Central Government.

13. Basti Vikas Samiti.—(1) The Board may constitute a Basti Vikas Samiti for any jhuggi jhopri basti to assist and advise the Board on all matters relating to the activities of the Board in respect of such basti or bastis.

(2) The procedure to be followed by the Board in this behalf shall be as may be specified in the regulations made in this behalf.

14. Power to make temporary use of vacant site.—The Board may, subject to the provisions of this Act, make temporary use of any vacant site which, in its opinion, is urgently required for provision of public conveniences or drainage, the absence of which, in the opinion of the Board, is likely to cause a danger to public health and sanitation in the locality :

Provided that the Board shall not make use of the land under or appurtenant to any lawfully existing and duly authorized building.

15. Preference to other sites.—The Board shall, as far as may be, make use of the land under this Chapter belonging to the Government, the Central Government, a local authority, Government undertaking or autonomous body in preference to other sites :

Provided that the prior approval of the Central Government shall be taken if the land in question belongs to the Central Government.

16. Procedure of making temporary use of site.—(1) Before making use of any site under this Chapter, the Board shall call upon the owner thereof or any person in possession of the site or managing it, to show cause within seven days of the service of notice as to why such temporary use of land should not be made :

Provided that before utilizing the site under this sub-section, the Board shall consider the representation, if any, made by such person in this behalf.

(2) If the Board is satisfied, after having considered any representation made under sub-section (1), that it is necessary to make use of the site, the Board may proceed to make use of such site and may use such force for the purpose as may be necessary :

Provided that where the site belonged to the Central Government or any of its agencies or organizations, prior approval shall be taken of the Central Government or its agency, or organization concerned.

17. Lease or agreement no ground for refusal.—Notwithstanding the provisions of any other law for the time being in force, no lease or other agreement entered into in respect of such site shall be a ground for refusal to allow temporary use by the Board of such site :

Provided that where the site belonged to the Central Government or any of its agency or organization prior approval shall be taken of the Central Government or its agency or organization concerned.

18. Issuance of fresh notice.—If the Board does not make use of such site for the purpose envisaged in Section 14 within a period of six months from the date of the issue of the notice, the Board shall issue fresh notice for the same before making use of it. The period of six months shall count from the date of the issue of the notice under section 16.

19. Use of temporary site.—Notwithstanding the provisions of any other law for the time being in force, the Board may construct such structures or do such works on the site, the use of which is made under Section 14 as may appear necessary to it in order to make use of it for provisions of public conveniences and drainage, but as far as may be shall refrain from making permanent alterations and modifications, and shall remove all structures constructed by it upon cessation of such use.

Provided that where the site belonged to the Central Government or any of its agencies or organizations, prior approval shall be taken of the Central Government or its agency or organization concerned.

20. Duration of temporary use of site.—The Board shall discontinue the temporary use of any site taken under this Chapter within two years from the date of commencement of such use :

Provided that if the Board is satisfied that continuation of such temporary use is necessary in the interest of public health, the Board may, after giving opportunity to show cause, by order extend such temporary use for such further period, not exceeding one year, as the Board may deem necessary.

21. Housing scheme.—(1) The Board may prepare a housing scheme for the resettlement of persons who are to be resettled or provided alternative accommodation under any scheme for the removal of any jbuggi jhopri basti under the provisions of Section 10 or Section 12 of this Act.

(2) The Board may prepare schemes for housing of those belonging to economically weaker sections including low income group and poor categories:

Provided that except where land or rehabilitation site belongs to the Government, a housing scheme under sub-sections (1) and (2) shall be drawn up in consultation with the land owning agency on mutually accepted conditions.

(4) Every scheme prepared under sub-section (1) shall provide for the cost of land, the development of such land and all related matters, the mode of allotment of plots or of houses, including the selection of allottees of such plots or houses and the terms and conditions of allotment, and for any other matter that may be considered necessary.

22. Publication of scheme for inviting objections.—Before finalizing and implementing any scheme under this Chapter, the Board shall publish the scheme in such manner as may be prescribed by regulations and shall invite and consider objections, if any, received from the public.

CHAPTER-IV

FINANCE, ACCOUNTS AND AUDIT

23. Funds of the Board.—(1) The Board shall have and maintain its own funds to which shall be credited—

- (a) all moneys received by the Board from the Government by way of grants, loans, advances or otherwise;
- (b) all moneys borrowed by the Board from sources other than the Government by way of loans, or debentures;
- (c) all fees and charges collected or received by the Board under this Act or any rules or regulation made thereunder;
- (d) all moneys received by the Board from the disposal of lands, buildings and other properties, movable and immovable; and
- (e) all moneys received by the Board by way of rents and profits or in any other manner or from any other sources.

(2) The funds shall be applied towards meeting the expenses incurred by the Board in the administration of this Act and for no other purpose.

(3) The Board may keep in current account of the State Bank of India or any other nationalized banks such sum or sums of money out of its funds as may be prescribed

by rules and any money in excess of the said sum or sums shall be invested in such manner as may be approved by the Government.

(4) The Government may make such grants, advances and loans to the Board as the Government may deem necessary for the performance of the functions of the Board under this Act and all grants, loans and advances made shall be on such terms and condition as the Government may determine.

(5) The Board may borrow moneys by way of loans or debentures from financial institutions and such sources (other than the Government) and on such terms and conditions as may be approved by the Government.

(6) The Board shall maintain a Debt Fund for the repayment of moneys borrowed under sub-section (5) and shall pay every year into the Debt Fund such sum as may be sufficient for repayment of principal and interest due thereon, within the period fixed, of all moneys so borrowed.

(7) The Debt Fund or any part thereof shall be applied in, or towards, the discharge of the loan for which such Fund was created, and until such loan is wholly discharged, it shall not be applied for any other purpose.

24. Budget and audit of the Board.—(1) The Board shall prepare in such form and at such time every year as may be prescribed by rules, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Board and shall forward to the Government such number of copies thereof as may be prescribed by rules.

(2) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance-sheet in such form as the Government may by rules prescribe in consultation with the Comptroller and Auditor-General of India.

(3) The accounts of the Board shall be subject to audit annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

(4) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of accounts of the Board shall have the same right, privilege and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Board.

(5) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Government and the Government shall cause a copy of the same to be laid before the Legislative Assembly of Delhi.

25. Annual report of the Board.—The Board shall prepare for every year a report of its activities during that year and submit the report to the Government in such form and on or before such date as may be prescribed by rules, and the Government shall cause a copy of the report to be laid before the Legislative Assembly of Delhi.

CHAPTER-V

MISCELLANEOUS

26. Production of record.—The Government may at any time require the Board—

- (a) to produce any record, correspondence or other document in possession of the Board, and
- (b) to furnish any report, written plan, estimate, statement of accounts or statistics relating to the functions of the Board.

27. Inspection and examination of works, records, etc. of the Board by the Government.—The Government may depute any officer to inspect or examine any office of the Board or any service or work undertaken by the Board or property belonging to the Board and to report thereon and the Board and all its officers shall be bound to provide access to such person, at all reasonable times, to the premises and properties of the Board as well as of all records, accounts and other documents the inspection of which such officer may consider necessary to enable him to discharge his duties.

28. Board to comply with directions of the Government.—The Government may, at any time, issue directions to the Board in relation to the management of the Board and the Board shall comply with such directions :

Provided that the Government shall obtain and consider the opinion of the Board before issuing any such direction:

Provided further that the Government shall make due provision for any financial liability to the Board arising directly in consequence of any such directions:

Provided also that all directions issued to the Board by the Government shall be reported to the Legislative Assembly of Delhi at the end of each year.

29. Transitional provisions.—Notwithstanding anything contained in this Act, the Government may, if necessary, appoint a special officer to exercise the powers and discharge the functions of the Board until the day on which the first meeting of the Board is held after the commencement of this Act.

30. Taking over the Services of officers and employees.—In administering the provisions of this Act, the Board may, with the prior approval of the Government, take over the services of the officers and other employees of any existing organization of the Government or any other local authority with such designations as the Board may determine and they shall hold office for the same tenure, and at the same remuneration and on same terms and

conditions of service, as they would have held if the Board had not been established and shall continue to do so on such tenure, remuneration and terms and conditions as may be duly altered by the Board :

Provided that the tenure, remuneration and terms and conditions of service of any such officer or employee shall not be altered to his disadvantage without the previous approval of the Government :

Provided further that any services rendered by any such officer or employee before the establishment of the Board shall be deemed to be services rendered under the Board :

Provided also that the Board may employ any such officer or other employee in the discharge of such functions under this Act as the Board may think proper and every such officer or other employee shall discharge those functions accordingly.

31. Taking over the assets and liabilities.—On and from the commencement of this Act, the Board may take over such assets and liabilities, both movable and immovable, of any existing organization of the Government or any local authority as may be specified by the Government or by the Central Government, as the case may be, by an order issued in this behalf, on such terms as may be specified in such order.

32. All appointments, notifications, orders, etc. made or issued prior to formation of the Board to continue in force.—(1) Anything done or any action taken, including any appointment, notification, order, delegation, scheme, rule, form, notice made, granted or issued by any existing organization of the Government or of any other local authority, shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made, issued or granted under the provisions of this Act.

(2) All debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the existing organization of the Government or any local authority shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Board.

(3) All rents, fees and other sums of money due to the existing organization of the Government or any local authority shall be deemed to be due to the Board.

(4) All suits, prosecutions and other legal proceedings instituted or which might have been instituted by, for or against the existing organization of the Government or any local authority may be continued or instituted by, for or against the Board.

33. Acquisition of immovable property.—(1) The Board shall for the purposes of this Act, by agreement on such terms and at such price as may be approved by the Board, have power to acquire and hold or dispose of movable and immovable property or any interest thereon.

(2) The Government may at the request of the Board acquire, prescribe any immovable property in accordance with the law for the time being in force.

34. Power to contract.—The Board shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.

35. Officers and employees of the Board to be public servants.—All officers and employees of the Board shall, when acting or purporting to act in pursuance to the provisions of this Act or of any rules or regulations made thereunder be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860).

36. Service of notices, etc.—(1) Every notice issued by or on behalf of the Board or any of its officers or employee shall be deemed to be duly served—

(a) by giving or tendering the notice, order or direction, or by sending it by post/carrier to the person for whom it is intended; or

(b) if such person cannot be found, by affixing the notice, order or direction on some conspicuous part of his last known place of residence or business, or by giving or tendering the notice, order or direction to some adult member or servant of his family or by causing it to be affixed on some conspicuous part of the building or land, if any, to which it relates.

(2) Where the person on whom a notice, order or direction is to be served is a minor, such service upon his guardian, or upon any adult member of his family, shall be deemed to be the service upon such minor.

37. Power of entry and inspection.—It shall be lawful for any officer or employee authorized by the Board in this behalf, to enter into or upon any land or building built by the Board, with or without assistants and workmen, for the purpose of making an enquiry, inspection, measurement, valuation or survey or to execute any work which is authorized by or under this Act or which it is necessary to execute for any of the purposes or in furtherance of any of the provisions of this Act or of any rule or regulation made thereunder.

38. Breaking into building.—It shall be lawful for any person authorized by the Board in this behalf to make an entry into any place whereupon the premises and structures have been built by the Board and to open or cause to be opened any door, gate or other barrier thereof or thereon—

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

39. Time of making entry.—No entry authorized by or under this Act shall be made except between the hours of sunrise and sunset.

40. Consent ordinarily to be obtained.—Save as provided in this Act, no land or building shall be entered without the consent of the occupier or, if there be no occupier, of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than twenty-four hours written notice of the intention to make such entry.

41. Issue of notice to show cause against order of eviction.—(1) If the Board is of the opinion that any persons are in occupation of any public premises and that they should be evicted, the Board shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

(2) The notice shall—

(a) specify the grounds on which the order of eviction is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are, or may be in occupation of, or claim interest in, the public premises,—

(i) to show cause, if any, against the proposed order on or before such date as specified in the notice, being a date not earlier than seven days from the date of issue thereof, and

(ii) to appear before the Board on the date specified in the notice along with the evidence which they intend to produce in support of the cause shown, and also for personal hearing, if such hearing is desired.

(3) The Board shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the public premises, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.

42. Eviction of unauthorized occupants.—(1) If, after considering the cause, if any, shown by any person in pursuance of a notice under Section 41 and any evidence produced by him in support of the same and after personal hearing, if any, given under clause (b) of sub-section (2) of Section 41, the Board is satisfied that the public premises are in unauthorized occupation, the Board may make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated, on such date as may be specified in the order, by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises.

(2) If any person refuses or fails to comply with the order of eviction on or before the date specified in the said order or within fifteen days of the date of its publication under sub-section (1), whichever is later, the Board may, after the date so specified or after the expiry of the period

2061 DG/10-6

aforesaid, whichever is later, evict that person from, and take possession of, the public premises and may, for that purpose, use such force as may be necessary.

43. Mode of recovery of certain dues.—All dues to the Board on account of any charges, costs, expenses, fees, rates, licence fee, damages or rent or on any other account under this Act or any rule or regulation made thereunder shall be recoverable from the person from whom such sum is due as arrears of land revenue :

Provided that no proceeding for the recovery of any sum under this section shall be commenced after the expiry of three years from the date on which such sum becomes due.

44. Revision.—The Lieutenant Governor may, either suo moto or on an application, call for and examine the record of any proceedings or decision or order passed by the Board for the purpose of satisfying himself as to the legality or propriety of any decision or order passed, and, if in his opinion any such decision or order should be modified, annulled or revised, may, after giving the persons affected thereby an opportunity of being heard, pass such order thereon as he may deem fit :

Provided that every application to the Lieutenant Governor for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

45. Appeals.—(1) Any person aggrieved by any notice, order or direction issued or given by the Board under this Act, may, within thirty days from the date of receipt of the notice, order or decision, appeal to the Lieutenant Governor :

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

(2) An appeal to the Lieutenant Governor shall be made in such form and shall be accompanied by a copy of the notice, order or direction appealed against and by such fees as may be prescribed by rules.

(3) The order of the Lieutenant Governor on an appeal under sub-section (1) shall be final.

(4) No appeal shall be decided under this section unless the appellant has been heard or has had a reasonable opportunity of being heard.

46. Prohibition of certain case.—No person shall—

(a) willfully obstruct any member of the Board or any person acting under the authority of the Board in the performance of his duties; and

(b) carry out any development in a notified slum and jhuggi jhopri basti without obtaining permission of the Board.

47. Penalties.—Whosoever :—(a) obstructs entry of a person authorized by the Board in this behalf in or

upon any land and building for purposes of any enquiry, inspection, measurement, valuation or survey or execute any work authorized by and considered necessary under this Act, shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both;

(b) contravenes or fails to comply with any other provision of this Act or of any notice, order or direction issued in pursuance of the provisions of this Act or the rules and regulations made shall, on conviction be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

48. Prosecution and trial of offences.—(1) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Board.

(2) No Court inferior to that of a Metropolitan Magistrate shall try any offence punishable under this Act.

49. Protection of action taken in good faith.—No suit or other legal proceeding shall lie instituted in any court against the Board or against any person or authority acting under the direction of any officer or other employee of the Board for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules or regulations made thereunder.

50. Delegation of powers by the Board.—The Board may, by order, direct that any power conferred or any duty imposed on it by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and performed also by any officer or employee specified in the order.

51. Dissolution of the Board.—(1) Where the Government is satisfied that the purposes for which the Board was established under this Act have been substantially achieved so as to render the continued existence of the Board in the opinion of the Government unnecessary, the Government may, by notification in the Official Gazette, declare that the Board shall be dissolved with effect from such date as may be specified in the notification and the Board shall be deemed to be dissolved accordingly.

(2) Upon the publication of the notification under sub-section (1) dissolving the Board—

- (a) all properties, funds and dues, which are vested in or realizable by, the Board, shall vest in, or be realizable by, the Government;
- (b) all lands placed at the disposal of the Board shall revert to the Government; and
- (c) services of all the officials and officers working under the Board shall be deemed to be transferred to the Government.

52. Power to make rules.—(1) The Government may, by notification in the Official Gazette, make rules for carrying out all or any of 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, allowances and conditions of service of the members of the Board;
- (b) levying of fees and charges by the Board in respect of any services which it may be required to provide;
- (c) composition of Urban Shelter Consultative Committee;
- (d) remuneration of the members of the Consultative Committee;
- (e) the sum or sums of money out of its funds that the Board may keep in current account of the State Bank of India or any other nationalized bank; any money in excess of the said sum or sums that may be invested by the Board in the manner to be approved by the Government;
- (f) the form in which and the time of the year at which the budget of the Board shall be prepared, the number of copies of the budget to be forwarded to the Government, the form of the annual statement of accounts, including the balance-sheet and the form for the maintenance of accounts and other relevant record;
- (g) the form of annual report of the Board and the date on or before which it shall be submitted to the Government;
- (h) the manner of service of notice to show cause against the order of eviction;
- (i) the form in which an appeal is to be filed to the Lieutenant Governor and prescribing the fee required to be accompanied with the appeal, against the decision of the Board;
- (j) any other matter which is to be, or may be, prescribed by rules.

53. Power to make regulations.—(1) The Board may with the previous approval of the Government and by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes 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) the pay and other conditions of service of officers and employees of the Board;
- (b) the manner of dealing with the representations and suggestions of residents of the jhuggi-jhopri basti with regard to payment or contribution of labour, other than charges for use of toilet and bathing facilities;
- (c) the procedure to be followed by the Board in connection with the constitution of Basti Vikas Samiti for any jhuggi-jhopri basti to assist and advise the Board on matters relating to the activities of the Board in respect of such basti or bastis;
- (d) any other matter which is to be, or may be, prescribed by regulations.

54. Laying of rules and regulations before the Legislative Assembly of Delhi.—Every rule and every regulation made under this Act shall be laid, as soon as may be after such rules or regulation is made, before the House of 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 the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule or regulation, as the case may be, or the House agrees that the rule or regulation, as the case may be, 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 or anything previously done under that rule or regulation.

55. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special 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 the removal of the difficulty

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

(2) Every order made under sub-section (1) of this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Delhi."

SAVITA RAO, Jt. Secy.

**DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT OF NCT OF DELHI**

SECRETARY (DUSIB) 2nd LEVEL, A-WING, DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI
 DUSIB/2010-13736-13749 Dated: the 30th August 2010

NOTIFICATION

F.3(7)/UD/DUSIB/2010-13736-13749 In exercise of the powers conferred under section 31 of the Delhi Urban Shelter Improvement Board Act, 2010 (Delhi Act 07 of 2010) the Government of the National Capital Territory of Delhi grants approval to take over all the assets and liabilities, both, movable and immovable in possession of Slum and JJ Department of the Municipal Corporation of Delhi on 'as is where is' basis by the Delhi Urban Shelter Improvement Board with immediate effect.

The disposal of the immovable assets will be made by the Board with the prior approval of the concerned land owning agencies with which the title of immovable assets vests in Central Government / Delhi Government or their agencies / organizations, as the case may be.

By order and in the name of the Lieutenant Governor of the National Capital Territory of Delhi

(B.V. SELVARAJ)
Principal Secretary
Urban Development

Dated: the 30th August 2010

F.3(7)/UD/DUSIB/2010-13736-13749
Copy forwarded for information to:-

1. The Special Secretary (GAD/Coord.) GNCTD, 2nd Level, A-Wing, Delhi Secretariat, I.P. Estate, New Delhi -- with two copies of English and Hindi version of this notification for publishing in Delhi Gazette Part-IV (Extra-ordinary). It is requested that at least 10 copies of the Gazette Notification may be sent to this department for official use as soon as received from the press.
2. The Secretary, Govt. of India, Ministry of Home Affairs, North Block, New Delhi
3. The Secretary, Govt. of India, Ministry of Urban Development, Nirman Bhawan
4. The Secretary, Ministry Housing & Urban Poverty Alleviation, Nirman Bhawan
5. The Joint Secretary & Legislative Counsel, Government of India, Ministry of Law, Justice, Legislative Deptt. (Correction Cell), Shastri Bhavan, New Delhi
6. The Principal Secretary to the Lt. Governor, Delhi, Raj Niwas, Delhi.
7. The Principal Secretary to the Chief Minister, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi
8. The Principal Secretary (Law, Justice & LA), Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi
9. Shri Amar Nath, IAS (AGMU:94), Special Officer (Delhi Urban Shelter Improvement Board)
10. The Secretary to the Minister of Urban Development, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi
11. The Commissioner, Municipal Corporation of Delhi, Town Hall, Delhi
12. The Chairperson, New Delhi Municipal Council, Palika Kendra, New Delhi
13. The Secretary (LA), Delhi Legislative Assembly Sectt., Old Secretariat, Delhi
14. The OSD to the Chief Secretary, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi

(HANS RAJ)
Special Secretary
Urban Development

Delhi Urban Shelter Improvement Board
Govt of NCT of Delhi.

No. GA/1072(1) Adm/D-166

dt 9/9/10

Copy forwarded to all concerned for information

By Director (Adm)

DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT OF NCT OF DELHI

No. F/2607/2-Subsib/2-881 Dated: 24th September, 2010
A.M. 29

In pursuance of Notification No.F.3(7)/DUSIB/2010/13736-13749 dated 30th August, 2010 issued by the Principal Secretary (Urban Development), Department of Urban Development, Government of National Capital Territory of Delhi under Section 31 of the Delhi Urban Shelter Improvement Board Act, 2010 (Delhi Act 07 of 2010) I, Amar Nath, Special Officer, Delhi Urban Shelter Improvement Board hereby take over all the Assets and Liabilities, both Movable and Immovable, of erstwhile Slum & JJ Department of Municipal Corporation of Delhi on 'AS IS WHERE IS BASIS'.

24.09.10

(Amar Nath)

SPECIAL OFFICER

Delhi Urban Shelter Improvement Board

Copy forwarded for information to:

1. The Special Secy(GAD/Coord, GNCTD, 2nd Level, A-Wing, Delhi Sectt, I.P.Estate, New Delhi
2. Secretary, GOI, Ministry of Home Affairs, North Block, New Delhi
3. Secretary, GOI, Ministry of Urban Development, Nirman Bhawan, New Delhi
4. Secretary, Ministry of Housing & Urban Poverty Alleviation, Nirman Bhawan, New Delhi,
5. Joint Secy & Legislative Counsel, GOI, Ministry of Law, Justice, Legislative Deptt (Correction Cell), Shastri Bhawan, New Delhi
6. Principal Secy to Hon'ble LG, Raj Niwas, Delhi
7. Principal Secy to the Chief Minister, GNCTD, Delhi Sectt, I.P.Estate, New Delhi
8. Principal Secy (Law, Justice & LA), GNCTD, Delhi Sectt, I.P.Estate, New Delhi
9. Secy to the Minister of UD. GNCTD, Delhi Sectt, I.P.Estate, New Delhi
10. Commissioner, MCD, Town Hall, Delhi
11. Chairperson, New Delhi Municipal Council, Palika Kendra, New Delhi
12. Secretary(LA), Delhi Legislative Assembly Sectt, Old Sectt, Delhi
13. OSD to Chief Secretary, GNCTD Delhi Sectt, I.P.Estate, New Delhi
14. All the Officers of Delhi Urban Shelter Improvement Board
15. Notice Board
16. Guard File - 62 -

DD (Dens)

24/09/10

04/10/10
K.F. Walsal DD (Dens)

**INSTRUCTIONS/GUIDELINES FOR THE APPLICANTS FOR
ONLINE BOOKING OF COMMUNITY HALLS / OPEN SPACES
/PARKS OF DDA**

1. For booking a Community Hall, Open Space, Park One of the following is mandatory:
 - a. PAN card
 - b. Aadhar card
2. An applicant can make maximum of one booking per year based on PAN/Aadhar card.
3. **for marriage purpose**, maximum two days booking can be done. Advance booking upto 90 days may be made and in such cases the security deposit will be charged more i.e. for the booking from 31 days to 60 days in advance , double security deposit will be charged and from 61 days to 90 days advance booking triple security deposit will be charged. All other charges will remain same.
4. For Religious purpose, advance booking upto 100 days may be made and in such cases the security deposit will be charged more i.e. for the booking from 31 days to 60 days in advance , double security deposit will be charged and from 61 days to 90 days advance booking triple security deposit will be charged. All other charges will remain same.

For the following Religious Purposes, the applicant shall file office
of the local office (DDA) for manual booking:
1. Marriage
2. Panchak
3. Durga Puja
4. Diwali

5. For Circus, advance booking upto 100 days may be made and in such cases the security deposit will be charged more i.e. for the booking from 31 days to 60 days in advance , double security deposit will be charged and from 61 days to 90 days advance booking triple security deposit will be charged. All other charges will remain same.

6. **For all other purpose** excluding Religious and marriage , booking only 30 days in advance days may be made and in such cases normal security deposit will be charged . All other charges will remain same.

7. **For Free category**

1. Only registered societies are authorized to book DDA vacant sites for religious functions.

2. Registered societies are allowed to book the contiguous locations not exceeding 10,000 sqm for same purpose, booking from date, booking To date and society file no.

3. Maximum of two bookings are permitted in a year to any society subject to a maximum of 30 days booking in a year.

4. Dates for 2014 for religious festivals on fixed days for most commonly used religious sites are:

1. Janamashtmi 18.08.2014

2. Dussehra 27.09.2014 to 3.10.2014

3. Durga Puja 22.09.2014 to 3.10.2014

4. Diwali 23.10.2014

8. In case of staff of DDA including retired employees, the concessional rate can be availed only for immediate family which will include self, spouse, unmarried children, unmarried brothers & sisters.

9. DDA books the site to the applicant for a specific purpose and has no dealing with the Tentwala whatsoever and the onus of giving the vacant possession of the site to DDA after the function lies on the applicant. In case this is violated, the applicant is liable to face appropriate strict action as in case of non-vacation it may lead to inconvenience to subsequent applicant.

10. The general public is requested not to erect any structure on the booking site which may not be dismantled within the period of booking otherwise they may be penalized along with the cost of removal of structure.

11. In case of confirmation of booking, **CHECK IN** time will be **12:00 Noon** of the date of commencement of booking and **CHECK OUT** time will be **12:00 Noon** on the next day of the last booking date.

12. Applicant may view the available Community Halls of DDA by clicking on "List of Community Halls" button provided on home page

13. Applicant may view the available Open Spaces of DDA by clicking on "List of Open Spaces" button provided on home page

14. Applicant may view the available Parks of DDA by clicking on "List of Parks" button provided on home page

15. Availability of required Community Halls/Open spaces/ Parks in a particular zone and locality can be seen by clicking on the "Availability" button provided on home page

16. Terms and conditions for booking the Community Halls/Open Spaces/Parks can be seen by clicking on the "Terms and Conditions" button provided on home page

17. All the required documents should be scanned and placed in a folder for uploading purpose in the form of small pdf files.

18. Applicant can book a particular Community Hall/Open Space/Park by clicking on the "Online Booking" button provided on home page. Applicant is required to enter various details. After filling in the required details

- a. The applicant has to accept the terms & conditions & ensure the fire safety measures before going further for online booking.

- b. Once the applicant accepts the terms & conditions & ensures to follow the fire safety measures , he/she has to upload all the required documents.
- c. On clicking "Generate" button a page will be generated by the computer giving booking details i.e. amount to be deposited. The applicant can also take the print out of the page.
- d. After generating this page, an email is also sent to the applicant . Through email login details i.e. userid & password provided to the applicant on his/her email-id, the applicant can view the status of his/her request for booking
- e. An applicant has to make the payment online by clicking "Proceed for Online Payment" button provided on the page where booking details are generated.
- f. An applicant can make online payment through payment gateway of the banks provided on the next page.
- g. An applicant can choose to make online payment through following modes:
 - a. Debit Card/Credit Card
 - b. Net banking
- h. Once payment is done successfully , the status will be shown as "success" on the next page.
- i. An applicant has to click on "Print Booking and Payment Details" provided on this page for printing the payment and booking details.
- j. After generating this page, an email is also sent to the applicant . Through email login details i.e. userid & password provided to the applicant on his/her email-id,

the applicant can view the status of his/her request for booking and payment details.

19. If payment was made successfully and still the payment particulars are not printed on this sheet then applicant is advised to log in through their User ID and password by clicking on "Applicant View Status" button provided on home page and press refresh button within 30 minutes to ensure the receipt of payment in DDA server.
20. After successful payment, Availability menu shows "Block" even after 30 minutes. Final confirmation/Cancellation will be given by SE of concerned zone, after checking the uploaded scanned documents.
21. SE has also the power to Cancel the booking on request of applicant. Refund in this case will be initiated by the Accounts Department of the concerned zone.
22. The Refund of the security deposit will be initiated automatically after 15 days of the function date.
23. After Confirmation, if the applicant wants to Cancel the Booking, he/she can contact Office of CE(HQ) for cancellation of their request
24. Details for Booking & the rates are given below :-

Duration for booking for various types of Religious, Socio-religious and Spiritual functions

Serial No.	Type of function	Booking period	
		Minimum Days	Maximum Days
1.	Ram leela	1	30
2.	Ram Navami	1	2
3.	Janamashtmi	1	30
4.	Dussehra	1	5

5.	Durga puja	1	10
6.	Diwali Mela	1	10
7.	Katha	1	11
8.	Navratras	1	12
9.	Satsang	1	8
10.	Yoga/meditation	1	5
11.	Blood donation Camps	1	2
12.	Free health check up Camps	1	2
13.	Akhand Path	1	3
14.	Kirya/Bhog ceremoney	1	1
15.	School fate	1	2
16.	Jagran	1	3
17.	Sai Sandhya	1	3
18.	Pravachan	1	3
19.	Bhagwat	1	3
20.	Marriages	1	2
21.	Family Functions	1	1
22.	Any other	1	14

Open Spaces
Booking Criteria & details

For marriage purpose, advance booking up to 90 days may be made
For Religious purpose, advance booking up to 100 days may be made
For Circus, advance booking up to 100 days may be made
For all other purpose booking only 30 days in advance can be made

on first come first serve basis

Category	Type of functions Allowed	Booking period	Rate per 1000 SQ MTR Per Day & Date of applicability (Rates are to be rounded off to nearest 500 SQ MTRS of the required area by the applicant)				Documents to be Uploaded (Submitted)
			Prime Locations		Others		
			DDA Emp.	Others	DDA Emp.	Others	
Free Category	1-Religious Functions Ram Navami Dussehra etc. 2-Socio-religious or spiritual functions Katha Navratras Satsang JAGRAN SAI SANDHYA PRAVACHAN BHAGWAT Yoga/meditation Blood donation Camps Free health check up Camps etc.	Please refer the table above Please refer the table above	N.A.	free	N.A.	free	1. Registration Certificate of registered organizations/NGO/RWA/Charitable Trusts 2. Photo ID proof of the Applicant 3. Application signed by office bearer of the Society 4. List of latest office bearers of the Society
Cleaning charges= Rs. 5 per SQ MTR (one time) Security Deposit = Rs. 10000/- per 1000 SQ MTR and part thereof Service Tax = 0 Edu. Cess = 0 To be organized by registered Organizations / NGOs/ RWAs/							

Charitable Trusts						
II-Nominal fee Category Learning charges= Rs. 2.5 per SQ MTR(one me) Security Deposit = Rs. 10000/- per 1000 SQ MTR and part thereof Service tax =12% Edu. Cess =3%	1-Religious Functions Ram leela Ram Navami Janamashtmi Dussehra Durga puja Diwali etc.	Please refer the table above	2013-2014 N.A.	5324	N.A.	5324
			2014-2015 N.A.	8000	N.A.	8000
	2- Socio-religious or spiritual functions Katha Navratras Satsang JAGRAN SAI SANDHYA PRAVACHAN BHAGWAT Yoga/meditation Blood donation Camps Free health check up Camps etc.	Please refer the table above	2013-2014 N.A.	5324	N.A.	5324
			2014-2015 N.A.	8000	N.A.	8000
						1. Registration Certificate of registered organizations/NGO/RWA/Charitable Trusts 2. Photo ID proof of the Applicant 3. Application signed by office bearer of the Society 4. List of latest office bearers of the Society 5. Photocopy of PAN/Aadhar Card
						1. Registration Certificate of registered organizations/NGO/RWA/Charitable Trusts 2. Photo ID proof of the Applicant 3. Application signed by office bearer of the Society 4. List of latest office bearers of the Society 5. Photocopy of PAN/Aadhar Card

<p>Including Stalls Shops Joy rides other than Commercial (Not exceeding 25% of allotted land)</p> <p>3- Social & Socio religious Activities</p> <p>Marriages Kirya ceremony Diwali Mela Akhand Path School fete etc.</p>	<p>Please refer the table above</p>	<p>2013-2014</p> <p>5324/2</p> <p>2014-2015</p> <p>8000 /2</p>	<p>5324</p> <p>8000</p>	<p>5324 /2</p> <p>8000 /2</p>	<p>5324</p> <p>8000</p>	<p>1. Proof of residence-</p> <p>i. Voter id card or ii. Deptt. Id/ Working Place ID</p> <p>2. Photo of applicant</p> <p>For marriages Following documents are also required</p> <p>3. Date of birth proof of bride/groom</p> <p>4. Relationship proof of applicant with bride/groom</p> <p>5. DDA I-card for DDA employees</p> <p>6. Photo of bride/groom</p> <p>6. Photocopy of PAN/AAdhar Card</p>
<p>II-Commercial Category</p> <p>Cleaning charges= Rs. 2.5 per SQ MTR(one time)</p> <p>Security Deposit =</p>	<p>1-Commercial Purposes</p> <p>Exhibitions Clearance sale</p> <p>One day only</p>	<p>2013-2014</p> <p>NA</p> <p>2014-2015</p> <p>NA</p>	<p>34610</p> <p>39000</p>	<p>NA</p> <p>NA</p>	<p>34610</p> <p>39000</p>	<p>1. Request letter of registered Organizations/NG Os/RWAs/Charitab le Trusts</p> <p>2. Photo of applicant</p> <p>3. Photocopy of PAN/AAdhar Card</p>

Rs. 10000/- per 1000 SQ MTR and part thereof			NA	43000	NA	43000		
Service tax =12% Edu. Cess =3%								
IV Circus Category	1-Circus Activities	Min-1 day Max- 40 day	2013-2014	N.A	Rs 2000 Per 1000 SQM	N.A	Rs 2000 Per 1000 SQM	1. Request letter of registered Circus Companies 2. Photo of Applicant 3. Photocopy of PAN/AAdhar Card
Cleaning charges= Rs. 2.5 per SQ MTR(one time)			2014-2015	N.A	Rs 2200 Per 1000 SQM	N.A	Rs 2200 Per 1000 SQM	
Security Deposit = Rs. 10000/- per 1000 SQ MTR and part thereof								
Service tax =12% Edu. Cess =3%								

**Parks
Booking Criteria & details**

For marriage purpose, advance booking upto 90 days may be made
 For Religious purpose, advance booking upto 100 days may be made
 For Circus, advance booking upto 100 days may be made
 For all other purpose booking only 30 days in advance can be made

on first come first serve basis

Category	Type of functions Allowed	Booking period	Rate per 1000 SQ MTR Per Day & Date of applicability for year 2013-2014				Documents to be Uploaded (Submitted)
			Prime Locations		Others		
			DDA Emp.	Others	DDA Emp.	Others	
Free Category Cleaning charges= Rs. 5 per SQ MTR(one time) Security Deposit = Rs. 10000/- per 100 SQ MTR and part thereof Service Tax = 0 C. u. Cess = 0 to be organized by registered organizations/ NGOs/ JAs/ Charitable Trusts	1-Religious Functions Ram Navami Dussehra etc. 2-Socio-religious or spiritual functions Katha Navratras Satsang JAGRAN SAI SANDHYA PRAVACHAN BHAGWAT Yoga/meditation Blood donation Camps Free health check up Camps etc.	Please refer the table above Please refer the table above	N.A.	Free	N.A.	Free	1. Registration Certificate of registered organizations/NGO/RWA/Charitable Trusts 2. Photo ID proof of the Applicant 3. Application signed by office bearer of the Society 4. List of latest office bearers of the Society 1. Proof of residence-

Category – II Planning charges= Rs. 2.5 per SQ MTR(one time) Security Deposit = 10000/- per 1000 SQ MTR and part thereof Service tax =12% Edu. Cess =3%	1. Marriages	Please refer the table above	2013-2014		5324 /2	5324 /2	5324 /2	5324 /2	iii. Voter id card or iv. Deptt. Id/ Working Place ID 2. Photo of applicant 3. Date of birth proof of bride/groom 4. Relationship proof of applicant with bride/groom 5. DDA I-card for DDA employees 6. Photo of bride/groom 7. Photocopy of PAN/AAdhar Card
			2014-2015						

Community Halls

For marriage purpose, advance booking upto 90 days may be made
For Religious purpose, advance booking upto 100 days may be made
For all other purpose booking only 30 days in advance can be made

on first come first serve basis

Category	Type of functions Allowed	Booking period	Rate per SQ MTR & Date of applicability for year 2013-2014				Documents to be Submitted
			DDA Employees		Others		
			For open space	For built up area	For open space	For built up area	
MIG , HIG & OTHER Posh Colonies Security deposit equivalent to one day license fee Security deposit = Rs. 10 for DDA employees including retired persons Cleaning charges Rs. 5 per sqm for covered area and Rs 2.5 per sqm for open area Service tax -12% Edu. Cess -3%	1. Family Functions	Please refer the table above	2013-2014 S.33/2 Per 5QM 10.65/2 per SQM		5.33 per 5QM 8 per SQM 12 per SQM	10.65 Per SQM	1. Proof of residence- i. Voter id card or ii. Deptt. Id/ Working Place ID 2. Date of birth proof of bride/groom in case of marriage function 3. Relationship proof of applicant with bride/groom in case of marriage function 4. DDA I-card for DDA employees 5. Photo of applicant 6. Photo of bride/groom in case of marriage function 7. Photocopy of PAN/Aadhar Card
	2. Marriages	Please refer the table above	2014-2015 8/2 Per SQM 12/2 per SQM				
LIG , EWS & Other weaker section colonies like slums and unauthorised colonies Security deposit equivalent to	1. Family Functions	Please refer the table above	2013-2014 2.66/2 per SQM S.33/2 per 5QM		2.66 per SQM 5.33 per SQM	1. Proof of residence- i. Voter id card or ii. Deptt. Id/ Working Place ID 2. Date of birth proof of bride/groom in case of marriage function 3. Relationship proof of	
	2. Marriages	Please refer the table above	2014-2015 4/2 per 6/2 per				

<p>One day license fee</p> <p>Security deposit = 0 for DDA employees including retired persons</p> <p>Cleaning charges Rs 5 per sqm for covered area and Rs 2.5 per sqm for open area</p> <p>Service tax 2%</p> <p>Edu. Cess 2%</p>			SQM	SQM		<p>applicant with bride/groom in case of marriage function</p> <ol style="list-style-type: none"> 4. DDA I-card for DDA employees 5. Photo of applicant 6. Photo of bride/groom in case of marriage function 7. Photocopy of PAN/Aadhar Card
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DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT. OF N.C.T. OF DELHI

2nd Floor, A- wing, Vikas Bhawan-II
 Civil Lines, Delhi-110054.

Delhi Urban Shelter Improvement Board (DUSIB), Govt. of NCT of Delhi established in 2010 is primarily responsible for rehabilitation of Slum Dwellers including their relocation and providing basic amenities to them. The Board is also engaged in construction of houses under Jawahar Lal Nehru National Urban Renewal Mission (JNNURM). The Board invites applications from the suitable officers to fill up the following posts on deputation basis :

S. No.	Name of Post	Pay Scale & Grade Pay	No. of Vacancy	Eligibility Criteria
1	Financial Advisor	PB - 4 : Rs. 37400/- - 67000/- with G.P. Rs. 8700/-	01	Officers of Organized services like Indian Audit & Accounts Service, Indian Revenue Service, Indian Civil Accounts Service, Indian Defence Accounts Service, Indian P & T Accounts and Finance Service, Indian Railway Accounts Services, State Accounts Cadre/Services/PSUs etc holding analogous posts on regular basis OR with 05 years of regular service in the Pay Scale of Rs. 15600 - 39100 with Grade Pay of Rs. 7600/- are eligible.
2	Chief Legal Advisor	PB - 4 : Rs 37400/- with 67000/- with G.P. of Rs 8700/-	01	Officers dealing with Legal Affairs/matters under the Central/State Govt./Public Sector Undertaking/Semi Govt./Autonomous or Statutory Bodies. (a) (i) Holding analogous posts on regular basis in cadre/Parent Deptt.; Or (ii) With 5 years service in posts in the Pay Band - 3, Rs. 15600 - 39100 with Grade Pay of Rs. 7600 or equivalent; and (b) Possessing Regular Degree in Law (entitling the incumbent for Registration at Bar and appearing before the Courts) from a recognized University or equivalent & preferably having experience of dealing with land acquisition, transfer of property, revenue and service matter etc. OR (b) Officers of the Higher Judicial Services.
3	Director	PB - 3 : Rs. 15600/- 39100/- with G.P. of Rs 7600/-	03	(a) Officers belonging to Central/State Govts./Public Sector Undertaking/ Autonomous Bodies holding analogous post and having experience in dealing with Land, Estate, Revenue, Vigilance, General Administration and Personnel matters

				(b)Officers with five years of regular service in the Pay Scale of Rs 15600 – 39100 with Grade Pay of Rs 6600/- and having experience on above matters.
4	Deputy Director (System)	PB – 3 : Rs. 15600-39100/- with G.P. of Rs. 6600/-	01	Officers holding analogous post under the Centre/State Govt/Public Sector Undertaking/Autonomous Organisation. OR Post in Pay Band – 3: Rs. 15600 – 39100/- with grade pay Rs. 5400/- with 05 years regular service in the grade in parent cadre/department having experience in related field of Computer Programming Software developments, and System Administrative and educational qualifications :a) Ph.D in Computer Science/IT OR b) M.E/M.Tech. in Computer Science/IT with First Class or minimum 60% marks in aggregate from Govt. recognized Institutions/University and with 3 years relevant experience. OR b) B.E/B.Tech./M.SC in Computer Science/IT/MCA with First Class or minimum 60% marks in aggregate from Govt recognized Institution/University and with 5 years relevant experience in Computer Programming from Govt. recognized institution/University

How to apply :

Eligible candidates may apply with detailed Bio-data in prescribed Proforma(attached) duly forwarded by their Controlling Office along with requisite documents by 19th of August 2015 to Director (Administration), Delhi Urban Shelter Improvement Board, 2nd Floor, 'A' Wing, Upper Bela Road, Vikas Bhawan-II, Civil Lines, Delhi-110054.

The Documents to be enclosed along with the application :

1. Vigilance Clearance duly signed by an officer of an appropriate level.
2. Attested copies of ACRs for the last 5 years.

An advance copy of application received before the last date will also be accepted, pending forwarding of application by the concerned cadre controlling authority.

P.K. Raghav

**(P.K. Raghav)
Director (Admn.)
Phone : 23814305**

Email : pkraghav.delhisheler@gmail.com

DETAILS OF APPLICATIONS RECEIVED TO FILL UP THE POST OF DIRECTORS ON DEPUTATION IN DUSIB					
S. No	Name of applicant	Qualification & Experience as per advertisement	Qualifications and experience of applicant	Present post held	Remarks
1	Sh. Raj Kumar Gupta	(a) Officers belonging to Central/State Govts. / Public Sector Undertaking / Autonomous Bodies holding Analogous post and having experience in dealing with Land, Estate, Revenue, Vigilance, General Administration and Personnel matters.	M.Com. Worked as AO and Dy. Director(Adhoc) in Delhi Khadi & Village Industries Board, Govt. of India Since 14.08.2002	Dy. Director(Adhoc) in Delhi Khadi & Village Industries Board, Govt. of India	Presently working as Adhoc Dy. Director since 14.08.2002
2	Sh. Jaswinder Singh	(b) Officers with five years of regular service in the Pay Scale of Rs. 15600-39100 with Grade Pay of Rs.6600/- and having experience on above matters.	B.Com. MBA, LL.M. Dy. Manager in EdCLI India Ltd. (A Govt. of India Enterprises) as Dy. Manager(Legal) since 16.07.2012	Dy. Manager in EdCLI India Ltd. (A Govt. of India Enterprises) as Dy. Manager(Legal)	Being drawing salary in Pvt. Sector Pay scale.
3	Sh. Karan Pal Singh		BA No experience in any Govt. Organisation	Nil	Application not signed and not working anywhere

**RECRUITMENT REGULATION FOR THE POST OF SENIOR INVESTIGATOR
IN DELHI URBAN SHELTER IMPROVEMENT BOARD**

1.	Name of Post	SENIOR INVESTIGATOR
2.	No. of Posts	8
3.	Classification	Group 'B'
4.	Scale of Pay	9300-34800/- with G.P. of 4600/- (PB-2)
5.	Whether selection post or non-selection post	Selection
6.	a) Age limit for direct recruits b) Whether benefit of added years of service admissible under Rule 30 of CCS (Pension) Rules, 1972	30 Years Relaxable for SC/ST candidate by 5 years N.A.
7.	Educational and other qualifications required for direct recruits	Master's degree in Economics / Geography/ Statistics / Sociology / Commerce from a recognised University or equivalent qualifications 2. At least 2 years experience in collection and analysis of data relating to socio-economic, Industrial and Physical studies (Relaxable in case of candidate otherwise well qualified) <u>Desirable</u> Familiarity with Local Govt. Administration or public finance or computer programming.
8.	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees and deputationists	Age: No Educational Qualification: Yes, in case of deputationists only.
9.	Period of probation, if any	Two years
10.	Method of recruitment. Whether by direct recruitment or by promotion or transfer or by deputation and percentage of the vacancies to be filled by various methods	By promotion failing which by transfer on deputation, failing both by direct recruitment.
11.	In case of recruitment by promotion, transfer / deputation,	<u>Promotion</u> - Field Investigators with 5 years regular service in the P.B. of

47C

	grades from which promotion / transfer / deputation is to be made.	Rs. 9300-34800/- with G.P. - 4200/- <u>Deputation</u> - Officials holding analogous post under the Central or State Govt. possessing qualifications described for the post.
12.	If a DPC exists what is its composition	Group 'B' DPC
13.	Saving	Nothing in these regulations shall effect reservation, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Ex-Servicemen and other special categories of persons in accordance with the orders issued by the Delhi Govt. / DUSIB from time to time in this regard.
14.	Disqualification	No person who has entered into or contracted a second marriage when his / her spouse is alive
15.	Power to relax	When the Chairman is of the opinion that it is necessary or expedient so to do, he may by order, for reasons to be recorded in writing, relax any of the provisions of those regulations in respect of any class or category or persons or posts.

**RECRUITMENT RULES FOR SENIOR INVESTIGATOR IN THE MINISTRY OF DELHI URBAN SHELTER
IMPROVEMENT BOARD**

Name of Post	Number of Post	Classification	Pay Band and Grade Pay/Pay Scale	Whether Selection Post non-selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits
1	2	3	4	5	6	7
Senior Investigator	8 (2015)	Category 'B'	PB-II 9300-34800 + GP 4600	Selection	"Not Applicable"	"Not Applicable"

*Subject to variation dependent on workload. The year in which the indicated number exists should be given within brackets.

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotes	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the vacancies to be filled by various methods	In case of recruitment by promotions/deputation/absorption grades from which promotion/deputation/absorption to be made	If a Departmental Promotion Committee exists what is its composition	Circumstances in which Union Public Service Commission to be consulted in making recruitment
8	9	10	11	12	13
Not Applicable	Not Applicable	100% by Promotion	Field Investigator with five years regular service in the PB -2 in the pay scale of Rs. 9300 - 34800 with Grade Pay of Rs. 4200/-	Category 'B' DPC comprising of following officers. Member(Admn)- Chairman Financial Advisor- Member Director (Admn)- Member Rep. of SC/ST- Officer not below the rank of Dy. Director- Member Dy. Director (Admn/CR)- Member Secretary	N.A.

<<<< CCS (CCA) RULES, 1965 >>>>

CENTRAL CIVIL SERVICES

(CLASSIFICATION, CONTROL & APPEAL) RULES, 1965

19. Special procedure in certain cases

Notwithstanding anything contained in rule 14 to rule 18-

- (i) where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or
- (ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or
- (iii) where the President is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules,

the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit:

Provided that the Government servant may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i):

Provided further that the Commission shall be consulted, where such consultation is necessary, before any orders are made in any case under this rule.

<<<< CCS (CCA) RULES, 1965 >>>>

CENTRAL CIVIL SERVICES

(CLASSIFICATION, CONTROL & APPEAL) RULES, 1965

PART V

PENALTIES AND DISCIPLINARY AUHTORITIES

11. Penalties

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely :-

Minor Penalties -

- (i) censure;
- (ii) withholding of his promotion;
- (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;
- (iii a) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.
- (iv) withholding of increments of pay;

Major Penalties -

- (v) save as provided for in clause (iii) (a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay
- (vi) reduction to lower time-scale of pay, grade, post or Service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or Service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period -

(a) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay, and if so, to what extent; and

(b) the Government servant shall regain his original seniority in the higher time scale of pay , grade, post or service;

- (vii) compulsory retirement;
- (viii) removal from service which shall not be a disqualification for future employment under the Government;
- (ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

Provided that, in every case in which the charge of possession of assets disproportionate to known-source of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed :

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

966/c

To

The Appellate Authority/
Lt. Governor,
Govt. of NCT of Delhi,
Raj Niwas,
Delhi-110054

Reg: Appeal under Rule 23 of CCS(CCA) Rules 1965 against the impugned penalty of dismissal from service imposed upon Appellant vide order No. D-1399/DD/Vig./DUSIB/2014 dated 3.11.2014 passed by Member (Admn.), Delhi Urban Shelter Improvement Board.

By:

Qamaruddin

...Appellant.

Hon'ble Sir,

The humble appeal of the Appellant above named is against the penalty of dismissal from service imposed upon him vide order NO. D-1399/DD(Vig.)/DUSIB/2014 dated 3.11.2014 passed by the Member (Admn.)DUSIB, quite arbitrarily and irregularly thereby depriving him from the means of livelihood. The said penalty has been inflicted under garb of Rule 19 of the CCS(CCA) Rules, 1965. There are no good and sufficient reasons, which calls for imposition of any penalty. There was cogent evidence on record. The order of penalty is totally perverse. A copy of penalty order dated 3.11.2014 is annexed and marked as Annexure-A1.

2. The facts of the case are that during 2000-2001, JJ Cluster behind All India Institute of Medical Sciences was shifted and its residents were rehabilitated at Gautam Puri, Molar Band Ph-I & II Badarpur by allotting plots. Out of 5000 plots 513 were cancelled as they were found allotted to in-eligible persons. The status of those 513 plots was shown as vacant in record of Slum & JJ Department, MCD.

2.1 The joint surprise checks were conducted on 18.3.2010 and 12.4.2010 by CBI & MGD and it was found that about 300 out of 513 vacant plots were found unauthorisedly occupied by private

2.10 (Vig.)
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13/12/14

Sh. Pannu
Vijay
4/12/14

persons having made illegal construction. The sale of these plots was not permissible. The Chief Engineer (Slum) issued circular in 2008 that in compliance of directions of Hon'ble High Court in CWP.6659/2001 dated 11.12.2001, the Engineering Wing of Slum Deptt. shall make utmost sincere and concerted efforts to retrieve all cancelled plots by 31.12.2008. It was alleged that the appellant and Shri Roop Chand, JEs in connivance with builders and land mafia facilitated illegal sale of aforesaid unallotted/vacant plot on the basis of fake/false documents; they also allowed unauthorized construction on such plots. It was also alleged that it was their duty to ensure that no illegal construction take place on the vacant plots and in case of detection of any such construction, to take action for demolition.

2.2 That number of cancelled/vacant plots were unauthorisedly sold by land mafia/property dealers namely Mohd. Salim Alvi, Mohd. Mustkeen, Mohd. Jahangir, Rajender Singh, Joginder Singh and Ram Avtar etc. to various persons on the basis of false/fake documents. Some of the unauthorized occupants during inquiry stated that they purchased the plots from the above named private persons on the basis of the documents of ownership shown to have been issued by MCD (Slum & JJ Deptt.) and on being assured by the concerned JEs (the Appellant & Sh. Roop Chand, JE) that the properties proposed to be purchased by them were not disputed. Some of the purchasers also stated that they paid Rs.15,000/- to Rs.20,000/- to JEs. But these facts remained disproved in the said criminal case against the appellant.

2.3 The Documents like Ration Cards, G-8 Forms, identification slip, receipt of Rs.7000/- and possession slips in about 60 cases were found to be fake. The GPAs were sent to CFSL Chandigarh for expert opinion on signature and handwriting of suspected namely the private persons named above and positive GEQD report against them. The present appellant and his predecessor Sh. Roop Chand is not found to have any proximity with those persons or documents in any ma unauthorisedly constructed during the

984/c

period 1.10.2007 to 19.5.2010 during the posting of appellant and Shri Roop Chand, JE.

2.4 It was also alleged that the appellant and Sh. Roop Chand, JEs were looking after the work of un-authorisedly construction and encroachment.

2.5 That after investigation the CBI, filed charge-sheet u/s 120-B, 420,471 IPC & Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act and the appellant was charged on 28.7.2012 alongwith others for which he pleaded not guilty and claimed trial.

2.6 During trial Shri Amar Nath, CEO, DUSIB appeared as PW-15 and deposed that he was the sanctioning Authority for the Appellant,

2.7 The appellant in his statement u/s 313 Cr.P.C. stated that he has been falsely implicated in the said criminal case. It was the duty of Enforcement Department to detect encroachment /unauthorized construction and take action. However, in the best interest of Department, he had lodged complaints with regard to unauthorized construction/encroachment, as and when the same took place to the police as well as to the higher authorities of his department. That he also initiated proceedings for demolition/sealing of the properties, which were found unauthorized.

3. Thereafter the appellant examined DWs and appeared himself in witness-box and brought on record that the Appellant was posted as JE in Development Division-V at Maharani Bagh w.e.f. October 2008 to 30.6.2010. He was transferred at Molar Band Ph-I & II and took charge from Sh. Roop Chand, JE co-accused. The oral and documentary evidence was brought on record in support of his claim that it was not his duty to detect and demolish unauthorized construction but it was the duty of Enforcement Department. The appellant pleaded that charge leveled against him that in active connivance with builders and land mafia, he failed to discharge his duty, by failing to detect and demolish unauthorized construction is misplaced. Although it was not his duty, still whenever any unauthorized construction was

noticed by him, the same was brought to the notice of Police and higher authorities of his department by lodging complaints. He also urged that when he joined in 2008, the construction had already taken place and there was occasion for him to prevent unauthorized construction. It has also come on record that duty to take action for sealing or for demolition of any unit was in the domain of the Engineering Department and that Assistant Director (Demolition) takes such action for sealing and demolition as an executing authority whenever any such request is received from Engineering Department. It was also brought on record that the duty of the appellant was to look after the development and maintenance work in the area and whenever, any unauthorized construction/encroachment in concerned area came to his notice, he was supposed to inform his superiors about the same, which he did.

4. That Sh. Amar Nath, CEO(DUSIB) granted sanction as stated above and deposed that he was competent to act as disciplinary authority in the case of appellant but the impugned order dated 3.11.2014 has been passed by his subordinate i.e. Member (Admn.) DUSIB. Therefore, this appeal is being preferred before the higher authority to the C.E.O. DUSIB.

5. That subsequent to the conviction order passed by the Trial Court, the appellant was served with a notice dated 7.8.2014 calling upon him to make representation on the penalty proposed under Rule 19(1) of CCS(CCA) Rule, 1965.

6. That the appellant submitted representations on 26.8.14 and 11.9.14 and also attended personal hearing on 31.10.14 but failed to win over the confidence of the disciplinary authority, who without meticulously considering the representation made by appellant passed the impugned order of dismissal from service in the mechanical manner.

7. The appellant urged before the disciplinary authority that when action is taken under Rule 19(1) of the Rules, the first pre-requisite is that the disciplinary authority should be aware that a

government servant has been convicted on criminal charge. But the awareness alone will not suffice. Having come to know of the conviction of a Government servant on a criminal charge, the disciplinary authority must consider whether his conduct which had led to his conviction, was such as warrants the imposition of a penalty and if so, what that penalty should be, for that purpose, it will have to peruse the judgment of the criminal court and consider all the facts and circumstances of the case. In considering the matter, the disciplinary authority will have to take into account the entire conduct of the delinquent employee, the gravity of the misconduct committed by him, the impact which his misconduct is likely to have on the administration and other extenuating circumstances or redeeming features. This, however, has to be done by the disciplinary authority by itself. Once the disciplinary authority reaches the conclusion that the government servant's conduct was blameworthy and punishable, it must have to decide upon the penalty that should be imposed on the Government servant.

8. The principle, however, to be kept in mind is that the penalty imposed upon the civil servant should not be grossly excessive or out of all proportion to the offence committed or one not warranted by the facts and circumstances of the case.

9. Although the Constitution of India confers on the government the power to dismiss a person from the service "on the ground of conduct which had led to his conviction on a criminal charge" But, that power, like every other power has to be exercise fairly, justly and reasonably. It is true that the said Article is inapplicable when a penalty is imposed on a government servant on the ground of conduct which led to his conviction on criminal charge. But the right to impose a penalty carries with it the duty to act justly. It was also urged that the authority which is conferred with statutory discretionary power is under obligation to take into consideration all the attending facts and circumstances of the case before imposing the order of punishment. It was also urged that the appellant has served the government for about 29 years with utmost devotion to

duty without any memorandum which requires explanation about his conduct with any irregularity in discharging of his duties.

10. That it was also urged before the disciplinary authority that the appellant is likely to succeed in his appeal pending in the Hon'ble High Court against conviction due to various fundamental errors in the judgment. There was no demand and acceptance by the petitioner from anybody which is a requisite to convict someone under the Prevention of Corruption Act. There is every likelihood of Appellant to succeed in Criminal Appeal pending before the Hon'ble High Court.

11. That the appellant urges that the impugned penalty order is not maintainable being not passed by the competent authority, who granted sanction for prosecution but order has been passed by the Member (Admn.), DUSIB, hence the order be set aside on this ground alone.

12. That penalty order is also not maintainable because as per Rule 19 of the Rules special procedure in certain cases has been provided. In that notwithstanding anything contained in Rule 14 to Rule 18, the disciplinary authority may impose any of the penalties specified under Rule 11;

13. Likewise the proviso to Rule 11 of the said Rules provide that in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of accepting any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established the penalty mentioned in clauses (viii) or clause (ix) shall be imposed. In the second proviso it is provided that in any exceptional case and for special reasons recorded in writing any other penalty may be imposed. It means and understood that it is not a case that in every case of conviction only dismissal or removal from service and compulsory retirement is to be awarded.

14. In State of Madhya Pradesh & Ors. vs. State of Madhya Pradesh (2008) 3 SCC 273, the Hon'ble Supreme Court has held that power conferred on the disciplinary authority to dispense with enquiry against a

960/c

government servant and to impose penalty under the relevant rule " on ground of conduct which has led to his conviction on a criminal charge" does not mean that irrespective of the nature of the case in which he is involved or the punishment which has been imposed upon him, an order of dismissal must be passed. Such a construction is not warranted. The disciplinary authority must apply its mind whether the punishment of dismissal is adequate or not.

15. The impugned order passed by disciplinary authority is cryptic and shows that there is no application of mind by the disciplinary authority. The observation of the authority that rule 19 does not provide to keep in abeyance the penalty order, is not sufficient to justify the impugned penalty order dated 03.11.2014.

PRAYER:

In view of the above submissions, it is humbly prayed that the present appeal may kindly be accepted and the penalty of dismissal from service order dated 3.11.2014 passed against the appellant may kindly be set aside and quashed in the interest of justice.

Dated: 27th Nov., 2014

Encls: As stated above.

Amir
27/11/14
(QAMARUDDIN)
Ex-Jr. Engineer (DUSIB)
S/O Sh. Amir Baksh,
E-48, Abul Fazal Enclave,
Zamia Nagar,
New Delhi-110025.
....APPELLANT

✓ copy to: The member (Admin.) DUSIB for n.a please.

Amir
27/11/14

93/14

ANNEXURE - A

Delhi Urban Shelter Improvement Board
Govt. of N.C.T. of Delhi
Vigilance Cell
Room No. G-1, Vikas Kutir, I.P. Estate, New Delhi-110002

No. D-1377 /DD/Vig./DUSIB/2014

Dated: 03/11/2014

Office Order

WHEREAS vide order dated 24.5.2014 passed by the Ld. court of Ms. Poonam A. Bamba Special Judge (PC Act)/ CBI-03/New Delhi, Sh. Qamaruddin S/O Sh. Amir Bakhsh working as Junior Engineer in Delhi Urban Shelter Improvement Board had been convicted in case No. 69/11, RC No. BA/2010/ACB/CBI/N. Delhi. He has been sentenced to undergo rigorous imprisonment for a period of four years under section 1208 read with sec. 420/471 r/w sec. 468 IPC and further read with section 13(2) r/w section 13(1) (d) of the Prevention of Corruption Act, 1988 and he shall also pay a fine of Rs.25,000/- and in default to undergo RI for a period of three months; and is further sentenced to undergo rigorous imprisonment for a period of four years under section 13(2) r/w sec.13(1)(d) of the PC Act; and he shall also pay a fine of Rs.25,000/- and in default, to undergo R.I. for a period of three months. On the day of passing the sentence he has been remanded to judicial custody by the Ld. trial court. The disciplinary authority in exercise of the powers conferred under rule 19 (2) (ii) of the CCS CCA rules 1965 had placed Sh. Qamaruddin under deemed suspension with effect from 24.5.2014 which is the date of his taking into judicial custody.

AND WHEREAS the disciplinary authority proposed to award an appropriate penalty under rule 19 of CCS CCA rules 1965 taking into account gravity of criminal charges;

AND WHEREAS after a careful consideration of the order of Ld. court the disciplinary authority had come to the conclusion that Sh. Qamaruddin S/O Sh. Amir Bakhsh, Jr. Engineer is not a fit person to be retained in service. The gravity of the charges was such as to warrant the imposition of a major penalty and accordingly the disciplinary authority proposed to impose on him the penalty of "dismissal from service which shall ordinarily be disqualification for future employment under the Government".

Sh. Qamaruddin S/O Sh. Amir Bakhsh, Jr. Engineer was hereby given an opportunity of making representation on the penalty proposed as above. A memorandum was issued to him vide No. D-1087/DD/Vig./DUSIB/2014 dated 7.8.2014. The representations made by Sh. Qamaruddin against the penalty were considered by the undersigned and on 31.10.2014 a personal hearing was also granted to him. The convicted official has mainly taken the plea that he has filed an appeal before the Hon'ble High Court of Delhi against the judgement/order of the Ld. trial court and the same has been admitted for hearing by the Hon'ble High Court. He has submitted that sentence awarded to him has been stayed by the Hon'ble High Court. However, rule 19 of the CCS (CCA) rules 1964 does not provide any provision for keeping in abeyance the penalty required to be imposed till disposal of the appeal.

Now therefore, keeping in view the charges, the conduct of the official, rule position and the judgement/order of the Ld. trial court, I do hereby impose the penalty of "dismissal from service which shall ordinarily be disqualification for future employment under the Government" upon Sh. Qamaruddin S/O Sh. Amir Bakhsh, Jr. Engineer with immediate effect.


Member (Admn.)

Sh. Qamaruddin S/O Sh. Amir Bakhsh R/O -H.No. - E-48,
Abul Fazal Enclave, Part-1, Zamia Nagar, New Delhi-110025

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29/11/14

- 93 -

43/c ANNEXURE C

OFFICE OF THE DIRECTOR (ADMINISTRATION)
Delhi Urban Shelter Improvement Board, GNCTD
Punarwas Bhawan, IP Estate, New Delhi-110002

No.PA/DIR (Admn.)2011/D-250

Dated: July 28,2011

OFFICE ORDER

Consequent upon the approval of Delhi Urban Shelter Improvement Board in its meeting held on 22nd June, 2011, it is hereby ordered that Disciplinary/ Appellate Authority in respect of DUSIB employees will be as follows:

Designation of post / category	Penalties	Competent Disciplinary Authority	Competent Appellate Authority	Authority Competent to decide Revision Petitions
1	2	3	4	5
Group 'A' Officers	Minor(i to iv)	Member (Admn.)	C.E.O.	Board
Group 'A' Officers	Major (v to ix)	C.E.O.	Board	---
Group 'B' Officers	Minor /Major (i to ix)	Member (Admn.)	C.E.O.	Board
Group 'C' Officials	Minor (i to iv)	Director (Admn.)	Member (Admn.)	C.E.O.
Group 'C' Officials	Major (v,vi,vii,viii,ix)	Member (Admn.)	C.E.O.	Board
Group 'D' Officials	Major/Minor (i to ix)	Director (Admn.)	Member (Admn.)	C.E.O.

2:

The Suspension Review Committee for Group-A, B, C & D will be as follows:-

S.No.	Description of Posts	Authority Competant to impose all penalties which it may impose w.r.t. Rule 11 of CCS (CCA) Rules 1965 Disciplinary Authority	Appellate Authority	Review Committee's for the purpose of reviewing the suspension.
1	Group 'A' post of DUSIB	C.E.O.	Board	1.CEO - Disciplinary / Appellate Authority 2. Member(A) 3. Principal Secretary (U.D.) G.N.C.T. of Delhi
2	Group 'B' post of DUSIB	Member (A)	C.E.O. DUSIB	1.C.E.O. - Appellate Authority 2. Member (A)- disciplinary authority 3. Member (F or Eng.)- an officer of the level of disciplinary authority.
3	Group 'C' post of DUSIB	Member (A)	C.E.O. DUSIB	1.C.E.O. - Appellate Authority 2. Member(A)- disciplinary authority 3. Member(F or Eng.) - an officer of the level of disciplinary authority.
4	Group 'D' post of DUSIB	Director (Admn.)	Member (Admn.)	1. Member(A)- Appellate authority. 2. Director (Admn.) Disciplinary Authority 3. Any other Director- an officer of the level of disciplinary authority.

Proceedings after Retirement:

There are two categories of officials i.e. (i) against whom charge sheet had been issued prior to retirement and (ii) against whom disciplinary proceedings are contemplated after their retirement for alleged mis-conduct, the Board ordered as under:-

- (i) The Board delegates it's power to their respective Disciplinary Authority as if they were continued in service.
- (ii) The Chairperson of DUSIB shall approve the initiation of disciplinary proceedings, issue of charge sheet and appointment of I.O. and P.O., where -after on the findings of inquiry proceedings the case will be placed before the Delhi Urban shelter Improvement Board for a final view in the matter.
- (iii) UPSC and CVC will be consulted where ever applicable.

The above delegation of powers in respect of DUSIB employees in supersession of all previous orders issued in this respect will mutatis mutandis apply to all the pending disciplinary cases / appeals.

This is notified for information & necessary action by all concerned.

Pankaj Kumar
DIRECTOR (ADMINISTRATION)

DISTRIBUTION

- 1.P.S. to Chief Executive Officer (DUSIB) for kind information of letter.
- 2.P.S. to Member (Admn.) for kind information of letter.
- 3.P.S. to F.A./Dy. Commissioner (DUSIB) for kind information of letter.
- 4.Chief Engineer (DUSIB) for kind information please.
- 5.All Directors (DUSIB)
- 6.All SEs (DUSIB) *DA (sig.)*
- 7.B&FO (DUSIB)
- 8.All Dy. Directors (DUSIB)
- 9.All EEs
- 10 All Sr. AOs/ ACAs/FO to CE(S)
- 11 The Other Sectional Heads of DUSIB
- 12 Office copy.

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Delhi Urban Shelter Improvement Board
Govt. of N.C.T. of Delhi
Vigilance Branch

Room No. G-1, Vikas Kutir, I.P. Estate, New Delhi-110002

No. D- /DD/Vig./DUSIB/2015 Dated: / /2015

Office Order

WHEREAS vide order dated 24.5.2014 passed by the Ld. Court of Ms. Poonam A. Bamba Special Judge (PC Act)/ CBI-03/New Delhi, Sh. Qamaruddin S/O Sh. Amir Bakhsh working as Junior Engineer in Delhi Urban Shelter Improvement Board had been convicted in case No. 69/11, RC No. 8A/2010/ACB/CBI/N. Delhi. He had been sentenced to undergo rigorous imprisonment for a period of four years under section 120B read with Sec. 420/471 r/w Sec. 468 IPC, and further read with Section 13(2) r/w section 13(1) (d) of the Prevention of Corruption Act, 1988 and he shall also pay a fine of Rs.25,000/- and in default to undergo RI for a period of three months; and was further sentenced to undergo rigorous imprisonment for a period of four years under section 13(2) r/w sec.13(1)(d) of the PC Act; and he shall also pay a fine of Rs.25,000/- and in default, to undergo R.I. for a period of three months. On the day of passing the sentence he had been remanded to judicial custody by the Ld. trial court. Upon receipt of the order of the trial Court, the Disciplinary Authority in exercise of the powers conferred under rule 19 (2) (ii) of the CCS CCA rules 1965 had placed Sh. Qamaruddin under deemed suspension with effect from 24.5.2014 which was the date of his taking into judicial custody.

AND WHEREAS the Disciplinary Authority proposed to award an appropriate penalty under rule 19 of CCS CCA rules 1965 taking into account gravity of criminal charges;

AND WHEREAS after a careful consideration of the order of Ld. court the Disciplinary Authority had come to the conclusion that Sh. Qamaruddin S/O Sh. Amir Bakhsh, Jr. Engineer was not a fit person to be retained in service. The gravity of the charges was such as to warrant the imposition of a major penalty and accordingly the Disciplinary Authority proposed to impose upon him the penalty of "dismissal from service which shall ordinarily be disqualification for future employment under the Government".

Sh. Qamaruddin S/O Sh. Amir Bakhsh, Jr. Engineer was given an opportunity of making representation on the penalty proposed as above. A memorandum was issued to him vide No. D-1087/DD/Vig./DUSIB/2014 dated 7.8.2014. The representations made by Sh. Qamaruddin against the penalty were considered by the Disciplinary Authority and on 31.10.2014 a personal hearing was also granted to him. The convicted official had mainly taken the plea that he had filed an appeal before the Hon'ble High Court of Delhi against the judgement/order of the Ld. trial court and the same had been admitted for hearing by the Hon'ble High Court. He had submitted that sentences awarded to him had been stayed by the Hon'ble High Court. However, rule 19 of the CCS (CCA) rules 1964 did not provide any provision for keeping in abeyance the penalty required to be imposed

till disposal of the appeal.

Keeping in view the charges, the conduct of the official, rule position and the judgement/order of the Ld. trial court, the Disciplinary Authority vide order dated 03.11.2014 imposed the penalty of "dismissal from service which shall ordinarily be disqualification for future employment under the Government" upon Sh. Qamaruddin S/O Sh. Amir Bakhsh, Jr. Engineer with immediate effect.

Sh. Qamaruddin filed an appeal dated 27.11.2014 under rule 23 of the CCS (CCA) Rules 1964 against the order dated 3.11.2014 passed by the Disciplinary Authority before the Appellate Authority. However, it was wrongly addressed to the Hon'ble L.G. However, upon reference and submission, on 29.12.2014, I, being the Appellate Authority granted a personal hearing to Sh. Qamaruddin, Ex. Jr. Engineer (Civil). The submissions made by the Ex. official were duly considered and records were perused. After due consideration of the case, I find no compelling reason to interfere with the order of the Disciplinary Authority. The appeal is accordingly dismissed.


Chief Executive Officer
Appellate Authority

Sh. Qamaruddin S/O Sh. Amir Bakhsh R/O -H.No.- E-48,
Abul Fazal Enclave, Part-1, Zamia Nagar, New Delhi-110025

Digitally signed by CEO (DUSIB) on 13.1.2015

Dispatched through e-office vide No. 1/236/2015 dated on 14.1.2015

Copy to PS to CEO for kind information.


Dy. Director (Vig.) (DUSIB)

ANNEXURE E

IN THE HIGH COURT OF DELHI AT NEW DELHI

Disposed of

Final Draft

No. 25555 /DHC/WRITS/D-8/2015

Dated 7/9/15

From

The Registrar General
High Court of Delhi,
New Delhi.

u/s
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15/9/15

To

Delhi Urban Shelter Improvement Board,
through its Chief Executive Officer,
Govt. of NCT of Delhi, Vikas Bhawan-II,
Upper Bela Road, Delhi-110054.

WRIT PETITION (CIVIL) NO. 8049/2015

Sh. Qamaruddin

...Petitioner/s

Vs.

Delhi Urban Shelter Improvement Board

...Respondent/s.

Sir,

I am directed to forward herewith for information and immediate compliance/necessary action a copy of order dated 25.08.2015 passed by Hon'ble Mr. Justice V. Kameswar Rao of this Court in the above noted case along with a copy of Memo of Parties.

Please acknowledge receipt.

Yours faithfully

J. Callan
3-9-15
Assistant Registrar (Writs)
for Registrar General

AB/31.8.15

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Inform order to all branch concerned.

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HIGH COURT OF DELHI AT NEW DELHI
...IT PETITION (CIVIL) No. ... OF 2015

Sh. Qamaruddin ... PETITIONER

Versus

Delhi Urban Shelter Improvement Board ... RESPONDENT

MEMO OF PARTIES

Sh. Qamaruddin

S/O Sh. Amir Baksh

R/O E-48, Abul Fazal Enclave

Part-I, Zamia Nagar,

NEW DELHI-110025

... PETITIONER

Versus

Delhi Urban Shelter Improvement Board

Through its Chief Executive Officer.

Govt. of NCT of Delhi

Vikas Bhawan-II, Upper Bela Road.

Delhi-110054.

.. RESPONDENT

NEW DELHI

Dated: 19.8.2015


(DALEEP SINGH)

Advocate for the Petitioner

Ch. No. 259-260, Western Wing,

Tis Hazari Court, Delhi-110054

(Mob: 9891180489)

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IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 8049/2015
QAMARUDDIN

..... Petitioner

Through: Mr. Apurb Lal, Advocate with
Mr. Daleep Singh, Advocate

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD

..... Respondent

Through: Mr. Nishant Prateek, Advocate

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%
25.08.2015

1. The petition has been filed challenging the order dated November 03, 2014 and January 13, 2015, whereby the petition on conviction by Criminal Court was dismissed and the appeal thereof was also rejected.
2. Learned counsel appearing for the respondent has placed before me an office order dated July 28, 2011 to contend that the petitioner has a remedy of revision before the Board of the respondent organization.
3. Learned counsel for the petitioner states that the petitioner disputes the power of revision of the Board. He further states that without prejudice, he would file a revision petition before the Board, so as to enable the Board to consider the same. In view of the statement, let a revision petition be filed

by the petitioner within ten days from today and the same shall be considered by the Board at the earliest by passing a reasoned and speaking order within four weeks from the date of receipt of the revision petition. The order shall be communicated to the petitioner, who would be at liberty to challenge the same if the same is to his prejudice, in accordance with law.

The petition stands disposed of.

Dasti to counsel for the parties.

AUGUST 25, 2015/km

f d -
V. KAMESWAR RAO, J



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02 SEP 2015

REVISION

To

Delhi Urban Shelter Improvement Board,
~~Through~~ The Director (Administration/Board),
 2nd Floor, Vikas Bhawan-II, Upper Bela Road,
 Govt. of NCT of Delhi, Delhi-110054.

Subject: Revision against the penalty orders dated 3.11.2014, appellate order dated 14.1.2015 and 08.06.2015 in terms of the order dated 25.08.2015 passed by the Hon'ble High Court of Delhi in writ petition (Civil) No. 8049/2015.

Sir,

The undersigned submits as under:-

1. The undersigned was appointed on 20.04.1985 as a Junior Engineer by the Vice Chairman, Delhi Development Authority, who is in the rank of Additional Secretary, Govt. of India.
2. That on 1.9.1992, the service of the undersigned was transferred to then Slum & JJ Department (MCD), on "as-is where-is basis." It is relevant to mention that as per the transfer order of the services of the undersigned it was mentioned in the terms and conditions that the service conditions will be governed by the DDA (Salaries, Allowances and Conditions of Service) Regulations, 1961.
3. That in 2010 (CC No. 69/11) RC No.8A/ 2010/ ACB/CB/ND was regd. against the undersigned and other persons.
4. That on 24.5.2014 the undersigned was convicted and sentenced to undergo RI for a period of 4 years under sections 120B read with section

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420/471/468 IPC and under section 13(2) read with section 13(1)(d) of Prevention of Corruption Act and also fined with Rs.50,000/-, on the same day the undersigned was put on suspension on the basis of Judicial custody.

5. That the undersigned preferred an appeal vide Criminal Appeal No. 675/2014 before the Hon'ble High Court of Delhi against the order of conviction.
6. That thereafter the undersigned was released on bail by the Hon'ble High Court of Delhi.
7. That on 7.8.2014 a memorandum was issued to the undersigned under Rule 19 of CCS (CCA) Rules, 1965.
8. That the undersigned replied to the said memorandum vide representation dated 26.8.2014 and also given supplementary reply on 11.9.2014 stating therein that the memorandum was issued by an authority, who is subordinate to his appointing authority and therefore the said memorandum is not sustainable in law.
9. That on 31.10.2014 the undersigned has orally explained to the Member (Admn.) of DUSIB on the day of his personal hearing that he was appointed by the V.C., DDA and he cannot be dismissed from service by a person, who is below the rank of Additional Secretary.
10. That on 3.11.2014 the Member (Admn.) in utter violation of law passed the order of dismissal of the undersigned.

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11. That the undersigned aggrieved by the order of dismissal passed by an incompetent person preferred an appeal dated 27.11.2014.
12. That the appeal of the undersigned was again turned down by an incompetent authority claiming to be the appellate authority. It is relevant to mention that the so called appellate authority has deposed during trial that he is the competent authority to remove the undersigned from the service. Though the appellate authority is also subordinate to the appointing authority of the undersigned.
13. That the undersigned preferred a revision under the provision of Section 44 of The Delhi Urban Shelter Improvement Board Act, 2010 against the order dated 3.11.2014 and 14.1.2015 passed by the incompetent authority on 20.5.2015.
14. That vide an order dated 8.6.2015 the undersigned was informed from the office of DUSIB stating therein that the L.G. is not the appellate authority without considering that as per section 44 of the DUSIB Act, 2010 the L.G. is the Revisional authority and thus wrongly rejected the representation dated 20.5.2015 which was a revision.
15. That aggrieved by the orders passed by the incompetent authorities, the undersigned filed writ petition vide W.P.(C) No. 8049/2015 before the Hon'ble High Court of Delhi where the counsel for the DUSIB made a statement before the court that as per their office order dated 28.7.2011, the Board is the revisional authority and undersigned should have made the revision before coming to the Court.

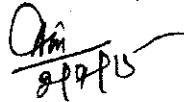
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16. That vide order dated 25.8.2015 , the Hon'ble High Court granted liberty to the undersigned to file a revision before the Board.
17. That the submission of the undersigned is that he was appointed by the Vice Chairman, DDA and by virtue of statute DDA (Salaries, Allowances and Conditions of Service) Regulations, 1961 he has protection and that protection cannot be taken away by way of amendment of Rules or delegation of powers. Therefore the Rules and Regulations cannot override the protection given by statute as held by Hon'ble Supreme Court of India in the Management of DTU v/s Shri B.B.L. Hajelay and Another reported in (1972) 2 SCC 744 para 12 and 14. Copy of judgment is annexed.

PRAYER:

Therefore, the undersigned requests to consider his case in the light of the law raised by the undersigned in his present revision petition and thereafter set aside the order dated 3.11.2014, 14.1.2015 passed by incompetent authorities.

New Delhi
Dated: 02.09.2015


(QAMARUDDIN)
Ex-Jr. Engineer (DUSIB)
S/O Sh. Amir Baksh,
E-48, Abul Fazal Enclave,
Zamia Nagar,
New Delhi-110025

(1972) 2 Supreme Court Cases 744

(From Delhi High Court)

[BEFORE J. M. SHELAT, D. G. PALEKAR AND S. N. DWIVEDI, JJ.]

THE MANAGEMENT OF D. T. U. ... Appellant;

Versus

SHRI B. B. L. HAJELAY AND ANOTHER ... Respondents.

Civil Appeal No. 1518 (N) of 1971[†], decided on September 6, 1972

Dismissal—General Manager appointing authority of an employee—General Manager delegating his powers to Assistant General Manager—Assistant General Manager, whether competent to remove the employee from service—Delhi Municipal Corporation Act, 1957—Sections 92, 95, 491, 504, 511 and 516—Constitution of India—Article 311.

Delhi Road Transport Authority Act, 1950—Act repealed by Delhi Municipal Corporation Act, 1957—Employees appointed under the former Act—Services transferred to the Corporation—Power to start disciplinary proceedings against such employees.

Administrative Law—Subordinate legislation—Rules and regulations cannot override protection given by statute.

One V was employed as a driver in the Delhi Road Transport Authority. With the enforcement of the Delhi Municipal Corporation Act, 1957, the services of V, along with other employees were transferred to the Corporation with effect from January 1, 1958. The Assistant General Manager (Transport), to whom the General Manager had delegated his powers in 1961, started disciplinary proceedings against V in 1962 and decided to remove V from service. The High Court held that the General Manager (and not the Assistant General Manager) was competent to remove him. Hence this appeal.

Held:

- (i) The proviso to Section 95(1) gives protection to every officer and employee of the undertaking that he may not be removed or dismissed by an authority subordinate to that by which he was appointed. It may be that in 1961, the functions of the General Manager had been delegated to the Assistant General Manager. The only consequence is that after 1961, the Assistant General Manager may make the appointment of a driver and may remove him from service. But so far as V is concerned, his individual position will have to be determined with reference to January, 1958. (Para 11)
- (ii) Under Section 92 of the Delhi Municipal Corporation Act, 1957, the power of appointing municipal employees to posts carrying a minimum salary of Rs. 350/- vested in the General Manager (Transport) and by means of Section 516 of the Act, V would be deemed to have been appointed under Section 92 of the said Act. Being so appointed, no subordinate authority would be competent to remove him from service under the proviso to Section 95(1). (Para 11)
- (iii) It is true that the power of making regulations is vested in the Corporation and it is open to the Corporation to prescribe by regulations who would be the authority to punish any municipal employee for his delinquency. Such a regulation may provide that a driver can be removed by the

[†]Appeal by special leave from the Judgment and Order, dated January 21, 1971, of the Delhi High Court in Civil Writ Petition No. 719 of 1969.

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Assistant General Manager. And yet by virtue of the proviso to Section 95(1), V would be protected against any such action of the Assistant General Manager because a protection which is given to an employee by the statute cannot be nullified by rules and regulations. (Paras 12 and 14)

(4) Since the General Manager (Transport) is an officer of the Corporation, it will amount to saying that what the Corporation could not do by a regulation, could be done by an officer of the Corporation by merely delegating his functions to the Assistant General Manager. Since the authority which can remove an employee is the appointing authority or its superior in office, the protection thus provided cannot be destroyed by importing concepts of agency. (Paras 14 and 15)

R. T. Rangochari v. Secretary of State, 64 IA 40: AIR 1937 PC 27, relied upon.

Appeal dismissed.

Advocates who appeared in this case:

M. G. Chagla, Senior Advocate (S. K. Dholakia, Advocate with him) for Appellant; R. K. P. Shankerdass, D. N. Vohra, H. K. Puri and S. K. Dhingra, Advocates for Respondent No. 2.

The Judgment of the Court was delivered by

Palekar, J.—This is an appeal from the Judgment and Order, dated January 21, 1971, of the Delhi High Court in Civil Writ Petition No. 719 of 1969.

2. Respondent No. 2 Ved Prakash was originally employed as a driver in the Delhi Road Transport Authority which had been constituted under the Delhi Road Transport Authority Act, 1950. The Delhi Municipal Corporation Act, 1957 came into force in January, 1958. By Section 514(1)(a) of the Corporation Act, the Delhi Road Transport Authority Act, 1950, stood repealed and in virtue of several other sections of the Corporation Act the functions of the Delhi Road Transport Authority were taken over by the Corporation. Under Section 511 every officer and employee of the Transport Authority stood transferred to and become an officer and employee of the Corporation. Thus respondent No. 2 became an employee of the Corporation from January, 1958.

3. A disciplinary enquiry was started against respondent No. 2 by the Assistant General Manager (Transport) in 1962 and the Assistant General Manager decided to remove respondent No. 2 from service with effect from May 16, 1963. At that time an industrial dispute was pending before respondent No. 1 the Presiding Officer of the Labour Court and hence an application was made under Section 33(2)(b) of the Industrial Disputes Act for approval of the proposed action of removal of respondent No. 2 from service. Respondent No. 1 did not approve of the action on the ground that the order for removal was made by the Assistant General Manager and not the General Manager who alone could have removed him from service. That order was challenged in the High Court which, however, agreed with the view taken by respondent No. 1. Hence the present appeal.

4. The short point with which we are concerned is whether the Assistant General Manager of the Delhi Transport Undertaking of the Municipal Corporation of Delhi was a competent authority to remove respondent No. 2 from service.

5. There is no dispute that under Section 511(1) of the Corporation Act, respondent No. 2 became an employee of the Corporation from

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January, 1953. By reason of Section 516(2)(a) his appointment continued in force and was deemed to have been made under the provisions of the Corporation Act. Under Section 92 which comes under Chapter VI of the Corporation Act dealing with Municipal officers and other Municipal employees, so far as is relevant, is as follows:

“92(1) Subject to the provisions of Section 89 the power of appointing municipal officers and other municipal employees, whether temporary or permanent,

(b) to posts carrying a minimum monthly salary (exclusive of allowances) of less than three hundred and fifty rupees, shall vest in the General Manager (Transport).”

The minimum monthly salary of respondent No. 2 was less than Rs. 350/- and hence the appropriate authority under the Corporation Act to appoint respondent No. 2 would be the General Manager (Transport).

6. Section 95 deals with disciplinary actions against municipal officers and employees. Sub-section (1) provides “every municipal officer or other municipal employee shall be liable to have his increments or promotion withheld or to be censured, reduced in rank, compulsorily retired, removed or dismissed for any breach of any departmental regulations or of discipline or for carelessness, unfitness, neglect of duty or other misconduct by such authority as may be prescribed by regulations”. The first proviso to the above sub-section reads “provided that no such officer or other employee as afore-said shall be reduced in rank, compulsorily retired, removed or dismissed by any authority subordinate to that by which he was appointed”.

7. In view of the provisions referred to above it was contended on behalf of respondent No. 2 that he cannot be removed by any authority subordinate to the General Manager (Transport) and since the Assistant General Manager was a subordinate of the General Manager, the order of removal was unauthorised and illegal. That contention has been upheld by the High Court.

8. Two more provisions of the Corporation Act have to be noticed at this stage. They are sections 491 and 504 in Chapter XXV entitled “Miscellaneous”. Section 491 is as follows:

“The Commissioner may, by order direct that any power conferred on any duty imposed on him by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and performed also by any municipal officer or other municipal employee specified in the order.”

9. Section 504 so far as is relevant is as follows:

“Save as expressly provided in this Act and unless the context otherwise requires,—

- (i) Any reference in this Act to the Commissioner..... shall be construed,
- (ii) in relation to any matter pertaining to the Delhi Transport Undertaking, as a reference..... to the General Manager (Transport)

10. Reading those two provisions together one sees that the General Manager (Transport) is entitled by order to direct that any power conferred

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or any duty imposed on him by or under the Act shall be exercised and performed also by any municipal officer or other municipal employee specified in the order. It is common ground that the General Manager (Transport) has by an order issued in 1961 delegated his power to the Assistant General Manager to appoint and consequently to remove from service a driver like respondent No. 2.

11. Mr. Chagla, appearing on behalf of the appellant Undertaking, contended that respondent No. 2 had been actually appointed by the Manager of the Delhi Road Transport Authority constituted under the Delhi Road Transport Authority Act, 1950 and on the repeal of that Act and the take-over of the Authority by the Corporation, any officer of the appellant Undertaking, competent to appoint or remove a driver, was entitled to remove him from service. The Assistant General Manager of the Undertaking could not be described as subordinate to the Manager of the Delhi Road Transport Authority because factually he was not. Therefore, he contended, the provision 'that he shall not be removed by the authority subordinate to that by which he was appointed' found in Section 95 of the Corporation Act was inapplicable. In our opinion, the contention is not well founded. The proviso to Section 95, sub-section (1) gives protection to every officer and employee of the Undertaking that he may not be removed or dismissed from service by an authority subordinate to that by which he was appointed. It may be that in 1961 the functions of the General Manager (Transport) had been delegated to the Assistant General Manager. The only consequence is that if after 1961 the Assistant General Manager makes the appointment of a driver like respondent No. 2, he would no doubt be entitled to remove him from service. But so far as respondent No. 2 is concerned his individual position will have to be determined with reference to the time when he was absorbed in Corporation Service. That was in January, 1958. Section 516 while repealing the Delhi Road Transport Authority Act, 1950 by clause (a) of sub-section (1) protects the appointments made under that Act. Sub-section (2)(a) provides "Notwithstanding the provisions of sub-section (1) of this section.....(a) any appointment made and in force immediately before the establishment of the Corporation, shall, insofar as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act, unless and until it is superseded by any appointment..... made under the said provisions". Since under Section 92(1)(b) already referred to, the power of appointing municipal employees to posts carrying a minimum monthly salary of Rs. 350/- vested in the General Manager (Transport), respondent No. 2, at the time of his absorption in January, 1958, would be deemed to have been appointed under Section 92(1)(b) which would mean that he was appointed by the General Manager (Transport). Being so appointed, no subordinate of his including the Assistant General Manager (Transport) would be entitled to remove him from service in view of Section 95(1), proviso.

12. Section 95(1) dealing with disciplinary action against municipal officers and employees specifically provides that every officer or other municipal employee shall be liable to be punished in the several ways referred to in that section by such authority as may be prescribed by regulations. The definition of the word 'regulation' given in Clause 48 of sub-section (2) is as follows: "Regulation" means regulation made by the Corporation under this Act by notification in the official Gazette. In other words, the power of making regulations is vested in the Corporation and it is open

to the Corporation to prescribe by regulation who would be the authority to punish any municipal officer or employee for his delinquency. Such a regulation may provide that an employee of the status of respondent No. 2 can be removed, for example, by the Assistant General Manager. And yet by virtue of the proviso to that sub-section respondent No. 2 would be protected against any such action of the Assistant General Manager because his appointing authority was the General Manager and the Assistant General Manager was his subordinate. A similar situation had arisen in *R. T. Rangachari v. Secretary of State*.¹ The appellant Rangachari had been appointed by the Inspector General of Police but his dismissal was ordered in 1928 by an official lower in rank than the Inspector General. Rangachari claimed protection under Section 96(b) of the Government of India Act, 1919, which so far as we are concerned was as follows:

"Sub-section (1).—Subject to the provisions of this Act and the rules made thereunder every person in the Civil Service of the Crown in India holds office during His Majesty's pleasure and may be employed in any manner required by a proper authority within the scope of his duty but no person in that service may be dismissed by any authority subordinate to that by which he was appointed."

Since rules had been framed by which the power of dismissal had been delegated by the Inspector General of Police to a subordinate authority it was contended, though with certain amount of hesitation, that the dismissal of Rangachari was proper. Lord Roche delivering the judgment in the case observed, "The courts below held that the power of dismissal was in fact delegated and was lawfully delegated to the person who purported to exercise it. Counsel for the respondent candidly expressed a doubt as to the possibility of maintaining this view and indeed it is manifest that if power to delegate this power could be taken under the rules, it would wipe out a proviso and destroy a protection contained not in the rules but in the section itself. Their Lordships are clearly of opinion that the dismissal purporting to be thus ordered in February was by reason of its origin bad and inoperative. It is manifest that the stipulation or proviso as to dismissal is itself of statutory force and stands on a footing quite other than any matters of rule which are of infinite variety and can be changed from time to time. It is plainly necessary that this statutory safeguard should be observed with the utmost care and that a deprivation of pension based upon a dismissal purporting to be made by an official who is prohibited by statute from making it rests upon an illegal and improper foundation".

13. It is, therefore, clear that a protection which is given to an employee by the statute cannot be nullified by rules and regulations authorised by the statute itself. In other words, any regulation made by the Corporation which would have authorised the Assistant General Manager to remove respondent No. 2 from service would have been inoperative qua respondent No. 2 as his appointing authority was the General Manager (Transport). The question now is whether if the Corporation itself by any regulation could not have destroyed the above protection given by the statute to respondent No. 2, it would be appropriate to say that the General Manager by an order delegating his functions to the Assistant General Manager under Section 491 read with Section 504 of the Corporation Act could destroy the protection. Since the General Manager (Transport) is an officer of the Corporation and subordinate to the Corporation, it will amount to saying

1. 64 IA 40; AIR 1937 PC 27.

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hat what the Corporation could do... could be done by
an officer of the Corporation by... functions to the
Assistant General Manager. The... position in law is that while Sections...
the General Manager (Transport) to... functions for
a subordinate, they did not... What is
involved in matters of appointment...
the employee and the status and... When
the proviso to sub-section (1) of Section... and an
employee shall not be dismissed... subordinate so that by
which he was appointed the subordinate... functions.
The proviso places an embargo on any... appointing autho-
rity from removing or dismissing an... and therefore,
the High Court was right in holding... that the removal of
respondent No. 2 by the Assistant General Manager (Transport) was illegal.

14. Mr. Chagla then contended... of the delegation, the
Assistant General Manager had become... the General Manager
and the act of the Assistant General... must be deemed to be the act
of the General Manager himself. We... with the law
of agency. It is implicit in the statute... removal by
a lesser authority, that the appointing... personally apply its
mind to the question of removal... such situation. Since
the authority which can remove an... of the appointing authority
or its superior in office, the protection... cannot be destroyed by
importing concepts of agency.

15. In the result the appeal fails and dismissed with costs.

(1972) 2 Supreme Court Cases 749
(From Punjab and Haryana High Court)
[BEFORE A. N. RAY AND I. D. DUA, JJ.]

GURCHARAN SINGH ... Appellant;
Versus
STATE OF HARYANA ... Respondent.

Criminal Appeal No. 232 of 1969, decided on September 13, 1972

Penal Code, 1860 (45 of 1860)—Section 362—Abduction—Prosecutrix lured by
two ladies and brought to accused—Accused threatening her with pistol and after
taking her to another place committing rape—Held, it cannot be said that the
offence of abduction was complete when the prosecutrix was lured by the two
ladies to accompany them—Accused did commit offence under Section 362.

Penal Code, 1860 (45 of 1860)—Section 376—Rape—Prosecutrix below 16 years of age—
16 years of age—Held consent immaterial—Accused violent or stiff resistance
and the absence of marks of violence on private parts of prosecutrix held, of no
consequence.

Penal Code, 1860 (45 of 1860)—Section 376—Rape—Prosecutrix below 16 years of age—
Prosecutrix below 16 years of age—Held, a rule of evidence and not of law—Corrobo-
ration not absolutely essential—Without corroborative evidence depends on
facts and circumstances of each case.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8049/2015**
QAMARUDDIN

..... Petitioner

Through: **Mr.Apurb Lal, Advocate with**
Mr.Daleep Singh, Advocate

versus

DELHI URBAN SHELTER IMPROVEMEMT BOARD

..... Respondent

Through: **Mr.Nishant Prateek, Advocate**

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
25.08.2015

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1. The petition has been filed challenging the order dated November 03, 2014 and January 13, 2015, whereby the petition on conviction by Criminal Court was dismissed and the appeal thereof was also rejected.
2. Learned counsel appearing for the respondent has placed before me an office order dated July 28, 2011 to contend that the petitioner has a remedy of revision before the Board of the respondent organization.
3. Learned counsel for the petitioner states that the petitioner disputes the power of revision of the Board. He further states that without prejudice, he would file a revision petition before the Board, so as to enable the Board to consider the same. In view of the statement, let a revision petition be filed

12

by the petitioner within ten days from today and the same shall be considered by the Board at the earliest by passing a reasoned and speaking order within four weeks from the date of receipt of the revision petition. The order shall be communicated to the petitioner, who would be at liberty to challenge the same if the same is to his prejudice, in accordance with law.

The petition stands disposed of.

Dasti to counsel for the parties.

V. KAMESWAR RAO, J

AUGUST 25, 2015/km

True copy

D. P. Singh

DALEEP SINGH
ADVOCATE
DELHI HIGH COURT
259-260, Western Wing
Tis Hazari Courts, Delhi-110054
Mob.: 9891186489

02 SEP 2015