

**DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT. OF NCT OF DELHI
PUNARWAS BHAWAN, I.P. ESTATE
NEW DELHI – 110 002**

No. D- /DD(Board)/2015

Dated: 01.10.2015


Sub: 14th Meeting of Delhi Urban Shelter Improvement Board.

Sir,

In continuation of the meeting notice dated 29.09.2015, please find enclosed herewith the Agenda Notes for discussion in the 14th meeting of Delhi Urban Shelter Improvement Board (DUSIB), GNCT of Delhi scheduled to be held on 05.10.2015 at 11.00 A.M. in the Conference Hall No -2, Level 2, Delhi Secretariat, I.P. Estate, New Delhi – 110 002. Hon'ble Chief Minister, Delhi will preside over the meeting. The meeting will be followed by lunch.

Kindly make it convenient to attend the meeting as scheduled.

Encl: As above


**(P.K. Raghav)
Director (Admn)**

To

All Members of Delhi Urban Shelter Improvement Board.



**14th MEETING OF
DELHI URBAN SHELTER IMPROVEMENT BOARD
(DUSIB)**

GOVT. OF NCT OF DELHI

AGENDA NOTES

05.10.2015

**Venue: Conference Hall No. 2, Level 2,
Delhi Secretariat.**

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AGENDA ITEM NO. 14/1

**CONFIRMATION OF MINUTES OF THE 13TH MEETING OF THE
BOARD**

The minutes of the 13th Meeting of the BOARD held on 22.9.2015 were approved by the Hon'ble Chief Minister, Govt. of NCT of Delhi and circulated vide letter No. Meeting Cell/DUSIB/DD(Admn)2015/D-50 dated 28.9.2015 for kind information of all Members of the BOARD. No observation/comments have been received from any Member.

Board may confirm the Minutes of 13th Meeting.

AGENDA ITEM NO. 14/2

**ACTION TAKEN REPORT ON THE MINUTES OF
THE 13TH BOARD MEETING**

**DUSIB has initiated action on all the decisions taken in 13th
BOARD MEETING. Detailed action taken report will be submitted
in next Board Meeting.**

AGENDA ITEM NO. 14/3

Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015

(PART –A)

1. This policy is based on the following principles:

- (i) The people living in jhuggis perform critical economic activities in Delhi like drivers, vegetable vendors, maid servants, auto and taxi drivers, etc.
- (ii) In the past, adequate housing was not planned for these people in middle or upper class areas, to which they provide services. As a result, a number of jhuggi clusters mushroomed all over Delhi close to the areas, where they provide services.
- (iii) They have encroached upon the lands on which they live.
- (iv) The decisions of the Hon'ble Supreme Court of India in Chameli Singh vs. State of UP [1996 (2) SCC 549] and in Shantistar Builders vs. N.K. Toitame, [1990 (1) SCC 520] and numerous other judgments have laid down that the right to life is not a right to *mere animal existence* and that the right to housing is a fundamental right. Going further, in Ahmedabad Municipal Corporation vs. Nawab Khan Gulab Khan, [1997 (11) SCC 123], the Supreme Court held that even poverty stricken persons on public lands have a fundamental right to housing. The Court laid down that when slum dwellers have been at a place for some time, it is the duty of the government to make schemes for housing the jhuggi dwellers. In the most recent decision of the Chief Justice's Bench in the Delhi High Court in Sudama Singh Vs. Government of Delhi [168 (2010) DLT 218], the Court referred to the provisions of the Delhi Master Plan and emphasized *in-situ rehabilitation*. It is only in the extra ordinary situation, when in- situ rehabilitation is not possible, then

only, rehabilitation by relocation is to be done. The normal rule is in-situ up-gradation and re-development.

- (v) Additionally, the recent Supreme Court decision in *Gainda Ram vs. Municipal Corporation of Delhi*, [2010 (10) SCC 715] reiterate that hawkers have a fundamental right to hawk. It is, therefore, clear that the poor, who come to the city for work, *must reside reasonably close to their place of work*. Even apart from the legal aspect, studies have shown that resettlement at faraway places invariably force the poor to return to their informal housing arrangements close to their place of work.
- (vi) Govt. of NCT of Delhi recognizes that the habitat and environment in which JJ Clusters exist is very dirty, unfit for human habitation and unhygienic both for the inhabitants living in that area as well as for the people living in surrounding areas.
- (vii) Govt. of NCT of Delhi, therefore, wishes to put in place and implement this policy to house the poor in a permanent and humane manner; at the same time, clear lands for **specific public projects and roads etc.**

2. Keeping the above principles in mind, GNCTD announces the following policy for rehabilitation and relocation of JJ clusters.

Nodal Agency

The Delhi Urban Shelter Improvement Board (DUSIB) shall act as the Nodal Agency for implementation of this policy as per the mandate given to it under the provisions of Delhi Urban Shelter Improvement Board Act, 2010

- (i) **Who is eligible for rehabilitation or relocation**

JJ Clusters which have come up before 01.01.2006 shall not be removed (as per NCT of Delhi Laws (Special Provisions) Second Act, 2011) without providing them alternate housing. Jhuggis which have come up in such JJ Clusters before 14.2.2015 shall not be demolished without providing alternate housing; *(this is in*

supersession of the earlier cut-off date of 04.06.2009 as notified in the guidelines of 2013)

(ii) **No new jhuggis to be allowed in Delhi**

GNCTD shall ensure that no new jhuggi comes up after 14.2.2015. If any jhuggi comes up after this date, the same shall immediately be removed without providing them any alternate housing. GNCTD will use the following methods to ensure that no new jhuggis come up:

a. GNCTD has started procuring satellite maps every three months to keep an eye on any new constructions. New illegal constructions would be removed immediately.

b. GNCTD is willing to do joint inspections with land owning agencies at regular intervals and any fresh jhuggis would be removed immediately.

c. GNCTD would enrol volunteers from JJ Clusters, who will act as eyes and ears of the government and would inform government if any fresh jhuggi comes up in any area.

(iii) **In-situ rehabilitation**

DUSIB shall provide alternate accommodation to those living in JJ Clusters, either on the same land or in the vicinity. The terms and conditions at which alternate accommodation will be provided & the eligibility conditions are being separately notified.

(iv) **In-situ Rehabilitation of JJ Clusters on lands belonging to other Land Owning Agencies**

i. DUSIB is willing to take over any JJ Cluster on the model of **Kathputli Colony** from any land owning agency in Delhi for in-situ re-development; on the same terms & conditions on which DDA has given Kathputli Colony slum rehabilitation project to a private builder. Therefore, each land owning agency may make a list of all such clusters which

they are willing to hand over to DUSIB on these terms.

ii. **For the balance clusters;-**

MPD 2021 envisages that for in-situ rehabilitation of JJ Clusters, a maximum of 40% land can be used as a resource and minimum of 60% of land has to be used for in-situ redevelopment to rehabilitate JJ dwellers. DUSIB will prepare a scheme of rehabilitation of any JJ Cluster and use such portion of land which is required for rehabilitation of JJ Dwellers depending upon density of the said Cluster and pass on the remaining portion of land to the Land Owning Agency, which will have to bear the cost of rehabilitation. The cost of rehabilitation would include the cost of construction of dwelling units and cost of land in case, additional land belonging to DUSIB is used for rehabilitation.

(v) **Relocation in rare cases**

Any Land Owning Agency will not demolish any JJ Cluster which is eligible as per para 2(i) above unless:

1. there is any Court order
2. that cluster has encroached a street, road, footpath or a park
3. the encroached land is required by the land owning agency for **specific public project** as envisaged in The NCT of Delhi Laws (Special Provisions) Second Act, 2011, which is extremely urgent and can't wait.

In these circumstances, the land owning agency shall bring the proposal before DUSIB. If DUSIB is satisfied and permits demolition, then DUSIB shall make all efforts to relocate the jhuggis in that JJ Cluster, clear the

land and hand it over to land owning agency within next six months after the date of DUSIB resolution. In such circumstances, the land owning agency shall pay such amount to DUSIB *in advance*, which meets the cost of construction of alternate dwelling units, cost of the land at **Circle Rate** on which those dwelling units are constructed and cost of relocation. However, the beneficiary contribution as well as the contribution made by the Government of India if any, towards the cost of construction of dwelling units, will be deducted from the aforementioned cost of rehabilitation.

- (vi) **Rehabilitation work to be completed in five years –**
DUSIB hopes to complete this task of rehabilitating all JJ Clusters in Delhi in the next five years, if it receives cooperation from all land owning agencies.

AGENDA ITEM NO. 14/4

Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015

(PART-B)

1. The **Eligibility Criteria** for allotment of alternative **Dwelling Unit** to rehabilitate and relocate JJ dwellers would be as under:

- (i) The JJ dweller must be a ***citizen of India*** and not less than **18 years** of age;
- (ii) The Jhuggi Jhopri basti in which the JJ dwellers are residing must be in existence prior to **01-01-2006**. However, the cut-off date of residing in the jhuggi for becoming eligible for rehabilitation shall be **14.02.2015; (this is in supersession of the earlier cut-off date of 04.06.2009 as notified in the guidelines of 2013)**
- (iii) The name of JJ dweller must appear in at least one of the **voter lists** of the years **2012; 2013; 2014** and **2015** (prior to **14.02.2015**) and also in the year of survey, for the purpose of rehabilitation;
- (iv) The name of the JJ dweller must appear in the **joint bio-metric/ Aadhar based survey** conducted by the DUSIB and the Land Owning Agency;
- (v) JJ dweller must possess **any one of the 12 documents issued** before **14.02.2015** as prescribed in the subsequent para;
- (vi) Neither the JJ dweller nor any of his/her family member(s) should own any house/ plot/flat, in full or in part, **in Delhi**. The JJ dweller should not have been allotted any residential house or plot or flat on license fee basis or on lease-hold basis or on free-hold basis in the NCT of Delhi by any of the Departments or Agencies of GNCTD or Govt. of India, either in his/her own name or in the name of any member of his family;

- (vii) No dwelling unit shall be allotted if the jhuggi is used solely for **commercial purpose**;
 - (viii) In case, the jhuggi is being used for both **residential and commercial purpose**, the JJ dweller can be considered for allotment of one dwelling unit. 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 dwelling unit only;
 - (ix) If a different family (**having separate Ration card issued prior to 14.02.2015**) which fulfils all the other eligibility criteria is living on **upper floor**, the same will also be considered for allotment of a separate dwelling unit. (**this is in supersession of the earlier notified guidelines of 2013**)
 - (x) **The ineligible JJ dwellers** will be removed from the JJ Cluster at the time of its rehabilitation/ relocation/ clearance of JJ Basti.
2. As envisaged in Para 1 (v) above, the JJ dweller must possess any one of the following documents issued before 14.02.2015 to become eligible for the purpose of allotment of DU:
- (i) Passport;
 - (ii) Ration Card with photograph;
 - (iii) Electricity bill;
 - (iv) Driving License;
 - (v) Identity Card/ Smart Card with photograph issued by State/ Central Government and/ or its Autonomous Bodies/ Agencies like PSU/ Local Bodies (except EPIC);
 - (vi) Pass book issued by Public Sector Banks/ Post Office with photograph;
 - (vii) SC/ST/OBC Certificate issued by the Competent Authority with photograph;
 - (viii) Pension document with photograph such as Ex-serviceman's Pension Book, Pension

Payment Order, Ex-serviceman widow/dependent certificate, old age pension order or widow pension order;

- (ix) Freedom Fighter Identity Card with photograph;
- (x) Certificate of physically handicapped with photograph issued by the Competent Authority;
- (xi) Health Insurance Scheme Smart card with photograph (Ministry of Labour scheme);
- (xii) Identity card with photograph issued in the name of the descendant(s) of the slum dweller from a Government school or Certificate with photograph issued by the Principal of a Government School mentioning therein that the descendant(s) of the slum dweller is/was the student of the school.

3. Appellate Authority

- (i) DUSIB will constitute an **Appellate Authority** for redressal of the grievances related to determination of eligibility for allotment of alternate dwelling unit for rehabilitation and relocation of JJ dwellers. The Appellate Authority will consist of the following:
 - (a) Retired Judge of the level of Additional Distt. Judge ;
 - (b) Retired civil servant of the level of Joint Secretary to Govt. of India;
 - (c) An expert member to be nominated by the Chairperson of DUSIB;
 - (d) Dy. Director of DUSIB to be nominated by the CEO- as Convener
- (ii) The terms & conditions of the Appellate Authority will be decided by the Board separately.

- (iii) Any JJ dweller feeling aggrieved by any order passed by an officer/ committee, authorized to determine eligibility of the JJ dweller shall be entitled to file an appeal before the Appellate Authority within a period of **30 days** from the date of communication of the impugned order.
- (iv) The Appellate Authority may for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under clause (iii) above.
- (v) The Appellate Authority may confirm, revoke or reverse the order appealed against and may pass such orders as deemed fit.
- (vi) Order passed in appeal by the Appellate Authority, duly accepted by the CEO, DUSIB shall be final.

4. Terms and conditions of Allotment of alternative Dwelling Unit

(i) The contribution of the beneficiary will be **Rs.1,12,000/-**

per dwelling unit having the carpet area of 25 sq mtr (The contribution may slightly vary on case to case basis depending upon the actual carpet area of the dwelling unit). In addition, the beneficiary will be required to pay an amount of **Rs.30,000/-** at the time of the allotment of the dwelling unit, towards the cost of maintenance for a period of 5 years.

(ii) The dwelling unit shall be allotted to the eligible JJ dweller **for a period of 10 (ten) years** on lease hold basis after which it will be converted into **free-hold** as per the prevalent policy (**this is in supersession of the earlier leasehold period of 15 years as notified in the guidelines of 2013**).

- (iii) Allotment will be made in the joint-name of the **husband and wife** occupying the jhuggi.
- (iv) The allottee shall **not sublet or part with possession** of the dwelling unit, by way of General Power of Attorney or any other document. The DUSIB will have the right to verify the veracity of the original allottee through Bio-metric survey using Aadhar data-base or otherwise. In case a different person (s)/family is found living at the time of survey in the dwelling unit, the allotment/lease is liable to be cancelled and DUSIB will have the right to re-enter the dwelling unit.
- (v) DUSIB may assist those beneficiaries who are not able to arrange the contribution to avail **loans from banks/ financial institutions** including co-operative banks.

5. Maintenance of dwelling units after allotment

- (i) It has been observed that after allotment of dwelling units to slum & JJ dwellers for rehabilitation, the maintenance of the common services in these colonies, is not done properly by the occupants due to ignorance, lack of knowledge to form associations and/or lack of funds etc.
- (ii) Therefore, the DUSIB will maintain the common services in these colonies for a period of 5 years after allotment.
- (iii) For this purpose, a Corpus in the form of "**DUSIB Estate Management Fund**" will be created in DUSIB.
- (iv) The allottees will have to contribute Rs 30,000/- per dwelling unit as maintenance charges which will be deposited in the above said **fund**.
- (v) The maintenance will include common areas like staircase, open ground, water supply & electric supply systems up to the dwelling units; external services

e.g. sewer lines, roads, street lights, drainage and parks etc.

- (vi) Depending upon the requirement, DUSIB may contribute in this fund from its own resources and attempt will be made as far as possible to carry on the maintenance from the interest earned from this fund.
- (vii) In order to ensure that there are sufficient resources for maintenance of these colonies, DUSIB will also request the Govt. of NCT of Delhi to give *Grant-in-aid* for this fund.
- (viii) After 5 years, the maintenance will be transferred to the RWAs which will be required to get registered as Societies and work out their own mechanism for maintenance.
- (ix) DUSIB may give *grant in aid* to the RWAs/ Registered Societies of these colonies depending upon the requirement of the works to be done.

6. CEO, DUSIB is authorised to approve the operational guidelines keeping in view the overall spirit of the policy.

AGENDA ITEM NO. 14/5

**DEMOLITION OF JHUGGIES BY DDA AND REQUEST FOR
REHABILITATION OF THREE JJ CLUSTERS.**

1. DDA demolished about 40 jhuggies in Aam ka Bagh (Shamshee Talab) in Mehrauli on 26.08.2015. CEO, DUSIB took up the matter with Vice Chairman, DDA vide letter dated 30.08.2015 (**Annexure-I**) stating that about 40 jhuggies in Mehrauli near Lal Masjid in Aam Ka Bagh (Shamshee Talab) were demolished by DDA on 26.08.2015 without any prior provision of rehabilitation of persons residing in these jhuggies thereby rendering them homeless and shelterless. The said letter was written to Vice Chairman, DDA with prior approval of Hon'ble Chief Minister, Delhi.

2. Vide the said letter, it was also informed to DDA that the demolition of the jhuggies in Mehrauli on 26.08.2015 is not in consonance with the assurance given by the then Vice Chairman, DDA to Hon'ble Chief Minister, Delhi, in a meeting held on 02.05.2015 wherein the following decisions were taken:-

“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, DDA agreed to the following decisions in the said meeting.

- 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 06 months in advance so that appropriate action could be taken for their rehabilitation.”

3. DDA was further requested to stop the demolitions forthwith in view of the provisions of 'The National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 as amended in 2014, provisions of the DUSIB Act, 2010 and different orders of various courts. The following plans/proposal of GNCTD/DUSIB was also conveyed to the VC, DDA:-

“(i) Govt. of NCT of Delhi is committed to rehabilitate/relocate all the slums of Delhi within a period of 05 years and for the said purpose, DUSIB is working out a rehabilitation and resettlement policy of Jhuggi Jhompri clusters.

(ii) Even if DDA wants to clear some land for specific public projects, the same may be conveyed to DUSIB 06 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 the land to DUSIB on which the JJ clusters in Delhi belonging to DDA are situated, on as is where is basis, on the same terms and 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."

4. In response to the letter dated 30.08.2015 (**Annexure II**), Commissioner (LM), DDA vide letter dated 31.08.2015 has informed that DDA has already decided to withhold demolition of jhuggi jhopri clusters till review by the Hon'ble Lt. Governor, Delhi/Chairman, DDA.

5. Meanwhile, a meeting was held on 02.09.2015 under the chairmanship of Vice Chairman DDA wherein CEO, DUSIB was asked to relocate/rehabilitate the following three JJ clusters within two months:-

i) Village Chowkari Mubarakbad (Anand Parbat Area)- removal of approximately 500 kuchcha and pucca structure/ 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 jhopris. Area required for development of green and preservation of heritage and ancient monuments as per orders of Hon'ble High Court of Delhi.

6. During the meeting, V.C., 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 jhopri clusters on DDA lands which are protected under the said Act. The minutes of the meeting dated 02.09.2015 is annexed as **Annexure-III**.

7. The request of the DDA for rehabilitation is submitted before the Board for taking a view in the matter.

AGENDA ITEM NO. 14/6

**REGARDING RELOCATION OF JJ CLUSTER JWALA PURI
ROAD NO.5 IN COMPLIANCE OF THE ORDER DATED
15.09.2015 OF HON'BLE HIGH COURT IN CONTEMPT CASE
(CIVIL) NO.890/2011 TITLED AS VIRAT COOPERATIVE
GROUP HOISING SOCIETY LTD. & OTHERS. VS.
COMMISSIONER, MUNICIPAL CORPORATION OF DELHI &
ORS.**

1 In Contempt Case (Civil) No.890/2011 titled as Virat Cooperative Group Hosing Society Ltd. & Others. Vs. Commissioner, Municipal Corporation of Delhi & Ors, Hon'ble High Court vide order dated 15.09.2015 directed as under:

"This court is of the view that as there are judicial orders which have attained finality, the encroachments have to be forthwith removed and the encroachers who are entitled to rehabilitation have to be granted alternative accommodation with the existing policy.

This court of the view that at this moment cost of relocation should be borne by the Delhi Government. As to which department would bear the financial burden of the relocation can be decided by the Delhi Government at a subsequent date.

In view of aforesaid clarification, CEO is directed to forthwith ensure compliance with the binding orders of this Court within a period of eight weeks.

The Police is directed to render full assistance to the DUSIB in implementing the orders of this Court.

List the matter on 30th November, 2015.

In the event, the orders are not complied with, the CEO, DUSIB shall be personally present in Court on the next date of hearing."

2. Accordingly, in the Board meeting held on 22.09.2015, Agenda item No.13/5(Annexure-I) regarding relocation of JJ cluster at Jwala Puri in compliance of the order dated 15.09.2015 of Hon'ble High Court Delhi was put up before the Board for approval for the following proposals:

- (i) The JJ cluster in question be surveyed de-novo as per existing policy of 2013 with new cut off date of 14.02.2015.
- (ii) Land Owning Agency as per the stand of the MCD in the court is PWD. As per order of the Hon'ble High Court and

provisions of the existing policy of 2013, DUSIB may be allowed to go ahead with the relocation and recovery of cost of rehabilitation may be settled in due course.

- (iii) Earlier DUSIB has taken beneficiary contribution @ Rs. 68,000/- from each eligible family but in view of the inflation and as per the proposal under consideration, DUSIB may be allowed to charge Rs. 1,12,000/- per house only from the additional eligible JJ dwellers. In addition, both the earlier found eligible JJ dwellers and JJ dwellers found eligible after de-novo survey will be required to pay Rs. 30,000/- for the maintenance of flats.

3. The Board has approved 'that survey of cluster(s) which is/are the subject matter of this court case, be carried out by DUSIB by taking 14.02.2015 as the cut-off date.' The survey of the said cluster has accordingly been started w.e.f. 29.09.2015.

4. Now, as the order dated 15.09.2015 of Hon'ble High Court is to be complied with within eight weeks from 15.09.2015 i.e. before 10.11.2015, the Board is requested to accord its special approval for the following:

- (i) DUSIB may be allowed to go ahead with the relocation of the JJ cluster, at Baprola (as earlier provisional allotment to 338 JJ dwellers has been made at Baprola though possession is still to be hand over) and recovery of cost of rehabilitation may be settled in due course.
- (ii) Earlier DUSIB has taken beneficiary contribution @ Rs. 68,000/- from each eligible family but as per the new proposed policy, DUSIB may be allowed to charge Rs. 1,12,000/- per house only from the additional eligible JJ dwellers. In addition, both the earlier found eligible JJ dwellers and JJ dwellers found eligible after fresh survey will be required to pay Rs. 30,000/- for the maintenance of flats.
- (iii) CEO, DUSIB may be authorised to take all necessary actions required for effective implementation of the order dated 15.09.2015 of the Hon'ble High Court, Delhi.

AGENDA ITEM NO. 14/7

DISPOSAL OF DUSIB PLOTS/PROPERTIES

1. In the 13th meeting of the Board held on 22.09.2015, the Board approved the following proposals in principle made vide Agenda Item No. 13/7 (The agenda and minutes are annexed as **Annexure I & II**):
 - i. CEO, DUSIB may be authorized to dispose off smaller plots of land and built up properties up to 100 Sqm. by e-auction/ auction / tender in a transparent manner;
 - ii. CEO, DUSIB may be allowed to follow the policy / procedure being followed in DDA for fixation of reserve price. DUSIB can obtain the list of property valuers empanelled by DDA on the similar terms and conditions and / or DUSIB may empanel its own property valuers;
 - iii. DUSIB may construct boundary wall on bigger size plots to protect them from encroachment and engage security guards for watch and ward wherever required.
2. However, it was also desired by the Board that CEO, DUSIB should place the details of specific plots which are immediately available for sale before the Board in the next meeting.
3. Accordingly, the details of the plots which are proposed to be disposed off in Phase-I are placed at Annexure – III. It is proposed that these plots may be disposed off through e-auction after ascertaining the factual position existing on site as already approved in principle by the Board in the last meeting held on 22.09.2015.

The Board may kindly consider and approve.

AGENDA ITEM NO. 14/8

**REVISION PETITION OF SH. QAMARUDDIN S/o SH.
AMIR BAKHSH, EX. JUNIOR ENGINEER**

1. The Revision petition filed by the petitioner Sh. Qamaruddin was placed before the BOARD in its meeting held on 22.9.2015 vide Agenda Item no. 13/12 (Annexure-I). The Board considered the representation of Sh. Qamaruddin and after deliberations, the Board desired that CEO, DUSIB should give him a personal hearing on behalf of the Board and place his comments before the Board in the next meeting for taking a view in the matter.
2. In pursuance of the above order of the BOARD, a personal hearing was granted by the CEO, DUSIB to Sh. Qamaruddin on 29.9.2015. The comments of the CEO, DUSIB are attached.
3. In view of the aforesaid, the BOARD may take a view on the Revision Petition of Sh. Qamaruddin so that a reasoned and speaking order may be passed, as directed by the Hon'ble High Court.

COMMENTS OF C.E.O.

SUBJECT:- Regarding Agenda Item no. 13/12 of the Meeting Held on 22.9.2015 (Revision Petition of Sh. Qamaruddin S/o Sh. Amir Bakhsh, Ex. Junior Engineer)

1. A writ petition was filed by Sh. Qamaruddin, Ex Junior Engineer (Civil) vide WP (C) No. 8049/2015 before the Hon'ble High Court of Delhi. The Court vide its Order dated 25.8.2015 disposed of the writ petition with directions that the petitioner will file a revision petition within 10 days from the date of the order and the same shall be considered by the BOARD at the earliest by passing a reasoned and speaking order within 04 weeks from the date of receipt of the revision petition.
2. Accordingly, the Revision petition filed by the petitioner was placed before the BOARD in its meeting held on 22.9.2015 vide Agenda Item no. 13/12. After considering the representation of Sh. Qamaruddin, the Board desired that CEO, DUSIB should give him a personal hearing on behalf of the Board and place his comments before the Board in the next meeting for taking a view in the matter.
3. In pursuance of the above directions of the BOARD, a personal hearing was granted to Sh. Qamaruddin on 29.9.2015. During the personal hearing, the petitioner stated that a departmental inquiry had been initiated against him in the same matter but due to his conviction in case RC No. 8A/2010/ACB/CBI/New Delhi by the Ld. Trial Court, he was dismissed from the service without completing the inquiry under the rules.
4. He further made the following submissions:-
 - (i) He had been wrongly implicated in the case by the CBI.
 - (ii) He was posted in the concerned division only in October, 2008 while 513 plots located at Gautampuri, Molar band, Phase-I&II, near Badarpur, Delhi were cancelled in August, 2007.
 - (iii) Those plots were already encroached during the period from August, 2007 to October, 2008 i.e. prior to his posting in the concerned division.

- (iv) He is innocent but the Ld. Special Judge, CBI had grossly ignored these facts.
- (v) He had filed an appeal against the order of the Ld. Special Judge, CBI before the Hon'ble High Court of Delhi and the same is pending in regular matters. In the meantime, the sentence awarded by the Ld. Trial court was suspended but the conviction has not been suspended.
- (vi) He stated that the technical plea of VC, DDA being Addl. Secretary level was taken on the advice of advocate. He also agreed that the aforementioned submissions have not been raised by him in the Revision Petition which is under consideration before the Board.
5. I have carefully heard the submissions made by Mr. Qamaruddin, Ex. J.E. of DUSIB. Submissions made by him in para 4 (i) to (v) cannot be considered at this stage as he has taken these pleas in his appeal against his conviction pending before the Hon'ble High Court of Delhi and he has not taken these pleas in the Revision Petition before the BOARD. Regarding the technical grounds of competency taken by him in para no. (vi) it has been found that the level of the post of Vice Chairman, DDA at the time of his appointment in the year 1985 was of the rank of Joint Secretary to the Govt. of India. Further as he has not filed any document in support of his submission which means that technically VC, DDA at that time as well as Member (Admn.) and CEO(DUSIB) all are of the same level i.e. Joint Secretary to the Govt. of India.
6. In view of the aforesaid facts, the BOARD may take a view on the Revision Petition of Sh. Qamaruddin.

Sd/-
(V.K. Jain)
Chief Executive Officer
Delhi Urban Shelter Improvement Board

AGENDA ITEM NO. 14/9

REHABILITATION/ RELOCATION OF 32 JJ CLUSTERS (UNDER PROCESS)

1. The Urban Development Department, Government of NCT of Delhi had issued policy guidelines for allotment of flats for rehabilitation/ relocation vide order no. F.51 (95)/99/UD/Vol.III/2978-2988 dated 19.02.2010.
2. In pursuance of above, DUSIB has relocated 08 JJ clusters namely (a) Cement Godown Moti Bagh /Netaji Nagar, (b) G-Point, Gole Market, (c) Pkt-6, 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. There were 853 jhuggis surveyed in these 08 JJ clusters, however, only 266 JJ dwellers were found eligible for relocation as per the policy dated 19.02.2010.
3. In the policy/guidelines dated 19.02.2010, there were certain conditions which were proving to be impediments in relocation of JJ clusters, as a large no of JJ dwellers were found ineligible for rehabilitation /relocation. Hence, a need was felt to liberalize the provisions of policy, so that more number of JJ dwellers could be rehabilitated. Consequently, the policy guidelines were modified vide order No.F.18 (7)/ UD/DUSIB/2011/Vol.I/ 2350 dated 25.2.2013.
4. Subsequently, a total of 114 JJ clusters were prioritized by the Urban Development Department, Govt. of NCT of Delhi for the purpose of relocation/ rehabilitation. The joint survey of 68 JJ clusters with the land-owning agencies has been completed. But till date, eligibility has been determined only in respect of 32 JJ clusters, including 08 demolished JJ clusters. The Status of eligible/ineligible is as under:-

No of JJ clusters	Total surveyed Jhuggis	Total JJ dwellers appeared before EDC	Eligible	In-eligible
32	8753	5298	4134	1164

5. The eligible JJ dwellers of 32 JJ clusters have been allotted flats at Bawana, Baprola and Dwarka and they have deposited the beneficiary contribution amounting to Rs. 16.50 Crores (approx.), but physical possession of these flats is yet to be handed over.

6. It is further pointed out that out of 32 JJ clusters, 23 JJ clusters are located on the land belonging to the Central Government. The list of these 32 JJ clusters showing details such as name of JJ cluster, land owning agency, number of surveyed jhuggis, JJ dwellers appeared before EDCs, JJ dwellers found eligible and ineligible is annexed as **Annexure-I**.

7. In the review meeting held on 16.07.2015, under the chairmanship of Hon'ble Chief Minister, the issue of above said 32 JJ clusters was also discussed. It was deliberated that the fund received from Land Owning Agencies @Rs.1,50,000/- per jhuggi is not proportionate to the cost of land being vacated and efforts being put in by DUSIB. Accordingly, it was desired that DUSIB may take up the matter with various land owning agencies to pay the cost of all the flats required for rehabilitation of slum dwellers in these JJ clusters and the cost can be worked out.

8. The cost of the flats proposed to be used for rehabilitation/relocation has been worked out based on the **circle rate of land and cost of construction** by a committee (**Annexure-II**), in DUSIB which is shown below:

S.No.	Name of colony	Plinth area (Sq.mtr)	Cost of the flat (Rs. In lacs)
1	5568 flats, Baprola	33.08	22.26
2	2004 flats, Dwarka	34.01	28.06
3	704 flats, Bawana	30.04	20.16
4	1184 flats, Bawana	39.74	19.16

9. The land owning agencies are vigorously pursuing the relocation and rehabilitation of the following clusters because specific public projects are held up.

- | | | |
|-------|------------------------------------|------|
| (i) | Jawahar camp, Kirti Nagar-Mayapuri | DMRC |
| (ii) | Mahatama Gandhi Camp, Punjabi Bagh | DMRC |
| (iii) | Kidwai Nagar
NBCC | |
| (iv) | Janpath, M/o Social Welfare, Gol | |

10. In view of the above it is proposed that:

- (i) *The Board may allow the relocation of the four JJ clusters mentioned in para 9 as per the provisions of Delhi Slum & JJ Rehabilitation & Relocation Policy, 2015.*
- (ii) *For the above purpose, beneficiaries who have already found eligible and have deposited their contribution @ Rs. 68,000/- may not be asked to deposit any additional contribution but, would be required to pay the maintenance charges @ Rs. 30,000/-*
- (iii) *All others who are found eligible will be required to pay the beneficiary contribution and the maintenance charges as per the provisions of Delhi Slum & JJ Rehabilitation & Relocation Policy, 2015.*
- (iv) *The amount already deposited by the Land Owning Agencies, will be adjusted in the fresh demand to be raised as per the provisions of Delhi Slum & JJ Rehabilitation & Relocation Policy, 2015.*

AGENDA ITEM NO. 14/10

**SALARIES AND ALLOWANCES TO TWO EXPERTS
(NON-OFFICIALS)/MEMBERS NOMINATED BY THE
CHAIRPERSON, DUSIB UNDER CLAUSE(XV) OF SUB
SECTION 4 OF SECTION 3 OF DUSIB ACT, 2010.**

1. As per provisions under Clause (xv) of sub - section 4 of Section 3 of Delhi Urban Shelter Improvement Board (DUSIB) Act, 2010, the Chairperson has nominated two experts(non-officials)/Members namely Sh. Bipin Kumar Rai and Er. Sh. A.K. Gupta vide office order No. GA/1160/1/Admn/2013/D-38 dated 03/07/2015. (**Annexure – I**).
2. Sh. Bipin Kumar Rai, Member(non-official) represented vide letter dated 29/07/2015 (**Annexure – II**) that he has wide experience of issues related to housing, temporary shelter for homeless, relief and rehabilitation work in Delhi and as such requested for his engagement as Member(Board), non-official on full time basis. He also enclosed pay certificate issued by an organisation namely actionaid where in he was working and drawing an emoluments of Rs. 64,425/-per month in Feb, 2013.
3. Sh. A.K. Gupta, Member (non-official) represented vide letter dated 30/07/2015 (**Annexure – III**) that he is willing to work on full time basis and requested that his condition of service may be settled on the basis of Section 4(1) of DUSIB Act, 2010. It is also to mention that Sh. A.K. Gupta retired from the services of DUSIB as Executive Engineer.
4. As per Section 4(1) of the DUSIB Act, 2010, the terms of office and other conditions of service of the Members shall be as follows :
 - (i) *“Members nominated under clause (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.”*
 - (ii) *Except in the case of ex-officio members and members nominated under clause (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.
(Annexure – IV).

5. DUSIB/GNCTD has so far not prescribed salaries and allowances and conditions of services of experts members (non-official) as envisaged under the provision of Section 4(1) of the DUSIB Act, 2010.

6. Keeping in view the representations of two experts(non-officials) and provisions of section 4(1) of the Act and based on the recommendation of High Level Co-ordination Committee of DUSIB(**Annexure –V**), the Board may consider utilisation of their services on full time basis and settlement of salaries/remuneration as under :

- (i) As Sh. Bipin Kumar Rai while working with actionaid was drawing Rs. 64,425/- in the Feb., 2013, his monthly remuneration may be fixed on consolidated amount of Rs. 70,000/-
- (ii) Sh. A.K. Gupta, who has retired form DUSIB as Executive Engineer, may be given salary as per practice i.e last pay drawn minus pension per month plus D.A at the prevailing rate.

7. The other terms & conditions for their engagements may be as follows:

- (i) Their engagement will be on full time basis till they hold the office of Expert(non-official)/Members of the Board as envisaged under Section 4(2) of DUSIB Act, 2010;
- (ii) They will not be permitted to take any other assignment during their engagement with Board;
- (iii) They may be entitled for mobile phone charges @ Rs. 1500/- monthly reimbursement;
- (iv) Due to shortage of Staff Cars, they may be given travelling allowance @ Rs. 25000/- per month for performing various official duties assigned to them;
- (v) They will not be entitled for residential accommodation/HRA;
- (vi) They will not be entitled for any other facility i.e reimbursement of medical expenses, LTC etc.;

(vii) They may be entitled for TA/DA at par with the regular Members of the Board;

(viii) They may be asked to perform any duties as and when assigned by DUSIB.

The above proposal is submitted for consideration of the Board.

AGENDA ITEM NO. 14/11

**NOMINATION OF SHRI SANJEEV KUMAR MITTAL, SENIOR
DANICS OFFICER AS MEMBER(POWER) IN DELHI URBAN
SHELTER IMPROVEMENT BOARD.**

1. Shri Sanjeev Mittal, DANICS officer was posted as Director in DUSIB vide Order No. 432 dated 14.8.2015. (**Annexure-I**). In this connection, it may be stated that the post of Director in DUSIB is in Pay Band III (Rs. 15,600- 39,100/-) with Grade Pay of Rs.7600/- whereas Shri Mittal is an officer of Pay Band IV with Grade Pay of Rs.8700/-. The officer has made a representation requesting to post him as a Member in DUSIB keeping in view his seniority. (**Annexure-II**).
2. It may be further submitted that on an earlier occasion, the DUSIB in its 3rd Board Meeting held on 22.06.2011, decided that in order to attract good officers, any officer in the grade pay of Rs. 7,600/- who opts to join DUSIB as a Director on deputation, will be entitled to get pay-band IV with grade pay of Rs.8700/-. The agenda and decision of the said Board meeting held on 22.6.2011 are attached as **Annexure III**.
3. Shri Sanjeev Mittal is M.Tech (Mechanical Engg.) from IIT, Delhi and has vast administrative experience of working in various departments in Delhi and outside segment. (**Annexure-IV**). The kind attention of the Board in particular is drawn to his postings in the Urban Development Department in Daman & Diu; Delhi Development Authority. He was also posted as OSD to Hon'ble Lt. Governor of Delhi during 2009-2011. He is an officer of 1993 Batch of DANICS and has more than 21 years of administrative experience out of which more than 8 years is in the grade pay of Rs.7600/-.
4. It may not be out of place to mention here that most of the local bodies in Delhi, to attract good officers, take them on one scale higher while on deputation. Therefore, in all fairness, DUSIB may consider taking Shri Sanjeev Mittal, on deputation basis in Pay Band IV with grade pay of Rs.10,000/-.
5. There are only following four regular posts of Members in DUSIB which carry the grade pay of Rs. 10,000/-:
 - (a) Member(Administration)
 - (b) Member (Engineering)
 - (c) Member(Finance)
 - (d) Member(Power)

6. Kind attention is drawn to the provisions of section 3(4) of the DUSIB Act, 2010. (**Annexure -V**). At present, the posts of Member (Administration) and Member (Engineering) are already filled up and a proposal for filling up the post of Member (Finance) is under submission and there is only one post of Member(Power), which is lying vacant.
7. In view of above, the Board may consider that Shri Sanjeev Mittal may be taken on deputation basis as Member (Power) in Pay Band IV with grade pay of Rs.10,000/-.