

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

No. D- 176 /DD(Board)/2015

Dated: 15.12.2015

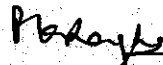
Sub: 15th Meeting of Delhi Urban Shelter Improvement Board.

Sir,

In continuation of the meeting notice dated 14.12.2015, please find enclosed herewith the Agenda Items for discussion in the 15th meeting of Delhi Urban Shelter Improvement Board (DUSIB), GNCT of Delhi scheduled to be held on 16.12.2015 at 11.30 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.

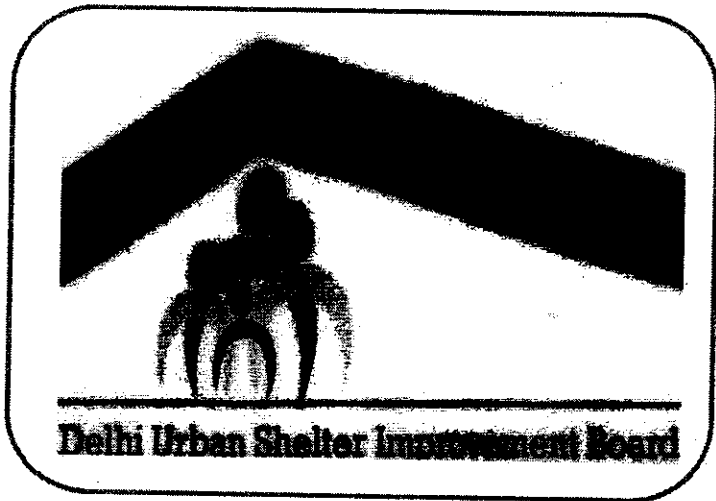
Kindly make it convenient to attend the meeting as scheduled.

Encl: As above


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

To

All Members of Delhi Urban Shelter Improvement Board.



**15th MEETING OF
DELHI URBAN SHELTER IMPROVEMENT BOARD
(DUSIB)**

GOVT. OF NCT OF DELHI

AGENDA NOTES

16.12.2015

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

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AGENDA ITEM NO. 15/1

**CONFIRMATION OF MINUTES OF THE 14TH MEETING OF THE
BOARD**

The minutes of the 14th Meeting of the BOARD held on 05.10.2015 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-53 dated 23.10.2015 for kind information of all Members of the BOARD. No observation/comments have been received from any Member.

Board may confirm the Minutes of 14th Meeting.

AGENDA ITEM NO. 15/2

**ACTION TAKEN REPORT ON THE MINUTES OF
THE 13th & 14th BOARD MEETINGS**

Action Taken Report on Minutes of 13th Board Meeting

S.No.	SUBJECT	STATUS
13/3.	Delhi Slum Rehabilitation & Relocation Policy, 2015	As decided by the BOARD the item was placed before the BOARD in 14 th Board Meeting.
13/4.	Demolition of jhuggies by DDA and request for rehabilitation of three JJ Clusters.	Item was deferred as VC, DDA was not present. As decided, the Agenda was placed before the BOARD in 14 th Board Meeting.
13/5.	Relocation of JJ Clusters at Jwala Puri in compliance of order dated 15.09.2015 of Hon'ble High Court of Delhi	Directions of Hon'ble High Court has been complied with and eligible dwellers have been relocated at Baprola.
13/6.	Allotment of flats constructed under JNNURM Scheme to registered wait-listed applicants of 1985 Special Registration Scheme.	The data of pending registrants/ applicants is being digitized and further action for allotment in phases will be taken in due course.
13/7.	Disposal of DUSIB Plots / Properties.	A list of 716 vacant properties below 100 sq. mtrs proposed to be disposed of through auction has been sent to Deptt of UD, GNCTD. List of properties is annexed.
13/8.	Booking of vacant grounds of DUSIB for Ramleela / Dussehra and Mela Activity.	DUSIB is booking vacant ground / land belonging to it in accordance with the approved agenda.
13/9	Appointment to the post of Director on deputation in DUSIB.	Shri R.K. Gupta, Dy. Director from Delhi Khadi & Village industry joined as Director on deputation on 2.11.2015.
13/10	Approval of revised RRs for the post of Sr. Investigator.	After approval of the BOARD, the file has been forwarded to UD Deptt for notification.
13/11	Engagement of Shri M.C.T. Pareva as Principal Director (Projects) on contract basis in DUSIB.	Board approved/ratified the proposal.

13/12	Revision petition of Shri Qamaruddin S/o Shri Amir Bakhsh, ex. Jr. Engineer	As approved by the Board, personal hearing granted to Qamaruddin by CEO, DUSIB on 29.9.2015.
13/13	Budget Estimate	Implemented
	<p><u>Table Agenda</u></p> <p>The issue regarding Management of Night Shelters was discussed in the meeting.</p>	Decision taken in the meeting has been implemented.

Action Taken Report on Minutes of 14th Board Meeting

S.No.	SUBJECT	STATUS
14/3.	Delhi Slum Rehabilitation & Relocation Policy, 2015 (Part-A)	View of M/O UD, GOI is still awaited.
14/4.	Delhi Slum Rehabilitation & Relocation Policy, 2015 (Part-B)	View of M/O UD, GOI is still awaited.
14/5	Demolition of jhuggies by DDA and request for rehabilitation of three JJ Clusters	Item was deferred as VC, DDA was not present in the Board Meeting.
14/6.	Relocation of JJ Clusters at Jwala Puri in compliance of order dated 15.09.2015 of Hon'ble High Court of Delhi	Directions of Hon'ble High Court has been complied with and the Hon'ble Court has disposed of the matter.
14/7.	Disposal of DUSIB Plots / Properties.	A list of 716 vacant properties below 100 sq. mtrs proposed to be disposed of through auction has been sent to Deptt of UD, GNCTD.
14/8	Revision Petition of Sh.Qamaruddin S/o Shri Amir Baksh, Ex.Engineer	As per approval of the BOARD, order has been issued vide No. D-636/DD(Vig.)/DUSIB/2015 dated 28.10.2015.
14/9.	Rehabilitation/Relocation of 32 JJ Clusters	Item deferred as new rehabilitation policy is yet to be finalised.
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.	Approved T&C communicated to the members vide letter dated 28.10.2015 and they accepted the same.
14/10	Nomination of Shri Sanjeev Mittal, Sr. DANICS Officer as Member (Power) in Delhi Urban Shelter Improvement Board.	Order has been issued on 2.11.2015 and officer assume the charge.

AGENDA ITEM NO. 15/3

Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015

In the 12th Board meeting held on 15.6.2015, the Board has directed that DUSIB should prepare a detailed Slum Rehabilitation Policy where the cutoff date for considering the eligibility may be raised to 14.02.2015 (**Annexure-I**). Accordingly, the guiding principles and broad framework of Delhi Slum Rehabilitation & Relocation Policy-2015 were placed in the 13th Board meeting held on 22/09/2015 vide Agenda item No. 13/3 (**Annexure-II**). The policy was deliberated by the Members and there was a general consensus. However, the representative of Ministry of Urban Development, Govt. of India requested that he needs time to discuss this policy with his seniors in the Ministry. Accordingly, it was decided that the said policy be placed again before the Board in the next meeting for further consideration and approval. It was also desired that henceforth, a representative of Railways be called in the meeting as a Special Invitee because a large number of JJ Clusters belongs to them in Delhi (**Annexure-III**).

As per the directions of the Board, CEO, DUSIB placed Delhi Slum & JJ Rehabilitation and Relocation Policy 2015 in 02 parts; Part-A and Part-B vide Agenda items No. 14/3 & 14/4 where the Agenda item no. 14/3 was regarding the principles guiding and broad framework and Agenda item No. 14/4 was regarding the detailed eligibility criteria, appellate authority, terms & conditions of allotment and maintenance of dwelling units after allotment etc. (**Annexure-IV**). During the Board meeting held on 05/10/2015, the Jt. Secretary, Ministry of Urban Development, Govt. of India present in the meeting as a member of the Board, requested that the decision on the proposed policy may be deferred as the same is under examination with the Ministry. Also a letter was received from the Ministry of Urban Development, Govt. of India vide no. F.15-7(5842)-Enf. dated 05.10.2015 with the request to withhold the policy till the receipt of comments / views from the Ministry (**Annexure-V**). The Board after deliberation decided to defer the decision on the policy keeping in view the request received from Ministry of Urban Development, Govt. of India. A representative of Railways also attended the 14th Board meeting as a Special Invitee. During the meeting, it was also decided by the Board that in the meanwhile no demolition of jhuggies / clearance of JJ Clusters will take place in Delhi. (**Annexure -VI**)

Now more than 02 months have passed after the 14th Board meeting but no comments / views have been received from Ministry of Urban Development, Govt. of India till date. In view of the recent demolitions carried out by Railways at Shakur Basti, it is considered appropriate to place the matter before the Board. Accordingly, the agenda earlier placed vide Agenda items nos. 14/3 & 14/4 is again placed before the Board for consideration.

AGENDA ITEM NO. 15/4

Demolition of jhuggies at Shakur Basti

Railway authorities have demolished approx. 500 jhuggies at Shakur Basti without relocating them as per the Relocation Policy. This is in violation of the provisions of DUSIB Act, 2010; Delhi Laws (Special Provisions) Act, 2011; Master Plan of Delhi 2021 and various landmark judgements of Hon'ble Supreme Court of India & Hon'ble High Court of Delhi. During this demolition, death of a child has taken place and slum dwellers were left shelter less in harsh winter.

The Delhi Slum and J J Rehabilitation and Relocation Policy envisage that Jhuggies in Delhi will not be demolished without rehabilitation of eligible J J dwellers as per the provisions of the said policy. Whether the J J dwellers are eligible for rehabilitation or not, can be ascertained only after the joint survey and eligibility determination by DUSIB and land owing agency, which in this case is Railways. But unfortunately no such survey was got conducted by Railways before carrying out this demolition. Railways did not even inform DUSIB/GNCTD about the said demolition.

This demolition is also against the decisions taken in the meetings held under the Chairmanship of Hon'ble CM, Delhi on 08/05/2015 and 22/09/2015 in which Senior Railway officers were present. Hon'ble CM, Delhi has also taken up the matter regarding rehabilitation of J J dwellers on railway land with Hon'ble Minister of Railways, Government of India vide letters dated 28/9/2015 and 01/12/2015.

Earlier CEO, DUSIB has taken up the matter with GM, Northern Railways vide letter dated 29/09/2015 not to carry out any demolition/encroachment removal program at Shakur Basti and the same may be carried out in consultation with DUSIB.

In the 14th Board meeting held on 05/10/2015, it was decided to defer the Delhi Slum & JJ Rehabilitation and Relocation Policy 2015 on the request of the representative of Ministry of Urban Development, GOI but it was also decided that in the meanwhile no demolition of jhuggis/ clearance of JJ clusters will take place in Delhi. The Representative of Northern Railways was also present in this meeting as a Special Invitee. The policy is pending finalization for want of comments / views of Ministry of Urban Development, Govt. of India and

in the meanwhile Railways has carried out demolition without any joint survey.

It need to be reiterated that no demolition program be carried out without consultation of the Board.

The agenda is placed before the Board for consideration.

AGENDA ITEM NO. 15/5

Relocation of JJ cluster Sardar Patel Camp, Jwala Puri

The Board vide Agenda Item No.13/5 have resolved as under:

The survey of the cluster which is the subject matter of the court case be carried out by DUSIB by taking 14-02-2015 as the cut-off date.

Further the Board vide Agenda item no 14/6 have resolved as under:

"Keeping in the view the direction of the Hon'ble High Court in the case, the proposal as contained in para 4 was approved by the Board subject to the condition that rehabilitation and relocation in this case would take place as per the provisions of Delhi Slum & JJ Rehabilitation & Relocation Policy, 2015 as contained in Agenda Items No. 14/3& 14/4 . For the Purpose of the case, the said policy will be deemed to have been approved by the Board."

Vide para 4 (iii) of agenda item no. 14/6, CEO, DUSIB was authorised to take all necessary actions required for effective implementation of the order dated 15.09.2015of the Hon'ble High Court of Delhi.

2. Accordingly, de-novo joint survey of the JJ cluster Sardar Patel Camp, Jwala Puri was carried out along-with the concerned LOAs i.e. PWD and North Delhi Municipal Corporation. 495 jhuggies were found on the land belonging to PWD and 99 jhuggies were found on the land belonging to North Delhi Municipal Corporation.

3. Out of these total 594 surveyed units, 575 JJ dwellers appeared before EDCs. Out of them 534 JJ dwellers were declared eligible and 41 JJ dwellers were declared ineligible. Computerised draw of 519 JJ dwellers was held on 18.11.2015 and draw of 15 JJ dwellers was held on 25.11.2015. Eligible JJ dwellers have been allotted flats at Baprola. Out of these 534 allotted flats, allotment to 03 JJ dwellers has been cancelled as they have property in their own name at different location and thus violates the terms and conditions for allotment of the Policy.

4. Earlier the survey was held in 2009, where 563 jhuggies were found. Out of these 481 JJ dwellers were appeared before the EDC and as per policy of 2013, with

cut-off date 04.06.2009, 338 JJ dwellers are found eligible for relocation.

5. The relocation of JJ cluster was completed on 26.11.2015.

During the course of relocation process, the following decisions were taken:

6. As per the para 18 of Rehabilitation Policy guidelines of 2013 issued vide order no. F.18(7) /UD/DUSIB/2011/Vol.I-2350 dated 25.02.2013, the following was provided:

"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 19.09.2011 including in situ redevelopment." As per the afore mentioned order dated 27.09.2011 of Department of Welfare of SC/ST/OBC/Min., the subsidy in respect of such SC JJ dwellers will cover the entire amount of beneficiary contribution including the enhanced demand, in case of slum dwellers who have settled after 31.03.2002 and in cases covered by in situ development."

Earlier the beneficiary contribution was Rs. 68,000/- which was enhanced to Rs. 1,12,000/- in the proposed Delhi Slum & JJ Rehabilitation & Relocation Policy 2015 and financial assistance of Rs. 67,000/- was given to SC JJ dwellers. The matter was placed for the consideration of Chairperson, DUSIB / Hon'ble CM, Delhi.

Hon'ble Chief Minister, Delhi approved the note of DUSIB that Schedule Caste JJ dwellers shall have to pay Rs.1,000/- towards beneficiary contribution. The remaining amount of Rs.1,11,000/- is to be paid by the Schedule Caste/OBC/Minorities Welfare Deptt.,GNCTD as financial assistance. Accordingly, DUSIB has charged Rs.1,000/- from the Schedule Caste JJ dwellers of the JJ cluster under reference.

In exercise of power conferred by the Board on CEO, DUSIB vide Resolution No.14/6, CEO, DUSIB has approved the following issues.

7. Para 1(iii) of the Delhi Slum & JJ Rehabilitation and Relocation Policy-2015 provides that:

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

(iii) The name of the JJ dweller must appear in at least one of the voter list 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;"

It has been decided by CEO, DUSIB that in the instant case, the survey has been conducted in 2015 and insisting for name in the year of survey will defeat the purpose of including the name in any of the voter lists of 2012, 2013, 2014 or 2015. Accordingly the name has been considered in the voter lists of 2012, 2013, 2014 or 2015 and name in the year of survey has not been insisted upon.

8. Para 2 (vii), of the Policy inter alia provided that:

"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 dwelling unit:

SC/ST/OBC Certificate issued by the Competent Authority with photograph;"

It has been noticed that SC/ST/OBC Certificate issued by the Competent Authority is not always issued with photograph. In the absence of photographs on these certificates, Eligibility Determination Committees (EDCs) were not accepting these documents and some JJ dwellers, who did not have any other documents issued prior to 14.02.2015 and have only these certificates, were being declared ineligible by the EDCs.

It has been decided that since the issuing authority has not issued caste certificate with photographs then it is not possible for the JJ dwellers to provide the certificate with photograph; therefore, EDCs can accept Caste Certificate(s) without photographs as one of the twelve documents.

9. As per the terms & conditions the allotment is to be made in joint names of JJ dweller and his/her spouse. However, in some cases spouse of JJ dweller have left

him/her without formal divorce or without completing legal formalities. In such cases it has been decided to allot flats in the joint name of divorcee/left out JJ dweller who is in exclusive possession of the jhuggi and in the names of his/her legal heirs residing with him/her.

10. In some cases either one of the JJ dwellers or both the JJ dwellers did not have Aadhar Card. Therefore, it has been decided that the JJ dwellers must have either the Aadhar card or at least he / she must have enrolment number (EID no.) with UIDAI before the E.D.C.

11. In some cases, survey is in the name of aged father / mother and the prescribed documents are not available in their name. In such cases it was decided that NOC in the form of Affidavit is to be taken from the mother and father surrendering their claim in favour of their son or daughter as the case may be. The name of the children must be in the survey list and attained the age of 18 years.

12. As per past precedent the SC Certificate of the first applicant is to be taken. In some cases caste certificate of the spouse is available instead of the first applicant. It was decided that in case the first applicant is the female then the caste certificate of the husband will be taken and the benefit of the SC category will be given to that JJ dwellers. The vice versa was not allowed.

13. In order to sort out the Appeals made against the order of EDC's the following appeal committee was constituted:-

- (i) Member (Admn.)..... Chairman
- (ii) Member (Power)..... Member
- (iii) Sh. M.A. Ashraf, Director..... Member
- (iv) S.E. (Co-ordination) Member

The committee may co-opt BFO if required.

The above decision taken by the CEO, DUSIB are placed before Board for kind information and approval

AGENDA ITEM NO 15/6

Recoup of loss amounting to Rs. 399.96 crores in lieu of allotment of land to DMRC

DMRC has been allotted land belonging to DUSIB at ten different locations in various parts of Delhi for facilitating smooth and efficient functioning of MRTS. The details of the land allotted to DMRC are hereby annexed as (Annexure "I").

The Board in its 7th meeting held on 04-07-2012 had "agreed to the proposal of the rates to be charged for different categories of Institutional Allotment in DUSIB with the sole exception of land to be allotted to schools of GNCTD. It was decided that in such cases rates as per DDA be charged. The loss of revenue incurred therein shall be compensated by grant-in-aid by Delhi Govt. All cases of Institutional Allotment shall be placed before the BOARD for approval before allotment". The DMRC, however, requested to allot the land on inter departmental rates approved by the Union Cabinet. On request of DMRC, Govt. of NCT of Delhi has approved the proposal to allot land to DMRC at inter departmental rates and the same has been conveyed vide order dated 29-04-2014 by Additional Secretary(L&B), Govt. of NCT of Delhi (Annexure "II").

The CEO had briefed the Board in the 10th Board Meeting held on 25-06-2014 vide Agenda Item No.4 and 12 about the provision of the Section 28 of the DUSIB Act, 2010 wherein Government has power to issue directions to the Board in relation to management of the Board, and Board is bound to comply with such directions. Government, however, shall make provisions for any financial liability arising in consequence of such directions. However, all directions issued to the Board by Government shall be reported to Legislative Assembly of Delhi at the end of the each year.

Subsequently, after discussions, the Board approved the proposal to allot land parcels at 07 locations as per Agenda Item No.4 at inter departmental rates as conveyed by the Government. The Board also approved to request the Government to make a provision of Rs.1,72,15,98,949/- to give to the Board to compensate the loss incurred by the Board. Again, as per Agenda Item No.12 the Board approved the proposal to allot land parcels at 03 locations at inter departmental rates as conveyed by the Government. Further, the Board also approved to request the Government to make a provision

of Rs.2,27,79,23,870/- to give to the Board to compensate the loss incurred by Board. A copy of the Agenda Item No.4 and 12 of the 10th Board meeting and minutes of the 10th Board meeting are hereby annexed as (Annexure "III"& "IV").

A letter dated 24-07-2014 was sent to the Secretary (UD), GNCTD thereby requesting that a provision of Rs.3,99,95,22,819/- as grant-in-aid may be made in favour of DUSIB so that DUSIB does not suffer any monetary loss after complying with the direction of Government on account of allotment of land to DMRC. A copy of the letter dated 24-07-2014 is hereby annexed as (Annexure "V").

Another D.O. letter dated 01-09-2015 was also sent requesting for making necessary provision of Rs.399.95 Crores so as to compensate the loss incurred by the Board which is in accordance with the Section 28 of the DUSIB Act, 2010. A copy of the same is annexed as (Annexure "VI").

Keeping in view the precarious financial condition of DUSIB and the onerous task of Slum Rehabilitation, it is proposed that Board may request the Government for grant-in-aid of Rs.3,99,95,22,819/- for recouping the loss on account of allotment of land to DMRC.

AGENDA ITEM NO. 15/7

Allotment of land at 12 sites to Directorate of Education for opening new schools and recouping of loss amounting to Rs. 194,63,89,584/- as cost of land along with the ground rent of Rs. 4,86,59,727/- per annum

Directorate of Education has made a request to DUSIB for allotment of 12 sites at various locations in Delhi for opening new Secondary / Sr. Secondary Schools.

A joint inspection of these 12 schools sites has been carried out by the officials of DUSIB and Directorate of Education from 10.07.2015 to 17.7.2015.

The Board in its 7th meeting held on 04-07-2012 had "agreed to the proposal of the rates to be charged for different categories of Institutional Allotment in DUSIB with the sole exception of land to be allotted to schools of GNCTD. It was decided that in such cases rates as per DDA be charged. The loss of revenue incurred therein shall be compensated by grant-in-aid by Delhi Govt. All cases of Institutional Allotment shall be placed before the Board for approval before allotment". Copy of the Agenda and Minutes of meeting are attached as **Annexure-I & II** respectively.

The cost of land in respect of these 12 sites has been calculated on the basis of circle rates and the same amounts to Rs. 194,63,89,584/- along with the ground rent of Rs. 4,86,59,727/- per annum. A copy of the cost of land and the 12 locations for setting up of Secondary and Senior Secondary School is annexed at **Annexure-III**.

The Board may consider to approve the allotment of land at these 12 sites in Delhi for setting up of Secondary/Senior Secondary Schools as requested by Directorate of Education, GNCTD at Rs. 1/- (One only) per annum as per the rates charged by D.D.A.

The Board may also consider to request the Government to provide grant-in-aid amounting to Rs. 194,63,89,584/- along with the ground rent of Rs. 4,86,59,727/- per annum in accordance with the approval of the Board as decided in the 7th Board meeting held on 04.07.2015.