

DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT. OF NCT OF DELHI
Punarvas Bhawan, New Delhi
(Meeting Cell)

NO: Meeting Cell/DUSIB/DD(Admn)2016/D-66

Dated: 18.04.2016

Sub: Minutes of the 16th Meeting of Delhi Urban Shelter Improvement Board held on 11.04.2016

Sir/Madam,

Please find enclosed herewith the minutes of the 16th Meeting of Delhi Urban Shelter Improvement Board (DUSIB) held on 11.04.2016 duly approved by Hon'ble Chairperson, DUSIB for kind information.


Dy. Director(Board)

Copy for information to:

1. Hon'ble Chief Minister, GNCT of Delhi/Chairperson of DUSIB.
2. Hon'ble Dy. Chief Minister, GNCT of Delhi/Vice-Chairperson of DUSIB.
3. Shri Sahi Ram, MLA, Tughlakabad (AC. No. 52).
4. Shri Akhilesh Pati Tripathi, MLA, Model Town (AC No. 18).
5. Shri Hazari Lal Chauhan, MLA, Patel Nagar (AC No. 24).
6. Shri Ram Kishan Bansiwala, Municipal Councillor, NDMC (Ward No. 5)
7. Shri Chander Prakash, Municipal Councillor, SDMC (Ward No.195)
8. Shri Sunil Kumar Jha, Municipal Councillor, EDMC (Ward No.242)
9. Vice Chairman, DDA.
10. Shri Dharmendra, Jt. Secretary(L&W), M/o UD, Gol, Nirman Bhawan-representative of M/o UD
11. Pr. Secretary(UD), UD Deptt, GNCT of Delhi.
12. Chairperson, NDMC.
13. CEO, Delhi Jal Board.
14. Director (Local Bodies), GNCT of Delhi.
15. CEO, DUSIB.
16. Member(Admn), DUSIB.
17. Member(Engg), DUSIB.
18. Member (Finance). DUSIB.
19. Member(Power). DUSIB.
20. Shri Bipin Kumar Rai, Expert (non-official).
21. Shri A.K. Gupta, Expert (non-official).

Special Invitees

1. Shri Satyender Jain, Hon'ble minister of Health & Family Welfare, GNCTD.
2. Chief Seceretary, Govt. of NCT of Delhi.
3. Principal Secy. (Finance) Govt. of NCT of Delhi.
4. Jt. Secretary (HUPA), Room No. 116, G-Wing, NBO Building, Nirman Bhawan, New Delhi.
5. Divisional Commissioner, GNCT of Delhi.
6. Chief Engineer, MRTS, Northern Railway, Baroda House, New Delhi.
7. Sh. Sandeep Mishra, Special Secy. (UD), UD Deptt., GNCTD.

OFFICE OF THE CHIEF EXECUTIVE OFFICER
DELHI URBAN SHELTER IMPROVEMENT BOARD
PUNERVAS BHAWAN, I.P. ESTATE,
NEW DELHI- 110002
delhishelter@gmail.com

No. : Meeting Cell/DUSIB/DD(Admn.)/2015/D-

Dated:

Sub: MINUTES OF THE 16TH MEETING OF THE BOARD HELD UNDER THE CHAIRMANSHIP OF HON'BLE CHIEF MINISTER ON 11.04.2016 AT 02.00 P.M. IN THE CONFERENCE HALL NO.2, DELHI SECRETARIAT, NEW DELHI

List of the participants is enclosed.

At the outset, CEO, DUSIB welcomed all the participants and briefed about the agenda items. He further sought permission of the Chair to start the meeting.

After detailed deliberations on the items contained in the agenda already circulated to the members, the following decisions were taken:

Agenda Item No. 16/1

Confirmation of minutes of the 15th Meeting of the Board.

1. CEO, DUSIB informed that Railways have sent the comments on the minutes of the 15th Meeting of the Board held on 16.12.2015. He further explained that these observations of the Railways are being placed before the Board as part of Agenda Item No. 3 & 4.
2. The minutes of the 15th meeting of the Board held on 16.12.2015, were confirmed without any change.

Agenda Item No. 16/2

Action Taken Report on the Minutes of the 15th Board Meeting

CEO, DUSIB, informed the members that action on all the items has been taken and status report is placed for kind approval. The Board noted the Action Taken Report.

Agenda Item No.16/3

Modification in "Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015"



1. The Board ratified the corrigendum (Annexure-II Page No. 5 of Part-II of the Agenda) issued with the approval of the CEO, DUSIB clarifying that expression 'JJ Basti(s)' will be used in place of 'JJ cluster(s)' in the "**Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015**" (hereinafter referred to as the Policy).
2. The Board approved the **modified policy** (as given in Annexure-IV Page 9-18 of Part-II of the Agenda) as proposed in para 12 of the Agenda Item No. 16/3 (Part-I) except clause 1(vii) of Part-B of the Policy pertaining to income limit of Rs. 3.00 lakh for making a JJ dweller eligible, as this condition has been withdrawn by M/o UD, Govt. of India, vide their letter No. Enf-15-7(5842)/12-CDN/112 dated 08th April, 2016.
3. The Board approved that housing stock built under JNNURM will be utilized for relocation of JJ dwellers as per the Policy.
4. The recommendation of M/o UD, Govt. of India, that the Central Government Agencies (L&DO/CPWD & DDA) should approach DUSIB for reconciling the figures and location of JJ bastis as compared to the list of identified 675 JJ bastis, displayed on DUSIB's website, was appreciated by the Board and agreed. It was desired that even the Railways may participate in this exercise to which the representative of Railways, Shri P.K. Aggarwal agreed.
5. Shri Arun Goel, Vice Chairman, DDA, stated that as per explanation given in section 10(1) of the DUSIB Act, 2010, DDA is not required to send any proposal for removal of jhuggis and JJ Bastis to DUSIB and DDA should be able to take up its projects with the approval of Hon'ble Lt. Governor.
6. However, VC, DDA, clarified that the survey and eligibility determination of JJ dwellers can be jointly carried out by teams consisting of the officials of DUSIB and DDA.
7. On the observations of VC, DDA, in para 5 above, CEO, DUSIB clarified that the DUSIB Act, 2010, should be read with the provisions of the **National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011**, which makes it clear that the DUSIB is the Nodal Agency for removal of Jhuggis and JJ Bastis in Delhi.



8. CEO, DUSIB further stated in this regard that Hon'ble High Court of Delhi vide Order dated 22.12.2015 in the case titled '*Ajay Maken Vs Union of India*', has issued the following directions:
- (i) Under the DUSIB Act, the responsibility for conducting surveys, ascertaining which of the JJ Bastis and Jhuggis would be entitled for in-situ improvement / development or resettlement and rehabilitation vests with DUSIB;
 - (ii) A protocol should be prepared by DUSIB which is the **nodal agency**, entrusted with the statutory responsibility under the DUSIB Act; and
 - (iii) It is essential that a **uniform approach** is adopted as regards all the jhuggis and JJ bastis in the NCT of Delhi.
9. CEO, DUSIB also stated that Ministry of Urban Development in the above mentioned case of '*Ajay Maken Vs Union of India*' has filed an affidavit, *inter alia*, stating :
- (i) that in so far as the Slum & JJ bastis on Central Government lands in Delhi are concerned, the Central Government agencies abide by the provisions of the Delhi Urban Shelter Improvement Board (DUSIB) Act, 2010; and
 - (ii) that Central Government does not have any separate policy for slum rehabilitation and improvement.
10. After deliberation on this issue raised by VC, DDA, it was decided that all proposals for removal and rehabilitation of jhuggis and JJ Bastis in Delhi have to be placed before the DUSIB, being the Nodal Agency, in order to ensure uniform approach for entire Delhi. However, observations of VC, DDA, in para 3 above, are recorded as dissenting opinion.
11. VC, DDA, also brought to the notice of the Board that the share of GNCTD has been reduced to 'NIL' as against 18% contribution as per its policy of the year 2010, which needs reconsideration since GNCTD is a stakeholder in the development of Delhi.
12. On this issue, CEO, DUSIB, clarified that the present policy envisages creation of a corpus in the form of 'DUSIB ESTATE MANAGEMENT FUND' for the purpose of maintaining the dwelling units after allotment to JJ dwellers. It was decided by the Board that the entire beneficiary contribution of Rs. 1,12,000/- be transferred to this fund to ensure that the maintenance of the common services in the



rehabilitation colonies is done properly after the allotment. This may be treated as the contribution of GNCTD towards rehabilitation of JJ dwellers.

13. VC, DDA, further pointed out that the Policy envisages, while calculating cost of rehabilitation to be charged from the Land Owning Agency, the cost of land will be charged at circle rates. But, as per the guidelines of Ministry of Urban Development, Govt. of India, the rate of allotment of land for rehabilitation of JJ dwellers is @ Rs. 68.90 lakh per acre. Hence, DUSIB should also charge the same rate for the land, in its Policy.
14. CEO, DUSIB, clarified that the primary responsibility to protect the land from encroachment is that of the land owing agency. While getting the land cleared by removal and rehabilitation of jhuggis and JJ bastis, cost of rehabilitation has to be borne by the land owing agency. While rehabilitating the JJ bastis on the land parcels which belong to DUSIB / GNCTD, the entire cost of rehabilitation, including the cost of land, will be borne by DUSIB/GNCTD.
15. CEO, DUSIB, also invited the attention of the Board to para 10.1 of Pradhan Mantri Awas Yojana, Housing for All (Urban), Scheme Guidelines, 2015, issued by M/o HUPA, wherein it is stated that ***"in case of relocation, land should either be provided by the land owing agency itself or the agency may collaborate with the States/UTs for obtaining land from State/UT/City. Central Government agencies should not charge land costs for the land used for the purpose of housing the eligible slum dwellers"***.
16. It was observed that the 'land' is a reserved subject in Delhi and DDA is the custodian of land for the purpose of para 10.1 of M/o HUPA Guidelines. DUSIB has limited resources and therefore, it has been decided to charge the cost of land from the land owing agency at circle rates. But, if DDA provides the land free of cost, as envisaged in para 10.1 of the M/o HUPA guidelines, DUSIB will not include the cost of land in the cost of rehabilitation.
17. Shri Anand Mohan, L&DO, M/o Urban Development, Govt. of India, raised the issue of JJ bastis on land parcels belonging to L&DO and stated that principle of in-situ rehabilitation and redevelopment should not be applicable on these prime lands. The JJ dwellers from these lands should be relocated. It was clarified by CEO, DUSIB, that there are enough provisions in the policy to resort to relocation as an exception, to be decided on case to case basis. Such blanket exemption to L&DO



land parcels would be against the spirit of the policy. Hence, the suggestion of the L&DO was not agreed.

18. The representative of Railways pointed out their viewpoint regarding the Policy. CEO, DUSIB, stated that the views of the Railways are placed in Part-II of the Agenda from page Nos. 57 to 73 and the comments of the DUSIB are placed at pages 94 to 107 in Part-II of the Agenda. CEO, DUSIB clarified that agreeing with Railways, the Policy has been modified to include '**Railway Safety Zone**' in the exception clause pertaining to relocation rather than in-situ rehabilitation. Their suggestions pertaining to procedural matters have been included in the protocol drafted by DUSIB, to the extent possible. However, some of the issues raised by Railways cannot be agreed being against the spirit of the Policy.
19. The Board approved the proposals prescribed in the Agenda.

Agenda Item No.16/4

Draft Protocol for removal of jhuggis and JJ bastis in pursuance of the directions of Hon'ble High Court of Delhi issued vide Order dated 22.12.2015 in WP (Civil) No. 11616/2015 in the matter of *Ajay Maken Vs Union of India and Ors.*

CEO, DUSIB, explained in detail the provisions of draft Protocol. VC, DDA raised the same issues which have been dealt with in the minutes of the related Agenda Item No. 16/3. After deliberations, the Board approved the protocol for removal of jhuggis and JJ bastis in Delhi.

Agenda Item No.16/5

Rehabilitation/ relocation of remaining JJ dwellers of 08 JJ Bastis relocated as per Rehabilitation Policy-2010

The Board considered and approved the proposal.

Agenda Item No.16/6

Regarding attachment of 05 jhuggies located at backside of Telegraph Place, Bangla Sahib Road, Dr. Lane, Gole Market to any of the nearby cluster namely i) JJ Cluster behind Palika Dham & Nicco Hotel Bangla Sahib Road (JJC code 492) or ii) JJ cluster Dairy No. 95, C-31 Block, Kali Bari Marg (JJC T-Huts near P&T Qtrs.-JJC Code-489)



The Board approved the proposal to attach the five jhuggis mentioned in the Agenda as part of the JJ basti behind Palika Dham (JJ Code No. 492).

Agenda Item No. 16/07

Rehabilitation/ relocation of JJ dwellers of 23 JJ Bastis out of 32 JJ Bastis eligibility has been determined under the policy guidelines of 2013

The Board considered and approved the proposal. The Board also decided that the share of the land owing agency will be charged in accordance with the Policy of 2013 @ Rs. 1.5 Lakh per eligible beneficiary, for these 24 JJ bastis, mentioned at sl. no. 1 to 23 and one JJ basti at sl. no. 32.

Agenda Item No. 16/08

Pilot Projects for In-situ Rehabilitation of Slums on DUSIB lands

The Board considered and approved the proposal.

Agenda Item No. 16/09

Allotment of land measuring 3.5 hectares at Sultanpuri Resettlement Colony to DHS for Hospital purpose

1. The Board considered and decided that the land measuring 32,555 sq. mtrs. be allotted to the Directorate of Health Services, GNCTD, for the purpose of developing as hospital, at institutional rate, on lease-hold basis, at the premium amounting to Rs. 24,14,64,279/- (Rs. twenty four crore fourteen lakhs sixty four thousand two hundred and seventy nine) only, on provisional basis, as DDA rates are under revision and ground rent of Rs. 60,36,607/- (Rs sixty lakhs thirty six thousand six hundred and seven) per annum only.
2. Regarding compensating the DUSIB for the difference between the circle rate and the institutional rate, it was decided that the DUSIB may take up with the Govt. of NCT of Delhi for 'grant-in-aid', on need basis, from time to time.

Agenda Item No. 16/10

Allotment of land to Delhi Police at JJ colony Wazirpur

The Board considered and approved the proposal.



Agenda Item No. 16/11

Allotment of land for Mother Dairy Milk Shop/Booth at JJ Colony Khyala, Vishnu Garden, Tilak Nagar

The Board considered and approved the proposal.

Agenda Item No. 16/12

Extension of Interest/Penalty waiver/Relief Scheme in respect of Special Registration Scheme, 1985 up to 30.06.2016

The Board considered and approved the proposal.

Agenda Item No. 16/13

Approval for the Recruitment Regulations for the Post of Lower Division Clerk

The Board considered and approved the proposal.

Agenda Item No. 16/14

Engagement of Jr. Engineer (Civil) & Jr. Engineer (Elect) on Contract Basis

The Board considered and approved the proposal.

Agenda Item No. 16/15

Re-imbusement of refreshment charges in respect of Member Expert (Non Official)

The Board considered and approved the proposal.

Agenda Item No. 16/16

Engagement of Senior Counsel Sh. Rajeev Sharma in the court case titled *Ajay Maken vs. UOI & Ors. (WP (C) 11616/2015)*

The Board considered and approved the proposal.



Agenda Item No. 16/17

Regarding ratification of issuance and distribution of 2000 blankets on DUSIB, to jhuggie dwellers of Shakur Basti (Cement Godown) in wake of demolition by the Railway Police on 12/12/2015

The Board considered and approved the proposal.

Agenda Item No.16/18

Regarding increasing the limit of Work-Orders for S.E. (E&M)

The Board considered and approved the proposal.

Agenda Item No.16/19

Change in the Yardstick relating to per capita for implementing Plan Scheme "Environmental Improvement in Urban Slum"

The Board considered and approved the proposal.

Agenda Item No. 16/20

Regarding change in yardstick for carry out repairing works in DUSIB's Katras properties in walled city area under Plan Scheme "Structural Improvement and Rehabilitation of Katras"

The Board considered and approved the proposal.

Agenda Item No. 16/21

Appointment of Shri Kamlesh Kumar as Chief Legal Advisor on Contract Basis

The Board considered and approved the proposal.

Table Agenda

The Board approved the table agenda moved by CEO, DUSIB, for carrying out a preliminary survey of JJ bastis.



Additional Observations:

1. While considering the cases regarding change in the yardsticks for carrying out various works under different schemes and the proposals related to distribution of blankets, engagement/appointment of senior counsel and Chief Legal Advisor etc., the Board decided that such decisions in future may be taken by CEO, DUSIB, at his level, being administrative/operational issues.
2. It was decided that, in future, Hindi version of the Agenda will be given to Shri Sunil Jha and Shri R.K. Bansiwala, Municipal Councillors, as desired by them.

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



(V.K. Jain)
Chief Executive Officer
DUSIB

**LIST OF MEMBERS/OFFICERS WHO ATTENDED THE
DUSIB BOARD MEETING HELD ON 11.04.2016 AT 02.00 PM**

1. Sh Arvind Kejriwal, Hon'ble Chairperson/ Hon'ble Chief Minister, Delhi
2. Sh Manish Sisodia, Hon'ble Dy Chairman/Hon'ble Dy CM
3. Sh. Satyender Kumar Jain, Hon'ble Minister of PWD
4. Sh Akhilesh Pati Tripathi, Hon'ble MLA
5. Sh Hazari Lal Chauhan, Hon'ble MLA
6. Sh R.K. Bansiwali, Hon'ble Councillor
7. Sh Sunil Kumar Jha, Hon'ble Councillor
8. Sh K.K. Sharma, Chief Secretary, GNCTD
9. Sh Arun Goel, Vice Chairman, DDA
10. Sh Ramesh Negi, Pr. Secretary, UD, GNCTD
11. Sh V.K. Jain, CEO, DUSIB
12. Sh Pankaj Asthana, Member (Admn.), DUSIB
13. Sh M.K. Tyagi, Member (Engg.), DUSIB
14. Sh Ravi Dadhich, Member (Power), DUSIB
15. Sh R.S. Singh, Director (HPA-1), Min. of HUPA, Govt of India
16. Sh Sandeep Mishra, Spl. Secretary, UD, GNCTD
17. Sh Bipin K. Rai, Member (Expert)
18. Sh A.K. Gupta, Member (Expert)

LIST OF SPECIAL INVITEES

19. Sh. R.S. Tyagi, Member (WS), DJB, GNCTD
20. Sh. Anbarasu, Divisional Commissioner, Govt. of Delhi
21. Sh. P.K. Aggarwal, Northern Railway, Govt. of India
22. Sh. Anand Mohan, L&DO, MoUD, Govt. of India