

**OFFICE OF THE DY. DIRECTOR (L&L)**  
**DELHI URBAN SHELTER IMPROVEMENT BOARD**  
**GOVT. OF NCT OF DELHI**  
**VIKAS KUTEER, ITO, NEW DELHI-11 00 02**

No.D/494 /Dy. Dir.(L&L)/DUSIB/2019

Dated : 30/10/19

To

✓ The Dy. Director, System  
Delhi Urban Shelter Improvement Board,  
Punarwas Bhawan, I.P. Estate  
New Delhi.

Sub : Regarding uploading of Circulars/Guidelines of L&L Branch on DUSIB website.

Sir,

Kindly find enclosed herewith following Circulars/Guidelines for uploading on DUSIB website of L&L Branch :

<u>S. No.</u>	<u>Letter No.&amp; Date</u>	<u>Subject</u>
1.	K-17011/71/83-DDIA dt.11.06.1984	Grant of perpetual lease-hold rights in r/o tenements constructed in Delhi under Slum Clearance Scheme.
2.	F-43/JD(JJ)/87/Vol.(Policy)dt.14.07.1987	Guidelines for mutation/transfer of properties allotted by the Slum & JJR Wing, DDA.
3.	J-20011/12/77-LII dt.28.06.1999	Conversion of leasehold tenure of land into freehold in Delhi- Modification in Scheme.

Encl. : As above

*Ramaly*  
30/10/19  
Dy. Director (L&L)

Copy to :

1. B&FO, DUSIB for kind information with reference to meeting held in his Chamber on 23.10.2019 at 11.00 A.M.
2. Director (L&L) for kind information.

*Sd/*  
Dy. Director (L&L)

*CPs*  
*Q-697/20 27-2/19*  
*4/11/19*

IMMEDIATE

NO.K-17011/71/83-DDIA  
Government of India  
Ministry of Works & Housing  
(Nirman Aur Awaz Mantralaya)

133/1  
for Mr. ...

V. No. 18/15/84  
Dy. No. ...  
Date ...

G-338  
25/10/85  
New Delhi, the 11th June, 1984.

The Lt. Governor,  
Union Territory of Delhi,  
Delhi.

Office of  
Director (D.D.A.)  
Date No. 193  
6-7-84

Subject: Grant of perpetual lease-hold rights in respect of tenements constructed in Delhi under Slum Clearance Scheme.  
WC-487  
25/10/85

Grant of perpetual lease-hold rights in respect of tenements constructed in Delhi under Slum Clearance Scheme.

I am directed to state that the allottees of houses constructed in Delhi under the Slum Clearance Scheme were allowed to purchase the houses on the terms and conditions prescribed in this Ministry's letter No.20/15/63-H.I dated 2/3-8-1963. In 1979 orders were issued for liquidation of the slum tenements in New Moti Nagar, Jhilmil Colony and other slum colonies in occupation of ineligible persons in accordance with the terms and conditions mentioned in this Ministry's letter No.K-17012/7/76-DDIIB/IA dated 21-12-1979. However, due to various reasons, most of the allottees/occupants had not applied for the lease-hold rights.

2. After careful consideration, the Government have decided that, in supersession of all the earlier orders, perpetual lease-hold rights in respect of all the slum tenements in Delhi should be granted to the allottees/occupants on the following terms and conditions:-

- i) The cost of liquidation of the tenement would be fixed as 20 times the annual economic licence
- ii) The lease-hold right will be granted either to the authorised allottee or to the "unauthorised occupant" except trespasser.

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An "authorised allottee" is one who holds a valid letter of allotment or his legal heir/successor and at present living in the tenement.

AD (2-24/76)

Notwithstanding anything contained in any Act, the word "unauthorised occupant" shall be interpreted for purposes of this order as one who is presently occupying the slum tenement duly allotted by the competent authority to an entitled person and the unauthorised occupant has taken the premises on rent from the original

Director (D.D.A.)

P.T.O.

25/10/85  
Place it in file  
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AD (2-24/76)

allottee or a subsequent purchaser or his heir/  
successor as the case may be; or has purchased  
the premises.

A "trespasser" is one who is neither an allottee  
nor an unauthorised occupant as defined above.

- iii) The allottee/occupant will have to opt either  
to pay the cost of the tenement in lump-sum  
or in instalments to be paid in not more than  
10 years. If the occupant elects to pay the  
cost in instalments, he will pay 10 per cent  
of the full cost in advance and the balance  
in 9 annual equated instalments, with interest  
at the rates prescribed by Government from  
time to time.
- iv) The licence fee already paid will not be  
adjusted against the cost of tenement.
- v) The arrears of licence fee, if any, should be  
cleared before the tenement can be transferred  
on lease-hold basis.
- vi) The option to continue in the tenement by paying  
licence fee is withdrawn. The allottee/  
occupant should apply for grant of lease-hold  
right on or before the 30-9-1984. If the  
allottee/occupant fails to apply within the  
prescribed time limit, it will be presumed  
that he is not interested in securing the  
lease-hold right.

The competent authority (Slums) shall ensure  
that in future, allotment of slum rehousing  
flats are made strictly on lease-hold basis.

- vii) The allottee/occupant who does not apply for  
grant of lease-hold right within the prescribed  
period shall be charged the market rent for the  
tenement with effect from 1-10-1984. He will  
also be liable to eviction from the tenement.
- viii) The D.D.A. or any other executing agency of the  
Slum Clearance Scheme shall cease to maintain  
these tenements from the date of issue of this  
letter. The allottees/occupants shall maintain  
these tenements at their own cost. However,  
the maintenance of common services will be the  
responsibility of the M.C.D./N.D.M.C.

- ix) Change of use or unauthorised construction or encroachment will be dealt with in accordance with the usual local laws.
- x) The allottee/occupant shall not transfer the house by sale, gift, mortgage or otherwise till he has paid the full cost and for a period of 5 years thereafter, without the permission of the Lt. Governor, Delhi or an officer authorised by him in this behalf, provided that the limitation on transfer of the house will not extend beyond a period of 10 years from the date on which an allottee elects to pay the full cost on an instalment basis. For example, if an allottee elects for the instalment basis on 1-9-1984 and pays the full cost in three years i.e. upto 31-8-1987, he shall not transfer the house for 5 years i.e. upto 31-8-1992. But if he pays the full cost, say in 9 years, he can transfer the house after 10 years i.e. on 31-8-1994.
- xi) In addition to the instalments payable towards the full cost of the house, the allottee/occupant will pay ground rent for the land on which the house and its appurtenances stand, to the Government and Municipal taxes, water charges and scavenging charges etc. to the local body.
- xii) In respect of slum tenements which had been liquidated prior to the issue of this Ministry's letter No. 20/15/63-H.I dated 2/3-8-1963, the following policy shall apply:-
- 1) If the lease deeds have already been executed, the cases will not be reopened.
  - 2) If the lease deeds have not yet been executed so far and the tenements have not changed hands, the cases will not be reopened. If, however, the tenements have changed hands, the cases will be decided in terms of this letter.
- xiii) The tenements constructed under the Delhi Improvement Trust Scheme prior to the introduction of the Slum Clearance Scheme shall be liquidated on the cost already determined under the D.I.T. Scheme.

3. It is requested that the allottees/occupants of slum tenements constructed under the Slum Clearance Scheme in Delhi may be informed of the above decisions and asked to apply for transfer of lease hold rights within the

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V. C's. Office  
Dy. No...  
Date...

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prescribed time limit. A suitable draft agreement for transfer of ownership rights may also be prescribed by the Delhi Administration.

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Yours faithfully,

*L.M. Menezes*  
(L.M. Menezes) 11/6/84  
Joint Secretary to the Govt. of India.

17355  
Copy forwarded for information and necessary action to:-

1. The Secretary (L&B), Delhi Administration, Vikas Bhavan, New Delhi.
2. The Vice-Chairman, Delhi Development Authority, Vikas Minar, New Delhi.
3. The Director (S&JJ), Delhi Development Authority, Jhandewalan Extn., New Delhi.
4. The Commissioner, Municipal Corporation of Delhi, Town-Hall, Delhi.

*S. Jayasankar*  
(S. Jayasankar)  
Under Secretary to the Govt. of India.

Copy also to:-

1. Finance Division, M/o Works & Housing, New Delhi.
2. Dy. Secretary (DD), M/o Works & Housing, New Delhi.
3. U.D. Division (DO IVA), M/o Works & Housing, New Delhi.
4. All Desk Officers in Delhi Division.

*S. Jayasankar*  
(S. Jayasankar)  
Under Secretary to the Govt. of India.

**MUTATION GUIDELINES****DELHI DEVELOPMENT AUTHORITY  
SLUM & JJR WING**

No. F-43/JD(JJ)/87/vol. (Policy)

Dated: 14<sup>th</sup> July, 1987

Sub.: Guidelines for mutation/transfer of properties allotted by the Slum & JJR Wing, DDA.

Sir,

The following guidelines/instructions in supersession of all previous guidelines/instructions on the subject are hereby issued for due observance:

1. In the cases of plot/flat allotted on perpetual lease hold basis, the person to whom mutation is sought shall have to furnish the following documents in original:
  - 1.1 Request in writing from legal heir of deceased person for proposed mutation/transfer and his written consent to abide by the terms and conditions of allotment/lease,
  - 1.2 Death Certificate of the deceased person issued by Municipal Corporation of Delhi/New Delhi Municipal Committee for appropriate authority;
  - 1.3 An affidavit on non-judicial stamp paper worth Rs.2/- only sworn before Magistrate/Sub Judge/Notary Public relating to the statement of all legal heirs of the deceased person showing therein age, relationship with the deceased and address/ i.e. wife, son, daughter and mother. In case, there is no living direct family member of the deceased person the

mutation/transfer is to be allowed on the basis of Law of succession of such person. In case affidavit is attested by a Notary Public, a notarial stamp worth Rs. 3/- is also to be affixed thereon.

- 1.4 Indemnity Bond on non-judicial paper worth Rs.10/- duly registered in the office of the Sub-Registrar, Delhi District, indemnifying the President of India, the lessor, against all loss, damages or claims arising out of the proposed mutation/transfer.
- 1.5 In case, the legal heirs want the mutation in favour of one or more legal heirs, a relinquishment deed on non-judicial stamp paper worth Rs.10/- duly registered in the office of sub registrar, Delhi District, from the remaining legal heirs.
- 1.6 In the case of 'WILL' if left behind by the deceased person, may be decided in favour of the Legatee on the basis of 'Registered-will' and on receipt of No-Objection from the other legal heirs relating to said devolution. In case, the No-Objection is not given by the other legal heirs, the mutation is not to be allowed till the 'WILL' is duly probated from the Court of Competent jurisdiction.
- 1.7 In case the property is under charge or mortgage, the person seeking mutation/transfer shall have to get the property released from such charge or mortgage or have to furnish a No-Objection from the mortgagee.
- 1.8 The property may not be allowed to be mutated till all the dues of the Lesser are paid by such person. (The dues include premium, rent, license fee, penalty, damages, composition

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fee, for condonation of breaches of terms and conditions of allotment lease, interest, restoration fee etc.). In case, the amount of premium is recoverable in instalments, such person shall have required from other allottees.

2. In case properties allotted on license basis, the person in interest, in addition to above mentioned documents in para 1 to furnish the documents as under:

2.1 Family photograph in duplicate of the person seeking, mutation/transfer of licence.

✓ 2.2 Documentary evidence to prove their occupation including true copy of ration card held by the deceased allottee and his family members living with deceased allottee on the address for which property, the mutation is sought.

3. The cases of allotment of plots in JJR schemes of 25.00 sq. yds. Shall be dealt with in accordance with para No. 2 above.

4. The minors may not be excluded from the mutation of any property held by their deceased parents, their names shall be associated in the lease hold rights or licence along with their natural guardian. The Guardian of such minor children shall execute all the deeds and do all acts and things for self and on behalf of the minor children till the attain majority. In case, both mother and father have expired the guardian if appointed by the Court of Law shall act in accordance with the directions of court.

5. The cases of change in the constitution firm/private limited company shall be examined to allow such transaction on filing



of the following documents in addition to above mentioned documents in para 1:

- 5.1 True copy of partnership deed/articles of association, memorandum and incorporation certificate of company.
- 5.2 Statement of share holdings and names of the partners/share holders and directors of co. at the time of (i) purchase/allotment of property (ii) at the time of execution of lease deed & (iii) at the time of seeking such permission;
- 5.3 In case there is no change in the constitution of firm/co. the authorized person on behalf of firm/co. shall file an affidavit to the effect that there is no change in the constitution of firm/co. from the date of allotment/auction till date of application for mutation/transfer.
- 5.4 An affidavit to the effect that the terms and conditions of partnership deed/articles of association and memorandum of the co. shall not have effect on the terms and conditions of lease hold rights of plots, if any of them is contrary to the terms of auction/allotment/lease deed of the plot of land against which mutation/transfer is being sought.
6. The property on license/tenancy basis in old slums and in JJR schemes shall not be allowed to be transferred during life time of the allottee/licneseee.
7. In cases of auctioned plots allotted for residential or commercial or industrial use the mutation/transfer shall be considered on the basis of terms and conditions of allotment/lease and specific request consent:

- 7.1 A request /consent from transferor/transferee with duly attested by a Gazetted Officer Class-I or Magistrate/Sub Judge.
- 7.2 Indemnity bond as mentioned in para 1.
- 7.3 Relinquishment deed as mentioned in para 1.
- 7.4 Statement on affidavit from transferor & transferee that they do not hold any residential/commercial/industrial plot/ house/ flat/shop/ stall etc. as the case may be, on Leasehold basis in part or full hold basis in their/own name, in the name of wife/husband or dependant relations including minor children in the Union Territory of Delhi and that they were competent at the time of allotment/auction of such plot/shop.
- 7.5 An undertaking from the transferor that he/she will not have any new allotment from DDA/Slum Deptt. Nor does he/she has any-said affidavit shall be given by the transferee also.
- 8. All mutation/transfer cases shall be allowed conditional that the said mutation/transfer is subject to cancellation in case, the same has been obtained on filing of wrong statement/fraud,,or concealment/suppression of facts etc.
- 9. In the affidavit, indemnity bond, the permanent income tax number of the transferor/transferee shall be indicated and

change of such transfer shall be informed to the Income Tax authorities by endorsing a copy of such orders.

10. In case the lease-deed is registered, a change shall take place through registered conveyance deed or gift deed in the case of unregistered leases all the transfers shall be allowed by issuance of mutation letters.
11. Sale permission cases, shall be considered on the basis of terms and conditions of lease/allotment /auction and on charging 50% unearned increase in the value of land.
12. The mutation cases in favour of family members shall be decided at the level of Deputy Directors.
13. The cases of mutation./transfer of property in the name of other than family members shall be decided at the level of Directors.
14. The sale permission cases/amalgamation of plots shall be decided at the level of the lessor, the Lt. Governor, Delhi or the Vice Chairman/Commissioner (S&JR) (as per the terms and conditions applicable for the property in question).
15. The cases not covered by the guidelines shall have to be referred to the Commissioner (S&JJ), DDA for his decision, who's decision shall be final.
16. The question of charging the unearned increase shall be decided with the concurrence of finance and then approval permission shall be allowed by the Competent Authority as mentioned in these orders.

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17. The cases for interpretation of any terms and conditions may be referred to the Law Officer (S&JJ) by the Dy. Director/Director/Commissioner (S&JJR).

Yours faithfully

-sd/-  
(MANJIT SINGH)  
Commissioner (S&JJ)

Copy for information and necessary  
action to all Concerned.

-sd/-  
(MANJIT SINGH)  
Commissioner (S&JJ)

MODIFICATION OF MUTATION GUIDELINES

The matter was discussed in a meeting held in the chamber of C. on 17.07.1990 where Commissioner (Lands), C.L.A., Secretary and D.D. (LA) were present, CLA stated that in case NOC from other legal heirs is to be dispensed with then notice should be issued to them, if they have any objection against the registered Will. After detailed discussions and consideration of all the aspects of the matter, it was decided that in the case of registered Will within the definition of family members, (as adopted by DDA), NOC from other legal heirs need not be insisted upon, as they stand legally, departed in term of the Will.

However, it was felt that the mutation should be sanctioned after a lapse of three months from the date of death of the original lessee so that in case there is some grievance to anyone, he may have to chance to raise the issue. A copy of the note recorded by Secretary, DDA, in file No. 5(63)67-LAB is placed at Flag 'A'. It is necessary to modify the guidelines earlier issued in this behalf to the extent stated above, a copy of which is placed at Flag 'B'.

L.G. may kindly approve.

-sd-  
(P.K. TRIPATHI)  
Commissioner (Lands)  
18.07.1990

There are a large no. of mutation cases which have been held up for months & even years on end due to the existing stipulation regarding production of NOC from other legal heirs as case of unprobated Wills. Hence is proposed.

-sd-  
V.C.  
27/10/90

This may be given wide publicity in the press.

-sd-  
L.G.  
30/7/90

No. J-20011/12/77-LII  
GOVERNMENT OF INDIA  
MINISTRY OF URBAN DEVELOPMENT  
LANDS DIVISION

New Delhi,  
the 28<sup>th</sup> June, 1999

- To
1. The Chief Secretary,  
Govt. of NCT of Delhi  
Delhi (5 copies)
  2. The Vice Chairman  
Delhi Development Authority  
Vikas Sadan, INA,  
Delhi (5 copies)
  3. The Land & Development Officer  
Nirman Bhawan,  
New Delhi (5 copies)
  4. The Chairperson,  
New Delhi Municipal Committee,  
Falika Kendra,  
New Delhi (5 copies)
  5. The Commissioner,  
Municipal Corporation of Delhi,  
Town Hall,  
Delhi (5 copies)
  6. The Chief Settlement Commissioner  
Ministry of Home Affairs,  
Department of Internal Security,  
Rehabilitation Division (Settlement Wing)  
Jaisalmer House,  
New Delhi (5 copies)

**Sub.: Conversion of Leasehold tenure of land into freehold in  
Delhi- Modification in scheme.**

Ref.: (i) **Ministry of Urban Development (Lands Division) order  
No. J-20011/12/77-LII dated 14.02.1992.**

- (ii) Ministry of Urban Development (Lands Division) order No. J-20011/12/77-LII dated 25.06.1996.

Sir,

The question of modifications in the scheme of the conversion of leasehold tenure of land into freehold in Delhi has been under consideration of the Government. In view of the various representations received, the response to the scheme and the information received from the lease administering authorities, the entire issue has been carefully examined by the Government. I am directed to convey the sanction of the President that in partial modification of the earlier instructions on this subject, it has been decided as under:

1. COVERAGE OF THE SCHEME:

- (i) The existing scheme of freehold conversion is extended to all residential leasehold built up properties irrespective of size. As such, leased properties, situated on land, for which the land use prescribed in the Master Plan/Zonal Development Plan in force is residential, will be covered under the scheme, irrespective of size.
- (ii) The scheme will also extend to premium free lease, i.e. leases where premium has not been changed by agencies administering the leases.

2. COMPUTATION OF CONVERSION FEE:

- (i) In respect of properties with land area upto 500 sqm meters, the conversion fee will be charged on the basis of already approved graded scale circulated vide Ministry's Letter dated 14.02.1992 and land rates as applicable with effect from 01.04.1987, as indicated in the Annexure.

- (ii) In respect of properties with area above 500 sq. metres, the conversion fee will be charged on the basis of slab rates as per Annexure and land rates as applicable with effect from 01.04.1987.
- (iii) In respect of premium free leases, the conversion fee will be computable on the basis of the prevailing land rates as notified by the Government, from time to time, on a graded basis as applicable to other leases.

3. **APPLICABILITY OF LAND RATES OF 1987:**

The land rates of 01.04.1987 will be applicable for a period of six months from the date of issue of these orders and after that date, the conversion fee will be computable with reference to the prevailing land rates as applicable on the date of filing of the application for freehold conversion.

As already clarified vide this Ministry's order dated 14.02.1992, the date of depositing the conversion fee or the first installment thereof shall be treated as the crucial date for the purposes of calculating the conversion fee.

4. **REMISSIONS:**

Remissions, as under, notified vide Ministry's Order dated 25.06.1996 would continue.

Remission of conversion fee @50% of the prescribed rate by the Government in respect of original lessees in Rehabilitation Colonies, who have not transferred or parted with the properties and are paying nominal ground rent and in whose cases first sale is exempted from payment of unearned increase as per lease terms.



Remission of conversion fee @33-1/3% in respect of ready built flats allotted by various lease administering authorities /or constructed by co-operative group housing societies:

Remission of conversion fee by 25% in respect of original lessees of properties allotted by the lease administering authorities/ other than original lessees of rehabilitation colonies. This concession will also be available to the lessees where the properties had changed hands after seeking sale permission etc. as per the terms and conditions of the lease.

5. Leases with land area upto 50 sq. Mtrs. Where no conversion fee is chargeable as per the existing scheme:

As per the existing scheme, no conversion fee is chargeable in respect of plots having land area upto 50 sq. mtrs. 'C' type tenements and Janta Flats and also flats constructed by Group Housing Societies on land allotted by DDA having plinth area of 30 Sq. mtrs. and below. It has now been decided that in such cases where no conversion fee is envisaged, the conversion from lease hold to free hold be made through a general notification, thereby obviating the need for the individual lessees to make an application to the authorities concerned. This general notification incorporating appropriate guidelines in this regard is being issued separately to the lease administering authorities.

6. MISUSE AND UNAUTHORIZED CONSTRUCTION:

It has been decided that unauthorized construction or misuse of the buildings constructed on leased premises ought to be taken care of by the NDMC/MCD/DDA, etc. under their laws/regulations. Accordingly, the lease administering authorities may permit conversion of all leased properties irrespective of any building violations or use violations that may exist.

In view of the large scale misuse of residential premises and unauthorized construction, DDA and Local Bodies should take coordinated action to deal with the situation effectively.

- ii. In view of the above, lease administering authorities are requested to make all efforts to clear the pending cases within the prescribed period of 3 months and take effective steps to deal with the fresh applications that may be received in future. Special drives may be launched to dispose of applications for freehold conversion. The lease administering authorities are requested to give due publicity to the scheme.
- iii. It is further clarified that these orders will have prospective effect and the cases already decided will not be re opened.
- iv. In respect of pending applications, where conveyance deeds are yet to be executed/registered, refund in respect of conversion fee paid, if any, on account of these instructions should be allowed.
- v. This issue with the approval of Finance Division's U.O. No. 1066-F dated 21.06.1999.

Yours faithfully,

-sd-

(LABH SINGH CHANE)  
Under Secretary to the  
Government of India  
Tel : 3019951

Copy to :-

- 1) Cabinet Secretariat, New Delhi
- 2) Prime Minister's Office, New Delhi
- 3) Director of Audit
- 4) Ministry of Home Affairs (UT Division), New Delhi