

3

**MINISTRY OF URBAN AFFAIRS &  
EMPLOYMENT (DEPARTMENT OF  
URBAN DEVELOPMENT**

**DELHI DEVELOPMENT AUTHORITY**

**ESTIMATES COMMITTEE**

**1996-97**

**THIRD REPORT**

**ELEVENTH LOK SABHA**



72225R

IA SECRETARIAT

III

CORRIGENDA to the Third Report of Estimates Committee  
(1996-97)

<u>Page</u>	<u>Para No.</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
16.	1.65	2nd	Lutyens	Lutyen's
17	1.71		117	1.71
20	2.7	3rd	state	stated
21	2.8	1st	received	received
21	2.9	4th	Yamuna	Yamuna
52	4.26	3rd	Registration	registration
109	6.18	2nd	required	required
113	6.36	3rd	Thereore	Therefore
119	6.53	2nd	66 DDA	DDA
124	7.10	5th	including	including
126	7.18	5th	encroachments	encroachments
127	7.19	1st	known	know
127	7.20	3rd	alternations	alterations
157	8.77		inter-alia	<u>inter-alia</u>

**THIRD REPORT**

**ESTIMATES COMMITTEE**  
**(1996-97)**

**(ELEVENTH LOK SABHA)**

**MINISTRY OF URBAN AFFAIRS & EMPLOYMENT**  
**(DEPARTMENT OF URBAN DEVELOPMENT)**

**DELHI DEVELOPMENT AUTHORITY**



*Presented to Lok Sabha on 19 March, 1997*

**LOK SABHA SECRETARIAT**  
**NEW DELHI**

*March, 1997/Phalguna 1918 (Saka)*

# CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE (1996-97) .....	(iii)
INTRODUCTION.....	(v)
CHAPTER I    INTRODUCTORY .....	1
Constitution of the Authority .....	1
Objectives and Functions .....	4
Formulation of Master Plans .....	7
Lutyen's Delhi.....	14
CHAPTER II    ACQUISITION OF LAND .....	19
Notifications for Acquisition .....	19
Urgency Clause .....	24
Compensation .....	26
Allotment of Alternative Plots.....	29
CHAPTER III    DEVELOPMENT OF LAND .....	34
Provisioning of Infrastructure .....	34
Coordination .....	37
CHAPTER IV    HOUSING .....	45
Targets and Achievements .....	45
Allotment.....	48
Out-of-Turn Allotment .....	53
Instalments .....	59
Unauthorised Occupation .....	63
Misuse/Unauthorised Construction .....	68
Conversion from Leasehold to Freehold .....	73
CHAPTER V    AWARD AND EXECUTION OF CONTRACTS .....	76
Award of Contracts .....	76
Procurement of Materials .....	84
Quality Control .....	89
Demolition of Flats .....	94
Contracts for Development of Rohini .....	99
Alleged Scandal of Rs. 45 Crores.....	101
CHAPTER VI    MANPOWER MANAGEMENT .....	106
Working Strength.....	106
Norms for Workload .....	106
Recruitment Rules .....	109
Deputation .....	113
Work-charged Staff .....	119



	PAGE
<b>CHAPTER VII</b>	
<b>MANAGEMENT, PROTECTION AND ENCROACHMENT OF LAND.....</b>	<b>122</b>
Management and Protection of Land .....	122
Land under encroachment .....	128
Stay Orders .....	130
Ministry of Rehabilitation Land .....	131
<b>CHAPTER VIII</b>	
<b>JHUGGI JHOMPRI CLUSTERS .....</b>	<b>138</b>
Magnitude of Problem .....	138
Slum Wing.....	139
Resettlement of Squatters.....	141
Relocation Scheme.....	143
Conceptual Framework .....	143
Criterion for Eligibility of Families .....	145
Financing .....	146
Outlay in Eighth Plan .....	146
Subsidy for Houses.....	147
Permitted Squatting Zones for Ineligible Squatters .....	148
Flats for JJ Dwellers.....	151

#### APPENDICES

I. ....	161
II. ....	164
III. ....	166
IV. ....	168
V. ....	170
VI. ....	172
VII. ....	174
VIII. ....	176
IX. ....	178
X. ....	180
XI. ....	182
XII. ....	184

**COMPOSITION OF THE ESTIMATES COMMITTEE  
(1996-97)**

**Shri Rupchand Pal — Chairman**

**MEMBERS**

2. Shri G.M. Banatwalla
3. Shri Pradeep Bhattacharya
4. Shri P.C. Chacko
5. Shri Ram Tahal Chaudhary
6. Shri Chandu Bhai Deshmukh
7. Dr. Ramchandra Dome
8. Shri Jagat Vir Singh Drona
9. Shri Pandurang Pundlik Pundkar
10. Shri Udaysingrao Gaikwad
11. Shri Bijoy Krishna Mandique
12. Shri Bhupinder Singh Hooda
13. Dr. G.L. Kanaujia
14. Shri Harinder Singh Khalsa
15. Shri Sanat Kumar Mandal
16. Shri Sanat Mehta
17. Shri C. Narasimhan
18. Shri Vishambhar Prasad Mishra
19. Shri Nitish Kumar
20. Shri Sarat Pattanayak
21. Shri Ramendra Kumar
22. Shri Kashiram Rana
23. Prof. Rasa Singh Rawat
24. Shri Basavaraj Rayareddi
25. Shri Mahadeepak Singh Shakya
26. Shri Mangat Ram Sharma
27. Col. Rao Ram Singh
28. Shri Thota Gopala Krishna
29. Shri Chun Chun Prasad Yadav
30. Shri Dinesh Chandra Yadav

**SECRETARIAT**

- |                            |                        |
|----------------------------|------------------------|
| 1. Shri S.N. Mishra        | — Additional Secretary |
| 2. Smt. Roli Srivastava    | — Joint Secretary      |
| 3. Shri K.L. Narang        | — Deputy Secretary     |
| 4. Shri Raj Shekhar Sharma | — Under Secretary      |
| 5. Shri S.B. Aroa          | — Assistant Director   |

## INTRODUCTION

I, Chairman of the Estimates Committee, having been authorized by the Committee to submit the Report on their behalf present this Third Report on the Ministry of Urban Affairs and Employment (Department of Urban Development) — Delhi Development Authority.

2. The subject was selected for detailed examination by the Estimates Committee (1993-94). The Estimates Committee (1994-95) and (1995-96) continued with the examination of DDA. The Committee considered the replies furnished by the Ministry of Urban Affairs and Employment and DDA to the questionnaires issued on the subject from time to time, representations from staff unions, individuals and other material on the subject. The Estimates Committee took the evidence of the representatives of the Ministry of Urban Affairs and Employment, Delhi Development Authority (DDA), Government of National Capital Territory of Delhi, Delhi Electric Supply Undertaking (DESU), New Delhi Municipal Council (NDMC) and Municipal Corporation of Delhi (MCD) on 16th and 17th March, 30th June, 1st July and 27th October, 1994, 14th June, 25th and 26th July, 1995. The Committee wish to express their thanks to the officers for placing before them their considered views and perceptions and for furnishing the written replies and information desired in connection with the examination of the subject.

3. The Committee would also like to express their gratitude to the Estimates Committee (1993-94, 1994-95 & 1995-96) for the able guidance and right direction provided by them in obtaining information and taking evidence for indepth and comprehensive study of the subject. The composition of the Committees is given in the Appendices to the Report.

4. The Report was considered and adopted by the Committee at their sittings held on 3rd January, 28th January, 12th February and 26th February, 1997.

5. The Report is divided into eight chapters each devoted to specific aspects of the subject. The Committee have *inter-alia* made the following important observations/recommendations:

- (i) There is no denying the significant role of DDA in the planned development of Delhi. Rather the city of Delhi owes its survival to the good work done by DDA. However, increasing number of slums and large scale encroachments of public lands have earned the capital city of Delhi, the distinction of being the fourth largest slum-infested city. Spate of illegal and unauthorised colonies have hampered the systematic and planned growth of Delhi, that too in spite of the enactment of a statute for the specific purpose of development of Delhi according to the plan. The Committee

(vi)

have, therefore, desired that necessary corrective measures be taken immediately to prevent the unabated growth of slums, encroachment of public land and other unauthorised activities.

- (ii) As decided by the Cabinet nine years ago, Government should examine the feasibility of setting up of a new Housing Board Pending construction of flats for allotment to wait-listed registrants by DDA and also transferring the DDA's liability of allotment of flats to wait-listed registrants to the new Housing Board.
- (iii) In the light of experience gained by DDA and the Government, work relating to preparation and formulation of the Master Plan as also of zonal plans for the period beyond 2001 may be taken up in right earnest so as to avoid inordinate delay which has happened in the past. Not only the Master Plan but also the Zonal Plans should be finalised much before 2001 AD so that they may be followed and implemented with effect from 2001 AD.
- (iv) Preservation and maintenance of basic character of Lutyen's Bungalow Zone i.e., tree studded bungalows below tree height may be ensured so that 'Lutyen's Delhi' continues to hold a place of pride in the capital cities of the World. The Committee have also desired that modification/amendment may be carried out in the Master Plan for Delhi, 2001 making specific provision banning any construction of multi-storeyed buildings in Lutyen's Bungalow Zone.
- (v) Government should review all cases of enhancement of compensation filed by the farmers in the light of judgements made in the past by the higher courts and end injustice and harassment to the farmers.
- (vi) There are still more than 31,000 registrants awaiting allotment of DDA flats under the New Pattern Registration Scheme (NPRS), 1979. There has already been steep escalation in the prices of DDA flats since opening of NPRS in 1979. Concrete and expeditious action should be taken for allotment of flats to these registrants on priority.
- (vii) No request from persons other than those specified in the guidelines may be entertained for allotment on out-of-turn basis.
- (viii) Concerted efforts may be made by DDA for realisation of huge outstanding arrears of Rs. 649.10 crores.
- (ix) A number of DDA flats were occupied unauthorisedly, some of them still under unauthorised occupation by some miscreants. It was a matter of shame that as many as 44 flats (24 in Rajouri Garden and 20 in EPDP Colony, Kalkaji) were forcibly occupied by Police. In the instant case, the Committee have recommended that 24 flats in Rajouri Garden for which request for regular

allotment has been made by the police, may not be acceded to and the flats should be got vacated. Criminal proceedings against the persons occupying these flats may be initiated and the damages for unauthorised occupation may also be claimed and realised. The flats which were still under illegal occupation of individuals might also be got vacated at the earliest and appropriate legal action initiated against them.

- (x) The Committee were not, happy to find that out of 10488 cases of unauthorised construction detected during the years 1990-91 to 1993-94, demolition in just 284 cases and sealing of premises in only 18 cases could be resorted to. The Committee have, therefore, recommended that besides taking action against the offenders, departmental proceedings against concerned officials, at least in cases of unauthorised construction of huge buildings/mansions which cannot be built overnight and in cases of continuous misuse after making additions/alterations, may be initiated.

- (xi) The Committee have *inter alia* recommended:

- (A) That for recovery of amount paid to the contractor till rescission of work or for realisation of amount spent on rectification works, a clause may be incorporated in the contract requiring the contractor to deposit seventy-five per cent of the disputed amount with DDA when the case is filed in the court of law for settlement.

- (B) That a detailed investigation may be conducted preferably by CBI covering the following aspects:

(a) How many engineers including those holding very senior position in DDA have floated contractor firms in the name of their close relations and to ascertain the magnitude of misuse of official position in giving benefit to such contractor firms on mutual basis?

(b) Why in some cases, awards have been given in favour of contractors due to non-submission of the documents by DDA authorities!

(c) Role and likely connivance of DDA field and other supervisory staff for their partnership in the scandalous defective/sub-standard execution of works by the contractors.

- (xii) DDA is a field organisation and most of its departments have to look after, more or less, technical aspects in their respective fields. Therefore, all the departments should be headed by technically qualified personnel.

- (xiii) The unauthorised construction and encroachment on DDA land which has become a well known phenomenon is not possible without the active connivance of the senior functionaries in DDA entrusted with the responsibility of management and protection of

land. Till they do not discipline themselves, unauthorised construction and encroachment will continue unabated. Therefore, the Committee have *inter alia* recommended that stringent action should be taken not only against encroachers but also against senior officials responsible for indifferent and apathetic attitude towards illegal constructions and land grabbing by the encroachers.

(xiv) There had been a phenomenal growth of jhuggi-jhompri population during the last two decades due to coming of migrants to Delhi in search of gainful employment opportunities. These in-migrants encroach upon public land and form squatter settlements and also exert tremendous pressure on city resources causing shortage of shelter and civic amenities and services. Government should take some concrete measures on a very large scale to tackle the mushroom growth of jhuggi-jhompri clusters before the problem could assume unmanageable proportions.

(xv) Taking into consideration the human misery and hardships being faced by the poor JJ dwellers, the Government should take the responsibility at the earliest for their resettlement.

6. For facility of reference, the observations/recommendations of Committee have been side-lined in thick type of the body of the Report.

NEW DELHI;  
5th March, 1997

---

*Phalguna 14, 1918 (S)*

RUPCHAND PAL,  
Chairman,  
*Estimates Committee.*

## CHAPTER I

### INTRODUCTORY

#### *Introductory*

1.1 The partition of India in 1947 brought in a sudden influx of lacs of people to Delhi which was not ready in terms of physical and infrastructural facilities to house them in a proper environment. This not only led to a chaotic growth of slums all around, haphazard construction, squatting in unplanned development but also posed a challenge to the planners and administrators to control and regulate the unplanned chaotic growth of Delhi. Attempt to envisage the growth of Delhi in a regulated manner was first made by the enactment of Delhi (Control of Building Operations) Ordinance, 1955 under which the Delhi Development (Provisional) Authority was constituted. It was replaced by the Delhi Development Act, 1957 on 30.12.1957 with the primary object of promoting and securing development of Delhi in accordance with the Master Plan and Zonal Development Plans to be prepared by the Delhi Development Authority and approval by the Central Government.

#### *Constitution of the Authority*

1.2 Delhi Development Authority is a body corporate constituted under Section 3 of the Delhi Development Act, 1957. It has a legal status with common seal and succession. The status of DDA is that it happens to be an instrumentality of the State which can sue and be sued in its own name.

1.3 As per Section 3(3) of the Delhi Development Act, 1957, the Authority shall consist of the following member namely:—

- (a) a Chairman who shall be the Administrator of the Union Territory of Delhi, *ex officio*;
- (b) a Vice-chairman to be appointed by the Central Government;
- (c) a finance and accounts member to be appointed by the Central Government;
- (d) an engineer member to be appointed by the Central Government;
- (e) as and when the Municipal Corporation of Delhi is established, two representatives of that Corporation to be elected by the councillors and eldersmen of the Corporation from among themselves;
- (f) as and when the Metropolitan Council for the Union Territory of Delhi is constituted, three representatives of that Council to be

elected by the members of the Council from among themselves, and until that Council is constituted, three representatives of the interim Metropolitan Council to be elected by the members of the Interim Metropolitan Council from among themselves;

- (g) three other persons to be nominated by the Central Government of whom one shall be a person with experience of town planning or architecture; and
- (h) the Commissioner of the Municipal Corporation of Delhi, *ex-officio*.

1.4 Joint Secretary(UD), Ministry of Urban Affairs & Employment, Chairman-cum-Managing Director, H.U.D.C.O. and Chief Planner, T.C.P.O. are the three members nominated by the Central Government under sub-section (g) of Section 3 (3) of the Delhi Development Act.

1.5 Asked whether with the coming up of the State Legislature in Delhi, any change in DDAs' charter is required, the Secretary, Ministry of Urban Affairs and Employment, in his submission, stated during evidence:—

"After the formation of the State Legislature, according to me, there need not be any change made in the DDA's charter. Because, the main objective of the DD Act, as I said, is to have a planned development of the National Capital Territory of Delhi by preparing a Master Plan and by seeing that the various bodies viz., the MCD, NDMC etc. are included in that Master Plan. So, it is basically the planning authority which has been formed. Because of that, the land use Plan was made by them. So, I do not think with the formation of the State Legislature, there will be any change. It is because, still, Delhi continues to be a Union Territory."

1.6 When the Committee pointed out that elected representatives from National Capital Territory of Delhi which had replaced Metropolitan Council had not been nominated to the Authority so far, the Secretary, Ministry of Urban Affairs and Employment informed during evidence:—

"There is a proposal that its operational flexibility should be increased and that it should also be more responsive to public needs. That is still under the consideration of the Department and it will have to go to the Cabinet."

1.7 With regard to the overall vacancies alongwith reasons therefor in the constitution of the Authority, the Ministry of Urban Affairs and Employment, in a written note, have stated as under:—

"At present there is no representation of two representatives of the Municipal Corporation of Delhi, as the M.C.D. has been superseded to 1990. Similarly, there has been no representation of the Members of Delhi Legislative Assembly in DDA on Metropolitan Council becoming *functus officio* with the repeal of the Delhi Administration Act, 1966 by the Government of



National Capital Territory of Delhi Act, 1991. Amendment of sub-section (f) of Section 3(3) of the Act is required to provide for representation of the members of Delhi Legislative Assembly. The proposal to amend Section 3(3) (f) of the Act is under consideration of the Government.

The post of the Engineer Member is vacant since 5.12.1994 on the expiry of three years term of the former Engineer Member. The senior-most Chief Engineer of DDA looking after the current duties of the post of Engineer Member (a proposal for his appointment as Engineer Member is under consideration of the Government) is attending the Authority meeting in that capacity."

1.8 Explaining the present status of the amendment to DD Act, 1957, the Ministry of Urban Affairs and Employment in a note dated the 31st May, 1996 have stated as follows:—

"A note for the Cabinet was submitted on 25.3.1996 proposing amendment to Section 3(3) (f) of the Delhi Development Act, 1957 to provide representation of three Members of the Legislative Assembly of Delhi in the Authority. The Cabinet Sectt. have returned the Cabinet Note on 8.5.1996 with the suggestion that the matter may be brought back before the Cabinet, if required, with additional material, if any. The Note will be resubmitted to the Cabinet Secretariat after taking the approval of the new Minister. Pending amendment of the Act, the Lt. Governor of Delhi, who is also Chairman of DDA, has issued orders on 14.2.1996 that the following three members of the Legislative Assembly of Delhi will be special invitees in all the meetings of the Authority:—

1. Shri Bodh Raj, MLA
2. Shri O.P. Babbar, MLA
3. Shri Jag Parvesh Chandra, MLA"

1.9 A Bill proposing amendment to Section 3(3) (f) of the Delhi Development Act, 1957 to provide representation to three Members of the Legislative Assembly of National Capital Territory of Delhi in the Authority was introduced in Lok Sabha on 21st November, 1996. The Bill was passed by both the Houses of Parliament on 12.12.1996 and assented to by the President on 21st December, 1996.

1.10 In order to regulate the development of Delhi in a planned manner, Delhi Development Authority has been constituted under the Delhi Development Act, 1957 consisting of 13 Members, namely, Chairman, Vice-Chairman, a Finance and Accounts Member, and Engineer Member, two representatives of the Municipal Corporation of Delhi, three representatives of the Metropolitan Council, three other persons to be nominated by the Central Government and Commissioner of Municipal Corporation of Delhi. Out of these 13 Members, five elected public representatives are not represented on this Authority since 1990 as the Municipal Corporation of

Delhi was superseded in 1990 and the Metropolitan Council became *functus officio* with the repeal of Delhi Administration Act, 1966 by the Government of National Capital Territory of Delhi Act, 1991. D.D. (Amendment) Act, 1996, enacted recently, however, provides for representation of three Members of National Capital Territory of Delhi to the Authority.

1.11 In the light of Delhi Development (Amendment) Act, 1996 the Committee expect that three elected representatives from the Legislative Assembly of the National Capital Territory of Delhi will now be associated with the Authority as early as possible.

The Committee also feel that there is need for representation of Members of Parliament on the Authority.

1.12 At present, the post of Engineer Member is vacant since December, 1994 on the expiry of three years term of the former Engineer Member. A proposal for appointment of the seniormost Chief Engineer of DDA as an Engineer Member in the Authority is under consideration of the Government. The Committee desire that Government should take action well in advance for filling up the post of any member of the Authority falling vacant in future.

#### *Objectives and Functions*

1.13 In accordance with Section 6 of the Delhi Development Act, 1957, the objects of the Authority are:—

“To promote and secure the development of Delhi according to plan and for that purpose the Authority shall have the power to acquire, hold, manage and dispose of land and other property to carry out building, engineering, mining and other operations, to execute works in connection with supply of water and electricity, disposal of sewage and other services and amenities and generally to do anything necessary or expedient for purposes of such development and for purposes incidental thereto.”

1.14 Stating the basic functions of DDA, the Vice-Chairman, DDA, informed the Committee during evidence:—

“We have three types of functions. One is the planning and development function; second is the construction of housing etc.; and the third is the protection of lands and management.”

1.15 Asked to explain the mechanism as to how planning and development could be undertaken, the Secretary, Ministry of Urban Affairs and Employment stated during evidence:—

“The purpose of setting up of DDA is to have a planning authority for the entire Union Territory of Delhi. Once the planning is done, the norms are prescribed. There are local authorities like the MCD, or NDMC which are supposed to implement and monitor the programmes of the DDA. That is one of the main functions.”

**1.16 The representative added:—**

**"After the land is acquired it is developed and peripheral services like water supply, roads, drainage, sewerage, electricity etc. are provide."**

**1.17 As regards the construction of houses, the Secretary in the Ministry of Urban Affairs and Employment stated during evidence:—**

**"The second activity is wherever plans are made, the housing activity gets priority. Adequate houses are to be provided. This is an important feature of the DDA. The strategy adopted is to acquire the land through the Delhi Administration and then build the houses and give the houses to various people."**

**1.18 During the course of evidence regarding bifurcation and separation of housing from land, the Secretary of the Ministry of Urban Affairs and Employment stated before the Committee:—**

**"Land and housing come under the State Legislature. But here, unfortunately, according to the distribution of powers, land continues to be with the Union Government. As long as land is there, housing has to follow. So it has to remain with the Government of India.... Land development and housing development go together, Land development costs are extremely high. The sale of houses should subsidise the plan development cost."**

**1.19 The representative added:—**

**"If the State has to acquire land and build the houses there will be problems. Today it is a small problem. But I think the problem will increase."**

**1.20 Coming to the third major function i.e. protection of land and management, the Vice-Chairman, DDA informed during evidence:—**

**"We are supposed to protect the lands. There are problems even in the colonies which have been built by us; they may be with us or they may have gone to the MCD, but whatever it is, there are problems. The real situation is that in many of the colonies, we find that our energies have been wasted because they are not commensurate with our results."**

**1.21 As regard J.J. Clusters and number of jhuggies, the following information has been furnished by the Ministry of Urban Affairs and Employment:—**

**"As per latest exercise conducted by the field functionaries of Slum & J.J. Department with the help of elected area public representatives as on 31.3.1994 there are about 1000 JJ Clusters in**

Delhi containing approximately 4.80 lakh jhuggies. The data is yet to be confirmed by UBS staff in Delhi Government.

The estimated population residing in these jhuggies is more than 20 lakhs."

1.22 Pursuant to a note submitted by the Ministry of Urban Affairs and Employment, the Cabinet had taken a decision in August, 1987 which *inter-alia* included the following steps:—

- (a) To restrict the DDA's functioning to its original mandate in planning;
- (b) To divest the DDA of its house building functions and to create a new Housing Board;
- (c) To create a new Slum Improvement Board; and
- (d) To transfer such non-relevant functions as Lottery, ISBT and the Dairy Colonies to the Delhi Administration and its relevant organisations.

1.23 Subsequent to this Cabinet decision, the following steps have been taken:—

"The functions of the Slum Wing were transferred to the Municipal Corporation of Delhi as on 1st September, 1992, as it was felt that pending the setting up of Slum Board, the MCD was the best organisation to look after programmes for slum upgradation and improvement. Thereafter a comprehensive statute for slum improvement has been drafted which, *inter-alia*, proposes setting up Slum Improvement Board. The same is under consideration of Government. Comments of the Ministry of Law, Home and Finance have been called which are yet to be received.

ISBT and Lotteries have been handed over to the Government of National Capital Territory of Delhi. The dairy colonies, except for Masoodpur, have been handed over to the Municipal Corporation of Delhi.

Since the DDA is legally committed to liquidate those registrants awaiting houses, a decision for setting up a new Housing Board has been administratively deferred for the time being."

1.24 The Committee note that as the statutory provision under the Delhi Development Act, 1957, the primary object of DDA is to promote and secure planned development of Delhi. To this end the Authority has been entrusted with three basic functions viz. planning and development; construction of houses; and protection of land and management.

1.25 There is no denying the significant role of DDA in the planned development of Delhi. Rather the city of Delhi owes its survival to the good work done by DDA. However, increasing number of slums and large scale encroachments of public lands has earned the capital city of Delhi, the

distinction of being the fourth largest slum-infested city. Spate of illegal and unauthorised colonies have hampered the systematic and planned growth of Delhi, that too inspite of the enactment of a statute for the specific purpose of development of Delhi according to the plan. The Committee, therefore, desire that necessary corrective measures be taken immediately to prevent the unabated growth of slums, encroachment of public land and other unauthorised activities.

1.26 The Committee note that Cabinet had taken a decision in August, 1987 to restrict DDA's functions to it's original mandate of planning. Pursuant to the above Cabinet decision divesting DDA of house building activity and setting up of a separate Housing Board as recommended by the Cabinet has, however, been kept pending as according to the Ministry, DDA is legally committed to liquidate those registrants awaiting houses.

1.27 Cabinet's decision to set up a new Housing Board after trifurcation of functions of DDA, was taken up as far back as in 1987. The Committee is, however, not happy at all with the slow pace of construction of houses/flats for allotment to wait-listed registrants. All-out efforts should have been made to construct and allot the houses to the wait-listed registrants by this time.

1.28 There has already been inordinate delay of nine years in the implementation of the Cabinet decision. During this intervening period of nine years, there have been new housing schemes floated by DDA in addition to already wait-listed registrants. The Committee desire that Government should examine the feasibility of setting up of a new Housing Board pending construction of flats for allotment to wait-listed registrants by DDA and also transferring the DDA's liability of allotment of flats to wait-listed registrants to the new Housing Board. The Committee also desire that in the meantime, formalities and modalities for setting up of Housing Board, should be taken up simultaneously. The Committee would also like to be apprised of the legal opinion in this regard.

#### *Formulation of Master Plans*

1.29 In order to fulfil its objects as required under section 6 of the DD Act the Authority has been put under a duty to prepare a Master Plan for Delhi.

1.30 Section 7 of the DD Act, 1957, provides for preparation of Master Plan in the following manner:

7(1) "The Authority shall, as soon as may be, carry out a civic survey of, and prepare a master plan for Delhi.

(2) The Master Plan shall—

(a) define the various zones into which Delhi may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and

the stages by which any such development shall be carried out; and

- (b) serve as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared.
- (3) The Master Plan may provide for any other matter which is necessary for the proper development of Delhi."

1.31 Accordingly, Master Plan for Delhi called MPD-1962 was formulated and enforced with effect from 1.9.1962. The plan projected Delhi's population and land requirements for various uses/activities upto the year 1981.

1.32 The Master Plan projected about 5.0 million population for the whole Union Territory of Delhi in the year 1981.

1.33 The total area of the Union Territory of Delhi is 1,48,639 hec. Out of this 44,777 hec. had been earlier included in urbanisable limit in Master Plan for Delhi-1962 and this area was acquired and developed for various uses such as residential, commercial, institutional, circulation etc. as per recommendations of Master Plan.

1.34 A detailed exercise to review and revise the Master Plan-1962 was taken up during 1960's and based on comprehensive studies, the extensive modifications were published for inviting public objections/suggestions in April, 1985. After considering all the objections/suggestions received and the exercise conducted by Delhi Urban Arts Commission, Government of India, Ministry of Urban Development approved the extensive modifications on 1.8.90, the date on which MPD-2001 came into force as a modified version of Master Plan for Delhi.

1.35 The salient features of the Plan are as below:—

The Plan envisages a number of lines of action for the systematic development of the city, on the basis of the policy framework and overall land use pattern and development controls provided for therein:

- (i) to develop 20,000 hect. of land in the urban extension areas to accommodate 4 million additional population.
- (ii) to restructure the actual development which has taken place in the existing urban areas so as to accommodate an additional population envisaged for these developed areas in 1962 plan.
- (iii) to decentralise economic activity by developing 4 metropolitan passenger terminals, 4 freight complexes, 5 Inter State Bus Terminals, 2 sub-central business districts and 22 district centres.
- (iv) to incorporate the informal commercial and trading activities in all development/redevelopment projects.
- (v) to provide for large scale housing through the Cooperative Sector and development of sites and services for the urban poor.

- (vi) to develop a multimodal mass transport system comprising of bus, ring railway and mass rapid transit services.
- (vii) to create an environment for pedestrian movement and facilities for safe cycle movement.
- (viii) to develop 11 identified growth centres in rural Delhi.
- (ix) to organise weekly markets in the parking areas of major commercial centres.
- (x) to prepare urban renewal plans for the central city area consisting of the Walled City and its extension, Karol Bagh and the area in between declared as 'Special Area'.
- (xi) to prepare conservation plan for the urban heritage areas including Lutyen's Delhi so as to maintain their basic character.
- (xii) projected need of 16.2 lakhs new housing units to be provided between 1981-2001 at an average rate of about 80,000 DUs per year.
- (xiii) projected requirement of water supply, sewerage, power solid waste management by 2001 is as follows:—

Infrastructure	Availability Requirement		
	1981	Mid 1993	2001
Water supply (in MGD)	253	525	1127
Sewerage (in MGD)	118	280	902
(if the water is supplied at 80 GPD)			
Power (in MW)	580	1616	4000

1.36 Point-wise progress/action taken on the objectives enumerated in the MPD-2001 as furnished by the Ministry of Urban Affairs and Employment is as under:

- (i) New sub-city projects of Dwarka (5800 HAC), Narela (7000 HAC) and Rohini Extn. (4000 HAC) have been taken up as part of the phased development of the urban extension.
- (ii) The restructuring has been worked out in MPD 2001 and further defined in the draft Zonal Development Plans being formulated.
- (iii) The projects are to be implemented by various organisations. However, it is mentioned that in the plans prepared by the DDA, the land reservation for all the projects is being done. In case of one metropolitan passenger terminal land has already been handed over to the Railways. One of the freight complexes in Trans Yamuna Area has been taken up for planning, two interstate bus terminuses (Sarai Kale Khan and Anand Vihar)

have been commissioned up by the GNCTD and one sub CBD Trans Yamuna Area has been taken by the DDA, 8 District Centres (Saket, Paschim Vihar, Wazipur, Shalimar Bagh, Khyber Pass, Shastri Park, Mayur Vihar, Mangolpuri) in addition to 7 (Nehru Place, Rajendera Place, Bhikaji Cama Place, Janakpuri, Laxmi Nagar, Shivaji Place, Jhandewalan) have already been developed.

- (iv) In case of new commercial complexes and service centres, informal sector is also being incorporated while formulating the plans.
- (v) The land has been earmarked for cooperative Group Housing Societies in the sub-city project of Dwarka and Narela.
- (vi) The project of MRTS has been taken up by the GNCTD with the help of RITES as Consultants.
- (vii) As a part of the projects care is taken for providing better environment for pedestrians and cyclists.
- (viii) MCD has taken the planning of growth centres in the rural area of Delhi.
- (ix) Presently, the weekly markets are being arranged in various parts of Delhi in open spaces and road sides. These are regulated by the NDMC/MCD in the planned commercial development. Parking spaces are being provided in such a manner that such markets could function from those areas.
- (x) Within the framework of the Master Plan/Zonal Plan, the urban renewal plans are to be worked out by the concerned local body.
- (xi) For Lutyen's Delhi, an exercise has been done and public notice has been issued with regard to the developmental controls and other regulations to be applicable in Lutyen's Delhi.
- (xii) This is a projection given in MPD 2001 which is to be implemented by various implementing agencies including DDA.
- (xiii) Out of the need for services worked out by MPD 2001, the concerned agencies have to make the provisions. The availability of essential services as on Mid, 1993 was as under:—

Water supply	525 Mgd
Sewerage	280 Mgd
Power	1616 MW



1.37 Asked to explain the mechanism as to how development under the provisions of Master Plan would be made, the Secretary, Ministry of Urban Affairs and Employment stated during evidence:—

“After making the Master Plan, DDA is required to make zonal plans for all these areas. All developments would be required to be done in the zonal areas. These zonal plans will decide what land should be used for industrial, residential, commercial purposes or for hospital etc. Till now Delhi Administration has taken up the work of eight urban areas. Within DDA three of the zonal plans are already published. The objections and suggestions from the public are called for. In one case the list is ready and the last date is 31st March this year (1994). Once the objections are received, these zonal plans will be finalised. In three more cases, objections are being called for.”

1.38 Under Section 10 of D.D. Act, 1957, draft zonal plans are published inviting objections/suggestions from the public, under section 11(A) of the Act proposed modifications in Master Plan of Delhi are published inviting public objections/suggestions.

1.39 Under Section 10, the following notifications have been issued by the DDA inviting objections/suggestions on the following draft zonal plans:—

(a) zone A (Walled city)	Published on 22.1.94
(b) zone A (Part other than Walled city)	Published on 1.4.95
(c) zone B (City Extension)	Published on 1.1.94
(d) zone C (Civil Lines)	Published on 14.1.95
(e) zone D (New Delhi)	Published on 14.1.95
(f) zone E (TYA)	Published on 10.9.94
(g) zone F (Civil Lines 1)	Published on 15.1.94

1.40 The following procedure is adopted for consideration and disposal of the objections/suggestions received from the public, Under section 10, the objections/suggestions are examined and considered by the Screening Board which is constituted by the DDA under Section 8 of the Act. The Screening Board at present is having the following members:

- (1) Chief Planner, TCPO Chairman
- (2) Commissioner (Planning)
- (3) Chief Architect, NDMC
- (4) Town Planner (MCD)
- (5) Addl. Commr. (DC&B) DDA, Member Secretary

1.41 The Screening Board has already examined and considered the objections/suggestions in respect of the draft zonal plans of Zone A (Part Walled City), Zone B (City Extension), Zone C (Civil Lines), Zone E (TYA), Zone F (South Delhi 1). All the members making objections/

suggestions have been invited to appear before the Screening Board for public hearing. On the basis of objections/suggestions and public hearing the Screening Board makes recommendations which are considered for modification of the draft zonal plans and its approval by the Authority.

1.42 The objections/suggestions received under section 11A of DD Act are considered by the Technical Committee and Authority. The recommendations of the Authority are then finalised and forwarded to the Central Government which considers the same for issue of a final notification.

1.43 The Ministry furnished a statement showing the present position of MPD-2001 amendments and change of land-use cases from 1.4.93 to 30.9.95. Out of 34 amendments and change of land-use cases, 14 relate to change from 'rural use', 'green', 'recreational' and others 'public utility' to 'commercial', 'residential' etc. In some of the other cases change of land uses in a particular areas without elaborating the actual change sought has been mentioned.

1.44 The Committee note that under Section 7 of DD Act, 1957, first Master Plan for Delhi called MPD-1962 was formulated and enforced with effect from 1.9.1962 projecting Delhi's population and land requirement for various uses/activities upto the year 1981. They regret to note that though the exercise to review the Master Plan was taken up during 1960's, the modifications proposed to be made therein were published only in April, 1985 for inviting public objections/suggestions. What is still more distressing to note is that modified/revised MPD-2001 for the period 1981-2001 came into force only on 1.8.1990 i.e. after the lapse of about half of its period. Present Master Plan for Delhi-2001 is based on extensive modifications of Delhi Master Plan 1962 carried out during 1980's.

1.45 The Committee do not approve of the apathy shown by DDA/ Government in the inordinate delay in formulation and finalisation of such an important policy document which is designed for the systematic development of the city.

1.46 At this stage, the Committee recommend that in the light of experience gained by DDA and the Government, work relating to preparation and formulation of the Master Plan as also of zonal plans for the period beyond 2001 may be taken up in right earnest so as to avoid inordinate delay as happened in the past. Not only the Master Plan but also the Zonal Plans should be finalised much before 2001 AD so that they may be followed and implemented with effect from 2001 AD.

1.47 The Committee note that MPD-2001 envisages a number of action plans which inter-alia includes development of 20,000 hec. of land, decentralising economic activities, development of multi-modal mass transport system, urban renewal plan for 'special area', conservation of urban heritage including 'lutyen's Delhi', planning projection of 80,000 dwelling units per year, manifold increase in the infrastructure, etc.

1.48 The Committee do not wish to go in detail of each and every aspect of the Master Plan and to find out the deficiencies and shortcomings in the progress made so far but they regret to observe that the achievements are way behind the anticipated progress.

1.49 Since the period left for the completion of MPD 2001 is very short, the Committee recommend that DDA should gear up its machinery to achieve the desired targets/objectives enumerated in the Master Plan. On perusal of point-wise progress/action taken on some of the objectives enumerated in the MPD-2001, the Committee feel that replies of the Government on the achievements are not only far from satisfactory but also evasive which cannot but be deprecated.

1.50 Growth Centres in rural areas of Delhi are still at the planning stage in MCD. MPD-2001 inter alia mentions 'facilities for safe cycle movement. No action seems to have been taken by the Ministry to fulfil the objective of providing better environment for cyclists. Further, MPD-2001 has projected an additional requirement of 16.2 lakh dwelling units between 1981-2001. However, the Ministry's reply only mentions that the projection is to be implemented by various agencies including DDA. There is already an acute housing shortage in the capital and it was gaining seriousness with each year passing. Delay in building up all the district commercial centres may be due to expectation of money-spinning by DDA which may encourage illegal commercialisation and encroachment. Keeping in view the projected requirement by 2001, the availability of essential services (water supply, sewerage disposal, electricity etc.) is also not at all satisfactory.

1.51 The Committee desire that achievements/progress on the objectives laid down in the MPD-2001 by various implementing agencies should be closely monitored at the level of a senior officer not below the rank of Joint Secretary of the Ministry.

1.52 The Committee are informed that after formulation of Master Plan, DDA prepares draft Zonal Plans and publish the same under Section 10 of DD Act 1957 for inviting public objections/suggestions. They are constrained to find that the notifications inviting public objections/suggestions in respect of the zonal plans were published only in 1994 and 1995. What is still more intriguing is to find that the Screening Board, constituted to examine and consider the objections/suggestions, does not seem to have made recommendations for modification in any of the zonal plans' so far.

1.53 Disapproving the inordinate delay in the formulation of zonal plans, the Committee recommend that finalisation of these plans may be accorded ; priority and taken up for implementation in such a way so that the progress in the achievements of the desired objectives is completed within the period of MPD-2001.

1.54 The Committee also find that a number of amendments and changes in land use pattern under Section 11A of the said Act have been recommended by the Authority and sent to the Government of India for final issue of Notification.

1.55 The Committee leave it at the prudence of the Government of India to approve such of the amendments/changes in land use pattern proposed/recommended by the Authority within the framework of the Master/Zonal plans. They however, have reservations in the change of land use from (i) rural use (ii) green and (iii) recreational to other uses like commercial/residential, etc. Delhi is already a highly polluted city in the country. As green belts and recreational areas which function as lungs and help maintain pollution free environment essential for healthy growth of citizens in the city, it is imperative that there should be no tampering with areas earmarked green and recreational in the Master Plan. The Committee, therefore, recommend that no change of land use from green and recreational should be allowed. The Committee also desire that instead of adopting ad hoc approach on case-by-case basis, definite guidelines may be laid down for change of land use keeping in view the realistic and practical needs of Delhi city and its people.

#### *Lutyen's Delhi*

1.56 Lutyen designed New Delhi the Capital City as a low density Garden City. It is based on geometric road system with vistas and avenues. Major Part of residential development was in the form of bungalows below the tree height.

1.57 There was no mention of term Lutyen's Bungalow Zone in the Master Plan for Delhi 1962. Delhi Master Plan 1962, recommended different land uses and judicious raising of the density in the area.

1.58. In 1971, the Ministry of Urban Development constituted New Delhi Re-development Advisory Committee to formulate detailed schemes for this area specifying the details of development. The Committee formulated a number of schemes. Based on these schemes and on the Master Plan/Zonal Plan provisions, a number of buildings were constructed in this area. In 1985, Government of India issued instructions not to allow construction of multi-storeyed buildings in New Delhi area till the Master Plan for Delhi-2001 was finalised. In February, 1988, Government of India, issued guidelines for construction of buildings, also defined Lutyen's Bungalow Zone with the restriction that on bungalow plots reconstruction/addition/alteration should confine to the Parameters of existing bungalow with respect to coverage, FAR, height.

1.59 The MPD 2001 notified on 1.8.90 makes special provisions for the conservation of the tree-studded Bungalow provides as under:—

“Lutyen's New Delhi comprises large size plots and has a very pleasant environment. In fact, the area is unique in its continuing existence and low density in the heart of the city. While

formulating the redevelopment plans of this area due care should be taken to ensure that its basic character is maintained."

1.60 As a follow up action, DDA constituted a Special Projects Group to undertake a detailed study of the bungalow area. Notification in this respect has been published in the newspapers inviting objections and suggestions from the Public on 25.12.1993.

1.61 Asked about the area of 'Lutyen's Delhi', the Vice Chairman, DDA stated during evidence:—

"We have a map of 'Lutyen's Delhi' and in that map, Ashoka Road and Ferozshah Road were the boundaries which were separating Lutyen's Delhi from Connaught Place. Lutyen's Delhi is smaller than the New Delhi Municipal Committee Area. The main feature of this zone is the bungalow zone. It is full of bungalow and greeneries."

1.62 When enquired about the ratio of covered area to the total area, the representative from DDA stated in his oral submission:—

"The ratio is as per the existing master plan, supposing, earlier the covered area was 100 sq. metres. Even after, repair and reconstruction, it should remain at 100 sq. metres. That means, the density should remain the same."

1.63 As per guidelines issued by the Ministry of Urban Affairs and Employment on 8.2.1988, the new construction of a dwelling unit on a plot must have the same plinth area as the existing bungalow and must have a height not exceeding the height of the bungalow in place, or if the plot is vacant, the height of the bungalow which is the lowest of those on the adjoining plots. In the commercial areas, such as Khan Market, Yashwant Place etc., and in institutional areas within the Lutyen's Bungalow Zone, the norms will be the same as those for these respective areas outside the zone. There will not be a separate governmental category for FAR specifications. The norms for Government construction will be governed by the norms specified for the zone where the Government building is to be constructed.

1.64 When pointed out by the Committee that there have been complaints regarding violation of norms, the Vice-Chairman, DDA submitted during evidence:—

"The Delhi Development Authority prescribes development norms and land use pattern. The responsibility to enforce it rests with the local civic body. This is entirely the NDMC area. Overall, I can tell you, some high rise buildings have come up."

1.65 A representative from DDA supplemented:—

"Section 30 of the DDA Development Act, 1957 makes it absolutely clear that for those areas which were declared

development area, the enforcement authority will be the DDA. The new area in Dwaraka and Rohini are development area. But in Lutyens, there is no development area."

1.66 Asked about the maximum height of a building and the number of buildings that are above that height, the Special Officer, NDMC informed the Committee during evidence:—

"The height of the building should be 80 feet only. But, there are 13 such buildings which are above 80 feet. Out of them, five are residential buildings, six are hotel and two are Government offices."

1.67 When enquired as to how these buildings were allowed to raise the height above 80 feet and when such restrictions were imposed, the Special Officer, NDMC informed during evidence:—

"The building plans were sanctioned before the guidelines were framed or the restrictions imposed."

1.68 As regards imposition of restriction, the Special Officer stated:—

"It was imposed in February, 1988. The building Plans were sanctioned much before that. When it was framed, they were either under construction or some have been constructed. Once the building plan was sanctioned, we cannot change it."

1.69 The representative added:—

"Before 1974, there was no height restriction in Lutyens Bungalow Zone. In 1970, New Delhi Redevelopment Advisory Committee was constituted by the Government which recommended in 1974 that in Lutyens Bungalow Zone, the height restriction should be 80 feet which was approved by the Government and communicated to the local body. So after 1974, no building above 80 feet height has been sanctioned. Then come the 1988 guidelines for the Lutyens Bungalow Zone, the details of which are not finalised, but those guidelines are strictly followed by the New Delhi Municipal Committee. They were having the force of law because they are uniformly applied in all the cases and those 13 buildings which were sanctioned, they were sanctioned before the framing of guidelines."

1.70 The details of buildings above 80 ft. in height, falling in Lutyen's Bungalow Zone are as under:—

Location	Land use	Date of sanction	Sanctioned Height
1	2	3	4
1. 9. Hailey Road (Ashadeep)	Group Housing	9.05.69	120 ft.
2. 10, Hailey Road (Reviera Aptt.)	Group Housing	7.03.69	120 ft.

1	2	3	4
3. 30, Ferozshah Road (Diwan Shree Aptt.)	Group Housing	25.06.71	144 ft.
4. 6, Tilak Marg (Sagar Apts.)	Group Housing	31.05.71	175'-6"
5. Sangli Mess (MES Apts.)	Group Housing	24.10.78	120 ft.
6. La Meridian Hotel (Windsor Place)	Hotel	15.10.81	212 ft.
7. Taj Mansingh Hotel (Moti Lal Nehru Marg)	Hotel	22.02.77	192 ft.
8. Taj Palace International Hotel (S.P. Marg)	Hotel	27.02.81	120 ft.
9. Maurya Hotel (S.P.Marg)	Hotel	24.07.76	118'-8"
10. Oberoi Inter-Continental Hotel (Dr. Z. Hussain Marg)	Hotel	26.04.57	94'-6"
11. Hotel Kanishka & Hotel Ashok Yatriniwas (Ashoka Road)	Hotel	29.01.79	208'-11"
12. Lok Nayak Bhawan	Govt. Offices	1976	120 ft.
13. Sanchar Bhawan-P&T (Ashoka Road)	Govt. Offices	24.10.69	182'-3"

117. The Committee are informed that in MPD-1962 there was no mention of Lutyen's Bungalow Zone, a low density garden city bungalows below tree height except recommending for judicious raising of the density in the area. The MPD-2001, notified on 1-8-90 made special provisions for the conservation of tree studded bungalow character of Lutyen's Delhi.

1.72 Agreeing with the provisions made in MPD-2001, the Committee desire that the preservation and maintenance of basic character of Lutyen's Bungalow Zone i.e. tree studded bungalows below tree height may be ensured so that Lutyen's Delhi continue to hold a place of pride in the Capital cities of the World. The Committee also desire that modification/amendment may be carried out in the Master Plan for Delhi, 2001 making specific provision banning any construction of multi-storied buildings in Lutyen's Bungalow Zone.

1.73 The Committee note that restriction exist confining reconstructions/addition/alteration on bungalow plots to the parameters of existing bungalows with respect to coverage, FAR, and height etc. the Committee desire that these restrictions should be scrupulously implemented.

1.74 At present NDMC, a local civic body is responsible for sanction of building plans for construction and enforcement of norms prescribed by DDA in Lutyen's Bungalow Zone. The Committee desire that before issuing sanction to building plans for bungalow plots or for making any reconstruction/addition/alteration on bungalows in Lutyen's Bungalow Zone, NDMC should also seek prior concurrence of the 'Authority'.

**1.75 The Committee further recommend that NDMC should conduct a survey of all high rise buildings and bungalows in the Lutyen's Delhi Area in order to find out any violation of the prescribed norms and take appropriate action against such violations. They would like to be apprised of the outcome of such a survey.**



## CHAPTER II

### ACQUISITION OF LAND

#### *Notifications for Acquisition*

2.1 'The Delhi Development Authority is a body corporate having perpetual successor and common seal with powers to acquire, hold and dispose of property, both movable and immovable and to contract. By virtue of aforesaid powers DDA holds movable and immovable properties and have also acquired lands some of which were given to it as a successor body of erstwhile Delhi Improvement Trust. The Central Government has also placed lands at the disposal of DDA, for management as well as disposal. This is done by the Lt. Governor, Delhi under Section 22(1) of Delhi Development Act, 1957 to whom the powers have been delegated by the Central Government. These lands are in turn acquired by Government of National Capital Territory of Delhi (NCTD) for planned development of Delhi under the provisions of Land Acquisition Act, 1894. The Delhi Development Act, 1957 in itself has no provisions for acquisition and requisition of immovable properties.

2.2 Explaining the DDA's role in the acquisition of land, the Vice-Chairman, DDA informed the Committee during evidence:

"The important aspect is that the DDA does not acquire land itself. We do not have the competence. We work out our requirement. We send it to the Delhi Administration which is kind enough to acquire land on behalf of DDA. At the time of handing over possession, there is a common revolving fund in which we deposit the money".

2.3 The Principal Secretary, Government of NCTD supplemented:—

"Under the provisions of the Land Acquisition Act in respect of Delhi, the appropriate Government is the Central Government. But the powers of acquisition have been delegated to the Lt. Governor of Delhi who issues the land acquisition notifications after following the statutory provisions under the Land Acquisition Act. The Government of Delhi hands over the possession of the land once acquired to the DDA or whatever else may be the acquiring agency. The main land acquiring agency in Delhi over the past three decades of course has been the DDA."

2.4 Under Section 4 of the Land Acquisition Act the Government announces its intention to acquire the land and under Section 6, it announces its decision to acquire the land.

2.5 When enquired about the area of land notified and the land actually acquired, it was informed that about 174292 acres of land under Section 4 and about 103958 acres of land under Section 6 of Land Acquisition Act, 1894 have been notified. However, upto December, 1995 only 59,542,78 acres of land have been placed at the disposal of DDA under Section 22(1) of DD Act after acquisition. Asked as to how only 59542 acres of land has been acquired/placed at the disposal of DDA as against 103958 acres notified under Section 6 which is issued only after the requirement and feasibility is ascertained and a decision is taken to acquire the land, the Secretary, Government of NCTD stated during evidence:

"The first Point is that 59511 acres is a figure of land which was formally transferred to the DDA under Section 22 of the LA Act, it is therefore not necessarily a complete and correct figure of all the land which was acquired and possession taken by the DDA. There may be a time gap in some cases where the land is acquired and possession taken by the DDA but has not yet been formally transferred under Section 22 of the DD Act. There may also be a certain amount of land where there is a time lag between the issue of notification under Section 22 and the land being acquired by the DDA."

2.6 The representative added:

"There will be different stages. There is some land which is acquired, taken over, but not formally notified and placed at the disposal of DDA under Section 22 of the LA Act. Secondly, there will be some land in respect of which the LA proceedings may still be pending, where Section 6 notification has been issued, but the award has not been announced or possession has not been taken or land acquisition proceedings have not been finalised. Or there may be cases where the Government withdrew from the case or the LA case was not complete. Quite often it happens that they have the right to take possession but they find that a certain area is heavily built up and it is not possible to take it over. In some cases it is formally denotified also. In some other cases there may be a stay order and in view of the stay order it is not possible to take possession of the land and the matter remains at that stage. There may be different reasons for this position."

2.7 Asked to indicate the amount that has been paid by DDA for over and above 59511 acres of land, the Ministry of Urban Affairs and Employment, in a written note, State:

"Money is deposited into the Revolving Fund and therefore, it is not possible to indicate for how many acres money has been remitted."

2.8 The complaints are received about delay in acquisition of land and payment of compensation. It is alleged that acquisition proceedings are not completed within 10 years of finalisation/enforcement of Master Plan/Zonal Plan as required under the provisions of Delhi Development Act. The Ministry in a reply have stated that now Land Acquisition Act 1894 has been amended and it has been made mandatory that notification under Section 6 shall be issued within one year of issuance of notification under Section 4 and award should be finalised within 2 years from the issue of notification under Section 6. In other words the entire acquisition process is to be completed within three years.

2.9 In reply to a question it has been stated that physical possession of land measuring 9187.11 Bighas has been handed over to DDA but the same has not been placed at the disposal of DDA. Further 12733.5 Bighas of land acquired for canalisation of river Yamuna is yet to be taken over as DDA has not finally decided to take over the same. The Government were asked to clarify the above position. In their written note submitted to the Committee, the Government have stated as under:

“DDA has clarified that the figures pertaining to the land for which physical possession is taken by DDA from time to time are not static and they keep changing due to fresh possession proceeding. At one stage of time, these figures were recorded as 9187 Bigha 11 Biswa. As on 10.3.1995 the land measuring 13075 bigha 1 biswa for which physical possession was taken over by DDA on different dates has not been placed at the disposal of DDA under Section 22(1) of D.D. Act, 1957 due to pending court cases for enhancement of compensation.”

2.10 As regards reservations of DDA for not taking over the land measuring 12733.5 bighas in Yamuna bed, the reply reads as follows:

“DDA has reported that land measuring 14519 Bigha 4 Biswa in respect of 15 villages falling in River bed Yamuna was acquired under various awards in the year 1992-93 out of which DDA has taken over physical possession of land measuring 3615 bigha 15 biswa in respect of 4 villages. Land measuring 1430 Bigha 10 Biswa was found sub-merged into water in four villages and was subsequently denotified. Physical possession of the remaining acquired land excluding land under water will be taken by DDA in phases depending upon the availability of funds. DDA has paid an amount of Rs. 5.39 crores in revolving funds in respect of the land acquired in villages Nagli Razapur and payment for Kilokri amounting Rs. 2.05 crores is under active process.”

2.11 The position of taking over physical possession of land in village Kakrola is stated to be as under:

“The land measuring 8720 Bigha was acquired in village Kakrola. Out of this, DDA has taken over the physical possession of land measuring 6817 Bigha 6 Biswa and the compensation in respect of

the land taken over by DDA, has been paid by LAC to the farmers. The physical possession of remaining land could not be taken over due to unauthorized construction/unauthorised colonies."

2.12 As per DDA record land measuring 31530 Bigha 17 Biswa of different villages for which physical possession has not been given to DDA either the land was found built up on the ground or DDA has not arranged amount of compensation. As per policy the payment is made only to the owners of the land after the physical possession of acquired land is taken over by L.A.C., L&B Department and DDA. The payment is made by LAC and not by DDA.

2.13 As regards number of cases in which land acquisition has been challenged and pending in different courts as on 7.9.1994 was as under:

---

Supreme Court	166
High Court	2724
Civil suits in lower courts	246

---

2.14 The Committee enquired about the reasons alongwith the period for pendency of such a large number of cases, the Secretary, Department of Land and Building, Government of National Capital Territory of Delhi stated during evidence:

"There are mostly writ petitions challenging the land acquisition. In this type of case it is not possible to take any special measure."

2.15 The Committee note that lands in Delhi are acquired under the delegated authority by the Government of National Capital Territory of Delhi (NCTD) under the provisions of Land Acquisition Act, 1894 and subsequently possession of such lands is made over to DDA under Section 22(1) of Delhi Development Act, 1957 for the planned development of Delhi. Under Section 4 of the Land Acquisition Act, 1894, the Government announces its intention to acquire the land and under Section 6, it announces its decision to acquire the land. At present, the entire acquisition process is to be completed within a period of three years. In this connection, the Committee find that about 174292 acres of land under Section 4 and about 103958 acres of land under Section 6 of the Land Acquisition Act, 1894 has been notified, but regrettably possession of only 59,542.78 acres of land has actually been given to DDA upto December, 1995. The rest of the lands is stated to be either at different stages of acquisition/transfer of possession to DDA under Section 22 of DD Act or is heavily built up preventing take over consequently resulting in its formal denotification in some cases also. Some of the lands under dispute are also under litigation. The Committee are dissatisfied with the present pace of land acquisition by NCTD and its subsequent transfer to DDA, as only about 50% of land decided to be acquired by NCTD has been transferred to DDA so far. The Committee feel that, in view of the increasing shortage of dwelling units for the vast population of Delhi urgent steps should be taken by the Ministry of

Urban Affairs and Employment/DDA to persuade the Government of NCTD to take suitable measures for acquisition and transfer of land to DDA to fulfil the housing requirement in Delhi.

2.16 The Committee also desire that a realistic assessment of the requirement of land may be made by DDA and intimated to the Government of NCTD for acquisition.

Before going in for acquisition of land, it should be ensured that the land is actually required for some public purpose. It should also be ensured that sufficient funds for payment of compensation to the farmers for acquisition of their land and for the development of land/taking up the projects are available with DDA. The utilisation of land acquired so far may also be intimated to the Committee.

2.17 It is astounding to find that DDA has no information about the land for which money has actually been remitted. The Committee can not but deprecate the ignorance of DDA when it said that "money is deposited into the revolving fund and therefore it is not possible to indicate for how many acres money has been remitted."

2.18 In the absence of such a data, the Committee feel that any kind of misappropriation or irregularities in accounts can not be known. The Committee, therefore, recommend that DDA should maintain proper records of remittance of money from the revolving fund so that it is known to it for which land how much money has been paid and how much more money is required to be placed in the revolving fund.

2.19 The Committee are informed that physical possession of land measuring 13075 bighas was taken over by DDA but the same has not been placed at its disposal under Section 22(1) of the DD Act, 1957 due to pending court cases for enhancement of compensation. In some other cases, the physical possession of land measuring about 31530 bighas could not be taken over by DDA due to area being built up at the site or for non-payment of compensation. The above position clearly indicates that over 44600 bighas of acquired land has not been put to use because either DDA has not taken over the physical possession of the land or the land has not been placed at its disposal. Further, as many as 3136 cases of land acquisition involving considerable area are reported to be pending in different courts as on 7.9.1994. Lands in Delhi being vulnerable to encroachments, all such situations provide thriving ground for large scale encroachments, unauthorized occupation and illegal construction especially, on lands notified for acquisition encouraged by complicity and collusion of officials of the Department concerned.

2.20 The Government of NCT of Delhi is the nodal agency for acquisition of land on behalf of DDA. The Committee appreciate the recent amendment made by the Government in Sections 4 and 6 of the Land Acquisition Act, 1894, thereby reducing the time of entire acquisition process to 3 years. Though it has now been made mandatory that notification under Section 6

shall be issued within one year of issuance of notification under Section 4 and the award shall be finalised within 2 years from the issue of notification under Section 6, the Committee find that upto December, 1995 possession of only 59,542 acres of land out of about 1,74,292 acres of land notified under Section 4 and about 1,03,958 acres of land notified under Section 6, have actually been given to the DDA. Land in Delhi being scarce and in great demand, has become very precious. In this connection, given the fact that a large number, of unauthorized constructions/colonies have spring up during the last two decades thus making a substantial area in Delhi virtually a slum, the Committee have their own apprehension that even after issue of notifications under Section 4, the land owners in connivance with the authorities and unscrupulous elements deliberately raise unauthorized structures to frustrate acquisition of land under Section 6 of the said Act and subsequently get it denotified clandestinely thereby badly defeating the objectives of planned development of Delhi. In the opinion of the Committee this is not a healthy state of affairs. They, therefore, desire that the Government of NCTD, Ministry of Urban Affairs and Employment and DDA should sit together and devise some ways and means urgently to avoid such a situation by taking effective remedial measures to prevent unauthorized construction coming up on the lands notified by the Government of NCTD under Section 4 of the Land Acquisition Act, 1894 and facilitate its smooth transfer to DDA for construction of residential houses and other purposes to fulfil the objectives of planned development of Delhi under the Delhi Development Act.

### *Urgency Clause*

2.21 In a note on representation received against invoking of urgency clause for acquisition of land, the Ministry have stated as follows:

“The DDA often invokes the urgency clause under Section 17 of the Delhi Development Act, 1957 wherein, possession of the land is taken over from the land owners and handed to the DDA even before the declaration of final award provided 80% *ad hoc* compensation is paid to the land owners. It is alleged that the urgency clause is invoked by the DDA even when lands are not urgently required.”

2.22 Section 17(1) of Land Acquisition Act, 1894 reads as under:

“In cases of urgency, wherever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in Section 9, sub-section (1), “take possession of any land needed for a public purpose”. Such land shall thereupon vest absolutely in the Government, free from all encumbrances.”

2.23 Asked in how many cases Urgency Clause under Section 17 of Land Acquisition Act, 1894 was invoked since DD Act, 1957 came into force, the Ministry in a written reply, stated that in 77 cases, the above Section was got invoked for getting the land acquired.

2.24 The Committee desired to know whether the land in all such cases was acquired and taken over before the declaration of final award. In this regard the following information was furnished to the Committee:—

“In 39 cases, possession of the land was taken before declaration of the award and in 2 cases, after declaration of the award. It may, however, be informed that possession in 36 cases is yet to be taken from L&BLAC. This has not been possible because of stay granted by the various courts or the area being built up at site.”

2.25 It is a general complaint of land owners that the Urgency Clause is invoked even when lands were not required urgently and in many cases DDA did not pay 80% *ad hoc* compensation in time before taking possession of land. When attention was drawn to the above, the Secretary, L&B Department, Government of NCTD, stated during evidence:—

“As regards the question about payment, that will be paid only upon taking physical possession. Therefore, normally there will not be a situation where the money has been paid and physical possession has not been taken. Payment is not made even after “taking paper possession”.

2.26 Since Section 17 of LA Act is invoked when land was required urgently for public purpose, it was enquired whether the land so acquired after invoking Urgency Clause under Section 17, was developed and put to use, the Ministry in their written reply, stated:

“Land development is a lengthy process. After taking possession from Delhi Administration detailed survey is undertaken, sector plans are formulated and sanctioned and then development is undertaken. For example, Dwaraka Project, taken up in 1986 will go upto 1999.”

2.27 The Committee are informed that whenever any land is needed urgently for public purpose, DDA invokes urgency clause under Section 17 of Land Acquisition Act, 1894 and takes over the possession of land after expiry of 15 days from the date of publication of notice in this regard without declaration of final award provided 80% *ad hoc* compensation is paid.

2.28 Section 17 of the Land Acquisition Act, 1894 is invoked when land is required urgently for public purpose. Land owners in their complaints/representations have pointed out that urgency clause was very often invoked by DDA even though the land was not required urgently for public purpose. Regretably, the same is confirmed from the fact that out of 77 cases where urgency clause was invoked, possession in 36 cases was yet to be taken over from the Land and Building Department/Land Acquisition Collector.

2.29 The Committee are against the misuse of the statutory provision of urgency clause provided in the Land Acquisition Act, 1894 for acquisition of land on which development process takes a number of years. The Committee recommend that invoking of urgency clause should be resorted to only when the land is actually required urgently for public purpose and which can not wait for the normal procedure of acquisition. The Committee also desire that DDA should review all such cases under litigation with a view to avoiding contesting them in the courts.

2.30 The Committee also expect the Ministry of Urban Affairs and Employment to safeguard the interest of the farmers for whom no trauma is greater than depriving them of their means of livelihood all of a sudden i.e., acquisition of their land under urgency clause without giving them any opportunity of being heard.

### *Compensation*

2.31 The scale of compensation to be paid for agricultural lands acquired by DDA for the planned development of Delhi, is laid down by the Lt. Governor, Delhi. In determining the rate of compensation, the Land Acquisition Collector (who acquires the land for Government of NCTD on behalf of the DDA) is guided by the official compensation per acre as determined by the L.G., Delhi at the time of Section 4 notification, under the Land Acquisition Act as well as such sales statistics as are available prior to date of notification under Section 4 and claims made by the interested owners of the land, as per stipulations in the Land Acquisition Act, 1894.

2.32 Asked to state the basis on which the rate of compensation was decided, the Principal Secretary, Government of NCTD stated:—

“The provision of the Land Acquisition Act do provide the basis on which compensation is to be paid. The basis under the Land Acquisition Act is the market value of the land on the date of Section 4 Notification, which is very first notification indicating Government's intention to acquire the land plus 30% solatium for the compulsory character of acquisition, plus the interest in the case of delayed payments in the manner prescribed in the Act.”

2.33 When enquired how to ensure that the compensation fixed is not too low, the Principal Secretary, Government of NCTD explained the position during evidence:—

“In Delhi, for many years, there was no fixed norm to look to the arguments in the particular case, the sale data from the area in order to arrive at a rate. It was felt that this rate is sometimes somewhat uneven. Therefore, by way of administrative guidelines, the Lt. Governor did a few years ago issue guidelines indicating a normal minimum compensation in respect of agricultural land. The total comes to about Rs. 6 lakh per acre. Then the Delhi Government has also been examining the possibility of revising this currently.”



**2.34 The representative added:**

**"The Land Acquisition Collectors make a statutory order in a quasi judicial capacity which is subject to appeal. The courts cannot be bound by such guidelines. They are naturally bound by the provisions of the Land Acquisition Act and their judgement regarding what would be the appropriate amount keeping in view the market value."**

**2.35 The present minimum prices effective from 27.4.90 fixed vide Land & Building Department, Government of NCTD letter dated 3.5.94 for the acquisition of lands is as follows:—**

- (i) Rs. 1.5 lakhs per acre for lands situated in the river bed between the forward bends;**
- (ii) Rs. 4.65 lakhs per acre for all other agricultural land.**

**2.36 In addition to these minimum prices the farmers/land owners would also be entitled to 30% solatium and other benefits provided for in the Land Acquisition Act.**

**2.37 Since the above guidelines were for fixing the minimum compensation, the Committee desired to know as to how the cost of land is actually decided. The Vice-Chairman, DDA deposed before the Committee during evidence as follows:—**

**"The land price or land acquisition cost is decided by the Land Acquisition Collector of Delhi Administration and it varies from year to year and for category of land to category of land."**

**2.38 Asked whether the land owners accept the compensation in protest and prefer to move to the courts for enhancement of compensation, the Ministry in a written reply, informed:—**

**"It is the right of the individual land owner to file a reference under Section 18 for enhancement of compensation irrespective of the fact whether the land owner had accepted the compensation under protest or not.**

**A number of land owners move the courts for enhancement of compensation by filing references under Section 18 of the Land Acquisition Act."**

**2.39 In this connection, the representative from the Government of NCTD expressed during evidence:—**

**"But it must be remembered that this was the value of land as agricultural land before it was intended to be urbanized. As soon as DDA expresses its intention under Section 4 to acquire a piece of land, it becomes known that this land is going to be developed by the DDA and suddenly its value shoots up. That factor has to be excluded by the law. We are concerned with the value of the land at the initial notification stage."**

2.40 Out of a consolidated compensation of about Rs. 565 crores 36 lakhs paid to land owners for the acquisition of their land from 1961-62 to 1993-94, Rs. 204 crores 60 lakhs were paid as enhanced compensation. The compensation as per awards was of the order of about Rs. 360 crores 76 lakhs.

2.41 When enquired why no proper evaluation of land is done in the first instance, the Vice-Chairman, DDA stated:

"There are two or three factors. This can be one of them. Sometimes, the farmers say that the land is very-very valuable. But actually, we know it for definite that it is only Grade-II land. During the pursuance of the case in the court, there might have been little omission. In that case, he gets compensation for that. So, there have been cases where they have got artificial rise."

2.42 It has further been informed that there have been cases where full payment of compensation has not yet been made. One of the reasons for not making the payment has been stated to that the money was not deposited by DDA and the Government of NCTD was waiting for the receipt of money from DDA.

2.43 Asked why DDA had not deposited the money with LAC for disbursement to land owners, the Vice-Chairman, DDA stated during evidence:

"This huge liability arising out of the enhanced compensation is a thing of very recent origin. We have analysed the data for the last four years from 1991 to 1994. As you can yourself see, the amount has been rather jumping quite a lot. The matter has been discussed through coordination angle as well as through legal angle. DDA is of the view that wherever we feel that the court had not appreciated all the facts and figures which had earlier gone into the case and on the basis of which the earlier compensation was decided, the DDA and the Government should go in appeal. What we are going is that those cases which are appealable, appeal can be filed; those in which time has lapsed and appeal can not be filed are also there. But we are giving priority to those cases in which some sort of a finality has been reached. In 1993-94 itself we paid Rs. 72 crore to the revolving fund. This is compared to only Rs. 4 crore paid in the previous year."

2.44 At the same time, the Vice-Chairman, DDA added:

"Whatever is legally decided as the compensation has to be paid and we do that as the first thing."

2.45 The Secretary, Ministry of Urban Affairs and Employment was of the opinion that "the decision to enhance compensation is literally a big blow to DDA."

2.46 Under provisions of the Land Acquisition Act the basis on which compensation is to be paid is the market value of the land on the date of issue of Section 4 Notification. This market value of the land is decided by the Land Acquisition Collector of Delhi Administration. In this connection, the Lt. Governor of Delhi has also issued administrative guidelines indicating a normal minimum compensation in respect of agricultural land at about Rs. 4.65 lakhs per acre since April, 1990 plus 30 per cent solatium as compulsory character of acquisition of land. Individual land owner, however, has a right to file a reference to the higher Court against the order of Land Acquisition Collector for enhancement of compensation.

2.47 The Committee also take note of the views expressed by the Government of National Capital Territory of Delhi that as soon as it is known that a particular land is going to be developed by DDA, its value shoots up. It is observed that as against the amount of compensation of Rs. 360 crores 76 lakhs awarded by LAC from 1961-62 to 1993-94, the enhancement was of the order of Rs. 204 crores 60 lakhs which clearly indicates that the valuation of land under acquisition was not being done properly resulting in a lot of litigation as also harassment to owners of land due to inadequacy of compensation for acquisition of land.

2.48 The Committee desire that LAC of Delhi Administration should take note of the observations made by the higher courts for enhancement of compensation and make assessment and valuation of land in a more rational and practicable manner for determination of market value of the land so that owners of the land need not to knock at the doors of the higher court for just and fair compensation.

2.49 The Committee do not agree with the views expressed by the Secretary, Ministry of Urban Affairs and Employment that 'the decision to enhance compensation is literally a big blow to DDA'. The Committee feel that rather it is a great injustice and big blow to the farmers who after being deprived of their means of livelihood, are not paid just and fair compensation and have to incur a lot of expenditure and spend time and energy on litigation for a number of years to get their due compensation for acquisition of land by DDA. The Committee desire that Government should review all cases of enhancement of compensation filed by the farmers in the light of judgements made in the past by the higher courts and end injustice and harassment to the farmers.

#### *Allotment of Alternative Plots*

2.50 As per the policy of the allotment of alternate plots to the person whose land is acquired under the scheme of Large Scale Acquisition, Development and Disposal of Land in Delhi is made by DDA on the basis of recommendations of Land & Building Department of Delhi Administration. The Land & Building Department indicates the area of land to be allotted to the recommendee alongwith the size. These areas are called zones. The recommendees whose land was acquired prior to 3.4.86 are allotted a maximum of 400 sq.yds. of land; whereas after 3.4.86 the

biggest size of land which can be allotted is 250 sq.yds. The formula for determination of size of plot is as under:

(a) Below 1 bigha	No plot
(b) 1 bigha	40 sq. yds
(c) Between 1 to 5 bighas	80 sq. yds
(d) Between 5 to 10 bighas	150 sq. yds
(e) Above 10 bighas	250 sq. yds

Note:— One bigha is equivalent to 1008 sq. yds. As per DDA Nazul Land Rule 1981, such allotment is made subject to payment of premium of the plot at the pre-determined rates decided from time to time, which consist of cost of acquisition, development charges and concessional charges for use and occupation.

2.51 In a judgement announced on 30.7.93 in CWP No. 623/93 titled Shri Rama Nand Vs. UOI & others, Delhi High Court has declared that the right of a recommendee to the allotment is not absolute and it is the discretion of DDA to decide as to what size and where the plot is to be allotted to such a recommendee.

2.52 During the year 1990-91 to 1991-92 (upto 31.8.93) the number of alternative plots allotted through draw of lots is as under:—

1990-91	159
1991-92	963
1992-93	1821
(upto 31-8-93)	<hr/> 2943

2.53 As on 30.6.93 the pendency of the recommendees in DDA of various zones is as under:

East Zone	370
West Zone	346
Dwarka	289
North Zone	486
South Zone	253
	<hr/> 1744

2.54 In reply to a question regarding fixation of seniority and the total number of plots allotted, the Government have submitted *inter alia* as under:—

“Now the seniority of the recommendee is being maintained on the basis of date of taking over physical possession of the acquired land. “Prior to draw held in April, 1995, the allotment of

alternative plots was being made according to seniority maintained on the basis of date or receipt of recommendation in DDA from L&B Department. Upto the last draw held in 1993, the alternative allotment had been made to 9172 recommendees in all zones."

2.55 Asked whether it was in the discretion of DDA to allot a plot of land in lieu of land lost by the owner either in the same area or in any other area, the Secretary, Ministry of Urban Affairs and Employment informed the Committee during evidence:

"A case of this nature had gone to the Supreme Court and they held that a landholder has to be compensated by quantity of plot of land for residential purpose in that zone and the whole city has been divided."

2.56 Justifying the criteria for the allotment of plot zone-wise, the Commissioner, (LD), DDA stated during evidence:

"From 1961-62 onwards, under the large-scale acquisition programme, we have been acquiring land from the Kisans. We are giving them alternative plots as close to his land as possible. For example, if I have acquired the land in Hauz Khas area, I should give a plot in that area itself. Over the years, what happened was that as per the planning norms and other development which was taking place, the entire area was disposed of in some other manner. Therefore, we shifted to the policy of having him as close to his village as possible. If we could not do that, we would at least try to do it in the neighbouring village as close as possible. The point is that the city's development is taking place in a particular form. From 1992, we found that the position has changed drastically. Then a decision was taken at the highest level to formulate at least some zones and give the plots on the zone basis."

2.57 The Vice-Chairman, DDA supplemented:—

"A situation has developed wherein we have got nearly 1100-1200 cases which are still pending with us where we have to allot the plot. The Commissioner of Land and Development mentioned that only a few plots are available in those areas where the lands have been acquired. Many of the cases are very old. We have to find a solution. The matter was considered by the Authority. A decision was taken to allot them plots in the three colonies Dwaraka, Rohini and Narela. Even the zone concept is not there now. In a recent meeting the Authority, has taken a conscious decision that all the people who are now waiting for alternative plots will be allotted in these three colonies—Dwaraka, Rohini and Narela."

2.58 During the course of evidence, it was brought to the notice of the Committee that the orders for allotment of alternative plot in a particular

case of Smt. Pratibha Singh, Ex. MP were issued after about 28 years. The Committee desired to know the position regarding allotment of plot as well as the reasons for pendency of the case for such a long time. The information as furnished by the Government is as follows:—

“Plot No. 51 Sec. 12-A Dwaraka has since been allotted to Smt. Pratibha Singh, Ex. MP in the draw held on 28.4.95. Demand letter for the said plot has also been issued on 31.8.95. Before the issue of demand letter, Smt. Singh's request for allotment of plot in Mandakini/Vasant Lok was not agreed to. She was informed accordingly by DDA on 1.8.95. Smt. Singh has represented for allotment of alternative plot in Vasant Vihar, Vasant Lok or Mandakini, instead of Dwaraka and her representation is under examination in DDA.

Regarding background of the case, it is stated that alternative allotment is made after receipt of the recommendation from the L&B Department Government of NCT. Prior to draw held on 29.4.95, the allotment was being made on the basis of seniority being maintained on the basis of date of receipt of recommendation in DDA. The name of Smt. Pratibha Singh was not considered for allotment prior to 1995 as she was not eligible for allotment as per seniority. Now the seniority of the recommendee is being maintained on the basis of date of taking over physical possession of the acquired land. Since the date of execution of acquired land was 19.3.62, therefore, she has been considered for allotment.”

2.59 The Committee are happy to note that there is a policy of the Government for allotment of plot of land to the person whose land is acquired under the scheme of Large Scale Acquisition, Development & Disposal of Land in Delhi. This allotment of plot of land alongwith the size and the area in which plot to be allotted is on the basis of recommendations of Land and Building Department of Delhi Administration. At present, allotment of the size of the plot varies from 40 sq.yards to 250 sq.yards depending upon the area of land acquired. No plot is allotted to the person whose acquired land is less than one bigha (1008 sq. yards). Prior to 1992 plots of land were allotted to recommendees as close to their village or in the neighbouring village as possible. From 1992 all plots were allotted zone-wise and as per present policy plots are being allotted in three colonies viz. Dwaraka, Rohini and Narela.

2.60 The Committee feel that the present policy of DDA for allotment of alternative plots lacks fairness and rationale. Owners of the land whose land is acquired should be allotted plots as far as possible, in the same area or in that zone where their land is acquired by DDA. Persons, whose land acquired is less than one bigha should also be considered for allotment of plot of 40 sq.yards.

**2.61 The Committee are constrained to find that about 1200 recommendees are still waiting for allotment of alternative plots. Some of the cases are very old. The Committee desire that allotment of plots should be expedited. The allotment should be made in a time bound manner. The Committee would like to know the pendency of the recommendees alongwith the period of pendency in DDA in different zones.**

## **CHAPTER III**

### **DEVELOPMENT OF LAND**

#### ***Provisioning of Infrastructure***

3.1 Land measuring 59,510 acres has been placed at the disposal of DDA after acquisition upto 31.12.93. The approximate quantum of land so far developed, after excluding the land relating to the major schemes which is still undeveloped or in the process of development and the chunks of land encroached upon, works out to 47,480 acres.

3.2 DDA as per provision of Section 6 of Delhi Development Act, 1957 is primarily responsible for the peripheral and internal development within the areas declared as the Development Areas in Delhi. The various services like Water Supply, Sewerage and Storm Water Drains to be provided in these Development Areas are designed by DDA engineers and submitted to the Delhi Water Supply and Sewerage Disposal Undertaking of MCD/I & F Department of Delhi Administration for their approval to ensure that the same fits in the overall system. The schemes are then executed by DDA as per these approved designs.

3.3 The trunk services are provided by DWS & SDU (MCD) as far as Water Supply & Sewerage Works are concerned. The outfall drains for the Storm & Water Drainage system carrying a capacity of 1000 cusecs & above are provided by Irrigation & Flood Department of Delhi Administration. These trunk services are executed out of Plan Funds. As regards roads, all roads up to 30 mtrs. R/W are constructed in the Development Areas by DDA, whereas all the Master Plan roads, i.e. 30 mtrs. R/W and above are the responsibility of PWD Delhi Administration out of allocation of Plan Funds. For the sake of convenience and to minimise coordination problems, initial 2 lanes are constructed by DDA on behalf of Delhi Administration as deposit work. This is essential from the points of view of making the areas accessible and also to be able to check the encroachments at the initial stage.

3.4 For all the external electrification work, DDA pays the proportionate cost of the electrification to DESU and all the works are planned and executed by DESU on behalf of DDA.

3.5 After development of all services by DDA, the same are transferred to respective Department for further maintenance as per provisions of Section 36 of DD Act, 1957.



3.6 Asked to enumerate the difficulties being faced by DDA in overall development of land and how it did overcome those difficulties, the Ministry in a written note, submitted:—

“Whenever DDA plans to undertake development of any scheme/project the various local bodies are apprised of the requirements of trunk services right from the inception state.

Subsequently, the yearly requirements are also conveyed to them at different stages. However, despite this continuous liaison with local bodies, it has been experienced that most of the time these agencies don't keep pace with the development of areas by DDA on account of constraints of their own relating to the bulk availability of raw water & electricity, infrastructure for electricity transmission, facility of treatment of water and sewage, availability of funds etc. This not only slows down the overall development being done by DDA but additional expenditure is also incurred for providing interim services.

For undertaking internal and peripheral development works, the department sometimes faces difficulties on account of court stays and/or encroachments of certain stretches of land. The development activity also gets affected due to delays in approval of services plans by the local bodies, constraints of resources and contractual problems.

However it is only in respect of the provision of trunk/bulk services that the DDA faces real difficulty in completing the development activity. DDA tries to overcome these difficulties by co-ordinating with all the concerned local bodies at various levels through exchange of correspondence and holding meetings etc. The disputes and unresolved issues are taken up in the Standing Committee under the Chairmanship of Chief Secretary, Government of National Capital Territory of Delhi, and, if necessary, at the level of Lt. Governor, Delhi. Sometimes, the issues have to be resolved at the level of Ministry of Urban Development also.

DDA makes its own interim arrangements for supply of water by boring the tubewells and for disposal/treatment of sewage by constructing oxidation ponds etc. So that the allotment/utilisation of the completed Projects is not delayed for want of bulk services from the other local bodies. However, for supply of electricity, DDA is not in a position to make any interim arrangements and has to totally depend upon DESU, it becomes difficult to

commission the tubewells bored for making interim arrangement of supply of water.

3.7 The availability of physical infrastructure (mid 1993) was as under:

(i) Water supply	525 MGD.
(ii) Sewerage	280 MGD.
(iii) Power	1516 MW

3.8 As per standard for water supply and sewerage prescribed in MPD 2001, the requirements of water and sewerage works out as under (for 10 million population)

Water	800 MGD.
Sewerage	640 MGD.

3.9 MCD have in the 8th Five Year Plan worked out the following targets at the end of Plan :

Water	785 MGD.
Sewerage	499 MGD.

3.10 As per 14th Power Survey Committee, as in the 8th Five Year Plan, the demand for power at the end of the 8th Five Year Plan has been worked out to be 2532 MW which anticipated availability 2283 MW.

3.11 The impact on cost analysis in making the interim arrangement, as admitted by DDA is as under:—

“As a result, DDA, not only has to incur additional expenditure for providing interim services but a lot of investment remains blocked due to non-electrification of schemes by DESU.”

3.12 As regards water supply, the Committee was informed that the position in this regard was not encouraging. In order to meet the shortfall, two water treatment plants—one at Nangloi with the capacity of 40 lakh gallons and the other at Bawana with the capacity of 20 lakh gallons of water were under construction. Another treatment plant at Hyderpur has already been constructed. These plants could be operative subject to the availability of raw water from Haryana.

3.13 In the matter of supply of electricity, the Secretary Ministry of Urban Affairs and Employment stated during evidence:

“The Ministry of Urban Development or the DDA do not have the capacity or responsibility for generation and distribution of power.”

3.14 Due to lack of power supply, the development and construction work lagged behind the schedule and the allotment had to be deferred. In this connection, the Committee desired to have the views of DESU. The General Manager, DESU explained the position as below:

"As far as new areas developed by DDA are concerned, like Papankalan, Rohini, Narela etc., these three will be having a requirement of 2000 MW. This is a staggering requirement with which we are concerned. We projected the problem to Ministry of Power. We are not sure from where this power requirement will be met with. As far as some houses which have been constructed to which connection could not be given, there are some technical problems. We distribute power to houses through 11 KV sub-station. To get this power we have to have a higher voltage station of say 33 or 66 KV sub-station. It is a time consuming process. We have to lay transmission systems for it. It is assessed that it should take about 30-36 months to complete a sub-station. In these three areas there were some bottlenecks. There were certain problems which have been sorted out with the intervention of the Ministry, Lieutenant Governor and the Chief Secretary. In some other areas there were other problems. Unless the route is sanctioned we cannot award the work to the contractor. We took a decision last year in this regard. As far as Papankalan is concerned, as early as January, 1994 for 600 houses we laid the system. The grid system is ready in Bindapur area and from there we will be able to meet the requirement. We will be able to meet the power requirements in the remaining areas also."

3.15 When attention of the representatives was drawn to the fact that when there was no power how they proposed to provide power to the three upcoming sub-cities of Papankalan, Narela and Rohini, the General Manager, DESU informed the Committee that the power shortage in the three new colonies will be distributed equally. Further, the residents of the capital will also have to bear the shortage equally.

#### *Coordination*

3.16 The various agencies involved in the development of land in Union Territory of Delhi are Delhi Development Authority, Municipal Corporation of Delhi, New Delhi Municipal Committee, Delhi Electric Supply Undertaking, PWD, Irrigation and Flood Department of Government of National Capital Territory of Delhi.

3.17 When enquired at what stage, the other agencies are involved, the Vice-Chairman, DDA stated:—

"So far as the infrastructure facilities are concerned we do not decide in piecemeal. These are duly integrated with the overall water supply, sewer drains, storm water drains etc. For example, in the case of storm water drains, we coordinate with MCD when the pipelines reach from the small DDA colonies to the main

MCD lines. Finally, we also coordinate with the Flood and Irrigation Department when it reaches Yamuna. There is a well developed mechanism for all these works because it is linked with the overall network in the city. Similarly, so far as water supply is concerned right from the beginning we involve Delhi Water Supply with regard to total requirement of the colony, from where it is supposed to come, places where the underground tanks have to be located and so on."

3.18 The DESU has a system of planning and executing all the works related to the electrification on its own as deposit works on behalf of the developing agency. It prepares the necessary proposals, sends an estimate to the developing agency and undertakes the execution of the work after the necessary fund are deposited by the developing agency as per the estimate.

3.19 The Committee desired to know whether they were able to achieve the desired result. Explaining their experience, the Ministry, in a written note, stated as under:—

"The provision of Trunk Services, viz. Bulk Water Supply and Sewerage Treatment facility by DWS & SDU Undertaking, electrification of the schemes by DESU and construction of Trunk outfall Drains by I&F Department of Delhi Administration, do not keep pace with the development of areas undertaken by DDA."

3.20 Elaborating the procedure further, the Vice-Chairman, DDA stated during evidence:—

"Once we acquire the land, then it is a very simple process. We work out the details. The Planning Section works out the lay-out plans which are then handed over to the Engineering Wing for development, laying the infrastructure. It is a very critical element which, I think, will be worth for the Committee to take note of. It is unfortunate that the DDA is not able to do things on its own. For water supply and electricity, we are depending on other agencies in Delhi. We do try our best to have an effective coordination with these two organisations. The pattern is something like this. There are services like roads, sewerage treatment, electricity, storm-water drainage etc. These are divided into three categories. First, you have the trunk services or the bulk services. Second, there are the peripheral services and third, the internal services. The trunk services are the main water supply lines which, after getting proper water treatment, are coming up to the corner of my area. Those are the external facilities. The peripheral services are the facilities which are provided by DDA within the macro-sectors and the internal services are the services done within a pocket of sector. We have good working equation with our sister organisations in Delhi. We are able to tie up with them and our

construction has come up, development has come up. At the same time, we have not been able to get the services from other agencies. I do not want to attribute any blame in this regard. Perhaps, we, in the DDA, are as much to be blamed as anybody else. But we do have a reasonably good interaction and we are hoping that the interaction will increase further. We are trying to evolve a system of having a Committee under the Lt. Governor because he is the head of our organisation. Finally, in the case of any disputes, we can always go to the Secretary in the Ministry of Urban Affairs and Employment. So, once this lay-out is done, then, we pass the land on to the Engineering Wing for initiating construction."

3.21 The Vice-Chairman, however, admitted that he was not satisfied with the existing mechanism and said:

"It is all right in theory. But sometimes at the operational level, we face problems."

3.22 Reacting to the question of nodal authority for different agencies, the Secretary of the Ministry informed the Committee during evidence:—

"I am the nodal authority for the DDA. NDMC and MCD does not function under me; they are under the Ministry of Home Affairs. I agree with the hon. Member that there is lack of coordination ..... I am going with a note to the Cabinet saying that should function under the Ministry of Urban Development. On this point I have been agitating for quite some time."

3.23 During evidence on 30th June, 1994, the Secretary informed the Committee as under:—

"My predecessor had taken it to the Cabinet and the Cabinet remitted it to the Committee of Secretaries to go into the question. He had prepared the papers with the assistance of Joint Secretary and quite rightly it will come up before the Committee."

3.24 Asked about his views on such a proposal, the Secretary, Ministry of Urban Affairs and Employment stated:—

"As regards the administrative control, even if it is not with us it does not matter; whether they are administratively under me or under the Ministry of Home Affairs or under the Municipal Corporation, that does not really matter much. As of today, DDA and MCD have some problems. They have to coordinate their activities. I think it is not really by having an institution under a particular Ministry that coordination can be achieved. My feeling is there has to be a kind of mechanism which can be applied at the level of their functioning."

3.25 When enquired as to how they are going to mitigate the problem of coordination, the Secretary of the Ministry of Urban Affairs and Employment submitted:—

“There have been some problems of coordination during the construction phase. The flats are being constructed by the civil engineering wing, and electricity and water supply has to be managed by two other wings of the Delhi Government. There has been a certain amount of time lag between the two for various reasons and for that we have created Standing Committee under the Chairmanship of the Chief Secretary of Delhi and there is Lt. Governor also to coordinate these activities in a time-bound manner. Even then, due to some reasons, there are shortfalls. I would agree with you that we have not amplified these shortfalls before you but there are time lags. As a matter of fact, when we were trying to get all the data from the DDA for the Estimates Committee, we did have these discussions amongst ourselves also and we found that there are a number of flats which have already been that constructed but not allotted and somehow we have not been able to supply electricity and water to those flats. But that is rather a burden on DDA because thereby they are losing interest and so on.

But now we have thought that we shall be having a Committee consisting of three persons — person incharge of electricity supply, person incharge of water supply and the Vice-Chairman. They will be sitting together on bi-monthly basis and sort out the problems. I know a particular case where there was some dispute about what should be the price of the land which should be given to DESU for construction of their electric sub-station. But that should not really injure so much the consumer because he has not been allotted the flat. It may give a financial set back to DDA. No doubt, this kind of agency coordination and implementation of the projects in a time-bound manner has to be there so that all the facilities fructify at one point of time.”

3.26 The various issues relating to trunk/bulk services which are still outstanding despite having been taken up in the Standing Committee under the Chairmanship of the Chief Secretary GNCTD and/or at the level of Lt. Governor Delhi are detailed below along with the latest position in each case:

*1. Issue regarding supply of water by DWS and SDU to Dwarka Project*

3.27 The structural plan of Dwarka Project was sanctioned by DUAC in September, 1990 after due discussions and deliberations with the various agencies like DWS & SDU, DESU, PWD etc. After approval of

the structural plan, detailed planning of the services like water supply, sewerage disposal, electricity was done in consultation with the concerned departments.

3.28 In respect of water supply, the location of Water Treatment Plant and Command Tanks including the total requirement of water were decided. Subsequently Water supply distribution system, lay out plans of command tanks etc. were also got approved from DWS & SDU and the works were taken on ground. DWS & SDU was simultaneously requested to give the water for Dwarka Project area in a phased manner. After constant pursuance, Engineer-in-Chief (W) committed to give 10 MGD Water on commissioning of Hyderpur Treatment Plant, during a meeting taken by Vice-Chairman, DDA on 29.7.94. This was again confirmed by DWS & SDU during a meeting taken by Hon'ble Lt. Governor on 16.1.95 at Dwarka Project Office. The matter was again discussed before Hon'ble Lt. Governor during another meeting taken by him on 26.6.95, wherein it was stated by Hon'ble Lt. Governor that DWS & SDU should fulfil their commitment. Chief Engineer (WZ) vide his letter No. CE(WZ)26(38)95/Water Supply/2208 dated 4th July, 1995 accordingly requested Engineer-in-Chief DWS & SDU to indicate the tapping point for the supply of water. However, till date no water supply has been given to DDA for Dwarka Project though about 8000 houses have already been completed in the area.

## *2. Issue regarding water supply from MCD for Rohini Ph. III Allottees.*

3.29 The Secretary, Ministry of Urban Development had taken a meeting on 2.5.87 wherein it was mentioned by CE(W), MCD that out of 100 mgd of water from Hyderpur treatment Plant, Rohini would be supplied 50 mgd of water. However, MCD actually supplied only 15 mgd of water for Phase I & II.

3.30 The Standing Committee in its 130th meeting held on 12.1.93 decided that DDA should discuss with Additional Commissioner (W) and Engineer-in-Chief, DWS & SDU and sort out the problems regarding making the water available in Rohini, Phase III out of existing availability of 15 mgd of water to the residents of Phase I & II. In a meeting taken by VC, DDA with the officers of MCD on 20.10.93 it was decided that to meet the immediate requirement of Phase III, 1-2 mgd of water be diverted to Phase III out of the 15 mgd of water already given to Phase I & II for which the MCD should indicate the location of the connection. After prolonged pursuance, the CE(C)-I of MCD responded in June 1994 by saying that the DDA may decide the point of tapping on its own, as the water supply system in Phase I & II was with DDA. Since MCD has ultimately to lay the trunk services right upto the periphery of Phase III and additional 4-5 km. length of water line required to be laid by DDA for supplying water to Rohini Phase III out of the existing system of Phase I & II will subsequently become infructuous. Moreover, the development and

construction of houses in Phase I & II is already nearing completion and even in Phase III, 5135 houses have already been completed, as a result of which a demand of about 35 mgd of water have already been completed, as a result of which a demand of about 35 mgd of water has of water made available by the MCD so far. It is, therefore, necessary that the MCD makes immediate arrangement for supplying adequate water to these areas as per its commitment made in May 1987 during the meeting held in the Ministry, which should not be difficult in view of an additional capacity of 50 mgd having been added by the MCD in its treatment plant in the recent past.

### *3. Issue relating to electrification*

3.31 The entire external electrification work including the bulk supply of electricity is done by DESU.

3.32 As regards water supply sewage treatment, DDA is able to make its own interim arrangement even when the bulk services from the respective local bodies are not available, but for electricity, DDA has to totally depend upon DESU and is not in a position to make any interim arrangement. Unfortunately, the DESU has not at all been keeping pace with the development activity of DDA, specially in the new urban extensions like Rohini, Dwarka, Narela etc. Electrification in a large number of DDA, pockets has either not been taken up or not been completed by the DESU inspite of the DDA's share of cost having been paid to it and inspite of the DDA having raised this issue repeatedly at the levels of Standing Committee and L.G. The DESU has been repeatedly committing targets dates for taking up completing the works, but has not been honouring the same.

3.33 The latest position in this regard is as given below:

- (i) Last such meeting at the level of L.G. was held on 9.3.95 when revised targets were given by the DESU only in respect of 9200 houses out the 22600 houses lying unallotted for want of electricity. The G.M. DESU had also assured in the meeting that in house discussions would be made and as far as possible, efforts would be made to complete the works in the shortest possible time.
- (ii) Subsequently, as the progress in the matter was still not satisfactory, the matter was pursued at the level of C.E. & E.M., including a meeting of E.M. with A.G.M.(T) DESU on 22.9.95 but nothing much could be achieved except revised targets been given by DESU, this time only for about 7400 houses.
- (iii) Another meeting between G.M., DESU and Vice-Chairman, DDA was held on 12.10.95 when the target dates for completion of electrification works in the 22600 houses were again discussed. In this meeting, the DESU has once again given a phased



programme for completion of electrification of about 16600 houses upto June 96. The programme for completion of external electrification work of the remaining 6000 houses is yet to be given by DESU.

3.34 The Committee note that the various agencies involved in the development of land in Union Territory of Delhi are Delhi Development Authority, Municipal Corporation of Delhi, New Delhi Municipal Committee, Delhi Electric Supply Undertaking, PWD, Irrigation and Flood Department of Government of National Capital Territory of Delhi. DDA is primarily responsible for undertaking internal and peripheral development of various schemes/projects. According to DDA, provision of trunk services viz. bulk supply of treated water and sewage treatment facilities by DWS & SDU of Municipal Corporation of Delhi, construction of trunk outfall drains by Irrigation & Flood Control Department of Delhi Administration and external electrification work including bulk supply of electricity by DESU do not keep pace with the development of area undertaken by DDA.

3.35 To overcome the difficulty of trunk/bulk services, DDA makes interim arrangements for supply of water and disposal/treatment of sewage by incurring extra expenditure. DDA, however, cannot make interim arrangement for electrification and had to depend on DESU. As such interim arrangements could not be made functional for want of power.

3.36 The flats are constructed by the Civil Engineering Wing of DDA whereas electricity and water supply has to be managed by the other two wings of the Delhi Government. As such there has been a certain amount of time lag between the construction of flats and provision and delivery of the services.

3.37 The Committee are concerned to note that a number of flats which had already been constructed could not be allotted as these agencies have not been able to supply electricity and water to these flats. This not only gives a financial set back to DDA but also really injure the registrants who are not allotted the flats. The Committee feel that there should be a close liaison among the agencies involved in the implementation of the projects in a time-bound manner so that all the services fructify at the same point of time. This coordination in implementation of projects needs to be monitored at the level of Vice-Chairman, DDA.

3.38 The Committee note that a Standing Committee under the Chairmanship of Chief Secretary of Delhi Administration has been formed to have a good interaction with the local agencies and to resolve the disputes. Unresolved issues are taken up to Lt. Governor/Ministry of Urban Affairs and Employment. They are also informed that another Committee consisting of 3 members— Incharge of electricity supply, water supply and the Vice-Chairman of DDA is being constituted.

3.39 The Committee, however, recommend that the proposed Committee with representatives from concerned agencies having direct bearing on the

availability of infrastructure in the National Capital Territory of Delhi, may be constituted expeditiously with the sole objective of provisioning basic services in those areas undertaken by DDA for development within same point of time. They feel that better results can be achieved if the proposed Committee function under the overall supervision and guidance of the Lt. Governor of Delhi.

3.40 The Committee regret to note that inspite of the approval of water supply system and lay out plans of command tank and thereafter repeated meetings taken by Hon'ble Lt. Governor of Delhi, the supply of water for 8000 houses already completed in Dwarka Project has not yet been started.

3.41 Likewise, for Rohini Project (Phase—I, II & III), MCD has agreed in 1987 to supply 50 mgd of water out of 100 mgd water from Hyderpur treatment plant. However, after much persuasion, only 15 mgd of water could be supplied for Phase I & II. To meet the immediate requirement of water in Phase-III, out of 15 mgd of water, 1-2 mgd water is decided to be diverted to Phase-III where 5135 houses have already been completed against the demand of about 35 mgd already generated in the area.

3.42 The position regarding electrification work by DESU particularly in new urban extension areas like Rohini, Dwarka, Narela etc. is very disheartening. Time schedule and targets are being revised again and again without much progress.

3.43 The Committee consider this unsatisfactory and desire that some effective corrective steps may be taken to provide the requisite basic services in these upcoming colonies.

3.44 The Committee are deeply concerned over the present power situation in Delhi. The Committee are informed that ten to twelve per cent energy requirements are growing up every year, thereby reaching a peak of 4000 MW by the year 2001. With limited generation capacity and allocation of power from the central sector to Delhi, there is no likelihood of any increase in the availability of power in Delhi to meet the growing needs. In response to a query as to how they proposed to provide power to three upcoming sub-cities of Papankalan, Narela and Rohini with no availability of additional power in the capital, the General Manager, DESU in his evidence before the Committee has admitted that power shortage in these three colonies will be distributed equally and the residents of the capital will have to bear the shortage equally. This is really a sorry state of affair. Power cuts varying from 2 to 8 hours on an average and low voltage have become a common feature in all parts of the city. DESU has failed to keep up with the peak demand. Delhi is virtually heading towards a dark city during summer. It is high time that an overall view is taken by the Government for taking corrective measures for adequate availability of power to meet the growing demand for power in Delhi, especially during summer seasons.

## CHAPTER IV

### HOUSING

8.

#### *Targets and Achievements*

4.1 The policy framework of MPD-2001 provides for large scale housing through Cooperative sector and development of sites and services for the urban poor. Accordingly, it projected the need of 16.2 lakhs new housing units to be provided between 1981—2001 at an average rate of about 80,000 DUs per year.

4.2 When enquired as to how the projected need of 80,000 DUs per year as envisaged in MPD-2001 could be achieved, the Ministry in a written reply stated as under:—

“The Master Plan-2001 has projected the need of 16.2 lakh new housing units between 1981—2001, which comes to an average of 80,000 dwelling units per year. First, this is the need as per planning norms and may not be quoted with the economic demand. The latter will also depend on the investment which the owners of new dwelling units will be required to make. Experience shows that economic demand is always much lower than planning projections. Secondly, even the planning projection of 80,000 dwelling units per year is not with reference to only units to be constructed by DDA, but, refers to total projection of new housing construction in public, cooperative and private sectors and even Government staff institutional housing.

As far as the flats constructed by DDA is concerned in the five years from 1988-89 to 1992-93, DDA completed more than 72,000 flats and thus, the average come to about 14,500 flats, per year. If seen from a long term and overall perspective DDA has, during the last 25 years of its involvement in providing shelters in the capital, generated as many as one million dwelling units on the land leased out/developed by DDA. This comprises of approx. 2.30 lac flats constructed by DDA. 1.95 lac DUs through land allotted to Cooperative Societies/Cooperative Group Housing Societies, 0.85 lac DUs through the plots allotted under the Rohini Plotted development scheme, 2.5 lac DUs through LSB., OSB plots and 2.4 lac DUs under JJ Resettlement. On the basis of the above, the average dwelling units generated by DDA per year works out to as much as 40,000 which is unparalleled and the highest amongst all the Development Authorities and Housing Boards in the country.”

4.3 In this connection, Vice-Chairman, DDA, in his oral submission, also stated:—

“Every year population growth in Delhi was of the order of 4.5 lakhs. Now, if you divide by five, technically speaking, the number of dwelling units will be of the order of 80,000. The other point which the Ministry was making and I would like to repeat is that in the last 25-26 years, DDA had developed ten lakhs dwelling units and the average comes to 40,000 dwelling units per year. Thirdly, 75 per cent of the dwelling units in the last 25-26 years is not through the DDA construction but through cooperative construction, through the plots given to the resettlers. So, this account for 75 per cent. So, even in today's parlance, even under the existing policy of the so-called monopoly of the DDA, only 25 per cent of the housing activities is attributable to DDA and 75 per cent to the cooperative/private sector.

As I said, 80,000 flats is the theoretical demand. Today if we make 80,000 flats available, these will lie undisposed for 4-5 years. So, one is the planning projection and the other is the marketable projection.”

4.4 A statement showing the targets and achievements of construction of houses by DDA since 1985-86 is given below:—

S.No.	Year	Targets	Achievements
1.	1985-86	Not available	16,519
2.	1986-87	Not available	8,828
3.	1987-88	28,696	18,758
4.	1988-89	20,000	23,931
(As given in R/E for 88-89)			
5.	1989-90	26,489	21,012
6.	1990-91	10,466	8,846
7.	1991-92	11,587	10,715
8.	1992-93	8,824	7,876
9.	1993-94	10,341	8,661
10.	1994-95	8,885	6,844
11.	1995-96	3,696	2,298

4.5 In reply to Unstarred Question No. 708 regarding total estimated shortage of housing units in Delhi at present, answered in Rajya Sabha on November 26, 1996, the Minister of State in the Ministry of Urban Affairs and Employment has stated as follows:

“No scientific estimate has been made in regard to the existing housing shortage in Delhi. However, according to an estimate made by the National Institute of Urban Affairs for 1991, the

housing shortage in Delhi was estimated to be of the order of 2.39 lakh dwelling units."

4.6 The Committee are informed that MPD 2001 projected the need of 16.2 lakhs new housing units during the period 1981—2001 at an average rate of 80,000 dwelling units per year to be constructed in public, cooperative and private sectors. During the last 25 years or so DDA has generated 10 lakhs housing units out of which about 2.30 lakhs units comprising about 25% were constructed by it.

4.7 The Committee regret to point out that inspite of heavy influx of people in Delhi which is estimated at 4-5 lakhs every year resulting in increase in demand for houses, the construction of flats by DDA is decreasing year after year as is evident from the fact that against 23,931 flats constructed in 1988-89, the achievement in 1995-96 was as low as 2298 flats that too against very low target of 3696 flats only. The Committee do agree with the plea of the DDA that if 80,000 flats are made available every year as per projection they will remain undisposed for a considerable period, but at the same time they would like to remind the Government to the fact that it has a social responsibility to provide shelter to as many people as possible. It will not only help in healthy and systematic growth of the city but also in curbing the growth of unauthorised colonies and encroachments.

4.8 As per MPD 2001 projections, there is a need for 80,000 new housing units per annum during 1981—2001 to be constructed in public, cooperative and private sectors. However, there is generation of 40,000 dwelling units per year. The Committee need hardly appreciate the rationale of the plea advanced by DDA that 'experience shows that economic demand is always much lower than planning projections' especially with reference to Delhi. According to the assessment made by the National Institute of Urban Affairs for 1991, there was shortage of 2.39 lakhs dwelling units in Delhi due to the continuous influx of the migrants. Growth of population is of the order of 4-5 lakhs every year generating the need of about 80,000 to 1,00,000 new dwelling units per annum assuming size of family of five. The backlog in DUs during the last 15 years has already created acute housing shortage in Delhi resulting in mushroom growth of about 1200 unauthorised colonies and about 1300 clusters of jhuggles and jhompries having squatting population of 20 lakh living in filthy and unhygienic conditions in the capital city of Delhi.

4.9 Under the Ninth Self-Financing Scheme launched in September, 1996 around 67,000 persons have registered with a deposit of Rs. 50,000/- each for 6,000 flats to be offered in the scheme. The price of flats ranges from 8 lakhs to Rs. 14 lakhs. This itself indicates that even though the price of flats is very high, still their demand is increasing.

4.10 The Committee feel that DDA needs to adopt a realistic approach based on scientific assessment instead of theoretical preposition for planning

and construction of new dwelling units if Delhi is to be saved from further impending disaster of degraded and degenerated environment.

4.11 The Committee, therefore, impress upon the Government that till housing board or such other authority as recommended elsewhere in this report is set up to look after the housing needs of the people, some realistic targets, keeping in view the demand scenario may be fixed and all out efforts may be made to achieve those targets.

### *Allotment*

4.12 In DDA, flats are allotted to the persons registered under various schemes. Before launching any registration scheme, wide publicity is given in leading newspapers for registration of scheme. The intending registrants are required to purchase priced brochures of a particular scheme containing terms and conditions of allotment and prescribed registration form. Thereafter, application forms duly filled in alongwith the registration money are deposited in DDA in a specified period. Then after scrutinising the application forms priority lists are drawn through computer in respect of Janta, LIG and MIG categories for allotment of flats in various Housing Schemes. In SFS category priority lists are not prepared but applications are invited from the registrants as and when allocations/allotments are made in any scheme. The first such registration scheme, was opened in the year 1969. Upto 1995-96, 21 Housing Schemes have been opened. Under these schemes 3,73,520 persons got themselves registered including proposed registrants of 20,000 persons under Janta Housing Registration Schemes which has been closed on 29.2.96. 2,58,108 allotments have been made upto 31.3.96 to these registrants. All the Self Financing Schemes announced upto 1995-96 have been closed. Under these schemes 41,085 allotments have been made upto 31.3.96. All the registrants of Janta category under two major schemes i.e., New Pattern Registration Scheme—1979 (NPRS-79) and Ambedkar Awas Yojana, 1989 (AAY-89) have been offered flats. To meet the needs of weaker section of society, a new Janta Housing Registration Scheme 1996 was opened on 27.1.96 and closed on 29.2.96 for registration of 20,000 persons for allotment of Janta Flats.

4.13 Regarding backlog of registrants under different categories/schemes, the Ministry in their reply dated 13 November, 1996, clarified

that while there is no backlog of registrants for flats in Janta category, backlog of registrants for flats in MIG and LIG category was as under:

Name of the Schemes	Backlog
New Pattern Registration Schemes 1979	31,204
Ambedkar Awas Yojana-1989	13,811
<b>Total</b>	<b>45,015</b>

4.14 In reply to Unstarred Question No. 708 answered on 26 November, 1996, the Rajya Sabha has been informed that 43,394 registrants are awaiting allotment under MIG and LIG categories.

4.15 Asked about the number of flats to be allotted and the number of applications received under Ninth SFS and Expandable Housing Scheme, 1996 opened recently (1996), the Ministry have furnished the following figures:

Name of the Scheme	No. of approx. flats to be approved	No. of applications received
9th SFS	6000	66900
Expandable Housing Scheme, 1996	3500	59672

4.16 Since there was abnormal delay in the allotment of flats to the NPRS, 1979 registrants, the Committee enquired about the reasons for delay and the period by which the wait listed registrants would be allotted flats. In reply, the Ministry of Urban Affairs and Employment informed the Committee as under:—

“While it is presently estimated that the registrants of this scheme will be all covered by the end of the 8th Five Year Plan, major difficulty has been experienced to allot the flats because of lack of services mainly electricity.”

4.17 In their subsequent reply dated the 10 December, 1996, the Ministry have stated as under:

“Considering the constraints in acquisition of land and provisioning of infrastructural services (mainly electricity) by other organisations, it is anticipated that it will take minimum two years time to provide flats to all the waiting registrants.”

4.18 When asked about the flats that could not be allotted for want of infrastructure, the Ministry in a note submitted as under:—

“As on date there are 8407 flats, which stand completed but are lying unallotted at Dwarka Phase-I (3603), Narela (3604) and Rohini Phase-III (1200) for want of basic amenities, mainly electrification work. It may kindly be noted that all these flats are located in new urban extension areas of Dwarka, Narela and Rohini Phase-III. Since trunk services viz. bulk water supply and sewage treatment facilities are usually not available in the newly developed areas, DDA makes interim arrangements for supply of water through deep tubewells and disposal of sewage through oxidation ponds etc. In these three areas also, such interim facilities have been developed by DDA. However, the tubewells could not be energised for want of electricity. Here, it would be important to point out that, though the DDA is able to make interim arrangements in respect of water supply and sewage treatment facilities, but it is totally handicapped in making any kind of interim arrangement regarding provision of electricity for which DDA has to entirely depend upon DESU. In these three particular schemes also, DESU was associated right from the beginning, but somehow, they have not been able to adhere to the pace of development undertaken by DDA and also to the targets fixed by DESU itself.”

4.19 In this connection, the reply of the Government to an unstarred question answered in Lok Sabha on 27th November, 1996 is as follows:—

“The DDA has reported that where services are available, the flats constructed by it are immediately offered to the registrants of the concerned Housing Scheme. Of late, the process of allotment of flats has been delayed in some schemes because of non-availability of basic services, particularly electricity. This has led to some flats remaining vacant at site after construction. The details of the completed flats, where electricity is still not available, are as under:

SFS	1189
MIG	5539
LIG	6861
Janta	0950
	14539”



4.20 The Committee pointed out that as a result of non-allotment, huge amount of money remained blocked with the result DDA has to suffer a heavy loss by way of interest etc. The reply of the Government *inter alia* reads as under:—

“The disposal price of DDA flats as demanded from the allottees is linked to the date on which demand-cum-allotment letters are issued. This principle has been upheld recently by the Hon’ble Supreme Court as well in one of its recent judgements. With this formula, the negative effects of unlocked capital get significantly neutralised. Intricate calculations are necessary to work out if there have been eventually any interest loss.”

4.21 In the following shopping complexes an amount of approximately Rs. 8.00 crores has been lying blocked as the shops could not be allotted for want of electricity:—

- (i) CSC No. 3, Sector-II, Rohini.
- (ii) CSC No. 12, Block D, Sector 16, Rohini.
- (iii) CSC, Pkt. W(P), Pitampura.
- (iv) CSC No. 5, Sector-11, Rohini.
- (v) CSC No. 1, Block-A, Sector-17, Rohini.
- (vi) CSC, Pkt. 4, at Bindapur.
- (vii) CSC in Sector A-9, Narela.
- (viii) CSC in Sector A-10, Site No. 1, Narela.
- (ix) LSC No. 10, Sector-16, Rohini.
- (x) CSC at Block-B, Pkt. C, Shalimar Bagh.
- (xi) CSC at Manglapuri, Village Sarai Sohal; and
- (xii) C.C. at Rajouri Garden Block “J” G-8 area.

4.22 The Committee desired to know whether there have been instances where the shops etc. were allotted without electricity. In their written admission, the Government have furnished the following:—

“The details of the shopping centres where shops were allotted during last 3 years, although there was no electricity, are as under:

- (i) CSC, at V(P) Pitampure.
- (ii) CSC at Zafrabad, Pkt. “A”.
- (iii) LSC at Site No. 42 (MOR land), Kalkaji.
- (iv) LSC at Site No. 37 & 38 (MOR land), Kalkaji.
- (v) CSC No. 9, Sector-13, Rohini.
- (vi) CSC at Eminabad Rajasthani CGHS Pitampur.
- (vii) CSC at Hargobind Enclave (TYA).

4.23 Regarding allotment of incomplete flats and forcing the allottees to take possession of flats without fittings/fixture like window panes, taps, electrical fittings and such other items, the Government informed as follows:—

“All the fittings/fixture are provided by the contractors during the execution of the work. However, certain fittings/fixtures, in full or part, which are prone to breakage or thefts, are got removed and kept in the safe custody. Such fittings/fixtures are provided only at the time of handing over of possession of flats to the allottees for which there is a set procedure. A list of inventory is made available to the allottees and the same is got signed from the allottees in token of having taken over the possession of fittings/fixtures.”

4.24 It was further informed by the representative of DDA that after handing over the possession, window panes and other fittings are provided within a week's time.

4.25 When asked how many complaints have been received in regard to non-fixture of window panes, taps and such other accessories and how many officials penalised, the Ministry in a written reply, submitted:—

“Four complaints have come to the notice of the Vigilance Department. Two complaints have been referred to the concerned Chief Engineers for taking necessary action in the matter. One complaint has been processed and the case has been closed.

In the fourth case minor penalty chargesheet was issued to an Executive Engineer on 9.7.90. Penalty of recovery of actual interest paid Rs. 5035/- plus lump-sum amount of Rs. 1000/- from the pay of that Engineer was imposed vide order dated 11.6.93.”

4.26 The Committee note that flats are allotted to the persons registered with DDA from time to time under various schemes for different categories viz. Janta, LIG, MIG etc., Registrations for which were first started in 1969. Upto 1995-96, 21 Housings Schemes have been opened. Out of 3,73,520 persons registered under these schemes 2,58,108 allotments were made till 31.3.1996.

4.27 The Committee are unhappy to note that in all, about 45,000 registrants including 31,204 persons registered as long back as 1979 under New Pattern Registration Scheme (NPRS), 1979 were still awaiting allotment. All the wait listed registrants under NPRS, 1979, and Ambedkar Awas Yojana-1989 as stated by the Government are expected to be allotted flats in the next two years time subject to availability of land infrastructure and civic amenities.

4.28 In regard to allotment under the Expandable Housing Scheme, 1996, DDA has reported that a public interest litigation was filed by one waiting registrant of LIG category who alleged that without making allotment to all the waiting registrants, DDA has introduced new schemes called Expandable

Housing Scheme, 1996 etc. This was heard by the Hon'ble High Court and no order has been passed as yet. A limited notice to the DDA has been issued asking it to clarify by which date the petitioner and similar situated persons (waiting registrants of NPRS-1979 Scheme) shall be allotted flats.

4.29 The Committee cannot but express their displeasure to the fact that even after a lapse of over 17 years, there are still more than 31,000 registrants awaiting allotment of DDA flats under the NPRS, 1979 Scheme. There has already been steep escalation in the prices of DDA flats since opening of NPRS in 1979. The abnormal delay on the part of DDA in offering flats at so high price would be beyond the reach of these registrants. The Committee, therefore, expect concrete and expeditious action from the Ministry/DDA for allotment of flats to these registrants on priority.

4.30 The Committee are constrained to find that as on 27.11.96 as many as 14539 flats in different categories could not be allotted for want of infrastructure particularly electricity. Likewise shops in a number of shopping complexes, could not be allotted for want of electricity thereby blocking an amount of approx. Rs.8 crores. There have also been instances where shops were allotted without electricity. They are informed that negative effects of blocked capital due to non-allotments are neutralised as disposal price of flats is linked to the date on which demand-cum-allotment letters are issued.

4.31 Since the interest and overhead charges constitute a sizable amount resulting in steep escalation in the prices of flats/shops, the Committee are not at all happy with the present state of affairs for putting unjustified financial burden on the allottees for the delay by the local agencies in providing the infrastructure. As recommended earlier, the Committee again emphasise that a Committee consisting of Incharge of electricity supply, water supply and the Vice-Chairman of DDA as Members of the Committee may be constituted which may function under the overall supervision and guidance of Lt. Governor for deriving better results in the availability of infrastructure.

4.32 The Committee note that at the time of handing over the possession of flats to the allottees, a list of inventory is got signed from them in token of having taken over the possession of fittings/fixtures like window panes, taps, electrical fittings etc. However, these are to be provided, as per procedure, within one week after handing over the possession.

4.33 The Committee expect that complaints of harassment in making available these items by the concerned engineering staff should be taken note of seriously by DDA for proper and expeditious redressal.

#### *Out-of-turn Allotment (OTA)*

4.34 The policy regarding out of turn allotment has been undergoing change from time to time in pursuance of directives of the Ministry. The limit of allotting 2-14% flats on out of turn basis out of the total number

of houses allotted during a year was fixed by the Ministry of Works & Housing, Government of India in the year 1985 by its letter No. K-20011/6/84-DDVA dated 4.6.1985. Prior to this, limit has been fixed at 1.5% by the Ministry by its letter of even number dated 28.12.1984. The limit was raised from 1.5% to 2.5% on the basis of suggestion received from LG, Delhi & VC, DDA, who felt that the limit of 1.5% was insufficient. The limit of 2-1/2% was applicable on overall basis. All cases of out of turn allotments viz. made on compassionate ground, awardees or otherwise, were to be covered in this limit. The discretionary powers to sanction out of turn allotment of flats vested with the VC, DDA in cases of persons registered with DDA and chairman, DDA in respect of unregistered persons.

4.35 The number of flats allotted by the DDA from 1990-91 to 1995-96 (yearwise) and number of flats under the Out-of-Turn Allotment alongwith their percentage is given in the table below:

Year	Allotment of flats made under various schemes	No. of flats allotted under OTA	Percentage
1990-91	15092	116	0.76%
1991-92	5882	55	0.93%
1992-93	10218	125	1.22%
1993-94	18702	53	0.28%
1994-95	10365	19	0.18%
1995-96	5933	—	—
	66192	368	

4.36 The grounds for OTA prescribed by the Government were as under:—

- (1) Young and recent widow whose age is less than 35 years and has applied for OTA within a year from the date of death of her husband.
- (2) Physically handicapped persons with more than 50% disability.
- (3) compassionate grounds.

4.37 In April 1989, Ministry further examined the scope of granting out of turn allotment by empowering the LG take up all such cases which in his opinion deserve special consideration. This was specifically meant to cover outstanding sportsmen, persons winning gallantry awards and others who have rendered distinguished service in favour of nation.

4.38 The specific guidelines relating to persons who can be allotted a flat on discretionary basis are as below:—

*Categories of persons entitled for discretionary allotment of DDA flats as a measure of compassion:*

- (i) blind or physically handicapped persons or those looking after them when such a blind/physically handicapped persons is a minor. The instructions of the Directorate of Estate for ad-hoc allotment of government quarters defining degree of physical handicap may be followed.
- (ii) War-widows who have fallen in indigent circumstances.
- (iii) Dependents of persons who lost their lives as a result of terrorists activities.

*Categories of persons entitled for discretionary allotment as a measure of reward:*

- (i) Outstanding sportsmen who have won medals at the Asiad and Olympics.
- (ii) Outstanding sportsmen who have won Arjuna/Dronacharya Award.
- (iii) Artists, literatures and musicians who get Padma Award or Sahitya Academy Awards for eminence in their particular field of Art.
- (iv) Scientists who get Padma or International awards for excellence in their respective fields.
- (v) Army personnel who get bravery awards such as Vir Chakra, Paramavir Chakra and Mahavir Chakra.
- (vi) Scholars of Sanskrit, Persian and Arabic who are recipients of the President's award.

The Committee may also consider other deserving cases which it considers fit for adhoc allotment of DDA quarters.

it has however been informed that:

“While the eligibility conditions shall govern all cases of adhoc allotment of DDA houses, a clear differentiation is necessary between an out of turn allotment as a measure of compassion, and out allotment as a reward. For all compassionate allotments there should be a urgent degree of immediacy for the provision of shelter. The current DDA practice of allotting SFS flats as a measure of compassionate allotment should, therefore, be discontinued, out of the 2-1/2% quota overall for out of turn allotments, 2% of such allotments should be on compassionate grounds and 1½% overall as a measure of reward.”

4.39 In addition to the grounds specified in the guidelines for out-of-turn allotment, the Committee have found that out-of-turn allotment were also made on special considerations. When asked to explain those special considerations that have necessitated out-of-turn allotments, the following was submitted by the Ministry:—

“As per the existing policy, out of turn allotment of flats is made with the approval of Empowered Committee comprising of Hon’ble Minister of Urban development (Chairman) & Lt. Governor, Delhi. Each and every case is scrutinised by the Committee and thereafter a decision is taken for out of turn allotment of a flat. The out of turn allotment is made in accordance with the policy guidelines which include out of turn allotment on compassionate grounds. The compassionate grounds in each and every case differ and no yardstick or definition for compassionate grounds has been prescribed. It is for the Empowered Committee to see the merits of the case and to determine as to whether the allotment on compassionate grounds is warranted.”

4.40 By letter No. K-20014/1/88-DDVA, dt. 1.5.92 Ministry has constituted a Committee comprising of Minister of Urban Development and LG, Delhi. Vide letter dt. 4.1.93 Ministry further laid down revised guidelines for making out of turn allotment of flats as under:

- (i) The applicants should have resided in the Union Territory of Delhi continuously for a period of 15 years, and neither he/she or his spouse or children should have owned any residential house within the Municipal limits of Delhi/New Delhi.
- (ii) The applicant should ordinarily be more than 21 years of age.
- (iii) The applicant should not have been allotted a residential house on a discretionary basis in the past.

4.41 On enquiring about the mechanism adopted to ensure the fulfilment of 15 years continuous stay in National Capital Territory of Delhi for out-of-turn allotment, the Ministry in a written reply, stated as under:

“The condition of 15 years stay in Delhi was prescribed in the guidelines issued by the Government on 4.1.93. Prior to that, there was no such condition. After the issue of revised guidelines for out-of-turn allotments on 4.1.93, the Empowered Committee, in its first meeting (held on two sittings i.e. 22.1.93 and 29.1.93) observed that the condition of continuous stay of 15 years was unnecessary because a person is not expected to stay in any place for such a long duration. It was therefore, decided with the approval of the Urban Development Minister that the Committee may, for the purposes of finalising the cases before it, adopt the guidelines prevailing before 4.1.93 for making out of turn allotments. It was under these

circumstances that the condition of 15 years continuous residence in Delhi has not been insisted upon for out-of-turn allotments.

2. The present guidelines governing out-of-turn allotment of DDA flats are, however, being reviewed for bringing in suitable modifications therein."

4.42 Asked how the Government did ensure that the grounds given for out-of-turn basis were genuine, the Ministry, in a written note submitted as under:

"It is for the DDA to process each application for out-of-turn allotment, examine the affidavit given by the applicant, and in cases, spot verify these. The Committee is recommending such cases, as are verified by the DDA and which are according to guidelines."

4.43 The procedure adopted by DDA for receipt, processing, disposal etc. of applications for out-of-turn allotment is given below:

"Requests for out-of-turn allotment are received by DDA from concerned applicant either directly or some time forwarded by MP's Ex-MP's, MLA's or other dignitaries. Requests are also received through the Ministry of Urban Affairs and Employment. On receipt of the request, a file is opened. In case the application *Prima facie* falls within the prescribed guidelines, the prescribed application from the OTA is sent to the applicant. On receipt of the prescribed OTA form duly completed alongwith the prescribed processing fee, the case is processed for placing before the competent authority. The lists of persons to be considered for out-of-turn allotments are prepared categorywise viz. blind, physically handicapped with percentage of disability, deaf & dumb, war widows and awardees etc. Details of the flats available under 2-1/2% quota are also furnished to the Committee. As and when meetings of Empowered Committee are fixed, agenda is circulated to the members of the Empowered committee. The request for 'Out-of-Turn Allotment' are then disposed off as per the decisions of Empowered Committee."

4.44 As out-of-turn allotments on compassionate grounds require an urgent degree of immediacy for provisions of shelter i.e. for self occupation, the Committee enquired whether any survey has been conducted to find out whether the persons who were allotted out of turn flats were actually residing there or they have disposed of the flats or given on rent. The reply of the Government is as under:

"No survey has been conducted in the recent past to find out whether allottees of flat on out-of-turn allotment basis are actually residing there or they have disposed of the flats or have given it on rent."

4.45 The Committee note that quota for out-of-turn allotment was increased from 1-1/2% to 2-1/2% in June, 1985 out of which 2% is for allotment on compassionate grounds and 1/2% as a measure of reward. The

allotment on compassionate grounds should have a degree of immediacy for provision of shelter. They further note that during the period from 1990-91 to 1994-95, 368 OTAs out of 66,192 allotments, were made on various grounds.

4.46 As per guidelines young widows/war widows, physically handicapped, blind persons and some other compassionate grounds are the criteria for out-of-turn allotment of DDA flats. Out-of-turn allotments can also be made to outstanding sports persons, persons winning gallantry awards, persons rendered distinguished service in the fields of art, culture, science, education etc. as a measure of reward.

4.47 They, however, express their unhappiness over the fact that allotments on grounds other than specified in the guidelines have also been made. The reasons given by the Government that no yardstick or definition for compassionate grounds has been specified, is far from satisfactory.

4.48 In their opinion when categories of persons to be covered under compassionate grounds have clearly been specified then why other categories such as retired, divorcee, special consideration, medical etc. have also been considered for out-of-turn allotment.

4.49 The Committee consider the term 'Spl. consideration' and 'medical' vague and apprehend that these terms may lead to misuse of the discretionary powers. They, therefore, recommend that no request from persons other than specified in the guidelines may be entertained for allotment on out-of-turn basis.

4.50 One of the restrictions imposed in January, 1993 for making out of turn allotments was that the applicant should have resided in Delhi continuously for a period of 15 years. It is however surprising to note that the very condition of 15 years' continuous stay in Delhi for OTA was not considered necessary by the Empowered Committee at their two sittings held immediately after the imposition of the said condition.

4.51 The Committee are of the view that OTA as a measure of compassion should be only for the residents of Delhi. Therefore, they recommend that some reasonable time limit of continuous stay in Delhi (minimum 5 years), as a pre-condition for OTA, may be prescribed. This condition for allotment in exceptional cases may however not be insisted upon.

4.52 The Committee express their unhappiness when they find that no survey has been conducted to know whether allottees were actually residing in the premises allotted to them on compassionate ground in spite of the fact that such allotments require an urgent degree of immediacy for provision of shelter.

4.53 They recommend that it should be made clear to the persons allotted flats on out-of-turn basis on compassionate grounds that the premises will be for self occupation and if any one found not residing therein, the



allotment can be cancelled. Such a clause may be incorporated in the term and conditions of allotment. For the purpose periodical survey may be conducted in order to find out the occupancy status.

### *Instalments*

#### **Flats**

4.54 The allotment of flats are made on cash down and Hire-purchases basis in the following percentage:

Category	Cash down	Hire Purchase
M.I.G.	50	50
L.I.G.	50	50
Janta	25	75

4.55 In respect of flats allotted on Hire Purchase basis the allottees are required to deposit the initial amount which consists of full land premium and 30% cost of construction. The balance 70% cost of construction is recovered over a period of 10,12 & 15 years from the allottees of MIG, LIG and Janta flats respectively. The equated monthly instalment is fixed after taking into account the following elements:

- (1) Interest @ 17% p.a.
- (2) Group Insurance @ 1%
- (3) Instalments collection charges @ 0.50%

4.56 In case of delayed payment of monthly instalments, the penalty at the following rates is levied:

Ist month of default	@1% or Rs. 2/whichever is more.
IIInd month of default	@2% or Rs. 5/whichever is more.
IIIrd month or more	@4% each month or Rs. 10/ whichever is more.

4.57 Through Press/TV release, the allottees are advised to make the payment of outstanding dues to avoid action under Punjab Land Revenue Act for recovery of such dues as arrears of Land Revenue. The defaulter notices are issued prior to coercive action under Punjab Land Revenue Act.

#### *Plots*

4.58 The allotment of plots is not made on instalment basis.

4.59 Enquired about (i) the number of flats allotted on hire-purchase

basis, (ii) allottees in default in payment of instalment and (iii) the steps taken for effecting recovery, the Ministry in a note furnished the following information:—

“DDA has been allotting flats on cash down and hire-purchase basis under General Housing Scheme and NPRS-1979. The General Scheme was started in 1966-67 and about 66000 allotments were made upto the year 1988-89. Under this scheme the total number of allotments made on hire-purchase instalments was about 50,000 against which about 11,000 allottees have been served with notices for paying the arrears of instalments. The accounts of allottees under this scheme are being maintained manually in a separate ledger for each. These ledgers are being maintained category and scheme-wise. The ledger gives the information about month and year of allotment, cost of flat, number and amount of each instalment, number of instalments paid and instalments still due. Arrears of instalments upto Dec., 1993 are of the order of Rs. 11.94 crores.

About 1.71 lakh persons got their names registered under NPRS-79 (New Pattern Registration Scheme—1979) for allotment of flats under various categories viz Janta, LIG and MIG. Since the inception of the scheme it was decided that the draw of allotment of flats will be held through computer and accordingly demand letters as well as maintenance of accounts of demand and collection register will be done by computer. Out of a total of about 1.25 lakh allotment under NPRS so far about 85,000 have been allotted on hire-purchase basis.

The computer cell has generated allottees ledger accounts/checklist which did not depict the complete position of receipt of instalments.

It was found that the ledger generated by the computer cell were incomplete as allottees data in number of cases could not be updated regularly for various reasons. In the absence of availability of the complete data with computer cell, in a number of cases amount of hire-purchase instalments received by DDA was not being posted in the allottee's ledger accounts. However, the defaulter notices were issued for the first time in 1988-89 and are being issued for subsequent years. About 75,000 defaulter arrears of instalments upto 31.3.92 and have been issued through Accounts Wing. Arrears of instalments outstanding as on 31.3.92 is Rs. 163.26 crores as per computer record.”

4.60 To effect recovery of outstanding instalments the following action has been taken:

- (i) Issue of defaulter notices.
- (ii) Issue of periodical press/TV release.
- (iii) Issue of non-recovery certificate under Punjab Land Revenue Act, 1887 to recover the outstanding amount as arrears of Land revenue.
- (iv) The Housing Accounts Wing has been recently decentralised zone-wise to monitor effectively recovery of hire-purchase instalments.

4.61 The information furnished in November, 1995 in regard to action taken against defaulties for non-payment of instalments is as follows:—

“In about 28000 cases, Non-Recovery Certificates have been issued and in 1758 cases, Attachment Notices have also been issued. In the remaining cases, the process of issue of N.R.C./Attachment Notices, is continuing which is expected to be completed within two years or so after checking the accounts and completing legal formalities. So far, 80 properties have been attached/sealed. Action to cancel the allotment of attached properties where payments have not been made, is being taken.

Possession of two properties handed over to the receiver after issue of Press Notice.

In 1994-95, seven Arrest Warrants were issued. In 1995-96, 9 Arrest Warrants have been issued. In all 16 Arrest Warrants have so far been issued.”

4.62 The impact of issue of Non-Recovery Certificates and other Certificate measures taken by DDA is that the tempo of recovery through Estate Officers has increased as will be seen from the tabulation given below:—

Figure in lacs of rupees			
Year			
1992-93	1993-94	1994-95	1995-96 (Upto 8/95)
201.43	585.37	1029.97	995.78

4.63 In addition to the above, it has been noticed that the allottees to whom Non-Recovery Certificates have not been issued, have also started making payment of instalments, as will be seen from the tabulation given below:—

Figure in lacs of rupees

Year			
1992-93	1993-94	1994-95	1995-96 (Upto 8/95)
3086.00	3297.00	3802.00	2225.85

4.64 The details of arrears of hire-purchase instalments/penalties as on 31.3.1995 are as under:—

Figure in crores of rupees (Approx.)

Name of the Scheme	Category	Instalments		Penalty Total /Interest on non-payment of instalments
General Housing	EWS/Janta LIG MIG	11.00	4.00	15.00
NPRS Scheme	EWS/Janta LIG MIG	312.62	321.57	634.19

4.65 When asked whether any responsibility has been fixed on the delinquent officials for their failure to take timely action against the defaultees, the written reply submitted by the Government reads as under:—

“Though as per terms and conditions of allotment the allottees are themselves responsible for making the payments regularly without waiting for any notice or action from the department. Department is fully seized of the matter and making best efforts possible to enforce recovery. Efforts are showing good results. These efforts will continue unabated.”

4.66 The Committee note that DDA allots 50% of the LIG/MIG flats and 75% of Janta flats of all its schemes except under SFS, on hire-purchase basis. The schedule of payment on such allotments as drawn by DDA is: full land premium and 30% of cost of construction to be deposited initially and balance 70% of the cost of construction which includes interest and other overhead charges to be recovered over a period of 10 to 15 years in equal monthly instalments. For delayed payment, penalty at different rates depending upon the period of default is charged failing which action under Punjab Land Revenue Act is taken.

4.67 They are further informed that in General Housing Schemes out of 66000 allotments made till 1988-89 about 50,000 were on hire-purchase basis out of which 11000 notices have been issued for default in payment of instalments. The arrears upto December, 1993 which was hitherto maintained manually has been calculated at Rs. 11.94 crores.

4.68 The Committee are also informed that under NPRS, 79 out of 1.25 lakh allotments, 85000 allotments were made on hire-purchase basis. The defaulter notices generated by computers in this scheme were as high 75000 as on 31.3.92. As per computer records the arrears of outstandings as on 31.3.92 was of the order of Rs. 163.26 crores.

4.69 The Committee are satisfied to note that as a result of computerisation and other corrective measures such as issue of defaulter notices, non-recovery certificates under the Punjab Land Revenue Act, decentralisation of Housing Accounts Wings, taken by DDA, there is improvement in the payment of instalments and arrears by hire-purchase allottees.

4.70 The Committee are, however, concerned to note that an amount of Rs. 649.19 crores (15 crores under General Housing Scheme and Rs. 634.19 crores under NPRS, 79) is stated to be still outstanding as on 31.3.95. The Committee feel that realisation of huge outstanding arrears requires concerted efforts on the part of DDA.

4.71 The Committee in the first instance desire the Government to get the accounts updated and final figures giving recovery effected and arrears pending at the end of each financial year since 1991-92 may be furnished to them.

4.72 They also hope that non-issue of defaulter notices prior to 1988-89 would be enquired into and officials at the helm of affairs would be penalised for dereliction of duty under intimation to the Committee.

4.73 The Committee also recommend that DDA should continue with corrective measures such as issue of non-recovery-certificates, attachment notices, cancellation of allotments, arrest warrants, etc. wherever applicable after following appropriate procedure. Periodical assessment of recovery position may be reviewed for taking further action. The Committee would also like to be apprised of the results achieved in realisation of outstandings in this regard.

#### *Unauthorised Occupation*

4.74 It has been informed to the Committee that some of the flats were under unauthorised occupation, requisite details of which are given below. 7 such cases have been under investigation and one concerned JE has been placed under suspension *vide* order dated 23.2.94 of the Engineer Member, DDA.

# Details of flats under unauthorised occupation

S.No.	Name of Scheme/ Area	Details of flats under unauthorised occupation	When unauthorised occupation was noticed	Follow up action taken to get the occupants evicted	Action taken against the staff	Present Position
1.	Janta Flats in Madipur	Flat Nos. 68, 26A, 6 147A.	18.2.94	Complaint lodged with ACP on 18.2.94, vide No.AEI/WD-1/DDA/94/115 dt. 18.2.94 No. of letters have been written to SHO/ACP to get the occupants evicted.	No action has been taken against the staff for dereliction of duty as the seiler was reported to police for eviction by the concerned official.	The three flats are still under unauthorised occupation.
2.	24 LIG flats at G-8 area Rajouri Garden	Flat No.61 to 64 A,B,C,D,E & F.	Dec., 88	No FIR was lodged since the houses were occupied by the Police itself.	—	For the 24 houses police has made a request to Cosar.(H) for regular allotment.
3.	20 CSP flats in EPDP Colony Kalkaji.	Flat Nos. 1-A to 8-1-B	4.8.80	Complaint lodged with DCP on 4.8.80 vide No.F.6(37)HD-XI/80/4742-45 dt. 4.8.80 Since the unauthorised occupation is by Delhi Police further action for settlement with Delhi Police is being taken by Commr.(H).	No action has been taken against the staff as the houses were forcibly occupied by Delhi Police.	These flats have been allotted to Delhi Police on regular basis by the Housing Deptt. of DDA.
4.	588 LIG DUs in Sec. 15, Pkt. 3-7 Rohini, F Block.	Flat Nos. F3/5; F33/44; F4/32; F7/7; F5/55	28.1.94	Complaint lodged with Police Station, Samajpur Badli vide No. FZ(44) CB/DDA/RPD-V/128 dt. 15.2.94	The Jr. Engineer has been placed under suspension.	The unauthorised occupation has been vacated. These flats are now under the custody of the Deptt.
5.	506 EWS flats in Re-settlement scheme Sultanpuri.	Block-E-39, 45 to 51, 71, 72, 121, at 122	May, 91	The complaint to the Police Deptt. were lodged initially in May, 1991 and last vide No. FZ(1094/ND-3/1DDA/3016 dt. 15.12.94	No action has been taken against the staff concerned.	Still Occupied.

4.75 Since the flats in Rajouri Garden and EPDP Colony, Kalkaji were forcibly occupied by the Police, the Committee enquired whether the matter was taken up with the Ministry of Home Affairs. The Ministry of Urban Affairs and Employment in their written reply stated as under:

"The Engineering Wing of DDA came to know in February, 1988 about the unauthorised/forcible occupation of 18 flats in G-8 Area of Rajouri Garden by Delhi Police. Subsequently Police occupied some more flats and total number of such flats rose to 42. In between, they vacated 18 flats which were allotted to waiting registrants.

Delhi Police was informed in February, 1983 itself that their act of forcibly occupying the flats may be stopped forthwith and those already in their occupation be vacated. A reminder was issued in March, 1988. However, instead of vacating the flats, as stated above, police continued to occupy some more flats forcibly/illegally.

The matter was referred to Commissioner (H) in February, 1991 with a request for taking up the matter with the police authorities/higher authorities. The matter was submitted to hon. Lt. Governor and on his instructions, Home Secretary, Delhi Admn. wrote a letter in August, 1991 to Commissioner (Police) to vacate the flats immediately. A demi-official reminder was sent by Principal Commissioner to Police Commissioner in September, 1993. This was followed by another demi-official letter of Commissioner (Housing) dated 30.12.1993.

A request was received from Delhi Police for formally allotting those 24 MIG flats to the organisation for their use as Police Station etc. However, this was not agreed to as a view had been taken at the level of Hon. Lt. Governor that these flats may be got vacated. Since the flats could not be got vacated, the matter was processed for placing before the Standing Committee of Chief Secretary, Government of Delhi which is forum for resolution of issue pending between different organisations in Delhi."

4.76 It was reported in the press that the police has detected allotment and selling of about 300 flats with forged documents in connivance with some DDA officials. The Government were asked to give the factual position in this regard. The reply of the Government is as follows:

"No enquiry has established that number of cases of taking possession of DDA flats on forged documents is as high as 300. Investigation in a police case registered with Subzi Mandi Police Station is in progress. The connivance of the officials of DDA in that case will be known only after the investigation is completed. Letters of allotment in 8 cases referred to DDA by the police have been found not genuine, it is suspected that possession of these 8

DDA flats have been taken over on the basis of forged documents. Details of aforesaid flats are:

- (i) 63A, Pkt. 8C, Shalimar Bagh Janta
- (ii) 60, Pkt. 5, Sector 15, Rohini MIG
- (iii) 58, Pkt. D-5, Sector 15, Rohini MIG
- (iv) 27, E-1/6, Sector 15, Rohini MIG
- (v) 47, Pkt. D-9, Sector 15, Rohini MIG
- (vi) 39-A, Pkt. F, Nand Nagri MIG
- (vii) 75-C, Pkt. QU, Pitampura LIG
- (viii) 100-8, Pkt. AD, Pitampura MIG"

4.77 Out of 8 cases referred above, files of 6 cases have been sent to Vigilance Deptt. for onward transmission to Police for further investigation, as required by them.

4.78 SHO, Police Station, Subzi Mandi intimated that FIR No. 81 dated 19.3.95 has been registered by them and requisitioned relevant records from the Housing Deptt. They had called S/Shri Uttam Chand, UDC, Kamal Vashisht, UDC, M.C. Sharma, UDC, Dayanand, UDC(U/S) and A.K. Sharma, A.D. for investigation. Out of these eight cases have been registered with Crime and Railways, punitive action against the concerned officials shall be taken after completion of the investigation by the police/crime branch.

4.79 As reported above, the alleged occupation of 300 DDA flats with forged documents has not been factually established. Action against the officials can be taken after their involvement has been established by the Crime Branch of Police who are investigating the case relating to above flats. One official was placed under suspension for not producing a few files required for investigation.

4.80 In one case which was examined in detail DDA decided to get the occupant summarily evicted from the occupation. It was found that property had already changed hands and also the present occupant obtained a restraint order of court directing DDA not to disposses the present occupant. However, we are seeking legal advice on the matter. Since the occupation of flat is on the basis of forged documents question of cancelling the allotment does not arise rather efforts are being made to get the present occupant evicted. We are also making efforts to lodge separate FIR in each such case.

4.81 Efforts are being made to make allotments of the vacant flats as early as possible. A system is being developed to reconcile the data relating to vacant flats periodically to ensure that the flats do not remain vacant for long time.

4.82 In regard to some of the unallotted flats were reputed to be rented out by some unscrupulous officials of DDA. The Ministry of Urban Affairs and Employment stated the following:



"It had come to the notice of the department in January, 1994 that 5 houses bearing No. F. 3/5, F. 5/44, F. 4/32, F. 7/14 and F. 5/55 in Sector-15, Rihini had been unauthorisedly rented by Shri Bhag Chander, JE of RPD/5/DDA. Shri Bhag Chander, JE was immediately placed under suspension and the houses were got vacated and the same are now under the control of the department. The role of the Assistant Engineer and Executive Engineer is also being investigated. The case has been referred to the Central Vigilance Commission for their advice.

4.83 The Committee are pained to note that a number of DDA flats were occupied unauthorisedly, some of them still under unauthorised occupation by some miscreants. It is a matter of shame that as many as 44 flats (24 in Rajouri Garden and 20 in EPDP Colony, Kalkaji) were forcibly occupied by the Police. It is all the more intriguing to note that even the FIR in the case of unauthorised occupation in Rajouri Garden, had not been lodged by DDA on the plea that the flats were occupied by the police itself. 20 flats in Kalkaji have since been allotted to the police. Regular allotment of 24 flats in Rajouri Garden is also under consideration of DDA on the request of Delhi Police.

4.84 The Committee do not see any logic behind the allotment of flats to the police which were forcibly occupied by it. Instead they feel that deterrent departmental action should have been taken against the personnel occupying the flats under the relevant provisions of Indian Penal Code. It is rather a complete surrender by DDA to the unlawful criminal act of the law enforcing agency for which DDA should have taken recourse to law. It would have also been befitting for DDA to have initiated criminal proceedings against the erring police personnel.

4.85 In the instant case, the Committee recommend that 24 flats in Rajouri Garden for which request for regular allotment has been made by the police, may not be acceded to and the flats got vacated. Criminal proceedings against the persons occupying these flats may be initiated and the damages for unauthorised occupation may also be claimed and realised.

4.86 The flats which are still under illegal occupation of individuals may also be got vacated at the earliest and appropriate legal action initiated against them.

4.87 The Committee note that police is investigating cases of allotment/selling of DDA flats on forged documents. 8 such cases referred to by the police to DDA have been found not genuine. As it has not been specified how many allotments/selling of flats on forged documents are under investigation, the Committee apprehend that the number may be as high as 300 as reported in the press.

4.88 They now expect that DDA will get all the cases of allotment and selling of flats on forged documents, investigated expeditiously and the

culprits booked. Connivance of departmental officials may also be looked into for fixing responsibility and taking appropriate departmental and legal action against them.

4.89 The Committee are informed that five unallotted flats in Rohini were rented out by one Jr. Engineer of DDA who has since been placed under suspension. The role of other senior Engineers is also under investigation to find out their involvement in this regard.

4.90 They feel that delay in the allotment of flats instigate the unscrupulous officials/individuals to indulge in illegal transactions. The Committee, accordingly, desire that the flats may not be allowed to remain unallotted for long. These may be allotted as soon as the essential services are made functional.

4.91 The Committee hope that adequate penalty would be imposed on the officials involved in unscrupulous activities.

#### *Misuse/Unauthorised construction*

4.92 Section 12 of D.D. Act, 1957 provides that after the commencement of this Act no development of land shall be undertaken or carried on, in a development area until permission for such development has been obtained in writing from the Authority in accordance with the provisions of the Act. Section 29(1) (b) provides that any person who whether at his own instance or at the instance of any other person or body (including a Department of Govt. undertakes or carries out development of any land in contravention of master plan or zonal development plan or without the permission, approval or sanction referred to in Section 12 or in contravention of any condition subject to which such permission, approval or sanction has been granted, shall be punishable with simple imprisonment which may extend to six months, or with fine which may extend to Rs. 5,000/- or with both. Accordingly, anybody who makes any additions/alterations in any DDA flat situated in a development area is punishable under the provisions of D.D. Act, 1957 as referred to above.

4.93 Section 14 of D.D. Act, 1957 provides that after the coming into operation of any of the plans in a zone no person shall use or permit to be used any land or building in that Zone otherwise than in conformity with such plan. There is a proviso to this Section which states "provided that it shall be lawful to continue to use upon such terms and conditions as may be prescribed by regulations made in this behalf any land or building for the purpose and to the extent for and to which it is being used upon the date on which such plan comes into force. Section 29(2) states that any person who uses any land or building in contravention of the provisions of Section 14 or in contravention of any terms and conditions prescribed by regulations under the provisions of that section shall be punishable with fine which may extend to five thousand rupees and in case of a continuing offence, with further fine which may extend

to two hundred and fifty rupees for every day during which such office continues after conviction for the first commission of the offence.

4.94 Thus any development including additions/alterations of the flats situated in a development area is punishable under Section 29(1) (b), and any user of such a flat for the purpose other than that provided in the plan is punishable under Section 14 read with Section 29(2) of DD Act, 1957. Herein, it may be stated that the provisions of Section 29(1) (b) are applicable only with respect to the development areas whereas the provisions of Section 14 read with Section 29(2) are applicable to all the areas whether they are development areas or not.

4.95 It has further been informed to the Committee that no person has been convicted fined under Section 12/14 of DD Act during the past 3 years for making additions/alterations in DDA flats. To remove the additions/alterations in the DDA flats situated in the development areas of DDA, action is being taken under Section 30(1) 31(1) & 31(a) of DD Act. It has been experienced that misuse in DDA flats is generally combined with unauthorised additions/alterations. Once the action to remove the unauthorised construction is taken the misuse also generally comes to an end. In additions, DDA takes action to cancel the flats under the terms and conditions of allotment wherever it is necessary. For flats situated in areas where the building activity is not with the DDA, cases noticed by the DDA staff are referred to the Municipal Corporation of Delhi.

4.96 It has, however, been stated by Government that there are very large number of residential premises being used for commercial purposes. Prosecution of misusers has not been effective in stopping such misuse because conviction is very rare and if convicted the maximum penalty that can be imposed is only Rs. 5,000/-. Since conversion of residential premises into commercial is an extremely profitable venture, misusers do not mind paying the fine imposed by the court. Therefore, prosecution does not act as a deterrent against misuse. DDA has, therefore, proposed amendment to section 29 of the Delhi Development Act to enable DDA to take more effective action against misusers.

4.97 Lamenting at the weakness in the law in taking stringent action against misuse, the Vice Chairman, DDA informed the Committee in his oral submission:

“According to the penal consequences of the DDA Act, the penalties are very very paltry.

We cannot even seize the building and the maximum penalty is only Rs. 5,000/-. In Delhi parlance, many people will prefer to pay a fine of Rs. 5000/- and still continue with misuse. It is for the Estimates Committee to consider very very rightly as to whether effective provisions are adequate in the present day situation when the land prices are so high and the temptations to misuse the premises are also very very high.”

4.98 In view of the fact that conversion of DDA flats into commercial establishments, of late, is widespread, the Committee asked about the other penalties that can be imposed for such misuse, the Ministry in their written reply stated as under:

"The misuse of a DDA flat is not permitted under DDA Management and Disposal of Housing Estates Regulations 1968. For any such misuse action can also be taken under section 31(A) of the DD Act which provide for sealing of the premises. Besides sealing, the allotment of flat can be cancelled after issuing show cause notice. However, if on the issue of show cause notice, the allottee stops misuse no further action is taken. It has been seen in many cases that misuse is stopped once the show cause notice for cancelling the allotment is issued. Sometimes, after proceedings are stopped, misuse is again done.

The procedure for cancellation envisages cancellation of allotment, exercising the right of re-entry and entering the premises by evicting the persons to whom flat was allotted. For eviction, after cancelling the allotment, the matter is sent to Estate Officer (Housing) for passing an order for eviction under Public Premises Act."

4.99 Enquired about the mechanism available with DDA to detect and keep a check on illegal development and misuse of premises, the Govt. informed as under:—

"In order to check unauthorised construction and misuse in flats allotted by DDA, 17 JEs and 3 AEs have been deployed areawise. The area of these officials is spread over whole Delhi and they have to monitor over 2.30 lakh facts which have been allotted to registrants of DDA. The functioning of the field staff like JEs and AEs is monitored by an officer of the rank of Dy. Director."

4.100 Day-to-day functions of Enforcement staff are:—

- (1) (a) Detecting unauthorised construction, misuse, addition/alterations, encroachments in various zones in DDA flats.
- (b) Taking action against defaulters under DD Act, 1957:—
  - (i) Issuing show cause notice/final notices under Section 30(1) & 31(1) for removal of unauthorised constructions in areas falling within the jurisdiction of the DDA (notified areas).
  - (ii) In areas which are not under the jurisdiction of the DDA (denotified areas) and transferred to MCD for building activity, to send reports pertaining to UAC and misuse etc. to the concerned branches for cancellations of allotments/lease deed and for intimating concerned Zonal Commissioner (MCD) for taking appropriate action.

- (2) To collect various data/information from site and prepare sketch plans for execution of lease deed and to verify site plans. They also prepare reports regarding addition/alteration/misuse in concerned files.
- (3) To chalk-out demolition programmes to remove unauthorised construction with the help of demolition staff and in coordination with police force.

4.101 Asked whether any survey has been conducted to know the magnitude of misuse/unauthorised construction, the Government have intimated as follows:—

“An extensive survey of all the DDA flats has not been undertaken. During 1992-93, survey of certain areas like Sarita Vihar, Vasant Kunj was undertaken. JEs and AEs who have a very vast area to look after are responsible to detect such misuse and take appropriate action under DD Act and Management and Disposal of Housing Estates Regulations 1968. During the period 1.4.1992 to 31.12.1993, 2688 unauthorised constructions/misuse were detected.

4.102 The statement below shows the unauthorised construction and misuse detected and action taken thereon during the years from 1990 to 1994 in DDA Flats.

S.No.	Action Taken	90-91	91-92	92-93	93-94
1.	Unauthorised constn. detected	1157	1217	1806	6808
2.	Show cause notice issued	1157	1217	1806	6808
3.	Unauthorised demolished	—	—	24	260
4.	Premised sealed	—	—	—	18

4.103. On the question of fixing accountability for not detecting/checking unauthorised construction/misuse, the DDA stated as follows:

“Whenever a person is found guilty of dereliction of duty department proceedings are started against him.”

4.104 The Enforcement Branch (Land) has launched 3565 prosecution cases during the period 1983-84 to 1993-94. Rs. 41,19,334/- has been imposed as fine by the court against the accused.

4.105 The Committee are informed that any development including addition/alteration in flats without approval, situated in a development area, is punishable with simple imprisonment and/or fine upto Rs. 5000/- under Section 29(1) (b) and any user of a flat for the purpose other than provided in the plan is punishable under Section 14 read with Sections 29(2) of DD Act, 1957. The provisions of Section 14 read with Section 29(2) are

applicable to all the areas whether they are development areas or not. In case of continuing offence, fine extending upto Rs. 250/- for every day during which such offence continues after conviction can also be imposed. Further, Section 31(A) of the said Act provides for sealing of premises for any misuses. Besides sealing, the allotment of flats can be cancelled after issuing show cause notices.

4.106 The Committee are informed that prosecution of misuser has not been very effective as convictions were very few and if convicted, the maximum penalty is Rs. 5000/- which the misuser do not mind paying as converting the residential premises into commercial is extremely profitable. Accordingly, DDA has proposed amendment to Section 29 of DD Act, 1957 for the purpose of taking deterrent action against the offenders.

4.107 The Committee are surprised to find that action under other relevant sections of DD Act providing for sealing of premises/cancellation of allotment, is not taken in all the cases where misuse/unauthorised construction is reported. In their view sealing/cancellation of allotment is more deterrent as compared to imposition of fine through courts which is time consuming. Therefore, they recommend that as and when any misuse is detected/comes to notice, apart from taking action for imposition of penalty under provisions of the Act, show cause notices may also be issued immediately. If misuse is not stopped after issue of show cause notices, action for sealing of premises/cancellation of allotments may be initiated under relevant section(s) of DD Act, 1957.

4.108 The Committee note that as a result of prosecution launched in 3565 cases during 1983-84 to 1993-94, fine amounting to Rs. 41,19,334 has been imposed by the court against the accused. It is, however, not clear whether the same has also been recovered. The Committee recommend that the premises against which penalties have been imposed should be periodically rechecked and wherever it is found that the misuse is continuing, further fine calculated at the rate of Rs. 250/- per day as provided in the Act, may be imposed and recovered. They would also like to be informed about the latest recovery position of the penalties imposed earlier.

4.109 The Committee recommend that an extensive survey of all the flats/areas falling under the jurisdiction of DDA, may be undertaken immediately in a time bound programme in order to find out misuse/unauthorised construction and appropriate action against the offenders taken.

4.110 The Committee are not happy to find that out of 10488 cases of unauthorised construction detected during the years 1990-91 to 1993-94, demolition in just 284 cases and sealing of premises in only 18 cases could be resorted to.

4.111 In their view, unauthorised construction and conversion of residential buildings into commercial establishments cannot be carried out

without connivance of officials. Even otherwise also, enforcement staff is responsible for detecting unauthorised construction/misuse/addition/alteration. In case they fail in detecting or stopping the above offences, it can be contemplated as connivance or dereliction of duty for which they are liable to be punished.

4.112 The Committee, therefore, recommend that besides taking action against the offenders, departmental proceedings against concerned officials, at least in cases of unauthorised construction of huge buildings/mansions which cannot be built overnight and in cases of continuous misuse after making additions/alterations, may be initiated.

4.113 They also urge the Government that cases of unauthorised construction/misuse may not be allowed to remain pending for long. Instead, these may be disposed of in a time bound manner after taking appropriate action like conviction, sealing of premises, cancellation of allotment etc.

#### *Conversion from Leasehold to Freehold*

4.114 Policy of conversion of leasehold rights to freehold was notified by the Ministry of Urban Affairs and Employment vide Notification No. J-2011/1A2/77-LII dated 14.2.92. Pursuant to the said notification, a brochure containing the detailed procedure and terms and conditions was prepared by DDA with the approval of the Ministry of Urban Affairs & Employment and as released by inviting applications through Banks on 27.4.92. The policy covers cases of residential plots upto a maximum of 500 sq. Mtrs. and also residential flats falling under all categories except Asian Games Villages Complex flats. One time conversion fee has been fixed and provision has been made to recover it in instalments also.

4.115 In order to regularise the transaction made through power of attorney, the Government of India, Ministry of Urban Affairs & Employment has announced a scheme of Conversion of lease hold rights into freehold whereby the persons who have purchased through GENERAL POWER OF ATTORNEY are entitle to get the property transferred in their favour subject to payment of 33.3% conversion charges as surcharge. However, at the time of allotment of a flat/plot from the DDA the applicant is required to furnish an affidavit that he or his wife including unmarried minor children, do not own any other residential unit in the Union Territory of Delhi or is not a Member of any Cooperative Housing Society or Group Housing Society, Delhi for allotment of a flat/plot in the Union Territory of Delhi.

4.116 Column 13 & 19 of the 'guidelines for filling up the application form for conversion from leasehold to freehold,' provide that "in cases of plots/flats allotted by co-operative Societies conversion shall be allowed only after the Society has paid up-to-date Ground Rent alongwith interest on arrears, if any. Proof of payment of Ground Rent by the Society to DDA as well as proof of payment made in respect of individual plot/flat is

required to be submitted alongwith the application. In respect of flats allotted by C.G.H. Societies, the above certificate from Secretary/ President of the society should also contain details of the plinth area of the flat."

4.117 It has further been stated that "since the Societies were creating certain problems it has decided to ensure that the society has paid the up-to-date ground rent and the applicant seeking conversion has paid his/her share of ground rent with the Society or DDA. In case, the Society fails to give the 'No Dues Certificate', a letter is sent to the concerned society for issuing N.D.C. within a period of one month and in the event of their failure to do so, the application for conversion is processed on the basis of documents/certificates submitted by the application."

4.118 When asked whether any time limit has been fixed for completing the process of conversion, the Government in their written reply stated:—

"Generally a time frame of 90 days has been fixed for completing the process of conversion.... However, delay too takes place due to non-completion of formalities by the applicant, non-availability of record and non-finalisation of certain policy matters having major financial implications."

4.119 Since the commencement of the Scheme, 31716 applications for conversion of leasehold rights into freehold were received upto 30.4.1995 out of which in 19394 cases conveyance deed have been issued, in 5854 cases deficiency has been conveyed and the remaining 6468 cases are at various stages of process.

4.120 Out of 12322 pending applications, 9587 have been pending for more than the prescribed period of 90 days.

4.121 It was enquired whether any complaints for delay, harassment etc. have been received and if so how were these disposed off. In their written reply, the Government have stated the following:—

"Six complaints regarding delay in conversion of lease hold to free hold have been received during the period 1.4.94 to 31.5.1995. All the complaints after preliminary investigation have been closed with the approval of the competent Authority."

4.122 The Committee welcome the announcement made *vide* Notification dt. 14.2.1992 issued by the Ministry of Urban Affairs and Employment regarding conversion of leasehold rights to freehold on payment of one time conversion fee in respect of residential plots upto 500 sq. mtrs. and flats under all categories except Asian Games Village Complex flats.

4.123 The Committee note that as per existing instructions all the formalities for conversion are to be completed within 90 days from the receipt of application. They, however, find that out of 31716 applications received upto 30.4.95. 12322 requests were pending including 5854



applications where deficiencies were noticed. They are concerned to note further that 9587 applications were pending for more than the stipulated period of 90 days.

4.124 The Committee desire that deficiencies in the applications or non-completion of formalities by the applicants should be timely communicated to the applicants for requisite rectification. They are, however, deeply concerned to note that there have been delays due to non-availability of records and non-finalisation of certain policy matters.

4.125 The committee feel that period of 90 days laid down for processing and examination of relevant documents for conversion is quite sufficient. Any delay beyond the period of 90 days would be unjustified and may breed corruption. As such DDA should adhere to this time schedule for grant of conversion into freehold for flats/plots.

1	2	3
75	8.90	The Government may also examine the feasibility of constructing multi-storeyed buildings for JJ dwellers in certain JJ areas under their encroachment by relaxing building bye-laws as it would not only accommodate more people but also create extra space which could be utilised to generate resources for self-financing of these multi-storeyed buildings.

## CHAPTER V

### AWARD AND EXECUTION OF CONTRACTS

#### *Award of Contracts*

5.1 DDA awards contracts to the registered contractor of the entitled class after call of open tenders through wide publicity including publicity through press.

5.2 All those contractors who are registered with DDA, CPWD, Civil wing of P & T and MES are allowed to purchase and submit the tenders within their respective tendering limits for which they are entitled as per the class in which they are registered with the above mentioned Bodies.

5.3 In DDA, the contractors are registered in different classes by Contractors Registration Board constituted by the Vice-Chairman under the Chairmanship of senior most chief Engineer of DDA and 5 other CEs as Member including CE(QC) and with CE(WZ) as Member Secretary.

5.4 In certain emergent situations where it is not feasible to follow the regular procedure of call of tenders due to severe time constraints the rules permit award of work without call of tenders also.

5.5 Enquired about the types of contracts that were being floated and awarded, the Vice Chairman, DDA informed during evidence:—

“The general rule is open tenders for which at least three weeks time is given. Only in exceptional cases where the matter is of urgent nature, short notice tenders are also invited. In case of grave emergencies like floods etc., tenders are invited on a day's notice. These are the three types.”

5.6 As regards award of contracts on work-order basis, the representative from DDA stated:—

“Work order accounts for three percent to four percent of the total works awarded.”

5.7 Some of the observations made in the preliminary report submitted by CE (QC) who investigated certain works executed on work-order basis in East Zone of DDA, are as under:—

“(i) From the details received for the period April 1989 to November, 1991, it is seen that 971 work-orders were issued for Rs. 4.25 crores in East Zone. Work on work-orders can be awarded but above codal provisions have to be generally kept in

view but it is seen that work orders under Circles 3 & 10 were issued without any consideration to above rules.

- (ii) EE's annual limit of work-orders as per para 5 of the same Section of CPWD Manual was Rs. 3 lakhs. It is seen that except ED-7 & 8 all the Executive Engineers under East Zone awarded work-orders at their level for more than Rs. 3 lakhs in a year.
- (iii) Most of the quotations were obtained by hand by all the Divisions and work awarded..... obtaining quotations by hand means calling a person and asking him to give rate and do the work. This indirectly amounts to favour the contractor of their choice. Quotations by hand can be taken in case of emergency like war, flood and other natural calamities where there is no time.
- (iv) It is also seen that certain work orders have been splitted in order to bring it within the power of EE & SE. This was very serious."

5.8 Asked why tenders were floated and contracts awarded before getting land problems cleared and completion of developmental work the Ministry in a note stated as under:—

"By and large, all tenders for housing works are floated and contracts awarded only if the land is free from all encumbrances and peripheral services are available. However, sometimes contracts are awarded before the peripheral services are actually laid with a view to synchronize the construction activity with the laying of the peripheral services so that both these could be completed more or less at the same time."

5.9 From perusal of the statements regarding execution of various housing and commercial contracts, it was observed that there had not only been delay in completion of project/scheme but also steep rise in actual payment as against the contractual amount. The main reasons for delay were stated to be (i) non-availability of stipulated material; (ii) delay in structural design; (iii) land problem; (iv) slow progress of civil works; and (v) shortage of funds.

5.10 The reasons for cost escalation are given below:—

- (1) Increase in rates of materials and wages both during the stipulated period of completion of projects as well as beyond the stipulated period of completion where the delays are not attributable to the contractors.
- (2) Variations in architectural/structural details during the execution of work.
- (3) Increase in the scope of work.

5.11 These reasons only contribute towards release of payments to the contractors under clause 10-c/10cc. i.e. for increase in rate of materials &

wages but the other aspects attributing to the increase in cost of projects remain unaffected.

5.12 The following penalty clauses, for defaults like delay in execution, use of sub-standard material, making changes in specifications etc. on the part of the contractors, are incorporated in all the Agreements:—

- CLAUSE-2**                      Penalty clause on account of any delay in execution of work.
- CLAUSE-3**                      Penalty clause regarding right of the Engineer-in-charge to determine/rescind the contract and/or to get the work or part of work executed at the risk and cost of the contractor in case of failure of the contractor to rectify or reconstruct the defective work, delay in execution of work or any breach of the terms and condition of the contract etc.
- CLAUSE-14**                    Penalty clause on account of execution of any work with unsound, imperfect or unskilled workmanship or with materials of any inferior description or provision of any unsound or inferior quality materials or articles for the execution of the work or otherwise if the material or work is not in accordance with the contract etc.
- CLAUSE-17**                    Clause regarding right of Engineer-in-charge to get the defects rectified at the risk and cost of the contractor even when the same are observed within 6 months of recording of completion certificate.
- CLAUSE-42**                    Clause regarding recovery of the cost of stipulated material issued to the contractor at penal rates in case of loss/damage/wastage etc. of such materials.

5.13 During the last 10 years, one or more of the penalty clauses were invoked in 155 cases of major works awarded at the levels of CE and above. Out of these 155 cases all the works could not be completed up to the stipulated date of completion as per the agreements. Penalty for delay in completing the construction was imposed in 101 cases. Out of the 155 works, sub-standard items of work of the value of Rs. 122.62 lacs (Approx.) were got dismantled in 21 cases, whereas in 122 cases certain items of sub-standard work were accepted at reduced rates, with the total reduction amounting to Rs. 190.72 lacs (Approx).

5.14 As many as 65 major works have been rescinded since 1985 for one reason or the other. The consolidated amount actually paid to the original contractors till date in respect of these 65 cases works out to

Rs. 32.94 crores. The amount actually claimed against these contract works out to Rs. 33.5 crores. The extra amount paid for the completion of these projects works out to Rs. 10.56 crores, in respect of those projects which have since been completed upto May' 1995.

5.15 These cases are pending in the Court/High Court/Under arbitration..... Recovery is nil (May, 1995).

5.16 There are specific provisions under Clauses 3, 19, 25 & 29 of the Contracts regarding action to be taken for rectification of works, adjustment of expenditure incurred on rectification and settlement of related disputes. The Department invokes any one or more of these clauses in the manner as indicated below:—

“The department tries to get all the rectification works done from the respective contracts themselves, as per the provisions of the contract. However, in those cases where the original contractors either do not respond to the instructions of the department or whenever their contracts are rescinded, then the rectification work is got carried out at the risk and cost of the original agency by engaging other agency/agencies. In any such eventuality the amount spent on rectification work is either adjusted from the payments due to the original contractor/security amount available with the department or department invokes arbitration clause to realise the amount so spent by filing its claims before the arbitrator so appointed for the purpose. Settlement of such claims/disputes through arbitration is an established procedure laid down in the contracts pertaining to all these works.”

5.17 DDA furnished a statement of 30 cases indicating the present position of recovery of the amount incurred on rectification of works where major defects were noticed. In most of the cases amount had not been recovered. These cases were either under arbitration or pending in the courts.

5.18 It was observed that most of the cases of arbitration were going in favour of the contractors. Asked how far the system of arbitration was in favour of DDA, the Engineer Member, DDA stated during the submission:—

“The arbitration clause is provided in almost all the PWD system. Since we have faced such problems, in 1991 we have taken out this clause from the contract itself. There is no clause of arbitration now. If any contractor has got any claims, he will have to file a suit with a stamp fee or the court fee.”

5.19 The Finance Member, DDA explained the position as under:—

“I would submit that because of the arbitration clause which was there in the agreement, the cases were going in favour of the contractors. We have noticed that practically in 90 or 95 per cent of

the cases, the arbitration was going in favour of them. There was a Panel of arbitrators in which there were retired Chief Engineers of CPWD and some experts. Member (Engineering) was nominating the arbitrator exercising his Power under the provisions of the clause of the arbitration. Therefore, 95 per cent of the cases were going in favour of the contractors and hardly five per cent were won by the DDA. What was happening was that in so many cases we had to file the appeal in the court and the cases were going on. So, looking into this, in 1991 we decided that the clause of arbitration would be deleted and now very recently we have decided that even in the old cases where the arbitration agreement was there, the arbitrator could be appointed but the arbitrator will be from within those who are serving in the DDA because the experience otherwise has not been very happy..... the general tendency is that the arbitrators give awards against the department."

5.20 It was also admitted during evidence that in some cases the awards have gone in favour of the contractors due to non-submission of documents by the department.

5.21 Since all the expenditure incurred on a scheme/project is debited to the works, the Committee enquired from the Ministry how do they justify to pass on the extra expenditure incurred on a work, to the allottees for no fault of theirs. In reply, the Ministry have submitted as under:—

"DDA does not get any grant or subsidy from the Government for its housing projects. The flats are allotted on 'No profit No loss' basis by the DDA. The expenditure incurred in connection with construction of housing projects is the liability of the allottees and therefore, DDA recovers all the investments made on the scheme from the allottees itself. However the plinth area rate of construction is arrived at after pooling the expenditure of all the schemes of same category during that month in order to ensure equitable burden on all the concerned allottees of those schemes."

5.22 In view of the above, the Committee desired to know as to how the interest of beneficiaries (allottees) could be saved. In their written reply, the Ministry of Urban Affairs and Employment stated as under:—

"The actions to rescind the work, to get the balance work executed at the risk and cost of the original contractor through arbitration are all taken as legally tenable under the terms and conditions of the various contracts. The arbitration awards are given by the Arbitrators having semi-judicial powers. The Department has only two options to either accept the award as it is or to approach the competent court for challenging the awards. Thereafter the Department has to honour the verdict of the competent court.

All efforts are made to protect the interest of the department which would ultimately tantamount to protecting the interest of the

allottees by properly defending the case at different stages. Whenever any lapse/laxity is noticed on the part of any of the departmental officers jeopardising the interest of the department, disciplinary action is invariably initiated against such defaulting staff.

However, it had been experienced that the system of arbitration had by the large, not been working in favour of the department due to inflated claims being raised by the contractors and due to the inherent limitations of the law in this respect wherein the awards given by the arbitrators are not challengeable on merit and could only be challenged on the basis of mis-conduct by the arbitrator or some errors apparent in the award. It was, therefore, found to be resulting in a sort of immunity to the arbitrators enabling them to give awards which perhaps would not have been given by a proper court of law which could with-stand the scrutiny of logic and merit. It was because of this constraint that the deptt. finally decided in 1991 to delete the arbitration clause from the standard contract forms so that in case of any dispute the respective parties would have to file civil suits in the court of law of proper jurisdiction. This step is liable to result in the up-holding of only those claims/counter claims which are sound on merit and logic and is also expected to serve as a deterrent against inflated claims raised by the contractors, who would now have to deposit a court fee proportionate to their claims.

Another step that has been taken in 1994 by the deptt. in the direction is that it has been decided to appoint only the serving officers of DDA as arbitrators. Thus a number of retired Government officers and other persons who were earlier being entrusted with the arbitration cases, are not being given such cases any more.

It would thus be seen that within the frame work of the terms and conditions of the contracts, the deptt. has been taking all possible actions under the law to protect the interest of the allottees."

5.23 The Committee are informed that DDA contracts are generally awarded to the eligible contractors of the entitled class registered with DDA, CPWD, P&T MES etc. after call of open tenders through wide publicity. Before award of contracts, tenders are processed by the competent authority and the works are awarded mostly to the lowest tenderers on the basis of justified rates. However, short notice tenders when the matter is urgent and tenders on a day's notice in emergent situations like floods, are also invited.

5.24 The Committee regret to find that works are also awarded on work-order basis without any urgency or emergency. In this regard, the findings of CE(QC) are very revealing, who has pointed out non-compliance of procedure and norms set out in CPWD Manual, which is generally followed by DDA.

5.25 The Committee feel that the works on work-order basis are awarded just to avoid competition thereby giving undue benefit to certain contractors. In their opinion it gives rise to underhand dealings, unfair practices and disregard to fairplay.

5.26 The Committee recommend that award of contracts on work-order basis should be done away with except in emergent situations like floods, earthquakes and other natural calamities, etc.

5.27 The Committee note that non-availability of stipulated material, delay in structural design, land problem, slow progress of civil works, shortage of resources, etc. are the contributory factors for delay in the execution/completion of works.

5.28 The Committee have no hesitation in saying that all these factors contribute to increasing the cost of a project/scheme as any delay attracts the provisions of penalty clause of 10-10cc in favour of contractor i.e., increase in rate of materials and wages both during and beyond the stipulated period of completion.

5.29 The Committee expect that DDA will take remedial measure in monitoring the execution of works at appropriate level to ensure execution of works according to the schedule and their completion in time so as to obviate any steep rise in the contractual amount.

5.30 The Committee find that a number of penalty clauses for default in the execution of works, like delay, unsound, defective, substandard work etc. have been incorporated in DDA agreements. Accordingly, they find that as many as 65 major works have been rescinded invoking one or more penalty clauses of the agreements. The consolidated amount claimed by DDA against these contracts works out to Rs. 33.50 crores. The Committee are dismayed to find that in none of the claims DDA could recover the amount as the claims have either gone against DDA or were pending in various courts of law or under arbitration.

5.31 They also find that in a number of cases the rectification work has been carried out at the risk and cost of the original contractors under specific provision in the contracts and the claims have been filed before the arbitrators invoking the arbitration clause.

5.32 The Committee are again dismayed to find that even in most of such cases the arbitrators have awarded the claims in favour of the contractors. What is still more intriguing is to note that in some cases the awards have gone in favour of the contractors due to non-submission of the documents by DDA.

5.33. On the other hand, claims of contractors for losses or damages suffered by them on account of delay in giving decision, material, site etc. have also gone in their favour aggravating losses of DDA.

5.34 The Committee express their deep anguish over the above unsatisfactory state of affairs where not only the claims of the contractors for any kind of default on the part of DDA but also the claims of DDA for



defaults on the part of the contractors, all have gone in favour of the contractors.

**5.35 The Committee, therefore, conclude:**

- (i) That DDA has altogether failed to safeguard its interests. Whether there are cases of recovery of dues where contracts in respect of works have been rescinded or whether there are cases of recovery of amount incurred by DDA on rectification of works. In none of these cases DDA has been able to make any significant progress in recovery of their dues running into crores of rupees. All of the cases of large amounts are stated to be under arbitration or pending in the High Court.
- (ii) That provisions of the contracts that have been incorporated in the agreements with the contractors for execution of DDA works lack deterrence for any wrong doing being indulged in by the contractors in contravention of terms of the contracts in the execution of works.
- (iii) That execution of works by the contractors in blatant and flagrant violation of the provisions of the contract agreements on a large scale is not possible without the active connivance of the DDA Engineers and the staff deployed for supervision.
- (iv) That DDA has not taken any deterrent action against the field and other supervisory staff.

**5.36 The Committee recommend:**

- (i) That in the light of experience gained by DDA in the execution of works by contractors, a review of the provisions incorporated in the agreements with the contractors may be undertaken with a view to making the terms of agreements/contracts more stringent for execution of DDA works.
- (ii) That a large number of DDA engineers including those holding very senior positions in DDA have reportedly floated contractor firms in the names of their close relations. This is one of the root causes for defective/sub-standard execution of works that have reached plague proportions in DDA. The Committee desire that a comprehensive review of the contractor firms registered with DDA for execution of their works should be undertaken with a view to weeding out those contractors who have defaulted in execution of works in accordance with terms of the contract.
- (iii) That for recovery of amount paid to the contractor till rescission of work or for realisation of amount spent on rectification works, a clause may be incorporated in the contract requiring the contractor to deposit seventy-five per cent of the disputed amount with DDA when the case is filed in the court of law for settlement.
- (iv) That a detailed investigation may be conducted preferably by CBI covering the following aspects:
  - (a) How many engineers including those holding very senior position of DDA have floated contractor firms in the name of their close relations

and to ascertain the magnitude of misuse of official position in giving benefit to such contractor firms on mutual basis?

(b) Why in some cases awards have been given in favour of contractors due to non-submission of the documents by DDA authorities?

(c) Role and likely connivance of DDA field and other supervisory staff for their partnership in these scandalous defective/sub-standard execution of works by the contractors.

### *Procurement of Material*

5.37 Procurement and supply of certain materials is centrally done by the Directorate of Materials Management, through call of tenders and subsequent execution of agreements of standard contract form No. PWD-9. These standard contract forms are exactly the same as in vogue in CPWD and do contain clause 2 & 4, relating to the observance of time schedule for delivery of the materials intended to be procured by the Department. The provisions of Clause-4 stipulate for the extension of time to the contractor, where such delays are not attributable to him and Clause 2 for levy of penalties in case of defaults on the part of the contractors. All aspects of malafide or bonafide delays are examined in detail strictly in accordance with the contractual provisions while processing the case of extension of time of each contract under Clause 4 of the agreement. The responsibility is fixed on the basis of this scrutiny and penalties are imposed, if warranted as per provisions of Clause-2 of the agreements.

5.38 DDA purchases/procures following raw materials through a Central Stores Cell:—

- (1) Cement
- (2) Steel
- (3) S.C.I. Soil & Waste pipes
- (4) G.I. Pipe
- (5) C.I. Pipe (for (W/S)
- (6) Machine made factory manufactured shutters
- (7) Bitumen

A. The procedures adopted for procurement of items (at Sl. No. 1 to 4) are as follows:—

1. DDA purchases materials from the manufacturers who are having valid ISI Licence and materials are ISI marked.
2. All purchases are done generally through call of tenders after wide publicity both through press as well as by sending tender enquiries to various manufacturers who are on ISI list.
3. Overall performance of the manufacturers is kept in view while awarding the work.

B. 1. However, in case of GI pipe (at Sl. No. 4) DDA also procures at DGS & D contract rates, terms and conditions of the manufacturers who are having valid Rate Contract, provided DGS & D Rate Contract is available at that point of time.

2. In case of C.I. Pipes (for water supply), the purchase is done at DGS & D contract rates and terms and conditions from the manufacturers who are having valid Rate Contracts.

3. In case of Machine-made factory manufactured shutters (at Sl. No. 6), there is no manufacturer who is having ISI licence for the time being in totality. DDA therefore, has drawn a select list of manufacturers for this item (17 Nos.) after going through their capacity, available machinery and also performance. Tender enquiries are sent only to these manufacturers so that the quality of the product is maintained and purchase is done accordingly.

4. In case of Bitumen (at Sl. No. 7), DDA purchases the material from Indian Oil Corporation as per quota given by Delhi Administration.

5.39 On enquiring about penalty clause for delay in procurement or supply of sub-standard items, the Ministry in a written note, stated as under:—

In the Contracts for procurement of materials, the penalty clauses are included as discussed below:—

- (i) There is a provision of penal action for delay in supply of materials on DGS & D Rate Contracts against which orders are placed on various firms. Since materials, duly inspected and approved by DGS & D inspection authorities are accepted and DGS & D authorities do not approve any material of sub-standard quality, as such the question of accepting any sub-standard materials by DDA does not arise.
- (ii) In case of contract agreements drawn after open tendering, Agreements provide clauses 2 & 3 for penal action for delay in supply of materials. No sub-standard material is accepted. In case of failure of any samples in the tests, the defective material is got replaced from the suppliers.

5.40 The penalty clauses have been invoked in about 21 cases since 1.4.90. Asked whether there have been cases in regard to supply of material which could not be resolved, the Secretary, Ministry of Urban Affairs and Employment stated during evidence:—

“Since 1985 no such cases were there which could not be resolved. In ten cases of arbitration the awards have gone against DDA. On account of one case about Rs. 2 lakh have been awarded. The

remaining nine cases have been challenged in the court and are yet to be concluded. No amount has been paid so far to anybody in these nine cases."

5.41 One of the reasons for the steep rise in the execution of works is stated to be delay in the supply of material required in the construction work. Accordingly, the Committee asked whether extra amount paid to be contractor for construction work due to delay in the supply of material commensurate with the amount recovered from the contractor supplying the material. The written information was furnished by the Ministry stating as under:—

"No such direct comparison can possibly be made between the extra payment made to the contractor for the work due to delays and the amount of penalty recovered from the suppliers of the materials due to delay in supply. It would be pertinent to point out that the delays in the supply of materials are generally caused due to any of the following reasons:

- (a) Non-availability of railway wagons
- (b) Power cuts
- (c) Non-availability of raw materials
- (d) Decision in working out statutory rises like ~~excise~~, modvat, sales tax, railway fare, etc.
- (e) Strikes
- (f) Natural calamities like floods, political disturbances and shortage of funds
- (g) Increase in scope of the supplies".

5.42 In so far as rescission of contracts and losses suffered by DDA are concerned, it has been stated that there have been five such cases since

1985 where supplies have been procured at the risk and cost of original tenderers, whose contracts were rescinded. The details of these cases are given below:—

Sl. No.	Name of Agency	Extra amount spent for completion of supplies (Rs. in lacs)	Dt. of rescission	Position of recovery
1	2	3	4	5
1.	M/s. C.C.I. Ltd.	60.40	27.11.90	Penalties were imposed under Clause-2 and Clause-3 and claims were raised through arbitration and only claim under Clause-2 was awarded by the arbitrator in favour of DDA i.e. Rs. 26.04 lacs. But claims against Clause-3 was not allowed by the arbitrator. The award by the arbitrator has been challenged in court and amount yet to be recovered.
2.	M/s. UPSCC Ltd.	199.24	18.12.90	Arbitration was not allowed to be proceeded by M/s UPSCC Ltd. Court case is in process for enlargement of time of arbitration.
3.	M/s. Andhra Cement Ltd.	Nil	01.10.92	The tenders were recalled and rates were got on lower side in the tenders and material was not procured. Hence case was closed by the competent authority.

1	2	3	4	5
4.	M/s. Bhushan Industrial Corpn. (P) Ltd.	1.87	22.04.87	Amount could not be recovered. Agency went to arbitration. Counter claims were placed before the arbitrator, which were not accepted by arbitrator. Award was challenged. However, court upheld the award which was approved by Vice Chairman, DDA.
5.	M/s. Archana Steel (P) Ltd.	Nil	16.12.85	Supply was not executed through other agency, no extra amount incurred due to fall of prices in the market. Agency invoked arbitration for damages. Arbitrator 18 gave award in favour of agency. The award has been challenged by the department and the matter is in High Court/Supreme Court.

5.43 Six cases of irregularities committed in the purchases of construction material have been reported. All the cases are under investigation to find out the lapses and to fix the responsibility, if any, on the part of the officials involved.

5.44 The Committee note that certain materials like cement, steel, GI/CI pipes, shutters, bitumen, etc. are procured through Central Stores Cell for supply to contractors executing the construction/development work.

5.45 The Committee are however pained to note that in a number of contracts awarded for the execution of works the actual amount paid to the contractors is far above the contractual amount and one of the reasons is delay in the supply of stipulated material by DDA. They are unable to understand as to why the material is not supplied well in time keeping in view the fact that the material is issued from Central Stores Cell where it is imperative to have sufficient material in stock to meet the requirement of all the works.

5.46 The Committee consider such delays either deliberate to give undue benefit to the contractors or due to sheer negligence on the part of authority for not procuring the material well in time. In both the situations persons concerned with the procurement/issue of material cannot absolve themselves

of the responsibility of keeping a balance in the procurement and issue of material. In order to avoid such situations modern inventory control methods should be adopted by them.

5.47 The Committee note that penalty clauses for delay in the supply of material by the manufacturers etc. are incorporated in the agreements where the agreements are drawn after tendering.

5.48 The Committee, however, regret to note that in none of the cases, where supplies were procured at the risk and cost of the original contractors, the extra amount spent on completion of supplies, could be recovered.

5.49 The Committee are at a loss to find that even in the procurement of material, DDA had to suffer losses as the recoveries could not be effected against the amount claimed for delay in supply of material or for extra amount spent for completion of supplies at the risk and cost of the first contractor, particularly where a large amount is involved. The Committee desire that terms of contract/agreement should be reviewed in the light of earlier recommendations to protect the interest of DDA.

#### *Quality Control*

5.50 Quality Control Cell has been provided in DDA to inspect major works costing more than Rs. 10 lacs. (On a decision taken by the Vice-chairman, DDA in 1994 works costing Rs. 7 lacs and above are inspected by the Quality Control Cell of DDA). The building works are inspected at 3 stages of progress of work, namely, 20 to 30% (First Stage), 50 to 60% (Second Stage) and 85 to 95% (Third Stage). In case of road works, the works are first checked at the progress stage of 25 to 35% and second time at the progress stage of about 85 to 95%.

5.51 Quality of materials and workmanship are also checked by the field staff engineers supervising the construction and they conduct the requisite mandatory tests.

5.52 Quality Control Cell issues observation memos to the E.E. pointing out deficiencies in work on which action is required to be taken by the field staff. This is pursued by issuing reminders to EE with copies to S.E. and C.E.

5.53 On the observation memos communicated by the Quality Control Cell to field staff, action is taken against the contractor who has to accept the work at reduced rates as proposed by the Department or do demolition and redo the work as per condition of contract. The disputes, if any, are resolved as per terms of the contract.

5.54 In case there are serious lapses, matter is referred to Vigilance Deptt. for investigation.

5.55 JEs and AEs are the basic field officers, who inspect the work on day to day basis during its execution at all stages to ensure that the works

are executed in accordance with the provisions of the contract. In addition, the works are frequently inspected by the Executive Engineers. The Superintending Engineers and the Chief Engineers also inspect the works periodically. Works costing more than Rs. 7 lacs are checked by the Q.C. Cell of DDA at two to three stages including surprise checks. Further, the works costing more than Rs. 50 lacs are generally inspected by the C.T.E.'s Organisation of Central Vigilance Commission also.

5.56 The Completion certificate is recorded by the E.Es. However, in case of major works, as per details given below, the concerned S.E./ Director (Hort.) are also required to inspect such works and record the completion certificate:

- (i) Building works costing Rs. 10 lacs and above.
- (ii) Electrical and sanitary works costing Rs. 3 lacs and above.
- (iii) Road and runway works costing Rs. 3 lacs and above.
- (iv) Horticulture works costing Rs. 50,000/- and above.

5.57 In this connection, the following has also been deposed before the Committee by the Vice-Chairman, DDA during oral evidence:

"At the construction stage when construction works are there, every work is supposed to be inspected as per the CPWD manual. The norms are prescribed. The Superintending Engineer and the Executive Engineer who execute the work are supposed to inspect the work. Further, there is supposed to be a check list in which checking is done by the Junior Engineer. The test check is done by the senior officer."

5.58 The Chief Engineer (QC) elaborated:

"Quality Control System is mandatory for all works costing above Rs. 7 lacs. The works are checked by us at three stages. We are also giving instructions to senior officers like the Executive Engineers, the Superintending Engineer to be careful about checking similar defects in the construction work in future also.

If the work is highly sub-standard one, we get it demolished. In case there are minor defects, we prepare the Reduction Item Statement. We also issue circulars regarding maintaining the quality at site from time to time which are implemented by the engineers... This is the major system we are following. The Superintending Engineer gives a certificate about work completion. He has to certify that the work has been completed according to his satisfaction."



5.59 Details of the flats, where some major defects were noticed in the last few years are given below. However, any such schemes, where the problem had cropped up due to settlement of the sub-soil strata and other such defects, have not been included in the list.

1. C/o. 408/440 LIC houses at Motia Khan, Group-I and III.
2. C/o. 265 MIG Pkt. IV Trilokpuri (Mayur Vihar), Phase-I.
3. C/o. MIG, 96 LIG at Block-R, Group-4, Dilshad Garden.
4. C/o. 192 SFS flats Group-I at Sector-4, Pkt. B&C Dilshad Garden.
5. C/o. 656 (336+320) MIG flats in Jahangirpuri.
6. C/o. 228 LIG houses at Motia Khan Group-I.
7. C/o. 192 MIG (SFS) at Motia Khan Group-V (actual number 168)
8. C/o. 120 (actual 112) MIG houses (SFS) at Motia Khan Group IV.
9. C/o. 720 LIG houses Pkt. W(P) Pitampura.
10. C/o. 448/320 LIG houses Pkt. L(D) in Pitampura.
11. C/o. 128 SFS houses at Pkt. L(D) Pitampura.
12. C/o. 160 MIG houses in Pkt. Q(U) Pitampura.
13. C/o. 480 LIG houses in Pkt. K(P) Pitampura.
14. C/o. 208 MIG, 180 LIG houses in Pkt. A(P) Pitampura.
15. C/o. 192 MIG (actual 112) houses in Pkt. B(P) Pitampura.
16. C/o. 936 (888 Janata houses) Pkt. V(P) Pitampura.
17. C/o. 160 SFS at Block-8, Pkt. F, Shalimar Bagh.
18. C/o. 960 Janta Houses at Lawrence Road.
19. C/o. 408 MIG houses in Pkt. A(D) at Pitampura.
20. C/o. 560 MIG DUs in Pkt. A(P).
- SH. C/o. 208 MIG houses in Pkt. A(P) Pitampura.
21. C/o. 108 three bed, 72 two bed, 80 scooter garages and 34 car garages at Hall Road under SFS.
22. C/o. 300 DUs (60 MIG+240 LIG) at Trilokpuri.
23. C/o. 228 MIG DUs (actual 264) in Pkt. KG-I, Vikas Puri.
24. C/o. 224 SFS houses Pkt. B, Bodella Extension, Vikas Puri.
25. C/o. 130 SFS houses at Gulabi Bagh.
26. C/o. 1092 Janta Houses in Pkt. BC-6 at Paschim Puri.
27. C/o. 168 MIG/56 LIG houses at Trilok Puri Group-A, Pkt-I.
28. C/o. 120 SFS houses in East of Kailash, Pkt. A.
29. C/o. 194 SFS DUs Malviya Nagar Extension.
30. C/o. 204 SFS DUs Malviya Nagar Extension.

5.60 Asked whether issue of Memos to AEs/JEs for sub-standard works considered to be adequate, the Ministry in a post evidence note stated as under:

"In the case of sub-standard work, appropriate action is taken to either get the work rectified or dismantled or in case the work has got the necessary structural soundness, the same is accepted at reduced rates, after inspection and approval by Supdg. Engineer. The final decision in respect of the reduced rate items rests with the S.E. Memos to AEs/JEs are issued by EE or SE depending on

the nature of sub-standard work executed under their supervision. Generally, the issue of these memos warning to the official for their lapses or cautionary memo is considered adequate in most of the cases specially where DDA has not suffered any losses. Alternatively in case the lapses are serious, the matter is referred to Vigilance Deptt. for investigation."

5.61 The number of memos issued to AEs, JEs during the last 5 years, i.e. 1990-91, 1991-92, 1992-93, 1993-94 and 1994-95 are 430 to AEs and 419 to JEs. Further, the cases referred to Vigilance Deptt. for investigation are 127.

5.62 The Committee enquired about the penalties imposed on the engineering staff where defects had been noticed and rectification/demolition had to be resorted to. In their written reply furnished by the Ministry of Urban Affairs and Employment is as under:

"The Field Engineer-in-charge of a work is accountable for any structural deficiency or other serious defects whereby major rectifications/demolitions are required to be resorted too.

5.63 DDA furnished details of penalties such as withholding of increments stoppage of next increment, reduction to lower stage in the time scale, removal from service, reduction to lower rank censure and compulsory retirement, etc. imposed involving 36 JEs, EEs, in 14 major works where defects in the work executed were noticed.

5.64 After the Anand Committee Report, an instructional circular (No. 434 dated 28.9.1994) was issued with a view to avoiding recurrence of deficiencies of general nature regarding quality control. In this connection, the Committee desired the Government to state whether such instructions were already existed and were reiteration thereof or these were prescribed after the Report. In their written reply, the Ministry of Urban Affairs and Employment informed.

"The Anand Committee had been specially constituted to examine certain complaints about the poor quality of works and other irregularities being committed in Rohini Zone. The Committee had observed that there had been some lackness in adherence to the quality control measures in certain works and also in the adoption of various procedural formalities. It was in this context that the necessity to issue a specific circular was felt to invite the attention of all the officers of DDA to the observations of the Committee in respect of the quality control measures and adherence to the codal formalities. The circular was otherwise reiteration of the departmental instructions and/or the manual/codal provision already in existence in the department. Needless to say that the DDA is a mammoth body and from time to time slackness does creep into at the functional levels in the matter of strick adherence of the quality control measures and the codal formalities.

Whenever, the department observes any such signs, the existing provisions of the specifications/codes/manuals are reiterated through issue of departmental instructions with a view to jolt the various functionaries of the department so that they shed their slackness in this respect and get activated to scrupulously follow the existing provisions. It is, thus, clarified that such departmental instructions are issued with the sole purpose of shaking up the officers from such minor slackness in their attitude towards adherence to the specifications/procedures. However, whenever any serious lapse on their part is noticed, an appropriate administrative/disciplinary action is invariably initiated against the erring officers/officials.

So far as Vigilance Deptt. is concerned penalties prescribed under the Regulation 14 of the DDA (Salaries, Allowances and Conditions of Service) Regulations, 1961 can be imposed depending upon the quantum of violation."

**5.65** The Committee note that the field engineering staff connected with the execution of works, inspect all the works on day to day basis. Executive Engineers, Supdt. Engineers and Chief Engineers also inspect the works periodically. Major works costing Rs. 7 lacs and more are also inspected by Quality Control Cell at different stages of progress ranging between 20% and 90% and issues observation memos to the field staff for taking appropriate action.

**5.66** The Committee are informed that during their inspection, if minor defects or sub-standard works are noticed, the defects are either got rectified from the contractors or the works are accepted at reduced rates. Where major defects are noticed and the work is highly sub-standard, the same is dismantled. The Committee find that major defects in as many as 30 works had been noticed in the last few years. They are, however, concerned to find out that in none of the cases the amount claimed, invoking different clauses of agreement, could be recovered.

**5.67** The Committee are unable to understand as to how the defects or the sub-standard work could not be noticed and got rectified in the first instance in spite of the fact that the works are inspected on day to day basis by junior level engineering staff and periodically by senior engineers. In their opinion, the Engineering staff were either not performing their duty faithfully or connived with the contractors. Whatever may be the reason, the defects or sub-standard works are the result of negligence of engineering staff and as such, are liable to be hauled up and punished.

Though field Engineers-in-charge of works are accountable for any structural deficiency, they, however, find that in most of the cases, only memos are issued to the concerned JEs, AEs for the lapses.

**5.68** In some cases, minor punishment like withholding of increments, reduction to one lower stage in the time scale/minimum of the scale,

censure etc. are imposed. It is only in a very few cases, they are removed from service.

5.69 The Committee consider these penalties very inadequate as compared to the deficiency/defects noticed in the works and the losses suffered by DDA.

5.70 The Committee further note that after the Anand Committee Report, which was set up to enquire into the deficiencies in the development of Rohini, an instructional circular (No. 434) was issued for strict compliance of the quality control measures and adherence to procedural formalities failing which appropriate administrative/disciplinary action would be taken under Regulation 14 of DDA (Salaries, Allowances and Conditions of Service) Regulations, 1961. They are, however, informed that many a times inspection reports are not recorded and in the absence of such a report, accountability cannot be fixed.

5.71 From the above the Committee conclude that neither the supervisory staff nor the inspecting officers (senior engineers) are serious about their duties with the result, all kinds of violations are being committed without any check. In their view, had the deterrent disciplinary action for dereliction of duty taken promptly, the affairs of DDA would have been altogether different.

5.72 It is, therefore, desirable that each and every functionary, particularly the field staff should perform their duties assigned to them with utmost dedication and integrity as DDA being an institution of public service.

5.73 The Committee also desire that DDA should take serious note of these lapses and deterrent punishment imposed on field and other supervisory staff including Senior Engineers.

#### *Demolition of Flats*

5.74 The following 579 flats constructed or under construction are reported to be demolished on account of being defective or of sub-standard construction:

Sl. No.	Location	No. of Flats
1.	Trilok Puri Pkt. 5 (Trans Yamuna Area)	163
2.	Trilok Puri Pkt. 5 Gr. B (Trans Yamuna area)	220
3.	Prashant Vihar (Rohini)	140
4.	Jahangir Puri	56
Total		579

5.75 In this connection, Engineer Member, DDA stated during oral evidence:

“During 1982, we had started certain construction and we had found during the progress of the work that the quality was not maintained by the contractors and we decided to dismantle all those 579 dwelling units. It involves an action against the contractors and engineers. We debarred all the contractors and action was taken against all the engineers.”

5.76 As per information furnished to the Committee, the contractors executing the works (i) C/o 163 houses at Trilokpuri Pkt. 5; (ii) C/o 220 houses at Trilokpuri Pkt. -5, Group B, and (iii) C/o 56 Houses at Jhangirpuri, have been black-listed/debarred from tendering in DDA. However, no action has been taken against the three agencies who executed the work C/o 140 houses at Prashant Vihar as they were awarded the works on work order basis.

5.77 In none of the above cases, criminal cases have been initiated against any of the contractors or the officials connected with these works.

5.78 The amount claimed and recoveries made in respect of the above cases, are as under:

*163 Houses at Trilok Puri Pkt. 5*

Amount claimed from the contractor	Rs. 350 lacs
Amount	NIL

The amount has to be recovered through arbitration. In this case, three arbitrators appointed earlier have since retired and now a fourth arbitrator has been appointed for adjudicating upon the claims.

*220 Houses at Trilokpuri Pkt. -5 Group-8*

Amount claimed from the Contractor	Rs. 800 lakhs
Amount recovered	NIL

Recovery has to be effected through arbitration. The arbitrator has since been appointed.

*140 Houses at Prashant Vihar*

As the original work was executed through work orders, no amount could be claimed or recovered from the agencies in the absence of specific agreement provisions.

**56 Houses at Jahangir Puri**

Amount claimed from the Contractor	Rs. 36 lacs
Amount recovered	NIL

Recovery has to be made through arbitration which has been recently concluded.

5.97 During the course of their on-the-spot visit on 23rd April, 1994, the Committee happened to inspect the defective construction of 265 DUs at Trilokpuri, Pocket V(A). Due to slow progress of the work as well as poor workmanship, DDA rescinded the contract on 24.10.1984. The background of the case and its present position is as under:

5.80 The above work was originally awarded to M/s. Project Engineers and Consultants vide No. F. 50(8) 8111/DD/VIIA/2176 dated 01.04.1982. The stipulated period for completion of the project was 12 months. The estimated cost of the work was Rs. 63,02,220/- and the tendered cost of the work was Rs. 1,18,94,276/-. The work was to be completed on 10.04.83 as per stipulated period. During the execution of work, it was inspected by the Q.C. Cell of DDA and after intensive examination of the work, CE(QC) commented as under:

"The general quality of the work is very poor and many portions of the structure are structurally unsafe. E.E. is directed defects are completely rectified."

5.81 Due to demolition of the half built structure of these houses, the department would suffer a loss of Rs. 77.70 lacs (approximately) the amount already incurred on the construction and investigation etc. This amount of Rs. 77.70 lacs (approximately) is to be written off by the competent authority in this case "AUTHORITY".....It is also anticipated that the Department would be able to salvage an amount of Rs. 10 lacs approximately from the disposal of dismantled material, as such, the net loss likely to be suffered by the department shall be to the tune of Rs. 67.70 lacs (approximately).

5.82 The amount spent on security and watch and ward since 1983 upto May, 1995 is Rs. 21.00 lacs.

5.83 The arbitration proceedings were initiated in 1984. The progress made after rescission of the contract as deposed before the committee by the representative from DDA was as follows:

"When we rescinded the contract, he went to the court to get stay order and the court granted the stay order and appointed a local commissioner. There was a dispute and he said that whatever measurements we have finalised are not correct and that he has done more work, etc., and he raised certain issues. So, a local commissioner was appointed. He had come to the site and he had taken stock of whatever was existing and that report was submitted to

the court. Then the court had upheld that whatever the Department had done is correct and it was in support of our earlier observation. The local commissioner submitted the report in January 1987 and thereafter DDA could proceed with further action.

5.48 On enquiring about the efforts made to recover the amount paid to the contractor, the Ministry of Urban Affairs and Employment in a written note, stated:

"As per the terms and conditions of the contract, the only course available at this stage for the recovery of the amount paid to the contractor is through arbitration proceedings. As already explained earlier, 3 arbitrators, appointed earlier in this case, had resigned and, subsequently, 4th arbitrator has now been appointed to adjudicate upon the claims of the departure.

5.85 As regards dismantling of these dwelling units and whereabouts of the contractor, the Ministry in a note stated as follows:

"This matter of demolition of the defective structure was considered by the Delhi Development Authority in its meeting held on 18.10.1995 for according approved to the demolition of the structure and for writing off the infructuous expenditure incurred on the same. The Authority has accorded its approved subject to the following guidelines. These guidelines of the Authority have already been conveyed to C.E. (EZ) vide letter dated 1.11.1995 for initiating immediate follow up action so that the actual demolition of the structure could be taken up at the earliest after complying with the above mentioned guidelines of the Authority. The Police had informed the department that the contractor could not be apprehended as he was untraced. However, the CE(EZ) has now intimated that, of late, the contractor had presented himself in the arbitration proceedings. CE(EZ) had referred the matter to Chief Legal Advisor, DDA on 31.10.95 for seeking his advice on whether DDA could now start the criminal proceedings again against the contractor while the arbitration proceedings were on or it would be in the interest of the department to wait till the conclusion of the arbitration proceedings. This reference was followed by a personal discussion by CE with the CLA who has intimated him that they would be able to send the requisite advice only after going through the details of the untraced report, of the police department. CE(EZ) is now pursuing the matter with the police Authorities to obtain their detailed untraced report at the earliest so that the same could be examined by the Legal Cell & further course of action decided in the matter."

5.86 Explaining the background about the decision taken to dismantle the whole structure, the Vice-Chairman, DDA stated during evidence:

“When the work was allotted to the second contractor, he started the work and later it was known that the quality was not good. It was found that a lot of expenditure would be involved. It was recommended that it would not be advisable to go in for heavy repairs as even after such repairs the structural stability would not be good for the complete life of the building. So, we finally decided that it should be dismantled.”

5.87 The Committee are informed that as many as 579 flats constructed under different schemes, some of them constructed in 1982 were to be demolished on account of being defective and sub-standard. Though the contractors who were awarded the works after inviting the tenders have been black-listed and debarred from tendering in DDA, it is surprising to note that one of the works was awarded on work-order basis and as such no action could be taken against the agencies. It is not understood as to how the contract of construction work has been awarded on work order basis. The Committee are concerned to note that in none of cases, the amount could be recovered.

5.88 Expressing their deep concern over the situation, the Committee recommend that as and when it is noticed that the construction work is of sub-standard or structurally defective, neither further construction be allowed nor any payment be made till the rectification is carried out or payment at reduced rates is accepted and the disputes are resolved.

5.89 All the pending cases of demolition should be pursued vigorously and recoveries effected at the earliest.

5.90 They also recommend that the reasons for awarding the work on work-order basis may be investigated and the concerned officials, if found favouring the contractors, may be penalised adequately. The Committee would also like to be apprised of the detailed action taken in the matter.

5.91 Since substandard or defective construction of flats endangers the lives of inmates, contractors found indulging in such nefarious activities should be proceeded against and criminal cases registered against them without fail. Such a clause should also be incorporated in all the agreements, to caution unscrupulous contractors against indulging in such activities.

5.92 Demolition of structures wherever warranted should not be lingered on but resorted to as early as possible in order to avoid theft and additional expenditure on security etc.

5.93 The Committee happened to visit defective construction of C/o 265 DUs at Trilokpuri Pocket V(A) during their on-the-spot visit. Since the construction work was defective the agency was asked to carry out the rectification. Instead of carrying out the rectification, the agency resorted to unauthorised removal of departmental material amounting to Rs. 12,33,972 with clear indication to abandon the work. Thereafter the contractor absconded. The work was rescinded in 1984 and it has been



decided to demolish the structure. As a result of demolition the Department is likely to suffer a loss of Rs. 77.70 lakh (approx.)

5.94 The Committee deplore the lackadaisical approach of the DDA in its efforts to recover the amount and take appropriate action against the contractor as DDA earlier had said that action including criminal proceedings could not be initiated as the contractor was absconding and now when the contractor has presented himself before the arbitrator, the Department is seeking legal advice whether it could start criminal proceedings. Moreover, the final decision regarding demolition of the structure could be taken only in October, 1995 i.e. after 11 years of the recession of work in 1984 and till that time DDA had incurred an additional amount of about Rs. 21 lakhs on W&W and security and the loss of interest, on the amount incurred by DDA thereon.

5.95 It is perturbing to note that on one hand the arbitration proceedings are going on as also the Authority is seeking legal opinion for initiating criminal proceedings against the contractor and on the other hand it has decided to write off the entire amount.

5.96 The Committee deplore the pathetic situation in which the DDA had put itself in undue delay first in taking action against the contractor and then writing off the amount due from him in the case of C/o 265 DUs in Trilokpuri Pocket V and desire that the case may be pursued vigorously and recoveries effected expeditiously.

5.97 Criminal proceedings should also be initiated against the contractor. Appropriate administration and legal action may also be initiated against the concerned field and supervisory staff. The progress of the case may be intimated to the Committee.

#### *Contracts for Development of Rohini*

5.98 In August, 1993 several reports appeared in the daily Newspapers about the poor condition of roads in Rohini Phase I and Phase II after monsoon showers. It was alleged in these news reports that the construction/maintenance of roads in the Rohini Project has not been up to the mark. Several VIPs also visited the Rohini Project and expressed concern about the deteriorated condition of roads. It was, therefore, decided by the Vice Chairman, DDA to get the matter enquired into through a Committee headed by Dr. H.S. Anand, Principal Commissioner, DDA vide his order No. PA/VC/93-93-382-N, dated August 22/3, 1993.

5.99 Some of the observations made by the Enquiry Committee were as under:—

- (i) There appears to be general lack of quality consciousness and apathy on the part of engineering staff in supervision of works. In spite of Quality Control Cell observations from time to time, required attention has not been paid by the engineering staff to

the deficiencies pointed out. This has led to repeated occurrence of such deficiencies.

- (ii) Very heavy deviations have been noticed in contracts for road works in Rohini Phase I and II which give the impression of scant respect for codal rules. This points to possibilities of financial irregularities and unjustified payments.

5.100 In view of the above observations, the Committee enquired about the action taken thereon. In his oral submission, a representative from DDA informed the Committee:—

“The investigations are at the preliminary stage. Dr. Anand Committee Report has pointed out that many works were not done as per the rules in the Rohini. We are discussing the matter with senior engineers also. There is a procedure for the DDA to get the approvals and revised approvals both administrative and expenditure. Dr. Anand Committee report has pointed out that in some cases approval of the competent authority has not been taken. There are two investigating units under my charge. This Committee has pointed out three types of deviations. In the first category the money has been spent but the administrative approval has not been taken. The competent authority is considering whether the *ex-post facto* approval could be granted or not. The second category relates to the deficiency in the quality of the material which was used for the construction of the roads. This finding is based on the samples taken by the Committee itself. The third type of cases relate to technical audit, namely, tenders have not been invited and in some cases only two tenders have been received. The receipt of two tenders itself indicates that there may be some malpractice. So, again, we had to call for those records. We have started this process and we will be analysing as to what extent the responsibility has to be fixed. It is a time consuming exercise; two months back we have initiated this process. So far as the time-frame is concerned as per the CPWD, one Executive Engineer can do about 20 cases in a year. We have 95 cases for two wings and they will take two-and-a-half years to complete them. But we are following a different approach. We will scrutinise the cases, identify the cases that are most important and try to complete them in a year's time. In some cases, it can be completed in six months and in some other cases it may take one year. But in about a year's time we will complete the process in respect of important cases.”

5.101 The representative also stated:—

“The Chief Engineer (Quality Control) has given a report regarding maintenance and other works. Different types of variations have been pointed out in this report. We have gone into

the deviations in this report. We have gone into the deviations and different investigating groups have been set up. In most of the cases we will be able to complete the investigation before the end of the year."

5.102 The Committee have been informed that in view of the adverse reporting in the media about the development and condition of roads in Rohini, DDA had set up an Inquiry Committee which, in its report, has pointed out a number of irregularities in the award of contracts and deviations/shortcomings in the execution of contracts giving rise to speculations of financial irregularities and unjustified payments.

5.103 They have also been informed that the observations of Enquiry Committee are further under investigation and the records are being called for. Even the report of CE(QC) who has also pointed out certain deviations in the execution of maintenance and other works are under further investigation by different investigating groups set up by DDA.

5.104 The Committee presume that after the reports of investigating groups are submitted, DDA would appoint enquiry officers to further investigate/scrutinise the cases and propose penalties against the erring officials which will again be considered by the disciplinary authority and so on. And by the time penalties to be imposed are finalised the officials might have either been retired or the evidence/records would not be available.

5.105 Disapproving the long procedure being adopted by DDA to fix the responsibility, the Committee recommend that in such cases where the inquiry is conducted departmentally or by any departmental Committees, their reports should be considered final and forwarded to disciplinary authority for taking appropriate disciplinary action and fixing penalties etc. so that the cases could be disposed of promptly.

5.106 In the instant case the Committee view that final action including imposition of penalties might have been taken by this time. If not already done, the investigation may be completed within a time-frame and the cases be finalised including action taken thereon within three months from the presentation of this report.

*Alleged Scandal of Rs. 45 crores*

5.107 A number of press reports were published in newspapers during 1991 alleging bogus payments, frauds, award of contracts at higher rates etc. by DDA in its works in East zone. Complaints from some MPs were also received in this regard. The major allegations were as follows:—

- (i) Bogus payment of about Rs. 20 crores towards maintenance of services in 45 pockets in East Delhi;
- (ii) Bogus payment of more than Rs. 10 crores on development works like construction of drains, earth filling, boundary walls, payments, roads etc.;

- (iii) Issue of work orders worth more than Rs. 6 crores by splitting the works without any emergent situation;
- (iv) Irregular allotment of contracts of more than Rs. 9 crores 'underground'.

5.108 The Vice-Chairman, DDA decided to get the preliminary enquiry done by the officers of sufficiently high status. The work of preliminary enquiry was entrusted to the Chief Technical Examiner of C.V.C., Chief Engineer (QC), DDA for technical matters and CBI for non-technical matters.

5.109 CTE investigated 14 works, selected at random from 4 Divisions (Nos. 7, 10, 11, 14).

5.110 Summary of observations made by CTE in its Reports are as under:—

1. All works have been taken up without verifying availability of sanction and budget provisions.
2. EM approved works worth more than Rs. 19 crores without any sanction and without any urgency or emergency.
3. Some works seem to have been taken up just to keep the Divisions and staff engaged.
4. No proper technical sanction was given for almost all works.
5. Short notice tenders or tenders without adequate publicity were invited without any urgency or justification resulting in inadequate competition and high rates.
6. Works have been split up to avoid approval of higher authorities.
7. In most earth filling contracts, quantities have increased considerably. The average increase is 150%, the maximum noticed is 4730%.
8. In another case, the earth work item increase from Rs. 0.95 lacs to Rs. 11.40 lacs.
9. Such deviations have been approved by the SE without any scrutiny or justification in a casual manner.
10. Rates were inflated by at least about 30% to justify the tenders. Undue haste in awarding contracts was also noticed.
11. The huge excess in quantities appears to be intentional to give large benefit to contractors.
12. The levels recorded are not reliable as they were not checked. Sample checking of quantities indicated payment of excess quantities and even cases of doubtful filling.
13. Against the annual limit of Rs. 5 lacs for maintenance division and Rs. 3 lacs for construction Division. ED-10 issued work orders for

Rs: 1 crore in 2 years. ED-11 issued work orders for Rs. 63 lacs and ED-14 for Rs. 69 lacs in 2 years.

14. None of the works for which work orders were issued was urgent.
15. Similar works were sometimes done on work order and sometimes on contract.
16. Development works are executed in an unplanned and un-coordinated manner even involving a lot of infructuous expenditure.
17. Overlapping jurisdiction of Division in the same are a cause confusion and unplanned execution of works.

5.111 The general observations made by the Chief Engineer (QC) DDA, for the work investigated by him are also more or less the same as that of CTE.

5.112 Most of the works, investigated by CE(QC), pertains to repair, maintenance and earth filling. He has pointed out, a number of times, that the general nature of works (given below) were such that it was not possible to verify them afterward and hence it was necessary to follow the codal provisions in the absence of which, one can doubt whether the works were actually done and payment made.

Cleaning of drain  
Supply of earth  
Distilling of drain  
Filling earth  
Levelling and dressing  
Repair of parks  
Disposal of earth  
Surface dressing  
Earth filling  
Removal of malba  
Dewatering  
Repair of roads  
Jungle clearance  
Pumping out of drain  
Cleaning of septic tank

5.113 A few observations of CE(QC) in one of the work orders (No. 24 of 1991-92 of ED-4) are as follows:—

- (i) In the note, the work was stated to be urgent and hence quotations were collected by hand on 7.8.91 but EE Shri N.R. Gupta sent it to SE on 21.8.91 and SE approved on 29.8.91. This clearly shows that there was not urgency except to give this work to the agency of their choice by calling them and obtaining quotations by hand.
- (ii) The garbage after removal was to be disposed at approved pumping ground. As stated by EE it was dumped at MCD dumping ground

at Ghazipur. EE stated that receipt was given by MCD and after satisfying, the same was returned back to the contractor. But MCD has informed that no receipt was issued to DDA during 1991-92. This clearly shows that EE gave wrong statement and there is doubt about execution of this work.

- (iii) The item of pumping was on hour basis whereas standard item is on quantity pumped so that it could be properly measured and paid. On hourly basis, one is free to pump more or less. In the work order approved by the SE, the quantity of pumping was 128 hours but actual payment made for 360 hours and this gives doubt of the payment made beyond 128 hours as not covered by the approval.

5.114 The Committee find that on the basis of press reports and complaints made by some MPs regarding bogus payments, issue of work orders by splitting works without any emergent situation, irregular allotment of works etc. in East Zone of DDA involving about Rs. 45 crores, DDA got the matter investigated by Chief Technical Examiner (CTE) of Central Vigilance Commission (CVC) and Chief Engineer (QC) of DDA.

5.115 CTE who investigated just 14 works selected at random, observed a number of irregularities, some of them very serious involving crores of rupees, not only in the award of contracts but also in their execution as well giving undue favour to the contractors. Financial irregularities have also been noticed by flouting the codal provisions of the contracts by the engineering staff.

5.116 Chief Engineer (QC) who investigated the works pertaining to repair, maintenance and earth filling, has observed that since the above works cannot be verified afterwards, it was imperative to follow the codal provision. However, the same was not followed as such it creates doubt whether the works were actually executed by the contractors.

5.117 The Committee are astonished to observe the abnormal deviations and in contravention of set norms and procedure in the award of contracts particularly in earth filling and repair/maintenance works in East Zone of DDA which has given rise to dubious payments amounting to several crores of rupees.

5.118 The Committee are also disturbed to find that nobody has even bothered to verify whether Administrative Approval/Technical Sanction (AA/TS) etc. the very pre-requisite condition for the award of contracts was available before awarding the contracts or sanctioning the expenditure and that whether any functionary has superseded his authority and awarded the contracts beyond his financial powers in a year.

5.119 In the circumstances the Committee have every reason to believe that the contracts have been awarded flouting all norms and in contravention of codal provisions.

**5.120 Since Chief Technical Examiner of Central Vigilance Commission and Chief Engineer (QC) have examined only a few works and have pointed out a number of shortcomings, the Committee, therefore, recommend that works in all the divisions awarded particularly on work-order basis since 1985-86 may be examined in detail and wherever deviations come to notice, action against erring staff as per conduct rules may be taken under intimation to the Committee.**

**5.121 As recommended elsewhere, award of contracts on work-order basis except in emergent situations like flood, earthquakes or other natural calamities, may be stopped forthwith.**

**5.122 Action on the observations/recommendations of CTE and CE(QC) may be expedited and deterrent punishment to the persons found involved in irregular award of contracts and/or using their discretionary financial powers beyond their limit, may be awarded and the Committee informed accordingly.**

## CHAPTER VI

### MANPOWER MANAGEMENT

#### *Working Strength*

6.1 The Delhi Development Authority is an autonomous organisation set up under the Delhi Development Act, 1957. The posts of Vice-Chairman, Finance Member, Engineering Member, Secretary and Chief Accounts Officer have to be statutorily filled by the Ministry of Urban Affairs and Employment (Department of Urban Development).

6.2 Vice-Chairman, DDA is assisted by Finance Member, Engineer Member, Principal Commissioner, Commissioner (Plg.), Chief Architect, 6 Commissioners handling various management functions, Secretary (DDA), Chief Vigilance Officer, Chief Legal Advisor and Chief Engineer (Quality Control).

6.3 The Authority has functional Wings dealing with general administration, computerisation, training, personnel, finance, land, planning, architecture, engineering, housing which are under the overall control of Vice-Chairman, DDA. The Lt. Governor of Delhi is *ex-officio* Chairman of the Authority.

6.4 The total number of officers & staff (on regular establishment) working in DDA as on June, 1993 was as under:—

	Sanctioned Strength	Actual Strength
Group 'A'	464	433
Group 'B'	1366	1244
Group 'C'	7394	6649
Group 'D'	2636	3660
Total	11710	11986

6.5 In addition to above, there are 15445 employees working on work charge establishment against various projects of the Authority.

#### *Norms for Workload*

6.6 In regard to the arrangement made to assess periodically the norms for workload etc., the Ministry of Urban Affairs and Employment, in a written note, submitted as under:—

“DDA adopted the working model of CPWD for execution of works. Through Resolution No. 211 dated 26.4.1965 passed by



Authority, DDA adopted provisions of CPWD code. Therefore, all the rules and regulations, codes as well as staffing pattern etc. which is being followed by CPWD, have been adopted by DDA. In view of this norms of workload of CPWD are being followed by DDA and no separate periodical assessment of workload norms is being undertaken by DDA on its own. As and when norms of workload are revised by CPWD, the same are adopted. No assessment was made before July, 1991, therefore the question of DDA taking any action prior to this does not arise."

6.7 Audit observed that in July, 1991 the Finance and Expenditure Department of DDA while assessing the work-load of different Civil Divisions had pointed out that as the activities of DDA were confined only to the Union Territory of Delhi, the norms in DDA should be higher by 50 percent compared to the norms of CPWD.

6.8 While examining the reports of Chief Technical Examiner (CTE) of Central Vigilance Commission on the alleged/bogus payments in some of the divisions of East Zone (EZ) of DDA, the Committee happened to go through a letter from the Chief Engineer (EZ) regarding generation of new works which *inter alia* reads as under:—

"There is paucity of work-load in various Divisions/Zones and it is, therefore, imperative that all efforts are made to generate and take-up new works."

6.9 The Committee desired to know whether the working strength was ever assessed to work out the actual requirement. In their reply the Ministry of Urban Affairs and Employment, in a note, furnished the following information:—

"DDA on its own requested the Government of India to ask staff Inspection Unit, (SIU) to make study of various departments of DDA to identify surpluses, if any, so as to have optimum manpower utilisation. The SIU conducted a review in respect of 18 Units of DDA during the period from 1986 to 1991. Based on the SIU report, the CAG in his report for 1992-93 has summarised the staff position as under:—

Group of Officials	1989-90		1990-91		1991-92	
	S.S.	A.S.	S.S.	A.S.	S.S.	A.S.
1. 'A'	470	409	503	433	463	427
2. 'B'	1352	234	1264	1278	1316	1268
3. 'C'	7475	7108	7390	7043	7392	6836
4. 'D'	2533	4629	2534	4489	2534	4458
<b>TOTAL</b>	<b>11830</b>	<b>13380</b>	<b>11791</b>	<b>13243</b>	<b>11707</b>	<b>18989</b>

In Group 'D' the situation of excess staff emerged due to abolition of 2263 posts in 1989-90. This abolition was preceded by a study by the Vice-

Chairman of the required strength in various departments and branches of the DDA."

6.10 On the question of implementation of inspection reports, the Ministry has stated as follows:—

"The SIU of Ministry of Finance conducted a study of manpower requirement of only 18 units of DDA at random as a sort of test check. It was not a comprehensive study of the entire organisation of DDA. Thus, the surpluses/shortages shown by the SIU did not reflect the surpluses of the entire organisation. The SIU report in respect of 13 unit has been accepted and implemented. The surplus staff in Group A, B and C has been adjusted. The total surplus staff worked out by in the remaining 5 units comes to 2738, out of which 1943 W/C staff has been transferred to the MCD. 19 post of vigilance Department are not to be abolished as SIU report has not been accepted. Thus, the total surplus works out to 776."

"For remaining units there is justifications with HODs and they have been directed to submit detailed reports/justifications so that Ministry could be approached for reviewing reports of balance 5 Units."

6.11 The Committee note that Lt. Governor of Delhi is the *ex-officio* Chairman of DDA and its executive head is the Vice-Chairman who is assisted by Finance Member, Engineer Member, Commissioners, Chief Accounts Officer, Chief Architect, Chief Vigilance Officer, Chief Legal Adviser, Chief Engineer (QC) etc. Except the posts of Vice Chairman, Finance Member, Engineer Member, Secretary and Chief Accounts Officer which are to be filled statutorily by the Government of India, all other posts have been categorised under Group A to D.

6.12 They also note that as against the sanctioned strength of 11710, the actual strength of officers and staff in Group A to D is 11986 i.e. actual strength is more than the sanctioned strength. In addition there are 15445 employees working on work-charged establishment against the various projects of the Authority.

6.13 The Committee are surprised to note that no assessment of norms for workload was ever made till July, 1991 on the plea that DDA adopted work norms of CPWD for execution of works and as and when norms of work-load are revised by CPWD, the same are adopted in DDA.

6.14 The Committee also note the observations of the Finance and Expenditure Department of DDA that as the activities of DDA are confined only to the Union Territory of Delhi, the norms in DDA should be higher by 50% as compared to the norms of CPWD.

6.15 The Committee note that Staff Inspection Unit (SIU) of the Ministry of Finance conducted a study of manpower requirements of 18 units of DDA at random and based on its recommendations surplus staff in respect of

13 units has been adjusted. The reports of remaining 5 units have not yet been accepted.

6.16 In view of the foregoing the Committee recommend as follows:

- (i) Work norms as recommended by the Finance and Expenditure Department of DDA for Civil Divisions may be adopted.
- (ii) Workload of the entire organisation may be assessed afresh periodically after every five years.
- (iii) The actual strength of staff in DDA should not be allowed to exceed the sanctioned strength. Proper ad hoc sanction may be obtained for the additional staff wherever necessary in the exigency of workload.
- (iv) After defining the work norms and assessing the work-load, reorganisation of divisions/zones may be taken up.
- (v) Requirement of strength of each of the categories may be determined afresh on the basis of norms and workload.

#### *Recruitment Rules*

6.17 The Audit had pointed out that recruitment rules in respect of 85 categories of posts out of 197 categories, were yet to be framed.

6.18 In reply, the Government has stated that recruitment rules in respect of 7 categories of Group 'A' were not required. In respect of another 18 categories, rules had been approved in June, 1993. As such the number of categories pending for framing recruitment rules was 60.

6.19 One of the reasons for delay in framing the rules was stated to be the creation of several new categories of posts during ASIAD, 82.

#### *Recruitment Regulations for Commissioners*

6.20 About the recruitment regulations for the post of Commissioners, the Ministry of Urban Affairs and Employment have submitted the following:—

“Delhi Development Authority has one post of Commissioners. The Recruitment Regulations for this post were approved by the Delhi Development Authority and notified with the previous approval of the Central Government vide No. F.9(52)79—PB.I on 23.9.1982.”

6.21 Appointment to the post of Commissioner (Planning) is made strictly in accordance with these regulations.

6.22 Regarding appointment to the posts of Commissioner (Personnel), Commissioner (Land Disposal), Commissioner (Land Management) etc., it is stated that the Central Government in the Ministry of Urban Development (now Ministry of Urban Affairs & Employment) vide their letter No. K-11011/12/91-DDIA(Pt.) dated 13.3.1992, has issued

directions under Section 41(1) of the Delhi Development Authority Act, 1957 that no appointment in the post of Principal Commissioner, Commissioner (Housing), Commissioner (Land, now Land Disposal and Land Management) and Commissioner (Personnel) shall be carried out by Authority without concurrence of Central Government and Authority shall appoint against these categories of posts only those officers whose names have been duly approved by the Ministry of Urban Affairs and Employment and by the Appointments committee of Cabinet. The Ministry will however place officers with Commensurate experience in matters of urban development to these posts with a view to ensuring effective contribution to the development in Delhi.

6.23 A statement showing the qualification of various Commissioners working at present in DDA is given below:—

Sl.No.	Post	Qualification
1.	Pr. Commissioner	IAS (HY: 73)
2.	Commissioner (P)	IAS (KY: 79)
3.	Commissioner (H)	IAS (AGMU: 83)
4.	Commissioner (LD)	IAS (HP: 78)
5.	Commissioner (S & T)	MA, LLB diploma in Management
6.	Commissioner (Planning)	B.Sc., Arch. M.Tech. (T & CP)
7.	Commissioner-cum-Secretary	B.Sc. (Elect. Enggr.) LLB, Diploma in Journalism, MBA.

6.24 Asked specifically the distinctive responsibilities of Commissioner (LD), Commissioner (LM) and Commissioner (Projects), the Ministry in a written reply, furnished the following information:—

“The distinctive responsibilities of Commissioner (Land Disposal), Commissioner (Land Management) and Commissioner (Projects) are as under:—

*Commissioner (Land disposal)*—He is looking after allotment and disposal of land (including Commercial Estate) of all kinds like Residential, Institutional, Industrial, MOR Lands, Commercial Land.

*Commissioner (Land Management)*—He is looking after land acquisition, survey, records, land protection (prevention of encroachment of DDA held land and enforcement) prevention of and action against un-authorised construction and prevention of and action against misuse of lands and buildings.

*Commissioner (Projects)*—He is looking after the work of monitoring the progress of the following projects from the stage of

land assembly to the completion of the planning, design and development thereof; viz:—

- (i) Dwarka I & II
- (ii) Rohini III & IV
- (iii) Narela
- (iv) Dhirpur
- (v) Jasola
- (vi) Vasant Kunj-II”.

6.25 He also functions as the modal officer for these projects and interacts closely in this regard with all departments of DDA as well as concerned agencies such as Municipal Corporation of Delhi, Secretary (Land & Building) Delhi Administration (now Government of National Capital Territory of Delhi) and Delhi Electric Supply Undertaking for their smooth implementation. The post of Commissioner (Project) has been merged with Commissioner (Land Management).

6.26 On enquiring whether the present Commissioner (Project) is a technically qualified, it was stated that he was an IAS Officer with experience in projects like “Operation Flood” and literacy programme in Kerala.

6.27 During the course of evidence it was informed that the post of Commissioner (Project) has been abolished and it has been merged with the Post of Commissioner (Land Management).

6.28 When enquired the reasons behind the merger, it was informed by the Vice-Chairman, DDA during evidence:—

“The historical background is that previously the name of the post was Commissioner (Project). The decision that the Commissioner (Land Management) will also look after the work of Commissioner (Projects) was entirely an executive decision taken on the basis of experience. Government wanted that unwieldy land department should be bifurcated into two major components, one which treats land as an input and other which treats land as output. No formal Committee has gone into it.”

6.29 On being enquired whether it was not necessary that a high powered Committee should go into any organisational reform, the Secretary, Ministry of Urban Affairs and Employment stated during evidence:—

“If it was a question of total reorganisation of DDA, then we would have possibly appointed a Committee. Since at that time certain difficulties were coming up and the lack of coordination was surfacing, the matter was examined in the Ministry. If, for example, there is a bigger question of reorganisational set up of DDA, then of course, we would have gone into every aspect of DDA.”

6.30 As regards benefits being derived from having two Commissioners i.e. Commissioner (LM) and Commissioner (LD), DDA representative in his evidence on 30th June, 1994 stated:—

“For example, land management, disposal of land in the year 1992-93 and 1993-94 are much better. Our total receipts, which are mostly from land, are better. For example, the total receipts of the DDA in 1992-93 were Rs. 396 crores. This year, the total receipts excluding additional money from the conversion itself is Rs. 440 crores. It has increased by about 12 per cent.”

6.31 As matters concerning land and housing like, planning, development, designing, projects, housing etc. required technical expertise, the Committee enquired whether it would not be in the fitness of things to have technically qualified personnel or an expert group for all these matters, the Secretary, Ministry of Urban Affairs and Employment explained the position during evidence as under:—

“As the Hon’ble Chairman has rightly pointed out, at one point of time it was decided that we should have an Expert Group to go into this question. At that time when these two jobs were merged together, it was being found that there were a lot of difficulties coming in the coordination work. Any project really involves land management. It is only after land has been acquired and occupied and a certain amount of planning has been done that any engineering work can be done. Mr. Vice Chairman was explaining the point that any particular project would involve five or six activities like water supply, sewerage, electrification etc. As all these functions are with other organisations, we thought that this project management should also be looked after by the land management man and then he would be able to do much better work. We are advised by the Vice-Chairman that it is working very well.”

6.32 The Vice-Chairman added:—

“He is looking after the work of monitoring the progress of the projects and that starts from the land assembly to the completion of planning, design and development.”

6.33 The Committee are surprised to find that out of 197, recruitment rules in respect of 60 categories of posts have not yet been framed. The Committee desire that recruitment rules for these categories may be framed without any further delay and the Committee apprised.

6.34 As regards appointment to the post of various Commissioners, the Committee find that except for Commissioner (Planning), no qualification has been prescribed for any other Commissioner including the Principal Commissioner. However, their appointments can be made only after the approval of the Ministry of Urban Affairs and Employment and the Appointments Committee of Cabinet from amongst those officers who have adequate experience in the matters of urban development.

6.35 Accordingly, they find that except Commissioner (Planning) none of the other Commissioner is technically qualified.

6.36 The Committee feel that DDA is a field organisation and most of its departments have to look after, more or less, technical aspects in their respective fields. Therefore, the Committee recommend that all the departments should be headed by technically qualified personnel. To this end in view, the Committee desire that an Expert Group may be constituted who may go into various technical aspects and requirements of each and every job and suggest essentials and desirabilities for appointments to the post of Commissioners.

6.37 They also recommend that all vacancies of technical nature should be filled up within a reasonable time-frame. Technical posts should not remain vacant for any indefinite period.

#### *Deputation*

6.38 Government of India, Ministry of Personnel, Public Grievances and Pensions, after due scrutiny exempted certain categories/number of posts in DDA from being filled by departmental candidates. Last such order was issued on 23.8.1988 exempting 141 posts from the role of immediate absorption. There is no fixed number of deputationists. Terms and conditions of deputation are based on standardised conditions with mutual concurrence of DDA in consultation with parent organisations.

6.39 Initially an officer is taken on deputation for a period of one year which can be extended with the approval of the competent authority for a further period of 3 or 4 years.

6.40 Appointment on certain posts is required to be made by Central Government in terms of provision of Delhi Development Act. The posts of Vice-Chairman, Finance Member, Engineer Member, Chief Accounts Officer and Secretary (now Commissioner-cum-Secretary) are to be manned by the officers of proven ability as found suitable by the Ministry of Urban Affairs & Employment. Appointments on certain posts of Vigilance Department, Quality Control etc. are made by officers on deputation for the sake of maintenance of secrecy and impartiality. The Government of India, Ministry of Personnel, P.G. & Pension, *vide* O.M. No. 4/24/88—P&PW(D) dated 23.8.1988, after scrutiny has exempted the following categories/number of posts from being filled by departmental

candidates as a standing arrangement (permanent). The categories & total No. of posts which are not filled by departmental candidates are as under:—

Sl. No.	Category	No. of Posts	Men-in-Position	Remarks
1.	Vice-Chairman		1	1
2.	Engineer Member		1	1
3.	Finance Member		1	1
4.	Secretary (now Commissioner-Cum-Secretary)		1	1
5.	Chief Accounts Officer		1	1
<i>Vigilance</i>				
6.	Chief Vigilance Officer		1	1
7.	Director (Vigilance)		1	1
8.	S.E. (Vigilance)		2	2
9.	Dy. Dir. (Vigilance)		2	2
10.	Commissioner (D.E.)		1	—
11.	A.O. (Vigilance)		4	3
				(out of 3, 2 posts are being utilised in Finance).
12.	Commissioner (Plg.)		1	1
<i>Quality Control</i>				
13.	Chief Engineer	1	1	
14.	Ex. Engineer(C)	4	4	(3 being utilised in Vigilance Deptt.)
<i>Legal Department</i>				
15.	Chief Legal Advisor	1	1	
16.	Dy. C.L.A.	1	—	
<i>Personnel</i>				
17.	Director (I.R.)	1	1	
		<hr/>		
		25		



However, at present out of 25 posts following 4 posts are being manned by the departmental candidates:—

1. Engineer Member
2. Secretary (now Commissioner-cum-Secretary)
3. Commissioner (Planning)
4. Director (I.R.)

6.41 In addition to above, the following categories of posts are being filled up on deputation for the reasons given against each:—

Sl. No.	Categories of Posts	No. of Posts	Reasons for filing these posts on deputation
1	2	3	4
1.	Principal Commissioner	1	The Government of India <i>vide</i> K-11011/12/91/DDIA/Pt. dated 13.3.92 issued directions that the DDA shall appoint against these categories of posts only those officers whose names have been duly approved by the Ministry of Urban Affairs & Employment and by the Appointments Committee of the Cabinet.
2.	Commissioners		
	(a) Commissioner (Housing)	1	
	(b) Commissioner (Persl.)	1	
	(c) Commissioner (Lands) now Commissioner (LD) and Commissioner (LM)/ Projects	2	
3.	Directors including OSD to LG/ Chairman	6	As per RRs the method of recruitment on these posts is 50% by promotion from feeder cadre with atleast 8 years regular service in the Scale of Rs. 1100-1600/- and Rs. 1200-1600/- (pre revised) and possessing degree from recognised University or equivalent and 50% by transfer on deputation. Since no person of feeder cadre is eligible for promotion, these posts are being filled on deputation from

1	2	3	4
			State Civil Service Officers.
4.	Dy. Director	4	In addition to the two posts of Deputy Directors in Vigilance Deptt., presently there are 4 posts of Deputy Directors manned on deputation from State Civil Services so as to utilise the services of young, energetic and officers of varied experience.
5.	F.A. (Housing)	1	This post deals with policy matters relating to financial matters of the Housing activities viz. costing, recovery generation of funds and therefore, this post needs to be held by an officer with the financial background and is normally held by an officer from IA&AS. Moreover, no officers of the DDA in feeder cadres fulfil requisite condition of eligibility of 8 years experience for promotion to the post as per R.R.
6.	Dir. (Land Costing)	1	Keeping in view the nature and importance of work involving the interpretation of rules and regulations for deciding the costing land etc., post is required to be manned by an officer having background..... costing etc. Since there is no departmental officer eligible for promotion as

1	2	3	4
			per RRs, an officer has been taken on deputation from Indian Economic Service, Ministry of Finance.
7.	S.E. (Quality)	1	To keep a watch on the quality of construction and to guard against vested interest of Engineering Wing whose work is to be inspected/supervised by the Quality Control Cell the officer manning the post of S.E. (Civil), in the Authority is required to be taken on deputation from outside the Organisation.
8.	E.E. (Vigilance)	1	Keeping in view the sensitive nature of work and for the sake of maintenance of secrecy and impartiality, one E.E. (Civil) has been taken on deputation from outside the Organisation to man the post of Execution Engineer in Vigilance Deptt.

6.42 Enquired about the background that necessitated the Ministry to issue the direction dt. 13.3.1992 to the effect that the Authority shall appoint only those officers whose names have been duly approved by the Ministry of Urban Affairs & Employment and by the Appointments Committee of Cabinet against the posts of Principal Commissioner, Commissioner (Housing), Commissioner (Land) and Commissioner (Personnel) etc., the Ministry in a note submitted as under:—

“Prior to the issue of directions dated 13.3.1992 to DDA, the posts of Principal Commissioner, Commissioner (Housing), Commissioner (Land) and Commissioner (Personnel) used to be filled up by the Lt. Governor of Delhi by transfer of IAS officers of AGMU cadre. Due to frequent transfer of officers from DDA, the work in DDA was hampering seriously. In order to have a reasonably long tenure of 3 to 4 years in DDA and to have a wider

selection of officers with experience in Urban Development, it was decided by the Ministry that the posts of Principal Commissioner, Commissioner (Land), Commissioner (Housing) and Commissioner (Personnel) will, in future, be filled up by IAS officers of other cadres also under the Central Staffing Scheme with ACC's approval. The post of Principal Commissioner is of the rank of Joint Secretary and the posts of Commissioner (Land), Commissioner (Housing) and Commissioner (Personnel) are of the rank of Dy. Secretary/Director in the Govt. of India. Prior to issue of Ministry's directions dated 13.3.1992, these posts were filled up by taking Members of Indian Administrative Service on deputation basis, Departmental officers were also appointed as Commissioner (Admn.)/(Pers.) and Commissioner (Housing) during eighties."

6.43 The Committee enquired whether there have been instances where persons appointed initially on deputation basis, were at a later stage, absorbed in DDA.

6.44 Affirming the above, the Ministry of Urban Affairs and Employment furnished the information in regard to the persons who were absorbed in DDA after being appointed on deputation.

6.45 The Committee are informed that certain posts numbering 25 have been exempted from being filled by departmental candidates vide Government orders dated 23.8.1988. However, 4 such posts (Engineer Member, Commissioner-cum-Secretary, Commissioner (Planning) and Director (IR) which also fall under the above category are, at present, being manned by the departmental candidates. The Committee note that on the other hand as many as 19 posts in various categories which should have otherwise been filled by departmental candidates (some of them after approval by the Ministry of Urban Affairs and Employment and the Appointments Committee of Cabinet) have been filled by appointment on deputation basis.

6.46 The Committee, however, recommend that except for the posts which have been exempted from being filled by departmental candidates vide orders dated 23.8.1988, no other post may be filled on deputation basis as far as possible. If necessary, these posts may be filled up from departmental officers by relaxing eligibility criteria.

6.47 The Committee find that a number of persons after being appointed on deputation were subsequently absorbed in DDA. They consider it a deviation from the spirit of deputation and a very unfair, unjust and inequitable practice. The Committee recommend that persons appointed on deputation basis should not be absorbed. All recruitments in DDA should be done under the recruitment rules laid down for each category of posts and that too after proper

publication/advertisement for that post so as to enable all the eligible candidates to compete for that job even if its number is only one.

*Work-charged staff*

6.48 The total strength of the W/C staff of various categories presently working in DDA is 15445 nos. The total monthly expenditure incurred on the payment of the salaries and allowances of the work-charged staff is Rs. 326.72 lacs. The salaries of work-charged and muster-roll staff are charged to the on-going projects for which a provision is made in the estimates of these projects as per the standard norms of CPWD.

6.49 Since the number of work-charged employees was on a higher side, the Committee wanted to know as to why such a large number of W/C staff was enrolled. Clarifying the position, it has been stated that the work-charged employees were earlier engaged on muster-rolls right from 1970 on various housing projects and the large number of persons were engaged during ASIAD, 1982.

6.50 After they become work-charged (R) employees they become eligible for leave encashment, GPF, Pension, Gratuity etc. as admissible to regular employees.

6.51 In reply to the observation of Audit on the establishment expenditure on work-charged staff, the Ministry has stated as follows:—

“Surplus W/C staff has been deployed on office and the establishment expenditure thereof, is being charged to the cost of works on the basis of their original appointments, the work against which their appointments stands.”

6.52 Audit has pointed out that in spite of a large number of work-charged staff working on DDA rolls, neither rules and regulations have been framed for their recruitment nor deployment policy for the staff rendered surplus has been laid down. In their reply, the Ministry have furnished the following information:—

“DDA have not framed rules and regulations for recruitment of work-charged staff. During ASIAD number of emergent projects were taken up by DDA and persons were kept on Daily Wages/ Muster Roll basis on various sites to meet the requirement of works. These appointments were on the basis of requirement/ work assessed by EE, Engineer-in-charge of sites. After works, Vice-Chairman, constituted a Committee consisting of Chief Engineers, CAO, Dir. (Hort) and Dir. (P). After considering recommendations of Committee, Vice-Chairman decided that these muster roll employees be brought on work-charge estt.”

6.53 As regards their deployment policy, it has been admitted that, “DDA has not laid down the norms and yard sticks for deployment of the W/C employees as already stated above.

6.54 As and when colonies are transferred to MCD, those employees who are working in these colonies are also transferred to MCD.

6.55 On being enquired about the impact on work force after the transfer of colonies to MCD, the Vice-Chairman, DDA stated during evidence:

"The first part is that we did transfer the colonies first in 1989 and thereafter in February 1993. During my time, I have transferred around 311 colonies alongwith 3480 staff members to the MCD. The work force has gone down from 20,000 to about 15000."

6.56 The representative added:—

"Apart from transferring the personnel of the work-charge to MCD we have done another thing. We are having new schemes like sports complexes where new people are required. We do not appoint anybody from the market; all those surplus staff are trained and sent to these sports complexes. We are trying to manage the surplus staff either by transferring them to MCD or by giving them useful work after training."

6.57 Asked about the present position of surplus staff of work-charged employees, the representative stated:—

"We have about 15445 work charged staff right now the surplus will be 'around six to seven thousand people."

6.58 In so far as deployment of staff rendered surplus as a result of transfer of resettlement and JJ Colonies to MCD is concerned, it is stated:—

"After transfer of 44 resettlement and JJ Colonies 754 W/C employees in various categories like Asstt. Supervisors, Asstt. Wireman, Bhisty, Wireman, Technical supervisor and Bullock-cart driver were found surplus. All above W/C employees are presently working in the divisions on other sites."

6.69 With a view to obtain optimum utilisation of the W/C staff, as well as to economise on the expenditure incurred on execution of certain works, Engineer Member *vide* his circular dated 29.9.93, directed that the maintenance works of the following nature shall be get executed only departmentally through the W/C Staff:

- (i) White washing of kerb stones, parapet walls of culverts etc.
- (ii) Surface dressing of the road berms and tot-lots etc.
- (iii) Cleaning/desilting of Shallow Storm Water Drains upto 1 mtr. depth which do not carry sullage.
- (iv) Minor repairs of boundary/compound walls, parapet wall of culverts etc.

6.60 On the basis of observation of Audit regarding fraudulent appointments on forged transfer orders etc. of work charged staff in December, 1989, it has been stated that the cases were under investigation by CBI and upto 20.9.1993, FIRs in 85 cases had been lodged with areas SHOs. In some of the other cases information was stated to be under compilation.

6.61 The Committee find that as on March, 1994 there were 15445 work-charged employees on the rolls of DDA who were appointed right from 1970 and most of them were enrolled during ASIAD 1982. At present there were around 6000 to 7000 surpluses.

6.62 The Committee are constrained to note that inspite of such a large number of work-charged staff, no policy for their deployment has been laid down. The Committee are informed that surplus staff has been deployed on office work and their expenditure is charged to the projects on which their original appointments stand.

6.63 The Committee note that with the transfer of colonies to MCD their staff also stand transferred. However, the work-charged staff as the Committee are given to understand, is not transferred with the transfer of Resettlement and JJ Colonies to MCD.

6.64 From the above the Committee conclude that there is no uniform policy in so far as (i) charging the expenditure incurred on work charged establishment; (ii) their deployment; and (iii) transfer of staff with the transfer of colonies to MCD, are concerned.

6.65 Since the work-charged staff(R) is entitled to all benefits as are admissible to any regular employee, feasibility of charging their salary etc. under the establishment expenditure may be considered. In case it is not found workable/feasible their expenditure may be charged according to their deployment i.e. if they are engaged on a project, the expenditure may be debited to the project and if they are performing office duties, expenditure by way of their salary etc. may then be charged on establishment expenditure.

6.66 The deployment policy may be formulated without any delay and deployment of work-charged staff may be categorised according to their qualifications and aptitude/option exercised by them, departmental training etc.

6.67 The Committee are unable to understand as to how appointment of forged transfer orders could have been made. At this stage the Committee hope that investigation and finalisation on 85 cases where FIR's have already been lodged would be expedited and completed in a time bound manner and persons found involved would be punished adequately. They also desire that outcome of the investigations, follow up action taken by DDA and the prosecution launched against the guilty may be intimated to the Committee.

## CHAPTER VII

### MANAGEMENT, PROTECTION AND ENCROACHMENT OF LAND

#### *Management and Protection of Land*

7.1 DDA manages the following three types of land:—

(a) Nazul I land—land entrusted by Government to the erstwhile Delhi Improvement Trust for management under the old Nazul Agreement, 1937 and taken over by DDA in 1957 as successor body.

(b) Nazul II land—under the scheme of “Large Scale Acquisition, Development and Disposal of land in Delhi 1961”, land is acquired by Delhi Administration and placed at disposal of DDA under section 22(1) of DD Act, 1957 for the implementation of the Master Plan for Delhi most of the land with the DDA came this way.

(c) Ministry of Rehabilitation (MOR), Land and Development Office (L&DO), Government of India lands land purchased by DDA from Ministry of Rehabilitation in September, 1982 for management and land placed at the disposal of DDA by L&DO in 1974-75 for care and maintenance.

7.2 The following table indicates the position of land placed at the disposal of DDA, transferred to its different user departments and the balance land lying unutilised up to March, 1992:

Category of Land	Total Land with DDA	Land transferred to user depts.	Land lying vacant (in acres)	Land under unauthorised occupation
Nazul-I	6650	*1414	5236	5236
Nazul-II	57095	53009	4086	
			Not yet Assessed	
MOR	691	475	216	216
L&DO	4022	N/A	N/A	N/A

Note: \*Includes land leased out/converted into green.

7.3 According to DDA out of 5236 acres of Nazul I land 4826 acres was not utilised by any user department because river channelisation scheme has not yet been finalised. Almost the entire area forms part of river bed



area and unless the river channelisation scheme is approved/finalised land will remain unutilised. DDA has further stated that even land within the river bed area has been utilised from time to time as and when it was required for any project. A few such project for which the land was utilised are construction of ITO bridge, ISBT Bridge and Samriti Van and green projects of the DDA including a large chunk of land allotted to police department for grass farms. Some more land is being proposed to be utilised for two pontoon bridges to be constructed shortly by Delhi Administration. Thus, it is incorrect to say that land remained unutilised. As and when required for any project, land is made available.

7.4 Details regarding Nazul-I land as on 31.12.93 are as follows:

- “(i) About 5117 acres of land was leased out under the “Grow More Food” campaign.
- (ii) Leases have since been cancelled/lapsed/expired.
- (iii) About 4100 acres of land is still in occupation of unauthorised cultivators.
- (iv) Efforts are being made to reclaim the land by taking various steps including eviction proceedings under P.P. Act.”

7.5 In another reply, the Ministry intimated the position as follows:

“As and when land was required, it was also taken over by initiating special drives to clear the required areas. One such example was the reclaiming of 25 acres of land for Samriti Van and green strip along the Ring Road.

Eviction notices have been issued in almost all the cases to the cultivators to take back the land. The judicial action is in progress. We have issued eviction notices in 930 cases.

As regards levying damages, notices have been issued and the Coordinating Officer (Damages) who is exercising quasijudicial powers has to process the cases as per rules. Efforts are being made to computerise all the damage cases so that damage claims are made upto date and are collected.”

7.6 The management of land in DDA is primarily looked after by the Commissioner (Lands Management) who works under the overall control and supervision of the Vice-Chairman. The Commissioner is assisted in his day to day work by three Directors. One of the Directors is responsible for the protection of land through a Land Protection Branch (LPB) which is organised in nine zones.

7.7 The main functions of the LPB are to (i) evolve policies for effective protection of land (ii) protect the land placed at the disposal of DDA which has not been handed over to any user department like the Engineering Wing, the Horticulture Directorate or the Slum Department

and (iii) coordinate between different user departments to whom land has been transferred so as to help ensure its protection.

7.8 Once land has been handed over to the user Departments of the DDA, protection of land from encroachment becomes the responsibility of the concerned Executive Engineer or Deputy Director (Horticulture).

7.9 Section 28 to 31 of the DD Act, 1957 empower the DDA to take action against unauthorised construction and encroachment on public land. Section 28 is on DDA powers to enter, Section 30 is regarding orders for demolition and Section 31 and 31(a) give DDA powers to stop development and section 29 deals with various penalties to be levied for such acts.

7.10 In regard to the mechanism in DDA to deal with protection of land and problem of encroachment, the Ministry in a written note to the Committee have stated as under:—

“DDA has six field zones each headed by Jt. Director/Dy. Director to deal with Lands Management issues including protection of land. These Zones have field functionaries who visit their beat areas and send immediate report about encroachments to the office as well as file complaints with the police. Jt. Directors/Dy. Directors also visit their areas regularly and plan clearance operations. They tie up with agencies like police, MCD, L&B Department, Delhi Administration and Land Acquisition Collector.

Responsibility is fixed on various land user departments like engineering, horticulture, housing, building and lands department to ensure protection of land under their control. Regular demolition operations are carried out to remove upcoming and old encroachments as soon as they are noticed, but in some cases because of stay orders from the courts and non-availability of police force, demolition operations are delayed and upcoming encroachments assume the form of regular structures.

Special Vigilance teams have been constituted for each police district, headed by ADM, with representatives of all local bodies and police which reviews action to be taken on encroachments periodically.”

7.11 Apart from removal of encroachments, DDA has also taken steps for fencing of land vulnerable to encroachment, to contest court cases for getting stay vacated and to intensify watch and ward to prevent encroachments.

7.12 There is already a regular machinery to deal with the problem of encroachment at the very inception and the emphasis is on preventing encroachments in the initial stage itself.

7.13 In regard to encroachment by Jhuggi dwellers and religious institutions, the Ministry have explained their difficulties as follows:—

“As regards encroachment by jhuggi dwellers there were 2,60,000 jhuggies in Delhi in January, 1990 as per survey conducted by the Civil Supplies Department, Delhi Administration out of which 1,59,000 jhuggies were reported to be on DDA land covering on areas of about 459 acres. As per policy of Delhi Administration no established jhuggi which had come up prior to 31st January, 1990 can be removed without providing alternative sites.

A number of encroachments cannot be removed promptly as they are religious institutions. In such cases, there is a Committee headed by the Home Secretary, Government of National Capital Territory of Delhi, to whom such cases are referred for final orders.”

7.14 Elaborating the procedure for dealing with complaints of encroachment/unauthorised construction, the Ministry in a note have stated as follows:—

“As and when a complaint is received with regard to the unauthorised construction or encroachment on Government land, appropriate action under the provisions of DD Act is initiated. In case of unauthorised construction, action is taken by the Building Department of the DDA under the said provisions if the premises in question falls within the development area. If the premises in question is outside the development area, the action is taken by the local authority. Similarly for removal of encroachment from the public land, action is taken by the Lands Management Wing of DDA to whom the matter is referred to by the Lands Disposal Department. Beside the above, action under the terms and conditions of lease deed is also taken by the L.D. Department which may result into termination of lease. No separate record is maintained with regard to the number of cases of this nature in a particular year. The immediate action is taken as and when such complaint is received or matter comes to the knowledge of DDA.”

7.15 As regards measures being taken to protect the land from encroachment, the Ministry have stated the following in a written reply:—

“There is already a system in the DDA to protect all such vacant lands, which are vulnerable to encroachment, by providing fencing. Whenever any encroachments are noticed, efforts are made by the field staff to stop/remove the same, and in case these efforts fail, the matter is reported to the Lands Management Branch for taking suitable action. Police help is also sought for prevention/removal of such encroachments wherever possible. There is also a system of a weekly report to be sent by the field staff on a

prescribed proforma. Pockets of land with the Engineering Wing, which were considered to be vulnerable to encroachment, have already been fenced except 13.65 hect. of land in North Zone where the fencing is in progress. This will be completed in three months. Out of a total of 4628.31 hect. of horticulture land requiring fencing, 3478.88 hect. has already been fenced. Out of the remaining 744.86 hect. will be fenced in 1995-96, 381.13 hect. in 1996-97 and 23.44 hect. in 1997-98. During the intervening period, proper watch and ward is being kept to protect the unfenced land."

7.16 Elaborating the position further, the Ministry have furnished the following information in a written note:—

"DDA has reported that the Security Guards have been posted in each of the area to detect the encroachment of DDA's acquired land. The security guards initially detect the encroachment and furnish the requisite report to the concerned Patwari as well as file a complaint with the concerned police station against encroacher(s). Thereafter, Patwari fill up the encroachment proforma giving all the details in respect of land under reference i.e. Khasara No. Village, Award no. and notification issued U/S 22(i). After that, the demolition orders are passed by the Dy. Director and the case is entrusted to Asstt. Director for fixing up the demolition programme.

JE's have been posted to detect unauthorised constructions in development areas. Actions U/S 30 & 31 of D.D. Act are initiated against builder/owner on the basis of unauthorised construction detected by the concerned JE of the area.

In all areas, Security Guards have been posted to avoid encroachment and to protect the DDA's land. D.D.A.'s engineers have also been requested to provide B/Wall/fencing on the vacant land and also display DDA's boards with the necessary warning against trespassing/illegal sale."

7.17 The Secretary, Ministry of Urban Affairs and Employment during evidence stated:—

"There is a system. We do have a Land Protection Branch. The officers of this branch are supposed to go round, see and watch and take action against the encroachment which has taken place."

7.18 The representative added:

"We are supposed to take care of our DDA land. But sometimes, there is a delay and by that time unauthorised structure comes up and then it becomes very difficult. We are having the officials dealing with the encroachment. The encroachments are supposed to be taken care of not only in the DDA land but also in the developed areas. In regard to the encroachment of land in the

developed areas, we are issuing them the prior notice to remove the encroachments”.

7.19 The Committee desired to know the difficulties being faced in keeping a check on encroachment and how they did plan to overcome those difficulties. In his submission, the Vice Chairman, DDA informed the Committee during evidence:—

“We have got our own Enforcement Wing to check up where any unauthorised construction has taken place, where encroachments have been done or where slums are created. But we do face difficulties in terms of man-power and also in terms of information input. Just a few days ago we have taken a conscious decision that we are going to plant out our entire area acquired by the DDA, right from the day one, to work out the details as to how much land is available and how much land is absolutely free. Then we will work out our strategy. The strategy is going to be as simple as even a child can work out that strategy. The area which is not encroached, should be immediately fenced, a regular watch and ward system should be maintained and the concerned officials should report to the head office everyday ensuring that there was no encroachment at all.”

7.20 The Enforcement staff are required to perform the following functions:—

1.(a) Detecting unauthorised construction, misuse, addition/alterations, encroachments in various zones in DDA flats.

(b) Taking action against defaulters under DD Act, 1957:—

(i) Issuing show cause notice/final notices under Section 30 (1) & 31 (1) for removal of unauthorised constructions in areas falling within the jurisdiction of the DDA (notified areas).

(ii) In areas which are not under the jurisdiction of the DDA (denotified areas) and transferred to MCD for building activity, the send reports pertaining to UAC and misuse etc. to the concerned branches for cancellation of allotments/lease deed and for intimating concerned Zonal Commissioner (MCD) for taking appropriate action.

2. To collect various data information from site and prepare sketch plans for execution of lease deed and to verify site plans. They also prepare reports regarding addition/alteration/misuse in concerned files.

3. To Chalk-out demolition programmes to remove unauthorised construction with the help of demolition staff and in coordination with police force.

### *Land Under Encroachment*

7.21 No comprehensive survey has been conducted in respect of encroachment of land under the management of Delhi Development Authority.

7.22 The Government land placed at the disposal of DDA has not only been encroached upon by jhuggi dwellers but by other squatters also who were utilising the land unauthorisedly for residential, commercial or religious purpose. About 1329 Acres (March, 1992) of Nazul-II Land has been reported to be under encroachment based on broad calculations as detailed under:

Jhuggies	459 Acres
Religious institutions	84.51 Acres
Commercial	67.00 Acres
Under litigation stay orders	278.79 Acres
Others	439.79 Acres
<b>Total:</b>	<b>1329.00 Acres</b>

7.23 In a subsequent note the Ministry have stated the position as follows:

"DDA has reported that as on 31.12.1995, the level of encroachment in Nazul-I land is 1789.88 hectares and in Nazul-II land is 566.93 hectares. The zone-wise breakup of Nazul-I and Nazul-II lands is as follows:

Category of land	Name of Zone	Land encroachment under (in Hectares)
Nazul-I	Land Section	1789.88
Nazul-II	North(LM)	51.21
-do-	East(LM)	220.34
-do-	West(LM)	30.31
-do-	South East(LM)	224.69
-do-	South West(LM)	17.58
-do-	Rohini(LM)	22.80
<b>Total</b>		<b>566.93</b>

The extent of encroachment on Nazul-I and Nazul-II land was 1770.4 hectares and 566.8 respectively in 1992-93 which conveys that on an average the extent of encroachment remained almost at the same level during the intervening period of three years.

The extent of encroachment indicated above includes old, fresh and upcoming. The encroachment of land and its removal

is a continuous process and there has been simultaneous addition and reduction in the net quantum of encroachment during the above period."

7.24 It was, however, admitted during evidence that no detailed survey has been conducted in regard to the encroachment and the figures of encroachment cannot be final. But, as stated by the representative from DDA, "it reflects the size of the problem."

7.25 The Committee enquired about the value of land under encroachment. In their written reply, the Ministry have stated:—

"LPB does not have any figure about cost of land under encroachment. However, regular programmes are carried out for the removal of encroachment/unauthorised construction and lands got freed from the encroachment are immediately handed over to the user departments."

7.26 Since reclaiming the land encroached by religious institutions was a sensitive issue, the Committee asked what efforts had been made to get the land encroached by religious institutions vacated. In a written reply, the Government have stated:—

"About 84.51 acres of land is encroached by religious institutions. In some cases, encroachment existed even when MOR land was transferred to the DDA. Encroachments of religious nature are by mandirs, mosques, gurudwara, etc. Agenda notes have been sent to the Committee to deal with the removal of sensitive religious structures headed by the Secretary (Home) Delhi Administration. No clearance from the committee for removal of religious institutions has come so far."

7.27 During the period from 1985-86 to 1994-95 unauthorised construction removed and land reclaimed was as under:

Year	No. of unauthorised construction removed	Land reclaimed
1985-86	6062	33.00 acres
1986-87	13069	48.75 acres
1987-88	6473	72.00 acres
1988-89	6731	47.75 acres
1989-90	10177	219.93 acres
1990-91	6304	286.42 acres
1991-92	4763	261.50 acres
1992-93	4058	284.00 acres
1993-94	4513	859.00 acres
1994-95	5155	352.00 acres

### **Stay Orders**

7.28 The number of court cases pending in different courts where the stay orders are in force are 2000 cases approx. No separate record is being maintained giving the breakup of number of court cases for encroachment and unauthorised construction.

7.29 The number of court cases in which stay orders were in force for more than 2 years were approximately 1795.

7.30 Stay orders were in force for more than 2 years was because the stay orders were extended by the Courts time and again for procedural reasons. Most of the cases by the High Court and Supreme Court were pending for regular hearing after admission.

7.31 The Committee desired to know as to how the stay orders could be obtained by the land grabbers.

7.32 In a written reply, the Ministry of Urban Affairs and Employment stated as under:

"The courts generally grant injunctions on seeing, firstly whether the petitioner has *prima facie* case in his favour, secondly, whether the petitioner has balance of convenience in his favour; and lastly, whether the petitioner shall suffer irreparable loss and injury, in case the injunction is not granted. In case, the court is satisfied with all the above three ingredients, the court grants stay orders during the pendency of the suit. In case, the court finds that any of the ingredients is lacking then the stay is not granted by the court and in case the same has been granted *ex-parte* then the same is also vacated after hearing the parties.

In certain cases, there is also a dispute of khasara number with respect to the land claimed by the parties and in such cases stay order is generally granted by the court till the final decision of the suit. Similarly, in many cases notice is also required to be given before taking any particular action and in case such notice is not given then the court also issues injunction in favour of the petitioners. Similarly, in a number of cases, the petitioners claim long and continuous possession over the property in dispute even when the same does not belong to them. In such cases also injunctions are given by the court till the final decision of the suit."

7.33 In this regard, the Vice Chairman, DDA, also submitted the following during evidence:

"If you analyse the cases for which stay orders are granted, you will find the grounds are many for which they are granted. They may say that they have been there for a long time, they might have some titles, they might say that we have acquired the lands, etc."



7.34 The Committee then enquired whether any documentary evidence are shown by them proving their claim or title. In reply to the above, the representative from the Ministry of Urban Affair and Employment stated during his oral evidence:—

“What is normally done is when the land is acquired by the DDA is that the khata is not transferred to the Authority; it continues to remain with the original land owners. I have seen it in Bangalore and I suppose that it happens in other Development Authorities also. People produce old revenue records under which they were the owners of the land; and the courts without looking into any other thing, grant *ex-parte* stay orders. It has happened there and I am sure it is there in DDA also.”

7.35 In this connection, the following has also been stated in a written reply:

“The petitioner do produce the documentary proof of their long/continuous possession in the court while claiming injunction. In certain cases, when the petitioners do not have documentary proof, an affidavit to that effect is also filed by them.”

7.36 As regards efforts made to get the stay orders vacated, it has been stated in a written reply that:

“As and when the administrative department intimates the Law Department that some project/scheme of the department is held up due to an *ex-parte/ad-interim* stay, the conducting panel lawyer is immediately asked to move to the court with appropriate application for getting the stay vacated.”

#### *Ministry of Rehabilitation Land*

7.37 Out of 690.881 acres land which forms part of the package deal of 1983, only 474.85 acres was vacant and free of encroachments to be utilised when the land was handed over to DDA. Remaining 216.031 acres was encroached at that point of time when Land was transferred to DDA. 474.850 acres which was vacant has been transferred to the user departments and the same has been utilised for various projects/schemes. Since it was a package deal, the encroached land was also transferred to the DDA by Ministry of Rehabilitation. As there were pucca structures which were very old and as there were also court cases, this land could not be utilised by the DDA. The land has not thus been encroached upon after it was transferred to DDA; it came to DDA in the present status even in 1983 when it was transferred by the Ministry of Rehabilitation.

7.38 In regard to transfer to land to DDA by the erstwhile Ministry of Rehabilitation the Commissioner (LD) of DDA stated during evidence as under:

“When we talk of these lands, these are mainly lands transferred to the DDA by the Ministry of Rehabilitation. Under the package programme, the Ministry of Rehabilitation had transferred these

lands to DDA for maintenance and sale. Now, these are going to be given for various purposes. This land in Lajpat Nagar is essentially for residential purposes, but we find that a large part of Ministry of Rehabilitation lands which was given to us is under encroachment.

There is a balance of payments problem with the Ministry of Rehabilitation. We have paid for the land which we have got free from encroachment. Very detailed programme has been drawn out in respect of all the colonies to find out which of the lands can be used for residential purposes and can be disposed of. At this moment, we have got about 250 such plots. In a phased manner, from first April, 1993, I have been disposing of these plots. Fortunately, in areas like Malaviya Nagar which are free from encroachment, we have been able to dispose of the plots under very good prices. At the same time, in the Trans-Jamuna area we could not sell as the plots did not fetch good prices. We have got a large number of plots along Shankar Road. Widening of Shankar Road has been given up. As a policy, we are selling the plots. During the last two years, there was a slump in the market. DDA property was not selling. In 1992-93, the total revenue earned was to the tune of Rs. 45 crore. The next year, it was to the tune of Rs. 50-55 crore. Last year, it crossed the figure of Rs. 100 crore. As a prudent marketing man, I should not flood the market with my property. Through my auction, I propose to earn Rs. 150 crore from my residential plots this year. One third of the amount of Rs. 150 crore will be generated from the MOR properties. By the end of 1977, all the properties available will be disposed of hopefully."

7.39 The Committee enquired details of residential plots of land in Rehabilitation Colonies transferred to DDA by the erstwhile Ministry of Rehabilitation for maintenance and sale alongwith their status-free from encroachment/under encroachment at the time of transfer. In a written reply (Feb., 1996) the Ministry stated as follows:—

"DDA has reported that there existed plots numbering about 250 on the MOR Land transferred to DDA under the package deal. At the time of transfer 110 plots were free from encroachment and the remaining were encroached. These plots were transferred to DDA in 1982-83. The auction of plots was scheduled from time to time and approximately 110 plots readily available, free from encroachment were auctioned in 1984. The remaining 140 plots were auctioned in between the period 1985-93 after getting the encroachment removed and getting the Zonal plans/lay out plans approved."

7.40 Asked to explain why DDA could not remove encroachment on these prime residential plots and recover the land from unauthorised occupants, the Ministry have informed:

“DDA has reported that the encroachment over the plots/land could not be cleared as some of the encroachment related to fifties and seventies. Even the Ministry of Rehabilitation could not get success in removing the old unauthorised occupation/encroachment when the lands were in their possession. Occupants/encroachers due to the prolonged occupancy secured court injunctions from the various courts when the clearance is contemplated.”

7.41 The Committee note that out of 6650 acres of Nazul-I land, 4826 acres from part of river bed. About 4100 acres of land leased out under the “Grow More Food” campaign where leases have expired, is still in occupation of unauthorised cultivators. Eviction notices have been issued to these cultivators to reclaim the land.

7.42 It is very disappointing to learn that the lands have been under unauthorised occupation for the periods ranging more than 15 years, even the claim of damages have not yet been calculated.

7.43 The Committee desire that eviction proceedings against unauthorised occupants and recovery of damages under P.P. Act may be expedited.

7.44 The Committee note that the management of land in DDA is looked after by the Commissioner (Lands Management). The Commissioner is assisted by three Directors. One of them is responsible for the protection of the land through the Land Protection Branch. The Land Protection Branch evolve policies for effective protection of land, protect the land placed at the disposal of DDA which has not been handed over to any user department and coordinate between the user departments to whom land has been transferred so as to help them ensure its protection.

7.45 Field staff make efforts to stop/remove the encroachments noticed and if their efforts fail, they report the matter to Land Protection Branch and the Police for removing the same. Weekly reports on the prescribed proforma are also sent by the field staff.

7.46 Under the laid down system officers of the Land Protection Branch apart from getting information from the field staff who were supposed to send immediate reports about encroachment, also visit their areas to see and watch regularly whether any encroachment has taken place and plan action accordingly for Clearance operation. DDA has also taken steps for fencing of land vulnerable to encroachment. As such there is a regular machinery to deal with removal as also prevention of encroachment at the very inception.

7.47 Sections 28 to 31 of DD Act, 1957 deal with unauthorised construction and encroachment and empower DDA to take appropriate action including levying penalties for these offences.

7.48 From the information furnished by the Ministry, the Committee note that about 1329 acres of Nazul-II land at the end of March 1992 was reported to be under encroachment. During 1992-93 the encroachment went up to about 1400 acres. Thereafter on an average the extent of encroachment which included old, fresh and upcoming, remained almost at the same level during 1993-94 and 1994-95. The Ministry has also submitted that the encroachment of land and its removal was a continuous process. During 1992-93, 1993-94 and 1994-95 284, 859 and 352 acres of encroached land was got freed which included old, fresh and upcoming encroachments.

7.49 The Committee feel that DDA have taken consolation from the fact that there has been no net increase in the extent of encroachment during the last three years. After taking into consideration the figures of encroached land reclaimed and encroached again i.e. about 284 acres in 1992-93, 859 acres in 1993-94 and 352 acres in 1994-95, the Committee feel that elaborate system of immediate reporting about encroachment by the field staff to the higher DDA authorities, constitution of special vigilance teams for constant vigil, presence of enforcement staff, setting up of Land Protection Branch in DDA has not made much difference in checking unauthorised construction and encroachment on DDA land. Encroachment continues unabated.

7.50 Who is responsible for the spate of unauthorised construction and encroachment on DDA land? Encroachers or the DDA authorities themselves. Unauthorised construction and encroachment is not a sudden phenomenon. Encroachment continue to grow unabated over a number of years under the watchful eyes of the custodians and special vigilance teams. When such unauthorised constructions and encroachments assume serious proportions with the passage of time, DDA in some cases expresses helplessness in removing such encroachments and in some of other cases they undertake demolition operations spelling financial ruins for families who invested their hard earned saving for shelter. As such, without the active connivance of DDA's inept and corrupt officials including those constituting special vigilance teams, the menace would not have been of the proportions that it is now. DDA has proved to be grossly inefficient and ineffective in checking the continued encroachment. Rather it is aided and abetted by DDA officials as they do not initiate timely action to curb encroachments at the initial stage itself.

7.51 The unauthorised construction and encroachment on DDA land which has become a well known phenomenon is not possible without the active connivance of the senior functionaries in DDA entrusted with the responsibility of management and protection of land. Till they do not discipline themselves, unauthorised construction and encroachment will continue unabated.

**7.52 The Committee recommend as follows:**

(i) A comprehensive survey should be conducted in respect of encroachment of land under the management of DDA to assess the exact extent of the problem.

(ii) Watch and ward staff and enforcement machinery may be strengthened. Make their field staff responsible for keeping the land free of encroachments. Prosecutions for violations are effectively pursued.

(iii) Stringent action should be taken not only against encroachers but also against senior officials responsible for indifferent and apathetic attitude towards illegal constructions and land grabbing by the encroachers.

(iv) Prevailing provisions of DD Act on encroachment, unauthorised constructions and unplanned development may be reviewed and, if need be, amended.

(v) Performance of the Director (Land Management) and Chiefs of the user departments entrusted with the responsibility of protection of DDA land from encroachment should be made one of essential parameters for their promotion in higher posts in DDA.

(vi) Performance of the Director (Land Management) and Chiefs of user departments on prevention of encroachment on DDA land and recovering of DDA land through demolition operations should also be the items for quarterly review by the Authority. Fresh and upcoming encroachments and demolition operations should be closely monitored in the meeting of the Authority.

(vii) Authenticity of the weekly reports of the field staff should be verified through random surprise inspection at regular intervals. Any one found submitting fictitious report should be hauled up and penalised sternly so that punitive action could set an example against those colluding with encroachers and to send right signals to others.

(viii) The Committee note that encroachment of about 84.51 acres of land by religious institutions cannot be removed unless the Committee headed by the Secretary (Home) Delhi Administration, give their clearance.

(ix) As removal of encroachment from religious institution is a sensitive issue, the problem has to be seen from a different angle. The Committee, however, suggest the feasibility of realising the value of land at Government notified rate from the organisations/trusts/individuals, managing these religious institutions.

**7.53** The Committee are dismayed to note that stay orders for encroachments and unauthorised construction in 2000 cases were in force and out of which in 1795 cases stay was more than 2 years old.

7.54 The Committee desire that DDA should present to the Hon'ble Courts all documents available with it and with the LAC/L&B Department of the Government of NCTD including the 'Khata' numbers establishing its ownership/claim over the land under dispute to obviate chances of stay orders being granted by the Courts.

7.55 At present the courts are moved for vacation of the stays only when lands were required for completion of some projects/schemes. As it is the foremost and basic duty of every organisation to keep its properties free from all encumbrances, the Committee feel that DDA should not wait for the Administrative department asking the Law Department to move to the Court for getting the stay orders vacated as and when land was required for the project/scheme. Instead when the land/property on which stay has been granted rightfully, belongs to DDA and DDA has sufficient evidence/proof for its ownership, it is imperative that DDA should get stay orders vacated in time. DDA as such should present and pursue its claim for its each and every property in the court of law in right earnest for speedy vacation of stay.

7.56 It is highly disappointing to find that in a large number of cases stay orders have been granted by the courts of law. The Committee desire that the same should be reviewed to find out causes why in a large number of cases stay orders have been granted and whether there has been lackadaisical approach or negligent attitude or complicity of officials belonging both to administrative and law departments of DDA while presenting cases in the courts of law at the time of granting stay orders. The Committee desire that such a review should be undertaken by a retired Judge of the High Court or by a senior Judicial Officer with a view to suggesting remedial measures to combat increasing cases of stay orders and fixing responsibility on the defaulting officials.

7.57 The Committee would like to be apprised of the action taken in this regard within a period of six months from presentation of this Report.

7.58 The Committee note that out of 690.88 acres of Ministry of Rehabilitation land transferred to DDA under a package deal in 1983, about 216 acres of land was under encroachment at the time of transfer. According to Government the same could not be reclaimed as the land was encroached during fifties and seventies and there were court cases.

7.59 The Committee also note the position stated by the Ministry of Urban Affairs and Employment in their written reply as well as by the Commissioner (Land Development) of DDA in his evidence before the Committee in July, 1995. From the position stated in written reply the Committee are given to understand that residential plots numbering about 250 belonging to the Ministry of Rehabilitation were transferred to DDA in 1982-83. 110 plots, free from encroachment, were auctioned in 1984. The remaining 140 plots were auctioned during the period 1985-93 after getting the encroachments removed and getting the zonal plans/laid out

plans approved. However, in his evidence before the Committee the Commissioner (Land Development) of DDA have informed that 'in areas like Malaviya Nagar which are free from encroachment we have been able to dispose of the plots under very good prices.....During the last two years there was a slump in the market. DDA property was not selling.....As a prudent market man I should not flood the market with my property.... By the end of 1997, all properties available will be disposed of hopefully'.

7.60 The Committee feel that there is contradiction between the position stated by the Ministry in their written reply and submission made by the Commissioner during evidence. There are a number of plots in areas like Malaviya Nagar where plots are free from encroachment and remain to be auctioned. The Committee desire that DDA should draw up a detailed programme for auction of all residential plots still lying in rehabilitation colonies and after getting the encroachments, if any, removed. As these are residential plots with high revenue potential in prime localities, DDA should make all-out efforts to get the encroachment removed before the auctioning of these plots.

7.61 The Committee would also like to be furnished following plot-wise details such as number, locality, areas etc., which remain to be auctioned:

- (i) Plots which are free from encroachment;
- (ii) Plots which are under encroachment; and
- (iii) Plots which are under encroachment and occupants/encroachers have secured injunction from the Courts, date when the injunction was granted and present position of the case.

The above information may please be furnished within a period of six months from the date of the presentation of this Report to the House.

## CHAPTER VIII

### JHUGGI JHOMPRY CLUSTERS

#### *Magnitude of Problem*

8.1 Delhi continues to face in-migration since the partition of the country due to prevailing socio-economic conditions. It is estimated that about 2 lakh migrants come to Delhi from different parts of country every year in search of gainful employment opportunities. This has resulted in unabated growth of population which stood at 93.70 lakhs as per census 1991. During the last decade, the population growth rate was 50.64%. The phenomenal growth in population due to in-migration and natural growth is exerting tremendous pressure on city resources in physical and financial terms. The city continues to face shortage of shelters, civil services, health, education, public transport and traffic congestion.

8.2 Normally the squatter settlements comprise in-migrants encroaching on public land. From time to time Government has been taking corrective measures depending upon the magnitude of the problems of the squatters for their welfare, either in terms of provision of minimum basic civic amenities, or for their resettlement.

8.3 A survey was conducted by the Civil Supply Department in January, 1990 which revealed the existence of 2,60,000 jhuggies in about 929 jhuggi clusters. Out of this 1,32,297 were on DDA land covering an area of 459 acres. As per latest exercise conducted by the field functionaries of Slum & JJ department with the help of elected area public representatives as on 31.3.1994 there are about 1080 JJ clusters in Delhi containing approximately 4.80 lakh jhuggies. The data is yet to be confirmed by UBS Staff in Delhi Government. The estimated population residing in these jhuggies is more than 20 lakhs. No exercise of this kind for ascertaining the extent of Government land under encroachment, Government land owning agency-wise, has been undertaken by the Slum & JJ Department. However, as per purely rough estimates about 2,400.00 acres of Government land is under encroachment. An area of 459 acres of DDA land is under encroachment by JJ clusters.



8.4 Table below gives the number of Jhuggi Jhompri Clusters in Delhi from 1977 onwards:—

S. No.	Year	No. of Jhuggies
1.	1977	20,000
2.	1981	98,709
3.	1983	1,29,000(In 414 JJ Clusters)
4.	1985	1,50,000
5.	1987	1,71,000 (In 446 JJ Clusters)
6.	1988	2,10,000 (In 652 JJ Clusters)
7.	1990	2,59,344 (In 929 JJ Clusters) (13 lakh persons)
8.	1994	4,80,829 (In 1080 JJ Clusters)

#### *Slum Wing*

8.5 Initially Slum wing was never established with statutory provision/ Government resolution. But as a part of MCD in 1962 it was entrusted with operating the provisions of Slum Areas ( Improvement & Clearance) Act, 1956. During the intervening period, the control of slum Wing was transferred between MCD & DDA a number of times. Finally the slum wing was transferred from DDA to MCD vide Government of India Ministry of Urban Development's Order No. K-20014/4/91-DDVI/11B dated 26th August, 1992. The Slum & JJ Department of MCD functions under the control of GNCTD.

8.6 Asked as to how there is mushroom growth of Jhuggi-Jhompries and why they are not removed immediately after they are established, the Secretary in the Ministry explained the position during evidence:—

"I was told by the General Manager of DESU that when the housing colonies are built, the workers settled down there itself. Each one of us have to take up that responsibility of not allowing them to occupy the lands belonging to the administration. But we are not able to do it for various reason.

But, without the collusion of lower officials it will become very difficult for the people to come in a hoard and then occupy. Two or three people come first and then another three persons come there and settle and even then no action is taken. That is why, they are occupying the land of the administration. The various lower level functionaries are hand in glove initially with the slum dwellers."

**8.7 The representative however added:—**

**"I totally agree that wherever a town comes up there are slums all over the world. Even in London, for example, there are so many houseless people and they are pavement dwellers or in Washington also, what to say of Delhi,"**

**8.8 It has been intimated that eviction of jhuggies at initial stages had to be deferred on some occasions due to administrative reasons. Asked to explain those administrative reasons, the Ministry in a written note submitted:—**

**"The main administrative reasons were non-availability of police force and stay orders issued by judicial courts.**

**During 1989-90, 1990-91 & 1991-92 only 41% demolition programmes could be carried out due to non-availability of police force. Details are given below:**

<b>Year</b>	<b>No. of Demolition Programme planned</b>	<b>No. of Demolition Programmes carried out</b>
<b>1989-90</b>	<b>657</b>	<b>275</b>
<b>1990-91</b>	<b>575[A]</b>	<b>208</b>
<b>1991-92</b>	<b>521</b>	<b>228</b>
<b>Total</b>	<b>1753</b>	<b>711</b>

**In case where police force is not made available by the SHOs, Sr. DDA officials invariably get in touch with ACP/DCP.**

**8.9 In reply to a question regarding internal and external pressure exerted against removal of jhuggies, it has been stated in a written note:—**

**"Consideration of human misery and hardships which would be faced by the poor JJ dwellers is often put forward."**

**8.10 A comprehensive policy for removal of unauthorised jhuggies clusters on public land has accordingly been framed by Delhi Administration. The salient features of the policy are as follows:**

- (i) No established jhuggies which are already inhabited will be removed until a plan for their rehabilitation is finalised. Putting up of fresh jhuggies will, however, be prevented.**
- (ii) The emphasis will be on prevention. All land owning agencies have been advised to strengthen watch and ward arrangements in**

respect of their lands and to specify responsibility of that functionary in relation to a particular land.

- (iii) Removal action in respect of encroachments, unauthorised constructions and unauthorised colonies will be taken right at the initial stages.
- (iv) A major thrust will be against all upcoming unauthorised constructions of commercial nature.

### *Resettlement of Squatters*

8.11 In 1958, the Government appointed a Committee to investigate the problems of growth and existence of Jhuggies in urban Delhi which estimated that over 40,000 families lived in 51 settlements at that time. On the recommendation of the Committee a scheme for resettlement of the squatters was drawn up. Several policy measures and action plans were adopted by the Government of NCT of Delhi/Slum Department to tackle the problem of squatter settlement during this period. These include:—

- (i) Jhuggi-Jhompri Removal Scheme of 1960.
- (ii) Action programme recommended as part of Urban Removal and Redevelopment in Master Plan of Delhi-1961—81, and
- (iii) Environmental Improvement Programme.

8.12 Before 1975, 18 resettlement colonies were developed.

8.13 In 1975-77, major operation was taken by DDA for shifting of the squatters to the resettlement colonies at the periphery of the city. Over 1,50,000 families were resettled in 27 resettlement colonies.

8.14 More than two lakh and forty thousand families had been resettled in JJ resettlement colonies since the inception of the scheme in early 1960s. In spite of these efforts, the menace of squatter settlement has continued to thrive.

8.15 Government of National Capital Territory of Delhi has adopted the following three pronged strategy to deal with JJ clusters in National Capital Territory of Delhi:—

- (i) If the JJ dwellers are residing before 31.1.1990 on land urgently required by the land-owning agency for the execution of a public purpose project, then these JJ dwellers are relocated elsewhere.
- (ii) In-situ upgradation of the JJ colony is resorted to where the land owning agency does not need the land in the near future and gives NOC to the effect that such clusters may be upgraded.
- (iii) Civic amenities like water supply, street lighting, road, storm water drains, etc. are provided in JJ clusters which do not fall in categories (i) and (ii) above.

8.16 Juggi-Jhompries in Delhi are relocated only from those jhuggi clusters which are located on the land pockets needed for implementation

of projects of public importance by the land owning agencies who agree to bear due share towards the cost of resettlement. Under the scheme only those JJ families on identified sites are covered who possess Indian nationality and have ration cards issued by the Civil Supplies Department upto a cut off date of 31.1.1990.

8.17 Government of National Capital Territory of Delhi have issued strict instructions to DDA, MCD, NDMC, Delhi Police and other local agencies to take prompt action for removal of encroachment on public land under the existing laws and also take disciplinary action against officials found colluding with the encroachers. Special Vigilance Teams has been set up by Government of NCT of Delhi to detect and remove encroachments.

8.18 In regard to performance and achievements of the slum and JJ Department, the Government have stated as under:—

"For the most vulnerable segment of the society i.e. pavement dwellers, slum & JJ Department, is at present running and managing night shelters at 19 locations for the benefit of about 3500 shelterless persons.

In case of the encroached land pockets needed for implementation of Projects of public importance by the land owning agencies and who agree to bear the due share towards the cost of resettlement, are covered as a part of the first strategy relating to resettlement of squatter families. This strategy contemplates development of sites and services plots of 25 sq. metres. containing 18 sq. mtrs for construction of shelters under self help approach and 7 Sq. mts. undivided share in the open courtyard on Cluster-Court-Town-House Planning Concept for resettlement of squatter families. Under this Scheme, at the time of its inception in 1990-91 initially work for development of 13,333 plots was initiated and have been developed except for the provision of infrastructural facilities by DDA & MCD. Till September, 1995, 4532 squatter families have been relocated in Rohini, Dwarka & Narela. Apart from this Slum & JJ Deptt. has also relocated on behalf of DC Office, 670 riot affected families of November, 1984 which were earlier squatting, in Tilak Vihar in Rohini Sector 16, Pocket-J.

The second strategy envisaging relaying of Jhuggi-Jhompries in modified layouts by redistributing encroached land pockets amongst the squatter families for construction of pucca informal structures with provision of minimum basic civic amenities like drinking water supply, paved pathways/drains, dhalaos/dustbins, street light etc. 672 families have been covered under this strategy in the demonstrative projects known as Ekta Vihar in South Delhi, R.K. Puram and Paryog Vihar in West Delhi, Hari Nagar.

In third project at Madras Basti Moti Bagh, 112 families have been covered under this strategy.

In the third strategy which is under implementation since 1985-86 relates to improvement of JJ Clusters by providing minimum basic civic amenities irrespective of the status of the JJ Clusters. The main facility of drinking water supply has been made available in more than 80% of the jhuggi clusters either through municipal water hydrants or India Mark-II deep handpumps."

### *Relocation Scheme*

8.19 For ameliorating the miseries of jhuggie dwellers, the Strategy-I of the three pronged strategy, contemplates resettlement of eligible squatter families located on land pockets needed for implementation of prime projects of public importance by the land owning agencies who agree to bear the due share towards the cost of resettlement.

8.20 Strategy-I is being implemented through the approved plan scheme of GNCTD. "Development of sites and services plots for squatters backed by cash construction loan" Relocation of JJ Clusters.

8.21 At the time of formulation of Annual Plan, 1990-91 it was estimated that there were about 80000 families which were encroaching on land pockets needed by the land owning Agencies in different parts of the city for implementation of projects of public importance.

8.22 The present policy of Government in regard to the JJ dwellers is that on the one hand, no fresh encroachment shall be permitted on public land, and on the other hand, past encroachments which had been in existence prior to 31.1.1990, would not be removed without providing alternative in respect of eligible jhuggies dwellers.

### *Conceptual Framework*

8.23 Normally relocation plots are developed in a pocket of 5 hectares. Density of 200 dwelling units/hectare is achieved as approved for relocation of plots.

8.24 It contemplates development of sites and services plots of 25 Sq. mtr. containing 18 sq. mtr. for construction of shelters under self help approach a 7 sq. mtr. undivided share in open courtyard as per cluster-court-town-house planning concept for resettlement of squatter families. Full coverage of 18 sq. mtr. plots is permitted presently to the squatter families on the ground floor and subsequently when the affordability of the allottees is improved first floor can be added by the beneficiaries, approached by a ladder/stair-case provided on the ground floor. Independent WC seats and bathrooms, on the ground floor with cooking shelves are an integral part of the dwelling units so as to make the dwelling units self contained. Arrangements for individual water supplies either through Tubewells or Municipal system and electricity connection are made under the scheme.

8.25 The following illustrative statement has been furnished by the Government indicating various facilities provided for improving the quality of life of Jhuggi dwellers through different programmes:—

**Improvement Of Living Conditions Of Slums/Jhuggi Dwellers Through Various Programmes**

*The most Vulnerable Segment of Society:*

Night shelters for the absolutely shelterless pavement dwellers	19 Night Shelters catering to the requirement of about 3500 pavement dwellers night stay on nominal charges
---	---

*For the Dwellers of Notified Slum Areas:*

Slum Rehousing Flats constructed for Slum dwellers under Slum Clearance Scheme for families of Walled City & its extension staying in notified Slums	21,839
--	--------

Old dilapidated Slum Katras/Properties located in Walled City & its extensions repaired under the programme of structural improvement in Slum Katras.	1,215
---	-------

Multipurpose community facilities complexes containing baratghars, libraries-cum-reading rooms & other social facilities	107
--	-----

Open Air Theatres for cultural upgradation of Slum Dwellers	3
---	---

**For improving the quality of life of jhuggi dwellers**

Jhuggi population covered by provision of the following minimum basic civic amenities	About 16.00 lakh
---	------------------

Water hydrants	3,547
----------------	-------

India Mark-II deep handpumps	911 in 744 JJC's
------------------------------	------------------

Tubewells installed	29
---------------------	----

Street light points	6,896 in 335 JJC
---------------------	------------------

Dust bins	259 in 223 JJC's
-----------	------------------

Dholaos	43
---------	----

Brick-paving Drainage	in 947 JJC's
-----------------------	--------------

For curbing the habit of mass defecation in open, Janasuvidha (including prefab) complexes constructed	193 JSC's completed containing 7658 W.C. seats.
--	---

Mobile Toilet Vans deployed	128 containing 1792 WC seats
-----------------------------	---------------------------------

Shihu Vatikas for slum children	46
---------------------------------	----

Basti Vikas Kendras for extension of facilities of health care, non-formal education and skill upgradation by utilising the services of NGOs/voluntary organisations/charitable Trusts	91 (including 1 pre-fab)
--	-----------------------------

*Squatters Resettlements:*

No. of squatter families resettled under JJ Resettlement Scheme during 1960-84	2.40 lakhs
--	------------

No. of squatter families relocated by providing sites & servicers plots in 1990—95.	5202 (including 670 riot affected families of November 1984 relocated on behalf of DC office).
---	--

Plots under Development	8800
-------------------------	------

*Insitu Upgradation*

784 families covered under the landmark projects of Prayag Vihar and Ekta Vihar and recently Madrasi Basti.

*Income Generated Activities for Slum Dwellers:*

An old clothes sellers market at Raghubir Nagar for benefit of about 3000 informal traders/hawkers

3157 units of work centres provided in pockets/areas inhabited by Weaker sections

Shoe Renovators Training-cum-Production Centre in collaboration with ILO at Raghubir Nagar for 100 beneficiaries

413 commercial Stalls/Tharas for informal Traders/hawkers for providing stable source of income Dhobi Ghats for washing, drying and ironing of clothes by Dhobies.

*Criterion for Eligibility of Families*

8.26 Only those squatter families possessing Indian nationality and residing on project sites as on 31.1.90, and evidenced by the ration cards and Photo Identity cards issued by Delhi Government to them are covered.

## **Financing**

8.27 For defraying the cost of relocation and resettlement under the scheme during 1990—93, S&JJ Deptt. was provided with a total sum of Rs.23,000/- per family as follows:—

(i)	Share of land owning agencies	Rs.10,000/-
(ii)	Plan assistance from Delhi Govt.	Rs.10,000/-
(iii)	Contribution from beneficiaries	Rs.3,000/-

8.28 The said funding pattern was revised w.e.f. 1.4.1993 for meeting estimates cost of Rs.44,000/- per plot which was to be shared as follows:—

(i)	Share of the land owning agencies	Rs.29,000/-
(ii)	Plan assistance from Delhi Govt.	Rs.7,500/-
(iii)	Contribution from beneficiaries	Rs.7,500/-

8.29 There was resistance from the beneficiaries and accordingly the funding pattern for meeting the cost of resettlement was revised by the Government of NCT Delhi w.e.f. 1.4.1994 as follows:

(i)	Share of the land owning agencies	Rs.29,000/-
(ii)	Plan assistance from Delhi Govt.	Rs.10,000/-
(iii)	Contribution from beneficiaries	Rs.5,000/-

8.30 The Secretary, Ministry of Urban Affairs and Employment was of the view that Rs.5,000/- was a very low amount and it should be increased.

## **Outlay in Eighth Plan**

8.31 For the Eighth Five Year Plan 1992—97, an outlay of Rs.2,500/- lakh is approved for relocation/-resettlement of JJ squatter families.

8.32 However, in physical terms no target for development of plots can be set as it is linked with the availability of developed land from DDA. However, with the norms of plan support of Rs.10,000/- per plot it is estimated that land for 4,000/- households needed in 1995-96 would be 20 hectares keeping in view the density of 200 DUs per hectare.



8.33 The following is the statement indicating physical achievements registered under the 'Relocation Scheme' upto September, 1995:

(Rs. in lacs)

Sl. No.	Year	Approved Outlays	Targets based on approved outlets (no. of plots)	Funds released	Achievements (No. of families Relocated)
1.	1990-91	500.00	5000	500.00	
2.	1991-92	1700.00	17000	745.00	2316*
3.	1992-93	500.00	4000	299.00	472
4.	1993-94	1000.00	66000	—	202
5.	1994-95	800.00	No targets has been fixed	34.00	908
6.	1995-96	400.00	-do-	—	1304 till Sept., 95

\*Including 670 riot affected families of Tilak Vihar relocated at Rohini Pocket 5, Sector-XVI on behalf of D.C. Office, Delhi.

#### *Subsidy for Houses*

8.34 "We have to give some subsidies for building the Houses since this problem has turned into a situation which is beyond our control. This problem has two categories, viz., some are genuine settlements and some are being brought about by certain slum landlords with which we have to deal ruthlessly. Again, some enquiries will have to be made and also when we are providing assistance we have to take into account the cost of the land which is very high in Delhi. Since Delhi is a place where we cannot have hectares and hectares of land for this purpose, the land has to be found out somewhere in its periphery. That again brings back the aspect of the development of Delhi as a whole as other facilities like transport will also have to be provided."

8.35 In so far as Government assistance is concerned, the following views were expressed by the representative from DDA during evidence:—

“Relocation of Jhuggi Jhompri should be considered as an urban poverty alleviation programme with a sizeable input from the plan assistance. Poverty alleviation, in all situations, has been mostly a Government programme. It has to be subsidised. It is not within the realm of DDA to tackle it at their own level. Hon. Members have rightly said that the problem is of such magnitude. Indirectly, Planning Commission will have to come to the assistance of the Urban Poor.”

8.36 Since the cost escalation, right from the land resource to the development of land and provisioning of infrastructure, is enormously high, the Committee desired to know as to how the objective of resettlement of JJ dwellers could be achieved with the meagre resources. In this connection, the representative from slum and JJ Déptt. stated during evidence:—

“There has to be some kind of cross subsidisation system where by you use land as a resource and then this land will generate hundreds of crores of rupees. This money can be used to cross subsidise the urban poor resettlement programme. Someone has mentioned about the encroachments in commercial places such as Nehru Place, Pahar Ganj etc. If these lands are taken over, you can take care of entire resettlement of these jhuggi clusters and you can also generate more money which can be used for the rest of the infrastructure development works.

So, my submission is that some serious financial mechanism of cross subsidisation should be worked out”.

#### *Permitted Squatting Zones for Ineligible Squatters*

8.37 The Ministry in a note to the Committee have stated that the scheme of relocation has been discussed at various forums in Delhi Government and Ministry of Urban Development. The experiences have shown that it is difficult to obtain vacant land pockets after resettlement of eligible families and it is estimated that on an average about 30 to 40% of the families in a JJ cluster are ineligible. Moreover, city is facing serious problems of jhuggies located in parks, road sides/berms, footpaths, adjacent to drains etc. for which the land owning Agencies are not in a position to request for resettlement due to high cost of regular resettlement in sites and serviced plots. A question has arisen as to what steps should be taken by the concerned land owning agencies to get them removed from the concerned JJ clusters. It may also be mentioned that in certain Jhuggie clusters more than 60% are ineligible and it has posed a serious question to the Authorities. Even when ineligible are removed by utilising the enforcement machinery such families will spread out a some alternative

sites. Already Administration is facing a lot of resistance from the ineligible families of Diplomatic Enclave, Pushta, CGO Complex, Pandav Nagar, Bhumiheen Camp, Slip Road for ITO.

8.38 Keeping in view the position explained above, it is desirable to operate two-tier system for dealing with the jhuggi-households located on the project sites in parks, tot lots, road berns, footpaths, sides and drains etc. The eligible squatter families of project sites under clearance are to be provided with regular sites and serviced plots as per approved policy and ineligible squatter families and other jhuggie families located on non-project sites but otherwise their existence is creating obstructions in city life and environment to be taken in the proposed complexes of permitted squatting zones for permitting them to re-erect their jhuggies/informal shelters at an alternative sites wherein the minimum basic civic amenities approved as per norms of the scheme of Environmental Improvement in Urban Slum and its component scheme of construction of Pay & Use Jan Suvidha Complexes are to be provided. Subsequent maintenance of services will be done by the local bodies.

8.39 The concept of establishment of complexes of permitted squatting zones envisages carving out sites of 12.5 sq. mtrs. jhuggies at an alternative land pocket for the families who are otherwise ineligible for regular resettlements as per policy provision of regular sites and serviced plots under the schemes of resettlement of squatter families.

8.40 The proposal for carving out of sites of 12.5 sq. mtrs. are provided to jhuggie households for relocation of jhuggies/informal shelters, there is also some scope for incremental housing by a squatter families subsequently as these settlement are ultimately bound to remain for an indefinite period.

8.41 By planning layout for the permitted squatting zones under the cluster court concept, it is expected that one can achieve maximum density between 350 to 375 dwelling units per hectares.

8.42 Such permitted squatting zones will have to be carved out in the different corners of the city where it is possible to provide the minimum basic infrastructure under the scheme of Environmental Improvement in Urban slums. The minimum basic civic amenities to be provided, will be at community level.

8.43 Justifying the need for squatting zones, the Director (S&J) of Municipal Corporation of Delhi, explained the position during evidence as follows:

"The proposal regarding squatting zones is to make alternative arrangement for ineligible squatters. We are carrying out clearance of a number of slums in Delhi. Wherever I go for clearance of slums, I have got to do the entire clearance in one go. If you leave the ineligible category of people, then there is on use of that land.

So, you have to clear all of them. You have to re-erect their jhuggies in some other place. After a lot of deliberations with various agencies we have prepared the policy. The Planning Commission has cleared this."

8.44 In this connection, Secretary (Land and Building) of the Government of NCT of Delhi informed the Committee as follows:

"The NCT Government has suggested to the Union Government that the scheme be further modified to provide for holding zones, on which, on a more temporary basis, such persons, when shifted from one area, could be able to settle in another some arrangement is also required for squatter settlements. There should be some planning for people who come to Delhi and who have no place to stay. A proposal in this regard was made to the Ministry. The Ministry will answer regarding their own policy, but they have expressed some reluctance in the past because of its possible implications. The Ministry would have to allot land for a purpose like this."

8.45 Enquired whether the cut off date of 31.1.1990 was likely to be extended, the Secretary, Ministry of Urban Affairs and Employment in his deposition before the Committee on 1.7.1994 informed:

"At present, we have not taken any decision to extend the date beyond 31.1.1990. Earlier, it used to be 1985. After that, there was a lot of pressure exerted from various quarters to extend it upto 1990. Some requests and demands have been made stating that the cut off date should be brought up to 31st March, 1994. But we are not agreeing at all. We have yet to look after those thousands of colonies which are already existing. We are not able to do that. If we take up another burden, it shall be infructuous. It will not be possible for the Government to do that. We are not in favour of extending the date. I do not know anything further in this regard. For the present, this is the policy."

8.46 Reacting to the above proposal, the Secretary, Ministry of Urban Affairs and Employment deposed before the Committee during the evidence:

"Essentially, there is a practical solution to a practical problem. But we have two categories of people, the eligible people and the ineligible people with a cut off date as 1990. We are not in a position to provide full relocation facilities to all the eligible people. This is because that itself will be a major problem. In a nutshell, they have sent the proposal to make the ineligible people also quasi-eligible or in a sense they also become eligible. They will be better off than the eligible category because they will be in Delhi itself. In a way, these are the few reservations which we have. It is only a pilot project.....But some points have been raised from the Ministry side saying as to who will bear the cost of

land to be given to them. According to a rough estimate, five hectares of land will accommodate about 2,000 squatter settlements. You will need huge pockets of land and in Delhi land is very valuable. Once we give a commitment then it becomes a matter of right. That is the root problem. Unless the migration is prevented, we cannot solve the problem."

8.47 The Secretary added:

"But now if we take on the responsibility of not removing any squatter settlement without providing an alternative squatter facility, then it will become a very big problem in Delhi. They must be relocated. There must be the financial capability and the infrastructural competence to accomplish this task. Otherwise, we may land up in major problem of undertaking this commitment."

#### *Flats for JJ Dwellers*

8.48 It was apprehended that the JJ dwellers who were shifted from their clusters to distant places dispose of plots allotted to them and come back to the area where they were earlier squatting and rendering household services and/or doing other petty jobs in nearby local trading establishments. The Committee enquired whether it would be feasible to build multistoreyed flats for JJ Clusters on the same site or near their areas instead of giving them tenements or flats or plots at distant places.

8.49 In reply, the Director (Slums and JJ) of MCD in his evidence before the Committee submitted as follows:—

"In Delhi 98 per cent of the lands which are encroached by the Jhuggi-Jhompries are Government lands.....Sometime back I made a submission that out of about 929 slum bastis, 180 slum bastis are mixed ones. I had identified in Delhi. I had requested the DDA that if they allow me in situ operation of it, they can be upgraded. They need not be shifted. But it could not be done because the DDA did not allow me. Because these are project lands, nobody in Delhi is either allowing upgradation or any such thing. If there is a project, the Government agency would not allow any kind of upgradation in perpetuity. If any upgradation or some such thing was allowed, again they would go to the court and get a Stay Order. These are the realities of the day."

8.50 Expressing his views on the above suggestion, the Vice-Chairman, DDA stated during evidence:

"If there is a plot probably, the town-planners would not have agreed for the existence of a plot for the sake of a multistoreyed building for jhuggi-jhompri clusters. The town-planning, the land pattern and the land on which Jhuggi-Jhompri clusters exist, should also be taken into consideration before we agree for such a thing."

8.51 At the time of preparation of master Plan, whether the Committee

enquired, the number of people to be relocated from JJ clusters was taken into account and some compromise had to be made for higher FAR. The Secretary, Ministry of Urban Affairs and Employment submitted:—

“In Delhi, we have not really given that kind of consideration in our Master Plan as of today. But we are having a Mid-Term Review of the Master Plan as this particular problem is assuming such serious proportions.”

8.52 The Committee desired to know whether construction of multi-storeyed buildings for slum dwellers would be viable. The Secretary (Land and Building), Government of NCT of Delhi submitted as follows:

“There would not be much increase in per acre density ..... we will have to invest money in construction on a much larger scale. It is not commercially viable.”

\*\*

\*\*

\*\*

\*\*

“It would be a very good idea if it is made a self-financing scheme in the sense that it creates extra space. We can not only accommodate these people but also create residential space in the same plot which is sold to meet the cost of the project in such case. And it is something better that is being given. There is a possibility redevelopment in site by relaxing byelaws on building higher constructions and financing the development by selling parts of it and accommodating the people in the site.”

8.53 The Vice-Chairman, DDA in this connection stated as follows:

“Some ideas in this regard have been considered and thought about. What you are suggesting is that these jhuggi people can be rehabilitated by constructing four-storeyed building so that the area required for that would be much less. In the present scheme, you will have to incur a limited expenditure. For constructing four-storeyed building, in beginning you should have resources. And then, as Mr. Sagar has pointed, if it has to be made as self-financing, they would like to have it on some rental basis.”

8.54 The representative added:—

“I think, it will not be workable. At the moment the economics is totally against it. But the point is that it can be thought of in certain places if some resources are available.

And to make it a viable scheme, some agencies such as HUDCO have to come forward to give loan. I think, a Group can be formed to find out whether this is viable. It is a desirable thing.”

8.55 The Secretary Ministry of Urban Affairs and Employment supplemented:

"This is basically a town planning exercise. All over the world, international agencies have considered it and by and large the experience of the international bodies and even the State Governments in India is that it does not always succeed for two or three reasons. One is that the people would immediately sublet it and go back to the new jhuggis..... The other thing is their own occupational compulsions. They are not prepared to stay in the tenement because they have got cows and buffaloes. They want a little space around them."

8.56 The Secretary, Ministry of Urban Affairs and Employment summing up the views of the Government point-wise stated as follows:

*Ineligible people getting the benefits*

Under the relocation scheme, the State Government is relocating the people who have set up their colonies before 1990. That is the social welfare programme. The Jhuggi people are given alternative sites of 25 sq. meters in a newly relocated area so that they can put up a shelter for them, for which loan is given by HUDCO. It is purely a scheme introduced by the Delhi Administration.

*Constructing multi-storeyed tenements*

All the Slum Boards, whether it is in Maharashtra or Tamil Nadu, have been established for the construction of tenements. They took valuable land. In fact, in various cities, prime locations have been taken for locating them. Considering the property and the rental values which are so high, the people would get the money through renting and go back to the jhuggis.

*Slum improvement*

Wherever it is objectionable, we would remove and relocate them. Wherever it is unobjectionable, they can be allowed to continue, regularise it, give it a title and we give them basic services like water and sanitation. But Delhi where the property value is so high, requires a project to relocate them. This can be examined in a selective manner but then it will be a town planning exercise.

The property which is developed will fetch a high rent in Delhi. Even a basti will get a very high rent in Delhi. The rental value is so high they would rent it out and use the money.

8.57 The Committee are informed that at present about 9.50 lakh population is residing in areas designated as slums notified under the Slum Areas (Improvement and Clearance) Act, 1956. Most of the notified slums are concentrated in the walled city and its extensions. Slum and JJ Department of the MCD has been operating a scheme known as Slum

Clearance Programme under which dilapidated structures/buildings are cleared and the affected families are rehoused in tenements constructed at the sites thus cleared or in other parts of the city.

8.58 Slum and JJ Department is also at present running and managing night shelters at 19 locations for the benefit of about 3500 pavement dwellers out of 30,000 absolutely shelterless population in the capital city of Delhi.

8.59 The Committee further note that apart from slums and pavement dwellers more than 20 lakh persons are squatting in about 1100 JJ clusters containing approximately 4.80 lakh jhuggies.

8.60 As per rough estimates, about 2400 acres of Government land is under encroachment and out of this 459 acres belong to DDA.

8.61 The Committee are concerned to note that there has been a phenomenal growth of jhuggi-jhompri population during the last two decades due to coming of migrants to Delhi in search of gainful employment opportunities. These immigrants encroach upon public land and from squatter settlements as also exert tremendous pressure on city resources causing shortage of shelter and civic amenities and services.

8.62 The Committee regret to find that the jhuggies have been proliferating in Delhi with passage of each year. As against 20,000 jhuggies in 1977, the number of jhuggies have increased to 98,000 in 1981, 2,60,000 in 1990. The magnitude of the problem has assumed alarming proportions, with more than twenty lakh population living in about 1100 jhuggi-jhompri clusters in 4,80,000 jhuggies against a total population of about 110 lakhs. The jhuggi population has increased from 1.3 million in 1990 to about twenty lakhs in 1994. The Capital of the country today is dotted with jhuggi clusters and every sixth person is a jhuggi dweller. Thus the national Capital is fast becoming a big slum.

8.63 The Committee therefore feel that Government need to take some concrete measures on a very large scale to tackle the mushroom growth of jhuggi-jhompri clusters before the problem could assume unmanageable proportions.

8.64 The unauthorised construction and encroachment on Government land all over the Delhi city has become a well known phenomenon. Not only are MCD, NDMC, DDA land owning agencies and the police in the know of these agencies aided and abetted by undesirable elements are in connivance with each other in allowing encroachment and unauthorised constructions to grow.

8.65 Due to enormous influx of people from both urban and rural areas, the Delhi city has already outgrown its capacity and is unable to expand more with the available resources. The Committee feel that it is the time when Government should shun its attitude of remaining silent spectator to encroachments, make stringent laws to prevent jhuggi-jhompri clusters from



growing in Delhi and take deterrent action against those setting up new jhuggies.

8.66 The current policy in regard to the JJ dwellers is that on one hand no fresh encroachment shall be permitted on public land and on the other hand past encroachments which had been in existence prior to 31.1.1990, would not be removed without providing alternative squatter facility. For jhuggi-jhompri clusters coming up after 31.1.1990, Government has no scheme for rehabilitation. When such lands are required for urgent public purposes, the encroachments are to be removed. However, it has been admitted by the representatives of the Government during evidence that such encroachers move to other sites and set up their jhuggies there. So the squatting and encroachment on Government land continue.

8.67 The Committee note that one of reasons for the mushroom growth of jhuggi-jhompries, as advanced by the Government, is the collusion of officials with the JJ dwellers. The Committee are also informed that the programme regarding removal of jhuggies at initial stages had to be deferred/could not be carried out due to: (i) non-availability of police force; (ii) stay orders issued by the courts; and (iii) human misery and hardship which would be faced by poor JJ dwellers.

8.68 The Committee are not satisfied with the position stated by the Government on mushroom growth of JJ clusters. The Committee feel that the emergence, growth and proliferation of jhuggi-jhompries which has assumed alarming proportions, with more than 2 million people living in 4,80,000 jhuggies against a total population of about 11 million is a testimony to the culpable negligence of the Government not only to contain widespread illegal occupation of vacant Government land all over the city but also to address itself to the growing demand for housing the poor in Delhi.

8.69 The Committee are informed that for improvement of quality of life in JJ clusters the Government of National Capital Territory of Delhi have adopted a three pronged strategy—(i) relocation/resettlement of JJ dwellers residing before 31.1.1990 on land urgently required by land owning agencies for execution of a project of public purpose and who agree to bear their share towards the cost of resettlement; (ii) in-situ upgradation of JJ colonies where the land owning agencies do not need the land in near future; and (iii) provision of civic amenities in JJ clusters which do not fall in categories (i) and (ii) above.

8.70 They are further informed that the strategy under the relocation scheme, contemplates development of sites and serviced plots measuring 18 sq. mts. with 7 sq. mts. share in the undivided open courtyard on Cluster-Court-Town-House Planning Concept for resettlement of squatter families. According to the Ministry, under this scheme, at the time of its inception in 1990-91 initially work for development of 13,333 plots was initiated and have been developed except for the provision of infrastructural facilities by DDA and MCD. However as many as 5202 squatter families

including 670 riot affected families of November, 1984 have been relocated in Rohini, Dwarka and Narela till September, 1995.

8.71 As regards upgradation of JJ colonies, the Committee note that as many as 784 families have been covered in various colonies and provided with basic civic amenities after relaying of Jhuggi/Jhompries in modified layouts.

8.72 In so far as third strategy i.e. improvement of JJ clusters by providing minimum basic amenities is concerned, they find that the main facility of drinking water supply has been made available in more than 80% Jhuggi clusters.

8.73 The Committee note that as per existing three pronged strategy which is being implemented by the Government of National Capital Territory of Delhi, jhuggi jhompries that have come up after the cut off date of 31.1.1990 have to be removed without providing any alternative accommodation as and when they are detected. For the purpose, Special Vigilance Teams headed by ADM alongwith representatives from Police, DDA, MCD, NDMC have been constituted.

8.74 Since the liability of relocation of thousand of JJ dwellers was still existng, the Government has not taken any decision in favour of extending the present cut off date i.e. 31.1.1990.

8.75 The Committee are informed that under the relocation scheme it is very difficult to obtain vacant land pockets after resettlement of eligible families. It is estimated that on an average 30 to 40% of the families in such JJ clusters are ineligible. To meet the situation the Government of National Capital Territory of Delhi have forwarded a proposal for establishment of permitted squatting zones for the dwellers which are not covered under the three pronged strategy of the Government of National Capital Territory of Delhi. The proposal of squatting zones which seeks to make alternative arrangements will enable the ineligible squatting families allotment of plots measuring 12.5 sq. mtrs. with provision of water, electricity, toilets etc. In view of scarcity of land in Delhi for meeting the housing requirement the matter is stated to be under consideration of the Ministry of Urban Affairs and Employment.

8.76 The Committee note that though the Planning Commission is stated to have cleared the proposal for the establishment of holding zones, the Central Government do not seem to be in favour of such a proposal on the grounds that they were not in a position to provide full relocation facilities even to the eligible squatters, agreeing to the establishment of squatting/holding zones would mean more or less, making the ineligible squatters also eligible for relocation. Financial capability and infrastructural competence for undertaking the commitment are the other reservations of the Government.

8.77 Directive principles of State Policy inter alia enjoins upon the State to promote with special care the educational and economic interests of the weaker section of the people and to regard the raising of the standard of living of its people as among its primary duties.

8.78 Provision of housing is the main input for standard of living of the people. Housing include not only the shelter structure but also the residential plot of land with its on-site services like water, power, sanitation, etc. and the access to off-site services like education, medicare, employment opportunities and other urban amenities.

8.79 Under the present relocation scheme for squatter families, the pocket of 5 hectares would provide for 1000 residential plots of 18 square meters with 7 square meters for common courtyard for a number of families.

8.80 According to the Government, size of the residential plot will make dwelling unit self contained with independent WC, bathroom and cook shelf on the ground floor. Such colonies are proposed to be developed with density of 200 dwelling units per hectare and at the same time there will be provision for basic services and urban amenities.

8.81 Under the permitted squatting zones not only the ineligible squatter families of the project site under clearance but also other JJ families located on-non-project sites whose existence is creating obstructions in city life and environment, will be given sites of 12.5 square meters at the alternative land pocket with permission to re-erect their jhuggies/informal shelter. Such permitted squatting zones will achieve density between 350 to 375 dwelling units per hectare.

8.82 The Committee feel that setting up of permitted squatting zones, apart from being against the established policy for JJ dwellers, will result in big increase in the density exerting heavy pressure on the services and infrastructure like road, water, electricity, sewage etc. This will lead to a further deterioration of living conditions in the city and without any perceptible improvement in the standard of living of the disadvantaged JJ dwellers. The Committee do not approve the setting up of permitted squatting zones.

8.83 The Committee feel that taking into consideration the human misery and hardships being faced by the poor JJ dwellers, the Government should take the responsibility at the earliest for their resettlement. Otherwise, this problem as per past experience will aggravate day-by-day. These people live in very bad condition. It has already become a big problem and it could not be brushed aside on the plea of paucity of resources. This problem has many facets and need humane approach. The task of resettlement of JJ dwellers being onerous and challenging is daunting in itself for which concerted efforts will be needed to be made with greater pace.

8.84 The Committee further note that cost of human resettlement in places like Delhi is very high and land resources are scarce. The Committee, however, recommend that three-pronged strategy for resettlement of JJ

dwellers may be relaxed to the extent that all squatter families of the project sites under clearance irrespective of their eligibility should be resettled under the relocation scheme and given residential plots of the size of 18 sq. meters on which self contained dwelling units can be constructed.

8.85 From the information furnished to them, the Committee regret to find that as against the targets of relocation of 92,000 families during the years 1990-91 to 1993-94, the physical achievements were just 2990. They further find that no physical targets were fixed for the years 1994-95 and 1995-96 as resettlement of JJ families was linked to availability of serviced sites. So far (Sep. 1995) 5202 families have been relocated under the scheme. They were also informed that work relating to development of 8800 plots for squatters' re-settlement was in progress.

8.86 In view of the above, the Committee feel that if the pace with which the resettlement of squatters under the relocation scheme is going on, the completion of the scheme would be a distant reality.

8.87 The Committee therefore, recommend that the Government should take up the matter with all agencies concerned with the development and servicing of plots so that the resettlement of squatter families under the relocation scheme may be done at a greater pace.

8.88 Housing for (EWS) category has received very low priority on DDA's residential schemes forcing the economically weaker sections of the society to encroach upon any available land. The Committee feel that provision of affordable housing to weaker sections would go a long way in preventing the growth of slums and JJ clusters. The Committee, therefore, stress the paramount urgency of meeting the requirements of dwelling units for this category of people.

8.89 The Committee also note that the Government have undertaken mid-term review of the Master Plan for Delhi-2001. In that review, the Government should make specific provision for housing the poor. The Committee recommend that some of the land/areas in all upcoming DDA colonies should be reserved and developed for resettlement/relocation of these squatters.

8.90 The Government may also examine the feasibility of constructing multi-storeyed buildings for JJ dwellers in certain JJ areas under their encroachment by relaxing building bye-laws as it would not only accommodate more people but also create extra space which could be utilised to generate resources for self-financing of these multi-storeyed buildings.

NEW DELHI;  
March 5, 1997  

---

Phalgun 14, 1918(S)

RUPCHAND PAL,  
Chairman,  
Estimates Committee.

---

## APPENDICES

---

## APPENDIX I

### MINUTES OF SITTING OF THE ESTIMATES COMMITTEE (1993-94)

#### Sixteenth Sitting

The Committee sat on Wednesday, the 16th March, 1994 from 1500 to 1630 hours.

#### PRESENT

Dr. Krupasindhu Bhoi— *Chairman*

#### MEMBERS

2. Shri Pawan Kumar Bansal
3. Shri Chhitubhai Gamit
4. Shri S.K. Gangwar
5. Shri B.S. Hooda
6. Shri Barelal Jatav
7. Shri Dau Dayal Joshi
8. Shri Hannan Mollah
9. Shri Kabindra Purkayastha
10. Shri Satya Deo Singh
11. Shri Vishwanath Shastri
12. Shri Syed Shahabuddin
13. Shri Manku Ram Sodi
14. Shri K.D. Sultanpuri
15. Shri Braja Kishore Tripathy
16. Shri Arvind Trivedi
17. Shri Laeta Umbrey
18. Shri Devendra Prasad Yadav

#### SECRETARIAT

- |                     |                           |
|---------------------|---------------------------|
| 1. Shri Murari Lal  | — <i>Joint Secretary</i>  |
| 2. Smt. P.K. Sandhu | — <i>Deputy Secretary</i> |
| 3. Shri R.C. Gupta  | — <i>Under Secretary</i>  |

## WITNESSES

*Ministry of Urban Affairs and Employment*

1. Shri K. Padmanabhaiah—Secretary
2. Shri A.P. Sinha —Joint Secretary

*Delhi Development Authority*

3. Shri S.P. Jakhanwal, Vice Chairman
4. Shri H.D. Sharma, Engineer Member
5. Shri K.N. Khandelwal, Finance Member

*Government of National Capital Territory of Delhi*

6. Shri Jagdish Sagar, Secretary (Land & Bldg.)

*Municipal Corporation of Delhi*

7. Shri Subhash Sharma, Commissioner
8. Shri S.M. Hasnain, Chief Engineer(I)
9. Shri Manjit Singh, Director, Slum Wing

*DWS & SDU*

10. Shri S. Prakash, Engineer-in-Chief (Water)

*Delhi Electric Supply Undertaking*

11. Shri S.P. Aggarwal, General Manager

*New Delhi Municipal Council*

12. Shri Baleshwar Rai, Special Officer.

2. At the outset the Chairman welcomed the representatives of the Ministry of Urban Affairs and Employment, Delhi Development Authority, Government of National Capital Territory of Delhi, New Delhi Municipal Council, Municipal Corporation of Delhi and Delhi Electric Supply Undertaking to the sitting of the Committee.

3. The Committee took oral evidence of the representatives of the Ministry of Urban Affairs and Employment and others present on the subject of Delhi Development Authority.

4. The evidence was not concluded.

5. A verbatim record of proceedings was kept.

*The Committee then adjourned to meet again on 17th March, 1994.*



## APPENDIX II

### MINUTES OF SITTING OF THE ESTIMATES COMMITTEE (1993-94)

#### Seventeenth Sitting

The Committee sat on Thursday, the 17th March, 1994 from 1500 to 1820 hours.

#### PRESENT

Dr. Krupasindhu Bhoi— *Chairman*

#### MEMBERS

2. Shri Pawan Kumar Bansal
3. Shri Chhitubhai Gamit
4. Shri S.K. Gangwar
5. Shri B.S. Hooda
6. Shri Barelal Jatav
7. Shri Dau Dayal Joshi
8. Smt. Sumitra Mahajan
9. Shri Hannan Mollah
10. Shri Kabindra Purkayastha
11. Shri Mohan Rawale
12. Shri Satya Deo Singh
13. Shri Syed Shahabuddin
14. Shri Manku Ram Sodi
15. Shri K.D. Sultanpuri
16. Shri P.C. Thomas
17. Shri Arvind Trivedi
18. Shri Laeta Umbrey

#### SECRETARIAT

- |                     |                               |
|---------------------|-------------------------------|
| 1. Shri G.L. Batra  | — <i>Additional Secretary</i> |
| 2. Shri Murari Lal  | — <i>Joint Secretary</i>      |
| 3. Smt. P.K. Sandhu | — <i>Deputy Secretary</i>     |
| 4. Shri R.C. Gupta  | — <i>Under Secretary</i>      |

#### WITNESSES

#### *Ministry of Urban Affairs and Employment*

1. Shri K. Padmanabhaiah — *Secretary*
2. Shri A.P. Sinha — *Joint Secretary*

*Delhi Development Authority*

3. Shri S.P. Jakhanwal, Vice-Chairman
4. Shri H.D. Sharma, Engineer Member
5. Shri K.N. Khandelwal, Finance Member

*Government of National Capital Territory of Delhi*

6. Shri Jagdish Sagar, Secretary (Land & Bldg.)

*Municipal Corporation of Delhi*

7. Shri Subhash Sharma, Commissioner
8. Shri S.M. Hasnain, Chief Engineer(I)
9. Shri Manjit Singh, Director, Slum Wing

*DWS & SDU*

10. Shri S. Prakash, Engineer-in-Chief (Water)

*Delhi Electric Supply Undertaking*

11. Shri S.P. Aggarwal, General Manager

*New Delhi Municipal Council*

12. Shri Baleshwar Rai, Special Officer.

2. The Committee resumed evidence of the representatives of the Ministry of Urban Affairs and Employment, Delhi Development Authority and others on the subject and discussed matters concerning planned development of National Capital Territory of Delhi, housing, Lutyen's Delhi, Nazul-I & II Land, etc. in connection with examination of DDA.

4. The evidence was not concluded.
5. A verbatim record of proceedings was kept.

*The Committee then adjourned.*

## APPENDIX III

### MINUTES OF SITTING OF THE ESTIMATES COMMITTEE (1994-95)

#### Second Sitting

The Committee sat on Thursday, the 30th June, 1994 from 1100 to 1300 and 1500 to 1800 hours.

#### PRESENT

Dr. Krupasindhu Bhoi—*Chairman*

#### MEMBERS

2. Shri B. Akber Pasha
3. Shri A. Asokaraj
4. Shri Pawan Kumar Bansal
5. Shri Anadi Charan Das
6. Smt. Saroj Dubey
7. Shri Chhitubhai Gamit
8. Dr. Parshuram Gangwar
9. Shri B.S. Hooda
10. Shri Dau Dayal Joshi
11. Shri K.M. Mathew
12. Shri Kabindra Purkayastha
13. Shri Mohan Rawale
14. Shri S. Raychaudhuri
15. Shri Rajnath Sonkar Shastri
16. Shri Rampal Singh
17. Shri Satya Deo Singh
18. Shri K.D. Sultanpuri
19. Shri Arvind Trivedi
20. Shri Laeta Umbrey
21. Shri Sobhanadreeswara Rao Vadde

#### SECRETARIAT

1. Shri Murari Lal — *Joint Secretary*
2. Shri K.L. Narang — *Under Secretary*
3. Shri R.C. Gupta — *Under Secretary*

## WITNESSES

*Ministry of Urban Affairs and Employment*

1. Dr. J.P. Singh — Secretary
2. Shri A.P. Sinha — Joint Secretary

*Delhi Development Authority*

3. Shri S.P. Jakhanwal, Vice-Chairman
4. Shri H.D. Sharma, Engineer Member
5. Shri K.N. Khandelwal, Finance Member
6. Shri J.C. Gambhir, Commissioner

*Government of National Capital Territory of Delhi*

7. Shri Jagdish Sagar, Secretary (Land & Bldg.)

*Municipal Corporation of Delhi*

8. Shri Subhash Sharma, Commissioner
9. Shri S.M. Hasnain, Chief Engineer(I)
10. Shri Manjit Singh, Director, Slum Wing

*DWS & SDU*

11. Shri S. Prakash, Engineer-in-Chief (Water)

*Delhi Electric Supply Undertaking*

12. Shri S.P. Aggarwal, General Manager

*New Delhi Municipal Council*

13. Shri Baleshwar Rai, Special Officer.

2. The Committee took further evidence of the representatives of the Ministry of Urban Affairs and Employment, DDA and others on the subject of Delhi Development Authority. The main issues of discussion were Manpower Management, land acquisition and infrastructural facilities.

3. The evidence was not concluded.

4. A verbatim record of proceedings was kept.

*The Committee then adjourned to meet again on 1st July, 1994.*

## APPENDIX IV

### MINUTES OF SITTING OF THE ESTIMATES COMMITTEE (1994-95)

#### Third Sitting

The Committee sat on Friday, the 1st July, 1994 from 1100 to 1450 hours.

#### PRESENT

Dr. Krupasindhu Bhoi—*Chairman*

#### MEMBERS

2. Shri B. Akber Pasha
3. Shri A. Asokaraj
4. Shri Pawan Kumar Bansal
5. Smt. Saroj Dubey
6. Shri Chhitubhai Gamit
7. Dr. Parshuram Gangwar
8. Shri Dau Dayal Joshi
9. Smt. Sumitra Mahajan
10. Shri K.M. Mathew
11. Shri Kabindra Purkayastha
12. Shri Mohan Rawale
13. Shri Rajnath Sonkar Shastri
14. Shri Rampal Singh
15. Shri Satya Deo Singh
16. Shri K.D. Sultanpuri
17. Shri P.C. Thomas
18. Shri Sobhanadreeswara Rao Vadde

#### SECRETARIAT

1. Shri G.L. Batra — *Additional Secretary*
2. Shri Murari Lal — *Joint Secretary*
3. Shri K.L. Narang — *Under Secretary*
4. Shri R.C. Gupta — *Under Secretary*

#### WITNESSES

*Ministry of Urban Affairs and Employment*

1. Dr. J.P. Singh — *Secretary*
2. Shri A.P. Sinha, — *Joint Secretary*

*Delhi Development Authority*

3. Shri S.P. Jakhanwal, Vice-Chairman
4. Shri H.D. Sharma, Engineer Member
5. Shri K.N. Khandelwal, Finance Member

*Government of National Capital Territory of Delhi*

6. Shri Jagdish Sagar, Secretary (Land & Bldg.)

*Municipal Corporation of Delhi*

7. Shri S.M. Hasnain, Chief Engineer(I)
8. Shri Manjit Singh, Director, Shum Wing

*DWS & SDU*

9. Shri S. Prakash, Engineer-in-Chief (Water)

*Delhi Electric Supply Undertaking*

10. Shri S.P. Aggarwal, General Manager

*New Delhi Municipal Council*

11. Shri Baleshwar Rai, Special Officer.

2. The Committee continued further evidence of the representatives of the Ministry of Urban Affairs and Employment, Delhi Development Authority and others on the subject of Delhi Development Authority. Encroachment of land, Jhuggi-Jhompry Clusters and resettlement of J.I. dwellers were the main aspects that were discussed.

3. The evidence was not concluded.

4. A verbatim record of proceedings was kept.

*The Committee then adjourned.*

## APPENDIX V

### MINUTES OF SITTING OF THE ESTIMATES COMMITTEE (1994-95)

#### Seventh Sitting

The Committee sat on Thursday, the 27th October, 1994 from 1100 to 1345 and 1500 to 1700 hours.

#### PRESENT

Dr. Krupasindhu Bhoi—*Chairman*

#### MEMBERS

2. Shri B. Akber Pasha
3. Shri A. Asokaraj
4. Shri Anadi Charan Das
5. Smt. Saroj Dubey
6. Shri Chhitubhai Gamit
7. Dr. Parshuram Gangwar
8. Shri Imchalemba
9. Shri Barelal Jatav
10. Shri Dau Dayal Joshi
11. Shri Suraj Mandal
12. Shri B.P. Mehta
13. Shri Mohan Rawale
14. Shri S. Raychaudhuri
15. Shri Rampal Singh
16. Shri Satya Deo Singh
17. Shri K.D. Sultanpuri
18. Shri P.C. Thomas

#### SECRETARIAT

1. Shri Murari Lal — *Joint Secretary*
2. Smt. P.K. Sandhu — *Director*
3. Shri K.L. Narang — *Under Secretary*

#### WITNESSES

*Ministry of Urban Affairs and Employment*

1. Dr. J.P. Singh — *Secretary*
2. Shri A.P. Sinha, — *Joint Secretary*

*Delhi Development Authority*

3. Shri S.P. Jakhanwal, Vice-Chairman
4. Shri H.D. Sharma, Engineer Member
5. Shri K.N. Khandelwal, Finance Member

*Government of National Capital Territory of Delhi*

6. Shri Jagdish Sagar, Secretary (Land & Bldg.)

*Municipal Corporation of Delhi*

7. Shri Subhash Sharma, Commissioner
8. Shri S.M. Hasnain, Engineer-in-Chief (I)
9. Shri Manjit Singh, Director, Slum Wing

*DWS & SDU*

10. Shri S. Prakash, Engineer-in-Chief (Water)

*Delhi Electric Supply Undertaking*

11. Shri Subhash Sharma, General Manager

*New Delhi Municipal Council*

12. Shri Baleshwar Rai, Special Officer.

2. The Committee took further evidence of the representatives of the Ministry of Urban Affairs and Employment, Delhi Development Authority and others concerned with the subject of Delhi Development Authority and discussed various matters such as Land Use Policy, Lutyen's Delhi, housing, accountability etc.

3. The evidence was not concluded.
4. A verbatim record of proceedings was kept.

*The Committee then adjourned.*



## APPENDIX VI

### MINUTES OF SITTING OF THE ESTIMATES COMMITTEE (1995-96)

#### Third Sitting

The Committee sat on Wednesday, the 14th June, 1995 from 1100 to 1330 hours.

#### PRESENT

Shri S.B. Sidnal — *Chairman*

#### MEMBERS

2. Shri N.S. Chaudhari
3. Shri R.T. Chaudhary
4. Shri Anadi Charan Das
5. Shri S.C. Dikshit
6. Shri R. Jeevarathinam
7. Shri Balin Kuli
8. Shri Suraj Mandal
9. Shri B.P. Mehta
10. Shri C.P. Mudalagiriappa
11. Shri Rameshwar Patidar
12. Shri Hari Kewal Prasad
13. Shri B.L. Sharma Prem
14. Shri A. Venkata Reddy
15. Shri D.M. Sadul
16. Shri Chattrapal Singh
17. Kum. Frida Topno
18. Shri B.K. Tripathy
19. Maj. Gen. R.G. Williams
20. Shri D.P. Yadav

#### SECRETARIAT

1. Shri S.N. Mishra — *Additional Secretary*
2. Shri Raj Shekhar Sharma — *Under Secretary*
3. Shri S.B. Arora — *Assistant Director*

#### WITNESSES

#### *Ministry of Urban Affairs and Employment*

1. Dr. J.P. Singh, Secretary
2. Shri N.P. Singh, Additional Secretary
3. Shri M.S. Srinivasan, Joint Secretary

*Delhi Development Authority*

4. Shri Ashok Pahwa, Vice-Chairman
5. Shri K.N. Khandelwal, Finance Member
6. Shri R.L. Hans, Engineer Member
7. Shri K.J. Alphons, Commissioner

*Government of National Capital Territory of Delhi*

8. Shri Jagdish Sagar, Principal Secretary
9. Smt. Suman Swarup, Secretary (L&B)

*Municipal Corporation of Delhi*

10. Shri Subhash Sharma, Commissioner
11. Shri S.M. Hasnain, Engineer-in-Chief (I)
12. Shri Manjit Singh, Director, Slum Wing

*DWS&SDU*

13. Shri S. Prakash, Engineer-in-Chief (Water)

*Delhi Electric Supply Undertaking*

14. Shri Satish Chandra, General Manager

*New Delhi Municipal Council*

15. Shri Baleshwar Rai, Special Officer

2. The Chairman welcomed the representative of the Ministry of Urban Affairs and Employment, Delhi Development Authority, Government of National Capital Territory of Delhi, New Delhi Municipal Council, Municipal Corporation of Delhi and Delhi Electric Supply Undertaking to the sitting of the Committee.

3. The Committee then took further oral evidence and discussed various aspects of Delhi Development Authority.

4. The evidence was not concluded.

5. A verbatim record of proceedings was kept.

*The Committee then adjourned.*

## APPENDIX VII

### MINUTES OF SITTING OF THE ESTIMATES COMMITTEE (1995-96)

#### Fourth Sitting

The Committee sat on Tuesday, the 25th July, 1995 from 1500 to 1750 hours.

#### PRESENT

Shri S.B. Sidnal — *Chairman*

#### MEMBERS

2. Shri N.S. Chaudhari
3. Shri Anadi Charan Das
4. Shri S.C. Dikshit
5. Shri Balin Kuli
6. Shri Anand Ratna Maurya
7. Shri C.P. Mudalagiriappa
8. Shri Ajoy Mukhopadhyay
9. Shri Rameshwar Patidar
10. Shri Hari Kewal Prasad
11. Shri B.L. Sharma Prem
12. Shri S. Raychaudhuri
13. Shri Chinmayanand Swami
14. Shri B.K. Tripathy
15. Shri S. Vaghela
16. Shri B.L. Verma
17. Maj. Gen. R.G. Williams
18. Shri D.P. Yadav

#### SECRETARIAT

1. Shri S.N. Mishra — *Additional Secretary*
2. Smt. Roli Srivastava — *Joint Secretary*
3. Shri K.L. Narang — *Deputy Secretary*
4. Shri Raj Shekhar Sharma — *Under Secretary*
5. Shri S.B. Arora — *Assistant Director*

#### WITNESSES

#### *Ministry of Urban Affairs and Employment*

1. Shri C. Ramachandran — *Secretary*
2. Shri N.P. Singh — *Additional Secretary*
3. Shri M.S. Srinivasan — *Joint Secretary*

***Delhi Development Authority***

- 4. Shri Anil Kumar — Vice-Chairman
- 5. Shri K.N. Khandelwal — Finance Member
- 6. Shri K.L. Hans — Engineer Member
- 7. Shri J.K. Puri — Chief Accounts Officer

***Government of National Capital Territory of Delhi***

- 8. Shri Jagdish Sagar, Principal Secretary
- 9. Smt. Suman Swarup, Secretary (L&B)

***Municipal Corporation of Delhi***

- 10. Shri Subhash Sharma, Commissioner
- 11. Shri Manjit Singh, Director, Slum Wing

***DWS&SDU***

- 12. Shri S. Prakash, Engineer-in-Chief (Water)

***Delhi Electric Supply Undertaking***

- 13. Shri Satish Chandra, General Manager

***New Delhi Municipal Council***

- 14. Shri Baleshwar Rai, Special Officer

2. The Chairman welcomed the representative of the Ministry of Urban Affairs and Employment, Delhi Development Authority, Government of National Capital Territory of Delhi, New Delhi Municipal Council, Municipal Corporation of Delhi and Delhi Electric Supply Undertaking to the sitting of the Committee. The Committee then took further evidence on the subject of DDA and discussed various aspects concerning DDA.

3. The evidence was not concluded.

4. A verbatim record of proceedings was kept.

*The Committee then adjourned to meet again on 26th July, 1995.*

## APPENDIX VIII

### MINUTES OF SITTING OF THE ESTIMATES COMMITTEE (1995-96)

#### Fifth Sitting

The Committee sat on Wednesday, the 26th July, 1995 from 1100 to 1430 hours.

#### PRESENT

Shri S.B. Sidnal — *Chairman*

#### MEMBERS

2. Shri N.S. Chaudhari
3. Shri S.C. Dikshit
4. Shri Balin Kuli
5. Shri Suraj Mandal
6. Shri Anand Ratna Maurya
7. Shri Rameshwar Patidar
8. Shri Hari Kewal Prasad
9. Shri Chinmayanand Swami
10. Kum. Frida Topno
11. Shri B.K. Tripathy
12. Shri B.L. Verma
13. Maj. Gen. R.G. Williams

#### SECRETARIAT

1. Smt. Roli Srivastava — *Joint Secretary*
2. Shri K.L. Narang — *Deputy Secretary*
3. Shri Raj Shekhar Sharma — *Under Secretary*
4. Shri S.B. Arora — *Assistant Director*

#### WITNESSES

#### *Ministry of Urban Affairs and Employment*

1. Shri C. Ramachandran — *Secretary*
2. Shri N.P. Singh — *Additional Secretary*
3. Shri M.S. Srinivasan — *Joint Secretary*

#### *Delhi Development Authority*

4. Shri Anil Kumar — *Vice-Chairman*
5. Shri K.N. Khandelwal — *Finance Member*
6. Shri R.L. Hans — *Engineer Member*
7. Shri K.K. Sharma — *Commissioner*

8. Shri S. Roy — Commissioner  
 9. Shri P.K. Mehta — Chief Vigilance Officer

*Government of National Capital Territory of Delhi*

10. Shri Jagdish Sagar, Principal Secretary  
 11. Smt. Suman Swarup, Secretary (L&B)

*Municipal Corporation of Delhi*

12. Shri Subhash Sharma, Commissioner  
 13. Shri Manjit Singh, Director, Slum Wing

*DWS&SDU*

14. Shri S. Prakash, Engineer-in-Chief (Water)

*Delhi Electric Supply Undertaking*

15. Shri Satish Chandra, General Manager

*New Delhi Municipal Council*

16. Shri Baleshwar Rai, Special Officer

2. The Committee continued oral evidence of the representatives of the Ministry of Urban Affairs and Employment, Delhi Development Authority and other concerned Departments/Organisations in connection with the examination of Delhi Development Authority.

3. The evidence was concluded.

4. A verbatim record of proceedings was kept.

*The Committee then adjourned.*

## APPENDIX IX

### COMPOSITION OF THE ESTIMATES COMMITTEE (1993-94)

**Dr. Krupasindhu Bhoi—Chairman**

#### MEMBERS

2. Shri Pawan Kumar Bansal
3. Shri Chhitubhai Gamit
4. Shri Parshuram Gangwar
5. Shri S.K. Gangwar
6. Shri B.S. Hooda
7. Shri Imchalemba
8. Shri Barelal Jatav
9. Shri R. Jeevarathinam
10. Shri Dau Dayal Joshi
11. Smt. Sumitra Mahajan
12. Shri Hannan Mollah
13. Shri Rupchand Pal
14. Shri B. Akbar Pasha
15. Shri Kabindra Purkayastha
16. Shri Mohan Rawale
17. Shri Satya Deo Singh
18. Shri Rajnath Sonkar Shastri
19. Shri Vishwanath Shastri
20. Shri Syed Shahabuddin
21. Shri Manku Ram Sodi
22. Shri K.D. Sultanpuri
23. Shri C. Sreenivaasan
24. Shri K. Suresh
25. Shri P. C. Thomas
26. Shri Braja Kishore Tripathy
27. Shri Arvind Trivedi
28. Shri Lacta Umbrey
29. Shri Devendra Prasad Yadav
30. Shri K.P. Reddaiah Yadav

**SECRETARIAT**

- |                     |                               |
|---------------------|-------------------------------|
| 1. Shri G.L. Batra  | → <i>Additional Secretary</i> |
| 2. Shri Murari Lal  | — <i>Joint Secretary</i>      |
| 3. Smt. P.K. Sandhu | → <i>Deputy Secretary</i>     |
| 4. Shri R.C. Gupta  | — <i>Under Secretary</i>      |
| 5. Shri S.B. Arora  | → <i>Committee Officer</i>    |



## **APPENDIX X**

### **COMPOSITION OF THE ESTIMATES COMMITTEE (1994-95)**

#### **CHAIRMAN**

**Dr. Krupasindhu Bhoi**

#### **MEMBERS**

2. Shri B. Akber Pasha
3. Shri A. Asokaraj
4. Shri Pawan Kumar Bansal
5. Shri Anadi Charan Das
6. Shrimati Saroj Dubey
7. Shri Chhitubhai Gamit
8. Dr. Parshuram Gangwar
9. Shri Bhupinder Singh Hooda
10. Shri Imchalemba
11. Shri Barelal Jatav
12. Shri Dau Dayal Joshi
13. Shrimati Sumitra Mahajan
14. Shri Suraj Mandal
15. Shri K.M. Mathew
16. Shri Bhubaneshwar Prasad Mehta
17. Shri Ajoy Mukhopadhyay
18. Shri Kabindra Purkayastha
19. Shri Mohan Rawale
20. Shri Sudarsan Raychaudhuri
21. Shri K.P. Reddaiah Yadav
22. Shri Rajnath Sonkar Shastri
23. Shri Rampal Singh
24. Shri Satya Deo Singh
25. Shri K.D. Sultanpuri
26. Shri P.C. Thomas
27. Shri Arvind Trivedi
28. Shri Laeta Umbrey
29. Shri Sobhanadreeswara Rao Vadde
30. Shri Devendra Prasad Yadav

**SECRETARIAT**

- |                            |                               |
|----------------------------|-------------------------------|
| 1. Shri G.L. Batra         | — <i>Additional Secretary</i> |
| 2. Shri Murari Lal         | — <i>Joint Secretary</i>      |
| 3. Smt. P.K. Sandhu        | — <i>Director</i>             |
| 4. Shri K.L. Narang        | — <i>Deputy Secretary</i>     |
| 5. Shri R.C. Gupta         | — <i>Under Secretary</i>      |
| 6. Shri Raj Shekhar Sharma | — <i>Under Secretary</i>      |

## **APPENDIX XI**

### **COMPOSITION OF THE ESTIMATES COMMITTEE (1995-96)**

#### **CHAIRMAN**

**Shri S.B. Sidnal**

#### **MEMBERS**

2. Shri N.S. Chaudhari
3. Shri R.T. Chaudhary
4. Shri Anadi Charan Das
5. Shri S.C. Dikshit
6. Shri R. Jeevarathinam
7. Shri Balin Kuli
8. Shri Suraj Mandal
9. Shri K.M. Mathew
10. Shri Anand Ratna Maurya
11. Shri B.P. Mehta
12. Shri C.P. Mudalagiriappa
13. Shri Ajoy Mukhopadhyay
14. Shri P.G. Narayanan
15. Shri Rameshwar Patidar
16. Shri Hari Kewal Prasad
17. Shri B.L. Sharma Prem
18. Shri S. Raychaudhuri
19. Shri A. Venkata Reddy
20. Shri D.M. Sadul
21. Shri Chattrapal Singh
22. Shri Chinmayanand Swami
23. Kum. Frida Topno
24. Shri B.K. Tripathy
25. Shri S. Vaghela
26. Shri B.L. Verma
27. Maj. Gen. R.G. Williams
28. Shri D.P. Yadav
29. Shri Ram Sharan Yadav
- \*30. Vacant

---

Dr. Krupesindhu Bhoi ceased to be Member of the Estimates Committee w.e.f. 9.5.1995 consequent on his resignation from Estimates Committee.

## SECRETARIAT

- |                             |                               |
|-----------------------------|-------------------------------|
| 1. Shri S.N. Mishra         | — <i>Additional Secretary</i> |
| 2. Shrimati Roli Srivastava | — <i>Joint Secretary</i>      |
| 3. Shri K.L. Naranag        | — <i>Deputy Secretary</i>     |
| 4. Shri Raj Shekhar Sharma  | — <i>Under Secretary</i>      |
| 5. Shri S.B. Arora          | — <i>Assistant Director</i>   |

## APPENDIX XII

### STATEMENT OF OBSERVATIONS/RECOMMENDATIONS

Sl. No.	Para No.	Observations/Recommendations
1	2	3
1	1.10- 1.11	<p>In order to regulate the development of Delhi in a planned manner, Delhi Development Authority has been constituted under the Delhi Development Act, 1957 consisting of 13 Members, namely, Chairman, Vice-Chairman, a Finance and Accounts Member, an Engineer member, two representatives of the Municipal Corporation of Delhi, three representatives of the Metropolitan Council, three other persons to be nominated by the Central Government and Commissioner of Municipal Corporation of Delhi. Out of these 13 members, five elected public representatives are not represented on this Authority since 1990 as the Municipal Corporation of Delhi was superseded in 1990 and the Metropolitan Council became functus officio with the repeal of Delhi Administration Act, 1966 by the Government of National Capital Territory of Delhi Act, 1991. D.D.(Amendment) Act, 1996, enacted recently, however, provides for representation of three Members of National Capital Territory of Delhi to the Authority.</p> <p>In the light of Delhi Development (Amendment) Act, 1996 the Committee expect that three elected representatives from the Legislative Assembly of the National Capital Territory of Delhi will now be associated with the Authority as early as possible.</p> <p>The Committee also feel that there is need for representation of Members of Parliament on the Authority.</p>
2	1.12	<p>At present, the post of Engineer Member is vacant since December, 1994 on the expiry of three years term of the former Engineer Member. A proposal for</p>

1	2	3
		<p>appointment of the senior most Chief Engineer of DDA as an Engineer Member in the Authority is under consideration of the Government. The Committee desire that Government should take action well in advance for filling up the post of any member of the Authority falling vacant in future.</p>
3	1.24- 1.25	<p>The Committee note that as the statutory provisions under the Delhi Development Act, 1957, the primary object of DDA is to promote and secure planned development of Delhi. To this end the Authority has been entrusted with three basic functions viz. planning and development; construction of houses; and protection of land and management.</p> <p>There is no denying the significant role of DDA in the planned development of Delhi. Rather the city of Delhi owes its survival to the good work done by DDA. However, increasing number of slums and large scale encroachments of public lands has earned the capital city of Delhi, the distinction of being the fourth largest slum-infested city. Spate of illegal and unauthorised colonies have hampered the systematic and planned growth of Delhi, that too in spite of the enactment of a statute for the specific purpose of development of Delhi according to the plan. The Committee, therefore, desire that necessary corrective measures be taken immediately to prevent the unabated growth of slums, encroachment of public land and other unauthorised activities.</p>
4	1.26— 1.28	<p>The Committee note that Cabinet had taken a decision in August, 1987 to restrict DDA's functions to it's original mandate of planning. Pursuant to the above Cabinet decision divesting DDA of house building activity and setting up of a separate Housing Board as recommended by the Cabinet has, however, been kept pending as according to the Ministry, DDA is legally committed to liquidate those registrants awaiting houses.</p> <p>Cabinet's decision to set up a new Housing Board after trifurcation of the functions of DDA, was taken up as far back as in 1987. The Committee is, however, not happy at all with the slow pace of</p>

1

2

3

construction of houses/flats for allotment to wait-listed registrants. All-out efforts should have been made to construct and allot the houses to the wait-listed registrants by this time.

There has already been inordinate delay of nine years in the implementation of the Cabinet decision. During this intervening period of nine years, there have been new housing schemes floated by DDA in addition to already wait-listed registrants. The Committee desire that Government should examine the feasibility of setting up of a new Housing Board pending construction of flats for allotment to wait-listed registrants by DDA and also transferring the DDA's liability of allotment of flats to wait-listed registrants to the new Housing Board. The Committee also desire that in the meantime, formalities and modalities for setting up of Housing Board, should be taken up simultaneously. The Committee would also like to be apprised of the legal opinion in this regard.

5

1.44—1.46

The Committee note that under Section 7 of DD Act, 1957, first Master Plan for Delhi called MPD-1962 was formulated and enforced with effect from 1.9.1962 projecting Delhi's population and land requirement for various uses/activities upto the year 1981. They regret to note that though the exercise to review the Master Plan was taken up during 1960's the modifications proposed to be made therein were published only in April, 1985 for inviting public objections/suggestions. What is still more distressing to note is that modified/revised MPD-2001 for the period 1981—2001 came into force only on 1.8.1990 i.e. after the lapse of about half of its period. Present Master Plan for Delhi-2001 is based on extensive modifications of Delhi Master Plan 1962 carried out during 1980's.

The Committee do not approve of the apathy shown by DDA/Government in the inordinate delay in formulation and finalisation of such an important policy document which is designed for the systematic development of the city.

1

2

3

At this stage, the Committee recommend that in the light of experience gained by DDA and the Government, work relating to preparation and formulation of the Master Plan as also of zonal plans for the period beyond 2001 may be taken up in right earnest so as to avoid inordinate delay as happened in the past. Not only the Master Plan but also the Zonal Plans should be finished much before 2001 AD so that they may be followed and implemented with effect from 2001 AD.

- 6      1.47—1.51      The Committee note that MPD-2001 envisages a number of action plans which *inter-alia* includes development of 20,000 hec. of land, decentralising economic activities, development of multi-model mass transport system, urban renewal plan for 'special area', conservation of urban heritage including 'Lutyen's Delhi', planning projection of 80,000 dwelling units per year, manifold increase in the infrastructure, etc.

The Committee do not wish to go in detail of each and every aspect of the Master Plan and to find out the deficiencies and shortcomings in the progress made so far but they regret to observe that the achievements are way behind the anticipated progress.

Since the period left for the completion of MPD 2001 is very short, the Committee recommend that DDA should gear up its machinery to achieve the desired targets/objectives enumerated in the Master Plan. On perusal of point-wise progress/action taken on some of the objectives enumerated in the MPD-2001, the Committee feel that replies of the Government on the achievements are not only far from satisfactory but also evasive which cannot but be deprecated.

Growth Centres in rural areas of Delhi are still at the planning stage in MCD. MPD-2001 *inter alia* mentions 'facilities for safe cycle movement'. No action seems to have been taken by the Ministry to fulfil the objective of providing better environment for cyclists. Further, MPD-2001 has projected an additional requirement of 16.2 lakh dwelling units



1	2	3
		<p>between 1981-2001. However, the Ministry's reply only mentions that the projection is to be implemented by various agencies including DDA. There is already an acute housing shortage in the capital and it was gaining seriousness with each year passing. Delay in building up all the district commercial centres may be due to expectation of money-spinning by DDA which may encourage illegal commercialisation and encroachment. Keeping in view the projected requirement by 2001, the availability of essential services (water supply, sewerage disposal, electricity etc.) is also not at all satisfactory.</p> <p>The Committee desire that achievements/progress on the objectives laid down in the MPD-2001 by various implementing agencies should be closely monitored at the level of a senior officer not below the rank of Joint Secretary of the Ministry.</p>
7	1.52-1.53	<p>The Committee are informed that after formulation of Master Plan, DDA prepares draft Zonal Plans and publish the same under Section 10 of DD Act 1957 for inviting public objections/suggestions. They are constrained to find that the notifications inviting public objections/suggestions in respect of the zonal plans were published only in 1994 and 1995. What is still more intriguing is to find that the Screening Board, constituted to examine and consider the objections/suggestions, does not seem to have made recommendations for modification in any of the zonal plans so far.</p> <p>Disapproving the inordinate delay in the formulation of zonal plans, the Committee recommend that finalisation of these plans may be accorded priority and taken up for implementation in such a way so that the progress in the achievements of the desired objectives is completed within the period of MPD-2001.</p>
8	1.54-1.55	<p>The Committee also find that a number of amendments and changes in land use pattern under Section 11A of the said Act have been recommended by the Authority and sent to the Government of India for final issue of Notification.</p>

1	2	3
		<p>The Committee leave it at the prudence of the Government of India to approve such of the amendments/changes in land use pattern proposed/recommended by the Authority within the framework of the Master/Zonal plans. They however, have reservations in the change of land use from (i) 'rural use' (ii) 'green' and (iii) 'recreational' to other uses like commercial/residential, etc. Delhi is already a highly polluted city in the country. As green belts and recreational areas which function as lungs and help maintain pollution free environment essential for healthy growth of citizens in the city, it is imperative that there should be no tampering with areas earmarked 'green' and 'recreational' in the Master Plan. The Committee, therefore, recommend that no change of land use from 'green' and 'recreational' should be allowed. The Committee also desire that instead of adopting ad hoc approach on case-by-case basis, definite guidelines may be laid down for change of land use keeping in view the realistic and practical needs of Delhi city and its people.</p>
9	1.71-1.72	<p>The Committee are informed that in MPD-1962 there was no mention of Lutyen's Bungalow Zone, a low density garden city bungalows below tree height except recommending for judicious raising of the density in the area. The MPD-2001, notified on 1.8.90 made special provisions for the conservation of tree studded bungalow character of Lutyen's Delhi.</p> <p>Agreeing with the provisions made in MPD-2001, the Committee desire that the preservation and maintenance of basic character of Lutyen's Bungalow Zone i.e. tree studded bungalows below tree height may be ensured so that 'Lutyen's Delhi' continue to hold a place of pride in the Capital cities of the World. The Committee also desire that modification/amendment may be carried out in the Master Plan for Delhi, 2001 making specific provision banning any construction of multi-storeyed buildings in Lutyen's Bungalow Zone.</p>
10	1.73—1.75	<p>The Committee note that restrictions exist confining reconstructions/addition/alteration on bungalow plots to the parameters of existing bungalows with respect to coverage, FAR, and height etc. The Committee desire that these restrictions should be scrupulously implemented.</p>

At present NDMC, a local civic body is responsible for sanction of building plans for construction and enforcement of norms prescribed by DDA in Lutyen's Bungalow Zone. The Committee desire that before issuing sanction to building plans for bungalow plots or for making any reconstruction/addition/alteration on bungalows in Lutyen's Bungalow Zone, NDMC should also seek prior concurrence of the 'Authority'.

The Committee further recommend that NDMC should conduct a survey of all high rise buildings and bungalows in the Lutyen's Delhi Area in order to find out any violation of the prescribed norms and take appropriate action against such violations. They would like to be apprised of the outcome of such a survey.

2.15-2.16

The Committee note that lands in Delhi are acquired under the delegated authority by the Government of National Capital Territory of Delhi (NCTD) under the provisions of Land Acquisition Act, 1894 and subsequently possession of such lands is made over to DDA under Section 22 (1) of Delhi Development Act, 1957 for the planned development of Delhi. Under Section 4 of the Land Acquisition Act, 1894, the Government announces its intention to acquire the land and under Section 6, it announces its decision to acquire the land. At present, the entire acquisition process is to be completed within a period of three years. In this connection, the Committee find that about 174292 acres of land under Section 4 and about 103958 acres of land under Section 6 of the Land Acquisition Act, 1894 has been notified, but regrettably possession of only 59,542.78 acres of land has actually been given to DDA upto December, 1995. The rest of the lands is stated to be either at different stages of acquisition/transfer of possession to DDA under Section 22 of DD Act or is heavily built up preventing take over consequently resulting in its formal denotification in some cases also. Some of the lands under dispute are also under litigation. The Committee are dissatisfied with the present pace of land acquisition by NCTD and its subsequent transfer to DDA, as only about 50% of land decided to be acquired by NCTD has been transferred to DDA so far. The Committee feel that in view of the

1	2	3
		<p>increasing shortage of dwelling units for the vast population of Delhi urgent steps should be taken by the Ministry of Urban Affairs and Employment/ DDA to persuade the Government of NCTD to take suitable measures for acquisition and transfer of land to DDA to fulfil the housing requirement in Delhi.</p> <p>The Committee also desire that a realistic assessment of the requirement of land may be made by DDA and intimated to the Government of NCTD for acquisition.</p> <p>Before going in for acquisition of land, it should be ensured that the land is actually required for some public purpose. It should also be ensured that sufficient funds for payment of compensation to the farmers for acquisition of their land and for the development of land/taking up the projects are available with DDA. The utilisation of land acquired so far may also be intimated to the Committee.</p>
12	2.17-2.18	<p>It is astounding to find that DDA has no information about the land for which money has actually been remitted. The Committee can not but deprecate the ignorance of DDA when it said that "money is deposited into the revolving fund and therefore it is not possible to indicate for how many acres money has been remitted."</p> <p>In the absence of such a data, the Committee feel that any kind of misappropriation or irregularities in accounts can not be known. The Committee, therefore, recommend that DDA should maintain proper records of remittance of money from the revolving fund so that it is known to it for which land how much money has been paid and how much more money is required to be placed in the revolving fund.</p>
13	2.19	<p>The Committee are informed that physical possession of land measuring 13075 bighas was taken over by DDA but the same has not been placed at its disposal under Section 22(1) of the DDA Act, 1957 due to pending court cases for enhancement of compensation. In some other cases, the physical possession of land measuring about 31530 bighas could not be taken over by DDA due to area being built up at the site or for nonpayment of compensation. The above position clearly indicates that over 44600 bighas of acquired land has not been put to use because either DDA has not taken over</p>

1	2	3
		<p>the physical possession of the land or the land has not been placed at its disposal. Further, as many as 3136 cases of land acquisition involving considerable area are reported to be pending in different courts as on 7.9.1994. Lands in Delhi being vulnerable to encroachments, all such situations provide thriving ground for large scale encroachments, unauthorized occupation and illegal construction especially, on lands notified for acquisition encouraged by complicity and collusion of officials of the Department concerned.</p>
14	2.20	<p>The Government of NCT of Delhi is the nodal agency for acquisition of land on behalf of DDA. The Committee appreciate the recent amendment made by the Government in Sections 4 and 6 of the Land Acquisition Act, 1894, thereby reducing the time of entire acquisition process to 3 years. Though it has now been made mandatory that notification under section 6 shall be issued within one year of issuance of notification under Section 4 and the award shall be finalised within 2 years from the issue of notification under Section 6, the Committee find that upto December, 1995 possession of only 59,542 acres of land out of about 1,74,292 acres of land notified under Section 4 and about 1,03,958 acres of land notified under Section 6, have actually been given to the DDA. Land in Delhi being scarce and in great demand, has become very precious. In this connection, given the fact that a large number, of unauthorized constructions/colonies have sprung up during the last two decades thus making a substantial area in Delhi virtually a 'slum', the Committee have their own apprehension that even after issue of notifications under Section 4, the land owners in connivance with the authorities and unscrupulous elements deliberately raise unauthorized structures to frustrate acquisition of land under Section 6 of the said Act and subsequently get it denotified clandestinely thereby badly defeating the objectives of planned development of Delhi. In the opinion of the Committee this is not a healthy state of affairs. They, therefore, desire that the Government of NCTD, Ministry of Urban Affairs and Employment and DDA should sit together and devise some ways and means urgently to avoid such a situation by</p>

1	2	3
		<p>taking effective remedial measures to prevent unauthorized constructions coming up on the lands notified by the Government of NCTD under Section 4 of the Land Acquisition Act, 1894 and facilitate its smooth transfer to DDA for construction of residential houses and other purposes to fulfil the objectives of planned development of Delhi under the Delhi Development Act.</p>
15	2.27—2.30	<p>The Committee are informed that whenever any land is needed urgently for public purpose, DDA invokes urgency clause under Section 17 of Land Acquisition Act, 1894 and takes over the possession of land after expiry of 15 days from the date of publication of notice in this regard without declaration of final award provided 80% <i>ad hoc</i> compensation is paid.</p> <p>Section 17 of the Land Acquisition Act, 1894 is invoked when land is required urgently for public purpose. Land owners in their complaints/representations have pointed out that urgency clause was very often invoked by DDA even though the land was not required urgently for public purpose. Regretably, the same is confirmed from the fact that out of 77 cases where urgency clause was invoked, possession in 36 cases was yet to be taken over from the Land and Building Department/Land Acquisition Collector.</p> <p>The Committee are against the misuse of the statutory provision of urgency clause provided in the Land Acquisition Act, 1894 for acquisition of land on which development process takes a number of years. The Committee recommend that invoking of urgency clause should be resorted to only when the land is actually required urgently for public purpose and which can not wait for the normal procedure of acquisition. The Committee also desire that DDA should review all such cases under litigation with a view to avoiding contesting them in the courts.</p> <p>The Committee also expect the Ministry of Urban Affairs and Employment to safeguard the interest of the farmers for whom no trauma is greater than depriving them of their means of livelihood all of a</p>

1	2	3
		sudden i.e., acquisition of their land under urgency clause without giving them any opportunity of being heard.
16	2.46—2.48	<p>Under provision of Land Acquisition Act the basis on which compensation is to be paid is the market value of the land on the date of issue of Section 4 Notification. This market value of the land is decided by the Land Acquisition Collector of Delhi Administration. In this connection, the Lt. Governor of Delhi has also issued administrative guidelines indicating a normal minimum compensation in respect of agricultural land at about Rs. 4.65 lakhs per acre since April, 1990 plus 30 per cent solatium as compulsory character of acquisition of land. Individual land owner, however, has a right to file a reference to the higher Court against the order of Land Acquisition Collector for enhancement of compensation.</p> <p>The Committee also take note of the views expressed by the Government of National Capital Territory of Delhi that as soon as it is known that a particular land is going to be developed by DDA, its value shoots up. It is observed that as against the amount of compensation of Rs. 360 crores 76 lakhs awarded by LAC from 1961-62 to 1993-94, the enhancement was of the order of Rs. 204 crores 60 lakhs which clearly indicates that the valuation of land under acquisition was not being done properly resulting in a lot of litigation as also harassment to owners of land due to inadequacy of compensation for acquisition of land.</p> <p>The Committee desire that LAC of Delhi Administration should take note of the observations made by the higher courts for enhancement of compensation and make assessment and valuation of land in a more rational and practicable manner for determination of market value of the land so that owners of the land need not to knock at the doors of the higher court for just and fair compensation.</p>

1	2	3
17	2.49	<p>The Committee do not agree with the views expressed by the Secretary, Ministry of Urban Affairs and Employment that 'the decision to enhance compensation is literally a big blow to DDA'. The Committee feel that rather it is a great injustice and big blow to the farmers who after being deprived of their means of livelihood, are not paid just and fair compensation and have to incur a lot of expenditure and spend time and energy on litigation for a number of years to get their due compensation for acquisition of land by DDA. The Committee desire that Government should review all cases of enhancement of compensation filed by the farmers in the light of judgements made in the past by the higher courts and end injustice and harassment to the farmers.</p>
18	2.59-2.60	<p>The Committee are happy to note that there is a policy of the Government for allotment of plot of land to the person whose land is acquired under the scheme of Large Scale Acquisition, Development &amp; Disposal of Land in Delhi. This allotment of plot of land alongwith the size and the area in which plot to be allotted is on the basis of recommendations of Land and Building Department of Delhi Administration. At present, allotment of the size of the plot varies from 40 sq. yards to 250 sq. yards depending upon the area of land acquired. No plot is allotted to the person whose acquired land is less than one bigha (1008 sq. yards). Prior to 1992 plots of land were allotted to recommendees as close to their village or in the neighbouring village as possible. From 1992 all plots were allotted zone-wise and as per present policy plots are being allotted in three colonies viz. Dwaraka, Rohini and Narela.</p> <p>The Committee feel that the present policy of DDA for allotment of alternative plots lacks fairness and rationale. Owners of the land whose land is acquired should be allotted plots as far as possible, in the same area or in that zone where their land is acquired by DDA. Persons, whose land acquired is less than one bigha should also be considered for allotment of plot of 40 sq. yards.</p>



1	2	3
19	2.61	<p>The Committee are constrained to find that about 1200 recommendees are still waiting for allotment of alternative plots. Some of the cases are very old. The Committee desire that allotment of plots should be expedited. The allotment should be made in a time bound manner. The Committee would like to know the pendency of the recommendees alongwith the period of pendency in DDA in different zones.</p>
20	3.34-3.37	<p>The Committee note that the various agencies involved in the development of land in Union Territory of Delhi are Delhi Development Authority, Municipal Corporation of Delhi, New Delhi Municipal Committee, Delhi Electric Supply Undertaking, PWD, Irrigation and Flood Department of Government of National Capital Territory of Delhi. DDA is primarily responsible for undertaking internal and peripheral development of various schemes/projects. According to DDA, provision of trunk services viz. bulk supply of treated water and sewage treatment facilities by DWS &amp; SDU of Municipal Corporation of Delhi, construction of trunk outfall drains by Irrigation &amp; Flood Control Department of Delhi Administration and external electrification work including bulk supply of electricity by DESU do not keep pace with the development of area undertaken by DDA.</p> <p>To overcome the difficulty of trunk/bulk services, DDA makes interim arrangements for supply of water and disposal/treatment of sewage by incurring extra expenditure. DDA, however, cannot make interim arrangement for electrification and had to depend on DESU. As such interim arrangements could not be made functional for want of power. The flats are constructed by the Civil Engineering Wing of DDA whereas electricity and water supply has to be managed by the other two wings of the Delhi Government. As such there has been a certain amount of time lag between the construction of flats and provision and delivery of the services.</p> <p>The Committee are concerned to note that a number of flats which had already been constructed</p>

1	2	3
		<p>could not be allotted as these agencies have not been able to supply electricity and water to these flats. This not only gives a financial set back to DDA but also really injure the registrants who are not allotted the flats. The Committee feel that there should be a close liaison among the agencies involved in the implementation of the projects in a time bound manner so that all the services fructify at the same point of time. This coordination in implementation of projects needs to be monitored at the level of Vice-Chairman, DDA.</p>
21	3.38-3.39	<p>The Committee note that a Standing Committee under the Chairmanship of Chief Secretary of Delhi Administration has been formed to have a good interaction with the local agencies and to resolve the disputes. Unresolved issues are taken up to Lt. Governor/Ministry of Urban Affairs and Employment. They are also informed that another Committee consisting of 3 members—Incharge of electricity supply, water supply and the Vice-Chairman of DDA is being constituted.</p> <p>The Committee, however, recommend that the proposed Committee with representatives from concerned agencies having direct bearing on the availability of infrastructure in the National Capital Territory of Delhi, may be constituted expeditiously with the sole objective of provisioning basic services in those areas undertaken by DDA for development within same point of time. They feel that better results can be achieved if the proposed Committee function under the overall supervision and guidance of the Lt. Governor of Delhi.</p>
22	3.40—3.43	<p>The Committee regret to note that inspite of the approval of water supply system and lay out plans of command tank and thereafter repeated meetings taken by Hon'ble Lt. Governor of Delhi, the supply of water for 8000 houses already completed in Dwarka Project has not yet been started.</p> <p>Likewise, for Rohini Project (Phase-I, II &amp; III), MCD has agreed in 1987 to supply 50 mgd of water out of 100 mgd water from Hyderpur treatment</p>

1	2	3
		<p>plant. However, after much persuasion, only 15 mgd of water could be supplied for Phase I &amp; II. To meet the immediate requirement of water in Phase-III, out of 15 mgd of water, 1-2 mgd water is decided to be diverted to Phase-III where 5135 houses have already been completed against the demand of about 35 mgd already generated in the area.</p> <p>The position regarding electrification work by DESU particularly in new urban extension areas like Rohini, Dwarka, Narela etc. is very disheartening. Time schedule and targets are being revised again and again without much progress.</p> <p>The Committee consider this unsatisfactory and desire that some effective corrective steps may be taken to provide the requisite basic services in these upcoming colonies.</p>
23	3.44	<p>The Committee are deeply concerned over the present power situation in Delhi. The Committee are informed that ten to twelve per cent energy requirements are growing up every year, thereby reaching a peak of 4000 MW by the year 2001. With limited generation capacity and allocation of power from the central sector to Delhi, there is no likelihood of any increase in the availability of power in Delhi to meet the growing needs. In response to a query as to how they proposed to provide power to three upcoming sub-cities of Pankaj, Narela and Rohini with no availability of additional power in the capital, the General Manager, DESU in his evidence before the Committee has admitted that power shortage in these three colonies will be distributed equally and the residents of the capital will have to bear the shortage equally. This is really a sorry state of affair. Power cuts varying from 2 to 8 hours on an average and low voltage have become a common feature in all parts of the city. DESU has failed to keep up with the peak demand. Delhi is virtually heading towards a dark city during summer. It is high time that an overall view is taken by the Government for taking corrective measures for adequate availability of power to meet the growing demand for power in Delhi, especially during summer seasons.</p>

1	2	3
24	4.6—4.11	<p>The Committee are informed that MPD 2001 projected the need of 16.2 lakhs new housing units during the period 1981—2001 at an average rate of 80,000 dwelling units per year to be constructed in public, cooperative and private sectors. During the last 25 years or so DDA has generated 10 lakhs housing units out of which about 2.30 lakhs units comprising about 25% were constructed by it.</p> <p>The Committee regret to point out that inspite of heavy influx of people in Delhi which is estimated at 4-5 lakhs every year resulting in increase in demand for houses, the construction of flats by DDA is decreasing year after year as is evident from the fact that against 23,931 flats constructed in 1988-89, the achievement in 1995-96 was as low as 2298 flats that too against very low target of 3696 flats only. The Committee do agree with the plea of the DDA that if 80,000 flats are made available every year as per projection they will remain undisposed for a considerable period, but at the same time they would like to remind the Government to the fact that it has a social responsibility to provide shelter to as many people as possible. It will not only help in healthy and systematic growth of the city but also in curbing the growth of unauthorised colonies and encroachments.</p> <p>As per MPD 2001 projections, there is a need for 80,000 new housing units per annum during 1981-2001 to be constructed in public, cooperative and private sectors. However, there is generation of 40,000 dwelling units per year. The Committee need hardly appreciate the rationale of the plea advanced by DDA that 'experience shows that economic demand is always much lower than planning projections' especially with reference to Delhi. According to the assessment made by the National Institute of Urban Affairs for 1991, there was shortage of 2.39 lakhs dwelling units in Delhi due to the continuous influx of the migrants. Growth of population is of the order of 4-5 lakhs every year generating the need of about 80,000 to 1,00,000 new dwelling units per annum assuming size of family of five. The backlog in DUs</p>

1	2	3
		<p>during the last 15 years has already created acute housing shortage in Delhi resulting in mushroom growth of about 1200 unauthorised colonies and about 1300 clusters of jhuggies and jhompries having squatting population of 20 lakhs living in filthy and unhygienic conditions in the capital city of Delhi.</p> <p>Under the Ninth Self-Financing Scheme launched in September 1996 around 67,000 persons have registered with a deposit of Rs. 50,000/- each for 6,000 flats to be offered in the scheme. The price of flats ranges from 8 lakhs to Rs. 14 lakhs. This itself indicates that even though the price of flats is very high, still their demand is increasing.</p> <p>The Committee feel that DDA needs to adopt a realistic approach based on scientific assessment instead of theoretical preposition for planning and construction of new dwelling units if Delhi is to be saved from further impending disaster of degraded and degenerated environment.</p> <p>The Committee, therefore, impress upon the Government that till housing board or such other authority as recommended elsewhere in this Report is set up to look after the housing needs of the people, some realistic targets, keeping in view the demand scenario may be fixed and all out efforts may be made to achieve those targets.</p>
25	4.26—4.29	<p>The Committee note that flats are allotted to the persons registered with DDA from time to time under various schemes for different categories viz. Janta, LIG, MIG etc., Registrations for which were first started in 1969. Upto 1995-96, 21 Housing Schemes have been opened. Out of 3,73,520 persons registered under these schemes. 2,58,108 allotments were made till 31.3.1996.</p> <p>The Committee are unhappy to note that in all, about 45,000 registrants including 31,204 persons registered as long back as 1979 under New Pattern Registration Scheme (NPRS), 1979 were still awaiting allotment. All the wait listed registrants under NPRS, 1979, and Ambedkar Awas Yojana-1989 as stated by the Government are expected to be allotted flats in</p>

1

2

3

the next two years time subject to availability of land infrastructure and civic amenities.

In regard to allotment under the Expandable Housing Scheme, 1996, DDA has reported that a public interest litigation was filed by one waiting registrant of LIG category who alleged that without making allotment to all the waiting registrants, DDA has introduced new schemes called Expandable Housing Scheme, 1996 etc. This was heard by the Hon'ble High Court and no order has been passed as yet. A limited notice to the DDA has been issued asking it to clarify by which date the petitioner and similar situated persons (waiting registrants of NPRS-1979 Scheme) shall be allotted flats.

The Committee cannot but express their displeasure to the fact that even after a lapse of over 17 years, there are still more than 31,000 registrants awaiting allotment of DDA flats under the NPRS, 1979 Scheme. There has already been steep escalation in the prices of DDA flats since opening of NPRS in 1979. The abnormal delay on the part of DDA in offering flats at so high price would be beyond the reach of these registrants. The Committee, therefore, expect concrete and expeditious action from the Ministry/DDA for allotment of flats to these registrants on priority.

26

4.30-4.31

The Committee are constrained to find that as on 27.11.96 as many as 14539 flats in different categories could not be allotted for want of infrastructure particularly electricity. Likewise shops in a number of shopping complexes, could not be allotted for want of electricity thereby blocking an amount of approx. Rs. 8 crores. There have also been instances where shops were allotted without electricity. They are informed that negative effects of blocked capital due to non-allotments are neutralised as disposal price of flats is linked to the date on which demand-cum-allotment letters are issued.

Since the interest and overhead charges constitute a sizable amount resulting in steep escalation in the prices of flats/shops, the Committee are not at all

1	2	3
		happy with the present state of affairs for putting unjustified financial burden on the allottees for the delay by the local agencies in providing the infrastructure. As recommended earlier, the Committee again emphasise that a Committee consisting of Incharge of electricity supply, water supply and the Vice-Chairman of DDA as Members of the Committee may be constituted which may function under the overall supervision and guidance of Lt. Governor for deriving better results in the availability of infrastructure.
27	4.32-4.33	<p>The Committee note that at the time of handing over the possession of flats to the allottees, a list of inventory is got signed from them in token of having taken over the possession of fittings/fixture like window panes, taps, electrical fittings etc. However, these are to be provided, as per procedure, within one week after handing over the possession.</p> <p>The Committee expect that complaints of harassment in making available these items by the concerned engineering staff should be taken note of seriously by DDA for proper and expeditious redressal.</p>
28	4.45—4.49	<p>The Committee note that quota for out-of-turn allotment was increased from 1-1/2% to 2-1/2% in June, 1985 out of which 2% is for allotment on compassionate grounds and 1/2% as a measure of reward. The allotment on compassionate grounds should have a degree of immediacy for provision of shelter. They further note that during the period from 1990-91 to 1994-95, 368 OTAs out of 66,192 allotments, were made on various grounds.</p> <p>As per guidelines young widows/war widows, physically handicapped, blind persons and some other compassionate grounds are the criteria for out of turn allotment of DDA flats. Out of turn allotments can also be made to outstanding sports persons, persons winning gallantry awards, persons rendered distinguished service in the fields of art, culture, science, education etc. as a measure of reward.</p>

1	2	3
		<p>fact that allotments on grounds other than specified in the guidelines have also been made. The reasons given by the Government that 'no yardstick or definition for compassionate grounds has been specified', is far from satisfactory.</p> <p>In their opinion when categories of persons to be covered under compassionate grounds have clearly been specified then why other categories such as retired, divorcee, special consideration, medical etc. have also been considered for out of turn allotment.</p> <p>The Committee consider the term 'special consideration' and 'medical' vague and apprehend that these terms may lead to misuse of the discretionary powers. They, therefore, recommend that no request from persons other than specified in the guidelines may be entertained for allotment on out of turn basis.</p>
29	4.50-4.51	<p>One of the restrictions imposed in January, 1993 for making out of turn allotments was that the applicant should have resided in Delhi continuously for a period of 15 years. It is however surprising to note that the very condition of 15 years' continuous stay in Delhi for OTA was not considered necessary by the Empowered Committee at their two sittings held immediately after the imposition of the said condition.</p> <p>The Committee are of the view that OTA as a measure of compassion should be only for the residents of Delhi. Therefore, they recommend that some reasonable time limit of continuous stay in Delhi (minimum 5 years), as a pre-condition for OTA, may be prescribed. This condition for allotment in exceptional cases may however not be insisted upon.</p>
30	4.52-4.53	<p>The Committee express their unhappiness when they find that no survey has been conducted to know whether allottees were actually residing in the premises allotted to them on compassionate ground inspite of the fact that such allotments require an urgent degree of immediacy for provision of shelter.</p> <p>They recommend that it should be made clear to</p>



the persons allotted flats on out of turn basis on compassionate grounds that the premises will be for self occupation and if any one found not residing therein, the allotment can be cancelled. Such a clause may be incorporated in the term and conditions of allotment. For the purpose periodical survey may be conducted in order to find out the occupancy status.

31      4.66—4.73      The Committee note that DDA allots 50% of the LIG/MIG flats and 75% of Janta flats of all its schemes except under SFS, on hire-purchase basis. The schedule of payment on such allotments as drawn by DDA is full land premium and 30% of cost of construction to be deposited initially and balance 70% of the cost of construction which includes interest and other overhead charges to be recovered over a period of 10 to 15 years in equal monthly instalments. For delayed payment, penalty at different rates depending upon the period of default is charged failing which action under Punjab Land Revenue Act is taken.

They are further informed that in General Housing Schemes out of 66000 allotments made till 1988-89 about 50,000 were on hire-purchase basis out of which 11000 notices have been issued for default in payment of instalments. The arrears upto December, 1993 which was hitherto maintained manually has been calculated at Rs. 11.94 crores.

The Committee are also informed that under NPRS, 79 out of 1.25 lakh allotments, 85000 allotments were made on hire-purchase basis. The defaulter notices generated by computers in this scheme were as high 75000 as on 31.3.92. As per computer records the arrears of outstandings as on 31.3.92 was of the order of Rs. 163.26 crores.

The Committee are satisfied to note that as a result of computerisation and other corrective measures such as issue of defaulter notices, non-recovery certificates under the Punjab Land Revenue Act, decentralisation of Housing Accounts Wings, taken by DDA, there is improvement in the payment of instalments and arrears by Hire-Purchase allottees.

1

2

3

The Committee are, however, concerned to note that an amount of Rs. 649.19 crores (15 crores under General Housing Scheme and Rs. 634.19 crores under NPRS, 79) is stated to be still outstanding as on 31.3.95. The Committee feel that realisation of huge outstanding arrears requires concerted efforts on the part of DDA.

The Committee in the first instance desire the Govt. to get the accounts updated and final figures giving recovery effected and arrears pending at the end of each financial year since 1991-92 may be furnished to them.

They also hope that non-issue of defaulter notices prior to 1988-89 would be enquired into and officials at the helm of affairs would be penalised for dereliction of duty under intimation to the Committee.

The Committee also recommend that DDA should continue with corrective measures such as issue of non-recovery-certificates, attachment notices, cancellation of allotments, arrest warrants, etc. wherever applicable after following appropriate procedure. Periodical assessment of recovery position may be reviewed for taking further action. The Committee would also like to be apprised of the results achieved in realisation of outstandings in this regard.

32      4.83—4.86

The Committee are pained to note that a number of DDA flats were occupied unauthorisedly, some of them still under unauthorised occupation by some miscreants. It is a matter of shame that as many as 44 flats (24 in Rajouri Garden and 20 in EPDP Colony, Kalkaji) were forcibly occupied by the police. It is all the more intriguing to note that even the FIR in the case of unauthorised occupation in Rajouri Garden, had not been lodged by DDA on the plea that the flats were occupied by the police itself. 20 flats in Kalkaji have since been allotted to the police. Regular allotment of 24 flats in Rajouri Garden is also under consideration of DDA on the request of Delhi Police.

1	2	3
		<p>The Committee do not see any logic behind the allotment of flats to the police which were forcibly occupied by it. Instead they feel that deterrent departmental action should have been taken against the personnel occupying the flats under the relevant provisions of Indian Penal Code. It is rather a complete surrender by DDA to the unlawful criminal act of the law enforcing agency for which DDA should have taken recourse to law. It would have also been befitting for DDA to have initiated criminal proceedings against the erring police personnel.</p> <p>In the instant case, the Committee recommend that 24 flats in Rajouri Garden for which request for regular allotment has been made by the police, may not be accepted to and the flats got vacated. Criminal proceedings against the persons occupying these flats may be initiated and the damages for unauthorised occupation may also be claimed and realised.</p> <p>The flats which are still under illegal occupation of individuals may also be got vacated at the earliest and appropriate legal action initiated against them.</p>
33	4.87-4.88	<p>The Committee note that police is investigating cases of allotment/selling of DDA flats on forged documents. 8 such cases referred to by the police to DDA have been found 'not genuine'. As it has not been specified how many allotments/selling of flats on forged documents are under investigation, the Committee apprehend that the number may be as high as 300 as reported in the press.</p> <p>They now expect that DDA will get all the cases of allotment and selling of flats on forged documents, investigated expeditiously and the culprits booked. Connivance of departmental officials may also be looked into for fixing responsibility and taking appropriate departmental and legal action against them.</p>
34	4.89-4.91	<p>The Committee are informed that five unallotted flats in Rohini were rented out by one Jr. Engineer of DDA who has since been placed under suspension. The role of other senior Engineers is also under investigation to find out their involvement in this regard.</p>

1

2

3

They feel that delay in the allotment of flats instigate the unscrupulous officials/individuals to indulge in illegal transactions. The Committee, accordingly, desire that the flats may not be allowed to remain unallotted for long. These may be allotted as soon as the essential services are made functional.

The Committee hope that adequate penalty would be imposed on the officials involved in unscrupulous activities.

- 35      4.105—4.107      The Committee are informed that any development including addition/alteration in flats without approval, situated in a development area, is punishable with simple imprisonment and/or fine upto Rs. 5000/- under Section 29(1)(b) and any user of a flat for the purpose other than provided in the plan is punishable under section 14 read with section 29(2) of DD Act, 1957. The provisions of section 14 read with section 29(2) are applicable to all the areas whether they are development areas or not. In case of continuing offence, fine extending upto Rs. 250/- for every day during which such offence continues after conviction can also be imposed. Further, section 31(A) of the said act provides for sealing of premises for any misuses. Besides sealing, the allotment of flats can be cancelled after issuing show cause notices.

The Committee are informed that prosecution of misuser has not been very effective as convictions were very few and if convicted, the maximum penalty is Rs. 5000/- which the misuser do not mind paying as converting the residential premises into commercial is extremely profitable. Accordingly, DDA has proposed amendment to section 29 of DD Act, 1957 for the purpose of taking deterrent action against the offenders.

The Committee are surprised to find that action under other relevant sections of DD Act providing for sealing of premises/cancellation of allotment, is not taken in all the cases where misuse/unauthorised construction is reported. In their view sealing/cancellation of allotment is more deterrent as compared to imposition of fine through courts which is time consuming. Therefore, they recommend that as and

1	2	3
		<p>when any misuse is detected/comes to notice, apart from taking action for imposition of penalty under provisions of the Act, show cause notices may also be issued immediately. If misuse is not stopped after issue of show cause notices, action for sealing of premises/cancellation of allotments may be initiated under relevant section(s) of DD Act, 1957.</p>
36	4.108	<p>The Committee note that as a result of prosecution launched in 3565 cases during 1983-84 to 1993-94, fine amounting to Rs. 41,19,334 has been imposed by the court against the accused. It is, however, not clear whether the same has also been recovered. The Committee recommend that the premises against which penalties have been imposed should be periodically rechecked and wherever it is found that the misuse is continuing, further fine calculated at the rate of Rs. 250/- per day as provided in the Act, may be imposed and recovered. They would also like to be informed about the latest recovery position of the penalties imposed earlier.</p>
37	4.109	<p>The Committee recommend that an extensive survey of all the flats/areas falling under the jurisdiction of DDA, may be undertaken immediately in a time bound programme in order to find out misuse/unauthorised construction and appropriate action against the offenders taken.</p>
38	4.110—4.112	<p>The Committee are not happy to find that out of 10488 cases of unauthorised construction detected during the years 1990-91 to 1993-94, demolition in just 284 cases and sealing of premises in only 18 cases could be resorted to.</p> <p>In their view, unauthorised construction and conversion of residential buildings into commercial establishments cannot be carried out without connivance of officials. Even otherwise also, enforcement staff is responsible for detecting unauthorised construction/misuse/addition/alteration. In case they fail in detecting or stopping the above offences, it can be contemplated as connivance or dereliction of duty for which they are liable to be punished.</p>

1	2	3
		<p>The Committee, therefore, recommend that besides taking action against the offenders, departmental proceedings against concerned officials, at least in cases of unauthorised construction of huge buildings/mansions which cannot be built overnight and in cases of continuous misuse after making additions/alternations, may be initiated.</p>
39	4.113	<p>They also urge the Government that cases of unauthorised construction/misuse may not be allowed to remain pending for long. Instead, these may be disposed of in a time bound manner after taking appropriate action like conviction, sealing of premises, cancellation of allotment etc.</p>
40	4.122—4.125	<p>The Committee welcome the announcement made <i>vide</i> Notification dated 14.2.1992 issued by the Ministry of Urban Affairs and Employment regarding conversion of leasehold rights to freehold on payment of one time conversion fee in respect of residential plots upto 500 sq. mtrs. and flats under all categories except Asian Games Village Complex flats.</p> <p>The Committee note that as per existing instructions all the formalities for conversion are to be completed within 90 days from the receipt of application. They, however, find that out of 31716 applications received upto 30.4.95, 12322 requests were pending including 5854 applications where deficiencies were noticed. They are concerned to note further that 9587 application were pending for more than the stipulated period of 90 days.</p> <p>The Committee desire that deficiencies in the applications or non-completion of formalities by the applicants should be timely communicated to the applicants for requisite rectification. They are, however, deeply concerned to note that there have been delays due to non-availability of records and non-finalisation of certain policy matters.</p> <p>The Committee feel that period of 90 days laid down for processing and examination of relevant documents for conversion is quite sufficient. Any delay beyond the period of 90 days, would be unjustified and may breed corruption. As such DDA</p>

1	2	3
		should adhere to this time schedule for grant of conversion into freehold for flats/plots.
41	5.23—5.26	<p>The Committee are informed that DDA contracts are generally awarded to the eligible contractors of the entitled class registered with DDA, CPWD, P&amp;T, MES etc. after call of open tenders through wide publicity. Before award of contracts, tenders are processed by the competent authority and the works are awarded mostly to the lowest tenders on the basis of justified rates. However, short notice tenders when the matter is urgent and tenders on a day's notice in emergent situations like floods, are also invited.</p> <p>The Committee regard to find that works are also awarded on work-order basis without any urgency or emergency. In this regard, the findings of CE(QC) are very revealing, who has pointed out non-compliance of procedure and norms set out in CPWD Manual, which is generally followed by DDA.</p> <p>The Committee feel that the works on work-order basis are awarded just to avoid competition thereby giving undue benefit to certain contractors. In their opinion it gives rise to underhand dealings, unfair practices and disregard to fairplay.</p> <p>The Committee recommend that award of contracts on work-order basis should be done away with except in emergent situations like floods, earthquakes and other natural calamities, etc.</p>
42	5.27—5.29	<p>The Committee note that non-availability of stipulated material, delay in structural design, land problem, slow progress of civil works, shortage of resources, etc. are the contributory factors for delay in the execution/completion of works.</p> <p>The Committee have no hesitation in saying that all these factors contribute to increase the cost of a project/scheme as any delay attracts the provisions of penalty clause of 10-C/OCC in favour of contractor i.e. increase in rate of materials and wages both during and beyond the stipulated period of completion.</p>

1

2

3

The Committee expect that DDA will take remedial measure in monitoring the execution of works at appropriate level to ensure execution of works according to the schedule and their completion in time so as to obviate any steep rise in the contractual amount.

43

5.30—5.36

The Committee find that a number of penalty clauses for default in the execution of works, like delay, unsound, defective, substandard work etc. have been incorporated in DDA agreements. Accordingly, they find that as many as 65 major works have been rescinded invoking one or more penalty clauses of the agreements. The consolidated amount claimed by DDA against these contracts works out to Rs. 33.50 crores. The Committee are dismayed to find that in none of the claims DDA could recover the amount as the claims have either gone against DDA or were pending in various courts of law or under arbitration.

They also find that in a number of cases the rectification work has been carried out at the risk and cost of the original contractors under specific provision in the contracts and the claims have been filed before the arbitrators invoking the arbitration clause.

The Committee are again dismayed to find that even in most of such cases the arbitrators have awarded the claims in favour of the contractors. What is still more intriguing is to note that in some cases the awards have gone in favour of the contractors due to non-submission of the documents by DDA.

On the other hand, claims of contractors for losses or damages suffered by them on account of delay in giving decision, material, site etc. have also gone in their favour aggravating losses of DDA.

The Committee express their deep anguish over the above unsatisfactory state of affairs where not only the claims of the contractors for any kind of default on the part of DDA but also the claims of DDA for defaults on the part of the contractors, all have gone in favour of the contractors.



1

2

3

The Committee, therefore, conclude:

(i) That DDA has altogether failed to safeguard its interests. Whether there are cases of recovery of dues where contracts in respect of works have been rescinded or whether there are cases of recovery of amount incurred by DDA on rectification of works. In none of these cases DDA has been able to make any significant progress in recovery of their dues running into crores of rupees. All of the cases of large amounts are stated to be under arbitration or pending in the High Court.

(ii) That provisions of the contracts that have been incorporated in the agreements with the contractors for execution of DDA works lack deterrence for any wrong doing being indulged in by the contractors in contravention of terms of the contracts in the execution of works.

(iii) That execution of works by the contractors in blatant and flagrant violation of the provisions of the contract agreements on a large scale is not possible without the active connivance of the DDA Engineers and the staff deployed for supervision.

(iv) That DDA has not taken any deterrent action against the field and other supervisory staff.

The Committee recommend:

(i) That in the light of experience gained by DDA in the execution of works by contractors, a review of the provisions incorporated in the agreements with the contractors may be undertaken with a view to making the terms of agreements/contracts more stringent for execution of DDA works.

(ii) That a large number of DDA engineers including those holding very senior positions in DDA have reportedly floated contractor firms in the names of their close relations. This is one of the root causes for defective/sub-standard execution of works that have reached plague proportions in DDA. The Committee desire that a comprehensive review of the contractor firms registered with DDA for execution of their works should be undertaken with a view to

1	2	3
		<p>weeding out those contractors who have defaulted in execution of works in accordance with terms of the contract.</p> <p>(iii) That for recovery of amount paid to the contractor till rescision of work or for realisation of amount spent on rectification works, a clause may be incorporated in the contract requiring the contractor to deposit seventy-five per cent of the disputed amount with DDA when the case is filed in the court of law for settlement.</p> <p>(iv) That a detailed investigation may be conducted preferably by CBI covering the following aspects:</p> <p>(a) How many engineers including those holding very senior position of DDA have floated contractor firms in the name of their close relations and to ascertain the magnitude of misuse of official position in giving benefit to such contractor firms on mutual basis?</p> <p>(b) Why in some cases awards have been given in favour of contractors due to non-submission of the documents by DDA authorities?</p> <p>(c) Role and likely connivance of DDA field and other supervisory staff for their partnership in these scandalous defective/sub-standard execution of works by the contractors.</p>
44	5.44—5.46	<p>The Committee note that certain materials like cement, steel, GI/CI pipes, shutters, bitumen, etc. are procured through Central Stores Cell for supply to contractors executing the construction/development work.</p> <p>The Committee are however pained to note that in a number of contracts awarded for the execution of works the actual amount paid to the contractors is far above the contractual amount and one of the reasons is delay in the supply of stipulated material by DDA. They are unable to understand as to why the material is not supplied well in time keeping in view the fact that the material is issued from Central Stores Cell where it is imperative to have sufficient material in stock to meet the requirement of all the works.</p>

1	2	3
		<p>The Committee consider such delays either deliberate to give undue benefit to the contractors or due to sheer negligence on the part of authority for not procuring the material well in time. In both the situations persons concerned with the procurement/issue of material cannot absolve themselves of the responsibility of keeping a balance in the procurement and issue of material. In order to avoid such situations modern inventory control methods should be adopted by them.</p>
45	5.47—5.49	<p>The Committee note that penalty clauses for delay in the supply of material by the manufacturers etc. are incorporated in the agreements where the agreements are drawn after tendering.</p> <p>The Committee, however, regret to note that in none of the cases, where supplies were procured at the risk and cost of the original contractors, the extra amount spent on completion of supplies, could be recovered.</p> <p>The Committee are at a loss to find that even in the procurement of material, DDA had to suffer losses as the recoveries could not be effected against the amount claimed for delay in supply of material or for extra amount spent for completion of supplies at the risk and cost of the first contractor, particularly where a large amount is involved. The Committee desire that terms of contract/agreement should be reviewed in the light of earlier recommendations to protect the interest of DDA.</p>
46	5.65—5.73	<p>The Committee note that the field engineering staff connected with the execution of works, inspect all the works on day to day basis. Executive Engineers, Supdt. Engineers and Chief Engineers also inspect the works periodically. Major works costing Rs. 7 lacs and more are also inspected by Quality Control Cell at different stages of progress ranging between 20% and 90% and issues observation memos to the field staff for taking appropriate action.</p> <p>The Committee are informed that during their inspection, if minor defects or sub-standard works are noticed, the defects are either got rectified from the contractors or the works are accepted at reduced</p>

1

2

3

rates. Where major defects are noticed and the work is highly sub-standard, the same is dismantled. The Committee find that major defects in as many as 30 works had been noticed in the last few years. They are, however, concerned to find out that in none of the cases the amount claimed, invoking different clauses of agreement, could be recovered.

The Committee are unable to understand as to how the defects or the sub-standard work could not be noticed and got rectified in the first instance in spite of the fact that the works are inspected on day to day basis by junior level engineering staff and periodically by senior engineers. In their opinion, the Engineering staff were either not performing their duty faithfully or connived with the contractors. Whatever may be the reason, the defects or sub-standard works are the result of negligence of engineering staff and as such, are liable to be hauled up and punished.

Though field Engineers-in-charge of works are accountable for any structural deficiency, they, however, find that in most of the cases, only memos are issued to the concerned JEs, AEs for the lapses.

In some cases, minor punishment like withholding of increments, reduction to one lower stage in the time scale/minimum of the scale, censure, etc. are imposed. It is only in a very few cases, they are removed from service.

The Committee consider these penalties very inadequate as compared to the deficiency/defects noticed in the works and the losses suffered by DDA.

The Committee further note that after the Anand Committee Report, which was set up to enquire into the deficiencies in the development of Rohini, an instructional circular (No. 434) was issued for strict compliance of the quality control measures and adherence to procedural formalities failing which appropriate administrative/disciplinary action would be taken under Regulation 14 of DDA (Salaries, Allowances and Conditions of Service) Regulations, 1961. They are, however, informed that many a times inspection reports are not recorded and in the

1

2

3

absence of such a report, accountability cannot be fixed.

From the above the Committee conclude that neither the supervisory staff nor the inspecting officers (senior engineers) are serious about their duties with the result, all kinds of violations are being committed without any check. In their view, had the deterrent disciplinary action for dereliction of duty taken promptly, the affairs of DDA would have been altogether different.

It is, therefore, desirable that each and every functionary, particularly the field staff should perform their duties assigned to them with utmost dedication and integrity as DDA being an institution of public service.

The Committee also desire that DDA should take serious note of these lapses and deterrent punishment imposed on field and other supervisory staff including Senior Engineers.

46. 5.87-5.88

The Committee are informed that as many as 579 flats constructed under different schemes, some of them constructed in 1982 were to be demolished on account of being defective and sub-standard. Though the contractors who were awarded the works after inviting the tenders have been black-listed and debarred from tendering in DDA, it is surprising to note that one of the works was awarded on work-order basis and as such no action could be taken against the agencies. It is not understood as to how the contract of construction work has been awarded on work order basis. The Committee are concerned to note that in none of cases, the amount could be recovered.

Expressing their deep concern over the situation, the Committee recommend that as and when it is noticed that the construction work is of sub-standard or structurally defective, neither further construction be allowed nor any payment be made till the rectification is carried out or payment at reduced rates is accepted and the disputes are resolved.

1	2	3
47	5.89	All the pending cases of demolition should be pursued vigorously and recoveries effected at the earliest.
48	5.90	They also recommend that the reasons for awarding the work on work-order basis may be investigated and the concerned officials, if found favouring the contractors, may be penalised adequately. The Committee would also like to be apprised of the detailed action taken in the matter.
49	5.91	Since substandard or defective construction of flats endangers the lives of inmates, contractors found indulging in such nefarious activities should be proceeded against and criminal cases registered against them without fail. Such a clause should also be incorporated in all the agreements, to caution unscrupulous contractors against indulging in such activities.
50	5.92	Demolition of structures wherever warranted should not be lingered on but resorted to as early as possible in order to avoid theft and additional expenditure on security etc.
51	5.93—5.97	<p>The Committee happened to visit defective construction of C/o 265 DUs at Trilokpuri Pocket V(A) during their on-the-spot visit. Since the construction work was defective the agency was asked to carry out the rectification. Instead of carrying out the rectification, the agency resorted to unauthorised removal of departmental material amounting to Rs. 12,33,972 with clear indication to abandon the work. Thereafter the contractor absconded. The work was rescinded in 1984 and it has been decided to demolish the structure. As a result of demolition the Department is likely to suffer a loss of Rs. 77.70 lakh (approx.)</p> <p>The Committee deplore the lackadaisical approach of the DDA in its the efforts to recover the amount and take appropriate action against the contractor as DDA earlier had said that action including criminal proceedings could not be initiated as the contractor was absconding and now when the contractor has presented himself before the arbitrator, the</p>

1

2

3

Department is seeking legal advice whether it could start criminal proceedings. Moreover, the final decision regarding demolition of the structure could be taken only in October, 1995 i.e. after 11 years of the rescission of work in 1984 and till that time DDA had incurred an additional amount of about Rs. 21 lakhs on W&W and security and the loss of interest, on the amount incurred by DDA thereon.

It is perturbing to note that on one hand the arbitration proceedings are going on as also the Authority is seeking legal opinion for initiating criminal proceedings against the contractor and on the other hand it has decided to write off the entire amount.

The Committee deplore the pathetic situation in which the DDA has put itself in undue delay first in taking action against the contractor and then writing off the amount due from him in the case of c/o 265 DUs in Trilokpuri Pocket V and desire that the case may be pursued vigorously and recoveries effected expeditiously. Criminal proceedings should also be initiated against the contractor. Appropriate administration and legal action may also be initiated against the concerned field and supervisory staff. The progress of the case may be intimated to the Committee.

52

5.102-5.106

The Committee have been informed that in view of the adverse reporting in the media about the development and condition of roads in Rohini, DDA had set up an Inquiry Committee which, in its report, has pointed out a number of irregularities in the award of contracts and deviations/shortcomings in the execution of contracts giving rise to speculations of financial irregularities and unjustified payments.

They have also been informed that the observations of Enquiry Committee are further under investigation and the records are being called for. Even the report of CE(QC) who has also pointed out certain deviations in the execution of maintenance and other works are under further investigation by different investigating groups set up by DDA.

1

2

3

The Committee presume that after the reports of investigating groups are submitted, DDA would appoint enquiry officers to further investigate/scrutinise the cases and propose penalties against the erring officials which will again be considered by the disciplinary authority and so on. And by the time penalties to be imposed are finalised the officials might have either been retired or the evidence/records would not be available.

Disapproving the long procedure being adopted by DDA to fix the responsibility, the Committee recommend that in such cases where the inquiry is conducted departmentally or by any departmental Committees, their reports should be considered final and forwarded to disciplinary authority for taking appropriate disciplinary action and fixing penalties etc. so that the cases could be disposed of promptly.

In the instant case the Committee view that final action including imposition of penalties might have been taken by this time. If not already done, the investigation may be completed within a time frame and the cases be finalised including action taken thereon within three months from the presentation of this report.

- 53      5.114—5.120 The Committee find that on the basis of press reports and complaints made by some MPs regarding bogus payments, issue of work orders by splitting works without any emergent situation, irregular allotment of works etc. in East Zone of DDA involving about Rs. 45 crores, DDA got the matter investigated by Chief Technical Examiner (CTE) of Central Vigilance Commission (CVC) and Chief Engineer (QC) of DDA.

CTE who investigated just 14 works selected at random, observed a number of irregularities, some of them very serious involving crores of rupees, not only in the award of contracts but also in their execution as well giving undue favour to the contractors. Financial irregularities have also been noticed by flouting the codal provisions of the contracts by the engineering staff.



1

2

3

Chief Engineer (QC) who investigated the works pertaining to repair, maintenance and earth filling, has observed that since the above works cannot be verified afterwards, it was imperative to follow the codal provision. However the same was not followed as such it creates doubt whether the works were actually executed by the contractors.

The Committee are astonished to observe the abnormal deviations and in contravention of set norms and procedure in the award of contracts particularly in earth filling and repair/maintenance works in East Zone of DDA which has given rise to dubious payments amounting to several crores of rupees.

The Committee are also disturbed to find that nobody has even bothered to verify whether Administrative Approval/Technical Sanction (AA/TS) etc., the very pre-requisite condition for the award of contracts was available before awarding the contracts or sanctioning the expenditure and that whether any functionary has superceded his authority and awarded the contracts beyond his financial powers in a year.

In the circumstances the Committee have every reason to believe that the contracts have been awarded flouting all norms and in contravention of codal provisions.

Since Chief Technical Examiner of Central Vigilance Commission and Chief Engineer (QC) have examined only a few works and have pointed out a number of shortcomings, the Committee, therefore, recommend that works in all the divisions awarded particularly on work-order basis since 1985-86 may be examined in detail and wherever deviations come to notice, action against erring staff as per conduct rules may be taken under intimation to the Committee.

54

5.121

As recommended elsewhere, award of contracts on work-order basis except in emergent situations like flood, earthquakes or other natural calamities, may be stopped forthwith.

1	2	3
55	5.122	Action on the observations/recommendations of CTE and CE (QC) may be expedited and deterrent punishment to the persons found involved in irregular award of contracts and/or using their discretionary financial powers beyond their limit, may be awarded and the Committee informed accordingly.
56	6.11—6.16	<p>The Committee note that Lt. Governor of Delhi is the <i>ex-officio</i> Chairman of DDA and its executive head is the Vice-Chairman who is assisted by Finance Member, Engineer Member, Commissioners, Chief Accounts Officer, Chief Architect, Chief Vigilance Officer, Chief Legal Adviser, Chief Engineer (QC) etc. Except the posts of Vice Chairman, Finance Member, Engineer Member, Secretary and Chief Accounts Officer which are to be filled statutorily by the Government of India, all other posts have been categorised under Group A to D.</p> <p>They also note that as against the sanctioned strength of 11710, the actual strength of officers and staff in Group A to D is 11986 i.e. actual strength is more than the sanctioned strength. In addition there are 15445 employees working on work-charged establishment against the various projects of the Authority.</p> <p>The Committee are surprised to note that no assessment of norms for workload was ever made till July, 1991 on the plea that DDA adopted work norms of CPWD for execution of works and as and when norms of work-load are revised by CPWD, the same are adopted in DDA.</p> <p>The Committee also note the observations of the Finance and expenditure Department of DDA that as the activities of DDA are confined only to the Union Territory of Delhi, the norms in DDA should be higher by 50% as compared to the norms of CPWD.</p> <p>The Committee note that Staff Inspection Unit (SIU) of the Ministry of Finance conducted a study of manpower requirements of 18 units of DDA at random and based on its recommendations surplus staff in respect of 13 units has been adjusted. The</p>

1	2	3
		<p>reports of remaining 5 units have not yet been accepted.</p> <p>In view of the foregoing the Committee recommend as follows:</p> <ul style="list-style-type: none"> <li>(i) Work norms as recommended by the Finance and Expenditure Department of DDA for Civil Divisions may be adopted.</li> <li>(ii) Workload of the entire organisation may be assessed afresh periodically after every five years.</li> <li>(iii) The actual strength of staff in DDA should not be allowed to exceed the sanctioned strength. Proper <i>ad hoc</i> sanction may be obtained for the additional staff wherever necessary in the exigency of workload.</li> <li>(iv) After defining the work norms and assessing the workload, reorganisation of divisions/zones may be taken up.</li> <li>(v) Requirement of strength of each of the categories may be determined afresh on the basis of norms and workload.</li> </ul>
57	6.33	<p>The Committee are surprised to find that out of 197, recruitment rules in respect of 60 categories of posts have not yet been framed. The Committee desire that recruitment rules for these categories may be framed without any further delay and the Committee apprised.</p>
58	6.34—6.36	<p>As regards appointment to the post of various Commissioners, the Committee find that except for Commissioner (Planning), no qualification has been prescribed for any other Commissioner including the Principal Commissioner. However, their appointments can be made only after the approval of the Ministry of Urban Affairs and Employment and the Appointments Committee of Cabinet from amongst those officers who have adequate experience in the matters of urban development.</p> <p>Accordingly, they find that except Commissioner (Planning) none of the other Commissioners is technically qualified.</p>

1	2	3
		<p>The Committee feel that DDA is a field organisation and most of its departments have to look after, more or less, technical aspects in their respective fields. Therefore, the Committee recommend that all the departments should be headed by technically qualified personnel. To this end in view, the Committee desire that an Expert Group may be constituted who may go into various technical aspects and requirements of each and every job and suggest essentials and desirabilities for appointment to the post of Commissioners.</p>
59	6.37	<p>They also recommend that all vacancies of technical nature should be filled up within a reasonable timeframe. Technical posts should not remain vacant for any indefinite period.</p>
60	6.45-6.46	<p>The Committee are informed that certain posts numbering 25 have been exempted from being filled by departmental candidates <i>vide</i> Government orders dated 23.8.1988. However, 4 such posts (Engineer Member, Commissioner-cum-Secretary, Commissioner (Planning) and Director (IR) which also fall under the above category are, at present, being manned by the departmental candidates. The Committee note that on the other hand as many as 19 posts in various categories which should have otherwise been filled by departmental candidates (some of them after approval by the Ministry of Urban Affairs and Employment and the Appointments Committee of Cabinet) have been filled by appointment on deputation basis.</p> <p>The Committee, however, recommend that except for the posts which have been exempted from being filled by departmental candidates <i>vide</i> orders dated 23.8.1988, no other post may be filled on deputation basis as far as possible. If necessary, these posts may be filled up from departmental officers by relaxing eligibility criteria.</p>
61	6.47	<p>The Committee find that a number of persons after being appointed on deputation were subsequently absorbed in DDA. They consider it a deviation from the spirit of deputation and a very unfair, unjust and</p>

1	2	3
		<p>inequitable practice. The Committee recommend that persons appointed on deputation basis should not be absorbed. All recruitments in DDA should be done under the recruitment rules laid down for each category of posts and that too after proper publication/advertisement for that post so as to enable all the eligible candidates to compete for that job even if its number is only one.</p>
62	6.61—6.65	<p>The Committee find that as on March, 1994 there were 15445 work-charged employees on the rolls of DDA who were appointed right from 1970 and most of them were enrolled during Asiad 1982. At present there were around 6000 to 7000 surpluses.</p> <p>The Committee are constrained to note that inspite of such a large number of work-charged staff, no policy for their deployment has been laid down. The Committee are informed that surplus staff has been deployed on office work and their expenditure is charged to the projects on which their original appointments stand.</p> <p>The Committee note that with the transfer of colonies to MCD their staff also stand transferred. However, the work-charged staff as the Committee are given to understand, is not transferred with the transfer of Resettlement and JJ Colonies to MCD.</p> <p>From the above the Committee conclude that there is no uniform policy in so far as (i) charging the expenditure incurred on work-charged establishment; (ii) their deployment; and (iii) transfer of staff with the transfer of colonies to MCD, are concerned.</p> <p>Since the work-charged staff (R) is entitled to all benefits as are admissible to any regular employee, feasibility of charging their salary etc. under the establishment expenditure may be considered. In case it is not found workable/feasible their expenditure may be charged according to their deployment i.e. if they are engaged on a project, the expenditure may be debited to the project and if they are performing office duties, expenditure by way of their salary etc. may then be charged on establishment expenditure.</p>

1	2	3
63	6.66	The deployment policy may be formulated without any delay and deployment of work-charged staff may be categorised according to their qualifications and aptitude/option exercised by them, departmental training, etc.
64	6.67	The Committee are unable to understand as to how appointment on forged transfer orders could have been made. At this stage the committee hope that investigation and finalisation on 85 cases where FIR's have already been lodged would be expedited and completed in a time bound manner and persons found involved would be punished adequately. They also desire that outcome of the investigations, follow up action taken by DDA and the prosecution launched against the guilty may be intimated to the Committee.
65	7.41—7.43	<p>The Committee note that out of 6650 acres of Nazul-I land, 4826 acres form part of river bed. About 4100 acres of land leased out under the "Grow More Food" campaign where leases have expired, is still in occupation of unauthorised cultivators. Eviction notices have been issued to these cultivators to reclaim the land.</p> <p>It is very disappointing to learn that the lands have been under unauthorised occupation for the periods ranging more than 15 years. Even the claim of damages have not yet been calculated.</p> <p>The Committee desire that eviction proceedings against unauthorised occupants and recovery of damages under P.P. Act may be expedited.</p>
66	7.44—7.52	The Committee note that the management of land in DDA is looked after by the Commissioner (Lands Management). The Commissioner is assisted by three Directors. One of them is responsible for the protection of the land through the Land Protection Branch. The Land Protection Branch evolve policies for effective protection of land, protect the land placed at the disposal of DDA which has not been handed over to any user department and coordinate between the user departments to whom land has been transferred so as to help them ensure its protection.

1

2

3

Field staff make efforts to stop/remove the encroachments noticed and if their efforts fail, they report the matter to Land Protection Branch and the Police for removing the same. Weekly reports on the prescribed proforma are also sent by the field staff.

Under the laid down system officers of the Land Protection Branch apart from getting information from the field staff who were supposed to send immediate reports about encroachment, also visit their areas to see and watch regularly whether any encroachment has taken place and plan action accordingly for clearance operation. DDA has also taken steps for fencing of land vulnerable to encroachment. As such there is a regular machinery to deal with removal as also prevention of encroachment at the very inception.

Sections 28 to 31 of DD Act, 1957 deal with unauthorised construction and encroachment and empower DDA to take appropriate action including levying penalties for these offences.

From the information furnished by the Ministry, the Committee note that about 1329 acres of Nazul—II land at the end of March 1992 was reported to be under encroachment. During 1992-93 the encroachment went up to about 1400 acres. Thereafter on an average the extent of encroachment which included old, fresh and upcoming, remained almost at the same level during 1993-94 and 1994-95. The Ministry has also submitted that the encroachment of land and its removal was a continuous process. During 1992-93, 1993-94 and 1994-95, 284, 859 and 352 acres of encroached land was got freed which included old, fresh and upcoming encroachments.

The Committee feel that DDA have taken consolation from the fact that there has been no net increase in the extent of encroachment during the last three years. After taking into consideration the figures of encroached land reclaimed and encroached again i.e. about 284 acres in 1992-93, 859 acres in 1993-94 and 352 acres in 1994-95, the Committee feel that elaborate system of immediate reporting about

1

2

3

---

encroachment by the field staff to the higher DDA authorities, constitution of special vigilance teams for constant vigil, presence of enforcement staff, setting up of Land Protection Branch in DDA has not made much difference in checking unauthorised construction and encroachment on DDA land. Encroachment continues unabated.

Who is responsible for the state of unauthorised construction and encroachment on DDA land? Encroachers or the DDA authorities themselves. Unauthorised construction and encroachment is not a sudden phenomenon. Encroachment continues to grow unabated over a number of years under the watchful eyes of the custodians and special vigilance teams. When such unauthorised constructions and encroachments assume serious proportions with the passage of time, DDA in some cases expresses helplessness in removing such encroachments and in some of other cases they undertake demolition operations spelling financial ruins for families who invested their hard earned saving for shelter. As such, without the active connivance of DDA's inept and corrupt officials including those constituting special vigilance teams, the menace would not have been of the proportions that it is now. DDA has proved to be grossly inefficient and ineffective in checking the continued encroachment. Rather it is aided and abetted by DDA officials as they do not initiate timely action to curb encroachments at the initial stage itself.

The unauthorised construction and encroachment on DDA land which has become a well known phenomenon is not possible without the active connivance of the senior functionaries in DDA entrusted with the responsibility of management and protection of land.

---



1

2

3

Till they do not discipline themselves, unauthorised construction and encroachment will continue unabated.

The Committee recommend as follows:

- (i) A comprehensive survey should be conducted in respect of encroachment of land under the management of DDA to assess the exact extent of the problem.
- (ii) Watch and ward staff and enforcement machinery may be strengthened. Make their field staff responsible for keeping the land free of encroachments. Prosecutions for violations are effectively pursued.
- (iii) Stringent action should be taken not only against encroachers but also against senior officials responsible for indifferent and apathetic attitude towards illegal constructions and land grabbing by the encroachers.
- (iv) Prevailing provisions of DD Act on encroachment, unauthorised constructions and unplanned development may be reviewed and, if need be, amended.
- (v) Performance of the Director (Land Management) and Chiefs of the user departments entrusted with the responsibility of protection of DDA land from encroachment should be made one of essential parameters for their promotion in higher posts in DDA.
- (vi) Performance of the Director (Land Management) and Chiefs of user department on prevention of encroachment on DDA land and recovering of DDA land through demolition operations should also be the items for quarterly review by the Authority. Fresh and upcoming encroachments and demolition operations should be closely monitored in the meeting of the Authority.
- (vii) Authenticity of the weekly reports of the field staff should be verified through random surprise inspection at regular intervals. Any one found submitting fictitious report should be hauled up and penalised sternly so that punitive

1	2	3
		<p>action could set an example against those colluding with encroachers and to send right signals to others.</p> <p>(viii) The Committee note that encroachment of about 84.51 acres of land by religious institutions cannot be removed unless the Committee headed by the Secretary (Home) Delhi Administration, give their clearance.</p> <p>(ix) As removal of encroachment from religious institution is a sensitive issue, the problem has to be seen from a different angle. The Committee, however, suggest the feasibility of realising the value of land at Government notified rate from the organisations/trusts/individuals, managing these religious institutions.</p>
67	7.53 - 7.54	<p>The Committee are dismayed to note that stay orders for encroachments and unauthorised construction in 2000 cases were in force and out of which in 1795 cases stay was more than 2 years old.</p> <p>The Committee desire that DDA should present to the Hon'ble Courts all documents available with it and with the LAC/L&amp;B Department of the Government of NCTD including the 'Khata' numbers establishing its ownership/claim over the land under dispute to obviate chances of stay orders being granted by the Courts.</p>
68	7.55	<p>At present the courts are moved for vacation of the stays only when lands were required for completion of some projects/schemes. As it is the foremost and basic duty of every organisation to keep its properties free from all encumbrances, the Committee feel that DDA should not wait for the Administrative Department asking the law Department to move to the Court for getting the stay orders vacated as and when land was required for the project/scheme. Instead when the land/property on which stay has been granted, rightfully belongs to DDA and DDA has sufficient evidence/proof for its ownership, it is imperative that DDA should get stay orders vacated in time, DDA as such should present</p>

1	2	3
		and pursue its claim for its each and every property in the court of law in right earnest for speedy vacation of stay.
69	7.56-7.57	<p>It is highly disappointing to find that in a large number of cases stay orders have been granted by the courts of law. The Committee desire that the same should be reviewed to findout causes why in a large number of cases stay orders have been granted and whether there has been lackadaisical approach or negligent attitude or complicity of officials belonging both to administrative and law departments of DDA while presenting cases in the courts of law at the time of granting stay orders. The Committee desire that such a review should be undertaken by a retired Judge of the High Court or by a senior Judicial Officer with a view to suggesting remedial measures to combat increasing cases of stay orders and fixing responsibility on the defaulting officials.</p> <p>The Committee would like to be apprised of the action taken in this regard within a period of six months from presentation of this Report.</p>
70	7.58-7.61	<p>The Committee note that out of 690.88 acres of Ministry of Rehabilitation land transferred to DDA under a package deal in 1983, about 216 acres of land was under encroachment at the time of transfer. According to Government the same could not be reclaimed as the land was encroached during fifties and seventies and there were court cases.</p> <p>The Committee also note the position stated by the Ministry of Urban Affairs and Employment in their written reply as well as by the Commissioner (Land Development) of DDA in his evidence before the Committee in July, 1995. From the position stated in written reply the Committee are given to understand that residential plots numbering about 250 belonging to the Ministry of Rehabilitation were transferred to DDA in 1982-83. 110 plots, free from encroachment, were auctioned in 1984. The remaining 140 plots were auctioned during the period 1985-93 after getting the encroachments removed and getting the zonal plans/lay out plans approved. However, in his evidence before the Committee the Commissioner</p>

1

2

3

(Land Development) of DDA have informed that in areas like Malviya Nagar which are free from encroachment we have been able to dispose of the plots under very good prices.....during the last two years there was a slump in the market. DDA property was not selling..... 'As a prudent market man I should not flood the market with my property.... By the end of 1997, all properties available will be disposed of hopefully'.

The Committee feel that there is contradiction between the position stated by the Ministry in their written reply and submission made by the Commissioner during evidence. There are a number of plots in areas like Malviya Nagar where plots are free from encroachment and remain to be auctioned. The Committee desire that DDA should draw up a detailed programme for auction of all residential plots still lying in rehabilitation colonies and after getting the encroachments, if any, removed. As these are residential plots with high revenue potential in prime localities, DDA should make all-out efforts to get the encroachment removed before the auctioning of these plots.

The Committee would also like to be furnished following plot-wise details such as number, locality, areas etc., which remain to be auctioned:

- (i) Plots which are free from encroachment;
- (ii) Plots which are under encroachment; and
- (iii) Plots which are under encroachment and occupants/encroachers have secured injunction from the Courts, date when the injunction was granted and present position of the case.

The above information may please be furnished within a period of six months from the date of the presentation of this Report to the House.

71

8.57—8.65

The Committee are informed that at present about 9.50 lakh population is residing in areas designated as slums notified under the Slum Areas (Improvement and Clearance) Act, 1956. Most of the notified slums are concentrated in the walled city and its extensions. Slum and JJ Department of the MCD has been operating a scheme known as Slum Clearance Programme under which dilapidated

1

2

3

---

structures/buildings are cleared and the affected families are re-housed in tenements constructed at the sites thus cleared or in other parts of the city.

Slum and JJ Department is also at present running and managing night shelters at 19 locations for the benefit of about 3500 pavement dwellers out of 30,000 absolutely shelterless population in the capital city of Delhi.

The Committee further note that apart from slums and pavement dwellers more than 20 lakh persons are squatting in about 1100 JJ clusters containing approximately 4.80 lakh jhuggies.

As per rough estimates, about 2400 acres of Government land is under encroachment and out of this 459 acres belong to DDA.

The Committee are concerned to note that there has been a phenomenal growth of jhuggi-jhompri population during the last two decades due to coming of migrants to Delhi in search of gainful employment opportunities. These in-migrants encroach upon public land and form squatter settlements as also exert tremendous pressure on city resources causing shortage of shelter and civic amenities and services.

The Committee regret to find that the jhuggies have been proliferating in Delhi with passage of each year. As against 20,000 jhuggies in 1977, the number of jhuggies have increased to 98,000 in 1981 and 2,60,000 in 1990. The magnitude of the problem has assumed alarming proportions, with more than twenty lakh population living in about 1100 jhuggi-jhompri clusters in 4,80,000 jhuggies against a total population of about 110 lakhs. The jhuggi population has increased from 1.3 million in 1990 to about twenty lakhs in 1994. The Capital of the country today is dotted with jhuggi clusters and every sixth person is a jhuggi dweller. Thus the national Capital is fast becoming a big slum.

The Committee therefore feel that Government need to take some concrete measures on a very large scale to tackle the mushroom growth of jhuggi-jhompri clusters before the problem could assume

---

1

2

3

unmanageable proportions.

The unauthorised construction and encroachment on Government land all over the Delhi city has become a well known phenomenon. Not only are MCD, NDMC, DDA land owning agencies and the police in the know of these agencies aided and abetted by undesirable elements are in connivance with each other in allowing encroachment and unauthorised constructions to grow.

Due to enormous influx of people from both urban and rural areas, the Delhi city has already outgrown its capacity and is unable to expand more with the available resources. The Committee feel that it is the time when Government should shun its attitude of remaining silent spectator to encroachments, make stringent laws to prevent jhuggi-jhompri clusters from growing in Delhi and take deterrent action against those setting up new jhuggies.

72. 8.66  
8.84

The current policy in regard to the JJ dwellers is that on one hand no fresh encroachment shall be permitted on public land and on the other hand past encroachments which had been in existence prior to 31.1.1990, would not be removed without providing alternative squatter facility. For jhuggi jhompri clusters coming up after 31.1.1990, Government has no scheme for rehabilitation. When such lands are required for urgent public purposes, the encroachments are to be removed. However, it has been admitted by the representatives of the Government during evidence that such encroachers move to other sites and set up their jhuggies there. So the squatting and encroachment on Government land continue.

The Committee note that one of reasons for the mushroom growth of jhuggi-jhompries, as advanced by the Government, is the collusion of officials with the JJ dwellers. The Committee are also informed that the programme regarding removal of jhuggies at initial stages had to be deferred/could not be carried out due to (i) non-availability of police force; (ii) stay orders issued by the courts, and (iii) human misery

1

2

3

---

and hardship which would be faced by poor JJ dwellers.

The Committee are not satisfied with the position stated by the Government on mushroom growth of JJ clusters. The Committee feel that the emergence, growth and proliferation of jhuggi-jhompries which has assumed alarming proportions, with more than 2 million people living in 4,80,000 jhuggies against a total population of about 11 million is a testimony to the culpable negligence of the Government not only to contain widespread illegal occupation of vacant Government land all over the city but also to address itself to the growing demand for housing the poor in Delhi.

The Committee are informed that for improvement of quality of life in JJ clusters the Government of National Capital Territory of Delhi have adopted a three pronged strategy—(i) relocation/resettlement of JJ dwellers residing before 31.1.1990 on land urgently required by land owning agencies for execution of a project of public purpose and who agree to bear their share towards the cost of resettlement; (ii) *in-situ* upgradation of JJ colonies where the land owning agencies do not need the land in near future; and (iii) provision of civic amenities in JJ clusters which do not fall in categories (i) and (ii) above.

They are further informed that the strategy under the relocation scheme, contemplates development of sites and serviced plots measuring 18 sq. mts. with 7 sq. mts. share in the undivided open courtyard on Cluster-Court-Town-House Planning Concept for resettlement of squatter families. According to the Ministry, under this scheme, at the time of its inception in 1990-91 initially work for development of 13,333 plots was initiated and have been developed except for the provision of infrastructural facilities by DDA and MCD. However as many as 5202 squatter families including 670 riot affected families of November, 1984 have been relocated in Rohini, Dwarka and Narela till September, 1995.

---

1

2

3

As regards upgradation of JJ colonies, the Committee note that as many as 784 families have been covered in various colonies and provided with basic civic amenities after relaying of Jhuggi/Jhompries in modified layouts.

In so far as third strategy *i.e.* improvement of JJ clusters by providing minimum basic amenities is concerned, they find that the main facility of drinking water supply has been made available in more than 80% Jhuggi clusters.

The Committee note that as per existing three pronged strategy which is being implemented by the Government of National Capital Territory of Delhi Jhuggi Jhompries that have come up after the cut off date of 31.1.1990 have to be removed without providing any alternative accommodation as and when they are detected. For the purpose, Special Vigilance Teams headed by ADM alongwith representatives from Police, DDA, MCD, NDMC have been constituted.

Since the liability of relocation of thousand of JJ dwellers was still existing, the Government has not taken any decision in favour of extending the present cut off date *i.e.* 31.1.1990.

The Committee are informed that under the relocation scheme it is very difficult to obtain vacant land pockets after resettlement of eligible families. It is estimated that on an average 30 to 40% of the families in such JJ clusters are ineligible. To meet the situation the Government of National Capital Territory of Delhi have forwarded a proposal for establishment of permitted squatting zones for the dwellers which are not covered under the three pronged strategy of the Government of National Capital Territory of Delhi. The proposal of squatting zones which seeks to make alternative arrangements will enable the ineligible squatting families allotment of plots measuring 12.5 sq. mtrs. with provision of water, electricity, toilets etc. In view of scarcity of land in Delhi for meeting the housing requirement the matter is stated to be under consideration of the Ministry of Urban Affairs and Employment.



1

2

3

The Committee note that though the Planning Commission is stated to have cleared the proposal for the establishment of holding zones, the Central Government do not seem to be in favour of such a proposal on the grounds that they were not in a position to provide full relocation facilities even to the eligible squatters, agreeing to the establishment of squatting/holding zones would mean more or less, making the ineligible squatters also eligible for relocation. Financial capability and infrastructural competence for undertaking the commitment are the other reservations of the Government.

Directive principles of State Policy *inter alia* enjoins upon the State to promote with special care the educational and economic interests of the weaker section of the people and to regard the raising of the standard of living of its people as among its primary duties.

Provision of housing is the main input for standard of living of the people. Housing include not only the shelter structure but also the residential plot of land with its on-site services like water, power, sanitation etc. and the access to off-site services like education, medicare, employment opportunities and other urban amenities.

Under the present relocation scheme for squatter families, the pocket of 5 hectares would provide for 1000 residential plots of 18 square meters with 7 square meters for common courtyard for a number of families.

According to the Government, size of the residential plot will make dwelling unit self contained with independent WC, bathroom and cook shelf on the ground floor. Such colonies are proposed to be developed with density of 200 dwelling units per hectare and at the same time there will be provision for basic services and urban amenities.

Under the permitted squatting zones not only the ineligible squatter families of the project site under clearance but also other JJ families located on non-project sites whose existence is creating obstructions

1

2

3

---

in city life and environment, will be given sites of 12.5 square meters at the alternative land pocket with permission to re-erect their jhuggies/informal shelter. Such permitted squatting zones will achieve density between 350 to 375 dwelling units per hectare.

The Committee feel that setting up of permitted squatting zones, apart from being against the established policy for JJ dwellers, will result in big increase in the density exerting heavy pressure on the services and infrastructure like road, water, electricity, sewage etc. This will lead to a further deterioration of living conditions in the city and without any perceptible improvement in the standard of living of the disadvantaged JJ dwellers. The Committee do not approve the setting up of permitted squatting zones.

The Committee feel that taking into consideration the human misery and hardships being faced by the poor JJ dwellers, the Government should take the responsibility at the earliest for their resettlement. Otherwise, this problem as per past experience will aggravate day-by-day. These people live in a very bad condition. It has already become a big problem and it could not be brushed aside on the plea of paucity of resources. This problem has many facets and need humane approach. The task of resettlement of JJ dwellers being onerous and challenging is daunting in itself for which concerted efforts will be needed to be made with greater pace.

The Committee further note that cost of human resettlement in places like Delhi is very high and land resources are scarce. The Committee, however, recommend that three-pronged strategy for resettlement of JJ dwellers may be relaxed to the extent that all squatter families of the project sites under clearance irrespective of their eligibility should be resettled under the relocation scheme and given residential plots of the size of 18 sq. meters on which self contained dwelling units can be constructed.

---

1	2	3
73	8.85—8.87	<p>From the information furnished to them, the Committee regret to find that as against the targets of relocation of 92,000 families during the years 1990-91 to 1993-94, the physical achievements were just 2990. They further find that no physical targets were fixed for the years 1994-95 and 1995-96 as resettlement of JJ families was linked to availability of serviced sites. So far (Sept. 1995) 5202 families have been relocated under the scheme. They were also informed that work relating to development of 8800 plots for squatter's re-settlement was in progress.</p> <p>In view of the above, the Committee feel that if the pace with which the re-settlement of squatters under the relocation scheme is going on, the completion of the scheme would be a distant reality.</p> <p>The Committee therefore, recommend that the Government should take up the matter with all agencies concerned with the development and servicing of plots so that the resettlement of squatter families under the relocation scheme may be done at a greater pace.</p>
74	8.88-8.89	<p>Housing for (EWS) category has received very low priority on DDA's residential schemes forcing the economically weaker sections of the society to encroach upon any available land. The Committee feel that provision of affordable housing to weaker sections would go a long way in preventing the growth of slums and JJ clusters. The Committee, therefore, stress the paramount urgency of meeting the requirements of dwelling units for this category of people.</p> <p>The Committee also note that the Government have undertaken mid-term review of the Master plan for Delhi—2001. In that review, the Government should make specific provision for housing the poor. The Committee recommend that some of the land/ areas in all upcoming DDA colonies should be reserved and developed for resettlement/relocation of these squatters.</p>

1	2	3
75	8.90	<p>The Government may also examine the feasibility of constructing multi-storeyed buildings for JJ dwellers in certain JJ areas under their encroachment by relaxing building bye-laws as it would not only accommodate more people but also create extra space which could be utilised to generate resources for self-financing of these multi-storeyed buildings.</p>

**LIST OF AUTHORISED AGENTS FOR THE SALE OF LOK SABHA SECRETARIAT PUBLICATION**

Sl. No.	Name of Agent	Sl. No.	Name of Agent
<b>ANDHRA PRADESH</b>		<b>UTTAR PRADESH</b>	
1.	M/s. Vijay Book Agency, 11-1-477, Mylargadda, Secunderabad-500 306.	12.	Law Publishers, Sardar Patel M: P.B. No. 77, Allahabad, U.P.
<b>BIHAR</b>		<b>WEST BENGAL</b>	
2.	M/s. Crown Book Depot, Upper Bazar, Ranchi (Bihar).	13.	M/s. Madimala, Boys & Sells, Bow, Bazar Street, Calcutta-1.
<b>GUJARAT</b>		<b>DELHI</b>	
3.	The New Order Book Company, Ellis Bridge, Ahmedabad-380 006. (T.No. 79065)	14.	M/s. Jain Book Agency, C-9, Connaught Place, New Delhi (T.No. 351663 & 350806)
<b>MADHYA PRADESH</b>		15.	M/s. J.M. Jaina & Brothers, P. Box 1020, Mori Gate, Delhi-110 (T.No. 2915064 & 230936)
4.	Modern Book House, Shiv Vilas Place, Indore City. (T.No. 35289)	16.	M/s. Oxford Book & Stationery Scindia House, Connaught Place, New Delhi-110 001. (T.No. 3315308 & 45896)
<b>MAHARASHTRA</b>		17.	M/s. Bookwell, 2/72, Sant Niranjan Colony, Kingsway Camp, Delhi-110 009. (T.No. 7112309).
5.	M/s. Sunderdas Gian Chand, 601, Girgaum Road, Near Princes Street, Bombay-400 002.	18.	M/s. Rajendra Book Agency, IV-DR59, Lajpat Nagar, Old Dobule Storey, New Delhi-110 (T.No. 6412362 & 6412131).
6.	The International Book Service, Deccan Gymkhana, Poona-4.	19.	M/s. Ashok Book Agency, BH-82, Poorvi Shalimar Bagh, Delhi-110 033.
7.	The Current Book House, Maruti Lane, Raghunath Dadaji Street, Bombay-400 001.	20.	M/s. Venus Enterprises, B-2/85, Phase-II, Ashok Vihar, Delhi
8.	M/s. Usha Book Depot, Law Book Seller and Publishers' Agents Govt. Publications, 585, Chitra Bazar, Khan House, Bombay-400 002.	21.	M/s. Central News Agency Pvt. Ltd., 23/90, Connaught Circus, New Delhi-110 001. (T.No. 344440 322705, 344478 & 344508).
9.	M & J Services, Publishers, Representative Accounts & Law Book Sellers, Mohan Kunj, Ground Floor, 68, Jyotiba Fule road Nalgaum, Dadar, Bombay-400 014.	22.	M/s. Amrit Book Co., N-21, Connaught Circus, New Delhi.
10.	Subscribers Subscription Service India, 21, Raghunath Dadaji Street, 2nd Floor, Bombay-400 001.	23.	M/s. Books India Corporation Publishers, Importers & Exporters L-27, Shastri Nagar, Delhi-110 052. (T.No. 269631 & 714465).
<b>TAMIL NADU</b>		24.	M/s. Sangam Book Depot, 4378/4B, Murari Lal Street, Ansari Road, Darya Ganj, New Delhi-110 002.
11.	M/s. M.M. subscription Agencies, 14th Murali Street, (1st Floor), Mahalingapuram, Nungambakkam, Madras-600 034. (T. No. 476558)		

**E.C. No. 1365**

---

**Price: Rs. 100/-**

96817(4)

LC  
35172225R  
N6.3

© 1997 BY LOK SABHA SECRETARIAT

Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Eighth Edition) and printed by the Manager, Photo Litho Unit, Government of India Press, Minto Road, New Delhi.