

ITEM NO. 64/2018

(File No. NO/KPC/13/2017/DDA)

Sub: Ratification of constitution of Appellate Authority and adoption of Standard Operating Protocol for Appellate Authority as per DUSIB Guidelines.

1. Background

For implementation of Kathputli Colony Redevelopment Project near Shadipur Depot, West Delhi an Agenda Item No. 33/2017 was placed before the Authority in its meeting held on 20.7.2018 for earmarking available built up EWS flats for allotment to the squatters of Kathputli Colony and adoption of JJ Rehabilitation and Relocation Policy and Protocol for removal of jhuggies and JJ bastis on DDA land (**Annexure-A**). As per para 15(iii) of the proposal, the Authority approved to adopt the Policy for Rehabilitation of JJ colonies as promulgated by DUSIB, Govt. of NCT, Delhi and also approved by Government of India MoUD/HUPA in respect of cutoff date, rates to be charged from the perspective beneficiaries under Kathputli Colony and other project of the DDA, guidelines, protocol to be adopted for identification of beneficiaries & removal/shifting of JJ clusters contained in Annexure-VIII and IX of the said Agenda.

Prior to carrying out the demolition of jhuggies and shifting of the beneficiaries to alternative accommodation, Sh. C.K. Chaturvedi, Distt. & Sessions Judge (Retd.) was appointed as an Appellate Authority on the basis of DUSIB guidelines vide orders dated 2.9.2017 (**Annexure 'B'**). Since Shri C.K. Chaturvedi was pre-occupied, Shri Satish Ahlawat, Retired Additional District and Sessions Judge was appointed as Member of the Appellate Authority vide office orders dated 9.11.2017 (**Annexure-C**).Based on the DUSIB guidelines constitution of the Appellate Authority and appointment of

two other members i.e. a retired civil servant of the level of Joint Secretary, Govt. of India and an expert member was approved by the Vice Chairman, DDA vide orders dated 22.9.2017 as per para 3(i) of the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 (Part B) of DUSIB (Annexure-D).

Now it has come to notice that in Annexure VIII Part 'B' under heading Appellate Authority of the agenda Item No. 33/2017 the constitution of the Appellate Authority has inadvertently been mentioned as under :

- i) PC(LM) or PC (LD) or CLM
- ii) Director (LM)-1
- iii) An expert member to be nominated by VC, DDA or PC(LM) or PC(LD) or CLM
- iv) Dy. Director /LM of the concerned Zone

Therefore, rectification in the constitution of Appellate Authority is required to be made.

Hon'ble Lt. Governor, Delhi/Chairman, DDA while approving the policy on in-situ slum redevelopment/rehabilitation on 'PPP' mode in Delhi has directed that eligibility of beneficiaries to be covered under this policy would be strictly in accordance with DUSIB Policy dated 11.12.2017 including changes made by DUSIB from time to time (Annexure-E).

The DUSIB vide Agenda Item No. 17/7 in its meeting dated held on 28.9.2016 passed the constitution of Appellate Authority and its Standard Operating Protocol (Annexure-F). The same needs to be adopted by DDA.

2. Clarification

The copy of the guidelines and the protocol for removal of jhuggies and JJ bastis was annexed as Annexure VIII & IX of the agenda. All the required amendments to replace the various authorities mentioned in the DUSIB guidelines were incorporated in these Annexures. In para 15 (iii) of the agenda No. 33/2017 (Annexure-A) approval for acceptance of guidelines placed at Annexure VIII and protocol placed at Annexure IX to be adopted for identification of beneficiaries and removal/shifting of JJ clusters was sought and approved. However, specific approval for constitution of Appellate

Authority and Accepting Authority as per DUSIB guidelines was not sought. Besides in Annexure VIII under heading Appellate Authority constitution of authority was inadvertently proposed as mentioned in para 1 above.

However, the intention of the DDA was to adopt the constitution of the Appellate Authority as per the DUSIB Policy i.e. Delhi Slum and JJ Rehabilitation and Relocation Policy, 2015 (Part B) - Annexure-D.

As per order of the Vice Chairman, DDA mentioned in Para 2 of background, appeals allowed/rejected by the Appellate Authority have been accepted by the then Principal Commissioner (H/PMAY) and Commissioner (Pers./H) whereas as per para 8(ii) of the Standard Operating Protocol of the Appellate Authority orders passed by CEO, DUSIB (in DDA, VC, DDA) shall be final (Annexure-F). As per opinion of Law Department, DDA such cases may not be opened at this stage.

Keeping in view the above and directions of the Hon'ble Lt. Governor, Delhi/Chairman, DDA the following is proposed for approval:

3. Proposal

- I) To accord ex-post facto approval for constitution of the Appellate Authority on the line of Delhi Slum Rehabilitation and Relocation Policy, 2015 (Part - A & B) and adoption of the Standard Operating Protocol for Appellate Authority w.e.f. 22.9.2017.
- II) To accord approval for replacing the constitution of Appellate Authority in Annexure-VIII of Authority Resolution No. 33/2017 as under :
 - a) DDA will constitute an Appellate Authority for redressal of the grievances related to the determination of eligibility for allotment of alternative dwelling unit for rehabilitation and relocation of JJ dwellers. The Appellate authority will consist of the following :
 - i) Retired judge of the level of Additional District Judge;

- ii) Retried civil servant of level of Joint Secretary to Government of India;
 - iii) An expert member to be nominated by Vice Chairman, DDA; and
 - iv) Deputy Director, DDA to be nominated by Vice Chairman, DDA as convener.
- III) To accord approval for exercising the powers of CEO, DUSIB in DUSIB Policy with regard to determination of eligibility of JJ dwellers and Standard Operating Protocol for Appellate Authority by VC, DDA for Kathputli Colony in-situ Development Project and other in-situ development projects of DDA.
- IV) To accord approval for not reopening the appeals already allowed/rejected by the Appellate Authority and accepted by the then Principal Commissioner (Housing/PMAY) and Commissioner (Pers./Housing).

RESOLUTION

The proposal contained in the agenda item was approved.

ITEM NO. 33/2017

Subject: - Earmarking available built up EWS flats for allotment to the squatters of Kathputli Colony and adoption of JJ Rehabilitation and Relocation Policy & Protocol for removal of Jhuggies and JJ Bastis on DDA Land.

F: NO/11/KPC/DDA

Background:

1. DDA's approximately 5.2 Hac. of land situated near Shadipur Depot of West Delhi is under encroachment by various Slum & JJ Dwellers for about more than 40 years. After notification of the MPD 2021 in 2007, DDA conceived the idea of launching in-situ redevelopment of this colony in Public Private Partnership mode as a pilot project and accordingly floated the tender enquiry in 2008 for this purpose. Out of the 8 participating developer entities, M/s Raheja Developers Pvt. Ltd. succeeded in getting the contract. Development Agreement was signed with the M/s Raheja Developers Pvt. Ltd. by the Engineering Department of West Zone of the DDA in September, 2009.
2. The Development Agreement/Project, inter-alia, envisages construction of 2800 EWS flats/dwelling units for rehabilitation of 2800 families and construction of 2800 EWS temporary porta cabin units at Transit Camp on DDA's land at Anand Parbat by the developer for shifting of the JJ dwellers from Kathputli Colony, to facilitate construction activities at the given site, by the Developer Entity.

Impediments in shifting process:

3. In 2010-11, 2641 squatting families were identified by the survey teams of the DDA. The shifting process of dwellers from Kathputli Colony to Transit Camp at Anand Parbat was started in February 2014 and by the end of July 2014, 527 families shifted to the Transit Camp at Anand Parbat. On account of operation of code of conduct due to 3 successive elections in Delhi, the process got discontinued.
4. The Authority approved the recommencement of the process as per Agenda Item dated 18.11.2016 & approved to allow to consider remaining dwellers whose names do not appear in the survey list or are left out inadvertently but have requisite documents and fulfil the eligibility criteria as per guidelines issued on 02.07.2014 (Annexure- I) in addition to 2641 families without effecting any change in policy guidelines, requisite documents, court directions etc. after accepting/ verifying their documents now and after adequate police support is ensured.
5. After the approval of the Authority, the shifting process was restarted on 19th December, 2016. The adequate police personnel were deployed at the site by the Delhi police to facilitate peaceful shifting of the families and also to maintain law and order situation. Till 30th June, 2017, 828 additional families have shifted to the Transit Camp bringing the total number at 1355. About 1/3rd demolition works has been completed so far and about 4 acres of land reclaimed.

6. Various communities / samajs squatting at Kathputli Colony also raised their demands from time to time to include the squatting families, who were left out in earlier survey & were eligible before 30.1.2011 or who came to squat in Kathputli Colony thereafter.
7. A draft policy for rehabilitation of JJ colonies was promulgated by DUSIB / GNCTD and submitted to Govt. of India for approval. The MOUD / HUPA approved the cut-off date for identification of beneficiaries as on 1.1.2015 as provided in the policy. The amount to be charged from each beneficiary would be @ Rs.1,12,000/- and an amount of Rs.30,000/- as maintenance charges for a period of 5 years. Accordingly, the Authority approved on 10-02-2017 adopting the same cut-off date i.e. 1.1.2015 for Kathputli Colony and also resolved as under:
 - i. DDA is allowed to identify/verify the additional eligible squatting families at Kathputli Colony as per the DUSIB Policy, as approved by MOUD/HUPA.
 - ii. DDA is allowed to consider them under the scheme during the process of shifting them to the Transit Camp or in the built up EWS housing of the DDA elsewhere.
 - iii. The Policy regarding accommodating the additional slum dweller for rehabilitation to be formulated by DDA and brought before the Authority.

Additional dwellers /families who became eligible as per revised norms

8. Initially when survey was conducted in 2010-11, a list of 2641 dwellers was uploaded on DDA's website and declared as eligible dwellers. On the directions of Hon'ble High Court of Delhi, the documents of 1203 additional claimants were received in 2014 and the same was examined and it was found that only 89 claimants have submitted the requisite documents. The claims of remaining dwellers could not be finalized due to deficient documents with the squatters.
9. A provisional list of about 3800 dwellers including 2641 earlier identified beneficiaries has now been prepared on the basis of representations received from the squatters of Kathputli Colony with cut-off date 01.01.2015 and from the Pradhans of different Samajs, which is under scrutiny as per the guidelines/approved Policy/protocol. The process of preparation of verified list is targeted to be completed by 31st July, 2017 for which needful is being done including giving advertisement in the newspapers and pasting notices at the doors of jhuggies & public announcement. **(Annexure- II)**

Creation of additional dwelling units at Kathputli Colony or elsewhere:

10. For complete rehabilitation of Kathputli Colony squatters, an additional number of about 1000 flats will be required which is beyond the scope of Development Agreement. It may therefore be considered that such 1000 families may be shifted to DDA's newly constructed EWS housing pockets at Narela. As informed by Engineering Department, construction of 1860 EWS flats is about to be completed and the flats will become available for allotment to dwellers including the eligible additional beneficiaries of Kathputli Colony as per DDA's policy, by the end of July, 2017. **(Annexure- III)**

11. It has been considered that the requisite number of flats at Narela may be considered for being utilized and offered to the squatters of Kathputli Colony in order to accommodate the additional beneficiaries with the approval of Competent Authority. It is desired that the slum dwellers who became eligible beneficiaries of the in-situ rehabilitation before 31-01-2011 will be accommodated in the flats to be constructed at Kathputli Colony Project site and in order of their squatting seniority at the site. The squatters who become eligible subsequently or on account of change of Cut-Off date and who may not be accommodated at Kathputli Colony Project site but identified as eligible beneficiaries in the ongoing survey, will be rehabilitated in the DDA's fresh EWS Housing Project at Narela, the construction of which is about to be completed in all respects as stated above. The survey of left out / additional families is in progress as per the prescribed norms after wide publicity at site and through the New papers (**Annexure-IV**) so that no eligible beneficiary is left out.

12. The Finance Wing of DDA has worked out Total financial implication of 3800 flats including cost of 1000 flats to be allotted at G-2 & G-8 Narela is tabulated as under:- (**Annexure -V**)

Sl. No.	Particulars	In Lacs
1.	Cost of flat	14.94
2.	Cost of 1000 flats	14940
3.	Less beneficiary cost (1,12,000 x 3800)	4256
4.	less maintenance charges (30,000x3800)	1140
5.	Less upfront amount already paid by the developer entity	611
6.	Total Receipts (3+4+5)	6007
7.	Capitalized ground rent of 1000 flats	333
8.	Total financial implication	8600 (86Cr.)

13. As per the Agreement dated 04-09-2009 executed between M/s RDL and DDA only 2800 units are to be constructed at Kathputli Colony for the rehabilitation of J. J. dwellers at Kathputli Colony. In addition, M/s RDL had also agreed to construct 280 additional units without any financial implication on DDA, if vacant site at Kathputli Colony is made available to the Developer Entity by 30.6.2017. Now, in the meeting held in the Conference Hall of the Vice Chairman, DDA on 10th July, 2017, The Developer Entity agreed that if, the vacant site at Kathputli Colony is made available to the Developer by 31st August, 2017, they will construct 280 additional units without any financial implication on DDA subject that DDA shall facilitate the requisite clearances on fast track. (**Annexure- VI**)

14 (i) It was informed that while formulating the project, the density norms were 600 dwelling units per Hac. for the slum/EWS housing. Though the PDA does not highlight this figure but the number of dwelling units under the EWS category specified in the PDA as 2800 has been derived based on the above norms. These norms have been reviewed in the Master Plan and are currently as 900 dwelling units per Hac. Based on the current norms, the no. of dwelling units, which can be, provided it the site measuring 3.21 Hectare comes to 3821. As such, 1021 additional units can be constructed for EWS category.

(ii) The possibility of creating additional units i. e. 1021 by the Developer Entity at the allotted site was explored and was negated as the Layout Plan indicating the blocks is frozen in view of the approval of DUAC and due to non-availability of space for additional community facilities and Parking accruing out of creation of these dwelling units.

14.(iii) It was decided that an adjacent pocket, which is under the ownership of DDA but due to its locational constraint cannot be developed for housing as a stand alone plot may be utilized for construction of an additional block. This land pocket measuring approx 2570 sqm. may be designed for EWS housing as a part of the overall scheme of Kathputli Project, only for the limited purpose of seeking approvals from the various Authorities. It was intimated that approx 345 units can be constructed in this additional block with a height of 15 floors and stilts, keeping the design in sync with the adjoining blocks. This additional block would be constructed by DDA itself. (Annexure- VII)

15. PROPOSAL:

The proposal is accordingly placed before the Authority to accord approval on the following:-

- i. To allow DDA to allot about 1000 newly constructed EWS houses at Narela to the squatters of Kathputli Colony who have become eligible under the revised norms as explained in para 11.
- ii. To allow DDA to charge cost of these EWS/ORT flats of Narela as approved by MOUD and the Authority @ Rs. 1,12,000/- per flat as per latest DUSIB guidelines and an amount of Rs.30,000/- as maintenance charges for a period of 5 years.
- iii. To allow DDA to adopt the policy for rehabilitation of JJ colonies as promulgated by DUSIB, GNCTD and also approved by Govt. of India, MoUD/HUPA in respect of cut off date, rates to be charged from the prospective beneficiaries under Kathputli Colony and others Project of the DDA, guidelines, Protocol to be adopted for identification of beneficiaries & removal/shifting of JJ clusters. Copy of the policy and guidelines placed at Annexure-VIII and Protocol for removal of Jhuggies and JJ Basti is placed at Annexure-IX.

DDA may also be allowed to complete the process of shifting of dwellers to the Transit Camp / the EWS dwelling units at G2 & G8 Block at Narela in a time bound manner, with adequate and effective administrative and Police support at site, in compliance with the letter and spirit of Section 10 of the DUSIB Act.

- As per calculations of the Finance Wing, the financial implication for allotting DDA's 1000 EWS flats constructed at Narela to the additional number of squatter of Kathputli Colony, would be approximately 86 Cr. This has happened on the account of change in the cut off date for identifying the beneficiaries as well as DDA's commitment under Pradhan Mantri Awas Yojana to relocate all the squatters under the re-development/ rehabilitation project and also on account of delay occurred for various reasons in implementing the first PPP project of the DDA, one time financial burden on the exchequer of DDA may be borne by the DDA as part of its responsibility for creating Housing for all in the city.
- v. Developer Entity may be allowed to construct additional 280 dwelling units under EWS category without any financial implication on DDA and without any bearing/alteration in the terms & conditions of the Project Development Agreement. This provision is being done based on the offer by the Developer on voluntary basis subject to DDA's giving the vacant possession of site and facilitating all requisite clearances on fast track by 31st August, 2017.
- vi. DDA may also be allowed to construct an additional block for approximately 345 EWS housing units on its land adjoining the site. The units accruing out of this Block and the additional units being provided by the Developer Entity on voluntary basis be utilized by DDA as per its requirements.

RESOLUTION

"The proposal contained in the agenda item alongwith modifications contained in the addendum to the agenda item laid on the Table was approved."

Attested Copy

15-11-17

**DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE DIRECTOR (KATHPUTLI COLONY)**

No. PS/PC/DDA/2013/H-1/PL II/48

Dated: 27/1/14

ORDER

In supercession of all earlier orders issued by the concerned nodal officers of Kathputli Colony, the following instructions are issued for determining the eligibility and shifting of JJ dwellers from Kathputli Slum colony at Shadipur to transit Camp at Anand Rabat and finally at re-built Kathputli colony.

1. The instructions issued by DUSIB vide Order No. F.10(7)UD/DUSIB/2011/Vol-1/2350 dated 25.02.13 and subsequent instructions issued by the DUSIB in this regard may be used for determining the eligibility with the following modifications:-
 - a) The cut of date will be the last month of the survey conducted at Kathputli colony by Land Management Department that is 31st January 2011.
 - b) The JJ dwellers living on upper floors will also be eligible as per Order No. PS/PC/2013/DDA/H-1/40-N dated 25.02.14 provided they meet the other requirements. The independent families that are husband and wife etc. living separately from their parents either in some other Juggies or at upper floor will also be eligible provided they meet the other eligibility criteria as per the aforesaid order of DUSIB.
 - c) The competent authority wherever CEO, DUSIB is mentioned will be EC(LD) or CLM in the DDA.
 - d) The cases of minor mistakes/variations in the name(s) and/or address(s) of the slum/JJ dweller/beneficiary may be accepted on the basis of documentation and photograph/videograph available on record.
2. The list of 2641 JJ dwellers published on the website of DDA will be the primary list for authentication of JJ dwellers. The eligibility will be decided as explained in Para 1.
3. It has been reported that some of the files that is about 10 files regarding original survey are missing/not traceable. In such type of cases, the duplicate files may be prepared from the available record and re-survey may be done and the authenticity of the JJ dwellers may be confirmed from the videos/photographs available from the records. These files can be considered for registration of JJ dwellers and for rehabilitation after the approval of Dy. Director (LM) WZ.

The ration card will not be compulsory document as per DUSIB Order dated 25.02.13. However, one ration card may be used for one family only and in case name of more than one family is recorded in the ration card then other document as envisaged in order dated 25.02.13 para 7(b) should be taken to determine eligibility of other claimants.

*Ravichandran
C. Govind*

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5. The photograph of entire family and biometric details of husband and wife must be taken. If possible, the biometric details of other family members may also be captured. In case, either of spouse is missing then an undertaking on plain paper must be taken before allowing registration.
6. The demolition slip can be issued either at transit camp or at Kathpalli colony. Prior to registration of JJ dwellers at transit camp, the original file should be retrieved and checked. If the details of family matches with record available on file and signature of survey team headed by Assistant Director are here, the process of registration should be started, otherwise re-survey may be ordered. In case of doubt or dispute also re-survey may be done.
7. If the photograph of some of the members of the family is not recorded earlier and there are some minor deviations, then such type of case can be considered with the approval of concerned Asstt. Director looking after registration. In case of doubt re-survey may be ordered by concerned Asstt. Director. In case of Jhuggis classified under locked, religious, commercial, no documents case, etc. re-survey work may be undertaken only in respect of cases where application have been received. These cases will be examined as per present guidelines and if eligible then with the approval of either Dy. Director (LM) WZ or Director (KPC), Nodal Officer, be considered for rehabilitation.
8. In case husband and wife, are living separately in two Jhuggis and they have been allotted two separate survey numbers such cases can be considered for separate rehabilitation provided they have been officially divorced, the divorce petition is pending in the Court or it can be shown to the satisfaction of the Dy. Director (LM) WZ/Director (KPC) that they are living separately as per their personal laws etc, otherwise claim of one of them preferably of the husband may be rejected.
9. The verification of documents submitted by JJ dwellers from the Issuing authority may be undertaken in the phased manner and JJ dwellers may be shifted to transit camp at Anand Parbat without insisting on verification of documents from issuing authority. However, a line may be recorded in the registration form that in case the documents submitted by the JJ dwellers are found fake, bogus etc. his case for rehabilitation will be rejected and be liable for eviction without rehabilitation.

The originals must be got verified in due course of time before actual allotment of flats to the JJ dwellers.
10. The prime responsibility for determining the eligibility of the JJ dweller will rest on the officials of LM(WZ) as per the Order No. PS(LD)-DDA-2014/156-N dated 20th June 2014 and Dy. Director (LM) WZ can appoint necessary staff in this regard.

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11. The prime responsibility for registration of the JJ dwellers will rest with Shri. Sharad Kumar, Dy. Director (LM) NZ and he can depute necessary staff in this regard.

12. The re-survey work of JJ dwellers whose applications has been received in pursuance of the orders of the Hon'ble High Court may be undertaken w.e.f. 13 July 2014 and Dy. Director (LM) WZ and Director (Kathputli colony) to appoint necessary teams for this work.

The cases which are completely fresh i.e. whose name does not exist in the original survey, one additional document (as envisaged in para 7 of guidelines dated 25.02.13 issued by DUSIB) issued during the period 01.01.10 to 31.01.11 or any documents showing the stay of JJ dwellers during the period will be taken for determining the eligibility of JJ Dwellers.

13. In respect of JJ dwellers whose names is not included in the list of 2641 dwellers published on the website of DDA will not be considered for rehabilitation unless a proper re-survey of these cases have been done and the case has been specifically approved by the Dy. Director (LM) WZ or Director (Kathputli colony).

14. With the issuance of aforesaid instructions, the Office Order No. PS/Dir.(EWS)/DDA/8 dated 06.03.14, 7(90)13-LMMWZ/Pt./2 dated 25.02.14, PS/PC/2013/DDA/H-1/40N dated 25.02.14, 7(90)13-LMMWZ/Pt./1 dated 25.02.14, PS/Director (EWS)/DDA dated 04.03.14, PS/Director (EWS)/DDA/6 dated 05.03.14, PS/Dir.(EWS)/DDA/14 dated 10.03.14, PS/Dir. (EWS)/DDA/9 dated 06.03.14, PS/Dir.(EWS)/DDA/11 dated 07.03.14, F.7(90)13-LMMWZ/Pt./5 dated 01.03.14 and 01.03.14 and office orders issued by Shri Sharat Kumar, Dy. Director (LM), Nodal Officer (Kathputli Colony) stands superceded.

15. The procedure regarding issuance of demolition slip/registration of JJ dwellers etc may be devised by Director (Kathputli colony) and necessary instructions can be issued.

16. All the cases which have already been considered for rehabilitation may be re-examined in light of the aforesaid instructions and in case of any deviation, necessary additional proof may be taken from the JJ dwellers and if still some case is not covered under the aforesaid guidelines, such case may be submitted to the PC(LD) for taking further necessary action.

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U.S.H.

17. The Jhuggis of JJ dwellers who have shifted to transit camp should be demolished and necessary men and machinery will be provided by Dy. Director (LM) NZ.

Encl: Guidelines dated 25.02.13
Issued by DUSIB

MCC
(Balvinder Kumar)
Vice-Chairman, DDA

Copy to:-

1. PC(LD)
2. PC(LM)
3. CEM
4. Director (Nodal Officer) KC
5. DD, LM(NZ)
6. DD, LM(WZ)

MCC
(Balvinder Kumar)
Vice-Chairman, DDA

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b/c

25/02/13
G. E. O. (DUBB)
N.C.T. of Delhi

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF URBAN DEVELOPMENT
8TH LEVEL, 'C' WING, DELHI SECRETARIAT, NEW DELHI

No.F.38(7)/UD/DUBB/2011/Vol-I 235-0

Date: 25/02/2013

ORDER

Relocation and rehabilitation of the JJ dwellers has been the priority of the Govt. of NCT of Delhi for quite some time. With the launch of Jawaharlal Nehru Urban Renewal Mission (JNNURM) by the Government of India financial assistance was given to the GNCTD for construction of flats under this scheme for urban poor. Standard flats of approximately 25 sq. meters carpet area (and 32 sq. meters plinth area) have been constructed for this purpose and are now ready for allotment. A number of guidelines were issued by the GNCTD from time to time for regulating the matter of allotment of these flats like determining criteria of eligibility, prescribing procedures for publicizing and identifying beneficiaries, enumerating the documents for verification, determining the quantum of contribution from beneficiaries, land owning agencies and the government, prescribing the nature and extent of tenurial rights after allotment etc. However since sufficient number of persons did not become eligible for allotment as per the strict criteria and procedures in the guidelines and because of some court rulings, the government decided to constitute a Group of Ministers (GoM) to examine the existing guidelines and suggest appropriate modifications. After careful consideration of the report submitted by the GoM, the Lt. Governor of the Government of National Capital Territory of Delhi is pleased to issue the following guidelines, which will supersede all previous guidelines and modifications thereof.

By Order



Project Officer (BSUP)

Department of Urban Development

22-03-11
Dist/6
USZ
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Guidelines for implementation of the Scheme for relocation/rehabilitation and allotment of flats to the Jhuggi Jhopri dwellers under JNNURM-2013.

1. The Delhi Urban Shelter Improvement Board (DUSIB) will be the Nodal Agency for relocation/ rehabilitation of JJ clusters in respect of the lands belonging to MCD and Delhi Government and its Departments/Agencies. In case JJ colonies existing in lands belonging to Central Government/Agencies like Railways, Delhi Development Authority, Land & Development Office, Delhi Cantonment Board, New Delhi Municipal Council, etc. the respective agency may either carry out the relocation/rehabilitation themselves as per the policy of the Delhi Government or may entrust the job to the DUSIB.

2. The DUSIB will initiate the process of notification of those 'Jhuggi Jhopri bastis' which satisfies the conditions as given in Section 2(g) of the Delhi Urban Shelter Improvement Board, Act, 2010.

3. The DUSIB will carry out the survey of Jhuggi Jhopri bastis as per section 9 of the Act and in such surveys will follow the procedure as given below:

- (a) DUSIB shall post a notice regarding conduct of survey at least four weeks in advance at conspicuous places in the JJ Clusters and public announcement should be made through mass communication media like loud speakers and/or beating of drums etc. from the date of issue of notice on regular basis till the completion of survey, in order to ensure that all the Jhuggi dwellers be informed about the survey being carried out by the DUSIB/Govt./any authorized person/ agency by the DUSIB.
- (b) After four weeks of notice period, the joint-survey may be conducted by DUSIB so as to ensure that no genuine JJ cluster dweller is left out of the joint survey. However, in exceptional circumstances the above said notice period can be relaxed by DUSIB.
- (c) The survey team has to ensure that the names of JJ cluster dweller and his/her family member who are actually residing in the said Jhuggi (whether they are occupying the Jhuggi themselves or occupying the Jhuggi on rental basis), should be incorporated in the survey list. After the preparation of survey report JJ Cluster dwellers may be asked to submit the documents in support of their claim within 21 days.
- (d) In addition to the above prescribed procedure if any genuine case(s) is/are still left-out, then the CRO, DUSIB may consider the same as per individual merits of the case.

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For any person to become eligible for allotment under these guidelines, he/she should satisfy the following eligibility criteria and will be further subject to the conditions and procedures as under:

- (i) The JJ dweller must be a citizen of India and not less than 18 years of age;
- (ii) The JJ dweller should have been occupying the Jhuggi on or before 4.6.2009 i.e. the date of announcement of RAY by Government of India;
- (iii) The JJ dweller cannot claim the allotment of a flat as a matter of right;
- (iv) The name of the JJ dweller should figure in the joint survey conducted by Slum & JJ Dept./ DUSIB with the representative of Land Owning Agency. Based on the joint survey and verification of documents, eligibility list will be prepared by the eligibility determination committee to be constituted by CEO, DUSIB;
- (v) The JJ dweller will be entitled for one residential flat only, even if he/she is occupying more than one jhuggi;
- (vi) No flat shall be allotted if the jhuggi is used for commercial purpose;
- (vii) The jhuggi being used for both residential and commercial purpose can be considered for allotment of one residential flat only. In case, the ground floor of the jhuggi is being used for commercial purpose and other floors for residential purpose that will entitle the JJ dweller for one residential flat only, if such commercial and residential parts are occupied by the same person;
- (viii) In case of multi-storied jhuggi occupied by the same person or different persons for residential purpose, the allotment will be considered to the occupant of ground floor only.
- (ix) Allotment will be made in the joint-name of the husband and wife occupying the jhuggi, biometrics along with photos of both husband and wife and members of family will be prepared and maintained by Delhi Urban Shelter Improvement Board;
- (x) The flats to the eligible slum dwellers will be allotted initially on lease hold basis for 15 years and converted to freehold thereafter for which modalities will be worked out by the Delhi Urban Shelter Improvement Board (DUSIB) and Government's approval obtained;
- (xi) The lessee shall use the flat for residential purpose only;
- (xii) Neither allottee nor any of his/her family member(s) should own any plot/pucca house, full or part in Delhi;
- (xiii) The allottee shall abide by the terms and conditions of the allotment/lease deed of flat and shall pay the ground rent as to be determined by the Delhi Urban Shelter Improvement Board;
- (xiv) The Delhi Urban Shelter Improvement Board has the right to cancel allotment of the flat and to take over the possession of such flat in case the stipulated terms and conditions are violated by the allottee. In such event, such allottee

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cannot claim any compensation whatsoever and such allottee shall handover the peaceful possession of the flat to the Lessor/DUSIB;

(iv) In case it is discovered that the allotment has been procured by misrepresentation, suppression of facts or fraud and producing fake documents, etc., the allotment shall stand cancelled and possession of the flat shall vest with the Delhi Urban Shelter Improvement Board without paying any compensation to the allottee, this shall be without any prejudice to any criminal action called for;

(v) Before allotment of a flat, the beneficiary shall have to file an affidavit duly verified by a First Class Magistrate /Notary Public specifying the above eligibility conditions. The photograph of the beneficiary (wife and husband together) should be pasted on the affidavit duly verified by the First Class Magistrate /Notary Public.

These Jhuggi dwellers, who have come after the cut of date i.e. 4.6.2009, who do not have sufficient proof/documents of eligibility and is not covered by the eligibility norms and who have rented out/sold out the Jhuggi and not in a possession of Jhuggi at the time of removal. No allotment would be done against vacant /demolished / unoccupied Jhuggi at the time of survey and no Jhuggi dwellers once allotted plot / flat will not be eligible for future allotment.

6. The Chief Executive Officer (CEO) of the DUSIB is authorized to constitute scrutiny/eligibility determination committee comprising of officer(s) of DUSIB, the concerned ERO/AERO or any authorized officer(s) nominated by District Election Officer and officer(s) of the Land Owning Agency to determine the eligibility of slum/JJ dwellers. CEO, DUSIB is also authorized to devise any suitable mechanism/procedure and/or to modify/reconstitute the scrutiny/eligibility determination committee as per the exigencies of the work.

7. In order to ensure that no eligible JJ dweller (s) is left out from the Rehabilitation Scheme, the following documents will be considered for the purpose of proof of residence:

- a. The name of the JJ dweller should be in the list of electors maintained by the Office of the Chief Electoral Officer as per the instructions of the Election Commission of India on or before the proposed cut off date i.e 4.6.2009 and also in the year of survey;
- b. In addition to above the JJ dweller shall submit any one of the following documents, issued on or before 4.6.2009 to substantiate the proof of residence:
 - (i) Passport
 - (ii) Ration Card with photograph

- 383
- (iii) Driving Licence
 - (iv) Identity Card/Smart Card with photograph issued by State/Central Government and/or its autonomous bodies/agencies like PSU/Local bodies.
 - (v) Passbooks issued by public sector Bank/Post Office with photograph.
 - (vi) SC/ST/OBC Certificate issued by the Competent Authority with photograph.
 - (vii) Pension document with photograph, such as Ex-servicemen's Pension Book, Pension payment order, Ex-servicemen's widow/dependents certificate, old age pension order or widow pension order.
 - (viii) Freedom fighter's identity card with photograph.
 - (ix) Certificate of physically handicapped with photograph issued by Competent Authority.
 - (x) Health Insurance Scheme Smart Cards with photograph (Ministry of Labour's Scheme).
 - (xi) Identity Card with photograph issued in the name of the descendants of the slum/JJ dweller from a Government School.
 - (xii) The JJ cluster dweller shall have to file an affidavit duly sworn before the Notary Public about the authenticity and veracity of the documents submitted by him/her.

In the case of minor legal heirs the above said prescribed documents/requirement can be relaxed by the CEO, DUSII. In addition to above prescribed procedure, if any genuine case(s) is/are still left out, then the CEO, DUSII may decide the genuineness of the same on case to case basis.

8. To have uniformity in the allotment of the dwelling units available for allotment as on date, the Land Owning Agency's contribution may be kept as Rs. 1,50,000/- per eligible beneficiary and the cost of the dwelling units may be shared equally by the State Government and the beneficiary after deduction of Central Government share from the actual cost of the dwelling unit. In case of in situ development, the eligible beneficiary will have to pay the land owning agency share in addition to the beneficiary share.

9. The rehabilitation/relocation of JJ clusters shall be started without waiting for the receipt of Land Owning Agencies contributions from the Delhi Government Departments and/or its autonomous bodies/Public Sector Undertakings and the shortage of funds on accounts of this can be met out from the funds given by Government to the implementing agency. After the removal of JJ clusters, the said land may be handed over to the Land Owning Agency and the process for recovery of the Land Owning Agency contribution may be carried out simultaneously. However, in

cases where the land owner is a Government of India Department/Agency, the cluster may be removed only after receipt of the Land Owning Agency contribution.

10. The entire relocation/rehabilitation of JJ clusters shall be treated as a public project under JNNURM/RAY, under The National Capital Territory of Delhi Laws (Special Provisions) Act, 2011.

11. DUSIB will utilise the Aadhaar/UIDAI Card data of the JJ dweller for biometric authentication. However, in case Aadhaar/UIDAI Card data is not available, then DUSIB may authenticate the JJ dweller through its own bio-metric process. Aadhaar/UIDAI/DUSIB bio-metric identity card data of each member(s) of the JJ dwellers family shall be kept in record for reference. However, production of UID/EID No. of the beneficiary will be compulsory before handing over the possession of the flat.

12. In the case of a JJ cluster dweller expiring after the date of survey, the widow/widower becomes eligible for allotment under the Scheme. However, where the JJ dweller and his/her spouse dies after the conduct of survey, the legal heir(s) who have been actually residing in the said jhuggi shall be eligible to avail the benefits under the Scheme; in order to remove hardship to the family of deceased beneficiary.

13. DUSIB shall refer specific complaint(s), if any, pertaining to foreign nationals case(s) to Delhi Police for verification and to consider remaining cases by taking an affidavit from the beneficiary regarding his/her details of permanent address and also a declaration to the effect that he/she is a bonafide citizen of India.

14. The cases of minor mistakes/variations in the name(s) and/or address(s) of the slum/JJ dweller/beneficiary would be decided by the CEO, DUSIB, on the basis of documentation and verification.

15. Allotment of flats to the identified and selected eligible JJ dwellers will be made by computerized draw of flats by the DUSIB. Possession of the flats will be handed over to the eligible JJ dwellers by the DUSIB as per the terms and conditions.

16. The work of maintenance of flats will be the responsibility of the construction agency (DSIIDC/DUSIB) for a minimum period of five years from the date of allotment and, thereafter, the property will be transferred to the Nodal Agency/local body or RWA for maintenance. Maintenance charges as may be decided will be recovered from the allottees on sharing basis and will be deposited in the "Estate Management Fund" to be operated by the construction agency concerned.

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DUSIB will assist those beneficiaries who are not able to arrange the beneficiary contribution to avail loans from banks / financial institutions. However, in case of default in payments by the beneficiary, cooperative societies will have the right to cancel the allotment and allot the flat to some other eligible dweller.

In case of such beneficiaries financial assistance will be provided to meet the total amount of beneficiary contribution required under the relocation scheme as per the procedure prescribed vide Cabinet Decision No. 1610 dated 19.9.2010 including in situ re-employment.

In addition to above prescribed procedure, if any of the cases which are still left with commitments or additional documents, if any, to decide the eligibility of the applicant in these cases may be decided by CEO, DUSIB.

The benefit of these guidelines will apply to the following eight JJ clusters namely (a) Cement Godown Motilal Nagar, (b) G. Pong, Gole Market, (c) Pkt. 5 near Dhuli Chai, DDU Marg (d) Bengal Camp at Kalyal Nagar, (e) Mandir Gall, C-11 Block, Karam Pura, (f) Shiv Camp near Sotdayung Airport, (g) Cluster near Dharti Nagar, (h) Khas Market, and (i) Aylur Das Camp, East Kalyal Nagar, which have already been allocated by DUSIB as per the policy guidelines issued vide order dated 19.2.2010 and its subsequent amendments. However, the financial during pattern in these cases would be as per order dated 19.3.2010.

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Sub-: Current status report reg. identification of beneficiaries of Kathputli Colony.

In 2010 Survey teams were constituted by LM Deptt for door to door survey of Kathputli Colony JJ Cluster was conducted. Total 3041 structures were existed at site at that time. The 2641 families identified who submitted requisite documents in support of their eligibility. The survey list uploaded on DDA web site and also displayed at Notice board at Transit Camp, Anand Parbat.

Shifting process commenced from 25.02.2014 and upto July 2014 about 527 families were shifted from JJ Kathputli colony to Transit Camp Anand Parbat.

In Compliance to the order of the Hon'ble High Court of Delhi, Wide publicity was made for inviting applications for re-survey was begin w.e.f.13 July 2014 and re-survey work was completed by month of Sept 2014 and 1203 application were received, but the list of additional beneficiaries could not be finalized.

After the approval of the Authority, the shifting process was restarted on 19th December, 2016. Spot assessment was made to include name of the JJ dwellers whose names do not appear in the survey list and about 355 new names have been included in the survey list in current drive till date, subject to verification of documents.

Door to door, assessment was also made during current drive but has not been completed so far because of opposition by some vested/ local interests.

Till 15th July, 2017, total 1555 demolition slips have been issued to the JJ dweller, 840 families in current drive have shifted to the Transit Camp bringing the total number at 1366. About 1100 jhuggis have been demolished and about 4 acres of land reclaimed and about 2000 sq mt land handed over to Developer Entity for construction of flats.

A provisional list of about 3800 dwellers including 2641 earlier identified beneficiaries has now been prepared on the basis of representations received from the squatters of Kathputli Colony with cut-off date 01.01.2015 and from the Pradhans of different Samajs, which is under scrutiny as per the guidelines/approved Policy/protocol. The process of preparation of verified list is targeted to be completed by 31st July, 2017 for which needful is being done including giving advertisement in the newspapers and pasting notices at the doors of jhuggies & public announcements.

A public notice was published on 06.07.2017 in different newspapers giving the last opportunity to the dwellers of Kathputli Colony for

submission of documents within seven days. Date of submission of documents is further extended upto 25th July, 2017.

In response to the notice, till date total 1272 applications have been received by the department from the dwellers. The department will prepare a list of eligible squatters after 25th July, 2017 after the last date of submission of documents is over. The work is in process & likely to be completed by 31.07.2017.

To ensure transparency and genuineness, the verification of the documents are being made through Election Commission of India and other issuing Authorities, besides display of the lists in the colony at various sites and also seeking confirmation from the Pradhans and other volunteers of the colony.

The financial implication of the proposal have already been indicated in the proposal after due consultation with the Finance Deptt. of DDA.

Reply submitted by Engineering wing on Para-2

1. Flats are ready in all respect.
2. Alternative arrangement for water supply through the tanker has been made till the regular water through the pipe line is made.
3. Sewer line is available.
4. Road network is available.

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ANNEXURE-V

The plinth area of the 1000 flats to be allotted at G-2 G-8 Narela ranges between 33.290 sq.mtr. to 33.854 sq.mtr. The total cost of a flat measuring 33.854 sq.mtr. has been worked out to Rs.14.94 lacs (appx.) which includes cost of land amounting to Rs.2,77,603/-. The total cost of 1000 flats at G-2 G-8, Narela has been works out to Rs.149.40 Crores appx. After deducting the beneficiary cost of 4080 flats @ Rs.1,12,00 and cost of maintenance charges @ Rs.30,000/- per flat for 4080 flats, the total financial implication for 4080 flats would be Rs.9146.40 lacs. After deducting the amount of Rs.611/ lacs (paid by the Developer Entity as upfront amount). And loss of the revenue on account of capitalized ground rent amounting to Rs.333 lacs, the net financial implication would be Rs.8868.40 lacs. An administrative decision for charging of cost of capitalized ground rent and conversion charges may be taken by Housing Management Wing.

Total financial implication of 4080 flats including cost of 1000 flats to be allotted at G-2, G-8 Narela is tabulated as under :-

Sl. No.	Particulars		In Lacs
1.	Cost of each flat	=	14.94
2.	Cost of 1000 flats	=	14940
3.	Less Beneficiary cost (1,12,000X4080)	=	4569.60
4.	Less Maintenance charges (30,000X4080)	=	1224.00
5.	Less upfront amount already paid by the developer entity	=	611.00
6.	Total Receipts (3+4+5)	=	6404.60
7.	Capitalized ground rent of 1000 flats	=	333.00
8.	Total financial implication (2-6)	=	8868.400 (88.68 Crore)

The total financial implication of 4080 flats would works out to Rs. 88.68 crores.

AO(HAC)

Dy. FA(H)I

FA(H)

25/5
AAO(HAC)

File No. 4236A
 Date 12/7/17

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 22.06.17
 14/7/17

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 18/7/2017
 H.O. / 101C
 D.D.B.

Sh. Udai Pratap Singh, IAS
 Vice Chairman
 Delhi Development Authority
 Vikas Sadan, New Delhi

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 14/7/17

10 Jul 2017

Subject: Construction of additional 10% EWS in-situ DU's at Kathputli Colony by Developer

Dear Sir,

Kindly refer the meeting on 10 July 2017 under the chairmanship of Vice Chairman and in attendance by Principal Commissioner (H & LD), Engineer Member, Finance Member and other DDA officials. As deliberated during the meeting, the offer for construction of additional 10% EWS in-situ DU's which was valid till 30 Jun 2017 subject to handover of complete 5.22 hectare site of Kathputli Colony, is now extended till 31 Aug 2017.

We humbly request you that the Developer is financially stressed beyond acceptable levels due to this inordinate delay and this revised date is with the hope that DDA will hand over the site by due date so that the recurring cost of maintenance and cost of capital, does not prolong beyond this revised date.

We also request that in order to avail this additional 10% EWS in-situ DU's, DDA Planning Architecture division and Building Section DDA needs to clear the 3080 EWS in-situ DU's instead of the earlier approved 2800 DU's as per PDA dated 04.09.2009, the plans for which have already got In-principle approval from Environment, Fire, Airport Authority, DUAC, etc.

A fast track coordinated approval process would be required so that the project execution timelines can be maintained.

Regards,
 For and on Behalf of
 Raheja Developers Ltd.

Lalit Kapoor
 Lalit Kapoor

- CC:
- PC (H&LD), DDA: For information
- Engineer Member, DDA: For information
- Finance Member, DDA: For information
- Commissioner Planning, DDA: For information
- Chief Engineer North, DDA: For information
- Director Building, DDA: For information
- Nodal Officer, DDA: For information

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RAHEJA DEVELOPERS LTD.

11/2017

Welcome to Rediffmail NG: Inbox.



www.rediffmail.com

Mailbox of pcdca@dda.org.in

ANNEXURE-VII

Subject: PROPOSED IN SITU DEVELOPMENT AT KATHPUTLI COLONY NEAR SHADIPUR DEPOT.

From: Kausar Firdos <sfarchnz@dda.org.in> on Tue, 18 Jul 2017 14:18:40

To: "pcdda" <pcdda@dda.org.in>

Cc: "manishugdda" <manishugdda@gmail.com>

1 attachment(s) - Kathputli_Rehabilitation_colony_In_Situ_schemz_18.07.2017.docx (12.09KB)

Sub: PROPOSED IN SITU DEVELOPMENT AT KATHPUTLI COLONY NEAR SHADIPUR DEPOT.

Please find enclosed herewith an attachment on the subject u/r.

Regards,

Kausar Firdos
SA(NZ)/HUPW

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