

**MINISTRY OF URBAN AFFAIRS AND
EMPLOYMENT**


(DEPARTMENT OF URBAN DEVELOPMENT)

ESTIMATES COMMITTEE

1998-99

FIFTH REPORT

TWELFTH LOK SABHA


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**SABHA SECRETARIAT
NEW DELHI**

FIFTH REPORT
ESTIMATES COMMITTEE
(1998-99)

(TWELFTH LOK SABHA)

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

*[Action Taken by Government on Recommendations contained in
Third Report of Estimates Committee (Eleventh Lok Sabha) on Ministry of
Urban Affairs and Employment (Department of Urban Development) —
Delhi Development Authority]*



Presented to Lok Sabha on 10.3.1999

**LOK SABHA SECRETARIAT
NEW DELHI**

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**CORRIGENDA TO THE FIFTH REPORT TO THE ESTIMATES COMMITTEE ON
MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT (DEPARTMENT OF
URBAN DEVELOPMENT) – DELHI DEVELOPMENT AUTHORITY.
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**COMPOSITION OF THE ESTIMATES COMMITTEE
(1998-99)**

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SECRETARIAT

1. Dr. A.K. Pandey — *Additional Secretary*
2. Shri K.L. Narang — *Director*
3. Shri Raj Shekhar Sharma — *Under Secretary*

INTRODUCTION

I, the Chairman of the Estimates Committee, having been authorised by the Committee to submit the Report on their behalf, present this Fifth Report on action taken by Government on the recommendations contained in the Third Report of the Estimates Committee (Eleventh Lok Sabha) on the Ministry of Urban Affairs and Employment (Department of Urban Development)—Delhi Development Authority.

2. The Third Report (Eleventh Lok Sabha) was presented to Lok Sabha on 19th March, 1997. Government furnished their replies indicating action taken on the recommendations contained in that Report on 3rd August, 1998. The Draft Report was considered and adopted by the Estimates Committee on 11th January, 1999.

3. The Report has been divided into the following Chapters:—

- I. Report
- II. Recommendations/Observations which have been accepted by Government;
- III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies;
- IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee; and
- V. Recommendations/Observations in respect of which final replies of Government are still awaited.

4. An analysis of action taken by Government on the recommendations contained in the Third Report of Estimates Committee (Eleventh Lok Sabha) is given in Appendix I. It would be observed therefrom that out of 76 observations/recommendations made in the Report, 52 recommendations i.e. 69% have been accepted by the Government and the Committee do not desire to pursue 20 recommendations i.e. 26% in view of the Government's replies. Replies of Government in respect of 4 recommendations i.e. 5% have not been accepted by the Committee.

NEW DELHI;
February 27, 1999

Phalgun 8, 1920 (Saka)

MADHUKAR SIRPOTDAR,
Chairman,
Estimates Committee.

CHAPTER I

This Report of the Committee deals with the action taken by Government on the recommendations contained in their Third Report (Eleventh Lok Sabha) on the Ministry of Urban Affairs and Employment (Department of Urban Development)—Delhi Development Authority.

1.2 The Committee's Third Report (Eleventh Lok Sabha) was presented to Lok Sabha on the 19th March, 1997. It contained 76 group of observations/recommendations. Action Taken Notes on all these observations/recommendations have been received from the Ministry of Urban Affairs and Employment (Department of Urban Development).

1.3 Replies to the observations and recommendations contained in the Report have broadly been categorised as under:—

- (i) Recommendations/Observations which have been accepted by Government:

Sl. Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 21, 22, 26 to 31, 33, 34, 35, 36, 37, 38, 39, 40, 42, 46A, 47, 50, 52, 53, 55, 57, 59, 60, 61, 63, 64, 65 and 66 to 75.

(Total 52, Chapter II)

- (ii) Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies:

Sl. Nos. 1, 11, 12, 13, 18, 19, 20, 23, 41, 43, 44, 45, 46, 48, 49, 51, 54, 56, 58 and 62.

(Total 20, Chapter III)

- (iii) Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee:

Sl. Nos. 17, 24, 25 and 32.

(Total 4, Chapter IV)

- (iv) Recommendations/Observations in respect of which final replies of Government are still awaited:

Nil

(Total Nil, Chapter V).

1.4 The Committee now deal with the action taken by Government on some of the recommendations.

Planned Development of Delhi—Allotment of Land for Slums Recommendation (Sl. No. 3, Para Nos. 1.24 and 1.25)

1.5 Primary objective of DDA is to promote and secure planned development of Delhi. The Committee observed that "spate of illegal and

unauthorised colonies have hampered the systematic and planned growth of Delhi..."

The Committee, therefore, desired that "necessary corrective measures be taken immediately to prevent the unabated growth of slums...."

1.6 In their reply to the recommendation, the Ministry have stated as follows:—

"It is correct that illegal and unauthorised colonies have hampered the systematic and planned growth of Delhi. According to GNCTD Survey (1990), there were 2,59,344 squatter households which are now estimated at 5 to 6 lakh families by the MCD Slum Wing. In this respect the following actions have been initiated:—

- (i) Protection of DDA land against encroachment and unauthorised construction. This includes regular demolition of unauthorised construction, fencing of land and accountability of Zonal and senior most officers for protection of lands.
- (ii) The DDA is also allotting lands to Slum Wing, MCD @ minimum 10% of residential area in various schemes. Further in housing schemes minimum 20% of the flats are planned for EWS and 20% for LIG categories."

1.7 According to GNCTD Survey of 1990 there were 2.59 lakh squatter households which are now estimated at 5 to 6 lakh families by the MCD Slum Wing. The Committee are informed that DDA is allotting lands to Slum Wing, MCD at a rate of minimum 10 per cent of residential area in various schemes. The Committee desire that this minimum percentage of allotment of land to MCD Slum Wing in residential areas in various schemes should be raised to 20 per cent for relocation of slum families.

Review of cases for enhancement of Compensation

Recommendation

(Sl. No. 17, Para No. 2.49)

1.8 To reduce litigation and payment of due compensation for acquisition of land, the Committee recommended as follows:

"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."

1.9 The Ministry in their action taken reply have stated as under:

“As stated in the reply of Recommendation No. 16, the Government has revised the compensation payable to the land owners. However, the process of litigation cannot be eliminated altogether.”

1.10 The Committee in their earlier Report had observed that “the farmers 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.” It is highly regrettable that Ministry of Urban Affairs and Employment have not taken any action on this recommendation. They have, in this connection, referred to their reply on implementation of the recommendation of the Committee raising land price for acquisition of land. These indicative prices for acquisition of land are effective from 1.4.1997. These prices are not applicable to acquisition of land prior to 1.4.1997. The Committee are happy to note that the Government of N.C.T. of Delhi has revised the indicative price of agricultural land for acquisition purpose from Rs. 4.65 lacs to Rs.10 lacs per acre w.e.f. 1.4.1997. The increase of land price for acquisition of land is more than double. This substantial increase itself speaks that prior to 1.4.1997, the farmers were not being paid just and fair compensation for acquisition of their land for DDA and that all the cases filed by farmers are not without any justification and substance. The Committee, therefore, feel that the Government should realise the futility of litigation arising due to inadequacy of compensation for acquisition of land and should cease fighting farmers, that too with Government money, who are going through trauma of being deprived of their means of livelihood.

The Committee would, therefore, reiterate their earlier recommendation 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 as also the criteria taken into consideration for enhancing market value of land for payment of compensation w.e.f. 1.4.1997 and end injustice and harassment to the farmers. The Committee would like to be apprised of the specific action taken by Government on this recommendation.

Realistic targets of Dwelling Units

Recommendation (Sl. No. 24, Para Nos. 4.6 to 4.11)

1.11 To look after the housing needs of the people in Delhi, the Committee *inter alia* recommended as follows:—

“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 jhuggies and jhompries having squatting population of 20 lakh living in filthy and unhygienic conditions in the capital city of Delhi.

The Committee feels 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.

The Committee, therefore, impresses 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."

1.12 The Ministry in their action taken reply have stated as follows:—

"So far DDA has been able to generate 10.25 lakh housing units which include about 2.50 lakh flats/DUs; 2.50 lakh plots; 2.50 lakh (JJ rehabilitation), 85,000 (Rohini) and 1.95 lakh housing units through Cooperative Societies (779 Cooperative Societies). DDA has allotted 60% of houses to low income group. In spite of massive housing provided by the DDA, there is a huge backlog which includes about 42,500 registrants for flats and 38,000 registrants for plots. In order to meet the backlog, DDA is accelerating housing development through greater involvement of Cooperative Group Housing Societies. DDA as a facilitator also allots developed land to CGHS. Efforts are also being made for timely availability of services, particularly water supply and power in the urban extension areas. Computerisation of house allotments and accounts and comprehensive housing management infrastructure system have been developed to streamline administration and management of housing.

Under the directions of MOUA&E dt. 29.1.97, DDA is providing 10% of residential land for Slum and JJ Rehabilitation and 20% of the flats shall be developed for EWS and another 20% for LIG categories.

The future plan for construction of houses to be taken up by the DDA during 1998-99 is about 11,000 dwelling units comprising of various categories which include 2000 MIG housing units and 8700 EWS/Janta housing units."

1.13 The Committee note that future plan for construction of houses to be taken up by DDA during 1998-99 is about 11,000 dwelling units comprising various categories which include 2000 MIG housing units and 8700 EWS/Janta housing units against the annual need of 80,000 to one lakh dwelling units. In order to meet the huge backlog, DDA is accelerating housing development through greater involvement of Cooperative Group Housing Societies (CGHS). However, the Government have not given details of how much backlog in dwelling units exist at present and how much backlog is proposed to be cleared through involvement of CGHS. Mere words do not suffice the purpose. Concrete action is the need of the hour if Delhi is to be saved from impending disaster of degraded and degenerated environment. DDA must gracefully admit their complete failure to meet the growing housing needs of the people in Delhi.

At present DDA is the only Government agency responsible for providing housing to general public in Delhi. The Committee feel that to meet the housing needs of the people in Delhi, the Government need participation of private sector to accelerate the pace of housing development. If necessary, Government should review existing policy framework/statutory provisions in the Delhi Development Act, 1957 for facilitating private sector participation in housing development for general public.

**Allotment of flats to Registrants of NPRS-79 and AAY-89 Schemes
Recommendation (Sl. No. 25, Para Nos. 4.26 to 4.29)**

1.14 Expressing dismay over abnormal delay in allotment of flats to Registrants of New Pattern Registration Scheme 1997 (NPRS-79) and Ambedkar Awas Yojana 1989 (AAY-89), the Committee expected concrete and expeditious action from the Ministry/DDA for allotment of flats to these registrants on priority.

1.15 The Ministry of Urban Affairs and Employment (Department of Urban Development) in their reply in this regard have stated *inter alia* as under:—

“Backlog of Registrants for allotment of MIG, LIG and Janta category flats is as under (as on 9.7.97):

Category of flat/Name of Scheme	MIG	LIG	Janta
New Pattern Registration Scheme—1979	10,097	17,231	Nil
Ambedkar Awas Yojana—1989	3,848	6,136	Nil
Janta Housing Registration Scheme—1996	—	—	16,333
Total:	13,945	23,367	16,333

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 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."

1.18 The Ministry in their reply on action taken on the recommendations have stated *inter alia* as follows:—

"In all around 2.8 lakh allotments have been made by DDA so far under various schemes. About 1.10 lakh flats have been allotted on Hire Purchase basis to eligible registrants of NPRS-79, Ambedkar Awas Yojna and Janta Housing Registration Scheme-1996 and Expandable Housing Scheme-1996, out of which about 81,000 are defaulting allottees. The Accounts of these allotments are on computer. The position of amount recovered in respect of outstanding monthly instalments is shown as under:—

Year	Recovery effected	Arrears outstanding in r/o instalments (Figures in crores of Rs.)
1991-92	37.00	160.26
1992-93	30.86	196.18
1993-94	32.97	262.37
1994-95	38.02	341.66
1995-96	76.00	390.69
1996-97	113.50	409.96

With a view to streamline the functioning and to accelerate the pace of recovery of instalments, penalties in respect of flats, Joint Chief Accounts Officers, DDA have been delegated with powers of Assistant Collector, Grade-I under the Punjab Land Revenue Act, 1887 and Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and the area have been divided into seven zones in order to recover the instalments through the aforesaid officers.

DDA has already started action to issue attachment notices and to cancel the allotments more effectively. Periodical assessment of recovery position is being reviewed weekly. As a result of these

measures, DDA shall mount pressure on the defaulting allottees regularly to clear the dues and avoid legal action."

1.19 The Committee note the position stated by the Ministry in their reply on action taken on the recommendations in regard to realisation of outstanding arrears. It is shocking to find that out of about 1.10 lakh flats allotted on Hire Purchase basis there are about 81,000 defaulting allottees. In percentage terms, the default is 74%. That is three-fourth of the allottees are not making the payment of monthly instalments regularly. At the end of 1996-97, arrears to the tune of Rs. 410 crore are still to be recovered from the defaulting allottees. This is a very sad state of affairs. The Committee desire that DDA apart from making concerted efforts for recovery of huge outstanding arrears, should streamline the machinery to accelerate the pace of recovery of instalments and institute stringent recovery laws with tough measures for compelling defaulters to pay up their instalments in time. The Committee would also like to be apprised to the impact of legal, administrative and other measures initiated for effective recovery of arrears.

Vacation of flats unauthorisedly occupied by Delhi Police Personnel

Recommendation (S.No. 32, Para Nos. 4.83 to 4.86)

1.20 In regard to deterrent departmental action against police personnel occupying DDA flats unauthorisedly, the Committee recommended as follows:—

"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 police. Regular Allotment of 24 flats in Rajouri Garden is also under consideration of DDA on the request of Delhi Police.

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.

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.

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”.

1.21 In their reply, the Ministry have stated as follows:—

“In the 174th Standing Committee meeting held on 6.5.97 in the chamber of Chief Secretary, GNCTD, it was decided that Commissioner of Police should give a detailed report indicating the circumstances in which these flats were occupied by the Delhi Police and the other cases of unauthorised occupation by the Delhi Police (such as Jahangirpuri) should also be intimated.

As per the minutes of the aforesaid meeting, Delhi Police was asked to submit a detailed proposal to the DDA which has not yet been received.”

1.22 The Ministry in their action taken reply on the recommendations have informed that “the Commissioner of Police should give a detailed report indicating the circumstances in which these flats are occupied by the Delhi Police”. The detailed Report has not yet been received. The Committee are totally dissatisfied with the position given by the Government on their recommendations. The Committee desire that the Ministry of Urban Affairs and Employment should take up the matter with the Ministry of Home Affairs for initiating legal action against police personnel occupying DDA flats unauthorisedly and for vacation of these flats. The Committee would like to be informed of the action taken in this regard.

**Eviction of Nazul-I land from unauthorised occupants
Recommendations (Sl. No. 65, Para Nos. 7.41 to 7.43)**

1.23 In regard to eviction of unauthorised occupants from land leased out under the “Grow More Food, the Committee recommended as follows:—

“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 were leases have expired, is still in occupation of unauthorised cultivators. Eviction notices have been issued to these cultivators to reclaim the land.

It is very disappointing to learn that the lands have been under unauthorised occupation for the period ranging more than 15 years, even the claim of damages have not yet been calculated.

The Committee desire that eviction proceedings against unauthorised occupants an recovery of damages under P.P. Act may be expedited.”

The unauthorised construction and encroachment on Government land all over the Delhi city has become a well phenomenon. Not only are MCD, NDMC, DDA land owing 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 laws to prevent jhuggi-jhompri clusters from growing in Delhi and take deterrent action against those setting up new jhuggies."

1.27 In their reply on action taken on the recommendations of the Committee, the Ministry have stated as follows:—

"The Ministry of Urban Affairs and Employment have been emphasising from time to time the need to protect public land from encroachments at the initial stage itself, launch criminal trespass cases against encroachers and take action against the delinquent staff charges with the responsibility of watch and ward of such lands. The Heads of Organisations and the Heads of the Departments have been requested to review the progress made in this regard at least once in two months and Heads of Departments once a month. A copy of the instructions issued by this Ministry on 14.8.1997 and 17.11.1997 are at Annexure-I and II to Recommendation No. 71".

1.28 The Committee note that the Ministry of Urban Affairs and Employment (Department of Urban Development) have been emphasising from time to time through issue of instructions to the Heads of the Organisations and Heads of the Departments the need to protect public land from encroachment at the initial stage itself, launch criminal trespass cases against encroachers and take action against the delinquent staff charged with the responsibility of watch and ward of such land. The Committee would like to be apprised of the impact of these measures of protection of public land from encroachment and the need for other tough measures to achieve the desired objectives. In this connection, the Committee would like the Ministry of Urban Affairs and Employment to seek yearly statements from the concerned land-owing agencies/organisations regarding effective measures being taken to protect public lands from encroachment and also statements of action including preventive action on implementation of their instructions.

Resettlement of JJ Dwellers

Recommendations (Sl. Nos. 72 & 73, Para Nos. 8.66 to 8.87)

1.29 Stressing the need for relocation/resettlement of JJ and squatter families, the Committees *inter alia* recommended as follows:—

..
..

“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 occupations 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.

..
..

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 1990-92 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 resettlement was in progress.

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.

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 human 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."

1.30 The Ministry in their reply have stated as follows:—

"The Government of the National Capital Territory of Delhi proposes to carry out a one-time survey of the JJ dwellers in Delhi. Any decision in this regard depends upon the magnitude of the problem *vis-a-vis* availability of land."

1.31 From their reply furnished by the Ministry, the Committee note that Government of the National Capital Territory of Delhi proposes to carry out a one-time survey of JJ dwellers in Delhi. Any decision in this regard depends upon the magnitude of the problem *vis-a-vis* availability of land. The Committee do realise that resettlement of JJ dwellers in Delhi is no doubt a gigantic task. But the Government, on whom under the Constitution rests socio-economic development of weaker sections of the population, cannot escape the responsibility for their resettlement keeping in view the human misery and hardships being faced by these poor JJ dwellers whose population is more than two millions in Delhi. The Committee reiterate their earlier recommendation that Government should take the responsibility at the earliest for their resettlement and the proposed one-time survey of JJ dwellers in Delhi may be carried out expeditiously.

Implementation of Recommendations

1.32 The Committee while expressing satisfaction on action taken replies furnished by the Government would like to emphasise that they attach greatest importance on implementation of recommendations accepted by the Government. They would, therefore, urge that Government should keep a close watch so as to ensure expeditious implementation of the recommendations accepted by them. In cases where the Ministry is not in a position to implement in letter and spirit for any reason or feel any difficulty in giving effect to any of the recommendations made by the Committee, the matter should be reported to the Committee with reasons for non-implementation.

CHAPTER II

RECOMMENDATIONS, WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Sl. No. 2, Para No. 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.

Reply of the Government

A regular Engineer Member has already been appointed by the Government.

The recommendation of the Committee has, however, been noted for compliance in future.

[No. H-11013593-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 3, Para Nos. 1.24-1.25)

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.

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.

Reply of the Government

It is correct that illegal and unauthorised colonies have hampered the systematic and planned growth of Delhi. According to GNCTD survey (1990), there were 2,59,344 squatter households which are now estimated at 5 to 6 lakh families by the MCD Slum Wing. In this respect the following actions have been initiated:—

(i) Protection of DDA land against encroachment and unauthorised construction. This includes regular demolition of unauthorised construction, fencing of land and accountability of Zonal and senior most officers for protection of lands.

(ii) The DDA is also allotting lands to Slum Wing, MCD @ minimum 10% of residential area in various schemes. Further in housing schemes minimum 20% of the flats are planned for EWS and 20% for LIG categories.

[No. H-100135-93-DDIA, dated 3 August, 1998]

Recommendation (Sl. No. 4, Para Nos. 1.26—1.28)

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.

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 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.

Reply of the Government

Subsequent to the Cabinet's decision of 1987, a view was taken that in the context of National Housing Policy and approach to involve private sector to a greater extent in the construction of houses, the constitution of a separate Housing Board is not necessary. This policy is again being reviewed. The delay in clearance of back-log of houses is not on account of shortage of financial resources or manpower but on account of delay in acquisition of land and shortage of physical and social infrastructure. Various agencies like M.C.D., Delhi Vidyut Board, Irrigation and Flood Control Department of GNCTD are responsible for providing basic services in areas taken up by DDA for development. Despite coordination at various levels, a mis-match between the development activities of the DDA and that of the concerned agencies has been observed resulting in houses whose construction is completed lying vacant because of non-availability of water and power. The backlog can be liquidated once the necessary inputs of land and the related infrastructure i.e. water, sewage disposal, drains and power are made available by the concerned authorities. Based on the recommendation of the Estimates Committee in para No. 3.39, the Lt. Governor has constituted a Committee to provide basic services in areas undertaken by DDA for development. Review meetings are also held in the Ministry for this purpose.

All the developed vacant land pockets have since been utilised for construction of houses. Efforts are on to get the litigation cases decided to make more and more land available for housing. The Govt. of NCT of Delhi has been requested for early acquisition and handing over of possession of land to DDA to continue the process of development and construction of houses.

A proposal was received from the Govt. of National Capital Territory of Delhi (GNCTD) in July, 1998 for giving necessary permission to set up a Housing Board in Delhi. Necessary permission has been conveyed by this Ministry on 7.8.1998 to the Chief Minister of Delhi for setting up a Housing Board in Delhi subject to the relevant legal and constitutional provisions, in consultation with the Ministry of Home Affairs.

[No. H-11013593-DDIA, dated 3 August, 1998]

Recommendation (Sl. No. 5, Para No. 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.

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.

Reply of the Government

A comprehensive programme for preparation of Master Plan for Delhi—2021 has already been initiated. The Authority vide resolution No. 107/95 dated 16.10.1995 has worked out time bound programme for the Master Plan for Delhi Perspective—2021 by March, 1999.

A Steering Committee under the Chairmanship of Hon'ble Lt. Governor has also been constituted to guide the preparation of MPD-2021.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 6, Para Nos. 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-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.

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 shortcoming 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 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.

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.

Reply of the Government

In addition to preparatory exercise of MPD-2021, DDA has also taken up review of MPD-2001. A seminar to seek the views of professionals, public representatives, voluntary organisations, business and trade group etc. was also held for their inputs in the planning exercise.

MPD-2001 has suggested the following 11 growth centres in rural use zone of Delhi:—

- | | |
|---------------------|-------------------|
| (i) Bakhtawarpur | (vii) Ghogha |
| (ii) Bawana | (viii) Qutab Garh |
| (iii) Jharoda Kalan | (ix) Jaunti |
| (iv) Dhansa | (x) Mitraon |
| (v) Chawala | (xi) Gommanhera |
| (vi) Jagatpur | |

The Development Department of the GNCTD have prepared a mini Master Plan for development of rural Delhi (1995). According to mini Master Plan, villages in rural areas have been categorised into following three types:—

- | | |
|--------------------|------------|
| (a) Growth Centres | : 15 Nos. |
| (b) Growth Points | : 37 Nos. |
| (c) Basic Villages | : 147 Nos. |

The proposal has been approved in principle by the DDA (1996).

Cycle Movement

According to MPD-2001 the following 10 major cycle tracks have been proposed as a part of Delhi Transport system:—

Sl. No.	Name of Corridor	Length	Agency to implement
1.	Mehrauli-Badarpur Road to ITO along Madangir Road, Tito Marg, Lal Bahadur Shastri Marg, Mathura Road.	13 kms.	MCD
2.	Preet Vihar to Connaught Place via Vikas Marg, ITO, Sikandara Road, Mandi House and Barakhamba Road.	10 kms.	MCD-NDMC
3.	Vikas Puri to Connaught Place along Najafgarh Drain, Patel Road Extension, Pusa Road, Panchkuian Road.	16 kms.	MCD/NDMC
4.	Yusuf Sarai to Delhi Gate along Aurobindo Marg.	12 kms.	MCD/NDMC
5.	Wazirabad Road to Vikas Marg Crossing along Marginal Bundh Road.	12 kms.	PWD
6.	ITO to Old Delhi along Rajghat/Ring Road.	5 kms.	PWD
7.	Najafgarh Road to Jail Road along Pankha Road.	5 kms.	PWD
8.	Jail Road to Ring Road along Mayapuri Industrial Area	4 kms.	PWD
9.	Wazirabad Bridge to Nand Nagri along Wazirabad Road.	8 kms.	PWD
10.	Shahdara to Chandni Chowk along G.T. Road and Old Yamuna Bridge.	5 kms.	MCD

Transport Department, GNCTD has taken initiative to develop the following selected cycle tracks and have involved IIT, Delhi, School of Planning and Architecture and other consultants in planning of cycle tracks:—

- (a) From Mehrauli-Badarpur Road to ITO (along Chirag Delhi drain and Mathura Road).
- (b) From GT Road (Shahdara) to Vikas Marg (along Eastern Marginal Bund).
- (c) From Preet Vihar to Connaught Place Vikas Marg (ITO).
- (d) From Shahdara to Chandni Chowk (along GT Road) and Old Yamuna Bridge.
- (e) Paschim Puri/Vikaspuri to Connaught Place via Najafgarh drain, Patel Road, Rajendra Place, Pusa Road and Panchkuian Road.

Initially the schemes for providing cycle tracks along Jail Road and Mahatma Gandhi Road near Gandhi Samadhi have been taken up. A Task Force on cycle tracks has been constituted by Department of Transport, GNCTD.

According to Master Plan of Delhi the provision of housing is to be made by multi-pronged efforts of various departments which include the following:—

(i) Slum Department	: 3%
(ii) Central Government, GNCTD & Local bodies	: 4%
(iii) Housing Agencies	: 43%
(iv) Individual families	: 50%

As given in reply to Recommendation No. 24 (Paras 4.6 to 4.11), the DDA is the only government agency which is responsible for providing housing to general public in Delhi. Although DDA has been able to generate one million dwelling units so far, the backlog continues in view of enormous population growth and also shortage of land and infrastructure services. In order to meet the backlog, the DDA is accelerating housing development by greater involvement of Cooperative Group Housing Societies and efforts are also being made for synchronisation of land acquisition, planning and development of services, particularly water supply and power. Besides this, DDA has also taken up the streamlining and computerisation of housing management system.

The achievements/progress on the objectives laid down in the MPD-2001 is regularly monitored in the Ministry.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 7, Para Nos. 1.52-1.53)

The Committee are informed that after formulation of Master Plan, DDA prepares draft Zonal Plans and publish the same under Section 10 of Delhi Development 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.

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 Master Plan of Delhi-2001.

Reply of the Government

The zonal plans of 6 zones—A (Walled City), A (other than Walled City), B (City Extension/Karol Bagh); C (Civil Lines); E (TYA) and F (South Delhi-I) have been formulated by DDA. The zonal Plans for E & F have been approved and the rest are under examination in the Ministry.

A list of progress of draft Zonal Plan is at Annexure-I to Recommendation No. 7.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

ANNEXURE I TO RECOMMENDATION NO. 7

PROGRESS OF ZONAL PLANS

Stage/Zones	File No.	Approval by Authority for objection/suggestion	Public notification for zonal plan (90 days)	Screening board recommendations Process of obj/sugg.	Modified zonal dev. plan approval by the authority.	Submission to Govt. for approval and publication	Approval of Central Govt.
A (Walled city)	F1(28) 92ZP	2.2.93 res. no. 2/93	22.1.94	19.9.95	22.3.96 res. no. 44/96	19.4.96	
A (other than walled city)	F1(8) 93ZP	16.12.93 res. no. 166/93	1.4.95	14.2.96	9.6.97 res. no. 20/97	8.8.97	
B (Karol Bagh)	F1(18) 92ZP	17.12.92 res. no. 174/92	1.1.94	19.9.95	17.6.96 res. no. 52/96	30.8.96	
C (Civil Lines)	F1(16) 92ZP	23.3.93 res. no. 38/93	14.1.94	1.12.95	27.8.96 res. no. 90/96	12.9.96	
D (Central Delhi)	F1(5) 97ZP	27.7.93 res. no. 103/93	3.9.94	28.1.97	3.9.97 res. no. 31/97	18.11.97	
E (Trans-Yamuna Area)	F1(21) 92ZP	16.4.93 res. no. 60/93	10.9.94	28.11.95	17.6.96 res. no. 56/96	8.8.96	
F (South Delhi)	F1(22) 92ZP	21.9.93 res. no. 130/93	15.1.94	3.9.96	9.6.97 res. no. 21/97	24.7.97	5.6.1998
G (West Delhi)	F1(26) 94ZP	9.8.94 res. no. 66/94	28.12.96	22.12.97			
H (North Delhi)	F1(1) 93ZP	24.3.94 res. no. 25/94	11.1.97	22.12.97			

Recommendation (Sl. No 8, Para Nos. 1.54.1.55)

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.

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.

Reply of the Government

The views expressed by the Committee over the environmental aspects of the city have been noted. This Ministry vide its letter dated 11.1.96 have directed the DDA that in future the areas actually developed as 'green' in the regional/district/neighbourhood parks or any other recreational zones in the city will not be allowed to be converted into any other use. These directions are scrupulously followed by DDA. Further, the directions of Supreme Court with regard to ridge/reserved forest are also strictly abided by the DDA.

[No. H-11013593-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 9, Para Nos. 1.71—1.72)

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.

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.

Reply of the Government

As provided in MPD-2001, efforts are made to scrupulously maintain the basic character of Lutyens' Bungalow Zone and construction of multi-storeyed buildings in LBZ are not permitted on bungalow plots.

[No. H-110135/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 10, Para Nos. 1.73—1.75)

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.

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.

Reply of the Government

The NDMC has reported that the restrictions in the letter of 8.2.88 of M/o Urban Development regarding re-construction/addition/alteration on bungalow plots in LBZ with respect to coverage FAR and height are being strictly followed.

As the guidelines of 8.2.88 and subsequent clarifications issued by the Ministry of Urban Development were also forwarded to Vice Chairman, DDA and as representative of DDA is also a member of building Plan/ committee of NDMC, NDMC considers that it may not be necessary to seek prior concurrence of the 'Authority'.

Survey work with respect to high rise buildings & bungalows in Lutyen's Delhi area has been initiated.

[No. H-110135/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 14, Para No. 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 unauthorised 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 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.

Reply of the Government

The handing over of the acquired land to DDA depends upon various aspects and the circumstances, such as built up area, court cases, payment of enhanced compensation etc. In case the unauthorised construction has been made after the notification U/s 4 of the LA Act, the possession is given after demolishing the unauthorised structures. It is the responsibility of the acquiring authority to protect his land after the notification U/s 4 is issued by way of fencing or boundary walls. The Govt. of NCT of Delhi has issued a circular to all the land owning agencies in the Delhi State to ensure that their land is protected from encroachment.

A mechanism has been evolved which ensures that joint survey by DDA, Land & Building Department and LAC staff takes place to know the ground position before notification for land acquisition is issued. This

will help to identify the structures which exist on the date of notification. As the area will also be declared development area before issuing the notification, field staff of DDA will be taking care to see that no new construction comes up over there.

[No. H-11013593-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 15, Para Nos. 2.27—2.30)

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.

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.

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 or 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.

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.

Reply of the Government

The recommendation of the Committee have been noted for future guidance and implementation. However, every care is now being taken by DDA while making request to L&B Department for acquisition of the land under Section 4, 6 & 17(i) of Land Acquisition Act invoking the urgency clause. However, it is further submitted that the possessions in 2 cases out of 36 cases have been taken and rest of the cases are either under stay or heavily built-up. The cases where the area is heavily built up and possession is not feasible, the possibility for examining the cases for denotification in consultation with the Planning Department as well as

the Land & Building Department of Govt. of NCT Delhi will be examined by the DDA.

[No. H-11013593-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 16, Para Nos. 2.46—2.48)

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.

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.

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.

Reply of the Government

The Govt. of NCT of Delhi has recently reviewed the land price of agricultural land and land falling in river bed for acquisition purpose. The indicative price of agriculture land has been fixed at Rs. 10 lacs per acre instead of Rs. 4.65 lacs as fixed earlier and indicative price of the land situated in the river bed between the forward bunds was determined by giving the increase of 11.5% per annum compounded rate for each succeeding year on the price of Rs. 1.5 lacs per acre as fixed on 3.5.90. These prices are effective from 1.4.97. Apart from this the land owners are paid 30% solatium. The land owners are also entitled to other benefits provided under the Land Acquisition Act, 1894. Thus, with the increase of land price for acquisition of land it is understood that the farmers are satisfied with the quantum of compensation for acquisition of land.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 21, Para Nos. 3.38-3.39)

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.

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.

Reply of the Government

On the recommendation of the Estimates Committee the Lt. Governor of Delhi has constituted a Committee *vide* Notification dated 21.10.97 for providing Basic Services in areas undertaken by DDA for development. The composition of the Committee is as under:—

- | | | |
|--------------------------------------|---|----------|
| 1. Lt. Governor | — | Chairman |
| 2. Vice Chairman, DDA | — | Member |
| 3. Engineer Member, DDA | — | Member |
| 4. Commissioner, MCD | — | Member |
| 5. Addl. Commissioner (Water) | — | Member |
| 6. Chairman, Delhi Vidyut Board | — | Member |
| 7. Commr. & Secy. (L & B/PWD), GNCTD | — | Member |
| 8. Development Commr., GNCTD | — | Member |
| 9. Chief Engineer (Elect.) DDA | — | Member |

Chairman may co-opt any other Member depending upon the requirement of the Project.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 22, Para Nos. 3.40—3.43)

The Committee regret to note that inspite of the approval of water supply system and layout 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.

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.

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.

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.

Reply of the Government

M.C.D. has not been able to make available potable water to these 8000 houses already constructed at Dwarka till date. However, DDA had made interim arrangements by tapping ground water and boring tubewells, but the same could not be energised for want of power.

It would be pertinent to point out that even the M.C.D. is constrained in providing adequate supplies of potable water primarily because of the inadequate availability of raw water within Delhi. The solution to this problem is in getting raw water from the neighbouring States.

As per the Indian Electricity Act, 1910 no authority other than the DESU (now DVB) is authorised to generate electricity and its further transmission & distribution amongst the users/beneficiaries. It is considered necessary to effect suitable changes in this Act to the extent that the work of laying of power lines and further distribution to the consumers from 11 K.V. Sub-Stations could be taken up by the respective developments agencies as per the guidelines and norms of the DVB, like in the case of other service works which could be subsequently transferred to the DVB for care and maintenance. However, in case of shortage of power, authorisation for setting up captive power plants is also needed to overcome such difficulties in the development of the city. Suitable amendments in the Act for public and private participation in the generation, transmission and distribution is under examination.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 26, Para Nos. 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 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.

Reply of the Government

On the recommendation of the Estimates Committee the Lt. Governor of Delhi has constituted a Committee vide Notification dated 21.10.1997 for providing Basic Services in areas undertaken by DDA for development. The composition of the Committee is as under:—

- | | | |
|-------------------------------------|---|----------|
| 1. Lt. Governor | — | Chairman |
| 2. Vice Chairman, DDA | — | Member |
| 3. Engineer Member, DDA | — | Member |
| 4. Commissioner, MCD | — | Member |
| 5. Addl. Commissioner (Water) | — | Member |
| 6. Chairman, Delhi Vidyut Board | — | Member |
| 7. Commr. & Secy. (L & B/PWD) GNCTD | — | Member |
| 8. Development Commt., GNCTD | — | Member |
| 9. Chief Engineer (Elect.) DDA | — | Member |

Chairman may co-opt any other Member depending upon the requirement of the Project.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 27, Para Nos. 4.32-4.33)

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.

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.

Reply of the Government

To avoid harassment to the allottee, a procedure has already been set in which the JE-in-Charge maintains a complaint register duly page-numbered at site. The allottees are free to enter their complaints in this register. The complaints recorded in the register, are attended to and a confirmation obtained from the allottee after redressal.

There are standing instructions of DDA whereby the concerned AEs and EEs are required to closely monitor the complaints the allottees enter in the register. SEs and CEs also conduct surprise checks. In case of reported persistent complaint, action is taken against the defaulting staff.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 28, Para Nos. 4.45—4.49)

The Committee note that quota for out-of-turn allotment was increased from 1½% to 2½% in June, 1985 out of which 2% is for allotment on compassionate grounds and ½% 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.

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.

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.

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.

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.

Reply of the Government

The revised guidelines issued by the Government of India is at Annexure to Recommendation No. 28.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

ANNEXURE

Recommendation No. 28

**Nirman Bhawan, New Delhi
Dated the 17th Jan., 1997.**

To,

**The Vice-Chairman,
Delhi Development Authority,
Vikas Sadan, I.N.A.,
New Delhi.**

SUBJECT: *Out-of-turn allotment of DDA Flats.*

Sir,

Instructions governing out-of-turn allotment of DDA flats have been laid down by this Ministry from time to time. These instructions have been reviewed and in suppression of all previous instructions, the following revised guidelines are hereby issued for regulating out of turn allotment of DDA Flats.

I. General Eligible Conditions

- (i) The applicant or his/her spouse should not own any residential house/flat within the municipal limits of Delhi, New Delhi and Delhi Cantonment;
- (ii) The applicant should ordinarily be more than 21 years of age;
- (iii) The applicant should have resided in the NCT of Delhi continuously for a period of five years. However, in respect of defence personnel, who apply for allotment on out-of-turn basis as a measure of compassion, reward or otherwise, the applicant or his/her spouse should have been in continuous residence in Delhi for five years or he/she should be a resident of Delhi before joining his/her vocation;
- (iv) The applicant should not have been allotted any residential house/flat on discretionary basis in the past.

II. Procedural aspects

- (i) 2.5% of flats of each scheme will be earmarked for out of turn allotment. Out of this, 2% of such allotments will be made to persons falling within the category of compassionate grounds and the remaining 0.5% will be allotted as a measure of reward. Further in compassionate cases, only built up flats may be allotted as there may be an immediate need for providing shelter.

- (ii) No flat will be allotted by a specific number or floor. Such details will be decided by DDA by draw of lots. However, physically handicapped persons may be given preference for allotment of flats on ground floor.
- (iii) All cases of out of turn allotment of flats will be processed by DDA and VC, DDA would place these cases before the Urban Development Minister and Lt. Governor Delhi acting as a Committee. The Committee would meet every two months or as and when practicable and all cases for out of turn allotment of flats to the registered or unregistered persons would be required to be submitted before the Committee.
- (iv) DDA will keep a running record of total number of flats allotted during the financial year as on date, total number of flats allotted on out of turn basis under 2.5% quota and the number of flats available for allotment on out of turn basis. Such information shall invariably be furnished to the competent authority on each occasion of submission of cases for out of turn allotments.

III. Category of persons entitled for discretionary allotment of DDA flats.

(a) *Eligibility on compassionate grounds*

- (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 Dte. of Estates for *ad-hoc* allotment of general pool accommodation defining degree of physical handicap may be followed.
- (ii) War widows of soldiers of Delhi domicile who have fallen in indigent conditions.
- (iii) Dependents of persons who lose their lives as a result of terrorist activities.

(b) *Eligibility as a measure of reward*

- (i) Outstanding sports persons who have won medals at the Asiad and Olympics or who have been awarded Arjuna/Dronacharya award.
- (ii) Artists litterateure and musicians who are recipient of Padma Award/Sahitiya Award or President's Award for eminence in their particular field of art/literature.
- (iii) Scientists who get Padma or International awards for excellence in their respective fields.

(iv) Defence personnel (or their spouses) who are recipient of gallantary awards such as Paramvir Chakra/Mahavir Chakra, Vir Chakra, Ashok Chakra, Shaurya Chakra and Kirti Chakra.

(c) *Other deserving cases*

Any other person who has rendered distinguished service to the nation.

2. In so far as allotment of shops on out of turn basis is concerned, the existing instructions will continue to be in force without any change except that widows below 65 years of age only shall be eligible for being considered for such an allotment of shop, as thereafter they are eligible for social security/old age pension.

Yours faithfully,

(S.P.S. PARIHAR)
Dy. Secretary (DD)
17.1.97

Copy to:

1. PS to MOS (UAE)
2. Secretary to L.G.
3. PPS to Secretary (UD)

Recommendation (Sl. No. 29, Para Nos. 4.50-4.51)

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.

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.

Reply of the Government

The revised guidelines issued by the government of India is at Annexure to Recommendation No. 28.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 30, Para Nos. 4.52-4.53)

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.

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.

Reply of the Government

The contents have been incorporated by DDA in the intimation letters to be sent with regard to out of turn allotments after taking the legal views.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 31, Para Nos. 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 rate

depending upon the period of default is charged failing which action under Punjab Land 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, de-centralisation of Housing Accounts Wings, taken by DDA, there is improvement in the payment of instalments and arrears by Hire-Purchase allottees.

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 figure 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.

Reply of the Government

In all around 2.8 lakh allotments have been made by DDA so far under various schemes. About 1.10 lakh flats have been allotted on Hire Purchase basis to eligible registrants of NPRS-79, Ambedkar Awas Yojna and Janta Housing Registration Scheme-1996 and Expandable Housing Scheme-1996, out of which about 81,000 are defaulting allottees. The Accounts of these allotments are on computer. The position of amount

recovered in respect of outstanding monthly instalments is shown as under:

Year	Recovery effected	Arrears outstanding in r/o instalments (Fig. in crores of Rs.)
1991-92	37.00	160.26
1992-93	30.86	196.18
1993-94	32.97	262.37
1994-95	38.02	341.66
1995-96	76.00	390.69
1996-97	113.50	409.96

With a view to streamline the functioning and to accelerate the pace of recovery of instalments, penalties in respect of flats, Joint Chief Accounts Officers, DDA have been delegated with powers of Asstt. Collector, Grade-I under the Punjab Land Revenue Act, 1887 and Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and the area have been divided into seven zones in order to recover the instalments through the aforesaid officers.

The allottees are required to make the payment of monthly instalments on their own by 10th of every month. The New Pattern Registration Scheme-1979 involving about 1.48 lakh allottees is on computer since its inception. About 20000 allottees deposit the dues through 45 branches of the SBI/CBI every month. Since computerized system was new, there were certain inbuilt problems such as development of system, training of staff, feeding of large number of bank challans etc. etc. Moreover, looking to the functioning of the various branches viz. Management Wing, Housing Accounts Wing and Computer Cell engaged in the allotment of properties, maintaining their accounts and its ultimate computerization. Thus joint efforts were made for updation of the basic data so that actual amount of arrears could be known and recoveries effected from the defaulters. As the data was incomplete the defaulter notices prior to 1988-89 could not be issued. However, updated figures of defaulter notices and Non-recovery certificates issued are as under:—

Year	General housing		New Pattern Regn. Scheme	
	Defaulter Notices	NRCS	Defaulter Notices	NRCS
1992-93	10000	11800	20000	Nil
1993-94	Nil	11000	56000	500
1994-95	7500	4000	Nil	1500
1995-96	Nil	1200	84000	4800
1996-97	Nil	251	81360	42957

So far as nil is concerned, it is intimated that no defaulter notices/non-recovery certificates were issued during this period. Accordingly, it is shown as nil.

DDA has already started action to issue attachment notices and to cancel the allotments more effectively. Periodical assessment of recovery position is being reviewed weekly. As a result of these measures, DDA shall mount pressure on the defaulting allottees regularly to clear the dues and avoid legal action.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 33, Para Nos. 4.87-4.88)

The Committee note¹ 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.

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.

Reply of the Government

In the cases of 8 flats, where documents were not found to be genuine, eviction proceeding has already been started in the Court of Estate Officer, DDA. Delhi Police has not supplied any details of the 300 cases as reported in the Press. In fact, one FIR was registered by DDA with the Subzi Mandi Police Station. All the concerned files were handed over to the police and they registered 8 cases. An investigation in Police case registered with Subzi Mandi, Police Station *vide* FIR No. 181 dated 19.3.95 is in progress. The Connivance of officials of DDA in this 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 was suspected by the Police that the possession of these eight DDA flats have been taken over, on the basis of forged documents. Out of eight cases referred above, files of six cases have been sent to Police for further investigation.

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 the above flats. Five officials *i.e.* Shri A.K. Sharma, A.D., Shri K.K. Vaghista, UDC, Sh. Uttam Chand, UDC, Sh. Daya Chand, UDC and Sh. Kalyan Singh, LDC were placed under suspension.

The SHO Subzi Mandi *vide* his interim observation dt. 6.7.95 observed as under:—

"It is resubmitted that during the course of investigation of FIR No. 181/95, after scrutiny of five files, the flats have been given to

allottee after cancellation of flat after 14-15 months, without obtaining interest charges, watch and ward charges and as well as restoration charges and without seeking any approval of LG/VC. The necessary departmental action may kindly be initiated against the erring staff of DDA Department."

He has also returned the remaining three files with the remarks that they are no more required by them. On receipt of the above information from the Police, the detailed investigation has been carried out in five cases referred by the Police in Vigilance Branch. The same are being submitted to Competent Authority for deciding the nature of penalty. Action to retrieve the possession of the said flats, proceedings for eviction under the PP Act have been initiated by the Estate Officer (Housing) and eviction proceedings are in progress.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 34, Para Nos. 4.89—4.92)

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.

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.

Reply of the Government

One JE Sh. Bagh Chander was suspended on 23.2.94. Major penalty proceedings have been initiated against him *vide* charge sheet dated 24.5.96. The case has been entrusted to the I.O. on 20.4.97. Minor penalty proceedings have also been initiated against S/Shri Gian Prakash, EE, S.K. Gulati, AE and Sunil Kumar, AE *vide* charge sheet dated 24.5.96 in the said cases.

Major penalty proceedings have been initiated against Sh. Jagdish Chander, JE and minor penalty proceedings have also been initiated against S/Shri R.D. Gupta, AE and N.S. Bhambra, AE for unauthorised occupation of flat in Vasant Kunj *vide* charge sheet dated 25.2.97.

Major penalty proceedings have been initiated against Sh. Jagdish Chander, AE and Padam Singh, JE *vide* charge sheet dated 6.6.96 for letting out flat No. 67, Pkt. 'Q' Dilshad Garden. The case has been entrusted to the I.O. on 3.12.96.

The recommendation of the Estimates Committee has been brought to the knowledge of all the Disciplinary Authorities *vide* letter dated 1.7.97.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 35, Para Nos. 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 DDA 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 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.

Reply of the Government

Views of the Committee have been noted for compliance. Government is already seized of the matter for bringing about appropriate amendments in the concerned sections of the Delhi Development Act, 1957.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 36, Para No. 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.

Reply of the Government

Regarding recovery of fine money imposed by the M.M. Court, Patiala House, till date, DDA has not received any amount from the Hon'ble M.M. Court, Patiala House till date. The matter is still pending before the Hon'ble High Court for taking decision. Several reminders have been sent to the Supdt. (Gen.—II), Distt. & Session Judge, Delhi, but no fruitful result has come out. Recently, DDA has sent a letter to the Registrar, Hon'ble High Court for taking early decision in the matter. Resultantly, a meeting was called for in the chamber of the Secretary (Law, Jus. & Leg. Affairs), Govt. of NCT of Delhi, 5, Sham Nath Marg, Delhi-54 on 27.3.98 at 3.30 P.M. The meeting was attended by the Commissioner (LM) alongwith Addl. C.L.A. It is likely that they might hold another meeting in this regard. The amount of fines imposed by the Hon'ble Court on the accused for misusing the residential premises is appended as under:—

1/70 to 3/85	Rs. 27,04,143/-
4/85 to 3/94	Rs. 35,88,105/-
4/94 to 3/98	Rs. 38,04,517/-
	Rs. 1,00,96,765/-

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 37, Para No. 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.

Reply of the Government

DDA has reported that instructions have been issued for the extensive survey of the flats/areas falling under the jurisdiction of the DDA to detect unauthorised construction and misuse in a time bound manner. Based on the result of the survey, further action will be taken.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 38, Para Nos. 4.110—4.112)

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.

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.

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.

Reply of the Government

DDA has reported that efforts are being made to remove maximum unauthorised construction. DDA has initiated action to cancel the allotment in the cases where unauthorised construction has been detected.

The Govt. of NCT of Delhi have constituted a special task force for each of the nine Districts to assemble information, initiate action when a prosecution is called for and activate the land owning agency to protect the public land and remove the encroachment. The Task Force is headed by an Additional District Magistrate and the Police, DDA, NDMC, MCD etc. are represented therein. The work of these Task Force is monitored by the Lt. Governor on a monthly basis.

Instructions have also been issued by the Ministry of Urban Affairs & Employment from time to time that each land owning Department/agency should protect its land from encroachment or unauthorised colonisation through their Departmental work-force or private security agencies. The local bodies and DDA have been requested to set up within their own financial resources, mobile squads headed by the jurisdictional Assistant Engineers to conduct spot verification of all on-going constructions in their respective areas on day-to-day basis, and immediate steps should be taken to stop or demolish the constructions which are being carried out unauthorisedly. For this purpose these agencies will have effective liaison with the jurisdictional police stations while carrying out the task to prevent any law and order and other untoward problems. The performance of the Mobile Squads is to be reviewed by the District level Special Task Forces set up under the orders of the Lt. Governor, Delhi in each District.

Instructions have been issued to DDA, MCD and NDMC on 17.11.1997 that for any encroachment on public land which takes place after the date of issue of this letter, the Assistant Engineer/Junior Engineer in-charge of that area shall be held responsible and disciplinary action taken against them in appropriate cases.

[No. H-11013593-DDIA, dated 3 August, 1998]

Recommendation (Sl. No. 39, Para No. 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.

Reply of the Government

The views of the Committee have been noted and the cases of unauthorised construction/misuse will not be allowed to remain pending for long.

[No. H-11013593-DDIA, dated 3 August, 1998]

Recommendation (Sl. No. 40, Para Nos. 4.122—4.125)

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.

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.

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.

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.

Reply of the Government

As far as possible a complete application for conversion of lease hold rights into free hold, received in the office of DDA is finalised within the stipulated period of 90 days or the deficiency in documents/payment is communicated within the prescribed period.

For flats, two 'Lok Shivirs' were organised on 30.11.96 & 8.3.97 to 13.3.97 respectively in which a large number of cases *i.e.* 668 number of cases were finalised on the same day. None of the application is pending

for want of policy decision. In case the record/file is not immediately available the file is reconstructed after obtaining the required documents/correspondence from the concerned allottee.

The time schedule as prescribed under the scheme of conversion for finalisation of the application for conversion is strictly adhered to except in the case where the conversion is not possible because of finalisation of mutation, litigation or deficiency in the application for conversion.

[No. H-11013/593-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 42, Para Nos. 5.27—5.29)

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.

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-C/10CC in favour of contractor e.g., increase in rate of materials and wages both during and beyond the stipulated period of completion.

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.

Reply of the Government

In the recent past, certain measures had been initiated by DDA to ensure that the various bottlenecks responsible for the delays in the completion of the projects are minimised to the maximum possible extent as discussed below:—

Timely availability of the stipulated materials

Earlier about sixteen items used to be stipulated for departmental issues. However, now it has been decided to stipulate just five items *i.e.* cement, steel, bitumen, CI pipes and GI pipes. Whereas, all other material are to be arranged by the contractors themselves as those material are easily available in the market having ISI Certification mark and the contractors are required to procure the same. Besides more strict inventory controls as elaborated in reply to para Nos. 5.44 to 5.46 are being exercised for ensuring timely procurement and subsequent supplies of the stipulated material.

Avoiding Delay in Structural Design

Instructions have already been issued *vide* Circular No. 491 dated 6.5.96 that in future no NITs would be floated until the structural drawings for the foundation and the ground floor are available. This has been done to achieve the twin purposes of not unnecessarily delaying the NITs till all the

structural drawings are available, as this is a time consuming process, as well as ensuring that the desired structural drawings are available well in time alongwith the progress of the execution of the work.

Availability of resources

Projects are not delayed on account of shortage of resources.

Monitoring of Progress of Works

Detailed instructions have already been issued enjoining upon all field officers at the levels of SEs, CEs and Directors (Hort.) respectively for an effective and regular monitoring of the execution of various projects with specific emphasis on quality control aspects and timely completion of the projects. For making the system result oriented, M.I.S. Performae have been evolved which are required to be filled up by each officer during his monitoring review of the projects and submit to EMVC for review.

In addition, detailed instructions have also been issued for introduction of a system of improved and efficient supervision of the Engineering Projects. As per these instructions, a Supervision and Control Cell has been set up under the charge of Director (Monitoring). A detailed check list performae were circulated alongwith these instructions elaborating the various checks required to be exercised by them. All the CEs/SEs/Director (Hort.) are required to regularly inspect the offices under their control and compile performance reports which would be submitted by them to Dir. (Mon.), who would then place the same before the EMVC for his appraisal.

Beside, efforts are also being made to identify and adopt new technologies to achieve economy and speedier completion of projects.

Introduction of these systems would go a long way in ensuring the execution and completion of various projects according to schedule, thereby, obviating cost overruns due to prolongation of contracts.

[No. H-11013593-DDIA dated 3 August, 1998]

Recommendation, (Sl. No. 46A, Para Nos. 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 blacklisted 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 the cases, the amount could be recovered.

Expressing their deep concern over the situation, the Committee recommend that as and when it is notice 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.

Reply of the Government

In case of major defects particularly having a bearing on structural soundness, the precipitate action suggested by the Estimates Committee is the right course, which was taken in all the cases under reference. The works were stopped/rescinded. However, it would be pertinent to point out that certain defects of routine nature do occur at site as the construction activity is labour intensive for which the CPWD Manuals/Codes as well as the standard contract formats provide for either their rectifications or if the work is otherwise structurally sound and acceptable, the same is accepted by making some cost adjustments. The Superintending Engineer-in-Charge of the work have full powers to accept such works at reduced rates after satisfying themselves about the structural soundness. Since the finalisation of the reduced rates and acceptance of such works by the Competent Authority takes sometime due to the completion of certain formalities so it may not be desirable to stop the construction activity because of such shortcomings. Relevant provision in the contract agreements are reproduced below:—

“If it shall appear to the Engineer-in-Charge or his authorised subordinate-in-Charge of the work of the Chief Engineer, Superintending Engineer, Chief Technical Examiner/Technical Examiner of Central Vigilance Commission & Chief Engineer Quality Control, DDA or by an Officer of the vigilance of the Authority that any work has been executed with unsound, imperfect or unskillful workmanship or with materials of any inferior description, or that any materials or articles provided by him for the execution of the work are unsound or of quality inferior to that contracted for or otherwise or not in accordance with the contract, the contractor shall on demand in writing which shall, be made within six months of the completion of the work from the Engineer-in-Charge specifying the work, materials or articles complained of notwithstanding that the same may have been passed, certified and paid for, forthwith rectify or remove and reconstruct the work so specified in whole or in part, as the case may require or as the case may be remove the materials or articles at his own proper charge and cost, and in the event of his failing to do so within a period to be specified by the Engineer-in-Charge in his demand aforesaid then the contractor shall be liable to pay compensation at the rate of one percent on the estimated amount put to tender for every day not exceeding ten days while his failure to do so shall continue and in the case of any such failure, the Engineer-in-Charge may rectify or remove and re-execute the work or remove and replace with others; the materials

or articles complained of as the case may be at the risk and expense in all respect of the contractor."

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 47, Para No. 5.89)

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

Reply of the Government

The position in respect of the 4 housing projects in question is given as under:—

163 Houses at Trilokpuri Pocket-V

The case for demolition is being pursued vigorously. The recovery is to be effected through arbitration proceedings. The arbitrator has resigned and the contractor has approached the High Court for appointment of a retired judge as an Arbitrator. On 9.9.97 no proceedings of the case were held and the next date of hearing has been fixed for 8.7.98. Demolition action will become possible only after the pronouncement of judgement, thereby facilitating the appointment of Arbitrator because as per the decision of the Authority the dismantling of houses is to be coordinated with the arbitrators inspection.

220 Houses at Trilokpuri, Group-B

The arbitrator now appointed has since inspected the site of these dilapidated houses on 16.5.98. Further action to undertake demolition of the houses shall now be taken.

140 Houses at Prashant Vihar (Haiderpur)

No Change. 18 Houses still continue to remain under the occupation of Police. Matter was referred to the Task Force Chaired by Dr. Kiran Bedi, however, it could not be resolved at that forum and now the issue is being taken up in the Standing Committee under the Chairmanship of Chief Secretary, Govt. of Delhi.

56 Houses at Jahangir Puri

The recoveries are preferred through arbitration. The arbitration award is under challenge. However, all the houses have since been demolished.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 50, Para Nos. 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.

Reply of the Government

The demolitions in respect of 122 houses out of 140 houses at Prashant Vihar (Haiderpur) and 56 houses at Jahangirpuri have already been completed. However, demolitions in respect of the 163 houses at Trilokpuri Group-A and 220 Houses at Trilokpuri, Group-B could not be taken up due to litigation.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 52, Para Nos. 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.

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.

Reply of the Government

While appreciating the recommendation of the Committee, it is submitted that detailed procedure as prescribed in the DDA (Conduct & Discipline) Regulations is required to be followed. Even a minor deviation therein could result in setting aside of the penalties by the Courts.

The Rohini Inquiry Committee identified the lapses in various works in

general. As such the 93 cases were identified for detailed investigation. The status of these cases is as under:—

(i) Sh. R.L. Hans Ex. EM, DDA was chargesheeted	1
(ii) Cases sent to CVC for first stage advice	5
(iii) Cases closed without penalty	19
(iv) Cases in which final investigation completed	9
(v) Cases in which PE completed	15
(vi) Cases in which PE yet to be initiated	44
(vii) Cases in which detailed investigation is yet to be done [Total (V)+(VI)]	59

Cases shown against column (vii) 59 is inclusive in total 93 cases of which break-up has been given above. The latest position of the cases is given below:—

(i) Sh. R.L. Hans Ex. E.M., DDA was chargesheeted	1
(ii) Cases sent to CVC for 1st stage advice	10
(iii) Cases closed without penalty	16
(iv) Cases in which final investigation completed	11
(v) Cases in which PE completed	11
(vi) Cases in which PE yet to be completed	44
Total	93

In so far as cases pertaining to retiring officers is concerned, care is being taken for finalisation of such cases before the date of retirement.

As far as the suspicion about non-availability of evidence/records is concerned efforts are being made to seize the records at the earliest opportunity.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 53, Para Nos. 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.

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.

Reply of the Government

After Inquiry there were 14 CTE reports plus One General Report, Total 15 Reports. Investigation into all the 15 cases were completed. Latest position in respect of these 15 cases is as One case has been closed with the approval of CVC. In the balance 14 cases, 31 charge-sheet for major penalty proceedings were issued to 31 Officers/Officials and Minor penalty proceedings were issued against 13 officers. It is pertinent to mention here that in previous reports major penalty proceedings initiated against 17 officials was reported but it is clarified here that some officers/officials are facing two or three chargesheets and if every chargesheet is counted as against one Charged Officer then this figure will come to 31.

Out of Major penalty chargesheets issued as mentioned above, in one case a draft chargesheet has been sent to the concerned Deptt. in respect of one officer who was on deputation to D.D.A. Against all the charged Officers, I.O.s have been appointed. In six cases I.O.s report have been

received and the same are under process. One case has been referred to C.V.C. and rest are pending with I.O.s The reports are awaited.

In addition to above chargesheets for minor penalty proceedings were issued to 13 Officers. However, chargesheets have been issued to 12 officers/officials as one official was involved in two cases and this case was clubbed. 10 cases have been finalised and two cases are being processed.

Warnings have been issued to 32 Officials.

On the basis of CE(QC)'s report, 35 actionable cases were identified and 35 cases registered for investigation as per details enclosed vide Annexure 'B'. The brief position of the 35 cases is as under:—

- (a) Investigation report submitted to CVC for first stage advice 35
- (b) Cases closed as per CVC advice and as per orders of disciplinary authority 11
- (c) In all 24 cases, action has been taken against the suspected officers/officials after obtaining CVC advice as under:—
 - (a) Major Penalty Proceedings Chargesheets, have been issued against 25 officials as already reported in fulfillment of assurance against Lok Sabha Starred Q.No.1 and Unstarred Q.No.78. The Inquiry Officers have been appointed in all the cases. Inquiry reports have been received in respect of 14 officials. Out of which 2 cases have been finalised and penalties imposed with the approval of Disciplinary Authority, in 3 cases Show Cause Notices have been issued to the charged officers/officials and their reply is still awaited. 10 cases are pending with the I.O.s and one case has been referred to CVC.
 - (b) Minor Penalty Proceeding Chargesheet have been issued against 10 officers. Here it is pertinent to mention that in one case C.L.A. has advised to issue Minor Penalty Chargesheet recently. Therefore, number of officers will be 11 against whom Minor Penalty Chargesheet have been issued, out of which 8 cases have been finalised and remaining 3 cases are under process.
 - (c) Warning have been issued to 40 officials.

Specific directions were issued by DDA vide Finance & Expenditure's Circular No. 11 dated 10.12.93 to neither raise any liability nor incur any expenditure until and unless the requisite codal formalities have been

followed. These instructions were also reiterated *vide* subsequent circulars issued by Finance & Expenditure bearing No. 17 dated. 1.6.94 and 19 dated 19.6.95. The Engineering Wing in consultation with Finance had also issued detailed instructions *vide* Circular No. 464 dated 7.7.95 emphasising the need to follow all the codal formalities so that there is no recurrence of any of these irregularities. (Annexures enclosed)

[No. H-11013/5/93-DDIA dated 3 August, 1998]

DELHI DEVELOPMENT AUTHORITY

(FINANCE AND ACCOUNTS)

F.7(20)/93-94/ROF/Budget/551

Dated:—10 Dec. 1993

CIRCULAR NO. 11

It has been noticed that in some cases expenditure is incurred, liabilities raised in violation of the works Code/GFR. Examples are:—

- (i) expenditure incurred in anticipation of AA&ES;
- (ii) actual expenditure exceeding 10% of AA&ES; and
- (iii) Payment made to contractors far in excess of "agreement" without sanction of competent authority.

Such irregularities have been seriously objected to by the Chief Technical Examiner of the C.V.C. as also by the DACR. The Authority is facing very embarrassing position on this Account.

2.1 Without prejudice to action being taken against such irregularities committed in the past, it is reiterated that no expenditure should be incurred of liability raised by the concerned authorities delegated with the powers till:

- (i) AA&ES is accorded by the competent authority.
- (ii) Where the expenditure has exceeded or is likely to exceed beyond 10% revised AA/ES is get approved from the competent authority.
- (iii) In case of emergent works, which cannot wait for the AA/ES, prior approval of VC in writing (including ceiling of expenditure) to undertake the work in anticipation of, AA/ES is obtained in advance through EM/FM.

2.2 Preliminary work expenditure:—Survey, soil, testing, soil investigation, initial payment to Consultants etc. can be undertaken in anticipation of AA/ES subject to specific budget provision or special approval on the pattern of 2.1 (iii).

3. It will be the personal responsibility of the expenditure sanctioning authority to ensure strict compliance of the orders indicated above. Disciplinary action will be initiated against the EEs/Dy.Dirs.(Hort.)/AOs(CAU)/FOs and the Divisional Accountants who are found to violate the orders detailed in para 2 above.

4. This issues with the approval of V.C.

Sd/-

(J.K. PURI)

CHIEF ACCOUNTS OFFICER

1. All Commissioner/Secy/CEs.
2. All S.Es/Dir.(Naz) JD(Bldg.)
3. F.A. (H)/Dir.(LC)/All Directors in EM, LD & Housing
4. All Director (Hort.)/Director (Sports)
5. All Executive Engineers.
6. All Dy. CAOs/Dy FAs(H)
7. All A.Os (CAU, AOs at HQ & Minar/All FOs
8. All Dy Dirs.(Hort.) D.D. (PR) D.D. (publicity)
9. All Divisional Accounts (including sports)

Copy to for kind information to:—

**DELHI DEVELOPMENT AUTHORITY
(FINANCE AND ACCOUNTS)**

No. F.7(20)/93-94/ROF/Budget/180

Date: 1.6.94

FINANCE AND ACCOUNTS CIRCULAR NO. 17

Attention is invited to this office circular No. 11 of 93 issued with the approval of VC/DDA, wherein it was pointed out that in some cases expenditure is incurred, liabilities raised in violation of the works code/GFR Examples are:—

- (i) expenditure incurred in anticipation of AA & ES;
- (ii) actual expenditure exceeding 10% of AA & ES; and
- (iii) payments made to contractors for in excess of 'agreement' without sanction of competent authority.

Such irregularities have been seriously objected to by the Chief Technical Examiner of the C.V.C. as also by the DACR. The Authority is facing very embarrassing position on this account.

2.1 Without prejudice to action being taken against such irregularities committed in the past, it is reiterated that no expenditure should be incurred or liability raised by the concerned authorities delegated with the powers till:

- (i) AA & ES is accorded by the competent authority.
- (ii) Where the expenditure has exceeded or is likely to exceed beyond 10% revised AA/ES is got approved from the competent authority.
- (iii) In case of emergent works, which cannot wait for the AA/ES, prior approval of VC in writing (including ceiling of expenditure) to undertake the work in anticipation of AA/ES is obtained in advance through EM/FM.

2.2 *Preliminary work expenditure*:—Survey, soil testing, soil investigation, initial payment to consultants etc. can be undertaken prior to preparation of PE for AA & ES subject to specific budget provision or special approval on the pattern of 2.1(iii).

3. *To make the payment of consultancy charges etc.* of Planning, A.O. (PE) will be the D.D.O., who will make payments after approval of the Committee headed by VC/DDA and on the verification of Commissioner (Plg.). To classify the payments under proper head of accounts/schemes, the A.O. (PE) will raise claims on the division concerned on the basis of C.S.S. pattern.

Sd/-
CHIEF ACCOUNTS OFFICER

DELHI DEVELOPMENT AUTHORITY

FINANCE & EXPENDITURE CIRCULAR NO. 19 DT. 19.6.95

SUB: Introduction of Budgetary Control System

The Budgetary Control System was introduced in Rohini Zone in May 93. After considering advantage of this system, it has been decided to extend the Budgetary Control System to all the Zones of DDA. The salient features of the system are as under:—

1. There are different level of sale of tenders in each zone. The work of sale of tenders will be assigned to CAUs where this system is prevalent and in other zones to the respective DDOs.

2. No tenders will be invited by the EEs and the Dy. Director (Hort.) without obtaining the budget slip from the Dy. CAO(CAU) or F.O. of the zone.

3. The budget slip for new works will be issued after satisfying the codal requirements such as Budget Provision, AA&EE, Technical Sanctions, ARMO estimates for maintenance works etc.

4. No liability will be committed without obtaining budget slip which means budget slips will be required for awarding the works on the basis of tenders, work orders and placing supply orders.

5. All type of payments chargeable to works shall be covered under this system and payments released through budget slips without any exception. The Dy. CAO(CAU)/F.O. will ensure compliance with all codal provisions.

6. In the beginning of the year agencywise/workwise funds will be allocated out of the budget provisions approved by the authority. The budget slips will be issued in triplicate—one copy will be sent to division, one copy will be retained in CAU/FO office and one copy will be rotated with each bill for recording the payments/expdr. incurred from time to time during the year. Similarly, the budget slips for all other payments such as salary of work charged staff, CSS account payment, petty payments through imprest/hand receipts shall also be issued in advance to have proper control on the works expdr.

7. The budget slips upto 60% of the allocated amounts for each scheme will be issued in the beginning of the year for on going works (agency-wise), procurement of material from Store Division, payment to work charged staff and other petty payments, in consultation with EE/SE concerned and remaining 40% amount shall be retained for awarding new works during the year and for making adjustments for on going works for which the budget slips have already been issued.

8. The requisition for issue of budget slip will be sent in Proforma 'A' or 'B' and the Budget Slip will be issued in Proforma 'C' or 'D' as applicable.

The work of issue of budget slips will be assigned to Dy. CAO posted in the centralised account units and in other zones the work will be handled by the respective FOs.

The above system will come into force with effect from the date of issue of these orders.

This issues with the approval of VC/DDA.

Encl: As above

Sd/-

(J.K. PURI)
CHIEF ACCOUNTS OFFICER

No. F.7(22)93-94/ROF/B.I/DDA

Copy for kind information to:

1. V.C., DDA
2. F.M., DDA
3. E.M., DDA

Copy for necessary action to:

1. All Chief Engineers in DDA
2. All SEs in DDA
3. All EEs in DDA
4. All Dy. CAOs/AOs in CAU's and H.Q.
5. All FOs
6. All Divisional Accountants

**DELHI DEVELOPMENT AUTHORITY
(EM's OFFICE)**

No.: EM1(10)95/13394

Dated: 7-7-95

CIRCULAR NO. 464

SUB: Strict Compliance of all the codal formalities and departmental instructions regarding execution of various projects in DDA.

Repeated Departmental Instructions have been issued from time to time; both by the Engineering Wing as well as by the Finance Wing, for strict compliance of all codal formalities regarding accord of AA & ES technical sanction, preparation of notice inviting tenders, proper budget provision, execution of works strictly within the prescribed deviation limits and obtaining prior approvals of the competent authority for any changes in technical sanction and/or Architectural/Structural Drawing, etc. However, it has been noticed that inspite of all such instructions issued on these aspects, many times, during the execution of various projects, all the required formalities are not being completed scrupulously.

The following instructions are once again reiterated for strict compliance while taking up various projects in DDA.

1. Accord of AA & ES:

(i) Detailed instructions have already been issued in the past *vide* EM's Circular Nos. 47 dt. 26.12.83, 141 dt. 2.4.86, 203 dt. 26.5.87, 411 dt. 8.11.93, 426 dt. 14.6.94, 429 dt. 13.9.94 & 430 dt. 13.9.94. All engineers as well as officers of the Finance Wing are directed to strictly follow the various instructions contained in the above mentioned circulars.

(ii) It must be ensured that proper preliminary estimates are prepared strictly on the basis of the concerned structural/architectural drawing duly approved by the competent authority. These preliminary estimates must be submitted to the competent authority for obtaining Administrative Approval and Expenditure Sanction. No project shall be taken-up for execution without first obtaining AA & ES from the competent Authority.

(iii) In case of emergent works which cannot wait for the formal accord of AA & ES prior approval¹¹ of VC in writing (including ceiling of expenditure) must be obtained in advance through EM/FM to undertake the work in anticipation of AA & ES. The preliminary estimate must be submitted within 3 (three) months from the date of approval of VC to undertake the work.

(iv) It must also be ensured that during the course of execution of a project, if the expenditure is anticipated to exceed more than 10% of the amount for which AA & ES has been accorded, or Rs. 2 crores whichever is less, a revised preliminary Estimate should immediately be prepared and submitted to the competent authority for obtaining revised AA & ES well in time and before any excess expenditure is incurred on such projects. A periodical review should be taken at the level of the SE/CE after the expenditure has touched 85—90% so as to keep the close watch on further expenditure against sanction and to ensure initiation of action for revision of PE if the expenditure is anticipated to exceed the prescribed limit.

2. Propor accord of Technical sanction and preparation of notice inviting tender

(i) In this regard also detailed instructions have already been issued vide EM's circular Nos. 204 dt. 26.5.87, 225 dt. 4.5.88, 282 dt. 18.1.90, 354 dt. 27.5.92, 388 dt. 18.3.93 & 392 dt. 13.4.93.

(ii) It must be ensured that after accord of Administrative Approval and Expenditure Sanction by the competent Authority detailed estimates are prepared correctly, incorporating proper specifications and other details as given in the detailed working architectural/structural drawings. Special care must be taken to compute the quantities correctly to obviate any subsequent chances of abnormal deviations during the execution of the works care should also be exercised to prepare proper Schedule of Quantities so that there are no errors in the descriptions of items, the quantities, the units and the rates. The descriptions of the scheduled items should be strictly as per the Delhi Schedule of Rates being adopted for a particular work, whereas, the descriptions of non-scheduled items should clearly mention all the specifications required to be adopted in the execution of such items so that there is no confusion either in the mind of the executing Agency or the supervisory field staff.

(iii) It must also be ensured that upto date cost index for Delhi as approved from time to time is added to the value of the detailed estimate before according a formal technical sanction. These detailed estimates should invariably be approved by the Competent Authority and formal Technical Sanction should be issued.

(iv) On the basis of these detailed estimates, which are duly technically sanctioned by the Competent Authority; Notice Inviting Tenders should be prepared and approved by the Competent Authority. Special care must be taken to incorporate any additional/special conditions in the Notice Inviting Tenders as may be specially required for a particular type of work/or to cater to the specific site conditions, NIT should be reviewed before issue of notice inviting tender if the same had been sanctioned six months earlier.

(v) A revised detailed estimate must be prepared and sanctioned by the competent authority whenever the Technically Sanctioned estimate

exceeds or is likely to be exceeded by more than 10% as per the provision of para-75 of CPWD Code.

3. Deviation

(i) Detailed instructions had been issued vide EM's Circular Nos. 7 dt. 12.5.83, 201 dt. 28.4.87, 429 dt. 13.9.94 & 430 dt. 13.9.94 as well as Finance Wing's Circular No. 17 dt. 1.6.94 read with Circular No. 21 dt. 28.6.94.

(ii) Provisions of para-77 of CPWD Code must be strictly followed whereby an officer of the DDA may pass excesses over estimates upto 10% of the sanctioned amount. If the excess does not result in going beyond the amount upto which he is empowered to accord sanction to an estimate, no further sanction is required on this. If the case is otherwise, a report should be made every month to the next higher authority who will satisfy himself about the propriety of the excess sanctioned.

(iii) As soon as it is anticipated that in a particular case, due to unavoidable reasons, the deviation limit is likely to exceed the prescribed limit specified in the contract, the Divisional Officer shall submit the complete case to the Competent Authority for obtaining its approval in advance before undertaking any work in excess of the quantities mentioned in the contract including the deviation limit.

(iv) Taking up of additional quantities of work beyond the deviation limit tantamounts to award of work without call of tenders. Such additional quantities, in excess of the deviation limits prescribed in the agreement, would be deemed to be executed without call of tenders for which the competent authority shall accord sanction as per the delegated powers prescribed for award of works without call of tenders.

(v) It must be ensured that the provisions contained in para-10 under section-20 of CPWD Manual Vol. II with regard to execution of abnormally high and low rated items are strictly observed.

(vi) the rates for extra and substituted items and for deviations in the agreement items should be determined by the sanctioning authority. Keeping in view the provisions of clause-12 & 12A of the agreement, so as to ensure that the interest of the deptt. is fully protected.

4. Release of Funds:

(i) While submitting the requirement of funds, the Divisional Officer shall record the following certificate:—

“Certified that the expenditure including the proposed requirement of fund is within the limit of 10% or Rs. 2.00 crores, whichever is less, beyond the sanctioned amount of AA & ES”.

(ii) While forwarding the requirement of funds, the following officers shall verify from their record that the expenditure including the proposed

requirement of fund is within the limit of 10% or Rs. 2.00 crore. Whichever is less beyond the sanctioned amount of AA & ES.

- (a) Finance Officer to Chief Engineer of the concerned zone where the whole project is being executed in one zone.
- (b) In case where the project is divided under two or more zones for the purpose of execution of works the proportionate value of AA & ES for each zone in respect of works to be executed by them will be allocated with the approval of EM or by any officer authorised by him. While forwarding the requirement of funds in such cases, the FOs to Chief Engineers of the respective zones will verify that the expenditure incurred is within the proportionate value of AA & ES as allocated by the Engineer Member.
- (c) A.O. (CAU), where Dy. CAO is in position, will record verification note on the statement of disbursement annexed with requirement of lumpsum release of funds. Dy. CAO (CAU) for this purpose shall report to CAO.

(iii) In order to keep a propose watch on the release of funds, the format already prescribed for raising demand vide circular No. 21 dt. 28.6.94 has been slightly amended as per specimen enclosed. The demand for release of funds shall, in future, be raised in this revised format.

5. These instructions are brought to the notice of all concerned for strict compliance.

This issues with the concurrence of Finance and approval of Vice-Chairman.

Encl. As above.

Sd/-
(S.M. MADAN)
DIRECTOR (WORKS)

Copy to:—

1. PS to VC for information of the letter.
2. PS to EM for kind information of letter.
3. PS to FM for kind information of the letter.
4. CAO, DDA with 10 spare copies for circulation.
5. All CEs i/c CE(Elect.), CE(QC) & CE (Design) with 10 spare copies for circulation.
6. All SEs i/c SEs (Elect.) & SE(QC).
7. Director (MM).
8. Director (Hort.) North & South.
9. All EEs (Civil), EE(Elect.) & EE(QC).
- 10 All FOs to CEs.

11. E.O.-II, E.O.-III & Sr. A.O. (Plan) EM's Office.
12. File No. TICCS/Section-16/plot No. 10 of IA(H.W.).
13. File No. EM 16(1)94/Committee.

Sd/-
DIRECTOR (WORKS)
D.D.A.

Recommendation (Sl. No. 55, Para No. 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:-

Reply of the Government

It is submitted that a case of execution of work on work order basis for the period April, 89 to October, 91 was also part of 35 cases referred to above for which CVC advice was received on 25.1.94 and following action taken as a result thereof.

- (a) Initiation of major penalty proceedings against Shri R.L. Jain, S.E. and Shri Y. Singh, E.E. (since retired on 31.1.94)
- (b) Issue of recordable warning to 8 officials.

Proceedings have been dropped against Sh. R.L. Jain, SE vide Order No. 104/Vig./98 dated 29.4.98. On 2.6.98, Vice-Chairman, DDA has taken a decision about Sh. Y. Singh, EE (Retd.) and the same is to be submitted to the Authority for approval.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 57, Para No. 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.

Reply of the Government

The recruitment rules for all the categories of posts have been framed except for the post of Commissioner, which are in the process of being finalised.

[No.H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 59, Para No. 6.37)

They also recommend that all vacancies of technical nature should be field up within a reasonable time frame. Technical posts should not be remain vacant for any indefinite period.

Reply of the Government

Continuous efforts are made to fill up all the vacancies of technical nature as per their Recruitment Rules within the shortest possible time. The post of Commissioner (Planning) was filled up the day when the incumbent was reverting to his department.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 60, Para No. 6.45-6.46)

The Committee are informed that certain posts numbering 25 have been exempted from being filled by the departmental candidates vide Government orders dated 23.8.1998. 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 may 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 the appointment on deputation basis.

The Committee, however, recommend that except for the posts which have been exempted from being filled by departmental candidates vide order 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.

Reply of the Government

The recommendations of the Committee will be given due consideration while making future appointments.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 61, Para No. 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.

Reply of the Government

All the post in different cadres are filled up by DDA as per recruitment rules. No officers is being absorbed, except in public interest.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 63, Para No. 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.

Reply of the Government

The deployment of unskilled, semi-skilled and skilled, work charged staff is being done as per their skill and duties to be performed by them assigned accordingly by the concerned Engineer(s).

Also, keeping in view, the qualification aptitude, the conversion of work charged staff from various categories *i.e.* Mate and Beldar/Khallasi is being affected to other categories like Asstt. Typists, Security Guards, Pump Operators, Meter Reader, Asstt. Meter Reader, Meter Checker etc. after imparting departmental training subject to their option and fitness as per the recruitment rules for that particular category.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 64, Para No. 6.67)

The Committee are unable to understand as to how appointment on foregone 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.

Reply of the Government

A case RC 11(S)/92-DLI was registered by the CBI on 20.8.92 u/s 120-B r/w 420, 467, 468 & 471-IPC. CBI *vide* letter dated 24.9.93 has intimated about the involvement of the following officials and also recommended their suspension:—

1. Sh. R.S. Nim, Asstt.
2. Sh. C.S. Saini, Asstt.
3. Sh. Ramesh Kumar, LDC
4. Sh. M.L. Gaur, Asstt.
5. Sh. Pramod Kumar, W/C Mate, ISBT
6. Sh. Mahender Singh, W/C Beldar ED-8
7. Sh. Subhash Dhamma, W/C Beldar ED-2, DDA.

All the above named persons were placed under suspension by their respective disciplinary authorities.

The SP, CBI *vide* his letter No. 3/11/92/SPL/DLI/36 dated 6.1.94 has intimated about 3 chargesheet u/s 120-B r/w Sec. 420, 467, 468 & 471

IPC have been filed in the Court of MM, Patiala House, New Delhi on 5.1.94 against the following accused persons:

Chargesheet No. 1

1. Ramesh Kumar, LDC
2. M.L. Gaur, Asstt.
3. Sri Chand
4. Raj Pal Sharma

Chargesheet No. 2

1. Parmod Kumar
2. Lilu Sharma
3. Prem Singh
4. Ved Ram
5. Jai Ram
6. Suman Kumar
7. Babu Ram

Chargesheet No. 3

1. Mahender Singh
2. C.S. Saini, Asstt.
3. M.L. Guar, Asstt.
4. R.S. Nim, Asstt.
5. Subhash Dhama, Beldar
6. Sudesh Pal
7. Dharamvir Singh
8. Bipat Ram
9. Arvind Kumar
10. Munesh Kumar
11. Kishan Pal
12. Jai Prakash
13. Praveen Kumar

S.P. CBI *vide* his letter dated 2.7.97 intimated that the case is pending trial in the court and the Prosecution Witnesses are being examined in the trial court. A reference was sent to SP, CBI on 3.12.97 to know the latest position of the case but the reply of the same is still awaited. Another reminder issued on 17.3.98 and reply of which has been received from SP/CBI on 17.4.98 *vide* which it is intimated that case is still pending trial in the Court.

Another case *vide* FIR No. 155/88 PS Seemapuri, Delhi was also registered by the Ex. Engineer, ED-4, DDA in which S/Sh. Sukh Pal Singh, Asstt., Ram Parkash, UDC and Ramesh Kumar, LDC were involved.

In the said case all the accused persons have been acquitted by Sh. Sanjiv Jain, MM Karkardooma Courts, Delhi *vide* his

judgement dated 1.12.97 as the prosecution has miserably failed to prove its cases against the accused persons.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 65, Para Nos. 7.41—7.43)

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.

It is vcery 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.

The Committee desire that eviction proceedings against unauthorised occupants and recovery of damages under P.P. Act may be expedited.

Reply of the Government

Eviction proceedings are being initiated by DDA and action is being taken to recover the arrears of damges for the unauthorised use and occupation of the Land under the provisions of the P.P. Act. from the unauthorised occupants of the land.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 66, Para Nos. 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.

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 system officers of the Land Protection Branch apart from getting information from the field staff who were supposed to sent 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.

Section 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 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 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 encroachment 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. Till they do not

discipline themselves, unauthorised construction and encroachment will continue unabated.

The Committee recommend as follows:

(i) 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 DDA Act on encroachment, unauthorised constructions and unplanned development may be reviewed and, if need be, amended.

(v) Performance of the Director (Land Management) and Chief 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.

Reply of the Government

A comprehensive survey of the land has been conducted by DDA in respect of total land acquired transferred to the user Deptt. and the land under encroachment, photocopy of the detailed statement showing the extent of land under encroachment is enclosed to Annexure to Recommendation No. 66.

Watch and ward staff of enforcement/Land Protection Branch has been strengthened for keeping it free from encroachment. The responsibility and accountability with respect to each field functionary has been defined. A register defining the specific area and responsibility of each field functionary and supervision is being maintained in each zone. Each Security Guard has been made responsible to take round of the area atleast once in a day and fill in the weekly diary everyday. After the encroachment report is made by the Security Guard, the same is forwarded to the supervisor concerned. Supervisor has also been made responsible to personally verify the report of Security Guard and after varification, lodge a complaint with the local police authority in the case of encroachment. Similarly, patwari has also been directed to submit weekly report to the Kanungo/Naib Tehsildar with regard to inspection of the area under his charge.

Action is taken against land encroachers, as well as against the officials, who are found responsible for encroachment/unauthorised construction. Action is also taken against senior officers for laxity and lack of supervision, if found guilty on that account.

As far as performance of Director (Land Management) and Chiefs of the user Deptt. entrusted with the responsibility of protection of land from encroachments is concerned, detailed guidelines in this regard have been issued by V.C., DDA where in each field functionary of various level has been made accountable for their lapse.

Demolition operations are being carried out on a daily basis. Weekly, Monthly and Quarterly reports are being prepared and reviewed regularly. Regular demolition operations are being carried out. Efforts are also made to ensure that police is available. Matter about availability of police is taken up at the level of Commissioner Police. During 1997-98, 346 demolition programmes were carried, 5747 structures were removed.

The system of verifying authenticity of the weekly reports of the fields staff through random, surprise inspection at regular intervals has been introduced and the action is being taken accordingly so that no encroachment/illegal construction is allowed.

So far as encroachment by religious institutions is concerned, the same can not be removed unless and until the Committee headed by the Secretary (Home) Govt. of NCT Delhi gives its clearance. The possibility of realising the value of land from religious institutions which have encroached the land would be examined. The matter is under process.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

DELHI DEVELOPMENT AUTHORITY

Index showing lands of various categories at disposal and encroached as on 31.12.96 (in acres)

Sl. No.	Annexure No. of Revenue of land Estate	Category	Unit/zone	Land at disposal	Land Under encroachments				Total
					JJS	Resd.	Commr.	Relg.	
A 1	I	Nazul-I	TN Section	24709.00	15.5	178.5	55.00	7.50	256.50
			Total	24709.00	15.5	178.5	55.00	7.50	256.50*
B 2	II	MOR	S&S-II	690.89	9.97	13.67	14.65	2.60	40.79
			Total	690.89	9.97	13.67	14.55	2.60	40.79
C 3	III	L&DO	S&S-I	2578.30	51.50	7.77	1.36	1.50	62.13
			Total	2578.30	51.50	7.77	1.36	1.50	62.13
D 4	IV	Nazul-II	East	8477.15	54.10	475.80	11.00	1.25	542.15
	V	—do—	West	15074.39	25.56	68.41	18.20	2.14	115.81
	VI	—do—	North	9156.15	52.46	58.25	20.49	5.41	139.61
	VII	—do—	Rohini	7411.60	15.84	36.25	5.00	0.50	57.59
	VIII	—do—	South East	10987.97	189.14	281.70	46.52	12.42	529.78
	IX	—do—	South West	5957.68	15.25	24.04	8.23	0.15	47.67
			Total	57.64.24	352.35	944.45	112.44	21.87	1438.11
			Grand Total (A+B+C+D)	85042.43	429.32	1144.39	183.35	33.47	1790.53

NB *4141.3 acres land falling in four revenue estates is under

unauthorised cultivation of apart from encroachment.

** 174.323 acres of land was already under encroachments of various nature before transfer to DDA

*** 170.406 acres of land was already under encroachments of various nature before transfer to DDA

** After taking over possession by DDA

*** After taking over possession by DDA

Recommendation (Sl. No. 67, Para Nos. 7.53-7.54)

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.

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.

Reply of the Government

Monitoring mechanism of legal cases is being evolved in DDA to ensure that cases pending in various courts i.e. Distt. Courts, High Court and Supreme Court are properly attended to by the law officers and officers of Land Deptt. Special Counsels are engaged for getting the stay orders vacated in important land cases.

While presenting facts before the Court through affidavits and written statements, title of the land indicating its identity through Khasra Nos. etc. is brought to the notice of the Court to obviate chances of stay orders being granted by the Courts.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 68, Para No. 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.

Reply of the Government

Efforts are made for getting the stay vacated as soon as these are granted by the Court by placing full facts and documents before the courts. Important cases are entrusted to senior advocate, and these are monitored regularly. While filing reply for getting the stay orders vacated papers

showing title of land of DDA are also submitted before the respective courts at the initial stage.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 69, Para Nos. 7.56-7.57)

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.

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.

Reply of the Government

The appointment of retired judge for seeking his advice and suggest measures to reduce the number of stay cases & litigation is likely to be finalised very shortly by DDA with reference to the appointment of tenure terms and conditions of appointment etc.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 70, Para Nos. 7.58-7.61)

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.

The Committee also note the position stated by the Ministry of Urban Affairs and Employment in thier 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 (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 encroachments;
- (ii) Plots which are under encroachments; 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.

Reply of the Government

There are 134 residential plots in Malviya Nagar, Shankar Road, Geeta Colony, Lajpat Nagar, Kingsway Camp and Rajinder Nagar available which are free from encroachment and are readily available for disposal.

56 Residential plots were proposed to be auctioned in the year 1997-98. The auction however could not be scheduled due to the facts that the building plan in respect of Shankar Road were not being sanctioned by the Municipal Corporation of Delhi.

The matter was taken up by the DDA and it was decided to sanction the building plan in respect of Shankar Road plots by DDA itself.

In order to get competitive rates in the auction it was observed to stagger the auction and we should not dispose more than 10 plots in an auction schedule.

The auction programme for 22 residential plots (10 plots at Shankar Road, 8 plots at Kingsway Camp Redevelopment Scheme, 2 plots Geeta Colony, 1 plot at Lajpat Nagar Ring, Road and 1 plot at New Rajinder Nagar) has since been released in the leading Newspapers and the auction will be held on 19th & 29th June, 1998.

- (i) The list of 119 plots which are free from encroachment and readily available for disposal is at Annexure-I to Recommendation No. 70.
- (ii) Plots which are under encroachment, the list is at Annexure-II to Recommendation No. 70.
- (iii) A list of plots which are under encroachment and occupants/encroachers have secured injunction from the Courts is at Annexure-III to Recommendation No. 70.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

ANNEXURE - I to RECOMMENDATION No. 70

STATEMENT (i)

Statement showing plots those are free from encroachment

	<i>Total No. of Plots</i>
1. Shankar Road, Site No. I	99
2. Geeta Colony Block-8	7
3. Lajpat Nagar Ringh Road M.O.R. Pocket	1
4. Kingsway Camp Redevelopment Scheme	11
5. New Rajinder Nagar (Site No. 21)	1

Statement showing the vacant plots at Shankar Road, Site No. I

Plot Nos: 12, 14, 18, 19, 21, 22, 23, 24, 33, 36, 38, 39, 40, 41, 43, 44,
46, 47, 48, 50, 72, 73, 74, 75, 77, 78, 79, 81, 82, 86, 87, 89,
91, 92, 93, 94, 96, 97, 98, 99, 100, 101, 102, 104, 105, 107,
108, 110, 111, 113, 114, 115, 117, 119, 121, 122, 124, 127,
129, 131, 133, 134, 135, 136, 138, 139, 141, 143, 144, 147,
148, 149, 150, 151, 171, 181, 185, 187, 190, 192, 194, 196,
198, 202, 203, 204, 205, 207, 211, 213, 214, 215, 218, 220,
221, 224, 225, & 229

Statement showing the vacant plots of Geeta Colony, Blk.8

Plot Nos: 33, 34, 35, 36, 37, 38 & 41-A

*Statement showing the vacant plots at Lajpat Nagar, Ring
Road MOR Pocket*

Plot No.5

Vacant plots of Kingsway Camp redevelopment scheme.

N-20, 2572, 372, 1444-A, 1469, 1964/4, 616, 2573, 1177,
1964/5 & 1964/6

Vacant plots of new Rajinder Nagar, Site No. 21

Plot No. 7

ANNEXURE-II TO RECOMMENDATION NO. 70

STATEMENT (II)

Statement showing plots those are under Encroachment

	<i>Total No. of plots</i>
1. Shankar Road, Site No.I (Plot Nos. 52 to 70)	19
2. Geeta Colony, Block-5, (Plot Nos. 18 to 21) Site No. I,	4

ANNEXURE-III⁶ to RECOMMENDATION NO. 70

STATEMENT (III)

Statement Showing Plots where injunctions have been granted by the various courts & cannot be put to auction prior to vacation of status quo order.

1.	Lajpat Nagar Ring Road MOR Pocket (Plot No.3)	One Plot	Vacant (1994)
2.	Lajpat Nagar-II D-I-136-A G-II 25-A	Two Plots —Vacant —Facing projections of the adjoining bldg.	Vacant (1997)
3.	Defence Colony—D-134-A	One Plot	Stay granted in 1993
4.	New Rajinder Nagar (Plot No.5) Site No. 21.	One Plot	Stay granted in 1992
5.	Kingsway Camp Redevelopment Scheme	Six Plots	Stay granted 1995
6.	Plot Nos. 1502, 1881, 2429, 2462, 2660 & 2556 Geeta Colony	Four Plots	Stay granted by the Hon'ble High Court. Exact- date not known.
7.	Kalkaji	**About Hundred One Plot Two Plots	Vacant (1994) Vacant (1997)
8.	Shankar Road	One Plot	Vacant (1997)

** Stay granted in 1984. The land use has been changed to residential and notified by the Central Govt. There is every likelihood that the stay will be vacated by the High Court during 1997-98 as the matter stands heard by the Delhi High Court and the Judgment is reserve.

Recommendation (Sl. No. 71, Para Nos. 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 the 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.

Slum and JJ Department is also at present running and managing night shelters at 19 locations for the benefit of about 3500 payment 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 from 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 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 owing 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 laws to prevent jhuggi-jhompri clusters from growing in Delhi and take deterrent action against those setting up new jhuggies.

Reply of the Government

The Ministry of Urban Affairs & Employment have been emphasising from time to time the need to protect public land from encroachments at the initial stage itself, launch criminal trespass cases against encroachers and take action against the delinquent staff charged with the responsibility of watch and ward of such lands. The Heads of Organisations and the Heads of the Departments have been requested to review the progress made in this regard at least once in two months and Heads of Departments once a month. A copy of the instructions issued by this Ministry on 14.8.1997 and 17.11.1997 are at Annexure I and II to Recommendation No. 71.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

ANNEXURE-I TO RECOMMENDATION NO. 71

No. J-13036/3/96-DDIIB

Government of India

**Ministry of Urban Affairs & Employment
(Department of Urban Development)**

**Nirman Bhavan,
New Delhi, dated 11th August, 1996.**

To

- 1. The Director General (Works), central P.W.D., Nirman Bhavan, New Delhi.**
- 2. Director of Estates, Nirman Bhavan, New Delhi.**
- 3. Land and Development Officer, Nirman Bhavan, New Delhi.**
- 4. Vice-Chairman, Delhi Development Authority, Vikas Sadan, New Delhi.**
- 5. Commissioner, M.C.D., Town Hall, Delhi.**
- 6. Chairperson, N.D.M.C., Palika Kendra, New Delhi.**

**Sub:—Encroachment/Unauthorised construction on public land.
Sir,**

I am directed to invite your attention to this Ministry's letters No. J-13036/15/90-DDIIB dated 11.7.1990 and dated 12.12.1991 on the subject cited above and to state that it has been noticed that inspite of the instructions issued on several occasions in the past, instances of encroachment/unauthorised constructions on public land under the charge of various Government Departments/organisations and autonomous bodies continue to be reported. Such encroachments have been causing serious concern to Government inasmuch as they lead to loss of precious public land, pose administrative and legal difficulties and law and order problems during their removal and cause delays in the execution of public projects because of the long time required for removing such encroachments, Government have been emphasising from time to time the need to protect public land from encroachments at the initial stage itself, launch criminal trespass cases against encroachers and take action against the delinquent staff charged with the responsibility of the watch and ward of such lands. This matter has been further considered and it is reiterated that the following measures should be taken immediately by the concerned land-owing agencies, local bodies and DDA:—

- (i) To recover and map out the encroachments and unauthorised use of public lands under their respective controls;**

- (ii) To take effective steps to remove the encroachments/unauthorised use on a time-bound basis and to launch prosecutions, wherever necessary;
- (iii) To vigorously pursue investigations and prosecution of all pending cases;
- (iv) To take effective measures, including fencing, putting up compound-walls, employing watch and ward staff, deploying private agencies, where necessary and feasible, to protect public lands from future encroachments;
- (v) Separate Officers should be specified for protection of public lands and preventing encroachments thereon in respect of different areas/zones. These zonal officers should be made responsible for submission of monthly reports to the overall controlling officer about the status of encroachments, if any, on public lands and organising removal of encroachments/filing of FIR's etc., for preventing future encroachments. They may be given adequate supporting staff for this purpose.
- (vi) Effective liaison should be established with the local police to prevent/remove the encroachments on public lands.
- (vii) Heads of organisations should review the progress made atleast once in two months and Heads of Departments once a month.

Yours faithfully,

Sd/-
(R.K. SINGH)
DIRECTOR (DD)

Copy to:—

1. The Chief Secretary, GNCTD, 5, Sham Nath Marg, Delhi.
2. The Commissioner to Police, MSO Building, I.P. Estate, New Delhi.
3. The Pr. Secretary (UD/LSG), GNCTD, Vikas Bhavan, New Delhi.
4. The Secretary (L&B/PWD), GNCTD, Vikas Bhavan, New Delhi.
5. The Secretary to LG, Delhi, Raj Niwas, Delhi.
6. Executive Director (Lands/Rly. Board)
7. Executive Officer, Delhi cantonment Board.

Sd/-
(R.K. SINGH)
DIRECTOR (DD)

Copy for information to:—

1. PS to MOS (UA&E).
2. PPS to Secretary (UD)/PS to AS (UD)/JS(WA)/JS(UD).
3. File No. J-13036/3/87. DDIIB.

Sd/-
(R.K. SINGH)
DIRECTOR (DD)

ANNEXURE-II TO RECOMMENDATION NO. 71

**No. J-13036/3/96-DDIIB
Government of India
Ministry of Urban Affairs & Employment
(Department of Urban Development)**

**Nirman Bhavan, New Delhi
Dated : 17.11.97**

To

- 1. The Vice Chairman, DDA, Vikas Sadan, New Delhi.**
- 2. The Commissioner, MCD, Town Hall, Delhi.**
- 3. The Chairperson, NDMC, Palika Kendra, New Delhi.**

SUBJECT:—*Encroachment / unauthorised construction on Public lands—Setting up of Mobile Squads.*

Sir,

I am directed to invite your attention to this Ministry's letter of even No. dated 14.8.96 on the subject cited above. It has been noticed that in spite of the instructions issued on a number of occasions in the past, instances of unauthorised constructions/encroachments on public lands belonging to various Government Departments/organisations/Autonomous Bodies as well as construction of unlicensed buildings on private lands continue to take place in large numbers. Such unauthorised constructions/encroachments have been causing serious concerns to the Government and have also been the subject matter of a public interest litigation in the Delhi High Court recently *vide* CWP. No. 4771/93, Government have been repeatedly emphasising the need to protect public land from encroachments at the initial stage itself. Any further unauthorised/unlicensed constructions on private lands also need to be prevented and stringent action taken right in the beginning.

2. After re-examining the matter the Central Government in exercise of the powers vested in it by Section 41(1) of D.D. Act/Section 487 of D.M.C. Act/Section 395 of N.D.M.C. Act hereby directs that with a view to tackling the menace of unauthorised constructions and encroachments of

public lands, the following measures shall be taken immediately by the GNCTD, NDMC, MCD, DDA and other land owning agencies in Delhi:—

- (i) NDMC, MCD and DDA should set up within their own financial resources mobile squads headed by the jurisdictional Assistant Engineers in order to conduct spot verification of all on-going constructions in their respective areas *on a day to day basis*, with a view to ensuring that these are based on building plans duly sanctioned by the respective local authorities/bodies. Such inspections should not be confined merely to the lands owned by these bodies, but will extend over all public and private lands in their respective jurisdictions ;
- (ii) Immediate steps should be taken to stop or demolish the constructions which are being carried on in the absence of sanctioned building plans. Effective liaison with the jurisdictional Police Stations should be maintained while carrying out these tasks to prevent any law and order or other untoward problems;
- (iii) The performance of the mobile squads may be reviewed by the District-level Special Task Forces set up under the orders of the LG, Delhi in each District;
- (iv) For any encroachment on public land which takes place after the date of issue of this letter, the Assistant Engineer/Junior Engineer in-charge of that area shall be held responsible and disciplinary action taken against them in appropriate cases;
- (v) Wherever deemed necessary and specially in cases where unauthorised constructions are not stopped despite issue of a notice, steps should be taken to register FIRs and launch prosecutions against the defaulters/encroachers;
- (vi) Special attention will be paid to ensure that parks, green spaces and other public open spaces are not encroached upon even through temporary constructions. Any temporary construction allowed for a specific purpose should be got vacated within the allotted time-frame in the absence of which action be taken to remove such constructions forthwith at the cost of the party concerned and deduct the expenditure from his security deposit; and
- (vii) All land owning agencies should take effective measures including fencing, regular inspection of the land; etc. to protect their lands from future encroachments. Private security agencies may be deployed for this purpose, wherever found absolutely necessary.

3. The above directions are issued under Section 41(1) of Delhi Development Act Section 487 of Delhi Municipal Corporation Act, and Section 395 of NDMC Act.

4. All land owning agencies should also take necessary protective and preventive measures and ensure that their land is not utilised for dumping garbage and thereby be lost to its regular use.

5. The above instructions should be implemented strictly and action taken by the land owning agencies reported to this Ministry.

Yours faithfully,

Sd/-
(Dr. Nivedita P. Haran)
Director (DD)

Copy to:—

1. The Secretary to LG, Delhi, Raj Niwas, Delhi.
2. The Chief Secretary, GNCTD, 5 Sham Nath Marg, Delhi.
3. The Commissioner of Police, MSO Building, I P Estate, New Delhi.
4. The Principal Secretary (UD) GNCTD, Vikas Bhavan, New Delhi.
5. The Secretary (L&B). GNCTD, Vikas Bhavan, New Delhi.
6. The Director General (Works), CPWD. Nirman Bhavan, New Delhi.
7. Director of Estates, Nirman Bhavan, New Delhi.
8. Land & Development Officer, Nirman Bhavan, New Delhi.
9. Executive Director (Lands), Railway Board, New Delhi.
10. Executive Officer, Delhi Cantonment Board, Delhi Cantonment.

Sd/-
(Dr. Nivedita P. Haran)
Director (DD)

Copy for information to:—

1. PS to MOS (UAE)
2. PPS to Secretary, MHA/Secretary (UD)/PS to AS(UD)/JS(WA)/JS(UD)
3. Copy to F. No. O-33011/2/94-DDIIB

Sd/-
(Dr. Nivedita P. Haran)
Director (DD)

Recommendation (Sl. No. 72, Para Nos. 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 31.1.90, 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-jhompri, 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 jhuggi 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. 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 owing 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 owing 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 were 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.

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 31.1.90 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.

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 court yard 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 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 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.

Reply of the Government

The Government of the National Capital Territory of Delhi proposes to carry out a one-time survey of the JJ dwellers in Delhi. Any decision in this regard depends upon the magnitude of the problem *vis-a-vis* availability of land.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 73, Para Nos. 8.85-8.87)

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 1990-92 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' resettlement was in progress.

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.

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.

Reply of the Government

As already stated in reply to Recommendation No. 72, the Government of the National Capital Territory of Delhi proposes to carry out a one-time survey of the JJ dwellers in Delhi. Any decision in this regard depends upon the magnitude of the problem *vis-a-vis* availability of land.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 74, Para Nos. 8.88-8.89)

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 the 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.

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.

Reply of the Government

As stated in the above paras, the DDA is committed to provide adequate housing for economically weaker sections of the society. DDA has been allotting 10 to 15% of land for Slum/JJ rehabilitation in its various schemes as given below:—

Name of the Scheme	Land allotted Slum & JJ Wing (MCD)	Remarks
Dwarka	117.26 acres land already allotted Ph-I.	13 to 15% of land is proposed for resettlement in Ph-II.
Rohini	51.19 acres land already allotted.	10% of land is proposed for Slum/JJ Rehabilitation in Rohini Ph-IV.
Narela	About 10% of acquired land allotted for slum/JJ. The percentage shall be maintained in new development.	

Besides above, DDA has been providing about 60% of its housing to EWS/LIG.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 75, Para No. 8.90)

The Government may also examine the feasibility of constructing multistoreyed 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.

Reply of the Government

The Government is already seized of the matter.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT'S REPLIES

Recommendations (Sl. No. 1, Para Nos. 1.10-1.11)

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. 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.

Reply of the Government

Three elected representatives from the Legislative Assembly of the National Capital Territory of Delhi have already been associated with the Authority vide Notification No. K-11011/20/92-DDIA dated the 14th March, 1997, a copy of which is attached as Annexure to Recommendation No. 1.

The recommendation of the Committee has, however, been examined by the Government. Keeping in view the fact that the area of DDA's functioning is confined to the National Capital Territory of Delhi and popular representation through MLAs and Municipal Councillors is already provided in the Authority, it has been decided not to change the composition of the Authority.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

**ANNEXURE
RECOMMENDATION NO. 1**

**TO BE PUBLISHED IN PART II, SECTION 3(ii) OF THE GAZETTE
OF INDIA**

**No. K-11011/20/92-DDIA(Vol. III)
Government of India
Ministry of Urban Affairs & Employment
Department of Urban Development
(Delhi Division)**

New Delhi, dated the 14th March, 1997

NOTIFICATION

G.S.O. No. Pursuant to their election by the Legislative Assembly of the National Capital Territory of Delhi, the Central Government in accordance with the provisions of sub-section (1), read with clause (f) of sub-section (3) of Section 3 of the Delhi Development Act, 1957 (61 of 1957), hereby nominates Shri Swaroop Chand Rajan, MLA, Shri Saheb Singh Chauhan, MLA and Shri Ramvir Singh Bidhuri, MLA as Members of the Delhi Development Authority with immediate effect.

S/-
(V. K. Misra)
Desk Officer

To

The Manager,
Govt. of India Press,
Mayapuri, Ring Road,
New Delhi.

— With Hindi version

Copy for information to:—

1. The Secretary to the Lt. Governor of Delhi, Delhi
2. Shri Swaroop Chand Rajan, MLA } Through the Secretary,
3. Shri Saheb Singh Chauhan, MLA } Legislative Assembly,
4. Shri Ramvir Singh Bidhuri, MLA } GNCTD, Old Sectt.,
Delhi

5. Vice-Chairman, DDA Vikas Sadan, INA, New Delhi.
6. Commissioner-cum-Secretary, DDA, Vikas Sadan, INA, New Delhi.
7. Chief Secretary, Govt. of National Capital Territory of Delhi, 5 Sham Nath Marg, Delhi.
8. Secretary (Land & Building), Vikas Bhawan, I.P. Estate with reference to his D.O. letter No. 12(180)/91-L&B/P.Lg./4359 dated 10.2.1997.
9. Director (Delhi Division), Ministry of Home Affairs, North Block, New Delhi.
10. Engineer Member, DDA, Vikas Sadan, INA, New Delhi.
11. Finance Member, DDA, Vikas Sadan, INA, New Delhi.
12. Commissioner, MCD, Town Hall, Delhi.
13. Chief Planner, TCPO, Vikas Bhawan, New Delhi.

Sd/-
(V.K. Misra)
Desk Officer

Copy also forwarded to: PS to MOS(UAE)/PPS to Secretary(UD), PS to 45(UP), PS to JS(W.A.)

Recommendation (Sl. No. 11, Para Nos. 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 notified, but regretablely 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 Delhi Development Act or 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.

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 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.

Reply of the Government

The Government of NCT of Delhi has reported that it has made all out efforts recently to ensure that the possession of notified land is handed over to DDA immediately, particularly in those two hundred and twenty cases of delayed acquisition where the Hon'ble Supreme Court has upheld the notifications issued by the Government and possession of land measuring 10855 Bigha 9 Biswa is involved. Meetings have been held in GNCTD from time to time with the senior officers of DDA and Dy.

Commissioners of 9 Distt. as well as concerned SDMs to take the possession of this land within the prescribed time limit. The DDA has so far taken possession of such land measuring 3421 Bighas. With the setting up of 9 Distt. and 27 Divisions in GNCT of Delhi the process of handing over the possession of acquired land to the DDA has become easier and substantial progress has been made in handing over/taking over the possession after December 1995. After December, 1995 the total area handed over to DDA comes to 10055 Bighas.

According to MPD-2001 in order to accommodate 3 to 4 million population, Delhi Urban area is to be extended by about 18,000 to 24,000 ha. The DDA has taken up the following major schemes/sub-city projects for meeting the requirements for population.

Subcity	Designed population (in Lakh)	Scheme area (in ha.)	Land acquired (in ha.)
Dwarka	11.0	5,600	2,926
Rohini	16.5	6,500	2,766
Narela	14.0	7,500	685

Besides above, DDA has also taken up Vasant Kunj, Ph. II, Sarita Vihar and Dhirpur during 1981-91, 16,710 acres of land was acquired and during 1991-95, 6300 acres was acquired. DDA before acquisition of land ensures that land is required for planned development and for public purpose. DDA has been paying compensation through the Land & Building Department, GNCTD as per their demand. This includes payment of enhanced compensation which works out to Rs. 162.31 crores.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 12, Para Nos. 2.17-2.18)

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."

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.

Reply of the Government

DDA sends proposals for acquisitions of land to the Land & Building Deptt. of GNCTD. These lands are required to meet the housing and other needs for social and physical infrastructure as well as for green areas. However, land is actually acquired by the Land and Building Department of Govt. of NCTD through Land Acquisition Collector and compensation so determined by him is remitted by DDA into 'Revolving Fund'.

Payment to land owners are made by concerned Land Acquisition Collectors. It is further stated that in the past, DDA had been remitting lump-sum payments into Revolving Fund on account of land acquisition compensation. Funds released by DDA into Revolving fund are utilised by L&B Deptt. of GNCTD. However, year-wise break-up of land acquired and placed at the disposal of the DDA under Section 22(i) of DD Act, 1957 by the GNCTD from 1961 to Feb., 1997 is enclosed in Annexure-A. Total land acquired and placed at the disposal of DDA during the above period works out to 59,542.78 acres (Annexure-3). The amount paid into Revolving Fund during the year 1961 to March, 1997 on account of land acquisition compensation is at Annexure-C which shows total payment of Rs. 615.35 crores.

There are number of land acquisition proposals for the year 1997-98 which are pending with Land and Building Deptt. and DDA has to acquire this land urgently for taking up the projects. The Notification is yet to be issued by the Secretary, Land and Building Deptt., GNCTD, the details of which are as under:

Sl. No.	Name of scheme (Major Projects)	Area	Amount as per revised rates — (Rs. 10.00 lacs + 30% solution)
1.	Rohini, Sector-IV	1856 acres	241.28 crores
2.	North Freight Complex Narela	1295 acres	168.35 crores
3.	West Dwarka Project Phase-II	2336 acres	303.68 crores
	Total	5487 acres	713.31 crores

It may be pertinent to point out that value of land measuring 5487 acres estimated to cost Rs. 713.31 crores exceeds the compensation and enhanced compensation for 59,542.78 acres already acquired from 1961-62 onwards for which compensation of Rs. 615.35 crores has been paid to Secretary, L&B.

The accounts of DDA, Land & Building Deptt. and Dy. Commissioner Office could not be reconciled for the last so many years. The Govt. of NCT of Delhi has deployed experts/auditors to audit and reconcile the

accounts of all the three Deptts. The exercise was taken up in March, 97 and appreciable progress has been made to reconcile the accounts of all the three Deptts. so that the chance of irregularities in the account of any of these Deptts. may not occur. Since the period involved for reconciliation is quite long, it may take some time to finally reconcile the accounts.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

ANNEXURE A TO RECOMMENDATION No. 12

THE YEAR WISE BREAK UP OF LAND ACQUIRED AND PLACED AT THE DISPOSAL OF THE DDA UNDER SECTION 22(1) OF DD ACT 1957 by the ADMINISTRATION FROM 1961 TO 1996 IS GIVEN AS UNDER:—

Sl. No.	Year	Area in Acres
1	2	3
1.	1961-62	258.45
2.	1962-63	1748.44
3.	1963-64	1619.84
4.	1964-65	1740.90
5.	1965-66	2406.72
6.	1966-67	33.44
7.	1967-68	6847.41
8.	1968-69	349.83
9.	1969-70	—
10.	1970-71	—
11.	1971-72	3040.66
12.	1972-73	4574.12
13.	1973-74	3802.15
14.	1974-75	120.99
15.	1975-76	1142.99
16.	1976-77	465.71
17.	1977-78	1459.32
18.	1978-79	2220.90
19.	1979-80	94.12
20.	1980-81	8455.91
21.	1981-82	4578.35
22.	1982-83	1250.00
23.	1983-84	1531.87
24.	1984-85	636.59
25.	1985-86	1161.05
26.	1986-87	7342.07
27.	1987-88	73.75
28.	1988-89	104.88
29.	1989-90	17.92
30.	1990-91-92	945.26
		including possession takeover from L&B Deptt.
31.	1992-93	1468.68

1	2	3
32.	1993-94	31.44
33.	1994-95	19.02
34.	1995-96	NIL
Total:		59542.78 Acres

ANNEXURE 'B' TO RECOMMENDATION NO. 12
DELHI DEVELOPMENT AUTHORITY
(New Leases Branch)

Land placed at the disposal of DDA Act 1957 up to Feb., 97.

Last balance up to 95-96	59542.78 Acres
During the year Feb. 97	NIL

Total:—	59542.78 Acres.
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1. Residential Scheme	26672.19 Acres
2. Industrial Scheme	2700.82 Acres
3. Horticulture	8185.59 Acres
4. Slum & J.J Scheme & H.C.D	6001.01 Acres
5. Govt. Semi-Govt. Other Deptt.	10048.75 Acres
6. Co-op Society (C.H.B.S)	5806.15 Acres
7. Balance.	38.27 Acres

Total:—	59542.78 Acres
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Sd/-
Tehsildar (L.R)

ANNEXURE 'C' TO RECOMMENDATION NO. 12

STATEMENT SHOWING YEAR-WISE PAYMENT OF LAND ACQUISITION COMPENSATION AND ENHANCED COMPENSATION

Year	Compensation	Enhanced Com- pensation	Total (figure in cr.) Amount
1991-92	24.99	—	24.99
1992-93	4.06	—	4.06
1993-94	62.45	10.23	72.68
1994-95	28.24	49.80	78.04
1995-96	50.48	58.11	108.59
1996-97	51.17	53.18	104.35
			392.71
			Add: 222.64
		Total:	Rs. 615.35
			Crores
			Sd/-
			AAO/LMA

Recommendation (Sl. No. 13, Para No. 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 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 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.

Reply of the Government

So far as 13075 bigha land is concerned, even-though, notification under section 22(1) of the DD Act, 1957 has not been issued, the land has been taken over by DDA and it is under its possession and is utilized/being utilized as per requirement of the user department.

31,530 Bigha land which has not been handed over by the LAC through Land & Building Department to the DDA being built up at site or due to some stay orders, had to be handed over by the LAC after removing the unauthorised constructions. This was not done by them. It was mostly in those cases where land could not be protected after notification u/s 4 of Land Acquisition Act. Now before issuing notification for acquisition, land is notified as development area under D.D. Act and DDA takes care to see that no unauthorised activity takes place. This will help to get vacant possession of land in future. Now there is also a practice to conduct a joint survey by Land & Building Deptt. and LAC staff before acquisition. This will help to identify the structures which exist at the time of notification for acquisition.

As regards court cases, DDA has been pursuing vigorously through its advocates and has been successful to a large extent in getting the cases decided in its favour. A large number of cases were decided by the Supreme Court of India and DDA was able to take possession of about 2000 bigha land. Mechanism is being evolved for more close monitoring of cases pending in various courts.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 18, Para Nos. 2.59—2.60)

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 plot 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. Dwarka, Rohini and Narela.

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.

Reply of the Government

As far as possible, the allotment of the plot of the recommended size is made as close to their village or in the neighbouring village. However, due to paucity of land in South & East Delhi, it has not been possible to allot land in the same zone. Therefore, as per the present policy the allotment of alternative plots to the recommendees of each zone is made as follows:

- | | |
|--|-----------|
| 1. Recommendees of South Zone & Dwarka | In Dwarka |
| 2. Recommendees of East, West and Rohini | In Rohini |
| 3. Recommendees of Narela | In Narela |

As regards the recommendation of the Estimates Committee that persons whose land acquired is less than one bigha should also be considered for allotment of plot of 40 sq. yards, it is stated that in case of lands between 150 sq. yards to 1 Bigha acquired for planned development of Delhi where awards have been declared prior to 3.4.1986, plots of size 40 sq. yards are still being recommended by the Land & Building Department of the Govt. of NCT of Delhi. However, this was not found feasible to be continued in respect of awards declared on or after 3.4.1986 due to scarcity of land in Delhi. Now alternative plots are being recommended in only those cases where land acquired is 1 Bigha or more.

[No. H-11013/5/97-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 19, Para No. 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.

Reply of the Government

The allotment of alternative plots is a continuous process 535 recommendees of South & Papankalan were allotted plots in Dwarka in the draw of lots held on 7.1.97. Beside, 32 plots were allotted to the recommendees of Narela on 28.4.95. The present pendency of recommendees (zone-wise) is as follows:

South & Dwarka	11
West	116
East	270
North, Rohini & Narela	526
Narela	16

Efforts are made to allot alternative plots in a time bound manner and as early as possible, but some time it becomes difficult for the DDA to stick to a time schedule because of non availability of land, encroachment at site, litigation and other such problems. Though the bulk of recommendees of South-Papankalan and Narela have already been accommodated by allotment of alternative plots, it has not been possible to give alternative plots to the recommendees of Rohini because of non availability of sufficient land for alternative allotment. Further, it may be stated that allotment of alternative plots is made by draw of lots and in accordance with the seniority based on the taking over possession of the acquired land and not on the basis of the date of recommendation by the Land & Building Department.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (SL. No. 20, Para Nos. 3.34—3.37)

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.

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.

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.

Reply of the Government

The other agencies responsible, for providing services like electricity, water etc. are always kept apprised of the DDA's proposals at various stages of the projects right from their inception. Physical infrastructure projections have been indicated in the Master Plan 2001. It provides for additions/upgradation of the services in a phased manner. DDA plans its activity keeping in view that the other agencies also shall make available the matching infrastructure requirements as projected in the Master Plan. While preparing the Five Year Plan document, the requirement of services is covered in detail in a specific Chapter under the Head "INFRASTRUCTURE". There is an Infrastructure Committee set up for the purpose normally under the Chairmanship of Engineer-in-Chief, DWS & SD. Undertaking with other members from various agencies including DDA. The requirement of water, sewerage, drainage etc. is projected in this Committee pertaining to the DDA's Developmental programmes during the Five Year Plan.

The procedure for taking up development of land by DDA is given in brief as under:—

After the land is acquired and the survey work is completed, a layout plan indicating the land use in accordance with the requirement of Master Plan is worked out and discussed in the Screening Committee headed by the VC, DDA. The representatives from various local bodies connected

with providing bulk services are also members of this Committee. After incorporating the recommendations of the Screening Committee, the layout plan is placed before the 'Authority' for consideration and approval and thereafter it is taken to the DUAC for final clearance. In case, it involves change of land use, the approval of the Ministry is also taken at that stage. Once, the layout plan is finalise~~d~~, the service plans for water supply, sewerage, drainage, power are prepared and sent to the concerned local bodies for according approval. On approval from these local bodies, the works are taken up on ground. It will thus be seen that the concerned local bodies are associated at various stages of the planning and development of the project. Despite such co-ordinating, bulk services departments are not able to keep pace with the DDA's development works. To settle such issues, the L.G. has constituted a Committee to provide basic services in areas undertaken by DDA for development. Review meetings are also held in the Ministry for this purpose.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 23, Para No. 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 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, and 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 affairs. 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.

Reply of the Government

The Government of NCT of Delhi and the Delhi Vidyut Board have reported that the power demand in Delhi is growing @ 8 — 10% per annum both in terms of maximum demand and energy requirement. The maximum demand of power in Delhi has already reached 2355 MW in January, 1998. This demand was met by DVB from its own generation at I.P. Station, Rajghat Power House, Gas Turbine, BTPS and import of power from the Northern Grid out of DVB's share.

In view of heavy dependence of DVB on the outside sources for meeting the power requirement, a number of new Generation Projects have been identified for execution during 9th/10th Five Year Plan. These includes combined cycle Gas based project Bawana Ph. I (421 MW), Bawana Ph. II (600 — 650 MW), Pragati CCGT (350 — 450 MW), Appolo Energy Co. (300 MW) and I.P. Replacement Project (900 MW). DVB is also encouraging Captive Power Plants in Delhi. The Captive Power Policy, has been finalised. Allocation of 300 MW has been agreed in principle in Nabi Nagar Thermal Power Project, Bihar (1100 MW).

During the current summer season the maximum demand of power in Delhi is around 2400 MW. The availability of the power to DVB from its own sources is about 250 MW, BTPS is supplying power to the extent of 500 MW and the shortfall is being met by import from Northern Grid. During one of the meetings held with Hon'ble Minister of Power on 25th March, 1998, the Central Generating Stations like NTPC, NHPC etc. were directed to make available atleast 1600 MW power to Delhi. It has, however, been observed that there is shortage of power to the extent of the 250 — 300 MW during the peak hours. The position has further aggravated during the current summer due to low voltage and low frequency prevailing in the Northern Grid on account of overall shortage in availability of power.

In view of the continued shortage in availability of power from the Northern grid, DVB has prepared a load shedding schedule for carrying out the load shedding in rotational manner during the peak hours and the same has been duly notified in all the leading newspapers for general information of the public. Besides this additional unforeseen load shedding beyond the specified peak load hours may also become necessary due to any of the reasons given hereunder which are beyond the reasonable control of DVB:—

1. Any breakdown in generating units of DVB or the Central Sector Generating Stations or loss of major transmission lines which reduce availability of Power from Northern Grid.
2. Due to over-drawal by other partner states of the Northern Grid, System frequency/voltage may fail below permissible limits causing additional load shedding in order to save the system from total collapse.
3. In addition to the above exigency, the power supply may also get dislocated due to local breakdowns e.g. failure of transformers, high tension/low tension cables and local sub-station equipment.

Nevertheless, DVB is making all out efforts to avoid inconvenience to the public by minimising the interruptions to the extent possible under the given constraints. Additional breakdown gangs have been deployed

to reduce the response time for attending to the breakdowns thereby minimising the inconvenience to the public.

[No. H-11013593-DDIA, dated 3 August, 1998]

Recommendation (Sl. No. 41, Para Nos. 5.23 — 5.26)

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.

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.

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.

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.

Reply of the Government

✓ The CPWD Manual lays down detailed instructions about the circumstances, scope of work and the modalities to be followed while awarding works on work order basis by different level officers. In this context, detailed instructions have since been issued by DDA *vide* Circular Nos. 477 & 506 to ensure that all the procedures and norms as laid down in CPWD manual/Code are strictly adhered to by all the concerned officers while awarding works on work order basis. These instructions explicitly stipulate that any lapses on this account would invariably invite disciplinary action. As and when any irregularity in this regard is noticed, suitable action is initiated. Copies of these instructions are enclosed as Annexure-I & II to Recommendation No. 41.

[No. H-11013593-DDIA dated 3 August, 1998]

ANNEXURE I
RECOMMENDATION NO. 41
DATED: 22.11.95

No. F5 (418)94-95/PC2596

CIRCULAR NO. 477

SUB: Award of works without call of tenders-work orders.

The WAB in its meetings held on 17.4.93 and 29.12.94 delegated the following enhanced powers in respect of award of works without call of tenders.

Desig.	Annual Limit	Amount of Individual work
EE	Rs. 5.00 lacs	0.75 lacs
SE	Rs. 20.00 lacs	2.00 lacs
CE	Rs. 30.00 lacs	4.00 lacs

The powers delegated to the officers of Hort. Wing are as under:

Dy. Director	Rs. 2.5 lacs	0.35 lacs
Director	Rs. 10.00 lacs	1.00 lacs

2. In emergent case or when the interest of the work demands, the Divisional Engineer may award works without call of tenders up to his power in this respect. The precise nature of the urgency involved shall invariably be recorded in writing by the Divisional Engineer before dispensing with the calling of tenders for works costing more than Rs. 2500/-.

3. If due to very great urgency competitive rates cannot otherwise be fixed, quotations be obtained.

4. It has been circulated *vide* letter No. F5(287)92-93/PCpt/173-99 dt. 15.12.93 and its subsequent reminder No. F5 (287)92-93/PCpt/136-47 dt. 16.1.95 that in case of award of work without call of tenders, each authority would submit monthly return of work orders issued in a month (explaining urgency) alongwith commulative value of work orders issued during the financial year to his next higher authority. A copy of the return is required to be endorsed to CAO by 15th of the next month. It has been observed that these instructions are not being followed. Since monitoring of information received from divisions directly by CAO is difficult, henceforth, the return should be submitted by Divisional Officer to FO of the

zone. The FOs. will compile the information and will submit the same to CAO by 22nd of the month. All concerned officers should ensure meticulous compliance of these instructions failing which disciplinary action may be initiated against the defaulting officers.

5. A proper register shall be maintained in all divisional circles/zones to watch that the above limits are not exercised. It shall be the duty of the EE, SE & CE to verify the work orders register before approving the same.

6. The powers of an officer who has exhausted his delegated powers for a particular financial year as defined in Para-I above shall be treated as withdrawn for the remaining part of that financial year and any work order issued beyond this limit shall not be good for payment unless competent authority gives approval to such work order. No payment should be allowed by DDO/Div. Acctt/CAUs/FOs against such work orders.

7. Full reasons shall be recorded by the approving authority who should guard against contractors holding out unjustifiably high rates. As a normal rule, contracts should be placed only after invitation of open tenders. Cases for award of works without call of tenders should be comparatively infrequent and only when there are very special reasons for making an exception to the general rule and in public interest.

8. It has also to be noted that the rates obtained after call of quotation cannot be considered as competitive and the work awarded on their basis construed to have been awarded without call of tenders.

9. When works are awarded without call of tenders it should also be ensured that the sum total of all the work orders issued against any particular estimate as a whole does not exceed the power to award work without call of tenders of the authority issuing the work orders.

10. Before awarding the work, the contractor should be asked to furnish a list of gazetted/non gazetted and W/charged employees related to him.

11. The Divisional Engineers/Superintending Engineers/Chief Engineers while awarding the work on work orders, have also to satisfy themselves that the provision exists in the preliminary estimate as well as in the detailed Estimate technically sanctioned by the competent authority and also that the budget provision exists in the relevant financial year.

12. Before awarding the works on work order basis, budget slip will be obtained from Dy. CAO(CAU) or F.O. of the zone as required vide F&E's Circular No. 19 dt. 19.6.95.

13. The Divisional Accountants will ensure at the time of issue of work orders as well as release of the payment thereof that the work orders are within the parameters defined above. Any laxity on this account shall be viewed very seriously and shall attract disciplinary action.

14. As per Circular No. 36 dt. 8.9.95 issued by Finance, the payment for execution of work to contractors on hand-receipts is to be avoided.

However if due to exigencies in the public interest, if such payments are to be made these should be accounted for in the annual limit of the work order of EE/SE/CE as the case may.

15. Central Accounting Unit shall also exercise all the required checks as have been prescribed in the Central Accounting Unit system.

Sd/-
(R. L. HANS)

Engineer Member/DDA

Copy to:

1. VC/DDA
2. FM/DDA
3. CVO/DDA
4. CAO/DDA
5. CE (Design) with 5 spare copies
6. CE (QC) with 5 spare copies
7. CE (Elect.) with 15 spare copies for SEs, EEs and FOs.
8. CE (EZ, NZ, WZ, SEZ, SWZ, RZ, Dwarka) with 30 spare copies for distribution amongst the EEs, SEs, Dy. CAOs and FOs and AO (CAU).
9. Director (Works)DDA
10. Director (Hort.) North & South with 10 spare copies for distribution amongst the Dy. Director (Hort.) & FOs.
11. AO (Works) I, II & III.
12. Secretary, WAB'
13. E.O. I, II & III.
14. Dy. CAO-I & II and Dy. FA (H).
15. AO (IA) HQ with 6 spare copies.
16. A.O (F&E)DDA.

Sd/-
Engineer Member/DDA

DELHI DEVELOPMENT AUTHORITY
E.M.'s OFFICE.

No. EM1 (10) 97/2543

dt. 26.2.97

CIRCULAR NO. 506

SUB: *Observance of ceiling limits in respect of issue of work orders.*

Earlier detailed instructions were issued by the E.M. *vide* Circular No. 477, circulated *vide* No. F5(418)/94-95/PC/2596 dt. 22.11.95 regarding award of works without call of tenders on work order basis. However, it has been noticed that these instructions were not being followed scrupulously. This necessitated issue of fresh guideline by CAO *vide* Finance & Accounts Circular No. 35/96 circulated *vide* No. AO(W)III(65)/94-95/711 dt. 18.7.96 wherein besides other guidelines, specific emphasis was laid on the maintenance of a proper register in all Divisional/Circle Offices to ensure that the annual limits as per the delegated powers to the respective officers are not exceeded under any circumstances.

Somehow, these guidelines have conveyed an impression that the entire responsibility in case of violation of annual limits as per the delegated powers rests only with the concerned Authority and is not shared by the concerned Div. Acctt./FO who assist the respective officers in the processing and issue of such work orders.

This aspect has been reviewed by EM/FM/VC and following detailed guidelines are being issued assigning the specific responsibilities of all officers/officials concerned with the processing and approval of the work orders:—

1. The concerned Div. Accountant/FO/EE(P) (Divisional/Zonal/ Directorate/Circle offices), as the case may be, must maintain a proper register for issue of work orders by their controlling officers to whom they would be assisting in the processing of the same.
2. These registers should also always reflect the cumulative updated position.
3. The scrutiny notes of the processing officers *i.e.* Div. Acctt./FO/ EE(P), must invariably reflect as to whether or not a particular work order is within the individual as well as annual limits delegated to the officer, who is to approve the same. If, a particular work order is likely to exceed any of these two limits, this fact must be projected predominantly inviting the specific

attention of the officer competent to approve the particular work order. In case an officer over-rules such observations in the scrutiny note of the concerned Div. Acctt./FO/EE(P), he would be doing so at his own responsibility.

4. However, in case the concerned Div. Acctt./FO/EE(P) either does not project this aspect in his scrutiny note or projects it wrongly, such an officer, would be directly responsible for any violations which may occur due to this lapse on his part.

In addition, all other guidelines contained in EM's Circular No. 477 dt. 22.11.95 and Finance and Accounts Circular No. 35/96 dt. 18.7.96 would continue to be followed.

Sd/-

Engineer Member
DDA

1. All Chief Engineers i/c. CE(AE) & CE(Elect.), DDA.
2. CAO, DDA.
3. All Suprintending Engineers (C&E), DDA.
4. Director (MM), DDA.
5. Director (Hort.) North and South, DDA.
6. All EEs (Civil & Elect.)/DDA.
7. All Jt./Dy. Directors (Hort.)/DDA.
8. All FOs/DDA.
9. A.O. (CAU)-Rohini, DWK, SEZ & SWZ/DDA.
10. Jt. CAO-I, II, Rohini & DWK./DDA.
11. File No. AO(W)-III(65) 94-95.

Copy for information to:

1. V.C., DDA.
2. F.M., DDA.

Sd/-

Director (Works)
DDA

Recommendation (Sl. No. 43, Para Nos. 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.

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 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.

Reply of the Government

The Vice-Chairman, DDA has since constituted a Committee under the Chairmanship of CE(QC) to examine the recommendation/suggestion from all angles including legal/financial implication. In this connection, a copy of DDA's office Order dated 3.11.97 is annexed as Annexure to Recommendation No. 43.

[No. H-11013/5/93-DDIA, dated 3 August, 98]

ANNEXURE to RECOMMENDATION No. 43
DELHI DEVELOPMENT AUTHORITY
(Engineer Member's Sectt.)

No. EM. 12(6)93/Estt.Pt.(97)12238-50

Dated: 3-11-97

OFFICE ORDER

The Estimates Committee of Parliament, in its report, has recommended incorporation of suitable amendments in the Contract Form on the basis of past experience, in the interest of Department. Similar suggestions have also been received from the other corners. For examining such recommendations/suggestions in detail and from legal/financial implications point of view, the Vice-Chairman, DDA has been pleased to constitute a Committee consisting of the following officers:—

- | | | |
|---|---|----------|
| 1. Shri Deepak Narain
C.E. (Quality Control) | — | Chairman |
| 2. Shri Amit Biswas
C.E. (SWZ) | — | Member |
| 3. Shri S. Banerjee
Chief Accounts Officer | — | Member |
| 4. Shri H.K. Bansal
S.E. (Vig.) I | — | Member |
| 5. Shri S.D. Sharma
Deputy C.L.A. | — | Member |
| 6. The Secretariat work will be
done by E.O. I to E.M. | — | Member |

The terms of reference of the Committee are as under:—

- (i) To examine the recommendations/observations of the Estimates Committee contained in Paras 5.36 (i), 5.36(iii), 5.49 & 5.91 for incorporation of suitable amendment in standard contract Formats PWD-7/8 etc.
- (ii) To examine the recommendations contained in Para-15 of the Minutes of the Staff Meeting held on 29.08.97 under the Chairmanship of Secretary (UD) (Minutes issued by the Under Secretary, Govt. of India vide No. A-460201/95-coord. dated 30.09.97).
- (iii) Any other suggestions/recommendations felt necessary by the Committee.
- (iv) To prepare suitable Drafts of Relevant Clauses of the Standard

Contract formats after incorporating the observations/recommendations as per Para (i), (ii) & (iii) above.

Self
Director (Works)
D.D.A.

Recommendation (Sl. No. 44, Para Nos. 5.44—5.46)

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

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.

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.

Reply of the Government

Earlier about sixteen items used to be stipulated for departmental issue. However, now it has been decided to stipulate only five items *i.e.* cement, steel, bituman, C.I. Pipes and G.I. Pipes. Whereas all other material is to be arranged by the contractors themselves as these items are now easily available in the market having ISI Certification mark and the contractors are required to procure the same. Simultaneously efforts have also been initiated to adopt Modern Inventory Control Systems. At present yearly projection of requirements for various projects is compiled at the beginning of the year on the basis of projections made-by various Zonal Chief Engineers. These requirements are further sub-divided on quarterly basis and procurement planned on quarterly basis keeping minimum stock levels in respect of certain fast moving items like cement, 15 mm G.I. Pipes, 20 mm G.I. Pipes, 100 mm dia C.I. Pipes, 150 mm dia C.I. pipes, 8 mm tor steel, 10 mm tor steel, 12 mm tor steel and 16 mm tor steel. Further the supply orders contain condition that the supplier will follow the 'supply schedule' given by the EE on the basis of month to month consumption.

This helps us in saving capital investment on stocks at the same time maintaining required level. However, in some specific cases there could be delays due to breach of contract by supplier for reasons beyond his control like non-availability of railway wagons, power cuts, non-availability of raw materials, strike, political disturbances, natural calamities like flood etc.

(No. H-110135/93-DDIA dated 3 August, 98)

Recommendation (Sl.No. 45, Para Nos. 5.47—5.49)

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.

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.

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.

Reply of the Government

DDA procures materials either through supply orders placed on CPWD Standard contract format, 'PWD-9' or on 'DGS&D rate contracts.' In case of stores which are procured on the basis of DGS&D Contract, penalty clauses are not accepted by the manufactures. In such cases, the matter for delays have to be dealt with as per conditions in the DGS&D rate contracts.

As regards procurement of stores on standard contract form PWD-9, penalty clause for delay is a part of this Standard Contract Format. However, in view of the recommendations of the Estimates Committee, a committee, as already stated in reply to Recommendation No. 43 has been constituted to simultaneously undertake this exercise of amending the terms and conditions of Standard Contract Format PWD-9.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 46, Para Nos. 5.65—5.73)

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.

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.

The Committee are unable to understand as to how the defects or the sub-standard work would not be noticed and got rectified in the first instance inspite 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 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.

Reply of the Government

It is a fact that more often than not, frequent inspections are not carried out and even when carried out inspection reports are not issued, especially by senior field engineers. Non-compliance of instructions issued in regard to inspection of works by field engineers at various levels results not only in sub-standard/defective work at times but also that such defective works are not detected timely nor remedial measures taken appropriately.

It may be added here that in addition to standard publication like Specifications, Manuals, Codes etc., enough number of internal circulars, guidelines and instructions have been issued by Q.C. Cell, E.M. as well as V.C., to highlight the finer points of caution, precaution and prevention during execution of the works which also contain a detailed guidelines to be followed by supervisory staff including senior field engineers for inspection of works, its general management and monitoring. The field staff are accordingly fully equipped with the information on what they have to do for quality management to ensure that the works executed are in keeping with the terms & conditions of contract with due conformity to the specifications and other technical guidelines as laid down.

Thus, what is required to be done is to enforce the existing instructions than issuing any fresh instructions.

Enforcement can perhaps be achieved in some limited measure through orientation course at zonal level for field engineers. However, if DDA has to ward off scope of such criticism in future altogether, severe penal action without having any regard to the level of the officer who has failed in his duty, appears to be the only answer.

The recommendations has been brought to the knowledge of all the Disciplinary Authorities vide DDA's letter No. F.1(7)94/Vig. dated 1.7.97.

However, Vigilance Deptt. of DDA has been sincere in processing the cases in which lapses at construction site which are reported by the inspecting officers/Senior Engineers and as a result of it during the last five years major penalties have been imposed upon 62 Engineers, minor penalties have been imposed upon 158 Engineers, 7 Engineers have been removed from the services. Here it will be appropriate to mention that Disciplinary Authority always takes decision in concurrence with the C.V.C.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl.No. 48, Para No. 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.

Reply of the Government

The issues of awarding the work on work order basis could not be investigated because the relevant records i.e. justification of work order was not made available. In view of the above nothing could be said about the aspect of issuance of work order in this case in the absence of requisite record. Therefore, issue of finding reasons for award of work on work order basis cannot be investigated in the prevailing circumstances. However, it is further stated that from the amount of individual work order which ranges from Rs. 72,425/- to Rs. 94,218/- the competence to accept these work orders falls under the delegated financial powers (prior to 7.1.81 as these work orders were awarded in 1977-78) of Chief Engineer of the Zone and Sh. R.A. Khemani was the special Engineer (equivalent to Chief Engineer) Slum Department who was head of the Engineering Wing during the year 1977. Since he has been compulsorily retired from the DDA on 23.12.95 thus in the absence of relevant records, still if it is presumed that the work orders were duly approved by competent authority, then also no action can be taken against the officials who were instrumental in the award of work on work order basis as they all have retired long back.

However, as desired by Engineer Member, DDA, the aspect of various rates of the items awarded in the work order are being compared with the works awarded on the basis of call of tenders during the same period by Executive Engineer (Vig.) VI. As soon as the investigation report is received further action will be taken accordingly.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 49, Para No. 5.91)

Since sub-standard or defective construction of flats endangers the lives of inmates, contractors found indulging in such nefarious activities should be proceeded against the 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.

Reply of the Government

As already stated in reply to Recommendation No. 43, a Committee has already been constituted under the Chairmanship of Chief Engineer (Quality Control) to undertake the exercise of amending the terms and conditions of the Standard Contract Format.

No criminal cases have been registered by DDA.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 51, Para Nos. 5.93—5.97)

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.)

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 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.

Reply of the Government

There are two Agencies in question one is M/s Apex Construction Co. in respect of the work of C/o 300 DUs at Trilokpuri, Group-8. (Demolition of 220 houses). The proprietors of this agency are absconding without any whereabouts. DDA as well as the Arbitrator have not been able to serve any letter/notice to the agency. In the process two arbitrators had resigned on this very ground itself. The new arbitrator has again been appointed on 20.10.97. The whereabouts of the agency are still not known. However,

the arbitrator has conducted proceedings including a site inspection on 16.5.98 in the absence of the agency.

The other agency involved is M/s Projects Construction Co. in respect of the work of C/o 265 DUs at Trans Yamuna Area, Trilok puri Pocket-5 (Demolition of 163 houses). In this case the arbitrator was appointed on 29.3.96. But the agency filed a petition in the High Court in September, 1996 challenging the appointment of the Arbitrator and requesting the court to appoint retired Judge as an Arbitrator. The Court, as per interim order dt. 18.9.96, had directed the arbitrator not to proceed with the case. Further directions of the court are still awaited despite best efforts of the DDA. The next date of hearing is fixed for 9.7.98.

[No. H-11013/593-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 54, Para No. 5.121)

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

Reply of the Government

Detailed instructions have also been issued by DDA vide Circular No. 477 dated 22.11.95 and 506 dated 26.2.97 regarding award of works on 'Work Order' basis.

It would, thus be seen that besides the administrative/disciplinary action taken by the Vigilance Branch, preventive measure in the shape of issue of detailed instructions/restrictions have also been initiated by the Deptt. to ensure that such irregularities are not repeated in future. Copies of Circular dated 22.11.95 and 26.2.97 are annexed as Annexure to Recommendation No. 54.

[No. H-11013/593-DDIA dated 3 August, 1998]

CIRCULAR NO. 477

SUB: Award of works without call of tenders work orders.

The WAB in its meetings held on 17.4.93 and 29.12.94 delegated the following enhanced powers in respect of award of works without call of tenders:

Desig.	Annual Limit	Amount of Individual Work
EE	Rs. 5.00 lacs	0.75 lacs
SE	Rs.20.00 lacs	2.00 lacs
CE	Rs.30.00 lacs	4.00 lacs

The powers delegated to the officers of Horts. Wing are as under:

Dy Director	Rs. 2.5 lacs	0.35 lacs
Director	Rs.10.00 lacs	1.00 lacs

2. In emergent case or when the interest of the work demands, the Divisional engineer may award works without call of tenders up to his power in this respect. The precise nature of the urgency involved shall invariably be recorded in writing by the Divisional Engineer before dispensing with the calling of tenders for works costing more than Rs. 2500/-.

3. If due to very great urgency competitive rates cannot otherwise be fixed, quotations be obtained.

4. It has been circulated *vide* letter No.F5 (287)92-93PC/Pt.173-99 dt. 15.12.93 and its subsequent reminder No. F5(287)92-93PC/Pt/136-47 dt. 16.1.95 that in case of award of work without call of tenders, each authority would submit monthly return of work orders issued in a month (explaining urgency) alongwith commulative value of work orders issued during the financial year to his next higher authority. A copy of the return is required to be endorsed to CAD by 15th of the next month. It has been observed that these instructions are not being followed. Since monitoring of information received from divisions directly by CAO is difficult, henceforth, the return should be submitted by Divisional Officer to FO of the zone. The FOs will compile the information and will submit the same to CAO by 22nd of the month. All concerned officers should ensure meticulous compliance of these instructions failing which disciplinary action may be initiated against the defaulting officers.

5. A proper register shall be maintained in all divisions/circles/zones to watch that the above limits are not exceeded. It shall be the duty of the EE, SE & CE to verify the work orders register before approving the same.

6. The powers of an officer who has exhausted his delegated powers for a particular financial year as defined in Para-I above shall be treated as withdrawn for the remaining part of that financial year and any work order issued beyond this limit shall not be good for payment unless competent authority gives approval to such work order. No payment should be allowed by DDODiv. Acctt./CAUs/FOs against such work orders.

7. Full reasons shall be recorded by the approving authority who should guard against contractors holding out unjustifiably high rates. As a normal rule, contracts should be placed only after invitation of open tenders. Cases for award of works without call of tenders should be comparatively infrequent and only when there are very special reasons for making an exception to the general rule and in public interest.

8. It has also to be noted that the rates obtained after call of quotation cannot be considered as competitive and the work awarded on their basis construed to have been awarded without call of tenders.

9. When works are awarded without call of tenders it should also be ensured that the sum total of all the work orders issued against any particular estimate as a whole does not exceed the power to award work without call of tenders of the authority issuing the work orders.

10. Before awarding the work, the contractor should be asked to furnish a list of gazetted/non gazetted and W/charged employees related to him.

11. The Divisional Engineers/Suprintending Engineers/Chief Engineers while awarding the work on work orders, have also to satisfy themselves that the provision exists in the preliminary estimate as well as in the detailed Estimate technically sanctioned by the competent authority and also that the budget provision exists in the relevant financial year.

12. Before awarding the works on works order basis, budget slip will be obtained from DY. CAO(CAU) or F.O. of the zone as required *vide* F&E's circular No. 19 dt. 19.6.95.

13. The Divisional Accountants will ensure at the time of issue of work orders as well as release of the payment thereof that the work orders are within the para-meters defined above. Any laxity on this account shall be viewed very seriously and shall attract disciplinary action.

14. As per Circular No. 36 dt. 8.9.95 issued by Finance, the payment for execution of work to contractors on hand-receipts is to be avoided. However if due to exigencies in the public interest, if such payments are to be made these should be accounted for in the annual limit of the work order of EE/SE/CE as the case may.

15. Central Accounting Unit shall also exercise all the required checks as have been prescribed in the Central Accounting Unit system.

Sd/-
(R. L. HANS)
Engineer Member/DDA

Copy to :

1. VC/DDA
2. FM/DDA
3. CAO/DDA
4. CAO/DDA
5. CE (Design) with 5 spare copies
6. CE (QC) with 5 spare copies
7. CE(Elect.) with 15 spare copies for SEs, EEs and FOs.
8. CE (EZ, NZ, WZ, SEZ, SWZ, RZ, Dwarka) with 30 spare copies for distribution amongst the EEs, SEs, Dy. CAOs and FOs and AO(CAU).
9. Director (Works)/DDA
10. Director (Hort.) North & South with 10 spare copies for distribution amongst the Dy-Director (Hort.) & FOs.
11. A.O. (Works) I, II & III.
12. Secretary, WAB
13. E.O. I, II & III.
14. Dy. CAO-I & II and Dy. FA(H).
15. AO(IA)HQ with 6 spare copies.
16. A.O. (F&E)/DDA.

Sd/-
Engineer Member/DDA

**DELHI DEVELOPMENT AUTHORITY
E.M.'S OFFICE.**

No. EM1(10)97/ 2543

dt. 26.2.97

CIRCULAR NO. 506

SUB: *Observance of Ceiling Limits in Respect of Issue of Work Orders.*

Earlier detailed instructions were issued by the E.M. vide Circular No. 477, circulated vide No. F5(418)/94-95/PC/2596 dt. 22.11.95 regarding award of works without call of tenders on work order basis. However, it has been noticed that these instructions were not being followed scrupulously. This necessitated issue of fresh guideline by CAO vide Finance & Accounts Circular No. 35/96 circulated vide No. AO(W)III/(65)/94-95/711 dt. 18.7.96 wherein besides other guidelines, specific emphasis was laid on the maintenance of a proper register in all Divisional/Circle Offices to ensure that the annual limits as per the delegated powers to the respective officers are not exceeded under any circumstances.

Some-how, these guidelines have conveyed an impression that the entire responsibility in case of violation of annual limits as per the delegated powers rests only with the concerned Authority and is not shared by the concerned Div. Acctt./FO who assist the respective officers in the processing and issue of such work orders.

This aspect has been reviewed by EM/FM/VC and following detailed guidelines are being issued assigning the specific responsibilities of all officers/officials concerned with the processing and approval of the work orders:—

1. The concerned Div. Accountant/FO/EE(P) (Divisional/Zonal/Directorate/Circle offices), as the case may be, must maintain a proper register for issue of work orders by their controlling officers to whom they would be assisting in the processing of the same.

2. These registers should also always reflect the cumulative up-dated position.

3. The scrutiny notes of the processing officers i.e. Div. Acctt./FO/EE(P), must invariably reflect as to whether or not a particular work order is within the individual as well as annual limits delegated to the officer, who is to approve the same. If, a particular work order is likely to exceed any of these two limits, this fact must be projected predominantly inviting the specific attention of the officer competent to approve the particular work order. In case an officer over rules

such observations in the scrutiny note of the concerned Div. Acctt./FO/EE(P), he would be doing so at his own responsibility.

4. However, in case the concerned Div. Acctt./FO/EE(P) either does not project this aspect in his scrutiny note or projects it wrongly, such an officer, would be directly responsible for any violations which may occur due to this lapse on his part.

In addition, all other guidelines contained in EM's Circular No. 477 dt. 22.11.95 and Finance and Accounts Circular No. 35/96 dt. 18.7.96 would continue to be followed.

Sd/-
ENGINEER MEMBER
D.D.A.

1. All Chief Engineers i.e. CE(QC) & CE(Elect.),DDA
2. CAO, DDA.
3. All Superintending Engineers (C&E), DDA.
4. Director (MM), DDA.
5. Director (Hort.) North and South, DDA.
6. All EEs (Civil & Elect.)/DDA.
7. All Jt./Dy. Directors (Hort.)/DDA.
8. All FOs/DDA.
9. A.O. (CAU)-Rohini, DWK, SEZ & SWZ./DDA
10. Jt. CAO-I, II, Rohini & DWK./DDA.
11. File No. AO(W)-III(65)94-95.

Copy for information to:

1. V.C., DDA.
2. F.M., DDA.

Sd/-
Director (Works)
D.D.A.

Recommendation (Sl. No. 56, Para Nos. 6.11-6.16)

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 Members, 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.

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.

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.

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.

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.

In view of the foregoing the Committee recommends as follow:

- (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.

Reply of the Government

The work-load norms in the DDA are the same as are being followed in the CPWD. In fact, DDA is following CPWD specifications, manuals, codes to a great extent for execution of the works. CPWD does not have different norms for Divisions located in Delhi and outside. The only differences in the workload norms between Divisions is if they are handling construction works or maintenance works. It will not be out of place to mention here that in DDA the field staff is actually doing some arduous functions like watch and ward of the area, allotment of housing units, coordination with external agencies which normally are not there in the CPWD and, as such, there is full justification in adhering to only CPWD norms.

Over and above, almost all the Divisions of DDA are also required to undertake maintenance activities of already developed colonies/housing pockets/commercial centres, during the intervening period, till these are handed over to MCD. All these activities are undertaken in addition to handling of the normal work load of execution of development/construction projects.

As such, the observations of the Finance and Expenditure Deptt. of DDA regarding adoption of 50% higher work-load in DDA as compared to the norms of CPWD does not appear to be rational. Moreover, the Cadre Review Committee appointed by this Ministry, which included the Finance Member, DDA, has recommended adoption of CPWD work load norms in DDA engineering works.

The other recommendation of the Committee regarding assessment of work load of the entire organisation after every five years, restriction of actual staff strength to the sanctioned strength and determination of required strength of each of the categories on the basis of norms and work load has been noted and will be complied with.

[No. H-11013/5/93-DDIA, dated 3 August, 1998]

Recommendation (Sl. No. 58, Para Nos. 6.34—6.36)

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.

Accordingly, they find that except Commissioner (Planning) none of the other Commissioners is technically qualified.

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.

Reply of the Government

The post of Commissioner (Planning) is a technical post like the post of Architect and other posts in the Engineering Cadre. The post of Principal Commissioner and that of Commissioner (Personnel), Commissioner (Land disposal) Commissioner (Land Management), Commissioner (Housing), Commissioner (System & Training) and Commissioner-cum-Secretary are non-technical posts in the Administrative Wing. They are assisted by the technically qualified officers in the work involving technical nature. As such, constitution of an Expert Group, as suggested by the Estimates Committee, is not considered necessary.

[No. H-11013/5/93-DDIA, dated 3 August, 1998]

Recommendation (Sl. No. 62, Para Nos. 6.61—6.65)

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.

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.

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.

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.

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.

Reply of the Government

The services of another 40 colonies have been transferred from D.D.A. to M.C.D. alongwith work-charged staff. The transfer of services of another lot of colonies is under process and the work-charged staff as mutually agreed between D.D.A. and M.C.D. shall be transferred. Presently, the number of work-charged staff working in the D.D.A. is about 13430.

The work-charged staff being deployed and expenditure incurred is being booked to the project and charged.

The work-charged staff which was working in the Re-settlement & JJ Colonies were transferred to M.C.D. in the year 1988.

The policy/practice in vogue in D.D.A. by and large is that:—

(i) The work-charged staff deployed on housing, development, horticulture, electrical and mechanical projects/works draw their salaries against these projects. The expenditure so incurred on establishment is booked to the projects and charged accordingly.

(ii) Their deployment:— The work charged establishment staff has been deployed under each Zonal Chief Engineer and Directors (Horticulture). This staff is further engaged on respective works related to Housing, Development & Horticulture etc. as per the requirement, assessed by the Engineer-in-Charge.

(iii) The transfer of staff with the transfer of services of colonies from D.D.A. to M.C.D. is being affected, under various categories of W/C staff as is mutually agreed upon between D.D.A. and M.C.D. The services of various colonies have been transferred from D.D.A. to M.C.D. since 1976 and work-charged Estt. staff numbering 7353 under various categories has been transferred to M.C.D. time to time. Presently, their services are under the control of M.C.D. Further the transfer of services of another about 290 colonies is under process and considerable work-charged Estt. staff (as worked out and agreed mutually by M.C.D. and D.D.A. Authorities) shall be further transferred to M.C.D.

As a follow-up action, to utilise surplus staff effectively beldars/khallasis have been converted to Pump Operators and Mates to Asstt. Typists. 167 work-charged staff found eligible for this conversion have been converted.

A proposal to convert beldars to security guards has been worked out and after identification of eligible candidates selection shall be made.

There is no fresh recruitment of peons and LDCs in the Authority since quite long. Work-charged staff, Khallasis and Mates are being deployed to work in diverted capacity other than the project at various branches/ departments, they can be charged under Main Estt. expenditure.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Recommendation (Sl. No. 17, Para No. 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.

Reply of the Government

As stated in the reply to Recommendation No. 16, the Government has revised the compensation payable to the land owners. However, the process of litigation cannot be eliminated altogether.

[No. H-11013/5/93-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 24, Para No. 4.6—4.11)

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.

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.

As per MPD 2001 projections, there is a need for 80000 new housing units per annum during 1981-2001 to be constructed in public, cooperative and private sectors. However, there is generation of 40000 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 80000 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 jhuggies and jhompries having squatting population of 20 lakh living in filthy and unhygienic conditions in the capital city of Delhi.

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 Rs. 8 lakhs to Rs. 14 lakhs. This itself indicates that even though the price of flats is very high, still their demand is increasing.

The Committee feels 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.

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.

Reply of the Government

So far DDA has been able to generate 10.25 lakh housing units which include about 2.50 lakh flats/DUs; 2.50 lakh plots; 2.50 lakh (JJ rehabilitation), 85,000 (Rohini) and 1.95 lakh housing units through cooperative societies (779 cooperative Societies). DDA has allotted 60% of houses to low income group. In spite of massive housing provided by the DDA, there is a huge backlog which includes about 42,500 registrants for flats and 38,000 registrants for plots. In order to meet the backlog, DDA is accelerating housing development through greater involvement of Cooperative Group Housing Societies. DDA as a facilitator also allots developed land to CGHS. Efforts are also being made for timely

availability of Services, particularly water supply and power in the urban extension areas. Computerisation of house allotments and accounts and comprehensive housing management infrastructure system have been developed to streamline administration and management of housing.

Under the directions of MoUA&E dt. 29.1.97, DDA is providing 10% of residential land for Slum & JJ Rehabilitation and 20% of the flats shall be developed for EWS and another 20% for LIG categories.

The future plan for construction of houses to be taken up by the DDA during 1998-99 is about 11,000 dwelling units comprising of various categories which include 2000 MIG housing units and 8700 EWS/Janata house units.

[No. H-11013593DDIA dated 3 August, 1998)

Recommendation (Sl. No. 25, Para Nos. 4.26 - 4.29)

The Committee note that flats are allotted to the persons registered with DDA from time to time under various schemes for different categories viz. Janata, 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.

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.

In regard to allotment under the Expandable Housing Scheme, 1996, DDA has reported 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 D.D.A. 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.

Reply of the Government

So far 23 Housing Schemes have been announced by the DDA, Under these Schemes, 2,79,601 allotments have been made as on 31.3.97.

Backlog of Registrants for allotment of MIG, LIG and Janata category flats is as under (as on 9.7.97):—

Category of Flat/Name of Scheme	MIG	LIG	Janata
New Pattern Registration Scheme-1979	10,097	17,231	Nil
Ambedkar Awas Yojana-1989	3,848	6,136	Nil
Janata Housing Registration Scheme-1996	—	—	16,333
Total	13,945	23,367	16,333

While all-out efforts are being made by the DDA to clear the backlog of Registrants of NPRS-79 and AAY-89 schemes, it is difficult to fix a time limit to clear the same on account of various constraints like non-availability of electricity to be provided in the DDA flats by the Delhi Vidyut Board, non-availability of Water, delay in acquisition of land etc.

For allotment of flats to the Janata Registrants of 1996 Scheme time frame given to the registrants is as under:—

- 4,000 flats in the year 1996.
- 6000 flats in 2-3 years.
- 10,000 flats in 1998 onwards.

A Public Interest Litigation was filed to hold back the Expandable Housing Scheme- 1996. However, after hearing the arguments, the Hon'ble High Court of Delhi did not stay the scheme and allowed DDA to operate it.

Consequently, a major computerised draw was held on 21.3.97. All eligible applicants were considered and 8,405 houses were allotted.

It is also worth mentioning that the Expandable Houses under the above scheme were firstly offered to waiting LIG and MIG registrants of NPRS-79 and AAY-89 schemes but almost all the allottees rejected the offer on the plea that they were to be allotted fully constructed flats as per terms and conditions of their registrations. Therefore, DDA had no choice but to offer these houses to the general public. These Houses were, thereafter, offered in a Scheme "Expandable Housing Scheme-1995" when it was prescribed that the waiting registrants of LIG and MIG categories under NPRS-79 and AAY-89 Schemes could also apply, for which they were

not required to pay any initial deposit, and they were to be allotted houses on priority. However, the response was not good and the remaining houses have been, thus, offered under Expandable Housing Scheme-1996.

The construction of further houses for allotment of wait-listed registrars depends on the acquisition of land and availability of infrastructure.

So far as acquisition of land is concerned, acquisition process has been slowed down because DDA has to depend on the Land & Building Department of Delhi Government. The matter has been taken up by the Ministry DDA with the Land & Building Department of GNCTD.

[No. H-11013593-DDIA dated 3 August, 1998]

Recommendation (Sl. No. 32, Para Nos. 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 the some miscreants. It is a matter of shame that as many as 44 flats (20 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.

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 persons 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.

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.

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.

Reply of the Government

In the 174th Standing Committee meeting held on 6.5.97 in the chair of Chief Secretary, GNCTD, it was decided that Commissioner of Police should give a detailed report indicating the circumstances in which these flats were occupied by the Delhi Police and the other cases of unauthorised

Occupation by the Delhi Police (such as Jahangirpuri) should also be estimated.

As per the minutes of the aforesaid meeting, Delhi Police was asked to submit a detailed proposal to the DDA which has not yet been received.

[No. H-11013593-DDIA dated 3 August, 1998]

CHAPTER V

**RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH
FINAL REPLIES OF GOVERNMENT ARE STILL AWAITED**

-NII

NEW DELHI;
February 27, 1999

Phalguna 8, 1920 (S)

MADHUKAR SIRPOTDAR,
Chairman;
Estimates Committee.

APPENDIX I

(Vide Introduction to Report)

Analysis of the action taken by Government on the recommendations contained in the 3rd Report of the Estimates Committee (Eleventh Lok Sabha)

I. Total number of recommendations/observations	76
II. Recommendations/Observations which have been accepted by Government (Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 21, 22, 26 to 31, 33, 34, 35, 36, 37, 38, 39, 40, 42, 46A, 47, 50, 52, 53, 55, 57, 59, 60, 61, 63, 64, 65 and 66 to 75)	52
Percentage	69%
(III) Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies: (Nos. 1, 11, 12, 13, 18, 19, 20, 23, 41, 43, 44, 45, 46, 48, 49, 51, 54, 56, 58 and 62)	20
Percentage	26%
(IV) Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee: (Nos. 17, 24, 25 and 32.)	4
Percentage	5%
(V) Recommendations/Observations in respect of which final replies of Government are still awaited:	NIL
Percentage	NIL

APPENDIX II

MINUTES OF THE SITTING OF THE ESTIMATES COMMITTEE (1998-99)

Eighth Sitting

The Committee sat on Monday, the 11th January, 1999 from 1500 to 1545 hours.

PRESENT

Shri Madhukar Sirpotdar—*Chairman*

MEMBERS

2. Shri Rajendra Agnihotri
3. Dr. Shakeel Ahmad
4. Shri G.M. Banatwala
5. Shri V.K. Chinnasamy
6. Shri Bikram Keshari Deo
7. Shri A. Ganeshamurthi
8. Shri Satya Pal Jain
9. Shri N.N. Krishnadas
10. Shri Sanat Kumar Mandal
11. Shri Bhubaneswar Kalita
12. Shri Arvind Tulsiram Kamble
13. Shri Rama Chandra Mallick
14. Shri Nikhilananda Sar
15. Shri Abdul Fazal Golam Osmani
16. Shri Ajay Kumar S. Sarnaik
17. Dr. Chhatrapal Singh
18. Dr. Mahadeepak Singh Shakya
19. Shri Maheshwar Singh
20. Dr. Ramesh Chand Tomar
21. Shri Rampal Upadhyay
22. Shri Ritlal Prasad Verma

SECRETARIAT

1. Shri K.L. Narang —*Director*
2. Shri Raj Shekhar Sharma—*Under Secretary*

2. The Committee considered the Draft Report on action taken by Government on recommendations contained in Third Report of Estimates Committee (Eleventh Lok Sabha) on Ministry of Urban Affairs and Employment (Department of Urban Development) — Delhi Development Authority and adopted the same with modifications/amendments as indicated in the Annexure.

3. The Committee also authorised the Chairman to finalise the Report in the light of verbal/consequential changes, if any, arising out of factual verification from the Ministry and to present the same to Lok Sabha.

The Committee then adjourned

Amendments/Modifications Made by the Estimates Committee in the Draft Report on 'Delhi Development Authority'

<i>Para</i>	<i>Sentence</i>	<i>Amendments/Modifications</i>
1.22	Second sentence	For 'proposal' Substitute 'Report'
1.28	Last sentence	Before 'Taken' Insert 'including' preventive action'.