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DELHI DEVELOPMENT AUTHORITY
(COMMR.-CUM-SECY.'S OFFICE)

List of the items discussed in the meeting of the Delhi Development Authority fixed for 24.05.94 at 3.00 P.M. at Raj Niwas, Delhi.

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2.	33/94	Modification of terms and conditions of allotment under NPRS - 1979 Scheme - payment of rebate on balated construction of flats. No. F. 22(123)/94-HAC/Pt.	9 - 10
3.	34/94	Constitution of Screening Board under Rule 8 of Delhi Development (Master Plan & Zonal Development Plan)(Amendment) Rules 1992 for enquiry & Hearing the objections/ suggestions received in response to the public notice issued by DDA for inviting objections/ suggestions on Zonal Development Plans. No. F. 1(1)/94/ZP.	11 - 16
4.	35/94	Major Review of the Master Plan for Delhi Perspective 2001. No. F. NCR & UE/93/F-51.	17 - 31
5.	36/94	Directions issued under section 41 of DD Act-1957 by the Ministry of Urban Development in respect of reducing seating capacity of cinema to a minimum of 300 and utilising the balanced FAR for Commercial purposes. No. F. 11(1)/91-MT.	32 - 42

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6.	37/94	Modification in percentage distribution of land uses in different categories in Urban Extension Area on account of locating no new industrial area in the NCTD-Amendment in MPD - 2001. No. F. 20(19)/93-MP.	43 - 51
7.	38/94	Proposed Redevelopment Scheme for Janpath Lane, New Delhi. No. F. 16(89)/81-MP.	52 - 71
8.	39/94	Formulation of Regulations for regulating the location of Nursing Homes. No. F. PS/PC/DDA/94.	72 -127
9.	40/94	Departmential action against Sh. S.S. Tyagi, Ex - Nazul Officer. (Acting as Dy. Dir. (L) D.D.A. under the provious of Rule 9 (ii) (a) of CCS (Pension) Rules. No. F. 23(38)/88-Vig./Pt.II.	128 - 148
10.	41/94	Change of land use of an area measuring 8.1 ha.(20 acres)from rural use Zone to 'recreational' (Tourist Complex)at Said-ul-Zab Village, New Delhi. No. F. 20(12)/86-MP.	149 - 159 A
11.	42/94	Change of land use of an area of 4.0 acres (1.6 ha.) from 'Industrial use' to 'Public and Semi-public use' (School) in revenue village of Bhorgarh, Narela Project. No. F. 9(5)/92-MP.	160 - 161

Contd.....

1.	2.	3.	4.
12.	43/94	Change of land use of an area measuring 4 ha. (10 acres) from 'recreational' to 'Public and Semi-public facilities' (Cremation Ground) in the North of Barapula Nallah and East of NH.2 (Ring Road), New Delhi. No. F. 3(21)/93-MP.	162 - 163
13.	44/94	Change of land use of a n area measuring 39 ha. from 'Metropolitan passenger terminal' (23.7 ha.), district park(9.8ha.), Community centre (2.1 ha.) and Master Plan roads (3.4 ha.) to 'warehousing and depot' (ICD) at Tuglakabad, New Delhi. No. F. 3(41)/89-MP.	164 - 170
14.	45/94	Change of land use of an area measuring 0.8 ha. from 'Primary School' (P.S.-2) to 'Public and Semi-public facilities'(Police Station) in E.P.R. Colony, Greater Kailash-I, New Delhi. No. F. 20(20)/93-MP.	171 - 178
15.	46/94	Annual Action Plan for the year 1994-95. No.F.2(9)94-P&C.	179 - 190
16.	47/94	Raising of loan of Rs.150 crores from Ministry of Urban Development, Govt. of India. No. F. PA/EM/94/DDA.	191 - 193
17.	48/94	Action against misuse of residential premises ror commercial use in Lajpat Nagar area. No. F.1(1)/93-EB.	194 - 198-A
18.	49/94	Payment of Safai Bhatta to DDA Safai Karamcharis. No. F.3(6)/87-EWS.	199 - 204
19.	50/94	Change of land use of an area meas. 84 ha. from 'rural use' to 'recreational' and 8 ha. from 'rural use' to 'commercial' at Bhalswa Lake, Delhi.	205 - 206
20.	51/94	Action Taken Report on the resolutions passed by the Authority in its meeting held on 22.02.94. No. F.2(6)/94-MC/DDA.	207 - 212

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DELHI DEVELOPMENT AUTHORITY

M I N U T E S of the meeting of the Delhi Development Authority held on 24-05-1994 at 3.00 P.M. at Raj Niwas, Delhi.

The following were present :

CHAIRMAN

1. Shri P.K. Dave,
Lt. Governor, Delhi.

VICE-CHAIRMAN

2. Shri S.P. Jakhanwal.

MEMBERS

3. Shri H.D. Sharma,
Engineer Member, DDA.

4. Shri Subhash Sharma,
Commissioner, MCD.

5. Shri D.S. Meshram,
Chief Planner,
T.C.P.O.

SECRETARY

Shri V.M. Bansal,
Commr.-Cum-Secy., DDA.

SPECIAL INVITEES

1. Shri Omesh Sehgal,
Secretary (Finance),
Govt. of Delhi.

2. Shri Jagdish Sagar,
Secretary (L&B),
Govt. of Delhi.

3. Shri A.J.S. Sahney,
Secretary to L.G.,
Delhi.

ALSO PRESENT

1. Dr. H.S. Anand,
Pr. Commissioner, DDA.

2. Shri S.M. Gupta,
Chief Legal Advisor, DDA.

Contd./-------P/2

3. Shri J.C. Gambhir,
Commr.(Plg.), DDA.

4. Shri J.K. Puri,
Chief Accounts Officer, DDA.

5. Shri Harish Chandra,
F.A.(H), DDA.

6. Shri S.C. Gupta,
Addl. Commr.(Plg.), DDA.

7. Shri C.N. Jha,
Director(Pers.), DDA.

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ITEM NO. 32/94 SUB : Confirmation of the minutes of the meeting of the Delhi Development Authority held on 24.03.94.

No.F.2(2)/94-MC/Vol.II/DDA.

Resolved that minutes of the DDA meeting held on 24.3.94 be confirmed, except for the minutes on Agenda item No.20/94, where amendments have been suggested by Sh. A.P. Sinha, Jt. Secretary, M.O.U.D., Sh. K.N. Khandelwal, Finance Member and Shri H.D. Sharma, Engineer Member.

It was resolved to defer decision on the proposed amendments since both Sh. A.P. Sinha, and Sh. K.N. Khandelwal, who had proposed amendments to the minutes were not present.

ITEM NO. 33/94 SUB : Modification of terms and conditions of allotment under NPRS - 1979 Scheme - payment of rebate on belated construction of flats.

No.F.22(123)94-HAC/Pt.

It was clarified that payment of instalments

Contd....3/-

by the allocatees was in the nature of non-interest bearing advance against which flats are to be allotted in a fixed time frame.

It was resolved that in the event of delay in the issue of Final Demand-cum-Allotment letter beyond 1½ years after issue of allocation letter, the allocatees should be compensated at the cost of DDA by paying them compensation @ 7% in case belated construction period is upto six months and @ 10% if such period extends beyond six months.

ITEM NO. 34/94 SUB : Constitution of Screening Board under Rule 8 of Delhi Development (Master Plan & Zonal Development Plan) (Amendment) Rules 1992 for enquiry & Hearing the objections/suggestions received in response to the public notice issued by DDA for inviting objections/suggestions on Zonal Development Plans.

No.F. 1(1)/94-ZP.

It was resolved that L.G./Chairman, DDA, be authorised to nominate any 5 members of the Authority for constituting the Screening Board under Rule-8 of Delhi Development (Master Plan and Zonal Development Plan) Amendment Rules, 1992.

ITEM NO. 35/94 SUB : Major Review of the Master Plan for Delhi Perspective 2001.

No.F. NCR & UE/93/F-51.

It was resolved to approve the proposals as contained in para-3 of the Agenda item. It was further resolved that work should be completed during the current financial year.

Contd./--------P/4

ITEM NO. 36/94 SUB : Directions issued under section 41 of DD Act - 1957 by the Ministry of Urban Development in respect of reducing seating capacity of cinema to a minimum of 300 and utilising the balanced FAR for Commercial purposes.

No.F. 11(1)/91-MP.

It was resolved that modification of M.P.D.-2001 as proposed in the Technical Committee Meeting held on 8.3.94 be approved, as the proposal is in the "Use Activity" permitted in the "Use Premises" at page 155 of the Gazette of India (Extraordinary) part-II, Section-3, Sub-section (II) dated 1-8-90, under the heading cinema.

It was further resolved that conversion charges, as may be determined by the Lessor, would be payable in case of lease-hold properties. Similar, provision should be proposed to the competent authority looking after similar conversions in free-hold properties.

ITEM NO. 37/94 SUB : Modification in percentage distribution if land uses in different categories in Urban Extension Area on account of locating no new industrial area in the NCTD - Amendment in MPD-2001.

No.F. 20(19)93-MP.

It was resolved that planning for industrial activity may continue as envisaged under the Master Plan of Delhi - 2001, at the rate of 6-7% of Urban Extension Area.

Contd./-------P/5

ITEM NO. 38/94 SUB : Proposed Redevelopment Scheme for Janpath Lane, New Delhi.

No.F. 16(89)/81-MP.

It was resolved that the proposed re-development scheme for Janpath Lane, as earlier approved by the Authority vide Resolution No.150/92, dated 1-12-92, be approved for authentication and approval of the Govt. of India.

ITEM NO. 39/94 SUB : Formulation of Regulations for regulating the location of Nursing Homes.

No.F. PS/PC/DDA/94.

It was resolved that comments of the Govt. of N.C.T. of Delhi be sought within a month, before considering these re-commendations.

ITEM NO. 40/94 SUB : Departmental action against Sh. S.S. Tyagi, Ex-Nazul Officer (Acting as Dy.Dir. (L) DDA, under the provision of Rule 9 (ii)(a) of CCS (Pension)Rules.

No.F. 23(38)/68-Vig./Pt.II

It was resolved that a show cause notice be served on Sh. S.S. Tyagi as to why the punishment of imposition of 5% cut in pension for a period of 3 years may not be imposed on him.

It was further resolved that the reply, if any thus, received from Sh. Tyagi be examined and put up for consideration of the Authority.

Contd./---------P/6

ITEM NO. SUB : 41/94

Change of land use of an area measuring 8.1 ha. (20 acres) from rural use zone to "recreational" (Tourist Complex) at Said-ul-Zab Village, New Delhi.

No.F.20(12)/86-MP

It was resolved that the D.T.T.D.C., be permitted to develope their land measuring 8.1 hect., as a picnic spot, with a few purely temporary (wooden) structures only. No masonary construction be allowed as it is in the Ridge Area.

ITEM NO. SUB: 42/94

Change of land use of an area of 4.0 acres (1.6 ha.) from 'industrial use' to 'Public and Semi-public use' (School) in revenue village of Bhorgarh, Narela Project.

No.F.9(5)/92-MP

The Authority resolved that the proposal as contained in Para-5 of the agenda item be approved.

ITEM NO. SUB: 43/94

Change of land use of an area measuring 4 ha. (10 acres) from 'recreational' to 'Public and Semi-public facilities' (Cremation Ground) in the North of Barapula Nallah and East of NH.2 (Ring Road), New Delhi.

No.F.3(21)/93-MP

It was resolved that the proposal as contained in Para-4 of the agenda item be approved.

ITEM NO. SUB: 44/94

Change of land use of an area measuring 39 ha. from 'Metropolitan Passenger terminal' (23.7 ha.), district park (9.8 ha.), Community Centre (2.1 ha.) and Master Plan roads (3.4 ha.) to 'warehousing and depot' (ICD) at Tuglakabad, New Delhi.

No.F.3(41)/89-MP.

Resolved that the proposals contained in paras 5 & 6 of the Agenda item be approved.

Contd./-------P/7

ITEM NO. 41/94 SUB : Change of land use of an area measuring 8.1 ha. (20 acres) from rural use zone to "recreational" (Tourist Complex) at Said-ul-Zab Village, New Delhi.

No.F.20(12)/86-MP

It was resolved that the D.T.T.D.C., be permitted to develope their land measuring 8.1 hect., as a picnic spot, with a few purely temporary (wooden) structures only. No masonary construction be allowed as it is in the Ridge Area.

ITEM NO. 42/94 SUB: Change of land use of an area of 4.0 acres (1.6 ha.) from 'industrial use' to 'Public and Semi-public use' (School) in revenue village of Bhorgarh, Narela Project.

No.F.9(5)/92-MP

The Authority resolved that the proposal as contained in Para-5 of the agenda item be approved.

ITEM NO. 43/94 SUB: Change of land use of an area measuring 4 ha. (10 acres) from 'recreational' to 'Public and Semi-public facilities' (Cremation Ground) in the North of Barapula Nallah and East of NH.2 (Ring Road), New Delhi.

No.F.3(21)/93-MP

It was resolved that the proposal as contained in Para-4 of the agenda item be approved.

ITEM NO. 44/94 SUB: Change of land use of an area measuring 39 ha. from 'Metropolitan Passenger terminal' (23.7 ha.), district park (9.8 ha.), Community Centre (2.1 ha.) and Master Plan roads (3.4 ha.) to 'warehousing and depot' (ICD) at Tuglakabad, New Delhi.

No.F.3(41)/89-MP.

Resolved that the proposals contained in paras 5 & 6 of the Agenda item be approved.

Contd./-------P/7

ITEM NO. 45/94 SUB : Change of land use of an area measuring 0.8 ha. from 'Primary School' (P.S.-2) to 'Public and Semi-public facilities' (Police Station) in E.P.R. Colony, Greater Kailash-I, New Delhi.

No.F.20(20)/93-MP.

Resolved that the proposal as contained in para-5 of the Agenda item be approved, subject to the condition that an alternate site be identified for the primary school.

ITEM NO 46/94 SUB : Annual Action Plan for the year 1994-95.

No.F.2(9)/94-P&C

Proposals contained in the Annual Action Plan for the year 1994-95, were noted.

ITEM NO. 47/94 SUB : Raising of loan of Rs. 150 crores from Ministry of Urban Development, Govt. of India.

No.F.PA/FM/94/DDA.

Resolved that the proposals as contained in para-7 of the Agenda item be approved.

It was further resolved that:

(i) Govt. of N.C.T. of Delhi be requested to clear the major outstanding dues, as indicated in Appendix J.J.

(ii) Funds thus received be utilised mainly for payment of cost of land acquisition.

ITEM NO. 48/94 SUB : Action against misuse of residential premises for commercial use in Lajpat Nagar Area.

No.F.1(1)/93-EP

The Agenda item was discussed in detail. It was felt that there were some limitations under the existing laws and effective deterrent action against the defaulters was lacking on account of numerous practical difficulties.

Contd./------P/8

Phenomenon of misuse and unauthorised construction in residential properties was not confined to Lajpat Nagar and was prevalent in several other residential localities of Delhi. Need was expressed for taking strong and concerted action in all cases of conversion of residential properties, by way of making the statutes much more deterrent and practica

It was resolved that the entire matter may be deliberated upon in detail and an in depth study be conducted to find practical solution to this vexed problem. It was further resolved that the Principal Commissioner, DDA shall put up a complete paper on the subject.

ITEM NO. 49/94 SUB: Payment of Safai Bhatta to DDA Safai Karamcharis. F.3(6)/87-EWS.

Resolved that safai bhatta was not justifiable as the jobs being performed by DDA Safai Karamcharis were not identical to the Safai Karamcharis of MCD.

It was further resolved to examine the possibility of entrusting the scavenging work in DDA to private contractors. Safai Karamcharis may then be utilised for performing other functions.

ITEM NO. 50/94 SUB: Change of land use of an area measuring 84 ha. from 'rural use' to 'recreational' and 8 ha. from 'rural use' to 'commercial' at Bhalswa Lake, Delhi. No.F.20(2)/94/MP

Resolved that the proposals contained in paras 3 & 4 of the Agenda item be approved.

ITEM NO. 51/94 SUB: Action Taken Report on the resolutions passed by the Authority in its meeting held on 22.2.94. No.F.2(6)94-MC/DDA.

Information regarding action taken reports was noted.

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ITEM NO.
32/94

A-24.05.94

Sub : Confirmation of the minutes of the meeting of the Delhi Development Authority held on 24.03.1994 at Raj Niwas, Delhi.

NO. F.2(2)/94-MC/Vol.III/DDA.

PRECIS

Confirmation of the minutes of the meeting of the Delhi Development Authority held on 24.03.1994 at Raj Niwas, Delhi. A copy of the minutes is appended at (Appendix 'A' Page No. 2 - 8)

RESOLUTION

Resolved that minutes of the DDA meeting held on 24.03.94 be confirmed, except for the minutes on Agenda item No.20/94, where amendments have been suggested by Sh. A.P. Sinha, Jt. Secretary, M.O.U.D., Sh. K.N. Khandelwal, Finance Member and Shri H.D. Sharma, Engineer Member.

It was resolved to defer decision on the proposed amendments since both Sh. A.P. Sinha, and Sh. K.N. Khandelwal, who had proposed amendments to the minutes were not present.

***

APPENDIX 'A' TO ITEM NO. 32/94

Draft minutes of the meeting of the Delhi Development Authority held on 24.3.94 at 12.00 noon at Raj Niwas, Delhi.

The following were present :

CHAIRMAN

1. Shri P.K. Dave,
   Lt.Governor, Delhi.

VICE-CHAIRMAN

2. Shri S.P. Jakhanwal.

MEMBERS

3. Shri A.P. Sinha
   Jt.Secretary,
   M.O.U.D.

4. Shri H.D. Sharma,
   Engineer Member
   D.D.A.

5. Shri K.N. Khandelwal,
   Finance Member

SECRETARY

Shri V.M.Bansal
Commr.-cum-Secretary

SPECIAL INVITEES

1. Shri P.P.Chauhan
   Chief Secretary,
   Govt. of Delhi.

2. Shri Jagdish Sagar,
   Secretary (L&B),
   Govt. of Delhi.

3. Shri A.J.S. Sahney,
   Secretary to L.G.
   Delhi.

ALSO PRESENT

1. Dr. H.S. Anand.
   Pr. Commr., DDA

2. Shri S.M. Gupta.
   Chief Legal Advisor,
   DDA.

3. Shri J.C. Gambhir.
   Commr.(Plg.)
   DDA.

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APPENDIX 'A' TO ITEM NO. 32/94

Draft minutes of the meeting of the Delhi Development Authority held on 24.3.94 at 12.00 noon at Raj Niwas, Delhi.

The following were present :

CHAIRMAN

1. Shri P.K. Dave,
Lt.Governor, Delhi.

VICE-CHAIRMAN

2. Shri S.P. Jakhanwal.

MEMBERS

3. Shri A.P. Sinha
Jt.Secretary,
M.O.U.D.

4. Shri H.D. Sharma,
Engineer Member
D.D.A.

5. Shri K.N. Khandelwal,
Finance Member

SECRETARY

Shri V.M.Bansal
Commr.-cum-Secretary

SPECIAL INVITEES

1. Shri P.P.Chauhan
Chief Secretary,
Govt. of Delhi.

2. Shri Jagdish Sagar,
Secretary (L&B),
Govt. of Delhi.

3. Shri A.J.S. Sahney,
Secretary to L.G.
Delhi.

ALSO PRESENT

1. Dr. H.S. Anand,
Pr. Commr., DDA

2. Shri S.M. Gupta,
Chief Legal Advisor,
DDA.

3. Shri J.C. Gambhir,
Commr.(Plg.)
DDA.

Cont'd....2.

4. Shri S. Roy,
Commr.(LD), DDA

5. Shri R.G. Gupta,
A.C. (TYA), DDA

6. Shri S.C. Gupta,
A.C.(DC&P),DDA

7. Shri J.K. Puri,
C.A.O., DDA

8. Shri K.T. Gurumukhi,
Addl.T.P., T.C.P.O.

ITEM NO. 19/94 : SUB. : **Confirmation of the minutes of the meeting of the Delhi Development Authority held on 22.2.94.**

F.No.2(2)94/MC/Vol.I/DDA.

It was resolved that minutes of the meeting of the Delhi Development Authority held on 22.2.94 be approved subject to the following:

1. Para 2 in the Resolution No.3/94 be deleted. Instead a proposal on these lines be put up before the Authority after amendments to the Delhi Development Act 1957 are carried out by the Central Govt., as resolved in para 1 of the agenda item.

2. 1st para of the Resolution No.15/94 shall read as,

"Resolved that Revised Estimates for the year 93-94, for the ongoing schemes be approved. Revised Budget Estimates in respect of new schemes be discussed alongwith the Budget proposals for the year 94-95".

*****

ITEM NO. 20/94 : **SUB. : Revised Estimates for the year 1993-94 and Budget Estimates for the year 1994-95.**

F.No.F4(3)/93-94/Budget.

The Authority noted that Revised Budget Estimates (93-94) for the ongoing schemes had been approved in the last meeting.

Resolved that Revised Budget Estimates for new schemes for the year 1993-94 and the Budget Estimates for the year 1994-95 be approved with the following directions :

1. An Expert Committee, as earlier decided in Authority's Resolution No.143/93, be constituted within 7 days.

2. Budget proposals for the new works listed in Annexure-III-B-GDA be approved as a lumpsum. Till the receipt and consideration of the recommendations of the Expert Committee, schemes for fresh starts of a maximum of six thousand flats only may be taken up in 94-95 in addition to the targets fixed for 93-94.

*****

ITEM NO. 21/94 : **SUB. : Allotment of additional space to the shop-keepers of Kingsway Camp Scheme.**

F.No.15 19/85-GL.

It was resolved that allotment of additional land be made on payment of Rs.514/- per sq.mt., together with interest @ 18% per annum from the date when this rate was fixed, upto the date of payment.

It was further resolved that allotment of additional area be made on the rear side of the plots. Total area in any case, including the additional area, should not exceed 100 sq.yds. Allotments be made in such a manner that the right of way is not affected.

Additional allotments as resolved above be made only after clearing all encroachments beyond 100 sq.yds. by the shop-keepers and after recovering damages for such areas.

*****

ITEM NO. 22/94 : SUB. : **Ground coverage, FAR and setbacks for plots in Junk Market Mayapuri Phase-II - Amendment in MPD-2001.**

F.No.20 10\/93/M.P.

Resolved that proposal as contained in para 4 of the Agenda be approved.

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ITEM NO. 23/94 : SUB. : **Change of land use of an area measuring 0.475 ha. (5681.65) of plot Nos. A-21/12 to A-21/20 from 'Industrial use' to 'Commercial use' (Tier IV) at Naraina Industrial Area, Phase-II, New Delhi.**

F.No.20(1)92-M.P.

Resolved that proposal as contained in para 7 of the Agenda note be approved.

The Authority directed that while sending the case to Govt., the details of formula for levying conversion charges and background of the case of Wazirpur Industrial area be intimated to the Government.

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ITEM NO. 24/94 : SUB. : **Change of land use for an area measuring 5.616 hect. in sub-zone D-2 from 'recreational use' to 'Residential use' (4.25 hect.) and public and semi-public/commercial use' (1.366 hect.).**

F.No.3(46)90-MP.

Resolved that the proposals as contained in Paras 3 and 4 of the Agenda note be approved.

*****

ITEM NO. 25/94 : SUB. : **Draft Zonal (Divisional) Development Plan for Zone 'H' (North-West I) and amendments in MPD-2001.**

F.No.1(1)ZH/93.

Resolved that the proposals as contained in paras 6 & 7 of the Agenda note be approved.

*****

ITEM NO. 26/94 : SUB. : **Change of land use of an area measuring 29.3 ha. from 'rural use zone' to 'ware-housing and storage' (commercial) (21.2 ha.) and 'recreational' (8.1 ha.) at Badli on G.T. Road, Delhi.**

F.No.20(4)93-MP.

Resolved that paras 3 & 4 of the agenda note be approved.

It was also resolved that further follow up action be taken immediately, without awaiting formal confirmation of minutes of the meeting.

*****

ITEM NO. 27/94 : SUB. : **Creation of 'Delhi Development & Technical Environment Services' (DATES) - A registered society under Societies Registration Act for Planning of Human Spaces.**

F.No.PS/Dir.(TYA)/93/197.

It was resolved that Memorandum & Articles of Association of the proposed Society be framed in detail and the proposal be brought to the Authority after the clearance of the Ministry of Urban Development in principle.

*****

ITEM NO. 28/94 : SUB. : **Disposal cost of DDA's built up flats regarding reduction thereof.**

F.No.22(123)79/HAC-Pt.

Resolved that reduction in cost of flats and the principles laid down in the Agenda note be approved, subject to the following :

1. Equalisation charges should be levied on the Engineering cost and not on the building cost.

2. Equalisation charges should be levied on Janta flats also.

It was further resolved that total impact of all proposals, involving reduction of cost of flats, placed before the Authority from time to time be consolidated and put up to the Authority.

*****

ITEM NO. 29/94 : SUB. : **Change of land use of an area measuring 4.035 hect. (10 acres) from 'public and semi public facilities' to 'residential' (Nurses Hostel) at Sriniwas Puri, New Delhi.**

F.No.20(3)93-MP.

Resolved that the proposal as contained in para 3 of the Agenda note be approved and may be kept in view while finalising Zonal Plan of the area.

*****

ITEM NO. 30/94 : SUB. : **Action Taken Report on the Authority's Resolutions in its meeting held on 16.12.93.**

F.No.2(6)/94/MC/DDA.

Noted.

*****

ITEM NO. 31/94 : SUB. : **Formulation of Regulations for regulating the location of Nursing Homes.**

F.No.PS/PC/DDA/94.

It was resolved to defer the item for a detailed study.

*****

ITEM NO. 33/94
A-24.05.94

Sub: Modification of terms and conditions of allotment under NPRS-1979 Scheme - payment of rebate on belated construction of flats.
(File No.F22(123)/94/HAC/Pt.)

P R E C I S

The Authority vide its Resolution No.152 of 1993 has resolved that allocation of flats other than SFS which reach the construction stage of 50% or above be made subject to the following:

(i) Houses will be allocated which have reach the construction stage of 50% or above, with the conditions as mentioned in para 3,4,5,7 and 8 of the Agenda Item;

(ii) Belated construction interest @ 7% will be paid for six months and @ 10% for a period beyond six months for delays in issue of final demand-cum-allotment letters beyond one and a half years after the issue of allocation letter.

2. In this connection, it is mentioned that in the case of allotment of flats to SFS registrants, there is a clause for payment of interest to the allottees in cases where possession of the flats are not given to them within two and a half years from the date of first instalment. In some of the schemes, DDA has paid belated construction interest to its allocattees of SFS schemes where construction of flats was delayed beyond two and a half years. The Income Tax Department has taken a view that it was DDA's liability to deduct tax out of interest credited /paid by it in the shape of belated construction interest to the allottees. In spite of DDA's contention before the Income Tax Department that the amount adjustable on account of delay in construction and subsequent delivery of possession eventhough described as interest in the brochure its true characteris that of compensation/damage to alleviate the hardship caused to the allottees by delay in construction and consequent delivery of possession of the flat. DDA's appeals are pending before the ITAT.

3. Commissioner (Income Tax) vide his report on the enquiry proceeding in para 9 has opined that DDA's theory of the

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price adjustment would have been found to be convincing had the agreement itself specifically provided for allowance of "rebate" to the allottees in case of delayed handing over of flats.

4. In view of this, in order to contain the net cost to be borne by the allottee,it is suggested that the word 'interest' be substituted by the word 'rebate' as commented by Commissioner (Income Tax).

5. Proposal is put up to the Authority for modification in the earlier Resolution of 152 of 1993. Belated construction rebate @ 7% will be paid for six months and @ 10% for a period beyond six months for delays in issue of final demand-cum-allotment letter beyond one and a half years after issue of allocation letters.

The proposal is submitted before the Authority for consideration.

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R E S O L U T I O N

It was clarified that payment of instalments by the allocatees was in the nature of non-interest bearing advance against which flats are to be allotted in a fixed time frame.

It was resolved that in the event of delay in the issue of Final Demand-Cum-Allotment letter beyond 1½ years after issue of allocation letter, the allocatees should be compensated at the the cost of DDA by paying them compensation @ 7% in case belated construction period is upto six months and @10% if such period extends beyond six months.

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ITEM NO.
34/94
A-24.05.94

Sub : Constitution of Screening Board under Rule 8 of Delhi Development (Master Plan and Zonal Development Plan) (Amendment) Rules 1992 for Enquiry and Hearing the objections/suggestions received in response to the public notices issued by DDA for inviting objections/suggestions on the Zonal Development Plans.

F.1(1)94-ZP.

P R E C I S

Delhi Development(Master PLan & Zonal Development Plan) Rules 1959 under rule 8(1) states as under:

Appointment of Board for Enquiry and Hearing:

> "The Authority shall, for hearing and considering any representation, objection and suggestion to ther draft Master Plan, appoint a Board consisting of not less than 3 and not more than 5 members of the Authority. Provided that such Board shall have power to co-opt not more than 2 members from amongst the members of the Advisory Council".

2. The Govt. of India, Ministry of Urban Development vide notification No.K-13011/2/12/DDIB dt.26.6.92 has amended rule 8 as under:-

Appointment of Board for Enquiry and Hearing:

> The Authority or the Central Govt. shall, for hearing and considering any representation, objections and suggestions to the draft Master Plan, appoint a Board consisting of not less than 3 and not more than 5 members of the Authority or not less than 3 and not more than 5 officers below the rank of Dy.Secy. to the Govt. of India, and atleast one of them having experience of not less than 5 years in town planning. Provided that such Board shall have power to co-opt not more than 2 members from amongst the members of the Advisory Council or any other two persons fulfilling the qualifications of being members of the Advisory Council".

Thus, it is seen that Rule 8(1) of the Delhi Development (Master Plan and Zonal Development Plan) Amendment Rules 1992 also provides for appointment of a Screening Board for enquiry and hearing of the objections/suggestions received in response to the public notices issued in respect of the draft proposals.

contd..: 2

3. For processing the draft zonal development plans prepared under section 8 and processed under section 10 of Delhi Development Act, same procedure for hearing and considering any representation, objections/suggestions in response to the draft zonal development plan(divisional plan), is to be followed and to be considered by the said Screening Board. Thus, under rule 8 of Delhi Development (Master Plan and Zonal Development Plan) Amendment Rules, 1992, the Screening Board for enquiry and hearing the objections/suggestions received on the draft zonal development plans is to be constituted consisting of not less than 3 and not more than 5 members of the Authority with the proviso that board shall have power to co-opt not more than 2 members from amongst the members of the Advisory Council. List of members of Advisory Council. **(App.'B P.No.13-14)**

4. Earlier, vide Authority Resolution no.30 dt.14.3.85 for processing of modifications in the Master Plan for Delhi Perspective-2001, the Screening Board was re-constituted, (app. **'C' P.No. 15-16**) having VC, DDA Engineer Member,DDA; Commissioner(MCD) and 2 other members of the Authority at that time (S/Sh.Ram Lal, Sh.Deep Chand Sharma).

5. The matter is submitted before the Authority to constitute the Screening Board to consider the objections/suggestions which are being received on the draft zonal development plans approved by DDA and published for inviting objections/suggestions.

R E S O L U T I O N

It was resolved that L.G./Chairman, DDA, be authorised to nominate any 5 members of the Authority for constituting the Screening Board under Rule-8 of Delhi Development (Master Plan and Zonal Development Plan) Amendment Rules, 1992.

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(APPENDIX 'B' TO ITEM NO. 34/94)

LIST OF THE MEMBERS OF THE ADVISORY COUNCIL OF THE DELHI DEVELOPMENT AUTHORITY.

PRESIDENT

1. Shri P.K. Dave,
Lt. Governor,
Delhi.

MEMBERS

2. Shri R.K. Dhawan,
M.P.(Rajya Sabha)
141, Golf Links,
New Delhi-110003.

3. Shri Sajjan Kumar,
M.P. (Lok Sabha),
AB-713, Janta Quarters,
Paschimpuri, New Delhi-6,

4. Shri Hari Kishore Singh,
M.P. (Lok Sabha),
9, Tyagg Raja Marg,
New Delhi-11.

5. Shri J.P. Goel,
D-13-A/8, Model Town,
Delhi.

6. Shri Chattar Singh,
1206, Joun Bagh Village,
Tri Nagar, Delhi.

7. Shri Sunil Dev,
Member, Advisory Council,
B-531, New Friends Colony,
New Delhi.

8. Shri S.P. Jakhanwal,
Vice-Chairman, D A

9. Shri R.R. Singh,
Chairman-cum-Managing Director,
Delhi Transport Corporation,
Delhi.

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10. Shri P.K. Kumaran,
D.G. (Defence Esta
Ministry of Defenc
West Block, Wing N
R.K. Puram, Secto
New Delhi.

11. Shri Y.P. Gambhi
Chairman, C.E.A.

12. Shri D.P. Gupta
Director Genera
Min. of Transpo
New Delhi.

13. Shri D.S. Meshr
Chief Planner,
Vikas Bhawan,
New Delhi.

14. Shri S.S. Goyal
G.M. (Planning
M.T.N.L.

15. Shri Dev Raj
Municipal He
M.C.D.

Encl: As above.

10. Shri P.K. Kumaran,
D.G. (Defence Estate),
Ministry of Defence,
West Block, Wing No.3
R.K. Puram, Sector-1,
New Delhi.

11. Shri Y.P. Gambhir,
Chairman, C.E.A.

12. Shri D.P. Gupta,
Director General,
Min. of Transport,
New Delhi.

13. Shri D.S. Meshram,
Chief Planner, TCPO
Vikas Bhawan,
New Delhi.

14. Shri S.S. Goyal,
G.M. (Planning),
M.T.N.L.

15. Shri Dev Raj,
Municipal Health Officer,
M.C.D.

Encl: As above.

(Appendix 'C' to Item No. 34/94)

-15-

No. 30
A.14.3.85.

Subject: PROCESSING OF MODIFICATIONS IN MASTER PLAN FOR DELHI (PERSPECTIVE-2001).

P R E C I S

The Master Plan for Delhi (as proposed to be modified) with Perspective -2001 was adopted by the DDA vide Resolution No.140 dt.30.6.84 and the matter was referred to the Government of India, Ministry of Works & Housing in September, 1981. In response, the Ministry of Works & Housing vide letter No. K-13011/19/81-DDIA dated 26.11.84 (Appendix 'B' page 31) have concurred in for inviting objections/suggestions from the Public including Government and Semi-Government organisations after bringing the proposed modifications in an appropriate shape under Section 11A(3) of the Delhi Development Act, 1957.

2. Accordingly, as per the rules laid in this regard, the proposed modifications to the Master Plan for Delhi are being published on behalf of the Central Government by the end of this month.

3. After the receipt of the objections/suggestions on the proposed modifications, these are to be considered by the Authority and the Central Government. The proposed modifications to the Master Plan for Delhi, being extensive, it would be appropriate that all the objections/suggestions received are initially considered by the Committee to be constituted by the Authority. There is provision in the rules for appointment of a board for enquiry into the objections/suggestions received in response to the public notice issued at the time of the preparation of the Perspective Development Plan [illegible]

The Authority shall for hearing and considering any representation, objections and suggestion to the draft material and appoint a Board consisting of not less than 3 and not more than 5 members of the Authority;

Provided that such Board shall have power to co-opt not more than 2 members from amongst the members of the Advisory Council."

4. The Authority vide Resolution No. 166 had constituted such a board under this provision in the year 1971 with the following as its members (Appendix 'C' Pages 32 & 33).

1. Vice-Chairman
2. Engineer Member
3. Planning Member
4. Commissioner, MCD
5. Shri M.W.K. Yusafzai, President, N.D.M.C.

For Office use only

5. The Board is proposed to be reconstituted as under:-

1. Vice-Chairman, DDA
2. Engineer Member, DDA
3. Commissioner, MCD
4. Shri Ram Lal, Member, DDA
5. Shri Deep Chand Sharma, Member, DDA

As per rule quoted above, this board shall have powers to co-opt two members from amongst the members of the Advisory Council.

6. The matter is placed before the Authority for their consideration and approval.

RESOLUTION

Resolved that the proposal contained in the agenda item be approved.

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ITEM NO. 35/94
A-24.05.94

Sub : Major Review of the Master Plan for Delhi Perspective-2001.

FILE NO. NCR & UE/93/F.51

P R E C I S

Master Plan for Delhi Perspective - 2001 approved by the Cabinet and enforced since 1st August, 1990 in chapter "Plan Monitoring and Review" has recommended that a comprehensive review of the Master Plan for Delhi Perspective - 2001 encompassing all aspects should be taken up during 1994. It is also mentioned that the Authority, in its meeting held in December, 1993 while discussing the modifications in the Master Plan for Delhi Perspective - 2001 and to incorporate the Industrial Policy of Govt. of the National Capital Territory of Delhi also emphasised that this review should be taken up and a detailed programme for the same should be presented to the Authority.

2. NCR & UE Unit of the Planning Department have prepared a note elaborating the procedure, and have worked out a programme to conduct this review. Copy of the note is at (App. 'D' P.No. 20-25). The highlights of the note are as under;

i) The review of the MPD-2001 would be comprehensive and all encompassing for all aspects concerning urban and regional development in the National Capital Territory of Delhi.

ii) The review will be basically in the following 4 phases :

a Collection of primary and secondary information;

Contd...../-

b) Analysis of the primary and secondary information with a view to bring out the important issues which could effect the modifications/elaboration in the MPD-2001,

c) Alternative course of action and choice of the preferred strategies.

d) Draft modifications in MPD-2001.

iii) It is proposed to submit report at the end of each stage to Authority which would in the form of status paper for the consideration of the Authority in the May, August,november, 1994 and March,1995.

iv) A seminar in the second half would also be organised to get the inputs from the concerned professional, experts administrators, eminent citizens, associations etc.

3. For the Perspective Planning Wing to take up this review; as in para 2 Authority may consider the following;

a) Implementation of Authority Resolution no. 63 dated 18.6.91 (App. 'E' P.No.26-31).According to the resolution a Unit was created in the Planning for the Plan monitoring-cum-evaluation.

b) Approval of an estimate of Rs 15 lakhs under the head Plan Monitoring and Review with the following break up for the year 1994-95 .

i) Consultancies & experts fee - = Rs.8 lakhs

Contd...../-

ii) Presentation work including one video film = Rs. 5 lakhs

iii) Workshop & Seminars = Rs. 1 lakhs

iv) Contigency = Rs. 1 lakhs

Rs. 15 lakhs

c) Delegation of full financial powers to the head of Monitoring Unit upto Rs. 20,000/- for contigency expenditure with a maximum expenditure of Rs.1 lakh. The matter is placed before the Authority for consideration.

R E S O L U T I O N

It was resolved to approve the proposals as contained in para-3 of the agenda item. It was further resolved that work should be completed during the current financial year.

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(APPENDIX 'D' TO ITEM NO. 35/94)

Sub : MASTER PLAN MONITORING & REVIEW-1994 : PROGRAMME

I. BACKGROUND

Master Plan for Delhi Perspective-2001 (MPD-2001) has come into force w.e.f. 1.8.1990 vide Gazzette of India, Extra Ordinary part II, setion 3, sub section (iii) of SOS 606 (E). The Master Plan provides for :

a) Regular Collection of primary and secondary data related to different sector of development.

b) Systematic analysis of data, and

c) to bring the important changes (physical, socio, economic etc.) to the notice of the Authority, comprehensively; once in a year.

The objective of this, as envisaged in the plan, is to make timely modifications in the policies/programmes and to effectively respond to the city growth and changes in society. It is often noticed that due to a time lag between the happenings/emerging socio-economic forces and the plan responses, unintended growth takes place. There is a reasonable possibility of arresting this growth and improving the quality of life by timely corrective actions through effective monitoring and review.

II. THE SCOPE OF MONITORING AND REVIEW AS PROVIDED IN MPD-2001

In order to have a scientific monitoring of various policies and programmes related to different sectors of development, MPD-2001 proposes the following :

i) **Monitoring of physical targets :**

In order to judge the performances of different sectors important aspects have been indentified in MPD-2001 for regular monitoring.

ii) **Monitoring of indicators of physical and socio-economic change**

Selected indicators have been identified in the Master Plan & are proposed for periodic evaluation and monitoring.

Contd...../-

iii) Review and revision in the plan

Based on the feed back of monitoring a timely review and revision in key policies of the plan is proposed. Stress has also been laid on conducting studies and applied research for attaining useful planning input vital for high quality living environment.

III. SECONDARY INFORMATION, SURVEYS, STUDIES & PROJECT REPORTS

For the comprehensive monitoring and review of MPD-2001 following major surveys, studies and projects would need to be completed, in a time programme.

A. Secondary informations

Collection and collation of information from secondary sources related to different aspects/sectors of development i.e.

a) Demography
b) Land use
c) Employment
d) Transport
e) Shelter
f) Infrastructure
g) Environment/open spaces.
h) Historic areas.

B. Surveys

Following surveys would need to be conducted on selected sample basis :

a) Land Use : Wind shield survey

b) Transportaion : Traffic survey for MRTS

c) Industry : Existing hazardous and noxious as well as heavy and large industrial units. survey of selected industrial clusters in non-conforming. areas.

d) Shelter : Existing squatter settlement and unauthorised settlement in Delhi.

e) Environment/open spaces : Survey of the regional park/ridge and the declared forests in Delhi.

f) Special Area : Physical survey of Urban Renewal areas.

Contd...../-

g) Rural Areas : Physical survey of Najafgarh town.

C. **Planning Studies**

Following important planning studies on different aspects of Urban Development need to be taken up :

a) **Demography**

Revised population projection for Delhi 2001,2011 and 2021 based on the results of 1991 census.

b) **Regional and Sub-Regional Issues**

Strategy for dispersal of economic activities out of Delhi in DMA/priority towns.

Sub Regional drainage & flood projection measures.

c) **Land & Shelter**

Requirement of urban land & shelter needs upto 2001 and 2011.

Programme of land acquisition, development and disposal.

Modalities for involvement of private developers.

Appraisal of DDA built housing, in terms of design and felt needs.

d) **Infrastructure**

Revised targets for water, power solid waste and sewerage for Delhi-2001, 2011 & 2021.

Geographic imbalance in the availability of infrastructure physical and social in Delhi (1994)

e) **Environment**

Environmental improvement of marginal areas i.e. squatter settlements, JJR, unauthorised colonies and villages.

Strategies for protection of green belt in Delhi.

Sources of environmental pollution, and strategies to enhance quality of life in Delhi.

Contd/.....

f) **Commerce & Industry**

Policy incentives to encourage voluntary shifting of hazardous and noxious units/heavy and large industries.

g) **Transportation**

Planning and development of metropolitan terminals, freight complex, district centres and urban expressway.

h) **Monitoring and policy review**

Scientific monitoring frame for urban development.

Building of a sattelite data base for urban planning.

Phasing of urban development in terms of 5 years plan and annual plans.

River front development.

Development of urban villages in Delhi.

Review of planning norms and standard for shelter, infrastructure, transportation, recreation and work centres.

D. MONITORING OF PROJECTS/SCHEMES ENCOURAGED IN THE MASTER PLAN 2001

IV. METHODOLOGY

Step I

In the absence of any regular monitoring of the selected indicators or of the physical targets/achievements during implementation of MPD-2001, simultaneous work would have to be initiated on following :

i) Collection of Secondary data from all the concerned functionaries i.e. MCD, Delhi Admn. & the concerned Ministries related to the progress made by them since 1981 upto date.

ii) Conducting selected primary surveys.

iii) Conducting essential studies.

In order to complete the above work in a time frame, it is proposed that a part of this work be done in house by a

Contd./-.....

core group of planners & the rest be given out to the outside specialists/consultants.

Step II

Based on the scientific analysis of data from above :-

i) Certain policy revisions in the norms/standard

ii) Formulation of revised targets upto 2001.

iii) Preparation of alternatives/preferred strategies on selected key issues of development.

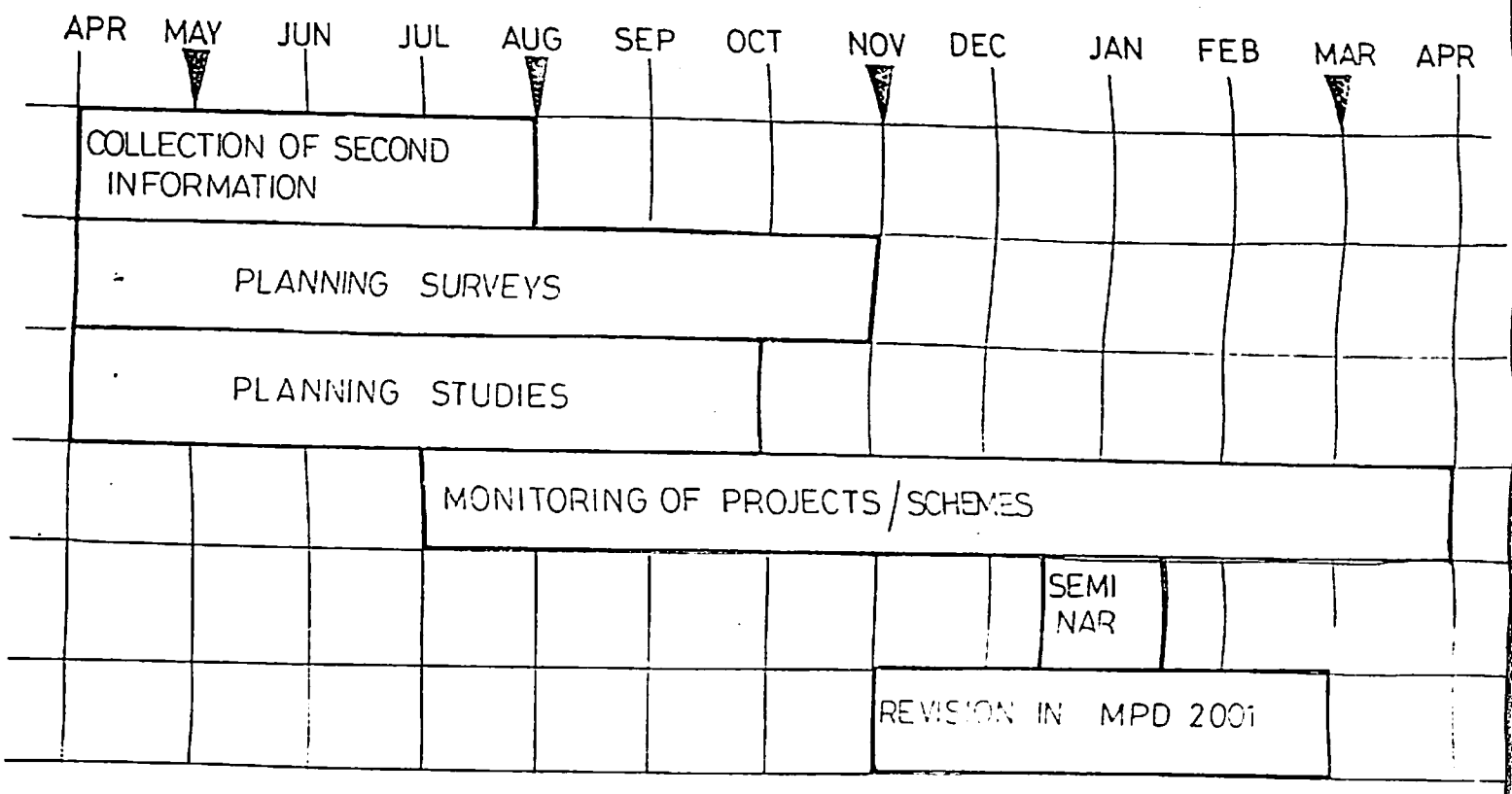
iv) Draft modifications in MPD-2001.

Step III

In order to take up the work of monitoring and review on continued basis, simple formats have to be worked out for regular updating of database. Certain research studies would also require to be taken up on regular basis for continuous feed back.

V. WORKING PROGRAMME AND BASIC ADMINISTRATATIVE DECISION.

a)



Contd./-.....

b) Tentative dates for the status reports to be put up to the authority :

i)	Major review of MPD-2001-Programme (1994)	: April, 1994
ii)	Modifications in MPD-2001-updating upto March, 1994	: June, 1994
iii)	Gist of results of Secondary information collected	: August, 1994
iv)	Major findings of Planning surveys/studies conducted	: November, 1994
v)	Draft revision in MPD-2001 and a monitoring frame	: March, 1995

c) Basic administration decisions for appproval of the authority.

i) Implementation of Authority Resolution no. 63 dated 17.4.91 according to which a Unit was created in the Planning Deptt. for the Plan Monitoring in the DDA. Copy of the Resolution is placed at Annexure 'B'.

ii) Approval of budget provision of Rs. 20 lakhs under the head Plan "Monitoring and Review". Rs. 4 lakhs for the financial year 1993-94 and balance Rs. 16 lakhs for the year 1994-95.

iii) Delegation of full financial power to the head of monitoring unit upto Rs. 20,000/-.

The programme as given in para 5 above is put up for consideration of the Authority.

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(APPENDIX 'E' TO ITEM NO. 35/94)

No. 63. Sub: Implementation actions on Master Plan for Delhi Perspective-2001. (DD/PP/UE/91/F-13).

18.6.91

P R E C I S

1. The Master Plan for Delhi Perspective-2001, as approved by the Govt. of India, has been brought into force on 1st August, 1990, the date of its publication in the Gazette extra-ordinary. A copy of the same, which has already been circulated to all the members of the Authority, is laid on table. (Appendix 'A' Page 8 to 11). Copy

2. The Master Plan for Delhi-2001 lays down a comprehensive set of policies governing the planned growth of various sectors of urban development e.g. residential, commercial, industrial and transportation, development of physical and social infrastructure and provision of wholesale markets, recreational areas etc. Its various policy recommendations are to be implemented by the Delhi Development Authority in close cooperation with Delhi Admn., local bodies like MCD and NDMC and also some of the Central Ministries. All this calls for timely and coordinated implementation and hence continuous monitoring and review by DDA.

3. Accordingly over the last 9 months, a number of measures have been initiated by Delhi Development Authority and other agencies to give effect to

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these provisions of the Master Plan. These are to be followed up and a number of critical steps taken within a specific time frame vide details given below.

4. Some of the important steps already initiated in the Delhi Development Authority with respect to implementation of MPD-2001 cover the following areas:

i) Printing of copies of the revised Master Plan along with required graphics;

ii) Restructuring & strengthening of the Planning & Architectural Wing of D.D.A. in the context of their nodal role and increased functions, responsibilities under MPD-2001;

iii) Drawing up of a comprehensive programme for land acquisition, development and housing during 8th Five Year Plan within the overall frame work of the Master Plan;

iv) Formulation of detailed guidelines on implementation of the concepts of mixed land use, single family incremental housing, incorporation of informal sector and conservation of historic areas, respectively;

v) Preparation of Zonal development Plans;

vi) Framing of redevelopment plan for Lutyen's bungalow zones on a consultancy basis,

vii) Preparation of sector-wise structure plans for Dwarka Project and integrated infrastructure plan for the urban extension areas of Dwarka, Narela and Rohini, respectively.

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5. Some of the more important tasks envisaged in MPD-2001 which require special attention of Delhi Admn. including MCD and NDMC, are as given below:

Shifting of hazardous

i. Identification and shifting of all the existing hazardous and noxious industrial units from Delhi to National Capital Region (NCR) within a prescribed time frame of three years. A Collaborative effort is to be undertaken by Delhi Admn., DDA and the NCR Planning Board in this regard once the list of such industries is finalised by the Delhi Admn. Simultaneously the Master Plan will have to be revised and appropriate strategies developed by the said three bodies to give effect to the recent decision of Delhi Admn. to discourage the further growth of industries in Delhi.

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ii. MPD-2001 recommends that the holding capacity of existing urban area be ultimately 191 million as against 5.3 million as per 1962 plan. This calls for necessary augumentation and improvement in the trunk infrastructure and distribution system especially with respect to water, sewerage, power and drainage. A detailed exercise in this respect for the new urban extension area has already been carried out by Delhi Admn., in the content of the 8th Five Year Plan. The said trunk services plans will have to be fully implemented to avoid any discrepancy in the provision of these essential services vis-a-vis the norms laid down in the Master Plan.

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iii. A suitable mass rapid transit system for Delhi is to be worked out to meet the needs of commuter traffic and the population living in adjoining towns of the Delhi Metropolitan Area (DMA). Rail India Technical Services is actively working on this action has also been taken to set up high level committees in Govt. of India as well as Delhi Admn. to implement the RITES Project. This needs to be expedited keeping in view the rapid growth of vehicles and traffic congestion on the roads. Simultaneous action is also required for the planning and development of 4 proposed metropolitan passenger terminals, 5 inter-state bus terminals, 4 directional freight complexes and the peripherial expressway, which are to be developed on a time-bound programme. Certain new roads in urban extension area and 80 km. of roads in rural areas are also to be developed in a phased manner.

iv) Based on the revised norms and requirements for various items of the physical and social infrastructure as provided in MPD -2001, suitable long range plans as well as annual plans will have to be worked out by the concerned deptt. of MCD and Delhi Admn. so as to ensure that the development of urban extension areas takes place simultaneously on all fronts.

6. Certain specific issues which directly relate to the Ministry of Urban Development and other central

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6(iii)

ministries are given below:

i. Arrangements for purchase of raw water and power to meet the needs of Delhi for these two essential services will have to be firmed up by the Govt. of India in the light of the relevant provisions of MPD-2001. Plan funds required to instal requisite trunk services will also have to be provided by the Govt. of India.

Water Power

ii. Master Plan for Delhi Perspective-2001 has strongly recommended preservation of the natural environment and ecological balance. River Yamuna and the ridge areas have been identified as two natural features which are of critical importance to the environment. Detailed strategies and programmes are to be finalised to prevent their increasing degradation. Ministry of Environment have already issued necessary instructions in this respect. Central Water and Pollution Control Board and Forestry Deptt. of Delhi Admn. have to play a key role in this respect;

Natural environment Ridge & River

iii. It is estimated that the housing deficit of 4.5 lakh units at the start of the 8th Five Year Plan will grow to 8.25 lakh units by the year 1994-95 unless the same is tackled on a war footing. While DDA plans to allot residential plots and build flats or incremental houses to cover its existing backlog of 1 lakh registrants during the said period, a significant proportion of the total housing

Housing Programmes

Contd./-.....

requirements in Delhi is to be met through the slum wing, housing cooperatives and employer housing schemes, for which the appropriate policy framework will have to be finalised by Ministry of Urban Development in consultation with Planning Commission/Delhi Administration. Necessary funds for all these schemes will have to be provided for through Planning Commissioner, National Housing Bank and other official agencies and deptts. of Govt. of India.

Keeping all these aspects in view, it is proposed without further loss of time to:

i. Establish a plan monitoring unit in DDA under the specific charge of an officer to be designated as Director (Plan Monitoring) with a view to monitor implementation of these Master Plan provisions and the rapid changes taking place in the socio-economic as well as physical structure of the city.

ii. To report to the Authority with respect to the progress in implementation of MPD-2001 and the changing face of the city at regular intervals.

The proposal is put up before the Authority for consideration and approval.

R E S O L U T I O N

The matter was discussed at length. It was agreed that there was an urgent need to establish a Monitoring-cum-Evaluation Unit in the Planning Deptt. to ensure coordinated implementation of the various provisions of MPD-2001 by the Central Govt., Delhi Administration and DDA. The unit should be computer-based and consist of about 10 officers, as proposed. Details to be worked out and placed before the competent authority for sanction of the requisite posts at the earliest.

ITEM No. 36/94

A-24.05.94

Sub : Direction by the of reduc of 300 a purposes

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ITEM No. 36/94
A-24.05.94

Sub : Directions issued under section 41 of DD Act,1957 by the Ministry of Urban Development in respect of reducing seating capacity of cinema to a minimum of 300 and utilising the balanced FAR for commercial purposes.

F.11(1)/91-MP.

P R E C I S

Reference is invited to the Authority reso. No.55 dt.16.4.93 (App. 'F' P.No. 34-35) approving the amendment in MPD-2001 in the 'use activity' permitted in the 'use premises' at page 155 of Gazette of India (Extraordinary) part.II Section-3 sub-section(ii) under the heading of 'Cinema'.

2. The Govt. of India, Ministry of Urban Development was requested to convey the approval of Central Govt. under section 11A of Delhi Development Act,1957 to issue a public notice. The Govt. of India, Ministry of Urban Development, had conveyed the approval of the Central Govt. vide their letter no.K-13011/17/92-DDIB/VA dt.17.8.93 (App. 'G' P.No. 36) Accordingly, a public notice was issued on 18.9.93 (Appendix.. 'H' P.No. 37-38)

3. Three objections/suggestions have been received in response to the public notice, which are as follows:

i) President, National Association of Motion Picture Exhibitors : They have stated that the MCD & NDMC be directed to examine the individual plans of the Cinema/Theatre with reference to the directions under section 41(1) of Delhi Development Act,1957 issued by the Ministry of Urban Development. They have further quoted the minutes of the meeting held in the Ministry of Urban Development dated 12.11.92 in which it was decided that 300 seats capacity can be divided in small halls within the rules of the cinematography Act.

Observations:

The NDMC & MCD can only be directed to examine the individual cinema/theatre plans, after the modifications in MPD-2001 are finally notified by Ministry of Urban Development, Govt. of India. Regarding allowing 300 seats to be divided into small halls, within the rules of cinematography Act, this was agreed upon in the meeting held in the Ministry of Urban Development on 12.11.92 (Appendix 'I' : PAGE NO. 39-42)

Contd... 2.

ii) From Honorary General Secretary, Rajdhani estate promotors and builders association(Regd.). The objections/suggestions submitted by the Association are the same which have been submitted by the President, National Association of Motion Picture Exhibitors. Therefore, the above observations are applicable to this objection/suggestion also.

iii) From the Secretary, DUAC, New Delhi stating that the Commission felt that even if cinemas today are losing proposition, it is not correct to camouflage it by increasing the commercial and office areas. A conscious decision needs to be taken by the Competent Authority for conversion of cinema space to other use.

The decision of amendment in MPD-2001 was taken after the discussions in the DDA as well as in the Ministry of Urban Development. The proposal for amendment in MPD-2001 is in the 'use activity' permitted in the 'use premises' at page 155 of the Gazette of India (Extra ordinary) part II section 3 sub-section(ii) dt.1.8.90 under the heading 'cinema'.

5 The matter has been considered by the Technical Committee in its meeting held on 8.3.94 and the Technical Committee recommended for approval of the modification in MPD-2001.

6. The proposal is placed before the Authority for its consideration and approval of the recommendation of the Technical Committee as in para 5 above for further processing.

R E S O L U T I O N

It was resolved that modification of M.P.D.-2001 as proposed in the Technical Committee Meeting held on 08.03.94 be approved, as the proposal is in the "Use Activity" permitted in the "Use Premises" at page 155 of the Gazette of India (Extraordinary) part-II, Section-3, Sub-Section (II) dated 1.8.90, under the heading cinema.

It was further resolved that conversion charges, as may be determined by the Lessor, would be payable in case of lease hold properties. Similar, provision should be proposed to the competent authority looking after similar conversions in free hold properties.

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ITEM NO. SUB:-
55/93
A-16.8.93

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APPENDIX 'F' TO ITEM NO.36/94

ITEM NO. 55/93
A-16.8.93

SUB:- Directions issued under Section 41 of D.D.Act'57 by the Ministry of Urban Development in respect of reducing seating capacity of cinemas to a minimum of 300 and utilising the balance FAR for commercial purposes.
(F.No. 11(1)91-MP.).

P R E C I S

Ministry of Urban Development, Govt. of India, vide their letter dt. 10.8.92 and letter dt. 27.8.92 (Appendix _____ Page No. _____) & (Appendix _____ Page No. _____) issued the directions under Section 41 of D.D.Act, 1957, on the representation of M/s Kapoor Sons & Co. for partial change of Kamal Theatre to 'commercial use', subject to the conditions that (i) at least 300 seats are retained for cinema theatre and that (ii) the remaining area is used for such purposes as are permissible in 'District Centre or Community Centre' in which the theatre may be situated. It is further stated that (iii) the theatres are permitted to carry out such alterations or modifications in the existing Auditoria as may be necessary for the purpose but subject to the unified building bye-laws. The Ministry is further pleased to direct that (iv) the provisions of the directions will apply mutatis mutandis to all cinema halls who apply for such permission.

2. The above said directions under Section 41 of D.D. Act, 1957 were examined and it was opined that the directions from the Govt. of India are in confirmity with the MPD-2001 land use zone. However, modifications in the use activity permitted in the use premises at page 155 of the Gazette of India (extra ordinary) Part II and Section 3 sub-section (ii) under the heading, "cinema (0.28) which reads as below:

"Cinema watch & ward residence 20 sq. mt., administrative office, soft drinks and snacks stall, retail shop and commercial office upto 20 per cent of the total floor area", needs to be amended by deleting the words "upto 20 per cent of the total floor area."

3. Issue about the lease conditions and extra premium are to be dealt with by the Lands Department as per terms of lease etc.

4. The case was placed before the Tech. Committee dt. 28.1.93 in the above said amendments in MPD-2001 and issues raised at para 4 above. Technical Committee recommended the amendments suggested in para 2 above for the consideration of the Authority. Further there should be no increase in the prescribed FAR of the cinema plot. A copy of agenda note and recommendations of the Technical Committee is annexed at (Appendix _____ Page No. _____).

5. In view of above decision of the Technical Committee, the case is placed for the consideration of the Authority for approval of amendment suggested in para 2 above.

For office use only.

R E S O L U T I O N

The matter was discussed and it was decided that in the first instance clarifications be sought from the Ministry of Urban Development whether these directions are also applicable to the cinemas which are located outside the District Centres/Community Centres.

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(V. K. PAPPAR) 24/3/93
Secretary
Delhi Development Authority

APPENDIX K-

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Subject : D

The unders
No.F-11(1)91-MP/491
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Shri Anil Barai,
Dy. Director(MP),
Delhi Development
Vikas Minar, IP E
NEW DELHI.

11/9/93

APPENDIX 'G' TO ITEM NO.36/94

K-13011/17/92-DD1B/VA(Part)
Government of India
Ministry of Urban Development
(Delhi Division)

New Delhi, dated 17.8.93

OFFICE MEMORANDUM

Subject : Direction issued under section 41 of DD Act, 1957 by the Ministry of Urban Development in respect of reducing seating capacity of cinemas to a minumum of 300 and utilising the balance FAR for commercial purpose.

The undersigned is directed to refer to your letter No.F-11(1)91-MP/491 dated 24.6.93 on the above mentioned subject and to convey the approval of the Urban Development Minister under section 11A of the DD Act 1957 notifying the amendment in MPD-2001 as requested in para-1 in your letter under reference for inviting objections/suggestions from the public.

Further action in the matter may please be taken under intimation to the Ministry.

(S.C. SAGAR)
UNDER SECRETARY-1B

Shri Anil Barai,
Dy. Director(MP),
Delhi Development Authority,
Vikas Minar, IP Estate,
NEW DELHI.

APPENDIX 'H' TO ITEM NO. 36/94

To be published in the Gazette of India, Part II section-3 sub-section(ii) dated 18.9.93

No.F.10(19)/91-MP

Dated 16.9.93

PUBLIC NOTICE

The following modifications, which the Central Government proposes to make in the Master Plan for Delhi-2001. Any person having any objection/ suggestion with respect to the proposed modifications may send the objection/suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, I.N.A., New Delhi, within a period of 30 days from the date of this notice. The person making the objection/suggestion should also give his name and address:

Modifications:

1. At page 154 (left hand column), Gazette of India, Part II, section 3, sub-section(ii) dated 1.8.90 under sub-heading P-2 (District Park), the following modifications are proposed to be added after the words 'Zoological Garden':

"Restaurant in a District Park having area above 40 hectares, subject to that:

(a) area of the restaurant plot is not more than 0.8 hect.(2 acres) or 1% of the District Park, whichever is less.

(b) restaurant plot has no physical segregation from the rest of the District Park Area.

(c) the building is to be a single storey structure with maximum FAR of 5 and height not more than 4 mtrs. without any residential facility and to harmonise with the surroundings.

(d) in case there is no parking lot, in the vicinity, parking is to be provided within the restaurant plot.

(e) the entrepreneure is to make all arrangements of water, sewerage and other utilities wherever not available at site or provided for by the local body.

2. At page 155 (right hand column), Gazette of India, part II, section3, sub-section(ii) dated 1.8.90 under sub-heading 'cinema(028)', the following words occurring after the words 'commercial office', are proposed to be deleted:

"(upto 20 per cent of the total floor area)"

The proposed modifications will be available for inspection at the Office of the Dy.Director, Master Plan Section, 6th floor, Vikas Minar, I.P. Estate, New Delhi on all working days within the period referred above.

(RANBIR SINGH)
SECRETARY
DELHI DEVELOPMENT AUTHORITY

VIKAS SADAN,
'B' BLOCK,
I.N.A. NEW DELHI

DATED THE 18.9.93.

APPENDIX 'I' TO ITEM NO. 36/94

MINUTES OF THE MEETING KEPT ON 12TH NOV.92 IN THE MATTER OF CINEMA HALLS

M/29

1. A list of participants is annexed herewith. 22/11/93

2. The National Association of Motion Picture Exhibitors had submitted a Memorandum dated 12th Oct., 1992 seeking clarifications of the Govt. in furtherance to this Ministry's Directions to the DDA. The Directions advised the DDA to allow cinema halls to convert part of their premises to other commercial useage compatible within the sense of the Master Plan, so long as they maintain a minimum of 300 seats for a cinema. Additional Secretary in the Ministry of Urban Development explained the basic ingredients of the instructions issued to the DDA in this regard.

3. Issues raised by the NAMPE in their representation cited above were taken up for discussion and the summary of decision reached are minutised below:-

i) Conversion charges for cinemas located on free-hold plots

It was agreed that insofar as free-hold plots are concerned no conversion charges would be leviable.

ii) Conversion charges for cinemas located on lease-hold plots

While the cinema owners stressed that additional premium would not be attracted for conversion from one commercial mode i.e. cinema to another, the DDA was of the view that conversion charges would normally be applicable on account of the reasons:

P.S. 22/11/93

(a) the entire premises were allowed to be used as cinema halls based on a historical premium of land at the time of auction/allotment:

(b) allowing part conversion at this stage would be synonmous with allowing a new commercial activity to take place at the present point of time depending upon the present market premium.

The DDA, therefore, had the right to tap the incremental land values inherent in such a conversion. No consensus could be reached on this issue and it was agreed that the Ministry would examine this matter in greater detail.

iii) F.A.F. permissible

The Ministry clarified that on account of such conversions, no cinema hall-cum-commercial complex would be given the benefit of additional FAR. Thus, if the FAR of a complex considered to be a community centre was 100, it would continue to be 100 even after part conversion was allowed. This matter assumes importance in the context of certain halls in Connaught Place where the FAR according to [illegible] was 300. It was clarified that so long as conversion were made within the existing building, they would not be looked upon as redevelopment. However, in the case of total redevelopment [illegible] plot, the provisions of the F.A.R. as [illegible] would hold.

4. The National Association of Motion Picture Exhibitors in the Memorandum pointed out that while the decision of the Ministry was to direct to have halls having at least 300 seats, the NAMPE felt that instead of having one hall with 300 seats, the DDA and the Ministry should be liberal in allowing two or three mini halls subject to the total number of such seats being 300. The Ministry had no objection to this prima facie so long as the tiny halls fell within the rules of the Cinematographic Act.

5. The meeting adjourned with vote of thanks to the Chair.

. . . . .

No.K-13011/17/92-DDIB(Pt)
Ministry of Urban Development

. . .

New Delhi, dated the 21st Dec., 1992

Copy forwarded to : All present.

(R. Banerjee)
Dy.Secretary to the Govt.of India

LIST OF PARTICIPANTS

Ministry of Urban Development

1. Sh.R.V. Pillai, Addl.Secretary - In the Chair
2. Sh.R. Bannerji, Dy.Secretary

Delhi Development Authority

3. Sh.K.J. Alphonse, Commissioner (Lands)
4. Sh.S.C. Gupta, Director (DC&P)

Others

5. Sh.Sidheswar Dayal
6. Sh. Gopal Ansal
7. Sh.Ajay Koshish

ITEM NO. 37/94 A-24.05.94

Sub : Modification in percentage distribution of land uses in different categories in Urban Extension Area on account of locating no new industrial area in the NCTD - Amendment in MPD-2001.

F.20(19)93-MP

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P R E C I S

Reference is invited to the Authority resolution no.86/92 dated7.7.92 (App. 'J' P.No. 45-49) approving the amendment in the MPD-2001, percentage distribution of land in Urban Extension Area.

2. The Govt. of India, Ministry of Urban Development, was requested to convey the approval of the Central Govt. under section 11A of Delhi Development Act,1957 to issue a public notice for inviting objections/suggestions from the public. The Govt. of India, Ministry of Urban Development had conveyed the approval of the Central Govt. vide their letter no.K-13011/24/93-DDIB dated 9.11.93 (App. 'K' P.NO. 50) Accordingly, a public notice was issued on 8.1.94 (App. 'L' P.No. 51).

3. In response to the public notice only one objection/ suggestion has been received from the Chief Regional Planner, NCR Planning Board. The summery of the objections/ suggestion is as under:

> While the industrial land use has been eliminated, areas have been added to the residential, commercial and public facilities. This will invite additional population and create new job opportunities. This will also strain provision of physical and social infrastructure. Any additional area in the proposed Urban Extension beyond 20,000 ha. would be incompatible with the imperatives of Regional Plan for NCR 2001. Precise figures both in te rms of percentage and actual number may have to be specified. A density of 167.6 PPh may be maintained in the Urban Extension Area".

Above objection has been exained as below:-

4. "The proposed restructing of land uses is mainly aimed for dispersal of economic activities as proposed in Regional Plan for NCR 2001. Hence, no additional strain on land, infrastructure and job opportunities are envisaged over and above the proposed Urban Extension programme of the MPD-2001. The densities proposed in MPD-2001 for Urban Extension shall also be maintained".

Contd./-.....

5. The above proposal was discussed in the Technical Committee in its meeting held on 22.3.94 and the Technical Committee recommended that the proposed restructuring of land uses be approved by the Authority.

6. The proposal is placed before the Authority for approval as in para 5 above.

* * * * *

R E S O L U T I O N

It was resolved that planning for industrial activity may continue as envisaged under the Master Plan of Delhi - 2001, at the rate of 6-7% of Urban Extension Area.

(APPENDIX 'J' TO ITEM NO. 37/94)

ITEM NO. 86/92

SUB: POLICY FOR LOCATING INDUSTRIAL ACTIVITIES IN THE UNION TERRITORY OF DELHI.

F.20(2)/91-MP

07.07.92

PRECIS

Reference is invited to the Authority Resolution No.43 dated 27.3.91 appendix.'M'.....pages.67-71..... vide which the policy implication of the decision of the Delhi Admn. to stop development of any new industrial estate in Delhi was discussed. Authority decided that as a principle, no new industrial estate needs to be developed in Delhi as means due to employment generation and encouragement of small scale industries and further, decided that provision of about 2% land in urban extension be examined for providing essential service/light industrial units required for Union Territory to be detailed out by committee comprising of Comissioner, Industries, Delhi Admn., with representatives of MCD, NDMC, TCPO and DDA.

2. The recommendations of the Committee under the Chairmanship of the Commissioner, Industries, Delhi Admn. are as under:

For office use only

(i) In order to meet the day to day needs of the community more commercial space would be necessary. Therefore, the space reserved for commercial use be increased by about 2%. The increase in area would be utilised for all such activities which do not perform manufacturing and are required to serve community need.

(ii) List of activities which may be permitted in 2% area was also given by the Committee(appendix.'N' .....pages.72-73.....).

3. The recommendations of the Committee were studied by the Planning Wing of the DDA. To suitably adopt recommendations of the Committee with respect to the Master Plan, the Planning Wing made the following recommendations:

(i) No more development of indusrial areas in Delhi :would mean that all non-conforming light and extensive industrial units as per Master Plan for Delhi Perspective 2001, would have to close down/shift on their own to areas outside Delhi.

Contd...3..

(APPENDIX 'J' TO ITEM NO. 37/94)

ITEM NO. 86/92

SUB: POLICY FOR LOCATING INDUSTRIAL ACTIVITIES IN THE UNION TERRITORY OF DELHI.

F.20(2)/91-MP

07.07.92

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For office use only

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(ii) List of activities which may be permitted in 2% area was also given by the Committee(appendix.'N' .....pages.72-74.....).

3. The recommendations of the Committee were studied by the Planning Wing of the DDA. To suitably adopt recommendations of the Committee with respect to the Master Plan, the Planning Wing made the following recommendations:

(i) No more development of indusrial areas in Delhi :would mean that all non-conforming light and extensive industrial units as per Master Plan for Delhi Perspective 2001, would have to close down/shift on their own to areas outside Delhi.

Contd....

ii) 2% additional area for the commercial use as recommended by the Committee to be divided as under:

a) District Centre level	1%
b) Community Centre level	0.67%
c) Local Shopping centre level	0.33%

iii) These areas would be distinctly separate from the commercial areas and would be developed with the following controls:

a) Ground floor coverage(overall 33%)
b) F.A.R. 100%

The area would be developed as mixed use and 33% of the floor space would be used for residential activities.

iv) The permitted industrial activities would be as per provision of the Master Plan for Delhi Perspective-2001(in which the industrial units specified by the Committee are mainly covered.

For office use only.

v) In the land use plan earmarked for industrial use but not developed so far shall be utilised 50% per public and semi public and semi public activities and recreational area at Master Plan level and remaining 50% for residential. Case to case change of land use shall be processed.

4. The above recommendations of the Planning Department were discussed in the Technical Committee which also attended by Commissioner, Industries, Delhi Admn. Recommendations (i), (ii), (iii) and (v) were generally accepted by the Technical Committee, regarding recommendation(iv) Commissioner Industries was requested to give his detailed observations.

5. Subsequently, Chief Secretary, Delhi Administration sent a communication to the Vice-Chairman, vide his letter No.PACI/91/DDA/2040 dated 17.9.91(

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Contd./2.....

(appendix 'D' P. 75-76) making the following observations about points (i) & (ii)

(a) It is not the intention of the Delhi Administration to ask industrial units in 'non-conforming' areas other than those which are hazardous/obnoxius are polluting beyond the limit that would not permit reduction through anti-pollution devices to shift from Delhi.

(b) What is really called for is an effort to concentrate large, heavy and medium units highly power incentives units and so on, and extend - to them an attractive package of incentives so as to make easier for them to either close down their operations in Union Territory of Delhi or move elsewhere.

(c) As regarding permitting industrial activities in 2 percent additional area proposed by the Commissioner of Industries to accommodate service industries/establishments, I am of the view that this would be undesirable as this additional has been provided for a specific purpose and this should not be treated at par with the areas earmarked under the mixed land use concept to accommodate manufacturing industries.

6. The matter has been considered by the Technical Committee in its meeting held on 21.1.92 and the following is recommended:

For office use only

(a) Obnoxious polluting and hazardous industries are to be relocated/shifted within a period of three years from the date of promulgation of the Master Plan-2001 i.e. 31st July,1993 and therefore, the policy for this is to be finalised by June,1992. Simultaneously, a list of such industries is to be prepared by the Director of Industries, Delhi Admn.

(b) Secretary, NCR Planning Board may be approached to find out where new industrial estates are being developed elsewhere within NCR so that non-conforming industrial units in Delhi to be asked to shift/relocate their units from the present non -conforming sites in the residential units in Delhi.

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Contd./-.....

(c) Delhi Administration(Directorate of Industries) would need to draw up a package of incentives so as to provide units who want to locate in the industrial estates to be developed by NCR simultaneously, those units which are not interested in re-location should be levied heavy panelties by DDA so as to induce them to leave the present non-conforming sites.

(d) The minimum number of additional industrial units would still be required to serve the needs of Delhi's population and even such if units are in the nature of extensive industries; they would have to be located within the Union Territory of Delhi. Therefore about 60 (sixty) ha. of land in different locations may be earmarked for this purpose. The industries which are to be allowed to be set up on this land would be from the list furnished in MPD-2001(commercial centres). However, the specific types of industries could be further restricted when the individual applications are processed.

(e) The Directorate of Industries had formulated certain policies for promoting growth of specific industrial units in villages, it is felt that this would be contrary to the policy of Delhi Admn. as well as against the provisions of the Master Plan for Delhi-2001 and therefore Delhi Admn. should review this policy.

(f) MPD-2001 had identified 11 growth centres. No planning exercises had either been taken up or completed by MCD so far in any of the growth centres. It is essential to take up the development plans for these growth centres on priority, within the definite time frame to ensure that the industrial units do not come up indiscriminately within the village abadi areas and very well located within the growth centres.

(g) Development controls for additional commercial areas for service industry(service centres) to be as per para 3(iii).

The matter is placed before the Authority for approval of the recommendations contained in para '6' above as well as to recommend to make consequent amendments in MPD-2001.

For office use only

R E S O L U T I O N

The Authority resolved that :

a) *There should be no provision for new industrial Estates in the Urban Extension Area of MPD-2001.*

b) *Delhi Administration should indentify the existing units which are hazardous/obnoxious, heavy and large and require to be closed down and shifted outside the Union Territory of Delhi.*

Contd./-.....

c) On receipt of the recommendations of Delhi Administration the (Local) Bodies will take necessary action for the closing or shifting of such industries. The closure or shifting of the industries thus identified, should be completed by 1.8.93 i.e. within three years of the coming into force of MPD-2001.

d) Master Plan - 2001 has envisaged 6-7% of Urban Extension Area to be provided for industrial Estate. In view of (a) above (not having any new industrial Estates), the Master Plan land uses in Urban Extension area be readjusted as under:

i) Additional 2% to be added in 'commercial' use for 'Service Industries';

ii) additional 3% to be added in the 'residential' use zone; and

iii) additional to the extent of 2% for 'Public and semi-public ' use and 'recreational' use put together.

Accordingly necessary amendment in MPD-2001 be taken up.

e) MCD should take up the development of 11 growth centres in accordance with MPD-2001 on priority basis.

For office use only

H. K. BABBAR
Assistant Secretary
Delhi Development Authority

Contd./-.....

(APPENDIX 'K' TO ITEM NO. 37/94)

No.K-13011/24/93-DDIB
Government of India
Ministry of Urban Development
(Delhi Division)
*****

New Delhi, dated 9.11.1993

To

Shri Anil Barai,
Deputy Director(MP),
DDA, Vikas Minar,
New Delhi.

Subject: Policy for location industrial activity in the National Capital Territory of Delhi.
*****

Sir, I am to refer to your letter No.F.20(2)91-MP/723 dated 9.9.1993 on the above mentioned and to convey the approval of the Central Govt. for inviting objections/suggestions under Section 11-A of DD Act, 1957 from the public for the proposed amendment in MPD-2001.

Yours faithfully,

(S.C. Sagar)
Under Secretary to the Govt. of India

UFI 10.11.93

Contd./-.....

(APPENDIX 'L' TO ITEM NO. 37/94)

To be published in the Gazette of India, Part II section 3 sub-section (ii) dated 8.1.94

F. 20(19)93-MP

Dated 31/XII/93

PUBLIC NOTICE

The following modifications, which the Central Government proposes to make in the Master Plan for Delhi 2001. Any person having any objection/suggestion with respect to the proposed modifications may send the objections/suggestions in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi within a period of 30 days from the date of this notice. The person making objections/ suggestions should also give his name address.

MODIFICATIONS:

"At page 121 of the Gazette of India, Part II Section 3 sub section (ii) dated 1.8.90 which reads as follows:

LAND USE	% OF LAND
Residential	45-55
Commercial	3-4
Industrial	6-7
Recreational	15-20
Public & Semi Public facilities	8-10
Circulation	10-12

is proposed to be replaced by the following as under:

LAND USE	% OF LAND
Residential	48-58
Commercial	5-6 (2% of for service industry)
Recreational	15-20
Public and semi public facilities	10-12
Circulation	10-12

2. The proposed modifications will be available for inspection in the office of the Deputy Director, Master Plan Section, 6th floor, Vikas Minar, IP Estate, New Delhi on all working days during the period referred above.

(V.M. BANSAL)
COMMISSIONER-CUM-SECRETARY
DELHI DEVELOPMENT AUTHORITY.

VIKAS SADAN,
'B' BLOCK, INA,
NEW DELHI.

DATED THE 8.1.94.

/-.....

ITEM NO. 38/94
A-24.05.94

Sub : Proposed Redevelopment Scheme for Janpath Lane, New Delhi.

F.16(89)/81-MP

P R E C I S

Reference is invited to the Authority resolution No.150/92 dated 1.12.92(App. 'M' P.No. 55-60)by which the above scheme has been approved for publication for inviting objections/suggestions.

2. Accordingly, a Public Notice was issued on 27.2.93 (App 'N' P.No. 61) for inviting objections/suggestions and the scheme was also referred to the L&DO, NDMC, Archaeological Survey of India, DUAC and DCP(T), Delhi.

3. In response to the Public Notice, only 6 objections/ suggestions have been received from the Govt. Organisations and public as under:

i. DUAC
ii. Delhi Traffic Police
iii. Town & Country Planning Organisation
iv. CPWD
v. Sh.Sampuran Singh
vi. Sh.Darshan Singh

4. These objections/suggestions have been examined and scrutinised and a detailed report with observations is given at (App. 'O' P.NO. 62-66).

5. The proposal has been considered by the Technical Committee in its meeting held on 5.7.93 and made the following observations and recommendations are as under:

i. Delhi Urban Art Commission (DUAC) - Objections/ suggestions from DUAC are in the form of observations and may be noted. Development Control norms as indicated in the scheme also be referred to DUAC, as and when individual case is received.

ii. DCP(T) - They have not raised any objection/suggestion. No action is required.

Contd ... 2

iii. TCPO -

a) The scheme is envisaged with circulation pattern with entry and exit mainly towards left turning. The TCPO observations are mainly for traffic managements and may be followed.

b) The plot is outside the scheme area.

iv. Chief Architect, CPWD - the area is outside the scheme.

v. Sh. Sampuran Singh, 1/24, Janpath Lane, New Delhi.

vi. Sh. Darshan Singh, 14, Janpath Lane, New Delhi.

Technical Committee noted that as per MPD-2001, FAR is 150, on the basis of which the scheme has been formulated. However, the legal opinion be obtained with regard to the affidavit and other issues mentioned in the objection. It was further desired that the matter may be brought before the Authority.

[Relevant lay out maps will be laid on the table during the meeting.]

6. The opinion of the Chief Legal Advisor and the Standing Counsel of the DDA is given **at (Appendix 'P' Page No. 67-71).**

The Standing Counsel of the DDA has observed as below :

"I agree with the opinion given in the prepages vide note dated 13.9.93 of Sh. K.K. Tiwari. However, the judgement dated 18.5.89 was passed in a suit and the suit was disposed in terms of the affidavit filed by Ms. Janak Juneja, dated 12.5.89. If layout plans in respect of Redevelopment Scheme have been approved by the Authority in terms of judgement dated 18.5.89, then the same should not be changed because of MPD-2001. However, if layout plans have not been approved then because of coming into force of MPD-2001, the judgement dated 18.5.89 has become incapable of execution as now DDA cannot allow FAR over and above 150".

7. In terms of judgement dated 18.5.89, the DDA has not approved any layout plan before 1.8.90, the date on which the MPD-2001 came into effect.

8. The Janpath Lane Scheme along with objections/suggestions of the above report is submitted before the Authority for its consideration and approval.

Contd....

9. After the Authority's decision, the "Redevelopment Scheme" will be sent to Government for authentication and approval. L & D.O./MDMC will have to take follow up action henceforth.

* * * * *

R E S O L U T I O N

It was resolved that the proposed re-development scheme for Janpath Lane, as earlier approved by the Authority vide Resolution No.150/92, dated 1.12.92, be approved for authentication and approval of the Govt. of India.

***

(APPENDIX 'M' TO ITEM NO. 38/94)

ITEM NO. 150/92

A-01.12.92

Sub: Proposed Redevelopment Scheme of Janpath Lane Area.

File No. 16(89)81-MP

P R E C I S

The erstwhile New Delhi Redevelopment Advisory Committee earmarked the Janpath Lane area for comprehensive redevelopment as part of the Metropolitan City Centre (Zone D-1). This area is located between Janpath, Masonic Lodge, Jantar Mantar Monument, Parliament Street and LIC plot. It comprises privately leased plots and the site owned by the Govt. of India which is occupied by cottage Industries Emporium and Indian Oil Bhawan. There are also plots owned by DLF and Bank of Baroda therein. The entire pocket measures about 5.17 hect. (12.78 acres) inclusive of the internal road system.

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2. In 1983, DDA formulated a comprehensive scheme (laid [illegible]) for an area of 2.34 hect. (5.79 acres) which was in one pocket. The scheme envisaged stepped up development on a modular basis, with 25% coverage and 250 FAR (Master Plan/development norms applicable at that time). One of the bigger size plot was sub-divided by the lessor (L&DO) into 9 smaller plots/holdings and was mutated in the name of 9 parties. However, in the scheme this was taken as one plot for the purpose of building project as independent construction was not viable on each of the sub-divided plots. Proportionate FAR was proposed to be allocated to each lessee according to the size of his land holding.

3. The scheme was approved by the Authority vide its resolution no.50 dt. 1.2.83 for inviting public objections/ suggestions and was published on 14.5.83. In all 11 objections/suggestions were received in response to the public notice. The summary alongwith technical comments is in (Appendix 'C' at Page No. 16-24).

4. One of the lessess of the sub-divided plot filed a suit (No.1445/83) in the High Court of Delhi against the proposed scheme. The main dispute was with regard

to unequal distribution of FAR on different plots in the scheme. The Screening Board of the Authority, in its meeting held on 24.4.84, while hearing the objections considering the suggestions noted that the said scheme was subjudice and, therefore, did not make any specific recommendation.

5. DDA published on 6.4.85 extensive draft modifications to the Delhi Master Plan for inviting public objections & suggestions. Subsequently Govt. of India, Ministry of Urban Development, vide its order dt. 16.10.85, imposed ban on the construction of high rise buildings in New Delhi and South Delhi areas.

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6. After the lifting of the ban on high rise development in this area and after discussions in the Ministry of Urban Development, a fresh scheme was formulated by the Planning Department of DDA with the following features:-

a) The building envelopes were worked out keeping in view the size of each plot, location of the existing building etc. The heights of building blocks were proposed to vary between 8 storeys to 12 storeys.

b) Land required for road widening and improvement of circulation pattern was identified which is to be kept free of construction.

c) An uniform FAR of 250 on net individual land holding was assigned to each lessee in the proposed building envelopes/blocks.

d) Parking as required according to norms was to be provided in basement(s) and the area on the surface in excess of 25% ground coverage, was proposed to be landscaped as per Govt.'s guidelines.

e) Minimum of 60' set back was kept from the boundary wall of Jantar Mantar area/complex.

f) Circulation pattern was worked out for entry and exit in relation to the main roads.

7. The draft scheme was referred to NDMC, CPC, DC (Traffic), Archeological Survey of India, L&DO Ministry of urban Development and TCPO for their comments. MC,

L&DO, CFO & TCPO did not find constrain in the scheme for the implementation with minor adjustments/provisions at the time of detailed planning.

7.1 Archeological Survey of India informed that 60ft. set back from the boundary wall of Jantar Mantar Complex may not be adequate and advised that the height of the proposed complex should be in accordance to certain restrictions as indicated on the map.

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7.2 DCP (Traffic), Delhi Administration observed that space provided for parking may not be adequate and that disposal of traffic from this scheme may create some problems and congestion on the peripherial roads.

8. Meanwhile, the matter came up in the High Court for hearing on 12.5.89, wherein it was inter alia indicated that:

a) the land, if any, required for widening of road for improvement of circulation or provision of community facilities, based on the comprehensive scheme, shall be deducted proportionately from each holding/plot.

b) each lessee would be entitled for a maximum FAR of 250 on the resultant size of the plot as per Master Plan Provisions.

c) A composite control drawing, which was being finalised by the DDA would be made applicable.

The Court disposed off the case with the direction that composite control drawings for the whole scheme be released at one time.

9. The observations of DCP(Traffic) & Archeological Survey of India were examined in detail and discussed in the meetings of the Technical Committee held on 28.8.89, 23.10.89 & 12.4.90.

10. On 1st Aug. 1990, MPD-2001 as approved by Govt. of India, Ministry of Urban Development was brought into force. The following controls have been provided for in MPD-2001, covering the Janpath Lane area.

Maximum ground coverage 25%, maximum FAR 150, and maximum height 37 mts. (i.e. sufficient for buildings of 8-12 storeys), Ground coverage and FAR to be calculated based on the area of each available plot.

(a) The area to be developed on the basis of a comprehensive scheme.

(b) basement below the ground floor and to the maximum extent of ground coverage to be allowed and if used for parking and services, not be counted in FAR.

11. To discuss the various issues raised in the Technical Committee meetings, the court case, and the relevant provisions of MPD-2001, a meeting was taken by Commissioner(Planning), DDA on 29.8.90. After detailed discussions it was decided to finalise the scheme as per MPD-2001 norms and mainly on individual plot basis. Accordingly, a revised draft scheme was prepared, indicating the overall circulation pattern, integrated open spaces and development & control norms for parking, ground coverage, FAR, set back, height etc. However, all the sub-divided plots were brought within one envelope. (Plan laid on Table).

12. The scheme mentioned above was discussed in the Technical Committee held on 15.4.91 and the Technical Committee, after detailed discussion observed as follows:

"It was noted that there were several small plots in one chunk which would need to be developed within one combined envelope while the other plots could be developed with an independent envelope. The representative of Traffic Police opined that the redevelopment of this area would generate a lot of traffic which needed to be studied in detail. The Technical

Committee, after going through the documents, details and observations made by the representative of the Traffic Police, desired that Dir.(DC&P) may convene a meeting with the representative of the Traffic Police, and the Consultant Mr.Sanyal on the points relating to parking needs and circulation based on traffic requirements, could looked into in depth. If the proposal was found satisfactory from these point of view, the same be processed further, otherwise, it should be brought before the Technical Committee again for final decision."

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13. The matter was thereafter discussed with DCP(Traffic), Shri Sanyal (Traffic Consultant) and Jt.Dir.(Tpt.),DDA and then brought again before the Technical Committee meeting held on 27.9.91. The Technical Committee after going through the agenda item discussed the full scheme at length vide proceedings and observed as below:

Various observations with respect to parking and circulation aspects of the proposed redevelopment scheme of Janpath Lane area, as received from the Consultant, Shri Sanyal, DCP(T) and Jt.Dir.(TPT.) respectively, were discussed in detail. The Technical Committee observed that the points/issues thus raised were of a general nature and could well be taken care of by NDMC as the Chief Implementation Agency. In this connection, it was pointed out that the specific parameters for basement, parking, ground coverage, FAR, Height, envelope control, etc. had been provided for in the redevelopment scheme itself as per MPD-2001 requirements. The concomitant redevelopment of the contiguous area for purpose of circulation parking sites and landscaping respectively was the overall responsibility of NDMC. It was also for NDMC to take note of the overall circulation plan as suggested by the DCP(Traffic) for the proposed re-develop schemes. The Technical Committee desired that the revised scheme be placed before the Authority for approval along with the above observations".

14. The revised scheme in para 9 for the Janpath Lane area as discussed and recommended by the Technical Committee in paras 10 and 11 above is placed before the Authority for approval.

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R E S O L U T I O N

Resolved that the revised scheme for Janpath lane area as discussed and recommended by the Technical Committee be published for inviting public objections/suggestions and be also referred to L&DO, MDMC and other concerned departments for comments, if any.

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Compared.

Attested

H. K. BABBAR 18/12/74
Assistant Secretary
Delhi Development Authority

(APPENDIX 'N' TO ITEM NO. 38/94)

DELHI DEVELOPMENT AUTHORITY

No.F.16(89)81-MP

Dated: 19.2.93

PUBLIC NOTICE

Notice under section 10(1) of the Delhi Development Act, 1957 (No. 61 of 1957) read with rules 5 and 15 of the Delhi Govt (Master Plan and Zonal Development Plan) Rules, 1959, of the preparation and publication of the draft comprehensive Re-development proposals at Janpath Lane, New Delhi.

Notice is hereby given that:

1. a. A draft of the comprehensive Re-development proposals at Janpath Lane, New Delhi, has been prepared, and

b. A copy thereof will be available for inspection at the following offices between the hours of 11.00 A.M. and 3.00 P.M. on all working days till the dated mentioned in para 3 hereafter.

i. Office of the Delhi Development Authority, Vikas Minar, IP Estate, 6th floor, New Delhi.

ii. Office of the Chief Architect, NDMC, Palika Kendra, Parliament Street, New Delhi.

iii. Office of the Commissioner, MCD, Town Hall, Delhi-6.

iv. Office of the Executive Engineer, Delhi Cantt. Board, Delhi Cantt. Delhi.

2. Objections and suggestions are hereby invited with respect to the draft comprehensive Re-development proposals at Janpath Lane, New Delhi.

3. The objections or suggestions may be sent in writing to the Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, IP Estate, New Delhi, by the 27.2.93

4. Any person making the objection or suggestion should also give his name and address.

(RANBIR SINGH)
SECRETARY
DELHI DEVELOPMENT AUTHORITY

VIKAS SADAN,
'B' BLOCK, INA,
NEW DELHI.

APPENDIX 'O' TO ITEM NO. 38/94

OBSERVATIONS ON OBJECTIONS/SUGGESTIONS RECEIVED IN RESPECT OF RE-DEVELOPMENT SCHEME OF JANPATH LANE AREA, NEW DELHI.

S.No.	OBJ./SUG. BY	OBJECTION/SUGGESTION	OBSERVATIONS
1.	Secretary Delhi Urban Art Commission.	1. Development Controls should be specific and should have in built flexibility to generage a desired urban form. 2. To achieve this DDA should make some mandatory regulations for envelops. 3. The urban design exercise for the area is required. 4. The green area shown in between envelops needs more thinking. 5. A proper throught be given for circulation pattern in the area. 6. The commission, however, approved the development controls subject to the following:- "As and when NDMC gives permssion for the construction of these plots/envelops they must have an integrated urban design scheme which has to be shown to DDA before it is submitted to DUAC for consideration."	Action to be taken by NDMC.
2.	Deputy Commissioner of Police, (Traffic) Delhi.	They have no objection from traffic point of view with regard to the draft comprehensive re-development proposals at Janpath Lane.	

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S.No.	OBJ./SUG. BY	OBJECTION/SUGGESTION	OBSERVATIONS
3.	Addl. Chief Planner Town & Country Planning Organisation Govt. of India.	1. The entry exigt point of the bus interchange are from Parliament Street to Outer-Circle of Cannaught Place which would add further congestion to the existing traffic in the outer circle. This can be prevented if the entry to the interchange is made from Janpath and exit on Parliament Street so that the vehicles after reaching at Parliament Street from the exit point can lead to three different directions from the junction at Parliament Street Tolstoy Marg. 2. The podium has been proposed in the area between the IOC building and Bank Baroda Building which has been raised to about 1,83 metres to accommodate general parking at about 1.52 metres level under the podium. With this proposal the clear floor height for the general parking would be about 3.00 mts. which seems to be on higher side for normal parking purposes.	1. a) The traffic experts were consulted before finalisation of the circulation pattern. b) The Delhi Traffic Police has no objection to the proposed circulation pattern. c) It is basically a traffic management issue. 2. This is a matter detail may be kept in view detailed schemes of this part is formulated by NDMC. Further, this part does not form part of the main scheme

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12(c)

S.NO.	OBJ./SUG. BY	OBJECTION/SUGGESTION	OBSERVATIONS.
4.	Chief Architect-I Central Public Works Department, Nirman Bhawan, New Delhi.	1. It is observed that on the Govt. plot (where at present Indian Oil Bhawan Exists) it is proposed to provide general parking below the podium and also a 33 KVA sub-station on the plot as both these Facilities are for common usage. We object to their being located on the Govt. plot and as such the proposal may be modified and the ESS and general parking be located elsewhere. 2. The location of general parking and the ESS on this plot would also restrict achieving FAR on the plot.	1. The Building like LIC, IOC, DLF etc. have come up on the basis of envelop controls given by NDRAC, with height, FAR, etc. Now, the FAR applicable is 150 and in the approved Zonal plan of Zone D-1 proposal of podium is there which has been incorporated in the scheme. 2. The existing 11 KV ESS is to be upgraded & relocated.
5.	Shiv Darshan Singh Shivdev Singh Building 14, Janpath Lane, New Delhi.	1. DDA has already admitted by an affidavit in the the Delhi High Court in May, 1989 that FAR of Janpath Lane is 250 for each one of the plots. DDA cannot retract on it undertaking as it has been now brought down from 250 to 150 which is objectionable since they have already paid development changes to DDO in compliance of their letter dt. 31.3.87 on the basis of FAR 250. 2. DDA has no right to seek any charge now as the scheme originally approved on Ist Feb., & delayed the implementation. 3. DDA did not issue the guidelines to the sanctioning authorities i.e. NDMC & DUAC for sanction of Building Plans.	1- The MPD -2001 provision of 150 FAR is statutory and came in force on 1.8.90. 2 & 3: The scheme of 1983 was neither finalised nor finally approved.

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S.NO.	OBJ./SUG. BY	OBJECTION/SUGGESTION	OBSERVATION
		4. As per Master Plan Ground coverage and FAR are permissible the presently available plot area whereas in the Redevelopment proposal the Ground Coverage and FAR are proposed on the resultant plot area after deducting area for Road widening etc. which is objectionable. The area required for road widening should be compensated in FAR as given in MPD-2001,	FAR is applicable on the plot earmarked for commercial use and not for circulation.
		5. The area for basement as proposed in the scheme is neither sufficient nor feasible on account of the parking requirement or essential services of the building as they have quoted an example in case of 3000 sq.mt. plot where 90 Car-spaces are required but the single basement can accommodate only 23.93 car spaces. Therefore, minimum two basement are required for parking alone.	5. The MPD-2001 neither prohibits nor permits second basements. However, it provides for additional basement upto an envelop line in comprehensive schemes. It has been examined by an exercise that required parking cannot be accommodated in one basement, therefore permission for second basement can be considered and allowed, upto envelope area for parking & services.
6.	Sd. Sampuran Singh, 1/124, Janpath Lane, New Delhi.	1. They suggest that the present proposal be fully rejected since it contravences the directive of the court orders as well as DDA's own intention as declared in present text report.	

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S.No.	OBJ./SUG BY	OBJECTION/SUGGESTIONS	OBSERVATIONS
		2. The Plan as proposed runs contrary to the court decision and treats plot No. P 1(i.ix) as one plot and not as separate holdings.	Four plots out of the Five main plots can be developed on individual plot basis one plot which is sub-divided in 9 small plots are not capable of construction of independent buildings and therefore combined envelope is proposed.
		3. They have requested to present their case in person.	

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(APPENDIX [illegible] TO ITEM NO. [illegible]

- Opinion of the Chief Legal Advisor and Standing Counsel of DDA as desired by Technical Committee in its meeting held on 5.7.93.

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The relevant part of the proceedings of the Technical Committee, seeking legal advice is re-produced hereunder:-

"Technical Committee noted that as per MPD-2001, FAR is 150, on the basis of which the scheme has been formulated. However, the legal opinion may be obtained with regard to the affidavit and other issues mentioned in the objection".

A perusal of the above part of the proceedings of the Technical Committee would show that the advice has been sought with respect to (i) the affidavit filed by us earlier in the Court and (ii) the issues as mentioned in the objections. We deal with the aforesaid two points serialwise.

(i) Suit No.1445/83 titled as Shub Chand Jain & 7 Ors. Vs. D.D.A., U.O.I. and 15 others, was filed before the Hon'ble High Court of Delhi. The issue involved in the said suit, as is apparent from the copy of the plaint available in the file attached hereunder was with respect to redevelopment scheme for Janpath Lane, as prepared by D.D.A. and approved vide Resolution No.50 dt.1.2.83. The plaintiffs sought for the stay against the approval and implementation thereof. The said objection was disposed of by the Hon'ble Court of Delhi vide orders dated 18.5.89, copy whereof is available at FLAG 'B'. A persual of the aforesaid orders of the Court would reveal that the suit was disposed of in terms of the affidavit dated 12.5.89 filed by Miss Janak Juneja, the then Secretary, DDA. The copy of the affidavit is available at Flag 'C'. A persual of the affidavit would reveal that we had stated on oath that the persons whose properties are involved in the redevelopment of Janpath Lane Scheme would be entitled to a resultant FAR of 250 on the net area and that the said permissible FAR of 250 in the comprehensive scheme would be proportionate to the area of each resultant plot. This FAR for the year under reference was mentioned in the affidavit on the basis of the provisions of MPD-1962 as amended in the year 1974, as is apparent from para (1) of the note dated 24.8.1993 of Director(DC&P). Vide query No.(5) of our note dated 30.8.1993, we sought to know whether, at the time of filing of the affidavit, the text of the proposals with respect to FAR in the approved MPD 2001 were kept in view or not. There is no reply to this query of the Law Department. In any case, as is apparent from Para (3) of the aforesaid note of Director

(DC&P) dated 24.8.1993, the FAR for the area under reference was reduced to 150 in the MPD-2001 notified on 1.8.1990.

The proposition now before us, therefore, happens to be that the present FAR of the area, as per the MPD-2001 is 150 whereas it was 250 in MPD-1962 as amended in the year 1974 and on the basis whereof, we had filed the affidavit in the Court. We are, I feel, bound by the affidavit as filed by us in the Court, but, at the same time, may not be in a position to allow the said FAR of 250 because FAR of the area has been changed under MPD-2001. In case, we allow the FAR of 250 as per the affidavit filed by us before the Hon'ble Court, it may be violative of the statutory provisions of MPD-2001 and may amount to illegal act on our part.

On the one hand, we have filed the affidavit stating that FAR 250 shall be permitted and on the other hand, MPD-2001 lays-down the FAR of the area as 150 only. To get out of this dilemma, the only alternative seems to be that we approach the Court with an appropriate application explaining our position at the time of filing the affidavit and as at present. We may apprise the Hon'ble Court that we may not be in a position to allow the FAR of 250 as MPD-2001 provides for the FAR of only 150. We may request the Hon'ble Court that this dilemma is not of our making and happens to be a hand work of the circumstances. On the basis of these submissions, we may request the Hon'ble Court to allow us to work with the scheme taking the FAR as 150.

Attention is kindly drawn to the provisions 3(4) of the Development Code of MPD-2001, which states as under:-

> "The layout plans already approved by the Authority or any other local authority concerned in accordance with law shall be deemed to have been approved under this code".

A reading of the above provisions would make it clear that in case layout had already been approved, then the same shall be deemed to have been approved under this Code. Accordingly, it is for the Planning Section/Department to confirm that no such layout with

respect to the area was approved. In case, such layout was approved, as would be apparent from the provisions of MPD-2001 referred to above, the same shall be taken as approved under the Code and in that case, we may not be in a position to reduce the FAR. This part, however, requires to be looked into by the Planning Wing, as well. If the layout plan was approved and stands validated by MPD-2001, as referred to above, then, I feel, we may not have any case to approach the Court with the request to act upon the plan with a reduced FAR.

(ii) As regards, the legal po.sition with respect to the issues involved in the objections, there are two applications on the file from S/Shri Sampuran Singh and Darshan Singh, submitting the objections. The first applicant has submitted two objections i.e. (1) with respect to the FAR and (2) with respect to the combination of the plots PI(i) to PI(ix) and treating them as one entity. He has stated that this happens to be arbitrary and without support of law.

As regards the first objection, the same has been dealt with in the foregoing paras. As regards the second objection, our queries raised at sl.no.1 and 2 of our note dated 30.8.93 are relevant. The unsigned typed note Flag 'A' states that "nine sub-divided plots as referred above are proposed to be developed and buildings are to be constructed within one combined envelope, whereas for other bigger plots (P-2 to P-5), would be developed within individual envelopes". However, it has not been stated whether MPD-2001 or Zonal Development Plan of the area provides for such common envelope with respect to the plots which are sought to be taken in one envelope. No reference has been made either to the Zonal Plan or the layout plan. In this respect, attention is also kindly drawn to the text report of the Redevelopment Scheme of Janpath Lane. Para (2) of the said report is reproduced hereunder:

> "Keeping in view the Master Plan provisions and also taking into consideration the configuration of plots/holdings, a scheme of this area has been prepared with details of envelope for each plot on an integrated basis. This has been proposed with a view that the scheme should be mainly developed on individual plot basis".

A reading of the above para of the report shows that the scheme has been prepared with details of envelope for each plot on an integrated basis, whereas the note as aforesaid, state that nine sub-divided plots are to be constructed within one comnbined envelope. These two different aspects require to be looked into by the Planning Wing. Although, I am not aware of the details of the scheme being worked out, the question may also crop up as to whether we shall have to pay up for the land which may be used for the road and public facilities etc. out of the private land. This aspect does not seem to have been touched upon, so far. Further, whether the Master Plan/Zonal Development Plan, permit the combination of the plots has to be seen by the Planning Wing.

The request of the second applicant Shri Shiv Darshan Singh, is three-fold which is as under:

(a) that FAR for my plot no.3 known as 14 Janpath Lane as I have already made payment to L&DO for 250 FAR cannot and should not be reduced.

(b) The area for basement as proposed in the scheme is neither sufficient nor feasible to account the parking requirement or essential services of the building and should be increased.

(c) Plot area required for road widening should be compensated in FAR as given in MPD-2001

(a) The first part of the request has also been dealt with while dealing with the FAR aspect.

(b) The para (B) of the application is required to be considered taking into consideration the Master Plan/ Zonal Plan standards.

(c) As regards para (c), it is again for the Planning Wing to see whether we can compensate the applicant with respect to the land to be taken in the road widening by increase in the FAR. It is apparent that we cannot permit such increase above 150 in view of the provisions of MPD-2001. In case the applicant can be compensated within this FAR, then the Department should consider the matter. In the alternative, other modes of compensation may have to be worked out.

Sd/-
(K.K.TIWARI)
JR.LAW OFFICER
13.9.93

Dy.C.L.A.(Lands) Sd/- 14.9.93

C.L.A. Let our Sr.St.Counsel may also see.

Sd/-
C.L.A.
14.9.93

Sr.St. Counsel

I agree with the opinion given on the prepages vide note dated 13.9.93 of Sh.K.K.Tiwari. However, the judgement dated 18.5.89 was passed in a suit and the suit was disposed in terms of the affidavit filed by Ms.Janak Juneja, dated 12.5.89.

If layout plans in respect of Redevelopment Scheme have been approved by the Authority in terms of judgement dated 18.5.89, then the same should not be changed because of MPD-2001.

However, if layout plans have not been approved then because of coming into force of MPD-2001, the judgement dated 18.5.89 has become incapable of execution as now DDA cannot allow FAR over and above 150".

Sd/-
Sr.St.Counsel
13.9.93

Sd/-
C.L.A.
14.9.93

Sd/-
Director(DC&P)
15.9.93

Item No. 39/94
A-24.05.95

SUB: Formulation of Regulations for regulating the location of Nursing Homes.
No. F. PS/PC/DDA/94.

PRECIS

A large number of Nursing Homes are working in residential premises which is not allowed by the Master Plan for Delhi-2001. Nursing Homes are registered under the Delhi Nursing Homes Registration Act (1953) read with the Delhi Nursing Homes Registration Rules (1963 as amended from time till 1992). Under the aforesaid Act/Rules, in order that a Nursing Home is registered, a No Objection Certificate has to be taken from the DDA.

2. The Master Plan for Delhi-2001 defines Nursing Homes as "as a premises having medical facilities for indoor and outdoor having upto 35-beds, which shall be managed by a Doctor or a group of Doctors on commercial basis". According to the MPD-2001, Nursing Homes are permitted at the Master Plan level in Central Business District (CBD), Sub-Central Business District, District Centres and Community Centres. AT the Zonal level, Nursing Homes are permitted in Local Shopping Centres. At the layout level, Nursing Homes sites are to be identified at the time of preparation of layout plans. In a nutshell, within the Residential Use Zone, Nursing Homes are only permitted in Commercial Centres.

3. Since a large number of unregistered Nursing Homes are running from residential premises, DDA appointed a Committee under the Chairmanship of Principal Commissioner to go into the matter of formulating regulations for determining the location of Nursing Homes vis-a-vis the Master Plan for Delhi-2001. The Committee has finalised its report and the same is at App. 'Q' P.No. 78-127)

The Committee has made the following recommendations:-

(i) Master Plan Requirements

Nursing Homes should, here-to-fore, be permitted in plotted residential premises under certain special conditions:

Contd./-.....

a) Maximum Floor Space

A maximum of 2/3rd of a residential premises can be used for the purpose of a Nursing Home. It is pointed out that only 50% of the plot space can be used for a Nursing Home as per the regulations prevalent in Greater Bombay.

b) Nursing Home Size:

The maximum limit of space for a Nursing Home within the residential premises should not exceed 400 sq. metres. It is pointed out that the maximum limit of space for a Nursing Home within residential premises in the Madras Metropolitan Area is 300 sq. metres.

c) Minimum Plot Size

A Nursing Home shall be permitted only in residential plots of 209.0 sq. metres (250 sq. yds.) and above.

d) Minimum Right-of-Way

The minimum right-of-way of the approach road shall be as follows:

i In the case of Walled City and other Urban Renewal Areas - 9.0 metres

ii In other residential areas - 13.5 metres

Contd./-.....

e) Parking

Parking should be provided as per the norms prescribed in the MPD-2001 - 1.33 car space per 100 sq. metres of floor area (refer to Page 159) of MPD-2001). However, in case of deficiency in the parking space, the local body (municipal body) may provide parking lots in the neighbourhbod and shall charge appropriate fees from the Nursing Home.

f) Conversion Charges

Conversion Charges for converting residential space to commercial use shall be charged as per provisions of the MPD-2001 and also as required by the Lessor. Provisions of the MPD-2001 are based on:

i) the cost of provision of parking and physical and social infrastructure.

ii) differential price of space of the residential and non-residential activity/use.

g) The provision of purely diagnostic services under the guise of nursing home shall not be permitted.

(ii) **Medical Waste**

Incinerator for effective disposal of medical waste shall be provided in every Nursing Home. The minimum requirement of an incinerator is given in Appendix VI.

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(iii) **Space Requirement Within a Nursing Home or a Nursing Home-cum-Maternity Home**

(a) The provision of various facilities within the Nursing Home or a Nursing Home-cum-Maternity Home will be in accordance with the Tables 'A', 'B' & 'C' given in the Report.

(b) The Delhi Nursing Homes Registeration Act (1953) and the Delhi Nursing Homes Registration Rules (1963 as amended from time till 1992) should be suitably amended to incorporate the norms given in the afore-mentioned Tables.

(iv) **Minimum Space Requirements**

Minimum Space Requirements in relation to Nursing Home and Nursing Home-cum-Maternity Home are given below:

i)	5-Bedded Nursing Home	-	223.0 sq. mtrs.
ii)	5-Bedded Nursing Home-cum-Maternity Home	-	263.0 sq. mtrs.
iii)	10-Bedded Nursing Home	-	289.0 sq. mtrs.
iv)	10-Bedded Nursing Home-cum-Maternity Home	-	340.0 sq. mtrs.
v)	X-Ray Facility is optional for Nursing Homes or Nursing Home-cum-Maternity Home and minimum space required is 29.0 sq. mtrs.		

Contd./-.....

vi) The minimum size of a Nursing Home or a Nursing Home-cum-Maternity Home, in relation to bed coverage shall be 5 beds.

(v) ***Ventilation***

Proper Ventilation should be provided as per the Building Bye-Laws - minimum 10% of the floor area.

(vi) **Display of Rates**

The rates for different kinds of medical services such as consultation charges for OPD Patients, per night charges for In-door Patients (different categories), charges for clinical services such as X-Ray, Blood/Urine Test, etc., operation charges (different categories) and other charges should be conspicuously displayed on a Notice Board.

(vii) **Other Requirements**

i) Water and Electricity

Water and Electricity Services will be charged at commercial rates.

ii) No Objection Certificate

For running a Nursing Home in residential premises a NOC shall be required from DDA.

iii) Running of Nursing Home- Owned or Rented Premises.

The entire residential premises (built on a given plot) should either be owned by the person

Contd./-.....

intending to run a Nursing Home or if the premises are rented, the permission , in writing, of the Landlord should be taken for conversion of the residential premises for use as Nursing Home for a period not less than three years. Renewal of permission after three years shall be taken from the Landlord for another three years before NOC can be given by DDA.

(viii) **Penal Provisions** & Amendments

(a) The Committee felt that violation of the terms and conditions of NOC given by the DDA should be dealt with under Section 14 read with Section 29(2) of the Delhi Development Act, 1957 which should be appropriately amended to increase the penalty upto Rs.10,000/- in the first instance alongwith Rs.5000/- per day for continuation of violation. If a residential permises is used in violation of the regulations stipulated above, it shall be sealed.

(b) The Master Plan - 2001 should be amended to incorporate the recommendations listed in the section on Master Plan. (paragraph 40).

(c) In view of the recommendations given above, the Delhi Development Act, 1957, should be suitably amended.

4. It is resolved to accept the foregoing recommendations and as a consequence thereof to amend the MPD-2001 to incorporate the said recommendations and to formulate suitable regulations under the Delhi Development Authority Act, 1957 for regulating the location of Nursing homes under the overall ambit of MPD-2001.

5. The matter is placed before the Authority for consideration and approval.

R E S O L U T I O N

It was resolved that comments of the Govt. of N.C.T. of Delhi be sought within a month, before considering these recommendations.

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(APPENDIX 'Q' TO ITEM NO. 39/94)

Report of the Committee on formulation of regulations for determining the location of Nursing Homes vis-a-vis the Master Plan Delhi - 2001.

The following Committee was constituted for formulation of regulations for Nursing Homes (vide VC's orders dated 2.8.1993):-

1.	Dr. H.S. Anand, Pr. Commissioner	:	Chairman
2.	Shri J.C. Gambhir, Commr.(Plg.)	:	Member
3.	Shri K.J. Alphons, Commr.(LM)	:	Member
4.	Shri S.C. Gupta, Addl. Commr.(DC&P)	:	Coopted Member
8.	Shri A.K. Jain, Director (Planning)	:	Coopted Member
5.	Shri R.S. Sharma, Dy. CLA	:	Coopted Member
6.	Shri A.N. Sinha, Medical Supdt. Nursing Homes, GNCTD.	:	Coopted Member
7.	Shri Ved Prakash, Joint Secy.(Med.) GNCTD	:	Coopted Member

2. The Committee carefully examined the averments made by the Indian Medical Association (Delhi Chapter) on two occasions. The Committee also visited a large number of Nursing Homes in different localities for making a reasonable assessment of the conditions in which private Nursing Homes are operating in the NCTD.

3. The Committee worked on the basis of the following essential premises:-

(i) Nursing Homes provide essential life saving services and, therefore, are required in the neighbourhood in the event of medical emergency. Easy access to Nursing Home facilities, directly contributes to

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improving the quality of life of the residents of the neighbourhood. Thus, Nursing Homes should be treated as a class apart from Guest Houses, Clubs and services provided by professionals such as Architects, Engineers, Economists and Chartered Accountants.

(ii) The availability of medical facilities offered by Nursing Homes should be of such a quality that the process of recovery of a patient is not jeopordised by over-crowding, lack of ventilation, non-availability of essential equipment or inadequate space for essential medical services.

(iii) Within the framework of providing medical services of reasonable quality to the residents of Delhi, the regulations framed for governance of Nursing Homes in residential premises should be flexible enough to enable their continuance/ establishment in premises of a requisite size commensurate with essential medical norms.

(iv) The running of Nursing Homes should not create serious nuisance for neighbours or undesirable congestion on approach roads.

<u>Provisions relating to Nursing Homes in the MPD-2001.</u>

<u>Definition of Nursing Home</u>:

4. The Master Plan for Delhi-2001 (MPD) defines Nursing

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Home as "a premises having medical facilities for indoor and outdoor patients having upto 30 beds. It shall be managed by a doctor or a group of doctors on commercial basis" (refer to page 172 of the MPD-2001 - Gazette Notification).

Normative Standards relating to Space:

5. The MPD stipulates the space size for various facilities for a given size of population. In a locality with a population of 50,000, the Nursing Home should have a minimum per unit area of 2000 sq.mt. (refer to page 144 of the MPD-2001 of Gazette Notification). The MPD also stipulates that Health Facilities like Nursing Homes are a part of 'Social Infrastructure' (refer to page 138, MPD-2001). Nursing Homes are permitted under public and semi-public use (PS1) Hospital (refer to page 154, MPD-2001). Further, the MPD stipulates certain building controls for Health Centres/Nursing Homes (073-074, page 163 of MPD-2001) which are given below:

(a)	Maximum Ground Coverage	:	33.33%
(b)	Maximum FAR	:	100
(c)	Maximum Height	:	14 mtrs.

6. Interpreting the above normative standards (2000 sq.mt/30 beds), it emerges that MPD-2001 stipulates a space requirement of 66.66 sq.mt. floor area per bed for a well-planned Nursing Home.

Permissibility at the Master Plan, Zonal Plan and Layout Plan Levels:

7. According to the MPD-2001, Nursing Homes are permitted at the Master Plan level in Central Business Districts, Sub-Central Business Districts, District Centres and

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Community Centres (refer to page 126, MPD-2001). In a nutshell, within the Residential Use Zone, Nursing Homes are only permitted in Commercial Centres (refer to pages 152 & 153 of MPD-2001).

8. At the Zonal level, Nursing Homes are permitted in Local Shopping Centres (refer to page 155, MPD-2001). At the Layout level, the MPD defines Use premises as "one of the many sub-divisions of a use zone, designated at the time of preparation of layout plan, for a specific main use or activity and includes the use premises described in Schedule 1" (MPD Clause 2 (2) of page 149 of Gazette Notification). As such Nursing Home sites are to be identified at the time of preparation of layout plans.

9. The MPD makes a provision for four Special areas (pages 164 & 165, MPD-2001):-

(i) Urban Renewal Area (Walled City);
(ii) Urban Renewal Area (Karol Bagh);
(iii) Other Renewal Areas;
(iv) Specific Use Zone Areas.

10. This provision has to be read in conjuction with the stipulation of MPD - 2001 that Nursing Homes are not permitted in residential premises and in conjuction with the Delhi Nursing Home Regulations Act (1953) read with the Delhi Nursing Home Registeration Regulations (1963 as amended from time to time till 1992). Read in this manner, Nursing Homes in Special Areas which do not conform to the afore-mentioned standards are not permitted. In short, the MPD-2001 does not give a carte blanche with regard to the provision of NOC to Nursing Homes in Special Areas by the DDA.

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11. It is further emphasised that Nursing Homes are not permitted in area/streets of Mixed Land Use (refer to page 165, MPD-2001).

Minimum requirement for a 5-Bedded and 10-Bedded Nursing Home & Nursing Home-cum-Maternity Home:

12. A 5 Bedded Nursing Home-cum-Maternity Home would require the facilities indicated in Table 'A'.

Table 'A'

REQUIREMENT OF AREA FOR 5 BEDDED NURSING HOME/NURSING HOME-CUM-MATERNITY HOME

S.No.	Type of Facility	No.	Unit Size (Sq.ft.)	Area for (in sq.ft.) Nursing Home	N.H.cum M.H.
1.	2.	3.	4.	5.	6.
1.	Beds	5	NH: 120 for first bed & 60 for addl. beds	440	
			NH-cum-MH: 100 per bed		500
2.	Bath	2	20	40	40
3.	Lavatory. (one for males and one for females)	2	12	24	24
4.	Room for infected/ Isolated patient	1	100	100	100
5.	Nurses' Duty Room	1	120	120	120
6.	Disinfection room and bed pans'storage	1	50	50	50
7.	Labour-room	1	180	-	180

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8.	Nursery-cum-incubator room (basinettes)	1	100	–	100
9.	Changing room-cum-scrubbing room	2	50	100	100
10.	Operation Theatre	1	180	180	180
11.	Sterlisation room	1	40	40	40
12.	Treatment room	1		80	80
13.	Clinical Lab.	1	80	80	80
14.	Med. Equip.,drug & linen store	1	100	100	100
15.	Kitchen, Pantry & Store	1	80	80	80
16.	Reception-cum-Waiting room for minimum 10 persons	1	10	100	100
17.	Public Toilets (for men and women)	2	50	100	100
18.	Cubicles for consultation for 3 doctors	1	80	240	240
19.	Lavatary & Bath for doctors on duty	1	50	50	50
20.	Total			1924	2264
21.	Add 25% extra for walls & circulation			481	566
22.	Grand Total			2405	2830

13. A 10-Bedded Nursing Home OR 223 sqm. 263 sqm. and Nursing Home-cum-Maternity Home would require the facilities in Table 'B'.

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Table 'B'

REQUIREMENT OF AREA FOR 10 BEDDED NURSING HOME/NURSING HOME-CUM-MATERNITY HOME

S.No.	Type of Facility	No.	Unit Size (Sq.ft.)	Area for (in sq.ft.) Nursing Home	N.H.cum M.H.
1.	2.	3.	4.	5.	6.
1.	Beds	10	NH: 120 for first bed & 80 for addl. beds NH-cum-MH: 100 per bed	840	1000
2.	Bath	4	20	80	80
3.	Lavatory. (one for males and one for females)	4	12	48	48
4.	Room for infected/ Isolated patient	1	100	100	100
5.	Nurses' Duty Room	1	120	120	120
6.	Disinfection room and bed pans'storage	1	50	50	50
7.	Labour-room	1	180	-	180
8.	Nursery-cum-incubator room (basinettes)	1	100	-	100
9.	Changing-cum scrubbing room	2	50	100	100
10.	Operation Theatre	1	180	180	180
11.	Sterlisation room	1	40	40	40
12.	Treatment room	1		80	80
13.	Clinical Lab.	1	80	80	80

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14. Med. Equip.,drug & linen store	1	100 .	100	100
15. Kitchen, Pantry & Store	1	80	80	80
16. Reception-cum-Waiting room for minimum 20 persons	1	10	200	200
17. Public Toilets (for men and women)	2	50	100	100
18. Cubicles for consultation for 3 doctors	1	80	240	240
19. Lavatory & Bath for doctors on duty	1	50	50	50
20. Total			2488	2928
21. Add 25% extra for walls & circulation			622	732
22. Grand Total			3110	3660
		OR	289 sqm.	340 sqm.

14. Space requirement for optional X-Ray Facility for both 5 and 10-beded Nursing Home & Nursing Home-cum-Maternity Home is indicated in Table 'C'.

Table 'C'

OPTIONAL X-RAY FACILITY

23. X-Ray room	1	150	150
24. Dark Room for X-Ray Developing	1	100	100
25. Total			250.00
25% extra for walls and circulation			62.50
27. Grand Total			312.50
		OR	29.0 sq.ms.

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15. The Delhi Nursing Homes Registration Act (DNHRA, 1953-Refer to Appendix I) the Delhi and the Delhi Nursing Homes Registration Rules (DNHRR, 1963 as amended from time to time till 1992 - Refer to Appendix II) have been extensively used in assessing space requirement for provision of essential medical services. In relation to bed space, the DNHRR, 1966 stipulates "floor space in the Nursing Home shall be 120 sq.ft. for one bed and additional 80 sq.ft. for every additional bed in the room" [clause 1(c)]. In relation to Maternity Homes, the DNHRR (1963) stipulates that "the floor space available for patients should be 100 sq.ft. per bed". Thus, the space requirement for 5 beds in a Nursing Home comes to 440 sq.ft. and for a 5 Beds in a Nursing Home-cum-Maternity Home, comes to 500 sq.ft.

16. The DNHRR (1966) stipulates that there should be one Lavatory and one Bath for 1to 5 beds. The Bath and Lavatory norms of 20 sq.ft. and 12 sq.ft. respectively have been taken from the Building Bye-laws, 1983.

17. The DNHRR (1966) stipulates that "adequate arrangements shall be made for isolating septic and infectious cases". The DNHRR stipulates a requirement of 120 sq.ft. for the first bed in a Nursing Home. Accordingly, the size of the room for an infected/isolated case has been taken as 120 sq.ft.

18. According to the DNHRR (1966), "a Nurses Duty Room should be available with facilities for the Nurses to carry on their duties efficiently. The space for the Nurses Duty room has been taken as 120 sq.ft. This is in consonance with the requirement under the Building Bye-laws, 1983.

19. The DNHRR (1966) stipulates that "there should be disinfection and storage arrangements for bed pans". In

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keeping with the Building Bye-laws, 1983, a minimum space of 50 sq.ft. has been earmarked for this purpose.

20. The DNHRR (1992) Clause 3 (i) stipulates that "a separate Labour Room shall be provided with minimum floor space of 180 sq.ft.". Similarly, the same clause stipulates a minimum requirement of 180 sq.ft. for an Operation Theatre.

21. The Bureau of Indian Standards has brought-out a booklet with regard to "Basic Requirements for Hospital Planning" (Reprint February, 1989 - Refer to Appendix III). As per the requirements of IS:12433 (Part 1), space is to be earmarked for "Scrub and Gown" in the Critical Zone (Operation Theatre). An area for changing and scrubbing for Nurses and Lady Doctors and another for Male Doctors is, therefore, essential. Keeping in view the provisions of the Building Bye-laws, 1983, a provision of 100 sq.ft. has been made for this purpose with the provision of a partition to enable separate changing facility for male/female medical staff.

22. The DNHRR (1966) stipulates that there should be a separate room for Sterlisation with the labour room as well as with the Operation Theatre. Given the fact that Nursing Homes are serving a small number of patients, a singly Sterlisation room of 40 sq.ft. has been provided.

23. In the "Basic Requirements for Hospital Planning", the BIS has provided for a Treatment room in the Intermediate Zone. In accordance with the Building Bye-laws, 1983, a Treatment Room of 80 sq. ft. has been provided.

24. A Nursery with basinettes for new borns is an essential requirement of a Nursing Home-cum-Maternity Home. A

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space of 100 sq.ft. has been indicated for this purpose.

25. The DNHRR (1966) stipulates that "adequate space for storage of medicines, food articles, equipment etc., shall be provided". The size of a habitable room under the Building Bye-laws, 1983 is 100 sq.ft. Therefore, a space of 100 sq.ft. has been provided for this purpose.

26. In the booklet "Basic Requirements for Hospital Planning" prepared by the Bureau of Indian Standards, Laboratory has been provided under the Diagnostic Zone. The Bureau of Indian Standards stipulates that "the Clinical Laboratory should be provided with 600 mm wide and 800 mm high bench of length of about 2 mtrs. per technician and to full width of room for pathologist incharge of the laboratory. Each Laboratory bench shall have laboratory sink, reagent shelving and under-counter cabinet". A space of 80 sq. ft. is indicated for an 'additional room' in the Building Bye-laws, 1983, and a similar space has been provided for 'Clinical Laboratory' within a Nursing Home.

27. The Bureau of Indian Standards stipulates provision of space for Dry Store, Day Store, Cooking, Utensil wash, Utensil store, Trolley Park etc., in the Service Zone. Accordingly, a space of 80 sq.ft. has been provided for Kitchen, Pantry & Store.

28. The Bureau of Indian Standards stipulates the provision of a Consulation room, Examination Room, Toilets, Sub-waiting Room etc., in the Ambulatory Zone. The BIS, further, makes provision for a Reception and Registration in relation to Reception Counter, Record Storage, Issue Counter, Formulations and Public Utilities. In keeping with the

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stipulation of the Building Bye-laws, 1983 for an additional room (80 sq. ft.), the Consultation Room for a Doctor has been taken @ 80 sq.ft. and, therefore, the space requirement for 3 Doctors works-out to at 240 sq.ft. Further, a provision for a Reception-cum-waiting room of 100 sq.ft. for a minimum of 10 persons and 200 sq. ft. for a minimum of 20 persons has been made.

29. The DNHRR (1992) stipulates that "there shall be one qualified Doctor holding a degree recognised by the Medical Council of India or the Medical Council of a State round the clock for every 20 beds or fraction thereof, in the Nursing Home". In order to conserve space, one of the Consulation Rooms will be used by the Doctor on duty at night. Further, space for toilet-cum-bath facility has been provided for the Doctors to the extent of 50 sq.ft. This is in keeping with the Building Bye-laws, 1983.

30. The Bureau of Indian Standards provides for Public Utilities/Toilets in the Intermediate Zone. Accordingly, public toilets for men and women have been provided separately with a space requirement of 50 sq.ft. per toilet.

31. The total space requirement for a 5-Bedded Nursing Home as per the foregoing norms comes to 1924 sq.ft. and the total space requirement for a 5-Bedded Nursing Home-cum-Maternity Home comes to 2264 sq.ft. It is essential to add 25% extra for walls and circulation as per Architectural/Planning standards. The BIS also provides for circulation space for all Zones. With the addition of circulation space, the minimum requirement for a 5-Bedded Nursing Home comes to 2405 sq.ft. or 223 sq.mtrs. and for a 5-Bedded Nursing Home-cum-Maternity Home to 2830 sq.ft. or 263 sq. mtrs.

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32. The BIS, provides for Imaging, Radiology, Radiography, Preparation, Change, Control, Dark Room (film developing & processing) and Sub-waiting facilities under the Diagnostic Zone. Keeping in view the size of an X-ray machine and the requirement for developing X-rays, a space requirement of 150 sq.ft. for X-ray Room and 100 sq.ft. for Dark Room have been indicated. The X-ray and developing facilities together would, thus, require a space of 250 sq.ft. Adding 25% extra for wall and circulation, this comes to 312.50 sq.ft. or 29 sq.mtrs. It is pointed-out that the X-ray facility has been added as an additional option in the package for Nursing Homes. It is clarified that purely pathological facilities are not desirable in the residential premises under the guise of Nursing Homes.

33. Based on the norms for space requirement in Table A, the minimum space required for a 10-Bedded Nursing Home comes to 3110 sq.ft. or 289 sq.mtrs. and for a 10 Beded Nursing Home-cum-Maternity Home, comes to 3660 sq.ft. or 340 sq.mtrs. Details in this regard may be seen in Table 'B'.

34. The Committee examined the control rules of Madras Metropolitan Area (as amended on 31.7.1986-Refer to Appendix IV). According to these rules, clinics, hospitals, dispensaries, Nursing Homes occupying a floor area not exceeding 300 sq.mtrs. can be permitted in primary residential use zone (building or premises) with special sanction of the Authority.

35. The Committee also studied the Development Control Regulations for Greater Bombay (1991- Refer to Appendix V). According to these regulations, 50% of the floor space of the

principal use in the buildings, premises or plots in the purely residential use can be permitted for Nursing Homes, Poly clinics, Maternity Homes and Medical Practitioners/Consultants in different disciplines of medical sciences in independent building or independent parts of building on the ground floor, floor 1 and 2 (but not within the prescribed marginal open spaces in any case) with the special permission of the Commissioner.

36. Considering the detailed rationale enunciated in the foregoring paragraphs, the Committee arrived at the considered view that in order to make a judicious balances between quality services in Nursing Homes located within the residential premises and the MPD-2001 norms, the maximum limit of space coverage should not exceed 400 sq.mtrs. in comparison to 300 sq.mtrs. in Madras Metropolitan Area.

37. The Committee further observed that a large number of Nursing Homes are running in residential premises in the NCTD. In order to reduce hardship to medical practitioners already operating in residential premises, it would be desirable that a maximum of 2/3rd of the residential premises occupied by a medical practitioner can be used for the purpose of a Nursing Home as against the stipulation of 50% of the floor space in Greater Bombay. At present, as per MPD-2001, Doctors are only permitted to use 25% of the floor space not exceeding 50 square metres in residential premises for professional medical services.

38. The BIS in the norms given in the booklet on "Basic Requirements for Hospital Planning" stipulates the

following space standards for a 30-Bedded Hospital:-

S.No.	Zone	Functions	Area per bed
1.	Entrance Zone	Reception etc.	2 sq.m.
2.	Ambulatory Zone	Examination etc.	10 sq.m.
3.	Diagnostic Zone	Pathology etc.	6 sq.m.
4.	Intermediate Zone	Nursing etc.	25 sq.m.
5.	Critical Zone	Patient Area	8 sq.m.
6.	Service Zone	Dietary etc.	7 sq.m.
7.	Administrative Zone	General Admn.	2 sq.m.
		Total :	60 sq.m.

39. In relation to a 10-Bedded Nursing Home, the Committee has stipulated a space requirement of 29.0 sq.mtrs. per bed and in relation to a 10-Bedded Nursing Home-cum-Maternity Home, it has stipulated a space requirement of 34 sq.mtrs. per bed (excluding X-Ray Facility)

RECOMMENDATIONS

40. Based on the foregoing rationale, the Committee makes the following recommendations:

1. Master Plan Requirements

Nursing Homes should, here-to-fore, be permitted in plotted residential premises under certain special conditions:

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a) Maximum Floor Space

A maximum of 2/3rd of a residential premises can be used for the purpose of a Nursing Home. It is pointed out that only 50% of the plot space can be used for a Nursing Home as per the regulations prevalent in Greater Bombay.

b) Nursing Home Size:

The maximum limit of space for a Nursing Home within the residential premises should not exceed 400 sq. metres. It is pointed out that the maximum limit of space for a Nursing Home within residential premises in the Madras Metropolitan Area is 300 sq. metres.

c) Minimum Plot Size

A Nursing Home shall be permitted only in residential plots of 209.0 sq. metres (250 sq. yds.) and above.

d) Minimum Right-of-Way

The minimum right-of-way of the approach road shall be as follows:

i) In the case of Walled City and other Urban Renewal Areas - 9.0 metres

ii) In other residential areas - 13.5 metres

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e) Parking

Parking should be provided as per the norms prescribed in the MPD-2001 - 1.33 car space per 100 sq. metres of floor area (refer to Page 159) of MPD-2001). However, in case of deficiency in the parking space, the local body (municipal body) may provide parking lots in the neighbourhood and shall charge appropriate fees from the Nursing Home.

f) Conversion Charges

Conversion Charges for converting residential space to commercial use shall be charged as per provisions of the MPD-2001 and also as required by the Lessor. Provisions of the MPD-2001 are based on:

i) the cost of provision of parking and physical and social infrastructure.

ii) differential price of space of the residential and non-residential activity/use.

g) The provision of purely diagnostic services under the guise of nursing home shall not be permitted.

2. Medical Waste

Incinerator for effective disposal of medical waste shall be provided in every Nursing Home. The minimum requirement of an incinerator is given in Appendix VI.

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3. Space Requirement Within a Nursing Home or a Nursing Home-cum-Maternity Home

The provision of various facilities within the Nursing Home or a Nursing Home-cum-Maternity Home will be in accordance with the Tables 'A', 'B' & 'C' given in the Report.

The Delhi Nursing Homes Registeration Act (1953) and the Delhi Nursing Homes Registration Rules (1963 as amended from time till 1992) should be suitably amended to incorporate the norms given in the afore-mentioned Tables.

4. Minimum Space Requirements

Minimum Space Requirements in relation to Nursing Home and Nursing Home-cum-Maternity Home are given below:

i) 5-Bedded Nursing Home - 223.0 sq. mtrs.

ii) 5-Bedded Nursing Home-cum-Maternity Home - 263.0 sq. mtrs.

iii) 10-Bedded Nursing Home - 289.0 sq. mtrs.

iv) 10-Bedded Nursing Home-cum-Maternity Home - 340.0 sq. mtrs.

v) X-Ray Facility is optional for Nursing Homes or Nursing Home-cum-Maternity Home and minimum space required is 29.0 sq. mtrs.

vi) The Minimum size of a Nursing Home or a Nursing Home-cum-Maternity Home, in relation to Bed-coverage, shall be 5 Beds.

5. Ventilation

Proper Ventilation should be provided as per the Building Bye-Laws - minimum 10% of the floor area.

6. Display of Rates

The rates for different kinds of medical services such as consultation charges for OPD Patients, per night charges for In-door Patients (different categories), charges for clinical services such as X-Ray, Blood/Urine Test, etc., operation charges (different categories) and other charges should be conspicuously displayed on a Notice Board.

/. Other Requirements

i) Water and Electricity

Water and Electricity Services will be charged at commercial rates.

ii) No Objection Certificate

For running a Nursing Home in residential premises a NOC shall be required from DDA.

iii) Running of Nursing Home- Owned or Rented Premises.

The entire residential premises (built on a given plot) should either be owned by the person intending

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to run a Nursing Home or if the premises are rented, the permission, in writing, of the landlord should be taken for conversion of the residential premises for use as Nursing Home for a period not less than three years. Renewal of permission after three years shall be taken from the Landlord for another three years before NOC can be given by DDA.

8. Panel Provisions

The Committee felt that violation of the terms and conditions of NOC given by the DDA should be dealt with under Section 14 read with Section 29(2) of the Delhi Development Act,1957 which should be appropriately amended to increase the penalty upto Rs. 10,000/- in the first instance alongwith Rs. 5,000/- per day for continuation of violation. If a residential premises is used in violation of the regulations stipulated above, it shall be sealed.

9. The Master Plan - 2001 should be amended to incorporate the recommendations listed in the section on Master Plan (Paragraph 10).

10. In view of the recommendations given above, the Delhi Development Act, 1957 should be suitably amended.

11. After the foregoing Report is accepted, suitable regulations under the Delhi Development Act, 1957 shall be notified.

(J.C. Gambhir)
Commissioner (Plg.)
(Member)

(K.J. Alphons)
Commissioner (LM)
(Member)

(S.C. Gupta)
Addl. Comm. (DC&P)
(Coopted Member)

(A.K. Jain)
Director (Plg.)
(Coopted Member)

(R.S. Sharma)
Dy.C.L.A.
(Coopted Member)

(A.N. Sinha)
Medical Suptd. Nursing Homes, GNCTD

(Ved Prakash)
Jt.Secy.(Med.)GNCTD
Co.Opted Member

(H.S. Anand)
Pr. Commissioner
(Chairman)

APPENDIX - I

-ACT-

The following act of the Delhi Legislative Assembly received the assent of the President on the 22nd April,1953. is hereby published for general information:-

THE DELHI NURSING HOMES REGISTRATION ACT,1953
NO.VI OF 1953.

22nd April,1953.

An act to provide for the registration and inspection of nursing homes in the state of Delhi and for certain purpose connected therewith.

BE it enacted as follows:-

(1) Short title, extend and commencement (1) This Act may be called the Delhi Nursing Homes Registration Act,1953.

(2) It extends to the whole of the state of Delhi.

(3) It shall come into force on such date as the Chief Commissioner may be notification in the official Gazetted appoint.

(2) Definitions. In this Act; unless the context otherwise requires.

(1) 'Chief Commissioner' means the Chief Commissioner of the State of Delhi.

(2) 'Local Authority' means a municipal committee, district board or other authority legally entitled to or entrusted by the Government with the control of management of a municipal or local fund;

(3) 'Maternity home' means any premises used or intended to be used for the receiption of pragnant women or of women in or immediately after child-birth;

(4) 'Nursing Home' means any premises used or intended to be used for the receiption of persons suffering from any sickness injury or infirmity and the providing of treatment and nursing for them and includes a maternity home, and the 'carry on a nursing home' means to receive persons in a nursing for any of the aforesaid purposes and to provide treatment or nursing for them;

(5) 'Prescribed means prescribed by rules made under this act;

(6) 'qualified medical practitioner' means a medical practitioner registered in any state in India under a law for the registration of medical practioners:

(7) 'qualified medwife' means a midwife registered in any state in India under a law for the registration of medwives;

(8) qualified nurse' means a nurse registered in any state in India under a law for the registration of nurses;

(9)'register' means to register under section 5 of this Act and the expression 'registered' and registration' shall be construed accordingly;

(10)'rules means rules made under this Act;

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11) 'Supervising authority' means the person or authority appointed by the Chief Commissioner, by notification in the Official Gazetted, to perform all or any of the functions of the supervising authority under this Act.

3. Prohibition to carry on nursing home without registration No person shall carry on a nursing home unless he has been duly registered in respect of such nursing home and the registration in respect thereof has not been cancelled under section 7.

Provided that nothing in this section shall apply in the case of a nursing home which is in existence at the date of the commencement of this Act, for a period of three months from such date or if an application for registration is made within that period in accordance with the provisions of section 4 until such application is finally disposed of.

4. Application for registration(1) Every person intending to carry on a nursing home shall make every year an application for registration of the renewal of registration to the supervising authority.

Provided that in the case of a nursing home which is in existence at the date of the commencement of this Act an application for registration shall be made within three months from such date.

(2) Every application for registration or the renewal of registration shall be made on such date and in such form and shall be accompained by such fee, as may be prescribed.

5. Registration.(1) subject to the provisions of this Act and the rules, the supervising authority shall on the receipt of an application for registration, register the applicant in respect of the nursing home named in the application and issue to him a certificate of registration the prescribed form;

rovided that the supervising authority may refuse to register he applicant if it is satisfied:-

.a) That the applicant, or any person employed by him t the nursing home, is not a fit person to carry in or o be employed at a nursing home of such a description as ie nursing home named in the application; or

) that the nursing home is not under the supervision a person who is a qualified medical practioner and he a qualified nurse is not resident in the home, or that ere is not a proper proportion of qualified nurses among e persons having the superintendence of or employed in e nursing of the patients in the home; or

) that in the case of a maternity home it has not got on s staff a qualified midwife and a qualified medical ictitioner; or

contd.....

(d) that for reasons connected with the situation, construction, accomodation, staff of equipment, the nursing home or any premises used in connection therewith is or are not fit to be used for a nursing home of such a description as the nursing home mentioned in the application or that the nursing home or premises is or are used or to be used for purposes which are in any way improper or undesirable in the case of such nursing home.

(2) A certificate of registration issued under the section shall, subject to the provisions of section 7, is in force and shall be valid until the 31st day of March next following the date on which such certificate was issued.

(3) The certificate of registration issued in respect of a nursing home shall be kept affixed in a conspicuous place in the nursing home.

6. Penalty for non-registration-- Whoever contravences the provisions of section 3 shall, on convection, be punished with fine which may extend to five hundered rupees, or in case of a second or subsequent offence, with imprisionment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

7. Cancellation of registration-- Subject to the provision of this Act, the supervising authority may at any time cancel the registration of a person i) respect of an nursing home on any ground which would entitle it to refuse an application for the registration of that person in respect of that home, or on the ground that the person has been convicted of an offence under this Act or that any other person has been convicted of such an offence in respect of that home.

8. Notice of refusal or of cancellation of registration:-

(1) Before making an order refusing an application for registration or an order cancelling any registration, the supervising authority shall give to the applicant or to the person registered, as the case may be, not less than one calender months notice of its intention to make such an order and every such notice shall state the grounds on which the supervising authority intends to make the order and shall contain an intimation that if within a calender month after the receipt of the notice the applicant or person registered informs the authority in writing that the desires so to do, the supervising authority shall, before making the order, give him(in person or by a representatige) an opportunity of showing cause why the order should not be made.

(2) If the supervising authority after giving the applicant or the person registered an opportunity of showing cause as aforesaid, decides to refuse the application for registration or to cancel the registration, as the case may be, it shall make an order to that effect and shall send a copy of the order by registered post to the applicant or the person registered.

3. Any person aggrieved by an order refusing an application for registration or cancelling any registration may, within a calander month after the date on which the copy of the order was sent to him appeal to the Chief Commissioner against such order of refusal. The decision of the Chief Commissioner on any such appeal shall be final.

4. No such order shall come into force until after the expiration of a calender month from the date on which it was made or, where notice of appeal is given against it, until the appeal has been decided or withdrawn.

9. Inspection of Nursing Home-(1) The supervising authority or any officer empowered by it in this behalf may, subject to such general or special orders as may be made by the Chief Commissioner, enter and inspect any premises which are used or which the supervising authority or the officer empowered by it has reasonable cause to believe to be used, for the purpose of nursing home, and inspect any records required to be kept in accordance with the provisions of this Act.

(2) If any person refuses to allow the supervising authority or the officer empowered by it to enter or inspect any such premises as aforesaid, or to inspect any such records as aforesaid or obstructs the supervising authority or the officers empowered by it in the execution of the powers under this section, he shall be guilty of an offence under this Act.

10. Credit of fees and fines- Any fees received or fines paid under this Act shall be credited to the Consolidated Fund of the State.

11. Expenses of supervising authority- All expenses incurred by the supervising authority under and for the purpose of this Act and the rules made thereunder may be paid out of the Consolidated Fund of the State.

12. Penalty for offinces under the Act- Whoever contravences any of the provisions of this Act or of any rules shall, if no other penalty is elsewhere provided in this act or the rules for such contravention, on conviction, be punished with fine which may extend to hundred rupees and in the case of continuing offence to a further fine of 25 rupees in respect of each day on which the offence continues after such conviction.

13. Offinces by Corporations- If the person contravening any of the provisions of this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the Company, as well as the company shall be

deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

14. Court competent to try offences under this Act- No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

15. Protection of action taken in good faith- No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

16. Power to make rules-(1) The Chief Commissioner may, by notification in the official Gazette, make rules to carry out all or any of the purposes of this Act.

(2) Without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters namely:-

(a) The form of the application to be made under section 4, the date on which such application is to be made and the fees to be paid for such registration or renewal of registration;

(b) the form of the certificate of registration to be issued under section 5;

(c) the records to be kept of the patients received into a nursing home, and in the case of the maternity home of miscarriages, abortions or still births occurring in the nursing home and of the children born therein and of the children so born who are removed from the home otherwise than to the custody or case of any parent, guardian or relative;

(d) The notification required to be given of any death occuring in the nursing home;

(3) The power to make rules under this section shall be subject to the condition of previous publication in the official gasette.

(17) Savings-Nothing in this Act shall apply to-

(i) any nursing home carried on by Government or a local authority;and

(ii) any asylum for lunatics or patients suffering from mental diseases, within the meaning of the Indian Lunacy Act,(IV of 1912)

M.L.VIJH, Secy.

Medical Rule

MEDICAL & PUBLIC HEALTH DEPARTMENT

NOTIFICATION

APPENDIX - 11

Delhi, the Ist May, 1992.

No.F.39(109)/86-M&PH/516 - In exercise of the power conferred by Section 16 of the Delhi Nursing Homes Registration Act,1953 (VI of 1953), the Lt. Governor of the Union Territory of Delhi after previous publication is pleased to make the following rules further to amend the Delhi Nursing Homes Registration Rules,1953, namely:-

RULES

1. Short title and commencement:-(i) These rules may be called the Delhi Nursing Homes Registration(Amendment) Rules, 1992.

(ii) These shall come into force with immediate effect.

2. Substituion of Rule 7- For rule 7 of the Delhi Nursing Homes Registration Rules, 1953(hereinafter referred to as 'the principal Rules'), the following shall be substituted, namely:-

'7. Fee for registration and renewal of registration The fee to be paid for registration and renewal of registration shall be charged as under:-

(a) Rs. 500/- in respect of Nursing Homes having not more than 10 beds ~~but not more than 30 beds~~

(b) Rs.1,000/- in respect of Nursing Homes having more than 10 beds but not more than 30 beds.

(c) Rs.2,000/- in respect of Nursing homes having more than 30 beds.

3. Amendment of Schedule appended to the Rules.- In the Schedule appended to the Principal Rules:-

(i) in item at Serial No. 1 (Requirements of Nursing Homes):

(a)in clause(b) entitled 'Building' for sub clause(i) the following sub-clause shall be substituted, namely:

'(i) The Building used for the Nursing Homes comply with the relevant Municipal bye-law as in force and such guidelines as may be framed by the Lt. Governor from time to time and the use of the premises shall conform to the land use prescribed under relevant law(s)'.

(b) In clause(c) entitled 'Space accommodation etc.' for sub-clause(ii), the following sub-clause shall be substituted, namely:

'(ii) A separate labour room and a separate operation theatre shall be provided with minimum floor space of 180 sq.ft. each.'

(ii) in item at Serial No. 5 (Nursing Staff), the following shall be inserted at the end, namely'In Nursing Homes providing Intensive Care Units facilities, there shall be at lease four nurses provided exclusively for four such beds or fraction thereof'.

Contd. -

(iii) after item at Serial No. 6 the following new items shall be inserted, namely:-

"7. Doctor.- There shall be one qualified doctor holding a degree recognised by the Medical Council of India or the Medical Council of a State round the clock for every 20 beds or fraction thereof, in the nursing home. In case of Nursing Homes providing intensive care facilities, there shall at least two doctors exclusively for intensive care.

8. Provision of Co-operation at the time of Natural Calamity disaster.- In case of any natural calamity or disaster, (i) the owner or the keeper of every Nursing Home shall, on being requested by the supervising authority, cooperate and provide such reasonable assistance and medical aid as may be considered essential by the supervising authority at the time of natural clamity or disastrous situation.

9. Provision of display of charges.- The owner and/or the keeper of the Nursing Home shall ensure that the charges levied by the Nursing Home for the various services available in the Nursing Home are permanently displayed.

10. Provision of stand-by generator:- The owner and/or the keeper of the Nursing Home shall ensure the provision of stand by generator in case of the power failure in the Nursing Home.

By order and in the name of
the Lt. Governor of the Union
Territory of Delhi.

Mrs. Shailaja Chandra, Secy.(Medical)

RULE

REGISTERED NO. D.1620 GOVERNMENT OF INDIA DELHI ADMN.
DELHI GAZETTE
PUBLISHED BY AUTHORITY

NO.2 DELHI, THURSDAY, JNE 2,1966 JYAISTHA 12, 1888

PART- /

NOTIFICATION of Departments of the Delhi Administration other than notifications included in Part-I

DELHI ADMINISTRATION, DELHI
Delhi, the 16th May, 1966

No.F.7(2)/63-M&PH- In exercise of the powers conferred by section 16 of the Delhi Nursing Homes Registration Act, 195 (VI of 1953) the C ief Commissioner, Delhi is pleased to make after previous publication, the followir rules to amend th Delhi Nursing Hom Registration Rules, 1963, namely:-

1. Short title - These rules may be called the Delhi Nursing Home Registration (Amendment) Rules, 1965.

2. Amendment of rule 2 - In rule 2 of the Delhi Nursing Home Registration Rules, 1953 (hereinafter referred to as "the said Rules"), after clause(d), the following new clause shall be inserted, namely:-

"(dd) 'Schedule' means the schedule appended to these rules".

3. Substitution of rule 7 - For rule 7 of the said rules following rule shall be substituted, namely:-

"7.Fees for registration and renewal of registration."

The fees to be paid for registration and renewal of registration shall be charged as under :-

i) Rs.50/-in respect of a nursing home having not more than 10 beds.

ii) Rs.100/- in respect of a nursing home having more than 10 beds but not more than 30 beds.

iii) Rs.200/- in respect of a nursing home having more than 30 beds.

4. Addition of new rule 14-After rule 13 of the said rules, the following new rule shall be added, namely:-

"14. Every Nursing Home shall comply with the requirements mentioned in the schedule."

Provided that the nursing homes already registered on the date from which the Delhi Nursing Homes Registration (Amendment)Rules, 1965 come into force shall comply with these requirements within a period of 90 days from the said date."

Contd. . .

5. Addition of Schedule - To the said Rules, the following schedule shall be appended, namely:-

SCHEDULE

(See Rule 4)

1. Requirements nursing home:-

(a) Location and surroundings:- The Nursing Home shall be situated in a place having clean surroundings and shall not be adjacent to an open sewer, drain or public lavatory or to a factory omitting smoke or obnoxious odour.

(b) Buildings:- (i) The building used for the nursing home shall comply with the relevant municipal by laws in force from time to time.

(ii) The rooms in the Nursing Homes shall be well ventilated and lighted and shall be kept in clean and higienic conditions. Arrangments shall be made for cooling them in summer and heating them in winter.

iii) The walls of the labour room and operation theatre upto a height of four feet from the floor, shall be of such construction as to render it water proof. The flooring shall be such as not to permit retention or accumulation of dust. There shall be no chinks or crevices in the walls or floors.

(iv) Aseptic conditions shall be maintained in labour room and the operation room.

(v) Adequate arrangements shall be made for isolating septic and infectious cases.

C. (i) Space accommodation for the patients etc:- The floor space in the nursing home shall be 120 square feet for one bed and additional 80 square feet for every additional bed in the room

(ii) A Labour/Operation theater Shall be provided with Minimum Floor space of 180 Square feet.

iii. A duty room shall be provided for the nursing staff on duty

iv Adequate space for storage of medicines, food articles equipments etc. shall be provided.

d) Water supply :- The water used in the nursing home shall be pure and of drinkable quality.

2. Health Clothing and sanitary requirements of staff:

i) The staff employ shall be free from contaglous disease and shall be provided with clean uniforms suitable to the nature of their duties.

ii) The workers shall be medically examined at the time of employment and periodically so examined thereafter. The worker shall be vaccinated against on all pox and inoculated against enteric and cholera.

Contd . .

3. Equipment and Lines Etc. - The nursing home shall provide and maintain:-

i) Adequate number of commodes, bed pans and slop sinks with flushing arrangements

ii) High pressure sterlizer and instrument sterlizer.

III Oxygen cylinder and necessary attachment for giving oxygen

iV) Apparatus for transfusions

v) Adequate equipments, instruments and appratus.

vi) Adequate quantity of bed sheets, matteresses, pillows, Blankets, raw sheets and other linens, and

vii) an almirah under lock and key for poisons.

4. Food :- If the nursing home provides diet to the patients it shall be prepared and served in hygienic conditions

5. Nursing Staff :- One nurse shall beon duty at all times for every ten beds or a fraction thereof in the nursing home. Provided that a part of nursing staff may be substituted with theprior approval of the supervising authority by other trained staff like midwife, pharmacist, dressors etc. according to the specific needs of the nursing home.

6. Records:- Separate stock registers shall be maintained by the nursing home for (a) equipment (b) instruments and (c) Lines.

By order
D.S. FAUJDAR
Under Secretary (Medical & Public Health)
Delhi Administration Delhi.

No.F.32(9)/53-MT & CE:- In exercise of the powers conferred by Section 16 of the Delhi Nursing Homes Registration Act, 1953(V-I of 1953)the Chief Commissioner, Delhi is pleased to make the following rules the same having been previously published with his notification No.F.7(253)/51-MT&CE, dated the 22nd September, 1953

Rules.

I.General

1. Short title:- These rules may be called the Delhi Nursing Home Registration Rules, 1953

2. Definitions :- In these rules, unless there is anything repugnant in the abject or context.

a 'Act' means the Delhi Nursing Home Registration Act, 1953
b. 'Form' means a form appended to these rules.
c. 'Infectious Disease' Means a disease which a registered medical practitioner is required to notify to the medical Officer of Health of his area under the law forthe time being in force.

d 'Keeper of Nursing Home' means a person who has been duly registered by the supervising authority in respect of a Nursing Home under Section 5 of the Act and whose registration has not been cancelled under section 7 of the Act

(c) 'Section' means a section of the Act.

Register :- The supervising authority shall maintain a register in form 'A' showing the names of persons registered under section 5 of the Act.

4- Application for registration :- Any person intending to carry on a nursing home shall make an application to the supervising authority in form 'B' at least one month before the date on which he intends to carry on such nursing home. Such applications shall be accompanied by a fee prescribed sub-rule of (1) of rule 7-

5. Grant of certificate of registration:- The Supervising authority shall, if satisfied that there is no objection to registration, register the applicant and issue to him a certificate of registration in form 'C'.

6- Renewal of registration:- (1) An application for the renewal of registration shall be made every year in advance in form 'B' in the month of January and shall be accompained by the fee prescribed in sub-rule (2) of rule 7-

(2) On receipt of an application made under sub-rule (1) the supervising authority shall if satisfied that the application is in order, issue a fresh certificate of registration in Form 'C'.

7(a) Fees for registration and renewal of registration:- (1) The fees to be paid for registration and renewal of registration shall be charged as under:-

(1) Rs.30/- in respect of a nursing home having not more than 10 beds.

2) Rs.50/- in respect of a Nursing Home having more than 10 beds but less than 25 bed

(3) Rs 100/- in respect of a Nursing Home having 25 beds and over.

(b) Failure to deposit the fee in time as required under rule 6 of Delhi Nursing Home Registration Rules, 1953 i.e. by 31st January, a penalty of Rs-10 p.m. or part thereof shall be charged.

8. Transfer of ownership etc or Nursing Home:- Immediately after the transfer of the ownership, propritorship or arrangement of a Nursing Home, the transfer and the Supervising authority and the transferee shall make an application for registration in accordance with the provision of rule 4.

9. Change of address :- A keeper of the nursing home shall communicate to the Supervising authority and change in his address or in the situation of the nursing home in respect of which he is registered not later than three days after such change.

10. Change in staff :- Changes in the Medical Nursing or Midwifery staff together with the dates on which such changes have taken place shall be communicated to the Supervising authority immediate and in any case not later than three days of such changes.

Contd . .

11. lost of Certificates. In the event of a certificate of registration being lost or destroyed, the holder may apply to Supervising authority for a fresh certificate and the supervising authority, if it thinks fit, issue such certificate upon payment of a fee of Rs.5/- A Certificate issued under this rule shall be marked 'Duplicate'

12. Record of patients admitted or children born, in the Nursing Home.- (I) The keeper of a nursing Home shall keep:-

(a) In the form 'D' appended to these rules and register of patients admitted intothe nursing home.

(b) A correct alphabetical index of the named of the patients admitted to the nursing home.

(c) record of health of every patient containing the following information in admittion to any other information, that may be required by the Supervising authority:-

i) Year.

ii) Register No.

iii) Name----------S/o, D/o

iv) Occupation

v) Sex
vi) Caste
vii Age
viii Date of Admission
ix) Date of discharge
x) Disease

xi) Result
Xii) Date History and Treatment. Diet

d) a record of every maternity case admitted into the nursing home and ofevery child delivered.

(e) A record of all the miscarriages, abortions and still births occuring in the nursing home.

(2) Where theregister referred to clause (a) of sub-rule (I) relates to a woman who has been admitted for delivery, and where a child born to such woman is removed with the consent of a keeper of a nursing home and of the parents, or mother or near relative, thekeeper of such nursing home shall in additio. to the particulars specified in sub-rule(I) also specify in the register the names and address of such person and the date on which and the consideration for which the child was so removed.

13- Intimation of death occuring in Nursing Home:-If any death occurs in the nursing home, the keeper of the nursing home shall within twenty four hours from the occurance of the death furnish the following information in respect of such death to the supervising authority together with any other information that may be required by it and to the Medical Officer of Health having jurisdication over the area in which a nursing home is situated.

.....

i) Date of the Death.

ii) Name of deceased(in block letter).

iii) Name of father of of the husband of the deceased (m in block letter).

iv) Male of female.

v) Age of the deceased.

vi) Occupation of the deceased.

vii) Caused of death.

FORM 'D'

See rule 12

Register of patients admitted to& Nursing Home.

S.No.	Reference No. of Patient.	Full Name and address of patient.	Nature of desease at the time of admission	if the patient suffere from an infetious disease during his stay in the home, the nature of such disease and action taken.
1	2	3	4	5 6

Additional particulars to be filled in respect of maternity cases

Date & Hour of delivery miscarriage of abortion as the case may be.	Sex of the child whether born alive or Dead.	The name & address of persons attnding to delivery.	Method of feeding each child in the home & the period.
7	8	9	10

In case of death of patient or child the date and hour of death.	Date of discharge of the patient from the home.	Remarks
11	12	13

STANDARD FOR A NURSING HOME, MATERNITY HOME:

1. BUILDING

The building must comply with the municipal Bye laws.
The floor space available for patients should be 100 sq. ft. per bed. There should be one lavotory for 1-5 beds.
There should be diinfection and storage arrangements for bed pans.
Isolation arrangements should be immediately available for septic and infectious cases.
A nurses duty room should be available with facilities for the nurses to carry on her duties officiently.
There should be one bath room for 1-5 beds.

2. EQUIPMENT & LINEN

A materinity home should have a proper labour room fitted with all the necessary instruments with a separate room for sterlisation.

A Nursing Home where surgical operations are performed must have a well equipped operation Theatre with a separate room for sterlisation.
The following essential equipment must be availabel in every nursing/maternity home.

(a) Hight Pressure sterliser and an Instrument Ster lizer.
(b) Oxygen cylinder.
(c) Intravenous apparatus.
(d) Modern equipment as is considered essential for running a Nursing Home/Maternity home.

Every Nursing Home admitting surgical cases should have atleast one folowers Bed.
Every surgical nursing home should have a properly equipped operation theatre with separate sterlisation room. Beds in the Nursing Home should be either Iron spring beds or Iron frames with Niwar.

3. LINEN
Linen should be provided in the following scale.

Bed Sheets	6 Sheets per bed plus 25% reserve.
Mattress	1 per bed plus 10% reserve.
Pillows	2 per bed plus 10% reserve
Blankets	1 per bed plus 10% reserve.
Draw sheets	6 per bed plus 25% reserve.
Pillow cases	6 per bdd plus 25% reserve.

4. MEDICINES. Poison Box should be kept under lock and key.

5. Staff. As per Act.

6. NURSES. One nurse for 3 beds with a minimum of ? :
2 nurses in a nursing home/maternity home of 10 beds.

7. MIDWIVES.

2 midwives for 1 to 10 beds in case of maternity home only.

8. FEES FOR REGISTRATION AND RENEWAL OF REGISTRATION

The fees to be paid for registration and renewal of registration shall be charged as under:-

(i) Rs.30/- in respect of a nursing home having not more than 10 beds.

(ii) Rs.50/- in respect of a nursing home having more than 10 beds but less than 25 beds.

(iii) Rs.100/- in respect of a nursing home having 25 beds and over.

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elements, such as open areas, horticulture to increase the comfort conditions inside the building and also in the surrounding environment should be kept in view. Orientation of building shall conform to provisions and recommendations contained in IS : 7662 (Part 1)-1974*.

6. RESIDENTIAL ACCOMMODATION

6.1 If adequate land is not available, residential accommodation for essential staff only, which may include resident medical officer, nurses and assisting staff, should be provided.

6.2 For the relatives of patients some accommodation like shelter/home may be provided.

6.3 Residential accommodation for a major portion of nursing staff should be provided close to the hospital block in the form of a hostel.

7. FUNCTIONAL AND SPACE REQUIREMENTS

7.1 The recommended functional and space requirement for various functions shall be as given in Table 1 (*see also* Fig. 1).

*Recommendations for orientation of buildings: Part 1 Non-industrial buildings.

TABLE 1 FUNCTIONAL AND SPACE REQUIREMENT FOR 30-BEDDED HOSPITAL

(*Clause* 7.1)

Zone	Functions	Area Per Bed in m²	Total Area m²
(1)	(2)	(3)	(4)
Entrance zone (A)	Reception & Registration —Reception counter —Record storage Pharmacy —Issue counter —Formulations —Drugs storage Public utilities Circulation space	2	60
Ambulatory zone (OPD) (B)	Examination & workup —Examination room —Sub-waiting Consultation —Consultation rooms —Toilets —Sub-waiting Nursing station —Nurses desk —Clean utility —Dirty utility —Treatment rooms Injection and dressing ECG —Sub-waiting Casualty/Emergency Public utilities Circulation space	10	300
Diagnostic zone (C)	Pathology (optional) —Laboratory —Sample collection —Bleeding room —Washing/disinfection —Storage —Sub-waiting Imaging (radiology, radiography, ultra-sound) —Preparation —Change —Toilet —Control —Dark room (film developing & processing) —Treatment room —Sub-waiting Public utilities Circulation space	6	180
Intermediate zone (inpatient nursing units) (D)	Nursing station —Nurses desk —Clean utility —Treatment room —Pantry —Store —Sluice room —Trolley bay Patient area —Bed space —Toilets —Day space —Isolation Ancillary rooms —Doctor's rest room —Nurses' duty room Public utilities Circulation space	25	750
Critical zone (operation theatre/labour room) (E)	Patient area —Preparation —Pre-anaesthesia —Post-operative resting Staff area —Changing —Resting Supplies area —Trolley bay —Equipment storage —Sterile storage O. T./L. R. area —Operating labour room —Scrub and gown —Instrument sterilization —Disposal Public utilities Circulation space	8	240

(*Continued*)

APPENDIX III

TABLE 1 FUNCTIONAL AND SPACE REQUIREMENT FOR 30-BEDDED HOSPITAL — *Contd*

Zone	Functions	Area Per Bed in m²	Total Area m²
(1)	(2)	(3)	(4)
Diagnostic zone (C)	Pathology (optional) —Laboratory —Sample collection —Bleeding room —Washing/disinfection —Storage —Sub-waiting Imaging (radiology, radiography, ultra-sound) —Preparation —Change —Toilet —Control —Dark room (film developing & processing) —Treatment room —Sub-waiting Public utilities Circulation space	6	180
Intermediate zone (inpatient nursing units) (D)	Nursing station —Nurses desk —Clean utility —Treatment room —Pantry —Store —Sluice room —Trolley bay Patient area —Bed space —Toilets —Day space —Isolation Ancillary rooms —Doctor's rest room —Nurses' duty room Public utilities Circulation space	25	750
Critical zone (operation theatre/labour room) (E)	Patient area —Preparation —Pre-anaesthesia —Post-operative resting Staff area —Changing —Resting Supplies area —Trolley bay —Equipment storage —Sterile storage O. T./L. R. area —Operating labour room —Scrub and gown —Instrument sterilization —Disposal Public utilities Circulation space	8	240

(*Continued*)

TABLE 1 FUNCTIONAL AND SPACE REQUIREMENTS FOR 30 BEDDED HOSPITAL — *Contd*

Zone	Functions	Area Per Bed in m²	Total Area m²
(1)	(2)	(3)	(4)
Service zone (F)		7	210
	Dietary		
	—Dry store		
	—Day store		
	—Preparation		
	—Cooking		
	—Delivery		
	—Pot wash		
	—Utensil wash		
	—Utensil store		
	—Trolley park		
	C. S. S. D.		
	—Receipt		
	—Wash		
	—Assembly		
	—Sterilization		
	—Sterile storage		
	—Issue		
	Laundry		
	—Receipt		
	—Weigh		
	—Sluice/Wash		
	—Hydro-extraction		
	—Tumble		
	—Calender		
	—Press		
Administrative zone (G)		2	60
	General administration		
	General stores		
	Public utilities		
	Circulation space		
	Total	60	1 800

(*Continued*)

TABLE 1 FUNCTIONAL AND SPACE REQUIREMENTS FOR 30-BEDDED HOSPITAL — *Contd*

Zone	Functions	Area Per Bed in m²	Total Area m²
(1)	(2)	(3)	(4)
	Laundry		
	—Clean storage		
	—Issue		
	Civil engineering		
	—Building maintenance		
	—Horticulture		
	—Water supply		
	—Drainage and sanitation		
	Electrical engineering		
	—Sub-station and generation		
	—Illumination		
	—Ventilation		
	Mechanical engineering		
	—Air-conditioning		
	—Refrigeration		
	Other services		
	—Gas supply		
	—Telephone and intercom		
	—Fire protection		
	—Waste disposal		
	—Mortuary		

SECTION 3 MANPOWER REQUIREMENT

8. MANPOWER REQUIREMENT

8.1 In the beginning when the hospital starts working, it is recommended that the total strength should be based on two persons per bed but should increase to three persons per bed when the hospital is working to its full load capacity. Given below is the recommended strength:

	Min
8.1.1 *Medical Staff*	
General medicine	1
General surgery	1
Obstetrics and Gynaecology	1
Paediatrics	1
Anaesthesiology	1
Dentist (optional)	—
Pathologist (optional)	—
Radiologist (optional)	3
General duty medical officers	1
Community medicine	
8.1.2 *Health Staff*	
Female health assistant	1
Extension educator	1
Nutritionist	—
Public health nurse	—
8.1.3 *Nursing Staff*	
Matron	1
Operating theatre nurse	1
Labour room nurse	1
General nurse	7
Nursing aids	7
8.1.4 *Para-medical Staff*	
Pharmacist/Asst. Pharmacist	1
Dietician/Asst. dietician (optional)	—
Technologist/Technician ECG (optional)	1
Technologist/Technical imaging	1
Technologist/Clinical pathology Haematology/Blood Bank	1
Technologist/Laundry (optional)	1
Technologist/Medical records	1
Technologist/C S S D	1
Technical aids	5
Technologist, Ophthalmology	1
Technologist, Dental	1
8.1.5 *Engineering Staff*	
Technologist/Technician, Elec.	1
Technologist/Mechanical/Plumbing	1
Engineering aides	2

APPENDIX -IV

Extract from Development Control Rules for Madras Metropolitan Area MMDA as amended upto 31.7.1986.

PART I USE ZONES.

7. Primary Residential Use Zone:-

(a) In the Primary Residential use Zone, buildings or premises shall be normally remitted only for the following purposes and accessory uses. Permissible non-residential activity shall be limited to one in a sub-division.

(i) Any residence including dwelling detached, semi-detached, tenements or flats

(ii) Professional consulting offices of the residents and incidental uses there to occupying a floor are not exceeding 40 square metres.

(iii) Petty shops dealing with daily essentials inculding retail sale of provisions, soft drinks, cigarettes, newspapers, tea stalls, confectionary retail shops, mutton stalls, and milk kiosks, cycle repair shops, tailoring shops and trades declared as non-offensive as per G. O. Ms. No. 2771, Rural Development and Local Administration dated the 22nd December 1962 (as amended from time to time) may be permitted subject to the restrictions contained in the said order occupying a floor area not exceeding 20 square metre.

(iv) Nursery, primary and high schools.

(v) Schools of Commerce Including tutorial institutions occupying a floor area not exceeding 40 square metre.

(vi) Parks and playgrounds occupying an area not exceeding 2 hectares.

(vii) Taxi stands and car parking.

(viii) Farms, gardens, nurseries occupying an area not exceeding 2 hectares.

(ix) Installations of motor for pumping water air conditioning and lifts.

(x) Cottage industries listed in G O Ms. Nos. 565 and 566, dated the 12th March 1962 as amended run by power upto 5 Horse Power Also craft centres and assembly of electronic parts for manufacture of radios, transistors, television sets, computer chips and such others with installations not exceeding 5 HP and the number of employees not exceeding 25.

(ix) Storage of domestic cooking gas cylinders subject to the conditions prescribed in G O Ms No. 329, dated the 24th February 1977, namely, necessary clearance should be obtained by the parties concerned from the Director of Fire Services and the department of Explosives of the Government of India.

The construction of godowns for the storage of cooking gas cylinders should also conform to the building rules and other development control rules and Tamil Nadu Urban Land (Ceiling and Regulation Act, 1976.)

(b) The following uses may be permitted with special sanctions of the Authority—

(i) Hostels, dormitories, restaurants not exceeding 300 square metres in floor area.

(ii) Public utility building like sewage pumping stations, water works, fire stations, telephone exchanges, Government and semi Government offices, servicing the local needs, libraries, bus terminals and depot yard occupying a site area not exceeding 1 hectare and Banks occupying a floor area not exceeding 300 square metres.

(iii) Community halls, clubs, religious, buildings gymnasia, welfare institutions occupying a floor area not exceeding 300 square metres.

(iv) Clinics, hospitals, dispensaries, nursing homes occupying a floor area not exceeding 300 square metres.

(v) Parks and playgrounds occupying a site area not exceeding 4 hectares.

(vi) Petrol filling stations and service stations with installation not exceeding 5 Horse power.

(vii) Markets and areas for shops occupying an area of not more than 0.25 hectares.

(viii) Installation of motor incidental to the permissible uses noted above not exceeding 5 horse power.

(c) All uses not specifically permitted under sub-rules (a) and (b) above shall be prohibited in the zone.

(b) The extent of plot site plot frontage floor space index, plot coverage, height and set back lines

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or residential uses and other specified uses namely clinics dispensaries nursing homes, nursery schools and primary schools not exceeding 300m in floor area and schools of commerce will be regulated as per Table given below Nursery and primary schools exceeding 300m 2 in floor area will be regulated as per Table given under DCR 3 (d), but they will be permitted in primay residential use zone For other uses viz. Commercial light Industrial, General Industrial, special and Hazardous, Industrial and Institutional uses etc., and Clinics, dispensaries, and Nursing homes, exceeding 300m 2 in floor area, they will be regulated in accordance with the Table given under the respective use zone. In the cases of approved sub-divisions and layouts the extent of plot, size, floor space index and setback lines shall be regulated according to layout conditions specified by the MMDA while approving such layout :

THE TABLE

	George town and other areas where continuous buildings are permissible.	Madras City excluding area mentioned under Column (2) and Municipals and Township areas.	Metropolitan area excluding areas mentioned under Columns (2) and (3)
(1)	(2)	(3)	(4)
A. Minimum extent of plot ...	150 square metres except in areas specifically set apart for continuous buildings where it shall not be less than 80 square metres for housing economically weaker sections it shall be not less than 20 square metres within Madras City and 40 square metres rest of the Metropolitan area.		
B. Minimum Plot frontage ...	9 metres except in areas specifically set apart for continuous building where it shall be 4.5 metres and for housing for economically weaker sections it shall not be less than 4 metres.		
C. (i) Maximum F.S.I. ...	1.7	1.50	1.25
(ii) Maximum plot coverage	65 percent	65 percent	55 percent.
	For Economically Weaker section plots, the coverage shall not exceed 75 per cent.		
D. Maximum height ...	One and half times the width of the a butting road provided that this height may be exceeded to the extent of 1 metre for every 30 centimetres by which the building is set back from the street or 15 metres whichever is less except in areas sot apart specifically for multistroreyed buildings.		
E. Minimum set back ...	In accordance with rule 5 (i). Where building lines have not been specified it shall be as follows :—		
Front set back	1.5 metres for all road widths ...	A butting roads width above 30 metres.	Set back 6 metres
		above 15 metres and less than 30 metres.	4.5 metres
		Above 10 metres but less 15 metres.	3 metres
		Below 10 metres	1.5 metres

EXPLANATION :—(i) For Economically Wonker Section plots, front set back shall not be less than 1.00 metre irrespective of the road width except where a building line is prescribed.

(ii) For shops front set back shall not be less than 3 metres.

Rear set back	Nil.	Depth of plot	Rear set back.
		Upto 15 metres	1.5 metres.
		Between 15 to 30 metres ...	3.0 metres.
		Above 30 metres	4.5 metres.

Structures like a lavatory, lumber room, garage, etc, not intended for human habitation may be permitted in the rear set back space ;

Provided that such structures does not occupy more than one third width of the site and 6 metres of the depth of the site : Provided further that the height of such structures does not exceed 4 metres measured from the rear level of the site.

For Economically Weaker Section plots, rear set back space need not be insisted upon.

Side set back	Nil.	1.5 metres on each side except in areas set apart for economically weaker sections, where it shall not be less than one metre on any one side. If a person wants to provide 3 metres on one side only he should produce a "No objection Certificate" from his adjoining plot owner for the same.

Provided that in the case of an existing building it shall be open to the Authority to specify on which side the open space shall be left when such open space is to be left on one side only

(e) where it is proposed to have more than one activity in a particular building, the space regulations that will govern the development shall be based on dominant activity in that building, decided on the basis of the percentage of floor area used

8. Mixed Residential use zone :

(a) In the Mixed Residential use zone buildings or premises shall be normally permitted only for the following purposes and accessory use :—

(i) All uses permissible under sub-rules (a) and (b) of rule 7

(ii) Banks and safe deposit valuts offices occupying floor area not exceeding 500 square metres.

(iii) Restaurants occupying floor area not exceeding 500 square metres.

(iv) Hotels, hostels, boarding and lodging houses, dormitores and welfare institutions occupying a floor area not exceeding 500 square metres.

(v) Establishment and shops retailing in vegitables, fruits, flowers, fish, meat and such other daily necessities of the residents occupying a floor area of not exceeding 500 square metres or an organised markets.

(vi) Bakeries and confectioneries, laundries, tailoring, goldsmith shops, hair dressing saloons, flour mills occupying floor area not exceeding 500 square metres.

(vii) Petrol filling station, automobile service station and work shops occupying a site area not exceeding 500 square metre.

(viii) Manufacturing service establishments using electric motors employing not more than 15 Horse power and or employing not more than 10 workers excluding those which are obnoxious or hazardous nature by reason of odur, effluent dust, smoke, gas, vibration, noise etc, or otherwise likely to cause danger and nuisance to public health or amenity.

(ix) Workshops, excluding those which are obnoxiods or hazardous in nature by reason or odour effluent, dust, smoke, gas vibrations noise etc, or

...herwise likely to cause danger or nuisance to ...blic health or amenity occupying a site area of not ...ceeding 500 square metres.

(b) the following uses may be permitted with ...ecial sanction of the authority :—

(i) Departmental stores for the conduct of retail ...siness, professional consulting offices and uses ...der clauses (ii) to (vi) of sub-rule (a) above with ...ut restriction of floor Space.

(ii) Cinema theatres, assembly halls and reading ...oms.

(iii) Colleges, higher educational, technical and ...search institutions.

(iv) Clean industries as determined by the ...uthority based on the performance characteristics ...vith a maximum of 3) horse power employing not more than 25 workers.

(c) All uses not specifically mentioned under ...ub-rule (a) and (b) above shall be prohibited in the zone.

(d) The extent of plot size, plot frontage, floor space index, plot coverage, height and set back lines in the zone shall be regulated according to the rule 7 (d).

9. Commercial use zone :

(a) In the commercial use zone buildings or premises shall normally be permitted only for the following purposes and accessary uses.

(i) All uses permitted in Primary and Mixed Residential use zones.

(ii) All commercial and business uses including all shops, stores markets and uses connected with the display and sale of merchandise either wholesale or retail excluding explosive, obnoxious products and other materials likely to cause health hazards.

(iii) Business offices and other commercial and financial institutions occoupying a floor area not exceeding 1,000 square metres.

(iv) Warehouses repositories and other uses connected with storage or wholesale trade occupying a floor area not exceeding 1,000 square metres but excluding storage of explosive or products which are either obnoxious or likely to cause health hazards.

(v) Research, experimental and testing labora... ... danger of fire, explosive or health hazards occupying a floor area not exceeding 1,000 square metres.

(vi) Manufacturing and service establishments and commercial uses using electric motors and or exceeding 50 horsepower and/or employing not more than 25 workers excluding those that are obnoxious or hazardous nature by reason of odours, effluent, dust, smoke, gas, vibration, noise etc., or otherwise likely to cause danger or nuisance to public health or amenity.

(b) The following uses may be permitted with the special sanction of the authority.

(i) All Commercial and business uses including all shops, stores, markets, shopping centres and uses connected with the display and sale of merchandise, either wholesale or retail but excluding explosives obnoxious products and other materials likely to cause health hazards, without limitation of floor area

(ii) Business offices and other commercial and Financial institutions without limitation of floor area.

(iii) Warehouses and other uses connected with storage or wholesale trade, but excluding storage of explosive or products which are either obnoxious or likely to cause health hazards.

(iv) Commercial and entertainment centres including touring talkies, sports, stadium, recreation complexes, research, experimental or testing Laboratories not involving danger of fire, explosive or health hazards.

(v) Organised parking lots, multi-storey parking Bus terminal and depots.

(vi) Educational, technical and research institutions.

(vii) Garment industry irrespective of the number of persons employed where the authority satisfied of its non-objectionable nature based on its performance characteristics.

(c) All uses not specifically mentioned under rule (a) and (b) above shall be prohibited.

(d) The extent of plot size, floor space index, set back line etc. for commercial uses shall be regulated according to the table given below. For other activities of Residential character and institutional character where public assemble will be regulated in accordance with the table given unde the respective use zones.

THE TABLE

(1)	George Town and other areas where continuous buildings are permissible. (2)	Madras City excluding areas mentioned under column 2 & Municipal and Township areas. (3)	Metropolitan area excluding areas mentioned under columns (2) and (3) (4)
A. Minimum extent of plot ...	90 square meters.	120 square metres.	180 square metres.
B. Minimum Plot frontage ...	4.5 metres.	4.5 metres.	4.5 metres.
C. (i) Minimum FSI ...	2.00	2.00	1.75
(ii) Maximum plot coverage	75 per cent.	75 per cent.	65 per cent
D. Maximum height ...	One and half times the width of the abutting road provided that this height may be exceed to the extent of one metre for every 30 cm. by which the building is set back from the street or 15 metres whichever is less except in areas set apart specifically for multistoreyed buildings.		
E. Minimum set back ...	In accordance with sub-rule (1) of Rule 5 where no set back lines have been specified the building line shall be as follows :—		
(i) Front set back ...	1.5 metres for all road widths.	Abutting roads of width above 30.0 metres. Above 15 metres but less than 30.0 metres. Less than 15 metres.	Set back 6.0 metres. 4.5 metres. 3 metres.
(ii) Side set back ...	NIL	1/6th the height of the building subject to a minimum of 2 metres on either side.	
(iii) Rear set back ...	NIL	1/6th the height of the building subject to a minimum of 2 metres	

10. Light Industrial Zone :—

(a) In the light industral zone buildings or premises shall be normally permitted for the following purposes and accessory uses

(i) All uses permissible in the commercial use zone with the special sanction of the authority except residential uses

(ii) Residential buildings for security and other essential staff required to be maintained in the premises.

(iii) All industries using electrical power utilising machinery not exceeding 130 Horsepower or with employees not exceeding 100 in number but excluding all industries of obnexious and hazardous nature by reasons of odour, effluent, dust, smoke, gas, vibration, etc. or otherwise likely to cause danger or nuisance to public health or amenity.

(iv) All industries not producing noxious or dangerous effluents or where sufficicient precaution to the satisfactory of the authority have been taken to eliminate noxious or dangerous effluents.

(b) The following uses may be permitted with special sanction of the authority : —

(i) All uses permissible in the commercial zone.

(ii) Storage of petroleum, timber explosive and inflammable and dangerous materials.

(iii) All industries upto 200 Horsepower where efficient precautions have beed taken to the satisfaction of the authority eliminate noxious or dangerous effluents.

(c) All uses not specifically permitted under clo (a) and (b) shall be prohibited.

(d) The extent of plot, floor space index, set back lines etc. for light industrial uses shall be regulated according to the table given below: For other activities of Residential and commercial character and institutional activities where public assemble, they will be regulated in accordance with the tables given under the respective zones.

THE TABLE

(1)	George Town and other areas where continuous buildings are permissible. (2)	Madras City excluding area mentioned under Column (2) Municipal Township areas (3)	Metropolitan area excluding areas mentioned under Column (2) and (3) (4)
. Minimum extent of plot ...	220 square metres.	330 square metres.	440 square metres.
. Minimum Plot frontage ...	9 metres.	12 metres.	12 metres.
. (i) Maximum floor space index	1.00	1.00	1.00
(ii) Maximum plot coverage	75 per cent	75 percent	75 per cent
. Set back lines Front set back	In accordance with rules 5 (i). Where no set back lines have been specified the building line shall be 4.5 metres for roads of width of 15 metres and below and 6.0 metres for other roads of width exceeding 15 metres, provided, that gate pillars, security rooms of not more than 4.5 metres in height and 50 square metres in extent shall be permitted in the front building line space.		
. Side set back	Nil	Minimum 3 metres on one side	Minimum 3 metres on one side
. Rear set back	3 metres.	3 metres.	3 metres.
. Maximum Height	One and half times the width of abutting street provided that this height may be exceeded to the extent of 1 metre for every 30 centimeters by which the building is set back from the street, or 15 metres whichever is less, except in areas set apart specifically for multy-storied buildings.		

11. General Industrial Zone :—

(a) In the General Industrial Zone buildings or premises shall be normally permitted for the following purposes and accessory uses.

(i) All commercial and industrial uses permissble in the light industrial zone.

(ii) All industries using electrical power upto 500 Horsepower excluding those of obnoxious or hazardous nature listed in Annexure VIII.

(iii) Residential buildings for security and other essential staff required to be maintained within the area.

APPENDIX V

Extract from Development Control Regulations for Greater Bombay 1991 for land use classification & uses permitted.

48. *Signs and Outdoor Display Structures.* (1) *National Building Code to apply.* The display of advertising signs and outdoor display structures on buildings and land shall be in accordance with Part X Signs and Outdoor Display Structures, National Building Code of India.

(2) *Additional conditions.*—In addition to sub-regulation (1) above, the following provisions shall apply to advertising signs in different land use zone :—

(*i*) Residential zone (R-1):—The following non-flashing and neon signs with illumination not exceeding 40 Watt light—

(*a*) One name plate with an area not exceeding 0.1 sq. m. for each dwelling unit.

(*b*) For other users permissible in the zone, one identification sign or bulletin board with an area not exceeding 10 sq. m. provided the height of the sign does not exceed 1.5 m.

(*c*) " For sale " or " For rent " signs for real estate, not exceeding 2 sq. m. in area provided they are located on the premises offered for sale or rent.

(*ii*) Residential zones with shop lines (R-2):- Non-flashing business signs placed parallel to the wall and not exceeding 1 m. in height per establishment.

(*iii*) Commercial Zones (C-1) and (C-2):- Flashing or non-flashing business signs placed parallel to the wall not exceeding 1 m. in height provided such signs do not face residential buildings.

(3) *Prohibition of advertising signs and outdoor display structures in certain cases.*- Notwithstanding the provisions of sub-regulations (1) and (2), no advertising sign or outdoor display structures shall be permitted on buildings of architectural, aesthetical, historical or heritage importance as may be decided by the Commissioner, or on Government buildings, save that in the case of Government buildings only advertising signs or outdoor display structures may be permitted if they relate to the activities for the said buildings' own purposes or related programmes.

(4) The Commissioner may, with the approval of the Corporation, add, alter or amend the provisions in sub-regulation (2) above.

PART IV

Land Use Classification & Uses Permitted

49. *Uses and Ancillary Uses.*—The uses and specified ancillary uses as indicated in these Regulations will be permitted in each of the predominant use zones as shown in the development plan. Such ancillary uses will be subject to fulfilment of the prescribed conditions.

50. *Power of Granting Permission.*- Where it is specified that a particular use is to be allowed only with the Commissioner's special permission, the power of granting such permission shall be exercised by the Commissioner or an Officer not below the rank of Deputy Municipal Commissioner.

51. *Purely Residential Zone (R-1 Zone) -Ancillary uses permitted.*—Apart from residential use, the following uses and specified ancillary uses to the extent of 50 per cent of the floor space of the principal use shall be permitted in buildings, premises or plots in the purely residential zone:—

(*i*) Customary home occupations.

(*ii*) Medical and dental practitioner's dispensaries or clinics, including pathological or diagnostic clinics with a restriction of one dispensary or clinic per building to be permitted on the ground floor, on the floor just above the stilts or on the first floor.

(*iii*) Nursing homes, polyclinics maternity homes and medical practitioners/consultants in different disciplines of medical sciences in independent buildings or independent parts of buildings on the ground floor, first and upper floors with separate means of access/staircase from within the building or outside but not within the prescribed marginal open spaces in all the case, and with the special permission of the Commissioner.

(*iv*) Professional offices and studios of a resident of the premises and incidental to such residential use, or medical and dental practitioners dispensaries or clinics of a resident of the building with only one medical practitioner without any indoor work, each not occupying a floor not exceeding 30 sq. m.

(*v*) Educational buildings, excluding buildings of trade schools but including students' hostels in independent buildings, religious buildings, community halls, welfare centres and nurseries.

—Provided that the Commissioner may, by order, permit Montessori schools, kindergarten classes or bal-mandirs in a part of a residential building on the ground floor or on the floors above the stilts if the area thereof is not less than 40 sq. m. and no nuisance is likely to be caused to the residents of the building :

Provided further that in congested localities where it is not possible to provide a separate building for a school, the Commissioner may allow a primary school in any part of or on any separate floor of a residential building. In doing so, he shall take into account the location, room sizes, means of access, water and sanitary arrangements and other relevant factors. He shall also ensure that a staircase is easily accessible from the entrance and serves the classrooms. The school shall also conform to other requirements of educational buildings stipulated in Regulation 40.

(vi) Public libraries on the ground floor and floor 1 or on two consecutive floors immediately above the stilts in a building constructed on stilts, and museums in part or entire building.

(vii) Club houses, or gymkhanas not conducted as a business, on independent plots which may have an extension counter or only branch of a bank, in such club-houses or gymkhanas.

(viii) Public or private parks, gardens and playfield in independent plots not utilised for business purposes, but not amusement parks.

(ix) Bus shelters, bus stations, bus depots, railway stations, taxi-stands and heliports, on independent plots.

(x) Radio broadcasting and television studios and sound recording and dubbing studios in independent buildings or part of, building or in independent plots, with the permission of the Commissioner.

(xi) Places for the disposal of human bodies, subject to the Corporation's approval.

(xii) Police stations, telephone exchanges, Government sub-offices only in the suburbs and extended suburbs municipal sub-office suboffices of Bombay Electric Supply and transport undertaking or the concerned electric company, consulate offices, post and telegraph offices, branches of banks including safe deposit vaults (except that the area of each bank including the vault shall not exceed 400 sq.m. in the Island City), electrical sub stations, receiving stations, fire stations ,civil defence warden posts and first aid posts, home guards and civil defence centres, pumping stations, sewage disposal works and water supply installations and ancillary structures thereof required to cater to the local area on roads of width of not less than 12 m. However, a branch of a bank with a safe deposit vault may be permitted on roads of less than 12 m., except that in the Island City the area of each bank including the vault shall not exceed 400 sq. m.

(xiii) Storage of liquified petroleum gas cylinders (bottled gas) for domestic consumption not exceeding 300 kg. in a residential building and not exceeding 8000 kg. in an independent ground floor structure (except a garage) at any one time, with the special permission of the Commissioner and subject to compliance with statutory safety requirements.

(xiv) General agriculture, horticulture and poultry farming (but not dairy farming) in the areas comprised in suburbs the are extended suburbs, poultry farming being permitted at the rate of 0.25 sq. m. builtup area per bird in an independent plot measuring not less than 1 ha.; provided that no offensive odours, dirt and/or dust are created, that there is no sale of products not produced on the premises, and the accessory buildings are not located within from any of 9 m. the boundaries or 6 m. from the main buildings or the plot :

Provided further that the above restriction on space shall not apply to any poultry kept for domestic consumption only.

(xv) Where the commerical zone boundary for a street of and between 18.3 m. and 31m. wide in the suburbs and extended suburbs and of 21 m. and 31 m. wide in Island City (with shops) is at least 400m. away, convenience shops at the rate of one shop per 15 tenements on ground floor or in semi-detached ground floor building, with no other use over it, may be permitted provided that the remaining area on the ground floor is used for parking purposes in conformity with these Regulations. Such shopping uses will not be permissible in more than two adjoining plots in any locality and shall not cover more than 5 per cent of the plot area.

(xvi) Flour Mills, with the special permission of the Commissioner, if *(a)* they are in a single-storeyed detached or semi-detached structure, and *(b)* their power requirement does not exceed 7.5 KW. each.

(xvii) Research, experimental and testing laboratories not involving any danger of fire or explosion or of any obnoxious nature and located on a plot not less than 4 ha. in area, provided that the laboratory is at least 30 m. from any of the boundaries of the site and the accessory residential building 30 m. from the laboratory.

52. *Residential Zone with Shop Line (R-2 Zone).* (1) The residential zone with shop line (R-2 Zone) in which shopping will be permissible as indicated herein, will comprise :

(a) Plots in a residential zone along roads on which the shop line is marked on the development plan.

(*b*) Plots in a residential zone along roads having existing or prescribed width of and 18.3 m. and 31 m. in the suburbs and extended suburbs.

(*c*) Plots in a residential zone along roads having existing or prescribed width of and between 24 m. and 31 m. in the Island City.

(2) No new shops will, however, be permitted on plots in the residential zone with a shop line (R-2 Zone) which abut and are along the following roads, even if a shop line is marked on such roads in the development plan except what is permitted by way of convenience shopping.

(*a*) *Western Corridor.*—From Regal Cinema junction to Vithalbhai Patel Road, Khar covering Madam Cama Road, Netaji Subhash Road, Dr. N. A. Purandare Marg, Babulnath Road, Justice Patkar Marg, Bhulabhai Desai Road, Lala Lajpatrai Road, Dr. Annie Besant Road, Veer Savarkar Marg, Mahim Causeway, Vithalbhai Road upto its junction with Chitrakar Dhurandhar Marg, Khar.

(*b*) (*i*) Mahim Causeway from General Arun Kumar Vaidya Marg upto its junction with Swami Vivekanand Road and further upto the latter road's junction with Chitrakar Dhurandhar Marg.

(*ii*) Juhu Tara Road, Shri Mathuradas Visanji Marg, (Kurla Andheri Road) and Jai Prakash Road.

(*c*) *Central Corridor.*—From Regal Cinema junction to V. N. Purav Marg, Trombay, covering Mahatma Gandhi Road, Dadabhai Navroji Road, Lokmanya Tilak Road, Mohamed Ali Road, Ibrahim Rahimtulla Road, Jamsetji Jeejeebhoy Road, Dr. B. Ambedkar Marg, Sion Road, Tatya Tope Road, V. N. Purav Marg upto Anushakti Nagar.

(*d*) Other roads viz. Shahid Bhagatsing Road, Lokmanya Tilak Road, L. Jagmohandas Road (Napean Sea Road), Bhulabhai Desai Road (Warden Road), August Kranti Marg, Walkeshwar Road, S. K. Barodawala Marg (Altamount Road) Dahanukar Marg (Carmichael Road), Nepean Sea Road, Manav Mandir Road.

(*e*) All Express Highways/Freeways :

Provided that where the above-mentioned roads intersect other roads, shopping will be permissible on plots on the latter roads in the residential zone with a shop line (R-2 zone) only on the side of the building facing such roads and with access only on such roads.

Provided further that the above restrictions on shopping will not apply to areas falling in the Local Commercial Zone (C-1 zone) and in the case of reconstruction or redevelopment of an existing building having existing shopping users.

(3) Notwithstanding anything contained in this Regulation, for reasons of congestion, traffic or nuisance, new shopping or convenience shopping, even if otherwise permissible, the Commissioner may not, for reasons to be recorded in writing, permit such shopping.

(4) *Uses permitted in the Residential Zone with Shop Line* (*R-2 zone*). - The following uses shall be permitted in buildings, premises or plots in a residential zone with shop line :-

(*i*) All uses permitted in the purely residential zone (R-1 zone).

(*ii*) Stores or shops for conduct of retail business, including departmental stores. There will, however, be no storage or sale of combustible materials except with the Commissioner's special permission.

(*iii*) Personal services' establishments, only in the suburbs and extended suburbs.

(*iv*) Hair dressing saloons and beauty parlours

(*v*) Frozen food stores.

(*vi*) Shoe repair and sports shops

(*vii*) Professional offices each not exceeding 100 sq. m. in area only in the suburbs and extended suburbs.

(*viii*) Shops for the collection and distribution of clothes and other materials for cleaning, pressing and dyeing establishments.

(*ix*) Tailoring, embroidery and button-hole making shops, each employing not more than 9 persons.

(x) Cleaning and pressing establishments for clothes, each occupying a floor area not more than 200 sq. m. and not employing solvents with a flash point lower than 59°C, machine with dry-load capacity not exceeding 30 kg. and employing not more than 9 persons:

Provided that the total power requirement does not exceed 4 KW.

(*xi*) Shops for goldsmiths, lock-smiths, watches and clocks and their repairs, bicycles and their rental and repairs, optical glass grinding and repairs, nautical instrument, and their repairs, picture-framing, radio, television and household appliances and their repairs, umbrellas and their repairs and upholstery work, each employing not more than 9 persons.

(*xii*) Coffee grinding establishments with electric motive power not exceeding 0.75 KW. (0.025 KW. individual motor each).

(*xiii*) Restaurants, eating houses, cafeterias, ice-cream and milk bars under one establishment with total area not exceeding 200 sq. m. on the ground and/or floor 1 of a building with the special permission of the Commissioner.

(*xiv*) Bakeries, with no floor above, each not occupying for production an area more than 75 sq. m. and not employing more than 9 persons, if the power requirement does not exceed 4 KW. where only electrical ovens are used, an additional heating load upto 12 KVA being permitted.

(*xv*) Confectioneries and establishments for the preparation and sale of eatables each not occupying for production an area more than of 75 sq.m. per establishment and employing not more than 9 persons, motive power not exceeding 1·12 KW, as well as sugarcane and fruit juice crusher each employing not more than 6 persons with motive power not exceeding 1.12 KW. and area not more than 25 sq. m.

(*xvi*) Printing presses with aggregate motive power each not exceeding 3.75 KW and not employing more than 9 persons and individual electric motors of not more than 1.5 KW.

(*xvii*) Trade and other similar schools, not involving any danger of fire or explosion, or offensive noise, vibration, smoke, dust, odour, glare, heat or other objectionable features

(*xviii*) Vegetable, fruit, flower, frozen fish, frozen meat or frozen food shops.

(*xix*) Battery charging and repairing establishments each not employing more than 6 persons with an area not more than 25 sq. m. and not more than 2 charges with power not exceeding 5 KW.

(*xx*) Photographic studios with laboratories, retouching, photo-copying, video taping establishments etc. and their laboratories, each with an area not exceeding 250 sq.m. and employing not more than 9 persons and not using power more than 3.75 KW

(*xxi*) Coal or fire-wood shops.

(*xxii*) Local sub-offices of any public utility.

(*xxiii*) Electronic industry of assembly, but not of manufacturing type, with the Commissioner's special permission, subject to following restrictions :—

(*a*) Only on the ground floor each with an area not exceeding 50 sq.m.

(*b*) Total electric power inclusive of motive power and heating load not to exceed 3.75 KW.

(*c*) Employing not more than 9 persons each.

(*xxiv*) Pawn shops.

(*xxv*) Art galleries i.e. display shops.

(*xxvi*) Undertakers' premises.

(*xxvii*) Establishments using power only for heating, refrigeration or airconditioning purposes.

(*xxviii*) Private lockers. In the Island City, the total area shall not exceed 400 sq. m. each.

(*xxix*) Data-processing unit, with use of computers.

(*xxx*) Repairing garages, without activities of body-building and spray painting, each employing not more than 9 persons or using 1.5 KW motive power with no floor, above, with the permission of the Commissioner to be allowed to function only between 08 and 20 hours.

(*xxxi*) Motor driving schools, with the permission of the Commissioner.

(*xxxii*) Travel agencies, ticket booking and selling agencies for air, surface or water travel or transport of any other modes of travel or transport.

(*xxxiii*) Accessory uses customarily incidental to any permitted principal use, including storage upto 50 per cent of the total floor area of the principal use.

(5) *Conditions governing additional uses permitted in the R-2 zone.*—The uses permissible in the R-2 zone shall be restricted and subject to the conditions below :—

(*i*) A depth of 12 m. measured from the building line along the front portion abutting the street only shall be provided.

(*ii*) All goods offered for sale or displayed should be within the premises comprising the shop and should not be kept in the passages or open spaces.

(*iii*) Shops shall be permitted only on the ground floor of a building unless specified otherwise.

(*iv*) Area of each shop will not exceed 100 sq. m. unless otherwise specified.

(*v*) Motive power, unless otherwise specifically indicated, shall not exceed 2.25 KW per shop, with no individual motor exceeding 0.75 KW, no power being allowed to be sub let.

(*vi*) Power may be discontinued if the Commissioner is satisfied that the particular use is a nuisance to the residents.

(6) With the special permission of the Commissioner shopping uses and departmental stores may be permitted on the entire ground floor of the building, subject to the following conditions: -

(*i*) The side and rear marginal open spaces shall not be less than 9 m. in width

(*ii*) No back-to-back shops would be permitted unless they are separated by a corridor at least 1.8 m. in width which shall be properly lighted and ventilated

(*iii*) All goods offered for sale or displayed should be within the premises comprising the shop and should not be kept in the passages or open spaces.

Provided that such shopping users and department stores may be permitted in the entire building where the whole building is in occupation of one establishment or of a co-operative society only and subject to the above conditions.

(7) Notwithstanding anything contained in these Regulations, convenience shops as defined in item (20) of sub-regulation (3) of Regulation 3 may be permitted on all roads having width of 12 m. and above. In gaothan and koliwada areas, however, these users will be permitted on roads having width of 9 m. and above.

(8) *Uses permitted in independent premises/buildings in the Residential Zone with Shop Line (R-2 Zone).*—The following uses may be permitted in independent premises/buildings/plots 3 in the R-2 zone :—

(*i*) Drive-in-theatres, theatres, cinemas, club houses, assembly or concert halls, dance and music studies and such other places of entertainment on roads with width not exceeding 25m. These uses may be permitted in combination with permissible non-residential uses except that of petrol pump, with the special permission of the Commissioner :

Provided, however, in the case of a cinema/theatre the front open space shall be minimum 12 m. and the side and rear open spaces shall not be less than 6 m :

Provided further that in the case of development and/or re-development of a cinema/theatre, the user for a cinema/theatre may be permitted in combination with the permissible users in a residential zone with a shop-line (R-2 zone) excluding the users for bakery, confectionery, trade and other similar schools and coal or fire wood shops, with a cinema/theatre being permitted underneath or above any building subject to compliance with fire and safety requirements specified by and to the satisfaction of the Chief Fire Officer. However, residential user in combination with that of a cinema/theatre may not be allowed in the same building.

Provided further that the redevelopment of a plot allocated for a cinema/theatre shall be subject to such conditions as may be prescribed by the Government.

(*ii*) Petrol filling and service stations each employing not more than 9 persons in combination with other permissible uses in the zone subject to clearance by the Controller of Explosives and the Chief Fire Officer, and observance of such conditions as they may prescribe and with the permission of the Commissioner.

(*iii*) Trade or other similar schools.

(*iv*) Bulk storage of kerosene and bottled gas for domestic consumption with the special permission of the Commissioner.

(*v*) Parking of automobiles and other light vehicles on open plots as a business or otherwise.

(*vi*) Fish or meat shops.

(*vii*) Residential hotels or lodging houses in independent buildings or parts of buildings or on upper floors thereof with special written permission of the Commissioner, who will take into account the suitability of the size and shape of the plot, means of access, water and sanitary arrangements etc. before granting the permission. The Commissioner shall not permit such use unless he is satisfied about the provision of these arrangements :

Provided that residential hotels of 4 and 5 star categories may be allowed only in an independent plot of size not less than 2,500 sq.m. and on roads of 18 m. width or more, a hotel of lower star category being also allowed on a separate floor of a premises or a building with separate access :

Provided further that development of residential hotels of the star categories shall be permitted by the Commissioner, only after due approval by a Committee consisting of the Commissioner, the Metropolitan Commissioner, Bombay Metropolitan Region Development Authority, the Commissioner of Police (Law, Order and Traffic) and the Managing Director, Maharashtra Tourism Development Corporation Ltd.

(*viii*) General agriculture, horticulture and domestic poultry, with limitation of keeping of upto 20 birds at the rate of 0.25 sq.m. per bird.

(*ix*) Repairing garages not employing not more than 9 persons or 1·5 KW motive power with no floor above, with the permission of the Commissioner.

(*x*) Business offices on roads of 18 m. wide and more outside the Island City subject to the fulfilment of parking and other requirements; except that balconies if any of such buildings shall not be free of F.S.I. computation.

(*xi*) Correctional and mental institutions, institutions for children, the aged or widows, sanatoria and hospitals (except veterinary hospitals) with the special permission of the Commissioner, provided that those principally for contagious diseases shall be located not less than 36 m from any boundaries.

(*xii*) Stadia.

53. *Local Commercial Area/Zone (C-1 Zone).* (1) *Uses permitted in a Local Commercial Zone (C-1 Zone).*—The following uses are permissible in the C-1 Zone :—

(*i*) Any uses permitted in a residential zone with a shop line (R-2 Zone).

(*ii*) Confectioneries, bakeries and establishments for the preparation and sale of eatables each not occupying for production an area in excess of 250 sq.m. per establishment and employing not more than 25 persons or using power exceeding 10 KW with no upper floors over the furnace portion. If only electrical ovens are used, an additional load of upto 24 KVA may be permitted.

(*iii*) Auto part stores and show rooms for motor vehicles and machinery.

(*iv*) Sale of used or second hand goods for merchandise, excepting for junk, cotton and other waste rags or other materials of an offensive nature.

(*v*) Club houses or other recreational activities conducted as business (with an extension counter or branch of a bank).

(*vi*) Storage of furniture and household goods.

(*vii*) Retailing of building materials, open or enclosed, with not more than 500 sq.m. of area per establishment.

(*viii*) Pasteurising and milk processing plants each employing not more than 9 persons and 7.5 KW motive power within an area not more than 50 sq.m.

(*ix*) Printing, book-binding, engraving and block-making, each with an area not exceeding 120 sq.m. and motive power not exceeding 7.5 KW per establishment.

(*x*) Veterinary dispensaries and hospitals and kennels in the suburbs and extended suburbs only.

(*xi*) Supari and masala grinding/pounding using motive power not exceeding 7.5 KW or occupying more than 25 sq.m. area, with the special permission of the Commissioner.

(*xii*) Prisons and animal pounds only in the suburbs and extended suburbs.

Appendix 'VI'

INCINERATOR

As recommended by NIHFW.

INCINERATOR

Oil fired, should be operated in the range of 500-700 degree Celsius
- able to burn the combustible waste.

consists of

main combustion chamber,
post combustion chamber,
smoke extracting fan,
stainless steel smoke washer,
oil service tank,
oil storage tank &
water storage tank

ITEM NO. 40/94
A-24.05.94

Sub:- Departmental action against Shri S.S.Tyagi, Ex.Nazul Officer (acting as Dy.Director(Lands), DDA under the provisions of Rule 9 (ii) (a) of the CCS(Pension) Rules.

F.No. 23(38)/88-Vig./Pt.II

PRECIS

The major penalty proceedings against Shri S.S.Tyagi, Nazul Officer (acting as Dy.Director(Lands) (since retired) were initiated vide memorandum No.F.23(38)/88/Vig. dated 1.7.88 on the following charges:

> "That the said Sh.S.S.Tyagi, Dy.Director was working as Dy.Director in Lands Section during the period April, 1987. A report was made by Sh.Jagdish Chander,Patwari on 3.4.87 in file No.TN2(43)/87 regarding unauthorised construction raised by one Sh.Jasvinder Singh at plot No.2140/Ward No.15, Pahar Ganj, New Delhi. The file No.TN2(43)/87 was put up on 8.4.87 by Sh.O.P.Gawri, ALO to Sh.S.S.Tyagi, Dy.Director(Lands) for obtaining demolition order from Director(LM) in respect of unauthorised construction at plot No.2140/Ward No.15, Pahar Ganj, New Delhi. Shri Tyagi was well aware about the urgency of this case and about his proceedings on leave w.e.f. 11.4.87. The case was put up to him on 8.4.87 and he came to office on 9th & 10th April,1987 at 12.15 PM and 9.34 AM and left office at 17.40 PM and 18.09 PM respectively. The matter was of serious nature but Shri Tyagi had not bothered to ensure before proceeding on leave that he signed the note submitted by ALO on 8.4.87 and sent it to Director(LM) nor he bothered to record the line of action to be taken in his absence. Thus Sh.S.S.Tyagi, Dy.Director(Lands) delayed the submission of file No.TN2(43)/87 as referred to above with some ulterior motive and malafide intention and favoured the encroacher in raising up the unauthorised construction at plot No.1240/Ward No.15, Pahar Ganj, New Delhi and given opportunity to obtain stay orders from the court of law against demolition of said construction.
>
> By his above act, Sh.S.S.Tyagi, Dy.Director(Lands) has exhibited grave dereliction of duty and failed to maintain absolute integrity and devotion to duty and acted in the manner unbecoming of an Authority's servants and thus violated Rule 3 (I) (i)(ii)(iii) of CCS(Conduct) Rules,1964 as made applicable to the DDA employees."

Before issue of charge sheets, Central Vigilance Commission was also consulted vide this office memo No.F.27(279)87/Vig dated 1.9.87 for initiation of major penalty proceedings against S/Shri S.S.Tyagi,Dy.Director(Lands) and two others namely S/Sh.O.P.Gawri, ALO and Hari Ram, Naib Tehsildar,DDA. C.V.C. vide its OM NO. 9-R W&H(DDA)101 dated 25.11.87 while agreeing to major penalty proceedings against Sh.S.S.Tyagi,Dy.Director(Lands),advised minor penalty proceedings against S/Shri O.P.Gawri,ALO and Hari Ram, Naib Tehsildar,DDA. Disciplinary Authority, however, did not agree with the advice of CVC for initiation of minor penalty proceedings

Contd./-.....

against S/Shri O.P.Gawri,ALO & Hari Ram,Naib Tehsildar,DDA vide order dated 25.12.87 and ordered initiation of major penalty proceedings against the said two officials also. Accordingly major penalty charge sheets were also issued to S/Shri O.P.Gawri,A.L.O & Hari Ram, Naib Tehsildar, DDA (copy of charge sheet to Sh.S.S.Tyagi and advice of CVC is enclosed at (App. 'R & S' P.No. 131-136 & 137)

Shri S.S.Tyagi submitted his reply to the charge sheet vide his letter dated 22.7.88. After considering the reply of the COs the case was entrusted to Sh.P.K.Bandopadhyay,CDI/CVC vide order dated 1.9.88 (App.'T' P.No. 138). After conclusion of the enquiries against Sh.Tyagi and two other COs, CVC vide its OM dated 24.2.92 forwarded the inquiry reports alongwith its 2nd stage advice that the COs can not be absolved of the charges of lack of care in dealing with the important issue of demolition of property and that stiff minor penalty may be imposed on the three officers.(App. 'U' Page No. 139-140)

Accordingly S/Shri O.P.Gawri,ALO and Hari Ram,Naib Tehsildar were imposed the penalty of stoppage of one increment for two years on 16.10.92. (App. ' V & W ' P.No.141-142 & 143-144).

During the inquiry proceedings Shri S.S.Tyagi retired on 28.2.89, on attaining the age of superannuation. On cessation of relationship of Master & Servant on happening of any contigency, the Disciplinary Rules to which the employees of the organisation are bound are no longer applicable. And as such, it is not possible to take further action against Sh.S.S.Tyagi under DDA (Slaries, Allowances & Conditions of Service)Regulartions,1961. CCS(Pension) Rules, 1972 have been made applicable to the employees of DDA, the only action which can be taken against Sh. S.S.Tyagi is under the provision of Rule 9(ii)(a) of the above said Rule. The extracts of which are enclosed at (App. ' X ' Page No. 145-147).

On examining the Inquiry Report in respect of Sh.S.S.Tyagi as well as the 2nd stage advice of C.V.C. dated 24.2.92, the V.C.,DDA came to the conclusion for 5% cut in pension including gratuity and further ordered for obtaining the advice of CVC on the issue. Accordingly the case was referred to C.V.C. vide this office OM No.F.23(38)88/Vig dated 4.11.92. Copy is enclosed at (App.'Y' P.No.148) Director/CVC forwarded the advice of CVC vide his OM No.9-R W&H(DDA)101 dated 14.12.92. The Commission advised as under:-

> The Commission has reconsidered the case of Sh.S.S.Tyagi, who has already retired from service. The penalty proposed by DDA (i.e. 5% cut in pension) including gratuity without any time limit" appears to be rather too harsh. The Commission taking into account the nature of misconduct on the part of Shri Tyagi advises imposition of a penalty of 5% cut in pension for three years on the official".

Contd./-.....

On consideration of CVC advice, Disciplinary Authority i.e. Vice Chairman, DDA ordered for 5% cut in pension for a period of three years of Sh.S.S.Tyagi (Retd.) Nazul Officer (Acting as Dy. Director(Lands) to meet the ends of justice.

It has been intimated by the A.O.(Pension),DDA on 26.11.93 that Shri S.S.Tyagi (Retd) Nazul Officer was sanctioned/is being paid pensionary benefits as under:-

1) He is being paid pensionary benefits at the rate of Rs.1600+RIP w.e.f. 1.3.89 he has not been paid gratuity etc.

DDA is the Competent Authority which can exercise the cut in pension in terms of V.C.,DDA orders referred to above in this case.

Acordingly the matter is placed before the Authority for consideration and orders against Sh.S.S.Tyagi (Retd.) Nazul Officer (acting as Dy.Director(Lands) for imposition of the said penalty.

* * * * *

R E S O L U T I O N

It was resolved that a show cause notice be served on Sh. S.S. Tyagi as to why the punishment of imposition of 5% cut in pension for a period of 3 years may not be imposed on him.

It was further resolved that the reply, if any thus, received from Sh. Tyagi be examined and put up for consideration of the Authority.

***

(APPENDIX 'R' TO ITEM NO. 40/94)

DELHI DEVELOPMENT AUTHORITY
(VIGILANCE BRANCH)

No. F.23(58)88-Vig. Dated the
Vikas Sadan
E Block
7th floor,

MEMORANDUM

It is proposed to hold an inquiry against Shri _____ under Regulation 10 of the DDA(Salaries, Allowances and Conditions of Service) Regulation, 1961. Substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement article of charges(Annexure I). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed(Annexure II). A list of documents on which and a list of witnesses by whom the article of charge are proposed to be sustained are also enclosed(Annexure III & IV).

2. Shri _____ is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether the desired to be heard in person.

3. Shri _____ is informed that inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri _____ is further informed if he does not submit his written statement of defence on or before the date specified in para 2 above or does not appear in person before the inquiring authority or otherwise fails or refused to comply with the provisions of Regulation 16 of the DDA(Salaries, Allowances and Conditions of Service) Regulation, 1961 or the orders/directions issued in pursuance of the said Regulation, the Inquiring Authority may hold an inquiry against him ex-parte.

5. Attention of Shri _____ is invited to Rule 20 of the Central Civil Service(Conduct) Rules, 1964, made applicable to the employees of the Authority vide Regulation 11 of the DDA(Salaries, Allowances and Conditions of Service) Regulatdons, 1961, under which no employee of the Authority shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service in the Authority if any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that _____ is aware of such a representation and it has been made at this instance and action will be taken against him for violation of Rule 20 of the Central Civil Service(Conduct) Rule, 1964 as applicable to the employees of the Authority.

....2/-

6. Sanction for inspection of relevant documents is hereby accorded. He (Shri S.S. Tyagi) may contact the Dy. Vigilance Officer (Shri [illegible]) in his office at 7th floor B Block, Vikas Sadan, INA, New Delhi for this purpose.

7. The receipt of the memorandum may be acknowledged.

(OM KUMAR)
Vice-Chairman
Delhi Development Authority

Shri S.S. Tyagi,
Dy. Director (Land)

Statement of article of charges framed against Shri S.S. Tyagi, Dy.Director(L).

Article I

That the said Shri S.S. Tyagi, while working as Dy.Director in Lands Section during the period April, 1987 failed to take timely action and delayed the submission of file No.TN.2(43)/87 pertaining to demolition of unauthorised constuction at plot No.2140/8, Pahar ganj, New Delhi with an ulterior motive. Thus he favoured the encroacher in raising up the unauthorised construction at plot No. 2140/8, ward No.15, Pahar Ganj, New Delhi and gave opportunity to obtain stay order from the court of law against demolition of property.

By his above acts, Shri S.S. Tyagi, Dy. Director has exhibited grave dereliction of duty and failed to maintain absolute integrity and devotion to duty and acted in the manner unbecoming of an Authority servant and thus violated Rule 3 (1)(i)(ii)(iii) of CCS(Conduct)Rule 1964 as made applicable to the DDA employee.

(Om Kumar)
Vice-Chairman,
D.D.A.

Statement of imputation of misconduct in support of articles of charges framed against Sh. S.S.Tyagi, Deputy Director (Lands)

That the said Sh. S.S.Tyagi, Dy.Director was working as Dy.Director in Lands Section during the period April 1987. A report was made by Sh.Jagdish Chander, Patwari on 3.4.1987 in file no. TN2(43)87 regarding unauthorised construction raised by one Sh.Jasvinder Singh at plot no. 2140/2, ward no.15, Pahar Ganj, New Delhi. The file no. TN2(43)87 was put up on 8.4.87 by Sh. O.P.Gawri, A.L.O to Sh. S.S.Tyagi, Dy.Director(L) for obtaining demolition order from Director (L.M) in respect of unauthorised construction at plot no. 2140/2, Ward no.15, Pahar Ganj, New Delhi. Sh. Tyagi was well aware about the urgency of this case and about his proceeding on leave w.e.f. 11.4.87. The case was put up to him on 8.4.1987 and he came to office on 9th and 10th April 1987 at 12.15 p.m and 9.34 a.m and left office at 17.40 p.m and 18.09 p.m respectively. The matter was of serious nature but Sh.Tyagi had not bothered to ensure before proceeding on leave that he signed the note submitted by A.L.O on 8.4.87 and send it to Director (L.M) nor he bothered to record the time of action to be taken in his absence. Thus Sh. S.S.Tyagi, Dy.Director(L) delayed the submission of file no. TN2(43)87 as referred above with some ulterior motive and malafide intention and favoured the encroacher in raising up the unauthorised construction at plot no. 2140/2, Ward no.15, Pahar Ganj and given opportunity to obtain stay orders from the court of law against demolition of said construction.

By his above acts, Sh. S.S.Tyagi, Dy.Director(L) has exhibited grave dereliction of duty and failed to maintain absolute integrity and devotion to duty and acted in the manner unbecoming of an Authority servant and thus violated rule 3 (I) (i) (ii) (iii) of C.C.S (Conduct) Rule 1964 as made applicable to the D.D.A employees.

(Om Kumar)
Vice-Chairman
D.D.A.

List of documents in support of articles of charges framed against Shri S.S. Tyagi, Dy.Director(L).

****

1. Report of Shri Jagdish Chander, Patwari dt. 3.4.87 in file No. TN 2(43)/87.

2. Inspection report of Shri Krishan, Baldev, Naib Tehsildar(L) dt. 8.4.87.

3. Note of Shri O.P. Gauri, A.L.O. dt. 8.4.87 in file No.TN 2(43)87.

4. Note of Shri S.S. Tyagi, Dy.Director(Lands) dt. 21.4.87 in file No.TN 2 (43)/87.

5. Punching card of Shri S.S. Tyagi for the month of April, 87.

(Om Kumar)
Vice-Chairman,
D.D.A.

List of witness.

1. Superintendent, PB I, DDA
2. Shri Krishan Baldev, N.T. DDA.
3. Shri Jagdish Chander, Patwari, DDA

(Om Kumar)
Vice-Chairman,
D.D.A.

No.9R W&H (DDA) 101
GOVERNMENT OF INDIA
CENTRAL VIGILANCE COMMISSION
....

No.3, Dr. Rajendra Prasad Road,
New Delhi, the 25 NOV 1987

OFFICE MEMORANDUM

L.No 513/15 30.11.87

Subject : Departmental action against S/Shri S.S. Tyagi, Nazul Officer, O.P. Gawri, A.L.O. and Hari Ram, Naib Tehsildar, DDA.

Delhi Development Authority may please refer to their O.M. No.F.27(279)87-Vig. dated 1.9.87 on the above subject. P109-111/C

2. The Commission finds that Shri O.P. Gawri, A.L.O. had put up the papers for orders of Dy. Director (Lands) Shri Tyagi but Shri Tyagi failed to act or give any orders on it. The primary responsibility (resulting into stay order etc.), in the Commission's opinion, in this case is of Shri Tyagi, DD(L), who exhibited lack of responsibility and gross negligence. Therefore, the Commission advises major penalty proceedings against Shri Tyagi.

3. As regards S/Shri Gawri, ALO and Hari Ram, Naib Tehsildar they are responsible for contributary negligence as pointed out by D.D.A. The Commission, therefore, advises initiation of minor penalty proceedings against these two officers.

The Commission nominates Dr. P.K. Bandyopadhyay, C.D.I. to be appointed as Inquiry Officer in respect of Shri S.S.Tyagi, DD(L) by the concerned disciplinary authority, if it becomes necessary.

5. Action taken on the advice of the Commission may be intimated in due course and receipt of this O.M. acknowledged.

(M.K. Dirit)
Director

Delhi Development Authority,
(Shrimati B. Jindgar, Director - Vigilance),
Vikas Sadan, I.N.A.
New Delhi.

223 V.O-III
1.12.87.

(APPENDIX 'T' TO ITEM NO. 40/94)

DELHI DEVELOPMENT AUTHORITY
(VIGILANCE BRANCH)

ORDER NO. 303 /Vig./88 DATED THE Aug.,88

1/9/88

ORDER

WHEREAS an inquiry under Regulation 16 of the DDA(Salaries, Allowances and Conditions of Service)Regulation 1961 is being held against S/Shri S.S. Tyagi, Dy.Director(L), O.P.Gauri, Asstt. Land Officer and Hari Ram, Naib Tehsildar;

AND WHEREAS the undersigned considers that an Inquiry Authority should be appointed to enquire into the charges framed against S/Shri S.S. Tyagi, Dy.Director(L), O.P.Gauri, Asstt.Land Officer and Hari Ram, Naib Tehsildar;

NOW, THEREFORE, the undersigned in exercise of the powers confirmed by Regulation 16(4)(5) of the said Regulations hereby appoint Shri P.K. Bandyopadhyay, Commissioner of Departmental Inquiry as Inquiry Officer to inquire into the charges and Shri Madan Lal, Asstt.Director(Vig.) as Presenting Officer to present the case before the Inquiry Officer in support of the articles of charges against S/Shri S.S. Tyagi, Dy.Director (L), O.P.Gauri, Asstt. Land Officer, and Hari Ram Naib Tehsildar.

(K.S. Saini)
Vice-Chairman,
DDA.

Copy forwarded for information to:-

1. Shri S.S. Tyagi, Dy.Director(L).
2. Shri O.P. Gauri, Asstt.Lands Officer.
3. Shri Hari Ram, Naib Tehsildar, DDA.

(K.S. Saini)
Vice-Chairman,
DDA.

No. F.25(38)/88-Vig. Dated the Aug.,88

1/9/88

Copy forwarded for information and necessary action to:-

1. The Commissioner(P),DDA.
2. Shri P.K. Bandyopadhyay, CDI, Jamnagar House, Entrance, Akbar Road, New Delhi.
3. Shri Madan Lal, Asstt.Director(Vig.)P.O.

(D.P.Mishra)
Dy.Director(Vig.)I,
DDA.

(APPENDIX ' U ' TO ITEM NO. 40/94)

CONFIDENTIAL

NO:9R W&H(DDA)101
GOVERNMENT OF INDIA
CENTRAL VIGILANCE COMMISSION
*****

Block No.
1, Pandara Road,
New Delhi-110 011
Dtd: 24 FEB 1992

OFFICE MEMORANDUM
*****

SUB: Departmental inquiry against S/Sh.S.S. Tyagi,Naib Officer, O.P.Gawri,A.L.O.and Hari Ram,Naib Tehsildar,DDA.
*****

Inquiry report from Dr.P.K.Bandhopadhyay, Commissioner for Departmental Inquiry, who was appointed as Inquiry Officer to hold the oral inquiry against the said three officers,is sent herewith alongwith the documents as per list enclosed.

2. On examining the report the Commission observes that though there is definitely a lapse on the part of the three COs, the point to ponder is whether there was any malafide intention on their part in not processing the file. The evidence presented as also supported by the I.O. discount any ulterior motive on the part of 3 officials in delaying the submission of the file. In fact, the demolition work was carried out on 22.4.87, long after processing of the file for demolition work had started. The evidence thus suggests that the officials did not collude with the encroacher, otherwise the encroacher would have obtained the stay much before. The demolition work which started on 22.4.87 could have been completed on 23.4.87. However, the demolition squad and Land Protection Branch did not reach the site at least upto 3 p.m. and thus the demolition could not be carried out in totality. The IO's inquiry also reveals that it appears that the COs came to know of the stay order of the High Court only on 23.4.87. Had the demolition work proceeded regularly on 22.4.87, there would not have been any effect of a stay on the demolition. These findings lead to the conclusion that there was no ulterior motive on the part of the COs to delay the submission of the file for order of Director(LM) with a view to bestow illegal favour to the encroacher. Under these circumstances, the Commission thinks that imposition of a major penalty on the COs will be rather harsh.

3. However, the CCE cannot be absolved of the charge of the lack of care in dealing with the important issue of demolition of property. The Commission therefore, advises imposition of a stiff minor penalty on the three officials viz. S/Shri S.S.Tyagi, O.P.Gawri and Hari Ram.

4. Receipt of the Commission's advice alongwith the documents may be acknowledged and action taken intimated early.

As per list enclosed.
2/11/95

(S.Chatterjee)
DY.SECRETARY

Delhi Development Authority,
(Shri P.K.Mehta,CVO)
Vikas Sadan,INA,New Delhi.

(APPENDIX 'V' TO ITEM NO. 40/94)

DELHI DEVELOPMENT AUTHORITY
(VIGILANCE BRANCH)

Order No. 876 /Vig./92. Dated the 16.10.94 Aug.'92.

ORDER

WHEREAS disciplinary proceedings under Regulation 16 of the DDA (Salaries, Allowances and Conditions of Service) Regulation 1961 against Shri O.P.Gawri, A.L.O, DDA were initiated vide memo No.F.23(83)85-Vig. dated 1-7-88 on the following charges:-

"That the said Shri O.P.Gawri while working as Asstt. Lands Officer in Lands Section during the period April, 1987 failed to take timely action and delayed the submission of file No. [illegible](43)87 pertaining to demolition of unauthorised construction at plot No. 2140, Pahar-Ganj, New Delhi with some ulterior motive. Thus he favoured the encroacher in raising up the unauthorised construction at plot no. 2140, Ward No. 15, Pahar Ganj, New Delhi and given opportunity to obtain stay order from the court of law against demolition of property.

By his above acts, Sh. O.P.Gawri, ALO, has exhibited grave dereliction of duty and failed to maintain absolute integrity and devotion to duty and acted in the manner unbecoming of an Authority Servent and thus violated rule 3(1) (i) (ii) (iii) of CCS (Conduct) Rule 1964 as made applicable to the DDA employees".

AND WHEREAS Shri O.P.Gawri has submitted his reply of the charge sheet on 22-7-88.

AND WHEREAS Shri P.K. Bandhopadhyay, CDI/CVC was appointed as Inquiry Officer to enquire into the charges framed against Shri O.P.Gawri, A.L.O, DDA vide order No. 303/Vig./88 dated 1-9-88.

AND WHEREAS the Inquiry Officer in his report No. 119/PKB/234(238) dated 30-1-92 has held that the charges against Shri O.P.Gawri are partly proved.

AND WHEREAS the undersigned after careful consideration of the case has tended to agree with the findings of the Inquiry Officer against Shri O.P.Gawri, ALO, DDA and has come to the conclusion that ends of justice will be met if the penalty of stoppage of one increment for 2 years is imposed upon Shri O.P.Gawri, A.L.O, DDA.

NOW, THEREFORE, the undersigned in exercise of the powers conferred upon him under the said Regulation is pleased to impose the penalty of stoppage of one increment for Two years upon Shri O.P.Gawri, A.L.O, DDA.

(S.P. Jathanwal)
Vice-Chairman,
D.D.A.

Shri O.P.Gawri, A.L.O,
Ground Floor, 'A' Block, DDA.
Vikas Sadan, New Delhi.

No.F.23(38)88-Vig. Dated the _____ Aug.'88.

Copy to:-

1. Commissioner (P), DDA.
2. A.O, Estt.(MPG), DDA.
3. Dy.Director, C.R.Cell, DDA.
4. Dy.Secretary, CVC, Bikaner House, 1, Pandara Road with reference to his O.M. No.98/Wsh(DDA) 101 dated 24-2-88.

(Madan Lal)
Dy. Director (Vig.)-I,
DDA.

(APPENDIX 'W' TO ITEM NO. 40/94)

DELHI DEVELOPMENT AUTHORITY
(VIGILANCE BRANCH)

Order No. 277 /Vig./92. Dated the 16/8/92 Aug.'92.

ORDER

WHEREAS disciplinary proceedings under Regulation 16 of the DDA (Salaries, Allowances and Conditions of Service) Regulation 1961 against Shri Hari Ram, Naib Tehsildar, DDA were initiated vide memo No.F.23(38)88-Vig. dated 1-7-88 on the following charges:-

197/C

"That the said Shri Hari Ram while working as Naib Tehsildar (Demolition) in Lands Section during the period April, 1987 failed to take timely action and delayed the submission of file No. DM2(43)/87 pertaining to demolition of unauthorised construction of plot No. 2140, Pahar Ganj, New Delhi with some ulterior motive and malafide intention. Thus he favoured the encroacher in raising up the unauthorised construction at plot No. 2040 Ward No. 15, Pahar Ganj, New Delhi and given opportunity to obtain stay order from the court of law against demolition of the property.

By his above acts, Shri Hari Ram, N.T. has exhibited grave dereliction of duty and failed to maintain absolute integrity and devotion to duty and acted in the manner unbecoming of an Authority servent and thus violated Rule 3 (1) (i) (ii) (iii) of CCS (Conduct) Rule 1964 as made applicable to the DDA employees."

223 to 236/C

AND WHEREAS Shri Hari Ram, Naib Tehsildar has submitted his reply of the charge sheet on 21-7-88.

AND WHEREAS Shri P.K. Banchopadhyay, CDI/CVC was appointed as Inquiry Officer to enquire into the charges framed against Shri Hari Ram, Naib Tehsildar, DDA vide order No. 303/Vig./88 dated 1-9-88.

268/C

AND WHEREAS the Inquiry Officer in his report No. 119/PKB/234(233) dated 30-1-92 has held that the charges against Shri Hari Ram, Naib Tehsildar are partly proved.

356 to 372/C

AND WHEREAS the undersigned after careful consideration of the case had tended to agree with the findings of the Inquiry Officer against Shri Hari Ram, Naib Tehsildar and has come to the conclucion that ends of justice will be met if the penalty of stoppage of one increment for 2 years is imposed upon Shri Hari Ram, Naib Tehsildar, DDA.

NOW, THEREFORE, the undersigned in exercise of the powers conferred upon him under the said Regulation is pleased to impose the penalty of stoppage of one increment for 2 years upon Shri Hari Ram, Naib Tehsildar, DDA.

(S.P. Jakhanwal)

No.F.23(38)88-Vig. Dated the_____Aug.'92.

Copy to:-

1. Commissioner (P), DDA.
2. A.O.Katt.(W/G), DDA.
3. Dy.Director, C.H.Cell, DDA.
4. Dy.Secretary, CVC, Bikaner House, 1 Pandara Road with reference to his O.M. No. 98/W&H(DDA) 101 dated 24-2-92.

(Madan Lal)
Dy. Director (Vig.)-I,
DDA.

shall, in consultation with the Union Public Service Commission, pass such orders on the appeal as he deems fit.

EXPLANATION.—In this rule,—

(*a*) the expression '*serious crime*' includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923);

(*b*) the expression '*grave misconduct*' includes the communication or disclosure of any secret official code or password or any sketch, plan, model, article, note, document or information, such as is mentioned in Section 5 of the Official Secrets Act, 1923 (19 of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the general public or the security of the State.

GOVERNMENT OF INDIA'S DECISIONS

(1) Stoppage or reduction of pension for reasons other than misconduct not permissible.—Pensions are not in the nature of reward but there is a binding obligation on Government which can be claimed as a right. Their forfeiture is only on resignation, removal or dismissal from service. After a pension is sanctioned its continuance depends on future good conduct *vide* Art. 351, C.S.R. [Rule 8, C.C.S. (Pension) Rules, 1972] but it cannot be stopped or reduced for other reasons.

[G.I., M.F., U.O. No. D-2776/B. V/52, dated the 8th May, 1959.]

(2) Failure/refusal by pensioner to pay Government dues not 'misconduct'.—*See* Decision (6) below Rule 73.

(3) Intimation of cases of convicted pensioners.—Under Art. 351, C.S.R. [Rule 8, C.C.S. (Pension) Rules, 1972] future good conduct is an implied condition of the grant of every pension and Government has the right to withhold or withdraw a pension or any part of it if the pensioner is convicted of a serious crime or found guilty of grave misconduct. It is, therefore, necessary to ensure that cases where pensioners are convicted by a Court of any crime are also brought to the notice of Government. The Government of India, Ministry of Home Affairs, therefore, request that if the State Government have no objection, instructions may kindly be issued to prosecuting officers under the control of the State Government to ensure the prompt intimation of such cases to the administrative authorities concerned in future.

[G.I., M.H.A., O.M. No. 50/2/59-Ests. (A), dated the 7th October, 1959.]

9. Right of President to withhold or withdraw pension

(1) The President reserves to himself the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period, and of ordering recovery from a pension of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence

(APPENDIX ' X ' TO ITEM NO. 40/94)

shall, in consultation with the Union Public Service Commission, pass such orders on the appeal as he deems fit.

EXPLANATION.—In this rule,—

(*a*) the expression '*serious crime*' includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923);

(*b*) the expression '*grave misconduct*' includes the communication or disclosure of any secret official code or password or any sketch, plan, model, article, note, document or information, such as is mentioned in Section 5 of the Official Secrets Act, 1923 (19 of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the general public or the security of the State.

GOVERNMENT OF INDIA'S DECISIONS

(1) Stoppage or reduction of pension for reasons other than misconduct not permissible.—Pensions are not in the nature of reward but there is a binding obligation on Government which can be claimed as a right. Their forfeiture is only on resignation, removal or dismissal from service. After a pension is sanctioned its continuance depends on future good conduct *vide* Art. 351, C.S.R. [Rule 8, C.C.S. (Pension) Rules, 1972] but it cannot be stopped or reduced for other reasons.

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(1) The President reserves to himself the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period, and of ordering recovery from a pension of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence

8

GENERAL CONDITIONS [RULE 9

during the period of his service including service rendered upon re-employment after retirement:

Provided that the Union Public Service Commission shall be consulted before any final orders are passed:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of [1][rupees three hundred and seventy-five] per mensem.

(2) (*a*) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service:

Provided that where the departmental proceedings are instituted by an authority subordinate to the President, that authority shall submit a report recording its findings to the President.

(*b*) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement, or during his re-employment,—

(*i*) shall not be instituted save with the sanction of the President,

(*ii*) shall not be in respect of any event which took place more than four years before such institution, and

(*iii*) shall be conducted by such authority and in such place as the President may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.

(3) No judicial proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose, or in respect of an event which took place, more than four years before such institution.

(4) In the case of Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in [2][Rule 69] shall be sanctioned.

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1. Substituted by G.I., Dept. of P. & P.W., Notification No. 2/18/87-P. & P.W. (PIC), dated the 20th July, 1988. Published as S.O. No. 2388, in the Gazette of India, dated the 6th August, 1988. Takes effect from 1st January, 1986.

2. Substituted by G.I., Dept. of Personnel & A.R., Notification No. 6 (1), Pen. (A)/79, dated the 19th May, 1980.

(5) Where the President decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government servant.

(6) For the purpose of this rule,—

(a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from an earlier date, on such date; and

(b) judicial proceedings shall be deemed to be instituted—

(i) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the Magistrate takes cognisance, is made, and

(ii) in the case of civil proceedings, on the date the plaint is presented in the court.

GOVERNMENT OF INDIA'S DECISIONS

(1) Scope of the expression 'grave misconduct'.—The term 'grave misconduct' used in Art. 351-A of C.S.R. [Rule 9, C.C.S. (Pension) Rules, 1972] is wide enough to include 'corrupt practices'. In cases where the charge of corruption is proved after pension has been sanctioned, action to withhold or withdraw pension may be taken under Art. 351-A ibid. In this connection the provisions of Art. 351-A of C.S.R. are to be noted carefully.

The property or pecuniary resources in respect of which the departmental or judicial proceedings are instituted under Article 351-A, C.S.R. or Rule 9 of the C.C.S. (Pension) Rules, 1972, should have been in possession of the person concerned or of any other person on his behalf at any time within the period of four years before the institution of such proceedings, if the same were not instituted while the officer was on duty either before his retirement or during re-employment.

[G.I., M.F., O.M. No. F. 5 (75)-E. V/59, dated the 28th August, 1959 and the 6th October, 1960 and No. 5 (4)-E. V (A)/78, dated the 28th June, 1978.]

Instructions contained above issued with reference to Article 351-A of C.S.R. will continue to apply in relation to action under Rule 9 of the C.C.S. (Pension) Rules, 1972, which has replaced Article 351-A of C.S.R. subject to modification made.

[G.I., M.F., O.M. No. 5 (4)-E. V (A)/78, dated the 28th June, 1978.]

(2) Consultation with U.P.S.C., a measure of safeguard for pensioners.—A question was raised whether the U.P.S.C. has to be consulted under Article 351-A, C.S.R. (Rule 9) only in cases which involve Gazetted Officers. It was held in consultation with the Ministry of Home Affairs that the U.P.S.C. should be consulted in all cases before final orders to

(APPENDIX ' Y ' TO ITEM NO. 40/94)

DELHI DEVELOPMENT AUTHORITY
(VIGILANCE BRANCH)

No.F.23(38)88-Vig. Dated, the 11.12.92

OFFICE MEMORANDUM

Sub: Departmental proceedings against S/Shri S.S.Tyagi, Nazul Officer, O.P.Gawri, A.L.O and Hari Ram, Naib Tehsildar, DDA.

Dy. Secretary, CVC may please refer to his O.M. No. 9R/MSH(DDA)101 dated 24-2-92 on the subject referred to above. Shri S.S.Tyagi, Nazul Officer (acted as Dy.Director (Lands) has retired on 28-2-89 on attaining the age of superannuation. Advise of CVC alongwith Inquiry Report was submitted to Disciplinary Authority i.e. Vice-Chairman, DDA and a penalty of stoppage of one increment for two years has been imposed upon S/Shri O.P.Gawri, A.L.O and Hari Ram, Naib Tehsildar, DDA.

Since Shri Tyagi has retired on 28-2-89, the minor penalty will have no effect. Vice-Chairman, DDA has proposed to cut 5% in pension including gratuity of Shri Tyagi, Nazul Officer. The case is again referred to C.V.C to review its advise under the circumstances referred to above and to agree with the proposed of DDA in the case of Shri Tyagi.

(P.K. Mehta)
Chief Vigilance Officer,
DDA.

Shri S.Chatterjee,
Dy.Secretary, CVC,
Bikaner House, 1 Pandara Road,
NEW DELHI.

ITEM NO. 41/94
A-24.05.94

Sub : Change of land use of an area, measuring 8.1 ha. (20 acres) from 'rural use zone' to 'recreational' (Tourist complex) at Said-ul-zab village, New Delhi.

F.20(12)/86-MP

P R E C I S

Reference is invited to the Authority resolution no.33 dt.27.2.90 (App.'Z' P.No. 153-154). The Authority resolved for processing of change of land use of an area measuring 8.1 ha.(20 acres) from 'agricultural green belt' to 'Tourist complex' at Said-ul-zab with maximum 10% ground coverage and 15 FAR subject to maximum of 2 storeyed construction.

2. The Govt. of India, Ministry of Urban Development, was requested to convey the approval of the Central Govt. under section 11-A of Delhi Development Act,1957 to issue a public notice for inviting objections/suggestions. The Govt. of India, Ministry of Urban Development had conveyed the approval of the Central Govt. vide their letter no.K-13011/9/90-DDIB dt.7.8.90 (App.'AA' P.No. 155).Accordingly, a public notice was issued on 19.1.91 (App.'BB' P.No. 156).

3. In response to the public notice only two objections/suggestions were received, namely one from Delhi Urban Arts Commission and the second from Jt.Director(ZP),DDA.(App.'CC' P.No. 157-159). In brief the salient features of the objections are as given below:

DUAC : The area under reference in Master Plan-1962 was shown as part of the green belt and now part of the rural use zone as per MPD-2001. In this vast open area, which is dominated by the existing lot of historical monuments, a pocket of 20.5acres have been picked up for some tourist complex. The Commission felt it un-desirable to put a chunk of it to some other use particularly while the future of rest of the area is not known.

Contd.....

ii) The Commission desired that the DDA in the first instance should intimate the proposed use of the rest of the area around and the specific kind of requirements of this proposal.

Sh.A.K.Jain, Director(ZP):

The proposed change in the Master Plan land use is proposed to be carried out on adhoc basis without having any overall layout/development plan. Such a piecemeal and unplanned changes, including the Indira Gandhi Open University, would change the character of the entire zone.

ii) The basic requirement of linkages, access and infrastructure are yet to be worked out in the absence of which there would be lo of problems and would have its spill over effect on the surroundings.

iii) In the notification text, the existing land use is indicated 'rural use' and the plans indicate as 'agricultural green belt'. It needs to be ascertained the correct reference with regard to the land use of this site as per Master Plan whether 'rural', 'agricultural green belt' or 'urban extension'.

iv) The Development Code of MPD-2001 does not include any such land use as 'tourist complex'.

4. The above points in the objections/suggestions received, have been examined with the following comments:-

i) The plot under reference in Master Plan-1962 was forming part of the 'agricultural green belt'. In MPD-2001, this land forms part of the 'regional park (Ridge area)'.

ii) The Ministry of Urban Development vide their letter no.K-13028/2/77-LI/DOI dt.10.12.81 (App. "DD" P. 159/A). issued instructions that no request involving the slightest encroachment on the ridge should be entertained.

iii) If any development in the ridge area is warranted it can only be considered after obtaining the clearance from the Ministry of Environment,Govt. of India, by following the procedure envisaged in the Forest Conversation Act,1980.

iv) A Management Pattern Committee for the ridge has been notified for making suggestions in terms of its protection, preservation, afforestation and management of ridge by the Hon'ble Lt.Governor,Delhi.

v) It was noted that no further allotment in the ridge area will be made. As far as the question of regularisation of un-authorised ococupation in the ridge area, each and every case will have to be dealt with on its merit by the Appropriate Authority.

vi The area under reference is part of the 'soutern ridge'. It is observed that some changes have taken place on the ground and un-authorised encorachments exist reducing the available area of the southern ridge. No area identified as ridge area is to be used for 'urban extension' as decided in the meeting held in the Ministry of Urban Development on 2.9.92.

5. The proposal for change of land use alongwith objections/suggestions and the above observations were considered in the meeting of the Technical Committe held on 18.1.94. The Technical Committee made the following recommendations:-

"The representative of DTDC, though invited but was not present in the meeting. The proposed toursit complex at Said-ul-zab falls in the 'regional park' (southern ridge) and shown in MPD-2001. The Technical Committee noted the recommendations made by Lov Raj Kumar Committee for recommending the management pattern of the ridge not to allow any encroachment or construction. The Technical Committee did not agree for the change of land use to develop a 'tourist complex'. However, it observed that the area could be developed as a 'picnic spot' having a few purely temporary structures, if necessary with 0 FAR".

CONTD.....

6. The proposal is placed before the Authority for its consideration the recommendation of the Technical Committee as in para ....5...

* * * * *

R E S O L U T I O N

It was resolved that the D.T.T.D.C., be permitted to develope their land measuring 8.1 hect., as a picnic spot, with a few purely temporary (wooden) structures only. No masonary construction be allowed as it is in the Ridge Area.

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(APPENDIX 'Z' TO ITEM NO. 41/90)

No. 33 A-27.2.90

Sub: Change of land use from 'Agricultural green belt' to 'Recreational (Tourist Complex) at Saidulazaib, South of Saket. (F.20(12)/86-MP

P R E C I S

A request for development of Tourist Complex at Saidulazaib, South of Saket was received from Department of Tourism, Delhi Administration, on a land measuring 20.50 acres. It is observed that that the land which has been acquired by the Delhi Administration for the tourist Complex near Saidulazakb village South of Saket, does not have a proper approach road. The site was inspected by EM, representatives of Delhi Tourism Department S/Sh. Tyagi and Pradip Ahluwalia, Director(DC&P) and Director(PP&B) from DDA. It was observed that this chunk of rocky land should be properly developed/landscaped by Delhi Tourism Development Corporation to avoid unauthorised constructions at site. Boundary wall has been constructed at site. No approach road to the site is available. Unauthorised constructions are coming up in the vicinity. Some area is available for construction of an approach road to the site. It was also considered that an imaginative design approach can make this area very attractive.

2. The case was discussed in the Technical Committee meeting held on 24.7.89 and the Chairman Delhi Tourism Development Corporation explained that out of 25 acres of land, the built up area required is about 5.8 hect. The Technical Committee noted that the percentage of the built up area is very high which should not be more than 20 to 25% of the plot area. All parking should be provided within the scheme and the rest of the area should be properly land-scaped. It was decided that the consultant should modify the scheme and should be discussed in the

next meeting of the Technical Committee where the Consultants may also be invited to explain the proposal.

3. Revised proposal from Delhi Tourism Development Corporation after curtailing the proposal of built-up area to 10% about two acres area details given in (Appendix 'P' at pages 81-82) was received and the matter was discussed in the Technical Committee meeting held on 27.11.89 where it was recommended that the case be processed for change of land use from 'Agricultural Green Belt' to 'Tourist Complex' with maximum 10% ground coverage and 15 FAR. Two storeyed construction with one or two storeyed buildings be allowed.

4. The matter is placed before the Authority for its consideration regarding change of land use from 'Agricultural Green Belt' to 'Tourist Complex'.

R E S O L U T I O N

The Authority resolved that the proposal contained in the agenda item regarding change of land use of land measuring 25.50 acres located at Saidulajiab, South of Saket from 'Agricultural Green Belt' to 'Tourist Complex' with maximum 10% ground coverage and 15 FAR be approved. It further resolved that two storeyed construction with one or two storeyed buildings as proposed in the agenda item be allowed.

'A'

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Asst. Secretary
Delhi Development Authority

APPENDIX ' AA ' TO ITEM NO. 41/94

F.20(12)/86-MP

No. K-13011/9/90-DDIB
Government of India
Ministry of Urban Development
(Delhi Division)

New Delhi, dated the 7 August, 1990.

To

Shri S.C. Gupta,
Director (DC&P),
Delhi Development Authority,
Vikas Minar,
I.P. Estate,
New Delhi.

Subject: Change of land use from 'Agricultural'green Belt' to 'Recreational' (Tourist Complex) at Saidulajab South of Saket.

Sir,

I am directed to refer to your D.O. letter No. F.20 (12)/86-MP/441 dated 6.7.90 and to inform you that the proposal of the DDA for issue of a Public Notice under Section 11-A of the Delhi Development Act, 1957 for inviting objections/suggestions from the Public to the proposed change of land use has been accepted.

Yours faithfully,

(ARJAN DEV)
UNDER SECRETARY

APPENDIX 'BB' TO ITEM NO. 41/94

To be published in the Gazette of India Part II Section 3 Sub Section (ii) on 19.1.91.

F3(12)86-MP

Dated : 19.1.91

PUBLIC NOTICE

The following modification which the Central Government proposes to make to the Master Plan / Zonal Development Plan for Delhi is hereby published for public information. Any person having any objection/ suggestion with respect to the proposed modification may send the objection/suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi within a period of 30 days from date of issue of this notice. The person making the objection/suggestion should also give his name and address.

MODIFICATION :

"The land use of an area measuring 8.30 hects. (20.5 acres) falling in Planning Division 'J' located in the South-West of village Said-ul-Ajaib, New Delhi is proposed to be changed from 'Rural Use' to 'Tourist Complex' with maximum 20% ground coverage and 15 FAR.

2. The plan indicating the proposed modification will be available for inspection at the office of the Deputy Director (MP) Vikas Minar, 6th Floor, IP Estate, New Delhi on all working days within the period referred to above.

(RANBIR SINGH)
SECRETARY
DELHI DEVELOPMENT AUTHORITY

VIKAS SADAN
'B' BLOCK, INA
NEW DELHI

Dated : 19.1.91

(APPENDIX 'CC' TO ITEM NO. 41/94)

DELHI DEVELOPMENT AUTHORITY
(ZONAL PLAN BRANCH)

NO. F.1(11)91-ZP/9-D Dt. 24.1.91

Ref : Public notice no. F.20(12)86-MP/261 dt. 21.1.91 regarding change of land use in Planning Divn.'J' from Rural Use to Tourist Complex.

In above reference, the following objections/ suggestions may please be considered ;

1. The proposed change in the Master Plan land use is being carried out on adhoc basis, without any overall layout/development plan. Such a piecemeal and unplanned changes, including the Indira Gandhi Open University, would change the character of the entire zone. Even the basic requirements of linkages, access and infrastructure have not been worked out. This will lead to various problems and would have its spill over effect on the surroundings.
2. In the notification text it is mentioned that the existing land use of the area is "rural use", whereas "agriculture green belt" as per the map appended with the notification. It needs to be ascertained whether the use of the site under reference is "rural", "agriculture green belt", or it proposed for "urban extension" under MPD 2001, which does not fall in either of the above two land uses.
3. It is proposed to change the land use to Tourist Complex. According to the Development Code and land use classification(MPD 2001), there is no such land use as Tourist Complex.

(A.K.JAIN)
JT.DIRECTOR(ZP)

SECY.,DDA

Copy to : (1) Director(DCP)
(2) D.D.(MP)

JT.DIRECTOR(ZP)

दिल्ली नगर कला आयोग
DELHI URBAN ART COMMISSION
लोक नायक भवन (द्वितीय तल)
LOK NAYAK BHAWAN (2nd FLOOR)
पृथ्वी राज लेन, नई दिल्ली-110003
PRITHVIRAJ LANE, NEW DELHI-110003
दूरभाष PHONES : 611948, 619593, 618607 & 690821

No.11(2)/88-DUAC

March 12, 1991

The Commissioner(Plg.),
Delhi Development Authority,
Vikas Minar, I.P.Estate,
New Delhi.

A/17/54
1,5/3

Subject :- Public Notice regarding change of landuse South West of village "Said-ul-Azaib" from 'rural' use to 'Tourist Complex'. (F 2(12)86 MP dated 19191)

5781MP
19-3-91

Sir,

This has reference to the DDA's public notice mentioned above. This was considered in Commission's meeting held on February 22, 1991 and the following observations were made:-

"The public notice received from Delhi Development Authority in respect of the change of land use of an area measuring 8.30 hects.(20.5 acres) South-West of Village "Said-ul-Azaib" from rural use to Tourist Complex with maximum 10% ground coverage and 15 FAR received was discussed.

It was found that in the Master Plan, the whole area was originally a green belt which is now called rural-use area and in this vast open area, which is dominated by the existing lot of historical monuments-a pocket of 20.5 acres has been picked up for some Tourist Complex.

The Commission felt it undesirable to put a chunk of it to some other use particularly while the future of rest of the area is not known. It was, decided that the DDA in the first instance should intimate the proposed use of the rest of the area al-around and the specific kind of requirements of this proposal."

In view of the above you are requested to furnish the requisite clarifications that the final view in the matter could be taken by the Commission.

Yours faithfully,

(M.B. SAXENA)
SECRETARY

..2/-

Delhi Copy to :- Dy. Director, Master Plan, Development authority, 6th Floor, Vikas Minar, I.P.Estate, New Delhi.

(M.B. SAXENA)
SECRETARY

APPENDIX 'DD' TO ITEM NO. 41/94

DD(MP)

F.No.J-13028/2/77-LI/DDI
Government of India
Ministry of Works & Housing
Nirman Aur Awas Mantralaya

New Delhi, the 10th Dec., 1981.

To

(i) The Land & Development Officer,
Nirman Bhavan, New Delhi.

(ii) The Vice-Chairman,
Delhi Development Authority,
Vikas Minar, New Delhi.

(iii) The Administrator,
M.C.D., Town Hall,
New Delhi.

(iv) The Commissioner,
Municipal Corporation of Delhi,
Town Hall, Delhi-6.

Sir,

In connection with a proposal for allotment of additional land to a petrol pump located on the Ridge, the P.M.'s office has informed this Ministry that the Prime Minister has directed that no request involving the slightest encroachment on the Ridge should be entertained in future. This is brought to the notice of all concerned for guidance.

Yours faithfully,

R. Krishnaswamy
Under Secretary (Lands).

Copy forwarded for information to:

(i) All Desk Officers in Lands Division, Delhi Dte.

(ii) Finance Division, Ministry of Works & Housing.

ITEM NO. 42/94
A-24.05.94

Sub : Change of land use of an area of 4.0 acres (1.62ha.) from 'Industrial use' to 'Public and semi-public use'(School) in revenue village of Bhorgarh, Narela Project.

F.9(5)92-MP

P R E C I S

A proposal for construction of pucca building for Govt. Senior Secondary School, Bhorgarh, Narela was initiated by Directorate of Education, Govt. of National Capital Territory of Delhi. Since, there was no land available in the vicinity of Bhorgarh village on the order of the Hon'ble Lt.Governor, Delhi a piece of land measuring 4.0 acres (1.62 ha) out of the DSIDC complex, Narela was handed over by DSIDC to the Directorate of Education for construction of school building. The DSIDC Industrial Complex does not form part of the Development Area No.175 of DDA, though the Industrial Complex is located in the over all Narela Project.

2. According to the Master Plan for Delhi-2001 the Senior Secondary School is permitted in 'Residential Use Zone'. The Directorate of Education, Delhi Govt. has requested for change of land use.

3. Site description: The site measuring 4.0 acre (1.62 ha.) is falling in revenue village of Bhorgarh, Narela Project and bounded by DSIDC Industrial Complex in east, north and south and the existing shops/roads and Gram Sabha land and a MCD Primary School on West side.

4. Existing site condition: The site was inspected on 6.1.94. The boundary wall and two blocks of single storey with asbestos sheets have been constructed and school is running at this site. The approach to the school is through the DSIDC Complex. (Site plan laid on table).

5. The above proposal was examined by the Technical Committee in its meeting held on 22.3.94 and the Technical Committee recommended to the Authority for its approval of change of land use of an area measuring 1.62 Ha. (4 acres) from 'industrial use' to 'public and semi-public facilities' (School) in the revenue estate of village Bhorgarh, Delhi.

P.T.O.

6. The proposal is placed before the Authority for its consideration and approval the recommendation of the Technical Committee for further processing.

R E S O L U T I O N

The Authority resolved that the proposal as contained in para-5 of the agenda item be approved.

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6. The proposal is placed before the Authority for its consideration and approval the recommendation of the Technical Committee for further processing.

R E S O L U T I O N

The Authority resolved that the proposal as contained in para-5 of the agenda item be approved.

***

ITEM NO.
43/94
A-24.05.94

Sub : Change of land use of an area measuring 4 ha. (10 acres) from 'recreational' to 'public and semi-public facilities' (Cremation Ground) in the North of Barapula Nallah and East of NH.2 (Ring Road), New Delhi.

F.3 (21)/93-MP.

P R E C I S

The Technical Committee in its meeting held on 29.4.88 decided as under:-

"The site of about 10 acres keeping in view the proposed alignment of extended Ring Road in the East, Kalinidi Colony and New Friends Colony, as shown on the plan, be developed with proper landscaping and parking facilities. The site be developed in such a manner that the cremation ground at link Road also be replaced at this location and the congestion at Nigam Bodh Ghat be also reduced. If necessary, part of the proposed site could be developed for an electric crematorium also. The total scheme should be get cleared from Technical Committee and DUAC".

2. The position of land for cremation ground, measuring 16,107 sqm. (3.976 acres) without approach road was handed over to MCD on 21.9.92. Thus, Chief Engineer,MCD vide his letter dated 26.11.92 requested for an approach road to the site of cremation ground already handed over to them.

3. The request of MCD was considered by the Technical Committee in its meeting held on 8.3.94. The Committee felt that the land required for an approach road (18 mtrs. R/W) should form part of that site of 4 ha. The Technical Committee recommended for processing the change of land use of this area from 'recreational' to 'public and semi-public facilities' (cremation ground).

Contd.....

4. The proposal is placed before the Authority for its consideration & approval for processing the change of land use of an area measuring 4 ha. (10 acres) from ' recreational' to 'public' and semi-public facalities' (cremation ground).

R E S O L U T I O N

It was resolved that the proposal as contained in para-4 of the agenda item be approved.

ITEM NO. 44/94

A-24.5.94

Sub : Change of land use of an area measuring 39 ha. from 'metropolitan passenger terminal' (23.7 ha.), district park (9.8 ha.), community centre (2.1 ha.) and Master Plan roads (3.4 ha.) to 'warehousing and depot' (ICD) at Tuglakabad, New Delhi.

F.3(41)/89-MP.

P R E C I S

Reference is invited to the Authority resolution no.127/93 dated 21.9.93 (App. 'EE' P.No. 166-68) approving the change of land use of an area measuring 39 ha. from 'metropolitan passenger terminal' (transportation) to 'warehousing and depots' (ICD) at Tuglakabad, New Delhi.

2. The Govt. of India, Ministry of Urban Development was requested to convey the approval of the Central Govt. under section 11A of Delhi Development Act,1957 to issue a public notice for inviting objections/suggestions for the proposed change of land use, from the public. The Govt. of India, Ministry of Urban Development had conveyed the approval of the Central Govt. vide their letter no.K-13011/27/93-DDIB dated24.11.93 (App. 'FF' P.No. 169) Accordingly, a public notice was issued on 8.1.94 (App. 'GG' P.No. 170)

3. In response to the public notice only one objection/ suggestion has been received and that from the Chief Regional Planner, National Capital Region Planning Board. The brief summary is as under:-

> Setting up of warehousing and depot(ICD) at Tuglakabad will generate huge traffic and employment opportunities which would in turn attract more population in Delhi. Since, the metropolitan passenger terminal will not be developed in this location, an alternative location for metropolitan passenger terminal requires to be identified for serving south Delhi and NOIDA.

4. The comments on the objection/suggestion are as under:-

The proposed ICD is meant to cater to the traffic container demand of Delhi. Traffic movements due to ICD have been predicted and accordingly, road/junction improvements are proposed. Moreover, the existing

contd... 2

container depot operating at Pragati Maidan shall be closed/ shifted to this site, saving traffic movements within the city area. Regarding alternative location for a southern metropolitan passenger terminal in Delhi, the same is being examined in consultation of the Railways separately.

5. The above proposal has been considered by the Technical Committee in its meeting held on 15.3.94 and the Technical Committee recommended to the Authority for the approval and notification of the proposed changes by the Ministry of Urban Development.

6. The proposal is placed before the Authority for its consideration and approval to further process the change of land use under section 11A of Delhi Development Act,1957 as in para '5' above.

R E S O L U T I O N

Resolved that the proposals contained in paras 5 & 6 of the Agenda item be approved.

***

(APPENDIX 'EE' TO ITEM No. 44/94)

ITEM NO. 127/93

A-21.09.93

Sub : Change of land use for an area measuring 39 hects. for 'Warehousing and Depot(ICD) at Tughlakabad, New Delhi.

(F.3(41)89-MP).

P R E C I S

1. BACKGROUND

Container Corporation (CONCOR) of Railways is developing a Inland Container Depot(ICD) at Tughlakabad in South Delhi. The site is in possession of Railways, but in Master Plan for Delhi Perspective-2001, the land is mostly earmarked for metropolitan passenger terminal together with other uses (plan laid on table). The ICD is already in its commissioning stage. The existing operation of CONCOR from Pragati Maidan area is to be accommodated in the ICD at Tughlakabad.

The size and its location at ICD at Tughlakabad has been discussed in number of meetings at various levels i.e. Prime Minister's Office; Ministry of Urban Development; Ministry of Commerce; NCR Planning Board and Technical Committee of DDA. Based on the decisions of these meetings, Technical Committee of DDA approved the proposal in its meeting held on 18.2.92 with the following conditions:

i) CONCORE shall draw up a composite plan for the proposed external circulation scheme on M.B. Road, on a scale of 1:500, by integrating the detailed plans for all the four junctions between the Mathura Road and Anand Mai Marg intersections.

ii) Automatic signal control equipment to be provided as part of the ICD project, to regulate the projected traffic entering ICD from M.B.Road on the lines discussed.

iii) The approach to the existing railway quarters to be provided from the proposed new road leading to the I.C.D. The following decisions were also taken:

a) Sites for such essential facilities as police station, fire station etc. may be provided in the adjacent land of DDA.

b) Detailed plans for the I.C.D. and said adjacent facilities, showing allocation of land for various purposes to be submitted by CONCORE so that the change in the prescribed land use can be processed accordingly by DDA;

c) The site earmarked for fire station to be handed over to Delhi Fire Services in due course.

d) As the ICD is scheduled to commence functioning in the new sites from July 92, matter relating to the transfer of adjacent DDA land for removal of squatters from land forming part of ICD complex may be processed pending formal change in land use.

e) The proposed CCI siding and level corssing to be provided at the intersection of the CCI siding with the new approach road to the ICD was also cleared in principle by the Technical Committee.

f) Necessary changes in prescribed land use relating to change in land use in respect of ICD & adjacent facilities to be processed.

2 PROPOSAL UNDER CONSIDERATION

2.1 The case under consideration is for the change of land use in respect of 39 hect. of land as per the particulars given below:

S.No.	MPD-2001 Land Use	Area(Ha.)	Proposed Land Use
1.	Metropolitan Passenger Terminal	23.7	Warehousing Depot(ICD)
2.	District Park	9.8	-do-
3.	Community centre	2.1	-do-
4.	Master Plan road	3.4	-do-
	Total ...	39.0 ha.	

Note : Out of 39.0 ha. for warehousing and depots(ICD) 6 ha. to be maintained as mandatory green as shown in the Layout Plan.

2.2 The above proposal was discussed in the Technical Committee in its meeting held on 11.6.93 and the Technical Committee recommended the change/adjustment of land uses of land measuring 39 hect. for warehousing/depot(ICD) subject to that 6.0 hect. to be maintained as green in the scheme as shown in the layout plan.

2,3 The land under consideration is bounded by the railway quarters in south, CCI grinding unit in the west, DTC compound wall in the north and railway tracks going towards Mathura in the east(plan laid on table).

3.0 The matter is submitted before the Authority for its consideration for the approval of change of land uses as mentioned in para 2 above.

R E S O L U T I O

The Authority resolved to approve the proposal contained in para 2 of the agenda note and recommended to process the same under Section 11-A of Delhi Development Act, 1957.

******

Verified

Attested

31/1/53

E. F. FABRAR

(APPENDIX ' FF ' TO ITEM NO. 44/94)

No.K-13011/27/93-DDIB
Government of India
Ministry of Urban Development
(Delhi Division)
*****

New Delhi, dated 24.11.1993

To

Shri Anil Barai,
Deputy Director(MP),
DDA, Vikas Minar,
New Delhi.

Subject: Change of land use of an area measuring 39 ha. for 'warehousing and depots'(ICD) at Tughlakabad, New Delhi.
*****

The undersigned is directed to refer to your letter No.F.3(41)/89-MP/905 dated 9.11.93 on the above mentioned subject and to convey the approval of the Central Govt. under Section 11-A of Delhi Development Act, 1957 to issue a public notice for inviting objections/ suggestions from the public for the proposed change of land use.

Yours faithfully,

(S.C. Sagar)
Under Secretary to the Govt. of India

(APPENDIX ' GG ' TO ITEM NO. 44/94)

To be published in the Gazette of India /Part II Section 3 sub-section (ii) dated 8.1.94.

No. F.3(41)89-MP Dated. 31.XII.93

PUBLIC NOTICE

The following modification, which the Central Government proposes to make in the Master Plan / Zonal (Divisional) Development Plan for Delhi, is hereby published for public information. Any person having any objection/suggestion with respect to the proposed modification may send the objections/suggestions in writing to the Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi, within a period of 30 days from the date of issue of this notice. The person making the objections/suggestions should also give his name and address.

NOTIFICATION:

"The land use of an area, measuring 39 ha. (96.33 acres) falling in Planning Division 'F' sub-zone F-8 (Okhla) and bounded by Railway quarters in the South, CCI grinding unit in the West, DTC compound wall in the North and Mathura Agra Railway Line in the East, is proposed to be changed from 'Metropolitan Passenger Terminal (23.7 ha) District Parks (9.8 ha) Community Centre (2.1 ha.) and Master Plan Road (Transportation) (3.4 ha.)" to 'Warehousing and Depots (ICD)' subject to that 6 ha. (14.82 acres) to be retained and maintained as green out of 39 ha. as shown in layout plan".

2. The plan indicating the proposed modification, will be available for inspection at the office of the Deputy Director, Master Plan Section, 6th floor, Vikas Minar, IP Estate, New Delhi, on all working days within the period referred above.

(V.M. BANSAL)
COMMISSIONER-CUM-SECRETARY
DELHI DEVELOPMENT AUTHORITY

VIKAS SADAN,
'B' BLOCK, INA
NEW DELHI.

DATED THE 8.1.94...

ITEM NO. 45/94
A-24.5.94

Sub : Change of land use of an area measuring 0.8ha. from 'Primary School' (P.S.-2) to 'Public and semi-public facilities' (Police Station) in E.P.R. Colony, Greater Kailash-I, New Delhi.

F.20(20)/93-MP

P R E C I S

A request was received from the Delhi Police for allotment of land for a police station in Greater Kailash-I area. As there was no approved site available, a primary school site measuring about 0.8 ha. (2 acres), was identified, which was lying vacant in the E.P.R.Colony (sub-zone F-2). This site, as per approved layout plan, however, was marked for a 'primary school'.

2. A reference was made to M.C.D. to issue a 'N.O.C.' to utilise this plot for a 'police station'. The M.C.D. conveyed the 'No objection' for its utilisation subject to that MCD be allotted an alternative primary school site in Kalkaji area.

3. Accordingly, the land measuring 0.8 ha. was allotted to Delhi Police for the construction of a police station. The allotment, however, was challanged by the East Punjab Railway Refugees Rehabilitation & House Bldg. Co-operative Society Ltd. in the Hon'ble Delhi High Court, against the utilisation of this site for use other than for a 'primary school'. The Hon'ble Delhi High Court vide orders dated 13.8.93 restrained the respondents including DDA to use the 'primary school' plot for 'police station', and further stated that the respondent (including DDA) were given liberty to modify the Zonal Development Plan in accordance with the provision of Delhi Development Act,1957, if so desire. (Appendix.....'HH' to page No..173.-.178...)

4. The Govt. of India, Ministry of Urban Development, was requested to convey the approval of the Central Govt. under section 11-A of Delhi Development Act,1957 to issue a public notice for inviting objections/suggestions from the public. The Ministry has desired that approval of the Authority for the porposed change of land use in the Zonal Development Plan may be obtained.

5. The proposal has been considered by the Technical Committee in its meeting held on 15.3.94 and the Technical Committee recommended for the proposed change of land use of an area measuring 0.8 ha. from 'primary school' shown in the approved Zonal Development Plan 1972, to 'police station'.

6. The proposal is placed before the Authority for its consideration and approval of the recommendation of the Technical Committee as in para '5' above.

R E S O L U T I O N

Resolved that the proposal as contained in para-5 of the Agenda item be approved, subject to the condition that an alternate site be identified for the primary school.

***

APPENDIX 'HH' TO ITEM NO. 45/94

For Private Use
Examiner Judicial Department
High Court of Delhi

IN THE HIGH COURT OF DELHI

C.W.No.1298/90

Date of Decision: August 13, 1993

East Punjab Railway Refugees Rehabilitation & House Bldg. Co-operative Society Ltd. ..through Mr.Mukul Rohtagi, Sr.Advocate with Mr.Ravi Gupta, Advocate

Versus

The Commissioner of Police & Others ..through Mr.S.K.Mahajan, Adv. for Respondents 1&2. Mr.A.K.Sikri, Advocate with Mr.Vikram Dholakia, Advocate for Respondent No.3-DDA. None for Respondent No.4.

Coram:-

The Hon'ble Mr.Justice P.K.Bahri
The Hon'ble Mr.Justice

1. Whether Reporters of local papers may be allowed to see the Judgment?

2. To be referred to the Reporter or not? No

3. Whether their Lordships wish to see the fair copy of the Judgment?

ORAL

This petition has been brought seeking writ of prohibition restraining the respondents from using the plot in question for any purpose other than setting up a prim.. school.

The petitioner is a house building cooperative society and retired government officials are members of this society and this society had been allotted a piece of land measuring 257.1 Bighas located

in village Bahpur vide agreements dated May 29, 1964 and dated January 2, 1967, for a total consideration of Rs.8,71,770/10P for allotting plots to the members of the society for the purpose of constructing residential houses. A layout plan was got approved from the Municipal Corporation of Delhi-Respondent No.4 and the plot in question which is 2 acre of land was earmarked for setting up a primary school. It appears that this particular plot has been transferred to the Commissioner of Police for setting up a police station.

The contention of the learned counsel for the petitioner, in brief, is that this layout plan has been prepared in accordance with the Zonal Development Plan already notified by the Delhi Development Authority under Section 8 of the Delhi Development Act (for short 'the Act') and there cannot take place any modification of the said plan unless and until the procedure laid down in the statute is followed. It is not disputed by the respondent-DDA that the procedure laid down in the Act has not been followed in the present case for changing the user of the said plot. The Zonal Development Plan, copy of which has been filed on the record, shows that the area F.2 contains the land which has been allotted to the petitioner including the plot in question. The legend of the Zonal Development Plan, which has come into force on December 25, 1973 after being revised although originally the plan was issued

Attested
Central Judicial Deputy
High Court of Delhi

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in March 5, 1965, in respect of this Zone, clearly shows that no police station was sought to be provided in this particular F.2 Zone. If that is so, it is not understandable how the Delhi Development Authority or the other respondents could on their own without following the procedure laid down in the Act change the user of any particular land falling in that Zone. This Zonal Development Plan clearly shows that a primary school had been earmarked in this Zone. So, it is evident that the layout plan approved by the Municipal Corporation of Delhi was in consonance with the Zonal Development Plan. In case the respondents had desired that public interest required that a particular plot out of the land allotted to the petitioner was needed for setting up a police station which is also a public amenity, the respondents could have taken resort to the provisions of Section 11-A of the Act which reads as follows:

> "11-A. Modifications to plan - (1) The Authority may make any modifications to the master plan or the zonal development plan as it thinks fit, being modifications which, in its opinion, do not effect important alterations in the character of the plan and which do not relate to the extent of land-users or the standards of population density.
>
> (2). The Central Government may make any modifications to the master plan or the zonal development plan whether such modifications are of the nature specified in sub-section (1) or otherwise.

(3). Before making any modifications to the plan, the Authority or, as the case may be, the Central Government shall publish a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the proposed modifications before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority or the Central Government.

(4). Every modification made under the provisions of this section shall be published in such manner as the Authority or the Central Government, as the case may be, may specify and the modifications shall come into operation either on the date of the publication or on such other date as theAuthority or the Central Government may fix.

(5). When the Authority makes any modifications to the plan under sub-section (1) it shall report to the Central Government the full particulars of such modifications within thirty days of the date on which such modifications come into operation.

(6). If any question arises whether the modifications proposed to be made by the Authority are modifications which effect important alterations in the character of the plan or whether they relate to the extent of land-uses or the standards of population density, it shall be referred to the Central Government whose decision thereon shall be final.

(7). Any reference in any other Chapter, except Chapter III, to the master plan or the zonal development plan shall be construed as a reference to the master plan or the zonal development plan as modified under the provisions of this section."

16

Certified Judicial Document
High Court of Delhi

An elaborate procedure has been laid down by the statute for modification of the Zonal Development Plan. The respondents could not on their own without following the procedure prescribed in the Act modify the Zonal Development Plan by changing the user of a particular plot which is not in consonance with the existing Zonal Development Plan.

In Bangalore Medical Trust Vs B.S.Muddappa & Others, AIR 1991 SC 1902, the provisions of Bangalore Development Act came up for consideration. The plan approved under the said statute contemplated setting up a public park and the same was sought tobe converted into a private nursing home. The Supreme Court held that no such conversion is permissible in law unless the provisions of the statute are complied with for modification of the plan. This judgment squarely applies to the facts of the present case.

On this short ground, I allow the writ petition, make the rule absolute and prohibit the respondents from putting to use this particular plot of land for any purpose other than for setting up a primary school. However, the respondents are at liberty to modify the Zonal Development Plan in accordance with the provisions of Section 11-A of the Act if they so desire. The respondents are given four months time for

CW1298/90

complying with the order. The respondents are directed to take decision on the application of the petitioner for allotting this plot to the petitioner for setting up a primary school within four months.

August 13, 1993.

jlk

TRUE COPY
EXAMINER

Certified to be true copy
Examiner Judicial Department
High Court of Delhi
Authorised under Section 76
Indian Evidence Act.

ITEM NO. 46/94
A-24.05.94

SUB : Annual Action Plan of the DDA for the year 1994-95.
(F.No.F.2(9)94/P&C).

P R E C I S

Annual Action Plan of the DDA for the year 1994-95 has been prepared. In the Action Plan 1994-95, the following thrust areas have been identified to achieve the goal/objective during the year and proposed financial/physical targets have been shown in the (Appendix 'II' P.No. 182-190).

FIELD OF ACTIVITIES	IDENTIFIED THRUST AREAS OF ACTIVITIES TO ACHIEVE THE GOAL & OBJECTS DURING THE YEAR 1994-95.
1. ENGINEERING & DEVELOPMENT WORKS.	1. Const. of houses to wipe out the pending list of registrants. (new houses) 2. Const. of houses to wipe out the pending list of registrants. (under construction). 3. Const. of Commercial Complexes to achieve integrated development of the city. (new). 4. Const. of Commercial Complexes to achieve integrated development of the city. (under construction). 5. D/O land to meet the Housing/Commr./Indl/Instt. needs & integrated development of the city. 6. Ecological balance & integrated development of the city. 7. Some important projects for integrated development. 8. Facilities for staff.

Contd.../

2. ALLOTMENT OF RESIDENTIAL FLATS.

9. To provide flats to registrants.

10. Grant of freehold rights.

11. Mutation of DDA records of registration/allotment.

12. To provide plots to Co-operative Group Housing Societies.

3. LAND DISPOSAL

13. Disposal of commercial land.

14. Disposal/allotment of residential/industrial/ institutional plots.

15. Grant of free hold rights.

4. MASTER PLAN

16. Implementation of Master Plan for Delhi-2001.

5. LAND MANAGEMENT

LAND ACQUISITION

17. Acquisition of land for planned development of Delhi.

18. Computerisation of Damages records.

19. Land to be reclaimed from unauthorised occupation.

20. Removal of Jhuggies from DDA land.

Contd...../-

6. FINANCE & ACCOUNTS WING.

21. Preparation of performance Budget for BE 95-96.
22. Finalisation of Cost Benefit Analysis.

7. HOUSING ACCOUNTS

23. Computerisation of Housing receipts.
24. Recovery of Hire Purchase Instalments(General Housing Schemes.).
25. Recovery of Hire Purchase Instalments. (MPRS)

8. PERSONNEL

26. Finalisation of Recruitment Rules.

9. SYSTEMS

27. Computerisation of Pay & G.P.F. Accounting.
28. Housing Receipt Accounting System.

The matter is placed before the Authority for information.

R E S O L U T I O N

Proposals contained in the Annual Action Plan for the year 1994-95, were noted.

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DELHI DEVELOPMENT AUTHORITY

APPENDIX 'II' TO ITEM NO. 46/94

ANNUAL ACTION PLAN FOR ENGINEERING AND HORITICULTURE DEPTT. FOR THE YEAR 1994-95

PART - A

Goal/objective to be accomplished	Name of activity/ programme during the year for accomplishing goal/objective.	Schedule	Financial targets (Lakhs of Rs.)	Performance physical target	Indicators/ milestones	Other indicators	Account-ability	Supervisor	Remarks.
1	2	3	4	5	6	7	8	9	10.
ENGINEERING & DEVELOPMENT WORKS									
1. Const.of houses to wipe out the pending list of registrants. (new houses)	a) Const.of new houses to be started during 1994-95.	1994-95	8000 lacs	1st.Qtr. 2500 2nd.Qtr. 3000 3rd.Qtr. 1500 4th.Qtr. 1500 Total. 8500	The following activities all through the year. a)Approval from Screening,Committee. b)Preparation of P.E. & D.E. c)Issue of N.I.T. d)Call of Tenders etc.		Chief Architect/ Chief Engineer	EM	
2. Const.of houses to wipe out the pending list of registrants. (under construction)	Houses to be completed during 1994-95. Break up of houses at a)Rohini - 1459 b)Dwarka Ph.I - 3260 c)Narela & others areas in N.I. - 2028 d)Kondli & other areas in E.I. - 2368 e)Vasant Kunj & other areas in South - 287 9402	1994-95	12300 lacs	1st.Qtr. 392 2nd.Qtr. 2534 3rd.Qtr. 1185 4th.Qtr. 5291 Total. 9402	a)Execution/completion of civil works. b)Execution/completion of elect.works.		Chief Architect/ Chief Engineer.	EM	Completion subject to following:- a)Completion of trunk services by M.C.D. b)Completion of External Electrification by D.E.S.U.
3. Const.of Commercial Complexes to achieve integrated development of the city. (new)	Commercial projects to be started during 1994-95.	1994-95	1500 lacs	D.C. - 2 C.C. - 2 L.S.C.- 17 C.S.C.- 10 Total. 31	a)Approval from Screening Committee b)Issue of Drgs. c)Preparation of P.E./D.E. d)Issue of N.I.T. e)Call of tenders etc.		Chief Architect. Chief Engineer.	EM	
4. Const.of Commercial Complexes to achieve integrated development of the city. (under construction)	Commercial projects to be completed during 1994-95.	1994-95	654 lacs	D.C. - 1 C.C. - Nil L.S.C.- 9 C.S.C.- 9 Total. 19	a)Execution/completion of civil works b)Execution/completion of elect.works.		Chief Architect/ Chief Engineer.		Completion subject to following:- a)Completion of trunk services by M.C.D. b)Completion of External Electrification by D.E.S.U.

1	2	3	4	5	6	7	8	9	10.
5. R/B land to meet the Housing/Comer. /Ind./Instt.needs & integrated development of the city.	Development of land in major areas a) Rohini	1994-95 10 yrs	4269 lacs	Work in progress.Development work will continue after March 95 also.	The following activities all through the year. a)Approval from Screening Committee. b)Preparation of P.E. & D.E. c)Issue of N.I.T. d)Call of Tenders etc.	a)Trunk services by MCD. b)Est.Elect. by DESU.	Chief Architect. Chief Engineer.	E.M./V.C.	Work in progress.
	b) Shalimar Bagh Blk. (CAB)	5-10 years	1200 lacs	-do-	-do-	-do-		-do-	E.M./V.C.	-do-
	c) Narela									
	d) Bhoorpur									
	e) Jacobpura, Kalkaji, Bodarpur.		53 lacs	-do-	-do-	-do-		-do-	E.M./V.C.	-do-
	f) Bawana Ph-III	10 years	2165 lacs	-do-	-do-	-do-		-do-	E.M./V.C.	-do-
	g) Vasant Kunj Ph.II.	5-10 years	850 lacs	Work to be started.	-do-		-do-	-do-	E.M./V.C.	Work to be started during 94-95.
	h) Kondli Gharali & Society areas.	10 years	1821 lacs	-do-	-do-		-do-	-do-	E.M./V.C.	
			10338 lacs.							
6. Ecological balance & integrated development of the City.	a) Tree plantation						Dir(H)North Dir(H)South		E.M./V.C.	-do-
				Digging of Pits / Plantation						
			438 lacs	1st Qtr. 5.50 / Nil						
				2nd Qtr. 2.50 / 5.75						
				3rd Qtr. 1.00 / 2.50						
				4th Qtr. Nil / 0.75						
				Total 9.00lacs / 9.00 lacs						
	b) Development of new lawns	1994-95	60 acres	a)Filling for 20 acre depth upto 15 cm. b)Grassing for 60 acres.			Dir(H)North & Dir(H)South.	E.M./V.C.		
	c) Dev.of new children Parks/Children corners.	1994-95	30 Nos	a)Dev.of lawns. b)Providing play components.			Dir(H)North & Dir(H)South.	E.M./V.C.		
7. Some important projects for integrated development of	Taking up of Const.of Special projects as follows- i)Facility Blds.in Yamuna Sports in E.Z.	1994-95							1) /A & E/S still awaited.	
	2)Integrated Freight Complex at Bazirpur/ Narela	1994-95	Rs 200+50 lacs		a)Land acquisition. b)Preparation of Drgs. c)Submission of plans to DUAC for Approval.				2) Planning work under process.	
									3) Work assigned to private consultant. Planning work in progress.	

1	2	3	4	5	6	7	8	9	10.
	3)Shopping Mall at Vasant Kunj Ph.II	1994-95	50		a)Preparation of prel Drgs. b)Submission of DUAC for approval.				
	4)Air Conditioned Shopping Centre in Laxmi Nagar Distt.Centre.	1994-95	100		a)Award of work.				4) Tenders recd. in 1st week of March'94, are in the process of award.
	5)Fresh water Bathing Ghats along river Yamuna.		60		a)Finalisation of Drgs. b)Study of feasibility. c)Preliminary Estimate. d)Award of work.				5) Work which was shelved has been revived again in Jan. & M/s WAPCOS assingned with the job of soil in investigation & providing structural design drgs. in consultation with Flood Control & MCD Deptt.Preliminary drgs. recd. in April'94.
	6)Rural Sports Complex.	1994-95	15	a)Completion of civil works. b)Completion of elec. works.					6)Work in rpogress, likely to be completed in 1st Qtr. of 94-95.
	7)30 Multi Gyms		300	1st Qtr. PE 2nd Qtr. AA/ES 3rd Qtr. Award of work					
	8)Dev.of 20 Sports Fields in major green areas.	1994-95	40	-do-					8) Work will be taken up in 1994-95 after receipt of drgs from Chief Architect/Director Land Scape.
	9)C/o Swimming Pool in Nari Nagar Sports Complex.	1994-95	15	-do-					9) Work will be started during IIIrd Qtr. of 94-95.
B.	Facilities for staff.	a) Community Hall for BBA staff in Bawana.	1994-95	To commence during 94-95.	1st Qtr. PE 2nd Qtr. AA/ES 3rd Qtr. Award of work.				11) Work will be started during 94-95.
		b) Staff clubs in Asian Games Village Complex			1st Qtr. Drawings 2nd Qtr. AA/ES 3rd Qtr. Tender 4th Qtr. Award of work				

1	2	3	4	5	6	7	8	9	10
ALLOTMENT OF RESIDENTIAL FLATS									
9. To provide flats to registrants	a) Issue of allotment-cum-demand letters to registrants.	Apr-Jun.94 Jul-Sep.94 Oct-Dec.94 Jan-Mar.95		All flats duly released and reported to Management Wing alongwith numbering plan and service availability certificate subject to fixation of price by 28.2.95 7300 592 6534 7185 21611			DH-I DH-II	CH/PC	
	b) Issue of possession letters to registrants.	Apr-Jun.94 Jul-Jun.94 Oct-Dec.94 Jan-Mar.94		All flats duly released upto 30.10.94 subject to fixation of price and subject to payment and furnishing required documents by the allottees. 300 900 1300 1300 3800			DH-I DH-II	CH/PC	
10. Grant of freehold rights	Issue of conveyance deed/comunication of order of competent authority.	Apr-Jun.94 Jul-Sep.94 Oct-Dec.94 Jan-Mar.95		All complete applications received upto 31.12.94 2300 2300 2400 2400 Total: 9,400			CH C(S&T)	PC	Two Lok Adalats to be held, first in 2nd qur. and second in 4th qur.
11. Mutation of DDA records of registration/allotment	Communication of order of competent authority	Apr-Jun.94 Jul-Sep.94 Oct-Dec.94 Jan-Mar.95		All complete applications received upto 31.12.94 100 100 105 100 Total: 405			CH C(S&T)	PC	Two Lok Adalats to be held, first in 2nd qur. and second in 4th qur.
12. To provide plots to Co-operative Group Housing Societies.	a) Issue of offer letters to the Societies.	Apr-Jun.94 Jul-Sep.94 Oct-Dec.94 Jan-Mar.95	27 60 20(Narela) 57 164	All plots duly released upto 28.2.95 subject to fixation of price by that date			OSD(H)	CH/PC	Offer acceptance assumed to be 30% of plots offered.
	b) Issue of allotment letter to Societies.	Apr-Jun.94 Jul-Sep.94 Oct-Dec.94 Jan-Mar.95	31 09 - 20 60	All plots duly released upto 30.11.94, subject to fixation of price by that date and acceptance of offer by 28.2.95.			OSD(H)	CH/PC	Offer acceptance assumed to be 30% of plots offered.

1	2	3	4	5	6	7	8	9	10
	c) Issue of possession letters to Societies.	Apr-Jun,94 Jul-Sep,94 Oct-Dec,94 Jan-Mar,95	30 70 - 40 --- 140	All plots duly released upto 31.7.93 subject to fixation of price by that date and full payment by 28.2.95			OSD(H)	CH/PC	Offer } acceptance } assumed to } be 30% of } plots } offered. }
LAND DISPOSAL									
13. Disposal of commercial land	Disposal of LSC/ CSC as a single unit.	2 in each month starting from June,94	9 crores		20 units	9 in hand. Rest to be made available during the year.		Dir.(CL)/C(LD)	
	(b) Disposal of plots in new District Centres.	2 in each quarter.	25 crores		8 plots	2 in hand in D.C Wazirpur. 6 to be provided in D.C., Saket during the year.		Dir.(CL)/C(LD)	
	(c) Disposal of mixed land use plots.	10 in each month	6 crores		90 plots				
14. Disposal/allotment of residential /industrial/ institutional plots.	Disposal of resdl.plots by auction.	Continous process spread over the year.	100 crores		150 plots			OSD(H)/C(LD)	
	(b) Allotment of alternate plots.	Continous process spread over the year.	30 crores		1861 plots	All plots which are released upto 31.12.94, subject to fixation of land rate.		OSD(H) C(LD)/P.C	
15. Grant of free hold rights	Issue of conveyance deeds/ communication of orders of competent authority.	Continous process spread over the year.			Disposal of about 15000 case.			OSD(H)/C(LD)	
MASTER PLAN									
16. Implementation of Master Plan for Delhi-2001	(i) Publication of 5 draft Zonal Plans for calling objections/suggestions	3 draft Zonal Plans by Sept. 94. 2 draft Zonal Plans by March 1995.						Addl.Commr.(DC&P)	Commr(Plg)
	(ii)Finalisation of 3 draft Zonal Plans already published.	Hearing by Dec. 1994 Approved by Authority March 95.						Addl.Commr.(DCMP)	Commr(Plg)
	Approved by Technical Committee/ Authority	Tech. Committee by June 94 Authority by Sept. 94						Addl.Commr.(AP)	
								Addl.Commr.(DC&P)	Commr(Plg)

1	2	3	4	5	6	7	8	9
	New houses to be designed and started during 1994-95	1994-95		Designing of New Houses as follows:- (1) SFS Flats 2638 Nos. (2) MIG Flats 3126 Nos. (3) LIG Flats 84 Nos. Total 6148 Nos.	Note:- These houses will be planned during the period 94-95 and will be started subject to availability of land, free from encroachment.	Chief Architect,DDA	Commr(Plg)	
	Commercial Projects to be designed and strated during 94-95	1994-95		District Centres : 2 Nos. Community Centres: 3 Nos. Local Shopping Centres : 11 Nos. Conv. Shopping Centres : 20 Nos.		Chief Architect,DDA	Commr(Plg)	
				Special Projects 1) Outdoor Stadium Yamuna Sports Complex 2) Circular Shopping Centre , LNDC 3) Botanical Garden in Rohini 4) Musical fountain near T.V.Tower, Pitampura 5) Golf Club, Lado Sarai 6) Gymnasium in all four zones 7) Seven K.M. long Cycle Track 8) Swimming Pool in Hari Nagar				
	LAND MANAGEMENT LAND ACQUISITION							
17.	Acquisition of land for planned development of Delhi.	Acquisition of land.		1. Vasant Kunj Phase-III 21 crores 300 acres 2. Dwarka Project Phase-II 28 crores 400 acres 3. Rohini Project 32 crores 531 acres 4. Bazipur Freight Complex 28 crores 430 acres 5. Yamuna River Bandha 6 crores 200 acres 6. Narela Freight Complex 35 crores 513 acres Total 165 crores 2074 acres		D.D.(NL)	D.L.M	C.L.M
18.	Computerisation of Damages records.			8000 records of 'damages cases' to be computerised		C.O(D)	D(Land)	C.L
19.	Land to be reclaimed from unauthorised occupation			500 acres		D.D(LM)		

1	2	3	4	5	6	7	8	9
20. Removal of Jhuggies from DDA land			5000 jhuggies subject to availability of sites from Slum Wing(MCD).					
Finance & Accounts Wing-								
21. Preparation of performance Budget for BE 95-96		January-95				AO(Budget)	CAO	FM
22. Finalisation of Cost Benefit Analysis		Apr.-June.94		Dwarka Ph.I, Rohini Ph.III,		AO(Projects)	Dir(LC)	
1. Dwarka & Rohini Phase-III (Provisional)		Apr.-June.94						
2. Dwarka & Rohini Phase-III (Final)		Jul.-Sept..94						
3. Narela & Jasola		Oct.-Dec..94						
4. Vasant Kunj		Jan.-March.94						
HOUSING ACCOUNTS								
23. Computerisation of Housing receipts	Housing Receipts	April-94 to June-94	-	Computerisation of non-SFS Accounts concurrently with the manual system.	Reconciliation with mannual accounts (SFS receipts computerisation from 1.3.94 for CBI).	AO(Cash) Housing & Dy. Dir(Sys)	Director(S) Dy. F.A.(H)	
		July-Sept.94	-	-do-	-do-	-		
		Oct.Dec.94	-	Switch over to computerisation.				
		Jan.95 to March-95		-do-				
24. Recovery of Hire Purchase Installments	General Housing Scheme	April-94 to June-94	150	Issue of 5000 defaulter notices for the period ending 31.12.93. Auction notices of flats attached for default in payment. Review of matured schemes.	i) about 11000 NRCs issued during 93-94 ii)Rs.435 lacs realised in 93-94 iii)Defaulter notices/NRCs to be issued during the year.	Recovery in the last year was Rs. 805 lacs (full year)	A.O(General) / Dy.FA(H). Estate Officer	
		July-94 to Sept-94	200	Issue of 5000 defaulter notices for the period ending 31.12.93 Auction of atleast 10 flats attached.				
		Oct-94 to	200	5000 NRCs for arrears upto 31.12.1993.				
		Jan-95 to	200	i) Issue of Balance NRCs ii)Release of Press/T.V. Adv.				

1	2	3	4	5	6	7	8	9
Recovery of Hire Purchase Instalments	NPRS	April-94 June-94	600.00	a)Updation of MIG ledgers b)Opening of indivi- files of MIG, LIG & Janta c)Follow up action of defaulter notices is- sued in 93-94 d)Issue of NRCs	a) More than 75000 defaulter notices issued	a)Re- organis- ation of Hous- ing A/cs. Wing b)Follow up action under the Punjab Land Revenue Act to effect recovery as arrears of land revenue. 466 NRCS issued during the year for first time. c)About 3338.00 lacs realised in 93-94.	DD(B) / AO (NPRS) / EO(H)	Director(S) Dy.FA(H)
		July,94- Sept.94	1000.00					
		July-94 to Sept-94	800.00	a)Updation of LIG/ Janta ledgers b)Opening of indi- vidual files of MIG,LIG & Janta allottes. c)Follow up action of defaulter notices issued in 93-94. d)Release of Press /TV Adv. d)Issue of NRCs.	b) 466 NRCs issued during this year for first time. c) About Rs.51 lacs realis- ed in 93-94			
		Oct-94 to Dec.94	1000.00	a)Issue of 25,000 defaulter notices for the period ending 31.12.93. b)Review of NRCs already issued.				
		Jan-95 to	10000.00	a)Issue of 45,000 defaulter notices for the period ending 31.12.93. b)Review of TV/ Press Adv. c)Issue of NRCs.				
PERSONNEL								
26.Finalisation of Recruitment Rules	Formation & approval of the competant Authority.	July to Sept,1994					Commr.(Pers. Group 'A' and 'B' - Jt.Dir.(P)-I Gr.'C' & 'D' Dir.(Pers.).	

1	2	3	4	5	6	7	8	9
SYSTEMS								
27. Computerisation of Pay and GPF Accounting	Implementation of Menu Driven software package developed and to implement it on PCs being provided to Drawing and Disbursing offices	Apr-Jun 94		To provide supplementary training to staff with DDOs	To train 20 officials of various DDOs.			
28. Housing Receipt Accounting System	To implement the package & trial run	Apr-Jun 94 Jul-Sep 94 Oct-Nov 94		Training staff and implementation of package. Installation of hardware and software Regular Runs.				

ITEM NO. 47/94

SUB: Raising of loan of Rs.150 crores from Ministry of Urban Development, Govt. of India.

A-24.5.94 F.No.PA/FM/94/DDA/

P R E C I S

The Authority vide item No.144 of 1992 authorised DDA to obtain loan facility from HDFC, NHB, Nationalised Bank or any other Financial Institution and/or Float Debentures on such terms and conditions as may be approved by the Central Govt. subject to the condition that at any given point of time the amount of the loan will not exceed Rs.65 crores. The Authority, vide its item No.49/93 dated 23.3.93 modified by item No.178/90 dated 16.12.93 approved raising of loan of Rs.126.12 crores from any Financial Institution including HUDCO to finance the land acquisition for water treatment plant at Bakarwala, Dwarka and Rohini Phase-IV, Stage-I.

2. DDA drew loan of Rs.25 crores from HDFC in two instalments and Rs.10 crores from SBI Home Finance Ltd. The loan of Rs.10 crores drawn in first instalment from HDFC has since been repaid. The proposal for loan of Rs.12.10 crores for water treatment plant in Bakarwala, Dwarka has been submitted to HUDCO and for loan of Rs.78.29 crores submitted to PNB and Andhra Bank for acquisition of land for Rohini Phase-IV, Stage-I. HUDCO has sanctioned the loan subject to furnishing of Govt guarantee or mortgaging of land. However, the loan could not be drawn since Govt. of India has declined to stand guarantee. The land could not be mortgaged as DDA is not empowered to do so at present. The Govt. has since suggested necessary amendment in the Act enabling DDA to mortgage the land. The Authority has already approved the amendment in the Act and the proposal is to be taken with the Ministry for suitable legislation. The lending agencies are insisting on mortgage of land as security for advancing the loan. The amendment of the Act is likely to take some time and as such, DDA cannot raise loan from HUDCO, Banks or Financial Institutions till the amendment is carried out.

3. The details of payment by DDA to Delhi Admn. towards land acquisiton cost during the last three years is as under:-

(Rs./Crores)

Sl. No.	Year	Amount of land compensation	Amount of enhanced compensation	Total
1.	1991-92	24.99	-	24.99
2.	1992-93	4.06	-	4.06
3.	1993-94	62.45	10.24	72.69
	Total	91.50	10.24	101.74

4. The Delhi Administration has now requested for an additional payment of Rs.69.85 crores immediately for payment of enhanced compensation. In addition to above, they hae also asked DDA for Rs.77.90 crores for

for acquisition of land for which awards have been passed. Thus, total immedaite financial requirement is to the tune of Rs.147.75 crores. Even if DDA manages to release a sum of Rs.69.85 crores in 1994-95 from its resources, it would still not cover the amount demanded by Delhi Admn.

5. DDA is looking into the possibility of recovering the amount paid as enhanced compensation from DDA allottees. There is a clause in the Lease Deed of land allotment which empowers DDA to do so. However, with thousands of allottees, it is practically impossible to recover the amount easily.

6. Delhi Admn./MCD owe Rs.185.86 crores to DDA as detailed in the(Appendix JJ page No. 193). The solution to the problem lies in Delhi Admn. paying outstanding dues to DDA. DDA may agree to the utilisation of the amount thus paid to DDA for payment of cost of land acquisition.

7. In the meanwhile, requirement of the loan for further urbanisation projects, in addition to that submitted in para 2 above, has to be met and also the liability of the enahanced compensation for the land already acquired has to be discharged. To tide over the immediate problem DDA may request Govt. of India for advancing a loan of Rs.150 crores for land acquisition purpose which could be repaid within the period of six year or as may be decided by the Government with a moratorium in repayment of the principal for a period of two years.

8. The matter is placed before the Authority for consideration and approval.

R E S O L U T I O N

Resolved that the proposals as contained in para-7 of the Agenda item be approved.

It was further resolved that:-

(i) Govt. of N.C.T. of Delhi be requested to clear the major outstanding dues, as indicated in Appendix J.J.

(ii) Funds thus received be utilised mainly for payment of cost of land acquisition.

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(Appendix JJ Item No. 47/94)

STATEMENT OF MAJOR OUTSTANDINGS AGAINST DELHI ADMINISTRATION/M.C.D.

(Rs./Crores)

Municipal Corporation of Delhi:	
Sanjay Gandhi Transport Nagar.	132.00
Delhi Administration	
(a) **Delhi Police:**	
Wazirabad Firing Range	45.00
(b) **Delhi Agriculture Marketing Board:**	
i) F&V Market at Gazipur	1.48
ii) Fodder Market, Mangolpuri.	1.96
iii) F&V Market at Keshopur	0.70
iv) Fish & Egg. Market at Gazipur	1.20
	5.34
(c) **Irrigation & Flood Deptt., Delhi Admn.**	2.29
(d) **PWD, Delhi Admn.** - allotment made for overbridge at Ring Road, Okhla Indl. Area, Village, Bahapur.	1.23
TOTAL	185.86

ITEM NO.
48/94

A-24.05.94

Sub.: Action against misuse of residential premises for commercial use in Lajpat Nagar area.

File No.: F.1(1)93/EB.

P R E C I S

Lajpat Nagar Traders Association has been representing for a long time that action under Section 14 read with Section 29(2) of the Delhi Development Act, 1957 should not be taken against the traders in Lajpat Nagar area, especially in the vicinity of the Central Market, as most of the allottees of land here were Pakistani refugees who were forced to earn livelihood by setting up business. They have also represented that since most of the area has already been converted into commercial area, the entire area should be declared as commercial use zone under the zonal plan which is being finalised by the DDA. The Chairman, DDA vide his note dated 3.6.1993 has directed to place the issue before the Authority for a considered decision on the issue.

2. The matter was examined vis-a-vis the preparation of the draft zonal plan of Zone-'D'(New Delhi) in which Lajpat Nagar area falls. The draft zonal development plan incorporated the MCD survey indicating the streets where Residential building are being used for commercial purpose on a large scale. In the draft zonal plan for Zone-'D' mixed land use streets have been indicated in Lajpat Nagar as given below :-

i) Main road (24 m. wide) between blocks O & K, Lajpat Nagar-II.
ii) Central market road, Lajpat Nagar-II.
iii) Alankar Cinema road/pushpa market road (Lajpat Nagar).

3. The draft zonal plan was placed before the Authority on 27.7.1993 (App. 'KK' P.No. 196-197) and it was approved subject to incorporation of the following:-

a) "The vicinity of central market of Lajpat Nagar where commercial activities are concentrated be added in sub-para 10.3."

4. Sub-para 10.3 of the Zonal plan under mixed land use deals with areas which are identified for Urban Renewal. On the basis of the above resolution, in the area in vicinity of Lajpat Nagar Central Market, mixed land use would be allowed as per the Urban Renewal Scheme to be prepared by the local body.

5. The draft Zonal plan (text report & plan) for Zone D (New Delhi) was accordingly amended on the basis of Authority Resolution No.103/93 dated 27.7.93 and submitted for approve of VC/LG. The same was approved for publication inviting

contd...

objections/suggestions from the public vide LG's order dated 2.10.1993 (F.1(5)91/ZP).(App.'LL' P.No. 198)

6. The consequential amendments in the MPD-2001 have been referred to the MOUD vide F.20(14)93/MP dated 13.8.93 for conveying the approval of the Govt. for issue of a public notice under Section 11-A of the Delhi Development Act. The same is still awaited. As soon as the Govt. approval is received, the draft ZDP and proposed amendments in MPD-2001 would be published inviting objections/suggestions from the public. The mixed land use proposals of draft Zonal Development Plan would be considered or reviewed in the light of objections/ suggestions on the draft Zonal Development Plan.

7. Even if mixed land use is allowed in the above area, two issues would still remain unresolved; they are :-

a) All the streets which have now been commercialised are not included in the streets which have been proposed for mixed land use under the draft zonal plan.

b) Even if mixed land use is permitted commercialisation of the entire ground floor or any of the upper floors would not be allowed; if they use any area in excess of permitted area for commercial use on the ground floor they can be prosecuted under section 14 read with Section 29 of the Delhi Development Act. Any commercialisation of upper floors would be prosecutable under the above sections.

In the above circumstances, Authority may consider

1. Whether any more streets can be included in the list of streets permitted for mixed land use;

2. Whether higher degree of commercialisation can be permitted under mixed land use than what is permitted under the present Master Plan.

R E S O L U T I O N

The Agenda item was discussed in detail. It was felt that there were some limitations under the existing laws and effective deterrent action against the defaulters lacking on account of numerous practical difficulties.

Phenomenon of misuse and unauthorised construction in residential properties was not confined to Lajpat Nagar and was prevalent in several other residential localities of Delhi. Need was expressed for taking strong and concerted action in all cases of conversion of residential properties, by way of making the statutes much more deterrent and practical.

It was resolved that the entire matter may be deliberated upon in detail and an in depth study be conducted to find practical solution to this vexed problem. It was further resolved that the Principal Commissioner, DDA shall put up a complete paper on the subject.

***

"The Agenda item was discussed in detail. It was felt that there were some limitations under the existing laws and effective deterrent action against the defaulters was lacking on account of numerous practical difficulties.

The Phenomenon of misuse and unauthorised construction in the residential properties was not confined to Lajpat Nagar alone and was prevalent in several other residential localities of Delhi.

Need was, therefore, expressed for taking strong and concerted action in all cases of conversion of residential properties, by way of making the statutes much more deterrent and practical.

It was resolved that the entire matter may be deliberated upon in detail and an in-depth study be conducted to find a practical solution to this vexed problem. It was further resolved that a Committee should be constituted, comprising representatives of DDA and MCD, under the Chairmanship of TCPO to go into the question of misuse of residential premises in Delhi. The Committee shall formulate its own terms of reference and give its report within six weeks."

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(APPENDIX 'KK' TO ITEM NO. 48/94)

ITEM NO. 103/93 27.07.93

Sub : Draft Zonal(Divisional)Development Plan of Zone 'D' (New Delhi Area) and amendments in MPD-2001

F.1(5)/91/ZP

P R E C I S

National Capital Territory of Delhi, as per MPD-2001, is divided into 15 zones (division), out of which Zone 'D' (New Delhi) has been sub-divided into 21 sub-zones.

2. The Planning Department of the Authority has formulated draft zonal(divisional) development plan for Zone 'D'(New Delhi) together with the draft text report.

3. Zonal Plan proposals are to be processed, under Section 10 and the land use changes of MPD-2001 are to be processed under Section 11(A) of Delhi Development Act,1957.

4. The draft zonal(divisional)development plan including draft text(report) have been considered by the Technical Committee in its meeting held on 30.9.92. The Technical Committee, after detailed discussion, approved the proposals for further processing with the following observations.

(i) The Zonal Development Plan, in addition to social infrastructure, should also contain the municipal infrastructure.

(ii) The circulation plan should highlight the hierarchy of roads and locations of identified parking lots.

(iii)Prominment locations to be studied for future 'urban form' should be identified.

5. The Zonal Development Plan and the draft text(report) as modified on the basis of the Technical Committee decisions were placed before the Authority in its meeting held on 1.12.92. The Authority vide resolution no.149/92 dt.1.12.92 deferred the plan and resolved that it may be taken up after the report of the committee under the chairmanship of Chief Planner,TCPO is received.

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6. After receipt of the report of the Committee on New Delhi Bungalow Zone, the proposals for the delineation of New Delhi Bungalow Zone and the development control norms were discussed by the Authority vide its resolution no.58/93 dt.16.4.93. Based on this resolution of the Authority, reference has been made to the Govt. of India, Ministry of Urban Development for their approval to issue a Public Notice for inviting public objections/ suggestions with regard to New Delhi Bungalow Zone area and development control norms,

7. The Zonal Development Plan and the draft report (text) of Zone (Division) 'D'(New Delhi Area) have been modified keeping in view the Authority's resolution referred to above (Appendix 'S1' to page No. Book-let)

8. The modified draft zonal plan (Zone 'D') and the text is placed before the Authority for its consideration.

R E S O L U T I O N

The Authority resolved to approve the Draft Zonal Development Plan and report (text) of Zone (Division) D (New Delhi Area) as in para 7 of the agenda note. Further, the Authority decided to publish the same for inviting objections/suggestions under section 10 of Delhi Development Act, 1957 subject to incorporation of the following:-

(a) The vicinity of Central Market of Lajpat Nagar, where commercial activities are concentrated be added in sub-para 10.3.

(b) MRTS proposal of change of land use be incorporated.

(c) All other changes/amendments of MPD-2001 already approved and being processed separately be incorporated in para.16 of the report under the proposed modification in MPD-2001.

(d) Number of existing and proposed petrol pumps be indicated separately in para 9.5 of the report.

****

Attested to be true Copy

22/5/93

H. K. BABBAR
Assistant Secretary
Delhi Development Authority

(APPENDIX 'LL' TO ITEM NO. 48/94)

Flag 'A'

Draft Zonal (Divisional) Development Plan for Zone 'D' (New Delhi) and related amendments in MPD-2001 were discussed in the meeting of the Authority held on 27.7.93 vide resolution No.103/93 dated 27.7.93 (page 51-57/c). The draft report and the plans considered by the Authority are at page 55 56-A/c.

2. The plan and the report have been modified as per the decision of the Authority to incorporate the following:

a) Area in the vicinity of Central Market, Lajpat Nagar where commercial activities are concentrated and added in sub para 10(3) (on page 29 of the modified report under Category III (d).

b) MRTS proposals of change of land use are incorporated on page 36 in para 16.1.

c) Other amendments of MPD-2001 already approved which are being processed seperately are mentioned in para 16.1 of modified report (page 36).

d) Existing and proposed petrol pumps are indicated seperately in para 9.5 on page 26 of the modified report indicating that there are 60 existing petrol pumps and three new sites are proposed (two in Chanakyapuri Sub-zone D-I3, and (one in the proposed Civic Centre in Sub zone D-2).

3. The modified report is page at 56/c and the drawing is at page 57/c. These are to be published under Section 10 of Delhi Development Act 1957 for inviting objections/ suggestions.

4. The communication is already sent to the Ministry of Urban Development for their concurrence for the proposed modifications in MPD-2001 as listed in para 16 on page 36. After the Ministry's concurrence is received for inviting public objections/suggestions under Section 11(A) of the Act, seperate public notice will be issued for inviting objections/suggestions for the proposed amendments.

5. The modified report and the plan are submitted for the approval of VC/LG, under the delegated power vide resolution no.503 dt.13.7.67..

(S.C.GUPTA)
DIRECTOR(DC&P)
4.9.93

Commissioner(Plg.)

To approval of VC/LG as above please.

Contd.../-

for approval for Supdt
publication.

28/9/93

21/10/93

RAJ ... 21/10 Date 29.9.93

C/(Vig.)

Dir(Vig.)

DD(Vig)

12/10/93

L171-A/SD(Vig)
12/10/93

ITEM NO. 49/94 A-24.05.94

SUB : Payment of Safai Bhatta to DDA Safai Karamcharis.

F.3(6)/87 -SWS

P R E C I S

The Safai Karamcharis of DDA have been demanding for Safai Bhatta of Rs.100/- per month as being given to the Safai Karamcharis by the M.C.D. On contacting the CSE Wing of MCD, it was learnt that Bhatta was granted by the MCD in view of the threatened strike of All India Safai Mazdoor Congress in the year 1989. An office order bearing No.5896-OI/AC/CSE/90 dated 12.02.90 was issued under the orders of the Chief Secretary, Delhi & Administrator of MCD under DMC Act, 1957 allowing a consolidated hike of Rs.100/- as 'Safai Bhatta' in the emoluments of Safai Karamcharis, Sewer Beldars & Bhisties including those Safai Karamcharis working in diverted capacity on food vehicles of Health Deptt. w.e.f. 1.4.89 (App. MM P.No. 202).

2. Comments of Engineering Wing of DDA on this issue are given below :-

> "DDA Safai Karamcharis do mainly sweeping and cleaning of small surface drains, roads, toilets whereas the Safai Karamcharis of MCD are required to do work of cleaning of sullage drains, lifting of malba from dustbins for loading in the trucks, removal of dead animals, sewer cleaning and public toilets etc. It is also observed that the DDA colonies are well planned and in most of the colonies of DDA, cleaning, sweeping, removal of garbage, cleaning of gali traps and drains is being done through contractors. DDA Safai Karamcharis are mostly cleaning the path of housing colonies. It is further observed that MCD is fully equipped with the necessary machinery and other items of tool and plant required for desilting of the drains. DDA being construction agency has no such equipment and therefore, such works are awarded on contract basis".

3. In the first week of April 94' the Safai Karamcharis engaged in scavenging and cleaning of Vikas Sadan, the headquarters of the DDA, went on a"lightening strike". The strike continued for about a week.

4. Letters were addressed to Delhi Admn., NDMC and CPWD. The under Secretary(Admn.), Delhi Admn. vide letter dated 19.11.92 informed that no Safai Bhatta was paid in Delhi Administration and its subordinate offices.(Appendix NN P.No. 203).

Contd.../-

5. The Director(P), NDMC vide his letter No.867/HEI/GC-III dated 4.5.94 informed that Safai Karamcharis of NDMC are paid - (Appendix 00 P.No. 204).

1. Dirt, soap & Oil allowance @ Rs.32/- P.M.
2. Washing allowance @ Rs.19/-P.M.

6. The CPWD has not given any information in writing regarding payment of Safai Bhatta to the Safai Karamcharis. It is, however, ascertained on telephone from the Director(Admn.), CPWD that no Safai Bhatta is paid by the CPWD to its Safai Karamcharis.

7. The following are the details of placement of Safai Karamcharis in DDA :-

1.	Safai Karamcharis (Regular)	-233 (excluding Safai Karamcharis of ISBT)
2.	Safai Karamcharis(W/C)Reg.	-734
3.	Sewerman (Regular)	- 10
4.	Sewerman(W/C)Regular	- 39
	Total	1,016

8. In case the demand of DDA Safai Karamcharis is accepted, the DDA will have to pay an additional amount of Rs.one lakhs (approx) per month.

9. Leaving aside a few number of Safai Karamcharis of DDA working in different office premises, most of the Safai Karamcharis deployed in colonies of DDA are to be transferred to MCD as and when the services of the colonies are transferred to MCD. Thus as and when these Safai Karamcharis of DDA are transferred, they shall be getting Safai Bhatta in MCD. From the classification of the functions of the Safai Karamcharis in DDA and Safai Karamcharis in MCD, it has been gathered that nature of job being executed by Safai Karamcharis in DDA is different from what their counter part is required to do in MCD whereas it is more akin to the job of Safai Karamcharis being done in Delhi Administration and CPWD.

10. The Delhi Admn. as well as CPWD do not pay any Safai Bhatta to Safai Karamcharis working in their respective departments. The DDA generally follows the working norms of CPWD, and salary and allowances payable to the Staff are based on the Central Govt. norms.

Contd.../-

11. The facts and circumstances of the case of 'Safai Bhatta' as prevalent in CPWD, GNCT of Delhi, NDMC and also in MCD discussed above are placed before the Authority so as to consider the demand of 'Safai Bhatta' to Safai Karamcharis of DDA.

Authority may decide.

R E S O L U T I O N

Resolved that Safai Bhatta was not justifiable as the jobs being performed by DDA Safai Karamcharis were not identical to the Safai Karamcharis of M.C.D.

It was further resolved to examine the possibility of entrusting the scavenging work in DDA to private contractors. Safai Karamcharis may then be utilised for performing other functions.

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APPENDIX MM TO ITEM NO. 49/94

MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE ASSISTANT COMMISSIONER, C.S.E.
TOWN HALL :DELHI

No. 5096 OI-V/AC/CSE/90 Dated: 12.2.90

OFFICE ORDER

The Chief Secretary, Delhi & Administrator of M.C.D. exercising the powers of the Standing Committee & Corporation under section 490(2)(b) of the D.M.C.Act, 1957 has been pleased to allow a consolidated hike of Rs.100/- as 'Safai Bhatta' in the emoluments of Safai Karamcharies, Sewer Beldars & Bhisties working in the Municipal Corporation of Delhi, with effect from 1.4.1989. Besides, it be given to all Safai Karamcharies working in diverted capacity on Food Vehicles of Health Department also with effect from 1.4.89.

This issues in pursuance to Decision No. 217/GW/Corpn. dated 2.2.90.

Asstt.Commissioner
CSE

Distribution:
1.All ADCs/ACs
2.All E.Es(CSE).
3.All S.Ss.
4.All ACAs.
5.All ALWCs/LWSs.
6.V.O./CSE.
7.Guard File.
8.Office Copy.

Copy for f/o information to:-

1.Commissioner.
2.All Dy.Commissioner.
3.C.A./Dy.CA(G).
4.Director(CSE).
5.Jt.Director(CSE)I,II & III.

Asstt.Commissioner
CSE

APPENDIX 'NN' TO ITEM NO. 49/94

No. F.1B/3501/92-SAD
DELHI ADMINISTRATION: DELHI
(SECTT.ADMN.DEPTT.)

5, Sham Nath Marg, Delhi-54

Dated the, 14/XI/92

To,

The Director (IR &SW),
DDA, Vikas Sadan,
INA, New Delhi.

Subject: Admissibility of Safai Bhatta.

Sir,

I am directed to refer to your letter No.F.3(6)/87/SWS/561/ dated 13.11.92 on the above subject and to inform you that in so far as Delhi Administration and its Suberdinate Offices are concerned, no Safai Bhatta is being paid to the Safai Karamcharies.

Yours faithfully,

(V.K. BENIWAL)
Under Secretary (Admn.)

No. F.1B/3501/92-SAD Dated the 16th Nov., '92.

Copy forwarded for information to the Under Secretary (P.W.D.), Delhi Admn., I.P. Estate, Vikas Bhawan, New Delhi.

(V.K. BENIWAL)
UNDER SECRETARY (ADMN.)

APPENDIX "30" TO ITEM NO. 49/94

V.P. 10000/91-92

सचिव कार्यालय
Office of

न० दि० न० पा० 320

The Secretary

नई दिल्ली नगर पालिका
New Delhi Municipal Committee

नई दिल्ली NEW DELHI-110001

संदर्भ सं०
Ref. No. S47/HE-I/GC-III

दिनांक
Dated 4/5/ १९९ 94

Sh. C.N. Jha,
Director (IR & SW),
D.D.A., Vikas Sadan,
I.N.A. New Delhi-23

Sir,

Please refer to your letter No. F3(6)/ 87-SWS/38. dated 2.5.94. where in you have requested to this office to intimate as to whether any Safai Bhatta is Sanctioned/ being paid to the Safai Karamcharies of NDMC.

In this connection it is intimated that in N.D.M.C. the Safai Karamcharies are at presentbeing paid the following Bhattas as under :-

1. ~~Rubbish~~ Dirt, Soap & Oil Allowance @ Rs. 32/- P.M.

2. Washing Allowance. @ Rs. 19/- P.M.

The available copy of the office orders also added herewith.

Yours faithfully,

(K.K. Jindal)
Director (F)

ITEM NO.
50/94
A-26-5-94

Sub : Change of land use of an area measuring 84 ha. from 'rural use' to 'recreational' and 8 ha. from 'rural use' to 'commercial' at Bhalswa Lake, Delhi.

F.20(2)94-MP

-.-.-.-.-.-.-

P R E C I S

A preliminary project report has been prepared for the development of Bhalswa Lake, Delhi (North). The report consists of four sections namely: i)Architectural design; ii) electrical report; iii) plumbing report; and iv) land scaping.

2. The total area of Bhalswa lake complex is 92 ha. as per details below:-

i)	Area of the lake	22 ha.
ii)	Area in the West of the lake	12 ha.
iii)	Area in the East of the lake	58 ha.
		92 ha.

3. In a meeting held at Raj Niwas on this subject, the following important decisions were taken:-

i) This area may be developed as a 'tourist complex' with emphasis on water related recreational activities.

ii) The land use of the area be processed for change from 'rural use' to 'recreational use'. Part of the land may be earmarked for a resort hotel/tourist complex and for that land use be changed accordingly.

iii) The area be declared as 'Development Area' under section 12 of Delhi Development Act,1957.

iv) The land located on the west of the lake (12 ha. approx.) may be developed and managed by the DTTDC. This may include an 'amusement park'. As decided earlier, DTTDC may explore possibilities of involving private entreprneurs in the development and management of the park; and

Contd. -

v) The land on the east of the lake (58 ha. approx.) may be developed and managed by the DDA. This area would include land for a resort/hotel with dedicated access to the water body. Other facilities may include riding, play area, kiosks, eating places. Care be taken to seggregate the land earmarked for the resort/hotel so as not to be frequented by the daily picnicers. Suitable club house, conference/convention centre may also be thought of. Some portion of the lake easily approachable from the Ring Road, may be kept open for use of the general public.

4. The Technical Committee in its meeting held on 15.3.94 discussed this case and recommended to the Authority for its approval the change of land use of the land measuring 84 ha. from 'rural' to 'recreational use'. The land use of the remaining 8 ha. earmarked for hotel-cum-conventional centre on the East of the lake is recommended for change from 'rural' to 'commercial use'..

5. The proposal is placed before the Authority for the consideration and approval for processing the change of land use as in para '4' above.

R E S O L U T I O N

Resolved that the proposals contained in paras 3 & 4 of the Agenda item be approved.

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ITEM NO. 51/94

A-24.05.94

SUB: Action Taken Report on the resolutions passed by the Authority in its meeting held on 22/2/94.

(F.No.2(6)94/MC/DDA)

P R E C I S

On the basis of information furnished by heads of departments, Action Taken Reports on the resolutions passed in the Authority's meeting held on 22/2/94 is submitted for **kind information of** the Authority, at (Appendix 'pp' page No. 208-212).

R E S O L U T I O N

Information regarding action taken reports was noted.

* * *

APPENDIX 'PP' TO ITEM NO. 51/94

ACTION TAKEN REPORT ON THE RESOLUTIONS OF THE AUTHORITY'S MEETING HELD ON 22.02.1994.

S.No.	Item No. Date	SUBJECT	RESOLUTION	Action Taken/To be taken/ Remarks.
1.	2.	3.	4.	5.
1.	4/94 22.2.94	Widening of Shankar Road-Amendment in MPD-2001. (F.No. 5(17)69/MP/Pt.I.)	Resolved that there were no strong reasons to interfere with the decisions earlier taken by the Authority on this subject and that the government be requested to notify the amendments.	**The matter has been referred to the Ministry of Urban Development to issue final notification vide letter dated 8.4.94.**
2.	5/94 22.4.94	Change of land use of an area measuring 27.25 ha. from 'rural' use Zone to 'transportation' (Airport) in the South of Mehrauli-Mahipalpur Road, New Delhi. (F.No. 3(61)/90-M.P.)	Resolved that the proposals as contained in para 4 of the item be approved subject to the following: (i) Land measuring 4.16 ha. transferred by the IAAI to the Ministry of Agriculture need not be deleted and should form part of the changed land use. (ii) The area measuring 4.69 ha. marked as "residential" could be utilised towards meeting the requirements of rehabilitation of the evicted villagers also, if need be. (iii) Boundaries of the area be clearly notified while inviting objections.	**The matter has been referred to the Ministry of Urban Development to convey the approval of the Central Govt. under section 11-A of D.D.Act, 1957 to issue a public notice for inviting objections/suggestions, vide letter dated 26.4.94.**

1.	2.	3.	4.	5.
3.	6/94 22.2.94	Change of land use of two sites measuring 7227 sq.m. and 9296 sq.m. from 'recreational' to manufacturing (Service Centre) at G.T. Shahdara Road East of existing Fish pond and West of Fish Pond respectively. (F.No. 20(21)93-MP.)	Resolved that the proposals as contained in paras 5 & 6 of the item be approved. It was further resolved that detailed statistics regarding availability of green areas/spaces in the vicinity be furnished while forwarding the case to the Central Govt.	**The matter has been referred to the Ministry of Urban Development to convey the approval of the Central Govt. under section 11-A of D.D.Act, 1957 to issue a public notice for inviting objections/ suggestions, vide letter dated 28.4.94.**
4.	7/94 22.2.94	Alignment Plan of Dr. Krishnan Marg (Road No.25) from Pusa Road/Patel Road roundabout to 'R' Block New Rajendra Nagar Crossing. (No.F. 5(27)82-MP/Pt.)	Resolved that the proposals as contained in para 7 of the item be approved.	**The alignment plans alongwith the Authority decision have been sent to the Ex.EN(Plg.), MCD,DCP(T), Delhi Police and Commr.(LD),DDA, vide letter dated 29.4.94.**
5.	8/94 22.2.94	Re-fixation of Reserve Price of undisposed of commercial plots. (F.No. 100(88)90-CL.)	Noted. It was resolved that information as on 31.3.94 may be placed before the Authority for information.	Details of undisposed of Commercial plots during the year 1993 have been worked out and are being placed before the Authority.

1.	2.	3.	4.	5.
6.	9/94 22.2.94	Disposal of Commercial Plots through tender. (F.No. 100(47)92-CL.)	It was resolved that disposal of commercial/industrial plots on tender basis may be continued till 31.3.95 in all those cases where the following criteria were met : (i) where the properties are more than three years' old. (ii) where the properties could not be disposed of in three or more auctions. Rejection/acceptance of tenders shall continue to be decided by the Committee comprising of Vice-Chairman, Finance Member and Commissioner(Lands Disposal.)	Disposal of Commercial/Industrial plots on tender basis is being scheduled for June-1994.
7.	10/94 22.2.94	Recruitment Regulations for the post of Senior Landscape Architect. (F.No. 7(190)/88/PB.-I)	Resolved that recruitment regulations as proposed be approved. It was further resolved that Commr.-Cum-Secretary,DDA shall also be a member of the Senior Level DPC. It was further decided that a study be conducted so that uniformity could be maintained as far as possible, at the time of elevation to a particular scale, amongst different cadres of DDA.	Noted for compliance. Steps are being taken separately to Notify the Recruitment Regulations.

1.	2.	3.	4.	5.
			The rules framed by the Deptt. of Personnel & Administrative Reforms, Govt. of India should be kept in view.	
8.	11/94 22.2.94	Recruitment Regulations for the post of Deputy Secretary (Hindi). (F.No. 7(54)90/PB.-I.)	It was resolved that recruitment regulations, as proposed be approved.	Noted for Compliance. Steps are being taken separately to notify the Recruitment Regulations.
9.	12/94 22.2.94	Draft Recruitment Regulations for the post of Asstt. Hindi Translator under Group 'C'. (F.No. 4(4)/93-PB.V)	It was resolved that recruitment regulations, as proposed be approved.	- do -
10.	13/94 22.2.94	Framing the Recruitment Regulations for the post of Medical Officer and Asstt. Medical Officer. (F.No. 7(183)93/PB.-I)	It was resolved that recruitment regulations for the posts of Medical Officer and Assistant Medical Officer be approved as proposed subject to modifications in para 10 which shall read as under, in both the cases : "by direct recruitment on contract basis."	- do -

1.	2.	3.	4.	5.
11.	14/94 22.2.94	Draft Recruitment Regulations for various categories of posts under Group 'C'. (F.No. 4(2)93-PB.V.)	It was resolved that recruitment regulations be approved. It was further resolved that the constitution of the Committee, for conducting tests in each category will be approved at the level of Vice-Chairman.	Noted for compliance. Steps are being taken separately to notify the Recruitment Regulations.

Secretary
Delhi Development Authority
12/7/94

Chairman,
Delhi Development Authority