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कार्यभूत पुस्तिका

बैठक 10-8-2009 राजनिवास
कार्यभूत सूची

भद अंख्या ३५ से आगे ५५ नं. तक

अगस्त २००९

II

**2ND SUPPLIMENTARY AGENDA ITEMS TO BE DISCUSSED IN THE MEETING OF DELHI
DEVELOPMENT AUTHORITY TO BE HELD ON 10.8.2009 AT RAJ NIWAS, DELHI.**

INDEX

PCCS

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| 1 | 54/2009 | Action Taken Notes on the Minutes of the meeting of the Authority held on 3.6.2009. F. 2(3)2009/MC/DDA | 1-21 |

Item No. 54 /2009
10.8.2009

Sub: Action Taken Notes on the minutes of the meeting of the Delhi Development Authority held on 3.6.2009 at Raj Niwas, Delhi.

File No. F. 2(3)2009/MC/DDA

Action Taken Notes of the meeting of the Delhi Development Authority held on 3.6.2009 are submitted for confirmation of the Authority.

(Page No. 1 to 21)

RESOLUTION

Noted.

Action Taken Notes on the Minutes of the meeting of the Authority held on 3.6.2009

| Item No. | Subject | Action Taken | Remarks, if any |
|----------|---|---|-----------------|
| 2/2009 | Fixation of Institutional land Premium in DDA Areas for the Year 2008 and 2009-10. F.6 (4)07/AO (P)/DDA. | Needful done as per circular No. F. 6(4)2007/AO(P)/DDA/73 dated 3.7.09. | |
| | Proposals contained in the agenda item were approved by the Authority with the suggestion made by the Joint Secretary (D&L), MOUD, Dr. M.M. Kuty that physical boundaries for determining the Zonal Variant Rates should be co-terminous with the Zonal boundaries identified for the 17 zones under the Master Plan of Delhi - 2021. Zonal variant rates should be indicated for Master Plan Zones. These 17 zones may be appropriately grouped under the three categories of rates proposed in the agenda note. | Noted | |
| | b) Shri D.M. Sapolia, Pr. Secretary (L&B), GNCTD requested that details of the hospital sites and the low cost housing sites should be sent to the GNCTD so that it could identify suitable sites. | Under process. | |
| | c) Shri Rajesh Gahlot suggested that allotment of land to schools, colleges and hospitals should be made at Zonal Variant Rates instead of adopting the auction procedure, otherwise the cost of education and health-care will become unaffordable. All the non-official members supported this suggestion. | Under examination | |
| | d) <u>Power Distribution Companies</u> : It was decided that subsidized rates for power sector should be applicable only to land allotted to the Power Department, GNCTD and not for power distribution companies. Entry (x) in Annexure-I to be modified accordingly. | Noted | |
| | The Lt. Governor informed that the Authority had sent a proposal on these lines to the Government of India in the past and assured that the | | |

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| | <i>matter will be taken up again with the Ministry of Urban Development.</i> | | |
| 3/2009 | <i>Change of land use for proposed 1400 MW power plant at Tikri Village in Zone 'L' (West Delhi-III). F.6(4)08/MP.</i> | | |
| | <i>The Authority examined the proposal and decided that change of land use proceedings should be initiated only if the ownership of land in question continues to remain vested in the Government of National Capital Territory of Delhi.</i> | Noted | |
| | <i>The proposal was approved by the Authority with the observation that land is allotted to Power Department, GNCTD.</i> | | |
| 5/2009 | <i>Fixation of Pre-determined Rates (PDRs) for Rohini, Phase-IV & V for the year 2009-10. F.4(31)08/AO(P)/DDA.</i> | Needful done. as per circular No. F4(31)2008/AO(P)/DDA/71 dated 26.6.09 | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| 6/2009 | <i>Fixation of Pre-determined Rates (PDRs) in Narela for the year 2009- 10. F.4(29)08/AO(P)/DDA.</i> | Needful done as per circular No. F4(31)2008/AO(P)/DDA/71 dated 26.6.09. | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| 7/2009 | <i>Revised budget estimates for the year 2008-09 and budget estimates for the year 2009-10. F.4(3)Budget/2008-09/RE/DDA.</i> | | |
| | <i>The Lt. Governor observed that budget provisions should be grouped under appropriate heads e.g. land acquisition, development of land, construction of houses and shops, Master Plan Roads, Commonwealth</i> | New proposals being put up in the 10 th August meeting. | |

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| | <i>Games related activities, Infrastructure Projects etc. giving project-wise and scheme-wise details under each head, with on-going and new schemes shown separately. (Such budgetary architecture is followed in the Union budget under sector, sub-sector, functions, sub-functions, programmes, schemes, sub-schemes and primary unit of appropriation). It was clarified that till budget proposals with scheme-wise/project-wise details are considered and approved by the Authority, the expenditure may continue to be incurred on on-going and approved schemes/projects. The Authority authorized the Lt. Governor to approve other expenditures in case funding is urgently required for some time-bound new scheme/activity.</i> | | |
| | <i>b) The Lt. Governor also directed that all non-official members shall henceforth be part of the Performance Review Committee and that Quarterly Performance Budget shall be placed before the Authority regularly.</i> | Noted | |
| | <i>c) The Jt. Secretary (D&L), MOUD, Dr. M.M. Kutty pointed out that schemes for economically weaker section of the society should be given priority in the Budget.</i> | | |
| 8/2009 | <i>Review of the policy for fixation of License fee in respect of Gas Godown. F.13(5)05/cl/dda.</i> | Noted | |
| | <i>Proposals contained in the agenda item were approved by the Authority</i> | | |
| 9/2009 | <i>Laxman Public School-Regularization of unauthorized construction and Restoration of Lease.</i> | | |
| | <i>The Authority advised that Building Bye-laws should be given liberal interpretation so that such genuine requests of educational societies can be accommodated.</i> <i>After detailed discussions, the Authority ratified the decisions taken in</i> | Noted | |

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| | <i>the matter.</i> | | |
| 10/2009 | <i>Revision of rates for Damages for the assessment under the Public Premises (Eviction of unauthorized occupants Act 1971).</i> | Needful has been done vide Circular No. F1 (Misc.) Damages/ACS/07-08/70 dated 26.6.09. | |
| 11/2009 | <i>Proposals contained in the agenda item were approved by the Authority. Proposed change of land use in land measuring 2000 sq.mt. from 'Recreational' (District park) to Public and Semi Public, (Community Hall) at Harkesh Nagar.</i> | Under process | |
| | <i>Dr. Harsh Vardhan pointed out that DDA should develop more district parks and play-grounds to compensate for such change of land-uses. The Lt. Governor informed that the Master Plan has laid down complete hierarchy for development of green areas and directed that the same should be duly complied with.</i> | Noted | |
| | <i>2. After detailed discussions, the proposals contained in the agenda item were approved by the Authority.</i> | | |
| 13/2009 | <i>Development Control Norms for proposed C.R.P.F. Campus at Bawana Delhi.</i> | Further action is being taken. | |
| 14/2009 | <i>Proposals contained in the agenda item were approved by the Authority. Relaxation in the length of service for promotion to the post of Chief Engineer (Civil) in Delhi Development Authority.</i> | | |
| | <i>The Joint Secretary (D&L), MOUD, Dr. M.M. Kutty informed that the length of service as Superintending Engineer for promotion as Chief Engineer had been increased from 7 years to 8 years in the CPWD, MCD and the UPSC.</i> | Noted | |
| | <i>However, keeping in view the difficulties expressed in the agenda notes, the proposal was approved only for one year i.e. for the year 2009-2010.</i> | | |
| 16/2009 | <i>Standard Costing of Flats-Plinth Area Rates of Construction effective From</i> | Noted | |

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| | <i>1st April, 2009 to 30th September, 2009.</i> | | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| 7/2009 | <i>Fixation of Pre-determined Rates (PDR) of Land Premium for allotment in Plastic Bazaar Tikri Kalan for the year 2009-10.</i> | Needful done as per circular No. F.4(30)2008/DDA/70 dated 26.6.09. | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| 8/2009 | <i>Adoption of Annual Accounts for the financial year 2007-08 after certification on Annual Accounts by the office of the Accountant General (Audit) Delhi.</i> | Noted | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| 9/2009 | <i>Resitement of School plot in r/o Sardar Jagat Singh Charitable Trust in Paschim Vihar.</i> | | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| 10/2009 | <i>Adoption of recommendations of the 6th pay commission in Delhi Development Authority - Report of the Committee constituted by Hon'ble LG.</i> | | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| | <i>2. The Authority also directed that other cases of anomalies, if any, should be placed before this Committee as a standing arrangement.</i> | Noted | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| 22/2009 | <i>Relaxation in the length of Service criteria for promotion to the post of Supdt. Engineer (Civil) in Delhi Development Authority.</i> | | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| | <i>2. The Lt. Governor directed that functioning of the personnel department should be critically reviewed and desired that short term and long term action plan should be placed before the Authority to remove stagnation in all cadres of employees. He directed that inter-cadre parity should be maintained as far as possible.</i> | Personnel Department has taken action for removing stagnation of all cadres of employees by conducting various Cadre Reviews. The | |

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| 14/2009 | (i) Restoration of Leases in favour of EHIRC on payment of Unearned approved by the Authority. | Noted | |
| 13/2009 | Restoration of Sub-Lease Deed in respect of Industrial Plot No. 39, Rajasthan Udyog Nagar. The Lt. Governor asked (retd.) AVM, Shri V.K. Dayalu, Advisor DDA, to also attend to the staff grievances and place the connected issues before the competent authority. | Noted | |
| | | <p>Cadre Review proposals have been sent to Ministry of Urban Development for approval, but these proposals are lying pending with the Ministry of UD. As soon as these proposals are finalised, it will remove the stagnation in most of the cadres.</p> <p>In regard to inter-cadre party, it is to submit that such cases will be reviewed on merit and wherever functionally justified accordingly. All the isolated and left out cadres have been incorporated in the recent cadre review proposals and main focus of Personnel Department is to increase the promotional avenues for Group-B, C and D Posts.</p> | |

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| | increase. | | |
| | (ii) Change in Governing Body/Members of a Society by due process of law not to be treated as the case of sale. | | |
| | The Authority decided that without specific reference to the case of Escort Heart Institute Research Centre cited in the Agenda Note placed before it, leases of institutional plots should not be cancelled/revoked on the ground of change in the management, organizational structure or constitution of the legal entity which had been allotted the land, so long as the land use for which the allotment had been made has not been altered and the conditions, if any, imposed on the original allottee for providing concessional services to weaker sections etc. continue to be discharged by the successor-in-interest of the original allottee. | Noted | |
| | The Authority further observed that so far as the question of charging unearned increase is concerned, such unearned increase should be payable in case of transfer to another party and would need to be determined on a case to case basis on merits. | | |
| | The individual cases regarding cancellation/restoration of leases of institutional plots should be decided in accordance with this framework. | | |
| 25/2009 | Extension of concessional period in the cases of death of DDA employees/allottees of DDA Staff Quarters for retention of staff quarter by legal heir. | | |
| | The Authority discussed the agenda item and decided that open - ended relaxation from rules would not be appropriate and decided that retention in such cases may be permitted upto a maximum of 5 years on payment of normal license fee, with the direction that no further retention will be permitted under any circumstances. | Noted | |
| | 2. Dr. Harsh Vardhan and all the non-official members suggested that pending cases of compassionate appointment under the 5% reservation quota should be cleared in a time bound manner. | | |
| | Suggestion of the Vice-Chairman that daily wage appointment should be | Noted | |

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| | <i>given to the eligible applicants till their turn matures for regular appointment was approved.</i> | | |
| 26/2009 | <i>Regarding change of land use of land measuring 8.44 acre (3.41 hac.) for construction of 500 bedded Hospital at Madipur.</i> | Further action is being taken as per law. | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | Noted | |
| 27/2009 | <i>Approval of expenditure for purchase of 333 apartments from Emaar MGF Construction, Pvt. Ltd.</i> | | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| 28/2009 | <i>Common Wealth Games Village, 2010.</i> | | |
| | <i>The proposals explained by the Finance Member were noted by the Authority.</i> | | |
| | <i>2. Shri Subhash Chopra proposed that non-official members should be associated with the regular monitoring of Common Wealth Games' related activities.</i> | Noted | |
| | <i>II. The Lt. Governor agreed with the suggestion and directed that a Monitoring Group comprising all the non-official members alongwith the concerned senior officers of DDA be constituted to regularly review and monitor the progress of the DDA related activities of the Commonwealth Games. Modalities for this arrangement shall be finalized by the Vice Chairman. AVM Dayalu could also be associated with this group.</i> | | |
| 29/2009 | <i>Sub: Recommendation of the Board of Enquiry and Hearing for Zone P-II held on 16.01.09.</i> <i>F.4(4)2008/MP/Part-IV.</i> <i>The Lt. Governor however directed that the proposals given by the Haryana Government should be duly examined.</i> | Further action is being taken as per law. | |
| | <i>c) The Lt. Governor also directed that the proposed land use plans should be shown on the Google map so that the location and extent of the built up</i> | Noted | |

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| | <i>areas is kept in mind while taking final decisions on the Zonal Plans.</i> | | |
| | <i>d) The Lt. Governor further directed that all the Master Plan road alignments should be immediately finalized and proceedings initiated for acquisition of land under emergency provisions for the essential infrastructure envisaged under the MPD-2021 in all the zones. The process of acquisition should however be least disruptive and exclude the built-up areas to the extent possible.</i> | Under Process | |
| 30/2009 | <i>The case of Shri Gulab Rai for restoration of allotment of residential plot no. BM-105 in Shallmar Bagh, New Delhi.</i> | | |
| | <i>The Principal Commissioner, Shri V.K. Sadhu, explained the agenda item. It was informed that the Courts are likely to regularize the allotment with penalty.</i> | Noted | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| 32/2009 | <i>Change of land use of the land measuring 25 Acres from "Re-creational (District Park) to Transportation (Heliport)" in Sector-36, Rohini.</i> | Proposal has been referred to MOUD for issue of final notification vide office letter dated 23.6.09. | |
| | <i>Commissioner (Planning) explained that compensatory greens had already been provided in the Zone 'M' and the proposals are in public interest.</i> | | |
| | <i>The Authority approved the proposals contained in the agenda item subject to the direction that the land shall continue to remain under the ownership of the Ministry of Civil Aviation, Govt. of India.</i> | Noted | |
| 33/2009 | <i>Change of land use of 100 Acres of land for South Asian University near village Maidan Garhi, Zone-"J" (South Delhi-II), after hearing of objections/suggestions.</i> | Proposal has been referred to MOUD for issue of final notification vide office letter dated 23.6.09. | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| 34/2009 | <i>Change of land use of land measuring 239 acres at village Ghitorni from</i> | Proposal has been referred to | |

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| | <i>Agricultural to Residential and Govt. Offices etc.</i> | MOUD for issue of final notification vide office letter dated 23.6.09. | |
| | <i>Proposals contained in the agenda item were approved by the Authority.</i> | | |
| 35/2009 | Other Points: | | |
| | i. <i>ACP benefit should be given to the work-charged employees from the date of their appointment. He pointed out that this matter had been discussed in several meetings of the Authority but the benefit had yet not been extended.</i> | Agenda has already been put up for approval. | |
| | ii. <i>There is extreme stagnation in the Research cadres and no promotions have been made during the last 20 years.</i> | Agenda put up in the meeting of 10.8.2009 for consideration by the Authority. | |
| | b) <i>The Lt. Governor directed that all cadres should have equal opportunity to grow and no imbalances should be allowed to occur. He directed that all the cases where inter-cadre imbalances have occurred should be examined and placed before the Authority.</i> | Personnel Department has taken action for removing stagnation of all cadres of employees by conducting various Cadre Reviews. The Cadre Review proposals have been sent to Ministry of Urban Development for approval, but these proposals are lying pending with the Ministry of UD. As soon as these proposals are finalised, it will remove the stagnation in most of the cadres. In regard to <u>inter-cadre parity</u> , it is to submit that such cases will be reviewed on merit and | |

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| | | wherever functionally justified the same will be processed accordingly. All the isolated and left out cadres have been incorporated in the recent cadre review proposals and main focus of Personnel Department is to increase the promotional avenues for Group-B, C and D Posts. | |
| | <i>II Dr. Harsh Vardhan pointed out that inspite of laying of foundation stone for an auditorium by the then Lt. Governor in Sukh Vihar 7 years back, there has been no progress at site.</i> | Land use of the Auditorium land was changed to Local Shopping Centre by Master-Plan-Wing of DDA. In view of this, the matter of further utilization of land is being examined. | |
| | <i>The Lt. Governor sought a report in this matter at the next meeting of the Authority.</i> | | |
| | <i>b)The Lt. Governor directed that DDA should have an effective internal monitoring mechanism whereby progress of all works is regularly and systematically monitored.</i> | The monitoring is being done on regular basis. E.M. holds a Review-Meeting with the Zonal Chief-Engineers, Architects and Planners on monthly basis, when progress of all major works (in pipeline, in progress, to be taken up) is reviewed. Detailed Minutes of these meetings are issued and reviews conducted in the next monthly meetings. | |
| | <i>III Shri Naseeb Singh pointed out that there is need for retaining the institutional land use in the Karkardooma area because there is no community hall, dispensary, govt. hospital, bus-terminus etc. which could cater to the requirements of the residents of more than 115 Group Housing</i> | Noted | |

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| | Societies of I.P. Extention. He suggested that instead of providing more land for residential use, existing residents should be provided necessary civic amenities and community facilities. | | |
| | i. Demolitions in residential areas of Ali Vihar (Ali Gaon) may be taken up only after clearing the open lands and commercial structures. | Noted | |
| | ii. Land should be allotted to MCD for their office in Dwarka without further delay. | MCD had earlier requested for allotment of 1 hac. land in Dwarka for their Zonal Office building. DDA vide its letter 20 th July, 2009 have requested Engineer-in Chief, MCD, to intimate requirement of detailed floor area instead of the plot area so that a suitable plot of appropriate size could be earmarked and allotted to them. | |
| | iii. Alternate plots should be released to all the applicants whose lands have been acquired. | The Engineering Department has submitted feasibility report and demarcation report in respect of 488 plots in Dwarka. DDA had already taken up the matter with L & B Department for verification of the recommendation letters issued by them. In this regard VC, DDA had a meeting with Principal Secretary, L & B Department on 03.08.2009. Principal Secretary, L & B Department had assured that report will be sent within one month time. Further action will be taken immediately thereafter. | |

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| | iv. <i>All drains of Dwarka should be immediately cleaned and</i> v. <i>desilted.</i> | All the Drains have been cleaned except Trunk-Drain no. 5 for which Tenders have been received on 20.7.09 and the work shall be completed within 1.1/2 months. | |
| | v. <i>DDA flats in Sector 13, Dwarka require extensive repairs and the same should be taken up expeditiously.</i> | Agenda has been placed for approval of the Authority. | |
| | vi. <i>Developmental activity had not been started in any of the 100 villages which had been identified and budgeted in the previous budgets. Specific developmental activities in all the villages and their surrounding areas should be appropriately budgeted in the current year and their progress regularly reviewed.</i> | Status of Development works of Villages is given at pages 14-21. | |
| | V. <i>The Authority bade farewell to the outgoing Chief Legal Adviser, Shri C.K. Chaturvedi and decided to place on record its appreciation for the good work done by him during the last four crucial years.</i> ***** | | |

STATUS OF DEVELOPMENT WORKS OF VILLAGES

| NAME OF WORKS | COMPLETED VILLAGES | IN PROCESS OF AWARD/PLANNING/PROGR4ESS | NOT REQUIRED | TOTAL |
|--|--------------------|--|--------------|-------|
| R.R. Sign Boards | 55 | 5 | 8 | 68 |
| Benches | 49 | - | 19 | 68 |
| Improvement of Approach-Road/Phirni-Road | 57 | 3cx | 8 | 68 |
| Improvement of Parks | 17 | 1 | 50 | 68 |
| Improvement of Cremation-Grounds | 9 | - | 59 | 68 |

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STATUS OF VILLAGES DEVELOPMENT WORKS - (ZONE-WISE)

NORTH ZONE :

| Sl. No. | Name of Villages | Amount of P.E. | Works to be Carried out/ Taken In Hand | | | | | Remarks Other Wor |
|---------|---------------------------------|----------------------|--|------------------|----------------------|---------------------|------------------|-------------------|
| | | | Signage/ Guide-Map | Benches In Parks | Approach/ Paved Road | Boundary-Wall/ Park | Cremation Ground | |
| 1. | Jahangir Puri | 14,06,517/- | Completed | Completed | Completed | Completed | N.A. | -- |
| 2. | Mukand Pur | 27,38,256/- | Completed | Completed | Completed | Completed | Completed | -- |
| 3. | Bhalswa | 21,58,147/- | Completed | Completed | Completed | Completed | N.A. | -- |
| 4. | Wazir Pur | 14,36,611/- | Completed | N.A. | Completed | Completed | N.A. | -- |
| 5. | Toda Pur | 17.51 Lacs | Completed | N.A. | Completed | Completed | N.A. | -- |
| 6. | Das Ghara | 27.56 Lacs | Completed | N.A. | Completed | Completed | N.A. | -- |
| 7. | Tikri Khurd (near Narela) | 24,05,113/- | Completed | N.A. | Completed | N.A. | N.A. | -- |
| 8. | Holambi Kalan | 51,58,972/- | Completed | N.A. | Completed | Completed | N.A. | -- |
| 9. | Bhor Garh (near Narela) | 23,57,028/- | Completed | N.A. | N.A. | N.A. | Completed | -- |
| 10. | Singhola (near Narela) | 18,79,010/- | Completed | N.A. | Completed | N.A. | N.A. | -- |
| 11. | Khureji (near Narela) | 18,75,741/- | Completed | N.A. | Completed | N.A. | Completed | -- |
| 12. | Sannooh (near Narela) | 41,65,509/- | Completed | N.A. | N.A. | N.A. | N.A. | -- |
| 13. | Jagat Pur | 12.05 Lacs | Completed | N.A. | Completed | N.A. | N.A. | -- |
| 14. | Haider Pur (near Shaikhar Bagh) | 29,28,228/- | Completed | Completed | 90% Completed | N.A. | 98% Completed | -- |
| | TOTAL : | 3,42,21,132/- | | | | | | |

Table Works (Horizontal Style)

STATUS OF VILLAGES DEVELOPMENT WORKS - (ZONE-WISE)**SOUTH ZONE :**

| Sl. No. | Name of Villages | Amount of P.E. | Works to be Carried out/ Taken in Hand | | | | | Remarks, Other Work |
|----------------|------------------|----------------------|--|-------------------|---|-------------------------|----------------------|---------------------|
| | | | Signage/ Gullies-Man | Bench in Parks | Approach/ Entry Road | Boundary- Wall/Fence | Cremation Ground | |
| 1. | Mohammad Pur | 18,63,556/- | Completed | Completed | Completed | Completed | Not Required | -- |
| 2. | Masood Pur | 17,66,157/- | Completed | Completed | Completed | Completed | Not Required | -- |
| 3. | Humayun Pur | 20,91,185/- | Completed | Completed | Completed | Completed | Not Required | -- |
| 4. | Kishan Garh | 16,81,317/- | Completed | Completed | Completed | Completed | Not Required | -- |
| 5. | Basant Gaon | 32,70,854/- | Completed | Completed | Completed | Completed | Completed | -- |
| 6. | Mahipal Pur | 25,71,014/- | Completed | Completed | Completed | Not Required | To be done by MCD | -- |
| 7. | Munirka | 12,84,784/- | Completed | Completed | Completed | Not Required | Completed | -- |
| 8. | Madan Gir | 15,43,721/- | Completed | Completed | Work of approach Road resubmitted & is being re-invited | Not Required | Not Required | -- |
| 9. | Tehkhand | 62,41,070/- | Completed | Completed | Completed | Not Required | Not Required | -- |
| 10. | Khirki | 25,56,954/- | Completed | Completed | Work of approach Road to be carried out by MCD. | Completed | Not Required | -- |
| 11. | Tughalkabad | 20,90,972/- | Completed | Completed | - (do) - | Not Required | Not Required | -- |
| 12. | Lado Sarai | 22,11,096/- | Completed | Completed | Completed | Not Required | Not Required | -- |
| 13. | Begum Pur | 31,23,130/- | Completed | Completed | Tenders of work of approach Road re-invited and is likely to be completed by 30-9-08. | Completed | Not Required | -- |
| TOTAL : | | 3,22,98,810/- | | | | | | |

STATUS OF VILLAGES DEVELOPMENT WORKS - (ZONE-WISE)

EAST ZONE :

| Sl. No. | Name of Villages | Amount of P.E. | Works to be Carried out/ Taken in Hand | | | | | Remarks, Other Works |
|----------------|--------------------|----------------------|--|-------------------|-----------------------------|--------------------|-----------------------|----------------------|
| | | | Signage/ Guide-Map | Benchies in Parks | Approach/ Phiral Road | Boundary-Wall/Park | Cremation Ground | |
| 1. | Khichri Pur | 93,00,000/- | Being Awarded | Awarded | Not Required | Not Required | Not Required | -- |
| 2. | Khijrabad | 13,17,068/- | 5,75,969 | Not Required | Already constructed by MCD. | Not Required | Not Required | -- |
| 3. | Tamoor Nagar | 9,14,659/- | 5,77,000 | Not Required | - (do) - | Not Required | Not Required | -- |
| 4. | Jasola | 23,28,914/- | Work in progress and likely to complete by 13-809. | Not Required | Completed | Not Required | Not Required | -- |
| 5. | Madan Pur Khadar | 21,95,956/- | - (do) - | Not Required | Not Required | Not Required | No action is required | -- |
| 6. | Saboli | 21,23,972/- | Not Required | Not Required | Not Required | Not Required | Not Required | -- |
| 7. | Kanchi Pur | 11,64,518/- | Not Required | Completed | Not Required | Not Required | Not Required | -- |
| 8. | Hasan Pur (Nangla) | 3,10,000/- | Not Required | Not Required | Not Required | Not Required | Not Required | -- |
| 9. | Gazi Pur | 18,73,000/- | Not Required | Completed | Completed | Not Required | Not Required | -- |
| 10. | Mandawali Fazalpur | 3,10,000/- | Not Required | Not Required | Not Required | Not Required | Not Required | -- |
| 11. | Karkar Dooma | 10,33,000/- | Not Required | Not Required | Completed | Not Required | Not Required | -- |
| 12. | Khureji Khas | 13,20,000/- | Not Required | Not Required | Completed | Not Required | Not Required | -- |
| TOTAL : | | 2,41,91,087/- | | | Completed | Not Required | Not Required | -- |

Table-Works (Horizontal-Style)

STATUS OF VILLAGES DEVELOPMENT WORKS - (ZONE-WISE)

DWARKA ZONE :

| Sl. No. | Name of Villages | Amount of P.E. (in Lacs) | Works to be Carried out / Taken In Hand | | | | | Remarks, Other Wor |
|----------------|---------------------|--------------------------|---|------------------|-----------------------|--|-------------------------------|----------------------------------|
| | | | Storage/ Galle Man | Benches in Parks | Approach/ Eterni Road | Boundary Wall/Park | Cremation Ground | |
| 1. | Pochan Pur | Rs.27.76 | Completed | Completed | Exist | Completed | Repair/ improvement completed | C.-Hall/ Old-Age-Hor proposed. |
| 2. | Kakrola | Rs.12.07 | Completed | Completed | Exist | Play-Field, Park Drawing is under finalization | N.A. | C.-Hall Tende received on 8-8-09 |
| 3. | Dhoolsirs | Rs.12.07 | Completed | Completed | Exist | N.A. | N.A. | -- |
| 4. | Bamnoli | Rs.12.07 | Completed | Completed | Exist | N.A. | N.A. | -- |
| 5. | Amberhai, Sector-19 | Rs.8.83 | Completed | Completed | Exist | N.A. | N.A. | C-Hall exist. |
| 6. | Nasir Pur | Rs.9.91 | Completed | Completed | Exist | N.A. | N.A. | C-Hall P.E. is under process. |
| 7. | Bharthal | Rs.50.78 | Completed | Completed | Exist | N.A. | N.A. | C-Hall exist. |
| 8. | Bagdola, Sector-8 | Rs.22.02 | Completed | Completed | Exist | N.A. | N.A. | C-Hall exist. |
| TOTAL : | | 1,55,51,000/- | | | | | | |

STATUS OF VILLAGES DEVELOPMENT WORKS - (ZONE-WISE)**ROHINI ZONE :**

| Sl. No. | Name of Villages | Amount of P.E. | Works to be Carried out/ Taken in Hand | | | | | Remark Other Works |
|---------|--------------------|----------------------|--|-------------------|-------------------------|------------------------|---------------------|-----------------------|
| | | | Signage/ Grade-Plan | Bench in Parks | Approach/ Paved Road | Boundary- Wall/Rock | Cremation Ground | |
| 1. | Nahar Pur | 25,29,641/- | Completed | Completed | Completed | Not Available | Not Available | |
| 2. | Pooth Kalan | 25,03,934/- | Completed | Completed | Completed | Not Available | Not Available | |
| 3. | Mangol Pur Kalan | 4,35,155/- | Completed | Completed | Not Available | Not Available | Not Available | |
| 4. | Rithala | 23,71,638/- | Completed | Completed | Completed | Not Available | Not Available | |
| 5. | Raza Pur | 22,75,662/- | Completed | Completed | Completed | Not Available | Not Available | |
| 6. | Badli | 25,89,390/- | Completed | Completed | Completed | Not Available | Not Available | |
| 7. | Shahbad Daulat Pur | 25,81,921/- | Completed | Completed | Completed | Completed | Not Available | |
| 8. | Prahlad Pur | 20,61,094/- | Completed | Completed | Completed | Not Available | Not Available | |
| 9. | Begun Pur | 11,05,717/- | Completed | Completed | Completed | Not Available | Not Available | |
| 10. | Berwala | 4,35,155/- | Completed | Completed | Not Available | Not Available | Completed | |
| 11. | Nithari | 42,95,581/- | -- | -- | Completed | Not Take up | Completed | |
| 12. | Kirari | 19,87,503/- | Completed | Completed | Not Available | Not Available | Not Available | |
| 13. | Mubarak Pur Dabas | 38,36,562/- | Completed | Completed | Completed | Completed | Not Available | |
| | TOTAL : | 2,80,08,953/- | | | | | | |

Table-Works (Horizontal-Style)

STATUS OF VILLAGES DEVELOPMENT WORKS - (ZONE-WISE)

ROHINI ZONE :

| Sl. No. | Name of Villages | Amount of P.E. | Works to be Carried out / Taken in Hand | | | | | Remarks Other W/o |
|----------------|--------------------|----------------------|---|------------------|--------------------------------|--------------------|------------------|-------------------|
| | | | Signage/ Guide-Map | Benches in Parks | Approach/ Kutch Road | Boundary-Wall/Park | Cremation Ground | |
| 1. | Nahar Pur | 25,29,641/- | Completed | Completed | Not Available Completed | Not Available | Not Available | |
| 2. | Pooth Kalan | 25,03,934/- | Completed | Completed | Not Available Completed | Not Available | Not Available | |
| 3. | Mangol Pur Kalan | 4,35,155/- | Completed | Completed | Not Available Not Available | Not Available | Not Available | |
| 4. | Rithala | 23,71,638/- | Completed | Completed | Completed Not Available | Not Available | Not Available | |
| 5. | Raza Pur | 22,75,662/- | Completed | Completed | Not Available Completed | Not Available | Not Available | |
| 6. | Badli | 25,89,390/- | Completed | Completed | Completed Completed | Completed | Not Available | |
| 7. | Shahbad Daulat Pur | 25,81,921/- | Completed | Completed | Completed Not Available | Not Available | Not Available | |
| 8. | Prahlad Pur | 20,61,094/- | Completed | Completed | Completed Not Available | Not Available | Not Available | |
| 9. | Begum Pur | 11,05,717/- | Completed | Completed | Completed Not Available | Not Available | Not Available | |
| 10. | Barwala | 4,35,155/- | Completed | Completed | Not Available Not Available | Not Available | Completed | |
| 11. | Nithari | 42,95,581/- | -- | -- | Not Taken up Completed | Not Take up | Completed | |
| 12. | Kirari | 19,87,503/- | Completed | Completed | Not Taken up Not Available | Not Available | Not Available | |
| 13. | Mubarak Pur Dabas | 38,36,562/- | Completed | Completed | Not Taken up Completed | Completed | Not Available | |
| TOTAL : | | 2,80,08,953/- | | | | | | |

Table Works-(Horizontal-Style)

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STATUS OF VILLAGES DEVELOPMENT WORKS - (ZONE-WISE)

DIRECTOR-(M.M.) :

| Sl. No. | Name of Villages | Amount of P.E. (In Lacs) | Works to be Carried out/ Taken in Hand | | | | | Remarks Other Works |
|---------|------------------|--|--|------------------|----------------------|---------------------|------------------|---------------------|
| | | | Signage/ Guide-Map | Benches in Parks | Approach/ Paved Road | Boundary-Wall/ Park | Cremation Ground | |
| 1. | Nangloi Sayed | 58.80 Lacs for All Villages i.e. from sl nos. 1 to 8 | Completed | Completed | Completed | -- | -- | |
| 2. | Kesho Pur | - | Completed | Completed | Completed | -- | -- | |
| 3. | Tihar Pur | - | Completed | Completed | Completed | -- | -- | |
| 4. | Posangi Pur | - | Completed | Completed | Completed | -- | -- | |
| 5. | Basai Dara Pur | - | Completed | Completed | Completed | -- | -- | |
| 6. | Jawala Heri | - | Completed | Completed | Completed | -- | -- | |
| 7. | Madi Pur | - | Completed | Completed | Completed | -- | -- | |
| 8. | Bodella | - | Completed | Completed | Completed | -- | -- | |
| TOTAL : | | 58,80,000/- | | | | | | |

**2ND SUPPLIMENTARY (LAID ON THE TABLE) AGENDA ITEM DISCUSSED IN THE
MEETING OF DELHI DEVELOPMENT AUTHORITY TO BE HELD ON 10.8.2009 AT RAJ
NIWAS, DELHI.**

INDEX

PCCS

| Sl. No. | Item | Subject | Pages |
|----------------|-------------|---|--------------|
| 1 | 55/2009 | Rejuvenation of District Centre, Nehru Place, New Delhi. File No. F-10(7)/CC-15 | 1-53 |

Item No.: 55 /2009

Date: 10-8-09

Sub.: Rejuvenation of District Centre, Nehru Place, New Delhi.

File No.: F10(7)/CC-15

Precise

As per the direction issued by Hon'ble LG during his visit at Nehru Place on 18/04/2002, District Centre was declared as "No Tolerance Zone" (Annexure-1).

As a pilot project, D.D.A. allowed 68 vendors/hawkers of Manushi Sangathan, Delhi to sit at Nehru Place District Centre till a final decision could be taken. However the proposal was dropped by the competent authority (Annexure-2).

Manushi Sangathan filed a writ petition in the Hon'ble High Court for their continuance at Nehru Place. The Writ was dismissed by the Hon'ble Court on 04.09.2008 (Annexure-3). Thereafter, Manushi Sangathan filed LPA in the High Court on the pleas that No. Tolerance Zone & "No hawking zone" were two different issues. Since, Nehru Place district centre is only a "No Tolerance Zone", 67(68-1) hawkers be allowed to continue to sit at Nehru Place district centre (Annexure-4). After examining the issue in details standing council of DDA suggested to get this area declared as 'No Hawking Zone' (Annexure-5) in the lines with "No Tolerance Zone".

However the authority for declaration of "No Hawking Zone" rest with the vending committee of MCD, but MCD has refused to take in

consideration for such declaration citing that since the district centre was with DDA and such identification may be done by DDA.

The Competency of declaration of this area as "No Hawking Zone" lies with Hon'ble L.G. of Delhi, the case is placed before the authority for approval.

RESOLUTION

The Authority also discussed the issue of rejuvenating the Nehru Place District Centre. After detailed discussions, it was decided that Nehru Place District Centre should be declared as "No Hawking Zone".

2) The Authority also decided that separate areas should be identified and earmarked as vending zones in different parts of the city.

OTHER POINTS:

1. Shri Subhash Chopra advised that all policy matters should be first discussed in the Authority and only thereafter referred to the Ministry of Urban Development. He desired to know details of the proposed policy on various subjects like Farm Houses, Unauthorised Colonies, Development of Industrial clusters, PPP Model of land development, Group housing on 3000 sq.mt. land, special areas etc. and sought a discussion on these issues by the Authority before a final view is taken by the Ministry.

II. The Lt. Governor directed that all these policy matters should be placed before the Authority before final recommendations are sent to the Ministry of Urban Development.

2A

III. Sh. Subhash Chopra, MLA, and Member of the Authority also raised the point regarding the temporary cinema halls being allowed to develop like other cinema halls in the city.

Hon'ble LG agreed to the suggestion and said that days of cinema halls having 800-1000 seats are gone and that these are not viable today. He said that temporary cinemas have been running with due permission from the Government since mid seventies and that these should be allowed to develop on modern lines.

2. Shri Naseeb Singh pointed out that facilities like Bus Terminal, Dispensary, Sports Complex etc. have not been provided in the IP Estate Extension which has 115 Group Housing Societies. Neither any provision has been made for these facilities in future.

II. The Lt. Governor directed that these are essential facilities and must be provided in the area. He advised the Vice-Chairman to take a meeting on the subject with all the concerned officials.

3. Dr. Harsh Vardhan desired to know the deadline for construction of new DDA Officers Institute at the site which has been cleared by the Screening Committee and wanted to have action taken report on the employee welfare measures approved by the Authority during its Golden Jubilee Year.

II. The Lt. Governor directed that action taken report on all the decisions taken by the Authority towards employees' welfare during the Golden Jubilee year and the status of construction of officers Institute at the site approved by the Screening Committee be put up in the next meeting of the Authority.

2B

*It was decided that the next meeting of the Authority
would be held on 12th October, 2009 at 11.00 a.m. at Raj
Niwas.*

The meeting ended with a vote of thanks to the Chair.

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DELHI DEVELOPMENT AUTHORITY

Office of the Superintending Engineer

Chit Ch. 1-15

Minutes of the meeting of Steering Committee held on April 18th, 2002

At IFCI Tower, Nehru Place

Sub: Rejuvenation of District Centre, Nehru Place, New Delhi

The meeting was taken by the Hon'ble LG to review the management and maintenance of District Centre at Nehru Place.

The list of officers/ stakeholders, who attended the meeting is given in Annexure A, enclosed

At the outset, Hon'ble LG thanked IFCI authorities for hosting this important meeting in the complex. DDA had developed a number of District Centres in Delhi and after its development the services were transferred to the local civic bodies for subsequent care and maintenance. Nehru Place is one such area where after development DDA passed on the responsibility for maintenance of services to the MCD, DJB, DVB etc. This is a place, which is frequented by a large number of people, working in this area and visitors. Besides offices, there is large number of outlets selling stationery, computer hardware and software, electrical items, eateries etc. The infrastructure of Nehru Place needs upgradation as large areas within the District Centre (both private and public) have fallen into disarray. The objective of this meeting is to work out a plan for improving the conditions of Nehru Place.

He indicated that similar efforts have been made at Janak Place, Bhikaji Cama Place, and are showing good results

Thereafter a detailed presentation was made by the DDA about the steps taken by the DDA in upgrading the Bhikaji Cama Place and its proposal for upgradation of Nehru Place. The efforts being made by the DDA under the leadership of Hon'ble LG in improving the quality of life in such District Centres

After detailed discussions and deliberations with all concerned present in the meeting, following decisions were taken by LG

SA/SZ/957
22/5/02

Not Pleas'd in
Upgradation of Nehru Place

LDZ

[Signature]
22/5/02

1. The entire Nehru Place area will be a 'Zero Tolerance Zone' where no violation of law to be permitted

Action MCD, DDA, DJB, DVB,
Traffic Police, Fire Dept

2. All encroachments, whether in right of way or on piazzas or in common areas, to be removed by MCD immediately and ensure that these do not come up again

Action Commissioner, MCD

3. MCD/DJB will draw an action plan to desilt drainage/ sewer lines within a week and complete the entire operation within a month. The action plan would be submitted by both the departments to LG

Action: Commissioner, MCD, CE-V, MCD,
C E O / C E DJB

4. CE, DJB will review the water supply position within a week and ensure that water, which had become surplus due to relocation of the slum, is diverted for augmentation of the water of the complex.

Action C E O / C E (W), DJB

✓ 5. For construction of toilet blocks and dhalaos at the locations identified by Chief Architect, DDA, MCD will get the same constructed on BOT basis immediately. The requisite permission for construction of the toilets dhalaos on BOT basis will be given by SE/CC-15 DDA.

ACTION: Commissioner, MCD,
Chief Architect, DDA
S E / C C - 15 DDA

6. All signages on wall faces and in corridors to be removed by MCD except those, which had been provided conforming to original approved pattern & design.

ACTION: Chief Architect, DDA/MCD

7. DVB/MTNL to ensure that there were no overhead drawn wires in any of the areas, towards improvement of the power supply position, CE(S), DVB informed that:

a) Out of 55 oil filled transformers, 44 had already been replaced by dry type and the remaining are in the process of replacement.

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- b) For this purpose, the encroachments made by the stakeholders in front of the sub-stations, would need to be removed by them immediately

Action Chairman /CE/South), DVB,
C M(S)-1, MTNL

- 8 For improvement of street lighting for the entire complex including parking lots, action to be taken by CE (electric) DDA

Action Chief Engineer (Eld) DDA

- 9. Chief fire officer would review the fire fighting system and submit a paper in a week's time.

- 10. In order to ensure that the mechanism was immediately in place, to co-ordinate this project, the LG directed that the complex be transferred back to DDA for maintenance in future. This was agreed by E-in-chief and Dy. Commr. (south), MCD, who attended the meeting on behalf of commr MCD, and VC, DDA. For this purpose, it was decided that a steering Group be set-up under SE/CC-15, DDA as team leader and following as members.

- a) One representative each from MCD, DJB, DVB, Traffic, MTNL, Fire Deptt. Officers to be nominated by respective heads of departments, not below the level of EE
- b) The representatives of the stakeholders will be guest members, as and when required.
- c) Representatives of various units of DDA.

This steering group will be expected to meet periodically and flag various issues with regard to O & M set-up and co-ordinate the maintenance of common services and at the same time work towards setting up of an independent O & M company, after examining all aspects.

Hon'ble LG indicated that it will be appropriate, if the stakeholders also contribute something towards the effective management and maintenance of the complex and feel involved in its day to day management and maintenance activities. For this purpose, the contribution suggested was Rs. 10/- per Sq.ft. of the built up area per year, as had been fixed for Bhikaji Cama Place commercial complex. The modalities for collection to be worked out by the team leader in consultation with the builder owners/ developers. The Nodal officer will

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have his office in Nehru Place where regular meetings of the committee will be held

Hon'ble LG stated that he would review the progress with all concerned officers from civic authorities after a fortnight and have another meeting with stakeholders /concerned officers after 6 weeks.

This issue with the approval of Hon'ble LG Delhi

R. L. Singh
Superintending Engineer
Civil circle-15 DDA
Dtd. May 15th, 2002

No. F 10(7) 2002 / C XV / 785-76

Encl: ANNEXURE "A"

Copy to

1. PS to LG
2. PS to VC
3. PS to EM
4. All the officers from DDA and other departments as mentioned in Annexure "A".
5. Commissioner, MCD.
6. G.M.(S) MTNL

(54)

DELHI DEVELOPMENT AUTHORITY
COMMERCIAL ESTATE BRANCH

No. F-25 (3)05/CE/3241

Office of the Executive Engineer
2189
21/7/08
1st July 2008
3/7/08

To,
The Ex. Engineer/SED-5
DDA, New Delhi Nehru Place

Subject: Pilot project at Nehru Place area for hawking activities by MANUSHI Sangthan

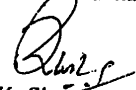
Sir,

Please refer to your letter no. F.4 (26)08/SED-5/DDA/689 dated 25.6.2008. In this regard it is informed that District Centre Nehru Place was taken back by DDA, from MCD, for its re-development. This being a public project and further Nehru Place being 'No Tolerance Zone' hawkers cannot be permitted to operate there.

During April, 2008 the Competent Authority has decided not to allow any hawker in Nehru Place Area. The file was sent to you with the decision of the Competent Authority as the file was pertaining to your office. Hawkers belonging to MANUSHI who started hawking there pending decision on the request of MANUSHI for pilot project, cannot be permitted to sit there and likewise other hawkers are also to be removed from the area. No pilot project of hawking activities can be allowed at Nehru Place Area.

On 6.6.2008, the issue was again discussed in the office OSD to LG at Raj Niwas in your presence where Smt Madhu Kishwar of MANUSHI Sangthan was also present and it was observed that hawkers either of MANUSHI or of other organization/association cannot be allowed hawking activities in Nehru Place area.

Encl. As above.


(R.K. Sharma)
Dy. Director, CE

Copy to- Smt Madhu Kishwar, MANUSHI Sangthan, C-1/3, Sangam Estate, 1, Under Hill Road, Civil Lines, Delhi-110054 for information with reference to her request for pilot project at Nehru Place. In view of above no pilot project can be permitted by DDA.

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21/7/08
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Annexure-1 (63)

ANNX-03

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 9407/2007

MUNSHI SANGATHAN, DELHI Petitioner
Through Ms. Indira Unninayar & Mr. Rvkhsaha
Chaudhary, Advs.

versus

D.D.A. & ORS Respondent
Through Ms. Sangeeta Chandra, Adv. for DDA
Ms. Zubeda Begum for respondent
Nos. 3 & 4
Mr. Ajay Arora for MCD
Mr. Pankaj Batra for UOI

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

04.09.2008

% The petitioner Manushi Sangathan, Delhi has preferred the present writ petition praying for the following reliefs:

- A. A writ in the nature of certiorari or any other appropriate writ/order or direction quashing the placement of 'Nehru Place District Center' in the list of 'Non-Hawking Areas' by Respondent 2 under its MCD Scheme.
- B. A writ of mandamus or any other appropriate writ/order or direction restraining Respondents 1 & 2 from issuing any order or direction to remove the petitioner hawkers from 'Nehru Place District Center' at least until 31st December, 2008 or until the disposal of this writ petition, whichever is later.
- C. A writ of mandamus directing Respondent 1 to implement its 2002 Resolution in keeping with the true tenor and spirit of the National Policy for Urban Street Vendors 2004, through positive involvement of the Petitioner hawkers in any beautification or clean up programme, and due recognition to natural markets etcetera, and in keeping with the provision of the Master Plan 2021, where hawking is an expressly permissible activity in Nehru Place District Center.
- D. A writ of mandamus directing Respondent 2 to implement the MCD Scheme approved by the Supreme Court in

For Private Use
Examining Judicial Department
High Court of Delhi

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Sudhir Madan, as per the true tenor and spirit of National Policy for Urban Street Vendors, 2004 by giving due recognition to natural markets, etcetera, and as per the Master Plan 2021 by categorizing hawking and non-hawking zones appropriately,
E. Writ of mandamus on Respondents 1, 2 & 3 restraining them from harassing and extorting from the Petitioner hawkers. "

The case of the petitioner is that it is a Non Governmental Organisation (NGO). It is claimed that the members of the petitioner organization had been hawking at Nehru Place District Center since the early 1990s for about 15 odd years. There are about 67 members of the petitioner organization who are claimed to have hawking in Nehru Place District Center. The petitioner came up with proposal for rehabilitation of hawkers at Nehru Place which was placed before the respondent DDA. As a pilot project the members of the petitioner who were 67 in number were permitted to hawk in Nehru Place since October, 2006.

It appears that in the year 2002 the Nehru Place District Center was declared as a Zero Tolerance Zone by the Lieutenant Governor of Delhi. The Municipal Corporation of Delhi also took a decision some time in July, 2007 not to permit any hawking in Nehru Place.

While the members of the petitioner organization were carrying on with their hawking activities, the respondent DDA has sought to remove all hawkers including members of the petitioner organization from Nehru Place District Center. At that stage the petitioner approached this Court by filing the present writ petition.

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Senior Judicial Department
High Court of Delhi

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The submission of learned counsel for the petitioner is that under the Master Plan of Delhi, 2021 informal trade is permissible in district centers. Informal trade is in fact nothing but is the trade carried on by the hawkers. It is further argued by learned counsel for the petitioner that since members of the petitioner were already hawking at the time when the National Capital Territory of Delhi Laws (Special Provisions) Act was enacted on 5.12.2007. The members of the petitioner organisation were hawking at the designated sites at Nehru Place by virtue of Section 3 of the said Act, inter lia, hawkers and urban street vendors could not be disturbed and status quo ought to have been maintained as was prevalent on 1.6.2006 in respect of encroachment or unauthorised development. Learned counsel for the petitioner also relies upon the National Policy on Urban Street Vendors, 2004 which, inter alia, states that street vendors should not be forcibly evicted. They should be relocated with adequate rehabilitation only where the land is needed for a public purpose of urgent need. The said Policy further states that no hawker/street vendor should be arbitrarily evicted in the name of beautification of the cityscape. The beautification and clean up Programme undertaken by the State or towns should actively involve street vendors in a positive way as part of the beautification programme. It is argued by counsel for the petitioner that in fact the pilot project of the petitioner which was being implemented in Nehru Place was

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Examiner Judicial Department
High Court of Delhi

inspired by the provisions of the aforesaid National Policy on Urban Street Vendors.

The petition is opposed by the respondents, particularly, the respondent DDA which is in the process of redevelopment and rejuvenation of Nehru Place District Center. Learned counsel for the respondent DDA submits that this Court has extensively considered the various provisions of the aforesaid National Policy on Urban Street Vendors as also the orders passed by the Supreme Court in the case of *Sudhir Madan & Ors. vs MCD & Ors.* 2007(8) Scale 334 which is currently monitoring the implementation of the aforesaid policy in CWP No.8019/2007 and various writ petitions decided on 29.11.2007. That petition had been directed primarily against the MCD by those holding Tehbazari rights in those petitions. The petitioners have contended that they were hawking in Nehru Place Commercial Complex and sought to protect their interest against their being evicted. This Court found that the said petitioners did not have any Tehbazari rights in the present case, and therefore, rejected the reliefs sought by them. However, the Court directed that the MCD consider and deal with the applications received by it pursuant to the National Policy on Urban Street Vendors, 2004 and its scheme for hawkers and vendors, 2004 with transparency and without delay.

In the course of the said decision the learned single judge took note of the decision in *Sudhir Madan* (supra) wherein the Supreme

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Examiner Judicial Department
High Court of Delhi

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Court relied on its earlier decision in *Ramesh Shah vs. MCD & ors* in IA No:322-333 in WP(C) No.1699/1987. The Supreme Court in *Ramesh Shah* (supra), inter alia, observed as follow:

"So far as identification of squatting and non-squatting zones are concerned it is an administrative function of the MCD which is done by taking into account various factors namely, public interest depending mainly upon the congestion in the area and public safety which are the main considerations for any Government. No challenge to such identification of squatting and circumstances when the administrative authority has taken all factors in to account. We are not sitting in appeal against any decision made by the administrative authority. We therefore do not squatting and non-squatting zone and to the map as prepared by the MCD showing Green shall be treated as final and shall not be allowed to be questioned."

In view of the aforesaid observation of the Supreme Court the first relief prayed for by the petitioner in the nature of certiorari or any other appropriate writ/order or direction quashing the placement of Nehru Place District Center in the list of non-hawking areas by Respondent 2 would not survive.

The reliance placed upon the provisions of the Master Plan as aforesaid has been answered by the DDA by explaining that merely because in a District Center informal trade i.e. hawking is permissible, it does not follow that in other district center informal trade has necessarily to be permitted. In a district center the following activities are permitted:

"District Centre

Retail Shopping, Stockists and dealers of medicines and drugs, Commercial and Offices of local bodies, PSUs,

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Examiner Judicial Department
High Court of Delhi

Cinema, Cineplex, Hotels Restaurants, Banquet Halls, Socio-Cultural activities/Recreational Club, Service Apppts., Coaching Centres/Training Institutes, Police Post, Fire Post, Tel. Exchange, Post & Telegraph Office, Petrol Pump/CNG Stn., Bus Terminal, Repair/services, Bank, ATM Guest House, Nursing Home, Informal Trade."

It possibly cannot be said that all the aforesaid activities have necessarily to be incorporated in every district center. The Master Plan gives flexibility to the DDA and the other authorities concerned to include some of such permitted activities while leaving out the rest in a district center depending on the ground situation such as population in the area, traffic congestion, the need for safety and security in the area etc.

So far as the argument founded upon the National Capital Territory, Delhi Laws (Special Provisions) Act, 2007 is concerned, counsel for the DDA seeks to rely upon Section 4 thereof. Section 4 thereof which reads as follows:

"4. During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorized development, namely:-

(a) encroachment on public land except in those cases which are covered under clauses (a), (b), (c) of sub-section (1) of section 3;

(b) removal of slums and jhuggi-jhompri dwellers, hawkers and urban street vendors, unauthorized colonies or part thereof, village abadi area and its extension, in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects."

It is argued by learned counsel for the respondent that removal of, inter alia, hawkers in accordance with relevant policies approved

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Executive Judicial Department
High Court of Delhi

by Central Government for clearance of land required for specific public projects is permitted despite the direction to maintain status quo jointly, inter alia, in relation to hawkers in Delhi. The redevelopment and rejuvenation plan of the Central Government has not been approved by the Lieutenant Governor which is a delegate of the Central Government which is a specific public project, it is argued that the 67 hawkers of Manushi could have been removed despite the enactment of the aforesaid Act. In my view there is no merit in the submission of learned counsel for the respondent. The hawkers of the petitioner organisation were permitted to hawk under the pilot project. Even when the said pilot project was under consideration, the DDA in its communication dated 7.8.2003 had stated that it was not involved in the decision of the hawkers market and would not be in a position to consider the proposal. However, it would be open to consider the proposal in case the same is received from the MCD. It was also stated that the proposal would have to integrate with the redevelopment proposal which has been finalized for Nehru Place by the Architect Consultant. Since the removal of the hawkers from Nehru Place District Center was considered necessary in the implementation of the redevelopment and rejuvenation plan of Nehru Place District Center which was declared as a Zero Tolerance Zone and was also declared by the MCD as no hawking zone, the rights created under Section 3 of the aforesaid Act, inter alia, in favour of

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hawkers did not cover the members of the petitioner who could be evicted by resorted to Section 4 of the said Act.

Learned counsel for the petitioner had also relied upon the order passed by the Division Bench of this Court in WP(C) No.10479/2006 *Citizens for Justice vs. Lt. Governor (NCT) Delhi & Ors.* This petition had been preferred by a Society of shop owners within the Nehru Place District Center. They had approached the Court saying that since the said District Center had been declared as a Zero Tolerance Zone, hawking should not be permitted. This Court took the view that mere declaration of the area as a Zero Tolerance Zone does not militated against permission to hawk. In my view this decision cannot come to the aid of the petitioner since the respondent DDA as well as the MCD have taken a decision not to permit hawking in Nehru Place District Center. There is no absolute right which lies a Fundamental Right in any citizen to hawk in any particular area. The pilot project of the petitioner association has already been rejected by the respondent DDA on 1.6.2008. A copy whereof has been placed on record. That being the position in my view nothing further survives in this petition. The same is accordingly dismissed.

VIPIN SANGHI, J

SEPTEMBER 04, 2008

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District Judicial Department
of Delhi
Under Section 70
of Evidence Act

REPORTABLE

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LETTERS PATENT APPEAL NO.766 OF 2008**

% **Date of Decision : April 17th, 2009.**

MANUSHI SANGATHAN, DELHIAppellant.
Through Ms.Geeta Luthra, Ms.Indira
Unninayal, Ms.Rukhsana Chaudhary,
advocates.

VERSUS

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents.
Through Ms. Sangeeta Chandra,
advocate for respondent no.1/DDA.
Ms.Zubeda Begum, Ms.Sana, advocates
for respondents-3&4.
Mr.Ajay Arora & Mr.Kapil Dutta,
advocates for respondent-MCD.
Mr.Pankaj Batra, advocate for
respondent no.5.

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Examiner Judicial Department
High Court of Delhi

CORAM:
HON'BLE MR. JUSTICE AJIT PRAKASH SHAH, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV KHANNA

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not ? YES
3. Whether the judgment should be reported in the Digest ? YES

SANJIV KHANNA, J:

1. This intra Court Appeal is directed against judgment dated 4th September, 2008 dismissing Writ Petition (Civil) No. 9407/2007 filed by Manushi Sangathan, Delhi (hereinafter referred to as appellant-NGO, for short).

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2. Nehru Place is a well known commercial district centre in South Delhi which was developed in early 1970. Hawkers were naturally attracted and have been hawking in Nehru Place since 1980s.
3. The appellant-NGO, by their letter dated 28th July, 2003 submitted a proposal for regulated, controlled and systematic hawking at Nehru Place supported by documents like survey report of Nehru Place vendors, a plan for model market for hawkers and a report by a professor in School of Planning and Architecture relating to Nehru Place. This study was commissioned by the Ministry of Urban Affairs. It was noticed that the total number of hawkers in Nehru Place was about 300 and alternative sites had been provided to 102 street vendors/hawkers but not others. 68 existing hawkers operating from Nehru place were to be covered by this proposal of regulated hawking.
4. Delhi Development Authority (DDA for short) responded to the said letter stating that the proposal given by the appellant NGO would have to be integrated with the redevelopment proposal finalized for Nehru Place by the architect consultant. Thereafter, some correspondence was exchanged and the issue of regulated hawking in Nehru Place was also taken up with the MCD. Approval was sought from Chief Vigilance Commissioner.

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The appellant- NGO, by their letter dated 13th May, 2005 submitted a list of street vendors/hawkers after carrying out a survey. It was stated that the list was verified in several meetings. It was also stated that the appellant-NGO shall undertake responsibility and ensure that the street vending was regulated and monitored as per code of conduct. Placement patterns/locations were earmarked. The said list gives names of 68 vendors along with goods being dealt with by them.

5. Finally, DDA by their letter dated 23rd January, 2006 informed the appellant-NGO that a joint inspection of Nehru Place was held on 17th January, 2006 regarding feasibility of construction/installation of stalls by vendors. The letter states that it was decided during inspection that DDA would provide list of markets where space was reserved for informal sector. The appellant NGO was given go ahead for further discussions with the Architecture Department regarding finalization of the proposal for hawking at Nehru Place.
6. On 3rd October, 2006 a meeting was held in the office of Vice Chairman, DDA and various issues were discussed. DDA in light of the said discussions decided to change their development policy and in future incorporate informal trade in building/shopping complexes. It was noticed in the meetings that there was some confusion about the list of hawkers/street

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vendors submitted by the appellant/NGO but that was sorted out. The Vice Chairman asked the appellant-NGO to forward list of 68 persons along with their identity cards. The Vice Chairman directed that confiscation of products of street vendors should be stopped. It appears that these cards were later on submitted. Thus a deliberate, considered and reflected decision to allow and permit regulated hawking under the appellant NGO was sanctioned.

7. The said agreed arrangement/pilot project continued for a period of more than one year. In December, 2007, the appellant NGO filed WP(C) no. 9407/2007, suspecting that on basis of an earlier decision dated 18th April, 2002 declaring Nehru Place as a non-tolerance zone, the hawkers under the pilot project may be removed. The appellant NGO relied upon the decision dated 3rd July, 2006 in W P (C) No. 10479/2006 titled Citizens for Justice Vs. Lt. Governor (NCT) Delhi & Ors. wherein a similar contention raised against the pilot project was rejected by a Division Bench of this court observing:

"2. The contention of the counsel for the petitioner is that the respondents themselves have declared the District Centre, Nehru Place, as zero tolerance zone and, therefore, they cannot allow the hawkers to encroach the said area under the garb of sites created for them vide impugned letter of their Senior

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Architect referred to above. We find no force in this contention. The location for hawkers have been created by the respondents not on any area belonging to the shop owners at District Centre, Nehru Place, but on public land with which they have no direct connection. Furthermore, there is no conflict between a no tolerance zone and a regulated and designated area for hawkers.

3. The petitioner cannot be heard to say that its fundamental right has been impinged by any means by creation of sites for the hawkers. In our opinion, this is a step which cannot be assailed as this seeks to regulate and legitimize hawkers in a public space. Hawkers also serve a public need of less affluent section of our population and cannot be wished away. Rather than banishing them it is necessary to ensure that the business of hawking is regulated and legitimized to ensure optimum utilization of public spaces. All over the world public spaces are utilized by permitting hawking in a regulated and disciplined manner. Such regulation of hawking is eminently in public interest as it will also generate revenue for the State. The consideration for use of public space by hawkers would ensure that the amount which lines the private pockets for permitting hawking, finds its way into the State revenue. Furthermore subject to not causing nuisance, obstruction and encroachment, even a small hawker who can not afford the astronomically prized commercial space in Delhi is entitled to carry out his business with dignity and without harassment."

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8. While the writ petition was pending before the learned Single Judge, on 19th April, 2008, DDA without any notice and prior warning suddenly swooped down on the hawkers vending their products under the pilot project and forcibly removed them and confiscated the goods/articles.

9. By the impugned judgment learned single judge has dismissed the WP(C) no. 9407/2007 primarily relying upon decision dated 18th April, 2002 of respondent authorities to re-develop and rejuvenate Nehru Place, which was declared as a "zero tolerance zone".

10. The issue and contention raised in the present Appeal

relates to right of hawkers, hawking and their regulation by the local authorities. Poor infrastructure, lack of job opportunities in rural areas, has resulted in rapid urbanization and migration to cities like Delhi. Informal trading as an itinerant hawker or from a kiosk or footpath has been a source of earning and livelihood for the lower classes and marginalized section of urban population in Delhi, Mumbai and other cities. What are the legal rights, if any, of the hawkers/street vendors and when and what extent these rights can be regulated, restricted or barred has been subject matter of decisions of the Supreme Court.

11. Right to hawk and hawking problem was first examined by the Supreme Court in the case of *Bombay Hawkers'*

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Union versus Bombay Municipal Corporation reported in (1985) 3 SCC 528 with reference to requirement by hawkers to obtain licences under the Bombay Municipal Corporation Act, 1888. It was held that right to hawk is protected and guaranteed under Article 19(1)(g) of the Constitution but is subject to Clause 6 and the State can impose reasonable restrictions in the interest of general public. No one, therefore, by hawking can cause nuisance, annoyance and inconvenience to other members of the public and the authorities could regulate and control hawking. In this case, the Supreme Court laid down modalities for declaring hawking and non-hawking zones in order to protect hawkers and regulate hawking. It was directed that in future before making any alteration in the scheme, the commissioner shall take into consideration all public interest including hawkers, Commissioner of police and representative associations of the public. It was recognized that hawking if properly regulated considerably adds to the convenience and comfort of the general public by making available ordinary articles of daily use at comparatively less price. It is a source of self employment.

12. Hawking in Delhi was subject matter before the Supreme Court in ***Sodan Singh and others versus New Delhi Municipal Committee*** reported in (1989) 4 SCC 155. In this

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case also, the Supreme Court held that hawking on roadsides is an occupation, trade or business as enshrined in Article 19(1)(g) but was subject to reasonable restrictions under Clause 6 thereof. The argument that hawking is covered under Article 21 of the Constitution was rejected as the said Article is not attracted in a case of business or trade - big or small. On the question of right of hawkers to use public streets and areas it was held that they vest in the State but the State holds them as a trustee on behalf of the people. Members of the public are entitled as beneficiaries to use them as a matter of right but this right is limited as similar right is possessed by every other citizen. No person should create unreasonable obstruction which causes inconvenience to others. Though the primary object of building roads is undoubtedly to facilitate people to travel and move from one point to another, obstructions in form of hawking etc. are permissible so long as they do not cause nuisance to others. The law of user of highways is in truth law of give and take. Right to hawk and transact business from roads etc. is recognized for a long past but the same can be regulated. Local authorities could permit hawkers and squatters to vend and sell products on the sidewalks wherever considered practicable and permissible but there is no vested right to occupy a particular place or permanently occupy a

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particular place. Thus, right of a hawker to do business for personal gains without discomfort or annoyance to others was accepted. The Supreme Court considered the provisions of Delhi Police Act, 1978, Delhi Control of Vehicular and other Traffic on Roads and Streets Regulation, 1980 and directed New Delhi Municipal Committee to frame a scheme with regard to areas and places where hawking/squatting could be permitted and decide the total number of hawkers to be allowed. Pursuant to the directions of the Supreme Court, a scheme was prepared by New Delhi Municipal Committee and a Zonal Officer was nominated and a Committee was formed to look into individual complaints. It was observed:-

"17. So far as right of a hawker to transact business while going from place to place is concerned, it has been admittedly recognised for a long period. Of course, that also is subject to proper regulation in the interest of general convenience of the public including health and security considerations. What about the right to squat on the roadside for engaging in trading business? As was stated by this Court in *Bombay Hawkers' Union v. Bombay Municipal Corporation* the public streets by their nomenclature and definition are meant for the use of the general public: they are not laid to facilitate the carrying on of private business. If hawkers were to be conceded the right claimed by them, they could hold the society to ransom by squatting on the busy thoroughfares, thereby paralysing all civic life. This is one side of the picture. On the other hand, if properly regulated according to the exigency of the circumstances, the small traders on the sidewalks can considerably add to the comfort and convenience of general public, by

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making available ordinary articles of everyday use for a comparatively lesser price. An ordinary person, not very affluent, while hurrying towards his home after day's work can pick up these articles without going out of his way to find a regular market. If the circumstances are appropriate and a small trader can do some business for personal gain on the pavement to the advantage of the general public and without any discomfort or annoyance to the others, we do not see any objection to his carrying on the business. Appreciating this analogy the municipalities of different cities and towns in the country have been allowing such traders. The right to carry on trade or business mentioned in Article 19(1)(g) of the Constitution, on street pavements, if properly regulated cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and for no other use. Proper regulation, is, however, a necessary condition as otherwise the very object of laying out roads — to facilitate traffic — may be defeated. Allowing the right to trade without appropriate control is likely to lead to unhealthy competition and quarrel between traders and travelling public and sometimes amongst the traders themselves resulting in chaos. The right is subject to reasonable restrictions under clause (6) of Article 19.

18. The provisions of the Municipal Acts should be construed in the light of the above proposition. In case of ambiguity, they should receive a beneficial interpretation, which may enable the municipalities to liberally exercise their authority both, in granting permission to individuals for making other uses of the pavements, and, for removal of any encroachment which may, in their opinion, be constituting undesirable obstruction to the travelling public. The provisions of the Delhi Municipal Corporation Act, 1957, are clear and nobody disputes before us that the Municipal Corporation of Delhi has full authority to permit hawkers and squatters on the sidewalks where they consider it practical and convenient."

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13. Thereafter, Orders dated 13th March, 1992 and 4th February, 1998 reported in (1992) 2 SCC 458 and (1998) 2 SCC

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727/743, respectively in ***Saudan Singh Versus N.D.M.C.*** were passed.

14. Hawking problem in the city of Mumbai was again examined by the Supreme Court in ***Maharashtra Ekta Hawkers' Union and anothers versus Municipal Corporation, Greater Bombay and others*** and Orders dated 9th December, 2003 and 12th February, 2007 reported in (2004) 1 SCC 625 and 2007 (3) SCALE 24 respectively were passed. These orders reiterate the right of the hawkers to sell and carry on trade under Article 19(1)(g) of the Constitution of India and the said right is subject to reasonable restrictions. Therefore hawking could be regulated and reasonably restricted for justifiable and valid grounds like narrowness of the road, free flow of traffic, hindrance in movement of pedestrians or where for security reasons areas have to be kept free and hawking should not be permitted. The restrictions, should not be unreasonable and it was emphasized that guidelines should be fixed for ascertaining and earmarking areas where hawking cannot be permitted. In the order dated 9th Dec. 2003 the Supreme Court noticed that this required micro level examination, which the Court was ill equipped to undertake. It was directed as under:-

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"12. We have, during the course of arguments, tried to go through the scheme street by street.

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However, on a re-consideration it appears to us that this Court is not really equipped to undergo this exercise. In our view, it would be preferable that this Court approves the conditions of the scheme and certain roads/streets on which hawking is to be permitted. Then, as in Sodan Singh's case, a committee must be appointed and modalities laid down under which the committee is to function. The committee can hear interested parties and consider their representations. The committee can decide whether any particular road/street is to be declared as a non-hawking zone. We therefore confine ourselves to laying down the basic features of the scheme, appointing a committee and laying down the modalities for functioning of the committee."

15. While issuing above directions, the Supreme Court observed that the Committee appointed to demarcate non-hawking zones/sites shall not refuse or create non-hawking zones except for good reasons like public health, sanitation, safety, public convenience and the like. The said discretion to demarcate non-hawking/hawking should be exercised reasonably and in public interest. The Supreme Court did not approve of the principle that all major traffic and arterial roads should be automatically excluded from hawking zones. The Supreme Court appointed a Committee to comply with the directions and the question of demarcation of hawking and non-hawking zones/streets and the total number of hawkers who could be accommodated. The Committee was to examine

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the proposal in respect of each road and decide whether hawking could be permitted keeping in mind nature of hindrance to vehicular or pedestrian traffic etc.

16. In the subsequent Order dated 12th February, 2007 the Supreme Court noticed the findings of the Committee and implementations of its directions. The Court also noticed that National Policy on Urban Street Vendor was framed in 2004 and street vending as a profession had increased manifold in the city of Delhi, Mumbai and Kolkata with the said cities having 2,00,000, 2,50,000 and 1,50,000 vendors respectively. The Supreme Court in this Order observed that a Committee had been set up by the Maharashtra Government to implement the National Policy on Urban Street Vendors and expressed its satisfaction that the State Government had initiated a process for implementation of National Policy of Street Vendors by framing regulations. It was directed that the regulations so framed should be in consonance with the aims and objects of National Policy to render some sort of succour to urban street vendors to enable them to earn livelihood through hawking. The Supreme Court, further, clarified that the scheme so framed should not be influenced by any scheme framed by the Supreme Court or directions issued by the Court in the intregnum.

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18. The Policy notices orders and directions of the Supreme Court and the fact that some cities have framed guidelines for regulating urban vending activities. It emphasizes that there is greater need to recognize the rights of urban street common good.

17. The National Policy of Urban Street Vendors, 2004 estimates that city hawkers/vendors constitute nearly 2% of the population of a metropolis and hawking is not only a source of employment but provides affordable services/goods to majority of the urban population. The society needs to recognize this fact and give due credit to hawkers. Constant harassment of hawkers by police and civic authorities is accepted as an unacceptable reality and the need to protect hawkers and control discretion and arbitrary exercise of powers by authorities is emphasized. Right to carry on trade or business by way of hawking on streets and pavements is recognized and it is observed that street vendors cannot be denied their rights except for justifiable and valid reasons. The said policy refers to Article 39 of the Constitution that the State shall endeavour and direct its policies so that : (a) the citizens, men and women equally have the right to adequate means of livelihood and (b) ownership and control of material sources of the community are so distributed as best to subserve the common good.

vendors/hawkers by the local governments as the demand for their services/wares is highly specific and varies from location to location and from time to time. It is stated that there is need to accept the natural propensity of street vendors to locate at particular places at particular times. It is observed that contrary to the said principle, the present urban norms disregard formation of such natural markets and are not supportive. Guidelines have been stipulated for regulation of street vending/hawking and when and under what circumstances an area can be declared as a non-hawking area. Clause 4.1.1., reads :

"4.1.1. Spatial Planning norms - demarcation of vending zones

X X X X

- It should take into account the natural propensity of the Street vendors to locate in certain places at certain times in response to patterns of demand for their goods/services.
- X X X X
- X X X X
- X X X X
- Designation of vendors markets/no-vending zones should not be left to the sole discretion of any civic or police authority but must be accomplished by a participatory process by a **Town Vending Committee** (which for large towns/cities may be constituted on the basis of wards) whose membership may be as follows:

- o Municipal Authority
- o Traffic and Local Police
- o Public Land Owning Authority

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- o Associations (Market, Traders, Resident Welfare, slum & chawl, etc.)
- o Representative from associations of Street vendors (static & mobile)
- o Representative from lead Nationalized Bank/Commercial Bank.

The hawker's representatives should preferably constitute atleast 25% to 40% of the total number of members of the Committee. Atleast 1/3rd of the representatives of street vendors should be women. Process for selection of street vendors' representatives should be based on the following criteria:

- Membership based organizations
- Financial Accountability

The Committee should ensure that provisions for space for vendors' markets are pragmatic, consistent with formation of natural markets, sufficient for existing demand for vendor's goods and services, as well as likely increase in line with anticipated population growth. Provisions of space may include temporary designation as vendors' markets (e.g. as weekly markets) whose use at other times may be different (e.g. Public Park, parking lot). Timing restriction on urban vending should correspond to the needs of ensuring non-congestion of public spaces/public hygiene."

19. On the question of reallocation and rehabilitation, the

National Policy states :

"5. Relocation and Rehabilitation

Street vendors are most vulnerable to forced eviction and denial of basic right to livelihood. It causes severe long-term hardship, impoverishment and other damage including loss of dignity. Therefore, no street vendor should be forcefully evicted. They would be relocated with adequate

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rehabilitation only where the land is needed for a public purpose of urgent need. Therefore:

- a) Eviction should be avoided wherever feasible unless there is clear and urgent public need in the land in question.
- b) Where relocation is absolutely necessary, notice of minimum 30 days should be served to the concerned vendors.
- c) Affected vendors/representative's involvement in planning and implementation of the rehabilitation project.
- d) Affected vendors should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms to pre-evicted levels.
- e) Loss of assets should be avoided and if possible compensated.
- f) State machinery must take comprehensive measures to check and control the practice of forced evictions.

No hawker/street vendor should be arbitrarily evicted in the name of 'beautification' of the cityscape. The beautification and clean up programmes undertaken by the states or towns should actively involve street vendors in a positive way as a part of the beautification programme."

20. Keeping all these aspects in mind, MCD has framed Scheme of MCD for Squatters/Hawkers, 2007. The said Scheme notices and implements the National Policy on Urban Street Vendors, 2004 and the decision/directions given by the Supreme Court in several cases.

21. The said MCD Scheme has been considered by the Supreme Court in the case of **Sudhir Madan and others**

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versus Municipal Corporation of Delhi and Others. In the Order dated 6th February, 2007 reported in 2007 (8) SCALE 334, the Supreme Court examined the Scheme and issued some directions. On the question of shifting of existing hawkers, the Supreme Court in this order has observed :

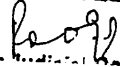
".....After some discussion, it was clarified to us that all the existing allottees as per the old scheme shall continue. Thereafter the cases of others will be considered in accordance with the preference provided in the said sub-paragraph. We, however, clarify that this will not preclude the shifting of an allottee from one site to another consistent with the norms laid down in the National Policy on Urban Street Vendors which provides that eviction should be avoided wherever feasible unless there is clear and urgent public need of the land in question. The Municipal Corporation will generally follow the norms laid down in paragraph 5 of the National Policy on Urban Street Vendors. Before any allottee is shifted he should be given an opportunity to give his preference for a site which may be available for allotment.

x x x x

.....The transfer of an allotted site to any other suitable place as per availability and feasibility shall be done by the Appellate Committee referred to in sub-para (j) of paragraph D. This shall be done after giving the allottee an opportunity of giving a preference of any other available site.

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.....We would like to highlight the fact that though this Scheme is to a great extent is for the benefit of hawkers/squatters/tehbazari holders, it also serves a public purpose. At the same time the convenience and interest of the public at large, which constitutes 97.5% of the population, should not be forgotten by the concerned authorities. To the extent possible space may be made available for squatters/tehbazari etc. but not so as to cause inconvenience to the general public. This aspect of the matter should not be forgotten at any time by any of the authorities.

The Municipal Corporation of Delhi and the N.D.M.C. will now finalise the squatting/tehbazari zones and submit a detailed report to this Court. They shall also indicate the norms that they have followed in identifying these sites, in particular, the width of the roads where such squatting/tehbazari has been permitted and the areas whether commercial/residential or otherwise where such sites are located. They should also indicate the availability of the footpath for the general public after accommodating the squatters. After the sites are identified, norms will have to be evolved by the Municipal Corporation of Delhi and the N.D.M.C. to make allotments. For that purpose they may either make a survey or adopt any other fair procedure for making allotments."

22. In the subsequent Order dated 17th May, 2007, reported in 2007 (8) Scale 257, the Supreme Court specifically noticed

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the problem of identifying and earmarking hawking and non-hawking areas. It was noticed that as per the 2007 Scheme framed by MCD for Squatters/Hawkers, ward vending committees had to be constituted in 134 wards (to be re-constituted into 272 in all), for identifying sites, declaring hawking and non-hawking, squatting and non-squatting zones in consultation with various stake-holders like vendors/ traders associations, resident welfare associations, traffic police, Delhi Fire Service, Delhi Metro Rail Corporation (if required) by adopting norms explained therein. Further Zonal Vending Committees have to be constituted in 12 zones and the Zonal Vending Committees will be responsible for approving and reviewing hawking/non hawking and squatting/non-squatting zones and the sites identified by Ward Vending Committee and to make changes wherever required. The relevant portion of the 2007 scheme as noticed by the Supreme Court reads as under:-

"SCHEME OF MCD FOR SQUATTERS/HAWKERS-2007

X X X X

The Scheme of the MCD for implementation of National Policy on Urban Street Vendors-2004 as modified by the orders of the Hon'ble Supreme Court of India, are elaborated hereunder:-

1. Ward Vending Committees constituted in 134 Wards of MCD, are to be re-constituted in the wake of creation of more Wards i.e. 272 in all,

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which will be responsible for identifying sites, declaring hawking and non-hawking/squatting and non-squatting zones in consultation with various stake holders like: Vendors/Traders' Associations, RWAs, Traffic Police, Delhi Fire Service, DMRC (where Metro Stations fall in the jurisdiction of that Ward) etc. by adopting the norms explained in the coming paras

2. Zonal Vending Committees have been constituted in all the 12 Zones of MCD whose responsibility will be to approve and review the hawking/non-hawking and squatting/non-squatting zones and the sites identified by the Ward Vending Committee and to make changes wherever required. For resolution of all disputes between allottees and MCD, the Zonal Vending Committee shall be presided over by a Judicial Officer not below the rank of Addl. Distt. Judge....."

23. While referring to the Ward Vending Committees and Zonal Vending Committees, the Supreme Court in its Order dated 17th May, 2007 accepted the statement made by the learned counsel for MCD that the Scheme would be suitably amended/modified by providing that the Zonal Vending Committee shall be presided over by a Judicial Officer not below the rank of an Additional District Judge and the Appellate Committee shall be presided over by a retired Judge of the High Court. The aforesaid directions were issued after noticing that the Scheme envisages identification of squatting/vending areas by the Ward Vending Committees and the Zonal Vending Committees are empowered to make necessary changes and

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
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make allotments accordingly. Request made by some NGOs that the proposed Scheme and the survey work done to identify hawking and non-hawking zones by MCD was not satisfactory and it should be again undertaken by an independent organization, was rejected, after referring to the Order passed by the Supreme Court in the case of **Ramesh Shah versus Municipal Corporation of Delhi and others** dated 6th November, 2000 and the relevant portion, reads as under:

"It appears that such a question was raised before this Court in the case of Ramesh Shah Vs. MCD and Ors (I.A. No.332-333 in WP(C) No.1699/1987) and this Court by order dated 6.11.2000 rejected the submission which has been urged before us, in these words:

So far as identification of squatting and non-squatting zones are concerned it is an administrative function of the MCD which is done by taking into account various factors namely, public interest depending mainly upon the congestion in the area and public safety which are the main considerations for any Government. No challenge to such identification of squatting and non-squatting zones can be permitted under any circumstance when the administrative authority has taken all factors in to account. We are not sitting in appeal against any decision made by the administrative authority. We therefore do not permit any challenge to the identification of the squatting and non-squatting zone and to the map as prepared by the MCD showing Green shall be treated as final and shall not be allowed to be questioned.

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In this view of the matter, we cannot accede to the request of the learned Counsel for the respondents who have contended that fresh survey should be undertaken by an independent expert body or an independent organization to identify the hawking sites and the existence of hawkers. This is essentially a matter which the Municipal Corporation of Delhi has to consider and take a decision. We cannot issue a writ directing the MCD to do so, this being a matter of policy.

24. On the question of designation of hawking and non-hawking areas in natural markets, the same was lucidly explained in order dated 17th May, 2007 as under:-


"30. It was further submitted before us that the authorities must have due regard to the concept of a natural market. We agree. In implementing such schemes, the authorities cannot ignore the concept of a natural market, but many interests have to be balanced so as to cause least inconvenience to the public at large. There is no reason for us to doubt that the authorities concerned will ignore all such relevant considerations in working a scheme of this nature.

31. It was also submitted that the authorities may be directed to identify the non-hawking areas only and rest of the areas should be permitted as hawking areas. In our view such a course will not be practicable. In any event, that is a matter for the concerned authorities to consider and we can express no opinion in the matter. We may, however, observe that since a National Policy on Urban Street Vendors has been formulated, the authorities concerned will have due regard to the said policy in the

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High Court of Delhi

"This is a place, which is frequented by a large number of people, working in this area and visitors. Besides offices, there is large number of outlets selling stationary, computer hardware, and software, electrical items, eateries, etc. The infrastructure of Nehru Place needs upgradation as large areas within the District Centre (both private and public) have fallen into disarray. The objective of this meeting is to work out a plan for improving the conditions of Nehru Place."

was noticed as under:-

- 27. Learned counsel for the DDA had relied upon the decisions taken in the meeting dated 18th April, 2002 called by the Lt. Governor. We have examined the said minutes. Maintenance and management of the district centre at Nehru Place and not hawking as such, was the subject matter of the meeting dated 18th April, 2002 called by the Lt. Governor and it appeal.
 - 26. In light of the aforesaid legal position, National Policy on Urban Street Vendors-2004 and various orders passed by the Supreme Court, we avert to the facts and merits of the present appeal.
 - 25. In terms of the said Order, the Schemes proposed by the MCD and NDMC were approved with the direction/liberty to implement the Scheme.
- implementation of the schemes regulating tehbazar/vending sites etc."

28. A number of decisions were taken in meeting held on 18th April, 2002. The two decisions relied upon by the learned counsel for the DDA read as under:-

"1. The entire Nehru Place area will be a "Zero Tolerance Zone" where no violation of law to be permitted."

Action : commissioner, MCD

2. All encroachments, whether in right of way or on Plazzas or in common areas, to be removed by MCD immediately and ensure that these do not come up again.

Action : Commissioner, MCD, CE-V, MCD, C.E.O./C.E. DJB"

29. It was submitted by MCD that in view of the said decision Nehru Place has been declared as a no-hawking zone. The two decisions and directions do not make any specific reference to hawking or street vendors as such. Zero Tolerance Zone does not automatically mean zero or no hawking zone. As held by the Supreme Court, right to hawk by street vendors is guaranteed by the Constitution under Article 19(1)(g) but the same can be regulated and restricted in larger public interest. Street vending on its own by itself does not result in violation of law unless for justifiable and valid reasons hawking/street vending is prohibited or restricted in a particular area and there is violation of the said prohibition or restriction. The decision dated 3rd July,2006 in the case of Citizens for Justice (supra)

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in the said meeting refers to encroachments and does not specifically deal with right of hawkers or street vendors. It appears that the question of hawking and the right of street vendors in Nehru Place was not examined.

30. Subsequent facts and orders/directions made by DDA and the Lt. Governor establish and show that the two decisions dated 18th April, 2002 did not prohibit or ban hawking in Nehru Place. DDA itself did not find any incongruity and conflict between the two decisions quoted above taken on 18th April, 2002 and regulated and controlled hawking at Nehru Place. After discussions and detailed consideration DDA accepted and implemented the pilot project for regulated hawking in Nehru Place in 2006. In the light of the above discussion, we feel that the stand of the respondent-DDA that Nehru Place has been declared a non-hawking area in the Meeting dated 18th April, 2002 is incorrect and wrong.

31. We may also notice here the stand taken by DDA in their reply to the application for stay, C.M. No.6019/2008 filed in Writ Petition (Civil) No.9407/2007 in which it has been stated by DDA on oath as under:-

"The petitioners-being those hawkers who were being tried as part of a pilot project for regulated hawking - have been offered an alternative site for the time being till their applications under the National Urban Street Vending Policy (being

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monitored by the Hon'ble Supreme Court) are decided. However, the petitioners are insisting on being restituted/reinstated on the site from where they were hawking and are refusing to accept the alternative site. It is stated that the petitioners have no right whatsoever to hawk at any particular place and in any case the same has to be inconsonance with the policy mentioned above. A map showing the existing site of operation of the petitioners as well as the proposed shifting site is annexed hereto and marked as Annexure RA-2."
(emphasis supplied)

32. DDA in the enclosed plan (Annexure RA-2) had demarcated the proposed new site. There is controversy whether the appellant-NGO had accepted the said site or not. It is the case of the appellant-NGO that they were ready and willing to accept the said site but the said site had already been demarcated as a parking site. It also appears that DDA later on backed out of the said statement.

33. Master Plan of Delhi, 2021 makes reference to hawking, right of hawkers etc. The said Master Plan in Clauses 5.4 makes reference to district/centre/sub-central business districts. Nehru Place is mentioned as one of the ten district centres, which is already developed or is in advance stage of development. With reference to the ten district centres including Nehru Place, it is stated in the Master Plan that these were developed on the basis of an integrated scheme and some of them need

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upgradation in terms of infrastructure for parking spaces, hawking spaces, physical infrastructure and built environment.

With reference to the National Policy on Urban Street Vendors, Clause 5.10.1 relating to existing areas, the Master Plan of Delhi 2021 states:

"5.10.1 POLICY FOR EXISTING AREAS

Keeping in view the National Policy on Urban Street vendors the following provisions are made:-

- (i) The location/concentration of present stationary informal units shall be considered on case to case basis and steps for relocation/improvement shall be taken. It should be ensured that such activities do not spill over on the right of way. The Government/concerned local agency should coordinate the policy.
- (ii) The areas of informal sector shall have suitable public conveniences and solid waste disposal arrangements.
- (iii) Formulation of guidelines for schemes would include 'Hawking' and 'No Hawking Zones'. Specific areas should be earmarked for stationary and mobile street vendors by the concerned local authority in consultation with RWAs.
- (iv) The local authorities should take up new designs of stalls, push-carts and mobile vans of various sizes and with cleaning facilities, giving due consideration to urban design requirement of specific area where informal shopping is being permitted.
- (v) Defining the role and responsibility of NGOs along with specific obligations on part of hawkers towards the society for maintenance of law and order within the hawking zones and weekly markets.

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(vi) An informal unit shall not be permitted within a distance equivalent to half the width of the road, from an intersection."

34. Similarly, Clause 5.10.5 relating to planning norms for informal trade reads :

"5.10.5 PLANNING NORMS FOR INFORMAL TRADE

The informal sector trade should be incorporated in the planned development in various use zones. The provision of informal sector trade units should be ensured at the time of sanction of building plants/layout plans as per the norms given in the Table 5.3.

Table 5.3. Planning Norms

| S.No. | Use Zones/Use premises | No. of Informal shops/Units |
|-------|---|--|
| 1. | Retail trade : Metropolitan City Centre, District Centre, Community Centre, Convenience Shopping Centre | 3 to 4 units per 10 formal shops (to be provided in informal bazaar/service market components) |

35. DDA in their counter affidavit filed before the learned Single Judge had admitted that permission was granted to the appellant-NGO under the pilot project for regulated hawking. Strangely however, it was pleaded that the said Project was never approved by the competent authority without stating who was the competent authority and why the said statement has

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been made. Facts as recorded above show that the pilot project was approved after deliberations and consideration by the DDA including Lt. Governor for over 2 years. While the writ petition was pending before the learned Single Judge, on 19th April, 2008, DDA without any notice and prior warning suddenly swooped down on the hawkers vending their products under the pilot project and forcibly removed them and confiscated the goods/articles. Photographs filed by the appellant-NGO on record show the brute force and power used to remove the hawkers. The past correspondence and discussion mentioned above reflects the considered view and the two fold objective of the pilot project. To prevent exploitation and harassment of the infirm informal traders and interest of the general public by regulating the manner in which hawking was conducting. The decision to ban/prohibit hawking in Nehru Place can be taken and justified if it is reasonable and taken after taking into consideration relevant and material factors. The final decision and merits thereof of course cannot become subject matter of judicial review, but if wrong principles and basis is the foundation of the final outcome/direction it can be examined and challenged before the court and amenable to judicial review.

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36. As held above, DDA has wrongly relied upon the two resolutions dated 18th April, 2002 for they do not declare Nehru Place as a non-hawking area. Even if it is assumed that a decision was taken on 18th April, 2002 to ban hawking at Nehru Place, the decision requires reconsideration and reappraisal in view of subsequent developments, namely, Master Plan of Delhi 2021, National Policy on Urban Street Vendors – 2004, Scheme of MCD for Squatters/Hawkers – 2007 and the decision of the DDA itself after the said decision, to permit and allow a pilot Scheme. This reconsideration and reappraisal should have been undertaken before any punitive and penal action for removal was taken. Reconsideration, post punishment has no meaning and is futile as in the meantime the sellers have lost their livelihood and deprived of their meagre earnings. Article 19(1)(g) has been violated.

37. The appellant-NGO has filed before this Court photographs to indicate the disciplined manner in which regulated hawking was undertaken under the pilot project. The appellant-NGO has also filed other photographs after the hawkers under the pilot project were forcibly removed and their goods confiscated. The photographs show that the entire central plaza has been converted into a open market with hawkers occupying and swamping virtually the entire open

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area. Allegations have been made by the appellant-NGO that bribes are taken from hawkers and controlled and regulated hawking under the pilot project was not conducive. It is alleged by the appellant-NGO that the dexterous decision of regulated hawking had a convulsive and a diabolic effect on "extra income" earned by those charged with enforcement functions and duties. Noticing the aspect of corruption, harassment and arbitrary exercise of power and discretion in *Sodan Singh* Case, (supra), it was observed and directed :

"22. During his argument Mr Tarkunde fairly stated that the Municipal Committee may be entitled to regulate the squatting business of the petitioners, but they must make detailed schemes in this regard. A serious concern was shown in the argument of the other learned advocates also alleging that corruption at large scale was rampant and huge amounts of money were being realised illegally by some of the servants of the municipalities from the poor hawkers. No rules have been framed with respect to the choice of the persons, the area to be allowed to them or the rate of Tehzari charges. The permission to squat was being granted on daily basis or for very short periods to the great inconvenience to the hawkers and no machinery was available to hear their grievances. A draft scheme has been prepared and filed on behalf of the petitioners with a suggestion that the respondents may be directed to adopt it. On behalf of the respondents it was said that statutory provisions are already there in this regard, but they had to concede that they are too sketchy and incapable of meeting the need. We are, in the circumstances, of the view that detailed necessary provisions, dealing with all relevant aspects, and capable of solving the equitable manner, should be made, and the respondents should proceed as soon as may be possible. They will be well advised to consider the suggestions of the petitioners while finalising the schemes. Due regard to the requirements of the relevant laws, e.g., Delhi Police Act, 1978 and the Delhi Control of Vehicular and other

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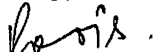
Traffic on Roads and Streets Regulation, 1980 will have to be given.

24. The authorities, while adopting a scheme, should also consider the question as to which portions of the pavements should be left free for pedestrians and the number of the squatters to be allowed on a particular road. There should be rational basis for the choice of the licensees. A policy decision should be taken in regard to the articles which should be permitted to be sold on the pavements. It is common knowledge (as was taken note of in *Bombay Hawkers' case*) that some of the hawkers in big cities are selling very costly luxury articles including sophisticated electronic goods, sometimes imported or smuggled. The authorities will be fully justified to deny to such hawkers any facility. They may frame rules in such a manner that it may benefit only the poor hawkers incapable of investing a substantial amount for starting the business. Attempt should be made to make the scheme comprehensive, dealing with every relevant aspect, for example, the charges to be levied, the procedure for grant and revocation of the licences, et cetera."

38. The National Policy on Urban Street Vendors incorporates and proceeds on the basis of the guidelines and directions issued by the Supreme Court. Additional safeguards and protection to vendors and regulations have been provided. Exercise of discretion is regulated by clear guidelines and principles to be followed. We have also quoted above directions of the Supreme Court in the Order dated 6th February, 2007 in ***Sudhir Madan and others versus MCD and others*** making reference to the National Policy on Urban Street Vendors and holding, inter alia, that an existing allottee can be shifted from one site to another but consistent with the said Policy which provides that eviction should be avoided, unless there is clear and urgent public need. It also states that the allottee before

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shifting would be given an opportunity to give his preference. There was no need for such haste and hurry on the part of the DDA to remove hawkers under the pilot project. We may also note here that DDA has not made any allegation that the appellant-NGO or any of their hawkers had violated the terms of the pilot project or the undertakings given or the said appellant-NGO had misused or abused the permission for controlled and regulated hawking in Nehru Place. During the course of hearing before us, it was pointed out that DDA took the said action as other hawkers had filed litigations claiming parity with permission granted to the appellant-NGO for regulated hawking. Controlled and regulated hawking under the pilot project cannot be equated with unregulated hawking contrary to the terms of the policy/scheme and directions of the Supreme Court. Scrapping of the pilot project and removing the Hawkers without notice and in the manner stated above was arbitrary.

39. In view of the above findings, it is clear that the respondents and specially DDA have not followed guidelines of the Supreme Court, Master Plan of Delhi- 2021, guidelines laid down in the National Policy on Urban Street Vendors and the scheme of MCD for squatters/hawkers-2007. These aspects were not examined and considered before evicting the vendors

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under the pilot project at Nehru Place. As already stated above, the decision taken in the meeting held on 18th April, 2002 does not support the contention that Nehru Place is a non-hawking Zone. It is also apparent that the respondent-DDA has acted illegally in removing the hawkers operating under the pilot project and who were complying with the imposed terms and indulging in regulated hawking.

40. In view of the above findings, we dispose of the present Letters Patent Appeal by directing DDA to continue with the pilot project. Accordingly, 67 vendors (reduced to 67 from 68 as per the statement made by the appellant-NGO) will be permitted to hawk in the area which was demarcated by DDA prior to their removal on 19th April, 2008. However, it will be open to DDA to examine whether Nehru Place or the said area should be declared a non-hawking area and if required, demarcate vending/non-vending areas in Nehru Place. Removal/shifting of the hawkers under the pilot project, if required, will be in terms of the directions issued by the Supreme Court in the case of **Sudhir Madan** (supra). The question whether Nehru Place should be declared a no hawking zone and the question of demarcating non-vending areas will be decided by the DDA after making reference to the Ward Vending Committee and on the basis of the directions issued by

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the Supreme Court and in terms of the Scheme of the MCD. We may note that MCD has stated that they had already allotted alternative site to some hawkers out of the list of 67 street vendors. If any of said hawkers have already opted for the new site, they will not be entitled to the benefit of this Order. The Appeal is accordingly allowed to the extent indicated above.

41. In the facts and circumstances of the case there will be no order as to costs.

(SANJIV KHANNA)
JUDGE

(AJIT PRAKASH SHAH)
CHIEF JUSTICE

APRIL 17, 2009.
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Court of Delhi
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ANNEX-5

105

Sangeeta Chandra

Advocate
High Court of Delhi

Office:
Ch. No. 173, New Chamber Block,
Delhi High Court New Delhi
M. 9899820000

27.05.2009

**The Executive Engineer,
SED-V, DDA
New Delhi**

**Ref: LPA No. 766/08 titled 'Manushee Sangathan, Delhi Vs.
DDA & Ors'.**

Sir,

This matter was heard at length by DB-I and the Judgment was reserved on 12.2.09. The judgment has been pronounced on 17.4.09.

Vide the said judgment, the appeal has been allowed by directing the DDA to continue with the pilot project of 'Manushee Sangathan' and thereby, 67 vendors have been permitted to hawk in the area which was demarcated by DDA prior to their removal on 19.4.08

It has been further held that the reliance of the DDA on the minutes of the meeting dated 18.4.02 wherein, the Hon'ble LG, Delhi had observed that Nehru Place was a 'Zero Tolerance Zone' to establish that Nehru Place had been declared a 'No Hawking Zone' was incorrect. It is the view of the Court that the term, 'Zero Tolerance Zone' does not in any manner mean 'No Hawking Zone'.

Thus, in Para 30 of the judgment it has been held that;-

'The stand of the respondent DDA that Nehru Place has been declared a Non-hawking area in the meeting dated 18th April, 2002 is incorrect and wrong'.

In para 36 the Hon'ble Court has gone a step further to state that;-

'Even if it is assumed that decision was taken on 18th April, 2002 to ban hawking at Nehru Place, the decision requires reconsideration and reappraisal in view of subsequent developments, namely, Master Plan of Delhi 2021, National Policy of Urban Street Vendors - 2004, Scheme of MCD for Squatters/Hawkers - 2007 and the decision of the DDA itself after the said decision, to permit and allow a pilot Scheme'.

The Ld. Single Judge has, in para 35 of the judgment wrongly held that the DDA had approved the pilot project and only then, allowed the appellant to hawk at Nehru Place. Infact, it was pleaded to the contrary in the counter affidavit which has been acknowledge by

the Court but it has been observed that the DDA did not mentioned as to who was the Competent Authority who had to approve the pilot project.

The department know, in my opinion has to act upon the last portion of the judgment in para 40 wherein, it has been stated as follows:-

'However, it will be open to DDA to examine whether Nehru Place or the said area should be declared a non-hawking area and if required, demarcate vending / non-vending areas in Nehru Place'.

It has also been stated that;-

'The question whether Nehru Place should be declared a no hawking zone and the question of demarcating non-vending areas will be decided by the DDA after making reference to the Ward Vending Committee and on the basis of the direction issued by the Supreme Court and in terms of the Scheme of the MCD'.

Thus, in case, the DDA feels after taking into consideration the aspects stated by the Hon'ble High Court in para 36 (as set out above), that Nehru place should be declared and retained as a no hawking area, then the proposal for the same should be put up before the Hon'ble LG, Delhi again citing the earlier orders passed by the LG, Delhi and with reference to the file no. F-10 (7)07/CC-15 regarding vendors / hawkers of Nehru Place - which file is attached below.

At this stage it also very relevant to point out that the DDA as per the order of the court also has to make reference to the 'Ward Vending Committee'. However, the stand of the MCD has been that the Scheme of the MCD formulated for hawkers only pertains to the MCD and NDMC areas and not to areas under the jurisdiction of DDA.

This issue definitely needs to be clarified from the MCD immediately since this would have a bearing on all cases Pertaining to hawkers of Nehru Place.

Action in the above terms be taken at the earliest and within the month of June preferably, so that when the remaining cases come up in July, 2009 in court, the DDA would have a clear stand on this aspect in this cases.

Thanking you,

Yours faithfully,
S. Chandra
Sangeeta Chandra
Advocate

**AGENDA ITEM TO BE DISCUSSED IN THE MEETING OF DELHI DEVELOPMENT
AUTHORITY TO BE HELD ON 10.8.2009 AT RAJ NIWAS, DELHI.**

FINANCE

| Sl. No. | Item | Subject | Pages |
|----------------|-------------|---|--------------|
| 2. | 37/2009 | Addendum to Annexure -IV for additional requirement of funds in Budget Estimates for the year 2009-10. File No. 4(3) Budget/2008-09/RE | 3-7 |

Note:

In continuation to item No. 37/2009 already sent in the main Agenda vide letter No. F.2(2)2009/MC/DDA/74 dated 3.8.2009, this item may please be read with the above mentioned item.

ITEM NO. 7
3-0609

- 113 -

**SUB: REVISED BUDGET ESTIMATES FOR THE YEAR 2008-09
AND BUDGET ESTIMATES FOR THE YEAR 2009-10.**

File No. 4(3)Budget/2008-09/RE

P R E C I S

The presentation of DDA budget is divided into the following 3 parts:-

- a) Nazul Account-I
- b) Nazul Account-II
- c) General Development Account

2. The budget sheet representing "Budget at a Glance" for all the three accounts is placed at **Annexure-I(Book-let)**. This gives the summary of Actuals for 2007-08, Budget Estimates for 2008-09, Revised Budget estimates for the year 2008-09 and Budget Estimates for 2009-10 for both Receipts and Payments.

3. A combined abstract for the above three Accounts is placed at **Annexure-II- (Book-let)**.

4. Expenditure budget for revised 2008-09 and budget estimates for 2009-10 have been slated at Rs.2507.58 Crs. and Rs.3673.82 Crs. respectively. Budget Estimates for 2009-10 contains provision of Rs.100.00 Crs. for land acquisition, Rs.1104.16 Crs. for development of land and Rs.719.47 Crs. for construction of houses and shops. A sum of Rs.306.13 Crs. has been provided for new schemes of development of land in Rohini, Dwarka, Narela, Jasola, Karkardooma, Bakkarwala etc., construction of new houses in, Rohini, Dwarka, Narela, Bakkarwala etc. and covering of drain/nallah in Lajpat Nagar starting from Barapullah nallah and Defence Colony as per **Annexure-III - (Book-let)**.

5. The revised receipt budget estimates for 2008-2009 and budget estimates for 2009-2010 have been pegged at Rs.3625.18 Crs. and Rs.6570.58 Crs. respectively. With major contribution to revenue during next year from disposal of land and houses estimated at Rs.2824.13 Crs. and Rs.810.86 Crs. respectively.

6. **Annexure-IV(Book-let)** to Budget proposals comprises of scheme-wise detailed budget proposals for both receipts and payments in the three items as stated in para 1 above. Salient features of the Budget are given in Part-I of the **Budget Booklet**.

7. A provision of Rs.304.81 Crs. in Revised Budget Estimates 2008-09 and Rs.388.61 Crs. in Budget Estimates 2009-10 have been made under Nazul Account-II for maintenance, up-gradation and renovation of greens of Delhi.

8. Apart from traditional works of land acquisition, its development & disposal, construction of houses and flats, commercial estate, etc. DDA is venturing into new areas like, construction of flyovers, Metro Rail Line, Commonwealth Games 2010, up-gradation of various markets, construction of Master Plan Roads, up-gradation of sports and horticultural facilities, bio-diversity parks supporting cultural activities etc. The total outlay provided in Budget Estimates 2009-10 for these new areas is of the order of Rs.1220.07 Crs. These works will provide a fillip for civic amenities and will go a long way in strengthening infrastructural facilities with a view to provide a better quality of life to citizens of Delhi.

9. D.D.A. has compiled the Zone-wise "Performance Budget" indicating the physical and financial progress of various works/schemes which is placed at Annexure-V(Book-let). It is planned to release funds for various schemes/projects by linking requirement of funds with the physical progress as reflected by the concerned Chief Engineers as per the data/information supplied by them. This would facilitate effective monitoring of various projects/schemes besides improving the Cash-flow management.

10. The matter is placed before the Authority for consideration and approval of Revised Budget Estimates for 2008-09 and Budget Estimates for 2009-10 as contained in the Annexures. Approval may also be given for utilisation of Revised Budget Estimates 2008-09 pending confirmation of minutes of this meeting by the Authority. On approval, funds will be released to the Divisions/Zonal CAUs by the Chief Accounts Officer. DDA on demand, both for Revised Budget Estimates 2008-09 and Budget Estimates 2009-10.

RESOLUTION

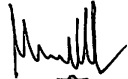
The Lt. Governor observed that budget provisions should be grouped under appropriate heads e.g. land acquisition, development of land, construction of houses and shops, Master Plan Roads, Commonwealth Games related activities, Infrastructure Projects etc. giving project-wise and scheme-wise details under each head, with on-going and new schemes shown separately. (Such budgetary architecture is followed in the Union budget under sector, sub-sector, functions, sub-functions, programmes, schemes, sub-schemes and primary unit of appropriation). It was clarified that till budget proposals with scheme-wise/project-wise details are considered and approved by the Authority, the expenditure may continue to be incurred on on-going and approved schemes/projects. The Authority authorized the Lt. Governor to approve other expenditures in case funding is urgently required for some time-bound new scheme/activity.

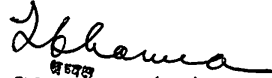
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b) The Lt. Governor also directed that all non-official members shall henceforth be part of the Performance Review Committee and that Quarterly Performance Budget shall be placed before the Authority regularly.

c) The Jt. Secretary (D&L), MOUD, Dr. M.M. Kutty pointed out that schemes for economically weaker section of the society should be given priority in the Budget.


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DELHI DEVELOPMENT AUTHORITY

Minutes of the meeting of the Delhi Development Authority held on 10th August, 2009 at 11.00 A.M. at Raj Niwas, New Delhi.

Following were present:

CHAIRMAN

1. Shri Tejendra Khanna

Lt. Governor, Delhi.

VICE-CHAIRMAN

2. Shri Ashok Kumar

MEMBERS

3. Shri Nand Lal

Finance Member

4. Shri A.K. Bajaj

Engineer Member

5. Shri Subhash Chopra, MLA

6. Shri Naseeb Singh, MLA

7. Dr. Harsh Vardhan, MLA

8. Shri Rajesh Gahlot

Councillor, MCD

9. Shri Sudesh Kumar Bhasin

Councillor, MCD

10. Dr. M.M. Kuty

Jt. Secretary (D&L), MOUD, Govt. of India

11. Shri J.B. Kshirsagar

Chief Planner (TCPO)

SECRETARY

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DELHI DEVELOPMENT AUTHORITY

Minutes of the meeting of the Delhi Development Authority
held on 10th August, 2009 at 11.00 A.M. at Raj Niwas, New
Delhi.

Following were present:

CHAIRMAN

1. Shri Tejendra Khanna

Lt. Governor, Delhi.

VICE-CHAIRMAN

2. Shri Ashok Kumar

MEMBERS

3. Shri Nand Lal

Finance Member

4. Shri A.K. Bajaj

Engineer Member

5. Shri Subhash Chopra, MLA

6. Shri Naseeb Singh, MLA

7. Dr. Harsh Vardhan, MLA

8. Shri Rajesh Gahlot

Councillor, MCD

9. Shri Sudesh Kumar Bhasin

Councillor, MCD

10. Dr. M.M. Kutty

Jt. Secretary (D&L), MOUD, Govt. of India

11. Shri J.B. Kshirsagar

Chief Planner (TCPO)

SECRETARY

SPECIAL INVITEES & SENIOR OFFICERS

1. *Shri Rakesh Behari*
Principal Secretary to Lieutenant Governor
2. *Shri V.K. Sadhu*
Principal Commissioner, DDA
3. *Mr. Veena Ish*
Principal Commissioner (CWG), DDA
4. *Shri Deepak Trivedi,*
Principal Commissioner (LM, H&S)
5. *Shri V.D. Dewan*
Chief Architect, DDA
6. *Shri Ashok Kumar*
Commissioner (Planning), DDA
7. *Shri Rajiv Pandey*
Chief Accounts Officer, DDA
8. *Mrs. Asma Manzar*
Commissioner (LD) & (Housing)
9. *Shri H. Rajesh Prasad*
Commissioner (Land Management)
10. *Shri Narottam Kaushal,*
Chief Legal Adviser
11. *AVM V.K. Dayalu*
Advisor, DDA
12. *Shri S.R. Solanki*
Chief Engineer (Dwarka)
13. *Shri Ramesh Chandra*
Chief Engineer (Rohini)
14. *Shri Vijay Kumar Aggarwal*
Chief Engineer (East Zone)

15. Shri P.K. Nanda
Chief Engineer (South Zone)
16. Smt. Neemo Dhar
Director (PR), DDA
17. Shri Pawan Kumar
Financial Adviser (Housing), DDA.
18. Shri V.K. Bugga
Chief Town Planner, MCD
19. Shri Amit Dass
Director (NP-RYP)
20. Shri Anil Barai
OSD (Planning)
21. Air Cdr. N.K. Arora (retd.)
OSD (LM & SN)
12. Shri J.N. Burman
Jt. Director (NCR) Planning Board

TEM NO. 35/2009

Sub: Confirmation of the minutes of the meeting of the Delhi Development Authority held on 3.6.2009 at Raj Niwas, Delhi.

File no. F.2(2)2009/MC/DDA.

Amendments proposed by the NCR Planning Board vide their letter dated 9.7.2009 on agenda item nos. 29/2009 and 31/2009 were considered by the Authority. After due consideration, minutes of the meeting held on 3.6.2009 were confirmed by the Authority as circulated.

ITEM NO. 36/2009

Sub: Review of policy fixation of composition fee in respect of Institutional Plots.

File No.F.6 (7)2009/AO(P)DDA.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 37/2009

Sub: Addendum to Annexure -IV for additional requirement of funds in Budget Estimates for the year 2009-10.

File No.F.4(3)Budget/2008-09/RE.

Finance Member explained the income and expenditure details under various heads of account. The Engineer Member detailed various proposals on land development, construction of flats etc. and informed that massive construction of LIG and EWS houses is proposed to be taken up through innovative technology in the coming years.

The Revised Budget Estimates of receipts and expenditure for the year 2008-09 and the Budget Estimates for the year 2009-10 were presented in compliance of the directions in the Authority meeting of 3.6.09 that the budget should be presented with project-wise and scheme-wise details, while allowing incurring of expenditure against the budget estimates with the approval of the Lt. Governor.

Finance Member further informed that pursuant to the directions of the Authority Hon'ble L.G. had been approached for approval of expenditure under various projects/schemes contained in the budget estimates for the year 2009-10. The Hon'ble L.G. had accorded provisional approval to incur expenditure subject to ratification and approval of the Authority in respect of items contained in the Addendum agenda item No 37/2009 dated 10.8.2009 to be read with item no 7/2009 dated 3.6.2009 vide which the budget proposals of DDA for the year 2008-2009 and 2009-2010 had been placed in the Authority meeting held on 3.6.2009.

2. Shri Subhash Chopra and Dr. Harsh Vardhan suggested that renowned builders who can provide cost effective housing and ensure timely delivery should be encouraged and that each builder should be entrusted with a minimum

of 20000 flats so that cost of construction remains low and the reputed builders have incentive to set up their base in Delhi, which is necessary for providing massive housing in a time bound manner.

3. Shri Subhash Chopra also suggested that atleast one Sports Complex should be constructed in every Assembly constituency and synthetic courts should be laid in every sports complex. They pointed out that all the sports viz., football, hockey, tennis etc., should be encouraged in the same manner as cricket and suggested that a committee of non-official members should be constituted to advise the sports department of DDA.

4. The Lt. Governor appreciated the budget proposals and the fact that there is more than 80% increase in the budget outlay for this year over the last year.

ii) The Lt. Governor advised that all projects/schemes should be completed within specified time lines and directed that there should be a standing agenda item in all the meetings of the Authority on the progress of various projects/schemes. This agenda shall be in addition to the quarterly performance reports which are already being placed before the Authority.

iii) The Lt. Governor also agreed with the suggestion that all the sports, including football, hockey, tennis etc. should be equally encouraged.

iv) He advised that membership of all the sports complexes should be within the reach of common man and the concept of open sports complexes should be encouraged.

v) The Lt. Governor referred to the policy intention to segregate children's play-areas from walk-ways in large parks, so that users of all age groups can avail of these facilities without disturbing others.

vi) The Lt. Governor directed that a detailed agenda item on the sports facilities provided by the DDA should be put up at the next meeting of the Authority and the non-official members should be duly consulted before finalising the agenda proposals.

II. After detailed discussions, the Authority approved the receipts of Rs.3625.18 crore and expenditure of Rs.2507.58 crore for RBE 2008-09; as also the receipts of Rs.6570.58 crore and expenditure of Rs.4737.83 crore with a surplus of Rs.1832.75 crore in the Budget Estimates of 2009-10. The Authority also approved the proposal for the utilization of RBE 2008-09 and BE 2009-10 pending formal confirmation of minutes of this meeting.

The Authority also ratified the expenditures which have already been incurred with the approval of the Hon'ble Lt. Governor, pending approval of these budget proposals.

ITEM NO. 38/2009

Sub: Construction of Commonwealth Games-2010 near Akshardham Temple off Road No. NH-24.

C/o Swimming Pool, Training Hall, Fitness Centre and Athletic Track at Commonwealth Games Village for appropriation of funds.

FileNo.F.1(18)FO/CE(CWG)DDA/Pt.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 39/2009

Sub: Amalgamation of Hotel Plot.

File No.30(1)06/CL/Pt.

After detailed discussions, the Authority endorsed the view taken in the matter by the Lt. Governor.

ITEM NO. 40/2009

Sub: De-notification of Development A-172 & 54 under the Delhi Development Act 1957.

File No F.6(26)2004/LM/WZ/Part-III.

Shri Rajesh Gahlot pointed out that some of the colonies/areas which are located inside the boundaries of the de-notified area have not been mentioned in the agenda item.

2. The Authority decided that boundaries of de-notified areas should be fully detailed so that there is no ambiguity about the names of the colonies/areas falling inside the de-notified areas.

Proposals contained in the agenda item were accordingly approved by the Authority.

ITEM NO. 41/2009

Sub: Zonal Development Plan for Zone 'O' (Yamuna/River Front).

File no. F.4(10)07-MP.

Proposals contained in the agenda item were approved by the Authority with the direction that status of the institutions existing prior to 1.1.2006 (which are mentioned in Para 2.2 of the agenda item) shall be linked to the Government's decision on regularisation of the unauthorised colonies where these institutions are located. It was decided that Preamble to the Zonal Plan 'O' shall stand modified accordingly.

ITEM NO. 42/2009

Sub: Property Development Control Norms of DMRC - Modification in Master Plan for Delhi-2021.

File no. F.3(62)2007/MP.

Dr. M.M. Kutty, Joint Secretary(D&L), MOUD pointed out that the DMRC should be given full autonomy to carry out property development on 3 hact. of land as per provisions of draft MPD 2005 and the modifications to the MPD 2021 proposed by the Ministry of Urban Development through the public notice dated 4.2.2009 should be approved without amendment.

b) Commissioner (Planning) explained the agenda item and pointed out that the agenda item was limited to the discussion on the modifications proposed in the MPD-2021 vide Public Notice dated 4.2.2009.

He pointed out that there have been large number of objections against the proposed modifications to the Master Plan and the Board of Inquiry & Hearing heard 96 respondents and 12 others and keeping in view strong public opinion, whatever modifications were feasible have been accepted by the Board.

Commissioner (Planning) informed that the objections/suggestions heard by the Board are not part of the agenda documents and the Authority may like to have a look at them.

He expressed the view that scrutiny of the DMRC Projects by the Technical Committee must continue as the technical experts from all the nodal agencies are present in this Committee to give valuable advice. He pointed out that the proposed modifications on property development by DMRC should be dropped as this modification has wide ramifications.

c) The Vice Chairman endorsed the view point of the Commissioner (Planning) and pointed out that development by DMRC has to be regulated like all other public bodies and the hotels, commercial & residential units located on the DMRC land cannot have separate set of development control norms than those given for Metro Stations in MPD 2021. He suggested that implications arising out of this modification need to be considered by the Authority before changing the recommendations of the Board of Enquiry & Hearing.

d) Shri Subhash Chopra, Dr. Harsh Vardhan and all the non-official members also were of the same opinion and pointed out that blanket autonomy cannot be given to the DMRC towards property development and this issue should be examined by the Authority in greater detail so that the provisions of the Master Plan are uniformly applicable to all the stake holders in Delhi. The non-official members pointed out that the proposed modification on "Property development of DMRC" has wide repercussions and the matter should therefore not be decided in a hurry and the objections/suggestions made by the public should be placed before the Authority before a final view is taken in the matter by the Authority.

e) The Lt. Governor advised that the request of DMRC for intensive development should be favourably examined keeping in view the strategy of transit-oriented development involving higher densities along major transport corridors.

2. After detailed discussions, the Authority advised that the decisions taken by the Empowered Committee of Group of Ministers should guide further course of action on these matters. Following view was taken by the Authority on different proposals made in para 1.3 of the agenda item :

| Sl.No. | PageNo./Para/Clause use of MPD-2021 | Proposed modifications | Recommendations of the Board | View taken by Authority |
|--------|---|--|---|--|
| 1. | Page No.15 3.3.1.1A(vii) | The word "Property development DMRC" is deleted. | Not of modification required | Accepted, Proposed modification accepted. |
| 2. | Page No. 82: Development Controls for Metro Stations | "Development Controls for Metro Stations" in Sl.No.1 "Subject to approval of Committee of DDA" is deleted. | Not modification required as scrutiny in the Technical Committee of DDA will add value to proposals. | Accepted, Scrutiny to be done by the Technical Committee in a time bound manner. |
| 3. | Page No. 82: Development Controls for Metro Stations | Under the heading "Development Controls for Metro Stations" in Sl.No.3 in addition to five operational structures mentioned, the following additional structures are added: vi. Recruitment and maintenance staff. Training Centres for operational and (vii & viii) may be modified as follows: including office buildings for them. vii. Housing for operational staff. viii. Residences for Metro security personnel. ix. Rehabilitation work to be undertaken for the construction of Metro Project. x. Shops in Metro Stations to cater to the public amenities. xi. Structure above platform over the footprint of the Metro Stations. | May be modified as follows: Recruitment and Training Centres for operational and (vii & viii) may be modified as follows: Housing for operational staff and metro security personnel only. Accepted, modification may be made. Not modification required. Not modification required. Not modification required. | Modification accepted. Modification accepted. Small shops/kiosks in Metro Stations to cater to the commuter amenities. Modification accepted. |

ITEM NO. 43/2009

Sub: Proposed change of land use of 2180.05 sq.yds. (1832.75 sq.m) of land at Indraprastha Estate from 'public & semi public' to 'Government office'.

File No. F.3(39)/2002/MP.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 44/2009

Sub: Zonal Development Plan for Zone P-II, Narela.

File No. F.4(4)2008/MP/Part-IV-A.

- 1. Shri Rajesh Gahlot pointed out that the Board of Enquiry and Hearing should not have modified the decisions already taken by the Authority. He specifically questioned the proposed land-uses in village Nangli Puna and pointed out that most of the land of this village had earlier been acquired for a Radio Station and the remaining land should therefore not be marked as 'green'. Shri Naseeb Singh, Shri Subhash Chopra and Dr. Harsh Vardhan also pointed out that Authority decisions should not be changed at the level of Board of Enquiry & Hearing.*
- 2. Shri Gahlot, Shri Naseeb Singh and other non-official members pointed out that proposed Master Plan road should be realigned as it is passing through the Lal Dora/extended Abadi Areas of village Mukh Mail Pur.*

b) The Authority agreed with this suggestion and took a policy decision that "all road alignments and land acquisitions for essential infrastructure should be finalised in such a manner that they do not, as far as possible, disturb or dislocate the lands/constructions falling under the Lal Doras and Abadi areas/extended Abadis.
- 3. The Authority also agreed with the suggestion of Shri Sudesh Bhasin that proposed community centre in village Sarup Nagar should be relocated if the present site is already built-up.*

4. The Lt. Governor informed the Authority that DDA's proposed new policy on Land Banking will aim at ensuring equitable value for all the land holders irrespective of the land-uses being prescribed under the Zonal Plans, be it residential, commercial, PSP or Green. Hence, the objective would be that there are no winners or loser under the proposed policy. The unique feature of this policy would be that each land owner irrespective of its use in the Zonal Plan would get back a percentage of share in land for residential and commercial use, subject to certain minimum land holding.

ii) He also informed that land pockets for further urbanisation shall be released in a staggered manner, by a decision of the Authority and directed that a presentation on the proposed Public Private Participation model of land development should be made at the next meeting of the Authority.

iii) The Lt. Governor assured that new land policy would adequately compensate those people who voluntarily surrender their land to DDA for Master Plan roads, greens and other public facilities.

II. After detailed discussions, the Authority decided to approve the Zonal Plan as per land-uses presented to the Authority under model/option 2, with the modification that the land shown under the 'commercial' and PSP usage in village Nangli Puna shall also be designated for 'residential' use.

ITEM NO. 45/2009

Sub: Re-examination of Cadre review of Survey and Research Cadres DDA.

File No. 7(136)90/PB-I.

Principal Commissioner, Shri V.K. Sadhu, informed that there is a typing mistake at page 3 of the agenda item and the total number of posts of Research Officers in the cadre should be read as 5 instead of 8 and the number of posts of Research Officers proposed by the previous sub-committee should be read as 1 instead of 2.

2. Proposals contained in the agenda item were accordingly approved by the Authority.

II. Shri Rajesh Gahlot wanted to know whether senior officers of these cadres with post-graduate qualification will now draw less salary than their juniors who have undergraduate qualification.

Shri Sadhu informed that the issue of comparative pay scale/pay structure will be separately examined in the light of the 6th Pay Commission Report.

III. Shri Rajesh Gahlot also wanted to know whether any cadres/employees are still left out and advised that cadre review of such left out employees should also be placed before the Authority.

Shri Sadhu informed that there are no left out cadres/employees and all the cadre reviews have been approved by the Authority.

IV. Shri Gahlot advised that employees of all cadres should be promoted to the next level after serving for same number of years so that no further imbalances are created amongst different cadres.

ITEM NO. 46/2009

Sub: Delegation of Powers to the Authority to create Group 'A' posts.

File No. F.7(25)2008/PB-I.

Proposals contained in the agenda items were approved by the Authority as a necessary step towards strengthening and capacity building of the organisation.

ITEM NO. 47/2009

Sub: Retro-fitting/Rehabilitation of DDA flats in Rohini.

File No. F.CE(R)2(83)2008.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 48/2009

Sub: Retro fittings/Rehabilitation of DDA flats allotted to Public and possession already handed over.

File No.F.6(76)09/SE/CC-15.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 49/2009

Sub: De-notification of Development Area No. 94, 127, 144, 164, 173 and 177 (South East Zone) under the Delhi Development Act, 1957.

File No.F.11(183)2009/LM/SEZ/DDA.

The Authority decided that boundaries of de-notified areas should be fully detailed so that there is no ambiguity about the names of the colonies/areas falling inside the de-notified areas.

Proposals contained in the agenda item were accordingly approved by the Authority.

ITEM NO. 50/2009

Sub: De-notification of Development Area No. 175/RZ, 178 & 179 under the Delhi Development Act, 1957.

F.10(17)2007/LM/RZ/DDA/Part.

The Authority decided that boundaries of de-notified areas should be fully detailed so that there is no ambiguity about the names of the colonies/areas falling inside the de-notified areas.

Proposals contained in the agenda item were accordingly approved by the Authority.

ITEM NO. 51/2009

Sub: De-notification of Development Area No. 115, 135, 145, 175/NZ, 175-A & 175-B under the Delhi Development Act, 1957.

F.5(08)2009/LM/NZ/DDA.

The Authority decided that boundaries of de-notified areas should be fully detailed so that there is no ambiguity about the names of the colonies/areas falling inside the de-notified areas.

Proposals contained in the agenda item were accordingly approved by the Authority.

ITEM NO. 52/2009

Sub: Allotment of land near Qutab Minar to ITDC for sound & light show.

F.32(90)08/IL.

Proposals contained in the agenda item were approved by the Authority.

ITEM NO. 53/2009

Sub: Grant of benefit of ACP to Work-charged employees from the date of initial appointment.

File No. F.4(1)2007/P&C(P).

Proposals contained in the agenda item were approved by the Authority. Final orders shall however be issued after receiving clarification from the CPWD.

ITEM NO. 54/2009

Sub: Action Taken Notes on the Minutes of the meeting of the Authority held on 3.6.2009.

F.2(3)2009/MC/DDA.

Noted.

ITEM NO. 55/2009

Sub: Rejuvenation of District Centre Nehru Place, New Delhi.

F.10(7)/07/CC-XV/DDA.

The Authority also discussed the issue of rejuvenating the Nehru Place District Centre. After detailed discussions, it was decided that Nehru Place District Centre should be declared as "No Hawking Zone".

2) The Authority also decided that separate areas should be identified and earmarked as vending zones in different parts of the city.

OTHER POINTS:

1. Shri Subhash Chopra advised that all policy matters should be first discussed in the Authority and only thereafter referred to the Ministry of Urban Development. He desired to know details of the proposed policy on various subjects like Farm Houses, Unauthorised Colonies, Development of Industrial clusters, PPP Model of land development, Group housing on 3000 sq.mt. land, special areas etc. and sought a discussion on these issues by the Authority before a final view is taken by the Ministry.

II. The Lt. Governor directed that all these policy matters should be placed before the Authority before final recommendations are sent to the Ministry of Urban Development.

III. Sh. Subhash Chopra, MLA, and Member of the Authority also raised the point regarding the temporary cinema halls being allowed to develop like other cinema halls in the city.

Hon'ble LG agreed to the suggestion and said that days of cinema halls having 800-1000 seats are gone and that these are not viable today. He said that temporary cinemas have been running with due permission from the Government since mid seventies and that these should be allowed to develop on modern lines.

2. Shri Naseeb Singh pointed out that facilities like Bus Terminal, Dispensary, Sports Complex etc. have not been provided in the IP Estate Extension which has 115 Group Housing Societies. Neither any provision has been made for these facilities in future.

II. The Lt. Governor directed that these are essential facilities and must be provided in the area. He advised the Vice-Chairman to take a meeting on the subject with all the concerned officials.

3. Dr. Harsh Vardhan desired to know the deadline for construction of new DDA Officers Institute at the site which has been cleared by the Screening Committee and wanted to have action taken report on the employee welfare measures approved by the Authority during its Golden Jubilee Year.

II. The Lt. Governor directed that action taken report on all the decisions taken by the Authority towards employees' welfare during the Golden Jubilee year and the status of construction of officers Institute at the site approved by the Screening Committee be put up in the next meeting of the Authority.

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It was decided that the next meeting of the Authority would be held on 12th October, 2009 at 11.00 a.m. at Raj Niwas.

The meeting ended with a vote of thanks to the Chair.

