

Confidential
Most Immediate

No. O-33011/2/94-DDIIB/Vol.XI
Government of India
Ministry of Urban Development
(Delhi Division)

Nirman Bhawan, New Delhi
Dated: 5.10.2007

To

Shri A.K. Jain,
Commissioner (Planning),
DDA,
Vikas Minar, IP Estate,
New Delhi.

Sub: Regularisation of unauthorized colonies - setting up of a
Working Group to suggest the modalities for regularization.

Sir,

Please refer to this Ministry's letter of even number dated
23.2.2007 on the above subject.

2. I am enclosing a copy of the duly approved Revised Guidelines
2007, formulated in accordance with the Cabinet's decision dated
8.2.2007, for regularization of unauthorized colonies in Delhi. You are
requested to carry out necessary modifications in the draft Regulations
urgently. The revised draft Regulations may be sent to the Ministry
immediately within a week's time.

Yours faithfully,

Encl: as above.

(Sujata Chaturvedi)
Director (DD)
Tele: 2306 1916

[Handwritten signatures and initials]

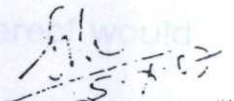
REVISED GUIDELINES 2007 FOR REGULARIZATION OF

Copy along with a copy of revised Guidelines-2007 to:

- (1) The Chief Secretary, GNCTD, Delhi Secretariat, IP Estate, New Delhi.
- (2) The Vice Chairman, DDA, Vikas Sadan, INA, New Delhi.

A copy of the Revised Guidelines-2007 is sent for information and for taking necessary preparatory steps. GNCTD is also requested to take immediate action for drawing up a list of unauthorized colonies which could be considered for regularization in terms of the revised guidelines. Please note that no actual regularization of unauthorized colony shall be taken up until further orders.

Encl: as above.


(Sujata Chaturvedi)
Director (DD)

- a) Colonies/ parts of colonies falling in notified or reserved areas.
- b) Colonies/parts of colonies which pose in hindrances in the provision of infrastructure facilities or fall in the area of ROW of existing/proposed railway lines, Master Plan roads and major/trunk water supply and sewerage lines.
- c) Colonies where more than 50% plots are un-built on the date of formal announcement of regularization scheme. However, plots which have been built up in the above-mentioned colonies even after 31.03.02 and till the date of formal announcement of regularization scheme will be taken into consideration for deciding the eligibility of the colony for regularization.
- d) No regularization would be done of colonies or parts of colonies whether on private or public land if it violates the provisions of Ancient Monuments and Archaeological Sites and Remains Act 1958.

REVISED GUIDELINES 2007 FOR REGULARIZATION OF UNAUTHORIZED COLONIES IN DELHI

1. GENERAL PRINCIPLES:

- 1.1 Unauthorized Colonies (except those inhabited by affluent sections of society) as existed as per aerial survey of 2002 will be eligible for regularization subject to the following guidelines. "Habitations existing as on 31.03.2002 that have come up as extension to village abadi and have not been notified as Lal Dora extension to village abadi, would be eligible for regularization on the same lines as unauthorized Colonies.
- 1.2 However, the following type of colonies or parts thereof would not be considered for regularization:
 - a) Colonies/ parts of colonies falling in notified or reserved forest areas.
 - b) Colonies/parts of colonies which pose in hindrances in the provision of infrastructure facilities or fall in the area of ROW of existing/proposed railway lines Master Plan roads and major/trunk water supply and sewerage lines.
 - c) Colonies where more than 50% plots are un-built on the date of formal announcement of regularization scheme. However, plots which have been built up in the above-mentioned colonies even after 31.03.02 and till the date of formal announcement of regularization scheme will be taken into consideration for deciding the eligibility of the colony for regularization.
 - d) No regularization would be done of colonies or parts of colonies whether on private or public land if it violates the provisions of Ancient Monuments and Archaeological Sites and Remains Act.1958.

- 1.3 These guidelines do not relate to unauthorized Colonies inhabited by affluent sections on public and Private land.
- 1.4 No regularization will be done in respect of residential buildings used for non-residential purposes except those covered under the mixed land use regulations contained in the Master Plan for Delhi -2021 (MPD-2021), as may be amended from time to time. The time limit of 90 days for conducting survey for notification of mixed use streets as prescribed in the MPD-2021 in respect of these colonies will commence with effect from the date of notification of the colony as deemed regularized colony by the Govt. of NCT of Delhi (GNCTD) or the date with effect from which the colony shall qualify for regularization as mentioned at Para 4.2(g) of these guidelines.
- 1.5 In all unauthorized colonies, whether on private or public land regularization will be done subject to the preparation of existing layout plan. However, the Resident's Society may voluntarily submit proposals of improved layout plan for respective colony.
- 1.6 In each colony it will be necessary to establish a Registered Residents Society (henceforth called Resident Society) for coordination, preparation of existing layout plans, for liaison with the concerned local body / DDA /GNCTD in respect of various issues pertaining to the regularization process.
- 1.7 Once the colony is regularized it will be governed by relevant provisions laid down in MPD-2021 including those under Para 16.2.3 and 3.3.2.

2 RECOVERY OF COST OF LAND

- 2.1 Based on criteria adopted by the Municipal Corporation of Delhi (MCD) for categorization of colonies for recovery of property tax based on Unit Area Method, the colonies may be categorized at two levels below the categorization of the nearest regular colony since the level of development of infrastructure in unauthorized colonies is very low. Thus these are broadly clubbed under three groups for regularization purposes.

Group I	Unauthorized Colonies in category C& D
Group II	Unauthorized Colonies in category E& F
Group III	Unauthorized Colonies in category G

2.2 The whole issue of what is Government / public land or private land will be decided, identified and defined by GNCTD.

2.3 The cost of Government land shall be recovered as under:

a) For undeveloped public land

In Group-I colonies:-

Prevailing cost of acquisition of Agricultural land (Rs.575/- per sqm.)+ 10% penalty for plot size up to 100 sqm; 25% penalty for plot size from 100 to 250 sqm, and 50% penalty for plot size beyond 250 sqm.

In Group-II colonies:-

prevailing cost of acquisition of agricultural land minus 15 % +10% penalty for plot size from 100 to 250 sqm and 25 % penalty for plot size beyond 250 sqm. No penalty is to be levied for plot size up to 100 sqm.

In Group-III colonies:-

Prevailing cost of acquisition of agricultural land minus 30 % + 5% penalty for plot size from 100 to 250 sqm and 10 % penalty for plot size beyond 250 sqm. No penalty is to be levied for plot size up to 100 sqm.

b) For developed public land

Notified land rate of DDA and penalty (10% up to 100 sqm plot and 50 % beyond 100 sqm. Plot).

c) In respect of colonies on private land no conversion charges of compounding fee for non-affluent colonies on lands identified as private land by the GNCTD shall be levied.

2.4 Recovery of development charges and modalities for undertaking developmental works will be decided by the GNCTD.

3. REGISTRATION OF RESIDENTS' SOCIETY

3.1 The registration of Residents' Society in each unauthorized colony to liaison with the concerned local body/ DDA/ GNCTD in various matters would be a pre-condition for considering the case for regularization.

3.2 The Residents' Society shall prepare the existing layout plan. However, the Residents' Society may voluntarily submit proposals of improved layout plan for respective colony.

3.3 There would be no objection to several associations in a colony, but they would have to be federated into one registered Residents' Society. The local bodies / GNCTD would only interact with such Residents' Societies which have at least 75 % of residents of that colony as their members.

3.4 While preparing existing layout plan, the Residents' Society shall identify plots / location for social infrastructure facilities. This land would be transferred in the name of the local body /DDA. In such colonies where land cannot be made available by the Residents' Society, the colony would have to manage without provisions of such facilities.

3.5 There would be no obligation on the part of the Government/GNCTD/DDA/ the local body to allot alternate sites or flats to residents who are displaced on account of the provision of land for roads, civic amenities and community facilities.

4. STEPS FOR REGULARIZATION

- 4.1 'Habitations existing as on 31.03.2002 that have come up as extension to village abadi and have not been notified as Lal Dora extension to village abadi would be eligible for regularization on the same lines as unauthorized colonies subjects to meeting the requirements of regulations framed pursuant to these guidelines.
- 4.2
- a) Determination and identification of boundaries of only those colonies which are eligible for regularization under these guidelines is required to be done by GNCTD.
 - b) The Residents' Society will get the lay out plan of the colony as mentioned at Para 1.5 prepared from registered Architect / Town Planner within one months time on 1:1000 scale, based on a standard / uniform check-list annexed with these guidelines. The lay out plan will be submitted by the Residents' Society to the concerned local body / DDA. A copy of the lay out plan will also be sent by the Residents' Society to GNCTD simultaneously.
 - c) Local Body or DDA as the case may be within two months from the time prescribed in Para (b) above will complete the scrutiny of the layout plan on the basis of general principles contained in these guidelines.
 - d) GNCTD will finalize the boundaries of each identified colony within three months from the last date of submission of layout plan prescribed in Para (b) above. GNCTD will use satellite / aerial survey images of relevant areas available as on 31.03.2002, in order to facilitate fixing of boundary of colonies. After the boundaries have been fixed by the GNCTD on the scrutinized layout plan submitted by the local body concerned, the lay out plan shall be forwarded to the concerned local body / DDA by the GNCTD for formal approval of the layout plan of the colony by the competent authority.
 - e) The layout plan may be approved by the competent authority in the local body concerned within one month of receipt of layout plan after fixation of boundary by GNCTD. After that the local

body shall refer the matter to the GNCTD for further necessary action for regularization of each colony.

- f) Simultaneously the local body will also refer the approved layout plan of each colony to the DDA for change in land use.
- g) Once approval is granted by the GNCTD, pursuant to approval of layout plan by local body concerned, the colony shall qualify for consideration for regularization provided the requirements of payment of cost, charges etc. have been completed.
- h) Formal order of regularization may be issued by the GNCTD after change in land use is affected by the DDA with the approval of competent authority and after ensuring that required payments have been made.
- i) The entire process of regularization of colony by GNCTD except change in land use is to be completed within six months and formal regularization after effecting change in land use within 9 months. In case the time limit prescribed above needs relaxation in respect of some colonies, the Lt.Governor, Delhi may relax the time limit on specific request of GNCTD.

4.3 The construction on each individual plot is to be brought within the prescribed development control norms by the individual owner/Resident society. However, it will not be a pre-condition for regularization of colony.

4.4 The cost of land as per para-2 will be collected by the concerned local body/ DDA on behalf of land owning department/agency. The amount so recovered will be credited to the account of respective land owning department/agency.

4.5 The penalties as per para-2 will be collected by the concerned local body/DDA and credited into a separate fund. From this fund and its own resources, DDA under the guidance of the Ministry of Urban Development, construct houses for economically weaker sections or carry out any other developmental works such as development of parks etc.

5 OTHER PROVISIONS

- 5.1 In respect of unauthorized colonies to be regularized, suitable modifications including land use in the Master Plan/ Zonal Plan shall be made, as may be necessary.
- 5.2 The provision of incentivized re-development in the MPD-2021 for unauthorized regularized colonies will also be applicable to these colonies once regularized.
- 5.3 To ensure early resolution of issues related to tenure rights to promote incentivized re-development, a committee may be constituted by GNCTD with representatives of DDA, to evolve suitable guidelines in this regard, preferably within a time frame of two months.
- 5.4 GNCTD may commence the development works and augmentation of infrastructure facilities in public interest in colonies / part of colonies soon after the receipt of layout plan as mentioned in para 4.2(b) if it is satisfied that these colonies or parts thereof fulfill the general principles contained in these guidelines.

6 IMPLEMENTING AGENCIES

- 6.1 A separate cell will be created in the planning division of local bodies / DDA to carry out the work relating to regularization of unauthorized colonies.
- 6.2 The work related to regularization including preparation and implementation of development works involving agencies concerned would be undertaken coordinated, monitored and supervised by GNCTD.

7 Miscellaneous

- 7.1 Within the overall frame work of these guidelines, if any clarification is required, instructions / advice of the Ministry of Urban Development, Govt. of India shall be obtained.

- 7.2 Regularization of Unauthorized Colonies shall be subject to order of Supreme Court dated 14.2.2006 in WP(C) No. 725 of 1994 and vacation of stay dated 13.10.1993 in CW (P) No. 4771 of 1993 in High Court of Delhi.
- 7.3 Action against unauthorized constructions, which do not fulfill the conditions for regularization will be taken by the concerned local body / DDA subject to provisions contained in Master Plan of Delhi including those in Para 16.2.3.
- 7.4 GNCTD shall ensure wide publicity of these guidelines.

DDA,
Vilas Nagar, IP Estate,
New Delhi.

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Sr.

Please refer to this Ministry's letter of even number dated 23.2.2007 on the above subject.

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Yours faithfully,

Encl. as above.

(Sujata Chaturvedi)
Director (G)
Tele: 2308 1911