

Copy of Reso. No. 36(M-05)
of
Council Ordinary Meeting
Dated 30-01-2015

ITEM NO. 36 (M-05)

1. Name of the Subject/ Project
Provision of uniform subsidy in NDMC, NDMC Aided, Balwaris and Aanchal Schools.

2. Name of the Department : Education Department

3. Brief History of the Subject/ Project:

The department was earlier providing unstitched uniforms to the students. However, since 2006-07, cash disbursement in lieu of uniform is being provided.

The Council vide Reso. No.10(M-6) Dated 21-12-2009, resolved to provide Uniform Subsidy @ Rs.500/- per annum per student of class Nursery to XII of NDMC schools and NDMC Aided Schools for the Academic year 2008-09 and 2009-10 as prevailing in the Directorate of Education, GNCT of Delhi. The same was enhanced @Rs.700/- per annum in case of students of class VI to XII vide Council Reso. No. 08 (M-02) dated 21-07-2010. In the year 2011-12 the Education Deptt. proposed the rates of cash Uniform Subsidy .at par with GNCT Delhi Rs.500/- for Nursery & Primary, Rs.700/- for Middle & Rs.900/- for Secondary & Senior Secondary classes, but the Council in its meeting vide Resolution No.09 (M-03) dated 29-06-2011 resolved that the rate of Uniform Subsidy be Rs.700/- for Nursery & Primary classes Rs.900/- for Middle classes Rs.1000/- for Secondary & Sr. Secondary classes for the students of NDMC/NDMC Aided, Balwari and Aanchal Schools. Again (For the Academic Session 2012-13) Director (Edn.), GNCT vide Circular No.F.N.DE.18-12 (3)/2003 PLG/436-442 dt. 15-06-2011 (current rate of subsidy as per Planning Branch, Govt. of GNCT), has maintained the same rates as on 2012-13, which were not accepted by NDMC earlier. NDMC had in 2011-12 approved rates higher than Delhi Govt.

Last year in 2013-14 it was proposed to enhance the amount to double the capacity and the matter was discussed with the Secretary NDMC and it had been decided that the single uniform subsidy be provided to the students for Current Academic Year.

4. Detailed Proposal on the Subject/ Project :

Again this year 2014-15, it is proposed to enhance the amount to double the capacity as mentioned above. Rates for the subsidy amount for one uniform is inadequate to last the entire year for NDMC students. Maximum no. of students belongs to economically weaker families and it is not possible for them to maintain a single uniform properly, throughout the year.

Dir. Edn.

Hence, the rate of uniform subsidy may be enhanced in order to provide for two sets of uniforms - ₹1,400/- for Nursery to V, ₹1,800/- for class VIII, ₹2,000/- for class IX to XIIth. These students shall be paid uniform subsidy at these new rates.

5. Financial implication of the proposed Subject / Project :-

Last year 2013-14 the expenditure was sanctioned as ₹1,85,42,200/-. This year the expenditure sanction is required for ₹3,76,66,000/- as per detail given below:-

Level	Rate	In 2013-14		Rate	For 2014-15	
Nursery	700	3000	21,00,000/-	1400	3218	45,05,200/-
Primary	700	10490	73,43,000/-	1400	10414	1,45,79,600/-
Middle	900	4310	38,79,000/-	1800	4414	79,45,200/-
Secondary	1000	2610	26,10,000/-	2000	2541	50,82,000/-
Sr. Secondary	1000	2610	26,10,000	2000	2777	55,54,000/-
Total		23020	1,85,42,200/-		23364	3,76,66,000/-

Actual expenditure against expenditure sanction of ₹1,85,42,200/- for 2013-14 was ₹1,75,97,600/-.

6. Implementation Schedule with time limits for each stage including internal processing: - One month
7. Comments of Finance Department:-

"The argument that NDMC is dealing with persons with weaker economic background may not be a ground to increase number of uniforms. In MCD and Delhi Government, there may be similarly placed weaker sections. There should be uniformity in entire Delhi. Therefore, the proposal of the deptt. appears against the provision of the prevailing practice of Education Directorate of GNCT and appears not correct. The Deptt. may be advised to revisit their proposal and recalculate the proposed amount of A/A & E/S for consideration and approval of the competent authority.

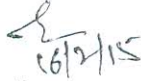
Further, the proposal of the department for disbursing the uniform subsidy in cash stating the problem faced by the Head of School last year appears not in order as per the earlier decision taken by Secretary, NDMC at page No. 248/N. The deptt. is advised to submit their proposal accordingly".

8. Comments of the department on the comments of the Finance Department:-
Remarks of the Chairperson at Page No. 263/N bottom :- "I do not agree with 'A' and 'B' at all. NDMC is a trend-setter and so it should aspire what we do in NDMC is not for Law Deptt. to state as a policy. I would advise Law Deptt. to confirm itself to the mandate of examining the legality of the issue, not the policy. However, Dir. (Edn.) to rework and submit the proposal on policy".
9. Legal implication of the subject/ Project: -
No legal implication.
10. Details of previous council resolutions, existing law of parliament & assembly on the subject:-
i) Council's Reso. 12 (M-2) dated 17-05-06
ii) Council's Reso. 31 (M-4) dated 17-10-07
iii) Council's Reso. 14 (M-1) dated 21-05-08
iv) Council's Reso. 10 (M-6) dated 21-01-09
v) Council's Reso. 08 (M-02) dated 21-07-10
vi) Council's Reso. 09 (M-03) dated 29-06-11
vii) Council's Reso. 06 (M-04) dated 30-10-12
11. Comments of Law Department of the Subject/ Project:-
- N.A. -
12. Comments of the department on the comments of the Law Department:-
- N.A. -
13. Certificate that all CVC Guidelines on the subject have been followed:-
Followed
14. Recommendations:-
To accord approval for
1. Providing Uniform Subsidy for the students of classes IX to XII @ ₹2000/-, for the students of classes VI to VIII @ ₹1800/- and for the students of classes Nursery to V @ ₹1400/- per child per annum of NDMC/ NDMC's Aided, Balwaris and Aanchal Schools for an amount of ₹3,76,66,000/- for the Academic year 2014-15.

2. To accord Administrative approval and expenditure sanction of ₹3,76,66,000/- chargeable to the head of A/c "(82) 2308009. Free Uniform" wherein a budget provision of ₹2 Crores exists for the financial year 2014-15 at page 335 of Budget Book 2014-15. The additional funds shall be arranged through re-appropriation/R.E.

COUNCIL'S DECISION

Deferred.



For Secretary
New Delhi Municipal Council
Palika Bhavan, New Delhi

Resolutions proposed by Sh. Karan Singh Tanwar, Vice Chairperson, NDMC under NDMC Act, 1994 vide letter dated 12.09.2014, placed before the Council on 11/12/2014.

Resolution proposed by Shri Karan Singh Tanwar, Vice Chairperson, NDMC under NDMC Act, 1994 for the Council Meeting No.03/2014-15 to be held on 19.09.2014, again placed before the Council on 11/12/2014.

A. Proposed Resolution No.01

"NDMC hereby resolve that the pending cases of transfer of shops pertaining to Estate Department may be finalized as per policy of NDMC on the date of submission of documents by the applicants."

2. In this regard, it is submitted that the Estate Department has already placed an agenda item for streamlining the policy of transfer cases in Estate-II Department vide Agenda Item No.20 (L-05) in the meeting held on 24.07.2014. The same had been deferred for further discussion in the next meeting of the Council.

3. In the next meeting of the Council held on 27.08.2014 this item was placed before the Council vide Agenda Item No.15 (L-04). It has been resolved by the Council to accord approval to the proposal of the Department with prospective effect. This decision was taken by the Council when the matter was placed before it after examining in consultation with the Finance Department and Law Department.

4. The resolution now proposed to be moved by Shri Karan Singh Tanwar, Vice Chairman, NDMC, seeks to modify the decision taken by the Council in its meeting held on 27.8.2014. If the resolution proposed to move now is to be brought before the Council, the same has to be re-examined, taking into consideration the revenue aspect, the legal aspect and earlier policies framed by the Council from time to time.

5. Therefore, the Department would require time for detailed examination in the matter.

~~Receipts 9~~
3/8/2000

Item No 9

Reg: Transfer of Ownership rights in 15 Municipal Markets

A proposal to give ownership rights, in the 15 municipal markets, was placed before the Council for its approval/decision on 03-02-2000 as Item No 3(xxiv).

Copy of the said proposal including its annexures forms part of this preamble as annexure (See pages 176 to 214). The proposal was deliberated upon, in the Council, in great detail.

During discussions Vice-Chairman, Shri Ram Bhaj sought certain clarifications and pending report on the clarifications decision on the proposal was deferred.

Clarifications were sought on the following points:-

(i) Whether the markets covered under the proposal belong to NDMC or are on lease from L&DO to NDMC? If on lease what are the terms of lease.

(ii) Terms on which L&DO gave transfer rights to the shopkeepers of the market.

(iii) What would be the terms of allotment. What would be the amount of premium, in case the existing licensee is being given the ownership rights of shop as well as the flat or where flat is allotted to a person other than the existing shopkeeper.

(iv) Concessions to be given to existing shopkeepers regarding payment of land premium.

(v) The criteria for charging property tax on these shops and flats.

(vi) The amount to be charged for the super structures for transfer of ownership rights of shops as well as flats to existing licensee.

(vii) Criteria to be adopted if the existing shopkeeper do not opt for ownership rights.

(viii) In case of the markets located on road berms are shifted as per Delhi Master Plan the role of NDMC. Whether it will be the duty of DDA/ Government of India to accommodate shopkeepers for giving alternate shop for business activity in that eventuality who will compensate for the cost of land and structure thereof when they are rehabilitated.

(ix) if any redevelopment plan is formulated for any market the fate of the existing licensee.

(x) Details of Shops in each market used by NDMC office/ dispensary / post offices managed by P & T Department.

2. To give clarifications, information had to be collected from the old records and from the office of the L&DD and Directorate of Estates. Before giving clarification a brief about the information collected and broad terms of allotment under the proposed scheme appears necessary.

3. The Council has not so far granted any ownership rights in the shops and the flats falling in its area. The present scheme of transfer of shops and flats in municipal markets has to be in accordance with the provisions of section 141 of the New Delhi Municipal Council Act, 1994 and as such, schemes of grant of ownership rights by other agencies are not relevant for transfer of its immovable properties by the Council.

3.1 Seven markets namely Basurkar, Begam Zaidi, Kidwai Nagar South and Central, Laxmi Bai Nagar, Nauroji Nagar and Netaji Nagar Market were transferred by L&DD to NDMC against payment for land and cost of

construction. The land is on lease. Copies of lease deeds of three markets could be had from L&DO. It is presumed that terms of lease for the other four markets may be the same.

3.2 Two markets namely the Pandara Road and Prithvi Raj Road Markets have been constructed by NDMC on the land allotted on leasehold basis by L&DO.

3.3 The Lodi Road market was constructed by CPWD and transferred to NDMC on payment for land and super structure.

3.4 Five markets namely the Babar Road Market, Baird Lane Market, Janpath Market, Panchkuian Road Market and Yusuf Zai Market were constructed by NDMC on road berms. The Master Plan for Delhi provide for relocation of these markets.

4 A copy of the lease of land from L&DO is at annexure A (See pages 215 to 219). Clause (xiii) of the lease deed is important. As per this clause any transfer of the lease hold rights has to be in accordance with the terms of lease and with the prior approval of the lessor. The lessor may also charge unearned increase upto 50% at the time of such transfer. As such, in respect of markets constructed on leasehold land from L&DO a no objection from L&DO may be necessary.

4.1 As regards the five markets on road berms, the Master plan of Delhi provides for their relocation

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and as such ownership rights would be possible only after taking a no objection from DDA. The Chairman NDMC had discussed about the issue of no objection by the DDA with the Chairman of Delhi Development Authority and an early favorable response in the matter may be possible.

4.2 Transfer of ownership rights is proposed of the shops including coal depot in the above 15 markets and flats in the Lodi market. No transfer is envisaged of the shops and flats in possession of or retained by NDMC or allotted to Post and Telegraph Department.

BROAD TERMS FOR GRANT OF OWNERSHIP RIGHTS.

5 Broad terms for grant of ownership rights of the shops in 15 markets and residential flats in Lodi Market are proposed as under:-

(i) PERSON ELIGIBLE FOR GRANT OF OWNERSHIP RIGHTS

The scheme of grant of ownership rights is available to the following three categories-

(a) Original Allottee;

(b) Allottees in whose names the shops or flats have been regularised with the consent of original allottee; and

(c) Present occupants in whose name as on 03-02-2000 the date of consideration of the present scheme by the Council, the allotment of the shop or the flat as licensee of NDMC has not been regularised.

(ii) MODE OF TRANSFER

In respect of the shops and flats, where land is on lease from L&DO the land shall be on sub-lease and

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ownership of superstructure shall be through a conveyance deed. In respect of the shops on road berms, the land shall be on lease or licence as per no objection received from DDA and ownership of superstructure shall be through a conveyance deed.

(iii) PERIOD OF SUB-LEASE OR LEASE / LICENCE

Where the land is on lease from L&DO, it shall be given on sub-lease for a term coterminous with the term of its lease with NDMC. In respect of the shops on road berms the period of lease/licence will depend on the terms on which no objection is given by DDA.

(iv) PREMIUM FOR LAND

The premium for the land in these 15 municipal markets shall be charged at the predetermined commercial rates notified by L&DO and existing on the date of transfer for the locality / area where the shop is located and where no such rate has been notified, the rate of similarly located locality. Premium for single storey shops shall be 100%. Where there exists a residential flat on the first floor, the rate for charging premium for shop and flat shall be in the ratio of 2:1. In respect of shops and the flats the premium for land shall be charged between the ground floor shop and the residential flat on first floor in proportion of the area of the shops and flat as per provisions of the Delhi Apartment ownership Act, 1986 and rules framed

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thereunder and this shall include common areas and facilities in terms of the said Act. Present occupant covered under (i) (c) above shall be required to pay an additional premium of 33 1/3 %.

(v) COST OF SUPERSTRUCTURE

Cost of super structure shall be the present day replacement cost less depreciation as may be worked out by Chief Engineer (Civil) of NDMC. Present occupant covered under (i) (c) above shall be required to pay an additional amount of of 33 1/3 % of the cost as above.

(vi) PAYMENT OF ANNUAL GROUND RENT

A ground rent of 2 1/2 % of the premium shall be payable in advance on 15th of January and on 15th of July each year irrespective of the fact whether it has been demanded or not and on failure to pay the same by due date, the sub-leasee or leasee / licensee shall be liable to interest at 1.5 % per month or at such rate as may be fixed by NDMC from time to time for the period of default on the amount in arrears . The ground rent shall also be liable to increase after 30 years from the date of commencement of sub-leases or lease / licence or from the date the same is increased by the L&DO, whichever is earlier.

(vi) OTHER TERMS

(a) The option of ownership or sub lease or

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lease / licence basis shall be given to the whole market and not shop by shop or flat by flat.

(b) The shopowners shall not be allowed to construct a basement or make any structural addition and alterations or renovations in the shop and the flat without the prior approval in writing of NDMC. The NDMC may give permission for additions/alterations and renovations on the basis of approved structural plan for the whole market.

(c) Since various service lines for the toilet block etc. may be passing through some of the shops, therefore, access to these service lines for repairs and maintenance etc., would necessarily need to be provided by the shop or flat owner immediately on such request being made by the concerned department.

(d) In view of acute shortage of parking space in and around the markets shopowners shall not have any parking rights.

(e) The shopowner or flatowner shall not be entitled to sub-divide the shop or flat or to transfer whole or part thereof by sale/ mortgage / gift or otherwise the said shop or the flat or any part thereof without obtaining prior approval in writing of the NDMC. If permission is granted 100 % of unearned increase in value of land over and above the rate at which premium has been paid under this scheme shall be required to be paid to the NDMC in advance at the time of each such

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assignment or transfer.

(f) The sub-leasee or leasee /licensee shall not be allowed to encroach upon common services areas including the common verandah or passage or staircase or any other place meant for common use or to raise construction of any sort or to place goods thereon so as to obstruct the common use thereof.

(g) If the common services are required to be provided by NDMC, the owner of the shop or the flat shall be required to pay by 10th of each month in advance the maintenance charges for the common services and common areas as may be fixed by NDMC from time to time. Interest at 1.5 % per month on delayed payment shall be payable. For continued default in payment for six months the NDMC may discontinue providing the services.

(h) The arrears of ground rent and maintenance charges shall be recoverable as arrears of taxes under NDMC Act.

(j) The right to grant sub-lease or refuse ownership of superstructure of shop / flat to any person is reserved to Chairman NDMC and no representation on that account shall be entertained.

(k) The Ownership right on the terraces shall remain with NDMC and no structure or construction shall be allowed on the terraces of the shops or the flats.

(l) The property tax on the shops and the flats from the date of transfer of rights in the land and

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super structure shall be the liability of the owner of the flat or the shop.

(m) Where there is a flat on the first floor over the shop, the owner of the shop shall maintain and repair the shop in such a condition that the shop is not dangerous to the flat and if the owner fails to keep the shop in good condition and is found to be dangerous to the flat at first floor, the NDMC shall after 15 days notice have the shop repaired at the cost of the owner and the said cost shall be recoverable from the owner of the shop.

(n) Provisions of Chapter XVIII, if applicable shall continue to be applicable for maintenance and regulation of markets.

(o) In respect of markets at road berms, if relocation of the markets in accordance with Delhi Master Plan becomes necessary, the matter shall be put up to the Council for its decision. It may involve payment, by the shopowner covered under this scheme, deference between the amount paid under the present scheme and the amount found payable under the relocation scheme.

(p) When redevelopment plan is formulated for the Laxmi Bai Nagar market or any other market, the shopowners granted ownership rights under this scheme will be accommodated first in the proposed complex on payment of additional cost, if found necessary.

(q) The flat shall be used only for residential purposes.

6. Paras 3 to 5 above provide for clarification of all the points on which clarification was sought by the Vice-Chairman, Shri Ram Bhaj.

PROPOSAL FOR APPROVAL

7. In the circumstances stated above and in the preamble at annexure I, approval of the Council is, solicited for the transfer of ownership rights, in the shops and flats, covered under this scheme, on the terms spelt out in Para 5 above. After the proposal is approved by the Council, a reference shall be made to the L&DO and ^{the Chairman} DDA.

COUNCILS DECISION

After having lengthy deliberation on the issue, the Council resolved to approve the terms of transfer as spelt out in para 5 in principle, subject to the following modifications in vi(k) of para of the preamble.

"(vi) 'K' - The control of terraces shall remain with NDMC. Structure or construction, if any, shall be allowed on the terraces of the shops or the flats, in accordance with the Building Bye-laws/Delhi Master Plan by NDMC. No transfer rights of terrace whatsoever will be available to the sub lessee".

It was further resolved that:-

i) Necessary no-objection of L'DO, Ministry of Urban Development as required under clause xiii of the perpetual Lease Deed executed by L'DO with NDMC may be obtained.

ii) The proposal may also be sent to the Chairman, Delhi Development Authority to get 'No Objection Certificate' in case of markets located on road berms as given in para 3.4 of the note.

Annex - A

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Annexure - B

Shop No.	Name of original allottee	Name of present occupant	Whether present occupant is licensee	Whether transferred basis	Whether application for transfer of licence pending	Trade
Shop No.1	Punjab National Bank	Punjab National Bank	Yes	Original allottee		PNB
Shop No.2	Sh. Kirpa Ram	Sh. Vinod Kumar Bhutani	Yes	Yes in 1979	New Partnership paper dt, 7.4.2014 recd from Kavita Jain	Glem Gallery
Shop No.3	Mrs. Usha Sethi	PSh. Pramod Gupta		Court case		Kaviraj
Shop No.4	Bux Ellahi & Mohd. Rafiq	Smt. Manjeet Kaur	Yes	Yes in 1991		Intimate
Shop No.5	Sh. Davinder Singh	Sh. Prem Grover, Ranjan & Pradeep Grover	Yes	Yes in 1982		Grover Cloth house
Shop No.6	Sh. Anand Singh & Tirlok Chand	Sh.Ashish Sood	Yes	Pending since 2009		Lodhi Sports
Shop No.7	Sh. Harbans Singh/Laxmi Chand	Sh. Ravinder Jain	Yes	Yes in 1987		Lodhi Sports
Shop No.8	Sh. S.Mohinder Singh	Ms. Minu Mittal	yes	Yes in 2003		Mittal Tea House
Shop No.9	Mrs. P.Goel	Sh. R.D.Goel	yes	Pending since 2004 M/s. ACE Promoters	New Partnership paper dt. 12.5.2014 recd from Sonia Gupta	ACE Promoters
Shop No.10	Smt. Maya Goel	Mrs. Maya Goel	Yes		New Partnership paper dt, 20.2.2010 recd from Tanushree Gupta	Goel Tailor
Shop No.11	Sh. Suraj Bhan	Sh.Ramesh Chand Jain	Yes	Yes in 1979		Frazer House
Shop No.12	Sh. Basant Lal	Sh. Madhukar Bajaj & K.K.Misra	Yes	Yes in 2004		Khoobsoorat
Shop No.13	M/s. L.N.M.M Gupta	Sh. Manohar Lal Gupta & Sh. Sahil Gupta	Yes	Yes in 2002		Ploof Restaurant
Shop No.14	Sh. T.C.Gupta	Sh. Vikas Gupta	Yes	Yes in 2001 on legal heir		Vikas Gupta
Shop No.15	Sh. Niranjan Lal	Sh.Ashok Kumar Goel	Yes	Yes in 1999 on legal heir		Gift Gallery
Shop No.16	M/s. DCM Chemicals	M/s. Usha International Ltd	Yes			USHA

Shop No.17	Sh. Om Prakash Bhalla	Sh. Ronaldo Lobo		Yes in 2004		Trace
Shop No.18	Sh. Dev Raj	Sh. Anil Gupta, Santa Singh Kochar & Purshottam Bhageria	Yes	Yes in 1998	New Partnership paper dated 16.10.2013 from Ratan Chand Rajpal	Chilli Season
Shop No.19	Sh. Bishan Sarup Jain	Smr. Kamla wati Jain	Yes	Yes in 1994 on legal heir		
Shop No.20	Sh. Kundan Lal	Sh. Yash Pal & Ajay Pal Gupta	Yes	Yes in 1979		Yamuna Chemist
Shop No.21	Sh. Parmeshwari Dass	Dr. Nirmal Kumar, Brij Bhushan & Ravi Kumar Aggarwal	Yes	Yes in 1997 on legal heir		N.K.Studio
Shop No.22	Sh. Gula Ram Harish Chand	Sh. Ramesh Chander Chadha & Sunil Kumar Chadha	Yes	Yes in 2003		Chadha Cloth House
Shop No.23	Sh. Satpal Bhagat	Mrs. Shobha Bhagat		Yes in 2007 on legal heir	New Partnership paper dated 7.4.2014 recd from Rajan Gupta	
Fiat No.24	Smt. Sewa Wanti Bandoola	Sh. Anil Bandoool	Yes	Change of name on legal heir		
Shop No.24	Sh. Naresh chand	Sh. Raminder Singh & Sh. Gurinder Singh Ahuja	Yes	Yes in 2007		Amrita Carpe
Shop No.25	Sh. Shiam Lal	Sh. Devender Kumar Dhingra	Yes	Yes in 1985 on legal heir		Frontier Studio
Shop No.26	Dr. M.L.Nagpal	Dr. M.L.Nagpal	Yes			Yamuna Optical
Shop No.27	Gyan Chand Dua	Rabi Ghosh		Yes in 2011		ICON
Shop No.28	C.L.Grover	Jaswant Rai Grover	yes	Yes in 1977 on legal heir		Guppi Restaurant
Shop No.29	Manohar Lal Grover	Sh. Sunil Grover	Yes	Yes in 2014 on legal heir		
Shop No.30	Khushi Ram Shiv Kumar	Shiv Kumar Khullar	Yes	Yes in 1979 on legal heir		
Shop No.31	Sh. Bhanjit Singh	Smt. Promila Gupta, Sunil Jain	Yes	Yes in 2003		
Shop No.32	Shiv Kumar	Shiv Kumar Khullar		Original allottee		

Since 2000 to 2014 shops transferred
on Legal Heir Basis -- 4
on partnership basis -- 10 shops