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No.O-11016/1/2006-DDIIA (196/DDR/C)
Government of India
Ministry of Urban Development
(Delhi Division)

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10/10/06

Nirman Bhawan, New Delhi-110 011
Dated the 09th October, 2006

OFFICE MEMORANDUM

Sub.: Policy for preferential allotment of houses/land to persons with disability.

Reference DDA's letters No. F.1(15)03/N&C(H)/126 dated 28.06.2006 and No. F.1(15)03/N&C(H)/147 dated 20.07.2006, on the subject noted above. In pursuance of the orders of Hon'ble High Court of Delhi in CWP No. 8877/2005 "Sarita Sinha Vs. DDA", the Government has reviewed the policy for preferential allotment of houses/land to persons with disability, issued vide the Delhi Development Authority, Housing Department (Coord)'s Communication No. F1(15)2003/N&C(H)/ 49, dated 19.4.2004, in consultation with the Ministry of Social Justice and Empowerment.

2. The undersigned is directed to convey the approval of the Government to the revised policy for preferential allotment of houses/land to persons with disability in terms of Section 43 of the Persons with Disability (Equal Opportunities, Protection of Right and Full Participation) Act, 1995, which is as under:

(I) PREFERENTIAL ALLOTMENT:

- (i) 1% reservation in allotment of flats and plots and 5% reservation in allotment of shops will henceforth be provided to the Persons with disability as defined in Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The above reservation will not be applicable in case of auction mode of disposal.
- (ii) Allotment of flats to persons with disability will be made at Ground Floor.
- (iii) The allotment of DDA flats to persons with disability would be on hire purchase basis. The initial payment in case of hire purchase allotment would be 25% instead of 50% of the total cost applicable for general category. Rest of the amount would be taken in monthly installments.

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(iv) The power for change of locality and floor to persons with disability shall be exercised by the Vice-Chairman, DDA.

(II) CONCESSIONAL RATES:

5% rebate in the cost subject to a maximum of Rs.1.00 lac. will be given to the persons with disability, who are allotted flats, shops and plots under the above quota. The remaining conditions of allotment will remain the same. The conveyance deed papers will be executed in the name of original allottees only.

(III) ALLOTMENT OF INSTITUTIONAL LAND:

Societies of physically handicapped/disabled persons will be considered for allotment of Institutional Land **at concessional rates** in accordance with the terms and conditions laid down under Nazul Rules.

(IV) CONSTRUCTION PLAN:

All constructions will be disabled friendly to facilitate movement of the disabled persons in accordance with provisions of building bye-laws.

(V) ALLOTMENT CONDITION:

In order to ensure that the concessional provisions meant for the persons with disability do not lead to misuse or speculation, it has also been decided that the letter of allotment of such flats/plots/shops would specifically state that alienation of possession of the flat/plot/shop prior to 15 years from the delivery of possession to the allottee would result in automatic cancellation of the flat/plot/shop and under no circumstances such cancellation would be withdrawn. In addition, the conveyance deed for all such cases would also include the following specific clause which would be projected in the letter of allotment itself, and the allottee should by way of affidavit specifically agree to the same being a part of the conveyance deed before the possession of the flat/plot/shop is delivered to the allottee.

The proposed clause would be as follows:

"That the allottee/vendee specifically agrees that he shall not part with possession of the whole or any part of the flat/plot/shop at any time prior to the expiry of 15 years from the date of actual delivery of possession thereof by the Vendor to the allottee/Vendee and to that limited extent, the title in the property shall be deemed to continue to vest in the vendor. It is further specifically agreed that in case the allottee/vendee violates terms of

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the present conveyance deed, the entire conveyance deed shall be deemed to be void and in that eventuality, the vendor shall be entitled to take back possession of the demised property from the allottee/vendee."

In case the allottee/vendee dies prior to the expiry of the stated period of 15 years, his/her legal representatives and heirs shall be bound to honour the stated condition, but shall be entitled to occupy the said plot/flat/shop.

3. The concession shall be applicable to persons who come within the meaning of disability as defined in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and duly certified by a Medical Board.

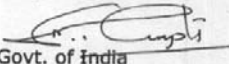
(S.N. Gupta)
Under Secretary to the Govt. of India
☎ # 2306 1478

To

The Vice-Chairman,
Delhi Development Authority,
Vikas Sadan,
INA Colony,
New Delhi-110023

Copy also forwarded for information/necessary action to:

- ✓ (i) Delhi Development Authority [Smt. Asma Manzar, Commissioner (H)], Vikas Sadan, INA Colony, New Delhi-110023.
- (ii) Ministry of Social Justice and Empowerment [Shri Ashish Kumar, Director] with reference to their I.D. No. 2289/DDIII/06 dated 22.8.2006.


Under Secretary to the Govt. of India