

# Chapter 6

## **Land Protection**

# Land Protection

## 6.1 Introduction

Protection of land from unauthorized encroachment is one of the most important activities performed by DDA. The Public Premises (Eviction of Unauthorised Occupants) Act, 1971, empowers DDA in protecting its land from encroachments.

## 6.2 Protection of DDA Land

The land protection activities are carried out by Land Management Wing as well as the user departments in accordance with the Guidelines on Land Management. DDA land is divided into six zones for the purpose of protection of land with each zone headed by a Deputy Director, who is assisted by the revenue staff i.e. Patwaries, Kanungos, Naib Tehsildars/ Tehsildars, Field Investigators, Security guards and Security supervisors. Each security guard is provided with a Beat Diary indicating the land earmarked for patrolling/protection. The zonal Deputy Directors work under the supervision of Director (LM)-I, who in turn reports to Commissioner/Principal Commissioner (LM). Further, the user departments are assigned the task of protecting the land by erecting a fence, boundary wall and sign boards indicating ownership of DDA and by maintaining round the clock watch and ward for the land. The security guards and supervisors also assist in demolition programmes carried out by DDA to remove encroachments from land. In the development areas, Assistant Engineers/Junior Engineers are entrusted with the task of patrolling and detecting unauthorised construction and taking action there-against. The cases of unauthorised construction are to be entered in the Vigilance Register maintained by the concerned Junior Engineers for the purpose.

Scrutiny of records as well as field visits to selected land revealed that:

- Due to lack of complete information on stock of land with DDA, protection of land was weak and inadequate.
- In two cases of village Bamnoli (2) and Basai Darapur (1) out of nine field visits, boundary wall was not constructed around the DDA land.

## 6.3 Recovery of Encroached Land

It is the responsibility of DDA to maintain round the clock watch and ward for protection of land so as to ensure that no unauthorized structure comes on the land and to remove the same at the earliest, if any.

### 6.3.1 Information regarding vacant land and land under encroachment

Against the audit requisition for the information regarding vacant land and land under encroachment for all the six zones, DDA furnished incomplete information in respect of four zones only (except East and West Zones).

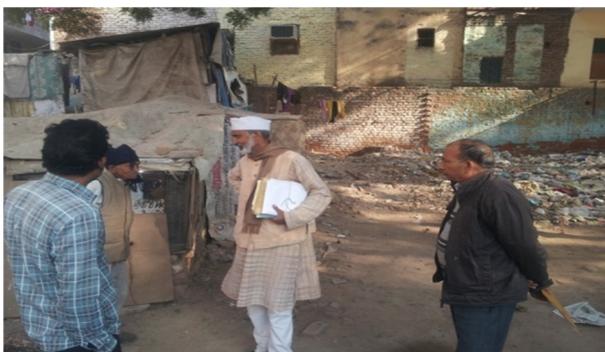
The information furnished (August 2015) by DDA showed 13155 Bigha of land under unauthorized cultivation in Yamuna Khadar area. However, it could not be ascertained as to which zone /zones this area pertained to and what steps were taken by DDA to recover this land.

### 6.3.2 Inadequate field staff for protection of land

DDA intimated (March 2016), that the sanctioned strength of security guards was 250 against which 148 guards were employed.

Non-deployment of adequate field staff and lack of complete information regarding land to be protected would seriously affect the watch and ward functions undertaken at the ground level, thereby putting DDA land at risk of being encroached.

Further, beat dairies of field staff in 2 out of 3 (west zone and south east zone) test checked zones were not provided to audit. In case of the North Zone, audit enquired about the action taken by DDA on the reports of encroachments reported in the beat dairies. However, no records/information with regard to these was provided to audit. Besides, it was also observed that the beat dairies did not depict the details of land being protected such as Khasra number, demarcation of the area etc.



Unauthorized encroachment on land in **Humayunpur**



Farming done on the vacant land in **Bannoli**

### 6.3.3 Shortfall in conducting Demolition Programmes

It was noticed from the records furnished to Audit that during 2010-11 to 2014-15, 1596 demolition programmes were fixed out by DDA of which 1089 demolition programmes were carried out resulting in overall shortfall of 31.77 *per cent*. DDA reclaimed 318.74 acres of land through these demolition programmes. The zone-wise demolition programmes fixed and carried out by DDA are given in *Annexure X*.

DDA stated (June/October 2016) that the demolition programs are executed as planned except in the circumstances when police force is not made available or stay orders of the court exist or due to extreme weather conditions etc.

DDA fixes yearly targets for conducting demolition programmes in each zone to remove encroachment from DDA land. However, as only partial details of the vacant land, unauthorized encroachment were furnished, Audit could not ascertain whether the targets fixed were commensurate with the actual ground position of encroachment on land. Further, Audit also could not draw conclusion on the basis by which encroachments were identified and shortlisted for carrying out demolition programmes.

### 6.3.4 Other shortcomings relating to protection of land

From test check of cases of demolition provided to audit, the following shortcomings were noticed:

#### 6.3.4.1 Deficiencies relating to Demolition Programmes

During examination of files relating to demolition programmes various deficiencies like Non-construction of boundary wall/fencing, late reporting of encroachment etc. were noticed. These deficiencies have been summarised below in the table:

**Table 11 : Deficiencies noticed in Demolition Programmes**

Sl. No.	Nature of Deficiency	Number of Cases
1.	Late reporting of encroachment <sup>43</sup>	7 cases (Bhorgarh, Saidulajaib, Kirti Nagar, Sayoorpur-I, Sayoorpur-II, Paschim Vihar & Satbari)
2.	Records did not reflect whether all the unauthorized structures present were demolished	4 cases (Bhorgarh, Saidulajaib, Malikpur Chhawani & Satbari )
3.	Records did not reflect whether boundary wall was constructed after demolition.	7 cases (Dhakka, Bhalaswa-Jahangirpuri, Bhalaswa, Pul Pehladpur, Sayoorpur-I, Sayoorpur-II & PaschimVihar)
4.	Non-handing over the land to Engineering Wing	2 cases (Bhalaswa-Jahangirpuri and Sayoorpur-II)
5.	Fresh encroachment after demolition programme	2 cases (Paschim Vihar & Malikpur Chhawani)

No reply was furnished by DDA (October 2016).

#### 6.3.4.2 Protection of Land in Bhorgarh

Land measuring around 17.42 Bigha in village Bhorgarh, Narela was acquired in 1986-87 and transferred to the Engineering Wing in 1986 and 1991 for development. However, in April 2008, unauthorised construction was noticed by field staff of DDA in the area, which was reported to the Engineering Wing for taking action. Consequently, some unauthorised structures were removed (April 2010) through a demolition programme. Scrutiny of the file revealed that:

<sup>43</sup> The documents as well as photograph relating to the unauthorised structures attached in the individual files indicated that the field staff deputed for protection of land did not report the matters of encroachment promptly to the Zonal Offices.

- The reports about encroachment were sent to two Engineering Divisions ND-12 (June 2008) & ND-4 (August 2008) for taking action. However, both the Engineering Divisions kept shifting responsibility to each other.
- A demolition programme, initially fixed on 27 May 2009, was not executed as the Housing Welfare Association of the area had represented before Hon'ble LG that the colony had obtained a certificate for regularisation from Delhi Government on 17 September 2008. However, DDA processed the case with Delhi Government against regularization of the colony only in May 2010, even though the information about encroachment had been reported much earlier in April 2008.

DDA did not furnish any reply (October 2016).

#### **6.3.4.3 Protection of Land in village Saidulajaib**

The revenue staff of DDA reported unauthorized construction of a three storied pucca structure on vacant land of DDA in village Saidulajaib in October 2013. Consequently, a demolition programme was carried out in March 2014. During scrutiny of the file, following was observed:

- DDA failed to notice the unauthorized construction on time, leading to construction of a three storied pucca structure.
- Unauthorised structure could not be demolished fully by DDA.
- Another demolition program, fixed on 1 July 2014, could not be executed as a case was filed against demolition in the Hon'ble High Court of Delhi, which restrained DDA from carrying out demolition.

DDA while accepting the audit findings stated (June/October 2016) that this matter has already been referred to the Vigilance Department for investigation and fixing responsibility. However, the demolition of unauthorized construction could not be done due to stay orders of the Hon'ble High Court in February 2016.

#### **6.3.4.4 Protection of Land in Bhalswa Village, Jahangirpuri**

Representatives of the jhuggi cluster; adjacent to DDA Flats, K block Jahangirpuri had informed DDA about encroachment of DDA land adjoining their jhuggies in July 2012. Consequently, a demolition programme was carried out on 21 September 2012 at Khasra No. 1158 and 1159 of Village Bhalswa, Jahangirpuri. The following issues were noticed from the scrutiny of file:

- After the execution of first demolition programme, the land was encroached upon four times from October 2013 to December 2014, since boundary wall was not constructed around the reclaimed land.
- The land was not transferred to the Engineering Wing for proper utilization and development.

DDA stated (June/October 2016) that as per report of Deputy Director (Land Management), North Zone, the encroachment on the land has been removed a number of times, but engineering department refused to take possession.

It was, thus, seen from the above referred encroachment cases that DDA could not identify unauthorized construction in time nor take prompt and appropriate action for its full removal and protect it from fresh encroachment. It also shows non-coordination among different departments of DDA.

DDA informed that it had introduced Standard Operating Procedure (SOP) for land protection in October and December 2015 to improve the functioning of Land Management Department of DDA. A mobile based application has also been developed by DDA for uploading photographs of the vacant land on DDA website. All Deputy Directors of Land Management (LM) Zones and revenue officials working under their control have been directed to upload the photographs of DDA vacant land under their charge. They have also been directed to inspect each property under their jurisdiction at least once a week and their reporting officer should visit the sites once a month. All Heads of Departments are required to submit monthly report to the VC, DDA, on work done by each officer/official.

While the steps taken by DDA to improve protection of land are welcome, it should be ensured that the new system is properly institutionalized and implemented.

**Conclusion:**

- DDA did not have complete details of vacant land and land under encroachment.
- There were shortfalls in demolition programme during the period 2010 to 2015.
- Cases of late reporting of encroachment, failure to hand over the land to the engineering department and delayed construction of boundary wall were also noticed in audit.
- There was deficit in the number of field staff deployed for protection of land which adversely affected the watch and ward function for protection of land.

**Recommendations:**

- DDA should lay down and implement a land protection system where construction of boundary wall/fencing/similar protection structure and setting up of sign boards declaring these to be DDA lands, is carried out immediately after the land is received.
- Regular inspections of the vacant land should be carried out and all the encroachments should be immediately reported and remedial action taken at the earliest.
- DDA should initiate action to ensure utilisation of land for intended purposes in a time bound manner.

