

COORDINATION SECTION

'FOREIGN MISSION'

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Government of India
Min. of Health Family Planning and
Works, Housing and Urban Development
(Deptt. of W.H.&U.D.)
Land and Development Office
Nirman Bhavan
New Delhi.

Dated 23-8-1969

Circular No. 21 of 1968-69
File No. 22/1/69-CDN.

Sub: - All Correspondence including routine correspondence
with the Embassies - procedure thereof:-

An extracts from notes from pages 69-71 of File No.
LI-9/148(4)/67 on the above subject are circulated for information
and guidance to all concerned.

All Officers/All Sections.
Supdt. Admn. (17-Spare copies).

(R.L. Gupta)
Vigilance Officer.

Copy to: -

The Deptt. of WH&UD (Lands II) w.r.t. U.O. No. 3957-LII
dt. 2.7.69.

Extracts from p. 69-71 from file No. LIA/9/148(4)/67

(PROTOCOL III SECTION)

There is some justification in Land and Development
Officer's argument (note at 65 ante) that delay could be avoided
if he is allowed to correspond directly with the Missions every
properties outside the Embassy Area. In case of correspondence of
routine nature, there should be no objection of the L.&D.O. This of
writing to the Missions in the capacity of lessees. This of
course, he will have to do by writing to the office concerned
in the Mission, and not addressing letter to the Missions.
in a general way, as in such a case appropriate salutations/
compliments are to be made which could be done only by the
Foreign Officer, on behalf of the Govt. of India. However,
the correspondence which is of the same important nature
and curtails some action against the Mission is necessarily
to be routed through this Ministry, which will have to decide
the issues keeping in view the privileges and immunities as
granted under the Vienna Convention.

Sd/- Illegible
18.8.69.

..contd..2..

In our endorsement (Flag) No. 464(77)/DIII/68 dated 14th August, 1968, we had requested the Land and Development Officer that correspondence with the Foreign Missions should be routed through the Ministry of External Affairs. The Land and Development Officer in his note dated 25th February, 1969 (page 65 notes/ante) has argued that some properties owned by Foreign Missions outside the Embassy Area are Governed by the terms of the lease deed. In other words, such Foreign Missions are the lessees of the Ministry of Works, Housing and Urban Development. In such cases, they correspond direct with the lessee. He has further argued that because of the voluminous correspondence exchanged between the lessee and the Land and Development Office, delays could be avoided if the correspondence is carried out direct with the Foreign Missions and not through the Ministry of External Affairs.

2. : We are of the opinion that even if it entails some delay, correspondence by the Land and Development Office with the Foreign Missions, whether the latter are the lessees or not, should be routed through the Ministry of External Affairs. The correct form of Addressing Foreign Missions, the salutation, the precise language to be used are only known to this Ministry.

3. If a particular communication is of an urgent nature the Land and Development Officer can always telephone the Officers in the Protocol Division for immediate action in the matter.

Sd/- B.A. Ranjagopalan
Deputy Chief of Protocol
20/6/69.

I entirely agree that as much as the Foreign Missions are required to correspond only through the Foreign Office by Vienna Convention, we cannot change the channel of communication.

Sd/- Illegible
20/6/69

Min. of W.H.&U.D., New Delhi.
M.E.A. U.O. NO.3084/PTIII/69 dt.25-6-69.

Depnt. of W&UD

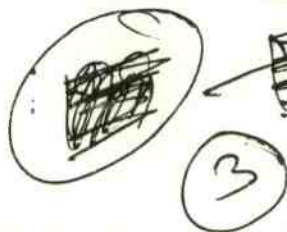
Notes at pp.65-66 ante will recall the case. The Min. of External Affairs are of the view that the L&DO should not address the Foreign Missions direct but all correspondence should be through that Ministry, we may advise the L&DO to follow the advice given by the Ministry of External Affairs. He may see.

sd/- Illegible
30/6

..contd..3..

-74-

..3..



We are of the view that routine correspondence with the Embassies may be carried out direct by the L&DO without troubling the Ministry of External Affairs. However, since that Ministry has advised that all correspondence with the Foreign Missions should be routed through that Ministry, we may request the L&DO to note all such Correspondence, including routine correspondence, to Foreign Missions, through the Ministry of External Affairs, The L&DO may please see.

Sd/-S. Ranganathan
1/7/69

Sd/-S.M. SONI

NR/L&DO
D/O WE&M U.O. NO.3957-LII dt.2.7.69.

Government of India
Min. of Health Family Planning and
Works, Housing and Urban Development
(Deptt. of W.H.&U.D.)
Land and Development Office
Nirman Bhavan

New Delhi, dated 30/9/1969

OFFICE ORDER NO. 174 of 1968-69
FILE NO. Policy-G D -2/67

Sub - Properties owned/hired by Foreign Missions in New Delhi - the manner in which the Land and Development Officer will deal with cases of,

A copy of the Ministry of Health Family Planning and Works, Housing and Urban Development letter No. 7/6/69-LII dated 16-9-69 on the above subject is circulated for information and guidance to all concerned.

Land and Development Officer has further directed that a careful note should be kept by Property/Lessee Section that when the tenancy changes a thorough inspection is done and damages for unauthorised construction are charged for the period of the diplomats tenancy.

R. L. Gupta
(R.L. GUPTA)
VIGILANCE OFFICER.

ALL OFFICES / ALL SECTIONS.
SUPDT. ADMN. (10 SPARE COPIES).

Government of India
Ministry of Health Family Planning
and Works, Housing and Urban Development
(Department of W.H.&U.D.)

No. 7/6/69-LII

New Delhi, dated the 16th Sept. '69

To

The Land and Development Officer,
New Delhi.

Sub - Properties owned/hired by Foreign Missions in New Delhi - the manner in which the Land and Development Officer will deal with cases of,

Sir,

I am directed to say that the question as to the

manner in which the Land and Development Office should deal with properties owned/hired by Foreign Missions in Delhi. New Delhi has been reconsidered by the Government of India and it has been decided that, in supersession of all previous instructions on the subject, the following procedure should be adopted in these cases :-

- I. Properties owned by Foreign Missions inside or outside the Diplomatic Enclave (Chanakya area), New Delhi.

The Land and Development Office will neither inspect, nor take any notice of the manner in which such properties are used or built upon. He will only recover the ground rent as and when it falls due.

The Foreign Missions will, however, get the plans for construction sanctioned by the local body.

- II. Properties hired/leased by Foreign Missions.

The Land and Development Office will not inspect any of these properties internally on the respective premises. He may, however, ascertain from name-boards or sign-plates outside the properties as to whether they are being used as residences or offices. A further check on use can also be made from the Diplomatic List published by the Ministry of External Affairs. If any property is found in this manner to be used for non-residential purposes, action will have to be taken for recovery of additional charges for commercial use. The burden of proof will thereafter be on the lessee to establish that the premises are not so used or that less than twentyfive percent of the premises are so used, in which case no additional charges would be leviable.

Yours faithfully,

Sd/-

(S.M. Soni)

Under Secretary to the Government of India.

Government of India
Min. of Health Family Planning and
Works, Housing and Urban Development
(Deptt. of W.H.&U.D.)
Land and Development Office
Nirman Bhavan

6

New Delhi, dated 26.11.69

OFFICE ORDER NO.183 of 1968-69
FILE NO. POLICY-6(1)-2/67

Sub: - Clarification of Office Order No.174 dt.30-9-69
regarding inspection of premises taken on rent
by Foreign Missions: -

It is further clarified that before accepting the Ground Rent in respect of premises hired by Foreign Mission, it should be got inspected externally by the Field Staff and a certificate be obtained that no name plates or name board have been displayed which could show that the premises are being used for a purpose other than the purpose specified in the lease.

Shital

(Shital Prasad)
Dy. Land and Development Officer.

All Officers/All Sections
Supdt. Admn.(10-Spare Copies).

7

(S)

(S)

NO.6(1)-2/67-CDN
GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY PLANNING AND
WORKS & HOUSING AND URBAN DEVELOPMENT,
LAND & DEVELOPMENT OFFICE,
NIRMAN BHAVAN,

- NEW DELHI;
Dated the 28.3.79

C I R C U L A R - NO.9

Subject: Properties leased to/taken or sent by
Foreign Missions in New Delhi - moreover
in which this office should with:-

Relevant extracts from the Ministry File
No.7/6/69-LII on the above subject are circulated to
all concerned for information and guidance.

R.L. GUPTA
(R.L. GUPTA)
VIGILANCE OFFICER.

EXTRACTS FROM L&DO's FILE NO.7/6/69-LII.

LAND & DEVELOPMENT OFFICE

xxx xxx xxx xxx

It has been decided by the Ministry vide
their letter dated 16.9.69 that in respect of properties
owned by Foreign Missions inside or outside the Diplo-
matic Enclave (Chankayapuri area) this office will
neither inspect nor take any notice of the manner in
which such properties are used or built upon and what
we will only recover the ground rent as and when it
falls due. There are some cases of foreign missions
in which breaches exist i.e. unauthorised constructions
are within our knowledge. In view of the Ministry's
orders dated 16.9.69 the question of recovery of charges
for such breaches does not now arise.

Dep'tt. of W.H. & U.D. may kindly let us have
their decision in consultation with Ministry of Fin. & D.D.

Sd/- Shital Prasad
30.9.69

L&D.O.

The recovery of ground rent inspite of our knowledge of the existence of breaches will not be as a waiver. If, however, the intention of the orders of 16.9.1969 is not to charge at all for breaches, the recovery of ground rent will make no difference, and we can recover ground rent in all such cases. The orders of 16.9.69 however classify foreign missions on the basis of ownership and leases since none of the missions 'owns' land that distinction requires modification.

Sd/- Prakash Narain
4.10.69

Dep't. of W.H. & U.D.
L&DO U.O.NO.LI/1(11)/65 dated 8.10.69

DEPTT. OF W.H. & U.D.

We share the view expressed at 'A' above. As regards 'B' above, it may be stated that though the premises on nazul land are held on lease-hold basis but they are owned by the lessee and the fine distinction, if any, is not likely to create any difficulty in the interpretation of the orders contained in our letter No. 7/6/69-LI dated 16.9.69 which are only for guidance of the L&DO. It is perhaps not necessary to issue any modification as suggested by the L&DO.

The Ministry of Finance (DSD) may also please see before the papers are returned to the L&DO.

U.S.(L)

Sd/- S.M.Soni
10.10.69

D.S.(LP)

The intention of the orders dated 16.9.69 is not to charge anything in cases where the land is leased to foreign missions. But charges are to be recovered in cases where the missions take the accommodation on rent from Govt. or private parties.

I agree with the L&DO that the use of the word 'leased' in section II of our letter is not strictly correct. We may consult Finance and if they so desire, amend the orders.

Sd/- S. Chaudhari
22.10.69

Ministry of Finance (DSD)/R -
WH&UO U.O.NO.5987-LII/69 dated 23.10.69

Contd... 3

MINISTRY OF FINANCE (DSD)

The deptt. of WH&UD are requested to add their file No. 7/6/69-LII from which their letter of even number dated 16.9.69 has been issued as already requested in our U.O. NO. 5(11) DSDS/65/2714 dated 15.10.69, before we may offer any comments.

Sd/- K.L.Gupta
31.10.69

Deptt. of W.H. & U.D.
Min. of Fin. (DSD) U.O. NO. 3170-DSDS/69 dated 31.10.69

U.S.(L)

Sd/- S.M.Soni.

L&DC

Deptt. of WH&UD U.O. NO. 6430-LII/69 dated 5.11.69

Please see notes on pp. 38-40/ante.

It will be seen that the intention of the orders dated 16.9.69 is not to charge anything in cases where the land is leased to foreign missions inside or outside the Diplomatic Enclave and that charges are to be recovered in cases where the missions take the accommodation on rent from Govt. or private parties in accordance with para II of Ministry's letter dated 16.9.69 reproduced below:-

"The Land & Development Office will not inspect any of these properties internally on the respective premises. He may, however, ascertain from name-boards or sign-plates outside the properties as to whether they are being used as residence or offices. A further check on use can also be made from the Diplomatic List published by the Ministry of External Affairs. If any property is found in this manner to be used for non-residential purposes, action will have to be taken for recovery of additional charges for commercial use. The burden of proof will thereafter be on the lessee to establish that the premises are not so used or that less than twentyfive percent of the premises are so used, in which case no additional charges would be leviable."

It may be stated that we are finding some difficulties in following these orders. A few cases have come to our notice where the Embassies informed us about the actual area of the premises which was being misused by them and subsequently they changed their statement. In this connection attention is invited to D.O. letter No. L.IV/9(39)/10/69, dated 25.3.69, and D.O. letter No. 464(12)-DIII/62 dated 15.4.69 placed below.

It will also not be possible to know about the unauthorised constructions, if any, in the premises hired by foreign missions without internal inspection.

It is, therefore, suggested that the matter may kindly be reconsidered in the light of the position explained above and the Ministry's decision may be communicated to us at an early date.

-- Returned on 9.12.69. Deptt. of W.H. & U.D. may see U.O.

L&D.Ø.

Sd/- Shital Prasad
15.1.70

Sd/- Prakash Narain
16.1.70

Deptt. of W.H. & U.D.

L&DO U.O.NO.LI-9/1/14/68 dated 17.1.70

DEPTT. OF W.H. & U.D.

- The L&D.O.'s note on prepage may please be seen. The number of cases where the foreign missions furnish contradictory statements with regard to the areas under mis-use is not likely to be large. In any case, it may also not be desirable to contest their statements from the Diplomatic point of view. In the case of premises No.10 Sardar Patel Road under the occupation of the Embassy of Lebanon, the Ministry of External Affairs in their D.O. letter No.464(12)-DIII/62 dated 15.4.69 to the L&DO had advised the L&DO to accept the Embassy subsequent statement which was in conflict with their earlier statement.

- As regards the unauthorised constructions in premises taken as rent by foreign missions, we may act on the basis of the information furnished by the foreign missions unless the L&DO has substantial evidence in support to the contrary.

- Before the papers are shown to the Ministry of Finance (DSD), the Ministry of External Affairs may please see for comments. Our file No.7/6/69-LII will be added when the file is referred to the Ministry of Fin.(DSD) which has been asked for them vide their note at p.41/ante.

Intd.
21/1

U.S.(L)

Sd/- H.S.Rustagi
21.1.70

- D(LF) may kindly see before this goes to the Ministry of External Affairs.

Sd/- Tirath Ram
22.1.70

Contd... 5

D(ZP)

I agree to 'A'. The external affairs Ministry may be consulted as proposed.

Sd/- S. Chaudhari
23.1.70

U.S.(L)

R/Ministry of External Affairs
D/W.H.& U.D. U.O.NO.352-LII/70 dated 24.1.70.

MINISTRY OF EXTERNAL AFFAIRS
(Protocol III Sec.)

Ref: Deptt. of WH&UD's note from prepage.

We agree with the views of the Deptt. of W.H.& U.D. as at 'A' on prepage. It has been correctly appreciated that the statement of a Foreign Mission in regard to the extent to which the premises are being put to use for purposes other than residential, was not be disputed. However, if the Land & Development Office happens to possess substantial evidence in support to the contrary the matter can be pointed out politely to the mission concerned by this Ministry. But it would always be politically expedient not to make an issue out of it, and thus, leave ground for mis-understanding over such small matters.

Intd.
31/1

J.S(P) may kindly see before these papers are removed to the Deptt. of W.H.& U.D.

Sd/- Illegible
31.1.70

Sd/- Illegible
2.2.70

Deptt. of W.H.& U.D.
R/of W.A. U.O.NO.422-III/70 dated 3.2.70

DEPTT. OF W.H.& U.D.

Our note at pp.45-46 ante will recall the case. The External Affairs Ministry have supported the view expressed by us. The Ministry of Finance (DSD) may now please see our file No.7/6/69-LII is also placed below.

Intd.
5/2

U.S.(L)

Sd/- H.S. Rustagi
5.2.70

Sd/- Tirath Ram
6.2.70

Ministry of Finance (DSD)/R
D/O WH&UD U.O.NO.695-LII/70 dated 7.2.70

- 7 -

seen desirable to lay down any specific procedure in regard to these matters which could be decided on merits. However, before we refer the papers again to the Ministry of Finance (DSD) for reconsideration, the External Affairs Ministry may also please see:

Intd./ 25/2

U.S.(L)

D.(LP)

US(L)

R/Min. of External Affairs

D/WH&UD U.O.NO.7/6/69-LII/ dated 2.3.70

Sd/- H.S.Rustaugi

26.2.70

Sd/- Tirath Ram

27.2.70

Sd/- S. Chaudhari

28.2.70

MINISTRY OF EXTERNAL AFFAIRS.
(Protocol III Sec.)

We agree with the above note of the Deptt. of WH&UD. All the foreign missions have already been requested to furnish the relevant information regularly. For obvious reasons, it will not be desirable to press the foreign missions too much in these matters. The existing procedure of obtaining the statement from the foreign missions concerned, is sufficient enough to meet the requirement. If any contradiction is noticed, it could be dealt with on the basis of merits. This Ministry have been rendering every possible assistance to meet the requirement of the Land & Development Office. Hence there appears no need to revise the existing procedure and introduce some other additional procedure, which may be resented by these missions.

Intd. / 5/3

Sd/- Illegible

5.3.70

Sd/- Illegible

11.3.70

Dep'tt. of W.H. & U.D.

Min. of Ext. Affairs U.O.NO.1304/PTIII/70 dated 13.3.70

DEPTT. OF W.H. & U.D.

The Ministry of Finance (DSD) may please see with reference to their note at p.48 ante. That Ministry are requested to reconsider the matter and agree to the proposal at 'A' on p.3 ante.

D(LP) may also like to see.

U.S(L)

B.(LP)

R/Min. of Fin(DSD)

D/WH&UD U.O.NO.7/6/69-LII dated 26.3.70

Sd/- H.S.Rustaugi

21.3.70

Sd/- Tirath Ram

24.3.70

Sd/- S. Chaudhari

25.3.70

Contd... 8

MINISTRY OF FINANCE (DSD)

The notes exchanged between the Deptt. of W.H. & U.D. and the Ministry of External Affairs on page 7-8/N ante may kindly be seen with reference to our note dt. 23.2.70 at p. 6/ante. They are of the view that the existing procedure of obtaining the statement from the foreign mission concerned is sufficient to meet the requirement and that, if any contradiction is noticed, it could be dealt with on the merits of each case.

In the present statement required to be furnished by the foreign missions outside the Embassy area at the end of every year, they have been requested to indicate the exact area used for residential and office purposes separately during the calendar year. Intention of the Ministry of External Affairs seems to be that on the basis of the total covered area so intimated, it may be possible for the L&DO to ensure with reference to the building plans in record with him that there exists no unauthorised construction. In a case of doubt, he can pursue the matter through the Ministry of External Affairs. It is for the Deptt. of W.H. & U.D. and the L&DO to see that this procedure is workable and we are hardly in a position to offer any further comments.

-- The L&DO's files relating to 17-Prithviraj Road has been sent separately to that office on 9.4.70 as desired by them.

U.S.

Sd/- Illegible
10.4.70

Sd/- K.L.Gupta
13.4.70

Deptt. of W.H. & U.D.

Mn. of Fin. (DSD) U.O.NO.5(11)DSDS/65-Vol-II/937 dt.14.4.70

DEPTT. OF W.H. & U.D.

-- The Ministry of Finance (DSD) have apparently acquiesced in the position as at 'A' of an note at r.3 ante. The L&DO may now see. He may also remove his papers.

Intd.
18.4.

Sd/- H.S.Rustaugi
18.4.70

U.S.(L)

Sd/- Tirath Ram
20.4.70

J.S(H)

Sd/- S.Chaudhari
25.4.70

U.S.(X)

R/L&DO

D/WH&UD U.O.NO.2195-LII/70 dated 27.4.70

S.Prakash

22th Aug., 70

14

ND.6(1)-2/67
Government of India
Ministry of Health & Family Planning &
Works & Housing and Urban Development,
LAND & DEVELOPMENT OFFICE
FIRMAN BHAVAN;

NEW DELHI;
dated 6 th Nov., 70

CIRCULAR NO. 15 of 1969-70

SUB: Properties owned/hired by Trade Representatives
of Foreign Missions - inspections of premises
thereof:-

In continuation of this office order NO.174
of 1968-69 dated 30.9.69 on the above subject, a copy
of D.O. letter NO.464(63)-D.III/68 dated 7.7.70 from Dy.
Chief of Protocol, Ministry of External Affairs on the
above subject is circulated to all concerned for
information and guidance.

RLO-12
(R.L. GUPTA)
VIGILANCE OFFICER.

DEPUTY CHIEF OF PROTOCOL:

MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI-11.

NO.464(63)-D.III/68

July 7, 1970.

Dear Shri Shital Prasad,

Please refer to your letter NO.LIV/9/39/12/69
dated the 6th June, 1970, regarding pre-ises situated at
Plot NO.12 Block NO.39, known as Diplomatic Enclave,
New Delhi.

2. The observations made by the Ministry of Fin.(DSD)
in the case as communicated by you, have been considered, and
it may be stated that the Ministry of WH&UD's letter NO.7/6/
68-LII, dated the 16th Sept., 69, refers to 'Foreign Missions'
which would cover the Trade Representation of the German
Democratic Republic also. It will therefore not be
appropriate to insist on 'physical inspection' of the
premises occupied by the said Representation when other
missions are exempt from such inspection.

Yours sincerely,
Sd/- (E.A. Rajagopalan)

Sh. Shital Prasad,
Dy. Land & Development Officer, Firman Bhavan,
NEW DELHI.

S. Prakash
4th Nov., 70

Government of India
Ministry of Works and Housing
LAND & DEVELOPMENT OFFICE
NIRMAN BHAVAN;

NO.6/5/70-CDN

New Delhi, the 22.2.72

OFFICE ORDER No. 310 of 71-72

Subject: Purchase of properties by Foreign
Missions outside the Embassy area -
-.-.-

A copy of the minutes of the Meeting
held in H.M.(S) room on 2.1.72 at 11.00 A.M. on the
above subject are circulated to all concerned for
information and guidance.

(C.J. MONTGOMERY)

Asstt. Settlement Commissioner.

Encl: as above.

All Officers/Sections.

Minutes of the meeting held at 11.00 A.M. on the 2nd January, 1972, in the chamber of Shri I.K.Gujral, Minister of State in the Ministry of Works & Housing, to discuss the question of allotment of a suitable plot for the U.N.O. building:

Present:

Ministry of Works & Housing

1. Shri I.K.Gujral, Minister of State (in chair)
2. Shri P.C. Mathew, Secretary.
3. Shri Kartar Singh, Joint Secretary (Works)
4. Shri P. Prabhakar Rao, Joint Secretary (Housing)
5. Shri S. Chaudhari, Joint Secretary (A)
6. Shri Tirath Ram, Under Secretary (Lands).

Ministry of External Affairs:

7. Shri Mehboob Ahmed, Chief of Protocol.
8. Shri L.T.Pudait, Deputy Chief of Protocol.

Central Public Works Department:

9. Shri H.Rahman, Chief Architect & Town Planner.

Land & Development Office:

10. Shri Prakash Narain, Land & Development Officer.
11. Shri D.L. Gupta, Engineer Officer.

At the outset, the Minister said that the 7 plots, viz. plot Nos. 1 to 7 on Sardar Patel Marg, being in a residential areas, were not quite suitable for the U.N. building. It had, therefore, been decided to utilise the site for residential purposes by carving out smaller plots of 300 to 700 sq.yds each. A plot, measuring 5.6 acres, was now proposed to be offered to the UN on Shanti Path, New Delhi. Shri Mehboob Ahmed said that part of the plot on Shanti Path had already been offered to the Kuwait Embassy and that it would not be possible now to go back on that commitment. The Minister desired that efforts should be made to find some other suitable plot in the Diplomatic Enclave for the UN building.

2. The Minister also raised the question of Foreign Missions acquiring private properties all over New Delhi for their use. He cited the instance of the American Embassy which had already acquired over a dozen properties in New Delhi. This was not a happy situation and efforts needed be made to contain the Embassies within the Diplomatic Enclave. In case there was

a genuine need for additional accommodation, the Mission concerned could come up for allotment of additional land when efforts would be made to allot additional land if the request was supported by the Ministry of External Affairs. In any case, the Foreign Missions acquiring private properties all over New Delhi violated not only the general principle that Foreign Missions should carry out their activities from a specified area but also gave rise to other problems resulting from the Foreign Missions immunity from local laws, rules and regulations, such as municipal bye-laws, provisions of the Master Plan, the terms of lease, etc. Certain cases had also come to notice where money was exchanged under the table in deals involving transfer of private property to a Foreign Mission. The Minister said that Government as the lessor had the right to refuse permission to any private lessee to sell his property to a Foreign Mission and that, in the situation created by indiscriminate acquisition of private properties by foreign missions, Govt. had no other choice but to exercise that right. After discussion, it was decided that:

- (i) Government, as lessor, should refuse permission to private lessees to sell their premises to foreign missions.
- (ii) If a foreign mission was genuinely in need of additional accommodation, it should come up to the Ministry of External Affairs for allotment of additional land. That Ministry should recommend requests for the minimum land required to meet the needs of accommodation. The foreign missions should, however, try to utilise more intensively the land already available with them and should build upon it to the maximum possible limit as permissible under the Municipal bye-laws.
- (iii) Foreign Missions should be charged for additional land at the current market rate and not at the rate which was fixed more than a decade ago.

.....
Government of India
Ministry of Works and Housing
(Birman aur Awas Mantralaya)
....

NO.J-14011/1/71-LII, New Delhi, dated January 7, 1972

Copy to all present.

Sd/- Tirath Ram
6.1.72
Under Secretary to the Govt. of India

prakash
19/2/72

GOVERNMENT OF INDIA
MINISTRY OF WORKS & HOUSING
LAND & DEVELOPMENT OFFICE
NIRMAN BHAVAN: NEW DELHI

18

No.6(1)-2/67

DATED 22/2/72

OFFICE ORDER NO. 312 of 71-72

Sub:- Properties owned/hired by Foreign Missions
in New Delhi- the manner in which the L&DO
will dealt with cases of:-

A copy of Ministry of Works & Housing
Letter No.J-20012/5/71-LII dated 6/12 January; 1972
on the above subject is circulated to all concerned
for information, guidance and necessary action.

Sd/-
(R.L.Gupta)
Vigilance Officer.

All Officers/Sections.

Copy to:-

Ministry of Works & Housing.

Sd/-
Vigilance Officer.

No.J-20011/5/71-LII
GOVERNMENT OF INDIA
MINISTRY OF WORKS & HOUSING
NIRMAN AUR AWAS MANTRALAYA.

NEW DELHI the 5/12.Jan'1972.

To

The Land & Development Officer
New Delhi.

Sub:-Properties owned/hired by Foreign Missions in
New Delhi- the manner in which the Land and
Development officer will deal with cases of.

Sir,

I am directed to refer to the Min.of Health &
Family Planning & Works and Housing & UD (Deptt. of Works &
Housing & Urban Development)'s letter No.776/79-LII dated
September 16, 1969 (Copy enclosed) and to say that it has
been decided that the properties owned as well as those hired
by foreign missions in New Delhi should be treated in the
same manner in regard to their utilisation by the
Missions concerned. As such, the Land & Development Officer
will hereafter neither inspect nor take any notice of the
manner in which these properties (owned/hired on date and
which may be owned /hired by the foreign missions subsequently)
are used by them for their bonafide use.

2. This supersedes the instructions contained in para
II of the communication referred to in paragraph 1 above.

3. Misuse charges in respect of premises hired by the
foreign missions, where such charges have been claimed,
but not paid, shall not be demanded. However the past cases
will not be re-opened i.e. where such charges have already
been received these will not be refunded.

Yours faithfully,

(Tirath Ram)

Under Secretary to the Govt. of India.

Copy to:-

1. Min. of Fin (DSD) N Delhi with 5 spare copies with reference
to their UO No.3011-DSDS/71 dt.22.12.1971.

...Contd

Government of India
Ministry of Works and Housing
LAND & DEVELOPMENT OFFICE
NIRMAN BHAVAN;

NO.6(1)-2/67-CAN

New Delhi, the 26-3-73

OFFICE ORDER NO. 368

Subject: Properties owned/hired by foreign missions
in New Delhi-the manner in which the L&DO
will deal with cases of:-
....

Copies of Ministry of Works and Housing
letters No.J-20012/5/71-LII dated 31.7.72 and 7.9.72
on the above subject are circulated to all concerned
for information; guidance and necessary action in
continuation of this office Order No.372 dt.22.2.72.

Shital

(SHITAL PRASAD)

Encl: As under.

Dy. Land & Development Officer.

All Officers/Sections:-

NO.J-20012/5/71-LII

Government of India

Ministry of Works and Housing

Nirman aur Awas Mantralaya

New Delhi, the 31.7.72

To

The Land & Development Officer
NEW DELHI.

Subject: Properties owned/hired by foreign mission in
New Delhi-the manner in which the Land and
Development Officer will deal with cases of.

...

Sir,

In partial modification of the orders contained
in this Ministry's letter of even number, dated the 6th/12th
January, 1972, I am directed to say that it has been decided
that the charges due up to 31.12.71 wherever recovered will
not be refunded, but that the charges due for the period
after 1.1.72 if recovered, will be refunded.

Yours faithfully,

Sd/- Tirath Ram

Under Secretary to the Govt. of India,

P.T.O.

Copy to:

1. Ministry of Finance (DGD), New Delhi with 5 spare copies.
2. Ministry of External Affairs, New Delhi.
3. The Delhi Development Authority, Vikas Bhavan, New Delhi.
4. The Commissioner, Municipal Corporation of Delhi, Town Hall, Delhi.
5. The President, New Delhi Municipal Committee, New Delhi.
6. P.S. to HM/HM(S)/Secretary/Joint Secretary (A).
7. Guard file. 8. Spare copies (25).

Sd/- Tirath Ram

31.7.72

Under Secretary to the Govt. of India.

.....
No. J-20012/5/71-LII

Government of India

Mirman aur Awas Mantralaya/Ministry of Works & Housing

....

New Delhi, the 7th September, 72

CORRIGENDUM

Sub: Properties owned/hired by foreign mission in New Delhi-the manner in which the Land and Development Officer will deal with cases of.

...

Please substitute '14.1.72' in place of '31.12.71' appearing in line 4 of this Ministry's letter of even number dated the 31st July, 1972.

Sd/- Tirath Ram

7.9.72

Under Secretary to the Govt. of India.

To

1. The Land & Development Officer, New Delhi.
2. Ministry of Finance (DGD), New Delhi with 5 spare copies
3. Ministry of External Affairs, New Delhi.
4. The Delhi Development Authority, Vikas Bhavan, New Delhi
5. The Commissioner, Municipal Corporation of Delhi, Town Hall, Delhi.
6. The President, New Delhi Municipal Committee, Town Hall, New Delhi.
7. PS to HM/HM(S)/Secretary/Jt. Secretary.
8. Guard File.
9. Spare copies (25).

Government of India
Ministry of Works and Housing
LAND & DEVELOPMENT OFFICE
NIRMAL BHAVAN;

NO.6(1)-2/67-CDN

New Delhi, the 20-3-73

CIRCULAR No: 41

Subject: Properties owned/hired by Foreign Missions
in New Delhi-the manner in which the Land
& Development Officer will deal with cases of:-
.....

A copy of notes from File No.18/172 Jor Bagh,
Nursery on the above subject is circulated to all concerned
for information and guidance.

Shital

(SHITAL PRASAD)

Dy.Land & Development Officer.

All Officers/Sections:

=====

Extract taken from Ministry File No.18/172 Jor Bagh Nursery.

MINISTRY OF FINANCE (DSD)

It appears from the lessee's letter dated 11.2.72 on page 72/Cor. that he has rented out the residential premises to the embassy for official use ab-initio. Even though the present decision is that properties hired by foreign missions should not be inspected nor any notice should be taken of the manner in which they are used for the bonafide purpose of the embassy, a case of the present type would clearly indicate that while the embassy is not benefitted from the concession allowed by Government, the landlord escapes additional charges.

Ministry of Works and Housing may like to consider whether the decision should not be reviewed at least in cases where premises have been let out ab-initio for official use of an Embassy.

Sd/- Illegible
1.3.72

Contd... 2

U.S.

The present decision has been taken in view of the administrative aspects emphasised by the Ministry of Works and Housing in consultation with the Ministry of External Affairs. Action to review this decision can be indicated by the Ministry of Works and Housing who should consider the brought out in the office note above, for such action as they seem proper.

Sd/- M.L.Gupta
1.3.72

Ministry of W&H

Min. of FIN(DSD) U.O.NO.434-DSDS/72 dt.2.3.72

MINISTRY OF W&H (L.II)

We may show this to the Ministry of External Affairs and request them to offer their comments as to whether we may recover additional charges from the lessee at least in those cases where premises have been let out at-intio for official use of an embassy.

Intd;
10/3

In this case of premises No.18/172 Jorbagh Nursery, New Delhi, the lessee had given them on rent to the High Commission for Kenya, who vacated the premises on 10.7.1971 (P.64/Cor). There was unauthorised construction (64 sq.ft.) in the open space near the Stair Case on the Ground floor. The premises were also used as 'office' (of inspection report at P.27/N). The lessee was asked to pay damages for unauthorised construction and additional charges for change of purpose.

2. After vacation by the H.C. for Kenya, these premises were let out to the Embassy for Australia from January, 1972 and the foreign mission's intention to use if for office purposes was also intimated. Although our orders (letter No.J-20012/5/71-L.II dated 6/12.1.72 Flag 'P') issued in consultation with the Ministries of E.A. and Finance (DSD) appears to cover such cases as the L&DO is not to take notice of the manner in which such premises are used by the foreign Missions but the Ministry of Finance (DSD) have in view of the lessee's letter at P.72/C intimating inter-alia that the premises would be intimated as office by the foreign mission, emphasised that the premises are not being misused with regard to the agreement with the lessee in

Contd... 3

24

as such as the lessee had given residential premises on rent for use as office, and that being the position, this Ministry should consider this aspect.

3. There is no denying the fact that such a situation had not come to our notice at the time we considered the general question and issued a letter of 6/12.1.1972. However, in view of the general relaxation allowed it would be whether the premises were given to foreign mission for residential purposes and are misused by them as office or obtained on rent as office. In view of the small number of such cases, we feel it will not be worthwhile to ask for the rent/License deed entered into with the foreign missions and to claim misuse charges in the light of the provisions of the Geneva Conventions on Diplomatic Relations.

Sd/- H.S.Rastangi
24.3.72

The position is of course some what odd. On his own admission, the lessee has let out residential premises for office purposes, but, because of the general decision, we cannot ask him to pay misuse charges. Even if we ask him to pay, he might refuse and in that case the next step would be re-entry and eviction of the tenant Embassy. We cannot visualise such a situation being anything but embarrassing to all concerned. It may result in a charge of discrimination against us and spoiling of diplomatic relations between the country of the Embassy and our country. We may request finance not to press their suggestion.

Sd/- Tirath Ram
24.3.72

JS(x)

In view of the general decision that the manner of use of leased premises by foreign Missions will not be enquired into, I agree that it would be rather undesirable and embarrassing to differentiate between cases in the way suggested by Finance. We ignore the misuse when the premises is taken on rent for residential purpose but is used otherwise. Should we follow a different line if the house is rented out initially for office use? This seems rather difficult to justify. However, we may show the case to

Contd... 4

the E.A. Ministry for comments.

Sd/- S. Chaudhari
1.4.72

R/Ministry of External Affairs

MIN. OF W&H U.O.NO.1170-LII/72 dt. 1.4.72

MINISTRY OF EXTERNAL AFFAIRS
PT.III SECTION

Seen, thanks. We may examine all such cases with reference to para 3 of the Ministry of Works and Housing letter No.J-20012/5/71-LII dated the 6/12 January, 1972.

Ministry of Works and Housing
may please see.
Intd;
5/4

We feel that the general decision to exempt Foreign Diplomatic Missions from payment of additional ground rent (misuse charges) should apply in such rare marginal instances, also, particularly in view of the difficulties expressed in Ministry of Works and Housing note (portion marked 'A') on page 184 we have already informed Foreign Missions vide our Circular No.464(143)/DIII/71 dated 21st January, 1972 of this exemption and asked them to keep this in view while negotiating lease agreements in respect of properties owned or hired by them. It is, therefore, open to the Embassy of Austria to claim benefit of this exemption from the landlord if they have not already done so, in which case the question of landlord benefitting from the exemption would not arise. This instance in any case would not justify revision of the Policy decision for exempting foreign missions from payment of the misuse charges.

Ministry of Works and Housing
may kindly see.

Sd/- S.Sivaswami
Protocol Officer.
5.4.1972

MINISTRY OF W&H

Kindly see the above note of Ministry of External Affairs with reference to our note dated 1.4.72 on prepage. We may request the L&DO to remove their file linked below and take action accordingly. We need not perhaps show these papers to Finance again as they observed in their note dated 1.3.72 on-P.38/ante

that the Ministry of W&H may please see for such action as considered necessary.

L&DO may please see as proposed above and return our file to us immediately.

Intd;
11/4/72

The views of the Ministry of External Affairs, on prepage, may also be shown to the Ministry of Finance (DSD) with reference to their note, at page 38/ante. That Ministry may please see.

US(✓)

JS(✓)

Sd/- Illegible

25.4.72

Sd/- Tirath Ram

25.4.72

Sd/- S. Chaudhari

26.4.72

R/Ministry of Finance (DSD)

Min. of W&H U.O.NO.J-20012/5/71-LII dt.27.4.72

MINISTRY OF FINANCE (DSD)

From P.38/ante seen thanks.

U.S

D.S. may also please see.

Sd/- Illegible

28.4.72

Ministry of W&H

Min. of Finn. (DSD) U.O.NO.5(11)/DSDS/65/943 dt.1.5.72

MINISTRY OF W&H (L.II)

Notes from page 42/ante will recall the case. The L&DO may please see for information and further necessary action on file may be returned at an early date.

Sd/- Illegible

3.5.72

US(✓)

Secretary may also like to see.

JS(✓)

Sd/- Tirath Ram

3.5.72

Sd/- S. Chaudhari

5.5.72

Secy.

Sd/- P.C. Mathew

5.5.72

R/L&DO

Min. of W&H U.O.NO.J-20012/5/71-LII dt.6.5.72

"satya"
71072

Government of India
Ministry of Works and Housing
LAND & DEVELOPMENT OFFICE
NEW DELHI

NO.6(1)-2/67

New Delhi, the 20-3-73

Subject: Properties owned/hired by Foreign mission
in New Delhi - the manner in which Land &
Development Officer will deal with cases of:-
.....

A copy of notes from File NO.6(1)-2/67,
on the above subject, is circulated for information and
guidance.

Shital

(SHITAL PRASAD)

Dy. Land & Development Officer.

All Officers/Sections

(EXTRACTS)

It has been decided by the Ministry vide
their letter NO.J-20012/5/71-LII dated the 12th January,
1972 that (i) the properties owned as well as those hired
by foreign missions in New Delhi should be treated in the
same manner in regard to their utilisation by the Missions
concerned, (ii) L&DO will neither inspect nor take any
notice of the manner in which these properties (owned/hired
on date and which may be owned/hired by the foreign missions
subsequently) are used by them/for their bonafide use,
(iii) misuse charges in respect of premises hired by
the foreign missions, where such charges have been claimed,
but not paid shall not be demanded and the past cases will
not be re-opened i.e. where such charges have already been
received these will not be refunded.

2. There is no mention about the recovery of
charges for unauthorised constructions. There are some
cases where as a result of our previous inspections, we
are levying charges for unauthorised constructions. It
is presumed that charges for unauthorised construction
which are at present being recovered in respect of
properties hired by the foreign missions will
continue to be recovered.

3. Ministry of W&H ^{see} may/and kindly confirm this.

Sd/- Shital Prasad

13.3.72

for Land & Development Officer

R/Hn. of W&H

L&DO U.O.NO.6(1)-2/67 dated 20.3.72

P.T.O.

WORKS & HOUSING
ARDS II)

28

The intention in not inspecting the premises occupied by the foreign missions is that we should rely upon their statements. With regard to the point raised by the L&DO in para 2 of his note, on prepage, it may be stated that when the L&DO has been recovering charges from the foreign missions for unauthorised construction, it implies that they have admitted this fact and that is why they are paying the additional charges. As such, we may continue to recover these charges, till the foreign mission/missions concerned deny the payment, saying that the unauthorised construction has been removed.

Sd/-
24.3.72

/cover

2. The Ministry of External Affairs may please see. The orders issued by this Ministry vide letter NO.J-20012/5/71-LII dated 12.1.1972 in consultation with the Ministries of E.A. and Finance/cases of misuse of the property-owned or hired by a foreign mission. For unauthorised construction in respect of which L&DO has been recovering addl. charges are not covered by the above orders. L&DO should, therefore, continue to recover additional charges for unauthorised construction till the same is stated to have been removed. However, since the L&DO staff will not inspect the premises in occupation of foreign mission and if the occupant foreign mission ----- now puts up some unauthorised construction, the same shall go un noticed and consequently no additional charges can be levied by the L&DO office. Action in such a case can be taken only after the foreign mission vacates the premises and L&DO inspects the premises on getting an intimation of vacation. The lessees are not likely to cooperate as there is no provision in the lease deed which may bind the lessee to furnish intimation of change of tenancy, to the L&DO.

US(X)

JB(A)

Sd/- H.C.Rustaugi

25.3.72

Sd/- Tirath Ram

25.3.72

Discussed with US(L).

In a case like this, since the lessee has been paying damages for unauthorised construction, we should continue levying such charges till the lessee protests or claims to have removed the unauthorised structure.

US(X)

NR/L&DO

Ministry of W&H U.O.NO.1587-LII/72 dt. 23.5.72

"satya"
111973

Sd/- S.Chaudhari

22.5.72

Sd/- Tirath Ram

23.5.72

69

GOVERNMENT OF INDIA
MINISTRY OF WORKS AND HOUSING
LAND & DEVELOPMENT OFFICE: NIRMAN BHAWAN

NEW DELHI, the 18/12/73

No. F.6/5/70-CDN.

OFFICE ORDER No. 418

Subject:- Exemption of United Nations, the United Nations bodies, the Specialised Agencies of United Nations and other International Organisations from payment of misuse charges for using properties located in residential areas for official or commercial purposes.

A copy of the Gazette of India Extraordinary, Part III, Section 2 issued vide Ministry of External Affairs Notification No. UI-326(29)/72 dated 14.9.1973 is circulated for information and necessary action by all concerned.

(U. N. Bhuyan)
Dy. Land & Development Officer.

To,
All Officers/Sections.

(Copy).

भारत का राजपत्र
The Gazette of India
असाधारण
EXTRAORDINARY
भाग III-खण्ड 2
PART III-Section 2
प्रविवरण अ. प्रकाशित
PUBLISHED BY AUTHORITY

No. 9) नई दिल्ली, मंगलवार, सितंबर 18, 1973/भाग, 27, 1895
No. 3) NEW DELHI, THURSDAY, SEPTEMBER 18, 1973/BH. 27, 1895.
इस भाग में निम्न पृष्ठ संख्या दी जाती है जिसमें कि वह मूलपत्र संकलन के सम्मिलित हैं।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF EXTERNAL AFFAIRS

NOTIFICATION

New Delhi, the 14th September 1973.

No. UI-326(29)/72.- In exercise of the powers conferred by Section 3 of the United Nations (Privileges and Immunities) Act, 1947 (46 of 1947), the Central Government hereby declare that the section 7 of the Schedule to the said Act has been modified as specified below:-

contd.....2



भारत का राजपत्र The Gazette of India

EXTRAORDINARY

भाग III—खण्ड 2

PART III—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० १३६२ भा० ३२६ (२९) दि० सोमवार, सितम्बर १८, १९७३/भा० २७, १८९५

NEW DELHI, TUESDAY, SEPTEMBER 18, 1973/BHADRA, 27, 1895

इस भाग को निम्नलिखित संख्या प्रोत्पादनी है जिससे कि वह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF EXTERNAL AFFAIRS

NOTIFICATION

New Delhi, the 14th September 1973

No. UI-326(29)/72.—In exercise of the powers conferred by Section 3 of the United Nations (Privileges and Immunities) Act, 1947 (46 of 1947), the Central Government hereby declare that the section 7 of the Schedule to the said Act has been modified as specified below:—

MODIFICATION

In section 7 of the Schedule to the United Nations (Privileges and Immunities) Act, 1947, the following provision should be incorporated:—

- (d) exempt from payment of misuse charges that may be levied by the Land and Development Officer or such other Officer responsible for the administration of the leases for the properties concerned, for reasons of the conversion of a residential building to its use for official or commercial purposes. The United Nations, the United Nations bodies, the Specialized Agencies of the United Nations and other International Organizations, to which the provisions of the United Nations (Privileges and Immunities) Act, 1947 have been extended should, as far as possible, not undertake to pay such misuse charges in any lease/rental agreement which they may negotiate in respect of properties proposed to be hired by them in India.

The exemption from payment of such misuse charges shall not be applied retrospectively to cases where such misuse charges have already been paid by the Organizations mentioned above before the date of the present Notification.

AVTAR SINGH, Secy.

(5)

6/1/74
16/8/74

GOVERNMENT OF INDIA
MINISTRY OF WORKS AND HOUSING
LAND & DEVELOPMENT OFFICE - NIRMAL BHAWAN

No. *5/2/70-CDN* NEW DELHI, the *22/8/74*
OFFICE ORDER No. *446*

Sub:- Price of land to be charged from the foreign missions for allotment of land to them in the Diplomatic Enclave and its extension area New Delhi-charging of current market value.

A copy of Ministry of Works & Housing letter No. J-14011/1/71-LII dated 14th August, 1974 is sent herewith for information and necessary action.

22/8/74
(R.L. Gupta)
Vigilance Officer.

To

All Officers/Sections.

.....
(copy)

No. J-14011/1/71-LII
Government of India
Ministry of Works & Housing
(Nirman Aur Avas Mantralaya)

New Delhi, the 14th August, 1974.

To

The Land and Development Officer,
New Delhi.

Subject: Price of land to be charged from the foreign missions for allotment of land to them in the Diplomatic Enclave and its extension area, New Delhi-Charging of current market value.

Sir,

16/8/74
16/8/74
16/8/74
I am directed to say that the President is pleased to decide that for land to be allotted in the Diplomatic Enclave and its extension area, New Delhi, foreign missions should be charged @ Rs. 225/- per square yard for residential purpose and at Rs. 450/- per sq. yd. for chancery use or at a uniform rate worked out on the basis of three quarters of the area being utilised for residential use and one quarter for chancery use. These rates will come into effect from 10th July, 1974. The above rates will, however, not apply where the plot of land has already been offered to a foreign mission at a specific lower rate and where the offer has been accepted or is still open.

16/8/74
16/8/74
ndontd.....2

- 2 -

2. The President is further pleased to decide that for allotment to foreign missions outside the Diplomatic Enclave or its extension, the rate fixed for residential and commercial purposes for each such area from time to time will be charged for residential and chancery use respectively of the plot by the mission. The premium for the plot for mixed use will be at a uniform rate for all missions by taking 3 quarters of the area of the plot for residential use and 1 quarter for chancery use.

Yours faithfully,

Sd/-

(S. Mahadeva Ayyar)

Under Secretary to the Govt. of India.

Copy forwarded for information to:-

1. The Ministry of Home Affairs (Sh. S. C. Vaish) with reference to their U.O. No. U-13016/12/73-Delhi, dated the 6th June, 1974.
2. The Ministry of External Affairs (Sh. B. S. Suri) with reference to his d.o. letter No. 464(29)/DIII/72 dated the 7th June, 74.
3. The Ministry of Finance (DSD) (Shri S. Jayaraman, Under Secretary), with reference to their U.O. No. 1023/DSDS/74, dated the 19th June, 1974, and U.O. No. 5(12)/DSDS/74/1410 dated 1.8.74.

Sd/-

(S. Mahadeva Ayyar)

Under Secretary to the Govt. of India.

Copy forwarded for information to:-

1. P.S. to H.M.
2. P.S. to H.M(S).
3. P.S. to Secy. (2 copies one for Reader's file).
4. P.S. to J.S(P).
5. P.S. to D.S(H).
6. I.F.
7. Spare copies.....200.

Sd/-

(S. Mahadeva Ayyar)

Under Secretary to the Govt. of India.

(33)

~~SECRET~~

GOVERNMENT OF INDIA
MINISTRY OF WORKS AND HOUSING
LAND & DEVELOPMENT OFFICE: NIRMAL BHAWAN

No. 6/5/70-CDN.

NEW DELHI, the 7-9-74

OFFICE ORDER No. 455

Subj:- Additions, alterations and unauthorised constructions made by Foreign Missions in properties owned/hired by them-Policy how to deal with.

It has been decided in consultation with the Ministry of Works & Housing, Finance and Law and Justice that no misuse charges are to be levied in cases of Residential buildings owned/hired by Foreign Missions. The premises owned or hired by the Foreign Mission are also not to be inspected. It has also been decided that any addition, alteration or unauthorised construction in such buildings made by them for convenience of their staff should also not be objected on condition that the lessee will either remove the breaches in question immediately on vacation of his premises by the Foreign Mission or agree to pay the damages right from the beginning. An undertaking to this effect, should be obtained from the lessee before accepting ground rent in the form enclosed. It should be drawn up on non-judicial stamp paper of appropriate value.

All Officers/Sections may see for their information and guidance.

(U.N. Bhuyan)
Dy. Land & Development Officer.

All Officers/Sections.

GOVERNMENT OF PONDICHERY
MINISTRY OF LANDS, BUILDINGS & PUBLIC WORKS
LAND & DEVELOPMENT OFFICER, PONDICHERY

No.RGR/11/3(16)/75.

NEW DELHI, the 11/9/75.

OFFICE ORDER NO. 490

Subject:- Revision of Ground Rent in respect of Lease sites occupied by the Foreign Missions.

...

The question of revision of ground rent in respect of lease sites owned by the Foreign Missions except in the case of leases with them for their chanceries/residences etc., had been under consideration for some time past. Since the Foreign Missions cannot be brought under the jurisdiction of the Indian Courts it will be futile to refer the cases to the Collector for determining the letting value with a view to revise the ground rent. It has therefore now been decided that the letting value of the site would be determined by this office in accordance with the existing procedure and the total amount would be intimated to the Embassies concerned for their acceptance. A proforma letter in which reference should be made to the Embassies are also sent herewith. The revised procedure should be brought into effect immediately.

(U.N.Bhuyan)

Dy.Land & Development Officer

To

All Officers & Sections.

Copy to the Ministry of Works & Housing with two spare copies.

Dy.Land & Development Officer.

No. 23/13/76 - CDN
Government of India
Ministry of Works and Housing
LAND & DEVELOPMENT OFFICE: NITMAN BHAVAN

NEW DELHI, the 31st March, 1976

OFFICE ORDER NO.19 /76

Sub: Reservation of plot(s) by Diplomatic Missions in
Diplomatic Enclave (Chanakyapuri) New Delhi-Policy
regarding.

For reservation of plots by Diplomatic Missions and
allotment of lands to them in Chanakyapuri, the following
procedure will be followed :-

- (i) Reservation of plots will be made only on the
deposit of 10% of the premium;
- (ii) A final decision about the acceptance of the
plot or otherwise will have to be given within
four months of the reservation; and
- (iii) If a mission decides not to purchase the plot
reserved by it, an amount equivalent to 1% of
the premium will be deducted and the balance
refunded.

2. Diplomatic Missions which have already reserved plots
in Chanakyapuri and have not yet conveyed their decision on
the purchase are required to do so within 12.6.76.

Sd/- 31.3.76
(U.N. Bhuyan)

Dy. Land & Development Officer.

To

All Officers/Sections.

Copy with 2 spare copies to Ministry of Works & Housing
with reference to their U.O.No.J-13011/1/75-LII dated 17.3.76.

Sd/- 21.3.76
Dy. Land & Development Officer.

Dixon**

No. 3/26/77-CDM
Government of India
Ministry of Works & Housing
LAND & DEVELOPMENT OFFICE.

New Delhi Dated July 4, 77.

OFFICE ORDER No. 20/77

Subject: - Strips of land retrieval from the
premises/land leased out to Foreign
Mission for road widening-Reimbursement
of premium proportionate reduction in
Ground Rent thereof.

It has been decided that if a strip of land
is retrieved from the premises/land leased out to
foreign missions for the purpose of placing it at
the disposal of the Local Municipal Authority for
road widening, reimbursement towards premium and
proportionate reduction in Ground Rent will be
allowed. However, no recovery from Local Municipal
Authority will be effected on this account.

Ho
(Mrs. Pratibha Karan)
Officer on Special Duty

All Officers/All Sections.

Copy to :-

The Ministry of Works & Housing (Lands-II)
with two spare copies for information. This is with
reference to their U.O. No. J-20011/5/75-III dated
17-5-1977.

May recd
P.K.
11/7
Ho
(Mrs. Pratibha Karan)
Officer on Special Duty

No.LDO/6(40)/77..CDN
Government of India
Ministry of Works and Housing
Land and Development Office
Nirman Bhawan

New Delhi, the 15.5.80

OFFICE ORDER NO. 13/80

Sub:- Properties owned/hired by Foreign Mission and U.N.
Allied Agencies in New Delhi, the manner in which the
L&D.O. will deal with cases of.

.....

In accordance with the instructions contained in
O.O.No. 312 of 71-72 dated 22.2.1972. L&D.O. was
required neither to inspect such properties nor to take any
notice of breaches. Consequently, misuse charges were also
not to be demanded.

2. The exemption granted to the foreign missions for payment
of misuse charges has since been withdrawn by the Ministry
of External Affairs vide their circular No.464(56)/D.III/78
dated 8th January, 1979. Similarly, the exemption granted
to U.N. and its allied organisation is also proposed to be with-
drawn by that Ministry. In view of this it has been decided to
withdraw the orders contained in O.O.No. 312 of 71-72 dated 22.2.72.
Such properties are to be dealt with in accordance with the terms
and conditions as laid down in the lease deed.

3. As regards inspection of such properties by L&D.O. a separate
office order will follow.


(D S R. IZADA)
VIGILANCE OFFICER.

To

All Officers/Sections.

Copy for information to the Ministry of W&H(Lands Division)

No.LDO.6(40)/77-CEN
Government of India
Ministry of Works and Housing
Land and Development Office
Nirman Bhawan

New Delhi, the 26.7.1982

OFFICE ORDER NO. 17/82

Subject:- Properties owned/hired by foreign Missions and UN & Allied Agencies in New Delhi, the manner in which the L&DO will deal with such cases.

.....
Attention is invited to office order No. 13/80 dated 15.5.80 on the above subject.

The exemption granted to UN and its Allied Organisations for payment of misuse charges has since been withdrawn by the Ministry of External Affairs, New Delhi vide their Notification No.UL/326/29/72 dated 24.4.82.

The properties owned/hired by Foreign Mission and UN and its Allied Agencies in New Delhi are now to be dealt with as under:-

"The office will not inspect any of these properties internally on respective premises. It may however ascertain from name boards and sign plates outside the properties as to whether they are being used as residence or office. A further check on use can also be made from the diplomatic list published by the Ministry of External Affairs. If any property is found on such inspection to be used for non-residential purposes, action will have to be taken for recovery of additional charges for commercial use. The burden of proof will therefore be on the Lessee to establish that the premises are not so used or that less than 25% of the premises are so used in which case no additional charges would be leviable".

All may please note for strict compliance.

Devanath Singh
(D.N.ASIJA)
LAND & DEVELOPMENT OFFICER.

All Officers/All Sections

Copy forwarded for information to:-

1. Min. of Works & Housing, Lands Division, Nirman Bhawan, New Delhi with two spare copies w.r. to their U.O.No.J-13024/6/73-LII/DOI dated 4.6.82.
2. Min. of Works & Housing, Finance Division(Lands Unit)Nirman Bhawan, New Delhi with two spare copies.
3. Min. of External Affairs, UN & Conference Division, Patiala House, New Delhi, w.r. to their U.O. dated 21.5.82 as recorded on file No.J-13024/6/73-LII/DOI with two spare copies.

Government of India
Ministry of Works and Housing
Land and Development Office
Nirman Bhawan, New Delhi.

No. L&DO/6(40)/77-CNN.

Dated the 8-9-83

OFFICE ORDER NO. 29/83.

Subject:- Leases residential properties owned/hired by foreign missions in Delhi - recovery of misuse charges.

A copy of Ministry of Works and Housing's letter No. J-13024/1/83-LD (DOI) dated 2nd September, 1983 on the above subject is enclosed herewith for information and guidance.

Sajan
(V.R. Mahajan)
State Officer

All Officers/Sections.

Copy to Ministry of Works and Housing, Nirman Bhawan, New Delhi with reference to their letter No. J-13024/1/83-LD (DOI) dated 2.9.1983.

Copy of Ministry's letter No. J-13024/1/83-LD (DOI) dt. 2nd Sept., 1983:-

No. J-13024/1/83-LD (DOI)
Government of India
Ministry of Works and Housing

New Delhi, the 2nd Sept., 1983.

The Land and Development Officer,
Nirman Bhawan, New Delhi.

Subject:- Leases residential properties owned/hired by foreign missions in Delhi - recovery of misuse charges.

Sir,

I am directed to say that a number of instances has come to the notice of Govt. in which residential properties leased by L&DO to private leasees have been purchased/hired by foreign missions for use as office, partially or fully. In the past the Embassies were granted exemption from levy of misuse charges, which was subsequently withdrawn in 1979 vide the Ministry of External Affairs No.464(56)-D.III/78 dated 8th January, 1979. The matter has been reconsidered and President is pleased to decide as follows:-

- (i) Where L&DO leased premises are being used both for residential and office purpose by an Embassy/Mission no notice will be taken of the misuse and no misuse charges, etc. would be levied.
- (ii) Where L&DO leased premises is used clearly for office purposes as such by an Embassy/Mission the normal misuse charges according to the formula adopted by the Government/L&DO will be levied on the lessee. The procedure to be followed for inspection will be as laid down in L&DO's Office Order No.17/82 dt.26.7.82 (Relevant extracts enclosed).
- (iii) All possible assistance will be given to the missions to acquire alternative office accommodation if the Mission approaches the Ministry of External Affairs seeking its help.

Yours faithfully,

Sd/-

(R.Krishnaswamy)

Under Secretary to the Govt. of India.

Copy to:-

1. Director of Audit, Commerce, Works & Misc., AGOR Bldg., I.P. Estate, New Delhi-110002.
2. Finance Division (Lands).
3. Ministry of External Affairs (Protocol Division), Hyderabad House, New Delhi. They may like this to bring to the notice of all Foreign Missions in Delhi in suitable manner.
4. Vice-Chairman, Delhi Development Authority, Vikas Minar, New Delhi-2.
5. Cabinet Secretariat, Rashtrapati Bhawan, New Delhi, with reference to their No.25/1/83-CA 3 dated 12th August, 1983.
6. P.S. to Secretary (Readers file).
7. All Desk Officers in Lands/Delhi Division.

Sd/- (R.Krishnaswamy)

Under Secretary to the Govt. of India

ANNEXURE

Procedure to be followed for inspection of leased residential premises used by Missions entirely for office purposes.

Land & Development Office will not inspect any of these properties internally on respective premises. It may however ascertain from name boards and sign plates outside the properties as to whether they are being used as residence or office. A further check on use can also be made from the diplomatic list published by the Ministry of External Affairs.

Government of India
Ministry of Urban Development
Land and Development Office
Nirman Bhawan, New Delhi

No.24(669)/Cdn./2005

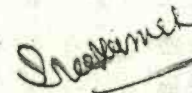
Dated: 22/9/05

OFFICE ORDER NO. 6/05

Sub: -Withdrawal of Office Order No.4/95 dated 12/7/95.

Attention is invited to office order No.4/95 which interalia states that the use of residential premises as office is allowed in cases of premises leased out for residential purposes in the case of Embassies and therefore, use of such premises for cultural purposes need not be objected to.

The matter has been examined in consultation with the Ministry of External Affairs and observed that the order was issued wrongly without taking into account the instructions contained in office order No.29/83 dated 8/9/1983 and therefore, it has been decided to withdraw the office order No.4/95 dated 12/7/1995. The violation in the leased residential premises owned/hired by the Foreign Missionaries in Delhi are to be dealt with in accordance with the instructions contained in Office Order No.29/83 dated 8/9/1983.



(V. Sreekumar)
Public Relation Officer

To

All Officers/Sections.

Government of India
Ministry of Urban Development
Land and Development Office
Nirman Bhawan : New Delhi

No.24(372)/2008-CDN | 224

Dated: 8/7/08

Office Order No.5/08

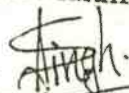
Subject: Fixation of prices of Government land for allotment to Foreign Missions.

The revision of rates of Govt. land allotted to Diplomatic Missions was due from 1.4.2000. The Govt. has considered the revision of the rates and has decided to revise the rates as Rs.1,52,145/- sq.mtr. with effect from 01.4.2000. The Annual Ground Rent is payable @ 2 ½ % of the premium with an option to capitalize the ground rent on payment of 50% of premium. In case of Payment of capitalized value of Ground Rent, nominal annual ground rent @ Re. 1 will only be payable by the Mission.

These rates will be applicable only to the plots which are vacant and which are being offered to Diplomatic Missions at present. Offer to Diplomatic Missions which are made after the rates are approved will be at the rate which are finally approved by the Ministry of U.D. which are under submissions to Ministry of Finance for concurrence.

This issues with the concurrence of Finance Division vide their Dy.No.1380-F dt. 13.6.2008.

Yours faithfully


(Surendra Singh)

Dy.Land & Development Officer

(P.T.O)

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Copy forwarded for information and necessary action to:-

1. All Ministries / Departments of Govt. Of India.
2. Lieutenant Governor, Raj Niwas, Delhi.
3. Chief Secretary, Govt. of NCT of Delhi, Delhi.
4. The Secretary, Land & Building Deptt., Govt. of NCT of Delhi, Vikas Bhawan, I.P.Estate, New Delhi (5 copies).
5. The Commissioner, Municipal Corporation of Delhi, Town Hall, Delhi (5 copies).
6. The Chairman, New Delhi Municipal Committee, Palika Kendra, Sansad Marg, New Delhi (5 copies).
7. Chief Commissioner of Income Tax, New Delhi.
8. Director of Audit, CW&M, AGCR Building, I.P.Estate, New Delhi.
9. Finance Division (Lands Unit), M/o UA&E, New Delhi.
10. Director (Land Management), Railway Board, Rail Bhawan, New Delhi.
11. Principal Information Officer, Ministry of UA&E, Shastri Bhawan, New Delhi.
12. Ministry of Home Affairs, Rehabilitation Deptt., Jaisalmer House, New Delhi.
13. All Desk Officers in Lands Division, Min.of U.D.
14. Delhi Division, Ministry of UA&E (5 copies).
15. PS to UAEM / PS to MOS (UA&E) / PPS to Secretary / PS to Special Secretary (UAE) / PS to AS / PS to JS (F) / PS to JS(WA) / PS to AS (F) / PS to JS(UD).
16. Spare copies - 25 Nos.