

DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT. OF NCT OF DELHI
RAJA GARDEN: NEW DELHI

NO: D-232/DD(Reh.)HQ/2016

Dated: 14.06.2016

Sub:- Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015

Delhi Urban Shelter Improvement Board, in its 16th Board meeting held on 11.04.2016 vide Resolution No. 16/3, has approved the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015. The undersigned has been directed to request all the concerned to adhere with the said policy for rehabilitation/ relocation of JJ Bastis. The same is attached herewith for reference.

Encls: As above.

Copy to:

1. C.E.-I & II, DUSIB
2. All Directors, DUSIB
3. B&FO, DUSIB
4. Law Officer, DUSIB
5. All Dy. Directors/ Asstt. Directors (Rehabilitation)
- ✓ 6. Dy. Director (System) DUSIB for uploading this policy on the DUSIB website.

Copy for kind information to:

1. CEO, DUSIB
2. Member (Admn.)
3. Member (Engineering)
4. Member (Power)

Muj 14/6/2016
(BANSH RAJ)
PR. DIRECTOR (REHAB.)
(Bansh Raj)
Pr. Director (Rehab.)
DUSIB,

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**DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT. OF NCT OF DELHI**

Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 (PART –A)

1. This policy is based on the following principles:

- (i) The people living in jhuggis perform critical economic activities in Delhi like drivers, vegetable vendors, maid servants, auto and taxi drivers, etc.
- (ii) In the past, adequate housing was not planned for these people in middle or upper class areas, to which they provide services. As a result, a number of jhuggi bastis mushroomed all over Delhi close to the areas, where they provide services.
- (iii) They have encroached upon the lands on which they live.
- (iv) The decisions of the Hon'ble Supreme Court of India in Chameli Singh vs. State of UP [1996 (2) SCC 549] and in Shantistar Builders vs. N.K. Toitame, [1990 (1) SCC 520] and numerous other judgments have laid down that the right to life is not a right to *mere animal existence* and that the right to housing is a fundamental right. Going further, in Ahmedabad Municipal Corporation vs. Nawab Khan Gulab Khan, [1997 (11) SCC 123], the Supreme Court held that even poverty stricken persons on public lands have a fundamental right to housing. The Court laid down that when slum dwellers have been at a place for some time, it is the duty of the government to make schemes for housing the jhuggi dwellers. In the most recent decision of the Chief Justice's Bench in the Delhi High Court in Sudama Singh Vs. Government of Delhi [168 (2010) DLT 218], the Court referred to the provisions of the Delhi Master Plan and emphasized *in-situ rehabilitation*. It is only in the extra ordinary situation, when in- situ rehabilitation is not possible, then only, rehabilitation by relocation is to be done. The normal rule is in-situ up-gradation and re-development.

- (v) Additionally, the recent Supreme Court decision in Gainda Ram vs. Municipal Corporation of Delhi, [2010 (10) SCC 715] reiterate that hawkers have a fundamental right to hawk. It is, therefore, clear that the poor, who come to the city for work, *must reside reasonably close to their place of work*. Even apart from the legal aspect, studies have shown that resettlement at faraway places invariably force the poor to return to their informal housing arrangements close to their place of work.
- (vi) Govt. of NCT of Delhi recognizes that the habitat and environment in which JJ Basti exists is very dirty, unfit for human habitation and unhygienic both for the inhabitants living in that area as well as for the people living in surrounding areas.
- (vii) Govt. of NCT of Delhi, therefore, wishes to put in place and implement this policy to house the poor in a permanent and humane manner; at the same time, clear lands for specific public projects and roads etc.
2. Keeping the above principles in mind, GNCTD announces the following policy for rehabilitation and relocation of JJ basti.

(a) Nodal Agency

The Delhi Urban Shelter Improvement Board (DUSIB) shall act as the Nodal Agency for implementation of this policy as per the mandate given to it under the provisions of Delhi Urban Shelter Improvement Board Act, 2010

(i) Who is eligible for rehabilitation or relocation

JJ Bastis which have come up before 01.01.2006 shall not be removed (as per NCT of Delhi Laws (Special Provisions) Second Act, 2011) without providing them alternate housing. Jhuggis which have come up in such JJ Bastis before 01-01-2015 shall not be demolished without providing alternate housing; *(this is in supersession of the earlier cut-off date of 04.06.2009 as notified in the guidelines of 2013)*

(ii) **No new jhuggis to be allowed in Delhi**

GNCTD shall ensure that no new jhuggi comes up after 01-01-2015. If any jhuggi comes up after this date, the same shall immediately be removed without providing them any alternate housing. GNCTD will use the following methods to ensure that no new jhuggis come up:

- a. GNCTD has started procuring satellite maps every three months to keep an eye on any new constructions. New illegal constructions would be removed immediately.
- b. GNCTD is willing to do joint inspections with land owning agencies at regular intervals and any fresh jhuggis would be removed immediately.
- c. GNCTD would enrol volunteers from JJ Bastis, who will act as eyes and ears of the government and would inform government if any fresh jhuggi comes up in any area.

(iii) **In-situ rehabilitation**

DUSIB shall provide alternate accommodation to those living in JJ Bastis, either on the same land or in the vicinity within a radius of 5 Km. In case of exceptional circumstances, it can be even beyond 5 Km with prior approval of the Board. The terms and conditions at which alternate accommodation will be provided and the eligibility conditions are being separately notified.

(iv) **In-situ Rehabilitation of JJ Bastis on lands belonging to other Land Owning Agencies**

- i. DUSIB is willing to take over any JJ Basti on the model of **Kathputli Colony** from any land owning agency in Delhi for in-situ re-development; on the same terms & conditions on which DDA has given Kathputli Colony slum rehabilitation project to a private builder. Therefore, each land owning agency may make a list of all such bastis which they are willing to hand over to DUSIB on these terms.

ii. **For the balance bastis;-**

MPD 2021 envisages that for in-situ rehabilitation of JJ Bastis, a maximum of 40% land can be used as a resource and minimum of 60% of land has to be used for in-situ redevelopment to rehabilitate JJ dwellers. DUSIB will prepare a scheme of rehabilitation of any JJ Basti and use such portion of land which is required for rehabilitation of JJ Dwellers depending upon density of the said Basti and pass on the remaining portion of land to the Land Owning Agency, which will have to bear the cost of rehabilitation. The cost of rehabilitation would include the cost of construction of dwelling units and cost of land in case, additional land belonging to DUSIB is used for rehabilitation.

(v) **Relocation in rare cases**

Any Land Owning Agency will not demolish any JJ Basti which is eligible as per para 2(i) above unless:

1. there is any Court order
2. that basti has encroached a street, road, footpath, Railway safety zone, or a park
3. the encroached land is required by the land owning agency for specific public project as envisaged in The NCT of Delhi Laws (Special Provisions) Second Act, 2011, which is extremely urgent and can't wait.

In these circumstances, the land owning agency shall bring the proposal before DUSIB. If DUSIB is satisfied and permits demolition, then DUSIB shall make all efforts to relocate the jhuggis in that JJ Basti, clear the land and hand it over to land owning agency within next six months after the date of DUSIB resolution. In such circumstances, the land owning agency shall

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pay such amount to DUSIB in advance, which meets the cost of construction of alternate dwelling units, cost of the land at Circle Rate on which those dwelling units are constructed and cost of relocation. However, the beneficiary contribution as well as the contribution made by the Government of India if any, towards the cost of construction of dwelling units, will be deducted from the aforementioned cost of rehabilitation.

(vi) **Rehabilitation work to be completed in five years –**

DUSIB hopes to complete this task of rehabilitating all JJ Bastis in Delhi in the next five years, if it receives cooperation from all land owning agencies.


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DELHI URBAN SHELTER IMPROVEMENT BOARD

GOVT. OF NCT OF DELHI

Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 (PART-B)

1. The eligibility criteria for allotment of alternative dwelling units to rehabilitate and relocate JJ dwellers would be as under:

- (i) The JJ dweller must be a citizen of India and not less than 18 years of age;
- (ii) The Jhuggi Jhopri basti in which the JJ dwellers are residing must be in existence prior to 01-01-2006. However, the cut-off date of residing in the jhuggi for becoming eligible for rehabilitation shall be 01-01-2015 (this is in supersession of the earlier cut-off date of 04.06.2009 as notified in the guidelines of 2013);
- (iii) The name of JJ dweller must appear in at least one of the voter lists of the years 2012, 2013, 2014 and 2015 (prior to 01-01-2015) and also in the year of survey, for the purpose of rehabilitation;
- (iv) The name of the JJ dweller must appear in the joint survey conducted by the DUSIB and the Land Owning Agency;
- (v) The JJ dweller(s) will be subjected to bio-metric authentication by Aadhar Card or bio-metric identification by other mechanism;
- (vi) JJ dweller must possess any one of the 12 documents issued before 01-01-2015 as prescribed in the subsequent para;
- (vii) Neither the JJ dweller nor any of his/her family member(s) should own any house/ plot/flat, in full or in part, in Delhi. The JJ dweller should not have been allotted any residential house or plot or flat on license fee basis or on lease-hold basis or on free-hold basis in the NCT of Delhi by any of the

Departments or Agencies of GNCTD or Govt. of India, either in his/her own name or in the name of any member of his family;

- (viii) No dwelling unit shall be allotted if the jhuggi is used solely for commercial purpose;
- (ix) In case, the jhuggi is being used for both residential and commercial purpose, the JJ dweller can be considered for allotment of one dwelling unit. In case, the ground floor of the jhuggi is being used for commercial purpose and other floors for residential purpose that will entitle the JJ dweller for one dwelling unit only;
- (x) If a different family, having separate Ration card issued prior to 01-01-2015, which fulfils all the other eligibility criteria is living on upper floor, the same will also be considered for allotment of a separate dwelling unit. (This is in supersession of the earlier notified guidelines of 2013).
- (xi) The ineligible JJ dwellers will be removed from the JJ Cluster at the time of its rehabilitation/ relocation/ clearance of JJ Basti.

2. As envisaged in Para 1 (vi) above, the JJ dweller must possess any one of the following documents issued before 01.01.2015 to become eligible for the purpose of allotment of Dwelling Unit :

- (i) Passport;
- (ii) Ration Card with photograph;
- (iii) Electricity bill;
- (iv) Driving License;
- (v) Identity Card/ Smart Card with photograph issued by State/ Central Government and/ or its Autonomous Bodies/ Agencies like PSU/ Local Bodies (except EPIC);
- (vi) Pass book issued by Public Sector Banks/ Post Office with photograph;
- (vii) SC/ST/OBC Certificate issued by the Competent Authority.;

- (viii) Pension document with photograph such as Ex-serviceman's Pension Book, Pension Payment Order, Ex-serviceman widow/dependent certificate, old age pension order or widow pension order;
- (ix) Freedom Fighter Identity Card with photograph;
- (x) Certificate of physically handicapped with photograph issued by the Competent Authority;
- (xi) Health Insurance Scheme Smart card with photograph (Ministry of Labour scheme);
- (xii) Identity card with photograph issued in the name of the descendant(s) of the slum dweller from a Government school or Certificate with photograph issued by the Principal of a Government School mentioning therein that the descendant(s) of the JJ dweller is/was the student of the school.

3. Appellate Authority

- (i) DUSIB will constitute an Appellate Authority for redressal of the grievances related to determination of eligibility for allotment of alternate dwelling unit for rehabilitation and relocation of JJ dwellers. The Appellate Authority will consist of the following:
 - (a) Retired Judge of the level of Additional District Judge ;
 - (b) Retired civil servant of the level of Joint Secretary to Govt. of India;
 - (c) An expert member to be nominated by the Chairperson of DUSIB;
 - (d) Dy. Director of DUSIB to be nominated by the CEO- as Convener
- (ii) The terms & conditions of the Appellate Authority will be decided by the Board separately.

- (iii) Any JJ dweller feeling aggrieved by any order passed by an officer/ committee, authorized to determine eligibility of the JJ dweller shall be entitled to file an appeal before the Appellate Authority within a period of 30 days from the date of communication of the impugned order.
- (iv) The Appellate Authority may for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under clause (iii) above.
- (v) The Appellate Authority may confirm, revoke or reverse the order appealed against and may pass such orders as deemed fit.
- (vi) Order passed in appeal by the Appellate Authority, duly accepted by the CEO, DUSIB shall be final.

4. Terms and conditions of Allotment of alternative Dwelling Unit

- (i) The contribution of the beneficiary will be Rs.1,12,000/- per dwelling unit having the carpet area of 25 sq. mtrs (The contribution may slightly vary on case to case basis depending upon the actual carpet area of the dwelling unit). In addition, the beneficiary will be required to pay an amount of Rs.30,000/- at the time of the allotment of the dwelling unit, towards the cost of maintenance for a period of 5 years.
- (ii) The dwelling unit shall be allotted to the eligible JJ dweller for a period of 10 (ten) years on lease hold basis after which it will be converted into free-hold as per the prevalent policy (this is in supersession of the earlier leasehold period of 15 years as notified in the guidelines of 2013).
- (iii) Allotment will be made in the joint-name of the husband and wife occupying the jhuggi.

- (iv) The allottee shall not sublet or part with possession of the dwelling unit, by way of General Power of Attorney or any other document. The DUSIB will have the right to verify the veracity of the original allottee through Bio-metric survey using Aadhar data-base or otherwise. In case a different person (s)/family is found living at the time of survey in the dwelling unit, the allotment/lease is liable to be cancelled and DUSIB will have the right to re-enter the dwelling unit.
- (v) DUSIB may assist those beneficiaries who are not able to arrange the contribution to avail loans from banks/ financial institutions including co-operative banks.

5. Maintenance of dwelling units after allotment

- (i) It has been observed that after allotment of dwelling units to JJ dwellers for rehabilitation, the maintenance of the common services in these colonies, is not done properly by the occupants due to ignorance, lack of knowledge to form associations and/or lack of funds etc.
- (ii) Therefore, the DUSIB will maintain the common services in these colonies for a period of 5 years after allotment.
- (iii) For this purpose, a Corpus in the form of "DUSIB Estate Management Fund" will be created in DUSIB.
- (iv) The allottees will have to contribute Rs 30,000/- per dwelling unit as maintenance charges which will be deposited in the above said fund.
- (v) The maintenance will include common areas like staircase, open ground, water supply & electric supply systems up to the dwelling units; external services e.g. sewer lines, roads, street lights, drainage and parks etc.
- (vi) Depending upon the requirement, DUSIB may contribute in this fund from its own resources and attempt will be made as far as

possible to carry on the maintenance from the interest earned from this fund.

- (vii) In order to ensure that there are sufficient resources for maintenance of these colonies, DUSIB will also request the Govt. of NCT of Delhi to give *Grant-in-aid* for this fund.
- (viii) After 5 years, the maintenance will be transferred to the RWAs which will be required to get registered as Societies and work out their own mechanism for maintenance.
- (ix) DUSIB may give grant in aid to the RWAs/ Registered Societies of these colonies depending upon the requirement of the works to be done.

6. CEO, DUSIB is authorised to approve the operational guide lines keeping in view the overall spirit of the policy.


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