

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

NO: D-231/DD(Reh.)HQ/2016

Dated: 14.06.2016

Sub:- Draft Protocol for removal of jhuggis and JJ Bastis in Delhi

Delhi Urban Shelter Improvement Board, in its 16th Board meeting held on 11.04.2016 vide Resolution No. 16/4, has approved the Draft Protocol for removal of jhuggis and JJ Bastis in Delhi. The undersigned has been directed to request all the concerned to adhere with the said Draft Protocol. 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)

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

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

DRAFT PROTOCOL
FOR REMOVAL OF JHUGGIS AND JJ BASTIS IN DELHI

1. BACKGROUND :

This protocol to outline the steps to be followed prior to, during and after removal of Jhuggis and JJ bastis in Delhi, has been drawn in pursuance of directions of the Hon'ble High Court of Delhi issued vide Order dated 22.12.2015 in WP (Civil) No. 11616/2015 in the matter of *Ajay Maken Vs Union of India and Others*. The relevant paras of the said order which pertain to the protocol are reproduced below:

"Para 29: One aspect that has been highlighted in the previous orders is the need for a detailed protocol to be drawn up for the steps to be taken prior to, during and after for removal of jhuggis and JJ bastis. Under the DUSIB Act, the responsibility for conducting surveys, ascertaining which of the JJ Bastis and jhuggis would be entitled for in-situ improvement / development or resettlement and rehabilitation vests with DUSIB."

"Para 30: In as much as the admitted position is that the present demolition of the jhuggis at the JJ Basti in the cement siding of Shakur Basti took place without consulting DUSIB or the GNCTD, and without conducting a survey, it has become imperative for a proper protocol to be drawn up. The Court is of the view that such a protocol should be prepared by DUSIB, which is the nodal agency, entrusted with the statutory responsibility under the DUSIB Act, in consultation with all the land owning agencies and civil society organizations in the area of housing rights (who would represent the interests of the jhuggi dwellers). It is essential that a uniform approach is adopted as regards all the jhuggis and JJ Bastis in the NCT of Delhi."

"Para 31: The protocol should list out the various stages, beginning with a comprehensive survey, the drawing up of list of persons eligible for the various proposed measures in terms of the scheme prepared under the DUSIB Act, the actual provision of the relief by way of in-situ up gradation or resettlement and rehabilitation measures as the case may be, the precautions to be taken in the event of removal and the measures to be taken post removal. This protocol shall be followed by all agencies including the Delhi Police in the event of any action for removal of JJ Bastis in the future."

"Para 32: It is directed that DUSIB will convene a meeting of all the land owning agencies in the NCT of Delhi, as well as the Delhi Police, who shall, irrespective of their

stand in relation to the DUSIB Act, participate in such meeting in a spirit of co-operation and give their suggestions for what should go into the protocol. The Protocol will be drawn up keeping in view the requirements of the Constitution, the DUSIB Act as well as India's international human rights obligations flowing from the International Covenant on Economic, Social and Cultural Rights, 1966 which has been ratified by India and the provisions of which form part of 'human rights' as defined under Section 2(d) read with Section 2 (f) of the Protection of Human Rights Act, 1993."

"Para 33: The meeting for the above purpose shall be convened by DUSIB not later than four weeks from today and a draft protocol prepared not later than four weeks thereafter. The written suggestions from all the land owning agencies, the Delhi Police, the civil society organizations working in the area of housing rights, and any of the jhuggi dwellers shall be taken into consideration while preparing the draft protocol. The said draft protocol will be placed before the Court by DUSIB. **Any irreconcilable differences that may arise among the agencies can be brought to the attention of the Court.**"

2. The definition of human rights, as given in the Protection of Human Rights Act, 1993, under section 2(d) and the provision of section 2(f) are reproduced below:

Section 2(d): "**human rights**" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.

Section 2(f): "**International Covenants**" mean the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights adopted by the General Assembly of the United Nations on the 16th December, 1966 [and such other Covenant or Convention adopted by the General Assembly of the United Nations as the Central Government may, by notification, specify"].

3. **CONSULTATION MECHANISM :**

The Protocol drafted by DUSIB and the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 (hereinafter referred to as the Policy), were discussed in a meeting held on 20-01-2016, which was attended by the representatives of Civil Society Organizations, Land Owning Agencies and Delhi Police. All the stakeholders were also advised to send their comments in writing. The DUSIB received the comments from the following agencies:

- (i) Jhuggi Jhopri Ekta Manch
- (ii) Social Society – CiRiC
- (iii) Actionaid and its partner JJEM
- (iv) Jagori
- (v) East Delhi Municipal Corporation
- (vi) Delhi Police
- (vii) Northern Railway
- (viii) Revenue Department of GNCTD
- (ix) Ministry of Urban Development, GOI
- (x) Delhi Development Authority

The protocol has been drafted after taking into consideration the points raised in the meeting held on 20-01-2016 and comments received from the various agencies mentioned above.

4. GUIDING PRINCIPLES :

This protocol is based on the following guiding principles emerging from the provisions of the DUSIB Act as well as the directions of the Hon'ble High Court of Delhi:

- (i) *The DUSIB will be the **Nodal Agency** to conduct the **comprehensive surveys** and ascertain which of the JJ Bastis and Jhuggis would be entitled for in-situ improvement/development or re-settlement and rehabilitation.*
- (ii) *It is essential that a **uniform approach** is adopted as regards all the jhuggis and JJ bastis in NCT of Delhi;*
- (iii) *The removal of Jhuggis & JJ Bastis in Delhi will be as per the provisions of "**Delhi Slum & JJ Rehabilitation & Relocation Policy, 2015**" (**Annexure A**) as modified from time to time. The focus of the policy is on in-situ re-development and rehabilitation of Jhuggis and JJ Bastis as a matter of principle and relocation in exceptional cases.*
- (iv) *This protocol shall be **followed by all agencies** including the Delhi Police in the event of any action for removal of Jhuggis and JJ Bastis in the future.*

5. The protocol comprises of the following **stages** :

- (i) STEPS TO BE FOLLOWED PRIOR TO REMOVAL OF JHUGGIS AND JJ BASTIS.
 - (A) Pre-survey Steps
 - (B) Procedure for conducting the joint survey
 - (C) Procedure for eligibility determination
 - (D) Post-Survey Steps
- (ii) STEPS AND PRECAUTIONS TO BE FOLLOWED DURING REMOVAL OF JHUGGIS AND JJ BASTIS
- (iii) STEPS TO BE FOLLOWED POST REMOVAL OF JHUGGIS AND JJ BASTIS

6. **STEPS TO BE FOLLOWED PRIOR TO REMOVAL OF JHUGGIS AND JJ BASTIS**

A. PRE-SURVEY STEPS:

- (i) The process of removal/re-settlement /rehabilitation/in-situ improvement /re-development of Jhuggis and JJ Bastis in Delhi will be governed by "**Delhi Slum & JJ Rehabilitation & Relocation Policy, 2015**".
- (ii) The Land Owning Agency (LOA) will send a proposal for removal of the jhuggis and JJ bastis to DUSIB with proper justification satisfying the conditions mentioned in the Policy **sufficiently in advance**, along with commitment to make payment of the **cost of rehabilitation**.
- (iii) The proposal will be examined by DUSIB regarding the date of existence of JJ basti i.e. whether the same was in existence prior to 01.01.2006. If the JJ basti was in existence prior to 01.01.2006, then the DUSIB will notify the said Basti under section 2(g) of the DUSIB Act, if not notified earlier and the proposal will be placed before the Board (DUSIB) for in-principle approval for removal of the Jhuggis and JJ basti.
- (iv) After in principle approval of the Board, the DUSIB will conduct a joint survey and determine the eligibility of JJ dwellers for rehabilitation as per the policy along with the representative(s) of LOA. However, in special circumstances, the joint survey may be initiated even before

obtaining in-principle approval of the Board, on case to case basis, with the approval of CEO, DUSIB.

- (v) If the DUSIB ascertains that the JJ Basti came into existence after 01-01-2006, the LOA will be intimated accordingly to enable it to take necessary action for removal, in consonance with the law and rules in vogue.

B. Procedure for conducting the Joint Survey:

- (i) DUSIB shall paste a notice for conducting the survey, at least four weeks in advance, at conspicuous places in the JJ basti in order to inform the jhuggi dwellers about the joint survey to be conducted in the said basti. However, in exceptional circumstances, the above said notice period can be relaxed by CEO, DUSIB.
- (ii) After the expiry of notice period, joint survey by a team(s) consisting of the representatives of DUSIB and LOA, will be conducted so as to ensure that no genuine JJ dweller is left out of the joint survey.
- (iii) The survey team has to ensure that names of the JJ dwellers and their family members, who are actually residing in their jhuggis (whether they are occupying the jhuggis themselves or occupying the jhuggis on rental basis), are duly entered in the survey list.
- (iv) The Joint survey teams will obtain information regarding age, gender, occupation, annual income, ration card, election I-card, and Aadhar Number etc. of each family member along with the photograph of the family in the prescribed proforma. In case, Aadhar number of all members or its enrolment details are not available, bio-metrics of the concerned JJ dweller(s)/ family member(s) will be obtained at the time of Eligibility Determination.
- (v) The entire survey process will be properly photographed so as to maintain record of the jhuggis as well as the JJ dwellers residing therein.
- (vi) In case of locked houses, the joint survey team shall carry out another visit to cover these houses after a week's time.
- (vii) After completion of the survey as above, a copy of the survey report will be kept/ displayed at the site for inspection/ information so as to invite claims and objections, if any, from the JJ dwellers. The claims/

objections may be filed before a Claim & Objection Redressal Committee" to be constituted by CEO, DUSIB, comprising of designated officers from DUSIB & LOA, within one week of display of the survey report

- (viii) After receiving claims/ objections, the same will be disposed of by the **Claim & Objection Redressal Committee** in a time-bound manner by way of passing speaking order.
- (ix) After disposal of all claims and objections, a final list of survey shall be prepared and kept in record of DUSIB. A copy of the same shall be forwarded to the LOA, and also pasted at a prominent location(s) of the JJ basti and at the designated office of DUSIB. *A copy will also be hosted on the DUSIB website.*
- (x) In addition to the above prescribed procedure, if any genuine case(s) is/are still left out, then the Appellate Authority, to be constituted as per the provisions of the Policy, may consider the same as per individual merit of the case.

C. Procedure for Eligibility determination

- (i) CEO, DUSIB will constitute Eligibility Determination Committee(EDC) comprising of officers of DUSIB (preferably Dy. Director Level), the LOA and, if necessary, the representative of concerned ERO/ AERO, as nominated by District Election Officer, to determine the eligibility of the JJ dwellers. CEO, DUSIB may devise any suitable mechanism/ procedure and/or modify/ reconstitute the EDC, as per the exigencies of the work.
- (ii) Thereafter, a detailed programme will be drawn by the DUSIB including the holding of a pre-camp at the site to facilitate filling up the requisite application form along with the necessary documents to be submitted before the EDC. The schedule for holding eligibility determination, will be intimated to the JJ dwellers, by pasting/displaying a notice in JJ basti, mentioning the place and time to appear before the EDC along with the requisite documents.
- (iii) The eligibility determination will be conducted by EDC as per the programme at the given time and place.
- (iv) The EDC will determine the eligibility as per the eligibility criteria given in the Policy. EDC will verify the documents submitted by the

- JJ dweller, carry out his bio-metric authentication by Aadhar Card/bio-metric identification by other mechanism. The JJ dweller will also be required to give a self-declaration regarding age, citizenship, family income, ownership of other house/property, etc.
- (v) The EDC will finalise a list of eligible and in-eligible JJ dwellers which will be submitted to CEO, DUSIB for approval. After approval, the list of eligible and in-eligible JJ dwellers will be displayed at the JJ Basti and at the notice board of designated office of DUSIB.
 - (vi) If any genuine case(s) is/ are still left out, then the Appellate Authority, to be constituted as per the provisions of the Policy, may consider the same as per individual merit of the case.

D. POST SURVEY STEPS

- (i) Land Owning Agency will be requested by DUSIB to deposit, in advance, the rehabilitation cost, as per the Policy.
- (ii) After receiving the cost of rehabilitation from LOA, DUSIB in the presence of representatives of eligible JJ dwellers shall conduct a draw of flats to be allotted to the eligible JJ dwellers. The LOA will be intimated the date and time for holding the draw and it may depute its representative to be present at the time of draw.
- (iii) After holding the draw of lots, demand cum allotment letter will be issued to eligible JJ dwellers asking them to deposit beneficiary contribution within stipulated period of time.
- (iv) After receipt of beneficiary contribution and its verification thereof, possession letters of the flats will be issued by the DUSIB to the eligible JJ dwellers. They will be given two months time for shifting to respective flats.
- (v) DUSIB will fix the date of removal of the said JJ basti and send an appropriate intimation to the local police authorities for providing security and maintaining law and order. No police will be provided to any agency in Delhi for removal of JJ bastis without the approval/letter from CEO, DUSIB.
- (vi) The police authorities shall extend full cooperation, and adhere to the dates so fixed by DUSIB for removal of the JJ basti, as far as possible. If, due to some unavoidable circumstances, the police authorities

request for postponement of the removal of the JJ basti, such postponement should not be more than once.

- (vii) In order to provide suitable facilities at the allotted site, DUSIB will make request to the concerned authorities, as under:
- (a) Directorate of Education, GNCTD/ MCD will be requested to make arrangement for admission of the wards of the jhuggi dwellers in the nearby schools.
 - (b) Directorate of Health Services, GNCTD, will be requested to set up a dispensary/ Mohalla Clinic in the vicinity of the flats, if not already available.
 - (c) Request will be made to open Kendriya Bhandar/Co-operative store to cater to the basic daily needs of the jhuggi dwellers, if not available in the vicinity.
 - (d) Delhi Transport Corporation (DTC) will be requested to make arrangements of DTC buses.
 - (e) DUSIB shall facilitate the availability of drinking water and sewerage facilities in the flats to be allotted.

7. STEPS AND PRECUATIONS TO BE FOLLOWED DURING REMOVAL OF JHUGGIS AND JJ BASTIS

- (i) DUSIB will prepare a schedule for removal of Jhuggis and JJ Basti (physical shifting of JJ dwellers to the allotted flats).
- (ii) DUSIB shall paste notice(s) for eviction and removal of the JJ basti, under intimation to the LOA. Announcement(s) through Public Address System (PAS) will also be made at the site.
- (iii) All the JJ dwellers, who have been issued the possession letters will be asked to demolish their respective jhuggis on the date and time fixed by DUSIB. After demolition of the said jhuggis which will be photographed, demolition slips will be issued by DUSIB and, on presentation of these demolition slips at the site of the alternative accommodation, possession of the flats will be handed over to them by DUSIB.
- (iv) DUSIB and LOA will work in close coordination with each other, at the time of removal of JJ basti, to accomplish the task.

- (v) If the jhuggi(s) is/are not demolished by the JJ dweller(s) himself/ themselves, the same will be demolished and photographed/video-graphed by DUSIB. However, DUSIB shall issue demolition slips indicating the fact that the jhuggi(s) has/have been physically demolished to those who had been issued possession letters.
- (vi) DUSIB will facilitate transportation of household articles/belongings of eligible JJ dwellers to the place of alternative accommodation, if necessary.
- (vii) After following the above process, DUSIB will demolish the jhuggis/ JJ basti with the use of the appropriate force, if required, with the help of police.
- (viii) The demolition/shifting shall not be carried out during night, Annual Board Examinations or during extreme weather conditions.
- (ix) As far as practicable, DUSIB will provide potable water, sanitation and basic health facilities at the site of demolition of the jhuggis.

8. STEPS TO BE FOLLOWED POST REMOVAL OF JHUGGIS AND JJ BASTIS

- (i) Those JJ dwellers who are not found eligible, as per the Policy, will be evicted to clear the land, if necessary, with the assistance of Police.
 - (ii) After the removal/demolition of JJ basti, the vacant possession of land will be handed over to the Land Owning Agency.
 - (iii) The removal of debris/ *malba*, etc., will be the responsibility of the LOA.
 - (iv) The vacant land, so handed over, shall, thereafter, be protected by the LOA.
9. For removal of any difficulties arising in giving effect to the provisions of this protocol, the Board may modify any provisions, if required.


(Bansh Raj)
Pr. Director (Rehab.)
DUSIB.