

**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 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.