

Government of NCT of Delhi  
 Department of Urban Development  
 9<sup>th</sup> Level, C-Wing, Delhi Secretariat  
 I.P. Estate, New Delhi-110002

F.No.730(7)/UD/BSUP/2016/ CD No.021366111/3014-22

Dated: // /12/2017

**ORDER**

In pursuance of the provision of sub-section (1) of Section 10 of the Delhi Urban Shelter Improvement Board (DUSIB) Act, 2010 (The Delhi Act 07 of 2010), the Delhi Urban Shelter Improvement Board in its 16<sup>th</sup> Meeting on 11.04.2016 approved the Delhi Slum Rehabilitation and Relocation Policy-2015. The Council of Ministers, Government of National Capital Territory of Delhi, vide Cabinet Decision No.2384 dated 08.07.2016 has approved the Delhi Slum and Jhuggi Jhopri Relocation and Rehabilitation Policy, 2015 and subsequently modified the same vide Cabinet Decision No.2482 dated 20.06.2017.

The Hon'ble Lt. Governor, Government of National Capital Territory of Delhi, has approved the said Delhi Slum and Jhuggi Jhopri Relocation and Rehabilitation Policy, 2015, which will supersede all previous guidelines of this Government in this matter and modifications thereof. It will also be applicable in all such cases where relocation of slum and Jhuggi Jhopri dwellers has already been done as per this policy.

This Order is issued in supersession of Order F.No.730(7)/UD/BSUP/2016/CD No.021366111/3002-10 dated 07.12.2017.

**Delhi Slum and Jhuggi Jhopri 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 emphasised 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) The recent Supreme Court decision in Gaiinda Ram Vs. Municipal Corporation of Delhi, [2010(10) SCC 715] reiterates 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 far way places invariably force the poor to return to their informal housing arrangements close to their place of work.
- (vi) Government of National Capital Territory of Delhi recognizes that the habitat and environment in which Jhuggi Jhopri Bastis exist is often 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) Government of National Capital Territory 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, Government of National Capital Territory of Delhi announces the following policy for rehabilitation and relocation of Jhuggi Jhopri basti.

**(a) Nodal Agency**

The Delhi Urban Shelter Improvement Board (DUSIB) will be the Nodal Agency for relocation/rehabilitation of Jhuggi Jhopri bastis in respect of the lands belonging to MCD and Delhi Government and its Department/Agencies. In case of Jhuggi Jhopri colonies existing in lands belonging to Central Government/Agencies like Railways, Delhi Development Authority, Land & Development Office, Delhi Cantonment Board, New Delhi Municipal Council, etc. the respective agency may either carry out the relocation/rehabilitation themselves as per the policy of the Delhi Government or may entrust the job to the DUSIB:

Provided that, the Agencies while doing relocation rehabilitation/in-situ redevelopment of the dwellers of Jhuggi Jhopri Bastis must ensure that the methodology, benefits and provisions adopted in such tasks are in conformity with the guidelines of Pradhan Mantri Awas Yojna and provisions which have been notified by the Central Government from time to time

**(i) Who is eligible for rehabilitation or relocation**

Jhuggi Jhopri Bastis which have come up before 01.01.2006 shall not be removed (as per National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011) without providing them alternate housing. Jhuggis which have come up in such Jhuggi Jhopri 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**

Government of National Capital Territory of Delhi 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. Government of National Capital Territory of Delhi will use the following methods to ensure that no new jhuggis come up:

- a. Government of National Capital Territory of Delhi has started procuring satellite maps every three months to keep an eye on any new constructions. New illegal constructions would be removed immediately.
- b. Government of National Capital Territory of Delhi is willing to do joint inspections with land owning agencies at regular intervals and any fresh jhuggis would be removed immediately.
- c. Government of National Capital Territory of Delhi would enroll volunteers from Jhuggi Jhopri Bastis, who will act for the Government and would inform Government if any fresh jhuggi comes up in any area.

(iii) **In-situ rehabilitation**

Delhi Urban Shelter Improvement Board shall provide alternate accommodation to those living in Jhuggi Jhopri Bastis, either on the same land or in the vicinity within a radius of five kilometers. In case of exceptional circumstances, it can even go beyond five kilometers 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 Jhuggi Jhopri Bastis on lands belonging to other Land Owning Agencies**

- i. Delhi Urban Shelter Improvement Board is willing to take over any Jhuggi Jhopri Basti on the model of **Kathputli Colony** from any land owning agency in Delhi for in-situ re-developments on the same terms and conditions on which Delhi Development Authority 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 Delhi Urban Shelter Improvement Board on these terms.

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

Master Plan of Delhi 2021 envisages that for in-situ rehabilitation of Jhuggi Jhopri 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 Jhuggi Jhopri dwellers. Delhi Urban Shelter Improvement Board will prepare a scheme of rehabilitation of any Jhuggi Jhopri Basti and use such portion of land which is required for rehabilitation of Jhuggi Jhopri 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 Delhi Urban Shelter Improvement Board is used for rehabilitation.

**(v) Relocation in rare cases**

Any Land Owning Agency will not demolish any Jhuggi Jhopri 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 National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011, which is extremely urgent and can't wait.

In the circumstances where the land owning agency brings the proposal before Delhi Urban Shelter Improvement Board (DUSIB), and Delhi Urban Shelter Improvement Board is satisfied and undertakes the demolition, the Delhi Urban Shelter Improvement Board (DUSIB) shall make all efforts to relocate the jhuggis in that Jhuggi Jhopri Basti, clear the land and hand it over to land owning agencies within next six months after the date of DUSIB resolution. In such circumstances, the land owning agency shall pay such amounts to Delhi Urban Shelter Improvement Board in advance, which meets: (i) Cost of construction of alternative dwelling units, (ii) Cost of the land which will be on 'Institutional Rate' at which Delhi Urban Shelter Improvement Board has purchased the land, (iii) 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.

This provision will come into effect only when Central Government approaches Delhi Urban Shelter Improvement Board (DUSIB) for rehabilitation, removal and relocation of jhuggi jhopri Basti. However, in this case also, the provisions which have been notified by Central Government will prevail.

**Rehabilitation work to be completed in five years –**

Delhi Urban Shelter Improvement Board (DUSIB) hopes to complete this task of rehabilitating all Jhuggi Jhopri Bastis in Delhi in the next five years, if it receives cooperation from all land owning agencies.

**Delhi Slum and Jhuggi Jhopri Rehabilitation and Relocation Policy, 2015 (PART-B)**

1. The eligibility criteria for allotment of alternative dwelling units to rehabilitate and relocate Jhuggi Jhopri dwellers would be as under:
  - (i) The Jhuggi Jhopri dweller must be a citizen of India and not less than 18 years of age;
  - (ii) The Jhuggi Jhopri basti in which the Jhuggi Jhopri 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 Jhuggi Jhopri 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 Jhuggi Jhopri dweller must appear in the joint survey conducted by the DUSIB and the Land Owning Agency;
- (v) The Jhuggi Jhopri dweller(s) will be subjected to bio-metric authentication by Aadhar Card or bio-metric identification by other mechanism;
- (vi) Jhuggi Jhopri dweller must possess any one of the 12 documents issued before 01.01.2015 as prescribed in the subsequent para;
- (vii) The beneficiary family should not own a pucca house (an all-weather dwelling unit) either in his/her name or in the name of any member of his/her family in any part of India as per the guidelines of Pradhan Mantri Awas Yojana (Urban) PMAY(U).
- (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 Jhuggi Jhopri 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 Jhuggi Jhopri 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 Jhuggi Jhopri dwellers will be removed from the Jhuggi Jhopri Basti at the time of its rehabilitation/relocation/clearance of Jhuggi Jhopri Basti.

2. As envisaged in Para 1(vi) above, the Jhuggi Jhopri 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) Delhi Urban Shelter Improvement Board 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:
- Retired Judge of the level of Additional District Judge ;
  - Retired civil servant of the level of Joint Secretary to Government of India;
  - An expert member to be nominated by the Chairperson of Delhi Urban Shelter Improvement Board;
  - Deputy Director of Delhi Urban Shelter Improvement Board to be nominated by the Chief Executive Officer (DUSIB) - as Convener
- (ii) The terms and conditions of the Appellate Authority will be decided by the Board separately.
- (iii) Any Jhuggi Jhopri dweller feeling aggrieved by any order passed by an officer/ committee, authorized to determine eligibility of the Jhuggi Jhopri dweller shall be entitled to file an appeal before the Appellate Authority within a period of thirty 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 it deems fit.
- (vi) Order passed in appeal by the Appellate Authority, duly accepted by the Chief Executive Officer, Delhi Urban Shelter Improvement Board 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/- (Rs. One Lakh Twelve Thousand) per dwelling unit having the carpet area of 25 sq.mtr (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/- (Rs. Thirty Thousand) at the time of the allotment of the dwelling unit, towards the cost of maintenance for a period of five years.
- (ii) The dwelling unit shall be allotted to the eligible Jhuggi Jhopri dweller for a period of 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 fifteen years as notified in the guidelines of 2013).

- (iii) Allotment will be made in the name of person(s) as provided under PMAY (U) Scheme guidelines.
- (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 Delhi Urban Shelter Improvement Board 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 Delhi Urban Shelter Improvement Board will have the right to re-enter the dwelling unit.
- (v) Delhi Urban Shelter Improvement Board 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 Jhuggi Jhopri 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 Delhi Urban Shelter Improvement Board will maintain the common services in these colonies for a period of five years after allotment.
- (iii) For this purpose, a Corpus in the form of "DUSIB Estate Management Fund" will be created in Delhi Urban Shelter Improvement Board.
- (iv) The allottees will have to contribute Rupees thirty thousand 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 and 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, Delhi Urban Shelter Improvement Board 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, Delhi Urban Shelter Improvement Board will also request the Government of National Capital Territory of Delhi to give *Grant-in-aid* for this fund.
- (viii) After five years, the maintenance will be transferred to the Residents Welfare Associations which will be required to get registered as Societies and work out their own mechanism for maintenance.
- (ix) Delhi Urban Shelter Improvement Board may give grant in aid to the Residents Welfare Associations/ Registered Societies of these colonies depending upon the requirement of the works to be done.

- 6. Chief Executive Officer, Delhi Urban Shelter Improvement Board is authorized to approve the operational guidelines keeping in view the overall spirit of the policy.

This issues with the approval of the Lt. Governor of the National Capital Territory of Delhi

  
(Rajesh Ranjan)  
Deputy Secretary (UD)

F.No.730(7)/UD/BSUP/2016/ CD No.021366111/ 3014-22

Dated: 11/12/2017

Copy for information & necessary action to:

1. CEO (DUSIB), Punarwas Bhawan, I.P. Estate, New Delhi.

Copy for information to:

1. Pr. Secretary to Hon'ble Lt. Governor, Raj Niwas Marg, Delhi-54.
2. Advisor to Hon'ble Chief Minister Delhi.
3. Secretary to Hon'ble Minister for Urban Development, GNCTD.
4. Secretary, Ministry of Housing and Urban Affairs, Govt. of India, Nirman Bhawan, New Delhi.
5. Vice-Chairman, DDA, Vikas Sadan, INA, New Delhi.
6. All Pr. Secretaries/Secretaries/HODs of GNCTD/Local Bodies/Autonomous Bodies.
7. SO to Chief Secretary, Delhi.
8. PA to Pr. Secretary (UD)

  
(Rajesh Ranjan)  
Deputy Secretary (UD)