

(LPS)
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Date: 25/02/13
O/o the C.E.O. (DUSIB)
N.C.T. of Delhi

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF URBAN DEVELOPMENT
9TH LEVEL, 'C' WING, DELHI SECRETARIAT, NEW DELHI


No.F.18(7)/UD/DUSIB/2011/Vol-I 23 S-0

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ORDER

Relocation and rehabilitation of the JJ dwellers has been the priority of the Govt. of NCT of Delhi for quite some time. With the launch of Jawaharlal Nehru Urban Renewal Mission (JNNURM) by the Government of India financial assistance was given to the GNCTD for construction of flats under this scheme for urban poor. Standard flats of approximately 25 sq. meters carpet area (and 32 sq. meters plinth area) have been constructed for this purpose and are now ready for allotment. A number of guidelines were issued by the GNCTD from time to time for regulating the matter of allotment of these flats like determining criteria of eligibility, prescribing procedures for publicizing and identifying beneficiaries, enumerating the documents for verification, determining the quantum of contribution from beneficiaries, land owning agencies and the government, prescribing the nature and extent of tenurial rights after allotment etc. However since sufficient number of persons did not become eligible for allotment as per the strict criteria and procedures in the guidelines and because of some court rulings, the government decided to constitute a Group of Ministers (GoM) to examine the existing guidelines and suggest appropriate modifications. After careful consideration of the report submitted by the GoM, the Lt. Governor of the Government of National Capital Territory of Delhi is pleased to issue the following guidelines, which will supersede all previous guidelines and modifications thereof.

By Order


Project Officer (BSUP)
Department of Urban Development

Guidelines for implementation of the Scheme for relocation/rehabilitation and allotment of flats to the Jhuggi Jhopri dwellers under JNNURM-2013.

1. The Delhi Urban Shelter Improvement Board (DUSIB) will be the Nodal Agency for relocation/ rehabilitation of JJ clusters in respect of the lands belonging to MCD and Delhi Government and its Departments/Agencies. In case JJ 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.
2. The DUSIB will initiate the process of notification of those 'jhuggi jhopri basties' which satisfies the conditions as given in Section 2(g) of the Delhi Urban Shelter Improvement Board, Act, 2010.
3. The DUSIB will carry out the survey of jhuggi jhopri bastis as per section 9 of the Act and in such surveys will follow the procedure as given below;
 - (a) DUSIB shall paste a notice regarding conduct of survey at least four weeks in advance at conspicuous places in the JJ Clusters and public announcement should be made through mass communication media like loud speakers and /or beating of drums etc. from the date of issue of notice on regular basis till the completion of survey, in order to ensure that all the jhuggi dwellers be informed about the survey being carried out by the DUSIB/Govt./any authorized person/ agency by the DUSIB.
 - (b) After four weeks of notice period, the joint-survey may be conducted by DUSIB so as to ensure that no genuine JJ cluster dweller is left out of the joint survey. However, in exceptional circumstances the above said notice period can be relaxed by DUSIB.
 - (c) The survey team has to ensure that the names of JJ cluster dweller and his/her family member who are actually residing in the said jhuggi (whether they are occupying the jhuggi themselves or occupying the jhuggi on rental basis), should be incorporated in the survey list. After the preparation of survey report JJ Cluster dwellers may be asked to submit the documents in support of their claim within 21 days.
 - (d) In addition to the above prescribed procedure if any genuine case(s) is/are still left-out, then the CEO, DUSIB may consider the same as per individual merits of the case.

4. For any person to become eligible for allotment under these guidelines, he/she should satisfy the following eligibility criteria and will be further subject to the conditions and procedures as under:

- (i) The JJ dweller must be a citizen of India and not less than 18 years of age;
- (ii) The JJ dweller should have been occupying the Jhuggi on or before 4.6.2009 i.e. the date of announcement of RAY by Government of India;
- (iii) The JJ dweller cannot claim the allotment of a flat as a matter of right;
- (iv) The name of the JJ dweller should figure in the joint survey conducted by Slum & JJ Deptt./ DUSIB with the representative of Land Owning Agency. Based on the joint survey and verification of documents eligibility list will be prepared by the eligibility determination committee to be constituted by CEO, DUSIB;
- (v) The JJ dweller will be entitled for one residential flat only, even if he/she is occupying more than one jhuggi;
- (vi) No flat shall be allotted if the jhuggi is used for commercial purpose;
- (vii) The jhuggi being used for both residential and commercial purpose can be considered for allotment of one residential flat only. 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 residential flat only, if such commercial and residential parts are occupied by the same person;
- (viii) In case of multi-storied jhuggi occupied by the same person or different persons for residential purpose, the allotment will be considered to the occupant of ground floor only.
- (ix) Allotment will be made in the joint-name of the husband and wife occupying the jhuggi, biometrics along with photos of both husband and wife and members of family will be prepared and maintained by Delhi Urban Shelter Improvement Board;
- (x) The flats to the eligible slum dwellers will be allotted initially on lease hold basis for 15 years and converted to free hold thereafter for which modalities will be worked out by the Delhi Urban Shelter Improvement Board (DUSIB) and Government's approval obtained;
- (xi) The lessee shall use the flat for residential purpose only;
- (xii) Neither allottee nor any of his/her family member(s) should own any plot/pucca house, full or part in Delhi;
- (xiii) The allottee shall abide by the terms and conditions of the allotment/lease deed of flat and shall pay the ground rent as to be determined by the Delhi Urban Shelter Improvement Board;
- (xiv) The Delhi Urban Shelter Improvement Board has the right to cancel allotment of the flat and to take over the possession of such flat in case the stipulated terms and conditions are violated by the allottee. In such event, such allottee

cannot claim any compensation whatsoever and such allottee shall handover the peaceful possession of the flat to the Lessor/DUSIB;

- (xv) In case it is discovered that the allotment has been procured by misrepresentation, suppression of facts or fraud and producing fake documents, etc., the allotment shall stand cancelled and possession of the flat shall vest with the Delhi Urban Shelter Improvement Board without paying any compensation to the allottee, this shall be without any prejudice to any criminal action called for;
- (xvi) Before allotment of a flat, the beneficiary shall have to file an affidavit duly verified by a First Class Magistrate /Notary Public specifying the above eligibility conditions. The photograph of the beneficiary (wife and husband together) should be pasted on the affidavit duly verified by the First Class Magistrate /Notary Public.

5. Those Jhuggi dwellers, who have come after the cut of date i.e. 4.6.2009, who do not have sufficient proof/documents of eligibility and is not covered by the eligibility norms and who have rented out / sold out the jhuggi and not in a possession of jhuggi at the time of removal. No allotment would be done against vacant /demolished / unoccupied jhuggi at the time of survey and no Jhuggi dwellers once allotted plot / flat will not be eligible for future allotment.

6. The Chief Executive Officer (CEO) of the DUSIB is authorized to constitute scrutiny/eligibility determination committee comprising of officer(s) of DUSIB, the concerned ERO/AERO/or any authorized officer(s) nominated by District Election Officer and officer(s) of the Land Owning Agency to determine the eligibility of slum/JJ dwellers. CEO, DUSIB is also authorized to devise any suitable mechanism/procedure and/or to modify/reconstitute the scrutiny/eligibility determination committee as per the exigencies of the work.

7. In order to ensure that no eligible JJ dweller (s) is left out from the Rehabilitation Scheme, the following documents will be considered for the purpose of proof of residence:

- a. The name of the JJ dweller should be in the list of electors maintained by the Office of the Chief Electoral Officer as per the instructions of the Election Commission of India on or before the proposed cut off date i.e 4.6.2009 and also in the year of survey;
- b. In addition to above the JJ dweller shall submit any one of the following documents, issued on or before 4.6.2009 to substantiate the proof of residence:
 - (i) Passport
 - (ii) Ration Card with photograph

- (iii) Driving Licence
- (iv) Identity Card/Smart Card with photograph issued by State/Central Government and/or its autonomous bodies/agencies like PSU/Local Bodies.
- (v) Passbooks issued by public sector Bank/Post Office with photograph.
- (vi) SC/ST/OBC Certificate issued by the Competent Authority with photograph.
- (vii) Pension document with photograph, such as Ex-servicemen's Pension Book, Pension payment order, Ex-servicemen's widow/dependents certificate, old age pension order or widow pension order.
- (viii) Freedom fighter's identity card with photograph.
- (ix) Certificate of physically handicapped with photograph issued by Competent Authority.
- (x) Health Insurance Scheme Smart Cards with photograph (Ministry of Labour's Scheme).
- (xi) Identity Card with photograph issued in the name of the descendants of the slum/JJ dweller from a Government School.
- (xii) The JJ cluster dweller shall have to file an affidavit duly sworn before the Notary Public about the authenticity and veracity of the documents submitted by him/her.

In the case of minor legal heirs the above said prescribed documents/requirement can be relaxed by the CEO, DUSIB. In addition to above prescribed procedure, if any genuine case(s) is/are still left out, then the CEO, DUSIB may decide the genuineness of the same on case to case basis.

8. To have uniformity in the allotment of the dwelling units available for allotment as on date, the Land Owning Agency's contribution may be kept as Rs.1,50,000/- per eligible beneficiary and the cost of the dwelling units may be shared equally by the State Government and the beneficiary after deduction of Central Government share from the actual cost of the dwelling unit. In case of *in situ* development, the eligible beneficiary will have to pay the land owning agency share in addition to the beneficiary share.

9. The rehabilitation/relocation of JJ clusters shall be started without waiting for the receipt of Land Owning Agencies contributions from the Delhi Government Departments and/or its autonomous bodies/Public Sector Undertakings and the shortage of funds on accounts of this can be met out from the funds given by Government to the implementing agency. After the removal of JJ clusters, the said land may be handed over to the Land Owning Agency and the process for recovery of the Land Owning Agency contribution may be carried out simultaneously. However, in

cases where the land owner is a Government of India Department/Agency, the cluster may be removed only after receipt of the Land Owning Agency contribution.

10. The entire relocation/rehabilitation of JJ clusters shall be treated as a public project under JNNURM/RAY, under The National Capital Territory of Delhi Laws (Special Provisions) Act, 2011.

11. DUSIB will utilise the Aadhaar/UIDAI Card data of the JJ dweller for biometric authentication. However, in case Aadhaar/UIDAI Card data is not available, then DUSIB may authenticate the JJ dweller through its own bio-metric process. Aadhaar/UIDAI/DUSIB bio-metric identity card data of each member(s) of the JJ dwellers family shall be kept in record for reference. However, production of UID/EID No. of the beneficiary will be compulsory before handing over the possession of the flat.

12. In the case of a JJ cluster dweller expiring after the date of survey, the widow/widower becomes eligible for allotment under the Scheme. However, where the JJ dweller and his/her spouse dies after the conduct of survey, the legal heir(s) who have been actually residing in the said jhuggi shall be eligible to avail the benefits under the Scheme, in order to remove hardships to the family of deceased beneficiary.

13. DUSIB shall refer specific complaint(s), if any, pertaining to foreign nationals case(s) to Delhi Police for verification and to consider remaining cases by taking an affidavit from the beneficiary regarding his/her details of permanent address and also a declaration to the effect that he/she is a *bonafide* citizen of India.

14. The cases of minor mistakes/variations in the name(s) and/or address(s) of the slum/JJ dweller/beneficiary would be decided by the CEO, DUSIB on the basis of documentation and verification.

15. Allotment of flats to the identified and selected eligible JJ dwellers will be made by computerized draw of flats by the DUSIB. Possession of the flats will be handed over to the eligible JJ dwellers by the DUSIB as per the terms and conditions.

16. The work of maintenance of flats will be the responsibility of the construction agency (DSIIDC/DUSIB) for a minimum period of five years from the date of allotment and, thereafter, the property will be transferred to the Nodal Agency/local body or RWA for maintenance. Maintenance charges as may be decided will be recovered from the allottees on sharing basis and will be deposited in the "Estate Management Fund" to be operated by the construction agency concerned.

17. DUSIB will assist those beneficiaries who are not able to arrange the beneficiary contribution to avail loans from banks /financial institutions including cooperative banks. However, in case of default in payments by the beneficiary, nodal agency i.e. DUSIB shall have the right to cancel the allotment and allot the flat to some other eligible JJ dweller.

18. In case of SC beneficiaries, financial assistance will be provided to meet the total amount of beneficiary contribution required under the relocation scheme as per the procedure prescribed vide Cabinet Decision No 1810 dated 19.9.2011 including in situ redevelopment.

19. In addition to above prescribed procedure, if any genuine case(s) is/are still left out, then CEO, DUSIB may consider the same as per individual merits of the case. The requirements of additional documents, if any, to decide the eligibility of the applicant in these cases may be decided by CEO, DUSIB.

20. The benefit of these guidelines will apply to the following eight JJ clusters namely (a) Cement Godown Moti Bagh/Netaji Nagar, (b) G-Point, Gole Market, (c) Pkt.-6, near Dhobi Ghat, DDU Marg (d) Bengali Camp at Kidwai Nagar (e) Mandir Gali, G-F Block, Karam Pura (f) Shiv Camp near Safdarjung Airport (g) Cluster near Bharti Nagar (Khan Market) and (h) Arjun Das Camp, East Kidwai Nagar, which have already been relocated by DUSIB as per the policy guidelines issued vide order dated 19.2.2010 and its subsequent amendments. However, the financial sharing pattern in these cases would be as per order dated 19.2.2010.
