

## **Present Policies & Strategies**

Of the settlements considered as sub-standard, slum and squatter settlements rank among the worst and it is the urban poor that live predominantly in such settlements

The slum areas are those that are notified under the Slum Improvement and Clearance Areas Act of 1956. Buildings and/or areas that are considered to be unfit for human habitation were declared as the slum areas under Section 3 of the Act. As such, they are considered to be legal structures and are eligible for benefits under the Act. The squatter of JJ Clusters settlements on the other hand are considered as an encroachment on public or private lands. They are therefore seen as illegal.

The programme of slum clearance was discontinued at the end of 6th plan (1980-85) i.e. from 1985. Accordingly no major resettlement was carried out till 1990 when a Resettlement Policy was formulated. This did not mean that there were no resettlement works in progress. The general policy adopted by the Government since then is two fold. One is that no fresh encroachment shall be permitted on public land by the Land Owing Agencies and the second is that those past encroachments in existence till 31st January, 1990 will not be removed without providing alternatives.

**PRESENT APPROACH:** To tackle the problem, the Govt. / the Deptt. has adopted following three pronged strategy in 1990-91, namely:

1. If the JJ dwellers are residing before 31st January, 1990 on the land urgently required by the Land owning agencies for the execution of public purpose projects then these JJ dwellers are relocated elsewhere. However, of late, this policy has been further modified and now the squatter families having ration cards with the cut-off date of 31st January, 1990 are allocated plots of size 18 sq. mtrs. and those possessing post-1990 but till December, 1998 ration cards are provided plots of size 12.5 sq. mtrs.
2. In-situ up-gradation of the slum clusters is resorted to where the Land Owing Agencies do not need the land in near future and give NOC to the effect that such clusters may be upgraded.
3. Civic amenities are provided in the JJ Clusters which do not fall in the category 1 & 2 above.

Apart from this, for the betterment of the lives of jhuggie dwellers, number of scheme like Construction of Pay & Use Jansuvidha Complexes to curb the habit of mass defecation in open; Basti Vikas Kendras to meet the social-consumption requirements of jhuggi dwellers; Shishu Vatikas to create space for slum children etc. are also under implementation.

## **STUDY & PREPARATION OF PERSPECTIVE PLAN FOR DELHI SLUMS:**

Mushrooming growth of Jhuggie clusters in Delhi is a well known phenomenon. Delhi started witnessing emergence of JJ Clusters immediately after independence of the country and with effect from 1960 onwards, Govt. has taken up resettlement of JJ families in a planned manner and till the end of 1984-85, about 2.40 lakh JJ families were resettled under various programmes from time to time. During the Seventh Five Year Plan, 1985-90, the stress was on improvement of Slums on “As is Where is basis”.

Though the minimum basic civic amenities are being provided in all the Jhuggie Jhompari clusters irrespective of their date of encroachment, a time has come when it is essential to have an integrated approach for taking care of the existing slum dwellers and also work out ways and means to curb the growth of slums as neither the city has got physical capacity nor financial resources. The growth of slums has resulted in environmental degradation as well as creating social tension and other related law and order problems.

Therefore, there is a need to have a detailed study for preparing a perspective plan for an integrated approach for development of Slums by taking resources to various approaches followed in other cities as well as international experience.

The study in question is not only essential but its justification has to be seen in relation to steps to be evolved for minimizing the immigration from neighbouring states due to socio economic reasons.

An outlay of Rs. 30.00 lakh is approved for the Annual Plan 2010-11, for organizing the studies and for arranging seminars, meetings and conducting of fresh comprehensive socio-economic survey of all the JJ clusters in Delhi.

## **MODIFIED POLICY GUIDELINES FOR IMPLEMENTATION OF THE SCHEME FOR RELOCATION / REHABILITATION AND ALLOTMENT OF 7900 FLATS TO SLUM & JJ DWELLERS IN THE FIRST PHASE: (Cabinet Decision No. 1613 dated 03/02/2010)**

1. The Council of Ministers of Govt. of NCT of Delhi in the meeting held on 03.02.2010, considered and approved modified policy guidelines for implementation of scheme for relocation of slum dwellers and allotment of 7900 flats to Slum & JJ dwellers in the first phase. Further, the Cabinet also resolved that all eligible applicants who have applied under ‘Rajeev Rattan Awas’ and who fulfill the criteria as detailed in the Order shall also be eligible for allotment of flats on the prescribed terms and conditions.

The Government of NCT of Delhi vide Cabinet decision no 1263 dated 20.08.2007, Cabinet decision no. 1271 dated 03.09.2007 and Cabinet decision no. 1354 dated

**04.02.2008, Cabinet decision no. 1411 dated 22.05.2008 and Cabinet decision no. 1556 dated 10.08.2009 approved the allotment of flats instead of plots, on lease-hold basis for 99 years and criteria of survey and identification of beneficiaries by the DUSIB, maintenance of assets, eligibility criteria, financial assistance pattern, priority of relocation of slum clusters and draw of lots and handing over possession of flats by DUSIB etc., under the low cost housing scheme (JNNURM) as per the approved policy of the Government of NCT of Delhi (GNCTD) in the case of slum dwellers subject to clearance by the Hon'ble High Court. Allotment of flats being constructed by DSIIDC in the first phase will be taken up first for Slum & JJ dwellers. For eligibility in the context of residence in the jhuggie, the cut off date was fixed as 31.12.1998. All the eligible JJ dwellers in the clusters to be removed will be offered alternative accommodation irrespective of whether they had applied for allotment under Rajiv Rattan Awas or not.**

**2. On the requests of the land owing agencies, DUSIB carries out joint surveys / biometric identifications of Slum dwellers as per policy for relocation / rehabilitation. There remained about 860 JJ clusters left out for relocation/ rehabilitation in the beginning of 2009. DUSIB reported that eligibility of a dweller in context of residence in a jhuggie as on 31.12.1998 is not determined on the verification reports received from the Food and Supplies Department as most of the ration cards have been renewed after 1998 and such dwellers are not able to produce the pre-31.12.1998 rations cards for verification. DUSIB also informed that allotment of flats on leasehold basis will lead to dismal situation of flat being captured or taken over by the ineligible/ unauthorized persons which will also be contrary to the court orders.**

**3. Both the afore-said issues invited the attention of the Government and were discussed at different levels. Consequently, voters' list containing the name of the dwellers as on 31.12.1998 as well as on the date of survey was suggested as an additional document for acceptance, in addition to the ration card issued prior to 31.12.1998 or any date thereafter till the date of survey, for determining the eligibility. As regards to the possibility of flats allotted on leasehold basis going into the hands of ineligible and unauthorized persons and contravention of the court orders, it was suggested to allot the flats on license basis initially for a period of 15 years which may be extended later if needed.**

**4. Resultantly, a proposal was placed before the Council of Ministers, GNCT Delhi for reviewing the guidelines accordingly for effective implementation of the relocation / rehabilitation of Slum & JJ dwellers. The Council of Ministers, after consideration, approved the modified policy guidelines to the extent as below for implementation of**

the scheme for relocation/ rehabilitation and allotment of 7900 flats constructed by DSIIDC to the Slum & JJ dwellers in the first phase vide decision no. 1613 dated 03.02.2010.

**(a) Nodal Agency for the Scheme:**

DUSIB will be Nodal Agency for relocation/ rehabilitation of JJ clusters from the lands belongings to MCD and Delhi Govt. and its department / agencies. In case of Central Govt./ agencies like Railways, Delhi Development Authority, Land & Development Office, Delhi Cantonment Board, New Delhi Municipal Council, etc. they will be free to carry out the relocation/ rehabilitation themselves as per the policy of the Delhi Govt. or may entrust the job to DUSIB.

**(b) Survey:**

(i) A priority list for shifting of JJ clusters would be prepared by DUSIB in consultation with the Urban Development Department, Government of NCT of Delhi, in the first phase survey for shifting of 44 JJ clusters, as mentioned in Annexure-I, will be carried out by DUSIB.

(ii) On the request of the Land Owning Agency, the joint-survey and biometric identification with photos of the beneficiaries families i.e. husband, wife and family members would be carried out jointly by DUSIB and land owning agency.

(iii) If jhuggies had come up after 31.12.1998 and the JJ dwellers who do not fulfill the eligibility conditions will be treated as ineligible and their jhuggies will be removed/ demolished by the concerned Land Owning Agencies so that cluster is cleared as a whole.

**(c) Eligibility Conditions:**

(i) The beneficiary JJ dweller must be a citizen of India and not less than 18 years of age.

(ii) The annual income of the family of the JJ dweller should not be more than Rs. 60000/-,(Rupees Sixty Thousand) as is also the criteria under Basic Services to Urban Poor, Government of India.

(iii) The JJ dweller cannot claim the allotment of a flat as a matter of right.

(iv) The name of JJ dweller should figure in the joint bio-metric survey conducted by DUSIB with the representative of the land owning agency concerned. Based on the joint survey/bio-metric survey done by the DUSIB and land owning agency, verification of documents and determination of eligibility, the eligibility list will be finalized by a

**Committee comprising of the Deputy Director (SUR), Food Supply Officer, Tehsildar, Assistant Electoral Registration Officer of the area concerned and Officer of the land owning agency of the cluster.**

**(v) The JJ dweller will be entitled for one residential flat only even if he/she is occupying more than one jhuggies.**

**(vi) No flat shall be allotted if the Jhuggie is used for commercial purpose.**

**(vii) The Jhuggie 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 jhuggie 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-storeyed jhuggie 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 jhuggie, Bio-metrics alongwith photos of both husband and wife and members of family will be prepared and maintained by Slum & JJ Department.**

**(x) The cut off date of residing in the jhuggie for making a JJ dweller eligible for allotment shall be 31.12.1998. The name of the JJ dweller should be in the voters' list as on 31.12.1998 and at the time of survey and he/she should also possess ration card issued on any date pre 31.12.1998 or thereafter, upto the date of survey.**

**(xi) The allotment of flat will be subject to the result of pending decision and outcome of the SLP (Civil No. 3166-3167/2003) in the Hon'ble Supreme Court of India and all other similar cases relating to Slums relocation pending in the various courts.**

**(xii) In case a JJ dweller expires after the survey but his/her legal heirs are in possession of jhuggie with all the required documents of eligibility as stated above, the claim of his/her, widow/widower, could be considered for allotment of flat. However, such allotment would be subject to completion of all other conditions. In such case, only one flat will be allotted.**

**(xiii) The allotment of the flat will be made by DUSIB on licence basis, initially for 15 years which may be extended. The licence is not transferable in any manner whatsoever except in case of death of the licensee. The licensee shall not rent out and part with the possession of the flat and the same will be exclusively used for his/her family members only.**

**(xiv) The licensee shall use the flat for residential purpose only.**

**(xv) Neither allottee nor any of his/her family member(s) should own any plot/pacca house, full or part in Delhi.**

**(xvi) The allottee shall abide by the terms and conditions of the allotment of flat on license basis and shall pay the license fee/ ground rent as to be determined by DUSIB in a reasonable manner and shall continue to pay the same timely.**

**(xvii) DUSIB has the right to cancel allotment of the flat and to takeover 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 allottees shall handover the peaceful possession of the flat to the licensor.**

**(xviii) 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 licensor without paying any compensation to the allottee. This shall be without any prejudice to any criminal action called for.**

**(d) Non-Eligibility Conditions:**

**Allotment of flats will not be made in the following cases:-**

**(i) If Jhuggie has come up after 31.12.1998 and a jhuggie dweller does not have sufficient proof/ documents of eligibility and is not covered by the above eligibility norms.**

**(ii) The owners of Jhuggies who have rented out/ sold out the Jhuggies and are not in possession of a jhuggie at the time of removal.**

**(iii) Vacant/ demolished/ unoccupied jhuggie at the time of survey.**

**(iv) The JJ dwellers squatting on road berms, foot-paths, right-of-way, community areas, safety zones of railways as per court orders.**

**(v) Jhuggie dweller once allotted plot/ flat will not be eligible for future allotment.**

**(e) Filing of an Affidavit by a JJ dweller:**

**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 both) should be pasted on the affidavit duly verified by the First Class Magistrate/ Notary Public.**

**(f) Average size of flats:**

Standard and average size of flat will be 25 sq. meters carpet area approximately (32 sq. meters plinth area approximately). It is likely to vary slightly due to topography, location and other reasons.

**(g) Financial Assistance Pattern:**

About 25 sq. meters of carpet area (32sq. meters plinth area) would be built up with the following approximate sharing of costs:

Govt. of India contribution =	Rs. 1, 19,000.00
Beneficiary contribution =	Rs. 60,000.00
Land Owning Agency contribution =	Rs. 93,000.00
Delhi Govt. contribution =	Rs. 62,000.00
Total =	Rs. 3, 34,000.00

However, the above is only illustrative in nature and will be determined on pro-rata basis depending upon the carpet area, cost index, location, area and cost of the flat.

**(h) Beneficiary's contribution:**

The beneficiary contribution amounting to Rs. 60000/- which will be subject to change per eligible JJ dweller and would be deposited with the nodal Agency in a separate account known as 'State Infrastructure Development Fund'.

**(i) Land Owning Agencies contribution:**

The land owning agencies on whose lands slums have come up have to make their contribution to the Nodal Agency as may be fixed from time to time for clearing their lands and relocation/ rehabilitation of JJ dwellers. The amount received will be deposited in a separate account to be maintained by the Nodal Agency.

**(j) Loan from the Banks/ Financial Institutions:**

With regard to beneficiary contribution, those not found payable will be arranged by the DUSIB from banks/ financial institutions including Co-operatives banks. Loans will be sanctioned preferably under Tripartite Agreement among Bank, Nodal Agency and Allottee. In case there is default in payments, Nodal Agency i.e. DUSIB shall cancel the license and allot the flat to other eligible slum dweller.

**(k) Allotment of Flats:**

**The allotment of flats to the identified and selected eligible JJ dwellers will be made by computerized draw of flats by DUSIB and the possession of the flats will be handed over to the eligible JJ dwellers by DUSIB as per the terms and conditions. If any allottee fails to takeover the physical possession of the flat allotted to him/ her within thirty (30) days of the allotment, the allotment shall stand cancelled and it will be deemed that the JJ dweller does not require the flat.**

**(l) Maintenance of Flats:**

**The work of maintenance of flats will be the responsibility of the construction agency 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 maintaining and providing services and management of building. 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.**