

**DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT. OF NCT OF DELHI
(PARLIAMENT CELL)**

**Room No.31, Punarvas Bhawan,
I.P. Estate, New Delhi-110002**

No. DD/PC/DUSIB/D- 191


dated: 29/07/21

To,

The Dy. Secretary (Question Cell)
Delhi Legislative Assembly, Delhi-54

Subject:- Providing reply in r/o Un-Starred question no. 94 dated
30/07/2021.

Please find enclosed herewith **100 copies** of reply of Un-Starred question no. 94 raised by Sh. Jai Bhagwan Upkar, Hon'ble MLA, duly approved by the Competent Authority.


Deputy. Director(PC)
Phone No. 23370455

Copy to:-

Director(DIP) along with **150 copies**.

दिल्ली शहरी आश्रय सुधार बोर्ड
राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार
संसद कक्ष

पुनर्वास भवन, कमरा न0-31
आई0पी0इस्टेट, नई दिल्ली

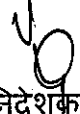
अतारांकित प्रश्न संख्या- 94

दिनांक: 30/07/2021

प्रश्नकर्ता का नाम: श्री जय भगवान उपकार

क्र.सं.	प्रश्न	उत्तर
(क)	इसिब द्वारा 2004 में शाहबाद दौलतपुर क्षेत्र में झुगियों को तोड़ा गया था कुछ लोगो को प्लॉट दे दिए गए, कुछ लोगो को अभी तक प्लॉट नहीं दिए गए तो उनको प्लॉट कब तक मिलेंगे,	उपरोक्त विषय में महोदय को यह बताना उचित होगा कि वर्ष 2007 में आवंटन से सम्बंधित अनियमितताएं पाये जाने के बाद अब विभाग की सुर-शाखा द्वारा आवंटन से सम्बंधित सभी कार्यों को आदेश सं० F-22/Dir(SUR)/S/08/AD(C)/ D-55 दिनांक 01/07/2008 (अनुलग्नक-‘क’) के तहत अगले आदेश तक लंबित रखा गया है यह एक नीतिगत मामला है तथा जब तक इस विषय में कोई नीति नहीं बन जाती तब तक इस सन्दर्भ में आगे की कार्यवाही संभव नहीं है।
(ख)	और जिन लोगो के 1680 रुपये जमा हो गए हैं उनको बाकि सम्बंधित कागजात कब तक दिए जायेंगे ?	उपरोक्त 1 के अनुसार।

यह उत्तर सक्षम अधिकारी की पूर्व अनुमति से प्रेषित किया जाता है।


उप निदेशक (संसद प्रकोष्ठ)

उप-सचिव(प्रश्न शाखा), पुराना सचिवालय दिल्ली-110054.

अनुलग्नक - 'क'

31C

SLUM & JJ DEPARTMENT
MUNICIPAL CORPORATION OF DELHI

URGENT
CONFIDENTIAL

No. F-22/DIR(SUR)/S/08/PD(0)6-55

13th July,
Dated: 30th June, 2008

To

The Principal Secretary (UD),
Department of Urban Development
Govt of NCT of Delhi,
Level-9th Wing-C,
Delhi Sectt. I.P.Estate,
NEW DELHI

Sir,

This is regarding implementation of the approved **Plan Scheme of RELOCATION OF SQUATTERS** by Slum & JJ Department on behalf of Delhi Government since 1990-91. The relocation process, as per the latest policy guidelines/relocation policy, involves various steps beginning from the receipt of the request from the concerned land Owning Agency for getting its encroached land vacated for execution of public importance project; conducting of joint bio-metric survey to ascertain the exact number of eligible families for provision of alternative place as per the policy determination of eligibility on the basis of the documents submitted/verified by the concerned issuing authorities i.e. Food & Supplies Department, GNCTD as well as Election Office; raising of demand note; fixing of priority and to conclude, actual removal/shifting of the squatter families and handing over the vacant land possession to the Land Owning Agency as a final step.

In the aforesaid chain of events, from the past experience, it has been observed that the main obstacle in the smooth implementation of this scheme, perhaps, begin with the initial step of joint survey itself and which keeps on lingering and becomes a perennial headache for the Department, in the coming days/months/years/decades to come, on the following accounts:-

- Even after repeated visits non-availability of squatter families in the jhugie clusters
- Non production of documents inspite of advance information by way of pasting of posters in these JJ Clusters.
- Production of the documents which are not in consonance with the approved policy for different sizes of plots
- Production of documents by the tenants as well as owner for the same jhuggie
- Production of separate document in the name of head of the family as well as the other adult member etc. for seeking additional allotments

With the passage of time, even after removal/shifting of squatter families from the JJ Cluster, these families keep knocking the doors of Slum & JJ Department for provision of alternative plots with the documents, which only for the reason best known to them, they had not been able to produce at the time of joint survey. Due to non-availability of any foolproof mechanism to verify their antecedents and without specific policy/guidelines for the treatment to be meted out to them, the same kept on piling up and even till day-in and day-out, in an unending stream, the requests keep on pouring in the Department. However, it is not denied that

4/c 10/8

in the past, (may be due to pressure exerted from various quarters.) it appears that in general cases some pick-and choose policy was adopted for dealing with these kind of cases, till a situation arose when discretion overtook the established norms, situation gone out of hand, leading to in-depth investigations by the Anti Corruption Branch of Delhi Police in 2001 and further by CBI in the infamous land scam of July-August, 2007. (2)

The scam unearthed by the CBI, jolted and compelled the Department to look at the policy de-novo to ascertain the loop-holes in the system which had been exploited because of non-availability of clear-cut policy guidelines in this regard. An in-depth detailed and comprehensive exercise was undertaken by the Department. During the course of this detailed and comprehensive exercise and after going through the available records and after a number of meetings, a consensus emerged that these **left-over** cases had played a havoc with the holistic implementation of this policy. Even during the course of interaction with the CBI and other investigating agencies, it has been pointed out that in the whole episode, in majority, the **left-over** cases had been the gray areas. (3)

In this context, kind attention is also invited to the communication from Shri P.P.Malhotra, Additional Solicitor General of India dated 12th/16th May, 2004 referring the judgement of Hon'ble High Court of Delhi dated 29th November, 2002 delivered by the Division Bench consisting of the then Hon'ble Acting Chief Justice and Hon'ble Justice Sanjay Kishan Kaul in **CWP No. 4441/94 and 2112/2002 in the matter of OKHLA FACTORIES ASSOCIATION AND OTHER VS GNCTD AND OTHERS and WAZIRPUR BARTAN NIRMATA SANGH VS UNION OF INDIA AND OTHERS** had issued specific eleven directions including the following: (4)

"If some persons still remain without allotment and were in occupation of any site prior to 31.01.1990, the money, if received from them should be refunded and no further plots be created to accommodate such persons. (5)

We are thus of the considered view that the continuing existence of such a policy serves no social purpose. Such a policy without any social criteria, is illegal and arbitrary and we hereby proceed to quash the same which requires alternative sites to be provided to Slum dwellers occupying public land before they can be removed from such public land. (6)

Interim stay granted by the High Court of Delhi at New Delhi vide its Order dated 29th November 2002 in CW NO. 4441 of 1994 and 2112 of 2002 shall continue except the Authority may allot land. However, such allotment would clearly specify that the allotment would be subject to the results of these petitions" (copy enclosed). (7)

As per the communication of Shri P.P.Malhotra, **ADDITIONAL SOLICITOR GENERAL OF INDIA**, dated 12th/16th May, 2004, referred above, the Hon'ble High Court has taken cognizance for not complying with the directions of the Hon'ble High Court and has observed, as under:

"**Learned ASG fairly states that there is no stay of the impugned judgment of the Division Bench of the Court by the Hon'ble Supreme Court of India, but only certain directions have been stayed. It is, thus, assured that the Government will take necessary steps for implementation of other directions passed in Wazirpur Bartan Nirmata Sangh's case (SUPRA) other than those which are stayed in the Hon'ble Supreme Court**" (copy enclosed).

3/c a/c

~~However~~. Since Slum & JJ Department happens to be only an implementing agency on behalf of Delhi Govt., emergent clarifications are solicited on the eleven directions issued by the Hon'ble High Court of Delhi on 29th November, 2002, specifically relating to consideration of all "**LEFTOVER CASES**" vis-a-vis partial stay granted by the Hon'ble Supreme Court of India in SLP No. 3166-3167/03 titled UNION OF INDIA VS OKHLA FACTORY ASSOCIATION AND OTHERS AND SLP NO. 6313-6314 TITLED GOVT. OF NCT VS OKHLA FACTORY ASSOCIATION AND OTHERS. 8

However, till the receipt of the clarification from Delhi Govt. the consideration of the all the leftover cases in any manner have been kept in abeyance with the approval of the Competent Authority i.e Commissioner, MCD. 9

Further, the Department is also in a dilemma in the case of those squatter families who had already deposited their share of Rs. 7000/- (Rs. 5000+ 2000 as advance licence fee @ Rs. 200/- per annum) as to whether the same has to be refunded or forfeited. The clarification in this regard before initiating further action is also solicited from Delhi Government.

However, for smooth implementation of the RELOCATION POLICY, the involvement of the Land Owning Agency, being a key player has been made more effective at each and every step viz verification of Ration Cards and Voters I.Cards from the concerned issuing Authorities in close coordination with Slum & JJ Department, providing men and machinery for removal/shifting of JJ Cluster; providing transportation for shifting of eligible jhuggie families from concerned JJ Cluster to relocated site; seeking necessary clearance from Competent Authority in respect of Religious Structures if any; sending requisition for providing adequate police force for maintaining law and order on the day of removal/shifting and for maintaining complete transparency, their active association is needed at the time of draw of lots etc.

It is therefore, kindly requested that the emergent clarification on the above listed issues particularly on the left over cases may please be conveyed to Slum & JJ Department at the earliest as it is in the midst of removal/shifting of large number of JJ Clusters in the wake of ensuing COMMONWEALTH GAMES.2010 and in compliance of the orders of the Hon'ble High Court of Delhi and Hon'ble Supreme Court of India.

Yours faithfully,


(P.S. TOMAR)

ADDL. COMMISSIONER(S&JJ)
o/c

Copy to:-

Commissioner, MCD for kind information please.

ADDL. COMMISSIONER(S&JJ)
o/c