

REHABILITATION OF JHUGGI JHOPRI CLUSTERS IN DELHI

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India's capital is marked by different settlement types, defined by diverse degrees of formality, legality, and tenure. As part of a larger project on urban transformation in India, Cities of Delhi seeks to carefully document the degree to which access to basic services varies across these different types of settlement, and to better understand the nature of that variation. Undertaken by a team of researchers at the Centre for Policy Research (CPR), New Delhi, the project aims to examine how the residents of the city interact with their elected representatives, state agencies, and other agents in securing public services.

Through three sets of reports, the project provides a comprehensive picture of how the city is governed, and especially how this impacts the poor. The first is a set of carefully selected case studies of slums, known as jhuggi jhopri clusters (JJs) in Delhi, unauthorised colonies, and resettlement colonies. The second set of studies explores a range of different processes through which the governing institutions of Delhi engage with residents. The third focuses on selected agencies of governance in Delhi. All reports are made public as they are completed.

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Jhuggi Jhopri Clusters in Delhi

The jhuggi jhopri cluster (JJ) is one of seven types of 'unplanned' settlement designated by the Government of National Capital Territory of Delhi (GNCTD). JJs are located on "public land"—land owned by agencies like the Delhi Development Authority (DDA), the Railways, or the Central Public Works Department—and have been constructed without permission. As a result, JJs are often described as "encroachments" by governing agencies in Delhi, and their residents have experienced repeated waves of eviction and resettlement since the 1960s.

In 2011, the Delhi Urban Shelter Improvement Board (DUSIB), the state agency responsible for governing JJs in Delhi, estimated that there were 685 JJs in Delhi, containing 418,282 jhuggis or households. In 2014, the DUSIB released another set of data based on a socio-economic survey carried out across all JJs in Delhi. This latest data reports 672 JJs in Delhi, containing 304,188 jhuggis. It is worth noting that only 96 JJs (14.3 per cent) are on lands owned by the DUSIB; 352 JJs (52.4 per cent) sit on land owned by the Delhi Development Authority (DDA), an agency of the central government.

Current policy for rehabilitation of JJs in Delhi

When JJ residents are evicted, current policy mandates that arrangements be made for their resettlement at another location. This process—in which residents are relocated and in some cases allotted land or a flat designated for the 'economically weaker sections' (EWS)—is known, broadly, as rehabilitation. It is not an automatic process, and it is governed by complex regulations that mean not all evicted residents are ultimately 'rehabilitated'.

The current policy for rehabilitation of JJs in Delhi is outlined in a GNCTD order released on 25 February 2013, which replaced the GNCTD's 2010 guidelines on rehabilitation. The 2010 guidelines had marked a key shift in Delhi's rehabilitation policy: instead of allotting eligible residents removed from JJs undeveloped plots, the government began allotting EWS flats.

The 2013 guidelines clearly designate the DUSIB as the nodal agency for rehabilitation and resettlement of people living in JJs on land owned by the departments and agencies of the GNCTD and the Municipal Corporations of Delhi (MCDs). The guidelines detail the process for surveying a JJ and determining households' eligibility for rehabilitation, mandating that eligible households be allotted 25 square meter EWS flats.

The guidelines define the DUSIB as a single coordinating body for these processes. They do not, however, require that land owning agencies inform DUSIB before relocating residents of a JJ, effectively undermining this coordinating structure.

Eligibility criteria for rehabilitation

A JJC household's eligibility for rehabilitation depends on being able to prove residency before a given date or 'cut-off date'. In February 2013, the GNCTD extended the cut-off date from 31 January 2007 to 4 June 2009. To prove eligibility, residents must submit a voter ID card from three different years: one from a date prior to 4 June 2009; another from the year DUSIB surveyed the JJC; and a third from a date prior to the first day of the year of rehabilitation. Applicants must also provide an additional proof of residence that satisfies the 2009 cut-off date, as well as reporting the unique identification (UID) numbers of the applicant and his or her spouse. (This additional residence proof can be any one of twelve documents, such as driving license, ration card, PAN card, passbook from a public sector bank, etc.). Until February 2013, applicant households also had to meet an income cut-off. This requirement has been dropped.

Conditions for allotment of flats

In addition to the cut-off date criteria, a household must agree to a series of conditions to receive an EWS flat. These are set out in the February 2013 order, and include the following:

- ▶ The JJC resident must be an Indian citizen above 18 years old, and neither he nor any of his family members can own a plot or pucca house in full or in part in Delhi.
- ▶ The JJC resident, "cannot claim the allotment of a flat as a matter of right".
- ▶ The JJC resident will be entitled to one residential flat only, even if he or she is occupying more than one jhuggi.

- ▶ No flat shall be allotted to a JJC resident using a jhuggi for exclusively commercial purposes.
- ▶ Flats are allotted on a leasehold basis for 15 years and thereafter converted to freehold. (The process for this conversion has yet to be put in place.)
- ▶ The flat can be used for residential purposes only.
- ▶ The allottee shall abide by the terms and conditions of the allotment/lease deed for the flat and shall pay ground rent as determined by DUSIB. (This rent is not specified in the government order.)
- ▶ The DUSIB has the right to cancel the allotment if any term or condition is violated by the allottee; in the event of such termination the allottee cannot claim any compensation from DUSIB.

JJCs on land owned by agencies of the central government

According to the guidelines, central agencies that own land on which JJCs are situated "may either carry out the relocation/rehabilitation themselves as per the policy of the Delhi Government or may entrust the job to the DUSIB". This means that, while the DUSIB is meant to coordinate all rehabilitation, central government bodies are not required to work with the agency and can act independently, although they are still required to follow Delhi government policies. It is worth noting that 449 JJCs (66.8 percent of the latest count) are on land owned by central government agencies.

MORE INFORMATION

A study of eviction and demolition in one JJC in Delhi can be found in: Subhadra Banda and Shahana Sheikh, 'The Case of Sonia Gandhi Camp: The Process of Eviction and Demolition in Delhi's Jhuggi Jhopri Clusters'. A report of the Cities of Delhi project, Centre for Policy Research, New Delhi (April 2014).

The report is available at: citiesofdelhi.cprindia.org/reports/the-process-of-eviction-and-demolition-in-delhis-jhuggi-jhopri-clusters

An in-depth analysis of the DUSIB is available in: Shahana Sheikh and Subhadra Banda, 'The Delhi Urban Shelter Improvement Board (DUSIB): The Challenges Facing a Strong, Progressive Agency'. A report of the Cities of Delhi project, Centre for Policy Research, New Delhi (May 2014).

The report is available at: citiesofdelhi.cprindia.org/reports/the-delhi-urban-shelter-improvement-board-dusib/

A fair process for rehabilitation of JJs in Delhi

While separate government orders and legislation have indicated eligibility criteria for rehabilitation, what an eligible resident of a JJC is entitled to, and how surveying of households to be considered for rehabilitation is to be undertaken, there is no single policy document where the terms and process for eviction is laid out. Based on a review of the relevant orders and legislations, we have attempted to collate the due procedure for an eviction from land owned by an agency of the GNCTD or one of the MCDs, printed in the right column of this page.

Progress made under the 2013 policy

By July 2013, nearly 100 JJs in Delhi had been 'prioritised' for rehabilitation; at this point, 265 households from 8 JJs had been moved to EWS flats in Bawana, a locality in northwest Delhi, as much as 40 kilometres from the JJs. During the DUSIB's 9th board meeting in August 2013, the Board reported that after scrutiny of the more than 8,000 applications, about 3,000 households, or 45 per cent, were found to be eligible for flats. These decisions on eligibility were presumably taken based on the 2009 cut-off date. In contrast, around the same time, it was reported that nearly 15,000 flats were ready for allotment, and several thousand more were under construction.

Since then, many more applications from JJC residents have been submitted and thousands of allotment letters have been issued. No additional JJC residents, however, have been resettled, and several thousand EWS flats that have been constructed in Delhi's periphery—in locations such as Savda Gheva, Bhalaswa, Sultanpuri, Bapraula, Kajhawala, and Bawana—remain vacant.

Due Procedure for an Eviction from Land Owned by a GNCTD Agency

1. JJC land is required
 - i. A Land Owning Agency (LOA), which is a department of the GNCTD or one of the MCDs, requires land on which a JJC is situated for a public purpose
 - ii. The concerned LOA informs the DUSIB of the requirement to clear the land and hence, "prioritizing" the JJC for relocation
2. JJC households are surveyed.
 - The DUSIB and LOA undertake a survey of households during which they:
 - i. Issue a notice for survey
 - ii. Inform the community of the survey methods, including documentation prerequisites
 - iii. Conduct household survey
3. Decision on eligibility
 - The DUSIB decides which of the surveyed households are eligible for relocation
4. Eligibility list released
 - i. The DUSIB releases a list of those eligible for relocation and those who are not, and effectively communicates the same to affected parties (through internet and other means)
 - ii. The DUSIB provides a grievance mechanism
5. Distribution of possession letters
 - i. Letters for possession of EWS flats distributed by the DUSIB to households found to be eligible for relocation
 - ii. The beneficiary contributes his or her contribution to secure an EWS flat
6. LOA fulfils obligations
 - i. Subsidy to the DUSIB for flats, according to the number of households found eligible for relocation
 - ii. Certificate for requirement of land
7. Notice for eviction
 - i. Date of eviction and relocation is decided jointly by the DUSIB and LOA
 - ii. Notice issued and effectively communicated to parties
 - iii. A forum to challenge eviction is provided
8. Service provisioning
 - i. At the site of eviction
 - ii. Provision of transport for households to relocation site
 - iii. Basic services at relocation site

Illustration:
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