

**DELHI DEVELOPMENT AUTHORITY
OFFICE OF PR.COMMISSIONER(H,LD&CWG)**

**Sub: Draft Slum Rehabilitation Policy based on
Mumbai's Slum Rehabilitation Policy**

One of the major challenges that face DDA is to handle the issue of encroachment on the various pieces of land under its control. Being a developmental agency, DDA framed the Master Plans as also acquired land for implementing the various developmental schemes. Unfortunately, since there was a time lag between the land acquisition and implementation of the developmental projects, large tracts of empty land got encroached by way of slums. Since DDA did not look at itself as a slum rehabilitation agency, in the last many years has been adopting various approaches to Slum rehabilitation. Needless to say that under the given circumstances these approaches have been sporadic and not a part of an overall strategy. To begin with, DDA allotted plots of land to rehabilitate the JJ dwellers whose clusters were removed. DDA had sufficient amount of land at that point of time and therefore DDA could afford to carve out plots and provide these plots to rehabilitate the JJ dwellers. Increasingly the availability of land has come down and not only that the cost of land has also gone up, resulting DDA not being able to provide plots of land to the JJ dwellers. Subsequently, DDA also allotted flats to rehabilitate the JJ dwellers.

2. Later DDA considered the 'In situ' rehabilitation as a strategy probably realising that it is virtually impossible to relocate the encroachers and as also the Govt. started encouraging in situ-rehabilitation of JJ clusters keeping in view the livelihood issues of JJ dwellers. As a pilot project, DDA took up the rehabilitation of Katputhli colony, an old slum cluster of DDA land. This project was awarded to the successful developer based on open competitive bidding. The developer's mandate was construction of 2800 dwelling units in-situ in a period of two years after getting possession of encroachment freehold and to construct a transit camp to accommodate the JJ dwellers during the period of construction. The transit camp was ready

by end of 2012. But the Kathputli colony could not be handed over to the Developer for starting the construction. It had been assumed that the slum dwellers would move out of the Kathputli colony of their own volition as the re-developed colony was supposed to be the major incentive. At no point of time a formal or an informal agreement was drawn up between slum dwellers, DDA and the developer, wherein the JJ dwellers prior consent was sought for the rehabilitation.

3. Once the shifting was announced formally in Feb., 2014, the resistance of the JJ dwellers started appearing. They raised issues like providing them pieces of land either at the same place or anywhere else, to accommodate the 1st floor/2nd floor dwellers etc. To further incentivise the shifting, the cut off date for consideration of eligibility was shifted from 4th June, 2009 to 31st Jan., 2011, the first/second floor occupants were also considered. But despite all these measures, the shifting of the JJ dwellers to the transit camp did not pick up. On analysis, it was found that prior consent from the Slum dwellers was one of the key elements that was missing in this project. It resulted in the slum dwellers being taken in different directions by various interested elements, resulting in the implementation of the project getting slowed down. Hence prior consent of the JJ dwellers, it is visualized, should be the key element in successfully implementing any rehabilitation programmes.

4. Keeping the above in view and also as a long term cohesive strategy, as DDA has to rehabilitate 291 slum clusters, DDA considered various options for slum rehabilitation. Amongst the various models studied by DDA, the rehabilitation model adopted in Mumbai appeared most viable. In this context, it may be mentioned that Mumbai had gone through the various phases of slum rehabilitation. Initially the authorities were merely clearing the slums without any provision for rehabilitation. In the next phase, they started providing civic amenities and in the third phase the Govt. started providing slum land on long lease to the cooperative societies of slum dwellers at nominal rates and also provided upgraded civic

amenities and provided soft loans to the slum dwellers for renovation of their individual structures on 'as is where is basis'.

5. In the current phase, the Government of Maharashtra has launched a Comprehensive Slum Rehabilitation Scheme by introducing an innovative concept of using land as a resource and allowing incentive by way of saleable floor space index (FSI) in the form of tenements for sale in the open market, for cross-subsidisation of the slum rehabilitation tenements which are to be provided free to the slum-dwellers. Through necessary statutory amendments, the Government has established Slum Rehabilitation Authority (SRA) to serve as a planning authority for all slum areas in Greater Mumbai and to facilitate the slum rehabilitation schemes.

6. The Government of Maharashtra in Urban Development Department sanctioned the Development Control Regulations (DCR) for Greater Mumbai under MR & TP Act, 1966 and the same have been made operative with effect from 25th March, 1991. Under DCR No. 33(10), redevelopment of slums through promoters like owners/developers/Co-operative housing societies of slum-dwellers/non-governmental organizations (NGO) was made permissible for censused slums or such slums whose structures and inhabitant's name appeared in the electoral roll of 1985, with floor space index (FSI) upto 2.5.

7. There were further guidelines prepared enabling the promoters to earn a profit upto 25% and incentive FSI was being allowed with a cap of 2.5, to accommodate both rehabilitation and free sale components. The area of the rehabilitation tenement was 180 sq.ft. and the slum dwellers were required to pay `15,000 to `18,000/- per tenement as their contribution. The remaining cost of the tenement was cross subsidized from the free sale area. A copy of the guidelines of Mumbai slum rehabilitation scheme is at Annexure.

8. Considering the experience of Mumbai, DDA is more advantageously placed as it can straightaway consider adopting the current policy of Mumbai rehabilitation programme which has been refined due to their earlier experience with the different approaches. It is understood that currently nearly million dwelling units are proposed to be constructed under the current policy of Mumbai. Since DDA itself is an Authority, it need not set up a separate Regulatory Authority for implementing the programme. Further, under the Rajiv Awas Yojna, Central Government Departments can implement their own rehabilitation programmes without seeking any central government assistance.

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9. Accordingly a draft rehabilitation policy approach for rehabilitation of DDA slums has been framed as given below. The salient features of this policy approach is given as under:-

a. Survey of the identified slums could be carried out based on the dates decided by DUSIB, which is currently 4th June, 2009 and as the dates get changed, the same will be adopted. Accordingly all those slum dwellers whose names are on the electoral roll of 1st January, 2009 or prior electoral rolls and who is presently continuously residing in the Jhuggies will be eligible for the scheme. Both the eligible slum dweller and the jhuggie will be protected for the purpose of rehabilitation.

b. While undertaking the survey they should collect the information regarding the land occupied by the slum dwellers, number and type of structures such as residential, industrial, commercial, amenity structures, etc. and the list of eligible and ineligible occupants and consent of slum dwellers to join the scheme.

c. All the eligible slum dwellers including commercial users, will be given accommodation in the rebuilt JJ colony.

d. DDA will prepare a panel of developers after calling expression of interest (EOI) based on their experiences. The developers can be categorised into three categories. The first category developer could be given slum clusters which are less than 1000 hutments each, the second category between 1000 to 2000 jhuggies and the third more than 2000 jhuggies. The empanelment can be done on most transparent manner.

e. Depending on the size of the cluster, the empanelled developers will be asked by DDA to enrol the eligible jhuggie dwellers. Whichever developer gets 70% or more consent of the eligible JJ dwellers, can be awarded the project.

f. 70% or more of the eligible dwellers in a slum in a viable stretch at one place, should show their willingness to join slum rehabilitation scheme and come together to form cooperative housing society of all eligible slum dwellers through a resolution.

g. The society will pass resolutions electing a Chief Promoter giving him authority to apply for reservation of name for cooperative house building society and to collect the share money from all the members.

h. The society will then collect the relevant land document, get the plots surveyed, measure and prepare map of the plot showing slum structures therein with the help of surveyors of DDA.

i. The accommodation will be constructed as per HUPA guidelines and will be provided to the slum dwellers free of cost.

j. In respect of those slum dwellers who do not join project willingly, provision for their dwelling units will be made in the re-constructed colony. They will be at par with all those slum dwellers who have joined the project voluntarily.

k. In case they do not join the scheme even within 3 weeks after the approval of the slum rehabilitation project is given on the site, their

hutments will be removed and it shall be ensured that no obstruction is caused to the scheme as majority of the persons have joined the scheme willingly.

l. While those not giving their consent still may be considered for providing accommodation in the new colony, they may lose their right to be in the transit accommodation and finally if they don't join till the building permission for the project is given, they will completely lose the right to any built up tenement.

m. There will be four different types of agreements prepared under the Scheme:-

- a) Consent-cum-agreement between the promoter and the slum dwellers.
- b) Development rights/Agreement to lease between the promoter and DDA.
- c) Lease agreement between DDA and the cooperative society of slum dwellers.
- d) Lease agreement between DDA and the cooperative society of free-sale tenement buyers.

n. The land under the slum is considered as "Resource" for implementation of the scheme and it will be spared by DDA upon payment of 25% of the value of open land as calculated as per the stamp duty ready reckonor rates(Circle rate).

o. Such land will be leased to the society of occupiers and society of purchasers of free sale component in the scheme initially for 30 years and renewable thereafter for another 30 years at a rate to be decided by DDA.

p. As this is a self-financed scheme where there is no financial outgo on the part of government or its agencies, the developer entity implementing the slum rehabilitation scheme gets free sale component as an incentive for free sale built-up area(FAR) which is marketable and the cost of free

rehabilitation houses to be provided to the slum dwellers and profits of the said entity is recovered from sale proceeds of the said free sale components. The FAR component has to be reckoned in terms of the Master Plan Provisions.

q. This free sale component can be given in the different ratio of rehabilitation to free sale component such as 1: 0.75, 1:1, 1:1.33 depending upon the economic conditions of the site so as to make the scheme viable and limit the profitability of developer within reasonable limits. The ratio will be worked out in respect of each site by DDA.

r. The free sale component can be constructed as residential / commercial use as per the user permissibility in the zone as per development plan.

s. The existing slums which are located on plots reserved for various public purpose reservations in the development plan except reservations like airport, road, flyover bridges, railway tracks etc. where in-situ rehabilitation is not possible, the slum rehabilitation scheme can be implemented on such reserved lands also by keeping certain area of land for the purpose of reservation.

t. There are many slums which are located on land which is required for infrastructure projects of larger public interest such as airport, road, flyover bridges, railway tracks etc. or slums located on sites which are not suitable for construction of buildings due to physical constraints such as sites located near water bodies etc. In such cases, in-situ rehabilitation of slum dwellers is not possible the eligible slum dwellers from such sites are shifted to other vacant land offered by private land owners / developers and rehabilitation of such slum dwellers is done on such private vacant lands.

u. The private land owners / developers who offer their land and constructed rehabilitation tenements can be compensated by giving free sale component with rehabilitation to free sale ratio of 1:1.33 in the form of

Transferable Development Rights (TDR) once the TDR policy comes into existence. These TDR rights are issued in the form of Development Right Certificate (DRC) which is a tradable document like Equity Share Certificates. The rates of TDR are decided as per market forces.

v. There will be a restriction on transfer of tenements as dwelling units obtained under this scheme cannot be sold/leased/assigned/transferred in any manner for a period of ten years from the date of possession of the tenement. In case of breach of conditions, except transfer to legal heir, the tenement will be taken over by DDA.

w. During the period of construction, the developer entity will provide for accommodation to the eligible slum dwellers by way of transit accommodation either constructed or hired by them. DDA will not invest for this purpose and at best facilitate the clearances, if any, for this purpose.

x. The developer will have to provide space for all social purposes including community halls, anganwaris, etc. and the buildings constructed will not only be eco-friendly but also disabled friendly.