

## **Glaring Loopholes: Delhi Government's Guidelines for Rehabilitation/Resettlement of Slum-Dwellers**

SHAHANA SHEIKH, SUBHADRA BANDA

---

Vol. 49, Issue No. 4, 25 Jan, 2014

Subhadra Banda ([subhadra.banda@cprindia.org](mailto:subhadra.banda@cprindia.org)) and Shahana Sheikh ([ssheikh@cprindia.org](mailto:ssheikh@cprindia.org)) are with the Centre for Policy Research, New Delhi.

If the Aam Aadmi Party government wants to keep its promise to the slum-dwellers to resettle and rehabilitate them with dignity and humaneness, then it must act quickly to plug in the various loopholes and iron out the ambiguities present in the resettlement guidelines which were issued by the previous Delhi government in 2013.

While addressing the Delhi legislative assembly on 2 January 2014, preceding the trust vote, Chief Minister Arvind Kejriwal put forward a seventeen-point agenda for the Aam Aadmi Party (AAP) government. The rehabilitation and resettlement of people living in unauthorised colonies and jhuggis was one of the issues mentioned by him. He said that unless the newly elected assembly finds a solution for them, their jhuggis will not be demolished. Just like the other political parties, the Aam Aadmi Party (AAP) has promised in-situ resettlement, i.e., residents of jhuggi jhopri clusters (JJs) will be given plots or flats at the *same* site where they are currently residing. The residents would be relocated to transitory accommodation, flats would be constructed on the cleared land, and “eligible” residents would then take possession of flats allotted to them. Only if this process was not feasible, would permanent relocation be undertaken.

Two attempts to demolish JJs were undertaken in December 2013. The Delhi Development Authority's (DDA's) attempt in Mayur Vihar was foiled by the one of the AAP leaders Manish Sisodia, but the railways managed to demolish one in Mansarovar Park in the last week of December. If the newly formed Delhi government wants to fulfil its promises to residents of JJs, it will need to act quickly.

### **Guidelines for Relocation and Rehabilitation of Slum-Dwellers**

Any resettlement of JJs, by default, implies demolition and eviction. Many researchers have found that a number of these evictions have been carried out without following adequate procedure. In 2010, even the High Court observed that “it is not uncommon to find a jhuggi dweller, with the bulldozer at the doorstep, desperately trying to save whatever precious little belongings and documents they have, which could perhaps testify to the fact that the jhuggi dweller resided at that place”. Subsequently on 25 February 2013, the Delhi

government issued [“Guidelines for implementation of the Scheme for relocation/rehabilitation and allotment of flats to the Jhuggi Jhopri dwellers under JNNURM-2013”](#).

These guidelines list the duties of the [Delhi Urban Shelter Improvement Board](#) (DUSIB), which came into being with the promulgation of the DSUIB Act, 2010. The Slum and Jhuggi Jhopri Department, earlier a part of the Municipal Corporation of Delhi (MCD), was transferred to this Board. These guidelines detail how DUSIB should survey households in JJs and who should be eligible for rehabilitation. However, several ambiguities are present in the guidelines.

Given the many land owning agencies in Delhi, a co-ordinating agency is required. While the DUSIB has been designated as the nodal agency for rehabilitation and resettlement of people living in slums existing on land owned by the Delhi government and its agencies, there is little clarity about what this means. As per the guidelines, once a land owning agency (LOA) decides to reclaim the land it should conduct a joint survey with the DUSIB, following which the latter takes a decision on who is eligible for rehabilitation and allots flats accordingly. In case of Delhi government LOAs, there appears to be an implicit requirement to intimate DUSIB before reclaiming the land. However, since an explicit requirement is missing, this may not be done. For example, in 2013, the Public Works Department of the Delhi Government undertook an eviction in a JJ in South Delhi without informing the DUSIB. Resettlement or rehabilitation is yet to be provided, as surveying of residents becomes increasingly complex in the aftermath of an eviction.

Given this lack of coordination between departments of the Delhi government, it is natural to expect more complexity when central government LOAs, for e.g., the Delhi Development Authority (DDA) or the Railways, are involved. According to the guidelines, such central agencies “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 instruction is, at most, exhortatory given that these central agencies are beyond the jurisdiction of Delhi government. Experience indicates that these central agencies often act independently. This is evident from the fact that many JJ residents evicted by central agencies between 2004 and 2007 are yet to be rehabilitated.

The guidelines also detail an extensive process to determine eligibility. However, ironically, the DUSIB is not obligated to publicly announce and effectively communicate the final list of “eligible slum dwellers”, i.e., indicating those eligible for resettlement and those found “ineligible”. Since ineligibility can be challenged only if those who are ineligible are suitably informed, such announcement is a *sine qua non*.

Neither do the guidelines have an explicit requirement to provide notice before carrying out a demolition and/or an eviction. Natural justice requires that this basic minimum be adhered to. Out of the previous wave of evictions carried out in the last decade, many were undertaken without any notice. In one instance, the DUSIB gave a notice of five days before

undertaking an eviction in a JJC in Motinagar. However, the Delhi High Court has held that “to minimize the hardship involved in their eviction” a notice period of 21 days should be given to residents. In another case, a 30 day notice period was granted. Activists say that a minimum of two months are required to allow communities to organise and challenge a notice of eviction or exclusion from the list of “eligible” residents.

These are not abstract issues when seen in the context of recent demolitions. Since central LOAs like DDA and the Railways comprise 63% of all the land on which Delhi’s JJC’s are situated, the new Delhi government needs to urgently negotiate with corresponding central ministries to make these LOAs comply with its policy. Especially since it won the elections on the plank of transparency, it should put its own house in order by immediately amending the administrative guidelines of February 2013 and removing the gaps indicated above. Specifically, it should introduce an explicit obligation on part of various state government LOAs to intimate the DUSIB of all attempts to reclaim their land. It should make it mandatory for the DUSIB to publish the list of eligible residents after their survey and specify an adequate notice period before undertaking demolition and/or eviction. Promises of in-situ resettlement would mean little without observing the due process.