

No.PS/PC (Pers., Hort. & LS)2019/DDA/225

Dated: 27/09/2019

**Joint Inspection Report**

The Hon'ble NGT in Original Application No.622/2019 titled Jagdev Versus Lieutenant Governor of Delhi & Others vide order dated 30/07/2019 directed to submit a factual and action taken report jointly by DDA, PCCF of GNCTD and CPCB officials. The site was inspected by following officials:

1. Sri Shripal, Principal Commissioner(Hort.), DDA.
2. Shri Ishwar Singh, PCCF, Forest & Wildlife Deptt. of GNCTD.
3. Shri Danish Meena, Scientist B, CPCB.

Based on the site inspection on 27/08/2019, factual report is as under:-

It is mentioned in the order in above OA that encroachment is existing on land adjacent to south of Gurudwara Majnu Ka Tila on the Yamuna Flood Plains and massive cutting down of the trees affecting the integrity of the Yamuna River System and flood plains adversely and also affecting the eco system and ecology of the area.

During the inspection of the site it was found that 120 families (approx. 700 persons) of Pakistani Hindu nationals who came to India on pilgrimage visa from 2011 to 2014 are staying in jhuggies and in semi permanent structures. The land under their occupation is nearly 5000 Sq.yds. From the information gathered from occupants it was informed that they were asked to occupy this place by Govt. officials but there was no such written permission with the occupants.

The above land belongs to L&DO under Ministry of Housing & Urban Affairs which was transferred to DDA on 07/07/1971 for care and maintenance. The land use of this piece of land is green and it falls in Yamuna Flood Plains.

The occupants are staying there for last few years and the matter was pending with Ministry of Home Affairs for grant of Indian Citizenship or Long Term Visa (LTV) to such Pakistani nationals who came to India on pilgrim visa.

The Ministry of Home Affairs vide letter dated 7<sup>th</sup> August, 2013 addressed to Dy. Secretary (Home/Passport), GNCTD directed DCP(SB) to complete the requisite formalities and render suitable assistance for the submission of Long Term Visa (LTV) proposals of the Pakistani nationals at the earliest. Ministry of Home Affairs also recommended that they may be treated sympathetically in accordance with the extant laws/procedure and legal provisions governing the grant of the LTV and Citizenship. The Government of NCT of Delhi & DCP(SB) were also directed to take stock of the infrastructure facilities and the living conditions of the Pakistani nationals and they were asked to submit a status report to Ministry of Home Affairs in

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27/09/2019

Shripal  
27/9/19

Shripal  
27/9/19

this regard (Refer Annexure-1) This letter pertains to 486 Pakistani Nationals who came to India on Pilgrimage Visa & were staying in Sector-11, Rohini, Azad Pur & in village Bijwasan.

Vide letter No.RTI/51/2014-F.I dated 21<sup>st</sup> May, 2014 Under Secretary, MHA in response to application filed under RTI Act, 2005 by Shri Satyendra Prasad Jain, replied that in Writ Petition No.3712/2013, the Hon'ble High Court of Delhi in its order dated 29/05/2013 (Refer Annexure-II) had noted that the Ministry of Home Affairs are taking steps to accommodate 482 Pakistani nationals in accordance with the statutory provisions and necessary administrative instructions & the Writ Petition was dismissed. Copy of order in above Writ Petition is marked as (Annexure-III).

Ministry of Home Affairs also directed that basic facilities, if any, to be provided to the Pakistani nationals staying in India with intention of acquiring Indian Citizenship falls under the purview of concerned State Governments.

Dy.Secretary(Home/PP) vide letter No.F.17/5/Citizenship/2013/Home/PPI-1946 dated 13/08/2013 requested Divisional Commissioner, GNCTD (Refer Annexure-IV) to submit a status report on infrastructural facilities & living conditions of Pakistani Nationals be furnished so as to forwarded same to MHA.

Similarly Ministry of Home Affairs, Gol vide their letter dated 12/05/2015 requested Dy. Secretary (Passport), GNCTD to examine the request for grant of extension of stay in India on Long term Visa (LTV) in respect of 27 Pakistani nationals who had come to India in 2014 on Pilgrim Visa (Refer Annexure-V). Along with this letter, representations of Shri Dharamveer Bagri and Shri Dayal Dass, residents of Majnu Ka Tila, Ring Road Dera Jindaram, near Gurudwara Shaheb, Delhi-110054 were also enclosed.

SDM-III(HQ)Relief vide letter No.F1(58)/Relief/2014 dated 23/02/2015 requested Dy. Commissioners(Revenue) to consider representations of Sh. Dharamveer Baghri & other Hindu migrants from Pakistan residing at Majnu Ka Tila for providing temporary accommodation & monetary assistance (Annexure-VI).

The occupants of this settlement were initially staying in jhuggies, but later on started construction of semi permanent structures for their stay. No electricity is seen provided to this settlement but water supply was seen provided through some common taps in the settlement.

Many occupants have obtained Adhar Card, Pan Card & Bank Accounts based on Majnu Ka Tila address where they are staying at present. Their children are also going to a nearby Govt. School. It was also informed by the occupants that financial assistance was given by State Govt. to occupants whose jhuggies were gutted but they could not produce any document.

The size of this settlement has increased during last few years and some of them are staying in jhuggies & some in semi permanent structures. Some of the occupants have started small shops near footpath which is affecting movement of pedestrians on service lanes & resulting into traffic congestion in Majnu Ka Tila area.

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27/05/19

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The officials of the Forest Department conducted site inspection of the area and observed stump of one tree of Vilayati Keekar (*Prosopis juliflora*). Taking cognizance of felling of this tree, an offence under the relevant provisions of Delhi Preservation of Trees Act (DPTA), 1994 has been registered under North Forest Division of the Department and further process is going on. No other felling of trees was noticed in the settlement.

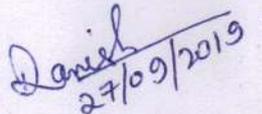
Though they are using toilets constructed by DUSIB but at few locations they have made small urinals/bathrooms for their use. It was noticed that the bathroom & other waste is flowing down to Yamuna at few locations as no arrangement for disposal of waste water was seen there. There was no system for removal of solid waste which was presently being deposited in a depression within the settlement.

As the land belongs to DDA, one demolition programme was fixed by DDA on 18/09/2018, where some structures were demolished & removed by DDA but the area could not be vacated due to resistance from occupants.

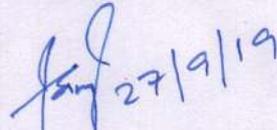
The occupants of this settlement are occupying this land for last few years. Ministry of Home Affairs (MHA) vide letter No.16035/48/2015-F-III dated 12/05/2015 (Annexure-IV) has directed Delhi Govt. to take steps for grant of extension of stay in India on Long Term Visa (LTV) in respect of Pakistani Nationals who had come to India on Pilgrim Visa & staying at Majnu Ka Tila & furnish the inputs including report of FRO, Delhi along with requisite documents to MHA for processing the case for grant of LTV to these Pakistani Nationals. The latest status in this regard has to be provided by Govt. of NCT, Delhi.

It was informed by Pakistani Nationals to the team during site inspection on 27/08/2019 that they have not yet been issued LTV.

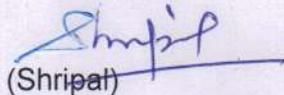
This factual report is submitted before the Hon'ble NGT.

  
27/09/2019

(Danish Meena)  
Scientist B, CPCB

  
27/9/19

(Ishwar Singh)  
Pr.Chief Conservator of Forest, GNCTD



(Shripal)  
Pr.Commr.(Hort.), DDA

Amerux I

No. 27018/15/2013-F.III  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Giri Mantralaya  
(Foreigners Division)

NDCC-II Building, Jan Singh  
Opp. Jantar Mantar, New Delhi

Dated, the 7<sup>th</sup> August, 2013.

To

✓  
Shri A. K. Samra  
Deputy Secretary (Home/Passport),  
Government of NCT of Delhi,  
5th Level, IC Wing, Delhi Secretariat,  
IP Estate, Delhi.

2. Ms. Varsha Sharma  
Addl. DCP (SB),  
Turkman Gate, Delhi

Sub: Grant of Indian citizenship to 486 Pakistani nationals who came to India on pilgrim visa

Sir/Madam,

This has reference to the meeting held on the 12th July, 2013 in the office of Shri A. K. Samra, Additional Secretary (Foreigners), Ministry of Home Affairs on the above subject. The following decisions were taken in the meeting:

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S(P)  
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- (i) The DCP (SB) may complete the requisite formalities and render suitable assistance for the submission of the LTV proposals of Pakistan nationals at the earliest.
- (ii) The Ministry of Home Affairs recommends that they may be treated sympathetically in accordance with the extant laws, procedure and legal provisions governing the grant of the LTV and Citizenship. The Government of NCT of Delhi in coordination with the DCP (SB) may monitor the set procedure and keep an account in this regard.
- (iii) The Government of NCT of Delhi and the DCP (SB) may take stock of the infrastructure facilities and the living conditions of the Pakistan nationals and send a status report specifically indicating the efforts made for the betterment of their living conditions.

2. The Government of NCT of Delhi and the DCP (SB) is requested to send a status report in regard to the implementation of the above decisions to the Ministry of Home Affairs at the earliest.

4524  
8/8/13

Yours faithfully,

Vikas Srivastava

(Vikas Srivastava)

Under Secretary to Government of India

Tel: 23436000

Copy to Chief Secretary, Government of NCT of Delhi, IP Estate, Delhi.

Annexure II

RTI Matter

F. No. RTI/51/2014-F.I  
Bharat Sarkar/Government of India  
Grih Mantralaya/Ministry of Home Affairs  
(Foreigners Division)

NDCC-II Building, Jai Singh Road,  
Opp. Jantar Mantar, New Delhi- 01.

Dated, the 21<sup>st</sup> May, 2014.

To

Mr. Satyendra Prasad Jain,  
Advocate,  
R/O 1019, Cinema Wali Gali,  
Subhash Nagar, Gandhi Nagar,  
Delhi - 110031.

Sub : Information sought under RTI Act, 2005.

Sir,

Please refer to your RTI application dated 17-01-2014 received by the undersigned on 25-04-2014 on transfer from Shri Shyam Sunder, Deputy Secretary & CPIO, FFR Division, Ministry of Home Affairs vide their letter No. 36/01/2014-R&SO dated 22-04-2014 seeking information under the RTI Act, 2005.

2. With reference to the writ petition No. 3712/2013, the Hon'ble High Court of Delhi vide their order No. 14444/W/DHC/WRIT/D-3/2013 dated 14-06-2013 had noted that the Ministry of Home Affairs are taking steps to accommodate the said 482 Pak nationals in accordance with the Statutory provisions and necessary administrative instructions.

3. As regards basic facilities to such Pakistan nationals are concerned, it may be stated that basic facilities, if any, to be provided to the Pakistani nationals staying in India with intention of acquiring Indian citizenship falls under the purview of concerned State Governments.

4. If you are not satisfied with the above information, you may file an appeal with the Appellate Authority i.e. Shri V. Vumlunmang, Joint Secretary (Foreigners), NDCC-II Building, Jai Singh Road, New Delhi-110001 within the time period as specified under the RTI Act, 2005.

Yours faithfully,

Vikas Srivastava

(Vikas Srivastava)

Under Secretary to Government of India

Tel: 23438040

Copy for information forwarded to Shri A. K. Sharma, Deputy Secretary (Home), Government of NCT of Delhi w.r.t. their letter No. F.I (58)/Relief/RTI/ID-10215/2013/247 dated 14-03-2014.

Annexure - 17

THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 3712/2013

NAHAR SINGH ..... Petitioner

Through Mr.Gaurav Kumar Bansal, Adv.

versus

UNION OF INDIA and ORS ..... Respondent

Through Mr.Rajeeve Mehra, ASG with Mr.Neeraj Chaudhari, , CGSC, Mr. Ravjyot Singh and Mr.Kartikey Mahajan, Adv. for R-1/UOI

Ms.Zubeda Begum, Standing Counsel for GNCTD

Mr. Amiet Andlay, Advocate for R3

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

29.05.2013

The present writ petition has been filed seeking directions to the respondents not to deport and to provide social security to 482 Pakistan-Hindu nationals whose visas have expired. The petitioner is stated to be an Ex serviceman of the Indian Army and Ex Sub-Inspector in Delhi Police and now working as a Superintendent in Custom and Central Excise, New Customs House, near IGI Airport, New Delhi. He claims to have filed the present petition for the benefit of poor 482 Pakistani Hindu nationals who, he says, have no resources to approach this Court.

It is the contention of the petitioner that the said 482 Pakistani Hindu nationals who belong to the Hindu community entered India on valid visas which have now expired. He further states that in Pakistan, they have been W.P.(C) 3712/2013 Page 1 of 4 living in the most depressed and distressed class. It is contended that majority of the Hindu-Pakistan nationals have no facility to go to school nor they are allowed to study the language of their choice and hence, it is stated, 482 Pakistanis cannot even sign their names. It is further stated that they are under grave threat that they will forcibly be asked to leave India and on the other hand they are under threat of Pakistani authorities if they enter Pakistan. Hence the present writ petition is filed.

Learned Additional Solicitor General appearing for the respondent

has contended that the respondents are trying to help and extend support to the 482 Pakistani nationals. He contends that his instructions are as under:

22. In this context, it may be stated that in respect of Pakistani nationals belonging to minority communities in Pakistan who have come to

India and have not gone back to Pakistan on the grounds of religious persecution, instructions have been issued by this Ministry to the State Governments/UT Administrations on 7.3.2012 to consider such cases in the light of the guidelines issued by the Government on 29.12.2011 to deal with cases of foreign nationals who claim to be refugees. The guidelines issued on 29.12.2011 stipulate that in case it is found that prima facie the claim of the foreign national regarding reasons for leaving the originating country is justified on the grounds of well-founded fear of persecution on account of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion, the State Governments/UT Administration may recommend such cases to the Ministry of Home Affairs or Long Term Visa (LTV) after due enquiry. It is further provided that the Ministry of Home Affairs will consider all inputs and convey the final decision on grant of LTV to the State Governments/UT concerned.

W.P.(C) 3712/2013 Page 2 of 4

3. Accordingly, in respect of the above mentioned specific cases of 480 Pakistani nationals, Ministry of Home Affairs (Foreigners Division) has requested the Govt. Of NCT of Delhi vide letter no. 16035/52/2013-F.III dated 12.4.2013 (copy enclosed) that the said Pakistani nationals may be advised to first apply for LTV Government of NCT of Delhi has been further advised to examine the proposal for grant of LTV in the light of the guidelines issued on 29.12.2011 and 7.3.2012 and furnish the inputs including a report from FRO, Delhi along with the requisite documents to the Ministry of Home Affairs for processing the cases.

4. Ministry of Home Affairs (Foreigners Division) is in constant touch with the DCP (Special Branch), Delhi Police who has been asked to ensure that procedural formalities for submission of applications for grant of LTV are completed so that the cases can be sent to the Ministry of Home Affairs through the Government of NCT of Delhi. DCP (Special Branch) has been making efforts in this regard. It has been reported that DCP (Special Branch) had arranged a camp at Bijwasan in Delhi where these 480 Pakistani nationals are staying for completion of documentation. While photographs have been taken, DCP (Special Branch) has reported lack of cooperation from the prospective beneficiaries in the completion of formalities and documentation. Proposals for grant of LTV to the 480 Pakistani nationals with all requisite documents have not been received in the Ministry of Home Affairs (Foreigners Division) from the Government of NCT of Delhi so far. The proposals will be processed by the Ministry of Home Affairs (Foreigners Division) expeditiously as soon as they are received from the Government of NCT of Delhi.

5. Chief Secretary, Govt. of NCT of Delhi has been requested to help arrange assistance like food items etc through NGOs/Red Cross and water supply at their place of stay. As per information available, certain steps have been taken by the Government of NCT of Delhi in this regard.?

W.P.(C) 3712/2013 Page 3 of 4

In view of the above, it is obvious that the respondents are taking steps to accommodate the said 482 Pakistani nationals in accordance with the Statutory provisions and necessary administrative instructions. In view of the said submissions of learned Additional Solicitor General, we see no reason to pass any further directions.

The present writ petition is accordingly dismissed.

CHIEF JUSTICE

JAYANT NATH, J

MAY 29, 2013

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W.P.(C) 3712/2013 Page 4 of 4

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IMMEDIATE

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
HOME DEPARTMENT (PASSPORT)  
5<sup>TH</sup> LEVEL "C" WING, DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI.

F.No.17/S/Citizenship/2013/Home/PPI- 7946

Dated 13/08/13

To

The Divisional Commissioner,  
Govt. of NCT Delhi  
5-Sham Nath Marg,  
New Delhi

Dy. No. 12830 Pak-I/PP  
Dated 13/08/13

Sub: Grant of Indian citizenship to 480 Pakistani nationals who came to India on Pilgrim Visa.

Sir,

I am to enclose herewith a copy of letter No. 27018/15/2013-F.III, dated 7/8/2013 received from Govt. of India, Ministry of Home Affairs on the subject noted above. These Pakistani Hindu Nationals are residing at Jagadpur Baba Mandir, Mandir, Sector-11 Rohini, Delhi. Park, Mukundpur Road near Jai Board, Azadpur, Delhi and Village Bijwasan, Delhi.

A status report on infrastructure facilities and living conditions of the Pakistani nationals be furnished to this department at the earliest for onward transmission to MHA please.

Yours faithfully,

*A. K. Sharma*

13-08-13

(A. K. Sharma)

Deputy Secretary (Home/PP)

Encl: As above

2-17 Copy for information and necessary action to:  
1. Addl. Commissioner of Police (SD), Plot No. 3,4,5 Turkman Gate, Asaf Ali Road, New Delhi-110002  
2. Under Secretary to Govt. of India, Foreigners Division, Ministry of Home Affairs, IGD/SBCC-I Building, Jai Singh Road, New Delhi-110001

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13/08/13	
DCP/SE	
DCP/SB	
A.DCP/SB	
DCP/HQ	
Asst. Secy/ Admin.	
Asst. Secy.	

1476/pak-I/SB  
14-8-13

SP. Kewal Singh  
Act. Suraj Park to report

*[Signature]*  
DCP/PP

Amexur - IV

By Speed I

No.16035/48/2015-F.III  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya  
(Foreigners Division)

NDCC-II Building, Jai Singh Road,  
Near Jantar Mantar, New Delhi-01,  
Dated 12<sup>th</sup> May, 2015

To

Shri A.K. Sharma,  
Deputy Secretary (Home/Passport),  
Government of NCT of Delhi,  
5th Floor, C Wing, Delhi Secretariat  
I.P. Estate, New Delhi.

Sub: Grant of extension of stay in India on Long Term Visa (LTV) in respect of 27 Pakistani nationals who had come India in 2014 on Pilgrim Visa.

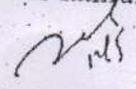
Sir,

Please find enclosed a copy of letter dated 25-03-2015 received from Sh. Dharamveer Bagri and Dayal Dass, Resident of Majnu Ka Tila, Ring Road Dera Jindaram, near Gurudwara Shaheb, Delhi-110054, alongwith a proposal of 27 Pakistani nationals for grant of LTV to stay in India (copy enclosed).

2 In view of this, Government of NCT of Delhi is requested to examine the above mentioned proposal of 27 Pakistani nationals in the light of detailed guidelines/instructions issued to all State Governments/UT Administrations, vide this Ministry's letter No.25022/34/2011-F.IV dated 29th December, 2011 on the subject and furnish the inputs including report of FRO Delhi alongwith the requisite documents to this Ministry for processing the case for grant of LTV to these Pakistani nationals.

Encl: As above.

Yours fathfully,



(Sachin Tulsii)

Section Officer (F.III)

Copy to:

Shri Dharamveer Bagri and Dayaladas,  
Resident of Majnu Ka Tila, Ring Road Dera Jindaram, near Gurudwara Shaheb, Delhi-110054. You are requested to approach Government of NCT of Delhi, alongwith all documents for further appropriate action in this regard.

Annexure VI

Government of NCT of Delhi  
O/o the Divisional Commissioner  
(Relief Branch)  
5-Sham Nath Marg, Delhi-110054

No.F.1(58)/Relief/2014/

Dated,

1. The Dy. Commissioner(Revenue)  
District East,  
L.M. Bundh, Shastri Nagar,  
Delhi-110031.
2. The Dy. Commissioner(Revenue)  
District South-West,  
Kapashera,  
New Delhi - 110 035.

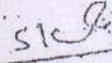
Subject: Providing temporary accommodation and monetary assistance to displaced Hindu migrants  
From Pakistan.

Sir,

On the subject cited above, please find enclosed herewith a representation received from Shri  
Dharamvir Baghri & other migrant Hindus through Shri Satyendra Prasad Jain, Advocate, 1019,  
Cinemawali Gali, Gandhi Nagar, Delhi-110 031, alongwith its enclosures, for your perusal and further  
necessary action in the matter.

Encl. as above.

Yours faithfully,

  
(S.K. Chugh) 23/12/15

SDM-III(HQ)/Relief

No.F.1(58)/Relief/2014/ 983

Dated, 23/12/15

Copy for information to Shri Dharamvir Baghri & other migrant Hindus through Shri Satyendra  
Prasad Jain, Advocate, 1019, Cinemawali Gali, Gandhi Nagar, Delhi-110 031.

  
(S.K. Chugh) 23/12/15

SDM-III(HQ)/Relief