

**BEFORE THE HONB'LE COURT OF NATIONAL GREEN  
TRIBUNAL, NEW DELHI**

**MEMORANDUM OF APPLICATION**

(Under Section 18(1) read with Sections 14 and 15 of National  
Green Tribunal Act, 2010)

IN THE MATTER OF:

**DEEPTI GUPTA**

**...APPLICANT**

**VERSUS**

**MINISTRY OF ENVIORMENT AND FOREST AND  
CLIMATE CHANGE AND ORS.**

**....RESPONDENTS**

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Delhi

Dated: 09/02/2024

Through

**APPLICANT**

*Vaibhav*

**VAIBHAV GROVER**

**ADVOCATE**

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**MINISTRY OF ENVIORMENT AND FOREST AND  
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**....RESPONDENTS**

**REJOINDER TO REPLY OF DELHI URBAN SHELTER  
IMPROVEMENT BOARD (RESPONDENT NO.10)**

**MOST RESPECTFULLY SHOWETH:**

1. At the outset, all the contentions, allegations and statements made by the Respondent No. 10 in the reply dated 20.12.2023 filed by the Respondent No.10 are denied and nothing therein shall be deemed to be admitted by the Applicants, by reason of non-traverse or otherwise, unless specifically admitted herein. It is submitted that the reply dated 20.12.2023 filed by the Respondent No.10 is devoid of any merit and therefore, liable to be dismissed.
2. The contents of the Application have not been reproduced herein for the sake of brevity, but should be read as part of this Rejoinder. The Reply filed by the Respondent No.10 is wholly misconstrued, evasive and baseless and the Respondent No. 10 has made all possible efforts to deviate from the averments made in the application and has reverted in a vague and elusive manner solely to evade its liability.
3. That despite the passage of 9 months since the filing of the present application and 23 months since the issuance of Legal Notice on 01.03.2022, there has been minimal to no

improvement in the environment of the polluted green area and water canal. Upon revisiting the open green zone of Shalimar Garden and the Western Yamuna Canal on 08.02.2024, the Applicant found that the discharge of sewage, wastewater, and municipal waste is still ongoing and the open green zone of Shalimar Garden and the entire 1.4 KM stretch of the Western Yamuna Canal starting from the CA Block Shalimar Bagh till the Outer Ring Road remain highly contaminated and polluted and no effective measures have been taken by the Respondents for the accumulated waste and sewage in the open green area and the water canal. The open green zone of Shalimar Garden and the Western Yamuna Canal are continuing to serve as dumping grounds for sewage and waste and the slum dwellers are continuously dumping their waste water, sewage, and municipal waste into the Western Yamuna Canal as no proper provision for waste disposal has been provided by the Respondents till date. Due the continuous discharge of sewage and municipal waste, the large sewage pond still exists in the green area, and the Respondents have taken no steps to address its removal. Furthermore, the Respondents have dug up streams from the sewage pond to spread sewage in the unaffected green area, rather than pumping out the sewage by using sewage pumps and other necessary equipments for its removal. This ongoing inaction and negligence have resulted in further damage to the flora and fauna of Shalimar Garden. The copy of the latest photographs of the open green area of Shalimar Garden and the adjacent Jhuggi Clusters and Western Yamuna Canal are annexed herewith as **Annexure – A7 (Colly)** and the copy of the Google Earth/ maps satellite images of the open green area of Shalimar Garden and the adjacent Jhuggi Clusters and Western Yamuna Canal are annexed herewith as **Annexure – A8 (Colly)**.

4. It was further observed during the visit that only certain portions of the green area have been barricaded with metal

barrier fencing to restrict the open defecation, while the practice continues unabated in the unfenced/unbarricaded open green area. Furthermore, the sewage and municipal waste continue to pose a significant health hazard for the Applicant, the slum dwellers, and other residents of Shalimar Bagh, Delhi.

5. The Respondent No. 10 has failed to provide a concrete and comprehensive action plan to address the collection and disposal of the sewerage and municipal waste as well as to control the open defecation until the rehabilitation and relocation of the slum dwellers. Furthermore, the Respondent no. 10 has failed to restore the open green area of Shalimar Garden, Delhi and its flora and fauna, to its original and natural state, and to maintain the said open green area and the adjacent Western Yamuna Water Canal free from sewage and municipal waste discharge/dumping. Further, the Respondent no. 10 failed to take any measures to remove the accumulated sewage and municipal waste or to prevent future disposal and open defecation in the green area of the Shalimar Garden and the adjacent Western Yamuna Water Canal.

#### **REPLY TO PREMILINARY SUBMISSIONS OF THE REPLY:**

- 1-2. That the contents of the paragraph 1 to 2 of the preliminary submissions are matter of record and is an admission by the Respondent No. 10. It is submitted that the Respondent no.10 has specifically admitted that

*“.....Respondent No. 10 is primary responsible for improving the quality of the life of Slum & JJ dwellers by implementing number of approved plan schemes on behalf of Govt. of NCT of Delhi. DUSIB Act empowers the Board to notify certain areas as Slums and been assigned the role of looking after the Jhuggi Jhopri squatter settlements/clusters by providing civic amenities and if required, their resettlement too, subject to the extant resettlement and rehabilitation policy.*

.....

*The answering respondent has been shouldered with the responsibility of providing basic civic amenities to the JJ clusters situated in NCT of Delhi, as has been held by the Hon'ble High Court of Delhi in Ajay Maken & Ors versus Union of India & Ors."*

Therefore, The Respondent No. 10 is responsible, empowered and duty bound for resettlement, rehabilitation and relocation of the Jhuggi Cluster as per the Section 10 and 11 of the DSUIB Act, 2010 and the rules made thereunder and the Delhi Slum & Rehabilitation and Relocation Policy, 2015 and thus, the Respondent No. 10 shall prepare a scheme for resettlement, rehabilitation and relocation of the Jhuggi Cluster.

- 3-4. That the contents of the paragraph 3 to 4 of the preliminary submissions are evasive and baseless, hence denied. The Respondent No. 10 has made all possible efforts to deviate from the averments made in the application and has reverted in a vague and elusive manner solely to evade its liability.
5. That the contents of the paragraph 5 of the preliminary submissions are wrong and denied. It is wrong and denied that the present Original Application (OA) does not involve any substantial question relating to environment or enforcement of legal right relating to environment or implementation of the enactments specified in Schedule I of the National Green Tribunal Act, 2010. It is submitted that the present application is in regards to the discharge of the sewage, municipal waste and open defecation into the open green area of Shalimar Garden, Delhi and the adjacent Western Yamuna Water Canal which is in clear violation and contravention of Section 24 of The Water (Prevention and Control of Pollution) Act, 1974 and the rules made thereunder and The Environment (Protection) Act, 1986 and the rules made thereunder i.e. Solid Waste Management Rules, 2015 and Environment (Protection) Rules, 1986 and Article 14 and 21 of the Constitution of India.

6-7. That the contents of the paragraph 6 to 7 of the preliminary submissions are matter of record to the extent that the Respondent No. 10 has admitted the findings and action plan of the Joint Inspection Report dated 18.08.2023 which are assenting with the facts and environmental issues mentioned in present Original Application. The rest of the averments are evasive and baseless, hence denied.

**REJOINDER TO THE PARAWISE REPLY:**

That the contents of the parawise reply are matter of record to the extent that the Respondent No. 10 has admitted the findings and action plan of the Joint Inspection Report dated 18.08.2023 which are assenting with the facts and environmental issues mentioned in present Original Application. The rest of the averments are evasive and baseless, hence denied.

**REJOINDER TO THE REPLY TO FACTS IN BRIEF:**

1. That the contents of the paragraph no. 1 of the reply to facts in brief, except, which are a matter of record, are wrong and denied. It is wrong and denied that the history of the Shalimar Bagh as reproduced from the website of Wikipedia is not authentic and reliable source of information. It is submitted that the contents of paragraph 1 of the facts in brief be read as part and parcel of the instant paragraph.
2. That the contents of the paragraph no. 2 of the reply to facts in brief are wrong and denied. It is wrong and denied that the present Original Application (OA) does not involve any substantial question relating to environment or enforcement of legal right relating to environment or implementation of the enactments specified in Schedule I of the National Green Tribunal Act, 2010. It is submitted that the present application is in regards to the discharge of the sewage, municipal waste and open defecation into the open green area of Shalimar Garden, Delhi and the adjacent Western Yamuna Water Canal which is in clear violation and contravention of Section 24 of

The Water (Prevention and Control of Pollution) Act, 1974 and the rules made thereunder and The Environment (Protection) Act, 1986 and the rules made thereunder i.e. Solid Waste Management Rules, 2015 and Environment (Protection) Rules, 1986 and Article 14 and 21 of the Constitution of India.

3. The contents of paragraph no. 3 of the reply to facts in brief, except those which are a matter of record, are wrong and denied. It is submitted that the Respondent No.10 has admitted that the Respondent no. 10, under the provisions of the Delhi Urban Shelter Improvement Board Act, 2010 is responsible for improving the quality of the life of the slum & JJ dwellers by implementing number of approved plan schemes in behalf of the Government of Delhi. The Respondent No. 10 has been assigned the role of looking after the jhuggi/jhopri, squatter settlement/clusters by providing civic amenities, their resettlement. It is wrong and denied that one Jan Suvidha Complex (JSC), to facilitate the dwellers of the JJ Cluster, is already existing, for proper collection and disposal of the sewerage. It is further submitted that as per the Joint Inspection Report dated 18.08.2023, the subject jhuggi cluster is having 347 households which implies that there are approximately 1400 slum dwellers residing in the subject jhuggi cluster and for which there is provision of only one Jan Suvidha Complex (JSC) which is also not maintained properly. That another Jan Suvidha Complex (JSC) is still under construction from the past 6 months. That the two Jan Suvidha Complexes are still insufficient to accommodate nearly 1400 slum dwellers. It is further submitted that the Respondent No. 10 had failed to submit any copy of the proposal or draft proposal of reconstruction of existing drain or new sewer line and further failed to submit any letter or correspondence requesting the approval of the Government of Haryana and Resident Welfare Association (RWA), CA Block, Shalimar Bagh. Furthermore, as per the Reply to Application dated 20.12.2023 filed by the Irrigation and Water Resources, Government of Haryana (Respondent No. 11), the Respondent No. 11 had requested the

Respondent No. 10 for the removal of the encroachment by the slum dwellers. The Respondent No. 10 is responsible, empowered and duty bound for resettlement, rehabilitation and relocation of the Jhuggi Cluster as per Section 10 and 11 of the DSUIB Act, 2010 and Delhi Slum and Rehabilitation and Relocation Policy, 2015 and thus, the Respondent No. 10 shall prepare a scheme for rehabilitation and relocation of the Jhuggi Cluster. The copy of the Delhi Slum and Rehabilitation and Relocation Policy, 2015 is annexed herewith as **Annexure – A9**.

4. The contents of paragraph no. 4 of the reply to facts in brief, except which are a matter of record, are wrong and denied. It is submitted that the submissions made in the aforesaid paragraphs be read in response to the present paragraph. It is submitted that the contents of corresponding paras of the facts in brief are true and correct and reaffirmed.
5. The contents of paragraph no. 5 of the reply to facts in brief, except which are a matter of record, are wrong and denied. It is submitted that the submissions made in the aforesaid paragraphs be read in response to the present paragraph. It is submitted that the contents of corresponding paras of the facts in brief are true and correct and reaffirmed.
6. The contents of paragraph no. 6 of the reply to facts in brief, except which are a matter of record, are wrong and denied. It is submitted that the submissions made in the aforesaid paragraphs be read in response to the present paragraph. It is submitted that the contents of corresponding paras of the facts in brief are true and correct and reaffirmed.
7. That the contents of paragraph no. 7 of the reply to facts in brief contains no averments and hence need no reply. It is submitted that the contents of corresponding paras of the facts in brief are true and correct and reaffirmed.

**PRAYER**

It is therefore prayed to this Hon'ble Tribunal that the reliefs prayed by the Applicant in the present application be allowed and appropriate orders be passed in the favour of the Applicant and against the Respondents.

Delhi

Dated: 09/02/2024

Through

  
**APPLICANT****VAIBHAV GROVER  
ADVOCATE**

Office at: 241

Vardhman Premium Mall

Deepali Chowk, Pitampura

Delhi – 110034

Mobile No. – 9958386067

Email Id – [vaibhavgrover1998@gmail.com](mailto:vaibhavgrover1998@gmail.com)**VERIFICATION:**

I, Deepti Gupta, the applicant herein, do hereby verify that the contents of the above paragraphs are true to the best of my knowledge and are based on legal advice and that I have not suppressed any material fact.

Date:

Place: Delhi

  
**APPLICANT**

BEFORE THE HON'BLE COURT OF NATIONAL GREEN TRIBUNAL, NEW DELHI

MEMORANDUM OF APPLICATION

(Under Section 18(1) read with Sections 14 and 15 of National Green Tribunal Act, 2010)

IN THE MATTER OF:

DEEPTI GUPTA

...APPLICANT

VERSUS

MINISTRY OF ENVIORMENT AND FOREST AND CLIMATE CHANGE AND ORS.

....RESPONDENTS

AFFIDAVIT

I, Deepti Gupta, R/o Flat No,65-D, Block CA, Shalimar Bagh, Delhi-110088 do hereby solemnly affirm and declare as under:

- 1. I say that I am resident of Block CA, Shalimar Bagh, Delhi-110088 and am conversant with the facts of the present case and as such I am competent to swear this affidavit.
2. I say that I have gone through the contents of the accompanying rejoinder to the reply of Respondent No. 10, which has been drafted by my counsel at my instructions and the contents of the same are true and correct.



I say that the contents of the accompanying rejoinder to the reply of Respondent No. 10 may be read as part of this affidavit as well, as those are not being repeated herein for the sake of brevity and to avoid repetition.

[Signature]
DEPONENT

VERIFICATION: 9 FEB 2024

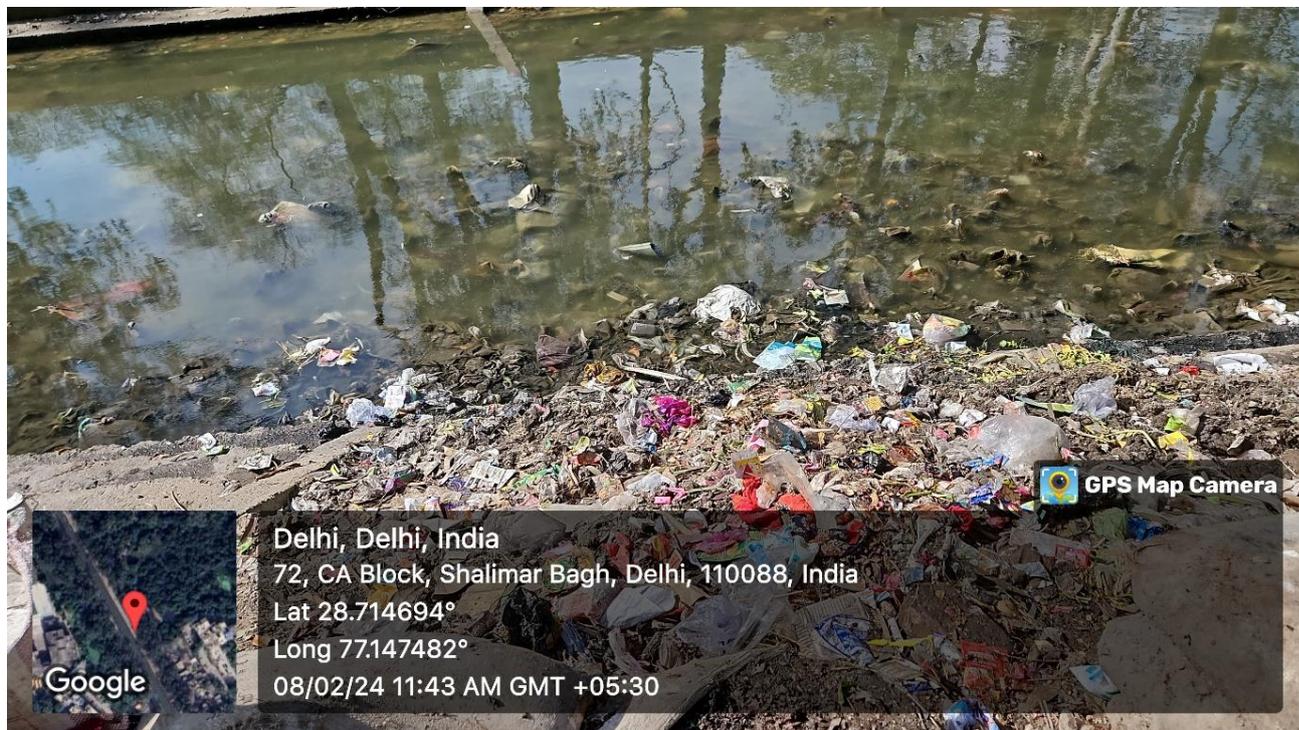
Verified at Delhi on this \_\_\_ day of February 2024 that the contents of paras 1 to 3 are true and correct based on the records made available to me and nothing material has been deliberately concealed thereof.

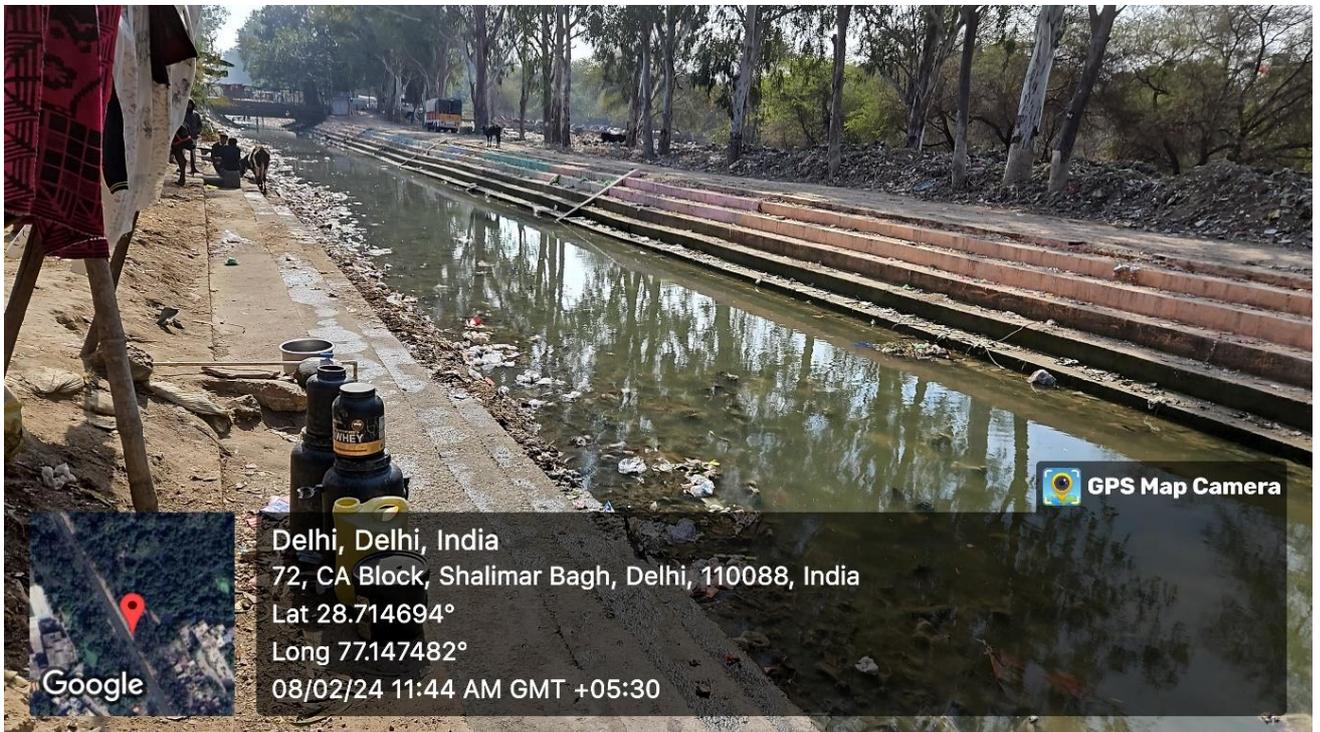
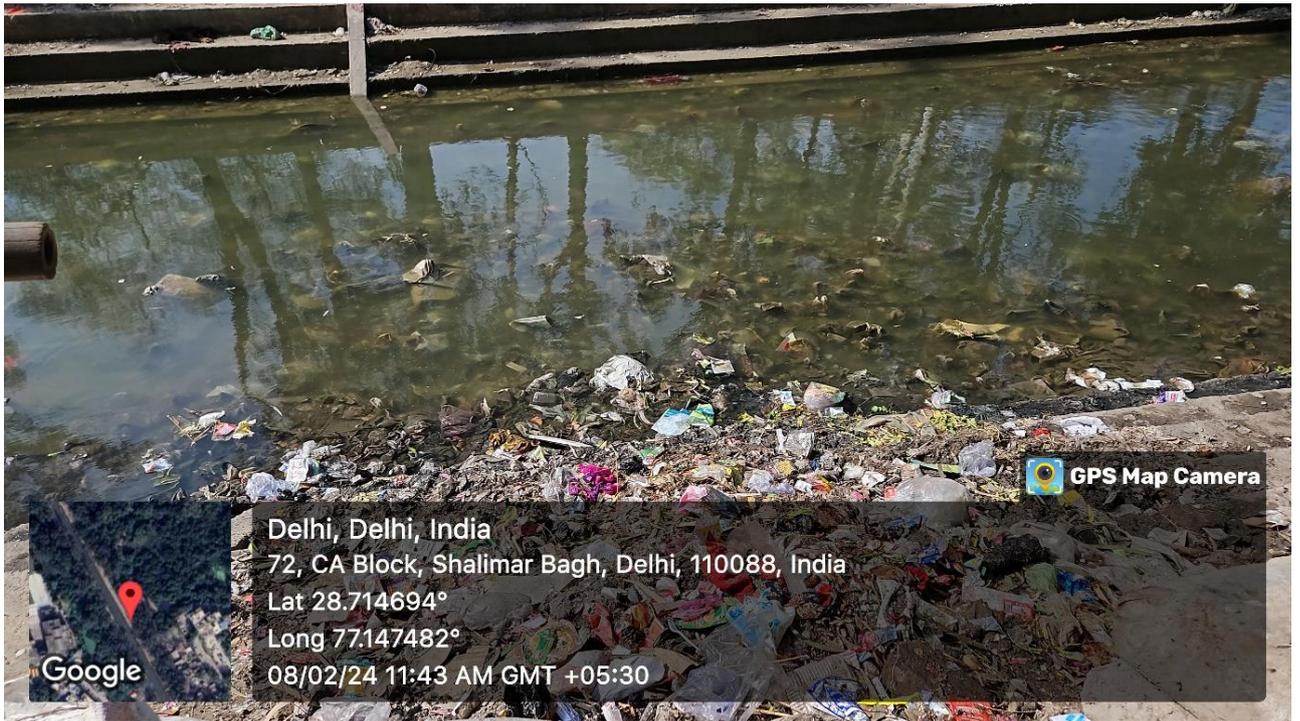
[Signature]
I identify the Dependent who has signed in my presence

CERTIFIED TRUE AND CORRECT
Identified by Smt./Smt. Vaibhavi
has solemnly affirmed before me at Delhi on... S.I. No.
that the Contents of the Affidavit which I have been read and explained to him/her are true and correct to his/her knowledge.

[Signature]
DEPONENT

### SEWAGE AND MUNICIPAL WASTE DISCHARGED IN THE WESTERN YAMUNA WATER CANAL





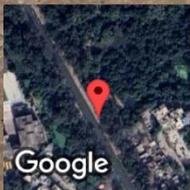


**WATER CONNECTIONS PROVIDED BY DELHI JAL BOARD  
FOR HOUSEHOLD CHORES AND THEREBY  
DISCHARGING SEWAGE DIRECTLY IN THE WESTERN  
YAMUNA CANAL**

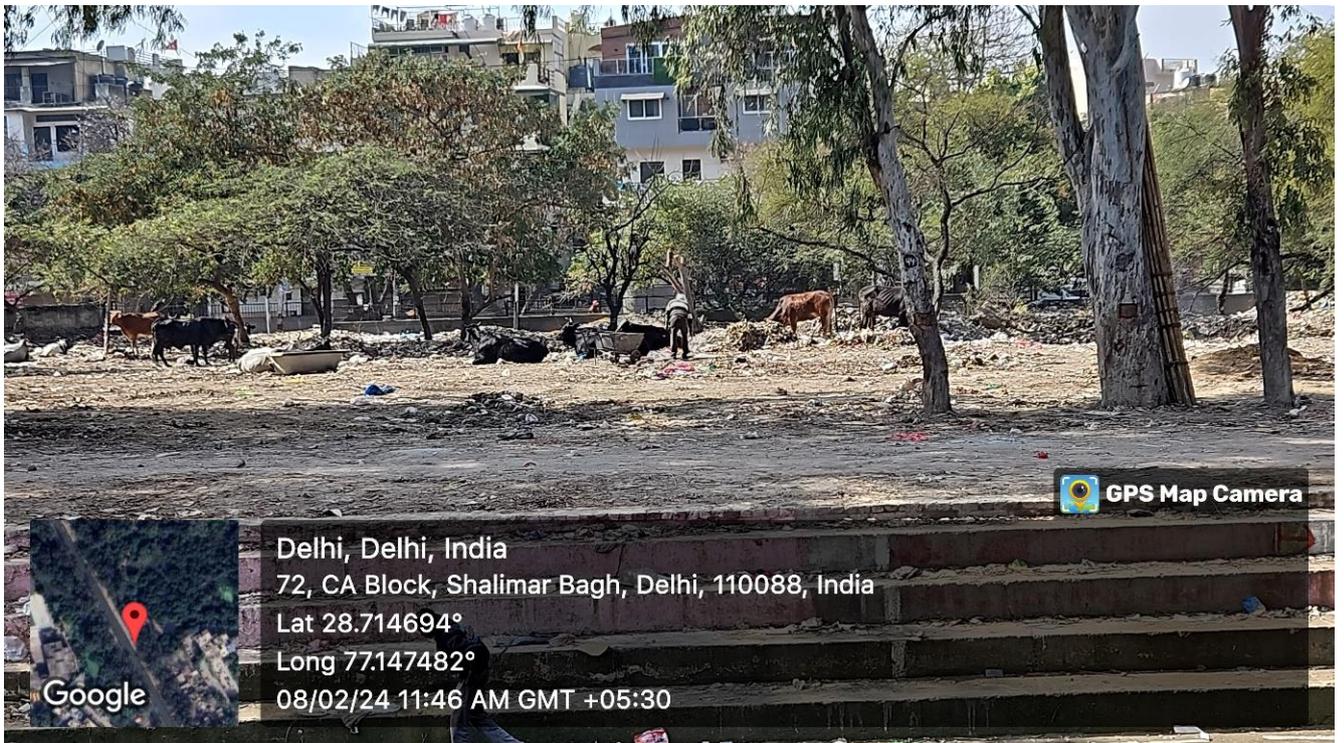
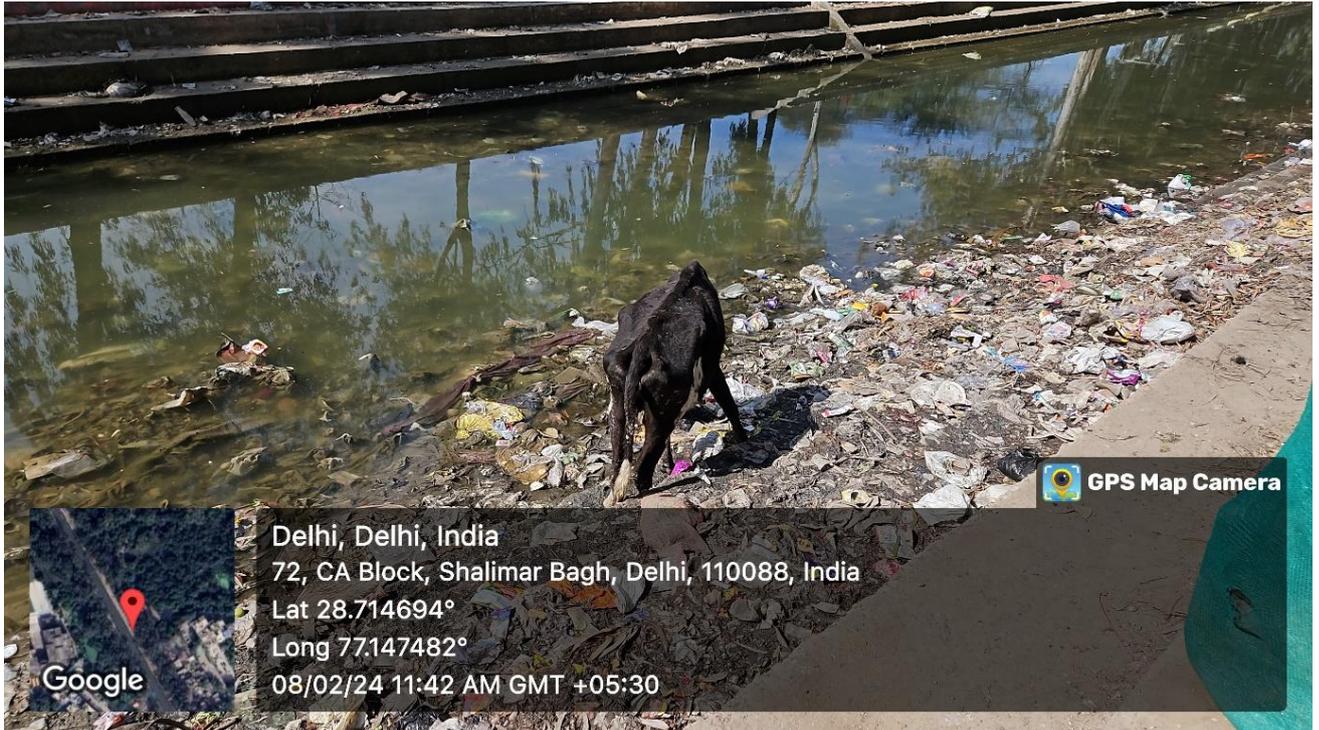




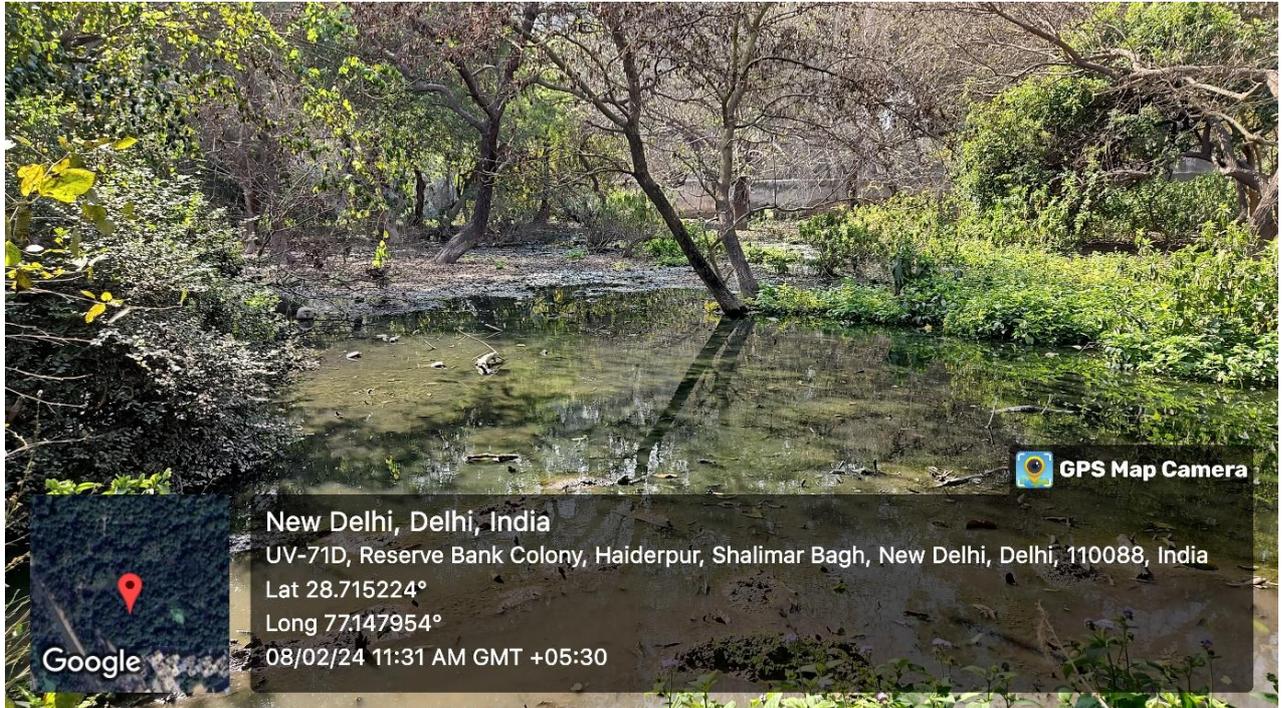
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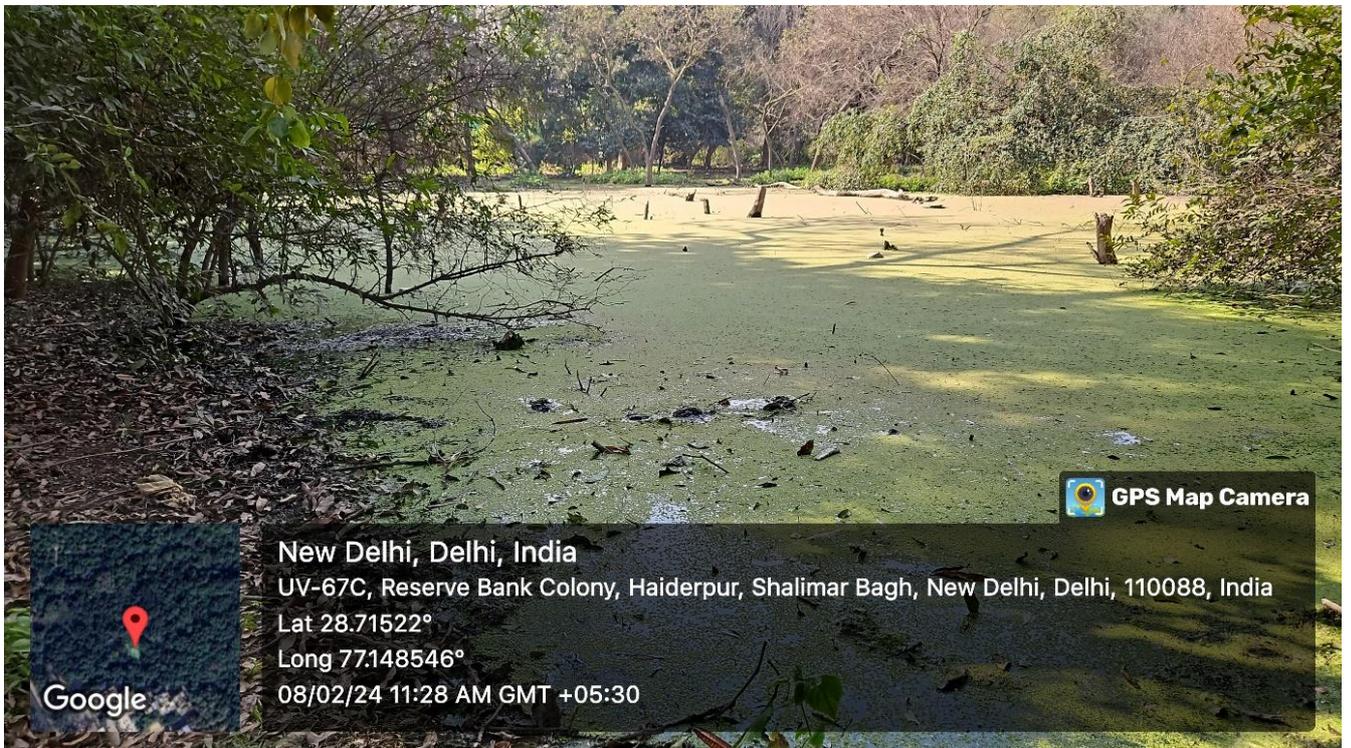
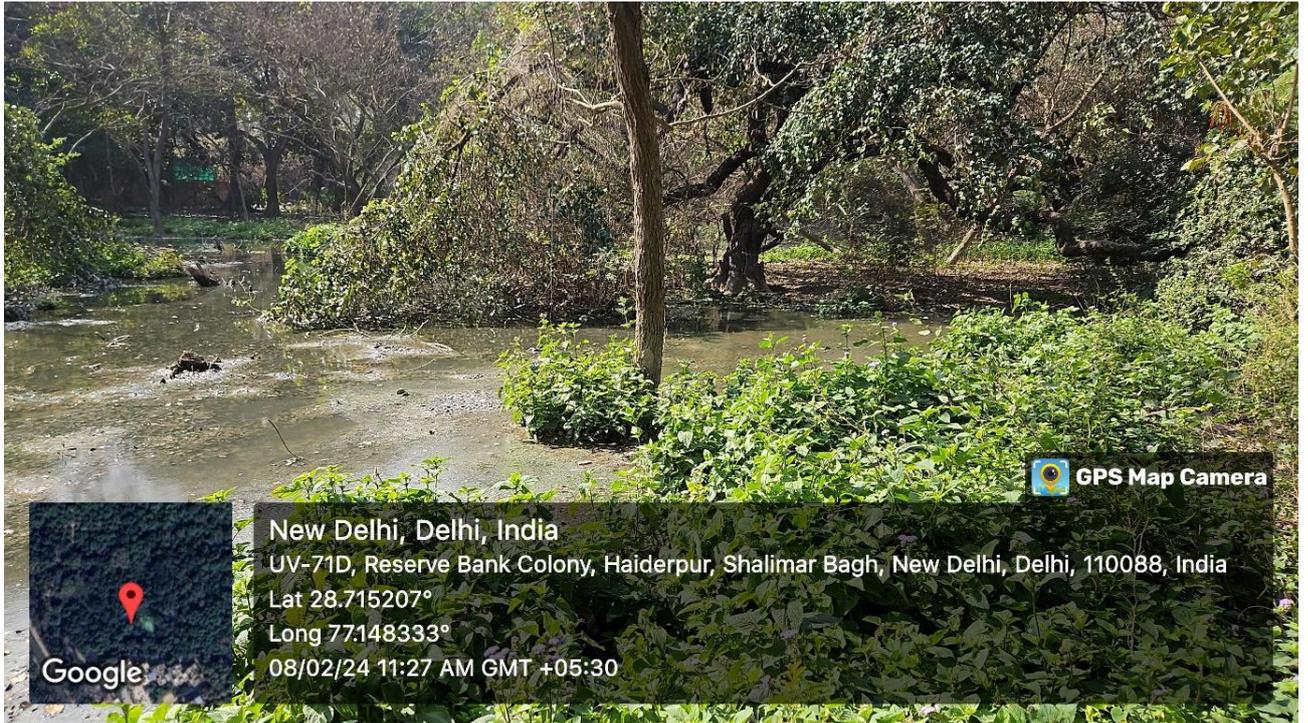


Delhi, Delhi, India  
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Long 77.147482°  
08/02/24 11:44 AM GMT +05:30

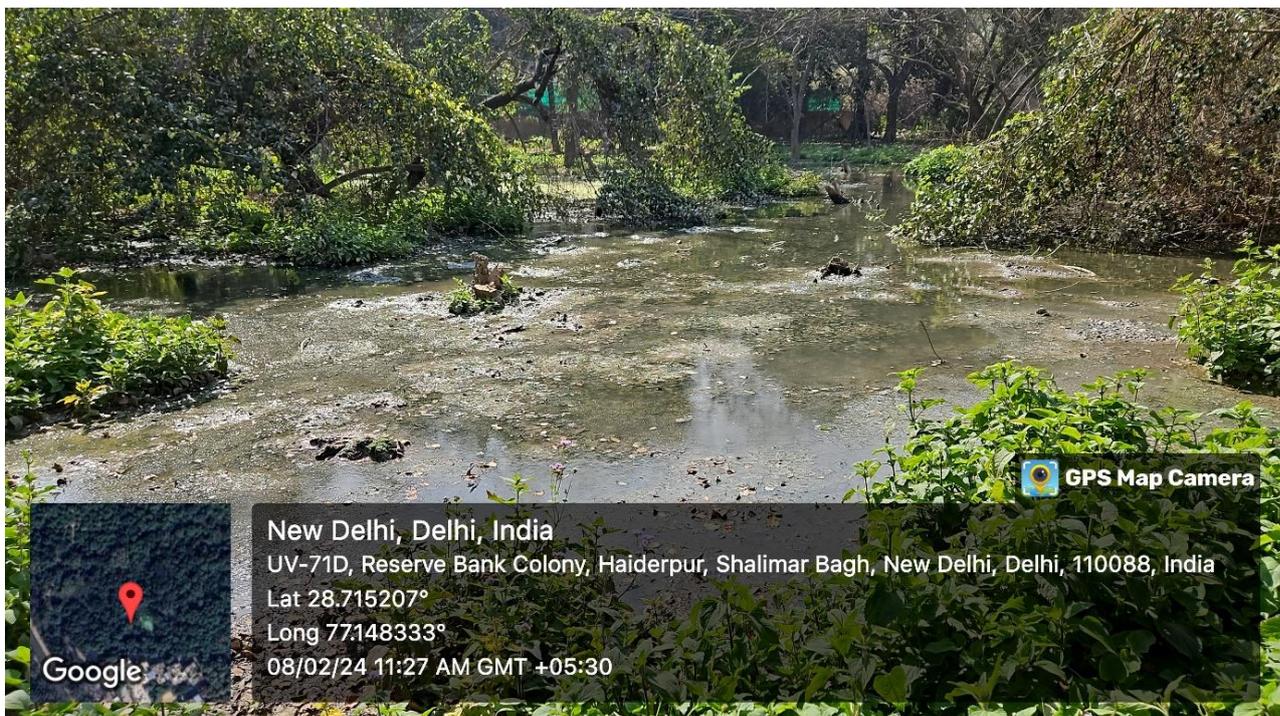
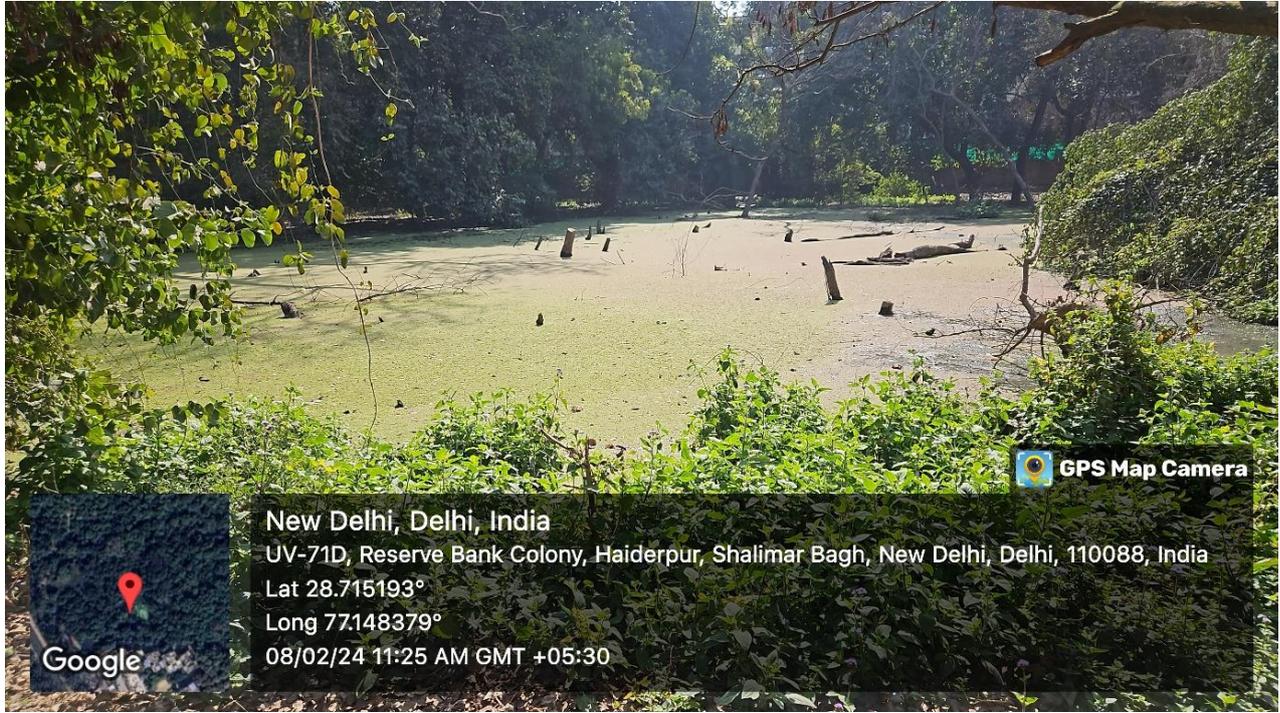


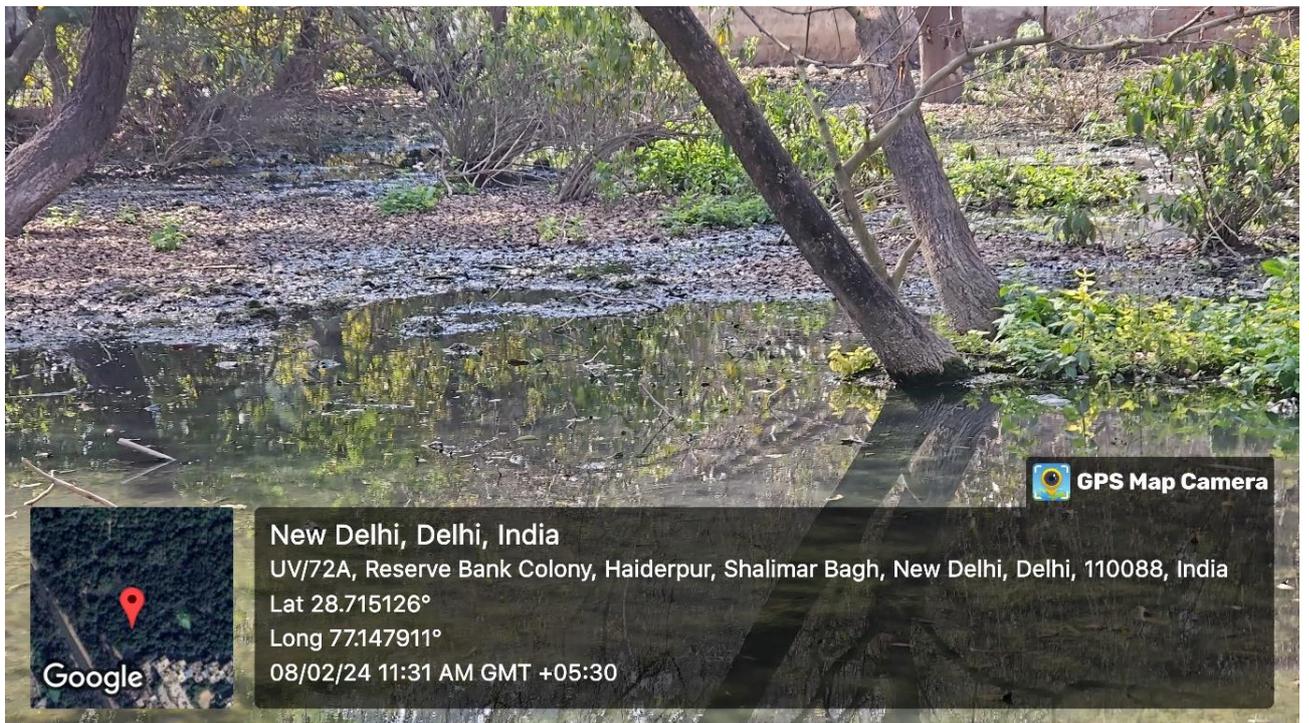
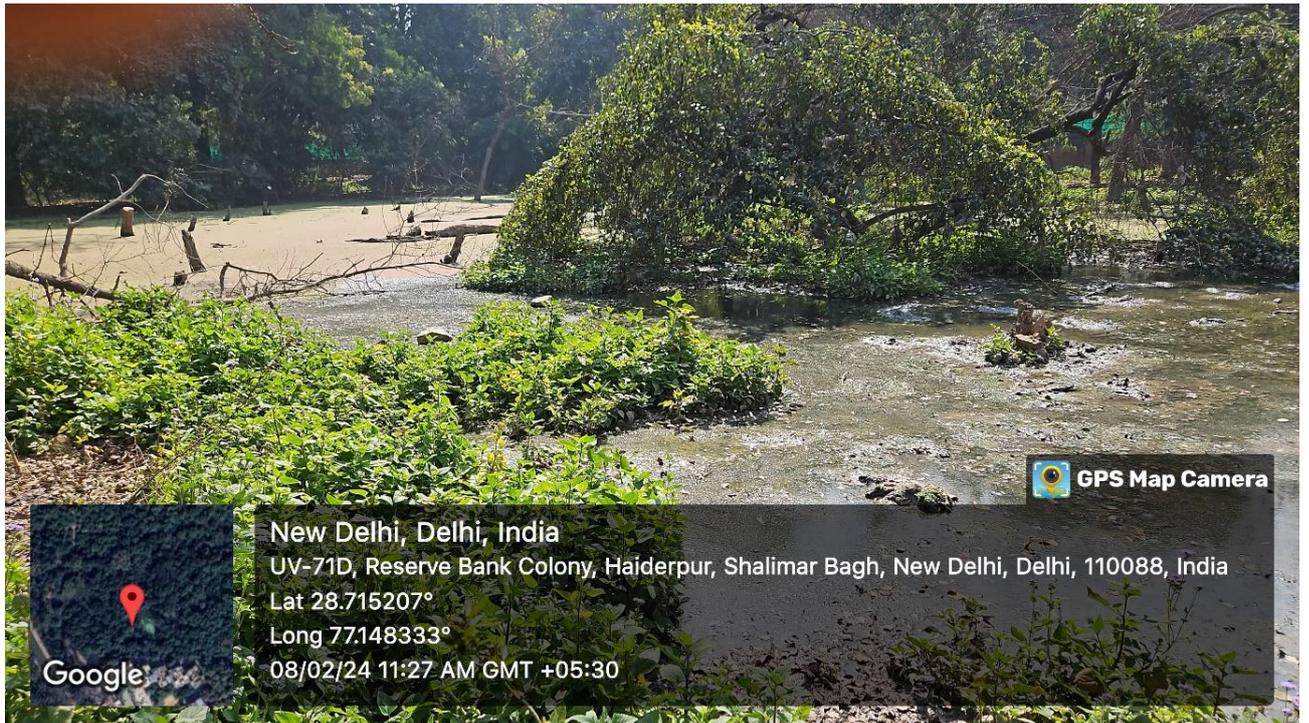
**SEWAGE AND MUNICIPAL WASTE DISCHARGED IN THE  
OPEN GREEN AREA OF THE SHALIMAR GARDEN –  
SEWAGE POND**

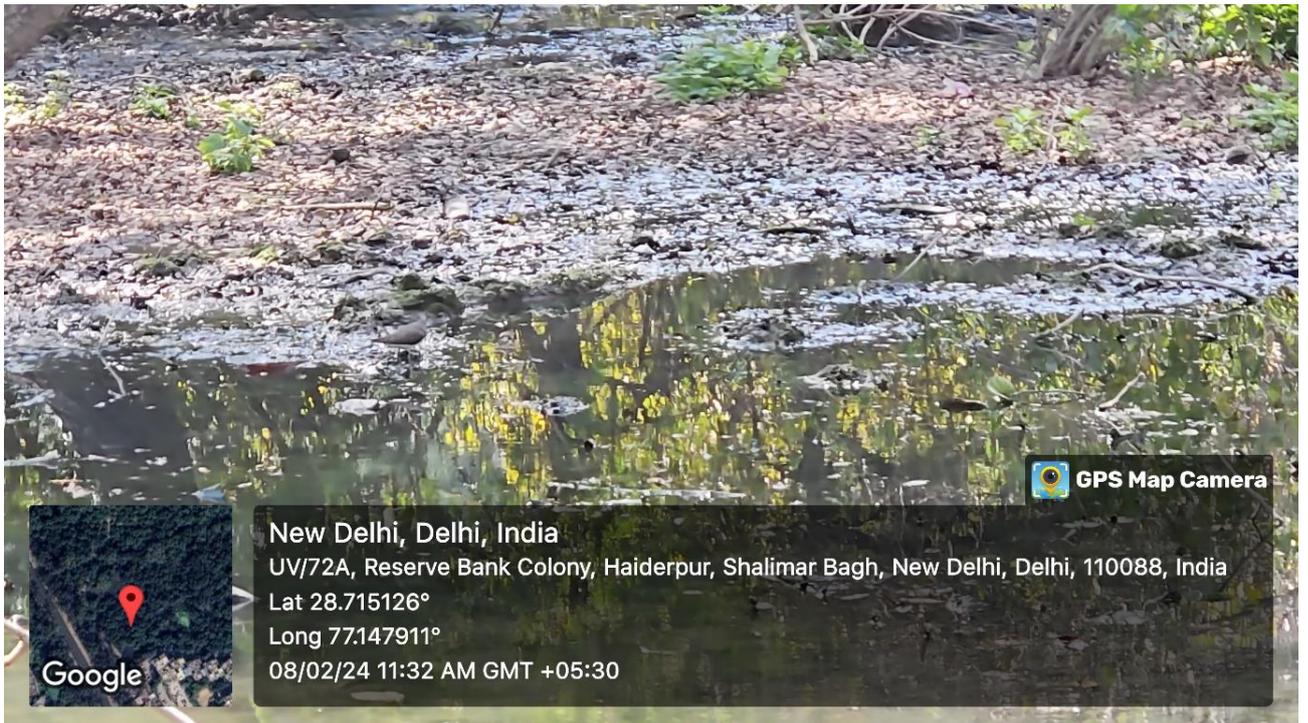




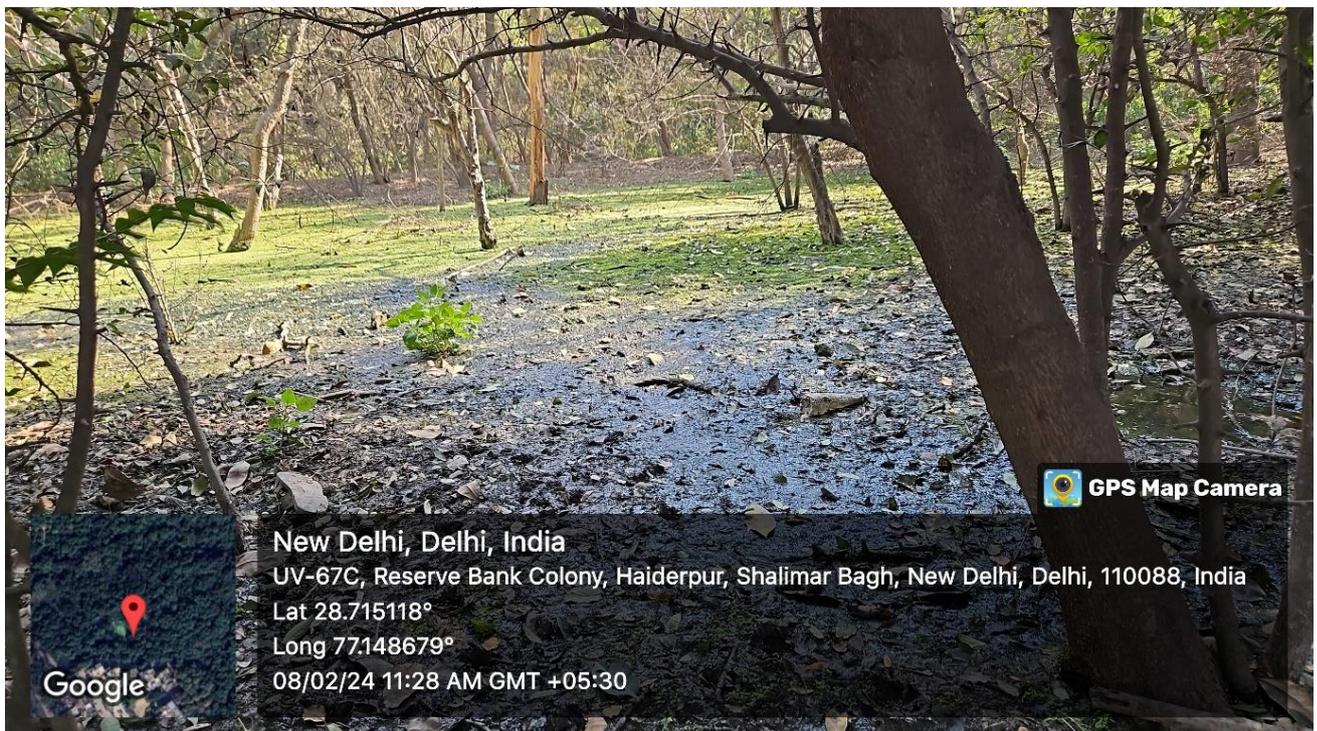
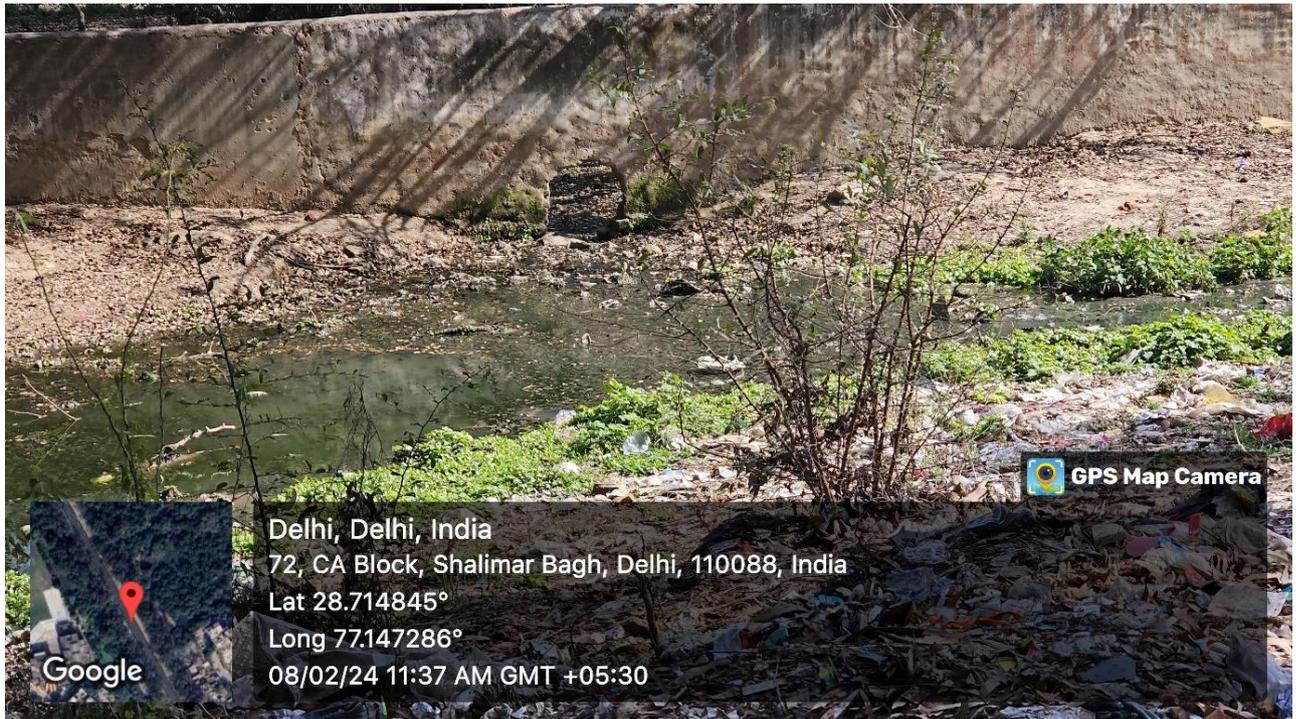
## FLORA DAMAGED DUE TO THE ACCUMULATION OF SEWAGE AND WASTE WATER



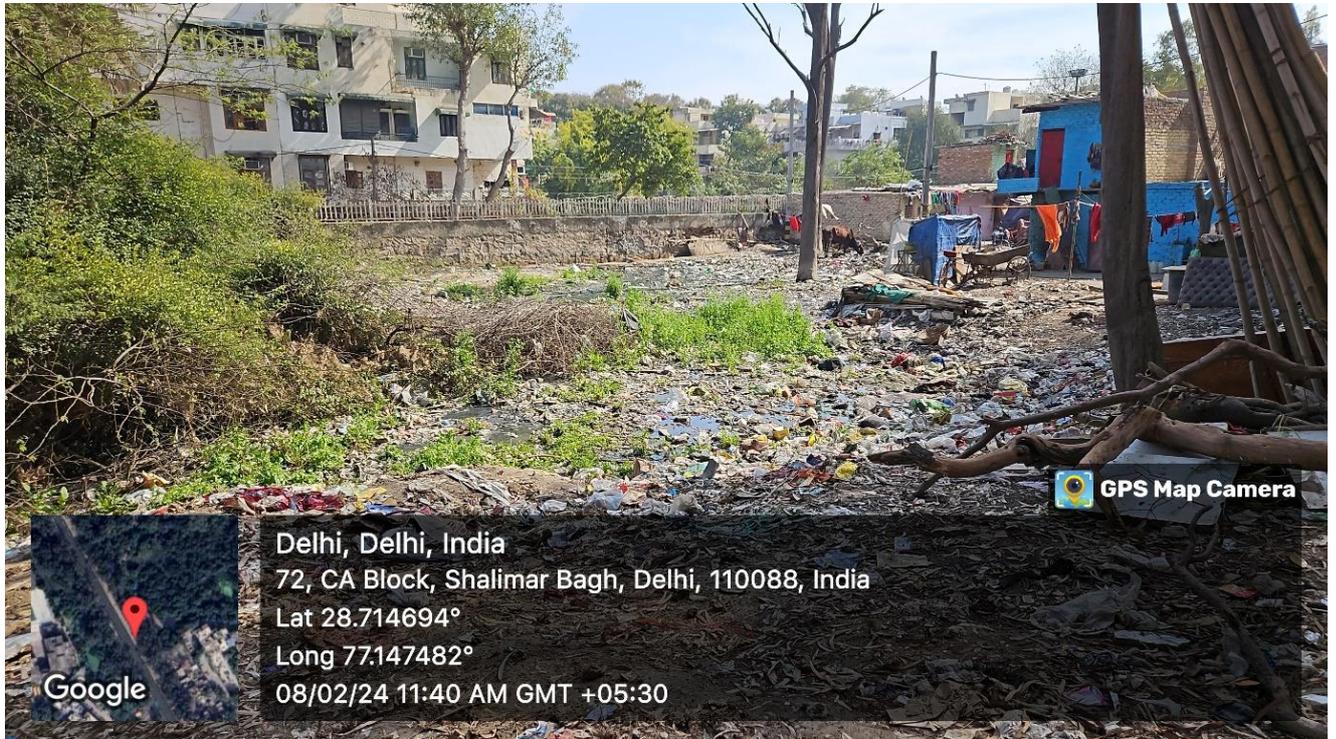








### MUNICIPAL WASTE DUMPED BETWEEN THE GREEN AREA AND THE WESTERN YAMUNA CANAL



**STREAM DUG UP FROM THE SEWAGE POND IN GREEN  
AREA OF SHALIMAR BAGH TO SPREAD SEWAGE IN THE  
UNAFFECTED GREEN AREA**





GPS Map Camera

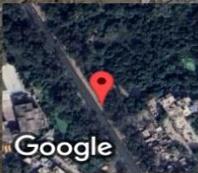


New Delhi, Delhi, India  
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Lat 28.715241°  
Long 77.148512°  
08/02/24 11:26 AM GMT +05:30

# JAN SUVIDHA COMPLEX UNDER CONSTRUCTION



GPS Map Camera



Delhi, Delhi, India  
72, CA Block, Shalimar Bagh, Delhi, 110088, India  
Lat 28.714694°  
Long 77.147482°  
08/02/24 11:39 AM GMT +05:30



GPS Map Camera



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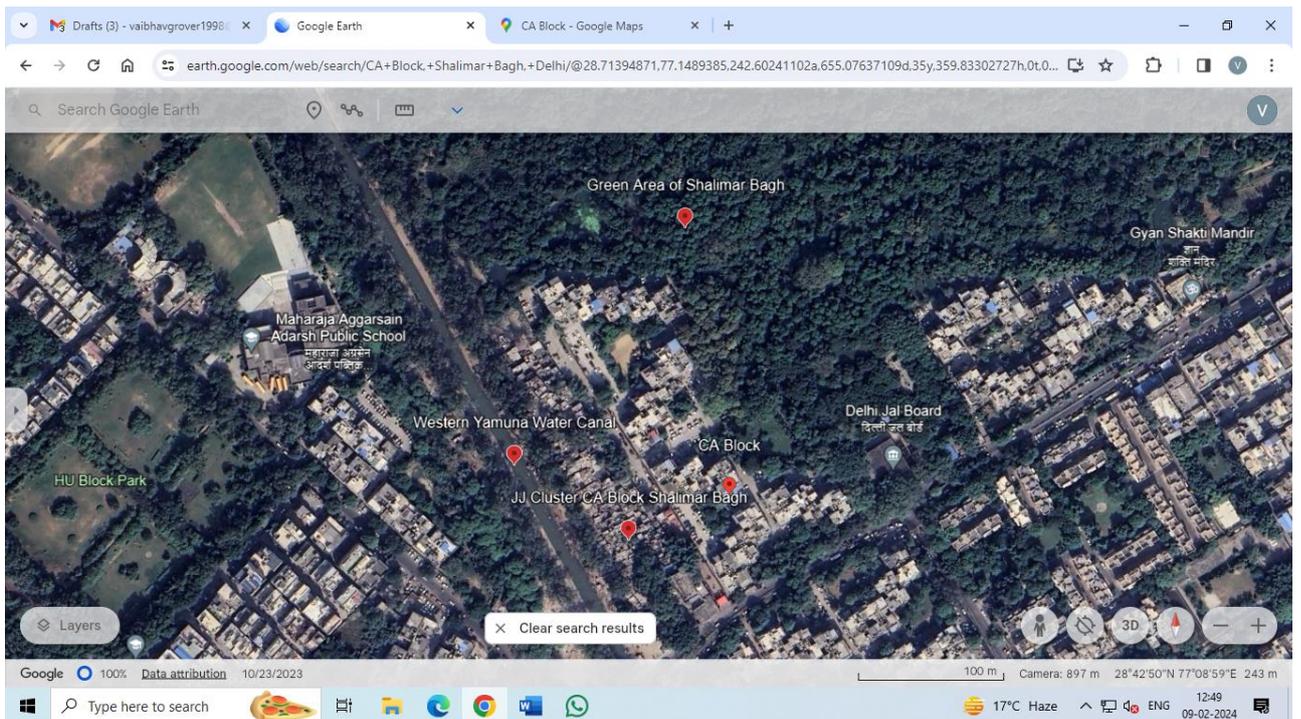
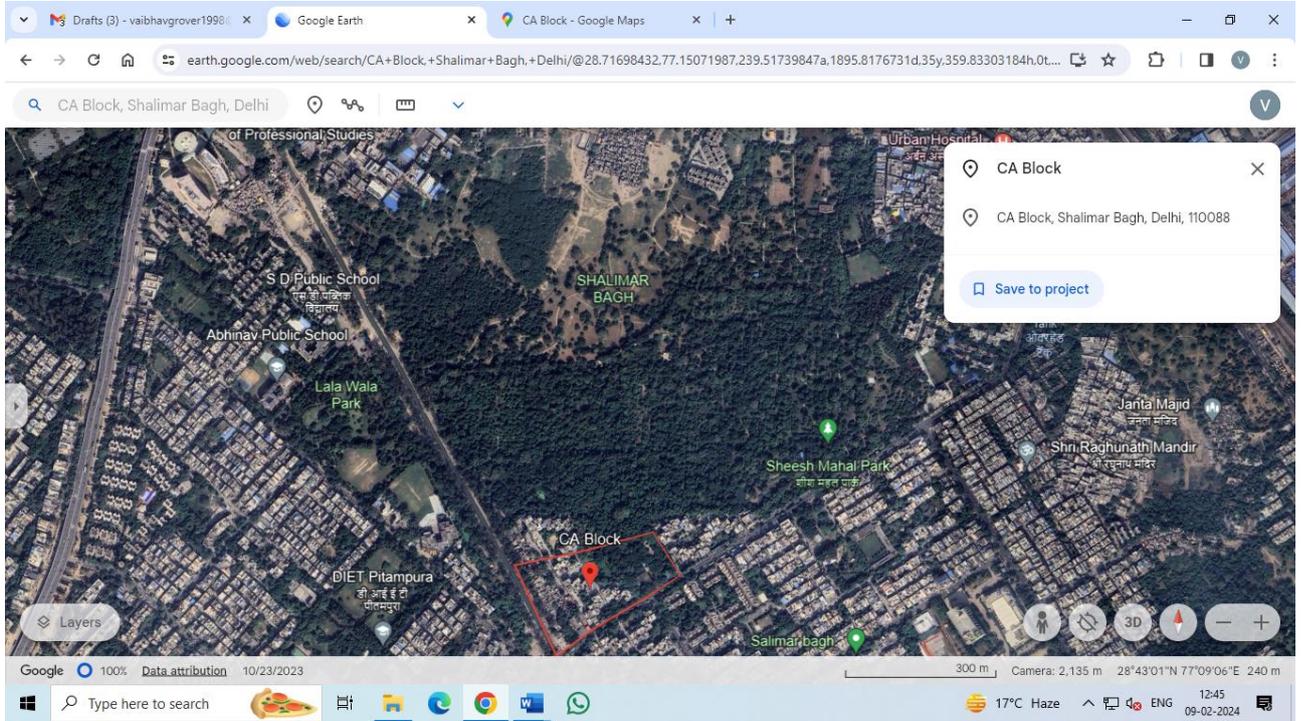
Google

**SEWAGE AND WASTE WATER DISCHARGED BY THE  
SLUM DWELLERS IN THE RAIN WATER DRAINS OF CA  
BLOCK SHALIMAR BAGH**





# GOOGLE EARTH SATELLITE IMAGES OF GREEN AREA OF SHALIMAR BAGH, WESTERN YAMUNA CANAL, JHUGI CLUSTER AND CA BLOCK SHALIMAR BAGH



from Delhi  
to 28.7122548, 77.1489904

**5 min (1.4 km)**  
via unnamed roads  
Fastest route now due to traffic conditions

Delhi

↑ Head southeast toward Haiderpur Rd  
1 Pass by Fino Payments Bank (on the right)  
1 Destination will be on the right

1.4 km

28.7122548, 77.1489904

Gas EV charging Hotels More

Haiderpur Water Treatment Plant

Nambardar Baithak

Advocate Abhishek Kumar Singh

La Maurya Bangu

Haiderpur Rd

Vivekananda Institute of Professional Studies

Urban Hospital

NEXA Service (Competent Auto)

8 min 1.9 km

6 min 1.7 km

5 min 1.4 km

SHANT VIHAR

SHALIMAR BAGH

SHALIMAR BAGH

Salimabagh

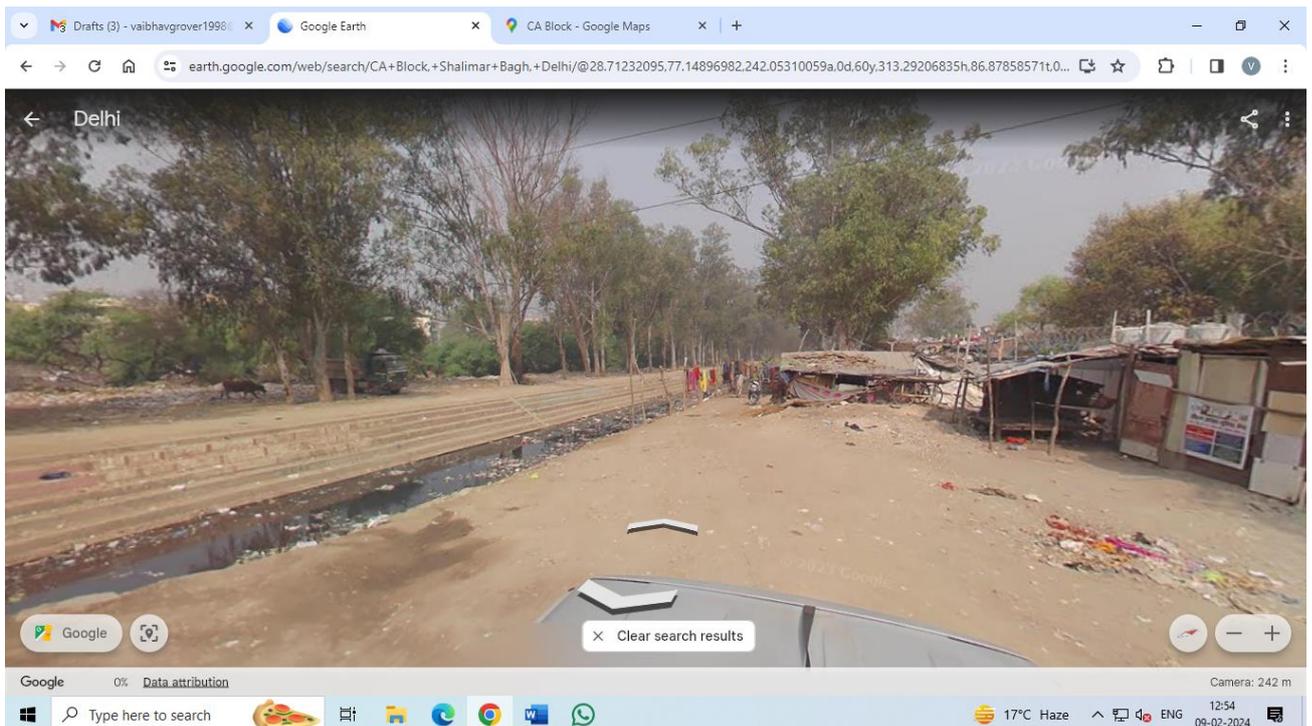
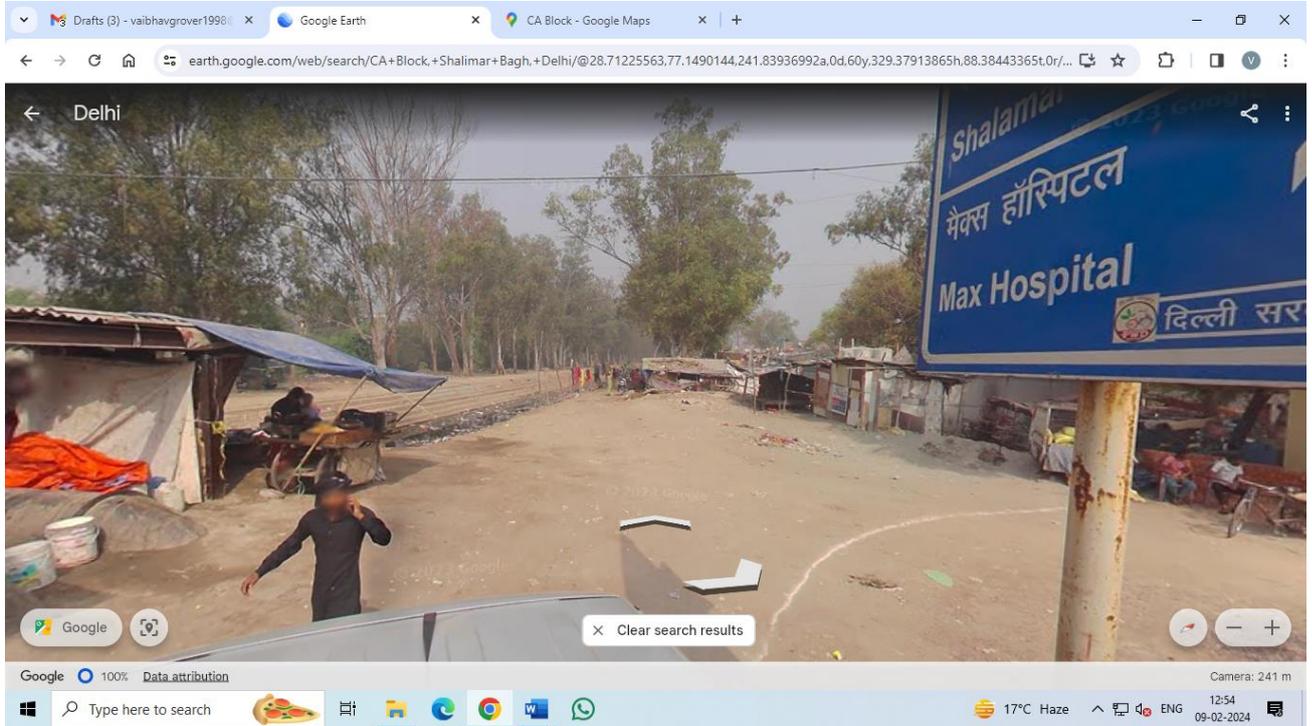
McDonald's

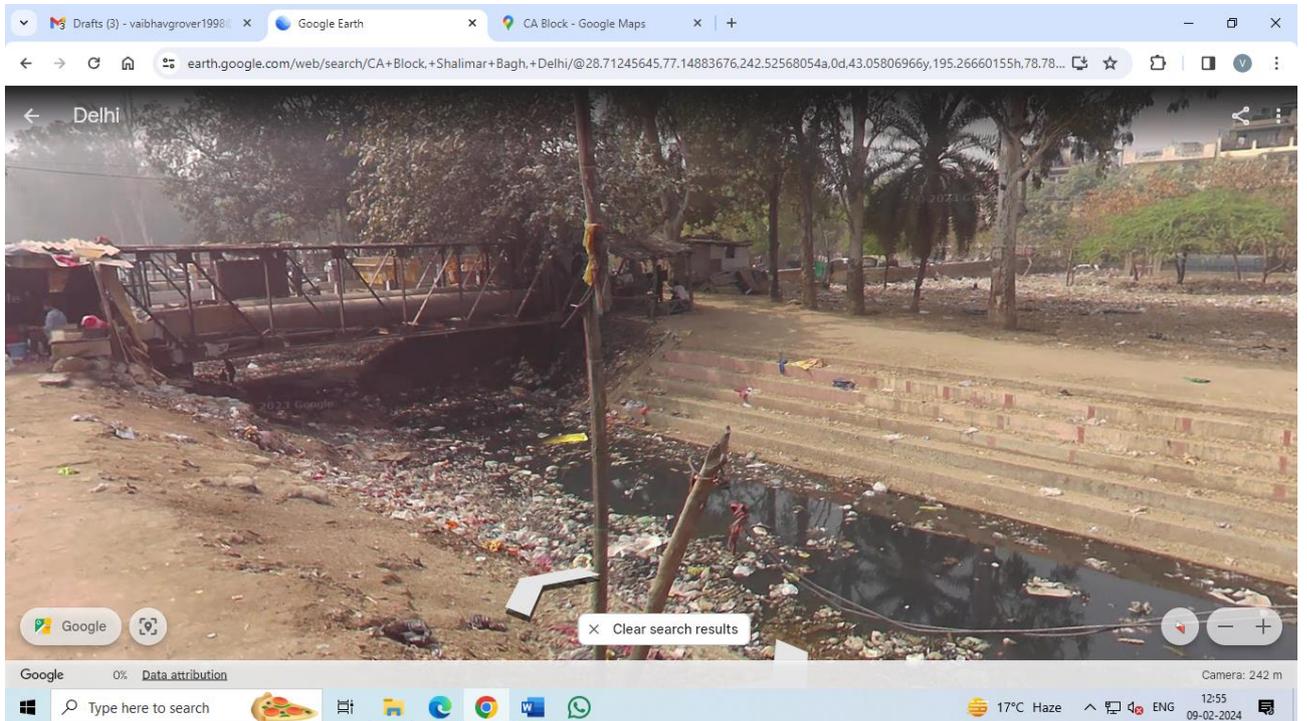
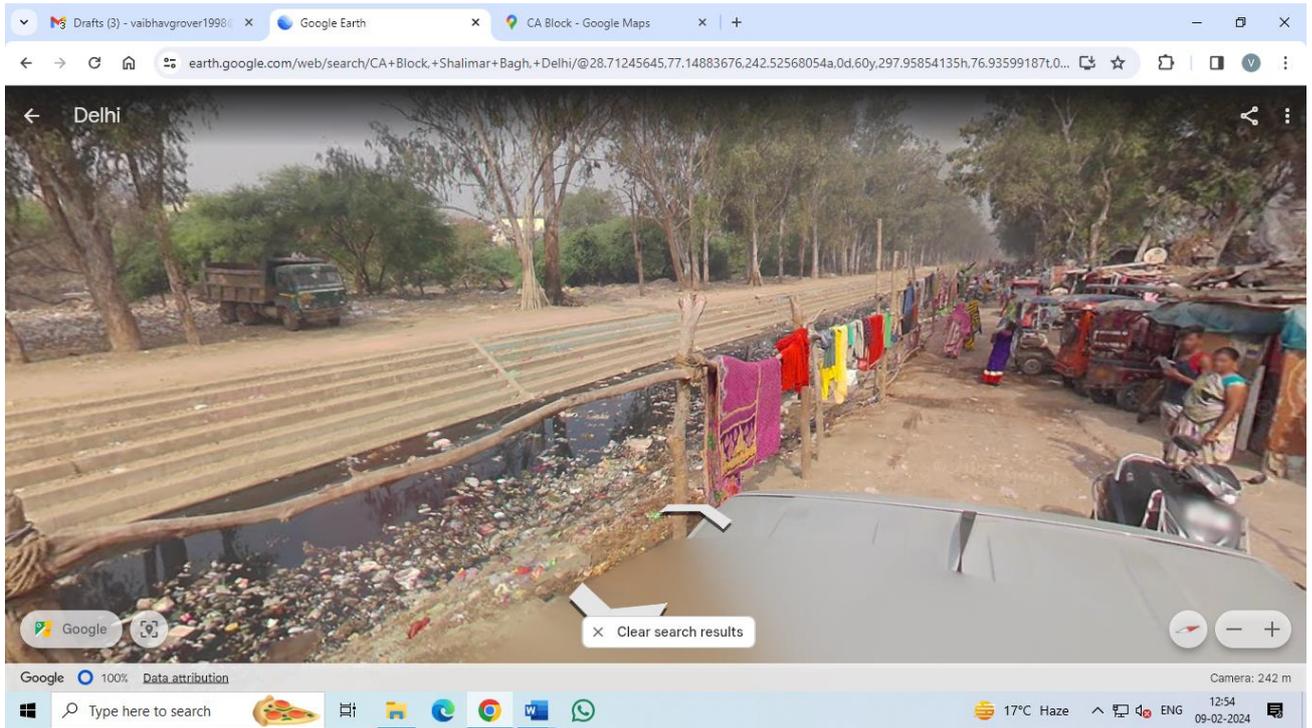
Jaspal Kaur Public School

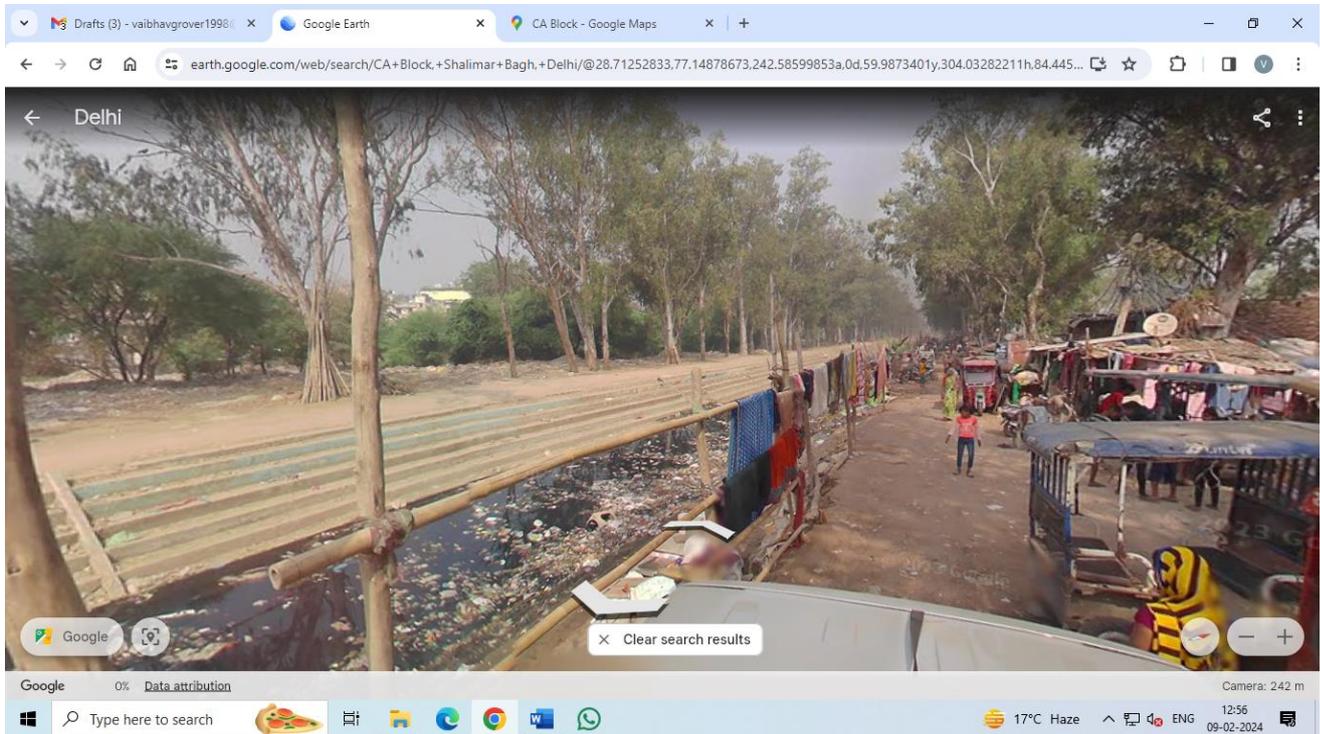
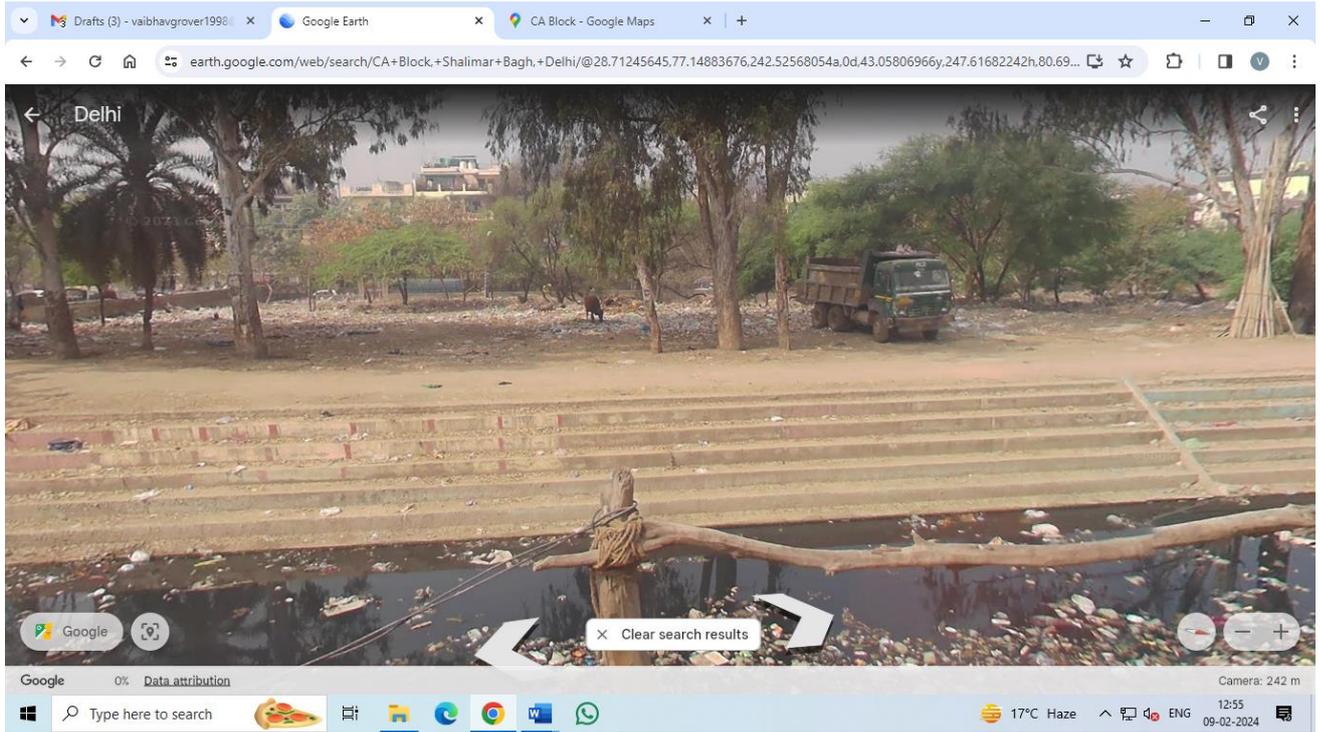
Live traffic Fast Slow

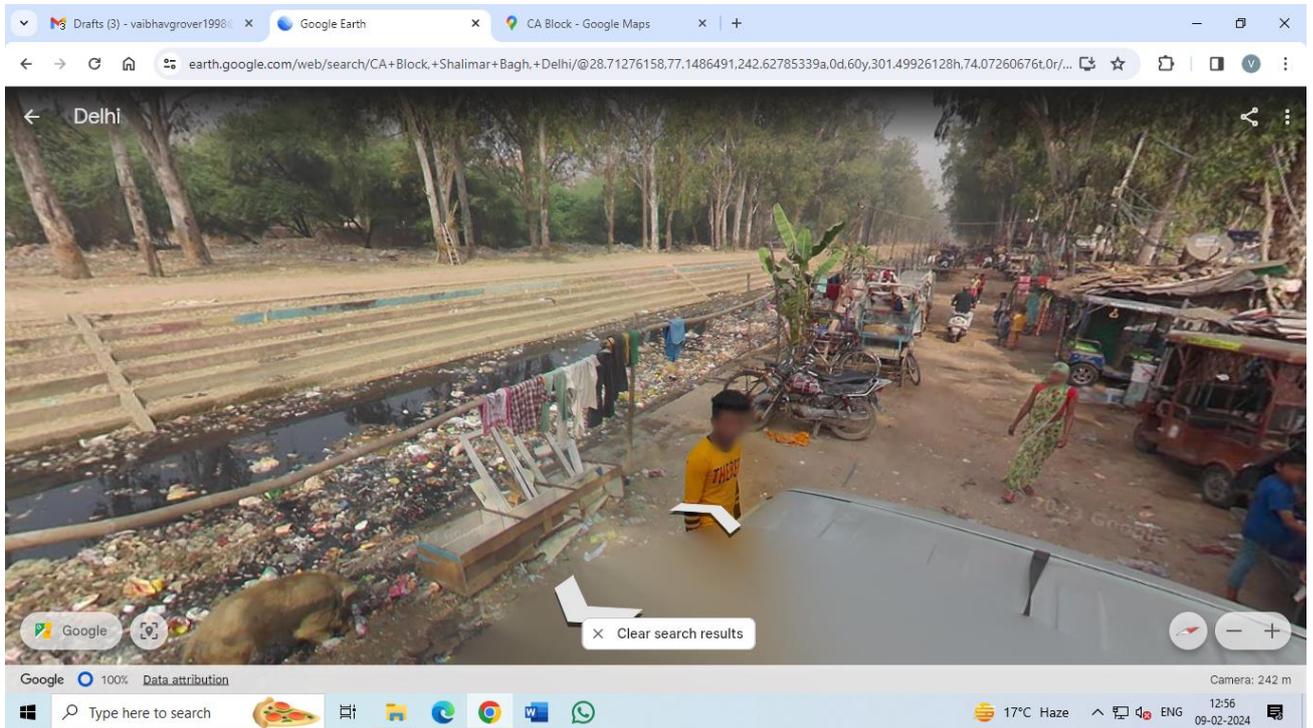
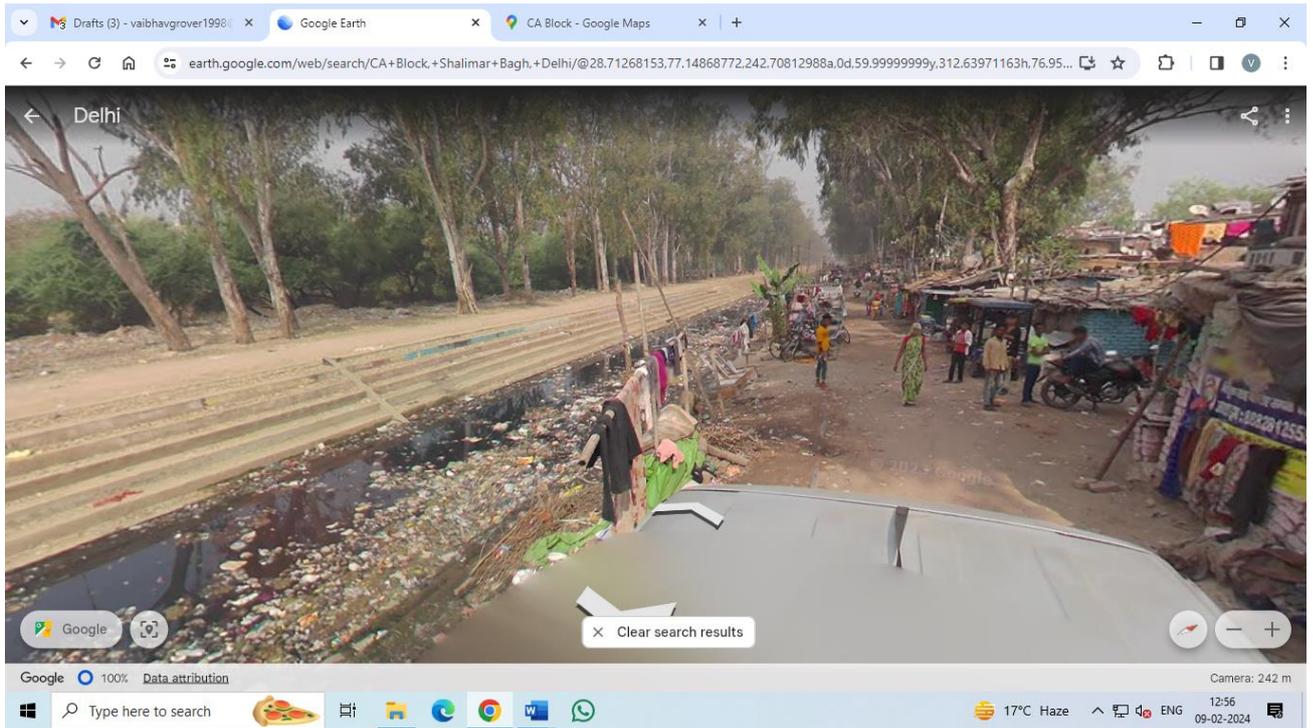
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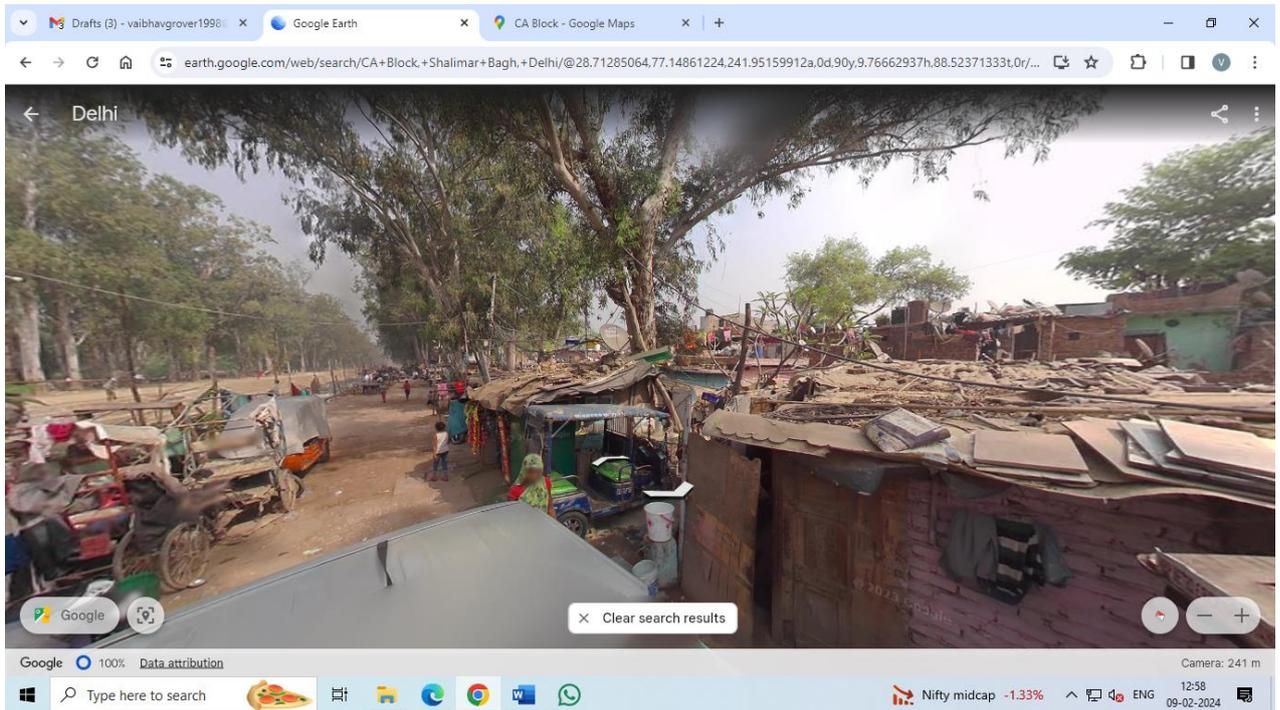
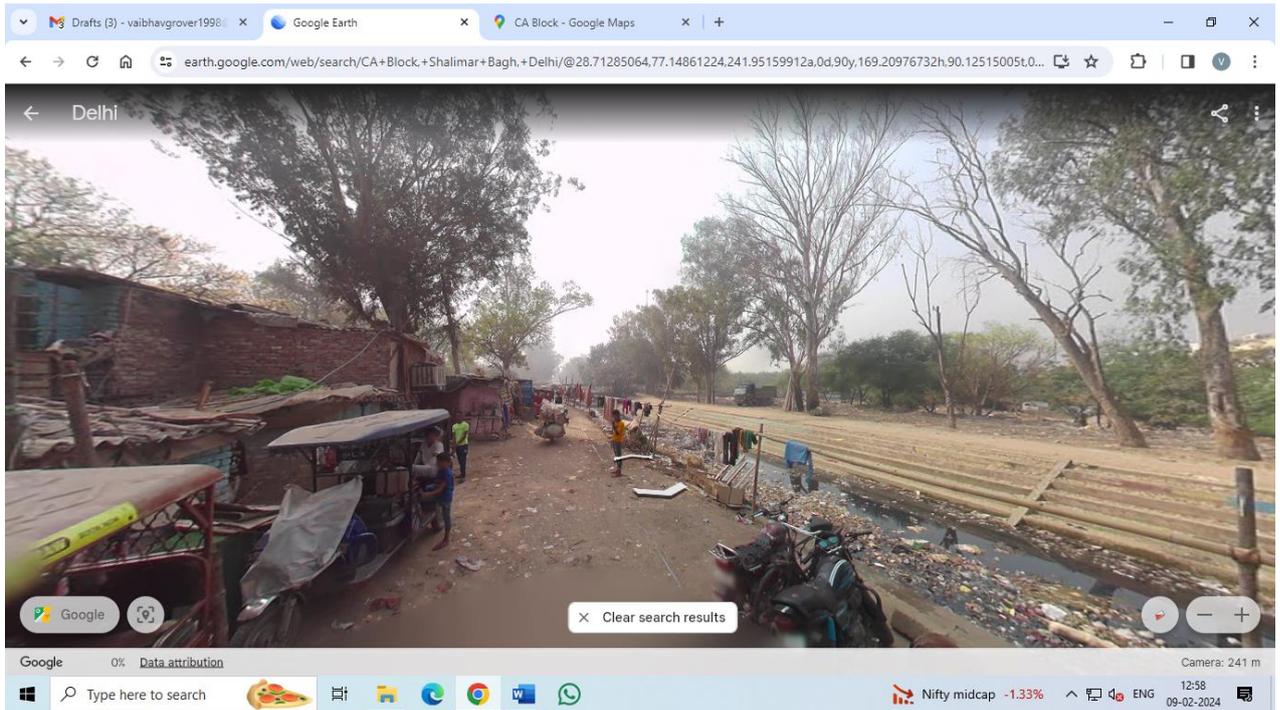
# GOOGLE EARTH STREET VIEW IMAGES OF WESTERN YAMUNA CANAL, JHUGI CLUSTER ADJACENT TO CA BLOCK SHALIMAR BAGH

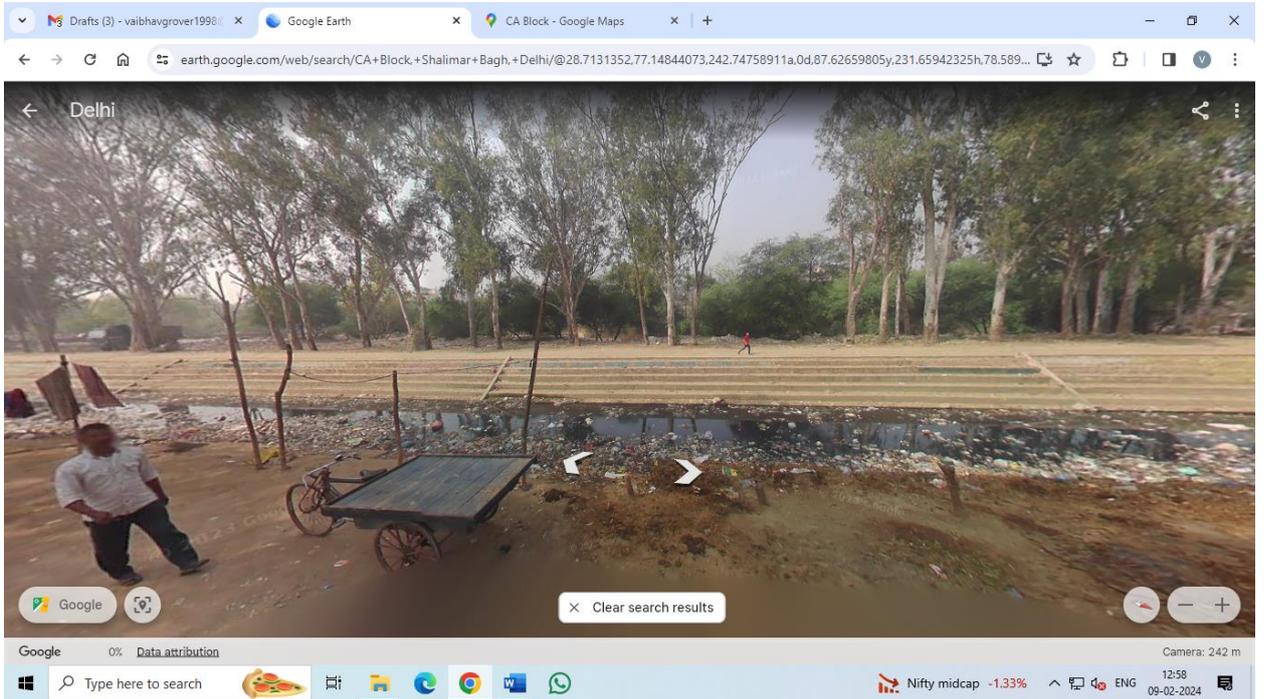
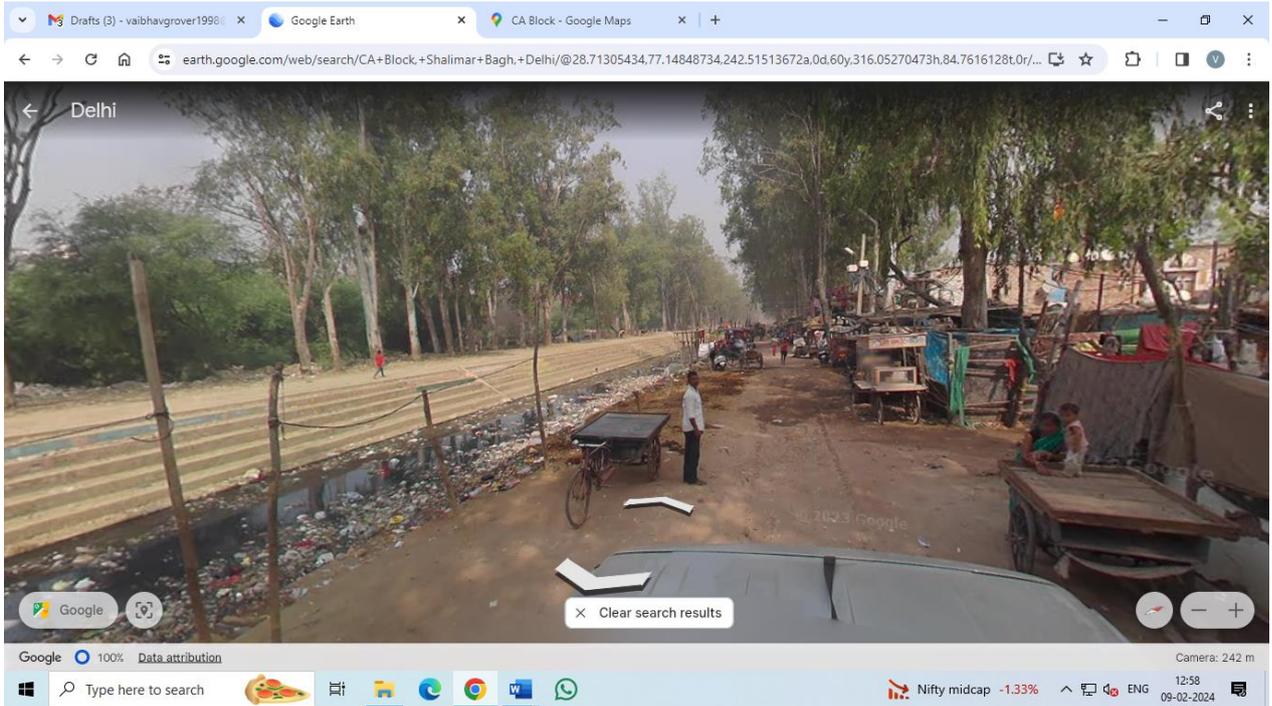


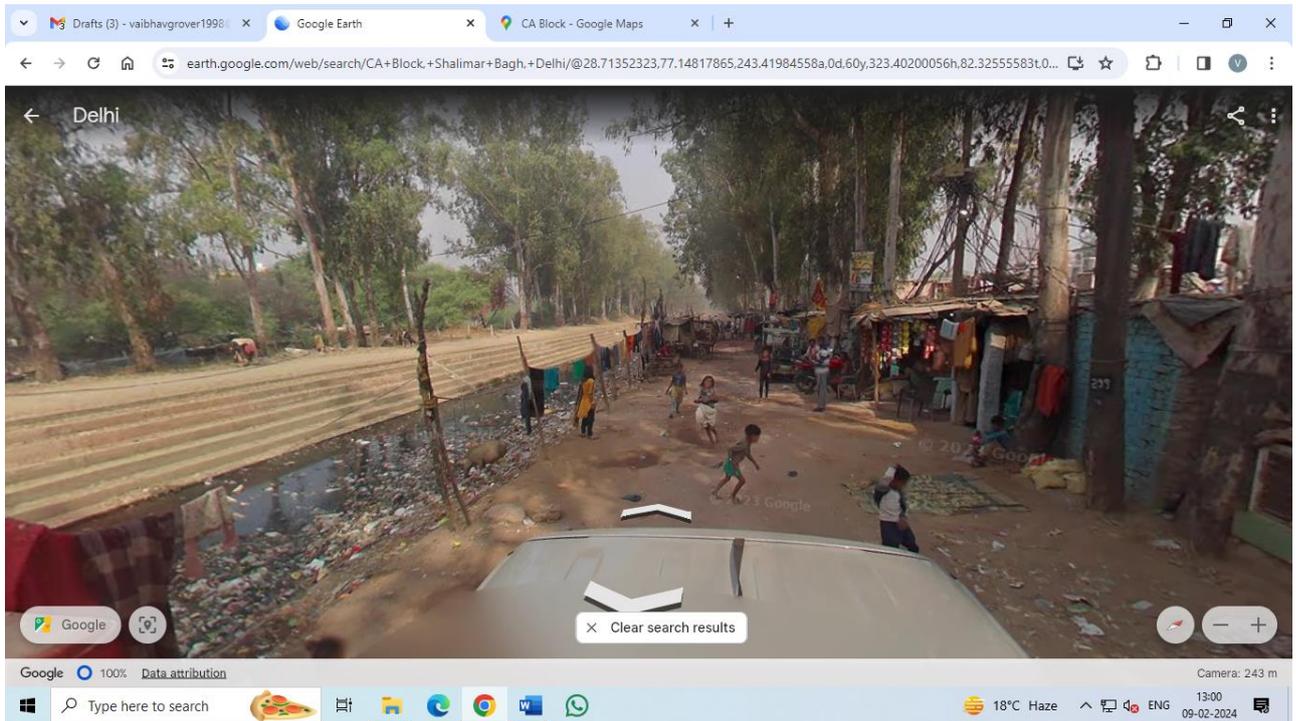
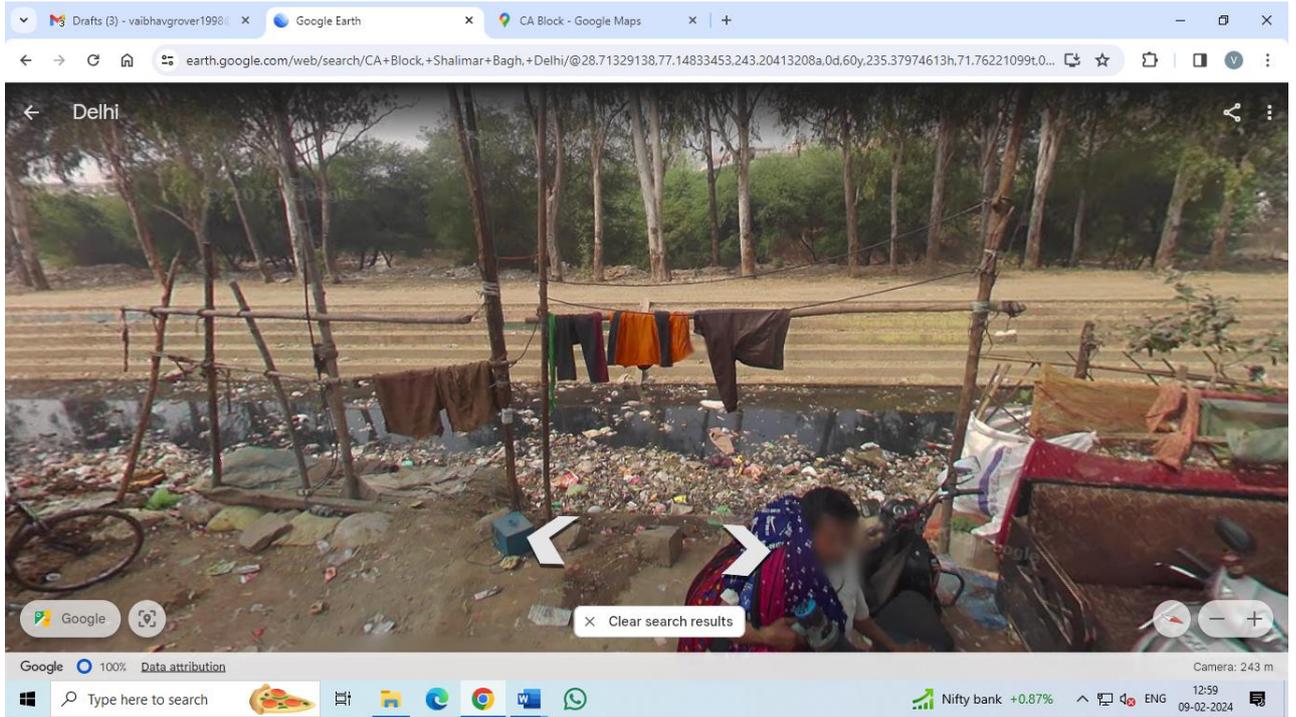


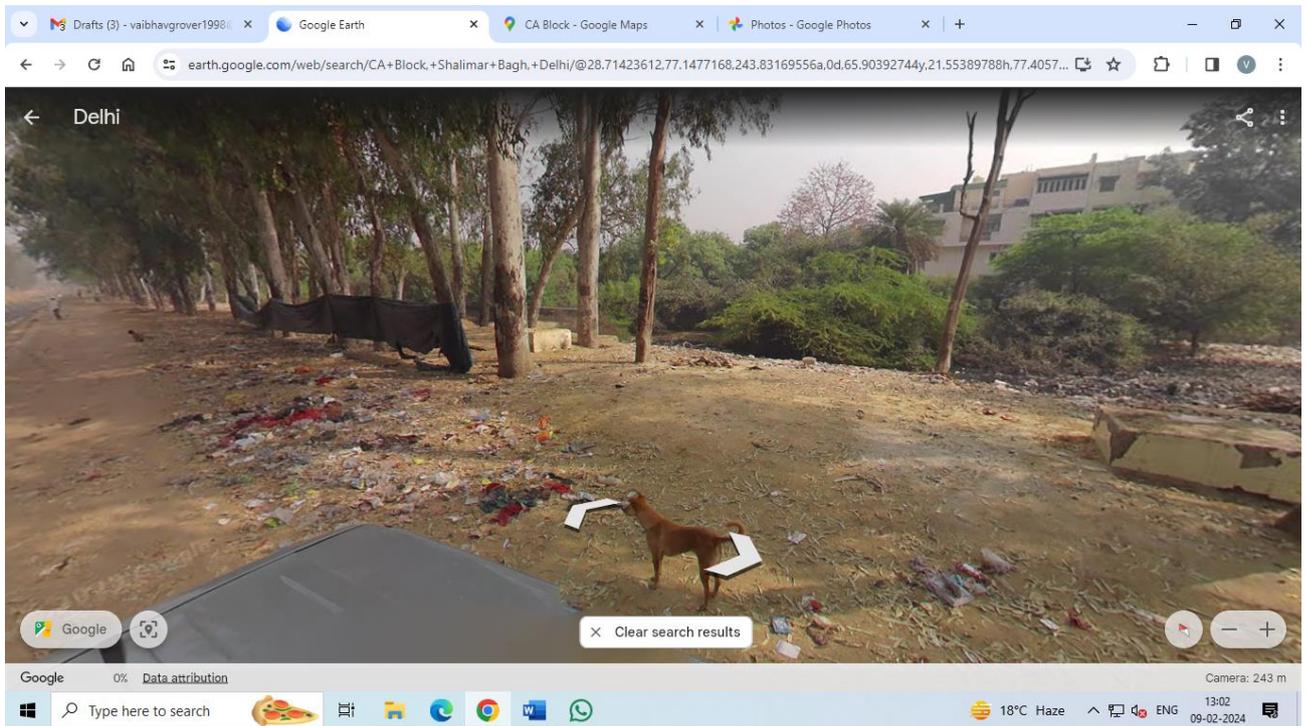
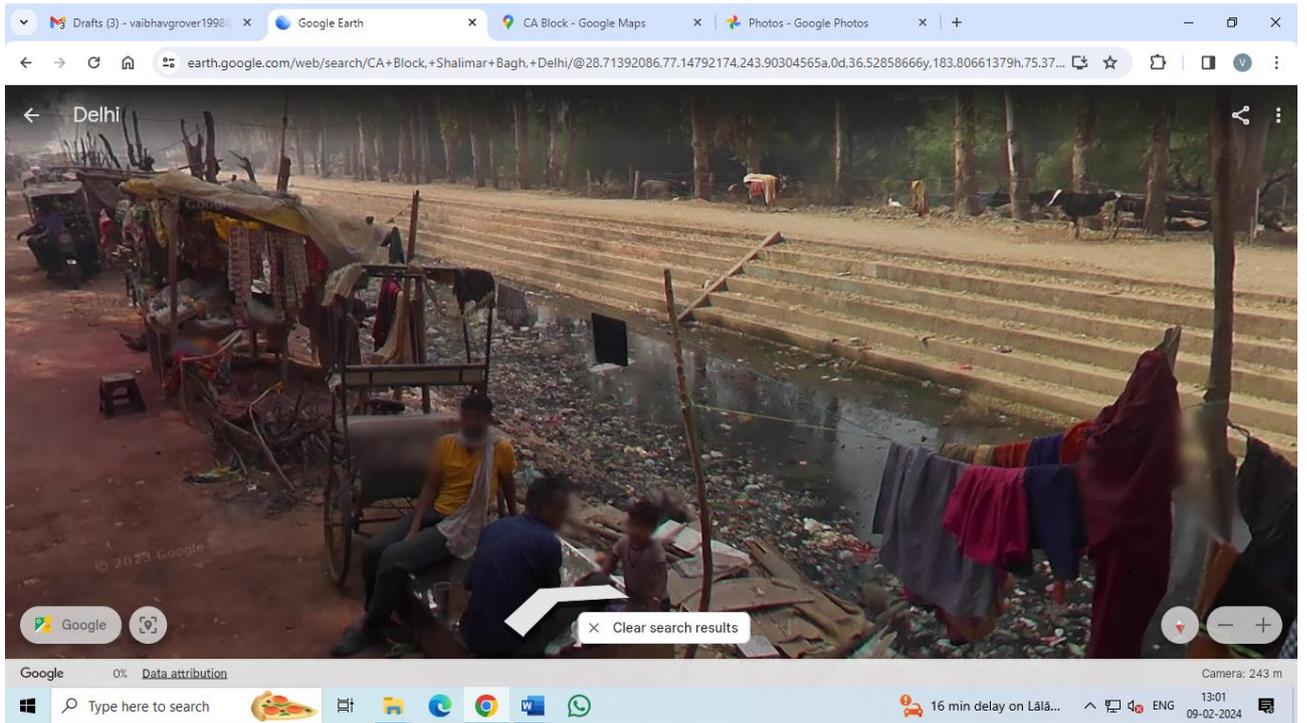


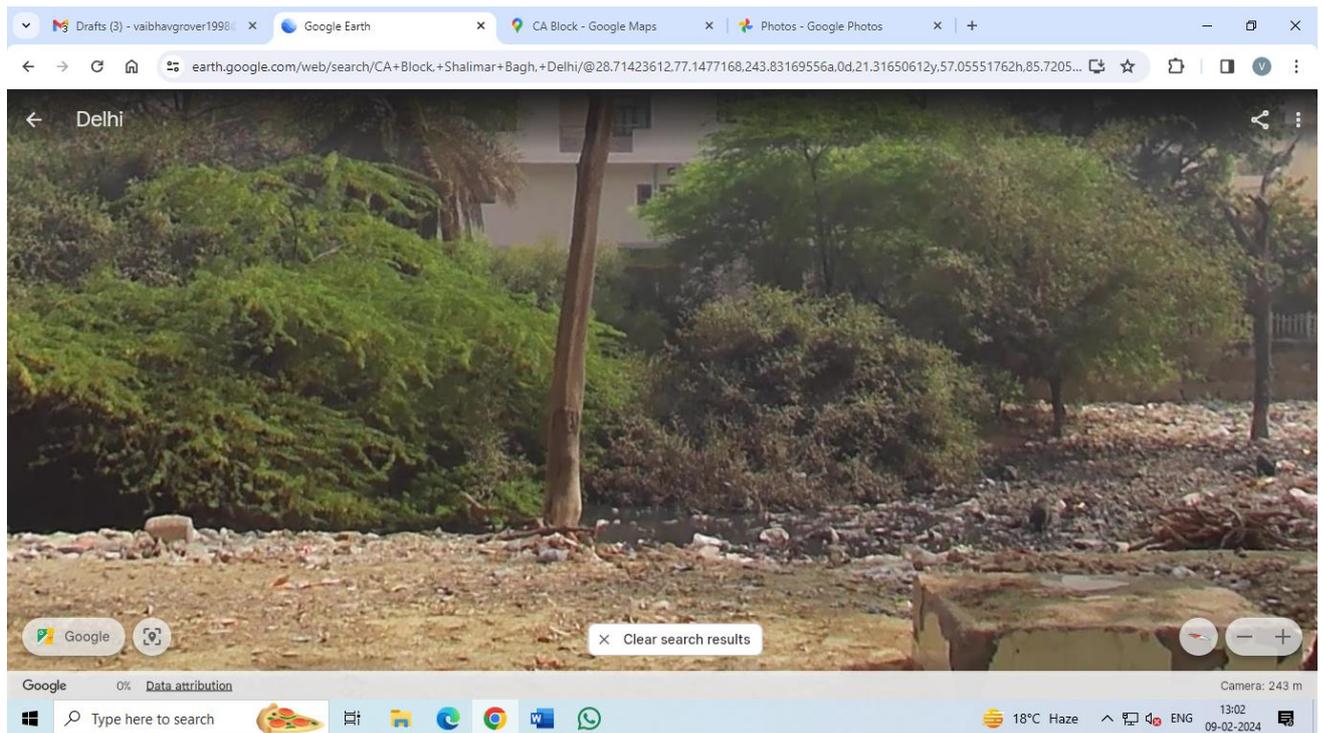




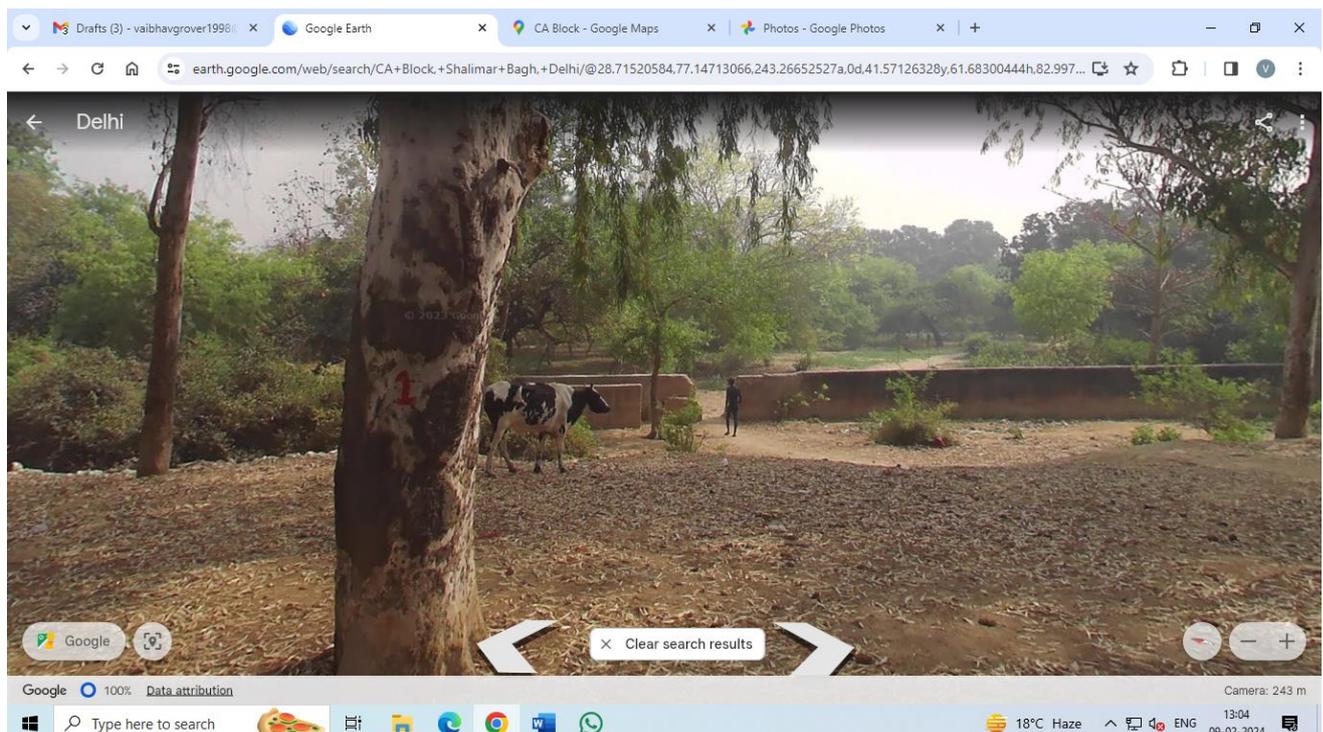


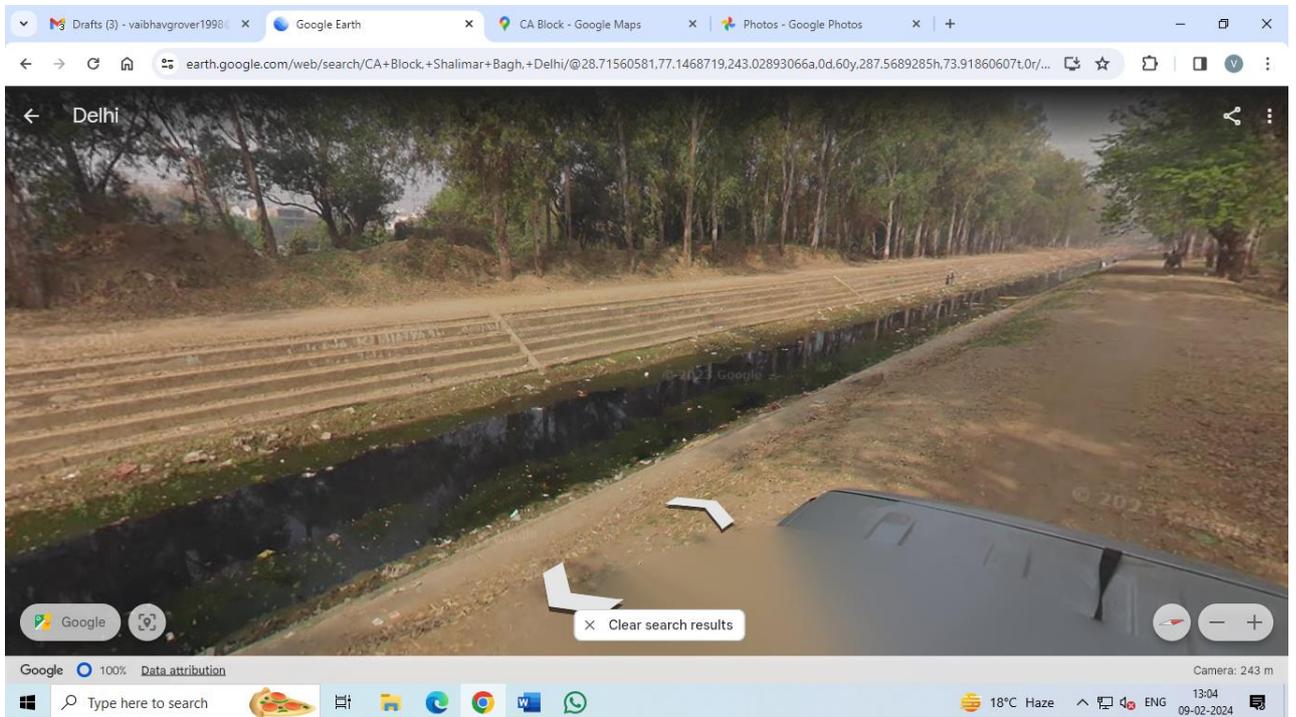
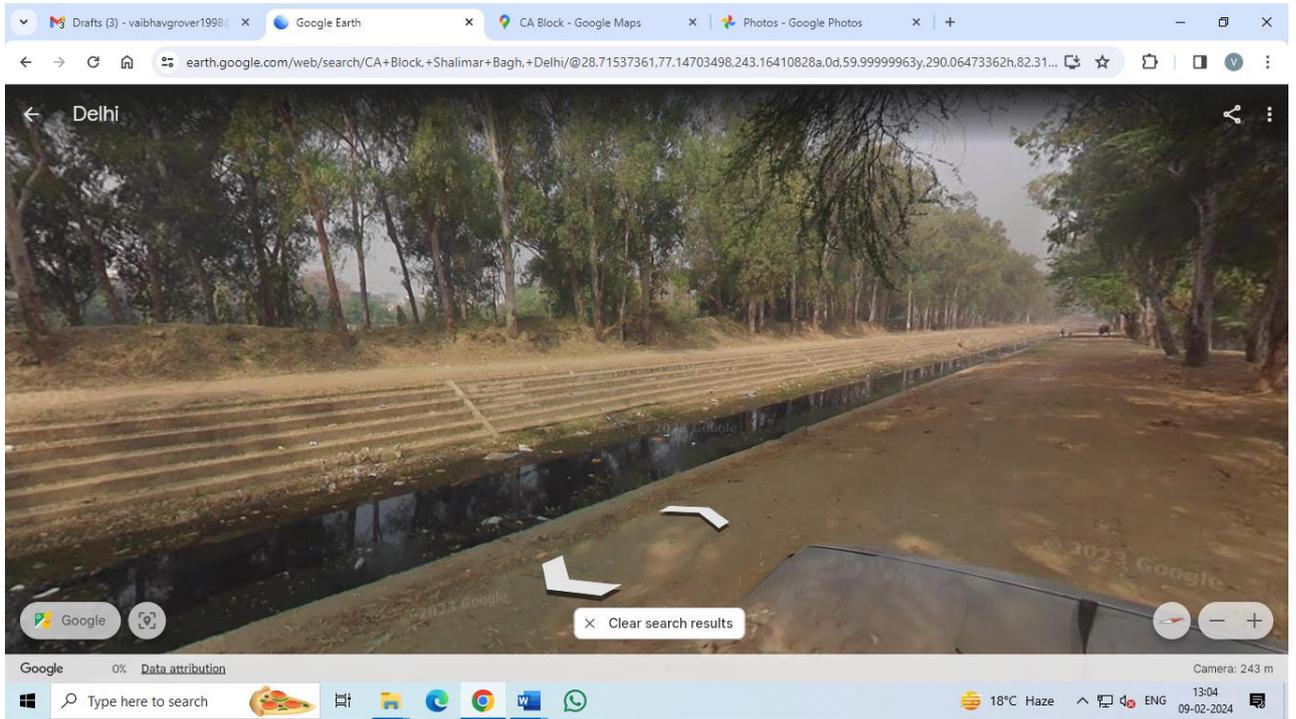


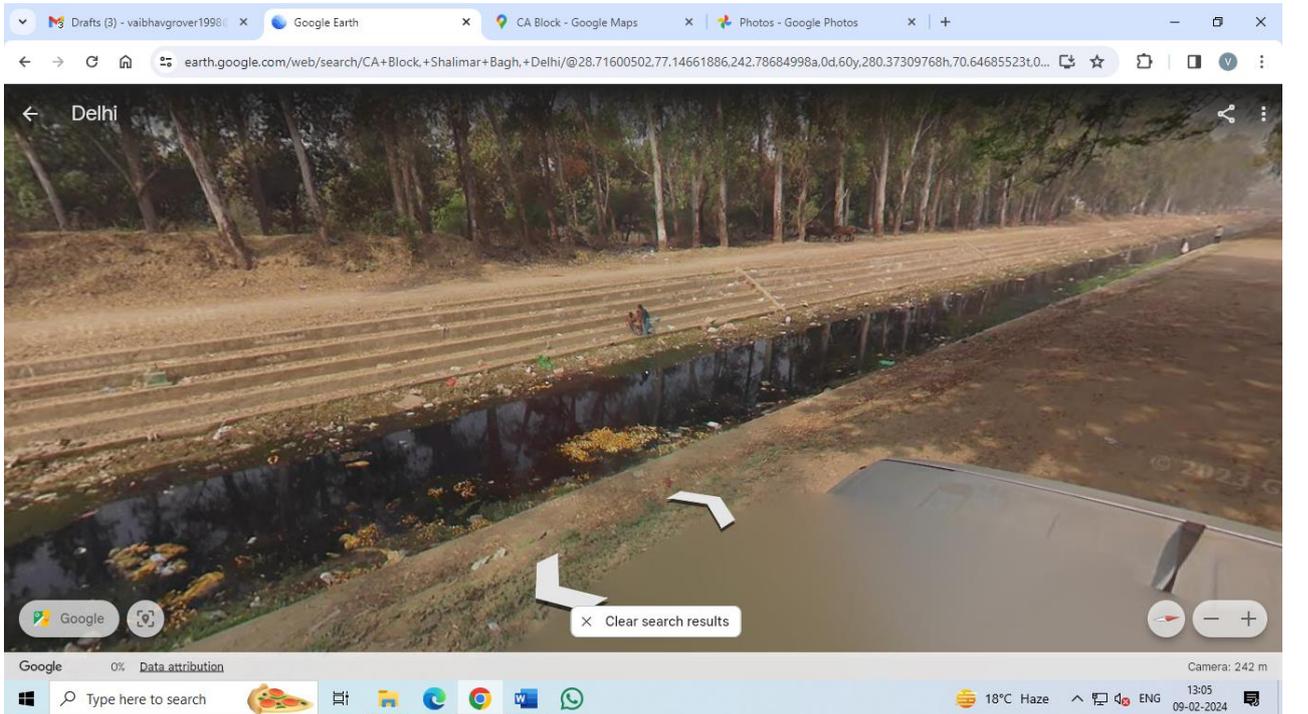
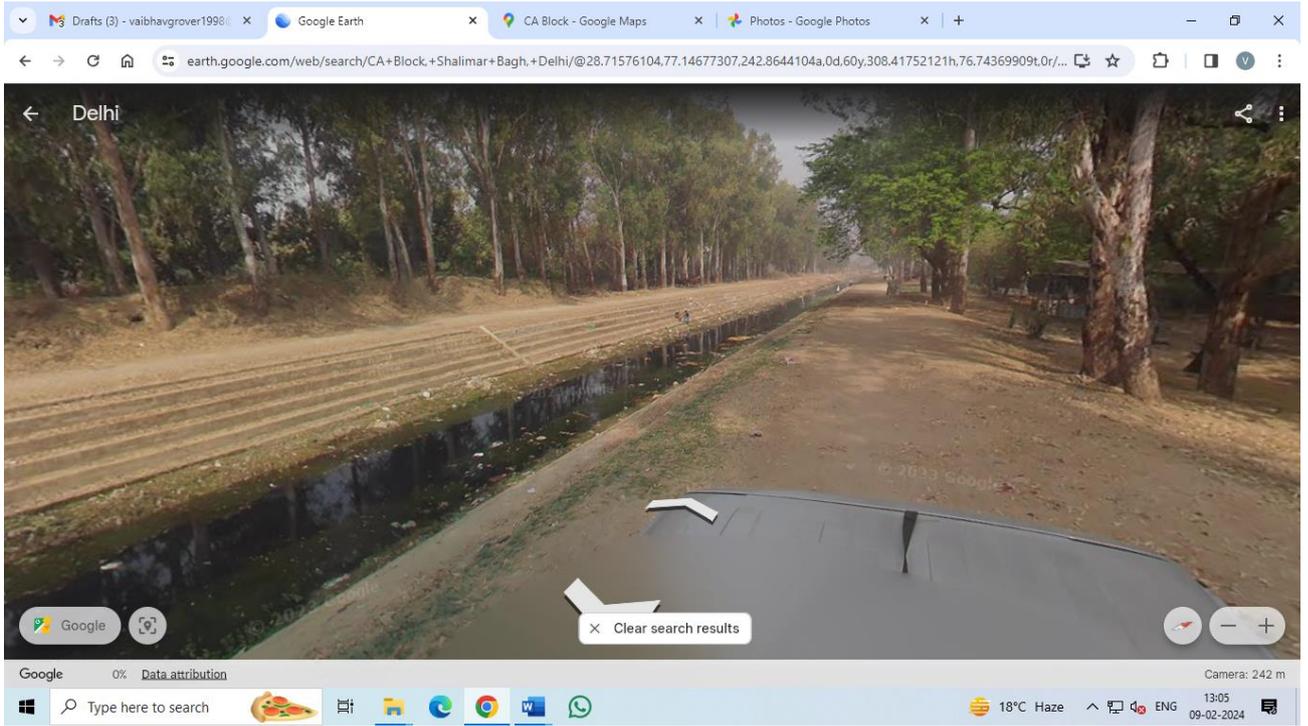


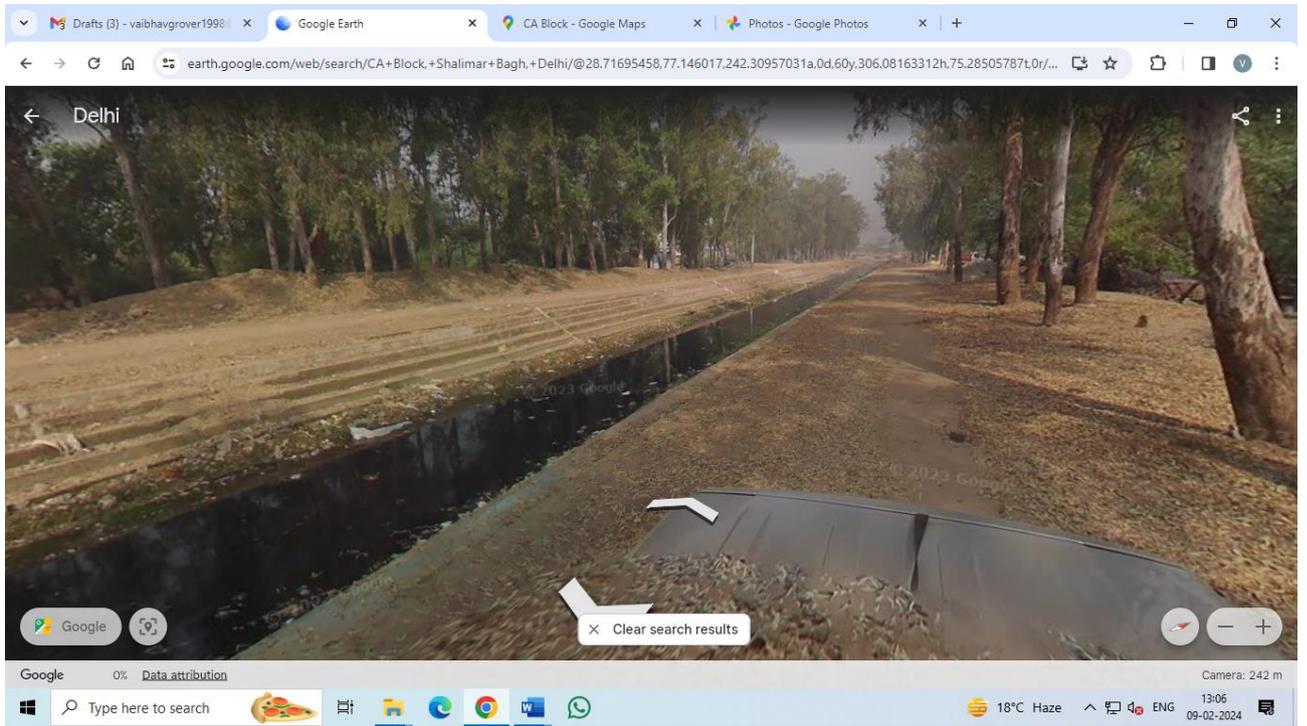
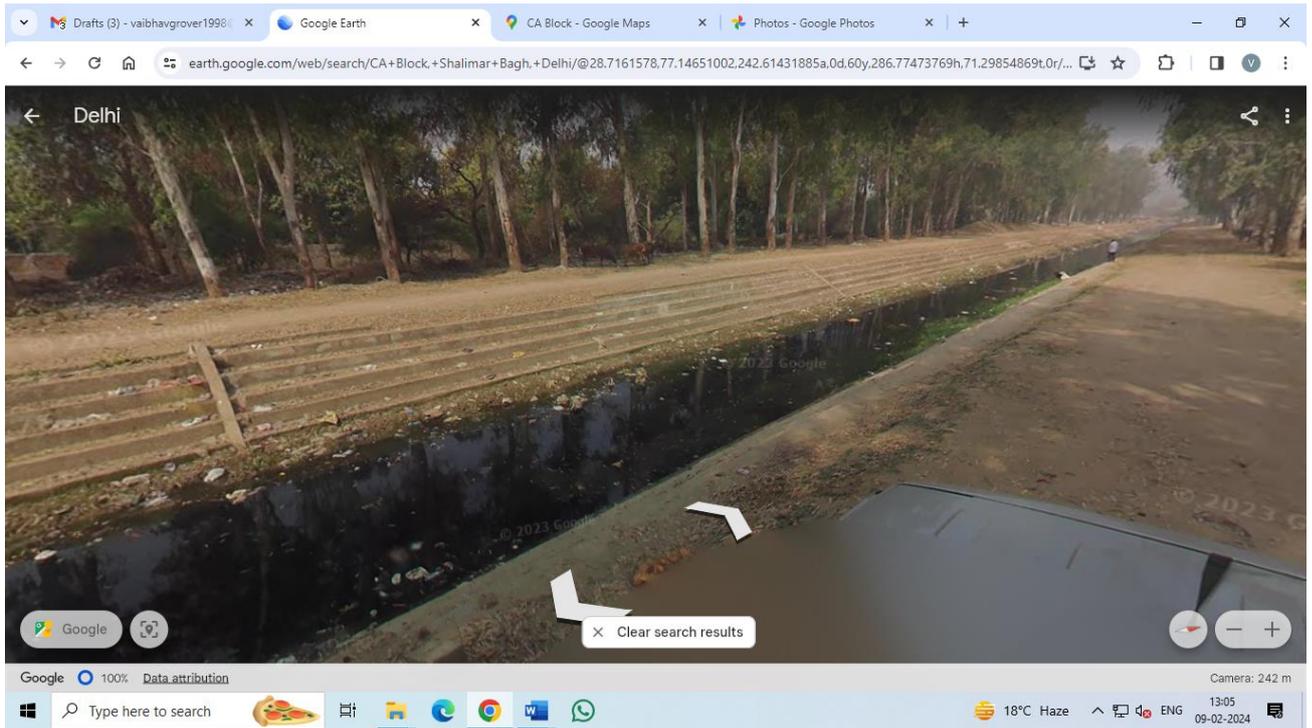


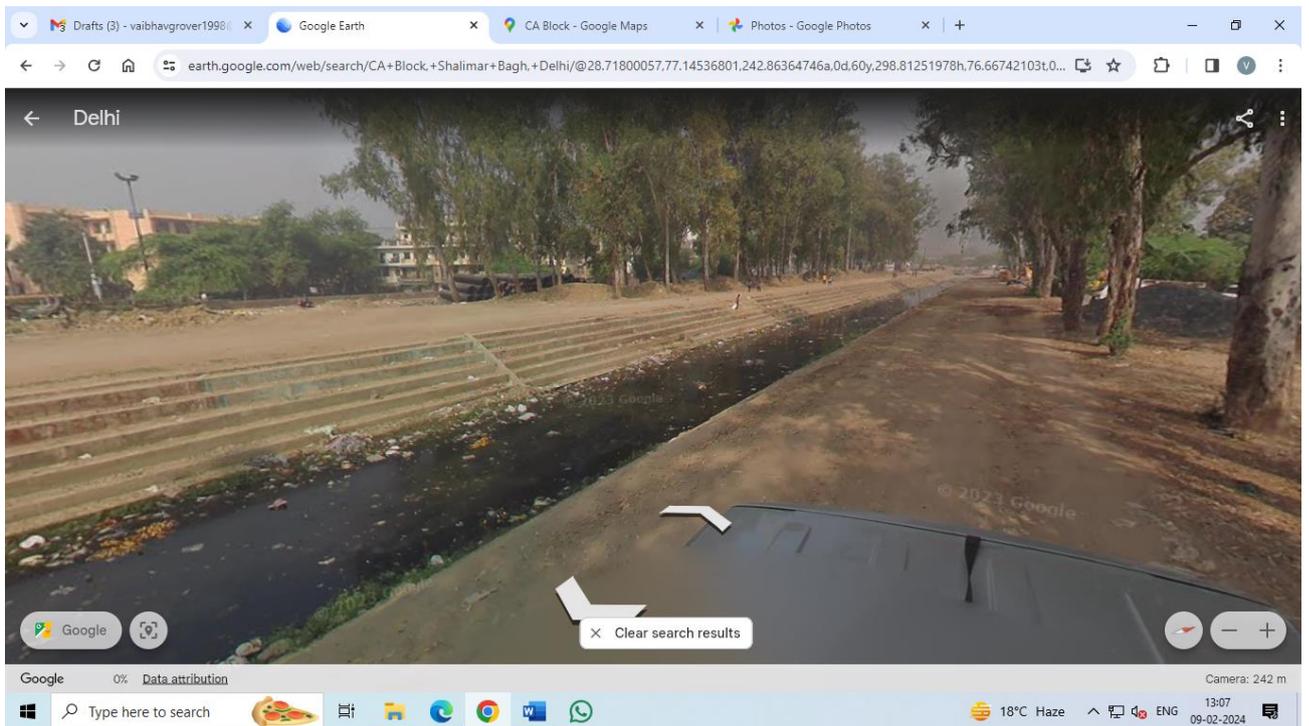
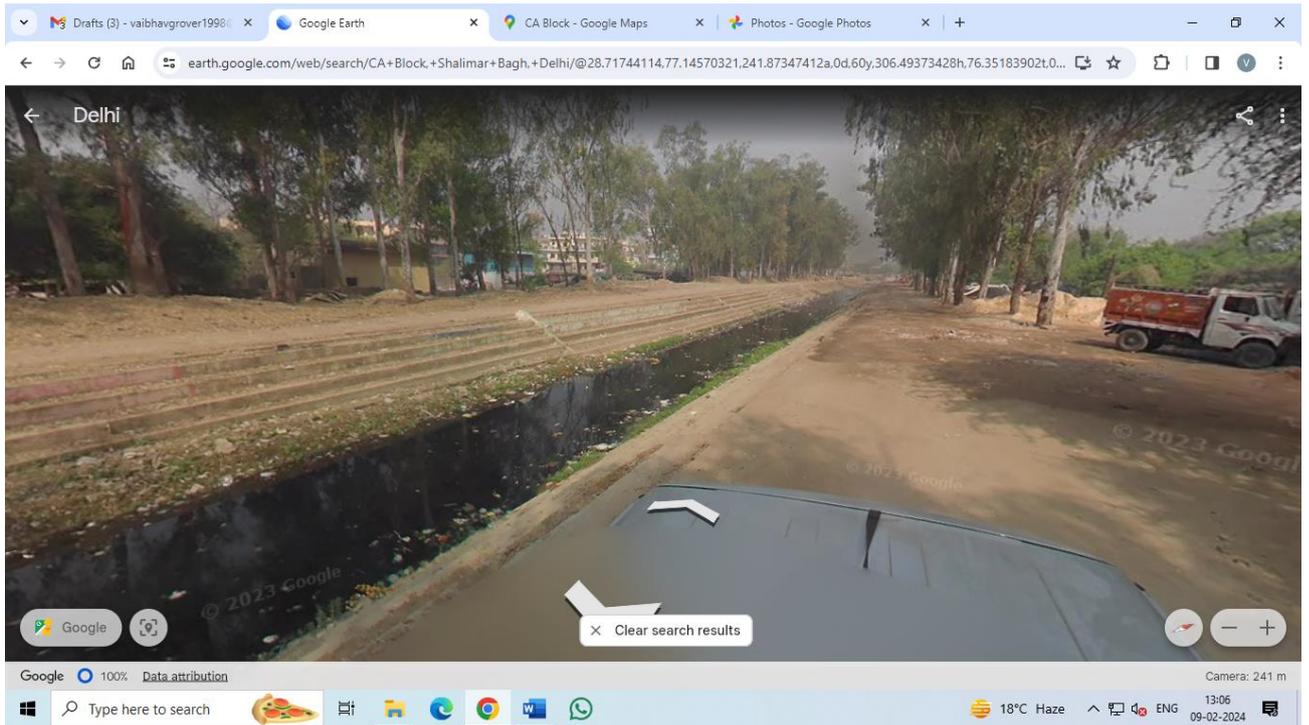
**THE DAMAGED BOUNDARY WALL OF THE GREEN AREA  
ALLOWS UNRESTRICTED ACCESS, FACILITATING OPEN  
DEFECATION, AND THE DUMPING OF SEWAGE AND  
MUNICIPAL WASTE**

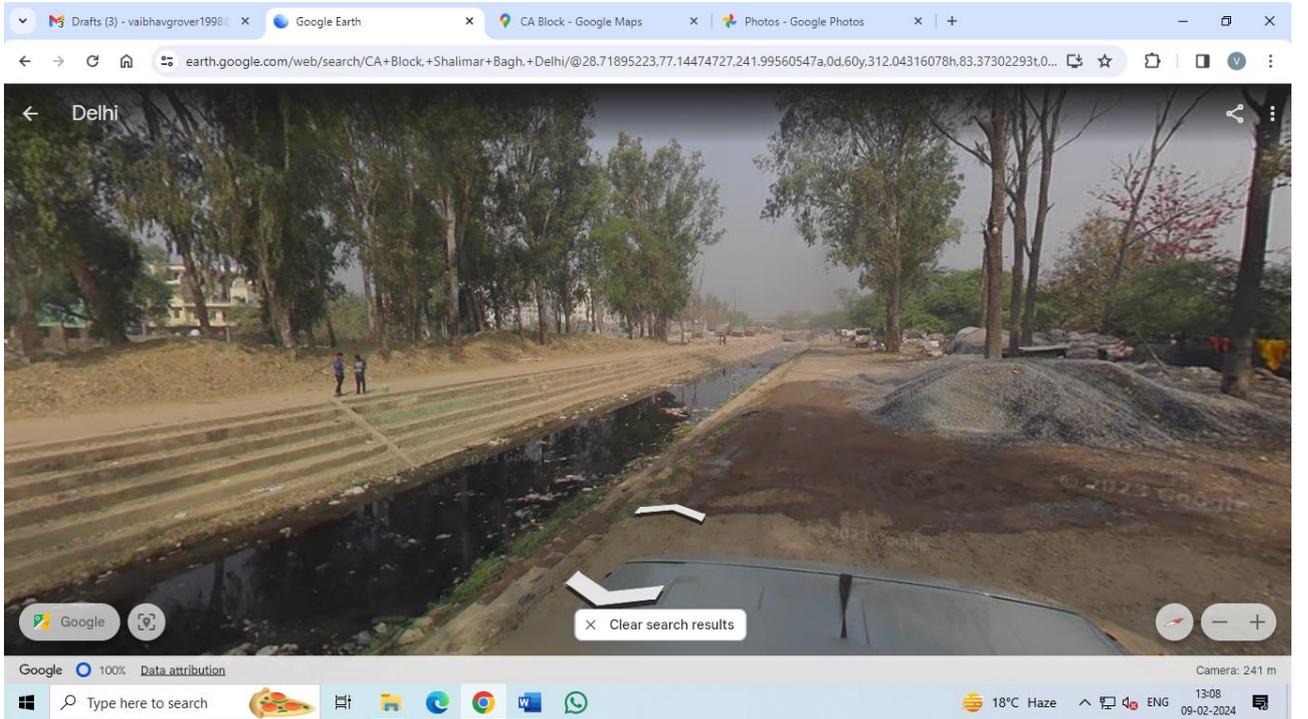
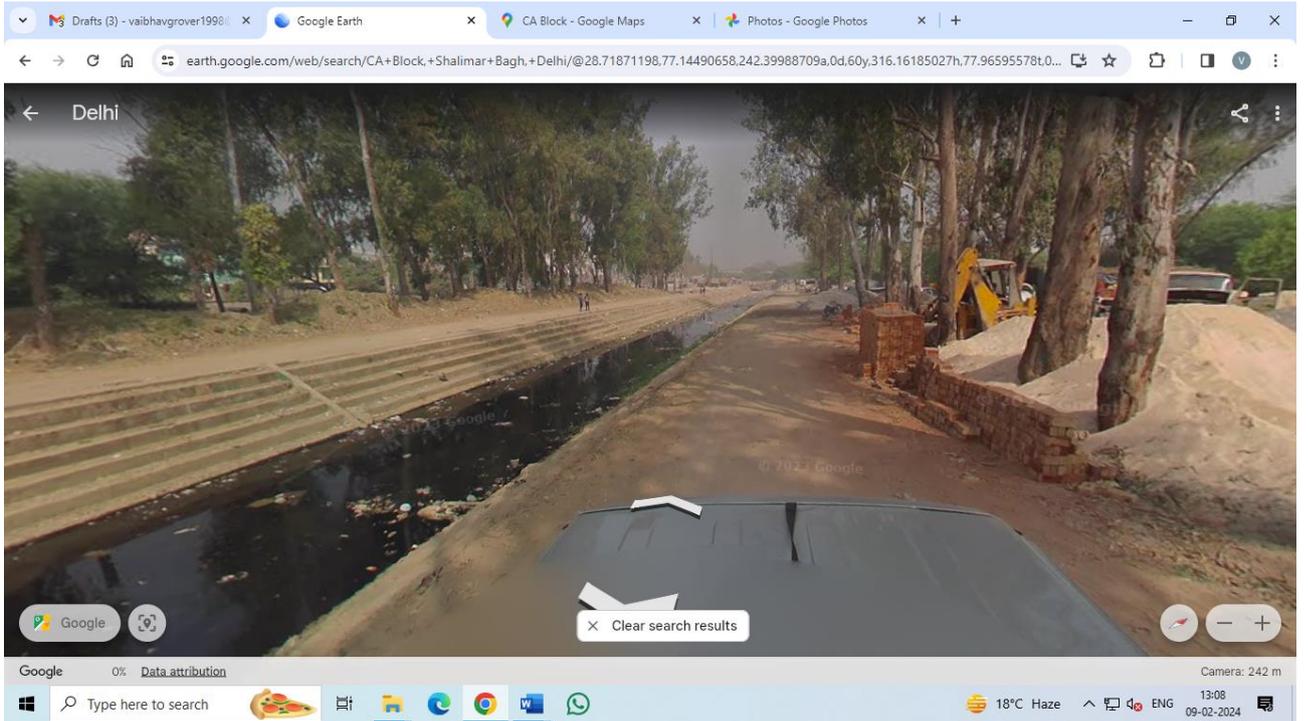


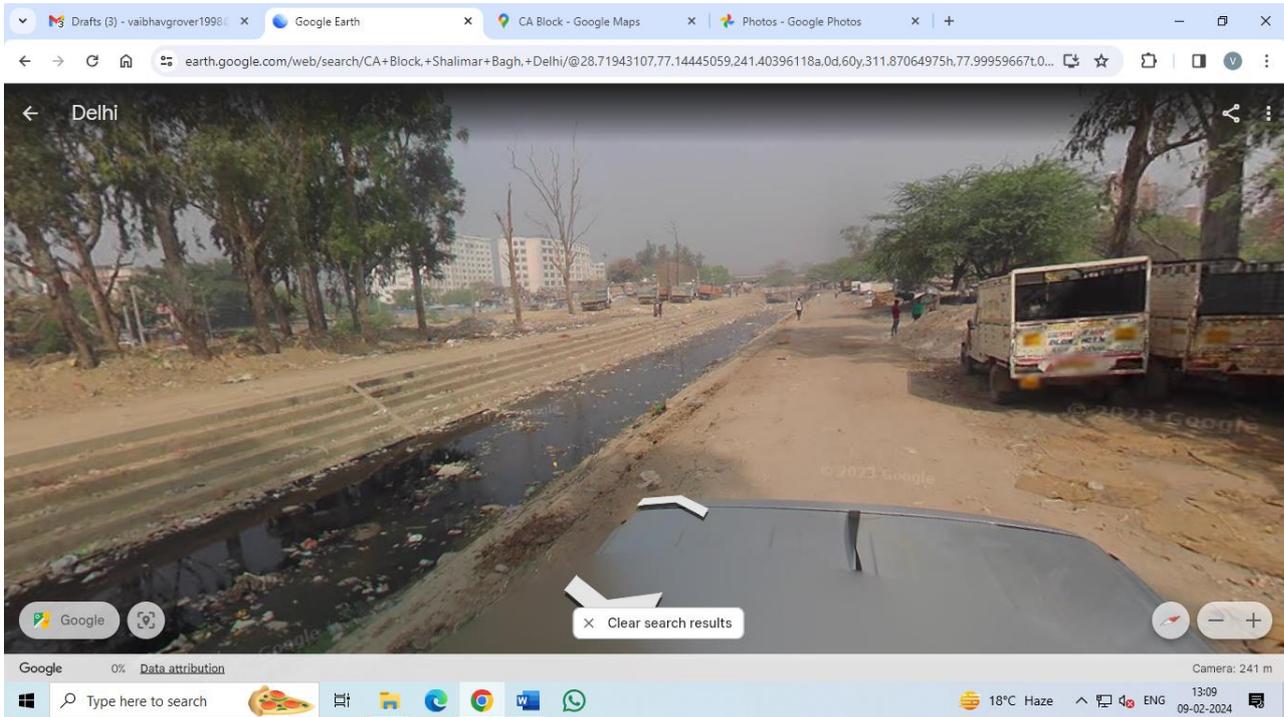
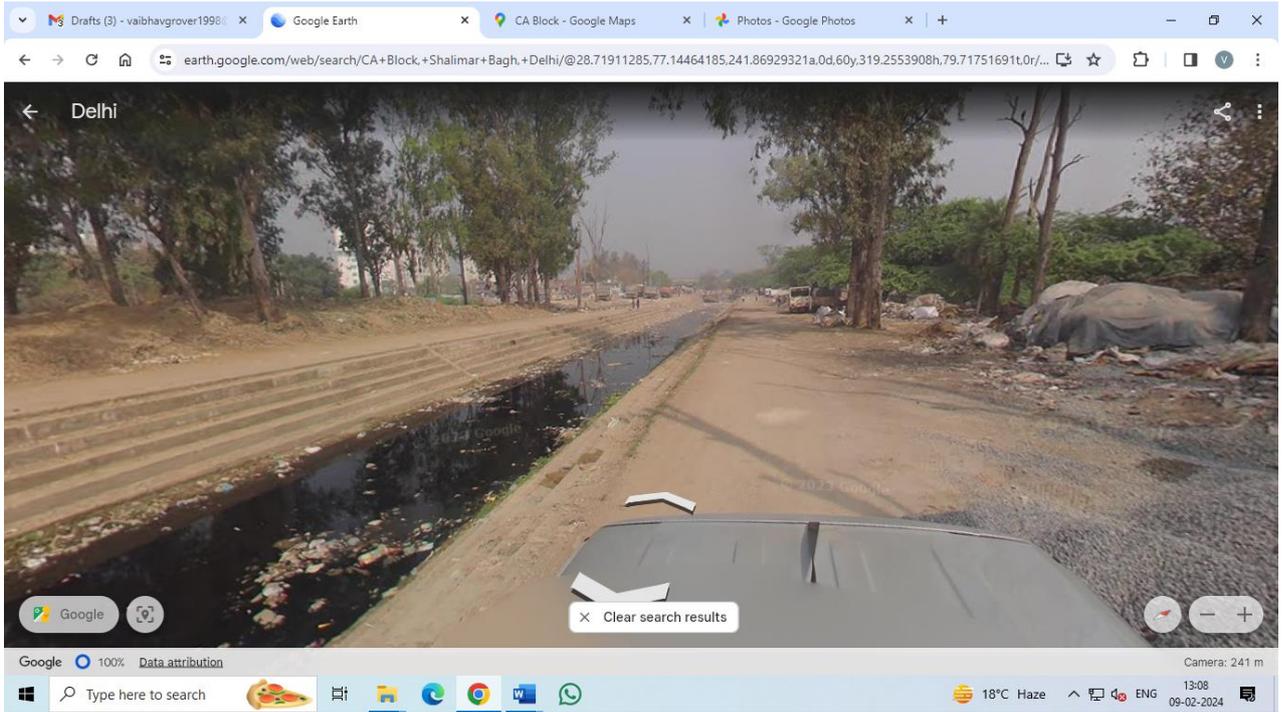


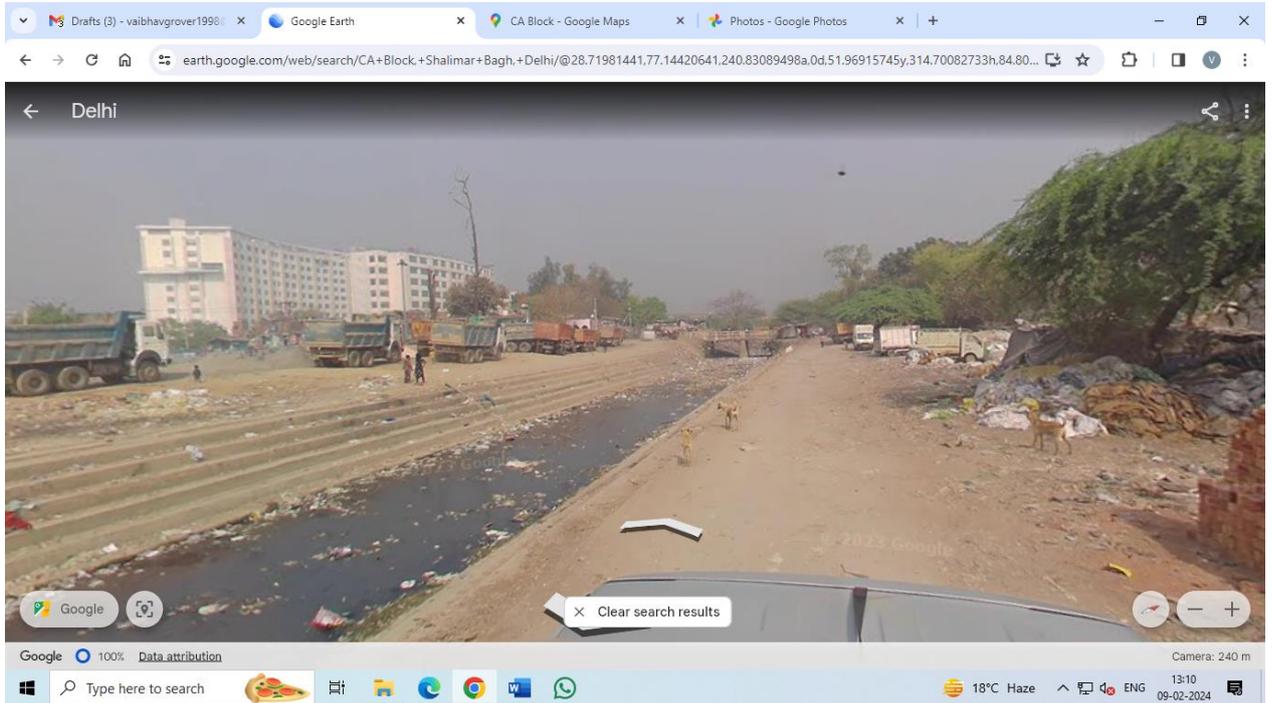
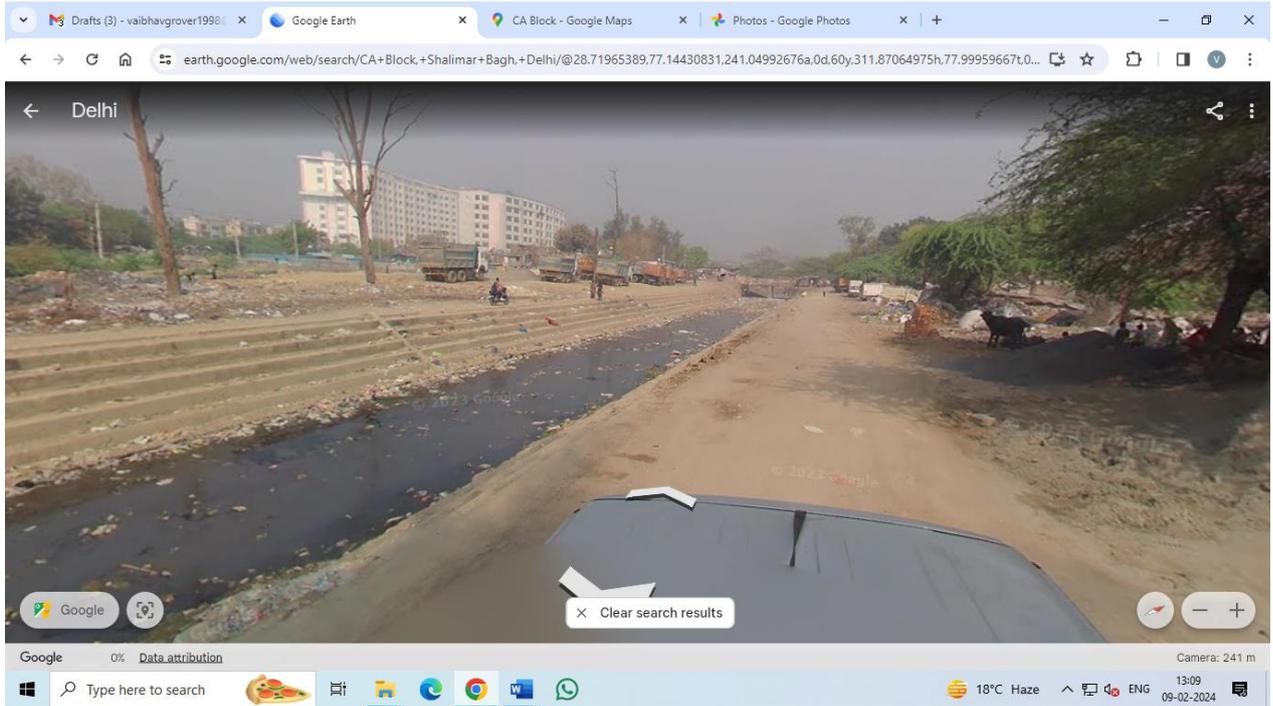


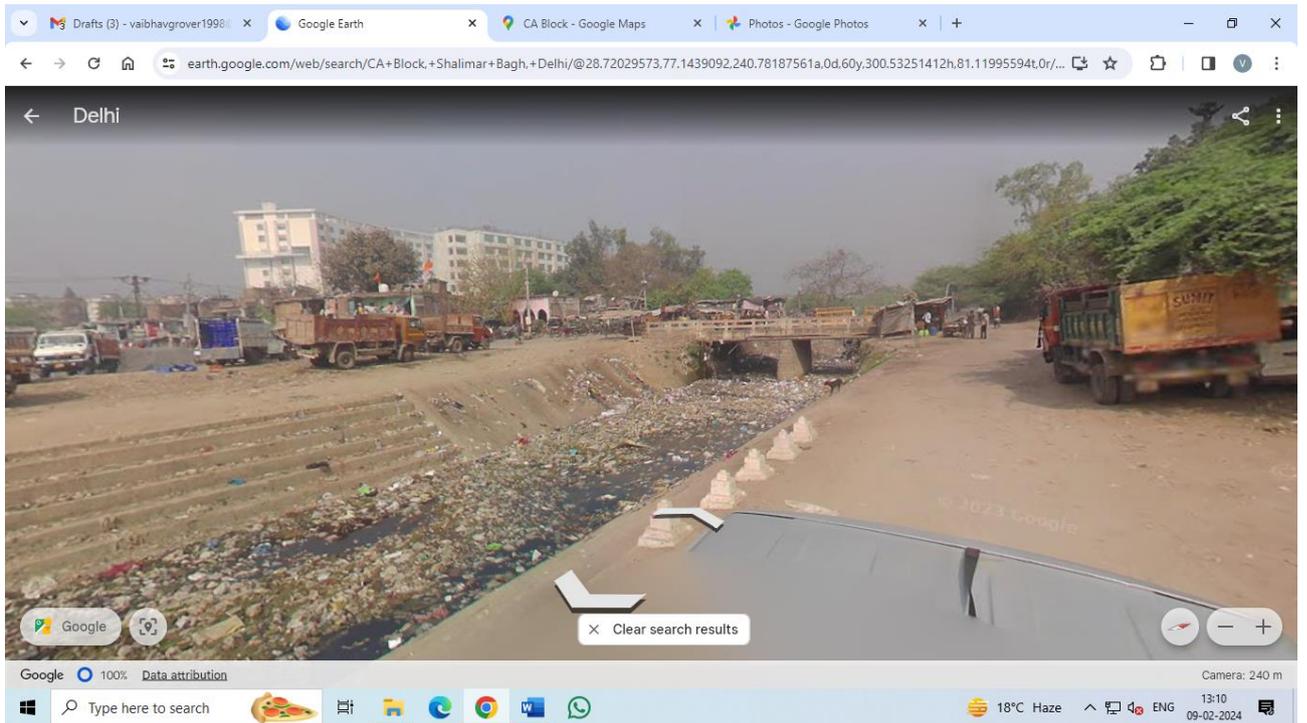
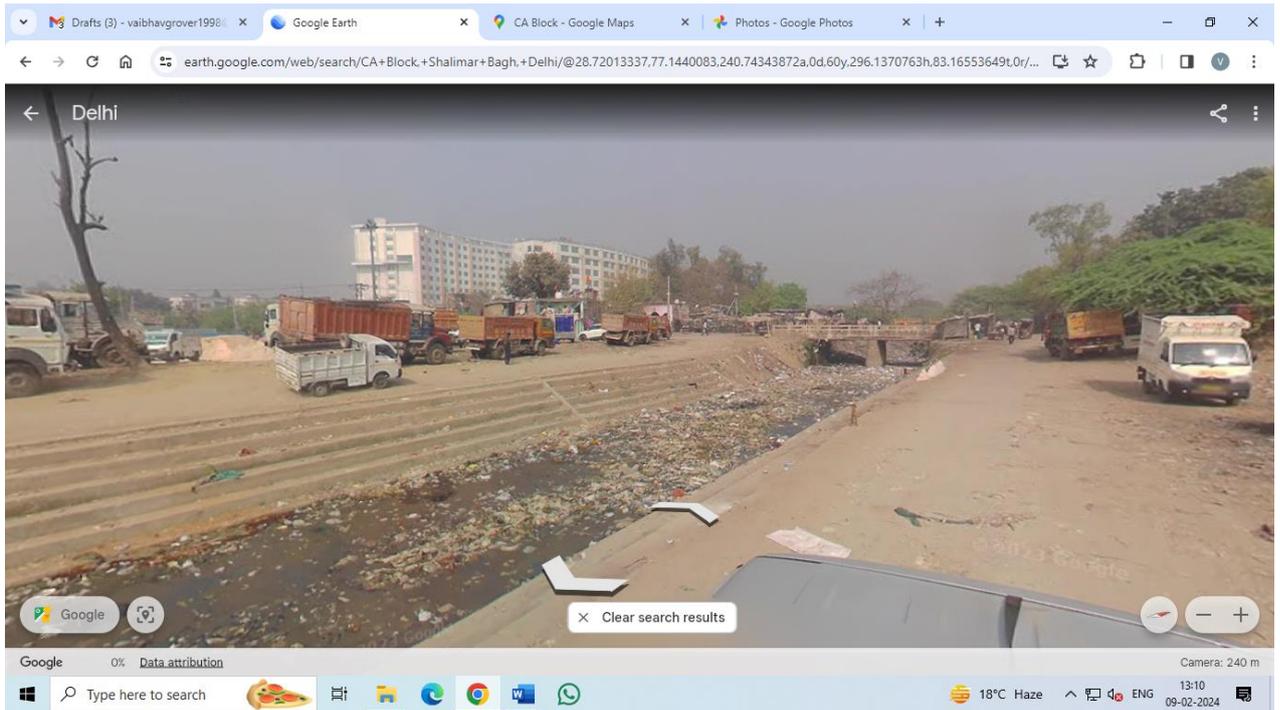


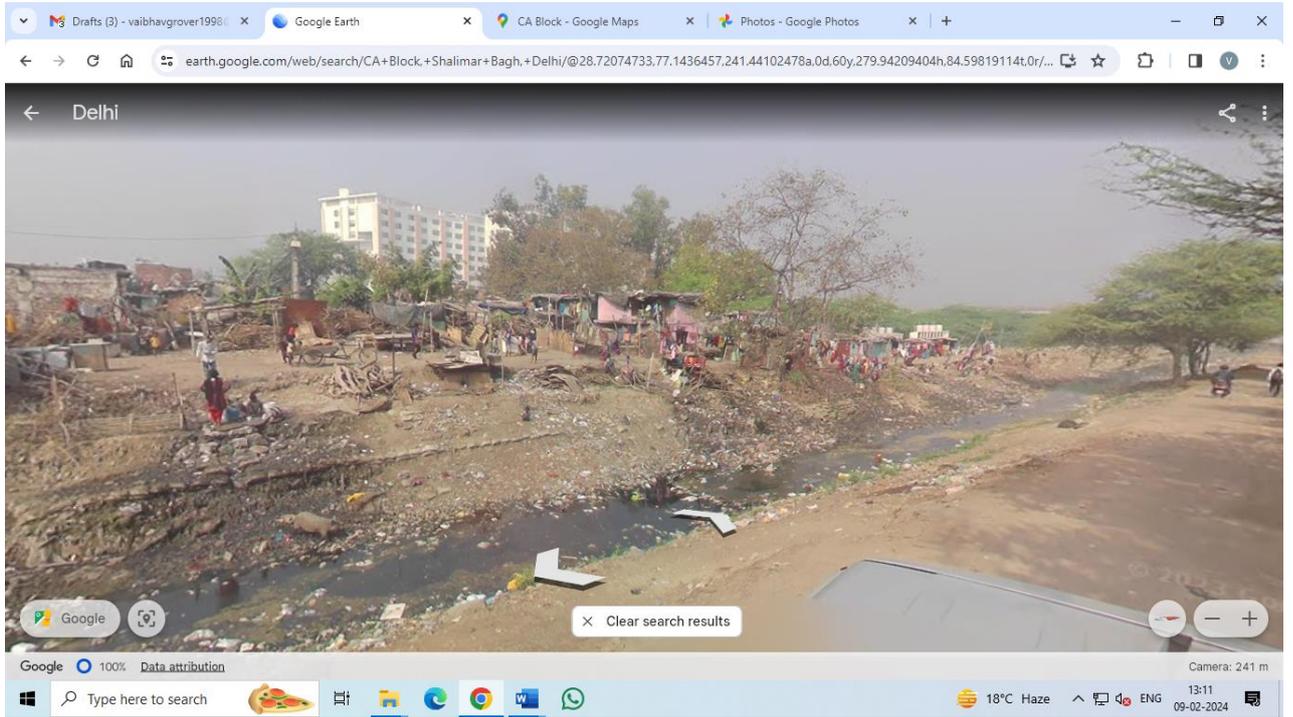
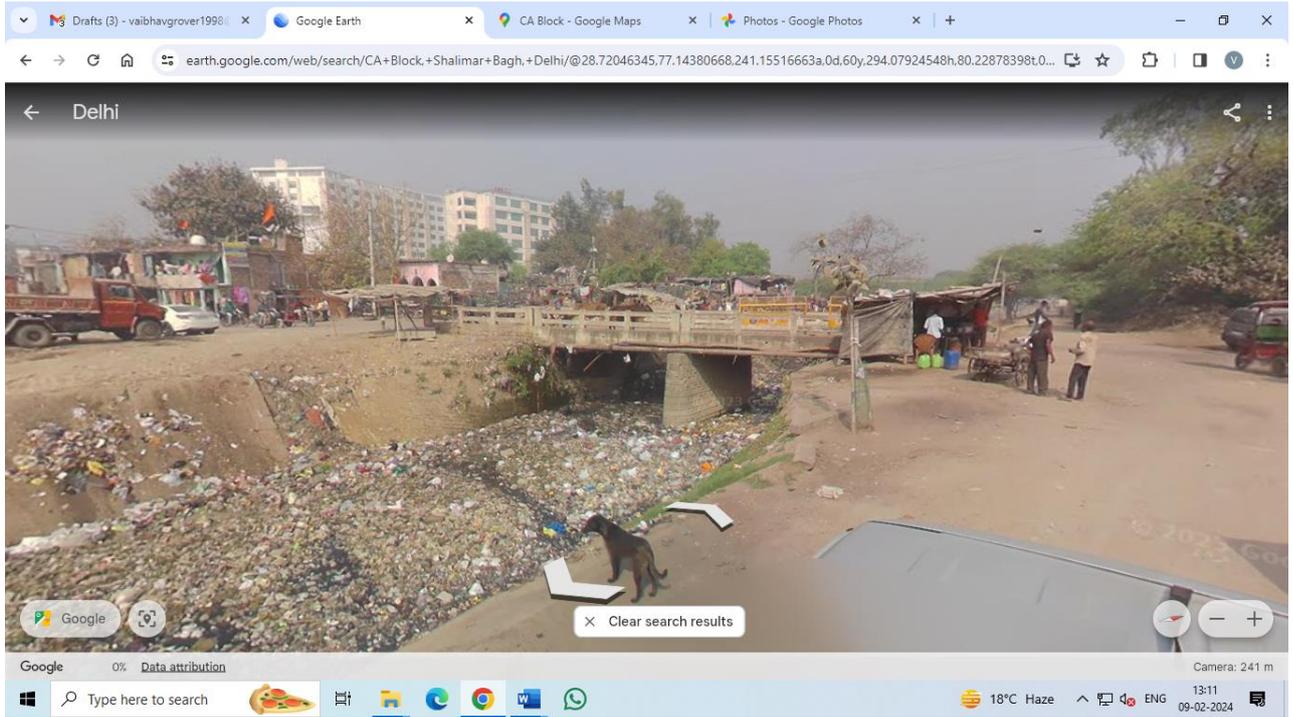


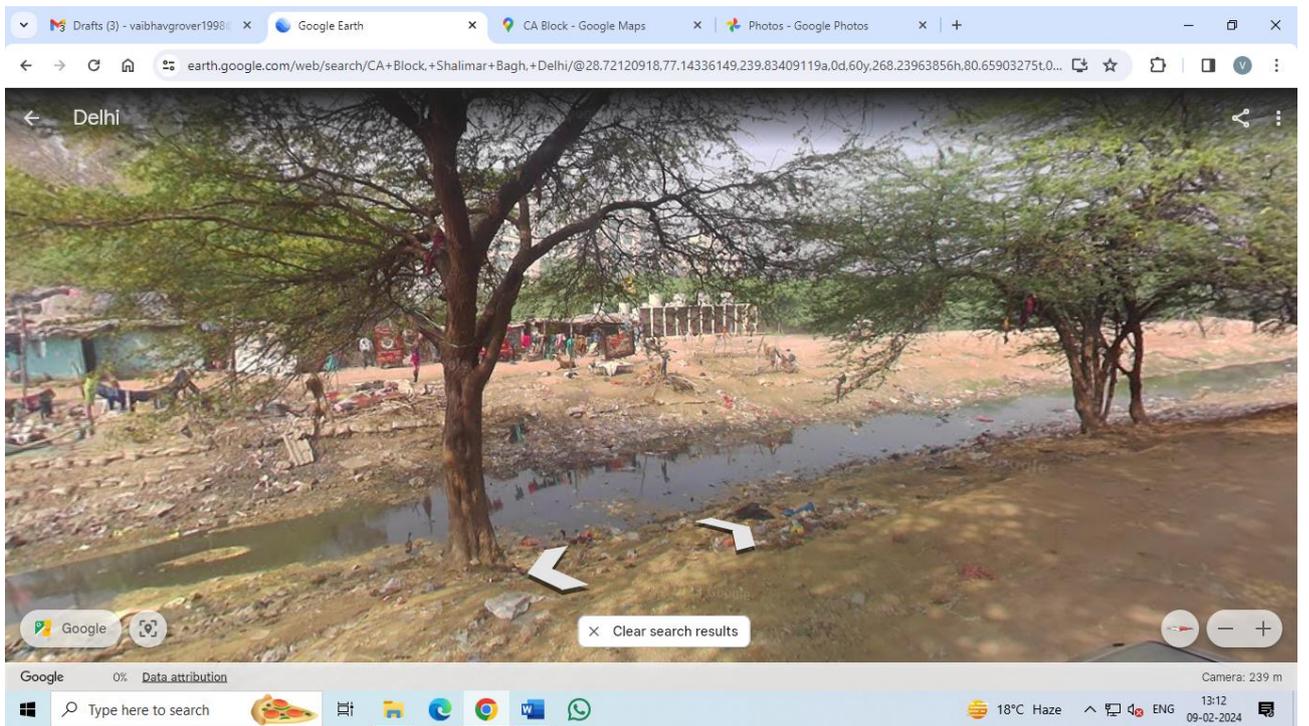
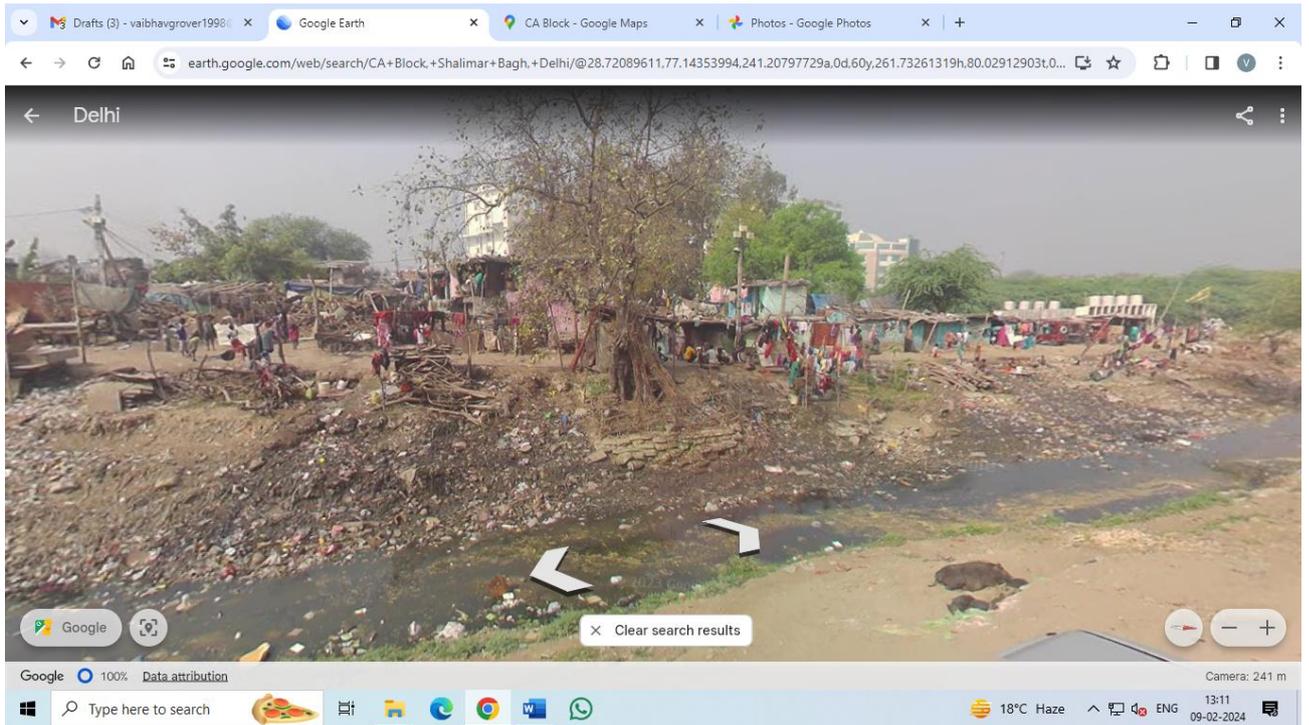


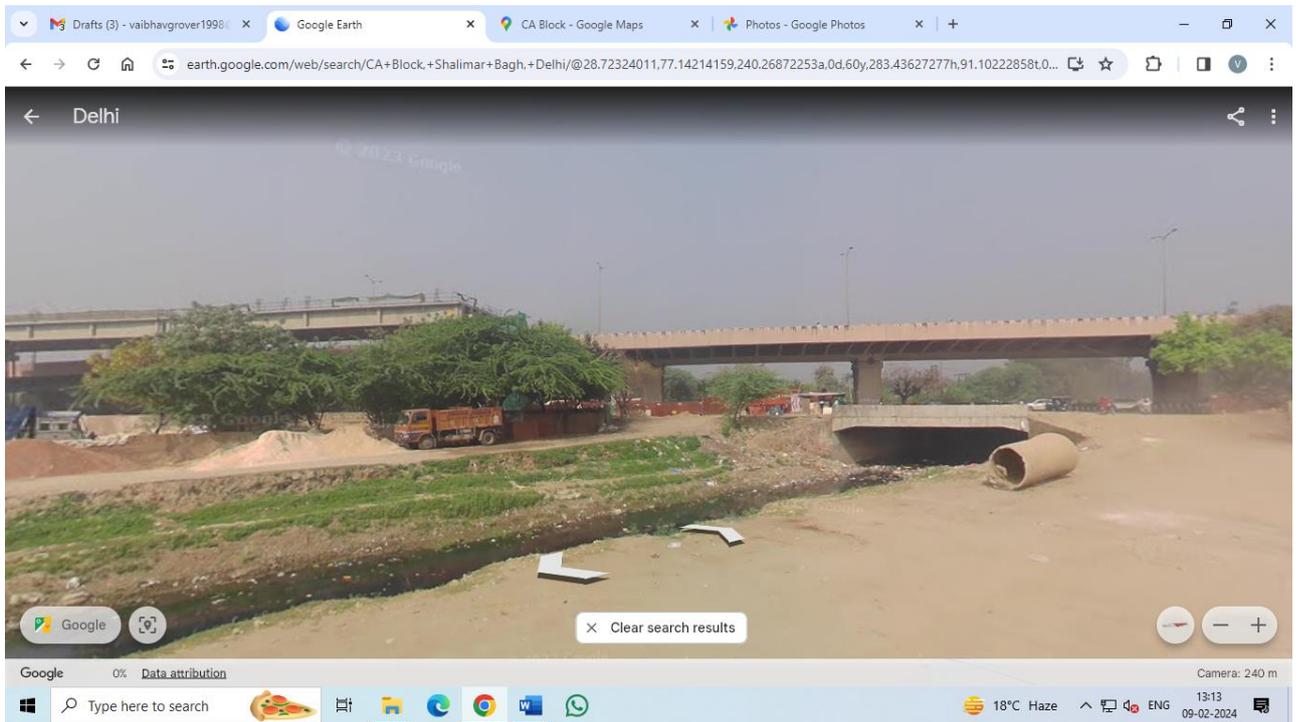
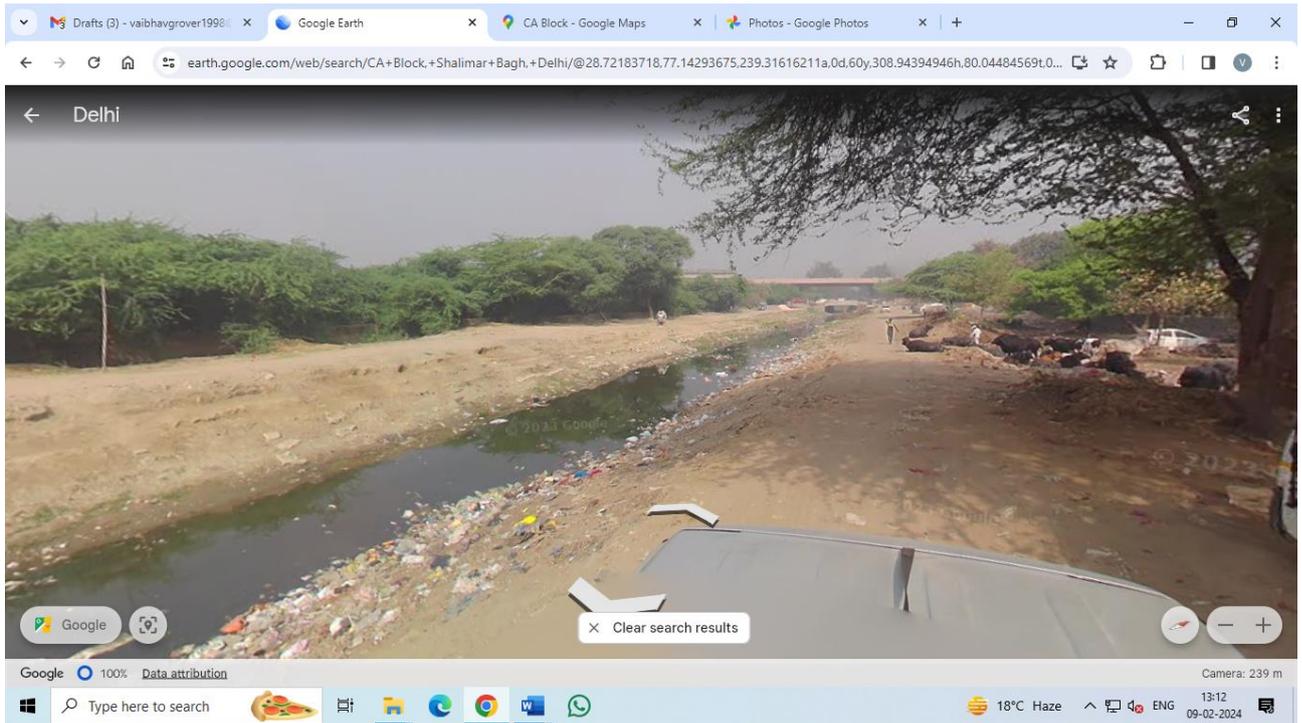


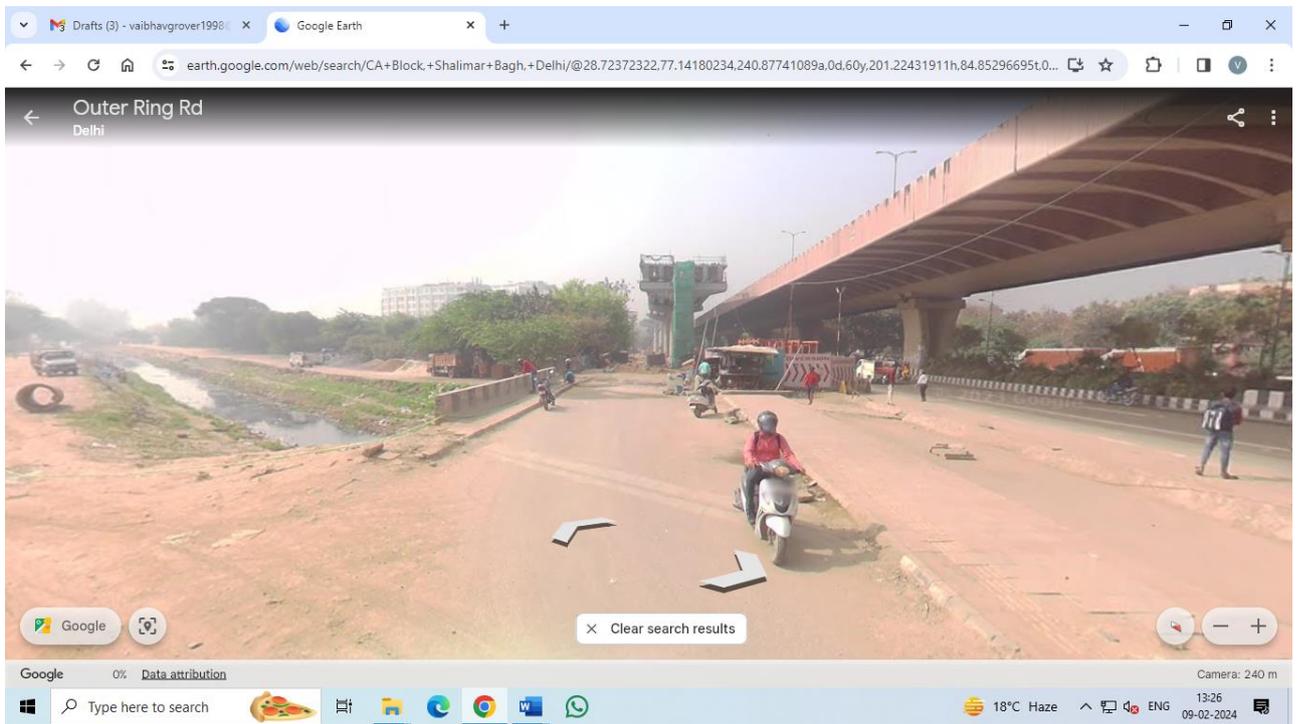












**DELHI URBAN SHELTER IMPROVEMENT BOARD**  
**GOVT. OF NCT OF DELHI**  
**RAJA GARDEN: NEW DELHI**

NO: D-232/DD(Reh.)HQ/2016

Dated: 14.06.2016

**Sub:- Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015**

Delhi Urban Shelter Improvement Board, in its 16<sup>th</sup> Board meeting held on 11.04.2016 vide Resolution No. 16/3, has approved the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015. The undersigned has been directed to request all the concerned to adhere with the said policy for rehabilitation/ relocation of JJ Bastis. The same is attached herewith for reference.

Encls: As above.

*Muj* 14/6/2016  
**(BANSH RAJ)**

**PR. DIRECTOR (REHAB.)**  
*(Bansh Raj)*  
 Pr. Director (Rehab.)  
 DUSIB,

**Copy to:**

1. C.E.-I & II, DUSIB
2. All Directors, DUSIB
3. B&FO, DUSIB
4. Law Officer, DUSIB
5. All Dy. Directors/ Asstt. Directors (Rehabilitation)
- ✓ 6. Dy. Director (System) DUSIB for uploading this policy on the DUSIB website.

**Copy for kind information to:**

1. CEO, DUSIB
2. Member (Admn.)
3. Member (Engineering)
4. Member (Power)

*Muj* 14/6/2016  
**PR. DIRECTOR (REHAB.)**  
**(Bansh Raj)**  
 Pr. Director (Rehab.)  
 DUSIB,

**DELHI URBAN SHELTER IMPROVEMENT BOARD  
GOVT. OF NCT OF DELHI**

**Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 (PART –A)**

**1. This policy is based on the following principles:**

- (i) The people living in jhuggis perform critical economic activities in Delhi like drivers, vegetable vendors, maid servants, auto and taxi drivers, etc.
- (ii) In the past, adequate housing was not planned for these people in middle or upper class areas, to which they provide services. As a result, a number of jhuggi bastis mushroomed all over Delhi close to the areas, where they provide services.
- (iii) They have encroached upon the lands on which they live.
- (iv) The decisions of the Hon'ble Supreme Court of India in Chameli Singh vs. State of UP [1996 (2) SCC 549] and in Shantistar Builders vs. N.K. Toitame, [1990 (1) SCC 520] and numerous other judgments have laid down that the right to life is not a right to *mere animal existence* and that the right to housing is a fundamental right. Going further, in Ahmedabad Municipal Corporation vs. Nawab Khan Gulab Khan, [1997 (11) SCC 123], the Supreme Court held that even poverty stricken persons on public lands have a fundamental right to housing. The Court laid down that when slum dwellers have been at a place for some time, it is the duty of the government to make schemes for housing the jhuggi dwellers. In the most recent decision of the Chief Justice's Bench in the Delhi High Court in Sudama Singh Vs. Government of Delhi [168 (2010) DLT 218], the Court referred to the provisions of the Delhi Master Plan and emphasized *in-situ rehabilitation*. It is only in the extra ordinary situation, when in- situ rehabilitation is not possible, then only, rehabilitation by relocation is to be done. The normal rule is in-situ up-gradation and re-development.

- (v) Additionally, the recent Supreme Court decision in *Gainda Ram vs. Municipal Corporation of Delhi*, [2010 (10) SCC 715] reiterate that hawkers have a fundamental right to hawk. It is, therefore, clear that the poor, who come to the city for work, *must reside reasonably close to their place of work*. Even apart from the legal aspect, studies have shown that resettlement at faraway places invariably force the poor to return to their informal housing arrangements close to their place of work.
- (vi) Govt. of NCT of Delhi recognizes that the habitat and environment in which JJ Basti exists is very dirty, unfit for human habitation and unhygienic both for the inhabitants living in that area as well as for the people living in surrounding areas.
- (vii) Govt. of NCT of Delhi, therefore, wishes to put in place and implement this policy to house the poor in a permanent and humane manner; at the same time, clear lands for specific public projects and roads etc.
2. Keeping the above principles in mind, GNCTD announces the following policy for rehabilitation and relocation of JJ basti.

**(a) Nodal Agency**

The Delhi Urban Shelter Improvement Board (DUSIB) shall act as the Nodal Agency for implementation of this policy as per the mandate given to it under the provisions of Delhi Urban Shelter Improvement Board Act, 2010

**(i) Who is eligible for rehabilitation or relocation**

JJ Bastis which have come up before 01.01.2006 shall not be removed (as per NCT of Delhi Laws (Special Provisions) Second Act, 2011) without providing them alternate housing. Jhuggis which have come up in such JJ Bastis before 01-01-2015 shall not be demolished without providing alternate housing; *(this is in supersession of the earlier cut-off date of 04.06.2009 as notified in the guidelines of 2013)*

2 / 11

  
**(Bansh Raj)**  
 Pr. Director (Rehab.)  
 DUSIB,

(ii) **No new jhuggis to be allowed in Delhi**

GNCTD shall ensure that no new jhuggi comes up after 01-01-2015. If any jhuggi comes up after this date, the same shall immediately be removed without providing them any alternate housing. GNCTD will use the following methods to ensure that no new jhuggis come up:

- a. GNCTD has started procuring satellite maps every three months to keep an eye on any new constructions. New illegal constructions would be removed immediately.
- b. GNCTD is willing to do joint inspections with land owning agencies at regular intervals and any fresh jhuggis would be removed immediately.
- c. GNCTD would enrol volunteers from JJ Bastis, who will act as eyes and ears of the government and would inform government if any fresh jhuggi comes up in any area.

(iii) **In-situ rehabilitation**

DUSIB shall provide alternate accommodation to those living in JJ Bastis, either on the same land or in the vicinity within a radius of 5 Km. In case of exceptional circumstances, it can be even beyond 5 Km with prior approval of the Board. The terms and conditions at which alternate accommodation will be provided and the eligibility conditions are being separately notified.

(iv) **In-situ Rehabilitation of JJ Bastis on lands belonging to other Land Owning Agencies**

- i. DUSIB is willing to take over any JJ Basti on the model of **Kathputli Colony** from any land owning agency in Delhi for in-situ re-development; on the same terms & conditions on which DDA has given Kathputli Colony slum rehabilitation project to a private builder. Therefore, each land owning agency may make a list of all such bastis which they are willing to hand over to DUSIB on these terms.

3/11

  
**(Bansh Raj)**  
 Pr. Director (Rehab.)  
 DUSIB,

ii. **For the balance bastis;-**

MPD 2021 envisages that for in-situ rehabilitation of JJ Bastis, a maximum of 40% land can be used as a resource and minimum of 60% of land has to be used for in-situ redevelopment to rehabilitate JJ dwellers. DUSIB will prepare a scheme of rehabilitation of any JJ Basti and use such portion of land which is required for rehabilitation of JJ Dwellers depending upon density of the said Basti and pass on the remaining portion of land to the Land Owning Agency, which will have to bear the cost of rehabilitation. The cost of rehabilitation would include the cost of construction of dwelling units and cost of land in case, additional land belonging to DUSIB is used for rehabilitation.

(v) **Relocation in rare cases**

Any Land Owning Agency will not demolish any JJ Basti which is eligible as per para 2(i) above unless:

1. there is any Court order
2. that basti has encroached a street, road, footpath, Railway safety zone, or a park
3. the encroached land is required by the land owning agency for specific public project as envisaged in The NCT of Delhi Laws (Special Provisions) Second Act, 2011, which is extremely urgent and can't wait.

In these circumstances, the land owning agency shall bring the proposal before DUSIB. If DUSIB is satisfied and permits demolition, then DUSIB shall make all efforts to relocate the jhuggis in that JJ Basti, clear the land and hand it over to land owning agency within next six months after the date of DUSIB resolution. In such circumstances, the land owning agency shall

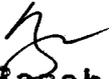
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(Banish Raj)  
Pr. Director (Rehab.)  
DUSIB.

pay such amount to DUSIB in advance, which meets the cost of construction of alternate dwelling units, cost of the land at Circle Rate on which those dwelling units are constructed and cost of relocation. However, the beneficiary contribution as well as the contribution made by the Government of India if any, towards the cost of construction of dwelling units, will be deducted from the aforementioned cost of rehabilitation.

(vi) **Rehabilitation work to be completed in five years –**

DUSIB hopes to complete this task of rehabilitating all JJ Bastis in Delhi in the next five years, if it receives cooperation from all land owning agencies.

  
(Bansh Raj)  
Pr. Director (Rehab.)  
DUSIB,

**DELHI URBAN SHELTER IMPROVEMENT BOARD**

**GOVT. OF NCT OF DELHI**

**Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 (PART-B)**

1. The eligibility criteria for allotment of alternative dwelling units to rehabilitate and relocate JJ dwellers would be as under:

- (i) The JJ dweller must be a citizen of India and not less than 18 years of age;
- (ii) The Jhuggi Jhopri basti in which the JJ dwellers are residing must be in existence prior to 01-01-2006. However, the cut-off date of residing in the jhuggi for becoming eligible for rehabilitation shall be 01-01-2015 (this is in supersession of the earlier cut-off date of 04.06.2009 as notified in the guidelines of 2013);
- (iii) The name of JJ dweller must appear in at least one of the voter lists of the years 2012, 2013, 2014 and 2015 (prior to 01-01-2015) and also in the year of survey, for the purpose of rehabilitation;
- (iv) The name of the JJ dweller must appear in the joint survey conducted by the DUSIB and the Land Owning Agency;
- (v) The JJ dweller(s) will be subjected to bio-metric authentication by Aadhar Card or bio-metric identification by other mechanism;
- (vi) JJ dweller must possess any one of the 12 documents issued before 01-01-2015 as prescribed in the subsequent para;
- (vii) Neither the JJ dweller nor any of his/her family member(s) should own any house/ plot/flat, in full or in part, in Delhi. The JJ dweller should not have been allotted any residential house or plot or flat on license fee basis or on lease-hold basis or on free-hold basis in the NCT of Delhi by any of the

Departments or Agencies of GNCTD or Govt. of India, either in his/her own name or in the name of any member of his family;

- (viii) No dwelling unit shall be allotted if the jhuggi is used solely for commercial purpose;
  - (ix) In case, the jhuggi is being used for both residential and commercial purpose, the JJ dweller can be considered for allotment of one dwelling unit. In case, the ground floor of the jhuggi is being used for commercial purpose and other floors for residential purpose that will entitle the JJ dweller for one dwelling unit only;
  - (x) If a different family, having separate Ration card issued prior to 01-01-2015, which fulfils all the other eligibility criteria is living on upper floor, the same will also be considered for allotment of a separate dwelling unit. (This is in supersession of the earlier notified guidelines of 2013).
  - (xi) The ineligible JJ dwellers will be removed from the JJ Cluster at the time of its rehabilitation/ relocation/ clearance of JJ Basti.
2. As envisaged in Para 1 (vi) above, the JJ dweller must possess any one of the following documents issued before 01.01.2015 to become eligible for the purpose of allotment of Dwelling Unit :
- (i) Passport;
  - (ii) Ration Card with photograph;
  - (iii) Electricity bill;
  - (iv) Driving License;
  - (v) Identity Card/ Smart Card with photograph issued by State/ Central Government and/ or its Autonomous Bodies/ Agencies like PSU/ Local Bodies (except EPIC);
  - (vi) Pass book issued by Public Sector Banks/ Post Office with photograph;
  - (vii) SC/ST/OBC Certificate issued by the Competent Authority.;

- (viii) Pension document with photograph such as Ex-serviceman's Pension Book, Pension Payment Order, Ex-serviceman widow/dependent certificate, old age pension order or widow pension order;
- (ix) Freedom Fighter Identity Card with photograph;
- (x) Certificate of physically handicapped with photograph issued by the Competent Authority;
- (xi) Health Insurance Scheme Smart card with photograph (Ministry of Labour scheme);
- (xii) Identity card with photograph issued in the name of the descendant(s) of the slum dweller from a Government school or Certificate with photograph issued by the Principal of a Government School mentioning therein that the descendant(s) of the JJ dweller is/was the student of the school.

### 3. Appellate Authority

- (i) DUSIB will constitute an Appellate Authority for redressal of the grievances related to determination of eligibility for allotment of alternate dwelling unit for rehabilitation and relocation of JJ dwellers. The Appellate Authority will consist of the following:
  - (a) Retired Judge of the level of Additional District Judge ;
  - (b) Retired civil servant of the level of Joint Secretary to Govt. of India;
  - (c) An expert member to be nominated by the Chairperson of DUSIB;
  - (d) Dy. Director of DUSIB to be nominated by the CEO- as Convener
- (ii) The terms & conditions of the Appellate Authority will be decided by the Board separately.

- (iii) Any JJ dweller feeling aggrieved by any order passed by an officer/ committee, authorized to determine eligibility of the JJ dweller shall be entitled to file an appeal before the Appellate Authority within a period of 30 days from the date of communication of the impugned order.
- (iv) The Appellate Authority may for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under clause (iii) above.
- (v) The Appellate Authority may confirm, revoke or reverse the order appealed against and may pass such orders as deemed fit.
- (vi) Order passed in appeal by the Appellate Authority, duly accepted by the CEO, DUSIB shall be final.

#### 4. Terms and conditions of Allotment of alternative Dwelling Unit

- (i) The contribution of the beneficiary will be Rs.1,12,000/- per dwelling unit having the carpet area of 25 sq. mtrs (The contribution may slightly vary on case to case basis depending upon the actual carpet area of the dwelling unit). In addition, the beneficiary will be required to pay an amount of Rs.30,000/- at the time of the allotment of the dwelling unit, towards the cost of maintenance for a period of 5 years.
- (ii) The dwelling unit shall be allotted to the eligible JJ dweller for a period of 10 (ten) years on lease hold basis after which it will be converted into free-hold as per the prevalent policy (this is in supersession of the earlier leasehold period of 15 years as notified in the guidelines of 2013).
- (iii) Allotment will be made in the joint-name of the husband and wife occupying the jhuggi.

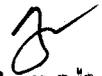
- (iv) The allottee shall not sublet or part with possession of the dwelling unit, by way of General Power of Attorney or any other document. The DUSIB will have the right to verify the veracity of the original allottee through Bio-metric survey using Aadhar data-base or otherwise. In case a different person (s)/family is found living at the time of survey in the dwelling unit, the allotment/lease is liable to be cancelled and DUSIB will have the right to re-enter the dwelling unit.
- (v) DUSIB may assist those beneficiaries who are not able to arrange the contribution to avail loans from banks/ financial institutions including co-operative banks.

**5. Maintenance of dwelling units after allotment**

- (i) It has been observed that after allotment of dwelling units to JJ dwellers for rehabilitation, the maintenance of the common services in these colonies, is not done properly by the occupants due to ignorance, lack of knowledge to form associations and/or lack of funds etc.
- (ii) Therefore, the DUSIB will maintain the common services in these colonies for a period of 5 years after allotment.
- (iii) For this purpose, a Corpus in the form of "DUSIB Estate Management Fund" will be created in DUSIB.
- (iv) The allottees will have to contribute Rs 30,000/- per dwelling unit as maintenance charges which will be deposited in the above said fund.
- (v) The maintenance will include common areas like staircase, open ground, water supply & electric supply systems up to the dwelling units; external services e.g. sewer lines, roads, street lights, drainage and parks etc.
- (vi) Depending upon the requirement, DUSIB may contribute in this fund from its own resources and attempt will be made as far as

possible to carry on the maintenance from the interest earned from this fund.

- (vii) In order to ensure that there are sufficient resources for maintenance of these colonies, DUSIB will also request the Govt. of NCT of Delhi to give *Grant-in-aid* for this fund.
  - (viii) After 5 years, the maintenance will be transferred to the RWAs which will be required to get registered as Societies and work out their own mechanism for maintenance.
  - (ix) DUSIB may give grant in aid to the RWAs/ Registered Societies of these colonies depending upon the requirement of the works to be done.
6. CEO, DUSIB is authorised to approve the operational guide lines keeping in view the overall spirit of the policy.

  
Bansh Raj)  
Pr. Director (Rehab.)  
DUSIB,



Vaibhav Grover &lt;vaibhavgrover1998@gmail.com&gt;

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**Rejoinder to the reply of Respondent No. 10 (Deepti Gupta vs MoEFCC - OA no. 339 of 2023)**

1 message

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**Vaibhav Grover** <vaibhavgrover1998@gmail.com>  
To: vimal@dlrpartners.com, delhishelter@gmail.com  
Cc: mrp25987@gmail.com

9 February 2024 at 17:06

Dear Sir,

Find the attached Rejoinder to the reply of Respondent No. 10 in the captioned matter, as and by way of advance service.

Please acknowledge receipt of the same.

**Regards,**  
**Vaibhav Grover**  
**ADVOCATE**

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 **Rejoinder DSUIB (Deepti Gupta vs MoEFCC).pdf**  
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