

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 339/2023

In the matter of:

Deepti Gupta

...Applicant

Versus

Ministry of Environmental and Forest
& Climate Change & Ors

...Respondents

NDOH:-22.04.2024

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Filed by:

New Delhi:


(Satender Kumar)

Sr. Environmental Engineer

Delhi Pollution Control Committee

Dated: 16th.04.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 339/2023

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**ACTION TAKEN REPORT ON BEHALF OF DELHI
POLLUTION CONTROL COMMITTEE (RESPONDENT NO.6)
IN COMPLIANCE TO THE ORDER DATED 14.02.2024.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That, this matter was taken up by this Hon'ble Tribunal on 19.07.2023 and pleased to constitute a joint committee of Delhi Pollution Control Committee (DPCC), Municipal Corporation of Delhi (MCD), Delhi Jal Board (DJB) and Delhi Urban Shelter Improvement Board. The Committee was directed to visit the place and submit the factual and action taken report.
2. That, prima facie the issues raised in the present complaint regarding discharge of sewage coming out from jhuggi clusters, open



defecation, into the open green area of Shalimar Bagh, Block CA, Delhi-88.

3. That, in compliance with the previous orders of this Hon`ble Tribunal in the above-mentioned matter, DPCC filed the reports on 13.09.2023 and 28.11.2023 which are available on the records of this Hon`ble Tribunal.
4. That, this Hon`ble Tribunal has considered the report on 14.02.2024 and pleased to constitute a joint committee as well as directed to file responses by respondents no. 1, 5 to 16.
5. That, in compliance with the order dated 14.02.2024 passed by this Hon`ble Tribunal, a meeting was convened by the Chief Secretary, Government of NCT Delhi on 28.03.2024. After detailed discussion in respect of all the grievances and to ensure compliance with the Solid Waste Management, 2016 and Water (Prevention and Control of Pollution) Act, 1974, following decisions were taken for rectification of the grievances in the said area:
 - a) A joint survey shall be conducted by DUSIB and Delhi Jal Board for internal drainage system for the said jhuggi cluster and to workout connectivity of sewage generated from jhuggi cluster to DJB sewerage system within one month.
 - b) Delhi Jal Board, shall connect all the outfalls of Sewerage and wastewater of Jhuggi cluster to the nearby Sewage Treatment Plant and ensure 100% treatment of sewage and wastewater through Decentralized Sewage Treatment

- Plants (DSTPs) and the same shall be completed within three months.
- c) Representative of Government of Haryana assured to grant 'No Objection Certificate' on priority whenever it is requested to by DUSIB and DJB for laying new sewer line or by reconstruction of existing for proper disposal of domestic waste water being generated from JJ cluster.
 - d) Representative of Haryana Government was also requested to submit information as the Protected Forest notified by them on 6th March, 1972 and action to be taken as per rule and court orders.
 - e) Irrigation and Water Resources Department, Government of Haryana and Delhi Urban Shelter Improvement Board Govt. of NCT of Delhi (**DUSIB**) shall conduct a survey for the details of encroached area in question, number of JJ dwellers at present and to find actual number of eligible JJ dwellers for rehabilitation. DUSIB shall prepare a detailed action plan including estimated expenditure to be incurred for rehabilitation of eligible jhuggi dwellers and shall submit the said plan to Haryana Government within three months (03 months).
 - f) After realization of the fund from Government of Haryana, DUSIB shall take action for rehabilitation of all eligible jhuggies and vacate the encroached land in question.
 - g) Irrigation and Water Resources Department, Govt. of Haryana is requested to bear all the expenditure incurred during rehabilitation being a land-owning agency (i.e. Government of Haryana) as per DUSIB policy.
 - h) Delhi Urban Shelter Improvement Board (DUSIB), Govt. of NCT of Delhi and Government of Haryana shall take all necessary measures to protect further encroachment in and around the said site in order to protect the said canal.
 - i) Irrigation and Water Resources Department, Govt. of Haryana agreed to one time exercise of cleaning up the canal at the earliest and thereafter Municipal Corporation of Delhi shall remove all the municipal solid waste near

the said site and drain and shall maintain the local cleanliness in future.

Minutes of Meeting dated 28.03.2024 is attached herewith as **ANNEXURE-1.**

6. That, DPCC has no role in removal of Jhuggi/ unauthorised encroachment directly/ indirectly.
7. It is therefore requested to this Hon'ble Tribunal that the present reply/ response may kindly be taken on record.


(Satender Kumar)

Sr. Environmental Engineer



Delhi Pollution Control Committee

Department of Environment, Government of NCT of Delhi
6th Level, C-Wing, Delhi Secretariat, New Delhi-110002
Ph. 011-23392306 (e-mail: msdpcc@nic.in)



F. No. DPCC/CMC-III/NGT/ OA No.-339/2023/2121-29 Dated: 15.04.2024

MINUTES OF THE MEETING

Hon'ble NGT vide its order dated 14.02.2024 in O.A No 339/2023 titled as "Deepti Gupta Vs Ministry of Environment, Forests & Climate Change & Ors." constituted a joint committee comprising of duly authorized and empowered representatives of (i) Chief Secretary, Government of NCT of Delhi, (ii) Chief Secretary, Government of Haryana, (iii) Vice Chairman, Delhi Development Authority, to address issues related to discharge and sewage coming out of jhuggi clusters into open green area in Shalimar Bagh and to take requisite remedial measures by taking into consideration of all relevant aspects including the aspects as to whether that the land in question which has been encroached upon under JJ cluster has been notified as Forest Area by Government of Haryana, as to whether the encroachers are liable to be removed without any rehabilitation/resettlement at some other place or whether they are entitled to the benefit of rehabilitation policy of Government of Haryana and Government of NCT of Delhi.

Chief Secretary, Government of NCT of Delhi convened a meeting on 28.03.2024 in Delhi Secretariat with the officers of concerned department including Water Resources Department, Govt. of Haryana for ensuring compliance of the said order of Hon'ble NGT. The list of the participants who attended the meeting is enclosed as **Annexure-A**.

All the officers of the concerned departments were apprised about the grievances in the application i.e. (i) Discharge of sewage coming out of Jhuggi cluster, open defecation, into the open green area adjacent to Block CA, Shalimar Bagh, Delhi which have been become sewage pond (ii) Jhuggi cluster are established and are propagated on land belonging to Haryana which is adjacent to fresh water canal, which is now abandoned and is being used to dump part of sewage of jhuggi cluster.

Chief Executive Officer, Delhi Urban Shelter Improvement Board. Govt. of NCT of Delhi (**DUSIB**) informed that the said jhuggi clusters has been notified by DUSIB vide clusters code 325 having 347 household and area about of 586 square meter. It was further stated that the site in question where the water has accumulated is a low lying area and the land owning agency is Government of Haryana, has to take a decision as regards its leveling. It was further stated 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 and one more JSC is under construction



290 and there is a proposal for proper disposal of domestic waste water being generated from JJ cluster by reconstruction of existing drain or by laying new sewer line which require a minimum of six months duration to complete the work subject to approval of Competent Authority, land owning agency i.e. Government of Haryana and Resident Welfare Association(RWA) CA Block, Shalimar Bagh. As regards the resettlement of the JJ cluster the land owning agency on which JJ cluster is exist, is Government of Haryana and it was for them to take a decision in this regard.

It was also appraised by CEO, DUSIB that presently the area of jhuggi cluster may have increased and needs afresh survey of the said area. Presently, a part of domestic waste water generated from this jhuggi clusters are being discharged on open adjoining land and some part of which is being discharged in the nearby drain adjacent to the CA block, Shalimar Bagh.

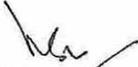
The Engineer-in-Chief, Irrigation and Water Resources Department, Govt. of Haryana, informed that the said jhuggi clusters comprises of residents of Delhi and can be rehabilitated by Govt. of NCT of Delhi as the status of the Govt. of Haryana being owner of the land is just like owner of private land. The land in question though is in the ownership of Government of Haryana is situated within the Territory of Delhi, therefore, whatever the responsibility of jhuggi dwellers is of Delhi Government and not of the State of Haryana. It was further stated that the said encroached has been notified as a protected forest land vide notification dated 06.03.1972 by Forests and Agriculture Department, Government of Haryana. A request was made on 26.07.2016, to the then concerned Deputy Commissioner (North Delhi), in respect of removal of encroachment from CA Block, Shalimar Bagh Delhi at RD 59000 to 59300 Delhi Sub Branch and the same is annexed as **Annexure-B**. The then Chief Executive Officer, DUSIB, vide letter dated 28.9.2016 informed to Principal Secretary, Irrigation and Water Resources Department, Government of Haryana, that as per provisions of the policy, JJ basti which have come up before 01.01.2006 in Delhi and the JJ dwellers on such JJ bastis are eligible for rehabilitation if they are residing before the cutoff date of 01.01.2015 and a request was made that the land owning agency i.e. Irrigation and Water Resources Department, Government of Haryana has to approach DUSIB to conduct a survey and identify the eligible JJ dwellers and refrain from taking any action against the JJ Dwellers in contravention to the provisions of the policy framed under the law and various orders of Hon'ble Court. The copy of DO letter dated 28.09.2016 was made available during the meeting is annexed as **Annexure-C**.

After detailed discussion in respect of all the grievances, required to protect the canal and to ensure compliance with the Solid Waste Management, 2016 and order of Hon'ble NGT, and Water (Prevention and Control of Pollution) Act, 1974, following decisions were taken for rectification of the grievances in the said area:

1. A joint survey shall be conducted by DUSIB and Delhi Jal Board for internal drainage system for the said jhuggi cluster and to workout connectivity of

- sewage generated from jhuggi cluster to DJB sewerage system within one month.
2. Delhi Jal Board, shall connect all the outfalls of Sewerage and wastewater of Jhuggi cluster to the nearby Sewage Treatment Plant and ensure 100% treatment of sewage and wastewater through Decentralized Sewage Treatment Plants (DSTPs) and the same shall be completed within three months.
 3. Representative of Government of Haryana assured to grant 'No Objection Certificate' on priority whenever it is requested to by DUSIB and DJB for laying new sewer line or by reconstruction of existing for proper disposal of domestic waste water being generated from JJ cluster.
 4. Representative of Haryana Government was also requested to submit information as the Protected Forest notified by them on 6th March, 1972 and action to be taken as per rule and court orders.
 5. Irrigation and Water Resources Department, Government of Haryana and Delhi Urban Shelter Improvement Board Govt. of NCT of Delhi (**DUSIB**) shall conduct a survey for the details of encroached area in question, number of JJ dwellers at present and to find actual number of eligible JJ dwellers for rehabilitation. DUSIB shall prepare a detailed action plan including estimated expenditure to be incurred for rehabilitation of eligible jhuggi dwellers and shall submit the said plan to Haryana Government within three months (03 months).
 6. After realization of the fund from Government of Haryana, DUSIB shall take action for rehabilitation of all eligible jhuggies and vacate the encroached land in question.
 7. Irrigation and Water Resources Department, Govt. of Haryana is requested to bear all the expenditure incurred during rehabilitation being a land owning agency (i.e. Government of Haryana) as per DUSIB policy.
 8. Delhi Urban Shelter Improvement Board (DUSIB), Govt. of NCT of Delhi and Government of Haryana shall take all necessary measures to protect further encroachment in and around the said site in order to protect the said canal.
 9. Irrigation and Water Resources Department, Govt. of Haryana agreed to one time exercise of cleaning up the canal at the earliest and thereafter Municipal Corporation of Delhi shall remove all the municipal solid waste near the said site and drain and shall maintain the local cleanliness in future.

The meeting ended with vote of thanks to the Chair.


(K.S. Jayachandran)
Member Secretary

To:

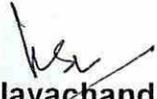
1. The Chief Secretary, Govt. of Haryana, 4th Floor, Haryana Civil Secretariat, Sector-1, Chandigarh, Haryana-160001.

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2. The Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, Delhi-110023. .
3. The Commissioner, Municipal Corporation of Delhi, Dr. S.P.M Civic Centre, JLN Marg, Delhi.
4. The Chief Executive Officer, Delhi Jal Board, Varunalya Phase-II, Jhandewalan, Delhi-110055.
5. The Chief Executive Officer, Delhi Urban Shelter Improvement Board, Punarawas Bhawan, I.P Estate, Delhi-110002
6. The District Magistrate (North-West), D.M. office complex, Kanjhawla, Delhi-110081
7. The Engineer in Chief, Irrigation and Water Resource Department, Govt of Haryana, Sinchai Bhawan, Sector-05, Panchkula, Haryana -134109.

Copy to:

1. Staff Officer to Chief Secretary, Govt of NCT of Delhi, 5th level, Delhi Secretariat, I.P. Estate, Delhi-02
2. PPS to Chairman, Delhi Pollution Control Committee, GNCTD


(K.S.Jayachandran)
Member Secretary



9/5/24

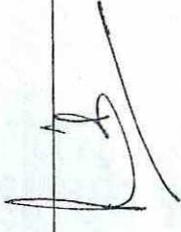
Attendance Sheet

ANNEXURE - A

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Meeting conducted in compliance of Hon'ble NGT order dated 14.02.2024 O.A No.339/2023 in the matter of "Deepti Gupta Vs Ministry of Environment, Forests & Climate change & Ors." of concerned organizations held on 28.03.2024 at 2:00 P.M in the conference Hall of Chief Secretary, GNCTD at 5th floor, A-Wing, Delhi Secretariat, IP Estate, New Delhi.

S.No	Name & Designation	Name & Address of the Organization	Contact No.	Email address	Signature
1	Mulank Kumar CE	IAFD	995843057	ceofd@gmail.com	
2	Binnadan Singh	Engineer-in-Chief Govt. Deptt. Haryana	9811815622	hoadspecial@yahoo.com	
3	Sandeep Arora IFS	DCF Sonapat	9466568388	guptasandeept10@gmail.com atsooripare@yahoo.co.in	
4	Bharani	SDM Saranwati Vihar NH&M West Dist. Kannur Deptt.	8200011196	bharani41@gmail.com	
5	Manjeet S. Hasija XEN	Engr. In-charge Deptt. Haryana.	9911550433	manjeet-h002a03@gmail.com	

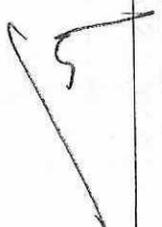
S.No	Name & Designation	Name & Address of the Organization	Contact No.	Email address	Signature
6	CHANDER PARIKASH EE(M)-14	DJB	9650291495	ceemk4.djb@gmail.com	
7	A. K. Singhal, SE	DDA	9405988836	sehgn2@dda.org.in	
8	Ravinder Kr.	DDA	942902107	cen3@dda.org.in	
9	Ashok Kumar	I&FC	995393400	ifc111@gmail.com	
10	Vandana Rao	DC KPZ MED	8929884953	dc-keharpuram@wed.nic.in	
11	Promod Kr Jain	Delhi Jal board CE (west)	9650291593	cewest@gmail.com	
12	Manish Gupta	CEO DV SIB			

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ANNEXURE - 4

S.No	Name & Designation	Name & Address of the Organization	Contact No.	Email address	Signature
13	K.S. Jayasheela	MS, DPCC			
14	Gyanesh Bant	Commissioner - MCD			
15	Kalender Kumar SFF	DPCC			
16	V.K. Jain EE	DPCC			
17					
18					
19					

S.No	Name & Designation	Name & Address of the Organization	Contact No.	Email address	Signature
20					
21					
22					
23					
24					
25					
26					

23A

Annexure - B

Annexure - C

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No. 5760-24

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Dated

26/7/2016

To

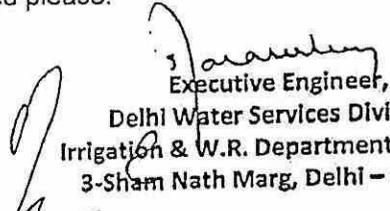
The Deputy Commissioner(North),
Room No. 1, DM Office,
Alipur, Delhi - 110036

Subject:- Regarding removal of encroachment from CA Block Shallmar Bagh
Delhi at RD 59000 to 59300 Delhi Sub Branch.

It is brought to your kind notice that the Delhi Sub Branch RD 59000 to 59300 ~~are~~ falls in CA Block Shallmar Bagh Delhi. In the above said reach, the Haryana irrigation land has been encroached by the private person on the left bank of Delhi Sub Branch by putting Jhuggies. The case for eviction of Haryana Irrigation Department land has been decided by the Hon'ble Court on 15.12.2009 and further on 10.09.2015 copy of the Hon'ble Court orders are enclosed herewith.

You are therefore requested to please appoint duty magistrate to get the land vacated by the unauthorized person by the police staff.

An early action in requested please.


Executive Engineer,
Delhi Water Services Division,
Irrigation & W.R. Department Haryana
3-Sham Nath Marg, Delhi - 110054

- CC:- 1 Chief Engineer/YWS(S) I&WR Deptt. Haryana, Delhi for information and necessary action please.
- 2 Superintending Engineer/YWS Circle, Delhi for information and necessary action please.
- 3 Deputy Commissioner of Police, Police Station, Ashok Vihar, New Delhi-110052. He is requested to provide sufficient police help to vacate the Haryana Irrigation land unauthorisedly occupied by the person of CA Block Shallmar Bagh Delhi on left bank of Delhi Sub Branch RD 59000 to 59300.
- 4 SDO, L&E Sub Division, Delhi for Information and necessary action. He is directed to persue the matter at personal level.

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Annexure-D

V.K. Jain, IAS
Chief Executive Officer



सत्यमेव जयते

DELHI URBAN SHELTER IMPROVEMENT BOARD
दिल्ली शहरी आश्रय सुधार बोर्ड
Govt. of National Capital Territory of Delhi
राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार
Delhi - 110 002
दिल्ली-110 002
D.O. No. DA/member (POW) 16/3-165
Dated 28-09-2016

Dear Sir

It has been brought to notice of Hon'ble Chief Minister, Delhi by Ms. Bandana [redacted], Hon'ble MLA, Shalimar Bagh regarding the proposed demolition of jhuggies by the Irrigation and W.R. Department, Government of Haryana situated in C-A Block, Shalimar Bagh, Delhi. Some notices have been issued by the Sub Divisional Officer, Liaison & Estate Sub Division, Irrigation & W.R. Department, Haryana, 3-Sham Nath Marg, Civil Lines, Delhi-110054 directing the JJ Dwellers to vacate the unauthorized occupation within 7 days i.e. before 18.09.2016 otherwise unauthorized encroachment will be vacated by the department and expenditure will be recovered from the occupants.

In this regard, your attention is drawn towards the number of judgments of Hon'ble High Court of Delhi and the Hon'ble Supreme Court, wherein it was held that no demolition should take place without rehabilitating the eligible affected families. The observations made by the Hon'ble High Court of Delhi in WP(C) No. 8904/2009, titled 'SUDAMA SINGH & OTHERS Vs. GOVERNMENT & ANR. are reproduced below:-

"BINDING NATURE OF MPD-2021

The Master Plan of Delhi (MPD-2021) envisages rehabilitation or relocation of the existing squatter settlement/jhuggi dwellers. It provides for relocation of the jhuggie dweller if the land on which their jhuggies exist is required for public purpose, in which case, the jhuggie dwellers should be relocated/re-settled and provided alternative accommodation. It also provides that resettlement whether in form of in-situ up-gradation or relocation should be based mainly on built-up accommodation of around 25 sq. mtrs. with common facilities."

2. The provisions of the 'The National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 as amended in 2014 and the DUSIB Act, 2010 as interpreted by various Courts from time to time and read in letter and spirit mandate that no demolition of jhuggies should be undertaken by any land owning agency without rehabilitating the affected persons as per the rehabilitation policy.

3. Also in another order dated 22.12.2015 in WP(C) No. 11616/2015 titled "Ajay Maken Vs. Union of India & Ors.", the Division Bench of Hon'ble High Court of Delhi held that the Court is of the view that a protocol should be prepared by DUSIB, which is the nodal agency, entrusted with the statutory responsibility under the DUSIB Act, in consultation with all the land owning agencies and civil society organizations in the area

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of housing rights (who would represent the interests of the *jhuggle* dwellers). It is essential that a uniform approach is adopted as regards all the *jhuggles* and JJ Bastis in the NCT of Delhi. The protocol should list out the various stages, beginning with a comprehensive survey, the drawing up of list of persons eligible for the various proposed measures in terms of the scheme prepared under the DUSIB Act, the actual provision of the relief by way of in-situ upgradation or resettlement and rehabilitation measures as the case may be, the precautions to be taken in the event of removal and the measures to be taken post removal. This protocol shall be followed by all agencies including the Delhi Police in the event of any action for removal of JJ Bastis in the future.

Accordingly, after detailed discussion with all the stakeholders, the Delhi Slum & Rehabilitation and Relocation Policy-2015 and protocol have been formulated (copy enclosed as Annexure-1).

5. As per the provisions of this policy, JJ bastis which have come up before 01.01.2006 in Delhi and the JJ dwellers on such JJ bastis are eligible for rehabilitation if they are residing before the cut-off date of 01.01.2015. It is, therefore, requested that the land owning agency i.e. Irrigation & W.R. Department, Government of Haryana has to approach Delhi Urban Shelter Improvement Board (to conduct the survey and identify the eligible JJ dwellers and refrain from taking any action against the JJ dwellers in contravention to the above said provisions of the policy framed under the law and various orders of Hon'ble Court.)

Regards

Encl: As above

Yours sincerely,

V.K. Jain
27/09/201

(V.K. Jain)

Chief Executive Officer

Sh. Anurag Rastogi,
Principal Secretary,
Irrigation and W.R. Department,
Government of Haryana,
Room No. 622, 6th floor, Haryana new Secretariat, Sector-17,
Chandigarh-160017