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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 1st June, 2022

W.P.(C) No..... of 2022

In Re: Housing for the Poor in Delhi

COURT ON ITS OWN MOTION

Mr. Anurag Ahluwalia, CGSC with Mr. Binod Kumar Mandal, Under Secretary, Ministry of Housing & Urban Affairs for Union of India. (M:9811418995)

Mr. Gautam Narayan, ASC with Mr. Adithya Nair, Advocate for GNCTD. (M:8007515131)

Mr. Anuj Chaturvedi, Advocate for DUSIB.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. This Court has been hearing various matters relating to the *Kalkaji Mandir* from time to time. During the course of the said hearings, some *jhuggi* dwellers and other unauthorised occupants were found to be unauthorised occupying land in the *Kalkaji Mandir* premises. This Court passed orders for their rehabilitation and in the said process was exploring alternate accommodation for the said occupants in terms of the policy of DUSIB, SDMC and DDA.
3. On 15th March, 2022, the Court was informed that approximately 52,000 flats, which were approved for construction under the under the Jawaharlal Nehru National Urban Renewal Mission (*hereinafter*, “*JNNURM*”) Scheme of the Central Government, which was to be

implemented by the State Government, have not yet been allotted due to the delay in execution of the agreement between the Central Government and the State Government. Accordingly, the Court had called for a joint status report to be filed by the Secretary, Ministry of Housing and Urban Affairs, Government of India along with Chief Secretary, GNCTD after interacting with each other. The relevant observations of this Court, vide order dated 15th March, 2022, have been extracted below:

“5. Considering that all the occupants may not have adequate financial means, a proposal was directed to be placed on record for further directions as to the manner in which the said persons could be rehabilitated. The proposal which has been placed before the Court is as under:

(i) The jhuggis of the Kalkaji Mandir premises, as per the revenue record, are located on a private land. Therefore, strictly speaking, the people living in said jhuggis are not entitled to rehabilitation under the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015.

(ii) That as directed in the previous order dated 7th March, 2022, since the purpose for which the land has been used is a public purpose i.e., for the deity of the Kalkaji Mandir and in the larger public interest, as an exceptional situation and under directions of the Court, certain proposals have been made set out, as below.

(a) EWS flats under the Jawaharlal Nehru National Urban Renewal Mission (hereinafter “JNNURM”) scheme may be provided to the ‘urban poor’ on a rental basis, however, rehabilitation permanently would not be permissible under the said scheme as per the current policy of the Central Government.

(b) DDA is willing to make available EWS and LIG flats in Narela, the cost of which is between

Rs.10.75 lakhs to 12.05 lakhs for EWS category and Rs.18 lakhs to Rs.22 lakhs for LIG category.
(iii) *In case none of these options are acceptable to the occupants, DUSIB may provide the occupants temporary night shelters / rain basera until they make their own alternative arrangements.*
XXX XXX XXX

*7. It is made clear that the amount of Rs.5,000/- as rent payable to DUSIB, is being fixed as an ad-hoc amount in view of the fact that the CEO, DUSIB, Ms. Garima Gupta, as also the counsel for DUSIB have informed the Court that the rent for JNNURM flats has not been fixed yet. **On a query from the Court, they inform the Court that the rental amounts have not been fixed inasmuch as a committee is to be constituted for fixing the rental amount depending on the area and the same has not been done. They have also stated that approximately 52,000 flats which are available under the JNNURM scheme have not yet been allotted due to the delay in execution of the agreement between the Central Government and the State Government, with respect to such flats.***

8. In so far as the larger issue of non-allotment of JNNURM flats to eligible persons is concerned, this Court is of the opinion that such a large number of flats ought not to be kept vacant and ought to be utilized for the purpose of economically weaker sections of society/‘urban poor’ for whom these flats are made. Mr. Anurag Ahluwalia, ld. Standing Counsel for the Central Government, has also been present in the proceedings today and he submits that he would bring this fact to the notice of the Secretary, Ministry of Housing and Urban Affairs, Government of India. In addition, this order would also be communicated to the Chief Secretary, GNCTD, through Mr. Gautam Narayan, ld. ASC for GNCTD, for necessary information and action.

9. The Secretary, Ministry of Housing and Urban Affairs, Government of India, along with Chief Secretary, GNCTD shall file a joint status report in respect of implementation of the JNNURM scheme in Delhi within four weeks, so that the same can be considered by the Court and the matter in respect of implementation of the scheme can be placed before the appropriate bench, if the need arises. It is expected that the governmental authorities would take expedited action in this regard so that these flats are not kept vacant.”

4. Today, Mr. Anurag Ahluwalia, Id. CGSC appears for the Union of India and Mr. Gautam Narayan, Id. ASC appears for the GNCTD. The said joint status report dated 1st June, 2022 has been placed before the Court in terms of the above order dated 15th March, 2022. The relevant portion of the said status report is set out below:

*“3. After submission of Detailed Project Reports (DPRS) along with list of beneficiaries by GNCTD to MoHUPA, a total of **52,344** houses were sanctioned under **14 projects** with the project cost of **Rs. 2,415.82 crores** by the MOHUPA in Delhi under JNNURM in year 2007-2012 which includes the Central share of **Rs. 1,108.85 crores**, State share of **Rs. 992.9 crores** and Beneficiary share of **Rs. 314.07 crores** for providing the houses to slum dwellers/ urban poor categories at affordable cost who were eligible as per the JNNURM guidelines. JNNURM Scheme was operational during 2005-2012. The scheme was then extended till 31.03.2017 to release funds to States/ Union Territories (UTS) for completion of houses. Central Share of **Rs. 1,074.12 crores** were released to GNCTD under the scheme. Houses, which remained incomplete even after 31.03.2017 were to be completed, by States/ UTS with own resources.*”

4. The details of JNNURM projects as on date are as under:

<i>Total No. of Houses Approved</i>	<i>Total constructed Houses</i>	<i>Already Allotted</i>	<i>Houses under Construction</i>	<i>Within 3 months Ready to Shift Houses</i>
52,344	35,744	4,833	16,600	2,086

Out of the **35,744** completed houses, **4,833** have been allotted to the beneficiaries and **608** houses of Baprola Ph-I project has already committed for allotment. **Therefore, 30,303 houses are vacant in Delhi.** GNCTD has to complete the incomplete 16,600 houses for further use as JnNURM houses which were funded until 31.03.2017. Ministry on several occasions has requested all States/ UTs including GNCTD to allot the completed houses under JNNURM to the eligible beneficiaries across the country. However, only 4,833 houses could be allotted to interested beneficiaries by GNCTD. **Remaining about 30,300 vacant houses in Delhi were not allotted due to lack of interested eligible beneficiaries.** Many of these houses need further civic amenities and retrofitting before actual occupation by beneficiaries. **Almost 2080 houses may be ready to shift within 3 months** while approx. 13,800 houses can be made ready to shift after required repair and providing basic amenities like Sewage treatment, water supply and Electricity connections in 18-24 months. Approx. 14,500 houses constructed by Delhi.

State Industrial and Infrastructure Development Corporation (DSIIDC) need extensive repair. GNCTD is exploring budget provision for completion of incomplete houses and repair/retrofitting of otherwise completed houses.”

5. A perusal of the above status report would show that a large number of houses have either been constructed or partially constructed but are yet to be allotted for rehabilitation of slum dwellers. The reasons for non-allotment of the said flats or the flats not being ready for occupation is claimed to be the lack of provision of basic amenities such as sewage treatment, water supply, electricity connection, etc. in the said flats. There seems to be a lack of coordination between the various governmental agencies in terms of payment of money for the construction of the said flats to DUSIB.

6. Mr. Anurag Ahluwalia, Id. CGSC submits that out of the total amount which was to be released by the Central Government i.e., Rs.1,108.85 crores, a sum of Rs.1074.12 crores have already been released to GNCTD, under the JNNURM Scheme.

7. Mr. Anuj Chaturvedi, Id. Counsel appearing for DUSIB submits that the houses which were under the control of DUSIB, have now been placed under the Affordable Rental Housing Complexes (*hereinafter*, "ARHC") Scheme launched by the Government of India as a sub-scheme under the Pradhan Mantri Awas Yojana – Urban (PMAY-U), and the allotment of the said vacant houses is currently not permitted.

8. Considering the large number of houses, which were to be constructed under the JNNURM Scheme for which substantial funds have already been expended, this Court is of the opinion that the process of completion of these houses ought to proceed expeditiously, so that the slum dwellers in the city of Delhi can be duly rehabilitated and can be offered these houses as per the policy framed. There can be no doubt that a large part of the residents in Delhi belonging to the economically weaker sections of society require affordable housing. It is disconcerting that a large quantum of flats/houses

are lying vacant due to lack of amenities or in a state of partial completion apparently due to lack of coordination between the authorities.

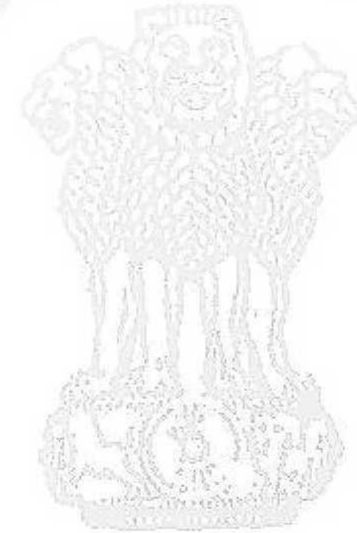
9. Accordingly, let this matter be numbered by the Registry as a *Suo Moto* Public interest Litigation and placed before the Hon'ble Acting Chief Justice for marking to the appropriate Division Bench as per Roster.

10. Let the joint status report dated 1st June, 2022 be taken on record. The previous order dated 15th March, 2022 along with the joint status report be also placed before the Ld. Division Bench.

11. List on 6th July, 2022.

**PRATHIBA M. SINGH
JUDGE**

JUNE 01, 2022/dk/ad



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