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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 30.07.2026**Judgment delivered on: 25.08.2026**

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CNR No. DLHC010224312026

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LPA 382/2026 & CM APPLs. 33905/2026 & 37169/2026**RAKESH BANSAL AND ORS****.....Appellants**

Through: Mr. N. Hariharan, Sr. Adv. along with
Mr. Varun Singh, Ms. Parijat,
Mr. Punya Rekha Angara, Mr. Aman
Akhtar, Mr. Vasundhara Raj Tyagi,
Mr. Arjan Singh Mandla, Mr. Apoorv
Kumar, Ms. Benila, Mr. Atif Raza,
Mr. Vivek Jain, Mr. Javed Ahmad,
Ms. Aakriti Aditya & Ms. Urvashi
Chauhan, Advs.

versus

UNION OF INDIA AND ORS.**.....Respondents**

Through: Mr. Syed Abdul Haseeb, Ms. Nasreen
Khatoon, G.P. & Mr. Muhammad
Aamir Khan, Advs. for Union of
India.
Ms. Archana Gaur, CGSC along with
Mr. Akash Gupta, G.P., Mr.
Shreyansh Gupta & Mr. Rajat
Sharma, Advs. for Union of India.
Mr. Chetan Sharma, ASG along with
Mr. Ashish K. Dixit, CGSC,
Mr. Umar Hashmi, Mr. Ayush Kumar,
Mr. Amit Gupta, Mr. Shubham
Sharma, Mr. Naman, Ms. Iqra Sheikh,



Mr. Nishant & Mr. Aakash Tyagi,
Advs. along with Mr. Kunal Bhaskar,
Dy. L & DO.

Mr. Anand Prakash, Standing
Counsel along with Ms. Varsha Arya
& Mr. Pratham Saini, Advs. for
MCD.

Mr. Anuj Chaturvedi, Ms. Yashita
Jain, Ms. Sneha Tanwar, Advs. with
Mr. P.K. Jha (Principal Director),
Mr. Pranav Sirola (LA) & Mr.
Jagatpati (EE) for DUSIB.

CNR No. DLHC010226882026

+ **LPA 391/2026 & CM APPL. 34337/2026**

KHUSHNUMA KHAN AND ORS

.....Appellants

Through: Mr. Pankaj Sinha, Mr. Tariq Adub,
Ms. Garima, Mr. Kulwinder Sehgal
& Mr. Sunil Tiwari, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Syed Abdul Haseeb, Ms. Nasreen
Khatoon, G.P. & Mr. Muhammad
Aamir Khan, Advocate for Union of
India.

Ms. Archana Gaur, CGSC along with
Mr. Akash Gupta, G.P.,
Mr. Shreyansh Gupta & Mr. Rajat
Sharma, Advocates for Union of
India.

Mr. Chetan Sharma, ASG along with
Mr. Ashish K. Dixit, CGSC, Mr.
Umar Hashmi, Mr. Ayush Kumar,



Mr. Amit Gupta, Mr. Shubham Sharma, Mr. Naman, Ms. Iqra Sheikh, Mr. Nishant & Mr. Aakash Tyagi, Advocates along with Mr. Kunal Bhaskar, Dy. L&DO.

Mr. Anand Prakash, Standing Counsel along with Ms. Varsha Arya & Mr. Pratham Saini, Advocates for MCD.

Mr. Anuj Chaturvedi, Ms. Yashita Jain, Ms. Sneha Tanwar, Advocates with Mr. P.K. Jha (Principal Director), Mr. Pranav Sirola (LA) & Mr. Jagatpati (EE) for DUSIB.

CNR No. DLHC010268022026

+ **LPA 452/2026 & CM APPLs. 39671-72/2026**

USHA AND ORS

.....Appellants

Through: Mr. Kuldeep Kumar along with Ms. Neelam Akhtar, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Archana Gaur, CGSC along with Mr. Akash Gupta, G.P., Mr. Shreyansh Gupta, Ms. Ridhima Gaur, Mr. Deepu Kumar & Mr. Rajat Sharma, Advocates for Union of India.

Mr. Chetan Sharma, ASG along with Mr. Ashish K. Dixit, CGSC, Mr. Umar Hashmi, Mr. Ayush Kumar, Mr. Amit Gupta, Mr. Shubham Sharma, Mr. Naman, Ms. Iqra Sheikh,



Mr. Nishant & Mr. Aakash Tyagi, Advocates along with Mr. Kunal Bhaskar, Dy. L&DO.

Mr. Anand Prakash, Standing Counsel along with Ms. Varsha Arya & Mr. Pratham Saini, Advocates for MCD.

Mr. Mananjay Mishra, Advocate for R-5/NDMC.

Mr. Anuj Chaturvedi, Ms. Yashita Jain, Ms. Sneha Tanwar, Advocates with Mr. P.K. Jha (Principal Director), Mr. Pranav Sirola (LA) & Mr. Jagatpati (EE) for DUSIB.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

J U D G M E N T

DEVENDRA KUMAR UPADHYAYA, C.J.

C H A L L E N G E

1. The issue of rehabilitation of dwellers of Jhuggi Jhopri Bastis consequent upon their eviction has once again engaged attention of this Court in these three intra-Court appeals, whereby the appellants-Jhuggi Jhopri dwellers seek to take exception to the judgment dated 11.05.2026 and the order dated 13.05.2026 passed by the learned Single Judge dismissing the W.P.(C) 17239/2025, W.P.(C) 2943/2026 and W.P.(C) 17326/2025, which were instituted by the Jhuggi Jhopri dwellers.

2. The appellants are residents and occupants of certain dwelling units in Bhai Ram Camp ('BR Camp'), Masjid Camp and DID Colony, which are



Jhuggi Jhopri bastis in terms of Section 2(g) of the Delhi Urban Shelter Improvement Board Act, 2010 (hereinafter referred to as ‘DUSIB, Act 2010’), as declared and notified by the Delhi Urban Shelter Improvement Board (hereinafter referred to as ‘DUSIB’) established under Section 3 of the DUSIB Act, 2010. W.P.(C) 17239/2025 and W.P.(C) 2943/2026 were instituted by the dwellers of Jhuggi Jhopri bastis – BR Camp and Masjid Camp respectively, whereas W.P.(C) 17326/2025 was instituted by the dwellers of DID Colony, which is also a Jhuggi Jhopri basti. In these Jhuggi Jhopri bastis, around 717 dwelling units are sought to be relocated and rehabilitated upon their clearance.

3. By instituting the underlying writ petitions, the dwellers of these three Jhuggi Jhopri bastis had challenged the notice of eviction issued to them, however, during the course of proceedings of these petitions certain developments took place, whereby a scheme for rehabilitation of these dwellers has been framed and the respondents intend to relocate them in flats constructed at Savda Ghevra, situated at north-western part of Delhi. Learned Single Judge has disposed of W.P.(C) 2943/2026 and W.P.(C) 17239/2025 by means of judgment dated 11.05.2026 with certain directions. The directions issued by learned Single Judge in the impugned judgment are as follows:-

“49. In order to secure the interests of the petitioners, the Court finds it appropriate to dispose of these petitions with the following directions:

49.1. The respondents shall ensure compliance with the provisions of the DUSIB Policy and the DUSIB Protocol including with respect to securing education, travel, water and sanitation facilities, etc. for the residents of the alternate accommodation.

49.2. The respondents shall be bound by their undertaking with respect to the relaxation of the beneficiary contribution under the DUSIB Policy.



49.3. The petitioners, who have not yet accepted allotment letters, shall immediately obtain the same upon due verification of their documents, and also take possession of the allotted flats. The petitioners were first served eviction notices on 29.10.2025. Sufficient time has elapsed since then and the petitioners have been aware of the subsequent developments that have taken place during the pendency of these matters. In view thereof, the petitioners shall vacate the present camps within fifteen days from today, failing which, the respondents shall be at liberty to take appropriate action in accordance with law.

49.4. The petitioners shall be at liberty to take appropriate recourse, including to file a fresh petition, in case the respondents fail to fulfil their obligations as contained in paragraph no. 49.

50. Accordingly, petitions, along with pending applications, stand disposed of.”

4. W.P.(C) 17326/2025 has been disposed of by the learned Single Judge vide order dated 13.05.2026, observing therein that the directions passed by the Court in the judgment dated 11.05.2026 will be enforced and applied to the said case as well. It is this judgment dated 11.05.2026 and order dated 13.05.2026, which are under challenge before us in these appeals.

FACTS

5. As claimed by the appellants, they have been living in their respective dwelling units in these three Jhuggi Jhopri bastis since long. In fact, the assertion on their behalf is that their ancestors started residing in these bastis since even before the year 1950. These bastis are situated near Delhi Race Club and are part of the lease granted to Delhi Race Club.

6. An order dated 18.09.2023 passed by a Division Bench of this Court in W.P.(C) 9470/2022, ***The Court on its Own Motion v. Union of India & Ors.*** needs to be noted at this juncture. By the said order, the Court had issued directions for constitution of a High Powered Committee (‘HPC’) comprising of High Level Officers of Government of India, Delhi



Development Authority ('DDA'), DUSIB, Government of NCT of Delhi ('GNCTD'), Delhi Jal Board ('DJB') and Delhi State Industrial Infrastructure Development Corporation ('DSIIDC'). The said committee was mandated, *inter alia*, to chalk out a clear and concise policy for allocation and allotment of houses addressing the concerns raised about Affordable Rental Housing Complexes ('ARHCs') and the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015 (hereinafter referred to as 'Rehabilitation Policy, 2015').

7. The order dated 18.09.2023 was passed in the background of the fact that construction of approximately 52,000 flats designated for slum dwellers or the urban poor at affordable rates under the Jawaharlal Nehru National Urban Renewal Mission ('JNNURM') was initiated in the month of December, 2005, however, they remained unconstructed or unallotted. The Court also noticed that JNNURM was launched by the Ministry of Urban Employment and Poverty Alleviation, Government of India in the year 2005 with the object of augmenting the urban infrastructure, enhance access to civic amenities to the urban poor and increase accountability in governance. Accordingly, a Detailed Project Report ('DPR') was formulated, sanctioning construction of 52,344 houses at the estimated cost of Rs.2,415.82 crores. The Court also noticed that as on 01.06.2022, total houses which were approved for construction were 52,344, out of which 35,744 were constructed and only 4,833 could be allotted. On the said date there were 16,600 houses under construction.

8. The Court, while passing the order dated 18.09.2023, noted that after the initiative for construction of the aforesaid flats under the JNNURM was



taken, the Rehabilitation Policy, 2015 was notified by the GNCTD empowering the DUSIB to remove Jhuggi Jhopri bastis with appropriate relocation and rehabilitation of the dwellers of such bastis. The Court also noticed in its order dated 18.09.2023 that the stand taken before it by both, the Union of India and GNCTD resembled a stalemate or more appropriately a logjam, as a result of which the eligible beneficiaries of allotment of such flats suffer. The Court, accordingly, not only issued directions for constitution of the HPC, but also outlined the functions to be discharged by the HPC and other agencies for the purposes of addressing the situation which had arisen on account of non-construction or non-allotment of the flats constructed under JNNURM. The directions issued by the Court vide its order dated 18.09.2023 in W.P.(C) 9470/2022 are as follows:-

“9. Accordingly, following directives are issued:

9.1 A High-Powered Committee comprising of Secretary, MoHUA, Government of India, Vice-Chairperson, Delhi Development Authority, Chairperson, DUSIB, Principal Secretary, GNCTD, Chairperson, Delhi Jal Board, and Chairperson, DSIIDC, shall be established immediately. This Committee will be tasked with streamlining the process of house allotment to eligible beneficiaries. Immediate steps should be taken for allotment of 9,104 constructed flats to the eligible beneficiaries. The Committee members shall be authorized to co-opt additional officers from concerned governmental divisions or departments, as deemed necessary to efficaciously implement the directives.

9.2 The Committee will chalk out a clear and concise policy for the allocation and allotment of houses, particularly addressing the concerns raised about ARHCs and the Rehabilitation Policy, 2015. Priority must be given to those who have already paid their dues and those who are in dire need of shelter.

9.3 The Committee shall also supervise the remaining construction and repair work, with an emphasis on collaboration and clear and actionable outcomes. The GNCTD is directed to immediately formulate and present an action plan to the Committee, detailing the timeline and methodology for the completion of the balance construction and repair work.

9.4 Relevant agencies are mandated to ensure that all houses are equipped with essential civic amenities, including water, sewage, and electricity. The Delhi Jal Board is tasked with the responsibility to ensure sewerage connections and water supply. The concerned electricity supply company



shall also be involved for ensuring laying of electricity cables. A report detailing the action taken should be submitted to this Court within three months from the release of this order.

9.5 A sub-committee or a dedicated team should be instituted to engage with potential beneficiaries. Their concerns, particularly about the lack of amenities, should be addressed, ensuring that the houses are not just structures but truly homes for the urban poor.

9.6 The High-Powered Committee shall endeavour to hold the first meeting within 15 days of the release of this order and continue to hold further meetings as and when required. They shall present a bi-monthly report to this Court, detailing the progress made in each area outlined above.

9.7 To address the purported lack of interest from eligible beneficiaries, a targeted public awareness campaign must be launched, informing them of the availability of houses and the process of application.”

9. So far as the three Jhuggi Jhopri bastis, with which these appeals deal with, are concerned, the Land & Development Office, Ministry of Housing and Urban Affairs, Government of India (hereinafter referred to as ‘L&DO’) wrote a letter dated 17.10.2025 to the Chief Executive Officer of DUSIB requesting reservation of 1,000 flats for dwellers of these three Jhuggi Jhopri bastis. It appears that a joint survey by L&DO and DDA was conducted in January, 2024 of these Jhuggi Jhopri bastis, whereupon two notices, one titled as ‘eviction notice’ and the other titled as ‘rehabilitation notice’ were issued by the L&DO. The rehabilitation notice dated 29.10.2025 stated that the noticees (appellants) were illegal occupants of government land situated in the illegal Jhuggi Jhopri Cluster located in Race Course area and further that the rehabilitation action is part of ongoing efforts for clearance of the existing government land for its intended use and relocation of Jhuggi Jhopri Clusters. The notice further stated that the occupation of the Government land was illegal as determined in the joint survey conducted in January, 2024, however, the concerned dwelling units have been determined to be eligible for relocation under the applicable DUSIB policy and that suitable



and sanctioned accommodation for rehabilitation has been identified and confirmed at DUSIB Colony at Savda Ghevra, Delhi, which location has been inspected and is ready for possession. The notice, accordingly, directed the eligible Jhuggi Jhopri dwellers to vacate the dwelling units in Jhuggi Jhopri bastis and shift to allotted unit at DUSIB Colony, Savda Ghevra,.

10. The eviction notice of the same date, i.e., 29.10.2025 was issued to those dwellers of Jhuggi Jhopri bastis, who were not found eligible for allotment of alternative accommodation under the rehabilitation scheme and, accordingly, they were directed to vacate their dwelling units and clear the government land of materials and belongings within 15 days from the date of issue of the said notice.

11. The eviction notice dated 29.10.2025 and other related actions for eviction became the subject matter of challenge in the underlying writ petitions.

12. During the pendency of the writ petitions, two other notices dated 19.02.2026 and 27.02.2026 were issued, directing the appellants to obtain allotment letters for the flats at the alternate accommodation at Savda Ghevra DUSIB Colony. The matter of rehabilitation and relocation was taken up by the sub-committee of the HPC in its Fourth meeting held on 12.12.2025, wherein DUSIB apprised the members of the said Committee that out of 2,500 flats recommended by the HPC at Savda Ghevra, Delhi, 1,000 flats have been made habitable. In the said meeting of the sub-committee dated 12.12.2025, the request received from L&DO vide letter dated 17.10.2025 to reserve 1,000 flats for eligible dwellers of the Jhuggi



Jhopri bastis was also deliberated and, accordingly, the sub-committee recommended BR Camp, Masjid Camp and DID Colony Jhuggi Jhopri bastis for rehabilitation on priority. It was also recommended by the sub-committee that eligible dwellers of these Jhuggi Jhopri bastis may be accommodated in the flats at Savda Ghevra, Delhi for rehabilitation.

13. The recommendations made in respect of rehabilitation of dwellers of these three Jhuggi Jhopri bastis by the sub-committee *vide* its decision taken in the meeting dated 12.12.2025 were considered in the Fourth meeting of the HPC held on 29.01.2026. The HPC in the said meeting decided to accept and approve the recommendations made by the sub-committee. These developments had taken place during pendency of the writ petitions, whereafter the petitions were heard and on 30.03.2026, learned Single Judge, after hearing the parties, reserved the writ petitions for judgment.

14. An application, thereafter, was filed to bring on record Minutes of Meeting of DUSIB held on 09.04.2026, whereby formal approval was accorded for relocation of the dwellers of these three Jhuggi Jhopri bastis to alternate accommodation at Savda Ghevra, Delhi. Accordingly, the writ petitions were heard again and have been decided by the judgment dated 11.05.2026 and the order dated 13.05.2026, respectively.

15. The learned Single Judge, in the impugned judgment, has not found any illegality in the relocation and rehabilitation process consequent upon eviction of appellants. However, the fundamental right to Shelter and Livelihood as enshrined in Article 21 of the Constitution of India has been recognised and, accordingly, certain directions have been issued, which have already been quoted above.



PROVISIONS OF LAW

16. Before proceeding to delve into the respective submissions made by the learned counsel for the parties, it would be appropriate to extract certain provisions of the DUSIB Act, 2010, the provisions of Rehabilitation Policy, 2015 promulgated by DUSIB vide circular dated 14.06.2016 and Draft Protocol for Removal of Jhuggi Jhopri and JJ Bastis in Delhi (hereinafter referred to as 'Draft Protocol') notified by DUSIB vide circular dated 14.06.2016.

The Delhi Urban Shelter Improvement Board Act, 2010:-

Section 2(a)

"2(a) "Board" means the Delhi Urban Shelter Improvement Board constituted under sub-section (1) of section 3 of this Act;"

Section 2(d)

"2(d) "Government" means the Lt. Governor of the National Capital Territory of Delhi appointed by the President under article 239 and designated as such under article 239AA of the Constitution;"

Section 2(f)

"2(f) "jhuggi" means a structure whether temporary or pucca, of whatever material made, with the following characteristics, namely:-

- (i) it is built for residential purpose;*
- (ii) its location is not in conformity with the land use of the Delhi Master Plan;*
- (iii) it is not duly authorized by the local authority having jurisdiction; and*
- (iv) it is included in a jhuggi jhopri basti declared as such by the Board, by notification;"*

Section 2(g)

"2(g) "jhuggi jhopri basti" means any group of jhuggis which the Board may, by notification, declare as a jhuggi jhopri basti in accordance with the following factors, namely:-

- (i) the group of jhuggis is unfit for human habitation;*
- (ii) it, by reason of dilapidation, overcrowding, faulty arrangement and design of such jhuggis, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, is detrimental to safety, health or hygiene; and*



(iii) it is inhabited at least by fifty households as existing on 31st March, 2002:

Provided that the Board may, by order, attach any jhuggi or jhuggis scattered in the nearby areas to any jhuggi jhopri basti and such jhuggi or jhuggis shall be deemed to be part of such jhuggi jhopri basti;”

Section 2(s)

“2(s) “redevelopment” means the activity of redevelopment of an area where jhuggi jhopri basti is situated in accordance with the provisions of section 12 of this Act;”

Section 9

“FUNCTIONS OF THE BOARD

*Survey
of
jhuggi
jhopri
bastis*

9. (1) *The Board shall have the power to make a survey of any jhuggi jhopri basti, with a view to ascertaining the number of residents thereof, the existing standard of health, sanitation and civic amenities, the availability of medical and educational facilities for the residents thereof, and any other matter which may appear necessary to it to enable it to perform its functions under this Act.*

(2) *It shall be the duty of every local authority and of every department of the Government to make available to the Board all information in its possession relevant to the conduct of such survey.”*

Section 10

*“Removal
and
resettlement
of jhuggi
jhopri bastis*

10. (1) *The Board shall have the power to prepare a scheme for the removal of any jhuggi jhopri basti and for resettlement of the residents thereof, and the consent of the residents of the jhuggi jhopri basti shall not be required for the preparation or implementation of such a scheme.*

Explanation.- Nothing in sub-section (1) shall derogate the power of the Central Government to remove jhuggis, if required.

(2) *Every such scheme shall specify the amount to be paid by the land owner and by the persons to be resettled towards the cost of new houses to be allotted to them and also the criteria for eligibility for resettlement.*

Explanation: For the removal of doubts it is hereby clarified that owner of the land from where the basti is removed and the subsequent beneficiary-residents to be resettled shall contribute towards the cost of new houses to be allotted to them and the said amount of the contribution shall be specified in the scheme.



(3) The Board may, after prior consultation with the Government, cause any jhuggi jhopri basti to be removed and may resettle such residents thereof as may be eligible in accordance with the scheme prepared under sub-section (1), and it shall be the duty of the local authority having jurisdiction and of the police and of any other agency or department whose assistance the Board may require to co-operate with and render all reasonable assistance to the Board:

Provided that where jhuggi jhopri basti is on the land belonging to the Central Government or any of its organizations, the process of removal and resettlement shall be undertaken with the prior consent of the Central Government or its organization concerned:

Provided further that such resettlement shall not be done in contravention of the provisions of the Delhi Development Act, 1957 (61 of 1957) and those of the Master Plan for Delhi or the zonal development plans prepared thereunder.”

Section 11

“Scheme of improvement of jhuggi bastis

11. (1) The Board may prepare a scheme for the improvement of any jhuggi jhopri basti which may include provision of toilets and bathing facilities, improvement of drainage, provision of water supply, street paving, and provision of dustbins, or sites for garbage collection, street lighting, or any of them, or provision of any like facilities:

Provided that no such scheme shall be prepared if the owner of the land on which the jhuggi jhopri basti is situated has already consented to the preparation of a scheme for the removal of the jhuggi jhopri basti under section 10 and has paid his share of the cost thereof.

(2) The Board may take all measures which may be necessary for the implementation of any scheme for improvement of a jhuggi jhopri basti prepared under sub-section (1) and it shall be the duty of the local authority, power generation and distribution companies or any licensee under the Electricity Act, 2003 (36 of 2003) having operations in the area, and any department or undertaking of the Government to render all reasonable assistance for the implementation thereof.

(3) A scheme prepared under sub-section (1) may



include provision for payment or for contribution of labour by the residents of the jhuggi jhopri basti individually or collectively, and may also include provision for recovery of charges for the use of toilets and bathing facilities:

Provided that no such payment or contribution of labour, other than charges for use of toilet and bathing facilities, shall be levied unless the scheme has been published and the residents given an opportunity to make representations and suggestions regarding it in such manner as may be prescribed by regulations, and such representations or suggestions, if any, have been duly considered by the Board."

Section 12

"Scheme of redevelopment of jhuggi jhopri basti.

12. (1) The Board may, with the consent of the owner of the land on which the jhuggi jhopri basti is situated, work out schemes for collective community rehabilitation, relocation or in-situ upgradation and involve private sector/slum cooperatives for redevelopment of the basti with a view to bringing about environmental improvement and improvement in the living conditions of the residents. Rehabilitation of the residents of the jhuggi jhopri bastis who would be affected by redevelopment shall form an integral part of the rehabilitation scheme.

(2) The consent of the residents of the jhuggi jhopri basti shall not be required for the preparation and implementation of any scheme for redevelopment of the basti under this section.

(3) The redevelopment scheme referred to in sub-section (1) may provide for construction and disposal by sale or lease of land for commercial, residential, institutional and light industrial use or any one or more of them as per the provisions of the Delhi Development Act, 1957 (61 of 1957) and those of the Master Plan for Delhi and Zonal Development Plans, etc. prepared thereunder

(4) The Board may permit the owners on whose land a basti for which the scheme of re-development has been prepared under sub-section (1), to implement that scheme. Such scheme may not be executed by the Board itself.

Provided that the prior approval of the Central



Government shall be taken if the land in question belongs to the Central Government.”

Section 21

“Housing Scheme

21. (1) The Board may prepare a housing scheme for the resettlement of persons who are to be resettled or provided alternative accommodation under any scheme for the removal of any jhuggi jhopri basti under the provisions of section 10 or section 12 of this Act.

(2) The Board may prepare schemes for housing of those belonging to economically weaker sections including low income group and poor categories.

Provided that except where land or rehabilitation site belongs to the Government, a housing scheme under subsection (1) and (2) shall be drawn up in consultation with the land owning agency on mutually accepted conditions.

(4) Every scheme prepared under sub-section (1) shall provide for the cost of land, the development of such land and all related matters, the mode of allotment of plots or of houses, including the selection of allottees of such plots or houses and the terms and conditions of allotment, and for any other matter that may be considered necessary.”

Delhi Slum and Jhuggi Jhopri Cluster Rehabilitation and Relocation Policy, 2015

Relevant Clauses:–

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

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

(i) This policy is based on the following principles:

(i) [...]

(ii) [...]

(iii) [...]

(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 Guwab 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) [...]

(vi) [...]

(vii) [...]

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)

(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 Bastion 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.

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 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.”

Draft Protocol for Removal of Jhuggi Jhopri and JJ Bastis in Delhi
Relevant Clauses:–

**“DRAFT PROTOCOL
FOR REMOVAL OF JHUGGIS AND JJ BASJIS IN DELHI**

1. [...]
2. [...]
3. [...]
4. [...]
5. [...]

**6. STEPS TO BE FOLLOWED PRIOR TO REMOVAL OF JHUGGIS
AND JJ BASTIS**

A. PRE-SURVEY STEPS:

- (i) The process of removal/re-settlement /rehabilitation/in-situ improvement/ re-development of Jhuggis and JJ Bastis in Delhi will be governed by “Delhi Slum & JJ Rehabilitation & Relocation Policy, 2015”.
- (ii) The Land Owning Agency (LOA) will send a proposal for removal of the jhuggis and JJ bastis to DUSIB with proper justification satisfying the conditions mentioned in the Policy sufficiently in advance, along with commitment to make payment of the cost of rehabilitation.
- (iii) The proposal will be examined by DUSIB regarding the date of existence of JJ basti i.e. whether the same was in existence prior to 01.01.2006. If the JJ basti was in existence prior to 01.01.2006, then the DUSIB will notify the said Basti under section 2(g) of the DUSIB Act, if not notified earlier and the proposal will be placed before the Board (DUSIB) for in-principle approval for removal of the Jhuggis and JJ basti.
- (iv) After in principle approval of the Board, the DUSIB will conduct a joint survey and determine the eligibility of JJ dwellers for rehabilitation as per the policy along with the representative(s) of LOA. However, in special circumstances, the joint survey may be



initiated even before obtaining in-principle approval of the Board, on case to case basis, with the approval of CEO, DUSIB.

- (v) If the DUSIB ascertains that the JJ Basti came into existence after 01-01-2006, the LOA will be intimated accordingly to enable it to take necessary action for removal, in consonance with the law and rules in vogue.

B. Procedure for conducting the Joint Survey:

(ii) [...]

(iii) [...]

(iv) [...]

(v) [...]

(vi) [...]

(vii) [...]

(viii) After receiving claims/ objections, the same will be disposed of by the Claim & Objection Redressal Committee in a time-bound manner by way of passing speaking order.

C. [...]

D. POST SURVEY STEPS

(i) [...]

(ii) [...]

(iii) [...]

(iv) [...]

- (v) DUSIB will fix the date of removal of the said JJ basti and send an appropriate intimation to the local police authorities for providing security and maintaining law and order. No police will be provided to any agency in Delhi for removal of JJ bastis without the approval/letter from CEO, DUSIB.

(vi) [...]

- (vii) In order to provide suitable facilities at the allotted site, DUSIB will make request to the concerned authorities, as under:

(a) Directorate of Education, GNCTD/ MCD will be requested to make arrangement for admission of the wards of the jhuggi dwellers in the nearby schools.

(b) Directorate of Health Services, GNCTD, will be requested to set up a dispensary/ Mohalla Clinic in the vicinity of the flats, if not already available.

(c) Request will be made to open Kendriya Bhandar/Co-operative store to cater to the basic daily needs of the jhuggi dwellers, if not available in the vicinity.

(d) Delhi Transport Corporation (DTC) will be requested to make arrangements of OTC buses.

(e) DUSIB shall facilitate the availability of drinking water and sewerage facilities in the flats to be allotted.



7. STEPS AND PRECAUTIONS TO BE FOLLOWED DURING REMOVAL OF JHUGGIS AND JJ BASTIS

- (i) DUSIB will prepare a schedule for removal of Jhuggis and JJ Basti (physical shifting of JJ dwellers to the allotted flats).
- (ii) DUSIB shall paste notice(s) for eviction and removal of the JJ basti, under intimation to the LOA. Announcement(s) through Public Address System (PAS) will also be made at the site.
- (iii) All the JJ dwellers, who have been issued the possession letters will be asked to demolish their respective jhuggis on the date and time fixed by DUSIB. After demolition of the said jhuggis which will be photographed, demolition slips will be issued by DUSIB and, on presentation of these demolition slips at the site of the alternative accommodation, possession of the flats will be handed over to them by DUSIB.
- (iv) DUSIB and LOA will work in close coordination with each other, at the time of removal of JJ basti, to accomplish the task.
- (v) If the jhuggi(s) is/are not demolished by the JJ dweller(s) himself/ themselves, the same will be demolished and photographed/videographed by DUSIB. However, DUSIB shall issue demolition slips indicating the fact that the jhuggi(s) has/have been physically demolished to those who had been issued possession letters.
- (vi) DUSIB will facilitate transportation of household articles/belongings of eligible JJ dwellers to the place of alternative accommodation, if necessary.
- (vii) After following the above process, DUSIB will demolish the jhuggis/ JJ basti with the use of the appropriate force, if required, with the help of police.
- (viii) The demolition/shifting shall not be carried out during night, Annual Board Examinations or during extreme weather conditions.
- (ix) As far as practicable, DUSIB will provide potable water, sanitation
- (x) and basic health facilities at the site of demolition of the jhuggis."

SUBMISSIONS ON BEHALF OF THE APPELLANTS.

A. Regarding process of eviction adopted by the respondents.

17. Impeaching the process adopted by the respondents for eviction of the Jhuggi Jhopri dwellers – the appellants, the first argument made on their behalf by the learned counsel representing them is that for resorting to



eviction, the provisions contained in the Rehabilitation Policy, 2015 and those contained in the Draft Protocol issued *vide* circular dated 14.06.2016 have been violated and, therefore, the entire eviction process itself is illegal which cannot be given effect to. In this regard, following submissions have been made:

- a) The Rehabilitation Policy was framed with a view to give effect to the judgment of a Division Bench of this Court in ***Sudama Singh v. Government of Delhi***, (2010) SCC OnLine Del 612, however, the process of eviction followed by the respondents does not conform to the Rehabilitation Policy, 2015. Referring to clause 2(a)(iii) and (iv) of Part A of the said policy, it has been stated that the said provision clearly provides that the DUSIB shall provide alternate accommodation either on the same land or in the vicinity within a radius of 05 kms and it is only in case of exceptional circumstances that rehabilitation can be even beyond 05 kms with prior approval of DUSIB. In this case, however, rehabilitation sought to be done is at a distance of 40-45 kms from the present location of the Jhuggi Jhopri bastis.
- b) As per Relocation Policy, 2015, it is the DUSIB which has to act as the nodal agency for implementation of any scheme relating to rehabilitation in terms of the provisions contained in the DUSIB Act, 2010, however, in the instant case, implementation of the scheme apparently is being done not by DUSIB but by the Ministry of Housing and Urban Affairs, Government of India which is contrary to what has been prescribed in the Rehabilitation Policy, 2015.



c) It is also the case put forth by the appellants that as per Clause 6(A)(ii) of the Draft Protocol, it is the Land Owning Agency which has to send the proposal for removal of jhuggis and Jhuggi Jhopri bastis to DUSIB with justification, satisfying the conditions mentioned in the Rehabilitation Policy, 2015 along with commitment to bear the cost of rehabilitation, however, in the instant case, initiation for eviction and consequent rehabilitation has not been made by the Land Owning Agency. The submission in this regard is that as asserted by the respondents, land over which these three Jhuggi Jhopri bastis are located belongs to the Defence Department (Army and Airforce), however, the process of eviction and rehabilitation in this case has been initiated by the L&DO of the Ministry of Housing and Urban Affairs. Accordingly, the very process initiated in this case runs contrary to what has been prescribed in the Draft Protocol.

d) It is also the case of the appellant that as per the requirement of Clause 6(A)(iv) of the Draft Protocol, it is the DUSIB which is mandated to conduct a joint survey along with Land Owning Agency for determining the eligibility of dwellers Jhuggi Jhopri bastis for rehabilitation, however, in the instant case, joint survey has been conducted by the Land Owning Agency not in coordination with DUSIB but with DDA.

e) As per Clause 6(A)(iii) of the Draft Protocol, the proposal for eviction and rehabilitation is to be examined and approved by DUSIB prior to conducting the joint survey but, in the instant case, in-principal approval of DUSIB was not obtained prior to the joint survey rather, approval of DUSIB has been obtained only on 09.04.2026 and, therefore, the process adopted by the respondents contravenes Clause 6(A)(iii) and (iv) of the Draft Protocol.



B. Regarding relocation and rehabilitation.

18. The second leg of arguments made in these appeals on behalf of the appellants is in relation to the process of relocating and rehabilitation of the appellants and other dwellers of these three Jhuggi Jhopri bastis to the flats at Savda Ghevra, Delhi. Various issues have been pointed out on behalf of the appellants to bring to the fore the deficiencies prevailing in the DUSIB colony at Savda Ghevra, Delhi where the appellants are sought to be relocated. In this regard, following submissions have been made:

- a) There are various other flats available at different locations which could have been considered for relocating and rehabilitating the appellants, however, the respondents are intending to relocate and rehabilitate the appellants at a distance of 40-45 kms which is in breach of Right to Livelihood and Dignified Rehabilitation and such a right emanates from Article 21 of the Constitution of India.
- b) The facilities such as education to the children of the dwellers of the Jhuggi Jhopri bastis, transportation, connectivity to the rest of the city and also to the work places of the appellants, healthcare facilities, sewage and sanitation and safety and security of the residents etc., are not adequately available at Savda Ghevra, though Clause 6(D)(vii) of the Draft Protocol mandates that adequate provisions for arrangement of education of the children, for arrangement of health services, for making provision for daily needs by opening Kendriya Bhandar/co-operative stores, for arranging transportation and also arranging for drinking water and sewage facilities shall be made.



19. On the aforesaid grounds, the appellants have argued that the entire process of eviction as also the rehabilitation adopted by the respondents is not sustainable, not only for violation of the Rehabilitation Policy, 2015 and the Draft Protocol but also because the same is in violation of the Right to Dignified Rehabilitation and Relocation of the dwellers of the Jhuggi Jhopri bastis and hence the impugned action on their part is violative of Article 21 of the Constitution of India.

20. On behalf of the appellants, reliance has been placed on the following judgments: (i) ***Olga Tellis and Others v. Bombay Municipal Corporation and Others***, (1985) 3SSC 545, (ii) ***Sudama Singh*** (supra) and ***Ajay Maken and Others v. Union of India and Others***, (2019) SCC OnLine Del 7618.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS.

21. Mr. Chetan Sharma, learned ASG appearing for the Union of India and the L&DO and Mr. Anuj Chaturvedi, learned counsel representing the DUSIB, have opposed the appeals in unison and have argued that the Land Owning Agency in this case is the Union of India, however, land in the vicinity of these three Jhuggi Jhopri bastis is in occupation of Army/Airforce who are allottees of the land in vicinity by the L&DO.

22. It is also the submission on behalf of the respondents that the land currently in occupation of dwellers of these three Jhuggi Jhopri bastis is urgently required for augmentation and strengthening the defence infrastructure as it is considered to be a strategic location. In this view, the submission is that in terms of the Rehabilitation Policy, 2015, dwellers of these Jhuggi Jhopri bastis are entitled to be relocated and rehabilitated for



which adequate arrangements have been made. Further submission on behalf of the respondents is that the Rehabilitation Policy, 2015 has been followed in its entirety and there is no violation thereof in the process of eviction and rehabilitation of the appellants. It is also argued that irrespective of the fact as to whether a particular dweller in these three Jhuggi Jhopri bastis was found to be eligible or not for rehabilitation in the joint survey, it has been decided that all dwelling units shall be relocated at the flats constructed at DUSIB colony at Savda Ghevra, Delhi, where all requisite facilities have been made available. It is stated by learned counsel for the respondents that as per the policy, though for relocation and rehabilitation even the eligible units are required to make some payment, however, such condition has been waived off and expenditure for rehabilitation/relocation of all the dwelling units at Savda Ghevra, Delhi shall be borne by the Central Government, notwithstanding the fact whether the dweller is eligible or ineligible for such rehabilitation.

23. So far as the submission made by learned counsel for the appellants that they are being shifted/ relocated beyond 05 kms, it has been argued that no such suitable rehabilitation colony/flats/space is available within 05 kms of the Jhuggi Jhopri bastis which are sought to be relocated and, therefore, it was decided to relocate the dwelling units to Savda Ghevra, Delhi.

24. By filing certain affidavits during the pendency of the instant appeals, it has also been brought to the notice of the Court that various facilities such as facilities related to education of the children, transportation, sewage and sanitation, healthcare facilities etc. have been provided.



ANALYSIS

(A) Regarding process of eviction.

25. The first contention made on behalf of the appellants to challenge the impugned action on the part of the respondents is that in terms of Clause 2(a)(iii) and (iv) of part-A of the Rehabilitation Policy, 2015, efforts ought to be made for *in-situ* rehabilitation, i.e. on the same land from which the dwellers of Jhuggi Jhopri bastis are to be evicted or in the vicinity, within a radius of 05 kilometres, whereas in the instant case the appellants are being sought to be relocated at a distance of 40-45 kilometres.

26. The provisions of Clause 2(a)(iii) of the Rehabilitation Policy, 2015 has already been extracted in this judgment, which provides that alternate accommodation shall be provided to the dwellers of the Jhuggi Jhopri bastis either on the same land or in the vicinity, within the radius of 05 kilometres. However, what needs to be noticed is that the same clause of the Policy also provides that in case of exceptional circumstances it can be even beyond 05 kilometres with the prior approval of DUSIB. It is also worth noticing that the alternate accommodation as recommended by the sub-committee of the HPC, in its meeting held on 12.12.2025, was deliberated and approved by the HPC in its meeting held on 29.01.2026. We may also record that DUSIB, in its meeting held on 09.04.2026, has accorded its formal approval for relocation of the dwellers of these three Jhuggi Jhopri bastis to alternate accommodation at Savda Ghevra, Delhi. The reason for not providing rehabilitation and relocation of the dwelling units at a place within 05 kilometres is that no suitable flats, location or space was available within the distance of 05 kilometres from the place where the Jhuggi Jhopri bastis are



located. Clause 2(a)(iii) of the Rehabilitation Policy, 2015 itself permits that relocation can be even beyond 05 kilometres with prior approval of DUSIB. Since the site of relocating the dwelling units of Jhuggi Jhopri bastis in this case has duly been approved by DUSIB in its meeting held on 09.04.2026, in our opinion it cannot be said that relocation site has been chosen in violation of Clause 2(a)(iii) of the Rehabilitation Policy, 2015. Accordingly, the said argument made on behalf of the appellants merits rejection, which is hereby rejected.

27. The next contention raised on behalf of the appellants is that implementation of rehabilitation in this case is being undertaken by the Ministry of Housing and Urban Affairs, Government of India and not by DUSIB, which is contrary to the Rehabilitation Policy, 2015. The said submission, in our opinion, is also not tenable. In this regard, we may refer to explanation appended to Section 10(1) of the DUSIB Act, 2010. Section 10(1) of the DUSIB Act, 2010 provides that it is the DUSIB which shall have power to prepare a scheme for removal of any Jhuggi Jhopri basti and for resettlement of the residents thereof. However, the explanation appended to Section 10(1) of the Act clearly states that the said provision shall not derogate the power of the Central Government to remove jhuggis, if required. Accordingly, the said explanation clearly permits even the Central Government to undertake the process of removal of jhuggis.

28. We may also note that Section 10(3) of the DUSIB Act, 2010 provides that DUSIB may cause any Jhuggi Jhopri basti to be removed after prior consultation with the Government and further that DUSIB may resettle such residents as may be eligible in accordance with the scheme to be



prepared under sub-section 1 of Section 10. The proviso appended to Section 10(3) states that where a Jhuggi Jhopri basti is on the land belonging to the Central Government or any of its organisation, the process of removal and resettlement shall be undertaken with the prior consent of the Central Government or its organisation concerned. Accordingly, as per the scheme of Section 10, read with the provisions of the Rehabilitation Policy, 2015, initiation of the process of eviction and relocation of the dwellers of the Jhuggi Jhopri bastis can be made by the Land Owning Agency also, which in this case is the Central Government and with its approval further action of eviction and relocation can take place.

29. In the instant case, the L&DO, Ministry of Housing and Urban Affairs, Government of India had written a letter on 17.10.2025 to the Chief Executive Officer of DUSIB, requesting for reservation of 1000 flats for dwellers of the subject Jhuggi Jhopri bastis. The said proposal was sent by the L&DO after completion of the joint survey which was conducted by L&DO and DDA. The proposal so sent by the L&DO engaged attention of the sub-committee of the HPC and thereafter that of the HPC, which accepted the recommendation made by its sub-committee. The formal approval to such proposal of eviction and rehabilitation has been granted by the DUSIB *vide* its decision taken in its meeting held on 09.04.2026. Accordingly, at every stage in this case the entire action of eviction has precipitated in consultation with and approval of DUSIB, which is the Nodal Agency under the Rehabilitation Policy, 2015. For this reason, we are unable to accept the submission made on behalf of the appellants that implementation of the decision of eviction and relocation of the dwellers of



Jhuggi Jhopri bastis is not being done in terms of provisions of the DUSIB Act, 2010 and Rehabilitation Policy, 2015.

30. It has also been argued by learned counsel for the appellants that as per Clause 6(A)(ii) of the Draft Protocol, it is the Land Owning Agency which has to send the proposal for removal of jhuggis and Jhuggi Jhopri bastis to DUSIB with justification satisfying the conditions mentioned in the Rehabilitation Policy, 2015 along with the commitment to bear the cost of rehabilitation, etc. However, initiation for eviction and consequent rehabilitation has not been made by the Land Owning Agency and therefore the process adopted is not lawful being contrary to the Rehabilitation Policy, 2015.

Such argument, in our considered opinion, is also not tenable. The Land Owning Agency in this case is Government of India. The land in ownership of the Government of India in Delhi is managed by the L&DO in the Ministry of Housing and Urban Affairs. It is only that the land in vicinity of the land where these three Jhuggi Jhopri bastis are located has been in occupation of Army/Air Force. So far as the land over which three Jhuggi Jhopri bastis are situated is concerned, the Land Owning Agency is the Government of India and it is the L&DO in the Ministry of Housing and Urban Affairs, Government of India, which had initiated the process of eviction and rehabilitation. Thus, the said submission made on behalf of the appellants, as already observed above, is untenable.

31. The appellants have also averred in their submissions that as per the requirement of Clause 6(A)(iv) of the Draft Protocol, it is DUSIB which is mandated to conduct the joint survey along with the Land Owning Agency



for determining the eligibility of dwellers of Jhuggi Jhopri basti for rehabilitation. However, the joint survey in this case has been conducted by Land Owning Agency along with DDA. Thus, the submission is that the initial survey itself having not been done by the authority empowered to do so under the Draft Protocol, it will vitiate the entire process of eviction and thereafter rehabilitation.

32. The aforesaid submission and argument made on behalf of the appellants do not constitute any good ground to bring home any legal flaw in the process adopted by the respondents for eviction of dwellers of Jhuggi Jhopri bastis and their rehabilitation, for the reason that the very purpose of the joint survey as per Clause 6(A)(iv) of the Draft Protocol is to determine the eligibility of dwellers of Jhuggi Jhopri basti for rehabilitation and in the instant case, decision has been taken to relocate and rehabilitate all dwellers in these three Jhuggi Jhopri bastis irrespective of the fact whether they fulfil the eligibility criteria for rehabilitation or not. Thus, even if the joint survey has not been conducted by the Land Owning Agency with DUSIB, rather it has been conducted by the land owning agency in collaboration with DDA, such alleged flaw will not vitiate the process of eviction and rehabilitation of the appellants for the reason that no prejudice is going to be caused to any of the dwellers of these three Jhuggi Jhopri bastis as every single dwelling unit irrespective of the fact whether such dwelling unit fulfils the eligibility criteria for rehabilitation and relocation, has been permitted to be relocated and rehabilitated, that too without requiring them to pay any charges, which otherwise the eligible dwelling units under the Policy are required to pay for their relocation and rehabilitation.



33. The next argument made on behalf of the appellants is that in terms of Clause 6(A)(iii) of the Draft Protocol, the proposal for eviction and rehabilitation is to be examined and approved by DUSIB prior to conducting the joint survey, but in the instant case, in-principle approval of DUSIB was not obtained prior to the joint survey, rather approval of DUSIB was given only on 09.04.2026, which vitiates the process adopted by the respondents. For examining the said contention, we note that though Clause 6(A)(iv) of the Protocol for Rehabilitation provides that a joint survey shall be conducted after in-principle approval of DUSIB, to determine the eligibility of the dwellers of Jhuggi Jhopri basti for rehabilitation, however, the said provision in the same breath further states that, in special circumstances the joint survey may be initiated even before obtaining in-principle approval of DUSIB. Accordingly, there is no blanket ban which can be said to be imposed by Clause 6(A)(iv) of the Draft Protocol for bidding joint survey without in-principle approval by DUSIB. The joint survey in the instant case for determining the eligibility of dwellers of Jhuggi Jhopri bastis for rehabilitation was conducted in the month of January, 2024, whereafter on the request of the Land Owning Agency, the matter was considered by the sub-committee of the HPC and thereafter by the HPC itself which approved the recommendations made by the sub-committee in its meeting dated 29.01.2026. The approval formally was granted to the entire scheme of eviction and rehabilitation by the Board in its meeting held on 09.04.2026. Thus, we do not find any illegality in the said process adopted for the reason that Clause 6(A)(iv) of the Draft Protocol itself permits joint survey even before obtaining in-principle approval of DUSIB.



34. We may also note that the HPC was constituted in compliance of the Order dated 18.09.2023 in the *Suo Moto* Writ Petition, W.P.(C) 9470/2022, by a Division Bench of this Court and the directions issued by Order dated 18.09.2023 are not confined to any particular scheme of eviction and rehabilitation, nor are these directions confined to any particular Jhuggi Jhopri basti. A perusal of the order dated 18.09.2023 reveals that the HPC had been tasked to chalk out a clear and concise policy for allocation and allotment of houses, addressing the concerns raised about implementation of the Rehabilitation Policy, 2015. It is in the background of the Order dated 18.09.2023 that the request made by the L&DO for initiating the process of eviction and rehabilitation, in the instant case, was first considered by the sub-committee of the HPC and thereafter by the HPC itself, which accepted the recommendations made to it by its sub-committee. Thereafter, the decision of the HPC was formally approved by DUSIB, in its meeting held on 09.04.2026. Accordingly, the process of eviction has been initiated as per the decision taken by the HPC as approved by the Board, which, in our opinion, is in conformity with the mandate contained in the Order dated 18.09.2023 passed by this Court in *Suo Moto* Writ Petition read with the provisions of the Rehabilitation Policy, 2015 and Draft Protocol. For all these reasons, we are unable to agree with the submissions made on behalf of the appellants that the process of eviction and rehabilitation adopted by the respondents is, in any manner, in violation of either the DUSIB Act, 2010 or Rehabilitation Policy, 2015 or even the Draft Protocol.



(B) Relocation and Rehabilitation.

35. The issues related to rights of dwellers of Jhuggi Jhopri basti of their relocation and rehabilitation has engaged attention of this Court on earlier occasions as well.

36. In ***Sudama Singh (supra)***, a Division Bench of this Court has discussed the constitutional perspective of Right to Shelter in the context of dwellers of Jhuggi Jhopri basti. Referring to various judgments of Hon'ble Supreme Court where jurisprudence surrounding Right to Shelter has been developed, the Court noted the historical perspective and circumstances in which the dwellers of Jhuggi Jhopri basti are compelled to live in jhuggi clusters or even when they are sometimes compelled to create a new one. Paragraph 45 of the judgment in ***Sudama Singh (supra)*** is extracted herein below:

“45. In the last four decades, on account of pressure on agricultural land and lack of employment opportunities in the rural areas, a large number of people were forced to migrate to large cities like Delhi. However, in cities, their slender means as well as lack of access to legitimate housing, compelled them to live in existing Jhuggi clusters or even to create a new one. They turned to big cities like Delhi only because of the huge employment opportunities here but then they are forced to live in Jhuggis because there is no place other than that within their means. These Jhuggi clusters constitute a major chunk of the total population of the city. Most of these persons living in the slums earn their livelihood as daily wage labourers, selling vegetables and other household items, some of them are rickshaw pullers and only few of them are employed as regular workers in industrial units in the vicinity while women work as domestic maid-servants in nearby houses. Their children also are either employed as child labour in the city; a few fortunate among them go to the municipal schools in the vicinity. The support service provided by these persons (whom the Master Plan describes as “city service personnel”) are indispensable to any affluent or even middle class household. The city would simply come to halt without the labour provided by these people. Considerations of fairness require special concern where these settled slum dwellers face threat of being uprooted.



Even though their Jhuggi clusters may be required to be legally removed for public projects, but the consequences can be just as devastating when they are uprooted from their decades long settled position. What very often is overlooked is that when a family living in a Jhuggi is forcibly evicted, each member loses a “bundle” of rights—the right to livelihood, to shelter, to health, to education, to access to civic amenities and public transport and above all, the right to live with dignity. In this regard, comments of Professor Bundy on the large number of force deviations in South Africa, may be noted:

“There is a sense in which these appalling figures have been cited so often that we are used to them: that we cease to realize their import, their horror—what they mean in terms of degradation, misery, and psychological and physical suffering. Bundy makes the point that ‘trauma, frustration, grief, dull dragging apathy and [the]surrender of the will to live’ are indeed some of the effects of forcible evictions on the human condition. And, the consequences span over multiple areas of social life: frequently it is the case that families are left homeless, their social support structures severed and their welfare services, jobs and educational institutions, rendered inaccessible [Occupiers of 51 Olivia Road, Berea Township, and 197Main Street, Johannesburg v. City of Johannesburg, (2008) ZACC1 :2008 (3) SA 208 (CC): 2008 (5) BCLR 475 (CC) at para 17].”

37. This Court in ***Sudama Singh (supra)*** also observed that the dwellers of Jhuggi Jhopri basti are not to be treated as ‘secondary’ citizens and further, that they are entitled access to basic survival needs as any other citizen. The Court had gone on to emphasise that it is the State’s constitutional and statutory obligation to ensure that if a dweller of Jhuggi Jhopri basti is evicted and relocated, such dweller of Jhuggi Jhopri basti is not worse off and the relocation has to be meaningful exercise consistent with the Right to Life, Dignity and Livelihood. The Court even noted the concerns emanating from lack of basic amenities at the relocated site. Paragraphs 59 to 63 of ***Sudama Singh (supra)*** are extracted herein below:

“59. This Court would like to emphasise that the context of the MPD, Jhuggi dwellers are not to be treated as “secondary” citizens. They are



entitled to no less an access to basic survival needs as any other citizen. It is the State's constitutional and statutory obligation to ensure that if the Jhuggi dweller is forcibly evicted and relocated, such Jhuggi dweller is not worse off. The relocation has to be a meaningful exercise consistent with the rights to life, livelihood and dignity of such Jhuggi dweller.

60. It is not uncommon to find a Jhuggi dweller, with the bull-dozer at the doorstep, desperately trying to save whatever precious little belongings and documents they have, which could perhaps testify to the fact that the Jhuggi dweller resided at that place. These documents are literally a matter of life for a Jhuggi dweller, since most relocation schemes require proof of residence before a "cut-off date". If these documents are either forcefully snatched away or destroyed (and very often they are) then the Jhuggi dweller is unable to establish entitlement to resettlement. Therefore, the exercise of conducting a survey has to be very carefully undertaken and with great deal of responsibility keeping in view the desperate need of the Jhuggi dweller for an alternative accommodation. A separate folder must be preserved by the agency or the agencies that are involved in the survey for each Jhuggi dweller with all relevant documents of that Jhuggi dweller in one place. Ideally if these documents can be digitalized then there will be no need for repeated production of these documents time and again whenever the Jhuggi dweller has in fact to be assigned a place at the relocated site.

61. Each member of the family of the Jhuggi dweller is invariably engaged in some livelihood from morning to night. It is, therefore, not uncommon that when a survey team arrives at a Jhuggi camp, some or the other member may not be found there. By merely stopping with that single visit, and not finding a particular member of that family, it may not be concluded that no such member resides in that Jhuggi. Such an exercise, if it has to be meaningful, has to be undertaken either at the time when all the members of the family are likely to be found. Alternatively there should be repeated visits by the survey team over a period of time with proper prior announcement. If Jhuggi dwellers are kept at the centre of this exercise and it is understood that the State has to work to ensure protection of their rights, then the procedure adopted will automatically change, consistent with that requirement.

62. The further concern is the lack of basic amenities at the relocated site. It is not uncommon that in the garb of evicting slums and "beautifying" the city, the State agencies in fact end up creating more slums the only difference is that this time it is away from the gaze of the city dwellers. The relocated sites are invariably 30-40kilometres away from a city centre. The situation in these relocated sites, for instance in Narela and Bawana, are deplorable. The lack of basic amenities like drinking water, water for bathing and washing, sanitation, lack of access to affordable public transport, lack of schools and health care sectors,



compound the problem for a Jhuggi dweller at the relocated site. The places of their livelihood invariably continue to be located within the city. Naturally, therefore, their lives are worse off after forced eviction.

63. Each of the above factors will have to be borne in mind before any task for forceful eviction of a Jhuggi cluster is undertaken by the State agencies. It cannot be expected that human beings in a Jhuggi cluster will simply vanish if their homes are uprooted and their names effaced from Government records. They are the citizens who help rest of the city to live a decent life they deserve protection and the respect of the rights to life and dignity which the Constitution guarantees them.”

38. The next judgment, to understand the jurisprudence surrounding Right to Adequate Housing which we would like to refer to, is ***Ajay Maken (supra)***. The said matter also related to relocation of around 5000 dwellers of a Jhuggi Jhopri basti at Shakur Basti (West) in Delhi. This Court, while dealing with the issues related to relocation and rehabilitation of dwellers of Jhuggi Jhopri, has, *inter alia*, observed that Right to Housing is a bundle of rights not limited to bare shelter over one's head. It rather includes the right to livelihood, right to health, right to education and right to food, including right to clean drinking water, sewerage and transport facilities. ***Ajay Maken (supra)*** further states that once a Jhuggi Jhopri basti is eligible for rehabilitation, the agencies should cease viewing the dwellers of Jhuggi Jhopri basti as illegal encroachers. Paragraphs 194 to 196 of ***Ajay Maken (supra)*** are relevant to be quoted, which read thus:

“194. The right to housing is a bundle of rights not limited to a bare shelter over one's head. It includes the right to livelihood, right to health, right to education and right to food, including right to clean drinking water, sewerage and transport facilities.

195. The law explained by the Supreme Court in several of its decisions discussed hereinbefore and the decision in Sudama Singh discourage a narrow view of the dweller in a JJ basti or jhuggi as an illegal occupant without rights. They acknowledge that the right to adequate housing is a right to access several facets that preserve the capability of a person to enjoy the freedom to live in the city. They recognise such persons as



rights bearers whose full panoply of constitutional guarantees require recognition, protection and enforcement. That is the running theme of the DUSIB Act and the 2015 Policy.

196. Once a JJ basti/cluster is eligible for rehabilitation, the agencies should cease viewing the JJ dwellers therein as 'illegal encroachers'. The decisions of the Supreme Court of India on the right to shelter and the decision of this Court in Sudama Singh require a Court approached by persons complaining against forced eviction not to view them as 'encroachers' and illegal occupants of land, whether public or private, but to require the agencies to first determine if the dwellers are eligible for rehabilitation in terms of the extant law and policy. Forced eviction of jhuggi dwellers, unannounced, in co-ordination with the other agencies, and without compliance with the above steps, would be contrary to the law explained in the above decisions."

39. We may also refer to a judgment of Hon'ble Supreme Court in ***Sukanya Shantha v. Union of India and Others*, (2024) 15 SCC 535**, which though did not relate to issues concerning relocation and rehabilitation of dwellers of Jhuggi Jhopri bastis, rather the subject matter in the said case concerned itself with caste-based discrimination of prisoners belonging to marginalised communities, however, we find the observations made therein on dignity of human life worth being referred to in this judgment as well.

40. Tracing the historical evolution of Right to Life enshrined under Article 21 of the Constitution of India, in ***Sukanya Shantha (supra)*** the Supreme Court has expanded the meaning of life and held that Right to Life cannot be restricted to mere animal existence which means something much more than just physical survival. Such right, according to ***Sukanya Shantha (supra)***, includes right to live with dignity and further, that dignity forms a part of basic structure of the Constitution.



41. Further observations made in ***Sukanya Shantha (supra)*** by Supreme Court are that human dignity is intrinsic to and inseparable from human existence and that there is a close relationship between dignity and the quality of life. It has further been observed that dignity of human existence is fully realised only when one leads a quality life. After a detailed discussion surrounding the issue as to what Right to Life under Article 21 of the Constitution of India means, ***Sukanya Shantha (supra)*** went on to observe that the jurisprudence which emerges on right of prisoners is that even the incarcerated have inherent dignity and that they are to be treated in a humane manner. The observations made in paragraphs 69 and 70 in ***Sukanya Shantha (supra)*** are extracted herein below:

“VIII. Article 21: Of life and dignity

69. *Article 21 provides that “[n]o person shall be deprived of his life or personal liberty except according to procedure established by law”. In a number of judgments, the Court has expanded the meaning of “life”. It has been held that the right to life enshrined in Article 21 “cannot be restricted to mere animal existence” and “means something much more than just physical survival”. [Francis Coralie Mullin v. State (UT of Delhi), (1981) 1 SCC 608 : 1981 SCC (Cri) 212 : (1982) 52 Comp Cas 554] It includes the right to live with dignity. [Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161 : 1984 SCC (L&S) 389] In fact, dignity forms a part of the basic structure of the Constitution. [Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225] The “references” to dignity are “found in the guarantee against arbitrariness (Article 14), the lamps of freedom (Article 19) and in the right to life and personal liberty (Article 21)”. [K.S. Puttaswamy (Privacy-9J.) v. Union of India, (2017) 10 SCC 1] Thus, dignity is the “core” which “unites the fundamental rights because the fundamental rights seek to achieve for each individual the dignity of existence”. [K.S. Puttaswamycase, (2017) 10 SCC 1 at p. 407, para 119] In that sense, human dignity is a constitutional value and a constitutional goal. [Jeeja Ghosh v. Union of India, (2016) 7 SCC 761 : (2016) 3 SCC (Civ) 551]*

70. *The Court has authoritatively ruled, “[t]o live is to live with dignity”. [Jeeja Ghosh case, (2016) 7 SCC 761 at p. 792, para 37 : (2016) 3 SCC (Civ) 551] Human dignity is intrinsic to and inseparable from human existence. [M. Nagaraj v. Union of India, (2006) 8 SCC 212 : (2007) 1*



SCC (L&S) 1013] Implicit in this right under Article 21 is “the right to protection against torture or cruel, inhuman or degrading treatment”. [Francis Coralie Mullin v. State (UT of Delhi), (1981) 1 SCC 608 : 1981 SCC (Cri) 212 : (1982) 52 Comp Cas 554] There also exists “a close relationship between dignity and the quality of life”. [Common Cause v. Union of India, (2018) 5 SCC 1 (Chandrachud, J.)] Dignity of human existence is fully realised only when one leads a quality life. [Common Cause case, (2018) 5 SCC 1 at p. 234, para 437]”

42. Having noted the jurisprudence which, as developed by Hon’ble Supreme Court surrounding Right to Life under Article 21 of the Constitution of India, would mean right to live with dignity and dignity forms part of the basic structure of the Constitution, we are of the unambiguous opinion that relocation of dwellers of the Jhuggi Jhopri bastis and their rehabilitation has to be necessarily in a manner which will make these dwellers realise their right to live with dignity as explained by Hon’ble Supreme Court in various judgments, including the judgment in ***Sukanya Shantha (supra)***.

43. During the course of proceedings of these appeals, certain issues were raised on behalf of the appellants which concerned inadequate and improper facilities available in the flats at Savda Ghevra, Delhi, where the appellants are sought to be rehabilitated. The concerns raised on behalf of the appellants were in respect of inadequate/deficient facilities relating to transport, education of children, lack of adequate facility of electricity, inadequate sewage, hospital facilities and security concerns. Addressing the said issues, certain statements were made on behalf of the respondents, which stand recorded in our Order dated 04.06.2026. The relevant extracts of the said Order dated 04.06.2026 are quoted hereunder:



“9. Sh. Sharma, learned ASG has stated that though under Delhi Slum & JJ Rehabilitation and Relocation Policy, the Jhuggi-Jhopri dwellers are required to make some payment for being allotted residential tenements, however, the Government of India has decided to bear the said cost and accordingly, the J.J. dwellers being relocated will not be charged with any such amount. It has also been argued on behalf of the respondents that though under the policy before allotment of the residential tenements is made, on the basis of a survey and the criteria for eligibility for rehabilitation, eligible and ineligible dwellers are identified and only those J.J. dwellers are entitled to rehabilitation who are found eligible, however, it has been decided on behalf of the respondents that all such J.J. dwellers, irrespective of whether they are eligible or ineligible, shall be provided the facility of rehabilitation by providing them a housing unit and other facilities.

10. Further submission is that under the rehabilitation scheme, 717 J.J. dwellers are to be relocated and the residential tenements are available in a ready to move condition to all of them. Out of 717 dwellers, 248 have voluntarily opted for allotment and allotment of the housing units have also been made to these allottees. It is also stated that out of these 248 allottees, 60-70 dwellers have physically moved to the flats and 202 have taken the key of the flats who are also likely to move forthwith.

11. In response to various submissions made on behalf of the appellants regarding deficiencies in the amenities at the relocation colony where the appellants are to be shifted, by filing affidavits both, the L&DO and DUSIB have submitted that adequate facilities are available. The affidavit dated 02.06.2026 filed by the DUSIB, inter-alia, states that:-

- (1) The relocation site is connected to railway station, Ghevra which is approximately 02 KM away;
- (2) The site is well served and connected via DTC buses (details of the DTC routes available at the site have also been given in the affidavit);
- (3) The site is connected to Metro Station Ghevra, which is approximately 2.3 KM away which lies on the Green Land and is well served and connected by auto rickshaw and e-rickshaw services for providing the last mile connectivity;
- (4) The site is in the vicinity of a major highway, i.e. Delhi –Rohtak Road and can be accessed through multiple modes of entry and exit;
- (5) The site lies between densely populated areas, i.e. between densely populated area of J.J. Colony of Savda and urban village of Ghevra and is covered by several government and municipal schools;
- (6) The availability of government schools facilities in/near the site as given in the affidavit is as under:-

**“DIRECTORATE OF EDUCATION, GNCT OF DELHI OFFICE OF ADDITIONAL
DIRECTOR OF EDUCATION/DE (NORTH)
FU BLOCK, PITAMPURA, DELHI-34**

No.F. RDE(N)/Misc/2026/102

Dated: 01.06.2026

**Subject: Availability of Schooling Facilities In/Near Sawda Ghevra Colony.**

The status of schools under the jurisdiction of the Directorate of Education in/near Sawda Gevra is as under:

S.no	School Name & ID	Level of the School	Total Enrollment	Number of Teachers Available	Scope For More Admissions
1.	SKV A Block Sawada Ghevra Colony 1413266	Nur to XII	1132 (Girls Only)	41	100
2.	SBV B Block Sawada Ghevra Colony 1413323	KG to XII	832 (Boys Only)	43	300
3.	SV H Block Sawada Ghevra Colony 1413267	KG to XII	887 (Both Boys & Girls)	37	150
4.	SV Ghevra Village 1413003	Nur to XII	1403 (Both Boys & Girls)	64	750
5.	S Coed V Nizampur Village, Delhi 1413009	Nur to XII	565 (Both Boys & Girls)	33	400

As of now, the general physical condition of the above schools is good.

The above information in r/o the teachers is as per the current enrolment. Number of teachers posted in above schools can be increased in accordance with the increase in enrolment.

--sd--

(VIKAS KALIA)

ADDL. DIRECTOR OF EDUCATION/
RDE (NORTH)"

(7) The details of MCD schools are also given in the affidavit, which are as under:

"Sub: availability of the MCD Schools in Sawda Ghevra Colony and in the nearby area of Sawda Ghevra Colony Flats

S.No	Name of the School and ID	Total Enrollment / Teachers	Total Rooms/ Classrooms in the building	SCR	Scope for more admission	Level of the School	Distance from Sawda Ghevra Colony Flats



1.	MCPS SAWDA CO-ED 1757101	121 Teachers-6	13/6	20	200	Nur to V	2.5 KM Apprx.
2.	MCPS J.J. SAWDA B- BLOCK NEW CO- ED 1757461	176 Teachers-5	24/8	22	584	Nur to V	1 KM Apprx.
3.	MCPS JJ. SAWDA B- BLOCK CO-ED 1757426	284 Principal-1 Teachers- 11	18/14	20	240	Nur to V	1 KM Apprx.
4.	MCPS JJ. SAWADAF -BLOCK 1757460	109 Teachers-6	17 (including 10damaged)/ 7	16	NO	Nur to V	1 KM Apprx.
5.	MCPS J.J. SAWDA I- BLOCK 1757462	350 Principal-1 Teachers- 12	19/13	27	210	Nur to V	1 KM Apprx.

12. The affidavit further states that the site has been extensively electrified and the electricity connections have also been provided and further that the power supply is stable and regular. It is also submitted that the site has proper street lighting and 38 parks situated therein are equipped with public lighting.

13. Regarding water infrastructure facilities at the site, it has been stated that the site has adequate civil infrastructure in relation to providing water and ancillary issues, including water connections that are provided by Delhi Jal Board. It is also stated that external water mains have been provided and one Under-Ground Reservoir having capacity of 12.50 Lakh litres is available and further that booster pumps have been installed and that water supply is ensured twice a day.

14. Regarding sewage, it has been stated that the site has a well laid sewerage network and all external and internal sewer lines have been laid. For disposal of sewage, a temporary arrangement has been made to utilization sump well as a septic tank, however the construction of 6.0 million litre per day (MLD) STP is underway, which, as per the learned counsel for the DUSIB, will be completed at the end of the month of June, 2026. It is also stated in the said affidavit that the site has well maintained roads and cement/concrete [CC] paths. To substantiate the aforesaid submissions, the DUSIB with its affidavit dated 02.06.2026, has also enclosed certain photographs.

15. On behalf of the DUSIB, it has also been submitted that adequate security services have also been provided by engaging security guards and further that a police post, namely Savda Police Post has also been established.



16. The details of the hospital facilities has also been given in the affidavit by DUSIB, which are as under:-

“Sub:- List of Hospital near Savda Ghewra under the C-3 division

S.No.	Location		Distance
		Functionality	
1	Sanjay Gandhi Govt. Hospital Sultanpuri	Yes	12K m.
2	Dispensary/ Arogya Mandir at G-Block SavdaGhewra	Yes	15K m.
3	Dispensary at A-Block Savda Ghewra	Yes	1.0 K m.
4	Sonia Hospital at Rohtak Road, Nangloi	Yes	5.00K m.

17. In respect of the hospital facilities, it has been submitted by learned counsel for the DUSIB that Sanjay Gandhi Government Hospital is a multispeciality hospital which is 12 K.M. away from the site, however, within 1 – 1.5 KM, there are two dispensaries namely, one at G-Block and the other at A-Block.

18. Similar stand has been taken by the respondent nos.1 and 2 in the affidavit filed on their behalf, dated 01.06.2026.

19. During the course of hearing today, learned counsel for the respondents have stated that to meet the urgent need of the J.J. dwellers who will be entering the residential tenements at the relocation site, one ceiling fan and one induction cookware, both of good quality, shall also be provided.

20. Apart from the above, it has been stated by learned counsel for the DUSIB in the presence of the officers of the Board that all cooperation shall be extended by the officers of the Board to ensure that each dweller shifting to the relocation site is provided with the LPG connection at the earliest. We have also been informed that one Anganwadi Kendra is also being run at the site by YWCA/YMCA.

21. It has also been undertaken on behalf of the respondent no.2 that all route AC buses pass to one member per family of all the beneficiaries for a period of one year at a time shall be provided which is to be renewed for a total period of three years. For female members, throughout Delhi in terms of scheme undertaken by NCT of Delhi, free travel facility is available.”

44. Accordingly, in our Order dated 04.06.2026, we had noticed that some efforts have been/are being made on behalf of the respondents to provide adequate amenities to facilitate rehabilitation of dwellers of these three Jhuggi Jhopri bastis, however, appropriate orders/directions were required to be passed for ensuring that such facilities are made available in appropriate measure to the dwellers, so that they can realise their right of



rehabilitation and right to live with dignity. In our Order dated 04.06.2026, we had issued certain directions as well, which are extracted hereunder:

“(1) The statements made and undertakings given in the affidavit dated 02.06.2026 filed by DUSIB and the affidavit dated 01.06.2026 filed by the L&DO, shall be complied with in their entirety in letter and spirit. Any defiance or non-compliance thereof shall be viewed seriously by the Court.

(2) We also direct that appropriate arrangement for ensuring free travel in Delhi Metro to one member of the family of all the J.J. dwellers initially for a period of one year shall be made by the respondents by making suitable arrangements with DMRC or by taking any other appropriate measure for the same.

(3) A camp office shall be setup by the DUSIB within four days which shall be manned by one high ranking responsible officer from DUSIB, one such officer from Delhi Jal Board and one officer from the agency responsible for connection and supply of electricity who shall be available round the clock to entertain the applications/prayers/complaints of those who are being relocated at the relocation site. Apart from these officers, DUSIB will be at liberty to post such other officers/officials as may be deemed fit to ensure that all prayers/applications/complaints, in respect of the amenities, from the J.J. dwellers to be shifted, are attended to appropriately.

(4) Children of the families to be shifted shall be given admission in the nearby government/MCD schools in their respective classes and if any such need arises, the date of seeking admission will also be extended. This direction will be binding on both the MCD and Education Department of GNCTD. The officers posted at the camp office to be established under this order shall extend their cooperation to the families who are to be shifted in seeking admission to their children/wards.

(5) Any non-compliance or violation of these directions, as already observed above, shall be viewed seriously by the Court.”

SUMMATION

45. To sum-up, we conclude as under:

- (i) So far as the submission made on behalf of the appellants relating to violation of Rehabilitation Policy, 2015 in relation to process of eviction is concerned, in view of the discussions already made, we do not find such submission to be tenable;



- (ii) The appellants residing in dwelling units in these three Jhuggi Jhopri bastis, on their eviction, need to be relocated and rehabilitated in terms of the decision taken by the respondents at the DUSIB Colony at Savda Ghevra, Delhi;
- (iii) Rehabilitation of the dwellers of Jhuggi Jhopri bastis has to be meaningful, guaranteeing them right to live with human dignity, which is one of the facets of Right to Life enshrined under Article 21 of the Constitution of India, as explained by Hon'ble Supreme Court in various judgments, which have been referred to herein above;
- (iv) The undertakings given by the respondents and directions passed by this Court as noted in our Order dated 04.06.2026 are to be fully honoured and complied with to ensure that rehabilitation of dwellers of Jhuggi Jhopri bastis takes place in a manner which will make them realise their fundamental right to live with dignity;
- (v) The process of rehabilitation, to ensure that dwellers of Jhuggi Jhopri bastis are able to lead a meaningful life after their relocation, needs to be consistently monitored and supervised.

DIRECTIONS

46. Having regard to the facts and circumstances as discussed above, we issue the following directions:

- (a) As already observed above, the undertakings given by the respondents which stand recorded in our Order dated 04.06.2026 shall be strictly honoured and followed by them;
- (b) The directions contained in our Order dated 04.06.2026 shall also be complied with by the respondents in their letter and spirit;



(c) The appellants shall vacate their dwelling units in the three Jhuggi Jhopri bastis at B.R. Camp, Masjid Camp and DID Colony within six weeks from today and within this period they shall be settled in the accommodation allotted to them in DUSIB Colony at Savda Ghevra, Delhi, whereafter they shall be evicted to clear the land, if necessary, with the assistance of the police.

(d) DUSIB, in terms of Clause 7(vi) of the Draft Protocol contained in the Circular dated 14.06.2016, shall facilitate transportation of household articles/belongings of appellants to the place of their accommodation.

(e) A Monitoring Committee, comprising of (i) Sh. Man Mohan Sharma, a retired Delhi Higher Judicial Services Officer, as its Chairperson, (ii) a high ranking officer to be nominated by Chief Executive Officer, DUSIB, (iii) a high ranking officer to be nominated by the Vice Chairman, DDA, (iv) an officer of the rank of Joint Secretary in the Ministry of Housing and Urban Affairs, Government of India, (v) a high ranking officer to be nominated by Chief Executive Officer, Delhi Jal Board, (vi) an officer of the rank of Deputy Director to be nominated by Director of Education, GNCTD and (vii) an officer of the rank of Additional Director, Directorate of Health Services to be nominated by the Secretary, Department of Health and Family Welfare, GNCTD, is constituted which shall consistently monitor and supervise rehabilitation of the dwellers of B.R. Camp, Masjid Camp and DID Colony Jhuggi Jhopri bastis. Notification constituting the Monitoring Committee shall be issued by L&DO forthwith;



- (f) In case of any difference of opinion amongst the members of the aforesaid Monitoring Committee, the decision by its Chairperson shall be final and binding on all concerned;
- (g) The Chairperson of the Monitoring Committee shall be paid a remuneration of Rs.1,50,000/- per month by the Department of Housing and Urban Affairs, Government of India.
- (h) DUSIB shall provide all secretarial assistance to the Monitoring Committee as may be required by its Chairperson.
- (i) The term of the Monitoring Committee shall be six months from the date of issuance of the notification of its constitution, which can be extended for a further period of two months, if any such need arises.
- (j) The Monitoring Committee shall regularly meet to monitor and supervise rehabilitation of dwellers of the aforesaid three Jhuggi Jhopri bastis so that the amenities, as observed above, are ensured to them and for the said purpose it shall meet on such intervals as may be determined by its Chairperson.
- (k) It will be within the powers of the Monitoring Committee to issue such directions to all the agencies concerned, which may be required and deemed fit for the purposes of rehabilitating the dwellers of Jhuggi Jhopri bastis in a meaningful manner, especially keeping in view the undertakings given by the respondents and the directions issued by this Court, which have been noted in our Order dated 04.06.2026.



47. The impugned judgment dated 11.05.2026 and the order dated 13.05.2026 passed by learned Single Judge in *W.P.(C) 17239/2025*, *W.P.(C) 2943/2026* and *W.P.(C) 17326/2025* stand modified to the extent aforesaid.
48. The appeals and pending applications are disposed of in the aforesaid terms.
49. No order as to costs.

(DEVENDRA KUMAR UPADHYAYA)
CHIEF JUSTICE

(TEJAS KARIA)
JUDGE

AUGUST 25, 2026
S.Rawat/N.Khanna/shailndra/MJ