

HOUSING AND LAND RIGHTS IN INDIA

STATUS REPORT FOR HABITAT III



HOUSING AND LAND RIGHTS NETWORK

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New Delhi



HOUSING AND LAND RIGHTS NETWORK

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Acronyms and Abbreviations

AFSPA	Armed Forces Special Powers (Assam and Manipur) Act 1958
AMRUT	Atal Mission for Rejuvenation and Urban Transformation
BPL	Below Poverty Line
BSUP	Basic Services for the Urban Poor
CAG	Comptroller and Auditor General of India
CDP	City Development Plan
CRZ	Coastal Regulation Zone
DDA	Delhi Development Authority
ETRP	Emergency Tsunami Reconstruction Project
EWS	Economically Weaker Sections
FDI	Foreign Direct Investment
GIFT	Gujarat International Finance Tec-City
GoI	Government of India
GNIDA	Greater Noida Industrial Development Authority
HLRN	Housing and Land Rights Network
HRIDAY	National Heritage City Development and Augmentation Yojana
IAY	Indira Awas Yojana
ICDS	Integrated Child Development Services
IDCO	Odisha Industrial Development Corporation
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
ILRP	Interlinking of Rivers Programme
JNNURM	Jawaharlal Nehru National Urban Renewal Mission
LIG	Low Income Groups
MTPA	million tonnes per annum
MoEFCC	Ministry of Environment, Forest and Climate Change
MoHUPA	Ministry of Housing and Urban Poverty Alleviation
MoUD	Ministry of Urban Development
NCRB	National Crime Records Bureau
NDA	National Democratic Alliance

NGT	National Green Tribunal
NULM-SUH	National Urban Livelihoods Mission – Scheme of Shelters for Urban Homeless
PESA	Panchayats (Extension to Scheduled Areas) Act
PMAY	Pradhan Mantri Awas Yojana
PPP	Public-Private Partnership
RAY	Rajiv Awas Yojana
Rs	Indian Rupees
SC	Scheduled Castes
SCM	Smart Cities Mission
SDGs	Sustainable Development Goals
SECC	Socio-economic and Caste Census
SEZ	Special Economic Zone
ST	Scheduled Tribes
ULCRA	Urban Land (Ceiling and Regulation) Act
UN	United Nations
UPR	Universal Periodic Review
USD	US Dollars
UT	Union Territory
VAMBAY	Valmiki Ambedkar Awas Yojana
UT	Union Territory
VAMBAY	Valmiki Ambedkar Awas Yojana

1. Introduction

The Second United Nations (UN) Conference on Human Settlements (Habitat II) was held in Istanbul in 1996. The Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted at the conference, marked a significant milestone for the global habitat movement. It is unfortunate that governments and the UN Human Settlements Programme (UN-Habitat) have not invested adequate resources and efforts, over the last two decades, in ensuring the implementation of these two important outcome documents.

THE HABITAT AGENDA

24. Implementation of the Habitat Agenda, including implementation through national laws and development priorities, programmes and policies, is the sovereign right and responsibility of each State in conformity with all human rights and fundamental freedoms... contributing to the full enjoyment by all of their human rights in order to achieve the objectives of adequate shelter for all and sustainable human settlements development.

Twenty years later, as the world prepares for the UN Conference on on Housing and Sustainable Urban Development (Habitat III) to be held in October 2016 in Quito, Ecuador, it is essential not to forget or dilute the commitments of the Habitat Agenda, especially its human rights approach, including its focus on the human right to adequate housing; its priority towards addressing homelessness and reducing forced evictions; and, its importance to urban and rural issues as two ends of the same spectrum.

Since Habitat II, the last two decades have witnessed the exacerbation of violations of habitat-related rights and the emergence of new challenges, including those related to neo-liberal economic policies, climate change, environmental degradation, and political forces. These have resulted in displacement from disasters, conflict, and infrastructure/‘development’ projects; land-grabbing; forced migration; real estate speculation; privatization of housing and basic services; a rise in the number of people living in inadequate housing; and, increasing homelessness and landlessness across the world. The growing violations of housing, land, and related rights have seen the growth of social movements, civil society organizations, and national, regional, and international networks committed to addressing these violations and to promoting housing and land rights through a range of strategies, including legal, social, cultural, and political, at multiple levels.

The status of realization of habitat-related rights in any country, however, cannot be assessed merely by analyzing implementation of the Habitat Agenda. Compliance with international human rights laws and guidelines, national laws and policies, and recommendations of UN treaty bodies, Special Procedures, and the UN Human Rights Council’s Universal Periodic Review (UPR)¹ have to be evaluated as well (See Annexures 1 and 2).² The combination of these laws, standards, guidelines, and recommendations provide a significant basis for states as well as civil society and independent institutions to assess progress in the improvement of national (and global) housing and living conditions and realization of human rights.

The UN Special Rapporteur on adequate housing defined the human right to adequate housing, as: “The right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity.”³ The most important international legal instrument upholding the human right to adequate housing is Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, which affirms that, “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”⁴ The human right to adequate housing is also protected in the following legally binding international treaties, which India has also ratified: International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Civil and Political Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, and Convention on the Rights of Persons with Disabilities. The right to housing has been upheld by the Supreme Court of India and several High Courts,⁵ as an integral component of the fundamental right to life (guaranteed in Article 21 of the Constitution of India). The Habitat Agenda also affirms the commitment of states to realize the human right to adequate housing.

THE HABITAT AGENDA

39. We reaffirm our commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments... We commit ourselves to the goal of improving living and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter that is healthy, safe, secure, accessible and affordable and that includes basic services, facilities and amenities, and will enjoy freedom from discrimination in housing and legal security of tenure. We shall implement and promote this objective in a manner fully consistent with human rights standards.

Given the interdependence and indivisibility of human rights, the human right to adequate housing is integrally linked to the rights to land, food, water, sanitation, work/livelihood, security of the person and home, privacy, health, education, freedom of movement and residence, information, participation, disaster preparedness, resettlement, and return. The right to land is integral to securing adequate housing and also to realizing other human rights such as food, work/livelihood, water, and health. The ‘right to the city’ has emerged as an articulation of a bundle of rights aimed at ensuring equality and protecting the human right to an adequate standard of living within all habitats.

The denial or violation of the human rights to adequate housing and land, impacts a range of human rights. It is, therefore, imperative that the international community and states, at all levels of governance, strive to ensure the progressive realization of the human right to adequate housing for all, especially the most marginalized constituencies, including inter alia, economically weaker sections (EWS) and low income groups (LIG), children, women, Dalits/Scheduled Castes (SC), indigenous and tribal peoples/Scheduled Tribes (ST), religious and sexual minorities, persons with disabilities, older persons, informal sector workers, migrants, forest workers, fishworkers, agricultural labourers, peasants, internally displaced persons (IDPs), and the homeless and landless.

Housing and Land Rights Network (HLRN), India, in collaboration with partners, has prepared this report as an alternative to the official report from the Government of India (GoI) to UN-Habitat for Habitat III. The report aims to analyze India’s implementation of the Habitat Agenda while documenting the current status of housing and land rights in the country. It highlights key law and policy developments related to housing and land, and presents recommendations to the Indian government for the improvement of housing and living conditions in the country, and to UN-Habitat for the development of a human rights-based ‘new agenda’ at Habitat III.

At the time of printing this report (in January 2016), the Government of India's official report to UN-Habitat had not been submitted/was not available in the public domain. This alternative report, therefore, is not able to respond to the content of the official government report.

HLRN, as a member of the Habitat International Coalition, believes that any attempt to develop a new global agenda at Habitat III must take into account the historical evolution of the Habitat Agenda; reflect the trajectory of housing and land issues over the last two decades; address new challenges and articulate emerging rights; and serve to strengthen the Habitat Agenda rather than dilute it.⁶ Habitat is an inclusive concept, which encompasses the human rights to adequate housing, land, natural resources, food, water, sanitation, security and privacy, development, as well as the right to a clean and healthy environment, and the 'right to the city.' HLRN believes that Habitat III must not ignore the rural dimension of habitat and must ensure that the 'new agenda' focuses on adopting a comprehensive human rights approach that incorporates the of indivisibility of human rights, gender equality, non-discrimination, progressive realization, non-retrogression, environmental sustainability, participation, accountability, and international cooperation. In particular, it must build on the commitments made at Habitat II, including the promotion of the realization of the human right to adequate housing; a reduction in homelessness; the prevention of forced evictions; and, the provision of security of tenure over land and housing.

HLRN hopes that this report will help draw attention to critical issues and obstacles related to the realization of housing and land rights in India, and will help promote the adoption of a 'new agenda' at Habitat III that integrates the commitments of the Habitat Agenda and international law and standards, and addresses new challenges through a strong human rights approach.

2. Urban Housing and Living Conditions

Inadequacy of Urban Housing

India has the world's largest number of people, 632 million, living in multidimensional poverty.⁷ Urbanization, though a rapid phenomenon, has largely been unplanned and haphazard. The Census of India 2011 reported that about 31 per cent of the Indian population—approximately 380 million people—lives in urban areas.⁸ This number is projected to increase to about 600 million by 2030.

A Technical Group on Urban Housing Shortage estimated that the national urban housing shortage at the end of 2012 was 18.78 million houses; 95 per cent of this shortage (17.96 million dwelling units) was for EWS and LIG.⁹ A 2015 study projects that the urban housing shortage is expected to grow at a compound annual growth rate of 6.6 per cent for 10 years, and will increase to 34 million units by 2022.¹⁰ A 2010 study¹¹ projects that migration to urban centres will continue and over 70 per cent of migrants are least likely to afford a house at market prices. The report forecasts that households who cannot afford a house could reach 38 million by 2030, with more than 30 per cent increase in Tier I and Tier II cities.¹² Tier IV cities will also witness an acute shortage of affordable housing as these cities will account for 60 per cent of the gap between affordability and the market rate.

Housing shortage, in terms of the gap between demand and supply, is not so much due to the pressure of population on the city but is a consequence of unrestrained commercial development of housing for the urban elite at the expense of investment in housing for EWS.¹³

In the absence of affordable housing options, millions of urban residents, mostly workers in the informal and unorganized sector, are forced to live in extremely inadequate conditions on the streets or in grossly underserviced and low quality housing in settlements that are often referred to as 'slums' in official discourse. As per the Slum Census 2011, India recorded a 37.14 per cent decadal growth in the number of 'slum' households. Almost two-thirds of statutory towns in India have 'slums' and a total of 13.75 million households live in them. Organizations working on issues of urban poverty and housing, however, believe that the actual number is likely to be much higher, especially if other forms of sub-standard housing are taken into account. Census 2011 data reveals that 36 per cent of households in informal settlements do not have basic facilities of electricity, tap water, and sanitation within house premises. As per Census 2011, over 27 per cent of urban residents live in rental accommodation, most of which is informal.

Most low income residents do not enjoy security of tenure over their land and housing. In many cities, land allocated for EWS housing is diverted for profitable projects, while legislative tools are used to condemn the poor as 'illegal.' The continued use of terms like 'slum' and 'encroacher' constitute the framing of urban governance issues in a manner that not only discounts the significant contribution to

the economy by members of urban households living in poverty, but also reveals a strong prejudice against them, which is reflected in policy formulation. The urban poor, seeking affordable housing, claim tenurial rights to land they have lived on and developed for years, while the planned city uses legal ownership, as land is commodified, to establish rights over property. Though the rights of informal settlement dwellers are generally customary and community-based, the state uses individual identification through its schemes of voter cards, biometric cards, and ration cards (food subsidy cards under the Public Distribution System). While such schemes are critical to the survival of the urban poor, as they are often the only basis for establishing identity in a system that denies the benefits of housing policies to the poor, their modalities are constantly modified. The tenurial rights of the urban poor, thus, are not recognized or protected in the current legal framework. They are held precariously and kept in a perpetual state of uncertainty by instruments of the state, including through the tools of demolition and eviction.

Homelessness

THE HABITAT AGENDA

- 61 (b) ...taking human rights into consideration and bearing in mind that homeless people should not be penalized for their status.
- 61 (d) Effective monitoring and evaluation of housing conditions, including the extent of homelessness and inadequate housing, and, in consultation with the affected population, formulating and adopting appropriate housing policies and implementing effective strategies and plans to address those problems.

Homelessness constitutes one of the worst violations of the human right to adequate housing, and homeless people, especially women, are among the most marginalized in society. According to Census 2011, India has more than 1.7 million homeless persons; 938,384 of them live in urban areas.¹⁴ While this is considered an underestimation, it also does not include those sleeping in places of work because they do not have housing. Independent estimates place the total number of homeless persons in India at about 2.3 million, with 150,000–200,000 in Delhi, and over 200,000 in Mumbai and Navi Mumbai.

Providing adequate shelters for the homeless is a fundamental responsibility of the state. On a ‘continuum of housing rights,’ shelters are the first humanitarian response with the end goal being the provision of adequate housing. The Supreme Court of India, in 2010, ordered for one homeless shelter to be constructed per 100,000 of the population,¹⁵ estimating that 0.1 per cent of the population of each city is homeless. In 2013, the National Urban Livelihoods Mission – Scheme of Shelters for Urban Homeless (NULM–SUH) converted this order into a policy directive. Government shelters in most cities, however, are insufficient and inadequate; in some cities like Patna, they are uninhabitable. The majority of homeless shelters across India are poorly located and characterized by the absence of basic services, including drinking water, toilets and bathing facilities, electricity, storage space, and facilities for cooking/food distribution. Though NULM–SUH proposes a standard of 50 square feet per person, in most homeless shelters, each person is provided about 15 square feet only, which is not sufficient to live with dignity. The lack of adequate space results in overcrowding and congestion, leading to adverse health impacts. There is also an acute shortage of shelters for women, families, women with children, working men, and for people with special needs such as older persons, persons with disabilities, persons living with mental illness or HIV/AIDS, and chemically dependent persons.

Homeless women suffer the worst kinds of violence and insecurity, and are vulnerable to sexual exploitation and trafficking. Instances of rape, molestation, and women spending sleepless nights guarding their young daughters are a common feature among homeless women.¹⁶ The rights of street children to security, adequate housing, education, development, and education, are continually

violated. Apart from being malnourished, poverty-stricken, and often abused, most street children are unable to attend school. India does not have accurate data on the number of street children; neither does it have a policy to address their special needs and to protect their rights. Anti-vagrancy laws such as the Bombay Prevention of Begging Act 1959, in force in 18 states, criminalize the homeless. Data from the Zonal Integrated Police Network reveals that between January 2004 and December 2015, 34,288 unidentified dead bodies were recorded in Delhi; it is estimated that about 70–80 per cent of these belonged to homeless people.¹⁷ No investigation, however, is conducted into the cause of death of a homeless person, neither is anyone held responsible. Despite progressive orders from the Supreme Court of India¹⁸ and the High Court of Delhi,¹⁹ the situation of India's homeless population has not improved much.

Forced Evictions

THE HABITAT AGENDA

- 40 (n) Protecting all people from and providing legal protection and redress for forced evictions that are contrary to the law, taking human rights into consideration; when evictions are unavoidable, ensuring, as appropriate, that alternative suitable solutions are provided.
- 61 (b) Providing legal security of tenure and equal access to land for all, including women and those living in poverty, as well as effective protection from forced evictions...

Though the UN Human Rights Commission affirmed that, “The practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing,”²⁰ forced evictions are rampant across India. In many cities, government and private forces work, often in collusion, to demolish settlements and/or to evict residents in order to free up land under the garb of ‘urban renewal,’ city ‘beautification’ and ‘slum free city’ schemes. The rhetoric of ‘encroachment’ and increasingly ‘resettlement’ is also used to usurp land occupied by LIG, to move them to the margins of cities, and to ‘gentrify’ and then use the vacated land for profitable enterprises favouring the city’s affluent population.²¹ Urban evictions take place for, *inter alia*, construction of malls, hotels, parks, and other private enterprises; mega-events, including sports events; and, road expansion and building of flyovers and bridges. A study by HLRN found that over 200,000 people from 19 sites were evicted for the 2010 Commonwealth Games in Delhi.²² Most of the families did not receive any resettlement. Five years later, many of the sites from which authorities forcibly evicted families are lying unused or vacant, but no provisions have been made to facilitate the return of displaced families.

A large percentage of evictions in India are not carried out for a demonstrable ‘public purpose’ and most of them are illegal. The state and its agencies normally do not conduct any social/eviction impact assessment to determine the potential effects and losses of the eviction. Most evictions take place without adherence to due procedure or human rights standards. During processes of forced eviction, affected families generally lose their housing, personal possessions, hard-earned savings, vital documents, and invaluable assets. Where force is used during the eviction process, people suffer injuries and occasionally death. In the immediate aftermath of evictions, most people are not able to work and thus lose income and witness a reduction in their standard of living.

While the Delhi government, in an order of February 2015, stated that no agency should carry out demolitions in the city until further instructions,²³ similar orders do not exist in other cities or states, where evictions have been routinized as part of the state’s legal machinery.

Some of the major evictions over the last decade took place in Delhi and Mumbai. In early 2004, the Delhi Development Authority (DDA) ordered the demolition of 35,000 homes in Yamuna Pushta. The

demolition was accompanied by violence, arrests, detentions, and ill-treatment of the residents. In one instance, a child and a forty-year-old man were burnt to death in a fire during the demolition.²⁴ The affected people were rendered homeless, and only 6,000 families received resettlement in Bawana, after a three-month long wait in the peak of summer. Between November 2004 and March 2005, Mumbai witnessed the demolition of over 90,000 homes from 44 settlements,²⁵ allegedly in an attempt to ‘clean up’ the city and transform it into another Shanghai. In May 2006, authorities demolished homes in Indira Nagar and Janata Nagar in Mandala, Mumbai, and set the settlements on fire.

Forced Evictions in Mandala

Over 3,000 families in Mandala, Mumbai, witnessed demolition of their homes three times in a span of ten years. The first eviction in Mandala took place during the large demolition drive in 2004–2005. In the absence of any resettlement or compensation, the evicted families rebuilt their homes at the same site with their own resources, but the authorities demolished them again in 2008, without due process. The affected families returned to the site on 26 May 2015, as the land was lying vacant since 2008. They presented their demands to the state authorities for alternative housing and resettlement based on existing government schemes. On 30 June 2015, however, officials of the police and Mumbai Metropolitan Region Development Authority demolished the temporary houses of over 3,000 families, rendering them homeless. Police used force to drag residents out of their homes and prevented them from salvaging their possessions. This resulted in several women and men sustaining injuries. About 200 people were arrested with false charges levied against them under Section 149 of the Indian Penal Code, arbitrarily detained, and then released later in the day. The families have dispersed to different parts of the city and made their own housing arrangements in the absence of any rehabilitation by the state government.

Between 2010 and 2015, information collated by HLRN reveals that at least 49,000 families or over 234,000 people in urban areas have been evicted forcefully from their homes (See Annexure 3). This number only reflects cases reported to HLRN; the actual figure, therefore, is likely to be much higher. Such actions that result in destruction of housing stock by the state not only serve to exacerbate the national housing shortage but also question government claims to provide ‘housing for all.’ HLRN also estimates that in the year 2014–15, social activism, civil society advocacy, and timely intervention from courts, saved over 47,000 families—who received threats of eviction—from losing their homes.

All reported forced evictions have violated multiple human rights of affected persons, including their rights to adequate housing, work/livelihood, land, health, food, water, education, information, participation, and security of the person and home. Children and women are the worst affected. The failure to provide compensation for loss of housing and possessions has resulted in growing indebtedness that adversely impacts the right to an adequate standard of living. The urban poor thus live on the margins and in continuous insecurity in the neoliberal ‘slum free city’ model of urbanization in India with limited access to legal remedy or recourse to justice.

Eviction Impact Assessment

Eviction Impact Assessment studies carried out by HLRN and its partners in Baljeet Nagar, Delhi, and Topsia, Kolkata, reveal significant material and non-material losses as well as a deterioration of health and well-being, and loss of education and livelihoods in the aftermath of the evictions. In Baljeet Nagar, each evicted family suffered a loss of over Rs 150,000 while in Topsia, the average loss per family, just for material goods, was over Rs 50,000.²⁶

The Failure of Resettlement

THE HABITAT AGENDA

90 (j) Adopt and ensure the enforcement of appropriate standards relating to planning, design, construction, maintenance and rehabilitation.

In the majority of instances of forced evictions in India, the state does not provide rehabilitation to the affected families on grounds that they are ‘encroachers,’ ‘squatters,’ ‘illegal,’ or ‘ineligible.’ Most states have a ‘cut-off’ date before which the individual/family should have been living in the city in order to qualify for resettlement benefits (for instance, in Mumbai it is the year 2000, while in Delhi it has recently been changed to 14.02.2015). Each affected family has to furnish a list of requisite documents in order to be considered ‘eligible’ for resettlement. Most families are unable to fulfil the requirements because their documents have to regularly be renewed and also because they often lose vital documents during the eviction process; thus they do not receive resettlement benefits. The continued existence of a ‘cut-off date’ for the urban poor is nothing but an institutionalized tool of exclusion and places an inordinate burden on the urban poor to prove the duration of their residence in the city. Families that are not resettled are forced to make their own housing arrangements; those who can afford rental housing move to other locations while those who cannot are rendered homeless.

For the small percentage of families—approximately 15–20 per cent—considered eligible for resettlement, the state provides alternative plots or housing in undeveloped colonies, generally located on city peripheries and at great distances from affected persons’ places of work, education, and healthcare. A study of three large resettlement sites—Savda Ghevra, Delhi; Kannagi Nagar, Chennai; and Vashi Naka, Mumbai—reveals multiple human rights violations of the residents as well as long-term impacts of failed resettlement, including loss of education, livelihoods, income, and health.²⁷ Issues such as tenure insecurity resulting from short-term conditional leases; absence of basic services; and, the lack of safety for women, are reported from most resettlement sites across the country, including in Bawana, Narela, and Holambi Kalan in Delhi. In Gujarat, over 15,000 families displaced from various projects, including the Sabarmati and Kankaria Riverfront development, and road-widening projects, have been inadequately resettled and continue to witness deprivation, violence, and conflict.²⁸ Despite evidence that large resettlement sites located on city peripheries violate human rights and are a failed model, the Governments of Delhi and Tamil Nadu have continued to construct such sites and relocate the urban poor to remote locations, as in the case of Perumbakkam in Chennai, and Baprola in Delhi.

Women and children suffer disproportionately from the impacts of forced eviction and failed resettlement. In many resettlement sites, as in Savda Ghevra, Delhi, the fear of violence prevents girls from attending school and young women from going to work. In some instances, as in Chennai, it has also led to a rise in early marriages of adolescent girls of displaced families. Parents concerned about the safety of their daughters prefer to get them married rather than have them live on streets or other insecure locations. The distant location of resettlement sites from city centres and work places leads to many women losing their jobs. Those who choose to continue with their former jobs have to commute long distances daily, at great risk to their personal health and safety. The disintegration of communities and separation of extended families, resulting from failed resettlement, causes loss of social safety nets, which impacts women greatly. Children also suffer disproportionately. Apart from the psychological trauma associated with witnessing their homes being demolished and being involuntarily relocated, many children have to drop out of school while others are forced to work to supplement family incomes. Most resettlement sites do not have crèches/Integrated Child Development Services (ICDS) centres or playgrounds for children.

The resettlement process ignores the indivisibility of human rights as well as the vital link between housing, livelihood, and other human rights. For persons affected by forced evictions and resettlement, avenues for redress and restitution are limited; the majority thus face violations of their right to adequate and timely remedy. The 'right to return' of affected persons, is also not protected by the state. Several of the sites from where families were evicted, for instance in Surat, Mumbai, and Delhi, are lying vacant but measures have not been taken to enable the return of affected families to their original sites of habitation.

Property Speculation and Diversion of Land

THE HABITAT AGENDA

- 72 (b) Avoid inappropriate interventions that stifle supply and distort demand for housing and services, and periodically review and adjust legal, financial and regulatory frameworks, including frameworks for contracts, land use, building codes and standards.
- 76 (h) Consider the adoption of innovative instruments that capture gains in land value and recover public investments...
- 79 (b) Provide institutional support, accountability and transparency of land management, and accurate information on land ownership, land transactions, and current and planned land use.
- 113 (b) Promote efficient and accessible land markets that are responsive to demand and meet community needs...

The economic growth paradigm in India has resulted in a paradoxical situation of shortage and surplus in the housing sector. While India faces a national urban shortage of almost 19 million houses, Census 2011 also reported 11.09 million vacant houses in urban areas. These are mostly houses purchased for speculative purposes. Rampant speculation in the housing market has contributed to an increase in housing prices even when demand for housing falls. Almost Rs 47 trillion was invested in the real estate sector between 2008 and 2014.²⁹ Speculators tend to buy property during the construction stage, causing the developer to raise prices to enable early investors to make gains. Developers also tend to create the impression that housing units have been 'sold out' (without actually selling all their stock), while real estate agents attempt to sell this stock at higher prices by creating a situation of artificial scarcity. This practice is most prevalent in the Delhi National Capital Region.³⁰ The National Housing Bank monitors housing prices in India through an index called 'Residex.' The index indicates that housing prices in 2014 had more than doubled since 2007 in Faridabad, Ahmedabad, Pune, Bhopal, Kolkata, and Mumbai; in Chennai, prices had more than tripled.³¹ To maintain stable demand in the housing market, private developers are reducing sizes of houses without decreasing the cost per square foot. Between 2010 and 2015, the average size of a residential unit reduced by 26 per cent in Mumbai, while in Bengaluru, Chennai, and Kolkata, sizes reduced by 22 to 24 per cent.³²

Illegal changes in land use and violations of city Master Plans also result in diversion of land allocated for 'public purposes' and for EWS/LIG housing.

Change of Land Use - Greater Noida

In May 2009, the Greater Noida Industrial Development Authority (GNIDA) submitted a proposal to the Government of Uttar Pradesh for acquiring more than 390 acres of land, ostensibly for the 'public purpose' of planned industrial development. In the same year, GNIDA made a proposal for modifying land use for the acquired land from 'industrial use' to 'housing,' and requested that a separate area be demarcated for industrial use in Greater Noida's Development Plan. The proposed modification was approved by the state in 2010. Till the change occurred, GNIDA acquired land by invoking the 'urgency clause' of the Land Acquisition Act 1894 and revoked the landowners' rights to state objections, by claiming that acquisition was carried out to check unorganized urban sprawl in Greater Noida. Once the modification was made in the Development Plan, GNIDA transferred the acquired land to private developers on payment of five per cent premium, with the liberty to pay the balance amount in 20 instalments over a period of 10 years.³³ While farmers were provided compensation at the rate of Rs 845 per square metre, private developers were permitted to sell the same land at Rs 10,500 per square metre.³⁴

The issue of state and central land ownership in India often creates conflict, confusion, and mismanagement, especially with regard to land use planning, evictions, and resettlement. The largest central government land owning agencies in India include the Ministry of Defence, Railways, and the Central Public Works Department. They also include central government bodies such as Delhi Development Authority, which while operating in Delhi is not under the purview of the Delhi government. Since the central government owns land in different states across the country, state laws do not apply to that land, often resulting in competing systems of land management. Multiplicity of laws and conflicting provisions of state and central laws and policies, often contribute to the denial of justice for the affected populations.

3. Rural Housing, Land, and Living Conditions

As also reflected in the Habitat Agenda, there is a strong connection between urban and rural issues. The rural dimension of habitat, therefore, cannot be ignored, including at Habitat III. The majority of ‘infrastructure’ projects—including for thermal or hydroelectric power, industry, and mining—overwhelmingly cater to the needs of urban areas. Similarly, the displacement that results from such projects, forces millions of the rural poor to lose their livelihoods and move to cities and towns in search of subsistence options. India’s National Sample Survey (2007–2008) highlights that nearly two per cent of migrant households in both rural and urban areas have faced forced migration resulting from natural disasters, social/political problems, and displacement from development projects.³⁵

The denial of attention to rural development, agriculture and agrarian reform, food security and farmers’ rights, ecosystem management, forests, and land rights issues, adversely impacts rural and urban areas, and infringes on the rights of both urban and rural dwellers. Adequate investment in rural development and habitat issues could serve to reverse the trend of urbanization and reduce the growing pressure on urban areas. It is, therefore, essential to question the ‘inevitability’ of rapid urbanization. Urban and rural must be viewed as two ends of the same spectrum and given equal priority in the Habitat III outcome documents.

Since the human right to adequate housing encompasses urban and rural housing, and since the Habitat Agenda also focuses on rural issues, HLRN believes it is important to report on conditions of rural housing and land in India.

THE HABITAT AGENDA

10. ...eradicate rural poverty and to improve the quality of living conditions, as well as to create employment and educational opportunities in rural settlements, regional centres and secondary cities. Full advantage must be taken of the complementary contributions and linkages of rural and urban areas by balancing their different economic, social and environmental requirements.
- 43 (x) Formulating and implementing programmes that contribute to maintaining and strengthening the vitality of rural areas...
75. Access to land and legal security of tenure are strategic prerequisites for the provision of adequate shelter for all and for the development of sustainable human settlements affecting both urban and rural areas.
- 76 (m) Promote comprehensive rural development through such measures as equal access to land, land improvement...
163. ...In order to achieve a more sustainable future for the Earth, these rural settlements need to be valued and supported... Policies and programmes for the sustainable development of rural areas...require...emphasis on rural urban linkages and treat villages and cities as two ends of a human settlements continuum.
164. In many countries, rural populations, including indigenous people, play an important role in ensuring food security and in sustaining the social and ecological balance over large tracts of land...
165. ...promote the sustainable development of rural settlements and to reduce rural to urban migration, Governments at the appropriate levels, including local authorities...(c) Foster a sustainable and diversified agricultural system in order to have vibrant rural communities; (d) Provide infrastructure, services and incentives for investment in rural areas; (e) Promote education and training in rural areas to facilitate employment and the use of appropriate technology.

[Also paragraphs 54; 57; 69; 70; 74(b); and, 115]

Census 2011 reports that about 69 per cent of the Indian population (742.5 million people) is rural and lives in 6,40,867 villages. India has the largest number of rural poor as well as landless households (101 million) in the world. Land ownership is highly inequitable with 60 per cent of the population controlling five per cent of the land, and 10 per cent controlling over 55 per cent of the land. Since 1992, the government has not implemented its land reform programme or redistributed any land. Though Census 2011 documented 0.83 million homeless persons in rural areas, there are no national schemes to address rural homelessness or landlessness. According to the Socio-economic and Caste Census (SECC) 2011, more than 13 per cent of rural households in India live in one room with *kutcha* (mud/temporary) walls and *kutcha* roof. About 30 per cent (53.7 million) landless households derive a major part of their income from manual work, and for more than 51 per cent (91.6 million) of rural households, manual casual work is the only source of income. The total national rural housing shortage at the end of 2012 was estimated at 40 million households, of which 90 per cent were 'below poverty line' (BPL) households.³⁶

A 2015 study highlights that the majority of landless people in rural Bihar and Telangana live in semi-permanent housing without homestead rights. Of Bihar's 100 million population, 90 million reside in villages, 96 per cent is landless, and about 74 per cent of the workforce is engaged in agriculture.³⁷

Agrarian Distress

According to Census 2011, 54.6 per cent of total workers in India or 263 million people are engaged in agriculture; over half of them are agricultural labourers. Seventy-five per cent of farmers in India are marginal farmers, owning between one and two hectares of land. Increasing costs of production and decrease in credit flow to agriculture has led to about 50 per cent of Indian farmers being highly indebted. Factors such as unfavourable weather conditions, natural calamities, and inadequate government policies have contributed towards increasing financial stress of farmers. Data from the National Crime Records Bureau (NCRB)³⁸ reveals that thousands of farmers commit suicide annually. While the methodology of recent data collection by NCRB is being questioned, it is estimated that over 300,000 farmers in India have committed suicide since 1995.³⁹ This has contributed to exacerbating rural poverty and agrarian distress, especially for widows of farmers, who witness alienation from their land and denial of their right to property by extended family members and suffer the burden of debt repayment.

Displacement from Infrastructure and other Projects

Involuntary land acquisition is rampant across rural India for a range of purposes, including, *inter alia*, construction of dams, ports, and roads; thermal power, irrigation, and mining projects; industrial development; and Special Economic Zones. Most projects have been marked by widespread displacement and an absence of resettlement. India is estimated to have the highest number of people displaced as a result of ostensible 'development' projects – between 65 and 70 million since India's independence (1947). Of those displaced, 40 per cent are indigenous and tribal peoples while 20 per cent are Dalits.⁴⁰ Displacement results in further impoverishment and marginalization, the costs of which are never ascertained or compensated. The National Human Rights Commission stated, in 2012, that, "...usually those displaced are given neither adequate relief nor the means of rehabilitation"⁴¹ while the Parliamentary Standing Committee on Rural Development (2011–12) reported that, "Only a third of displaced persons of planned development have been resettled."⁴² In certain instances, families have witnessed multiple displacements.

**UN Committee on Economic, Social and Cultural Rights –
Concluding Observations for India (May 2008)**

31. The Committee... remains deeply concerned about the reports of displacement and forced evictions in the context of land acquisition by private and state actors for the purposes of development projects, including constructions of dams and mining, and that the members of disadvantaged and marginalized groups, in particular, the scheduled castes and scheduled tribes, are adversely affected by such displacement from their homes, lands and their sources of livelihood. The Committee is also concerned that urban renewal projects, sporting events, infrastructure expansion, environmental projects and more recently, the designation of large areas as tax-free special economic zones, have resulted in the displacement of millions of families, most of who have not received adequate compensation and rehabilitation. Furthermore, the Committee is concerned about the lack of effective consultations and legal redress for persons affected by displacement and by forced evictions, and the inadequate measures to provide sufficient compensation or alternative housing to those who have been removed from their homes and/or their ancestral lands.

Some of India's major displacement-inducing projects, over the last two decades, are described below.

Special Economic Zones

A Special Economic Zone (SEZ) is a region in which a distinct legal framework provides for more liberal economic policies and governance arrangements than in the rest of the country. A report of the Controller and Auditor General of India (CAG) on SEZs⁴³ reveals several discrepancies in their functioning, especially regarding land acquisition and use. The report states that of 392 notified SEZs, only 152 are operational. Land allotted to 424 SEZs (53 per cent of total approved SEZs) was not put to use. In 30 SEZs, land had been lying idle in the custody of developers for two to seven years. Fourteen per cent of the land was de-notified and diverted for commercial purposes in several cases. Many tracts of these lands were acquired invoking the 'public purpose' clause. The report cautioned against the acquisition of agricultural land and also highlighted the failure of developers to provide adequate resettlement to affected families, in certain cases.

Irrigation and Hydroelectric Power Projects

Narmada Valley Development Project: India's largest river development scheme, this has been at the centre of a three-decade debate on 'development' and displacement led by Narmada Bachao Andolan. The Project consists of several large dams to be constructed on the Narmada River and is estimated to displace approximately 1.5 million people in Gujarat, Maharashtra, and Madhya Pradesh. One of the largest dams, the **Sardar Sarovar Dam**, will displace over 40,000 families—over two-thirds of them belonging to indigenous/tribal communities—in 245 villages.⁴⁴ Construction to the dam's current height of 121.92 metres has resulted in extensive displacement and widespread damage, including loss of homes, farmland, livelihoods, heritage monuments, and cultural sites. While the 250,000 displaced people are yet to be resettled, a height increase to 138.68 metres was sanctioned in June 2014. This was justified for expansion of the command area for irrigation; however, more than 65 per cent of the canal work is yet to be completed. Though the state governments have claimed that rehabilitation of all affected families is complete, a recent fact-finding mission indicates that hundreds of families have not even been identified as 'Submergence Zone Families,' and remain excluded from rehabilitation. The report also highlights inadequate conditions of new resettlement sites.⁴⁵ Of all the dams within the Project, only 14,000 families affected by the Sardar Sarovar Dam have received alternative farmland. At least 6,000 households in Madhya Pradesh and 12,000 in Maharashtra are yet to receive alternative land for their livelihoods while a few hundred affected families in Gujarat are still awaiting rehabilitation. If the dam's height is increased and the gates of the reservoir are closed, the property and farmland of all affected families will be submerged. The **Indira Sagar Dam**, also on the Narmada River, is estimated to affect about 300,000 people from 255 villages in Madhya Pradesh. The

promise of providing 'land for land' to affected families has not been fulfilled, and about 85 per cent of displaced farmers have been reduced to the status of landless workers.⁴⁶ In March 2015, the Madhya Pradesh High Court stayed construction of canals in areas surrounding the dam that were already irrigated, as it had resulted in crop loss, environmental destruction, and displacement.⁴⁷ Also being constructed on the Narmada River, the **Maheshwar Dam** will displace agriculturalists, fishworkers, and sand-quarriers, and also result in extensive livelihood loss.⁴⁸ In October 2015, the National Green Tribunal (NGT) prohibited closing of the dam gates until completion of rehabilitation of all project-affected people. Additionally, it directed all land acquisition to be brought under the purview of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013, and to recalculate compensation awards accordingly.

Kanhar Dam: Though approved in 1976 by the Central Water Commission, construction of the dam commenced on 5 December 2014. On 24 December 2014, NGT stayed construction on grounds of inadequate environmental clearances. The project allegedly will destroy around 2,500 hectares of dense forest and submerge 87 villages, while displacing nearly 7,500 families from 25 villages, the majority of whom are ST/*adivasis*.

Jalayagnam: Consisting of 86 planned irrigation projects in Andhra Pradesh at an estimated cost of Rs 1.86 trillion, Jalayagnam is estimated to affect 546 villages and result in extensive displacement. A 2012 CAG report⁴⁹ listed 132,135 families as 'project-affected' and 129,739 families as 'projected-displaced.' The report highlighted irregular cost escalations and failed resettlement for affected families, especially in terms of alternative housing. Though Jalayagnam has been criticized for its scale, costs, feasibility, and environmental and human rights impacts,⁵⁰ construction of about 45 projects is underway. Just one project, the **Polavaram Dam**, is expected to displace around 200,000 people in Telangana, Odisha, and Chhattisgarh, mostly ST and SC who depend on forest produce for their livelihoods.⁵¹ The central government, reportedly, has already acquired 90,000 acres of land for the dam.⁵²

Mapithel Dam: Located on the Thoubal River in Manipur, construction of the Mapithel Dam commenced in 1989 without requisite environmental clearances, impact assessments, and the free, prior and informed consent of local communities. On completion, the project is expected to affect 12,000 people, mostly of the Naga and Kuki indigenous communities, in 16 villages. Compensation to affected families has been insufficient and partially paid in instalments between 1993 and 2003, thereby impairing the ability of villagers to procure alternative land for their livelihoods.⁵³ In November 2013, NGT halted construction of the dam in the absence of clearance from the Ministry of Environment, Forest and Climate Change (MoEFCC).⁵⁴ The Minister of Environment, however, cleared the project in December 2013.⁵⁵ Closing of the dam gates in January 2015 resulted in rising water levels and flooding, including of Chadong village.⁵⁶ With the submergence of agricultural land and loss of harvest, local communities are facing a food crisis. The project site is heavily militarized to suppress dissent from affected persons.

Despite the enormous social and environmental costs of large dams, almost every state in India has constructed huge dams that have displaced communities and destroyed ecosystems. The continued construction of large dams in several states threatens to result in more displacement and destruction. The Government of Arunachal Pradesh has signed 160 Memorandums of Understanding to construct dams, including for the Siang Hydro-Electric Project, despite the state being within Seismic Zone V (highest risk zone) and prone to landslides, floods, and erosion.⁵⁷ The Tehri Dam in Uttarakhand has displaced 70,000–97,000 families, the majority of whom have not been resettled, and is reported to have contributed to floods and landslides in the region.⁵⁸

Interlinking of Rivers Programme (ILRP): Envisaged to connect 37 Indian rivers with 30 links at a reported cost of USD 168 billion, ILRP ostensibly aims to provide water to deficit areas of the country. The programme gained momentum in September 2015 with the construction of the temporary Godavari-Krishna link in Andhra Pradesh.⁵⁹ This temporary pump-based link was hurriedly implemented without any clearance or impact assessment. Another proposed link of the Ken and Betwa rivers has been put on hold in the absence of clearances. ILRP has drawn criticism from social activists, environmentalists, and academicians on grounds of potential ecological destruction, displacement, circumvention of democratic procedures, and non-consideration of alternatives. In the absence of comprehensive impact assessments, independent estimates claim that ILRP will displace at least 1.5 million people directly with additional downstream impacts and displacement.⁶⁰

Thermal Power Projects

Thermal power projects in India have resulted in mass displacement of local communities, especially in coal-rich districts like Singrauli (Madhya Pradesh) where some families have suffered multiple displacements. Persons evicted for the construction of Rihand Dam were displaced again by the Singrauli power project and resettled in Chilika village (Uttar Pradesh) in 1977. They reportedly face another threat of displacement, as the area behind their residence has been allocated to Northern Coalfields Limited for dumping overload coal from the Khagidiya coal mine.⁶¹ The MoEFCC has declared Singrauli as a ‘critically polluted area’ owing to ‘incremental coal mining activities in the region and the rapid development of coal-based thermal power plants,’ resulting in air and water pollution that adversely impacts the health of residents.⁶² About 17 large power projects planned in different parts of Singrauli will result in further displacement.⁶³

Three projects—Karchana, Bara, and Meja—in Allahabad, will impact over 20 villages, affecting about 5,000 families.⁶⁴ It is alleged that farmers affected by these projects were not consulted prior to acquisition of their land. A 2012 Allahabad High Court order asked for due process to be followed for land acquisition and return of forcibly acquired land to families affected by the Karchana power plant, if they returned the compensation given to them. The state, however, allegedly has continued acquiring land forcefully and is not implementing the land acquisition law of 2013.

Mining and Steel Projects

Vedanta Alumina Refinery: In August 2013, members of the Kondh (ST) community in Odisha—in a historic referendum—rejected Vedanta’s bauxite mining proposal in the Niyamgiri Hills, as it threatened to displace them from their sacred ancestral land. Subsequently, MoEFCC denied the Odisha Mining Corporation (a joint venture between the Government of Odisha and Vedanta Alumina) permission to mine bauxite on 660.75 hectares of forestland in Kalahandi and Rayagada districts.⁶⁵ While Vedanta has reduced the production of alumina from its refinery in Lanjigarh, reports indicate that it is trying to influence *gram sabhas* (local village councils) to reverse their verdict on Niyamgiri. Furthermore, the Odisha Mining Corporation is planning to mine the required ore by December 2016.⁶⁶ In January 2016, the Odisha Pollution Control Board extended the ‘consent to establish’ period, by five years, for the expansion of Vedanta’s alumina refinery to six million tonnes per annum (MTPA), which would require the acquisition of more land in Lanjigarh.⁶⁷

Kusmunda Coal Mine Expansion: The proposed expansion, by Coal India Limited, of the Kusmunda Open Cast Mine in Chhattisgarh, to 62.5 MTPA would displace 9,250 families in 17 villages. In 2014, the mine received sanction to expand to 18.75 MTPA. In February 2014, without prior notice, authorities demolished 17 houses and one school in Barkuta village for expansion purposes. While communities were given notices to move in December 2013, they protested that they had not received rehabilitation,

compensation, and employment promised to them. Evicted families have rebuilt their homes in the same area and live with the constant threat of another eviction.⁶⁸ The rehabilitation package provided does not include jobs for women, thereby promoting discrimination against women.⁶⁹

Mahan Coal Project: Since 1980, thousands of hectares of forestland, including in Mahan forest, have been diverted to coal projects in Madhya Pradesh.⁷⁰ A local movement of affected people—under the banner of Mahan Sangharsh Samiti—has been resisting the Mahan coal project, reported to impact over 50 villages in the state. The movement alleged forgery of signatures and fabrication of the community’s ‘free prior and informed consent.’⁷¹ In 2013, the Ministry of Tribal Affairs questioned the Madhya Pradesh government for denying forest rights to tribal peoples in the area,⁷² and in 2014, local communities staked a claim to their community forest rights, under the Forest Rights Act 2006.⁷³ In September 2014, NGT revoked the project’s forest clearance⁷⁴ after the Supreme Court cancelled 214 coal block allocations, and in March 2015, based on the recommendation of MoEFCC, Mahan forest was removed from the list of coal blocks sanctioned for auction.⁷⁵

POSCO Steel Plant: The proposed construction of a USD 12 billion steel plant in Odisha by POSCO, a South Korean multinational company, has been in the news for the last ten years. The project threatened to displace over 22,000 people in Jagatsinghpur district and disrupt the livelihoods of thousands more. The Odisha Industrial Development Corporation (IDCO), on behalf of POSCO, forcefully acquired about 2700 acres of land, of which almost 1700 acres were handed over to POSCO. Though NGT suspended the project’s environmental clearance in 2012, MoEFCC approved the project in January 2014.⁷⁶ A vibrant peoples’ movement has been resisting project-related violence, forced land acquisition, and human rights violations, but has faced suppression by the state, including through arbitrary arrests, false cases, and detention of its members. In July 2015, POSCO announced plans to withdraw from Odisha and move the project to Maharashtra. In December 2015, however, the Chief Minister of Odisha expressed his commitment to implementing the project and in January 2016, the central government also extended its support towards execution of the POSCO project in Odisha.⁷⁷ While the future of the project remains uncertain, affected villagers are demanding the return of land that was forcefully acquired from them as well as restoration of their rights and compensation for loss of crops and livelihoods.

Road and Riverfront Projects

Imphal Ring Road Project: The proposed construction of a Ring Road in Imphal, Manipur will adversely impact indigenous communities, including in the Langthabal and Langol Hills, associated with the history and folklore of the Meitei people. The project is expected to involve the acquisition of residential and agricultural land, including in Kongba Nandeibam Leikai, Langthabal, Langol, Bashikhong, Lamphel, and other areas in Imphal West and East districts. It will include the takeover of homestead land of more than 60 households in Langjing Achouba and impact 500 families in other villages. Families dependent on agriculture and fishing from the Lamphelpat wetland will lose their livelihoods.⁷⁸ Estimated to cost Rs 2.4 billion,⁷⁹ the project is being funded by the Asian Development Bank.⁸⁰ As a result of local resistance, the project has been delayed, but affected communities have not received any official notification of its status.

Bindal-Rispana Riverfront: Development of the Bindal and Rispana Riverfront in Dehradun, Uttarakhand, is expected to displace 40,000 people. The state does not have any rehabilitation policy; instead, it plans to accommodate affected families in homeless shelters. Dehradun, however, has only one homeless shelter with a capacity of 100 people.⁸¹

Land Acquisition by the Armed Forces

Military presence in the Kashmir Valley has resulted in the acquisition of land by armed forces, including for the development of firing ranges for training troops. In September 1990, the Indian Parliament passed the Armed Forces (Jammu and Kashmir) Special Powers Act. By 2013, the Indian Army had appropriated more than 100,000 acres of land, including agricultural and horticultural land, forestland, and vacant land.⁸² Compensation to land owners has either been nominal or not paid.⁸³ The army also has occupied 636 acres of horticultural land in Shopian district. This has affected livelihoods of communities and destroyed the fragile ecosystem.⁸⁴ In Tosamaidan, activities of the armed forces have resulted in death and injury to cattle-grazing communities from unexploded shells. After the expiry of the Army's land lease in 2014, the Government of Jammu and Kashmir has not renewed it.⁸⁵

The impacts of displacement in all the projects described above are serious, long-lasting, and in many cases, irreversible. Loss of housing, land, livelihoods, income, education, health, food, security, and access to natural resources and common property, results in further impoverishment, unemployment, and inequality. Sustainable alternatives and least displacing options need to be explored by the state, including efforts to optimize land use and identify uninhabited areas to situate projects.

4. Impacts of Disasters on Housing and Land

THE HABITAT AGENDA

170. The impact on people and human settlements of natural and human-made disasters is becoming greater. Disasters are frequently caused by vulnerabilities created by human actions, such as uncontrolled or inadequately planned human settlements, lack of basic infrastructure and the occupation of disaster-prone areas.
176. In preparing for and implementing post-disaster relief, rehabilitation, reconstruction, and resettlement, Governments at the appropriate levels...should: (a) Establish or strengthen disaster preparedness and response systems... (g) Identify and support approaches to cope with the urgent shelter requirements of returnees and internally displaced persons, including as appropriate, the construction of temporary housing with basic facilities, taking into account gender-specific needs... (j) Ensure that the particular needs of women, children, persons with disabilities and vulnerable groups are considered... (k) Promote a cultural dimension in post-disaster rehabilitation processes.

[Also, paragraphs 12; 40(l); 43(z); 64; 171; 172; 174; 175; 204(z); and, 208(e)]

Millions of people in rural and urban India have been displaced from natural disasters, including earthquakes, floods, and cyclones. India's high risk is due to its large number of vulnerable people and high population density, even in rural areas. Vulnerability to disasters increases as a result of unplanned development and large numbers of people living without access to adequate housing, water, health, and sanitation.⁸⁶ After the 2004 Indian Ocean tsunami, India created a National Disaster Management Authority and passed the National Disaster Management Act 2005. The focus, however, has not been on incorporating a human rights approach to disaster management, including during the stages of preparedness, relief, rehabilitation, and recovery.⁸⁷

Disasters, including those resulting from natural hazards, have severe and long-lasting consequences for the affected persons. Certain individuals and communities—on account of their existing marginalization and vulnerability—disproportionately suffer the impacts of disasters, both in the immediate aftermath and in the long-term recovery process. These include people living in high risk areas; those residing in inadequate housing conditions; homeless, landless, and internally displaced persons; minorities; historically discriminated communities, such as Dalits/SC; indigenous and tribal peoples; women; children; persons with disabilities; and, older persons.

According to the Internal Displacement Monitoring Centre (IDMC), between 2008 and 2014, India had the third highest number of people displaced from natural disasters – nearly 30 million people.⁸⁸ In 2014, 1,644,700 people were displaced, including from floods in Odisha, Assam, Jammu and Kashmir, and Cyclone Hudhud in Andhra Pradesh and Odisha.⁸⁹ In 2013, IDMC estimates that 1,042,000 people were displaced from floods while Cyclone Phailin displaced one million people in Odisha and Andhra Pradesh. Timely evacuation by the state resulted in prevention of loss of life during Cyclones Phailin and Hudhud, but post-disaster relief and resettlement has not been as expeditious.

The issue of failed resettlement and delayed rehabilitation of people displaced from disasters is a

major concern across the country, with critical impacts on housing and land rights. Though large amounts of funds are announced for relief, in most cases, the compensation paid to affected families is insufficient and delayed, as a result of bureaucratic hurdles. For instance, even more than a year after the Jammu and Kashmir floods of 2014, the disaster-affected families have not received compensation or support for rebuilding their homes. The state government requested Rs 440 billion from the central government, but was allocated only Rs 7.45 billion. Though over 1,600,000 people were affected by floods in Uttarakhand in 2013, there is no information available on their rehabilitation by the state.⁹⁰

In 2011, Odisha was badly affected by floods that submerged about 2,600 villages in 19 districts, impacting over 1.1 million people. According to government data, 61,000 people had to be evacuated and relocated, more than 10,565 houses were damaged, and 19 people lost their lives, as a result of the flood. The state, however, gave each affected family a sum of only Rs 1500 (USD 24) as aid. Given the widespread devastation, the meagre compensation, and the absence of a comprehensive human rights methodology to assess loss, HLRN and Centre for Sustainable Use of Natural and Social Resources conducted an impact assessment to determine the real value of loss. The survey revealed that the average loss incurred per family, as a result of the flood, amounted to Rs 91,142. After being displaced for a month after the flood, affected families returned to their original place of habitation and rebuilt their houses. Unfortunately, the affected persons suffered again from Cyclone Phailin in 2013.

Alternative housing is seldom provided to disaster-affected persons. In the post-tsunami reconstruction process, most affected families received housing but in many sites it was inadequate or culturally inappropriate, as it did not include participation of affected communities.⁹¹ The compensation provided to disaster-affected families is generally insufficient to rebuild homes and people are often forced into indebtedness or to live in inadequate housing. Many affected families are omitted from 'beneficiary' lists and are thereby denied resettlement. In October 2014, Cyclone Hudhud damaged almost 7,900 houses in Andhra Pradesh⁹² and 50,000 thatched houses in Odisha. Though the Government of Andhra Pradesh announced assistance for loss of homes, surveys carried out by the revenue department reportedly assessed the extent of damage only in 'notified slums' thus excluding the majority of affected settlements. In order to receive compensation, affected families were asked to produce proof of identification in the form of house tax receipts or Aadhaar cards. Having lost most of their possessions during the disaster, many survivors were unable to produce the documents and did not receive any relief. Those living in 'non-notified slums' have not received any compensation and continue to live in temporary hutments.⁹³ Despite the state promise of financial assistance to rebuild houses, more than a year after the cyclone, many affected families have not received support and have been forced to take loans from private lenders at high rates of interest (up to 36 per cent) to reconstruct houses. According to Association for Rural and Tribal Development, an organization working in 15 settlements in Visakhapatnam, 357 of 1,499 affected families have not received any relief.

Status of Post-tsunami Housing Reconstruction in Chennai: Eleven Years Later

The Indian Ocean tsunami of 26 December 2004 irreversibly altered the lives of thousands of people in Tamil Nadu and the Andaman and Nicobar Islands in India. Despite a concerted recovery process, the living conditions of most tsunami survivors, even eleven years after the disaster, are not satisfactory.⁹⁴ In Chennai, the World Bank approved funding for the construction of 17,805 houses under the Emergency Tsunami Reconstruction Project (ETRP). Of the proposed in situ (on site) reconstruction of 7,320 tenements and construction of 2,064 tenements at an alternative location (Kannagi Nagar), ETRP completed in situ reconstruction of only 628 permanent tenements in Nochi Kuppam; the construction of 2,048 permanent tenements in Kannagi Nagar; and, construction of 2,468 temporary shelters on Marina Beach. With the culmination of ETRP in 2012, redevelopment of tenements along Marina Beach was not funded by the World Bank.

Renovation by the Tamil Nadu Slum Clearance Board of tenements not covered by ETRP was inadequate and did not serve the purpose of providing safer housing to disaster-affected families. Eleven fishing hamlets were omitted from the tsunami housing reconstruction process.⁹⁵ For non-ETRP housing constructed along the shoreline, the government used the Coastal Regulation Zone (CRZ) rules to refuse financial support to any family that rebuilt its home within 200 metres from the High Tide Line. Violations of CRZ, however, are rampant, especially by hotels and other establishments along the coast. A large number of tsunami-affected families are either still waiting to receive housing or have been excluded from the rehabilitation process.

Restoration of livelihoods after disasters is generally not based on comprehensive assessments. In most cases, people are not able to resume their pre-disaster standard of living and it takes them many years to recover from the social, economic, and psychological impacts of the disaster. Another issue of concern is that of discrimination in post-disaster response, which most severely affects minorities and Dalits. According to a case study in the aftermath of the Bihar floods in 2007, Dalits faced discrimination in terms of rehabilitation, compensation, and relief distribution.⁹⁶ Dalits also experienced discrimination after the 2009 floods in Andhra Pradesh, Karnataka, and Assam, the 2010 Yamuna floods in Delhi, and the 2011 floods in Odisha.⁹⁷ Relief efforts after the Tamil Nadu floods in November–December 2015, reportedly, were marked by discrimination against Dalits, especially in the provision of shelter, food, drinking water, sanitation and health facilities.⁹⁸ The floods most affected Dalits, the homeless, residents of informal settlements, and communities living in resettlement sites that have been constructed on the peripheries of the city, mostly on low-lying land. The rehabilitation process in Chennai, instead of focusing on restoration of housing and livelihoods, is forcing low income communities to relocate to remote sites such as Perumbakkam and Ezhil Nagar, which are located on the outskirts of Chennai.

The 2013 ‘Performance Audit of Disaster Preparedness’ by CAG noted deficiencies in disaster-preparedness in India; lack of monitoring and timely inputs; incomplete dissemination of data for early warning systems; non-establishment of a well-equipped National Disaster Response Force; and, non-finalization of the National Plan for Disaster Management. The report recommended clear demarcation of functions of state agencies and the creation of disaster mitigation funds at the national, state, and district level.⁹⁹

The impacts of climate change and rampant industrialization accompanied with deforestation are likely to result in more disasters. According to IDMC, over the next ten years, India is likely to face the greatest displacement from natural hazards. Disasters, across the world, impact both urban and rural areas, and their impacts, including displacement, are witnessed across geographical and administrative boundaries. This must be addressed by states and also in the outcome document from Habitat III.

5. Conflict-induced Displacement

THE HABITAT AGENDA

25. We believe that attaining these goals will promote a more stable and equitable world that is free from injustice and conflict and will contribute to a just, comprehensive and lasting peace. Civil, ethnic and religious strife, violations of human rights, alien and colonial domination, foreign occupation, economic imbalances, poverty, organized crime, terrorism in all its forms, and corruption are destructive to human settlements and should therefore be denounced and discouraged by all States, which should cooperate to achieve the elimination of such practices and all unilateral measures impeding social and economic development...
- 123 (f) Establish programmes designed to improve the skills of local leadership in group facilitation, conflict resolution and intervention... (h) Provide accessible, affordable, impartial, prompt and humane local systems of justice by, inter alia, facilitating and strengthening, where appropriate, existing traditional institutions and procedures for the resolution of disputes and conflicts...
- 184 (f) Consider developing mediation programmes to resolve conflicts, including those between competing actors over access to and distribution and use of resources in human settlements and train civil society in their use...

More than half a million people in India have been displaced and forced to live in relief camps, as a result of armed conflict and communal/religious violence. States with conflict-induced IDPs include Jammu and Kashmir, Uttar Pradesh, Chhattisgarh, Gujarat, Assam, Nagaland, Mizoram, and Tripura. IDMC estimates that in India, as of 2015, at least 600,000 people have been displaced due to armed conflict and religious violence. Between 2014 and 2015, at least 346,000 people in the states of Jammu and Kashmir, Assam, and Nagaland were displaced from violence and conflict.¹⁰⁰

State efforts to rehabilitate IDPs and facilitate their return have been inadequate and compensation provided has been insufficient to meet their needs. Living conditions in relief camps are characterized by overcrowding, poor habitability, and absence of basic services such as water, sanitation, electricity, and education.

While some IDPs are able to return to their homes when the conflict is resolved, a large number have been living in camps for more than two generations and continue to remain displaced. They are not able to return to their homes because of conflict or land and property-related disputes. At least 30,000 Bru people were displaced in 1997 and 5,000 more in 2009. As of February 2015, 31,200 Bru people remained displaced and were living in relief camps in Tripura. The camps lack drinking water facilities and every year several Bru people die from water-borne diseases.¹⁰¹ Since 1990, around 60,500 Kashmiri families have been registered as displaced, of which 38,100 families live in Jammu and 19,300 families in Delhi in inadequate conditions.¹⁰² In 2014, over 300,000 IDPs were living in 85 relief camps in Assam under conditions of a humanitarian crisis.¹⁰³ Though GoI claimed that all IDPs in Assam returned to their villages in March 2015,¹⁰⁴ efforts to restore their housing and livelihoods are absent.

Insurgency and counter-insurgency operations (Salwa Judum) adopted by the Chhattisgarh government fuelled a severe conflict that led to widespread displacement of tribals. Caught in the crossfire between

the state and alleged 'Naxalites' an estimated 300,000 tribals have been forced to abandon over 600 villages and leave the state or live in inadequate relief camps. In 2011, the Supreme Court banned Salwa Judum on grounds of unconstitutionality. In 2013, Chhattisgarh had 23 IDP camps. Several camps still exist but since the operation is officially closed, there is no data available. The displaced families, many of which have suffered multiple displacements, continue to live in fear and insecurity without any state support to return to their villages and resume their livelihoods.

The 2002 religious violence in Gujarat displaced over 200,000 Muslims. In 2015, about 16,000 IDPs were still living in 83 colonies in fear and inadequate conditions.¹⁰⁵ While some of the relief colonies have been regularized, others have not, resulting in insecurity among residents. No attempt has been made by the state government to enable the affected persons to return to their homes or to investigate the loss of their property or provide them with compensation.¹⁰⁶ This has resulted in increased 'ghettoization' of Muslims in Gujarat.

In September 2013, religious tension between Hindus and Muslims in Muzaffarnagar district of Uttar Pradesh resulted in the death of 52 people and the displacement of 50,000 Muslims.¹⁰⁷ Two years after the conflict, an estimated 30,000 people were still displaced and living in relief camps.¹⁰⁸ Though the camps have been closed, the majority of affected families are too afraid to return to their homes and have moved to other villages and are living in colonies without adequate infrastructure or basic services.

According to the 2014 report of the high-level committee (Xaxa Committee) on the status of tribals in India, armed conflict affects tribal habitations spanning from central to northeast India. Conflicts in the northeast resulting from land alienation, influx of outsiders, and struggle for natural resources, have resulted in widespread displacement.¹⁰⁹

Several studies highlight the growing link between 'development'-induced displacement and conflict. A map prepared by the Society for Promotion of Wasteland Development, and Rights and Resources Initiative highlights that at least one-fourth of India's districts are affected by land conflict, mostly as a result of state takeover of land for private investors. The map indicates 252 conflict zones in 165 districts of India.¹¹⁰ It is evident that denial of land rights often exacerbates conflict while situations of conflict, including protracted displacement, result in severe violations of housing and land rights. Both situations thus need to be addressed in order to protect human rights. Climate change is also likely to exacerbate conflict in certain areas, including over natural resources. Like disasters, conflicts cross the binaries of urban-rural and must be holistically addressed, with the aim of developing durable solutions for justice.

IDPs across India face violations of their human rights to adequate housing, food, land, health and healthcare, water, sanitation, education, security, and privacy. The situation is most difficult for women and children. India, however, still does not have a policy for IDPs and has not adequately implemented the UN Guiding Principles on Internal Displacement.¹¹¹ Their needs and rights must be incorporated into policies related to housing and land.

6. Discrimination in Access to Housing and Land

THE HABITAT AGENDA

- 40 (j) Eradicating and ensuring legal protection from discrimination in access to shelter and basic services, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; similar protection should be ensured against discrimination on the grounds of disability or age.
- 43 (a) ...combating segregation and discriminatory and other exclusionary policies and practices, and recognizing and respecting the rights of all, especially of women, children, persons with disabilities, people living in poverty and those belonging to vulnerable and disadvantaged groups.
- 78 (a) Address the cultural, ethnic, religious, social and disability based causes that result in the creation of barriers that lead to segregation and exclusion, inter alia, by encouraging education and training for peaceful conflict resolution...
[Also, paragraphs 27 and 38]

Several individuals, groups, and communities experience discrimination with regard to the realization of their housing and land rights. Intersectionality results in multiple levels of discrimination, especially on the intersecting axes of caste, gender, age, religion, marital status, physical ability, and income. Some of the most marginalized and discriminated groups include Dalits/SC; indigenous and tribal peoples/ST; children; women, especially single women and women-headed households; persons with disabilities; older persons; religious and sexual minorities; migrants; internally displaced persons; and, homeless and landless persons.

Scheduled Castes/Dalits

The International Convention on the Elimination of Racial Discrimination, in Article 5(e), prohibits discrimination with regard to the right to housing. In India, however, caste is used as a tool of exclusion in ownership of land and housing, especially in rural areas. In many villages, Dalit settlements are located on peripheries without adequate access to basic services. A major challenge for Dalits has been their alienation from land. Dalits form the core of landless and dispossessed people in India. According to National Sample Survey data (2013), 80 per cent of SC households are almost landless, owning less than 0.4 hectares of land. Incidents of forcible occupation by other castes of land distributed to SC under the government's land distribution policy are common. Purchase of land by Dalits is also difficult, especially in areas dominated by upper castes. As a result, clearly visible segregation exists in residential units on the basis of caste, along with severe restriction to freely participate in community life.¹¹² Though successive governments have spoken about providing land to the landless, land reforms have not been implemented across the country. For Dalits, landlessness affects their access to housing; access to land for livelihoods and public use; and, access to financial credit. It also serves as a social barrier subjecting them to discrimination, fear, and insecurity.¹¹³

Denial of Dalits' Land Rights

A decades-old land dispute in Rajasthan's Nagaur District descended into caste violence in May 2015, leaving four people dead and 13 injured. The land dispute was between two families—one from the Jat community and the other from the Dalit Neghwal community—over 25 bighas (about 15 acres) of land. The dispute dates back to 1963 and has been in court since 1983.¹¹⁴ In the same month, in Pathapally village, 170 kilometres from Hyderabad, 45 Madiga (SC) families were driven off land allotted to them by the government. Members of the dominant Boya community then buried their dead on the land to ensure that the displaced families did not return. They were denied water from the reservoir and subjected to abuse, taunts, threats, and physical assault.¹¹⁵

Several UN treaty bodies and Special Procedures have highlighted and condemned the discrimination against Dalits and the denial of their land rights.¹¹⁶

Scheduled Tribes

THE HABITAT AGENDA

12. ...attention should be given to the needs and participation of indigenous people. These policies should fully respect their identity and culture and provide an appropriate environment that enables them to participate in political, social and economic life.
- 40 (m) Protecting, within the national context, the legal traditional rights of indigenous people to land and other resources, as well as strengthening of land management...
- 43 (r) Protecting and maintaining the historical, cultural and natural heritage, including traditional shelter and settlement patterns, as appropriate, of indigenous and other people, as well as landscapes and urban flora and fauna in open and green spaces...
122. In order to promote the continuing progress of indigenous people and to ensure their full participation in the development of the rural and urban areas in which they live, with full respect for their cultures, languages, traditions, education, social organizations and settlement patterns, Governments and leaders of indigenous communities, within the national context, should: (a) Take particular actions to enhance their productive capacities, ensuring their full and equal access to social and economic services and their participation in the elaboration and implementation of policies that affect their development; (b) Support the economic activities of indigenous people in order to improve their conditions and development and to secure their safe interaction with larger economies; (c) Integrate indigenous women, their perspectives and knowledge, on an equal basis with men, in decision making regarding human settlements, including sustainable resource management and the development of policies and programmes for sustainable development, including, in particular, those designed to address and prevent environmental degradation of land; (d) Address the particular needs of indigenous children and their families, especially those living in poverty, thereby enabling them to benefit fully from economic and social development programmes.

As mentioned above, Scheduled Tribes in India have suffered disproportionately from the impacts of forced land acquisition and displacement. The 2014 Xaxa Committee report¹¹⁷ highlights the government's failure to maintain a community-wise database on displaced/project-affected persons and their rehabilitation. According to information from 13 states, until 2006, of a total of 20.41 million displaced or project-affected persons, 30.70 per cent are tribals, of which only 21.16 per cent have received resettlement.¹¹⁸

The acquisition of tribal land by non-tribals has continued despite the constitutional provisions of the Fifth Schedule and the Supreme Court order in the 1997 Samatha case,¹¹⁹ which prohibit transfer of tribal land to non-tribals.¹²⁰ According to a 2015 press note of Gol, land has been acquired in tribal areas for projects including mining, industrialization, and other non-agricultural purposes.¹²¹ In Andhra Pradesh, about 150,000 hectares of land belonging to tribal communities along the banks of the Godavari River have been acquired, mostly by force, by non-tribals of higher caste groups due to ineffective implementation of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959

(amended in 1970).¹²² A 1999–2000 study revealed that of 6,358 tribal households in Andhra Pradesh, Odisha, and undivided Madhya Pradesh, 1,396 tribal households lost ownership of 6,186 acres of land comprising 25 per cent of the total tribal land in the villages. The study noted that transfer of tribal land to non-tribals was 86 per cent.¹²³ Lavasa Corporation Limited has appropriated 191 hectares of land belonging to adivasis to build India's 'first planned hill station' in Lavasa, Maharashtra. The state government recently ordered the company to return acquired land to the landowners.¹²⁴

The Sixth Schedule of the Constitution of India applies to protection of tribal lands in the states of Assam, Meghalaya, Tripura, and Mizoram. In Tripura, land in Schedule Six areas is being indiscriminately acquired and allotted to government departments, institutions, security forces, and persons other than ST, in violation of the Constitution. About 2,000–4,000 tribals in Tripura face the threat of displacement from their ancestral lands by the proposed construction of facilities by the Indian Oil Corporation Limited and the Food Corporation of India in Uttar Joynagar.¹²⁵

Muslims

In 2006, the Rajindar Sachar Committee highlighted housing discrimination faced by Muslims in non-Muslim areas, and in accessing home loans, especially by Muslim women. It recommended providing incentives to builders to create housing complexes with diverse populations.¹²⁶ In 2014, the Post-Sachar Evaluation Committee noted poor living conditions of Muslims in urban areas, and the lack of basic services in settlements with high Muslim populations in urban and rural areas, resulting from faulty design and implementation of government programmes. The Evaluation Committee recommended anti-discrimination laws and widening the scope of the Diversity Index-based incentive system, as recommended by the Sachar Committee, and time-bound implementation of schemes assuring basic services to minority habitations.¹²⁷ The failure to integrate minorities in cities, along with increasing fear, is perpetuating the creation of 'ghettoes' with extremely inadequate living conditions. The Mumbai riots of 1992–1993 led to Muslims fleeing to Mumbra, outside Mumbai, which now houses about 900,000 Muslims. Similarly, after the Ahmedabad attacks of 2002, Muslims have been forced to live in segregated settlements in Juhapura¹²⁸ and Danilimda.¹²⁹

Cities such as Delhi, Mumbai, and Bengaluru, have witnessed increasing cases of discrimination against Muslims and Dalits in accessing rental housing. According to a study by the Indian Council of Social Science Research,¹³⁰ while both Dalits and Muslims face 'housing apartheid' in Delhi, Muslims experience greater discrimination. For those who are able to access housing on rent, the terms and conditions are more difficult. Several other reports¹³¹ also highlight that Muslims and Dalits in different parts of India either face direct rejection by brokers, landlords, and real estate agents or are indirectly denied housing through the use of criteria related to food/diet and other factors. While terming such discrimination as 'a sophisticated form of untouchability,'¹³² human rights lawyers and activists are calling for an effective law to put an end to rampant housing segregation and discrimination.

Women

THE HABITAT AGENDA

27. The empowerment of women and their full participation on the basis of equality in all spheres of society, whether rural or urban, are fundamental to sustainable human settlements development.
- 40 (b) Providing legal security of tenure and equal access to land to all people, including women and those living in poverty; and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies.

75. Governments...should...strive to remove all possible obstacles that may hamper equitable access to land and ensure that equal rights of women and men related to land and property are protected under the law.

[Also paragraphs 43(a)(cc); 46(e); 59(b); 61(b); 72(e); 116(a); 119(c)(h); 136(f); 172(b); 176(j); 182(e); 186(f); and, 190]

Women's rights to adequate housing and land are guaranteed in international law, including the Convention on the Elimination of All Forms of Discrimination against Women, and several other international documents and declarations. The Habitat Agenda includes many references to the protection of women's rights. UN treaty bodies and Special Procedures have underscored the importance of women's housing and land rights. Women in India, however, face multiple layers of discrimination with regard to access, control, ownership and inheritance of land, property, and housing. Among women, the worst marginalization is experienced by homeless and landless women; displaced women; SC and ST women; single women, including single mothers; women of sexual and religious minorities; migrant women, women with disabilities, mental illness, and HIV/AIDS; and, women living in poverty, among others.

Census 2011 reported that India had 27 million female headed-households, constituting 12 per cent of urban households and 10.4 per cent of rural households. According to the Census, a larger proportion of female-headed households live in 'no exclusive room' and in 'one room' dwelling units compared to male-headed households. The household sizes in case of female-headed households also tend to be smaller than those of male-headed households. As per Census 2011, single women constitute 8.6 per cent of the country's female population and experience several taboos and obstacles, including while accessing housing and land. A study on land rights of single women in Odisha highlights that the inclusion of single women in land distribution schemes is not sufficient; house building assistance and livelihood support are also required.¹³³

In 2005, the government amended the Hindu Succession Act 1956 to make daughters coparceners, at par with sons, to inherit agricultural land and property. Implementation of the law, however, has been a matter of concern, as the Agricultural Census 2010–11 indicated that only 12.8 per cent of women were agricultural holders.¹³⁴ With the growing feminization of agriculture and women's critical role in providing food security, the need to recognize women's rights to land is urgent. Patrilineal inheritance practices ensure that women are denied their share as well as their identity as land/property owners. In the context of HIV/AIDS, women's lack of secure property rights has grave implications for their own and their families' safety and treatment. A 2006 study revealed that 90 per cent of HIV-affected widows in India did not live in their marital homes. The loss of housing and livelihood experienced by women can push them into a vortex of destitution and intensified vulnerability to HIV/AIDS, while enhancing intergenerational poverty.¹³⁵ Property-related conflicts are fuelled by several forces, including patriarchal attitudes, biased norms, and unequal power relations.

Witch-hunting, a form of gender-based violence still prevalent in certain parts of India, is practiced to grab land from widows, single women, and elderly women from tribal communities.¹³⁶ India has more than three million women involved in commercial sex work, but no efforts are made to provide them with adequate housing. As a result, women and their children are forced to live in areas of work – in tenements that lack space, ventilation, and adequate physical infrastructure and social amenities.

Forced evictions and displacement disproportionately impact women resulting in multiple violations of their human rights. Evictions, especially without adequate rehabilitation, increase homelessness among women and also their vulnerability to sexual violence, abuse, and trafficking. Testimonies of women from coal mining areas of Odisha (Talcher) highlight that displacement and loss of land are the most serious problems affecting their lives, as their links to livelihood, economic and social status, health and security depend on land and forests.¹³⁷

Children

THE HABITAT AGENDA

13. The needs of children and youth, particularly with regard to their living environment, have to be taken fully into account. Special attention needs to be paid to the participatory processes dealing with the shaping of cities, towns and neighbourhoods; this is in order to secure the living conditions of children and of youth and to make use of their insight, creativity and thoughts on the environment. Special attention must be paid to the shelter needs of vulnerable children, such as street children, refugee children and children who are victims of sexual exploitation. Parents and other persons legally responsible for children have responsibilities, rights and duties, consistent with the Convention on the Rights of the Child, to address these needs.
38. ...special attention should be given to the specific needs and circumstances of children, particularly street children.
94. Adequate shelter must be recognized as an important component of the particular care and assistance to which children and their families, as well as children living outside or without families, have a right. Special consideration must be given to the needs of children living in difficult circumstances.
[Also, paragraphs 40(k)(l); 43(a); 45(h);51; 59; 86(b)(c); 95; 99; 113(l); 116(a); 117(d); 120(f); 122(d); 123(d)(i); 124(b); 128; 130; 132; 136(c)(d); 139(e); 147; 153(c); 171; 172(b); 176(j); 182(m); 184(c)(ii); 190; 191(d)(i); 202(a); 204(y); 239; and, 241]

The Convention on the Rights of the Child, in Articles 16 and 27, recognizes the importance of housing for children. The Habitat Agenda also includes multiple references to the protection of children's rights. India has almost 19 per cent of the world's children, many of them living in inadequate conditions. Census 2011 reports that eight million children under six years live in approximately 49,000 'slums' across India.¹³⁸ A secure home with basic services is critical for the survival, protection, and development of children. However, children's right to adequate housing is often violated. Homeless children, street children, displaced children, and those living in informal settlements, relief camps, resettlement colonies, and other precarious locations, suffer from insecurity, malnutrition, adverse health and increased vulnerability to diseases, and the absence of secure places to play and grow. The National Family Health Survey-3 indicates that children living in informal settlements had poorer nutritional status and were underweight.¹³⁹

Most street children witness violence, abuse, and psychological trauma in their lives. A 2011 survey documented 51,000 street children in Delhi; while 87 per cent were working, 50 per cent of them had suffered verbal, physical, or sexual abuse.¹⁴⁰ Forced evictions and displacement result in loss of education and increase the vulnerability of children, especially girls, to trafficking, sexual violence, and early marriage, while economic distress from loss of livelihoods often results in an increase in forced child labour.

Persons with Disabilities

THE HABITAT AGENDA

16. ...the needs and concerns of persons with disabilities should be fully integrated into shelter and sustainable human settlement plans and policies to create access for all.
[Also, paragraphs 30; 40(l); 43(a)(v); 69(c); 78; 86(b); 97(b)(c); 113(l); 118(a); 119(e); 121; 172(b); and, 204(y)]

The UN Convention on the Rights of Persons with Disabilities, ratified by India, in Article 28(2)(d) requires State Parties to ensure access by persons with disabilities to public housing programmes. The Habitat Agenda also includes multiple provisions for persons with disabilities.

Provisions for Persons with Disabilities in Central and State Housing Schemes

	Government Scheme/State Policy	Provisions for Persons with Disabilities
1.	Indira Awas Yojana	Reservation of three per cent of funds for BPL persons with disabilities.
2.	Swadhar Scheme	Special mention of women with mental illness.
3.	Pradhan Mantri Awas Yojana	Preferential allotment of ground floor flats for persons with disabilities; preference to EWS persons with disabilities.
4.	Smart Cities Mission	Involvement of persons with disabilities in proposal development.
5.	Andhra Pradesh	Preferential allotment of ground floor flats for persons with disabilities under the Integrated Novel Development in Rural Areas and Model Municipal Areas (INDIRAMMA) scheme; designing of all such flats and houses to be made disabled-friendly; and houses to be sanctioned to adult unmarried persons with disability.
6.	Assam	Persons with disabilities to be given preferential allotment/settlement of land for housing.
7.	Kerala	Preferential allotment to persons with disabilities by reserving one per cent of house sites, houses, or flats. Focus on ground floor allotment with road access.
8.	Maharashtra	The Maharashtra Housing and Area Development Board provides two per cent reservation for persons with disabilities in allotment of tenements. The Department of Urban Development has issued directions to allot land to persons with disabilities at concessional rates to build houses.

The aforesaid schemes try to address some of the housing problems faced by persons with disabilities, through reservation, discounted rates, and out of turn allotments. However, these methods are not adequate given the many housing issues which individuals with disabilities confront while trying to live in the community. Principles for a barrier-free housing policy find mention in the Building Bye-laws of 2005 and the Central Public Works Department Guidelines and Space Standards for Barrier Free Built Environment for Disabled and Elderly Persons, but these are not implemented. There is a need to formulate housing laws and policies requiring all newly constructed buildings to meet minimum standards for persons with disabilities and provisions to modify and adapt existing structures.¹⁴¹

Sexual Minorities

In India, sexual minorities face social exclusion, discrimination, stigma, and atrocities. They encounter various obstacles in accessing rental housing and frequently have to change their residence. It is thus difficult for them to produce proof of residence required to access state schemes. Consequently, many of them do not get social or disability pension, voter cards, ration cards, passports, and even caste certificates.¹⁴²

Discrimination adds several layers of challenges to the ability to live in a safe and secure habitat, and requires interventions at multiple levels—legal, social, and political—in order to be addressed adequately. Adequate participation of all constituencies, at all levels of policy and decision-making, is also required to prevent discrimination and to incorporate the needs and to address the concerns of marginalized groups and communities.

THE HABITAT AGENDA

113 (l) Institutionalize a participatory approach to sustainable human settlements through the development and support of strategies and mechanisms that encourage open and inclusive dialogue among all interested parties, with special attention to the needs and priorities of women, minorities, children, youth, people with disabilities, older persons and persons living in poverty and exclusion.

7. Persecution of Housing and Land Rights Defenders

“In the context of the country’s economic policies and despite legal requirements of consultation and rehabilitation, defenders engaged in denouncing development projects that threaten or destroy the land, natural resources and the livelihoods of their community or of other communities have been targeted, increasingly on a joint basis, by State agents and private actors, and are particularly vulnerable.” *Special Rapporteur on the situation of human rights defenders, Report on Mission to India, February 2012*¹⁴³

Women and men struggling to defend housing and land rights across India have often been targeted by the state and subjected to violence, defamation, arbitrary arrests, and illegal detention. In one of the most brutal incidents reported, on 2 February 2001, police fired on a gathering of thousands of *adivasis* who had assembled at Tapkara village, Jharkhand, to protest against the Koel Karo hydroelectric project that was estimated to displace 150,000 people – 90 per cent of them tribals in 256 villages. Eight persons were killed and 36 injured in the firing. In 2002, an independent tribunal, headed by Justice Rajinder Sachar, recommended suspension of the project.¹⁴⁴

People of Sonbhadra, Uttar Pradesh, especially women struggling for their land and livelihoods, have been facing state repression for several years. On 14 April 2015, the police fired at villagers who had gathered at the Kanhar Dam site to protest the loss of their homes and lands. The firing severely injured nine persons, including a tribal leader, and caused minor injuries to 35 others. On 18 April 2015, police used sticks and fired against villagers. On 30 June 2015, the police arbitrarily arrested three women and four men of the All Indian Union of Forest Working People—while they were preparing for a rally—on the basis of false First Information Reports and fabricated cases against them. They were kept in custody in Mirzapur Jail after their arrest.¹⁴⁵ The three arrested women were granted bail in September 2015, while the men finally received bail in October 2015. One of the women was also detained in 2007 and booked under the National Security Act, but was released later when police could not produce any evidence against her.

Villagers and activists protesting against the POSCO project in Odisha have suffered from state violence and repression for the past decade. Almost 400 false cases and 2,500 warrants have been issued against them, which has resulted in people being regularly arrested and arbitrarily detained in prison, often for long periods of time. Four people have lost their lives in the struggle. Residents of Mandala, Mumbai, witnessed demolition of their homes and police atrocities on 30 June 2015. The police arrested about 200 people and levied false charges against them under Section 149 of the Indian Penal Code. They were arbitrarily detained in five different police stations and released later in the day.

The Armed Forces Special Powers (Assam and Manipur) Act 1958 (AFSPA) is being used against people expressing dissent against infrastructure projects. People opposing the Mapithel Dam in Manipur have been treated as ‘militants,’ and termed ‘anti-national.’ The state government has imposed Section 144

of the Indian Code of Criminal Procedure, thereby banning a congregation of more than five people in a location, whenever affected communities have sought to hold protests against projects that threaten their lives and livelihoods.¹⁴⁶ On 3 November 2008, the Indian Reserve Battalion brutally tortured more than 40 anti-dam protestors, prompting the UN Special Rapporteur on Indigenous Peoples to condemn the militarization associated with the dam in the context of promulgation of AFSPA in Manipur.¹⁴⁷

These incidents represent just a few examples of repression of and attack against defenders of housing and land rights, and need to be addressed while developing frameworks for the realization of habitat-related rights in India and globally. They also highlight the importance of viewing urban and rural issues as two ends of the same spectrum.

8. Law and Policy

Framework Related to Housing and Land

The framework regulating housing and land in India consists of a few laws and several policies – at the central and state level. India does not have a comprehensive national housing or land law that recognizes or aims to protect and provide housing and land as human rights. Since the governing framework largely consists of policies and schemes that are not legally enforceable, it has not brought about the much needed improvement in housing and living conditions for the overwhelming majority of the country. Instead, a range of central and state schemes have worked to keep the urban and rural poor in a constant state of insecurity and inadequate housing, with limited avenues for remedy or redress.

According to the Seventh Schedule of the Constitution of India, which demarcates governance powers over different issues to the centre and state, land is a ‘state’ subject. Though housing is not explicitly listed, the State List includes: “Works, lands and buildings vested in or in the possession of the state.” Most laws regulating land and housing are, therefore, promulgated and administered at the federal level. The centre, however, regularly issues policies covering different dimensions of housing and land. Over the years, housing policies in India have witnessed a clear shift from a welfare-centric to a market-centric approach. In the first few decades after independence, the state considered itself a provider of housing, but since the early 1990s, the state envisions its role as one of ‘facilitator and enabler’ for housing activity and finance, increasingly resorting to the private sector for solutions.

The **Slum Areas (Improvement and Clearance) Act 1956** is the only national law that governs informal settlements in India. As a central law, it applies only to Union Territories (UT). Several states, however, have passed similar laws. While the purpose of the law is to “provide for the improvement and clearance of slum areas...and for the protection of tenants in such areas from eviction,” it has been used more against the interests of residents of informal settlements, including for their eviction under the guise of safety.

A response to a Right to Information query revealed that only eight per cent of industrial projects across India have been stalled because of land acquisition problems.¹⁴⁹

Over the last two decades, India has seen the promulgation of some progressive national laws such as the **Panchayats (Extension to Scheduled Areas) Act (PESA) 1996** (which promotes local governance and protects land in tribal areas); the **Right to Information Act 2005** (which entitles citizens of India to demand/receive information from the state); the **Mahatma Gandhi National Rural Employment Guarantee Act 2005** (which mandates 100 days employment to each rural family); the **Protection of Women from Domestic Violence Act 2005**; and, the **Hindu Succession (Amendment) Act 2005** (which provides daughters equal coparcenary rights to inherit parental property). Hurdles in

implementation, lack of awareness, and misuse of positive provisions in these laws, however, have impeded their potential for bringing about greater equality and an improved standard of living. This section highlights recent law and policy developments related to housing and land at the central and state level.

Central Laws

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006

Forest dwellers in India have historically been displaced, marginalized, and denied their human rights. The Forest Rights Act 2006 is a significant law, as it recognizes forest-dwellers' rights to land title, forest use, and to relief in case of displacement, while acknowledging the historic injustice against India's tribal populations. An important provision of the Act is that no forest dweller shall be evicted from forestland till the recognition and verification of his/her forest rights is complete.¹⁴⁸ Despite its strong provisions, implementation in certain states is weak, especially with regard to protection of collective rights and recognition of collective claims. Recent attempts to promote industrial growth through rapid project clearances threaten the rights of forest communities.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013

In 2013, India promulgated this law to replace the Land Acquisition Act 1894. The new law made provisions for Social Impact Assessment; preliminary notification stating the intent for acquisition; compensation to be paid within a specified timeframe; and, rehabilitation and resettlement for affected families. Compensation for land owners is to be four times the market value for rural land and twice the market value for urban land. In case of acquisition of land for Public Private Partnership projects, consent of 70 per cent of affected landowners is required whereas for projects of private companies, the Act requires consent of 80 per cent of land owners.

While a significant improvement over the 1894 law, the principle of 'eminent domain' of the state is uncontested in the new law. It also does not adequately define 'public purpose' or explain the relationship of the state with land. Recently, the role of the state seems to have shifted from one of 'custodian' to that of facilitator for transfer of public land to private interests. Land acquired by the state is often not used for 'public purposes' and is generally much greater than what is required. The Act has not instituted measures to minimize land acquisition, to optimize land use, and to promote sustainable alternatives. The new law also does not protect rights of urban dwellers, including those living in underserved settlements, as they are not recognized as land-owners even though they may have lived on and developed the land for generations. Attempts to include tribal lands covered by PESA under the ambit of the Act are also illegal.

In December 2014, the National Democratic Alliance (NDA) government issued an ordinance aimed at diluting safeguards in the Act to facilitate land acquisition for private interests. This was replaced by a Bill, which was then replaced by another ordinance. Given strong opposition to the proposed amendments, the ordinance lapsed in August 2015 and the central government agreed to retain the 2013 Act. It has, however, suggested that states can form their own land acquisition laws, which would defeat the purpose of a national law and risk dilution of its progressive provisions. Meanwhile, the onus of developing rules for the 2013 Act lies with state governments, several of which have attempted to draft business-friendly rules. Presently, eight states have finalized rules or published clarifications to the Act, while 11 states have drafted rules. It is unclear how these rules, especially provisions that contradict the central law, will be implemented.

Coal Mines (Special Provisions) Act 2015

In March 2015, India passed the Coal Mines (Special Provisions) Act 2015 to facilitate the auctioning of coal blocks. With multiple private players being provided the authority to mine coal under the new Act, mining could become more intensive across the auctioned coal blocks. Displacement from identified areas is inevitable, as the government will be acquiring almost 14,000 hectares worth of coal-bearing land and will auction it in phases.¹⁵⁰

Twenty tribal village councils in the Hasdeo Arand and Dharamjaigarh forest areas of Chhattisgarh have passed formal resolutions under the Forest Rights Act 2006, vetoing the auctioning of coal blocks in their traditional forestlands.¹⁵¹

Mines and Minerals (Development and Regulation) Amendment Act 2015

The Mines and Minerals (Development and Regulation) Amendment Act 2015 permits mining leases to be granted for a period of 50 years. Instead of the lease being renewed on expiry, the law provides for the mine to be auctioned. The Act allows the government to increase the area for prospecting licenses or mining leases without specifying any ceiling, while enabling the central government to aid state governments in conducting auctions for iron ore, bauxite, and limestone mines. Long-term leases over mines and unregulated mining without adequate safeguards could have detrimental social and environmental impacts, including increased displacement.

Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014

Passed in February 2014, this Act¹⁵² aims to protect livelihood rights and social security of street vendors, and regulates urban street vending through various mechanisms. It includes certain provisions for the protection of street vendors from eviction and relocation, and gives preference to members of SC, ST, Other Backward Classes, women, persons with disabilities, and minorities in allocating vending licenses.

The Real Estate (Regulation and Development) Bill 2013

The Bill, which was introduced in Parliament in August 2013, aims to regulate transactions between buyers and promoters of residential real estate projects with a view to promoting transparency and protecting rights of consumers. It mandates prior registration of real estate projects exceeding one thousand square metres with Real Estate Regulatory Authorities (RERAs), which are to be instituted in each state. The Bill requires that seventy per cent of the amount collected from buyers of a project be used only for construction of that project. Since the Bill differs from state laws that regulate real estate projects, it is intended to override their provisions in case of any inconsistencies. The Standing Committee on Urban Development, which submitted its recommendations on the Bill in February 2014, suggested that the Bill should also regulate commercial real estate and cover smaller projects (less than one thousand square metres). The Bill does not regulate property speculation; neither does it mandate provision of housing for EWS/LIG in residential real estate projects.

Central Policies and Schemes

The central government regularly announces schemes related to different dimensions of urban and rural housing, infrastructure development, and basic services. Over the years, India has witnessed the announcement and phasing out of several schemes. These are altered frequently, which prevents adequate implementation and real change or benefits for the intended populations. New schemes are made to subsume old schemes and new governments tend to dissolve schemes of previous

governments. Often the focus is on renaming policies after political icons rather than on improving substantive elements. There is also a clear trend of moving towards a culture of schemes or ‘missions’ instead of laws and policies, resulting in the weakening of accountability and monitoring mechanisms. This constant flux has resulted in wastage of resources, confusion, and continued existence of inadequate living conditions for the urban and rural poor.

The **National Urban Housing and Habitat Policy** 2007 with its urban-centric vision, claims to focus on ‘affordable housing for all,’ but does not incorporate a rights-based approach to achieve this goal. As a policy, it is not legally enforceable and its intentions, therefore, have not been translated into reality. MoHUPA has initiated a process to issue a revised policy in 2017.

India’s rural housing scheme—**Indira Awas Yojana**¹⁵³ (IAY)—has existed since 1985 and aims to provide housing assistance to the rural poor, including SC, ST, freed bonded labourers, and BPL families. Under the scheme, a financial grant of Rs 70,000 per dwelling unit in the plains and Rs 75,000 for hilly/difficult areas is provided for construction of new housing. In December 2015, the government announced that IAY will merge with Pradhan Mantri Awas Yojana (PMAY) and target the construction of 30 million permanent houses in rural areas by 2022. It also stated that the financial subsidy per unit will be increased.

Irregularities in IAY

A 2014 CAG report highlighted several irregularities in the implementation of IAY, including: ineligible persons and non-BPL families receiving benefits; failure to allot dwelling units in the name of women; delay in completion of houses beyond the stipulated limit of two years; poor quality of construction; diversion of IAY funds of Rs 370 million towards other schemes; and misappropriation of funds. The Working Group on Rural Housing under the Planning Commission of India had targeted the construction of 17 million houses under IAY for 2008–13. CAG, however, found that only 12.9 million houses (or 75.84 per cent of the target) were constructed during the period, indicating that IAY could not bridge the gap in housing shortage. In 2009, as part of IAY, the government announced a scheme for providing homestead sites to rural BPL households who neither possessed agricultural land nor a house site. Against the proposed central allocation of Rs 10 billion, Rs 3.47 billion was released to nine states based on proposals sent by these states to the government. CAG found that this scheme was not implemented in 17 states/UT.¹⁵⁴

In 2001, the government launched **Valmiki Ambedkar Awas Yojana** (VAMBAY) to upgrade housing stock and provide adequate shelter to urban BPL families. The stated objective of the policy was ‘to achieve the Habitat goal of slumless cities.’¹⁵⁵ A decade from its launch, in 2013, a large number of the housing units constructed under the scheme were either lying vacant,¹⁵⁶ or were yet to be handed over to intended beneficiaries.¹⁵⁷

With the announcement of **Jawaharlal Nehru National Urban Renewal Mission** (JNNURM) in December 2005, VAMBAY was abolished under the pretext of merging it with the new mission. JNNURM focused on 65 ‘mission cities’ with components for provision of shelter and upgradation of physical infrastructure and certain social amenities.¹⁵⁸ JNNURM stated that permanent housing would be provided to ‘slum dwellers’ under its Basic Services for the Urban Poor (BSUP) component and Integrated Housing and Slum Development Programme, while mandating a number of reforms for states to receive central government assistance.

The Urban Land (Ceiling and Regulation) Act (ULCRA) 1976

ULCRA was promulgated in order to prevent accumulation of vacant land with private land holders and to facilitate the availability of urban land. It was implemented by 17 states. It, however, failed to achieve its goal by providing exemptions to the surrendering of vacant land. Further, state governments did not necessarily utilize the acquired land for public benefit. The central government attempted to repeal the Act in 1999, but certain states continued to acquire land under the Act. Repealing ULCRA was a mandatory reform for states to access JNNURM funds. In Madhya Pradesh, 11,549 acres of excess vacant land was released from three cities, after the repeal of the Act.¹⁵⁹

An appraisal of the implementation of JNNURM¹⁶⁰ found that City Development Plans (CDP) were not participatory and did not involve local communities. Project reports detailed under CDPs were not backed by Initial Environmental Studies or Social Impact Assessments. In a 2012 report, CAG found that of 2,815 JNNURM projects approved until March 2011, only 253 projects (8.9 per cent) had been completed, while of 1,066,161 dwelling units approved for construction under the BSUP component, only 27 per cent were completed and only 13.6 per cent were occupied. CAG also found instances of diversion of funds for inadmissible purposes.¹⁶¹

Announced in 2009, **Rajiv Awas Yojana** (RAY) was a central government housing scheme aimed at securing 'property rights' for residents of urban informal settlements. For the first four years, the scheme existed in a 'pilot' phase and in 2013 was launched in 'mission' mode. RAY was allocated Rs 322 billion during the Twelfth Five-Year Plan (2012–2017) and was expected to operate between 2013 and 2022.¹⁶² Since its inception, 120,000 houses were approved in 116 cities, but only 1,154 units have been built, and 18,281 are currently under construction, indicating that only 16 per cent of projects have been completed. Under the 'Affordable Housing Programme' component of RAY, 20,472 houses were approved, but only 4,528 have been completed, and 2,240 houses are still under construction.¹⁶³ The NDA government announced the closure of both RAY and JNNURM in June 2015. The status of projects and funding for their completion is unknown.

Until 2013, India did not have a central law governing resettlement. Since the National Rehabilitation and Resettlement Policy 2007 was seldom implemented, resettlement issues have been dealt with federally and also sector-wise. Public Sector Undertakings—such as the National Hydroelectric Power Corporation, the National Thermal Power Corporation, the National Highways Authority of India, and Coal India Limited—have their own policies for persons affected by their projects. Though the policies are very different in the benefits they offer, none of them include human rights safeguards or independent monitoring mechanisms. There is no accountability of the institutions in implementing these policies. They also do not document the number of persons displaced by them or provide restitution or redress for violations. This has contributed to the crisis of displacement and failed resettlement in the country.

As a result of a sustained and effective people's campaign, the United Progressive Alliance government developed a draft National Land Reforms Policy in 2013. This, however, was not finalized; neither was the commitment to promulgate a National Right to Homestead Act met during the term of the government.

Since it assumed office in May 2014, the NDA government has announced multiple schemes for urban areas. Many of the new schemes have been launched as 'missions' with large budgetary allocations, but no indicators for implementation. No efforts have been made to finalize the draft land reform policy or work towards a homestead law. Some of the new urban schemes are highlighted below.

National Urban Livelihoods Mission – Scheme of Shelters for Urban Homeless

This scheme sets norms and standards for permanent all-weather shelters and basic infrastructure facilities for the urban homeless population.¹⁶⁴ Though it uses the underestimated census data, its importance lies in its recognition of the need for separate shelters for men, women, families, and special shelters for older persons without care, persons with mental illness, and recovering patients and their families. It also provides for convergence of service delivery and provision of entitlements, including social security, food, education and healthcare, as well as identity proof, address proof, pension, BPL cards, ration cards, ICDS centres, free legal aid, and admission to government schools and public hospitals for urban homeless residents. Implementation of the scheme in most states is weak and no mechanisms exist for monitoring. As a result, the homeless population is left to fend for itself, and continues to face rampant abuses of its human rights.

Supreme Court Orders on NULM–SUH

Under the NULM–SUH scheme, the centre allocated Rs 10.8 billion to states to construct homeless shelters. A case in the Supreme Court of India revealed that despite the allocation, only 208 shelters for the urban homeless had been constructed in 14 states; in the remaining 11 states and Union Territories, no construction had been undertaken.¹⁶⁵ The Court also noted that of 440 sanctioned proposals for construction/refurbishment of shelters, only 75 had been completed. Additionally, 19 states/UT had not sanctioned any proposals for homeless shelters.¹⁶⁶

Pradhan Mantri Awas Yojana (Housing for All–2022)

Launched in June 2015, PMAY is a central government scheme aimed at providing ‘Housing for All’ by 2022, which marks India’s seventy-fifth year of independence. The scheme proposes to construct 20 million houses in 500 cities, and consists of four components: (1) *in situ* slum redevelopment using land as a resource (central assistance of Rs 100,000 per unit); (2) credit-linked interest subsidy (central assistance of Rs 100,000–230,000 per beneficiary); (3) affordable housing in partnership (central assistance of Rs 150,000 per unit); and, (4) beneficiary-led individual house construction or enhancement (central assistance of Rs 150,000 per unit).¹⁶⁷ As of December 2015, MoHUPA had approved the construction of 423,415 houses for the urban poor in 243 cities in 11 states.¹⁶⁸

While recognition of the need to provide ‘housing for all’ is a commendable step, the greatest limitation of PMAY is its excessive focus on the private sector and its failure to adopt a human rights approach. Instead of ensuring that adequate housing is a human right, the scheme continues to treat housing as a marketable commodity. It uses terms such as ‘tenable’ and ‘untenable’ for settlements without defining them, thereby providing space for misuse, including for forced eviction/relocation. By allowing states to define their own ‘cut-off’ dates to determine beneficiaries, PMAY could lead to discrimination against a large section of the urban poor. The inclusion of private developers for *in situ* redevelopment projects is likely to result in land value, not need or social justice, being used to determine upgrading, rehabilitation, and redevelopment. In 2008, the Task Force on Affordable Housing estimated that affordability of a dwelling unit of between 300 and 600 square feet could not exceed four times the gross annual income of the household,¹⁶⁹ but PMAY does not include a definition for ‘affordability’ or include provisions to ensure that the most needy benefit.

Given the current design of PMAY, it is unlikely that the national urban housing shortage of almost 19 million homes will be met. The most marginalized section, the homeless, has been omitted from the promise of ‘housing for all.’ The failure to address the question of land and rights over land on which housing is built will result in continued tenure insecurity and the use of legal tools to discriminate against the poor. States have been given the authority to decide whether beneficiaries will receive

tenurial rights to their houses in the form of freehold titles or in the form of renewable, mortgageable, and inheritable leasehold rights. The decision of the government to permit 100 per cent FDI in the housing and real estate sector will promote inequality and exclusion. The modalities of PMAY, therefore, urgently need to be revised to ensure that the goal of 'housing for all' can be translated into reality through the human rights approach. Else, the scheme will continue to perpetuate the insecurity and inadequacy of housing that the poor in India are forced to live with.

Smart Cities Mission (SCM)

The Union Cabinet has allocated Rs 480 billion (USD 7.5 billion) for SCM,¹⁷⁰ which aims to develop 100 'smart cities' in India by 2020. While the Ministry of Urban Development (MoUD) has not defined a 'smart city,' its mission document states that it contains the following elements: adequate water supply; assured electricity; sanitation, including solid waste management; efficient urban mobility and public transport; affordable housing; robust IT connectivity; good governance; sustainable environment; safety and security of citizens; and, health and education.¹⁷¹

The number of 100 smart cities has been distributed among states/UT on the basis of the urban population and number of statutory towns. Each state/UT has to compete for getting identified cities selected under the Mission. The first stage has been completed with the government unveiling a list of 100 cities. In the second stage, each city had to submit a 'smart city proposal' prepared by private consultants.¹⁷² These proposals, reportedly, were developed without adequate public participation or transparency. The centre has selected 20 cities to be developed as model smart cities. Each smart city plan is to consist of 'retrofitting, redevelopment, or greenfield development, and a pan-city development approach.' New city construction under 'greenfield development' will require land acquisition and exploitation of natural resources, as the case of Amravati in Andhra Pradesh has already demonstrated. While this will lead to more displacement, impoverishment, environmental degradation, and unemployment, SCM is silent on these issues.

The centre has asked states to generate half the funding for 'smart cities' from public-private partnerships (PPP), with a focus on attracting private investment. Local municipalities and Urban Local Bodies, however, may not have the capacity to generate such large funds. JNNURM partially relied on private investments to meet project costs. However, of 2,900 projects, only 50 were modelled as PPP, with private sector investment covering only 0.2 per cent of the total project cost.¹⁷³ The PPP model is not in the interest of low income and marginalized groups. Further, it dilutes the responsibility of the state in protecting human rights and fulfilling its welfare function as per the Constitution.

Gujarat International Finance Tec-City

The Gujarat International Finance Tec-City (GIFT), spread across 886 acres, is envisioned as a smart city and international financial services centre, with tax breaks and other concessions. In July 2007, the Gujarat Urban Development Corporation diverted 500 acres of pasture land and revenue wasteland belonging to three villages—Phirojpur, Ratanpur and Shahpur—for GIFT. Low purchase prices further forced farmers to sell their land at rates well below the market price.¹⁷⁴ Though the project touted employment and other benefits, after five years of construction and an expenditure of Rs 9 billion, the only visible components are two twenty-nine-storey towers and underground infrastructure.¹⁷⁵ Critics believe this should serve as a 'cautionary tale' for the government, as it moves ahead with the smart cities project and an overt reliance on technology to improve basic services.

When India's cities are marked by inadequate housing, homelessness, poverty, unemployment, violence against women, and acute shortages of water, sanitation, public transport, and energy, the focus should be on first improving living conditions for the majority, making cities safe for women and

marginalized groups, and ensuring that urbanization is equitable and sustainable.¹⁷⁶ SCM, instead, promotes a strong anti-poor model that could convert Indian cities into more exclusionary and discriminatory spaces.

Atal Mission for Rejuvenation and Urban Transformation (AMRUT)

With an outlay of Rs 500 billion for five years, AMRUT¹⁷⁷ is intended to replace JNNURM. The Mission is supposed to focus on: water supply; sewerage facilities and septage management; storm water drains to reduce flooding; pedestrian, non-motorized and public transport facilities; parking spaces; and, enhancing amenity value of cities by creating and upgrading green spaces, parks, and recreation centres, especially for children. The Mission document, however, is silent on issues of land use, land-owning agencies, and master planning. It also does not explain linking of services. The document does not mention provisions for persons with disabilities, older persons, and destitute populations; neither does it speak about the need for promoting safety and security of women. Technical details and the creation of more bureaucratic bodies, unfortunately, are not sufficient to rejuvenate and transform Indian cities, and make them more equitable. MoUD has already cleared projects for 272 cities in 13 states with a total investment of Rs 116.5 billion, mostly for improving water supply and sewerage networks.¹⁷⁸

National Heritage City Development and Augmentation Yojana (HRIDAY)

In addition to the above initiatives, MoUD has launched a scheme to develop heritage cities in India. The scheme—HRIDAY—will be implemented in 12 cities to develop and revitalize urban infrastructure, including development of water supply, sanitation, waste management, drainage, roads, tourist convenience, and other services. The central government has already approved action plans for eight cities (Varanasi, Mathura, Ajmer, Dwaraka, Badami, Warangal, Amaravati, and Velankanni).¹⁷⁹

Given the multiplicity of schemes, many with overlapping objectives and focus areas, critical questions including how the schemes, especially those with overlapping provisions, will relate to one another; what indicators will be used to measure progress and realization of targets, including financial; and how accountability will be enforced, need to be addressed.

Draft Urban Rental Housing Policy 2015 and Model Tenancy Act

The central government is in the process of finalizing the above policy and model law for states, and invited comments from citizens. While the need to focus on rental housing is critical, the focus must be on promoting social rental housing options for the homeless and EWS/LIG populations. Relying on the private sector to invest in rental accommodation for the poor is unrealistic; the state must assume that responsibility.

State Laws, Policies, and Schemes

While most states in India implement central laws, they also have their own laws and schemes related to housing, land, tenancy, taxes, and rent control. States with housing policies include Kerala, Uttar Pradesh, and Andhra Pradesh; Karnataka and Maharashtra are in the process of developing housing policies. Many states also have housing boards that create their own policies on issues of housing, resettlement, and basic services. There is generally no consistency or direction from the centre in the development of state laws and policies, though under RAY, a Model Property Rights to Slumdweller's Act was drafted for states, and MoHUPA is developing a Model Tenancy Act to be adapted and passed by state governments.

Each state legislates rental housing through rent control laws. The current generation of rent laws place strict controls on tenants; exempt properties in certain urban areas from rent ceilings; and, exclude land owned by religious groups, charitable institutions, and companies from their purview. These laws have proved ineffective in controlling illegal practices and provide unquestionable authority to the Rent Control Tribunal, the competent authority for grievance redress. Most rent control laws do not permit civil courts to decide tenancy matters. The new draft National Urban Rental Housing Policy calls for a repeal of all state rent control legislation and the adoption of the Model Tenancy Act at the state level. This is also mentioned in PMAY.

The following policy developments at the state level are also important in terms of their impacts.

Odisha Land Grabbing (Prohibition) Bill 2015

In May 2015, the Odisha government passed the Odisha Land Grabbing (Prohibition) Ordinance 2015, with a stated aim to check illegal encroachment and grabbing of land owned by the government, local urban and rural bodies, public institutions, and religious or charitable institutions.¹⁸⁰ In September 2015, the state converted the ordinance into a Bill and passed it, reportedly without any debate and in the absence of the opposition. Though the Bill makes the act of land grabbing a cognizable offence, it could unfavourably impact residents of informal settlements, landless persons, and forest dwellers. The definition of a 'land grabber' does not differentiate between different intents of land occupation; the law attempts to criminalize those who grab land for personal interest and those who occupy land to create homes for themselves, owing to the failure of formal housing systems. The Bill is likely to result in greater harassment and penalization of vulnerable and marginalized communities. Though the Bill is not yet law, the state has already drafted Rules for its implementation.

Andhra Pradesh Land Pooling Scheme

Andhra Pradesh announced a 'land pooling' scheme to facilitate the creation of its new capital – Amravati. Under this model, land owners are required to voluntarily give land to the state, without any assurance of immediate cash compensation. The state has acquired more than 30,000 acres of agricultural land from 90,000 people, most of whom are marginal farmers, lease holders, agricultural workers, and fishworkers. The state, reportedly, will hand over a portion of the developed land, with infrastructure, to landowners in proportion to their contribution. Half the land procured will be used for common assets while the other half will be shared equally between landowners and the government. However, those who are landless and have been displaced will receive only a sum of Rs 2,500. The worst affected are agricultural labourers, fish-workers, and other daily wage workers. As a result of loss of land, it is reported that agricultural activity in the affected villages has stopped. Agricultural labourers, mostly Dalits, have to travel distances of over 50 kilometres to find work. This has increased unemployment and impoverishment in the area.¹⁸¹

Telangana Land Regularisation Scheme

The Government of Telangana promised the construction of two-bedroom flats for 'the poor' on 2,000 acres of land in Hyderabad as well as a policy of 'zero evictions.' In order to raise revenue to meet these goals, it announced a land regularization scheme in December 2014. According to the scheme, BPL families with an annual income of up to Rs 200,000 per household and living on a plot of land up to 125 square yards in size, are eligible for free regularization of plots. This assignment permits inheritance but not alienation. For families that do not fall in the BPL category, the cost of land registration has to be paid, with 25 per cent of the amount to be paid upfront.¹⁸² Implementation is fraught with obstacles, including those related to inaccurate assessment of BPL families and people living on plots that the government considers 'objectionable land.'

Amendments in Gujarat Land Laws

In August 2015, the Government of Gujarat passed two bills—the Gujarat Agricultural Land Ceiling (Amendment) Bill 2015, and the Gujarat Tenancy and Agricultural Land Laws (Amendment) Bill 2015, in an attempt to make the laws more favourable for industry. Amendments include providing surplus agricultural land for industrial purposes; raising the time limit from five years to 10 years for commencing production on the purchased land; and removing safeguards for land sellers in lieu of equity shares in a firm.¹⁸³

Court Judgements

An analysis of the law and policy framework for housing and land rights in India is incomplete without a review of the role of the judiciary. The Indian judiciary's record in this regard is a mixed one. Certain judgements have upheld the right to housing and land while others have ordered the eviction of communities. *Olga Tellis vs. Bombay Municipal Corporation* (1985)¹⁸⁴ was a landmark judgement in which the Supreme Court declared that Article 21 ('Right to life') of the Constitution of India included the right to housing and livelihood as well as other human rights recognized under international law. A number of judgments since *Olga Tellis* followed this expanded definition of Article 21.¹⁸⁵ In *Ahmedabad Municipal Corporation vs. Nawab Khan Gulab Khan and Ors.* (1997)¹⁸⁶ the Supreme Court stated that, "The State has the constitutional duty to provide shelter to make the right to life meaningful."

Despite this important legal precedent, in 2000, in *Almitra Patel vs. Union of India*,¹⁸⁷ the Supreme Court stated: "The establishment of creating slums, it seems, appears to be a good business and is well organised... Rewarding an encroacher on public land with an alternative free site is like giving a reward to a pickpocket." Echoing a similar sentiment, the High Court of Delhi, in 2003, absolved the government of its responsibility to provide resettlement: "No alternative sites are to be provided in future for removal of persons who are squatting on public land."¹⁸⁸ The Court acknowledged that, "It is undoubtedly the duty of the government authorities to provide shelter to the underprivileged" and that state authorities had "admitted their failure to devise housing schemes for persons in the economically weaker sections of the society." However, it then declared that, "Lack of planning and initiative... cannot be replaced by an arbitrary system of providing alternative sites and land to encroachers on public land."¹⁸⁹

In August 2004, in *Navniti CGHS vs. Lt. Governor*,¹⁹⁰ the High Court of Delhi ordered the demolition of a settlement and provided DDA time to relocate affected families. In the absence of any plans, the court issued contempt against the DDA Vice Chairman, who then ordered immediate demolition of the site (in February 2006), without prior notice or resettlement. In *Hem Raj vs. Commissioner of Police* (2005),¹⁹¹ a court-appointed committee recommended demolition of informal settlements in Nangla Machi, Delhi. In the absence of any action, the court chided the "wilful disobedience of the orders resulting in unauthorised encroachments continuing to remain where they were." A petition to save Nangla Machi was not received favourably by the Supreme Court, which instead ordered its demolition with the use of language such as: "If you are occupying public land, you have no legal right, what to talk of fundamental right, to stay there a minute longer."¹⁹²

In 2010, however, as a diversion from this trend, the High Court of Delhi passed two progressive judgements. In *Sudama Singh and Others vs. Government of Delhi and Anr.*, the court stated that: "Adequate housing serves as the crucible for human well-being and development, bringing together elements related to ecology, sustained and sustainable development. It also serves as the basic unit of human settlements and as an indicator of the duality of life of a city or a country's inhabitants." The court also ruled that, "The government will be failing in its statutory and constitutional obligation if it

fails to identify spaces equipped infrastructurally with the civic amenities that can ensure a decent living to those being relocated prior to initiating the moves for eviction.”¹⁹³ In *P.K. Koul and Ors. vs. Estate Officer and Anr. and Ors.*,¹⁹⁴ the High Court of Delhi affirmed that: “The right to residence and to settle in any part of the country is assured to every citizen as a fundamental right under Article 19(1)(e) of the Constitution of India... The right to shelter springs from this right and has been considered to be an integral part for a meaningful enjoyment of right to life under Article 21 of the Constitution of India.”

In *Tukaram Kana Joshi and Ors. vs. MIDC and Ors.* (2012) the Supreme Court averred that: “The right to property is now considered to be, not only a constitutional or a statutory right, but also a human right.”¹⁹⁵

Subsequently, while a few state High Courts have stayed evictions, not many have issued final judgements in favour of low income residents. In Bengaluru, Patna, and Chennai, state courts recently sanctioned demolitions of informal settlements.

The lack of consistency in judgements reflects an unresolved conflict in the judiciary between attempting to incorporate the right to housing in the fundamental rights framework and allowing the state to proceed with its macro-economic policies promoting ‘slum-free cities’ in the planned urban order. Unfortunately, justice for the poor in India continues to depend on the proclivity of individual judges rather than on the commitment of the judiciary to uphold law, defend rights, and administer justice.

While this section has focused on laws, policies, and judgements directly related to housing and land, a range of laws and policies that cover SEZs, industrial development, fiscal policy, commerce, roads, water, and transport also impact the realization of housing and land rights in India but have not been mentioned in the interest of space.

9. Recommendations to the Government of India

Given the inadequate housing and living conditions across urban and rural India, the following recommendations are being proposed to the Indian government—at the centre and state—to promote the realization of the human rights to adequate housing and land; to create sustainable and equitable habitats; and, to protect human rights, especially of marginalized communities and groups:

1. Respect, protect, and fulfil the human right to adequate housing for all in India. Ensure that India's national and international legal commitments are met, including the implementation of international human rights guidelines and the Habitat Agenda.
2. Develop a human rights-based national law on adequate housing and land that incorporates provisions of international law, guidelines, and human rights principles. Given the multitude of central and state schemes and policies that result in confusion, contradiction, and non-implementation, the government should promulgate a National Right to Adequate Housing Act that covers rural and urban areas. Until then, all existing policies/schemes should be harmonized with India's human rights obligations.
3. Incorporate the human rights framework—including the principles of indivisibility of human rights, gender equality, non-discrimination, progressive realization, non-retrogression, and participation—in the implementation of all policies/schemes, including PMAY, SCM, AMRUT, NULM–SUH, IAY, and state programmes. The government should develop human rights-based indicators to assess progress and implementation of all policies/schemes. Adequate monitoring mechanisms are required to ensure timely enforcement; prevent misappropriation/diversion of funds; ensure transparency; and, promote accountability.
4. Adequately define 'affordable housing' and develop appropriate mechanisms to ensure its delivery, so that the most marginalized and deprived individuals, groups, and communities are able to benefit. The new housing schemes do not define 'affordability' and it is, therefore, difficult to develop housing that meets the economic and social needs of low income populations. A national task force could be created to revise the definition of 'affordability' and to develop human rights-based criteria for determining an affordable housing policy.
5. Impose a moratorium on forced evictions across the country until a comprehensive national housing law is in place.

**Committee on Economic, Social and Cultural Rights –
Concluding Observations for India (May 2008)**

70. The Committee urges the State party to address the acute shortage of affordable housing by adopting a national strategy and a plan of action on adequate housing and by building or providing low-cost rental housing units, especially for the disadvantaged and low income groups, including those living in slums. In this connection, the Committee reminds the State party of its obligations under article 11 of the Covenant and refers to its general comment No. 4 (1991) on the right to adequate housing to guide the Government's housing policies. The Committee also requests the State party to provide, in its next periodic report, detailed information on homelessness in the State party and the extent of inadequate housing, disaggregated by, inter alia, sex, caste, ethnicity and religion.
71. The Committee recommends that the State party take immediate measures to effectively enforce laws and regulations prohibiting displacement and forced evictions, and ensure that persons evicted from their homes and lands be provided with adequate compensation and/or offered alternative accommodation, in accordance with the guidelines adopted by the Committee in its general comment No. 7 (1997) on forced evictions. The Committee also recommends that, prior to implementing development and urban renewal projects, sporting events and other similar activities, the State party should undertake open, participatory and meaningful consultations with affected residents and communities.

6. Take steps to ensure that law and policy processes are transparent and participatory, and involve affected people, social movements, local communities, independent institutions and experts, and civil society organizations. Democratic institutions and procedures must be protected to ensure that peoples' voices and concerns are addressed.

THE HABITAT AGENDA

182. ...put into effect, at appropriate levels, institutional and legal frameworks that facilitate and enable the broadbased participation of all people and their community organizations in decision-making and in the implementation and monitoring of human settlements strategies, policies and programmes.

7. Review macro-economic policies and their impacts on human rights, including those related to habitat. Human rights cannot be realized if the current policies, with their overwhelming focus on economic growth, continue to exist. The need for fiscal policy reform is urgent to promote social justice and eliminate poverty in India.
8. Ensure that all policy interventions, including PMAY, work towards meeting the national housing shortage and address landlessness—in both urban and rural areas—with the provision of affordable housing that meets UN standards of adequacy: provision of legal security of tenure, access to basic services, affordability, habitability, accessibility, appropriate location, and cultural adequacy.¹⁹⁶ The priority should be on addressing the needs of marginalized communities, including EWS, landless and homeless persons, minorities, SC, ST, women, persons with disabilities, older persons, IDPs, and migrant populations.
9. Focus on *in situ* upgrading of settlements and on the creation of mixed-use neighbourhoods, not on relocation of the poor to city margins. Develop guidelines for human-rights based participatory upgrading processes that incorporate UN standards of adequate housing.
10. Prevent the privatization of basic services and land, and restrict FDI in housing and real estate. Growing privatization of public spaces results in the creation of exclusionary enclaves with limited cultural and social diversity. Private sector involvement in key sectors through PPP should be curtailed and monitored. The ultimate responsibility of meeting basic needs, protecting human rights, and promoting social justice lies with the state and cannot be devolved to other actors.
11. Recognize and addresses the critical linkages between urban and rural issues, and view them along the same spectrum, with the aim of developing durable human rights-based solutions.
12. Focus on rural development, agrarian reform, and investment in rural areas to prevent land

grabbing, displacement, loss of livelihoods, and forced migration to urban areas. Instead of focusing solely on the creation of ‘smart cities,’ the state should develop policies to improve living conditions and employment opportunities in villages, and provide rural populations with adequate housing, secure land rights, basic services, infrastructure, and improved technology. This could greatly help to reverse the ‘inevitability of urbanization’ that is largely uncontested by states and UN-Habitat.

13. Adopt safeguards to ensure that the creation of 100 ‘smart cities’ in the country does not take place at the cost of rural development or infringe on human rights. All processes, including those related to proposal development, must be participatory and transparent. The aim should be to develop inclusive, equitable, democratic, and sustainable habitats for rural and urban residents. ‘Smart cities’ must not promote exclusion/segregation or result in forced land acquisition or eviction of EWS/LIG populations; technology should not be used to discriminate and violate basic rights of free and prior informed consent, privacy, and participation. The ‘right to the city/village’ approach—which guarantees the equal right of all residents to participate in the development of a city/village and to enjoy its benefits, irrespective of class, religion, caste, gender, location, sexual orientation, income, employment, and marital status—should be adopted by the state to create human rights habitats.
14. Abolish the arbitrary state policy of a ‘cut-off’ date to determine ‘eligibility’ of the urban poor for housing and other entitlements, as this contravenes the Constitution of India and international human rights law.
15. Control real estate speculation and ensure that provisions for adequate reservation for housing and land for EWS/LIG are made in law and policy, including Master Plans and real estate projects. Revise the Real Estate Regulation Bill 2013 to monitor activities of the real estate sector; prevent property speculation and hoarding; and include punitive provisions for violators and defaulters.
16. Promote the ‘social function of land/property’ by optimizing land use, preventing illegal conversion of land, redefining ‘public interest’ to protect social welfare and human rights, and utilizing vacant buildings and land for the homeless and landless. The state should adopt a comprehensive human rights-based policy on urban and agrarian reform, including for redistribution of land to the landless.
17. Take steps to adequately implement The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, and guarantee that land acquisition takes place only in ‘exceptional circumstances’ and in compliance with international human rights standards. The government should draft human rights-based rules that take into account concerns of women, urban dwellers, and marginalized constituencies. States should not be permitted to draft laws that dilute the safeguards of the central law.
18. Ensure and monitor implementation of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, especially in terms of recognition of collective claims/rights.
19. Adopt the recommendations of the World Commission on Dams¹⁹⁷ and refrain from the construction of large dams that result in human and ecological destruction.
20. Enable displaced families to return to their original sites of residence where possible. Where return is not possible, ensure that affected persons are entitled to ‘land for land,’ adequate resettlement, rehabilitation, and fair and just compensation, in accordance with human rights standards, including the Basic Principles and Guidelines on Development-based Evictions and Displacement,¹⁹⁸ and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.¹⁹⁹ The state should also implement the Guiding

- Principles on Internal Displacement, and incorporate all international standards related to eviction, displacement, and restitution in national law.
21. Develop and promulgate a National Right to Homestead Act to provide all landless rural families with land for housing construction and to support subsistence livelihoods, including agriculture.
 22. Ensure gender equality and the creation of habitats that provide safety and security for women. Recognize and protect women's equal rights to adequate housing, land, property and inheritance. Take steps to promote awareness on, and ensure adequate implementation of, the Protection of Women from Domestic Violence Act 2005 and the Hindu Succession (Amendment) Act 2005. Ensure the adequate participation of women in all law and policy-making processes, including those related to habitat issues.
 23. Focus on developing early warning mechanisms to prevent violations of housing and land rights and related conflict.
 24. Ensure that adequate measures are taken to improve disaster-preparedness and mitigate the impacts of disasters, including through education, early warning systems, and the adoption of human rights safeguards in all stages of disaster management.
 25. Implement orders of the Supreme Court of India and state High Courts on issues of housing, land, homelessness, and human rights.
 26. Investigate all acts of forced eviction, land grabbing, and other violations of housing and land rights. Officials responsible for violating human rights and breaching local, national, and international law must be tried and prosecuted according to the law.
 27. Develop better coordination between the various central government ministries and human rights institutions.
 28. Ensure that state and national human rights institutions work effectively to prevent housing and land rights violations, and to provide adequate reparation and restitution to affected individuals, groups, and communities.
 29. Harmonize international legal and moral commitments with national laws and policies.
 30. Implement recommendations of UN Special Procedures, treaty bodies, and the Universal Periodic Review, and ensure that international reporting timelines and schedules are adhered to. Ensure that the relevant Sustainable Development Goals (SDGs) and corresponding targets (including on housing and land) are incorporated into policy implementation. The indicators to monitor progressive realization of housing and land rights should also be used to report on progress in implementing SDGs.
 31. Ensure that all state reports to international bodies, including the UN, are prepared with active civil society participation and adequate consultation with all actors.
 32. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.²⁰⁰

10. Recommendations to UN-Habitat for Habitat III

The Habitat Agenda that emerged from the Habitat II conference in 1996,²⁰¹ including the participatory process for its development, is historic. Its recognition of and focus on human rights, especially the human right to adequate housing, and its attention to homelessness, forced evictions, disasters, urban-rural linkages, rural development, rural housing, and land rights is extremely important. Twenty years later, it is critical that any attempts to formulate a ‘new agenda’ at Habitat III do not undo, dilute, or ignore the commitments and content of the Habitat Agenda.

Housing and Land Rights Network would like to propose the following recommendations to UN-Habitat:

1. The process leading to the Habitat III conference in Quito in October 2016 should be transparent and provide adequate space for participation of various actors, including social movements, marginalized groups and communities, civil society organizations, and independent institutions. The General Assembly resolution of 15 December 2015²⁰² is a positive step in this direction and should be implemented.
2. The focus of the 2016 conference should be on reviewing implementation of the 1996 Habitat Agenda and assessing progress made by nation states and the international community in achieving its goals and fulfilling its commitments over the last 20 years. Any attempt to develop a ‘new agenda’ must reiterate the human rights commitments of the Habitat Agenda and existing legal obligations of states, while addressing new and emerging challenges.
3. The ‘new agenda’ must incorporate a strong human rights approach, including the human rights principles of indivisibility of human rights, non-discrimination, gender equality, progressive realization, non-retrogression, sustainability, environmental protection, and international cooperation.
4. Habitat III must not ignore the importance of rural habitat issues and the rural-urban linkage. The dilution of the Habitat Agenda to the ‘New Urban Agenda’ would indicate a retraction of commitments made by states in 1996. By ignoring the rural population; by failing to invest in rural development; by not questioning the inevitability of urbanization; and, by using the terminology of the New Urban Agenda, the international community will have committed a grave oversight.
5. The ‘new agenda’ should aim to address challenges that have emerged and been exacerbated over the last twenty years, including inter alia, strong neoliberal policies, including for urbanization and industrial development; privatization of basic services, housing, and public land; severe agrarian crises and food insecurity; increased land grabbing, forced evictions, and displacement; rising landlessness and homelessness; forced population transfers and migration; rampant discrimination; systemic denial of rights of women, indigenous peoples, pastoralists, farmers, fishworkers, forest dwellers, minorities, and others; widespread and protracted conflict; growing number of IDPs and refugees, including environmental refugees; increased attacks against

- human rights defenders; and, severe impacts of climate change, including a rise in disasters.
6. A strong focus on the human rights to adequate housing and land, as well as due attention to issues of urban-rural linkages, rural housing, agrarian reform, urban reform, collective and community-based rights, and the 'right to the city' should be incorporated in the 'new agenda.'
 7. The 'new agenda' should aim to address intersectionality of discrimination and on developing durable solutions, especially for the most marginalized groups and populations who live in grossly inadequate conditions and in extreme insecurity, around the world.
 8. The 'new agenda' should include mechanisms to prevent forced evictions and growing homelessness and landlessness, especially from displacement related to ostensible 'development' projects.
 9. The 'new agenda' should recognize the role of neoliberal economic policies in promoting violations of housing and land rights, and take steps to develop alternatives to market-based financing options and privatization of housing, land, and basic services.
 10. Mechanisms for monitoring and implementation, which were missing in the Habitat Agenda, should be developed. The 'new agenda' should include human rights-based indicators to assess advancement in achieving targets and ensuring the progressive realization of human rights, especially the human rights to adequate housing and land. The indicators should be in consonance with relevant SDGs to ensure rights-based mechanisms for their implementation.
 11. Attempts should be made to link monitoring of the 'new agenda' that emerges from Habitat III with implementation of international human rights laws, standards, and policies as well as other commitments such as the SDGs.

11. Conclusion

As demonstrated in this report, housing and living conditions in India, for the majority, continue to be inadequate and fraught with challenges related to accessibility, affordability, habitability, location, and tenure security. While certain government policies and initiatives aim to redress the housing and land crisis in the country, others promote inequality and insecurity. The declaration of ‘housing for all’ by the government is encouraging, but there is an urgent need for law and policy development and implementation to be guided by the human rights framework. Only then can the government ensure that everyone is able to live in peace, security, and dignity, with access to basic services, livelihood options, healthcare, education, food, water, sanitation, and social security. The realization of the human rights to adequate housing and land would also lead to the realization of other human rights essential to maintain an adequate standard of living in both rural and urban India.

Habitat III presents an opportunity for nation states and the international community to reflect on their commitments—legal and moral—towards safeguarding human rights and to ensuring the development of a strong plan of action that reiterates past commitments and creates obligations to reduce poverty, inequality, homelessness, landlessness, forced evictions, displacement, inadequacy of living conditions, food insecurity, discrimination, and environmental degradation.

HLRN hopes that the Indian government pays heed to the issues highlighted in this report; acts on the recommendations made; and takes adequate measures to ensure the progressive realization of housing, land, and related human rights. It is only through the adoption of an ‘indivisibility of human rights’ approach that India’s commitments towards promoting social justice, eliminating poverty, and reducing inequality can be achieved.

HLRN also hopes that the global process for Habitat III retains a strong human rights-based focus accompanied by adequate participation, transparency, and accountability. It is hoped that the ‘new agenda’ that emerges from Habitat III builds on the commitments of Habitat II; benefits the world’s rural and urban populations; and, results in the realization of habitat-related rights for all— especially the most marginalized and vulnerable individuals, groups, and communities. While the challenges are immense, it is possible to reverse the current crises faced by states and the international community. The creation of inclusive, equitable, and sustainable habitats requires strong political will, financial commitment, and time-bound implementation. The international community must work together and exert the requisite effort to make this happen.

ANNEXURE 1

Recommendations to India on Housing and Land by United Nations Treaty Bodies and Special Procedures*

	Treaty Body	Source	Year
1.	Committee on Economic, Social and Cultural Rights	Concluding Observations	2008
2.	Committee on the Rights of the Child	Concluding Observations	2000, 2004, 2014
3.	Committee on the Elimination of Discrimination against Women	Concluding Observations	2000, 2007, 2010, 2014
4.	Committee on the Elimination of Racial Discrimination	Concluding Observations	2007
		Communication to Gol	2009, 2010, 2011, 2012, 2014
	Special Procedure	Source	Year
1.	Special Rapporteur on Adequate Housing	Press Releases	2004, 2010
		Communication to Gol	2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013
2.	Special Rapporteur on Violence against Women, its Causes and Consequences	Report on Mission to India	2014
3.	Special Rapporteur on Minority Issues	Annual Report	2014
4.	Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions	Report on Mission to India	2013
5.	Special Rapporteur on the Situation of Human Rights Defenders	Report on Mission to India	2012
6.	Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes	Report on Mission to India	2010
7.	Special Rapporteur on Extreme Poverty and Human Rights	Annual Report	2010
8.	Special Rapporteur on Freedom of Religion or Belief	Report on Mission to India	2009
9.	Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation	Annual Report	2009
10.	Special Rapporteur on the Right to Food	Report on India	2006
11.	Special Rapporteur on the Rights of Indigenous Peoples	Annual Report	2003
12.	Joint Statements of Special Rapporteurs	Press Releases	2005, 2013

* For complete details, see *United Nations Documents Related to Housing and Land Rights in India*, Compiled by Housing and Land Rights Network, 2016.

ANNEXURE 2

Recommendations Related to Housing and Land from India's Second Universal Periodic Review (2012)

Adequate Living Conditions, Poverty Eradication, and Socio-economic Development	
1.	Provide more resources for the enjoyment of economic and social rights, especially in favour of vulnerable groups like women, children, poor people and minorities.
2.	Make efforts to eliminate the large gap that exists between the rich and the poor.
3.	Continue consolidating programmes and socio-economic measures essential to achieve poverty reduction and social exclusion to the utmost well-being of its people
4.	Continue efforts to eradicate poverty and better living conditions as well as increase job opportunities.
5.	Continue to advance the progress already underway on poverty eradication and improve the enjoyment of the most basic human rights of the people, especially women and children.
6.	Further strengthen the efforts in poverty eradication, paying special attention to the rural population.
7.	Continue encouraging socio-economic development and poverty eradication.
Equality and Non-discrimination	
8.	Continue incorporating the gender perspective in programmes and development plans with positive measures to the effective promotion and protection of women's rights.
9.	Address the inequities based on rural-urban divide and gender imbalance.
10.	Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the Scheduled Castes and Schedules Tribes and Minorities are well achieved.
11.	Continue working on the welfare of children and women.
12.	Ensure better protection for persons with disabilities and the elderly.
Water and Sanitation	
13.	Ensure that every household enjoys the right to safe drinking water and sanitation.
14.	Further accelerate the sanitation coverage and the access to safe and sustainable drinking water in rural areas.
National Coordination	
15.	Further coordination among relevant national authorities and human rights institutions.
International Cooperation	
16.	Continue cooperating with the UN and other International Organizations, and share good experiences and practices with other countries in order to overcome the remaining challenges.

ANNEXURE 3

Reported Incidences of Forced Eviction in Urban India between 2010 and 2015

	City/State	Site of Eviction	Date	Families Evicted (approximate)
1.	Delhi	Shakur Basti	December 2015	1,600
2.	Delhi	Bela Estate	December 2015	700
3.	Delhi	Jwalapuri	November 2015	600
4.	Mumbai, Maharashtra	Near Turbhe Railway Station	October 2015	35
5.	Mumbai, Maharashtra	Siddharth Nagar	October 2015	150
6.	Delhi	Ganga Vihar Colony	September 2015	12
7.	Bengaluru, Karnataka	Gulbarga, Vasanthnagar	September 2015	180
8.	Delhi	Mehrauli	August 2015	40
9.	Indore, Madhya Pradesh	Chander Prabhas Shekhar Nagar	August–September 2015	1,500
10.	Chennai, Tamil Nadu	Govindasamy Nagar	August 2015	300
11.	Faridabad, Haryana	Shiv Colony	July 2015	800 (a school was also demolished)
12.	Agra, Uttar Pradesh	Sant Ravidas Nagar	July 2015	300
13.	Mumbai, Maharashtra	Mandala	June 2015	3,000
14.	Delhi	Old Iron Bridge, next to Golden Jubilee Park	June 2015	500
15.	Mumbai, Maharashtra	Malvani Colony, Malad	June 2015	1,000
16.	Patna, Bihar	Sahdeo Mahto Marg	May 2015	40
17.	Coimbatore, Tamil Nadu	Valankulam	May 2015	1,100
18.	Patna, Bihar	Rukanpura	May 2015	25
19.	Patna, Bihar	Maharajganj	May 2015	622
20.	Bengaluru, Karnataka	Gottigere Slum, Bannerghatta Road	May 2015	110
21.	Gurgaon, Haryana	Fatehpur Jharsa	April–May 2015	250
22.	Nashik, Maharashtra	Periphery wall of Civil Hospital	May 2015	30
23.	Nashik, Maharashtra	Rajiv Nagar	April 2015	75
24.	Mumbai, Maharashtra	Ramgadh, near Sewri Railway Station	March 2015	150
25.	Mumbai, Maharashtra	Koyla Bunder	January 2015	20
26.	Mumbai, Maharashtra	Powder Bunder, Darukhana	January 2015	150 (a school was also demolished)

	City/State	Site of Eviction	Date	Families Evicted (approximate)
27.	Delhi	Geeta Colony (Gadia Lohar Basti)	December 2014	25
28.	Delhi	Rangpuri Pahadi	December 2014	500
29.	Rajkot, Gujarat	Valmiki Vadi	November 2014	4
30.	Nashik, Maharashtra	Masobawadi	November 2014	50
31.	Delhi	Wazirpur	November 2014	3,500
32.	Nashik, Maharashtra	Tapovan and Nilgiribagh	November 2014	60
33.	Mumbai, Maharashtra	Parjiwala Sai Society, Darukhana	November 2014	600
34.	Vadodara, Gujarat	Kalyan Nagar and Kamatipura	November 2014	2,250
35.	Rajkot, Gujarat	Morbi Road	August 2014	64
36.	Rajkot, Gujarat	Machchhunagar, Raiyadhar	July 2014	40
37.	Rajkot, Gujarat	Nanamova	July 2014	44
38.	Rajkot, Gujarat	Giriraj Nagar, Raiya Road	July 2014	10
39.	Delhi	Kalyanpuri	July 2014	15
40.	Rajkot, Gujarat	Jay Nagar, Kothariya Gam	June 2014	13
41.	Visakhapatnam, Andhra Pradesh	M.S.M. Colony, Janapuram	June 2014	42
42.	Delhi	Shastri Park	June 2014	150
43.	Chandigarh	Kuldeep Colony, Pandit Colony, Majdoor Colony, and Nehru Colony	May 2014	1,500
44.	Delhi	Block 8, Khichdipur	May 2014	20
45.	Rajkot, Gujarat	Pedak Road, near Ahmedabad Highway	March 2014	8
46.	Ahmedabad, Gujarat	Ayodhya Nagar, Kapodra, Aajawa Road, Vastrapur, and Ambavadi	February 2014	474
47.	Bengaluru, Karnataka	Vinoba Nagar	January 2014 (also in January 2011)	68
48.	Hyderabad, Andhra Pradesh	Sai Baba Hut, Chadarghat	2014	99
49.	Hyderabad, Andhra Pradesh	Jumme Raat, Purana Pul	2014	55
50.	Delhi	Nehru Nagar	December 2013	50
51.	Delhi	Mansarovar Park	December 2013	250
52.	Ahmedabad, Gujarat	South Zone	December 2013	88
53.	Ahmedabad, Gujarat	Ranip Bakaramandi	December 2013	150
54.	Ahmedabad, Gujarat	Naroda	December 2013	350
55.	Ahmedabad, Gujarat	Vajelpur	November–December 2013	147
56.	Ahmedabad, Gujarat	Gomatipur, Salat Nagar	October 2013	240
57.	Ahmedabad, Gujarat	Vastrapur	August 2013	110

	City/State	Site of Eviction	Date	Families Evicted (approximate)
58.	Surat, Gujarat	Rusulabad Indira Nagar, Khadi Mohalla, Prem Nagar, Navsari Bazar, and Subhas Nagar Pala	January–August 2013	5,050
59.	Mumbai, Maharashtra	Ganapati Nagar and Adarsh Nagar	June 2013	550
60.	Faridabad, Haryana	Gayakwad Nagar	June 2013	1,000
61.	Imphal, Manipur	Kabo Leikai	May 2013	32
62.	Mumbai, Maharashtra	Ali Talao, Malad	May 2013	300
63.	Surat, Gujarat	Gopi Talao	April 2013	1,412 (104 shops were also demolished)
64.	Mumbai, Maharashtra	Golibar	April 2013	43
65.	Delhi	Sonia Gandhi Camp, R. K. Puram	March–April 2013	50
66.	Ahmedabad, Gujarat	Sankalit Nagar, Juhapura	January 2013	45
67.	Ahmedabad, Gujarat	Satellite	January 2013	55
68.	Chennai, Tamil Nadu	Sites near Jawaharlal Nehru Stadium	January 2013	94
69.	Bengaluru, Karnataka	Ejipura, Koramangala	January 2013	1,200
70.	Delhi	Shaheen Bagh, Okhla	December 2012	500
71.	Delhi	Ghousiya Colony	December 2012	1,100
72.	Kolkata, West Bengal	Topsia Bridge, Near Park Circus Station	November 2012	383
73.	Delhi	Netaji Nagar and Sarojini Nagar	August 2012	67
74.	Delhi	Sanjay Camp, Chanakyapuri	July 2012	109
75.	Delhi	Kidwai Nagar	May–November 2012	136
76.	Delhi	Ashok Nagar, Mayur Vihar Phase 2	May 2012	50
77.	Delhi	Chilla Khadar, Mayur Vihar Phase 1	April 2012	92
78.	Delhi	Settlement near Mathura Road, Okhla Tank	July 2011	52
79.	Delhi	Shiva Camp, Vasant Kunj Petrol Pump	March 2012	150
80.	Bokaro, Jharkhand	Ardhkuwari and Kashmir Basti	August 2011	446
81.	Bokaro, Jharkhand	Lakadkhanda	July 2011	52
82.	Bokaro, Jharkhand	Dompada, Dundibaad	July 2011	86
83.	Jamshedpur, Jharkhand	Roop Nagar	July 2011	8
84.	Jamshedpur, Jharkhand	Sarjomahtu (Daroga Basti)	July 2011	28
85.	Jamshedpur, Jharkhand	Shyam Nagar	July 2011	142
86.	Jamshedpur, Jharkhand	Green Park	July 2011	76
87.	Jamshedpur, Jharkhand	Bage Basti, near Marine Drive	July 2011	114

	City/State	Site of Eviction	Date	Families Evicted (approximate)
88.	Jamshedpur, Jharkhand	Pratima Nagar	July 2011	11
89.	Jamshedpur, Jharkhand	Kusum Vihar	July 2011	11
90.	Delhi	Ravidass Camp	July 2011	12
91.	Delhi	Channa Market, Karol Bagh	June 2011	15
92.	Bokaro, Jharkhand	Sector 2-B, G Road Jhopari	May 2011	31
93.	Ranchi, Jharkhand	Rudhigadha, Ratu Road	May 2011	312
94.	Ranchi, Jharkhand	Pahari Tola, Pahari Mandir	May 2011	75
95.	Tumkur, Karnataka	Amanikere	May 2011	78
96.	Dhanbad, Jharkhand	BCCL Colony, Matkuria	April 2011	-
97.	Bokaro, Jharkhand	Circus Maidan	April 2011	312
98.	Ranchi, Jharkhand	Ali Nagar, Islam Nagar, and Millat Nagar	April 2011	1,000
99.	Ranchi, Jharkhand	Harmu Basti	April 2011	30
100.	Ranchi, Jharkhand	Satellite Colony Basti	April 2011	28
101.	Ranchi, Jharkhand	Naga Baba Khtal Basti	April 2011	85
102.	Ranchi, Jharkhand	Semartoli, Kandru	April 2011	45
103.	Jamshedpur, Jharkhand	Ramjanak Singh Bhatta Basti	March 2011	57
104.	Delhi	Baljeet Nagar, Anand Parbat	March 2011	800
105.	Bengaluru, Karnataka	Veerabadra Nagar, Hosakerehalli	2011	256
106.	Delhi	Old P and T Colony Quarters, Kalibari Lane, Gole Market	November 2010	250
107.	Delhi	Cement Godam Basti, behind Leela Kempinski Palace Hotel	2010	23
108.	Delhi	Gurudwara Bangla Saheb Lane, Gole Dak Khana	September 2010	20
109.	Gurgaon, Haryana	Sectors 52 and 53	September 2010	5,000
110.	Delhi	Opposite Commonwealth Games Village, Yamuna River Bank	July 2010	1,000
111.	Delhi	Sai Baba Camp, Lodhi Road	June 2010	13
112.	Delhi	Madrasi Camp, Jangpura B	April 2010	400
113.	Dhanbad, Jharkhand	Sunder Garden	2010	23
114.	Dhanbad, Jharkhand	Rajendra Sarovar (Bekarbandh)	2010	8
115.	Dhanbad, Jharkhand	Sri Ramnagar	2010–13	184
116.	Dhanbad, Jharkhand	Chhaigada	2010–13	35
117.	Delhi	Nizamuddin Bawri	2010	75
Approximate Number of Families Evicted in Urban Areas between 2010 and 2015				48,751
Approximate Number of People Evicted in Urban Areas between 2010 and 2015 (As per Census 2011, the average family size in India is 4.8)				234,005

Note: This information has been compiled by HLRN based on data provided by partner organizations across India. This figure, however, reflects only a fraction of the total evictions carried out in India, as most evictions are not reported or documented. The total number of families evicted over the last five years, therefore, is much greater than what is mentioned.

Endnotes

1. See, *Housing and Land Rights in India: Report for the United Nations Human Rights Council (Focusing on the Implementation of Relevant Recommendations Made to India During its Second Universal Periodic Review)*, Housing and Land Rights Network, New Delhi, 2015. Available at: http://hlrn.org.in/documents/UPR_Recommendations_Housing_and_Land_India_HLRN_Sept_2015.pdf
2. See, *United Nations Documents Related to Housing and Land Rights in India*, compiled by Housing and Land Rights Network, New Delhi, 2016. Available at: www.hlrn.org.in
3. Report of the Special Rapporteur on adequate housing, E/CN.4/2006/41, March 2006. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>
4. International Covenant on Economic, Social and Cultural Rights, General Assembly Resolution 2200A (XXI), December 1966. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>
5. For more information, see, *How to Respond to Forced Evictions: A Handbook for India*, Housing and Land Rights Network, New Delhi, 2014. Available at: http://hlrn.org.in/documents/Handbook_on_Forced_Evictions.pdf
Also see, *Reaffirming Justiciability: Judgements on the Human Right to Adequate Housing from the High Court of Delhi*, Housing and Land Rights Network, New Delhi, 2013. Available at: http://hlrn.org.in/documents/Reaffirming_Justiciability_Judgements_on_HRAH_from_High_Court_of_Delhi.pdf
6. See, 'Habitat International Coalition's Primer on the Indispensable Process and Content of the United Nations Conference on Housing and Sustainable Urban Development (2016),' Habitat International Coalition, April 2015. Available at: http://hic-gs.org/content/Habitat_III_BasHICs_brief_final.pdf
7. *Human Development Report 2014*, United Nations Development Programme, New York, 2014.
8. Census of India 2011, Office of the Registrar General & Census Commissioner, Ministry of Home Affairs, Government of India. Available at: <http://censusindia.gov.in/>
9. Report of the Technical Group on Urban Housing Shortage (2012-17) (TG-12), National Buildings Organisation, Ministry of Housing and Urban Poverty Alleviation, Government of India. Available at: <http://www.nbo.nic.in/Images/PDF/urban-housing-shortage.pdf>
10. 'White Paper on Indian Housing Industry,' RNCOS, 2015.
11. 'India's Urban Awakening: Building Inclusive Cities, Sustaining Economic Growth,' McKinsey Global Institute, April 2010. Available at: http://www.mckinsey.com/insights/urbanization/urban_awakening_in_india
12. Cities in India are classified as: Tier I – with a population of 100,000 and above; Tier II – with a population of 50,000 to 99,999; Tier III – 20,000 to 49,999; and Tier IV – with a population of 10,000 to 19,999.
13. See, *Governance by Denial: Forced Eviction and Demolition of Homes in Ejjipura/Koramangala, Bangalore*, Housing and Land Rights Network and People's Union for Civil Liberties, Bengaluru, 2013. Available at: http://hlrn.org.in/documents/Bangalore_Fact_Finding_Mission_Final_Report_June_2013.pdf
14. Primary Census Abstract, Houseless Population, Census of India 2011, Ministry of Home Affairs, Government of India. Available at: <http://www.censusindia.gov.in/2011-Documents/Houseless%20PPT%2005-12-2013.pdf>
15. *PUCL vs. Union of India and Others*, W. P. (C) 196/ 2001; and *E. R. Kumar and Anr. vs. Union of India and Ors.*, W.P. (C) 55/2003.
16. *Violence and Violations: The Reality of Homeless Women in India*, New Delhi, 2014. Available at: http://hlrn.org.in/documents/Violence_and_Violations_Homeless_Women_in_India_2014.pdf
17. Zonal Integrated Police Network (<http://zipnet.in>).
18. *PUCL vs. Union of India and Others*, W. P. (C) 196/2001; and *E. R. Kumar and Anr. vs. Union of India and Ors.*, W.P. (C) 55/2003.
19. *The Court on its Own Motion vs. Govt. of Delhi and Anr.*, W.P. (C) 29/2010.
20. United Nations Commission on Human Rights Resolution 1993/77, 'Forced Evictions,' March 1993.
21. See, *Forced to the Fringes: Disasters of 'Resettlement' in India*, Housing and Land Rights Network, New Delhi, 2014. Available at: [http://hlrn.org.in/documents/Forced_to_the_Fringes_\(combined\).pdf](http://hlrn.org.in/documents/Forced_to_the_Fringes_(combined).pdf)

22. *Planned Dispossession: Forced Evictions and the 2010 Commonwealth Games*, Housing and Land Rights Network, New Delhi, 2011. Available at: <http://hlrn.org.in/documents/Planned%20Dispossession.pdf>
23. Office order No.: PPS/Secy/UD/2015/SecyUD36-50, Urban Development Department, Government of NCT of Delhi, 16 February 2015.
24. 'Joint Urgent Action Appeal – Over 300,000 People to be Forcefully Evicted from Yamuna Pushta in Delhi: 40,000 Homes Demolished So Far,' Housing and Land Rights Network, May 2004. Available at: http://hlrn.org.in/documents/UA_Yamuna_Pushta.htm
25. *Bulldozing Rights: A Report on Forced Evictions and Housing Policies for the Poor in Mumbai*, Indian People's Tribunal on Environment and Human Rights, Mumbai, 2005.
26. *From Deprivation to Destitution: The Impact of Forced Eviction in Topsia*, Kolkata, Apne Aap Women Worldwide, and Housing and Land Rights Network, New Delhi, 2015.
27. Supra, note 21.
28. 'City Profile: Ahmedabad,' Centre for Urban Equity, Working Paper 26, September 2014. Available at: http://www.crdf.org.in/cue/saic/?page_id=208
29. 'Decoding Housing for All by 2022,' KPMG, 2014.
30. 'Realty Check,' *Money Today*, May 2012. Available at: <http://www.businesstoday.in/moneytoday/real-estate/real-estate-property-prices-rising-interest-rate-home-loan/story/24244.html>
31. City Wise Housing Price Index for the Quarter April–June 2014, NHB Residex, National Housing Bank, 2014. Available at: <http://www.nhb.org.in/Residex/Data&Graphs.php>
32. 'Builders trim average flat sizes by up to 26% in last 5 years: JLL,' *The Economic Times*, 19 August 2015. Available at: http://articles.economictimes.indiatimes.com/2015-08-19/news/65592373_1_sizes-apartment-cent
33. *Greater Noida Industrial Development Authority vs. Devendra Kumar & Ors.*, SLP (C) No. 6366/2011, Supreme Court of India, 6 July 2011.
34. 'Land act misused to favour realtors, say Greater Noida farmers,' *Sify News*, 12 May 2011. Available at: <http://www.sify.com/news/land-act-misused-to-favour-realtors-say-greater-noida-farmers-news-national-lfmpF5hfifhsi.html>
35. Migration in India 2007–2008, NSS 64th Round, National Sample Survey Office, Ministry of Statistics and Programme Implementation, Government of India, June 2010. Available at: http://www.mospi.nic.in/Mospi_New/upload/533_final.pdf
36. Working Group on Rural Housing for XII Five-Year Plan, Ministry of Rural Development, Government of India, September 2011. Available at: http://planningcommission.nic.in/aboutus/committee/wrkgrp12/rd/wgprep_iay.pdf
37. 'Homestead Land in India: A Research Report,' Asian NGO Coalition and Land Watch Asia, Bhopal, 2015.
38. 'Profile of Suicide Victims by Profession, Accidental Deaths and Suicides in India, 2004–2013,' National Crime Records Bureau, Ministry of Home Affairs, Government of India. Available at: <http://ncrb.gov.in/>
39. 'The slaughter of suicide data,' P. Sainath, August 2015. Available at: <https://psainath.org/the-slaughter-of-suicide-data/>
40. Report of the Standing Committee on Rural Development (2011–2012), Ministry of Rural Development (Department of Land Resources), Government of India. Available at: [http://dolr.nic.in/dolr/downloads/pdfs/Land%20Acquisition,%20Rehabilitation%20and%20Resettlement%20Bill%202011%20-%20SC\(RD\)'s%2031st%20Report.pdf](http://dolr.nic.in/dolr/downloads/pdfs/Land%20Acquisition,%20Rehabilitation%20and%20Resettlement%20Bill%202011%20-%20SC(RD)'s%2031st%20Report.pdf)
41. 'India Submission to the UN Human Rights Council for India's Second Universal Periodic Review,' National Human Rights Commission, 2012. Available at: <http://nhrc.nic.in/Documents/Reports/UPR-Final%20Report.pdf>
42. Supra, note 40.
43. 'CAG Performance Audit Report on Special Economic Zones,' Press Release, Office of the Comptroller and Auditor General of India, New Delhi, 28 November 2014. Available at: <http://www.saiindia.gov.in/content/report-no-21-2014-performance-audit-special-economic-zones-sezs-union-government-department>
44. 'Performance and Development Effectiveness of the Sardar Sarovar Project,' Tata Institute of Social Sciences, 2008. Available at: http://www.environmentportal.in/files/SSP_Report.pdf

45. 'Drowning a Valley: Destroying a Civilisation,' Report of the Central Fact-finding Team's Visit to the Sardar Sarovar Project Submergence Areas in Madhya Pradesh and Maharashtra, National Alliance of People's Movements, May 2015.
46. 'The water warriors,' *The Hindu*, 15 September 2013. Available at: <http://www.thehindu.com/news/national/other-states/the-water-warriors/article5129003.ece>
47. 'HC stays canal works in irrigated areas of Indira Sagar, Omkareshwar dams,' *The Times of India*, 27 March 2015. Available at: <http://timesofindia.indiatimes.com/city/indore/HC-stays-canal-works-in-irrigated-areas-of-Indira-Sagar-Omkareshwar-dams/articleshow/46716853.cms>.
48. 'The Maheshwar Dam Project: Factsheet,' Friends of River Narmada. Available at: <http://www.narmada.org/maheshwar/maheshwar.factsheet.html>
49. Report of the Comptroller and Auditor General of India on Jalayagnam, Government of Andhra Pradesh, 2012. Available at: http://gssaap-cag.nic.in/sites/all/themes/marinelli/Reports/2011-12/Jalayagnam/English/Jalayagnam_Complete_Report_2011-12.pdf
50. 'Rs 186,000 crore illusion,' *Down to Earth*, June 2012. Available at: <http://www.downtoearth.org.in/coverage/rs-186000-cr-illusion-38549>
51. 'New dam, more displacements,' *The Hindu*, 18 July 2014. Available at: <http://www.thehindu.com/in-school/news-bytes/new-dam-more-displacements/article6225485.ece>
52. '90,000 acres land acquired for Polavaram irrigation project,' *The Economic Times*, 03 August 2015. Available at: http://articles.economictimes.indiatimes.com/2015-08-03/news/65165538_1_polavaram-irrigation-project-polavaram-dam-land-acquisition-act
53. 'Dissenting Voices from the Margins: Mapithel Dam in Manipur,' *Economic and Political Weekly*, 26 September 2015.
54. 'Green tribunal halts Mapithel dam in Manipur,' *Down To Earth*, 10 December 2013. Available at: <http://www.downtoearth.org.in/news/green-tribunal-halts-mapithel-dam-in-manipur--42946>
55. 'Land and its people: What's in Mapithel Dam?,' *E-Pao*, 26 January 2014.
56. 'Woes of Mapithel Dam downstream affected people protest meeting recommends impact assessment,' *The Sangai Express*, 18 August 2015. Available at: <http://www.thesangaiexpress.com/page/items/55275/woes-of-mapithel-dam-downstream-affected-people-protest-meeting-recommends-impact-assessment>
57. 'Arunachal dams: Despite issues, govt collected crores,' *Hindustan Times*, 30 April 2013. Available at: <http://www.hindustantimes.com/india-news/arunachal-dams-despite-issues-govt-collected-crores/article1-848187.aspx>
58. 'Tehri Dam,' Fact Sheet, International Rivers Network, October 2002. Available at: https://www.internationalrivers.org/files/attached-files/tehri_dam_fact_sheet.pdf
59. Information adapted from the Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India. See: <http://wrmin.nic.in/forms/list.aspx?lid=1279&Id=4>
60. 'Strategic Analysis of India's River Linking Project,' CPWF Project Report, 2009. Also see, 'Interlinking of Rivers in India: Dimensions of Social Impacts,' South Asia Network on Dams, Rivers & People, 2007. Available at: http://sandrp.in/riverlinking/DRR_paper_0107.pdf
61. 'Sasan Ultra Mega Power Project, Singrauli, Madhya Pradesh - A Brief Report,' Bank Information Center Trust in association with Srijan Lokhit Samiti, 2013. Available at: <https://lokhitsamiti.files.wordpress.com/2013/10/sasan-report-final.pdf>
62. 'Singrauli pollution a matter of serious concern, admits high power panel,' *Down to Earth*, 06 March 2014. Available at: <http://www.downtoearth.org.in/news/singrauli-pollution-a-matter-of-serious-concern-admits-high-power-panel-43712>
63. Ibid.
64. 'UP Government Continues Forcible Land Acquisition, Arrests Protesting Activists and Project Affected,' National Alliance of People's Movements, 2015. Available at: <http://www.napm-india.org/content/govt-continues-forcible-land-acquisition-arrests-protesting-activists-and-project-affected>
65. 'Jolt for Vedanta as mining in Niyamgiri Hills voted out,' *Business Standard*, 30 July 2013. Available at: http://www.business-standard.com/article/companies/jolt-for-vedanta-as-mining-in-niyamgiri-hills-voted-out-113072901040_1.html
66. 'Odisha Mining Corporation to fast track bauxite mining to rescue Vedanta refinery,' *Business Standard*,

- 02 September 2015. Available at:
http://www.business-standard.com/article/companies/odisha-mining-corporation-to-fast-track-bauxite-mining-to-rescue-vedanta-refinery-115090200668_1.html
67. 'Vedanta refinery gets pollution board nod for expansion,' *Business Standard*, 05 January 2016. Available at: http://www.business-standard.com/article/news-ians/vedanta-refinery-gets-pollution-board-nod-for-expansion-116010500015_1.html
 68. Information from Amnesty International India.
 69. 'Villagers say 'no' to Coal India's Chhattisgarh plan,' *Business Standard*, 12 February 2015. Available at: http://www.business-standard.com/article/companies/coal-india-denies-job-to-girls-community-says-no-to-its-chhattisgarh-expansion-plan-115021101247_1.html
 70. 'Mahan at all costs,' *Down to Earth*, 31 October 2011. Available at: <http://www.downtoearth.org.in/news/mahan-at-all-costs-34230>
 71. 'Forged Gram Sabha Complaint: Jabalpur HC Takes Singrauli SP to Task,' Greenpeace India, 15 July 2014. Available at: <http://www.greenpeace.org/india/en/news/Feature-Stories/Forged-Gram-Sabha-Complaint-Jabalpur-HC-Takes-Singrauli-SP-to-Task-/>
 72. 'Deo slams MP government for denying forest rights to tribals in Mahan,' *Down To Earth*, 20 July 2013. Available at: <http://www.downtoearth.org.in/news/deo-slams-mp-government-for-denying-forest-rights-to-tribals-in-mahan-41702>
 73. 'Mahan villagers file claim for rights over forests,' *The Pioneer*, 18 August 2014. Available at: <http://www.dailypioneer.com/state-editions/bhopal/mahan-villagers-file-claim-for-rights-over-forests.html>
 74. 'Mahan forest clearance cancelled, says NGT,' *Business Standard*, 27 September 2014. Available at: http://www.business-standard.com/article/economy-policy/mahan-forest-clearance-cancelled-says-ngt-114092601282_1.html
 75. 'Mahan coal block won't be auctioned, coal min says in RTI,' *The Times of India*, 21 March 2015. Available at: <http://timesofindia.indiatimes.com/city/bhopal/Mahan-coal-block-wont-be-auctioned-coal-min-says-in-RTI-reply/articleshow/46642702.cms>
 76. 'Environment Ministry clears POSCO project in Odisha,' *NDTV*, 10 January 2014. Available at: <http://www.ndtv.com/india-news/environment-ministry-clears-posco-project-in-odisha-547360>
 77. 'Centre ready to support Posco project: Sinha,' *Orissa Post*, 08 January 2016. Available at: <http://www.orissapost.com/centre-ready-to-support-posco-project-sinha/>
 78. Information from Centre for Research and Advocacy (CRA), Imphal.
 79. The currency in India is Rupees (Rs). One US Dollar is currently equivalent to about 66-67 Indian Rupees.
 80. 'Manipur to build Ring Road to Imphal at Rs 240 cr.,' *Construction World*, December 2013. Available at: <http://www.constructionworld.in/News.aspx?news=Manipur-to-build-ring-road-to-Imphal-at-Rs-240-cr&nid=AjWho+lkg/umGR01f+gILg==>
 81. 'Riverfront development project will displace nearly 40k people,' *The Times of India*, 07 July 2015. Available at: <http://timesofindia.indiatimes.com/city/dehradun/Riverfront-development-project-will-displace-nearly-40k-people/articleshow/47977862.cms>
 82. 'In Kashmir 10.5 lakh kanal land under army occupation,' *The Milli Gazette*, 31 January 2013. Available at: <http://www.milligazette.com/news/6153-in-kashmir-10-5-lakh-kanal-land-under-army-occupation>
 83. 'Land under army occupation: PDP asks Jaitley to speed up compensation,' *Kashmir Reader*, 16 June 2014. Available at: <http://www.kashmirreader.com/land-under-army-occupation-pdp-asks-jaitley-to-speed-up-compensation/>
 84. Information from Human Welfare Voluntary Organisation (HWVO), Srinagar.
 85. 'How Tosamaidan was reclaimed,' *The Hindu*, 29 September 2013. Available at: <http://www.thehindu.com/news/national/how-tosamaidan-was-reclaimed/article6455134.ece>
 86. *The Risk of Disaster-Induced Displacement in South Asia*, Internal Displacement Monitoring Centre, Norwegian Refugee Council, April 2015. Available at: <http://www.internal-displacement.org/assets/publications/images/2015/201504-ap-south-asia-disaster-induced-displacement-risk-en.pdf>
 87. *Protecting Human Rights in Disaster Response: Guidelines for State and Non-state Actors*, Housing and Land Rights Network, New Delhi, 2015. Available at: http://hlrn.org.in/documents/Protecting_Human_Rights_in_Disaster_Response_HLRN.pdf
 88. 'Disaster-induced Displacement: Global Figures,' Internal Displacement Monitoring Centre, 2015. Available at: <http://www.internal-displacement.org/global-figures#natural>

89. 'India IDP Figures Analysis,' Internal Displacement Monitoring Centre, 2015. Available at: <http://www.internal-displacement.org/south-and-south-east-asia/india/figures-analysis>
90. 'Floods in Uttarakhand: A New Deal Relief,' *Economic and Political Weekly*, 2013.
91. See reports by Housing and Land Rights Network on post-tsunami housing and rehabilitation. Available at: <http://hlrn.org.in/disasters>
92. 'Status Report on Relief, Rehabilitation and Damages - Hudhud Cyclone,' Hudhud Damage Assessment and Relief Monitoring System, Government of Andhra Pradesh. Available at: <http://www.hudhud.ap.gov.in/HDRMS/Downloads/Status%20Report-%20151014.pdf>
93. Information from Association of Regional Tribal Development (ARTD), Visakhapatnam.
94. Supra, note 91.
95. Information from Information and Resource Centre for the Deprived Urban Communities (IRCDUC), Chennai.
96. 'Status Report on Bihar Floods 2007,' Dalit Watch. Available at: <http://www.ncdhr.org.in/ncdhr2/key-activities/Status%20Report%20-Bihar%20Floods%202007.pdf>
97. Report of National Consultation on Addressing Caste-based Discrimination in Disaster Response, 14–15 December 2011. National Dalit Watch – National Campaign on Dalit Human Rights. Available at: <http://www.ncdhr.org.in/nsw/key-activities/Final-humanitarian%20consultation-Dec%202011.pdf>
98. *Leaving Vulnerable Behind: Findings from Immediate Needs Assessment and Monitoring Responses towards Affected Dalit Communities in Tamil Nadu Floods 2015*, Dalit Watch – Tamil Nadu, 2016.
99. Performance Audit of Civil Disaster Preparedness in India, Report No. 5 of 2013, Comptroller and Auditor General of India, April 2013. Available at: <http://saiindia.gov.in/content/report-no-5-2013-performance-audit-civil-disaster-preparedness-india-union-government>
100. Supra, note 89.
101. *The State of India's Conflict Induced IDPs 2013*, Asian Centre for Human Rights, 2014.
102. Supra, note 89.
103. Asian Centre for Human Rights, Press Release, 2 January 2015. Available at: <http://www.achrweb.org/press/2015/IND01-2015.html>
104. 'Internally Displaced Persons in Assam,' Press Information Bureau, Ministry of Home Affairs, Government of India, 11 March 2015.
105. Information from Janvikas, Ahmedabad.
106. *Gujarat's Internally Displaced: Ten Years Later*, Janvikas, Ahmedabad, 2012. Available at: <http://janvikas.in/download/status-rep.pdf>
107. 'Muzaffarnagar Riots: Perils of a Patronage Democracy,' *Economic and Political Weekly*, 22 March 2014.
108. 'Two years after riots rocked Muzaffarnagar, thousands of victims still homeless,' *CNN-IBN*, 14 September 2015. Available at: <http://www.ibnlive.com/videos/india/two-years-after-riots-rocked-muzaffarnagar-thousands-of-victims-still-remain-homeless-1096667.html>
109. Report of the High Level Committee on Socio-economic, Health and Educational Status of Tribal Communities of India, Ministry of Tribal Affairs, Government of India, May 2014. Available at: <http://www.indiaenvironmentportal.org.in/files/file/Tribal%20Committee%20Report,%20May-June%202014.pdf>
110. 'As Modi government in India proceeds with economic development agenda, new map tracking land disputes shows disturbing pattern of conflicts with local people,' Rights and Resources Initiative, November 2014. Available at: <http://www.rightsandresources.org/publication/as-modi-government-in-india-proceeds-with-economic-development-agenda-new-map-tracking-land-disputes-shows-disturbing-rise-in-conflicts-with-local-people/>
111. Guiding Principles on Internal Displacement, Report of the Representative of the Secretary-General, E/CN.4/1998/53/Add.2, February 1998. Available at: <http://www.ohchr.org/EN/Issues/IDPersons/Pages/Standards.aspx>
112. 'Strategies Towards Combating Dalit Marginalisation,' Proceedings of a National Symposium, 11–12 July, 2014, Centre for Agrarian Studies and Disaster Mitigation, National Institute of Rural Development and Panchayati Raj. Available at: http://www.nird.org.in/NIRD_Docs/rs100215.pdf
113. National Federation of Dalit Land Rights Movements, Narrative Report, April 2013–March 2014.
114. 'Land dispute turns into caste violence in Rajasthan's Nagaur; 4 dead, 13 injured,' *NDTV*, 16 May 2015.

- Available at: [land-dispute-turns-into-caste-violence-in-rajasthans-nagaur-4-dead-13-injured-763651](http://www.thehindu.com/news/national/telangana/dalit-families-forced-off-land-in-telangana/article7440945.ece)
115. 'Dalit families forced off land in Telangana,' *The Hindu*, 20 July 2015. Available at: <http://www.thehindu.com/news/national/telangana/dalit-families-forced-off-land-in-telangana/article7440945.ece>
 116. Supra, note 2.
 117. Supra, note 109.
 118. Adapted from the Report of the High Level Committee on the Socio-economic, Health and Educational Status of Tribal Communities, which has cited data from different research reports till 2006.
 119. *Samatha vs. State of Andhra Pradesh and Ors.*, (AIR 1997 SC 3297).
 120. Supra, note 109.
 121. 'Acquisition of Tribal Land,' Press Information Bureau, Government of India, Ministry of Tribal Affairs, 15 March 2015. Available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=116797>
 122. 'Human Rights and Realities of Tribals' Lives in India: A Perfect Storm,' International Organization of Scientific Research, *Journal of Humanities and Social Science*, 2014. Available at: <http://iosrjournals.org/iosr-jhss/papers/Vol19-issue4/Version-2/F019424346.pdf>
 123. Supra, note 109.
 124. 'Maharashtra govt orders Lavasa to return 191 acres of land to tribals,' *Livemint*, 08 October 2015. Available at: <http://www.livemint.com/Politics/H0dylAhaizMqCBYSl4OrfK/Maharashtra-govt-orders-Lavasa-to-return-191-acres-of-land-t.html>
 125. Information from Borock People's Human Rights Organization, Agartala.
 126. 'Social, Economic and Educational Status of the Muslim Community of India: A Report,' Prime Minister's High Level Committee, Government of India, November 2006. Available at: http://minorityaffairs.gov.in/sites/upload_files/moma/files/pdfs/sachar_comm.pdf
 127. Report of the Post-Sachar Evaluation Committee, Ministry of Minority Affairs, Government of India, September 2014. Available at: http://iosworld.org/download/Post_Sachar_Evaluation_Committee.pdf
 128. 'What Vadodara's Slum Displacement Reveals,' *Economic and Political Weekly*, September 2015.
 129. Supra, note 28.
 130. 'Urban Rental Housing Market: Caste and Religion Matters in Access,' *Economic and Political Weekly*, June 2015.
 131. 'Housing apartheid in Indian city,' *Al Jazeera*, 28 February 2014. Available at: <http://www.aljazeera.com/indepth/features/2014/02/housing-apartheid-indian-city-201422511404544917.html>
'Housing apartheid flourishes in Delhi,' *The Hindu*, 16 July 2012. Available at: <http://www.thehindu.com/news/national/housing-apartheid-flourishes-in-delhi/article3613994.ece>
'Why segregated housing is thriving in India,' *BBC News*, 10 December 2014. Available at: <http://www.bbc.com/news/world-asia-india-30204806>
 132. In an article in *The Indian Express*, lawyer Shehzad Poonawala has used the term 'sophisticated form of untouchability' to highlight the growing cases of housing discrimination against Muslims. Available at: <http://indianexpress.com/article/opinion/columns/a-house-for-ms-qadri/>
 133. *Land Rights of Single Women*, ActionAid, Bhubaneswar, 2015.
 134. Agriculture Census Division, Department of Agriculture and Cooperation. Available at: <http://www.fao.org/gender-landrights-database/data-map/statistics/en/>
 135. 'Women's Property Rights and HIV & AIDS: Evidence from India,' *Economic and Political Weekly*, 2009. Available at: <http://infochangeindia.org/hiv-aids/hiv-a-human-rights/womens-property-rights-and-hiv-a-aids-evidence-from-india.html>
 136. *Targeting of Women as Witches: Trends, Prevalence and the Law in Northern, Western, Eastern and Northeastern Regions of India*, Partners for Law in Development, New Delhi, 2012. Available at: <http://pldindia.org/wp-content/uploads/2013/02/WH-Report-.pdf>
 137. 'Status of Women Affected by Mining in India,' mines, minerals & PEOPLE. Available at: <http://www.samataindia.org.in/documents/Status%20of%20Women%20Affected%20by%20Mining%20in%20India.PDF>
 138. *Forgotten Voices: The World of Urban Children in India*, Save the Children and PwC India, New Delhi, 2015. Available at: <http://www.pwc.in/assets/pdfs/publications/urban-child/urban-child-india-report.pdf>
 139. *Health and Living Conditions in Eight Indian Cities*, National Family Health Survey (NFHS-3), 2005-06. Available at: <http://dhsprogram.com/pubs/pdf/od58/od58.pdf>

140. 'Surviving the Streets: A Census of Street Children in Delhi,' Institute for Human Development and Save the Children, 2011. Available at: http://www.savethechildren.in/images/resources_documents/delhi%20street%20children%20study_v3.pdf
141. Information from Centre for Disability Studies, NALSAR University of Law, Hyderabad.
142. 'The Invisible Ones: Sexual Minorities,' *Indian Journal of Medical Research*, 137, January 2013.
143. Report of the Special Rapporteur on the situation of human rights defenders, Mission to India, A/HRC/19/55/Add.1, February 2013. Available at: <http://www.ohchr.org/Documents/Issues/Defenders/A-HRC-19-55-Add1.pdf>
144. 'An Independent Enquiry into the Police Firing at Tapkara and Resistance to the Koel-Karo Project, Jharkhand,' The Indian People's Tribunal on Environment and Human Rights, January 2002. Available at: <http://www.iptindia.org/wp-content/pdf/report/Koel-Karo-An-Independent-Enquiry-Into-The-Police-Firing-At-Tapkara-And-Resistance-To-The-Koel-Karo-Project-Jharkhand.pdf>
145. For more information, see, 'Oppression of women who defeated Naxalism continues, media remains silent,' *The Times of India*, 27 August 2015.' Available at: <http://blogs.timesofindia.indiatimes.com/Introspection/oppression-of-women-who-defeated-naxalism-continues-media-remains-silent/>
146. 'Why children in Manipur are writing postcards to Prime Minister Narendra Modi,' *Scroll.in*, 07 June 2015. Available at: <http://scroll.in/article/732113/why-children-in-manipur-are-writing-postcards-to-prime-minister-narendra-modi>
147. 'Dissenting Voices from the Margins: Mapithel Dam in Manipur,' *Economic and Political Weekly*, 26 September 2015.
148. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, Ministry of Law and Justice, Government of India, January 2007. Available at: <http://www.forests.tn.nic.in/legislations/graphics/The%20Scheduled%20Tribes%20%20Traditional%20Forest%20Dwellers%20Act%202006.pdf>
149. 'RTI reveals only 8 percent projects stalled due to land acquisition,' *The New Indian Express*, May 2015. Available at: <http://www.newindianexpress.com/nation/RTI-Reveals-Only-8-Percent-Projects-Stalled-Due-to-Land-Acquisition/2015/05/16/article2817794.ece>
150. 'With the coal blocks comes a land bank of 14,000 hectares,' *The Indian Express*, 07 November 2014. Available at: <http://indianexpress.com/article/india/india-others/with-the-coal-blocks-comes-a-land-bank-of-14000-hectares/>
151. 'Five coal blocks in Chhattisgarh might see land conflict,' *Business Standard*, 15 January 2015. Available at: http://www.business-standard.com/article/economy-policy/five-coal-blocks-in-chhattisgarh-might-see-land-conflict-115011500019_1.html
152. 'Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2014 Passed by Rajya Sabha,' Press Information Bureau, Government of India, Ministry of Housing and Urban Poverty Alleviation, 19 February 2014. Available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=103949>
153. *Awas* is a Hindi word that means housing, while *yojana* means scheme.
154. 'CAG Report on Indira Awaas Yojana Presented,' Press Release, Office of the Comptroller and Auditor General of India, New Delhi, 19 December 2014. Available at: http://164.100.176.130/english/home/Public/In%20_Media/37of2014.pdf
155. Valmiki Ambedkar Awas Yojana (VAMBAY), Ministry of Housing and Urban Poverty Alleviation, Government of India, December 2001.
156. 'BPL houses go vacant,' *The Hans India*, 25 September 2015. Available at: <http://www.thehansindia.com/posts/index/2015-09-25/BPL-houses-go-vacant-177494>
157. 'Ten years on, Vambay houses await occupants,' *The Hindu*, 04 April 2013. Available at: <http://www.thehindu.com/news/cities/Hyderabad/ten-years-on-vambay-houses-await-occupants/article4577798.ece>
158. Jawaharlal Nehru National Urban Renewal Mission, Ministry of Housing and Urban Poverty Alleviation, Government of India, December 2005. Available at: <http://jnnum.nic.in/>
159. Repeal of Urban Land Ceiling and Regulation Act (ULCRA) – State Level Reform, JNNURM Primers, Ministry of Housing and Urban Poverty Alleviation, Government of India. Available at: http://jnnum.nic.in/wp-content/uploads/2011/01/Mandatory_Primer_5-RepealULCRA.pdf
160. 'Appraisal of Jawaharlal Nehru National Urban Renewal Mission (JnNURM),' Grant Thornton India, March 2011. Available at: <http://jnnum.nic.in/wp-content/uploads/2012/06/Appraisal-of-JnNURM-Final-Report-Volume-I-.pdf>

161. Performance Audit of Jawaharlal Nehru National Urban Renewal Mission, Report No. 5 of 2012–13, Comptroller and Auditor General of India, November 2012. Available at: <http://www.saiindia.gov.in/content/report-no-15-2012-13-%E2%80%93performance-audit-jawaharlal-nehru-national-urban-renewal-mission>
162. 'One million beneficiaries proposed to be covered Under Rajiv Awas Yojana,' *Odisha Diary*, 09 September 2013. Available at: <http://www.orissadiary.com/CurrentNews.asp?id=43879#sthash.EWzz1hg9.dpuf>
163. 'Govt. just shrank proposed homes of 7 mn households,' *Business Standard*, 9 July 2015. Available at: http://www.business-standard.com/article/economy-policy/govt-just-shrank-proposed-homes-of-7-mn-households-115070900018_1.html
164. National Urban Livelihoods Mission – Scheme of Shelters for Urban Homeless (Operational Guidelines), Ministry of Housing and Urban Poverty Alleviation, Government of India, December 2013. Available at: http://nulm.gov.in/PDF/NULM_Mission/NULM-SUH-Guidelines.pdf
165. *E. R. Kumar and Anr. vs. Union of India and Ors.*, W.P. (C) 55/2003, Supreme Court of India, Order dated 24 April 2015.
166. *E. R. Kumar and Anr. vs. Union of India and Ors.*, W.P. (C) 55/2003, Supreme Court of India, Order dated 30 October 2015.
167. Pradhan Mantri Awas Yojana, Housing for All (Urban), Scheme Guidelines 2015, Ministry of Housing and Urban Poverty Alleviation, Government of India. Available at: http://mhupa.gov.in/writereaddata/01_PMay_Guidelines_English.pdf
168. 'PPP Projects for Rehabilitation of Slum Dwellers,' *The Economic Times*, 21 December 2015. Available at: http://articles.economictimes.indiatimes.com/2015-12-21/news/69212183_1_slum-dwellers-6-cities-hupa-ministry
169. 'Report of the High Level Task Force on Affordable Housing for All,' Ministry of Housing and Urban Poverty Alleviation, Government of India, December 2008. Available at: <http://www.naredco.in/pdfs/report-high-level-task.pdf>
170. For more information, see, Smart Cities Mission, Government of India. Available at: <http://smartcities.gov.in/>
171. Smart Cities Mission Statement and Guidelines, Ministry of Urban Development, Government of India, June 2015. Available at: <http://smartcities.gov.in/writereaddata/SmartCityGuidelines.pdf>
172. *Supra*, note 170.
173. 'Mayors Stumble on Smart City Mission,' *The Hindu*, 18 September 2015. Available at: <http://www.thehindu.com/opinion/columns/mayors-stumble-on-smart-city-mission/article7662562.ece>
174. 'A dubious GIFT,' *Infochange*, January 2010. Available at: <http://infochangeindia.org/trade-a-development/features/a-dubious-gift.html>
175. 'A GIFT, to be delivered,' *The Hindu Business Line*, 25 May 2015. Available at: <http://www.thehindubusinessline.com/news/variety/a-gift-to-be-delivered/article7244768.ece>
176. 'Are Smart Cities the Smart Choice?,' *Thomson Reuters Foundation*, 3 June 2015. Available at: <http://www.trust.org/item/20150603111003-m10lw/>
177. Atal Mission for Rejuvenation and Urban Transformation, Mission Statement and Guidelines, Ministry of Urban Development, Government of India, June 2015. Available at: <http://amrut.gov.in/writereaddata/AMRUT%20Guidelines%20.pdf>
178. 'Basic urban infra investment plans for 102 cities approved under AMRUT,' Press Information Bureau, Government of India, 26 November 2015. Available at: <http://pib.nic.in/newsite/printrelease.aspx?relid=131916>
179. 'Rs 450-crore Hriday plans get approval,' *Business Line*, 27 October 2015. Available at: <http://www.thehindubusinessline.com/economy/policy/hriday-plans-worth-450-cr-approved-for-8-cities/article7810277.ece>
180. 'Ordinance to snatch land of tribals,' *The Hindu*, 25 June 2015. Available at: <http://www.thehindu.com/todays-paper/tp-national/tp-otherstates/ordinance-to-snatch-land-of-tribals/article7351678.ece>
181. Information from Montfort Social Institute (MSI), Hyderabad.
Also see: <http://www.youtube.com/watch?v=bdaBCuBFInc>

182. 'Process to regularise encroached land initiated in Telangana,' *Deccan Chronicle*, 06 July 2016. Available at: <http://www.deccanchronicle.com/150706/nation-current-affairs/article/process-regularise-encroached-land-initiated-telangana>
183. Information from Jameen Adhikar Andolan, Gujarat.
184. *Olga Tellis vs. Bombay Municipal Corp.* [(1985) 3 SCC 545].
185. This includes: *U.P. Avas Evam Vikas Parishad vs. Friends Coop. Housing Society Ltd; Chameli Singh and others vs. State of UP* [(1996) 2 SCC 549 132]; *Francis Coralie vs. Union Territory of Delhi* (AIR 1981 SC 746, at 753); and, *Shantistar Builders vs. Narayan Khimalal Totame* [(1990) 1 SCC 520].
186. (1997) 11 SCC 121.
187. (2000) 2 SCC 679.
188. *Okhla Factory Owners' Association vs. GNCTD*, (108) DLT 517, High Court of Delhi, 2003.
189. 'Demolition Drive,' *Economic and Political Weekly*, 2 July 2005.
190. WP (C) 5697/2002, High Court of Delhi, August 2004.
191. WP (C) 3419/ 1999, High Court of Delhi, 14 December 2005.
192. Supra, note 189.
193. *Sudama Singh and Others vs. Government of Delhi and Anr.*, W.P. (C) Nos. 8904/2009, 7735/2007, 7317/2009 and 9246/2009, High Court of Delhi, 11 February 2010.
194. *P.K. Koul vs. Estate Officer and Anr. and Ors.*, W.P. (C) No. 15239/2004 and CM No. 11011/2004, High Court of Delhi, 30 November 2010.
195. Civil Appeal No. 7780 of 2012.
196. See, General Comment No. 4: 'The right to adequate housing, (Art. 11(1) of the Covenant,' UN Committee on Economic, Social and Cultural Rights, E/1992/23, December 1991. Available at: <https://www1.umn.edu/humanrts/gencomm/epcomm4.htm>
Also see additional elements of adequate housing explained in the 'Questionnaire on Women and Housing,' presented in the report of the Special Rapporteur on adequate housing, A/HRC/4/18, February 2007. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/WomenAndHousing.aspx>
197. *Dams and Development – A New Framework for Decision Making*, World Commission on Dams, November 2000. Available at: http://www.unep.org/dams/WCD/report/WCD_DAMS%20report.pdf
198. Basic Principles and Guidelines on Development-based Evictions and Displacement, presented in the report of the Special Rapporteur on adequate housing, A/HRC/4/18, February 2007. Available at: http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf
199. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly resolution, 60/147, 16 December 2005. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>
200. Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, General Assembly resolution A/RES/63/117, 10 December 2008. Available at: http://www.ohchr.org/Documents/HRBodies/CESCR/OProtocol_en.pdf
201. Report of the United Nations Conference on Human Settlements (Habitat II), A/CONF.165/14, 14 June 1996. Annex I: Istanbul Declaration on Human Settlements. Available at: <http://unhabitat.org/wp-content/uploads/2014/07/The-Habitat-Agenda-Istanbul-Declaration-on-Human-Settlements-2006.pdf>
Annex II: The Habitat Agenda. Available at: <http://unhabitat.org/wp-content/uploads/2014/07/The-Habitat-Agenda-Goals-and-Principles-Commitments-and-the-Global-Plan-of-Action-2003.pdf>
202. Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) and strengthening of the United Nations Human Settlements Programme (UN-Habitat), General Assembly resolution, A/70/473, 15 December 2015. Available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/70/473

Housing and Land Rights Network (HLRN) works for the recognition, defence, promotion, and realization of the human rights to adequate housing and land, which involves securing a safe and secure place for all individuals and communities, especially marginalized communities, to live in peace and dignity. A particular focus of HLRN's work is on promoting and protecting the equal rights of women to adequate housing, land, property, and inheritance. HLRN aims to achieve its goals through advocacy, research, human rights education, and outreach and network-building – at local, national, and international levels.

This report, prepared by HLRN and endorsed by several social movements and civil society organizations across India, aims to serve as an alternative report to the Government of India's official submission to UN-Habitat for the United Nations Conference on Sustainable Urban Development (Habitat III), which will be held in October 2016 in Quito, Ecuador. The report analyzes India's implementation of the Habitat Agenda (1996) and documents the current status of housing and land rights in the country while highlighting related law and policy developments. It presents recommendations to the Government of India for the improvement of housing and living conditions in the country, and to UN-Habitat for the development of a human rights-based 'new agenda' at Habitat III.

HLRN strongly believes that nation states and UN-Habitat must not ignore the rural dimension of habitat and must ensure that the 'new agenda' focuses on adopting a comprehensive human rights approach that incorporates the principles of indivisibility of human rights, gender equality, non-discrimination, progressive realization, non-retrogression, environmental sustainability, participation, accountability, and international cooperation.

HLRN hopes that this report will help draw attention to critical issues related to the realization of housing and land rights in India, and will help promote the adoption of a human rights agenda at Habitat III that integrates the commitments of the Habitat Agenda and international law and standards.



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