

# Planned Dispossession

Fact-  
finding  
Mission  
Report

14

## Forced Evictions and the 2010 Commonwealth Games



Housing and Land Rights Network  
HABITAT INTERNATIONAL COALITION



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# Planned Dispossession: Forced Evictions and the 2010 Commonwealth Games

Report of a Fact-finding Mission

February 2011



Housing and Land Rights Network  
Habitat International Coalition



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- Jawahar Singh and Vinod Kumar from *Jhuggi Jhopdi Ekta Manch*;<sup>1</sup>
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- Ranjit Abhigyan and Arbind Singh from *National Association of Street Vendors of India*; and,
- Ramendra Kumar from *Delhi Shramik Sangathan*.

HLRN is extremely grateful to all the displaced people across the sites of forced evictions for their time, and for sharing information and their personal stories. We understand that reliving the experiences of an eviction and its aftermath is difficult and painful. We especially hope that this report will help spread awareness on the continued suffering and violation of the human rights of Delhi's displaced citizens, and will contribute to immediate action by the concerned governments and other agencies involved with the 2010 Commonwealth Games to bring about restitution and protect human rights.

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Associate Director, HLRN

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*New Delhi, February 2011*

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1. Slum Dwellers' Unity Forum.  
2. Homeless Workers' Struggle Committee.



# Contents

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List of Acronyms/ Abbreviations	ii
Executive Summary	iii
I. Introduction	1
II. Fact-Finding Report on Forced Evictions Related to the 2010 Commonwealth Games	3
III. Background	5
IV. Sites of Forced Eviction Covered by the Fact-finding Mission	6
V. Map of Forced Eviction Sites	11
VI. Legal Framework for Analysing Forced Evictions	12
VII. Analysis of the Forced Evictions in Delhi	18
• <b>Prior to Evictions</b>	18
1. Information, Participation, and Impact Assessment	19
2. Eviction Notice and Reason for Demolition	20
• <b>During Evictions</b>	21
1. Timing of the Eviction	21
2. Police Presence	22
3. Injury and Death during Eviction	23
4. Loss and Destruction of Possessions and Property	25
• <b>After Evictions</b>	26
1. Living Conditions Immediately after Evictions	26
2. Rehabilitation, Resettlement, and Compensation	28
3. Right to Return	32
4. Impact on the Human Right to Health	33
5. Death in the Aftermath of Evictions/ Impact on the Human Right to Life	34
6. Impact on the Human Right to Work/ Livelihood	35
7. Impact on Household Income and Expenditure	38
8. Impact on Human Rights of Women	39
9. Impact on Human Rights of Children	41
10. Access to Remedy and Redress	44
VIII. State Negligence, Apathy, and Harm	46
IX. Recommendations	48
X. Conclusion	53
<b>Annexes:</b>	
1) UN Basic Principles and Guidelines on Development-based Evictions and Displacement	56
2) Sites of Forced Eviction: Summary of Analysis	66
3) Eviction Notice for Cement Godam Basti (and translation)	71
4) Settlements Listed for Relocation by the Government of Delhi	73
5) Relevant Government Officials	75

# List of Acronyms / Abbreviations

- CGF – Commonwealth Games Federation
- CRPF – Central Reserve Police Force
- CWG – Commonwealth Games
- DDA – Delhi Development Authority
- FAR – Floor Area Ratio
- FIR – First Information Report
- HLRN – Housing and Land Rights Network
- HUDA – Haryana Urban Development Authority
- ILO – International Labour Organization
- IOA – Indian Olympic Association
- IOC – International Olympic Committee
- JJ – *Jhuggi Jhopri*
- JBF – Just Be Friendly Welfare Organization
- MCD – Municipal Corporation of Delhi
- MCG – Municipal Corporation of Gurgaon
- MPD 2021 – Master Plan for Delhi 2021
- NASVI – National Association of Street Vendors of India
- NDMC – New Delhi Municipal Council
- R & R – Resettlement and Rehabilitation
- Rs. – Rupees (Indian)
- TVC – Town Vending Committee
- ULB – Urban Land Bodies
- UN – United Nations
- US \$ – United States Dollar



# Executive Summary

The XIX Commonwealth Games (CWG) took place in New Delhi, India, from 3–14 October 2010. Marked by corruption, financial scandals and human rights violations, the Games continue to generate a negative image of India, both within the country and abroad. Much has been discussed and written about the embezzlement of funds and financial irregularities of the Games. Several independent and official investigations are also underway to determine the lack of transparency and due process, the extent of corruption, and to identify those responsible. The human impact of the Games, however, has been largely ignored both in the ongoing investigations and by the media.

The preparations for Delhi's Commonwealth Games witnessed a range of human rights violations of the city's working poor, including the homeless, 'beggars,' street vendors, slum dwellers, and construction workers. One of the least reported violations has been the forced eviction and demolition of the homes of thousands of Delhi's residents. These evictions have been carried out for various reasons, including construction of stadiums, building of parking lots, widening of roads, city 'beautification,' and grounds of 'security.'

Housing and Land Rights Network (HLRN) undertook a fact-finding mission on forced evictions carried out across 19 sites in Delhi for the Commonwealth Games. Based on field work and research, HLRN estimates that since 2004, at least 200,000 people in Delhi have been forcibly evicted as a result of the CWG. The city, however, witnessed many more demolitions and evictions in the run-up to the Commonwealth Games.

This report uses the human rights framework, especially the human right to adequate housing and international standards on forced evictions (in particular the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*), to analyse the forced evictions in Delhi. While exposing the rampant violations of the human rights of the urban poor and highlighting the continued suffering and plight of Delhi's displaced communities, the report aims to promote state accountability and to bring about redress, restitution, and justice from relevant government ministries and agencies at the central and state level.

The following section summarises the main findings of the report for each stage of forced evictions: prior to, during, and after, as specified in the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*.

## Main Findings

### PRIOR TO EVICTIONS

#### 1. Lack of information, participation and consultation

At none of the sites visited by the HLRN team, had people been consulted or included in decision-making processes regarding the demolition of their homes. Authorities did not conduct public hearings about the proposed eviction at any of the affected locations.

#### 2. Failure to provide notice

In the majority of cases of forced evictions in Delhi, authorities did not provide a notice. The only exceptions were Dargah Bhure Shah Camp B (three-month notice); Cement Godam Basti (five-day notice); and Madrasi Camp (two-day notice). The fact-finding mission confirmed that the trend in Delhi has been of police officials threatening people to vacate the area the night before or just hours prior to the demolition. Though official notices were not provided, in most instances, authorities verbally informed residents that the evictions were being carried out for the Commonwealth Games.

### DURING EVICTIONS

#### 1. Inappropriate timing of the eviction

Commonwealth Games-related evictions in Delhi were carried out in extreme weather conditions, during festivals, and prior to school examinations. Authorities demolished many homes across the city when residents were not present; several demolitions took place when people were at work or travelling out of the city.

#### 2. Large police presence

All slum demolitions took place in the presence of a large police force. For instance, approximately 200 police personnel were present for the Dargah Bhure Shah Camp B demolition; two police buses, eight bulldozers and 8–10 fire brigades for the Gadia Lohar Basti demolition; and 22 bulldozers for the Viklang Basti demolition. Police intimidation and misuse of power was reported at almost all sites. For example, during the demolition of the homeless night shelter at Pusa Road Roundabout, women police officers beat up women residents and forced them out of the shelter.

#### 3. Injury and death during eviction

Several cases of injury have been reported during the process of forced evictions in Delhi. For instance, the shock of witnessing the demolition of her home has left Kamla, aged 40, from Indira Gandhi Camp II, Sewa Nagar, permanently paralysed on her left side. Police brutality, failure to provide sufficient time for families to move out, and the use of force on the part of authorities, resulted in deaths at certain sites. At JJ Valmiki Camp, Ram Singh lost his two-year old son during the eviction while Tara Bai from the Pusa Road temporary night shelter lost her one-and-a-half-year old daughter.

#### 4. Loss and destruction of possessions and property

The damage, loss, and destruction of personal property resulting from forced evictions, is extensive. Evicted persons from all sites were distressed at not being able to salvage their possessions. At some sites, people reported having lost critical documents—ration cards, passports, and voter identity cards. During the eviction process, families from the banks of River Yamuna lost their plants, their source of livelihood.

### AFTER EVICTIONS

#### 1. Failure to provide adequate rehabilitation or compensation

In the majority of surveyed sites, no compensation or rehabilitation has been provided to the evicted families, even though they had the requisite documentary proof. In the absence of adequate rehabilitation, many families in Delhi have been rendered homeless. Some of the families evicted from Bengali Camp and JJ Arjun Das Camp were still living in makeshift tents at the time of writing this report.

Resettlement has only been provided to some of the families displaced from Dargah Bhure Shah Camp B and Cement Godam Basti. Living conditions in the resettlement sites of Savda Ghevra and Bawana, located on the outskirts of Delhi, are extremely inadequate. Residents do not have access to basic services such as water, sanitation, electricity, adequate transport, schools, and healthcare.

## **2. Violation of the human right to health**

Poor sanitation, lack of access to healthcare and medical facilities, and being forced to live in inadequate conditions in the open, contributes to the spread of fever, cough, cold, pneumonia, malaria, and dengue. For instance, exposure to the cold resulted in many children at Indira Gandhi Camp and Gadia Lohar Basti falling ill. Children of Madrasa Camp suffered from heat-related ailments after the eviction. The psychological impacts of having faced forced evictions are long-lasting and severe, particularly for children and women.

## **3. Death in the aftermath of evictions / violation of the right to life**

According to HLRN, at least 18 people lost their lives as a result of the forced evictions in Delhi. The majority of these deaths have not been reported by the media, neither have the families of the deceased received any compensation or state assistance and support. A man from Prabhu Market Camp committed suicide after the demolition of his home, while several people, especially older women, are reported to be suicidal due to depression and grief arising from adverse living conditions, increased expenditure, and loss of family members in the aftermath of the evictions.

## **4. Loss of livelihoods and violation of the human right to work**

For most of the displaced families, demolition of homes has also meant loss of livelihoods. At every site surveyed, people reported a marked decrease in income after the evictions. In addition to the demolition of homes, Delhi government authorities also demolished small shops and other enterprises. Daily wage earners, street vendors, and other informal sector workers across Delhi lost their livelihoods during the CWG. Even after the Games, vendors of Prabhu Market Camp and Prabhu Market Extension Camp, like many others in the city, have not been allowed to resume work.

## **5. Stress on household income**

All evicted families reported a marked increase in monthly expenditure on healthcare, transport and rent after the forced evictions. In the absence of rehabilitation, many families across all sites have had to shift to rental housing. The additional cost of rent has significantly increased monthly expenses of displaced families, increasing stress on family members to cope.

## **6. Violation of human rights of women**

Forced evictions most severely impact women. In the aftermath of a forced eviction, women and girls find themselves in extremely inadequate living situations without any privacy, security, and access to basic services such as water, sanitation, electricity, and transport. In the absence of adequate rehabilitation, they are forced to live in the open, on roadsides, and other public spaces, most of which are unsafe. Women and adolescent girls are most vulnerable to sexual abuse and violence resulting from exposure to insecure and inadequate living conditions. Several instances of early marriage of young women have also been reported in the aftermath of forced evictions in Delhi.

## **7. Violation of human rights of children**

The psychological impacts on children who witness a demolition and lose their homes are severe and long-lasting. Several children have been forced to drop out of school as a direct result of the forced evictions. Around 300 children from Cement Godam Basti dropped out of school after the demolition. Forced evictions have also resulted in children having to take up work to supplement family income.

Government authorities demolished at least three schools in the city for reasons of 'security' for the Commonwealth Games: *Deepshikha Primary School* in Sector 52, Gurgaon; *Pragati Wheel School* on the banks of River Yamuna; and *Viklang Basti Informal School*.

## **8. Violation of the right to remedy**

All affected people have the right of access to timely remedy. Communities displaced from all surveyed sites, however, have no available mechanisms or avenues for complaint, grievance redress or remedy.

They also do not have access to information regarding the government department or official they could approach. In the absence of any government protection, the displaced families have to deal with government insensitivity, police brutality, and bureaucratic hurdles. Despite their best efforts, they continue to be ignored, silenced, and denied justice.

## Recommendations

Given the extensive and continued suffering of evicted families in Delhi, the grossly inadequate conditions they are forced to live in, and the multiple violations of their human rights, the report makes several specific and general recommendations, which include:

- 1) The Government of Delhi should take immediate measures to provide adequate housing with security of tenure for all communities living in inadequate conditions, including in slums and informal settlements.
- 2) Most of the sites of forced eviction covered in this report are currently lying vacant and unused. The government should make provisions to enable communities: to return to their original sites in safety; to build housing that meets international human rights standards of adequacy; and to live in security and dignity.
- 3) Where return to original sites is not possible, the government must provide adequate restitution, rehabilitation and compensation to each evicted family in accordance with international human rights standards, including those specified in the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*.
- 4) Judgements of the High Court of Delhi calling for rehabilitation of evicted families, in particular the case, *Sudama Singh and Others vs. Government of Delhi and Anr.*, must be implemented.
- 5) The government should revise its arbitrary policy for deciding the 'cut-off' date to determine eligibility of slum dwellers for rehabilitation.
- 6) Special efforts must be taken to ensure that the human rights of women are protected.
- 7) The government must provide mechanisms for grievance redress and access to remedy.
- 8) The ongoing investigations on the Commonwealth Games by the Comptroller and Auditor General of India, Enforcement Directorate, Central Vigilance Commission, Central Bureau of Investigation, and Parliament, must be expanded to include human rights violations, including forced evictions.
- 9) All officials found guilty of violating human rights, and of breaching local, national and international law must be tried and prosecuted according to the law.
- 10) Given the gross human rights violations related to the 2010 Commonwealth Games and the glaring lack of accountability, participation, transparency and due process, the Government of India, should under no circumstances consider bidding for any other mega sports event.

## Conclusion

The 2010 Commonwealth Games have resulted in a severe and long-lasting negative economic and social legacy, with the most adverse consequences being borne by the city's poorest and most marginalised populations. The acts of commission and omission of the central and state governments with regard to forced evictions in Delhi violate not just constitutional and state law, but also international human rights law.

**Most of the sites from which authorities forcibly evicted families, are lying unused or vacant. This reality questions the very purpose of, and need for, the evictions. It is apparent that the Commonwealth Games were used as an excuse to demolish informal settlements across the city, as part of the Delhi government's broader agenda of creating a 'world class' and 'slum-free' city with no space or provision for adequate housing for the urban poor.**

HLRN's fact-finding report highlights the immense and ongoing plight of Delhi's displaced communities. Urgent measures need to be taken by both the central and concerned state governments to provide immediate restitution for the affected. Independent institutions should investigate the human rights violations. The findings of these investigations should lead to prosecution of the officials involved. It is only through comprehensive investigations and detailed impact analyses that the true human cost of the Commonwealth Games will be revealed.

# I Introduction

The world's experience with mega-events, including sports events like the Olympics, Commonwealth Games and Asian Games, contrary to claims of improving investment and strengthening economies, have increasingly been shown to result in long-term negative social legacies for host cities. The impacts range from economic losses and increased debt to gross human rights violations, including the human right to adequate housing, especially of the poorest and most marginalised sections of the population. Mass forced evictions and displacement, unaffordable house rents, removal of homeless citizens from the streets, discrimination against and criminalisation of the poor, have become characteristic of these events, whether the 2008 Beijing Olympics, the 2010 Vancouver Winter Olympics or the 2006 Melbourne Commonwealth Games.

While governments focus on lavish displays of infrastructure and sporting facilities, these generally come at the cost of homes and livelihoods of the urban poor. Since most of these amenities require extensive stretches of land in prime locations, they cause significant displacement of local, generally low-income communities, especially those living in informal settlements.<sup>1</sup>

The XIX Commonwealth Games (CWG) were held in New Delhi, India, from 3–14 October 2010. The entire process of the Delhi Commonwealth Games, from the nature of the bidding (in 2003) to the manifold increase in expenditure, and from the non-transparency of the Organising Committee and government to the financial irregularities (including large scale corruption and embezzlement of public funds) and adverse human rights impacts, has not been a positive one. Despite the fact that India eventually succeeded in organising the event, the Games, contrary to government claims, did not contribute to building 'national prestige' or earning profits for the country. On the contrary, the Games have been associated in India and abroad, as an event that exposed the deep malaise of endemic corruption in the country.

In May 2010, the Housing and Land Rights Network (HLRN), Delhi, released a report titled, *The 2010 Commonwealth Games: Whose Wealth? Whose Commons?* Presented in the form of four fact-sheets, the report documented and analysed different dimensions of the Games, including the bidding process, the claims made by authorities, the economic costs, and the social legacy and human rights impacts.<sup>2</sup>

Since the publication of its report, HLRN has continued to monitor the various costs and human rights violations associated with the Commonwealth Games. This has consisted of continuing research and fact-finding, meeting with parliamentarians and political parties, working with the media, organising press conferences, and regularly issuing press releases. As highlighted in HLRN's May 2010 report and subsequent press releases, the Delhi Commonwealth Games

have already resulted in a negative social, economic, and environmental legacy for the city of Delhi and the country, the effects of which are already proving to be severe and will be long-lasting.<sup>3</sup>

While the attention of investigation agencies and the media has focused on corruption and financial scandals related to the CWG, the more severe impacts of the Games have largely been ignored. There is an urgent need to address the human rights violations, especially of construction workers who were denied minimum wages and decent working conditions; of the homeless and ‘beggars’ who were arrested, detained and forcefully banished from the city; of women and children who were trafficked; of street vendors who were denied their right to work; and of slum dwellers who were evicted for the Games.<sup>4</sup>



Sai Baba Camp

## II Fact-finding Report on Forced Evictions Related to the 2010 Commonwealth Games

Given the scale of displacement in Delhi resulting from the Commonwealth Games<sup>5</sup> and the grossly inadequate status of rehabilitation, HLRN decided to undertake a detailed fact-finding mission on Games-related forced evictions in Delhi between the years 2004 and 2010.

This report highlights the multiple violations of human rights of communities who were forcibly evicted in Delhi due to the CWG. It documents evictions directly related to the CWG such as building of roads and parking lots for Games' stadiums as well as evictions related to 'security,' 'beautification' and 'clean up drives' in the city in preparation for the Games.

The report presents the main findings of field visits and an analysis of primary data gathered by HLRN from eviction sites across Delhi between September and December 2010. It also includes a study of secondary research and reports on evictions and resettlement in Delhi.<sup>6</sup> The findings in this report, however, are mainly based on ground realities and people's lived experiences.

HLRN<sup>7</sup> conducted field visits, interviews, and group discussions with evicted families and individuals displaced from the following sites:

- Barapullah Nallah (Dargah Bhure Shah Camp B and Madrasi Camp Jangpura B);
- Along Kushak Nallah in East Kidwai Nagar (JJ Arjun Das Camp, including Bengali Camp, Jhansi Camp and JJ Valmiki Camp; and Swatantra Camp behind Badrinath Temple);
- Prem Nagar and Sewa Nagar (Gadia Lohar Basti, JJ Camp in Prem Nagar, and Indira Gandhi Camp II in Sewa Nagar);
- Lodi Colony near Sewa Nagar Railway Station (Prabhu Market Camp, Prabhu Market Extension Camp, Indira Gandhi Camp and Viklang Basti);
- Lodi Road (Sai Baba Camp);
- Gole Dak Khana (Gurudwara Bangla Saheb Lane);
- Pusa Road (tents and temporary night shelter for the homeless);
- Chanakyapuri (Cement Godam Basti);
- Sectors 52 and 53 in Gurgaon; and,
- Banks of the River Yamuna, near the Commonwealth Games Village.

The study does not cover all settlements in the city that were demolished for the Commonwealth Games. The data and analysis presented in this report is based on a survey of 19 sites in the city where people lost their homes due to the Commonwealth Games. The city, however,

witnessed many more evictions in the run-up to the Commonwealth Games.<sup>8</sup> Based on its fact-finding work and research, HLRN estimates that since 2004, at least 200,000<sup>9</sup> people in Delhi have been forcibly evicted as a result of the CWG. The following account of destruction, demolition, loss of homes and livelihoods, and violation of human rights, thus presents only a partial image of the extent of devastation in Delhi, as the city prepared itself to host the 2010 Commonwealth Games.

The report uses national and international human rights law, policies and guidelines, as well as relevant court judgements as the basis for the promotion of a human rights approach. The human rights framework, in particular the human right to adequate housing and international standards on forced evictions, are used to analyse the violations resulting from forced evictions and displacement in Delhi.

The report documents infringement of national and international laws, policies, and standards by the Government of India and the state governments of Delhi, Haryana, and Uttar Pradesh. It analyses the forced evictions using a human rights framework, and finally makes recommendations for measures that urgently need to be taken. While exposing the rampant violations of the human rights of the urban poor and highlighting the continued suffering of Delhi's displaced communities, the report aims to promote state accountability and bring about redress, restitution, and justice from relevant government ministries and agencies at the central and state level.



Indira Gandhi Camp



### III Background

The majority of Delhi's 15 million inhabitants live in extremely inadequate conditions. In the absence of adequate and equitable land use and city planning, and in the absence of low cost and affordable housing options, the majority of the city's working poor are forced to live in informal settlements, slums, or on the streets, in insecure living conditions and without access to basic services.

According to the Municipal Corporation of Delhi (MCD) in 2010, 49% of the city's population lived in slums and non regularised settlements, and only 5% lived in planned areas.<sup>10</sup> Another study estimates that 52% of Delhi's population resides in urban slums.<sup>11</sup> According to the Delhi Urban Shelter Improvement Board, a substantial proportion of the present population of Delhi, around 3 million, live in approximately 600,000 *jhuggies* (slums).<sup>12</sup> An expert committee estimated the shortfall in housing in the National Capital Territory of Delhi at 72%<sup>13</sup> while the *Technical Group on Estimation of Housing Shortages (Eleventh Five Year Plan)* estimated the housing shortage in Delhi, in 2007, to be 1.13 million.<sup>14</sup> According to civil society estimates, 150,000 people in Delhi are homeless, 10,000 of them women.<sup>15</sup>

Living conditions in the slums of Delhi are grossly inadequate. The majority of slum dwellers live in unsanitary conditions without proper toilet and sanitation facilities. Water logging is a major problem in slums that are located along *nallahs* (storm water drains). Houses are cramped together with many having no direct access to sunlight and ventilation. Generally 5-8 people inhabit one home, approximately 6 feet by 8 feet in size.<sup>16</sup> Most women have



Bengali Camp

to cook in the open. The HLRN fact-finding mission confirmed the inadequate and insecure housing and living conditions in the slums and informal settlements of Delhi.

## IV

## Sites of Forced Eviction Covered by the Fact-finding Mission

The HLRN fact-finding mission covers forced evictions carried out for the construction of two competition venues (Jawaharlal Nehru Stadium and Thyagaraja Stadium) and three infrastructure projects (elevated Barapullah Road, parking lot for Jawaharlal Nehru Stadium, and the underpass connecting the two stadiums). The fact-finding mission also covers evictions carried out for ‘security’ reasons and city ‘beautification.’

Of the 19 sites surveyed by HLRN, nine were directly demolished for construction related to the Commonwealth Games:

- Dargah Bhure Shah Camp B and Madrasi Camp Jangpura B – for the elevated Barapullah Road;
- Gadia Lohar Basti, JJ Camp in Prem Nagar, and Indira Gandhi Camp II, Sewa Nagar – for widening the road and constructing an underpass connecting Jawaharlal Nehru Stadium with Thyagaraja Stadium;
- Prabhu Market Camp, Prabhu Market Extension Camp, Indira Gandhi Camp and Viklang Basti – for building a parking lot for Jawaharlal Nehru Stadium and a link road to connect Jawaharlal Nehru Stadium with Thyagaraja Stadium.

Nine sites were demolished for reasons of ‘city beautification’ and ‘security’ prior to the Commonwealth Games:

- Four sites in the vicinity of Thyagaraja Stadium, along Kushak Nallah – Bengali Camp, Jhansi Camp, JJ Valmiki Camp and Swatantra Camp;
- Slums behind Sai Baba Temple, in the vicinity of Jawaharlal Nehru Stadium;
- A temporary night shelter for the homeless at Pusa Road Roundabout;
- Makeshift homes at Gole Dak Khana;
- Homes on the banks of River Yamuna; and,
- Sectors 52 and 53 in Gurgaon.

One of the sites (Cement Godam Basti) was demolished for a five-star hotel, which was expected to open in time for the Games.

## BRIEF DESCRIPTION OF SITES

At most sites covered by the study, people possessed some form of identification, including voter identity cards, ration cards, and other documents required to establish their legal proof of residence. Despite this, the government treated them as illegal encroachers and demolished their homes through undemocratic means.

Settlements along the Barapullah Nallah – Dargah Bhure Shah Camp B and Madrasi Camp Jangpura B, were demolished for the construction of the elevated Barapullah Road connecting the Commonwealth Games Village with Jawaharlal Nehru Stadium.

1) **Dargah Bhure Shah Camp B**, located near the Nizamuddin Railway Station, consisted of 115 homes. A large number of the residents worked as labourers with the Railways and MCD. Several residents had their own shops, selling shoes, *paan* (betel leaf), and clothes. The Camp was established in 1979–80. Authorities demolished all 115 homes on May 14, 2007, but provided resettlement at Savda Ghevra to families of only 90 of the homes.



Dargah Bhure Shah Camp B next to the elevated Barapullah Road

2) **Madrasi Camp, Jangpura B**, located near the new elevated Barapullah Road, consists of around 350–400 migrant families from Tamil Nadu who have been living there for almost 30 years. Most women of the settlement are domestic workers while the men of the community work in markets, shops, railway quarters, as linesmen, and in construction and lifting work. Authorities demolished 200 homes from the camp, allegedly ‘temporarily,’ on April 15, 2010, for the ostensible reason of laying electric wires for the construction of the elevated Barapullah Road. Government officials guaranteed the residents that they would be allowed to return to their original site within 15 days, after completion of the electrical work. A response of the Delhi Urban Shelter Improvement Board to a Right to Information application filed by HLRN,<sup>17</sup> contrary to reality, states that, “... no JJ dwellers were displaced permanently,” and that people agreed to move out voluntarily and would be later settled at the same site. Despite the assurance of resettlement, people who lost their homes spent almost two months on the streets, after which they rebuilt their homes at the same site by borrowing money on interest. Of the 200 homes demolished, families of 136 homes had ration cards.

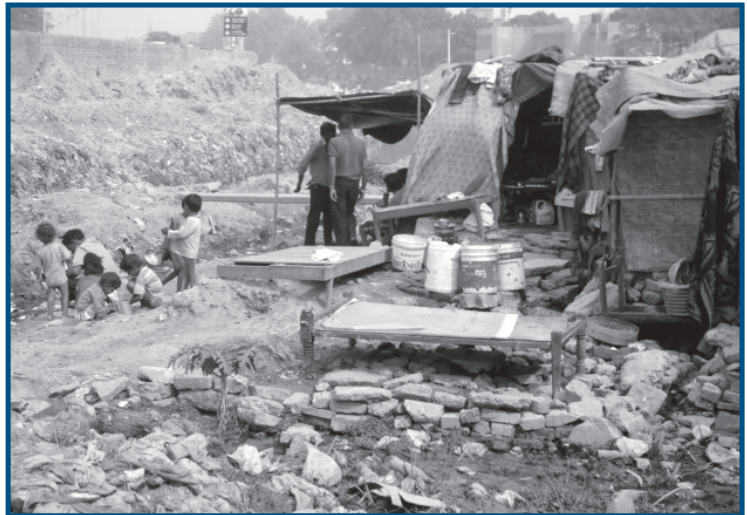
**JJ Arjun Das Camp** (comprising three settlements – **Bengali Camp**, **Jhansi Camp** and **JJ Valmiki Camp**) and **Swatantra Camp** are located along Kushak Nallah, opposite Thyagaraja Stadium in East Kidwai Nagar. Government authorities demolished this entire stretch of approximately 500 homes on January 13, 2009, on a day when people were celebrating the North Indian winter festival of *Lohri*. The eviction was carried out as part of the ‘beautification’ and ‘security’ drive for the Commonwealth Games. Some of the evicted families have already moved back to the sites, as the land is lying unused.



JJ Arjun Das Camp

3) **Bengali Camp**, established in 1979–80, consists mainly of painters, construction workers, small shopkeepers, tailors and brick-makers. Some of the residents had small grocery shops. Of the approximately 200 homes destroyed, families in 140 homes had ration cards. The camp is mentioned in the list of ‘priority JJ Clusters’ identified by the Government of Delhi for relocation/ rehabilitation in the first phase of the *Rajiv Ratna Awas Yojana*.<sup>18</sup>

4) Residents from **Jhansi Camp** have government documents establishing proof of their residence since 1990 but claim to have been living at the site since the 1980s. Professions of the inhabitants vary from daily wage earners to house keepers and guards.



Jhansi Camp

5) **JJ Valmiki Camp**, a settlement primarily of members of Scheduled Castes, consists mostly of *safai karamcharis* (street cleaners), rag-pickers, balloon sellers, other daily wage earners, and domestic workers. This entire stretch of land is visible from Thyagaraja Stadium.

6) **Swatantra Camp** (behind Badrinath Temple) along Kushak Nallah was located right opposite Thyagaraja Stadium. The community consisted mainly of vendors, construction workers, balloon sellers, and daily wage labourers. Delhi government authorities demolished more than 50 homes in the camp. At the time of the HLRN visit, residents of the community had rebuilt around 14 homes at the same site.

Delhi government authorities demolished three camps from the **Prem Nagar** and **Sewa Nagar** area in the vicinity of Jawaharlal Nehru Stadium and Thyagaraja Stadium on January 12, 2009, for widening the road and constructing an underpass connecting the two stadiums.

7) **Gadia Lohar Basti, Prem Nagar**, was a settlement of 18 families of a nomadic scheduled tribe consisting of blacksmiths, who migrated from Rajasthan to Delhi in 1965. Despite a resolution of the MCD<sup>19</sup> for rehabilitation of the community, no steps have been taken to resettle the community. A writ petition on behalf of the community was also filed in the High Court of Delhi. A February 2010 judgement from the High Court of Delhi specifically mentions resettlement of Gadia Lohar Basti, but the families are still awaiting rehabilitation.<sup>20</sup>

8) **JJ Camp, Prem Nagar**, consisted of 105 families who had been living at the site since the 1980s. The community consisted mainly of waste-dealers and private cleaners. The camp contained two cycle shops, a *kabaadi* (waste-recycling) shop, and a grocery store. Authorities demolished 30 homes of the camp on January 12, 2009, in order to widen the road and construct an underpass to connect Thyagaraja Stadium with Jawaharlal Nehru Stadium. Families in 23 of the homes had documentary proof of residence.

9) **Indira Gandhi Camp II**, along Kushak Nallah, Sewa Nagar, consisted of approximately 300 homes. The site had legal water and electricity connections, and members of the community paid their bills. Most men were daily wage earners and labourers, while women were domestic workers. People had been living in the camp for 15–20 years. Authorities demolished all 300 homes of the camp on January 12, 2009, of which approximately 200 had ration cards.

Four settlements in **Lodi Colony** near Sewa Nagar Railway Station (**Prabhu Market Camp, Prabhu Market Extension Camp, Indira Gandhi Camp and Viklang Basti**) were demolished to build a parking lot for Jawaharlal Nehru Stadium and a link road to connect Jawaharlal Nehru Stadium with Thyagaraja Stadium.

10) **Prabhu Market Camp**, located near Lodi Road, consisted of approximately 100 homes. While some of the families were living at the site since the 1960s and 1970s, the majority settled there in the 1980s. Located along Kushak Nallah, the camp had several shops allotted by the MCD. Apart from petty shopkeepers, the camp consisted of fruit and vegetable vendors, tailors, and mechanics. A few women in the camp

were employed as domestic workers. Residents regularly paid their electricity bills and voted in elections. 60–70 families in the camp had ration cards. The government demolished all 100 homes of the settlement on January 9, 2009, during winter.

- 11) **Prabhu Market Extension Camp**, a settlement of 85–100 homes, comprised mainly of labourers, transport helpers, and small shop owners. People had been living in the camp since the 1980s. Authorities demolished all homes of the camp on January 9, 2009.
- 12) **Indira Gandhi Camp**, a 30–35 year old settlement consisting of around 450–500 homes was located at New Khanna Market, Lodi Road. While some of the residents worked as masons and construction workers, others had small tea stalls along the road. Almost all families who lost their homes had voter identity cards, which established their proof of residence. Delhi authorities demolished around 100 homes of the settlement on February 2, 2009, for widening the road and constructing an underpass to connect Thyagaraja Stadium with Jawaharlal Nehru Stadium.
- 13) **Viklang Basti** was a settlement of 50 persons with disabilities and another approximately 100 families. The inhabitants had documentary proof of the camp's existence since 1998. Some residents had their own tea stalls or phone booths. Others worked in factories or in waste recycling. All inhabitants possessed voter identity cards and ration cards. Authorities demolished the entire settlement in the peak of winter, on the morning of January 10, 2009.
- 14) **Sai Baba Camp**, Lodi Road, is a community of approximately 250 florists. Most residents earn their living by making and selling flower garlands for the Sai Baba Temple. Others sell fruit and vegetables in the neighbouring areas. Residents of the camp paid for electricity and possess ration cards and voter identity cards. The Delhi government demolished 25 homes of the settlement on June 21, 2010, for Commonwealth Games-related 'beautification' and 'security' reasons. Since the site of eviction has been lying vacant, families are gradually moving back.
- 15) The community at **Gurudwara Bangla Saheb Lane, Gole Dak Khana**, consisted of 15–20 families who lived under plastic sheet tents and worked as rag-pickers. In September 2010, government authorities demolished their tents within half an hour. A woman from the settlement reported that the police said that the area had to be 'cleaned' for the Commonwealth Games.
- 16) Government authorities demolished tents of around 250 homeless citizens as well as a temporary night shelter for the homeless at **Pusa Road Roundabout**. Inhabitants claimed to have lived at the site for more than 30 years. None of them possess any identity proof, largely due to the fact that they are homeless. Most of them are daily wage earners and include construction workers. The community endured two rounds of evictions. Authorities first demolished their temporary tents in June 2009. Later in the year, MCD demolished a temporary night shelter on December 22, 2009, which had been set up for the homeless citizens by the Department of Revenue, Government of Delhi. The purported reason for the demolition was to grow grass on the roundabout, as part of the city's 'beautification' drive for the Games.

*“It was pointed out by the MCD that the Gadia Lohar Basti consisted only of 15/16 jhuggies that were removed whereas altogether around 1000 jhuggies were removed in whole length of the road between the two stadiums.”*  
[Judgement by Justice A.P. Shah and Justice Muralidhar, High Court of Delhi, February 11, 2010]<sup>21</sup>

- 17) **Cement Godam Basti**, a 30-year old settlement of 435 homes, was located behind the newly constructed Leela Palace Kempinski Hotel. The hotel was expected to open in time for the Commonwealth Games. The community consisted of labourers, vendors, petty shop keepers, other daily wage earners, and domestic workers. All families had ration cards. Authorities demolished the settlement on September 17, 2010, for 'beautification' purposes. Families



Tarini Manchanda

Cement Godam Basti demolition

from only 67 of the 435 demolished homes received alternative accommodation at the resettlement site in Bawana. A garden for the hotel is being created on the cleared site.

- 18) The community in **Sectors 52 and 53, Gurgaon** (Haryana), consisted of waste-dealers, labourers, small shop keepers, security guards, and domestic workers who had been living at the site for more than ten years. Officials of the Municipal Corporation of Gurgaon (MCG) along with the Haryana Urban Development Authority (HUDA) demolished 5,000 homes on September 28, 2010, ostensibly for ‘security’ reasons.<sup>22</sup> The demolition rendered around 30,000–35,000 people homeless. One site of demolition was opposite the Paras Hospital in Saraswati Kunj Society in Sector 52, while the other was behind the petrol pump in Sector 53.



Sector 53, Gurgaon

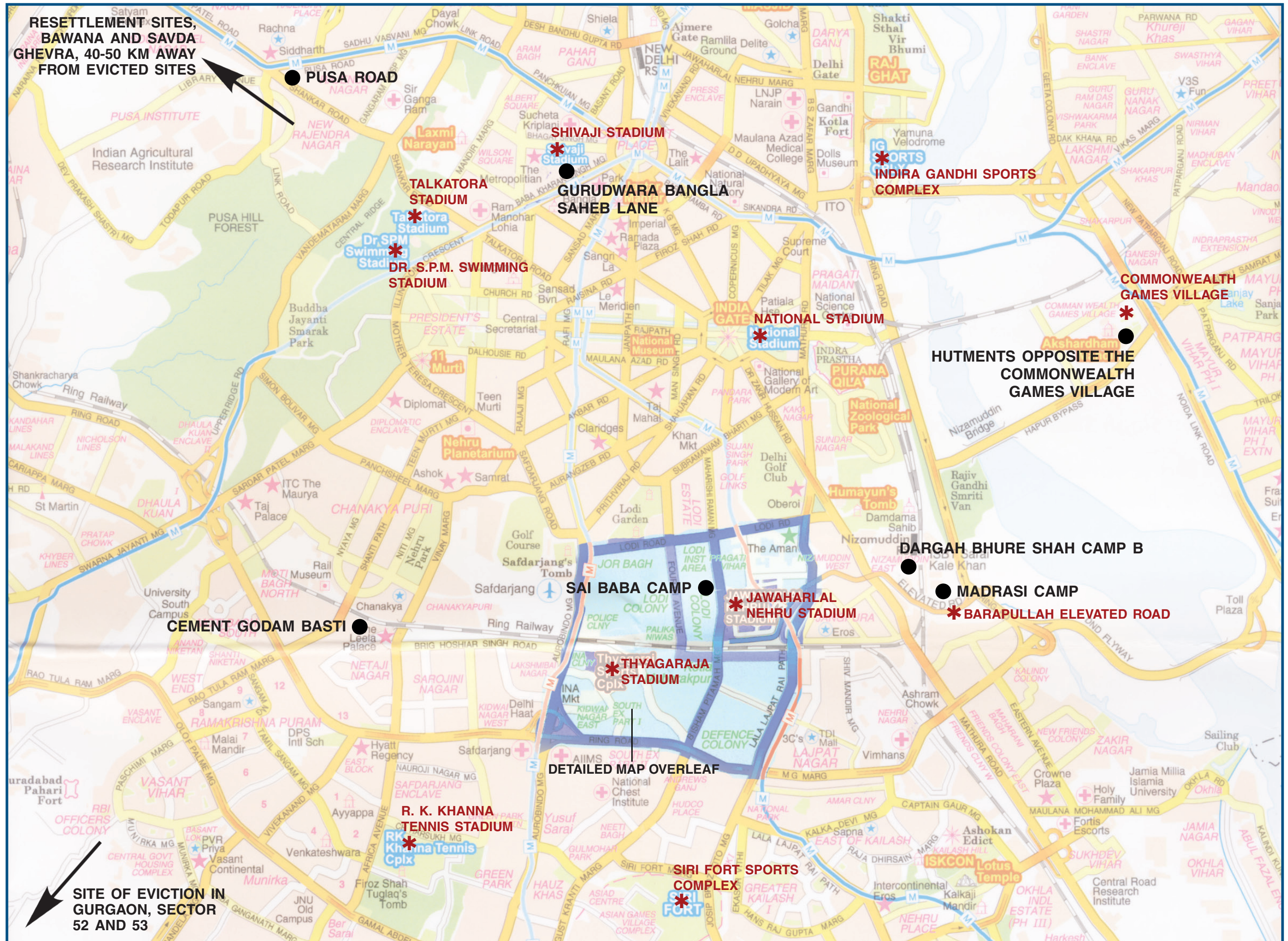
- 19) The community living **opposite the Commonwealth Games Village, on the banks of River Yamuna** (Uttar Pradesh), claimed to have been there for nearly 20 years. Most inhabitants in the area had rented small plots of land on which they grew vegetables or maintained small nurseries. While some had ration cards and identity documents from Delhi, others had identity documents from Uttar Pradesh. Authorities demolished a school, *Pragati Wheel School*, and around 1,000 homes in the vicinity of the Commonwealth Games Village on July 7, 2010, for ‘security’ reasons. The police apparently told the residents that authorities did not want the ‘black plastic sheets’ of the roofs of their homes to be seen during the Games.



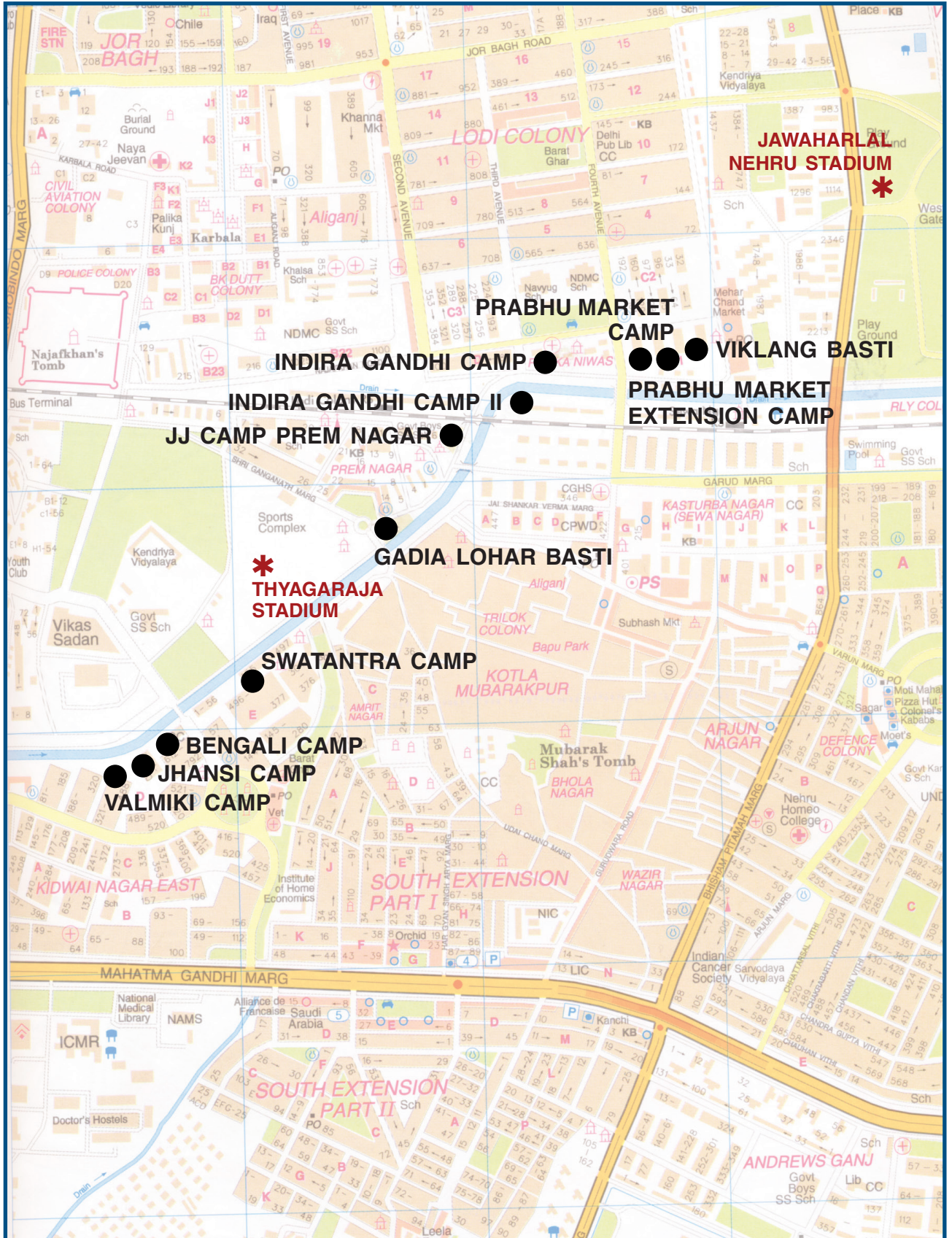
Women displaced from site opposite CWG Village

In addition to the 19 sites of eviction covered by the HLRN fact-finding mission, the government carried out forced evictions at several other sites, ostensibly for the Commonwealth Games. For example, between February and May 2004, Delhi authorities forcibly evicted around 35,000 families from the Yamuna Pushta settlement on grounds of ‘encroachment’ on the river bed and on charges of ‘polluting the River Yamuna.’ Since the settlement lay opposite the site of the Commonwealth Games Village, it is apparent that the demolition was carried out for the Games. Only around 6,000 of the evicted families were given alternative plots at the resettlement site in Bawana.<sup>23</sup>

# V Map of Forced Eviction Sites



\* COMMONWEALTH GAMES SITE  
 ● SITE OF EVICTION



\* COMMONWEALTH GAMES SITE

● SITE OF EVICTION



## VI Legal Framework for Analysing Forced Evictions

Forced evictions, as recognised in international human rights law and norms, violate a range of human rights, in particular the human right to adequate housing.<sup>24</sup> The following section explains the human right to adequate housing, its legal basis in international and national law, and analyses the nature and extent of human rights violations that occur during a forced eviction.

### HUMAN RIGHT TO ADEQUATE HOUSING

It has been well established in international human rights law and its interpretation that housing is not just a physical structure of four roofs and a wall. Instead it is a much broader concept, which encompasses various material and non-material elements of *adequacy*, which are necessary to create a safe and secure place to live. Furthermore, adequate housing is not merely a desired goal; it is a basic human right of all human beings.

The United Nations (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.”<sup>25</sup>

The right to adequate housing has been developed using the indivisibility of human rights approach. It incorporates multiple related elements and is integrally related to the human rights to life, work/livelihood, food, water, health, sanitation, participation, information, security, land and other natural resources.

The *International Covenant on Economic Social and Cultural Rights* (1966) in Article 11.1 provides that: “State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including... adequate housing and to the continuous improvement of living conditions.”

The human right to adequate housing has been recognised as integral to the right to an adequate standard of living in Article 25 of the *Universal Declaration of Human Rights* (1948). The right to adequate housing and its corresponding state obligations are also recognised in several other international human rights treaties, including the *Convention on the Elimination of All Forms of Discrimination against Women* (1979), *Convention on the Rights of the Child* (1989), and the *International Convention on the Elimination of All Forms of Racial Discrimination* (1965). All these treaties have been ratified by India, which makes the guarantee of human rights enumerated in them, legally binding on the Government of India.

The human right to adequate housing is also guaranteed in Article 17 of the *International Covenant on Civil and Political Rights*; Article 43.1 of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (1990); Article 21 of the *Convention Related to the Status of Refugees* (1951); and Article 28 of the *Convention on the Rights of Persons with Disabilities* (2007).

Provisions protecting the right to adequate housing are also contained in: The *Declaration of the Rights of the Child* (1959); *International Labour Organization (ILO) Recommendation No. 115 on Worker's Housing* (1961); *Declaration on Social Progress and Development* (1969); *Vancouver Declaration on Human Settlements* (1976); *Declaration on the Right to Development* (1986); *Istanbul Declaration on Human Settlements* (1996); and the *Declaration on the Rights of Indigenous Peoples* (2007).<sup>26</sup>

General Comment 4 of the UN Committee on Economic, Social and Cultural Rights, adopted in 1991, and entitled 'The right to adequate housing,' specifies the state's minimum core obligations to ensure progressive realisation of the right guaranteed by Article 11.1 of the *International Covenant on Economic, Social and Cultural Rights*.<sup>27</sup>

**General Comment 4 of the UN Committee on Economic Social and Cultural Rights** defines the elements of the right to adequate housing. These include:

1. **Legal Security of Tenure:** There should be protection against forced eviction and harassment.
2. **Availability of services, materials, facilities and infrastructure:** Facilities essential to health, security, comfort and nutrition must be made available. These facilities include but are not limited to, safe drinking water, sanitation and washing facilities and energy for cooking, heating and lighting.
3. **Affordability:** Expenditures for housing should be commensurate with income levels, as basic needs should not be compromised.
4. **Habitability:** There should be adequate space and protection from the elements. Conditions conducive to disease and structural hazards should be eliminated.
5. **Accessibility:** Everyone should have access to adequate housing.
6. **Location:** Adequate housing must allow for access to employment options, healthcare, schools and other social services. There must not be excessive financial demands on the household with respect to transportation.
7. **Cultural Adequacy:** The housing configuration must not compromise cultural expression.

The UN Special Rapporteur on adequate housing and housing rights groups<sup>28</sup> have expanded this list to include the following elements:

1. **Physical security:** Everyone has the right to live and conduct her/his private life in a secure place and be protected from threats or acts that compromise her/his mental and/or physical well-being or integrity inside or outside the home.
2. **Participation and information:** Individuals and communities must have access to appropriate data, documents and intellectual resources that impact their right to adequate housing. At all levels of the decision-making process, individuals and communities must be able to express and share their views; they must be consulted and be able to contribute substantively to processes that affect housing.
3. **Access to land, water and other natural resources:** Every community must have access to natural resources necessary for its survival and livelihood, including, inter alia, fuel, fodder, water and building materials.
4. **Freedom from dispossession, damage and destruction:** Each individual and community has a right to live without threat of dispossession from land, all forms of property, homes and resources, as well as all individual and collective holdings required to sustain livelihood.
5. **Resettlement, restitution, compensation, non-refoulement and return:** Resettlement may be essential to survival in the case of natural or human-made disasters, including in conflict and post-conflict situations. Any resettlement arrangement, whatever the cause, must be consensual, fair and adequate to meet individual and collective needs.
6. **Access to remedies:** Provision of domestic legal and other remedies is important to protecting the right to adequate housing. Individuals and groups must be protected from abuse by landlords, property developers, landowners or any other third party capable of abusing their rights.
7. **Education and empowerment:** Individuals and communities should have access to technical assistance and other means to enable them to improve their living standards and fully realize their economic, cultural and social rights and development potential.
8. **Freedom from violence against women:** The State must prevent all forms of violence against women committed by either State or non-State actors to ensure women's right to adequate housing.

Housing for the urban poor in India, whether in slums or resettlement colonies, is however, grossly inadequate and violates the international human rights standards of *adequacy*.

## PROTECTION OF THE HUMAN RIGHT TO ADEQUATE HOUSING IN INDIAN LAW

The Constitution of India is firmly grounded in the principles of liberty, fraternity, equality and justice. While the right to housing is not explicitly laid out as a fundamental right, it is encompassed within the fundamental rights and directive principles provided for by the Constitution.

The Fundamental Rights provided for by the Constitution of India, which are linked to the protection and guarantee of the human right to adequate housing, include:

- Equality before the law – *Article 14*;
- Non-discrimination on grounds of religion, race, caste, sex, place of birth – *Article 15 (1)*;
- Special provisions in favour of women and children based on the principle of protective discrimination – *Article 15 (3)*;
- Equality of opportunity in matters relating to employment or appointment of any office under the State – *Article 16*;
- Freedom to move freely throughout the territory of India – *Article 19 (1) (d)*;
- Freedom to reside and settle in any part of the territory of India – *Article 19 (1) (e)*;
- Right of all citizens to practice any profession, or to carry on any occupation, trade or business – *Article 19 (1) (g)*;
- Right to life and personal liberty – *Article 21*.

The Constitution of India provides for Directive Principles, according to which the Indian state should formulate its policies. These include:

- State policy to be directed to securing for both men and women equally the right to an adequate means of livelihood – *Article 39 (a)*;
- Provisions to be made by the State for securing just and humane conditions of work and for maternity relief – *Article 42*;
- Duty of the State to raise the level of nutrition and the standard of living and to improve public health – *Article 47*.

The Supreme Court of India has held that the right to adequate housing is a fundamental human right emanating from the right to life protected by Article 21 of the Constitution (“*No person shall be deprived of his life or personal liberty except according to procedure established by law*”). There have been several important court judgments that have clearly established the relation between the right to housing and the right to life as guaranteed by Article 21.<sup>29</sup>

In the case of *Uttar Pradesh Avas Evam Vikas Parishad vs. Friends Coop. Housing Society Ltd.* (1996),<sup>30</sup> the Court stated:

The right to shelter is a fundamental right, which springs from the right to residence under Article 19 (1)(e) and the right to life under Article 21.

In 1981, the Supreme Court of India, in the case *Francis Coralie vs. Union Territory of Delhi*,<sup>31</sup> stated that:

We think that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow beings.

In the case of *Chameli Singh and Others vs. State of Uttar Pradesh* (1996),<sup>32</sup> the Court has given a clear understanding of the right to life:

Right to life guaranteed in any civilized society implies the right to food, water, decent environment, education, medical care and shelter. These are the basic human rights known to any civilized society. All civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and Conventions or under the Constitution of India cannot be exercised without these basic human rights.

The judgement also clearly defines the right to shelter and adequate housing. It states:

Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation. The right to shelter, therefore, does not mean a mere right to a roof over one's head but right to all the infrastructure necessary to enable them to live and develop and develop as a human being. Right to shelter when used as an essential requisite to the right to live should be deemed to have been guaranteed as a fundamental right... Want of decent residence therefore frustrates the very object of the constitutional animation of right to equality, economic justice, fundamental right to residence, dignity of person and right to live itself.

The Supreme Court of India has also defended the right to livelihood and pronounced it as indivisible from the right to shelter. This was established in the case *Olga Tellis vs. Bombay Municipal Corporation* (1985):

Eviction of the petitioners from their dwellings would result in the deprivation of their livelihood. Article 21 includes livelihood and so if the deprivation of livelihood were not affected by a reasonable procedure established by law, the same would be violative of Article 21...The right under Article 21 is the right to livelihood, because no person can live without the means of living i.e. the means of livelihood. If the right to livelihood were not to be recognized as part of the Constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation... There is thus a close nexus between life and means of livelihood. And as such that which alone makes it possible to live, leave aside what makes life liveable, must be deemed to be an integral component of the right to life.

In 1990, in the *Ahmedabad Municipal Corporation vs. Nawab Khan Gulab Khan and Others* case, the apex court directed the state to construct affordable houses for the poor:

The State has the constitutional duty to provide shelter to make the right to life meaningful.<sup>34</sup>

Significantly, in 1990, the Supreme Court of India also recognised the right of children to adequate housing. In the case *Shantistar Builders vs. Narayan Khimalal Totame*, the Court observed:

The Constitution aims at ensuring the full development of every child. That would be possible only if the child is in a proper home.<sup>35</sup>

A February 11, 2010 judgement of the High Court of Delhi in the case *Sudama Singh and Others vs. Government of Delhi and Anr.*,<sup>36</sup> lays down clearly that rehabilitation and protection of human rights of evicted communities is a duty of the state. In particular the Court asserted:

23. ... The denial of the benefit of the rehabilitation to the petitioners violates their right to shelter guaranteed under Article 21 of the Constitution. In these circumstances, removal of their jhuggies without ensuring their relocation would amount to gross violation of their Fundamental Rights.

Article 51 (c) of the Constitution of India calls for the State to:

Foster respect for international law and treaty obligations in the dealings of organized people with one another.

Several national policies also recognise the need of the government to provide improved housing and shelter. The core focus of India's *National Urban Housing and Habitat Policy, 2007*, is the, "provision of 'Affordable Housing for All' with special emphasis on vulnerable sections of society such as Scheduled Castes/Scheduled Tribes, Backward Classes, Minorities and the urban poor."

One of the governing principles of the *Draft National Slum Policy, 2001*, is that it “endorses an upgrading and improvement approach in all slums. It does not advocate the concept of slum clearance except under strict guidelines set down for resettlement and rehabilitation in respect of certain slums located on untenable sites.”

## FORCED EVICTIONS: GROSS VIOLATION OF THE HUMAN RIGHT TO ADEQUATE HOUSING

The UN, in its Human Rights Commission resolutions 1993/77 and 2004/28, affirmed that the practice of forced evictions constitutes a gross violation of a range of human rights, in particular the human right to adequate housing.

General Comment 7 adopted in 1997 by the UN Committee on Economic, Social and Cultural Rights defines forced evictions as the, “*permanent or temporary removal against the will of individuals, families or communities from their homes or land, which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.*”<sup>37</sup>

The *UN Basic Principles and Guidelines on Development-based Evictions and Displacement* (2007)<sup>38</sup> define forced evictions as:

acts and/or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the provision of, and access to, appropriate forms of legal or other protection (paragraph 4).

The practice of forced evictions violates human rights protected in the *International Covenant on Economic, Social and Cultural Rights*. These include:

Article 10. The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment...

Article 11.1. 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. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

Article 13.1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.

The *International Covenant on Civil and Political Rights* also guarantees several human rights, which are violated in the event of a forced eviction. These include:

Article 1.2. ...In no case may a people be deprived of its own means of subsistence.

Article 2.3. Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 6.1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 12.1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

Article 23.1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

## VII Analysis of the Forced Evictions in Delhi

During the process of the 2010 Commonwealth Games, the city of Delhi witnessed an intensification of forced evictions.<sup>39</sup> While some of the evictions were directly linked to Games-related infrastructure and construction projects, the Games were also used as an excuse to evict other settlements under the pretext of ‘security’ and ‘city beautification.’

The following section highlights some of the characteristics of the forced evictions in Delhi that occurred due to the Games between the years 2004 and 2010. The human rights framework has been used to analyse the multiple violations of human rights resulting from forced evictions. In particular, this report uses the standards and operational guidelines prescribed in the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*<sup>40</sup> (hereafter *UN Guidelines*) as a benchmark to assess state responsibility and obligation, especially towards preventing forced evictions and protecting human rights. The *UN Guidelines* are a legal interpretation of existing norms of international human rights law, and were acknowledged by the UN Human Rights Council in 2007.<sup>41</sup>

The *UN Guidelines* address the human rights impacts of evictions. They lay down stringent criteria under which evictions can occur, only in “exceptional circumstances,” and with “full justification” and procedural guarantees. They aim to minimise displacement and call for sustainable alternatives, wherever possible. In the event that evictions are inevitable, the *UN Guidelines* lay down certain non-negotiable human rights standards that must be respected and upheld in all circumstances.

The *UN Guidelines* specify basic human rights principles, state obligations, and preventive strategies and programmes required to protect the right to adequate housing and prevent evictions. They then lay down detailed operational guidelines to be followed by state and non-state actors (where involved) for the three stages of evictions: *prior, during, and after*. The report uses the structure of the *UN Guidelines* to assess the forced evictions in Delhi, and documents the violations that occurred during each stage. It also attempts to compare actions of the government with national and international laws, policies, guidelines, and human rights standards.

### Prior to Evictions

The *UN Guidelines* call upon all States to ensure the equal right of women and men to protection from forced evictions and the equal enjoyment of the human right to adequate housing and security of tenure (paragraph 6). They stress that these rights should be guaranteed without discrimination of any kind on the basis of race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth or other status. States should carry out comprehensive reviews of relevant strategies, policies and programmes, with a view to ensuring their compatibility with international human rights norms.

The *UN Guidelines* specifically state:

21. States shall ensure that evictions only occur in exceptional circumstances. Evictions require full justification given their adverse impact on a wide range of internationally recognized human rights. Any eviction must be (a) authorized by law; (b) carried out in accordance with international human rights law; (c) undertaken solely for the purpose of promoting the general welfare; (d) reasonable and proportional; (e) regulated so as to ensure full and fair compensation and rehabilitation; and (f) carried out in accordance with the present guidelines. The protection provided by these procedural requirements applies to all vulnerable persons and affected groups, irrespective of whether they hold title to home and property under domestic law (emphasis added).
22. States must adopt legislative and policy measures prohibiting the execution of evictions that are not in conformity with their international human rights obligations. States should refrain, to the maximum extent possible, from claiming or confiscating housing or land, and in particular when such action does not contribute to the enjoyment of human rights (emphasis added).
25. In order to secure a maximum degree of effective legal protection against the practice of forced evictions for all persons under their jurisdiction, States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land (emphasis added).
28. States should adopt, to the maximum of their available resources, appropriate strategies, policies and programmes to ensure *effective protection of individuals, groups and communities against forced eviction and its consequences* (emphasis added).

The *UN Guidelines* also lay down State responsibility with regard to protection of human rights during forced evictions:

11. While a variety of distinct actors may carry out, sanction, demand, propose, initiate, condone or acquiesce to forced evictions, States bear the principal obligation for applying human rights and humanitarian norms, in order to ensure respect for the rights enshrined in binding treaties and general principles of international public law, as reflected in the present guidelines.

India's *National Urban Housing and Habitat Policy* (2007), in Article 5.8 (vii) provides that, "Only in cases where relocation is necessary on account of severe water pollution, safety problems on account of proximity to rail track or other critical concerns, relocation of slum dwellers will be undertaken..." The *Draft National Slum Policy* (2001) further states that "alternatives to resettlement should be fully explored before any decision is taken to move people."

The following section examines the impacts on a range of human rights prior to evictions.

## 1) INFORMATION, PARTICIPATION, AND IMPACT ASSESSMENT

### **Draft National Slum Policy (2001)**

The policy envisages:

- communication at all levels to ensure transparency;
- participation of the host community at all stages of the process.

### **UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)**

32. States must give *priority to exploring strategies that minimize displacement*. Comprehensive and holistic *impact assessments should be carried out prior to the initiation of any project* that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. "Eviction-impact" assessment should also include exploration of alternatives and strategies for minimizing harm (emphasis added).
37. Urban or rural planning and development processes should involve all those likely to be affected and should include the following elements: (a) appropriate notice to all potentially affected persons that eviction is being considered and *that there will be public*



*hearings on the proposed plans and alternatives; (b) effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities (emphasis added).*

38. States should explore fully all possible alternatives to evictions. *All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider...* (emphasis added).
39. During planning processes, *opportunities for dialogue and consultation must be extended effectively to the full spectrum of affected persons, including women and vulnerable and marginalized groups, and, when necessary, through the adoption of special measures or procedures (emphasis added).*
40. Prior to any decision to initiate an eviction, *authorities must demonstrate that the eviction is unavoidable and consistent with international human rights commitments protective of the general welfare (emphasis added).*

At none of the sites visited by the HLRN team, had people been consulted or included in decision-making processes regarding the demolition of their homes. Authorities did not conduct any public hearings about the proposed eviction at any of the affected locations. There is no available information of any of the concerned government agencies conducting impact assessments on the social, economic or environmental dimensions of the evictions or of any of the projects related to the Commonwealth Games in Delhi. It does not seem that the government paid attention to exploring alternatives to the evictions or to finding options that minimised displacement.

Comprehensive and participatory impact assessments prior to carrying out the evictions, while highlighting the excessive social, economic and human costs involved, would have also questioned whether the evictions were at all necessary. Such assessments could have helped prevent the widespread suffering, damage, harm, and violation of human rights of the thousands of people across the city who lost their homes for the Games.

People from all the evicted sites voiced their anger and frustration over the fact that they had not been given any opportunities for participation or for a fair hearing where they could raise their concerns and suggestions. The failure to consult with, and include, affected people in decision-making is a violation of their right to participation.

## 2) EVICTION NOTICE AND REASON FOR DEMOLITION

### **UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)**

37. Urban or rural planning and development processes should involve all those likely to be affected and should include the following elements: (a) *appropriate notice to all potentially affected persons that eviction is being considered* and that there will be public hearings on the proposed plans and alternatives... (emphasis added).
41. Any decision relating to evictions *should be announced in writing in the local language to all individuals concerned, sufficiently in advance.* The eviction notice should contain a detailed justification for the decision, including on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions. All final decisions should be subject to administrative and judicial review. Affected parties must also be guaranteed timely access to legal counsel, without payment if necessary (emphasis added).
42. Due eviction notice should allow and enable those subject to eviction to take an inventory in order to assess the values of their properties, investments and other material goods that may be damaged. Those subject to eviction should also be given the opportunity to assess and document non-monetary losses to be compensated.

In the majority of cases of forced evictions in Delhi, authorities did not provide a notice. The only exceptions were Dargah Bhure Shah Camp B (three-month notice); Cement Godam Basti (five-day notice); and Madrasi

Camp (two-day notice). The notice at Cement Godam Basti<sup>42</sup> was reportedly unsigned by any government official.

*“If they had to break our homes, at least they could have told us.”*  
[Ishwar Kali, woman at Indira Gandhi Camp II, Sewa Nagar]

In the majority of cases of forced eviction in Delhi, police personnel threatened people to vacate the area the night before or just hours prior to the demolition. In Sectors 52 and 53, Gurgaon, authorities only announced the impending demolition two hours before the arrival of the bulldozers. Residents of Indira Gandhi Camp II, Sewa Nagar, were very vocal about the fact that they had not been informed about the demolition. They received no written notice or any other form of warning. Residents on the banks of River Yamuna also received no notice but had heard rumours about the impending demolition accompanied with threats by the police. Residents of Bengali Camp received confirmed news of the eviction only the night before, when government and policemen came to warn them.

While no official notice or reason for demolition was provided in 16 of the 19 surveyed sites of eviction, people at all locations reported that police personnel and government officials present at the time of the demolitions informed them that their settlements were being razed for the Commonwealth Games. “We have to clean up for the Games,” said a police official during the demolition at Gurudwara Bangla Saheb Lane. Similarly, at the site of eviction in Gurgaon, a police official commented that the city had to be “dressed up for the Games.” Residents of Sai Baba Camp mentioned that the police had warned them not to be seen on the road until the Games were over.

*“We wear dirty, torn clothes, and are thus not presentable for the athletes and visitors. Evicting us was perceived as the solution to preventing foreigners from seeing poverty.”* [Hussein, Resident of Sector 53, Gurgaon]

A woman evicted from the banks of River Yamuna reported that her community had been told to move their hutments because of the Commonwealth Games (*“Jhuggi hata lo. Games chaaloo hain”*).

By failing to provide notice and timely information to the evicted communities, Delhi authorities also violated people’s right to information. Even the notices provided at Madrasi Camp and Cement Godam Basti were not sufficient, did not state a reason for the demolition, and did not give people adequate time to make alternative arrangements or to save their possessions. The notice at Cement Godam Basti stated that those people not entitled to resettlement should make alternative living arrangements themselves, which implies that people were effectively given only five days to find alternative accommodation and relocate.

## During Evictions

The *UN Guidelines* in paragraphs 45–51 lay down the procedural requirements for ensuring respect for human rights standards during the actual process of the eviction. The rights to security of the person and home are protected by the *International Covenant on Civil and Political Rights* (1966), which in Article 9 stipulates that, “Everyone has the right to liberty and security of person” and in Article 17.1 states that, “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.”

### 1) TIMING OF THE EVICTION

#### **Draft National Slum Policy (2001)**

Timing of the interventions to reduce dislocation and discomfort especially during periods of inclement weather.

#### **UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)**

49. Evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections, or during or just prior to school examinations.

Commonwealth Games-related evictions in Delhi were carried out in extreme weather conditions, during festivals, and prior to school examinations. Authorities demolished homes at several sites across the city when residents were not present; when they were either at work or travelling out of the city.

The Bengali Camp demolition took place on January 13, 2009, when people were celebrating the North Indian winter festival of *Lohri*. Women reported that their festive preparations had been marred by the sudden arrival of the police and bulldozers.

The demolition at Cement Godam Basti took place while several Muslim families had gone to their villages to celebrate the festival of *Eid*. Around 30-35 people in Cement Godam Basti were ill (with fever and dengue) during the time of the demolition. At JJ Valmiki Camp, people woke up early in the morning to find several bulldozers and a large police force ordering them to vacate their homes.

Eight slums – Viklang Basti, Prabhu Market, Prabhu Market Extension Camp, Gadia Lohar Basti, Swatantra Camp, JJ Valmiki Camp, Bengali Camp and Jhansi Camp were all demolished between January 9–13, 2009, during the peak of Delhi’s winter. The MCD demolished the temporary night shelter for the homeless at Pusa Road Roundabout on December 22, 2009, also in the midst of winter. Government authorities demolished the settlement on the banks of River Yamuna in July 2010 during the monsoon.

The forced evictions in Delhi clearly violate the provision in the *UN Guidelines* and the *Draft National Slum Policy* about timing since evictions took place in inclement weather, before exams, and during religious festivals. The consequence of these violations is that most of the evicted families found themselves exposed to the severe cold, scorching heat, or heavy rain, which resulted in adverse health impacts.

## 2) POLICE PRESENCE

### International Covenant on Civil and Political Rights (1966)

Article 17.

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

### UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

45. The procedural requirements for ensuring respect for human rights standards include the mandatory presence of governmental officials or their representatives on site during evictions. The governmental officials, their representatives and persons implementing the eviction must identify themselves to the persons being evicted and present formal authorization for the eviction action.
46. Neutral observers, including regional and international observers, should be allowed access upon request, to ensure transparency and compliance with international human rights principles during the carrying out of any eviction.
48. Any legal use of force *must respect the principles of necessity and proportionality*, as well as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and any national or local code of conduct consistent with international law enforcement and human rights standards (emphasis added).

All slum demolitions reportedly took place in the presence of a large police force. Residents at JJ Valmiki Camp reported that the police surrounded the site from all sides before the demolition. Roads had also been blocked to prevent people from leaving the site and attempting to seek preventive action. Police intimidation and misuse of power was a standard complaint at almost all sites.

Based on community reports, approximately 200 police personnel were present for the Dargah Bhure Shah Camp B demolition; 100 at Madrasi Camp; 100–150 for the demolition of 25 homes in Sai Baba Camp; two police buses, eight bulldozers and 8–10 fire brigades for the Gadia Lohar Basti demolition; 600 Central Reserve Police Force (CRPF) and Delhi Police personnel for the Prabhu Market Camp demolition; and 22 bulldozers for the Viklang Basti demolition. The demolition team at Gurgaon included around 20 personnel from the riot control cell.<sup>43</sup> People at almost all

“The size of the police force was greater than the population of Kidwai Nagar (*Jitne log Kidwai Nagar me nahin hain, utne police wale aaye thhe*).” [Woman in JJ Valmiki Camp]

surveyed sites reported that police forces completely surrounded the settlements before and during the demolitions.

Residents of Indira Gandhi Camp II, Sewa Nagar, accused authorities of taking advantage of the fact that women were alone at home during the eviction while the men were away at work. The police intimidated women to vacate their homes. Government and police officials reportedly used aggression and threat of fire to evict people from their homes on the banks of River Yamuna. A woman from the site reported that the police had threatened to burn the entire settlement if people did not vacate it.

At the demolition site in Gurgaon, people complained of police intimidation and fear. Muslims in the settlement were asked to leave for reasons of 'security' for the CWG and potential violence in the aftermath of the Babri Masjid verdict (announced on September 30, 2010). People who left under coercive force returned to find that their homes and possessions had been completely destroyed by authorities in their absence.



Sector 53, Gurgaon

Reports indicate that though women police officials were present during most evictions, they normally just stood by as passive observers. During the demolition of the homeless night shelter at Pusa Road, however, women police officers beat up women residents and forced them out of the night shelter. At other sites people stated that women police officials came only towards the end of the demolition.

The demolitions are carried out quite systematically. Government and police officials first cut off access to essential services such as electricity and water before the homes are razed. In order to prevent residents from approaching relevant authorities (government officials or elected representatives) to stall or delay the eviction, police forces surround the settlements and do not permit exit or entry.

### 3) INJURY AND DEATH DURING EVICTION

#### **International Covenant on Civil and Political Rights (1966)**

Article 6.1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 17.

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

#### **Constitution of India**

Article 21. No person shall be deprived of his life or personal liberty except according to procedure established by law.

#### **Indian Penal Code (1860)**

Section 304 A. Causing death by negligence

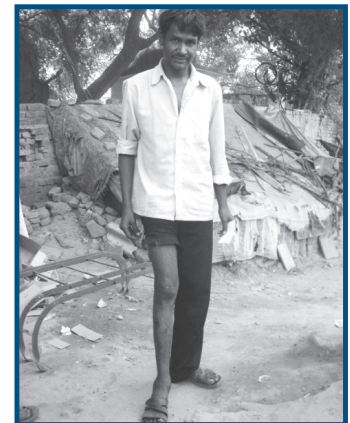
Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)**

47. Evictions shall *not be carried out in a manner that violates the dignity and human rights to life and security* of those affected. States must also take steps to ensure that women are not subject to gender-based violence and discrimination in the course of evictions, and that the human rights of children are protected (emphasis added).
50. States and their agents must take steps to ensure that *no one is subject to direct or indiscriminate attacks or other acts of violence*, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any form of collective punishment... (emphasis added).

Several people reported being injured during the eviction process. At JJ Arjun Das Camp, East Kidwai Nagar, a woman gave birth to a baby girl, a few hours before the demolition began on the morning of January 13, 2009. The shock of seeing the bulldozers made her lose consciousness for several hours. Since other residents were desperately struggling to save their own belongings, they could not take her to a hospital.

The shock of witnessing the demolition of her home has left Kamla, aged 40, from Indira Gandhi Camp II, Sewa Nagar, permanently paralysed on her left side. In the course of the stampede during the demolition process at Bengali Camp, an older woman fell to the ground and suffered severe injuries as a cylinder rolled over her. Janki, an elderly woman from JJ Valmiki Camp, narrowly escaped death, as she was trapped under a wall while attempting to safeguard her possessions. She injured her knee in the process and now suffers from a permanent disability. Anoop of JJ Valmiki Camp, East Kidwai Nagar, fractured his right leg while trying to rescue his possessions during the demolition process. Approximately 50 people sustained minor injuries during the Gurgaon eviction. People from Gurudwara Bangla Saheb Lane reported that the police arrived suddenly and used sticks and batons to hit many of them, including a man who could not walk.



Anoop, JJ Valmiki Camp

Jai Ram of JJ Camp, Prem Nagar, was injured during the demolition, as a wire pierced his thigh. His mother Phoolpati explained that due to the angst and pain associated with losing his home, he also developed fever in the aftermath of the eviction ("*Khauf se bukhaar ho gaya*"). The narrow lanes between the rows of homes in Bengali Camp contributed to many people being injured while attempting to protect their children and possessions from damage.

During the demolition of the homeless night shelter at Pusa Road, police intimidated and beat up four lactating mothers, some of whom had two-day old babies. At several sites, including Swatantra Camp, pregnant women reported physical stress while struggling to save their possessions. A pregnant woman at Indira Gandhi Camp II, Sewa Nagar, was still on the roof of her home when authorities began demolishing it. Babita Devi from Swatantra Camp was subjected to the bitter cold at an advanced stage of pregnancy, as authorities demolished her home in the peak of winter. She gave birth ten days after the eviction. The psychological stress and physical trauma of forced evictions on pregnant women is especially severe.

Police brutality, negligence, failure to provide notice and sufficient time for families to move out, and the use of force on the part of authorities, have resulted in deaths at certain sites during the eviction process. At JJ Valmiki Camp, Ram Singh lost his two-year old son during the eviction. The child was unwell and alone at home when the demolition began. Though he was rescued by neighbours, he died of shock within hours of the demolition. A pregnant woman, Tara Bai, at the Pusa Road temporary night shelter for the homeless was holding her one-and-a-half-year old daughter in her arms when the police hit her. The force of the violence made Tara Bai lose her footing. She fell on her child, crushing her instantly. During the June 2010 demolition of homeless tents at Pusa Road, one-year old Sanjana died from breathlessness while trying to escape injury.

It is evident that women, children and older persons suffer the most during the eviction process, including from violence and injury. The state's failure to provide special protection for children, older persons, and women,

especially pregnant women, is glaring. The *International Covenant on Economic, Social and Cultural Rights* in Article 10.2 states, “Special protection should be accorded to mothers during a reasonable period before and after childbirth.” Violence against persons with disabilities also contravenes provisions of the *Convention on the Rights of Persons with Disabilities*, in particular Articles 15 and 28.

Deaths occurring due to state acts of commission violate the fundamental right of life of all Indians. Officials responsible for causing injury and death must be investigated and the guilty must be tried and prosecuted according to the law.<sup>44</sup>

#### 4) LOSS AND DESTRUCTION OF POSSESSIONS AND PROPERTY

**The Indian Penal Code** in Section 23 defines ‘wrongful loss’ as a “loss by unlawful means of property to which the person losing it is legally entitled.”

**The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (1989)**

The Act lays down that it is illegal to “(v) wrongfully dispossess a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interfere with the enjoyment of his rights over any land, premises or water.”

**Universal Declaration of Human Rights (1948)**

Article 17.2. No one shall be arbitrarily deprived of his property.

**International Covenant on Civil and Political Rights (1966)**

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

**UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)**

50. States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, *or arbitrarily deprived of property or possessions as a result of demolition*, arson and other forms of deliberate destruction, negligence or any form of collective punishment. *Property and possessions left behind involuntarily should be protected against destruction and arbitrary and illegal appropriation, occupation or use* (emphasis added).

The damage, loss, and destruction of personal property resulting from forced evictions, is extensive. Evicted persons from all sites were distressed at not being able to salvage their possessions. A woman from Bengali Camp reported that authorities confiscated children’s milk supplies, while a woman from JJ Arjun Das Camp mentioned that even the food she was cooking was not spared by the bulldozers. Roopa’s family from JJ Valmiki Camp lost almost all their possessions including a television, washing machine, gas stove, and bed. Families on the banks of River Yamuna lost their plants—their source of livelihood—during the eviction process.



Sector 53, Gurgaon

Women from the demolished night shelter at Pusa Road reported that they lost not only their shelter and warm clothing but also all their rations. Satyadeen of Sai Baba Camp mentioned that all his belongings had

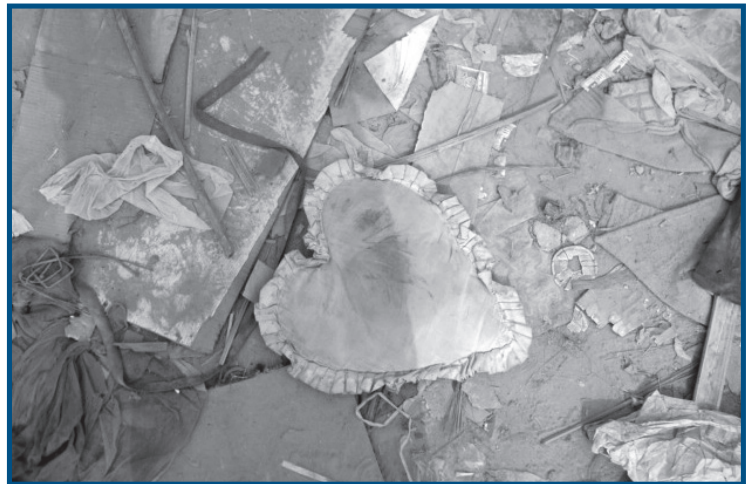
been crushed under a bulldozer. Sanjeeda from Gurgaon said she could not even save her children’s clothes. Meenu, who lived in Sector 53, Gurgaon, mentioned that had they had been informed in advance, they could have at least saved their belongings. “Nothing is left (*Kuchh bhi nahi bacha*),” cried Anoop of JJ Valmiki Camp.

At some sites, people reported having lost critical documents—ration cards, passports, and voter identity cards—during the eviction process. A family at Indira Gandhi Camp II, Sewa Nagar, lost all their documents, including their passports, which they had obtained after much difficulty. Kamla from Indira Gandhi Camp II, Sewa Nagar, succeeded in finding her ration card and voter identity card from the rubble two days after the demolition. Sheema of Swatantra Camp described how people searched desperately through the debris after the demolition in an attempt to locate lost documents and possessions.

“People had one of two choices, to save their lives or to save their belongings (*Jaan bachaaye ya saamaan bachaaye*).” [Kamar Abbas, Prabhu Market Extension Camp]

Before the demolition in Gurgaon, police officials store up residents’ ‘tenant verification forms,’ which were supposedly meant to safeguard them from eviction.

People at many sites reported the disturbing trend of ‘enforcement divisions’ of different Delhi government agencies<sup>45</sup> later confiscating even the few possessions that they managed to save, such as stoves and cooking vessels. Jawahar Singh of *Jhuggi Jhopdi Ekta Manch* said, “Whatever possessions people manage to save after the demolition of their homes, are confiscated by enforcement divisions. This is not right (*Jhuggiyon ke vidvansh ke baad, jo saamaan log bachaa paate hain, vo bhi Enforcement vaale uthha le jaate hain. Ye sahi nahi hai*).” At Indira Gandhi Camp II, Sewa Nagar, residents reported theft by authorities during the demolition. The driver of a bulldozer allegedly stole iron rods used for construction from people’s demolished homes.



Child’s pillow in the midst of rubble (Sector 52, Gurgaon)

Sajjad migrated to Delhi from Bihar in 1981. Authorities demolished his home at the Cement Godam Basti while he was in his village for the festive season. He lost all his possessions, including 33 litres of cooking oil, a cooking stove, a bed, and also the cart on which he sold vegetables to earn a living. He has sent his family back to the village after the demolition. He said, “It’s useless. There’s no point living in Delhi anymore (*Bekaar hai; is Dilli me ab nahin rehnaa*).”

## After Evictions

### 1) LIVING CONDITIONS IMMEDIATELY AFTER EVICTIONS

#### UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

43. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available and provided. Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those evicted.

44. All resettlement measures, such as construction of homes, provision of water, electricity, sanitation, schools, access roads and allocation of land and sites, must be consistent with the present guidelines and internationally recognized human rights principles, and *completed before* those who are to be evicted are moved from their original areas of dwelling (emphasis added).
52. The Government and any other parties responsible for providing just compensation and sufficient alternative accommodation, or restitution when feasible, must do so immediately upon the eviction, except in cases of force majeure. At a minimum, regardless of the circumstances and without discrimination, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. States should also ensure that members of the same extended family or community are not separated as a result of evictions.
53. Special efforts should be made to ensure equal participation of women in all planning processes and in the distribution of basic services and supplies.
58. Persons, groups or communities affected by an eviction should not suffer detriment to their human rights, including their right to the progressive realization of the right to adequate housing. This applies equally to host communities at relocation sites.

#### **Delhi Municipal Corporation Act (1957)**

43. Discretionary functions of the Corporation

Subject to any general or special order of the Government, from time to time, the Corporation may provide either wholly or in part for all or any of the following matters, namely:

- (l) the construction and maintenance of:
  - (ii) poor-houses,
  - (vi) shelters for destitute and disabled persons.
- (q) the provision for relief to destitute and disabled persons.

#### **National Urban Housing and Habitat Policy (2007)**

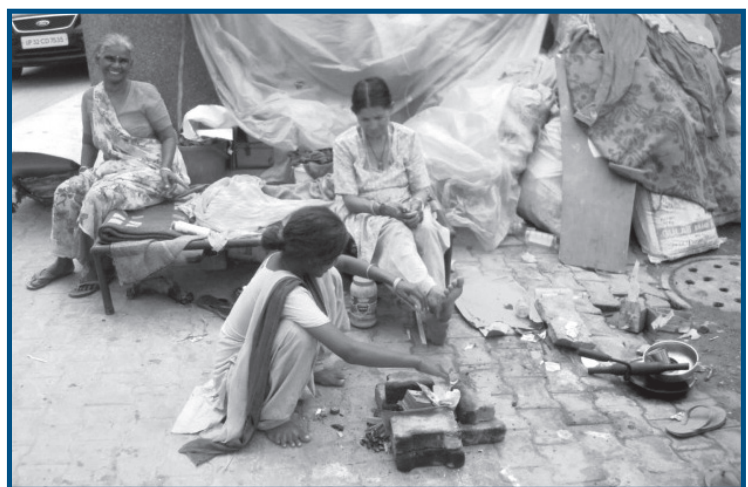
Special Provision for SC/ST/OBC/Minorities/Disabled

- xv) Special efforts for catering to the needs of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities, disabled persons, slum dwellers, street vendors, other informal sector workers and other vulnerable sections of the society in relation to housing and access to basic services.

In the immediate aftermath of an eviction, and in the absence of adequate rehabilitation, many families in Delhi have been rendered homeless.

“We lay there hungry and thirsty in the heat, but no one helped us (*Bhookhe pyaase pade rahein garmi me aur kisi ne madad nahi ki.*)” [Woman from Madrasi Camp]

Very few of the evicted families are able to immediately find and afford rented accommodation as an alternative. Some move into already crowded homes of relatives. The majority, however, are forced to live out on the streets, enduring the severe cold, heat or rain. Fear of theft of possessions and violence against women keeps many awake at night. Residents of Gadia Lohar Basti endured harsh living conditions immediately after the demolition of their settlement. In order to survive, they put up tents during the night but had to dismantle them at dawn due to threats from the police. Mona from Gurudwara Bangla Saheb Lane,



Mona, Gurudwara Bangla Saheb Lane



who lost her home in September 2010, was still living in the open with her infant when the HLRN team visited the site on October 7, 2010.



Cooking in the open (Sector 53, Gurgaon)

*“We will have about 30 lakh (3,000,000) homeless in the city after the Games. This is a serious concern. Housing for them will be a priority after the Games.”* [Chief Minister of Delhi, Sheila Dixit]<sup>46</sup>

Families displaced from the banks of River Yamuna had to brave heavy rains after the eviction. Many of them spent five days in the open during the monsoon. Bhagwati said that their only protection against the heavy rain was a plastic sheet (*“Tripal odhkar baarish me pade rahein”*). Urmila from the same site said she could not sleep because of mosquitoes. Six-year old Dinesh

complained of sleepless nights due to the heavy rain and rising level of the river. Women from Madras Camp reported spending nearly two months on the roadside in the intense summer heat.

Several children reportedly fell ill immediately after the forced evictions. Women lost wages because they could not go to work. Families displaced in Gurgaon lived without food and water for a few days. Authorities did not even spare the community’s water tank in the demolition drive. People of Bengali Camp managed to live in a nearby park for some days. Shanti Devi of JJ Valmiki Camp spent two months on the streets after Delhi authorities demolished her home. She reported that even drinking water was difficult to find during that period. Phoolpati from JJ Camp, Prem Nagar, along with her son and grandchildren, lived in a park for a few months after the demolition of her home. People from the Pusa Road homeless night shelter survived for more than two months in the open during the peak of Delhi’s bitter winter before they were moved to a permanent shelter at Motia Khan.

*“The Commonwealth Games will act as a boon for poor people. Both the Delhi government and the ministry will do whatever we can in planning and providing funds to ensure that they have better houses.”* [Union Minister for Housing and Urban Poverty Alleviation, and Tourism, Kumari Selja]<sup>47</sup>

Eventually some of the displaced families manage to find rental housing, often in distant locations, but a large majority are rendered permanently homeless, and continue to live in extremely inadequate conditions.

## 2) REHABILITATION, RESETTLEMENT, AND COMPENSATION

### **The Slum Areas (Improvement and Clearance) Act (1956)**

14. Right to receive compensation – Every person having any interest in any land acquired under this Act shall be entitled to receive from the Central Government compensation as provided hereafter in this Act.

### **UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)**

55. Identified *relocation sites must fulfil the criteria for adequate housing according to international human rights law*. These include: (a) security of tenure; (b) services, materials, facilities and infrastructure such as potable water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services, and to natural and common resources, where appropriate; (c) affordable housing; (d) habitable housing providing inhabitants with adequate space, protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors, and ensuring the physical safety of occupants; (e) accessibility for disadvantaged groups; (f) access to employment options, health-care services, schools, childcare centres and other social facilities, whether in urban or rural areas; and (g) culturally

appropriate housing. In order to ensure security of the home, adequate housing should also include the following essential elements: privacy and security; participation in decision-making; freedom from violence; and access to remedies for any violations suffered (emphasis added).

60. When eviction is unavoidable, and necessary for the promotion of the general welfare, the State must provide or *ensure fair and just compensation for any losses* of personal, real or other property or goods, including rights or interests in property. Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, such as: loss of life or limb; physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services... (emphasis added)
61. All those evicted, *irrespective of whether they hold title to their property*, should be entitled to compensation for the loss, salvage and transport of their properties affected, including the original dwelling and land lost or damaged in the process. Consideration of the circumstances of each case shall allow for the provision of compensation for losses related to informal property, such as slum dwellings (emphasis added).
62. Women and men must be co-beneficiaries of all compensation packages. Single women and widows should be entitled to their own compensation.
63. To the extent not covered by assistance for relocation, the assessment of economic damage should take into consideration losses and costs, for example, of land plots and house structures; contents; infrastructure; mortgage or other debt penalties; interim housing; bureaucratic and legal fees; alternative housing; lost wages and incomes; lost educational opportunities; health and medical care; resettlement and transportation costs (especially in the case of relocation far from the source of livelihood). Where the home and land also provide a source of livelihood for the evicted inhabitants, impact and loss assessment must account for the value of business losses, equipment/inventory, livestock, land, trees/crops, and lost/decreased wages/income.

In the majority of sites covered by the HLRN fact-finding mission, no compensation or rehabilitation has been provided to the evicted families. The only exceptions are Dargah Bhure Shah Camp B, where plots have been allotted in Savda Ghevra to families of around 90 of the 115 demolished homes, and Cement Godam Basti, where families of 67 of the 435 demolished homes have been resettled in Bawana.

A list of settlements has been prepared by the Government of Delhi for relocation under the first phase of its *Rajiv Ratna Awas Yojana*. Under the scheme, 7900 flats were approved for allotment. It was initially stated that these settlements would be relocated during the Commonwealth Games.<sup>48</sup> The 'cut-off' date for eligibility of slum dwellers for rehabilitation according to the scheme was December 31, 1998; this means that only those living at the sites before December 31, 1998, would be considered eligible for rehabilitation. In July 2010, however, the government changed the 'cut-off' date for eligibility for rehabilitation to March 31, 2002.<sup>49</sup>

### **Draft National Slum Policy (2001)**

#### Resettlement and Rehabilitation

All States/Urban Local Bodies (ULBs) must draw up comprehensive resettlement and relocation guidelines for urban dwellers and all relocation or resettlement of dwellers residing in untenable sites shall be implemented strictly in accordance with such guidelines, which should ensure that:

- a) Alternatives to resettlement should be fully explored before any decision is taken to move people.
- b) Relocation distances should be minimised to reduce the impact on livelihoods.
- c) Resident dwellers must be provided with some choice of alternative sites and where feasible, an alternative rehabilitation package.
- d) All resettlement sites should be adequately serviced and provision should be made for public transportation prior to settlement.
- e) The livelihoods of affected people must be sufficiently compensated within a fixed period.
- f) Participation of primary stakeholders, particularly women, in planning and decision making is a pre-requisite for any resettlement process.
- g) Women's particular needs and constraints must be specifically addressed.

- h) Any urban development project that leads to the involuntary resettlement of communities must make provision to cover the costs of R&R.
- i) All stages of the resettlement process including the transition and follow-up periods should be closely monitored and supervised by the ULB with community representatives.

### **Master Plan for Delhi (2021)**

#### 4.2.3.1 Rehabilitation/Relocation of Slum & JJ Clusters

During the Plan period 1981-2001, sites and services approach based relocation was employed in which resettlement of squatter slums was done on 18 square metre (sq. m) and 12.5 sq. m plots (transit accommodation) allotted to eligible persons on licence basis. This has led to a number of aberrations and there are several aspects, due to which this approach needs to be progressively abandoned and substituted by an alternate approach.

Broadly speaking this alternate approach should have the following components:

- i) Resettlement, whether in the form of in-situ up-gradation or relocation, should be based mainly on built up accommodation of around 25 sq. m with common areas and facilities, rather than on the model of horizontal plotted development.
- ii) The concept of land as a resource should be adopted to develop such accommodation with private sector participation and investment, to the extent possible.
- iii) Incentives by way of higher FAR (Floor Area Ratio), part commercial use of the land and, if necessary and feasible, Transfer of Development Rights should be provided.
- iv) A cooperative resettlement model with adequate safeguards may be adopted with tenure rights being provided through the institution of Co-operative Societies.
- v) The provision of accommodation should be based on cost with suitable arrangements for funding/financing, keeping in view the aspect of affordability and capacity to pay.
- vi) In cases of relocation, the sites should be identified with a view to develop relatively small clusters in a manner that they can be integrated with the overall planned development of the area, particularly keeping in view the availability of employment avenues in the vicinity. Very large resettlement sites could lead to a phenomenon of planned slums.
- vii) Suitable arrangement for temporary transit accommodation for families to be rehabilitated should be made. This may preferably be near or at the same site and the utilization of these may be synchronised with the phases of implementation of the scheme of in-situ upgradation.

At most sites visited by the HLRN team, people reported that though they had the requisite documentary proof, they had not been provided with any resettlement.

Some families of the demolished JJ Arjun Das Camp have survived by putting plastic sheets over the broken walls of their former homes. Every morning, however, they remove the plastic sheets, as they are afraid the police will believe that they are rebuilding their homes and demolish them again. Some of the families evicted from Bengali Camp and JJ Arjun Das Camp were still living in makeshift tents at the time of writing this report.

Residents of Madrasi Camp, Jangpura B, have received no compensation till date despite the fact that they were given an assurance of being resettled within 15 days of their eviction. They have had to borrow money on interest or from employers and have had to mortgage their gold and family jewellery in order to rebuild their homes. None of those who lost their shops in Dargah Bhure Shah Camp B have received any compensation.

In the few instances where resettlement has been provided in sites such as Bawana and Savda Ghevra (located on the outskirts of Delhi), it is extremely inadequate. Living conditions are dismal and residents do not have access to basic services such as electricity, water, sanitation, adequate transport, schools, and healthcare. Studies have shown that the quality of life at resettlement sites does not meet adequate living standards.<sup>50</sup> Water is reportedly a major problem in Savda Ghevra while inadequate supply of basic food items (rations) has been reported in Bawana. Commuting from resettlement sites to places of work is a challenge due to the increased distance, inadequate transport facilities, and high cost of transportation. Residents of Dargah Bhure Shah Camp B who have relocated to Savda Ghevra reported that they spend

five hours a day commuting to work. Amar Nath complained that he reaches home in Savda Ghevra at around 11 p.m., and is thus not able to spend time with his children who are asleep by then. “Commuting from Savda Ghevra is a big problem (*Aane jaane ki bahut pareshaani hai*),” stated Iqbal, who used to live at Dargah Bhure Shah Camp B.

### Failure of Resettlement: Building Collapse in East Delhi

On November 15, 2010, a residential building collapsed in Lalita Park area in Laxmi Nagar, East Delhi, resulting in the death of 67 people. More than 129 people were injured. Most residents of this unauthorised construction, which stood on the Yamuna flood plains, were migrant labourers from the states of West Bengal and Bihar. Some of them had been displaced from Yamuna Pushta in 2004 and had refused to go to the resettlement site at Savda Ghevra for fear of losing employment. They had been living in this unsafe building because of their inability to pay higher rents elsewhere. The incident raises questions about the lack of a comprehensive planning and housing policy in Delhi; the flouting of basic safety norms; unsafe conditions under which migrant workers are forced to live in Delhi; and the grossly inadequate conditions in which evicted families continue to live, years after their homes are demolished.

A February 11, 2010, judgement of the High Court of Delhi by Justice A.P. Shah and Justice S. Muralidhar in the case *Sudama Singh and Others vs. Government of Delhi and Anr.*, lays down clearly that rehabilitation and protection of human rights of evicted communities is a duty of the state. In particular the Court stated:

44. What very often is overlooked is that when a family living in a jhuggi is forcibly evicted, each member loses a “bundle” of rights – the right to livelihood, to shelter, to health, to education, to access to civic amenities and public transport and above all, the right to live with dignity.
55. It must be remembered that the MPD-2021 [Master Plan for Delhi], clearly identifies the relocation of slum dwellers as one of the priorities for the government. Spaces have been earmarked for housing of the economically weaker sections. *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 (emphasis added).*
57. ... in the context of the MPD, jhuggi dwellers are not to be treated as “secondary” citizens. They are entitled to no less an access to basic survival needs as any other citizen. *It is the State’s constitutional and statutory obligation to ensure that if the jhuggi dweller is forcibly evicted and relocated, such jhuggi dweller is not worse off.* The relocation has to be a meaningful exercise consistent with the rights to life, livelihood and dignity of such jhuggi dweller (emphasis added).
58. It is not uncommon to find a jhuggi dweller, with the bulldozer at the doorstep, desperately trying to save whatever precious little belongings and documents they have, which could perhaps testify to the fact that the jhuggi dweller resided at that place. These documents are literally a matter of life for a jhuggi dweller, since most relocation schemes require proof of residence before a “cut-off date.” If these documents are either forcefully snatched away or destroyed (and very often they are) then the jhuggi dweller is unable to establish entitlement to resettlement. Therefore, the exercise of conducting a survey has to be very carefully undertaken and with great deal of responsibility keeping in view the desperate need of the jhuggi dweller for an alternative accommodation. A separate folder must be preserved by the agency or the agencies that are involved in the survey for each jhuggi dweller with all relevant documents of that jhuggi dweller in one place. Ideally if these documents can be digitalized then there will be no need for repeated production of these documents time and again whenever the jhuggi dweller has in fact to be assigned a place at the relocated site.

With regard to resettlement sites, the Court stated:

60. The further concern is the lack of basic amenities at the relocated site. It is not uncommon that in the garb of evicting slums and “beautifying” the city, the State agencies in fact end up creating more slums the only difference is that this time it is away from the gaze of the city dwellers. The relocated sites are invariably 30-40 kilometers away from a city centre. The *situation in these relocated sites*, for instance in Narela and Bhawana, are deplorable. The lack of basic amenities like drinking water, water for bathing and washing, sanitation, lack of access to affordable public transport, lack of schools and health care sectors, compound the problem for a jhuggi dweller at the relocated site. The places of their livelihood invariably continue to be located within the city. Naturally, therefore, their *lives are worse off after forced eviction* (emphasis added).
61. Each of the above factors will have to be borne in mind before any task for forceful eviction of a jhuggi cluster is undertaken by the State agencies. It cannot be expected that human beings in a jhuggi cluster will simply vanish if their homes are uprooted and their names effaced from government records. They are the citizens who help rest of the city to live a decent life, *they deserve protection and the respect of the rights to life and dignity which the Constitution guarantees them* (emphasis added).
- 62 (iii). *Within a period of four months from today, each of those eligible among the petitioners, in terms of the above relocation policy, will be granted an alternative site as per MPD-2021 subject to proof of residence prior to cut-off date. This will happen in consultation with each of them in a “meaningful” manner, as indicated in this judgment* (emphasis added).

The High Court of Delhi, in the same order, also specifically called for the resettlement of the Gadia Lohar community—one of the petitioners in the case—by allotting each family 25 square yard (20.9 square metre) plots along with ownership rights. Despite the Court order, none of the families of the community have received any rehabilitation.

Apart from citing the Constitution of India and the Master Plan for Delhi 2021, the judgement of the High Court of Delhi also refers to international legal provisions on the human right to adequate housing, including the *International Covenant on Social, Economic and Cultural Rights*, the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*, and the Concluding Observations on India of the UN Committee on Social, Economic and Cultural Rights.

### 3) RIGHT TO RETURN

#### **UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)**

58. The circumstances of forced evictions linked to development and infrastructure projects (including those mentioned in paragraph 8 above) seldom allow for restitution and return. Nevertheless, when circumstances allow, States should prioritize these rights of all persons, groups and communities subjected to forced evictions. Persons, groups and communities shall not, however, be forced against their will to return to their homes, lands or places of origin.
59. When return is possible or adequate resettlement in conformity with these guidelines is not provided, the *competent authorities should establish conditions and provide the means, including financial, for voluntary return in safety and security, and with dignity, to homes or places of habitual residence*. Responsible authorities should facilitate the reintegration of returned persons and exert efforts to ensure the full participation of affected persons, groups and communities in the planning and management of return processes. Special measures may be required to ensure women’s equal and effective participation in return or restitution processes in order to overcome existing household, community, institutional, administrative, legal or other gender biases that contribute to marginalization or exclusion of women (emphasis added).
66. Competent authorities have the duty and responsibility to assist returning persons, groups or communities to recover, to the maximum extent possible, the property and possessions that they left behind or were dispossessed of upon their eviction.
67. When return to one’s place of residence and recovery of property and possessions is not possible, competent authorities must provide victims of forced evictions, or assist them in obtaining, appropriate compensation or other forms of just reparation.

The *UN Guidelines* protect the 'right to return' of evicted individuals and communities. Several of the sites from where people have been forcibly evicted are lying unused or vacant. No state assistance or provisions, however, have been made to enable communities to return in dignity and safety to their original sites of residence. Where communities have returned, they are living in inadequate conditions under constant fear of eviction. Residents of Madras Camp had to rebuild their homes at their own cost. Families from Bengali Camp, Jhansi Camp, JJ Valmiki Camp and Swatantra Camp are living in makeshift homes at the same site, and reported continued threats, harassment and extortion by policemen.

Families displaced from Sectors 52 and 53, Gurgaon, have slowly started returning, but they have not been permitted to rebuild their homes at the original site. Families evicted from the banks of River Yamuna due to security concerns for the Commonwealth Games Village have started returning to the site but are being threatened by police officials.

#### 4) IMPACT ON THE HUMAN RIGHT TO HEALTH

##### **Constitution of India**

Directive Principles of State Policy

Article 47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health.

##### **International Covenant on Economic, Social and Cultural Rights (1966)**

Article 12.1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

##### **United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000)**

36. States must ensure provision of health care, including... nutritiously safe food and potable drinking water, basic sanitation and adequate housing and living conditions.

##### **UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)**

54. In order to ensure the protection of the human right to the highest attainable standard of physical and mental health, all evicted persons who are wounded and sick, as well as those with disabilities, should receive the medical care and attention they require to the fullest extent practicable and with the least possible delay, without distinction on any non-medically relevant grounds. When necessary, evicted persons should have access to psychological and social services. Special attention should be paid to: (a) the health needs of women and children, including access to female health-care providers where necessary, and to services such as reproductive health care and appropriate counselling for victims of sexual and other abuses; (b) ensuring that ongoing medical treatment is not disrupted as a result of eviction or relocation; and (c) the prevention of contagious and infectious diseases, including HIV/AIDS, at relocation sites.

57. Rehabilitation policies must include programmes designed for women and marginalized and vulnerable groups to ensure their equal enjoyment of the human rights to housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman or degrading treatment, and freedom of movement.

All displaced families surveyed in this study reported an increase in the frequency of illness, especially among children, after the evictions. Poor sanitation, lack of access to healthcare and medical facilities, and being forced to live in inadequate conditions in the open, contribute to the spread of fever, cough, cold, pneumonia, malaria, and dengue. Exposure to the cold resulted in many children at Indira Gandhi Camp and Gadia Lohar Basti falling ill. Children of Madras Camp suffered from heat-related ailments after the eviction. Residents of Sai Baba Camp reported an increase in the number of people falling ill after the demolition. Women at Gadia Lohar Basti reported suffering from skin ailments from living in inadequate conditions without access to water and other basic services.

The psychological impacts of having faced forced evictions, are long-lasting and severe, particularly for children and women.

The right to health, including the right to access healthcare, is an internationally recognised human right. Furthermore, it has been recognised that conditions in the housing environment have direct consequences for enjoyment of the human right to health.<sup>51</sup> The state governments responsible for the forced evictions have violated the right to health of all those displaced due to the Commonwealth Games.

## 5) DEATH IN THE AFTERMATH OF EVICTIONS/ IMPACT ON THE HUMAN RIGHT TO LIFE

### Constitution of India

Directive Principles of State Policy

Article 21. No person shall be deprived of his life or personal liberty except according to procedure established by law.

### Indian Penal Code (1860)

Section 304 A. Causing death by negligence

Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

### International Covenant on Civil and Political Rights (1966)

Article 6.1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

### UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

47. Evictions shall *not be carried out in a manner that violates the dignity and human rights to life and security* of those affected. States must also take steps to ensure that women are not subject to gender-based violence and discrimination in the course of evictions, and that the human rights of children are protected (emphasis added).

### UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)

18. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.
19. Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors.
20. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

According to HLRN's field research, at least 18 people across Delhi lost their lives as a result of the forced evictions. The majority of these deaths have not been reported by the media, neither have the families of the deceased received any compensation or state assistance and support.

Two adult homeless persons lost their lives at Pusa Road after MCD demolished their night shelter on December 22, 2009. Bhima, a 35-year old balloon seller, died at Pusa Road on December 31, 2009 from exposure to the cold. Bhima supported his mother Saru Bai and his grandmother Girija Bai, both of whom now live in the homeless shelter at Motia Khan. Hari Chand lost his two daughters after the demolition of the night shelter. Pooja, his three-year old daughter, succumbed to the cold within a week of the demolition while one-year old Tinki, died within a month and a half, as she too could not withstand living on the streets during the severe winter.

The High Court of Delhi on January 13, 2010, in an interim order related to a suo moto case on the demolition of the Pusa Road night shelter, mentioned that:

*In so far as the shelter at Pusa Road Roundabout is concerned... No citizen should have to die because he or she is poor and does not have roof over his or her head and because of cold or heat and other weather conditions. It is the prime responsibility of the State to provide shelter for the homeless and we are only issuing directions so as to remind the State of this responsibility.*<sup>52</sup>

Shiksha, Anoop and Sandeep from JJ Valmiki Camp, East Kidwai Nagar, each reported that they had lost a family member to the shock and trauma of the evictions. Shanti Devi of Prabhu Market Camp lost her husband Bannay Singh in January 2010, a year after the demolition of their home. He succumbed to the bitter cold, as they were forced to live on the streets in the absence of any state rehabilitation.

Lakhan, a 50-year old man from Bengali Camp, suffered from severe depression after the demolition of his home. He died of a heart attack within six months of the eviction. Ravi, who lived in Bengali Camp, lost his wife Geeta, a few months after the eviction. Her death was attributed to the psychological trauma and insecurity of living without a home. Rohit, a teenager from JJ Valmiki Camp lost his mother who died from the shock and trauma of the eviction. Around five children of JJ Arjun Das Camp died soon after the eviction.



Shanti Devi, Prabhu Market Camp

Vidya Devi from Prabhu Market Camp had a handicapped son. After the demolition of her home, she could no longer afford to pay for his medical treatment. Soon after the eviction, her son's condition worsened; he was admitted to Safdarjung Hospital, but unfortunately passed away.

At Bengali Camp, residents reported an increase in diseases after the eviction. Dengue claimed two lives at the Camp. At JJ Arjun Das Camp, Manju's 11-year old son received a chest injury during the eviction process. He died within a few months, as his parents could not afford his medical treatment. Manju has been so traumatised by his death that she still could not speak when the HLRN team visited the site in November 2010.

Sonu, a resident of Prabhu Market Extension Camp, committed suicide by jumping on to a railway track. Following the demolition of his home, he had moved with his family, to a rented accommodation in Kotla Mubarakpur. On the day that he took the extreme step of killing himself, he had fought with his wife over the rent, which they were unable to pay. The fact-finding team heard several testimonies that revealed suicidal tendencies amongst displaced people, especially older women, due to depression and grief arising from adverse living conditions, increased stress on household income, and loss of family members in the aftermath of the evictions. Shanti Devi of Prabhu Market Camp sees no purpose in living since the death of her husband, who died from exposure to the cold.

Bajanwala, a 50-year old handicapped woman from Bengali Camp, is unable to walk or work. Since the demolition of her home, she has been forced to live in a flimsy shack, which the police continue to threaten to demolish. She challenges them to break her shack with their bare hands, if they have the heart to do so. She often breaks down, and asks people to bring her poison so that she can kill herself.

The forced evictions in Delhi have been carried out in a manner which violates the fundamental right to life, as guaranteed in Article 21 of the Constitution of India, and continue to result in numerous but uncounted deaths across the city. These deaths are not mere accidents but are caused due to state acts of commission and omission, including apathy and negligence, for which all concerned government agencies and departments need to be held accountable.

## 6) IMPACT ON THE HUMAN RIGHT TO WORK/ LIVELIHOOD

### Constitution of India

#### Fundamental Rights

Article 16. Equality of opportunity in matters relating to employment or appointment of any office under the State.

Article 19 (1) (g). Right of all citizens to practice any profession, or to carry on any occupation, trade or business.

#### Directive Principles of State Policy

Article 39 (a). State policy to be directed to securing for both men and women equally, the right to an adequate means of livelihood.



**Universal Declaration of Human Rights (1948)**

Article 23. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

**International Covenant on Economic, Social and Cultural Rights (1966)**

Article 1.2. ...In no case may a people be deprived of its own means of subsistence.

Article 6. 1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

**UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)**

- 43. ... Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those evicted.
- 52. At a minimum, regardless of the circumstances and without discrimination, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: ... (e) livelihood sources...
- 63. ... Where the home and land also provide a source of livelihood for the evicted inhabitants, impact and loss assessment must account for the value of business losses, equipment/inventory, livestock, land, trees/crops, and lost/decreased wages/income.

**Draft National Slum Policy (2001)**

Resettlement and Rehabilitation

- e) The livelihoods of affected people must be sufficiently compensated within a fixed period.

For most of the displaced families, demolition of homes has also meant loss of livelihoods. At every site surveyed, people reported a marked decrease in income after the evictions.

Forced evictions result in both temporary loss of wages as well as a permanent decrease in income for the displaced. In the immediate aftermath of an eviction, when people are forced to live on the streets and their possessions are lying in the open, wage labourers find it difficult to go to work, as they fear theft. Women domestic workers of Madrasi Camp lost wages for two months while they were living on the streets and looking for alternative housing.

“That Saturday of the demolition proved to be very fateful (*Vo shanivaar bahut bhaari pada*).”  
 [Kusum, a 50-year old woman from Indira Gandhi Camp who lost her livelihood due to the demolition]

A woman at Gadia Lohar Basti reported a fall in income from Rs. 100–200 (US \$2–4)<sup>53</sup> per day (before the eviction) to Rs. 20–30 (US \$0.4–0.7). Pyare Lal of Dargah Bhure Shah Camp B owns a barber shop. Previously he earned between Rs. 400 and Rs. 1000 (US \$9–22) a day, but after the demolition, the maximum he has been able to earn in a day is Rs. 400 (US \$9). Chhangu, a balloon seller, who lived in Swatantra Camp said that his earnings dropped from around Rs. 300 per day to Rs. 100–150 (US \$2–3) a day, both due to the demolition of his home and Commonwealth Games-related security measures, which prevented him working.

At several sites, people reported that they were “just managing to survive” after the demolition of their homes and destruction of their livelihoods. Dinesh from Prabhu Market Camp explained that their livelihoods were linked to their site of residence, and since the demolition of their homes and shops, their earnings had dwindled.

Phool Kali runs a small grocery shop near the railway crossing at Nizamuddin Railway Station. Her husband is a daily wage earner. Her family consists of six members. Though she had been living in Dargah Bhure Shah Camp B for 15 years, she was not entitled to a resettlement plot because she did not have the required documents. Before the demolition, she managed to save Rs. 100–200 (US \$2–4) per day, but now, her family is barely able to make ends meet.

A large number of women domestic workers from Cement Godam Basti lost employment because the sites they have relocated to are situated far from their places of work.

For the few families who have been rehabilitated to areas such as Bawana and Savda Ghevra, resettlement has come at a heavy price. “People who have been relocated to Bawana are dying,” recounted a man from Cement Godam Basti, “because there are no livelihood opportunities.” Pyare Lal of Dargah Bhure Shah Camp B explained that a major problem in Savda Ghevra was the lack of livelihood options. Ram Das, who moved to the resettlement site at Savda Ghevra, stated that he has only been able to find intermittent employment since the relocation.

“If you want to kill someone, send them to Bawana (*Kissi ko maarna chaahate ho, tho unko Bawana bhej do*).” [Man from Cement Godam Basti]

### Demolition of Shops and Violation of Rights of Vendors

In addition to the demolition of homes, Delhi government authorities also demolished small shops and other enterprises for the Commonwealth Games. Daily wage earners, street vendors, and other informal sector workers across Delhi lost their livelihoods. The police beat up Shekhar, aged 14, from Sai Baba Camp when he tried to sell flowers near the Sai Baba Temple. In the run-up to the Games, authorities demolished shops across Delhi, including around 70 shops in the vicinity of Gadia Lohar Basti and 10–12 shops in Kotla Pijanji Village, adjacent to Thyagaraja Stadium. The government also banned several weekly markets in Delhi for the entire duration of the Games; for instance, the government did not permit the market in Mohammadpur, near R. K. Khanna Tennis Stadium, to operate. It also cleared vendors from several markets across Delhi.

The prohibition on vending in the run-up to and during the Commonwealth Games resulted in loss of income for thousands of families across Delhi. The only source of income for several families of Sai Baba Camp was from the sale of flowers and garlands to temple visitors, which was not permitted for the duration of the Games (October 3–14, 2010). “I have not been able to earn one rupee since the demolition,” said Bajrang of Sai Baba Camp. People of Gadia Lohar Basti complained that since roads were closed during the Commonwealth Games, they lost their daily earnings, as buyers could not approach them for their goods. They had to depend on voluntary contributions to survive for the period of the Games. A woman at Indira Gandhi Camp II, Sewa Nagar, narrated how the entire community had not been permitted to work during the Games.

According to the *National Association of Street Vendors of India (NASVI)*, Delhi authorities evicted and cleared more than 55,000 street vendors from their sites of livelihood in different areas across the city. Before the CWG, the New Delhi Municipal Council (NDMC) and Delhi Police launched an eviction drive in the Sarojini Nagar Market area in South Delhi. During the drive, police arrested, detained and tortured a vendor, Om Prakash Arya, who suffered a heart attack and died while in detention. Despite repeated demands to file a First Information Report (FIR) against his death, the police refused to do so.

Even after the Commonwealth Games, vendors of Prabhu Market Camp and Prabhu Market Extension Camp, like many others in the city, have not been allowed to resume work. During the HLRN team’s visit to the area two weeks after the Games, people were still not allowed to sell fruit and vegetables. Pleased Sri Ram of Prabhu Market Camp, “Either allow us to sell fruit and vegetables or shoot and kill us.”

#### National Policy on Urban Street Vendors, 2009 (India)

##### Eviction, Relocation and Confiscation

- 5.1 If authorities come to the conclusion in any given instance that genuine public obstruction of a street, side walk etc. is being caused by street vending, there should be a mechanism of due notice to the street vendors. The vendors should be informed/warned by way of notice as the first step before starting the clearing up or relocation process... *In case of relocation, adequate compensation or reservation in allotment of new vending site should be provided to the registered vendors* (emphasis added).
- 5.2 With regard to confiscation of goods (which should happen only as a last resort rather than routinely), the street vendors shall be entitled to get their goods back within a reasonable time on payment of prescribed fee, determined by Town Vending Committees (TVC).

The Constitution of India in Articles 19.1 (g) and 39 (a) guarantees the right to work, free choice of employment, fair and favourable conditions of work, and protection against being rendered unemployed, to the country’s citizens. The *National Policy on Urban Street Vendors* (2009), mandates due notice and compensation in cases of relocation. In the Commonwealth Games process, the majority of street vendors in Delhi did not receive any notice of eviction; neither did they receive compensation or relocation. The prohibition on the right of vendors to work in Delhi during the Games, is a violation not only of their constitutionally guaranteed fundamental rights but also of international law, including the *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social and Cultural Rights*, and several conventions of the *International Labour Organization*.

## 7) IMPACT ON HOUSEHOLD INCOME AND EXPENDITURE

### UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

- 43. ... Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those evicted.
- 63. To the extent not covered by assistance for relocation, the assessment of economic damage should take into consideration losses and costs, for example... health and medical care; resettlement and transportation costs (especially in the case of relocation far from the source of livelihood).

### Master Plan for Delhi 2021

#### 4.2.3.1 Rehabilitation/Relocation of Slum & JJ Clusters

- v) The provision of accommodation should be based on cost with suitable arrangements for funding/financing, *keeping in view the aspect of affordability and capacity to pay* (emphasis added).
- vii) Suitable arrangement for temporary transit accommodation for families to be rehabilitated should be made. This may preferably be near or at the same site and the utilization of these may be synchronised with the phases of implementation of the scheme of in-situ upgradation.

Evicted families at all surveyed sites reported a marked increase in monthly expenditure on healthcare, transport and rent after the forced evictions.

Most families in the demolished settlements owned their homes, while some were tenants. In the absence of rehabilitation, many families across all sites have had to shift to rental housing. Even for those who originally lived in rented homes, the rent at alternative sites is much higher. The additional cost of rent has significantly increased monthly expenses of displaced families, increasing stress on family members, including children, to cope. As mentioned earlier in this report, Sonu of Prabhu Market Extension Camp committed suicide because of anxiety and depression resulting from his family’s inability to pay the rent of alternative housing.

Several families displaced from Swatantra Camp have had to move into rented accommodation in Kotla and Kidwai Nagar, where rents range from Rs. 1,000–Rs. 1,500 (US \$28–33) a month. Sheema from the Camp pays a monthly rent of Rs. 2,000 (US \$44) in Pilanji Kotla Mubarakpur – an amount she can ill afford. Her husband earns around Rs. 3,000 (US \$65) per month, which is insufficient to meet their costs. Her sons, who are in college, have therefore had to take up part-time work in order to supplement the family income.

Ashok Mandal, a tailor by profession, lost his home in Bengali Camp. He moved to a rented accommodation in Kotla and pays Rs. 2,000 (US \$44) per month for rent. His children’s education was temporarily disrupted due to the eviction. Since the demolition of their home, earnings have dropped substantially, and expenses, especially on children’s healthcare, have increased.

Evicted persons from Gurgaon stated that they had to face police atrocities and threats for almost a month after the demolition, as they could not afford to move to an alternative site. Many of the evicted families had to move back to their villages, as they were unable to afford alternative housing.

At all the sites visited by the HLRN fact-finding team, people reported that they have managed to survive only by taking loans from neighbours and relatives. “*We are taking loans even to eat (Karzaa lekar kha rahein hain),*” said Shailender of Prabhu Market Extension Camp. People from Madrasi Camp reportedly took loans on interest to rebuild their homes.

Former residents of the Yamuna banks, who have resettled on the outskirts of Noida, have to travel for four hours a day to sell their vegetables. Their living costs have escalated not only from the increased cost of transportation and fuel but also due to the higher price of land. From Rs. 5,000 (US \$109) for 5 *biswas* (One biswa is approximately 33,214 square metres) of land in the Yamuna area, the landless farmers have to now pay Rs. 8,000 (US \$174) for the same sized plot in Noida.

After the demolition of his home in Dargah Bhure Shah Camp B, Abu Bakr had to drop out of school and take up work as a contractor in order to help meet his family’s increase in monthly expenditure. His mother is a domestic worker and earns Rs. 2,000–3,000 (US \$44–65) a month. The family’s monthly rent in Sarai Kale Khan is Rs. 1,700 (US \$37), which does not include electricity. Economic pressure has forced many children who lost their homes to stop studying and engage in child labour in order to help supplement their family income.

## 8) IMPACT ON HUMAN RIGHTS OF WOMEN

### International Covenant on Economic, Social and Cultural Rights (1966)

Article 3. The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 10.2. Special protection should be accorded to mothers during a reasonable period before and after childbirth.

### National Urban Housing and Habitat Policy (2007)

Special Provision for Women

- xvi) Involving women at all levels of decision-making for ensuring their participation in formulation and implementation of housing policies and programmes.
- xvii) Addressing the special needs of women headed households, single women, working women and women in difficult circumstances in relation to housing serviced by basic amenities.

### General Comment 7, Committee on Economic, Social and Cultural Rights (1997)

10. Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless. The non-discrimination provisions of articles 2.2 and 3 of the Covenant impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.

### UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

- 26. States must ensure the equal enjoyment of the right to adequate housing by women and men. This requires States to adopt and implement *special measures to protect women from forced evictions*. Such measures should ensure that titles to housing and land are conferred on all women.
- 27. States should carry out comprehensive reviews of relevant strategies, policies and programmes, with a view to ensuring their compatibility with international human rights norms. In this regard, such reviews must strive to remove provisions that contribute to sustaining or exacerbating existing inequalities that adversely affect women and marginalized and vulnerable groups. Governments must take special measures to ensure that policies and programmes are not formulated or implemented in a discriminatory manner, and do not further marginalize those living in poverty, whether in urban or rural areas.
- 33. Impact assessments must take into account the *differential impacts of forced evictions on women*, children, the elderly, and marginalized sectors of society. All such assessments should be based on the collection of disaggregated data, such that all differential impacts can be appropriately identified and addressed.

38. ... All potentially affected groups and persons, including *women*, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider.
39. During planning processes, opportunities for dialogue and consultation must be extended effectively to the full spectrum of affected persons, including *women* and vulnerable and marginalized groups, and, when necessary, through the adoption of special measures or procedures.
47. Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected. States must also take steps to *ensure that women are not subject to gender-based violence and discrimination in the course of evictions...*
50. States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, *especially against women*.
53. Special efforts should be made to ensure *equal participation of women* in all planning processes and in the distribution of basic services and supplies.

(emphasis added)

Forced evictions most severely impact women and children. In the aftermath of a forced eviction, women and girls find themselves in extremely inadequate living situations without any privacy and security, and access to basic services such as water, sanitation, electricity, and transport. In the absence of adequate rehabilitation, they are forced to live in the open, on roadsides, and other public spaces, most of which are unsafe. This greatly increases their vulnerability and places them at risk of sexual exploitation, abuse, and violence.<sup>54</sup>

Three young girls from Cement Godam Basti stated that lack of toilet facilities was one of the greatest challenges they faced after the demolition of their homes. Roopa of JJ Valmiki Camp explained that in the absence of toilets, women have to use an open space. They are, however, only able to access it after dark when they cannot be seen by others. This poses a significant risk to their safety and security. Women and young girls of JJ Arjun Das Camp complained about the lack of adequate toilets, which exposed them to humility, embarrassment, and threat of violence, as they have to bathe in roofless enclosures and defecate in the open. During the forced eviction at Indira



Broken Toilet, Sai Baba Camp

Gandhi Camp, authorities also demolished the toilet complex. Young women and girls at JJ Camp, Prem Nagar, reported increased risk and vulnerability in the absence of adequate toilets. A woman with young daughters at Prabhu Market Camp commented on the lack of dignity and humiliation that resulted from her daughters having to live and bathe on the streets (*"Isme bahut beyizzati hai"*).

Several instances of early marriage of young women have also been reported in the aftermath of forced evictions in Delhi. Families worried about the increased vulnerability and risk to the security of their daughters due to precarious living conditions, often feel that marriage is a solution to ensuring their safety. Two months after the demolition of Viklang Basti, Aasma was made to get married. Mathura of JJ Arjun Das Camp arranged the wedding of his daughter, Kaycee, 20 days after the demolition of their home, as he found himself unable to guarantee her security. "I had to marry off my daughter in a hurry because our home was broken (*Jhuggi tootne ke kaaran jaldbaazi me beti ki shaadi karni padi*)," he said. His wife Rajwati had wanted to save money for a big wedding for their daughter but the demolition changed everything and they hurriedly took loans to finance Kaycee's wedding and dowry. Rajwati stated, "We married off our daughter because we had nowhere to stay (*Rehne ka thikaana nahi thha, isliye beti ki shaadi karaa di*)."

Whether it is the loss of housing, livelihood, security, income or education, it is the women who face the worst brunt of forced evictions, and have to endure the adverse consequences for a long time. This negatively affects their mental, psychological and physical health. The loss of livelihood options and economic independence greatly affects women's social relationships, including their empowerment, both within the family and society. Young women and adolescent girls are most vulnerable to sexual abuse and violence resulting from exposure to insecure and inadequate living conditions.

“Along with the demolition of my home, all my dreams were also shattered. We had no place to stay. My parents were sensible. It's not safe for young women to be living on the streets, sleeping on the streets. That's why they married me off. I did feel very bad. I was learning to sew. I wanted to be someone in life. If my home hadn't been demolished, perhaps I could have become someone, achieved something. I had thought I would work and save money to pay for my own dowry (*Jhuggi tootne ke saath-saath, saare sapne toot gaye. Rahne ka thikaana nahi thha. Sayaane thhe. Sayaani bachiyon ka sadak pe rahna, letna, achha nahi lagta. Bura to bahut laga thha. Silai ka kaam seekh rahi thhi. Kuchh banna chaahati thhi. Agar jhuggi nahi tooti tho shaayad kuchh ban paati. Socha thha paise ikathhe kar ke khud apna dahej doongi.*)”

[Kaycee, JJ Arjun Das Camp]

The failure to include women in planning processes also results in gender-insensitive outcomes – whether it is the lack of adequate lighting and toilets or the absence of sufficient and secure spaces for women to cook in and bathe.

The failure of the government to protect the human rights of women to adequate housing, work, water, health, privacy and personal security, violates a range of national and legal human rights instruments, including the Constitution of India and the *Convention on the Elimination of All Forms of Discrimination against Women*, in particular, Articles 3, 10, 11 and 12.



Kaycee, JJ Arjun Das Camp

## 9) IMPACT ON HUMAN RIGHTS OF CHILDREN

### Convention on the Rights of the Child (1989)

#### Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being...

#### Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

#### Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation...

#### Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Article 32

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

**UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)**

33. Impact assessments must take into account the differential impacts of forced evictions on women, children, the elderly, and marginalized sectors of society. All such assessments should be based on the collection of disaggregated data, such that all differential impacts can be appropriately identified and addressed.
47. ...States must also take steps to ensure that women are not subject to gender-based violence and discrimination in the course of evictions, and that the human rights of children are protected.
50. States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children...
52. At a minimum, regardless of the circumstances and without discrimination, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: ... (g) education for children and childcare facilities.
54. ... Special attention should be paid to: (a) the health needs of women and children...

The psychological impacts on children who witness a demolition and lose their homes, are severe and long-lasting. Several children have been forced to drop out of school as a direct result of the forced evictions. Children often also drop out because they find it increasingly difficult to continue with school under conditions of anxiety, fear, and uncertainty, resulting from an eviction. Children who drop out due to evictions, in several cases, find it difficult to be re-admitted. Raj, a resident of JJ Valmiki Camp, is an ice cream vendor. His children have not been able to gain re-admission in the senior secondary school after they dropped out. At JJ Arjun Das Camp, almost all children dropped out of school after the demolition, and most have not been able to gain admission again. School authorities reportedly told them that they should come back only when permanent arrangements for their stay had been made.



Children lying in the open, Gurgaon

“The lives of all children have been ruined (*Sab bachon ki zindagi kharaab ho gayee*).” [Rajwati, JJ Arjun Das Camp, whose children dropped out of school after the eviction]

Forced evictions often result in children having to take up work to supplement the family's loss of income. Ran Singh, a vendor from Prabhu Market Camp, had to shift to rental housing in Kotla after the demolition of his home. In order to help pay the increased monthly rent of Rs. 3,500 (US \$76), his son had to drop out of school and start working.

After the demolition of his family's home, Abu Bakr from Dargah Bhure Shah Camp B also dropped out of school in order to take up odd jobs to help meet the family's increased cost of living. Rohit of Sarvodaya Vidyalaya, INA Colony, discontinued his schooling after the demolition of JJ Valmiki Camp. At the time of the fact-finding mission, he was looking for a job to contribute to his family's earnings. Meena from JJ Arjun Das Camp, East Kidwai Nagar, was forced to drop out of school at the age of 13. Several children from Viklang Basti also reportedly started working to support their families after the demolition of their homes.

Around 300 children displaced from Cement Godam Basti dropped out of school after the demolition. They complained that the school is too far from Pijanji, where many of them have relocated. For the few families that received resettlement at Bawana, the distance from schools has also made it difficult for children to continue their education. At Sai Baba Camp, parents mentioned that the education of children had been disrupted as a result of the eviction.

### Schools Demolished for the Commonwealth Games

HLRN, in the course of its fact-finding mission and research on forced evictions in Delhi, discovered that government authorities demolished at least three schools in the city for reasons of 'security' for the Commonwealth Games.



Child in search of water,  
Indira Gandhi Camp

In Sector 52, Gurgaon, opposite Paras Hospital, one of the first structures to be demolished was *Deepshikha Primary School*, which had 90 enrolled children. Most of them were children of rag-pickers. The demolition of the school on September 28, 2010, was ordered by the Gurgaon Police. No notice was given, except for a verbal announcement the evening before. Mr. Ramesh Vidyarthi, President of *Deepshikha Sanstha*, said they had made an investment of Rs. 100,000 (around US \$2,175) in building the semi-permanent structure from which the school operated. But more than the loss of invested money, he lamented the loss of an entire year's work with the children. "What the children have lost cannot be compensated," he said. The demolition of the school has also deprived children of neighbouring settlements of the opportunity to receive an education.

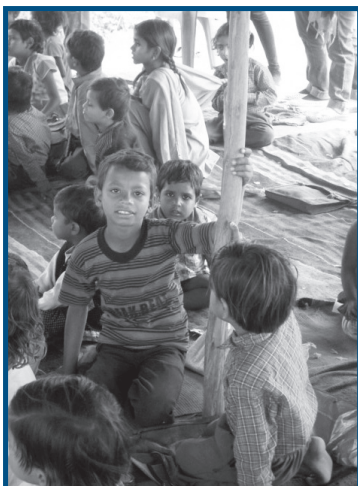
The MCD and the Delhi Development Authority (DDA), apparently on orders of the Lieutenant Governor of Delhi, demolished another school—*Pragati Wheel School*—on the banks of River Yamuna, behind Akshardham Temple, on July 7, 2010, for purported 'security' reasons, as it was located close to the Commonwealth Games Village. Chhatrapal, a student of the school, declared that, "The authorities demolished our school because of the Commonwealth Games Village."

The school was given no prior notice of the demolition. Teachers pleaded with authorities not to demolish the school. They said they would close it for the duration of the Commonwealth Games, but the authorities paid no heed to their pleas. The police arrived at around noon and gave the students and teachers two hours to empty the premises and collect their belongings. Basic equipment, furniture, and educational material could also not be salvaged. 160 children cried as they watched their school reduced to rubble. "A day's notice is all we needed," said Mr. Raman Khanna, who was in charge of the school.

Only 25 of the 160 children have been able to resume their education in an alternative school built in Noida, at a distance of

12 kilometres from the original site. Some children have taken up work after the school's demolition. At the time of writing this report, efforts were underway by voluntary organizations to rebuild *Pragati Wheel School* at its original site.

"Children lost their school; we have also lost interest in eating (*School chhoot gayaa, ab roti bhi achhi nahi lagti.*)" [Prem Pal, whose children studied at *Pragati Wheel School*]



Children in alternative school, Noida

Government authorities demolished a third school—*Viklang Basti Informal School*—run by Just Be Friendly Welfare Organization (JBF) in Viklang Basti on January 10, 2009. The school was started in 2005 and classes were held in two shifts for around 80 students. The school enabled the poor to educate their children for free and

"Like a storm, the policemen came ... and everything was over."  
[Sandhya Ranipati, teacher, *Viklang Basti Informal School*]



also provided medical facilities to the residents of the settlement. As in the majority of cases of forced evictions in Delhi, the authorities did not provide a notice. Even equipment like fans, teaching material, and plates could not be saved. Children of the settlement now roam around aimlessly on the streets. Many have been forced to take up paid work to supplement family income.

The right to education has been guaranteed as a human right in international and national law. The right to education at the elementary level was made one of the fundamental rights in the Constitution of India, under right to life and personal liberty, by the eighty-sixth constitutional amendment of 2002. India's *Right of Children to Free and Compulsory Education Act (2009)* came into force on April 1, 2010. By demolishing schools on the grounds that they posed 'risks to the security' of those attending the Commonwealth Games, the government has denied an entire generation of its right to education.

### **Human Right to Education**

#### **Constitution of India**

Article 21 (a): The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

#### **The Right of Children to Free and Compulsory Education Act (2009)**

- 3.1. Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.
8. The appropriate Government shall:
- c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds.

#### **International Covenant on Economic, Social and Cultural Rights (1966)**

Article 13.1. The States Parties to the present Covenant recognize the right of everyone to education.

#### **Convention on the Rights of the Child (1989)**

Article 28.1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity.

The government has failed to protect children in Delhi against child labour, as in the aftermath of the forced evictions in Delhi, many children have been forced to suspend their education and take up employment due to increased pressures related to survival.

## **10) ACCESS TO REMEDY AND REDRESS**

#### **International Covenant on Civil and Political Rights (1966)**

Article 2.3. Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

#### **UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)**

55. In order to ensure security of the home, adequate housing should also include the following essential elements: privacy and security; participation in decision-making; freedom from violence; and access to *remedies for any violations suffered* (emphasis added).

59. All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation, and should comply, as applicable, with the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

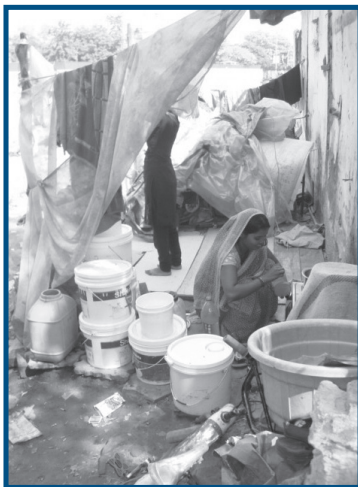
All affected people have the right of access to timely remedy. Communities displaced from all surveyed sites, however, voiced their anger and frustration over the fact that they had been given no opportunities for a fair hearing, and had no available mechanisms or avenues for complaint, grievance redress or remedy. They also do not have access to information regarding the government department or official they could approach. For instance, families who have been wrongfully denied rehabilitation did not know which agency they should contact.

## VIII State Negligence, Apathy, and Harm

### UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)

18. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.
19. Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors.
20. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

The authority entrusted with the task of protecting the citizens of Delhi—the police—has instead been found to violate their rights. This has also been reported prior to and after forced evictions. After the demolitions, many of the evicted families complained of continued police harassment. Confiscation of personal goods and unprovoked attacks on people increased before the Commonwealth Games. Women at the Motia Khan homeless shelter reported that they were not allowed to walk on the road for the duration of the CWG. Certain families displaced from Bengali Camp continue to face eviction threats from the police. They construct makeshift tents to sleep under at night but have to remove them every morning, in order to protect themselves from further eviction.



Makeshift home in Bengali Camp

Families in Sectors 52 and 53, Gurgaon, reported that a few days before the demolition of their settlement, police officials extorted between Rs. 250–500 (around US \$5–11) for a ‘tenant verification form’ that was supposedly meant to safeguard them from evictions. Hussein, who barely earns Rs. 3,000 (US \$65) a month as a security guard at a mall, reportedly spent Rs. 1,300 (US \$28) on verification for his entire family. On the day of the demolition, September 28, 2010, however, police officials demanded these forms from the residents, tore the forms in front of them, and forced the families to vacate their homes.

People displaced from Gurgaon said that the Commonwealth Games had become an opportunity for the Gurgaon Police to harass them. On their routine rounds of the area before and after the eviction, policemen reportedly slapped, hit or verbally abused the residents. People alleged that some men from the settlement had been forcibly taken to the police station and made to work without wages.

'Tenant Verification' Form

The continued apathy and negligence of the government towards the urban poor, especially in the aftermath of forced evictions, is evident. For instance, after being given a verbal warning on Sunday, July 11, 2009, to vacate their settlement, residents of Prabhu Market Camp approached the Chief Minister of Delhi to request more time and compensation in lieu of the demolition of their homes. The Chief Minister assured them that they would be given an extra three or four days to collect their belongings and make alternative living arrangements. Residents from Prabhu Market Camp also filed an appeal in the High Court of Delhi on January 12, 2009. They received an order on the same day from the High Court stating that alternative accommodation should be provided to them. The court order recognised the “urgent removal/shifting of three JJ Clusters...in the vicinity of Jawaharlal Nehru Stadium for facilitating development works in view of the ensuing Commonwealth Games 2010.” It further directed the Camp residents to, “furnish to the MCD, copies of all the relevant documents to establish their eligibility of alternative plots in terms of the policy in vogue referred to by the counsel for the respondents.” The order also called for MCD to “take necessary steps to scrutinize the documents and verify the same.”<sup>55</sup>

On their return from the High Court, the community was, however, confronted with a large police force and 4–5 bulldozers. People reported that they barely had an hour to gather their personal belongings before the demolition began. Despite the order of the High Court of Delhi, MCD has not initiated any process for providing the evicted families with alternative plots.

Families displaced from Indira Gandhi Camp II, Sewa Nagar, despite being promised compensation on two occasions from the Chief Minister of Delhi, have still not received anything. At some sites people reported that repeated attempts to meet government functionaries yielded no results.

“The soles of my shoes have worn out with all the visits to government offices that I’ve made (*Joote ghis gaye hain, government offices ja ja ke*).”  
[Dharam, Bengali Camp]

The common refrain of many government officials, including the Chief Minister of Delhi, was that all compensation and rehabilitation matters would be dealt with after the Commonwealth Games. More than three months after the October Games, the government is yet to rehabilitate the majority of the 200,000 people whose homes it demolished.

In the absence of any government protection or official mechanisms to redress grievances, the displaced families have to deal with government insensitivity, police brutality, and bureaucratic hurdles. Despite their best efforts, they continue to be ignored, silenced, and denied justice.

## IX Recommendations

This report has examined forced evictions in Delhi as a result of the Commonwealth Games, from a human rights perspective, using international and national law and policy as the main tools of analysis and assessment. The following recommendations are divided into two sets: those specific to the forced evictions in Delhi, which are aimed at ensuring restitution and justice for the displaced population of Delhi; and general recommendations aimed at bringing about compliance with India's legal obligations and improving governance and accountability at all levels.

### Specific Recommendations to the Governments of Delhi, Haryana and Uttar Pradesh, and the Government of India

- 1) The government should take immediate measures to provide adequate housing for all communities living in inadequate conditions, including in slums and informal settlements. *In-situ* participatory slum upgrading rather than relocation to distant sites should be focused on, in order to protect the rights to adequate housing and work/livelihood. Security of tenure should be provided to all households to prevent forced evictions, in accordance with the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement (UN Guidelines)*, which state:

25. In order to secure a maximum degree of effective legal protection against the practice of forced evictions for all persons under their jurisdiction, States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, *including all those who do not have formal titles to home and land* (emphasis added).

- 2) The 'right to return' of displaced individuals and communities should be protected and guaranteed, as provided for in the *UN Guidelines* (paragraphs 64–67).<sup>57</sup> Where return to the original sites is possible, the government should "establish conditions and provide the means, including financial, for voluntary return in safety and security, and with dignity, to homes or places of habitual residence."<sup>58</sup>

Many of the sites of forced eviction covered in this report are currently lying vacant and unused, which makes return of communities viable.<sup>59</sup> The government should make provisions to enable communities to build housing that meets international human rights standards of adequacy, and allows them to live in security and dignity.

- 3) Where return to original sites is not possible, the government must provide adequate rehabilitation to each evicted family in accordance with international human rights standards, including those specified in the *UN Guidelines* (paragraphs 52–58). Resettlement sites must contain conditions for adequate housing, including access to basic services, and should be situated close to people's places of work. They should be safe for women and children. If they are located outside the city, adequate and regular subsidies for transport must be provided. All resettlement sites must be ready *before* the eviction takes place, and affected persons,

especially women, must be involved in the design, layout, and location of housing at the resettlement sites.

For example, all families of Bengali Camp must be resettled immediately. Families of Madrasi Camp, Jangpura B, who were assured they would be resettled at their site of habitation within 15 days of the eviction (on April 15, 2010), must also be rehabilitated and provided with restitution, including compensation, immediately.

- 4) As mandated in the *UN Guidelines*, when recovery of property and possessions is not possible, competent authorities must provide victims of forced evictions, or assist them in obtaining, appropriate compensation or other forms of just reparation (paragraph 67).

All evicted families in Delhi must be immediately compensated for:

- (a) All losses—both material and non-material—incurred by them as a result of the eviction. Compensation should cover loss of personal items, housing, schooling, and livelihoods. People must also be paid for increased expenditure on transportation, rent, healthcare and education that they have had to incur as a result of the eviction. Non-material costs such as psychological effects and loss of community and social networks should be calculated and factored into all compensation packages;<sup>60</sup>
  - (b) Injury and adverse health impacts experienced due to the eviction; and
  - (c) Loss/ death of a family member.
- 5) Personal belongings seized by the Enforcement Department of the New Delhi Municipal Council and other enforcement divisions of Delhi government agencies after the demolition of slums should be immediately returned to the families.
  - 6) Judgements of the High Court of Delhi, calling for rehabilitation of evicted families must be implemented by the Government of Delhi. In particular, the Court's stipulation for the time period for provision of rehabilitation in the case, *Sudama Singh and Others vs. Government of Delhi and Anr.*,<sup>61</sup> must be followed. The Court specifically stated:
 

62 (iii). *Within a period of four months* from today, each of those eligible among the petitioners, in terms of the above relocation policy, *will be granted an alternative site* as per MPD-2021 subject to proof of residence prior to cut-off date. *This will happen in consultation with each of them in a "meaningful" manner, as indicated in this judgment* (emphasis added).
  - 7) Educational facilities for evicted children, including provision of school books, uniforms and other material destroyed during the eviction must be immediately restored. Efforts must be undertaken to ensure that children who had to drop out of school after the demolitions of their homes are able to resume their education. For example, children at JJ Arjun Das Camp, who have been refused re-admission must be immediately admitted in school.<sup>62</sup>
  - 8) Schools that were demolished for the CWG (*Pragati Wheel School, Deepshikha Primary School and Viklang Basti Informal School*) must be provided adequate compensation, including for loss of material; support for rebuilding; and allowed to resume functioning at the original sites.
  - 9) The government should revise its arbitrary policy for deciding the 'cut-off' date to determine eligibility of slum dwellers for rehabilitation. It should instead ensure that residents at all sites, irrespective of how long they have been living there, are entitled to rehabilitation in cases of forced eviction.
  - 10) Special efforts must be taken to ensure that the human rights of women are protected, especially their rights to security and privacy, adequate housing, work/livelihood, participation, and freedom from violence.<sup>63</sup> Provisions should be made to ensure that women are also compensated for their losses and are co-beneficiaries of any rehabilitation package. Government and police officials who have violated the rights of women should be investigated and prosecuted in accordance with the law.
  - 11) Mechanisms for grievance redress and access to remedy, including provisions for legal aid, especially for women, must be provided to all those who have been forcibly evicted from their homes in Delhi.
  - 12) The ongoing investigations on the Commonwealth Games by the Comptroller and Auditor General of India, Enforcement Directorate, Central Vigilance Commission, Central Bureau of Investigation, and Parliament,

must be expanded to include human rights violations, including forced evictions.

- 13) The National Human Rights Commission should undertake an investigation into the human rights violations related to the CWG in Delhi, including forced evictions.
- 14) The Government of India should commission a detailed study and audit of the social, economic, and environmental impacts of the Commonwealth Games.
- 15) A comprehensive legacy plan (mandatory for all host cities) for the post-Games period needs to immediately be prepared. This should be based on principles of environmental sustainability and equity, and should focus on restoring social justice to the thousands of evicted families, as well as the homeless, ‘beggars,’ street vendors and construction workers who have witnessed the worst violations of their human rights in the name of the Games.

### **General Recommendations to the Governments of Delhi, Haryana and Uttar Pradesh, and the Government of India**

- 1) The right to adequate housing must be recognised as a human right and must be protected and guaranteed to all.
- 2) The government—at both the state and central level—must respect and meet its international and national (including constitutional) legal obligations by implementing national and international laws. It should also respect national and international policies and guidelines.
- 3) The government—at both the state and central level—should implement the Concluding Observations on India of the UN Committee on Economic, Social and Cultural Rights in May 2008, in particular its recommendation on forced evictions:

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 on forced evictions (1997). 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*. In this connection, the Committee draws the attention of the State party to its General Comment No. 4 on the right to adequate housing (1991) and further requests the State party to provide information in its next periodic report on progress achieved in this regard, including disaggregated statistics relating to forced evictions (emphasis added).

- 4) The Government of India should also follow the reporting guidelines of the Committee on Economic, Social and Cultural Rights,<sup>64</sup> especially the requirements for reporting on forced evictions, and its recognition of the *UN Guidelines*:

53. Indicate whether there are any disadvantaged and marginalized individuals and groups, such as ethnic minorities, who are particularly affected by forced evictions and the measures taken to ensure that no form of discrimination is involved whenever evictions take place.<sup>i</sup>

54. Indicate the number of persons and families evicted within the last five years and the legal provisions defining the circumstances in which evictions may take place and the rights of tenants to security of tenure and protection from eviction.<sup>ii</sup>

- 5) The central government should develop a comprehensive human rights-based national law on the right to adequate housing, which provides legal security of tenure and protection against forced evictions, and is in accordance with international human rights standards, the Constitution of India, and India’s international legal obligations. All law and policy processes must be participatory and must involve affected people and civil society.
- 6) General Comment 7 (on forced evictions) of the Committee on Economic, Social and Cultural Rights and the *UN Guidelines*, which lay down very clear principles and operational guidelines—including for the different stages of evictions (prior, during and after)—must be adhered to, and should be incorporated in

<sup>i</sup> General Comment 7, para. 10.

<sup>ii</sup> *Ibid.*, paras. 9, 13-15, 16 and 19; see also Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex1).

to all local and national laws and policies, including the *National Rehabilitation and Resettlement Policy 2007*, the *National Rehabilitation and Resettlement Bill 2009*, and the *National Urban Housing and Habitat Policy 2007*.

- 7) In order to protect women from arbitrary eviction and to uphold their equal right to adequate housing, the government must ensure that titles to housing and land are conferred in the names of women.
- 8) In ‘exceptional circumstances’ where evictions need to be carried out (such as for the promotion of the general welfare), they must follow all procedural and operational guidelines laid down in the *UN Guidelines*, including the need to conduct a public hearing to discuss the proposed eviction and alternative options that minimise displacement. A comprehensive ‘eviction impact assessment’ must be carried out prior to the displacement in order to determine the potential social, environmental and economic costs to the community and the state.<sup>65</sup> Evictions that do not follow the *UN Guidelines* must be halted.
- 9) Living conditions in the existing resettlement sites in Delhi—Savda Ghevra, Bhalaswa, Bawana, Madanpur Khadar and Holambi Kalan—must be immediately improved. The relevant government authorities must provide basic services, including water, sanitation, healthcare, electricity, ration shops, schools, infrastructure, education, transport, and access to livelihood options. Adequate spaces and facilities should be provided for women and children. Resettlement sites should fulfil the criteria laid down in the *UN Guidelines*.<sup>66</sup>
- 10) The Delhi government should provide a white paper on all forced evictions and demolitions that have taken place over the last 10 years in Delhi. A separate report should be provided on evictions specifically carried out due to the 2010 Commonwealth Games.
- 11) A moratorium on evictions in Delhi should be imposed, including of the settlements that have been listed by the Government of Delhi for relocation after the Games.<sup>67</sup>
- 12) The Government of India should abide by the *resolution on adequate housing and mega-events*, adopted by the UN Human Rights Council, which in paragraph 3 calls upon States:
  - a. To integrate housing concerns into the bidding and planning process at an early stage and, in this regard, to assess the impact on the affected population throughout the process, as appropriate;
  - b. To ensure full transparency of the planning and implementation process and the meaningful participation of the affected local communities therein;
  - c. To pay particular attention to persons belonging to vulnerable and marginalized groups, including by respecting the principles of non-discrimination and gender equality;
  - d. To plan and develop the event venues with the post-event period in view, while taking into account the needs of socially disadvantaged persons for affordable housing.
- 13) The Government of India should implement the recommendations made by the UN Special Rapporteur on Adequate Housing in her 2009 annual report (on the impact of mega-sporting events on the realisation of the right to adequate housing).<sup>69</sup>
- 14) All officials found guilty of violating human rights, and of breaching local, national and international law must be tried and prosecuted according to the law.
- 15) Given the gross human rights violations related to the 2010 Commonwealth Games and the glaring lack of accountability, participation, transparency and due process, the Government of India, should under no circumstances consider bidding for any other mega sports event.

#### **Recommendations to the Commonwealth Games Federation and Commonwealth Secretariat**

- 1) The Commonwealth Games Federation (CGF) and the Commonwealth Secretariat should develop a strong code of conduct and ethics for the Commonwealth Games. This should mandate the protection of human rights in all cities that host the Games, and must insist on the prohibition of forced evictions for all mega-events, including the Commonwealth Games.
- 2) The Commonwealth Secretariat should conduct an investigation into the rampant human rights violations, including forced evictions, carried out in Delhi for the 2010 Commonwealth Games, and take steps to call for restitution for the affected.



- 3) The CGF should also adopt the practice of the International Olympic Committee (IOC), which requests information from host cities on requirements for land acquisition and displacement, and their conformity with international standards. The CGF should also follow the IOC's commitment to make available the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement* to future host cities of the Olympic Games.

#### **Recommendations to the Indian Olympic Association**

- 1) The Indian Olympic Association (IOA) is bound by the International Olympic Charter and principles of the Olympic Movement,<sup>70</sup> and must uphold them. It should also follow the example of the IOC with regard to its policy on seeking information on land acquisition and displacement. This must include a moratorium on forced evictions and other violations of human rights in cities that host mega sports events.
- 2) The IOA must respect and follow democratic norms and institutional processes in the country, especially protection of human rights and the need for participation and extensive consultation and debate, including in Parliament, before bidding for other mega sports events.

# X Conclusion

The 2010 Commonwealth Games, contrary to the claims of the government and the organisers, did not benefit the majority of Delhi's residents; neither did they bring the much publicised revenue for the government. On the contrary, the Games have resulted in a severe and long-lasting negative economic and social legacy, with the most adverse consequences being borne by the city's poorest and most marginalised populations.

The entire process of the Commonwealth Games, including the lack of transparency, accountability and financial disclosure; the embezzlement of public funds; and human rights violations, has raised critical questions. The Governments of Delhi, Haryana and Uttar Pradesh, the Government of India, and the CWG Organising Committee have engaged in unconstitutional and undemocratic practices, while bypassing institutional norms and procedures, and the Indian Parliament.

A range of human rights have been violated in the process related to the Commonwealth Games, including in the years preceding the event, during the Games, and in its aftermath. These violations of human rights, especially of those forcibly evicted for the Games, have been largely unreported. This fact-finding report has attempted to document these violations and to highlight the ongoing suffering of the thousands of families who lost their homes and livelihoods through undemocratic means and in the absence of adequate compensation or rehabilitation.

When analysed with the human rights framework, it is very clear that the forced evictions and demolitions carried out in the run-up to the Commonwealth Games in Delhi violate a range of internationally recognised human rights of Delhi's residents, such as the human rights to life; adequate housing; security of the person; security of the home; food; water; work/livelihood; education; freedom from cruel, inhuman and degrading treatment; and freedom of movement. The authorities carrying out the demolitions especially violate people's entitlements to security of tenure and freedom from forced evictions; access to, and benefit from public goods and services; information, capacity and capacity building; participation and self-expression; rights to resettlement and adequate compensation for violations and losses; and physical security and privacy. All are elements of the human right to adequate housing as recognised in international law.<sup>71</sup>

The human right to adequate housing has also been upheld by the Supreme Court of India and the High Court of Delhi. The acts of commission and omission of the central and state government with regard to forced evictions in Delhi violate not just constitutional and state law, but also international human rights law, in particular the legal protection of the right to adequate housing.

The forced evictions carried out by the government also disregard a range of existing national policies. Instead of providing affordable housing and concentrating on *in-situ* slum upgrading and providing basic services to all citizens, as also stressed in the *National Urban Housing and Habitat Policy 2007*,<sup>72</sup> the government has instead continued to violate the right to adequate housing by demolishing homes across Delhi. The failure of the government to respect, protect and fulfil the human right to adequate housing of its residents also affects the enjoyment of a range of their human rights, including the rights to work/livelihood, water, food, health, healthcare, and security of the person and the home.

By forcibly evicting over 200,000 persons, many of them women and children, and by failing to provide adequate rehabilitation in accordance with international standards, the government has rendered thousands homeless and has contributed to increasing the already large percentage of Delhi's population that is impoverished and lives in grossly inadequate conditions without legal security of tenure. These are the people who contribute to the city's economy and sustain its services but are continuously denied their equal right to the city<sup>73</sup> – the right to participate in decision-making and the right to equally enjoy benefits and services of the city.

The February 11, 2010 judgement of the High Court of Delhi in the case *Sudama Singh and Others vs. Government of Delhi and Anr.*,<sup>74</sup> recognises the contribution of the urban poor by stating:

5. The support service provided by these persons (whom the Master Plan describes as “city service personnel”) are indispensable to any affluent or even middle class household. *The city would simply come to halt without the labour provided by these people.* Considerations of fairness require special concern where these settled slum dwellers face threat of being uprooted.... (emphasis added).

As clearly highlighted in this report and in HLRN's earlier report, *The 2010 Commonwealth Games: Whose Wealth? Whose Commons?*, the range and extent of human rights violations committed by the government and other actors involved in the Games are alarming and strongly contradict the purported mission of the Commonwealth Games. They also violate the three core values of *humanity, equality and destiny*, adopted by the Games movement in 2001, as well as the stated values of the CWG Organising Committee, which are: *sportsmanship, integrity, excellence, solidarity, diversity, competence, transparency, and discipline*.<sup>75</sup> Integrity and transparency, in particular, have been compromised in the CWG process, as is repeatedly being exposed in the official investigations underway since the completion of the Games. The issue, however, is clearly more serious than just corruption. The long-lasting human impacts and social costs of the Games also need to be investigated, analysed and addressed.

The process related to the Delhi Commonwealth Games also violated the Commonwealth Games Federation Constitution, which in Article 7, states, “For the Commonwealth Games and generally in respect of all activities of the Federation and events under its control, there shall be no discrimination against any country or person on any grounds whatsoever, including race, colour, gender, religion or politics.”

The Indian Olympic Association, which was mandated with the charge of organising the Delhi Commonwealth Games, is bound by the Olympic Charter and principles of the Olympic Movement, but did not abide by them. The IOA, in particular, did not uphold the following principles emphasised by the Olympic Movement:

1. Safeguarding the dignity of the individual (Olympic Charter, 2004);
2. Non-discrimination (Olympic Charter);
3. Promotion of positive legacy to host city/country (Olympic Charter);
4. Fight against poverty and combat exclusion, paying particular attention to the fate of the poor; and most disadvantaged members of society (Olympic Movement Agenda 21); and,
5. Respect for human rights (Olympic Movement Agenda 21).

The socio-economic profile and physical fabric of the city have undergone a drastic and irreversible transformation because of hosting the Commonwealth Games in Delhi. The urban poor, especially women, children, the homeless, construction workers, vendors and other daily wage earners, persons with disabilities, dalits, older persons, and other marginalised groups, have borne the worst brunt of the Games led infrastructure

development with thousands of crores of rupees being spent on large projects, some of it being diverted from social sector budgets such as the Scheduled Caste Sub Plan (Special Component Plan).<sup>76</sup>

How does the government justify demolishing homes and rendering thousands of people homeless to host the Games? Are parking lots, roads, bridges and stadiums for the CWG more important than the lives and livelihoods of the city's residents? Is housing for the elite, as provided for by the Commonwealth Games Village, more important than housing for the working poor who have been evicted and displaced for the Games? The displacement of more than 200,000 people in Delhi for the purpose of the Games reflects a deep disregard for the human rights of the city's working poor and a disturbing government position that treats the poor as 'dispensable' and 'irrelevant.'

Most of the sites from which authorities forcibly evicted families are lying unused or vacant. This reality questions the very purpose of, and need for, the evictions. It is apparent that the Commonwealth Games were used as an excuse to demolish informal settlements across the city, as part of the government's broader agenda of creating a 'world class' and 'slum-free' city with no space or provision for adequate housing for the urban poor. A large number of these demolitions carried out before the Games could have been prevented had comprehensive impact assessments, exploration of alternatives, and meaningful consultations with affected communities been carried out.

As recommended in this report, the government and concerned agencies should ensure the voluntary and safe return of communities to their original sites of habitation. Measures should also be taken to provide adequate housing for these communities with tenure security, in order to prevent future threats of eviction. Participatory *in-situ* slum upgrading schemes, as also mandated in national policies, would ensure that people are able to live in adequate conditions without losing access to work and livelihoods.

The dazzling opening and closing ceremonies of the Commonwealth Games and India's commendable sporting performance cannot, in any way, erase the gravity of human rights violations committed by the state and central government in the preparation of, during, and in the aftermath of the event. The government must accept responsibility for the intense suffering inflicted on Delhi's poor, and provide restitution, rehabilitation and compensation at the earliest. The legacy plan of the Games must focus on restoring social justice to the thousands of evicted families, as well as the homeless, 'beggars,' street vendors, and construction workers who witnessed the worst violations of their human rights in the name of the CWG. The state must ensure the protection of the human rights of the city's working poor and marginalised populations. The need to focus on the special concerns of women, children, and marginalised groups such as dalits, the homeless and destitute, persons with disabilities and older persons, is critical.

The gross violations of human rights related to the Commonwealth Games process must be included in the ambit of investigations of the various agencies mandated with the charge of reviewing the Games. The CWG probe should follow the rigour, commitment, and process of the current ongoing investigations in to the 2G telecommunications scam and the Mumbai Adarsh Cooperative Housing Society scandal. Those found guilty of violating human rights and destroying the lives, homes, livelihoods and futures of Delhi's poor and marginalised must also be treated as criminals and prosecuted in accordance with the law. It is only through comprehensive investigations and detailed impact analyses that the true human cost of the Commonwealth Games will be revealed.

## I

## Annex

## UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)\*

### I SCOPE AND NATURE

1. The obligation of States to refrain from, and protect against, forced evictions from home(s) and land arises from several international legal instruments that protect the human right to adequate housing and other related human rights. These include the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (art. 11, para. 1), the Convention on the Rights of the Child (art. 27, para. 3), the non-discrimination provisions found in article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination.
2. In addition, and consistent with the indivisibility of a human rights approach, article 17 of the International Covenant on Civil and Political Rights states that “[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence”, and further that “[e]veryone has the right to the protection of the law against such interference or attacks”. Article 16, paragraph 1, of the Convention on the Rights of the Child contains a similar provision. Other references in international law include article 21 of the 1951 Convention relating to the Status of Refugees; article 16 of International Labour Organization (ILO) Convention No. 169 concerning indigenous and tribal peoples in independent countries (1989); and article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention).
3. The present guidelines address the human rights implications of development-linked evictions and related displacement in urban and/or rural areas. These guidelines represent a further development of the Comprehensive human rights guidelines on development-based displacement (E/CN.4/Sub.2/1997/7, annex). They are based on international human rights law, and are consistent with general comment No. 4 (1991) and general comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights, the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the General Assembly in its resolution 60/147, and the Principles on housing and property restitution for refugees and displaced persons (see E/CN.4/Sub.2/2005/17 and Add.1).
4. Having due regard for all relevant definitions of the practice of “forced evictions” in the context of international human rights standards, the present guidelines apply to acts and/or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the

\* Presented in the report of the UN Special Rapporteur on adequate housing, Miloon Kothari, A/HRC/4/18, February 2007, <http://www2.ohchr.org/english/issues/housing/annual.htm>.

provision of, and access to, appropriate forms of legal or other protection.<sup>a</sup>

5. Forced evictions constitute a distinct phenomenon under international law, and are often linked to the absence of legally secure tenure, which constitutes an essential element of the right to adequate housing. Forced evictions share many consequences similar to those resulting from arbitrary displacement,<sup>b</sup> including population transfer, mass expulsions, mass exodus, ethnic cleansing and other practices involving the coerced and involuntary displacement of people from their homes, lands and communities.
6. Forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement. Evictions must be carried out lawfully, only in exceptional circumstances, and in full accordance with relevant provisions of international human rights and humanitarian law.
7. Forced evictions intensify inequality, social conflict, segregation and “ghettoization”, and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children, minorities and indigenous peoples.
8. In the context of the present guidelines, development-based evictions include evictions often planned or conducted under the pretext of serving the “public good”, such as those linked to development and infrastructure projects (including large dams, large-scale industrial or energy projects, or mining and other extractive industries); land-acquisition measures associated with urban renewal, slum upgrades, housing renovation, city beautification, or other land-use programmes (including for agricultural purposes); property, real estate and land disputes; unbridled land speculation; major international business or sporting events; and, ostensibly, environmental purposes. Such activities also include those supported by international development assistance.
9. Displacement resulting from environmental destruction or degradation, evictions or evacuations resulting from public disturbances, natural or human-induced disasters, tension or unrest, internal, international or mixed conflict (having domestic and international dimensions) and public emergencies, domestic violence, and certain cultural and traditional practices often take place without regard for existing human rights and humanitarian standards, including the right to adequate housing. Such situations may, however, involve an additional set of considerations that the present guidelines do not explicitly address, though they can also provide useful guidance in those contexts. Attention is drawn to the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, the Guiding Principles on Internal Displacement, and the Principles on housing and property restitution for refugees and displaced persons.
10. While recognizing the wide range of contexts in which forced evictions take place, the present guidelines focus on providing guidance to States on measures and procedures to be adopted in order to ensure that development-based evictions are not undertaken in contravention of existing international human rights standards and do not thus constitute “forced evictions”. These guidelines aim at providing a practical tool to assist States and agencies in developing policies, legislation, procedures and preventive measures to ensure that forced evictions do not take place, and to provide effective remedies to those whose human rights have been violated, should prevention fail.

## II. GENERAL OBLIGATIONS

### A. DUTY BEARERS AND NATURE OF OBLIGATIONS

11. While a variety of distinct actors may carry out, sanction, demand, propose, initiate, condone or acquiesce to forced evictions, States bear the principal obligation for applying human rights and humanitarian norms, in order to ensure respect for the rights enshrined in binding treaties and general principles of

<sup>a</sup> The prohibition of forced evictions does not apply to evictions carried out both in accordance with the law and in conformity with the provisions of international human rights treaties.

<sup>b</sup> Consistent with Principle 6 of the Guiding Principles on Internal Displacement.

international public law, as reflected in the present guidelines. This does not, however, absolve other parties, including project managers and personnel, international financial and other institutions or organizations, transnational and other corporations, and individual parties, including private landlords and landowners, of all responsibility.

12. Under international law, the obligations of States include the respect, protection and fulfilment of all human rights and fundamental freedoms. This means that States shall: refrain from violating human rights domestically and extraterritorially; ensure that other parties within the State's jurisdiction and effective control do not violate the human rights of others; and take preventive and remedial steps to uphold human rights and provide assistance to those whose rights have been violated. These obligations are continuous and simultaneous, and are not suggestive of a hierarchy of measures.

## B. BASIC HUMAN RIGHTS PRINCIPLES

13. According to international human rights law, everyone has the right to adequate housing as a component of the right to an adequate standard of living. The right to adequate housing includes, inter alia, the right to protection against arbitrary or unlawful interference with privacy, family, home, and to legal security of tenure.
14. According to international law, States must ensure that protection against forced evictions, and the human right to adequate housing and secure tenure, are guaranteed without discrimination of any kind on the basis of race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth or other status.
15. States must ensure the equal right of women and men to protection from forced evictions and the equal enjoyment of the human right to adequate housing and security of tenure, as reflected in the present guidelines.
16. All persons, groups and communities have the right to resettlement, which includes the right to alternative land of better or equal quality and housing that must satisfy the following criteria for adequacy: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education.<sup>c</sup>
17. States must ensure that adequate and effective legal or other appropriate remedies are available to any person claiming that his/her right to protection against forced evictions has been violated or is under threat of violation.
18. States must refrain from introducing any deliberately retrogressive measures with respect to de jure or de facto protection against forced evictions.
19. States must recognize that the prohibition of forced evictions includes arbitrary displacement that results in altering the ethnic, religious or racial composition of the affected population.
20. States must formulate and conduct their international policies and activities in compliance with their human rights obligations, including through both the pursuit and provision of international development assistance.

## C. IMPLEMENTATION OF STATE OBLIGATIONS

21. States shall ensure that evictions only occur in exceptional circumstances. Evictions require full justification given their adverse impact on a wide range of internationally recognized human rights. Any eviction must be (a) authorized by law; (b) carried out in accordance with international human rights law; (c) undertaken solely for the purpose of promoting the general welfare;<sup>d</sup> (d) reasonable and proportional; (e) regulated so as to ensure full and fair compensation and rehabilitation; and (f) carried out in accordance with the present guidelines. The protection provided by these procedural requirements applies to all

<sup>c</sup> See general comment No. 4 on the right to adequate housing, adopted by the Committee on Economic, Social and Cultural Rights in 1991.

<sup>d</sup> In the present guidelines, the promotion of the general welfare refers to steps taken by States consistent with their international human rights obligations, in particular the need to ensure the human rights of the most vulnerable.

vulnerable persons and affected groups, irrespective of whether they hold title to home and property under domestic law.

22. States must adopt legislative and policy measures prohibiting the execution of evictions that are not in conformity with their international human rights obligations. States should refrain, to the maximum extent possible, from claiming or confiscating housing or land, and in particular when such action does not contribute to the enjoyment of human rights. For instance, an eviction may be considered justified if measures of land reform or redistribution, especially for the benefit of vulnerable or deprived persons, groups or communities are involved. States should apply appropriate civil or criminal penalties against any public or private person or entity within its jurisdiction that carries out evictions in a manner not fully consistent with applicable law and international human rights standards. States must ensure that adequate and effective legal or other appropriate remedies are available to all those who undergo, remain vulnerable to, or defend against forced evictions.
23. States shall take steps, to the maximum of their available resources, to ensure the equal enjoyment of the right to adequate housing by all. The obligation of States to adopt appropriate legislative and policy measures to ensure the protection of individuals, groups and communities from evictions that are not in conformity with existing international human rights standards is immediate.<sup>e</sup>
24. In order to ensure that no form of discrimination, statutory or otherwise, adversely affects the enjoyment of the human right to adequate housing, States should carry out comprehensive reviews of relevant national legislation and policy with a view to ensuring their conformity with international human rights provisions. Such comprehensive review should also ensure that existing legislation, regulation and policy address the privatization of public services, inheritance and cultural practices, so as not to lead to, or facilitate forced evictions.<sup>f</sup>
25. In order to secure a maximum degree of effective legal protection against the practice of forced evictions for all persons under their jurisdiction, States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land.
26. States must ensure the equal enjoyment of the right to adequate housing by women and men. This requires States to adopt and implement special measures to protect women from forced evictions. Such measures should ensure that titles to housing and land are conferred on all women.
27. States should ensure that binding human rights standards are integrated in their international relations, including through trade and investment, development assistance and participation in multilateral forums and organizations. States should implement their human rights obligations with regard to international cooperation,<sup>g</sup> whether as donors or as beneficiaries. States should ensure that international organizations in which they are represented refrain from sponsoring or implementing any project, programme or policy that may involve forced evictions, that is, evictions not in full conformity with international law, and as specified in the present guidelines.

#### **D. PREVENTIVE STRATEGIES, POLICIES AND PROGRAMMES**

28. States should adopt, to the maximum of their available resources, appropriate strategies, policies and programmes to ensure effective protection of individuals, groups and communities against forced eviction and its consequences.
29. States should carry out comprehensive reviews of relevant strategies, policies and programmes, with a view to ensuring their compatibility with international human rights norms. In this regard, such reviews must strive to remove provisions that contribute to sustaining or exacerbating existing inequalities that adversely affect women and marginalized and vulnerable groups. Governments must take special

<sup>e</sup> See general comment No. 3 on the nature of States parties' obligations, adopted in 1990 by the Committee on Economic, Social and Cultural Rights.

<sup>f</sup> See the guidelines on housing and discrimination contained in the 2002 report of the Commission on Human Rights Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (E/CN.4/2002/59).

<sup>g</sup> As set forth in article 22, Universal Declaration of Human Rights; Articles 55 and 56 of the Charter of the United Nations; articles 2, paragraph 1, 11, 15, 22 and 23, International Covenant on Economic, Social and Cultural Rights; articles 23, paragraph 4, and 28, paragraph 3, Convention on the Rights of the Child.



measures to ensure that policies and programmes are not formulated or implemented in a discriminatory manner, and do not further marginalize those living in poverty, whether in urban or rural areas.

30. States should take specific preventive measures to avoid and/or eliminate underlying causes of forced evictions, such as speculation in land and real estate. States should review the operation and regulation of the housing and tenancy markets and, when necessary, intervene to ensure that market forces do not increase the vulnerability of low-income and other marginalized groups to forced eviction. In the event of an increase in housing or land prices, States should also ensure sufficient protection against physical or economic pressures on residents to leave or be deprived of adequate housing or land.
31. Priority in housing and land allocation should be ensured to disadvantaged groups such as the elderly, children and persons with disabilities.
32. States must give priority to exploring strategies that minimize displacement. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. "Eviction-impact" assessment should also include exploration of alternatives and strategies for minimizing harm.
33. Impact assessments must take into account the differential impacts of forced evictions on women, children, the elderly, and marginalized sectors of society. All such assessments should be based on the collection of disaggregated data, such that all differential impacts can be appropriately identified and addressed.
34. Adequate training in applying international human rights norms should be required and provided for relevant professionals, including lawyers, law enforcement officials, urban and regional planners and other personnel involved in the design, management and implementation of development projects. This must include training on women's rights, with an emphasis on women's particular concerns and requirements pertaining to housing and land.
35. States should ensure the dissemination of adequate information on human rights and laws and policies relating to protection against forced evictions. Specific attention should be given to the dissemination of timely and appropriate information to groups particularly vulnerable to evictions, through culturally appropriate channels and methods.
36. States must ensure that individuals, groups and communities are protected from eviction during the period that their particular case is being examined before a national, regional or international legal body.

### III. PRIOR TO EVICTIONS

37. Urban or rural planning and development processes should involve all those likely to be affected and should include the following elements: (a) appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; (b) effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.
38. States should explore fully all possible alternatives to evictions. All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider. In the event that agreement cannot be reached on a proposed alternative among concerned parties, an independent body having constitutional authority, such as a court of law, tribunal or ombudsperson should mediate, arbitrate or adjudicate as appropriate.

39. During planning processes, opportunities for dialogue and consultation must be extended effectively to the full spectrum of affected persons, including women and vulnerable and marginalized groups, and, when necessary, through the adoption of special measures or procedures.
40. Prior to any decision to initiate an eviction, authorities must demonstrate that the eviction is unavoidable and consistent with international human rights commitments protective of the general welfare.
41. Any decision relating to evictions should be announced in writing in the local language to all individuals concerned, sufficiently in advance. The eviction notice should contain a detailed justification for the decision, including on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions. All final decisions should be subject to administrative and judicial review. Affected parties must also be guaranteed timely access to legal counsel, without payment if necessary.
42. Due eviction notice should allow and enable those subject to eviction to take an inventory in order to assess the values of their properties, investments and other material goods that may be damaged. Those subject to eviction should also be given the opportunity to assess and document non-monetary losses to be compensated.
43. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available and provided. Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those evicted.
44. All resettlement measures, such as construction of homes, provision of water, electricity, sanitation, schools, access roads and allocation of land and sites, must be consistent with the present guidelines and internationally recognized human rights principles, and completed before those who are to be evicted are moved from their original areas of dwelling.<sup>h</sup>

#### IV. DURING EVICTIONS

45. The procedural requirements for ensuring respect for human rights standards include the mandatory presence of governmental officials or their representatives on site during evictions. The governmental officials, their representatives and persons implementing the eviction must identify themselves to the persons being evicted and present formal authorization for the eviction action.
46. Neutral observers, including regional and international observers, should be allowed access upon request, to ensure transparency and compliance with international human rights principles during the carrying out of any eviction.
47. Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected. States must also take steps to ensure that women are not subject to gender-based violence and discrimination in the course of evictions, and that the human rights of children are protected.
48. Any legal use of force must respect the principles of necessity and proportionality, as well as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and any national or local code of conduct consistent with international law enforcement and human rights standards.
49. Evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections, or during or just prior to school examinations.
50. States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any

<sup>h</sup> See section V of the present guidelines.

form of collective punishment. Property and possessions left behind involuntarily should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

51. Authorities and their agents should never require or force those evicted to demolish their own dwellings or other structures. The option to do so must be provided to affected persons, however, as this would facilitate salvaging of possessions and building material.

## V. AFTER AN EVICTION: IMMEDIATE RELIEF AND RELOCATION

52. The Government and any other parties responsible for providing just compensation and sufficient alternative accommodation, or restitution when feasible, must do so immediately upon the eviction, except in cases of force majeure. At a minimum, regardless of the circumstances and without discrimination, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. States should also ensure that members of the same extended family or community are not separated as a result of evictions.
53. Special efforts should be made to ensure equal participation of women in all planning processes and in the distribution of basic services and supplies.
54. In order to ensure the protection of the human right to the highest attainable standard of physical and mental health, all evicted persons who are wounded and sick, as well as those with disabilities, should receive the medical care and attention they require to the fullest extent practicable and with the least possible delay, without distinction on any non-medically relevant grounds. When necessary, evicted persons should have access to psychological and social services. Special attention should be paid to: (a) the health needs of women and children, including access to female health-care providers where necessary, and to services such as reproductive health care and appropriate counselling for victims of sexual and other abuses; (b) ensuring that ongoing medical treatment is not disrupted as a result of eviction or relocation; and (c) the prevention of contagious and infectious diseases, including HIV/AIDS, at relocation sites.
55. Identified relocation sites must fulfil the criteria for adequate housing according to international human rights law. These include:<sup>i</sup> (a) security of tenure; (b) services, materials, facilities and infrastructure such as potable water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services, and to natural and common resources, where appropriate; (c) affordable housing; (d) habitable housing providing inhabitants with adequate space, protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors, and ensuring the physical safety of occupants; (e) accessibility for disadvantaged groups; (f) access to employment options, health-care services, schools, childcare centres and other social facilities, whether in urban or rural areas; and (g) culturally appropriate housing. In order to ensure security of the home, adequate housing should also include the following essential elements: privacy and security; participation in decision-making; freedom from violence; and access to remedies for any violations suffered.
56. In determining the compatibility of resettlement with the present guidelines, States should ensure that in the context of any case of resettlement the following criteria are adhered to:
- (a) No resettlement shall take place until such time as a comprehensive resettlement policy consistent with the present guidelines and internationally recognized human rights principles is in place;
  - (b) Resettlement must ensure that the human rights of women, children, indigenous peoples and other vulnerable groups are equally protected, including their right to property ownership and access to resources;

<sup>i</sup> See general comment No. 4 on adequate housing adopted by the Committee on Economic, Social and Cultural Rights in 1991.

- (c) The actor proposing and/or carrying out the resettlement shall be required by law to pay for any associated costs, including all resettlement costs;
  - (d) No affected persons, groups or communities shall suffer detriment as far as their human rights are concerned, nor shall their right to the continuous improvement of living conditions be subject to infringement. This applies equally to host communities at resettlement sites, and affected persons, groups and communities subjected to forced eviction;
  - (e) The right of affected persons, groups and communities to full and prior informed consent regarding relocation must be guaranteed. The State shall provide all necessary amenities, services and economic opportunities at the proposed site;
  - (f) The time and financial cost required for travel to and from the place of work or to access essential services should not place excessive demands upon the budgets of low-income households;
  - (g) Relocation sites must not be situated on polluted land or in immediate proximity to pollution sources that threaten the right to the highest attainable standards of mental and physical health of the inhabitants;
  - (h) Sufficient information shall be provided to the affected persons, groups and communities on all State projects and planning and implementation processes relating to the concerned resettlement, including information on the purported use of the eviction dwelling or site and its proposed beneficiaries. Particular attention must be paid to ensuring that indigenous peoples, minorities, the landless, women and children are represented and included in this process;
  - (i) The entire resettlement process should be carried out with full participation by and with affected persons, groups and communities. States should, in particular, take into account all alternative plans proposed by the affected persons, groups and communities;
  - (j) If, after a full and fair public hearing, it is found that there still exists a need to proceed with the resettlement, then the affected persons, groups and communities shall be given at least 90 days' notice prior to the date of the resettlement; and
  - (k) Local government officials and neutral observers, properly identified, shall be present during the resettlement so as to ensure that no force, violence or intimidation is involved.
57. Rehabilitation policies must include programmes designed for women and marginalized and vulnerable groups to ensure their equal enjoyment of the human rights to housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman or degrading treatment, and freedom of movement.
58. Persons, groups or communities affected by an eviction should not suffer detriment to their human rights, including their right to the progressive realization of the right to adequate housing. This applies equally to host communities at relocation sites.

## VI. REMEDIES FOR FORCED EVICTIONS

59. All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation, and should comply, as applicable, with the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

### A. COMPENSATION

60. When eviction is unavoidable, and necessary for the promotion of the general welfare, the State must provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property. Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each

case, such as: loss of life or limb; physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services. Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.

61. All those evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage and transport of their properties affected, including the original dwelling and land lost or damaged in the process. Consideration of the circumstances of each case shall allow for the provision of compensation for losses related to informal property, such as slum dwellings.
62. Women and men must be co-beneficiaries of all compensation packages. Single women and widows should be entitled to their own compensation.
63. To the extent not covered by assistance for relocation, the assessment of economic damage should take into consideration losses and costs, for example, of land plots and house structures; contents; infrastructure; mortgage or other debt penalties; interim housing; bureaucratic and legal fees; alternative housing; lost wages and incomes; lost educational opportunities; health and medical care; resettlement and transportation costs (especially in the case of relocation far from the source of livelihood). Where the home and land also provide a source of livelihood for the evicted inhabitants, impact and loss assessment must account for the value of business losses, equipment/inventory, livestock, land, trees/crops, and lost/decreased wages/income.

## **B. RESTITUTION AND RETURN**

64. The circumstances of forced evictions linked to development and infrastructure projects (including those mentioned in paragraph 8 above) seldom allow for restitution and return. Nevertheless, when circumstances allow, States should prioritize these rights of all persons, groups and communities subjected to forced evictions. Persons, groups and communities shall not, however, be forced against their will to return to their homes, lands or places of origin.
65. When return is possible or adequate resettlement in conformity with these guidelines is not provided, the competent authorities should establish conditions and provide the means, including financial, for voluntary return in safety and security, and with dignity, to homes or places of habitual residence. Responsible authorities should facilitate the reintegration of returned persons and exert efforts to ensure the full participation of affected persons, groups and communities in the planning and management of return processes. Special measures may be required to ensure women's equal and effective participation in return or restitution processes in order to overcome existing household, community, institutional, administrative, legal or other gender biases that contribute to marginalization or exclusion of women.
66. Competent authorities have the duty and responsibility to assist returning persons, groups or communities to recover, to the maximum extent possible, the property and possessions that they left behind or were dispossessed of upon their eviction.
67. When return to one's place of residence and recovery of property and possessions is not possible, competent authorities must provide victims of forced evictions, or assist them in obtaining, appropriate compensation or other forms of just reparation.

## **C. RESETTLEMENT AND REHABILITATION**

68. While all parties must give priority to the right of return, certain circumstances (including for the promotion of general welfare, or where the safety, health or enjoyment of human rights so demands) may necessitate the resettlement of particular persons, groups and communities due to development-based evictions. Such resettlement must occur in a just and equitable manner and in full accordance with international human rights law as elaborated in section V of these guidelines.

## VII. MONITORING, EVALUATION AND FOLLOW-UP

69. States should actively monitor and carry out quantitative and qualitative evaluations to determine the number, type and long-term consequences of evictions, including forced evictions, that occur within their jurisdiction and territory of effective control. Monitoring reports and findings should be made available to the public and concerned international parties in order to promote the development of best practices and problem-solving experiences based on lessons learned.
70. States should entrust an independent national body, such as a national human rights institution, to monitor and investigate forced evictions and State compliance with these guidelines and international human rights law.

## VIII. ROLE OF THE INTERNATIONAL COMMUNITY, INCLUDING INTERNATIONAL ORGANIZATIONS

71. The international community bears an obligation to promote, protect and fulfil the human right to housing, land and property. International financial, trade, development and other related institutions and agencies, including member or donor States that have voting rights within such bodies, should take fully into account the prohibition on forced evictions under international human rights law and related standards.
72. International organizations should establish or accede to complaint mechanisms for cases of forced evictions that result from their own practices and policies. Legal remedies should be provided to victims in accordance with those stipulated in these guidelines.
73. Transnational corporations and other business enterprises must respect the human right to adequate housing, including the prohibition on forced evictions, within their respective spheres of activity and influence.

## IX. INTERPRETATION

74. These guidelines on development-based evictions and displacement shall not be interpreted as limiting, altering or otherwise prejudicing the rights recognized under international human rights, refugee, criminal or humanitarian law and related standards, or rights consistent with these laws and standards as recognized under any national law.

## II - Annex

## Sites of Forced Eviction: Summary of Analysis

No.	Name of Site	Date of Demolition	Reason for Demolition	Number of Homes Demolished	Notice	Violence, Injury and Death Resulting from the Eviction	Impact on Human Right to Health	Impact on Livelihood, Income and Expenditure after the Eviction	Resettlement / Current Living Conditions	Current Status of Site
1.	Dargah Bhure Shah Camp B	May 14, 2007	Construction of the elevated Barapullah Road	115	Notice served in February, 2007	No violence or injury reported	None reported	<ul style="list-style-type: none"> <li>- Some livelihoods lost due to resettlement at Savda Ghevra;</li> <li>- Decrease in income, especially of shop owners;</li> <li>- Increase in expenditure on transport, rent and healthcare.</li> </ul>	<ul style="list-style-type: none"> <li>- Families of 90 homes resettled in inadequate housing and living conditions at Savda Ghevra;</li> <li>- Other families are living in inadequate conditions in rental housing.</li> </ul>	Elevated Barapullah Road built above the site; road hardly used
2.	Madrasa Camp, Jangpura B	April 15, 2010	Laying of electric wires for construction of the elevated Barapullah Road	200	Notice served two days before the demolition	No violence or injury reported	Many children and older persons fell ill after the eviction	<ul style="list-style-type: none"> <li>- Livelihoods lost (of domestic workers and daily wage earners);</li> <li>- Temporary loss of wages immediately after the eviction when people were living on the streets;</li> <li>- Decrease in income, and increase in expenditure on transport, rent and healthcare;</li> <li>- Increase in indebtedness.</li> </ul>	<ul style="list-style-type: none"> <li>- Resettlement not provided;</li> <li>- All families have taken loans and rebuilt their homes at the same site;</li> <li>- Living conditions continue to be inadequate.</li> </ul>	Community living at the same site
3.	JJ Arjun Das Camp, including: Bengali Camp	January 13, 2009	'Beautification' and 'security' drive for the Commonwealth Games	500	No notice given	<ul style="list-style-type: none"> <li>- More than ten deaths reported;</li> <li>- Many people injured during the demolition process while trying to salvage possessions;</li> <li>- Police assaulted many people during the eviction.</li> </ul>	<ul style="list-style-type: none"> <li>- Increase in illness amongst children;</li> <li>- Reports of general deterioration in health after the eviction.</li> </ul>	<ul style="list-style-type: none"> <li>- Temporary loss of livelihoods, as vendors were not allowed on the streets during the Commonwealth Games;</li> <li>- Decrease in income;</li> <li>- Increase in expenditure on transport, rent and healthcare.</li> </ul>	<ul style="list-style-type: none"> <li>- Resettlement not provided;</li> <li>- Families have either returned to their villages or are living in inadequate conditions in rental housing or in makeshift tents.</li> </ul>	No construction on the site from where people were evicted; many families have moved back to the site and are living in makeshift tents in inadequate conditions
4.	Jhansi Camp									
5.	JJ Valmiki Camp									

No.	Name of Site	Date of Demolition	Reason for Demolition	Number of Homes Demolished	Notice	Violence, Injury and Death Resulting from the Eviction	Impact on Human Right to Health	Impact on Livelihood, Income and Expenditure after the Eviction	Resettlement / Current Living Conditions	Current Status of Site
6.	Swatantra Camp	January 13, 2009	'Beautification' and 'security' drive for the Commonwealth Games	50	No notice given	Violence and injury reported	<ul style="list-style-type: none"> <li>- Increase in illness amongst children;</li> <li>- Reports of general deterioration in health after the eviction.</li> </ul>	<ul style="list-style-type: none"> <li>- Temporary loss of livelihoods, as vendors were not allowed on the streets during the Commonwealth Games;</li> <li>- Decrease in income;</li> <li>- Increase in expenditure on transport, rent and healthcare.</li> </ul>	<ul style="list-style-type: none"> <li>- Resettlement not provided;</li> <li>- Families have either returned to their villages or are living in inadequate conditions in rental housing or in makeshift tents.</li> </ul>	No construction on the site from where people were evicted; many families have moved back to the site and are living in makeshift tents in inadequate conditions
7.	Gadia Lohar Basti	January 12, 2009	Road-widening and construction of an underpass to connect Jawaharlal Nehru Stadium with Thyagaraja Stadium	18	No notice given	<ul style="list-style-type: none"> <li>- Police used force;</li> <li>- Many people injured while trying to stop the police.</li> </ul>	<ul style="list-style-type: none"> <li>- Increase in illness amongst children;</li> <li>- Reports of general deterioration in health after the eviction.</li> </ul>	<ul style="list-style-type: none"> <li>- Loss of livelihoods during the CWG;</li> <li>- Significant decrease in income;</li> <li>- Increase in expenditure on healthcare.</li> </ul>	<ul style="list-style-type: none"> <li>- High Court of Delhi ordered resettlement of 18 families on February 11, 2010; order not implemented (as of February 2011);</li> <li>- Families are living on the roadside, near the underpass, in temporary and inadequate housing.</li> </ul>	The road has been widened and an underpass has been built on the land from where the community was evicted
8.	JJ Camp, Prem Nagar	January 12, 2009	Road-widening and construction of an underpass to connect Jawaharlal Nehru Stadium with Thyagaraja Stadium	30	No notice given	No violence or injury reported	<ul style="list-style-type: none"> <li>- Increase in illness amongst children;</li> <li>- Reports of general deterioration in health after the eviction.</li> </ul>	<ul style="list-style-type: none"> <li>- Temporary loss of livelihoods, as vendors were not allowed on the streets during the Commonwealth Games;</li> <li>- Shop owners unemployed;</li> <li>- Decrease in income, increase in expenditure on transport, rent and healthcare.</li> </ul>	<ul style="list-style-type: none"> <li>- Resettlement not provided;</li> <li>- Most families have moved to inadequate rental housing while others have returned to their villages.</li> </ul>	The road has been widened and an underpass has been built on the land from where the community was evicted
9.	Indira Gandhi Camp II, Sewa Nagar	January 12, 2009	Road-widening and construction of an underpass to connect Jawaharlal Nehru Stadium with Thyagaraja Stadium	300	No notice given	<ul style="list-style-type: none"> <li>- Violence and injury reported;</li> <li>- Altercation between slum dwellers and authorities due to alleged theft by a driver of a bulldozer.</li> </ul>	<ul style="list-style-type: none"> <li>- One woman paralysed due to shock;</li> <li>- Reported increase in number of people falling ill.</li> </ul>	<ul style="list-style-type: none"> <li>- Livelihoods lost;</li> <li>- Decrease in income, increase in expenditure on transport, rent and healthcare;</li> <li>- Increase in indebtedness.</li> </ul>	<ul style="list-style-type: none"> <li>- Resettlement not provided;</li> <li>- Families have either returned to their villages or are living in inadequate conditions in rental housing or in makeshift homes near the original site.</li> </ul>	The road has been widened and an underpass has been built on the land from where the community was evicted



No.	Name of Site	Date of Demolition	Reason for Demolition	Number of Homes Demolished	Notice	Violence, Injury and Death Resulting from the Eviction	Impact on Human Right to Health	Impact on Livelihood, Income and Expenditure after the Eviction	Resettlement / Current Living Conditions	Current Status of Site
10.	Prabhu Market Camp	January 9, 2009	Construction of a parking lot for Jawaharlal Nehru Stadium, and a link road to connect Thyagaraja Stadium with Jawaharlal Nehru Stadium	100	No notice given	<ul style="list-style-type: none"> <li>- No violence or injury reported during the demolition;</li> <li>- At least two people died after the eviction.</li> </ul>	<ul style="list-style-type: none"> <li>- Reported increase in number of people falling ill;</li> <li>- General deterioration in health.</li> </ul>	<ul style="list-style-type: none"> <li>- Livelihoods lost (vendors not allowed on the streets, shop owners unemployed);</li> <li>- Decrease in income;</li> <li>- Increase in expenditure on transport, rent and healthcare.</li> </ul>	<ul style="list-style-type: none"> <li>- Resettlement not provided;</li> <li>- Families have either returned to their villages or are living in inadequate conditions in shared rental housing.</li> </ul>	A parking lot (of 121,875 square metres) has been built on the site, but is largely unused
11.	Prabhu Market Extension Camp	January 9, 2009	Construction of a parking lot for Jawaharlal Nehru Stadium, and a link road to connect Thyagaraja Stadium with Jawaharlal Nehru Stadium	85–100	No notice given	<ul style="list-style-type: none"> <li>- No violence or injury reported during the demolition;</li> <li>- A man committed suicide after the eviction.</li> </ul>	<ul style="list-style-type: none"> <li>- Reported increase in number of people falling ill;</li> <li>- General deterioration in health due to living outdoors.</li> </ul>	<ul style="list-style-type: none"> <li>- Livelihoods lost (vendors not allowed on the streets, shop owners unemployed);</li> <li>- Decrease in income;</li> <li>- Increase in expenditure on transport, rent and healthcare.</li> </ul>	<ul style="list-style-type: none"> <li>- Resettlement not provided;</li> <li>- Families have either returned to their villages or are living in inadequate conditions in shared rental housing.</li> </ul>	A parking lot (of 121,875 square metres) has been built on the site, but is largely unused
12.	Indira Gandhi Camp	February 2, 2009	Widening the road and constructing an underpass to link Thyagaraja Stadium with Jawaharlal Nehru Stadium	100	No notice given	No violence or injury reported	General deterioration in health reported after the eviction	<ul style="list-style-type: none"> <li>- Livelihoods lost (vendors not allowed on the streets, shop owners unemployed);</li> <li>- Decrease in income;</li> <li>- Increase in expenditure on transport, rent and healthcare.</li> </ul>	<ul style="list-style-type: none"> <li>- Resettlement not provided;</li> <li>- Most families continue to live near the site in inadequate shared rental housing.</li> </ul>	The road has been widened and an underpass has been built on the land from where the community was evicted
13.	Viklang Basti	January 10, 2009	Construction of a parking lot for Jawaharlal Nehru Stadium, and a link road to connect Thyagaraja Stadium with Jawaharlal Nehru Stadium.	150 50 homes of persons with disabilities; and another 100 homes	No notice given	No violence reported	<ul style="list-style-type: none"> <li>- Reported increase in number of people falling ill;</li> <li>- General deterioration in health.</li> </ul>	<ul style="list-style-type: none"> <li>- Livelihoods lost (vendors not allowed on the streets, shop owners unemployed);</li> <li>- Decrease in income;</li> <li>- Increase in expenditure on transport, rent and healthcare.</li> </ul>	<ul style="list-style-type: none"> <li>- Resettlement not provided;</li> <li>- Some families have been rendered homeless and are living in insecure conditions on the streets, while others have moved in with relatives or to rental housing.</li> </ul>	A parking lot (of 121,875 square metres) has been built on the site, but is largely unused

No.	Name of Site	Date of Demolition	Reason for Demolition	Number of Homes Demolished	Notice	Violence, Injury and Death Resulting from the Eviction	Impact on Human Right to Health	Impact on Livelihood, Income and Expenditure after the Eviction	Resettlement / Current Living Conditions	Current Status of Site
14.	Sai Baba Camp	June 21, 2010	Purposes of 'beautification' and 'security'	25	No notice given	<ul style="list-style-type: none"> <li>- No police violence during the eviction;</li> <li>- Reports of daily police harassment after the eviction.</li> </ul>	<ul style="list-style-type: none"> <li>- Reported increase in number of people falling ill;</li> <li>- General deterioration in health.</li> </ul>	<ul style="list-style-type: none"> <li>- Temporary loss of livelihoods for the duration of the Commonwealth Games, as flower sellers were not allowed near the temple, and vendors were not allowed access to the road;</li> <li>- Increase in indebtedness.</li> </ul>	<ul style="list-style-type: none"> <li>- Resettlement not provided;</li> <li>- Families have either moved to the outskirts of the city or are living in temporary inadequate conditions near the original site.</li> </ul>	No construction on the land from where people were evicted; some families have returned to the site
15.	Gurudwara Bangla Saheb Lane	September 2010	'Clean-up' drive before the Games	15-20	No notice given	<ul style="list-style-type: none"> <li>- Use of sticks and batons against the people by the police;</li> <li>- Injuries reported.</li> </ul>	None reported	Loss of livelihoods reported	<ul style="list-style-type: none"> <li>- Resettlement not provided;</li> <li>- One family living in the open near the site;</li> <li>- Information on location of other families not available.</li> </ul>	No construction work on cleared pavement
16.	Pusa Road (tents and temporary night shelter for the homeless)	June 2009; and December 22, 2009	'City beautification' purposes	250 people evicted	No notice given	<ul style="list-style-type: none"> <li>- Use of sticks and batons against the people by the police;</li> <li>- Many sustained injuries;</li> <li>- At least 4 children and 2 older persons died after the eviction.</li> </ul>	General deterioration in health	Temporary loss of livelihoods for the duration of the Commonwealth Games, as vendors were not allowed to access the roads and work during the Games	Families relocated to Motia Khan shelter in March 2010	Grass has been grown on the roundabout from where the homeless were evicted
17.	Cement Godam Basti	September 17, 2010	'City beautification' and construction of Leela Palace Kempinski Hotel	435	Notice served on September 12, 2010	No violence or injury reported	None reported	<ul style="list-style-type: none"> <li>- Loss of livelihoods (especially for vendors and women domestic workers);</li> <li>- Increase in expenditure on rent and healthcare.</li> </ul>	<ul style="list-style-type: none"> <li>- Families of 67 homes resettled in Bawana where housing and living conditions are inadequate;</li> <li>- Other families have either moved into inadequate rental housing or returned to their villages;</li> <li>- In some instances, women and children returned to the villages while the men continued working in Delhi.</li> <li>- Several men have been rendered homeless and take shelter in a mosque at night.</li> </ul>	Garden being constructed for the hotel; grass has been planted over the cleared land

No.	Name of Site	Date of Demolition	Reason for Demolition	Number of Homes Demolished	Notice	Violence, Injury and Death Resulting from the Eviction	Impact on Human Right to Health	Impact on Livelihood, Income and Expenditure after the Eviction	Resettlement / Current Living Conditions	Current Status of Site
18.	Sectors 52 and 53, Gurgaon	September 28, 2010	'Security' reasons	5,000	No notice given	- Approximately 50-70 people injured on the day of the demolition; - Police violence and harassment reported.	- Reported increase in number of people falling ill; - General deterioration in health.	- Loss of livelihoods; - Increase in expenditure on rent and healthcare.	- Resettlement not provided; - Immediately after the eviction, families lived in makeshift tents at the periphery of the site; - Police threatened most families to leave the city. - While some families have started returning to Delhi, they are not being allowed to resettle at the same site.	Land still lying vacant
19.	Banks of River Yamuna (opposite the Commonwealth Games Village)	July 7, 2010	'Security threat' to the Commonwealth Games Village	Around 1000 homes in the entire area	No notice given	No violence or injury reported	- Reported increase in illness and number of children falling ill; - General deterioration in health.	- Monthly rent on alternative land (on which people grow vegetables) has increased; - Community lost vegetable buyers; - Displaced people have to spend more on travelling to markets to sell their vegetables.	- Resettlement not provided; - Most families shifted to rental housing in distant areas after living in the open for a couple of days; several families are gradually returning to the original site.	Land lying vacant; people returning to the site
20.	Yamuna Pushta	February – April /May 2004	'Encroachment' on the river bed and charges of 'pollution of River Yamuna' by slum dwellers	Around 35,000	Notice provided at only some of the homes on the night before the demolition	- Police violence reported; - Thousands injured; - At least two deaths reported.	- Reported increase in number of people falling ill; - General deterioration in health.	- Loss of formal employment; - Increase in indebtedness; - Increased burden of rent and expenditure on healthcare; - Family incomes dropped to half or less than half of what they were in Yamuna Pushta. <sup>ii</sup>	- The majority did not receive resettlement; - Only around 6,000 families resettled in Bawana <sup>iii</sup> where housing and living conditions are inadequate.	Land still unused

i Information on the 2004 Yamuna Pushta evictions is based on secondary sources – Kalyani Menon-Sen and Gautam Bhan, *Swept off the Map: Surviving Eviction and Resettlement in Delhi*, (New Delhi: Jagori, Yoda Press, 2008); Ruzbeh N. Bharucha, *Yamuna Gently Weeps, A Journey into the Yamuna Pushta Slum Demolitions* (New Delhi: Sainathann Communication, 2006); and 'The Yamuna Pushta Evictions: What happened to those who were not assigned plots?' (New Delhi: Hazards Centre, December 2004).

ii Kalyani Menon-Sen, 'Better to Have Died Than to Live Like This: Women and Evictions in Delhi,' *Economic and Political Weekly* (May 20, 2006).

iii 'The Yamuna Pushta Evictions: What happened to those who were not assigned plots?' (New Delhi: Hazards Centre, December 2004).

## III Annex

### Original Eviction Notice for Cement Godam Basti (in Hindi)

दिल्ली शहरी आश्रय सुधार बोर्ड  
दिल्ली सरकार

सार्वजनिक सूचना  
12.09.2010

झुग्गी-झोपड़ी बस्ती मोती बाग, नेताजी नगर, नज़दीक सीमेंट गोदाम के सभी निवासियों को सूचित किया जाता है कि उक्त जे. जे. क्लस्टर को दिनांक 17.09.2010 को हटाने का निर्णय लिया गया है। संयुक्त सर्वे के आधार पर तथा सरकार की पॉलिसी के अनुसार.... पाये गये झुग्गीवासियों को वैकल्पिक आवासी प्लैट अस्थांगी आबंटन लाइसेंस फीस के आधार पर दिये जाने का प्रावधान है। योग्य पाये गये झुग्गीवासियों की सूची अलग से दर्शाई जा रही है, इस सूची की एक प्रतिलिपि कार्यालय विकास कुटीर, एच-ब्लाक, आई. टी. ओ. के सूचना पट पर उपलब्ध होगी। सभी योग्य झुग्गीवासियों को सूचित किया जाता है कि वह अपने-अपने मूल कागज़ात, राशन-कार्ड, चुनाव कार्यालय द्वारा जारी पहचान-पत्र तथा नोटरी पब्लिक द्वारा सत्यापित शपथ पत्र रुपये दस के स्टाम्प पेपर सहित दिनांक.... को प्रातः दस बजे कार्यालय, सी.डी-X, डी.एस.आई.डी.सी, बवाना साईट ऑफिस, दिल्ली में उपस्थित होकर प्रस्तुत करें ताकि आबंटन पत्र व प्लैट का कब्ज़ा पत्र की कार्यवाही अमल में लायी जा सके।

अन्य निवासी जो आबंटन के पात्र नहीं पाये गये हैं, अपने रहने की व्यवस्था उपरोक्त दिनांक से पहले स्वयं स्तर पर कर लें।

आदेशक

विशेष अधिकारी  
दिल्ली शहरी आश्रय सुधार बोर्ड

# Translation of Eviction Notice for Cement Godam Basti

**Delhi Urban Shelter Improvement Board  
Government of Delhi**

**Public Notice  
12.09.2010**

This is to inform all residents of J.J. Cluster Moti Bagh, Netaji Nagar, near Cement Godam Basti, that a decision has been taken to remove this cluster on 17.09.2010. On the basis of the joint survey and government policy, a provision has been made for the allotment of alternative temporary residential flats on the basis of license fees to all eligible residents. The list of eligible slum dwellers is being displayed separately. A copy of this list will be available at the concerned office in Vikas Kuteer, ITO. The eligible slum dwellers are thus informed to personally submit all original documents, ration cards, voter's identity cards issued by the election office, and affidavits, along with a Rs. 10 stamp paper at 10 am at CD-X, DSIDC, Bawana Site Office, Delhi, in order to start the process of issuing allotment papers and occupation of flats.

Other residents who have not been found eligible for allotment should make their own arrangements for their stay before the above mentioned date.

By Order

Special Officer  
Delhi Urban Shelter Improvement Board

## IV Annex

### List of Priority JJ Clusters for Relocation/ Rehabilitation in the First Phase<sup>i</sup>

S. No.	Name of JJ Cluster	Name of Land Owning Agency
1.	JJ Cluster on left bank of Najafgarh Drain, near Wazirpur JJ Colony	I&FC
2.	JJ Cluster G-Point, Gole Market	CPWD
3.	JJ Cluster Pkt. 6 near Dhobi Ghat, DDU Marg	CPWD
4.	JJ Cluster Sanjay Camp, Chanakyapuri	NDMC
5.	JJ Cluster Arjun Das Camp, Laxmi Nagar	NDMC
6.	JJ Cluster Bengali Camp, Kidwai Nagar <sup>ii</sup>	NDMC
7.	JJ Cluster Bhai Ram Camp and JJ Cluster near Masjid Polo Ground, Opposite 7 Race Course Road	L&DO
8.	Shri Ram JJ Camp near Venkateshwar College, South Campus	Delhi University
9.	JJ Cluster Tughlak Lane and 21-A, Aurangzeb Road	NDMC
10.	JJ Cluster Moti Bagh	CPWD/ L&DO
11.	JJ Cluster near DPS Sector-X, R.K. Puram	Ex. Engr., Project (South-I) MCD
12.	JJ Cluster near Safdarjung Airport Authority	Airport Authority of India
13.	JJ Cluster Sanjay Camp, Chanakyapuri	Railways
14.	JJ Cluster Railway Station Daya Basti	Railways
15.	Jhuggis near Barapullah Nalla Bridge <sup>iii</sup>	PWD
16.	JJ Cluster near Sanjay Gandhi Transport Nagar, RUB Badli	Civil Lines Zone, MCD
17.	JJ Cluster near N.C. Joshi Memorial Hospital	Health Services
18.	Dhobi Ghat No. 15, South Avenue	NDMC
19.	JJ Cluster near Bharti Nagar (Khan Market)	NDMC
20.	JJ Cluster Nehru Nagar (Land Allotted to Samarth Shiksha Samiti)	L&DO

<sup>i</sup> Prepared by the Government of Delhi, Delhi Urban Shelter Improvement Board, [http://delhishelter.nic.in/Policies/present\\_policies\\_n\\_strategies.htm](http://delhishelter.nic.in/Policies/present_policies_n_strategies.htm).

<sup>ii</sup> The slum cluster was demolished in the run-up to the Commonwealth Games.

<sup>iii</sup> The slums were demolished for the Commonwealth Games.

S. No.	Name of JJ Cluster	Name of Land Owning Agency
21.	JJ Cluster near NTPC Badarpur	NTPC
22.	JJ Cluster MAMC/Guru Nanak Eye Center Complex	MAMC (Health and Family Welfare Dept.)
23.	JJ Cluster Bandhu Camp, Vasant Kunj	CSWB
24.	JJ Cluster WHO Building, Anna Nagar	Commissioner (Indus.)
25.	JJ Cluster Wazirpur, Railways Track	Railways
26.	JJ Cluster Qutab Road	DC (SPZ)
27.	JJ Cluster Pant Nagar	CZ (MCD)
28.	JJ Cluster Sultan Puri, D&E Block	Hort., MCD
29.	JJ Cluster Virat Cooperative Society	MCD
30.	JJ Cluster New Friends Colony	Delhi Police
31.	JJ Cluster Moti Bagh (Netaji Nagar)	L&DO
32.	JJ Cluster Mansarover Park	MCD
33.	JJ Cluster Lakkar Mandi, Kirti Nagar	MCD
34.	JJ Cluster Jamia Millia University	Jamia Millia University
35.	Park Side, Badli Industrial Area	Commer. (Indus.)
36.	JJ Cluster near Nivedita Kunj, R.K. Puram	L&DO
37.	JJ Cluster behind Old Sectt. Press Area	Delhi Admin.
38.	Press Road, behind Old Sectt. JJ Cluster	Delhi Admin.
39.	Near Haryana Dharamshala on Najafgarh Drain, C-Block, Karampura	Delhi Admin./ Flood Control
40.	JJ Cluster at Wazirabad, near crossing, Wazirabad Village	Flood Control Dept.
41.	JJ Camp Block Chakki Wala Gate, in front of Swatanter Bharat Mill	Flood Control Dept.
42.	JJ Camp Mandir Gali, GF Block, Karampura	Flood Control Dept.
43.	Road No. 7, Leather Factory, East of Punjabi Bagh, near Najafgarh Drain	Flood Control Dept.
44.	Improvement of Storm Water Drainage in Model Town, Wazirpur Ind. Area, Marshy Land Dhirpur (Dhaka), CLZ, C-70	
45.	Improvement/ Strengthening of Avtar Marg from Burari Road to Outer Ring Road in CLZ	

**ACRONYMS USED:**

Admin. – Administration	I&FC – Irrigation and Flood Control
CLZ – Civil Line Zone	JJ – <i>Jhuggi Jhopri</i>
CSWB – Central Social Welfare Board	L&DO – Land and Development Office
CPWD – Central Public Works Department	MAMC – Maulana Azad Medical College
CZ – City Zone	MCD – Municipal Corporation of Delhi
DC (SPZ) – Deputy Commissioner (Sadar Pahar Zone)	NDMC – New Delhi Municipal Council
Dept. – Department	NTPC – National Thermal Power Corporation
Engr. – Engineer	PWD – Public Works Department
Hort. – Horticulture	Sectt. – Secretariat

## V

## Annex

## Relevant Government Officials

## Delhi Government

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 Chief Minister of Delhi  
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Parimal Rai  
 Chairperson  
 New Delhi Municipal Council  
 Palika Kendra Building  
 Opposite Jantar Mantar  
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Dr. Ashok Kumar Walia  
 Cabinet Minister of Delhi  
 Urban Development Department  
 Room No. 608, 6th Level A-Wing  
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Kiran Walia  
 Cabinet Minister of Delhi  
 Health and Family Welfare Department  
 Women and Child Department  
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 Delhi Secretariat  
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 Phone (Office): 2339-2055, 2339-2123

Arvinder Singh Lovely  
 Cabinet Minister of Delhi  
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Mangat Ram Singhal  
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Raj Kumar Chauhan  
 Cabinet Minister of Delhi  
 Development Department  
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Rakesh Mehta  
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 Government of National Capital Territory of  
 Delhi  
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Mayor of Delhi  
Municipal Corporation of Delhi  
Town Hall  
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Tejendra Khanna  
Lt. Governor of Delhi  
Chairman, Delhi Development Authority  
Raj Niwas  
Delhi - 110 054  
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Rajesh Khullar  
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Municipal Corporation of Gurgaon  
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### Central Government

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Kumari Selja  
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Pradeep Jain  
Minister of State  
Ministry of Rural Development  
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Ajay Maken  
Minister of State  
Ministry of Home Affairs  
10 Pandit Pant Marg  
New Delhi - 110 001  
Phone (Office): 2309-2073

# HLRN Publications

## FACT-FINDING REPORTS

### ***In Quest of Bhabrekar Nagar***

Fact-finding Report No. 2 [A report to enquire into demolitions in Mumbai, India] (Mumbai: Habitat International Coalition—HIC, 1997)

### ***Fact-finding Mission by Habitat International Coalition on Resettlement on Land of Bhutanese Refugees***

Fact-finding Report No. 4 (New Delhi: Habitat International Coalition—Housing and Land Rights Network—HIC-HLRN, South Asia Regional Programme, 2002)

### ***Restructuring New Delhi's Urban Habitat: Building an Apartheid City?***

Fact-finding Report No. 5 [On the resettlement process of Delhi, India] (New Delhi: HIC-HLRN, South Asia Regional Programme, 2002)

### ***Rebuilding from the Ruins: Listening to the Voices from Gujarat and Restoring People's Rights to Housing, Livelihood and Life***

Fact-finding Report No. 6 [On ethnic conflict in Gujarat, India] (New Delhi: HIC-HLRN, South Asia Regional Programme and Youth for Unity and Voluntary Action, 2002)

### ***The Impact of the 2002 Submergence on Housing and Land Rights in the Narmada Valley: Report of a Fact-finding Mission to Sardar Sarovar and Man Dam Projects***

Fact-finding Report No. 7 [On housing and land rights violations and inadequate rehabilitation] (New Delhi: HIC-HLRN, South Asia Regional Programme, 2003)

### ***Post-tsunami Relief and Rehabilitation: A Violation of Human Rights***

Fact-finding Report No. 8 [Mission to tsunami-affected areas of Tamil Nadu, India, and Sri Lanka] (New Delhi: HIC-HLRN, South Asia Regional Programme, 2005)

### ***Battered Islands***

Fact-finding Report No. 9 [Mission to tsunami-affected areas of the Andaman and Nicobar Islands] (New Delhi: HIC-HLRN, South Asia Regional Programme, 2006)

### ***Do People's Voices Matter? The Human Right to Participation in Post-tsunami Housing Reconstruction***

Fact-finding Report No. 10 [Mission to tsunami-affected areas of Tamil Nadu and Pondicherry] (New Delhi: HIC-HLRN, South Asia Regional Programme, 2006)

## THEMATIC PUBLICATIONS

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(New Delhi: HIC-HLRN, South Asia Regional Programme and HAQ: Centre for Child Rights, 2002)

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***The Human Right to Adequate Housing and Land***

(New Delhi: National Human Rights Commission, 2006)

## COUNTRY ASSESSMENTS

***Dispossessed: Land and Housing Rights in Tibet***

(New Delhi: Tibetan Centre for Human Rights and Democracy—TCHRD, in collaboration with HIC-HLRN, South Asia Regional Programme, 2002)

***Confronting Discrimination: Nomadic Communities in Rajasthan and their Human Rights to Land and Adequate Housing***

[Working paper] (New Delhi: HIC-HLRN, South Asia Regional Programme, 2004)

## TOOLS AND TECHNIQUES SERIES

***Community Action Planning: Processes – Ideas – Experiences***

[Manual for human rights based slum upgrading] (New Delhi: HIC-HLRN, South Asia Regional Programme, Youth for Unity and Voluntary Action, and People's Movement for Human Rights Learning—PDHRE, 2002)

***Handbook on UN Basic Principles and Guidelines on Development-based Evictions and Displacement (English)***

(New Delhi: Housing and Land Rights Network, and Youth for Unity and Voluntary Action, 2008)

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***Handbook on UN Basic Principles and Guidelines on Development-based Evictions and Displacement (Urdu)***

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(Chennai: People's Watch, Housing and Land Rights Network, and Youth for Unity and Voluntary Action, 2011)

***Handbook on UN Basic Principles and Guidelines on Development-based Evictions and Displacement (International Edition)***

(New Delhi: Habitat International Coalition—Housing and Land Rights Network, 2010)

## REPORTS TO UN BODIES

### ***Child in Search of the State***

[Parallel report to the India country report on the implementation of the right to housing as enshrined in the Convention on the Rights of the Child] (New Delhi: HIC-HLRN, South Asia Regional Programme, Laya, Human Rights Foundation, and Youth for Unity and Voluntary Action, 1998)

### ***Human Right to Adequate Housing in India***

[Joint parallel report to the UN Committee on Economic, Social and Cultural Rights] (New Delhi: HIC-HLRN, South Asia Regional Programme with Indian NGOs, 2002)

### ***Acts of Commission – Acts of Omission: Housing and Land Rights and the Indian State***

[Joint parallel report to the UN Committee on Economic, Social and Cultural Rights] (New Delhi: HIC-HLRN, South Asia Regional Programme with Indian NGOs, 2004)

### ***Acts of Commission – Acts of Omission: Housing and Land Rights and the Indian State***

[A report to the UN Committee on Economic, Social and Cultural Rights] (New Delhi: HIC-HLRN, South Asia Regional Programme, 2009)

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### ***Urgent Action: HLRN Guide to Practical Solidarity for Defending the Human Right to Adequate Housing***

[Training Manual] (Cairo: HIC-HLRN, 2006)

### ***Tsunami Response: A Human Rights Assessment***

(Joint publication of HLRN, People's Movement for Human Rights Learning, and ActionAid International, 2006)

### ***Assessing Post-tsunami Housing Reconstruction in Andaman & Nicobar Islands: A People's Perspective***

[ActionAid International India, Housing and Land Rights Network, Society for Andaman and Nicobar Ecology and TRINet] (Bangalore: Books for Change, 2006)

### ***The 2010 Commonwealth Games: Whose Wealth? Whose Commons?***

(New Delhi: HIC-HLRN, South Asia Regional Programme, 2010)

## REPORTS ON WOMEN, HOUSING AND LAND

### ***Our Land, Our Homes, Our Culture, Our Human Rights***

[Proceedings of the Pacific Regional Consultation on Women's Rights to Adequate Housing and Land] (New Delhi: HIC-HLRN, South Asia Regional Programme, 2004)

### ***Interlinkages between Violence against Women and Women's Right to Adequate Housing***

[Proceedings of the Asia Regional Consultation on 'The Interlinkages between Violence against Women and Women's Right to Adequate Housing'] (Chiang Mai: Asia Pacific Forum on Women, Law and Development and HIC-HLRN, South Asia Regional Programme, 2004)

## End Notes

1. See Miloon Kothari and Shivani Chaudhry, 'Unequal Cities Mean Unequal Lives,' *Urban World*, Volume 1, Issue 5 (December 2009–January 2010).
2. Shalini Mishra, Shivani Chaudhry and Miloon Kothari, *The 2010 Commonwealth Games: Whose Wealth? Whose Commons?* (New Delhi: Housing and Land Rights Network, May 2010).
3. Ibid. See: [www.hic-sarp.org](http://www.hic-sarp.org).
4. See Housing and Land Rights Network (HLRN) Press Release, 'Human Rights Activists Highlight Grave and Continuing Human Rights Impacts of the 2010 Commonwealth Games,' August 12, 2010, [http://www.hic-sarp.org/documents/Press\\_Release\\_12\\_August\\_2010.pdf](http://www.hic-sarp.org/documents/Press_Release_12_August_2010.pdf).
5. See HLRN Press Release, 'Forced Evictions due to Commonwealth Games Violate Human Rights, Contribute to a Permanent Negative Social Legacy,' October 13, 2010, [http://www.hic-sarp.org/documents/Press\\_Release\\_evictions\\_HLRN\\_13\\_Oct\\_2010.pdf](http://www.hic-sarp.org/documents/Press_Release_evictions_HLRN_13_Oct_2010.pdf).
6. These include: Renu Khosla, 'Economics of Resettling Low-Income Settlements (Slums) in Urban Areas: A Case for On-site Upgrading,' *Urban India* (May 2006); Forum for Crèche and Child Care Services, 'Undoing Our Future: Report on the Status of the Young Child in India,' (New Delhi: Forces—Forum for Crèche and Child Care Services, 2009); Kalyani Menon-Sen and Gautam Bhan, *Swept off the Map: Surviving Eviction and Resettlement in Delhi* (New Delhi: Jagori, Yoda Press, 2008); Miloon Kothari, Sabrina Karmali and Shivani Chaudhry, *The Human Right to Adequate Housing and Land* (New Delhi: National Human Rights Commission, 2006); Shalini Mishra, Shivani Chaudhry and Miloon Kothari, *The 2010 Commonwealth Games: Whose Wealth? Whose Commons?* (New Delhi: Housing and Land Rights Network, May 2010); Eshaan Puri and Tripti Bhatia, 'Commonwealth Games 2010: Displacement of Persons,' Working Paper No. 213 for Centre for Civil Society, New Delhi (Summer 2009); and Pratima Singh, 'Sheltering Delhi's Slums,' Working Paper No. 230 for Centre for Civil Society, New Delhi (Summer 2009).
7. The fact-finding team consisted of Shalini Mishra and Kamakshi Nanda from Housing and Land Rights Network, and Bipin Kumar from Indo-Global Social Service Society.
8. Kingsway Camp, Gautampuri, Ashok Vihar, Hauz Khas, and Nehru Place are some of the other sites in Delhi where forced evictions have taken place. See Eshaan Puri and Tripti Bhatia, 'Commonwealth Games 2010: Displacement of Persons,' Working Paper No. 213 for Centre for Civil Society, New Delhi (Summer 2009):1-31.
9. This is an estimate based on data collected by HLRN. Since the report does not cover all evictions carried out in Delhi for the Commonwealth Games, the total number of people displaced would be higher.
10. Facts submitted by the Municipal Corporation of Delhi in an affidavit to the Supreme Court of India in April 2010.
11. Forum for Crèche and Child Care Services, 'Undoing Our Future: Report on the Status of the Young Child in India,' (New Delhi: Forces—Forum for Crèche and Child Care Services, 2009).
12. Delhi Urban Shelter Improvement Board, 'Present Policies and Strategies,' accessed December 6, 2010, <http://delhishelter.nic.in/>.
13. Tejendra Khanna Committee of Experts, 'Report to Look into Various Aspects of Unauthorized Constructions and Misuse of Premises in Delhi,' Government of India (May 13, 2006):1-79.
14. Working Group on Urban Housing with Focus on Slums, 'Report of the Eleventh Five Year Plan,' Ministry of Housing and Poverty Alleviation, Government of India, September 2006, [http://www.planningcommission.gov.in/aboutus/committee/wrkgrp11/wg11\\_housing.pdf](http://www.planningcommission.gov.in/aboutus/committee/wrkgrp11/wg11_housing.pdf).
15. Estimate based on survey conducted by Indo-Global Social Service Society in 2008.
16. Pratima Singh, 'Sheltering Delhi's Slums,' Working Paper No. 230 for Centre for Civil Society (Summer 2009):1-45.
17. Response of Delhi Urban Shelter Improvement Board to a Right to Information application filed by Shivani Chaudhry, Housing and Land Rights Network, dated August 3, 2010.
18. *Rajiv Ratna Awas Yojana* has been formulated jointly by the central government, Delhi government and Delhi State Industrial and Infrastructure Development Corporation (DSIIDC). It is supposedly the first project for construction of houses for the Economically Weaker Sections (EWS) started under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM).
19. Resolution dated 12. 02.2009 passed by MCD for rehabilitation of Gadia Lohar Basti, whereby each family is eligible to a 25-square yard plot of land with ownership rights.

20. *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, February 11, 2010.
21. *Ibid.*
22. MCG Commissioner, R.K. Khullar, reportedly said, "Today's demolition is a part of our ongoing security drive. We have been evicting illegal occupants, the drive got halted briefly due to the monsoon and it will continue in the days to come." See 'While Delhi plays, it's they who pay,' *The Times of India*, September 29, 2010.
23. 'The Yamuna Pushta Evictions: What happened to those who were not assigned plots?' (New Delhi: Hazards Centre, December 2004).
24. See 'Fact Sheet on Forced Evictions and Human Rights,' <http://www.ohchr.org/Documents/Publications/FactSheet25en.pdf>.
25. Miloon Kothari, 'Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living,' E/CN.4/2006/4, March 21, 2006.
26. See website of the UN Special Rapporteur on adequate housing, <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>.
27. General Comment 4, 'The right to adequate housing' (Art. 11 (1) of the Covenant),' Committee on Economic Social and Cultural Rights, Sixth session, Paragraphs 7 and 8 (1991).
28. These include the *Housing and Land Rights Network* ([www.hlrn.org/www.hic-sarp.org](http://www.hlrn.org/www.hic-sarp.org)). See report of the UN Special Rapporteur on adequate housing, Miloon Kothari, A/HRC/7/16, February 13, 2008; also see 'Questionnaire on Women and Housing' in report of the UN Special Rapporteur on adequate housing, Annex 3, A/HRC/4/18, February 2007, <http://www.ohchr.org/english/issues/housing/index.htm>.
29. This has been established in numerous Supreme Court decisions, including *Uttar Pradesh Avas Evam Vikas Parishad vs. Friends Coop. Housing Society Ltd; Chameli Singh and Others vs. State of Uttar Pradesh* [(1996) 2 SCC 549 132]; *Francis Coralie vs. Union Territory of Delhi* [AIR 1981 SC 746, at 753]; *Shantistar Builders vs. Narayan Khimalal Totame* [(1990) 1 SCC 520]; *Olga Tellis vs. Bombay Municipal Corporation* [(1985) 3 SCC 545]. Judgements that reaffirm the need to uphold international law and treaty obligations include: *Madhu Kishwar vs. State of Bihar* [(1996) 5 SCC 125]; *Gramophone Co. of India vs. B.B. Pandey* [1984 (2) SCC 534], *PUCL vs. Union of India* [1997 (3) SCC 433], and *CERC vs. Union of India* [(1995) (3) SCC 42].
30. (1996) AIR 114 1995 SCC.
31. (1981) AIR SC 746 753.
32. (1996) 2 SCC 549 132.
33. (1985) 3 SCC 545.
34. (1997) 11 SCC 121.
35. (1990) 1 SCC 520.
36. *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, February 11, 2010.
37. General Comment 7, 'The right to adequate housing (Art. 11.1 of the Covenant): forced evictions,' Committee on Economic Social and Cultural Rights, Sixteenth session, Paragraph 3, 1997.
38. Presented in the report of the UN Special Rapporteur on adequate housing, Miloon Kothari, A/HRC/4/18, February 2007, <http://www2.ohchr.org/english/issues/housing/annual.htm>. Translations in other languages available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx>.
39. 'Fact Sheet Four: The Social Legacy of the Games' in *The 2010 Commonwealth Games: Whose Wealth? Whose Commons?* (New Delhi: Housing and Land Rights Network, May 2010).
40. See Annex One for the full text of the *UN Guidelines*.
41. Human Rights Council Resolution 6/27, A/HRC/6/L.11/Add.1, 19 December 2007, [http://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_6\\_27.pdf](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_27.pdf).
42. See Annex Three for a copy of the Cement Godam Basti notice.
43. 'While Delhi plays, it's they who pay,' *The Times of India*, September 29, 2010.
44. See Annex Five for a list of relevant government officials.
45. The enforcement divisions of the relevant agencies are: New Delhi Municipal Council (NDMC) – Enforcement Department; Municipal Corporation of Delhi (MCD) – Central Licensing and Enforcement Cell; and Delhi Development Agency (DDA) – Enforcement Branch.
46. 'Wish the Dross Away,' *Outlook*, April 12, 2010.
47. 'Commonwealth Games a Boon for Slum Dwellers: Selja,' *Thaindian News*, September 12, 2009.
48. The statement was made by Delhi Public Works Department Minister, Raj Kumar Chauhan. See, '44 JJ clusters to be relocated under Rajiv Ratna Awas Yojana,' *The Pioneer*, March 10, 2010.
49. Delhi Cabinet, Decision No. 1670, dated 12.07.2010.
50. For instance, see Kalyani Menon-Sen and Gautam Bhan, *Swept off the Map: Surviving Eviction and Resettlement in Delhi* (New Delhi: Jagori, Yoda Press, 2008).
51. 'Health Principles of Housing,' World Health Organization (Geneva: 1989). Also see, General Comment No. 14. 'The right to the highest attainable standard of health,' Committee on Economic, Social and Cultural Rights (2000).
52. *Court on its Own Motion vs. Government of NCT (National Capital Territory of Delhi) and Anr.*, W.P. (C) 29/2010, High Court of Delhi, order dated January 13, 2010.
53. The conversion rate of 46 Rupees (Rs.) to one US Dollar (US \$) has been used throughout the report.
54. See Report of the UN Special Rapporteur on adequate housing, Miloon Kothari, E/CN.4/2004/48 (focus on forced evictions), March 2004, <http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>.

55. W.P. (C) 145/2009 and CMs 306-307/2009, High Court of Delhi, January 12, 2009.
56. Mausam Sharma, 'CWG: No compensation so far,' *India Today*, April 25, 2010.
57. See Annex One for the entire text of the *UN Guidelines*.
58. Paragraph 65 of the 'UN Basic Principles and Guidelines on Development-based Evictions and Displacement' (2007).
59. See Annex Two for summary of analysis of sites of forced eviction.
60. See 'Loss Matrix' prepared by Housing and Land Rights Network to calculate material and non-material costs; and forthcoming 'Eviction Impact Assessment' tool, <http://www.hic-sarp.org/> [www.hlrn.org](http://www.hlrn.org).
61. *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, February 11, 2010. See, Section on 'Rehabilitation, Resettlement and Compensation' of this report.
62. In particular, see paragraphs 52, 57, 60, and 63 of the *UN Guidelines*.
63. See paragraphs 7, 15, 26, 29, 33, 34, 38, 39, 47, 50, 53, 54, 57 and 58 of the *UN Guidelines*, which protect the rights of women.
64. 'Guidelines on Treaty-specific Documents to be Submitted by States Parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights,' Committee on Economic, Social and Cultural Rights, E/C.12/2008/2, March 24, 2009.
65. See paragraphs 32, 33, 42 of the *UN Guidelines*; and forthcoming tool on 'eviction impact assessment' at [www.hic-sarp.org](http://www.hic-sarp.org).
66. In particular, see paragraphs 60–68 of the *UN Guidelines*.
67. See Annex Four for the list of settlements listed for relocation by the Government of Delhi.
68. 'Adequate housing as a component of the right to an adequate standard of living, in the context of mega-events,' Resolution A/HRC/RES/13/10, Human Rights Council, April 13, 2010. India voted in favour of this resolution.
69. See, in particular, the recommendations in paragraphs 69–81 of the report of the UN Special Rapporteur on Adequate Housing, Raquel Rolnik, A/HRC/13/20, December 18, 2009, <http://www2.ohchr.org/english/issues/housing/annual.htm>.
70. *Olympic Movement's Agenda 21, Sport for Sustainable Development*, International Olympic Committee, Sport and Environment Commission; and *Olympic Charter*, in force from February 11, 2010, International Olympic Committee.
71. See *Handbook on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement*, (New Delhi: Housing and Land Rights Network and Youth for Unity and Voluntary Action, 2008). Available, with translations in several South Asian languages, at: [www.hic-sarp.org](http://www.hic-sarp.org).
72. The *National Urban Housing and Habitat Policy (2007)* envisions as its ultimate goal: "to ensure sustainable development of all urban human settlements, duly serviced by basic civic amenities for ensuring better quality of life for all urban citizens."
73. The movement for the 'right to the city' has developed as a response of social groups and organizations in an attempt to ensure better access to and opportunities for everyone living in cities, especially the most marginalized and deprived sections. Social movements and organizations from across the world organized to develop a *World Charter on the Right to the City* that is also supported by UNESCO and UN HABITAT, among other agencies. The Charter defines the 'right to the city' as: "the equitable usufruct of cities within the principles of sustainability, democracy, equity, and social justice. It is the collective right of the inhabitants of cities, in particular of the vulnerable and marginalized groups, that confers upon them legitimacy of action and organization, based on their uses and customs, with the objective to achieve full exercise of the right to free self-determination and an adequate standard of living." This global movement has also led to Mayors in different cities, and collectively, adopting charters to promote human rights in cities. Also see, Miloon Kothari and Shivani Chaudhry, 'Unequal Cities Mean Unequal Lives,' *Urban World*, Volume 1, Issue 5 (December 2009–January 2010), and *State of the World's Cities 2009 – Cities for All: Bridging the Urban Divide* (Nairobi: UN-HABITAT, 2010).
74. *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, February 11, 2010.
75. Official website of the 2010 Commonwealth Games, <http://www.cwgdelhi2010.org>, accessed December 21, 2010.
76. The Delhi government affirmed in a reply to a Right to Information application filed by Housing and Land Rights Network, that Rs. 744 crore (US \$164 million) had been diverted from Delhi's Scheduled Caste Sub Plan (Special Component Plan – SCP) to the Commonwealth Games between the years 2006 and 2010. Home Minister of India, Mr. P. Chidambaram, admitted in Parliament on August 31, 2010, to the diversion of Rs. 678.91 crore (US \$150 million) from the SCP. See [www.hic-sarp.org](http://www.hic-sarp.org) for press releases and more information on the diversion.

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The Housing and Land Rights Network (HLRN) is an integral part of the Habitat International Coalition (HIC) - an independent, international, non-profit movement of over 450 members specialised in various aspects of human settlements. Members include NGOs, social movements, academic and research institutions, professional associations and like-minded individuals from 80 countries in both the North and South, all dedicated to the realisation of the human right to adequate housing for everyone.

HLRN seeks to advocate for the recognition, defence and full implementation of everyone's human right to a secure place to live in peace and dignity, by:

- Promoting public awareness about human settlement problems and needs globally;
- Cooperating with UN human rights bodies to develop and monitor standards of the human right to adequate housing, as well as clarify states' obligations to respect, protect, promote and fulfil the right;
- Defending the human rights of the homeless and inadequately housed;
- Upholding legal protection of the human right to adequate housing;
- Providing a common platform to formulate strategies through social movements and progressive NGOs; and,
- Advocating on their behalf in international forums.

To attain these objectives, HLRN member services include:

- Building local, regional and international member cooperation to form effective housing and land rights campaigns;
- Human resource development, human rights education and training;
- Action research, fact-finding, and publication;
- Exchanging and disseminating member experiences, best practices and strategies;
- Advocacy and lobbying;
- Developing tools and techniques for professional monitoring of housing and land rights; and,
- Urgent actions against forced evictions and other housing and land rights violations.

To become a member of HIC-HLRN, see: [www.hic-sarp.org](http://www.hic-sarp.org) / [www.hlrn.org](http://www.hlrn.org)



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