



## INTERNATIONAL TRIBUNAL ON EVICTIONS

(Milan, Italy, 9th-10th October 2014)

### General Information

1. Country India
2. City New Delhi
3. Neighbourhood Bawana
4. Community or family group threatened by evictions Several hundred families evicted from a dozen sites in the inner city

### Description of case of forced evictions

5. State of forced evictions 1 (already taken place)
6. History and precedents to case Several informal settlements in the city of Delhi were demolished in the run up to the Commonwealth Games between 2002 and 2007. Some of the evicted families were offered resettlement at the site of Bawana, 40 km out of the city, if they could prove their residence in the city before 1998 on the basis of three specific documents. Many had the documents but could not prove their 'eligibility' because the officials of the Delhi Development Authority (DDA) in charge of resettlement refused to entertain their documents unless they were given bribes. So when the demolitions took place and families were officially moved to Bawana, several hundred families who could not prove their eligibility but had nowhere else to go, also moved to Bawana along with their more fortunate brethren and built hutments at the border of the resettlement colony, where they are frequently threatened with further eviction. But since 2008 they have been submitting their documents to the higher officials of the DDA and a long struggle has been going on to gain their entitlements.
7. Estimation of number of people affected (figure). Percentage of women and children? Over 1600 families. Women and children would form roughly 70% of this.
8. What are the motivating reasons behind the evictions? (official and unofficial) Transforming Delhi into a Green and Clean city before the Commonwealth Games of 2010, is the official reason. But eviction has more to do with regaining control over prime real estate that is currently occupied by slums which actually developed the land and made it valuable over the last 30 years or more.
9. Main incidents related to the evictions (dates and times) At all the sites, notice was given a few days before the actual demolition, and then surveys were rapidly carried out by DDA officials to record the number of families and determine their eligibility. The demolitions themselves took place in the five years between 2002 and 2007. When the non-eligible families also moved to Bawana they constructed rude thatch shelters outside the resettlement colony. In 2008 some of them approached the Hazards Centre, Sanchal Foundation and then petitioned the Lt Governor, who is also the Chairman of the DDA, for redress. April 25, 2008 - first letter to the Lt Governor complaining of cases of families who (a) have been assigned plots which are in someone else's possession; (b) have been allotted plot numbers but not given possession of plots; (c) have receipts of payment made against Demand Letters but not allotted plot numbers; and (d) have all the requisite papers but not been given Demand Letters. May 26, 2008 - Finally 234 families

allotted plots. August 5, 2008 - Lt Governor calls first meeting and gives instructions to verify all applicants as per policy and not as per the survey list of the DDA. December 30, 2008 - DDA Committee once again rejects all applicants January 18, 2009 - Another 61 families allotted plots. June 11, 2009 - Lt Governor calls second meeting and instructs that papers must be reviewed again as per policy and allotment of plots made in 2 months time. October 1, 2009 - Lt Governor calls third meeting and orders that all applicants must be given another chance for appearance and verification. January 2010 - All applications are again scrutinised by another Committee and the majority rejected but some are accepted. May 18, 2010 - Fourth meeting with Lt Governor. He once again gives instructions for a review as per policy. June 14, 2010 - Criminal complaints are filed by evictees against one of the DDA officers, now retired, who did not make allotments because families could either not pay or refused to pay bribes. July 26, 2010 - Fifth meeting with Lt Governor who says decisions on eligibility have to be taken as per procedure by January 2011. September 23, 2010 - the complaints against the DDA officer are sent to the Economic Offences Wing for investigation. December 1, 2010 - Sixth meeting with Lt Governor, who again reiterates that people with requisite documents have to be given plots and allotments must be made within 2 months. March 30, 2011 - Commissioner (Land and Management), DDA reviews all applications and recommends 65% for allotment of plots. March 7, 2012 - Seventh meeting with Lt Governor who instructs that if any family has the requisite election card or ration card they must be considered to be eligible, and these families must be verified within the next 3 months. June 24, 2013 - Eighth meeting with Lt Governor who goes through the files himself and declares that 54% of the applicants have the necessary documents which do not even have to be verified and must be allotted plots immediately, and there are another 15% cases whose documents require verification from the issuing authority, and this must be completed at the earliest. After this a new Lt Governor was appointed who has refused to intervene in the matter. But petitions have been made to the Vice Chairman, DDA who has held six meetings in the last one year and given specific instructions for expediting matters but the lower officials have refused to obey instructions and continue to mislead the Vice Chairman at every meeting.

10. What are the damages? Over 1600 families have been out in the open, some for the last ten years, without any security whatever although they have the necessary papers to entitle them to allocation of plots, but the bureaucracy has continuously denied them their rights. The damages are unaccountable.

11. In what respect are women and children particularly affected by the evictions? Women have lost their livelihoods and most families have been deprived of the second earning that sustained families. In addition, expenses have increased in the new site. As a consequence, criminality has increased and there are more instances of rape and sexual abuse being reported especially when women go out to fetch water or defecate. Children have been unable to attend school and their education has been interrupted with many being forced to take up whatever jobs exist - such as sorting waste or peddling drugs.

12. Who are the authorities planning and/ or executing the evictions? Delhi development Authority is the authority responsible for evictions and subsequent resettlement. But the civic authorities under the Municipal Corporation of Delhi and the Delhi Urban Shelter Improvement Board are now responsible for providing basic services.

### **Support, measures taken and follow up**

13. Are those evicted or threatened with eviction supported by local and/ or international organisations? sì (yes: which?)

Mainly supported by researchers from Hazards Centre/Sanchal Foundation, but there has been a fact finding report earlier by the Housing and Land Rights Foundation and the United Nations Rapporteur.

14. What measures have the evicted persons and supporting organisations taken to impede evictions? Many tried to obtain stay orders by petitioning the courts but failed. Others appealed to political authorities and representatives but were not given any support.

15. What measures have the evicted persons and supporting organisations taken to reduce its' effects? The essential tactic has been to gain the entitlements to land at the resettlement colonies because for most there is no shelter available.

16. What measures have the evicted persons and supporting organisations taken to claim compensation? None so far. But at another resettlement colony a women's group has carried out a survey of almost 1000 households and found that every family has invested a sum of Rs 1.2 million over the last 20 years, of which 10 were in the slum from which they were evicted and 10 in the resettlement colony, and they have lost this entire investment because of evictions and insecurity of tenure.

17. Did those evicted or threatened with eviction have organisations that support the possibility of proposing alternatives? extra (yes: which?)

Some of them did. The residents of Banuwal Nagar, for instance, surveyed their own families and struggled to get all of them resettled at the same location. The residents of Pushta refused to move until their huts were forcibly demolished in the presence of armed police. The Sajha Manch, an alliance of over 70 groups in Delhi, also proposed an alternative People's Housing Policy.

18. What alternatives or viable solutions were proposed by the local authorities to the affected communities/ people? Three policies are laid down by the Government - environmental improvement for providing basic services to the slums where they are; in-situ upgradation with the consent of the land owning agency; and relocation to a resettlement colony: in that order of priority. But the authorities have consistently denied the first two and pursued the third with all vigour, although it is the most expensive option.

19. What are the strategies and measures already in place and/ or expected to face the situation? An earlier strategy was to approach the courts, but this has been abandoned now because the courts are no longer sympathetic to the poor. A basic strategy now is to show that the authorities have not fulfilled their mandate of providing adequate and affordable housing, and that the costs of relocation are not viable, either for the people or the city. In addition, an emerging strategy is to begin documenting the investments that people have made in slums and to claim compensation for that.

20. Can you explain what it is about and when it will take place: day, month, year? This is an ongoing process and there is no single date for any single action.

### **Details of the person registering information**

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### **Documents (to upload)**

31. Videos Nessun file multimediale disponibile.

32. Pictures Nessun file multimediale disponibile.

33. Files Nessun file multimediale disponibile.

### **Publication Conditions**

34. Do you accept that this information be made public? si (si)

35. Would you be willing to present your case in public during the fourth session of the International Tribunal on Evictions (Milan, Italy, October 9th to 10th 2014)? si (yes)