

**A fact-finding report on**  
**The eviction and resettlement process in Delhi**



**Hazards Centre (Sanchal Foundation)**  
October 2007

# **A Fact-finding report on the Eviction and Resettlement Process in Delhi**

**October 2007**

**Hazards Centre**

---

A unit of Sanchal Foundation

Compiled by

**D Leena**

**Supriya Chotani**

Cover Page and Layout

Rajneesh Shrivastava

First Edition

**October 2007**

Suggested Contribution

Rs 50

Publisher

**Hazards Centre  
92 H, III Floor,  
Pratap Market,  
Munirka, New Delhi - 110067**

Printer

Laxmi Printers, 9891094240

# **CONTENTS**

|  |         |
|--|---------|
| <b>1. Introduction</b>   | .....5  |
| <i>a. Transforming Delhi</i>   |         |
| <i>b. About the fact finding team</i>  |         |
| <b>2. Chapter I</b>  | .....10 |
| <i>Housing Scenario for the Poor in Delhi</i>  |         |
| <b>3. Chapter II</b>   | .....14 |
| <i>Social Profile and Living Conditions of Slum Dwellers</i>   |         |
| <b>4. Chapter III</b>  | .....20 |
| <i>Evictions: Examining the observance of the “Procedures established by Law - requirement to give prior notice”</i> |         |
| <b>5. Chapter IV</b>   | .....26 |
| <i>The Experience of Rehabilitation</i>  |         |
| <b>6. Chapter V</b>  | .....36 |
| <i>Those who went missing: Displaced slum residents who were NOT rehabilitated</i>                                   |         |
| <b>7. Chapter VI</b>   | .....42 |
| <i>Conclusion: Finding and Recommendations</i>   |         |

## Restructuring Delhi

The toiling laborer has built and rebuilt the city of Delhi through its eight incarnations. The 'modern' and sprawling city of the last 50 years has also been constructed by the laborers who were brought in from poorer regions, and who were pushed here in desperation due to absence of productive livelihood options in rural areas. But while they came here and serviced the city, *their* need for basic services was never legitimately acknowledged and provided for. They were dispensed with, as and when desired, the worst example being the large-scale evictions carried out during the Emergency.

In the last fifteen years however, the attacks on the working poor have increased manifold, as the city gears to be systematically transformed into what is termed as a 'world-class' city. Homeless people and beggars are being driven out from footpaths, roads, parks and other public spaces. More than a lakh families living in slums have been evicted out. Alongside, thousands of industries have been closed due to a court ruling. As a result of this lakhs of workers have been pushed into the informal sector, facing greater insecurity and exploitation. Meanwhile rickshaw-pullers, street vendors, rag pickers also continue to be 'illegalized' and cleared under new zoning laws.

A nexus of the government, 'citizens' groups and the judiciary is executing this project of displacement. Middle class groups or Resident Welfare Associations (RWAs) file petitions against the poor, which gets a favourable response from the judiciary who deliver judgments to drive the poor out. In fact the judiciary has launched its own 'activism' to cleanse out the city. One of the most common pretexts used against the poor is that they are settled 'illegally' and therefore should be removed to give way to a planned, law-abiding city. The question that evidently evades such mindsets is why did the authorities never provide adequate 'legal' spaces to the population in accordance with their needs. It was only this shortage that people attempted to compensate for by living in temporary and sub-standard settlements such as slums or unauthorized colonies.

Some of the other 'causes' that are used to evict out the poor include pollution reduction, environmental protection, beautification and conservation. Here again research shows that the larger chunk of consumers of resources and thereby polluters in the city are the privileged sections because they get access to a much greater proportion of services. For instance, private vehicles such as cars and bikes contribute to almost 70% of air pollution. About 99% of the pollution in the river Yamuna comes from the 19 big drains that flow from 'pakka' seweraged colonies into the river. One of the other pretexts used is that there isn't enough

space in the city to accommodate the poor. Questions need to be asked as to how is there enough space for the proliferating malls, resorts, farm houses, commercial centers and housing complexes in the city for the elite, as also for the mega constructions coming up for events such as the Commonwealth Games.

What needs to be highlighted is that while the city has availability of land and services, it is being inequitably distributed in favor of the rich. In this context a research report by Sajha Manch<sup>1</sup> should be highlighted, which shows that areas from where the slums are evicted, an alternate space for rehabilitation is usually available within a range of five kms.<sup>2</sup> This applies to even prime areas of Delhi.

The land being taken away from the poor is being used for the operations of the globalized capitalist economy, the big business players, the real-estate lobby and the corporations. It is for this that the state regulations on land have been considerably relaxed in the city in the post liberalization period. Land, along with other basic services is now to be utilized for profitable consumption and not for social welfare services, as evident in the massive move towards privatization of all these services including electricity, water, transport, health and education. The new 'world-class' city is being 'developed' as a site of elite consumption for those who can *afford it*, and purged of those who *build and service* it.

Of the people who are evicted, most are left to fend for themselves with no alternatives. Only about one fifth of them are able to get alternate housing plots, under the policy of relocation. However, as this report documents, the kind of resettlement provided to them worsens their life situation in manifold ways, most severely affecting their livelihoods, which is the backbone of their survival in the city.

But despite the excessive violence that has been launched against the poor, neither the media nor the civil society at large bothers to engage with this reality. This is not only because they are unaware of it, but mostly because they desire to live out their dream of a global city. So they propagate and support actions against the urban poor guided by notions that the poor in Delhi lead a comfortable life, as they avail free plots, free services and unconditional government support.

It is with the intention of countering such mindsets and claims, that a fact-finding team of activists and experts was constituted to document the process and experience of displacement and resettlement in the city.

---

<sup>1</sup> *Sajha Manch* is a coalition of organizations working undertaking research and advocacy for the rights of the urban poor in Delhi

<sup>2</sup> Zamin Kahan Hai, June 2005, *Sajha Manch*



## The fact finding team

1. **Amita Baviskar** - *An Anthropologist, who is presently Associate Professor, Institute of Economic Growth, Delhi University*

She documented the political economy of housing in the city.

2. **Bela Bhatia** - *A Sociologist who is presently an Associate Fellow at the Centre for Study of Developing Societies, Delhi*

She recorded the social profile of slum dwellers, especially women.

3. **Harsh Mander** - *A Social Activist, who is Convener of Aman Biradiri, a people's campaign for a secular, peaceful, just and humane world.*

He documented the situation of those who were left without alternatives post eviction.

4. **Kamal Mitra Chenoy** - *A Professor in the School of International Studies, Jawaharlal Nehru University, Delhi*

He focused on the experience of resettlement for the urban poor.

5. **Vrinda Grover** - *A lawyer who is presently the portfolio manager of human security, citizenship and law at AMAN Trust, Delhi*

She analyzed the legal process related to the evictions and resettlement process

The fact finding team undertook extensive field visits and interviews in urban poor settlements and critically evaluated the ground reality against the theoretical propositions of the state that resettlement upgrades peoples' lives, as they move from shanty slums to well planned and serviced colonies. The team also assessed whether these processes were undertaken within the framework of basic human and fundamental rights. Alongside, the team utilized a vast amount of secondary literature related to the issues, as brought out by government and non-government agencies.

The report compiled by the team lays down a factual account and analysis of what is taking place in the city in the wake of its capitalist restructuring, with emphasis on the impact on poor. This report may be used by all who wish to obtain a better understanding of the urban scenario especially in context of the plans for world-class development, and who are working towards the realization of the rights of the poor. It should be especially used as a tool for wider debates and campaigns on making a just and equitable city, for the vast majority of its working poor.

## Field Visits

The following were the sites visited in August 2006

### **(a) Yamuna Pushta**

Yamuna Pushta was a large community of about 25,000 families located on the western banks of the river Yamuna. It was demolished in 2004, in what is one of the largest eviction exercises in Delhi. The space vacated is now being utilized for the Yamuna development project and mega commercial projects such as the Millennium village, the Delhi Metro and the like.

### **(b) Bawana Resettlement colony**

Bawana is one of the new resettlement colonies located in north-west Delhi near the Haryana border. It was settled in 2004 and largely houses people who were evicted from the Pushta, and a few other small slum settlements in South Delhi.

### **(c) Madanpur Khadar Resettlement Colony**

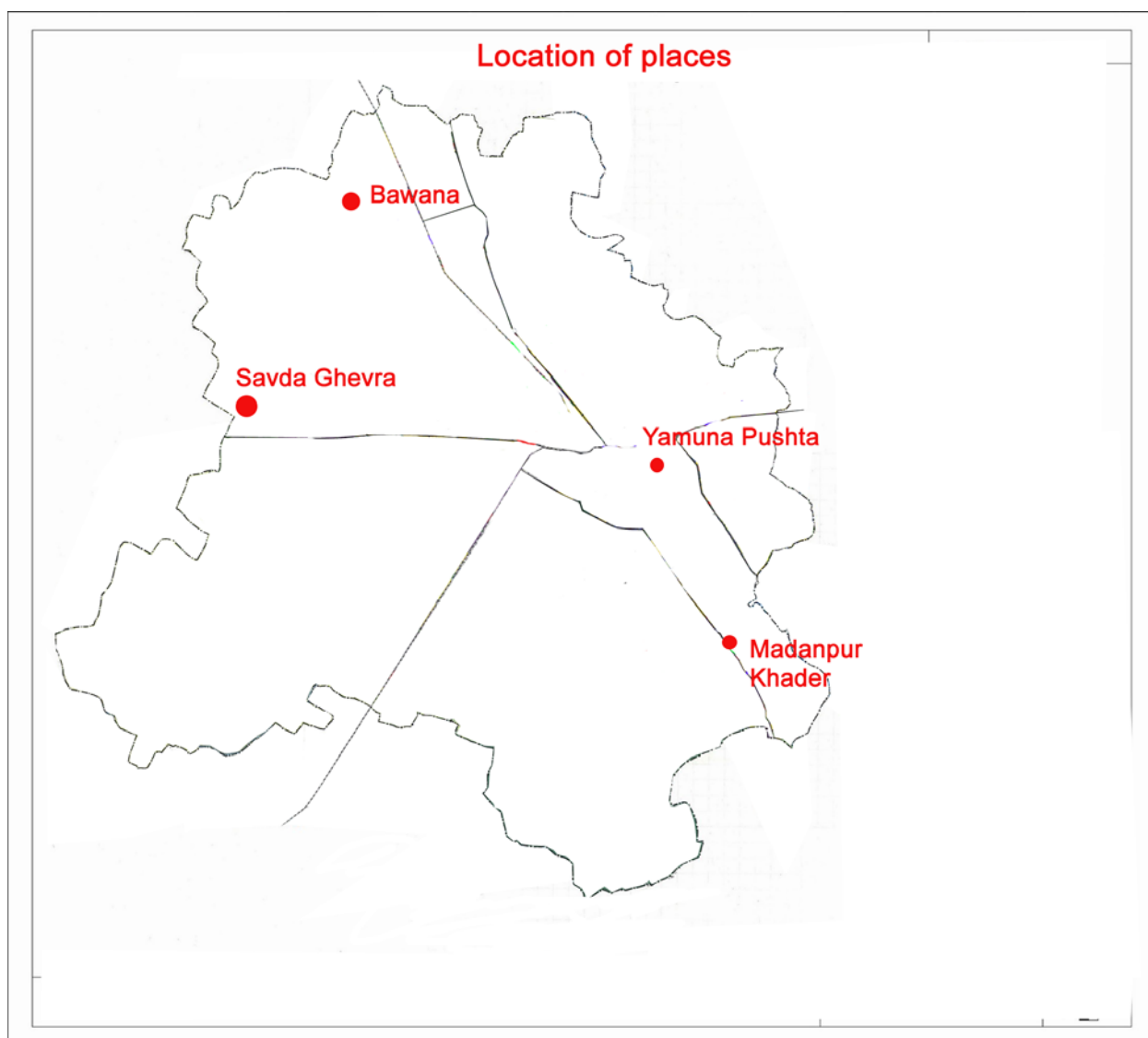
Madanpur Khadar is located on the southern outskirts of the city on the Delhi-Badarpur Highway. It was settled in 2000 and largely comprises people who were evicted from the slums located at Gautam Nagar at AIIMS, Hathi chowk and Gautampuri Phase-II of Yamuna Pushta.

### **(d) Sadva Ghevra**

Savda Ghevra is a new resettlement colony in west Delhi near the Delhi-Nagafgarh border. The residents come from different parts of Delhi such as Karkardooma, Dwarka, Rohini and Naglamachi. However, as suggested by the name, the colony is almost a transit camp, as it lacks even the most basic services and the people live in temporary shelters.

.....





## Housing Scenario for the poor in Delhi

### Population

With a population of 13.78 million,<sup>3</sup> Delhi is the third largest, fastest growing and most densely populated city in India. Delhi has been growing by approximately 1,000 persons every day for a number of years. Migration has roughly averaged 1.3 times the natural growth of population in Delhi.<sup>4</sup> During 1991-2001, the city's population increased at the rate of 4.6 per cent every year, double the national average of 2.34 per cent and more than the growth rate of any other city in the country. With 9,294 persons per sq. km., Delhi is the most densely settled city in India.<sup>5</sup>

### Economic growth and employment

In aggregate terms, Delhi is the most prosperous state in India. Since Independence, it has emerged as a major industrial and commercial centre. The per capita State Domestic Product in the year 2000-01 was about 2.4 times higher than the national average. There is a strong correlation between Delhi's economic growth and employment opportunities. The city has a high employment rate and higher minimum wages compared to the all-India average for all urban centres. This makes it a magnet for people looking for work and prospects of a better life. Per capita income at current prices increased from Rs 4,145 during 1980-81 to Rs 11,057 in 1990-91, and to Rs 47,477 in 2001-02.<sup>6</sup> These per capita figures do not indicate the relative distribution of incomes within the population. Income differentials are extremely high in Delhi with great disparity between the rich and the poor. Yet only one in every twelve persons is officially classified as poor. That is, only 8.2 per cent of the population was classified as below the poverty line in 1999-2000, well below the levels for other states.<sup>7</sup>

<sup>3</sup> Census 2001

<sup>4</sup> WaterAid India 2005. 'Profiling "Informal City" of Delhi: Policies, Norms, Institutions and Scope of Intervention'. Report prepared by Kishore Kumar Singh and Shikha Shukla for WaterAid India and Delhi Slum Dwellers Federation.

<sup>5</sup> Census 2001

<sup>6</sup> Figures for 2001-02 are 'quick estimates'. All figures from Tata Services Limited 2005. Statistical Outline of India 2004-05. Department of Economics and Statistics, Tata Services Limited: Mumbai. Pp.139.

<sup>7</sup> Tata Services 2005: pp. 149. Only Goa (4.4), Himachal Pradesh (7.6), Jammu and Kashmir (3.5), and Punjab (6.2) have a lower percentage of population below the poverty line. However, it must be borne in mind that the poverty line captures only a small aspect of the total experience of deprivation and insecurity (for a lucid examination of the shortcomings of the poverty line as a measure, see Saith, Ashwani. 2005. 'Poverty Lines versus the Poor: Method versus Meaning' in *Economic and Political Weekly*. 40 (43): 4601-4610). Many of those who are ranked as 'above' the poverty line in Delhi lead lives that are extremely precarious, especially in terms of access to housing and other basic needs.

## Housing in Delhi: Who lives where?<sup>8</sup>

**Table 1: Types of housing in Delhi**

| Category                          | Population (in million) | %age of total population |
|-----------------------------------|-------------------------|--------------------------|
| Jhuggi-jhonpri clusters           | 2.07                    | 14.82                    |
| Designated slum areas             | 2.66                    | 19.05                    |
| Unauthorized settlements          | 0.74                    | 5.30                     |
| Regularized unauthorized colonies | 1.78                    | 12.75                    |
| Resettlement colonies             | 1.78                    | 12.75                    |
| Rural villages                    | 0.74                    | 5.30                     |
| Urban villages                    | 0.89                    | 6.37                     |
| Planned colonies                  | 3.31                    | 23.71                    |
| Total                             | 13.96                   | 100.00                   |

The Municipal Corporation of Delhi recognizes four types of marginal/sub-standard settlements:

1. **Jhuggi-jhonpri (JJ) clusters** or squatter settlements are encroachments on unoccupied land belonging to the government. Their residents generally belong to the city's working class of labourers and artisans, vendors and small traders, service-providers like rickshaw-pullers. These families tend to live near their place of work in order to avoid the additional burden of transport expenses. Depending on their length of tenure, sense of security and economic ability, JJ dwellings range from plastic sheets-tarpaulin-tin shelters to more sturdy brick and cement construction. JJ bastis are not entitled to any civic amenities. Where residents have mobilized politically, they have succeeded in getting some access to facilities, but the provision of most services remains well below acceptable levels, depriving people of basic needs such as water and sanitation, health and education.

In 1999, Delhi had 1160 JJ clusters with 0.6 million households, and a population of 3.2 million.<sup>9</sup> The population living in jhuggi-jhonpri bastis has grown at the rate of 8.4 per cent every year, almost double the growth rate of the overall urban population. This indicates the widening gap between Delhi's growth and the provision of adequate housing.

2. **Resettlement colonies** reflect Delhi's long history of displacing the poor from the urban core to the periphery. Since the 1960s, the government has followed a policy of evictions

<sup>8</sup> WaterAid India 2005: pp. 27. Based on estimates by the Government of India and Ministry of Environment and Forests 2001. 'Status Report for Delhi' prepared under the Delhi Urban Environment and Infrastructure Improvement Project (DUEIIP).

<sup>9</sup> National Capital Region Planning Board (NCPRB) 1999. 'Delhi 1999: A Fact Sheet', citing the Slum Wing, Municipal Corporation of Delhi. This figure of a total JJ population of 3.2 million has been obtained by applying an average of five persons per household. It greatly exceeds the figure of a JJ population of 2.07 million stated in Table 1. Such a major discrepancy points to serious inadequacies in the government's data and, consequently, its ability to address these issues.

with the twin stated objectives of simultaneously decongesting the urban centre and providing better amenities to the poor.<sup>10</sup> The government had to slow down/suspend this policy in the late 1970s-mid1980s, due to the popular backlash against the brutal evictions that occurred during the Emergency (1975-77).<sup>11</sup> Since the early 1990s, this policy has greatly accelerated. Figures filed by Sajha Manch in its writ petition before the Supreme Court on 12 May 2006 showed that, in the last five years, more than 150 JJ bastis have been demolished, displacing approximately 0.5 million people.<sup>12</sup> Squatters who could prove that they were entitled to compensation upon being evicted were given plots of land on the outskirts of the city.<sup>13</sup> There are currently 52 resettlement colonies in Delhi, housing approximately 2 million people. These numbers are increasing every day as demolitions and evictions continue apace.

**Table 2: Colonies in Delhi where squatters are currently being resettled<sup>14</sup>**

| No. | Name of resettlement colony | Distance from city centre | Date of development |
|-----|-----------------------------|---------------------------|---------------------|
| 1   | Bhalaswa                    | 20 km                     | 2000                |
| 2   | Narela                      | 35 km                     | 1999                |
| 3   | Holambi Kalan               | 40 km                     | 2000                |
| 4   | Holambi Khurd               | 40 km                     | 2000                |
| 5   | Bakkarwala                  | 35 km                     | 2001                |
| 6   | Hastsal                     | 25 km                     | 2000                |
| 7   | Pappankalan                 | 25 km                     | 1999                |
| 8   | Molarband                   | 20 km                     | 2000                |
| 9   | Madanpur Khadar             | 20 km                     | 2000                |
| 10  | Bawana                      | 40 km                     | 2004                |
| 11  | Savda Ghevra                | 40 km                     | 2006                |

The practice of moving the poor to resettlement colonies is described in the urban planning literature as a 'site and services' model. In theory, just like upper-class residents in colonies like Greater Kailash or Model Town, the poor would get a developed plot on leasehold.<sup>15</sup>

<sup>10</sup> However, as this investigation shows, resettlement has resulted in reducing poor people's access to basic services and has worsened their lives. Whether the other objective of decongestion is achieved is also moot; much of the land cleared of JJ bastis is redeveloped for urban infrastructure and commercial projects. This often encourage more traffic and congestion.

<sup>11</sup> For an account of the struggle for resettlement in Seelampur, and the links between plot allocation and coerced sterilizations, see Emma Tarlo 2003. *Unsettling Memories: Narratives of the Emergency in India*. University of California Press: Berkeley.

<sup>12</sup> Writ petition (civil) no. 241 of 2006. Sajha Manch versus Union of India and others. The petition was dismissed.

<sup>13</sup> As the main report documents, many among those eligible for resettlement did not get plots. In addition, the rules regarding 'eligibility' are based on arbitrary cut-off dates. Shelter is a basic human right and everyone, regardless of their ability to mobilize documentary evidence of length of residence in Delhi, should be entitled to it.

<sup>14</sup> Writ petition (civil) no. 241 of 2006. Sajha Manch versus Union of India and others.

<sup>15</sup> The earlier practice of giving leasehold rights has now been changed. Leasehold guaranteed security of tenure to the allottee. Currently, such security is limited to five years since resettlement plots are allotted only for that period. It is unclear whether and on what basis the licence will be renewed after five years have passed. This insecurity places the plot-owner in a quandary because s/he cannot decide whether their investment and hard work in making the plot habitable will once again be destroyed in the future.

However, when the evicted people arrive there, a resettlement colony only exists on paper. There may be a 'site', usually a desolate wasteland, treeless and prone to flooding, but there are no 'services'. No drinking water, no toilets, no schools, no health care, no transport facilities. Most important, all the resettlement sites are miles away from where people originally stayed and worked, and there are no jobs in the vicinity. The loss of livelihood is the most life-threatening aspect of resettlement. Instead of a better life, the immediate consequence of resettlement is a precipitate decline in people's well-being. Only after years of political mobilization and public and private investment have Delhi's older resettlement colonies become habitable. Yet, they remain extremely poorly-serviced, congested and slum-like, with living conditions ironically resembling exactly what they were meant to replace.

3. **Unauthorized colonies** are built on land purchased from its legal owners in Delhi's rural areas. Despite legal title to land, they are deemed 'unauthorized' because they violate the Master Plan and other land use restrictions.<sup>16</sup> These colonies are heterogeneous and range from the extremely posh Sainik Farms to more modest middle-income dwellings. Access to basic amenities varies substantially across these settlements, depending on residents' ability to incur private expenditure and to mobilize politically to pressurize public agencies.

There are around 1071 unauthorized colonies in Delhi, housing roughly 3.5 million people.<sup>17</sup> There have been various proposals to 'regularize' these settlements by retrospectively legalizing their status and providing enhanced services. These proposals have been stuck because of disputes between the government and residents over how much the latter should pay as 'development charges'. The unauthorized colonies' associations argue that such charges should take into account that residents have themselves made the bulk of investment in civic infrastructure in their areas (roads, drains, piped water, etc.).

4. **Urban villages** are a strange anomaly in the heart of Delhi. Once the farmland around a village is acquired by the Delhi Development Authority (DDA), it is declared an urban village. Building by-laws and planning norms valid for the rest of the city do not apply in the village settlement. A total of 0.6 million people live in 216 urban villages in Delhi. Given the absence of controls and the presence of a strict cordon preventing horizontal expansion (*lal dora*), urban villages have shot sky-wards with every inch of space built up.

<sup>16</sup> In Delhi, land designated as 'agricultural' cannot be converted to any other use without government sanction. The Delhi Development Authority has the first right to acquire such land. The Delhi Lands (Restrictions on Transfer) Act 1972 prohibits the sale of land notified for acquisition. Thus landowners are legally forbidden from changing land use, and selling to anyone other than the DDA. Decades can pass between DDA's notifying their intent to acquire the land and the actual transfer, leaving landowners in limbo. A common way around this situation is to transfer property on the basis of 'power of attorney', a circumvention frequently used in property transactions in Delhi and elsewhere. Technically, such transfers violate the law and are therefore 'unauthorized'.

<sup>17</sup> WaterAid India 2005: pp. 28, citing undated CARE India report 'Building Coalitions: Situational Analysis of Delhi Slums'. Again, this figure varies considerably from that in Table 1.

## Social Profile and Living Conditions of Slum Dwellers

Delhi is not very different from other cities of India in that those, especially from the lower end of the social ladder, who leave their own homes to seek refuge in this thriving metropolis are often, in the words of George Orwell, “the down and outs” of regions of the country known for their backwardness (such as Bihar) or from pockets of poverty that can be found in most Indian states irrespective of their level of development. Barring the homeless and those unfortunates who have lost their own notion of self and now roam about the streets eating what they are given and sleeping when sleep overcomes them in some corner of a pavement, a dirty drain, a busy station, or a lofty temple, people living in slums represent the poorest sections of urban society. The very word slum according to one dictionary means “a thickly-populated, run-down and squalid part of the city inhabited by poor people” – that which is less than a certain minimum human standard. Another online dictionary acknowledges that the origin of the word is unknown (and perhaps some would think not worth knowing either) – much like that of most slum dwellers themselves.

### Social Background

In terms of social background, in an Indian slum, by-and-large the people belong to the lower castes in the caste hierarchy – the *avarnas* are the majority and besides them most others are from the “most backward castes” category. Most of them are not indigenous to the city but are migrants who may have come from the villages to what seems from there a thriving metropolis in search of some work. The poor in the villages of rural India too, to a very large extent, are making do with very little but when even this little is not available or enough – the force of such unhappy circumstances makes them take roads unknown. Diverse India may well be in cultural terms but the material circumstances of the poor of different states are quite uniform – and these are the people – speaking different languages, having different dress codes, perhaps worshipping different Gods, who may be cooking the same potato in a different way or making the gruel that accompanies the rice differently or the *chutney* that accompanies the *roti* – who conglomerate in the city and ultimately find their way into a slum or lay the foundations of a new one by forming make-do temporary shelters to begin with, which over time become more permanent.

### Livelihoods

The occupations that most of the slum-dwellers are engaged in are what may be termed as “the service sector.” Just as in village India, the poor are either agricultural labourers or provide services to the rural society - as a casual daily labourer, a domestic worker in a landlords house, a barber, a potter, a carpenter, an iron-smith etc. – similarly in urban India, they are the vegetable vendors, the street hawkers, the domestic workers, tailors, the

washermen, the cleaners, the masons, the rickshaw-pullers, a labourer in a shop, a factory, or other small business, sex-workers, etc. The bottom line is that they are “workers” of various types who survive on the basis of their own labour and assist the daily life of others.

## **Health**

Aside from the “normal” burden of deprivation, under-nutrition and ill health that afflicts the poor everywhere in India, life in the slums involves special hardships of various kinds. For instance, crowding, poor hygiene and lack of sanitation are major problems. As mentioned earlier, the population density in Delhi slums is as high as 300,000 per square kilometre according to one study. Every inch of available space tends to get used (for parking bicycles, hanging clothes, extending the narrow confines of a room, or whatever) and tiny living rooms tend to be shared by many people (6 to 8 on average according to the same study). This congestion diminishes the quality of life in many ways, including psychological stress.

Similarly, lack of sanitation is one of the severe hardships of living in slums. In Delhi, about half of all slums do not have a single latrine (see below). People are forced to relieve themselves on the side of railway tracks, on pavements, or in the tiny open spaces that are still available, often right next to people’s houses, or at the edges of a slum. For women, privacy is a major problem. Most of them are forced to get up before dawn to defecate with a modicum of discretion. If they miss the morning shift, or suffer from diarrhoea or other ailments during the day, they are often condemned to a long agony, waiting for darkness to protect them again from unwanted gazes.

## **Women**

As this observation illustrates, life in the slums is particularly difficult for women. In the villages, they may not have any modern comforts or even much to eat. But they often enjoy other facilities, such as ample space around their houses, and some freedom to move around the village. In slums, most women live a very confined life. If they stay at home, as many of them do, they are condemned to spending most of their time in a tiny space, constantly battling against power cuts, water shortages, water-logging, or just the psychological stress of an overcrowded house or hostile neighbours. If they work outside the house, they have to cope with a patriarchal or even violent environment.

## **Harassment**

Another major complaint of slum dwellers is harassment from the police and other government officials. Most of them do not have regular employment and are forced to eke out a living on the streets, hawking, selling vegetables, pulling rickshaws, or selling tea, eggs, and such. The police is constantly breathing down their neck and regularly collects “hafta” (weekly “fee”) from them. If there is a dispute in a slum, the police often reach promptly and take advantage of the situation to extort bribes or demand other favours. Similarly, if someone ventures to



raise a roof or extend a wall in an unauthorised slum, the police has to be placated.

This is not to say that life in the slums is dull or without pleasure. Poor people are brave in the face of hardship as well as fun-loving. Even a short visit or stay in a Delhi slum would show that slum dwellers are fond of loud music, colourful clothes, good food and lively films. Quarrels and fights often erupt among them, but they make up just as quickly and there is no lack of love either. Engulfed in the sights and sounds of the city, many of them dream of being able to improve their lives one day, and to secure a better future for children. And once in a while, it even happens.

### **Social and political invisibility of slum dwellers**

Typically a 'socio-economic profile' of slum dwellers indicates their social background, places of origin, occupation structure, education levels, and so on. Unfortunately, exact information of this kind is very hard to obtain as no systematic studies of slum dwellers in Delhi seem to have been conducted in recent years. Apparently, the Delhi government's policies are based on "an obsolete 1994 survey" ([www.indianngos.com](http://www.indianngos.com)). Even the size of Delhi's slum population is not known with any precision.

One website ([www.asha-india.org](http://www.asha-india.org)) presents the following information on Delhi slums:

- 1500 shanty colonies in Delhi house over 3 million people;
- the average population density in a shanty town is 300,000 people per square kilometer;
- an average dwelling houses 6-8 people, yet measures 6ft by 8ft;
- the under 5 mortality rate is 149 per 1000 live births;
- 1 water pump serves on average 1000 people;
- many slums have no latrine facilities;
- where latrines are provided, the average is 1 latrine per 27 households;
- 40% of children are severely malnourished;
- 75% of men and 90% of women living in shanties are illiterate.

However, the source of this information is not mentioned – it is simply attributed to "records". This informational vacuum is itself a telling indication of the marginalization of slum dwellers. By and large, they are invisible and they do not count.

### **Public amenities in Delhi slums**

Some information is available on "amenities" in slums, and this helps to convey an idea of the socio-economic background and living conditions of slum dwellers. The most recent and comprehensive source in this regard is Report 486 of the National Sample Survey Organisation (NSSO), which presents findings of a national survey on "Condition of Urban Slums" conducted in 2002.

The survey distinguishes between “notified” and “non-notified” slums, and brings out that notified slums tend to have much better amenities than non-notified slums. Interestingly, only 10% of the Delhi slums are notified, compared with 50% in India as a whole – Delhi lags behind other parts of the country in this regard.

Selected findings of this survey are presented in Table 1. They point to the dismal condition of slums in Delhi (especially non-notified slums) and give an idea of the difficulties faced by slum dwellers in their everyday life. For instance, none of the non-notified sample slums in Delhi had underground drainage; only 3% had underground sewage; less than half had a latrine; and barely half had a government-provided garbage collection system. A large majority of these slums (72%) are affected by waterlogging in the monsoon. It is also startling to find that almost one third of the non-notified slums in Delhi do not have a primary school within one kilometer – this makes a mockery of the fundamental right to education for the children who live in these slums.

It is also interesting to note that only 27% of houses in the non-notified slums are pacca houses, compared with 100% in the notified slums. The significance of this observation relates to the fact that most slum-dwellers have both the skills and the means of building pacca houses. The most common reason why they do not do so is the insecurity in which they live, and the danger that investment in a pacca house would be wasted if the slum is demolished. This is an important illustration, among others, of how harsh and misguided government policies prevent poor people from improving their lives.

The NSSO survey also has useful information on the proportion of slums where the state of various public amenities (such as latrines, drainage or garbage disposal) has “improved, deteriorated or stayed the same” during the last five years in the perception of the respondents. Here again the results are quite sobering (see Table 2). Except for some improvement in approach roads, there has been no improvement in any of the listed facilities in a vast majority of slums. Note also that, in a substantial proportion of slums reporting “no improvement”, there was actually a perceived *deterioration* in the condition of these amenities in the last five years. Also worth noting is the fact that, for every single amenity listed in the table, the proportion of slums reporting some improvement during the last five years is much larger in India as a whole than in Delhi. Here again, Delhi is behind the rest of the country.

.....

## Sanjay Basti - a profile

Sanjay Basti is a non-descript “illegal” settlement located near Timarpur Police Station in north Delhi. Some of it lies on the grounds of Balak Ram Hospital, a children’s health centre, though the settlement overflows on both sides, along the main road that runs through Timarpur. Across the road are lower-middle-class flats, and the two communities on each side of the road live their own lives, with little interaction except on Wednesday evening when they all mix together in the weekly vegetable market.

Most of the “houses” in Sanjay Basti are small, single-room dwellings (perhaps a hundred square feet on average), with thin brick walls and corrugated iron sheets on the top. Some of the residents “own” their house, others have taken it on rent; this could be around Rs. 500 per month for one jhuggi. Minimum facilities such as water taps, illegal electricity connections and open drainage are available, but little beyond that. Two latrine blocks were recently constructed in Sanjay Basti by Sulabh Sauchalaya, but they are sparingly used as the visitors are charged. “One rupee per visit” may not seem unreasonable, but it quickly adds up, especially in large families.

Most of the inhabitants of Sanjay Basti initially came to Delhi from neighbouring states such as Uttar Pradesh, Rajasthan and Bihar (some were born in Delhi and relocated to Sanjay Basti from other places). Many of them are vegetable vendors, others work as domestic helpers, casual labourers, hawkers, and related jobs, including skilled work (masonry, painting, driving, etc.) in some cases. Those with no special skills probably earn Rs 50 to 100 a day on average. This is enough to feed the family, buy clothes from time to time, send the children to the nearest government school, and furnish the “jhuggi” with essential furniture, but little more. Those with better jobs have been able to acquire a range of consumer durables over time (mainly second-hand or from the local ‘kabadivalla’): televisions, coolers, and in some cases even fridges and mobile phones, though this is relatively recent. In Sanjay Basti as in most settlements of this type, there are sharp inequalities within the community, even though it may look like an undifferentiated “slum” from outside.

While hunger is rare in Sanjay Basti, exposure to disease is common and lack of proper health care facilities undermines the quality of life for many. It is a cruel irony that, in spite of the slum being located on the grounds of a children’s health centre, many children in Sanjay Basti are undernourished or suffer from diarrhoea, anaemia, skin diseases and other ailments. Adults too, especially women, struggle with various health problems and have nowhere in particular to go when they are sick. There is little to chose

between local private doctors, who exploit their ignorance, and ramshackle government hospitals.

Exploitation by the police and other government officials is a regular irritation (or worse) in Sanjay Basti. The police station is very close and the Basti is a convenient source of extra money for the constables. They take hefty *haftas* from most of the vendors and hawkers in Timarpur, and rarely miss an opportunity to extract bribes (often from both sides) when a dispute or incident occurs. If someone in Sanjay Basti dares to start constructing an extra room or making a stone roof, within no time the police get whiff of this and come on their motor-cycles to enquire, threaten, and eventually decide to accommodate or turn a blind eye if it suits them (which it normally does!).

The residents of Sanjay Basti live in permanent insecurity, since the settlement may be razed to the ground at any time. In fact, similar settlements nearby have already been demolished (e.g. Durga Basti and Majnoo ka Tila in Khyber Pass). About three years ago, Durga Basti, a large lums in Khyber Pass was flattened in a single day, to make space for a depot of the Delhi Metro. The occupants were given little more than a few hours to pack their most important belongings, then the bulldozers came under heavy police guard and pulverised the houses one by one. The residents were given an opportunity to relocate in a resettlement colony, but with a catch or two: the colony is 25-30 kms away and an advance payment of Rs 7,000 was expected for each tiny plot, aside from the later instalments. This brutal displacement operation deprived many of their source of livelihood, since they cannot afford long and expensive bus journeys from the resettlement colony to their ordinary places of work near Khyber Pass. Children were also torn away from reasonably decent government schools near Khyber Pass, often without any immediate alternative in the resettlement colony.

From time to time, rumours are rife that the same is about to happen in Sanjay Basti. Quite likely, it is only a matter of time. Meanwhile, life in the basti continues at its usual tempo.

.....

## Evictions: Examining the observance of the “Procedure established by Law – requirement to give prior notice”

One of the central foci of enquiry in the fact finding was to assess whether the demolition drive undertaken by Government agencies, pursuant to the orders of the Court, was in compliance with the constitutional mandate of ‘procedure established by law.’ The interrogation in the present fact-finding was confined to cardinal principles of natural justice – the requirement to give prior notice to the affected parties of the impending demolition and eviction and the rule of *audi alteram partem*. In the context of demolitions the legal requirement of prior notice and an opportunity to be heard may appear facetious. Demolitions that cause lives to be disrupted, families to be uprooted and homes to be thrown into complete disarray impinge not only on the human right to shelter but have severe implications for a range of rights of the evictees. However a scrutiny whether due process and procedure established by law was observed or flouted provides an insight into the chasm between constitutionality and legality. This fact finding examines whether the Delhi demolitions pursuant to Court orders are being conducted in a manifestly illegal and improper manner? Whether certain illegalities are being ignored by the upholders of the majesty of the law? Whether despite pronouncements of the Apex Court taking an expansive interpretation of the right to life embodied in Article 21 of the Constitution, the basic right to shelter remains elusive for the poor? Whether in the era of domination of global capital interests, Fundamental Rights are being reinterpreted in a manner that is at variance with the essence of the Indian Constitution? Whether the labouring classes and the homeless are so irrelevant to the progress of this nation that even according minimal procedural rights to them is no longer in “public interest”?

Principles of natural justice constitute the core element of any proceedings. These are but the means to achieve the ends of justice. Their presence imparts an aura of legality and legitimacy while their absence would render the entire process illegal, arbitrary, malafide and illegitimate. It would also be violative of Article 14 (Right to Equality)<sup>18</sup> (and Article 21<sup>19</sup> (Right to life and Liberty) of the Indian Constitution. As observed by the Supreme Court, *The procedure contemplated by Article 21 is that the procedure must be ‘right, just and fair’ and not arbitrary, fanciful or oppressive. In order that the procedure is ‘right just and fair’ it should conform to the principles of natural justice, that is “fair play in action”*.<sup>20</sup>

<sup>18</sup> Article 14 of the constitution guarantees that all citizens shall be equally protected by the laws of the country

<sup>19</sup> Article 21 provides that no one shall be deprived of life or liberty except according to procedure established by law

<sup>20</sup> Kartar Singh v. State of Punjab (1994) 3 SCC 569

To understand the findings of the present enquiry, it is necessary to state what is the 'procedure established by law', which all Government agencies undertaking demolition are constitutionally bound to abide by.

In the context of demolitions and evictions, what constitutes the 'procedure established by law', was discussed by the Supreme Court in the *Olga Tellis* case (Bombay pavement dwellers)<sup>21</sup>. In this landmark judicial pronouncement, the Supreme Court held the right to livelihood to be an integral component of the right to life as enshrined in Article 21. The Court stated "*An equally important facet of that right is the right to livelihood because no person can live without the means of living, that is the means of livelihood. If the right to livelihood is not treated as a 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...*"<sup>22</sup> The Court also recognized the link between livelihood and habitat and observed that people were dwelling on the pavements and in slums as these were proximate to their place of work and this enabled them to economize both on time and money. The Court however held that since the Constitution did not grant an absolute right to life or personal liberty under Article 21, the same could be abridged by procedures established by law. Thus the Court concluded that forcible eviction of pavement and slum dwellers was within the power of the State, provided it was done in accordance with the procedures established by law.

This procedure was identified as a notice informing the slum dwellers of the impending eviction and providing them an opportunity to be heard. While granting the power of the Government to evict and demolish, the Court sought to humanize the exercise of this power through the provision of alternate sites or accommodation. Though not asserting a fundamental right to shelter for the slum and pavement dweller, the court however held that "in order to minimize the hardship the slums would not be removed till one month after the end of the current monsoon season." Thus the Court restricted the relief to an obligation upon the Government to observe due process and the procedure established by law.

The next two decades recorded a marked shift in the judicial discourse on the issue of the right to shelter. The urban poor virtually lost their status as citizens and holders of fundamental rights or even basic human rights. The Court branded them as 'pickpockets', 'trespassers' and 'encroachers' on public land, who had to be evicted in public interest. These judicial observations stigmatized the slum dwellers and damned them almost like a 'criminal tribe of urban India'. The Delhi High Court, in the *Okhla Factory Owners Association* case<sup>23</sup>, determined that this displaced populace was not entitled to any resettlement provisions, upon demolition, for it burdened the public exchequer. Commenting on the State's obligation to ensure that those affected by demolitions were relocated and resettled the Supreme Court,

<sup>21</sup> *Olga Tellis v. Bombay Municipal Corporation* (1985) 3 SCC

<sup>22</sup> *Ibid*, para 32

<sup>23</sup> *Okhla Factory Owners Association v. GNCTD* 2003(108)DLT517

in the *Almitra Patel* case<sup>24</sup> equated the resettlement policy as “rewarding an encroacher on public land with an alternative free site is like giving a reward to a pickpocket.” The judgments of the Apex Court in *BL Wadhera case*<sup>25</sup> rendered the urban poor as illegal entities. These judgments substituted the Government’s constitutional obligations and the claims of human rights with concerns of ‘cleaning up of the city’, to make the Capital city more ‘world class’, beautiful and hygienic.

However it is pertinent to recall that law requires that the principles of natural justice are made available to even an accused charged with the most heinous of crimes (including the pickpocket). So even the tag of ‘illegal’ cannot deprive the urban poor of the enjoyment of the procedure established by law, which encapsulates the principles of natural justice. As stated before, the procedure established by law mandates that those whose homes are going to be bulldozed and destroyed be given prior notice and an opportunity to be heard by the concerned Government authority. Even the trespasser, the encroacher is entitled to a prior notice and an opportunity to be heard!

## Findings

The first site that the team visited was the **Yamuna Pushta** area, where large scale evictions had been carried out in 2004. We then visited Madan Pur Khadar, where some of the evictees of Yamuna Pushta had been ‘relocated’, followed by Savda Gevra, and Bawana JJ Colony.

At Pushta, as we stood at the flyover one sweeping glance showed that what was once a bustling thriving community providing shelter, livelihood, education - home to hundreds of families, had been razed to the ground. A few trucks and rickshaws scoured through the debris to retrieve building material, to rebuild shelters once again somewhere else. As we walked through this unkempt graveyard of homes, tell tale signs of life peeped from beneath the rubble. Many of the household goods appeared to be in use worthy condition and were unlikely to have been deliberately discarded. Brightly coloured clothes of children, kitchen utensils, and idols of Gods lay strewn amidst many unanswered prayers and dreams. The people appeared to have abandoned their homes in haste.

## Resettlement Colonies

### ***Madanpur Khadar Phase III***

Here families who had been relocated and allotted plots of land against payment of money were interviewed. They were earlier residing in slums in Raj Nagar in Safdarjung and in

<sup>24</sup> *Almitra Patel v. Union of India* (2002) 2 SCC 679

<sup>25</sup> *BL Wadhera v. Union of India* (1996) 2 SCC 594



East of Kailash, both in the heart of South Delhi. Most of the interviewees were women as the men were away for work. All these women were earlier gainfully employed and contributed to the household income. However since they had been relocated in far-flung areas with no viable transport facilities most of them had were now unemployed. Their loss of livelihood and its deleterious impact on the health and well being of the families was extremely distressful for them.

Enquiries were made from these women whether they had received any prior notice of demolition and whether they were given an opportunity to be heard by the concerned Government authorities. The women stated that in Raj Nagar they were told that a notice of demolition had been pasted on the public notice board. However none of the women had personally seen the eviction notice but heard about it from other neighbours. No one had personally seen the public notice of eviction and all we heard was hearsay.

There was an obvious failing on the part of the State in disseminating adequate information and giving notice prior to demolitions. The evictees did not quite know who had undertaken the demolition, with what authority and under whose instructions. At the time of demolition the municipal authorities had made some trucks available for the families to transport their household goods but the number of vehicles fell far short and hence many had to make their own transport arrangements. This seriously burdened their fragile household budgets.

The families who had been evicted from East of Kailash stated that they were informed only three days prior to the demolition. This period was too short for them to make any representation to the concerned authority. Nor did they have any time to make alternate arrangements. Consequently a majority of the families found themselves dumped on an open piece of land, in Madanpur Khadar III. For many months they lived here with only a blue or yellow plastic sheet for refuge, till they could muster enough money to purchase a license for a small plot of land and build a shelter for their families.

School going children were also severely affected as the demolitions were undertaken close to their examinations causing them to lose not only their homes but also an entire academic year, with no guarantee that they would ever be able to enroll again in the school system. Their fundamental right to education was seriously jeopardized by Court directed demolitions.

As orders of the Court were implemented and homes of the poor demolished many hailed it as a triumph of the supremacy of the law. Scant thought was spared for whether they had been substantial compliance with the principles of natural justice.

### **Savda Ghevra**

While demolishing and evicting the families now relocated in Savda Ghevra, the State authorities seem to have even abandoned even the farce of observing the procedure established by law. The majority of the interviewees here categorically stated that they had received no prior intimation of the demolition. They described how the process of demolition, was preceded by a raging fire, that compelled many to flee from their homes with their children and little else. Within two days of the fire, the bulldozers accompanied by a posse of police arrived. Even as the families tried to salvage their belongings, the police rained *lathi* blows on them to drive them out of their homes. In this melee few could rescue their belongings.

All the people interviewed reiterated that they suspected some malafide in the outbreak of the fire. They were convinced that it was not an accident. The women lamented that if they had been given adequate notice they could have at least retrieved their belongings. After years of hard work and savings they had purchased few household articles and all these had been snatched in one stroke. They had lost their home, their livelihood, their neighborhood and the few material possessions that they had owned. The process of demolition and eviction brought them severe destitution and desolation.

### **Bawana J.J. Colony**

The refrain of loss of a home, livelihood, jobs, school and community echoed at all the sites. However the experience of those who had been evicted from Bannuwal Nagar, Saraswati Vihar and Deepali Chowk in North Delhi, was a little different. Most of them stated that they had received a government notice one month prior to the demolition. This provided them with a chance to secure their household articles. Some of the children were able to get transfer certificates from their schools to enable them to enroll in a new school. In some areas the DDA had informed the Pradhan and he in turn had alerted the others. The DDA had also provided trucks to ferry their belongings to the new site. One truck was required to carry the possessions of three households.

However this somewhat coherent relocation was possible only because of the intervention of a voluntary organization working with the people in these slums, namely the *Nirman Mazdoor Panchayat Sangam*. It was actively engaged in securing accountability from the relevant authorities in the entire process of eviction and resettlement. The mediation of the organization between the people and the government was critical in accessing information, contingent upon which was the survival of the people.

A review of the compliance or otherwise of the principles of natural justice, must be contextualized against the circumstances of the people whose fundamental rights are at stake. A judicial pronouncement by the Delhi High court or the Supreme Court, although made in an open court and available on the Internet cannot be considered as an intimation to

people living in slums. For that matter it is arguable if even a public notice published in a newspaper would amount to prior notice. While such a notice may appear to comply with the letter of the law, it would certainly fall short of the spirit of the law, which requires the principles of natural justice to be satisfied.

While orders of the Court over the last few years have reinterpreted and the rights of the urban poor with regard to shelter, it remains incumbent upon the State to scrupulously comply with the procedure established by law. Failure to do so render the demolitions and evictions arbitrary and malafide. For as the Supreme Court observed, *“Appearance of injustice is denial of justice. Built in procedural safeguards assure a feeling of fairness. ...Whether such fundamental fairness has been denied is to be determined by an appraisal of the totality of facts, gathered from the setting, the contents and the procedure which feed the end result. The procedure which smacks of the denial of fundamental fairness and shocks the conscience or universal sense of justice is an anathema to just, fair or reasonable procedure. Articles 14 and 21 frown against arbitrary and oppressive procedure.”* Kartar Singh v. State of Punjab (1994) 3 SCC 569

The fact finding revealed that at all the sites the demolitions were carried out brazenly in violation of the principles of natural justice, or in other words gross denial of justice. Through legal processes the right to equality before law and equal treatment by the law the right to life of thousands of urban poor - men, women and children was compromised. They lost their homes, jobs, friends and whatever meager resources they had managed to piece together over the years. The worst hit by these demolitions were the disabled, the single women and children who survive without a parent or guardian. So bewitching is the flourish of judicial orders that it may even mask illegality and immorality. Did the law fail justice?

.....

## The Experience of Rehabilitation

According to government claims, resettlement is a marker of progress in peoples' lives. When people are to be evicted out, the government promises them secure and comfortable lives ahead, with adequate access to electricity, water, health, education and other basic services. But these promises are made only so that the people move out peacefully, without any potential disruption.

The hollowness of the promises is however soon exposed, as those who move to these colonies face much harsher conditions of living. This chapter documents the state of the resettlement colonies, based on the field visits to Bawana, Madanpur Khadar and Savda Ghevra. However the facts shared apply to all the new resettlement colonies as the conditions in all other colonies remain almost the same.

### Insecure tenure

At the outset what needs to be highlighted is that contrary to what is propagated, people do not have a security of tenure in the resettlement colonies. It means that the allottees do not become permanent owners of the plot; they are given the plots for different license periods and can be displaced again after this period gets over on the whims of the authorities.. In the newer colonies the license period is only of five or ten years. And even this is not for 'free'. They have to pay an initial amount of a few thousands, alongside bribes to occupy the same. The plot is not even transferable to the children in case of death of the allottee. The allotment also sets the condition of not rearing any birds or animals and not carrying out any kind of productive/commercial activity on it. In *Bawana* people have paid Rs 7000 for the 18 sq m plot and Rs 5000 for the 12 1/2 sq m plot.<sup>26</sup>

Not only are the plots not secure and high priced but also a lot of money has to be spent to make them habitable. This is because the colonies are usually located on uninhabitable plots of land, usually low-lying agricultural land or barren land, prone to flooding. In *Khadar* for example water is found at a depth of merely 2 feet. During the monsoons deep pools of stagnant water are formed making veritable death traps for small children. Snakes, scorpions, and other poisonous insects enter the homes.

<sup>26</sup> One Year Later, Report on Bawana Resettlement Colony after a year of settlement, Feb 2005, *Hazards Centre*

Both in *Bawana* and *Savda Ghevra* the level of lanes is higher than the houses, which means the side drains are always choked and during rains the water flows directly into the houses. So before spending on construction on the plot the people have to invest a lot to level the area demarcated for them.

Many times people are not allowed by the authorities to build any *pucca* structure, on grounds that the plots might have to be redrawn etc. In *Savda Ghevra*, people were not allowed to make pucca or semi-pucca structures for a year after they shifted in 2005. As a result during the monsoons the entire colony was flooded and people had nowhere to go. They had invested more than Rs 5000 to construct makeshift huts, which got waterlogged. It was only after the intervention of organizations such as Hazards Centre that the Chief Minister of Delhi, Shiela Dikshit, asked the authorities to allow the Savda residents to make houses and also ordered the concerned district disaster management officials to provide relief materials like tents etc.<sup>27</sup>

Even at *Bawana*, for the first few months, the allottees were asked to not build any *pucca* structure on the grounds that the authorities are supposed to carry out a survey to see that none of the allottees have left or sold their plots. The clause being that the families need to live at the plot site for at least three months before they are given their final allotment. If during this period, the plots were found vacant they would be cancelled and re-allotted. Therefore all this while people stayed on their plot, many times not even venturing to work. They feared that if they leave even for a short while, the small plot of land would also be taken away. So they made *kutchra* jhuggis of straw, plastic sheets and mud, and tied *tarpaulin* sheets to keep out the rain-water.

However even after the permissions were granted people did not have sufficient money to build a structure and had to take loans. Both in *Bawana* and *Khadar* people have been reeling under debts, for loans that they took to secure allotment of plots, transportation, leveling the land, and construction. The *pucca* construction was necessary for protection not only from extreme weather conditions but also from the frequent fires in the summers. In Bawana within the year 2006 there has been a major breakout of fire at least three times resulting in many casualties.

## Loss of livelihoods

It is common understanding that a large majority of the poor migrate from the rural areas to the cities to find work due to lack of productive work options in their native place. After years

---

<sup>27</sup> Living Conditions in Ghevra, a Report on resettlement experience in Savda Ghevra, July 2007, *Hazards Centre*

of work and struggle they are able to secure for themselves a temporary shelter, such as in slums. In looking for a place to stay, the factor in prime consideration is that it should be close to the work-place because with meagre earnings, they cannot afford to spend much on commuting between work and home. This is why in a city like Delhi the slum clusters are usually located in proximity to its commercial and industrial centers.

On the other hand, almost all the resettlement colonies are almost 20 kms away from the work centres of the city. Relocating to these colonies means a severe loss of work for all as they have to invest a lot more time and money traveling to their previous work place.

**Resettlement Sites and their distance by road from Yamuna Pushta**

|                         |       |
|-------------------------|-------|
| Narela                  | 33 km |
| Tikri Khurd             | 28 km |
| Holambi Kalan and Khurd | 25 km |
| Bawana                  | 33 km |
| Rohini                  | 21 km |
| Madanpur Khadar         | 15 km |
| Molar Bandh             | 18 km |
| Savda Ghevra            | 30 km |

In Pushta for instance most people had been residing for close to 25 years , and worked in the old Delhi markets as daily wage labourers, such as rickshaw pullers, construction labourers, and also auto drivers, small shop keepers, *thela* and *khumcha walas*, loaders etc. Averagely a male member earned upto Rs 2000 a month. Many of the women worked as domestic maids in neighbouring middle class colonies and earned upto Rs 1500 a month. It was with the combined earnings of both the members that the families could fulfill their basic needs. Over the years the relative standard of living for most people had begun to improve.

With 'rehabilitation' in *Bawana*, most people had to discontinue their previous jobs, due to increasing physical, monetary and time costs involved in traveling to the city. In the initial months, many commuted daily to Delhi to somehow earn whatever was possible but even a one side trip involved a minimum expenditure of Rs 30 per day, almost two-third of an average day's earning. Additionally, it took about five hours a day. This was unaffordable for most.

Even in *Khadar* and *Ghevra* people spend Rs. 35 daily, just traveling, with or without work. They leave for work before dawn and come back late in the night.<sup>28</sup>

<sup>28</sup> 'Status Report: Madanpur Khadar', a report on the status of first 28 families relocated from Hathi Ghat, may 2004, Hazards Centre

Often men are forced to stay back at their work place for weeks in order to save on their travel expenses.

What really worsens the problem is that the new colonies also have no productive avenues for employment. Bawana for example was claimed to be an employment zone as it is located next to the proposed Bawana industrial area. However ever since the colony was set up no new industries have come up and the industrial area remains barren, possibly due to its remote location, and no live link to the city's business or industrial centres.

As a result of this, there is high unemployment in the colonies and family incomes have fallen drastically . Due to this grim employment scenario for men, the women have had to take on an even greater load of work. In face of reduced earnings, they supplement in whatever manner possible and contribute by doing handicraft work for agents who pay them meagerly. In *Bawana* for instance, almost all the women are involved in making bangles. It is distressing to note that for an entire day's work (upto 100 bangles), each family gets a meagre amount of Rs 5-10, less than half of what they got in Pushta. The work is tedious , and causes problems in the eyes, back and hands. Children also share this work. Each family spends more than eight hours at this work and the pressure on women becomes enormous considering that they have to also manage household work, including care of children and elders.

## **Poor services**

The struggle to survive becomes even harder as the colonies do not have adequate and quality services. For instance the colonies face a severe crisis of one of the most essential prerequisites for survival, that is **water**.

In the scorching heat of April 2004, when people moved to Bawana, they were faced with an acute shortage of water. This continues till today and there is hardly a responsive system around it. Water supply is three times a day for short periods and women have to stand in long queues for hours to fill up a bucket or two. Children also share this burden. In summers, when the requirement is higher, the supply gets reduced further. There are days when there is no supply at all. Many of the residents also walk for two kms to fetch a bucket of water from Bawana village though they have to face much resistance from the village residents.

At *Khadar* also no proper water facilities have been provided, leave alone safe drinking water. Pipelines have been laid down without connection to the water supply. A few areas have limited hand pumps, but the water is unsuitable for drinking because of its high content of iron and salts. The Municipal Corporation of Delhi (MCD) itself has declared hand pump water unsuitable for drinking purposes.



As a result many people have had to install individual hand pumps at a depth of 60ft and a cost of Rs.2500.

The quality of drinking water in both the places is also extremely poor. The borewells are contaminated and the water is mostly muddy and mucky, and very hard. On boiling this water it turns yellow and frothy. Even though water purification tablets are distributed occasionally by the MCD and the authorities claim that water is chlorinated but it does not improve much.

Hazards Centre has conducted water quality tests in all these colonies and found the samples unfit for consumption due to the presence of coliform bacteria, undesirable levels of fluoride and undetectable levels of residual chlorine, which cause a lot of health problems. The poor quality of water is a constant source of water borne diseases in the communities including stomach infections, diarrhoea, dysentery, cholera and jaundice, etc.<sup>29</sup> It should be recalled that, in 1988, 1500 people died of cholera epidemic by drinking hand pump water in many of these resettlement colonies.

**Table: Drinking water quality analysis results of samples collected from Resettlement colonies.**

(The underlined are above desirable limit)

| No. | Sampling site             | Date of collection | Source of water                               | Parameters |                          |         |            |                 |
|-----|---------------------------|--------------------|---|------------|--------------------------|---------|------------|-----------------|
|     |                           |                    |   | Chloride   | Fluoride                 | Nitrate | Total Iron | Faecal Coliform |
| 1.  | Bawana block-B            | 12.05.05           | MCD bore well                                 | 620        | Above permissible limit  | 1-10    | 1-3        | Absent          |
| 2.  | Bawana block-B            | 12.05.05           | Hand pump                                     | 245        | Within permissible limit | 1       | 3          | Present         |
| 3.  | Madanpur Khadar pocket-A1 | 13.05.05           | Hand pump 70 ft.                              | 240        | Do                       | <1      | >3         | Present         |
| 4.  | Madanpur Khadar pocket-A2 | 13.05.05           | Hand pump 50 ft.                              | 240        | Do                       | -       | >>3        | Absent          |
| 5.  | Madanpur Khadar pocket-A2 | 13.05.05           | Hand pump 60 ft.                              | 320        | Do                       | <1      | 1-3        | Present         |
| 6.  | Madanpur Khadar pocket-D2 | 13.05.05           | MCD water treatment plan with reverse osmosis | 220        | Do                       | <1      | >3         | Absent          |

<sup>29</sup> Status of Drinking Water Quality of sub-standard settlements in Delhi, a research report on potability of available water sources of five JJ clusters and six resettlement colonies in Delhi, June 2006, *Hazards Centre*.

In *Bawana* people also rely on the water from a nearby *drain* for purposes other than drinking. Early in the morning women and children go there for bathing and washing clothes. The drain has a strong current and there remains always a constant danger of accidents. In 2004 a 16-year old boy drowned in it. Besides, women face harassment from men who stand there while they perform their chores. However since the drain exists as the only alternative to the borewells, the women continue to use its green mucky water.

At *Savda Ghevra* the only source of water are the water tankers. However this is mainly available to the blocks adjoining the main roads. The people who go out for work miss the water for the day.

Besides water shortage, the **toilet and sanitation** conditions in these colonies also remains abysmal. People usually use open spaces to defecate. A few MCD toilet complexes have been constructed at both *Bawana* and *Khadar*. But for the residents here, these are neither enough, nor usable. The toilets are located outside the colony and everyone is required to pay Re 1 per visit for latrine, Rs 2 for bathing and Rs 5 for washing clothes. This is unaffordable for most families as they end up spending Rs 20 per day. The payment here is much more than what was asked in *Pushta* and other places in Delhi. Also there the entry for women and children was free of cost. The fee is charged in the name of maintenance of these public toilets. But even then, the toilets always remain dirty and overflowing, usually with no water and electricity. The toilets also close by 9 PM. With all these problems, the community prefers to go in the open fields. Women and young girls however cannot venture out in the night even if they are in urgent need or are unwell, as they feel unsafe and since there are no proper street lights.

The colonies also do not have a proper system of drainage or waste management. *Side drains* have been provided but these are 2-4 ft higher than the ground level and are thus always clogged with waste. During the rains it gets worse and it overflows with water filled with garbage. This water collects on the roads and enters the low-lying houses. The stagnant water breeds mosquitoes and insects, causing various kinds of illnesses.

In *Savda Ghevra* the mobile toilets discharge the waste in the residential area. There is no drainage facility in the colony, because of which the slum dwellers have dug earthen drains in front of their households to drain out the domestic wastewater as well as the surface runoff. Those drains are discharging in the low-lying areas of the blocks creating a breeding ground for mosquitoes.

Besides clean drinking water and sanitation, quality and adequate **Health Facilities** also form one of the most critical requirements for sustenance but these continue to remain absent in both the colonies. When people moved to *Bawana*, the authorities promised to make a dispensary, but it is still not in place.

There is one Delhi government mobile dispensary, which comes here for only two days a week. There is one doctor, along with two assistants. According to the residents they do not undertake proper check up of any of the patients. They say “Door khade ho kar batao kya hua hai.”(Stand far away and tell us what has happened.) Also they give all the patients the same set of medicines, irrespective of the ailment.

Alternatively, residents of *Bawana* visit Maharishi Balmiki Hospital in Puthkalan (about 3 kms from the colony). The hospital is government-owned but the residents complain that they are not attended to properly by the hospital personnel. In case of serious emergencies, the patients are referred to Loknayak Jai Prakash Narayan (LNJP) Hospital (located near ITO), which is about 35 kms away. It takes a minimum of about 2 hours to travel to it involving a minimum expenditure of Rs 30 per day for one person on the bus. **If it is too late in the day or in cases of urgency, the people also visit some of the private doctors in the area. However not all of them are reliable in terms of either qualification or experience, but charge a high price.**

Even at *Khadar* there is no hospital close by. In periods of illness, people have to go to central Delhi spending a lot. A dispensary-van comes occasionally but as in *Bawana* it is not very useful.

The appalling health status of the community is visible in the numerous cases of serious illnesses and deaths, mostly due to preventable diseases such as jaundice, malaria, diarrhoea, food poisoning etc. In July 2004, *The Hindu* reported the death of 17 people, including 12 children, in the Bawana Resettlement Colony due to water borne diseases, unhygienic living conditions and absence of medical facilities in the colony. A field report prepared after a visit undertaken by a six-member team of the Sajha Manch showed that people started dying within a month of their stay here. Most of those who died were children between the age group of 1-10 years. Most of the people also suffer from all caused all kinds of skin problems including rashes, scabies and boils.

The health conditions get worsened due to poor nutritional intake as a factor of falling purchasing power. This is compounded further by a malfunctioning **Public Distribution System**. The PDS forms the essential link for the poor in alleviating their hunger by providing food essentials at subsidized rates. In the absence of such a system, the poor are left to negotiate with the market. But more often than not this system is mismanaged by vested parties at various levels. Much of the PDS food supply is siphoned off in the black market by the dealers. And even while the allottees possess ration cards, entitling them to certain quantities of rice, wheat, kerosene and sugar under various food schemes, the supply is always irregular and inadequate.

By official norms, the PDS shop is supposed to open for at least 26 days a month but in *Bawana* it opens for only 2-3 days. Even at *Khadar* the shops open irregularly. People never have enough money to buy in bulk and cannot lift their stock at one time. They are sent back each time with less or no rations on the pretext of no supply. No one is able to access their full monthly entitlements. The community is forced to buy rations from the market at almost double the price, which is not affordable. The food materials procured are also not of a good quality.

At *Savda Ghevra* the new ration cards have also not been issued to a huge number of residents, because of which they are unable to get their share of rations, and get their children admitted to school etc.

Besides problems of water, sanitation and health, the communities also face problems in accessing **Electricity**. In *Bawana* people have been relying on private providers who charge Rs 150-200 per month from each of the families. Electricity supply is for about 10 hours a day. People who resettled six years back in *Khadar* still do not have proper access to electricity. Private contractors have been given the charge to provide electricity at a very high rate. Without lights, the children cannot study. In the night, with the community engulfed in total darkness, there are frequent reports of people being looted and harassment of women.

**Lack of adequate Public Transport** facilities is also one of the other problems faced by the residents in these colonies. There are very few bus routes to these colonies and the buses plying are mostly private owned, which operate at their own time and pace with little consideration for commuters' safety and comfort. Bus services are also poor and infrequent. In most colonies the bus stop is at a distance of 1-2 kms. Children are the worst affected as they cannot reach school in time and their names are struck off the rolls.

The **Education Facilities** in the colonies is as such in a dismal state. In March-April 2004, when demolition in *Pushta* was in full swing, a number of students were appearing for their annual school exams. Many among the community collectively placed a request to the authorities to delay the eviction by a week or two, so that the students could complete their sessions. This proved futile. Evictions happened in the midst of exams, which meant a complete disruption in everyone's lives. The students could no longer focus on exams.

Having been pushed to far-flung areas like *Bawana*, they could not afford the time or resources to come by themselves to *Pushta*. Consequently, most of them lost one year of schooling. At the new site, there were no schools in the vicinity. The nearest schools (primary and secondary) were more than 2 km away in *Bawana* village and it was hard for these children, especially the little ones, to walk all the way there. The schools that have been constructed subsequently do not have proper facilities or enough teachers.

The teachers either do not come or do not take much interest in teaching. There are also reports that they refuse to admit the *dalit* children, abuse them and sometimes ask them to sweep the classrooms. Also, in violation of Delhi government norms, the school does not provide Mid day meals to the students. School uniforms, bag etc are also not provided. There are also no proper water and toilet facilities in the school. Due to such poor facilities, the attendance rate of students is quite low. The poor attendance is also because the children tend to get involved in things like water and fuel collection, household chores, care of siblings, handicrafts etc.

At *Khadar* also no proper schools have been constructed which has resulted in large numbers of school dropouts and an increase in child labour. There are a few schools running in tents, which no tables, chairs, toilets, or drinking water facilities. Children are forced to sit through the heat of summers, cold winters and the monsoons. Initially some children travelled back to the schools near their old settlements. But because of long distances, inadequate bus services, insecure environment, and weak economic conditions most of these children had to drop out. The neighbouring schools, if any, deny admissions to the new children, citing reasons of seats being full or that the school does not fall in their area.

At *Savda Ghevra*, at present there are no school facilities in the vicinity, because of which a huge number of children have had to drop out although there are plans for construction of two primary and two high schools in the area.

And lastly, along with the issue of lack of facilities, settling in a new area has its other share of problems, most importantly the sense of loss of community. Moving to a new place completely disrupts the social bonding that was established in previous settlements. This has meant a loss of communal support system and aggravated feelings of insecurity and loneliness in the people. There is no established social pattern of settlement in the blocks and people have taken own time to adjust to other new members in their neighbourhood. Besides, with most of the men being away at work either for the week or for long hours of the day, women and children back home feel insecure and burdened. Less time together within the family has worsened patterns of anxiety. The pressure on men to sustain the household and in fact survive in the city is very high. Add to that the deep-rooted sense of loss and shock post demolition, the stress and anxiety levels that people experience can barely be described.

.....

## **Those who went missing...**

### **Displaced slum residents who were NOT rehabilitated**

As the fact-finding reveals, not only the principles of natural justice are violated for those facing evictions but also the rehabilitation package offered to them denies them their basic entitlements. However the situation is even worse off for slum residents who are not offered any rehabilitation package whatsoever by the Delhi government.

During the enquiry it was not possible for the members of the team to gather hard data about the exact numbers of households who were not given any alternate plots or rehabilitation assistance after eviction. However, from what came through the interviews and what has been seen in other studies (a study undertaken of the Yamuna Pushta evictions in 2004 by students of the Tata Institute of Social Sciences, Mumbai for Hazards Centre), the estimate that can be safely made is that more than half of those displaced by the slum eviction drive were not given any alternative plots. Instead, they were left entirely to their own devices to fend for themselves and secure alternative shelter and livelihoods after the Delhi government pulled down their slum homes.

During the pushta evictions, a DDA survey of the Pushta conducted before the evictions found only 16,000 “genuine claimants” for plots, while newspapers reported total numbers of 35,000 families in residence, indicating that less than 50% of the people on the Pushta were even considered eligible for relocation.<sup>30</sup>

Based on figures from the Census, DDA, newspapers, and anecdotal figures, the Hazards Center estimates that 27,000 families were evicted (135,000 people), of which only 6,000 families were resettled. This means that over 20,000 families or over one lakh people were *not* given resettlement plots.

There were many reasons why these residents did not qualify for alternative plots, all to do with the standards laid down by the Delhi government. The first being the cut-off date fixed by the relocation policy of the Delhi government, of 31st Dec 1998. This (or any such cut-off date) is in itself ultimately arbitrary, because it is not as though the problems that lead to formation of slums get resolved in any way from the cut-off date: dead-end rural poverty that pushes the poorest and most oppressed rural people out of the countryside into cities for sheer survival persists unaltered beyond any such date. The land, housing and urban plan policies of the central and state governments that systematically exclude the poor migrant

<sup>30</sup> “51 Families Move Out on Day Two,” *The Times of India*, 24 January 2004.

from legal and affordable urban housing, also remain unchanged.

Secondly, even several of those who indeed were residents of the demolished slums before the cut-off date of 31st Dec 1998, are frequently without supporting documents like ration cards or voter ID cards. The ration card has become especially for the urban poor a de-facto identity card, yet its issue is tied up in corruption and bureaucratic delays, therefore the poorest residents are frequently unable to acquire these. As a result, many who were indeed living in the slum before the prescribed date were unable to prove their residence before the cut-off date of 31st Dec 1998. Secondly, the survey was carried out suddenly without any due notice, and arbitrarily without giving due opportunity. This again excluded those who were out of the slum at the time of the survey, in search of work or to visit their families in their villages, or those who were otherwise further disadvantaged by disability, age or gender to negotiate the bureaucratic processes. Large numbers thus found themselves excluded from the list of those residents who were eligible for alternate plots.

Even several families whose names appeared in the list of those eligible for alternate housing plots, could not access these because the rules required them to pay 7000 rupees for allocation. Such a requirement, once again by design, eliminates the poorest families, who cannot be expected to have so much ready cash, or the capacity to borrow it even on usurious terms. For example in Madanpur Khadar rehabilitation site, we were told that there were at least 100 families who could not afford the fees and hence were deprived of alternate house sites after eviction.

Similarly in the two clusters that were demolished in Vikas Puri, out of the 626 families who could not get plots, at least 244 were arbitrarily denied on the pretext of lack of adequate documents even while they fulfilled all the criteria and had the necessary proof for the same.

#### **A few clusters demolished in the year 2006**

| <b>Location of the Cluster</b> | <b>Total Number of Jhuggies</b> | <b>No. Of families who were Offered alternative Plots</b> |
|--------------------------------|---------------------------------|---|
| Banuwal Nagar, Pitam pura      | 1550                            | 1000  |
| Vikas Puri- Two clusters       | 1100                            | 626   |
| Nangla Machi                   | 6500                            | 2808  |
| Jhilmil Colony                 | 650                             | 230   |
| Jahangirpuri                   | 1000                            | No one because they come in the right of the way          |
| Yamuna Pushta, eastern side    | 7000                            | 2500  |
| <b>TOTAL</b>                   | <b>17,800</b>                   | <b>7164</b>   |



According to the list provided by the MCD the total number of families who were actually resettled by them during the last ten years is 53,209. This figure is only of those people who were resettled and does not take into account the figure of actual number of families evicted. Besides the DDA also carries out evictions in the city but despite repeated applications under the Right to Information Act they have not released the total figures of families who are evicted and resettled.

Given the vulnerable and illegalized status of these residents, it is difficult to trace exactly where all of them went. But our sample of interviews suggests that while a very small number of them returned to their villages, for the overwhelming majority this was simply not an option because conditions of extreme poverty, hunger and unemployment in their villages remain unchanged.

According to a report by Hazards Centre after the Pushta evictions people found shelter in different ways. Only a few returned to their villages. Many others moved to other jhuggi clusters near their old homes on the Pushta, usually close to their places of work. Others whose homes were demolished but who were unable to afford new places were stranded on the Pushta and remained living there amongst the rubble until they were chased out by the police. Still others moved to the resettlement colonies or to their villages only to find that life there was untenable and returned to the Pushta or to other jhuggi clusters.

Other jhuggi clusters and unauthorized colonies to which former Pushta residents moved included Laxmi Nagar, Akshardam Shakkarpur jhuggis, near Annanagar behind the WHO, Shastri Park, Pushta Phase I, II and III, Osmanpur, Sabha Pur, areas like Ellaichi Pur, Kushal Park, Ram Park, Aram Park, Ramesh Park, Kushir Enclave, Naseeb Vihar, Sonia Bihar, Noida Sector 40 (the belt that is half Delhi, half Uttar Pradesh) and near or in Jama Masjid, and other places. (TISS report)

The pattern that usually follows after such a process is that the majority lie low for a while, somehow subsisting; a few bribe the police to retrieve some of their building materials, and they then begin the journey once again of building another 'illegalized' slum which will be demolished again one day. But until then they will survive somehow.

.....

## What the Dozers Could Not Crush

His mother delivered him under a plastic sheet, in a dusty makeshift tent strung on land adjacent to construction site in the Indira Gandhi International Airport in Delhi, where his parents laboured for many years. He does not know the date he came into this world: 'We workers do not write our histories', he smiles sardonically. For his school certificate, his father chose as his date of birth Independence Day. So officially Pramod Kumar was born on 15 August, 1974.

A few months later, his parents returned to their native village in Bhagalpur in Bihar. It was home for them, but as landless agricultural workers there was rarely work, so every few months his father would take a fresh loan from the local moneylender and disappear to the city for several months at a stretch. Now with three sons and one daughter, Pramod's mother stopped travelling with his father. As his father aged, he also lost the spirit to bear the rigours of long lonely passages to the severe distant work-sites. Instead, first Pramod's elder brother and then Pramod dropped out of the village school and made the same journey to Delhi that their parents had so often in their lives, so that they and their families could survive. Pramod was then ten years old.

Pramod's first job was as a helper to a mason on the Mehrauli Gurgaon Road. His first wages in 1984 were eleven rupees and some paise a day. Survival once again was stretched for him precariously under a soiled plastic sheet, where he was to live for another ten years. The worst months, he recalls, more than even the biting cold of winter, were those of the monsoon deluge, in which they would have to wade for days in their hovels in slushy water, and had to mount their stove on a string cot so that they could cook. He lived among others from his village who took care of the growing boy. He loved to study and carried his school books with him from the village. Each year he would return for the annual examinations, his teachers overlooking his absence from classes, and eventually he passed his ninth class. In time, he joined an electrician as his apprentice. He learnt wiring newly constructed homes: the hours were long, the work dangerous for a novice, but the money was better. His wages mounted rapidly to 28 and eventually to 88 rupees. He was now able to set aside money to send home to his ageing parents in the village.

On one of his visits to Bhagalpur, his parents wed him to a young girl from near his village. The *gauna* when the bride actually moves to her husband's home, took another two years. When Pramod brought his bride to Delhi, he was unwilling to subject her to his harsh life under a tent, so he bought a piece of land from a contractor he worked for

in Patparganj in East Delhi. It was a low-lying bog clogged with slime, sewerage drained from surrounding areas, mosquitoes and dense shrubs, behind the high-rise apartment buildings where he was employed to lay the electrical lines. Pramod, his young wife and others who were illegally sold the land by the contractor toiled for months to clear and level the land. The contractor gave them bricks and tin sheets to fabricate their tiny tenuous homes. Eventually 430 shanties came up, which were shelters to migrants like Pramod from Bihar, Orissa, West Bengal, Rajasthan and Uttar Pradesh. There was no water supply or drinking water. They collected plastic cartons of water from a leaking pipe two kilometres distant, and the only toilet available to them was the continuously shrinking open spaces around. 'Who could we complain to?' Pramod asked bitterly. 'The contractor? He would have simply packed us off and then what would have become of us?'

When their first daughter was born, Pramod resolved that they could not live like this all his life. A contractor recruited him for employment in Dubai, where he worked for eight years. His employer took his passport from him as soon as he arrived at the airport, as he did for all his fellow workers, and he worked almost all his waking hours. He never enjoyed his years in Dubai. 'It was not like being in your own country'. But he saved enough to send life-saving money both to his parents in the village, and his wife in the slum in East Delhi. He visited his home every few years, and each time left his wife pregnant. He has three daughters and a boy.

When he finally returned to India, he found that globalisation had driven out most of the small building contractors. The foreign companies employed only people with formal degrees, something that Pramod could never acquire despite his love of books. He therefore resolved that he would educate all his children in English medium schools, whatever it cost him. The fees in Bal Nikunj Public School are two hundred rupees every month, but he feels that the school is better than those run by government 'where children can barely write their names'. I asked Pramod's little son what he learnt in school. He thought for a while, before he replied, '*Achi batein!*' (Good things!)

The residents of the high rise buildings which they had toiled to build, and where their wives and sisters washed dishes and floors, decided that they did not want any longer a slum in their midst. They filed a complaint in the court against violation of 'green belt' regulations, and the court ruled against the slum residents without hearing them. The night of 23 February, 2006, a head constable informed them that demolitions would start the next morning. They huddled helplessly in their homes as early after dawn bulldozers appeared. The roads were blocked on both sides. People desperately

retrieved what they could in the blur of an hour - TV sets, some boxes of clothes, loved toys... - but the rest was crushed under the relentless advance of dozers.

They desolately lived under the open sky for the next two months. Some like Pramod then moved into tiny rented tenements which they could ill afford. The court that had ordered demolitions had not found it fit to instruct rehabilitation. Many demonstrations and gheraos of the officers of the Delhi Development Authority finally yielded the reluctant offer of undeveloped plots in 20 kilometre distant Bawana, but only if they made a down-payment of 5000 rupees, and even this offer was made to only 92 of the 430 resident families deemed by the officials to be 'eligible'. Of these, 48 families took loans from moneylenders at 10 percent interest per month, to pay the authorities. For the rest, including Pramod, the only prospect seems homelessness.

Pramod took me to see the site where their homes had stood barely months earlier. DDA had hastily constructed shops on the part of the plot that adjoined the road (where Pramod recalled that they had struggled most to fill the low-lying pits of slush). Around the rest of the plot, a wall had been constructed. Through a small gap, he pointed out a *madhumalati* shrub. 'That is precisely where my home stood', he said. 'I had bought the *madhumalati* for 25 rupees. It soon grew all across the roof of our home. It gave such a beautiful fragrance at night, it was the envy of the entire colony. It was crushed under the dozers, but revived in the monsoon. It stands there alone. My heart breaks whenever I look at it'.

.....

## Conclusion

### Findings and Recommendations

In view of the field visits, interviews and an analysis of the secondary literature, the fact finding team finds that the scale and manner of displacement and resettlement ongoing in the city is not only starkly inhuman but also illegal, violating the fundamental rights of the poor in the city.

To begin with, the biggest violation that the poor in the city face is the absence of provision of legal housing and other basic services for them which pushes them for options which are illegalized and criminalized in the eyes of the state. Even while the poor constitute a considerable population of the city (around 77 %) and contribute immensely to the city's survival by providing cheap and essential services, the policy and planning regime chooses not to give them access to decent conditions of living, as a result of which they are forced to take shelter in sub-standard housing. The plans for providing low cost legal housing for the poor have not materialized even when the population growth in the city has been in accordance with what was anticipated by the planners. Therefore it is not by accident that in the last 25 years the density in the slum clusters has increased six-fold.

For instance research by Hazards Centre shows that according to the second Masterplan, the Delhi Development Authority (DDA) was supposed to build 16.2 lakh residential units between 1982 and 2001. At best, DDA claims to have provided 5.6 lakh units, i.e. it has provided for only 34% of total housing targets in the last 20 years. Even this drastically reduced availability of housing has been biased towards the rich with an emphasis on HIG and MIG housing. LIG housing has also been largely been occupied by middle class families because of the high prices. On the other hand, there is no evidence of private builders having built a single house for the urban poor, even as they continue to build posh complexes.<sup>31</sup>

This failure is somehow never recognized and prosecuted. The non-compliance of planning provisions and norms on part of the authorities, spanning housing, commercial and other infrastructure, is somehow not seen as an act of illegality. What further complicates this is that 'illegal' pretexts are used to push out the urban poor while at the same time the illegally maintained lives and interests of the rich are condoned.

<sup>31</sup> 'Dilli Kiski Hai: Yojna Ki Rajneeti aur Aniyojit ka Hastakshep' a report on basic services in Delhi, November 2003, Hazards Centre

The pushta residents for instance were cleared on the grounds that they contributed a lot to the pollution of the river Yamuna. A study by Hazards Centre revealed that in actuality they contributed to only 0.08 % of the pollution. The 29 'illegal' constructions of the rich on the river- or 'encroachments'<sup>32</sup>, which were also contributing to the pollution such as the Akshardham temple, the Delhi Metro Rail headquarters, the Delhi Government secretariat etc were never touched. These and other samadhis of national leaders, the Asiad Games' structures, the thermal power stations and their ash-ponds, numerous religious establishments and housing colonies, are all built on the flood plain. Compared to the 100 hectares occupied by the slums, the Akshardham Temple alone has been illegally given 30 hectares, while the Metro headquarters is built on 65.

The attacks on the poor and the shielding of the rich is being done through an active intervention by the courts, which are otherwise seen as saviors of justice. In the past few years the courts have delivered judgments in which the poor have not only been accused and branded but even their right to shelter and right to live within the city has come under severe threat.

For instance in 1994, a petition was filed in the Delhi High Court by the Okhla Factory Owner's Association for the removal of slums and encroachments in their industrial area. This was later amalgamated with another similar petition filed in 2002 by the Wazirpur Barton Nirmata Sangh. In Nov 2002 the Delhi High Court Bench delivered a judgement saying that, "such a (resettlement) policy without any social criteria, is illegal and arbitrary and we hereby proceed to quash the same which requires alternative sites to be provided to slum dwellers".

Not only are the court orders arbitrary and unlawful, but the principles of natural justice are also violated as the affected parties are never given a hearing, and also never given adequate information and notice before evictions so they can salvage their belongings and property. Further, as seen, the kind of resettlement provided brings the question of violation of rights to the center stage, as the living conditions push the people further to the brink of poverty.

The Slum Act of 1956 provides for "improvements" of slums, not just "clearance". Experience indicates that In-Situ Upgradation is five times more expensive than Environmental Improvement, while Relocation is twice as expensive as In-Situ Upgradation. Nevertheless, both judicial and executive action has focussed on Relocation, which is in violation of both national and international laws, such as the International Convention on Economic, Social and Cultural rights, which India has signed, in which shelter should have legal security of tenure, affordability, habitability and accessibility, as also access to livelihood and basic services.

---

<sup>32</sup> 'Holy Yamuna', a research report on the pollution of river Yamuna, March 2004, *Hazards Centre*

“Resettlement” also violates basic norms of the plans itself. The Land Use Plan stipulates that the density in the periphery of the urban area should not exceed 600 persons per hectare (pph), while it should be only 450 pph in areas along the Yamuna. However, the relevant site plans reveal that (assuming a family size of 5) the density at Molarbandh is 1290 pph, at Bawana it will be 1160 pph, and at Bhalaswa it is 680 pph.

These densities are being made possible by violating the provisions for the size of plots in Delhi Masterplan 2001 (DMP). The Master Plan stipulates (pg 6) that the most appropriate type of general housing would be partially built housing on individual plots of 70 to 80 square metres (sqm), with a gross residential density of 350-400 pph. But it also provides (pg 70) for plot sizes of 32 sqm with FAR (floor-area-ratio) of 150 (two stories). It should be noted that even this norm is a revised one, for up to 1998 the provision was for plot size of 32 sq m with FAR of 225 (three stories). And even that was revised in 1995 from an earlier norm of 50 sq m with FAR of 150.

There is also a provision in DMP-2001 for a minimum plot size of 25 sq m for Resettlement and Jhuggi Jhopri upgradation (pg 73), although it should be noted that this provision was not present at all in the Draft Perspective Plan published in 1987. In other words, the norm has been changed at will over the years without any scientific basis and with prejudice towards the poor. The minimum norm in the entire Master Plan (pg 71) is 11 sq m, exclusive of verandah bath and lavatory, for a servant’s family of 2.4 persons. Judged even by the prejudicial norms given above, the provisions for plots of 18 sq m and 12.5 sq m in the present resettlement sites are not only in violation of DMP-2001, but they have no rational basis whatsoever.

In short the claims that displacement of the poor from slums and relocation to these colonies make things better for them are blatantly false. There is an urgent need to highlight this in the larger policy debates. The poor in the city contribute immensely to its economy and therefore should be housed in proximity to the work areas. They need to be provided with accessible and affordable shelter by the deliberate, affirmative action of the State. “Open market” forces will never be able to achieve this objective. Any resettlement that happens should be not more than a distance of 2-5 kms from the original site of habitation. But most importantly they should be incorporated in the urban housing and planning policies.

Below are defined the critical elements of an Alternative Housing Policy as seen from the point of view of the slum dwellers themselves:

### **Alternative Housing Policy: Recommendations**

- Contrary to ‘public’ prejudice, land is available for residential purposes both on paper as well as on the ground.



- If this surplus land, ranging between 8,600 ha to 19,600 ha, was to be given over for housing the poor then each slum or pavement dweller would be able to access a minimum of 30 sq m of ground space.
- The poor are able to invest an average amount of Rs 40,000 per family in housing and any policy will have to keep this limit in mind.
- The opposition to the equitable distribution of this land comes from vested interests in the 'regular' or 'planned' colonies and the administration.
- Multi-storeyed housing is not an appropriate option for the poor because of its high cost of maintenance and being prone to commercialisation.

Another strategy of housing is of providing additional land wherever (or near) the settlements are located and upgrading the facilities. This is the **In Situ Land Reform** strategy. It is a strategy that supports the unparalleled 'private' initiative and entrepreneurship demonstrated by vast numbers of working people to build their own shelters without any 'subsidies' from Government.

**This policy will have the following components:**

- Locate land within a one km radius of the existing slum whose land use can be appropriately notified as 'residential'.
- Allot one plot of 50 sq m to each family on leasehold basis on payment of a fee not exceeding Rs 10,000 per plot.
- Provide connections to basic urban services (water, electricity, sewerage, roads, drainage, dispensaries, schools) at the rate of Rs 200 per sq.m.
- Supply services through public agencies, and not contractors, according to realistic urban norms.
- Charge fees for supply of services on a monthly basis as per public policy.
- Make available housing loans of up to Rs 50,000 on easy terms against mortgage of land.

The estimated additional land and capital requirements for the four different strategies for roughly 6 lakh households are given in Table 20.

**Comparison of different Strategies**

| Strategy                               | Requirement |              |
|--|-------------|--------------|
|  | Land (ha)   | Cost (Rs.cr) |
| Environmental Improvement <sup>1</sup> | -           | 240          |
| In Situ Upgradation <sup>2</sup>       | -           | 1200         |
| Total Relocation <sup>3</sup>          | 2160        | 2760         |
| In Situ Land Reform <sup>4</sup>       | 5540        | 1200         |

<sup>1</sup> *at Rs 4,000 per jhuggi*

<sup>2</sup> *at Rs 20,000 per jhuggi*

<sup>3</sup> *at 18 sq.m. plot size with 50% built-up area and Rs 46,000 per jhuggi (Rs 7,000 from jhuggi dweller)*

<sup>4</sup> *at 50 sq.m. plot size with 50% built-up area and Rs 20,000 per jhuggi*

**Such a policy will:**

- provide security of tenure to enable investments in proper housing;
- leave the earning capacity and available services of the household undisturbed;
- maintain investments within the earning capacity of the family;
- allow the entrepreneurial spirit of the people free rein;
- give an adequate return on investment to public agencies; and
- enhance the value additions in the quality of life in the city as a whole.

.....

## **Hazards centre**

A UNIT OF SANCHAL FOUNDATION

92 H, III Floor, Pratap Market

Munirka, New Delhi 110067

Phone: 26714244, 26187806

Email: [haz\\_cen@vsnl.net](mailto:haz_cen@vsnl.net)

Website: [www.hazardscentre.org](http://www.hazardscentre.org)