



HOUSING AND LAND RIGHTS NETWORK

FORCED TO THE FRINGES

Disasters of 'Resettlement' in India

SAVDA GHEVRA, DELHI | KANNAGI NAGAR, CHENNAI | VASHI NAKA, MUMBAI



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INTRODUCTION, CONCLUSIONS AND RECOMMENDATIONS



Introduction

As cities grow and the population influx into urban areas rises, so does the rate of urban poverty. This is primarily because urbanisation in India is governed by inequitable and discriminatory processes. The government, at both the central and state level, seems to be convinced that the creation of ‘world class cities’ not ‘inclusive cities’ is vital for the nation’s economic growth.

The progress indicators for these ‘world class cities’ are improved highways, shopping malls, mega-entertainment complexes, swimming pools, golf courses, technology parks, Wi-Fi zones, multi-level parking centres, and luxury high rise buildings. Adequate housing; affordable healthcare; quality public education; public parks and children’s playgrounds; environmentally sustainable energy; safe and accessible roads, walkways, public spaces and public transport; and mixed income neighbourhoods – indicators of ‘inclusive cities’ – do not seem to be priorities of urban development in India.

The prevalent neoliberal paradigm of urbanisation, being promoted in India, focuses on the simultaneous creation of enclaves of exclusive development for the wealthier residents of cities and ghettos of subsistence for the economically weaker sections. This is done under the insidious agenda of creating ‘slum free cities’ and is reflected in the rising occurrence of forced evictions and demolitions of low income settlements, with alarming impunity and illegality. It is also visible in the rampant conversion of public land to private use with the collusion of the state; the deployment of legal tools to sanction unlawful state actions; the adoption of prejudicial vocabulary in policy that declares residents of low income settlements as ‘encroachers’ and ‘squatters’; the failure of the state to provide low cost / social housing to meet the national urban shortage of 20-25 million houses; and unrestricted real estate speculation that inflates property prices, making housing unaffordable for the majority and forcing millions to live in grossly inadequate conditions.

This model of economic growth has also sanctioned forced evictions and displacement as a component of India’s post-independence trajectory, in urban and rural areas. The Planning Commission of India concurs that since independence (1947), about 60 million people have been displaced for purported ‘development’ projects; independent civil society experts estimate the number to be above 70 million. The scale and frequency of planned evictions continue to intensify across the country, with the complicit approbation of the state. This is further exacerbated by the failure of the state to provide adequate resettlement and rehabilitation for the evicted families, resulting in a nation-wide crisis of displacement, discrimination, and inadequate housing and living conditions.

Housing and Land Rights Network (HLRN), Delhi, has been working on different issues related to housing and land in India for the last fifteen years. Over the last few years, HLRN has received numerous complaints of abuses of human rights of the urban poor who have been systematically dispossessed by a structural agenda that first demolishes their homes without due process, and then relocates a small proportion of the evicted persons to highly uninhabitable and undeveloped sites on the outer fringes of cities, where they have no access to adequate housing, basic services, livelihoods, education or healthcare. Based on continued reports of dismal living conditions and engineered disasters in the name of resettlement and rehabilitation, HLRN decided to examine the nature of ‘resettlement’ and the conditions of resettlement sites in urban India. The phenomenon, HLRN learned, is not isolated to one city or site, but is reflective of a schema that is ubiquitous across urban India. It is also not restricted to large cities but has entered the domain of urbanisation policies in smaller cities and towns as well.

HLRN, in collaboration with its partners, thus embarked on a three-city human rights assessment that aimed to investigate the process of eviction that precedes resettlement; and, to analyse housing and living conditions in three large resettlement sites in India. HLRN selected the following sites on account of their large size, relatively recent creation, and widespread reports of inadequate living conditions and human rights violations: Savda Ghevra, Delhi; Kannagi Nagar, Chennai; and, Vashi Naka, Mumbai.

The three-city study was undertaken with the following objectives:

- To document the process of eviction and resettlement, its effects on different sections of the population, and any resulting human rights violations;
- To strengthen the claims of individuals and communities who suffer adverse, long-term, and often irreversible, impacts of these processes;
- To advocate for improved housing and living conditions in existing ‘resettlement’ sites and to prevent the creation of similar ‘resettlement’ sites in the country;
- To demonstrate how evictions and inadequate resettlement result in further impoverishment and marginalisation, and thereby make the case for in situ (on site) upgrading of settlements, as far as possible;
- To promote the adoption and implementation of international human rights standards related to adequate housing, evictions and resettlement;
- To encourage the development and implementation of a human rights framework for resettlement and rehabilitation that recognises and respects the integral link between housing and other human rights, most importantly livelihood / work, health, food, water, and education; and,
- To advocate for legal and policy changes—at the state and central level—that would ensure the recognition, protection and realisation of the human rights to adequate housing and land, including through the promulgation and implementation of a human rights-based national housing law in India.

The study uses the human rights framework for its analysis, and is based on primary research carried out through household surveys of a sample population and focus group discussions with affected persons in each site. It also builds on secondary research and literature, which is, however, limited.

HLRN collaborated with Information and Resource Centre for the Deprived Urban Communities (IRCDUC) in Chennai; Youth for Unity and Voluntary Action (YUVA) in Mumbai; and local organizations, including Society for Participatory Integrated Development (SPID) in Delhi.

While a similar framework and a common basic questionnaire was used for the assessment in each city, the structure of each report varies, as it has been written by different authors and institutions. HLRN has chosen to publish each study separately so that it can be used for advocacy purposes with the respective local and state governments, but also together as part of this compendium in order to highlight the similarities of the findings that reflect the travesty of ‘resettlement’ in India and the systemic discrimination against the urban poor across cities.

This document summarises the major findings and conclusions of the three studies; submits recommendations to the state and central government on housing and resettlement; and presents a comparative analysis of the eviction process and implementation of human rights standards in the three resettlement sites of Savda Ghevra, Kannagi Nagar, and Vashi Naka.

Key Terms Used in the Study

TERM	DEFINITION
Human right to adequate housing	The human right to adequate housing is “the right of every man, woman, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity” (UN Special Rapporteur on adequate housing, E/CN.4/2006/41).
Forced eviction	“The permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land [that] they occupy, without the provision of, and access to, appropriate forms of legal or other protection” (UN Committee on Economic, Social and Cultural Rights, General Comment 7, 1991).
Violation	The failure of a duty holder (primarily the State) to fulfil its obligations to respect, protect and fulfil a human right. Violations may be by commission (a wrongful act, such as forced eviction, or discrimination), or by omission (the State’s failure to act in protecting or fulfilling the right).
Relocation	The physical transfer of individuals or groups from their original site of habitation to another location. Relocation may be voluntary or involuntary and temporary or permanent.
Remedy	Effective legal or judicial resolutions for victims of violations of rights and protection guaranteed in legislation, international human rights law or international humanitarian law. Remedy involves fulfilling the victim’s right to the following as provided for under international law, including: (a) Equal and effective access to justice; (b) Adequate, effective and prompt reparation for harm suffered; and (c) Access to relevant information concerning violations and reparation mechanisms (Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 2005) .
Reparation	Adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions which can be attributed to the State... Reparation consists of the following: restitution, compensation, resettlement, rehabilitation, return (for refugees and displaced persons), satisfaction, and guarantees of non-repetition (Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 2005).
Restitution	Restitution should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one’s place of residence, restoration of employment and return of property (Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 2005).
Compensation	Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, such as: loss of life or limb; physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services. Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better... Consideration of the circumstances of each case shall allow for the provision of compensation for losses related to informal property, such as slum dwellings. (UN Basic Principles and Guidelines on Development-based Evictions and Displacement, A/HRC/4/18, 2007).
Resettlement	Resettlement includes: 1) provision of adequate housing; 2) finding and engaging in acceptable new employment for those whose jobs are lost or severely affected; 3) restoration (or compensation, as necessary) of affected productive resources, including land, work places, and infrastructure; and, 4) restoration of other adverse effects on affected persons’ living standards (quality of life) through adequate land acquisition for affected persons and communities; restoration of, or compensation for affected private and public enterprises; and, restoration of cultural or common property, as appropriate. Resettlement must be human rights-based.
Rehabilitation	The restoration of normal living conditions following a disruption or displacement so as to return the inhabitant(s) to a state of personal and community integrity while ensuring the protection of their human rights. “Rehabilitation should include medical and psychological care as well as legal and social services” (Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 2005).
Right to the city	‘Right to the city’ is the right of all residents to an inclusive city. It integrates a bundle of existing human rights, in addition to specific claims of rights to access land, water, sanitation, transport and public space, as well as the concept of the ‘social function’ of land, housing and related infrastructure, and public goods and services.

Major Findings and Conclusions of the Study

1. In all three resettlement sites: Savda Ghevra, Kannagi Nagar, and Vashi Naka, the affected persons reported violations—by the government and implementing agencies—of their human rights to adequate housing, land, work / livelihood, health, education, food, water, security of the person and home, participation, information, as well as the right to adequate remedy, including resettlement.
2. The study finds that the Governments of Delhi, Tamil Nadu and Maharashtra have breached state, national and international laws and policies. The state and its agencies have violated the Constitution of India; the Right of Children to Free and Compulsory Education Act 2009; the National Food Security Act 2013; the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013; the National Urban Housing and Habitat Policy 2007; the National Rehabilitation and Resettlement Policy 2007; and several judgements of the Supreme Court of India and High Courts that have held that the right to adequate housing is a fundamental right emanating from the right to life protected by Article 21 of the Constitution. The state has further contravened international laws and guidelines, including the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child; the International Convention on the Elimination of All Forms of Racial Discrimination; General Comments 4 and 7 of the UN Committee on Economic, Social and Cultural Rights; and, the UN Basic Principles and Guidelines on Development-based Evictions and Displacement.
3. The state and its agencies did not conduct any social / eviction impact assessments at any of the sites before or after the eviction / relocation to determine the effects and losses suffered by evicted, displaced and resettled persons.
4. During the process of eviction, affected families in all three cities, lost their housing, personal possessions, hard-earned savings, vital documents, and invaluable assets. Where force was used during the eviction process, people suffered injuries. In the immediate aftermath of the eviction, most people were not able to work and thus lost income. The state, however, has not provided any compensation for losses incurred by evicted persons, even though such losses are a direct result of state action.
5. No investigation has been initiated against any of the state officials responsible for carrying out acts of demolition, violence and destruction. There has been no trial or prosecution of guilty officials. With regard to forced evictions, the state enjoys complete impunity.
6. The findings of the three studies reveal that the evictions were not carried out for a demonstrable ‘public purpose’ and most of them, especially in Delhi, were thus illegal. The findings also clearly demonstrate that resettlement and rehabilitation of the urban poor is not on the agenda of the central or state governments. While the policy framework in Delhi, Mumbai and Chennai is different and the projects / professed purposes for which people are relocated are different, the goal with regard to the urban poor is evidently the same. Generally, inferior quality land in cities is developed by the working poor and made inhabitable and productive, as a result of which its value appreciates. State and private forces then work, often in collusion, to develop schemes and ‘projects’ to demolish the settlements on that land and/or to evict the residents. The rhetoric of ‘encroachment’ and increasingly ‘resettlement’ is used to usurp this high value land occupied by low income groups, to move them to the margins of cities, and to ‘gentrify’ and then use the vacated land for profitable enterprises favouring the city’s affluent population. This is evident across the three cities of Delhi, Mumbai and Chennai.
7. In the three resettlement sites of Savda Ghevra, Kannagi Nagar and Vashi Naka, women have suffered disproportionately. All the sites are reportedly not safe for women and girls, and acts of violence have been reported against them. This has prevented girls from attending school and young women from

going to work. It has also led to the rise of early marriages in some instances. The distant location of the sites from city centres has resulted in many women losing their jobs while others have to commute long distances daily, at great risk to their personal health and safety, in order to continue with their livelihoods and support their families. The disintegration of communities and separation of extended families, as a result of inadequate resettlement, has resulted in the loss of social safety nets that has impacted women greatly.

8. Children also have suffered greatly from the eviction and relocation process. Apart from the psychological trauma associated with witnessing their homes being demolished and being forced to move to a new location, many children have had to drop out of school while others have begun working to supplement their family income. The large majority of the affected children have not been able to pursue higher education, as a direct result of the resettlement. The number of crèches / Integrated Child Development Services (ICDS) centres at the sites is not sufficient to meet the needs of the population. There is also a shortage of playgrounds and safe open spaces for children to play in.
9. The entire resettlement process in all three cities has ignored the indivisibility of human rights as well as the vital link between housing, livelihood and other human rights. The three resettlement sites are still largely uninhabitable and the residents are still struggling for basic services and amenities, including water, sanitation, transport, electricity and access to healthcare, education, work and food. In many families in all three resettlement sites, children have been forced to drop out of school, women and men have lost livelihoods, monthly expenditures have increased, the healthcare of residents has been affected, violence against women has increased, and psychological trauma and stress, reportedly, have risen. The impacts of the eviction and resettlement are adverse and long-lasting.
10. This three-city human rights study highlights not just the gross failure and sham of resettlement in India, but also exposes the exclusionary policies of the state. An alarming finding of this study is that a large percentage of evicted families are not resettled by the state on grounds of 'ineligibility.' This number varies in each city and depends, to a large extent, on the project, the reason for the eviction/demolition, and the prevailing state policy. The study found that the percentage of those who were not resettled by the state was highest in Delhi, followed by Mumbai, and then Chennai. Most states have a 'cut-off' date before which the family should have been living in the city in order to qualify for resettlement benefits (in Mumbai it is the year 2000, while in Delhi it is the date of 4.06.2009; Chennai does not have a 'cut-off' date policy). Each affected family also has to furnish a list of requisite documents in order to be considered 'eligible' for resettlement. Most families are unable to fulfil the requirements because their documents are regularly replaced by the government agencies and also because they often lose vital documents during the eviction process; thus they do not receive any resettlement benefits. The continued existence of a 'cut-off date' for the urban poor is nothing but an institutionalised tool of exclusion and discrimination, and places an inordinate burden on the urban poor to prove the duration of their residence in the city.
11. 'The right to return' of affected persons has not been protected. While in Chennai and Mumbai, return to most sites is not possible since the cleared land has been converted for specific projects, in Delhi, several of the sites from where families were evicted, are still lying vacant. Thus, the state should have provided affected families with adequate conditions for the right to return to their original sites of habitation, with dignity and security.
12. The displaced persons and those living in the resettlement sites / colonies across India have no means to seek redress; neither do they have avenues to fulfil their legal right to access timely remedy. Despite the passage of 6-8 years since resettlement, the state has not provided restitution to the affected families, and has not made efforts to improve the standard of living and ensure that the affected families are able to live with dignity. The government has not provided any mechanisms for redress. All efforts to

improve living conditions and secure access to basic services at the resettlement sites have been taken by the affected persons themselves.

13. The lack of respect for the human rights, lives and contributions of the urban poor to the country's economy is glaring. The manner in which their homes are demolished without adherence to any national or international standards and norms, and the way in which they are forced to relocate to the peripheries of cities without any consideration for their livelihoods, education, health, security and welfare, reflects a very serious prejudice against the poor and working classes in urban planning and governance in India.
14. 'Resettlement', the way it is being carried out in India, seems to have become a euphemism for state-sponsored segregation and dispossession of the urban poor.

Recommendations

During the three human rights assessments in Mumbai, Chennai and Delhi, the catastrophes unleashed by the rehabilitation and resettlement (R&R) policies and programmes of the government were evident. Extensive discussions with the affected communities that have been evicted, displaced and resettled, reveal the need for a complete overhauling of the urban planning and governance agenda, and the strong need for a human rights approach to housing and land across the country.

In addition to site-specific recommendations that have been presented in the three individual reports in this compendium, HLRN would like to suggest the following recommendations related to housing, evictions, urbanisation and rehabilitation – for the central and state governments.

Recommendations for the Central and State Governments on Housing and Evictions

1. The right to adequate housing must be recognised as a human right and must be protected and guaranteed to all. It is important for the state to recognise that adequate housing requires the fulfilment of various elements: security of tenure, adequate location, habitability, accessibility, affordability, access to basic services, cultural adequacy, and physical security and safety. All elements need to be provided to ensure that housing is safe and secure, and enables people to live with dignity. The central government should develop a comprehensive human rights-based national law on the human right to adequate housing, which is in accordance with international human rights standards, the Constitution of India, and India's international legal obligations. All law and policy processes must be participatory and must involve affected people and civil society.
2. The government should impose a moratorium on forced evictions in the country, as it has been well established that forced evictions lead to further impoverishment and marginalisation. They also adversely affect the livelihoods, health, education, security, and social and economic well-being of the affected persons. In many instances, evictions and resettlement processes intensify social conflict.
3. Only in 'exceptional circumstances' – for the general welfare, health and well-being of the residents – when evictions need to be carried out, they must follow the principles and operational guidelines expounded in the UN Basic Principles and Guidelines on Development-based Evictions and Displacement.

4. The government, at the central and state level, must focus on immediate in situ (on site) upgrading of settlements in all cities through the provision of long-term security of tenure, improved permanent housing and access to basic services.¹ All state governments must invest in the construction of low cost, adequate housing that is located close to people's sources of livelihood, schools and health centres, in order to meet the national urban housing shortage of 20-25 million houses for Economically Weaker Sections (EWS) and Low Income Groups (LIG). Where required, land for social housing should be purchased by the state government; this is listed as a 'public purpose' in the new Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. The practice of relocating the urban poor to the fringes of cities must be discontinued. Large colonies, such as Perumbakkam in Chennai and Baprola in Delhi, which are being constructed on the city outskirts with the plan to dispossess and relocate more of the working poor, should be halted immediately. The funds should instead be utilised to improve housing conditions where people live.
5. Government schemes such as Rajiv Awas Yojana (RAY) must focus on the provision of long-term security of tenure and in situ upgrading of housing, and not on relocation. The land on which the urban poor live must not be diverted for commercial use or reduced in area. Private Public Partnerships should not be encouraged for housing schemes for EWS under RAY.
6. The reservation in all city Master Plans for EWS housing must be fulfilled. Real estate companies, agents and builders who do not implement these provisions should be tried and prosecuted according to due process of the law.
7. Efforts must be made to control real estate speculation in India, and to ensure that the Real Estate (Regulation and Development) Bill 2013 is revised to incorporate a human right to adequate housing approach, and enacted. Progressive taxation on multiple-ownership of houses, land and property should be encouraged to prevent the artificial inflation of prices. This would also help address the paradoxical situation in India of 11 million vacant houses in the backdrop of a national urban housing shortage of 20-25 million houses for EWS/LIG.
8. The norms defining the 'poverty line' in India and the arbitrary process of determining if families are above or below the line need to be revised urgently to incorporate a human rights-based approach. The mere allotment of an inadequate tenement in a resettlement site should not result in cancellation of below poverty line (BPL) cards and exclude low income families from availing subsidies and welfare schemes.
9. All officials found guilty of violating human rights and of breaching local, national and international law during the processes of eviction and resettlement, must be tried and prosecuted according to the law.
10. The announcement of the new National Democratic Alliance (NDA) government to create '100 smart cities' in the country must ensure a participatory, human rights process that aims to develop inclusive, equitable, democratic and sustainable habitats for rural and urban residents, especially the most marginalised groups. The government must ensure the protection of housing and livelihoods, and must not evict, displace or render anyone homeless. The critical linkages between urban and rural development processes must be understood and reflected in law and policy. The promise of the government to provide "housing for all by 2022" should ensure the provision of "adequate housing for all"; housing that incorporates the elements of adequacy as elaborated by General Comment 4 of the UN Committee on Economic, Social and Cultural Rights, and which recognises the inter-relatedness of housing with livelihood, education, health, water, food and security.
11. The central government must not dilute the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The requirements for prior informed consent, social impact assessment, and adequate resettlement must be retained. If any amendments to the

¹ HLRN has developed *Guidelines for In Situ Upgrading and Rehabilitation*. See www.hic-sarp.org or write to hlrnsouthasia@gmail.com for a copy.

Act are to be made, they should include the protection of the rights of the rural and urban landless poor, and extend provisions of due process and rehabilitation to them.

12. The various concerned central government ministries, including Ministry of Housing and Urban Poverty Alleviation, Ministry of Urban Development, Ministry of Social Justice and Empowerment, and Ministry of Rural Development should collaborate and work together to ensure that housing, land and related rights are protected and realised across India.
13. The state must implement judgements of the Supreme Court of India and various High Courts, which have established that the human right to adequate housing is an integral component of the right to life, and which have recognised the indivisibility and inter-relatedness of human rights, including the rights to housing and work / livelihood.
14. The Government of India should implement the Concluding Observations of the UN Committee on Economic, Social and Cultural Rights on India² related to housing and evictions:

70. The Committee urges the State party to address the acute shortage of affordable housing by adopting a national strategy and a plan of action on adequate housing and by building or providing low-cost rental housing units, especially for the disadvantaged and low income groups, including those living in slums. In this connection, the Committee reminds the State party of its obligations under article 11 of the Covenant and refers to its General Comment No. 4 on the right to adequate housing (1991) to guide the Government's housing policies. The Committee also requests the State party to provide, in its next periodic report, detailed information on homelessness in the State party and the extent of inadequate housing, disaggregated by, inter alia, sex, caste, ethnicity and religion.

71. The Committee recommends that the State party take immediate measures to effectively enforce laws and regulations prohibiting displacement and forced evictions, and ensure that persons evicted from their homes and lands be provided with adequate compensation and/or offered alternative accommodation, in accordance with the guidelines adopted by the Committee in its General Comment No. 7 on forced evictions (1997). The Committee also recommends that, prior to implementing development and urban renewal projects, sporting events and other similar activities, the State party should undertake open, participatory and meaningful consultations with affected residents and communities. In this connection, the Committee draws the attention of the State party to its General Comment No. 4 on the right to adequate housing (1991) and further requests the State party to provide information in its next periodic report on progress achieved in this regard, including disaggregated statistics relating to forced evictions.

The Government of India should also adhere to the reporting guidelines of the Committee.³ The Committee made the following recommendations for reporting on forced evictions:

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

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

² Concluding Observations of the Committee on Economic, Social and Cultural Rights, India, E/C.12/IND/CO/5, May 2008.

³ 'Guidelines on Treaty-specific Documents to be Submitted by States Parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights', Committee on Economic, Social and Cultural Rights, E/C.12/2008/2, March 24, 2009.

* General Comment 7, para. 10

** Ibid., paras. 9, 13-15, 16 and 19; see also Basic Principles and Guidelines on Development-based Evictions and Displacement 2007 (A/HRC/4/18, annex 1).

Recommendations for the Central and State Governments on Resettlement and Rehabilitation

In circumstances when relocation is necessary for the general welfare, health and well-being of families, HLRN and its partners propose the following recommendations to ensure human rights-based rehabilitation and resettlement.

1. The right to resettlement must be recognised and upheld by the Indian government as an inalienable human right of all affected people. A human rights-based approach must underlie all resettlement and rehabilitation processes, and the principles of non-discrimination, equality, and indivisibility of human rights must be implemented. Access to rehabilitation should not be contingent upon gender, caste, class, proof of residence, date of arrival in the city, marital status, and tenure security over the original house.
2. All resettlement and rehabilitation processes must be gender-sensitive and should not perpetuate discrimination of any form.
3. All states across India should abolish the arbitrary policy of a ‘cut-off’ date to determine ‘eligibility’ of urban dwellers for resettlement. This practice contravenes the Constitution of India and international human rights law. Where return to original sites of residence is not possible, the state should ensure that residents at all sites, irrespective of how long they have been living there, are entitled to adequate resettlement, rehabilitation, and fair and just compensation in accordance with human rights standards, including those specified in the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, and the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.
4. Based on these standards, every person irrespective of class, caste, linguistic group, ethnicity, sex, sexual orientation, marital status, disability, age, proof of residence and title, must be provided with: adequate housing; adequate food and resources to access food; adequate healthcare facilities, including psychological counselling; access to education and early childhood care services; access to livelihood options; opportunity for participation and representation; protection against violence, especially for women, children, older persons, persons living with illness and HIV/AIDS, and persons with disabilities; access to just compensation; mechanisms for grievance redressal; access to timely remedy, including judicial remedy; the right to return, where desired and feasible; and, all other rights normally available to citizens of the country.
5. Affected people’s human right to participation must be respected and fulfilled:
 - Mechanisms must be established to allow for participation of the affected persons and communities at every stage of the housing, resettlement and rehabilitation process;
 - Special measures must be taken to ensure the participation of marginalised groups, including women, children, minorities, Dalits and other historically discriminated communities, older persons, and persons with disabilities; and,
 - All plans regarding housing and the resettlement site must be adequately discussed with the affected persons before being finalised.

6. The government or any implementing agency must provide affected persons with adequate, timely and unrestricted information on:
 - Housing designs and resettlement site plans, including information on size, layout, material, technology, and location;
 - Tenurial rights with regard to the house as well as the land / house plot;
 - Provisions for basic services including water and sanitation, electricity, education, healthcare, community space, places of worship, road and transport services;
 - Availability of livelihood opportunities in and around the proposed resettlement site;
 - Grant or loan provisions for economically weaker sections, including for housing; and,
 - Responsible authorities / agencies, and mechanisms available for participation, complaint, and grievance redressal.
7. Information must be made available in local languages and through appropriate means, with a view of reaching the maximum number of people in every community.
8. The government and any implementing agency must ensure a feedback mechanism wherein people are given an opportunity to share their suggestions and comments on the proposed resettlement plan.
9. Secure property rights ensuring long-term legal security of tenure should be provided to all those receiving alternative housing. The system of providing temporary and conditional leases should be abolished. Affected persons should not be made to pay for the alternative housing and land received in lieu of lost housing or for the titles over the houses / land.
10. In order to protect women from arbitrary eviction and to guarantee their equal right to adequate housing and land, the government must ensure that titles over housing are given in the name of adult women of the household or in the names of both the woman and the man of the family.
11. The government, in consultation with civil society organizations and local communities, must frame an enforceable timeline for completion of resettlement work well before affected persons are to be shifted to the resettlement site.
12. Rehabilitation must be culturally sensitive and well suited to meet requirements of the evicted/ relocated communities. It must look into the long-term needs of individuals and communities, especially of children and women who suffer the worst impacts.
13. The government and other involved agencies must have effective mechanisms for regular follow-up, complaint registration, monitoring and grievance redress. A committee of multiple actors, including government officials, affected persons, civil society members, human rights defenders and academics should be created to regularly monitor the resettlement process and living conditions in the resettlement sites. Social audits and reviews of resettlement sites should be carried out periodically.
14. The responsibilities of the various government and private agencies involved in the process of resettlement and rehabilitation should be clearly demarcated, and mechanisms to ensure their accountability should be established to prevent any violations of human rights or of local, national and international laws and policies.

HLRN hopes that this three-city study of resettlement sites will help bring to light the disasters that are being created across the country in the name of ‘resettlement’, and make the case for the adoption of a strong human rights framework for housing and resettlement policies in India. Resettlement should help ameliorate living conditions, rather than exacerbating poverty and inequality. It must ensure the protection of the affected persons’ human rights to adequate housing, land, work/livelihood, food, water, security of the person and home, health, education and information, in a new location or on return to their original locations, through a voluntary, participatory, transparent and time-bound process, which guarantees the protection of their right to live with dignity.

HLRN strongly condemns the practice of forced eviction and the planned dispossession and segregation of low income communities. This paradigm of urban development is nothing less than a systemic apartheid against the working poor. HLRN calls for a halt to the indiscriminatory implementation of the neoliberal economic paradigm in urbanisation processes in India. The government must adopt human rights measures to address the politics of land in urban areas; the institutionalised discrimination against marginalised sections of the population; and the structural inequalities in policy and practice.

HLRN is grateful to its partners and collaborating institutions for their support, hard work and assistance for this study: Information and Resource Centre for the Deprived Urban Communities (IRCDUC); Youth for Unity and Voluntary Action (YUVA); and, Society for Participatory Integrated Development (SPID). HLRN would also like to acknowledge the time, energy and collaboration of the residents of the three sites in these studies. Without their active participation, information and insights, these reports would not have been possible.

This study is dedicated to the residents of Savda Ghevra, Kannagi Nagar and Vashi Naka, as well as all those who have been forcibly evicted by the state; suffered repeated violations of their human rights; and, been denied adequate remedy and restitution in the form of compensation, rehabilitation, and return. HLRN hopes that the recommendations provided in these reports will be considered by the concerned governments and agencies, and that immediate measures will be taken to improve housing and living conditions across India, including in the existing ‘resettlement’ sites, through the provision of long-term legal security of tenure; access to essential services, quality education, healthcare and livelihoods; and safety, privacy and security for the residents, especially women and girls.

The state must ensure the realisation of the ‘right to the city’ of all residents, which includes the right to democratic participation in the development of the city through full exercise of citizenship and the right to an equal share of the benefits and usufructs of the city. It calls for inclusionary urbanisation and the creation of cities where the human rights of all residents are equally protected, where laws and policies apply equally to all citizens, where children, women and girls are safe and secure, and where environmental sustainability and social justice are prioritised. It is only through the guarantee of everyone’s ‘right to the city’ that the human rights to adequate housing, land, work/livelihood, security of the person and home, education, food, water, health, participation, information, equality, and a safe environment will be realised.

Shivani Chaudhry
Executive Director, Housing and Land Rights Network
New Delhi, June 2014

FORCED TO THE FRINGES

Disasters of 'Resettlement' in India

SAVDA GHEVRA, DELHI



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FORCED TO THE FRINGES

Disasters of 'Resettlement' in India

REPORT ONE: **SAVDA GHEVRA, DELHI**



HOUSING AND LAND RIGHTS NETWORK

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HLRN has done its best to present an objective and accurate presentation of the current living conditions in Savda Ghevra as well as the preceding process of forced eviction that families living in Savda Ghevra experienced.

This report is dedicated to the residents of Savda Ghevra; to their resilience, strength, and hope in conditions of adversity and deprivation.

HLRN hopes that the findings and recommendations presented in this report will be considered seriously and acted upon by the Government of Delhi. HLRN also hopes that this report will help strengthen the efforts of the residents of Savda Ghevra in their struggle for the human right to an adequate standard of living, which includes adequate housing, food, water, sanitation, health, education and work / livelihood. All residents of Delhi, including the families living in Savda Ghevra and other resettlement sites, as well as those who did not receive any resettlement, are entitled to the legal and moral right to live with dignity. They also have an equal 'right to the city,' which is the right to equal participation in the development of the city as well as an equal share to its benefits and spaces.

If Delhi is to become a real ‘world class city,’ as the government envisions, the state must guarantee an inclusive and non-discriminatory urbanisation process, and provide affordable adequate housing for everyone living in the city. The government must learn from its past mistakes and avoid the creation of disasters of ‘resettlement’ in sites like Savda Ghevra, Bawana, Narela, and Holambi Kalan, where the right of residents to live with dignity is violated on a daily basis. Construction of new resettlement sites such as Baprola must be halted and the urban poor must be given their due share of space and housing within the city. Furthermore, the government must be accountable to the people; must ensure that it respects, protects and fulfils the human rights of every resident; and must take progressive measures to meet its legal commitments to the Constitution of India, and the body of local, national and international law.

Shivani Chaudhry

Executive Director, Housing and Land Rights Network

New Delhi, June 2014

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List of Acronyms / Abbreviations

ASHA	Accredited Social Health Activist
ASI	Archaeological Survey of India
BPL	Below Poverty Line
CESCR	Committee on Economic, Social and Cultural Rights
DDA	Delhi Development Authority
DJB	Delhi Jal Board
DTC	Delhi Transport Corporation
DUSIB	Delhi Urban Shelter Improvement Board
EMI	Equated Monthly Instalment
EWS	Economically Weaker Sections
FGD	Focus Group Discussion
FPS	Fair Price Shop
GMR	GMR Varalakshmi Foundation
HH	Household
HLRN	Housing and Land Rights Network
HRAH	Human Right to Adequate Housing
ICDS	Integrated Child Development Services
ICESCR	International Covenant on Economic, Social and Cultural Rights
JJ	<i>Jhuggi Jhopri</i> (tenement / house in an urban settlement)
MCD	Municipal Corporation of Delhi
MDG	Millennium Development Goal
MLA	Member of the Legislative Assembly
MPD	Master Plan for Delhi
NBC	National Building Code
NCT	National Capital Territory (of Delhi)
NGO	Non-government Organization
NOC	No Objection Certificate
NRRP	National Rehabilitation and Resettlement Policy
PDS	Public Distribution System
PHC	Primary Health Centre
RTI	Right to Information
SHG	Self Help Group
SPID	Society for Participatory Integrated Development
UDHR	Universal Declaration of Human Rights
UN	United Nations
USD	US Dollar

Executive Summary

Introduction

The Census of India 2011 data for Delhi affirms that a large number of families in the nation's capital live in inadequate housing conditions or are homeless. Of a population of 16.7 million in the National Capital Territory of Delhi, a population of 4.5 million lives in informal settlements, most of them without basic services and legal security of tenure. Despite an acute housing shortage of 1.1 million homes for Economically Weaker Sections (EWS) and the existence of grossly inadequate living conditions for the majority of the city's residents, the government does not invest in providing affordable housing or upgrading settlements. Instead, it continues to marginalise the working poor by demolishing their small homes, destroying their possessions, and forcing them to move to the peripheries of cities, thereby impeding their access to work, education, healthcare, food, water and other resources.

Given reports of the widespread violation of the human rights of the urban population, as a result of forced evictions and inadequate resettlement, Housing and Land Rights Network (HLRN), Delhi, decided to undertake a human rights assessment of three large resettlement sites in urban India – Savda Ghevra in Delhi, Kannagi Nagar in Chennai, and Vashi Naka in Mumbai. This report focuses on the findings of a multi-year investigative study carried out in the resettlement site of Savda Ghevra in Delhi.

Methodology

The HLRN study uses the human rights framework to assess and analyse housing and living conditions in Savda Ghevra, with a special focus on the adequacy of housing and provision of basic services. It also examines the nature and process of eviction and resettlement. It assesses the living conditions in Savda Ghevra using the elements of adequate housing expounded by General Comment 4 of the United Nations (UN) Committee on Economic, Social and Cultural Rights, and uses the UN Basic Principles and Guidelines on Development-based Evictions and Displacement to analyse the eviction process as well as the government's compliance with international human rights standards. The study also assesses the Delhi government's compliance with state and national laws and policies, including the Master Plan for Delhi 2021.

The study was based on a combination of primary and secondary research tools. This consisted of household surveys administered to a sample of 90 households, a series of Focus Group Discussions (FGDs) with different groups from across the site to ascertain details of the eviction process and living conditions in Savda Ghevra, and a review of existing literature on the site. While the household surveys were administered in 2010-11, FGDs and field visits were carried out through 2012-14 to understand and analyse the living conditions and changes affecting the community during that period. HLRN worked closely with the Society for Participatory Integrated Development (SPID) and also consulted Ankur and GMR Varalakshmi Foundation (GMR) for this study.

Major Findings of the Study

Savda Ghevra was identified as a resettlement site in 2006 to accommodate 20,000 families evicted from more than 25 different locations in central and south Delhi. It is located on the outskirts of Delhi, near the Tikri (Delhi-Haryana) border, at a distance of about 30–40 kilometres from the centre of Delhi.

I. Socio-economic Profile of the Respondents

The HLRN study reveals that residents of Savda Ghevra had been living at their original sites of residence in Delhi—from where they were evicted—for 10 to 50 years. The majority of them were well settled and had access to basic amenities. The survey respondents consisted of an equal number of women and men. The average size of the family interviewed in Savda Ghevra is 5.6. The majority of the residents are Hindus, while Muslims constitute a third of the population. The literacy rate among the respondents was reported at 70.30%, while for women it is 61%. About 41% of the individuals living in the resettlement colony are working, of which about 60% work on a temporary basis in private enterprises; around 33% are self-employed; and several others have established small shops and other enterprises at the resettlement site itself.

II. The Eviction Process

The study uses the human rights standards provided in the UN Basic Principles and Guidelines on Development-based Evictions and Resettlement (2007) to analyse the process of eviction that led to families being resettled in Savda Ghevra.

Prior to Evictions

Lack of information, consultation, public hearing, and notice: The HLRN study reveals that all the evictions were carried out without due process. Fifty-six per cent of the respondents reported that they did not receive any notice prior to the demolition of their homes. About 70% of the survey participants reported that they received absolutely no information about the location or other details about Savda Ghevra. The findings of the survey reveal that no consultations or public hearings were held prior to any of the demolitions. About 93% of the respondents said they were not asked for their opinion on the resettlement process or the site. Ninety-nine per cent of those interviewed for the study reported not having seen the site before being made to relocate.

During Evictions

Inappropriate timing of the evictions: The Delhi government carried out demolitions and forced evictions during all weather conditions – the hot summer of May, the rains of July, and the cold winter of December. Evictions were also carried out prior to school examinations, which affected the education of many children.

Loss of homes, property and personal possessions: During the eviction process, 70% of the residents reported not being given any time to retrieve their household possessions. Almost 50% of those surveyed lost household articles, including furniture, bedding, clothes, electrical appliances, and utensils during the eviction process. Seventy-five per cent of the respondents lost vital documents, including ration cards and school certificates. Families that went back to the site after the demolition in an attempt to salvage vital documents and other belongings, found that they had been stolen or completely destroyed.

Injury during eviction: About 8% of the households reported incidents of injury to family members during the eviction. The injured persons did not receive any compensation or medical aid from the government.

After Evictions

Failure to resettle all families: The study finds that a large percentage of the families evicted in Delhi were not considered 'eligible' for resettlement, and were thus left to fend for themselves. Many of them were rendered homeless or forced to live with extended family members in congested conditions, or forced to take up new rental accommodation through loans, or to leave Delhi.

Forceful demolitions and relocation: Eighty-seven per cent of the respondents of the HLRN study said that they did not relocate voluntarily.

Loss of access to healthcare: One-fourth of the respondents said they faced disruption in medical treatment of their family members, as a result of the eviction.

Lack of relief and compensation: The Delhi government did not provide any immediate relief in the aftermath of the evictions. The government also did not carry out any assessment of the losses suffered by the affected persons and did not pay any compensation for the houses, property, personal possessions, and documents lost during the eviction process.

The entire eviction process thus led to further impoverishment of the city's urban working poor, who had to begin their lives anew and still continue to struggle to make ends meet.

III. Housing and Living Conditions in Savda Ghevra

The Delhi government conducted a survey in the various colonies that it planned to demolish to determine 'eligibility' for resettlement at Savda Ghevra. Respondents to the HLRN study, however, report that the government survey was inadequate. If residents could furnish the required documents and meet the criteria established by the government, they were considered 'eligible' for a plot of 12.5 square metres or 18 square metres, depending on when their ration cards (for subsidised food under the Public Distribution System - PDS) were issued.

The study uses the elements of 'adequacy of housing' expounded in General Comment 4, 'The Right to Adequate Housing' of the United Nations Committee on Economic, Social and Cultural Rights (1991) to assess the housing and living conditions of families in Savda Ghevra.

- a. **Security of tenure:** The plots have been given to families in Savda Ghevra on a conditional ten-year lease; they do not have any ownership rights over the plot. While the plot is owned by the government, the houses have been built by the people themselves. The conditional lease, however, is for the plot of land and not for the house. The lease of these plots ends in 2016 and many residents are unsure as to whether the government will renew the lease. This has resulted in insecurity and uncertainty over future housing.
- b. **Access to basic services:** The resettlement site of Savda Ghevra is not habitable because of the absence of basic services. There is no regular supply of water, and sanitation facilities are poor. There are only seven government schools at the site. Education facilities need to be improved and the public distribution system (PDS) does not work efficiently. People complain that not all households have received ration cards at the new site. Many families, therefore, have to travel long distances to their original sites of habitation to avail of ration supplies. The government has marginally improved transport services by providing buses for specific areas, but these buses are reportedly inefficient and infrequent. Over the years the government has also installed meters for electricity and has put up some street lights, but residents complain of inadequate lighting and claim that the electricity bills are usually inflated and inaccurate. The site has only one primary health centre that does not provide adequate healthcare services, especially for women.
- c. **Habitability and accessibility:** In the absence of any state financial assistance for house construction, residents had to build their homes themselves. Since they do not have experience in construction or

knowledge about designing homes, most of the houses that have been built in Savda Ghevra have poor or no ventilation and do not meet safety standards. Many residents claimed to have refrained from building bathrooms or constructing an additional floor or improving the quality of their homes, as they are afraid of being made to vacate the site at the end of 2016. Other families, however, have continued to build on their plots vertically, as the Master Plan for Delhi 2021 does not allow them access to a greater base area. This has resulted in safety hazards as well as adding pressure on the infrastructure for drainage, sewage and water. Provisions have not been made to ensure that the site is accessible to persons with disabilities .

- d. Affordability:** The failure of the government to provide financial assistance for housing and the financial constraints of most families has resulted in the construction of small and inadequate houses in Savda Ghevra. Most families have been able to afford to build only one room. This has proved particularly difficult for large families and for women and girls, as they have no privacy or adequate space. The survey respondents reported that the registration fee for the plot allotment was Rs 7,000, and the plot was registered in the name of the individual listed as the 'head of the family' in the ration card. Eleven per cent of the respondents said they were forced to pay a bribe along with the registration fee. On an average, families reportedly had to pay an additional Rs 6,770 for the registration; one family claimed to have paid an amount of Rs 25,000 for the plot.

In order to fulfil the government's conditions to build a permanent structure within a stipulated time period and retain allotment of their plots, about 75% of the respondents reported taking loans from various sources to build a permanent brick house. Eighty-two per cent of the respondents reported an expenditure of between Rs 1,000 to Rs 2,000 for shifting their belongings from their original sites of habitation to the resettlement site at Savda Ghevra. Those who could not afford to pay for alternative transportation rode all the way on their bicycles. Few families informed HLRN that they spent as much as Rs 10,000 on the relocation process.

- e. Location, livelihood and income:** Savda Ghevra is located on the outskirts of the city, around 30–40 kilometres from the residents' original sites of habitation. Given the inadequate public transportation facilities and poor connectivity of Savda Ghevra with the rest of the city, most residents lost their former livelihoods and have been forced to look for work around the area. This has proved to be particularly challenging given the limited opportunities for employment in the area. Most of the men in the site are still unemployed. It is the women who are supporting their families by continuing to work as domestic workers. This has increased the burden on women while leading to a significant loss of family income and further deterioration in the standard of living of the residents. Seventy-five per cent of the respondents reported a fall in income after relocation to Savda Ghevra. The site is also very far from hospitals and institutions of higher education.
- f. Cultural adequacy:** Most of the people reported cultural inadequacies of the site. In the absence of any consultation with the affected families, their specific cultural needs have not been provided for. No space has been allocated for community halls or places of worship. Some of the areas that were allocated for parks have become garbage dumping grounds because of the lack of an efficient waste management system.
- g. Physical security and freedom from violence against women:** Most of the women who participated in the HLRN study reported that they do not feel safe at the new site and admitted the same for their children. As a result of the lack of safety in the site, young women are not working outside as they are afraid of returning to the site after dark. Acts of violence have been reported against women but there is not one police post in the site; neither is there regular police patrolling. Since families from the same site have not been relocated together, residents reported a breakdown of community ties. This has resulted in social conflict among some of the residents, and has most severely impacted women, as they have lost their social safety nets.
- h. Remedy and restitution:** While the right of timely access to remedy is a human right, the residents of Savda Ghevra have no available mechanisms or avenues for grievance redress. They also do not have access to information

regarding relevant government departments or officials to approach. None of the respondents received any compensation from the state for the loss of their homes and personal possessions during the eviction process. The state did not provide any financial assistance for relocation either. Ninety-four per cent of the respondents reported not being aware of any government policy for compensation.

Recommendations for the Government of Delhi

Based on an extensive survey process and detailed Focus Group Discussions with women and men living in Savda Ghevra, HLRN has proposed several recommendations for the Delhi government.

Recommendations for Improving Conditions in Savda Ghevra

- Immediate provision of basic services, including piped water supply, sanitation, electricity and adequate street lighting, adequate healthcare, and access to livelihood options, in accordance with the standards established by the UN Basic Principles and Guidelines on Development-based Evictions and Displacement.
- Conversion of the conditional ten-year lease to a permanent ‘ownership’ title that provides legal security of tenure to the residents. The titles should be provided in the names of the adult women of each household.
- Improvement in the number and quality of primary and secondary schools around Savda Ghevra, including separate schools for girls.
- Increased frequency of public transport facilities, including at night, in order to improve connectivity of the site with the rest of the city, including areas where residents work.
- Improved health services, including construction of additional primary health centres, implementation of the ASHA (Accredited Social Health Activist) scheme for women, and provision of women healthcare providers and an ambulance at the site.
- Improved safety for women in the settlement, including increased police patrolling in the area and the presence of a female constable at all times.
- Creation of more Integrated Child Development Services (ICDS) centres; the site has 18 centres but requires about 60–70, according to its population.
- Improved opportunities for skill development and livelihoods in the area.
- Construction of at least three police posts, including one police station; 11 medical centres; 17 schools; 10 community centres; and 28 parks / open green spaces – as per the Delhi government’s site plan for Savda Ghevra (2007).

Recommendations for Housing and Resettlement in Delhi

The Delhi government should:

- Revise its resettlement policy in order to make it more inclusive and to ensure that it protects the human rights of all residents of Delhi by abolishing the criteria for ‘eligibility’ and the ‘cut-off’ date. Alternative housing / land that is provided must take into account factors of size and age of family members as well as disability of any family member, to ensure accessibility.
- Impose a moratorium on evictions in Delhi until a human rights-based comprehensive resettlement and housing policy is in place.
- Take immediate measures to meet the housing shortage for Economically Weaker Sections (EWS) in the city by providing low cost housing near people’s places of work.

- Focus on *in situ* (on site) upgrading of tenements by improving access to basic services, including by providing toilets, piped water, sanitation, electricity, solid waste management facilities, and improved transportation.
- Provide legal security of tenure to all residents of urban settlements; this security should be in the form of a permanent title for the house and should be in the name of the adult women of the household. Collective titles over the land should be provided in the names of the women of the settlement.
- Implement provisions of the Master Plan for Delhi 2021 with regard to reservation of land and housing for EWS.
- Implement the orders of the High Court of Delhi in the cases of *Sudama Singh and Others v. Government of Delhi and Anr.*, and *P.K. Koul and Ors. v. Estate Officer and Anr. and Ors.*, as they protect the human right to adequate housing as well as the right to resettlement.

Conclusions

- The Delhi government has violated the human rights of thousands of families who were forcibly evicted and relocated to Savda Ghevra.
- The government and its agencies have breached provisions of the Constitution of India, national and international laws and policies related to housing and resettlement, judgements of the Supreme Court of India and High Court of Delhi, and the Master Plan for Delhi 2021.
- The entire eviction process has been carried out in contravention of the UN Basic Principles and Guidelines on Development-based Evictions and Displacement. The Delhi government is responsible for the violation of human rights of affected persons at each stage of the eviction and resettlement process – before, during and after.
- Living conditions in Savda Ghevra are grossly inadequate and the state has abrogated its responsibility to provide adequate resettlement, according to national and international standards.
- Women and children have suffered disproportionately as a result of eviction and relocation.
- The affected persons do not have access to remedy. The government has not provided any mechanisms for redress or restitution.
- The large majority of evicted families in Delhi have been denied resettlement benefits on the grounds that they did not meet the ‘eligibility’ criteria of the government.
- The Delhi government has not provided adequate resettlement to any of the affected persons in Delhi; instead the resettlement process has rendered all individuals worse off than before.

Resettlement must ensure the protection of the affected persons’ human rights to adequate housing, land, work / livelihood, food, water, security of the person and home, health, education and information, in a new location or on return to their original locations, through a voluntary, participatory, transparent and time-bound process, which guarantees the protection of their right to live with dignity.

HLRN hopes that the Delhi government will implement these recommendations and that this study will help result in an improvement of living conditions in Savda Ghevra. It is also hoped that this report will contribute towards ensuring that the Delhi government incorporates a human rights-based approach to urbanisation, city planning, housing, and resettlement.

CHAPTER I

Introduction and Rationale for the Study

Forced evictions and displacement is a phenomenon that has unfortunately accompanied India's post-independence trajectory in urban and rural areas. The Planning Commission of India concurs that since independence (1947), about 60 million people have been displaced for purported 'development' projects; independent civil society experts estimate the number to be above 70 million. Over the last decade, the scale and frequency of planned evictions have gained momentum. This is further exacerbated by the failure of the state to provide adequate resettlement and rehabilitation for the evicted families, resulting in a nation-wide crisis of displacement, discrimination, and inadequate housing and living conditions. For instance, according to a 2011 fact-finding report of Housing and Land Rights Network (HLRN), the Delhi government displaced over 200,000 people for the 2010 Commonwealth Games, without providing any rehabilitation to the vast majority.

Most families living in urban settlements are evicted without due process and are denied adequate compensation and rehabilitation. The resettlement that is provided to the small percentage of evicted families is extremely inadequate. Resettlement sites are located on the outer fringes of cities, often about 30–40 kilometres away from city centres, and do not provide adequate housing, basic services, and livelihood options. The manner in which evictions, demolitions and 'resettlement' is being carried out in India only reinforces the discriminatory urbanisation paradigm being promoted by the government, which consists of clearing cities of the poor in an attempt to build *'world class, slum free cities.'*

The Millennium Development Goal (MDG) of 'improving the lives of slum-dwellers by 2015' seems to have been wrongly interpreted by the Government of India. The number of people living in 'slums' / urban settlements cannot be reduced by demolishing settlements and rendering people homeless, but only by improving their living conditions and providing them with affordable, adequate housing located close to their livelihood sources.

According to General Comment 4 of the United Nations (UN) Committee on Economic, Social and Cultural Rights (CESCR), a number of conditions must be met before particular forms of shelter can be considered to constitute 'adequate housing.' These include: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy. Housing is not adequate if it is located too far from sources of livelihood, schools and healthcare facilities, or if its occupants do not have safe drinking water, adequate sanitation, and energy for cooking, heating and lighting. Housing is

also not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind or other threats to health and structural hazards.¹

According to Census of India 2011 data for Delhi, however, a large number of families in the nation's capital live in inadequate housing conditions or are homeless. Of a population of 167 lakh (16.7 million) in the National Capital Territory (NCT) of Delhi, a population of 45 lakh (4.5 million) lives in informal settlements, most of them without basic services and legal security of tenure. This translates to a total of 3.5 lakh (350,000) *jhuggies* (homes / tenements) in 685 *jhuggi* clusters in the city.²

The lack of adequate sanitation and water facilities in most housing colonies poses health risks for residents, and particularly inconveniences women. 'Non-notified' colonies continue to exist without adequate water and sanitation facilities. The Census of India 2011 reveals that 206,699 households in Delhi access tap water from an untreated source while 351,417 households do not have toilet facilities within their premises.

Despite an acute housing shortage of 1.1 million homes for Economically Weaker Sections (EWS) and the existence of grossly inadequate living conditions for the majority of the city's residents, the government does not invest in providing affordable housing or upgrading settlements. Instead, it continues to marginalise the working poor by demolishing their small homes, destroying their possessions, and forcing them to move to the peripheries of cities, thereby impeding their access to work, education, healthcare, food, water and other resources.

Houses made of grass, thatch, wood and mud roofing	38,248
Houses made of plastic or polythene roofing:	26,644
Houses made of galvanised iron, metal and asbestos sheet roofing	185,135
Houses with walls made of unburnt mud bricks	73,807
Total households	3,340,538

Given reports of the widespread violation of the human rights of the urban population, as a result of forced evictions and inadequate resettlement, Housing and Land Rights Network (HLRN), Delhi, decided to undertake a study of three large resettlement sites in urban India - Savda Ghevra in Delhi, Kannagi Nagar in Chennai, and Vashi Naka in Mumbai. This report focuses on the findings of a multi-year investigative study carried out in the resettlement site of Savda Ghevra in Delhi.

The study uses the human rights framework to assess and analyse housing and living conditions in Savda Ghevra, with a special focus on the adequacy of housing and provision of basic services. It also examines the nature and process of eviction and resettlement.

HLRN undertook this study with the following objectives:

- To analyse the process of forced eviction and resettlement faced by the residents of Savda Ghevra;
- To assess the current living conditions in Savda Ghevra;
- To document any violations of human rights, in particular of the human right to adequate housing, in Savda Ghevra;
- To initiate advocacy efforts aimed at improving housing and living conditions in Savda Ghevra;
- To develop national human rights-based standards and indicators for resettlement and rehabilitation; and,
- To use the findings to advocate for the development and implementation of a human rights-based national housing law in India.

1 *The Right to Adequate Housing, Fact Sheet No. 21* (Rev. 1), Office of the High Commissioner for Human Rights and UN Habitat. Available at: http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf

2 Delhi Urban Shelter Improvement Board, Government of India, 2013.

3 *Households, Household Amenities and Assets, All Indicators*, Census of India 2011, NCT of Delhi, Available at: http://www.censusindia.gov.in/2011census/hlo/Data_sheet/delhi/2All_Indicators.pdf

CHAPTER II

Study Methodology

HLRN chose the resettlement site of Savda Ghevra for this study on the basis of the following parameters:

1. **Size:** It is a very large resettlement site spread over 250 acres.
2. **Scale of resettlement:** It consists of more than 10,000 families relocated from over 28 locations in Delhi, and is estimated to have a final population of 20,000 families when fully occupied.
3. **State of housing and living conditions:** HLRN received several reports on the grossly inadequate housing and living conditions at the site, including the lack of access to basic services, legal security of tenure, and livelihood options.
4. **Potential for improvement:** The site was created in 2006, and as a relatively new site, it has the potential to be improved and made more habitable.

HLRN, thus, decided to investigate the living conditions in Savda Ghevra, with the objective to document and publicise the reality, and to advocate for improved rehabilitation and the realisation of the human rights of the residents.

The study was carried out through a combination of primary and secondary research methods and consisted of door-to-door household surveys, a series of Focus Group Discussions (FGDs) held with different groups from across the site to ascertain details of the eviction process and living conditions, and a review of existing literature, studies, newspaper articles and reports on Savda Ghevra. A questionnaire was also developed for Non-government Organizations (NGOs) working with resettled families in Savda Ghevra. While the household surveys were administered in 2010–11, FGDs and field visits were carried out through 2012–14 to understand and analyse the living conditions and changes affecting the community during that period.

The household surveys aimed at documenting:

- People's experiences during the eviction and demolition process;
- The process of resettlement carried out by the Delhi government; and,
- The situation of housing and provision of basic services and other amenities at the resettlement site.

The questionnaire for NGOs helped to validate community responses and also understand civil society's perspectives of the eviction and resettlement processes.

Field visits, household surveys, and FGDs were conducted jointly by HLRN and Society for Participatory Integrated Development (SPID). HLRN also consulted Ankur and GMR Varalakshmi Foundation (GMR) at different stages of the study. The report was compiled, analysed and written by HLRN.

The study was carried out in the following stages:

- 1. Development of a Concept Note:** HLRN prepared a concept note for the study and shared it with its partners.
- 2. Design of Survey and Questionnaires:** The study aimed to collect information at two different levels: (i) community / settlement, and (ii) household (HH). Three different questionnaires⁴ were designed to gather information through different processes on: (i) the eviction and resettlement process, and (ii) the housing and living conditions at the resettlement site. Questionnaires were developed for household surveys and for FGDs. The different questionnaires also helped to enable cross-verification of data. The questionnaires used the standards provided by the UN Guidelines on Development-based Evictions and Displacement,⁵ CESCR General Comment 4 ('The right to adequate housing') and General Comment 7 ('Forced evictions'), and the Questionnaire on Women and Adequate Housing prepared by the Special Rapporteur on adequate housing.⁶ The final questionnaires were then translated into Hindi, which was the language used for the study.
- 3. Literature Research:** Secondary literature on the Savda Ghevra resettlement site was reviewed, including information on the active grassroots organizations working in the area. The team, however, found that information on the site in the form of research studies, media reports and surveys, is limited.
- 4. Reconnaissance and Selection of Partner Organization:** During the reconnaissance survey of Savda Ghevra, HLRN contacted relevant organizations and individuals in order to gain information about the area and the work being done by different organizations. HLRN chose Society for Participatory Integrated Development (SPID) as a partner to assist with the study and to conduct the surveys and the FGDs, as it has a strong presence in the site as well as good relationships with the community.
- 5. Review of Base Data:** In order to determine the sample for the household survey, information was required on the block-wise composition of residents in Savda Ghevra as well as the number of families shifted from each of the eviction sites. Government data was only available according to the year of resettlement; HLRN had to organise it according to the eviction sites. A matrix was then developed with the information on the eviction site and resettlement location.
- 6. Selection of Sample:** A sample size of 90 households (about 1% of the total households resettled in Savda Ghevra) was selected for the study. Samples were selected from each inhabited block in the settlement in proportion to the total households in those blocks. Efforts were also made to cover the maximum number of sites from where people were evicted. The households were identified through a stratified random sampling method. The survey team tried to cover almost all eviction sites in the survey.
- 7. Orientation and training for surveyors:** HLRN conducted an orientation programme for the surveyors involved in the study in order to explain the human rights approach of the study, the methodology for the survey process, details on the data required, and the technical elements of the survey.

4 See Annexures 1–3 of this report for the questionnaires used for the study.

5 Annex 1 of the report of the UN Special Rapporteur on adequate housing, Miloon Kothari, A/HRC/4/18, 2007. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/106/28/PDF/G0710628.pdf?OpenElement>; and, http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf

6 Annex 3 of the report of the UN Special Rapporteur on adequate housing, Miloon Kothari, A/HRC/4/18, 2007. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/106/28/PDF/G0710628.pdf?OpenElement>; and, <http://www.ohchr.org/EN/Issues/Housing/Pages/WomenAndHousing.aspx>

8. **Field Testing:** The sample questionnaire was tested in a few households, glitches were discussed with the HLRN team, and the questionnaire was revised to ensure smooth administration and easy comprehension by the affected persons.
9. **Administration of the Survey:** The survey team consisting of HLRN and SPID conducted household (door-to-door) surveys in 2010 and 2011. It took over five months to collect the relevant information from the identified sample households.
10. **Focus Group Discussions:** Over twenty FGDs were conducted in Savda Ghevra with communities evicted from different locations across Delhi to understand their different experiences of the eviction and relocation process. HLRN also conducted separate FGDs with the women residents to understand their specific concerns and issues. One FGD focused only on recommendations from the community for the Delhi government. Given that this study is part of a three-city comparative study of resettlement sites in India, the publication of the final report was delayed, as the other city studies were being conducted. Thus, while the household surveys were completed in 2011, HLRN ensured that regular FGDs and discussions with field organizations continued (between 2011 and 2014) in order to document the changes in the living conditions at the site.
11. **Analysis and Report Writing:** The data obtained from the survey forms was verified through cross-referencing with individuals and through FGDs. The report uses the human rights framework, in particular the human right to adequate housing and international guidelines on forced evictions, to analyse the living conditions in Savda Ghevra, and the processes of forced eviction and resettlement.

The following national and international human rights laws, policies and guidelines have been used for the analysis of this study:

- Constitution of India;
- International Covenant on Economic, Social and Cultural Rights (1966);
- General Comment 4 ('The right to adequate housing') and General Comment 7 ('Forced evictions') of the United Nations (UN) Committee on Economic, Social and Cultural Rights;
- UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007);
- National Rehabilitation and Resettlement Policy (2007);
- National Urban Housing and Habitat Policy (2007);
- Master Plan for Delhi 2021; and,
- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

The report documents the infringement of national and international laws, policies, and standards by the Government of Delhi. It exposes the rampant violations of the human rights of the urban poor, and highlights the continued suffering of communities in Savda Ghevra. It also makes specific recommendations to the Government of Delhi to improve housing and living conditions at the site.

The report aims to promote accountability of relevant government ministries and agencies at the state and central level, and hopes to bring about redress, restitution, and justice for the affected persons.



CHAPTER III

Savda Ghevra: The Site under Study

Savda Ghevra is a resettlement colony developed by the Delhi Urban Shelter Improvement Board (DUSIB) to relocate families evicted from several sites across Delhi. It is located about 40 kilometres west of Delhi and houses residents of urban settlements who were evicted from within the city in an attempt to ‘beautify’ Delhi and make it ‘slum free.’ When fully occupied, it is estimated that the population of the site will be approximately 20,000 families.⁷

The process of resettling families in Savda Ghevra commenced in the year 2006, under the ‘Sites and Services’ programme of the Delhi government, aimed at providing housing for Economically Weaker Sections (EWS).

According to the description given by the first settlers at Savda Ghevra, it was a barren land strewn with dried remains of a mustard field, completely devoid of any housing or infrastructure such as roads, water, electricity and sanitation. It used to take almost three hours via various modes of transport to reach the site from central Delhi. The original inhabitants had to first level the fields, build temporary roads for themselves, and then develop the plots that were allotted to them for constructing their houses.

Gradually, over time, the government constructed roads and provided electricity connections to the households. But even after eight years the resettlement site still does not have regular access to water, toilets, sanitation facilities, and a waste management system.

Data from the Delhi Urban Shelter Improvement Board (DUSIB) only exists for families resettled in Savda Ghevra until 2006. HLRN thus worked with SPID to determine sites from where families were evicted and relocated in the years 2007, 2008 and 2009.

⁷ *Making Slum Renewal Work*, Renu Khosla, Cure India. Available at: http://mhupa-ray.gov.in/wp-content/uploads/2011/11/Anju%20Docs/CURE_METROPOIS.pdf

At the time of the HLRN study, people from over 20 locations across Delhi were reportedly relocated to Savda Ghevra. These include:

1. Amar Park, Zakhira
2. Dr Rajendra Prasad Road
3. Gautam Nagar
4. Harischandra Mathur Lane
5. Indira Gandhi International Airport (Palam, Nangal Dewat, and Najafgarh)
6. Karkardooma (Anand Vihar)
7. Khan Market (Labour Camp, Humayun Road)
8. Nagla Machi (Devi Nagar and Kali Mata Basti)
9. Nehru Stadium (Rajiv Gandhi Camp)
10. Nizamuddin (Bawri and Barapullah)
11. Okhla (New Sanjay Camp)
12. Raghbir Nagar (Tagore Garden Extension)
13. Rajasthani Camp
14. Rohini (Sanjay Camp)
15. Settlement near Aditya Apartments
16. Shahdara (Indira Camp; Lal Bagh; Rainy Well; and Vishwas Nagar)
17. Tagore Garden
18. Trilokpuri (Indira Camp)
19. Vikas Marg (Geeta Colony and Hathi Shala - near Income Tax Office)
20. Yamuna Pushta / Yamuna Bank (Kailash Nagar, Thokar No. 8 - Laxmi Nagar, Thokar No. 16 and Thokar No. 21)

The year-wise resettlement data shown below indicates that of the 64 participants who responded to the question on the year of relocation,⁸ the majority (84%) were relocated during 2006 and 2007.

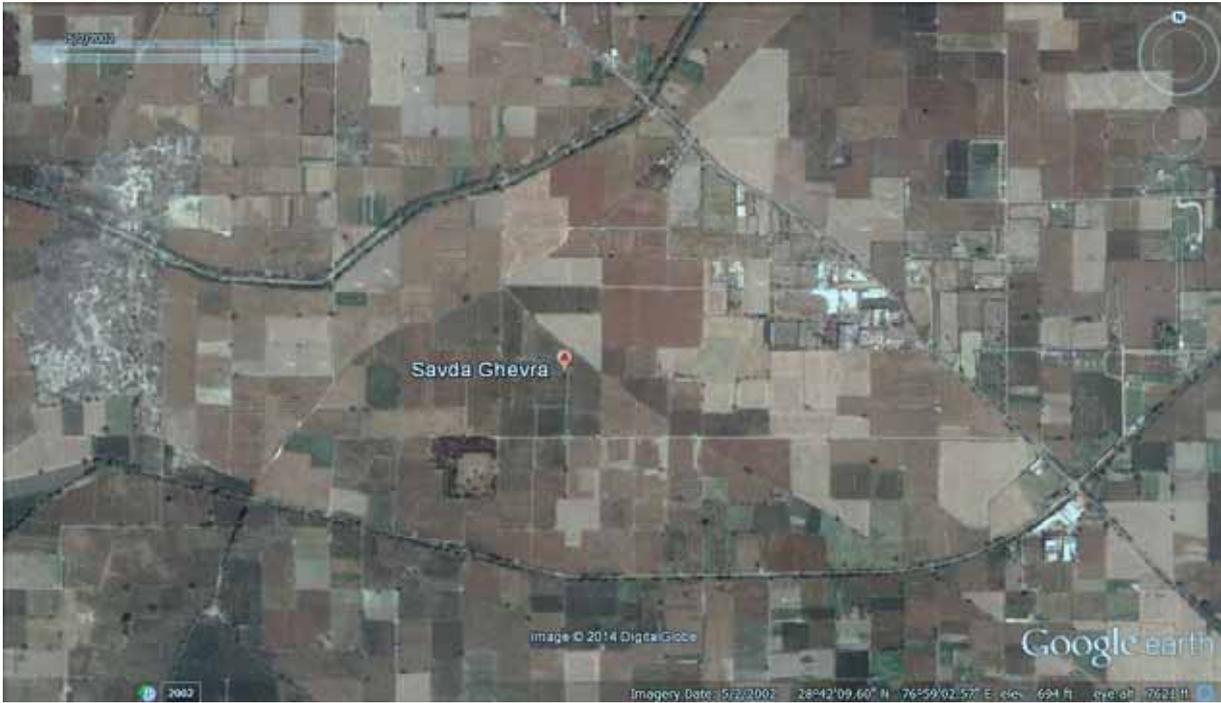
TABLE 1: YEAR-WISE RESETTLEMENT DATA

Year of Relocation	Households
2005	2
2006	46
2007	8
2008	1
2009	7
	64

⁸ Information about year of relocation could not be recorded for 26 households covered in the survey.

IMAGES OF SAVDA GHEVRA BETWEEN 2002 AND 2014

2002



2006



2010



2014



CHAPTER IV

Community Profile of the Survey Respondents

Families living at the Savda Ghevra resettlement site are originally from various states of India. The HLRN study reveals that most of the residents migrated to Delhi in search of work from Uttar Pradesh, Haryana, Rajasthan, Bihar, Jharkhand, Madhya Pradesh, West Bengal, and even as far as Tamil Nadu in south India.

As highlighted during the survey, people had been living at their original sites of habitation in Delhi—from where they were evicted—for 10 to 50 years. The majority of them were well settled and had access to basic amenities. Many respondents claimed to have been born in the settlement from where they were forcefully evicted. People from Nagla Machi, Harishchandra Mathur Lane, and Khan Market said that they had always thought that Delhi was their own city, until the day the government demolished their homes and sent them to a completely unknown location.

The survey respondents consisted of an equal number of women and men. The average size of the family interviewed in Savda Ghevra is 5.6. The majority of the residents are Hindus, while Muslims constitute a third of the population.

The literacy rate among the respondents was reported at 70.30%, of which only about 27% of the population has received education up to the secondary or matriculation level. Literacy among women is 61%. Nine per cent of the population reported having completed school up to class ten.

About 41% of the individuals living in the resettlement colony are working, of which about 60% work on a temporary basis in private enterprises; around 33% are self-employed; and several others have established small shops and other enterprises at the resettlement site itself. About 7% of the respondents work in government jobs.

FIGURE 1A: MEANS OF LIVELIHOOD AT SAVDA GHEVRA

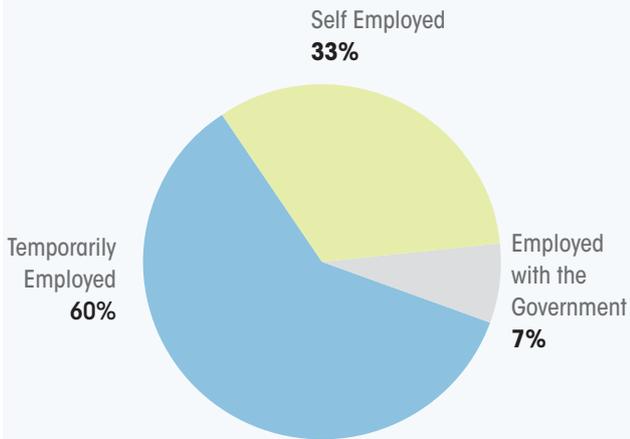
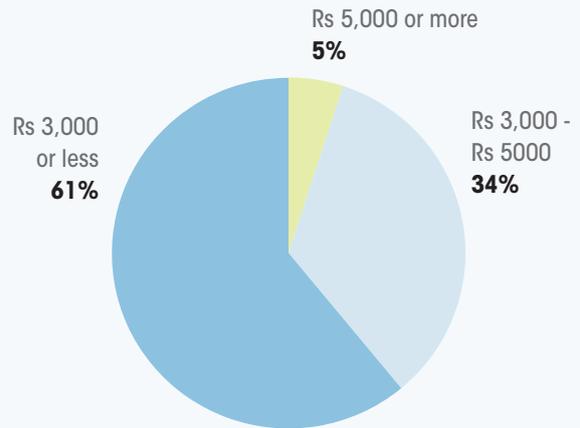


FIGURE 1B: AVERAGE MONTHLY INCOME PER HOUSEHOLD



The average household income per month was reported at Rs 5,275. The survey further reveals that 61% of the employed earn Rs 3,000 (around USD 50)⁹ or less per month to sustain their families; this means that families have less than Rs 100 to spend in a day. About 5% of the employed earn more than Rs 5,000 per month.



⁹ The exchange rate of sixty rupees (Rs) to the US dollar (USD) has been used in this study.

CHAPTER V

The Eviction Process

In Resolution 1993/77, the UN Human Rights Commission stated that, “The practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing.”¹⁰

The UN Committee on Economic, Social and Cultural Rights, in General Comment 7 defines forced eviction as the: “[P]ermanent or temporary removal against the will of individuals, families or communities from their homes or land, which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”¹¹

The United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement¹² [hereafter UN Guidelines] of 2007 expanded the definition of forced evictions to mean: “[A]cts and / or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and / or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the provision of, and access to, appropriate forms of legal or other protection.” The UN Guidelines call upon all states to ensure the equal right of women and men to protection from forced evictions and the equal enjoyment of the human right to adequate housing and security of tenure. They stress that these rights should be guaranteed without discrimination of any kind. They also call for states to carry out comprehensive reviews of relevant strategies, policies and programmes, with a view to ensuring their compatibility with international human rights law and standards.

The UN Guidelines specifically state that:

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

¹⁰ United Nations Commission on Human Rights Resolution 1993/77, 'Forced Evictions', March 1993.

¹¹ General Comment 7, 'The right to adequate housing (Art. 11.1 of the Covenant): forced evictions,' United Nations Committee on Economic, Social and Cultural Rights (1997). Available at: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+Comment+7.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+7.En?OpenDocument)

¹² UN Basic Principles and Guidelines on Development-based Evictions and Displacement. Available at: http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf

carried out in accordance with the present guidelines. The protection provided by these procedural requirements applies to all vulnerable persons and affected groups, irrespective of whether they hold title to home and property under domestic law.

22. States must adopt legislative and policy measures prohibiting the execution of evictions that are not in conformity with their international human rights obligations. States should refrain, to the maximum extent possible, from claiming or confiscating housing or land, and in particular when such action does not contribute to the enjoyment of human rights.
25. In order to secure a maximum degree of effective legal protection against the practice of forced evictions for all persons under their jurisdiction, States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land.
28. States should adopt, to the maximum of their available resources, appropriate strategies, policies and programmes to ensure effective protection of individuals, groups and communities against forced eviction and its consequences.
32. States must give priority to exploring strategies that minimize displacement. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. “Eviction-impact” assessment should also include exploration of alternatives and strategies for minimizing harm.

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

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

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

The following section of this report analyses adherence to relevant human rights standards related to evictions, and also examines the impacts on a range of human rights during the process of forced eviction of the residents of Savda Ghevra from their original places of residence in Delhi. The UN Basic Principles and Guidelines on Development-based Evictions and Displacement have been used as the primary basis for analysing the three stages of the eviction process: before, during, and after.

Prior to Evictions

a) Information and Participation

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

37. Urban or rural planning and development processes should involve all those likely to be affected and should include the following elements: (a) appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; (b) effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; (c) a reasonable time period for public review of, comment on, and / or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and / or to present alternative proposals and to articulate their demands and development priorities.
38. ... All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider...
39. During planning processes, opportunities for dialogue and consultation must be extended effectively to the full spectrum of affected persons, including women and vulnerable and marginalized groups, and, when necessary, through the adoption of special measures or procedures.

The study reveals that government authorities did not provide the affected persons with adequate information about the proposed eviction, nor did it engage in any official process for public consultation about the eviction, use of the land on which they lived, or the resettlement process. Ninety-two per cent of the survey respondents stated that the government did not organise any consultations with the affected communities to discuss the eviction or relocation process or the site location, plot size, and compensation. The concerned authorities did not conduct impact assessments at any of the sites from where people were forcibly evicted to assess the social, environmental and economic impacts of the proposed eviction on the lives and livelihoods of the affected persons.

The government also did not provide a reason for the eviction to the majority of the residents. At some locations, as in Laxmi Nagar, respondents mentioned that the government informed them verbally through the head of the community that the land on which they lived was required for the construction of the Delhi Metro, but at most sites people were merely told that the land belonged to the government and they had to leave, as it was laying its claim to it. Families living in Nizamuddin Bawri were informed that the land on which their settlement existed belonged to the Archaeological Survey of India (ASI) and was being given to the Aga Khan Foundation for restoration and development, and hence they had to vacate it.

TABLE 2: REASON FOR THE EVICTION

	Site of Eviction	Year	Reason for Eviction
1.	Nagla Machi	2006	Construction of road and power plant; court order
2.	Thokar No. 21 (Yamuna Pushta)	2006	Government order
3.	Nangal Dewat, Palam	2006	Not provided
4.	Raghubir Nagar (Tagore Garden Extension)	2006	Not provided
5.	Tagore Garden	2006	Government order
6.	Lal Bagh, Shahadara	2007	Metro construction
7.	Laxmi Nagar (Yamuna Pushta)	2007	Not provided
8.	Barapullah, Nizamuddin	2007	Government order
9.	Amar Park, Zakhira	2008	Metro construction
10.	Karkardooma (Anand Vihar)	2008	Parking for the Karkardooma court complex
11.	Harishchandra Mathur Lane	2008	Private owner

	Site of Eviction	Year	Reason for Eviction
12.	Settlement near Aditya Apartments	2009	Not provided
13.	Dr Rajendra Prasad Road	2009	Not provided
14.	Khan Market	2009	Government order
15.	Nizamuddin Bawri	2010	Expiry of lease for tenure

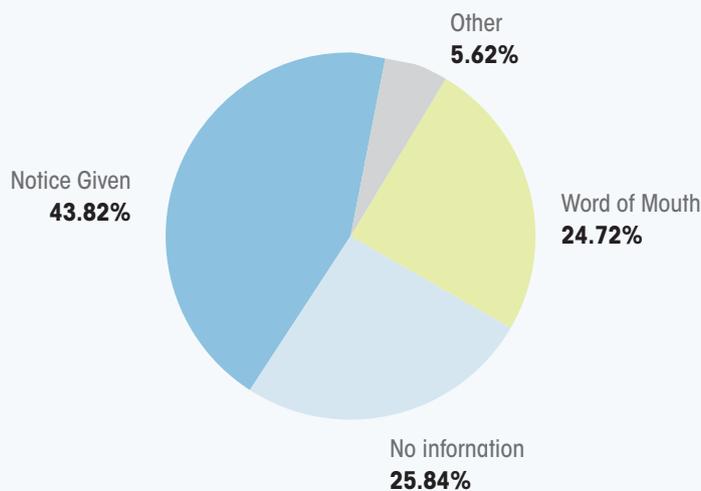
b) Eviction Notice

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

41. Any decision relating to evictions should be announced in writing in the local language to all individuals concerned, sufficiently in advance.
42. Due eviction notice should allow and enable those subject to eviction to take an inventory in order to assess the values of their properties, investments and other material goods that may be damaged.

Fifty-six per cent of the respondents reported that they did not receive any notice prior to the demolition of their homes. This includes residents of Nagla Machi, Thokar No. 8 - Laxmi Nagar, Harishchandra Mathur Lane, and Thokar No. 21. Some families stated that they had only heard about the planned demolition from third parties by word of mouth, including from neighbours, community leaders, relatives, the erstwhile JJ & Slum Wing, and even through surveyors. Residents of Tagore Garden reported receiving the notice only eight hours prior to the eviction.

FIGURE 2: SOURCE OF INFORMATION REGARDING THE EVICTION



The residents of Nagla Machi and Thokar No. 8 - Laxmi Nagar, however, were able to procure a week-long ‘stay order’ from the High Court of Delhi to delay the demolition. In the interim period, the government carried out a house-to-house survey to determine the ‘eligibility’ of residents for a plot at Savda Ghevra. A woman from Laxmi Nagar reported that none of the officials performed their duty as required; instead the residents had to collect the relevant information for the survey themselves.

c) Information about the Resettlement Site

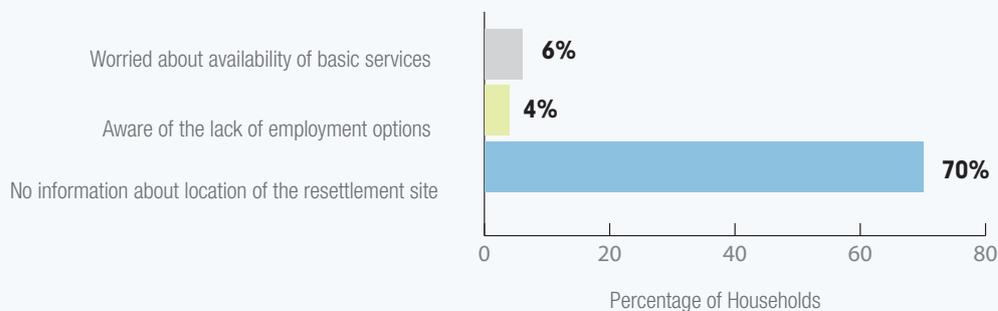
UN Basic Principles and Guidelines on Development-based Evictions and Displacement

- 56 (h) Sufficient information shall be provided to the affected persons, groups and communities on all State projects and planning and implementation processes relating to the concerned resettlement, including information on the purported use of the eviction dwelling or site and its proposed beneficiaries.

About 70% of the survey participants reported that they received absolutely no information about the location or other details about the resettlement site. The only information that some of them had was that the site was situated near a village called Savda Ghevra, beyond Mundka in west Delhi. About 4% of the respondents were aware of the absence of employment opportunities in the vicinity of the new resettlement site. Many people stated that due to the lack of adequate information about the new location, they were afraid of relocating. During the FGDs, participants revealed that during the time of eviction, they faced acute anxiety and uncertainty, and were worried about living conditions at the new site. Many families reported being afraid of the potential resistance from the original inhabitants of Savda Ghevra village.

Six per cent of those interviewed for the study reported that they were worried about the availability of basic services at the new site. During discussions with the residents, several of them stated that they knew that Savda Ghevra had a water shortage and was inhabitable. Those who suffered the most from the absence of adequate information were the first settlers, the residents of Nagla Machi, who came to Savda Ghevra without any inkling about the place, living conditions, work opportunities or people in the neighbourhood.

FIGURE 3: LEVEL OF INFORMATION ABOUT THE RESETTLEMENT SITE



d) Consultation Regarding the Resettlement Site

UN Basic Principles and Guidelines for Development-based Evictions and Displacement

56 (e) The right of affected persons, groups and communities to full and prior informed consent regarding relocation must be guaranteed.

56 (i) The entire resettlement process should be carried out with full participation by and with affected persons, groups and communities...

The findings of the survey reveal that no consultations or public hearings were held prior to resettlement. About 93% of the respondents said they were not asked for their opinion on the resettlement process or the site. Ninety-nine per cent of those interviewed for the study reported not having seen the site before being made to relocate.

During Evictions

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

a) Timing of the Eviction

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

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

The HLRN study reveals that the Delhi government carried out demolitions and forced evictions during all weather conditions - the hot summer of May, the rains of July, and the cold winter of December. Evictions were also carried out prior to school examinations. The absence of any prior notice or information further exacerbated the situation for the affected communities. As a result of the demolition, children living in Khan Market and Harishchandra Mathur Lane could not appear in their final examinations in the month of February. In Khan Market, the evictions were carried out on the day of Mahashivratri, an important Hindu festival. Many children, women and older persons were fasting on that day. The sudden demolition reportedly left people in a state of shock. In Nagla Machi, the demolitions continued for three days, resulting in complete chaos and despair among the residents.

b) Loss and Destruction of Personal Possessions and Property

The Indian Penal Code in Section 23 defines 'wrongful loss' as - "loss by unlawful means of property to which the person losing it is legally entitled."

Universal Declaration of Human Rights, Article 17.2: No one shall be arbitrarily deprived of his property.

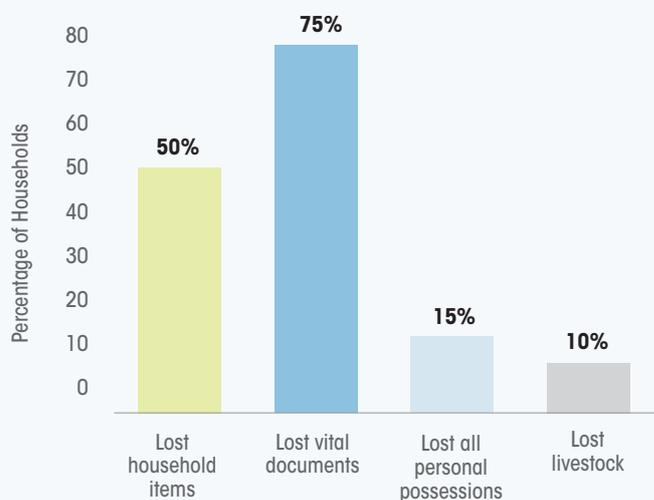
International Covenant on Civil and Political Rights, Article 17.1: No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

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

All respondents mentioned that they were not given sufficient time before the demolition to retrieve their belongings from their homes. Almost 50% of those surveyed stated that household articles, including furniture, bedding, clothes, electrical appliances, and utensils were destroyed during the eviction process. Seventy-five

FIGURE 4: LOSS AND DESTRUCTION OF PERSONAL POSSESSIONS AND PROPERTY



per cent of the respondents mentioned that they lost vital documents, including ration cards, birth certificates and medical records. About 15% of the respondents reported having lost all their possessions. Ten per cent of those surveyed lost livestock, including goats, cows and poultry, during the eviction process. Local shops that provided grocery items were also destroyed during the demolition process.

c) Injury during the Eviction Process

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

47. Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected. States must also take steps to ensure that women are not subject to gender-based violence and discrimination in the course of evictions, and that the human rights of children are protected.
50. States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence...

About 8% of the households reported incidents of injury to family members during the eviction. Some of the reported injuries included fractured hand, head injury, fracture in spinal cord, injured finger, and leg injury. The injured persons reportedly did not receive any compensation or medical aid from the government.

d) Provision of Special Facilities for Older Persons, Pregnant Women, Persons with Disabilities

Of the respondents who were undergoing medical treatment at the time of eviction, only 5% confirmed that they continued receiving some kind of medical support from the state, while about one-fourth of the respondents said that they faced disruption in medical treatment of their family members as a result of the eviction. Women from Laxmi Nagar and Nagla Machi spoke about the difficulties faced by pregnant women during the eviction process.

e) Information on and Presence of Government Officials during the Eviction Process

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

45. The procedural requirements for ensuring respect for human rights standards include the mandatory presence of governmental officials or their representatives on site during evictions. The governmental officials, their representatives and persons implementing the eviction must identify themselves to the persons being evicted and present formal authorization for the eviction action.
46. Neutral observers, including regional and international observers, should be allowed access upon request, to ensure transparency and compliance with international human rights principles during the carrying out of any eviction.

During the survey, 89% of the respondents stated that no government official or elected representative visited their site before the eviction. Respondents from erstwhile Raghuraj Nagar reported that the Member of the Legislative Assembly (MLA) from the area visited them once. Seventy-seven per cent of the respondents could not recollect the names of any officials present at the time of eviction. Others identified officials from a range of departments including the Delhi Development Authority (DDA), Municipal Corporation of Delhi (MCD), Delhi Metro Rail Corporation, Delhi Police, Railway Police, and JJ & Slum Wing, as being responsible for the eviction. They did not, however, wish to disclose any names.

After Evictions

The Delhi government did not provide any immediate relief in the aftermath of the evictions, even though most of the evictions took place during extreme weather conditions. The government also did not carry out any assessment of the losses suffered by the affected persons and did not pay any compensation for the houses, property, personal possessions, and documents lost during the eviction process. Efforts were not taken to protect the human rights of the affected persons, and to ensure that women, children, persons with disabilities, older persons, and minorities did not suffer a detriment to their human rights during the eviction and relocation process.

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

52. At a minimum, regardless of the circumstances and without discrimination, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. States should also ensure that members of the same extended family or community are not separated as a result of evictions.
54. ... all evicted persons who are wounded and sick, as well as those with disabilities, should receive the medical care and attention they require to the fullest extent practicable and with the least possible delay, without distinction on any non-medically relevant grounds.

After the evictions, only those families that met the Delhi government's criteria of 'eligibility'¹³ were provided plots at the resettlement site at Savda Ghevra. The government conducted a survey in the various colonies that it planned to demolish to determine 'eligibility' for resettlement at Savda Ghevra. Respondents to the HLRN study, however, reported that the government survey was inadequate. If residents could furnish the required documents and meet the criteria established by the government, they were considered 'eligible' for a plot of 12.5 square metres or 18 square metres in Savda Ghevra, depending on when their ration cards (for availing subsidised food under the Public Distribution System - PDS) were issued. But they were required to pay a registration fee for the plot of land allotted to them, and had to build their own houses without any financial support from the government. The government did not provide any relocation assistance to the affected families either. While families evicted from Khan Market claimed that they were provided with transport to Savda Ghevra, residents of all other sites had to pay for their own transportation costs to the site. Savda Ghevra, at the time of relocation, was a barren remote site without adequate connectivity in the forms of roads and transportation to the city.

The large majority of the evicted families, however, did not meet the eligibility criteria of the government and were thus omitted from the resettlement process. In the absence of any compensation or state support, they had to fend for themselves. Many families were rendered homeless; others took up alternative rental accommodation, while some families were forced to leave Delhi, as they could not afford to continue living in the city after losing their homes and belongings.

Of those considered 'eligible' for resettlement in Savda Ghevra, only 30% reported being given sufficient time to pack their belongings and shift to Savda Ghevra. Eighty-seven per cent said that they did not relocate voluntarily

The next section of this report presents an analysis of the resettlement process as well as the housing and living conditions at the Savda Ghevra resettlement site, using the framework provided by local, national and international human rights law.

¹³ See the next section on Legal and Policy Framework for more details on the Delhi government's 'eligibility' criteria.

CHAPTER VI

Legal and Policy Framework for Housing and Resettlement

Legal and Policy Framework for Resettlement in Delhi

a) Delhi Urban Shelter Improvement Board Act

Until 1990, the responsibility of providing resettlement in Delhi lay with the Delhi Development Authority (DDA). In 2010, the Delhi Urban Shelter Improvement Board Act was passed to create the Delhi Urban Shelter Improvement Board (DUSIB), which is now the agency responsible for resettlement and upgrading of settlements in the city. On 03.02.2011, the Delhi government issued policy guidelines for relocation, rehabilitation and allotment of flats to JJ dwellers. The 'cut-off' date for determining eligibility of slum dwellers for resettlement and for allotment of new government-built flats was changed from 1998 to 31.03.2007. On 25 February 2013, the Delhi government amended its policy and issued new guidelines for relocation and rehabilitation of JJ dwellers. Some of the salient features of the new guidelines are:

- The JJ dweller must be occupying the jhuggi on or before 04.06.2009, i.e. the date of announcement of Rajiv Awas Yojana by the government.
- A notice to conduct survey of eligible allottees shall be pasted at conspicuous places in JJ clusters at least four weeks in advance. Active dissemination of the notice shall also be made through loud speakers and beating of drums.
- The survey team has to ensure that not only the name of JJ dweller but names of his / her family members are also incorporated in the survey list.
- The JJ dweller must be a citizen of India and not less than 18 years of age.
- The JJ dweller cannot claim the allotment of a flat as a matter of right.
- The JJ dweller will be entitled for one residential flat only, even if he/she is occupying more than one jhuggi.
- Allotment will be made in the joint-name of the husband and wife occupying the jhuggi.

- The flats to the eligible slum dwellers will be allotted initially on lease hold basis for 15 years and converted to free hold thereafter.
- Before allotment of a flat, the beneficiary shall have to file an affidavit...specifying the above eligibility conditions.

Previously, eligibility requirements, according to the 'Modified Policy Guidelines for Implementation of the Scheme for Relocation / Rehabilitation and Allotment of 7900 Flats to Slum and JJ Dwellers in the First Phase 2010,'¹⁴ included the following:

- The annual income of the family of the JJ dweller should not be more than Rs 60,000 (Rupees Sixty Thousand).
- In case of a multi-storeyed jhuggi occupied by the same person or different persons for residential purpose, the allotment will be considered to the occupant of the ground floor only.
- The licensee shall use the flat for residential purposes only.
- DUSIB has the right to cancel allotment of the flat and to take over the possession of such flat in case the stipulated terms and conditions are violated by the allottee. In such event, such allottee cannot claim any compensation; whatsoever and such allottees shall handover the peaceful possession of the flat to the licenser.

Additionally, DUSIB also introduced certain 'non-eligibility criteria' in its 2010 policy, to further reinforce the climate of exclusion already created. These include:

- If a jhuggi has come up after 31.12.1998¹⁵ and a jhuggi dweller does not have sufficient proof / documents of eligibility and is not covered by the above eligibility norms.
- Vacant / demolished / unoccupied jhuggi at the time of survey.
- The JJ dwellers squatting on road berms, foot-paths, right-of-way, community areas, safety zones of railways as per court orders.

The discrimination against the urban poor is reflected not just in the policies of DUSIB but also in the language that it uses, for instance the use of the term 'squatters' and 'encroachers' for urban dwellers and reference to their homes as 'encroachments.'

The DUSIB website states the following:

The slum areas are those that are notified under the Slum Improvement and Clearance Areas Act of 1956. Buildings and / or areas that are considered to be unfit for human habitation were declared as the slum areas under Section 3 of the Act. As such, they are considered to be legal structures and are eligible for benefits under the Act. The squatter of JJ Clusters settlements on the other hand are considered as an encroachment on public or private lands. They are therefore seen as illegal. The general policy adopted by the Government is two-fold. One is that no fresh encroachment shall be permitted on public land by the Land Owing Agencies and the second is that those past encroachments in existence till 31st January 1990 will not be removed without providing alternatives.

With the existence of such discriminatory and prejudicial policies and practices in Delhi, the challenge to ensure the realisation of the human rights to adequate housing and resettlement of the urban poor is even more difficult.

¹⁴ Modified Policy Guidelines for Implementation of the Scheme for Relocation / Rehabilitation and Allotment of 7900 Flats to Slum & JJ Dwellers in the First Phase, Delhi Urban Shelter Improvement Board. Available at: http://delhishelterboard.in/main/?page_id=128

¹⁵ In February 2013, the 'cut-off' date in Delhi was revised to 04.06.2009. 22 REPORT 1 | SAVDA GHEVRA, DELHI

b) Master Plan for Delhi 2021

The Master Plan for Delhi 2021 (MPD-2021), under the goal of ensuring 'Shelter for All,' aims to ensure effective housing and shelter options for all citizens, especially for the vulnerable groups and the poor.

Chapter 4, Paragraph 4.1: Keeping in view the socio-economic composition of the population, it is estimated that around 50–55% of the housing requirement would be for the urban poor and the economically weaker sections in the form of house of two rooms or less.

Chapter 4, Para 4.2.3.3:

New housing should be in the form of one or two room units, which would be developed through public and private agencies and through Cooperative societies. As this category constitutes bulk of the housing stock that has to be catered at an affordable price to the lowest income bracket as housing for Economically Weaker Sections (EWS), this is often done by cross-subsidization.

For this purpose, adequate land would be earmarked for EWS housing. The developers of group housing shall ensure that minimum 15% of FAR or 35% of the dwelling units, whichever is more, are constructed for Community-Service Personnel / EWS and lower income category. In old built up areas, this may be as redevelopment schemes or industrial housing, etc., whereas, in urban extensions, the acquisition and development cost of this land should be borne by rest of the project. Such reserved lands should be handed over to a designated agency for promoting housing for low income and weaker sections.

In dealing with existing settlements, MPD-2021 stipulates the continuation of the three-pronged strategy consisting of *in situ* redevelopment, environmental upgradation to basic standards, and / or relocation to new sites, as the situation deems fit. As an alternative approach to the model of relocation followed during the period between 1981–2001, MPD-2021 provides for the following:

- Resettlement should be based on built-up accommodation of 25 square metres with common areas and facilities, rather than on the model of horizontal plotted development.
- The concept of land as a resource should be adopted to develop such accommodation with private sector participation and investment, to the extent possible.
- A cooperative resettlement model with adequate safeguards may be adopted with tenure rights being provided through the institution of Co-operative Societies.
- The provision of accommodation should be based on cost with suitable arrangements for funding / financing, keeping in view the aspect of affordability and capacity to pay.
- In cases of relocation, the sites should be identified with a view to develop relatively small clusters in a manner that they can be integrated with the overall planned development of the area, particularly keeping in view the availability of employment avenues in the vicinity. Very large resettlement sites could lead to a phenomenon of planned slums.
- Suitable arrangement for temporary transit accommodation for families to be rehabilitated should be made. This may preferably be near or at the same site and the utilization of these may be synchronised with the phases of implementation of the scheme of *in situ* upgradation.

The Master Plan for Delhi 2021 also makes recommendations to be followed for the design of relocation colonies. Group housing norms shall be applicable with the following conditions:

- Minimum site size to be 2,000 square metres (facing a minimum road of 9 metres).
- A maximum density of 600 units per hectare to be followed when designing resettlement colonies, with a 10% variation on residential component of the land.

- Where new housing is being built, dwelling should be in the form of one or two-bedroom dwelling units of sizes varying from 25 square metres to 40 square metres.
- The scheme should be designed in a composite manner with an overall maximum Floor Area Ratio (FAR) of 400 on the residential component of the land.
- Mixed land use / commercial component up to 10% of permissible FAR in the residential component of the land.
- The minimum residential component of the land area for rehabilitation has to be 60% and maximum area for remunerative use has to be 40%.¹⁶

The Master Plan for Delhi 2021 also provides norms for physical infrastructure and social amenities as indicated in the following tables:

TABLE 3: MPD–2021 PROVISIONS FOR PHYSICAL INFRASTRUCTURE FOR LOW INCOME HOUSING

Component	Provisions
<i>Dhalao</i> (garbage collection area), including segregation facility	0.02 hectares
Underground water tank	0.02 hectares
Local-level waste water treatment facility	Wherever feasible
Three-wheeler and taxi stand	0.04 hectares

TABLE 4: MPD–2021 PROVISIONS FOR SOCIAL AMENITIES FOR LOW INCOME HOUSING

Component	Provisions
Primary School	800 square metres per 5,000 population
Senior Secondary School	2,000 square metres per 10,000 population
Multipurpose Hall	100 square metres
<i>Basti Vikas Kendra</i> (community development centre)	100 square metres
Religious Site	100 square metres
Police Post	100 square metres
Health Centre	100 square metres
<i>Shishu Vatika</i> (children’s playground)	100 square metres

c) Orders of the High Court of Delhi

A judgement of the High Court of Delhi in the case of *Sudama Singh and Others v. Government of Delhi and Anr.*,¹⁷ lays down clearly that the Master Plan is to be treated as law.

46... It is now well settled that a plan prepared in terms of a statute concerning the planned development of a city attains a statutory character and is enforceable as such...

¹⁶ Master Plan for Delhi 2021, Ministry of Urban Development, Government of India, February 2007. Available at: <http://www.dda.org.in/ddanew/pdf/Planning/reprint%20mpd2021.pdf>

¹⁷ *Sudama Singh and Others v. Government of Delhi and Anr.*, W.P. (C) Nos. 8904/2009, 7735/2007, 7317/2009 and 9246/2009, High Court of Delhi, 11 February 2010.

The judgement also emphasises the duty of the state to protect the rights to housing and rehabilitation. It states:

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

44. (...) What very often is overlooked is that when a family living in a *jhuggi* is forcibly evicted, each member loses a “bundle” of rights – the right to livelihood, to shelter, to health, to education, to access to civic amenities and public transport and above all, the right to live with dignity.

In the case, *P.K. Koul and Ors. v. Estate Officer and Anr. and Ors.*,¹⁸ the High Court of Delhi stated that:

194. Experience and examples abound in this city... of forcible evictions relating to slums and *jhuggi* dwellers. Defenceless and disadvantaged citizens are forcibly evicted from their shelters which are then destroyed.

228. (...) The UN Commission on Human Rights has unequivocally stated that forced evictions are a gross violation of human rights. The International Community has long recognised forced eviction as a serious matter and it has been reported repeatedly that clearance operations should take place only when conservation arrangements and rehabilitation are not feasible, relocation measures stand made.

National Legal and Policy Framework for Housing and Resettlement

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

The Act came into force on 1 January 2014, and hence did not exist at the time of relocation of families covered under this study. It does, however, contain provisions for rehabilitation and resettlement for cases of land acquisition for ‘public purpose.’ The Act states that the rehabilitation and resettlement award shall include, inter alia, a rehabilitation and resettlement amount payable to the family; particulars of the land and house to be allotted to displaced families; and, payment of a one-time subsistence and transportation allowance; payment for cattle shed and petty shops. The Act also makes specific provisions for the provision of notice to affected communities (Section 11), stating that the details of land acquisition should be published in the official gazette and two daily newspapers circulated in the locality of the area, in the local language of the Panchayat. Regarding compensation, Section 28 provides that compensation should be determined by the market value of the land to be acquired, including all assets attached to the land.¹⁹ A major shortcoming of the Act is that it does not provide for urban dwellers who are evicted from state land or other land that they do not own, even though they may have been residing on it for generations.

b) The Delhi Slum Areas Clearance (Improvement and Regulation) Act 1956 (amended in 1964)

The Act contains provisions for notification and compensation in case of demolition or improvement of buildings declared ‘unfit for human habitation.’ It also contains details on responsibilities of, and procedures to be followed by, competent authorities.

¹⁸ *P.K. Koul and Ors. v. Estate Officer and Anr. and Ors.*, W.P. (C) No. 15239/2004 and CM No. 11011/2004, High Court of Delhi, 30 November 2010.

¹⁹ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, Ministry of Law and Justice, Government of India. Available at: http://dolr.nic.in/dolr/downloads/pdfs/Act_Land_Acquisition_2013.pdf

c) National Rehabilitation and Resettlement Policy 2007

The National Rehabilitation and Resettlement Policy (NRRP) 2007 emphasises that the state should seek to minimise displacement. When a project involves involuntary displacement of 400 or more families *en masse* in the plains, it calls for an Environmental Impact Assessment and a Social Impact Assessment to be conducted. The Policy mentions that public hearings should be organised to share the findings of the impact assessments with the project affected people. It also provides for consultations with affected families on the rehabilitation and resettlement plan.

NRRP 2007 states that compensation should be declared and paid well in time before displacement of families occurs. In urban areas, a house of up to 100 square metres may be provided to the owner, in lieu of the acquired or lost house. Every below poverty line family that has been involuntarily displaced is entitled to a house of not less than 50 square metres in urban areas. In case an affected family refuses to accept the offered house, it will be offered a one-time financial assistance to construct a house.²⁰

d) National Urban Housing and Habitat Policy 2007

The National Urban Housing and Habitat Policy 2007 speaks of providing the poorest of the poor with subsidised housing on rental or ownership basis. The Policy specifically claims to meet the special needs of women-headed households, single women, working women, and women in difficult circumstances, in relation to housing serviced by basic amenities. The Policy gives primacy to provision of shelter to the urban poor at their present location or near their work place. It also claims to ensure that rights provided are non-transferable for a period of 10–15 years.

e) National Building Code 2005

The National Building Code (NBC) 2005 also makes provisions for physical infrastructure and social amenities in housing colonies.

TABLE 5: NBC 2005 PROVISIONS FOR INFRASTRUCTURE

Component	Provisions
Community Toilets	1 water closet per 3 households
Open Space	3 square metres per person
Primary School	1,000 square metres per 1,500 population (1.5 square metres of primary education space per person)
Shops	4 shops per 1,000 population

It is important to note that the NBC provides no standards for the provision of community water taps.

f) Orders of the Supreme Court of India

The Supreme Court of India, in several judgements has recognised the right to shelter / housing as an inalienable component of the right to life (Article 21 of the Constitution of India).²¹

20 *National Rehabilitation and Resettlement Policy 2007*, Ministry of Rural Development, Government of India. " Available at: <http://www.dolr.nic.in/NRRP2007.pdf>

21 These include the cases of *U.P. Avas Evam Vikas Parishad v. Friends Coop. Housing Society Ltd*; *Chameli Singh and others v. State of UP* [(1996) 2 SCC 549 132]; *Francis Coralie v. Union Territory of Delhi* (AIR 1981 SC 746, at 753); *Shantistar Builders v. Narayan Khimalal Totame* [(1990) 1 SCC 520]; and, *Olga Tellis v. Bombay Municipal Corp.* [(1985) 3 SCC 545].

In the case *Abmedabad Municipal Corporation v. Nawab Khan Gulab Khan and Ors.* (1996), the Supreme Court of India ruled that:

The right to life is guaranteed in any civilised society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live. The difference between the need of an animal, it is the bare protection of the body; for a human being, it has to be a suitable accommodation which would allow him to grow in every aspect – physical, mental and intellectual. The surplus urban vacant land was directed to be used to provide shelter to the poor... It would, therefore, be the duty of the State to provide right to shelter to the poor and indigent weaker sections of the society in fulfillment of the Constitutional objectives.

Article 19 (e) of the Constitution provides to all citizens fundamental rights to travel, settle down and reside in any part of the Bharat and none have right to prevent their settlement. Any attempt in that behalf would be unconstitutional... Due to want of facilities and opportunities, the right to residence and settlement is an illusion to the rural and urban poor.

International Legal Framework for Adequate Housing

Adequate housing has been recognised as a human right since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. The International Covenant on Economic, Social and Cultural Rights (ICESCR) in Article 11 (1) provides that:

State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including... adequate housing and to the continuous improvement of living conditions.

The human right to adequate housing and its corresponding state obligations also are recognised in several other internationally binding human rights treaties, including the Convention for the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, and the International Convention on the Elimination of All Forms of Racial Discrimination.

An articulation of the human right to adequate housing (HRAH) and elaboration of its normative content can be found in General Comment 4 ('The right to adequate housing') of the UN Committee on Economic, Social and Cultural Rights. The Committee has stipulated that progressive realisation of this right is required under international public law, and also recognised that deliberate or negligent retrogression of housing conditions is a violation of ICESCR. General Comment 4 further elaborates on the state's minimum core obligations to ensure progressive realisation of the right. It also identifies and explains the components of 'adequate housing' which include:

- Legal security of tenure;²²
- Availability of services, materials, facilities and infrastructure;
- Affordability;
- Habitability;
- Accessibility;
- Location; and
- Cultural adequacy.

²² Also see, Guiding Principles on Security of Tenure for the Urban Poor, presented in the Report of the Special Rapporteur on adequate housing, Raquel Rolnik, A/HRC/25/54, December 2013. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

Recognising the indivisibility of all human rights, housing rights organizations such as Housing and Land Rights Network, and the UN Special Rapporteur on adequate housing have further expanded the components of adequacy mentioned in General Comment 4 to include the following:

- Physical security;
- Participation and information;
- Freedom from dispossession, damage and destruction;
- Access to land, water and other natural resources;
- Resettlement, restitution, compensation;
- Non-*refoulement* (the prohibition against coerced return) and return;
- Access to remedies;
- Education and empowerment; and
- Freedom from violence against women.

Law, legal opinion, and international jurisprudence have widely recognised that the HRAH, as briefly articulated above, is inextricably linked to several other human rights, including the rights to life, health, food, work / livelihood, land, information, gender equality, security of the person and home, and a safe and healthy environment. It is also true that the violation of any of these human rights often has an adverse impact on the HRAH, and vice versa.

International guidelines that deal with displacement and resettlement include the following:

- UN Guiding Principles on Internal Displacement;
- UN Basic Principles and Guidelines on Development-based Evictions and Displacement;
- UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law; and
- UN Principles on Housing and Property Restitution for Refugees and Displaced Persons.

CHAPTER VII

Housing and Living Conditions in Savda Ghevra

In this section, the study uses the elements of adequate housing from General Comment 4 of the UN Committee on Economic, Social and Cultural Rights (1991), housing rights organizations and the UN Special Rapporteur on adequate housing, as well as the resettlement standards stipulated in the UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007) to assess the housing and living conditions of families in the resettlement site of Savda Ghevra.

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

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

A) Legal Security of Tenure

Legal security of tenure provides protection from forced eviction, harassment and other threats. It also effectively guarantees access to, use of, and control over, land, property and housing.

General Comment 4, UN Committee on Economic, Social and Cultural Rights

All persons should possess a degree of security of tenure which guarantees protection against forced eviction, harassment and other threats.

Master Plan for Delhi 2021

A cooperative resettlement model with adequate safeguards may be adopted with tenure rights being provided through the institution of Co-operative Societies.

* See General Comment No. 4 on adequate housing adopted by the Committee on Economic, Social and Cultural Rights in 1991.

The Delhi government has not provided the residents of Savda Ghevra with long-term security of tenure. They have been given plots of land on a conditional lease for a period of ten years beginning from the date of issuance of the ‘registration slip.’

The Delhi government placed two conditions on the households at the time of allotting the plots:

1. The beneficiaries must build a permanent brick structure on the plot within three months of allotment.
2. The beneficiaries must be found residing in the house at the time of inspection by DUSIB officials.

The government warned the residents that if either of the conditions were not met, the allotment would stand cancelled and they would be forced to vacate the plot. Discussions with the residents reveal that several houses across various blocks in Savda Ghevra were sealed by the government and later demolished, because at the time of inspection by DUSIB officials, either the family was not living in the house or the house was not a permanent structure.

While the land is owned by the government, the houses have been built by the people themselves. The conditional lease, however, is over the plot of land and not for the house. The lease expires in 2016 and many residents are unsure as to whether the government will renew it. This has resulted in insecurity and uncertainty over future housing among many families. This fear has prevented them from investing in their homes by compromising on the material and quality of construction.

“Wherever the government sends us, we will have to go. Just as we constructed our former houses, using all our available resources, we will have to make another home. What else can we do, where else can we go?” – a woman resident of Savda Ghevra

On the other hand, some residents believe that even though the lease is until 2016, they will not be evicted again.



Families resettled from Nizamuddin Bawri received constructed houses from the Aga Khan Foundation, in M Block of Savda Ghevra. They, however, believe that they are owners of their homes, as conveyed to them by the Foundation.

Mehr-Un-Nisa Begum, a resident of Savda Ghevra, believes that if the government needs the land it will not renew their lease and thereby force them to leave; if not, it may allow them to continue living at the site. Many of the men and women consulted for this study rued the fact that the government continuously evicts the poor to the peripheries of the city. By the time they are able to establish themselves and resume a normal life at the new site, the land value of the site that they develop appreciates, and therefore they are once again treated as ‘encroachers’ and displaced.

All the residents of Savda Ghevra spoken to for this study have expressed a strong demand for ownership of their homes and permanent security of tenure, as opposed to the existing conditional, time-bound lease arrangement.

B) Accessibility

General Comment 4, UN Committee on Economic, Social and Cultural Rights

Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources.

The discriminatory policy of DUSIB with its excessive requirements to determine ‘eligibility’ of families for resettlement in Savda Ghevra, resulted in a large majority of evicted families being excluded from the state resettlement process.

The Delhi government allotted plots of two sizes to the families resettled at Savda Ghevra: 18 square metres and 12.5 square metres. Families had to submit their ration cards, and depending on the duration of stay at their original sites, they were allotted plots accordingly. Families who had ration cards dated 31 January 1990 or earlier were allocated 18 square metre plots while those who had ration cards between 1990 and 1998, received 12.5 square metre plots.

INACCESSIBLE HOUSING



Residents from Thokar No. 8 – Laxmi Nagar and Khan Market claimed to have been living at those sites for more than 20 years. According to the families from Laxmi Nagar, during a fire in the year 2002, many of them lost important documents such as ration cards and voter identity cards. In the absence of these documents, DUSIB refused to consider them eligible for resettlement in Savda Ghevra. Families evicted from Khan Market also reported losing vital documents when the boundary wall of a drain near their homes collapsed, resulting in their belongings being washed away. In both these locations, residents received new ration cards with a new date. Hence they could not prove the actual duration of their years of stay at the site, and lost the opportunity to receive larger plots in Savda Ghevra.

During the study, no one reported any incidents of discrimination on the basis of gender, religion or caste at the time of plot allotment. The site, however, does not contain special facilities for persons with disabilities.

C) Affordability

General Comment 4, UN Committee on Economic, Social and Cultural Rights

Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels.

Master Plan for Delhi 2021

The provision of accommodation should be based on cost with suitable arrangements for funding / financing, keeping in view the aspect of affordability and capacity to pay.

The survey respondents reported that the registration fee for the plot allotment was Rs 7,000, and the plot was registered in the name of the individual listed as the ‘head of the family’ in the ration card. Eleven per cent of the respondents said they were forced to pay a bribe along with the registration fee. On an average, families reportedly had to pay an additional Rs 6,770 for the registration; one family claimed to have paid an amount of Rs 25,000.

Supreme Court of India (*Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan and Ors.*, 1996):

(...) separate budget would also be allocated to other weaker sections of the society and the backward classes to further their socio-economic advancement. As a facet thereof, housing accommodation also would be evolved and from that respective budget allocation, the amount needed for housing accommodation for them should also be earmarked separately and implemented as an on-going process of providing facilities and opportunities, including housing accommodation to the rural or urban poor and other backward classes of people.

Although the registration fee for the plots was affordable for most of the families, the conditions imposed by the government for building a permanent structure within a stipulated time period made it extremely difficult for the new residents to comply. In a situation where evicted persons should have been provided adequate rehabilitation and supported by the government in building alternative houses, such regulations only contributed to worsening their plight. In order to fulfil the government’s conditions and retain allotment of their plots, about 75% of the respondents reported taking loans from various sources to build a permanent brick house. Some of the families first put up a temporary bamboo structure and later converted it to a brick structure, thus having to pay an extra price for construction. People reported having borrowed money from banks, money-lenders, acquaintances and relatives. While on one hand, they lost most of their belongings, livelihoods and social security as a result of the evictions; on the other, they had to borrow loans at high interest rates to construct a new permanent house. This further increased their debt. As per the survey findings, the

23 See, http://delhishelterboard.in/main/?page_id=3573

average cost of construction incurred by each household was about Rs 100,000. An NGO extended home loans to families for the construction of their houses. A principal amount of Rs 100,000 to 150,000 was given as a loan for a repayment period of five years, at an interest rate of 1.5 per cent. Families have had to pay an Equated Monthly Instalment (EMI) of Rs 2,200 per month to repay the loan.

Financial Cost of Shifting to the Resettlement Site

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

56 (c) The actor proposing and / or carrying out the resettlement shall be required by law to pay for any associated costs, including all resettlement costs.

Eighty-two per cent of the respondents reported an expenditure of between Rs 1,000 to Rs 2,000 for shifting their belongings from their original sites of habitation to the resettlement site at Savda Ghevra. Those who could not afford to pay for alternative transportation rode all the way on their bicycles. Few families informed HLRN that they spent as much as Rs 10,000 on the relocation process. The average cost of shifting to Savda Ghevra for each family was around Rs 1,726.

In some locations like Nangal Dewat, Indira Gandhi International Airport, and Raghubir Nagar, the administration reportedly provided vehicles for transportation to the resettlement site. The Aga Khan Foundation financially supported the transport cost of 25 families from Nizamuddin Bawri to Savda Ghevra.

D) Habitability

General Comment 4, UN Committee on Economic, Social and Cultural Rights

Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors.

As mentioned earlier in this report, depending on the year of issue of the family's ration card, DUSIB provided two sizes of plots – 12.5 square metres and 18 square metres. This allotment criterion did not, however, take into account the size of the families and their specific needs. Hence, a family of five members and a family of ten members received the same size plot.

In the absence of any state financial assistance for house construction, residents had to build their homes themselves. Since they do not have experience in construction or knowledge about designing homes, most of the houses that have been built in Savda Ghevra have poor or no ventilation and do not meet safety standards. Many residents claimed to have refrained from building bathrooms or constructing an additional floor or improving the quality of their homes, as they are afraid of being made to vacate the site at the end of 2016. Other families, however, have continued to build on their plots vertically, as the Master Plan for Delhi 2021 does not allow them access to a greater base area. This has resulted in more safety hazards as well as adding pressure on the infrastructure for drainage, sewage and water.

INADEQUATE HOUSING CONSTRUCTION



E) Availability of Services, Materials, Facilities and Infrastructure

General Comment 4, UN Committee on Economic, Social and Cultural Rights

An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.

In order for housing to be adequate, the residents must have access to basic services, including healthcare, education, food, water, sanitation, electricity and transportation.

i) Access to Healthcare

Constitution of India

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

International Covenant on Economic, Social and Cultural Rights

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

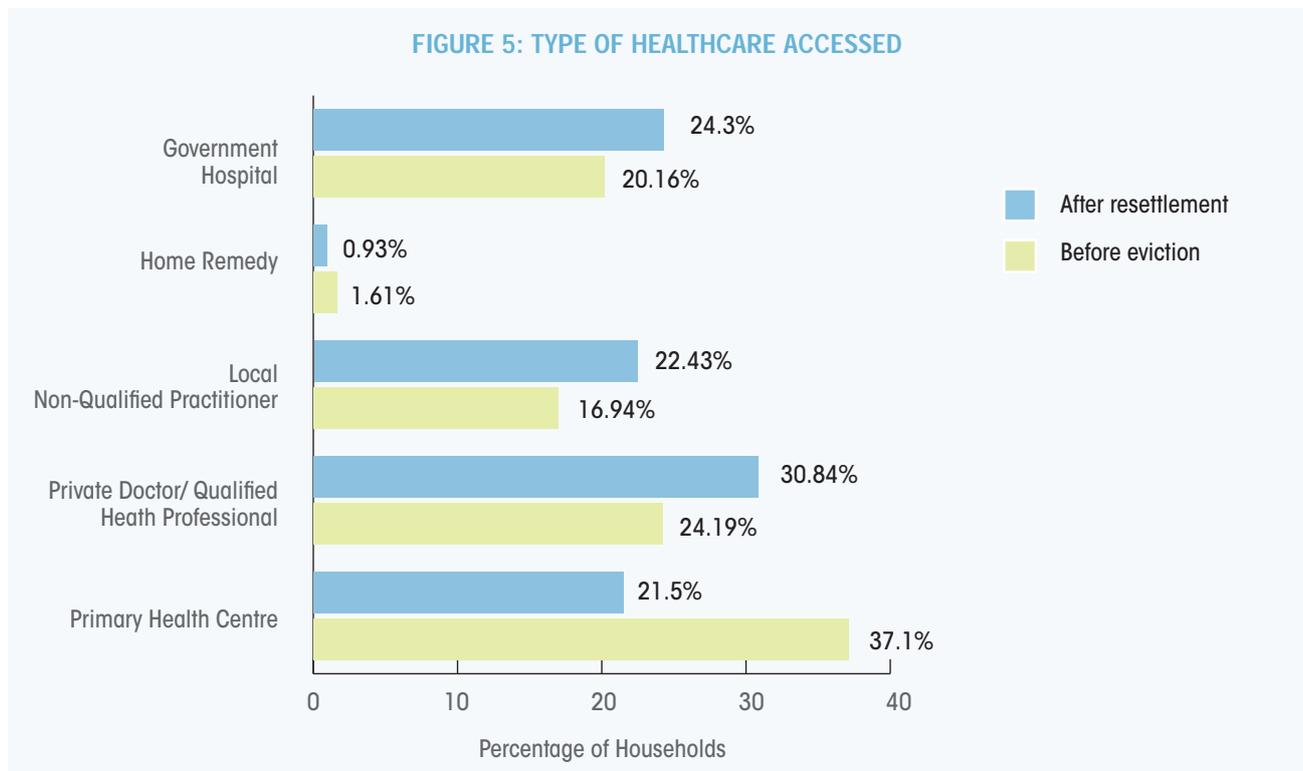
UN Basic Principles and Guidelines on Development-based Evictions and Displacement

54. Special attention should be paid to: (a) the health needs of women and children, including access to female health-care providers where necessary, and to services such as reproductive healthcare and appropriate counselling for victims of sexual and other abuses...

Although the Delhi government's official site plan (of 2007) for Savda Ghevra²⁴ indicates space allocation for 11 medical centres (hospitals, dispensaries, polyclinics and nursing homes), as of May 2014, there exists only one government Primary Health Centre (PHC) / dispensary on the site, while another one is under construction since late 2013. Residents stated that the existing dispensary is not well-equipped, and they are not satisfied with the quality of healthcare provided. Only 4.6% of the people interviewed for this study reported being satisfied with the quality of medical services provided in Savda Ghevra. About 28% of the respondents felt that the facilities were "poor." People informed HLRN that the doctor assigned to the government dispensary does not visit the site regularly and does not provide proper medication. Moreover, the doctor reportedly has exhibited

²⁴ See Annexure 5 of this report for a copy of the government's site plan for Savda Ghevra.

an indifferent attitude towards the residents, often asking them to return on later dates for check-ups, even in the case of emergencies. There is no provision in Savda Ghevra for a gynaecologist or for female healthcare providers. In the absence of any ambulance facility in the dispensary, people have to arrange the transport of patients to hospitals on their own. The nearest government hospital is located 15 kilometres from the site.



Since the government PHC / dispensary does not provide any specialised facilities, residents have to visit the government hospital for treatment of major illnesses and for maternity and reproductive healthcare. Travelling to the hospital is expensive, and residents have sometimes chosen not to visit the hospital when in need, in order to save on the extra expenditure. This has resulted in a decline in the number of people visiting government hospitals after relocation to Savda Ghevra. There is still no pathology laboratory in Savda Ghevra because of which people have to go to Nangloi or other areas for medical tests. Most people visit the government dispensary on the site because it is the only option available to them. At their former sites of residence, 21.5% of the respondents claimed to be visiting the government PHC; this was reported to be about 37.1% in Savda Ghevra, at the time of this study. When this survey was conducted in 2010–11, residents reported spending an average amount of Rs 362 per month on healthcare at their former sites of residence, but the average monthly expenditure on healthcare reportedly increased to Rs 490 in Savda Ghevra. A few families reported spending as much as Rs 10,000 a month on healthcare, as they have members suffering from diseases such as cancer, diabetes and other chronic ailments. For these families, accessing quality healthcare during times of emergency was difficult, given the distance of hospitals and specialised medical clinics from Savda Ghevra.

The lack of adequate public healthcare options has led to many private medical clinics being established in Savda Ghevra. The doctors charge a minimum of Rs 200 per consultation. Although it is expensive, many residents prefer visiting private clinics since they are better equipped than the government health centre.

Several women from the community have been appointed as Accredited Social Health Activists (ASHA)²⁵ to assist pregnant women by providing them with requisite medicines during their pregnancy and helping them to reach hospitals when they are in labour. Additionally, they are supposed to help with the immunisation of children. During discussions with the residents, they reported that ASHAs have not been active in Savda Ghevra for almost two years now. Initially, an ASHA van would visit the site regularly, providing medication to women and children. Residents during an FGD reported that the van has not visited the site for three years. Some ASHAs allegedly take money from pregnant women to assist them during childbirth.

"In the absence of any other option, I helped a woman deliver in the open in Savda Ghevra. I had to cut her umbilical cord with a big sickle, as I did not have any other tools." – Premvati, a midwife, who helped a woman deliver her baby in the open fields of Savda Ghevra

The closest maternity hospital is located ten kilometres away from the site, in Mangolpuri. In the absence of the availability of public transport after sunset, the only way for a woman in labour to reach the hospital is by hiring a private vehicle. Women reported that the lack of transport facilities and adequate medical assistance has forced several women to deliver their babies in the open or on the road side.

"I lost my second child during the process of childbirth, as there was no doctor or medical care available in Savda Ghevra." – Indu, a 24-year-old woman, who lives in Savda Ghevra

ii) Access to Water and Sanitation

Even after eight years of its existence (2006 – 2014), the Savda Ghevra resettlement site does not have a facility for piped water supply. The Delhi Jal Board (DJB) sends water tankers to the site every day and residents have to fill water in their own containers for use in their homes. While the DJB tankers reportedly now come to the site daily, initially residents stated that the tankers would not visit the site for 2–3 days at a time, resulting in acute water shortages. During group discussions, residents mentioned that there is no fixed time for the tanker's visit but usually it comes to the site between 1 p.m. and 3 p.m. every day. Some women reported that they have had to leave their jobs and stay back at home, just to collect water.

"If all of us go to work, then who will fill the water from tanker?" - woman in Savda Ghevra

RESIDENTS COLLECTING WATER IN SAVDA GHEVRA



²⁵ Accredited Social Health Activists (ASHAs) are community health workers instituted by the government of India's Ministry of Health and Family Welfare, as part of the National Rural Health Mission. ASHAs must primarily be female residents of the village that they have been selected to serve, who are likely to remain in that village for the foreseeable future. ASHAs must have studied until class eight or higher and preferably should be between the ages of 25 and 45. They are selected by, and accountable to, the local government. They receive outcome-based remuneration and financial compensation for training days. If an ASHA facilitates an institutional delivery she receives Rs 600 and the mother receives Rs 1,400. ASHAs also receive Rs 150 for each child completing an immunisation session and Rs 150 for each individual who undergoes family planning.

Residents reportedly use the water from the DJB tanker only for cooking and drinking, as it is not enough for all purposes. Since several people have constructed bore wells near their homes, they charge Rs 200 a month from others who can access that water for washing and cleaning purposes.

Installation of Automated Teller Machines (ATMs) for Drinking Water

In November 2013, Piramal Water Pvt. Ltd. established Sarvajal Water ATMs all over the site to provide residents with clean drinking water. Sarvajal has a processing plant on the site that accesses groundwater through bore wells. The water is then routed to a filtration tank, from where it is purified through a Reverse Osmosis system. The stored clean water is then distributed to all the Water ATMs, where residents can access it on a need basis.

Residents are provided with ATM cards with a prepaid amount of Rs 100 on them. Whenever they require drinking water, they need to place the card on the scanner and water is dispensed at the rate of 30 paise²⁶ per litre. Once the amount on the card finishes, the residents are required to recharge it. Currently, there are 15 water ATMs in Savda Ghevra, with one ATM located in each block.

PRIVATELY SUPPLIED DRINKING WATER IN SAVDA GHEVRA



The status of sanitation facilities is critical in determining the habitability of a site as well as the health of its residents. The entire resettlement site of Savda Ghevra has 19 blocks (labelled from A to S). Each block has only one public toilet and bathing area, irrespective of its size. Residents have to pay one rupee per person for using the toilet and five rupees per person for bathing, and thus spend a large proportion of their income on fulfilling one of the most basic needs. Since there is not enough space to construct a bathing area in the small-sized plots that they live on, all residents have to use the public facilities. Women reported not feeling safe while visiting the community toilets, especially at night.

The sewerage system on the site is not connected to the city's sewerage network. As a result, sewage disposal is very inadequate in Savda Ghevra. Almost all families have constructed septic tanks under their houses. This has led to structural inefficiencies resulting from a lack of know-how and skill regarding construction techniques and methods. The open drains that have been built are very wide, and people complained of the risk of infants and young children falling into them. In the absence of any provision for cleaning, the drains have become dumping places for all kinds of garbage, including rubble. The open drains are also breeding grounds for a variety of mosquitoes, insects and other vectors, thereby contributing to the risk of such diseases at the site. Several residents mentioned that the drains are cleaned only once in five or six months.

26 One rupee has 100 paise.

GARBAGE COLLECTION SITE



MAKESHIFT BATHING AREA



There are two garbage sites in Savda Ghevra, which are managed by the Municipal Corporation of Delhi (MCD). Each household pays Rs 15–20 per month for garbage collection. In addition, each family pays Rs 500–600 for cleaning of the septic tank, which is required once every two to three years. Since early 2014, an MCD van visits the site almost daily, creating a street-level primary system of solid waste collection. All blocks have at least one open space designated as a children’s playground. In the absence of adequate garbage facilities on the site, these open spaces have become dumping grounds for solid waste.

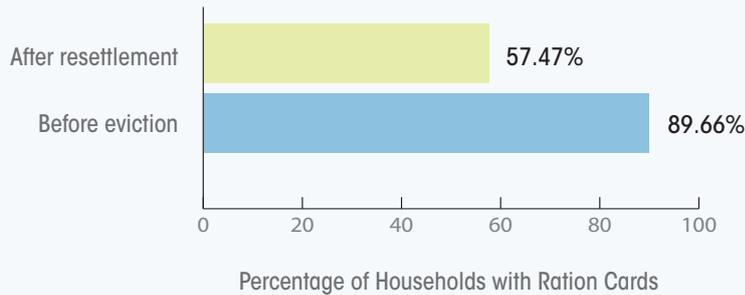
iii) Access to Food

The survey reveals that in their original places of residence, about 90% of the families had ration cards²⁷ that entitle them to subsidised grains and cooking fuel, while after relocation to Savda Ghevra, the percentage of those with ration cards dropped to 57.47%. During the eviction and relocation process, 32% of the respondents stated that they lost their ration cards. While 96% of the respondents reported having applied for a new ration card, at the time of the survey only 58.5% of them had received a replacement. The process of obtaining a new ration card also varied for the families. While some families received a new card instantly by producing the registration slip for the plot at Savda Ghevra, others had to wait for over four years for a new card. On an average, it took about seven months for each relocated family to get a new ration card. Some of the respondents who moved to Savda Ghevra from Thokar No. 8 – Laxmi Nagar and Khan Market lost their ration cards in a fire and drain wall collapse, respectively. Families from Khan Market said that despite repeated follow up with the officials, they have not been able to get a new ration card.

There are only two ration / PDS / Fair Price Shops for the entire population of Savda Ghevra where cardholders can buy wheat, rice, sugar and kerosene at subsidised prices. Those who do not have a card are forced to buy more expensive grains from the local market. One of the shops opens on a daily basis, while the other, reportedly, is erratic in its functioning. The PDS shops have rules pertaining to the distribution of resources. Despite having ration cards, some families are denied gas connections from the PDS shops since the structure of their houses is *kutchra* (not permanent). These families are forced to either purchase gas cylinders in the black market or to use kerosene for cooking. There have been instances reported of black marketing of PDS supplies at the site.

27 Identified destitute households or an individual of a particular social group is provided with a ration card (Antyodaya Card) to enable them avail a foodgrain quota at subsidised price. Each household is entitled to 35 kilogrammes of wheat or rice or a combination of both every month. Each kilogramme of wheat costs Rs 2 while each kilogramme of rice costs Rs 3. A Fair Price Shop (FPS) – designated local ration shop – dispenses the aforementioned quota. Its dealer cannot charge cardholders more than the fixed price (Source: <http://sccommissioners.org/FoodSchemes/AAV.html>).

FIGURE 6: POSSESSION OF RATION CARDS



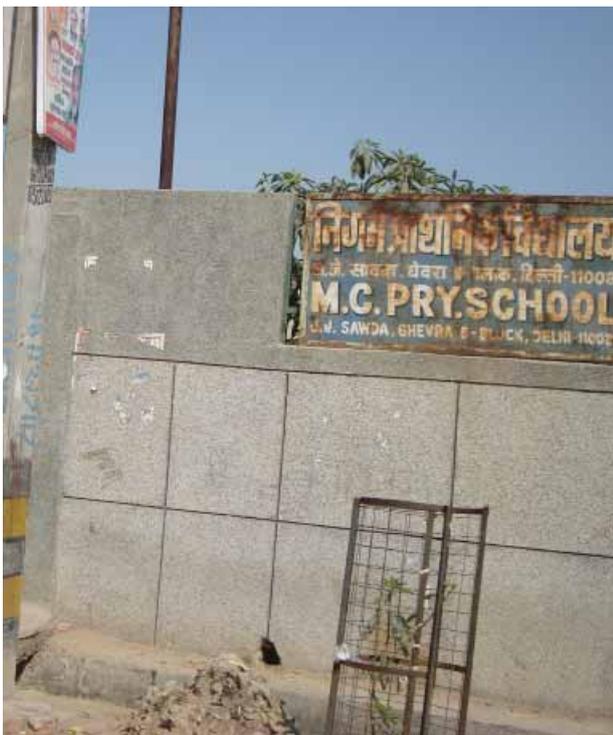
Only 50% of the respondents reported having a Below Poverty Line (BPL) card. The loss of ration cards and the failure of the state to provide alternative cards to the affected families have greatly impacted their human right to food, as it effectively excludes them from the Public Distribution System that entitles them to subsidised food grain and cooking fuel. The failure of PDS shops to supply adequate quantity and quality of food and fuel, further violates the residents' right to food, and must be addressed urgently.

iv) Access to Education

The resettlement site of Savda Ghevra currently has seven government schools: four primary schools, two secondary schools (until class ten) and one senior secondary school (until class twelve). As per the Delhi government's resettlement plan for the site, however, land has been allocated for the construction of 17 schools.

When the survey was conducted in 2010–11, the site had only two primary schools and one secondary school. Five schools have been constructed in Savda Ghevra over the last three years to meet the needs of the children living at the site. Discussions with the affected communities reveal the great concern among parents on the impacts that relocation has had on their children's education and consequently their future.

PRIMARY SCHOOL



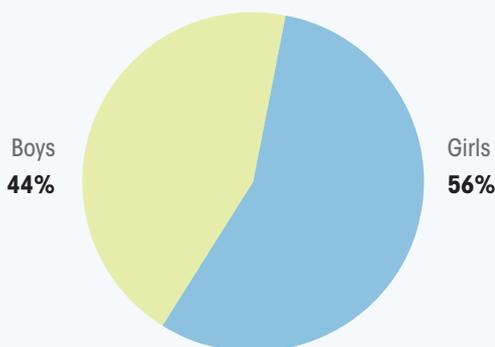
The survey finds that about 21% of the children, from the families interviewed, have dropped out of school after shifting to Savda Ghevra. Of them, about 4% reportedly stopped studying because of the perceived poor quality of education, while the others are not attending school because of problems related with relocation, such as a financial crisis in the family or non-availability of options for higher education near the site. Some families also reported that older children need to share the household work or contribute to the family income, and hence have had to drop out of school.

"I used to go to school. I studied till Class Seven in an English medium school, but left school in the middle of the year, when we came to Savda Ghevra. I don't like the school here. They don't teach much and when I ask questions, the teacher either scolds us or hits us. I don't feel like going to school anymore."

– Chintu, a 12-year-old boy, who dropped out of the government school at Savda Ghevra

In most of the families interviewed, more than two children have stopped attending school while there are a few families where all the children have dropped out. Of the total children who have dropped out, 56.4% are boys and the remaining are girls. The reason for this is that the boys, after completing class ten or even lower, have chosen to work in order to contribute to their family income. The girls who have dropped out from school are now assisting with household work, as they find it difficult to pursue higher studies. Many boys reportedly face a similar dilemma. Some boys at the site were found sitting idle, while others have started working at nearby construction sites.

FIGURE 7: SCHOOL DROPOUTS



The average annual expenditure on education per family seems to have fallen after relocation, as more families are sending their children to government schools in Savda Ghevra. At their former sites of residence, people stated that they had more options of sending children to private schools, which charged higher fees. The monthly fee per child, per month in the government schools is Rs 50, which amounts to Rs 600 annually. Some families, however, reported that the quality of education in the government schools is poor and has deteriorated over the years. This is an issue of concern for many of the parents. During the FGDs, residents mentioned that in some classes, there are almost 80 students with just one teacher. With family savings depleted and the absence of private schools in the vicinity, sending children to the available government schools is the only option for most families.

More than three-fourths of the children walk to school as the government has built schools within the resettlement site. The percentage of students walking to school is reportedly higher in Savda Ghevra than at the respondents' previous sites of residence. There has thus not been an increase in the cost of transportation to school, except for 8.5% of the children who travel long distances by bus – either to their former schools or to institutions of higher education. Almost 9% of the respondents mentioned that their children take a bus to go to the nearest government college.

Families relocated from Nizamuddin Bawri reportedly still send their children to the schools they attended while living there. Even though the children have to leave very early by public transport and return home late in the evening, parents felt it was worthwhile given the better quality of education provided in those schools.

There are 18 government Integrated Child Development Services (ICDS) centres, also known as *anganwadis*, in Savda Ghevra. NGOs have set up one crèche and two learning centres at the site. Each block has one *anganwadi* centre. Teachers at the *anganwadis* have been recruited from the nearby Savda and Ghevra villages, while the helpers are women employed from the community. During FGDs, women residents reported that many of the *anganwadi* teachers are irregular and thus the helpers have to carry out the duties of managing the centres and the children.

Resettlement Plan for Savda Ghevra

UN Basic Principles and Guidelines for Development-based Evictions and Displacement

56 (e) ... The State shall provide all necessary amenities, services and economic opportunities at the proposed site.

Although the Delhi government's 2007 resettlement plan for Savda Ghevra makes a certain set of provisions for basic amenities, the reality on the ground is starkly different.

TABLE 5: PROVISIONS FOR BASIC AMENITIES IN THE DELHI GOVERNMENT'S PLAN FOR SAVDA GHEVRA

Component	Provision in Government Site Plan	Provided in Savda Ghevra
Community halls / centres	10	3
Schools (senior secondary / secondary / primary)	17	8
Health facilities (hospital / dispensary polyclinic / nursing home)	11	1 (one more health centre is being constructed)
Open green spaces (park / <i>shishu vatika</i> (children's playgrounds))	28	About 1 per block, which amounts to about 19 parks
Police station / post	3	None

The site plan does not provide any space for worship or for performing last rites, for the different religious communities.

F) Location

General Comment 4, UN Committee on Economic, Social and Cultural Rights

Adequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities.

UN Basic Principles and Guidelines for Development-based Evictions and Displacement

56 (f) The time and financial cost required for travel to and from the place of work or to access essential services should not place excessive demands upon the budgets of low-income households

Savda Ghevra is located 30–40 kilometres away from people's former sites of habitation and is situated on the outskirts of Delhi, on the Delhi-Haryana border. When the first group of families was relocated to Savda Ghevra in 2006, it was a barren site without adequate roads or connectivity to the city. This resulted in a loss of access to work, education and healthcare.

Over the last few years, residents reported that transportation facilities have improved significantly with an increase in the number of buses and the frequency of their operation. Buses ply to the major commercial areas where most people work. Currently, 18 buses operate to and from Savda Ghevra, making 36 trips in a day. Buses start at 5 a.m. and run until 10 p.m. Before or after these hours it is very difficult to reach the site.

The HLRN survey reveals that the average per capita expenditure on transportation is around Rs 50–70 per day or Rs 1,250–1,750 per month (calculated for 25 work days in a month). The average time spent on a one-way commute to places as far as 30 kilometres is about two hours every day. During discussions with the communities, it was learnt that many people leave for work as early as 6 a.m. and return late at night. People whose daily one-way commute to work was more than 50 kilometres, were forced to leave their jobs and had to find alternative employment near the site. Thirty per cent of the women respondents claimed to have lost their work, as a result of relocation to Savda Ghevra. Of the working women, 56% were domestic workers and had to leave their jobs because the site is situated very far from their work places. Those who chose to continue with their former employment, have to commute a distance of about 50–70 kilometres daily, and therefore leave for work by as early as 5 a.m. every day. The majority of them reported working seven days a week, without any break.

REMOTE LOCATION



As mentioned earlier in this report, the nearest hospital is located 15 kilometres away from the site, and this has impacted the residents' access to healthcare. Women, especially, face the worst brunt of this, with some women reportedly being forced to deliver babies at the site or on the roadside on the way to the hospital.

G) Cultural Adequacy

General Comment 4, UN Committee on Economic, Social and Cultural Rights

The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.

Since consultations were not held with any of the residents, the site design and layout does not meet their cultural needs and sensitivities. The site does not have any areas demarcated for worship; neither has the government built any religious monuments or prayer areas. Though some Hindu families have built a temporary structure in the form of a temple, they have reportedly faced objection from DUSIB and police officials. MCD officials specifically have asked them not to build a permanent temple at the site. Muslims living in Savda Ghevra have built a small mosque on their own. During discussions with the residents, they emphatically stated they supported the need for each religious community to have its own worship area. All residents were of the opinion that when the government was planning a housing site, it should have kept in mind the social and religious needs of all communities.

As far as availability of space for performing last rites for various communities is concerned, an area was designated as a crematorium. However, since it was located in the middle of a residential area, it is no longer being used. The residents reportedly have written to MCD officials requesting the allocation of another cremation site, but no action has been taken.

Around one-fifth of the families evicted from different settlements claimed to have lived in small family communes. The processes of eviction and relocation have resulted in the disintegration of these informal social structures and in families being separated. Families of the same community and same residential site were not allotted contiguous plots in Savda Ghevra. Instead, the allocation of plots has been random, with no efforts made to preserve the social cohesion of the community. This has resulted in the loss of support systems and social safety nets, and has impacted women greatly. Formerly, women could leave their children with neighbours when they had to go to work, but given that many neighbours are strangers, this is not possible. The disintegration of the community also resulted from the fact that some families chose not to move to the distant resettlement site while others did not receive resettlement benefits as they were not considered 'eligible' by the state.

Supreme Court of India (*Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan and Ors.*, 1996):

(...) It would, therefore, be of necessity that the policy of the Government in executing the policies of providing housing accommodation either to the rural poor or the urban poor, should be such that the lands allotted or houses constructed / plots allotted be in such a manner that all the sections of the society, Schedules Castes, Scheduled Tribes, Backward Classes and other poor are integrated as cohesive social structure. The expenditure should be met from the respective budgetary provisions allotted to their housing schemes in the respective proportion be utilised. All of them would, therefore, live in one locality in an integrated social group so that social harmony, integrity, fraternity and amity would be fostered, religious and caste distinction would no longer remain a barrier for harmonised social intercourse and integration.

During discussions with the residents, several of them spoke about an increase in social conflict in Savda Ghevra, including communal tension on certain occasions. Despite living in Savda Ghevra for eight years, a sense of community among the residents has not developed.

H) Physical Security and Freedom from Violence against Women

UN Basic Principles and Guidelines for Development-based Evictions and Displacement

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

While the resettlement plan for Savda Ghevra has allocated space for three police posts (including one police station), not one police post has been built on the site as yet. Though construction of a police post was initiated a few years ago, the project seems to have been abandoned. The closest police station is situated two kilometres away, at Kanjhawala. Several incidents of crime against women, including violence, have been reported at the site. Women who suffer acts of abuse and violence have no recourse to redress. In the absence of a police station in the vicinity, they are not able to file complaints and thus no action is taken against any of the perpetrators. Women and girls continue to live in insecurity and fear. Adolescent girls and young women, especially, are afraid to leave their homes after dark, because of the high prevalence of acts of violence and sexual abuse against them.

Another issue that many mothers complained about was that of young girls being subject to sexual assault and abuse at school. Women have requested for separate schools for girls, as they feel that their daughters are not safe in co-educational schools where these incidents occur. This has also forced many girls to drop out of school.

LACK OF SAFETY FOR CHILDREN



CHAPTER VIII

Impact on Livelihoods after Relocation to Savda Ghevra

The human right to work is integrally linked to the right to life and to the human right to adequate housing. The HLRN study uses the ‘indivisibility of rights’ approach and thus also analyses the impacts that eviction and resettlement have had on the livelihoods and income of the affected persons.

Constitution of India

Article 38 (2): The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

Article 39: The State shall, in particular, direct its policy towards securing -

(a) that the citizen, men and women equally, have the right to an adequate means of livelihood;

The link between the right to life, livelihood and housing has been clearly established in the Supreme Court decision in the case *Olga Tellis and Ors. v. Bombay Municipal Corporation and Ors.* (10 July 1985). The Court stated:

(...) persons in the position of petitioners live in slums and on pavements because they have small jobs to nurse in the city and there is nowhere else to live. Evidently, they choose a pavement or a slum in the vicinity of their place of work, the time otherwise taken in commuting and its cost being forbidding for their slender means. To lose the pavement or the slum is to lose the job. The conclusion, therefore, in terms of the constitutional phraseology is that the eviction of the petitioners will lead to deprivation of their livelihood and consequently to the deprivation of life.

(...) 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 his right to life would be to deprive him of his means of livelihood to the point of abrogation. Such deprivation would not only denude the life of its effective content and meaningfulness but it would make life impossible to live.

Group discussions with people in several blocks of Savda Ghevra reveal that most of them work in the informal sector and earn their livelihood through various means, including roadside vending; working in factories; managing grocery, vegetable and meat shops; working as domestic workers; and, engaging in home-based

work for various small-scale manufacturing and other units. As a result of the eviction and relocation, most respondents to the HLRN survey reported losing their jobs.

The findings of the HLRN survey highlight that the average distance from Savda Ghevra to residents' former livelihood sources is 34.5 kilometres, while for some families it is 50–60 kilometres. Given the fact that the community mostly uses buses or cycles and cannot afford to spend large amounts on transportation, relocation resulted in many of them losing their livelihoods. At the time of the survey and subsequent FGDs, however, many residents reported still travelling an average distance of 31.4 kilometres one-way, to reach their places of livelihood; their daily commute thus equals about 64 kilometres. For this analysis,

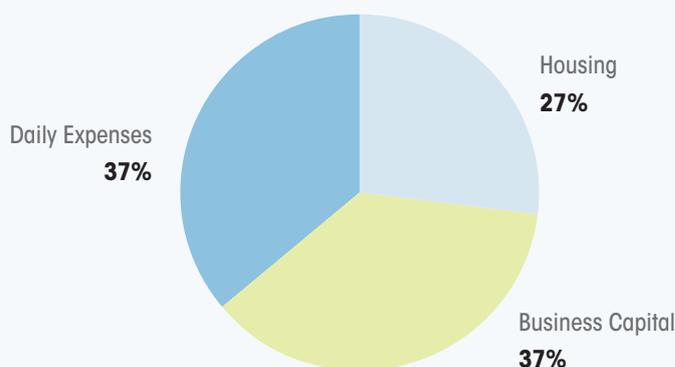
Since the average paying capacity of residents and neighbouring communities in Savda Ghevra is limited, vendors, petty shop owners, and others reported that they do not find enough customers. People who were earlier working in factories have not been able to find suitable jobs that match their skills in the vicinity. Women who were engaged in domestic work are unable to find houses to work in near the site. All of them thus continue to commute long distances to continue with their former jobs. Contractors affiliated with manufacturing units that formerly engaged women in home-based work, do not come to the site, as it is too far from the city. Many women are not able to work as they are afraid of leaving their children alone at home because of the lack of perceived safety and security in the site, and the breakdown of community support systems to look after children.

Some of the women who chose to leave their former jobs have taken up construction work, farm work in nearby agriculture fields, and road side vending, among other jobs. Some of the women go to the Tikri border where they work at a shoe manufacturing unit. Although the salary is lower, several women reported choosing this option as the factory is closer than their former work places. The study reveals that none of the women respondents are trained for any skilled work and hence are unable to find adequate earning opportunities.

About 75% of the survey respondents reported a fall in income after relocation to Savda Ghevra. Some women reported earning up to Rs 8,000 a month as domestic workers in their erstwhile sites of residence. For those who continue to commute daily to their former work places, the rise in transportation cost has resulted in a fall in real income. For women who have chosen to work at the nearby shoe factory, the reported monthly income is around Rs 6,000. Thus, on an average, incomes have fallen and expenditures have increased.

About one-fourth of the families participating in the survey reported having to borrow money after relocation to Savda Ghevra. Reasons for taking loans ranged from constructing housing, capital for self-employment, and for meeting daily expenses such as food, transport, and healthcare.

FIGURE 8: LOANS TAKEN AFTER RELOCATION – FOR VARIOUS PURPOSES



This does not include the community from Nizamuddin Bawri that received financial support from the Aga Khan Foundation for relocation.

Women specifically faced severe hardships as a result of the eviction and subsequent resettlement. Some of the residents were shifted from as far as Laxmi Nagar in east Delhi and the relocation to Savda Ghevra placed them at a distance of 30 kilometres from their centres of livelihood. Most women respondents reported that the male members of their family were unable to find employment near Savda Ghevra; thus the women had to continue working at their old jobs in Laxmi Nagar. Transportation provisions at Savda Ghevra are limited – the women are forced to take the only bus from the site to Laxmi Nagar at 5 a.m. and are able to return home only by an evening bus that leaves at 4 p.m. Their children are left untended for during the day, and the male members of the family mostly engage in social activities, such as playing cards to while away their time. The relocation has thus caused a disintegration of the family.

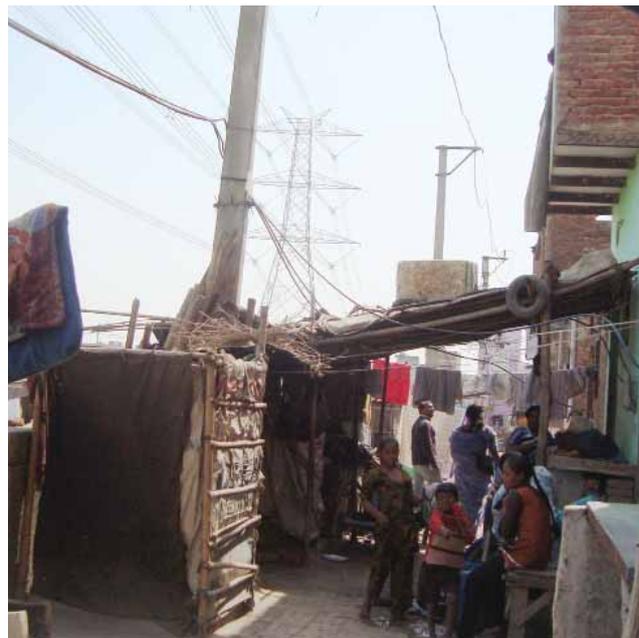
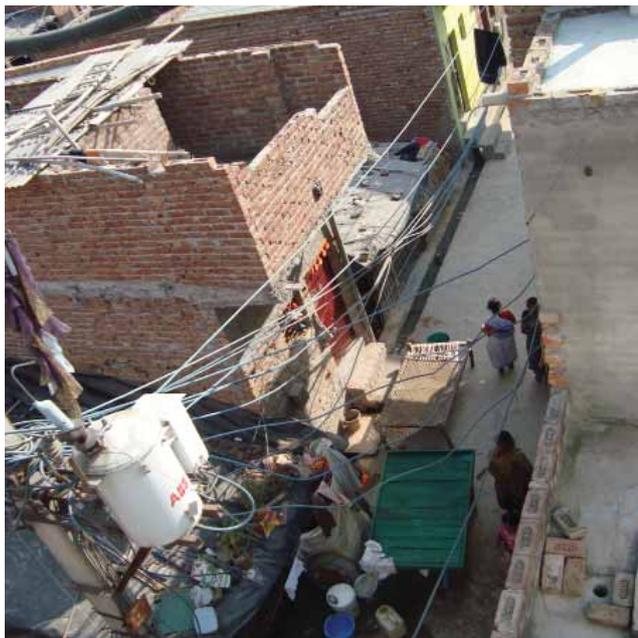
MEN PLAYING CARDS



About 68% of the survey respondents feel that the design of the site is not appropriate for sustaining livelihoods. The basic layout of Savda Ghevra does not include a commercial area and spaces for vending. While some residents have set up petty shops, they complain that officials of the Municipal Corporation of Delhi have ordered their closure. In the absence of any designated commercial areas within the resettlement site, residents are bound to open shops in the residential area.

The group discussions also reveal that given the great distance of Savda Ghevra from original sources of livelihood, some of those who could not afford to leave their jobs are forced to live in makeshift conditions in the city, while their families live in Savda Ghevra. Areas where people, mostly men, reported to be staying in temporary conditions include Gazipur, Loni, Holambi Kalan, Laxmi Nagar, Kale Khan, Dallupura, Seemapuri, and Shakarpur. These men come to Savda Ghevra once a week to meet their families; they cannot afford the daily commute.

ABSENCE OF SPACE FOR LIVELIHOOD ACTIVITIES



During the discussions, a few residents mentioned that the Delhi government is constructing more apartments in Savda Ghevra for the relocation of economically weaker sections of the society, mainly those living in various unauthorised colonies of Delhi. According to the opinion shared by the residents of Savda Ghevra, this is not a profitable proposition for the people already settled there. They strongly feel that had the government promoted Savda Ghevra as a residential site for all income groups, people engaged in the service sector, private enterprises and informal sector could have readily found work. This would have promoted employment opportunities and also increased the average income for all groups. The government's plan of developing ghettos of the poor would not lead to economic prosperity or urban development. The residents of these remote sites thus would be forced always to travel to distant locations in search of sustainable livelihood options.

"The Delhi Government... firmed up plans to launch six new housing projects comprising 20,520 dwelling units under the Jawaharlal Nehru National Urban Renewal Mission for slum dwellers to address the problem of housing for the poor and to make Delhi a slum-free city... A meeting of the State-level steering committee of JNNURM... approved the work on the six new projects under which four-storey dwelling units will be constructed at Tikri Kalan, Bhalswa-Jehangirpuri, Dwarka, Sultanpuri and Savda Ghevra at an estimated cost of Rs 1,139 crore.

... DUSIB will construct 980 units at Sector-16B, Phase-II Dwarka at a cost of Rs 51 crore; 1180 units at A-3 Sultanpuri for Rs 58 crore and 6,360 flats at Savda Ghevra Phase-II for Rs 384 crore."

(From *The Hindu*, New Delhi, 12 March 2011)

CHAPTER IX

Remedy and Restitution

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

59. All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation, and should comply, as applicable, with the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.
60. When eviction is unavoidable, and necessary for the promotion of the general welfare, the State must provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property. Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, such as: loss of life or limb; physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services. Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.
61. To the extent not covered by assistance for relocation, the assessment of economic damage should take into consideration losses and costs, for example, of land plots and house structures; contents; infrastructure; mortgage or other debt penalties; interim housing; bureaucratic and legal fees; alternative housing; lost wages and incomes; lost educational opportunities; health and medical care; resettlement and transportation costs (especially in the case of relocation far from the source of livelihood).

UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 2005

Restitution should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property.

None of the respondents received any compensation from the state for the loss of their homes, vital documents and personal possessions during the eviction process. The state did not provide any financial assistance for relocation either. In Thokar No. 8 – Laxmi Nagar where there had been a fire, each affected household received a nominal compensation of Rs 1,000. This amount, however, was grossly insufficient to cover the actual loss suffered. Ninety-four per cent of the respondents reported not being aware of any government policy for compensation. After relocation, affected families' right to remedy has not been protected. Most people do not know which government agency to approach for redress and restitution or the processes to be followed. All efforts to improve their living conditions and demand basic services have been taken by the affected persons themselves.



Formation of Self Help Group

The residents of Savda Ghevra have formed a Self Help Group (SHG) called *Savda Shram Shakti Sangathan* consisting of 56 members. The group has been advocating for improved living conditions and basic services at the site through different means. In one instance, the members of the SHG staged a *dharna*²⁸ at the Ration Card Office in Nangloi to re-issue cancelled ration cards. In another instance, the members approached the Delhi Transport Corporation (DTC) to issue bus passes for the community at subsidised prices. They also filed a Right to Information (RTI) application with the local Member of the Legislative Assembly (MLA) regarding the quality of food being served in the *anganwadis* at the site. This led to an improvement in the quality of food supplied in the *anganwadis*.

Perception on Human Rights

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

56 (d) No affected persons, groups or communities shall suffer detriment as far as their human rights are concerned, nor shall their right to the continuous improvement of living conditions be subject to infringement.

At the end of the survey, the HLRN team also asked the participants questions to gauge their awareness on their human rights and knowledge about legal provisions protecting their human rights. In order to facilitate the discussion on the perception of human rights, the study team explained the concept of human rights to the respondents. About 13% of the respondents viewed housing as a basic human right to which every citizen should be entitled. About 95% of the respondents did not know about policies, guidelines and standards on forced evictions and displacement, or about the concomitant duties of the state and other responsible actors to ensure the protection of human rights and to provide adequate resettlement. All respondents, however, felt that their rights had been violated as a result of eviction and resettlement.

28 Dharna' is an Indian term used to refer to the practice of exacting justice or compliance with a just demand by staging a protest / sit-in at a public place or at the doorstep of an offender.

CHAPTER X

Recommendations

Based on an extensive study process and detailed interactions with the affected community in Savda Ghevra, HLRN has proposed the following recommendations.

Recommendations for the Delhi Government for Improving Conditions at the Savda Ghevra Resettlement Site

The following recommendations are aimed towards redressing the major shortcomings, and to improving housing and living conditions in Savda Ghevra. Many of these recommendations have originated from the residents of the resettlement site.

1. The Delhi government must take immediate steps to improve living conditions in Savda Ghevra. In particular, the relevant government authorities must improve the quality of basic services, including piped water supply, sanitation, electricity and street lighting, adequate healthcare, and access to livelihood options. The resettlement site should fulfil the criteria laid down in the UN Guidelines.²⁹
2. The recent decision of the Delhi government³⁰ to provide tenure security to 40 lakh (4 million) urban poor of Delhi by selling the dwelling unit to the beneficiary is a welcome step, and the same facility should be extended to the residents of Savda Ghevra that houses about 10,000 families of economically weaker sections who have been given lease over their plots for only ten years. The conditional ten-year leases that have been provided to all residents should be converted to permanent 'ownership' documents that provide legal security of tenure to the residents. The titles should be provided in the names of the adult women of the household.
3. The existing schools around Savda Ghevra need to be improved. The number of teachers should be increased and the quality of educational materials provided also should be improved. There is also a need for constructing new schools to accommodate all the children in the area. The residents have requested separate schools for girls to address the serious problem of sexual abuse of girl children in the co-educational schools.
4. The frequency of buses needs to be increased, and buses need to ply to the site at night as well, in order to

²⁹ In particular, see paragraphs 60–68 of the UN Guidelines.

³⁰ '40 lakh to own 2.5L plots in resettlement colonies,' The Times of India, 12 July 2012. Available at: <http://timesofindia.indiatimes.com/city/delhi/40-lakh-to-own-2-5L-plots-in-resettlement-colonies/articleshow/14831555.cms>

improve connectivity of the site with the rest of the city, including to educational / academic institutions, hospitals, and places of work.

5. The government needs to construct more primary health centres at the site and improve services at the existing health centre / dispensary, including the frequency of visits of the doctor and availability of medicines. Women healthcare providers, including a gynaecologist, need to be present at all government healthcare centres. The scheme of ASHA needs to be improved and made available at the site to enable women to access basic healthcare services. In addition, mobile health vans should visit the area, and the site should be provided with a regular ambulance service.
6. The number of ICDS centres at the site needs to be increased. Currently there are 18 government ICDS / *anganwadi* centres in Savda Ghevra. Each centre accommodates about 25 children. Their capacity is not enough to meet the needs of all the children in the settlement. According to the Ministry of Women and Child Development's norms for ICDS centres, there needs to be one centre for a population of 800 people. With a population of about 50,000, Savda Ghevra would require about 60–70 centres. Women have expressed the immediate need for at least seven more *anganwadi* centres. That would enable them to leave their children in a safe space and go to work.
7. The provisions provided in the Delhi government's 2007 site plan for Savda Ghevra must be immediately fulfilled. This includes the construction of three police posts, including one police station; 11 medical centres; 17 schools; 10 community centres; and 28 parks / open green spaces.
8. The government should introduce regular police patrolling at the site, including by women constables, to check the incidence of crime and violence against women. Police vans should visit the site and the construction of the police station should be resumed.
9. The government should provide opportunities for skill development for women and youth, and improve livelihood opportunities in the area.
10. The government needs to provide grievance redress facilities for the residents and ensure that their complaints are addressed in a timely and appropriate manner.

Recommendations for the Delhi Government regarding Housing and Resettlement

1. The Delhi government needs to revise its resettlement policy in order to make it more inclusive and to ensure that it protects the human rights of all residents of Delhi. The stringent criteria for 'eligibility' should be eliminated, as it ensures that the majority of the urban poor do not receive resettlement benefits. The 'cut-off' date also needs to be abolished. All urban residents who are evicted by the state and / or by private actors acting in collusion with the state must be provided with adequate resettlement and rehabilitation, in accordance with international human rights standards. The revised resettlement policy for Delhi should incorporate provisions of the UN Basic Principles and Guidelines on Development-based Evictions and Displacement.
2. The government must make sure that when alternative housing / land is provided, it takes into account the following factors: size of the family; age of the family members, so as to meet the specific needs of young children and older persons; and, disability in the family, so as to ensure accessibility of housing.
3. The government should impose a moratorium on evictions in Delhi, until a human rights-based comprehensive resettlement and housing policy is in place.
4. The government should take immediate measures to meet the housing shortage for the urban poor in (about 1.1 million houses) Delhi by providing adequate low cost housing that is located close to people's places of work / livelihood.

5. *In situ* upgrading of tenements should be the focus rather than relocation to the peripheries of the city. *In situ* upgrading should consist of improving access to basic services, including by providing toilets, piped water, sanitation, electricity, solid waste management facilities, and improved transportation.³¹ This should be the priority of the government.
6. The government should provide legal security of tenure to all residents of urban settlements; this security should be in the form of a permanent title for the house and should be in the name of the adult women of the community / household. Collective titles over the land should be provided in the names of the women of the settlement.
7. The government should implement provisions of the Master Plan for Delhi 2021 with regard to reservation of land and housing for EWS.
8. The government should implement the orders of the High Court of Delhi in the cases of *Sudama Singh and Others v. Government of Delhi and Anr.*, and *P.K. Koul and Ors. v. Estate Officer and Anr. and Ors.* These judgements protect the human right to adequate housing as well as the right to resettlement, and call on the government to take adequate measures and follow due process for evictions and resettlement.

31 See 'Guidelines for *In situ* Upgrading and Rehabilitation,' developed by HLRN in consultation with other organizations and experts. Available at: www.hic-sarp.org



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Handwritten graffiti in red and pink ink, including the number '412' and various scribbles.



CHAPTER XI

Conclusions

HLRN's study and human rights analysis of the eviction process and the housing and living conditions at the resettlement site of Savda Ghevra, Delhi bring to light a number of serious issues.

1. The study reveals the denial and violation of the human rights of thousands of families in Delhi who were forcibly evicted and relocated to Savda Ghevra. The Delhi government in particular has violated the human rights to life, security of the person and home, health, work / livelihood, education, food, water, and adequate housing, which is the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The authorities have especially violated people's entitlements to security of tenure and freedom from forced evictions; access to, and benefit from public goods and services; information, participation and self-expression; rights to resettlement and adequate compensation for violations and losses; and physical security and privacy.
2. The study finds that the Delhi government has violated national and international law. The government and its agencies have violated the Constitution of India, national laws and policies related to housing and resettlement, and several judgements of the Supreme Court of India and High Court of Delhi, which have held that the right to adequate housing is a fundamental right emanating from the right to life protected by Article 21 of the Constitution. The Government of Delhi has further breached international laws, including the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the International Convention on the Elimination of All Forms of Racial Discrimination.
3. The findings of the study highlight that the Delhi government has also violated the National Building Code and the Master Plan for Delhi 2021, in particular the provisions for low cost housing, resettlement sites, size of housing, and tenure security.
4. The entire eviction process has been carried out in contravention of the UN Basic Principles and Guidelines on Development-based Evictions and Displacement. The Delhi government is responsible for the violation of human rights of affected persons at each stage of the eviction and resettlement process – before, during and after. The government did not hold any public hearings; neither did it provide adequate notice to the residents or time for them to retrieve their possessions before demolishing their homes. The majority of residents were not provided with any information about the resettlement site, nor was transportation to the site covered. The government has not paid compensation to any of the families for the loss of homes, personal property and belongings and for lost livelihoods, health and education.

5. Living conditions in Savda Ghevra are grossly inadequate and the state has abrogated its responsibility to provide adequate resettlement according to national and international standards. Instead of providing adequate housing with security of tenure to each affected family, the state merely provided undeveloped plots, at a price, in a barren site located on the fringes of the city to those who could furnish the requisite documents. The entire burden of constructing houses and developing the site had to be borne by the affected persons. The ten-year conditional lease provided to the residents for the plot of land in Savda Ghevra further reinforces the persistent discrimination against the urban poor by the state. The site is still largely uninhabitable and the residents are still struggling for basic services and amenities, including water, sanitation, transport, electricity and access to healthcare, education, work, and food.
6. Women have suffered disproportionately as a result of relocation. Savda Ghevra is not safe for women and girls, and acts of violence have been reported against them. The distance of the site from the city has resulted in many women losing their jobs while others have to commute between 40–70 kilometres daily, at great risk to their personal health and safety in order to continue with their livelihoods and support their families. With many men losing their jobs and failing to find alternative employment, the burden of providing for the majority of families in Savda Ghevra lies with the women. The breakdown of social safety nets and community ties has also impacted women greatly.
7. Children have also been impacted greatly from the eviction and relocation to Savda Ghevra. Apart from the psychological trauma associated with witnessing their homes being demolished and being forced to move to a new location, many children have had to drop out of school while others have begun working to supplement their family income. Girl children report sexual abuse and violence, even at school.
8. The affected persons have no means to seek redress and no avenues for remedy. The government has not provided any mechanisms for restitution.
9. The study also finds that only a small percentage of the families evicted by the Delhi government were provided resettlement in Savda Ghevra. A large majority were denied any resettlement benefits on the grounds that they did not meet the ‘eligibility’ criteria of the Delhi government’s resettlement policy.

Housing and Land Rights Network strongly HLRN strongly condemns the exclusionary policies of the Delhi government as well as its acts of commission and omission that have resulted in the violation of multiple human rights of thousands of families in Delhi.

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

It must be remembered that the MPD–2021 [Master Plan for Delhi], clearly identifies the relocation of slum dwellers as one of the priorities for the government. Spaces have been earmarked for housing of the economically weaker sections. The government will be failing in its statutory and constitutional obligation if it fails to identify spaces equipped infrastructurally with the civic amenities that can ensure a decent living to those being relocated prior to initiating the moves for eviction (*emphasis added*).

... in the context of the MPD, jhuggi dwellers are not to be treated as “secondary” citizens. They are entitled to no less an access to basic survival needs as any other citizen. It is the State’s constitutional and statutory obligation to ensure that if the *jhuggi* dweller is forcibly evicted and relocated, such *jhuggi* dweller is not worse off. The relocation has to be a meaningful exercise consistent with the rights to life, livelihood and dignity of such *jhuggi* dweller” (*emphasis added*).

With regard to resettlement sites, the Court stated:

The further concern is the lack of basic amenities at the relocated site. It is not uncommon that in the garb of evicting slums and “beautifying” the city, the State agencies in fact end up creating more slums the only difference is that this time it is away from the gaze of the city dwellers. The relocated sites are invariably 30–40 kilometres away from a city centre. The situation in these relocated sites, for instance in Narela and Bhawana, are deplorable. The lack of basic amenities like drinking water, water for bathing and washing, sanitation, lack of access to affordable public transport, lack of schools and healthcare sectors, compound the problem for a *jhuggi* dweller at the relocated site. The places of their livelihood invariably continue to be located within the city. Naturally, therefore, their lives are worse off after forced eviction (emphasis added).

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

HLRN hopes that the Government of Delhi will pay heed to the findings of this study and the recommendations it provides, and acts exigently to improve living conditions not just in Savda Ghevra but in all resettlement sites and urban settlements across the city. Evictions must be halted and so must the construction of any new ‘resettlement’ sites on the margins of the city. The above judgement should be implemented and the contribution of the urban poor to the city’s economy must be recognised and acknowledged.

HLRN believes that resettlement is the act of protecting the affected persons’ human rights to adequate housing, land, work / livelihood, food, water, security of the person and home, health, education and information, in a new location or on return to their original locations, through a voluntary, participatory, transparent and time-bound process, which guarantees the protection of their right to live with dignity. Under no circumstances must resettlement render any person worse off than before. The Delhi government must work to ensure that adequate and timely resettlement is provided to all those families that it has been responsible for evicting over the last many decades.



ANNEXURES

Annexure 1

Survey Questionnaire for Households at Savda Ghevra

SURVEY QUESTIONNAIRE:

Households at the Resettlement Site

City: _____ Surveyor's Name: _____ Date: _____

Name of the Resettlement Site: _____

Where were you relocated from: _____

A. Identification Section

- Name of the Respondent: _____
- Address: _____
- Contact Number: _____
- Religion/ Caste: _____

B. Particulars of Family Members

Relationship	Age	Sex	Education	Employment Status	Occupation	Income per month (Rs)	Any other remarks
1.							
2.							
3.							
4.							
			1 - Illiterate 2 - Primary School 3 - Matriculate 4 - High School 5 - Graduate	1 - Employed 2 - Unemployed 3 - Student 4 - Household work	1- Self-employed 2- Service (Government) 3 - Service (Private)		

C. Notification and Eviction

- How did you get to know about the eviction/ relocation?
- What kind of information did you get about the resettlement site?
 - Were you consulted about the resettlement? (Y/N)
 - Were you asked for your opinion? (Y/N)
 - Were you taken to resettlement site before the eviction? (Y/N)
 - Did you get enough time to relocate? (Y/N)
- Did you relocate voluntarily? (Y/N)
 - Were goods/belongings destroyed/salvaged? (Y/N)
 - What goods were destroyed?
 - Was property and possessions left behind protected? (Y/N)
 - Were you forced to demolish your house or did you opt to do so?
- Can you name any officials (police, municipality, local politician, etc.) that were involved in evictions
 - Was any livestock lost? (Y/N)
 - Which livestock (with numbers lost)?
- Were documents destroyed? (Y/N)
- Were you or your family members hurt? (Y/N)
 - What kind of injury?
- How much did you spend for transportation to the resettlement site? Rs _____
- Have any government officials visited you at the resettlement site?
- Have they offered any assistance, relief?
- Did you receive any compensation? (Y/N)
 - On what basis?
- Did you have access to any remedial action for any violations that you suffered? (Y/N)
- Was any special facility extended to the unwell/ disabled at the time of eviction? (Y/N)
- Did eviction cause disruption of ongoing medical treatment? (Y/N)
- Were members of the same extended family separated in the process of resettlement? (Y/N)

D. Housing

- What type of house did you have at the original site (eviction location)? (*katchal/pucca/ flat/ any other specifications*)
- What was the size of rooms in your shelter at the original site? (1metre = 3.28 feet)

Room 1: _____metres x _____ metres

Room 2: _____metres x _____ metres

Room 3: _____metres x _____ metres

Room 4: _____metres x _____ metres
- How long had you stayed at the original site?
- Did you own the house or was it rented?
 - If you got just vacant plot
 - How much did you pay for the *parchi* / registration

- b) How much did you pay above the *parahi*?
 c) How did you raise the money to build your house?
 d) How much did it cost to build the house?
 e) How much time did it take to build your house?
 6. If you got a house at the resettlement site:
 a) If not, how much did you spend to build / add to it?
 b) How many years have you stayed in this house?
 c) What is the current condition of the house?
 d) Are you happy with your new house?
- E. Accessibility/Location and Readiness of the Site**
 1. How far is the site from the present source of livelihood?
- F. Participation and Information**
 1. Were you consulted on the eviction/relocation?
 2. If yes, was any consideration given to your opinion?
 3. Did you have access to data/documents?
 4. Were you given adequate information on: (Y/N)
 a) Location of site
 b) Timeline for its provision
 c) Design/ material/ layout of the house
 d) Nature of title – ownership/lease, collective/individual
 5. If you were in charge of resettlement how would you do it? (Write short steps)

G. Access to Basic Services [use Y (yes) and N (no) for both Previous Location and Resettlement Site]

Basic Services	Previous Location	Resettlement Site
1. Health		
1.1 Where do you go when you fall ill?		
(i) Primary Health Centre (PHC)		
(ii) Private Qualified Practitioner		
(iii) Local / Non-qualified Practitioner		
(iv) Home Remedy		
(v) Government Hospital		
1.2 How do you rate the available health services?		
(i) Very Good (ii) Good (iii) Average (iv) Poor (v) Very education?		

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Poor		
1.3 How much do you spend (on average)? (Rs per month)		
2. Food		
2.1 Do you have a ration card?		
2.1.1 If no, why?		
2.1.2 Have you tried to get a ration card?		
2.1.3 Did you get back your ration card after it was deposited for change of address?		
2.1.4 How long did it take to get the address changed?		
2.1.5 Do you have a BPL card?		
3. Education		
3.1 How do children go to school?		
(i) Walk (ii) Cycle (iii) Bus (iv) Train (v) Other (specify)		
3.2 Has cost of transportation to school increased?		
3.3 Do you have to pay?		
3.3.1 How much fee do you pay? (Rs per month)		
3.4 Have you received any financial assistance for education?		
3.4.1 If yes, from who?		
3.5 Are you aware of/have utilised any government scheme for education?		
3.6 Were you provided compensation for new uniforms/books?		
3.7 How many children dropped out due to eviction/relocation? Why?		
3.8 How many girls dropped out due to eviction/relocation? Why?		
3.9 How many children in the family now go to school?		
3.10 How many girls in the family now go to school?		
3.11 What are the reasons for children not going to school?		
3.12 Would you like to mention any problem regarding		

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H. Habitability

I. Did you receive a built/complete house as part of the rehabilitation package? (Y/N)

(If yes, please answer the following questions. If no, please skip to Section B below)

Material Used for Construction

1. Do you have any complaint about the material used?
2. What has been the response to your complaint?

Design of the House/ Site

1. Do you sleep inside the house or out in the open? Why?
2. If given a choice, would you have built the type of house that was given to you? Would you have preferred to build your own house?

II. If you were given only a plot and you built the house on your own

Material Used for Construction

1. What material did you use for construction of the house?
2. Is the material suitable to local weather conditions?
3. Where did you get the material from?

Design of the House/ Site

1. Is it *kutcha* / temporary or *pucca* / permanent?
2. (a) Is it single-storied or multi-storied?
(b) How many floors does it have?
3. How many rooms are there in the structure?
4. Is there a separate kitchen? Is it in the house/ outdoors? Does it meet your cooking needs/ requirements?
5. Do you sleep inside the house or out in the open? Why?
6. In case you sleep in the open, do women feel safe?
7. Do walls between houses go right up to the roof? Do they provide privacy from neighbours?
8. How much space is there within the structure? Is the space adequate?
9. Do women and adolescent girls feel they have enough privacy?
10. Are there windows? Is there enough ventilation?
11. Are you happy with your house?
12. Would it have been better if you were provided a constructed house?

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I. Livelihood and Income

1. Is the resettlement site close to your source of livelihood?
If not,

1.1 How far do you have to travel? _____ kilometres (km.)

1.2 How much time does it take? _____ hours

1.3 How much does it cost to commute daily? Rs _____

2. How much compensation was received by your family?
3. Who was the compensation paid to?
4. Are you aware of any government compensation policy?
5. Have you lost your job due to relocation?
6. Have women lost jobs /livelihoods/ home-based work due to relocation?
7. Have women received compensation as independent economic units?
8. Have income levels/real wages fallen/ risen/ remained the same at the new site?
9. Have you had to borrow money after relocation? Why?
10. Did you choose the new occupation because you cannot easily reach your old work place?
10.1 What are the main reasons for changing employment/livelihood?

11. Is the layout of the site/design of the structure appropriate from the point of view of continuing livelihoods?

J. Perceptions on Human Rights

1. Do you feel any of your human rights have been violated in the process? Which ones?
2. Do you believe that housing is a human right?
3. Do you believe that the right to adequate rehabilitation is a human right? Why?
4. What rights do you have at the resettlement site?
5. How should human rights be protected in the future?

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Annexure 2

Survey Questionnaire: Focus Group Discussion – Site Specific (Eviction Site / Previous Settlement)

SURVEY QUESTIONNAIRE: FOCUS GROUP DISCUSSION

Site Specific (Eviction Site/ Previous Settlement)

(for community members / affected persons / community leaders / field organizations)

City _____ Surveyor _____ Date _____
 Name of Eviction Site/ Previous Settlement _____ City _____ Date _____
 Address of Eviction Site/ Previous Settlement _____

A. Identification Section

- Name of the Respondent _____
- Organisation/Association of the Respondent _____
- Additional identity _____
- Address of associated office _____
- Contact No. _____

B. General Profile of the Eviction Site/ Previous Settlement

- Period of existence of the previous settlement: Year _____ to Year _____
Total years _____
- What was the total no. of residents: _____ Households (HH) _____ Persons
(In case of confusion, fill both)
- Major areas from where people had migrated to that settlement?
- Who owned that land? (write all in case of multiple owners)

C. Notification and Eviction

- What kind of notice were you given (tick/ circle)
(a) written (b) oral (c) no notice (on spot)
- At what level was the notice served
(a) each household (b) community level
- How many days before the eviction was the notice given?
- What was the reason for the eviction/ relocation?
- Was there a public hearing?
- Did you/ community members see any alternative to the eviction?

7 (a) Were women officials / personnel present at the time of eviction? (Y/N)

26. How many of those evicted were considered eligible for relocation? _____ HHs
 27. Did you know about your rights? (Y/N)

9 (a) If yes, who/which organization told you about them?

28. When were you evicted?
 Year _____ Season/Month _____ Morning/Afternoon/Evening _____

29. Was force used? By who?

30. What kind of force was used? Lathi charge, Tear gas, Fire, etc.

31. Have the women been subjected to arbitrary interference with their (i) home, (ii) person and privacy, including dispossession?

32. Who paid for transportation to the resettlement site?

33. Was there any assessment of losses? How was loss evaluated?

34. Which documents were you required to submit as eligibility proof? (list)

35. How much time did you get to prove eligibility?

36. What happened first? (tick) (a) the demolition/eviction (b) resettlement

37. Were members of the community separated in the process of resettlement? (Y/N)

38. Was there any psychological counselling /special social service immediately after eviction? (Y/N)

D. Housing

- What did evictees get? (a) Vacant plot (b) Partially built house (c) Fully built house (d) Other arrangement (specify)
- If you got just vacant plots:
 - What is the size of the plot?
 - Did the allottees have to pay for it? (Y/N)
 - How much did you pay?
 - What were the payment terms?
- In case of the constructed structure, when was the possession given?

E. Security of Tenure

- Have you been given any title over the plot/ house? (Y/N)
- If yes, is it a lease or ownership?
- How many years is it for?
- (a) In whose name has the title been given?
(b) Does it recognize joint ownership by men and women? (Y/N)
- Has there been discrimination against women-headed households?
- Have you faced any threat or fear of eviction at this new site? (Y/N)
(i) If yes, from who? _____
(ii) How often? _____

7. (a) Have people gone back to the original site? (Y/N)
 (b) If no, have people gone back to other parts of the city? (Y/N)
 (c) If yes, (i) Location _____
 (d) What is the status there? (tick/ circle) (i) Homeless (ii) Living in new settlement (iii) Living in former settlement (iii) Other habitation (iv) Others (specify)
 (e) Distance from (i) previous settlement _____ km. (ii) resettlement site _____ km.
 (f) Reason for not settling in the new allotted space?

F. Accessibility/Location and Readiness of the Site

2. How far is the resettlement site from the original location?
 3. When you reached the site, did it have the following : (Y/N)

i. Water	
ii. Electricity	
iii. Access roads	
iv. Public transport modes	
v. Community toilets	
vi. Drainage	
vii. Sewerage	
viii. Waste disposal facilities	
ix. PHC/Dispensary	
x. School	
xi. House (if supposed to be built)	
xii. Emergency services	

G. Access to Basic Services (use Y/N for both Previous and New Resettlement)

Basic Services	Previous Location	Resettlement Site
1. Electricity		

1.1 Do you have electricity supply? (If No, go to 2.1) (if yes, next)			
1.1.1 How many hours a day?			
1.1.2 Is the voltage sufficient?			
1.1.3 Do you have to pay for electricity?			
1.1.4 How much do you pay per month?			
1.1.5 Has electric supply affected women's mobility /safety?			
1.1.6 Have children's studies been affected?			
1.1.7 Who is the local service provider?			
1.1.8 Do you have a meter?			
1.1.9 Are these well-lit? (i) toilets (ii) public spaces (iii) walkways			
2. Water			
2.1 Sources of water [piped supply (taps), hand pumps, water tankers, wells, river, etc.] (specify)			
2.1.1 Is it potable? (i) tap (ii) hand pump (iii) tanker			
2.1.2 Is the water quality good? (i) tap (ii) hand pump (iii) tanker			
2.1.3 Do you pay for water? (i) tap (ii) hand pump (iii) tanker			
2.2 Do you have access to piped water supply?			
2.2.1 Time of piped water supply and duration?			
2.2.2 Is the piped supply adequate?			
2.2.3 Type of connections (i) individual (ii) community			
2.3 In case of community taps, specify no. of stand posts in the entire area? (specify, if it is block-wise data)			
2.3.1 How long does a person have to wait for her/his turn?			
2.3.2 How far is it from the place of residence? (in metres)			
2.3.3 How long does it take to collect water every day?			

2.4 In case of water tankers, how frequently do they come?		
2.4.1 How much do each HH pay for water from tanker? (Rs./day)		
2.4.2 Are tankers (i) private (ii) public		
2.4.3 Is the supply from tankers adequate?		
3. Sanitation		
3.1 Any water borne diseases in the site? (Cholera, gastroenteritis, giardiasis, etc.)		
3.2 Toilets (i) community (ii) individual (iii) both (iv) none		
3.3 How many community toilets are there at the site?		
3.3.1 How many toilets are there for women?		
3.3.2 How long do you have to wait for your turn to use the toilet?		
3.3.3 Can the door be locked?		
3.3.4 Is there water in the toilets?		
3.3.5 What kind of drainage is there?		
3.3.6 Who maintains the toilet?		
3.3.7 (a) Do you have to pay for using the toilet?		
3.3.7 (b) How much?		
3.3.8 How far is the toilet from the residential area? (in metres)		
3.3.9 Is it well lit?		
3.3.10 Do women feel safe using it after dark?		
3.3.11 Does the construction ensure privacy for women and adolescent girls?		
3.3.12 Is it open air?		
3.3.13 Is there a separate bathing area for women?		
3.3.13is there a Sulabh Complex /other community toilet		

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complex?		
3.3.14 Do residents use it?		
3.3.15 How much do you pay to use the toilet?		
3.3.16 How much do you pay to bathe?		
3.3.17 How much do you pay to wash clothes?		
3.4 In case of individual toilets		
3.4.1 Flush toilet or pit toilet?		
3.5 Is there proper drainage/ sanitation?		
3.5.1 Do municipal workers sweep the streets?		
3.5.2 What is the frequency? (i) daily (ii) alternate day (iii) weekly		
3.5.3 Is there any garbage storage provision?		
3.5.4 Is there any garbage disposal/clearance facility?		
3.5.5 Who is responsible for garbage clearance?		
3.5.6 How frequently is garbage disposed/ cleared?		
3.5.7 Where is waste dumped?		
3.5.8 How far is the site from the residential area?		
3.5.9 What kind of drainage facility exists?		
4. Health		
4.1 Is there a Primary Health Centre (PHC) in the area?		
4.1.2 How far is it from the site? (in km.)		
4.1.3 How long does it take to reach there? (in minutes)		
4.1.4 How much does it cost to reach there? (both ways included)		
4.2 Which is the nearest government hospital? (Name, Location)		
4.2.1 How far is the hospital located? (in km.)		

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4.2.2 How long does it take to reach there? (in hrs.)		
4.2.3 How much does it cost to reach there? (both ways included)		
4.3 Do any Mobile Health Vans visit the area?		
4.3.1 Is it government owned/ private?		
4.3.2 How frequently do they visit? (visits per week)		
4.4 Have any Health Camps been organized?		
4.4.1 Who organizes these?		
4.5 Do women have access to healthcare and to women doctors and practitioners?		
4.6 Has any new health problem emerged after/due to relocation?		
4.7 Has the frequency of illnesses increased after relocation?		
5. Food		
5.1 How far is the Public Distribution System (PDS) shop located?		
5.2 When does it open? (Timings)		
5.3 Is ration/food grain available?		
5.4 Can anyone in the family collect ration?		
5.5 Is the grain edible?		
5.6 What price do you have to pay for?		
a) wheat		
b) rice		
c) sugar		
d) kerosene		
5.7 Do you get all your requirements from the ration shop?		
5.7.1 If not, where else do you shop?		
5.7.2 How far is the market?		

5.8 Is there a mid-day meal scheme available in schools?		
5.8.1 Is the food provided adequate?		
6. Education		
6.1 How far is the nearest government school? (in km.)		
6.2 What is the level of education available in the school? (Up to what class?)		
6.3 Are there any facilities for higher education?		

H. Cultural Adequacy

1. Is the layout of the site/design of the structure culturally appropriate?
2. Is there space for social interaction? Is there a community hall?
3. Did relocation create problems in co-existence with nearby communities?
4. Were places of worship/burial grounds etc. lost?
5. How accessible are places of worship at the resettlement site?
6. Has there been any communal/ethnic tension?

I. Land and Natural Resources

1. Has relocation resulted in loss of access to any natural resources – trees, plants, crops, firewood/fuel, other resources?
2. How has this affected you - your income/ livelihood/ needs?

Annexure 3

Survey Questionnaire: Focus Group Discussion – Conditions at the Savda Ghevra Resettlement Site

Survey Questionnaire: Focus Group Discussion
(Conditions at the Savda Ghevra Resettlement Site)

(for community members / affected persons / community leaders / field organizations)

City _____ Surveyor _____ Date _____
 Name of the Resettlement Site _____
 Address of the Resettlement Site _____

A. Identification Section

10. Name of the Respondent _____
11. Organisation/Association of the Respondent _____
12. Additional identity _____
13. Address of associated office _____
14. Contact No. _____

B. General Profile of the Resettlement Site

1. Year of first resettlement _____
2. Particulars of Eviction Sites from where people have been relocated to this site

Name of the Eviction Site (Original Settlement)	Years of Existence (from- till)	Year when resettled	Distance from Original Site (in km)	Total Hhs on Original Settlement	No. of Hhs shifted to this Resettlement Site
1.					
2.					
3.					
4.					
5.					
6.					
7.					

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8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

3. Livelihood of the settlers at the Resettlement Location

3 (i) Major occupation:

- (a) Male: _____
 (b) Female: _____

3 (ii) Locations of work/ livelihood

- a. _____ km. _____ Area activity/ Use _____
 b. _____ km. _____ Area activity/ use _____
 c. _____ km. _____ Area activity/ use _____

[Industrial, commercial, residential (household workers), construction site, vending/ hawking, rickshaw pulling, other informal labour etc.]

3 (iii) Any special arrangements made by government for resettlers (specify what, when started, location, distance, type of employment, etc.)

C. Accessibility, Location and Readiness of the Site

4. Is the site located on government or private land?
5. What are the environmental considerations? Is it close to any (a) polluting industry (b) low lying area/ swamp (c) large waste dump (d) along large drains (e) Others (specify)
6. How accessible is the site? Is the site accessible to older persons/persons with disabilities?
7. How far is
 - (a) Nearest Fire Station _____ km. or _____ minutes
 - (b) Nearest Ambulance provider _____ km. or _____ minutes
 - (c) Nearest Bus Stop _____ metre

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- (d) Nearest Inter-State Bus Terminal _____ km. Name _____
- (e) Nearest Railway Station _____ km. Name _____
- (f) Nearest Police Station (thana) _____ km. Name _____

5. Were any economic opportunities made available at the site immediately after eviction?
6. Have any economic opportunities been made available now?

D. Habitability

1. Did you receive a built/complete house as part of the rehabilitation package?

I. Material Used for Construction

- What material was used for construction of the new/alternative house?
- Is it water proof?
- Is it fire resistant?
- Is it durable?
- Is the material suitable to local weather conditions?

II. Design of the House/ Site

- Were the communities consulted in the design of the house?
- Is it kutcha/temporary or pucca/permanent?
- Is it multi-storied?
- How many rooms are there in the structure?
- Are the rooms partitioned?
- Is there a separate kitchen?
 - Is it in the house/ outdoors?

(c) Does it meet your cooking needs/ requirements?

- Is there any flooring?
 - What kind of flooring is there?
- How much space is there between two rows of houses?
 - Do walls between houses go right up to the roof?
 - Do they provide privacy from neighbours?
- Do women and adolescent girls feel they have enough privacy?
 - How much space is there within the structure?
 - Is the space adequate?
- Where do you dry clothes?
- Are there windows? Is there enough light and ventilation?

E. Concerns of Women, Children and Special/ Marginalized Populations

- Were the plots allotted in women's name on priority basis?
- Were women part of the consultation, if any, regarding the eviction/relocation?
- Do you feel women's rights have been violated? How?
- Has there been discrimination against women-headed households?
- Is there any facility for counselling of women?
- Is the site safe for (i) women (ii) children (iii) older persons (iv) persons with disabilities (v) religious and other minorities?
- What are women's greatest concerns? (list priority) 1. _____ 2. _____ 3. _____
- Has eviction/relocation affected existing historical discrimination within communities (e.g. dalits)? How?
- Are there crèches / anganwadis/ play areas for children?
- Is the site safe for children? (Is it close to the main road/highway/toxic site?)
 - Any incidence of violence against women?
 - If yes, was a complaint registered?
 - Was there any follow up action?
- Has alcoholism/alcohol related violence increased?
- Has general violence and crime increased?

F. Post Eviction Action

- Did government compensate for the economically assessable damages suffered during/ due to eviction? (Y/N)
 - Has there been any evaluation survey by government department? (Y/N)
 - If yes, (i) when _____ (ii) by whom _____

Annexure 4

Registration Slip for a Plot at Savda Ghevra

दिल्ली नगर निगम
सम एवं जे० जे० विभाग
कार्य नं० ४४९

अध्याय २ खण्ड २ (ए)
सम/अ कार्य नं. ५

आत थी _____
पता 172 Rajiv Gandhi Camp T. 110 21 क्रमांक **A 45866**
से सम एवं जे. जे. विभाग, दिल्ली

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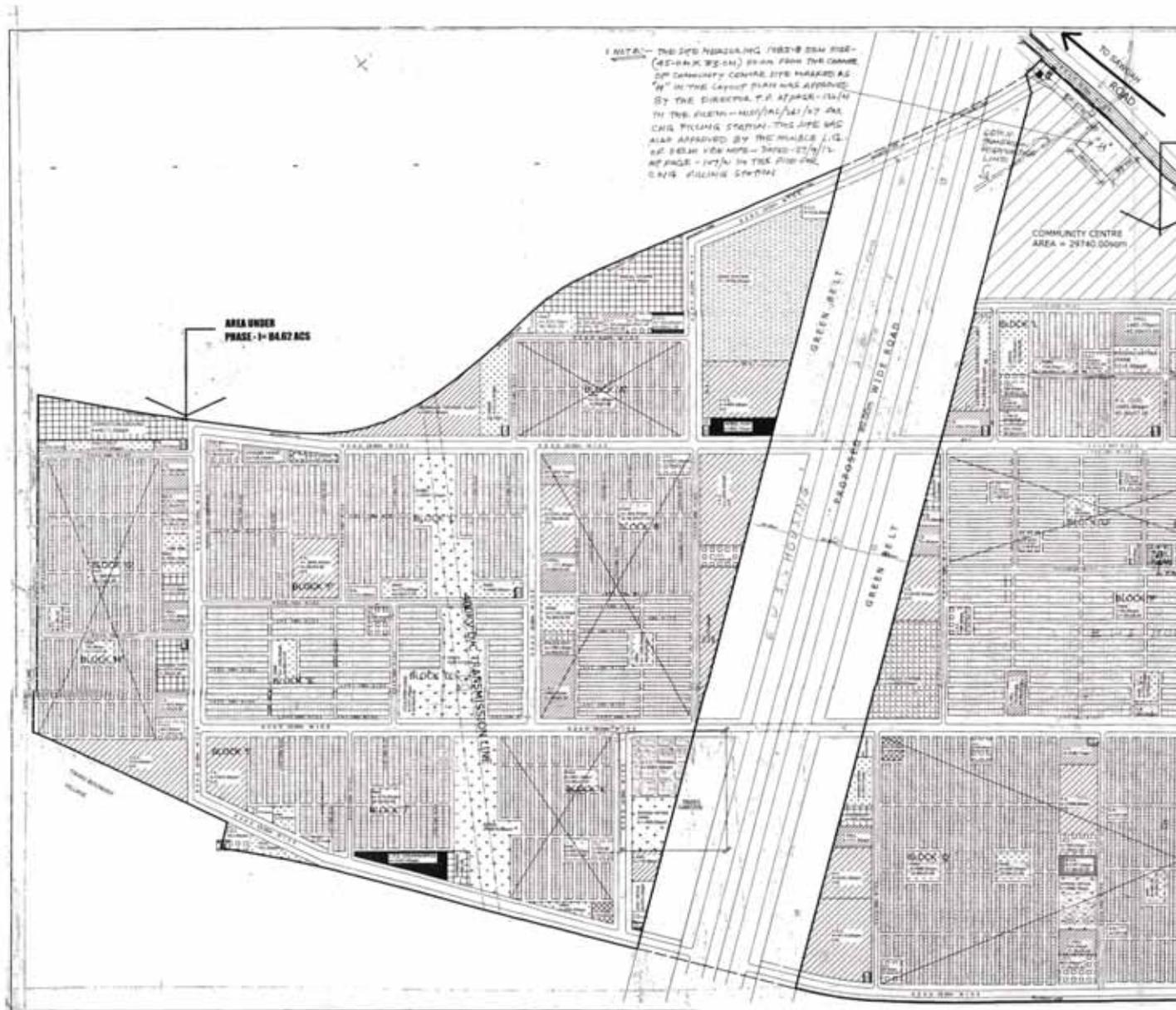
मुनाजत की तिथि _____
दैनिक आरोही योग 19/202
(कालम I तथा दैनिक योग के कालम को कंपनी रिकार्ड वाली कालम की प्रति में ही भाना चाहिए)

रशि 19 श्री के हस्ताक्षर

६. १९९९ ई. ३. १००० (सम एवं जे० जे० विभाग) १०० रूपी का कागज प्रयोग करें

Annexure 5

Government of Delhi Site Plan for Savda Ghevra (2007)



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

In this report, HLRN presents the findings of an investigative primary research study in the resettlement site of Savda Ghevra, Delhi. HLRN worked with community organizations, including Society for Participatory Integrated Development (SPID), in Savda Ghevra to carry out the study.

The report is part of a three-city human rights assessment of resettlement sites in India: Savda Ghevra, Delhi (Report One); Kannagi Nagar, Chennai (Report Two); and, Vashi Naka, Mumbai (Report Three).

The HLRN study uses the human rights framework to analyse the eviction process that preceded the relocation of families to Savda Ghevra as well as the housing and living conditions in the resettlement site. The report makes specific recommendations to the Government of Delhi to improve living conditions in Savda Ghevra, and to incorporate human rights standards in law and policy related to housing, land and resettlement. HLRN hopes that the government will implement these recommendations, and will work to ensure the protection and realisation of the human rights of the working poor who are being continually discriminated against and marginalised.



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FORCED TO THE FRINGES

REPORT
2

Disasters of 'Resettlement' in India

KANNAGI NAGAR, CHENNAI



Information and Resource
Centre for the Deprived Urban
Communities



HOUSING AND LAND RIGHTS NETWORK

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Disasters of 'Resettlement' in India

REPORT TWO: **KANNAGI NAGAR, CHENNAI**



Information and Resource Centre
for the Deprived Urban Communities



HOUSING AND LAND RIGHTS NETWORK

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List of Acronyms / Abbreviations

BSUP	Basic Services for the Urban Poor	No.	Number
CBOs	Community-based Organizations	NOC	No Objection Certificate
CCTV	Closed Circuit Televisions	NUHHP	National Urban Housing and Habitat Policy
CD	Community Development	NULM	National Urban Livelihood Mission
CESCR	Committee on Economic, Social and Cultural Rights	NGOs	Non-government Organizations
CWC	Child Welfare Committee	NRRP	National Rehabilitation and Resettlement Policy
EIA	Environmental Impact Assessment	OBC	Other Backward Classes
ESIA	Environmental and Social Impact Assessment	PDS	Public Distribution System
ETRP	Emergency Tsunami Reconstruction Project	PWD	Public Works Department
EWS	Economically Weaker Sections	RAY	Rajiv Awas Yojana
GoTN	Government of Tamil Nadu	R & R	Resettlement and Rehabilitation
G.O.	Government Order	Rs	Rupees (Indian)
HLRN	Housing and Land Rights Network	SC	Scheduled Castes
ICDS	Integrated Child Development Services	SCSTEDS	Slum Children Sports Talent Education Development Society
INR	Indian Rupee	SIA	Social Impact Assessment
IRCDUC	Information and Resource Centre for the Deprived Urban Communities	SHGs	Self Help Groups
JNNURM	Jawaharlal Nehru National Urban Renewal Mission	ST	Scheduled Tribes
LIG	Low Income Groups	SUHHP	State Urban Housing and Habitat Policy
MD	Managing Director	TN	Tamil Nadu
MLA	Member of the Legislative Assembly	TNUDP	Tamil Nadu Urban Development Project
MoHUPA	Ministry of Housing and Urban Poverty Alleviation	TNULM	Tamil Nadu Urban Livelihood Mission
MRTS	Mass Rapid Transit System	TNSCB	Tamil Nadu Slum Clearance Board
MUDP	Madras Urban Development Project	ULB	Urban Local Body
		UN	United Nations

Executive Summary

Introduction

Kannagi Nagar, one of the largest resettlement sites in India, is located in Okkiyum Thoraipakkam Town Panchayat, Kanchipuram District, in the southern state of Tamil Nadu. From an initial size of 3,000 houses in the year 2000, the settlement of Kannagi Nagar has steadily grown, in a phased manner, to 15,656 constructed and occupied houses, and is still under expansion and construction. An additional 2,048 tenements also have been completed under the Emergency Tsunami Reconstruction Project (ETRP) and another 6,000 houses are now under construction under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM).

Information and Resource Centre for the Deprived Urban Communities (IRCDUC) and Housing and Land Rights Network (HLRN) conducted a human rights research study in Kannagi Nagar in order to identify the gaps in the resettlement process; to assess and analyse the living conditions at the resettlement site as well as the preceding process of forced eviction; and, to propose recommendations to improve conditions and enable residents to realise their human rights. The study consisted of a combination of primary data collection and secondary research. Data was collected through a survey administered to a sample size of 300 households, consisting of 1,243 people.

Major Findings of the Study

I. Socio-economic Profile of the Respondents

Among the respondents, 32% were men, 35% women, 17% boys, and 16% were girls. Almost 77.6% of the respondents are dalits and 22.4% of them belong to Other Backward Classes (OBC). Forty-six per cent of the respondents are illiterate; 49.6% have completed high school and 4.4% have college education. Thirteen percent of children in the age group of 6-14 years are out of school and 35% of the children in the age group of 15-18 years are school dropouts. The study also reveals that 76% of the respondents have four or more members in their household.

II. The Eviction Process

The study uses the human rights standards provided in the UN Basic Principles and Guidelines on Development-based Evictions and Resettlement (2007) to analyse the process of eviction that led to families being resettled in Kannagi Nagar. The study reveals the following findings with regard to the three stages of the eviction process: before, during and after.

Prior to Evictions

Lack of notice: Only 40.6% of the respondents received legal notices of the eviction. Others received only verbal information from the officials. Most families thus had very little time to collect their belongings before the state demolished their homes. Where notices were given, they did not explain the reason for the eviction.

Absence of information, consultation, and public hearings: Of those surveyed for this study, 92.6% stated that they were neither consulted about the process nor was their opinion heard. The study finds that 97.3% of the respondents did not receive any details about the proposed resettlement plans. The state did not conduct any public hearings to discuss the proposed relocation or to provide affected persons with an opportunity to present their views.

During Evictions

Absence of neutral observers: The respondents mentioned that no neutral observers were present at any of the sites during the eviction process. Only police officials, politicians and officials of the land-owning department were present at the eviction site during the eviction.

Inappropriate timing of the eviction: Thirty-eight per cent of the evictions were carried out during the mid-academic year while 14% of the evictions occurred during the monsoons – in violation of the UN Guidelines. Thus, all the residents, especially the children, suffered greatly during the eviction process.

Loss of property and possessions: Ninety-one per cent of respondents reported losing property and possessions, as they were not provided adequate time to salvage their belongings from their homes before the eviction/demolition. Almost 11% of the respondents lost vital documents and identity cards during the eviction process.

Forceful demolition and relocation: The survey reveals that 31.66% of the respondents' houses were demolished by force. In addition, 89.66% of the respondents claimed that they were made to relocate to Kannagi Nagar against their will. Their signatures for consent were allegedly procured by the Slum Board under the guise of collecting signatures for determining 'eligibility' for housing, but not for relocation.

After Evictions

Lack of immediate relief: The state did not provide relief, including food, medical services, and other amenities, to any of the evicted families. Around 7% of the respondents were not provided with alternative housing immediately after the eviction but were made to wait for about a week before they were provided housing. Around 80% of the respondents lost their employment immediately after the relocation because of the increased distance of Kannagi Nagar from their places of work.

Gross violations of human rights: The survey process and group discussions with residents of Kannagi Nagar reveal gross violations of their human rights, including their human right to adequate housing, food, water, education, health, work / livelihood and security of the person and home.

Remedies for Forced Evictions

The Tamil Nadu government has not provided any compensation to any of the evicted families for the loss of property and personal belongings or for lost educational and work opportunities and income. The resettlement provided in Kannagi Nagar, as highlighted by this study, is grossly inadequate.

III. Housing and Living Conditions in Kannagi Nagar

The study uses the elements of ‘adequacy of housing’ expounded in General Comment 4, ‘The Right to Adequate Housing’ of the United Nations Committee on Economic, Social and Cultural Rights (1991) to assess the housing and living conditions of families in Kannagi Nagar.

- a. Legal security of tenure:** The government has not provided long-term legal security of tenure in the form of sale deeds over housing and land to any of the residents. The flats in Kannagi Nagar have been given under the ‘Hire Purchase Scheme’ of the Tamil Nadu Slum Clearance Board (TNSCB), which provides residents with an ‘allotment order’ for which they have to pay Rs 150 to Rs 250 on a monthly basis for a period of 20 years. These allotment orders are subject to cancellation on various conditions, including non-payment of monthly dues. At the end of 20 years, residents have been promised ‘sale deeds’ over the flats, but these will also not provide complete security of tenure.
- b. Access to basic services:** The site has 19 Integrated Child Development Services (ICDS) centres that meet the needs of only 410 children. According to the population size of the site, which is 15,656 houses consisting of around 4,900 children between 0-6 years, it should have 80-90 ICDS centres. The existing schools cater to only 2,000 of an estimated total number of 22,000 children in the settlement. After the relocation, 98.3% of the respondents reported that they have to access healthcare from private agencies/actors because of the non-availability of government healthcare facilities within the settlement. The houses do not have piped water connections. Women complained of the burden of collecting water for their households from public taps. The quality of water supplied to the settlement is also a serious issue of concern, as certain areas reported receiving contaminated water. The site lacks adequate sanitation services, and residents complained of stagnation of sewage water and piles of garbage in various places.
- c. Affordability:** Each relocated family in Kannagi Nagar has to pay Rs 150 or Rs 250 per month for a period of 20 years in order to receive a ‘sale deed’ over their flat. This works out to a total of between Rs 36,000 and Rs 60,000 for each flat, which is very expensive for the families, especially since their annual income is not high and also since many of them lost their jobs as a result of the relocation.
- d. Accessibility:** The accommodation consists of flats in three-storey structures. Thus, accessibility for persons with disabilities, older persons, pregnant women, young children, and women who need to carry water to the higher floors, is a serious issue of concern.
- e. Habitability:** The size of the flats that people received ranges from 195 square feet to 310 square feet, which is too small for each family to live comfortably and to store their belongings. Since most of the households have at least four members in the family, the size as well as the design of the house is inadequate for the habitation of family members. The house has no separate room; it has a ‘multi-purpose hall’ with a small divider for a kitchen and a separate toilet cum bathroom. The lack of space has resulted in home-based workers losing their livelihoods. The houses also do not have adequate ventilation and the kitchens are not conducive for cooking.

- f. **Location:** The site is far from the original places of habitation of the communities (between 15-25 kilometres). Many people thus lost their employment immediately after the relocation. Higher education institutions, hospitals, and PDS shops are also located very far from the site. Relocation has been the major reason for 35% of children in the age group of 15-18 years to drop out of school. According to the study, 42% of children are forced to commute long distances by bus to their schools, which are located close to their original sites of habitation in the city. Around seventy-three per cent of the respondents reported travelling between five to ten kilometres to work, on a daily basis. While transportation facilities have improved, it is expensive for the residents of Kannagi Nagar to commute to central Chennai and to their former places of education and work. Relocation of fishing communities far from the coast has completely altered their lifestyle, including their food habits and nutritional intake.
- g. **Cultural adequacy:** The government constructed the houses and the resettlement site without any consultation with the affected communities. The specific cultural needs of different communities, including fishing communities, thus, were not taken into account.

The study also used the additional elements to determine adequacy of housing at the resettlement site:

- h. **Physical security and freedom from violence against women:** All respondents stated that the site is not safe for women and girl children. A few incidents of violence against women have been reported. Mothers are afraid to leave their young daughters alone and hence take them along with to work. This has resulted in many girl children having to drop out of school and has also triggered the phenomenon of early marriages of girls. There is also no women's police station within the settlement.
- i. **Participation and information:** The study reveals that 92.6% of the respondents were neither consulted about the resettlement nor was their opinion heard.
- j. **Resettlement, restitution and compensation:** Respondents reported that the government has not provided compensation to any of the affected families for land, housing and common property resources that they lost during the eviction and relocation.

Compliance with State and National Laws and Policies

The provisions of the National Rehabilitation and Resettlement Policy (2007) have been violated during the resettlement process in Kannagi Nagar. The Policy requires states to follow certain steps to be taken prior to evictions, including the preparation of a social impact assessment report, but in the case of Kannagi Nagar, this was not done. An environmental and social impact assessment report was prepared only for the 5,166 houses constructed under the World Bank ETRP, by a private firm named IL&FS Ecosmart Ltd. The National Urban Housing and Habitat Policy (2007) calls for state governments to prepare a State Urban Housing and Habitat Policy but the Government of Tamil Nadu has not followed these directions.

The eviction and resettlement process also reveals violations of the Tamil Nadu Slum Areas (Improvement and Clearance) Act (1971). This study highlights that most of the settlements evicted and relocated to Kannagi Nagar were not 'declared' and thus TNSCB has violated this Act. Tamil Nadu does not have a state resettlement and rehabilitation policy; resettlement is either project-based or department-oriented. There is thus a lack of state accountability regarding resettlement.

Recommendations

The report makes detailed recommendations for different departments and agencies of the Government of Tamil Nadu. Some of the major recommendations are presented below.

Recommendations for the Tamil Nadu Slum Clearance Board

- Finalise and make public the findings of its study of the resettlement sites of Kannagi Nagar and Semmenchery, and officially incorporate the findings in the future planning of its work.
- Strengthen the Community Development Wing of the TNSCB and ensure that it has a comprehensive development plan for Kannagi Nagar.
- Waive pending payments to be made by the community under the 'Hire Purchase Scheme,' issue sale deeds for all flats in Kannagi Nagar, and ensure that houses are provided free of cost to the people.
- Ensure that the various benefits made available under the Tamil Nadu Urban Livelihood Mission (TNULM) as well as other schemes, including ICDS and the National Urban Health Mission, are made available at all resettlement sites.

Recommendations for the Corporation of Chennai

- Ensure that the implementation of the various plans that exist for Kannagi Nagar are expedited, especially those related to the provision of medical services and schools.
- Clear stagnant sewage water and garbage in the site, and take steps to prevent future water logging.
- Increase the number of schools and upgrade the existing Corporation Schools.
- Establish well-maintained playgrounds with adequate play facilities.
- Conduct specialised medical camps, through the Health Department, in schools, ICDS centres, and other areas to monitor malnourishment among children.

Recommendations for the Chennai Metropolitan Water Supply and Sewerage Board

- Undertake regular monitoring visits to the site and regularly test the water in order to ensure improved water quality and services.
- Ensure that the water pumps in the settlement are cleaned on a regular basis.

Recommendations for the Tamil Nadu Police

- Remove all Closed Circuit Televisions (CCTVs) from the settlement, as residents feel that they contribute to the perception that the settlement is 'crime-prone.'
- Establish an exclusive women's police station within Kannagi Nagar.

Recommendations for the Department of Social Welfare

- Create additional ICDS centres in Kannagi Nagar and requisition the land from TNSCB for their construction.

Recommendations for the Department of School Education

- Bring schools under the administrative purview of the Corporation of Chennai.
- Conduct a specific survey to identify dropout in coordination with the community-based organizations (CBOs) in the area.

- Institutionalise non-formal education for school dropouts.
- Establish new schools, including special residential schools for orphans and other vulnerable children in the settlement.

The state government should also take immediate measures to ensure that adequate compensation for actual losses incurred is given to all evicted and relocated communities on a priority basis, and that reparations are provided for the gross human rights violations inflicted by the state government on all families in Kannagi Nagar.

Conclusion

A close examination of the various issues in the resettlement site of Kannagi Nagar reveals that the state has treated the urban poor as experimental subjects, and has forced them out of the city to a distant uninhabitable site without understanding the adverse and long-term socio-economic impacts of the resettlement process and the multiple human rights violations.

About 21,000 households have already been resettled in Kannagi Nagar and Semmenchery. Another 31,912 households will be evicted and shifted to the settlement of Perumbakkam and to Kannagi Nagar. Over 52,000 households in total will have been evicted from their original places of habitation in Chennai and relocated to these large resettlement colonies. This is a deliberate act of dispossession and 'ghettoisation' of deprived urban communities. This study documents the suffering and human rights violations faced by the residents of Kannagi Nagar during the eviction and resettlement processes and at the resettlement site as well. This report is an appeal for justice for those who are evicted and forgotten by the state, and calls for an urgent attention from the state to improve living conditions in Kannagi Nagar and to prevent the creation of such sites in the future.

CHAPTER I

Introduction

In the year 2010, the Principal Secretary to Government, Home Department, Government of Tamil Nadu (GoTN), in reference to the *en masse* housing programme in Kannagi Nagar and Semmenchery,¹ had clearly pointed out that, “This kind of concentration of slum population in one place is not desirable and that future programmes should ensure that they are more distributed and there is mixed development.” He requested that smaller plots of land should be provided to the Tamil Nadu Slum Clearance Board (TNSCB) for rehabilitation and resettlement (R&R) schemes at different places for this purpose. The Managing Director (MD), TNSCB also stated that when such huge resettlement projects are taken up, “There is a need for service delivery; otherwise it brings a bad name to the government as well as renders the entire process in-fructuous given that these people are the most disadvantaged sections who have been deprived of their livelihood and also have been moved out of their homes within the city.”²

To address the various gaps in these housing programmes, the Chief Secretary to the Government, in a meeting dated 1 March 2010, had commissioned the formation of a high level committee,³ to prepare a policy / set of guidelines / norms to be followed whenever a rehabilitation and resettlement scheme comprising around 5,000 households is to be provided. He stated, “Given that there are more than 5,000 households (25,000 population), all the facilities necessary / infrastructure, funding, staffing, operation and management issues related to this and delivery of services by the local bodies and all other departments should be included as part of the package, and the committee should come up with a set of norms for this purpose.”

Despite having established a high level committee in the year 2011 to formulate a policy, there is still no clear policy or guidelines at the state level to govern rehabilitation and resettlement in Tamil Nadu. The current resettlement and rehabilitation practices of the government are diverse in nature; they are either project-based or department oriented. Despite the fact that GoTN is aware of the gaps in the *en masse* housing programmes (including deprivation of livelihood, as stated by the MD of TNSCB), there are plans for constructing 44,870 tenements at a cost of Rs 2431.16 crore⁴ as “Integrated Townships” in the

1 Kannagi Nagar and Semmenchery are massive housing programmes initiated by the Tamil Nadu Slum Clearance Board to resettle residents of informal settlements living in “objectionable locations” in Chennai. Earlier these settlements were located in Kanchipuram District and after the expansion of the Corporation of Chennai they are now located in Zone XIV of the Corporation of Chennai.

2 Minutes of the meeting held by the Chief Secretary to the Government, in the Chief Secretary’s Conference Hall, at 3:30 pm on 1.03.2010. The meeting was about infrastructure facilities to be provided in Okkiyum Thoraipakkam, Semmenchery and Perumbakkam by TNSCB.

3 The committee was officially formulated by Government Order (MS) No. 117; dated: 26.08.2011, Housing and Urban Development (SC 1 (2)) Department.

4 A crore is a unit in the South Asian numbering system that is equal to ten million. The Indian Rupee (INR) is written as Rs.

mega cities—namely Chennai, Madurai and Coimbatore—to resettle families living in “objectionable locations” under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM).⁵

The details of the housing projects in the various cities of Tamil Nadu are as follows:

INTEGRATED TOWNSHIPS UNDER JNNURM

City	Location	Number of Tenements	Project Cost (In Crore Rupees)
Chennai	Ezhil Nagar Okkiyum Thoraipakkam	6,000	228.6
	Ezhil Nagar Perumbakkam	3,936	175.35
	Perumbakkam Phase I	10,452	686.03
	Perumbakkam Phase II	9,476	685.62
	Total	29,864	1,775.6
Coimbatore	Ukkadam Phase I	2,232	118.48
	Ukkadam Phase II	816	30.45
	Amman Kulam	792	23.44
	Ukkadam Phase III	9,600	435.43
	Total	13,440	607.8
Madurai	Periyar Nagar - Rajakkur	1,566	47.76
	Total	1,566	47.76
Grand Total		44,870	2,431.16

TNSCB has planned to complete the construction of 16,856 tenements for Rs 913.6 crore in Chennai, and to commence the construction of an additional 11,816 tenements for Rs 639.06 crore in 2013-2014. In addition, the construction of 2,048 tenements at a cost of Rs 106.11 crore is near completion at Okkiyum Thoraipakkam, while 3,616 tenements at a cost of Rs 132.99 crore have been constructed at the All India Radio site, under the World Bank-funded Emergency Tsunami Reconstruction Project (ETRP).

The above-mentioned projects planned by TNSCB are located around 10 to 25 kilometres from the original places of habitation of the communities, without considering the fact that the livelihoods of these communities are location-centric and, therefore, living in these distant sites is not viable for them. The Master Plan for Chennai clearly mentions that 78.47% of those living in informal settlements walk to their work place, 5.52% use cycles and 15.76% use buses or trains for commuting to their work place, clearly indicating the integral linkage of the place of habitation to that of livelihood and survival.

With the government constructing a growing number of large-scale sites with no Rehabilitation and Resettlement Policy in place, there is an emerging need to document the process of resettlement in order to learn from past experiences and to take action in order to safeguard the human rights of displaced and relocated communities. *Information and Resource Centre for the Deprived Urban Communities (IRCDUC)*,⁶ Chennai, and *Housing and Land Rights Network (HLRN)*,⁷ Delhi, conducted a human rights research study in Kannagi Nagar—the largest of the existing resettlement housing projects in Tamil Nadu comprising of 15,656 houses—in order to identify the gaps in the resettlement process; to assess and analyse the living conditions at the resettlement site; and, to explore solutions and propose recommendations.

5 Policy Note 2013-2014, Housing and Urban Development Department, Government of Tamil Nadu. Available at: http://cms.tn.gov.in/sites/default/files/documents/housing_5.pdf

6 IRCDUC is a consortium of community-based groups and people from various walks of life trying to assert the rights of urban deprived communities. Its primary objective is to enhance the capacities of deprived urban communities by collecting, collating and disseminating information on various laws and policies related to adequate housing.

7 Housing and Land Rights Network (www.hic-sarp.org) is based in New Delhi, and is an integral part of the Habitat International Coalition. It works to promote the human rights to adequate housing and land, and related rights.

The report uses the 'human right to adequate housing' framework provided by Article 11.1 of the International Covenant on Economic, Social and Cultural Rights;⁸ General Comment 4 ('The right to adequate housing') of the United Nations (UN) Committee on Economic, Social and Cultural Rights; and, the UN Basic Principles and Guidelines on Development-based Evictions and Displacement⁹ to analyse the resettlement process undertaken by the Government of Tamil Nadu (GoTN) and to monitor its international legal obligations. This report also assesses the implementation of the National Rehabilitation and Resettlement Policy (NRRP) 2007 in Tamil Nadu, as this was the only policy dealing with rehabilitation and resettlement during the construction of Kannagi Nagar and the process of relocation of its residents. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 only came into force on 1 January 2014. While the Act contains provisions for compensation and resettlement when land is acquired by the state for 'public purpose' projects, it does not provide for urban dwellers who are evicted from state land or other land that they do not own.

This report also identifies various efforts undertaken by the Government of Tamil Nadu, non-government organizations (NGOs) and community-based organizations (CBOs) towards improving the standard of living in Kannagi Nagar, and makes recommendations towards ensuring the realisation of the human rights of the displaced and deprived communities, in particular their human right to adequate housing.

8 Article 11.1 of the International Covenant on Economic, Social and Cultural Rights (1966) guarantees the human right to adequate housing. The human right to adequate housing is further elaborated by the United Nations Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment 4, 'The right to adequate housing,' 1991.

9 The UN Basic Principles and Guidelines on Development-based Evictions and Displacement were formally adopted in December 2007 by the UN Human Rights Council. They were presented in the 2007 report (A/HRC/4/18) of the UN Special Rapporteur on adequate housing, Miloon Kothari, and were developed with the objective to assist states and the international community in developing policies and legislation to address forced evictions. Available at: http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf



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CHAPTER II

Kannagi Nagar: The Site under Study

Kannagi Nagar, one of the largest resettlement sites in India, is located on Old Mahaballipuram Road, in Okkiyum Thoraipakkam Town Panchayat, Kanchipuram District. Since November 2011, this settlement is part of Division 195 of Zone XV, under the extended areas of the Corporation of Chennai. Kannagi Nagar was built in a phased manner from the year 2000 (when 3,000 houses were first constructed), and is still under expansion and construction.

ORIGIN AND GROWTH OF THE RESETTLEMENT SITE OF KANNAGI NAGAR

Name of the Scheme	Number of Houses Constructed in Kannagi Nagar
Flood Alleviation Programme ¹⁰	3,000 houses (Rs 26.23 crore)
Rehabilitation and Resettlement of Families living in "Objectionable Areas" in Chennai City – Special Problem Grant, Tenth Finance Commission of the Government of India ¹¹	6,500 houses (Rs 54 crore)
Eleventh Finance Commission, Special Problem Grant – Resettlement of Slums Living in Mega Cities ¹²	1,620 houses (Rs 6.32 crore)
Chennai Metropolitan Area Infrastructure Development Plan ¹³	3,618 houses (Rs 67.13 crore)
Permanent Housing for the Seashore Fisher People/ Families affected by the Tsunami Disaster – 2004 ¹⁴	1,271 built houses purchased

From an initial size of 3,000 houses, the settlement of Kannagi Nagar has steadily grown, in a phased manner, to 15,656 constructed and occupied houses. An additional 2,048 tenements also have been completed under ETRP and another 6,000 houses are now under construction under JNNURM.

¹⁰ The Flood Alleviation Programme was designed for construction of houses for families living on the river margins and posing hindrance to the de-silting works. TNSCB and the Public Works Department (PWD) have jointly identified 33,313 families who are living on the river margins to be provided houses at alternative locations.

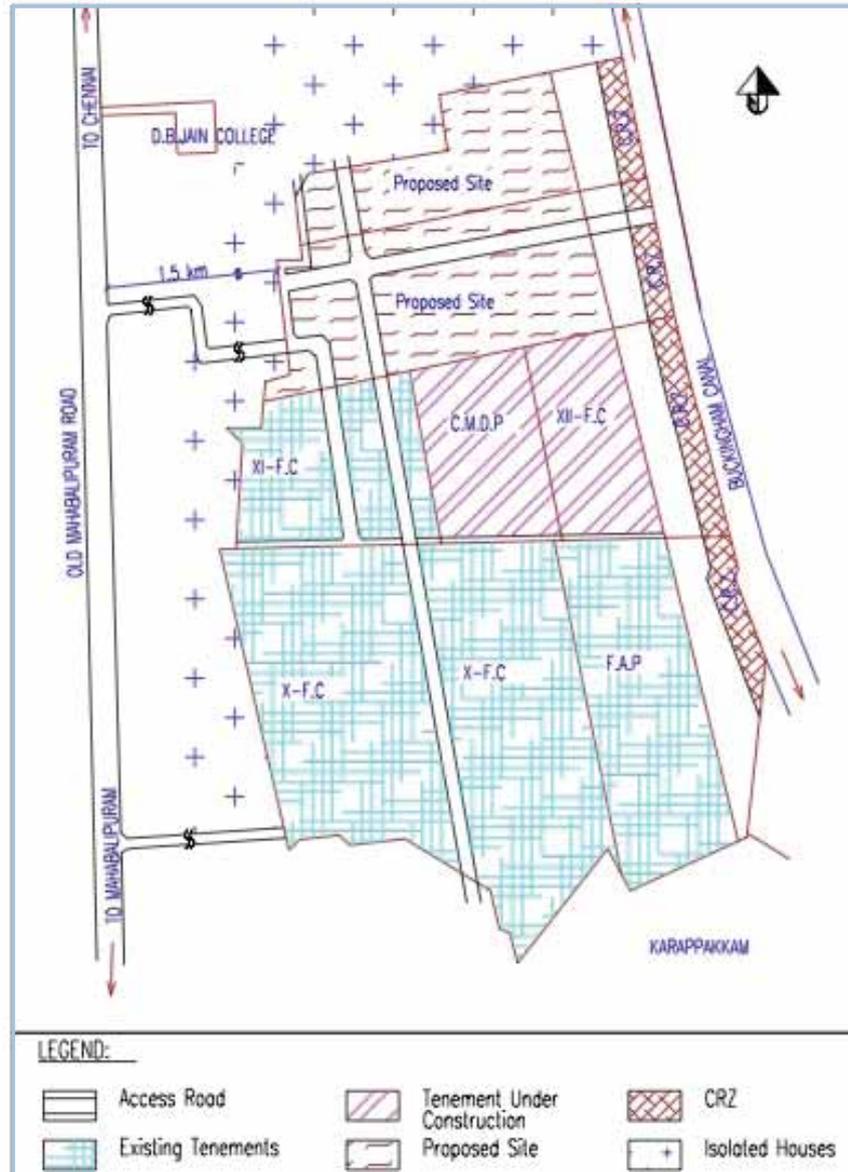
¹¹ TNSCB obtained a 'special problem grant' of Rs 54 crore from the Tenth Finance Commission for the improvement of urban settlements in Chennai and for the alignment of the Mass Rapid Transit System (MRTS) Phase II. "Demand No. 25, Policy Note 2003- 2004," Housing and Urban Development, Government of Tamil Nadu: 7-9.

¹² In Okkiyum Thoraipakkam 1,620 tenements were constructed for families living in Thideer Nagar, near Marina Beach in Chennai.

¹³ In order to resettle the 25,149 families living on the river margins in Chennai City, TNSCB proposed to construct 5,164 tenements (having a plinth area of 21 square metres each) at a total cost of Rs 67.13 crore. Of these houses, 1,404 were constructed in Semmenchery and 3,618 in Kannagi Nagar.

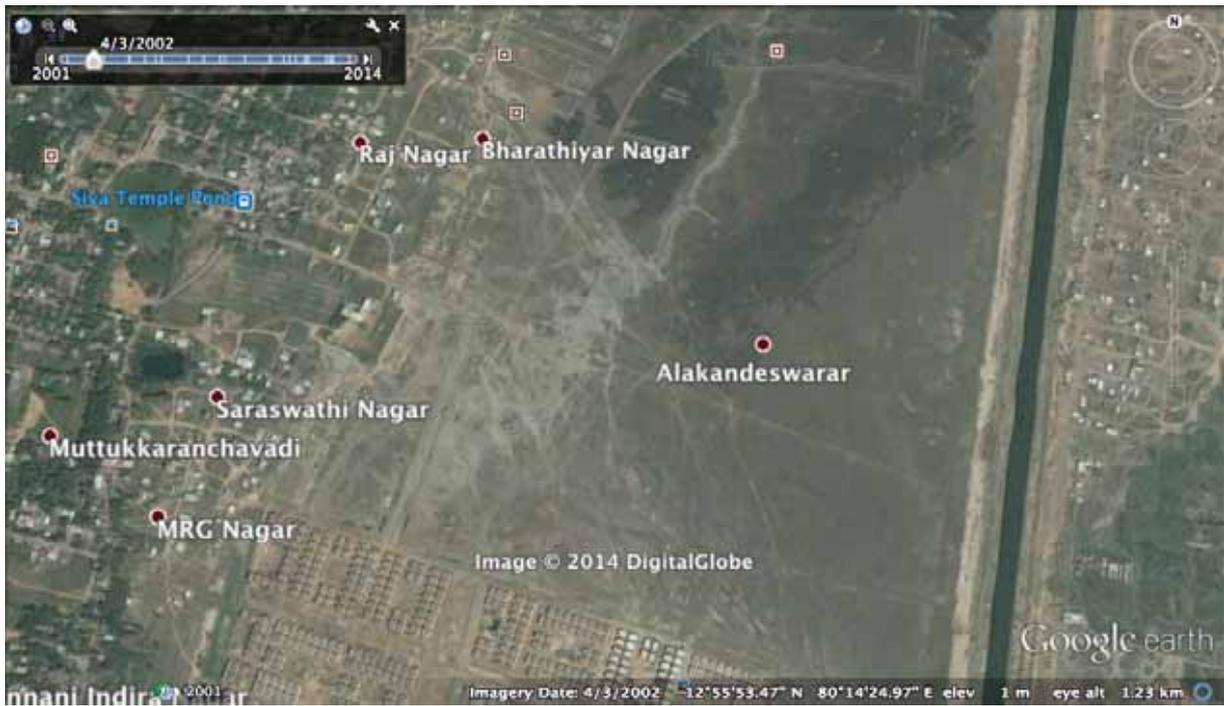
¹⁴ "Update on the tsunami related activities in Tamil Nadu as on 31-12-2009," Government of Tamil Nadu, 2009. Available at: <http://www.tn.gov.in/tsunami/tsunami-relief.pdf>

SITE MAP OF KANNAGI NAGAR



IMAGES OF KANNAGI NAGAR BETWEEN 2002 AND 2014

2002



2006



2010



2014



CHAPTER III

The Study Process and Methodology

This research study has been designed with a community-centric approach. The data was collected by a community-based organization called *Kannagi Nagar Pothu Nalla Sangam* (Kannagi Nagar Residents' Welfare Association) supported by youth from settlements in north Chennai and organised by *Slum Children Sports Talent Education Development Society* (SCSTEDS). Youngsters from the settlements in Chennai were involved in the process to help them gain a better understanding of the situation in the resettlement sites, thereby also enabling them to advocate directly for their human right to adequate housing.

Pre-Research Preparatory Work

The research team of IRCUDUC along with the *Kannagi Nagar Pothu Nalla Sangam* undertook the task of collating various evidential facts, including government data available in the public domain and information acquired through the Right to Information Act 2005 and media sources, in order to gain a holistic understanding of the resettlement process. The team of researchers also visited Kannagi Nagar to interview the relocated residents and assess the situation on the ground.

The questionnaire for the study was designed by *Housing and Land Rights Network* (HLRN) and uses the human right to adequate housing framework, in particular the elements of 'adequate housing' as expounded in General Comment 4 of the UN Committee on Economic, Social and Cultural Rights,¹⁵ and further expanded by the UN Special Rapporteur on adequate housing and HLRN. The questionnaire is also based on the operative procedures and human rights standards set by the UN Basic Principles and Guidelines on Development-based Evictions and Displacement. As HLRN has conducted similar studies in resettlement sites in Delhi and Mumbai, a common questionnaire was used. It was, however, slightly modified to incorporate specific issues related to the local context, which emerged from discussions of the research team with the community-based organization.

15 General Comment 4, 'The right to adequate housing,' of the UN Committee on Economic, Social and Cultural Rights, 1991. Available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?Opendocument)

Methodology

The sample size of this study is 300 respondents. The random sampling method was used to identify and interview members of the community. The research team also ensured that residents relocated from various areas in Chennai, at different periods of time and under various projects, were included in the sample to ensure a comprehensive and accurate understanding of the process of resettlement undertaken by GoTN.

The details of the areas from where the respondents were relocated are provided below:

	Name of the Area	Number of Families Surveyed
1.	Chetpet / Nungambakkam / Kilpauk / Ayanavaram	31
2.	Triplicane / Saidapet / Teynampet	48
3.	Srinivasapuram / Doming Kuppam (Tsunami Affected)	102
4.	Mylapore / Adayar	53
5.	Pudhupet / Chintadripet	66
	Total	300

A team of enumerators from the communities (trained exclusively for this purpose) conducted door-to-door household surveys. SPSS software was used to compile and analyse the data.

The members of the research team also carried out house visits and interacted with the resettled communities and the urban local body (ULB) to understand and document the living conditions of the people in Kannagi Nagar. Focus group discussions were conducted with men, women, youth and children at the resettlement site. The study team also interacted with elected representatives of the area, the findings of which are presented in this report.

CHAPTER IV

Findings and Analysis

Profile of the Population

TOTAL POPULATION OF 300 HOUSEHOLDS

	Particulars	Total Population	Percentage
1.	Men	397	32%
2.	Women	433	35%
3.	Children (Boys)	211	17%
4.	Children (Girls)	202	16%
	Total	1,243	100%

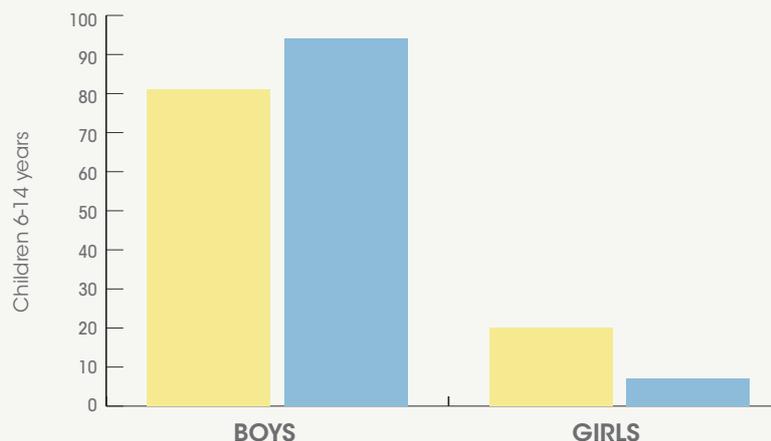
The study reveals that 77.6% of the respondents are dalits and 22.4% belong to Other Backward Classes (OBC). Forty-six per cent of the respondents are illiterate, 49.6% have completed high school, and 4.4% have a college education.

AGE-WISE CLASSIFICATION OF THE CHILDREN

18-15 years		14-6 years		0-6 years	
Boys	Girls	Boys	Girls	Boys	Girls
58	55	101	101	52	46
Total Boys			211		
Total Girls			202		
Total Children			413		

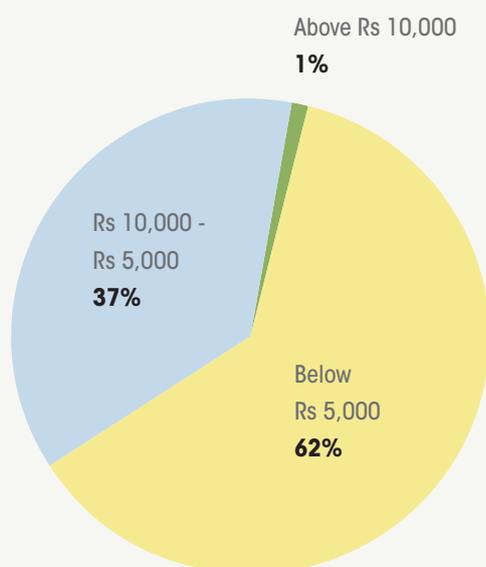
One of the important findings of the study with regard to the human right to education of children is that 13% of children in the age group of 6-14 years are out of school. It is also a fact that 74% of the school dropouts of this age group are boys. Twenty per cent of the boys of this age group are out of school and 7% of the girls of this age group are out of school. Discussions with parents reveal that the boys of this age group drop out of school because they are either supporting their families by working or are into substance abuse. The school dropout rate has increased by 30% since the families were relocated to Kannagi Nagar.

EDUCATION STATUS OF CHILDREN IN THE AGE GROUP OF 6-14 YEARS

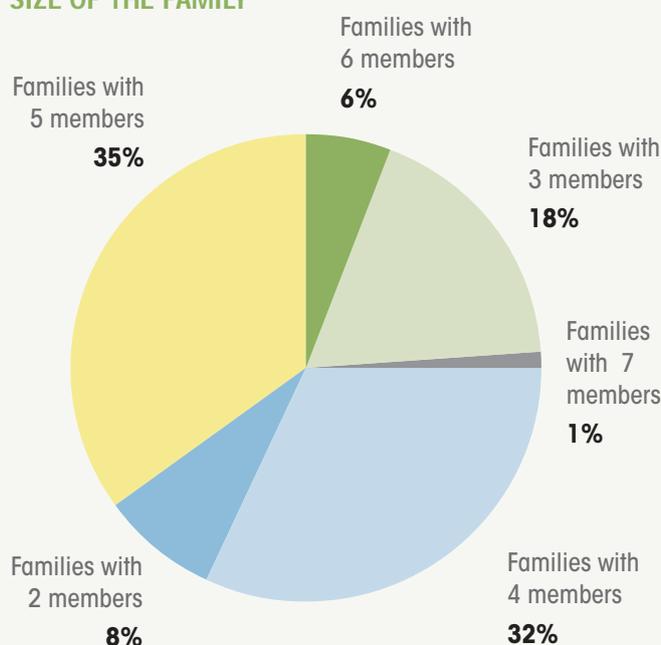


Children in School	81	94
School Dropouts	20	7

MONTHLY FAMILY INCOME



SIZE OF THE FAMILY



An alarming finding of this study is that 35% of children in the age group of 15-18 years are school dropouts. Sixty-seven per cent of the total school dropouts of this age group are boys. Forty-five per cent of the boys of this age group are out of school, while for girls, the figure is 24%. The number of children discontinuing their education increases as they enter adolescence; however, the rate of drop out among boys is significant.

The study reveals that the family income of 62% of the respondents is less than Rs 5,000 per month. About 92.3% these families are predominantly involved in the unorganised sector. The family income of 37% of the respondents ranges from Rs 5,000 to 10,000. This includes some people in the settlement who provide housekeeping services with private firms.

According to the study, only 26% of families interviewed have less than four members. Thirty-two per cent of the families have four members, 35% have five members, 6% have six members, and 1% has seven

members in the family. The study highlights that 76% of the respondents have four or more members in their family.

Discussions with the residents of Kannagi Nagar highlight that the size as well as the design of the house is inadequate for the habitation of family members. The house has no separate room; it has a ‘multi-purpose hall’ with a small divider for a kitchen and a separate toilet cum bathroom. The size of the houses (inclusive of the common space allotted per house) that were constructed initially in Kannagi Nagar was 195 square feet. Later it was increased to 235 square feet, and now under JNNURM, the newly constructed houses are 310 square feet. According to the National Rehabilitation and Resettlement Policy (NRRP) 2007, however, “Each affected below poverty line family, which is without homestead land and which has been residing in the affected area continuously for a period of not less than three years preceding the date of declaration of the affected area and which has been involuntarily displaced from such area, shall be entitled to a house of minimum one hundred square metre carpet areas in rural areas, or fifty square metre (538 square feet) carpet area in urban areas (which may be offered, where applicable, in a multi-storied building complex), as may be, in the resettlement area.”

The report of the ‘Task Force on Affordable Housing for All,’ (December 2008) visualises the average size of the household as five members and recommends that the size of houses for Economically Weaker Sections / Low Income Groups (EWS / LIG) should be between 300-600 square feet. The recently passed Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, also states that, “If a house is lost in urban areas, a constructed house shall be provided, which will not be less than 50 square metres in plinth area.”

The inadequate size as well as the inappropriate design of the houses provided in Kannagi Nagar makes the houses inhabitable for the residents. As there is no separate room in the housing provided, parents and children have to lead a restricted life in the ‘multi-purpose hall’ which provides no privacy for women and girl children. Though houses constructed under JNNURM have provisions for the construction of a separate room, the size of these houses has not increased in proportion to the average size of the family.

I. Adherence to the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

a) Fulfillment of the Obligations of the State and Duty Bearers

UN Basic Principles and Guidelines	Gaps in Implementation in Tamil Nadu
<p>Any eviction must be authorized by law, carried out in accordance to human rights laws and in accordance to the present guidelines (Paragraph 21)</p>	<p>According to this study, only 40.6% of the respondents received legal notices of the eviction. (Legal notices were not issued separately to the individuals but to the entire community.) The others reported receiving only verbal information from officials of the Tamil Nadu Slum Clearance Board who had come to the area for the purpose of enumerating families.</p>

UN Basic Principles and Guidelines	Gaps in Implementation in Tamil Nadu
<p>States must adopt legislative and policy measures prohibiting the execution of evictions that are not in conformity with their international human rights obligations (Paragraph 22)</p>	<p>There is no resettlement and rehabilitation policy in Tamil Nadu; the resettlement is either project-based or department-oriented.</p> <p>At the national level, the policy that relates to housing is the National Urban Housing and Habitat Policy (NUHHP) 2007, which states that, "The State Government would (in consultation with the Urban Local Bodies) prepare the State Urban Housing and Habitat Policy (SUHHP) and take all necessary steps for implementation of the same." The NUHHP also mentions that, "Plan funds and other assistance for housing and infrastructure would be dovetailed according to the Action Plan prepared and adopted by the States under their SUHHP. This would bring about synergies in the operation of various schemes and funding sources." In the State of Tamil Nadu, there is still no SUHHP in place.</p>
<p>States should take immediate measures aimed at conferring legal security of land tenure upon those persons, households and communities lacking such protection, including all those who do not have formal titles to home or land (Paragraph 25)</p>	<p>The government has failed to provide legal security of land tenure to the residents of Kannagi Nagar, even in the post-rehabilitation phase. A detailed analysis of the housing allotment order provided to residents of Kannagi Nagar provides the following information:</p> <ul style="list-style-type: none"> • Those who were resettled prior to 2003 have to pay Rs 150 for 20 years to enjoy complete ownership, while those resettled after 2003 have to pay Rs 250 for 20 years under the 'Hire Purchase Scheme.' • The amount has to be paid before the tenth of every month, and if the person fails to pay the monthly installment, then TNSCB is authorised to levy a late fee. If the person fails to pay the monthly installment consecutively for three months, TNSCB can cancel the allotment without providing prior information. Furthermore, it has the authority not to refund the previous monthly installment/s paid. • The beneficiaries are not permitted to sell, rent or allow another party to occupy the house, or use the house for any other purpose. If they do so, the allotment will be cancelled without any prior information. They can also be imprisoned for three years and charged a fine of Rs 1,000 under the Tamil Nadu Slum Act (1971). Furthermore, the beneficiaries and their family members will be declared by TNSCB as ineligible for any other housing scheme. • The allotment order can be cancelled if the occupant extends or modifies the house or fails to maintain the house properly and keep the surroundings clean. • The various clauses (mentioned above) in the allotment orders do not ensure security of land tenure for families who are deprived of their right to live in cities and forced to live in sites with no legal safeguard to their houses. The various conditionality clauses in the allotment order further increase the vulnerability of the relocated communities. Even though many residents lost their jobs as a result of relocation to Kannagi Nagar, the fear of cancellation of allotment forced them to avail loans at higher rates of interests so they could pay their monthly installments. This study also reveals that 90.6% of those surveyed had increased debts after the relocation process. <p>A report compiled by Transparent Chennai¹⁶ in the year 2012 highlights the existing facts about land tenure in the city. The report states that as of 2007, the percentage of issuance of sale deeds under various housing projects of TNSCB are as follows:</p> <ul style="list-style-type: none"> • Twenty-five per cent of the 48,459 Madras Urban Development Project (MUDP) households had been issued sale deeds; • Only 5% of the 47,790 eligible households received sale deeds under the Tamil Nadu Urban Development Project (TNUDP); and, • Of the other tenement projects built by TNSCB, only 14% of the 72,392 eligible households received sale deeds. <p>The sale deed is the document that ensures complete ownership of houses. These are thus indicators of the fact that there are setbacks in the issuance of sale deeds in Chennai. Based on the precedents set by TNSCB, it seems unlikely that resettled communities in Kannagi Nagar, who also fall under similar housing schemes, will be provided with sale deeds.</p> <p>It is important to understand that sale deeds ensure ownership only over the houses whereas the right to the land is always vested with the land owning department.</p>

16 Transparent Chennai is a research organization that aggregates, creates and disseminates data and research about important civic issues facing Chennai, including issues facing the poor.

b) Procedures to be Followed Prior to Evictions

UN Basic Principles and Guidelines	Gaps in Implementation in Tamil Nadu
<p>State should explore fully all possible alternatives to evictions. Prior to any decision to initiate eviction, authorities must demonstrate that the eviction is unavoidable and consistent with international human rights commitments.</p> <p>(Paragraph 38 and 40)</p>	<p>The key factor that influences eviction of the urban poor is that of land. The “India Urban Poverty Report” 2009 of the Ministry of Housing and Urban Poverty Alleviation (MoHUPA) points out that Chennai needs only around 2.43 to 3.20 % of the city’s land area to provide housing for all residents of informal settlements, assuming that these settlements are accommodated within the city and not on the outskirts. If providing even a small amount of land is a difficulty and if resettlement sites are constructed on the fringes of the city, land usage patterns in cities need to be examined. Moreover, there is no open and transparent process to project the availability of land within cities. Equitable distribution of land in urban centres is not a priority for the government. Issues of land and settlement development thus need to be brought to the centre stage of the policy discourse.</p> <p>JNNURM earmarks at least 20-25% of developed land in all housing projects for EWS housing with a system of cross-subsidisation. There is no mention of this in the policy note of the Housing and Urban Development Department of the Government of Tamil Nadu for 2013 or the previous years.</p> <p>Another important aspect to be noted is the change in land use after people are evicted. In the case of Chintadripet / Pudupet the land was used for constructing parks to ‘beautify’ the city after the original residents were evicted.</p> <p>At a Seminar on Waterways conducted on 4 and 5 March 2010 by the Chennai Metropolitan Development Authority, the Chennai Mayor stated: “There were about 11,000 huts that encroached on the Coovum banks, out of which 5,000 huts have been shifted and the households rehabilitated by providing alternative accommodation in storied tenements.</p> <p>The remaining 6,000 huts and the auto workshops near Chintadripet would be shifted to the places identified for the purpose. The river margin lands from where the huts were evicted have been developed as parks; to cite a few, the development of park at Chintadripet at a cost of about Rs 1.5 crores, and development of park along Sivananda Salai on the cleared Coovum River margin.”</p>
<p>Effective dissemination of the information by the authorities in advance, including land records and comprehensive resettlement plans</p> <p>(Paragraph 37)</p>	<p>Of those surveyed for this study, 92.6% stated that they were neither consulted about the process, nor was their opinion heard. The study finds that 97.3% of the respondents did not receive any details about the resettlement plans, including the location of the site, design / size of the houses, and the housing scheme.</p>
<p>Reasonable time period for public review. Public hearings on the proposed plans and alternatives to be shared with the people</p> <p>(Paragraph 37)</p>	<p>All respondents stated that there was no public hearing conducted to hear the opinions of the people. The minutes of the ‘public hearing meeting’ to discuss the findings of the Environmental and Social Impact Assessment (ESIA) conducted for the construction of the 5,166 houses in Kannagi Nagar reveal that only officials were present. This ‘public hearing meeting’ did not have any representation from the affected communities and was not open to the residents of the area.</p>
<p>Opportunities and efforts to facilitate the provision of legal, technical and other advice to the affected people to articulate their demand and development priorities.</p> <p>(Paragraph 37)</p>	<p>Of those surveyed, 89.66% claimed that they were forced to relocate. Their signatures for consent were allegedly procured by the Slum Board under the guise of taking their signatures for determining ‘eligibility’ for housing in the vicinity, but not for relocation. Many had clearly voiced their opposition to housing in an alternative location, but the state did not taken into consideration their dissent and proposed plans.</p>

UN Basic Principles and Guidelines	Gaps in Implementation in Tamil Nadu
<p>Special efforts to ensure equal participation of women in all planning processes. (Paragraph 39)</p>	<p>Discussions with the women of Kannagi Nagar reveal that they were not consulted in the process of resettlement and rehabilitation.</p>
<p>Evictions should be announced in writing in the local language to all individuals. (Paragraph 41)</p>	<p>The study highlights that only 40.6% of the respondents received legal notices of the proposed eviction. The notices were not issued to individuals separately, but only to the community leaders and hence most of the residents were not aware of the impending eviction. At a few of the sites, communities reported receiving a notice 30 days.</p>
<p>Eviction notice should include full justification of the decision, including details of the proposed alternatives. (Paragraph 41)</p>	<p>The affected communities reported that the eviction notice issued to them did not mention the reason for the eviction or any details of proposed alternatives.</p>
<p>An inventory to assess the values of the property, investments and other material goods that may be damaged needs to be maintained. (Paragraph 42)</p>	<p>All the respondents reported that neither the government nor any other agency carried out an inventory to assess the value of their property or possessions.</p>

c) Procedures to be Followed During Evictions

UN Basic Principles and Guidelines	Gaps in Implementation in Tamil Nadu
<p>Mandatory presence of government officials or their representatives on site during evictions. The officials must identify themselves to the persons being evicted and present formal authorization for the eviction. (Paragraph 45)</p>	<p>Of the respondents who participated in the survey, 24.66% mentioned that police officials were involved in the eviction process, while 73.6% of them said that politicians along with officials of the land owning department were present at the site during the eviction process.</p>
<p>Neutral observers, including regional and international observers, should be allowed access upon request... (Paragraph 46)</p>	<p>No neutral observers were present at any of the sites during the eviction process.</p>
<p>Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of the affected. States must also take steps to ensure that women are not subject to gender-based violence and that the human rights of children are protected. (Paragraph 47)</p>	<p>Ninety-two per cent of the respondents surveyed felt that their human rights were violated during the eviction process, as the entire process was based on coercion and against the free will of individuals. Thirty-four per cent of the respondents reported that they were transported from their original place of habitation to the relocation site in garbage vehicles. Of the 300 respondents, one woman complained of injury during the eviction process.</p>
<p>Evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections or during or just prior to examinations. (Paragraph 49)</p>	<p>The survey reveals that 38% of the evictions were carried out during the mid-academic year and 14% of the evictions occurred during the monsoon floods.</p>

UN Basic Principles and Guidelines	Gaps in Implementation in Tamil Nadu
<p>States and their agents must take steps to ensure that no one is...arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction...</p> <p>(Paragraph 50)</p>	<p>Ninety-one per cent of the respondents reportedly lost their property and possessions during the eviction process, as they were not given enough time to salvage their possessions. People complained that they were unable to save their household articles and children's school books before the demolition of their homes.</p> <p>The findings of this study highlight that 10.6% of respondents lost vital documents and identity cards during the eviction process, and that 31.66% of the respondents' houses were demolished by force.</p>

d) Access to Immediate Relief and Relocation after Evictions

UN Basic Principles and Guidelines	Gaps in Implementation in Tamil Nadu
<p>Competent authorities shall ensure that evicted persons or groups, have safe and secure access to:</p>	
<p>a. Essential food, potable water and sanitation</p>	<p>a. The state did not provide for immediate food for the evicted persons. The study reveals that 99.5% of the respondents have ration cards (to avail of subsidised food under the Public Distribution System) in Kannagi Nagar. Only 23% of the respondents, however, were able to transfer their ration cards to the present address within six months. Seventy-seven per cent reported that it took them between six months to a year to get new ration cards in Kannagi Nagar. Initially the respondents had access to water once in every four days. At the time of this survey (August 2013), they had daily access to water. Over 83% of the respondents complained about the poor quality of the tap water provided.</p>
<p>b. Basic shelter and housing</p>	<p>b. Alternative housing was immediately provided to most of the evicted persons, except for 7% of the respondents who reported that they were made to wait for about a week before they were given housing.</p>
<p>c. Essential medical services</p>	<p>c. Prior to the relocation to Kannagi Nagar, 99% of the respondents accessed government hospitals for medical services. After the relocation, 98.3% of the respondents reported that they access healthcare from private agencies/actors because of the non-availability of government run healthcare facilities within the settlement. Only 1.7% of the relocated population has access to services from state urban health posts.</p> <p>Prior to the relocation to Kannagi Nagar, 97.3% of the respondents reported spending less than Rs 100 per month for medical services; after the relocation 97.6% of the respondents reported spending more than Rs 500 a month on healthcare. The considerable increase in expenditure is because of the non-availability of government healthcare services in Kannagi Nagar, which has forced the residents to access private medical services that are much more expensive. The state is obliged to provide free medical services for the poor and is thus violating its commitments to the residents of Kannagi Nagar.</p> <p>Prior to the relocation, 97% of the respondents mentioned that they had to travel less than five kilometres to avail medical services while after relocation 98% of those surveyed reported having to travel more than 10 kilometres to access healthcare facilities.</p>
<p>d. Livelihood sources</p>	<p>d. The findings of the survey highlight that 79.3% of the respondents lost their employment immediately after the relocation because of the increased distance of Kannagi Nagar from their places of work. They were unable to commute to their work place on time and hence had to look for employment closer to their homes.</p>

UN Basic Principles and Guidelines	Gaps in Implementation in Tamil Nadu
<p>e. Education for children (Paragraph 52)</p>	<p>e. Prior to the relocation, only 1% of the respondents reported using bus services to commute to school. After the relocation, 42% of children are commuting by bus to their schools that are located close to their original sites of habitation.</p>
<p>Communities shall be given at least 90 days notice prior to the date of resettlement. (Paragraph 56 (j))</p>	<p>Of those surveyed, 89.6% mentioned that they did not get enough time to relocate.</p>
<p>Rehabilitation policies must include programmes designed specifically for women and other vulnerable groups including right to food, water, education, health and security. (Paragraph 57)</p>	<p>All respondents reported that Kannagi Nagar is not safe for women and girl children. The resettlement process has been marked by gender-insensitivity, and the human rights of women have not been protected.</p> <ol style="list-style-type: none"> The design of the house is not suitable for women. Since there is only one room, women and girls do not have any privacy. The flats do not have internal water supply connections. Hence, women are forced to collect water from hand pumps outside their homes and climb one to three floors with a minimum of six water pots, on a daily basis. Certain anti-social elements, including hooligans, have sought refuge at the site and pose a threat to women's security and safety. There is also no separate women's police station within the settlement. The nearest government hospital where women residents of Kannagi Nagar can avail of maternity care and other healthcare services is located over 10 kilometres from the site. One woman reported that an officer had asked her for sexual favours during the housing allotment procedure. Since women are not treated by the government as a single economic unit, single women are unable to gain independent houses.
<p>The time and financial cost required for travel to and from the place of work or to access essential services should not place excessive demands upon the budgets of low-income households. (Paragraph 56 (f))</p>	<p>Of the respondents surveyed for this study, 1% claimed to travel less than five kilometres to reach their places of work; 73.3% of the respondents reported that they have to travel from five to ten kilometres to work on a daily basis; 22.3% travel up to 25 kilometres; and 3.4% of the respondents have to travel up to 50 kilometres to reach their sources of livelihood. The survey reveals that 25.7% of the respondents have to travel around five hours on a daily basis to reach their work places. Sixty-nine per cent of the respondents declared that they spend an average of Rs 100, on a daily basis, to commute to work. As most of the residents are involved in unorganised daily wage labour, the distance of the site from their work place and the excessive cost and time spent commuting daily, greatly impedes their earning capacity as well as their ability to work.</p>
<p>Persons, groups or communities affected by an eviction should not suffer detriment to their human rights, including their right to progressive realization of the right to adequate housing. (Paragraph 58)</p>	<p>The survey process and group discussions with residents of Kannagi Nagar reveal gross violations of their human rights:</p> <ol style="list-style-type: none"> The human right to adequate housing has been systematically violated as people's homes were first demolished without due process, after which they were forcibly made to relocate and live in a remote settlement in extremely inadequate conditions. The human rights to food, water, education, health, work/ livelihood of residents of Kannagi Nagar have also been violated. Officials allegedly used caste names and passed sarcastic comments during the relocation process.

e) Remedies for Forced Evictions

Policy Guidelines from the UN Basic Principles	Gaps in Implementation in Tamil Nadu
<p>When eviction is unavoidable for the promotion of general welfare, the State must provide fair and just compensation for any losses of personal, real or other property of goods. Compensation should be provided for any economically assessable damage. Compensation should be provided for loss of life or limb; physical or mental harm; lost opportunities including employment, education and social benefits; loss of earning and earning opportunities; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services.</p> <p>(Paragraph 60)</p>	<p>The Tamil Nadu government has not provided any compensation to any of the evicted families for the loss of property and personal belongings or for lost educational and work opportunities and income. There is no practice of assessing economic damage incurred by the people in any of the eviction processes.</p>
<p>Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value or better.</p> <p>(Paragraph 60)</p>	<p>No compensation has been provided for the loss of land or common property resources. Though the evicted families have lost land, they have not been provided with alternative land. Instead, they have only received alternative housing, which is inadequate and does not provide long-term security of tenure.</p>

II. Adherence to General Comment 4, 'The Right to Adequate Housing' (Article 11.1 of the International Covenant on Economic, Social and Cultural Rights), United Nations Committee on Economic, Social and Cultural Rights (1991)¹⁷

Article 11.1 of the International Covenant on Economic, Social and Cultural Rights (1996) states that, "The State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."

The scope of the human right to adequate housing, guaranteed by Article 11.1, was further elaborated by the UN Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment 4, 'The Right to Adequate Housing.' Adequate housing, according to General Comment 4 of CESCR, consists of seven core elements: legal security of tenure; availability of services; affordability; accessibility; habitability; location; and, cultural adequacy. Civil society organizations as well as the United Nations Special Rapporteur on adequate housing have further expanded these elements to include: physical security; access to land and natural resources; freedom from dispossession; resettlement, restitution and compensation; freedom from violence against women; education; participation; and, access to remedies.

¹⁷ UN Committee on Economic, Social and Cultural Rights, General Comment No. 4, 'The right to adequate housing' (Art. 11.1 of the Covenant), 1991. Available at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?Opendocument)

Core Elements of the Human Right to Adequate Housing	Gaps in Implementation in Kannagi Nagar
Legal Security of Tenure	<p>The houses provided to the resettled communities are under the 'Hire Purchase Scheme' of the Tamil Nadu Slum Clearance Board. The residents are entitled only to an allotment order and they have to pay an installment of Rs 150 to Rs 250 per month for a period of 20 years. These allotment orders do not grant them security of tenure, as they are subject to cancellation based on various conditions. Moreover, the allotment for the houses could be cancelled if people consecutively failed to pay three monthly installments. At the end of 20 years, families will be provided with a sale deed, which also does not provide complete security of tenure. The resettled families, thus, continue to live with insecurity.</p>
Availability of Services	<p>For a population of 15,656 houses, Kannagi Nagar has only 19 Integrated Child Development Services (ICDS) centres, whereas according to the Government of India (Ministry of Women and Child Development) norms, there should be one ICDS / <i>anganwadi</i> centre for a population of 800 in urban areas. This implies that Kannagi Nagar should have 80 to 90 ICDS centres. The 19 existing centres are able to cater to only 410 children in the age group of 0-6 years. This survey of 300 households indicates that there are about 98 children in the age group of 0-6 years; this works out to around 4,900 children between 0-6 years in the entire settlement.</p> <p>Kannagi Nagar has a population of over 80,000, but there is no government healthcare unit within the settlement. The only operational healthcare unit is a private one, at which the doctors are not regular. There is also no maternity healthcare centre within the settlement; people have to travel over 10 kilometres for maternity care. After several rounds of discussions with the relevant government officials, a web-based healthcare unit was installed and space has been allotted for setting up a healthcare unit within the settlement. However, based on the existing population and with the expansion of another 8,000 houses, there is a requirement for a full-fledged community healthcare centre with a maternity care facility within the settlement.</p> <p>At the time of relocation to the site, residents had access to only 10 pots of water once in every four days. After several rounds of discussion with the government and as a result of various advocacy initiatives, water now is being supplied to Kannagi Nagar every day. The quality of the water supplied is, however, an issue of concern; various pockets within the settlement complain of contaminated water supply.</p> <p>At the time of creation of Kannagi Nagar, most of the houses did not have legal electricity connections. After the release of a fact-finding report on the issue by civil society organizations, every house has been provided with a separate electricity connection. Initially, most of the areas within the settlement were dark. Only after successful lobbying with the government, the entire settlement has been provided with adequate streetlights. The site has also been provided with better roads, as a result of frequent follow up with government officials.</p> <p>Initially, transportation facilities to the sources of livelihood / workplaces were also inadequate, but after the submission of a status report on the situation, transportation facilities to and from the site have improved. During peak hours, however, there is a need to provide special buses for women and children.</p> <p>Ever since the settlement was brought under the jurisdiction of the Corporation of Chennai, solid waste management services have been provided. The sewer lines, however, need to be fixed and the stagnation of sewage water and collection of garbage between the tenements needs to be addressed urgently.</p>
Affordability	<p>Each family has to pay Rs 150 to Rs 250 as a monthly installment for a flat in Kannagi Nagar for a period of 20 years, depending on the year of allotment by TNSCB. This amounts to Rs 36,000 to 60,000 per flat. According to this study, 79.3% of the respondents lost their employment immediately after the relocation to Kannagi Nagar because of the increased distance of the site from their original place of habitation and work. The study also reveals that 92.3% of the workforce in Kannagi Nagar consists of those in the unorganised sector. The family income of 62% of the respondents is below Rs 5,000 per month. Hence payment of monthly installments for their homes is burdensome for the families. Since the allotment for the houses can be cancelled if people fail to pay three consecutive monthly installments, people have been forced to take loans at higher rates of interest in order to pay their monthly installments and cost of basic services at the site. About 90% of the residents surveyed reported being more in debt after the relocation process, as they had to take loans for the reasons mentioned above.</p>

Core Elements of the Human Right to Adequate Housing	Gaps in Implementation in Kannagi Nagar
Accessibility	<p>All accommodation in Kannagi Nagar consists of three-storey houses. Several persons with disabilities and older persons have been allotted flats on the second and third floors, making access a serious cause of concern.</p> <p>The flats in Kannagi Nagar do not have water connections. This increases the burden on women and girl children, as they are generally responsible for fetching water for household purposes from the taps in front of their homes. Those who reside on the second and third floors find it more difficult, as they have to carry buckets of water up flights of stairs. Climbing stairs is often also difficult for pregnant women who live on the higher floors.</p>
Habitability	<p>The size of the flats in Kannagi Nagar ranges from 195 square feet to 235 square feet. This has recently been increased to 310 square feet under JNNURM-funded housing projects, but according to NRRP 2007, people are supposed to receive flats of 538 square feet. Since the average size of the household in Kannagi Nagar is more than four persons, the flats are too small for each family to live comfortably and to store their belongings.</p> <p>As there is just one room in the houses in Kannagi Nagar, parents and children, including adolescents, are forced to lead a restricted life in the one 'multi-purpose hall.' Women and girl children suffer the most, as they do not have any privacy. Discussions with children also reveal that they are exposed to sexual activities of their parents because of the lack of space and privacy.</p> <p>The kitchens are not conducive for the cooking needs of the community; women reported being most affected.</p> <p>The design of the house has provision for only one window; however, people are unable to open the window because of the stench emitted from the stagnation of garbage and sewage water between the tenements.</p> <p>Those who were engaged in home-based employment, such as automobile repair activities and carpentry in their original places of habitation, are not able to continue their work, as the small flats in Kannagi Nagar do not provide them with any space to store their materials or resume their home-based livelihood activities.</p>
Location	<p>Kannagi Nagar is located very far from the original sites of habitation of the communities; the distance ranges from 15 to 25 kilometres. This study reveals that 79.3% of the respondents could not commute and, therefore, lost their employment immediately after the relocation. Housing is integrally linked to livelihoods and appropriate location is thus of great importance. For those involved in fishing and fishing allied activities, relocation to Kannagi Nagar has moved them more than 15 kilometres from the sea, resulting in the loss of their traditional occupation and loss of their customary rights to the sea and the coast.</p> <p>Kannagi Nagar is also far from schools and hospitals. A large number of children were forced to drop out of school after being relocated to Kannagi Nagar, as their schools were too far and they could not commute because of inadequate transportation facilities and high cost of travel. Relocation has been the major reason for 35% of children in the age group of 15-18 years to drop out of school.</p>
Cultural Adequacy	<p>The houses in Kannagi Nagar were constructed without any consultation with the affected communities. The specific cultural needs of different communities, including fishing communities, have thus not been taken into account. The relocation has completely altered the lifestyle of fishing communities, including their food habits and nutritional intake. The distance of the site from the coast has made consumption of fish in their diet impossible as they cannot afford to purchase fish. While living on the coast, they were able to catch their own fish.</p>



UNCOVERED
WATER TANK



LACK OF SPACE FOR
CHILDREN IN THE
ICDS CENTRE

Core Elements of the Human Right to Adequate Housing	Gaps in Implementation in Kannagi Nagar
Physical Security	<p>The site is reportedly not safe for women and girls.</p> <p>Many girl children have been forced to drop out of school, as their mothers prefer to take them along to their work places because they are afraid to leave their daughters alone at home after school hours. The women work until 7 pm every day, but children finish school by 4 pm. Since the girls would have to be alone at home for about three hours in the evenings, their mothers prefer not to send them to school, as they are worried about their safety.</p> <p>There is no women's police station at Kannagi Nagar.</p> <p>The open and inadequately insulated electrical (junction) boxes placed on every street are a cause of concern, as they pose a risk to the health / lives of residents, especially during the rainy season.</p>
Participation and Information	<p>The study reveals that 92.6% of the respondents were neither consulted about the resettlement nor were their opinions or views considered. The special needs of women have not been taken into consideration either.</p>
Resettlement, Restitution and Compensation	<p>No compensation has been provided for the land or common property resources that were taken from the people. Neither has any alternative land been given to the affected persons. They have only been provided with flats, without complete ownership or legal security of tenure.</p>
Education and Empowerment	<p>According to this survey:</p> <ul style="list-style-type: none"> • 13% of children in the age group of 6-14 years are out of school. • 35% of children in the age group of 15-18 years are school dropouts. <p>Kannagi Nagar has only four government schools, which cater to around 2,000 children. According to this study, there are 315 children in the age group of 6-18 years in 300 households; this works out to about 15,700 children in the entire settlement. Thus, the educational needs of about 13,700 children are not met by the schools in Kannagi Nagar.</p>
Freedom from Violence against Women	<p>All the respondents of the survey stated that the site is not safe for women and girl children because of the presence of a few anti-social elements, who have sought refuge within the settlement. Incidents of violence against women and girl children have been reported at the site. This has contributed to the rise in early marriages of girls, as parents believe this would protect them from violence and abuse. Many women in Kannagi Nagar reported being stigmatised as hailing from a 'crime-prone' area, which further increased their vulnerability to sexual violence and abuse.</p>

STAGNATION OF SEWAGE WATER AND UNCOLLECTED GARBAGE BETWEEN TENEMENTS



UNSAFE HABITATION



INCOMPLETE MID-DAY MEAL COOKING STRUCTURE



TOILETS IN SCHOOL FOR BOYS AND GIRLS



THE WASH AREA WITH NO TAPS



III. Adherence to the National Rehabilitation and Resettlement Policy (2007)

This study of the resettlement process at Kannagi Nagar finds that the provisions of the National Rehabilitation and Resettlement Policy (NRRP) 2007 have also been violated. The Policy requires states to follow certain steps prior to evictions, but in the case of Kannagi Nagar, this was not done. Despite the fact that NRRP 2007 emphasises that the State should seek to minimise displacement, the Tamil Nadu government has not made efforts to do so.

According to NRRP 2007, when a project involves involuntary displacement of four hundred or more families *en masse* in the plains, an Environmental Impact Assessment (EIA) and a Social Impact Assessment (SIA) has to be undertaken. Kannagi Nagar has 15,656 houses. However, an environmental and social impact assessment report was prepared only for the 5,166 houses constructed under the World Bank funded Emergency Tsunami Reconstruction Project (ETRP) by a private firm named IL&FS Ecosmart Ltd. Moreover, the SIA was not in accordance with what has been prescribed under NRRP 2007, which mandates the inclusion of community properties as well as those of social and public infrastructure facilities.

NRRP 2007 also states that public hearings should be organised where the EIA and SIA should be shared with the project affected people. In the case of Kannagi Nagar, however, ‘public hearing meetings’ were conducted only for the 5,166 houses built under the ETRP and not for all the 15,656 houses. These ‘public hearing meetings’ also violate NRRP 2007, as only the officials, namely the District Collector of Kanchipuram District, District Environmental Engineer, officials of the Tamil Nadu Pollution Control Board and the project proponent were present with no presence of the project affected people. ‘Public

hearing meetings' carried out without the presence of the affected people defies their purpose. However, separate public consultation processes were carried out for project affected families (families residing on the land where the Kannagi Nagar housing project was undertaken) as well as the host communities.

According to NRRP 2007, the government has to specify ameliorative measures for the issues identified by communities in the SIA, but this has not been done in any of the processes for the relocation of the 5,166 ETRP households. The SIA quotes that over 80% of the families wanted to reside in their original site of habitation. It further states that they had concerns related to the size of housing, as it was smaller than their original houses. They were apprehensive about paying higher rents and were concerned about inadequate schooling facilities for their children and poor infrastructure facilities.” Discussions with the residents of Kannagi Nagar indicate that their concerns are still relevant; however, the government has not taken any measures to address them. NRRP 2007 also mandates that an independent multi-disciplinary expert group constituted by the Government should examine the SIA report, but this has also not been done in any of the eviction and relocation processes in Tamil Nadu.

NRRP 2007 points out that, “Every declaration of the policy shall be published in at least three daily newspapers, two of which shall be in the local vernacular, having circulation in villages or areas which are likely to be affected, and also by affixing a copy of the notification on the notice board of the concerned *gram panchayats*¹⁸ or municipalities and other prominent place or places in the affected area and the resettlement area, and/or by any other method as may be prescribed in this regard by the appropriate Government,” but this has not been followed in any of the cases.

IV. Adherence to the Tamil Nadu Slum Areas (Improvement and Clearance) Act (1971)

The Tamil Nadu Slum Areas (Improvement and Clearance) Act 1971 says that, “There must be a notification declaring the particular area as slum area under Section 3, and as per Section 11 there must be declaration that such area comes under the slum clearance area. Without following the procedures under Section 3 (c) and 11 (notification and declaration), the Slum Clearance Board has no right to evict.”

This study reveals that most of the slums evicted and relocated to the settlement of Kannagi Nagar were not ‘declared’ and thus the Tamil Nadu Slum Clearance Board has violated this Act. Discussions with the communities during the research study also reveal that they were not aware about the status of declaration of their sites of residence. This implies that TNSCB has not taken any efforts to generate awareness among residents about the Act, which is the only legislation in the state pertaining to those living in informal settlements (slums).

It is also to be noted that the city underwent only two rounds of ‘slum declaration,’ one in 1971 and the other in 1986. Since then, Chennai has not declared any new informal settlements. The first round of declaration occurred at the time of the establishment of TNSCB in 1971 when 1,202 ‘slums’ were declared, and again in 1985, when a very small number of ‘slums’ (only 17) were added to the existing list.¹⁹ The probability of ‘undeclared’ slums being evicted is thus much higher, until TNSCB takes efforts to regularise the declaration process.

The Tamil Nadu Slum Areas (Improvement and Clearance) Act also states that if an eviction has to be

¹⁸ Local self-government institution in rural areas.

¹⁹ Transparent Chennai, 2012. Report available at:

<http://www.transparentchennai.com/wp-content/uploads/downloads/2013/10/Analysis%20Final%20ENGLISH.pdf>

carried out, it must follow adequate procedures for issuance of notice. This provision, however, has been violated in the cases of those evicted and relocated to Kannagi Nagar. The study finds that only 40.6% of the respondents received legal notices for eviction. The others received only verbal information from officials of the Tamil Nadu Slum Clearance Board who had come to the area for the purpose of enumerating the families residing at the sites.

The terminology used to classify slums, including ‘developed,’ ‘under developed,’ ‘objectionable,’ and ‘unobjectionable,’ in the recent policy notes of the Housing and Urban Development Department of the Government of Tamil Nadu, are extra-judicial, as this terminology does not fall under the purview of the Slum Act. However, settlements are being evicted because they are located in ‘objectionable areas’ based on the above classification. The settlements in ‘objectionable areas’ are evicted without giving due consideration to the declaration or improvement process, as mandated in the Act. The policy decisions regarding evictions are based on the above terminologies, which override the provisions of the Tamil Nadu Slum Areas (Improvement and Clearance) Act.

The study also finds that the Tamil Nadu Slum Areas (Improvement and Clearance) Act does not have specific provisions related to land, security of tenure, community participation, or standards for ensuring adequate and affordable houses that are relevant for the poor in the urban areas. Many of the above mentioned components are usually introduced through the annual policy notes of the Housing and Urban Development Department of the Government of Tamil Nadu or through the issuance of Government Orders (G.O.). As issues related to these are not dealt with in the Act, there are no checks and balances to monitor the introduction and implementation of various schemes and programmes. For example, the tariff rates under the Hire Purchase Scheme are often revised through Government Orders. When the Hire Purchase Scheme was introduced, the monthly tariff rates were as follows: Rs 40 for five years and Rs 45 for 20 years (G. O. No. 299, dated 22/2/1972, issued by the Labour Department). In the year 1974, the tariff rates were revised according to the floors on which the people were accommodated; the monthly rate was Rs 40 for ground floor residents, Rs 35 for first floor residents, Rs 30 for second floor residents and Rs 25 for third floor residents (G. O. No. 299, dated 22/3/1974, issued by the Department of Housing and Urban Development). G. O. No. 1118 issued by the same department on 30/8/1980 further revised the rate to Rs 45 for ground floor residents, Rs 40 for first floor residents, Rs 35 for second floor residents and Rs 30 for third floor residents.

The rates were then revised after a decade on 3/8/1990 by G.O. No. 897 issued by the Department of Housing and Urban Development, which states the following:

Year of Construction of the House	Monthly Installment Amount	Number of Years for which Payment Has to be Made
March 1971	Rs 50	10
April 1971 to March 1975	Rs 75	10
April 1975 to March 1980	Rs 100	10
April 1980 to March 1990	Rs 125	15
April 1990	Rs 150	20

G. O. No. 10, issued by the Department of Housing and Urban Development on 29/1/2003 finally revised the monthly rate from Rs 150 to Rs 250 and the installment had to be paid for 20 years. As of April 2010, the people in Kannagi Nagar are paying between Rs 150 to Rs 250 on a monthly basis for the flats. The increase in the tariff rates under the Hire Purchase Scheme has further marginalised the urban poor.

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CHAPTER V

Responses of the State, Civil Society and Community-based Organizations

The research team conducted interviews with members of the Ward Council, representatives of non-government organizations (NGOs) and community-based organizations (CBOs) to map the responses of these agents of change.

1. Response of the Urban Local Body (ULB)

According to the ULB representing the state government, the following work is in progress in Kannagi Nagar:

- Rs 10 lakh (10,00,000) worth of street lights and special lamps to ensure that the area has no dark corners that renders the settlement unsafe.
- Rs 10 crore²⁰ allotted for the 19-kilometre main road within Kannagi Nagar, of which the work for 6.78 kilometres of road is complete.
- Rs 10.48 crore allotted for the 58 sub-roads within the settlement.

One “Amma Unnavagam” (subsidised cooked meal centre) established to ensure that the most vulnerable are able to access subsidised cooked meals.

Future Plans for Kannagi Nagar by the ULB:

- Two more “Amma Unnavagam” to be initiated.
- One community market to be established.
- One Urban Health Post to be created (Rs 60 lakh).
- A 16-bed hospital for the settlement (Rs 8 crore).
- One additional high school to be set up.

²⁰ The unit of one lakh is equal to 100,000, while one crore is equal to ten million.

- One education centre (incorporating a computer centre) for children to be set up, so as to address the increasing number of dropouts in the settlement.
- Rs 30 lakh to be allotted for the functioning of the high school – to create playgrounds and a proper drainage system.
- Four bus shelters to be established within the settlement.
- One Unit Office of the Corporation of Chennai to be established within the settlement to ensure better facilities for the people.

For the first time since the inception Kannagi Nagar, the Ward Council is functioning full-time within the settlement. A committee of top officials of the Government of Tamil Nadu was formed to develop facilities at the site. TNSCB has also conducted a study to analyse the situation in the relocation settlements of Kannagi Nagar and Semmenchery.

In a news report dated 26 July 2013,²¹ the elected Member of the Legislative Assembly (MLA) of Sholinganallur, Kandam, reported that an urban health centre with maternity care facilities has been approved and will be opened within a year. “In the last two years, basic amenities, including new roads and street lights, are notable changes in Kannagi Nagar. Crime rate has also come down in the last two years,” said Kandam. The credit for this goes to the Corporation of Chennai, as these developments were carried out after Kannagi Nagar was brought under the governance of the civic body. Residents, who have to travel for an hour to reach Royapettah Hospital, have demanded that the hospital project be expedited.”²²

GAPS IDENTIFIED

The major gaps in the process are that the current area of focus of the government is on providing public infrastructure facilities. There is, however, a demand for concentration on social amenities, including ICDS centres, schools, community centres, special interventions for school dropouts and for various livelihood activities for women-headed families, and geriatric care for the elderly. The high level committee needs to meet often to discuss the various issues that still persist in these settlements, and to ensure that basic public and social amenities are provided at the earliest.

2. Response of Civil Society

Discussions with other civil society groups reveal that the following work is being carried out by various NGOs in Kannagi Nagar:

- Self Help Groups (SHGs) have been formed for women and men within the settlement;
- Crèches are being operated by NGOs, in addition to the 19 ICDS centres being run by the government;
- A gym is being managed by an NGO;
- One primary health centre is being managed by an NGO;
- A school exclusively for vulnerable children is being run by an NGO in addition to the four functioning Corporation schools;
- Children’s groups have been formed and child leaders are being provided training on rights of children by some NGOs; and,
- Community development work to build capacities of community leaders to enable them to assist communities in accessing basic entitlements is also being undertaken by NGOs.

²¹ ‘New Wave of Migration to Start,’ *The Times of India*, 26 July 2013, Chennai.

²² Ibid.

GAPS IDENTIFIED

The gaps that the research team was able to identify are as follows:

- SHGs are the only mode for livelihood intervention available in Kannagi Nagar; however, the most vulnerable are not included in SHGs (by the community women themselves) as their repayment capacities are questioned by the existing groups. This trend exists because SHGs are predominantly evaluated on their repayment capacity on loans taken.
- Only micro-credit activities are focused on as livelihood measures. Under this activity, though the scope of savings may be an advantage, the income of the family has not increased considerably. Therefore, there is a need for exploring other income-generating livelihood opportunities that will ensure a stable income for the resettled families.
- Civil society should work towards providing inputs on health, hygiene and reproductive healthcare for adolescents, as several adolescents face medical problems related to reproductive health because of early marriages and teenage pregnancies.

3. Response of the Community-based Organization

The research team also mapped the work of the CBO – *Kannagi Nagar Pothu Nalla Sangam* (Kannagi Nagar Residents Welfare) and its development activities in Kannagi Nagar.

- To address the issues faced by the displaced families, the *Kannagi Nagar Pothu Nalla* (a registered organization of the people, for the people and by the people) was created. The organization has representatives from each block of Kannagi Nagar.
- The CBO sent 50,000 postcards to the Tamil Nadu Housing Minister to inform him of their problems. This resulted in the issue being discussed in the Legislative Assembly in the year 2008. As a result of the postcard campaign, various government officials visited the site for the first time in eight years, since the inception of the site. The local MLA, *panchayat* leaders, District Revenue Officials, and district officials of various government departments organised a grievance redressal meeting with the people in Kannagi Nagar.
- *Kannagi Nagar Pothu Nalla Sangam* also analysed the functioning of ICDS and brought forth a report with the help of other civil society groups. As a result of this research study, the Supreme Court Commissioners' Office sent letters to the Tamil Nadu Government to establish ICDS centres in the settlement, as per the existing norms. This resulted in an increase in the number of ICDS centres from six to nineteen in Kannagi Nagar.
- The CBO has facilitated a fact-finding process and a people's audit along with various civil society organizations. This has brought into the purview of the government, various issues related to the settlement, on a regular basis.

SCHEMES AVAILABLE BY THE CBO

Scheme	Beneficiaries		
	Women	Men	Total
Inter-Caste Marriage Benefit Scheme	10	9	19
Birth Certificate	28	14	42
Income Certificate	21	13	34
Death Certificate	7	5	12
Community Certificate	27	21	48
Facilities for Pregnant Women	30	0	30
Disability Identity Card	98	43	141

Scheme	Beneficiaries		
	Women	Men	Total
Widow Pension	108		108
Job Placement	116	100	216
Linkages with Livelihood (Government and Private)	423		423
Total	868	205	1073

The research team interacted with members of the CBO, and has identified that with training and support from the state, they can work towards ensuring the realisation of the human rights of the residents of Kannagi Nagar. Since the CBO is now a registered entity, TNSCB can develop linkages with it and other community-based groups to continue its development work and ensure sustainability in the state's intervention in the community.

CHAPTER VI

Recommendations and Conclusion

Based on an in-depth study of Kannagi Nagar, detailed interviews and focus group discussions, meetings with government officials, and a review of government policies, schemes and records, the study team would like to make the following recommendations.

Recommendations for the Tamil Nadu Slum Clearance Board

The Tamil Nadu Slum Clearance Board should:

- Finalise and make public the findings of its study of the resettlement sites of Kannagi Nagar and Semmenchery, and officially incorporate the findings in the future planning of its work. The state government should review the findings of this study before allotting houses constructed at Perumbakkam.
- Ensure that the Community Development Wing of the TNSCB has a comprehensive development plan (with adequate staffing and budgetary allocation) exclusively for Kannagi Nagar, in consultation with the Community-based Organizations.
- Strengthen the Community Development (CD) Wing with adequate staffing and budgetary provisions for specific community development work in the settlement. The CD Wing should be involved in diverse activities. The CD Wing needs to ensure linkages with various departments to ensure that social security schemes are in place within the settlement. The vision, activities, strategies and budget of the CD Wing needs to be revised. The CD Wing could explore supporting creative livelihood models for communities (this could be a joint collaboration with the Tamil Nadu Urban Livelihood Mission – TNULM) and ensure marketing linkages with other agencies. There is a need for one or more community development officers in Kannagi Nagar to oversee the various issues. There could be an exclusive multi-purpose community resource centre with trained staff where the residents could seek clarity on existing government schemes and could seek assistance to apply for the same. Counseling and legal aid could also be provided in the community resource centre.
- Waive pending payments to be made by the community under the ‘Hire Purchase Scheme,’ issue sale deeds for all flats in Kannagi Nagar, and ensure that houses are provided free of cost to the people. The demand to waive payments under the ‘Hire Purchase Scheme’ is important as the affected persons were

not provided compensation for the houses and land that they lost during the eviction and relocation process. The government should provide tenurial rights to all residents (without any conditions) when the sale deed is issued.

- Ensure that the various benefits made available under the Tamil Nadu Urban Livelihood Mission (TNULM) as well as other schemes, including ICDS and National Urban Health Mission, are made available at all resettlement sites.

Recommendations for the Corporation of Chennai

The Corporation should take steps to:

- Ensure that the implementation of the various plans that exist for Kannagi Nagar are expedited, especially those related to provision of medical services and schools.
- Clear stagnant sewage water and garbage lying around the site, and take steps to ensure that there is no water logging in the future.
- Increase the number of schools and upgrade the existing Corporation Schools, as the current schools can accommodate only 2007, children, whereas the settlement has more than 15,700 children of 6-18 years of age.

SCHOOL SPECIFIC RECOMMENDATIONS

Name of the School	Number of Teachers	Number of Students	Specific Requirements
Primary School (near the tsunami houses)	1 Head Master + 4 Teachers	314	<p>As there are not enough classrooms, the fifth standard children do not have a classroom to study in, and they have to sit outside and attend classes.</p> <p>The building where the mid-day meal is to be cooked is not complete; one classroom is used to store food supplies and the food is cooked outside.</p> <p>A security guard and sweeper are needed in the school.</p> <p>The water tank needs to be elevated, as the water from the hand wash areas can seep into the water tank.</p> <p>There is a need for proper toilet facilities.</p>
Primary School (14th Main Road)	1 Head Master + 3 Assistant Teachers	145	<p>The first floor needs to have grills installed, as the children could fall.</p> <p>Security concerns exist, as there are incidents of outsiders coming inside the school premises despite high compound walls.</p>
Primary School (14th Main Road)	1 Head Master + 3 Assistant Teachers	145	<p>The first floor needs to have grills installed, as the children could fall.</p> <p>Security concerns exist, as there are incidents of outsiders coming inside the school premises despite high compound walls.</p> <p>This school does not have any budgetary provisions for a security guard or a sweeper. The teachers have pooled funds to hire a sweeper.</p> <p>The building where the mid-day meal is to be cooked is not complete; one class room is used to store food supplies while the food is cooked outside.</p>

Name of the School	Number of Teachers	Number of Students	Specific Requirements
Higher Secondary School – Department of Education	1 Head Master + 29 Teachers + 5 Teachers supported by private actors	998	<p>There is no playground with adequate play facilities (the existing playground got flooded during the rainy season).</p> <p>There is no toilet facility for boys because of the lack of water supply.</p> <p>There is only one toilet allotted for girls (that has no light or proper ventilation). The toilet, however, is not being used because of a lack of water.</p> <p>The flooring in some of the classes needs to be repaired.</p> <p>The height of the compound wall needs to be increased.</p> <p>There are regular incidents of people coming inside the school premises and stealing items, posing a security risk for the school.</p>
Primary School (Opposite Higher Secondary School)	1 Head Master + 15 Teachers	550	<p>Security concerns exist, as there are incidents of outsiders coming inside the school premises.</p> <p>The school needs to be upgraded and improved.</p>

- The Education Department of the Corporation of Chennai should explore the possibility of establishing ‘Motivation/Counseling’ Centres in all the four schools in Kannagi Nagar. The ‘Motivation Centres’ are child-friendly spaces within the school premises that will provide students with an array of extra-curricular activities, motivation classes, life skills, and special classes for those children who are unable to cope with their education. These centres could be established in coordination with CBOs or NGOs. These centres should work closely with the teachers and ensure that children in distress situations and those with special needs are identified, and assistance is provided for them.
- Well-maintained playgrounds with adequate play facilities should be established within the schools as well as in other parks in the settlement.
- The Health Department of the Corporation of Chennai should conduct specialised medical camps in schools, ICDS centres, and other areas to specifically monitor malnourishment among children.
- The Corporation of Chennai should conduct overall health awareness campaigns in the settlement with effective information, education and communication material.

Recommendations for the Tamil Nadu Slum Clearance Board and the Corporation of Chennai

TNSCB along with the Corporation of Chennai could set up a multi-purpose community resource centre with the following facilities:

- Evening tuition centres for potential dropouts from schools.
- Non-formal education for dropout children.
- Counseling centre for women and children.
- Full-time community care worker to ensure linkages with various social security schemes.
- Linkages with the Legal Aid Cell, Protection Officer (Prevention of Domestic Violence Act) and the Child Welfare Committee (CWC).
- Helpline for women and children in distress.

Recommendations for the Chennai Metropolitan Water Supply and Sewerage Board

- Undertake regular monitoring visits to the site as well as regular testing of the water provided to ensure quality of water and services.
- Ensure that all the water pumps in the settlement are cleaned on a regular basis.

Recommendations for the Tamil Nadu Police

- Remove all Closed Circuit Televisions (CCTVs) from the settlement as residents feel that they contribute to the perception that the settlement is “crime-prone.” The residents hold a strong view that installing CCTVs in the settlement is a violation of their right to privacy and dignity.
- Establish an exclusive women’s police station within Kannagi Nagar.

Recommendations for the Department of Social Welfare

- Create additional additional ICDS centres in Kannagi Nagar and requisition the land from TNSCB for their establishment. The study reveals that there are 98 children between 0-6 years in 300 families. This works out to approximately 4,500 children between 0-6 years for 15,000 families. There are 19 ICDS / *anganwadi* centres in Kannagi Nagar catering to only 410 children of 0-6 years. There is thus a need to provide additional ICDS centres.

Recommendations for the Department of School Education

- The schools are under the administration of the District Education Department of Kanchipuram and only the maintenance of infrastructure is under the Corporation of Chennai. These schools need to be immediately brought under the administrative purview of the Corporation of Chennai.
- A specific survey to identify dropout children needs to be conducted in coordination with the CBOs in the area.
- Non-formal education for school dropouts needs to be institutionalised.
- Residential schools need to be set up for orphans and other vulnerable children in the settlement.
- The Department of School Education, in collaboration with the Corporation of Chennai and TNSCB, should establish ‘Motivation Centres’ (described above).
- The existing Higher Secondary School in Kannagi Nagar needs to be upgraded with additional facilities
- Several new schools need to be established in the settlement in order to fulfill the right to education of all children living there.

Recommendations for the Commissionerate of Municipal Administration

The Commissionerate needs to ensure that the communities living in Kannagi Nagar are prioritised in the Tamil Nadu Urban Livelihood Mission (TNULM) and National Urban Livelihood Mission (NULM).

Overall Policy Recommendations for the Government of Tamil Nadu

For Kannagi Nagar

The state government should take immediate measures to ensure that:

- The above-mentioned recommendations are implemented in coordination with all departments. The high level committee (officially formulated by Government Order (MS) No. 117; dated: 26.08.2011, Housing and Urban Development (SC 1 (2)) Department) should monitor the progress of work done in Kannagi Nagar.
- Sale deeds for the houses are issued immediately to the residents of Kannagi Nagar, as conditional allotment is in violation of the human right to adequate housing and the provisions of General Comment 4 of the UN Committee on Economic, Social and Cultural Rights, and the UN Basic Principles and Guidelines on Development-based Evictions and Displacement.
- Adequate compensation is provided to all evicted and relocated communities on a priority basis, for loss of their property, possessions, income, and loss of education, livelihood and healthcare.
- Reparations are provided for the gross human rights violations inflicted by the state government on all families in Kannagi Nagar.
- Various benefits under the Tamil Nadu Urban Livelihood Mission (TNULM) as well as other schemes, including ICDS and National Urban Health Mission, are made available in all resettlement sites.

For Housing Projects under JNNURM at Perumbakkam, Ezhil Nagar in Chennai

Construction of large-scale relocation sites is underway at Perumbakkam and Ezhil Nagar in Chennai (near Kannagi Nagar and Semmenchery) for people residing in 'objectionable' slum areas in central Chennai. Both these sites are located very far from the original places of habitation and livelihood sources of the communities in central Chennai, and hence the houses constructed in these settlements cannot be allotted to the urban poor. The government must learn from the failures of resettlement at Kannagi Nagar and not repeat the violations of human rights.

For all future housing projects in Tamil Nadu:

- The state should not resort to similar *en masse* housing projects without the consent of the communities, as it results in 'ghettoisation' of communities while violating their human rights to adequate housing, work/livelihood, food, water, health, education and security of the person and home. This planned segregation, apart from contravening the provisions of the Constitution of India and international and national law, further violates the 'right to the city' of all residents.
- The size of housing provided by the state should be increased from 600 to 700 square feet (as specified in NRRP 2007) to also accommodate extended families. This will also reduce various social and psychological problems arising from lack of space and privacy.
- Each housing project should have adequate space allocated for social infrastructure, including community centres, ICDS centres, Public Distribution System (PDS), and playgrounds, based on the existing norms of the Government of Tamil Nadu and the Government of India.
- TNULM/NULM should follow the principles of the National Rural Employment Guarantee Scheme to improve public and social infrastructure facilities (maintenance of housing, including repair wherever required; maintenance of playgrounds and parks; maintenance of burial grounds; maintenance of community-based solid waste management systems, including segregation of waste; maintenance

of ICDS centres and 'Amma Unavagam' centres; mid-day meal schemes of the schools; PDS; and establishment and maintenance of local and trade markets by the CBOs), and develop community assets in the settlements.

- The state must revisit the Tamil Nadu Slum Areas (Improvement and Clearance) Act 1971. Legal reviews should be undertaken based on civil society consultations. One problematic area is that the Act states that, "Slums are likely to become a source of danger to public health and sanitation of the said area" and further defines a slum as, "An area that may be a source of danger to the health, safety and convenience of the public of that area or its neighbourhood." This definition is disparaging and unfair, and urban communities residing in informal settlements demand its removal. The various gaps in the Act need to be identified and rectified, and the role of TNSCB needs to be revisited.
- The Government of Tamil Nadu must evolve a holistic and comprehensive law on protection of land, housing and livelihood for deprived urban communities. Such a law should concentrate on reservation of land within urban centres for housing and livelihood activities for marginalised urban communities.
- The state should develop a human rights-based comprehensive housing and resettlement policy for Tamil Nadu. Currently, the policy notes for housing and urban development refer to *in situ* upgrading of settlements at "unobjectionable" locations and *en masse* resettlement housing projects for those at "objectionable" locations. This terminology used to classify settlements needs to be changed, as it is against the principles of human rights.

Recommendations Related to Land

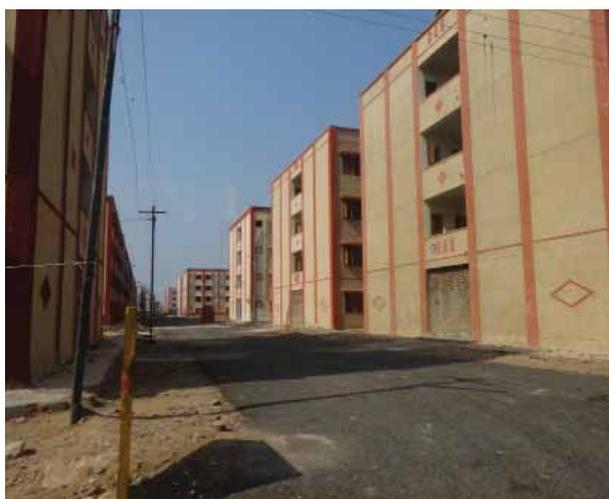
The Government of Tamil Nadu needs to look into the following issues related to land, so as to evolve alternatives to evictions and to resort to *in situ* (on site) upgradation of settlements.

- Issue community *pattas* (community-based land titles) over the land on which the tenements are constructed to ensure that ownership and legal rights to the land are vested with the community. Currently, the legal rights over the land on which the tenements are constructed are vested with the Tamil Nadu Slum Clearance Board.
- Prepare a white paper on the existing land utilisation pattern with emphasis on the ratio of land provided for EWS (with clear-cut demarcation of lands with and without titles, and details of the land owning department) in all cities to be released.
- Conduct a joint exercise with the various land owning departments in the city and the various para-statal agencies to earmark land for the urban poor. The land owning departments should issue No Objection Certificates (NOCs) to TNSCB for providing land and housing for the people. If there is a dearth of land available, the state government can procure land from private owners. In order to do so, there is also a need to revisit the existing city development plans and spatial allocation. The land mapping process under Rajiv Awas Yojana (RAY) has not been carried out in any of the cities and hence a robust land mapping process should be carried out in coordination with all the land owning departments in the cities.
- Introduce Reservation of Land for Scheduled Castes (SC) and Scheduled Tribes (ST) living in the city. Equitable spatial allocation should be made for the poor based on their proportion to the total population.

Conclusion

This study, through its detailed examination of the various issues in the resettlement site of Kannagi Nagar, demonstrates how the state has treated the urban poor as experimental subjects, and has forced them to the peripheries of cities without understanding the adverse socio-economic and long-term impacts of the resettlement process on the people.

HOUSES UNDER CONSTRUCTION IN KANNAGI NAGAR AND PERUMBAKKAM



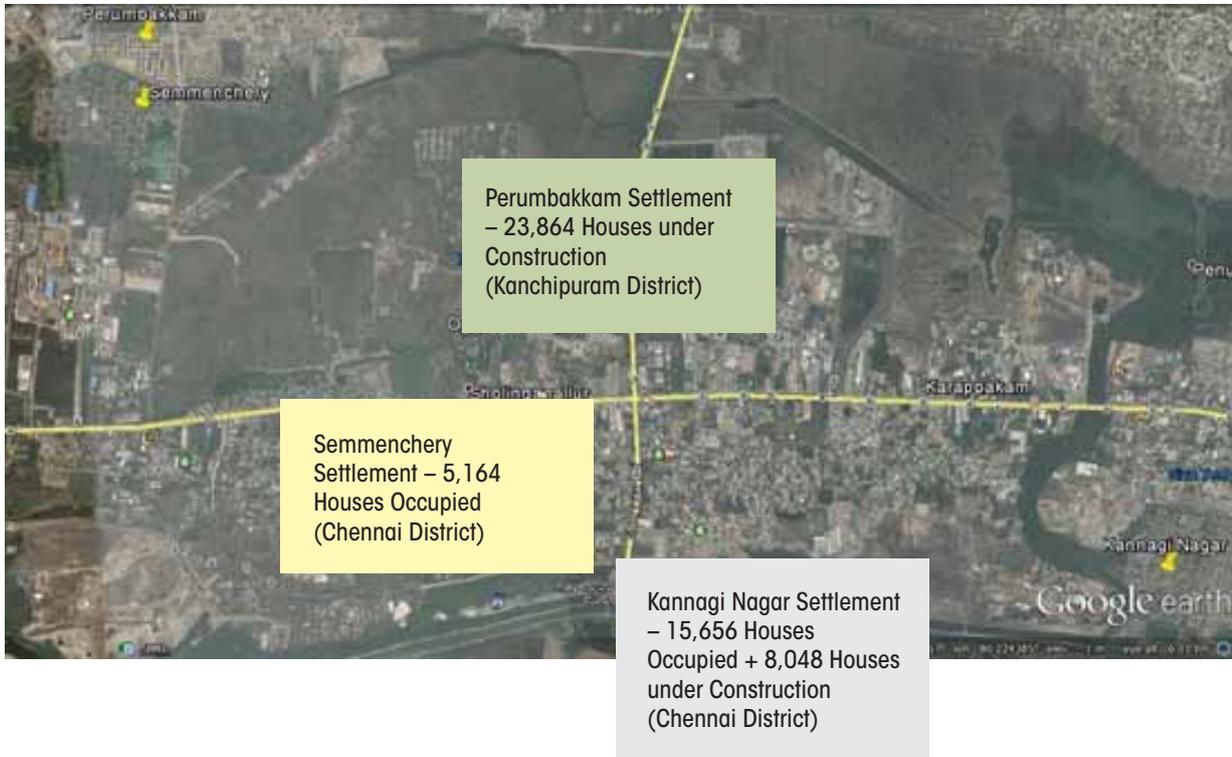
At Kannagi Nagar and Semmenchery, 20,820 households have already been relocated. Another 31,912 households will be evicted and shifted to the settlement of Perumbakkam²³ and to Kannagi Nagar²⁴ once construction of the planned expansion is completed. When occupancy in these new tenements is complete, over 52,000 households in total will have been evicted from their original places of habitation in Chennai and resettled in these large and inadequate resettlement colonies.

This is a deliberate act of dispossession and ghettoisation of marginalised urban communities, and this report is a clarion call for justice for those who are evicted and forgotten by the state. HLRN and IRCUDC

23 23,864 tenements constructed at Perumbakkam under Basic Services for the Urban Poor (BSUP) – Policy Note 2013-2014, Department of Housing and Urban Development.

24 6,000 tenements constructed at Ezhil Nagar, Okkiyum Thoraipakkam (adjacent to Kannagi Nagar) under JNNURM and 2,048 tenements at Ezhil Nagar, Okkiyum Thoraipakkam under the World Bank funded Emergency Tsunami Reconstruction Project – Policy Note 2013-2014, Department of Housing and Urban Development.

hope that the Government of Tamil Nadu will pay heed to the recommendations provided in this report; take immediate measures to revise state housing schemes in order to focus on *in situ* upgradation and the construction of low cost adequate houses that incorporate the standards of adequacy as established by international human rights norms; and, work to promote the realisation of the human right to adequate housing of all.



ANNEXURES

Annexure 1

Minutes of the Meeting held by the Chief Secretary on 01.03.2010 – Regarding Infrastructure Facilities to be Provided in Okkiyum Thoraipakkam and Perumbakkam Schemes of the Tamil Nadu Slum Clearance Board

Letter No. 1318/SW/11/10-9,
Social Welfare and Nutritious
Meal Programme (SW711) Department,
Secretariat, Chennai-600008,
dated 18-06-2010.



From
Dr. P. Rama Mohana Rao IAS,
Principal Secretary to Government

To
The Special Commissioner
of the Supreme Court of India,
in W.P. No. (C) 1965/2001,
Office of the Supreme Court Commissioners,
B-68 2nd Floor, Sarvodaya Enclave,
New Delhi - 110017.

Sr.

Sub. Social Welfare and Nutritious Meal Programme - Integrated Child Development Services Scheme - status of functioning of ICDS centres in the resettlement sites of Kannagi Nagar of Okkiyum Thoraipakkam, Semmencheri, Perumbakkam and All India Radio Nagar - factual Report - furnished - Regularity

Ref. 1) From the Commissioner and Special Commissioner of Supreme Court Lr No. Resettlement sites/945/FTN, dated 15.04.2010.
2) From the Principal Secretary / Special Commissioner, Integrated Child Development Services Scheme D.O. Letter No.18748/MC.18/2008, dated 08.03.2010, 26.04.2010 & 04.06.2010.

I am directed to invite your kind attention to the reference cited and enclose a factual Report on the functioning of Integrated Child Development Services Scheme centres in the resettlement sites of Kannagi Nagar, Semmencheri, Perumbakkam and All India Radio Nagar of Thiruvotiyur, for favour of kind information.

Yours faithfully,

for Principal Secretary to Government

Report on the functioning of ICDS Anganwadi Centres in the relocation sites in Chennai

In Tamil Nadu, 50,433 Anganwadi Centres were functioning under ICDS Scheme. As per the Hon'ble Supreme Court's orders and the Government of India's guidelines and sanction, 4006 new Anganwadi Centres have been opened recently and have started functioning.

2) In January, 2010, a book titled, "Child Care - Remains uncared for", a situational assessment of the Integrated Child Development Services (ICDS) Centres in the relocation settlements of Chennai District, was published by Dilip Diwakar G., a Research Scholar of Jawaharlal Nehru University with the assistance of "Action Aid", an NGO.

3) As soon as the report was brought to the notice of the Government, the Principal Secretary / Special Commissioner, ICDS and the Managing Director, Tamil Nadu Slum Clearance Board were directed to form teams to inspect the resettlement locations and open appropriate number of ICDS Centres in the areas on or before 15.2.2010.

4) Teams of officials from the Commissionerate of ICDS and the Tamil Nadu Slum Clearance Board inspected the resettlement locations on 29.1.2010 and 30.1.2010.

5) In the meantime, on 1.3.2010, the Chief Secretary to Government of Tamil Nadu took up a review meeting on the Infrastructure facilities to be provided in Okkiyum Thoraipakkam, Semmencheri and Perumbakkam Schemes of Tsunami resettlement. A copy of the minutes of the meeting is enclosed. In the meeting, it was decided among others, that 13 Anganwadi Centres in Kannagi Nagar of Okkiyum Thoraipakkam will be opened in addition to the recently opened 6 Centres based on the availability of space in the area. It was also decided that in Semmencheri, in addition to the already functioning 7 ICDS Centres, 4 more ICDS Centres are to be sanctioned and made operational shortly.

6) In respect of the report titled "Child Care - Remains uncared for", the pictures and details published in the book are the situations prevailed one year earlier. The lack of facilities reported in the booklet have already been improved based on the resettlement of families in those areas. It is reported that 31 Centres are functioning in Semmencheri, Kannagi Nagar and All India Radio Nagar. Now 12 new Centres have been sanctioned additionally for these areas, considering the resettlement of migrated families and as per population norms in the above places (Kannagi Nagar - 6, Semmencheri - 1, Thiruvotiyur - All India Radio Nagar - 5).

7) The Tamil Nadu Slum Clearance Board has allocated 8 tenements besides one premises allocated for NGO. These allotments are utilized to run 6 Anganwadi Centres.

Further follow up work is going on for accommodating remaining Centres by Tamil Nadu Slum Clearance Board.

8) At present, 62 Centres are functioning in the above area (31 ICDS Centres and 31 Centres run by NGOs). 12 Centres have been opened additionally and have started functioning. As on date 74 Centres are functioning in these areas. During recent inspection, it was found that there is scope for opening 13 Anganwadi Centres additionally and these Centres will be opened after complete resettlement of families and assessment of the actual population, since resettlement is going on and lot of families do not stay there permanently as they have not settled in the relocation settlements. Action would be taken to open new Centres based on the requirement of the area, making use of the concept of "Anganwadi on Demand", under the ICDS Scheme, after obtaining approval from the Government of India.

9) A requirement of 13 Anganwadi Centres have been assessed in these areas and these centres would be opened after complete resettlement after getting approval from the Government of India.

10) It is submitted that Government of Tamil Nadu is fully geared up to open as many Centres as required by the people in these localities. A further report will be submitted within 15 days.

P. RAMA MOHANA RAO,
PRINCIPAL SECRETARY TO GOVERNMENT

/forwarded by order/


Section Officer

MINUTES OF THE MEETING HELD BY THE CHIEF SECRETARY TO GOVERNMENT IN THE CHIEF SECRETARY'S CONFERENCE HALL, AT 3.30 P.M. ON 01.03.2010, REGARDING THE INFRASTRUCTURE FACILITIES TO BE PROVIDED IN OKKIAM THORAIPAKKAM, SEMMANCHERI AND PERUMBAKKAM SCHEMES OF TNSCB

The Chief Secretary to Government took a review to discuss the issues related to the infrastructure facilities to be provided in Okkiam Thoraipakkam, Semmancheri and Perumbakkam Schemes of Tamil Nadu Slum Clearance Board. The list of officials who attended the meeting is appended.

The Secretary to Government, Housing & Urban Development Department welcomed everyone and briefly explained the nature of problems relating to infrastructure and other facilities and delivery of civic services in the resettlement colonies. The Chief Secretary to Government requested the concerned Secretaries to Government to highlight the steps taken by them in respect of the infrastructural deficiencies and issues already pointed out in the earlier meetings.

I RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT

The Secretary to Government, HUD Department stated that TNSCB has created infrastructures like roads, street lights, storm water drain, underground sewerage system, etc., and handed them over to the concerned local bodies for maintenance. However, the local bodies are unable to maintain them. Therefore, this infrastructure and also solid waste management are being looked after by TNSCB. TNSCB has neither the infrastructure nor the staff to maintain the facilities since it is not a local body. He said if it is not possible for RD & PR Department to maintain it TNSCB should be authorized to maintain the infrastructure and given necessary funds.

The Principal Secretary to Government, RD & PR Department stated that the Panchayats are basically unable to deliver the services due to two reasons, i.e., (1) they do not have the necessary funds or staff since this was decided based on the Census 2007 and the SFC grants which should not be increased now (2) they were unable to tax the residents to fund service delivery.

He felt that taxes should be collected by the TNSCB and paid or paid by the Tamil Nadu Slum Clearance Board and it should not be necessary for the Panchayats to collect the taxes from the individual residents. Also there was the legal issue of ownership which needed to be decided. The Principal Secretary to Government, Home Department opined that the taxes can be collected by TNSCB and given to the RD Department. The Collector of Kancheepuram District said that the Panchayats' access is anyway meagre and so the collection would not yield much.

In reply to this, MD, TNSCB said that the tenements constructed by TNSCB have been allotted on hire purchase basis (and not on rental basis) and in many cases ownership had been transferred to the residents by way of issue of sale deeds and hence TNSCB was not liable to pay taxes. Also, the question of taxes and the legal issues, etc., should not be linked to delivery of services since in any case as pointed out by the Collector of Kanchipuram, the taxes are too meagre to fund the service delivery. MD, TNSCB also pointed out that when such huge resettlement projects are taken up there is a need for service delivery, otherwise it brings a bad name to the Government as well as renders the entire process infertile given that these people are the most disadvantaged sections who have been deprived of their livelihood and also have been deprived of their livelihood and also have been moved out of their homes within the City.

The Principal Secretary to Government, Home Department also said that there was a special need for special dispensation for such schemes wherein all infrastructure facilities should form part of the original scheme itself including the costs of setting up maintaining and operating facilities. The Chief Secretary to Government noted that while it may be possible to include infrastructure cost in the project. But, it is not possible to include the operating and maintenance cost in the project.

Finally, the Chief Secretary to Government summed up and stated that a committee comprising Principal Secretary to Government, Rural Development and Panchayat Raj Department, Secretary to Government, Housing & Urban Development Department, Secretary to Government, MA & WS Department, Managing Director, CMWSSB, Managing Director, TNSCB be formed to prepare a policy / set of guidelines / norms to be followed whenever an Rehabilitation and Resettlement Scheme comprising around 5000 households is proposed. Given that there are 5000 households (25000 population), all the facilities necessary / infrastructure, funding, staffing, operational and maintenance issues related to this and delivery of services by the local bodies and all other departments should be included as part of the package and the Committee should come up with a set of norms for this purpose.

(Action: RD & PR Dept. & HUD Dept.)

II CMWSSB / MUNICIPAL ADMINISTRATION & WATER SUPPLY DEPARTMENT

(i) Water Supply to Kannagi Nagar (Okkium Thoraiakkam)

Managing Director, TNSCB informed that presently water is being supplied through pipelines from neighbouring underground well and supplemented by tankers and this is not adequate. TNSCB has deposited funds with CMWSSB for augmenting supply from the New Veeranam Scheme in April

2008. Managing Director, CMWSSB said that currently they are supplying around 8-10 lakh litre per day for the 16000 and odd families living in Kannagi Nagar (Okkium Thoraiakkam). He also said that the pipelines have already been laid and they would start supply of around 3.2 MLD of water as per norms by the last week of March or by mid-April 2010.

(i) Water Supply to Semmancheri

Managing Director, CMWSSB said that they would complete the scheme for delivery of 1.3 MLD water from Veeranam Water Supply Scheme to Semmancheri by March 31 or at the most by 15th April 2010. Funds for this have already been deposited by TNSCB in April 2009 for supplying water under the New Veeranam Scheme.

(ii) Water Supply to Penumbakkam

About 8.4 MLD (based on 70 LPCD) of water will be required for this scheme since it has been proposed to rehabilitate 24000 families in this area. MD, CMWSSB stated that they are examining the feasibility of providing water under New Veeranam / Nemli Schemes.

(Action: CMWSSB)

III SCHOOL EDUCATION DEPARTMENT

(i) Kannagi Nagar (Okkium Thoraiakkam)

The Principal Secretary to Government, School Education Department said that in Kannagi Nagar (Okkium Thoraiakkam), they would provide one additional primary school and middle school during the next academic year. It will be ensured that adequate number of teachers are appointed. As far as other facilities like compound wall, toilet, drinking water, etc., necessary steps will be taken through PWD. The MD, TNSCB informed that where the buildings / roads were handed over to PWD or Panchayat, there were some audit objections if repairs or additional works were carried out. However, the Chief Secretary to Government said that infrastructure forms part of the project and could be supplemented by TNSCB as required.

(ii) Semmancheri

The Secretary to Government, School Education Department informed that they will upgrade the high school into higher secondary school and ensure that adequate teachers are appointed and necessary infrastructure like class rooms, laboratory, etc., are provided in the coming academic year.

(i) Semmancheri

A new hospital has been built by the Times Foundation on a site provided by TNSCB and G.O. has been issued to make this 30 bedded hospital operational. Equipment is being procured and staff are being posted and the Principal Secretary, H & FW said that it would be inaugurated soon and start functioning by the first week of April 2010.

VI HOME DEPARTMENT

(Action: H & FW Department)

The Commissioner of Police, Chennai informed that as far as Kannagi Nagar (Okkium Thoraiakkam) is concerned, it is a crime prone area due to large concentration of slum population which was not desirable. The Principal Secretary to Government, Home Department also felt that this kind of concentration of slum population in one place is not desirable and that future programmes should ensure that they are more distributed and there is a mixed development. MD, TNSCB stated TNSCB is continued to take up schemes wherever land is made available. He requested that smaller extent of lands may be provided to TNSCB for R & R schemes at different places for this purpose. The Chief Secretary to Government said, Revenue Department can be addressed for the purpose.

(i) Kannagi Nagar (Okkium Thoraiakkam)

The Commissioner of Police said that a police outpost is functioning informally and that it would be made formal and operational in a short while. The Principal Secretary to Government, Home Department said that as far as converting the outpost into Police station is concerned, Home costs are exorbitant and also as per the norms no new police station can be sanctioned. However, the Chief Secretary to Government pointed out that as a special case it may be considered. As far as operational costs are concerned, TNSCB may not be able to include it in the project cost and the committee constituted for this purpose could look into this matter and ensure that even at the time of sanction of the scheme all such infrastructure facilities are also fully provided for. The Principal Secretary to Government, Home Department also said that the land earmarked for the purpose of Police station in Semmanchery and Okkium Thoraiakkam should immediately be transferred to the Police department. MD/ TNSCB informed that this would be done immediately.

Regarding the illegal sale of land by encroachers on Government and TNSCB lands at Perumbakkam, the Collector of Kancheepuram District pointed out that they had filed an FIR a couple of years back against some people who were indulging in land grabbing and selling these lands

(Action: School Education Department)

IV SOCIAL WELFARE & NOON MEAL PROGRAMME DEPARTMENT

(i) Kannagi Nagar (Okkium Thoraiakkam)

The Principal Secretary / Special Commissioner, ICDS stated that 19 Noon ICDS centres have been sanctioned for Kannagi Nagar (Okkium Thoraiakkam) Scheme. Out of this, 6 centres have been opened recently and the balance 13 centres will be opened based on the availability of space. Recruitment of staff is being done by the Collector of Kancheepuram District. The Collector informed that interviews have been scheduled and that he would be able to appoint staff within a short time. The MD / TNSCB informed that necessary infrastructure, water supply, electricity, etc., would be made available as required.

(i) Semmancheri

There are 7 ICDS centres functioning and four more centres are to be sanctioned. The Principal Secretary / Special Commissioner, ICDS stated that these could be made operational shortly. She added that there was a great need for such centres and a need to immediately strengthen the ICDS programme in the area since there was a large population of children.

(Action: ICDS)

V HEALTH & FAMILY WELFARE DEPARTMENT

(i) Kannagi Nagar (Okkium Thoraiakkam)

The Principal Secretary to Government, Health and Family Welfare Department said that G.O. has been issued for one CHC (30 bedded) at Okkium Thoraiakkam and that the Panchayat has identified lands for this. MD, TNSCB clarified that the proposal had been mooted and sent by TNSCB and orders were issued sanctioning CHC based on the TNSCB's proposals. But, the Panchayat is now unwilling to locate the CHC in the site within the R & R scheme Kannagi Nagar. MD, TNSCB requested that site already identified and available within the R & R scheme may be used for putting up the proposed CHC since the need was very large within this area. The Principal Secretary assured that it would be examined.

TAMIL NADU ELECTRICITY BOARD

The Chairman, TNEB said in all the cases where NOCs are given by TNSCB, power connections have been given. MD / TNSCB said that main issue is illegal tapping of power and unauthorized connections in both Semmanchery and Kannagi Nagar (Okkium Thorapakkam). While in respect of new tenements provision is being made in FS for both the electrical wiring as well as deposit amount (to be recovered in instalments), for 12500 tenements which have already been built and occupied such provision did not exist. Usually, when encroachments are removed there is pressure to evict them swiftly due to which it is not possible to impose condition that they should complete the wiring and pay the electricity deposit. Taking advantage of this and due to pressure from the land owning departments like Corporation, PWD, CMVSSB, etc., to vacate, the allottees take possession of the TNSCB tenements. The result is that the allottees get away by illegal tapping of power from the main lines and the officials of TNEB were not able to do anything about this due to law and order situation in the area. MD / TNSCB requested that the funds may be sanctioned as a special case in respect of the existing tenements also so that the problem could be solved once and for all. He also pointed out that local Panchayat President had informed that this was the reason why there was lot of goondaism and that there was a mafia operating in the area which does illegal tapping of power and then distributes it to residents.

The Commissioner of Police said he would look into the matter immediately and provide necessary assistance for curbing this menace. The Chairman, TNEB assured that if this is done, he would be in a position to immediately see that all the connections are given legally within a short time.

(Action: TNEB & Commissioner of Police)

X Public Works Department

MD, TNSCB stated that presently the entire Kammagi Nagar scheme is accessed on the western side by a narrow thirty feet road from OMR and this creates congestion. There exists a possibility of linking this area on the eastern side to the ECR by constructing a Bridge across the B. Canal so that there are additional entry and exit points to the area. This option can be explored. Chief Secretary said that PWD and Highways could be asked to explore this option and the feasibility of doing this

(Action: Highways and PWD)

K.S. SRIPATHI,

CHIEF SECRETARY TO GOVERNMENT

True Copy

A. Sathya
Section Officer

illegally using informal documents. This was a classic case of land grabbing in which 100 Acres of land belonging to TNSCB as well as another 90 Acres of poramboke lands adjoining it (for which TNSCB had submitted land transfer proposals) was involved and which was attempted to be grabbed by anti-social elements who were also trying to sell all this land to other purchasers and the whole thing was going on for the last couple of years.

He said that based on the information another complaint had also been lodged on recently. A copy of the complaint and FIR along with documentation was also handed over to the Commissioner of Police, Chennai Suburban Police. He stated that since both Perumbakkam and Sholinganallur fall within the suburban police jurisdiction it was not possible for the Collector to take action. The Chief Secretary to Government stated that this was a very serious issue and requested the Principal Secretary to Government, Home Department to look into the matter. Whether action should be initiated against the concerned individuals by the Crime Branch or EOW was discussed and it was felt that it might be better to have the Crime Branch look into it since it was urgent in nature.

(Action: Commissioner of Police
Suburban Police
Home, Department)

VII TRANSPORT DEPARTMENT

The Secretary to Government, Transport Department said that buses in all the new routes as requested by the local population had been introduced and that they were plying. There are some requests for additional services for which action will be taken.

(Action: Transport Department)

VIII COOPERATION, FOOD AND CONSUMER PROTECTION DEPARTMENT

In Kammagi Nagar (Okkium Thorapakkam), currently four Fair Price Shops are functioning and two more shops are required.

As per the norms there are two new Fair Price Shops at Semmanchery and two more shops are needed

The Principal Secretary to Government, CF & CP Department informed that instructions will be given to open two more shops in each of the above schemes shortly

(Action: Cooperation, Food & CP Department)

List of participants

1.	Tmt. S. Malathi, IAS, Principal Secretary to Government, Home, Prohibition & Excise Department.
2.	Thiru. M. Kutralingam, IAS, Principal Secretary to Government, School Education Dept.
3.	Thiru. V. K. Subburaj, IAS, Principal Secretary to Government, H & FW Dept.
4.	Thiru. C. P. Singh, IAS, Principal Secretary / Chairman, TNEB
5.	Thiru. K. Ashok Varadhan Shetty, IAS, Principal Secretary to Government, Rural Dev. & PR Dept.
6.	Tmt. Meenakshi Rajagopal, IAS, Principal Secretary / Special Commissioner, ICDS
7.	Thiru. K. Shanmugam, IAS, Secretary to Government, CF & CP Department
8.	Thiru. T. Rajendran, IPS, Commissioner of Police
9.	Thiru. Ashok Dongre, IAS, Secretary to Government, Housing & UD Department
10.	Thiru. Atulya Misra, IAS, Secretary to Government, Transport Department.
11.	Thiru. T. K. Ramachandran, IAS, Managing Director, TNSCB
12.	Thiru. Santosh K. Misra, IAS, Collector of Kancheepuram District

Annexure 2

Government Order No. 117, dated 26.08.2011, Housing and Urban Development Department (SC 1 (2)), High Level Committee under the Chairmanship of the Chief Secretary to Resolve Infrastructure Issues in the Resettlement Housing Programme



ABSTRACT

Tamil Nadu Slum Clearance Board – Rehabilitation and Resettlement Programme - Constitute a High Level Committee under the Chairmanship of the Chief Secretary to Government to resolve infrastructure issues – Orders – Issued.

Housing and Urban Development (SC1(2)) Department

G.O(Ms) No.117

Dated: 26.08.2011.

Read:

From the Managing Director, Tamil Nadu Slum Clearance Board Letter Rc.No. M1/8571/11 dated 22.07.2011.

ORDER:-

Tamil Nadu Slum Clearance Board has been implementing resettlement programmes envisaging the construction of tenements for the resettlement of the slum families living in objectionable locations in the Periphery of the city. These tenemental schemes lack the basic infrastructure like water supply, sewerage disposal, electricity, street lights, roads and social infrastructure like ICDS Centres, Schools, Colleges, hospitals etc. Hence the slum families living in objectionable location in core city are reluctant to move to the tenements in the periphery of towns. Since the basic amenities like water supply, electricity and other social infrastructures have not been provided to them at the time of occupation, serious law and order problems arose.

2. The Managing Director, Tamil Nadu Slum Clearance Board in his letter read above has stated that earlier Tamil Nadu Slum Clearance Board had constructed 22,000 tenements in Okkium Thoraiakkam and Semmencheri in Chennai and now the Board is constructing 31,912 tenements in Okkium Thoraiakkam and Perumbakkam in South Chennai. He has further stated that during the review conducted by the Hon'ble Chief Minister on 13.07.2011 it was decided that a High Level Committee under the Chairmanship of Chief Secretary to Government with Secretaries to Government as Members would be set up to resolve the issues pertaining to basic amenities and social infrastructure. The Managing Director, Tamil Nadu Slum Clearance Board has requested to constitute a High Level Committee to resolve the infrastructure issues in the resettlement schemes.

3. The Government have carefully examined the proposal of the Managing Director, Tamil Nadu Slum Clearance Board and decided to accept it. Accordingly the Government constitute a High Level Committee headed by the Chief Secretary to

.2.

-2-

Government to resolve infrastructure issues comprising of the following members to address the above issues:-

1	Chief Secretary to Government	Chairman
2	Principal Secretary to Government, Finance Department	Member
3	Secretary to Government, Housing and Urban Development Department	Member
4	Secretary to Government, Municipal Administration and Water Supply Department	Member
5	Principal Secretary to Government, Health and Family Welfare Department	Member
6	Principal Secretary to Government, Higher Education Department	Member
7	Secretary to Government, School Education Department	Member
8	Secretary to Government, Animal Husbandry, Dairying and Fisheries Department	Member
9	Secretary to Government, Co-operation, Food and Consumer Protection Department	Member
10	Principal Secretary to Government, Environment and Forests Department	Member
11	Secretary to Government, Adi Dravidar and Tribal Welfare Department	Member
12	Principal Secretary to Government, Home Prohibition and Excise Department	Member
13	Principal Secretary to Government, Revenue Department	Member
14	Principal Secretary to Government, Rural Development and Panchayat Raj Department	Member
15	Additional Chief Secretary to Government, Social Welfare and Nutritious Meal Programme Department	Member
16	Secretary to Government, Transport Department	Member
17	Secretary to Government, Youth Welfare and Sport Development	Member
18	District Collector, Kancheepuram District	Member
19	District Collector, Tiruvallur District	Member
20	Commissioner, Chennai Corporation	Member

...3.

21	Collector of Chennai	Member
22	Chairman, Tamil Nadu Electricity Board	Member
23	Managing Director, Tamil Nadu Slum Clearance Board	Member and Convener

(By Order of the Governor)

**DEBENDRANATH SARANGI,
CHIEF SECRETARY TO GOVERNMENT.**

To
The Managing Director, Tamil Nadu Slum Clearance Board, Chennai-5.
The Chief Secretary to Government, Secretariat, Chennai-9.
The Additional Chief Secretary to Government, Social Welfare and Nutritious Meal Programme Department.
The Principal Secretary to Government,
Finance Department / Health and Family Welfare Department / Higher Education Department / Environmental and Forests Department / Home Prohibition and Excise Department / Revenue Department / Rural Development and Panjayat Raj Department,
The Secretary to Government,
Housing and Urban Development Department / Municipal Administration and Water Supply Department / School Education Department / Animal Husbandry, Dairing and Fisheries Department / Co-operation, Food and Consumer Protection Department / Adi Dravida and Tribal Welfare Department / Transport Department / Youth Welfare and Sport Department.
The District Collector, Kancheepuram District, Kancheepuram.
The District Collector, Tiruvallur District, Tiruvallur.
The Commissioner, Chennai Corporation, Chennai.
The Collector of Chennai, Chennai.
The Chairman, Tamil Nadu Electricity Board, Chennai
The Ministry of Housing and Urban Poverty Alleviation, Government of India, New Delhi.

Copy to:

The Sr.PA to Minister (Housing and Urban Development), Secretariat, Chennai-9.
The PS to Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai-9.

/Forwarded by Order/

Section Officer.

Annexure 3

Media Reports on Kannagi Nagar

● TSUNAMI REHABILITATION

Relocated and forgotten by the State

Nalini Ravichandran | ENS
Chennai, December 28

A RECENT study done by the Forum for Securing Land and Livelihood Rights of the Coastal Communities (FLLRC) on the appalling conditions of ICDS (Integrated Child Development Services) centres in the tsunami relocation sites of Chennai is a grave reminder of the injustice faced by those whose lives were torn apart by the killer waves four years ago.

About 7,432 families were relocated as part of the post-tsunami rehabilitation initiative, to the urban coastal areas of Chennai district. While relocation sites in Kannagi Nagar in Okkiyum Thoraipakkam and Semmenchery were constructed prior to the tsunami, the HUL Land and Thilagar Nagar Site were constructed exclusively for those affected by the tsunami.

Inadequate staff and poor implementation of government norms plague the running of anganwadi centres. The report states that there are just nine government ICDS centres established for 78, 919 persons in the relocation sites of Chennai district. According to government norms, there should be at least one centre for a population of 400-800. Going by this, there should be at least 98 more centres.

Children were found bringing food from home to an NGO-run centre. Many centres did not follow the government norm of providing three eggs per week. Only seven government centres follow the norms.

The study also found that apart from nine centres, none of the centres provided sundal for the children, which was mandatory. Almost all the NGO-run ICDS centres were found to provide uncooked and spoilt supplementary food. About two-third centres reported insufficient plates, while 55 per cent lacked adequate vessels. Only 12 centres

had direct electric supply, while the rest survived on illegal connections. Small and congested centres were surrounded by garbage. Only eight centres were run in their own building, while the rest were being run in rented buildings. Discoloured walls in 17 centres, insufficient charts in 13 centres, irregular health check-ups in 25 centres, no toys in 14 centres; the anganwadi centres are in desperate need for attention.

The sanitary conditions were appalling too, as 40 per cent of the toilets in the sites were not in usable conditions. The children end up using the open space.

One centre did not even have a teacher and in another, one teacher took care of two centres, as only seven teachers were available for the nine government centres. Some teachers end up paying the rent for some centres, and do not get reimbursed either.

Two government-run centres in Semmenchery were found to be providing only two eggs, instead of three per week. These two centres do not provide sundal either. Twenty two centres have been reported to supply uncooked and unhygienic food, of which, 20 centres are run by NGOs, which calls for a better monitoring on the NGO-run centres also. Moreover, none of the centres has proper drinking water facilities, as they get water only once in four to six days.

In Tondiarpet, 180 children below the age of five access ICDS centres, while 48 children still do not access it because they have to go to the one in V O C Nagar.

Problems aplenty for school students



RUSH HOUR: Students boarding a bus at Thoraipakkam

Nalini Ravichandran | ENS
Chennai, September 29

IT IS 6.45 am. The 1,000-odd school children from Thoraipakkam rush to the bus stop. They are students of different schools in Santhome.

It is a two-hour ride to their schools and there are just four buses between 7 am and 9 am. The daily ordeal of the students has thrown up several questions on safety.

There are about 13,000 families living in the area and the number of buses woefully inadequate.

For Ranjita of class VII, getting the 7 am bus is all that matters, as missing it will mean being late for school. Mani of class XI suffered injuries to his leg when he slipped and fell down from a bus. He was travelling on foot-board in an overcrowded T21 bus. Mani's mother Viji says the hospital expenditure came up to Rs 10,000.

Children of tsunami-hit families, relocated here, continue to go to schools in San-

thome. There are two primary and a high school in Thoraipakkam.

"Hardly any teaching goes on in the schools," said a parent. "There is no discipline in the schools," said another parent, whose children discontinued studies.

The only option is to send them to schools outside the area. "But I don't want them to risk their lives in the daily rigorous bus rides," he says. "They are now at home doing nothing. I hate to see them wither away their time like this, but what is the alternative," he asked.

Community leader Stephen says the children wait desperately for their buses, which are always erratic and overcrowded. And when they manage to get on a bus, they are at the receiving end of other passengers, says Dhanalakshmi, a parent.

Buvana, chief community development officer, Tamil Nadu Slum Clearance Board, says there is a proposal to ply more buses on the route.

▲ 'PROBLEMS APLENTY FOR SCHOOL STUDENTS,'
NALINI RAVICHANDRAN, *THE NEW INDIAN EXPRESS*,
29 SEPTEMBER 2008

◀ 'RELOCATED AND FORGOTTEN BY STATE,' NALINI
RAVICHANDRAN, *THE NEW INDIAN EXPRESS*,
28 DECEMBER 2008

Poor facilities in tenements leave families out in the cold

Vivek Narayanan | TNS

A Prathap

Chennai: About 1,200 families evicted from Langs Garden in Pudupet for encroaching upon the land along the Cooum and allotted "homes" at Kannagi Nagar on the Old Mahabalipuram Road (OMR) now do not have a roof over their heads. Their new homes lack electricity and other basic facilities. Some children appearing for the board exams say they are unable to study in the dark.

In the last week of February, revenue and PWD officials along with the police and corporation staff shifted over 100 families from Langs Garden into slum board tenements in Kannagi Nagar.

But they were in for a shock. The houses were in no condition to be occupied. "For the past three days everyone is suffering in Kannagi Nagar. We are living out in the open with our kids. Some of the children, exposed to the cold weather at night, have fallen ill," said Nagalakshmi, a resident.

As there is no power, preparing for the board exams has become difficult for students. "I study in Class 12 at a government school in



FROM BAD TO WORSE: Many families who were rehabilitated from the slums at Pudupet to Kannagi Nagar on OMR are living out in the open as the tenements lack basic amenities

Chintadripet. Ever since I shifted here, I have not been able to study as there is no power. Sleeping is also impossible because of the mosquitoes," said Rajesh.

Women are forced to attend to the call of nature in the open as there is no water. "Miscreants hide behind bushes and tease us. About 15 days ago, some officials came and asked us to list out the reasons why we were not willing to move from Pudupet. But before we could tell them, they removed us forcibly

They should have ensured proper facilities in Kannagi Nagar," said Kala, another resident. "We cannot live here till we have proper facilities. Without electricity, we cannot even charge our mobile phones if we have to call someone in an emergency," she said.

Neither Tamil Nadu Slum Clearance Board managing director T K Ramachandran nor Corporation Mayor M Subramaniam was available for comment.

vivek.narayanan@timesgroup.com

◀ 'POOR FACILITIES IN TENEMENTS LEAVE FAMILIES OUT IN THE COLD,' VIVEK NARAYANAN, DECCAN CHRONICLE, 12 MARCH 2009

'CITY'S SUICIDE POINT,' SANGEETHA NEERAJA, THE NEW INDIAN EXPRESS, 28 JULY 2009

CITY'S SUICIDE POINT

To beautify Chennai by clearing it of slums that are an eyesore, the State government developed Kannagi Nagar. Billed as Asia's largest resettlement site for slum dwellers, Kannagi Nagar should be a model in urban rehabilitation. But with no basic amenities there, the place stinks of gross mismanagement. For the relocated people, it is an unending nightmare. **Sangeetha Neeraja** reports

Kannagi Nagar, the resettlement site of slum dwellers in Chennai, is also turning into a suicide spot. Over three families that lived in various slums along different water bodies encroaching the metropolis were shifted there, many of the residents, particularly women, are living on the verge.

Unlike Kannai, the legend, any heroine of Kannagi Nagar who has lived her name to the resettlement agency, the married women choose to destroy themselves instead of setting the city ablaze.

Most of the suicides are related to unpaid domestic borrowing from desperate financial situations that they are unable to tackle. Majority of those who killed themselves during the past few years were women the age group of 35 to 45.

"The women, who managed to run the household somehow by finding work when they were in the slums, now believe when the family out-let is dry. When there is no way of finding a job in the vicinity for both men and women, domestic quarrels start and some then lead to tragedy."

Sangeetha, 27, (name changed) a mother of three children had a fight with her husband, a police who didn't go for work for a couple of days because he was not sure he would get any and didn't want to waste money on transport. Sangeetha, too couldn't go for work as she was sick. The crisis snowballed as there was no money in the house. Angry and frustrated, she took her children, who were also sick, and left her parents' house. Though she returned the next day she hanged herself to death.

As per records in the City Police Commissioner's office, a minimum of five suicides

are reported from Kannagi Nagar a month. "Not all the suicides get reported," says Manjo, another resident. "When we lived in the city it was easier to find employment for us and also for our family. Now after we have been moved to this god-forsaken place, finding a job for employment suits us an average of Rs 10 to 15 per day depending on whether it's a part-time or share action," says Latha, a resident.

In a week, one man is able to find work only for three-four days. Sometimes they go to city expecting work, but return empty handed because there wasn't any. Some days our men don't go to work because they are not sure of finding employment. When they don't go for work, there is no money in the house. This triggers fights between husbands and wives," points out Latha.

In some cases, the men lose mental stability. They cause a little more trouble as along with family discord they cannot shake off their suicidal thoughts. There are cases of students who have killed themselves.

Dr. Jose S. Rajendran (33), a student of Rajahmundry Higher Secondary School, Sachinam, hanged himself to death when the school didn't give her admission in the group of her choice in the higher secondary course.

When her father moved into Kannagi Nagar from her slum, she started back in the city hostel to continue her studies to save travel time, while her brother Prakash (21) dropped out of school. "The dysfunction of the relocation while conducting SIA and EIA," says Sangeetha, a resident.

As per records in the City Police Commissioner's office, a minimum of five suicides



Blame it on myopic rehab policies

The Resettlement and Rehabilitation Policy (R&R) and Social Impact Assessment (SIA) report and Environmental Impact Assessment (EIA) report by the Resettling Body for all projects except linear projects involving physical displacement of six or more families en masse in the plains. But there is no provision for initiation of the affected persons or their representatives while conducting SIA and EIA.

The policy provides for the verification of a "multi-disciplinary expert group" in consultation with the SIA and EIA reports. The

Central and State governments nominate members, but there is no accountability, independence and transparency in the process of verification of the SIA and EIA reports. There is no provision for consultation with the affected families during the final preparation of the SIA and EIA reports prior to their submission to the expert group for vetting.

The sad part is when the R&RSG makes their report proposal, there is no allocation of funds for supporting social infrastructure like schools, bus-stops and hospitals for the population that is to be relocated. The social impact on the community due to

lack of supportive infrastructure like transportation, drinking water, electricity, schools and hospitals are grossly ignored," said Vasudeva Kumar, member of the Citizens Rights Forum.

"Even the R&R policy is a loosely framed guideline, which is not comprehensive and is hardly followed. The Rehabilitation and Resettlement Bill, 1997 is pending. Only when it becomes a law, there can be better enforcement. Till then these frameworks remain letter words and hard to follow," said Aravin, member of Citizens Rights Forum a Civil Society platform. The Bill reads: While undertake a so-

cial impact assessment, "the appropriate Government shall, prior to, take into consideration the impact that the project will have on public and community properties, assets and infrastructure, particularly roads, public transport, drinking water, sources of drinking water, sources of water for cattle, community ponds, grazing land, pleurotonia, public utilities, such as post offices, fire police stations, food storage godowns, electricity supply and health care facilities, schools and educational or training facilities, places of worship, and for traditional craft institutions, burial and cremation grounds.

As a result, substantive since the location was developed at Kannagi Nagar to Okkayam Thoraipakkam, Thandipet and Perambakkam. Re-village came up, but without basic infrastructure like water and sanitation. The slum board did not have enough facilities to transport their passengers to their work places, some of them in the heart of the city. In turn, people living in slums moved to slum areas. The quality of life did not change one bit.

No change in quality of life

KANNAGI Nagar in Okkayam Thoraipakkam, where resettlement started in 1997, was developed to make Chennai slum-free. Ironically it has been named after Kannagi, the legendary character of Iluppukottai who hanged down the city of Madurai seeking justice for her husband's unfair killing by the king.

To put it otherwise, Asia's largest rehabilitation site for slum dwellers has actually hurt the livelihood of the people resettled there by taking them away from the city their place of work. The occupants of the 411 housing units live in a slum in the city.

It all started with a server command under the World Bank funded Tamil Nadu Urban Development Project (TNUDP II) - "institutional infrastructure development of slums in Chennai Metropolitan Area," which classified 129 slums (21,803 families) as Operation A. Slums. They were part of the total 242 slums within the Chennai Metropolitan Area. The remaining 113 slums (30,157 families) were to be used for Operation B. Slums. Of the 129 Operation A slums, 22 slums (4,223 families) were located along the coast margins, six slums (2,267 families) along the railway margins. The slums (218 families) along water ways and 10,100 families along the coast margins. Since the land on which the slums were located had to be returned, 38,327 families faced relocation.

As a result, substantive since the location was developed at Kannagi Nagar to Okkayam Thoraipakkam, Thandipet and Perambakkam. Re-village came up, but without basic infrastructure like water and sanitation. The slum board did not have enough facilities to transport their passengers to their work places, some of them in the heart of the city. In turn, people living in slums moved to slum areas. The quality of life did not change one bit.

OLDS, ERE A... Human dumpyard

Sangeetha Neeraja | ENS
Chennai, July 26

OFF the bustling multi-lane Information Highway, on its eastern side, is Kannagi Nagar, a housing colony developed on what was once a tract of marshland. But even as you approach the tenements, the mounds of uncleared garbage and puddles give a clear indication of what you can expect inside. Stepping in, you find nothing but squalor and depravation all around.

Home for over 15,000 families, it is touted as Asia's largest resettlement site for slum dwellers. But in real terms it is just a human dumpyard, where people living in 49 different slums in the city have been relocated. Most of them struggle to eke out a living. Many borrow from moneylenders who could put Shylock to shame.

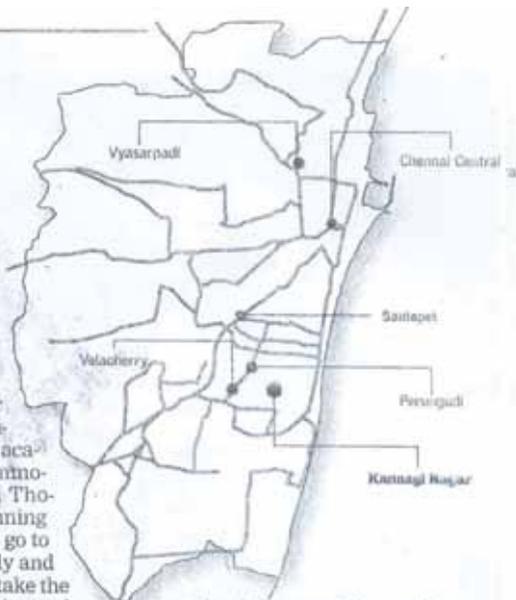
Thandal (money lent for a day) does roaring business - for Rs 1,000 the interest is Rs 150. Kanthu Vatti (weekly interest) is a regular affair - for every Rs 1,000 the interest is Rs 100 per week. They also have other monthly schemes.

Ezhaltharian of Nagar Senai, one the youth cultural groups that is creating awareness amongst the people, says: "Thandal is big business here. On a daily basis the money turnover here is about Rs 10 lakh. Financers from the city come here to lend money. The agents arrive around 9 am and stay as late as 9.30 pm to collect the dues. Our own dadas are also into this business."

A back-of-the-envelope estimate suggests that there are around 25,000 children of school going age at Kannagi Nagar. Dropping out of school is a normal occurrence. According to Asha Nivas, an NGO, the dropout rate is high in the age group of 11

to 16.

Most dropouts are tied to their month of relocation. If the relocation happens in the middle of an academic year, they don't get accommodated in the nearby schools in Thorapakkam as they are already running full. So, the children are forced to go to city schools by bus, which is costly and tiresome. So, quite a few of them take the easy route and drop out of school instead. "There aren't enough buses or enough schools in the neighbourhood to accommodate the children," reasons Stephen, a



morning is between 5 am and 8 am. If they miss a bus, they take share autos to reach the city.

"Going by the expansion plan of the Tamil Nadu Slum Clearance Board (TNSCB), 10,000-plus slum dwellers could soon make Kannagi Nagar their home. Things may get even worse," worries Stephen.

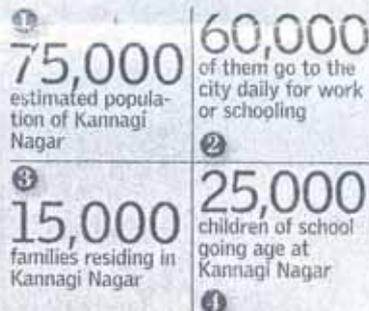
For the 75,000 odd residents here life is hell as they suffer from various diseases. Blame it on the open sewerage and the piled up garbage, which are ideal breeding places for mosquitoes and houseflies. "Once in 10 to 15 days the civic body cleans up the mess, that too only on the main road. The alleys are left untouched," complains Kalai, a resident.

"The garbage is burnt once in 15 days. It triggers wheezing among children," claims Latha, another resident.

The garbage pile and the open drainage are adjacent a water sump. "As we get water once in four days for two hours, we store it in this sump. Within two days of its storing mosquito larvae start appearing, yet we have to use the water as we don't have any other option. As a result, every other week one person in the household is down with dysentery, abdominal pains, cough or fever," says Shanthi.

Will their woes ever end?

In figures



resident of Kannagi Nagar: According to conservative estimates, each year some 150-odd students dropout of school.

Everyday, 60,000 people - men, women and children - travel into the city for work and schooling. The bus service starts at 5 am. They get a bus every 10 minutes. In all, there are 24 buses. The peak period in the

'HUMAN DUMP YARD,' SANGEETHA NEERAJA, THE NEW INDIAN EXPRESS, 27 JULY 2009

Women sustain families

Deepa H Ramakrishnan

CHENNAI In slum homes in Semmashery and Kattalai Nagar Slum Board townships, it is the women who ensure that there is enough food for the family.

Struggling to run micro-enterprises such as small petty shops, selling saris, shopping water cans, roadside eateries, growing plant cuttings for a nursery, selling flowers and grinding jilly dough, each day is a battle for them.

Some women also work as domestic helps and daily wage labourers. Many of them are part of self-help groups but do not function as a group when it comes to running these enterprises. They utilise the groups to get small loans to run the family.

"I am still waiting for wet grinders and push carts promised when I joined self-help group. At the moment, the group only saves 1 year Rs.100 a month," says R.Selvi of Semmashery, who grinds about three kg of jilly dough every day.

"When we came here two years ago, I had to quit as a housemaid and my husband also had to give up work as a mechanic. We fought it difficult with the children. There a friend suggested that I sell oil-



INITIATIVE A resident of Kattalai Nagar, who runs a petty shop in the area. — PHOTO: MAARJHARAN

by dough. I am now content with Rs.600 make a day," she added.

For A. Anjali of Kattalai Nagar, whose husband does not contribute to the running of the family, a job as domestic help is a boon. "Through my present employer we being transferred next month, the salary has helped me all these months. My daughter makes embroidery and supplies to a company. I am on the lookout for another job now."

Investment is a major hurdle for many women, who manage the show on their own. V.Karpagam, originally from Thiruvannamipur, lost her husband a few years ago. A small petty shop helps her

make Rs.30. "If I invest more, I can earn more. For every Rs.100 that I sell, I make Rs.10 and because I sell clothes and some ornaments for Rs.300 a day I make Rs.30. My youngest son has an auto rickshaw but we do not have money for repairing the vehicle for the House certificate."

Geetha John Peter of Kattalai Nagar, who sells breakfast, says she does not have enough water to cook food and supply three a day. "I manage with just selling breakfast to children and adults who go to work." Lakshmi, also a resident of Kattalai Nagar, runs her family, selling water to people

Lack of better schooling adds to their woes

Schools and anganwadis are struggling to cope with the large influx of students

Vidya Venkat

CHENNAI It has been two years since S. Madha moved from a tiny hut along the Adyar river to a Slum Board township in Kattalai Nagar, close to the much-touted IT corridor. But Madha is not too happy. She says her 10-year-old son Vijay had better schooling back in Adyar.

Now enrolled in the Government Middle School in Semmashery, her son Vijay refuses to go to school because he does not enjoy classes.

The school, she says, has only five teachers including the headmistress and with over 300 students enrolled, the child does not get proper attention in school. This adds to her list of woes which includes absence of a steady income, lack of water and other basic facilities.

Not only is the resettlement colony ill-equipped to cater to all their demands, the schools and anganwadis are struggling to cope with the large influx of students. The Government High School in Kattalai Nagar reportedly turned down admissions this year to several students so

they did not have the capacity to absorb more students.

G.Ashokan, who works as a security guard at an IT company, said his son was attending the Government High School in Semmashery, but he was not happy with the quality of instruction. Ashokan secured this job with great difficulty and could not afford to send his 10-year old to a private school. "And these days without clearing 10 Standard one cannot even qualify for a security guard's job," he grumbled.

Anganwadis

Most families living in the resettlement colonies such as Semmashery and Kattalai Nagar depend on wage labour. Anganwadis become essential so that labourers can leave their children there before going for work. But residents here say the number of anganwadis is not sufficient.

T.K. Kathiraman, who heads voluntary organisation Rural Development Trust, says there should ideally be one anganwadi for every 500 families. Semmashery needs, at least, 12 anganwadis and Kattalai Nagar needs 20. But in

both the places, the existing number of anganwadis is less than half the number. When an are forced to stay back to tend to their children.

"This could result in students dropping out of schools owing to poor quality of instruction and also encourage them to take up work at an early age to help the families financially," says Kathiraman. Already about 12 children belonging to families in Semmashery were seen picking waste paper in nearby IT companies in order to support their families, he notes.

Also, absence of water facility in toilets in the government schools of Semmashery and Kattalai Nagar is a deterrent for students. "Grown up girls are forced to return home during lunch hours. This also encourages absenteeism," said Manjamma, whose daughter studies in Class VI.

Also, with teenage boys cutting classes often, parents fear they would get into evil habits. It is a common sight at resettlement colonies to see boys in small groups playing cards and passing comments on young girls, says Manjamparkaran, a social worker.



MUDDLED Children of the Slum Board Resettlement Colony in Semmashery seen playing games and playing about in murky waters. — PHOTO: VIDYA VENKAT

▲ 'WOMEN SUSTAIN FAMILIES,'
DEEPA H RAMAKRISHNAN,
THE HINDU, 17 NOVEMBER 2008

▲ 'LACK OF BETTER SCHOOLING ADDS TO THEIR WOES,'
VIDHYA VENKAT, THE HINDU, 17 NOVEMBER 2008

Govt wakes up, decides to form panel on slum dwellers' resettlement

C Shivakumar | ENS
Chennai, June 28

EIGHT years after the Tamil Nadu Slum Clearance Board (TNSCB) relocated more than one lakh slum dwellers in Okkium Thoraipakkam, Perumbakkam and Semmashery colonies without providing them with basic amenities, the State government has decided to take steps to address their problems.

According to a report submitted by the Tamil Nadu government to the office of Supreme Court Commissioners — a copy of which is available with *Express* — the government stated that it intended to form a committee headed by top officials to prepare a policy or a set of guidelines to be followed whenever rehabilitation and resettlement scheme comprising 5,000 households are proposed.

The panel will comprise the principal secretary to the government, officials from the rural department and panchayat raj department, secretary to government housing and urban development department, secretary municipal administration and water supply and managing directors of Metrowater and TNSCB.

Apparently, the government was forced to take the decision to set up the panel after continuous adverse media coverage and pressure from the civil society. The government's response to the SC-appointed panel proves that the eviction and relocation of slum dwellers till now was haphazard without providing basic infrastructure facilities, pointed out Vanessa of Citizens Rights Forum, an NGO.

"Since it involves 5,000 households (25,000



population), all facilities, including infrastructure, funding, staffing, operational and maintenance issues related to this, delivery of services by the local bodies and all other departments should be included as part of the package and the committee should come up with a set of norms for this purpose," the report stated.

It claimed that the TNSCB had created infrastructure like roads, streetlights, storm water drains and underground sewerage system and handed them over to the concerned local bodies for maintenance. As the local bodies were unable to do so, the TNSCB took over the maintenance.

However, the TNSCB neither had the infrastructure nor the staff to maintain the facilities as it was not a local body.

The secretary for housing and urban development, in the minutes of the meeting, stated that if it was not possible for the rural development and panchayat raj department to maintain it, then the TNSCB should be authorised to main-

tain the infrastructure and given necessary funds for it.

The rural development and panchayat raj secretary contended that the panchayats were unable to deliver the services due to lack of funds or staff. He felt that taxes should be collected or paid by the TNSCB.

Joining issue with him, the TNSCB managing director argued that as tenements constructed by the slum board have been allotted on hire-purchase basis and in many cases ownership was transferred to the residents through sale deeds, the TNSCB was not liable to pay taxes. He pointed out the need for a robust service delivery system when such huge resettlement projects were taken up. Else, it would portray the government in bad light and subject people to avoidable harassment, he said.

▲ 'GOVERNMENT WAKES UP, DECIDES TO FORM PANEL ON SLUM-DWELLERS' RESETTLEMENT, THE NEW INDIAN EXPRESS, 28 JUNE 2010

Annexure 4

Letter from Citizens Rights Forum to the National Human Rights Commission (NHRC)



Citizens Rights Forum – Chennai
Towards Inclusive Development

Address: 12/2, Gopal Street, Choolai, Chennai – 600 112
Mobile Number: 9176215034, E-Mail: citizensrightsforumchennai@googlegroups.com

4th March 2011

From,
Perumal M.,
12/2, Gopal Street,
Choolai, Chennai – 600 112,
Tamil Nadu.
Phone Number: 044-42826467; Mobile Number: +91 9940575675.

To,
National Human Rights Commission,
Faridkot House,
Coppernicus Marg, New Delhi, PIN 110001
Tel. No. 23384012; Fax No. 23384863

Sub: Complaint on prevalence of gross human rights violation in the relocation Settlements (Kannagi Nagar and Semmenchery) housing 1, 03,774 displaced urban poor in Chennai City.

Respected Chairperson of the National Human Rights Commission,

This is to bring to your kind attention that there have been instances of Forced Eviction and sub standard rehabilitation of the urban poor in the city of Chennai, Tamil Nadu. The urban poor in the city are forcefully evicted to relocation settlements in the sub urban areas that have resulted in denial of their basic human rights.

A fact finding mission was conducted by the People's Union for Civil Liberties – Tamil Nadu along with various organizations like the Citizens Rights Forum (CRF); Forum for Securing Land and Livelihood Rights of the Coastal Communities (FLLRC); Kannagi Nagar Podhu Nala Sangam and Kannagi Nagar Pengal Sangam.

The findings indicated that there were forced evictions carried out during mid academic year as well as in the midst of heavy monsoon rains. Evictions were also carried out even without adequate rehabilitation. **Moreover, there is absence of basic amenities like the PDS, ICDS, PHCs and schools. There are complaints of death of children because of lack of hospital facilities (one of the site that houses more than 75,000 people have no PHC in the vicinity).** There also prevails high rate of drop outs

because of lack of adequate schools. **There are only 15 government ICDS centers when there should be 150 such centers. More than 7000 of the displaced do not have access to PDS.** The fact-finding report enclosed with this complaint letter provides detailed reports on all of these based on evidences generated through Right to Information Act and Field Investigation. These sites are unsafe for women and girl children. The entire displaced communities face stigma and hence find it difficult to avail employment.

Despite the fact that this model of rehabilitation and resettlement has been proven faulty (duly accepted by the State) the government is constructing 23,864 houses at Perumbakkam and an additional 6000 houses in Kannagi Nagar that already has more than 15,000 houses.

We request the Commission to conduct a fair enquiry/public hearing in these settlements and ensure that massive housing projects being undertaken in Perumbakkam and Kannagi Nagar should be stopped immediately. Steps to be taken to provide adequate infrastructure facilities for those already residing in the resettlement sites are devoid of basic amenities - All housing sites to have basic infrastructure both physical (water, roads, sanitation and sewerage) and social infrastructure (clinics, schools, training facilities, etc). Livelihood of the already uprooted population should be compensated within a fixed period. Take steps to provide in-situ entitlements for the urban poor communities with security to land tenure. The urban poor should not be forced to pay for their houses under the Hire Purchase/Land-cum-lease Scheme. If the urban poor residences are in dehumanized condition, adequate housing (with physical and social infrastructure facilities) should be provided within 3 kilometers radius of their original place of habitation.

Yours truly,

M. Perumal

Encl:

Document 1: Fact Finding Report

Document 2: Response of the Government of Tamil Nadu to the Supreme Court Food Advisors

Annexure 5

Response of the Tamil Nadu Slum Clearance Board to NHRC

Tamil Nadu Slum Clearance Board

From
R. Sethupathy, B.E.,
Executive Engineer,
JNNURM Division,
Tamil Nadu Slum Clearance Board,
Semmanchery, Chennai 600 119.
Re. No 140/A2/2011/JNNURM Dn

From
M. Perumal
12/2, Goppal Street
Choolai, Chennai 112
Dated 05.09.2011

Sir,
Sub: National Human Rights Commission - Case No 512/22/13/2011/OC -
Complaint by M.Perumal, citizens Right forum, Chennai -
Prevalence of gross human rights violations in the relocation
settlements (Kannagi Nagar and Semmanchery) Housing 103,774
displaced urban poor in Chennai city - report submitted -
regarding.

Ref: Board letter no. M1/24652/2009 dated 20.06.2011.

With reference to the above, I herewith submit the report as follows:

The Slum Clearance Board already constructed 15656 tenements and now 8046 tenements are under construction and Kannagi Nagar Okkiam Thoraipakkam. Most of the building blocks are four storeyed (Ground+3) and few blocks are two storeyed (Ground+1) and three storeyed (Ground+2).

At Semmanchery, 6764 houses were constructed and allotted to Tsunami victims and shelter less poor people. The Semmanchery tenemental scheme is a plotted development scheme with two storeyed (G+1) housing unit measuring an extent of 242 sq.feet. Each comprising a multipurpose hall, kitchen & separate toilet and bath. The following amenities and infrastructural facilities are provided for the welfare of the rehabilitated Slum dwellers.

- 1) B.T road
- 2) Storm water drain
- 3) Street lights
- 4) Nursery School

-R/Nos

(It is pertinent to state that space is earmarked for 3 more school)

- 5) Primary school -1 No
- 6) High school -1 No
- 7) Ration shop -4 Nos
- 8) Convenience shop -45 Nos
- 9) Police out post (Separate space is earmarked for police station)
- 10)30 Bedded primary health centre -1No
- 11)Community hall and vocational training centre -4 Nos
- 12)Parks and C.P.S
- 13)Vermi composed shed
- 14)Water supply arrangements
c) Sump and pump room -1 Million litre capacity
d) Public fountains -250 nos
- 15)Sewage treatment plant -1.4 MLD
- 16)Crematorium and burial ground
- 17)Space reserved for religious purpose 4 other public purpose.
- 18)Bus Terminus.

At Kannaginagar Okkiam Thoraipakkam, initially 9716 housing units (two storeyed) measuring 195 sq-feet comprising multipurpose hall, Kitchen, bath, toilet were constructed under plotted development category. Subsequently, 5940 housing units (two storeyed) measuring an extent of 235 sq-feet comprising multipurpose hall, Kitchen, individual bath and toilet were constructed. Now under JNNURM scheme, tenemental units measuring an extent of 310 sq feet (Ground+three) which comprise hall, bed, Kitchen, Separate toilet and bath is being constructed.

The above data will surely reveal the fact regarding the improvement in providing better living space for the urban poor. The other infrastructural facilities already provided for the Kannagi Nagar residents are as follows:

- 1) B.T. road
- 2) Storm water drain
- 3) Street lights
- 4) Nursery school
- 5) Primary school
- 6) Ration shop
- 7) Primary health centre
- 8) Convenient shop
- 9) Police station
- 10) Parks and C.P.S
- 11) Community hall and vocational training centre.
- 12) Water supply arrangements
- 13) Sanitary arrangements
- 14) Burial ground

(It is pertinent to state that separate burial ground is earmarked for Hindus, Muslims and Christians)

15) Bus Terminus.

The amenities provided by the Tamil Nadu Slum Clearance Board such as roads, storm water drain & street light etc have to be handed over to the local body for future maintenance as per the Government order. In spite of this, the slum clearance board has been maintaining the water supply arrangements and sanitary arrangements since the inception of the scheme without shirking the responsibility.

The people resettled were not having house on their own and they were living in thatched roof huts with un-hygienic conditions and they were frequently affected by the fire and flood. The very purpose of the R&R scheme is to provide pucca shelter for the shelter less people with basic amenities. In the above two schemes, the resettled slum people were having better housing facility with better living conditions when compared to the earlier households.

Initially, there were some bottlenecks/ hiccups in providing service delivery in such tenements due to lack of coordination among the line departments responsible for providing infrastructural arrangements. Despite of this, the slum clearance board has been striving hard to improve the livelihood and socio economic conditions of the slum people by involving N.G.O's and community development wing of the slum clearance board and interaction with the department concerned.

Initially, police out post has been functioning in the above schemes. Now full-fledged police station is functioning within the radius of 3Km (Sermamunchery). Adequate land was gifted for the construction of pucca police station and the work will be commenced shortly.

Acquiring land within the city limit is a herculean task and there is no vacant land available within the city limit for R&R scheme. The above two R&R schemes are almost nearer to the corporation limit and on the prestigious OMR this area will be soon included in the corporation limit. Within a short period of time, the people living this scheme will also enjoy all the privileges and facilities offered by the corporation.

Hence, it is submitted that there is no human-right violation in the relocation settlements at Kannagi Nagar and Sermamunchery.

[Signature]
Executive Engineer
JNNURM Division

Copy submitted to Managing Director for information TNSCB with reverence
Encl.No M1724652/2009 dt 20.06.2011

Housing and Land Rights Network (HLRN) is an integral part of the Habitat International Coalition (HIC). It works for the recognition, defence, promotion, and realisation of the human rights to adequate housing and land, which involves ensuring a safe and secure place for all individuals and communities to live in peace and dignity. A particular focus of HLRN's work is on promoting and protecting the rights of marginalised communities as well as the equal rights of women to housing, land, property and inheritance. HLRN aims to achieve its goals through advocacy, research, human rights education, and outreach through network-building at local, national and international levels. HLRN's South Asia office is located in New Delhi, India.

Information and Resource Centre for the Deprived Urban Communities (IRCDUC) is a Chennai-based consortium of community-based groups and individuals from different sectors working to assert the rights of urban deprived communities. The primary objective of IRCDUC is to enhance the capacities of deprived urban communities by collecting, collating and disseminating information on various laws and policies related to adequate housing, and enabling them to lead their own struggles.

In this collaborative report, HLRN and IRCDUC present the findings of a detailed primary research study in Kannagi Nagar, Chennai – one of India's largest resettlement sites. The study uses the human rights framework to analyse the eviction process that preceded the relocation of families to Kannagi Nagar as well as the housing and living conditions in the resettlement site. The report makes specific recommendations to the Government of Tamil Nadu to improve living conditions in Kannagi Nagar, and to incorporate human rights standards in law and policy related to housing, land and resettlement, to ensure the realisation of the human rights of urban poor communities across the state.



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FORCED TO THE FRINGES

REPORT
3

Disasters of 'Resettlement' in India

VASHI NAKA, MUMBAI



YOUTH FOR UNITY AND
VOLUNTARY ACTION



HOUSING AND LAND RIGHTS NETWORK

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FORCED TO THE FRINGES

Disasters of 'Resettlement' in India

REPORT THREE: **VASHI NAKA, MUMBAI**



सामाजिक परिवर्तना करीता निरन्तर कटिबध्दता
Enduring commitment to social transformation



HOUSING AND LAND RIGHTS NETWORK

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List of Acronyms / Abbreviations

BPCL	Bharat Petroleum Corporation Limited
BPL	Below Poverty Line
BRIMSTOWD	Brihan Mumbai Storm Water Drainage
BSES	Basic Socio-economic Survey
CESCR	Committee on Economic, Social and Cultural Rights
FGD	Focus Group Discussion
HLRN	Housing and Land Rights Network
HPCL	Hindustan Petroleum Corporation Limited
IA	Impact Assessment
ICESCR	International Covenant on Economic, Social and Cultural Rights
MUTP	Mumbai Urban Transport Project
MUIP	Mumbai Urban Infrastructure Project
MRDP	Mithi River Development Project
MMRDA	Mumbai Metropolitan Regional Development Authority
MGPY	Mahatma Gandhi Pathkranti Yojana
MCGM	Municipal Corporation of Greater Mumbai
NGO	Non-government Organization
NHRC	National Human Rights Commission
PAH	Project-affected Household/s
PAP	Project-affected Person/s
PDS	Public Distribution System
R&R	Resettlement and Rehabilitation
RCF	Rashtriya Chemical Fertilizers
Rs	Rupees (Indian)
UN	United Nations
YUVA	Youth for Unity and Voluntary Action

Executive Summary

Introduction

The past few years have witnessed an increase in the pace of urbanisation in India, with large-scale transformations taking place in cities and peri-urban areas that are being rapidly brought within the ambit of cities and towns. Urban spaces, including the city of Mumbai, are undergoing a restructuring that is unprecedented. The attempted transformation of Mumbai into a ‘world class’ city has resulted in massive eviction and demolition drives in the name of ‘urban renewal,’ road widening, river beautification, airport expansion, and other infrastructure projects.

Given the extensive scale of resettlement in Mumbai and reports of inadequate housing and living conditions at the resettlement sites, Housing and Land Rights Network (HLRN - Delhi), in collaboration with Youth for Unity and Voluntary Action (YUVA - Mumbai), decided to undertake a detailed study of one such site – Vashi Naka.

Methodology

The study is part of a comparative analysis of three resettlement sites (Vashi Naka – Mumbai, Kannagi Nagar – Chennai and Savda Ghevra – Delhi) in India. It uses the human rights framework to assess and analyse the eviction / relocation process as well as living conditions in Vashi Naka, with a special focus on the adequacy of housing, provision of basic services, and impacts on livelihood.

The resettlement colony of Vashi Naka is located in M (East) Ward, in eastern Mumbai, and consists of about 90 buildings, of seven floors each, housing around 32,000 people affected by four infrastructure projects (MUTP, MUIP, MRDP and MGPY).

The survey for the study was conducted in the month of December 2013, during which a team interviewed 204 residents of Vashi Naka, and four Focus Group Discussions (FGDs) with people affected by the four different projects and one FGD with the women residents. SPSS software was used for the data analysis.

Major Findings of the Study

I. Socio-economic Profile of the Survey Respondents

Of the survey respondents, the majority (67%) are Hindus while 17% are Muslims, and 12% are Buddhists. One-third of the respondents belong to the Scheduled Caste community while Scheduled Tribes and Nomadic Tribes constituted 5% and 3% of the respondents respectively. More than one-third of the respondents are illiterate, while 30% have completed primary school and 26% have completed secondary school. About 35% of the respondents reported having a monthly income of up to Rs 5,000 and 45% have a monthly income between the range of Rs 5,001 and Rs 10,000.

II. Eviction and Relocation Process

Prior to Evictions

Information about the eviction / relocation: Almost 79% of the respondents claimed that they learned about the eviction from the notice issued by the authorities in this regard. However, 3% found out about the eviction from NGOs. Forty per cent of the respondents had no access to data / documents related to the process of resettlement and rehabilitation (R&R), and only half the respondents felt that they were provided adequate information about the design, material and layout of the alternative house they were to receive.

Absence of participation and consultation: The majority of the respondents (58%) reported that they were not consulted on issues related to eviction / relocation.

Time provided for relocation: Seventy-seven per cent of the respondents felt that they were given sufficient time to prepare for relocation to the R&R site. Forty-one per cent of the respondents believe that the relocation process was forced.

During Eviction / Relocation

Loss of possessions and documents during relocation: About one-fourth of the respondents reported some form of destruction and loss of possessions during the process of relocation.

Demolition of original house: Thirty-seven per cent of the respondents, allegedly, were forced to demolish their houses, while 63% of them stated that they demolished their house voluntarily.

Presence of officials during eviction / demolition of homes: About three-fourths of the respondents (72.5%) reported that government officials were present and involved in the process of eviction.

Injury and disruption of healthcare: Ninety-two per cent of the respondents stated that persons with disabilities and those who were unwell did not receive any special care or facilities during the process of eviction and relocation. Two per cent of the respondents reported injury in their family during the eviction and relocation process.

After Eviction / Relocation

Expenditure on transportation for relocation: The authorities did not cover relocation costs of the affected persons. Forty-three per cent of the respondents had to incur an expenditure of more than Rs 900 for transportation to the resettlement site, while 30% of them reported spending between Rs 300 to 600.

Compensation and access to remedy: Ninety-seven per cent of the respondents reported that they did not receive any form of compensation from the government authorities for losses incurred during the relocation process.

Impacts on family / community: Twenty-three per cent of the respondents stated that their extended family members were separated from them after relocation, as they were resettled to a different R&R site. Since families of the same site have not been resettled together, the resettlement has resulted in a breakdown of social ties and safety nets.

III. Housing and Living Conditions in Vashi Naka

- a. **Habitability:** Neither the residents nor the leaders of the community reported being consulted or asked about their preferences regarding the housing design, layout, and construction material of the flats in Vashi Naka. The families have been allotted flats in multi-storied buildings, which have seven floors each. Many residents complained of water seepage, especially during the monsoons, in the tenements. The flooring has tiles, which after three years, are showing signs of disrepair and damage. The durability of the construction is thus questionable. Thirty-five per cent of the respondents allegedly reported complaints to the government authorities regarding housing in Vashi Naka, including the material used for construction. Most of them, however, felt that no action had been taken by the authorities to address their complaints.
- b. **Accessibility and Location:** The buildings have elevators, which reportedly do not function properly all the time. This most severely impacts persons with disabilities, older persons, children, and women, especially pregnant women. The study reveals that several families did not receive resettlement on grounds of 'ineligibility' declared by the government. For 40% of the respondents, Vashi Naka is located more than nine kilometres from their places of work. This has resulted in loss of livelihoods for many residents, especially women domestic workers. The nearest hospital is located at a distance of three kilometres. There is no secondary school near the site.
- c. **Security of Tenure:** The tenure security is in the form of a title deed for the flat, which is in the joint name of the husband and wife in the family. For the first ten years, the flat cannot be sold, transferred or rented.
- d. **Access to Basic Services**
 - **Health** – Vashi Naka has only one primary health centre, which provides only referral services and not medicines. Twelve per cent of the respondents reported that health services at Vashi Naka were 'poor' while another 12% felt that they were 'very poor.' The monthly expenditure on health after resettlement has increased considerably.
 - **Food** - Though 97% of the residents have ration cards in Vashi Naka, the subsidised ration / Public Distribution System shops at the site, allegedly, do not provide food grains to the residents. Women reported thus having to buy food grains at a much higher price in the nearby market.
 - **Education** - The distance to school has increased for a considerable number of children living in Vashi Naka. Prior to resettlement, 85% of the children could walk to school but after resettlement, only 65% of the children are able to walk to school. The only school in the area is a primary school; there are no facilities for higher education near the site. The only option for children is to either travel long distances in order to attend a government secondary school or to spend large amounts on education at private schools that are located in the vicinity.

- **Water, Sanitation and Electricity** – The tenements have piped water but it is not sufficient to meet the needs of the residents. Electricity supply is regular and the average monthly expenditure on electricity is around Rs 800 – 1,000 per family. Sanitation facilities are inadequate. The site has several open and blocked drains. In the absence of solid waste management facilities, garbage can be found at the site; this poses a health risk to the residents.
- e. **Cultural Adequacy and Security:** Women complained that the residents are not happy with the layout of the site or the structure of the building, as it is not environment friendly. There is no space allocated for a community centre / hall. The residents do not have adequate facilities for social interaction. Vashi Naka does not have any spaces for worship for the different religious communities living there.

IV. Livelihood and Income

Almost three-fourths of the respondents stated that Vashi Naka is situated far from their places of work / livelihood sources. About 35% of the respondents spend more than one-and-a-half hours to commute to work daily. Most residents reported an increased expenditure on travel to work after resettlement; this is an additional financial burden on families resettled in Vashi Naka. Of those who participated in the survey, 22.5% lost their jobs as a result of relocation and had to find alternative employment. Most of the women who worked as domestic workers lost their jobs after the relocation. The primary reason for loss of jobs after relocation to Vashi Naka was attributed to the increase in distance as well as time and expenditure spent on travelling to work. Thirty per cent of the survey respondents reported a decrease in income after moving to Vashi Naka.

V. Perceptions on Human Rights

Forty-two per cent of the respondents felt that their human rights were violated in some way. Ninety per cent of them felt that housing and resettlement are human rights.

Recommendations

Recommendations to the Government of Maharashtra for Vashi Naka and other Resettlement Colonies in Mumbai

- Improve coordination between the Mumbai Metropolitan Regional Development Authority (MMRDA) and the Municipal Corporation of Greater Mumbai (MCGM). Many of the problems faced by the residents of Vashi Naka result from the lack of accountability and coordination between these two authorities. Both agencies have been abrogating their responsibilities and passing the buck to each other.
- Ensure that the provision of basic services like water is in proportion to the population of the site. In Vashi Naka, the water supply is not sufficient to meet the needs of the resident population.
- Open a Municipal Senior Secondary School in the vicinity, as there is only one primary school near the site.
- Set up a new primary health centre with adequate facilities, and improve the quality of services provided in the existing health centre.
- Establish a police post / *chowki* in Vashi Naka to address the growing incidence of crime in the site.
- Create an R&R Authority in Mumbai that has the power and responsibility of coordinating the different state agencies to address the problems faced by relocated families.

- Enable development funds of Members of Parliament and Members of the Legislative Assembly to be used for the repair and maintenance of buildings in all resettlement sites.
- Ensure that there is a uniform policy for resettlement in urban areas. In the context of Vashi Naka, families affected by different projects with different R&R policies and sets of entitlements, have been resettled at the same site. This has led to a state of chaos and discrimination; it also makes monitoring difficult.
- Ensure that the mere allotment of a flat in a resettlement colony does not deny residents access to their BPL (below poverty line) card, as their economic status does not change. On the contrary, in most cases, resettlement has resulted in a decrease in income, loss of savings, increase in expenditure and an overall deterioration in the family's standard of living.

Recommendations to the Government of Maharashtra and Government of India for Housing and Resettlement

Any policy for R&R at the national and state level must include adequate provisions for the following:

- Prior informed consent of all residents during the process of eviction and relocation.
- Regular participation of and consultation with all families likely to be affected by the project, during the phases of project formulation and implementation, including the development of the resettlement site and alternative housing.
- Adequate, timely and unrestricted access to information with regard to the process of eviction, relocation and resettlement.
- Protection of the right of people to say 'no' to eviction and displacement.
- Relocation close to sources of livelihood and protection of livelihoods in the process.
- Inclusion of a special component in the R&R package for vulnerable sections like persons with disabilities, women, children, older persons, members of Scheduled Castes and Scheduled Tribes, and minority communities.
- Periodic review of the R&R process by affected people and their representative organizations.
- Social Audit and regular monitoring of projects and its R&R components.
- Clear demarcation of responsibilities and duties of the various agencies involved in the process of resettlement and rehabilitation.
- Representation of affected persons in the bodies that oversee the process of R&R.
- Legislative framework for the R&R policy/package, which incorporates a human rights approach, including international human rights standards for housing and resettlement.
- Inclusion of basic amenities as an integral and inseparable part of the R&R process.
- Proper coordination between relevant authorities (concerned department, municipal authorities, development authorities) with regard to implementation of the provisions of the R&R policy.

Conclusions

The findings of the study categorically demonstrate that the resettlement and rehabilitation (R&R) process in Mumbai has violated multiple human rights of the affected populations. The entire process is fraught with inadequacies and even what is promised in policies and project documents is not being implemented.

The R&R sites have failed to pass the test of ‘adequate housing,’ including habitability. The entire R&R process in Mumbai has ignored the vital link between housing and livelihood and other human rights. The survey also reveals that the process that was followed for the demolition of homes and evictions is not in congruence with the UN Basic Principles and Guidelines on Development-based Evictions and Displacement. Furthermore, the relocation process and living conditions at Vashi Naka violate provisions in national and international laws and policies, including the Constitution of India.

The process of ‘resettlement’ in Mumbai is just not about evicting people from one place and shifting them to another site, but more deeply, from the case study of Vashi Naka, it can be understood as a process of uprooting and converting people who had an agency of citizenship into mere ‘project-affected persons’ or PAPs, who are treated as ‘numbers’ to be quoted in project documents.

The study, very clearly, brings out the need for overhauling the existing policy framework for housing and resettlement, and for the adoption of a strong human rights approach that would ensure the provision of better housing and living conditions for all those living in Mumbai’s resettlement colonies.

CHAPTER I

Introduction

The past few years have witnessed an increase in the pace of urbanisation in India, with large-scale transformations taking place in cities and peri-urban areas that are being rapidly brought within the ambit of cities and towns. Urban spaces are undergoing a restructuring that is unprecedented. Cities from Chennai to Delhi, Hyderabad to Ahmedabad, and Raipur to Indore, are witnessing heightened contestations and claims over spaces and resources, and the actors are no longer just local but also include international players. These shifts and changes have different impacts on different sections of urban dwellers.

Mumbai has not been aloof from these transformations; rather it has been at the forefront of many such urbanisation-related changes. In the past decade, certain sections of the city have aspired to transform it into a 'world class' city, which has resulted in massive eviction and demolition drives in the name of 'urban renewal,' road widening, river beautification, airport expansion, and other infrastructure projects. The urban poor have had to face the brunt of these transformations in the form of evictions from their habitats and livelihood sources / work places. Most of these transformations have connected as well as disconnected people and spaces. The local has been connected with the global for the smooth flow of capital and profits while the lives and livelihoods of the poor residing in cities have been disconnected.

Over the last decade, the city of Mumbai has seen the creation of nearly 32 housing colonies, popularly called Resettlement and Rehabilitation (R&R) colonies. These colonies have an estimated number of 56,000 tenements providing housing to more than three lakh (300,000) people. These dwelling units have been used to 'resettle' thousands of families from all over the city under the claim of facilitating projects that are mostly infrastructure-related and thus linked to the restructuring of the city. The process of resettlement has resulted in a city beyond the imagination of the people, as the impacts of resettlement are not restricted to the R&R sites but affect the social and demographic fabric of the entire city. It is essential to note that the shifting of populations has not been uniformly carried out across the city. There are certain areas from which people have been evicted repeatedly, and there are other areas where they have been resettled.

One such area of resettlement has been the M (East) Ward, one of Mumbai's 24 municipal wards, which is located in the eastern most part of the city. With low land prices, owing to its geographic terrain and location, M Ward has traditionally been a preferred location for resettlement by the Government of Maharashtra. Over the last decade, a total of 13 R&R sites have been constructed in the ward. Among

them, four are located in Govandi, three in Mankhurd and six in Vashi Naka. At present 12 of these sites are occupied while one site in Vashi Naka is lying empty.

In the past decade or so, several large infrastructure projects in Mumbai have been positioned as 'development' projects and have aimed to transform the city's physical infrastructure. Notable amongst them are Mumbai Urban Transport Project (MUTP), Mumbai Urban Infrastructure Project (MUIP), Mahatma Gandhi Pathkranti Yojana (MGPY), Brihan Mumbai Storm Water Drainage (BRIMSTOWD), Mithi River Development Project (MRDP), Bandra Worli Sea Link, Eastern Express Freeway, the Metro, and Mono Rail. The acclaimed overarching objective of these projects has been to overhaul the crumbling infrastructure of the city and to give a boost to the economy. The implementation of these projects has also meant the reorganising of the city, including shifting of populations, mainly those living in settlements, ('slums') to what have been called R&R sites.

Of these projects, MUTP, a project for mass transportation with an estimated cost of Rs 4,526 crore,¹ has three components namely: Rail, Road, and Resettlement and Rehabilitation of project-affected people. This project has been partly funded by the World Bank. MUIP, another transport project was meant to supplement the MUTP, with the main objective of road network improvements on all 'Development Plan' roads, and the creation of an efficient traffic dispersal system in the city. It had an estimated cost of Rs 2,648 crore and was a state government venture. The deluge of 2005 in Mumbai gave an impetus to plans of widening and deepening the Mithi River, ostensibly to prevent future flooding for which MRDP was envisaged and was entrusted to the Mumbai Metropolitan Regional Development Authority (MMRDA) for implementation. MRDP involves deepening / desilting of the river, widening of the river, landscaping, tree plantation, aesthetic improvement on either side of the banks, and relocation of settlements from the banks of the river.

With regard to the rehabilitation of people affected by these projects, stand alone R&R policies were formulated for each of these projects with some overlapping provisions. A comparative analysis of these R&R policies reveals that MUTP had the most progressive and comprehensive provisioning of entitlements, as compared to the other projects. The MUTP R&R Policy was framed in close collaboration with the Government of Maharashtra and the World Bank. The main provisions of the MUTP R&R policy included: developing and executing resettlement plans to compensate displaced persons for their losses at replacement cost prior to the relocation; according formal housing rights to project-affected families at the resettlement site; developing and implementing the resettlement programme through active community participation by establishing links with the community-based organizations; and, improving environmental health and hygiene of project-affected families at the site of resettlement.

In comparison to MUTP, the other projects, including MUIP, MRDP and MGPY did not provide for any economic compensation or promise of restoration of the economic status of affected families prior to resettlement. With the exception of MGPY, the R&R framework of all other projects provided for a Grievance Redressal Mechanism. Under MUTP, the criteria for eligibility of resettlement was appearance of the family's name in the Basic Socio-economic Survey (BSES), while in all the other projects it was proof of residence prior to the cut-off date of 1 January 2000 in Mumbai.

¹ A crore is a unit in the South Asian numbering system that is equal to ten million. At the time of writing this report, the exchange rate of the Indian Rupee (INR) was about sixty rupees (Rs) to one US dollar (USD).

CHAPTER 2

Objectives and Methodology of the Study

Objectives

Given the extensive scale of resettlement in Mumbai and reports of inadequate housing and living conditions in Vashi Naka, Housing and Land Rights Network (HLRN - Delhi), in collaboration with Youth for Unity and Voluntary Action (YUVA - Mumbai), undertook a detailed study of the site. The study is part of a comparative analysis of three resettlement sites (Vashi Naka – Mumbai, Kannagi Nagar – Chennai, and Savda Ghevra – Delhi) in India. It uses the human rights framework to assess and analyse living conditions in Vashi Naka, with a special focus on the adequacy of housing, provision of basic services, and impacts on livelihood. The study also attempts to analyse the eviction and resettlement process. The study uses data to provide a comparative analysis of housing and living conditions before and after resettlement. An important part of the study is to assess the impacts of relocation and resettlement on the human rights of the affected persons, and to also gauge their perception and understanding of human rights.

In the context of this study, it is worth mentioning that there is a dearth of reports on the human rights impacts of resettlement and rehabilitation in urban areas. The few studies that have been done highlight that urban displacement leads to an enhancement of impoverishment risks; a loss of residence and livelihood; and the breakdown of community ties and social networks developed over years and often over generations. HLRN believes it is important to document the impacts of forced evictions, displacement and resettlement, from a human rights perspective in order to demonstrate the serious consequences on different sections of the population, and to strengthen the claims of individuals and communities who suffer adverse long-term, and often irreversible, impacts of these processes. HLRN also hopes to use the findings of this study to advocate for improved housing and living conditions in the existing resettlement sites, to prevent the creation of future resettlement sites of this nature, and to promote legal and policy changes that would ensure the recognition and realisation of the human rights to adequate housing and land.

Methodology

The survey for the study (henceforth Survey) was conducted in the month of December 2013, during which a team interviewed 204 residents of Vashi Naka and held four focus group discussions (FGDs) with people affected by the four infrastructure projects (MUTP, MUIP, MRDP and MGPY) that resulted in their eviction, and one FGD with the women residents. HLRN developed the basic questionnaire for the three-city comparative study, which was also used in Chennai and Delhi. This study used a slightly modified version of the questionnaire that was developed to reflect the locale specific context in Mumbai.² Purposive Snowball Sampling was used for selecting the respondents, which included women as well as those belonging to religious minorities and Scheduled Castes and Scheduled Tribes. Efforts were made to ensure that the sample selected for the study represented people affected by all four projects in Vashi Naka. SPSS software was used for the data analysis.

In addition to the collection of primary data through the Survey, the study included a review of existing literature on the subject. This includes:

- ‘Independent Impact Assessment of Initial Phase of R&R under MUTP’ by Tata Institute of Social Sciences (TISS) (2003);
- World Bank Inspection Panel Report (2005);
- ‘Second Independent Impact Assessment of R&R Sites’ done by TISS for MMRDA (2008);
- Research report by Amita Bhide and Neela Dabir on R&R sites of Mumbai (2010);
- M.A. Dissertation of Marina Joseph on ‘Women’s Struggles for Livelihood in the Context of Urban Poverty and Displacement’ (2011);
- ‘Rapid Assessment of R&R Sites in M Ward of Mumbai’ by TISS (2012); and,
- Research article by Jaideep Gupte on ‘Security Provision in Slum Re-settlement Schemes in Mumbai: A Case Study of the Lallubhai Compound Settlement’ (2011).

² See Annexure 1 for the questionnaire used for the study.

CHAPTER 3

Human Rights Framework

With the objective of developing a human rights framework for analysis, the study uses the following national and international human rights standards:

- International Covenant on Economic, Social and Cultural Rights 1966;³
- General Comments 4 and 7 of the United Nations (UN) Committee on Economic, Social and Cultural Rights;⁴
- United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement 2007;⁵
- National Urban Housing and Habitat Policy 2007;⁶
- National Rehabilitation and Resettlement Policy 2007;⁷ and,
- The Constitution of India.⁸

The human rights framework has been used to assess and analyse living conditions at Vashi Naka, with a special focus on the adequacy of housing and provision of basic services. The study also analyses whether housing in the resettlement site meets international human rights criteria of adequacy, and ensures access to work/livelihood, education, and healthcare.

India has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), which in Article 11.1 guarantees the human right to adequate housing. General Comments 4 and 7 of the UN Committee on Economic, Social and Cultural Rights (CESCR) further expound the elements of the right to adequate housing and explain forced evictions. The UN Basic Principles and Guidelines on Development-based Evictions and Displacement (hereafter UN Guidelines) aim to minimise forced evictions by calling

3 International Covenant on Economic, Social and Cultural Rights, Committee on Economic, Social and Cultural Rights, 1966. Available at: <http://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

4 UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: 'The right to adequate housing (Article 11.1 of the Covenant)', 1991. Available at: <http://www.refworld.org/docid/47a7079a1.html> UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: 'Forced evictions', 1997. Available at: <http://www.refworld.org/docid/47a70799d.html>

5 UN Basic Principles and Guidelines on Development-based Evictions and Displacement, presented in the 2007 report of the UN Special Rapporteur on adequate housing, Miloon Kothari. Available at: http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf

6 National Urban Housing and Habitat Policy 2007, Ministry of Housing and Urban Poverty Alleviation, Government of India. Available at: <http://mhupa.gov.in/policies/duempa/HousingPolicy2007.pdf>

7 National Rehabilitation and Resettlement Policy 2007, Ministry of Rural Development, Government of India. Available at: <http://www.dolr.nic.in/NRRP2007.pdf>

8 The Constitution of India, Ministry of Law and Justice, Government of India. Available at: <http://lawmin.nic.in/coi/coiason29july08.pdf>

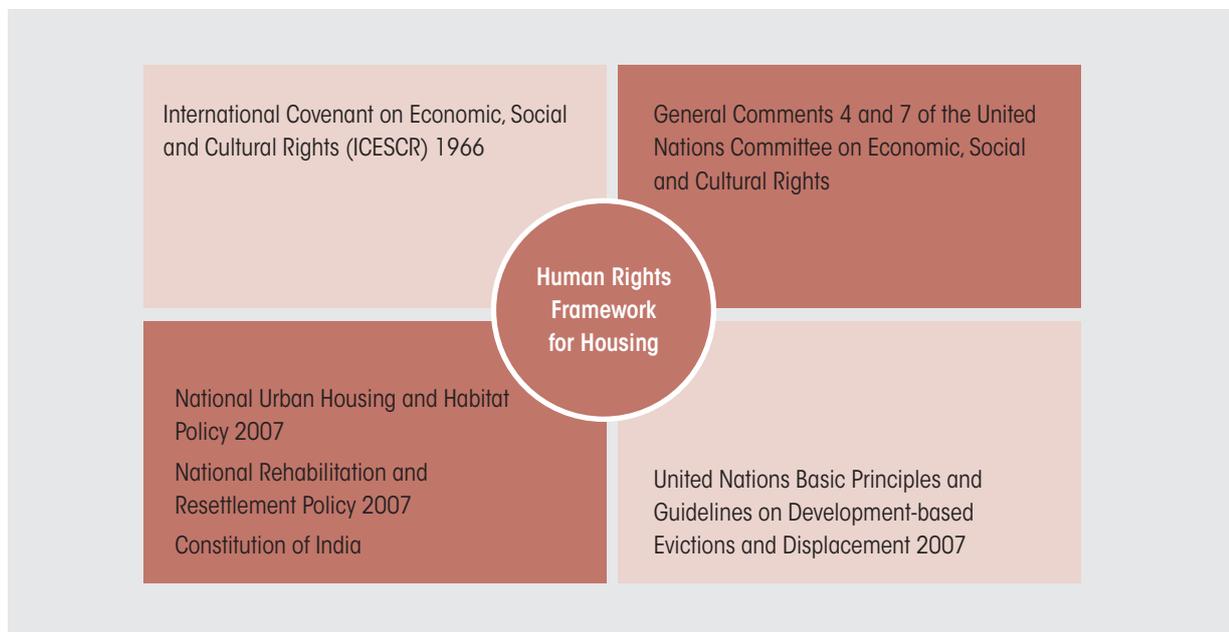
for alternatives. They sanction evictions only in ‘exceptional circumstances’ for the health and well-being of the residents, and in such cases prescribe operational procedures to be followed during each stage of the eviction process.

In the national context, the Constitution of India, in Article 21, guarantees the right to life but does not specifically provide for the right to adequate housing. Jurisprudence in India, including of the Supreme Court and state High Courts, however, has interpreted the right to housing as an integral component of the right to life.

The National Urban Housing and Habitat Policy 2007 has stated as its goal, “To ensure sustainable development of all urban human settlements, duly serviced by basic civic amenities for ensuring better quality of life for all urban citizens.” The National Rehabilitation and Resettlement Policy 2007 contains provisions for social impact assessment, compensation and rehabilitation of affected families. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 came into force on 1 January 2014 and was thus not applicable during the Vashi Naka resettlement process. While the Act contains provisions for compensation and resettlement when land is acquired by the state for ‘public purpose’ projects, it does not provide for urban dwellers who are evicted from state land or other land that they do not own.

The human rights framework of adequate housing helps in overcoming the limitations of the R&R legal and policy framework in India while helping to establish national norms for resettlement based on international human rights standards.

HLRN and YUVA chose to conduct this study in Vashi Naka, one of the 32 R&R sites in Mumbai because of its large size, massive scale of resettlement, and the reported complaints of grossly inadequate living



CHAPTER 4

Vashi Naka: The Site under Study

conditions, including lack of access to basic services and adequate housing. Vashi Naka is located 3.5 kilometres from Kurla and three kilometres from Chembur Railway Station in the eastern suburbs of Mumbai. Thus the site is far from the local train stations. It is surrounded by petroleum refineries (HPCL, BPCL, RCF) and therefore the area is highly polluted. These industries do not provide any work options for the relocated families. The site is also surrounded by a number of settlements and housing societies.

The site consists of people resettled from the MMRDA projects of MUTP, MUIP, MRDP and the Municipal Corporation of Greater Mumbai (MCGM – formerly the Bombay Municipal Corporation) project of MGPY. The residents are originally from Dahisar, Dadar, Mulund, Dharavi, as well as other areas of the city.

The name of the site (Vashi Naka) is based on the village name Anik Gaon. Five developers, namely Rockline, RNA, Runwal, Dinshaw and Kukreja were given the contract to construct multi-storied buildings for



the rehabilitation and resettlement of the project-affected families. There are about 90 buildings within the Vashi Naka R&R colony. Each building consists of seven floors. Each tenement comprises a kitchen, bathroom, toilet, and a hall, which has a total carpet area of 225 square feet.

Tata Institute of Social Sciences (TISS) conducted an independent Impact Assessment (IA) of the initial phase of R&R of MUTP in the year 2003. The IA was done by TISS for MMRDA at the four R&R sites and

Vashi Naka R&R Colony	Approximate Population
Kukreja Compound (Nagababa Nagar)	5,100
MMRDA Colony (Diwan and Runwal Builders)	10,100
New MMRDA Colony (Rockline Builders and Runwal Builders)	5,500
New MMRDA Colony (RNA Park)	5,500
Bharat Nagar	5,800
Vishnu Nagar (empty)	-
TOTAL	32,000

Source: *An Overview of Resettlement and Rehabilitation Colonies in M (East) Ward, Mumbai*

IMAGES OF VASHI NAKA IN 2000, 2007 AND 2014

2000



2007



2014





CHAPTER 5

Literature Review

five Transit Camp sites with the objective to, “make an independent assessment of the experiences and results of implementation of the initial phase of the resettlement programme, both in terms of benefits to the PAHs (project-affected households) and the difficulties or any adverse impact on them.” The IA covered about 2,100 PAHs that were either resettled or were housed in Transit Camps. The IA concluded that in terms of rehabilitation, the issues concerning the vulnerable households that constitute one-third of the PAHs needed special attention.

In the year 2004, several project-affected persons (PAPs) filed a series of complaints regarding violations of the MUTP R&R Policy. This led to the World Bank Inspection Panel investigating the project and presenting a report of its findings in 2005. The Inspection Panel observed that the MUTP R&R Policy consisted of a reduced set of entitlements for PAPs as compared to those expected under the World Bank’s Operational Directive (OD) 4.30. The Panel further noted that the gap between OD 4.30 and the MUTP R&R Policy had grown during the implementation phase, and the intent of some of the policy provisions had not been given effect in operational planning and implementation.

The Inspection Panel surveyed three resettlement sites of Mankhurd, Anik Rockline, and Majas under MUTP. As per its report, the PAPs expressed grievances to the Inspection Panel with regard to, “the lack of water, absence of employment, high transport costs, and the problems of adequate education for children.” The Inspection Panel found that the sewerage and water connections were not working properly, and there was no garbage and waste collection at the site. This was in violation of OD 4.30.

Further, at the time of the investigation, the resettlement sites “lacked adequate access to schools, medical facilities and religious sites.” The Inspection Panel found that little attention had been given to the provision of social services in the resettlement sites.

TISS conducted another Impact Assessment study commissioned by MMRDA in the year 2007-08 to review the resettlement process under MUTP. The IA was done at the three resettlement sites of Majas (Jogeshwari), Anik (Chembur) and Lallubhai Compound (Mankhurd). The IA study involved a sample survey of 1,505 PAHs, which constituted 20% of the total PAHs. The study found that the allotment of a good, *pucca* (permanent) house and better living environment were perceived as the important benefits of

the resettlement. The major negative aspects were the “longer distance to work places, less public amenities and more financial liabilities towards paying for service charges in the buildings.” The study also found that families most affected by the increase in financial liabilities after resettlement were those belonging to the ‘vulnerable’ category who constitute 23.6% of the PAPs. The lack of accessibility to the sites was another major problem, which led to more time and money being spent on commuting. While basic services had been provided, they were not satisfactory. Similarly “public amenities were not well developed, leading to a dependence on pre-resettlement sites for educational facilities, and even for accessing the PDS (Public Distribution System).” The lack of adequate and affordable healthcare services were highlighted at all the resettlement sites (TISS, 2008).

Amita Bhide and Neela Dabir (2010) undertook a research study of project-affected households of MUTP to understand the extent and adequacy of rehabilitation efforts, the proposed plans for resettlement and rehabilitation in relation to the degree of displacement, and an analysis of the guidelines for rehabilitation vis-à-vis international standards of adequate housing. The research study covered five R&R sites in Mumbai. It covered a total of 1,688 households that included 2,187 children. The study report mentions that at least 15-20% of the households were evicted without resettlement, as they were found to be ‘ineligible.’ The process of resettlement, in spite of the involvement of non-government organizations (NGOs), was difficult for about half the study population. “Obtaining prior information, submission of documents, proving eligibility, preparedness for resettlement and allotment of tenements have remained trying processes,” states the report. The report also mentions that, “The travelling time to work and expenses for the same has increased for more than 26% households.” The study found that education of children “is another area that has suffered during relocation as 27.44% children had to change their school or dropped out of school, and 31% children reported that their travel time to school had increased.” Resettlement had affected the vulnerable sections in multifarious ways, as it had impoverished families who found themselves cut off from their livelihood sources. Non-availability of schools and health amenities was a major issue in large sites, the report noted.

Marina Joseph (2011) did a horizontal study on the impact of displacement on women’s livelihoods, focussing on how women’s livelihoods are affected in the process of urban involuntary displacement and ensuing resettlement under MUTP at one of the largest R&R sites (Lallubhai Compound). The study found that, “Almost eight years down the line, PAPs had not ‘adjusted’ to the resettlement site as assumed would be the case... Inadequate infrastructure coupled with the problem of accessibility to cheap transport had created a zone whereby many residents were forced to take to informal sources of livelihood within the resettlement site.” With respect to effects of changes in livelihood on the family, the report states that, “The most common impact of displacement was the effect it had on the education of children.” The study found that, “Some dropped out due to the poor schooling facilities in the new area; some had to drop out to assist in contributing to the family income. Girls were the worst affected as insecurity in the new neighbourhood forced them to join the labour force to avoid having to spend time alone at home.”

Jaideep Gupte (2011) did a case study in an R&R site developed under MUTP, on the aspect of security provided in slum resettlement schemes. The study mentions that, “Not only is the relocation process protracted and extremely violent, but also the relocation sites are becoming sites of concentrated violence, vulnerability and crime, heightening the multiplier effects of the intergenerational transfer of vulnerability and poverty.” The findings of the study highlight several issues of major concern including, “Concerns over physical safety and security arising out of design, layout and access failures, concerns of unemployment, unavailability of healthcare and education, as well as high prevalence of non-cognizable and petty crime.” In the year 2012, a ‘Rapid Assessment of Resettlement and Rehabilitation Colonies in M (East) Ward of Mumbai’ was undertaken by TISS focusing on the themes of: health, education, water, waste and

sanitation, presence of amenities, livelihood, transfer of entitlements, and welfare services. The purpose of this Rapid Assessment was to understand the overall situation of R&R sites in the Ward and make preliminary decisions for possible intervention. Of the 11 R&R sites that were assessed, five included those where people affected by MUTP had been rehabilitated.



CHAPTER 6

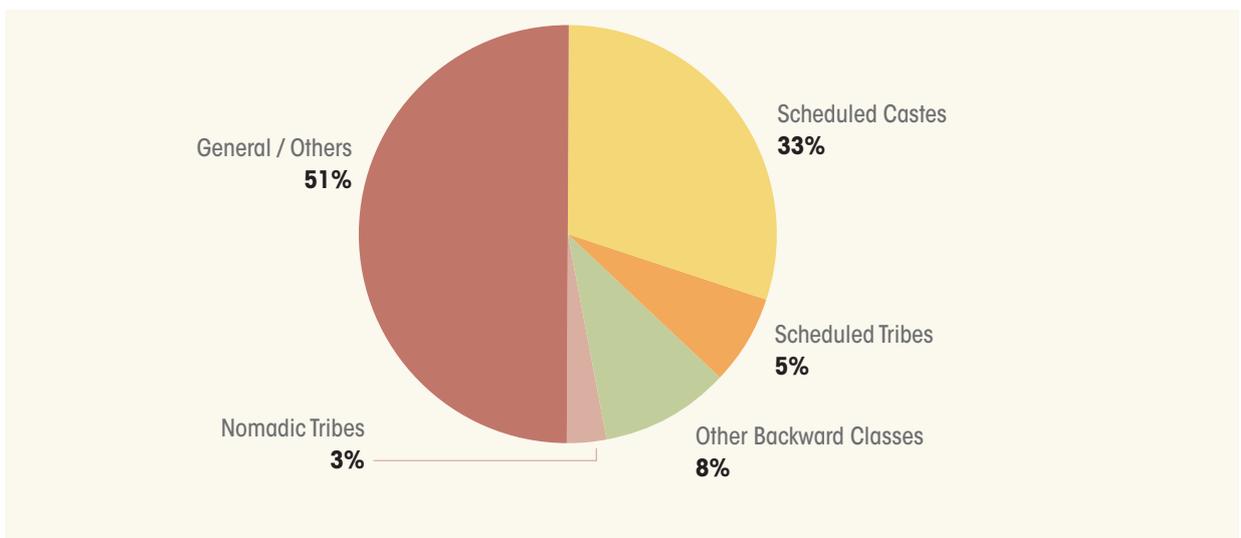
Survey Findings

The survey was administered to a sample of 204 respondents, of which 78% were male while 22% were female.

A. Basic Socio-economic Profile of the Respondents

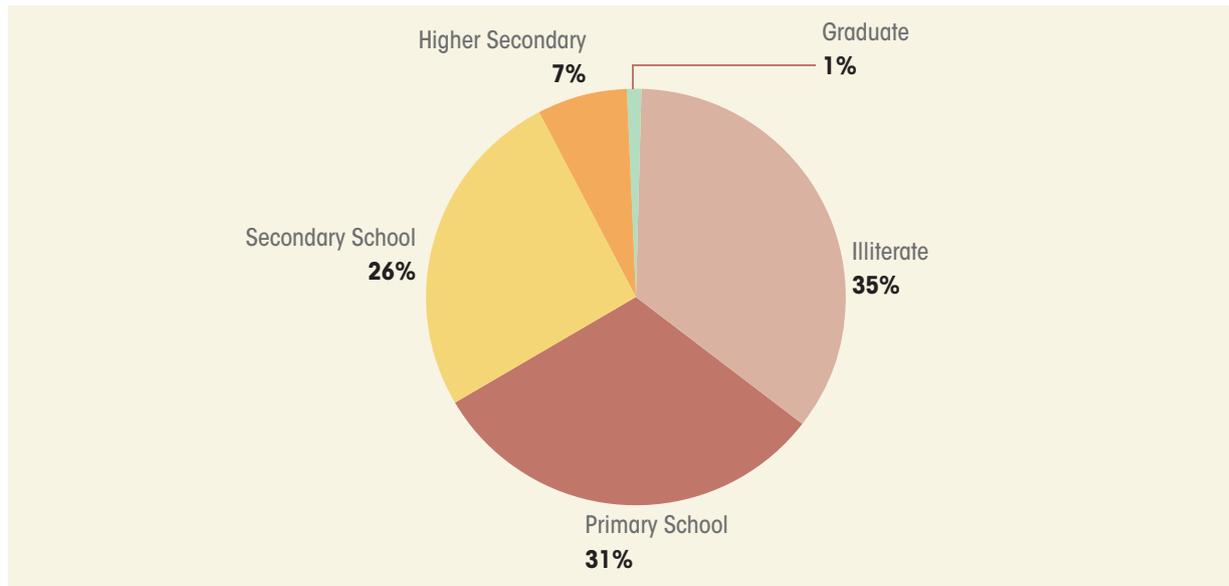
Of the total 204 respondents, the majority (67.6%) are Hindus while 17.6% are Muslims, and 12.3% are Buddhists. About one-third of the respondents belong to the Scheduled Caste community while Scheduled Tribes and Nomadic Tribes constitute 5% and 3% of the respondents respectively.

FIGURE 1: COMPOSITION OF SAMPLE IN VASHI NAKA



More than one-third of the respondents are illiterate, while 30% have completed primary school and 26% have completed secondary school. Only 1% of the respondents have a graduate degree.

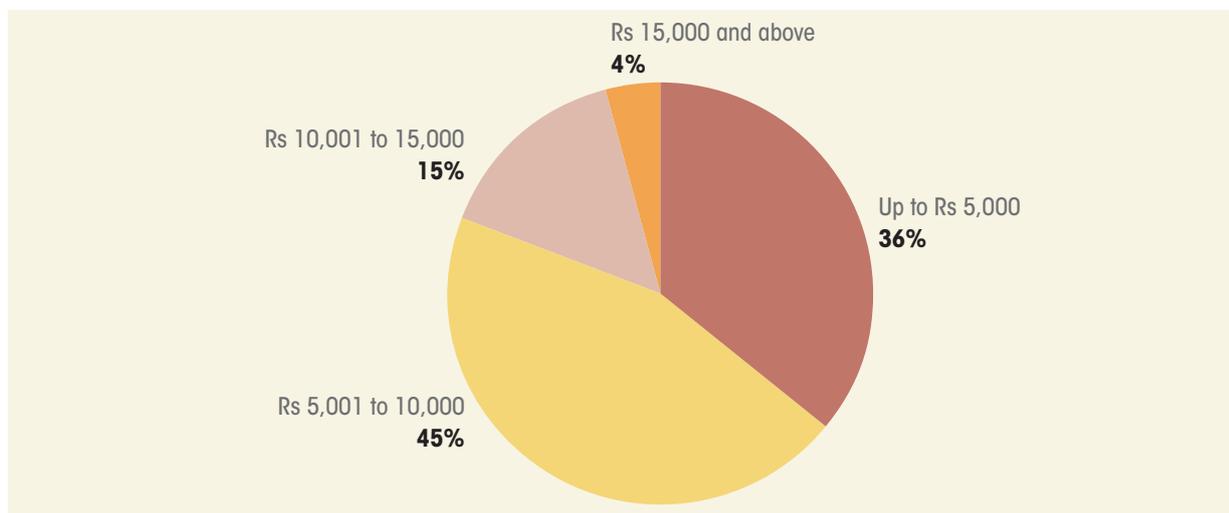
FIGURE 2: EDUCATION LEVEL OF RESPONDENTS



About half of the respondents reported being employed in private jobs while 43% stated that they were self-employed. Only about 8% stated that they were unemployed.

Thirty-six per cent of the respondents reported having a monthly income of up to Rs 5,000 and 45% have a monthly income between the range of Rs 5,001 and Rs 10,000. Only a small percentage (4%) of the respondents earn more than Rs 15,000 a month.

FIGURE 3: MONTHLY INCOME



B. Notification of the Project and Eviction / Relocation Process

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

37. Urban or rural planning and development processes should involve all those likely to be affected and should include the following elements: (a) appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; (b) effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.

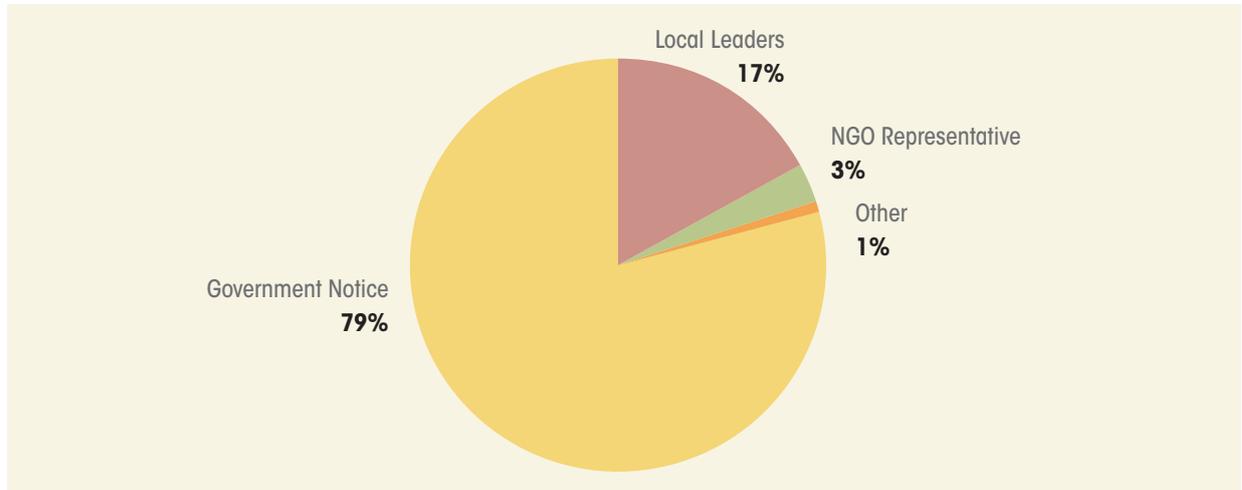
The following section uses the operational procedures and human rights standards expounded in the UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007) to analyse the process of eviction / relocation that preceded the resettlement of families in Vashi Naka.

Prior to Evictions

a) Information about the Eviction / Relocation

A vast majority of the respondents (79%) claimed that they learned about the eviction from the notice issued by the authorities in this regard. Three per cent of the respondents reported finding out about the eviction from NGOs.

FIGURE 4: SOURCE OF INFORMATION REGARDING EVICTION / RELOCATION



Fifty-four per cent of the respondents stated that they knew they were going to receive an alternative tenement but did not have details about the nature and design of the housing. Only 29% of the respondents had received information about the resettlement site where they would be provided with alternative housing. Seventy per cent of those interviewed felt that they had been given adequate information about the location of the resettlement site, but only 60% of the respondents were taken for a visit to Vashi Naka before they were actually shifted to the site.

Forty per cent of the respondents reportedly had no access to data / documents related to the process of resettlement and rehabilitation. Seventy per cent of the survey participants felt that they had been given adequate information on the timeline of eviction and relocation, while only half the respondents felt that

they were provided adequate information about the design, material and layout of the alternative house they were to receive.

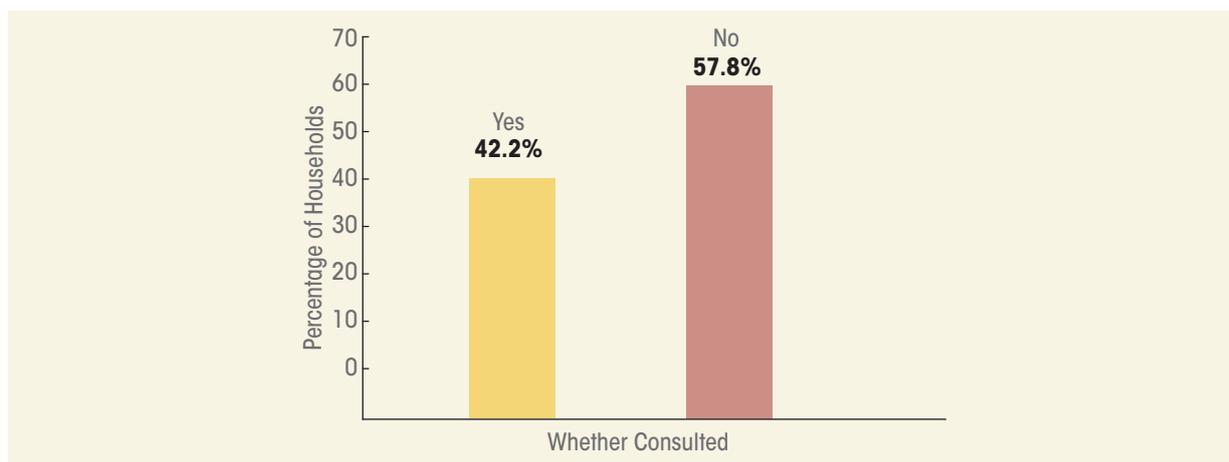
UN Basic Principles and Guidelines on Development-based Evictions and Displacement

- 38. All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider....
- 39. During planning processes, opportunities for dialogue and consultation must be extended effectively to the full spectrum of affected persons, including women and vulnerable and marginalized groups, and, when necessary, through the adoption of special measures or procedures.
- 56 (i) The entire resettlement process should be carried out with full participation by and with affected persons, groups and communities.

b) Participation and Consultation

The majority of the respondents (58%) reported that they were not consulted on issues related to eviction / relocation.

FIGURE 5: CONSULTATION WITH RESIDENTS ON ISSUES RELATED TO EVICTION AND RELOCATION



Those who stated that they had been consulted on the eviction / relocation felt that their opinions and views had not been taken into account; thus the consultation exercise was futile.

c) Time Provided for Relocation

Seventy-seven per cent of the respondents felt that they were given sufficient time to prepare for relocation to the R&R site, while the others (23%) were of the opinion that the time provided by the authorities was not enough.

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

- 56 (e) The right of affected persons, groups and communities to full and prior informed consent regarding relocation must be guaranteed.

Fifty-nine per cent of the respondents felt that the relocation was voluntary, while 41% of the respondents were of the view that the relocation process was forced.

During Evictions / Relocation

a) Loss of Possessions and Documents during Relocation

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

50. States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition...

About one-fourth of the respondents reported some form of destruction and loss of possessions during the process of relocation. Although eighty-eight per cent of the respondents did not lose vital documents during the demolition or relocation process, 12% of the respondents reported losing important documents.

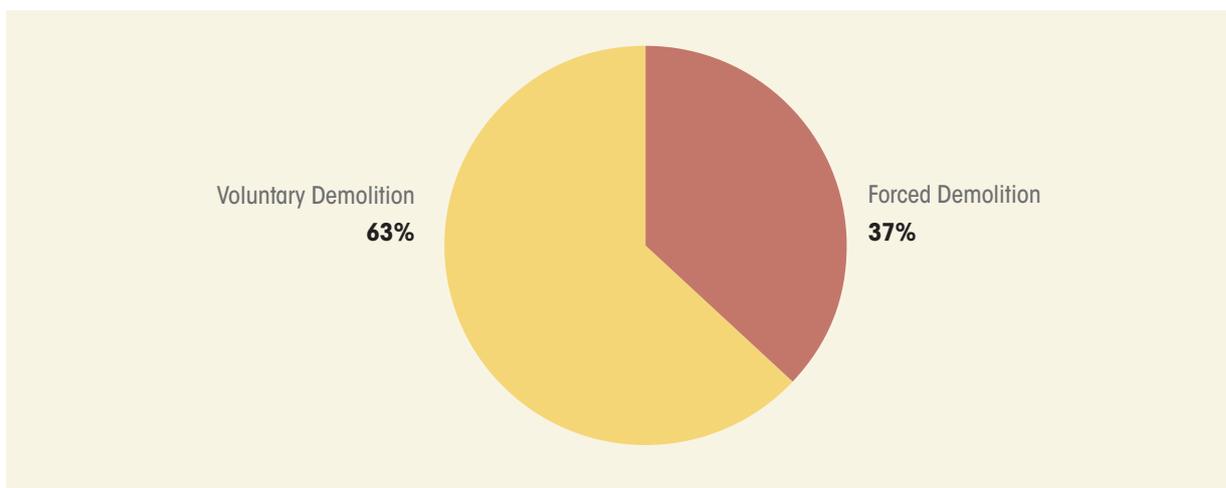
b) Demolition of Original House

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

51. Authorities and their agents should never require or force those evicted to demolish their own dwellings or other structures.

Thirty-seven per cent of the respondents, allegedly, were forced to demolish their houses, while 63% of them stated that they demolished their house voluntarily.

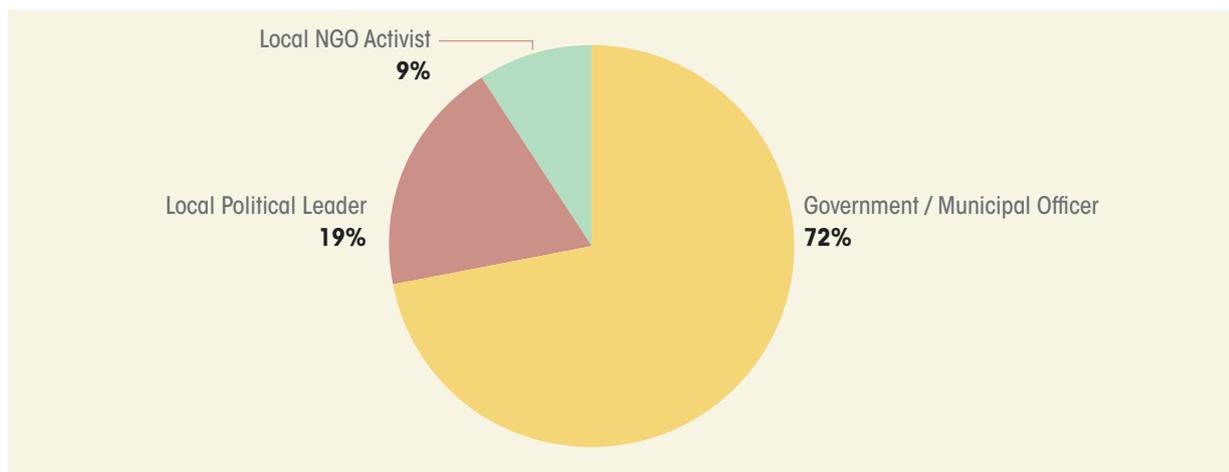
FIGURE 6: NATURE OF DEMOLITION OF PREVIOUS HOME



c) Presence of Officials during Eviction / Demolition of Homes

About three-fourth of the respondents (72%) reported that governments officials were involved in the process of eviction.

FIGURE 7: OFFICIALS PRESENT DURING EVICTIONS



d) Injury and Disruption of Healthcare

Only 2% of the respondents reported injury in their family during the eviction and relocation process. Ninety-two per cent of the respondents stated that persons with disabilities and those who were not well did not receive any special care or facilities during the process of eviction and relocation. Twenty-two per cent of the respondents mentioned that they had to face disruption in their ongoing medical treatment, as a result of eviction and relocation.

After Eviction / Relocation

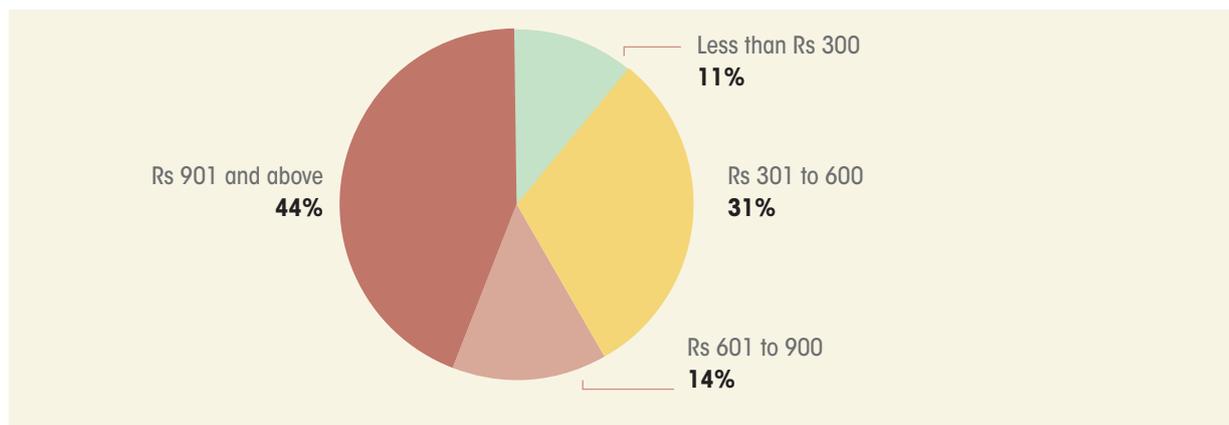
UN Basic Principles and Guidelines on Development-based Evictions and Displacement

54. In order to ensure the protection of the human right to the highest attainable standard of physical and mental health, all evicted persons who are wounded and sick, as well as those with disabilities, should receive the medical care and attention they require to the fullest extent practicable and with the least possible delay...

a) Expenditure on Transportation for Relocation

The relevant authorities, reportedly, did not cover relocation costs of the affected families. Forty-four per cent of the respondents had to incur an expenditure of more than Rs 900 for transportation to the resettlement site, while 30% spent between Rs 300 to 600.

FIGURE 8: EXPENDITURE ON TRANSPORTATION TO VASHI NAKA AT THE TIME OF RELOCATION



During the survey, eighty-three per cent of the respondents lamented the fact that no government officials or their representatives visited them at Vashi Naka after relocation. They also stated that they did not get any form of support from the government.

b) Impacts on Family / Community

Twenty-three per cent of the respondents reported that their extended family members were separated from them after relocation, as they were resettled to a different R&R site.

c) Access to Remedy

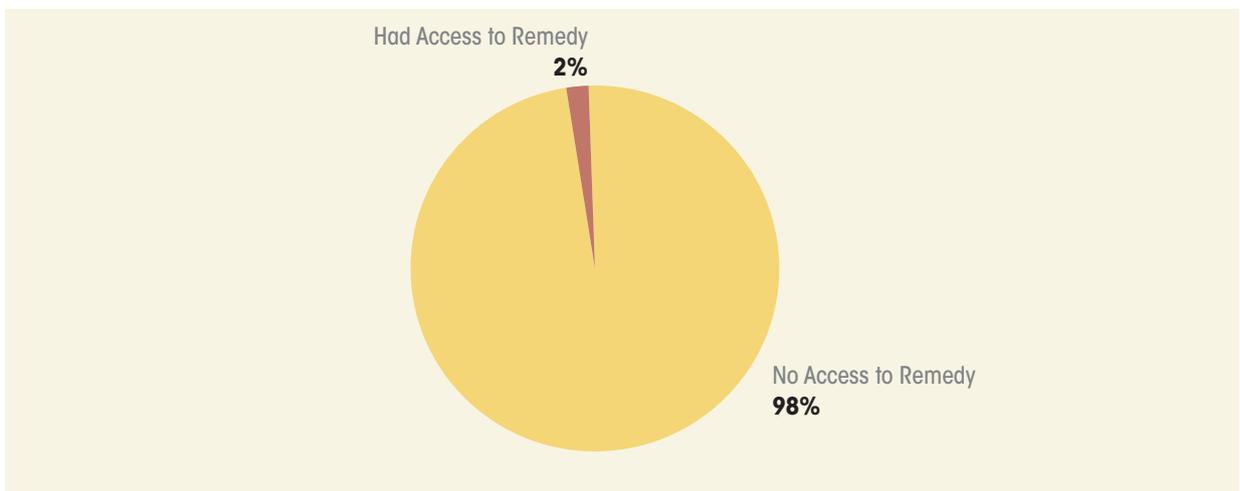
UN Basic Principles and Guidelines for Development-based Evictions and Displacement

59. All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation...

60. ... the State must provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property. Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, such as: loss of life or limb; physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

Ninety-seven per cent of the respondents reported that they did not receive any form of compensation from the government authorities for the losses incurred during the relocation process. Those who received some compensation (3%) stated that it was for the loss of assets during relocation. An overwhelming majority (97%) of the respondents mentioned that they did not have access to any remedies for the human rights violations they suffered during the process of relocation.

FIGURE 9: ACCESS TO REMEDY FOR VIOLATIONS INCURRED



C. Housing and Living Conditions in Vashi Naka

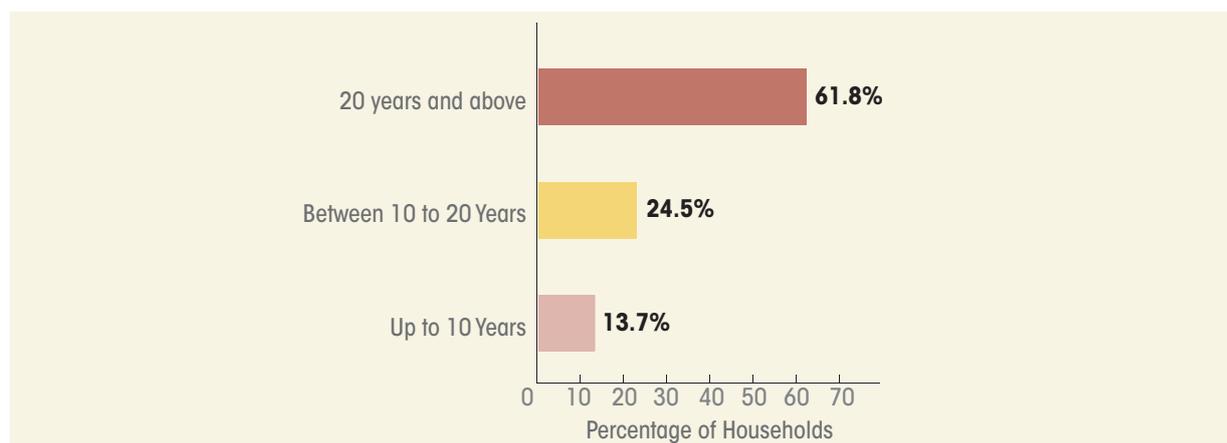
Prior to Resettlement

Sixty-five per cent of the respondents had a permanent (*pucca*) house at their original site of residence, before their relocation to Vashi Naka, while the rest had a temporary or semi-permanent (*kutcha*) structure for their house.

Fifty per cent of the respondents reported that their former houses were between 150 and 300 square feet in size; 10% of the respondents had houses ranging from 301 to 450 square feet; and, 35% of the respondents had houses smaller than 150 square feet. In Vashi Naka, the size of the house provided to all residents is 225 square feet.

More than half of the respondents (61.8%) claimed to have been residing at the site from where they were relocated for more than 20 years. About twenty-five per cent of them lived at the original sites of residence for 10 to 20 years and only 13.7% lived there for less than 10 years. Most of the respondents mentioned that the house at the site from where they were relocated was owned by a male member of the family.

FIGURE 10: YEARS OF RESIDENCE AT ORIGINAL SITE (BEFORE RELOCATION)



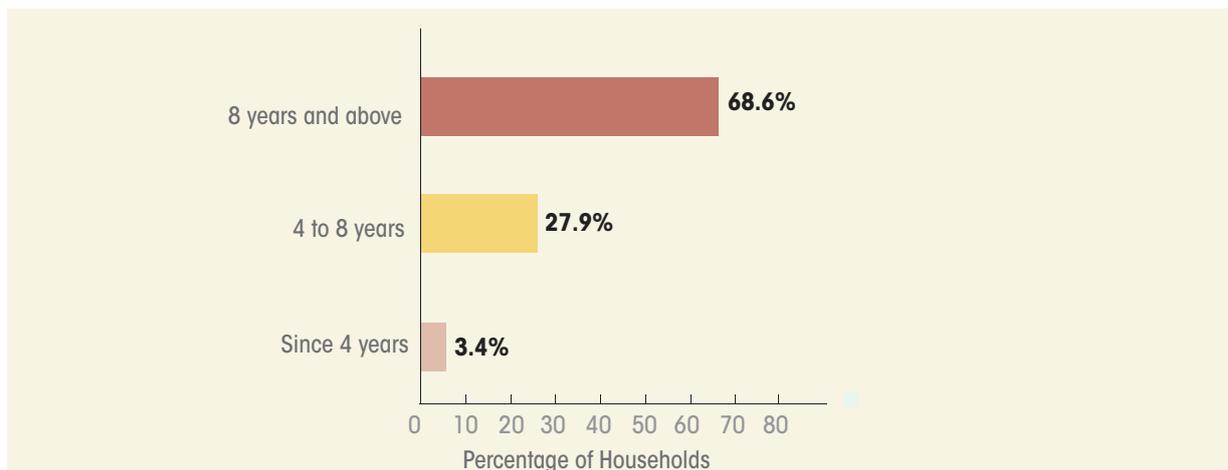
At Vashi Naka

At the time of this study, 68.6% of the residents reported having been at Vashi Naka for more than eight years. Twenty-eight per cent of the respondents have lived there for four to eight years while 3.4% have been living there for less than four years.

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

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

FIGURE 11: YEARS OF RESIDENCE AT VASHI NAKA



(i) Habitability

General Comment 4, UN Committee on Economic, Social and Cultural Rights
Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors.

Neither the residents nor the leaders of the community reported being consulted or asked about their preferences regarding the housing design, layout and construction material of the flats provided to them in Vashi Naka.



The families have been allotted flats in multi-storied buildings, which have seven floors each. The buildings have elevators, which reportedly do not function properly all the time. This most severely impacts persons with disabilities, older persons, children, and women, especially pregnant women. The tenement is a

permanent structure with one bedroom, toilet, bathroom, hall, and a kitchen that is partially separated from the hall with a half wall. Construction materials include cement, sand, bricks and reinforced cement concrete (RCC).

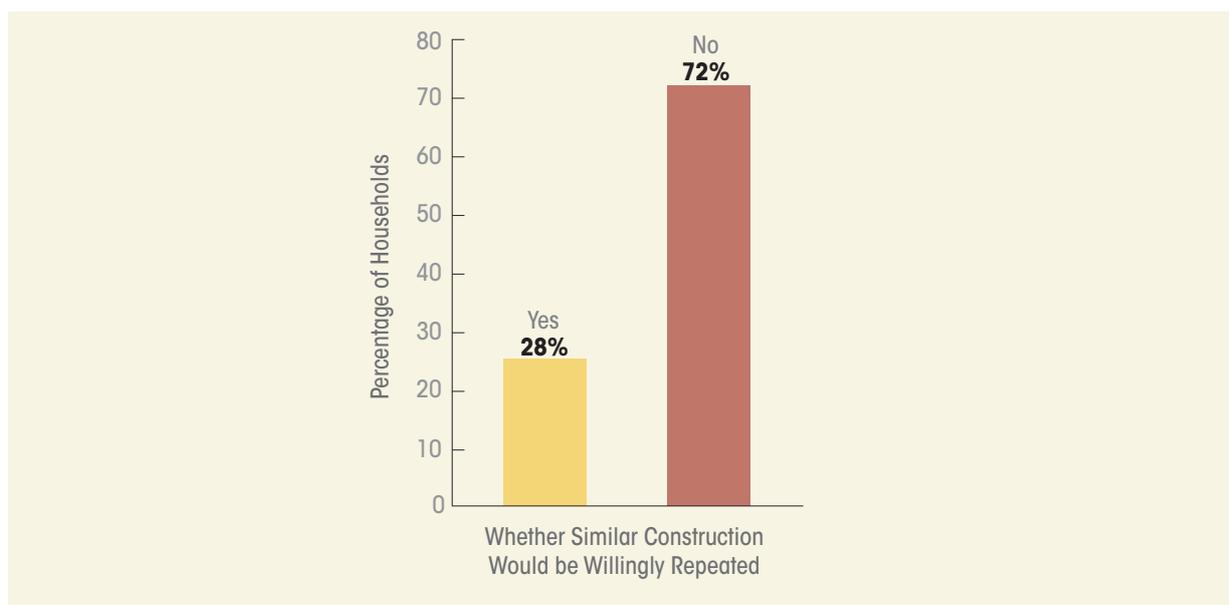
The windows are made of iron and glass, while the wooden doors are of poor quality. Many residents complained of water seepage, especially during the monsoons, in the tenements and the wall of the building. The flooring has tiles, which after three years, are showing signs of disrepair and damage. The durability of the construction is thus questionable. Since the developer's period of guarantee is over, the residents have to pay for and take responsibility for maintenance, which is a matter of concern for them. The average monthly maintenance cost for the building is about Rs 200 – 300 per family.

Each tenement (flat) is attached to the other with a common wall. Adequate space has not been provided between the rows of tenements; only three to four feet separate each row. The small flats are not able to accommodate joint families. Women and adolescent girls also complain of the lack of privacy. The flats do not have adequate ventilation or light, as the buildings are situated very close to one another. The settlement thus has a high density and appears to be congested. In the absence of balconies and common open areas, families dry their clothes inside the houses or in the corridors.

Thirty-five per cent of the respondents allegedly reported complaints to the government authorities regarding housing in Vashi Naka, including the material used for construction. Most of them, however, felt that no action had been taken to address their complaints. Though officials came and inspected the site and assured the residents that they would address their complaints, nothing had been done to redress the situation and improve the quality of housing.

Although more than half of the respondents (54%) claimed that they were satisfied with their present housing, 72% of them stated that if given the opportunity, they would not have constructed houses of the type that were provided to them in Vashi Naka.

FIGURE 12: WILLINGNESS TO CONSTRUCT SIMILAR HOUSES IF GIVEN A CHOICE



(ii) Accessibility, Location, and Readiness of the Site

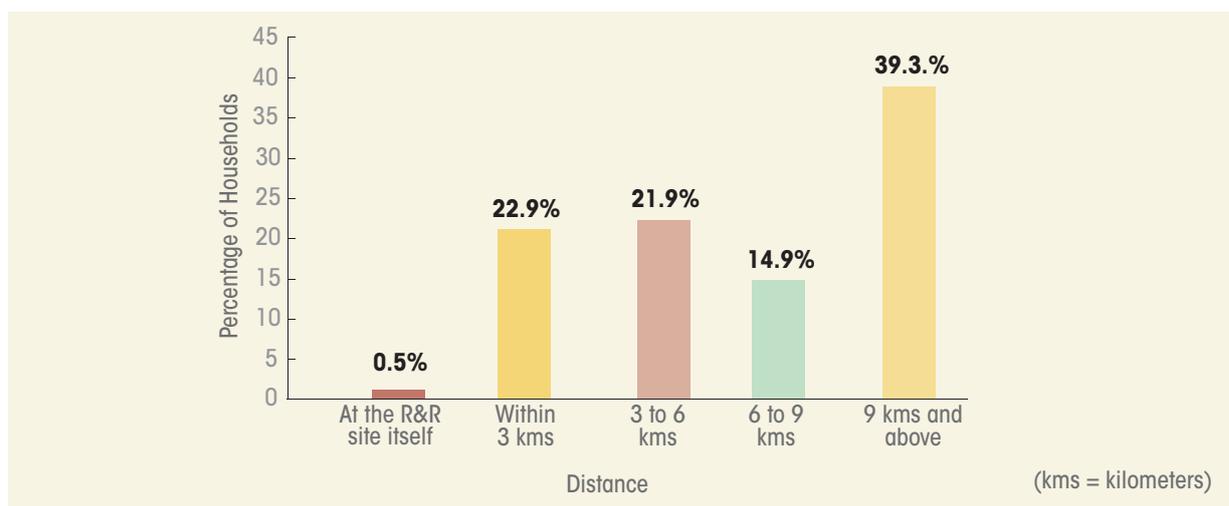
General Comment 4, UN Committee on Economic, Social and Cultural Rights

Adequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities.

The study reveals that several families did not receive resettlement on grounds of ‘ineligibility’ declared by the government. During an FGD with women whose families were affected by the Mithi River Development Project, they mentioned that after the flood of 26 July 2005, a group of government officials visited their settlement and conducted a BSES of the entire area. Under MRDP, a notice of 30 days was issued to every family in the area to provide evidence for ‘eligibility’ for alternative housing. Each family was required to submit proof of residence to the collector for verification. From a total of 3,000 families, 280 families were not found eligible, as they were unable to provide any evidence of residence prior to 1 January 2000.

For 39.3% of the respondents, Vashi Naka is located more than nine kilometres from their places of work. This has greatly affected their livelihoods.

FIGURE 13: DISTANCE OF LIVELIHOOD SOURCES FROM VASHI NAKA



(iii) Security of Tenure

General Comment 4, UN Committee on Economic, Social and Cultural Rights

... all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats...

Sixty per cent of the people interviewed for this study mentioned that the authorities had provided them with adequate information regarding the tenure / nature of title they were to receive for the alternative housing at Vashi Naka. The tenure security is in the form of a title deed of the flat, which is in the joint name of the husband and wife in the family. As per the government's rules, the holders of the title deed do not have to pay for the tenement / title deed, but at the same time they are not entitled to sell it or transfer it during the first ten years. After a period of ten years, they can transfer or sell the flat with due permission from the authorities.

(iv) Access to Basic Services

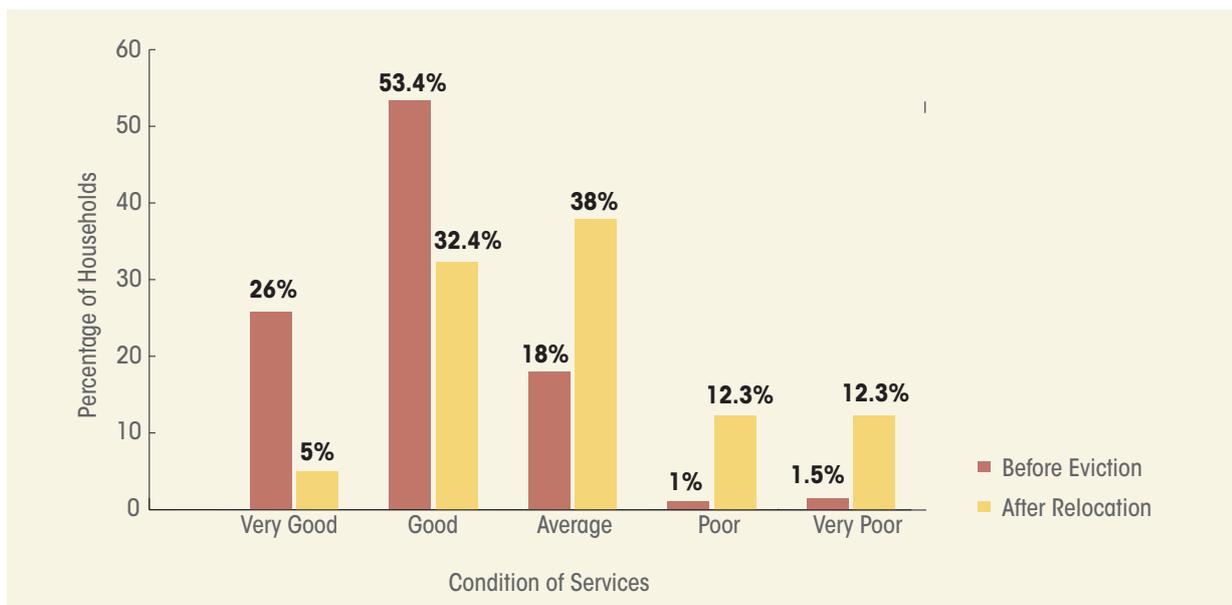
General Comment 4, UN Committee on Economic, Social and Cultural Rights

An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.

a) Health

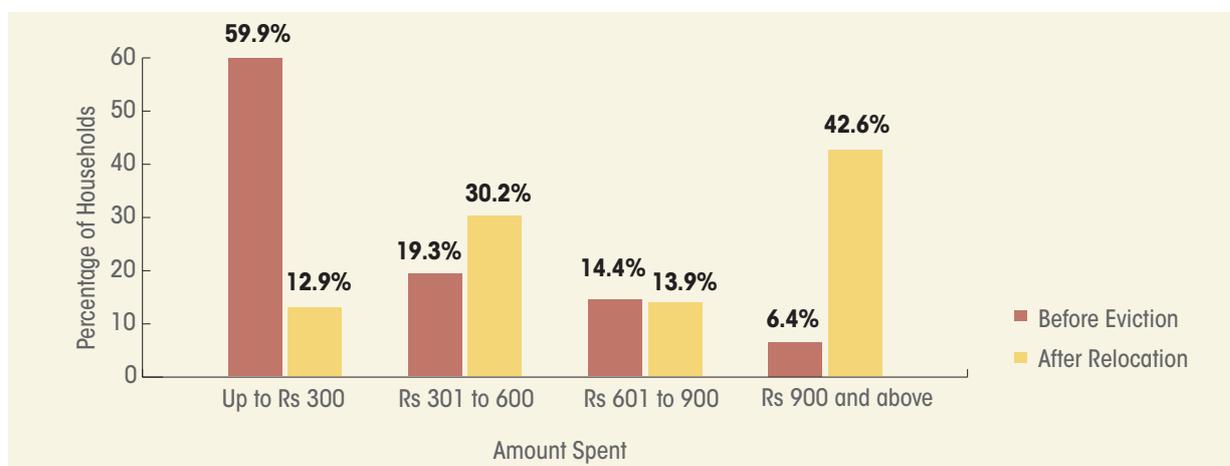
Vashi Naka has only one Primary Health Centre (PHC) for the entire population. Twelve per cent of the respondents reported that health services at Vashi Naka were 'poor' while another 12% felt that they were 'very poor.' Interestingly, only 1% and 1.5 % respondents said that health services were 'poor' and 'very poor' at their original sites of residence.

FIGURE 14: STANDARD OF HEALTHCARE SERVICES



The monthly expenditure on healthcare after resettlement has increased considerably. Prior to resettlement, only 6.4% of those interviewed spent more than Rs 900 on healthcare, but after resettlement, 42.6% of the respondents reported spending more than Rs 900 a month on healthcare.

FIGURE 15: MONTHLY EXPENDITURE ON HEALTHCARE



An FGD with women residents of Vashi Naka revealed that at their original site of habitation, most people visited Sion Hospital and Bhabha Municipal Hospital (Kurla), located within a radius of two kilometres from their homes. Very few families used private healthcare services or visited private hospitals. At Vashi Naka, although the PHC is close by (within 500 metres), most of the residents have to visit private doctors. This is because only referral services are available at the PHC; no medication is provided to the patients.

Government hospitals that are in the vicinity of Vashi Naka include:

1. **Shatabdi Hospital:** located at a distance of three kilometres (by auto-rickshaw it costs Rs 40 and takes about 10 minutes to reach the hospital).
2. **Maa Hospital:** located at a distance of four kilometres (costs Rs 50 by auto-rickshaw and takes about 10 minutes to reach the hospital).
3. **Rajawadi Hospital:** located at a distance of six kilometres (costs Rs 15 by bus and takes 30 minutes; by auto-rickshaw it costs Rs 75 and takes 20 minutes).
4. **Sion Hospital:** located at a distance of six kilometres (costs Rs 15 by bus and takes 35 minutes to reach; by taxi it costs Rs 90 and takes 25 minutes).

Participants in the FGD also reported an increase in respiratory disorders after relocation to Vashi Naka because of air pollution from the neighbouring refineries. The frequency of illness reportedly has increased and so have expenditures on availing medical services.

b) Food

UN Basic Principles and Guidelines for Development-based Evictions and Displacement

56 (g) Relocation sites must not be situated on polluted land or in immediate proximity to pollution sources that threaten the right to the highest attainable standards of mental and physical health of the inhabitants.

Almost 99% of the respondents stated that they had ration cards (for subsidised food under the PDS) prior to resettlement, but after resettlement in Vashi Naka, 97% of the survey participants claimed to have ration cards. The survey revealed that 15% of the affected families who had deposited their ration cards for an address change after shifting to Vashi Naka have not got them back.

During an FGD with women at the site, they pointed out that though there are three PDS ration shops located within Vashi Naka, they supply only kerosene and not food grains. When the residents ask shopkeepers for grains covered under the PDS scheme, they say they are not available, and instead have reportedly charged 'black market' rates for grains. Families thus have to purchase food grains at higher prices from a market located at a distance of one kilometre from the site. Women stated that at their original sites of residence, the PDS ration shops provided kerosene, wheat, rice, sugar and oil at subsidised prices, which were affordable.

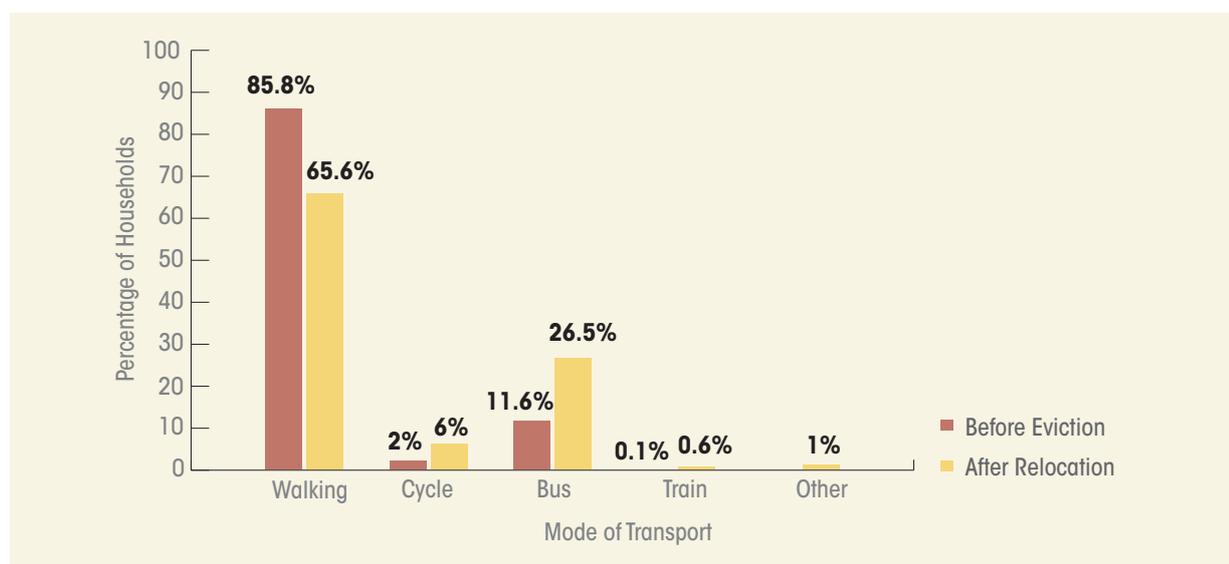
After resettlement, only 3% of the respondents reported having a 'Below Poverty Line' (BPL) ration card. This is because of the norm in Mumbai to revoke BPL cards after people receive a tenement in a resettlement colony. Denial of a BPL card effectively excludes access to many subsidised services. Residents complained of the unfairness of this practice, as their economic situation does not improve after relocation. On the contrary, in most cases, resettlement has resulted in a loss of livelihoods, decrease in income, loss of savings, increase in expenditure, and an overall deterioration in the family's standard of living and economic well-being.

c) Education

The distance to school has increased for a considerable number of children living in Vashi Naka. Prior to resettlement, 85.8% of the children could walk to school but after resettlement, only 65.6% of the children are able to walk to school.

The survey reveals that at Vashi Naka, 26.5% of the children travel to school by bus while before resettlement this percentage was 11.6%. About 30% of the children stated that their monthly expenditure on commuting to school has increased after moving to Vashi Naka.

FIGURE 16: MODE OF TRANSPORT TO SCHOOL



During discussions with the residents, women mentioned that there is a Marathi and Hindi medium government school in Vashi Naka, which provides education only for the primary level. It also does not cater to the needs of the large number of families from southern India who do not speak Marathi or Hindi. This has resulted in most of the South Indian students commuting long distances to their former schools, which provide education in their mother tongue. No higher education facilities are available near Vashi Naka.

During 2004, when MUTP-affected families were rehabilitated, there were no street lights in Vashi Naka. Parents feared for the safety of girl children and thus did not send them to school. The absence of a secondary school near the site has made it difficult for many children to pursue higher studies. A large number of children thus stop studying after completing primary school. The other option for children is to either travel long distances in order to attend a government secondary school or to spend large amounts on education at private schools that are located in the vicinity.

d) Water, Sanitation and Electricity

Vashi Naka is devoid of amenities such as sewerage and drainage networks, proper roads, street lights, and garbage disposal facilities. The tenements have piped water but the supply is limited and it is not sufficient to meet the needs of the residents. The cost of water is included in the monthly maintenance fee charged to each resident of Vashi Naka (Rs 200 – 300 a month). Electricity supply is regular and the average monthly expenditure on electricity is around Rs 800 – 1000 per family. Reliance Energy, a private company, supplies electricity to Vashi Naka. Sanitation facilities in the site are inadequate. The site has several open and blocked drains. In the absence of solid waste management facilities, garbage can be found at the site; this poses a health risk to the residents.

The two responsible agencies – Municipal Corporation of Greater Mumbai (MCGM) and MMRDA are constantly engaged in a blame game and refuse to accept responsibility for the failure of the provision of adequate basic services in the site.

Most of the respondents during the survey and the focus group discussions reported that at the time of resettlement, they did not have any access to water, transport, street lights, police security, health services, community halls, and recreational centres at Vashi Naka. Whatever facilities are available now, were provided only after the residents started living there and after they took several initiatives to ameliorate the situation. Community leaders and residents reported that they had to undertake a number of advocacy measures, including *morchas* (rallies), hunger strikes, *raasta roko* (road blocks), and signature campaigns to improve living conditions at the site. It is only after their persistent struggle for justice that transport services, a government primary school and a health centre have been provided at Vashi Naka.

It can thus be concluded that the project implementing agency and the government did not make any efforts to ensure that the site was inhabitable before residents were relocated.



(v) Cultural Adequacy and Security

Women complained that the residents are not happy with the layout of the site or the structure of the building, as it is not environment friendly. There is no space allocated for a community centre / hall. While the settlement has a Society Office, Welfare Centre and *Balwadi* (crèche) within its premises, the residents do not have adequate facilities for social interaction. Several incidents of social conflict have been reported between the original residents of the site and those who were resettled later. The absence of places of worship within Vashi Naka has resulted in residents creating their own prayer spaces in the buildings, but this is not considered legal.

General Comment 4, UN Committee on Economic, Social and Cultural Rights

The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.

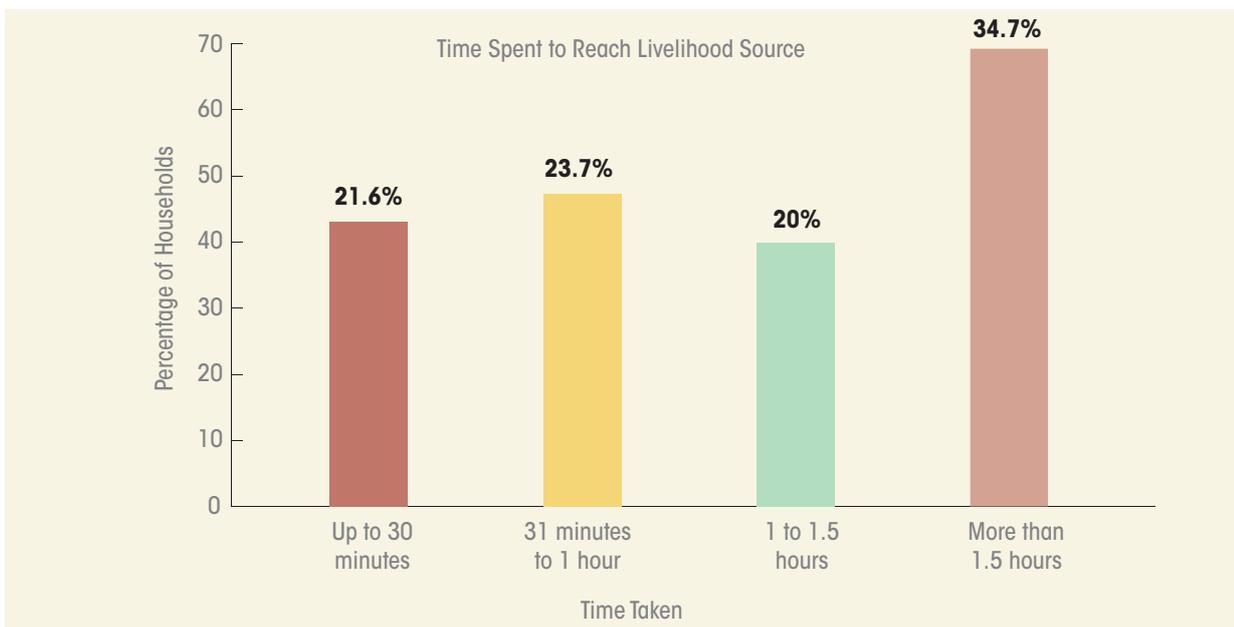
An open-ended question was administered to the respondents asking them how they would have managed the resettlement process had they been in charge of it. They stated that they would have ensured better consultation and participation of the people. They would have chosen a size and design of housing that was adequate for a dignified living. They also said they would have preferred *in situ* (on site) redevelopment and not relocation, in order to prevent loss of livelihoods.

D. Livelihood and Income

Almost three-fourths of the respondents stated that Vashi Naka is not situated close to their places of work / livelihood sources. For almost half the respondents (49%), the distance from Vashi Naka to their work place is more than seven kilometres.

The survey highlights that 34.7% of the respondents spend more than one-and-a-half hours to commute to work.

FIGURE 17: TIME SPENT TO REACH LIVELIHOOD SOURCE / WORK PLACE



About 46% of those interviewed for this study reported spending Rs 50 per day on travel to work, while 13% said they spend at least Rs 100 every day to commute between their homes and places of work. The increased expenditure on travel has been an additional financial burden on families resettled in Vashi Naka.

Of those who participated in the survey, 22.5% lost their jobs as a result of relocation and had to find alternative employment. The primary reason for loss of jobs was attributed to the increase in distance as well as time and expenditure spent on travelling to work.

Most of the women who worked as domestic workers lost their jobs after the relocation because Vashi Naka was too far from their work places. Many of them have now found alternative work in homes located closer to the resettlement site, while some women have initiated home-based work like making artificial jewellery and sewing clothes.

UN Basic Principles and Guidelines for Development-based Evictions and Displacement

56 (f) The time and financial cost required for travel to and from the place of work or to access essential services should not place excessive demands upon the budgets of low-income households.

For 72% of the survey respondents, resettlement has not meant any increment in their monthly income levels. Only 28% of the respondents reported an increase in their monthly income at Vashi Naka. More importantly, 30% of the respondents reported a decrease in income after moving to Vashi Naka.

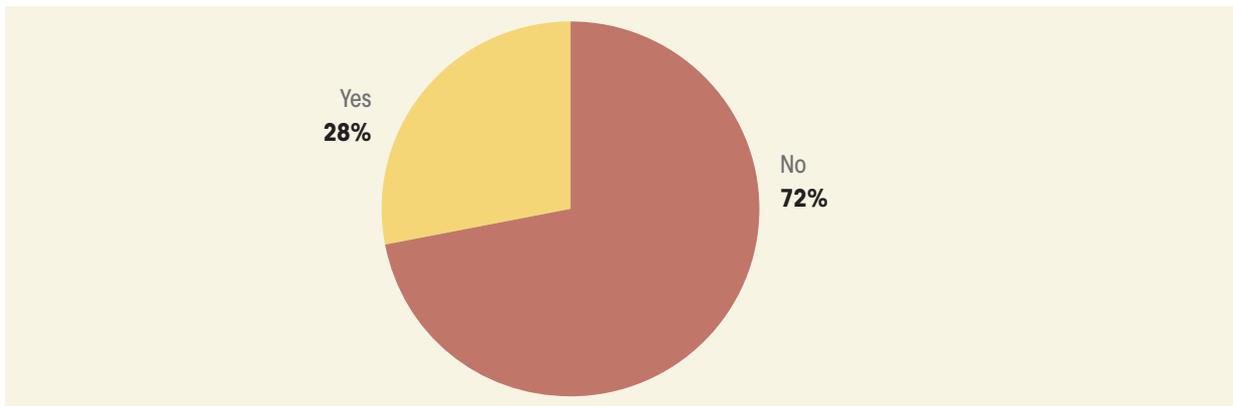


FIGURE 18: INCREASE IN INCOME AFTER RELOCATION

A considerable number of respondents (39%) informed the survey team that after relocation they had to take loans to meet their expenses. Families reported borrowing funds / taking loans for the following reasons: to cover daily expenses (18%); to pay medical bills (8%); and, to pay for their children's education.

E. Perceptions on Human Rights

Forty-two per cent of the respondents felt that their human rights were violated in some way while ninety per cent of them believed that housing and adequate resettlement are human rights.

UN Basic Principles and Guidelines for Development-based Evictions and Displacement

Persons, groups or communities affected by an eviction should not suffer detriment to their human rights, including their right to the progressive realization of the right to adequate housing...



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CHAPTER 7

Recommendations

The findings of this study demonstrate that the process of resettlement and rehabilitation in Mumbai is fraught with inadequacies; even what is promised in project documents and policies is not being provided. The study, very clearly, highlights the need for overhauling the policy framework for resettlement and rehabilitation. What is needed is the incorporation of a strong human rights approach in law and policy, which would ensure the recognition, protection and realisation of the human rights to adequate housing, land, work, security, health, education, food, and water of the urban poor, and lead to the improvement of living conditions of all families, including those who have been resettled in the various colonies in Mumbai.

Recommendations to the Government of Maharashtra for Vashi Naka and other Resettlement Colonies in Mumbai

- Improve coordination between the Mumbai Metropolitan Regional Development Authority (MMRDA) and the Municipal Corporation of Greater Mumbai (MCGM). Many of the problems faced by the residents of Vashi Naka result from the lack of accountability and coordination between these two authorities. Both agencies have been abrogating their responsibilities and passing the buck to each other.
- Ensure that the provision of basic services is in proportion to the population of the site. In Vashi Naka, the water supply is not sufficient to meet the needs of the resident population.
- Open a Municipal Senior Secondary School in the vicinity, as there is only one primary school near the site.
- Set up a new primary health centre with adequate facilities at the site, and improve the quality of services provided in the existing health centre.
- Establish a police post / *chowki* in Vashi Naka to address the growing incidence of crime in the site.
- Create an R&R Authority in Mumbai that has the power and responsibility of coordinating the different state agencies to address issues of resettlement and the problems faced by relocated families.
- Enable development funds of Members of Parliament and Members of the Legislative Assembly to be used for the repair and maintenance of buildings in all resettlement sites.

- Ensure that there is a uniform policy for resettlement in urban areas. In the context of Vashi Naka, families affected by different projects with different R&R policies and sets of entitlements have been resettled at the same site. This has led to a state of chaos and discrimination; it also makes monitoring difficult.
- Ensure that the mere allotment of a flat in a resettlement colony does not deny residents access to their BPL (below poverty line) card, as their economic status does not improve.
- Implement the provisions of national and international laws, policies and guidelines, including the Constitution of India, the International Covenant on Economic, Social and Cultural Rights, General Comments 4 and 7 of the UN Committee on Economic, Social and Cultural Rights, and the UN Basic Principles and Guidelines on Development-based Evictions and Displacement.

Recommendations to the Government of Maharashtra and Government of India for Housing and Resettlement

Any policy for R&R at the national and state level must include adequate provisions for the following:

- Prior informed consent of all residents during the process of eviction and relocation.
- Regular participation of and consultation with all families likely to be affected by the project, during the phases of project formulation and implementation, including the development of the resettlement site and alternative housing.
- Adequate, timely and unrestricted access to information with regard to the process of eviction, relocation and resettlement.
- Protection of the right of people to say ‘no’ to eviction and displacement.
- Relocation close to sources of livelihood and protection of livelihoods in the process.
- Inclusion of a special component in the R&R package for vulnerable sections like persons with disabilities, women, children, older persons, members of Scheduled Castes and Scheduled Tribes, and minority communities.
- Periodic review of the R&R process by affected people and their representative organizations.
- Social Audit and regular monitoring of projects and its R&R components.
- Clear demarcation of responsibilities and duties of the various agencies involved in the process of resettlement and rehabilitation.
- Representation of affected persons in the bodies that oversee the process of R&R.
- Legislative framework for the R&R policy/package, which incorporates a human rights approach, including international human rights standards for housing and resettlement.
- Inclusion of basic amenities as an integral and inseparable part of the R&R process.
- Proper coordination between relevant authorities (concerned department, municipal authorities, development authorities) with regard to implementation of the provisions of the R&R policy.

HLRN and YUVA hope that the government will implement these recommendations and revise its urbanisation, housing and resettlement policy in order to improve living conditions and to ensure the protection of the human rights of Mumbai’s working and urban poor – who contribute to the development and economy of the city but are persistently denied their fundamental rights.

CHAPTER 8

Conclusions

The findings of this study categorically demonstrate that the resettlement and rehabilitation process in Mumbai has violated multiple human rights of the affected population. The R&R sites have failed to pass the test of adequate housing, including habitability. The survey reveals that the process of demolition of homes and evictions is not in congruence with the UN Basic Principles and Guidelines on Development-based Evictions and Displacement. The relocation and resettlement process has also violated national and international laws and policies, including the Constitution of India, the International Covenant on Economic, Social and Cultural Rights, the National Urban Housing and Habitat Policy, and the National Rehabilitation and Resettlement Policy, among others.

The following findings reveal the travesty of resettlement in Mumbai, and suggest the immediate adoption of a human rights framework for all resettlement and rehabilitation policies and projects.

1. The Cost of Security of Tenure

The provision of security of tenure over housing has been used as a *mantra* to justify such resettlement. From a human rights perspective, however, it does not hold much worth for the people when provided in isolation. For many of the residents in Vashi Naka, the dwelling units have turned out to be a liability, not an asset. The mere provision of security of tenure does not guarantee the right to live with dignity. Security of tenure has also not meant secure access to other equally important services like water, sanitation, electricity, health and education. For many of the families, gaining security of tenure has been at the cost of their livelihoods. This is especially true for women domestic workers who lost their jobs because of the increased distance from Vashi Naka to their original work places, and have been unable to find alternative sources of livelihood.

The entire R&R process in Mumbai has ignored the vital link between housing and livelihood and other human rights. It is important for housing to be viewed as a human right which requires the fulfilment of various elements of adequacy, as provided by General Comment 4 of the UN Committee on Economic, Social and Cultural Rights: location, habitability, accessibility, affordability, access to basic services, cultural adequacy, and security of tenure.

2. From Citizen to a 'PAP'

The process of resettlement is just not about evicting people from one place and shifting them to another place but more deeply, from the case study of Vashi Naka, it can be understood as a process of uprooting and converting people who had an agency of citizenship into mere project-affected persons or PAPs, who are treated as 'numbers' to be quoted in project documents. This reduction of a citizen to a PAP has been one of the most harmful impacts of the process. Even after staying at a place for several years, in the official parlance, the residents are referred to as 'PAPs' and their homes are referred to as the 'R&R site.'

3. All Not Resettled, None Truly Rehabilitated

The findings of this study show that in all the settlements from where people were evicted, the number of families who were evicted is more than the number of families who were finally resettled. This means that not all those who were displaced have been resettled. It is a fact that a large number of families never received any resettlement or compensation and the whole process of R&R left out many families on the pretext that they do not meet the 'eligibility' criteria of the government. This has resulted in many families being displaced and dis-housed. Given the status of habitability of housing at Vashi Naka, the non-availability of basic amenities, and the persistent problems faced by people in their everyday life, it can be said that none of the families have been truly rehabilitated.

4. R&R Colony or a Ghost Town?

Vashi Naka is devoid of basic amenities such as sewerage and drainage networks, proper roads, street lights, and garbage disposal facilities. The two responsible agencies – Municipal Corporation of Greater Mumbai (MCGM) and MMRDA are constantly engaged in a blame game and refuse to accept responsibility for the failure of resettlement. In local media reports the R&R sites thus have been aptly referred to as 'ghost towns.'

5. Loss of Education

Vashi Naka has a large number of children but there is no government school in the site that provides secondary education; there is only one primary school. As a result, most children face problems in pursuing higher education. In spite of the resettlement site being in existence for ten years, the authorities have not taken any concrete action with regard to setting up of a school at the site or in the vicinity. The only option for children is to either travel long distances in order to attend a government secondary school or to spend large amounts on education at private schools that are located in the vicinity. Even the Right to Education Act has been of no respite to the children in this regard, since it is violated by the Government of Maharashtra.

6. Fragmentation of the Community

The Vashi Naka site is composed of people from multiple sites who belong to different ethnic, social and economic backgrounds. Despite the passage of several years of resettlement, a sense of 'community' has not emerged amongst the residents. The reason for this is that during relocation no thought was given to community ties and social networks. People were randomly allotted flats without any efforts being made to resettle communities together. The process of resettlement has also fragmented solidarity among residents. There have been instances where a single settlement is affected by more than one project and different policy parameters are applied to the residents, thereby affecting their unity. Residents of these

settlements, rather than perceiving themselves as victims of a faulty 'development' paradigm, consider themselves as 'project-affected persons' of some project or the other.

7. The Agenda of 'R&R'

One of the fundamental reasons for the lack of human rights-based resettlement is the fact that housing that is generated through the process of R&R is never the end in itself. It is just a means to achieve different goals. In the case of Mumbai, these purposes have included: eviction of the urban poor from the central areas of the city; gentrification of areas that have been vacated; and, conversion of land use from public to private - largely for the city's elite population, at the cost of the needs and human rights of the urban poor.

8. Need for a Paradigm of Human Rights for Resettlement

The human rights framework not only helps in analysing and understanding these processes and outcomes, but also serves as a guiding light of how resettlement and rehabilitation in urban areas should be carried out. Adopting a human rights paradigm would not only mean ensuring the preparedness and habitability of a site but would also mean protecting the human rights of communities that are facing a threat of eviction; respecting their right to say no to forcible relocation; and, guaranteeing their right to the city, which ensures that they have an equal say in the planning and development of the city as well as an equal right to enjoy its services and benefits.

CHAPTER 9

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ANNEXURES

Annexure 1

Questionnaire used for the Study

QUESTIONNAIRE FOR THE SURVEY:

Households at Resettlement Site

Prepared by Housing and Land Rights Network (HLRN)

New Delhi

City: _____ Surveyor's Name: _____
 Date: _____

Name of the Resettlement Site: _____

Where were you relocated from: _____

A. Identification Section

- Name of the Respondent _____
- Address _____
- Contact Number _____
- Religion/ Caste _____

B. Particulars of Family Members

No.	Relationship	Age	Sex	Education	Employment Status	Occupation	Income per month (Rs)	Any other remarks
1.								
2.								
3.								
4.								
5.								
6.								
7.								

8.								
9.								
10.								

C. Notification and Eviction

- How did you get to know about the eviction/ relocation?
- What kind of information did you get about the resettlement site?
- Were you consulted about the resettlement? (Y/N)
 - Were you asked for your opinion? (Y/N)
 - Were you taken to resettlement site before the eviction? (Y/N)
 - Did you get enough time to relocate? (Y/N)
 - Did you relocate voluntarily? (Y/N)
 - Were goods/belongings destroyed/salvaged? (Y/N)
 - What goods were destroyed?
 - Was property and possessions left behind protected? (Y/N)
 - Were you forced to demolish your house or did you opt to do so?
 - Can you name any officials (police, municipality, local politician, etc.) who were involved in evictions
 - Was any livestock lost? (Y/N)
 - Which livestock (with numbers lost)?
 - Were documents destroyed? (Y/N)
 - Were you or your family members hurt? (Y/N)
 - What kind of injury?
 - How much did you spend for transportation to the resettlement site? Rs _____
 - Have any government officials visited you at the resettlement site?
 - Have they offered any assistance, relief?
 - Did you receive any compensation? (Y/N)
 - On what basis?

16. Did you have access to any remedial action for any violations that you suffered?
(Y/N)
17. (a) Was any special facility extended to the unwell/ disabled at the time of eviction?
(Y/N)
(b) Did eviction cause disruption of ongoing medical treatment? (Y/N)
18. Were members of the same extended family separated in the process of resettlement?
(Y/N)

D. Housing

1. What type of house did you have at the original site (eviction location)? (*kutcha/ pucca/ flat/ any other specifications*)
2. What was the size of rooms in your shelter at the original site? (1metre = 3.28 feet)
Room 1: _____metres x _____metres
Room 2: _____metres x _____metres
Room 3: _____metres x _____metres
Room 4: _____metres x _____metres
3. How long had you stayed at the original site?
4. Did you own the house or was it rented?
5. If you got just vacant plot:
a) How much did you pay for the *parchi* / registration
b) How much did you pay above the *parchi*?
c) How did you raise the money to build your house?
d) How much did it cost to build the house?
e) How much time did it take to build your house?
6. If you got a house at the resettlement site:
a) If not, how much did you spend to build / add to it?
b) How many years have you stayed in this house?
c) What is the current condition of the house?
d) Are you happy with your new house?

E. Accessibility/Location and Readiness of the Site

1. How far is the site from the present source of livelihood?

F. Participation and Information

1. Were you consulted on the eviction/relocation?
2. If yes, was any consideration given to your opinion?
3. Did you have access to data/documents?
4. Were you given adequate information on: (Y/N)
a) Location of site

- b) Timeline for its provision
c) Design/ material/ layout of the house
d) Nature of title – ownership/lease, collective/individual
5. If you were in charge of resettlement how would you do it? (Write short steps)

G. Access to Basic Services [use Y (yes) and N (no) for both Previous and New Resettlement]

Basic Services	Previous Location	Resettlement Site
1. Health		
1.1 Where do you go when you fall ill?		
(i) Primary Health Centre (PHC)		
(ii) Private Qualified Practitioner		
(iii) Local / Non-qualified Practitioner		
(iv) Home Remedy		
(v) Government Hospital		
1.2 How do you rate the available health services? (i) Very Good (ii) Good (iii) Average (iv) Poor (v) Very Poor		
1.3 How much do you spend (on average)? (Rs per month)		
2. Food		
2.1 Do you have a ration card?		
2.1.1 If no, why?		
2.1.2 Have you tried to get a ration card?		
2.1.3 Did you get back your ration card after it was deposited for change of address?		
2.1.4 How long did it take to get the address changed?		
2.1.5 Do you have a BPL card?		
3. Education		
3.1 How do children go to school?		

- If given a choice, would you have built the type of house that was given to you? Would you have preferred to build your own house?

II. If you were given only a plot and you built the house on your own

Material Used for Construction

- What material did you use for construction of the house?
- Is the material suitable to local weather conditions?
- Where did you get the material from?

Design of the House/ Site

- Is it *kutcha*/temporary or *pucca*/permanent?
- (a) Is it single-storied or multi-storied?
(b) How many floors does it have?
- How many rooms are there in the structure?
- Is there a separate kitchen? Is it in the house/ outdoors? Does it meet your cooking needs/ requirements?
- Do you sleep inside the house or out in the open? Why?
- In case you sleep in the open, do women feel safe?
- Do walls between houses go right up to the roof? Do they provide privacy from neighbours?
- How much space is there within the structure? Is the space adequate?
- Do women and adolescent girls feel they have enough privacy?
- Are there windows? Is there enough ventilation?
- Are you happy with your house?
- Would it have been better if you were provided a constructed house?

(i) Walk (ii) Cycle (iii) Bus (iv) Train (v) Other (specify)	
3.2 Has cost of transportation to school increased?	
3.3 Do you have to pay?	
3.3.1 How much fee do you pay? (Rs per month)	
3.4 Have you received any financial assistance for education?	
3.4.1 If yes, from who?	
3.5 Are you aware of/have utilised any government scheme for education?	
3.6 Were you provided compensation for new uniforms/books?	
3.7 How many children dropped out due to eviction/relocation? Why?	
3.8 How many girls dropped out due to eviction/relocation? Why?	
3.9 How many children in the family now go to school?	
3.10 How many girls in the family now go to school?	
3.11 What are the reasons for children not going to school?	
3.12 Would you like to mention any problem regarding education?	

H. Habitability

I. Did you receive a built/complete house as part of the rehabilitation package? (Y/N)

(If yes, please answer the following questions. If no, please skip to Section B below)

Material Used for Construction

- Do you have any complaint about the material used?
- What has been the response to your complaint?

Design of the House/ Site

- Do you sleep inside the house or out in the open? Why?

I. Livelihood and Income

- Is the resettlement site close to your source of livelihood?

If not,

1.1 How far do you have to travel? _____ kilometres

(km.)

1.2 How much time does it take? _____ hours

1.3 How much does it cost to commute daily? Rs _____

- How much compensation was received by your family?
- Who was the compensation paid to?
- Are you aware of any government compensation policy?
- Have you lost your job due to relocation?

6. Have women lost jobs /livelihoods/ home-based work due to relocation?
7. Have women received compensation as independent economic units?
8. Have income levels/real wages fallen/ risen/ remained the same at the new site?
9. Have you had to borrow money after relocation? Why?
10. Did you choose the new occupation because you cannot easily reach your old work place?
 - 10.1 What are the main reasons for changing employment/livelihood?
11. Is the layout of the site/design of the structure appropriate from the point of view of continuing livelihoods?

J. Perceptions on Human Rights

1. Do you feel any of your human rights have been violated in the process? Which ones?
 2. Do you believe that housing is a human right?
 3. Do you believe that the right to adequate rehabilitation is a human right? Why?
 4. What rights do you have at the resettlement site?
 5. How should human rights be protected in the future?
-

Annexure 2

Letter from YUVA to the National Human Rights Commission about Human Rights Violations in Vashi

Letter from YUVA to the National Human Rights Commission regarding Vashi Naka

December 08, 2008

To:
National Human Rights Commission
Faridkot House, Copernicus Marg,
New Delhi, PIN 110001
Tel.No. 2.3384012 Fax.No. 23384863

From:
Youth for Unity and Voluntary Action
52/53, Narepark Municipal School,
Opp Narepark Municipal Ground
Parel, Mumbai – 400 012

Sub: Requesting directives on resettlement in Mumbai.

Dear Sir/Madam,

Youth for Unity and Voluntary Action (YUVA), a voluntary development organization, was founded in 1984 to create access and enable process to a gamut of rights and opportunities for the marginalized, within the human rights framework. YUVA's mission is to empower the oppressed and the marginalized by facilitating their organizations and institutions towards building equal partnerships in the development process, and ensuring the fulfillment of the human right to live in security, dignity and peace. YUVA is accredited as an NGO with General Consultative Status with the United Nations Economic and Social Council (ECOSOC).

YUVA has been active in the issues of displacement and rehabilitation in Mumbai and was instrumental in the rehabilitation of those who were forcibly evicted at Babrekar Nagar in Mumbai. YUVA along with Tata Institute of Social Sciences (TISS) and Dignity International for the past two years has been engaged in an action research on the displacement and rehabilitation process in Mumbai specially looking into three projects, viz. Mumbai Urban Transport Project (MUTP), Mumbai Urban Infrastructure Project (MUIP) and Mithi River Development Project (MRDP).

The three projects together displace approximately 55,000 families and of them 30,918 families have been resettled in about 36 rehabilitation sites. More than 25,000 families will again be rehabilitated in the future (Statement of R&R as on 01.01.2008) (Annex 1). We have the following submissions to you.

- 1) The rights of the displaced people have been violated by discriminating them between rehabilitation policies in projects in Mumbai where those displaced under Mumbai Urban Infrastructure Project and Mithi River Development Project were denied facilities offered to Mumbai Urban Transport Project (MUTP). This is in direct contradiction to the NHRC recommendations and suggestions emerged at the National Conference on Relief and Rehabilitation of Displaced Persons organized by the National Human Rights Commission on 24-25 March 2008 in New Delhi. According to which all affected and displaced persons have the right to be treated with dignity. In particular, no arbitrary decision, without reasoning should be taken in the matters that affect their source of food, shelter and livelihood.

- 2) That the existing provisions in the rehabilitation policy is not being implemented resulting in the violations of rights guaranteed under the policy for livelihood restoration and reducing vulnerability.
- 3) That the adequate standards of living guaranteed including portable water and access to public distribution system is being violated and the rehabilitated people have no access to municipal services including solid waste management, street lighting, fogging etc.

1) Discrimination in the Rehabilitation Policy

Displacement cannot take place in the absence of just and adequate rehabilitation policies. While MUTP has a proper rehabilitation policy in place, MUIP and MRDP do not have a rehabilitation policy nor proper Rehabilitation Action Plan or Rehabilitation Implementation Plan. Though the displaced are being rehabilitated in the same rehabilitation sites, the displaced from MUIP and MRDP are being discriminated upon by not being given entitlements based on a policy.

While post rehabilitation services are an entitlement for MUTP, they are not for other projects. Assistance, including formation of housing cooperative societies is only restricted to MUTP. (MUTP office has a deputy registrar of Cooperative societies in its office catering to those who have been resettled under MUTP while the others have to go to their respective ward offices). In many cases people coming from different wards are resettled in a single building but do not have a single list. No assistance is being given to those rehabilitated under MUIP or MRDP. Community Development Activities including: a) Ration Card Transfer Campaign, b) Mahila Mandals, c) Saving and Credit Schemes, d) Training Programmes, e) Educational support, (f) Access to public transport, (g) Health programmes, (h) Integration into the local area administration system, (i) Income restoration activities, have only been entitled to MUTP affected households

While there are two Government Resolutions extending the facilities to MUIP and MRDP (Annex 2, 3), these have not been implemented.

2) Non implementation of the existing provisions of Rehabilitation Policy

The rehabilitation policy (Annex 4) clearly talks about travel compensation (12.a), Livelihood Compensation (12.b), Assistance to vulnerable households (12.c), Access to employment information and training, and Community operated fund (12.d) but these provisions has not been fulfilled.

Travel

The travel policy is meant to be a compensation for the increased travel due to rehabilitation. According to a study 'Staking a Claim' by TISS, YUVA, and Dignity International (Annex 5), more than 68% in MUTP, 77% in MUIP and 82% in MRDP have been resettled more than 5 kms away from their original place of residence. According to an impact assessment study of MUTP done for MMRDA by TISS, it is stated that the mean monthly household expenditure for travel has increased from Rs. 144 per month to Rs. 411/- per month (table 3.4, page 16, annex 6). The Impact Assessment Study has noted that rehabilitation has resulted in more than two thirds of the population travelling a longer distance, which is perceived to be a major financial liability (Annex 6, page 17). According to the study 'Staking a Claim', about 26% of the population has reported increase in travel time due to rehabilitation.

The travel policy has been arbitrarily changed without any consultation with the Project Affected Households (PAH) and converted into a fund which could only be used for maintenance and repairs of the building and is being given to the Cooperative Housing Societies. This has meant a change in the use of the fund and also the logic behind initiating such a fund.

The frequency of public transport system to and from Vashi Naka rehabilitation site, where more than of

category. According to the criteria for determining BPL, those with pucca houses from rehabilitation are not eligible to be included in the BPL category. This will rob the poor of the social security schemes of the government. Ration shops should also be opened in the rehabilitation sites based on the criteria – one ration shop for 4000 families or 800 -1000 ration cards. At present there are no Ration shops existing within the Vashi Naka, Chembur Rehabilitation Site and Lallubai Rehabilitation Site at Mankurd, Mumbai

Education: Access to health and education is one the most important issues of rehabilitation. According to the 'Staking the Claim' study, about 27% of the students have either dropped out or changed school. The study also says about 31% had increased travel time to school. According to Urban Development Plans Formulation and Implementation (UDPI) Guidelines, there should be a primary school for five thousand population and a secondary school for 7500 population (Annex 9)

The impact assessment study clearly documents the lack of school facilities at various rehabilitation centres (page 34). Playground should also be provided to young people in the settlement and schools according to existing guidelines. According to RGoB Standards, there should be one play ground per 5000 population.

Health: According to 'Staking the Claim' study, 21 % of those rehabilitated, have reported that illness has increased after shifting to the rehabilitation sites. Correspondingly, 20% have reported increase in health expenditure. The impact assessment study also points out the lack of health facilities. In Vashi Naka Rehabilitation site (Anik site) there are not enough public health facilities though Indian guidelines talk about an urban public health centre for a population of fifty thousand.

Quality of construction: The quality of construction in many buildings is below standard. The buildings have started crumbling and also have leaks in the roof, toilets etc. In some buildings, water seeps upto the third floor. The impact assessment study has pointed poor workmanship, leakages, seepages, cracks etc. This will result in the non viability of the buildings in the long term thus defeating the very purpose of rehabilitation.

The residents of Vashi Naka (Anik site) held an indefinite hunger strike demanding better facilities pointing out detailed issues of construction, leakage etc. (Annex 10- CD)

Conclusion

We request the NHRC to investigate the matter of human rights violations in the rehabilitation site of Vashi Naka and Lallubai compound, Mumbai. We especially request your intervention in ensuring the protection of the human rights to adequate housing, social security, and water, as well as the implementation of a non discriminatory policy in Mumbai. We hope that our requests will be considered and that NHRC will conduct an investigation in the rehabilitation sites, especially those where the maximum number of people have been relocated viz. Vashi Naka (Anik Site) and Lallubai compound and issue appropriate directives to the state government and the agencies concerned to redress the situation.

For more information on this matter, please contact:

Youth for Unity and Voluntary Action
53/2, Nare Park Municipal School
Opp. Nare Park Ground, Parel,
Mumbai – 400 012

of public transport in Mumbai for long distances) is very low. There is only one bus route connecting the railway station to the rehabilitation site

The data clearly states that the distance, expenditure and travelling time has increased and there is less connectivity and frequency of public transport in the rehabilitation sites.

Livelihood impact on vulnerable communities

The Rehabilitation Implementation manual for MUIP, while defining the vulnerability profile of the PAH defines it as – Persons above the age of 60 years, Persons in the BPL Category, Women headed households and physically challenged persons. (Annex 7, page 93). According to the objective of the rehabilitation policy of MUIP, "...displaced persons are assisted in improving or at least restoring their former living standards, income earning capacity and production levels; and to pay particular attention to the needs of poor resettlers in this regard."

The slum communities from which people are displaced are not homogeneous and often the place of work is near the place of residence. As displacement alters this relationship between work and residence and leads to increase in travel, the vulnerability is high for communities like footpath dwellers who have a different profile from that of those settled in slums.

The impact of displacement and rehabilitation have resulted in disproportionate impact on vulnerable sections like footpath dwellers who are in the BPL category (in terms of income).

According to the Impact study (page 19), out of the 15.3% vulnerable households, only 1% reported improvement in status while 9% have reported decline in status as a result of resettlement. About 9 % of those who live in the rehabilitation site earns less than Rs 2500/- per month. According to 'Staking a claim study' in Vashi Naka about 68% are still struggle while only 32% people are settled and no one has reported an increase in their socio economic status.

According to a study done by Railway Group, Development Planning Unit, University College, London (Annex 8, page 12), with the railway slum dwellers, relocation has resulted in debt and job loss. The increased cost of living has negatively impacted those communities who are in the 'razors edge of poverty'

Municipal services to be extended to rehabilitation sites

The rehabilitation sites are being considered as private layouts and municipal services including street light, solid waste management, general cleanliness including fogging, etc. are not extend to the sites. Multiplicity of agencies has resulted in shifting of blame on responsibility towards fixing issues regarding services. The lack of services is contributing to the lack of habitability of the rehabilitation sites.

Provision of Basic Services in Rehabilitation Sites

The provision of basic services in the rehabilitation centres is far from inadequate and this has contributed to increasing the troubles of the rehabilitated people.

Water: People have had to struggle and even block roads for getting drinking water. The duration of water supply is less than 2 hours per day. There is erratic water supply and people had to pay for water from water tankers. The water charges in the sites are higher than those in the slums thus increasing household expenditure on water. There is an urgent need to augment the capacity of water pipes in the area so that water pressure is not affected. The sudden influx of more than 50,000 people in an area has resulted in negative impact on water supply.

Ration Cards: The relocation of people to rehabilitation sites does not involve any betterment of their

Annexure 3

Minutes of a Meeting at the Mumbai Metropolitan Regional Development Authority (MMRDA) on Vashi Naka (in



MUMBAI METROPOLITAN REGION DEVELOPMENT AUTHORITY
मुंबई महानगर प्रदेश विकास प्राधिकरण

EMR Document\04\03\01\01\01\01

मुद्रा क्र.४ : रस्ताची दुसरी व डांबरीकरण : श्री.विजय सागवेकर यांनी सांगितले की, आर.श्री.मार्गापसून पुनर्वसन वसाहतीत जाण्यासाठी एकच रस्ता असून त्या रस्तावर ब-याचशा गाणी मोठमोठे खड्डे पडले असून येथ्या ४ वर्षांपासून सडर रस्त्याची दुरुस्ती केलेली नाही. व त्यापुढे रहिवाशांचो रीसोय होतो. श्री.निमजे, कार्यकारी अभियंता यांनी सांगितले की, सडर रस्त्याच्या दुरुस्तीच्या कामाचे अंदाजपत्रक बनवून मंजूरीकरिता पाठविले आहे. मंजूरी प्राप्त झाल्यानंतर सडर रस्त्याचे काम लगेच सुरु करण्यात येईल. मुद्रा क्र.५ : मिनी बस डेपो/शेवट : श्री.चंद्रमणी कदम यांनी सांगितले की, पुनर्वसन वसाहतीतील शेवटच्या बस थांब्यावर बस येईपर्यंत प्रवाशांना वाळजवळ १५ ते २० मिनिटे तांब रांगेत उरून पाहतात असे म्हणते. अशा वेळी आस-यासाठी साधे शेवटी नाही. मुख्य अभियंता यांनी सुचविले की, व्यवस्थापक, बोट यांना बस थांब्याच्या शेड/आच्छादनाच्या जोखिपची यथादार करवावे.

मुद्रा क्र. ६ : रस्त्यावरील दिवे : श्री.विजय सागवेकर यांनी सांगितले की, सडर वसाहतीत जाण्यासाठी संत कक्या मार्ग हा एकच रस्ता असून सडर रस्त्यावर खेळण्याच्या मैदानाजवळच्या मसला भागात रस्त्याच्या वेळेस प्रकाश दिवे उपलब्ध नाहीत. असा-या रस्त्री जो-याम-या इ.गोष्टी घडताहेत. श्री.विदकर, प्रमुख, पुनर्वसनंतर यांनी सांगितले की, आवश्यक असलेली रकम इ.स.२००५ मध्ये मुंबई महानगर पालिकेस मरण केली असून प्राधिकरणाने महानगर पालिकेस ब-याच वेळा खेळण्याच्या मैदानाजवळच्या रोडच्या मध्यास भागात दिवांचे खांब असे करण्याविषयी विनंती केलेली आहे. पुढे श्री.विदकर यांनी सांगितले की, महानगर पालिकेच्या संबंधित अधिकार्याकडे या गोष्टीचा पाठपुरावा करण्यासाठी प्राधिकरण आवश्यक ती मदत करेल.

मुद्रा क्र. ७ : डेरस यकती : श्री.चंद्रमणी कदम यांनी इमारतीचे गळीचे (डेरस) दुरुस्तीचे/वांटकुणचे काम सुरु करण्यासाठी विनंती केली. मुख्य अभियंता यांनी कार्यकारी अभियंता यांना परफॉरमन्स रॉटी तयारवायत व त्याप्रमाणे गळीची कामे करण्यास सुचविले.

मुद्रा क्र. ८ : पिठाची फिरवी : श्री.चंद्रमणी कदम यांनी स्पष्ट केले की, पुनर्वसन वसाहतीत आणि जवळपासच्या भरिस्तरत पिठाची फिरवी उपलब्ध नसल्यामुळे वसाहतीतील लोकांना आर.सो.मार्गावर चालत जाण्यास बराच वेळ खर्च करावा लागतो. श्री.निमजे कार्यकारी अभियंता यांनी सांगितले की, सडर कामाचे अंदाजपत्रक मंजूरीसाठी पाठविले असून मंजूरीनंतर लगेच काम सुरु केले जाईल.

मुद्रा क्र. ९ : खेळण्याचे मैदान : श्री.चंद्रमणी कदम यांनी खेळण्याचे मैदान उपलब्ध नसल्याचे

दि.१७/३/२००८

क्र.अवि/मुनाप्र/आनिक गाव/पु व पु/०८

प्रति,
श्री.विजय सागवेकर
एम.एम.आर.सी.ए. वसाहत नागरीक सेवा संघ,
मुंबई - ४०० ०७४.

विषय : उपरोक्त शासन मान्यताप्राप्त फेडरेशनला विद्यवासात घेवून काम करण्याबाबत.

संदर्भ : वरील विषयाबाबतचे आपले दिनांक - ८/१/२००८ चे पत्र.

महोदय,

संदर्भिय पत्रातील नमुद केलेल्या मुद्दांवर दिनांक ७/२/०८ रोजी मुख्य अभियंता यांच्या दलनामधे बँटक पार पडली. सडर बँटकीच्या कार्ययुक्ताचा वृत्तांचा सोबत जोडला आहे. माहितीकरिता सादर.

संकेत : अवि/मुनाप्र

आपला,

(सु.नि.निबन्धे)
कार्यकारी अभियंता

मुद्रदा क्र.१० : माध्यमिक शाळा : श्री.धिनय सागवेकर यांनी शाळीविषयी विचारणा केली असता मुख्य अभिप्राय यांनी सांगितले की, प्राथमिक शाळा अगोदरच प्रशासकीय अधिकारी (शाळा), यमपुर्वे विभागा, मुंबई महानगर पालिका यांना दिलेले असून ती जून २००८ पासून सुरु होईल तसेच माध्यमिक शाळेसाठी अंदाजे ३३७४ चौ.मी.क्षेत्रफळाच्या रिकामा प्लॉट असून त्याविषयीची शासन स्तरावर कार्यवाही चाढू आहे. श्री.सागवेकर यांनी वसाहतीतील मुलांना शाळेस प्रवेश घ्यायच्या देण्याविषयी प्राधिकरणाने मुद्याध्यापकशाळा यांना पत्राद्वारे कळवावे व ते प्राधिकरणाच्या अधिकाऱ्यांनी मान्य केले.

मुद्रदा क्र. ११ : शासकीय रुग्णालय : श्री.द्वंद्वनणी कदम यांनी सुचविले की, पुनर्वसन यशाहतीत किंवा जवळपासच्या परिसरात तात्काळतेळेवर रुग्णांना उपचार देण्यासाठी आरोग्य केंद्राची सुट्ट्या उपलब्ध असणे गरजेचे आहे. श्री.विदरकर, प्रमुख, पुनर्वसनोत्तर यांनी सांगितले की, प्राधिकरणाने महानगर पालिकेला याबाबत पत्राद्वारे कळविले असून बैठकीनंतर सदर पत्राची प्रत देण्यात येईल.

मुद्रदा क्र. १२ : मोफत रेल्वे पास : श्री.धिनय सागवेकर यांनी सांगितले की, संक्रमण शिबिरातून/दैनिकीतून कायम रस्त्याी सतनिकेत स्थलांतर होतेवेळेस आमहाल सांगितले होते की, कुटुंबामध्ये कामानोकराी करणाऱ्या प्रत्येकास मोफत रेल्वेपास देण्यात येईल. श्री.विदरकर, प्रमुख पुनर्वसनोत्तर यांनी सांगितले की, निचमामुसार प्रत्येक कुटुंबास आर्थिक नुकसान भरपाई म्हणून दिलेली आहे. याबुडे एखादी सुट रेल्वे प्रशासनाकडे मागावी

मुद्रदा क्र.१३ : काम सुटल्याची भरपाई : कामानोकराीच्या सुटल्याच्या बंदल्यात वर्कशेड देणार म्हणून प्राधिकरणाच्या अधिकाऱ्यांनी हा मुद्रदा अमाय केल्यामुळे यावर चर्चा होऊ शकली नाही.

मुद्रदा क्र. १४ : वसाहतीतील मुख्य नात्यातील गाळ उत्पत्तणे व दुसऱ्ती : पुनर्वसन वसाहतीचे क्षेत्र महानगरपालिकेस सुपुर्दे नसल्यामुळे, सदर क्षेत्रपरिसर दत्तक वस्ती सुधार योजनेखाली घेतले नाही. श्री.निमने, कार्यकारी अभियंता यांनी सांगितले की, महानगर आयुक्त यांनी दि. ३०/०१/२००८ रोजीच्या क्षेत्रमेट्रील (site visit) दिलेल्या आदेशानुसार पुनर्वसन इमारतीच्या आजूबाजूच्या मोठ्ठा परिसरात शाडू मारून स्वच्छ करायचे काम अगोदरच सुरु केले आहे. ही क्रिया यामुळे महानगरपालिकेने चाढू टेंवावी व त्यांस तैथील लोकांनी प्राधिकरणाे दिलेल्या कचरा पेटीच्या माध्यमातून सहकार्य करावे

धन्यवादासह बैठक संपली.

Annexure 4

Letter from YUVA to the Elected Representative Demanding Basic Services at Vashi Naka (in Marathi)



YOUTH FOR UNITY AND VOLUNTARY ACTION
२७ ०६ ०८

प्रति,
मा. श्रीमती रुक्मिणीनाई विखले स्वरुमोल
नगरसेविका, वाशी नाका येदूर-मुंबई - ४०००७४
विषय: महानगरपालिकेच्या सुविधा उपलब्ध होण्याबाबत...
महोदया,

'युवा' संस्था गेल्या २५ वर्षांपासून मात्र अधिकार अंतरात वसित
पवढीलित, महिला, सुनक आणि नंचित समाज घटकांबाबत त्यांच्या सामाजिक,
राजकीय आणि आर्थिक-शैक्षणिक विकासासाठी कार्यरत आहे.
सामान्यांचे कामकाज एक भाज मधून, इतरही गरीबांबाबत पुनर्वसित
सोबत वाचणे नाका येथे सामाजिक विकासासाठी एमएमआरडीए कॉलनी येथे
कार्यरत आहेत.

आपण, या विकासाचे प्रतिनिधित्व करीत असल्याने, मुंबई महापालिकेच्या
नामाधिक सुविधा अधिक मिळण्यासंदर्भात लक्ष वेधित आहोत.
खासगीकरणाने सुविधा उपलब्ध करून द्याव्यात.
१) एमएमआरडीए ने वसविलेल्या इमारतीमधील मलमिश्राण नलिका व
येथी टॅंक भरलेले आहेत. त्यामुळे धाण खांबीकडे पसरली जाऊन
योगदाई वाढण्याची शक्यता आहे. तेव्हा त्या साफ करून द्याव्यात.
२) खांडपणी गटरे व मले खुले आहेत त्यावर खांबी वसतावीत.
३) वृष्टींना व मुलांना बसण्याकरिता इमारतीच्या खाली सिमेंट बेंच
वसविण्यात यावीत.

४) एमएमआरडीए वशाहतीमध्ये महापालिका दख्खारवायाची सोय
उपलब्ध करून द्यावी

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YOUTH FOR UNITY AND VOLUNTARY ACTION

५) एमएमआरडीए कॉलनी मध्ये दहावी वरीत महापालिकेच्या शाळेची सोय
करावी, जेणेकरून गरीबांना मोफत शिक्षणाचा लाभ घेता येईल.
६) वेस्ट टर्फ एमएमआरडीए कॉलनी ते उच्च मार्गच्या बस केंद्राचा
क्याव्यात.

तरी, वरील मागण्यांसंदर्भात कार्यवाही व्हावी, ही निमंती.
साहकार्याच्या अपेक्षे सह!
धन्यवाद!

आपला विश्वासू,
श्री. जगदीश पाटणकर
युवा संस्था - संघटक

(Signature)
YUVA (www.yuvaindia.org)

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Housing and Land Rights Network (HLRN) is an integral part of the Habitat International Coalition (HIC). It works for the recognition, defence, promotion, and realisation of the human rights to adequate housing and land, which involves securing a safe and secure place for all individuals and communities to live in peace and dignity. A particular focus of HLRN's work is on promoting and protecting the rights of marginalised communities as well as the equal rights of women to housing, land, property and inheritance. HLRN aims to achieve its goals through advocacy, research, human rights education, and outreach through network-building at local, national and international levels. HLRN's South Asia office is located in New Delhi, India.

Youth for Unity and Voluntary Action (YUVA) is a voluntary development organization that was founded in 1984. YUVA focuses on creating access and enabling processes to a gamut of rights and opportunities within the human rights framework for the marginalised and vulnerable sections of society. YUVA's mission is to empower the oppressed and the marginalised by facilitating their organizations and institutions towards building equal partnerships in the development process, and ensuring the fulfilment of the human right to live in security, dignity and peace.

This collaborative report is part of a three-city human rights assessment of resettlement sites in India – Savda Ghevra, Delhi (Report One); Kannagi Nagar, Chennai (Report Two); and, Vashi Naka, Mumbai (Report Three).

In this report, HLRN and YUVA present the findings of a comprehensive study of Vashi Naka, Mumbai. The study uses the human rights framework to analyse the eviction process that preceded the relocation of families to Vashi Naka as well as the housing and living conditions in the resettlement site. The report makes specific recommendations to the Government of Maharashtra to improve living conditions in Vashi Naka; to address policy gaps and failures of the resettlement process in the state; and, to incorporate human rights standards in law and policy related to housing, land and resettlement, to ensure the realisation of the human rights of urban poor communities across the state.



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COMPARATIVE ANALYSIS OF THE THREE RESETTLEMENT SITES



HOUSING AND LAND RIGHTS NETWORK
Habitat International Coalition – South Asia

Comparative Analysis of the Eviction Process that Preceded Relocation to the Three Resettlement Sites

[Source: UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)]

PARAMETER	SAVDA GHEVRA (Delhi)	KANNAGI NAGAR (Chennai, Tamil Nadu)	VASHI NAKA (Mumbai, Maharashtra)
FULFILLMENT OF THE OBLIGATIONS OF THE STATE AND DUTY BEARERS			
1. States shall ensure that evictions occur only in exceptional circumstances... Any eviction must be: (a) authorized by law; (b) carried out in accordance with international human rights laws... (Paragraph 21)	'Exceptional circumstances' were not established for any of the evictions in Delhi, Mumbai and Chennai. Many of the evictions were not authorised by law. The state governments did not comply with international human rights law.		
2. States must adopt legislative and policy measures prohibiting the execution of evictions that are not in conformity with their international human rights obligations. (Paragraph 22)	India does not have a comprehensive national law or policy prohibiting evictions; neither do the states of Maharashtra, Tamil Nadu and Delhi.		
PROCEDURES TO BE FOLLOWED PRIOR TO EVICTIONS			
3. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement... "Eviction-impact" assessment should also include exploration of alternatives and strategies for minimizing harm. (Paragraph 32)	No "eviction impact" assessments were carried out prior to evictions in the three cities.		
4. Urban... development processes should involve all those likely to be affected and should include the following elements: (a) appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings... (b) effective dissemination by the authorities of relevant information in advance... (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) ... (Paragraph 37)	Authorities did not engage in any official process for public consultation or provide affected persons with adequate information. About 70% of the survey participants did not receive any information about the location or other details about Savda Chevra. According to 92% of the respondents, the government did not organise any consultations with the communities. Ninety-three per cent of the respondents were not asked for their opinion on the resettlement process or the site; 99% of the respondents had not seen the site before resettlement. The Delhi government did not comply with these requirements before any of the evictions in Delhi.	Of those surveyed, 92.6% stated that they were neither consulted about the process, nor was their opinion heard. The study finds that 97.3% of the respondents did not receive any details about the resettlement plans, including location of the site, design / size of the houses, and the housing scheme. No public hearings were conducted to share plans or to hear the opinions of the people. Of those surveyed, 89.66% claimed that they were forced to relocate.	Forty per cent of the respondents had no access to data / documents related to the process of resettlement and rehabilitation, and only half of the respondents felt that they were provided adequate information about the design, material and layout of the alternative house they were to receive. Fifty-eight per cent of the respondents were not consulted on issues related to eviction / relocation.
5. State should explore fully all possible alternatives to evictions. Prior to any decision to initiate eviction, authorities must demonstrate that the eviction is unavoidable and consistent with international human rights commitments. (Paragraph 38 and 40)		The evictions in Chennai were not required. The "India Urban Poverty Report" (2009) states that Chennai needs only around 2.43 to 3.2% of the city's land area to provide housing to all residents of urban settlements.	Neither the state government nor any of the project implementing agencies followed these guidelines in Mumbai.

	PARAMETER	SAVDA GHEVRA (Delhi)	KANNIAGI NAGAR (Chennai, Tamil Nadu)	VASHI NAKA (Mumbai, Maharashtra)
6.	Evictions should be announced in writing in the local language to all individuals. Eviction notice should include full justification of the decision, including details of the proposed alternatives. (Paragraph 41)	Fifty-six per cent of the respondents did not receive any notice prior to the demolition of their homes. Only 43% of the respondents received an official notice, but the notice did not provide any reason for the eviction or details of proposed alternatives. Twenty-four per cent of the respondents were verbally informed about the impending eviction, while 25% of the respondents received no information at all.	Only 40.6% of the respondents received legal notices of the proposed eviction. The notices were not issued to individuals separately, but only to community leaders. Others received verbal information from officials. Neither the reason for the eviction nor the details about the proposed alternatives were mentioned in the eviction notice.	Almost 79% of the respondents received an eviction notice issued by the authorities, while 3% learned about the eviction from NGOs.
PROCEDURES TO BE FOLLOWED DURING EVICTIONS				
7.	... the mandatory presence of government officials or their representatives on site during evictions. The officials must identify themselves and present formal authorization for the eviction. (Paragraph 45)	Eighty-nine per cent of the respondents stated that no government official visited their sites before or during the eviction. Seventy-seven per cent of the respondents declined to name any official involved in the eviction process.	About 25% of the respondents mentioned that police officials were involved in the eviction process, while 73.6% of them said that politicians along with officials of the land owning department were present during the eviction process.	About three-fourths of the respondents reported that government officials were present and involved in the process of eviction.
8.	Neutral observers, including regional and international observers, should be allowed access upon request... (Paragraph 46)	No neutral observers were present at any of the sites during the eviction process.		
9.	Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of the affected. (Paragraph 47)	About 8% of the households reported incidents of injury to family members during the eviction process. The injured persons did not receive any compensation or medical aid from the government. Respondents reported violations of human rights during the eviction process. No special measures were taken to protect the rights of women, children and persons with disabilities.	The respondents felt that their human rights were violated during the eviction process, as the entire process was based on coercion and against the free will of the individuals.	Ninety-two per cent of the respondents stated that persons with disabilities and those who were unwell did not receive any special care or facilities during the process of eviction and relocation. Two per cent of the respondents reported injury in their family during the eviction and relocation process. Forty-two per cent of the respondents felt that their human rights were violated.
10.	Evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections or during or just prior to examinations. (Paragraph 49)	The Delhi government carried out demolitions and forced evictions during extreme weather conditions, including the hot summer of May, the rains of July and the cold winter of December. Evictions took place prior to school examinations and also during religious festivals.	Thirty-eight per cent of the evictions in Chennai were carried out during the mid-academic year and 14% of the evictions occurred during the monsoons.	Evictions were carried out throughout the year; no consideration was given to weather conditions or timing of school or college examinations.

PARAMETER	SAVDA GHEVRA (Delhi)	KANNAGI NAGAR (Chennai, Tamil Nadu)	VASHI NAKA (Mumbai, Maharashtra)
11.	States and their agents must take steps to ensure that no one is... arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction. (Paragraph 50)	Fifty per cent of the respondents stated that household articles were destroyed during the eviction process. Seventy-five per cent of the respondents lost vital documents. Fifteen per cent of the respondents reported having lost all their possessions.	About one-fourth of the respondents reported some form of destruction and loss of their possessions during the process of relocation. Twelve per cent of the respondents reported loss of documents.
PROCEDURES TO BE FOLLOWED AFTER EVICTIONS			
12.	...competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood services; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. States should also ensure that members of the same extended family or community are not separated as a result of the evictions. (Paragraph 52)	The Delhi government did not provide immediate relief to any of the evicted families. The 'eligible' families were immediately shifted to the resettlement site, which was completely barren and had no basic infrastructure. Several extended families and communities were separated, as they were not allotted plots together.	Most of the respondents reported that at the time of resettlement, they did not have any access to water, transport, street lights, police security, health services, community halls, and recreational centres at Vashi Naka. Twenty-three per cent of the respondents stated that their extended family members were separated from them after the process of relocation, as they were resettled to a different site.
13.	...all evicted persons who are wounded and sick, as well as those with disabilities, should receive the medical care and attention they require to the fullest extent possible, without distinction on any non-medically relevant grounds... Special attention should be paid to (a) the health needs of women and children... (b) ensuring that ongoing medical treatment is not disrupted as a result of eviction or relocation... (Paragraph 54)	After the evictions, the respondents reported that they were unable to access healthcare facilities because of the non-availability of government healthcare facilities within the settlement.	Twenty-two per cent of the respondents shared that they had to face disruption in their ongoing medical treatment, as result of eviction and relocation.
14.	The actor proposing and/or carrying out the resettlement shall be required by law to pay for any associated costs, including all resettlement costs (Paragraph 56 c)	No financial assistance was provided to the families for relocation. Families reported being made to relocate in garbage trucks.	The state did not pay for relocation costs. Forty-three per cent of the respondents had to incur an expenditure of more than Rs 900 for transportation to the resettlement site, while 30% of them reported spending between Rs 300 to 600.

PARAMETER	SAVDA GHEVRA (Delhi)	KANNAGI NAGAR (Chennai, Tamil Nadu)	VASHI NAKA (Mumbai, Maharashtra)
REMEDIES FOR FORCED EVICTIONS			
15. All persons... subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation... (Paragraph 58)	<p>The state has not protected the right of access to timely remedy of any of the evicted/relocated persons in Delhi, Chennai or Mumbai. Grievance redress mechanisms are also not available to any of the affected persons.</p> <p>All efforts to improve living conditions at the site have been undertaken by community-based organizations at the sites and civil society organizations working with them.</p>		
16. Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case (Paragraph 60)	<p>None of the respondents received any compensation from the state for the loss of their homes, vital documents and personal possessions or for lost income, education and health.</p>	<p>None of the respondents received any compensation from the state for the loss of their land, homes, common property resources and personal possessions, or for lost income, education and health.</p>	<p>Ninety-seven per cent of the respondents reported that they did not receive any compensation from the government authorities for losses incurred during the eviction process.</p>

Comparative Analysis of the Implementation of Human Rights Standards at the Three Resettlement Sites

SOURCE	PARAMETER	SAVDA GHEVRA (Delhi)	KANNAGI NAGAR (Chennai, Tamil Nadu)	VASHI NAKA (Mumbai, Maharashtra)
1. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991)	Legal Security of Tenure – All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. [Paragraph 8 (a)]	Plots have been given to families on a conditional ten-year lease; they do not have ownership rights over the plot. The conditional lease (2006 – 2016) is only for the plot of land and not for the house that families have built on it.	The government has not provided long-term legal security of tenure in the form of sale deeds over housing and land to any of the residents. The residents are provided with an 'allotment order' that does not ensure security of land tenure. The various conditionality clauses in the allotment order further increase the vulnerability of the relocated communities.	The tenure security is in the form of a title deed for the flat, which is in the joint name of the husband and wife in the family. As per the title deed they can transfer or sell the flat, only after ten years and after due permission from the authorities.
2. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991)	Availability of Services – An adequate house must contain certain facilities essential for health, security, comfort and nutrition. There must be sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services. [Paragraph 8 (b)]	There is still no piped water supply at the site; water is delivered daily through tankers. Sanitation and waste management facilities are inadequate. While electricity meters have been installed, bills are inflated and inaccurate. With a population of about 55,000 people, Savda Ghevra has only one primary health centre, and the services provided are poor. There are only seven schools in the site. Residents complain of overcrowding in the classrooms and a very high student to teacher ratio; some classes have 80 students with one teacher. About 42% of the residents still do not have ration cards under the Public Distribution System (PDS) for subsidised food. Food grains are not available at the PDS shops.	Water quality is an issue of concern. The site lacks adequate sanitation services; residents complain of stagnant water, garbage and unhygienic conditions. Kannagi Nagar has a population of over 80,000, but there is no government healthcare centre within the settlement. Only one private healthcare unit exists, but the doctors are not regular. Kannagi Nagar has only four government schools, which cater to around 2,000 children of the nearly 15,700 children in the age group of 6-18 years in the settlement.	The tenements have piped water but it is not sufficient to meet the needs of the residents. Sanitation facilities are inadequate. The site has several open and blocked drains. Vashi Naka has only one primary health centre for a population of about 32,000, which provides only referral services and not medicines. The only school in the area is a primary school; there are no facilities for higher education near the site. The subsidised ration / Public Distribution System shops at the site do not provide food grains to the residents. Thus, residents have to buy food grains at a much higher price in the nearby market.
3. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991)	Affordability – Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. [Paragraph 8 (c)]	The registration fee for the allotment of each plot was Rs 7,000. Eleven per cent of the respondents reported being forced to pay an additional amount (bribe) – an average of Rs 6,770 per family. About 75% of the respondents reported taking loans to build a permanent house, as required by the government. This increased the indebtedness of families.	Each relocated family has to pay Rs. 150 to Rs 250 as monthly instalment for the house for a period of 20 years. This amounts to Rs 36,000-60,000 per family, which is a great economic burden on the families. Even though many residents lost their jobs as a result of relocation, the fear of cancellation of allotment forced them to avail loans at higher rates of interests so they could pay their monthly installments. This study also reveals that 90.6% of those surveyed had increased debts after the relocation process	Since the developer's period of guarantee for the tenements is over, the residents' society has to pay for and take responsibility for maintenance of the tenements and buildings, which is a matter of concern for the residents. The average monthly maintenance cost is about Rs 200 – 300 per family.

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4. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991)	<p>Habitability – Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors. The physical safety of occupants must be guaranteed as well. [Paragraph 8 (d)]</p> <p>Accessibility – Adequate housing must be accessible to those entitled to it. Disadvantaged groups, including persons with disabilities and older persons, must be accorded full and sustainable access to adequate housing resources. [Paragraph 8 (e)]</p>	<p>Each resettled family received a plot of land – either 12.5 square metres (135 square feet) or 18 square metres (195 square feet) in size. The lack of financial assistance from the government has resulted in the construction of small and inadequate houses; most families have built one-room structures. Poor sanitation facilities have led to residents building septic tanks under their homes. The houses do not have attached toilets; this is most difficult for women.</p> <p>A large percentage of evicted families were not resettled, as they failed to meet the 'eligibility' criteria of the Delhi government. The Delhi Urban Shelter Improvement Board (DUSIB) further placed two conditions to retain plot allotment: (i) Beneficiaries had to build a permanent brick structure within three months of allotment; and, (ii) Beneficiaries had to be found residing in the house at the time of inspection. DUSIB reportedly sealed and demolished homes that did not meet the above criteria.</p> <p>The site is located 30–40 kilometres from the residents' original sites of habitation. This resulted in loss of livelihoods because of inadequate public transportation facilities and increased travel cost and time, and subsequently led to a loss of income and deterioration in the standard of living of the residents. The site is very far from hospitals and institutions of higher education.</p>	<p>Each family received a built flat ranging from 195 to 235 square feet (and 310 feet for JN-NURM houses) in three-storied buildings. The size of the flats is too small for each family to live comfortably. The house design consists of a single multi-purpose room, which does not allow for privacy or adequate space. The kitchen is too small and not conducive for cooking.</p> <p>The accommodation consists of flats in three-storied structures. Thus, accessibility for persons with disabilities, older persons, pregnant women, young children, and women who need to carry water to the higher floors is a serious issue of concern.</p> <p>The site is located 15–25 kilometres from the original places of habitation of the communities. This study indicates that 79.3% of the respondents lost their employment immediately after the relocation to Kannagi Nagar because of the distance of the site from their original place of habitation and work. The site is far from schools and hospitals, including maternity healthcare centres.</p>	<p>Each resettled family received a flat of 225 square feet in size in a seven-storied building. Residents complain of water seepage, especially during the monsoons, in the tenements and the wall of the building. The tenements are already showing signs of disrepair and damage. Adequate space has not been provided between the tenements. The small flats are not able to accommodate joint families. Women and adolescent girls complain of the lack of privacy. The flats do not have adequate ventilation or light.</p> <p>The families have been allotted flats in multi-storied buildings, which have seven floors each. The buildings have elevators, which reportedly do not function properly all the time. This most severely impacts persons with disabilities, older persons, children and women, especially pregnant women.</p> <p>For 40% of the respondents, Vashi Naka is located more than nine kilometres from their places of work. The nearest hospital is located at a distance of three kilometres. There is no secondary school near the site.</p>
5. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991)				
6. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991)	<p>Location – Adequate housing must be in a location which allows access to employment options, food, healthcare services, schools, childcare centres and other social facilities. [Paragraph 8 (f)]</p>			

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14.	<p>The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013)</p> <p>Each affected family shall be given a one-time "Resettlement Allowance" of fifty thousand rupees only. [The Second Schedule, No. 10 (3)]</p>	<p>None of the resettled families received any financial support / "resettlement allowance" from the authorities.</p>		
15.	<p>The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013)</p> <p>A reasonably habitable and planned settlement would have, as a minimum, the following facilities and resources, as appropriate...</p> <ul style="list-style-type: none"> • Proper drainage as well as sanitation plans executed before physical resettlement. • One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government of India. • A reasonable number of Fair Price Shops. • (...) suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities. • Facilities for sanitation, including individual toilet points. <p>[The Third Schedule, Nos. 1, 2, 3, 6, 11, 13]</p>	<p>At the time of relocation, the site was devoid of any housing or infrastructure. Roads and electricity connections were provided gradually. There is still no piped water supply or adequate sewerage network. Using community toilets is very expensive and in the absence of any state-provided sanitation services, the residents either clean the drains themselves or hire private contractors.</p> <p>Only two Fair Price Shops exist at the site and do not provide adequate services.</p> <p>Transportation services to the site are not adequate, especially at night.</p>	<p>The site did not have adequate basic services and infrastructure facilities when the families were relocated.</p> <p>There is no piped water supply in the tenements and women have to collect water from common taps and carry it up to their homes. Sanitation and waste management facilities are inadequate; uncollected garbage and stagnant sewage water can be found in the site.</p>	<p>Vashi Naka is devoid of amenities such as sewerage and drainage networks, proper roads, street lights, and sanitation and garbage disposal facilities. The site has several open and blocked drains.</p> <p>Although piped water is available in the tenements, it is not sufficient to meet the needs of the residents.</p> <p>Residents have to buy food grains at a much higher price in the nearby market because the Fair Price Shops at the site do not provide food grains.</p>

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16. National Rehabilitation and Resettlement Policy (2007)	Whenever it is desired to undertake a new project or expansion of an existing project, which involves involuntary displacement of four hundred or more families in plain areas... the appropriate Government shall ensure that a Social Impact Assessment (SIA) study is carried out in the proposed affected areas... [Chapter IV, Section 4.1]	No Social Impact Assessment was carried out for any of the eviction and resettlement projects in Delhi.	Of the 15,656 houses, a common environment and social impact assessment report was prepared only for the 5,166 houses constructed under the World Bank funded Emergency Tsunami Reconstruction Project (ETRP) by a private firm named IL&FS Ecosmart Ltd.	Impact assessments were carried out by academic institutions after the resettlement, but no assessment was done prior to the resettlement by the state or project implementing agency.
17. National Rehabilitation and Resettlement Policy (2007)	Each affected below poverty line family... which has been involuntarily displaced from such area, shall be entitled to a house of minimum fifty square metre carpet area in urban areas... Any affected family which opts not to take the house offered, shall get a suitable one-time financial assistance for house construction... [Chapter VII, Section 7.2 and 7.3]	The affected families did not receive a built house. The allotted plots were either 18 square metres (195 square feet) or 12.5 square metres (135 square feet) in size. No financial assistance was provided to build houses.	The size of the flats that people received ranges from 195 square feet (18 square metres) to 310 square feet (29 square metres).	In Vashi Naka, the size of the house provided to all residents is 225 square feet (21 square metres).
18. National Urban Housing and Habitat Policy (2007)	... This Policy seeks to assist the poorest of the poor who cannot afford to pay the entire price of a house by providing them access to reasonably good housing on rental and ownership basis with suitable subsidization. [Paragraph 1.30]	Residents of Savda Ghevra were made to pay Rs 7,000 per family for plot registration. The government did not provide any financial assistance or subsidies for house construction; residents had to take loans to build their own houses.	Of those surveyed, 90.6% reported increased debt after the relocation process. The payment scheme for the house has contributed to increasing the economic burden on the community.	After relocation many residents had to take loans to meet their daily expenses, to pay medical bills, to pay children's education among others.
19. National Urban Housing and Habitat Policy (2007)	The National Urban Housing and Habitat Policy aims at... addressing the special needs of women headed households, single women, working women and women in difficult circumstances in relation to housing serviced by basic amenities. [Section II, Paragraph xvii]	Sufficient attention has not been paid to the special needs of women. Their human rights to adequate housing, work / livelihood, health, security and privacy have been violated.		

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20. National Urban Housing and Habitat Policy (2007)	The State Government would (in consultation with Urban Local Bodies)... act as a facilitator and enable in collaboration with ULBs / parastatals / Private Sector / Co-operative Sector / NGOs with regard to Integrated Slum Development Projects as well as Integrated Township Development Projects. Further, the State Government will ensure suitable flow of financial resources to potential EWS/LIG beneficiaries as well as undertake viability gap funding of large housing and habitat development projects. [Section III, Part 3.2, Paragraph ii]	The government has not taken any steps to facilitate linkages with the community and other agencies. No Urban Local Bodies (ULBs) are working at the site. While a few NGOs continue to work in Savda Ghevra, the community has formed a Self Help Group to address issues of poor governance and lack of delivery of services. The government has not taken adequate measures to provide housing for Economically Weaker Sections (EWS) and Low Income Groups (LIG) in Delhi.	The state government formulated a High Level Committee (by Government Order (MS) No. 117; dated: 26.08.2011, Housing and Urban Development (SC 1 (2)) Department) to address gaps in resettlement housing projects in Chennai. This committee, however, has not engaged in regular monitoring of progress in the settlements. There is an absence of community-based participation mechanisms in the decision-making process related to resettlement housing projects in Chennai. The government has not taken adequate measures to provide housing for EWS / LIG in Chennai.	The Project Implementing Agency (PIA) has not taken adequate measures to address this issue. Residents have formed their own Community-based Organizations (CBO), which have been raising issues of non-compliance of the R&R policy, but the PIA and the Urban Local Body have not paid much attention to the demands and concerns of the CBO. The government has not taken adequate measures to provide housing for EWS / LIG in Mumbai.
21. National Urban Housing and Habitat Policy (2007)	The Policy gives primacy to provision of shelter to the urban poor at their present location or near their work place... [Section V, Part 5.8, Paragraph vi]	None of the residents received resettlement near their original homes. Savda Ghevra is located 30–40 kilometres from the residents' original sites of habitation.	Kannagi Nagar is located very far from the original sites of habitation of the communities; the distance ranges from 15–25 kilometres. This study reveals that 79.3% of the respondents could not commute and, therefore, lost their employment immediately after the relocation.	Almost three-fourths of the respondents stated that Vashi Naka is not situated close to their places of work / livelihood sources. For almost half of the respondents, the distance from Vashi Naka to their work place is more than seven kilometres.
22. National Urban Housing and Habitat Policy (2007)	Only in cases, where relocation is necessary on account of severe water pollution, safety problems on account of proximity to rail track or other critical concerns relocation of slum dwellers will be undertaken. In such cases, special efforts will be made to ensure fast and reliable transportation to worksites. [Section V, Part 5.8, Paragraph vij]	Relocation of the affected families was not necessary. The Delhi government carried out most of the evictions without a clear reason. Many evictions were merely carried out for 'city beautification.' None of the evictions were for a 'public purpose' project. Relocation occurred on the basis of a government scheme ('Sites and Services' programme of the Delhi government). The limited hours of operation of buses restrict accessibility and most severely impact women.	Relocation of the affected families was not necessary. The reasons for evictions include construction of parks to 'beautify' the city, implementation of projects like the Mass Rapid Transit System (MRTS), and de-silting of the river bed.	While specific transportation and infrastructure projects were cited as the reason for relocating people in Mumbai, the actual reasons seem to be to remove the urban poor from city centres and to convert the land use for profitable ventures for the elite.

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23. National Urban Housing and Habitat Policy (2007)	<p>"The State Government would (in consultation with the Urban Local Bodies) prepare the State Urban Housing and Habitat Policy (SUHHP) and take all necessary steps for implementation of the same."</p> <p>[Section III, Part 3.2, Paragraph vii]</p> <p>Integrated Child Development Services (ICDS) / anganwadi centre (AWC) norms: For Rural/Urban Projects: *400-800 people: 1 AWC 800-1600 people: 2 AWCs *Thereafter in multiples of 800, 1 AWC</p>	Delhi does not have a SUHHP.	In the State of Tamil Nadu, there is still no SUHHP in place	The Government of Maharashtra developed a State Housing and Habitat Policy in 2007, but it has no provisions for the residents of Vashi Naka.
24. Ministry of Women and Child Development, Government of India		The site has 18 ICDS centres, and one crèche and two learning centres that are managed by NGOs. Given the population of the site (9,500 – 10,000 families), the requirement is for about 60-70 ICDS centres.	The site has 19 ICDS centres for a population of almost 16,000 families, as opposed to a requirement of 80-90 centres.	Vashi Naka has only 12-15 ICDS centres, which are not sufficient to meet the needs of the children living at the site. The population of Vashi Naka is 32,000, and thus the number of required ICDS centres is 40.
25. National Food Security Act (2013)	"Every person belonging to priority households, identified under sub-section (1) of section 10, shall be entitled to receive five kilograms of food grains per person per month at subsidised prices specified in Schedule I from the State Government under the Targeted Public Distribution System." [Chapter II, Clause 3.(1)]	There are only two PDS shops at the site, which do not provide adequate grains.	The PDS shops are not adequate and the women complain of inadequate availability of food grains.	The PDS shops at the site do not provide food grains to the residents.

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

Given persistent reports of inadequacies of the process of urban resettlement from across India, HLRN, in collaboration with its partners, conducted a human rights assessment of three large resettlement sites: Savda Ghevra, Delhi; Kannagi Nagar, Chennai; and, Vashi Naka, Mumbai. HLRN worked with Information and Resource Centre for the Deprived Urban Communities (IRCDUC) in Chennai; Youth for Unity and Voluntary Action (YUVA) in Mumbai; and, local organizations, including Society for Participatory Integrated Development (SPID), in Delhi.

This compendium consists of:

- Reports of the three resettlement site studies (*Report One: Savda Ghevra, Delhi; Report Two: Kannagi Nagar, Chennai; and, Report Three: Vashi Naka, Mumbai*); and,
- Conclusions and recommendations of the human rights assessment along with a comparative analysis of the eviction process and living conditions in the three resettlement sites.

HLRN and its partners present recommendations to the central and state governments for a human rights-based housing and resettlement framework. HLRN hopes that this publication will help towards improving housing and living conditions in India, and developing an alternative paradigm of urbanisation that enables the creation of inclusive and equitable cities. The state must ensure the realisation of the 'right to the city' of all residents, which includes the right to democratic participation in the development of the city through the full exercise of citizenship and the right to an equal share of its benefits and spaces. It is only through the guarantee of everyone's 'right to the city' that the human rights to adequate housing, land, work / livelihood, security of the person and home, education, food, water, health, participation, information, equality, and a healthy environment will be realised.



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