

# FORCED TO THE FRINGES

Disasters of 'Resettlement' in India

SAVDA GHEVRA, DELHI



HOUSING AND LAND RIGHTS NETWORK  
Habitat International Coalition – South Asia

**Title and Suggested Citation**

***Forced to the Fringes: Disasters of 'Resettlement' in India. Report One: Savda Ghevra, Delhi. Housing and Land Rights Network (New Delhi: 2014).***

New Delhi, June 2014

ISBN: 978-81-902569-6-4

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**Design and Printing**

Aspire Design, New Delhi

**Published by**

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Disasters of 'Resettlement' in India

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REPORT ONE: **SAVDA GHEVRA, DELHI**



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Habitat International Coalition – South Asia

# Acknowledgements

Housing and Land Rights Network (HLRN) is extremely grateful to the many people who contributed to the successful completion of the study in Savda Ghevra:

- The residents of Savda Ghevra, who contributed their time during the administration of the household surveys, the data collection process, and Focus Group Discussions (FGDs). Without their patience, contribution and support, this study could not have been undertaken.
- Awadhesh Yadav of Society for Participatory Integrated Development (SPID) for his assistance throughout the study, and for being available to answer questions.
- The survey and data collection team - Ruby Khan, Renu Singh, Pooja Jha, Siddhartha Sharma, Rukhsana Haqu, Kiran Prakash, and Shabana Arif, with special thanks to Ruby Khan for guiding the HLRN team during site visits and organising FGDs as per the requirements of the study.
- Mohammed Vakil and Jaanu Nagar of Ankur Society for Alternatives in Education, for providing valuable insights and information about Savda Ghevra.
- Abdul Shakeel, Shanta Devi and Farid Bhuyan, for their assistance with various tasks.

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

<b>ASHA</b>	Accredited Social Health Activist
<b>ASI</b>	Archaeological Survey of India
<b>BPL</b>	Below Poverty Line
<b>CESCR</b>	Committee on Economic, Social and Cultural Rights
<b>DDA</b>	Delhi Development Authority
<b>DJB</b>	Delhi Jal Board
<b>DTC</b>	Delhi Transport Corporation
<b>DUSIB</b>	Delhi Urban Shelter Improvement Board
<b>EMI</b>	Equated Monthly Instalment
<b>EWS</b>	Economically Weaker Sections
<b>FGD</b>	Focus Group Discussion
<b>FPS</b>	Fair Price Shop
<b>GMR</b>	GMR Varalakshmi Foundation
<b>HH</b>	Household
<b>HLRN</b>	Housing and Land Rights Network
<b>HRAH</b>	Human Right to Adequate Housing
<b>ICDS</b>	Integrated Child Development Services
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>JJ</b>	<i>Jhuggi Jhopri</i> (tenement / house in an urban settlement)
<b>MCD</b>	Municipal Corporation of Delhi
<b>MDG</b>	Millennium Development Goal
<b>MLA</b>	Member of the Legislative Assembly
<b>MPD</b>	Master Plan for Delhi
<b>NBC</b>	National Building Code
<b>NCT</b>	National Capital Territory (of Delhi)
<b>NGO</b>	Non-government Organization
<b>NOC</b>	No Objection Certificate
<b>NRRP</b>	National Rehabilitation and Resettlement Policy
<b>PDS</b>	Public Distribution System
<b>PHC</b>	Primary Health Centre
<b>RTI</b>	Right to Information
<b>SHG</b>	Self Help Group
<b>SPID</b>	Society for Participatory Integrated Development
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>USD</b>	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.<sup>1</sup>

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.<sup>2</sup>

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.

Housing in Delhi: Census of India 2011 <sup>3</sup>	
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](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](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 questionnaires<sup>4</sup> 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,<sup>5</sup> 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.<sup>6</sup> 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.

<sup>4</sup> See Annexures 1–3 of this report for the questionnaires used for the study.

<sup>5</sup> 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](http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf)

<sup>6</sup> 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>

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.
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.<sup>7</sup>

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.

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<sup>7</sup> *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](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,<sup>8</sup> the majority (84%) were relocated during 2006 and 2007.

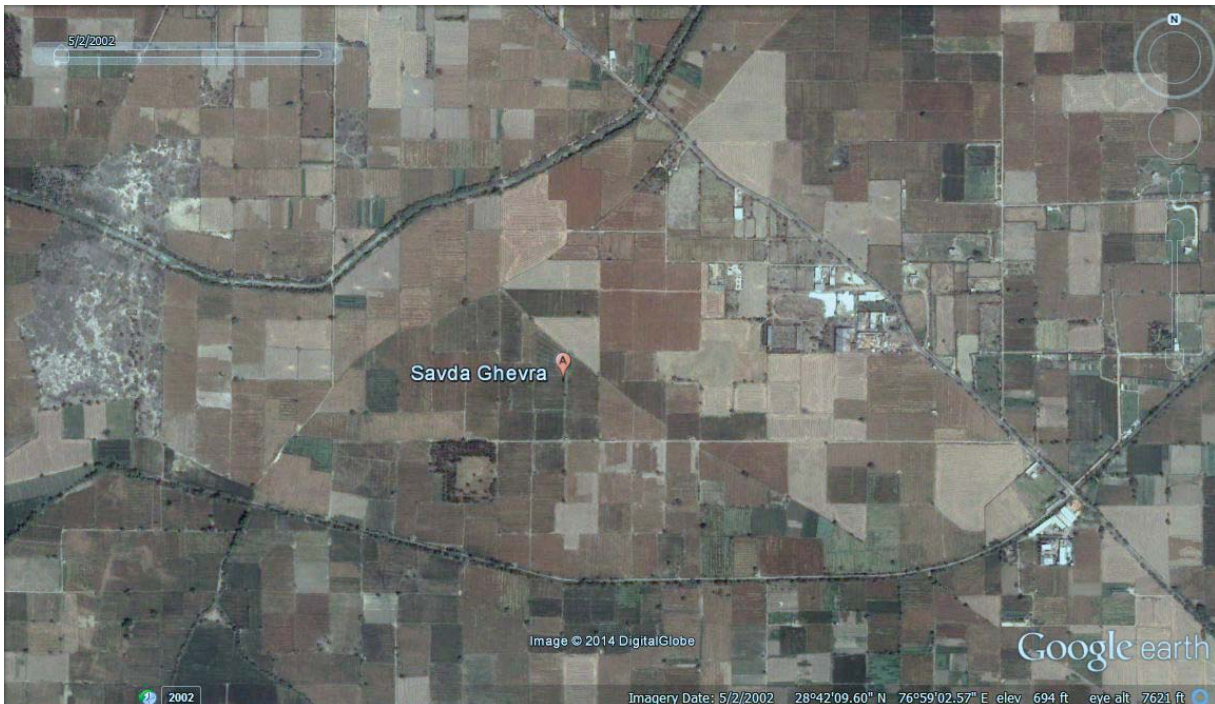
**TABLE 1: YEAR-WISE RESETTLEMENT DATA**

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

<sup>8</sup> 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



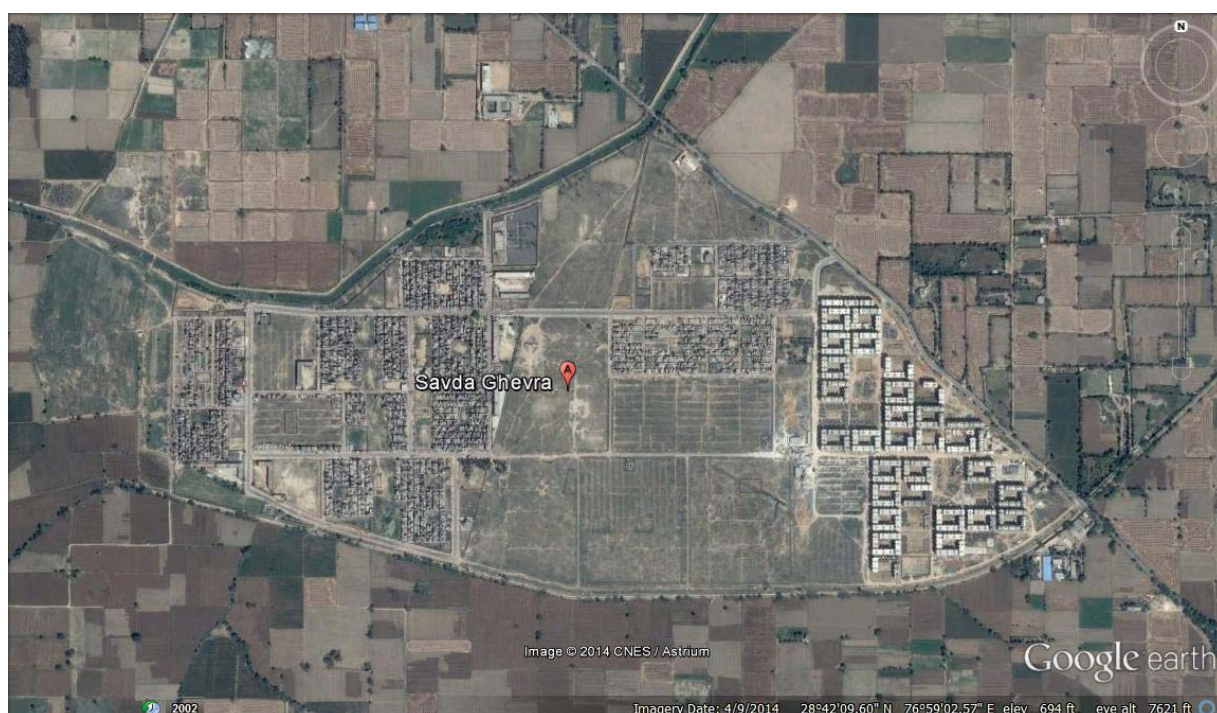
2006



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.

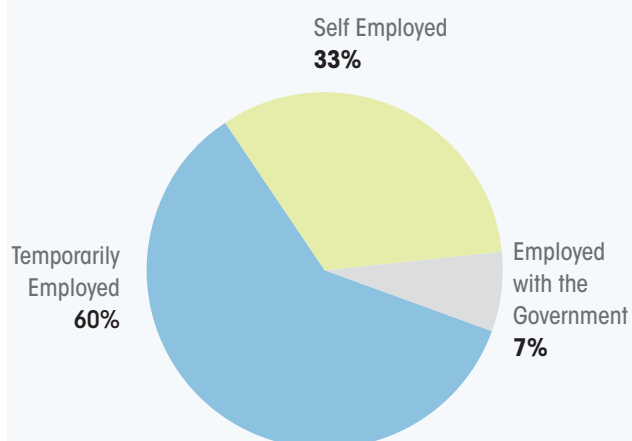
As highlighted during the survey, people had been living at their original sites of habitation in Delhi—from where they were evicted—for 10 to 50 years. The majority of them were well settled and had access to basic amenities. Many respondents claimed to have been born in the settlement from where they 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.

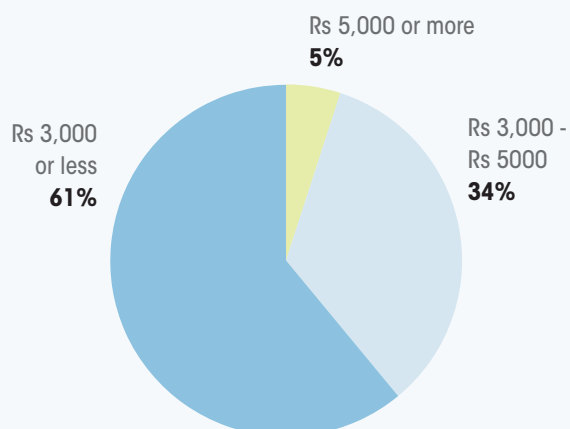
The literacy rate among the respondents was reported at 70.30%, of which only about 27% of the population has received education up to the secondary or matriculation level. Literacy among women is 61%. Nine per cent of the population reported having completed school up to class ten.

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)<sup>9</sup> 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.



<sup>9</sup> 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.”<sup>10</sup>

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.”<sup>11</sup>

The United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement<sup>12</sup> [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

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.unhchr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+Comment+7.En?OpenDocument](http://www.unhchr.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](http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf)

and proportional; (e) regulated so as to ensure full and fair compensation and rehabilitation; and (f) carried out in accordance with the present guidelines. The protection provided by these procedural requirements applies to all vulnerable persons and affected groups, irrespective of whether they hold title to home and property under domestic law.

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

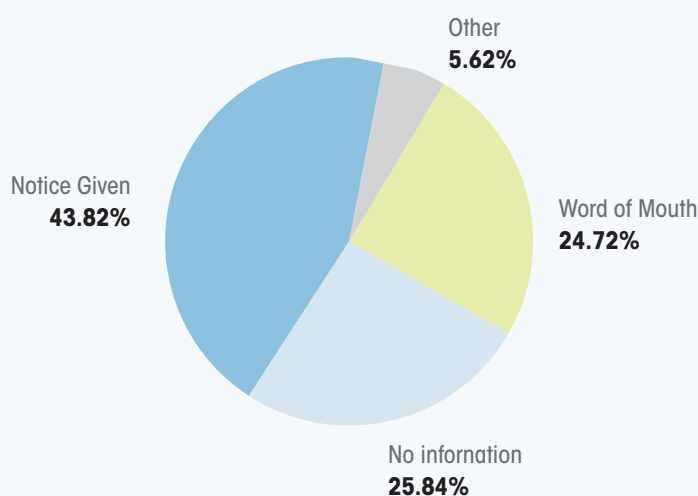
## b) Eviction Notice

### 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

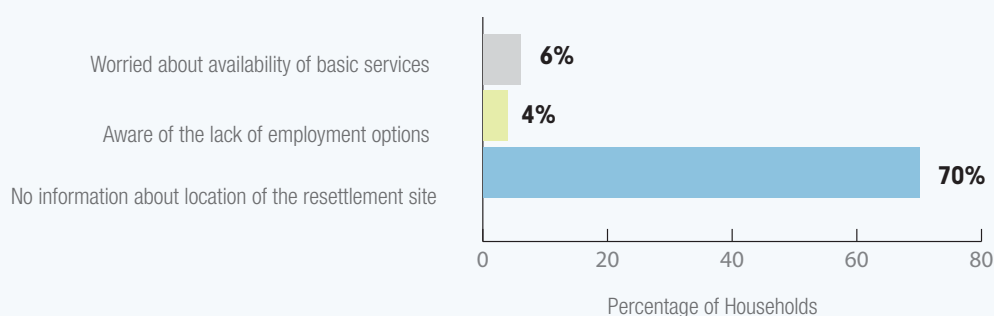
### UN Basic Principles and Guidelines on Development-based Evictions and Displacement

- 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.

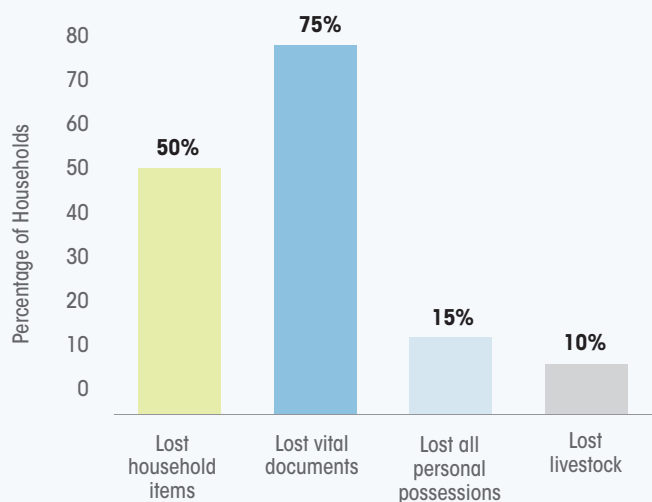
**International Covenant on Civil and Political Rights, Article 17.1:** No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

### 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 Raghurpur 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'<sup>13</sup> 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.

<sup>13</sup> 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,'<sup>14</sup> 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 licensor.

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 31.12.1998<sup>15</sup> 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 Owning 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.

<sup>14</sup> 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](http://delhishelterboard.in/main/?page_id=128)

<sup>15</sup> 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%.<sup>16</sup>

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
Dhalao (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
Basti Vikas Kendra (community development centre)	100 square metres
Religious Site	100 square metres
Police Post	100 square metres
Health Centre	100 square metres
Shishu Vatika (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.*,<sup>17</sup> 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...

<sup>16</sup> 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>

<sup>17</sup> *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.*,<sup>18</sup> 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.<sup>19</sup> 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](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.<sup>20</sup>

## 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).<sup>21</sup>

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

<sup>21</sup> 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;<sup>22</sup>
- 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.

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

*"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*



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](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.

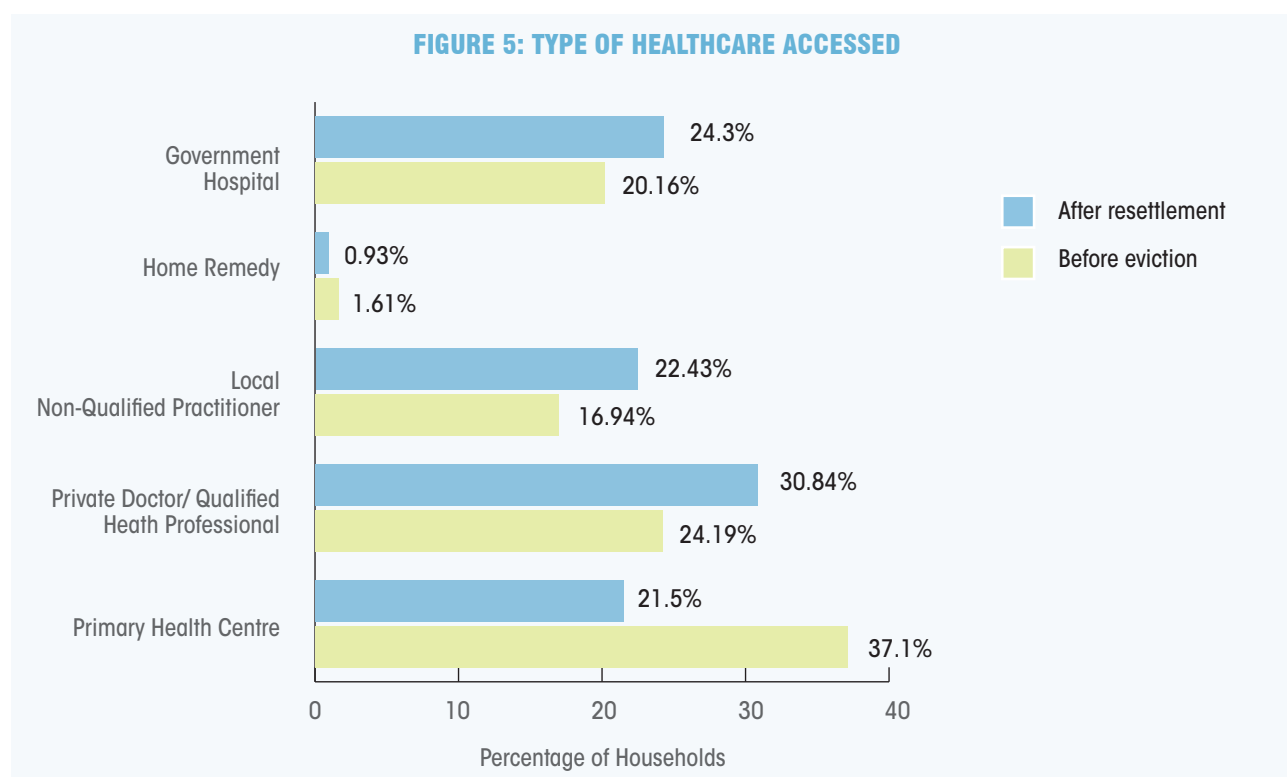
#### UN Basic Principles and Guidelines on Development-based Evictions and Displacement

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 Ghevra<sup>24</sup> 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

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

visit the site regularly and does not provide proper medication. Moreover, the doctor reportedly has exhibited 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)<sup>25</sup> 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



<sup>25</sup> 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 paise<sup>26</sup> 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.

<sup>26</sup> 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.

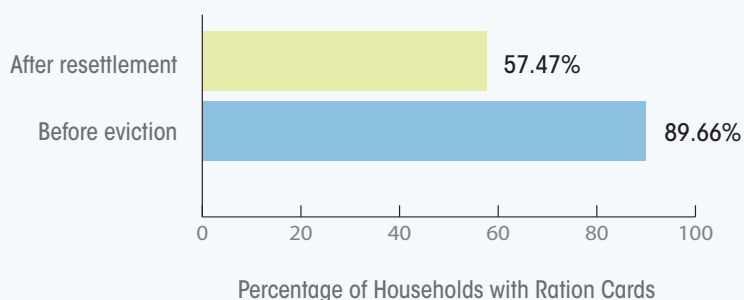
### iii) Access to Food

The survey reveals that in their original places of residence, about 90% of the families had ration cards<sup>27</sup> 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.

<sup>27</sup> 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/AAY.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

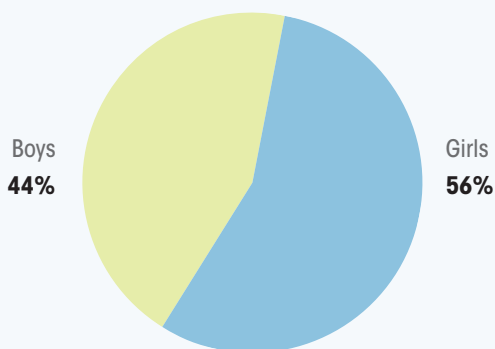


The survey finds that about 21% of the children, from the families interviewed, have dropped out of school after shifting to Savda Ghevra. Of them, about 4% reportedly stopped studying because of the perceived poor quality of education, while the others are not attending school because of problems related 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,

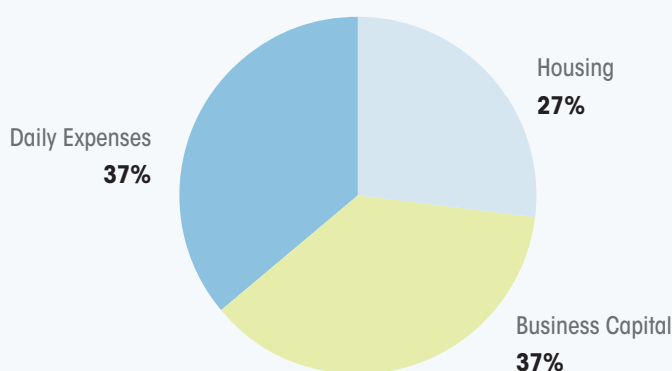
Since the average paying capacity of residents and neighbouring communities in Savda Ghevra is limited, vendors, petty shop owners, and others reported that they do not find enough customers. People who were earlier working in factories have not been able to find suitable jobs that match their skills 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*<sup>28</sup> 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.

<sup>28</sup> 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.<sup>29</sup>
2. The recent decision of the Delhi government<sup>30</sup> 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.

<sup>29</sup> In particular, see paragraphs 60–68 of the UN Guidelines.

<sup>30</sup> '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>

4. The frequency of buses needs to be increased, and buses need to ply to the site at night as well, in order to 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.<sup>31</sup> 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.

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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](http://www.hic-sarp.org)



## 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**

1. Name of the Respondent: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. Contact Number: \_\_\_\_\_

4. 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?
- (a) Were you consulted about the resettlement? (Y/N)  
(b) Were you asked for your opinion? (Y/N)  
(c) 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)
- (a) Were goods/belongings destroyed/salvaged? (Y/N)  
(b) What goods were destroyed?  
(c) 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  
(a) Was any livestock lost? (Y/N)  
(b) Which livestock (with numbers lost)?
- Were documents destroyed? (Y/N)
- (a) Were you or your family members hurt? (Y/N)  
(b) 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?
- (a) Did you receive any compensation? (Y/N)  
(b) On what basis?
- Did you have access to any remedial action for any violations that you suffered? (Y/N)
- (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)
- 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? (1 metre = 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  
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 Location and Resettlement Site]

Basic Services	Previous Location	Resettlement Site
<b>1. Health</b>		
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)			
<b>2. Food</b>			
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?			
<b>3. Education</b>			
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

5. Name of the Respondent \_\_\_\_\_
6. Organisation/Association of the Respondent \_\_\_\_\_
7. Additional identity \_\_\_\_\_
8. Address of associated office \_\_\_\_\_
9. Contact No. \_\_\_\_\_

#### B. General Profile of the Eviction Site/ Previous Settlement

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

#### C. Notification and Eviction

19. What kind of notice were you given (tick/ circle)  
(a) written (b) oral (c) no notice (on spot)
20. At what level was the notice served  
(a) each household (b) community level
21. How many days before the eviction was the notice given?
22. What was the reason for the eviction/ relocation?
23. Was there a public hearing?

24. Did your community receive any information for 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

7. 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:  
a) What is the size of the plot?  
b) Did the allottees have to pay for it? (Y/N)  
c) i. How much did you pay?  
ii. What were the payment terms?
9. In case of the constructed structure, when was the possession given?

#### E. Security of Tenure

1. Have you been given any title over the plot/ house? (Y/N)
2. If yes, is it a lease or ownership?
3. How many years is it for?
4. (a) In whose name has the title been given?  
(b) Does it recognize joint ownership by men and women? (Y/N)
5. Has there been discrimination against women-headed households?
6. 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					
<b>2. Water</b>					
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 <b>water tankers</b> , 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?			
<b>3. Sanitation</b>			
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 <b>community toilets</b> 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?			
3.3.13 Is 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 <b>individual toilets</b>			
3.4.1 Flush toilet or pit toilet?			
3.5 Is there proper <b>drainage/ sanitation</b> ?			
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?			
<b>4. Health</b>			
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?		
<b>5. Food</b>		
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?		
<b>6. Education</b>		
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 Resettlement 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

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

##### II. Design of the House/ Site

- i. Were the communities consulted in the design of the house?
- ii. Is it *kutcha*/temporary or *pucca*/permanent?
- iii. Is it multi-storied?
- iv. How many rooms are there in the structure?
- v. Are the rooms partitioned?
- vi. (a) Is there a separate kitchen?  
(b) Is it in the house/ outdoors?

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

- vii. (a) Is there any flooring?  
(b) What kind of flooring is there?

viii. How much space is there between two rows of houses?

- ix. (a) Do walls between houses go right up to the roof?  
(b) Do they provide privacy from neighbours?

x. Do women and adolescent girls feel they have enough privacy?

- xi. (a) How much space is there within the structure?  
(b) Is the space adequate?

xii. Where do you dry clothes?

- xiii. Are there windows? Is there enough light and ventilation?

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

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

#### F. Post Eviction Action

1. Did government compensate for the economically assessable damages suffered during/due to eviction? (Y/N)
2. (a) Has there been any evaluation survey by government department? (Y/N)  
(b) If yes, (i) when \_\_\_\_\_ (ii) by whom \_\_\_\_\_

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## Annexure 4

### Registration Slip for a Plot at Savda Ghevra

**दिल्ली नगर निगम**  
स्वयं एवं जे० जे० विभाग  
कार्य नं० ५५५

अध्याय २ खण्ड २ (ए)  
समय/अ कार्य नं. ५

आज की 172 Rajiv Gandhi Camp T-110 21 क्रमांक **A 45866**  
पत्रा से स्वयं एवं जे. जे. विभाग, दिल्ली  
नगर निगम के लिए नीचे उल्लिखित राशि प्राप्त हुई है और इसे उसके/उनके खाते में जमा कर दिया जाएगा :-

मांग व समाहरण पंतीका संदर्भ	मुनतान का विवरण	रुपये	पैसे
	CASH RECEIVED TOWARDS SECURITY & L. FEE FOR 10 YEARS (RS. SEVEN THOUSAND ONLY)	7000-00	
योग (शब्दों में)		7000	

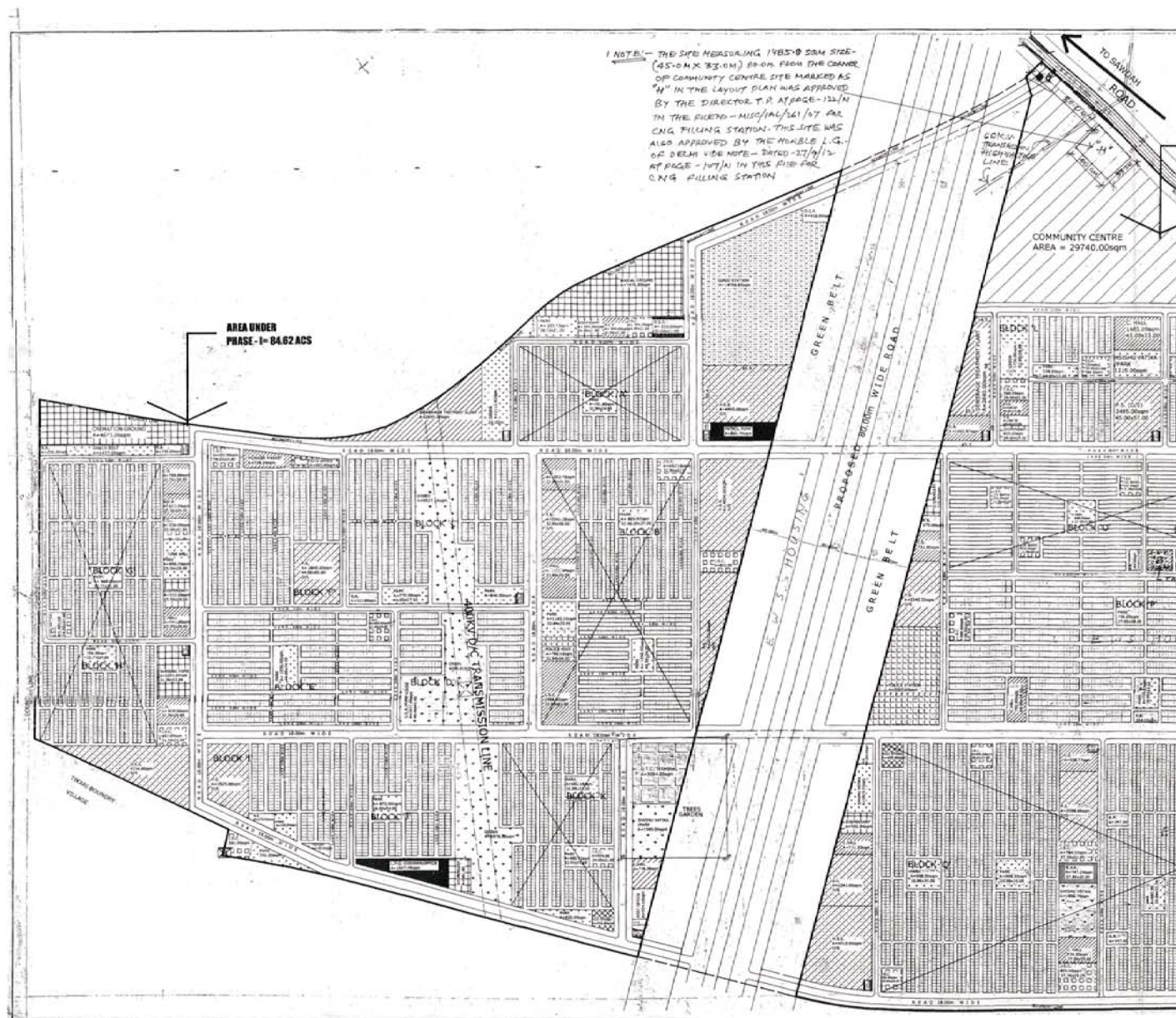
मुनतान की तिथि 19/2/07  
दैनिक आरोही योग  
(कालम I तथा दैनिक योग के कालम को कंपनी मिकार्ड वाली कालम की प्रति में ही भरना चाहिए)

रस 10 श्री के हस्ताक्षर

६. १. स्वयं एवं जे. जे. १००० निगम के द्वारा १०० रुपए प्रति प्लॉट के लिए २००७

## Annexure 5

Government of Delhi Site Plan for Savda Ghevra (2007)



**NOTE:**

- 1) EARLIER APPROVED UP-LAY PLAN HAD BEEN PROVISION OF 9,938 PLOTS OF 18.00sqm AREA, AND 10,864 PLOTS OF 12.50sqm AREA. AND APPROVED FOR EXECUTION BY THE PLANNING & WORKS BOARD IN ITS MEETING HELD ON DR DATED 25.04.2008. ITEM NO. 37/2006 SUBJECT TO APPROVAL OF THE PROPOSAL BY THE STANDING COMMITTEE OF M.C.D.
- 2) THE FOUR TYPES OF PRIMARY SCHOOLS IN PHASE-I LAND MEASURING 2940.00sqm 2414.28sqm 2772.00sqm & 3,252.00sqm RESPECTIVELY HAS BEEN ALLOTTED/POSSESSION TO THE DY DIRECTOR OF EDUCATION (NARAJAPUR ZONE) M.C.D. VIDE LETTER NO.F.MSC.06/05/AN/2006D-128 129.
- 3) THE THREE TYPES OF SR. SECONDARY SCHOOLS (DS) IN PHASE-I LAND MEASURING 4234.00sqm,4884.00sq. & 4,468.00sqm RESPECTIVELY HAS BEEN ALLOTTED/POSSESSION TO THE DY DIRECTOR OF EDUCATION (ESTATE) IN C.T.D. VIDE NO.F.MSC.09/05/AN/2006D-125 126 & 127 DATED 18.05.2006.
- 4) THE 12 TYPES OF PRIMARY SCHOOLS IN PHASE-I LAND MEASURING 2940.00sqm 2414.28sqm 2772.00sqm & 3,252.00sqm RESPECTIVELY HAD OVERLAP WITH SHARMA D.O. NARAJAPUR ZONE M.C.D. DR DATED 18.05.2006. VIDE NO.F.MSC.06/05/AN/2006D-128 129.
- 5) PROPOSED UP-LAY PLAN FOR DEVELOPMENT OF SQUATTERS RELOCATION PLOTS AT SANDA GHEVRA, JAJMD WAS APPROVED BY THE STANDING COMMITTEE OF M.C.D. VIDE RESOLUTION NO. 455 DATED 20.12.2006.
- 6) PROPOSED UP-LAY PLAN FOR DEVELOPMENT OF SQUATTERS RELOCATION SCHEME IS SLIGHTLY MODIFIED WITH REFERENCE TO REDUCE 16,000 PLOTS IN PHASE-I, AND ADJUSTMENT OF POLICE POST, POLICE STATION AND D.T.C. TERMINAL STOPS AT SUITABLE LOCATIONS AS SUGGESTED BY THE STANDING COMMITTEE. THE APPROVAL OF THE MODIFICATION HAS BEEN GIVEN BY THE ADDL. COMMISSIONER (SALIA) VIDE NOTING DATED 14.07.07. PAGE NO. SR.N FILE NO. F.MED. 11/1/2007/07 PHOTO COPY PLACED IN FILE NO. FAP 3/272465 (ARCHIVE) / 2003 ( MAIN FILE ) AT PAGE NO. 700 TO 720. SECOND IN SHEED.
- 7) NAME OF THE OFFICER (S) WHOM SCHEME HAS BEEN RESPECTIVELY MODIFIED (CHANGES OF PLOTS) IN PHASE-I OF SANDA GHEVRA SCHEME HAS BEEN APPROVED BY THE D.Y.D. VIDE HIS NOTING DATED 14.07.07. PHOTO COPY PLACED IN FILE NO. FAP 3/212461 (ARCHIVE) / 2003 (MAIN FILE) AT PAGE NO. 720 TO 740.

**LEGEND**

NOTE: 1. MODIFICATION IN THE LAYOUT PLAN WITH REGARD TO INTERCHANGE OF SITE AND REVISION OF PLOTS AS LISTED IN THE MINUTES OF PLANNING & WORKS BOARD MEETING HELD ON 14.06.2018. 2. MODIFICATION IN THE LAYOUT PLAN CARRIED OUT IN PHASE I & II. PHASE I & II OF THE SCHEME 2 INDAURUM FOR CONSTRUCTION OF 8700 HOMES WOULD BE TAKEN UP SEPARATELY. 3. MODIFICATION IN THE LAYOUT PLAN REGARDING 5 V.I. HOUSING IN EARLIER PROPOSED HO.MI.OB. ROAD, BLOCK-P, BLOCK-G & PHASE I & II FOR DETAIL REGRD. DRG. NO. 14, 15, 16 & 17 DRG. NO. 1066.

3. MODIFICATION IN THE LAY-OUT PLAN REGARDING  
# 43 HOUSING IN EARLIER PROPOSED 40' 0" WIDE ROAD,  
BLOCK-P, BLOCK-G & 4 PHASE FOR DETAIL REFER  
DRG-NO: 14, 15, 16 & 17 JOB NO: 2066.

LEGEND	
	COMMUNITY CENTER, L.R.C. & 4th STREET GARAGE
	COMMUNITY HALL & L.R.C.
	N.E.L. & P.E.
	N.A.
	HOSPITAL, WASHINGTON, PROTESTANT CLERGY, & SYNAGOGUE
	P.W. OFFICE, TELEPHONE, & 1ST SYNAGOGUE, PRIVATE P.W. RECEPTION
	L.R.C.
	GIRL SCOUT & TENEMENT
	GIRL SCOUT & L.R.C.
	P.W. HOSPITAL & P.E. GARAGE
	SYNAGOGUE (DIAGONAL LINE PATTERN)
	EXECUTIVE BUILDING, NATIONAL CENTER
	PARK, KINDERGARTEN, CHURCH STREET, G.C., & P.W. HOSPITAL, 1ST P.W. OFFICE
	12.50 sq. ft.

PLANNING CELL SLUM &amp; J. J.

**TOTAL AREA OF SITE**  
(Including proposed Area of Greenbelts  
and under existing path, Temple & Greenbelt  
AREA UNDER PROPOSED 30' HIGH WIDE ROAD  
AND GREEN BELT.

**NET AREA UNDER SCHEM.**

705.0 AC (298.65 AC)  
= 13.95 AC (34.65 AC)  
= 61.17 AC (225.18 AC)

PAGE 1	
AREA UNDER PULSE 1	34.84 SEC (18.0002)
NO. OF PULSES 18.0000	18.00
AREA UNDER 18.0000 PULSES	672.9120000
NO. OF PULSES 18.0000	6.40
AREA UNDER 18.0000 PULSES	10.00000000
TOTAL PULSE	700
TOTAL AREA UNDER PULSES IN PAGE 1	10000.00000000
PAGE 2	
AREA UNDER PULSE 18	6.80 SEC (18.0002)
NO. OF PULSES 18.0000	18.00
AREA UNDER 18.0000 PULSES	6.800000000
NO. OF PULSES 18.0000	6.80
AREA UNDER 18.0000 PULSES	6.800000000
TOTAL PULSE	18.00
TOTAL AREA UNDER PULSES IN PAGE 2	6.800000000
PAGE 3	
AREA UNDER PULSE 1, 2, 3	6.80 SEC (18.0002)
NO. OF PULSES 18.0000	18.00
AREA UNDER 18.0000 PULSES	6.800000000
NO. OF PULSES 18.0000	6.80
AREA UNDER 18.0000 PULSES	6.800000000
TOTAL PULSE	18.00
TOTAL AREA UNDER PULSES IN PAGE 3	6.800000000

AND ARTERIOGRAPHIC INJECTION PHASE - 1	
AND ARTERIOGRAPHIC INJECTION PHASE - 2	- 47000 Sheper
AND COMMUNITY OUTPAT CLINIC	
AND DRUGS TEST PHASE 1 (2)	- 665.0000
AND DRUGS TEST PHASE 2 (2)	- 666.0000
AND DRUGS TEST PHASE 3 (2)	- 667.0000
AND DRUGS TEST PHASE 4 (2)	- 668.0000
AND DRUGS TEST PHASE 5 (2)	- 669.0000
AND DRUGS TEST PHASE 6 (2)	- 670.0000
AND DRUGS TEST PHASE 7 (2)	- 671.0000
AND DRUGS TEST PHASE 8 (2)	- 672.0000
AND DRUGS TEST PHASE 9 (2)	- 673.0000
AND DRUGS TEST PHASE 10 (2)	- 674.0000
AND DRUGS TEST PHASE 11 (2)	- 675.0000
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AND DRUGS TEST PHASE 14 (2)	- 678.0000
AND DRUGS TEST PHASE 15 (2)	- 679.0000
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AND DRUGS TEST PHASE 94 (2)	- 758.0000
AND DRUGS TEST PHASE 95 (2)	- 759.0000
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AND DRUGS TEST PHASE 98 (2)	- 762.0000
AND DRUGS TEST PHASE 99 (2)	- 763.0000
AND DRUGS TEST PHASE 100 (2)	- 764.0000

<b>TOTAL AREA DRYING CHURN, PROTECTIVE SMALL PLOTS</b>	<b>= 2,012.74 m<sup>2</sup></b>
AREA UNDER BRIDGE AND LAMES IN PHASE - I & II	= 2,070.64 m <sup>2</sup>
AREA UNDER BRIDGE & LAMES IN PHASE - III	= 2,045.72 m <sup>2</sup>
<b>TOTAL AREA DRYING BRIDGE AND LAMES</b>	<b>= 2,018.37 m<sup>2</sup></b>
<b>SECURITY ACQUIRED IN PHASE - I &amp; II</b>	<b>= 200.42 m<sup>2</sup> PER SEC / 11,27.20 PER ACCT V</b>
<b>SECURITY ACQUIRED IN FOUR TRANSECT PLANTS IN PHASE - III</b>	<b>= 200.42 m<sup>2</sup> PER SEC / 1,103.32 PER PER-SEC</b>
<b>FINAL TOTAL SECURITY ACQUIRED IN ALL PHASES</b>	<b>= 200.42 m<sup>2</sup> PER SEC / 1,103.32 PER PER-SEC</b>

REVISED LAY- OUT PLAN FOR RELOCATION  
SCHEME AT SAWDA GHEVRAH VILLAGE

## RE-REVISED LAY- OUT PLAN

DWG NO. <u>1</u>	JOB NO. <u>20</u>
SCALE - 1:2000	DATE - 30.04.2007

**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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ISBN: 978-81-902569-6-4