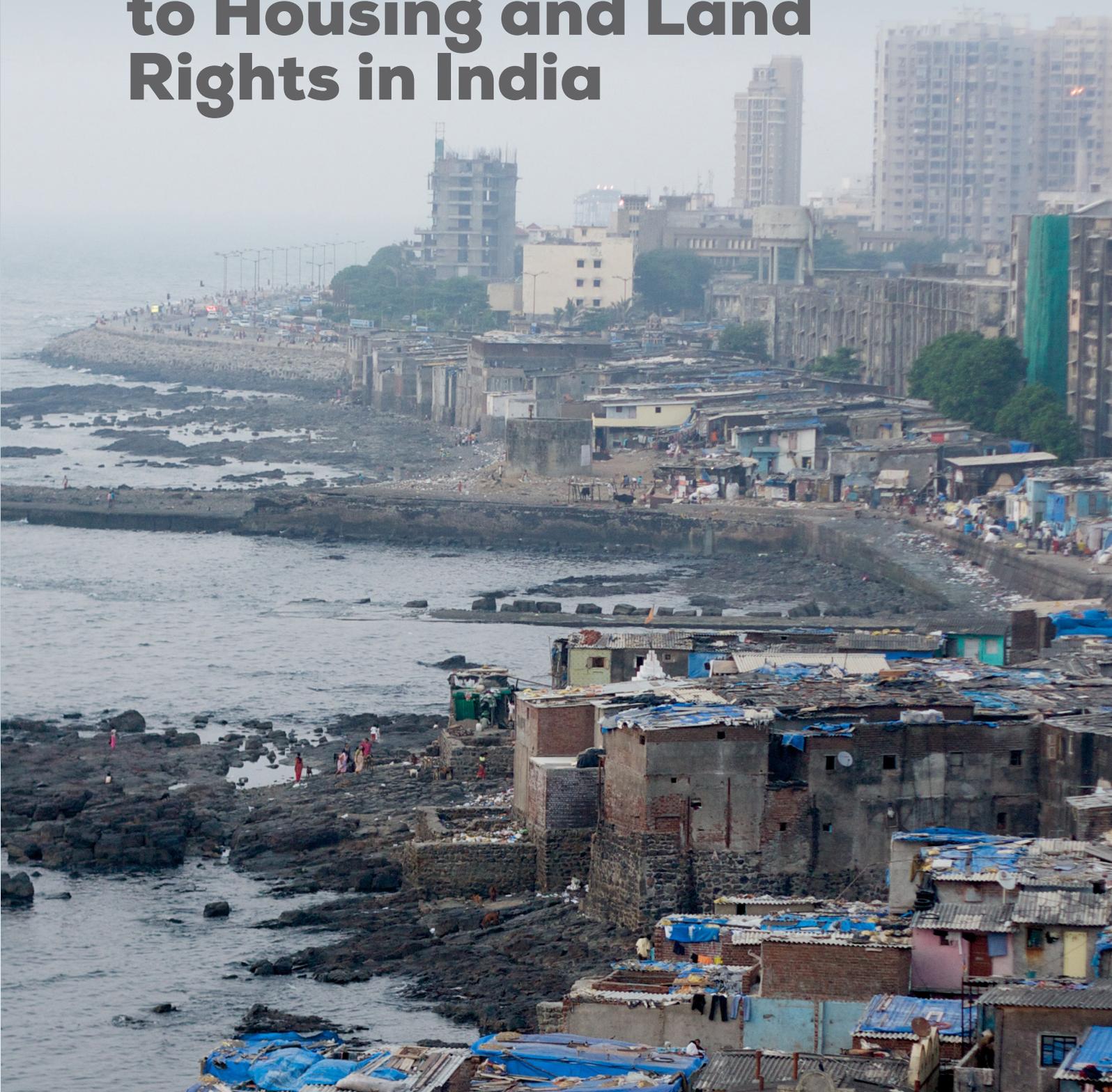




United Nations Documents Related to Housing and Land Rights in India



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I. Introduction

The body of international law consists of United Nations (UN) treaties that nation states, including India, have ratified. This makes State Parties legally obliged to implement their provisions. The UN human rights system—including treaty bodies and charter-based bodies such as the Human Rights Council and Special Procedures—has also developed mechanisms to report on, assess, and monitor human rights across the world. These mechanisms have, over the years, made observations, comments, recommendations, and issued public statements and communications to State Parties with regard to acts of commission and/or omission related to the realisation of human rights and implementation of international law and policy.

Housing and Land Rights Network (HLRN) has compiled relevant references to India in documents and reports of UN treaty bodies and Special Procedures, including communications and recommendations to the Government of India that pertain to issues of housing and land in India. Relevant recommendations from three cycles of India's Universal Periodic Review as well as India's recent pledges to the Human Rights Council have also been included.

This compilation aims to draw the attention of state and non-state actors to India's international commitments—based on treaties that India has ratified—as well as important housing and land rights issues that require attention. Housing and Land Rights Network hopes that this publication will help spread awareness on the significant work of the United Nations on housing and land rights issues, and urge the Government of India to take immediate action to implement the recommendations made by various mechanisms; provide restoration and restitution of human rights; and, abide by its international reporting requirements.

II. International Legal Provisions Protecting the Human Right to Adequate Housing

The human right to adequate housing is guaranteed and protected in international law. The following provisions from UN treaties, which India has ratified, specifically uphold the right to housing. Ratification creates a legal obligation on the Government of India to implement the provisions of the treaty within the country and also to report regularly to the UN treaty body responsible for monitoring its implementation.

1. International Convention on the Elimination of All Forms of Racial Discrimination (1965)

[ratified by India in December 1968]

Article 5: ... to prohibit and eliminate racial discrimination in all of its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... (e) ... (iii) the right to housing.

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

[ratified by India in April 1979]

Article 11.1: The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

3. International Covenant on Civil and Political Rights (1966)

[ratified by India in April 1979]

Article 17:

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

4. Convention on the Elimination of All Forms of Discrimination against Women (1979)

[ratified by India in July 1993]

Article 14.2: States Parties shall undertake all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right ... (h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

5. Convention on the Rights of the Child (1989)

[ratified by India in December 1992]

Article 16.1: No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

Article 27.3: States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in the case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

6. Convention on the Rights of Persons with Disabilities (2006)

[ratified by India in October 2007]

Article 5.3: In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

Article 9.1 (a): To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, (...). These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia: ... (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces.

Article 19 (a): States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that: (a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement.

Article 22.1: No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

Article 28.1: States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

Article 28.2 (d): States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures: ... (d) To ensure access by persons with disabilities to public housing programmes.

Several UN conventions, declarations, and guidelines also contain provisions that protect the human right to adequate housing. These include:

- International Labour Organization (ILO) Convention No. 110 Concerning Conditions of Employment of Plantation Workers (1958);
- Declaration of the Rights of the Child (1959);
- ILO Recommendation No. 115 on Worker's Housing (1961);
- ILO Convention No. 117 Concerning Basic Aims and Standards of Social Policy (1962);
- Declaration on Social Progress and Development (1969);
- Vancouver Declaration on Human Settlements (1976);
- ILO Convention No. 161 Concerning Occupational Health Services (1985);
- Declaration on the Right to Development (1986);
- ILO Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries (1989);
- Istanbul Declaration on Human Settlements and the Habitat Agenda (1996);
- Declaration on the Rights of Indigenous Peoples (2007);
- Basic Principles and Guidelines on Development-based Evictions and Displacement (2007);
- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012);
- Guiding Principles on Security of Tenure for the Urban Poor (2014);
- The New Urban Agenda (2016); and,
- Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018).

III. Concluding Observations of United Nations Treaty Bodies¹

1) Committee on Economic, Social and Cultural Rights¹

Concluding Observations, May 2008 [E/C.12/IND/CO/5]

13. The Committee is deeply concerned that in spite of the Constitutional guarantee of non-discrimination as well as the criminal law provisions punishing acts of discrimination, widespread and often socially accepted discrimination, harassment and/or violence persist against members of certain disadvantaged and marginalized groups, including women, scheduled castes and scheduled tribes, indigenous peoples, the urban poor, informal sector workers, internally displaced persons, religious minorities such as the Muslim population, persons with disabilities and persons living with HIV/AIDS. The Committee is also concerned about the obstacles faced by the victims in accessing justice, including the high costs of litigation, the long delays in court proceedings and the non-implementation of court decisions by government authorities.
30. The Committee is concerned about the lack of a national housing policy which particularly addresses the needs of the disadvantaged and marginalized individuals and groups, including those living in slums who are reportedly growing in numbers, by providing them with low-cost housing units. The Committee also regrets that sufficient information was not provided by the State party on the extent and causes of homelessness in the State party. The Committee is also concerned that while housing is under the responsibility of the State Government, the oversight exercised by the Federal Government is insufficient to ensure effective implementation of the existing strategies and policies to ensure the right to housing for all.
31. The Committee, while noting that the draft resettlement and rehabilitation bill is currently before Parliament, remains deeply concerned about the reports of displacement and forced evictions in the context of land acquisition by private and state actors for the purposes of development projects, including constructions of dams and mining, and that the members of disadvantaged and marginalized groups, in particular, the scheduled castes and scheduled tribes, are adversely affected by such displacement from their homes, lands and their sources of livelihood. The Committee is also concerned that urban renewal projects, sporting events, infrastructure expansion, environmental projects and more recently, the designation of large areas as tax-free special economic zones, have resulted in the displacement of millions of families, most of whom have not received adequate compensation and rehabilitation. Furthermore, the Committee is concerned about the lack of effective consultations and legal redress for persons affected by displacement and by forced evictions, and the inadequate measures to provide sufficient compensation or alternative housing to those who have been removed from their homes and/or their ancestral lands.
51. The Committee requests the State party to submit, in its next periodic report, updated annually collected comparative data disaggregated by sex, age, caste, ethnicity, religion and by region, regarding all the provisions in the Covenant, paying particular attention to the disadvantaged and marginalized individuals and groups. The Committee also requests the State party to include, in its next periodic report, annual comparative data, disaggregated by sex, age, caste, ethnicity, religion and by region, the

¹ All recommendations to India from UN treaty bodies are available at: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=IND&Lang=EN
Also see OHCHR India country page at: <https://www.ohchr.org/EN/countries/AsiaRegion/Pages/INIndex.aspx>

percentage of the gross domestic product allotted for education, health and housing programmes in the country.

52. The Committee recommends that the State party strengthen enforcement of existing legal prohibitions of discrimination and, in addition consider enacting comprehensive administrative, civil and/or criminal anti-discrimination legislation guaranteeing the right to equal treatment and protection against discrimination, specifically prohibiting discrimination in employment, social security, housing, healthcare and education on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as stipulated in article 2(2) of the Covenant. The Committee also urges the State party to step up efforts to remove obstacles faced by victims of discrimination when seeking redress through the courts.
70. The Committee urges the State party to address the acute shortage of affordable housing by adopting a national strategy and a plan of action on adequate housing and by building or providing low-cost rental housing units, especially for the disadvantaged and low income groups, including those living in slums. In this connection, the Committee reminds the State party of its obligations under article 11 of the Covenant and refers to its general comment No. 4 (1991) on the right to adequate housing to guide the Government's housing policies. The Committee also requests the State party to provide, in its next periodic report, detailed information on homelessness in the State party and the extent of inadequate housing, disaggregated by, inter alia, sex, caste, ethnicity and religion.
71. The Committee recommends that the State party take immediate measures to effectively enforce laws and regulations prohibiting displacement and forced evictions, and ensure that persons evicted from their homes and lands be provided with adequate compensation and/or offered alternative accommodation, in accordance with the guidelines adopted by the Committee in its general comment No. 7 (1997) on forced evictions. The Committee also recommends that, prior to implementing development and urban renewal projects, sporting events and other similar activities, the State party should undertake open, participatory and meaningful consultations with affected residents and communities. In this connection, the Committee draws the attention of the State party to its general comment No. 4 (1991) and further requests the State party to provide information in its next periodic report on progress achieved in this regard, including disaggregated statistics relating to forced evictions.
72. The Committee urges the State party to conduct the post-tsunami rehabilitation process in the affected areas of Tamil Nadu with transparency and in full consideration of its obligation to respect and protect the economic, social and cultural rights of the survivors. The Committee requests the State party to provide, in its next periodic report, detailed information regarding the rehabilitation process and the extent to which the affected groups were consulted throughout the different stages of the process.

2) Committee on the Rights of the Child

Concluding Observations, July 2014 [CRC/C/IND/CO/3-4]

29. The Committee is concerned about the forced displacement of a large number of children and their families and the loss of their ancestral lands owing to manufacturing operations, in particular families and children living in the area of the POSCO steel plant and port facilities in the state of Odisha. It is also concerned at the lack of information about safeguards to guarantee compliance with the Convention and international human rights standards.

31. The Committee is concerned at the disparity among different groups of children in access to education, health care, safe water and sanitation and other social services and to the enjoyment of the rights enshrined in the Convention. It is also concerned at the persisting discrimination against children from scheduled castes and scheduled tribes, children with disabilities, children with HIV/AIDS, as well as asylum-seeking and refugee children.
32. The Committee recommends that the State party:
- (a) Adopt and implement a comprehensive strategy to address all forms of discrimination, including multiple forms of discrimination, against all categories of children in marginalized and disadvantaged situations and ensure adequate human, financial and technical resources to implement it in collaboration with a wide range of stakeholders and involving all sectors of society, with a view to facilitating social and cultural change;
 - (b) Ensure that children in marginalized or disadvantaged situations, such as children from scheduled castes and scheduled tribes, children with disabilities, children with HIV/AIDS, and asylum-seeking and refugee children, have access to basic services and enjoy their rights under the Convention, and to that end, adopt adequate programmes and assess their results.
80. The Committee urges the State party to strengthen its efforts to ensure that all children, irrespective of their religious background or whether they are from a scheduled caste or scheduled tribe, enjoy the entire range of rights enshrined in the Convention.
83. The Committee notes that the State party's Integrated Programme for Street Children has benefited a number of children. However the Committee is deeply concerned at the limited impact of the programme, given the large number of children in street situations in the State party and the fact that a number of those children are treated as criminals, instead of being considered as victims.

Concluding Observations, February 2004 [CRC/C/15/Add.228]

62. In spite of the growth of the gross domestic product, the Committee is concerned about the widespread poverty in the State party and the still high number of children who do not enjoy the right to an adequate standard of living, including access to clean drinking water, adequate housing and latrines. The Committee is further concerned at the negative consequences of displacement and rehabilitation projects which intend to improve living conditions but which remove children from their habitat to a new environment often not prepared for children's needs.
63. In accordance with article 27 of the Convention, the Committee recommends that the State reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living. In light of its previous recommendations (*ibid.*, paragraph 53), the Committee further recommends that the State party prevent any occurrence of forced relocation, displacement and other types of involuntary population movements.
77. The Committee recommends that the State party:
- (a) Strengthen and extend its Integrated Programme for Street Children to address the large and increasing number of street children, with the aim of protecting these children, especially girls, and of preventing and reducing this phenomenon, in particular through assistance to families and the provision of adequate housing and access to education;
 - (b) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development, providing official documents when necessary;

- (c) Ensure that these child victims of physical, sexual and substance abuse are provided with recovery and reintegration services, protection from arrest and maltreatment by the police, and effective services for reconciliation with their families and community;
 - (d) Collaborate with non-governmental organizations working with street children in the State party and seek technical assistance from, among others, UNICEF.
81. The Committee is concerned at the situation of children belonging to minorities, including to the Primitive Tribal Groups, and at their limited access to social services, including health care, immunization and education, and the violation of their rights to survival and development, to enjoy their own culture and to be protected from discrimination.

Concluding Observations, January 2000 [CRC/C/15/Add.115]

16. The Committee is concerned at the absence of an effective mechanism to collect and analyse disaggregated data of all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups (i.e. children living in slums, belonging to different castes and tribal groups, living in rural areas, children with disabilities, children who are living and/or working on the streets, children affected by armed conflicts and refugee children).
28. In the light of article 2 of the Convention, the Committee is deeply concerned at the widely disparate levels of enjoyment of the rights in the Convention by children living in different states, living in rural areas, living in slums and belonging to different castes, tribal and indigenous groups.
53. In accordance with article 27 of the Convention, the Committee recommends that the State party take appropriate measures to give effect to its commitments made at Habitat II in 1996 regarding children's access to housing. In the light of Commission on Human Rights resolution 1993/77 on forced evictions, the Committee encourages the State party to prevent any occurrence of forced relocation, displacement and other types of involuntary population movements. The Committee recommends that resettlement procedures and programmes include registration, facilitate comprehensive family rehabilitation and ensure access to basic services.
54. The Committee is concerned at the large and increasing number of children living and/or working on the streets, who are among the most marginalised groups of children in India.
55. The Committee recommends that the State party establish mechanisms to ensure these children are provided with identity documents, nutrition, clothing and housing. Moreover, the State party should ensure these children have access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; education, including vocational and life-skills training; and access to legal aid. The Committee recommends that the State party cooperate and coordinate its efforts with civil society in this regard.

3) Committee on the Elimination of Discrimination against Women

Concluding Observations, July 2014 [CEDAW/C/IND/CO/4-5]

12. The Committee is deeply concerned about the reported high level of violence, including rape and other forms of sexual violence, enforced disappearance, killings and acts of torture and ill-treatment, against women in conflict-affected regions (Kashmir, the north-east, Chhattisgarh, Odisha and Andhra Pradesh). It is particularly concerned about the:
 - (c) Continued marginalization and poverty of the women and girls who survived the Gujarat riots and are living in the relief colonies and their precarious living conditions with limited access to education, health care, employment and security and poor infrastructure in terms of sanitation, water, transportation and housing;
14. While commending the State party's cooperation programme in post-conflict areas such as a housing project in the north-east of Sri Lanka, the Committee expresses concern at the lack of a gender perspective in and consultations with women on this project. The Committee is also concerned about the impact on women, including in Nepal, of infrastructure projects such as the Lakshmanpur dam project, including with regard to displacement and loss of livelihood, housing and food security as a result of the subsequent floods.
15. The Committee reaffirms that the State party must ensure that the acts of persons under its effective control, including those of national corporations operating extraterritorially, do not result in violations of the Convention and that its extraterritorial obligations extend to actions affecting human rights, regardless of whether the affected persons are located on its territory, as indicated in the Committee's general recommendation Nos. 28 and 30.
23. The Committee recommends that the State party:
 - (d) Ensure that trafficked women and girls have access to victim and witness protection shelters, high-quality medical care, counselling and support programmes for alternative income-generation activities and for their reintegration into the education system and labour market, in addition to access to adequate housing and free legal aid, regardless of their ability or willingness to testify against traffickers.
32. The Committee is concerned at the prevalence of customs and traditional practices that prevent rural women, especially women from scheduled castes and scheduled tribes, from inheriting or acquiring land and other property. It is also concerned at the difficulties faced by rural women and women living in remote areas in gaining access to health and social services and in participating in decision-making processes at the community level, in addition to the fact that rural women are particularly affected by poverty and food insecurity, lack of access to natural resources, safe water and credit facilities.
33. The Committee recommends that the State party:
 - (a) Abolish traditional practices and customs that prevent rural women from inheriting and acquiring land and from fully enjoying their rights and guarantee land ownership rights to women;
 - (b) Strengthen its efforts to address the needs of rural women and provide them with enhanced access to health services, education, safe water and sanitation services, fertile land, natural resources, credit and income-generating opportunities.

Concluding Observations, November 2010 [CEDAW/C/IND/CO/SP.1]

29. The Committee takes note of the information provided in the exceptional report and supplementary material with regard to assistance provided in the relief camps as well as the information in annex D of the supplementary material regarding details of facilities provided to the internally displaced persons. However, the Committee expresses its concern at the limited information and data on the access of the internally displaced families living in 86 colonies to public amenities, such as food rations, safe water, shelter, health-care facilities and schools for children. In this respect, the Committee expresses its concern at the information that most colonies are not equipped with proper and secure housing, a safe water supply, electricity, roads and sanitation facilities and that the lack of safe drinking water, the poor living conditions and overcrowding have led to the outbreak of various diseases. The Committee is alarmed that the health needs of internally displaced women, including reproductive and mental health needs, are not being met due to the low availability and accessibility of health-care services.
31. While noting the information provided in the exceptional report and supplementary material on some economic assistance as well as other measures taken by the State party, the Committee expresses its concern that these measures were mainly in forms of relief support and thus inadequate to enable the economic rehabilitation of the affected communities and the rebuilding of basic infrastructure destroyed during the riots.
32. The Committee is further concerned at the information that due to the remote location of the colonies there is no scope for self-employment for women who had worked prior to displacement, and that female residents of the relief colonies are unable to take up employment outside the camps on account of safety concerns.
33. While noting that some information has been provided in the supplementary material on the State party's resettlement measures in place, the Committee regrets the lack of disaggregated data on the approximately 5,000 Muslim families displaced by the violence in Gujarat. It also notes with great concern that eight years after the Gujarat violence, the displaced persons are still living in the temporary and makeshift colonies in remote and abandoned areas with poor access to a livelihood and employment.
34. The Committee is concerned that no measures have been taken to reintegrate women victims of the Gujarat massacre and their families back into the society where they originally belong. It also notes with concern that the State party has not provided information on a timeline for the resettlement process, including steps towards the closing of the 86 colonies in different parts of Gujarat. The Committee is alarmed at the information that the State party, in eight years, has not taken any measures to construct new houses or allocate land in secure locations for the internally displaced women and their families. It notes with serious concern that this situation may lead to further devastation and re-victimization of the victims. The Committee is also concerned at the State party's lack of differentiation between relief measures and long-term rehabilitation.
35. The Committee urges the State party:
 - (a) To take immediate, effective and gender-specific measures to rehabilitate and compensate women victims of violence, including sexual violence, and their families in Gujarat. Such measures should include prompt reparation, including compensation, medical care, trauma counselling and sustained rehabilitation, commensurate with the harm suffered and sufficient to enable the women and their families to rebuild their lives, as well as the establishment of additional support services for these victims, including the provision of further government funding for such services;

- (b) To take all necessary measures to ensure that the internally displaced families living in all colonies have access to public services, such as safe drinking water, shelter, health-care facilities and schools for children, that all colonies are equipped with a clean water supply, electricity, roads and sanitation facilities and that a plan is created for guaranteeing the right to education, health and employment for women and children in all colonies;
- (c) To strengthen its efforts to enable the economic rehabilitation of the women affected by the riots and their families by providing long-term jobs and other means of sustainable economic empowerment, including business capital;
- (d) To strengthen and sustain its measures taken for the resettlement and rehabilitation, including long-term rehabilitation, of women victims and their families willing to stay in the colonies and to that effect ensure ownership of the land and housing or, alternatively;
- (e) To take appropriate measures, as well as provide the means, to allow women victims and their families willing to return to their original homes to return, in safety and with dignity, and to take effective and adequate measures to rebuild the basic infrastructure destroyed during the riots, including through the allocation of further budgetary and human resources to that effect. The State party should endeavour to facilitate the safe reintegration of returned families. Special efforts should be made to ensure the full participation of returned victims and their families in the planning and management of their resettlement, reintegration and rehabilitation programmes. The State party has the duty and responsibility to assist returned victims and their families to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of following the massacre. When the recovery of such property and possessions is not possible, competent authorities should provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Concluding Observations, February 2007 [CEDAW/C/IND/CO/3]

- 27. The Committee recommends that the State party adopt appropriate measures to eliminate the practice of witch-hunting, prosecute and punish those involved, and provide for rehabilitation of, and compensation to, victimized women. It recommends that such measures be based on an analysis of its causes, including control over land. The Committee calls upon the State party to create public awareness of forms of violence against women rooted in custom as an infringement of women's human rights.
- 29. The Committee recommends that the State party put in place a mechanism to monitor effective enforcement of the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act in order to ensure accountability and end impunity for crimes committed against Dalit women. It calls upon the State party to increase Dalit women's legal literacy and improve their access to justice in bringing claims of discrimination and violation of rights. It requests the State party to report specifically on the impact of such initiatives in its next periodic report. The Committee also urges the State party to study the health implications of manual scavenging on Dalits engaged in this profession and on the community as a whole, and to address all the impediments to eradicating this practice, including by putting in place modern sanitation facilities and providing the Dalit women engaged in this practice with vocational training and alternative means of livelihood.
- 46. The Committee expresses grave concern about the displacement of tribal women owing to the implementation of megaprojects and the influence of global economic trends. While the Committee appreciates the need for economic growth, it is concerned that the human rights of vulnerable groups such as tribal populations may be adversely affected by large-scale economic projects.

47. The Committee urges the State party to study the impact of megaprojects on tribal and rural women and to institute safeguards against their displacement and violation of their human rights. It also urges the State party to ensure that surplus land given to displaced rural and tribal women is cultivable. Moreover, the Committee recommends that efforts be made to ensure that tribal and rural women have individual rights to inherit and own land and property.
68. The follow-up report should include information on the impact of the Gujarat massacres on women.

Concluding Observations, February 2000 [A/55/38]

57. The Committee urges the allocation of sufficient and targeted resources for women's development in the social sector, as well as full implementation of relevant laws.
82. The Committee is concerned with significant disparities in economic activity rates for men and women. It is concerned that the practice of debt bondage and the denial of inheritance rights in land result in gross exploitation of women's labour and their impoverishment.
83. The Committee requests the Government to enforce laws on bonded labour and provide women with self-employment opportunities and minimum wages in home-based production and the non-formal sector. It calls upon the Government to review laws on inheritance urgently and to ensure that rural women obtain access to land and credit.

4) Committee on the Elimination of Racial Discrimination

Concluding Observations, March 2007 [CERD/C/IND/CO/19]

13. The Committee notes with concern that, despite the formal abolition of "Untouchability" by article 17 of the Indian Constitution, de facto segregation of Dalits persists, in particular in rural areas, in access to places of worship, housing, hospitals, education, water sources, markets and other public places. (arts. 3 and 5)

The Committee urges the State party to intensify its efforts to enforce the Protection of Civil Rights Act (1955), especially in rural areas, including by effectively punishing acts of "Untouchability", to take effective measures against segregation in public schools and residential segregation, and to ensure equal access for Dalits places of worship, hospitals, water sources and any other places or services intended for use by the general public.

19. The Committee notes that the State party does not fully implement the right of ownership, collective or individual, of the members of tribal communities over the lands traditionally occupied by them in its practice concerning tribal peoples. It is also concerned that large scale projects such as the construction of several dams in Manipur and other north-eastern States on territories primarily inhabited by tribal communities, or of the Andaman Trunk Road, are carried out without seeking their prior informed consent. These projects result in the forced resettlement or endanger the traditional lifestyles of the communities concerned. (art. 5 (d) (v) and 5 (e))

The Committee urges the State party to fully respect and implement the right of ownership, collective or individual, of the members of tribal communities over the lands traditionally occupied by them in its practice concerning tribal peoples, in accordance with ILO Convention No. 107 on Indigenous and Tribal Populations (1957). The State party should seek the prior informed consent of communities affected by the construction of dams in the Northeast or similar projects on their traditional lands in any decision-making processes related to such projects, and provide

adequate compensation and alternative land and housing to those communities. Furthermore, it should protect tribes such as the Jarawa against encroachments on their lands and resources by settlers, poachers, private companies or other third parties and implement the 2002 order of the Indian Supreme Court to close the sections of the Andaman Trunk Road that run through the Jarawa reserve.

20. The Committee is concerned about reports that Dalits are often denied access to and evicted from land by dominant castes, especially if it borders land belonging to such castes, and that tribal communities have been evicted from their land under the 1980 Forest Act or in order to allow private mining activities (art. 5 (d) (v) and 5 (e) (i) and (iii)).

The Committee recommends that the State party ensure that Dalits, including Dalit women, have access to adequate and affordable land and that acts of violence against Dalits due to land disputes are punished under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989). The State party should also ensure that tribal communities are not evicted from their lands without seeking their prior informed consent and provision of adequate alternative land and compensation, that bans on leasing tribal lands to third persons or companies are effectively enforced, and that adequate safeguards against the acquisition of tribal lands are included in the Recognition of Forest Rights Act (2006) and other relevant legislation.

5) Committee on the Rights of Persons with Disabilities

Concluding Observations on the Initial Report of India, 20 September 2019² [CRPD/C/IND/CO/1]

11. The Committee is concerned about :

(b) Multiple and intersecting discrimination and discrimination by association in legislation and in practice against persons affected by leprosy and their family members, particularly women, who experience isolation, seclusion in “leprosy colonies” or at home, rejection from school, dismissal from jobs, and barriers to exercise autonomy;

23. The Committee is concerned about:

(b) The information gaps on the number of internally displaced persons with disabilities, particularly those living outside formal camps or resettlement areas, the absence of humanitarian assessments to ensure appropriate and disability inclusive emergency responses, including for persons at a higher risk of displacement;

24. The Committee recommends that the State party, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030, and the Guiding Principles on Internal Displacement:

(a) Ensure the effective involvement of organizations of persons with disabilities in the disaster risk reduction strategy and/or National Disaster Management Plan/Guidelines, ensuring the implementation of measures of accessibility and inclusion of persons with disabilities in situations of risk;

(b) Develop early warning systems in situations of risk that are accessible for all persons with disabilities;

(c) Ensure the provision of human rights-based response to internally displaced persons with disabilities particularly those who have been displaced for prolonged periods in all situations of

² Concluding Observations of the Committee available at: https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/Ind/CRPD_C_IND_CO_1_37229_E.docx

risk, including violence and armed conflict, natural disasters, or in connection to the exploitation of natural resources, and adopt policies to protect the rights of internally displaced persons with disabilities, ensuring provision of assistance, and accessible and safe shelters for them;

29. The Committee is concerned about:

- (a) The institutionalization of persons with disabilities on the basis of impairment, including in “disabled homes”, “rehabilitation institutions”, psychiatric hospitals, particularly affecting persons with intellectual or psychosocial disabilities, homeless persons with disabilities and persons requiring high levels of support, in the absence of measures to end all forms of institutionalization, on the basis of impairment;

33. The Committee is concerned about:

- (d) The limited availability of accessible shelters for women with disabilities victims of violence, and the lack of effective remedies and redress for persons with disabilities facing violence, including, rehabilitation and compensation.

34. The Committee recommends that the State party:

- (c) Ensure that the National Crime Records Bureau collect data disaggregated by sex, age, place of residence, relationship with perpetrator and disability in cases of violence and exploitation, including gender-based violence against women and girls with disabilities, and violence inflicted by intimate partners;

37. The Committee is concerned about:

- (a) The lack of registration at birth of children with disabilities, particularly deaf blind children, children requiring high levels of support, and intersex children at a heightened risk of neglect, the absence of disaggregated data, and the insufficient measures to ensure the early registration of and the access to the unique identification disability cards by children with disabilities in remote and rural areas, those internally displaced or in refugee camps, which results in lack of access to community services by them;
- (b) The situation of persons with disabilities, including Muslim persons with disabilities rendered stateless as a result of the registry process undertaken in the state of Assam, and currently in detention camps.

38. The Committee recommends that the State party:

- (b) Ensure the respect and protection of all human rights of persons with disabilities rendered stateless, including those in detention camps, urgently adopting measures to allow the reacquisition of nationality, and ratify or accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

39. The Committee is concerned about:

- (a) Institutionalization of persons with disabilities, including children with disabilities, in large and small congregated settings, and absence of measures to ensure living independently and being included in the community;
- (b) The lack of measures to establish individualized support to live in the community, and persons with disabilities’ reliance on kinship support for undertaking daily activities;
- (c) The lack of progress in accessibility to community services by all persons with disabilities, particularly women and girls with intellectual or psychosocial disabilities, including in access to urban affordable and accessible housing.

40. The Committee recommends that the State party, guided by the Committee's general comment No. 5 (2017) on living independently and being included in the community:
- (c) Adopt a strategy and indicators of progress concerning access by persons with disabilities to mainstream community services, removing the barriers for women with intellectual or psychosocial disabilities in particular in accessing public services, such as housing, inclusive education and work and employment.
57. The Committee is concerned about:
- (c) The situation of homeless persons with disabilities, and the absence of policies to ensure affordable and accessible housing as well as security of tenure by persons with disabilities, including persons affected by leprosy.
58. The Committee recommends that the State party:
- (c) Adopt a public policy for housing ensuring equal access by persons with disabilities to affordable housing, and measures to ensure security of tenure, paying attention to the recommendations issued by the Special rapporteur on adequate housing in 2017 (A/HRC/34/51/Add.1).
64. In view of target 17.18 of the Sustainable Development Goals, the Committee recommends that the State party rely on the methodology of the Washington Group short set of questions on Disability Statistics to collect, analyse and in cooperation with organizations of persons with disabilities gather and disseminate data on its population disaggregated by sex, age, ethnicity, disability, socioeconomic status, employment, barriers encountered and place of residence, and data on cases of discrimination or violence against persons with disabilities, ensuring both disability-specific and disability-inclusive/mainstream data collection.
73. The Committee requests the State party to submit its combined second to fifth periodic reports by 1st November 2025 and to include in them information on the implementation of the recommendations made in the present concluding observations...

IV. List of Issues from United Nations Treaty Bodies

Human Rights Committee

List of Issues Prior to Submission of the Fourth Periodic Report of India [CCPR/C/IND/QPR/4]³

August 2019

Non-discrimination (arts. 2 and 26)

7. Please report on the anti-discrimination legal framework and clarify whether: (a) it prohibits discrimination, including direct, indirect and intersecting forms of discrimination, on all the grounds set forth in the Covenant, including colour, language, political or other opinion, national or social origin (including caste), property, sexual orientation, gender identity and other status; and (b) it provides for effective judicial and administrative remedies.

Equality between men and women (arts. 2, 3 and 25)

10. Please report on measures taken to: (a) eradicate the persistent patriarchal attitudes and deep-rooted stereotypes that perpetuate discrimination against women; (b) address the low representation of women in political and public life, particularly in Parliament and state legislatures and in the judiciary, including in decision-making positions; (c) ensure substantive equality between women and men in matters related to marriage and family relations, including marital property, under the laws governing different religious groups; and (d) abolish all customary and traditional practices that prevent rural women, especially women from scheduled castes and scheduled tribes, from inheriting or acquiring land and other property.

Rights of indigenous peoples (art. 27)

31. Please respond to reports that: (a) the scheduled tribes remain among the most disadvantaged socioeconomic groups; (b) extractive and other industrial activities, often approved without effective consultation, are undermining the land and forest rights of tribal communities and are resulting in displacement; (c) some 40,000 families, including many Adivasi families, have not received adequate reparation following displacement as a result of the construction of the Sardar Sarovar dam in Gujarat; (d) Adivasis in Raigarh, Chhattisgarh, sold their land to private companies under coercion; and (e) land for coal mining was acquired by the Government without seeking the free, prior and informed consent of Adivasis.

³ Adopted by the Committee at its 126th session (1–26 July 2019). Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fIND%2fQPR%2f4&Lang=en

V. Communications by United Nations Treaty Bodies

Committee on the Elimination of Racial Discrimination: Early Warning Measures and Urgent Procedures – Letters to States Parties⁴

March 2014

In the course of its 84th Session, the Committee on the Elimination of Racial Discrimination received information on recent developments regarding the situation of indigenous peoples in the North East of India submitted by non-governmental organizations with regard to the continuation of Tipaimukh dam project and the construction of the Lower Subansiri Hydro-electric project.

The Committee deeply regrets that the State party has not replied to its previous requests for information dated 30 August 2013.

New information received alleges that your Government has now approved the construction of the Lower Subansiri Hydro-electric project in spite of the Assam Assembly's House Committee's recommendations to undertake a proper scientific assessment of the project and without the approval of the indigenous peoples of the North East of India. On the basis of the information received, the Committee understands that the construction might negatively impact the livelihoods of the indigenous peoples of Arunachal Pradesh and Assam due to the dam's possible impact on flood management.

The Committee reiterates its concern about these allegations which, if verified, could hinder the full enjoyment of rights under the Convention. In this regard, the Committee refers to its General Recommendation 23 on the rights of the indigenous peoples in which the Committee calls upon the States Parties "to recognise and protect the rights of indigenous peoples to own, develop, control, and use their communal lands, territories and natural resources and, where they have been deprived of their lands and territories traditionally occupied otherwise inhabited or used without their prior, free and informed consent, to take steps to return those lands and territories".

August 2012

In the course of its 81st Session, the Committee considered on a preliminary basis the situation of the Jarawa people in the Andaman Islands in India under its early warning and urgent action procedure, in the light of information submitted by non-governmental organisations.

Information before the Committee alleges that the Jarawa people have become the subject of 'human safaris' on the Andaman Road. These 'safaris' are trips undertaken by tourists who use the Andaman Trunk Road to drive through the Jarawa Reserve in the hope of spotting the tribes people. The Committee is deeply concerned and regrets the distinction of the Jarawa people from Indian settlers in this way as well as the attitudes of tourists visiting the region, allegedly with the involvement of the authorities. In this regard, the Committee is equally concerned that, on the information available to it, the State party has not taken any measures to redress the situation.

⁴ All letters to India from the Committee on the Elimination of Racial Discrimination are available at: <http://www.ohchr.org/EN/HRBodies/CERD/Pages/EarlyWarningProcedure.aspx>

September 2011

In the course of its 79th Session, the Committee considered information on the situation of indigenous peoples due to signing of a memorandum of understanding for the construction of the Tipaimukh dam in district of Manipur despite reported massive opposition to it, and reported extension of the application of the Armed Forces (Special Powers) Act for another one year, under its early warning and urgent action procedure, in the light of information submitted by a non-governmental organisation.

March 2010

With reference to its letter to the State party dated 28 September 2009, under its early warning and urgent action procedure, the Committee on the Elimination of Racial Discrimination wishes to inform the State party about its continued concern related to information received on the situation of religious lands and natural resources of Dongria Kondh people in the administrative districts of Rayagada and Kalahandi. The Committee regrets that it has not yet received any response from the state party.

September 2009

With reference to its letter to the State party dated 13 March 2009, the Committee on the Elimination of Racial Discrimination wishes to recall that it expected to be informed on measures taken to follow up on the recommendations contained in paragraphs 12, 15, 19 and 26 of its concluding observations on the periodic report of India adopted at its 70th session in March 2007. In its letter, the Committee had also expressed concern at the impact of several dam construction projects as well as the continued application of the Armed Forces (Special Powers) Act of 1958 in the North East of India on Indigenous communities living in this area. The Committee regrets that to date it has not received such information.

At its 75th Session, the Committee also considered on a preliminary basis information concerning bauxite mining plans on the religious lands of the Dongria Kondh people, in the administrative districts of Rayagada and Kalahandi in the state of Orissa (now Odisha).

VI. Reports of United Nations Special Rapporteurs

1) Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination in this Context⁵

2019 Annual Report

Submitted to the General Assembly [A/74/183] – Right to Housing of Indigenous Peoples⁶

The Special Rapporteur finds that housing conditions for indigenous peoples around the world are overwhelmingly abhorrent and too often violate the right to adequate housing, depriving them of their right to live in security and dignity. The report contains guidance for States, indigenous authorities and other actors on how to ensure that their obligations under international human rights law regarding the right to housing are met in conformity with the United Nations Declaration on the Rights of Indigenous Peoples.

34. In India, for example, more than 41 per cent of the forest rights claims made under the Forest Rights Act have been rejected, in many cases reportedly on an arbitrary basis. As a result, an estimated 9 million forest dwellers are threatened with eviction following the order issued by the Supreme Court in February 2019. Procedures for land demarcation and titling are too often excessively cumbersome for indigenous communities, owing to the costs and duration of the procedures and the proof required of claimants.

Submitted to the Human Rights Council [A/HRC/40/61] – Access to Justice for the Right to Housing⁷

The Special Rapporteur...suggests that the global housing crisis is rooted in a crisis in access to justice because without access to justice, housing is not properly recognized, understood or addressed as a human right. Millions who live in homelessness or unacceptable living conditions have no place where they can claim their right to housing when States have failed to progressively realize the right, imposed forced evictions, or criminalized those who live in homelessness or in informal housing.

10. These historic advances at the international level grew out of national- and regional level struggles for the right to housing, led by human rights defenders. Behind the famous case names are women such as Olga Tellis in India, Irene Grootboom in South Africa and Felisa Alicia Saavedra in Argentina and street children such as Villagran Milagra in Guatemala, whose experiences brought to light the inherent connection between the right to housing and central human rights values linked to the right to a dignified life.

32. Indian courts have recognized that a constitutional obligation of progressive realization of the right to housing may be inferred from the guarantee of the right to life. This interpretive approach is consistent with the Human Rights Committee's recently adopted general comment on the right to life, which recognized that the right to life requires "appropriate measures" to address "general conditions in society [such as] homelessness" in order to ensure the conditions necessary for a dignified life.

⁵ All reports of the Special Rapporteur on Adequate Housing are available at: <https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

⁶ Available at: <https://www.undocs.org/A/74/183>

⁷ Available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/61

36. Access to justice must ensure that eviction is only carried out as a last resort, in accordance with all legal requirements and with prior genuine consultation with those affected, that all viable alternatives to the eviction are explored, and that no one will be rendered homeless as a result of the eviction. Courts must require all appropriate measures to be taken to ensure, where possible, that adequate alternative land and housing are available. Victims of forced evictions must receive fair and just compensation for any losses, both personal and real, including the loss of other property or goods. Where possible, they must be granted a right of return with any destroyed housing reconstructed or replaced with adequate housing.
37. Forced evictions and violations of these clear legal standards are rampant worldwide. Usually there is no access to courts. At other times, courts order evictions in violation of international human rights law and in some circumstances, authorities act in blatant defiance of court injunctions. The Housing and Land Rights Network documented the demolition of over 53,000 homes in forced evictions in 2017 in India. Court orders were responsible for 17 per cent of them...

2018 Annual Report

Submitted to the General Assembly [A/73/310/Rev.1] – The Right to Housing for Residents of Informal Settlements⁸

In the present report, the Special Rapporteur examines the issue of the right to housing for residents of informal settlements and the commitment made by States to upgrade such settlements by 2030. Nearly one quarter of the world's urban population lives in informal settlements or encampments, most in developing countries but increasingly also in the most affluent. Living conditions are shocking and intolerable. Residents often live without water and sanitation, and are in constant fear of eviction.

8. Residents of informal settlements affirm humanity in the most inhumane circumstances. The Special Rapporteur has visited many informal settlements in the global North and South. She has found the severity of the living conditions and the failure of States to respond to them profoundly disturbing.
9. In a large informal settlement in Mumbai, India, the Rapporteur saw a rodent infestation caused by a lack of waste removal. ... She has sat with people in homeless encampments under highway bypasses and on pavements in California and in Delhi, India, with no access to toilets or showers and constantly fearing being “cleaned” off the streets.
25. In Delhi, India, the Kathputli Colony, made up of street performers (musicians, puppeteers, magicians and others) relied on spaces within their informal settlement to perform, but were relocated to apartment blocks. They had unsuccessfully challenged the relocation in court, asking for an assurance that the project would be executed in such a manner that sufficient space would be made available for them to undertake the unique character of their vocation and display their skills for earning a livelihood.

⁸ Available at: <https://www.undocs.org/A/73/310/rev.1>

Submitted to the Human Rights Council [A/HRC/37/53] – Human Rights-based National Housing Strategies⁹

The report outlines the value of a human rights-based approach to housing strategies and describes the key principles upon which effective rights-based housing strategies must be based.

Principle 1: Based in law and legal standards:

24. Strategies may rely on courts to play an important role in clarifying obligations emanating from the right to housing. In India, after reviewing evidence of the effect of cold weather on the health of homeless persons, the Supreme Court found a violation of the right to life and ordered the construction of shelters.

Principle 9: Clarify the obligations of private actors and regulate financial, housing and real estate markets:

128. In India, parliament passed in 2016 the Real Estate (Regulation and Development) Act to remove unnecessary delays and promote transparency in real estate developments. The law requires the registration of development projects, identifying all individuals and corporations involved. The act is expected to expedite affordable housing projects and improve the accountability of the real estate sector. It does not, however, regulate property speculation or mandate the provision of affordable housing for low-income households as urged by the organization Housing and Land Rights Network.

2017 Annual Report

Submitted to the Human Rights Council [A/72/128] – Right to Housing of Persons with Disabilities¹⁰

The Special Rapporteur highlights the fundamental principles of a human rights-based approach to disability, such as dignity, substantive equality, accessibility and participation, as well as the overriding obligation to realize the right to housing to the maximum of available resources, and correlates them to the key features of the right to adequate housing. She reflects on how the right to housing can be more effectively claimed by persons with disabilities. and adjudicated by courts and tribunals and reviews some effective policy and legislative initiatives that are necessary to implement that right.

Claiming the right to housing of persons with disabilities:

65. In India, the High Court of Bombay has applied the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act to require increased allocations of land (tenements) to persons with disabilities.⁶⁰ In a similar vein, the Supreme Court of Argentina, in a case involving a homeless mother and her son with a disability, stated that there should be a minimum guarantee of access to housing for those facing situations of vulnerability because of disability and ordered the immediate provision of shelter.

⁹ Available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/53

¹⁰ Available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/72/128

2017 Annual Report

Submitted to the Human Rights Council [A/HRC/34/51] – Financialization of Housing¹¹

The report focuses on the “financialization of housing” and its impact on human rights. It examines structural changes that have occurred in recent years whereby massive amounts of global capital have been invested in housing as a commodity, as security for financial instruments that are traded on global markets, and as a means of accumulating wealth. The report assesses the effect of those historic changes on the enjoyment of the right to adequate housing and outlines an appropriate human rights framework for States to address them.

45. Informal settlements in Southern cities are regularly demolished for luxury housing and commercial development such as shopping malls and other high-end services intended for those with expendable incomes... Elsewhere, when informal settlements are upgraded with infrastructure development and the granting of formal title and credit, they become subject to speculation and rising costs that force existing residents, particularly informal renters, out of the community. The real estate market in Mumbai, India, is now actively engaged in promoting speculative investment in informal settlements, where upgraded housing is attracting real estate speculation and price increases.

Report on the Mission to India – January 2017

Submitted to the Human Rights Council [A/HRC/34/51/Add.1]¹²

The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms Leilani Farha, visited India on an official mission from 11–22 April 2016. The main objective of the visit was to examine the housing and homeless conditions of vulnerable groups in different parts of the country, as well as legislation, policies, and programmes in place, and gaps in the enjoyment of the right to adequate housing at the national and subnational levels.

Pursuant to Human Rights Council Resolution 31/9, the Special Rapporteur submitted her India mission report to the Human Rights Council in March 2017. The report, while highlighting the national legal framework and national housing policies, including recent steps taken by the Government of India to provide housing for all, draws attention to the issues of: homelessness; informal settlements and evictions; landlessness and displacement in rural areas; land speculation and real estate investment; open defecation; natural disasters; discrimination and social exclusion; and, access to justice. Finally, it makes some conclusions and presents recommendations to the Indian government.

The section on conclusion and recommendations from the Special Rapporteur’s report is pasted below.

Conclusions and recommendations

80. India is at a critical juncture in term of protection of the right to adequate housing, which is currently at a tipping point owing to the country’s accelerated urbanization, population growth and resultant growing inequality. Over 58.6 million households do not have access to adequate housing in urban and rural India. Taken in combination with the extensive need for reparation of dilapidated housing stock and the unmet provision of essential services such as ventilation, electricity, water, sanitation and waste management, the challenges are considerable. If the critical situation of those who are landless, homeless, inadequately housed and displaced is to be taken as a serious human rights priority, there must be a vigorous effort without delay on the part of all levels of government to put the right to adequate housing at the centre of the agenda.

11 Available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/51

12 Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/51/Add.1

81. The Special Rapporteur acknowledges the leadership of the central Government in putting in place ambitious schemes aimed at addressing the rising demand for adequate housing. Clearly there is political will to bring the Housing for All and other schemes to fruition in forthcoming years, and to guarantee that positive outcomes are enjoyed by a broad segment of the population. The Special Rapporteur also had the opportunity to assess the impressive plans and programmes put in place by the states of Karnataka, Maharashtra and by the Delhi Authorities, and she became aware of the intricacies and complexity in terms of coordination and cooperation between the states and the centre, and between various departments and institutions. The Special Rapporteur recognizes that every state in India grapples with a vast number of people and issues, comparable with large countries in the world, while still being committed to the essence of federalism.
82. However, the Special Rapporteur is concerned that short-term schemes will not be sufficient to address the housing situation of those who are most disenfranchised and discriminated against with respect to housing. As a next step, and in keeping with the political commitments made under the New Urban Agenda, India needs an overarching, visionary and coherent piece of legislation based on human rights. A national housing law that aims to address growing inequalities and offers a long-term road map is essential. In addition, the economy of India is and will continue expanding, which suggests that it will continue to have the necessary resources to implement the right to adequate housing across the country.
83. In the Special Rapporteur's view, the existing schemes seem to emphasize and focus primarily on homeownership as the key housing model to respond to the current needs of India. However, even when well regulated, that model may be ill-suited to ensuring adequate housing for those most in need, including women, religious minorities, and scheduled castes and scheduled tribes. In the light of the diverse housing needs across the country, the Government must consider investing more in alternative housing policies that better suit those who have scarce or no resources: people who are homeless, living on pavements and informal settlements and those who face traditional practices of exclusion and discrimination, as well as members of the growing middle-class in urban areas who are not able to access affordable rentals owing to the lack of availability.
84. Recognizing and implementing housing as a human right in existing programmes and in new legislation would also set India on track for meeting its international commitments to implementing the 2030 Agenda for Sustainable Development (particularly target 11.1 of the Sustainable Development Goals) and the New Urban Agenda.
85. In the light of those conclusions, the Special Rapporteur makes the following recommendations to the central and state governments:
- (a) Adopt national legislation with explicit recognition of the right to adequate housing without discrimination on any ground. The legislation must be based on national and international human rights standards and commitments;
 - (b) Address homelessness as a human rights priority with a view to eliminating it by 2030, in keeping with target 11.1 of the Sustainable Development Goals. In that regard:
 - (i) The structural causes of homelessness in urban and rural India must be identified, including in relation to access to land and housing, affordability and the lack of specific measures in favour of people without an income;

- (ii) Homeless shelters must be understood in the context of a housing continuum that includes a range of longer-term housing options considered by local and subnational governments for the homeless population;
 - (iii) The National Urban Livelihoods Mission guidelines must be implemented for the construction of shelters, ensuring that shelters for different and particular population groups like families, women leaving violent relationships, street connected children and youth are established;
- (c) Institute a national moratorium on forced evictions and demolitions of homes. Enact legislation to guide forced evictions that stipulates that forced evictions can only occur in the most exceptional of circumstances, once all other alternatives have been pursued, in strict compliance with international human rights law. Third party actors should also be regulated and monitored in that regard. Where states already have such a moratorium in place, the central government must comply. When evictions are required as a result of valid health and safety risks, governments must ensure that resettlement takes place in a time-bound manner, ensuring meaningful consultation with those who are directly affected, that fair compensation is awarded and that resettlement housing is adequate, as prescribed by international human rights law;
 - (d) Survey and provide legal recognition of all existing informal settlements and prioritize in situ upgrading and rehabilitation, with secure tenure for all inhabitants, based on meaningful participation. Provide existing informal settlements, especially where rehabilitation is not planned, with proper latrines, access to water and sanitation and regular garbage collection;
 - (e) Central and state governments should put in place effective and timely mechanisms to collect and systematically update data on a number of housing-related issues, like evictions, living conditions and homelessness. The data must be disaggregated, notably by age, gender, disability and ethnic and religious origin. That information should be made public and serve as a basis for policy design and monitoring in compliance with human rights law;
 - (f) Ensure timely, adequate compensation or resettlement and/or alternative housing for persons who are affected by natural disasters, with genuine consultation and participation of the individuals and communities affected;
 - (g) Enact legislation to curb all forms and practices of de facto housing discrimination against any individuals or groups, in particular religious and ethnic minorities, women, scheduled castes and scheduled tribes, internal migrants and manual scavengers in relation to their right to housing. Enhance monitoring and protection against discrimination in relation to rental accommodation, access to credit, inheritance and ownership. Specific measures must be found to enforce existing legislation, including in villages and panchayats;
 - (h) Ensure that all residents of informal settlements have access to the Housing for All scheme. Provide assistance with down payments for those unable to afford the scheme;
 - (i) Allocate resources for the Smart Cities Mission in order to provide housing in those cities where there are the greatest housing needs and where the most marginalized and excluded would most benefit;
 - (j) In order to ensure the right to adequate housing and to curb rising prices due to speculation in real estate markets, particularly in metropolitan cities, governments at all levels must ensure that land stocks for constructing social housing, including for the economically weaker sections of society, are used immediately for the purpose for which they were acquired;

- (k) Enhance effective monitoring and coordination to ensure that budget allocations for housing, sanitation and water provision at all levels of government are executed in a timely and transparent manner;
- (l) The national right to homestead bill of 2013 should be introduced in Parliament to provide land for the poor, the landless and those without a homestead in urban areas. A committee should be established to ensure its compliance with international human rights law. Schemes and programmes for rural housing should include the provision of plots of land, not only construction grants, in order to ensure that the most deprived and poor landless individuals can adequately ensure their right to housing and to a livelihood;
- (m) In keeping with the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, private entities should be regulated and measures put in place to ensure that they are monitored and held accountable, including with respect to speculation of land and housing, land grabbing, rentals, forced displacement and forced evictions both in urban and rural areas;
- (n) Courts must interpret the right to life and equality in a manner that gives effect to and is consistent with economic, social and cultural rights provided for in international human rights law. When applicable, commissioners should be appointed, as in the case of the right to food, by the Supreme Court, with a view to ensuring monitoring, redress and implementation of the right to housing over time;
- (o) Submit the pending report to the Committee on Economic, Social and Cultural Rights and ensure implementation of the recommendations relating to housing, land, living conditions and poverty alleviation from the universal periodic review. Use the forthcoming universal periodic review to commit to implementing the recommendations contained in the present report.

2016 Annual Report

Submitted to the General Assembly [A/71/310] – Indivisibility of the Right to Life and the Right to Adequate Housing¹³

12. For anyone who is homeless or street involved, living in security and dignity is near impossible. The death rate among homeless people ranges from two to ten times higher than for those who are not homeless. In eight states in India, between 2010 and 2016, approximately 24,000 homeless people died as a result of their living conditions, such as from infectious diseases, road accidents, and exposure to the elements.
63. Despite the fact that the Constitution of India separates the right to life as a justiciable right from the right to housing as a policy directive, the Supreme Court of India recognized the impossibility of separating the two rights as early as 1981, stating:

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

¹³ Available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/71/310

This case was followed by a number of crucial decisions, including in the *Olga Tellis* case, in which it was explicitly recognized that the right to livelihood forms an integral part of the right to life; the *Shantistar Builders Society* case, in which it was held that the right to life “would take within its sweep ... a reasonable accommodation to live in”; and *Chameli Singh v. State of U.P.*, in which the state’s obligations under the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Political Rights were considered and it was noted that “[the] right to shelter when used as an essential requisite to the right to live should be deemed to have been guaranteed as a fundamental right”.

64. There is a unique quality of empathy, humanity and commitment to justice in some of the judgments of the Supreme Court of India, as it has engaged directly with the lived realities of claimants in order to consider whether their right to life has been violated. By interpreting the right to life as including the right to housing, courts have responded to social movements and at the same time have acted as a catalyst for political inclusion. Those judgments are striking for their ability to bring to life the central ambition of the Charter of the United Nations, the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action.

Submitted to the Human Rights Council [A/HRC/31/54] – Homelessness¹⁴

58. The Supreme Court of India has affirmed that the right to life “includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life, such as adequate nutrition, clothing and shelter”. The High Court of New Delhi initiated a case on its own motion to consider whether the demolition of a temporary homeless shelter in preparation for the 2010 Commonwealth Games had violated the right to life. The loss of the shelter resulted in the death of one former resident. The Court ordered the Delhi government to rebuild the shelter and to stop evicting homeless persons in winter.

2015 Annual Report

Submitted to the Human Rights Council [A/HRC/28/62] – Responsibilities of Local and Other Subnational Governments¹⁵

51. In India, the right to adequate housing is not included as a fundamental right in the Constitution, but courts have now recognized the right to housing as enforceable under the right to life. In a 2010 case, initiated after the petitioners had been displaced from their land and their houses demolished, the High Court of Delhi ordered that the Government of Delhi relocate them to a suitable place and provide alternative land with ownership rights.

2013 Annual Report

Submitted to the General Assembly [A/68/289] – Rental and Collective Housing¹⁶

- 40 ...In Asia, informal rental ranges from unlicensed high-rise buildings that accommodate migrant workers in the “urban villages” of China to rented plots in some Indian and Thai cities where tenants build their own shelter. Most of those options — ignored by regulations — offer very precarious conditions to tenants.

¹⁴ Available at: <https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

¹⁵ Ibid.

¹⁶ Ibid.

Submitted to the Human Rights Council [A/HRC/22/46] – Security of Tenure¹⁷

50. States are also called upon to confer security of tenure to all those who lack it. This seems to imply that one focus of State action should be on the most disadvantaged and insecure. An examination of the authoritative guidance of United Nations mechanisms confirms that States must secure tenure particularly for the most disadvantaged and marginalized, such as low-income groups, informal settlers, and minorities.
51. National and regional case law offers similar guidance. For instance, the Supreme Court of India has called upon the State to provide some security of tenure to marginalized groups, such as pavement dwellers...

2012 Annual Report

Submitted to the Human Rights Council [A/67/286] – Impact of Housing Finance Policies¹⁸

20. In recent years market-based housing finance has spread throughout the world at an unprecedented rate... Similarly, the Indian market has been growing at 30 per cent per year.
53. Housing microfinance is offered by a wide variety of institutions including microfinance agencies, such as Grameen Bank and affiliates of the Accion organization; banks and commercial institutions, such as HDFC Bank in India and the CEMEX company in Mexico (the Patrimonio Hoy programme); and intergovernmental organizations and NGOs specializing in shelter provision, such as the Rural Housing Loan Fund in South Africa and Habitat for Humanity. A distinction can be made between financial institutions offering micro enterprise loans and institutions whose main purpose is improving the shelter situation of the poor, which may or may not be financial institutions.
59. A more recent form of housing microfinance, developed mainly in Africa and Asia, are community funds. These funds work with group loans and/or savings in order to assist communities to finance land regularization and acquisition, infrastructure and service provision, and home improvements. Community funds provide financial and technical support for the purchase of land parcels and communal infrastructure (roads, drainage, water distribution and connection, etc.). This process typically involves negotiations with other stakeholders such as the original owners of the parcel and Government. Some organizations (e.g. the National Housing Cooperative in Kenya) provide both individual housing microfinance loans and community group loans. International umbrella organizations have been created to enable and assist the operations of local community-based organizations such as Slum Dwellers International and the Society for the Promotion of Area Resource Centres in India.

2011 Annual Report

Submitted to the General Assembly [A/HRC/16/42] – Post-conflict and Post-disaster Reconstruction¹⁹

41. With the correct approach and support from the national government and outside agencies, the people directly affected by disasters and conflicts ought to remain directly involved despite the enormity of the challenges they face. This is particularly important in the areas of resettlement and reconstruction. The individuals, families and communities affected possess vital local knowledge and experience, and when working together can be an invaluable partner in designing and implementing creative solutions.

¹⁷ Available at: <https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

¹⁸ Available at: <https://www.ohchr.org/Documents/Issues/Housing/A-67-286.pdf>

¹⁹ Available at: <https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-42.pdf>

Community-based reconstruction, linked to planning and reconstruction processes developed at the municipal and national levels, should be promoted wherever possible. The IASC guidelines accordingly advise agencies “In the planning and rehabilitation of housing and human settlements, [to] devise community-based strategies to maximize the participation of all sectors of affected communities (e.g. community housing teams). Local communities should be involved in decision-making regarding the location, design and infrastructure of housing and settlements to ensure that they are safe, habitable, accessible and culturally appropriate.”

42. Studies have demonstrated the potential negative effects of failing to follow this approach. One example is research done in Gujarat, India, in the aftermath of the 2001 earthquake which left 1.2 million people homeless and damaged 1.7 million properties including 15,000 schools, affecting a total of 490 towns and 8,000 villages. This was met with a comprehensive, generally successful and internationally acclaimed relief and rehabilitation effort managed by the Gujarat State Disaster Management Authority. The response was coordinated through a system of “village adoption”, whereby NGOs and other entities took on responsibility for the reconstruction of the villages. Most affected households were offered two options: owner-driven reconstruction and donor-driven reconstruction. In the process different approaches were followed, allowing for flexibility, with varying success. A number of the lessons drawn from the study emphasized the importance of the involvement and active agency of the affected people, as well as the influence of location on the lives of affected communities. In one case, a new township constructed three kilometres from the original village that had been destroyed was found six years after the earthquake to be empty but for one or two houses occupied by migrant workers renting the properties from the intended owners. The intended inhabitants of this settlement, who had initially accepted the offer of houses built for them, had returned to the original village and built their own: “[The villagers said] that they did not want to leave their village, ‘...it is the home of our ancestors’. When asked who built the village, the proud response is that they did it themselves.” In another village, while people had occupied the houses that had been built for them, they described their new settlement in “wholly negative” terms such as: “It is dead”; “We are bored”; “There are no shops”.
43. The Gujarat study points to some of the dangers of resorting to rushed, donor-driven programming, which can neglect the social capital of the affected residents, and to contractor-driven reconstruction projects, which are rarely developmental in nature. The authors conclude that “The drive to rebuild quickly inevitably leads early on to the decision to hire commercial contractors. At this point projects such as these usually cease to be developmental initiatives and become construction projects. The participation of residents is relegated to mixing concrete or making building blocks, or worse. [...] Fundamentally, the contractor-driven approach to shelter is focused on the construction of housing units. Yet shelter is far more than that”. They also warn that: “When powerful external agents are driving the process within an affected village, the social capital present within longstanding communities can be ignored or even damaged.”

2009 Annual Report

Submitted to the Human Rights Council [A/64/255] – Relationship between Climate Change and the Right to Adequate Housing²⁰

9. The 2007 monsoon season in South Asia caused intense floods and storms that killed more than 1,000 people in Bangladesh, India, Southern Nepal and Pakistan and displaced more than 14 million people in India and 7 million in Bangladesh.

²⁰ Available at: <https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

18. These informal settlements are usually located in the most hazardous sites within cities, at risk from flooding or landslides. For instance, large concentrations of illegal settlements can be seen on hills prone to landslides (La Paz; Caracas; and Bamenda, Cameroon), in deep ravines (Guatemala City) or on land prone to flooding (Guayaquil, Ecuador; Recife, Brazil; Monrovia; Lagos, Nigeria; Port Harcourt, Nigeria; Port Moresby; New Delhi; Bangkok; Jakarta; Buenos Aires; Resistencia, Argentina; Bogota; Mumbai, India; Accra; Kumasi, Ghana; and Mombasa, Kenya).

2008 Annual Report

Submitted to the Human Rights Council [A/HRC/7/16] – Overview of the Work of the First Special Rapporteur²¹

75. Land is also of great importance to certain groups that have suffered historic discrimination, whether on grounds of descent, race or colour. For instance, descent and work-based communities, such as the Dalits in India, continue to face extreme human rights violations, including with regard to land and housing rights.

2006 Report on Women and Housing

Submitted to the Commission on Human Rights [E/CN.4/2006/118]²²

24. ... The Special Rapporteur...welcomes the enactment of legislation that recognizes women's rights to housing, land, and inheritance, including for example in India, through the Hindu Succession (Amendment) Act 2005 and the Protection of Women from Domestic Violence Bill 2005.
60. The Special Rapporteur has received reports from NGOs alleging that in the aftermath of the tsunami women's claims to land are not being upheld. Reports from Aceh and India indicate that women are unable to claim ownership rights to land registered in their husband's or father's name.
78. The examples of the lack or insufficient shelters for homeless women are numerous. In Delhi, India, in 2006 shelter facilities only cover the need of 1 per cent of the 10,000 women who are homeless.

2005 Report on Women and Housing

Submitted to the Commission on Human Rights [E/CN.4/2005/43]²³

46. Legislation against domestic violence must recognize the link with the right to adequate housing and contain legal protections for women to realize this right, while ensuring the provision of alternative adequate housing for victims of domestic violence and abuse. A number of laws that recognize this link are beginning to emerge, including the recently enacted domestic violence law in Mongolia and the Domestic Violence Against Women (Prevention and Protection) Bill, drafted by a non-governmental organizations in India. The latter specifically recognizes a woman's right to residence in the shared household, which is particularly important because a common impact of domestic violence in India is that the woman loses her space in the shared household.
51. Homeless people suffer from multiple problems, including social exclusion, vulnerability to social security debt, detention and imprisonment, and inability to access services that require proof of residency.... A lack of security of tenure as well as the failure to recognize women's property rights within, outside and upon dissolution of marriage or domestic partnership is a major contributing

21 Available at: <https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

22 Available at: <https://undocs.org/E/CN.4/2006/118>

23 Available at: <https://undocs.org/E/CN.4/2005/43>

factor. In settings where there is stigma associated with the perceived “breakdown” of marriage or domestic partnership, informal networks of care and support may disintegrate and further expose women to the risk of homelessness. Even where some level of community-based support is provided, whether through shelters or other social welfare measures, it is often insufficient. In New Delhi, India, for example, there are an estimated 5,000 homeless women and yet there is only one shelter in the city dedicated to homeless women.

2005 Annual Report

Submitted to the Commission on Human Rights [E/CN.4/2005/48] – Homelessness²⁴

27. The Special Rapporteur notes with grave concern that Governments continue the practice of mass evictions in cities as a means of creating “world-class cities”, lured by the prospect of international investment. Economic globalization has created competition amongst cities that is to the detriment of the poor. The example of Mumbai, India, is very recent. Between December 2004 and January 2005, 80,000 homes were demolished rendering 300,000 people homeless. For the vast majority of those evicted there was no advance notice, the evictions were violently carried out, and the belongings, including identity cards, of many were damaged or burnt. Those evicted have not been offered alternative accommodation, clearly exacerbating the situation of homelessness in Mumbai. The Chief Minister explained these brutal demolitions as the only way to create a “world-class” city in the future.
32. The Special Rapporteur notes with concern the impact of laws that directly or indirectly criminalize homelessness and serve to further marginalize the homeless. In India, for example, the 1959 Bombay Prevention of Begging Act (adopted in Delhi in 1961) has been used by Delhi police to target the homeless as the Act permits intervention against anyone “having no visible means of subsistence and, wandering about or remaining in any public place in such condition or manner, as makes it likely that the person doing so exists by soliciting or receiving alms”.
51. Empirical data show that where children are homeless or living in dismal conditions, their growth, development and security are seriously compromised. Figures from India, where 40 per cent of the total urban population of 280 million is classified as poor, offer a clear illustration of this. More than half of the country’s poor urban children are underweight; a high proportion are severely undernourished, affecting growth and development, while more than 80 per cent of poor children in India’s urban areas have anaemia.
62. Certain sections of the world’s population face multiple forms of discrimination. For instance, the Dalits - a community facing historical caste-based discrimination and disenfranchisement in India, Nepal and to some extent Pakistan - suffer extreme human rights violations, including with regard to land and housing rights. A majority of Dalits are still prevented from owning land and are forced to live on the outskirts of villages, often on barren land. While the struggle for Dalit land rights is growing, land reforms intended to benefit the rural poor and Dalits have been ineffective due to weak legislative provisions, inadequate implementation, and a lack of State commitment.

2004 Annual Report

Submitted to the Commission on Human Rights [E/CN.4/2004/48] – Forced Evictions²⁵

63. In his 2003 report, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (E/CN.4/2003/90), focused on the impact of development projects on indigenous

²⁴ Available at: <https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

²⁵ Ibid.

peoples. In Chile, Colombia, Costa Rica, India and the Philippines, among other countries, the construction of large multi-purpose dams particularly affects areas with large indigenous populations.

2002 Annual Report

Submitted to the Commission on Human Rights [E/CN.4/2002/59] – Discrimination and Impact of Globalization²⁶

63. Ensuring links with the local needs through wider participation of the community is an essential factor in promoting broader accountability... In the State of Rajasthan, India, a civil society organization, Tarun Bharat Sangh, has shown remarkable results by working with villagers to regenerate groundwater through environmental restoration.
72. ... The Special Rapporteur continued to monitor the situation in India concerning the housing and living conditions of the tribal and other people displaced by the Sardar Sarovar project on the Narmada River, in the aftermath of the decision by the Supreme Court in *Narmada Bachao Andolan v. Union of India and Others*, as mentioned in his last report.

2001 Annual Report

Submitted to the Commission on Human Rights [E/CN.4/2001/51] – Definition of Mandate and Objectives²⁷

81. In stark contrast, two recent judgements from India can be considered significant setbacks. In the same month as the case in South Africa, the Supreme Court of India in *Narmada Bachao Andolan v. Union of India and Others* revealed a regressive attitude towards housing rights and disregard for both fundamental human rights and India's obligations under the ICESCR. At issue was the continued construction of the Narmada Dam and its significant impact on both the environment and the hundreds of thousands of tribal people in the Narmada Valley, who have been displaced with inadequate resettlement and rehabilitation plans.
82. The Special Rapporteur is concerned that, despite detailed knowledge of the inability of the authorities to determine the total number of people to be displaced and to find adequate land for their resettlement, and the incomplete resettlement for those already displaced, the Supreme Court ruled that "... displacement of the tribals and other persons would not per se result in the violation of their fundamental or other rights..." and held that the construction of the dam would continue. The judgement contradicts previous Supreme Court rulings that have upheld the right to shelter as related to the right to life as well as the Narmada Water Disputes Tribunal decisions. It is also dismissive of the legitimate struggle of the people of the Narmada Valley led by the Narmada Bachao Andolan (Save the Narmada Campaign), petitioner in the case.
83. In another case, the Bombay High Court heard a petition filed in 1995 by the Bombay Environmental Action Group (BEAG) to "remove forthwith" informal settlement dwellers (as "encroachers") adjacent to the Sanjay Gandhi National Park so as to ensure the protection of "the environment and all its aspects". Subsequent to the petition, the Bombay High Court of 7 May 1997 directed the relevant authorities to evict persons from their homes, pursuant to various wildlife protection and conservation laws, effectively depriving them of their livelihood.
84. The Indian Peoples Human Rights Tribunal on Sanjay Gandhi National Park, determined that the BEAG petition was clear evidence that its vision of a "clean environment" excludes vast sections of the

²⁶ Available at: <https://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

²⁷ Ibid.

population who were unpropertied and living in abject poverty. As well, the Court's summary eviction order will eventually affect half a million slum-dwellers. Particularly disturbing was the fact that the Court not only ordered this mass eviction, but it explicitly ordered the demolition of homes and the destruction of all belongings and construction materials which, in the first wave of evictions, were gathered and burnt by the demolition squad.

Special Rapporteur on Adequate Housing: Summary of Communications to the Government of India

8 July 2011: Summary of allegations transmitted [A/HRC/19/44]

Alleged forced evictions and demolition of houses, and arrest of eight women subsequent to the eviction. According to the information received, on 6 June 2011, 15 houses in Yaipha Leikai village located in the Lamphelpat Wetland in the Imphal West District of Manipur state were demolished by Manipur police forces. Reportedly, around 70 people were forcefully evicted from homes they had inhabited for more than 40 years. Allegedly, the evictions are to make way for the building of a National Institute of Technology complex and a water body in the Lamphelpat wetlands. Allegedly, no reasonable prior notice was given to the residents evicted and only a collective notice was posted on an electricity pole in the village the day prior to the eviction. Eight women were reportedly arrested by the Lamphel Police Station following their eviction.

14 February 2011: Summary of allegations transmitted [A/HRC/16/42/Add.1]

34. On 13 January 2010, the Special Rapporteur sent an urgent appeal letter to the Government of India, regarding the alleged situation of homeless in New Delhi, including deaths due to severe cold weather. According to information received, between 31 December 2009 and 11 January 2010, at least seven homeless people died from cold in New Delhi. Concerns were also expressed that because of the weather and the lack of a sufficient number of equipped shelters, the life of additional homeless people was at stake in New Delhi.
35. On 10 June 2010, the Special Rapporteur sent a letter of allegation to the Government of India regarding the alleged evictions and demolitions of informal settlements and slums in New Delhi in the run-up to the Commonwealth Games. According to information received by the Special Rapporteur, New Delhi witnessed evictions and demolitions of informal settlements and slums in the run-up to the Commonwealth Games that took place from 3-14 October 2010 in the capital city. Most of these evictions were apparently carried out to construct roads, bridges, stadiums, and parking lots, or to beautify the city. In addition, beggars and homeless persons were allegedly rounded up, arrested and arbitrarily detained under the Bombay Prevention of Beggary Act 1959 in preparation for the Games.

10 June 2010: Summary of allegations transmitted [A/HRC/18/51]

According to the information received, New Delhi witnessed evictions and demolitions of informal settlements and slums in the run-up to the Commonwealth Games that took place from 3-14 October 2010 in the capital city. Most of these evictions were apparently carried out to construct roads, bridges, stadiums and parking lots, or to beautify the city. In addition, beggars and homeless persons were allegedly rounded up, arrested and arbitrarily detained under the Bombay Prevention of Beggary Act 1959 in preparation for the Games.

22 February 2010: Summary of allegations transmitted [A/HRC/13/20/Add.1]

36. On 27 March 2009, the Special Rapporteur sent an allegation letter to the Government of India concerning forced evictions in the areas of Davidpuram, Kalvaikarai, Pumping Station and Samidosspuram, in the city of Chennai, State of Tamil Nadu, India.
37. On 20 July 2009, the Special Rapporteur sent an allegation letter to the Government of India regarding alleged forced evictions in the area of Netaji Nagar Basti, Ghatkopar, in the city of Mumbai, State of Maharashtra. According to the information received, on 28 May 2009, officials of the Municipal Corporation of Greater Mumbai carried out the eviction of approximately 250 families in the above-mentioned site, with the assistance of the Pant Nagar Police. The police reportedly used violent means. A number of protestors reportedly remained in custody for one night.
38. On 9 December 2009, the Special Rapporteur sent an urgent appeal to the Government of India regarding forced evictions along the Cooum River in the city of Chennai, Tamil Nadu. According to the allegations, around 430 families living along the Cooum River in Chennai, Tamil Nadu, were forcibly evicted and their homes destroyed in actions starting on 13 November 2009. The forced evictions were reportedly carried out by the Public Works Department and the Slum Clearance Board in order to clear land that the National Highways Authority of India (NHAI) plans to use to build an elevated highway. During the evictions, a force of over 200 police officers was reportedly deployed and bulldozers demolished the huts of the families in question. It was alleged that the families had not been issued an appropriate advance notice of the eviction. Reportedly, 150 families had not been offered alternative housing and had been left homeless by the evictions. The relocation offered to the rest of the families was allegedly not the product of proper consultation processes. The housing alternatives offered were far removed from their places of work and educational facilities.

17 February 2009: Summary of allegations transmitted [A/HRC/10/7/Add.1]

52. On 29 February 2008, the Special Rapporteur together with the special Rapporteur on violence against women, its causes and consequences sent a joint allegation letter to the Government of India concerning reports they have received regarding violence against Dalit women. Dalit women and men suffer descent based discrimination in various aspects of their lives and are also victims of violence and untouchability practices arising out of the caste system. Despite the formal abolition of "Untouchability" by article 17 of the Indian Constitution, de facto discrimination and segregation of Dalits persists, in particular in rural areas, in access to places of worship, housing, hospitals, education, water sources, markets and other public places. Dalit women are confronted with discrimination, exclusion and violence to a larger extent than men. Lands and properties in particular are issues of conflicts over which Dalit women have faced evictions, harassment, physical abuses and assaults. Dalits women are often denied access to and are evicted from their land by dominant castes, especially if it borders land belonging to such castes. They are therefore forced to live on the outskirts of villages, often on barren land. Violence against Dalits is also caused due to land or property disputes. Reportedly, on many occasions, cases of violence against Dalit women are not registered. Adequate procedures are not taken by the police.
53. Mrs. Fulwa Dewi, wife of Hardev Paswan, owns a field where she was growing crops. On 16 November 2005, Rajdev Yadav, Lalder Yadav, Urmila Devi, Siyamani Devi and Saguni Yadav beat her up and stole her crops. On 13 December 2005, Mrs. Fulwa Dewi filed a complaint with the local police. The accused were arrested but were immediately released on bail. The Special Rapporteurs recall Article 4 (b) of the United Nations Declaration on the Elimination of Violence against Women, as well as the

Concluding Observations of The Committee on Racial Discrimination (CERD), in 2007, paragraph 20, which recommended that the Government of India “ensure that Dalits, including Dalit women, have access to adequate and affordable land and that acts of violence against Dalits due to land disputes are punished under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989).” In addition to comments on the accuracy of the facts of the allegations, the Special Rapporteurs requested further information on the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to the individual cases mentioned; details of any prosecutions against the perpetrators which have been undertaken and if any sanctions have been imposed on the alleged perpetrators; and whether the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989) has been used to ensure remedies to the alleged victims.

17 January 2005: Summary of allegations transmitted [E/CN.4/2005/48/Add.1]

19. On 28 October 2004, in a letter of urgent appeal, the Special Rapporteur sent a communication to the Government of India, inquiring about the allegation of a forced eviction of women and children from the Palika Hostel night shelter for the homeless by the New Delhi Municipal Council (NDMC) on the morning of 16 October 2004. According to the information received, approximately 150 NDMC staff entered the shelter at 7.30 a.m., allegedly using excessive force while effectuating the eviction. At the time of the communication, the persons affected by the eviction continued to be without housing and were reportedly living in tents or on the streets. The information received suggested that the eviction had been conducted in a way that violated a series of requirements imposed by international human rights law, in particular the right to adequate housing as a component of the right to an adequate standard of living. The Special Rapporteur respectfully drew attention to the urgent need for developing a comprehensive policy and strategy to address the housing rights of the poorest segments of society, including the homeless, particularly in light of the onset of winter.

3 March 2005: Summary of allegations transmitted [E/CN.4/2005/48]

27. The Special Rapporteur notes with grave concern that Governments continue the practice of mass evictions in cities as a means of creating “world-class cities”, lured by the prospect of international investment. Economic globalization has created competition amongst cities that is to the detriment of the poor. The example of Mumbai, India, is very recent. Between December 2004 and January 2005, 80,000 homes were demolished rendering 300,000 people homeless. For the vast majority of those evicted there was no advance notice, the evictions were violently carried out, and the belongings, including identity cards, of many were damaged or burnt. Those evicted have not been offered alternative accommodation, clearly exacerbating the situation of homelessness in Mumbai. The Chief Minister explained these brutal demolitions as the only way to create a “world-class” city in the future.
32. The Special Rapporteur notes with concern the impact of laws that directly or indirectly criminalize homelessness and serve to further marginalize the homeless. In India, for example, the 1959 Bombay Prevention of Begging Act (adopted in Delhi in 1961) has been used by Delhi police to target the homeless as the Act permits intervention against anyone “having no visible means of subsistence and, wandering about or remaining in any public place in such condition or manner, as makes it likely that the person doing so exists by soliciting or receiving alms”.
51. Empirical data show that where children are homeless or living in dismal conditions, their growth, development and security are seriously compromised. Figures from India, where 40 per cent of the total urban population of 280 million is classified as poor, offer a clear illustration of this. More than half

of the country's poor urban children are underweight; a high proportion are severely undernourished, affecting growth and development, while more than 80 per cent of poor children in India's urban areas have anaemia. Children and families of the urban poor often live in slums and squatter communities under intolerable and subhuman conditions. They do not have access to clean water, nor do they have proper sewage and garbage disposal systems, and are thus highly vulnerable to infectious diseases.

62. Certain sections of the world's population face multiple forms of discrimination. For instance, the Dalits – a community facing historical caste-based discrimination and disenfranchisement in India, Nepal and to some extent Pakistan - suffer extreme human rights violations, including with regard to land and housing rights. A majority of Dalits are still prevented from owning land and are forced to live on the outskirts of villages, often on barren land. While the struggle for Dalit land rights is growing, land reforms intended to benefit the rural poor and Dalits have been ineffective due to weak legislative provisions, inadequate implementation, and a lack of State commitment.
66. Numerous organizations in India, United States, Australia and other countries are taking up the issue at the national and international levels. The Special Rapporteur urges Governments to work with these organizations and to use their experience to work out viable solutions to homelessness. The Special Rapporteur commends the work of the homeless themselves in organizing the struggle for their human rights.

Press Releases of the Special Rapporteur on Adequate Housing²⁸

1 October 2013

Construction of a mega-steel plant in Odisha in Eastern India should be halted immediately, United Nations independent human rights experts have urged, citing serious human rights concerns. The project reportedly threatens to displace over 22,000 people in the Jagatsinghpur District, and disrupt the livelihoods of many thousands more in the surrounding area. "The construction of a massive steel plant and port in Odisha by multinational steel corporation POSCO must not proceed as planned without ensuring adequate safeguards and guaranteeing that the rights of the thousands of people are respected," the group of eight experts stressed. While India has the primary duty to protect the rights of those whose homes and livelihoods are threatened by the project, the experts underlined that "POSCO also has a responsibility to respect human rights, and the Republic of Korea, where POSCO is based, should also take measures to ensure that businesses based in its territory do not adversely impact human rights when operating abroad." The UN independent experts brought their concerns to the attention of both Governments and the corporation involved following allegations of human rights abuses and potential negative human rights impacts linked to the project. "Forced evictions constitute gross violations of human rights," said the UN Special Rapporteur on adequate housing, Raquel Rolnik, "and may only be carried out in exceptional circumstances and in a manner consistent with human rights law, including after a genuine consultation, without leaving people homeless or vulnerable to further human rights violations."

19 January 2010

The Special Rapporteur on the right to adequate housing, Ms Raquel Rolnik, expressed her concern about the homeless persons that have died from cold recently in New Delhi and the risk to the lives of many others given the harsh weather and insufficient adequate shelters. Ms. Rolnik also drew attention to the growing number of homeless persons in the Indian capital and the demolitions of homeless shelters, stressing that the preparation for the 2010 Commonwealth Games seems to be "one of the

²⁸ Available at: http://www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?SID=Adequate_Housing

factors behind the closing down of a number of shelters.” In the last month demolitions and evictions of homeless from places they used as shelters have been conducted by public authorities despite the cold weather. “The lives of hundreds of homeless people in India are at risk as temperatures near zero degrees,” warned the Special Rapporteur. Ten homeless persons have already died from cold in the last month in New Delhi. In northern India, around a hundred homeless persons have reportedly died in the states of Uttar Pradesh and Bihar due to the freezing cold that affected the region over the last few weeks. “While the homeless population has been growing since 2007,” said Ms. Rolnik, “the number of homeless shelters in New Delhi has recently been reduced from 46 to 24, in disregard of the Delhi Master Plan 2001 and the Delhi Municipal Corporation Act 1957.”

29 October 2004

The Special Rapporteur on the right to adequate housing, Mr Miloon Kothari, issued a public statement regarding the eviction of homeless women and children from Palika Hostel, Delhi.

“The Special Rapporteur wishes to publicly express his deep concern about the reported forced eviction on 16 October 2004, affecting women and children from the Palika Hostel night shelter for homeless, by the New Delhi Municipal Council (NDMC). According to reports, NDMC staff was using excessive force and destroying the personal belongings of the women and children while effectuating the eviction. Information received suggests that the eviction was undertaken in a manner contrary to international human rights law, in violation of the rights of the women and children, in particular of their right to adequate housing as a component of the right to an adequate standard of living.

Despite alleged assurances to the contrary given to civil society by the Prime Minister, NDMC went ahead with the eviction that has pushed over 100 homeless women and children back on the streets. New Delhi’s high crime rate and unsafe streets make homeless women and children particularly vulnerable to rape, sexual assault, abuse, and oppression. This should be seen in light of the evictions in Yamuna Pushta, when slums were demolished and approximately 130,000 people were forcibly evicted. Disturbing reports indicate that these families have still not received alternative housing, compensation or appropriate rehabilitation, and many have been forced to return to the streets. The Special Rapporteur is particularly concerned that these evictions have affected the very poor and already vulnerable.

The alleged forced eviction of women and children and the closure of the Palika Hostel night shelter was seemingly undertaken in a manner not respecting the international human rights obligations of the Government of India, in particular those under the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The forced eviction is seemingly also in direct contradiction with the NDMC Act 1994 and the Government’s Common Minimum Programme (CMP).

The Special Rapporteur calls on responsible government bodies to immediately provide alternative housing for the displaced women and children in an adequate shelter, close to the original location of Palika Hostel. Civil society organisations have reportedly identified several unused community centres in the vicinity for this purpose. In the absence of an urgently needed comprehensive strategy to address the housing rights of Delhi’s poor, and in light of the onset of winter, the Special Rapporteur also strongly calls for the creation of more shelters and adequate housing that provide basic amenities like water and sanitation, and are located close to livelihood sources of the poor and homeless. The Special Rapporteur further urges the relevant authorities to take all necessary steps to investigate alleged human rights violations, including excessive use of force, in connection with the evictions on 16 October 2004, including, where appropriate, prosecution of perpetrators.”

2) Special Rapporteur on Violence against Women, its Causes and Consequences²⁹

Report on the Mission to India – April 2014

Submitted to the Human Rights Council [A/HRC/26/38/Add.1]

18. Women with disabilities face multiple challenges, including, for example, the lack of adequate access to public spaces, utilities and buildings, and often experience harassment in public. The Special Rapporteur...was also informed of violence perpetrated against women with disabilities in State-sponsored shelters.
25. Women were also found to suffer violence in the context of forced evictions. The State's efforts to foster economic growth and implement development projects are allegedly often conducted without adequate consultations with affected communities, with the sole objective being one of economic growth at any cost. The consequences for women include being forced to live in insecure environments, displacement, the degradation of their environment, the loss of land and livelihoods and forcible evictions. Many victims are left without adequate relocation alternatives, forcing them to live in slums or on the streets. The Government's twelfth Five-Year Plan, 2012–2017 includes elements to improve housing conditions through a new slum rehabilitation programme and schemes to assist States to improve livelihood opportunities in urban areas.
27. Many women refugees and asylum seekers are unskilled workers who often perform hazardous labour in urban and informal settings. While access to education and health care is provided for free by the Government, access to livelihoods is still a challenge, particularly in urban or semi-urban areas. Many of those women earn low wages and are forced to live in small and overcrowded apartments, with a lack of access to basic sanitation in less developed urban settings. Such factors contribute to poor health conditions and other vulnerabilities. Language barriers often impede their ability to gain access to health care, education and the justice system. Despite improvements in criminal law and police procedures, women refugees and asylum seekers continue to voice safety concerns, as they are frequent targets of attacks and harassment by employers, landlords and community members in public and private spheres.
35. Fair trial rights, equality before the law and equal protection of the law were affected by numerous challenges, beginning with the reporting of cases of violence against women to the police. Many interlocutors said that victims were often discouraged from reporting to the police and that many women did not file a complaint owing to fear of reprisals or lack of guarantees of adequate shelter and access to livelihoods. Informal dispute settlement alternatives are often sought, allegedly by police, family members or community leaders. Many interlocutors described the complete or partial absence of legal, housing, security and financial assistance measures for victims. To be able to officially report complaints and continue throughout the often lengthy judicial process in safety and with an adequate standard of living is not an option for many women.
60. Although telephone hotlines are available, the police are usually the first point of contact for many women, according to reports received. Victims of violence, who require from the State special security, shelter, public housing, health care and socioeconomic protection, often face significant challenges. Many services are channelled through providers that lack sufficient resources. Numerous

²⁹ All reports of the Special Rapporteur on Violence against Women are available at: <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/AnnualReports.aspx>

allegations were made of de facto caste-based discrimination, perpetrated by police officers, public representatives and community members, with regard to access to services.

71. Women experience obstacles in gaining access to mechanisms of redress, including legal aid, counselling services and shelters.
78. The Special Rapporteur recommends that the Government:
 - (q) Take measures to ensure that displaced populations and evicted families have adequate access to livelihoods, including access to health and education;
79. The Special Rapporteur recommends that the Government:
 - (a) Take effective measures to ensure access to justice and effective redress for all victims of violence against women. In particular, it should:
 - (vi) Ensure legal, housing, security and financial assistance measures for victims of violence that enable them to pursue accountability for crimes and also to rebuild their lives.

2000 Annual Report

Submitted to the Commission on Human Rights [E/CN.4/2000/68]

59. Globalization may have dire consequences for human rights generally and women's human rights particularly, in terms of eroding civil, political, economic, social and cultural rights in the name of development and macro-level economic restructuring and stability. In the countries of the South, structural adjustment programmes have led to increased impoverishment, particularly amongst women, displacement and internal strife resulting from the political instabilities caused by devaluing national currencies, increasing debt and dependence on foreign direct investment. The crisis in ASEAN countries is an indicator that globalization policies can result in disaster if not properly managed. The economic crisis in East Asia has resulted in many women being trafficked to escape from sudden poverty. In some countries, development policies and practices have led to large-scale displacements of local populations. The Narmada Valley dam project in India, which is being protested by thousands of villagers in the Narmada Valley who will be displaced by the project, is an example of the destabilizing capacity of "development". The destabilization and displacement of populations increase their vulnerability to exploitation and abuse through trafficking and forced labour. Political instability, militarism, civil unrest, internal armed conflict and natural disasters also exacerbate women's vulnerabilities and may result in an increase in trafficking.

1999 Annual Report

Submitted to the Commission on Human Rights [E/CN.4/1999/68]

212. India: The Special Rapporteur is concerned at reports that despite the continuing increase in levels of violence against women generally and violence within the family specifically, few steps have been taken to prevent, investigate and prosecute violence against women. Further, according to reports, current development priorities, which cause displacement, loss of shelter and livelihood, and break down community support mechanisms, are contributing to the incidence of violence against women. The Special Rapporteur calls on the Government to take effective measures to arrest the increase in violence against women and to provide support and remedies for women.

3) Special Rapporteur on the Situation of Human Rights Defenders

Report on the Mission to India – February 2012

Submitted to the Human Rights Council [A/HRC/19/55/Add.1]³⁰

71. In the context of the country's economic policies and despite legal requirements of consultation and rehabilitation, defenders engaged in denouncing development projects that threaten or destroy the land, natural resources and the livelihoods of their community or of other communities have been targeted, increasingly on a joint basis, by State agents and private actors and are particularly vulnerable.
72. In Assam, indigenous communities who were not consulted on the construction of mega-dams and criticized such projects because of their human rights and environmental consequences were branded by the authorities as anti-Government activists. This is the same rhetoric used under the Armed Forces (Special Powers) Act. Defenders live in constant fear. In Assam, one defender was tortured with electric shocks while in detention and a woman defender was shot. Three defenders were killed in Manipur.
73. In Andhra Pradesh, defenders who denounced environmental issues and sensitized citizens about their right to land have been branded as sympathizers of Naxalites, or being Naxalites.
74. In Kerala, defenders protecting natural resources (forest, land and water) have been repeatedly arrested, beaten and in some instances killed because of their activities.
76. In Orissa, anti-mining campaigners have been killed and the police reportedly claimed that they were Maoists. Many corporate projects, which caused land grabbing and displacement, were undertaken with the collusion of the Government. A defender denouncing bonded labour spent 110 days in jail. In Orissa, women defenders are at the forefront of demonstration against dams. Forty-two women defenders were put in jail for protesting against the building of a dam.
80. In Mumbai, a woman defender supporting slum-dwellers facing eviction received threats for conveying their voices.
101. In West Bengal, a journalist was brutally assaulted and tortured by Bengali police because he documented the case of a developer who acquired the land of a poor man and captured it on camera.
116. The Special Rapporteur is particularly concerned at the plight of women Dalits' rights defenders who face gender-based violence, or restrictions, regarding their work on the basis of their caste and gender. In August 2010, an elected female Dalit representative in Rajasthan was insulted and beaten by members of the dominant caste because she had taken up cases of land rights in her community. She filed a complaint to the police, but the perpetrators were reportedly never arrested. In another case, a centre working on issues pertaining to Dalit women was forcibly closed down by the dominant caste, and the manager was subsequently attacked by villagers and forced to leave the village with her family.
117. The ancestral land, water and resources of Adivasis are part of their identity as well as livelihood. They have been subjected to severe violations of their rights by state Governments and private actors who often act in collusion to exploit such lands which are often rich in minerals and natural

³⁰ Available at: <https://www.ohchr.org/Documents/Issues/Defenders/A-HRC-19-55-Add1.pdf>

resources. Frequently, Adivasis's non-violent means of protests against exploitation of their lands and displacement have been met by violent state response. They are often arrested and placed in detention with false cases. In addition, they are often victims of the ongoing conflict between the authorities and the Maoists.

119. In Orissa, staff members of KIRDT, an NGO which sensitizes Adivasis on their rights when facing eviction, were harassed by the police who branded them as Maoists. Their families were ostracized.
120. In Jharkhand, several indigenous peoples were arrested following protests in relation to a land dispute and forced eviction benefitting corporate companies.

4) Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes

Report on the Mission to India – September 2010

Submitted to the Human Rights Council [A/HRC/15/22/Add.3]³¹

5. India is a party to a number of international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Pursuant to these treaties, the country has undertaken an obligation to protect individuals and communities within its jurisdiction by eliminating, or reducing to a minimum, the risks that hazardous products and wastes may pose to the enjoyment of human rights, including the right to life, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to safe and healthy working conditions, the right to food and safe drinking water, the right to adequate housing, the right to information and public participation and other human rights enshrined in the Covenants and the Universal Declaration of Human Rights.
56. Much more remains to be done to ensure the effective enjoyment of the right to the highest attainable standard of health, as defined in article 12 of the Covenant. The Special Rapporteur observes that this right extends not only to timely and appropriate health care, but also to “the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information”.
99. The Special Rapporteur is seriously concerned at the poor conditions in which most workers live, especially in Mumbai. He calls on GMB (Gujarat Maritime Board) and MPT (Mumbai Port Trust) to provide appropriate plots of lands, and to facilitate – with the financial help of the shipbreaking industry – the construction of adequate housing facilities for those who work in the yards. Adequate access to safe drinking water and sanitation facilities should also be provided within and outside the yards. Taking into account that about 20 per cent of workers are accompanied by their families, the Special Rapporteur also calls on the Government of India and regulatory authorities to establish and maintain schools or formal education facilities for the children of those employed in the yards.

31 Available at: <https://www.ohchr.org/EN/Issues/Environment/ToxicWastes/Pages/Visits.aspx>

5) Special Rapporteur on Freedom of Religion or Belief

Report on the Mission to India – January 2009

Submitted to the Human Rights Council [A/HRC/10/8/Add.3]³²

37. A large number of criminal cases relating to the communal violence in 2002 remain un-investigated or have been closed by the Gujarat police and the plight of those internally displaced from their home continues. In addition, there is increasing ghettoization and isolation of Muslims in certain areas of Gujarat, for example in one part of Ahmedabad which is colloquially called “little Pakistan”. The assertion of the state government that development by itself will heal the wounds does not seem to be realistic. The Special Rapporteur believes that it is crucial to recognise that development without a policy of inclusiveness of all communities will only aggravate resentments.
45. A number of Hindu leaders expressed their mistrust of Muslims living in Srinagar. They remain hurt at the use of violence and threats hurled at the Kashmiri Pandits, who were eventually left no option but to be evacuated from Srinagar in the 1990s. While many of the Kashmiri Pandits remain internally displaced, there have also been public statements inviting them to return to Kashmir.

6) Special Rapporteur on the Right to Food³³

Report on the Mission to India – March 2006

Submitted to the Commission on Human Rights [E/CN.4/2006/44/Add.2]

11. Scheduled castes and tribes suffer most from hunger and malnutrition, making up 25 per cent of the rural population but 42 per cent of the poor. As a result of discrimination, many low-caste Dalits are expected to work as agricultural labourers without being paid, many held in debt bondage by their higher-caste employers. Although debt bondage is illegal, NGOs estimate that there are between 20 to 60 million bonded labourers in India, 85 per cent of them belonging to scheduled castes and scheduled tribes. Widespread discrimination prevents Dalits from owning land, as they are seen as the “worker class”, and even if they receive land (as a result of redistribution and agrarian reform programmes in some states), such land is frequently taken by force by higher-caste people in the area. Lower castes are also often restricted from using village wells, as observed by the Special Rapporteur in Shivpuri District. Tribal peoples, particularly those living in forest and hill areas, are extremely marginalized, many having lost access to traditional forest livelihoods and food resources through the creation of Forest Reserves, and many remain without food ration cards or access to government services. Tribal peoples also suffer disproportionately from displacement because of development projects such as dams, power plants, coal mines and mineral industries. There are no official statistics on the number of people displaced, but NGOs and academics estimate that dam projects alone have displaced up to 33 million people who have lost their lands and livelihoods. Around 40-50 per cent of the displaced are tribal people even though they make up only 8 per cent of the population, reflecting the serious discrimination against tribal peoples.
13. In urban areas the hungry and malnourished are predominantly people surviving in the informal sector as well as vulnerable groups that are excluded from access to public services and food ration cards such as migrants, refugees, the homeless, the displaced, informal slum dwellers and street children. The sick and elderly, who have no family members to support them, are also extremely

³² Available at: <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Visits.aspx>

³³ All reports of the Special Rapporteur on the Right to Food are available at: <https://www.ohchr.org/EN/Issues/Food/Pages/Annual.aspx>

vulnerable. Increasing urbanization is closely linked to poverty and food insecurity in rural areas and shrinking rural wages is contributing to distress-induced migration to urban areas, seen in the rapid development of slum and squatter settlements in India's towns and cities. More than 21 per cent of India's urban population now lives in slums with inadequate sanitation, housing and access to safe drinking water, severely affecting food consumption and absorption.

14. Today it is widely recognized within India that, although the 1990s saw a period of sustained economic growth as India moved towards a more market-oriented economy, this growth did not benefit all Indians equally. Middle and upper classes in urban areas have benefited under India Shining but the poorest have suffered a decline in living standards and rising food insecurity. With the liberalization of the agricultural sector and ongoing withdrawal of the State from agriculture there have been deep cuts in public investment in agriculture that have not been made up by private investment. The shift towards a more export-oriented economy has seen a shift from subsistence to cash crops, reducing the cultivation of grains, pulses and millet for household food consumption. With cash crops requiring increasingly expensive inputs such as seeds and fertilizer, many farmers have been pushed heavily into debt, which seems to explain the crisis of farmer suicides (reported to have reached 10,000 cases by the end of 2004). It has also brought greater pressure to consolidate landholdings for more capital-intensive commercial farming, with landless households increasing dramatically over the 1990s to around 45 per cent of rural households. Along with falling agricultural wages and rising food prices, these trends seem to have contributed to growing food insecurity amongst the poorest, especially in rural areas.
21. The Constitution provides special protection for women and children (art. 39 (f)) as well as for scheduled castes and scheduled tribes (art. 46), prohibits discrimination, including in the use of public sources of water (art. 15.2 (b)), and abolishes untouchability (art. 17). Many laws protect access to resources, including the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which prohibits wrongful occupation, cultivation or transfer of any land owned by or allotted to a member of a Scheduled Caste or a Scheduled Tribe (3.1.iv) and any wrongful dispossession of land or interference with the enjoyment of rights over any land, premises or water (3.1.v). The new amendments to the Hindu Succession Act, 1956, increase the protection of women's right to ownership and inheritance. Various State laws have also been adopted to abolish the feudal system and provide land for the most vulnerable (notably Land Ceiling Acts). However, de facto discrimination remains widespread in India.
26. The PUCL case represents a great advance in the justiciability of the right to food as a human right, as the orders of the Supreme Court in this case have transformed the policy choices of the Government into enforceable, justiciable rights of the people. Although this relates primarily to the obligation to fulfil the right to food, the Court has also made judgements that are related to the obligations to respect and to protect the right to food. It has, for example, protected the right to water of Dalits against discrimination by the upper castes, the right to livelihood of traditional fisher people against the shrimp industry (Aquaculture case), and the right to livelihood of scheduled tribes against the acquisition of land by a private company (Samatha case). For the Supreme Court, "any person who is deprived of his right to livelihood except according to just and fair procedure established by law, can challenge the deprivation as offending the right to life conferred by article 21". It is now essential that small farmers who are arbitrarily evicted from their land, or women or members of the Scheduled Castes or Scheduled Tribes who are deprived of their access to productive resources, should have the same access to justice before the Supreme Court.
36. In terms of more broadly addressing the discrimination against tribal peoples and scheduled castes, a number of special programmes have been established by the Ministry of Social Justice and the Ministry

of Empowerment and Tribal Affairs. These have included the Village Grain Bank Scheme, initiated in 1997, which aims to prevent starvation deaths of tribal people living in remote areas, especially those who are not reached by PDS. Affirmative action programmes have also aimed to increase access to education and employment for scheduled castes and scheduled tribes, although social discrimination persists. Although land reform schemes have been carried out in a number of states to distribute government lands to scheduled castes and tribal peoples, lack of political will has brought many of these initiatives to a halt, and in some states, such as Madhya Pradesh, the feudalistic zamindari system persists. Many people that have been granted lands have been forcibly evicted by higher castes with impunity. Loss of access to productive resources, such as forest tribal peoples being excluded from forests or shrimp-farmers displacing smallholder farmers, means that there is a lack of judicial and administrative protection for access to productive resources for the poorest.

43. ...Despite an extensive legal framework prohibiting discrimination and untouchability, discrimination persists, particularly in rural areas. In Madhya Pradesh and Orissa, the Special Rapporteur observed that access to village water wells is still not allowed for Dalits and that even if members of the Scheduled Castes or Scheduled Tribes were granted lands, higher castes often take the land away. Reports were also received that in Uttar Pradesh and Uttaranchal, Dalit families were forcibly evicted from their land by upper castes, and sometimes forced to work for them. In Harinagar, Kashipur, it is reported that 154 Dalit families have been forcibly evicted from their land and remain landless to this day despite a decision by the Supreme Court in their favour in 1996. As former Chief Justice R. Mishra said in a meeting with the Special Rapporteur, "low-caste people receive the land, but the upper caste enjoys it". These are crimes punishable by imprisonment and fine under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, but the law is not enforced.
44. The Special Rapporteur received numerous complaints about forced displacements of communities as a consequence of State development projects without adequate resettlement and rehabilitation. The case of the Narmada Dam is of particular concern, as despite clear directions by the Supreme Court in 2000, thousands of affected people are still not adequately resettled and rehabilitated. It is alleged that today 11,000 families in Madhya Pradesh, 1,500 families in Maharashtra and 200 families in Gujarat are still to be rehabilitated, although their villages have already been submerged. In Hazaribagh, Jharkhand, a state coal-mining project allegedly led to involuntary resettlements of thousands of people and the destruction of their sources of livelihood without adequate rehabilitation and compensation. As provided by law, national and State policies and Supreme Court orders, every affected family should be adequately resettled and rehabilitated and the "land for land" principle respected. The Special Rapporteur received many complaints from tribal communities who lost their means of livelihood when evicted from the forest as a consequence of the implementation of the Forest Act, 1980.
45. In Orissa, the Special Rapporteur received complaints about the alleged impact of mining activities on the right to food of tribal communities in Kashipur and Lanjigarh. It is reported that tribal communities have been forcibly evicted from their land to allow private mining activities, in violation of the Constitution and despite clear directions by the Supreme Court from 1997 that the lands in scheduled areas cannot be leased out to non-tribals or to companies. In Bhopal, the Special Rapporteur met with the Government of Madhya Pradesh and representatives of the people affected by the Union Carbide gas disaster of 1984, in which 7,000 people died in the first days and 15,000 people died in the following years. Today, 20 years after the tragedy, water wells in the area are contaminated and, despite clear directions by the Supreme Court in May 2004, the water requirements are still not met. The Special Rapporteur has also received complaints alleging that the uncontrolled water extraction by Coca Cola in the states of Kerala and Tamil Nadu was causing a severe shortage of water for the

local population. Impact assessment studies and prior consultation of the affected communities must always be conducted before any licence is granted to a private company, and in case of violations of the right to food, land or water, all victims must be adequately resettled, rehabilitated and compensated.

48. The Special Rapporteur makes the following specific recommendations:

(g) The Land Acquisition Act should be amended, or new legislation adopted, to recognize a justiciable right to resettlement and rehabilitation for all displaced or evicted persons, including those without formal land titles and including women;

(j) Dams, mining and infrastructure projects must not be implemented if this entails displacement and irreversible destruction of people's livelihoods. Such projects should only be carried out with the consent of communities and on the condition that due legal process, proper resettlement, rehabilitation (under the "land for land" principle) and compensation to all victims is guaranteed;

2005 Annual Report

Submitted to the General Assembly [A/60/350]

41. Many NGOs and civil society organizations have documented violations of the right to food that have occurred in the context of programmes and projects funded by the World Bank. Typical cases include large development projects involving the constructions of dams in areas occupied by minorities or indigenous peoples who are forcibly displaced without due process and compensation. Other examples include projects financed by the World Bank in the mining or water infrastructure sectors that clearly carry adverse consequences for the human rights and even open violations of the indigenous' rights to their land, food and water. For example, the Kedung Ombo Project for a dam construction in Indonesia that started in 1985 with a loan approved by the World Bank and was completed in 1989, reportedly involved forced displacement without compensation and other related abuses. This project allegedly involved the displacement of nearly 12,000 people who lost their land and their means of subsistence as a result thereof. Another example is the implementation of a coal-mining project in Jharkhand, India, funded by the World Bank, which led to important involuntary resettlements and the destruction of many houses and sources of livelihood. In this case, despite clear recommendations made by the World Bank's own Inspection Panel in November 2002, the affected people had still not been adequately compensated and rehabilitated.

2004 Annual Report

Submitted to the General Assembly [A/59/385]

53. In a landmark case in India on shrimp farming and its impact on livelihoods, the Supreme Court of India found that damage caused by shrimp farming had resulted in the loss of land for subsistence farming in favour of export shrimp production, the loss of access to the beach, important as landing grounds for fish catch, and the loss of access to safe drinking water with inadequate drainage systems contributing to "skin, eye and waterborne diseases in the contiguous population". In addition, shrimp farming had not resulted in increased employment and the damage caused to local livelihoods and ecology was considered to be greater than the total earnings from shrimp farming. The case suggests that both local marine fishers and agricultural farmers had lost livelihoods and subsistence food production as a result of the expansion of shrimp production, through both the takeover of land and the environmental impacts.

2001 Annual Report

Submitted to the Commission on Human Rights [E/CN.4/2001/53]

76. There is no doubt that allowing as many farmers as possible access to land and credit is beneficial to food security, not only for the families directly concerned, but for the country as a whole. The World Bank has analysed one of the few recent non-violent experiments in agrarian reform, namely Operation Barga, which took place in the Indian State of West Bengal in the 1970s and 1980s. Tens of thousands of landless farmers gained access to property and credit. The reform led to a net 18 per cent increase in agricultural output in West Bengal. The chapters of the World Bank's Report 2000/2001 devoted to methods of combating inequality and extreme poverty, place particular emphasis on agrarian reform and access to landed property in rural areas. The work of Amartya Sen has exerted a very strong influence on this whole issue. In his view, access to landed property and a democratic system of government are the two main instruments of development of predominantly rural societies.

7) Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

Report on the Mission to India – April 2013

Submitted to the Human Rights Council [A/HRC/23/47/Add.1]³⁴

78. Adivasis were moreover killed in ethnic violence in the 1990s, while their killing at present appears to be largely due to issues concerning land disputes and attacks in insurgency-affected areas.
81. Human rights defenders are increasingly targeted by both State and non-State actors. Especially vulnerable are RTI activists, those exposing mining corruption, environmental and poverty issues, land rights of marginalized communities, and accountability concerns.

8) Special Rapporteur on the Rights of Indigenous Peoples³⁵

2015 Annual Report

Submitted to the Human Rights Council [A/HRC/30/41]

53. (d) In Fiji, India, Myanmar, Nepal, the Philippines, Thailand and Timor-Leste, the militarization of conflict over indigenous land has led to gang-rape, sexual enslavement and killing of tribal women and girls.

2011 Annual Report

Submitted to the Human Rights Council [A/HRC/18/35]

35. Several indigenous and non-governmental organizations reported that the forced emigration of indigenous peoples from their traditional lands – either because of the taking of those lands or environmental degradation caused by resource extraction projects – has had an overall negative impact on indigenous cultures and social structures. One nongovernmental organization dramatically described the migration process as the transition of “ecosystem people” into “ecological refugees”. One civil society respondent from India described the negative effects of the continuous reallocation

³⁴ Available at: <https://www.ohchr.org/EN/Issues/Executions/Pages/CountryVisits.aspx>

³⁵ All reports of the Special Rapporteur on the Rights of Indigenous Peoples are available at: <https://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/AnnualReports.aspx>

of a significant number of Adivasi and other tribal peoples as a result of large-scale developments projects, particularly dams. Many of these projects provided very little or no compensation for those forced to relocate. This problem was reported to have an especially negative effect on Adivasi women, who have apparently experienced loss of social, economic and decision-making power when removed from their traditional territorial- and forestry-based Occupations.

2007 Annual Report

Submitted to the General Assembly [A/62/286]

47. Of special concern is the systematic practice of forcibly displacing and relocating indigenous communities to make way for the construction of infrastructure mega-projects, especially dams, or extractive activities. This practice has led to the removal of millions of indigenous and tribal families from their ancestral lands in countries such as India and China, at an incalculable human cost...
48. In the majority of cases, violations of indigenous peoples' land and natural resource rights are made possible by gaps in legislation in the Asian countries, most of which recognize neither indigenous ownership based on ancestral possession and use nor traditional cultivation or herding practices on an equal footing with other forms of production. To fill these gaps, some countries have adopted specific legislation on indigenous lands and resources, as in the recent case of India, which in 2006 adopted a new law recognizing the Adivasis' forest rights.

2005 Annual Report

Submitted to the General Assembly [A/60/358]

33. The Special Rapporteur is troubled by frequent complaints about evictions and forced displacements of indigenous communities, despite international legal provisions such as International Labour Organization (ILO) Convention No. 169 concerning indigenous and tribal peoples in independent countries, which clearly establish the rights of indigenous peoples in such circumstances. The Special Rapporteur has received eviction complaints from Botswana, Kenya, the Philippines, **India** and Guatemala, among other countries.

2003 Annual Report

Submitted to the Commission on Human Rights [E/CN.4/2003/90]

22. The Bakun Dam in Malaysia is reported to cause the forced displacement of 5,000-8,000 indigenous persons from 15 communities by clear-cutting 80,000 hectares of rainforest. Indigenous peoples in Manipur, India, were reported to suffer a similar fate caused by the building of 25 hydroelectric dams. Thousands of families of the Santhal Adivasi people in the Jharkhand province of India have reportedly been displaced as a result of extraction of minerals without proper compensation or economic security.

Summary of Communications/Allegations Transmitted to the Government of India

August 2017 [Reference: UA IND 9/2017]

Summary of communication sent on 24 August 2017

The Special Rapporteur on the rights of indigenous peoples sent a communication to the Government of India on information received concerning the failure to ensure free, prior and informed consent in the

States of Jharkhand, Madhya Pradesh, Chhattisgarh and Telangana in the context of logging, mining and conservation projects affecting indigenous lands and resources. These projects have resulted in additional violations inter alia forced evictions and physical violence against indigenous Adivasi communities as well as the failure to provide them with compensation and redress. The allegations indicate a pattern of non-compliance with India's Scheduled Tribes and Other Traditional Forest Dwellers Recognition of Forest Rights Act of 2006.

July 2013 [A/HRC/25/74]

Alleged...removal of indigenous consent requirements in the context of infrastructure development projects affecting indigenous forest lands and resources. According to the information received, in February 2013, the Ministry of Environment and Forests allegedly revised previous policy orders that made consent by Gram Sabhas (local village councils) mandatory for projects that involve using forest lands for non-forest purposes such as commercial and development projects and activities. The Ministry of Environment and Forests reportedly created an exemption for consent requirements in the case of modifications to the use of forest lands for the development of what are termed "linear projects". It is alleged that this consent exemption provision will negatively affect the rights of many indigenous peoples in India who are not "pre-agricultural communities" or "primitive tribal groups" but rather fall under the category of "Forest Dwelling Scheduled Tribes" or "other traditional forest dwellers". It is feared that the removal of the consent requirement will facilitate the development of potentially damaging projects in traditional forestlands without prior consultation or consent of indigenous peoples.³⁶

September 2010 [A/HRC/15/37/Add.1]

201. In a letter dated 6 April 2009, the Special Rapporteur on the human rights and fundamental freedoms of indigenous people, James Anaya, called the attention of the Government of India to information received in relation to the construction of the Mapithel dam (Thoubal Multi Purpose Project) in the state of Manipur, India and its effects on peoples indigenous to the area. The Government of India responded in a communication dated 24 June 2009. In light of the information received and the response of the Government, the Special Rapporteur developed observations about the situation, including a series of recommendations, which he conveyed to the Government in a communication dated 12 April 2010. The Government of India responded to these observations in a letter dated 4 June 2010.

January 2003 [E/CN.4/2003/90]

22. The Bakun Dam in Malaysia is reported to cause the forced displacement of 5,000-8,000 indigenous persons from 15 communities by clear-cutting 80,000 hectares of rainforest. Indigenous peoples in Manipur, India, were reported to suffer a similar fate caused by the building of 25 hydroelectric dams. Thousands of families of the Santhal Adivasi people in the Jharkhand province of India have reportedly been displaced as a result of extraction of minerals without proper compensation or economic security...

44. The Sardar Sarovar Dam in India is the largest of 30 large, 135 medium and 3,000 small dams to be built to harness the waters of the Narmada River and its tributaries, in order to provide large amounts of water and electricity for the people of Gujarat, Maharashtra and Madhya Pradesh. With a proposed height of 136.5 m, the Government claims that the multipurpose Sardar Sarovar Project (SSP) will irrigate more than 1.8 million hectares and quench the thirst of the drought-prone areas of Kutch and Saurashtra in Gujarat. Others counter that these benefits are exaggerated and would never accrue

³⁶ Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=19623>

to the extent suggested by the Government. Instead, the project would displace more than 320,000 people and affect the livelihood of thousands of others. Overall, due to related displacements by the canal system and other allied projects, at least 1 million people are expected to become uprooted or otherwise affected upon completion of the project. Indeed, the development surrounding the Narmada River has been labelled “India’s greatest planned human and environmental disaster”, a far cry from former Prime Minister Nehru’s idealization of dams as the “secular temples of modern India.”

45. Two thirds of the over 40,000 families expected to be displaced by the reservoir’s creation will be tribal people or Adivasis, belonging to different groups collectively referred to as Bhils. Displacement of Adivasis from their traditional lands and resources due to the creation of reservoirs, canals and reforestation projects significantly impacts on the ability of Adivasis to fully enjoy their human rights. They live mainly in 14 villages in Gujarat, 33 in Maharashtra and around 53 in Madhya Pradesh. The Adivasis are largely self-sufficient, growing their own food and collecting fuel, building materials, fodder, fruits and other resources from the forests and common lands around their villages, as well as relying on water and fish from the river. Resettlement away from their territory means the destruction of their lifestyles and village organization. One farmer whose village will be submerged commented: “the forest is our moneylender and banker. From its teak and bamboo we built our homes. From its riches we are able to make our baskets and cots. ... From its trees we get our medicines.
46. In the early 1990s opponents of the dam staged a series of non-violent protests (dharnas and satyagraha), prompting the World Bank, after commissioning an independent review which underlined the flaws in the project, to withdraw its remaining funding for it (the Bank cancelled \$170 million remaining on its loan of \$450 million). Work on the dam continued nevertheless, despite attempted judicial restraint, and by the summer of 2002 the water level in the reservoir rose much higher than initially expected, threatening many more people and villages with flooding. The Government’s rehabilitation and resettlement measures for “oustees” (displaced persons) appeared to be insufficient, generating a number of protest activities by the affected villagers within the rising waters themselves. Protest against the project has remained strong and the Narmada Bachao Andolan (NBA) (Save the Narmada Movement) has been particularly instrumental in fostering awareness and dissent. Many activists and tribal people continue to maintain that they will never abandon their land to the dam, even if it means *doobenge par hatenge nahi*: death by drowning.
47. Multipurpose dams surely stimulate economic activity and have the potential for bringing benefits to large sectors of the population. The problem is whether these benefits are designed to reach the indigenous peoples who provide the land on which such projects are established, and how. It is estimated that the SSP will enable the irrigation of 1.8 million hectares of land in Gujarat alone. Irrigation facilitates the production of food and other crops, which could significantly improve food production in drought-prone areas. However, it appears that much of this area is unsuitable for irrigation because of waterlogging and salinization. Moreover, some of the designated water is likely to be consumed by sugar plantations before reaching more needy farms further away from the dam. Other potential benefits of the irrigation scheme and electric power generation from the dam are unlikely to benefit the Adivasi population.
48. Adivasis were not involved nor consulted in the dam construction process, on the premise that the project and the displacement of people was to serve a “public purpose” which would provide a “development opportunity” to the affected population. While some local governments did involve non-governmental organizations, an observer notes that “while NGOs can play an important supportive role they cannot substitute [for] the voice of the affected people, nor can they replace what is the basic responsibility of the State”.

49. Only the Adivasi population who live in the area that will be submerged in the reservoir (considered as project affected peoples, or PAP) are eligible for compensation and resettlement. However, many more will be affected indirectly, yet they are often not considered as PAP and therefore ineligible for rehabilitation. This would include people on islands that would be marooned and in areas affected by canals, dykes, the creation of a new wildlife sanctuary and a reforestation scheme to compensate for tree loss, and resettlement schemes on traditional Adivasi lands. Adivasi territory has also been affected by the construction of a colony to house the workers and officials engaged in the construction work and administration of the dam. All of these secondary consequences have displaced Adivasi villages and affected their lives and livelihoods. Patwardan comments that “displacement needs to be viewed as a ‘process’ rather than an ‘event’ which starts much before the actual physical displacement and continues for a long time after uprooting has taken place”, and concludes that the current situation is symptomatic of the “gross underestimation of the human costs of large dams”.
50. Whereas state governments have offered comprehensive resettlement and compensation packages to “landless” Adivasis displaced from their homes, observers point out that in practice Adivasis have not fully benefited from them. The promised lands in Gujarat did not materialize or were of poor quality, whereas in Madhya Pradesh the government had no resources to resettle displaced Adivasis. Moreover, resettlement has been delayed for many years and it is reported that 75 per cent of the displaced people have not been rehabilitated. To the extent that the law does not recognize customary rights to land and that therefore Adivasis may be considered “encroachers” on government land, they have not received adequate compensation for their losses. In common with other indigenous peoples, Adivasis have a unique and close relationship with the land and its resources. Compensation packages treat land as property, whereas for Adivasis, their land is intrinsically linked to their culture and livelihood. It appears that the Government has failed to deal with the numerous non-quantifiable losses experienced due to the dam such as loss of access to religious sites and social disintegration. Displacement due to the SSP has led to fragmentation of Adivasi communities as well as loss of cultural identity. Resettlement areas are often unsuited to the communal lifestyle of Adivasis, particularly if they have been resettled in communities of non-tribal people who reject the tribal way of life or have had to move to the cities.
51. Involuntary displacement readily leads to a violation of several economic, social and cultural rights. Despite claims to the contrary, resettled Adivasis have generally had to suffer a reduction in their standard of living, the loss of livelihood resources, and a reduction of health standards, a situation that stands counter to articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights. While in displaced communities Government has established schools for the population, there are reports that due to economic hardship many children cannot afford to stay in school, whereas the curriculum appears to be ill-adapted to the cultural and language needs of Adivasi children (art. 13). There have also been reports of violence and the use of force by the police upon protesters and resisters to displacement, in violation of the International Covenant on Civil and Political Rights. The NBA recently called for protest of the decision by the Narmada Control Authority in May 2002 to allow the dam height to rise to 95 m even though over 35,000 families displaced when the dam height reached 90 m have still not been resettled. In a recent urgent appeal to the Prime Minister of India the Habitat International Coalition reported that “submergence due to the monsoons and raising the dam’s height have destroyed the crops and homes of SSP-affected villages in Nandurbar District (Maharashtra) and Jhabua District (Madhya Pradesh), rendering the villagers homeless. These people now face a severe food and drinking-water shortage.” It also reports that the Maharashtra government indicates an increase in the number of project-affected persons at the 95 m level, and admits that the government does not have enough land for rehabilitation of the affected persons.

52. The Sardar Sarovar dam and other similar projects on the Narmada River raise a number of complex issues. Originally, the interests and aspirations of the affected Adivasi population were not considered in the project design and implementation. As a result of continued lobbying by tribal and human rights organizations, the Government of India now recognizes that the issues raised by the affected communities must be taken into account. Yet the implementation of measures intended to mitigate the negative effects and increase the benefits of the project for the Adivasi population has lagged behind and is considered insufficient by the people involved. The Special Rapporteur recommends that the human rights of the Adivasis be included as a foremost priority in the implementation of this development project and others of its kind. Only with the full and informed consent of the tribal people concerned will truly human rights-centred development, as recommended by the General Assembly, become possible. An immediate step would be to halt any further rise in the reservoir's water level until the outstanding issues of rehabilitation and resettlement are fully solved to the satisfaction of the affected population, through constructive dialogue and negotiation between the parties. India could also signal its commitment to the human rights of its Adivasi population by ratifying ILO Convention No. 169 and approving the draft United Nations Declaration on the Rights of Indigenous Peoples. Alternative ways of involving the Adivasis in the project should also be considered. It has been suggested that they should be considered as partners in the project, with their investment being their natural resources. Adivasis qua investors would be entitled to share in the project's benefits.
60. Concerning indigenous peoples specifically the Commission's report states: "In the Philippines, almost all the larger dam schemes that have been built or proposed were on the land of the country's 6-7 million indigenous people. Similarly in India, 40-50% of those displaced by development projects were tribal people, who account for just 8% of the nation's 1 billion people. These costs are not balanced by any receipt of services from dams or by access to the benefits of ancillary services or indirect economic multipliers in the formal economy.

January 2003 [E/CN.4/2003/90/Add.1]

16. On 27 August 2002, the Special Rapporteur (on the rights of indigenous peoples) sent a letter of allegation to the Government of India, enquiring about reports that members of the village of Khedi-Balwari in the district of Dhar, Madhya Pradesh, had been evicted by the police on 20 July 2002. According to the information received, about 400 policemen armed with guns entered the village and forcibly evicted the villagers. It had further been reported that in the course of this action women and children were severely beaten and homes were looted, and savings and cattle stolen. The villagers were allegedly picked up and dumped at the so-called "resettlement" sites of Kesur and Aamkhedia, where they remain under the police guard. The same source reported that this forced eviction took place as part of the undertaking of the Man Irrigation Project.

9) Special Rapporteur on Minority Issues

January 2014 [A/HRC/25/56]

72. In South Asia, experiences from the 2001 Gujarat earthquake, the 2004 Asian Tsunami and flooding in Nepal in 2008, the Indian States of Bihar, Andhra Pradesh, Karnataka and Assam during 2007–2009, and Pakistan in 2010, demonstrated that Dalits are frequently the worst affected and also often "systematically excluded from relief and recovery efforts"...

10) Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation³⁷

Report on the Mission to India – July 2018

Submitted to the Human Rights Council [A/HRC/39/55/Add.1]³⁸

- 23... The number of community toilets available is often small in relation to the number of families that require those facilities. This inevitably affects the large population that is “on the move” daily, which includes homeless persons, street vendors, rickshaw drivers and seasonal migrant workers...
36. In general, access to water services provided by formal systems in India, including the piped systems in urban areas, is relatively affordable. However, the Special Rapporteur witnessed several situations where individual users were forced to rely on informal providers who sold water at a price that was much higher than that of formal provision. In a resettlement site in Delhi, residents who were not able to collect water from the Delhi Jal Board water tank had to rely on “water ATMs”. This meant that they had to have adequate financial resources to ensure that they had water of acceptable quality. In Kolkata, informal vendors transported water obtained freely through public taps and charged slums dwellers for the delivery (20 Indian rupees for 20 litres of water). In the informal settlement of Kaula Bunder, Mumbai Port Trust, a highly complex and unsafe network that is illegally sourced from the municipal water network is operated by a so-called water mafia that charges the households 10 times more than what is paid by consumers living in the “legal city”. Although municipal and state authorities deny its existence, the Special Rapporteur witnessed a web of water mains, referred to as “flying pipes”, suspended in the air among the informal settlement’s 7,000 dwellings, snaking across the ground and passing through immense heaps of waste. The Special Rapporteur reiterates the need to have proper regulation of both formal and informal service providers.
54. Fulfilling the pledge to leave no one behind starts with reaching those who are furthest behind. While a large part of the population in India enjoys access to water and sanitation, certain groups in vulnerable situations are still being left behind, either due to lack of access to services or to the lower level of the services to which they have access. These include Dalits (“untouchable communities”), tribes/Adivasis (ethnic groups in hard-to-reach areas), nomadic tribes, denotified tribes (tribes that had been criminalized and subsequently decriminalized, or “denotified”, after independence), Muslim minority communities, persons with disabilities, the lesbian, gay, bisexual, transgender and intersex population, women in sex work, fisher communities, urban poor (slum dwellers), orphan children, homeless people, the migrant population and others. Leaving no one behind is closely linked to the overarching principles of equality and non-discrimination. Non-discrimination is an immediate and cross-cutting obligation of the State; discrimination must be eliminated both formally and substantively, and is not subject to progressive realization.
57. The Special Rapporteur’s findings from the visit reveal that several determinants have a heightened likelihood of predicting where or why people have lower quality access to adequate water and sanitation services: disability, gender, caste, tribe, poverty, place of residence (urban or rural) and land tenure (especially in urban areas, e.g. residence in formal vs. informal settlements), among others. The ways in which these factors can have an impact on one’s access are diverse but, importantly, a combination of any of these factors is likely to have a multiplying effect.

37 All reports of the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation are available at: <https://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/AnnualReports.aspx>

38 Available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/55/Add.1

62. Among the list of prohibited grounds for discrimination, article 2 (2) of the International Covenant on Economic, Social and Cultural Rights refers to “other status”, which includes the prohibition of discrimination based on place of residence. Furthermore, the Committee on Economic, Social and Cultural Rights specifies that no household should be denied the right to water on the grounds of their housing or land status. In the context of India, discrimination based on place of residence has critical relevance due to the large proportion of slums and the homeless population.
63. Access to drinking water and sanitation in informal settlements is a concern in the various slums that the Special Rapporteur visited in Delhi, Lucknow, Kolkata and Mumbai. In the case of Mumbai, the country’s most populous city, slums are home to more than half of the city’s 18 million inhabitants. The Special Rapporteur observed that adequate access to water and toilets does not exist in most of the slums that he visited.
64. While some individuals choose to defecate in the open as a matter of preference, the Special Rapporteur visited areas where open defecation remained the only feasible option. This was the case in slums and resettlement sites, where community toilets were often far away or non-existent. In the non-notified (not legally recognized) slum Vinaykpuram, in Lucknow, all dwellers defecated in the open. During the visit around the slum, the Special Rapporteur saw no functional community toilets close by and the only toilet, which was dysfunctional, was built only two years ago. In Delhi, the Special Rapporteur visited Savda Ghevra, a planned resettlement site built in 2010 on 257 acres of land. While the residents of Savda Ghevra had access to drinking water from the Delhi Jal Board water trucks, they did not have toilet facilities on their premises and had to rely on community toilets far from their dwellings.
65. In 2014, Bombay High Court held that slum dwellers who occupied illegal huts could not be deprived of their fundamental right to water. The Court also held that “as the right to life guaranteed under Article 21 of the Constitution of India includes right to food and water, the State cannot deny the water supply to a citizen on the ground that he is residing in a structure which has been illegally erected”.
66. Due to the lack of formal recognition of settlements established after 2000, municipalities often deny such settlements adequate services for fear of legitimizing them. The conditions of access to water and sanitation facilities in settlements can differ greatly and can be considerably influenced by the legal recognition of the settlement. In certain notified (legally recognized) settlements that the Special Rapporteur visited, residents had access to some services from public authorities, including water tankers providing free water a few times a week. However, non-notified settlements were denied any intervention from public providers. While some stand posts and boreholes were available within or close to some non-notified settlements, they were not always constructed by the public authorities. Additionally, it was not certain whether the quality of the water was monitored and whether it met the standards for drinking water. In an informal settlement located in Bhim Nagar, Maharashtra Nagar, in Mumbai, access to water for a total of 160 houses came from a variety of sources, some close by, including holes dug in the ground to access poor quality groundwater, and others farther away.
71. (i) Guarantee access to sufficient and continuous water and sanitation facilities in public places for those on the move daily, including homeless persons, street vendors, rickshaw drivers and seasonal migrant workers;
71. (s) Provide equal access to water and sanitation services irrespective of the place and status of residence, including in informal settlements and resettlements and for persons who are homeless;
71. (t) Make human rights impact assessments a requirement for all megaprojects, including the construction of hydroelectric dams.

July 2016 – Report Submitted to the Human Rights Council [A/HRC/33/49]

33. ...Research from India indicates that transgender persons face difficulties in finding rental housing and are often forced to live in remote slum areas, where access to water and sanitation facilities is poor.

June 2014 – Report Submitted to the Human Rights Council [A/HRC/27/55]

50. ...The Supreme Court of India dealt with lack of basic sanitation in more desperate circumstances, in a case where informal settlements collectively complained that the cesspits used for sanitation were overflowing and causing serious health concerns. The Court ordered the municipality to construct a sufficient number of public latrines and to provide water supply and desludging services.

July 2009 – Report Submitted to the Human Rights Council [A/HRC/12/24]

55. ...access to sanitation is indispensable, and has been recognized as such under international law, both by States and experts, for the enjoyment of numerous human rights. However, it does not provide a complete picture of the human rights dimensions of sanitation. Sanitation is not just about health, housing, education, work, gender equality, and the ability to survive. Sanitation, more than many other human rights issue, evokes the concept of human dignity; consider the vulnerability and shame that so many people experience every day when, again, they are forced to defecate in the open, in a bucket or a plastic bag. It is the indignity of this situation that causes the embarrassment. The Supreme Court of India eloquently described the indignity of lack of access to sanitation where the Court found that the failure of the municipality to provide basic public conveniences was driving “the miserable slum-dwellers to ease in the streets, on the sly for a time, and openly thereafter, because under Nature’s pressure, bashfulness becomes a luxury and dignity a difficult art”[emphasis added]. It is such infringements on the very core of human dignity that are not wholly captured by considering sanitation only as it relates to other human rights.

11) Special Rapporteur on Extreme Poverty and Human Rights

March 2010 – Report Submitted to the Human Rights Council [A/HRC/14/31]³⁹

19. Older women are disproportionately disadvantaged: they are marginalized due to their age and tend to be poorer than men. Because of gendered discrimination patterns throughout their life, women are often in a situation where they have accumulated lesser wealth than men. Cultural practices of early marriage and women’s longer life expectancy than men worldwide lead to a situation where women are more likely to be widows than men, and being widowed puts older women at higher risk of being poor. In many countries, **women have limited access to land and other assets. For example, in India, 60 per cent of older women (compared to 30 per cent of older men) have no valuable assets in their name** and research indicates that few female widows can count on family or community support... [emphasis added]

³⁹ Available at: <https://www.ohchr.org/EN/Issues/Poverty/Pages/AnnualReports.aspx>

VII. Joint Communications to the Government of India by Special Procedures⁴⁰

2019

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on the human rights of internally displaced persons

[Reference: UA IND 13/2019]

Summary of communication sent on 19 June 2019⁴¹

The Special Rapporteurs... sent a joint communication to the Government of India raising concerns over allegations of impending forced evictions that are poised to affect millions of peoples, mostly from the scheduled tribes and forest-dwelling peoples, in 21 States across India. This follows a Supreme Court Order dated 13 February 2019 directing States to carry out eviction orders resulting from the rejection of some 1.2 million forest rights claims filed by these indigenous peoples under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006.

The rapporteurs highlight concerns over the failure to ensure adequate implementation of the India Forest Rights Act has been subject to previous communications on 28 April 2017 (IND 9/2017) and 8 July 2013 (IND 9/2013). Unfortunately, to date no Government replies have been received to these communications. The Special Rapporteur on the right to adequate housing has raised in her recent report on her visit to India (A/HRC/34/51/Add.1) concerns about forced evictions, displacement in rural areas and housing discrimination of tribes. She called for a national moratorium on forced evictions (A/HRC/34/51/Add.1, paragraph 85).

2018

Mandates of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the right to food; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the rights of indigenous peoples

[Reference: AL IND 1/2018]

Summary of communication sent on 30 January 2018⁴²

The Special Rapporteurs... sent a joint communication to the Government of India on information received concerning construction of a boundary wall around the lands of 22,000 people, including Adivasi communities, living in Jagatsinghpur District, Odisha, after the South Korean company POSCO withdrew its plan to establish an integrated steel plant and a captive port in this area. This boundary wall would reportedly deny people access to their traditional land, resulting in forced evictions and the destruction of their livelihoods and has been initiated without good faith consultations nor the consent of the affected communities.

⁴⁰ Communication reports of Special Procedures are available at: <http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx>

⁴¹ Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24665>

⁴² Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23584>

2017

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons; and the Special Rapporteur on extreme poverty and human rights

[Reference: UA IND 8/2017]

Summary of communication sent on 29 August 2017⁴³

The Special Rapporteurs... sent a joint communication to the Government of India on information received concerning new plans for the expansion of the mega project Sardar Sarovar Dam in the Narmada river valley which would reportedly result in the forced eviction and displacement of 40,000 families and the allegedly arbitrary arrest on 7 and 8 August 2017 of human rights defenders, Ms. Medha Patkar, Ms. Gayatri, Ms. Vimla, Ms. Manjula, Ms. Pushpa, Ms. Bhagwati, Ms. Sewati, Mr. Dharmendra, Mr. Rameshwar and Mr. Baau, as they engaged in a peaceful protest and hunger strike in opposition to this eviction.

In the joint communication, the Rapporteurs expressed concerns...

...at the thousands of families, often members of indigenous communities and castes often discriminated against, affected by the Sardar Sarovar Dam, who have faced, and will continue to face, violations of their right to an adequate standard of living, including food and adequate housing, and their rights as indigenous peoples, as a result of the construction and successive expansions of the Dam and the shortcomings of the resettlement, compensation and rehabilitation plans. Concern is also expressed that the consent of indigenous peoples for the potential relocation has not been sought, nor have they been consulted with in good faith, prior to the proposed plan. Particular concerns are expressed with regard to the alleged recent decision of the Government of Madhya Pradesh to request 15,000 families to vacate areas which would be affected in the newly achieved increase of the Dam height.

...at the alleged disproportionate use of force by police officers who descended on the protest against the state of Madhya Pradesh's decision, thereby contravening the defenders' right to peacefully engage in protests and exercise their rights to freedom of opinion and expression and freedom of assembly and association.

...at the fact that Ms. Medha Patkar was deprived of her liberty for over two weeks as it is believed that this was aimed at sanctioning her legitimate and peaceful work in defence of human rights in India. We finally express concern at the forced hospitalization of hunger strikers in violation of their right to health, which includes their right to receive healthcare with full and informed consent.

⁴³ Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23305>

2016

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on violence against women, its causes and consequences

[Reference: UA IND 8/2016]

Summary of communication sent on 22 September 2016⁴⁴

Alleged forced evictions and demolition of approximately 100 housing units in Rangpuri Pahadi, in the South of Vasant Kunj, Delhi, without prior notice, resettlement plan or a court order, as well as police violence and prolonged detention of three women who resisted the demolitions of their homes.

2015

1) Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

[Reference: UA. IND 8/2015, Report: A/HRC/31/79]

Summary of communication sent on 12 August 2015⁴⁵

Alleged arbitrary arrest and detention of two women human rights defenders. According to the information received, the All India Union of Forest Working People (AIUFWP) had planned a large protest against forcible land acquisition in Sonbhadra and the prosecution of peaceful activists for 30 June 2015. At approximately 6.10 a.m. of that day, around 20 armed police officers of the Sonbhadra, Uttar Pradesh district, forcibly entered the house of Ms. Roma Mallik, the General Secretary of AIUFWP. Ms. Mallik and Ms. Sukalo Gond, a national committee member of AIUFWP who was present at Ms. Mallik's house, were subsequently arrested and brought to the office of the Superintendent of Police in Sonbhadra. They were reportedly questioned about AIUFWP and their individual human rights activities. They are currently detained in Mirzapur Jail on judicial remand for further investigation into multiple allegations against them, including serious crimes punishable by up to life imprisonment.

44 Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=3350>

45 Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=16095>

2) Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and the Special Rapporteur on the rights of indigenous peoples

[Reference: AL IND 4/2015, Report: A/HRC/30/27]

Summary of communication sent on 26 March 2015⁴⁶

Allegations of adverse impacts on the right to an adequate standard of living, including food and housing, and the rights of indigenous peoples due to the ongoing construction of the Mapithel dam in the State of Manipur. According to the information received, the construction of the Mapithel dam continues to result in evictions, displacement, inadequate resettlement and the destruction of over 700 hectares of agricultural land in six villages, namely Lumphong, Phayang, Chadong, Lamlai Khullen (now Ramrei), Lamlai Khunou (now Ramrei lower) and Lamlai Monbung. The construction of the dam, which is scheduled for completion in 2015, threatens the survival of approximately 10,000 inhabitants who will be forcefully displaced from their land and deprived from their sources of livelihood. Reports suggest that the decision to build the dam was made without free, prior and informed consent of the individuals and communities concerned.⁴⁷

2014

Mandates of the the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the right to food; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on the human right to safe drinking water and sanitation

[Reference: AL KOR 2/2014, Report: A/HRC/27/72]

Summary of communication sent on 27 May 2014⁴⁸

Follow-up letter concerning alleged forced eviction of residents living in Jagatsinghpur District, Odisha, India and surrounding areas. According to the information received, up to 20,000 people may be forced to leave their homes as a result of land being acquired for the construction of an integrated steel plant and a captive port by Korean steel corporation, Pohang Iron and Steel Corporation (POSCO). Reports suggest that the construction of the steel plant will result in serious violations of the human rights of affected people, including the right to an adequate standard of living, right to food, right to adequate housing, right to water and sanitation, right to health, right to education, and other related rights of people living in extreme poverty. Reports further indicate that the rights of those opposing the project have been suppressed resulting in a series of human rights abuses.⁴⁹

⁴⁶ Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=15633>

⁴⁷ Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=19623>

⁴⁸ Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=16884>

⁴⁹ Available at: [https://spdb.ohchr.org/hrdb/27th/public_-_OL_Rep._of_Korea_27.05.14_\(2.2014\).pdf](https://spdb.ohchr.org/hrdb/27th/public_-_OL_Rep._of_Korea_27.05.14_(2.2014).pdf)

2013

- 1) Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Independent Expert on the promotion of a democratic and equitable international order; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the right to food; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on human rights defenders; and the Special Rapporteur on the human right to safe drinking water and sanitation**

[Reference: AL IND 7/2013, Report: A/HRC/25/74]

Summary of communication sent on 11 June 2013⁵⁰

Alleged forced eviction of residents living in Jagatsinghpur District, Odisha, and surrounding areas in India. According to the information received, the Government of India granted concessions to the multi-national steel corporation, Pohang Iron and Steel Corporation (POSC), based in the Republic of Korea, for the construction of an integrated steel plant and a captive port, which could force up to 20,000 people to leave their homes and land. Sources suggest that the construction of the steel plant would result in serious violations of human rights, including the right to adequate standard of living, food, adequate housing, water and sanitation, health and education.

- 2) Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on human rights defenders; and Special Rapporteur on the human right to safe drinking water and sanitation**

[Reference: AL IND 2/2013, Report: A/HRC/23/51]

Summary of communication sent on 20 February 2013⁵¹

Alleged forced eviction of over 5,000 people living in economically weaker section (EWS) quarters in Koramangala, Bangalore. According to information received, from 18 to 21 January 2013, Bruhat Bangalore Mahanagara Palike (BBMP) [Greater Bangalore Municipal Corporation] evicted over 5,000 people living informally in economically weaker section (EWS) quarters in Koramangala, Bangalore. Allegedly, no prior notice was issued to the residents. During the eviction police reportedly used violence against residents, a number of whom were also arrested. No alternative accommodation or housing has been provided. Since the eviction, many BBMP residents have been spending days and nights in the open, without shelter or access to basic services. Reportedly, in 2005 a large number of the evicted residents had been promised new housing by BBMP after their original housing at the site was destroyed. Yet no housing was built since and residents had to settle informally at the site.

50 Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=16193>

51 Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22431>

2012

1) Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and the Special Rapporteur on extreme poverty and human rights

[Reference: AL IND 25/2012, Report: A/HRC/23/51]

Summary of communication sent on 21 December 2012⁵²

Alleged impacts of the expansion of the East Parej Open Cast Coal Mine on the rights of 228 families in the Jharkhand state. According to the information received, 228 families (1200 persons) were at risk of being evicted to give way to an expansion of East Parej Open Cast Coal Mine, operated by Central Coalfields Limited, India. On 26 October 2012, and at two other occasions, representatives of the mining company surveyed households in the villages of Agarva Tola, Dudmitya Tola and Fakodih, for the purpose of acquiring their homes to facilitate the expansion of the mine. Over 1,000 people from surrounding villages have already been displaced in previous years by activities associated with the East Parej Open Cast Coal Mine. The affected households belonged to marginalized communities, including scheduled tribes and Dalits. They were allegedly resettled in inadequate sites and have suffered impoverishment since displacement.

2) Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on human rights defenders; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

[Reference: AL IND 3/2012, Report: A/HRC/25/74]

Summary of communication sent on 15 February 2012⁵³

Alleged killing of human rights defender. According to the information received, **land rights activist** Mr S. Bhuvaneshwaran was killed in Kolathur in the district of Chennai on 10 January 2012 [emphasis added]. It is reported that Mr Bhuvaneshwaran was attacked by a man armed with a sickle as another assailant kept hold of his daughter. Reports indicate that the killing may have been connected with Mr Bhuvaneshwaran's campaigning against land grabs allegedly carried out by a land mafia group with reported links to the Dravidian Progress Federation political party. It is alleged that death threats were made against Mr Bhuvaneshwaran in July 2011, but police reportedly failed to take protective measures after learning of the threats. Reports indicate that two cases have been registered by the police in relation to the alleged killing.

52 Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=16089>

53 Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=19151>

2011

1) Mandates of the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right to food; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

[Reference: UA IND 12/2011, Report: A/HRC/19/44]

Summary of communication sent on 29 July 2011:

Alleged forced eviction of more than 200 farmers. According to the information received, in May 2008, at least 200 farmers from Polong and Noliasahi villages in Jagatsinghpur district in Orissa state were subject to forced evictions in order to make way for a steel plant and a captive port. During the eviction, the Orissa state authorities, aided by 150 armed police force officials, reportedly destroyed betel vine crops and cultivation sheds. Following the eviction, the lands were fenced off in order to prevent the farmers from accessing them. In addition, evictions of more than 470 families living and working in the Erasama block of Jagatsinghpur District and demolition of their houses and crops had allegedly been planned. The land acquisition would reportedly affect the livelihood of local communities who depend on betel vine and cashew nut cultivation and fishing in the area.⁵⁴

2) Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

[Reference: UA IND 14/2011, Report: A/HRC/19/44]

Summary of communication sent on 29 July 2011

Alleged acts of violence and intimidation in the context of forced evictions. According to the information received, the residents of Govindpur village have for several years expressed opposition to the acquisition of their lands by a Korean-owned company called POSCO. On 9 June 2011, over 2,000 villagers reportedly formed a human barricade, trying to prevent the police forces from seizing the land for the company. The people of Govindpur were allegedly not able to access the nearby market to sell their products for fear of being captured by the police. Reportedly, the police forces also proceeded to destroy the betel vine, a locally grown food crop, in an apparent effort to force villagers to leave their lands. On 16 July 2011, more than 200 people from Sanhaipai Mathasahi village and Polong village reportedly gathered in the forest in order to prevent the area from being cleared by the police. The police allegedly responded with violence, and eight people were injured. On 15 July 2011, hundreds of people protesting the land acquisitions for the construction of the integrated steel plant were reportedly arrested and then released. The authorities of Orissa allegedly processed hundreds of criminal charges against residents who mobilized to resist the land acquisition efforts. Since 2009, the following leaders have reportedly been arrested and then released on bail: Mr. Ashok Bardhan, Mr. Sura Dash, Mr. Dambarudhar Palai, Mr. Bhramarbar Sethy, Mr. Sachikanta Mahapatra, Mr. Kailash Biswal, Mr. Anirudha Nayak, Mr. Ramesh Das, Mr. Abhaya Sahoo and Mr. Prakash Jena.

⁵⁴ Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=19623>

On 3 June 2011, the police reportedly brutally beat villagers from the community of Nuagoan, who were expressing opposition to the forceful acquisition of their land for the project. Several people were allegedly injured in the attack. 17 people were allegedly arrested, including women and children. Members of the local government administration allegedly incited project supporters to burn down the betel vines of a member of PPSS in the Nuagaon village. The alleged forced eviction of farmers from Polong and Noliasahi villages was the subject of an earlier communication...

3) Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and Special Rapporteur on the human right to safe drinking water and sanitation

[Reference: UA IND 12/2011, Report: A/HRC/22/67]

Summary of communication sent on 29 June 2011⁵⁵

Alleged forced eviction of more than 200 farmers. According to the information received, in May 2008, at least 200 farmers from Polong and Noliasahi villages in Jagatsinghpur district in Orissa state were subject to forced evictions in order to make way for a steel plant and a captive port. During the eviction, the Orissa state authorities, aided by 150 armed police force officials, reportedly destroyed betel vine crops and cultivation sheds. Following the eviction, the lands were fenced off in order to prevent the farmers from accessing them. In addition, evictions of more than 470 families living and working in the Erasama block of Jagatsinghpur District and demolition of their houses and crops had allegedly been planned. The land acquisition would reportedly affect the livelihood of local communities who depend on betel vine and cashew nut cultivation and fishing in the area.

Joint Communications between 2008 and 2003⁵⁶

2008

Mandates of the Special Rapporteur on adequate housing and the Special Rapporteur on violence against women [A/HRC/10/7/Add.1]

54. On 5 March 2008, the Special Rapporteur (on adequate housing) together with the Special Rapporteur on violence against women, its causes and consequences sent a joint allegation letter to the Government of India regarding information they received concerning Mrs. Shobhavati Devi in Baulia village, Shivdaspur, Post Manduvadih, Varanasi, and Mrs. Ramashree, in Tahirpur village, Shahabad, Hardoi, Uttar Pradesh, two members of the Dalit caste.

⁵⁵ Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=19508>

⁵⁶ These communications are not available online but are referenced in the UN report numbers, as indicated.

1) Mandates of the Special Rapporteur on adequate housing, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on violence against women and the Special Representative of the Secretary-General on the situation of human rights defenders [A/HRC/7/16/Add.1]

57. On 23 August 2007, the Special Rapporteurs... sent a joint urgent appeal on the situation of human rights defenders regarding attacks on the Dalit communities, particularly women, in Sonebhadra District, Uttar Pradesh, India. It is reported that in Sonebhadra District, the poorest District in Uttar Pradesh with a large Dalit population, Dalit families have been cultivating and living in a Government's waste lands, the Gram Sabha's, for years. Reportedly, the land ownership has always been a conflicting issue between the Upper Caste controlling land resources and Dalits and tribes. Reports indicate that Dalits' reclaim of land has led to conflicts with forest officials and the Police, especially after the adoption of the "Schedule Tribe and other Forest Dwelling Communities (Recognition of Forest Rights) Act of 2006". It is further alleged that since the Act is not yet operational, the forest department officials have been harassing the activists working for the rights of the forest dwellers and the tribes, with the aim to ensure that evictions take place before the clauses of the Act are enforced. Reportedly similar actions are taking place in other parts of the country including Maharashtra, Madhya Pradesh and Orissa. In this context, on 3 August 2007, Ms. Roma and Ms. Shanta Bhattacharya, two members of the National Forum of Forest People and Forest Workers (NFFPFW) who have been working in the Sonebhadra District for the past seven to eight years, were arrested in Robertsganj under charges of provoking Dalits and Tibals to encroach forest lands. They were arrested under section 120 (B) and 447 of Penal Code; they are in Mirzapur jail and their bail applications have been rejected at the Circle Judicial Magistrate. On 5 August 2007, Lalita Devi and Shyamlal Paswan were arrested from a local market in Rangarh, they are also in Mirzapur jail. As a consequence of these imprisonments, people have been staging a protest since 4 August in front of the District Magistrate (DM) office in Sonebhadra demanding immediate release of the activists. New charges have been brought against Ms. Roma under article 4 of the National Security Act on 10 August. Reports also indicate that on 10 August 2007, at around 9 p.m., the police attacked Dalit women in Chanduli Village, in Sonebhadra District, leaving fifteen women seriously injured. Two trucks loads of Police along with Upper Caste representatives of the locality descended on Chanduli village in Sonebhadra district. They were allegedly heavily armed, and demanded to see Bachchalal, an active member of the local organisation Kaimoor Kshetra Mahila Mazdoor Kisan Sangharsh Samiti (KKMMKSS). According to information received, when they did not find Bachchalal in the village, they started attacking women present in the village. Police and upper caste representatives barged into the house of Bachchalal and attacked his pregnant sister and sister-in-law; pulling them out and attacking them. In three hours, the police and upper caste representatives beat up around 15 women and destroyed their houses. At the time of the incident, there were very few male members in the village as most of them were staging a protest in front of the DM's office in Sonebhadra against the arrest of Ms. Roma, Ms. Shanta Bhattacharya, Lalita Devi and Shyamlal Paswan. This was allegedly the third attack of this kind against Dalits in less than two weeks and reportedly a consequence of the Dalits families' requests for land that started in the last two years, as a response to the forest department's Government Resolution of 2002-3 to clear forest lands from any encroachments. During the events, the police reportedly left the village giving an ultimatum to remove the bricks of the houses by 11 August 2007, or they would come back with the administrative order to destroy the houses.

2) Mandates of the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on the right to food, and the Special Rapporteur on adequate housing [A/HRC/12/34/Add.1]

133. On 19 July 2007, the Special Rapporteurs... sent an allegation letter to the Government of India concerning the alleged threat of eviction of Adivasi families in the state of Chhattisgarh. A copy of that letter is reproduced in the 2007 Communications Report of the Special Rapporteur on the rights of indigenous peoples (A/HRC/6/15/Add.1).

3) Mandates of the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on the right to food and the Special Rapporteur on adequate housing [A/HRC/6/15/Add.1]

256. On 19 July 2007, the Special Rapporteurs... sent an allegation letter to the Government of India concerning the alleged threat of eviction of Adivasi families in the state of Chhattisgarh.

257. According to the information received, numerous Adivasi families faced eviction from their traditional land due to the plan to construct a Tata steel plant in the Lohadiguda Block, Bastar District, Chhattisgarh. The Bastar District is home of the Gonds, Abhuj Maria, Darda Maria, Bison Horn Maria, Munia Doria, Dhruva, Bhatra, Halba and other Adivasi peoples, constituting 70 per cent of the population. These groups are protected by special legal safeguards following the declaration of the Bastar district as a Schedule Area (V) under the Indian Constitution.

258. The construction of the Tata steel plant was allegedly the result of a memorandum of understanding (MoU) signed on 4 June 2005 between Tata Iron and Steel Company Ltd. (TISCO), a part of the transnational company Tata Group, and the Industrial and Mineral Resources Department of Chhattisgarh State Government. The MoU would not reportedly become a public document until the Tata company has entered into a formal agreement with the state Government and all clearances have been granted as provided for in the memorandum.

259. According to the allegations, the MoU provides that the Chhattisgarh State Industrial Development Corporation (CSIDC) would acquire an extension of 53,000 acres of private lands in the Lohadiguda Block, in Bastar district, close to Jagdalpur town. CSIDC would subsequently hand the land over to TISCO within a period of six to nine months after having received the formal application from the company, on a long-term lease of 99 years.

260. The operation of the proposed steel plant would further involve the extraction of large quantities of iron ore, coal, dolomite, limestone and other minerals; the pumping of an estimate of 35 million gallons of water per day from adjacent rivers; the construction of rail and road links, plants, pipelines, residential colonies and other infrastructure.

261. The reports claimed that the area affected by the construction of the Tata steel plant belonged to the ancestral lands of more than 10 Adivasi villages of Lohadiguda Block, including Dabapal, Dhuragaon, Bade, Paroda, Beliapal, Belar, Badanji, Takarguda, Sirisguda, Kumhali, and Chindgaon, that had traditionally relied on this land for their livelihoods and access to food. The proposed plant would result in the eviction of an estimated 1,500 families from these villages. Reportedly, neither the village council meetings nor the families directly affected by the plan had been consulted by the state Government before it took the decision of allocating their lands to this project.

262. According to the reports, the compensation package offered by the authorities to the affected families was perceived to be insufficient to fully compensate for the loss of livelihood that the displacement would cause. In this connection, it was reported that compensation would be restricted to those families that can prove land ownership. This would allegedly exclude a large number of potentially affected small sharecroppers and have not been found to be eligible to land titles. For those families that could provide such a title, the monetary compensation would be limited to 50,000 rupees (Rs) per acre for non-irrigated land, including grazing land; Rs 76,000 per acre for non-irrigated single-crop land; and Rs 100,000 per acre for irrigated double-crop land. Payment for planted trees and other properties had not allegedly been included in the compensation packages.
263. The Special Rapporteur (on the rights of indigenous peoples) had further been informed that on 23 February 2007 a notification of land acquisition was published without giving the mandatory 30 days required by the law for filing objections, thus officially initiating the compulsory land acquisition process. On 4 March 2007, the process was suspended for unknown reasons. The potential displacement that the proposed plant construction would cause could also exacerbate the climate of insecurity that the members of tribal communities in the Bastar district have been living with and could contribute to fuel violent incidents.

4) Mandates of the Special Rapporteur on adequate housing and the Special Rapporteur on the right to food [A/HRC/7/16/Add.1]

55. On 7 June 2007, the Special Rapporteur (on adequate housing) sent an urgent appeal jointly with the Special Rapporteur on the right to food on the farmers in Jagatsinghpur in the eastern state of Orissa, who protested against their proposed displacement for a new industrial project and have feared forced evictions at the hands of the police. According to these allegations, tensions have raised after approximately 1,000 police officers encircled Dhinkia, Nuagaon and Gadakujang panchayats in April 2007 apparently preparing to enter the area which has seen protests by farmers for the last 14 months. The farmers have reportedly protested against their displacement due to an integrated steel plant by the South Korean firm, POSCO, which could affect their access to adequate and sufficient food.

5) Mandates of the Special Rapporteur on adequate housing and the Special Rapporteur on the right to food [A/HRC/7/16/Add.1]

54. On 23 April 2007, the Special Rapporteur (on adequate housing) sent a joint allegation letter with the Special Rapporteur on the right to food on the threat of imminent forced evictions in the Nandigram rural area of East Midnapur district, West Bengal, where violent clashes between government security forces and villagers protesting against these evictions occurred in January and March 2007, that have resulted in numerous injuries and deaths. According to these allegations, on 31 July 2006, the State Government of West Bengal signed an agreement with an Indonesian corporation part of the Salim Group to implement various developmental projects. It is alleged that the implementation of such plan will lead to the eviction of around 40,000 to 100,000 villagers who live in this area, mainly small and marginal farmers, sharecroppers and agricultural labourers, and that no compensation or rehabilitation package has been proposed to them so far.

2006

1) **Mandates of the Special Rapporteur on adequate housing and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance** [A/HRC/4/18/Add.1]

31. On 11 May 2006, the Special Rapporteur (on adequate housing) sent a joint letter with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, regarding an incident of violence between Jat and Dalit communities in Gohana, Sonapat district of Haryana state, in August-September 2005, resulting in the burning of houses and loss of property belong to members of the Dalit community.

2) **Mandates of the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on adequate housing, the Special Rapporteur on the right to food and the Special Representative of the Secretary General on the situation of human rights defenders** [A/HRC/4/32/Add.1]

238. By letter dated 6 April 2006, the Special Rapporteur (on the rights of indigenous peoples), together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the right to food, and the Special Representative of the Secretary General on the situation of human rights defenders, referred to previous communications, dated 29 July 2003 and 22 April 2004 in relation to the Sardar Sarovar Dam on the Narmada River, noting that no response had been received to the latter. Reference was also made to the recommendation made by the Special Rapporteur on the right to food in the report on his mission to India whereby dams, mining and infrastructural projects must not be implemented if this entails displacement and irreversible destruction of people's livelihoods. Such projects should only be carried out with the consent of communities, and on the condition that due legal process, proper resettlement, rehabilitation and compensation to all victims are guaranteed...

239. In addition to earlier concerns expressed regarding the impact of increasing water levels in the Sardar Sarovar Dam, the Special Rapporteurs and the Special Representative expressed their concern about recent developments in this respect. According to information received on 8 March 2006, the Narmada Control Authority (NCA) took a decision to raise the height of the Sardar Sarovar Dam from the present 110.64 metres to 121.92 metres. The implementation of this decision, apart from contravening the judgment of the Supreme Court of India in 2000 according to which any further increase in height of the dam was to be linked to the implementation of resettlement and rehabilitation measures, further would allegedly result in the violation of a range of human rights of those affected.

240. The Special Rapporteurs and the Special Representative declared also referred to the indefinite sit-in (dharna) by the over 300 dam-affected and activists of the Narmada Bachao Andolan (NBA – Save Narmada Movement) in New Delhi since 17 March 2006, demanding a halt to construction at the Sardar Sarovar dam as well as of the situation of the three NBA activists who were on an indefinite fast since 29 March.

241. According to information received, adequate rehabilitation had not been provided for those affected by the dam, many of them indigenous peoples and farmers. In Madhya Pradesh not one rehabilitation site was ready and none of the sites had sufficient house plots for affected families. This would reportedly leave people homeless when submergence would hit. Furthermore, alternative agricultural

land was not being provided, and where land had been allotted as in Maharashtra and Gujarat, it was allegedly uncultivable and inadequate. Official estimates said that an additional 24,421 families in 177 villages of Madhya Pradesh were to be displaced at the dam height of 121.92 metres. According to estimates from civil society organisations, there had been at least another 10,000 families who had been affected when the height of dam water level was previously raised to 110 metres and who were still to be rehabilitated. Women and children were the worst affected by displacement and the lack of adequate rehabilitation.

242. The Resettlement and Rehabilitation Sub-group of NCA, the primary authority to assess the situation, had reportedly not visited the submergence area since November 2000. As per claims of the affected, the Grievance Redressal Authorities in the three concerned states was not functioning as expected in light of the 2000 Supreme Court judgement.
243. The Special Rapporteurs and the Special Representative noted with concern recent information regarding the intervention by the Indian police force with respect to NBA activists on the night of 5 April 2006. According to allegations, more than 300 police officials used force described as indiscriminate against the dharna protestors. The Special Rapporteurs and the Special Representative were also informed that Medha Patkar and Jamsing Nargave, who were on the eighth day of their indefinite fast, were arrested and that over 25 activists were detained. According to testimonies, the use of violence was excessive and disproportionate and allegedly in non-compliance with international human rights law.

2004

1) Mandates of the Special Rapporteur on adequate housing and the Special Rapporteur on the right to food [E/CN.4/2005/48/Add.1]

17. On 12 July 2004, the Special Rapporteur (on adequate housing), in a joint letter of allegation with the Special Rapporteur on the right to food, sent a communication to the Government of India inquiring about reports of large-scale demolitions of slum dwellings and forced evictions allegedly undertaken by the Municipal Corporation of Delhi (MCD) and the Delhi Development Authority (DDA) since February 2004 in the Yamuna Pushta area of New Delhi. According to official reports, approximately 20,000 families, or roughly 100,000 people, have been evicted. However, information from local non-governmental sources indicates that the number of families evicted is 27,000, or approximately 130,000 people. Information suggests that only 16 per cent of the people affected have been given any kind of alternative housing. Reports from civil society groups working in the proposed resettlement sites of Bawana and Holambi Kalan point out that resettlement conditions are highly inadequate. Basic amenities like water and sanitation are also found to be grossly inadequate. The Special Rapporteur also requested information about the alleged use of force, arrests, and ill-treatment of slum dwellers with reference to the Yamuna Pushta evictions, highlighted by media reports and information from civil society organizations in New Delhi. According to the information received, in the Kanchanpuri demolition of 23 March 2004, two children were trapped under debris. On 13 March 2004 a child and a 40-year-old man were burnt to death in a fire that started during the demolition in Indira Basti of the Yamuna Pushta. According to reports from civil society groups, a fire gutted about 2,000 slum dwellings on 18 April 2004 in the Yamuna Pushta.

2) Mandates of the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on adequate housing [E/CN.4/2005/88/Add.1]

51. On 22 April 2004, the Special Rapporteur (on the rights of indigenous peoples), jointly with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, sent an urgent appeal to the Government of India requesting information about the decision taken on 16 March 2004 by the Narmada Control Authority (NCA), supported by the Chief Ministers of Gujarat, Maharashtra and Madhya Pradesh and other relevant authorities, to allow the height of the Sardar Sarovar dam to be raised from 100 m to 110.64 m. According to the information received, this approval would result in the enlargement of the area brought under water and thereby increase the number of dwellings submerged during the monsoon season, resulting in the flooding of several Adivasi communities and densely populated villages near and on the banks of the reservoir. Reports also stated that by 3 March 2004, none of the three States of Gujarat, Maharashtra and Madhya Pradesh had submitted the mandatory "Action Taken Reports", required by the "Resettlement and Rehabilitation Subgroup" to give clearance for an increase in height. The Special Rapporteur highlights that the decision to raise the height of the dam might lead to the violation of several human rights, as reflected in international human rights instruments, as it was already underlined in the previous urgent appeal sent to the Government on 29 July 2003. In this context, the Government was requested to submit information concerning the steps taken by the competent authorities in order to guarantee, among others, the right to adequate housing and in particular the right to be free from forced evictions, the right of indigenous peoples to self-determination and their traditional systems of sustenance, the right to the enjoyment of the highest attainable standard of physical and mental health, the need to redress development induced displacement losses and the need to respect certain core obligations.

2003

1) Mandates of the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the Special Rapporteur on adequate housing [E/CN.4/2004/80/Add.1]

46. On 29 July 2003, the Special Rapporteur (on the rights of indigenous peoples) sent a joint letter of urgent appeal with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on adequate housing, to the Government of India, requesting information about a decision taken on 14 May 2003 by the Resettlement and Rehabilitation Subgroup of the Narmada Control Authority (NCA) to allow the height of the Sardar Sarovar dam to be raised. According to the information received, this approval would result in the enlargement of the area covered by the water and thereby increase the number of dwellings that are submerged during the monsoon season, resulting in flooding of several Adivasi communities living near the reservoir. About 3,000 families in Maharashtra and around 12,000 families in Madhya Pradesh would be in danger of being affected, and no proper resettlement has been planned for them.
47. The decision of NCA reportedly appeared to be in clear violation of an order of the Supreme Court of India dated 18 October 2000 and, additionally, involved violations of several human rights contained in international human rights instruments that India is duty bound to respect, having freely ratified those instruments and thereby committed itself to respecting, protecting and fulfilling those rights.

The Special Rapporteur (on the rights of indigenous peoples) requested the Government to provide information concerning the steps taken by the competent authorities in compliance with the provisions contained in the relevant international legal instruments.

48. On 19 March 2003, the Special Rapporteur (on the rights of indigenous peoples) sent a letter of allegation to the Government in which he referred to the situation of the Adivasis and, in particular, to the reported eviction, on 19 February 2003, of more than 1,000 Adivasis from the Muthanga Wildlife Sanctuary in Wayanad, State of Kerala, allegedly by police and forest protection staff. The Adivasis had been occupying this area since 4 January 2003, reportedly in protest against the failure of the Kerala Government to implement an agreement reached with them on 16 October 2001 concerning land allocation. The police reportedly met with resistance on the part of the Adivasis and, as a result of these clashes, 16 people were reportedly shot dead and many others, including women, children and elderly people, went missing. The Special Rapporteur appealed to the Government to take all necessary steps to ensure the physical integrity of the Adivasis and to take all necessary steps to bring those responsible to trial, as well as to guarantee the implementation of the agreement by the Government of the State of Kerala.

VIII. Relevant Universal Periodic Review Recommendations to India from the United Nations Human Rights Council

A. Recommendations Related to Housing and Land Rights from India's Third Universal Periodic Review (May 2017)

Report of the Working Group on the Universal Periodic Review [A/HRC/36/10]⁵⁷

The Universal Periodic Review (UPR) is a UN peer review mechanism in which the human rights record of all 193 UN member states is examined at the Human Rights Council, every four-and-a-half years. India's third UPR was held in Geneva on 4 May 2017, during which 112 states proposed 250 recommendations to India. Of these recommendations, India "accepted" 152 and "noted" 98. Presented below are the accepted recommendations related to the human rights to adequate housing, land, food, water, sanitation, development, and a clean and healthy environment, within the framework of gender equality and non-discrimination.

1) Human Right to Adequate Housing

- 161.155** Implement a human-rights based, holistic approach to ensure access to adequate housing as well as to adequate water and sanitation, also for marginalized groups, including Dalits/scheduled castes, homeless, landless, scheduled tribes, religious and ethnic minorities, persons with disabilities, and women.
- 161.156** Expand the "Housing for all" scheme to realise the right to adequate housing for vulnerable people and eliminate homelessness by 2030.
- 161.157** Continue the Housing for All policy led by the Government to eradicate by 2030 the problem of homelessness, in conformity with Goal 11 of the 2013 Agenda.

2) Right to Development (Socio-economic and Sustainable Development) and Poverty Eradication

- 161.85** Consolidate the progress made towards reaching the Sustainable Development Goals, and in the improvement of human development indicators.
- 161.86** Continue efforts in the implementation of sustainable development strategies for the year 2030.
- 161.154** Continue its programmes for the promotion of socio-economic development, with a particular focus on the countries' rights-based approach to food security targeting the most vulnerable groups.
- 161.162** Continuously improve their endeavours to eradicate poverty in the country.
- 161.163** Continue its efforts towards socio-economic development and poverty eradication.
- 161.164** Further strengthen its efforts towards socio-economic development and poverty eradication.
- 161.165** Continue efforts to realize social and economic development and eradicate poverty.

⁵⁷ Report of the Working Group on the Universal Periodic Review, A/HRC/36/10, July 2017. Available at: https://www.upr-info.org/sites/default/files/document/india/session_27_-_may_2017/a_hrc_36_10_e.pdf

- 161.166** Continue efforts to reduce poverty, improve the well-being of the people, protect and enforce the rights of vulnerable groups of the population.
- 161.167** Continue its efforts to achieve sustainable development and eradicate poverty.
- 161.169** Continue national efforts to realize social and economic development and eradicate poverty, and achieve comprehensive sustainable development for all.
- 161.172** Implement further actions in promoting social and work security as well as efforts to spread the country's growth model in rural areas.
- 161.173** Continue promoting sustainable economic and social development and raising the living standard of its people so as to lay down a firm basis for the enjoyment of human rights by its people.

3) Rural Development and Rights of Farmers/Peasants

- 161.160** Continue efforts and measures aimed at enhancing social security and labour policies, and expand the development model in rural areas.
- 161.172** Implement further actions in promoting social and work security as well as efforts to spread the country's growth model in rural areas.
- 161.178** Continue its efforts to ensure that the universal health care scheme covers disadvantaged groups, including persons with disabilities and persons living in remote rural areas that still face obstacles in accessing basic healthcare services.
- 161.194** Continue its efforts to ensure women's equal participation in the workforce and generate employment opportunities for women in rural areas.
- 161.245** Continue strengthening the policies in favour of the rights of peasants and other persons working in the rural areas.

4) Human Rights to Food, Water, and Sanitation

- 161.153** Continue strengthening efforts aimed at promoting food security and eradicate all forms of malnutrition, in particular among children under the age of five.
- 161.154** Continue its programmes for the promotion of socio-economic development, with a particular focus on the countries' rights-based approach to food security targeting the most vulnerable groups.
- 161.155** Implement a human-rights based, holistic approach to ensure access to adequate housing as well as to adequate water and sanitation, also for marginalized groups, including Dalits/scheduled castes, homeless, landless, scheduled tribes, religious and ethnic minorities, persons with disabilities, and women.
- 161.168** Continue its fight against poverty, lack of adequate food, safe water and sanitation, while paying special attention to the need to introduce a child rights-based approach in all policies.
- 161.170** Continue increasing access to safe and sustainable drinking water in the rural areas and to improve sanitation coverage, especially for women and girls.

5) Human Right to a Clean and Healthy Environment

- 161.90** Establish and implement regulations to ensure that the business sector complied with international and national human rights, labour, environment and other standards.
- 161.91** Continue its efforts in relation to its environmental policies.

- 161.92** Provide access to clean and modern energy to all its people and develop climate-friendly green cities.
- 161.93** Continue implementing its international commitments to achieve its Nationally Determined Contributions (NDC) under the Paris Agreement of 2015.
- 161.94** Continue its efforts to effectively enforce its environmental policies and further increase the growth of forest cover in the country.

6) Gender Equality

- 161.190** Strengthen the integration of the gender perspective in the formulation and implementation of policies.
- 161.191** Ensure implementation of the Gender Budgeting Scheme in all states and union territories.
- 161.192** Continue incorporating the gender perspective in the design and implementation of policies, and guarantee that the development agenda pays equal attention to the concerns of women.
- 161.193** Redouble efforts on ensuring gender equality and take measures to prevent gender discrimination.
- 161.194** Continue its efforts to ensure women's equal participation in workforce and generate employment opportunities for women in rural areas.
- 161.197** Improve the enforcement of the legal provisions prohibiting harmful and discriminatory practices against women and girls...and ensure that all women without discrimination have access to public Services.
- 161.200** Take more effective measures to protect and promote the rights of women and girls, as they continue to be subjected to widespread violence, discrimination and exploitation.
- 161.210** Strengthen the protection of women's rights in accordance with the Act of Protection of Women from Domestic Violence and other relevant laws.
- 161.213** Redouble its efforts to enforce its legal provisions prohibiting harmful and discriminatory practices that violate the rights of women and girls.
- 161.215** Enhance activities aimed at eliminating discrimination against women, that particularly affects women from lower castes.
- 161.222** Strengthen the adoption of socio-economic programs which promote the empowerment of women and their participation in public and political life.

7) Non-discrimination

- 161.66** In the spirit of its constitution which guarantees equal rights to all minorities, further invest in dedicated human rights training of police officials to register and investigate cases of discrimination and violence and to hold them accountable when they fail to do so.
- 161.69** Adopt a comprehensive national plan on inclusion in order to combat persisting inequality, paying particular attention to persons in vulnerable situations such as women, children, persons with disabilities and minorities.
- 161.70** Strengthen the national framework to reduce all kinds of discrimination.
- 161.71** Intensify efforts to guarantee equality and non-discrimination in line with its international obligations, by developing public human rights awareness programmes and taking concrete steps to advance the rights of women and girls, members or religious minorities, LGBTI persons and to combat caste-based discrimination including to... establish appropriate policies and practices for registering, investigating and prosecuting violence against women, girls and members or religious minorities.

- 161.72** Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, tribes, and other vulnerable populations.
- 161.101** Step up its efforts against caste-based violence, discrimination and prejudice, including by eradicating all forms of caste-based discrimination in the educational system.

8) Access to Justice

- 161.88** Continue facilitating equal access to justice for all and provide legal aid, in particular to vulnerable groups, minority groups and marginalized people.
- 161.89** Promote further equal access to justice for all especially by providing more legal aid to the poor and marginalized.
- 161.147** Continue efforts in reducing corruption and increasing accountability.
- 161.148** Strengthen the independent functioning of the judiciary, in order to reduce delays in judicial proceedings, enhance transparency of the processes and guarantee the right to speedy trial.
- 161.149** Allocate appropriate resources towards reducing backlog and delays in the administration of cases in courts.

9) Human Rights, International Law, Standards, and UN Mechanisms

- 161.61** Continues its endeavours in promoting and protecting the human rights of all its citizens in an inclusive manner.
- 161.62** Adopt a National Plan on Human Rights.
- 161.1** Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
- 161.42** Ratify other human rights conventions to which India is not yet a State party.
- 161.45** Respond positively to visit requests by the Special Procedures of the Human Rights Council.
- 161.90** Establish and implement regulations to ensure that the business sector complied with international and national human rights, labour, environment and other standards.

B. Recommendations Related to Housing and Land Rights from India's Second Universal Periodic Review (2012)

Report of the Working Group on the Universal Periodic Review [A/HRC/21/10]⁵⁸

1) Adequate Living Conditions, Poverty Eradication, and Socio-Economic Development

- 138.130** Provide more resources for the enjoyment of economic and social rights, especially in favour of vulnerable groups like women, children, poor people and minorities.
- 138.134** Make efforts to eliminate the large gap that exists between the rich and the poor.
- 138.137** Continue to implement plans adopted in the area of housing and rehabilitation, particularly the plan launched in 2011 aimed at preventing the construction of new slums.

⁵⁸ Report of the Working Group on the Universal Periodic Review, A/HRC/21/10, 9 July 2012. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/151/08/PDF/G1215108.pdf?OpenElement>

- 138.140** Continue to strengthen its poverty alleviation strategies, as well as its child protection strategies, particularly against the exploitation of children.
- 138.141** Continue consolidating programmes and socio-economic measures essential to achieve poverty reduction and social exclusion to the utmost well-being of its people.
- 138.142** Continue efforts to eradicate poverty and better living conditions as well as increase job opportunities.
- 138.143** Further strengthen the efforts in poverty eradication, paying special attention to the rural population.
- 138.144** Continue to advance the progress already underway on poverty eradication and improve the enjoyment of the most basic human rights of the people, especially women and children.
- 138.145** Continue encouraging socio-economic development and poverty eradication.

2) Equality and Non-discrimination

- 138.47** Take adequate measures to guarantee and monitor the effective implementation of the Prevention of Atrocities Act, providing legal means for an increased protection of vulnerable groups like the Dalit, including the access to legal remedies for affected persons.
- 138.71** Continue its efforts to eliminate discrimination against and empower marginalized and vulnerable groups particularly by ensuring effective implementation of relevant laws and measures through proper and active coordination among line ministries, national and state governments; by extending disaggregated data to caste, gender, religion, status and region; and by increasing sensitization and reducing discriminatory attitudes among law enforcement officers through human rights education and training.
- 138.72** Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi groups, as well as, women, trafficking victims, and LGBT citizens.
- 138.74** Address the inequities based on rural-urban divide and gender imbalance.
- 138.75** Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the Scheduled Castes and Schedules Tribes and Minorities are well achieved.
- 138.76** Continue working on the welfare of children and women.
- 138.79** Continue its legal efforts in the protection of women and children's rights as well as improve measures to prevent violence against women and girls, and members of religious minorities.
- 138.81** Redouble efforts on ensuring gender equality and take measures to prevent gender discrimination.
- 138.82** Review the budgets and social laws taking into account gender issues.
- 138.83** Continue incorporating the gender perspective in programmes and development plans with positive measures to the effective promotion and protection of women's rights.
- 138.86** Continue following-up on steps taken to eliminate discrimination against women, including through awareness-raising and continuous strengthening of the relevant legal and institutional frameworks.
- 138.167** Ensure better protection for persons with disabilities and the elderly.

3) Water and Sanitation

- 138.138** Ensure that every household enjoys the right to safe drinking water and sanitation.
- 138.139** Further accelerate the sanitation coverage and the access to safe and sustainable drinking water in rural areas.

4) National Coordination

- 138.57** Intensify its efforts and measures to consolidate the state of law and its national mechanisms on human rights.
- 138.58** Further coordination among relevant national authorities and human rights institutions.

5) International Cooperation

- 138.18** Sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights...
- 138.65** Implement Treaty Body recommendations and develop a National Action Plan to eliminate all forms of discrimination.
- 138.68** Implement the recommendations made by the Special Rapporteur on the rights of human right defenders following her visit in 2011, with particular emphasis on recommendations that concern defenders of women's and children's rights, defenders of minorities rights, including Dalits and Adivasi, and right to information activists.
- 138.66** Continue cooperating with Special Procedures and accept, in particular requests for visits from Special Rapporteurs.
- 138.70** Continue cooperating with the UN and other International Organisations and share good experiences and practices with other countries in order to overcome the remaining challenges.

C. Recommendations Related to Housing and Land Rights from India's First Universal Periodic Review (2008)

Report of the Working Group on the Universal Periodic Review [A/HRC/8/26]⁵⁹

- 86.4** Encourage enhanced cooperation with human rights bodies and all relevant stakeholders in the pursuit of a society oriented towards the attainment of internationally recognized human rights goals.
- 86.10** Consider new ways of addressing growing economic and social inequities arising out of rapid economic growth and share experiences/results of best practices in addressing poverty.
- 86.11** Take into account recommendations made by treaty bodies and special procedures, especially those relating to women and children, in developing a national action plan for human rights which is under preparation.
- 86.18** Continue efforts to allow for a harmonious life in a multi-religious, multicultural, multi-ethnic and multi-lingual society and to guarantee a society constituting one-fifth of the world's population to be well fed, **well housed**, well cared for and well educated [emphasis added].

⁵⁹ Report of the Working Group on the Universal Periodic Review, A/HRC/8/26, 23 May 2008. Available at: http://ap.ohchr.org/documents/alldocs.aspx?doc_id=14080

IX. Letter from the United Nations High Commissioner for Human Rights to India after the Third Universal Periodic Review

23 October 2017

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of India and welcome your constructive engagement and that of your Government during the 27th session of the UPR Working Group in early May 2017.

As the final outcome report on the review of India was recently adopted by the Human Rights Council at its 36th session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review of India - the compilation of UN information and the summary of stakeholders' submissions - which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 103 countries, India's presentation and responses, and the action taken by India to implement the 67 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I would like to highlight one issue that was raised during the review of India and which I am particularly encouraged by: India's efforts aimed at eradicating poverty and achieving inclusive sustainable development, notably through a series of initiatives such as Smart Cities, Make in India, Celebrate the Girl Child and Enable her Education, Bank. Accounts for All, Startup India and Housing for All. These are laudable steps in the framework of the 2030 Agenda for Sustainable Development. I also welcome the recent decision by the Supreme Court which ruled that sexual intercourse by a man with his wife, aged below 18, was rape.

I encourage India to develop a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate India's preparations for the fourth cycle of the UPR. The development of such a plan should include consultations with all stakeholders, in particular the NHRI and civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the UN Resident Coordinator.

I also encourage India to strengthen its national mechanism for comprehensive follow up and reporting in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to India the use of the practical guide that my Office released in 2016 on this topic and which is available at: <http://www.ohchr.org/Documents/Publications/HRPUB161NMRFPPracticalGuide.pdf>.

H.E. Ms. Sushma Swaraj
Minister of External Affairs
India

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I encourage India to submit such a report for the third cycle, by September 2019.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals”.*

I look forward to discussing with you ways in which my Office may assist India to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra’ad Al Hussein

High Commissioner for Human Rights⁶⁰

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Strengthen the normative framework by ratifying CAT (signed in 1997); OPCAT; OP-ICESCR; OP-CEDAW; OP-CRC; CRPD; ICCPED (signed in 2007); ICPRMW; the Rome Statute; the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization; the 1954 Convention relating to the Status of Stateless Persons; the 1961 Convention on the Reduction of Statelessness, and the 1951 Convention relating to the Status of Refugees; and withdraw the remaining declarations and reservations to CEDAW;
- Submit as soon as possible all outstanding reports to the CCPR (due in 2001), the CERD (due in 2010), and the CESCRC (due in 2011);
- Respond positively to pending visit requests by special procedures of the Human Rights Council, in accordance with India’s standing invitation, and grant access to OHCHR and other stakeholders to Jammu and Kashmir with a view to monitoring the human rights situation.

National human rights framework

Repeal or amend thoroughly the Armed Forces (Special Powers) Act to bring it into compliance with international human rights norms and standards.

⁶⁰ This letter is available at: <https://lib.ohchr.org/HRBodies/UPR/Documents/Session27/IN/IndiaHCLetter.pdf>

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Achieve universal birth registration;
- Ensure effective implementation of the Scheduled Castes and Scheduled Tribes Act and laws providing adequate protections for other vulnerable populations;
- Undertake public human rights sensitization campaign and programmes to combat discrimination against all vulnerable populations;
- Decriminalize same-sex relations;
- Enhance women's political participation, and ensure equal participation of women in the workplace.

B. Civil and political rights

Right to life, liberty and security of person

- Introduce a moratorium on the death penalty, commute death sentences, and ratify the Second OP to ICCPR, with a view to abolishing the death penalty;
- Enact the Prevention of Torture Bill, while ensuring it complies with international human rights norms and standards;
- Ensure that law enforcement officials abide by all times, including in disturbed areas, international human rights norms and standards, including those governing the use of force;
- Ensure that law enforcement officials are fully trained on international human rights norms and standards revised accordingly.*

Administration of justice, including impunity and the rule of law

- Hold accountable all officials responsible for human rights violations;
- Improve access to justice and the functioning of the justice system, including by addressing effectively delays in judicial proceedings with a view to ensuring timely justice, and ensuring that the registration of complaints about alleged human rights violations or abuses by law enforcement officials is done properly and systematically;
- Amend the Juvenile Justice (Care and Protection of Children) Act 2015 so juveniles aged 16-18 years are not prosecuted as adults.

Fundamental freedoms and the right to participate in public and political life

- Continue efforts to guarantee freedom of religion and to combat discrimination on the basis of religion, hate speech, and incitement to religious violence, including by implementing existing laws and abolishing anti-conversion laws;
- Facilitate and protect civil society space by fully guaranteeing the rights to freedom of opinion and expression, freedom of peaceful assembly, and freedom of association, including by decriminalizing defamation and repealing the Foreign Contribution (Regulation) Act or reviewing it to bring it in compliance with international human rights norms and standards;

* OHCHR has a number of training materials for judges, lawyers and prosecutors, as well as law enforcement officials and prison administrators, which could be used for training with these groups on applying human rights principles and norms in the exercise of their daily professional activities. The setting up or strengthening of internal accountability mechanism would also contribute to positive developments in this area.

- Ensure that civil society actors can undertake their legitimate activities without fear of reprisals, investigate independently and thoroughly all acts of intimidation and violence against human rights defenders, including journalists, bring the perpetrators to justice, and provide adequate reparation to the victims.

Prohibition of all forms of slavery

- Continue efforts to combat human trafficking, including by passing a comprehensive law on combatting human trafficking on the basis of wide and meaningful consultations with relevant stakeholders, and ensuring full support to victims and their rehabilitation.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Recognize equal pay for work of equal value and women's unpaid care and domestic work.

Right to social security

- Establish a social protection floor.

Right to an adequate standard of living

- Strengthen India's programmes to eradicate poverty;
- Establish a separate committee to identify those people living below the poverty line as recommended by the Task Force on Elimination of Poverty in India;
- Effectively implement the National Food Security Act 2013;
- Continue increasing access to safe drinking water, and improve sanitation coverage;

Right to health

- Further improve access to health, including access to maternal health and sexual and reproductive health;
- Prevent coercive, unsafe, and abusive sterilization;
- Ensure reproductive and sexual health education for all young people.

Right to education

- Redouble efforts to ensure quality education for all, especially children of scheduled castes, and tribes;
- Increase the budget allocated to education.

D. Rights of specific persons or groups

Women

- Fully enforce existing laws prohibiting violence against women and girls, such also-called "honour killings", dowry-related murders, female feticide and female infanticide;
- Ensure full accountability for all crimes committed against women and girls, and provide adequate reparation to the victims;
- Provide systematic training on women's rights to all law enforcement officials, members of the judiciary and healthcare staff
- Criminalize marital rape.

Children

- Eradicate child labour, child marriage, sexual exploitation and corporal punishment by fully enforcing existing laws;
- Establish a monitoring mechanism to oversee the effective implementation of existing laws;
- Establish a database of all cases of violence against children.

Persons with disabilities

- Continue efforts to protect the rights of persons with disabilities by fully implementing the existing legislation;
- Continue pursuing the Accessible India Campaign;
- Issue disability certificates to all persons with disabilities so they can gain access to entitlements.

Minorities and indigenous peoples

- Ensure that the rights of minorities and indigenous peoples are fully protected, in particular in the context of the exploitation of natural resources by national and multi-national corporations, as well as of counter-insurgency operations;
- Ensure effective protection to all minorities against communal violence, investigate independently and thoroughly all acts of violence, bring the perpetrators to justice, and provide adequate reparation to the victims.

X. Voluntary Pledges and Commitments of the Government of India to the United Nations Human Rights Council (October 2018)

Note verbale dated 29 August 2018 from the Permanent Mission of India to the United Nations addressed to the President of the General Assembly

Candidature of India to the Human Rights Council, 2019–2021

Voluntary Pledges and Commitments in accordance with United Nations General Assembly Resolution 60/251 [A/73/394]⁶¹

2. India has a long tradition of promoting and protecting human rights. It is reflected in the vision of the nation's founding fathers who framed the Constitution. The Constitution of India enshrines India's commitment to human rights by guaranteeing to its citizens fundamental political and civil rights and provides for the progressive realization and enforcement of economic, social and cultural rights.
3. These Constitutional provisions underpin the national identity of 1.25 billion people. The most basic of several Fundamental Rights for both citizens and non-citizens is the Right to Life and Liberty in Article 21 of the Constitution.
6. India's engagement with the United Nations Human Rights Council (UN HRC) has been guided by the significance of the UN body to frame the international discourse on human rights agenda. For India, the promotion and protection of human rights is essential to achieving the ultimate goal of socio-economic advancement of all people on this planet.
7. Its interest in serving in the Council is rooted in its belief that promotion and protection of human rights is best pursued through dialogue, cooperation and constructive and collaborative engagement that would help in shaping a better collective future for all. India's presence on the Council would continue to bring in pluralistic, moderate and balanced perspective to straddle various divides or differences therein.
8. India has consistently demonstrated in practice its commitment to human rights and fundamental freedoms. In May 2017, for third time in less than ten years, India's human rights record was reviewed under the Universal Periodic Review (UPR) mechanism of the UNHRC. India also presented its Voluntary National Review (VNR) on the implementation of the seventeen Sustainable Development Goals (SDGs) under the 2030 Agenda at the High Level Political Forum (HLPF) of the ECOSOC at the United Nations in July 2017. Both of these voluntary and State-driven processes elicited wide interest.
13. India believes that the United Nations should have the necessary resources for its activities and has been a regular contributor to the UN. In 2017, India announced setting up of an India-UN Development Partnership Fund in association with the UN Office of South-South Cooperation (UNOSSC). India has significantly scaled up the contribution to the Fund through a staggered contribution of \$100 million. These resources are non-earmarked in the spirit of sustained predictable funding for SDGs and South-South Cooperation.

⁶¹ Note verbale from the Permanent Mission of India to the United Nations addressed to the President of the General Assembly, A/69/538, 16 October 2014. Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/538
Only relevant paragraphs have been included here.

16. Apart from improving governance structures, India's development policy focuses on ensuring social security, right to work with just and favourable conditions, and to a range of socio-economic entitlements to all citizens...

...

28. Against this backdrop, India is presenting its candidature for the membership of the Human Rights Council for the term 2019-2021 for which the elections will be held at the UN General Assembly in New York in November 2018. India makes the following voluntarily pledges and commitments:

- (i) India will continue to uphold the highest standards in the promotion and protection of human rights;
- (ii) India will continue to strive for the full realization of civil, political, economic, social and cultural rights, including the right to development;
- (iii) India will continue to abide by its national mechanisms and procedures to promote and protect the human rights and fundamental freedoms of all its citizens;
- (iv) India will continue to cooperate with States, upon request, in their implementation of human rights through capacity-building by means of technical cooperation, dialogues and exchange of experts;
- (v) India will continue to strive to promote the work of the Human Rights Council in accordance with the principles of sovereign equality, mutual respect, cooperation and dialogue;
- (v) India will continue to strive to promote the work of the Human Rights Council in accordance with the principles of sovereign equality, mutual respect, cooperation and dialogue;
- (vi) India will continue to strive to make the Human Rights Council a strong, effective and efficient body capable of promoting and protecting human rights and fundamental freedoms for all;
- (vii) India will continue to support international efforts to combat racism, racial discrimination, xenophobia and related intolerance;
- (viii) India will continue to engage constructively in the deliberations of the Human Rights Council, its subsidiary bodies and mechanisms;
- (ix) India will continue to support the Office of the United Nations High Commissioner for Human Rights, including through regular voluntary contributions;
- (x) India will continue to cooperate with special procedures, accept requests for visits and respond to communications;
- (xi) India is committed to implementing the recommendations it accepted during the Third cycle of the Universal Periodic Review;
- (xii) India remains committed to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- (xiii) India will continue to cooperate with treaty monitoring bodies and engage constructively with them in the context of fulfilling its human rights obligations;

- (xiv) India will continue to strengthen the implementation of the human rights treaties that it has ratified;
- (xv) India will maintain the independence, autonomy and genuine powers of investigation of national human rights bodies, including its National Human Rights Commission, National Commission for Women, National Commission for Protection of Child Rights, National Commission for Minorities, National Commission for Scheduled Castes and Scheduled Tribes and National Commission for Backward Classes, as mandated by the Indian Constitution and national legislation;
- (xvi) India will continue to foster a culture of transparency, openness and accountability in the functioning of the Government.
- (xvii) India will continue to foster the genuine participation and effective involvement of civil society in the promotion and protection of human rights.
- (xviii) India will continue its strong support and steadfast commitment to work with fellow developing countries and the UN Development system towards collectively achieving the SDGs.
- (xix) India will continue to pursue the necessary domestic actions to implement the 2030 Agenda, with overarching focus on poverty eradication and balanced emphasis on social development, economic growth and environmental protection.

XI. Status of Special Procedures Visits to India

(as of 31 October 2019)⁶⁴

English | Français | Español | русский | العربية | 中文



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HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Human Rights Bodies > Special Procedures

View Country visits of Special Procedures of the Human Rights Council since 1998

Search option by mandate or country

Country	Standing Invitations	Date Of Standing Invitation
India	YES	14 September 2011
<input type="checkbox"/> SR on violence against women	Reported/completed	from 28 October 2000 to 15 November 2000
<input type="checkbox"/> SR on food	Reported/completed	from 20 August 2005 to 2 September 2005
<input type="checkbox"/> SR on health	Reported/completed	from 22 November 2007 to 3 December 2008
<input type="checkbox"/> SR on freedom of religion	Reported/completed	from 3 March 2008 to 20 March 2008
<input type="checkbox"/> SR on toxic waste	Reported/completed	from 11 January 2010 to 21 January 2010
<input type="checkbox"/> SR on HR defenders	Reported/completed	from 11 January 2011 to 21 January 2011
<input type="checkbox"/> SR on extrajudicial, summary or arbitrary executions	Reported/completed	from 19 March 2012 to 30 March 2012
<input type="checkbox"/> SR on violence against women	Reported/completed	from 22 April 2013 to 1 May 2013
<input type="checkbox"/> SR on housing	Reported/completed	from 11 April 2016 to 22 April 2016
<input type="checkbox"/> SR on rights to water and sanitation	Reported/completed	from 27 October 2017 to 10 November 2017
<input type="checkbox"/> SR on slavery	Reminder	2018
<input type="checkbox"/> WG on business and human rights	Requested	2018
<input type="checkbox"/> SR on racism	Reminder	second half of 2018
<input type="checkbox"/> SR on minority issues	Requested	second half of 2018
<input type="checkbox"/> SR on indigenous peoples	Reminder	October 2018
<input type="checkbox"/> SR on torture	Reminder	2019
<input type="checkbox"/> SR on toxic waste	Reminder	2019
<input type="checkbox"/> SR on cultural rights	Reminder	2019
<input type="checkbox"/> WG on discrimination against women (old)	Requested	2019
<input type="checkbox"/> SR on freedom of expression	Reminder	2019
<input type="checkbox"/> WG on people of African Descent	Reminder	February 2019
<input type="checkbox"/> SR on sale of children	Accepted	Proposed dates second half of 2019
<input type="checkbox"/> SR on extreme poverty	Reminder	fourth quarter of 2019
<input type="checkbox"/> SR on leprosy	Accepted	third quarter of 2019
<input type="checkbox"/> IE on international solidarity	Requested	August 2019
<input type="checkbox"/> SR on environment	Reminder	second half of 2020
<input type="checkbox"/> WG on arbitrary detention	Reminder	
<input type="checkbox"/> WG on disappearances	Reminder	
<input type="checkbox"/> SR on independence of judges	Reminder	
<input type="checkbox"/> SR on trafficking	Requested	
<input type="checkbox"/> SR on freedom of assembly	Reminder	
<input type="checkbox"/> SR on human rights and counter terrorism	Requested	

62 Status of visits of Special Procedures to India available at:
https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?
 (Last accessed: 31 October 2019)

Housing and Land Rights Network India (HLRN)—based in New Delhi—works for the recognition, defence, promotion, and realization of the human rights to adequate housing and land, which involve gaining a safe and secure place for all individuals and communities, especially the most marginalized, to live in peace and dignity. A particular focus of HLRN’s work is on promoting and protecting the equal rights of women to adequate housing, land, property, and inheritance. Housing and Land Rights Network aims to achieve its goals through advocacy, research, human rights education, and outreach through network building – at local, national, and international levels.

This compilation prepared by HLRN presents recommendations, communications, and references to India—related to housing and land rights—in documents and reports of United Nations human rights mechanisms, including treaty bodies, Special Procedures, and the Human Rights Council’s Universal Periodic Review.

Through this publication, HLRN aims to draw the attention of state and non-state actors to India’s international legal and moral commitments. Housing and Land Rights Network hopes that this publication will help spread awareness on the significant work of the United Nations on housing and land rights issues in India, and urge the Government of India to take immediate action to implement the recommendations made by various mechanisms; provide restoration and restitution of human rights; and, abide by its international reporting requirements.



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