

PRESS RELEASE:
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**New Report Highlights the Unrelenting Crisis of Forced Evictions:
Finds Over 200,000 Persons Evicted in India in 2018;
Over 114 Houses Demolished Every Day, 23 People Evicted Every Hour**

At a press conference held in New Delhi today, **Housing and Land Rights Network India (HLRN)** released two new publications: *Forced Evictions in India in 2018: An Unabating National Crisis*; and, *Adjudicating the Human Right to Adequate Housing: Analysis of Important Judgments from Indian High Courts*.

The launch of reports was followed by a panel discussion during which human rights activists and independent experts, including *Dr Usha Ramanathan* (researcher on the jurisprudence of law, poverty, and rights), *Mr Miloon Kothari* (former United Nations Special Rapporteur on Adequate Housing), *Ms Vanessa Peter* (policy researcher, Information and Resource Centre for the Deprived Urban Communities, Chennai), *Ms Beena Jadav* (Founder, Rahethan Adhikar Manch/Housing Rights and Human Rights Group, Gujarat) and *Ms Shivani Chaudhry* (Executive Director, Housing and Land Rights Network) discussed different dimensions of India's eviction and displacement crisis, and the role of the judiciary and other agencies of the state. Affected persons from Shahabad Dairy and Mansarovar Park in Delhi—including Mr Dev Singh and a young girl—highlighted violations of the human rights to adequate housing, work, health, education, and life, as a result of the demolition of their homes by central government agencies.

In the year 2018, data collected by HLRN's 'National Eviction and Displacement Observatory' reveals that government authorities, at both the central and state levels, **forcefully evicted, at a minimum, 202,200 (over 2 lakh) people across urban and rural India**. While these figures are extremely alarming, they only reflect cases known to HLRN. **The actual number of people evicted/displaced in 2018, is thus likely to be much higher**. Furthermore, HLRN has documented that about **11.3 million people live under the threat of eviction** across the country.

In 2018, HLRN recorded the demolition of over 41,730 houses and the forced eviction of at least 202,233 people across India. Using a conservative estimate, this implies that state authorities destroyed over 114 houses every day, evicting about 554 people daily or 23 people every hour in 2018.

Major findings from HLRN's study on forced evictions in 2018 include the following:

- 1) Forced evictions of low-income communities and demolitions of their homes occurred across urban and rural areas – in cities, towns, and villages.**
- 2) Forced evictions were carried out for a range of reasons and under various guises.**

Though Indian authorities normally do not provide clear reasons for evictions, after analysing data on 218 reported cases of forced eviction in 2018, HLRN identified four broad categories for which people were forcibly evicted and displaced from their homes and habitats:

- a) **"Slum-clearance/anti-encroachment/city-beautification" drives** and interventions aimed at creating "slum-free" cities [47 per cent of affected persons/over **94,000 people**];
- b) **Infrastructure and ostensible 'development' projects**, including road/highway construction, housing, and 'smart city' projects [26 per cent of affected persons/over **52,200 people**];

- c) **Environmental projects, forest protection, and wildlife conservation** [20 per cent of affected persons/over **40,600 people**]; and,
- d) **Disaster management** [8 per cent of affected persons/over **15,200 people**].

It is evident that most of the evictions in 2018 were not carried out for “exceptional circumstances” as required by the UN Basic Principles and Guidelines on Development-based Evictions and Displacement.

Across India, homes of the urban poor continue to be considered “illegal/encroachments” and demolished, often with state impunity. The implementation of “slum-free” policies by demolishing homes of the poor not only violates their human rights but also goes against the premise of creating “slum-free” cities, which is to improve living conditions. Furthermore, the continued assumption of the state that “city beautification” implies removing the poor from certain areas of cities, highlights the deep-set discrimination against the country’s most marginalized populations.

Infrastructure and ostensible ‘development’ projects continued to displace the urban and rural poor, generally without due process or rehabilitation. Though many of these evictions are justified by the state as being carried out for the “public purpose,” the term continues to be misused in the absence of a human rights-based definition and interpretation. Highway/road construction and road-widening projects displaced over 5,400 families in 2018, while over 2,400 people were evicted, ironically, to implement housing schemes. While it is difficult to ascertain the exact number of ‘smart city’-related evictions, HLRN documented evictions in 34 of the 100 ‘smart cities’ under the Smart Cities Mission and found that ‘smart city’ projects resulted in over 17,700 people losing their homes.

Several incidents of forced eviction were carried out, purportedly, for the implementation of environmental projects and for wildlife conservation and forest protection. This resulted in the displacement of over 40,600 people across the country. In the guise of ‘disaster management’ under the Cooum River Restoration Project, the Government of Tamil Nadu demolished 3,181 houses in Chennai in 2018; a total of nearly 8,000 houses have been destroyed since 2016.

3) In nearly all reported cases, state authorities did not follow due process established by national and international standards.

In most instances, affected communities were not provided notice of the eviction or sufficient time to remove their belongings from their homes. Forced evictions occurred throughout the year, including in extreme weather conditions. An analysis by HLRN found that the majority of evictions took place in the summer and winter. In many instances, authorities carried out evictions prior to school examinations, thereby greatly impeding children’s ability to study and appear in exams. Seventy per cent of the evictions in Chennai took place prior to children’s mid-year examinations. Families displaced from the Tansa Pipeline in Mumbai also witnessed violations of the right to education, as they were evicted in the mid-academic year.

4) The vast majority of affected persons were not resettled; where provided, resettlement is inadequate.

Research by HLRN indicates that the vast majority of those evicted have not been resettled by the state. Of the 173 sites for which information on resettlement is available, HLRN found that some form of resettlement/alternative housing was provided in only 53 (or 30 per cent) of the sites. Monetary compensation was given only in about 2 per cent of documented cases. Affected persons, thus, have had to make their own provisions for alternative housing or have been rendered homeless. For those who received some form of resettlement from the state, the sites they have been relocated to, as in Chennai, Delhi, and Mumbai are remote and extremely inadequate. The continued exclusion from housing by local governments using the flawed notions of ‘cut-off date’ and ‘eligibility criteria’ as well as the coerced relocation of the urban poor is contributing to an increase in the number of people being forced into insecure and inadequate living conditions as well as a direct rise in homelessness.

5) All incidents of eviction resulted in multiple human rights violations.

The processes followed before, during, and after evictions have resulted in the violation of multiple human rights of affected persons, including their human rights to life, adequate housing, land, work/livelihood, health, food, water, sanitation, education, security of the person and home, information, participation, and freedom of movement and residence. In a few cases, as in Delhi and Pune, people died in the aftermath of evictions, as a result of being forced to live out in the open in the cold. The use of force by police during evictions was reported in Manipur and Delhi.

6) Central and state government authorities violated national and international laws.

The documented incidents of forced eviction and home demolitions contravene the Constitution of India as well as national and international laws. They violate international human rights standards, as repeatedly pointed out by various UN bodies, and also go against stated objectives of various policies, including the Housing for All-2022 scheme or Pradhan Mantri Awas Yojana (PMAY).

7) The majority of people evicted in 2018 do not have access to justice and their right to effective remedy has not been fulfilled.

The study by HLRN found that affected persons have limited recourse to relief and grievance redress mechanisms in instances of forced eviction. While access to justice and legal remedy is limited, in 2018, HLRN recorded at least 27 incidents of eviction from court orders. These orders were responsible for the forced eviction of over 52,000 people, including in Chandigarh, Chennai, Dehradun, Delhi, Gurugram, Jaipur, Mumbai, Patna, Prayagraj, and Srinagar, among other locations.

8) At least 11.3 million people across India are threatened with the risk of eviction and displacement.

Reasons for potential displacement range from infrastructure projects to forest protection; from restoration of water bodies to implementation of court orders; and, from removal of “encroachments” to tourism development.

As documented by HLRN, courts have often ordered evictions. However, in several instances, the Indian judiciary has also protected the right to housing and provided relief against forced evictions. HLRN’s new publication titled, *Adjudicating the Human Right to Adequate Housing: Analysis of Important Judgments from Indian High Courts*, presents an analysis of progressive judgments from High Courts across India that have upheld the human right to adequate housing. In the absence of rights-based housing laws and policies, justiciability of the right to housing has been limited in India. This publication is thus important, as it documents cases where the judiciary has acknowledged inadequate living conditions of lower-income groups and emphasized positive obligations of the state with regard to recognition and protection of their rights, including to housing. While presenting major trends related to the fulfilment of various aspects of the right to housing, HLRN’s publication also highlights the inconsistent approach of the Indian judiciary in adjudicating the right to housing. Even when the right to housing is affirmed as a human right, relief provided to marginalized groups is often limited. The publication is viewed as a resource to help build jurisprudence on the right to housing while strengthening the use of legal precedence in India.

RECOMMENDATIONS

Given the severity and magnitude of the national eviction and displacement crisis, and the fact that these incidents have resulted in gross human rights violations, **HLRN proposes the following recommendations to the central and state governments:**

- 1) Take immediate measures toward restitution of human rights of affected persons by providing adequate rehabilitation and compensation; restoring homes, livelihoods, basic services, and education; and enabling return to original sites of residence, where possible.
- 2) Investigate incidents of forced eviction and take punitive action against those found guilty of violating the law and human rights.

- 3) Uphold and implement the human right to adequate housing, and adopt UN standards for 'adequate housing' in all new housing, *in situ* (on site) upgrading, and redevelopment projects.
- 4) Recognize the right to land of the urban and rural poor, and provide security of tenure to people where they live, in order to protect them from arbitrary evictions and dispossession.
- 5) Invest sufficiently in low-cost housing, with a focus on social rental housing. Define "affordable housing" adequately. Prioritize participatory, human rights-based *in situ* upgrading of housing.
- 6) Impose a national moratorium on forced evictions and demolitions of homes in India, as also advised by the UN Special Rapporteur on Adequate Housing.
- 7) Ensure that evicted, displaced, and homeless/landless persons/families are considered for priority housing and land allotment under all state and central housing schemes.
- 8) Ensure that the free, prior, and informed consent of all affected persons is taken before any infrastructure/redevelopment/upgrading/resettlement project is finalized.
- 9) Carry out human rights-based 'eviction impact assessments,' consistent with national and international law, prior to the implementation of any project. Collect disaggregated data to document specific impacts on women and children. Make information on all environmental/social/eviction impact assessments public.
- 10) Incorporate a human rights and social justice approach for the implementation of all national and state schemes, and prevent evictions and violations of human rights.
- 11) Revise the prevalent economic policy framework that permits the continued displacement of the country's most marginalized, including under the guise of "public purpose."
- 12) Implement court judgments upholding the right to housing and recommendations of UN human rights bodies, including recommendations made to India during its third Universal Periodic Review. Incorporate international guidelines, including the Basic Principles and Guidelines on Development-based Evictions and Displacement, into laws and policies.

While strongly condemning all acts of forced eviction, demolition of homes of the urban and rural poor, displacement, and forced relocation taking place across India, HLRN hopes that the recommendations presented above will be implemented, and that all political parties and state and non-state actors will take immediate steps towards halting the unconstitutional practice of forced evictions, as they result in multiple human rights violations and long-term detrimental consequences for the entire nation. On the eve of India's General Elections, it is important to understand the significance of the rights to housing and land, especially for the most marginalized.

Housing and Land Rights Network hopes that its new reports will be useful for a wide range of actors, and will contribute towards the improvement of living conditions and the realization of the human right to adequate housing, which is the right of everyone to a safe and secure home and community, in which to live in safety, security, peace, and dignity.

Forced Evictions in India in 2018: An Unabating National Crisis:

http://hlrn.org.in/documents/Forced_Evictions_2018.pdf

Adjudicating the Human Right to Adequate Housing: Analysis of Important Judgments from Indian High Courts: http://hlrn.org.in/documents/Housing_Judgments_India.pdf

Housing and Land Rights Network

G-18/1 Nizamuddin West, New Delhi – 110013, India

+91-11-4054-1680 | contact@hlrn.org.in | www.hlrn.org.in | @HLRN_India