

FORCED TO THE FRINGES

Disasters of 'Resettlement' in India

COMPARATIVE ANALYSIS OF THE THREE RESETTLEMENT SITES



HOUSING AND LAND RIGHTS NETWORK
Habitat International Coalition – South Asia

Comparative Analysis of the Eviction Process that Preceded Relocation to the Three Resettlement Sites

[Source: UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)]

| PARAMETER | SAVDA GHEVRA (Delhi) | KANNAGI NAGAR (Chennai, Tamil Nadu) | VASHI NAKA (Mumbai, Maharashtra) |
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| FULFILLMENT OF THE OBLIGATIONS OF THE STATE AND DUTY BEARERS | | | |
| 1. States shall ensure that evictions occur only in exceptional circumstances... Any eviction must be: (a) authorized by law; (b) carried out in accordance with international human rights laws... (Paragraph 21) | 'Exceptional circumstances' were not established for any of the evictions in Delhi, Mumbai and Chennai. Many of the evictions were not authorised by law. The state governments did not comply with international human rights law. | | |
| 2. States must adopt legislative and policy measures prohibiting the execution of evictions that are not in conformity with their international human rights obligations. (Paragraph 22) | India does not have a comprehensive national law or policy prohibiting evictions; neither do the states of Maharashtra, Tamil Nadu and Delhi. | | |
| PROCEDURES TO BE FOLLOWED PRIOR TO EVICTIONS | | | |
| 3. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement... "Eviction-impact" assessment should also include exploration of alternatives and strategies for minimizing harm. (Paragraph 32) | No "eviction impact" assessments were carried out prior to evictions in the three cities. | | |
| 4. Urban... development processes should involve all those likely to be affected and should include the following elements: (a) appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings... (b) effective dissemination by the authorities of relevant information in advance... (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) ... (Paragraph 37) | Authorities did not engage in any official process for public consultation or provide affected persons with adequate information. About 70% of the survey participants did not receive any information about the location or other details about Savda Chevra. According to 92% of the respondents, the government did not organise any consultations with the communities. Ninety-three per cent of the respondents were not asked for their opinion on the resettlement process or the site; 99% of the respondents had not seen the site before resettlement. The Delhi government did not comply with these requirements before any of the evictions in Delhi. | Of those surveyed, 92.6% stated that they were neither consulted about the process, nor was their opinion heard. The study finds that 97.3% of the respondents did not receive any details about the resettlement plans, including location of the site, design / size of the houses, and the housing scheme. No public hearings were conducted to share plans or to hear the opinions of the people. Of those surveyed, 89.66% claimed that they were forced to relocate. | Forty per cent of the respondents had no access to data / documents related to the process of resettlement and rehabilitation, and only half of the respondents felt that they were provided adequate information about the design, material and layout of the alternative house they were to receive. Fifty-eight per cent of the respondents were not consulted on issues related to eviction / relocation. |
| 5. State should explore fully all possible alternatives to evictions. Prior to any decision to initiate eviction, authorities must demonstrate that the eviction is unavoidable and consistent with international human rights commitments. (Paragraph 38 and 40) | | | Neither the state government nor any of the project implementing agencies followed these guidelines in Mumbai. |

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| 6. | Evictions should be announced in writing in the local language to all individuals. Eviction notice should include full justification of the decision, including details of the proposed alternatives. (Paragraph 41) | Fifty-six per cent of the respondents did not receive any notice prior to the demolition of their homes. Only 43% of the respondents received an official notice, but the notice did not provide any reason for the eviction or details of proposed alternatives. Twenty-four per cent of the respondents were verbally informed about the impending eviction, while 25% of the respondents received no information at all. | Only 40.6% of the respondents received legal notices of the proposed eviction. The notices were not issued to individuals separately, but only to community leaders. Others received verbal information from officials. Neither the reason for the eviction nor the details about the proposed alternatives were mentioned in the eviction notice. | Almost 79% of the respondents received an eviction notice issued by the authorities, while 3% learned about the eviction from NGOs. |
| PROCEDURES TO BE FOLLOWED DURING EVICTIONS | | | | |
| 7. | ... the mandatory presence of government officials or their representatives on site during evictions. The officials must identify themselves and present formal authorization for the eviction. (Paragraph 45) | Eighty-nine per cent of the respondents stated that no government official visited their sites before or during the eviction. Seventy-seven per cent of the respondents declined to name any official involved in the eviction process. | About 25% of the respondents mentioned that police officials were involved in the eviction process, while 73.6% of them said that politicians along with officials of the land owning department were present during the eviction process. | About three-fourths of the respondents reported that government officials were present and involved in the process of eviction. |
| 8. | Neutral observers, including regional and international observers, should be allowed access upon request... (Paragraph 46) | No neutral observers were present at any of the sites during the eviction process. | | |
| 9. | Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of the affected. (Paragraph 47) | About 8% of the households reported incidents of injury to family members during the eviction process. The injured persons did not receive any compensation or medical aid from the government. Respondents reported violations of human rights during the eviction process. No special measures were taken to protect the rights of women, children and persons with disabilities. | The respondents felt that their human rights were violated during the eviction process, as the entire process was based on coercion and against the free will of the individuals. | Ninety-two per cent of the respondents stated that persons with disabilities and those who were unwell did not receive any special care or facilities during the process of eviction and relocation. Two per cent of the respondents reported injury in their family during the eviction and relocation process. |
| 10. | Evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections or during or just prior to examinations. (Paragraph 49) | The Delhi government carried out demolitions and forced evictions during extreme weather conditions, including the hot summer of May, the rains of July and the cold winter of December. Evictions took place prior to school examinations and also during religious festivals. | Thirty-eight per cent of the evictions in Chennai were carried out during the mid-academic year and 14% of the evictions occurred during the monsoons. | Forty-two per cent of the respondents felt that their human rights were violated. Evictions were carried out throughout the year; no consideration was given to weather conditions or timing of school or college examinations. |

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| 11. | States and their agents must take steps to ensure that no one is... arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction. (Paragraph 50) | Ninety-one per cent of respondents reported the loss of property and possessions. About 11% of the respondents lost vital documents and identity cards during the eviction process. | About one-fourth of the respondents reported some form of destruction and loss of their possessions during the process of relocation. Twelve per cent of the respondents reported loss of documents. |
| PROCEDURES TO BE FOLLOWED AFTER EVICTIONS | | | |
| 12. | ...competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood services; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. States should also ensure that members of the same extended family or community are not separated as a result of the evictions. (Paragraph 52) | The Government of Tamil Nadu did not provide immediate relief to the evicted families. At the time of relocation, the site was devoid of most facilities including adequate water, electricity and transportation. | Most of the respondents reported that at the time of resettlement, they did not have any access to water, transport, street lights, police security, health services, community halls, and recreational centres at Vashi Naka. Twenty-three per cent of the respondents stated that their extended family members were separated from them after the process of relocation, as they were resettled to a different site. |
| 13. | ...all evicted persons who are wounded and sick, as well as those with disabilities, should receive the medical care and attention they require to the fullest extent possible, without distinction on any non-medically relevant grounds... Special attention should be paid to (a) the health needs of women and children... (b) ensuring that ongoing medical treatment is not disrupted as a result of eviction or relocation... (Paragraph 54) | After the evictions, the respondents reported that they were unable to access healthcare facilities because of the non-availability of government healthcare facilities within the settlement. | Twenty-two per cent of the respondents shared that they had to face disruption in their ongoing medical treatment, as result of eviction and relocation. |
| 14. | The actor proposing and/or carrying out the resettlement shall be required by law to pay for any associated costs, including all resettlement costs (Paragraph 56 c) | No financial assistance was provided to the families for relocation. Families reported being made to relocate in garbage trucks. | The state did not pay for relocation costs. Forty-three per cent of the respondents had to incur an expenditure of more than Rs 900 for transportation to the resettlement site, while 30% of them reported spending between Rs 300 to 600. |

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| REMEDIES FOR FORCED EVICTIONS | | | |
| 15. All persons... subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation... (Paragraph 58) | The state has not protected the right of access to timely remedy of any of the evicted/relocated persons in Delhi, Chennai or Mumbai. Grievance redress mechanisms are also not available to any of the affected persons. All efforts to improve living conditions at the site have been undertaken by community-based organizations at the sites and civil society organizations working with them. | | |
| 16. Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case (Paragraph 60) | None of the respondents received any compensation from the state for the loss of their homes, vital documents and personal possessions or for lost income, education and health. | None of the respondents received any compensation from the state for the loss of their land, homes, common property resources and personal possessions, or for lost income, education and health. | Ninety-seven per cent of the respondents reported that they did not receive any compensation from the government authorities for losses incurred during the eviction process. |

Comparative Analysis of the Implementation of Human Rights Standards at the Three Resettlement Sites

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| 1. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991) | <p>Legal Security of Tenure – All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. [Paragraph 8 (a)]</p> <p>Availability of Services – An adequate house must contain certain facilities essential for health, security, comfort and nutrition. There must be sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services. [Paragraph 8 (b)]</p> | <p>Plots have been given to families on a conditional ten-year lease; they do not have ownership rights over the plot. The conditional lease (2006 – 2016) is only for the plot of land and not for the house that families have built on it.</p> <p>There is still no piped water supply at the site; water is delivered daily through tankers. Sanitation and waste management facilities are inadequate. While electricity meters have been installed, bills are inflated and inaccurate.</p> <p>With a population of about 55,000 people, Savda Ghevra has only one primary health centre, and the services provided are poor.</p> <p>There are only seven schools in the site. Residents complain of overcrowding in the classrooms and a very high student to teacher ratio; some classes have 80 students with one teacher.</p> <p>About 42% of the residents still do not have ration cards under the Public Distribution System (PDS) for subsidised food. Food grains are not available at the PDS shops.</p> | <p>The government has not provided long-term legal security of tenure in the form of sale deeds over housing and land to any of the residents. The residents are provided with an 'allotment order' that does not ensure security of land tenure. The various conditionality clauses in the allotment order further increase the vulnerability of the relocated communities.</p> <p>Water quality is an issue of concern. The site lacks adequate sanitation services; residents complain of stagnant water, garbage and unhygienic conditions.</p> <p>Kannagi Nagar has a population of over 80,000, but there is no government healthcare centre within the settlement. Only one private healthcare unit exists, but the doctors are not regular.</p> <p>Kannagi Nagar has only four government schools, which cater to around 2,000 children of the nearly 15,700 children in the age group of 6-18 years in the settlement.</p> | <p>The tenure security is in the form of a title deed for the flat, which is in the joint name of the husband and wife in the family. As per the title deed they can transfer or sell the flat, only after ten years and after due permission from the authorities.</p> <p>The tenements have piped water but it is not sufficient to meet the needs of the residents. Sanitation facilities are inadequate. The site has several open and blocked drains.</p> <p>Vashi Naka has only one primary health centre for a population of about 32,000, which provides only referral services and not medicines.</p> <p>The only school in the area is a primary school; there are no facilities for higher education near the site.</p> <p>The subsidised ration / Public Distribution System shops at the site do not provide food grains to the residents. Thus, residents have to buy food grains at a much higher price in the nearby market.</p> |
| 2. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991) | <p>Affordability – Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. [Paragraph 8 (c)]</p> | <p>The registration fee for the allotment of each plot was Rs 7,000. Eleven per cent of the respondents reported being forced to pay an additional amount (bribe) – an average of Rs 6,770 per family. About 75% of the respondents reported taking loans to build a permanent house, as required by the government. This increased the indebtedness of families.</p> | <p>Each relocated family has to pay Rs. 150 to Rs 250 as monthly instalment for the house for a period of 20 years. This amounts to Rs 36,000-60,000 per family, which is a great economic burden on the families. Even though many residents lost their jobs as a result of relocation, the fear of cancellation of allotment forced them to avail loans at higher rates of interests so they could pay their monthly instalments. This study also reveals that 90.6% of those surveyed had increased debts after the relocation process</p> | <p>Since the developer's period of guarantee for the tenements is over, the residents' society has to pay for and take responsibility for maintenance of the tenements and buildings, which is a matter of concern for the residents. The average monthly maintenance cost is about Rs 200 – 300 per family.</p> |
| 3. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991) | | | | |

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| 4. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991) | <p>Habitability – Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors. The physical safety of occupants must be guaranteed as well.</p> <p>[Paragraph 8 (d)]</p> | <p>Each resettled family received a plot of land – either 12.5 square metres (135 square feet) or 18 square metres (195 square feet) in size.</p> <p>The lack of financial assistance from the government has resulted in the construction of small and inadequate houses; most families have built one-room structures. Poor sanitation facilities have led to residents building septic tanks under their homes. The houses do not have attached toilets; this is most difficult for women.</p> | <p>Each family received a built flat ranging from 195 to 235 square feet (and 310 feet for JNNURM houses) in three-storied buildings.</p> <p>The size of the flats is too small for each family to live comfortably.</p> <p>The house design consists of a single multi-purpose room, which does not allow for privacy or adequate space. The kitchen is too small and not conducive for cooking.</p> | <p>Each resettled family received a flat of 225 square feet in size in a seven-storied building.</p> <p>Residents complain of water seepage, especially during the monsoons, in the tenements and the wall of the building. The tenements are already showing signs of disrepair and damage.</p> <p>Adequate space has not been provided between the tenements. The small flats are not able to accommodate joint families. Women and adolescent girls complain of the lack of privacy. The flats do not have adequate ventilation or light.</p> |
| 5. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991) | <p>Accessibility – Adequate housing must be accessible to those entitled to it. Disadvantaged groups, including persons with disabilities and older persons, must be accorded full and sustainable access to adequate housing resources.</p> <p>[Paragraph 8 (e)]</p> | <p>A large percentage of evicted families were not resettled, as they failed to meet the 'eligibility' criteria of the Delhi government. The Delhi Urban Shelter Improvement Board (DUSIB) further placed two conditions to retain plot allotment: (i) Beneficiaries had to build a permanent brick structure within three months of allotment; and, (ii) Beneficiaries had to be found residing in the house at the time of inspection. DUSIB reportedly sealed and demolished homes that did not meet the above criteria.</p> | <p>The accommodation consists of flats in three-storied structures. Thus, accessibility for persons with disabilities, older persons, pregnant women, young children, and women who need to carry water to the higher floors is a serious issue of concern.</p> | <p>The families have been allotted flats in multi-storied buildings, which have seven floors each. The buildings have elevators, which reportedly do not function properly all the time. This most severely impacts persons with disabilities, older persons, children and women, especially pregnant women.</p> |
| 6. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991) | <p>Location – Adequate housing must be in a location which allows access to employment options, food, healthcare services, schools, childcare centres and other social facilities.</p> <p>[Paragraph 8 (f)]</p> | <p>The site is located 30–40 kilometres from the residents' original sites of habitation. This resulted in loss of livelihoods because of inadequate public transportation facilities and increased travel cost and time, and subsequently led to a loss of income and deterioration in the standard of living of the residents. The site is very far from hospitals and institutions of higher education.</p> | <p>The site is located 15–25 kilometres from the original places of habitation of the communities. This study indicates that 79.3% of the respondents lost their employment immediately after the relocation to Kannagi Nagar because of the distance of the site from their original place of habitation and work.</p> <p>The site is far from schools and hospitals, including maternity healthcare centres.</p> | <p>For 40% of the respondents, Vashi Naka is located more than nine kilometres from their places of work. The nearest hospital is located at a distance of three kilometres. There is no secondary school near the site.</p> |

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| 7. General Comment 4 ('The Right to Adequate Housing') of the UN Committee on Economic, Social and Cultural Rights (1991) | <p>Cultural Adequacy – The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity. [Paragraph 8 (g)]</p> | <p>The cultural needs of communities have not been met. No space has been provided for community halls, places of worship and spaces to perform last rites.</p> | <p>The houses were constructed without any consultation with the affected communities. The cultural needs of different communities, including fishing communities, were not taken into account.</p> | <p>There is no space allocated for a community centre / hall. The residents do not have adequate facilities for social interaction. There is no place for worship in the site.</p> |
| 8. UN Special Rapporteur and housing rights organizations | <p>Physical Security – Every woman, man, youth and child has the right to live in a secure place and be protected from threats or acts that compromise their mental and / or physical well-being or integrity inside or outside the home.</p> | <p>The site is reportedly not safe, especially for women and girls. There is no police post or patrolling at the site. Young girls are afraid to leave their homes after dark.</p> | <p>The site is not safe for women and girl children. The open and inadequately insulated electrical (junction) boxes placed on every street pose risks to the lives of the residents.</p> | <p>There is no police post or patrolling at the site. This has resulted in a feeling of insecurity, especially amongst women and girls. Residents report an increased rate of crime over the period of their stay.</p> |
| 9. UN Special Rapporteur and housing rights organizations | <p>Freedom from Violence against Women – The state must prevent all forms of violence against women committed by either state or non-state actors to ensure women's human right to adequate housing.</p> | <p>Crime against women, including acts of violence, has increased at the site. In the absence of a police station / post, women are not able to file complaints and hence no action is taken against the perpetrators. Women complained about their daughters being subject to sexual abuse at school.</p> | <p>The site is reportedly not safe for women and girls. There is no women's police station within the settlement. Incidents of violence against women and girls have been reported. Women are afraid to leave their daughters alone at home and thus take them to their work places. This has resulted in girls dropping out of school and in an increase in early marriage of girls.</p> | <p>There have been instances of abuse and violence against girls and women. The design of the dwelling unit secludes the family from the public realm due to which cases of domestic violence have also increased.</p> |
| 10. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013) | <p>Whenever the appropriate government intends to acquire land for a public purpose, it shall... carry out a Social Impact Assessment study. [Chapter II, Paragraph 4 (1)]</p> | <p>The Delhi government did not carry out any Social Impact Assessments before evicting people from their lands and homes.</p> | <p>The Government of Tamil Nadu did not conduct any social impact assessment (SIA). An environmental impact assessment (EIA) and SIA report was prepared only for the 5,166 houses constructed under the World Bank funded Emergency Tsunami Reconstruction Project (ETRP).</p> | <p>The Government of Maharashtra did not carry out a Social Impact Assessment. Tata Institute of Social Sciences (TISS) conducted an independent impact assessment that found instances of violation of the human rights of the residents, but its recommendations have not been implemented.</p> |

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| 11. | <p>The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013)</p> <p>Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification shall be published in the following manner, namely:—</p> <ul style="list-style-type: none"> • in the Official Gazette; • in two daily newspapers circulating in the locality of such area, of which one shall be in the regional language; • in the local language; • uploaded on the website of the appropriate Government; • in the affected areas, in such manner as may be prescribed. <p>[Chapter IV, Paragraph 11 (1)]</p> | <p>Only 43% of the respondents received an official notice of eviction. Twenty-four per cent of the respondents received information regarding the eviction through word-of-mouth while 25% of the respondents received no information at all.</p> | <p>Only 40.6% of the respondents received legal notices. The others received only verbal information from the officials.</p> | <p>Almost 80% of the respondents claimed that they learned about the eviction from the notice issued by the authorities in this regard. However, 40% of the respondents reportedly had no access to data / documents related to the process of resettlement and rehabilitation.</p> |
| 12. | <p>The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013)</p> <p>(...) If a house is lost in an urban area, a constructed house shall be provided, which will not be less than 50 square metres in plinth area... any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees.</p> <p>[The Second Schedule, No. 1 (3)]</p> | <p>Allotted plots were either 18 square metres (195 square feet) or 12.5 square metres (135 square feet) in size. The government did not provide a built house to the affected families; neither did it provide any financial assistance for house construction.</p> | <p>The size of the flats that people received ranges from 195 square feet (18 square metres) to 310 square feet (29 square metres).</p> | <p>The size of the flats provided to all families is 225 square feet (21 square metres).</p> |
| 13. | <p>The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013)</p> <p>Each affected family which is displaced shall get a one-time financial assistance of fifty thousand rupees as transportation cost...</p> <p>[The Second Schedule, No. 6 (3)]</p> | <p>The government did not provide the affected families with any financial assistance to relocate. Eighty-two percent of the respondents spent between Rs 1,000 to Rs 2,000 to relocate to Savda Ghevra. In a few instances, the administration provided vehicles for transportation.</p> | <p>The government did not provide the affected families with any financial assistance to relocate. Families reported being made to relocate in garbage trucks.</p> | <p>No financial assistance provided to the families for relocation. Forty-three per cent of the respondents had to incur an expenditure of more than Rs 900 for transportation to the resettlement site, while 30% of them reported spending between Rs 300 to 600.</p> |

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| 14. | The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013) | <p>Each affected family shall be given a one-time "Resettlement Allowance" of fifty thousand rupees only.</p> <p>[The Second Schedule, No. 10 (3)]</p> | <p>None of the resettled families received any financial support / "resettlement allowance" from the authorities.</p> | | |
| 15. | The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013) | <p>A reasonably habitable and planned settlement would have, as a minimum, the following facilities and resources, as appropriate...</p> <ul style="list-style-type: none"> • Proper drainage as well as sanitation plans executed before physical resettlement. • One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government of India. • A reasonable number of Fair Price Shops. • (...) suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities. • Facilities for sanitation, including individual toilet points. <p>[The Third Schedule, Nos. 1, 2, 3, 6, 11, 13]</p> | <p>At the time of relocation, the site was devoid of any housing or infrastructure. Roads and electricity connections were provided gradually. There is still no piped water supply or adequate sewerage network. Using community toilets is very expensive and in the absence of any state-provided sanitation services, the residents either clean the drains themselves or hire private contractors.</p> <p>Only two Fair Price Shops exist at the site and do not provide adequate services.</p> <p>Transportation services to the site are not adequate, especially at night.</p> | <p>The site did not have adequate basic services and infrastructure facilities when the families were relocated.</p> <p>There is no piped water supply in the tenements and women have to collect water from common taps and carry it up to their homes. Sanitation and waste management facilities are inadequate; uncollected garbage and stagnant sewage water can be found in the site.</p> | <p>Vashi Naka is devoid of amenities such as sewerage and drainage networks, proper roads, street lights, and sanitation and garbage disposal facilities. The site has several open and blocked drains.</p> <p>Although piped water is available in the tenements, it is not sufficient to meet the needs of the residents.</p> <p>Residents have to buy food grains at a much higher price in the nearby market because the Fair Price Shops at the site do not provide food grains.</p> |
| 16. | National Rehabilitation and Resettlement Policy (2007) | <p>Whenever it is desired to undertake a new project or expansion of an existing project, which involves involuntary displacement of four hundred or more families en masse in plain areas... the appropriate Government shall ensure that a Social Impact Assessment (SIA) study is carried out in the proposed affected areas...</p> <p>[Chapter IV, Section 4.1]</p> | <p>No Social Impact Assessment was carried out for any of the eviction and resettlement projects in Delhi.</p> | <p>Of the 15,656 houses, a common environment and social impact assessment report was prepared only for the 5,166 houses constructed under the World Bank funded Emergency Tsunami Reconstruction Project (ETRP) by a private firm named IL&FS Ecosmart Ltd.</p> | <p>Impact assessments were carried out by academic institutions after the resettlement, but no assessment was done prior to the resettlement by the state or project implementing agency.</p> |

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| 17. National Rehabilitation and Resettlement Policy (2007) | Each affected below poverty line family... which has been involuntarily displaced from such area, shall be entitled to a house of minimum fifty square metre carpet area in urban areas... Any affected family which opts not to take the house offered, shall get a suitable one-time financial assistance for house construction... [Chapter VII, Section 7.2 and 7.3] ... This Policy seeks to assist the poorest of the poor who cannot afford to pay the entire price of a house by providing them access to reasonably good housing on rental and ownership basis with suitable subsidization. [Paragraph 1.30] | The affected families did not receive a built house. The allotted plots were either 18 square metres (195 square feet) or 12.5 square metres (135 square feet) in size. No financial assistance was provided to build houses. | The size of the flats that people received ranges from 195 square feet (18 square metres) to 310 square feet (29 square metres). | In Vashi Naka, the size of the house provided to all residents is 225 square feet (21 square metres). |
| 18. National Urban Housing and Habitat Policy (2007) | | Residents of Savda Ghevra were made to pay Rs 7,000 per family for plot registration. The government did not provide any financial assistance or subsidies for house construction; residents had to take loans to build their own houses. | Of those surveyed, 90.6% reported increased debt after the relocation process. The payment scheme for the house has contributed to increasing the economic burden on the community. | After relocation many residents had to take loans to meet their daily expenses, to pay medical bills, to pay children's education among others. |
| 19. National Urban Housing and Habitat Policy (2007) | The National Urban Housing and Habitat Policy aims at... addressing the special needs of women headed households, single women, working women and women in difficult circumstances in relation to housing serviced by basic amenities. [Section II, Paragraph xvij] | Sufficient attention has not been paid to the special needs of women. Their human rights to adequate housing, work / livelihood, health, security and privacy have been violated. | | |

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| 20. | <p>National Urban Housing and Habitat Policy (2007)</p> <p>The State Government would (in consultation with Urban Local Bodies) ... act as a facilitator and enabler in collaboration with ULBs / parastatals / Private Sector / Co-operative Sector / NGOs with regard to Integrated Slum Development Projects as well as Integrated Township Development Projects. Further, the State Government will ensure suitable flow of financial resources to potential EWS/LIG beneficiaries as well as undertake viability gap funding of large housing and habitat development projects. [Section III, Part 3.2, Paragraph ii]</p> | <p>The government has not taken any steps to facilitate linkages with the community and other agencies. No Urban Local Bodies (ULBs) are working at the site. While a few NGOs continue to work in Savda Ghevra, the community has formed a Self Help Group to address issues of poor governance and lack of delivery of services. The government has not taken adequate measures to provide housing for Economically Weaker Sections (EWS) and Low Income Groups (LIG) in Delhi.</p> | <p>The state government formulated a High Level Committee (by Government Order (MS) No. 117; dated: 26.08.2011, Housing and Urban Development (SC 1 (2) Department) to address gaps in resettlement housing projects in Chennai. This committee, however, has not engaged in regular monitoring of progress in the settlements. There is an absence of community-based participation mechanisms in the decision-making process related to resettlement housing projects in Chennai.</p> <p>The government has not taken adequate measures to provide housing for EWS / LIG in Chennai.</p> | <p>The Project Implementing Agency (PIA) has not taken adequate measures to address this issue. Residents have formed their own Community-based Organizations (CBO), which have been raising issues of non-compliance of the R&R policy, but the PIA and the Urban Local Body have not paid much attention to the demands and concerns of the CBO.</p> <p>The government has not taken adequate measures to provide housing for EWS / LIG in Mumbai.</p> |
| 21. | <p>National Urban Housing and Habitat Policy (2007)</p> <p>The Policy gives primacy to provision of shelter to the urban poor at their present location or near their work place... [Section V, Part 5.8, Paragraph vi]</p> | <p>None of the residents received resettlement near their original homes. Savda Ghevra is located 30–40 kilometres from the residents' original sites of habitation.</p> | <p>Kannagi Nagar is located very far from the original sites of habitation of the communities; the distance ranges from 15–25 kilometres. This study reveals that 79.3% of the respondents could not commute and, therefore, lost their employment immediately after the relocation.</p> | <p>Almost three-fourths of the respondents stated that Vashi Naka is not situated close to their places of work / livelihood sources. For almost half of the respondents, the distance from Vashi Naka to their work place is more than seven kilometres.</p> |
| 22. | <p>National Urban Housing and Habitat Policy (2007)</p> <p>Only in cases, where relocation is necessary on account of severe water pollution, safety problems on account of proximity to rail track or other critical concerns relocation of slum dwellers will be undertaken. In such cases, special efforts will be made to ensure fast and reliable transportation to worksites. [Section V, Part 5.8, Paragraph vii]</p> | <p>Relocation of the affected families was not necessary. The Delhi government carried out most of the evictions without a clear reason. Many evictions were merely carried out for 'city beautification.' None of the evictions were for a 'public purpose' project. Relocation occurred on the basis of a government scheme ('Sites and Services' programme of the Delhi government). The limited hours of operation of buses restrict accessibility and most severely impact women. Delhi does not have a SUHHP.</p> | <p>Relocation of the affected families was not necessary. The reasons for evictions include construction of parks to 'beautify' the city, implementation of projects like the Mass Rapid Transit System (MRTS), and de-silting of the river bed.</p> | <p>While specific transportation and infrastructure projects were cited as the reason for relocating people in Mumbai, the actual reasons seem to be to remove the urban poor from city centres and to convert the land use for profitable ventures for the elite.</p> |
| 23. | <p>National Urban Housing and Habitat Policy (2007)</p> <p>"The State Government would (in consultation with the Urban Local Bodies) prepare the State Urban Housing and Habitat Policy (SUHHP) and take all necessary steps for implementation of the same." [Section III, Part 3.2, Paragraph vii]</p> | <p>Delhi does not have a SUHHP.</p> | <p>In the State of Tamil Nadu, there is still no SUHHP in place</p> | <p>The Government of Maharashtra developed a State Housing and Habitat Policy in 2007, but it has no provisions for the residents of Vashi Naka.</p> |

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| 24. | <p>Ministry of Women and Child Development, Government of India</p> <p>Integrated Child Development Services (ICDS) / anganwadi centre (AWC) norms: For Rural/Urban Projects: *400-800 people: 1 AWC 800-1600 people: 2 AWCs *Thereafter in multiples of 800, 1 AWC</p> | <p>The site has 18 ICDS centres, and one crèche and two learning centres that are managed by NGOs. Given the population of the site (9,500 – 10,000 families), the requirement is for about 60-70 ICDS centres.</p> | <p>The site has 19 ICDS centres for a population of almost 16,000 families, as opposed to a requirement of 80-90 centres.</p> | <p>Vashi Naka has only 12-15 ICDS centres, which are not sufficient to meet the needs of the children living at the site. The population of Vashi Naka is 32,000, and thus the number of required ICDS centres is 40.</p> |
| 25. | <p>National Food Security Act (2013)</p> <p>"Every person belonging to priority households, identified under sub-section (1) of section 10, shall be entitled to receive five kilograms of food grains per person per month at subsidised prices specified in Schedule I from the State Government under the Targeted Public Distribution System." [Chapter II, Clause 3.(1)]</p> | <p>There are only two PDS shops at the site, which do not provide adequate grains.</p> | <p>The PDS shops are not adequate and the women complain of inadequate availability of food grains.</p> | <p>The PDS shops at the site do not provide food grains to the residents.</p> |