

PRESS RELEASE

July 5, 2011, New Delhi

Report of Public Hearing Released: Highlights Grave Human Rights Violations Resulting from Forced Eviction in Baljeet Nagar, Delhi

A coalition of civil society organizations, at a joint press conference today, released the report of a public hearing on the demolition of Baljeet Nagar, an informal settlement in Delhi. Titled, *“The Cruel Side of Delhi’s Beautification: Illegal Demolition in Baljeet Nagar,”* the report was released by members of the affected community.

The public hearing, held on April 18, 2011, drew attention to and discussed critical issues related to the unlawful demolition of around 800 homes in Baljeet Nagar by the Delhi Development Authority (DDA) with the support of the Delhi Police on March 23 and 24, 2011. The report documents testimonies of community members while highlighting the multiple violations of human rights of residents, including the rights to adequate housing, work/livelihood, health, water, food, and security of the person and home.

A petition filed by civil society groups in the High Court of Delhi on March 23, 2011, resulted in a stay order on the demolition of the remaining houses in Baljeet Nagar. The Honourable Court, in subsequent hearings on the case, issued very specific directives to the concerned agencies of the Delhi government (including Delhi Jal Board, DDA, and Delhi Urban Shelter Improvement Board) to provide emergency relief services to affected residents of Baljeet Nagar. *Jayshree Satpute*, advocate, Human Rights Law Network, mentioned that despite these progressive orders from the court, the government has chosen not to comply with them. This has resulted in the continuation of an emergency-like situation prevailing in the settlement as the government has not provided any relief measures, including temporary shelter, water, food, and medical services to the affected families. The final hearing of the case will be on July 8, 2011, in the High Court of Delhi.

Shakuntla Devi, a woman from Baljeet Nagar, highlighted the plight of women and children during and after the demolition. The education of children in the community has been severely affected as the demolition took place during final school examinations. A young boy has permanently lost sight in one eye from an injury sustained during the demolition. Many women who were pregnant at the time of the eviction suffered adverse health impacts. She also mentioned that the DDA did not give them any notice of the demolition and most residents lost their possessions under the bulldozers. *Prabhu Dayal*, also from Baljeet Nagar, spoke about the loss of livelihoods, deterioration of health, and continued harassment by DDA and police officials. He described the inadequate living conditions and lack of basic services, even three months after the demolition.

Paul Divakar, General Secretary, National Campaign on Dalit Human Rights, stressed how the demolition had further resulted in discrimination against and violation of the rights of Dalits, as almost 80% of the families in the settlement are Dalits. He claimed that Baljeet Nagar is only one such visible case; there are many such instances of forced evictions and land and housing rights violations of Dalits in Delhi.

The jury for the public hearing, which was chaired by Justice A.P. Shah, former Chief Justice of the High Court of Delhi, issued a strong statement condemning the demolition and the resultant human rights violations of the community. *Miloon Kothari*, former United Nations (UN) Special Rapporteur on adequate housing and member of the jury, emphasised the violation by the different agencies of the Delhi government of the right to adequate housing, which is a human right guaranteed in international law and upheld by the Supreme Court of India and the High Court of Delhi. He said that human rights standards such as those expounded in the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement* must be adhered to by the relevant government agencies.

Shivani Chaudhry, Associate Director, Housing and Land Rights Network (HLRN), shared the findings of a participatory ‘eviction impact assessment’ study in Baljeet Nagar. The assessment tool, being developed

by HLRN, aims to calculate both material and non-material costs of a forced eviction in order to highlight the real losses incurred by evicted families. Preliminary findings of the study reveal that the **partial minimum loss** incurred by each evicted family is estimated to be at least Rs. 60,000 to Rs. 70,000 with some families losing more than Rs. 200,000. **These figures are a significant underestimation** because of missing data, conservative calculations, and due to the fact that non-material losses have still not been factored. The actual loss per family is, therefore, likely to be much higher. The preliminary analysis takes in to account loss of home and household possessions; loss of livelihoods/wages/income due to the demolition; and increase in expenditure on healthcare, water, transportation, and rent, after the demolition. Any compensation package and measures aimed at providing adequate rehabilitation must account for the true losses suffered by the evicted community.

Finally, *Indu Prakash Singh*, Technical Advisor, Urban Poverty, Indo-Global Social Service Society, mentioned some of the demands of the civil society coalition consisting of Human Rights Law Network, Indo-Global Social Service Society, Housing and Land Rights Network, National Campaign on Dalit Human Rights, Labour Education and Development Society, Centre for Social Equity and Inclusion, and Shahri Adhikar Manch: Begharon Ke Liye.

The coalition's demands include:

- Immediate implementation of the orders of the Honourable High Court of Delhi;
- Immediate provision of adequate housing and basic services, including water, sanitation, healthcare facilities, crèches / ICDS centres, and improved infrastructure facilities;
- Investigation into the illegality of the demolition as well as acts of violence, harassment, and extortion of money from residents of Baljeet Nagar by officials of the Delhi Police, DDA, and other agencies;
- Prosecution of guilty officials in accordance with the law;
- Recognition of the human right to adequate housing by the state and central government, in accordance with international law and court judgements;
- Implementation of previous judgements of the High Court of Delhi, such as in the case of *Sudama Singh and Ors. vs. Government of Delhi and Anr.* (February 2010), as well as the Constitution of India and national law;
- Implementation of international human rights laws, guidelines and standards (including the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*);
- Payment of adequate compensation to affected families for **both material** (such as possessions and housing) and **non-material losses** (such as health and education) as per calculations and analysis from the 'eviction impact assessment' study conducted in Baljeet Nagar;
- Moratorium on forced evictions/ slum demolitions in Delhi until a comprehensive survey of all settlements is completed and until a human rights-based rehabilitation policy for Delhi (without the inclusion of arbitrary cut-off dates) consistent with the Constitution of India and international law is prepared.

The press conference and the report of the public hearing strongly highlighted the multiple human rights violations and severe long-term impacts, including psychological trauma and loss of education, resulting from a forced eviction/demolition. It is imperative that the Government of Delhi takes responsibility for its acts of omission and commission, and takes immediate action to bring about rehabilitation and restitution of those whose homes and livelihoods it has indiscriminately and illegally destroyed.

For more information, contact: Sanjeev Kumar (9958797409) – National Campaign on Dalit Human Rights; Francesca Feruglio (8860746106) – Human Rights Law Network; Shivani Chaudhry (9818205234) – Housing and Land Rights Network; Abdul Shakeel (9013624077) – Shahri Adhikar Manch