

THE EVICTED REPUBLIC

FORCED EVICTIONS
AND PEOPLE'S RIGHT
TO ADEQUATE HOUSING



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LIST OF ABBREVIATIONS

BSUP	Basic Services for the Urban Poor	MLA	Member of Legislative Assembly
CHATRI	Campaign for Housing and Tenure Rights	MPLADS	Members of Parliament Local Area Development Scheme
CIDCO	City and Industrial Development Corporation	NAINA	Navi Mumbai Airport Influence Notified Area
DDA	Delhi Development Authority	NCR	National Capital Region
DRDL	Defence Research and Development Laboratory	NGT	National Green Tribunal
DUSIB	Delhi Urban Shelter Improvement Board	NIT	Nagpur Improvement Trust
EWS	Economically Weaker Section	PIL	Public Interest Litigation
HLRN	Housing and Land Rights Network	PMAY	Pradhan Mantri Awas Yojna
IMC	Indore Municipal Corporation	PUCL	People's Union for Civil Liberties
ISSR	In-situ Slum Redevelopment	R&R	Rehabilitation and Resettlement
JDA	Jaipur Development Authority	SHG	Self-help Group
JNNURM	Jawaharlal Nehru National Urban Renewal Mission	SRA	Slum Rehabilitation Authority
MCGM	Municipal Corporation of Greater Mumbai	UNHRC	United Nations Human Rights Commission
MHRC	Maharashtra Human Rights Commission		

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INTRODUCTION

ABOUT THIS REPORT

This report presents a compendium of 18 cases of forced evictions and 7 cases of threats of evictions that communities have faced from across the country from 2017–2020. It also presents 3 cases depicting people's lives in rehabilitation and resettlement (R&R) colonies, and 4 case studies of individuals who have led housing struggles and inspired others to join them to prevent injustice in this regard.

The report presents forced evictions from the point of view of the range of reasons for which they are carried out, presenting cases of evictions that have happened once as well as repeated evictions of the same communities over the years. The cases presented reveal how forced evictions are often a repeated reality in the lives of many marginalised families from across the country, causing them unimaginable trauma and loss.

The cases outlined here came to light due to varied interventions led by YUVA's Anti-Eviction Support Cell, a helpline-based outreach for vulnerable communities which offers support before, during and after forced evictions.

Cases presented in Chapters 1 and 2 were shared during the Zero Eviction Caravan, a national campaign in partnership with city-based organisations and collectives, spanning 21 cities across 20 states from February–March 2019. The campaign initiated a country-wide conversation on the right to adequate housing and helped build strategies to prevent forced evictions. The campaign connected with communities, activists, lawyers and civil society, supporting their efforts to fight for adequate housing and against forced evictions.

The cases presented in Chapter 3 are centred on three rehabilitation sites where evicted families have been resettled and the adequacy of these habitats. In Chapter 4, the focus is on community leaders from across 3 cities who have undertaken methods of resistance and strategies to secure their right to adequate housing.

The 7 cases presented in Chapter 5 are of forced evictions that took place since the spread of COVID-19 in India, post March 2020. These cases were submitted to the national tribunal on forced evictions conducted by Rashtriya Awas Adhikar Abhiyan, a national campaign on housing rights.

THE RIGHT TO ADEQUATE HOUSING

'Good dwellings are so expensive that it is absolutely impossible for the greater part of the workers to use them. Big capital ... is shy of investing in houses for the working classes – and as a result these classes and their housing needs fall for the greater part into the hands of speculators', wrote Fredrick Engels in part two of his essay *The Housing Question*, 'How the bourgeoisie solves the housing question' in 1872 (Engels, 1935 ed). Over a century and a half later, not much has changed. In the analysis of Five Year Plans, B. V. Krishnamurthy stated that in the 1960s

the urban poor spent 140 per cent of their family earnings on two components—food (70 per cent) and housing (70 per cent) (Bose, 1967). A 2012 government report on housing shortage in India highlighted that the absolute shortage was 18.78 million units (MoHUPA, 2012). While the government report stated that 23.5 per cent of urban slum households in 2001 had reduced to 17 per cent in 2011, the absolute number of households living in slums had, in fact, 'increased from 10.15 million in 2001 to 13.75 million in 2011'. Thus, there has not

been just an absolute scarcity of housing but it is also about inadequacy and unaffordability of housing (Bhan et. al., 2017). This scarcity is the difference between the reality of housing and right to adequate housing.

The Constitution of India provides every citizen the right to life (Article 21), which through the interpretation of the Supreme Court over the years, has been extended to include the right to live with human dignity and all the basic necessities required for it, including shelter. On an international level, the concept of the right to adequate housing, recognised as a basic human right, has been defined as the right to live in peace, security and with dignity as per the United Nations Committee on Economic, Social and Cultural Rights (OHCHR, 2014). To realize this right, a number of conditions have been defined as fundamental for a shelter to be considered 'adequate', namely, 1. Security of tenure 2. Availability of services, materials, facilities and infrastructure 3. Affordability 4. Habitability 5. Accessibility 6. Location 7. Cultural adequacy (Ibid.).

However, despite being accepted by the international community as well as by India, the provisions required to guarantee the right to adequate housing are often violated, especially with the use of forced evictions by authorities.

According to the Census 2011, 22.4 per cent of the urban population in India currently resides in slums¹, officially designated as notified, recognised or identified. Among these categories, identified slums, consisting of at least 60–70 tenements with at least 300 people, are not officially recognised. They make up almost a third of the slum population and are denied access to any legal protection or basic municipal services. The populations living in these identified slums also either experience continued forced evictions or live in constant threat of it (YUVA, 2017).

Currently in India, the discourse on low-income housing, focuses primarily on 'affordable housing for all', even though it features as only one of the seven other minimum requirement indicators that are fundamental in order to realise the right to adequate housing. This has resulted in the commodification of housing, shifting emphasis from the 'use value' of housing to its 'exchange value', completely relegating its social purpose (Harvey, 2014). The deepening of neoliberal, monetarist policy initiatives with emphasis on 'developmental projects', 'beautification' and 'gentrification' has further shifted the attention from the populations residing in informal settlements to the projected profitability from the occupied land, resulting in forced evictions increasingly becoming a part of urbanisation. This has led to the perpetuation of poverty and denial of access to adequate housing.

UNDERSTANDING FORCED EVICTIONS

Forced evictions are a global phenomenon, occurring in both developed and developing nations. Every year millions of people are rendered homeless due to evictions, perpetuating poverty, discrimination and social exclusion. The consequences of forced evictions on families and communities are extremely traumatic, resulting in the loss and damage of property; breaking up of social networks; compromise of livelihood options; loss of access to basic facilities; and even violence. While forced evictions are detrimental to all, it disproportionately affects the more vulnerable groups like women, children, the elderly, persons with disabilities, etc. who suffer more serious implications.

The eviction of people from their homes is directly accompanied by violations of economic, social and cultural rights as well. It is this interdependence of human rights that can be clearly demonstrated in the case of forced evictions. Though there have been a series of international and national standards issued that elaborate the duties of the state to prevent and remedy forced evictions, the violations continue. Protective legislation forms only a part of the process of securing rights; there is a need to develop a culture that respects the development of community-based and locally appropriate alternatives to evictions.

1 | Though we prefer to use the word 'basti' in place of 'slum' we have kept to this terminology as it is more widely used

A forced eviction is 'the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection' (UN Committee on Economic, Social and Cultural Rights, 1997). Evictions of homes and workplaces constitute gross violations of a range of fundamental, constitutional and universal human rights; including the right to adequate housing, right to livelihood and most importantly, the right to life. The law is often used as a recourse in the cases of evictions through filing a writ petition to seek a stay on the eviction. The stay, if successful, postpones the eviction. However, it does not secure the right to adequate housing. In the High Court of Delhi itself, there are more than 20 ongoing cases of evictions with pleas for a stay order

in all of them. However, this does not mitigate the fear of eviction. Similarly, protests, in such cases, provide interim or long term relief from forced evictions, but it does not secure right to adequate housing.

International human rights agencies, including the United Nations Human Rights Commission (UNHRC), have reiterated how forced evictions violate human rights. The UNHRC in its Resolution 1993/77 said, 'The practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing'. However, forced evictions continue to take place in the name of removing encroachments. It is important to also consider forced evictions in the context of adequacy of housing because demolishing a house also leads to increasing housing scarcity.

I.

EXPERIENCES OF EVICTIONS: PROPOSED REASONS AND CASE STUDIES

1.1 EVICTED FOR HOUSING SCHEME

1.1.1. THE CASE OF BHURI TEKRI, INDORE

Madhya Pradesh is one of the first states in the country to ensure housing rights for the urban poor by providing land titles to people (land *pattas*). However, in the last two decades Indore has seen a large number of forced evictions of the urban poor from their place of residence in the name of beautification, development, public interest and recently in the name of reforms.

A striking case in the city is that of Bhuri Tekri Basti, which was evicted by the Indore Municipal Corporation (IMC) in 2017. Over 500 houses were demolished and families were forced to live in tin-shed transit camps with minimal basic amenities. After the first round of demolitions, more than 150 families refused to move and went on an indefinite

strike that lasted for more than three months. Finally, they received assurance from the local Member of Legislative Assembly (MLA) and from the executive officer of the Pradhan Mantri Awas Yojana (PMAY) that the houses would not be demolished against the desire of the people.

However, on 23 May 2018 another demolition was carried out under the in-situ slum redevelopment (ISSR) component of the PMAY, by over 100 police officials, 200 IMC officers and workers, 100 bouncers and ten earth movers and dumpsters on the site. About 100 houses were destroyed. The demolition was done against the will and consent of the people living there.



Pic 1.1.1 | Demolition of houses at Bhuri Tekri, Indore

Bhuri Tekri is situated on a hilly terrain and is said to be one of the most inaccessible settlements that was turned habitable by the people residing there. This site was earlier an extraction unit for stone where most residents worked, and gradually they settled around it. It was earlier a part of the gram panchayat and was sparsely populated, with around 200 families who had been living there for over 20 years. There was no fixed water source and people had to walk at least three to four kilometres to fetch water. Bhuri Tekri was among the 29 villages included in the IMC list in 2013. After years of procuring basic amenities and services from distant places, people of the settlement successfully advocated and made sure they got services around their homes. Before eviction, the community had five hand-pumps, one borewell and individual toilets built under the Swachh Bharat Mission (people paid themselves for more than 800 toilets), a newly constructed Sulabh International community toilet, a government primary school, two *anganwadi* centres, etc. Several residents said they had well-constructed housing structures, with a few of them taking loans under the Indira Awas Yojana for this.

Ironically, when Bhuri Tekri was selected for ISSR under PMAY to provide housing for people under the economically weaker section (EWS) category, all previous construction and development that had taken place in the community under several other schemes was disregarded and large scale demolitions carried out. Even though the current popular political discourse propagates the construction of toilets, all those built or under construction at Bhuri Tekri were destroyed, not only affecting the people financially but also depriving them of these basic facilities. The years spent advocating for people's rights, procuring basic amenities, building a quality of life, was shattered by a scheme which had been proposed to do exactly the same.

People fear for their future too, thinking of how families who were resettled here under the Basic Services for Urban Poor (BSUP) programme were shifted to a rehabilitation and resettlement (R&R) site, where the living conditions are terrible (YUVA, 2019).

1.2 EVICTED IN THE NAME OF REDEVELOPMENT

1.2.1 THE CASE OF KATHPUTLI COLONY, DELHI

Kathputli Colony in Shadipur, West Delhi, was over six decades old. More than 4,500 families from 14 different communities lived here. People worked as puppeteers, folk artistes, musicians, and were informally employed. In 2009, under the Rajiv Awas Yojana, Kathputli Colony was selected for in-situ slum redevelopment (ISSR) under public-private partnership. For this, the entire land of the colony was given to Raheja Builders for INR 6 crores.

Raheja offered to build housing for 2,800 economically weaker section (EWS) families on the site and also 170 premium flats for free sale. An important question which arose was where did the number 2,800 come from without any survey in the first place? After that, when the first survey was done in 2011, the total number of houses was 2,641. Many families could not join this survey for different

reasons. People refused to consider this survey as the basis for redevelopment. Based on this survey, the first round of eviction was started by the Delhi Development Authority (DDA). People were lathi-charged, subjected to tear gas and many started shifting to the transit camp at Anand Parbat due to fear. A large number of families refused to go.

The people filed a petition in the Delhi High Court to stop further evictions. By 2015, the demand for surveying again increased. In 2016, the Lieutenant Governor made some changes in the resettlement and rehabilitation policy in Delhi and extended the rehabilitation cut off to January 2015. Due to this, the demand for surveying became more rapid. The survey was conducted again in early 2017 and public notices were served on 25 October 2017 by the DDA to the families. Three lists were



Pic 1.2.1 | Eviction at Kathputli Colony, Delhi

notified. The first list was of 2,800 families who were eligible for housing in the same place under in-situ redevelopment, the second list of 492 families were eligible for resettlement at Narela resettlement site, and the third list of 771 families were found ineligible for rehabilitation. There were many flaws in the determination and survey of these families and people refused to consider these lists because they were not given time to challenge this list.

The demolition of houses which began on 30 October 2017 continued for the next two weeks. Around 4,000 houses were demolished. The police used lathi charge and tear gas shells to evacuate people and remove their belongings from their houses. Many incidents of police brutality and human rights violations came to light during the evictions.

On 31 October, a Public Interest Litigation (PIL) was filed in the High Court of Delhi to stop this unconstitutional and illegal demolition with immediate effect. The court ordered the status quo to be maintained with immediate effect. Despite the order, the eviction was not stopped. A day later, a review petition was filed by the DDA after which the court made some amendments to its order but these amendments were not effectively followed by DDA and the police.

On all these violations, many arguments were made in the court regarding contempt of order and in one such hearing, on 6 November, the court formed a 3-member Commission consisting of representatives of different civil society organisations to check how many families are eligible for rehabilitation, how many had their houses demolished against their will, how many had their houses demolished after the court order, and so on. There were a lot of hindrances in the functioning of this Commission. Many times the members of the Commission had to stop the demolition by standing in front of the bulldozer.

On 5 December 2017, on the basis of the report of the Commission, the court ordered not to demolish the remaining houses. By then it was quite late and out of around 4,200 houses, only 53 houses could be saved. Any construction was prohibited as per the order, but Raheja Builders surrounded the entire enclosure and set up tin walls, leveled the entire land and also made water boring in many places.

With their homes demolished, families settled in transit camps, ineligible families were called by the appellate authority but nothing much could happen. A heavy construction is underway on the site, few stories have already been built. Meanwhile at the transit camp, houses have often caught fire, their roofs leak during the rains, rooms flood with drain water, and travel to work is challenging.

1.2.2 THE CASE OF FAMILIES AFFECTED BY THE NANDANAVANAM PROJECT, HYDERABAD

In the 1990s, the Nandanavanam Project was announced in Hyderabad. This 14 km project from Bapughat at Langer Houz to Nagole Bridge on the Inner Ring Road aimed to beautify the Musi River. It was speculated that a lot of settlements along the river were to be evicted for the project. These settlements were Shivaji Bridge, Moosa Nagar, Chader Ghat, Kamal Nagar and Shankar Nagar, among others. Disregarding ecological aspects, the project diverted all the water by building a central channel in the river. It resulted in a huge flood in the river in 2000 which broke the embankment of this canal and covered its earlier riverbed again. A huge people-centred campaign was initiated against this in the form of *Musi Bachao Andolan* (Save Musi Movement).

At the same time, around 1300 families from various settlements were evicted for the implementation of the project in 1999. These families were resettled in tented accommodation at Nandanavanam project site around 12 km from the previous site. Soon after the eviction, people were relocated to a new site where a huge cluster of huts were built. The cluster was built on land which was disputed between the Municipal Corporation, private owners and Defense Research and Development Laboratory (DRDL). Even a court case was filed for this.

In a few days, a fire broke out in the cluster which burnt all the huts there. After this, a huge tented accommodation was created for all the families with a fire van parked at the site permanently. People started to agitate against the accommodation and their eviction and wanted to leave for their previous sites if permanent residence was not provided soon. As the agitations grew, construction of new houses started at the site. A one storey building of 50 sq yards (25 sq yards open and 25 sq yards built up) were provided to 1,034 families who were considered eligible for rehabilitation. 266 families that were not considered struggled for rehabilitation. 52 such families finally got flats under Basic Services for Urban Poor (BSUP) scheme in the same vicinity. The main difference between the allotment to 1,034 families and 52 families was that the former were rehabilitated on land with 50 sq yards but the latter were resettled into flats on different floors of a G+3 structure. Even after they were rehabilitated they could never replicate their living standards at the new site. Their livelihood was destroyed, they had to pursue private jobs with minimal payments. After so many years, they have secured tenure security of lands, they have made their houses better but it took more than 15 years for them to do so. The erstwhile campaign which later became a strong network for housing rights, Campaign for Housing and Tenure Rights (CHATRI) played a crucial role in facilitating the struggle.

1.3 EVICTED FOR A SMART CITY

1.3.1 THE CASE OF TATA NAGAR, NAVI MUMBAI

Navi Mumbai is one of the few planned, modern cities of India that was established with the objective of reducing the burden on Greater Mumbai and to create an urban alternative to attract Mumbai's growing population. Migration has continued to the city, adding to the growth in population of Navi Mumbai, which crossed over 1.1 million as per the Census 2011 estimates. One of the biggest unresolved issues is that of housing for the urban poor who are primarily engaged in unorganised

employment. Due to the lack of reserved land for the urban poor and access to affordable housing, people have been living in slums since the inception of the city. The slums continue to face evictions from time to time. In Navi Mumbai, 'slum clearance' drives rendered over 3,300 families homeless between January and October 2017 (Housing and Land Rights Network, 2018).



Pic 1.3.1 | *The informal settlement of Tata Nagar*

Selected under the Smart Cities Mission, the city has been planning an infrastructure boom with the construction of the new airport, the expansion of the Jawaharlal Nehru Port Trust, a Metro Project, affordable housing, highway expansions and the crucial Navi Mumbai Airport Influence Notified Area (NAINA) which is spread over 1,200 hectares. However, on the other hand, the scale and magnitude of this construction will directly impact the lives of several thousand households in settlements like Tatanagar and the other fifty thousand slums that exist in the city.

Situated near the Belapur railway station, Tata Nagar is an informal settlement in Navi Mumbai that was established over 25 years ago by migrant workers who came from different drought affected parts of Maharashtra and other states. The families settled there before the construction of the station and the recently completed Metro Bridge. Over the

years, the settlement has grown, due to its location and the employment opportunities around it. Most of the residents here belong to Scheduled Caste communities, with a few members who are also Scheduled Tribes. The common occupations include contract labourers, domestic workers, street vendors, construction workers, etc.

Tata Nagar has faced frequent evictions in the past, in 2003, 2009, 2013, 2016 and even in January 2017. One of the main reasons for eviction was the plan to construct a library on the site and the City and Industrial Development Corporation (CIDCO) has also tried to build a boundary wall around the settlement to avoid further entry of people at the site. People in the settlement are living under the threat of evictions and authorities are not paying heed to their demand of rehabilitation.

1.4 EVICTED FOR A PROJECT

1.4.1 THE CASE OF INDIRA NAGAR IN MUMBAI

Indira Nagar is a settlement of around 750 households, situated on the Western Railways land Ward-H Bandra East, opposite Bandra terminus. The location comprises brick-built tenements interspersed with tenements constructed with temporary building material. Indira Nagar is situated between a *nallah* and a busy road parallel to the Bandra terminus, along the Tansa pipeline that supplies water to the island city of Mumbai. Around 500 m of the pipeline passes through this settlement which houses around 3,000 people as per Census 2011. The 'Ground + 2' structures in Indira Nagar house many small workshops on the first and second floor where *zari* work, embroidery work and garment stitching takes place.

On 27 October 2017, the residents of Indira Nagar were furnished with an eviction notice. On 7 and 8 November 2017, houses along the Tansa pipeline were demolished. After the demolitions only 167 families were considered eligible and they were shifted to Mahul. The Municipal Corporation of Greater Mumbai (MCGM) proposed to build a 39 km jogging and cycle

track along the Tansa water pipeline which stretches across Mulund and Dharavi, and Ghatkopar and Sion. They had identified more than 15,000 encroaching structures on the pipeline through an earlier survey conducted by the engineering department.

The history of eviction in Indira Nagar is old, dating back to the 1970s. In April 1991, parts of the settlement caught fire. Eviction threats stopped in between when MP Shabana Azmi used the Members of Parliament Local Area Development Scheme (MPLADS) funds to improve the drains, roads, *balwadis* and the settlement. The next threat came around 2015 with the outset of the Tansa Project.

After tracking the situation for two months, on 15 January 2018 YUVA submitted an official complaint to Maharashtra State Human Rights Commission regarding the brutal forced evictions and deaths caused. After three rounds of hearings across 8 months, and several advocacy visits with MCGM for more than two years, the Maharashtra Human Rights Commission (MHRC) in its order dated 30 November



Pic 1.4.1 | Demolition of Indira Nagar slum

2019 acknowledged MCGM's act of demolishing the settlements at Indira Nagar as arbitrary, violating the right to shelter, previously held as a part of right to life under Article 21. Further, MHRC directed the office of the Municipal Commission, MCGM, to

'complete the process of rehabilitation of 281 slum dwellers within a period of three months i.e. from the date of receipt of final order'. It has been more than 3 years of the order and rehabilitation is yet to begin.

1.5 EVICTED BY A COURT ORDER

1.5.1 THE CASE OF KHADDA BASTI, JAIPUR

Situated around 3 km from the major tourist attraction of Hawa Mahal in Jaipur, Khadda Basti was one of the biggest informal settlements of Jaipur before it was demolished and relocated to Jaisinghpura Khor in 2017. The slum consisted of over 550 households and was spread across four acres. It was situated in the middle of Adarsh Nagar or Saket Colony, which is one of the major residential areas in the city.

The slum was established over five decades ago, with the first few families coming to live there even before independence. The community was a mix of people from Muslim and Dalit communities who had migrated

to Jaipur. While the eviction happened in 2017 by the Jaipur Development Authority (JDA), the land where the slum was settled has still not been cleared of debris and rubble even 18 months after the eviction drive. The slum that was well settled, with all the basic necessities required for habitation, was demolished without citing any reason for eviction, blatantly violating several UN guidelines as well.

The reason for this eviction can be traced back to the writ petition (D.B. Civil Contempt Petition No. 628/2015) that was filed in the Jaipur bench of the Rajasthan High Court on the issue of allotment of flats as part of the rehabilitation of families living in



Pic 1.5.1 | Evicted site of Khadda Basti

Khadda Basti. The High Court ordered for the timely rehabilitation of families, which was challenged by the residents in the Supreme Court of India. Even the Supreme Court ordered for the rehabilitation of families by 5 October 2017. Most of the families had to demolish their own houses and move to Jaisinghpura Khor, which has been constructed under the centrally sponsored scheme of Basic Services for the Urban Poor (BSUP). Families had to pay 10 per cent of the allotment fee at the time of possession of houses and the rest in installments. Around 500 families were rehabilitated and 51 families were considered ineligible for rehabilitation by JDA.

All the families that have been relocated in the name of rehabilitation complained of unavailability

of basic services like water, electricity and transport at the time of relocation. Most children were in the midst of their half-yearly examinations during the relocation and were forced to drop out of schools as their schools became far from their new residence. Transportation challenges affected people's access to livelihood, education and health facilities. There have been instances where pregnant women have faced difficulties at the time of delivery due to the delays of ambulances or other modes of transport to reach the site on time. Similar delays have been experienced during other medical emergencies too. The worst effect of rehabilitation can be seen on the livelihood and social ties of people.

1.5.2 THE CASE OF R-BLOCK DIGHA RAILWAY, PATNA

Over 500 houses and 180 *khatahs* (cattle sheds) were demolished in a series of evictions at the R-Block Digha Railway Line housing settlement (Hon'ble Mr. Justice Dr. Ravi Ranjan And Hon'ble Mr. Justice Sanjay Kumar Vs The State of Bihar & Ors, Page

1, 25th September 2018). A stretch of 7 km of the railway line from R-Block to Digha consisting of 71.25 acres of land was transferred by the East Central Railway to the Government of Bihar for a sum of INR 221 crore for the construction of a four-lane road



Pic 1.5.2 | Evicted site of R-Block Digha Railway

project by removing the then existing settlement on the land (Karmakar, 2018). The transfer of land was done on the order of Patna High Court after the bench of Justice Ravi Ranjan and Justice S. Kumar took the suo motu cognisance on the matter of the dysfunctional railway line between R-Block and Digha. From 11 September 2018 onwards, houses were demolished and people were rendered homeless with no alternative rehabilitation provided to them. This area began to be fenced by the authorities from 14 September 2018.

Civil society took up the issue with the district administration, including the District Magistrate, Road Construction Department and even the Hon'ble Governor of the State, demanding the rehabilitation of families. A Public Interest Litigation (CWJC 16596 of 2018; Tanuja Kumari vs The State of Bihar) was filed in the Patna High Court. Along with this, an Impleadment Application (7645 of 2018) was filed in the case CWJC 11414 of 2017, demanding rehabilitation of affected families in the project. The order dated 3 July 2018, stated, 'let the District Magistrate of Patna start demarcation of the land in question and remove encroachments in accordance with law. If any person is aggrieved then he would

have to approach this Court by filing a petition and any case arising out of that proceeding filed before this Court would be listed along with the present case' (Hon'ble Mr. Justice Dr. Ravi Ranjan And Hon'ble Mr. Justice Sanjay Kumar Vs The State of Bihar & Ors, Page 3, 3rd July 2018). There was no mention of rehabilitation of the affected families in the court order.

Following the court order, the administration arbitrarily began demolishing the houses in an attempt to make the linear tract encroachment free. Even though Section 4 of 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' has made it mandatory to conduct a Social Impact Assessment of the land before commencing any project, no such assessment was conducted. Furthermore, as per the Bihar State Slum Policy 2011, a settlement consisting of 20 households in closely congested and poorly built structures (not with concrete roof) is considered a 'slum' and in case it is on untenable land (railway land) it is to be resettled through relocation by the State Government but no process has begun for the settlements demolished during this demolition drive.

1.6 EVICTED WITHOUT ANY NOTICE

1.6.1 THE CASE OF BHARATI INDIRA NAGAR, MUMBAI

The settlement of Bharati Indira Nagar was established about 40 years ago and has faced over 20 evictions over time. It is a small settlement of home-based workers and waste recyclers near King's Circle railway station in Matunga, Mumbai. Most families at Bharati Indira Nagar have been living at the Tansa pipeline for more than 40 years. Their dwellings were split into two groups, mainly due to the infrastructural layout which positioned them as those who lived on the pavement and those who lived on the pipeline, more or less towards the middle of the road. Demolition of houses were very frequent in the early 2000s and that too without serving any prior notices. In the recent evictions, which happened in the months of February and April 2019, more than 100 houses were demolished. People in the settlement have still

not understood the reason for this continuous action without any process of rehabilitation. Authorities claim they have rehabilitated all the eligible families but several families in the settlement have appropriate eligibility documents and are yet to be rehabilitated. The repeated incidents caused huge loss of possessions, affected access to livelihoods, and people's mental health was severely affected. Residents recall two major demolitions that have taken place in the last 20 years as the most brutal evictions they have ever experienced. The first of these took place in 2001.

The Municipal Corporation of Greater Mumbai (MCGM) had proposed to construct a public toilet on the footpath near Flank Road. This required the



Pic 1.6.1 | Demolition site of Bharati Indira Nagar

eviction and resettlement of the footpath dwellers either with the pipeline dwellers or on some other alternative site. Residents reported that the existing land had to be shared between both of them since they were left with little choice.

A survey was conducted by the MCGM that year to enumerate the number of families settled. It was the year when Maharashtra had announced the Mahatma Gandhi Path Kranti Yojana, a rehabilitation scheme for those with appropriate documentation as proof that they had lived on the pavements before 1995. However, those who originally lived on the Tansa Pipeline were not eligible. Similarly, in 2008, a notice from MCGM asked residents to vacate because they did not have the appropriate documents for eligibility under housing schemes. Residents were asked to dismantle their houses on their own or have it demolished by the authorities. Most residents had presented the required documents, still there was no respite. Once again, in 2009, a notice from MCGM asked residents to vacate because they did not have the appropriate documents for eligibility under housing schemes. The residents submitted the required documents a second time.

The MCGM officials began enumerating both communities for the purpose of recognition under Annexure 2. Later a list was published stating 38 families out of 106 were eligible for rehabilitation. 68 families were put on the waiting list and were denied immediate relocation. Many residents were of the opinion that due to corrupt practices, many original pipeline dwellers were left out. Those who were given eligibility were shifted away in tempos to Lallubhai Compound, Mandala. The residents filed an RTI application to find out how the footpath dwellers were eligible but they weren't.

Meanwhile, the land dispossessed from the pipeline dwellers was given for tendering. After 6 months an organization named Gurukripa Berojgar Sanstha (GBS) took possession. Subsequently it was transferred to Shanmukhanand Hall for the purpose of construction of a pay and park area. This was contested by a social activist who proved that the transaction was unlawful. The amount for transfer of the land into the possession of Shanmukhananda Hall was not paid by GBS to the MCGM. However, they ran the pay and park area since mid-2011 to 2015, extracting revenue from the public that used the service. After an investigation in the matter, GBS was

made to pay a heavy fine for non payment and the parking lot was demolished.

During this year, houses which were built on the road along the Tansa Pipeline were sporadically demolished. Letters were written intermittently to the MCGM asking for justification and rehabilitation. Residents made multiple visits to the ward office. Despite this, a demolition took place again on 8 December. Residents filed documents again to show proof that they were also eligible for housing schemes but there was no response from the MCGM.

After the demolition of their homes in 2010, the pipeline dwellers stayed on either side of their former dwellings, the footpath, unable to settle back due to the presence of the then parking lot. With the plan of building an office for the MCGM near the footpath, the hutments that were set up on the footpaths were demolished again, this time with no prior notice.

Frustrated, the people moved back into the pipeline area and built their hutments once again.

An order of the Bombay High Court in the PIL: 140, 2006–2007 stated that slum dwellers living on pipelines should be rehabilitated under the housing policy. The people showed their survey receipts to the MCGM, in line with the judgement, but the MCGM said that survey receipts are wrong and it doesn't have any record for it. Then every household filed individual RTI requests for verification of the survey receipt. The MCGM then issued receipts to 40 households. After this process too, the MCGM was still not convinced about the rehabilitation of all households. With the intervention of advocates, and individual letters filed on behalf of 40 families they are being rehabilitated finally to Lallubhai Compound but most of the families are yet to receive any rehabilitation.

1.6.2 THE CASE OF SAFDARJUNG BASTI, DELHI

A settlement of around 150 houses at Safdarjung T Huts was informed of a demolition by workmen working on railway tracks near Safdarjung Airport just two days before the expected demolition. Over 100 houses were demolished by the Railways on 30

January 2019. Safdarjung T Huts is one of several settlements situated on land held by the railways in Delhi. It comprises migrant worker families from Uttar Pradesh and Bihar, working as low-income labour like security guards, plumbers, and office attendants,



Pic 1.6.2 | Evicted site of Safdarjung T Huts Basti

along with 40 families of a moving tribe from Sitapur who are mobile vendors in the Sarojini Nagar Market nearby.

No notice was served to the settlement before demolition and in a matter of days more than 70 per cent houses were demolished by the Railways with the support of the police. This settlement is one of 675 settlements recognised by the Delhi Urban Shelter Improvement Board (DUSIB). As per the DUSIB Rehabilitation Policy these settlements cannot be demolished without any public purpose for the land and subsequent rehabilitation. However, houses were demolished without the provision of any alternative accommodation. Moreover, officials announced on the day of eviction that around 80 houses situated very close to the tracks and under the flyover will be demolished, but at the end of the day several houses from the other side were demolished too. YUVA and Basti Suraksha Manch intervened in the matter with a public meeting on the eve of eviction and then filed a writ petition in the High Court of Delhi where the Court ordered a stay in the matter. YUVA

discussed the eviction threat with DUSIB officials and two officials were sent on ground to understand the matter. However, DUSIB officials did not discuss anything with the railways but started pressuring people to present their documents on the spot to stop demolition of their houses. The demolition was only stopped when the Court intervened.

Houses were demolished in January, the coldest month in Delhi. People were forced to live in the open, with the children and the elderly exposed to the harsh cold. Evictions took place a week before the board examinations in Delhi and it forced several children to opt out of examinations as their books were destroyed. The railways also placed concrete fencing on their prescribed safety zone of 15 metres. People in the slum continued to live in deplorable conditions and evictions notices were shared, even after the stay order. Finally, with the 31 August 2020 order by the Supreme Court, with the stay order being cancelled for settlements on railway land, the stay order for this settlement has been quashed (The Hindu, 2020).

1.7 EVICTED ON MERE SUSPICION

1.7.1 THE CASE OF BELLANDUR, BENGALURU

Around 150 houses of informal labourers were demolished in the Bellandur area of Bengaluru on the suspicion of them being Bangladeshi immigrants on 19 January 2020. All these houses were makeshift houses settled on private land. This demolition was conducted amid huge nationwide protests. As the matter reached the High Court through filing a writ petition by People's Union for Civil Liberties (PUCI), no authority took the ownership of demolition. Instead it was submitted that people ventured to leave the settlement themselves, which people denied outright.

On the basis of a complaint received, a police officer had issued a public notice on 11 January to owners

of the land to evict the alleged illegal Bangladesh immigrants residing on the property. He had to make a visit to the site, and had to verify if the complaint had any merit, whether any of the structures were occupied by Bangladeshi immigrants but it did not happen. The notice was issued without visit and no enquiry was made. Later, authorities denied demolishing the large number of structures in their responses in the Court. After more than a year of demolition, spending the whole lockdown in debris and in scarcity, people whose houses were demolished have been ordered to be rehabilitated by the High Court.

1.7.2 EVICTION IN THE NAME OF PREVENTING CRIME, INDORE

In 2017 in Indore, the police designed a campaign to break the economic base of many persons who had cases against them for robbery, chain snatching, illegal possession of land, extortion, etc. They furnished a document with information on all such persons (many still subjudice) in the city to demolish their houses and end the so-called *gunda raaj*.

In the first 18 days of the campaign, 33 such persons, most of whom were already in prison, were listed out and their houses were demolished to free the land, valued to be over INR 200 crore (Jha, 2017). After preparing the list, the Indore Municipal Corporation (IMC) started sending notices to the households, giving people only 2-3 days to appeal. The reason stated for demolition in the eviction notice was, 'Illegal construction of houses with money earned from criminal activities in unauthorised colony'.

There was a selective demolition of houses in this campaign as pointed out by several human rights activists. The police touted this campaign as the first of its kind and published it as a way to end crime in the state.

A case was also registered with National Human Rights Commission about this brutal and inhumane act of Indore Police and the Municipal Corporation. The Commonwealth Human Rights Initiative also intervened in the case where they wrote several letters to the DGP of Madhya Pradesh about the incident and how it is challenging the basic human rights of the city dwellers.

All the houses have been demolished on the charges of illegal construction on illegal land. Most of the houses that were demolished are in the Khajrana area of Indore which has an estimated population of more than 4 lakh and every family has either the patta of land or notified land by notary. Two slums of Khajrana area, namely Sharjahan Colony and Aman Nagar, have also been selected for relocation in the first phase of PMAY in Indore. Then it begs the question why houses neighbouring these slums were demolished, since they all had legitimate documents of residence.



Pic 1.7.2 | Houses demolished under Gunda Dhar Pakad Abhiyan, Indore

II.

EVICTED EARLIER BUT STILL UNDER THREAT: PROPOSED REASONS AND CASE STUDIES

India's development process has led to several communities being forcefully evicted and yet many of them continue to face repeated eviction threats and remain outside the purview of rehabilitation. Housing schemes such as Basic Services for the Urban Poor (BSUP), Jawaharlal Nehru National Urban Renewal Mission (JNNURM) and Pradhan Mantri Awas Yojana (PMAY) are a few of the national schemes launched in recent years by the government of India,

that have been responsible for the massive push towards urbanisation and modernisation. Along with the housing schemes, world events, beautification projects, railway projects, and other factors have further displaced informal settlements, forcing populations to stay in transit camps for extended periods of time and living with the threat of being evicted again. Multiple evictions force communities to live in a state of continued poverty and vulnerability.

2.1 EVICTION THREAT DUE TO A HOUSING SCHEME

2.1.1 THE CASE OF BARKHEDI KHURD, BHOPAL

In Bhopal, Barkhedi Khurd, is a relocation site where evicted households from Shabri Nagar and Ganga Nagar have been given space, within deplorable conditions. Around 50 households, with families

mostly belonging to the Agariya community were relocated by allotting plots of 450 square feet area and providing the people bamboo and thatch to build their houses but no written proof of this arrangement.



Pic 2.1.1 | An image of Barkhedi Khurd, Bhopal

The relocation site is around 8–10 km away from their original place of establishment and indicators such as livelihood, children's education, etc. were not taken into consideration during rehabilitation. The people were not satisfied with the flats being provided in-situ as this would have taken away their right over land so they opted for resettlement on land till the construction at Shabri Nagar was completed. However, the people were not provided with any service and entitlements at the time of rehabilitation and it has been over 14 years of being resettled at a new site without any documentary proof or evidence of residence. In the absence of any documents, their existence is often threatened. As most Agariya women do not work, remaining focused on household chores, collecting cow dung to use as fuel and remaining absorbed in other tasks, the financial burden is on the male members of families, who are also struggling now due to the long commute.

The residents were relocated under the false pretext that once the construction of multi-storied houses is complete in Shabri Nagar they would be moved back to their old locality. Only about three years ago they managed to access some basic services, but they still do not possess land lease papers or voter cards of that particular area. In recent times, they have been told that they will be resettled again.

There were around 20 households who refused to shift years ago, not believing the promises made who are still residing in the backyard of the multi models constructed, but have not been provided flats as of now. Thus, the families that agreed to move as well as those who didn't remain in a vulnerable situation, still under the threat of eviction by the authorities.

2.2 EVICTION THREAT DUE TO A WORLD EVENT

2.2.1 THE CASE OF PANDA KUDIA, BHUBANESWAR

The Men's Hockey World Cup was organised in Bhubaneswar, Odisha, in 2018, with 16 nations participating in the month-long matches. With the construction of roads and parking spaces for the event, the people residing in Jagannath Basti lost their livelihoods and homes. This slum, situated along the Kalinga stadium, home to more than 300 families for over three decades, was evicted in September 2018 amidst heavy rain and huge protests led by the residents as well as city-based activists. After consistent demands for rehabilitation, the administration agreed to provide INR 35,000 to each family as compensation, INR 8,000 for the construction of toilets, a plot size of 240 square feet with electricity connection and materials for constructing houses at the Panda Kudia site, located at a distance of about 6 km from their previous place of residence.

Although these amenities were to be provided within fifteen days from the day of eviction, it took months before the residents finally received their entitlements. Families struggled to build their houses and arrange for services, such as access to water and electricity. Temporary water connections were provided. In addition, the residents had to travel long distances to reach their workplace from the new site, and the mode of transportation was infrequent as well as expensive. Several women gave up their work to take care of the household, given the uncertainties surrounding the eviction process, coupled with the increased distance to work.

Post relocation the people were informed that the land had been allotted to them only for a period of two years with the tenure ending in October 2020. The residents' sense of helplessness continues to remain.

2.3 EVICTION THREAT FOR CITY BEAUTIFICATION

2.3.1 THE CASE OF SETTLEMENTS AROUND MAHAN TALAB, RAIPUR

In Raipur, Chhattisgarh, as part of the area based development project under the Smart Cities Mission, the state has announced the redevelopment and beautification of Mahan Talab area. Kota Basti is a sizable residential settlement located close to it, consisting of three slums spread over 29 acres of land – Krishna Nagar, Mahan Talaab, and Motilal Nagar. There is also a smaller settlement called Jyoti Nagar. The slums developed on the outer semi-circle of the lake Mahan Talab about 50 years ago, and served as the source of water for the people. The land is surplus land from the Land Ceiling Act with about 2,000 houses across the three settlements. All houses have a 30-year patta (lease) obtained in 1998. One of the major reasons for families to settle in the area was its proximity to the Bhilai industrial town.

Currently, the government is planning the beautification of the area and rejuvenation of the water body under the Smart Cities Mission. Several central schemes have been merged together to

prepare the development plan and survey design for this. It is being developed at the estimated cost of INR 16 crores. The project will involve bringing down about 1,200 houses. Earlier residents were promised in-situ rehabilitation, but as the project reached the final planning stage, they were told they would be relocated from the place.

The Cohesion Foundation Trust and other organisations worked with the families to mobilise them, yet the future of these settlements remains uncertain. As the area gears up for the beautification project, the poorest and most vulnerable people will have to face the repercussions of the proposed development. Several families of the adjacent areas have already been evicted and resettled to different rehabilitation and resettlement (R&R) colonies in the city for a road widening project. Also, the settlement is located adjacent to the railway track from one side, which in itself could become a threat in the future.



Pic 2.3.1 | Mahan Talab Kota Basti in Raipur

2.3.2 THE CASE OF NADUA BASTI, LUCKNOW

Lucknow, known for its prominent historical and cultural influences, is among the 13 cities of Uttar Pradesh selected for the Smart Cities Mission, with the project locally being referred to as 'From Art City to Smart City'. As per the Smart City proposal for Lucknow, the population of the city is estimated around 32 lakh and the percentage of the total slum population is around 28 per cent, residing in only 1.3 per cent of the city's total area. These informal settlements are often accused of encroaching on large portions of the city's land, even though more than one-fourth of the city's population is living on less than two per cent of the land. Furthermore, the Lucknow Master Plan 2031 mentions land use for residential purposes at around 46.89 per cent but has no mention of informal settlements (Feedback Ventures, 2006). So as the city progresses towards beautification and development, the extent of housing informality and irregularity emerge as glaring contrasts.

Within the city, Nadua Basti had been evicted in the nineties under the Gomti Action Plan for beautification of the riverfront. It was an old settlement of almost four decades, home to around 50–60 households. When the project commenced, the people of the slum were evicted after being given a month's notice and relocated to an irrigation land called Betholi, Maryaha, near the railway tracks. The families were relocated without any of the promised construction supplies of brick and cement and with no water or electrical supply. Residents were forced to openly defecate as well.

In 1998, after the introduction of the State Housing Policy, these 50 households were again relocated to

Jankipura Bistar, an agricultural land on the outskirts of the city. The people continue to struggle in the new location as well, due to high payment demands by the administration for the allotment and registry of the houses built under the 'Ram Kuti' component of the housing scheme (including land use along with the provision of two rooms of 10 x 12 sq ft, and a bathroom for INR 450 per month). The people who came under the economically weaker section were established in the sector 3, 6 and 7 under the Ram Kuti component of the housing scheme.

The scheme implementation took long and was riddled with challenges. For instance, the registration letter was served against a one-time deposit of INR 20,000 and INR 450 per month as tax deposit. After the construction of the houses, the government demanded more, making the cost of the land INR 1,50,000 and against this registry letters were served to the households.

The people protested against the government's measures; they stopped paying the tax amount too. The people also state that this area is surrounded by forests and is inappropriate for living. The plots were made just by clearing the 220 sq ft of land. Basic services were also not provided to the families. For more than a decade the families had to defecate in the open. Women were most vulnerable. They also had to walk long distances to fetch water from Sector 9 where the pipes were connected. Over time, the women formed groups to advocate for their rights and entitlements. Some issues have been resolved by the continuous efforts made; yet several concerns still remain even after decades of being relocated.

2.4 EVICTION THREAT FOR A RAILWAY PROJECT

2.4.1 THE CASE OF UMIYA HALL, AHMEDABAD

Umiya Hall is a four-decade-old settlement in Ahmedabad on railway land. It has faced the threat of constant eviction for years due its land owning agency and the attitude of nearby communities. A broad gauge railway line is proposed to be

constructed, for which the people were evicted by the Railway authorities. People in mutual consultation moved back from their houses, leaving appropriate space for broad gauge construction. However, the Railways insisted on removing more families, driven



Pic 2.4.1 | Umiya Hall settlement in Ahmedabad

by complaints from people living in nearby colonies. No notice was served to people for any kind of demolition although they are project affected families as there is an ongoing railway project of broad gauge construction. After a long struggle by some social activists, the Railways issued notice of eviction to families.

One of the residents of the settlement is Golaben Rameshbai, a 43-year-old woman who came to live here post marriage. When she moved to Umiya Hall, a single track used to run through the place and around 50–60 households lived there. Over time, the single track stopped functioning and more families came to live there owing to their low income and the availability of livelihood options nearby. Through the years they faced the threat of multiple evictions, but now the Railways authorities have been placing more pressure on them to leave. On the day of the eviction,

Golaben's family was spared by the officials due to a death in the family but several other houses were demolished.

Members of SAATH and Human Development and Research Centre (HDRC) have helped to advocate for the rights of the people by asking for an alternate solution for the community. The houses in the community have now been shifted backwards from the previous place of residence and the railway authorities have been asked to serve notice before carrying out further evictions. The families are aware that another round of eviction is a certainty, however they are currently demanding resettlement and rehabilitation along with the support from other civil societies working in the area.

2.4.2 THE CASE OF INFORMAL SETTLEMENTS ON RAILWAY LAND, SURAT

In Surat, there are 22 informal settlements with about 9,000 families, situated around the railway tracks for over 50 years. Majority of the families comprise of migrant workers from Uttar Pradesh, Bihar, Assam, Maharashtra and Odisha. They live in the areas of Milindnagar, Ashoknagar, Shiv Hari Nagar, Laxminagar, Mafatnagar, Utkalnagar, Jadabava ka Tekra, Narsi Mandir, Shanti Nagar, etc. Most of the settlements have been served notices of eviction due to various development plans proposed under schemes like the Smart Cities Mission and railway development projects. Of the 22 settlements situated along the railway tracks, most are situated on the lands held by Indian Railways, which has no policy for rehabilitation of people. Since the Railways is a central government agency, state housing policies do not apply to them.

People in these settlements have been fighting their fears related to housing for years. For a long time they had no idea how to seek redressal. They filed a writ petition in the Gujarat High Court in 2014. In the matter writ petition (PIL) No. 222 of 2014 dated 31.04.2016, the Court ordered that, 'Unless suitable and effective rehabilitation scheme of hutment dwellers is framed by the railway administration, it is

not possible to vacate interim relief granted earlier which will uproot not less than 8,000 persons from the area'.

Even after the order of the High Court in 2016, the Railways kept pressuring the families to move out of the areas. They published a 'Railways Safety Zone' notification to push for eviction. The 2017 notification stated that an area of 15 metres on either side of the railway tracks is to be considered as the railway safety zone. This notification of 2017 was used to justify the demand for eviction of settlements which they had served in 2014. Moreover, even though 15 metres from the track was to be considered for safety purposes, the whole settlement was threatened for eviction.

Families living in the settlement have developed the land they inhabit and made it habitable over decades. Even after living here for these years, they have not been able to procure basic services like sanitation, clean drinking water and transport facilities. Conditions have become worse after people have been informed of the eviction. With the status quo in settlement no government agency agrees to provide any services to them.

2.5 EVICTION THREAT DUE TO FOREST CONSERVATION

2.5.1 THE CASE OF AMCHANG FOREST, GUWAHATI

A massive eviction drive was carried out in the Amchang Reserve Forest around Guwahati from August 2017 for three months. According to a government report, in Amchang Wildlife sanctuary about 10 sq km of 78.64 sq km area is allegedly under encroachment by 864 estimated families.

The Assam Government, acting on a Public Interest Litigation (PIL) by an environmental organization, Early Birds, carried out eviction drives around Amchang Wildlife Sanctuary. Some of the villages which were evicted were shown as revenue villages in the Central government's notification published

in May 2017. While they were marked eco sensitive, they were not part of the reserve forest. According to the government's own admittance, encroachment happened in some parts even before the Amchang area was notified as a Reserved Forest in 2004.

Tribal communities who have coexisted with nature for ages and sustained them were accused of ruining forest resources. Many of these villagers had settled here after migrating from flood and erosion affected regions of the state. In due course of time, they had come to be identified as residents of these villages and had been provided electricity connections,



Pic 2.5.1 | Families evicted from Amchang Forest

election identity cards and other government identity documents. People's rights should have been safeguarded under the Forest Rights Act, 2006. However due to a 2009 High Court judgment which states that there are no forest dwelling communities in Assam, the Forest Rights Act did not help much. Eviction was carried out without any assurance of rehabilitation. Left with no roof upon their head, the people found it hard to survive.

27-year-old Rashida Begum, a resident of Nabajyoti Nagar, explained the eviction ordeal on 27–28 November 2018. 'The police fired rubber bullets towards the group who were protesting and a bullet came and hit me in my left leg. I became unconscious. When I gained my senses, I found myself in the Gauhati Medical College and Hospital bed with 12 stitches on my leg and prescribed medication worth INR 5,000. I was discharged at 8pm in the evening and returning back I found my house in a mess, everything was scattered without any roof. My son

was in one of my neighbour's houses and that night we stayed in our premises itself without any roof above us. As electricity was also disconnected we couldn't gather any of our belongings and waited for the sun to rise to recollect our property. The next day also bulldozers arrived in our community and demolitions continued. We are a four member family. Our house comprises two rooms and a toilet, which were demolished by the administration. My husband Abdul Salem, a daily wage labourer, had migrated here decades before in search of work and I shifted to this place after my marriage. We were emotionally stressed and physically injured for which my son couldn't appear in his exams the next week. We lost a lot of our property and remained without electricity for 11 days'. She also stated that they demanded rehabilitation but their voices have not been heard by the government and they have resettled again in the same place with fear and threat of evictions every day.

III.

THE QUESTION OF ADEQUACY AT R&R SITES

With more than half the world's population residing in urban areas, new urban imaginations often link development with large urban infrastructure projects to attract investors for economic/social growth and therefore improve the quality of city life. Realising these projects, however, is often contingent on the spaces inhabited by the urban poor who are then associated with inhibiting the developmental process.

Over the last two decades, this has resulted in the large-scale displacement and involuntary resettlement of slum dwellers to rehabilitation and resettlement (R&R) colonies, generally located on the

peripheries of the city. Documentation of these R&R sites, over the years, has revealed gross violations in terms of construction quality, lack of basic amenities such as water, electricity, schools, playgrounds, etc. along with people's loss of livelihoods (being far removed from earlier places of living which were nearer their place of work), negative impacts on children's education and adverse effects on health due to the construction type and location of the sites.

This section highlights the struggles of people in R&R colonies and the condition of the sites in general, especially focused on Ranchi, Bengaluru and Chennai.

3.1 BIRJU MAHLI SHARES HIS EXPERIENCE

Birju Mahli (name changed) was resettled from Banas Talab to Rugdi Gadha Madhukam in Ranchi, along with 79 other families, due to a project aimed at the beautification and rejuvenation of the water body they lived around. Mahli's family had lived near the Talab for three generations before they were evicted and resettled under the Basic Services for the Urban Poor (BSUP) scheme. He is currently 42 years old, unemployed, partially disabled and has a family consisting of nine members, with seven young children. His wife works as a domestic worker and provides the only source of income to the family. The resettlement process not only dispossessed the family from their home but also added a financial burden of INR 35,000 for them to receive the possession and allotment papers of their new home. They somehow managed to pay the initial installment of INR 10,000 but due to the subsequent non-payment of the other installments, they have not received the possession certificate of the house.



Pic 3.1 | Rugdigada, the R&R colony of Birju Mahli

The troubles in Birju Mahli's life are not restricted to the financial aspect only. Apart from losing his livelihood as a loader, his health has deteriorated as he needs to climb three stories in the multi-storied building where they live. A sense of community that existed in their previous place of residence has also lost its essence in the new colony and he fears for his children's safety.

His sense of optimism pushes him to view the 'use value' of housing as an asset and safety for his children in the future, provided they are able to pay the installments. However, the restriction of space remains a cause of worry for when his children grow up. Looking at the whole process of resettlement, he still questions the state's decision to relocate them rather than giving them a right to the land that they

had inhabited for decades or compensated with alternate land rather than the flat.

Ranchi is the third largest urban agglomeration in the state of Jharkhand after Jamshedpur and Dhanbad. Like other cities in the state, Ranchi is also home to industries. Around 40–45 informal settlements in Ranchi are settled on the land belonging to the public sector undertaking, which is now known as Naya Ranchi and has been considered for the Green Field Development component under the Smart Cities Mission. While Ranchi proudly remains one of the first cities to opt for Green Field Development, the land occupied by several informal settlements continues to remain under the threat of eviction in the coming years, affecting the lives of those who form the backbone of the city's workforce.

3.2 SAGAR REDDY SHARES HIS EXPERIENCE

Sagar Reddy (name changed) is a 45-year-old construction worker whose family was relocated from Gondhi to Lagere in Bengaluru. Gondhi was an organic settlement which had emerged gradually with increasing migration in Bengaluru, consisting of several families engaged in manual labour. The settlement was located near a bus stand.

About 80 families lived in Gondhi but they did not have the legal entitlements to ensure their access to basic services. The people living there had constructed a water tank for their needs. Reddy recalls a series of attacks on them and their families, especially on the evenings of Saturday and Sunday, to uproot them from this place. Finally they approached the Slum Development Board through some social activists and sought rehabilitation. Initially their demands were declined, but with continuous efforts they were assured of rehabilitation. However, the attacks continued and the police did not help them. Finally, they were surveyed and their families were to be rehabilitated in Lagere. They were asked to submit a demand draft of INR 21,600 in favour of the Slum Board through Karnataka Bank. This rehabilitation was facilitated under the Basic Services for Urban Poor (BSUP) scheme.

Sagar Reddy thought that rehabilitation would help them secure their right to housing but other than a concrete shade over their head, rehabilitation made their lives more miserable as they came to know they have been temporarily shifted to this place and will be considered for resettlement in future schemes. Families with different numbers of members were allotted a single flat whose size is less than 250 sq ft. Even the drinking water has to be procured through borewell with many families having to fetch water from the water tank. Many families have not got electricity meters even after 5 years of rehabilitation. Among their biggest concerns is the travel to their workplace, which has become very far. They have to travel around a km for the nearest public transport system, with the average distance to work becoming 8–10 km for most people.

While strong civil society advocacy and state support has resulted in the building of bigger rehabilitation and resettlement (R&R) housing structures in the city in many cases, that are 320 sq ft in area, there are many families like that of Sagar Reddy who are struggling in smaller cramped spaces.

In another case, a community of 1200 families whose primary source of livelihood was pig rearing was relocated to the outskirts of Bengaluru to Dibbur, Tumkur. This has resulted not just in added expenditure on households for travel, to access school etc., it has also devastated their main occupation by

moving them to G+3 housing structures. Another community from Dharwad, Sudugadu Siddaru, who traditionally lived in huts, began recreating mud and thatch huts inside the houses provided to them to feel culturally connected in a foreign space.

3.3 THE CASE OF SEMMANCHERI

In Semmancheri, Chennai, G+1 storied structures have been built of 150 sq ft each, where close to 7,000 families have been relocated since 2006. The rehabilitation and resettlement (R&R) site is located 30 km from Chennai, making it very difficult for the people shifted there to access livelihoods. There is an urban public health centre that caters to the needs of all 7,000 families, yet has no provisions for expecting mothers and each consultation requires the patients to produce an Aadhaar Card. Residents need to purchase water; the hand pump present emits dirty, foul smelling groundwater. Common toilets are difficult to access, especially for adolescent girls. Safety has also emerged as a concern. Police patrolling is infrequent and the police station is 4 km away from the settlement. The structures are culturally inappropriate as families rearing goats are forced to take them inside multi-storied residences.

A similar situation is seen at the newly constructed site of Perumbakkam. It is a G+7 structure with a lift

provision, but there is no maintenance. An inadequate fire-fighting system means that the residents are also more vulnerable to fires now than they were when they lived in slums.

Families from several settlements like Purasaivakkam, lynavaram, etc were resettled at Semmancheri. The people are concerned, not just for the house size, services provided, etc. but because most youth in their families who are well educated are facing discrimination because of their place of living. Despite their qualifications, they are not selected for many kinds of jobs and are offered posts such as that of housekeeping and security guards instead. In the case of any crime in the vicinity, people from the colony are often detained and arrested without any enquiry. Even after living all their life serving the city, they are still believed to be unwanted. People do not treat them equally, in access to transport or in educational institutions.



Pic 3.3 | Image of Semmancheri

IV. NARRATIVES OF RESISTANCE

People's efforts to access the right to adequate housing and resist evictions are noteworthy and offer great learning. By helping organise community members, spreading awareness regarding laws and

rights, negotiating with state authorities and more, people have taken ahead progressive action and although many struggles remain ongoing, they have led to significant milestones along the way.

4.1 THE STORY OF VIMAL BULBULE, NAGPUR

Seva Dal Nagar in Nagpur is a three-decade old slum developed on private land, later undertaken by the Nagpur Improvement Trust (NIT). The land was originally spread around a lake that dried up in due course as people began to settle there and over time about 861 families established their homes in the settlement. It was notified in 1989, and over the years people got access to basic services; a primary school was set up in the locality and many started earning their livelihoods mostly as daily wage earners or street vendors. As per the Development Plan, the land use of the area is residential.

Among the community members is Vimaltai Bulbule, a 71-year-old woman who still lives in Seva Dal Nagar with her family. She is now a community leader and was among the first women in the settlement to form a self-help group (SHG) with 10 members by encouraging women towards economic independence. There are now 55 SHGs in the settlement. She is a member of Kashtkari Ghar Kamagar Sangathana and president of Sakkardhara Sudhar Samiti.

In the early 2000s, the slum received a notice of eviction for an upcoming beautification project in the area. However, the eviction was prevented for over two years, due to the people's collective struggles, advocacy and social action. The women's groups led the Bheek Morcha and Thali Bajao Andolan in 2002 and 2003 respectively, by agitating against the Municipal Corporation and development authority, demanding allocation of land tenure rights. Yet,



Pic 4.1 | Vimaltai in Nagpur

despite the continuous struggle, 200 families were evicted. In 2007, the community opposed the Slum Rehabilitation Authority (SRA) model and organised several *morchas*, demanding land lease of the slums. The agitation led to the successful implementation of two schemes in the settlement, providing 90 and 430 houses respectively with in-situ upgradation under Valmiki Ambedkar Awas Yojana and Basic Services for the Urban Poor (BSUP) schemes.

Along with the struggle for housing, one major contribution of Vimaltai has been towards the setup of a cooperative from the SHGs formed. Now

after 20 years of its existence it is one of the most prominent cooperative banks, with more than 900 self help groups being part of the bank. This financial security encouraged women of settlements in Nagpur to participate in the struggle for housing and land rights with the support of Sheher Vikas Manch (SVM), a people's organisation.

With the Government Resolution of January 2017 declaring land titles for all informal settlements on government land across Nagpur, decades of resistance and advocacy have borne success.

4.2 THE STORY OF RAM JATAN, JAMSHEDPUR

Ram Jatan in Jamshedpur, Jharkhand, has led people in his community to exert pressure on authorities and avoid demolition of their homes. Jamshedpur is the country's 36th largest urban agglomeration and the first planned city of India. The Tata Group of companies commissioned the construction of two corridors, the Eastern Corridor and the Western

Corridor, along with bridges on river Subarnarekha and river Kharkai. This four-lane engineering, better known as Jamshedpur's Marine Drive, runs along a 9 km long stretch, the cost of which is to be borne by Tata Steel and would vastly assist in making the transport of goods more efficient.



Pic 4.2 | Shyamnagar, Jamshedpur, the settlement of Ram Jatan

However, the Kadma-Sonari stretch of the project hit trouble as families settled there heard news of the project and their displacement. Tata Steel had decided to clear the encroachment along the stretch as well as the one adjoining it so that the drive would appear pristine. Around 500 houses from the settlement of Ram Nagar on the banks of the river Subarnrekha were to be removed, with Ram Jatan's family being one of them. Ram Jatan is a street vendor who sells snacks in evenings. As soon as the eviction of families was announced, people came together to resist it. The demolition of houses was halted for long due to continuous protests by residents. As the evictions began, families demanded alternative accommodation but though they were project affected persons, they were not considered for any rehabilitation.

Ram Jatan and other members from his community tied themselves to bamboo poles for fifty days to keep their homes from breaking as the construction diverted monsoon water towards their settlement. As the administration did not pay heed to any kind of

protests and letters written, people in the settlement, under the leadership of Ram Jatan, planned a mass hanging unto death. They prepared to die rather than get evicted. Of the 500 houses, 150 were brought down. Ram Jatan joined hands with other community organisers and has been helping the residents to strategise their fight to protect their homes ever since. Around five lanes of the settlement were demolished but people were able to save three other lanes. Ultimately, more than 100 houses were given land in the adjacent area as part of rehabilitation. This is not adequate at all but people looked at it as some relief rather than not getting anything at all.

His individual determination along with the support from other members of his community exemplifies the strength of communities in trying to protect their households and fight for their rights. Now they are fighting to remove Schedule V from the Tata-Government Memorandum of Association which deals with the Type V land belonging to Tata—vacant land, encroached land and land for housing of labour—and for it to be managed by the government.

4.3 THE STORY OF HEERALAL GAUD, VARANASI

In Varanasi, Uttar Pradesh, Heeralal Gaud, is a 50-year-old shopkeeper who has been living with his family at Chowka Ghat, Ambedkar Nagar for the last 40 years. His settlement is home to more than 100

households, situated on land belonging to the North Eastern Railway (although disputed) in Varanasi. It came under the threat of eviction due to the proposed expansion of the railway tracks and one of



Pic 4.3 | The settlement of Heeralal Gaud in Varanasi

the earliest evictions took place in 2001. During this time, it was Heeralal Gaud who resisted the eviction and challenged the railway authorities on the grounds of housing being a fundamental right. He and several other members advocated and tried to negotiate with local representatives, officials and administration.

One of the main points of struggle was the distance of the settlement from the railway tracks. As mentioned by Heeralal, the distance of the houses from the railway track was about 105 feet, which is a considerable distance. Several agitations took place for saving their houses, where the police and the Member of Legislative Assembly (MLA) supported the residents. The land is disputed as the railways claim it to be theirs but the people claim it belongs to the state government being the eminent domain over any land, which once belonged to different princely states.

The 2001 eviction was alarming for families in the settlement as it exposed them to the fear of evictions and being homeless. For several years, they

got notices for evictions but nothing happened. In January 2019, the residents of Ambedkar Nagar received a court notice to vacate the place for the expansion of railway tracks. The notice mentioned the eviction of land as part of an encroachment clearance drive for the security and railway track expansion.

Heeralal again stepped in to lead the resistance and began mobilising people and funds to handle uncertainties. They filed a petition in the Allahabad High Court against the North Eastern Railways for the land plot no 264 where more than 100 families live. The matter is still subjudice. After 2001, people with the help of local representatives have procured several services like drinking water, electricity and ration shops. The eviction has been postponed as of now but several adjoining *bastis* have faced evictions in recent times. The fear of eviction still persists but people like Heeralal Gaud are standing firm, resisting any form of demolition.

4.4 THE STORY OF MD ASHFAQ

In 1997, when the Andhra Pradesh government announced the Musi river beautification project in Hyderabad from Bapughat at Langer Houz to Nagole Bridge on the Inner Ring Road, many informal settlements feared eviction. As the threat grew, there were some organised agitations against the project. A real ecological threat was also identified and the '*Musi Bachao Andolan*' was launched by the collectives of some people working to save settlements from evictions.

One of the most important faces of the campaign was a local resident of the Musa Nagar settlement along Musi River named Md Ashfaq who was working on the issues of housing and other services in his own slum till then. Md Ashfaq, along with other organisations, individuals and networks, initiated this campaign. In 1999, they travelled to the Musi river bed adjoining Hyderabad, creating awareness about the repercussions of Musi river beautification and the

Nandanavanam project. A long march of people who would be affected took place.

Post this, there were several smaller meetings to create awareness and build people's capacity to fight against this project, with several prominent activists like Medha Patkar of Narmada Bachao Andolan participating. After a long fight against the project, this movement grew into a bigger struggle for securing housing and tenurial rights of informal settlements in 2000. It came to be known as Campaign for Housing and Tenure Rights (CHATRI) which was led by Md Ashfaq and other community members. In March 2020, CHATRI completed 20 years of struggle and resistance. In these two decades, CHATRI has, under the leadership of Md Ashfaq and with support from local organisations, stopped several demolitions, ensured proper implementation of housing schemes and, most importantly, managed to gather communities

to demand for housing rights in the state. Years of struggle and advocacy have resulted in hardly any forced evictions taking place in Hyderabad. Along with fighting eviction, Md Ashfaq's role has also been instrumental in ensuring fair and just rehabilitation of project affected families during the Nandanavanam project.

After the successful *Musi Bachao Andolan*, Md Ashfaq led several other struggles to ensure the right to housing in Hyderabad and other cities of Telangana and Andhra Pradesh. One of his major ideas has been to organise local communities to build city-level forums which could provide solidarity during evictions.

The core team of CHATRI maintains good linkages with government and non-government organisations. By building people's leadership in the informal settlements and addressing their issues, CHATRI is able to build strong and vibrant people-centred movements in Telangana.

Md Ashfaq also emphasises that along with working on housing and basic services it is also important to work on issues like the lack of basic amenities, health, education, water and sanitation for the urban poor. He believes in the protection of people's rights and by enhancing participation facilitates development.



Pic 4.3 | Md Ashfaq at his shop, Hyderabad

V. FORCED EVICTIONS IN THE TIME OF COVID-19

The nationwide lockdown, announced by the Prime Minister of India on 24 March 2020, due to the spread of coronavirus in India, gave the country only 4 hours before a complete shutdown took place. In the coming days, the nation witnessed a horrific spectacle as millions of migrant workers attempted to walk home, left with no income and no means to purchase food and essential items. Although the Ministry of Labour and Employment could not provide any actual figure of the number of migrant workers impacted by the lockdown, an estimate from different government sources revealed it to be about 40 million (Chisti, 2020). Housing and Land Rights Network (HLRN) estimated that 54,000 people across the country had been rendered homeless due to demolition of their houses by the government during the lockdown. This is a conservative estimate of what may be the actual figure, across urban and rural areas.

An analysis of the reasons for evictions highlights them to be encroachment clearance, beautification, upholding the court's order for removing the houses, rehabilitation under housing schemes, and in some cases no reasons at all. The National Capital Region (NCR) has been at the forefront of the evictions with about 20 cases being reported across Delhi, Faridabad, Gurugram, Ghaziabad and Noida. Cases

were also reported from Manipur to Jammu and Kashmir, Coimbatore to Guwahati.

The recent abolition of Jammu and Kashmir State Land (Vesting of Ownership to the Occupants) Act, 2001 popularly known as Roshni Act in the Union Territory of Jammu and Kashmir could result in lakhs more being evicted and rendered homeless (Malik, 2020).

Recognising the challenges, the Odisha High Court passed an order (WPC 9095 of 2020) to halt all evictions by the State government or any of its department till 18 June 2020. The Bombay High Court extended a similar order (Suo Motu Writ Petition [ST] no. 93432 of 2020) to restrict evictions and demolitions till 21 December 2020, in view of the continuing pandemic and the inability of persons to access courts due to restricted movement.

This chapter presents some cases of eviction that have taken place since the pandemic spread in India. The cases were also discussed at the 'National Tribunal on Forced Evictions during the Pandemic in India' by the Rashtriya Awas Adhikar Abhiyan, a national campaign on housing rights anchored by YUVA (YUVA, 2020).

5.1 THE CASE OF GARDANIBAGH, PATNA

Situated along the drainage line in Patna, Gardanibagh comprises over 100 households who have been living in hay and mud huts for over 20 years. The residents of the settlement primarily consist of daily wage earners such as construction workers, street vendors, and waste recyclers, among others. All the residents have their legal government documents such as Voter ID, Aadhaar card, etc. The settlement has no access to basic facilities such as

electricity and toilets, forcing the residents to go to the nearby railway line to relieve themselves. This is not only difficult for the people, but more so for women, especially during menstruation, and has even resulted in several accidents and deaths in the past. Children's education has suffered, due to lack of facilities in the locality and the *anganwadi* that was previously present now stands demolished.

Gardanibagh faced its first forced eviction on 12 July 2018, when the Magistrate along with police officials reached the site with bulldozers. While verbal instructions were given by the magistrate to call the women police to arrest the social activist working with slum to oppose eviction, she managed to take a photograph of the order before having her phone snatched. The copy of the photograph revealed that the said order did not have any legal holding and the demolition team had come in their personal capacity. The possible reason for eviction is the construction of premium houses by the state government on the given land.

In May 2020, the settlement once again began receiving threats of demolition at the height of the

pandemic and on 13 May the eviction was carried out. Currently the residents of Gardanibagh are being forced to live on a narrow footpath in houses made with plastic sheets, in spite of the imposition of the Epidemic Act requiring people to stay indoors and the ongoing health emergency. Even though efforts have been made to contact several officials including the Principal Secretary Housing and Urban Development, District Magistrate, Commissioner, Patna Municipal Corporation and Senior Superintendent of Police, no response has been received. A writ petition (CWJ) 5683 of 2020 has also been filed in the Patna High Court where the court directed petitioners to present their concerns before authorities for redressal of their grievances. Nothing has progressed since.

5.2 THE CASE OF RATAHARA BASTI, REWA

A settlement of 68 houses situated along the pond in the city of Rewa, Madhya Pradesh, by the name of Ratahara was demolished by Rewa Municipal Corporation on 9 May 2020. The eviction took place while the nationwide lockdown was on. The stated reason for the eviction is the beautification of Ratahara pond. The people were resettled here from Rani Talab in Rewa about 10 years ago. During the previous resettlement, they were promised rehabilitation under housing schemes but they have been evicted without fulfilling the promise.

The people were served no notice or intimation of any kind. YUVA's Anti-eviction Support Cell received information about this eviction. Around 68 households have been severely affected. The stated reason of eviction is encroachment clearance and beautification but no official reason has been forwarded. Due to the existing situation, neither the Cell nor any organisation was able to intervene. The people had all their legal documents, such as Aadhaar card, union card and survey receipt, among others. They have been evicted but no rehabilitation has been carried out, increasing risks for them.

5.3 THE CASE OF KOCHAGUTTAPALLY

Kochaguttapally is a village with about 100 households. The villagers have been living here for more than six decades. Kochaguttapally is in what is called the 'submergence area' of the new Ananthagiri reservoir, one of 20 in Telangana Chief Minister K. Chandrashekhara Rao's ambitious Kaleshwaram Lift Irrigation Project. The 1,800-km project aims to provide Godavari river water to the rest of the state. The prime occupation of all the people is agriculture in the Siddipet district of Telangana. But most do not own the land, as they work as agricultural labourers. Most of the houses were concrete and single storied.

The eviction took place without any prior warning to the households.

In 2017, a notice was published in the local newspaper, declaring the place as non-residential. The prime cause behind this was to develop some irrigation dam projects in the area. The villagers collectively challenged the case in the High Court (case no 9146,3420,25664/2019) in 2018 and the first hearing was in 2019. An interim stay was provided to the 40 families who challenged the eviction order. On 19 April 2020, the village was evicted by the revenue department and police department.

5.4 THE CASE OF BATLA HOUSE, DELHI

Situated around 200 m from Yamuna River, Dhobi Ghat Batla House consists of more than 800 houses. Residents are mostly Muslim and work as informal workers. As the COVID-19 cases were rising continuously in Delhi, the settlement received an oral notice of eviction just a day before the eviction took place. The settlement is situated on lands owned by Delhi Development Authority (DDA). On 24 September 2020, 100 homes were demolished.

There are almost 800 homes in this settlement and in 2005 also all the 800 homes were demolished. An earlier eviction was carried on 1 January 2019 where about 15 houses were demolished. There is no clarity over the actual reason of eviction, however DDA affirmed in the Court that it was following the National Green Tribunal (NGT) order of removing structures in the Yamuna Flood Plain for ecological conservation and an anticipated DDA public project. During the previous eviction too, families in the settlements were scared to file any complaint or case against the authorities.

The eviction was carried on without any notice and rehabilitation. Subsequent to the eviction drive, the police also detained several people and tried to beat locals. Families were forced to live in the open through the pandemic scare. A writ petition was filed immediately in the High Court of Delhi where the court asked the petitioners to move to the division bench as it had already passed an order regarding settlements on the Yamuna floodplain. In the next sitting, the court directed the counsel to approach the NGT with the matter and directed DDA to complete a survey of families before any future evictions.

Even after months of eviction, families are still living in the open, some civil society groups are supporting them with ration and food, some human rights groups have also raised this issue as a selective attack on the housing rights of a community. In a recent development, the NGT has not entertained the case in its court and has asked the civil court to intervene.

5.5 THE CASE OF KHORI GAON, FARIDABAD

Situated on the foothills of the Aravali range Khori Gaon is a huge settlement of more than 1,000 families on the borders of Delhi and Faridabad but a part of Faridabad Municipal Corporation in Haryana. It is home to different communities, mainly migrant workers from Bihar and Uttar Pradesh along with several tribal communities.

With allegations of illegal construction which could degrade the environment, residents of Khori Gaon have been fighting against an eviction threat for about a decade now. Finally, the people of this settlement were informed about the eviction in the third week of March when COVID cases in the country were on the rise. Faridabad Municipal Corporation, which is the land owning and evicting authority, apparently had a court order to evict this single storied cluster of habitation of its people. But with media intervention and huge resistance by residents, eviction was not carried out.

It did not push the inevitable as Faridabad Municipal Corporation along with the police and the paramilitary force demolished about 1,000 houses on 14 and 15 September 2020. As claimed by municipal authorities, they were able to clear 30 acres of land in the 8-hour long eviction drive. The eviction was carried out on the pretext of the Supreme Court order [Petition(s) for Special Leave to Appeal (C) Nos. 7220-7221/2017; Municipal Corporation Faridabad Petitioner(s) Vs Khori Gaon Residents Welfare Association Respondent(s) (regd.)] to clear the area for being settled on an eco-sensitive zone. Following the court order, the municipal corporation along with police had announced the eviction without any rehabilitation or alternative accommodation for residents. Police also detained about 85 residents during the eviction drive, led by 1,500 police personnel as well as a dozen bulldozers.

Eviction carried out on the pretext of a court order did not mention any rehabilitation which is mentioned in the Haryana Slum Clearance Act of 1971 as well as Haryana Affordable Housing Policy of 2013. Even after repeated requests for rehabilitation before eviction, the municipal authorities did not pay heed to that. Other than this, the eviction was carried out

during the period when India was nearing about 50 lakh COVID cases and Delhi and its border cities were one of the severely affected areas of the virus. People were rendered homeless when the government had issued notifications to remain in houses. They were forced to remain homeless and that too when there was no public purpose planned for the land.

5.6 THE CASE OF EAST KIDWAI NAGAR KUSAK NALA REHABILITATION, DELHI

Near the newly developed Kidwai Nagar Sub Smart City and under the newly constructed Banda Bahadur Singh Setu, there lies a low lying strip of land along the Kushak Nala which is home to around 400 families of East Kidwai Nagar JJ Camp. There used to be two bigger settlements named Arjun Das Camp and Bengali Camp. More than 180 families from both the settlements relocated to Bawana in 2012 but around 400 families were left out of the process. With the project site of Kidwai Nagar on one side and a flyover above the settlement, the area has actually become untenable. Every rainy season, the Kushak Nala overflows and water enters the houses of the settlement. A petition for the rehabilitation of the remaining families was filed with the High Court of Delhi in 2018. The court directed both South Delhi Municipal Corporation (the land owning agency) and Delhi Urban Shelter Improvement Board (DUSIB) to conduct a survey of the families and rehabilitate all the eligible families. With the court's direction, both the agencies started a survey in May 2018. Of 400 families in the settlement, 289 families were determined to be eligible for rehabilitation. The most

important part of eligibility was to show the proof of residence before January 2015.

After this the process was stopped again. Only after the Court's intervention in the matter in November 2019, both the agencies were directed to rehabilitate all the eligible families within five months from the necessary payment made for the rehabilitation. Even before the Court's direction most of the families had already paid the amount of INR 31,000 for SC families and 1,42,000 for others. All the families were to get rehabilitation in Dwarka. But before the process could get completed, the pandemic had started.

With the cases rising in the city, families were scared for their well being in the settlement. The hygiene situation in the settlements was very poor. DUSIB stated they were unable to do anything due to the pandemic. Instead, different agencies undertook more than 10 evictions in the city during this time but not the rehabilitation of the families who have already paid their amount.

5.7 THE CASE OF SUPREME COURT ORDERED DEMOLITION OF 48,000 HOUSES IN DELHI

Undoubtedly, one of the biggest threats of eviction during the pandemic was the Supreme Court order by a three-member bench (Justice Arun Mishra, Justice Krishna Murari and Justice B. R. Gavai), in a 35-year-old public interest litigation, in the case of MC Mehta vs Union of India. The court ordered the demolition of around 48,000 houses on the 70 km long Delhi rail track. This order was given in the light

of environmental protection in Delhi. The municipal bodies of Delhi claimed that the railway tracks in Delhi are the centres of garbage. Railways in its affidavit said that it is striving for cleanliness and waste management, but due to settlements along the railway tracks, a lot of waste is spread. Taking note of this, the court said that all these settlements in the safety zone of the railway (within 15 metres),

should be removed in a phased manner within three months. Two more important things were said in this order. One, that no court will give a stay order to the respective settlements and second that all the pre-stay interim orders before this order will not be considered effective. It also mentioned another order, which was given by the National Green Tribunal in October 2018, in which the railway was ordered to form a special task force. This task force had already demolished close to 10 settlements in the past years and got a stay order due to lack of clarifications provided by Railways in those cases.

The number of households impacted by this order is likely to be even more than 48,000. According to the slum list of DUSIB, about 76 settlements in Delhi are on railway land, i.e. around 12 per cent settlements and more than 50,000 families, which amounts to more than 20 percent of the total families living in informal settlements in Delhi.

The effect of this order can be understood from the fact that Delhi has its own Slum and JJ Rehabilitation

Policy, which was renamed as Chief Minister Awas Yojana in 2019. In the matter of Ajay Maken vs Northern Railways, the High Court of Delhi clearly stated that settlements of Railway land will also come under the purview of the Delhi's Slum and JJ Rehabilitation policy. As soon as the order was passed, human rights groups working on the issues of housing rights, started a campaign on this matter. Around eight intervention applications were filed in the Supreme Court in this matter, brought to hearing on 18 September where the Solicitor General of India said that no coercive action shall be taken against any settlement till a rehabilitation plan is developed in consultation with Delhi Government, Ministry of Housing and Urban Affairs and Ministry of Railways for four weeks. Since then, the matter has been pushed and no such plan has been finalised. Delhi Government has written to Railways that they have various rehabilitation sites under construction and they will only be available for shifting by 2021. The families are still living under the threat of eviction, as police and railway staff claim that their houses will be demolished.

VI. CONCLUSIONS AND RECOMMENDATIONS

In the epilogue 'Home and Hope' of his 2016 book *Evicted*, Matthew Desmond writes, 'In languages spoken all over the world, the word for "home" encompasses not just shelter but warmth, safety, family—the womb. Shelter comes from two Old English words: *scield* and *truman*, together forming the image of a family gathering itself within a protective shell. Housing is a process of securing safety, dignity and rights, thus making eviction an act of razing safety, dignity and rights'. The question is, do we understand this process in the backdrop of the process called development?

In the mainstream imagination, the slum is hardly viewed positively. It is always seen as encroachment, breeding crime, lacking sanitation, and so on. Even the official definition of a slum views it in a negative light. People's lifelong struggles to build their own homes and their lived realities are hardly understood. Instead, access to housing is becoming more fragmented and unattainable for large sections of the population.

By presenting cases of forced evictions from across the country, this report highlights how people's rights are often violated and why it is important to demand for their right to adequate housing.

To help vulnerable groups access their right to housing, the report makes the following recommendations:

1. Nation-wide collectives need to be promoted which follow state focussed processes to strengthen the struggle for land rights in the state. This collective should also work on building the capacity of community leaders on housing and other issues of housing like law, planning, rights and budgeting.
2. There is a need for state-level advocacy on land rights for residents of slums in all the states as few states have already enacted this as a precedent.
3. Advocacy for extension of slum rehabilitation and land rights legislation and policies to the lands held by central government agencies should start.
4. There is a need to make authorities sensitive to the housing and livelihood needs of urban poor as well as their approach towards social justice to the urban poor.
5. There should be a common demand for an amendment in the Master Plans of the city to mark all the slums as 'land reserved for affordable housing'.
6. Any housing scheme which has been planned without taking into account the actual needs of people and actual status of land they live on, will never succeed as it creates a threat of eviction for them. Centrally sponsored housing schemes should always be implemented in consonance with state policies and acts.
7. One common recommendation is to stop eviction of settlements without providing alternatives as has been mentioned in the state legislature for rehabilitation.
8. A Housing Rights Commission should be formed in every state which will look after the issues related to violation of right to adequate housing of urban poor. It must have a support cell number for people to file a complaint and seek support from the state in the event of eviction.

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ABOUT YUVA

Youth for Unity and Voluntary Action (YUVA) is a non-profit development organisation committed to enabling vulnerable groups to access their rights. YUVA encourages the formation of people's collectives that engage in the discourse on development, thereby ensuring self-determined and sustained collective action in communities. This work is complemented with advocacy and policy recommendations. Founded in Mumbai in 1984, currently YUVA operates in the states of Maharashtra, Madhya Pradesh, Odisha, Assam and New Delhi.

At the community-level, through an integrated 360-degree approach, YUVA delivers solutions on issues of housing, livelihood, environment and governance. Through research, YUVA creates knowledge that enhances capacity building. Through partnerships in campaigns, YUVA provides solidarity and builds strong alliances to drive change.