



HIC - Restructuring New Delhi's Urban Habitat, Building an Apartheid City. A Report on the Resettlement process of Delhi, India

Restructuring New Delhi's Urban Habitat, Building an Apartheid City. A Report on the Resettlement process of Delhi, India

HIC-HLRN-SARP

To build prosperity, or to punish the poor?

Executive Summary

Between the 11 and 15 March 2001, an international team, under the auspices of the Habitat International Coalition's Housing and Land Rights Network conducted a fact-finding mission to twelve resettlement sites^[1] throughout Delhi, the National Capital Territory (NCT) of India. The objective of the mission was to evaluate Delhi State's performance at carrying out its human rights obligations to implement the right for adequate housing to its citizens and residents under the International Covenant on Economic, Social and Cultural Rights (ICESCR), commitments under the Indian Constitution, the (draft) National Slum Policy and municipal standards. This evaluation focused on the practice of forced eviction and resettlement that Delhi State authorities have carried out since 1976.

Following the twelve site visits, consultations with local NGOs, legal experts and Delhi officials and interviews with countless resettlement residents, the fact-finding team concluded that the ongoing eviction and resettlement of the economically weaker inhabitants of Delhi result in gross violations of a range of human rights: inter alia, the rights to livelihood, education, the highest attainable standard of health, food, potable water and sanitation, and the right to adequate housing. The team also concluded that women, children, the disabled and the elderly are suffering disproportionately as a result of these evictions and subsequent resettlement and, consequently, their right to equality/nondiscrimination has been breached, negatively affecting a bundle of other human rights.

In addition to these violations of human rights, the HIC--HLRN team contends that the ongoing practice of forced eviction and the subsequent resettlement of the inhabitants of Delhi's jhuggie jhopri Clusters (JJs):

- Creates cost for municipal government, national government and the effected individual and/or family;
- Increases poverty among those least equipped or able to endure it;
- Discriminates against those who are unpropertied;
- Perpetuates slums rather than eradicates them; and
- Destroys lives through the continuation of historic injustices.

Based on their preliminary findings the team urges that, in order to meet their international law obligations, the Municipal Corporation of Delhi (MCD), the Delhi Development Authority (DDA) and the Government of India (Gol) should:

Place an **immediate moratorium** on all ongoing and future evictions in Delhi;

Where families and/or individuals have already been relocated, provide basic civic amenities and adequate space for them to live in dignity, security and peace; and

Ensure that the particular needs of women, the aged, children and the disabled are recognized and addressed.

The team strongly encourages the MCD and the Gol to establish a Policy Committee to develop a National



Housing Policy as well as a National Slum Policy in line with India's commitment to domestic and international norms, standards and obligations that respect, protect and promote human rights. This Committee necessarily must include all interested parties in the planning, implementation and maintenance stages of policies and programmes, and particularly those who reside in the slums of Delhi. The policy should take into consideration the following:

Respect for tenure at the slum dwellers current residence;

Nondiscrimination and gender equality;

First right of allocation to those in occupation;

In situ upgrading with adequate financial, material and technical support;

Land and tenure reforms in line with the needs of the urban areas;

In the event that it becomes necessary, resettlement should be carried out with full regard to the human rights of those to be resettled, including their full consultation and consent;

That basic civic amenities and infrastructure are in existence at the resettlement site prior to any physical movement of people;

That the people who are evicted from their homes are compensated for all resulting material and nonmaterial losses;

That the human right to adequate housing loses its meaning unless it is seen in the context of the realisation of the rights to life, livelihood, personal security, family, access to education, primary healthcare and other public services; and

The right to security of tenure as an essential component of the human right to housing.

[\[1\]](#) Bakharwala, Bhalaswa, Hastal, Jahangirpuri, Maddanpur Khader, Molarbund, Nehru Place Papankala - Sector 1, Papankala - Sector 16A (Kakrola), Poothkala, Sundernagri and Trilokpuri.