**Report of Preliminary Findings:**

**‘Eviction Impact Assessment’ Study in Baljeet Nagar**

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**Background:**

In recognition of the multiplicity of human rights violations caused by forced evictions and illegal demolitions, the United Nations *Basic Principles and Guidelines on Development-based Evictions and Displacement[[1]](#footnote-1)* call for a check on forced evictions and only sanction them under “exceptional circumstances.” In the event that evictions must take place for reasons such as health and security, they lay down human rights principles that must be adhered to, as well as clear steps and procedural requirements to be followed before, during and after an eviction.

One of the useful tools presented in the UN Guidelines is that of the **eviction impaction assessment**. The UN Guidelines call for a mandatory eviction impact assessment to be conducted for any planned/proposed eviction.

“32. States must give priority to exploring strategies that minimize displacement. **Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities**, including their protection against forced evictions. “Eviction-impact” assessment should also include exploration of alternatives and strategies for minimizing harm.

33. Impact assessments must take into account the differential impact of forced evictions on women, children, the elderly, and marginalized sectors of society. All such assessments should be based on the collection of disaggregated data, such that all differential impacts can be appropriately identified and addressed.

69. [States should] actively monitor and carry out quantitative and qualitative evaluations to determine the number, type and long-term consequences of evictions, including forced evictions, that occur within their jurisdiction and territory of effective control. Monitoring reports and findings should be made available to the public and concerned international parties in order to promote the development of best practices and problem-solving experiences based on lessons learned.

70. States should entrust an independent national body, such as a national human rights institution, to monitor and investigate forced evictions and State compliance with these guidelines and international human rights law.”

While the UN Guidelines present the need for such an assessment to be conducted, they do not specify the components or indicators of such a tool.

Given the potential usefulness of this tool as a means to help assess and minimize forced evictions in India, Housing and Land Rights Network (HLRN), in collaboration with the former UN Special Rapporteur on adequate housing, has developed an assessment format in order to assess the material and non-material costs of a demolition/forced eviction. This assessment aims to draw light to the true losses and losses suffered by evicted families and communities.

Given the usefulness of the HLRN tool, and relying on principles of international law, petitioners carried out an ‘Eviction Impact Assessment’ study to develop quantitative estimates for a variety of damages suffered by residents of Baljeet Nagar during, and as a result of, the illegal demolition by the Delhi Development Authority (DDA), which took place on 23rd and 24th March 2011.

The Impact Assessment consisted of a detailed survey instrument, administered to a representative sample of 102 families affected by the demolition. The exercise, carried out between 9 and 13 June 2011, was designed to give an estimate of the damages suffered by collecting data relating to a wide variety of harms, including assessment of the demolition’s impact on housing, livelihood, access to food and water, health (both physical and psychological), and education over the three months following the demolition.

Observations and analysis of the aftermath of the Baljeet Nagar demolition confirmed its broad and overwhelming impact on those affected. While every reasonable attempt has been made to capture all effects of the demolition, it is important to note that the estimates derived from the Baljeet Nagar Eviction Impact Assessment are preliminary and *significantly understate* the total harms suffered by those impacted by the demolition, for several reasons, including:

* Selection effects: people with heavier losses are plausibly more likely to leave the site, and thus would be excluded from the sample;
* Calculation decisions: calculations were designed to err on the side of conservatism in the treatment of missing data and of reduced consumption expenditures;
* Incomplete calculation of non-material effects: harms to community life and public goods, loss of access to social networks and social “safety nets”, absence of treatment for medical conditions, welfare implications of permanent injuries and disabilities, loss of sentimentally valuable possessions, loss of critical documents, financing costs, and certain kinds of psychological harms suffered, among other effects, have not yet been factored in to the calculation because they are difficult to precisely quantify, despite being real and important consequences of the demolition.

The preliminary estimates provided below, thus, only provide **minimum figures** of the true harms suffered by families in Baljeet Nagar, as a result of the demolition.

Summary:

Overall, the average family who lost a home in the demolition suffered, at a minimum:

* Loss of access to housing/shelter, including the loss of documentation supporting tenure security;
* Significant reductions in access to livelihood activities, and loss of wages;
* Substantial reductions in monthly spending on food;
* A substantial increase in expenses related to procuring water;
* A substantial rise in both injuries and expenses related to health, both as a direct result of the demolition and its aftermath, as well as of the exacerbation and creation of chronic health conditions;
* Loss of education for children;
* The destruction of numerous assets and possessions; and,
* **Upwards of Rs. 60,000[[2]](#footnote-2) in financial losses**.

The effects mentioned above are calculated at the average level; some households lost substantially more; for instance, **some families suffered losses in the amount of more than Rs. 2,00,000.** These figures also likely understate the full effects and costs of the demolition, for reasons discussed above.

Housing:

An obvious and substantial effect of the demolition was the **violation of the right to adequate housing**: numerous families lost their homes. Since housing represents a significant portion of asset holdings for many people, destruction of housing implies a substantial loss of wealth; housing also implicates many other outcomes, including both health and property security. The average household surveyed **lost over Rs. 30,000 from the destruction of their housing structure(s) alone; in addition, it suffered nearly Rs. 20,000 in the destruction of property** located in the house, including televisions, refrigerators, clothing, jewellery, children’s books, toys and uniforms, and kitchen items. [Some families however lost up to Rs. 400,000.]

Moreover, many households lost at least one document required to prove eligibility for rehabilitation purposes and to access a variety of government schemes. Examples of documents lost during the demolition (mostly destroyed under the bulldozers) include ration cards, caste certificates, land records, voter identity cards, and birth certificates. The monetary cost and implications of loss of these documents is significant, but has not still been factored in to the preliminary assessment of losses.

Livelihood:

The demolition also had a significant impact on the enjoyment of the **right to work/ livelihood** of Baljeet Nagar's residents. The demolition resulted in substantial labour time loss, wage reductions, and actual permanent job loss. Many people could not go to work in the immediate aftermath of the demolition due to security, health and other reasons. While many have resumed working, several residents permanently lost their jobs since they missed work for a few days and also as a result of severe injury/health impacts incurred during the demolition. In the three months following the demolition, **average income losses, including job loss, lost time, and wage reductions totaled nearly Rs. 8,000**. [Some families however lost up to Rs. 28,000.]

Food:

In the three months following the demolition, the average family who lost a house in Baljeet Nagar consumed substantially less food: **total food expenditures across a variety of categories dropped by close to Rs. 400.** Such a drop in food consumption among an already-poor population is broadly consistent with the losses in both income and wealth arising from the demolition. The drop in food expenditure is likely to be attributed to an increase in other expenditures post-demolition, such as healthcare, water, and temporary shelter. Drastic decrease in food consumption is particularly harmful to pregnant and lactating women as well as young children who are facing a higher risk of anaemia and malnutrition, which risks irreversible damages to their health. This indicates a serious violation of the **right to food** of residents of Baljeet Nagar.

Water:

In the three months following the demolition, the average family who lost a home in Baljeet Nagar paid close to **Rs. 200 more for water** than before. This is likely to be a direct result of disruptions to access to public water sources which occurred as a result of the demolition, as well as inconsistencies in the provision of High Court-mandated water relief measures. Qualitative assessment suggests that other aspects of water provision were also impacted negatively: for example, many individuals have indicated that they have had to travel large distances and spend significant amounts of time to acquire water for basic needs.

Health:

Data collected also show numerous violations of Baljeet Nagar's residents’ **right to health**; these include injuries sustained during the demolition itself, as well as injuries attributable to the conditions created by the demolition, such as ongoing psychological trauma, and exacerbation or creation of chronic health problems (e.g. disabilities). Shockingly, demolition-related average costs for health care totaled nearly **Rs. 7,000 per household** over the three months immediately following the demolition. Some families however spent up to Rs. 30,000 on healthcare following the demolition.

Moreover, numerous individuals suffering from health-related issues failed to incur health costs solely because they did not undertake treatment: for example, while nearly 20% of the sample indicated suffering psychological trauma, less than 6% received treatment for it. The actual loss of health and its long-term impacts on a family’s well-being is significant and has still not been factored in to the preliminary figures of the assessment; for instance the critical loss incurred by a young boy who lost sight in one eye due to an injury sustained during the demolition.

Education:

Lastly, **children's right to education** was also clearly violated. Post-demolition, enrollment dropped by 7.7%; in other words, roughly one in 12 children who were enrolled before the demolition were not enrolled afterwards. Consistent with this, average household expenditures on education for those households sending at least one child to school before the demolition dropped by over Rs. 110 in the three months following the demolition. Numerous households have also indicated that the demolition, which took place during final school examinations, substantially harmed exam performance and thus children’s ability to continue education. Many children were prevented from leaving the settlement during the time of the demolition, and thus missed their final exams. The monetary cost of the loss of a lifetime’s education is difficult to quantify.

**Conclusion:**

The preliminary findings of the ‘eviction impact assessment’ reveal that the real costs and losses for a family that experiences the demolition of its home are immense. This is all the more critical given that these families in Baljeet Nagar are extremely poor and are struggling to make ends meet. Majority of the affected families are Dalits. Illegal demolitions in Delhi, being carried out in violation of due process and international and national law, are resulting in the further impoverishment and marginalization of the city’s hard working poor. Any measures aimed at providing compensation must take in to account the multiple losses faced by evicted families and ensure that their human rights are protected, and they are able to adopt a lifestyle consistent with the right to an adequate standard of living.

1. Presented in the report of the UN Special Rapporteur on adequate housing, A/HRC/4/18, February 2007, Available at: <http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf>. [↑](#footnote-ref-1)
2. 1 USD is equivalent to around Rs. 46. [↑](#footnote-ref-2)