



## Housing and Land Rights Network (HIC-HLRN) HABITAT INTERNATIONAL COALITION

### URGENT ACTION APPEAL:

### A hundred women and children evicted from a night shelter in New Delhi, India

Case IND 041104

The Coordination Office of the Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN) and its regional office for South Asia Region in Delhi request your **URGENT** intervention in the following situation in **INDIA**.

#### Brief description of the situation

Aashray Adhikar Abhiyaan (AAA), or Campaign for Shelter Rights, a partner of HIC-HLRN in Delhi, has informed HIC-HLRN that, on 16 October 2004, at 07.30, about 150 New Delhi Municipal Council (NDMC) staff<sup>1</sup> along with a few plain-clothes policemen violently evicted around 40 homeless women and 60 children from the Palika Hostel night shelter in New Delhi, India. The eviction took place despite Prime Minister Manmohan Singh alleged assurances to civil society representatives that the shelter would not be shut down. In the course of the eviction, the NDMC staff and police violently assaulted several women occupants, as well as AAA workers. Many sustained injuries; a pregnant woman was struck in the stomach and Suraj, an AAA worker, was left with a fractured arm. NDMC staff and police also threw all the food, utensils, blankets, and other belongings of the homeless women on to the street.

The eviction has pushed homeless women and children back on the streets of New Delhi, known for its high crime rate against women especially, thus exposing the women and children to rape, sexual assault, abuse, and oppression. NDMC claims that it needs the hostel premises to build living quarters for its employees. According to local reports, NDMC already has started construction at the site.

When questioned about the eviction, NDMC officials responded that “social work” is not its responsibility, but that of the social welfare department. This statement contradicts NDMC 1994 Act, which details in Chapter 3.12 (l) that one of NDMC’s functions is “the construction and maintenance of rest houses, poor houses, infirmaries, children’s home, houses for deaf and dumb [*sic*, i.e., mute] and for disabled and handicapped children, shelters for destitute and disabled persons and asylums for persons of unsound mind”. It also contradicts the coalition government’s Common Minimum Programme (CMP), proposed in May 2004. The CMP specifically states: “Forced eviction and demolition of slums will be stopped and, while undertaking urban renewal, care will be taken to see that the urban and semi urban poor are provided housing near their place of occupation.”

NDMC has suggested that the women move to Nirmal Chaya, a shelter in a distant part of Delhi. Relocation to Nirmal Chaya would mean loss of livelihood for several women who currently work in the areas near Palika Hostel. The evicted women also have refused to go to Nirmal Chaya due to the well-known and previously documented conditions of neglect and abuse there. Moreover, Nirmal Chaya is a

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<sup>1</sup> NDMC is the local city authority for New Delhi

short-stay shelter for women between 18 and 45 only, which permits occupancy for a maximum period of three months, and does not accept women with children.

## **Background information**

In 2001, NDMC had an agreement with NGOs to start the shelter in Palika Hostel, an unused four-storey building in R.K. Ashram Marg, near Gole Market, as shelter for 300 women and children, including those with disabilities. Aashray Adhikar Abhiyan (AAA), along with other three partner organizations, proposed to manage the shelter, but, after several months of planning, NDMC reversed its agreement without any explanation. It was only after AAA continuously followed it up that, on 7 January 2004, NDMC opened Palika Hostel as a temporary, night shelter.

Since then, around 100 homeless women and children have been using the shelter, which protects them from exploitation and abuse on the streets. The shelter had a safe and secure environment, and AAA staff was providing breakfast and dinner in addition to basic bedding. It also had entertainment and recreation facilities for women and children. AAA networked to arrange trauma counseling for women occupants to help them rebuild their lives. In these ten months, many women took steps toward economic rehabilitation by joining employment-oriented training programs. Capacity building for women at the shelter included leadership and human rights awareness training.

## **National and international human rights law violations**

Besides contradicting the new government's Common Minimum Programme, these forced evictions without adequate rehabilitation violate the affected people's fundamental right to life and livelihood as enshrined in Article 21 of the Indian Constitution and reaffirmed in Supreme Court rulings in similar eviction circumstances.

NDMC's actions violate these hundred women's and children's basic human rights to life; security; health; work; and adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The NDMC authorities especially violate Palika hostel residents' entitlements to security of tenure and freedom from forced evictions; access to, and benefit from public goods and services; information, capacity and capacity-building; participation and self-expression; rights to resettlement and adequate compensation for violations and losses; and physical security and privacy. All are elements of the human right to adequate housing as recognized in international law.

By these evictions, the Indian authorities, including the local NDMC authorities, have breached their treaty obligations under, *inter alia*, Articles 2, 11, 12, 13 and 15 of the International Covenant on Economic, Social and Cultural Rights (CESCR), to which India acceded in 1979. The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments No. 4 on the right to adequate housing and No. 7 on forced eviction. The State of India also has contravened its obligations under Articles 16, 27 and 39 of the Convention on the Rights of the Child (CRC) to which it acceded on 11 January 1993, and Article 14 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which it ratified on 8 August 1993.

On 29 October 2004, UN Special Rapporteur on Adequate Housing Miloon Kothari issued a press statement expressing his deep concerns about the reported forced eviction and that "Information received suggests that the eviction was undertaken in a manner contrary to international human rights law, in violation of the rights of the women and children, in particular of their right to adequate housing as a component of the right to an adequate standard of living."

## The actions undertaken

AAA has approached several authorities with the following reactions:

- The Chief Minister of Delhi and all concerned officials at NDMC has demonstrated gross insensitivity to the suffering that victims of government actions have undergone;
- Prime Minister Manmohan Singh assured that the women would not be evicted, but even this has not deterred the NDMC from committing Palika Hostel the eviction;
- Ms. Sonia Gandhi, President of the Indian National Congress, the largest party in the governing coalition, showed sympathy and concern for the cause.

Although AAA has tried several times to file a first information report (required to register a criminal case), at the Mandir Marg Police Station, so far, no case has been registered against the NDMC. Since the eviction the women and children and their supporters are engaged in a *dharna* (sit-in) in front of Palika Hostel to protest the forced eviction. The protestors have sent letters to the prime minister, chief minister of Delhi, the National Human Rights Commission, National Commission for Women, and Delhi Commission for Women, seeking their intervention. Supporters also have started nonviolent protests in front of the residences of the top officials. Finally, AAA staff has found an alternative, temporary night shelter provided by a private school for the duration of the crisis.

## What you can do!

Please write to the authorities in India, urging them to respect their obligations under national and international law to respect, protect, promote and fulfil the human right to adequate housing by:

- investigating and prosecute alleged human rights violations, including use of force, in connection with the evictions on 16 October;
- providing alternative housing that is adequate and in the same area as Palika Hostel;
- collaborating with civil-society organisations toward practical solutions, as such organisations have reportedly identified several unused community centres in the vicinity for this purpose;
- urgently formulating a comprehensive strategy to address the housing rights of Delhi's poor;
- creating more shelters and adequate housing that provide basic amenities like water and sanitation, and are located close to livelihood sources of the poor and homeless.

Please send your communications to the following responsible parties:

### President of India

Honorable Mr. APJ Abdul Kalam Azad

Rashtrapati Bhawan

New Delhi 110001

FAX: +91 (0)11 2301-7290; +91 (0)11 2301-7824

Tel: +91 (0)11 2301-4930; Ext 4211,4400, 4260 (Secretary of the President)

+91 (0)11 2301-3488; Ext 4218 (Personal Secretary of the President)

Email: [presidentofindia@rb.nic.in](mailto:presidentofindia@rb.nic.in)

### Prime Minister of India

Shri Manmohan Singh

7, Race Course Road

New Delhi 110 001

Fax: +91 (0)11 2301-6857 / 9545 (PM Office)

Tel: +91 (0)11 2301-8668 / 2312 / 8939 (Office);

+91 (0)11 2301-6996 (Joint Secretary); +91 (0)11 2301-8939 (Personal Secretary)  
Email: [manmohan@sansad.nic.in](mailto:manmohan@sansad.nic.in) and [pмосb@pmo.nic.in](mailto:pмосb@pmo.nic.in)

**President of Congress Party**

Mrs. Sonia Gandhi  
10-Janpath  
New Delhi – 110 001  
Fax : +91 (0)11 2301-8651  
Tel: +91 (0)11 2301-9080 / 2379-2263  
Email: [soniagandhi@sansad.nic.in](mailto:soniagandhi@sansad.nic.in)

**Minister for Urban Development and Poverty Alleviation**

Mr. Ghulam Nabi Azad  
Nirmaan Bhawan  
New Delhi 110001  
Fax: +91 (0)11 2379-3864  
Tel: +91 (0)11 2301-9162 / 8495  
Email: [mos\\_uae@nb.nic.in](mailto:mos_uae@nb.nic.in), [azadg@sansad.nic.in](mailto:azadg@sansad.nic.in)

*Private Secretar:*

Fax: +91 (0)11 2301-9089  
Tel: +91 (0)11 2301-9162 / 8495

**New Delhi Municipal Council Chairperson**

Ms. Sindhushri Khullar  
Palika Kendra, Sansad Marg,  
New Delhi 110 001  
Fax: +91 (0)11 2374-2762  
Tel: +91 (0)11 2374-3579 / 2269; Ext 2301

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Geneva – Cairo – Delhi, 4 November 2004

Kindly inform HIC-HLRN of any action undertaken quoting the code of this appeal in your reply to:  
[urgentactions@hlrn.org](mailto:urgentactions@hlrn.org)

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**Short message to be sent to the Indian Prime Minister, Shri. Manmohan Singh, via the website:**  
<http://pmindia.nic.in/write.htm>

We are deeply concerned by the situation of the hundred homeless women and children whom NDMC violently has evicted from Palika Hostel night shelter on 16 October, throwing them back to the streets with their belongings. NDMC has violated India's obligations under international law, as well as your government's Common Minimum Programme. We urge you to prosecute the perpetrators, provide alternative housing and devise a comprehensive strategy to address the housing rights of Delhi's poor.

## Sample letter

Dear Sir:

Habitat International Coalition-Housing and Land Rights Network (HIC-HLRN) has informed us that, on 16 October 2004, about 150 New Delhi Municipal Corporation staff, along with some plain-clothes policemen violently evicted 40 homeless women and 60 children from the Palika Hostel night shelter. The eviction has pushed homeless women and children back on the streets, making them vulnerable to rape, sexual assault, abuse, and oppression. We are deeply concerned about the plight of the evicted women and children.

NDMC has suggested that the women move to Nirmal Chaya, a shelter in a distant part of Delhi. Relocation to Nirmal Chaya would mean loss of livelihood for several women who work in the areas near Palika Hostel. The evicted women also have refused to go to Nirmal Chaya due to the well-known and previously documented conditions of neglect and abuse there. Moreover, Nirmal Chaya is a short-stay home for women between 18 and 45 only that permits occupancy for a maximum period of three months, and does not allow women with children to use the facility.

NDMC has evicted women and children under the premise that it needs the building to house public servants and that "social work" is not its responsibility. This contradicts the NDMC 1994 Act detailing its social obligations, as well as the government's Common Minimum Programme (CMP) that states: "Forced eviction and demolition of slums will be stopped and while undertaking urban renewal, care will be taken to see that the urban and semiurban poor are provided housing near their place of occupation."

Moreover, NDMC's action violates the basic human rights to life; security; health; work; and adequate housing of the evicted women and children. By these evictions, the Indian authorities, including the local authorities here represented by the New Delhi Municipal Council, have breached their treaty obligations under, *inter alia*, Articles 2, 11, 12, 13 and 15 of the International Covenant on Economic, Social and Cultural Rights (CESCR), to which India acceded in 1979. The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments No. 4 on the right to adequate housing and No. 7 on forced eviction. The State of India also has contravened its obligations under Articles 16, 27 and 39 of the Convention on the Rights of the Child (CRC), to which it acceded on 11 January 1993, and Article 14 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which it ratified on 8 August 1993.

Local civil groups already have tried to approach you without any satisfactory response until now. We urge you to investigate the alleged human rights violations, including use of force, in connection with the 16 October evictions, and take all necessary steps to prosecute the perpetrators. We request you urgently to provide adequate alternative housing that is adequate in the vicinity of Palika Hostel, and to collaborate with civil society organisations, as they have reportedly identified several unused community centres as alternative sites to shelter the victims. We also ask you urgently to devise a responsible and comprehensive strategy to address the housing rights of Delhi's poor; and to create more shelters and adequate housing that provide basic amenities like water and sanitation, and are located close to the poor and homeless people's sources of livelihood.

Thanking you in advance for your attention to this serious matter, we look forward to hearing from your remedial actions in response.

Respectfully,

[Signed]