



PRESS RELEASE

New Delhi, October 13, 2010

Forced Evictions due to Commonwealth Games Violate Human Rights, Contribute to a Permanent Negative Social Legacy

The preparations for Delhi's Commonwealth Games (CWG) have witnessed a range of human rights violations of the city's working poor, including the homeless, beggars, street vendors, and construction workers. The process has also been marred by financial mismanagement, embezzlement of public funds, and lack of accountability. One of the least reported violations, however, has been the forced eviction and demolition of the homes of thousands of Delhi's residents. These evictions have taken place for various reasons ranging from constructing stadiums, building parking lots, widening roads, city 'beautification,' and clearing of streets on grounds of 'security.'

Housing and Land Rights Network (HLRN) has been involved in a study on forced evictions carried out due to the Commonwealth Games in Delhi. HLRN estimates that at least 250,000 people in Delhi have lost their homes as a direct result of the Games since 2004. A table of some of the demolished sites is included below.

While the study is still ongoing, preliminary findings from a few sites reveal the following characteristics of forced evictions:

1. Failure to provide notice and reason for the demolition; due process not followed

In majority of the cases, authorities did not provide a notice for the demolition. The only exceptions were Dargah Bhure Shah Camp, Viklang Basti, and Madrasi Camp (notice pasted two days before the demolition). The usual trend has been of police threatening people to vacate the area on the evening before the demolition. People of the settlement near Shiv Mandir, Sewa Nagar, were very vocal about the fact that they had not been informed about the demolition. Said Ms. Ishwar Kali, "If they had to break our homes, at least they could have told us." People from various sites reported that their homes were destroyed while they were away.

The Bengali Camp demolition took place on January 13, 2009, when people were celebrating the winter festival of 'Lohri.'

2. Use of force and large police presence during the demolition

All slums demolitions took place in the presence of a large police force. Approximately 200 police personnel were present for the Dargah Bhure Shah Camp demolition, 100 at Madrasi Camp, 100-150 for the demolition of 25 *jhuggis* (homes) in the Sai Baba Camp, and two police buses, eight bulldozers and 8-10 fire brigades for the Gadia Lohar Basti demolition. While women police officials were present during the demolitions, they generally just stood and watched.

3. Injury and adverse effects on health

At Shaheed Arjun Das Camp in East Kidwai Nagar, a woman delivered a baby girl early in the morning, a few hours before the demolition began on January 13, 2009. On seeing the bulldozers she lost consciousness for four hours and could not even be taken to a hospital. The shock of the demolition has left Kamla, aged 40, from the settlement near Shiv Mandir, Sewa Nagar, permanently paralysed on her left side. People in Bengali Camp reported that there was a stampede like situation once the demolition started. An old woman fell to the ground and someone dragged a cylinder over her, and was miraculously saved.

Most people from the demolished camps reported that the frequency of illness, especially among children, increased after the demolition. Poor sanitation, lack of access to medical facilities, and living in the open, contributes to the spread of illnesses like fever, cough, and cold, and diseases such as pneumonia, malaria and dengue.

4. Loss and destruction of possessions

Evicted people from all sites expressed their frustration at not being able to salvage their possessions. Women from Bengali Camp mentioned that children's milk was confiscated, while a woman from Shaheed Arjun Das Camp said that even the food they were cooking got buried under the rubble. A disturbing fact is that whatever possessions people managed to save, including cooking vessels, were later confiscated by officials. Satyadeen Maurya of Sai Baba Camp recounts how all his belongings were crushed under the bulldozer. Dargah Bhure Shah Camp was the only settlement where people reported that they had managed to save their possessions.

5. Children adversely affected

The psychological impacts on children who lose their homes and witness a demolition, are severe and long-lasting. Several children have been forced to drop out of school. Many have lost a year because the demolitions happened immediately before or during examination time. Pyarelal's son lost an entire school year as the Dargah Bhure Shah Camp demolition took place on May 14, 2007, during school exams.

6. Death of persons

Two homeless persons lost their lives at the Pusa Road Roundabout when the MCD demolished their night shelter during the peak of Delhi's winter on December 24, 2009. Investigations at various sites have revealed suicidal tendencies and some deaths amongst displaced communities due to adverse living conditions and the lack of any housing. At Bengali Camp, residents mentioned two lives being lost to dengue.

7. Loss of livelihood and income

For most of the affected, demolition of homes also means a loss of livelihood opportunities. Several families of the Sai Baba Camp are now entirely dependent on the temple for their meals. "I have not been able to earn one rupee after the demolition" said Bajrang from Sai Baba Camp. Many others have reported a marked decrease in income. A woman at the Gadia Lohar Basti reported a drop in income from Rs. 100-200 (before the eviction) to Rs. 20-30 per day. Pyarelal of Dargah Bhure Shah Camp owns a barber shop. He said that while previously he earned between Rs. 400 to Rs. 1000 in a day, after the demolition, the maximum he has earned in a day is Rs. 400.

Demolitions also result in temporary loss of wages for the evicted. Women of the Madrasi Camp who work as domestic help in nearby areas said they lost wages for two-three months when they were living on the streets. Wage labourers find it impossible to go to work when their possessions are lying in the open, as they fear theft. Evicted families at all sites reported a marked increase in expenses on healthcare, travelling and rent.

It is not just homes but also small shops and other enterprises that have been destroyed for the Games. Daily wage earners, vendors and other informal sector workers across Delhi have lost their livelihoods. The police beat Shekhar, 14, from Sai Baba Camp when he tried to sell flowers near the Sai Baba temple. Authorities demolished around 70 shops in the vicinity of the Gadia Lohar Basti and 10-12 shops in Kotla Pijanji Gaon, adjacent to the Thyagaraja Stadium. Weekly markets have been prohibited and other markets such as the one in Sarojini Nagar have also been cleared of vendors for the duration of the Games.

8. No compensation or resettlement provided in all cases but one

No compensation or resettlement has been provided at any of the sites surveyed. The only exception was the Dargah Bhure Shah Camp, where plots have been allotted in Savda Ghewra to around 80-85 of the 115 families who lost their homes. While the High Court of Delhi has ordered relocation for the families at Gadia Lohar Basti, they have still not received any form of rehabilitation. People of the demolished Shaheed Arjun Das Camp have survived by putting plastic sheets over the broken walls of what was once their home. But every morning they have to remove the plastic sheets, as they are afraid the police will destroy them.

9. Violation of national and international human rights law

All the above characteristics of forced evictions carried out in the run up to the CWG indicate a violation of a range of national and international legal instruments, in particular the *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Rights of the Child*, *Convention on the Elimination of All Forms of Discrimination against Women*, and the *International Convention on the Elimination of All Forms of Racial Discrimination*. They also contravene the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement*, which stipulate that evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections or during or just prior to school examinations. The UN Guidelines call for States to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence and also mandate just compensation and sufficient alternative accommodation, or restitution when feasible, to be provided immediately upon the eviction.¹

The forced eviction and demolition of people's homes without due process also violates the Indian constitution. The Supreme Court of India has held that the right to adequate housing is a fundamental human right emanating from the right to life. The High Court of Delhi in its February 13, 2010 judgement in the case *Sudama Singh and others v. Government of Delhi and others*, clearly calls for the protection of the right to adequate housing, minimising of evictions, and adequate rehabilitation.

Forced evictions, as affirmed by the United Nations Commission on Human Rights in 1993, constitute a gross violation of human rights, including the right to adequate housing. The UN Committee on Economic, Social and Cultural Rights encourages State Parties to ensure that "legislative and other measures are adequate to prevent, and if appropriate punish, forced evictions carried out without appropriate safeguards by private persons or bodies."

The Delhi authorities responsible for forced evictions have violated people's 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.

While the attention of the media has been centred on lack of preparedness, organizational glitches and financial scandals related to the CWG, the more severe impacts of the Games have largely been ignored. Attention needs to be drawn to the serious human rights violations, especially of construction workers who have been denied minimum wages and decent working conditions, of the homeless and 'beggars' who have been arrested, detained and forcefully banished from the city, of women and children who have been trafficked, of over 300,000 street vendors who have been denied their right to work and are going hungry, and of slum dwellers who have been evicted for the Games.² These abuses have contributed to the creation of a permanent negative social legacy of the Games, in contradiction to the claims of benefits and false notion of 'national pride' that the organisers constantly harp on.

Recommendations:

- Immediate compensation to be provided to all evicted families for loss of their homes, possessions and livelihoods.
- Compensation to be paid to all those who suffered injuries or adverse health impacts.
- Compensation to be paid to families whose members lost their lives as a result of the forced eviction.
- Adequate rehabilitation to be provided to all evicted families, in accordance with international human rights standards, including the *UN Basic Principles and Guidelines on Development-based Evictions and Displacement* and judgements of the High Court of Delhi, in particular the *Sudama Singh* case.
- Improvement of living conditions in existing resettlement sites, including provision of basic services, infrastructure, healthcare, education and transport.

¹ The Guidelines are available at: http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf.

² See HLRN press release on human rights violations at: http://www.hic-sarp.org/documents/Press_Release_12_August_2010.pdf.

- Restoration of educational facilities for evicted children, including provision of school books, uniforms and other material destroyed during the eviction.
- Expansion of ongoing investigations by the Comptroller and Auditor General, Enforcement Directorate, Central Vigilance Commission, and Parliament, to include human rights violations.
- Prosecution of all officials who are found guilty.
- Study and audit of the social, economic, and environmental impacts of the Games.
- Moratorium on evictions in Delhi, including of the 44 settlements that have been listed for demolition after the Games.

The dazzling opening and expected closing ceremony of the Commonwealth Games and India's commendable sporting performance cannot in any way erase the gravity of human rights violations committed by the state and central government in the preparation of the event. The government must accept responsibility for the intense suffering of Delhi's poor due to the Games, and provide compensation, restitution and rehabilitation at the earliest. The legacy plan of the Games must focus on restoring social justice to the thousands of evicted families, as well as the homeless, beggars, street vendors and construction workers who have witnessed the worst violations of their human rights in the name of the Games. The state must ensure the protection of the human rights of the city's working poor and marginalised populations. India's stark socio-economic reality should have precluded the government from bidding for the Commonwealth Games. Given the inability to deal with the colossal costs and consequences of mega events, as demonstrated in the case of the CWG, the country must under no circumstances bid for the Olympics or other such events.

LIST OF SOME SITES DEMOLISHED DUE TO THE COMMONWEALTH GAMES

	Name of Area and Location	Date and Time of Demolition	Purported Reason for Demolition	Number of Homes Destroyed	Notice
1.	Camp behind Badrinath Temple (opposite Thyagaraj Sports Complex)	January 13, 2009 - mid day	- covering of nallah (drain) and 'beautification' - 'security' reasons	50	No notice provided
2.	Bengali Camp (East Kidwai Nagar)	January 13, 2009 - in the morning	- covering of nallah (drain) and 'beautification' - 'security' reasons	approximately 200	No notice provided
3.	Dargah Bhure Shah Camp (Nizamuddin East, near Railway Station)	May 14, 2007 - around 8 AM	o construction of Barapullah elevated corridor	115	A formal notice was put up at a temple in the complex in February, 2007
4.	Shaheed Arjun Das Camp (informally also known as Jhansi Camp, East Kidwai Nagar)	January 13, 2009 7.30 am	- covering of nallah (drain) and beautification - 'security' reasons	300 - 350 jhuggis (homes)	No notice provided
5.	Gadia Lohar Basti (near Thyagaraj Stadium)	January 12, 2009 12.30 – 1 pm	- to widen the road and build an underpass connecting Jawaharlal Nehru Stadium with Thyagaraja Stadium	18 jhuggis (homes)	No notice provided
6.	Indira Gandhi Camp (New Khanna Market, Lodhi Colony)	February 2, 2009 in the morning	- to widen the road to build an underpass connecting Thyagaraj Sports Complex to Jawaharlal Nehru Stadium - 'beautification' purposes	100 jhuggis that lined the road and some small shops	No formal written notice provided. The police instead gave a verbal warning of the impending demolition the night before

7.	JJ Camp, Prem Nagar	January 12, 2009	- to widen the road to build an underpass - beautification purposes	30	No notice provided
8.	Madras Camp, Jangpura B	April 15, 2010	- laying of electric wire for construction of Barapullah elevated corridor	200	One notice was put up in the camp site. However, children in the slum tore up the notice before anyone had a chance to read it
9.	Camp near Shiv Mandir in Sewa Nagar	January 12, 2009 1.30pm	- to widen the road to build an underpass - 'beautification' purposes	10 - 12	No notice provided
10	Prabhu Market (Lodhi Colony)	January 9, 2009 around 10 am - 11am	- to build a parking lot and link road to connect Thyagaraj Sports Complex to Jawaharlal Nehru Stadium	100	No formal notice given. The police instead gave a verbal warning that there might be a demolition
11	Prabhu Market Extension (Lodhi Colony, near Railway Crossing)	January 9, 2009 10 - 11am	- to build a parking lot and link road to connect Thyagaraj Sports Complex to Jawaharlal Nehru Stadium	120 - 130	No formal notice given. The police instead gave a verbal warning that there might be a demolition
12	Sai Baba Camp (Lodhi Road)	21 June 2010, 11 am	- beautification purposes - security reasons	25 (although MCD in court says that it destroyed only 13 homes)	Two days before the demolition police gave a verbal warning
13	Viklang Basti (near Jawaharlal Nehru Stadium)	January 10, 2010	- to build a parking lot and link road to connect Thyagaraj Sports Complex to Jawaharlal Nehru Stadium	60 - 70	Notice given 3 months in advance
14	Night shelter at Pusa Round Roundabout (Rachna Golchakkar)	December 24, 2009	- 'beautification' – to grow grass on the roundabout	250 people	No notice
15	Yamuna Pushta	April – June 2004	- to clear the banks of the Yamuna river	35,000 families	4 - 5 days notice

HLRN's report – *The 2010 Commonwealth Games: Whose Wealth? Whose Commons?* and subsequent press releases are available at: www.hic-sarp.org.

For more information and to schedule visits to sites contact:

Shivani Chaudhry (9818 205234), Shalini Mishra (99586 25344), Miloon Kothari (98106 42122)

Housing and Land Rights Network, A-1 Nizamuddin East, Lower Ground Floor, New Delhi – 110 013,
(011-2435-1053), info@hic-sarp.org, www.hic-sarp.org