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| Land Rights in Delhi:  A Legal Argument for the Human Rights of Jhuggi Residents  A research project submitted to  Azusa Pacific University  in partial fulfillment of the requirements  for the degree Master of Transformational Urban Leadership |

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Abstract

**Land Rights in Delhi: A Legal Argument for the Human**

**Rights of Jhuggi Residents**

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Master of Transformational Urban Leadership, 2013

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Delhi’s population is strictly divided into numerous socio-economic groups, largely due to the historical caste system embedded into society. Jhuggi clusters (entire communities living in individual make-shift housing units, utilizing items such as tarp and scrap metal) comprise over half of Delhi’s population – nearly 8 million people. The residents are marginalized, abused and exploited by local authorities; they continually face the insecurity and threat of eviction from their homes, and the consequential estrangement from their livelihoods. Reviewing recent court cases and from a participant-observer role within a local NGO engaging in interviews with jhuggi residents, this paper exposes the human-rights abuses that lower-caste individuals face in Delhi regularly.

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# Introduction

## Research Issue

According to both civil society and government estimates, around 50% of Delhi’s population lives in slums and informal settlements. If those living in sub-standard housing are also taken into account, the number will increase. Thus, a large percentage of the Delhi’s population has little or no access to adequate housing and basic amenities. The absence of accessible drinking water, toilet facilities, schools, and medical care demonstrates the apparent lack of adequate housing units and the overwhelming presence of insufficient living circumstances within the city. Yet, those living in these squatter homes have other life-threatening realities to face besides their present circumstances – eviction from and demolition of their homes.

Around the world, the last few years have witnessed an unprecedented rise in forced evictions. A multitude of factors, including large infrastructure and development projects in both rural and urban areas are leading to the forced eviction of entire communities. In the absence of adequate rehabilitation, homelessness is exacerbated, resulting in the loss of livelihoods.

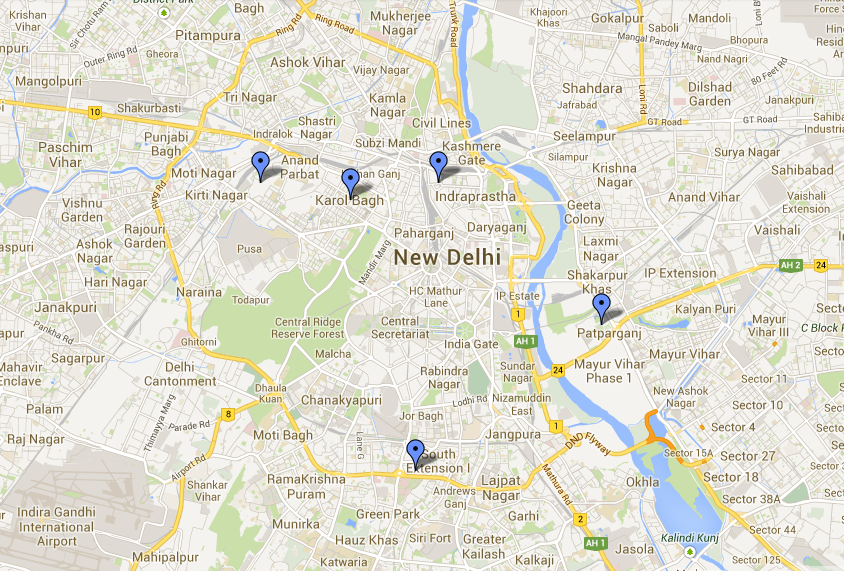
## Location

Gathering data predominantly from *jhuggi* (a slum dwelling typically made of mud, tarp, and scrap metal) communities within the city limits of Delhi, I focused primarily on eight target locations. These sites include East Kidwai Nagar, Spice Market near Khari Baoli, Baljeet Nagar, Karol Bagh, and Panday Nagar. I gained access to the sites through my supervisor, Shakeel Abdul Basha, whom I met while volunteering at local land-rights organizations. The organizations, including the Human Rights Law Network (HRLN), HAQ (meaning “rights” in Hindi), Housing and Land Rights Network (HLRN), Habitat International Coalition South East Regional Programme (HIC-SARP), and World Faith (India Chapter) all worked among the poor, homeless, and slum residents within Delhi, advocating on their behalf. The following map clearly defines the site locations in which I worked and collected data through a participant-observation role.

Jhuggi Cluster Locations, Delhi

###### The top three locations, from left to right: Baljeet Nagar, Karol Bagh, and Khari Baoli

###### The bottom two locations from left to right: East Kidwai Nagar, and Panday Nagar



## Rationale

With 50% of the cities inhabitants dwelling in slum communities it is apparent that the right to adequate housing has not yet been established in Delhi.

When forced evictions are carried out they often violate not only the right to adequate housing, but also numerous other human rights. These may include family health, pre-natal and post-natal health of infants and their mothers, the right to an adequate standard of living, access to food and clothing, the right to an education, mental well-being, and non-discrimination. These rights are listed, and alleged as being important, in the International Covenant on Social and Economic Rights as well as in the Constitution of India, but affirmation of such importance has yet to be experienced in the city of Delhi (International Covenant on Economic, Social and Cultural Rights). Considering the local governments’ habits of demolishing jhuggi clusters for development purposes, the violation of human rights has become commonplace. In an effort to understand the reasons and significance behind human right’s abuses in relation to land tenure, I have explored multiple avenues (listed below) in order to reveal the applicable facts.

## Methodology

In order to obtain data from each relevant category, I explored different methods of information collection. These methods included compiling case studies with information pertaining to recent land-rights court cases, communicating with local [Delhi] individuals representing or knowledgeable in local land-rights affairs, working as in intern alongside a land-rights organization and taking on the role of a participant-observer while on site, attending political and community meetings regarding land tenure and human rights, and finally, using academic resources from online databases and libraries.

# Context

Delhi’s population is strictly divided in numerous socio-economic groups, largely due to the historical caste system embedded into society and still present in the cities’ modern culture. Jhuggi communities, inhabiting a significant amount of *Dalit* citizens, comprise over half of Delhi’s population. (Dalit citizens are categorized as the lowest possible caste in India – they are vulnerable, ignored, and generally mistreated by those born into higher castes).

* Over 8 billion individuals in the city of Delhi (52%) are currently residing in jhuggi communities (The Hindu, 2009).
* 3.2 billion of Delhi’s residents (20%) are considered ‘lower middle class’, defined as those living in Lower Income Houses (LIH) as well as possessing two or more of the following: scooter, television, telephone, refrigerator, radio (Kumar, 163).
* 4.5 billion of Delhi’s residents (28%) are labeled as middle class, meaning that they live in either a Middle Income House (MIC) or High Income House (HIH) and they typically possess a color television, a refrigerator, a scooter or car and a telephone (Kumar, 163).
* Despite the overwhelming presence of jhuggi communities in Delhi, this study indicates ways that jhuggi residents are marginalized, abused and harassed by local authorities; they continually face the insecurity and threat of eviction from their homes, and the consequential estrangement from their livelihoods.

Economic Standing of Delhi's Residents

###### This pie graph demonstrates the percentage of people living in each economic category

## Research Themes

## Scholarly Articles and Journals

### Tenure History

When examining the overwhelming presence of squatter settlements in Delhi it is necessary to understand the history of the land, especially in regards to previous ownership and prior tenure laws. According to Frederic Hohlen, the landscape and architectural planning, implemented by various subsequent rulers, “resulted in exclusion and marginalization”, and was the result of “authoritarian planning” (Hohlen, 31-32). Furthermore, bursts of refugees and migrants seeking work in urban areas such as Delhi led to the founding of city planning organizations as well as a city development authority, both entrusted with slowing down growth and forming order and structure within the city limits (in the late 1950’s). The development authorities planned to create order with a single Master Plan in 1962, which initially allowed for the construction of industrial buildings, but later resulted in the destruction of unofficial squatter settlements and the creation of housing units. Thus, although authorities were set in place to ensure tenure organization amidst rapid population growth, the result was quite contrary; job opportunities were established, naturally followed by additional population growth, and resulting in a severe problem of increased, unapproved housing settlements. The Master Plan was initially begun with the intention of helping the incoming people – and it was supposed to accommodate the people’s involvement. Instead, as the population grew and slum communities evolved, the government abused the Master Plan by using it to control and regulate the cities residents.

*Soon after independence in 1947, the Ministry of Rehabilitation was entrusted with the task of resettling nearly 450,000 refugees as they arrived from the new border. Problems of pollution and housing in the new capital led to the establishment of the Town Planning Organisation and the Delhi Development Authority in 1955 and 1957, respectively, to slow down unplanned growth of Delhi (1). The Town Planning Organisation prepared the first master plan for Delhi in 1962 (DMP 62) and earmarked spaces for industrial units and other land uses for the city. The number of industrial units built exceeded the number proposed in DMP 62, however, and so did the number of people working in these units. This resulted in a large number of people with low incomes living in squatter settlements in Delhi. Since 1975, different governments have adopted policies to forcibly evict such people from the city centre of Delhi to the resettlement colonies at the city's peripheries. The master plan for Delhi is supposed to be the blueprint for developing the entire city, and it is supposed to be prepared by including active participation of the city's residents. The planning of the city has remained the prerogative of a few government officials and technical experts, however, with no role for the people to play. The master plan has been violated systematically by many governmental and semi-governmental agencies” (Tiwari, 2003).*

### Migration, Overpopulation, and Slum Development

*"Delhi's population has grown by 221.57% over the last twenty years. (Chakrabarti, 2)*

As mentioned in the previous section, the influx of refugees caused rapid population growth in Delhi. In addition to the refugees fleeing their country and entering India, many migrants also fled to Delhi for other reasons – namely work purposes.

*Much of this growth has been influenced by poverty-induced migration from different parts of the country, particularly from neighboring states, in search of livelihood. Unending streams of poor villagers have swamped into the city and have found shelter in numerous squatter/informal settlements. According to an estimate prepared by the Society for Development Studies (Chakrabarti, 2001), the rate of growth of squatter population in Delhi during 1981-1994 was four and a half times more than the non-squatter population. The squatter population grew by 13.2% per annum as compared to the 2.9% per annum growth in non-squatter population (Prakesh, 2-3).*

Korra, too, discusses the need for rural-to-urban migration and the habit of many village-dwelling agricultural workers to undertake such a journey for work opportunities and monetary security(2012).

Robson confirms this reality by closely examining migration patterns of villagers from two different countries – one being India. Migration for job opportunity is a recent, more popular phenomenon used to ensure the well being of the rural individuals household through job-security.

*…Out-migration is a much more recent phenomenon. Indeed, Berhampur has no history of out-migration prior to 2001, while in Badakul most households did not use migration as a livelihood strategy before the mid-1990s. …Poor loan arrangements and the lack of alternative employment opportunities were additional factors for a significant number of migrant households. The decision to migrate has also been influenced by a general lack of skills to engage in other livelihood strategies (available locally) (267-268).*

The increase in migration – caused predominantly by both political refugees and migrant workers – naturally results in a significant population increase. Such is the case in Delhi where the population is currently approximately 16 million.

*Delhi has experienced a rapid growth in population since India’s independence in 1947. The population of Delhi was 1.43 million in 1951, 8.5 million in 1991 and is expected to be 12.8 million by 2001. The spatial impact of such growth has been varied and poses a major challenge to city managers. (Durand-Lasserve & Royston, 59).*

Yet, due to the lack of infrastructure and the lack of means to support such rapid population growth, squatter communities have been developed out of pure necessity throughout the city. Inhumane living conditions are a direct result of overpopulation in Delhi; many people live in conditions without running water, proper sewage, or adequate, sturdy shelter. Prakesh researched the number of people living in *jhuggies* and informal settlements in Delhi and briefly summarizes the residential reality of millions of Indians dwelling in Delhi.

*Today (census 2001), more than half of Delhi lives in some kind of informal settlement. The worst form is the slums and squatter settlements, also known as Jhuggi Jhonpri clusters that accommodate about 2.5 million people. Another form is the resettlement colonies which came up to accommodate above 1 million slum dwellers, the legally notified slum areas (mainly Old Delhi) that houses more than 2 million people in a highly congested and dilapidated environment, the unauthorized colonies that have come up without government approval and the Villages that have been engulfed by urbanization (Urban Villages) where slum like conditions prevail in the absence of provisions for basic services (Prakesh, 5).*

Because informal settlements and jhuggies are built rapidly (typically following urban-migration) and city planning does not exist in such communities since they are indeed informal and often unauthorized, the conditions are extremely poor. In addition to the sewage, water, and adequate housing issues, slum dwellers suffer from over-population far more than other city residents. According to Clarke’s research, “The densities of the various wards are as high as 85,120 people per square kilometer” (19). Overpopulation, therefore, not only causes the development of slums, but also is dreadfully present within every slum community.

The above issues, associated with rapid urban-migration and the subsequent development of squatter communities, properly fit the United Nations official definition of a slum,

*An area that combines, to various extents, the following characteristics (restricted to the physical and legal characteristics of the settlement, and excluding the more difficult social dimensions: inadequate access to safe water; inadequate access to sanitation and other infrastructure; poor structure quality of housing; overcrowding; [and] insecure residential status (UN Habitat 2003:12).*

### Government Policy

Slum eviction, as well as demolition, violates many international human rights laws. As Kranthi and Kavita write, land security and the provision of basic services are ensured by such international laws (namely, the United Nations). Kranthi and Kavita also discovered that a national Indian law exists (*Jawaharlal Nehru National Urban Renewal Mission)* which aims to provide affordable housing and basic services to the cities poor communities.

*The above arguments indicate the significance of a link between tenure security and basic services in the urban poor. Under international human rights law, secure tenure and basic services are identified as two of the seven components. While in India, under the JNNURM, provision of basic services to urban poor including security of tenure at affordable prices forms one of the objectives of the sub-mission for basic services to the urban poor (Kranthi and Kavita, 105).*

Slum eviction provides neither secure, adequate housing nor basic services, but rather takes such human rights away from the people. Even relocation, described [by government authorities] as a way of assisting and aiding the slum-dwellers, results in human rights abuses on behalf of the squatter residents.

*These squatters were to be moved to the edges of the city, where they would be placed in “camping sites to be laid out where absolute minimum facilities were provided” (Ali 1990:79). The gap in services is striking: whereas hand pumps for water were provided to eligible squatters at a rate of 1 for every 20 family, ineligibles received 1 for 40; latrines, 1 for every 5 became 1 for every 10; and bathrooms, 1 for 6 to 1 for 12 (Ali 1990:80). Additionally, the scheme once again split communities into “eligible” and “ineligible” categories and geographically removed a large segment of a pre-existing population, disrupting community ties and social networks (Hohlen, 39).*

Thus, although government policy may appear to be helpful and even fair to the poor communities, it often results in the unjust treatment of the cities marginalized people.

### Forced Eviction and Slum Demolition

In an effort to control the overpopulation, overcrowding, and most intentionally, the growth of slum communities in the city, local authorities have taken initiative. The Delhi Development Authority (DDA), along with other planning authorities such as the Municipal Corporation of Delhi (MCD), often authorize the eviction of certain slum areas for the purpose of development or city planning initiatives. The planning authorities proceed with their proposed development plans then they declare (in complete cooperation with the Delhi High Court) the slum-abiding residents to be evicted from their homes in order for the city planning to be completed. The residents are not allowed a choice in the matter (hence the term “forced eviction”). As Hohlen explains, when the squatter communities do not fit into the plans of the authorities, then the matter of their own well-being is entirely lost; the authorities plans often do not accommodate the slum residents.

*…urban plans must be continually readjusted and reasserted to match the changing nature of their subjects. When these plans are confounded by the citizens’ own attempts to make spaces that fail to meet plan standards, the result is often violence and exclusion with a staggering human toll worldwide. Some 1.7 million Chinese were estimated to be directly affected by games-related demolitions during the 7 years leading up to the 2008 Olympics in Beijing; 2 million were forcibly evicted in Nigeria between 2000 and 2007; and 750,000 Zimbabweans were forced from their homes in 2005 alone (UN-Habitat 2007: xxix). And these are only examples of what has been referred to as “forced evictions”; the UN reserves a separate category for “market-based” evictions… All of these cases are marked by violent breaks in personal histories (Hohlen, 26- 27).*

The citizen’s rights are lost when they become members of slum communities in Delhi; their affiliation – an affiliation built only out of need – declares them invalid or otherwise unfit for their human rights to be heeded. As Durand-Lasserve and Royston point out, *“…policies toward squatter settlements were never integrated into the master plan” (Durand-Lasserve & Royston, 59).*

### Structural Violence and Displaced People

The obvious natural result of repeated forced evictions and demolitions [of previous residential areas] is the presence of abusive authority, structural violence, injustice (human rights abuses), and finally, displaced people. Naturally, when a power structure is granted the authority to forcibly remove people from their homes in an effort to destroy the present residential structures, they are prone to inflict violence, especially when their actions are not supervised and/or they are not required to account for the methods they use to complete their job. Hohlen accurately describes common situations faced by local slum residents:

*Confusion over the definition of “slums” and the number of “slumdwellers” and “squatters” aside, what is certain is that the urban poor of Delhi often face remarkable violence. Some of this violence is present in everyday life, in lack of adequate sanitation, schools, jobs, and health care, the result of majority institutions that neglect the poor through apathy or malice, what Paul Farmer refers to as “structural violence” (Farmer 2005). But occasionally, this animosity towards the poor bubbles up and becomes manifest in more overt ways–in wholesale demolitions of neighborhoods without the relocation of residents, and in the beatings of slum-dwellers at the hands of local authorities (Hohlen, 31).*

## Filling a Research Gap

Extensive scholarly materials are currently available on land rights and land tenure issues in developing countries. These materials, in the form of journals, articles, student theses and formal reports, provide a vast amount of statistical and participatory research. The current materials available span the globe with information from informal settlements worldwide. However, research concentrated on the land rights abuses that occur as a direct result of forced eviction is neither comprehensively covered (using participatory research) nor compiled for practical use. The data represented in this project will fill this research gap while providing reliable documentation that can be used practically by local Delhi organizations.

# Research Findings

## Case Studies: Land-Rights Court Cases in Delhi

### HAQ vs. Delhi Development Authority & Ors, WP(C) 2029/2012 (previously WP(C) 5076/2011)

Farming families had been living in a slum casually referred to as Chilla (otherwise called Ambedkar Camp) on the eastern bank of the Yamuna River. The family’s ancestors had settled in the camp decades ago and had since become familiar with the area and had families of their own. Originally settling in the area because of the plentiful fields and the rich soil produced by the Yamuna River, the families had made their livelihood farming vegetables as well as growing trees and flowers to sell in the markets. Considering their family backgrounds and placement in the caste system, the families were extremely poor and many had only tarps or thatch huts for shelter, yet the land had become their home and their only livelihood. Between 2008 and 2009, the Delhi Development Authority (DDA) told the families that they would no longer be allowed to reside on the land, although they were given permission to continue working the land for their livelihood. Soon after this declaration, in 2010, the DDA began demolishing the farmers’ homes.

The Human Rights Law Network (HRLN) soon became aware of the situation in Chilla and filed a case against the DDA in 2011. By filing the case against the DDA, HRLN strove to prevent the Delhi Government from evicting the families in Chilla as well as from demolishing any more houses. Yet, despite HRLN’s efforts and accomplishments, the DDA demolished additional building in the Chilla settlement including a broken brick cowshed that had been used to house children for a locally run school. (The school began with the help of a non-profit organization in an effort to educate the slum children. The public schools were not accessible from the slum – children had died previously attempting to reach the closest public school since its location required the children to cross busy highways on foot).

After the demolitions, the DDA claimed that a school never existed, but photographic evidence retrieved by a lawyer on the case declared that there was indeed a school on the site that had been demolished. This proof caused the Delhi High Court to acknowledge the previous existence of the school and consequently to admit the Chilla settlement children to a local government school and provide a bus for safe transportation. Despite this order, a bus for the students has not yet appeared in Chilla. The children’s right to education has been prevented due to the government’s destruction of the non-profit school.

After the education issues had been heard in court in 2011, the housing issues were disposed of entirely. The Delhi High Court stated that if the housing issues were to be heard then the case must be re-filed, concentrating on only those issues.

Meanwhile, in the spring of 2012, the Chilla residents heard news that the DDA was planning another demolition effort in the Chilla settlement. A fresh, newly constructed case was brought before the Delhi High Court, yet the Court told the residents to not take any actions until the next planned hearing. The same instruction was given at the following hearing, a week later, and the next hearing was scheduled for over a month later.

However, before the next hearing took place, the DDA arrived at the Chilla settlement with bulldozers, prepared to continue demolitions. Orders from the Court to halt demolitions were communicated to the DDA workers by the Chilla residents, yet the DDA put the bulldozers to action demolishing jhuggies regardless of the court order. The DDA workers continued demolishing jhuggies until the Petitioner appeared before the High Court Justices and informed them of the DDA’s actions. The petitioner has since filed an interim application to the Delhi High Court requesting the DDA to compensate the victims of the Chilla demolition.

### HAQ vs. Gov't of NCT Delhi & Ors, W.P.(C) 2033/2011

In the spring of 2011, the Delhi Development Authority (DDA) began demolishing the settlement of Baljeet Nagar in Delhi. The residents were held off from protesting by the presence and force of the Delhi Police (DP). The demolitions were in direct violation of local law considering that the DDA failed to inform the residents of the destruction prior to the event, or notify and instruct them to evacuate the premises. Instead, with no prior notice, the residents were stopped from coming or going on the day of the demolitions, and the children were prevented from attending their school exams. The demolitions continued on for two days until the Delhi High Court (DHC) ordered protection of the residents in response to a petition case filed by the Human Rights Law Network (HRLN). Yet, before the Human Rights organization was notified and able to take action, the homes of hundreds of residents had already been destroyed.

According to the HRLN petition constructed by Human Right’s lawyers, the demolition and destruction caused by the DDA was in direct violation of many fundamental human rights. These rights, outlined in the Constitution of India, include the right to life, the right to shelter, the right to health and the right to a livelihood. HRLN also documented and argued that the DDA failed to follow due process in executing the demolition of Baljeet Nagar, including adequate prior notice of the demolition and/or rehabilitation and relocation of the current jhuggi residents.

The DHC responded to HRLN’s petition, ordering that no future demolitions shall take place in Baljeet Nagar and requiring the government (DDA) to provide adequate measures of relief to the victims of the demolition. The relief measures that the court ordered the DDA to deliver to the victims included water provision and delivery, mobile health clinics, mobile latrines, and food provisions and temporary shelter for those made homeless as a result of the demolitions.

However, the government failed to comply with the emergency relief measures provided in the court order. Instead, the newly homeless residents received a shortage of water provisions, dysfunctional toilet facilities, and ill-stocked medical clinics.

By mid-summer the DHC had directed the Delhi Urban Shelter Improvement Board (DUSIB) to perform a survey, documenting which residents would be eligible for government provided rehabilitation under existing provisional policy. The DHC ordered the DUSIB to finish the project by the end of the year (December). Yet, when HRLN workers accompanied Baljeet Nagar demolition victims to the DUSIB office to provide the board with required residency documentation, the human rights activists were told by the board officials that thy had no intention of completing or filing the report as directed by the DHC; the DUSIB officials did not believe that the report work was their responsibility.

Consistent with what HRLN had been told, the DUSIB officials neither completed nor submitted the necessary report at the years end for the victims of the government imposed demolition. In response, the DHC gave the DUSIB another full month to comply with the order. This deadline, as well as two subsequent deadlines granted to the DUSIB, was ignored. Finally, in late spring of the following year, after missing the April court hearing, the DUSIB officials began to work on the court-ordered project of documenting which residents were eligible for government rehabilitation.

When the DUSIB, in collaboration with the DDA, finally arrived at the jhuggi settlement and began collecting residency documentation, other issues occurred. Namely, the board officials chose to accept only election cards and ration cards as proof of residency. Since not all jhuggi residents posses these official forms of identification, many demolition victims were denied mention in the rehabilitation report; the DUSIB officials denied the residents the option of providing alternative forms of identification and residency.

After hearing of the injustice occurring against the demolition victims, human right’s advocates at HRLN filed an application requesting that the court require all DUSIB officials answering to the court to accept all reasonable evidence explaining and/or proving residency from the Baljeet Nagar dwellers. The hearing for this application is scheduled to take place this summer.

### Jhuggi Jhopri EktaManch vs. Metropolitan Corporation of Delhi &Anr. WP(C) 3756/2012 (Originally filed as 6934/2011)

A community of jhuggi dwellers living in East Kidwai Nagar was partially demolished with no prior notice. The settlement, locally known as Arjun Das Cluster, was destroyed by the Municipal Corporation of Delhi (MCD). The MCD claimed that the land was needed to make way for the Commonwealth Games of 2010, yet nothing was done with the land where the houses were previously located and the residents are now dwelling in the same area where they have created temporary jhuggies.

Residents filed complaints independently for years, through public grievance hearings, but they received no response or relief. In 2011, HRLN, in collaboration with the Jhuggi Jhopri Ekta Manch (an NGO for the rights of jhuggi dwellers), filed a case on behalf of the Arjun Das residents. However, after multiple court hearings, the DHC dismissed the case altogether after hearing that the MCD was conducting a survey of the residents they had harmed. HRLN and the DHC expected the MCD to use the survey as a means of revealing needs, determining eligibility, and assisting the victims by providing necessary rehabilitation methods. No aid was provided to the victims of the demolished jhuggies. Instead, when the DHC was on vacation, the MCD returned to the Arjun Das camp with bulldozers, intending to demolish the remaining jhuggies.

With the assistance of land-rights advocates from HRLN and other organizations, the residents were able to convince the MCD workers to wait two days before bulldozing any additional structures. The MCD workers made it clear that they would return as planned to finish their work. HRLN filed an emergency petition application to the vacation bench of the DHC. The DHC insisted that the case be filed new – not as a petition to a previously filed case – but they issued a one-week protective order, temporarily preventing action from the MCD, for the safety of the Arjun Das residents.

Because the court order was not made available immediately, the MCD returned as promised, with the assistance of the Delhi Police, and began demolishing more jhuggies. Arjun Das residents and local activists attempted to delay the demolitions, pleading with the MCD and explaining that the court had ordered the protection of the residents and their homes. The MCD officials refused to regard the order without a paper copy in hand. Thankfully, the activists and residents were able to get a copy of the order by noon that day, preventing the complete destruction of the Arjun Das camp. A new case was filed with the DHC, as requested, and the MCD consented to postpone the demolitions until after the court hearing.

### Municipal Corporation of Delhi (MCD) demolished the houses of 15 Dalit families in Karol Bagh

In complete disregard of a case filed with the DHC, and the subsequent scheduled hearing, the MCD demolished the homes of multiple Dalit families. All of the afflicted families had been living in a settlement in Karol Bagh for 60 years, yet they were not given adequate notice of the eviction and demolition of their homes. By not providing necessary notice to the residents, the MCD violated many of the residents’ constitutional rights, including the right to life and shelter. At the time of the demolition, the legality of evicting the residents was being questioned by the DHC, and an initial hearing had been scheduled for the following day.

The residents of the slum community, about 80 people, were all part of the Valmiki scheduled caste, and had been residing on the land for many years. A previous government employee (responsible for up-keeping nearby facilities) established the settlement before partition. Because of the community members’ caste and social status, the victims of eviction are considered extremely vulnerable, especially the women, young children, elderly, and disabled.

Earlier in the year the community residents found an unsigned and undated notice stating that they were illegally squatting on the land and that their homes would be destroyed in three days. Three days passed and no one showed up to evict them. The community leaders informed HRLN as well as the National Campaign on Dalit Human Rights (NCDHR) about the demolition notice they had found. In response to the notice, HRLN brought forth a case before the DHC on behalf of the community members. Hearing of the lawsuit, MCD officials, along with the force of the DP, evicted the Valmiki residents from their settlement and proceeded to demolish all 15 homes.

By demolishing these homes the MCD violated various laws and policies, including the Public Premises Act (PPA) of 1971, as well as the 2021 Delhi Master Plan. Both adequate notice of eviction and government provided rehabilitation/resettlement are plainly states as statutory rights for all citizens being forcibly moved from their homes. Demolishing the 15 squatter homes in Karol Bagh was sad proof of the government’s plan for “city beautification”. According to the Master Plan, urban poor populations should be located in “small clusters in a manner that they can be integrated with the overall planned development of the area” (HRLN). Since the Valmiki community settlement of Dalit citizens was well integrated alongside wealthy citizens, and thus fulfilled the desired housing and development plan set forth in the Master Plan, it was clear that the government authorities of the MCD had other reasons for demolishing their homes.

The National Urban Housing and Habitat Policy (NUHHP) of 2007 necessitates the provision of “affordable housing for all” and places importance on housing provisions for the vulnerable individuals in society, such as those of scheduled castes (NUHHP section 1.29, HRLN). Thus, in addition to the Master Plan and the PPA, the MCD also disregarded housing policy set forth in the NUHHP.

No compensation, rehabilitation or relocation efforts have yet been made for the [currently homeless] Dalit families of the demolished Karol Bagh settlement. The government has failed to provide recompense to the victims of their illegal actions.

### In this historic Judgment, the Delhi High Court (DHC) ruled in favor of the meaningful relocation of jhuggi dwellers, guaranteeing their quality of life and dignity, and creating a duty of the State to ensure that slum dwellers are aware of their rights: Mukandi Lal & Others V. Municipal Corporation of Delhi & Others, Writ Petition (Civil) 9246 of 2009

A jhuggi community, locally known as the Gadia Lohar Basti was demolished by the MCD in 2009. Those residing in the Basti - a nomadic, scheduled tribe originally from Rajasthan - had lived in their jhuggies since migrating to Delhi in 1965. Following the demolition, the MCD failed to perform their responsibility of providing rehabilitation to the afflicted families. Consequently, stemming from a lack of resources and government aid, the families took to living and sleeping on the streets. Additionally, because of their social status and homelessness, the families were harassed and exploited by local police officers and residents.

After being informed of the suffering the Gadia Lohar people were experiencing, HRLN sent two lawyers (Jayshree Satpute and Anant Kumar Asthana) to inspect the site and interview the people. The lawyers found that their homes (as well as their businesses) had indeed been demolished. The police were harassing the residents to vacate the area altogether. The lawyers then filed a case with the DHC, requesting that rehabilitation be provided to the previous Basti residents. In accordance with MCD government policy, those pleading the case were to receive 25 square yards of land, with ownership rights. Instead, the MCD argued that because of the upcoming Commonwealth Games in 2010, and the development required to accommodate the event, the existence of all such jhuggies would no longer be permitted. Furthermore, the MCD officials argued that there is no legally enforceable policy requiring them to provide rehabilitation to the victims of the demolished jhuggies.

Five months later, the DHC ruled that the former Basti residents shall be granted alternative relocation land within four months time. Additionally, the High Court ruled that each relocation site must ensure the citizens right to basic amenities, granting them their right to life, dignity and health. In order to promote awareness of the court’s ruling among other harassed jhuggi dwellers, the DHC directed the Delhi Legal Services Authority (DLSA) to promote publicity of the case and its results, requiring the DLSA to hold information sessions in jhuggi clusters.

### Sanchal Foundation vs. Delhi Development Authority & Ors.,W.P.(C) 790/2012

Following the Delhi Development Authority’s (DDA) demolition of nearly 2,000 jhuggi homes (located in both Banuwal Nagar, Delhi and Pragmati Market, Delhi), evidence came forth revealing that not all evicted families received proper rehabilitation, as set forth in government policy. Instead, many families were denied rehabilitation provisions despite fulfilling the eligibility requirements.

Advocating on behalf of the evicted residents, land-rights activists from the Sanchal Foundation (an NGO promoting community rights in Delhi) confronted the DDA as well as the Governor of Delhi. The activists collected the residents’ eligibility requirements, including proof of residency, and submitted all data to the DDA demanding reparation for the victims of the enforced demolition. It was apparent that the DDA had previously failed in their initial efforts to register evicted residents. Their failure to collect data was a result of multiple issues: 1) they did not re-visit residents that were not home when they initially collected documentation, 2) they did not accept all forms of residency documentation available, 3) they did not account for homes that were used for both business and residential purposes. Furthermore, the evicted residents had compiled numerous charges of misconduct and corruption against one DDA official in particular. Suspiciously, the DDA official in question had retired from his job and begun selling land in the same area.

Of the families wrongly denied relocation and rehabilitation, some had followed the already relocated families to the newly appropriated land sites and were living on empty plots awaiting their own share. Yet, because the DDA failed to rectify the situation and grant the eligible residents the land, many of the families’ homes were once again demolished on the new sites.

Activists at the Sanchal Foundation finally approached HRLN, requesting that they file a court case against the DDA on behalf of the evicted jhuggi residents. The case was filed early the next year, arguing against the corruption of the DDA, and stating that the DDA had repeatedly denied rehabilitation to those eligible (according to the DDA rehabilitation policy). The case also argued that the DDA rehabilitation policy is overly ambiguous and is therefore ineffective and easily manipulated by DDA officials. The case, developed by HRLN, included a protocol for how the DDA should handle future evictions without denying the residents of their constitutional rights.

The DHC granted a temporary protective order of the evicted residents, allowing them to remain squatting on the land without threat of eviction. The next hearing has been scheduled to take place in the fall.

### Brahma Pandey vs. Delhi Development Authority & Ors WP(C)???? /2012 (Originally filed as NCDHR vs. DDA &Anr, WP(C) 7388/2011)

After being given informal notification of a coming demolition, jhuggi cluster residents near Panday Nagar (Delhi) successfully protested the demolition of their homes. The DDA officials in charge of the demolitions temporarily halted the eviction and subsequent demolition. The jhuggi residents had been living on the land since the 1980’s and were not prepared to move.

After hearing of the attempted jhuggi cluster demolition by the DDA, HRLN lawyers and activists from the National Campaign on Dalit Human Rights (NCDHR) interviewed the jhuggi residents and filed a case against the DDA on behalf of the community. The case argued that eviction and demolition of the jhuggi cluster was as direct violation of the residents’ rights, according to local, constitutional, and international law.

In response, the DHC issued a temporary protective order of the jhuggi cluster, thus preventing further demolition. Additionally, the DHC ordered the DDA to determine which residents were eligible to receive rehabilitation measures. The residents, with the assistance of a housing-rights organization known as the Hazards Center, submitted their residency documentation to the DDA officials. Yet, the DDA failed to create the court-ordered report listing the residents’ eligibility.

The following month, the MCD began a road construction site next to the same jhuggi cluster. Soon after, the MCD informally announced to the residents that some of their homes would be demolished to make way for the construction project. In response, HRLN filed a new case on behalf of the residents to prevent unauthorized demolition of the cluster by both the DDA and the MCD. HRLN argued that any demolition action was illegal without an official report listing the rehabilitation eligibility of the jhuggi inhabitants, and alternative housing sites provided. The hearing is now scheduled for the fall.

## Field Data: Interviews with Baljeet Nagar Residents

The following interviews took place with residents from the recently demolished jhuggi cluster in Baljeet Nagar. Each story describes the events surrounding the demolition and/or the resulting consequences. All interviewees’ names are accurate; their identities no longer need to be protected since they each provided a key testimony in the court hearing against the DDA regarding the demolition.

### Kamlesh Devi

###### Kamlesh is a 39-year-old housewife. She is married and has five children.

Prior to the demolition, Kamlesh had been living in Baljeet Nagar with her family for nearly twenty years. She declared that living in her home has not been cheap; instead, she says that her family has been paying all of their taxes and that the cost is very high. She also says that she is in possession of an identification card, as are the other residents, and that she has voted regularly ever since living in Baljeet Nagar. She was adamant that every one whose house was demolished has proper documentation – the same documentation required for rehabilitation purposes.

According to Kamlesh, fear of eviction has been circulating since she moved to the area, “This situation has been going on since 1995-96; they’ve changed the DDA staff over four times and identification documents change every five years.”

On the day of the demolition, Kamlesh saw one of her neighbors paying a 5,000INR bribe to a DDA official. The neighbor told her that the houses would not be destroyed, but that the officials were just trying to inflict fear in the residents.

At the time of the demolition Kamlesh’s husband was returning home from work. The authorities would not let him in the slum, but instead hit him four times with their stick, arrested him and locked him in the Patel Nagar police station. He remained locked up for six hours. According to Kamlesh’s husband, there were approximately eight others from the slum that were arrested and locked up at the police station. Those that were locked up were not permitted to witness what was happened at the Baljeet Nagar jhuggi cluster.

Kamlesh attested that certain officials were verbally abusive during the demolition. She said that one of the female officers hit her with a stick, verbally abused her, and threatened her, claiming “I recognize your face now, if you say one more word I’ll lock you up in prison for six months.”

Everyone was busy attempting to remove their belongings from the jhuggis; Kamlesh had no one to assist her in trying to move her things. She said that she didn’t think things would have been so bad and destructive if the officials hadn’t lied to the residents. The jhuggi residents were not given any prior notice regarding the demolitions.

Kamlesh voiced her appreciation for organizations such as HRLN - organizations that assist slum residents and Dalit citizens. Yet, she stated that there is are no organized services or facilities in place to protect the people from the conditions in which they live, especially after such demolitions, “All DDA officials have the fortune of living in air-conditioned houses, but we have no such luck. We don’t even own a fan. Children suffered much more than adults, as some came down with fever. My children for example didn’t eat for 2 days. Besides, since we have no place else to go, a lot of our things got stolen. We had to guard our belongings for around 8 days.”

### Balwant Singh

###### Balwant is 40 years old and married. He has three children, one son and two daughters.

According to him, the demolition of his jhuggi community began during the day while he was out. When he returned to his community he was told that a meeting was in process with the Chief Minister of Delhi, members of Parliament, and others. It was not long before he found out about the demolition that was actually taking place, but at that point it was too late for him, and others in the community, to remove their belongings from their homes. When he attempted to enter the community to retrieve his things, he was told not to enter by the DDA and the Delhi Police (DP). While the demolition was taking place Balwant asked the officials to leave the part of his home that was still remaining; he pleaded with them to not demolish it further. They refused to comply with his request. All of his belongings are now permanently damaged or destroyed as a result.

In direct violation of Delhi law, Balwant was not given the adequate notice he deserved in order to clear out his home. Furthermore, he is handicapped so it would have taken him longer than most to enter his jhuggi home and gather his belongings.

Balwant recounted how many lost everything. Some residents were even physically injured. One of his brothers, also living in the community, is now disabled because the officials beat his leg badly.

Another problem (slightly less severe) that the residents faced, concerned their children. The demolition took place on the same day as the children’s school exams. The police had barricaded off the school, requiring the children to jump the wall in order to take their exam. Also, Balwant said that his own son (a student in his eight year of studies) was so concerned about the well being of his family and what was to come of their home that he was unable to concentrate on his exam. Balwant said that other children expressed similar concerns.

Balwant has since requested that the Delhi government make things right with the people. He has asked that they rebuild their homes the way that they were so the people no longer have t live in agony and amidst such hardship. With many people living under tarps in the mud and dust, many have become ill. They are not able to eat properly without their homes. Balwant told me how, after the demolition, one of his friends resorted to drinking the contaminated water. His friend is now quite ill and is currently receiving treatment in an effort to regain health.

The peoples struggles have never reached a point of severity similar to what they are now living. In describing their current circumstances, Balwant stated that mere survival has become an overwhelming struggle.

### Poonam

###### Poonam is a fourteen-year-old student. She is in her twelfth year of studies.

Poonam was supposed to complete an exam on the day of the demolition. She remembered that on the day of the demolition many people from outside the community were present. She described the situation as being chaotic and disorderly.

She recalls the role that the police played on March 23rd, the day of the demolition. Poonam said the police forced them from their homes, utilizing violence. Her sister was injured in the process. Yet, the police would not let her, and her family, leave the premises of the community. Poonam missed the first half of her exam as a result.

Since the demolition took place, Poonam and her family have been forced to live in the dust and rubble, with no shelter for the Delhi heat and sunshine. She has been unable to study in the conditions in which she now lives since she has no access to electricity much less a place to rest at night. Like Balwant and others, Poonam and her family were not given time to remove their things from the jhuggi before the demolitions took place. Along with all of their belongings, Poonam has lost her schoolbooks and her admission card. Like many others possessions, they are long lost under the debris left by the bulldozers.

### Sanjay Kumar

###### Sanjay is 25 years old. He is unmarried and sells flowers for a living.

****

There were nine others living in his home – his mother and father, four siblings, and his three cousins. Sanjay recalls March 23rd when he returned home from work, “I saw my house broken. They closed all roads from all four sides. There were so many police officials till Ramjas Colony. And if we were enquiring about what was going on, they asked us to leave and let them do their work. Where should I go and die now, when I spent so much to build the house?”

Sanjay described the previous situation of bribery, and how the jhuggi residents thought that paying officials at least ensured the safely of their homes. He remembered how the both the DDA and police officials used extortion, demanding thousands of rupees from each jhuggi owner when the homes were newly built (five to six thousand each). “Over the years, one police official has taken 50,000 from us, when we asked for his contact details he refused to give it.” During the demolition, Sanjay recognized the same police officers that had been taking bribes from them for years. They were busy roaming around the jhuggi homes and no one could ask them why they were demolishing the houses after being given so much money.

### Anu Devi

###### Anu is 25-years-old. She is married and has two sons.

****Anu describes life after the demolitions. She is currently six months pregnant and has struggled with her health, as well as the health of her children, since her jhuggi was demolished. She tells how eating regular meals is impossible in their current situation; she and her family are constantly weak and struggle with stomach pains. Also, without proper shelter she is unable to sleep regularly – the dust, the insects, and even the threat of robbery all keep her from getting adequate sleep.

Anu has neglected to go to the hospital and check on the health of her baby for the past two months. She has not been vaccinated and she is unable to receive the medicine she needs because her pregnancy is not registered. She needs a Janani Suraksha Yojani (JSY) card (a government healthcare scheme for pregnant mothers) in order to get healthcare and benefits. Without this card she cannot afford the care that she needs as a pregnant mother. The demolition of her home has jeopardized the health and well being of both her and her children.

### Lal Kumar

###### Lal is married and has five children. He is 44-years-old.

Lal began by described the day of the demolition, recalling, “Most of the people of this community has been living here since 2001. Yet there was no notice prior to this demolition. I was going to the office and I saw a police van standing there, so I came back.” He described the scene the day of the demolition, noting the presence of both police and government officials. The police officers barricaded off the slum, refusing to let any of the residents cross through the area. Lal said that many, including him, requested to see an official demolition notice. The DDA failed to present any such document. Those who tried to get across the barricade or protested the absence of the demolition notice (including Lal) were arrested and locked up in the Patal Nagar police station; they were not released until after the demolition took place.

Lal made three significant points regarding the post-demolition status. First, he described the reality that all prior residents face. No one has shelter or protection. They must endure the scorching heat, the dengue and malaria-carrying mosquitos, heavy rainfall, and late-night thieves. There is no longer any haven of security, only fear and hardship.

Secondly, the community (now homeless) no longer has any basic amenities. Following the demolition, the court ordered the DDA to provide adequate water to fulfill the needs of the residents. Instead, the DDA brings one water tanker every ten days. Since the water supply is now scarce and not adequate to provide for the needs of the community, the women race to the tank and physically fight each other to get water. The DDA stand by watching the women fight and take pictures of the tank to convince the court that they are complying with the orders. One water tanker every ten days is not enough for four thousand people, but the people have no power to receive more. Lal recalls that the DDA used to deliver a water tank every three or four days prior to the demolition, but ever since the demolition their supply has been cut short. The court also ordered the DDA to deliver mobile latrines for the residents use. However, the latrines being sent have no water and are therefore useless.

Finally, Lal mentioned that the residents have been living without electricity since the demolition. The electrical companies refuse to bring electricity back to area until the residents build rooms, “The electricity department officers say that they'll give connection only if the people here build themselves a room.” The court has not ordered any action on behalf of the DDA regarding the absence of electricity in the community.

### Pushpa Devi

###### Pushpa is married and has five children. She is 35-years-old.

Pushpa made the following statement regarding house payments in the now-demolished jhuggi cluster:

*I have been living here since 2003 and I have had to make many payments - about Rs. 25,000 in total - to different officials, for allowing my family to have a house. Once when I got a li􏰆le late in making the payment, they pushed me to the ground and said that they wouldn't let me finish to build the house un􏰀l they get money. If you build just one wall, it will cost you Rs. 10,000, Rs. 20,000 for 2 walls, Rs. 30,000 for 3 walls, etc.; if you also need a roof, it will cost you Rs. 20,000 more. The Police Officials take money too. If they see that we are very poor, they will take Rs. 10,000, otherwise Rs. 20,000. And, if somebody is rich, then Rs. 50,000…. They have robbed us. I have no money now…”*

### Anveesh Kumar

###### Anveesh (son of Ramesh Tiwari) is five-years-old.

Anveesh was present the day of the demolition and made this statement, explaining to me the day’s events: “I lost my eye during demolition. On 24th my father was trying to evacuate our belongings from the jhuggi and while running… I fell down and injured my eye. I am now going to preschool and I really want to study more, but my eye hurts and pains badly.”

Photo Credit for all interviewees: Human Rights Law Network (HRLN)

## Interpretation

The idea of forcibly removing an entire community of people (people who are not committing any crime) without either their consent, or the provision of an alternative, equal accommodation, is inhumane. Furthermore, from my observations, it allows local authorities a situation in which they can lawfully inflict pain and abuse on a socially and economically marginalized people group. This enables already powerful authorities the power to act violently against an outcast society, creating habits of legal, structural violence within a community of local authorities. This concept is demonstrated in the case of the Baljeet Nagar eviction, as the victims interviewed have all expressed.

### The Right to Adequate Housing Supported by Local Law

Adequate housing is a basic human right supported by the Indian Constitution. Previous court cases –defining the right to liberty and dignity as encompassing the right to housing – supplement the rights expressed in the constitution. In the case of *U.P Avas Evam Vikas Parishad vs. Friends Coop. Housing Society Ltd*. (1996), the Court stated: “The right to shelter is a fundamental right, which springs from the right to residence under Article 19 (1)(e) and the right to life under Article 21.”

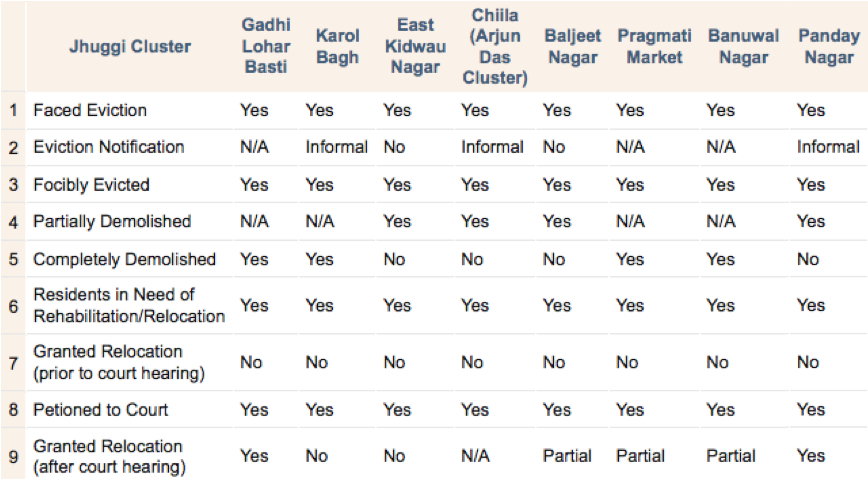
Despite this bold legal statement, the right to adequate housing, along with many other subsequent rights, is frequently violated in Delhi as demonstrated in the above jhuggi case studies. As a response to the city and states’ failure to secure the rights of those living in informal settlements, various organizations (both local and foreign) have documented the rights of Indian citizens and fought cases of eviction in order to provide them with their potentially violated fundamental rights. The process to do so is long and tedious, but has proven to be successful in past examples. Establishing and following a guideline for how evictions must be fought (and human rights respected) is necessary in successfully securing compensation or alternative housing for Indian citizens living in informal settlements. The following sections demonstrate and clearly define the Indian laws that are violated and how such violations abuse the human rights of Indian citizens.

### Lack of Due Process

The following chart displays the number of jhuggies exposed to eviction and demolition, detailing the process each community encountered during the time of eviction.

Eviction Process

###### This chart explains what procedure was taken with each jhuggi eviction listed



All eight communities were forced to appeal to the Delhi High court for assistance. This demonstrates a lack of due process concerning the Delhi Development Authority (DDA) and the Municipal Court of Delhi (MCD) in carrying out evictions. All communities that sought help, or were aided by local human-rights organizations such as HRLN, understood that their rights had been abused because of their social status and place of dwelling. Every jhuggi cluster approached and/or threatened by local authorities was comprised of marginalized people groups; jhuggi communities are formed and inhabited by the poorest and most vulnerable in society.

Due process required prior to eviction includes giving adequate notice of eviction to the community members and providing rehabilitation and relocation. It is clear from the studying the history of the jhuggi clusters in Delhi that these rights are not afforded to the citizens. Instead, as is seen in the court cases, jhuggi community members must appeal to the court after their rights have already been abused, demonstrating a lack of reverence and of obedience towards the laws in place.

Legal Procedure for Jhuggi Clusters

###### The following graph demonstrates the available legal action that can be taken to either establish or demolish a jhuggi cluster

### Failure to Comply with Policy

Relocation Statistics of all Jhuggi Clusters (after court hearings)

###### This graph provides an accurate representation of the percentage of Jhuggi clusters that are granted relocation following eviction

Only 25% of all jhuggi residents (from all eight communitites) received relocation. This data represents those who were granted relocation *after* appealing to the court; no communities received relocation and alternative housing – as required by law according to previous court cases – before filing a petitioning with the Delhi High court.

According to the evolution of eviction study conducted by Guatam Bhan, less the amount of evictions in Delhi hav increased significantly over the past twenty years. Bhan notes that, of all communitites evicted in between 2004-2007 (45,000 families), less than 25% were provided relocation measures.

*Between 1990 and 2003, 51,461 houses were demolished in Delhi under “slum clearance” schemes. Between 2004 and 2007 alone, however, at least 45,000 homes were demolished, and since the beginning of 2007, eviction notices have been served on at least three other large settlements. Fewer than 25 per cent of the households evicted in this latter time period have received any alternative resettlement sites* (Bhan, 127).

Notification of Eviction

###### This graph portrays the percentage of demolished jhuggi clusters that received any form of eviction notification

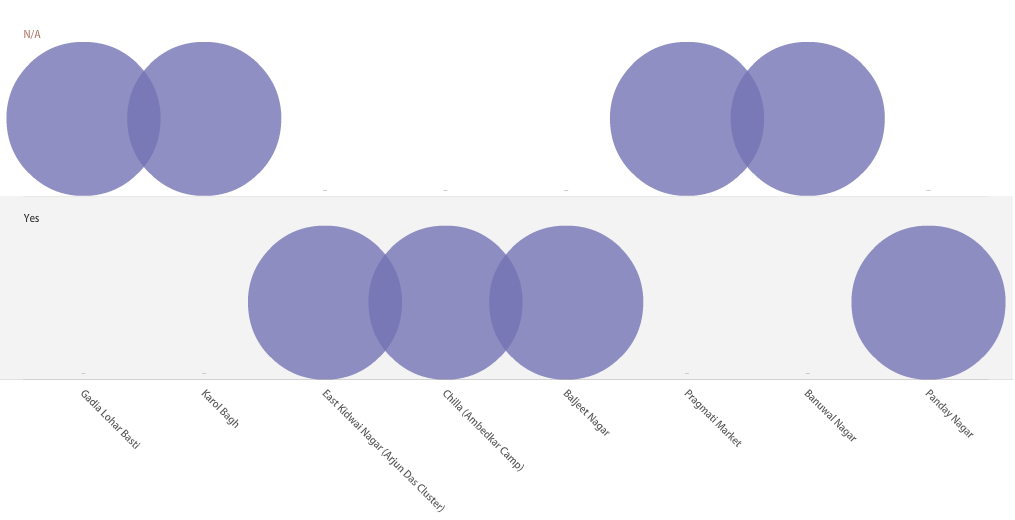
Of all evicted communities studied, none had received proper eviction notification from the government authority in charge. Formal eviction notification is recognized as part of due process according to the MCD, and is to be delivered to community residents prior to the event of an eviction. Furthermore, International law demands that notice of eviction must be delivered, in writing and with sufficient time prior to the date of eviction, to each of the community residents expected to be affected (UN Guidelines on Development-based Evictions and Displacement, 2007).

### Social Status, Wealth and Land Security

Jhuggi dwellers, because of their status in society and overwhelming lack of respect, often face land-security threats. Middle and upper class citizens, who are more respected socially, are rarely threatened or faced with eviction. This is true even for those living in and/or owning property in unauthorized communities (Payne, 428).

Jhuggi Clusters Completely Demolished

###### The graphic demonstrates the ratio of partially demolished jhuggis versus completely demolished jhuggis. It also demonstrates the likelihood that jhuggi clusters will be demolished.



(N/A represents partially demolished communities)

Each jhuggi community studied (eight total) faced eviction and was either partially or entirely demolished. According to the UN Basic Principles and Guidelines on Development-based Eviction,

*When eviction is unavoidable, and necessary for the promotion of the general welfare, the State must provide or ensure fair and just compensation for any losses of personal, real or other property of goods, including rights or interests in property. Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case...*

There is no proof that any of the evictions that took place in these eight communities were unavoidable, for developmental purposes, or to promote the general welfare. On the contrary, considering the amount of persons negatively affected as a result of the evictions and demolitions that took place, the welfare of the public was harmed, not helped.

# Conclusion: Reflections and Application

## Personal Perceptions

As an outsider, and more importantly a foreigner, the way I perceived certain situations may have differed from a Delhi-native’s perception and experience. Outside of slum communities, my identity as a foreigner resulted in increased prices and instant recognition and familiarity. In the jhuggi communities where I conducted my observations, however, my status as a foreigner welcomed many questions and occasionally resulted in special treatment (such as homemade food, cold beverages, and physical comfort). Yet, most significantly, my status prompted the slum residents to perceive me as a tool for change; they expected me to use my influence to alter their status, the way they are perceived and treated, and the harsh realities they face as a socially marginalized people group. I learned quickly that asking questions about their community and what basic amenities and public benefits they possessed caused them to believe that I would be instrumental in creating changes and either indirectly or directly producing what they lacked.

Working with Shakeel Abdul Basha - an instrumental advocate for human rights who, himself, was once a jhuggi resident – drastically altered the way I was perceived. Collaborating with Shakeel and HRLN to assist the jhuggi residents allowed me to understand the jhuggi reality in it’s true light. Furthermore, working with local bodies changed the jhuggi communities’ perception of me; jhuggi residents continued to express their hopes that I would assist in producing positive, sustainable change, but my association with HRLN and Shakeel resulted in a sense of respect and familiarity instead their initial perception of me as simply a wandering foreigner with money.

## Significant Findings

Several national policies recognize the need of the government to provide improved housing and shelter. The core focus of India’s *National Urban Housing and Habitat Policy, 2007,* is the, “provision of ‘Affordable Housing for All’ with special emphasis on vulnerable sections of society such as Scheduled Castes/Scheduled Tribes, Backward Classes, Minorities and the urban poor*.”*

One of the governing principles of the Draft National Slum Policy, 2001, is that it “endorses an upgrading and improvement approach in all slums. It does not advocate the concept of slum clearance except under strict guidelines set down for resettlement and rehabilitation in respect of certain slums located on untenable sites.”

Considering past evictions and exploitation of jhuggi communities in Delhi, as well as recent outbursts of evictions across the entire city, it seems that the government’s responsibilities and principles have been neglected and even abused. “Between 1990 and 2003, 51,461 houses were demolished in Delhi under “slum clearance” schemes*”* (Bhan, 128).

Prior court cases confirm the recognition of basic human rights, the existence of law protecting such rights, and the government authorities’ responsibility to comply with such law. However, the overwhelming number of cases against the governing land management authorities, such as the DDA and the MCD, prove that the authorities in place have neglected to abide by the laws that protect the human rights of all individuals. Because of societal patterns of discrimination against lower castes and underprivileged people groups, it is the most vulnerable in society that are commonly evicted, with no regard for their human rights.

The lives of billions of people are damaged and affected as a result of this misconduct. Thus, it is essential that the government misconduct be made known publicly and internationally in an effort to produce change, bring justice to the victims, and discipline the parties involved.

## Biblical Correlations

### Tax Collectors

One significant parallel that I drew between biblical times and principles and the issues I studied in Delhi is in regards to government authority and corruption. In the New Testament there are many references to tax collectors. They were generally disliked and even ostracized by the general public because of their tendency towards corruption (Matthew 18:17, “If they still refuse to listen, tell it to the church; and if they refuse to listen even to the church, treat them as you would a pagan or a tax collector.”) Tax collectors, like the DDA and the Delhi police officials, were extortionists; they used their status and authority for personal, monetary gain at the cost of cheating and exploiting others.

Although what the DDA and Police officials are dong is evil, Jesus brought about change by befriending the corrupt and ostracized. Much to the disdain of the public, Jesus ate with the sinful tax collectors and intentionally welcomed them into his life.

*As Jesus went on from there, he saw a man named Matthew sitting at the tax collector’s booth. “Follow me,” he told him, and Matthew got up and followed him. While Jesus was having dinner at Matthew’s house, many tax collectors and sinners came and ate with him and his disciples. When the Pharisees saw this, they asked his disciples, “Why does your teacher eat with tax collectors and sinners?” (Matthew 9:9-11).*

Perhaps such connections and risk need be taken by those advocating for the rights of jhuggi residents in order for significant sustainable change to take place.

### Jubilee

Secondly, I saw another meaningful connection between biblical principles surrounding the idea of land and the current status of land ownership in Delhi. The biblical concept of Jubilee represents rest, forgiveness of debt, freedom, grace, mercy, liberty, and community. It is a beautiful example of selflessness and success attained through having a communal mindset. Sadly, it is no longer practiced in most (if any) societies today.

However, I instantly saw the correlation between land-rights issues in Delhi and the absence of Jubilee principles. There are a number of practices set forth in the Jubilee command that would assist in replacing exploitation and corruption with equality, peace and justice. For example, in Leviticus 25:14 we are told, “If you sell or buy property from one of your countrymen, don’t cheat him*.”*

Furthermore, Leviticus 25:23, 24 and 28 declares,

*The land cannot be sold permanently because the land is mine and you are foreigners—you’re my tenants. You must provide for the right of redemption for any of the land that you own. …If he doesn’t get together enough money to repay him, what he sold remains in the possession of the buyer until the year of Jubilee. In the Jubilee it will be returned and he can go back and live on his land.*

These practices, if managed properly and exercised with a selfless mindset for the good of the community, would allow for a more just distribution of land in Delhi. If the practice of jubilee were embraced it would ensure that the exploitation of the poor for the personal gain of a select few would cease to occur.

## Community Return

In an effort to give back to the community, as well as to the organizations that assisted me in my research, I have submitted a handbook of my findings to both HRLN and HAQ. Both organizations will use my report as a data reference to defend the human and land rights of jhuggi residents. Additionally, my intention is for the handbook to be used to raise awareness among jhuggi dwellers of their basic rights. My supervisor, Shakeel Abdul Basha, has also requested a presentation of my data (for use at both organizations). I will be delivering the presentation to him on August 1st, 2013, as well as sending him a copy of the data in presentation format.

## Research

I was quite privileged to make connections with reputable organizations working in Delhi. The action taken by workers at both HRLN and HAQ has been instrumental in securing land-rights for jhuggi residents. Having Shakeel (an individual whose independent work has produced significant progress in the area of human rights for the poor and vulnerable across India) as a research guide has contributed to the comprehensiveness and validity of my field research.

Although I initially found it difficult to identify and secure organization contacts in Delhi, I heard back from Shakeel promptly and was able to form many connections through his association with the human-rights sector of development workers. Besides assisting me in my research process and connecting me to key contacts, Shakeel also worked as my interpreter in the field; his contribution to my study was vital to the success of my research.

## Personal Thoughts

Residing and working in Delhi broadened my understanding of human-rights abuses among the socially vulnerable. Living among poor families in Low Income Housing (LIH) revealed the harsh struggles that poor families in Delhi face on a daily basis. Having had similar experience working in South African townships in the past allowed me to compare and contrast the human-rights differences between countries and governments. Yet, in contrast to South Africa, I witnessed hardship on a deeper level in Delhi, partially due to the long-term duration of my stay.

Realization of the basic human rights denied millions of ostracized people in Delhi, in utter disregard for local and international laws defending such rights, disturbed and devastated me. I have heard and even seen similar abuses (on a smaller scale) occur in rural areas where government legislation is neither known nor followed, but to see such abuses take place in a capital city with government power and legislation in place to protect the human rights of individuals is inconceivable and traumatizing.

My hope is that the research I conducted and compiled will be used by organizations in Delhi to defend and protect the rights of vulnerable individuals, loudly declaring the injustices that occur so that they can no longer be ignored by the government. Whether or not I continue concentrating on the poor in Delhi, I will continue to defend the human rights of vulnerable and ostracized people; fighting [non-violently] to promote the human rights of individuals created in the image of a Holy God can neither be neglected nor postponed.

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## Appendices

## Informants

Abdul Shakeel Basha, Human Rights Advocate, World Faith Regional Manager in Delhi, and Founder of HAQ (a Homeless Rights Organization), has played a key role in my research. He fulfilled the responsibilities of Project Assistant, Translator, and Field Coordinator during the course of my data-collection and observation process.



Photo Credit: Abdul Shakeel Basha

## Supportive Material

## Additional Graphical Data

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Total Slum population in India** | | | | |
|
| **S No.** | **State / UT** | **Total Slum population** | | |
| **Persons** | **Males** | **Females** |
| 1 | India | 42,578,150 | 22,697,218 | 19,880,932 |
| 2 | Andaman & Nicobar Is. | 16,244 | 8,855 | 7,389 |
| 3 | Andhra Pradesh | 5,187,493 | 2,625,745 | 2,561,748 |
| 4 | Assam | 82,289 | 43,472 | 38,817 |
| 5 | Bihar | 531,481 | 282,772 | 248,709 |
| 6 | Chandigarh | 107,125 | 62,762 | 44,363 |
| 7 | Chhatisgarh | 817,908 | 422,096 | 395,812 |
| 8 | Delhi | 2,029,755 | 1,140,334 | 889,421 |
| 9 | Goa | 14,482 | 7,469 | 7,013 |
| 10 | Gujarat | 1,866,797 | 1,020,288 | 846,509 |
| 11 | Haryana | 1,420,407 | 778,734 | 641,673 |
| 12 | Jammu & Kashmir | 268,513 | 143,416 | 125,097 |
| 13 | Jharkhand | 301,569 | 158,532 | 143,037 |
| 14 | Karnataka | 1,402,971 | 714,413 | 688,558 |
| 15 | Kerala | 64,556 | 31,699 | 32,857 |
| 16 | Madhya Pradesh | 2,417,091 | 1,269,757 | 1,147,334 |
| 17 | Maharashtra | 11,202,762 | 6,137,624 | 5,065,138 |
| 18 | Meghalaya | 86,304 | 43,078 | 43,226 |
| 19 | Orissa | 629,999 | 330,054 | 299,945 |
| 20 | Pondicherry | 73,169 | 36,012 | 37,157 |
| 21 | Punjab | 1,159,561 | 629,326 | 530,235 |
| 22 | Rajasthan | 1,294,106 | 681,541 | 612,565 |
| 23 | Tamil Nadu | 2,866,893 | 1,441,437 | 1,425,456 |
| 24 | Tripura | 29,949 | 15,093 | 14,856 |
| 25 | Uttar Pradesh | 4,395,276 | 2,348,679 | 2,046,597 |
| 26 | Uttranchal | 195,470 | 103,895 | 91,575 |
| 27 | West Bengal | 4,115,980 | 2,220,135 | 1,895,845 |
| Source: Census of India 2001 | | | | |



## Project Plan (Final Draft)

##### Project Title

Land Rights in Delhi: A Legal argument for the human rights of jhuggi residents

### Research Question

Are basic human rights violated by local authorities in the process of obtaining and securing government land in Delhi?

##### Topic & Issue

The right to land is a controversial topic in megacities throughout India and the world, in areas both developing and developed. Since living and studying in Delhi, India I have come in contact with land rights advocacy organizations, Land rights activists, and slum dwellers who are evacuated from their jhuggies (shanty homes) annually. My involvement with the organizations and affected communities has inspired me to research the history of land ownership as well as the current laws revolving around land rights in the city of Delhi; my desire is to seek answers to questions regarding the legality of squatter communities. In doing so I desire also to explore and reveal any illegal activity enforced by government officials, including demolitions and evictions.

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##### Population Site & Community Relevance

Delhi’s population is strictly divided in numerous socio-economic groups, largely due to the historical caste system embedded into society and still present in the cities’ modern culture. Jhuggi communities, inhabiting a significant amount of Dalit citizens, comprise over half of Delhi’s population.

Over 8 billion individuals in the city of Delhi (52%) are currently residing in jhuggi communities.

3.2 billion of Delhi’s residents (20%) are considered ‘lower middles class’, defined as those living in Lower Income Houses (LIH) as well as possessing two or more of the following: scooter, television, telephone, refrigerator, radio (Kumar, 163).

4.5 billion of Delhi’s residents (28%) are labeled as middle class, meaning that they live in either a Middle Income House (MIC) or High Income House (HIH) and they typically possess a color television, a refrigerator, a scooter or car and a telephone.

Despite the overwhelming presence of jhuggie communities in Delhi, jhuggi residents are marginalized, abused and harassed by local authorities; they continually face the insecurity and threat of eviction from their homes, and the consequential estrangement from their livelihoods.

##### Research Assistance

Abdul Shakeel Basha - Human Rights Advocate, World Faith Regional Manager in Delhi, and Founder of HAQ (a Homeless Rights Organization) - has played a key role in my research, fulfilling the responsibilities of Project Assistant, Translator, and Field Coordinator.

##### Ethical Considerations

To prevent any information-gathering related risks caused to willing participants I will practice caution by maintaining alias names for all interviewees. I will also ask my site supervisor (a previous Indian slum resident) to accompany me for interviews in order for the residents to remain comfortable and unsuspicious of my presence; his assistance will prevent me from violating any cultural boundaries, both gender related and/or foreigner related.

Additionally, for the protection of all persons involved, I will not allow for any conversations with adolescents to be recorded or used in my research process and final documents. I will refrain from formally interviewing all children.

Other than revealing the identity of slum residents and government officials and using information from minors, I do not foresee any other ethically challenging issues regarding my subject matter. If the identity of all participants – slum dwellers, organization workers, and government officials included – is kept private and children do not officially participate in contributing information then I believe no ethical boundaries will be crossed.

##### Research Product

MA Thesis; Reference handbook for local land-rights organizations; Presentation of Information for use by the Human Rights Law Network (HRLN) and HAQ (a human rights advocacy organization).

##### Community Benefits

The handbook I create will contain applicable information pertaining to past court cases. This information can be used to defend the land- rights and human rights of marginalized communities and individuals in future eviction and demolition trials.