

Immediately after Eviction

Eviction Impact Assessment in Chilla Khadar Village: New Delhi, India

Introduction

On 23 March 2012, the Delhi Development Authority (DDA), without any notice or adherence to due process, demolished homes and forcibly evicted hundreds of men, women, and children of Chilla Khadar, an urban village located on the outskirts of Mayur Vihar Phase 1 in New Delhi. HLRN decided to carry out an immediate 'eviction impact assessment' (EvIA) at Chilla Khadar, to assess the costs and losses incurred by the affected families during the process of eviction.

The specific objectives of the survey were to: assess the status of education, employment, livelihood sources, and food security of the affected community living in and around Chilla Khadar Village, and to document the monetary losses they suffered during the eviction process.

Methodology

The rapid impact assessment used quantitative methods to collect the relevant data. The data collection process was completed in one day. Of a total of 1000 families living in Chilla Khadar, 100 families were chosen as the sample and interviewed for this study. Five surveyors took part in the administration of the surveys and data collection. They also carried out personal interviews with affected community members for the purpose of gathering relevant information, including qualitative data.

Background

Chilla Khadar has approximately 1000 families, mostly from the farming community, who have been living on the banks of River Yamuna for many years. The families have been involved mainly in farming activities on the land in and around the banks of the river. The farm labourers do not have formal title to the land, though many of them have been living there for decades. Government officials told the residents that the Delhi Development Authority (DDA) had acquired titles to the lands, which they have been inhabiting and using for their agricultural activities. Most of the farming families, however, continued to farm and reside on the land in Chilla Khadar. Some of the original farming families of the locality stopped farming activities and gave their lands on lease to other families who have continued to farm the land. Many of these tenant farmers have been living and working on the land for the last many decades.

The land on the banks of the Yamuna River is subject to periodic flooding. This has increased the fertility of the land and farming is done during the dry, lean seasons. Due to recurrent flooding, the farmers do not construct permanent structures for housing. Instead, they build

temporary shelters or thatched huts, and move to higher grounds when their fields are flooded. Because of the demands of farming, it is necessary to live on the land, as the farms require constant tending. The site had a few brick buildings that had been constructed over time – most notably, a school run for the younger children of the farmers by an NGO, from of a converted cow shed. This school, however, was demolished by DDA on 18 July 2011, along with several other structures standing nearby.¹

According to verbal statements by the Delhi Development Authority’s representatives who have periodically demolished temporary structures on the land, the question of ownership or tenancy is not an issue. Rather, around 2008, DDA informally told the residents that they could continue farming, but would not be allowed to continue living in the temporary shelters which the farmers had constructed. All of a sudden, the government changed its policy towards these settlements, which have existed since before the independence of the country. This change in policy posed a major crisis for the farming communities, thereby threatening their sources of livelihood.

Forcibly evicting agricultural labourers from their temporary thatched huts and demolishing their houses constitute a violation of the provisions of the Constitution of India, various Supreme Court and Delhi High Court decisions, and international human rights law. Such a forced eviction would automatically violate the residents’ right to life by impeding the realization of their rights to housing, education, health, and livelihood. This administrative move also violates the provisions of the National Urban Housing and Habitat Policy 2007, which gives priority to *in situ* upgradation of housing for the urban poor, and “primacy to provision of shelter to the urban poor at their present location or near their work place”. (§ 5.8 paragraphs ii and vi).

If there are concerns regarding the environmental impact of the agricultural labourers, the appropriate response, as per the Master Plan of Delhi – 2012, is to provide “*in situ* upgradation” of their sanitation facilities, or at least “environmental upgradation up to basic minimum standards, as an interim measure.” (Delhi Master Plan §4.2.3 (1))

Chronology of Events

Historically	Farmers have been cultivating the land in question even before the partition of the subcontinent. Farming on the banks of River Yamuna has been the main source of their livelihood for hundreds of years.
1960s	The farm labourers, the current residents of the locality and their ancestors have been living at the site for 40 years or more. Many of the residents have been born in this locality.
1957	When DDA came into existence, it appears to have obtained titles to some of the lands without informing the people, but at the same time allowed the residents to keep using the land for farming purposes.

¹ See *Planned Dispossession: Forced Evictions and the 2010 Commonwealth Games*, Housing and Land Rights Network: New Delhi, 2010.

- 2008 A DDA official informally told the residents that they could continue to farm the land, but after that season, they would not be allowed to live in their temporary structures any more.
- 21 February 2011 DDA demolished some of the thatched huts on the farms.
- 4 March 2011 DDA demolished more thatched huts on the farms.
- 1 July 2011 Around this time, a DDA official told the residents that they would return on 15.07.2011 and demolish additional thatched huts.
- 18 July 2011 DDA arrived and demolished a number of structures, including an informal school run by a local NGO that had been serving the children of the community in the area.
- 18 July 2011 A previous Writ Petition involving these residents was filed, *HAQ vs. Delhi Development Authority & Ors.*, W. P. (C) 5076/2011.
- 10 August 2011 Due to a controversy as to whether a school on the site was actually demolished, the High Court of Delhi passed an order directing Mr Rajiv Nanda, advocate, to visit the site of the school and submit a report.
- 17 August 2011 Based on the report submitted by Mr Rajiv Nanda, the High Court of Delhi passed an order in W.P. (C) 5076/2011 recognizing that the school in Chilla Khadar had indeed been demolished, noting that the Right to Education was a fundamental right, and therefore passed the order for the respondents to resolve the issue of education facilities in the best interest of the children.
- 14 September 2011 Noting that the students had been admitted to the local government school and that the Government of National Capital Territory (NCT) Delhi had agreed to provide a bus to transport them to and from school, the High Court disposed the petition. The order stated that, "The other issues that have been raised in the writ petition are kept open and liberty is granted to the petitioner to file a separate petition, if necessary, so that these issues can be adequately dealt with."
- March 2012 Residents in Chilla Khadar were informally told by a local police official that there would be another demolition on 12 April 2012.

Findings of the HLRN EvIA Study

The families living in Chilla Khadar are extremely poor, and thus in monetary terms while the losses may not amount to much, in actual terms, the losses are very significant, especially given their low income and low economic status.

Losses Incurred Immediately After the Eviction

	Families that Incurred Loss (out of 100 surveyed)	Items Lost	Total Loss in Rupees	Loss per Family in Rupees
1.	3	Bamboo poles (<i>baans</i>)	5150	1717
2.	4	Wooden poles (<i>ballies</i>)	3400	850
3.	4	Mats (<i>chattai</i>) and mattresses	5600	1400
4.	2	Temporary thatched huts	4200	2100
5.	2	Canopy or sheets to cover homes (<i>tirpal</i>)	4200	2100
6.	85	Household items, including utensils and cooking supplies	100,000	1176
			122,550	1226

The survey focuses on assessing the losses suffered from the forced eviction of families in Chilla Khadar. Overall, the average family who lost a residence in the demolition suffered, at a minimum: loss of access to housing/shelter, significant reductions in access to livelihood activities, and loss of wages; loss of education for children; destruction of numerous assets and possessions; and upwards of Rs. 100,000 in financial losses.

Conclusion

The preliminary findings of the ‘eviction impact assessment’ reveal that the real costs and losses for a family that experiences the demolition of its home, are immense. This is all the more critical given that the families in Chilla Khadar belong to a very poor section of society and are struggling hard to earn their livelihood. The majority of the affected families are victims of illegal and repeated demolitions in Delhi, being carried out in violation of due process and in contravention of international and national law. Demolitions and evictions are contributing further to the impoverishment and marginalisation of these families. Any measures aimed at providing compensation must take into account the multiple and cumulative losses faced by

evicted families and ensure that their human rights are protected, and that they are able to realize their the human right to an adequate standard of living, which includes the human right to adequate housing.