



INTERNATIONAL TRIBUNAL ON EVICTIONS

(Milan, Italy, 9th-10th October 2014)

General Information

1. Country India
2. City New Delhi
3. Neighbourhood Shadipur
4. Community or family group threatened by evictions Kathputli Colony

Description of case of forced evictions

5. State of forced evictions 3 (threatened)
6. History and precedents to case Kathputli Colony is a settlement that was carved out of wild land almost 60 years ago at the periphery of the city as it was then. Now it is part of the central city and the agency in charge of land and housing in the city but under the federal government, the Delhi Development Authority, has announced a Public Private Partnership (PPP) project for in-situ redevelopment of the area, which entails the removal of all the families in the colony for a period of two years, after which they will be resettled on a portion of the same land but in 15 storey tenements. The residents are resisting attempts to evict them and to move to a transit camp on the grounds that the whole scheme is fraudulent and without their participation.
7. Estimation of number of people affected (figure). Percentage of women and children? About 23,000 people, of whom roughly 60% are women and children.
8. What are the motivating reasons behind the evictions? (official and unofficial) The official reason given is that the people are living in deplorable conditions and need to be resettled in improved housing with adequate services, but the government does not have the money, hence it is being done by a private developer under a PPP model.
9. Main incidents related to the evictions (dates and times) 2008 - Public Private Partnership project for Kathputli Colony announced and bids invited. 29/01/2009 - Financial bid submitted by Raheja Developers. 04/09/2009 - Contract awarded to Raheja Developers for Rs 61.11 million for 5.2 hectares; Agreement signed with completion date of 03 Sep 2011 for Raheja to build 170 premium flats on 0.97 hectares in exchange for 2800 flats for Economically Weaker Sections and a provision of 10% FAR for commercial use. 15/12/2009 - DDA prepares first list of residents of Kathputli Colony. March 2011 - DDA Auditor queries allotment of 35 sq.m of extra land to Raheja Developers and values land at Rs 200,000 per sq.m. May 2011 - DDA embarks on second survey of residents and people in the colony get wind that there is a proposed project but no details are given to them. 29/06/2011 - Draft Agreement for Resettlement with Slum Dwellers submitted by Raheja Developers to DDA. 23/09/2011 - Raheja Developers request DDA for extension of two years. July 2012 - First Right to Information application filed by residents of Kathputli Colony when they hear rumours of the proposed project through the newspapers. January 2013 - Kathputli Colony residents learn details of the project for the first time when papers acquired through an application filed under the Right to Information Act are translated from English for them and presented publicly by

Hazards Centre researchers. 24/02/2014 - Two representatives meet the Lt Governor of Delhi and urge him to stay the PPP project and consider alternative proposals from the residents, and the Lt Governor accedes to the request. 07/03/2014 - DDA officials move into Kathputli Colony with police and bulldozers to forcefully register applications for moving to the transit camp. This continues until 24/03/2014. 8-15/03/2014 - Five alternative proposals submitted to the Lt. Governor and to the DDA. 10/03/2014 - Residents petition the High Court to bar the DDA from dispossessing them and Raheja Developers from engaging in any building project, and for DDA to consider alternative proposals for redevelopment from the petitioners. 20/03/2014 - High Court announces judgement allowing the PPP project to proceed but providing for (a) DDA to receive applications of cases for reconsideration of families eligible to be resettled; (b) two weeks given to petitioners to point out what Master Plan norms had been violated in the Raheja Redevelopment Plan and four weeks for DDA to respond; (c) five representatives of the petitioners allowed to visit the transit camp and point out facilities to be provided and DDA and Raheja Developers would consider the suggestions and provide the same. 22/03/2014 - Petitioners submit details of 26 deficiencies in the transit camp that have to be set right before they can move there. 17/04/2014 - Petitioners submit letter detailing 8 violations of the Master Plan by the Redevelopment Plan. 21/04/2014 - Petitioners submit a list of 495 families who have not been included in the DDA list of eligible families. 30/04/2014 - Petitioners submit another list of 115 eligible families. Correspondence continues thereafter on these submissions as DDA has not replied to any of them, as per Court orders, to date. 12/08/2014 - Police use excuse of a scuffle between some youngsters of Kathputli Colony and neighbouring Pandav Nagar to move into the colony with armed police in the middle of the night, breaking down doors and windows, dragging out sleeping men and boys and thrashing them, sexually assaulting women and girls and threatening them with rape, warning all that the violence will continue unless the people register applications for moving to the transit camp and vacating the land, and arresting 12 young men and carting them off to prison on fabricated charges. 11/09/2014 - 4 of the arrested young men obtain bail after a month in jail. 12/09/2014 - The remaining 8 get bail, but charges have not been framed yet.

10. What are the damages? Over 400 families are reported to have shifted to the transit camp but there are no or few facilities for livelihoods, water, sanitation, education, and health there, but now they have nowhere else to go because their hutments in Kathputli Colony have been destroyed and no compensation paid. Many also do not have any written assurance that they will get flats in the redeveloped colony. Continuous police presence in or around the colony, on the other hand, has impacted on the entire community as they feel threatened and often do not go to work on critical days and so earnings have been adversely affected. Police violence on the night of the August 12 has also damaged property and left several young men injured and in need of medical treatment.

11. In what respect are women and children particularly affected by the evictions? Women have been frequently threatened with physical and sexual violence by both the police as well as agents of the private developer. On the night of August 12 several women were actually physically assaulted with wooden poles being thrust into their private parts. Children were also beaten up in the mayhem.

12. Who are the authorities planning and/ or executing the evictions? The principal authority is the Delhi development Authority which owns the land and has given the land for redevelopment at a very low price to a private developer, Raheja Developers. The evictions are planned in concert by DDA and Raheja Developers with the cooperation of Delhi Police.

Support, measures taken and follow up

13. Are those evicted or threatened with eviction supported by local and/ or international organisations? sì (yes: which?)

There is support from researchers of Hazards Centre/Sanchal Foundation, as well as a few individual lawyers, as also from some sections of the media.

14. What measures have the evicted persons and supporting organisations taken to impede evictions? They have petitioned the Delhi High Court, as also submitted complaints to the National Human Rights Commission, the National Commission for Women and Children, The National Commission for Scheduled Castes and Tribes, the Police Commissioner, and the National Campaign for Dalit Rights. In addition, significant mobilisation within the community has kept the DDA officials and police out of the colony as far as possible.

15. What measures have the evicted persons and supporting organisations taken to reduce its' effects? They have tried to delay the move to the transit camp as long as possible by pointing to the flaws in the procedures for selection of eligible families, pathetic conditions in the transit camp, and violations of the Master Plan.

16. What measures have the evicted persons and supporting organisations taken to claim compensation? None, because there is no provision for compensation in the case of 'squatter' settlements, only for resettlement of 'eligible' families.

17. Did those evicted or threatened with eviction have organisations that support the possibility of proposing alternatives? extra (yes: which?)

Yes. Five alternative plans have been submitted by Hazards Centre/Sanchal Foundation on their behalf.

18. What alternatives or viable solutions were proposed by the local authorities to the affected communities/ people? None. There is only a verbal assurance by the local elected Legislator that all eligible families will get flats.

19. What are the strategies and measures already in place and/ or expected to face the situation? The people have offered to collect and pay DDA the Rs 61 million that the Developer has given for the contract and rebuild their own houses if they are given legal title to the land. In addition, the community is trying to link up with other settlements facing similar problems in the city and participate in a joint alliance for resistance. There are also some plans for a protest rally in front of the DDA office or the Lt Governor's office later in the year.

20. Can you explain what it is about and when it will take place: day, month, year? The dates have not been fixed yet.

Details of the person registering information

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29. Language of reference English

30. Person of contact (if different) same as above

Documents (to upload)

31. Videos Nessun file multimediale disponibile.

32. Pictures Nessun file multimediale disponibile.

33. Files Nessun file multimediale disponibile.

Publication Conditions

34. Do you accept that this information be made public? si (si)

35. Would you be willing to present your case in public during the fourth session of the International Tribunal on Evictions (Milan, Italy, October 9th to 10th 2014)? si (yes)