

# **COMMONWEALTH GAMES 2010: DISPLACEMENT OF PERSONS**

Submitted to

**Centre for Civil Society**

By

**ESHAAN PURI**

**TRIPTI BHATIA**

**Working Paper No 213**

**Summer Research Internship 2009**

# CONTENTS

ABSTRACT .....	3
INTRODUCTION .....	5
TYPES OF SETTLEMENTS .....	10
POLICY EVOLUTION .....	13
JUDICIARY- Shifting Perceptions.....	16
Relocation Policy for Allotment of Plots to the Eligible Jhuggi Dwellers.....	18
RECOMMENDATIONS .....	29

## ABSTRACT

This research paper analyses Government policy with regard to Jhuggi-Jhopri clusters- a particular type of housing present in Delhi. These colonies are perceived to be illegal by the Government. With living conditions akin to slums, the inhabitants of such clusters are part of the economically backward sections of society, often looked over and ignored by the Government.

They have been branded 'urban criminals' and 'encroachers.' But they have also been promised improvement in living conditions by politicians. They have been given alternate colonies to resettle in. But they have also been displaced and left on barren land to fend for themselves- The research paper follows this changing policy of the Government and shifting attitude of the Judiciary towards these squatters in the city. The current structure of the policy for dealing with these JJ clusters is discussed as well.

The Government promises a cleaner, greener and infrastructurally sound city for the upcoming Commonwealth Games in 2010- clearing out these JJ clusters from the heart of the city to fringes for building upcoming stadia and beautification. Although the Government is well within its right to do so, there is a moral question bound inextricably to this issue- the paper mentions of both the Government's view of legality of the relocation and the peoples protest against it.

A case study of one of the resettlement colonies on the south-eastern periphery of the capital, Madanpur Khadar reveals a dismal lack of basic amenities supposed to be provided by Delhi Government/MCD. Along with the poor conditions of the colony, there are employment problems because of the distance of Madanpur Khadar from important working areas like Nehru Place and Okhla. The paper examines the socio-economic profile of the people, connecting it with their difficulties in getting jobs around Madanpur Khadar.

It is beyond doubt that the Government and civic agencies must wake up to the plight of these people, give them access to base services of healthcare, education and sanitation. But, two questions need to be answered- how to do the aforesaid in the present resettlement colonies and how to minimize the problems of employment faced due to future evictions and resettlements. The recommendations offered attempt to combine NGO and MCD/Delhi Government efforts, integrating them with an already present Mission Convergence scheme. The second set of recommendations recognize the fact that resettlement to far-off areas is in most cases, unavoidable, though the paper shows that planning on which areas to relocate to can solve issues of employment problems.

..... people in Delhi can be uprooted without a choice, having to start over in a new place, because of a sudden policy implementation frenzy to prepare Delhi for a 12 day sporting event. But quietly, behind the scenes, they form a part of the backbone of this city- labourers and guards alike, now broken out of place. While it is important to understand the Government's

reasons for eviction, it is also important to ensure that the services promised by the Government to these resettled people are given. Ironically, some of those of those moved out to build the structures of Commonwealth Games, 2010 were the same people who come to Delhi to build them for the Asiad Games in 1982. One wonders, will the wheel turn full circle?

# INTRODUCTION

'See You in Delhi' was the message that India sent out to the world at the closing ceremony of the Melbourne Commonwealth Games 2006. And with the message, there started in Delhi, a phase of rapid development, be it the Games Village or the stadium, roads, and metro projects, all shot into a mode of dynamic frenzy.

But the aspect of games-entailed development this paper strives to address is one over which there may be dispute if it can be classified as development at all. For, in the name of development itself, thousands of families residing in slum clusters on government-owned land were dislocated and resettled (at, mostly, not very convenient locations) so as to initiate projects of national importance and public good, or just for the sake of clearing up the land space that had been '*dirtied*' by the squalor residing on the aforesaid encroached property.

## Why Eviction?

Before passing any judgements, let us see if displacement can be regarded as development at all by examining some of the definitions of development, such as '*act of improving by expanding or enlarging or refining;*' or '*the act of making some area of land or water more profitable or productive or useful*'.<sup>1</sup> Displacement of the dwellers of the JJ clusters can only be with the purpose of 'some project implementation' of some 'public importance', which in our case is the Commonwealth Games 2010.

Definitely, building stadiums and metro lines and the like would result in the land being put to much more profitable use than to allow such establishments to exist on Government land that provide the Government with no source of revenue such as in the form of house tax or through payments in return for power and water supply. Rather, the Govt., if at all, is required to spend on habitants of such colonies in way of subsidies and provision of community services/facilities.

Thus, it is indisputable that building stadiums and other Games-related city infrastructure would translate into an *act of improving and refining the land* so as to be able to make it *useful* for better productive and *profitable* purposes. But is it really justified to displace homeless millions in the name of development with the intention to hide from the world the poverty and destitution that India is known for and Delhi is evidently ashamed of?

Before addressing the above question, let us ask why eviction is necessary in the first place, for which two reasons are presented as follows.

---

<sup>1</sup> <http://www.thefreedictionary.com>

First, construction of the Games Village on the banks of River Yamuna required land and space which made necessary the displacement of slum clusters residing in Yamuna Pushta area. There was also the construction, repair, expansion and improvisation of The Village, stadiums and housing flats for the domestic sportspersons and accommodation for players and tourists flying in for the Games.

Secondly, Delhi felt it imperative to welcome the world to the *Green Games* in a clean, systematic and *beautiful* city. The infrastructure indirectly related to the Games such as roads, metro, buses, and any project concerning beautification of the city in general required the helpless, hapless citizens to sacrifice their habitat and livelihood to be swept away from sight so as to save the city from the embarrassment of its poverty-stricken population. History has shown that world over, this process of 'cleaning up' the city, has always resulted in eviction of those who are economically too weak and politically unrepresented to be able to voice their anguish and defend their rights.

### **Was It Fair? : Gains and Losses**

The urban poor of the city are settled in JJ colonies/clusters. The residents of these slum clusters form the core of the city; neither the elite upper class nor the industries and not even the Government can do without. They are the low-wage labour class comprising of peons, drivers, domestic help, construction workers, guards, sweepers, rag pickers, hawkers and vendors, industrial and commercial workers and the list goes on. Many of them have been settled in their clusters since generations; they initially come as labourers in nearby construction sites and the Jhuggis are the only accommodation provided/available to them. Rather, given their socio-economic profile, and specifically their extremely low income levels, they are forced to suffice with the worst kind of settlement. The projects get completed and buildings constructed but they stay on and settle down in those very Jhuggis to become encroachers of Govt. land. Even though substandard housing is largely the consequence of poverty, there is also the effect of policy and financial constraints imposed on the government departments and agencies to provide adequate services for the poor.

What is ironic is that most of the 27,000 families displaced from Yamuna Pushta had actually come in as workers in 1980s for construction of the Games Village and stadiums when Delhi was to host the Asiad Games, and are now being ushered away in the follow-up to the Commonwealth Games in 2010.

The site of relocation beholds the worst kinds of nightmares for these slum dwellers. Firstly, they have to move out of their 'homes' with all basic amenities and little luxuries of life (TV, cooler, Fridge etc.) to a simple low-lying plot of land, prone to flooding in the rainy months. Here, they have no shelter, no water, no toilets, no health care, no transport; the water that is

available is not portable, the toilets that are there are in a miserable state and often locked, medical services are not affordable, and schools too far and too few, and definitely not good enough. The most heart-rending aspect of resettlement is the loss of livelihood. The sites being located on the outskirts means that there are no jobs in the vicinity and people tend to hold on to their older jobs forcing them to travel long distances (at times, 10-13 kms at a stretch) and hence, incur heavy expenditure on transport. Figure 1.1 and 1.2 shows how the resettlement colonies are all situated around the borders of the city, displaced right from the heart of the urban centre.

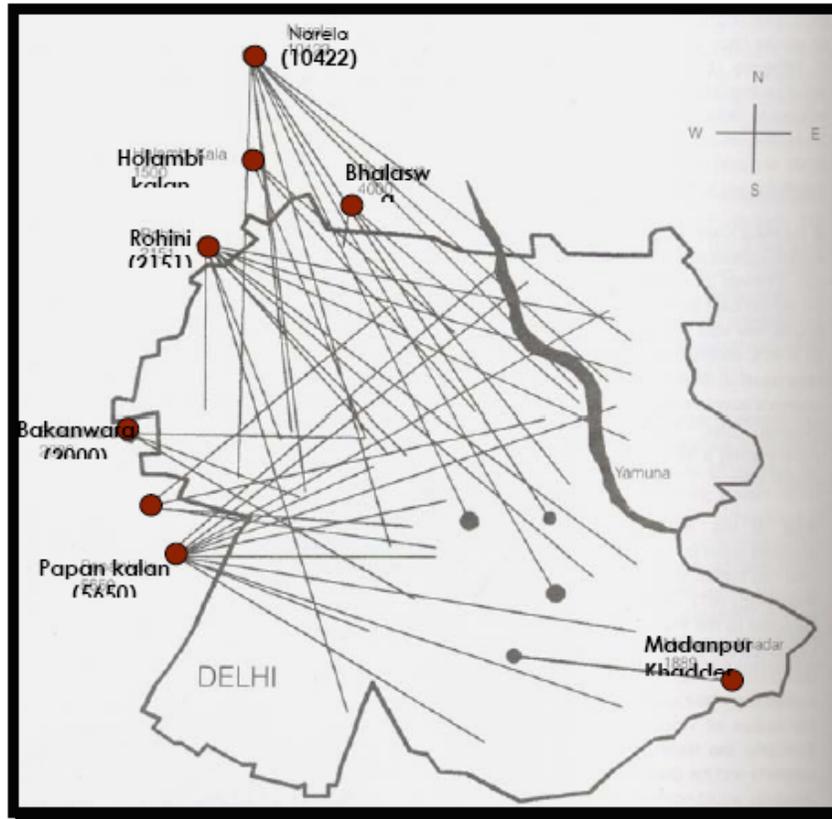
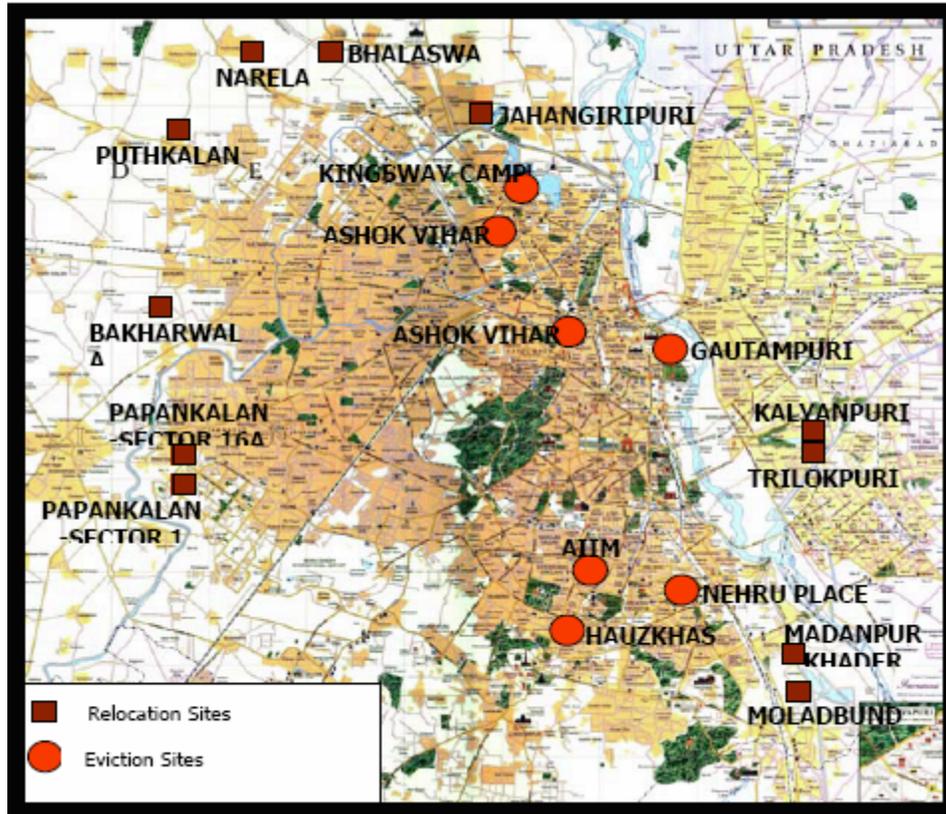


Figure 1.1 Relocation Sites and Relocated Clusters



**Figure 1.2 Relocation Sites and Recent Eviction Sites**

Source: Ch-06 Urban Poor and Slum, CDP of Delhi (2005). JNNURM

Such an act of displacement is no less than a human rights violation. Article 21 of the Constitution grants each and every citizen the Right to Life, which is being violated by the Government through this act of displacement. The right to Life essentially has no meaning without the right to shelter and livelihood that these slum dwellers have been denied as result of the demolition of the shanty structures that were their homes. In addition, India has also, by this measure, committed violation of International Treaties that it is signatory to. It is a crime big enough even without considering the absence of good and affordable education and health care in the vicinity.

As iterated above, these slum dwellers have to travel very long distances to reach their place of work or school, whereby a family often ends up spending a fourth to a third of their income in travelling. There are no opportunities of productive and sustainable employment in the vicinity of the colony, and education of children suffers due to shortage of schools. Health and sanitation are vital issues that go largely unaddressed due to absence of affordable medical and sewerage facilities at the resettlement colonies.

Besides, not all those residing in slum clusters are allotted the plots. This is mostly due to lack of documentary proof of identity, residence etc. It is common for fire to break out in slums which often leads to the documents getting destroyed. Procedure for documentation is tedious and long and when the deadline given for eviction is short, as often has been the case, these slum dwellers fail to acquire the required documents and are forced to suffer in the hands of bureaucracy.

The only argument that the Government perhaps has in favour of eviction of these JJ clusters is that they are built on Government land and such establishment is lawfully an act of encroachment. It is also true that Delhi will soon no longer be able to support its growing population at the rate at which it is multiplying. Increasing urbanisation and rapid development has caused heavy human inflow from other cities to come to Delhi in search of employment, and these persons, on not finding well-paying jobs, have to suffice with shanty temporary structures where they then permanently settle down and the colony keeps on expanding as more and more add to the number. Infact, every year, 2 lakh migrants come to Delhi and slums add roughly 50,000 to Delhi's population<sup>2</sup>, clearly indicating that the land will no longer be able to provide housing or support these increasing numbers in the recent future. Under such conditions, it is but natural to try discouraging such colonies and rather accommodating them in largely uninhabited areas around the borders of the city.

It is not to deny that the Government has long been weighing the pros against the cons of eviction but the fact remains that it has yet been unable to escape the dilemma and arrive at a conclusive, sustainable solution.

---

<sup>2</sup> Slum & JJ Department, MCD

## TYPES OF SETTLEMENTS<sup>3 4</sup>

- **Planned/ Approved colonies** – these are colonies that are approved by the zonal agencies and form part of the Master Plan of Delhi. They are obviously the most comfortable vis-à-vis services and amenities. See Annexure for details of facilities that are provided for planned-approved colonies.
- **Jhuggi –Jhopri (JJ) Clusters-** or squatter settlements are encroachments on occupied land belonging to the Government. Most of them are migrant labourers by occupation, and establish their dwellings close to the place of work (such as JJ clusters on construction sites). This mainly allows them to save additional expenditure on travelling to and fro as well as enables the working mothers to take care of the children. Their abodes are mostly shanty constructions made up of plastic sheets and tin roofs, but some also have solid, brick and cement constructions. They are not entitled to basic services and civic amenities (water, power etc.) by the Government, and often procure them through mafias operating within the clusters.
- **Slums** – these are settlements that are notified as per provisions of Section 3 of the Slum Areas (Improvement and Clearance) Act, 1956 as too dilapidated or suffering from other disadvantages in terms of ventilation etc. Most of the notified slums in Delhi tend to be in the walled city and were declared a long time ago. There appears to have been no notification of slums in the past three decades. Slums normally receive in situ up-gradation. In cases where up-gradation is not possible, slums can be cleared.
- **Unauthorised colonies** – These are colonies created on land that is not meant for residential use. Even though the land is purchased from its legal owners, these colonies are deemed unauthorised because they violate the Master Plan and are created on agricultural land by private developers without Government sanction/approval. These colonies range from posh localities (like Sainik Farms) to modest dwellings and thus, provide abode to people from a wide-ranging income bracket depending on size and value of land. Access to basic amenities thus depends on the ability to incur private expenditure and economic and political power. At present there are close to 2000 such colonies in Delhi with at least 450 on private land. 'Able' associations often pressurize the public agencies to regularize these settlements and legalise their status. However, since residents have paid for all civic infrastructure (roads, piped water, drainage etc.) out of their own pockets, there is often a dispute over 'development charges' that the residents ought to pay to the Govt., and hence, these proposals remain stuck.
- **Regularised unauthorised colonies** – these are unauthorised colonies which are regularised by the Government agencies. This regularisation is obviously a political decision and often has the effect of amending the 'land use' of the land on which they are created.
- **Urban/Urbanised Villages** – these are villages that having been overrun by the city of Delhi are now, by notification of the Delhi Government urban development

---

<sup>3</sup> *Batra, B. (2005). Entitlement to Services and Amenities in JJ clusters, JJ Relocation Colonies and other non-planned settlements in Delhi: an Overview. Institute of Social Studies Trust, New Delhi*

<sup>4</sup> *Source: Hazards Centre (2007). A Fact-finding report on The eviction and resettlement process in Delhi*

department, declared as urbanised villages. Once these are notified all bye laws etc for buildings are applicable.

- **Rural Villages** – these are villages that exist within the National Capital Territory of Delhi which are yet to be notified as urban villages. Often these tend to be on the periphery of the city.
- **Resettlement colonies** – are created by the Government to provide habitat to persons who have to evict their slums as a result of demolition drives. The Govt. has followed a policy of eviction since the 1960s with the twin stated objectives of decongesting the urban centre and providing better amenities to the poor. A total of 44 colonies in Delhi were formed during the sixties up until 1985. The government had to suspend the policy thereafter due to agitation against the brutal evictions that occurred during the emergency (1975-77).
- **Harijan Bastis** – these were occasional social welfare gestures where special colonies were given constructed at low cost or free for '*harijans*'. The term has no administrative connotation though most *harijan* bastis tend to be planned/approved colonies.
- **JJ relocation colonies** – These colonies are known as squatter resettlement sites also, but should not be confused with resettlement colonies that were a pre 1985 phenomena. When the authority that owns the land on which JJ clusters are built, requires the use of the land, clearing takes place of the cluster and families are relocated to these colonies as per the relocation policy. Since the last 10 years, near 200 JJ bastis have been demolished, displacing 0.5 mn people. Only those who had a proof of residence and identity were given plots of land (against subsidised payments) on being displaced from their clusters. The others remain without any compensation whatsoever. According to Hazards Centre estimates, out of 27,000 families evicted from Yamuna Pushta area, 6,000 families were resettled in spite of the fact that in the DDA survey before the eviction, nearly 50% of the families were found eligible for relocation. Most of the resettlement colonies are located further off from where the plot is initially shown to the slum dwellers, if at all, and is merely a barren piece of wasteland and prone to flooding during monsoons. Implicatively, the place has absolute absence of any of the basic civic amenities that should be provided for as per the scheme. For a long time, they remain inhabitable, dirty and congested, much worse than their previous settlement.
- **Pavement Dwellers** – Around 1 Lakh homeless people constitute another component of the poor in Delhi. These are a group of people who are 'homeless' in the most literal sense. They are mostly found in the walled city, normally residing on pavements, under bridges and flyovers and the road side in general. In spite of their high visibility and numeral strength, pavement dwellers are not entitled to any civic amenities. Civic authorities are required to provide shelters for this category of people but these are few and far. The night shelters operated by MCD provide accommodation to only male dwellers.

JJ dwellers tend to be lower in the hierarchy of those living on the margins , and along with pavement dwellers are the most visible face of the housing crisis that plagues all of India's metro and 'mega' cities.



## POLICY EVOLUTION

The Government's policies along with their attitudes towards slum areas and JJ clusters have not been constant. They have varied a lot, from the 60s to the present day. The change in policy is documented in the section below. 'The change in attitude of the Government' refers to the fact that the Government has at times followed the policy with a vengeance while sometimes has turned a blind eye, JJ clusters sprawled across the city.

The variation in policy is probably also to an extent a mirror of the changing Court's view of these settlements as well which is also discussed in this section.

The main difference between slums and JJ clusters is that while slums are legal the JJ clusters are illegal. JJ clusters being illegal are not entitled to any public services. Neither did the Slum areas Act of 1956, the Act that governed the approach of the government toward notified slums apply to them. Under the Slum areas Act, 1956 the Government dealt with slums in the following ways-

- (i) Clearance/Relocation;
- (ii) In-situ up-gradation;
- (iii) Environmental Improvement Schemes.

Since the Act did not apply to JJ clusters, the attitude towards dealing with them was basically clearance.

A large number of squatter colonies came up with mushrooming small scale industries after independence leading to unregulated growth in Delhi. To curb this unregulated growth, the Government constituted the Delhi Development Authority (DDA) in 1957 to "to check the haphazard and unplanned growth of Delhi...with its sprawling residential colonies, without proper layouts and without the conveniences of life, and to promote and secure the development of Delhi according to the plan." <sup>5</sup>

The body with the authority and responsibility to control this haphazard growth has changed time and again. Initially, the DDA was responsible for handling JJ clusters. On 1 January 1960 this responsibility was shifted to the MCD and the S&JJ department was set up in the early sixties.<sup>6</sup> For 8 years the DDA carried out resettlement close to 50,000 squatter families before the responsibility of removal and resettlement was handed back to the DDA in 1968. In 1977

---

<sup>5</sup> <http://radicalnotes.com/content/view/22/39/>

<sup>6</sup> Source: Entitlement to Services and Amenities in JJ clusters, JJ Relocation Colonies and other non-planned settlements in Delhi: an Overview

the Slum and JJ Department changed hands again, going back to the MCD. The DDA was given the authority for the same again in 1980.

After 1986, at the end of the sixth 5 year plan the policy of clearance and relocation was stopped. With focus on in-situ up-gradation, no major clearance was carried out until a Revised Resettlement Policy was brought out in 1992 by the DDA.<sup>7</sup> The Slum and JJ Department is presently back with the MCD.

Following this, there was a three pronged strategy followed by the Delhi Government comprising the following points-

- i) In-situ up-gradation
- ii) Relocation
- iii) Extension of the Urban Basic Services Programme (UBSP) through Environmental Improvement

### **In-situ up-gradation**

In-situ up-gradation is only possible for a slum notified under the Slum Area Act of 1956, implying that only slums developed before 1990 are eligible for in-situ up-gradation. It involves re-planning of JJ dwelling units in modified layouts by re-distributing the encroached land pockets among the squatter families. The JJ households are given sites of 10 to 12.5 sq. metres for construction of their own shelters.<sup>8</sup>

### **Relocation**

The relocation scheme has been modified from time to time- the initial beneficiaries (3560 households) received two-room residences. The scheme was later modified and partially developed plots of 80 sq. metres were given to squatters, which was further reduced to 40 sq metres and then to 25 sq. metres. Comparing this to the present scenario, some squatters relocated to Madanpur Khadar were allotted as little as 12 sq metres of undeveloped land when the colony was developed in 2002.

---

<sup>7</sup> Delhi Urban Environment and Infrastructure Improvement Project.(2001,feb).Policies and Strategies, Slum Upgrading Program Part 3 Volume 1

<sup>8</sup> Delhi Urban Environment and Infrastructure Improvement Project.(2001,feb).Policies and Strategies, Slum Upgrading Program Part 3 Volume 1

## **Extension of the Urban Basic Services Programme (UBSP) through Environmental Improvement**

This Urban Basic Services Programme, initiated in the seventh five-year plan in 1987, is meant for all JJ clusters, even those developed after 1990. It is integrated with the Environmental Improvement of Urban Slums (EIUS) programme and under the programme the Government provides the following basic amenities to the slum-

- i) Pay and use Jan Suvidha complexes containing toilets and bathrooms.
- ii) Water Supply
- iii) Street Lighting
- iv) Paved pathways and drains
- v) Dalaos/ dustbins for domestic waste

## JUDICIARY- Shifting Perceptions

As mentioned earlier, not only was it the Government but also the Courts that have had contradicting attitudes towards squatters over the years.

The Supreme Court interpreted the Right to Life and Personal Liberty as to include a person's right to livelihood in the Bombay Pavement Dwellers Case in 1985, supporting pavement dwellers, stating in its judgment that the easiest way of depriving a person of the right to life would be to deprive him of his livelihood. It implied that squatters could not be evicted to a place far away from their earlier settlement, which would deprive the person of his/her earlier job.

In 2002, in the case Okhla Factory Owner's Association vs. Government of NCT, the High Court judgement ruled:

“(7) No alternative sites are to be provided in future for removal of persons who are squatting on public land.

(8) Encroachers and squatters on public land should be removed expeditiously without any pre-requisite requirement of providing them alternative sites before such encroachment is removed or cleared.”<sup>9</sup>

In the Almitra Patel Case, 2002 the Supreme Court ruled that giving a squatter an alternate site as part of the resettlement policy was equivalent to ‘giving a reward to a pickpocket.’

The Delhi High Court struck down the Delhi Government's resettlement policy in 2002 owing to the prevalent perception of squatters in courts- they had been called ‘encroachers’, ‘trespassers’ and a ‘criminal tribe of urban India’<sup>10</sup> by the Judiciary.

However, in 2003, the Supreme Court allowed allotment of land under the resettlement policy<sup>11</sup> -another instance of the judiciary shifting its stance on the matter.

---

<sup>9</sup> <https://mail.sarai.net/pipermail/urbanstudygroup/2009-March/003385.html>

<sup>10</sup> ‘A Fact-Finding Report on the Eviction and Resettlement Process in Delhi, Hazards Centre

<sup>11</sup> <http://www.boloji.com/wfs5/wfs665.htm>

The Judiciary has still been harsh in dealing with squatters after 2003. The following is an excerpt of Supreme Court order for the demolition of Nangla Machi. On the question of Ghewda being without any infrastructure or facilities (where the inhabitants of Nangla Maanchi will be temporarily relocated), the hon'ble bench stated that in Bawana, a resettlement colony, people had sold off their plots of land. On the question of the difficulty of being on the streets in this intense heat, the hon'ble bench stated that it is "never comfortable to live out", that there will always be intense heat, or cold, or rainfall in the city. The hon'ble bench suggested that people need not come to Delhi, unless they can afford to live in the city." <sup>12</sup> With respect to the same case the Supreme Court bench had also made the following statements-'There does not exist any legal concept which confers a legal right upon an encroacher to be rehabilitated....the demand for rehabilitation would not gain any legal ground, even if a government had promised resettlement to encroachers on public land.'

On June 22<sup>nd</sup> the court changed its mind again directing the Delhi Government not to demolish any houses in the Nangla Machi, for four weeks. The dwellers of Nangla Machi were finally relocated to Savda Ghevra.

This shifting of stance by the Judiciary has not helped the slum dwellers cause. There needs to be a consensus on action taken with regard to people living in JJ clusters.

---

<sup>12</sup> <http://www.aliak.com/content/relocation-nangla-machi-delhi>

## **Relocation Policy for Allotment of Plots to the Eligible Jhuggi Dwellers<sup>13</sup>**

The agency owning the land on which the Jhuggis are built sends a request to the Slum and JJ department of MCD for relocation only of those encroached land pockets that are required for some project implementation of public importance. The land owning agency consents to bear the relocation charges which come to between Rs.20-30,000, depending upon the size of the plot. Thereafter a joint survey is conducted by the Slum & JJ Department and the concerned land-owning agency to determine the number of eligible slum dwellers. Eligibility is determined by possession of Ration Cards or some other Documentary proof of residence. As per Rehabilitation and Improvement Scheme, Jhuggi clusters in Delhi. The said scheme, which came into effect from 01.04.2000 entitled families possessing residential proof of having settled down before 31<sup>st</sup> January 1990 for a 18 sq. mtr. plot, and those who entered post January 1990 till December 1998 are eligible for 12.5 sq. mtr. plot in the resettlement colony.

Before initiating relocation process, public notice indicating the proposed date of shifting, name of the relocation site where the plots are to be allotted to the eligible slum dwellers, number of eligibles, number of plots available with location and facilities available with location and facilities available be displayed at different places in the particular JJ. cluster for information of all Jhuggi dwellers. On verifying documentary proof and eligibility, the eligible Jhuggi dwellers deposit a share money of Rs.7,000/- with the officials of Slum Upgradation and Relocation (SUR) section of the Slum & JJ Department. After submission of identity and residential proofs along with a photograph of the Jhuggi family, provisional allotment slip is issued (on basis of draw of lots) indicating name of the Jhuggi Dweller, Jhuggi number, plot no. etc. by the SUR section and a file is prepared for issuing formal allotment letter.

Thereafter, the Jhuggi dwellers will approach the area Junior Engineer for taking possession of the plot allotted to him by SUR section. The allottee is required to take possession within 30 days from the date of issuing of the provisional allotment slip. After taking possession of the plot within the stipulated period, the allottee is required to construct his Jhuggi/house on the allotted plot within 6 months from date of possession taken by the allottee.

The possession stands to be cancelled under following two stipulated conditions:-

1. In case the allottee fails to take over possession of or to construct his house/Jhuggi on the allotted plot within 30 days as per terms and conditions of the allotment letter, the area Junior Engineer shall submit his report in respect of vacant plots to the Director (SUR) for cancellation of all such vacant plots.
2. In case of amalgamation of two or more plots take place or the plot is misused (for purposes other than directed), the said plots stand to be cancelled.

---

<sup>13</sup> Slum & JJ Department, MCD

The Jhuggi dwellers are obliged to be provided with certain physical infrastructure at the resettlement colony which includes roads, drains, community toilet complexes (one seat for 10 families), parks, water supply through Delhi Jal Board and electrification by DISCOMS. Other facilities like schools, Dispensaries, Fair Price Shops, Transport etc. are also supposed to be setup by the concerned agencies. In addition, 15% of the developed area is to be kept as green.

Since inception of the scheme w.e.f. 1990-91, about 70,000 plots have been developed and about 60,000 families have been rehabilitated keeping in view the scarcity of land in Delhi.

### **Policy Criticism**

Table 1 shows the amount of money spent by the Slum Wing of the MCD on slum rehabilitation and improvement programmes since 2002-03. It provides a check on the status of facilities and services that the Govt. is obliged to provide the displaced residents under the aforesaid scheme.

Under the above scheme, only plots are to be allotted to the slum dwellers without any physical structure/halls. Given their socio-economic status and their miserably low income levels hovering just at/above minimum standards, it was quite unrealistic to expect them to be able to build their own pakka constructions. They were more likely to establish the same kind of temporary, kuccha structures called Jhuggis due to scarcity of availability of any kind of finance.

Hence, this policy of resettlement simply implied displacing a slum from one place to another. Moreover, it was unfair on them to be having their shelter and place of residence demolished and then forcibly shifted to a plain plot of land and also having to cough up an additional Rs.7000/- for it. Many of these dwellers even had their bulldozers run over their homes along with all their belongings of value and substance. Already having lost so much, from where are they expected to bring the money to provide themselves with a decent living?

**Table1: Financial Performance of Slum Improvement (Rs Million)**

Name of Schemes	10 <sup>th</sup> Plan Approved Out Lays	2002-03	2003-04	2004-05	2005-06
Night Shelter including Mobile	30	5.9	6.03	6.04	5.51
Relocation of Squatter	1200	-	-	-	-
Construction of Community Halls	50	11.2	6.03	6.57	18.22
In situ Up gradation of Slums and JJ Clusters	100	-	-	-	-
Environment Improvement in Urban Slums	100	55.6	19.7	18.8	19.95
Construction of Pay & Use Jan Suidha Complex	50	10.0	10.0	8.60	3.9
Structural improvement and rehabilitation of Katras	100	22.5	28.2	25.7	18.57
Incremental Houses for Katra Dwellers	50	5.15	1.8	-	-
Shishu vaticas/common spaces in JJ clusters	25	5.51	4.4	1.3	13.19
National Slum Development Programme	1000	176.9	179.4	132.7	88.53
Study and preparation of perspective plan of sub standard area for next 20 years	50	-	-	-	-
<b>TOTAL</b>	<b>2755</b>	<b>292.9</b>	<b>255.6</b>	<b>199.8</b>	<b>167.8</b>

**Cited:** CDP Delhi (Ch6 Urban Poor and Slum),

**Source:** Slum Department, Municipal Corporation of Delhi, Delhi

Perhaps in answer to these very problems and questions, from this year on, Delhi Govt. has formulated a new policy for resettlement of squatter families under which it has proposed to provide built-up flats instead of plots to the slum dwellers, economically weaker sections and the poor under JNNURM. The govt. is also required to construct multi-storied dwelling units for slum dwellers under JNNURM in Dwarka, Rohini and Sawda Ghevra. In addition, the action plan for 2009-2010 for Slum & JJ Department consists of building up 15500 flats at Bhalswa where 100 acres of land is available with the Department<sup>14</sup>.

---

<sup>1414141414</sup> Sum & JJ Wing, MCD

---

## CASE STUDY

### Madanpur Khadar

Set on the far South-western fringe of Delhi next to Sarita Vihar, Madanpur Khadar is one of many resettlement colonies that have come up because of the recent drives to evict squatters.

The colony was developed in 2002 and seven years on the state of affairs in the colony are depressing- public services that are to be provided by the MCD are still close to non-existent.

The analysis of the colony can be divided into the following major headings-

#### Socio-economic profile of residents

The residents (96.2%) of the colony are mainly squatters who have been evicted from JJ clusters that were present in Nehru Place, Alaknanda, Raj Nagar, Okhla, Tughlakabad, Hauz Khas, Chanakyapuri, Sarojni Nagar, Nizamuddin and Kalkaji. (Source: Plan India)

The details upto 2004-2005 are as follows-

S. No.	NAME OD CLUSTER	NO. OF SQUATTER FAMILIES RELOCATED	AREA WHERE RELOCATED	LAND OWNING AGENCIES
	<b>2002-2003</b>			
1.	Shaheed Arjun Dass Camp West Kidwai Nagar	1258	Madanpur Khadar	NDMC
2.	Apna Bazar, Nehru Nagar	25	Madanpur Khadar	S & JJ Deptt.
3.	Pushp Vihar	73	Madanpur Khadar	PWD
4.	VP Singh Camp Tughlakabad	849	Madanpur Khadar	CCI
	<b>2003-2004</b>			
5.	Neela Gumbad	164	Madanpur Khadar and Molar Band	Archeological Survey of India

6.	Captain Gaur Marg	154	Madanpur Khadar	PWD
	<b>2004-2005</b>			
7.	Dhapa Colony (L & DO)	468	Madanpur Khadar and Bawana	

Source: Plan-India and The Hindu. 'Madanpur Khadar to get Power Connection'. (2004, July)

A survey conducted by CASP-Plan in the area revealed that most people in the colony had lived in Delhi for the last 15 to 20 years, and were originally from different places.

UP	Bihar	Rajasthan	Other states
57.1%	20.5%	10.5%	11.9%

This large percentage of people from neighboring states follows directly from the occupation of the residents of the colony-

Labour-masons, painters etc.	Private service- domestic help, drivers, guards etc.	Own business- STD booth, vendors etc.	Unemployed
39.5%	30%	15.24%	10%

---

One major problem with Madanpur Khadar is its distance from working areas such as Nehru Place and Okhla. Being far away from such areas makes commuting difficult and expensive. Women in the colony claimed that men were rendered jobless after resettlement because of the large distances that needed to be covered to reach their original places of work.

Referring to the Bombay Pavement Dwellers Case, Justice Chandrachud in Para 32 of his judgment had stated- *'An equally important facet of that right is the right to livelihood because, no person can live without the means of living, that is, the means of livelihood. If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation.'* (Source: <http://www.legalserviceindia.com/articles/case.htm>)

Thus, relocating the people far away from their original places of livelihood would amount to a violation of their fundamental right to life.

The bus-fare from Madanpur Khadar to Nehru Place was Rs. 8 one way. The transport fare to Okhla and Govindpuri would come to be about Rs. 20 to Rs. 24. A fare of Rs. 24 a day compounds to Rs 720 for a month. (Source: Delhi Janwadi Adhikar Manch.2001.'Always on the Run'). For a person earning an average of Rs. 2651 a month, Rs. 720 just for commuting implies that one-fourth of their income was spent just to get to their workplaces.

However women were able to get jobs as domestic help in Sarita Vihar nearby explaining the sizeable percentage of people in this line of work.

Residents claimed that the average income was around Rs. 3000 a month. This figure corresponds with the survey that showed income ranges between Rs. 1200 and Rs. 10000 a month with an average figure of Rs. 2651. 50.9% of the population has income below Rs. 2500 a month, implying that a large percentage of the residents would be in the Below-poverty-line (BPL) category. The average income is one that is difficult to live on, considering family sizes hover around 6 to 7 people. (Source- Jagori)

---

## Housing Conditions

During the resettlement stage of the colony the Government (unlike now) had to no provisions to provide developed land to the resettled squatters. Squatters were brought in truckloads in the middle of the monsoon season and left on barren demarcated plots of land. The land was given out at the following rates by the government (as told by residents)-

18 sq. metres - Rs. 7000

12 sq. metres - Rs. 7000

Plots on the corner intersections of the roads- Rs. 20000

Larger plots were given to squatters who could prove residence before 1987. (Reference to final report) Though residents seemed to be unaware of the reason for distinction between different sizes of plots distributed- One of the claims was that everybody from Nizamuddin had got larger plots while smaller ones were handed out to most people.

Houses have been built by the residents themselves, saying that they had received no help from the Government. The various types of housing were-

Thatched houses/plastic sheet covering	Brick walls with mud plastering and tin/asbestos sheet roof	Stone slab/ RCC roofing and proper flooring
8%	27%	65%

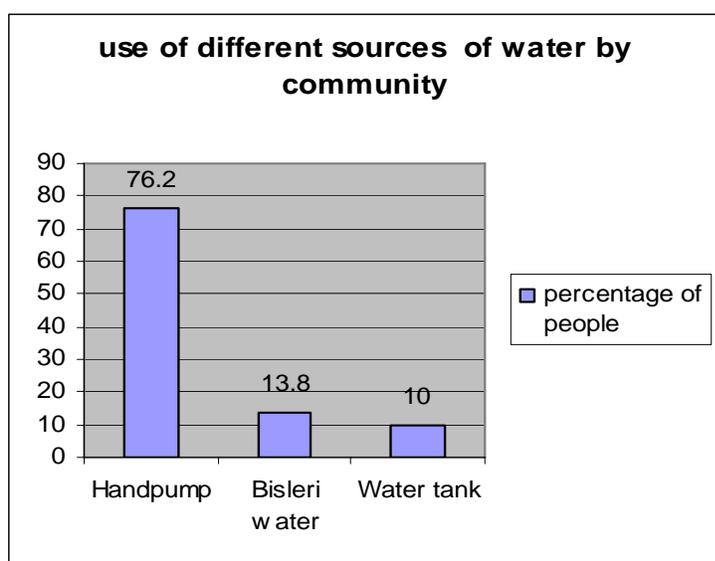
Source: Plan-India

---

## BASIC AMENITIES

### Water

There were three sources of water available for residents- handpumps, DJB tankers and private packaged drinking water. The utilization of all three was as follows-



Source: Assessment of water and Sanitation Facilities, Sakshi Saini

There were abundant complaints about the quality of the water supplied through the handpumps with people claiming that the containers it was stored in turned yellow in a couple of days. Residents held that the water was unfit for drinking, even bathing and was only fit for cleaning and washing clothes.

The DJB tankers arrival was erratic, coming at an average of 2 to 3 times a month. People claimed that the low frequency of the tanker caused a lot of fights over filling water when the tanker came to colony.

The only other source of water left was the packaged water which was expensive, yet necessary because of inadequate supply by the Government.

---

## **Education**

There were three Government run schools within the colony. None of the Government schools provided schooling up to class XII until this year. There were 3 schools in the area- two providing education till class V. The third one ran classes from class VI to class VII. The school was introducing new classes this year. Residents complained that although the Government run schools had adequate teachers there was hardly anything being taught in the schools. They also reported over-crowding in the classrooms with up-to 70 children in one class.

There were a number of private schools available, with the general opinion that the education provided there was better but more expensive.

## **Security**

There had a lot of apprehension about the lack of safety of women and children in the colony up-till recently. People in the colony felt that the police were not very helpful in maintaining a sense of security in the area. Work for women and child safety has been done by an NGO, Jagori , working in the area by holding training sessions for boys and girls in the colony, organizing meetings for women to discuss matters.

## **Sanitation**

The state of sanitation in the area is poor- there is a lack of cleanliness in the colony. There were two main reasons for this problem-

### **1. Garbage Disposal**

Residents report that MCD employees do not come to pick up the garbage from the colony unless bribed to do so. Their absence was evident from the way garbage was piled up in areas designated for parks.

---

## 2. Drainage

System

There was a drainage system in place, though it consisted of open drains running through the colony prone to overflowing during the monsoon season. The problem was compounded by the fact that owing to the garbage piling up, the drains often got blocked.

## 3. Toilets

There is a severe lack of public toilets in the area. The ones that are available are dirty even though residents have to pay Rs.1 per person per use of the toilets. As per the report of the National Capital Region Planning Board (1999), the norms for informal housing community toilets are one latrine seat for 25 persons. However, Gadha colony only had 1 toilet for 70 people. (Give reference to Madanpur Khadar Survey) Owing to this people defecate in open areas behind the colony. Toilet usage in the colony was as follows-

Community toilets	Open defecation	Personal toilets
63%	32%	5%

(Source: Plan-India)

## Health

There are no hospitals nearby, the closest government hospital being Safdarjung Hospital which is about 13 to 14 kilometres away from the colony. Though, land has been sanctioned to build a Government hospital in Sarita Vihar. Mobile primary healthcare services were provided to the residents under Mobile Health scheme but residents reported that the vans that had been regular earlier had stopped coming. 80% of the people were reported to visit quacks in the area for treatment.(Source: Plan-India) The poor state of healthcare was an especially alarming trend considering that the area had a poor state of sanitation and that the water supplied was not clean- Almost 90% of the respondents complained about the gastrointestinal problems. (Source: Plan-India). The scheme is a warm welcome to make better of the lives of the urban poor, but we are yet to see the impact and applicability of the said scheme.

## RECOMMENDATIONS

The recommendations have been suggested on the basis of the problems faced by the people in resettlement/relocation colonies, and from our experience at Madanpur Khadar.

It is ideal that the relocation sites be chosen such that they are not located very far (within 5 kms) from the JJ colony where the residents have been residing. This is because otherwise such relocation could lead to displacement of the lives of these slum dwellers. Their place of work, schools for children, hospitals, and transport services would still be accessible, and the procedure would not alter their lives greatly. Also, the govt. would not have to provide for these services or sources of livelihood of slum dwellers separately as the previous ones would still be available.

However, in cases where such locations are not available that are within a convenient distance from the slum colony of displacement, such locations be provided for that are within 3-5 kms of a commercial, industrial or residential complex, so that job and livelihood prospects are not shattered. Govt. schools and medical facilities are already included in the policy paper, but their accessibility and affordability must be ensured.

2009 onwards the new policy requires the Govt. to provide the displaced slum dwellers with not just plots, but built houses. Given that these colonies can mostly be located on the outskirts, where the livelihood opportunities aren't as expansive as at their previous slum colony, it could be a good idea to employ the slum dwellers themselves, at minimum wages, in the construction of houses, sewers, water pipes, public toilets and perhaps even schools and hospitals. This will not only instil in them a sense of confidence about their relocation site, but also help them accustom to the place before the actual process.

Moreover, some local commercial complex could be provided for within the colony that may give them additional employment/business opportunities. The residents could be helped and encouraged to start small and simple shops for local hardware, telephone booths, toys, utensils, etc so as to create a market and hence, income in their mostly desolate environment. For this, it is absolutely necessary that loans be made available to them easily; even micro financing can

---

be encouraged so that people are made capable of starting their own business, especially those who had to shut down their shops because of the relocation.

It often happens that the slums are demolished at very short notice. This results in heavy loss to the slum dwellers as they lose not only their homes but also all belongings of value. If they are aware of the eviction well in advance, say a month, and also know of their plot number and details, they will be able to arrange for sale of or movement of TV, coolers, fridge, gas stoves, food grains, clothes etc. to their new allotted plot/built house.

There are numerous facilities listed in the policy that should be made available at the relocation sites. But it is observed, that something as basic as water, power, sewerage, public toilets are not being provided by the Govt. Residents often have to wait for years for such basic civic amenities, and even when they are provided the quality of service is extremely poor. There aren't any complaint cells in the periphery and the police is mostly apathetic to their misery and even contributes to it by charging '*haftas*' or bribes regularly from the residents. For this purpose, it is essential that the colonies may be encouraged to form their own associations such as the RWAs by holding elections or by consensus, as suitable, and these associations be appointed the duty of addressing community problems and communicating them to the concerned agencies.

It is often the opinion of people that the NGOs working in the areas are doing immense work for the residents, but they mostly work in isolation which creates limitations on the amount of work that can be achieved. They should thus be encouraged and incentivized to work in cooperation so as to be able to benefit the community on a larger scale.

There is no Govt. information centre located within or around the colony to provide its residents with the information about the various Govt. schemes for the girl child, education, scholarships, health care etc. The problem here is not of ignorance, it is largely of inaccessibility. For instance, on talking to people in Madanpur Khadar, it was found that a lot of people were aware about the *Ladli* scheme and even wanted to avail the benefits of it. A couple of them had even gone to visit the office but they were turned away by the officials. Excuses were plenty; either their child wasn't eligible, or did not have a birth certificate (even though there was a school certificate), or the girl was too young or too old to be able to avail the benefits of it.

Hence, there is dire need for Govt.'s program of Mission Convergence to reach out to these people. The Govt. offices are too far, and the staff ignorant. People are eager to know about and use the schemes, but simply lack assistance, and the Mission Convergence is a fool-proof

way to do so. Hence, there is a definite and urgent need for the Govt. to establish GRCs in all current and future relocation colonies to enable people to access information conveniently and correctly.

With these recommendations, it is hoped there will be brought a difference in the lives of those in hope for a better living by those who have the duty to provide one.