

“India Shining”

A Report On Demolition and Resettlement of Yamuna Pushta Bastis

**Peoples Union for Democratic Rights, Delhi,
May 2004**

I. Introduction

The Delhi landscape is distinctive among Indian and other ‘third world’ megacities. The heavy impact of state policies has been evident for a long while. Today, state policies are in a distinctive new phase. A new, socially sanitized Delhi of ‘international standards’, of expressways and flyovers, Commonwealth games villages, places of exorbitant consumption, and landscaped Yamuna riverfronts, is in the making. Part of this state-sponsored redevelopment of the city requires suddenly ousting lakhs of slum-dwellers and not rehabilitating them. The latest to come under attack are the countless people staying in and around the riverfront in Yamuna Pushta, with the police, the courts, urban development agencies having decided to dispense with their lives and livelihood.

Of course, demolitions and ‘resettlements’ have been standard fare for Delhi’s slum-dwellers, most notoriously during the Emergency in 1975. In terms of the violation of people’s rights, the Yamuna Pushta demolitions are therefore not unique. And yet they must be seen not merely as repetitions of earlier demolition episodes but also as part of a recently renewed and intensified state commitment to the branding, upgrading and gentrification of the city.

In the third and fourth weeks of April, amid media silence, PUDR conducted a fact-finding into the demolitions at Yamuna-Pushta and into the displacement of people to verify the government’s claim of a lawful, orderly and tranquil relocation. The arrests of residents, two fires in quick succession, and the plight of men, women and children forced to live without a roof under the blazing summer sun made for the urgency in releasing our findings to the press and in petitioning state authorities. The PUDR team visited *Indira Colony* and *Sanjay Amar Colony* situated behind the Vijay Ghat and stretching upto the old Yamuna Bridge. The situation for the other slum clusters facing destruction seems, from all reports, to be similar to that described here. The team also visited distant *Bawana* where the ‘resettlement’ of the oustees is taking place.

II. What Happened

The settling of migrant workers on the Yamuna bank started over 30 years ago and the first survey was conducted in 1977. The settlers bought land from farmers cultivating the flood plain. A plot 20 feet by 40 feet sold, the PUDR team was told, at Rs.10,500 in 1991. In addition, it is alleged by older residents that the construction of a *kuchha* dwelling required a payment of Rs.3,000 to DDA officials and Rs.1,000 to the local police. They also allege that a *pucca* dwelling required payments of Rs.10,000 and Rs.5,000 respectively. Apparently, even rebuilding of a *kuchha jhuggi* would require a payment of Rs.500-1000 as bribe. Over the years the colony, thanks to political patronage, got authorised water and power connections with individual billing. The people living in these areas became an essential part of the city's low wage economy, performing tasks that were necessary but poorly compensated.

And then suddenly, the authorities decided that these people were dispensable, that they were a drag on an aspirational 'India shining'. Demolitions followed. But what exactly does it mean to be demolished and displaced by the state? And further, what is the meaning of **not** being resettled and rehabilitated? The sequence of events given below provides some idea however partially of the way in which peoples' lives shatter when the heavy arm of the state swings into action.

The Sequence of Events:

Here is a sequence of only some of the most important events (till mid-April) having to do with the demolitions:

- 5 Feb Single bench of High Court stays demolitions in Pushta.
- _ Feb A woman commits suicide in the Pushta following demolitions
- 12 Feb Division bench of the High Court vacates stay on demolitions
- 13 Feb 1000 houses in Gautampuri II in Pushta are demolished
- 21 Feb Election Commission orders a halt on demolitions until the elections are over
- 8 Mar EC changes stand. Approves the removal of more than 18,000 jhuggis from Pushta

- 17 Mar 1000 houses demolished in Gautampuri I in Pushta
- 24 Mar 3000 jhuggis destroyed in Kanchanpuri. 9 protestors arrested

Events in Indira and Sanjay Amar colonies:

- 3 Apr Selected list of people were told to break their houses. Demolition of these finally occurred on 7 Apr
- 4 Apr Rally with petition to Sonia Gandhi blocked. 3 representatives arrested.
- 6 Apr Pradhans were called to the police chowki and threatened into breaking their own homes as 20 bulldozers were due to come the very next morning
- 12 Apr At 9 am the police announced that all people should empty their houses since the bulldozers were arriving. Later, 2 suspicious fires with massive destruction of homes. A child and an elderly man die as a result.
- 16 Apr Policemen remove water pipes from their source
- 18 Apr Another huge fire

III. Rights Violations

The entire process of demolition and resettlement has involved gross and blatant violations of people's rights. These have been the outcome of the acts of omission and commission by state institutions, as also a complete disregard for the rights to life, freedom, and justice. Some of these violations are listed and discussed below.

Illegal Arrests

A protest rally on 4 April planned by the residents was prevented from proceeding despite prior permission from P.S. Kotwali. Three representatives, Dr. Siddiqui, Sri Bhagwan and Aslam were taken to the police station on the pretext of taking them to submit their memorandum. They were arrested under sections 107/151 (security for keeping the peace, and arrest to prevent the commission of cognizable offences) Cr.P.C. Another resident, Mehfooz was arrested under the same sections the next day when he was returning from the court of the ACP where the three were produced. It may be noted that S.151 and 107 are minor and bailable and carry a maximum detention of 24 hours

and a bond of good behaviour. However, all four continue to be in jail.

A fire gutted a number of jhuggis on the afternoon of 12 April. Anger and suspicion that the police was involved in setting the fire led to protests. It is claimed by residents that one policeman was attacked when he was found to be involved in setting fire to the houses. The police retaliated by a lathicharge on the people trying to salvage their belongings from the houses. Shahnawaz, Salim, Bilal and Javed were picked up by the police randomly from the crowd. Javed, for example, was picked up even while he was trying to cajole the police to stop hitting others. They were taken away at 3 pm and detained in the chowki through the night and beaten. They were charged for setting the houses on fire (S.436, 34 IPC). We did not find a single resident who accused any of these four for the fire. The Metropolitan Magistrate and the Sessions Court have rejected their bail.

The cases filed against these eight persons are patently false and are clearly aimed at terrorizing the local residents. They are also clearly targeted at ending any resistance, however democratic, that may be offered by the local residents.

Recurrent Fires

Two fires on 12 April and again on 18 April have destroyed a large number of houses. The first fire occurred in an area where most houses are built of brick and mortar and have not witnessed regular fires. The initial fire was doused by the residents. However some time later, it erupted simultaneously from 3-4 different spots. These happenings suggest that the fires were not accidental. As mentioned above, police was felt to be directly responsible for at least one of the fires. Police was also responsible for delaying the fire tenders from entering the colony. Two lives were lost. The fire on 18 April occurred at night but while there was no loss of life, a much larger number of houses were destroyed. In spite of the suspicious nature of the fires no enquiries are being conducted into the cause of the fires.

While the Delhi government has paid compensation for the two deaths, the people whose houses and belongings were destroyed have not received any from the government. The existing practice of giving a compensation of Rs. 1000 to a family whose house is gutted has also been dispensed with in the instance of these two fires.

Disenfranchisement

The Election Commission initially objected to the demolition occurring during the election period. But it reversed its decision after 3 days. Today there is little doubt that a large majority of the 24,000 voters in Pushta are going to end up *de facto* disenfranchised. It was unclear for a long while whether the old polling stations would be set up. In fact it was as late as the evening of May 9, ie the day before the polling in Delhi that the Election Commission passed orders for the old polling booths to be set up and for special buses to ferry voters between the resettlement colonies and the polling stations. However the basti dwellers have been and will continue to be scattered here and there – some to Bawana, some to other, distant colonies. The chances of them being able, given their perilous life situation, to vote are slim.

The Election Commission needs to take responsibility for its decision to go ahead with the demolitions during the Election period effectively depriving citizens of the right to exercise their right to vote.

IV. Relocation / Resettlement

The process of resettlement on the surface might to the uninformed simply imply a shift of residence. But for thousands the entire process of displacement and relocation means a losing proposition, a loss of residence and livelihood with nothing whatsoever to replace it. The end result is impoverishment, destitution and finally migration to other places for many who had migrated to Delhi years either in search of a settled existence and made it their home. The factors which contribute to this process include exclusion from lists of those found eligible for relocation, displacement before relocation, demolitions and lack of alternative housing, demands for bribes at every stage of the relocation process among many others.

Exclusion

In the Tejpal Bagichi area of Indira Colony 1346 houses were surveyed and the list of people offered land stands at 635. In Naopul area of Indira Colony around 500 of the 2390 surveyed families were named as entitled for plots. We, however, met a number of people who possessed all the

required documents and yet their names had not been listed.

There are serious exclusions at work in the 'resettlement' process. Large numbers of slum dwellers are being unjustly deprived of their entitlements. People who did not have ration cards before 1997 are in any case ineligible. Tenants are ineligible too. A fee of Rs. 7,000 (for the 18 sq. m. plots) and Rs. 5,000 (for the 12.5 sq. m. plots) is being charged from the displaced for allotment. There is a large percentage of people in Indira Colony for example, who simply cannot afford such amounts, least of all at a time like this, when the livelihood of many are either lost or severely disrupted.

Surveys for deciding entitlements have been conducted only for those occupying DDA land. Colonies on Railway land and on that 70 ft. wide land (on both sides of the Pushta) that was not surveyed in December 2003 are part of the area that has witnessed demolition. They are ineligible for any benefits simply because the land on which they had settled did not come under the DDA.

Inhuman Procedures and Corrupt Practices

Even if people have been surveyed, the possession of certain documents – a ration card, token issued at the time of the VP Singh government and a voter identity card – is the basis for eligibility for relocation: whether or not the displaced figure find mention on the government's list of allottees. Being part of the poorest section of the population, they were issued BPL cards in 2002 and their earlier cards taken away. But the new cards do not suffice to get them a plot at the relocation site. Therefore people are required to go to the DDA office at Minto Road to obtain a noting on their new ration card specifying the date of issue of the previous card. This process requires people to stand endlessly in lines at that office and also pay a bribe of Rs. 500.

It is not that simpler and less harassing procedures were not available. At the time of the 1994 fire, many people had lost their ration cards. A file available with the SDM at Room No. 156 Tis Hazari was consulted to enable the issuing of duplicate ration cards. The same could have been repeated. But this time round the procedures seem to be intentionally designed to be complicated and daunting.

The people are also required to file an affidavit. For this purpose, a Notary Public is available at the Pushta. For a ten

rupee stamp paper and a paragraph of typing and a rubber stamp, he charges Rs. 180.

The act of shifting requires transport which has become another avenue for money-making at the expense of the oustees. There is a provision of Rs. 500 for the shifting of each family. We did not meet anyone who had or knew of anyone having received this entitlement. Very often, two families are bundled into one tempo. In sum, then, Rs. 1000 is being charged for each tempo load going to Bawana. It is not clear which authority pockets the money.

On reaching Bawana, the people do not get a plot immediately. A single official of the DDA is available to measure and delineate the plot. And since there is only one person available to do the job, only a handful of plots are demarcated each day. This means that families are sitting for several days beside the road with all their belongings, with nothing over their heads.

Verbal complaints concerning these practices have been made to the local police. But they have fallen on deaf ears.

Demolitions and lack of alternative housing

The continuous threats of immediate demolition and consequent destruction of houses have led most people to vacate and to destroy their houses in order to retrieve whatever building materials they can salvage. This coupled with the devastating fires has rendered most people shelterless. The government has provided some tattered tents that are ridiculously inadequate both in quantity and quality. Most people are currently living in the open under a sheet propped up by sticks.

Those who have been allotted the Bawana site have been informed that they are not to build any pucca structure at Bawana for three months – covering the hottest months and the monsoons. They are expected to live under a sheet or else a cane mat (*chatai*). Apart from the discomfort, this makes the entire habitation extremely prone to fire. Needless to say there is no fire-fighting equipment around. A jhuggi made of cane mats costs Rs.1500 for a 12.5 sq.m. plot and these mats become useless later on.. This is a big financial imposition on impoverished families whose earning members have now lost their jobs and who, in any case, need to save every last paisa to be able to build a pucca house after three months.

Due to the lack of shelter the oustees are being forced to rent places in other slums and colonies. These are places east of the Yamuna in Usmanpur, Shastri Park, right up to Loni. The police has been continuously harassing such people and their new landlords. On receiving information that someone from the Pushta is renting a place, police often brand them as Bangladeshis, interrogate and/or detain them. At Usmanpur three women who had taken up a place were made to sit at the thana from morning till evening and were released only after others intervened. Consequently, the Pushta residents often lose the one month's rent paid as advance or are simply and deliberately forced out of the rental market in these colonies.

There is little by way of food in many houses. People cannot go to work because they are continuously stuck with the administration over some paperwork or being rushed from one office to another, or else are trying to salvage whatever is useful from their existing houses. There is clearly an urgent need that oustees be provided shelter and food until the administration is able to allot land and for a reasonable time thereafter till people are able to construct a house.

Lost livelihoods

Those who are relocated to Bawana are forced to give up their jobs at or near the Pushta, given the expense in time and money of commuting. The many thousands of rickshaw pullers are especially badly affected—they have no hope of continuing this occupation in Bawana village. Many of the women in the Pushta colonies worked either as domestic helps or were homeworkers doing piece-rate work. They are being hit economically especially hard.

Displacement before relocation

People's homeless condition is a direct outcome of willful omissions and lack of planning on the part of officials. The callousness of those implementing the court order is evident from the fact that the destruction of houses was started even before a proper list of allottees was prepared. Instead of correcting the lists by asking those excluded to file their objections, the DDA went about demolishing first.

Secondly, the relocation site of Bawana has not been adequately developed. The only facilities available are public

toilets. But these too are priced: Rs.1 to use the toilet, Rs.2 to bathe, and Rs.5 to wash clothes. An impoverished family of say, five is thus expected to pay Rs. 20 per day for essentials.

The water supply while so far adequate in quantity (with very few families 'resettled') is very poor in quality—it is hard, salty and almost brackish. It is not potable. Relocated families are having to use a Delhi Jal Board tubewell a good distance away from the resettlement colony. On 27 April, they were stopped from doing so by young, local village toughs and a fight broke out between the villagers and the relocatees. The villagers have, predictably, won out and now even this (the only) source of potable and 'sweet' water is out of reach. The signs for the future of villager-relocatee relations are already ominous. Electricity, too, is only available for about five hours a day and is not from a sub-station but from a generator.

The plots are undeveloped, presently lying 4 feet below the level of the open drain and the road! Just levelling the land costs over Rs. 3,000 for a 12 sq.m. plot. But the leveling cannot begin for three months yet—that's a rule. Families are expected to spend the monsoons in makeshift shelters (given the order banning construction for three months), with their plots far below the level of the drains! There are no bins for disposal of solid waste, nor any refuse collection service. The all too predictable result: the drains are choked and the water already fetid. The danger of cholera and dengue epidemics as also other diseases is thus a very real potential threat. Even more so given the absence of even a rudimentary primary health care centre.

There is no school: there is an empty site for a secondary school while only the foundations of a tiny primary school have been laid. Most children at Pushta were attending municipal schools. By being callous and tardy about building schools, the authorities are further undermining the children's futures. It should also be noted that because of the timing of the sudden demolitions very many class X and XII youth have had to forego their crucial board exams. Some slum dwellers have tried to find out whether their wards can be admitted in the government schools located in Bawana village (which is at quite a distance from the new colony.) They have been clearly told that the "jhuggi-walla" children will not be given admission. Private schools in the village charge from Rs.300 to Rs.500 per

month. Ironically, while there are no houses and no schools, the only nearly complete building in the area (other than the public toilets) is a community hall, called 'baraat ghar' by the new residents.

The abovementioned practices of exclusion, displacement before relocation, and burdensome procedures seem to be designed to deter people from claiming the relocation site or else from continuing residence in Delhi. The flip side to the deterrence is to make the relocation plot undesirable.

Is the Plot worth the while?

The plot sizes are much too small even for families of five. Even on a generous estimate that assumes that as much as half the colony land is put to public uses (roads, public toilets, open areas etc), the housing density is therefore set to be *at least* five times (2000 per hectare) the density recommended in the Master Plan (400 per hectare).

The allottees do not become owners of the plot, they are occupants for a fixed period of five or ten years. The plot is not even transferable to the children in case of death of the allottee. It would cost at least Rs. 25,000 to build even a basic *pucca* house. Given this, clearly, insecurity of tenure is going to and already is strongly deterring people from availing of this 'resettlement and rehabilitation.' Since poor people add to their meager incomes by rearing chickens etc. or carrying on some household productive activity, the allotment sets the condition of not rearing any birds or animals and not carrying on any productive/commercial activity. Apart from the deterrence, this clause also ensures continued bribes for the local police and other officials. The reproduction of the perverse role political patrons and brokers play in all Delhi slums is assured.

There are no jobs in Bawana. There is a nearby industrial park but there are almost no factories up and running and only a few under construction. Jobs in Bawana village are entirely out of bounds for the relocatees—"jhuggi-wallas" are apparently being refused jobs by Bawana's petty traders. This means that relocated workers will now have to endure expenses of, at least, Rs20 and commuting times of at the very least 3.5 hours each day. The huge further impoverishment of the quality of their lives is thereby guaranteed.

V. Is this not unfair?

The demolitions have been rationalized as being the result of the slum-dwellers' illegal and unauthorised takeover of public land, and as being against the provisions of the Master Plan. But is this not the same way in which a number of now wealthy, and some even then, obtained large tracts of land in Delhi on which are constructed the houses of the well-to-do. In such cases, unauthorized colonies were regularized one after the other. What was the fault of these particular settlers? That they were unable to obtain enough incomes to build bungalows on the Yamuna banks? That they continued to be the hard-working people they had been when they ventured into Delhi?

The fact that they chose the Yamuna bank and thus defied the Master Plan does not offer an explanation. There are many structures both constructed and presently under construction that violate the Master Plan, structures that are the apple of the eye for Delhi's upwardly mobile and of those in power – the Delhi Metro and the Akshardham Temple, for example. Is the Akshardham temple the reason that the temples and masjids of the residents still stand as grotesque residues amid the rubble of people's homes? And isn't the real motive behind this demolition drive (before and irrespective of any High Court judgments) to redevelop this whole area for landscaped parks, upscale retail, and entertainment space not to mention the desired showcasing of 'civilizational values'? The ministry of Tourism and Culture has recently announced Rs.5 crores for the landscaping of the riverfront alone, and it plans the development of a 'green corridor' extending from Rashtrapati Bhavan to the river bank. Skin-deep environmentalism (Delhi as 'green' city) is being deployed as rhetoric for anti-people redevelopment.

The murkiness of Yamuna's waters too does not offer an explanation. The sewage and untreated waste water from the colonies on the Yamuna Pushta did flow into the river. But so does the sewage and waste water from most of Delhi's colonies, so much so that the waste from the Pushta would amount to less than one tenth of one percent.

There is no shortage of government land all over Delhi,

not the least of which are the dozens of acres of unused showpiece commemorative sites Vijay Ghat and Shakti Sthal, right next to the Pushta slums. Why then are the dislocated being sent to the very outer boundaries of outer Delhi?

The government has gone out of its way to cheapen housing finance for the well-off. Indeed, according to analysts, the government is inciting rash lending by banks and is sponsoring a property market bubble that could burst quite soon. And yet, the state cannot find the by-comparison tiny amount of money to even finance low-cost loans for the urban poor. Does the state believe that getting the Pushta oustees to first pay Rs.7000 for a plot, then Rs.1500 for a temporary *jhuggi*, and then at least Rs.25,000 for a *pucca* home constitutes a policy that is even minimally egalitarian and just?

There is an urgent need to address this injustice and to correct the inbuilt bias against the poor in existing urban housing, land, planning and fiscal policies. What the case of Pushta reveals is that there is little or no concern for the de-slumming of Delhi. The concern, instead, is to simply relocate them to distant and peripheral sites and that too in ad-hoc, piece-meal, discriminatory and repressive ways.

All of the deeply objectionable aspects of the notorious earlier (April 2000) relocations to Narela (which had created a stir in the press and resulted in PIL-s being filed) are being repeated yet again. As in Narela, what we have in Bawana are over-crowded *planned slums* to replace the ostensibly anti-Master Plan slums of the Pushta et al. This when the vast majority of the land dedicated to low-income housing in the much-vaunted Master Plan has been, with official support, diverted to commercial and elite housing uses. In the huge 'resettlement' operations of the mid-70's plot sizes were 40 sq.m. Since then, the plot sizes have been steadily reduced until the pitiful, current 12.5 sq.m. All in the context of the non-implementation of urban land ceiling laws and indeed plans to scrap them altogether.

The Draft National Slum Policy (1999) speaks, in the context of 'rehabilitation and resettlement', of such things as: compensation for livelihoods; options for the displaced; participatory decision-making, implementation and monitoring, etc. Why is it being violated in letter and spirit?

It has been a commonly observed phenomenon, one which has been documented by research, that, because of the severe problems in the 'resettlement' colonies, a majority of those relocated in the past have soon sold their plots and returned to live in some slum or the other in Delhi proper. Add to this all those who were simply excluded from the resettlement schemes and it is clear that all the state is achieving is a further crowding and stressing of the existing poor people's colonies still left standing. There is no doubt that the same is the case with the Pushta demolitions. The irrationality of a housing and land-use policy that refuses to recognize the rights and well-being of the labouring poor (as a whole) of Delhi stands exposed.

It can be argued that, despite the ideal of equal treatment by the state, there is often a justification for the state to act in differential ways towards different categories of citizens (slum-dwellers v/s the rest, for example) *if* it furthers the cause of equality. The latter, all-important condition is completely violated in the case of the Yamuna-Pushta oustees. Even so, is it necessary to make so many further crosscutting sub-categories of slum-dwellers? This results not only in the dividing-and-ruling of slum-dwellers but also belies the ideal and expectation of equal citizenship (via the fragmentation of entitlements.)

The contrast with the slum rehabilitation policy now being followed in Mumbai is instructive. There, a more uniform and universal entitlement has been defined – *all* Mumbai slum families from before 1995 are entitled to the *same* 225 sq.ft. floor space. And NGO's representing (however imperfectly) slum communities have been deliberately involved. It is true that there are many problems here too (not least the failure to address the larger issue of the inequality of land ownership) but there can be no doubt that it still serves as a severe indictment of the Delhi state agencies' callousness, incompetence and corruption. Delhi authorities simply do not recognize the city's labouring poor as citizens or indeed, it could be argued, as human beings entitled to a dignified existence and residence in the city.

VI. Conclusion

Governmental agencies have largely succeeded in their attempts to portray a picture of the Yamuna Pushta residents willingly wishing to leave their current residence and to take up

whatever new plots that they are offered at Bawana. Harassment and intimidation by the police through false cases, arrests, continuous fear of demolition, lathicharge, abusive behaviour find no mention in this official version. Saddled with exploitation at the hands of corrupt officials, and with the insecurity and anxiety about housing, education and livelihood, the people of Yamuna Pushta today suffer from an acute sense of having been humiliated and dehumanized. They have been pushed into a state where they are unable to resist or even to complain loudly about what they find unjust. The initial protests that had reflected the mood of anger, fear and hope (in the form of big Congress party leader-patrons and V P Singh.) has given way to a fear of the police. There is now an extreme cynicism about the state as a whole including the judiciary not to mention political parties and leaders. The paucity of sympathetic media coverage of their plight has provoked great resentment. Once again, as in so many earlier demolitions, the rights of the poor to freedom of occupation, equality before the law, and most importantly the right to life with dignity are being flouted with impunity. The true face of democracy at work in India today stands, tragically but perhaps fittingly revealed during the election period.

PUDR demands:

1. Immediate release and withdrawal of cases against the eight arrested people.
2. Investigation into the cause of the two fires in the Pushta colonies.
3. Payment of compensation to people whose houses were gutted.
4. No further demolitions till plots are allotted.
5. Provision of temporary housing and food to the shelterless in the existing colonies and at Bawana.
6. Simplifying of administrative procedures to stop harassment.
7. Providing control to displaced people with immediate effect to build on and bequeath their plots.
8. Officials who have taken bribes be punished and the money returned.
9. A democratic and just urban housing and land policy be drafted and adopted.

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