

Report of the Public Hearing on

The Forced Evictions Across India and G20 Events



ORGANISED BY CONCERNED CITIZENS

May 2023

Public Hearing on The Forced Evictions Across India and G20 Events

Jurors



Pamela Philipose

Senior Journalist



Beena Pallical

Dalit & Marginalised Rights Activist, NCDHR



Harsh Mander

Democratic Rights Activist works with the Homeless



Tikender Panwar

Former Dy. Mayor, Shimla



Anand Yagnik

Adv., Gujarat High Court

Venue: Harkishan Singh Surjeet Bhawan, Rouse Avenue, Mandi House, New Delhi
Date & Time: May 22, 2023, 10-6 pm



CONCERNED CITIZENS

राष्ट्रीय जन सुनवाई G20 सम्मेलन और देश व्यापी जबरन बेदखली

जूरी सदस्य



पामेला फिलिपोज़

वरिष्ठ पत्रकार



बीना पल्लीकल

एन सी डी एच आर



हर्ष मंदिर

मानवाधिकार एक्टिविस्ट



टिकेंडर पंवार

भूतपूर्व उप महापौर, शिमला



आनंद याग्निक

अधिवक्ता, गुजरात उच्च न्यायालय

हरकिशन सिंह सुरजीत भवन, राउज़ एवेन्यू (माता सुंदरी कॉलेज के पास), नई दिल्ली
22 मई, सुबह 10 बजे से शाम 6 बजे



कंसर्नड सिटीजन्स

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The Forced Evictions
Across India and G20 Events

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A brief introduction of the jurors for the G20 hearing

Harsh Mander

Harsh Mander is a human rights advocate who works with survivors of mass violence, hunger, homelessness, and street children. As Chairperson of the Centre for Equity Studies, Harsh Mander is dedicated to analyzing and developing public policy and law to promote justice and rights for disadvantaged groups. He is also the founder, convener, and editor of the annual India Exclusion Report, which aims to document the experiences of marginalized individuals and provide evidence-based analysis and advocacy for fairer laws and policies. As a member of the Prime Minister's National Advisory Council from 2010-2012, he has also convened working groups on various important issues such as the Food Security Bill, Urban Poverty and Homelessness, Disability Rights, Bonded Labour, Street Vendors and Urban Slums, Land Acquisition and Rehabilitation Bill, Child Labour Abolition, Manual Scavenging Abolition. He also co-convened groups on topics like the Communal and Targeted Violence Bill, Dalits and Minorities, Tribal Rights, and more.



Beena Pallical

Beena Pallical is a Dalit and Humans Rights activist. Presently being the general secretary of Dalit Arthik Adhikar Andolan, she co-ordinates the National Coalition of SCP TSP Legislation and Executive Director, South Asia Dalit Women's Economic Empowerment Program of Asia Dalit Rights Forum. She has been associated with NCDHR for the last seven years, working on Dalit Economic Rights, with a special focus on Dalit women's economic rights. In her work towards policy changes in the central and state legislation, one of her main demands has been for the inclusion of Dalit Women in Policy formulation. Her primary area of focus remains Economic Justice, with a specific emphasis on promoting gender equity and equality. Over the past seven years, she has spearheaded numerous campaigns and provided training on budget rights to several Dalit and Adivasi women and men.



Pamela Philiposse

Pamela Philiposse, a distinguished Indian journalist and researcher, holds the esteemed position of senior fellow at the prestigious Indian Council of Social Science Research. Her remarkable achievements include receiving the esteemed Chameli Devi Jain Award for Outstanding Women Mediapersons in 1999, as well as serving as an esteemed advisor to the Media Task Force of the high-level committee of the Government of India. Her expertise and eminence were further recognized when she was appointed as a juror for the esteemed Ramnath Goenka Excellence in Journalism Awards in 2020, alongside esteemed individuals such as B. N. Srikrishna and S. Y. Quraishi. She has also been the director and editor in chief of Women's feature service, a feminist news agency which has dealt with social, economic, political, and health issues revolving around women. She was also the author of the satirical column Straight Face and the author of a number of commentary pieces of The Indian Express. Since September 2016, Pamela has been appointed as the public editor (ombudsman) of The Wire.



Tikender Singh Panwar



Tikender Singh Panwar, the former Deputy Mayor of Shimla, Himachal Pradesh, is a prominent figure in both the political and media spheres. He has made significant contributions as a regular contributor to various media organizations. Additionally, he has been actively involved with the policy-based think-tank IMPRI, where he holds the position of a visiting Senior Fellow. As a policy researcher, his insightful work plays a critical role in shaping the current direction of development, with a focus on vital areas such as environment, climate change, urban development, finance, and the Indian economy. His multifaceted expertise spans across these diverse domains, making him an influential voice in the field.

Anand Yagnik

Anand Yagnik, a distinguished advocate at the esteemed Gujarat High Court. Beyond his legal expertise, he is widely recognized for his significant contributions as a social worker. Notably, he garnered immense attention and acclaim for his fearless pursuit of justice by filing 1200 affidavits against the Ahmedabad-Mumbai bullet train project under the esteemed Make in India initiative. Remarkably, Yagnik served as the sole representative for a thousand individuals affected by this monumental project, tirelessly fighting for their rights and well-being.



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Introduction

The underbelly of the city seems to have muscle memory of deep uncertainty every time a mega event gets declared in the national capital. And the living memory of much of the working population of the city is actually one that resides precariously between one such event to another. So, while the narrative around such events from the top is set largely around infrastructural improvements and state-of-the-art facilities, the costs of such glitter and glitz are largely borne by the most underprivileged and working population of the city living in informal settlements or slums. While in normal times, an eviction is likely to evoke some sympathy, the associated high-pitched narrative of “national pride” that mostly accompanies such mega events acts as a force multiplier in terms of legitimizing such forced evictions. In the general psyche of the people, largely the urban middle class and the affluent, to showcase the host nation in the best possible light, the “undesirables” ought to be either shunted out or made invisible. So such events also serve as safe pretexts to profoundly reshape cities in ways that are detrimental to the interests of the poor and can thereby be unpopular at other times. At times the residents of a slum feel lucky to be spared the bulldozer if they are allowed to accept the indignity of a fence blocking their neighbourhood. The lack of affordable housing, the inhospitable nature of our modern cities, the uncertainty of available jobs – none of these structural issues seems to deter the authorities from mounting such “cleansing” drives. The capital has been through this process before, having endured the scars of the so-called beautification projects that accompanied the hosting of the Asiad in the eighties and the Commonwealth Games in more recent memory, when the corruption and inhuman attitudes that mark the administrative apparatus came into full view.

This time the drive is being launched in the name of the G20 summit that is being hosted by India. The whole project has been turned into a massive PR exercise to present the might and pomp of India’s economic growth on the world stage. Be it in the name of “beautification drives”, or “clearing of encroachments”, “conservation of the Yamuna floodplains” or “protection of monuments”, slums and settlements are being razed across the city. The demolitions in Tughlaqabad and Mehrauli are possibly linked to the heritage walks being planned for the G20 delegates. The Tughlaqabad demolitions, one of the biggest, have left more than 2,50,000 men, women and children displaced. The illegality of such “encroachments” is offered as a reason for the forceful removals, but such arguments are never raised when it comes to the illegal colonies and farmhouses of the elite, or large hotels built on unauthorized land. But the illegality of informal settlements of homeless people is the result of the state’s failure to invest land and resources in affordable social housing. And this time, in the national capital, shelters built by state authorities for homeless people on the orders of the Supreme Court have been demolished; here even the fig leaf of “illegality” does not apply.

Every time large-scale evictions and displacements take place, it has led to some conversations, protest actions, legal battles and policy discussions, yet nothing seems to change and the bulldozers return with renewed vigour as the next such mega event takes place. The fundamental issue is that city planners have never made provisions to accommodate the working poor, forcing them to settle on public land. Over the decades such fundamental concerns like the right to affordable housing continue to remain elusive. This, is despite international laws, that India has been signatories to, like the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (2007), which recognize forced evictions as a

violation of adequate housing.

The highhanded mass evictions in the run-up to the Commonwealth Games in the first decade of the millennium led the Supreme Court (in what is known as the Sudama judgment) to observe that the government was constitutionally obligated to provide alternate housing to all eligible evictees. It also made it mandatory that the administration must conduct surveys and meaningful consultations with residents before eviction drives and ensure rehabilitation and the provision of civic amenities. These ought to be done regardless of the legal status of the slum. The Delhi Urban Shelter Improvement Board (DUSIB) came to be constituted in this process of debates and consultations which eventually came up with a Standard Operating Procedure to be followed while carrying out evictions. This included prohibitory orders on eviction drives during periods when examinations are going on, or when harsh weather conditions prevail. Such directions were extended to all the 757 bases listed by DUSIB, irrespective of the agency owning the land. And for those not enlisted, the Sudama judgment, which mandated some safeguards, still held sway...

Did the safeguards come into play in the evictions before the G20 summit? Or were they set aside amidst the rubble? Did meaningful consultations and necessary rehabilitative efforts take place with the residents? Did extreme weather or board exams stop the bulldozers? Or were these settlements merely viewed as eyesores that needed to be removed before the foreign delegates poured in? More fundamentally, while we take pride in a new building to house India's parliament, how have we so utterly failed in recognizing the fundamental right to housing for those on the margins of our society? After all, it is those at the bottom of the social hierarchy, the dispossessed, disempowered, and structurally discriminated because of their caste, class and gender, who occupy these informal settlements while performing the precarious jobs that keep the city running. The communal climate that marks the functioning of the state today also has resulted in minority communities, especially Muslims, being at the receiving end of this assault in the name of development.

One of the worst manifestations of the recent spate of evictions was those involving the demolition of the homeless shelters in the Yamuna Pushta area. This March, for instance, the DUSIB demolished eight of its own shelters located close to the Yamuna floodplains, leaving the homeless with no option but to live on the streets. Activists are of the opinion this was in connection with the beautification drive for the G20. The shelter at Sarai Kale Khan, has also been removed apparently because a park has been constructed nearby, a venue to which G20 dignitaries will be brought. Being at the very margins of the city, the residents of these shelters are the most vulnerable, surviving on daily wages, and struggling with illness, with many among them being reduced to begging, and hardly in a position to even protest against such evictions.

While basti evictions still seem to get some attention and media reportage, many a time the eviction and harassment of hawkers get sidelined and sometimes even justified in the name of clearing clutter and footpath space for pedestrians. Hence eviction is not just a housing crisis, but also a crisis of livelihood. The months leading to the G20 events have seen a marked rise in roads and footpaths being cleared of hawkers in the name of "beautification", which results in a huge blow to their livelihood since even the loss of a day's earnings comes at a great cost... In some cities, they have been asked by civic bodies to simply vacate for about a month. In other places, they have been removed forcibly or have not been allowed to return. Similarly,

basti evictions also pose an immense threat to the livelihoods of residents – domestic maids, e-rickshaw/auto drivers, gig-workers, and home-based workers, all of whom eke out a living in the city.

To look into some of these questions and to get a holistic idea about the many dimensions of the recent eviction drives in Delhi and other cities before the the G20 summit, a public hearing took place on 22nd May 2023 at Surjeet Bhawan, New Delhi. The jurors comprised Harsh Mander, Pamela Philipose, Beena Pallical, Anand Yagnik and Tikender Panwar. Organized by Concerned Citizens, a collective of organisations from varied fields, the public hearing provided an opportunity to listen to the testimonies of a wide range of evictees – farmers, street vendors, waste-pickers, residents of bastis –as well as lawyers and activists. This public hearing brought to fore the harsh reality behind the glittering facade that is sought to be built: the brutal saga of bulldozers razing homes to dust.



Pride & Prejudice: Covering the poor

While the hosting of the G20 is being projected as a source of the country's "national pride", what comes through is that the government is prejudiced against its own people, particularly the poor. As Jammu Anand from Nagpur put it, "A judge recently said there will be a mega event of Civil 20 as part of the G20 process, and hence the people of Nagpur should remain disciplined." This was enough of a signal for the local administration to take measures to save "Nagpur's pride". The Police Commissioner issued a public order that no beggars must be visible at the city's crossroads. He continued, "Instead of Gareebi Hatao (banish poverty) they are now doing Gareebi Chupao (hide the poor). In Nagpur, in the context of the C20 inauguration, we saw basis being hidden behind iron sheets covered with plastic grass so that they appear "green"." Jury member Harsh Mander observed, "A city cannot run for even a day without these working hands, but we won't make any space for them. We want them to be like Aladdin's genie, come to our service and then disappear."

In Mumbai, said social activist Shweta Damle, they could not have evicted people given the sheer size of the slums. So they just covered the slums with white barricades along the pathway so that they cannot be seen. A traffic advisory was issued to avoid certain roads. Flower hawkers on roads at Wakola and Vile Parle which intersect with roads leading to the airport, were evicted and relocated far away near Bandra. "The people for whose sake you want to bring development, why are you ashamed of them and attempting to hide the same people?" asked Bilal Khan, of the Basti Bachao Basti Banao Andolan. These are competing tragedies, with those living in the covered areas appearing to be luckier than those who saw their houses reduced to rubble by the bulldozers.

Indore-based activist Anand Lakhan talked about Indore. "Near the airport, an Adivasi basti, home to the indigenous community, was covered up to shield the visitors and delegates from the sight of the "ugliness" and "poverty" of our city. The forced eviction of these communities, motivated by a desire to project a sanitized image, not only disregarded their rights but also perpetuated discrimination and marginalization."

Similarly, there are reports (compiled from news reports for the jury in the form of case studies) of 5.5-foot tall green sheets extending for about 400 metres having been put up allegedly by civic authorities in the heart of Visakhapatnam before the G20 meeting in the city to cover the shanty homes of over 100 tribal families in ASR Nagar, located on a busy road near Vizag's Akkayyapalem neighbourhood. Most of the people here in fact belong to the Chenchu tribe classified as a Particularly Vulnerable Tribal Group (PVTG) in Andhra Pradesh. While the harsh living conditions of the tribals were being covered up, the irony is that just 14 km away, at a sea-facing luxury hotel, G20 delegates discussed the theme 'Financing Cities of Tomorrow: Inclusive, Resilient and Sustainable.'

In certain areas people, to save themselves from the imminent danger of eviction, have themselves offered to accept the indignity of covering and hiding themselves. Said Ashu Grover, president of Ram Manohar Lohiya Market Association, in Udham Singh Nagar, Uttarakhand, "They are demolishing the whole market for the sake of an event which is not even happening in the city. We can cover our shops and also erect a barricade

of clothes as was done in Ahmedabad when then US President Donald Trump came on a visit, so that foreign guests do not notice our market. Their convoy will pass from here in a few moments, but the administration is adamant about destroying our livelihood."

Such methods of dissimulation were orchestrated across the country. "The people for whose sake you want to bring development, why are you ashamed of them and attempt to hide them?" asked Bilal Khan. The neoliberal development model with its obsession with growth has come at a heavy cost. Despite peddling the myth of benefits of growth trickling down to the poor, what is being done actually ends up perpetuating extreme inequalities by concentrating wealth in the hands of a few who live in gated enclaves leaving the rest in absolute penury and precarity.



Picture by Mahendra Parikh, National Herald

Unheard and Helpless: The Grim Face of State Brutality

The testimonials spoke of extreme and pre-planned brutality in the evictions undertaken by the authorities. The sheer rapidity, lack of empathy and disregard for the poor in the process was evidenced in the testimonials that emerged in the course of the tribunal hearings. The safeguards that had been achieved through court interventions since the days of the Commonwealth Games and earlier do not seem to have made much of a difference on the ground in terms of a consultative process that provides protection and meaningful rehabilitation for those being evicted. The Street Vendors Act 2013 which is supposed to provide legal protection to hawkers in terms of their right to spaces in the city, seems to get flouted in what appears to be a state of exception when it comes to mega-events like those marking G20.



When a city grows around you

Puja from Bela Estate, Delhi revealed, “We were given 3 hours to pack our things which were next to impossible. In a month’s time, bulldozers were unleashed on us thrice. They first broke the hand pumps so we would have to leave immediately since no one can survive without water. We now live under the flyover. It is very difficult for children to study and carry on with their education. Many students missed their board’s exam due to the eviction that took place on 29th April.” Being a woman, she expressed that it is so difficult and humiliating to change her clothes without any bathrooms, which were also dismantled.

Randhir from Bela estate also expressed his anguish: “Is the government not responsible for the education of our children? Are we not eligible for compensation for our land? Our household things were dumped by the police in large pits. For now, we can use our identity cards, but sooner or later our identity will also be robbed from us.”

The People, according to Partha Chatterjee (2017) are a resource used by the state for political construction. It barely considers the deprived, weak and helpless as citizens, except during those times when the state realizes that losing the trust of this particular category of the masses could lead to a huge political loss. Often the urban population occupy land that does not belong to them and often uses water, electricity, public transport, and other services without paying for them, however, the authorities do not necessarily try to punish them due to their contribution to the urban economy and the political recognition they possess (D'Costa & Chakraborty, 2017).

Rekha from Bela Estate shared a similar experience during the public hearing, where she claimed that the people in Bela Estate were used by the political leaders for the purpose of campaigning for particular political parties. First, these politicians approached them with lucrative benefits for them and their families in terms of housing, water, electricity and social dignity, later once the elections are over, these citizens are not even considered citizens by these very same politicians.

Bela Estate, which is a part of the Moolchand Basti in Delhi, has a significant history from colonial times. Much before the city acquired its present dimensions, the residents here were cultivating on the Yamuna river bed. Now that the city has grown around them, they are framed as intruders. Delhi has enough farms in the city can feed around 20 % of its population, said Rekha, adding, "We have been living in Bela Estate since British times. We had been paying taxes, lagaan, to the British government then and we were still paying our taxes." .

Historically, this area was handed over to selected Indians for the purpose of cultivating grazing land for the horses of British officials. The local population paid a revenue tax to the British. Post-independence, a similar tax was being paid to a cooperative society which was in existence at that time. After a dispute arose between the DDA and the cooperative society, the former claimed the land. However, the court ordered a stay on any kind of eviction or demolition by the DDA. During the dark times of massive evictions of the slum dwellers during 2004, the Bela Estate was considered as an exception for their contribution towards the agrarian economy. With another 'Spectacular Event' (Baviskar,2014) of G20, the poignant tale unfolds again in Bela Estate, where the dwellers of the place are yet again tested and this time the state has successfully succeeded in appropriating the land in ways marked by sheer brutality.

Bela Estate Mazdoor Basti Samiti claimed that the estate is a large JJ cluster on the western bank of the Yamuna river and comprises five sub-areas, namely China Colony, Bela Gaon, Malla Gaon, Moolchand Basti and Kanchan Puri. "Though, it has been averred in the petition that Bela Estate has been in existence for more than 70 years but the petitioner has not placed any documentary evidence in order to support this averment. Therefore, the petitioner has neither proved the fact that the JJ clusters in Bela Estate were notified by the DUSIB nor it has been proved that the jhuggis in these clusters were constructed before the date of 01.01.2015. Hence, they are not entitled for the relief of rehabilitation as per DUSIB Policy, 2015," ruled the High Court in March this year. Rajender Ravi, of People's Resource Centre, who has been working with urban farmers for many years, said, "It is not just the demolition of their houses; it is also the erasure of their histories and all the roots and connections they have had with the space." Speaking of smart cities and associated evictions, Anand Lakhan, an activist based out of Indore said, "People lived always in their habitats, but as the city spreads and they are found in the middle of it, they look like eyesores."

The floodplains of Yamuna are contested territory now. While mega projects, roads, highways, etc, seem to get clearances despite them being highly unsustainable and damaging to the river, people who have lived for generations growing vegetables and rearing livestock on the floodplains are ridden over roughshod in the name of conservation. In addition, riverfront development is being talked about from time to time, in order to provide recreational facilities to the gentrified section of society in what is claimed to be “a world-class city. “Most of our crops are destroyed and now DDA is attempting to build parks and recreational spaces. The question is why is eviction taking place in a selective manner, while floodplain constructions like the Akshardham temple are considered legal, the farms and farmers are considered illegal and driven out brutally?” asks yet another resident of Bela Estate while addressing the jurors.

“We have been living in that forest from the time when there was no pukka bridge joining the two banks of the river. There was only a floating bridge, there were no flyovers, nothing. Now suddenly they have fixed their eyes on our land to take it away. Today we are left to languish under a flyover turned out of our homes overnight. Our dharna has been continuing,” said Bablu from Bela Estate. Today, many from Bela Estate irrespective of their age and gender, mark their dissent and discontent towards the government through protest under the bridge. These are people with no roof over their heads and bulldozers levelling their lands and destroying their crops. The government wants to promote agriculture and education, but Bela Estate stands as a stark example of the state’s shallow promises and hollow declarations...

At war with the poor

The other major eviction in the national capital was that of the Tughlaqabad slum in south Delhi. “By the time the bulldozers finished their work,” writes Akash Bhattacharya, an activist, “an extensive area of Tughlakabad, almost twice the size of the Gandhi Maidan of Patna, looked like a devastated war zone.” Abdul Shakeel from Basti Suraksha Manch said, “The Tughlakabad eviction was so brutal, that even those of us who have been working for decades with such evictions have not seen something of this magnitude. Police surrounded the basti, jammers were installed so that no one could share videos, the phones of activists were snatched, the nearby hotels and shops were shut and the entire basti was razed in two days.”

Reena Sharma, a resident of the Bengali colony said, “Tughlakabad has all government facilities such as government school, then how is the land illegal? We had invested our life’s savings in that house we built. And they just razed it!”

Kalyan Sanyal (2007) explains the concept of social expenditure to promote capitalist growth within the state, where specific groups may be allowed to build unauthorized housing, vending stalls, production units, and so on, with the support of the state leaders which brings an aspect of recognition to these communities. However, these activities of extraordinary recognition are expected to be achieved by administrative decisions that treat them as exceptions to the law. Ultimately, the aim is to fetch political gains and once the urgency to make political gains dissipates, the threads of benefits bestowed upon the people begin to unravel, leaving behind isolated and vulnerable. This is exactly the experience that Reena Sharma from Tughlakabad shared with the jury. She was residing in the colony where she had bought land at cheaper rates. This particular benefit was expedited through political agencies and leaders who played a core role in the provisioning of land as a social expenditure from the state’s end. However, such benefits do not prevail for a long period. The massive demolitions in Tughlakabad have resulted in a feeling of extreme resentment and anger among the urban poor residing there since they had invested their every resource in building a residence for themselves.

Sucheta De, an activist, put it this way, “Delhi today is a battleground. And the battle is between the government and the poorest people of the city. If you go to Tuglaqabad today, you will feel as if an aerial bombardment has taken place, given the scale of the destruction. We saw demolitions that were coloured by communalism during the Jahangirpuri demolitions. Now they are being done in the name of beautification.”

Commenting on the state of legal remedies she said, “Earlier at least a stay order was possible in court. But in the last few months, our lawyer friends say a stay from a court is very difficult to obtain.” Karubaki Mohanty, a legal activist, attested to the same trend.” She said that the challenge in court is the narrative built against the poor from the very outset: they are framed as “encroachers”. As a consequence, they do not have any legal rights to the land. This is where it starts in the court. But in many cases, she said, there were good judgements as well, in which the right to housing and right to dignity was foregrounded. So they said first rehabilitate and only then can you evict. DUSIB also has the same policy. First, they have to survey, and if anyone can show any document dating back to before 2006, they would be entitled to a flat under the resettlement policy. On the ground, however, there are contradictions, she said. Sometimes notices are not served, and sometimes they are given overnight. Then they also use details such as technical discrepancies to deny resettlement. Many a time, documents get misplaced or destroyed and that is a big challenge. Of late, according to Dem, the situation has changed, “Earlier the judgments used to acknowledge, to some extent, a progressive recognition of the right to housing. But these days you do not see such reasoning.” Today the government and judiciary are so well knitted together that verdicts are moderated and manipulated in favour of the state and its requirements. Instances, where public notices were issued and then withdrawn, have been used as evidence to suppress the interests of urban poor. Over a period of time, the judiciary seems to have completely given up on its responsibilities to protect the rights of the urban poor.

All these testimonials prove the arbitrary nature of state interventions towards the poor and marginalized. It seems to have no sympathy or compassion towards the needy. On the contrary, it loses no opportunity to nullify the rights of the urban poor for the benefit of those who control power. Spectacular events like the hosting of the G20 should not be planned overnight. It requires forethought and careful effort, with the intention of accommodating everybody, including the last person. However, going by recent developments, this is far from the case. While the publicity around these events extol democracy, in actual fact what is taking place is the destruction of democracy.

The breaking of homeless shelters

“What crime have I committed? I have a young kid. The shelter has even been broken and with that, the water supply has also been stopped. Now I'm just living under trees. I cannot move since the accident. No authorities or government officials have visited or enquired about our situation after the demolition of Rain Basera Shelter homes,” said Seema from Yamuna Pushta Shelter

Seema met with an accident last year and lost both her legs. Now her temporary house has been destroyed by the DDA, leaving the entire family to survive on the food and clothes provided by outsiders. Seema, in her testimony to the jury, questioned the cruelty of the state towards the poor and the disabled and how it heaps misery on those who are already leading miserable lives...

Induprakash, a senior activist fighting for the rights of the homeless explained that on 31 January, people from Horticulture Department told him that because of the r G20- related beautification drive near the Sarai Kale Khan region, the shelter homes at Yamuna Pushta would be demolished. Thus an order was issued and within a short span of time, the shelter homes were levelled. The move was justified by the argument that these shelters were being occupied by drunkards and addicts and hence were best demolished. It seems the Delhi Urban Minister was unaware of the demolition of these shelter homes and sought an explanation from the CEO of DUSIB. After this, a new law has been promulgated under which demolitions of shelters can only take place under the orders of the Supreme Court.



Bearing the Burden: Livelihood Disruptions Caused by G20 Evictions in India

Street vendors are part of the everyday life of every Indian. As juror Anand Yagnik commented during the Public Tribunal, “Every morning I get my flowers for my morning prayers from the footpath. I get my tea and low-cost snacks from the footpath. The cigarette, too, I procure from the footpath. In India, people get many amenities from the footpath. And yet when these very same street vendors are displaced, the general public don’t seem to remember the services they had once rendered them.”

This basic attitude of consumers towards vendors is quite normalized. A recent experience at India Gate can be cited to illustrate this. A vendor was serving gol gappas to a customer. Once she was done eating, she was asked whether these vendors perform a public service. She did not bother to answer the question. It is quite clear from these instances that the comfort and service provided by street vendors are overlooked or remain unnoticed by the ordinary person on the street... However, they are very visible to the ‘State’.

Street vendors/hawkers are the most affected when major public events are hosted by the nation. The Public Tribunal brought together vendors from various cities, including Mumbai, Indore, Nagpur and Bhuj. It was clear that there wasn't even one city where street vendors and beggars were not targeted during the preparations for G20. These street vendors set up stalls across the city, in markets and places where crowds gather, like bus stands and tourist venues.. The benefit of having their services at different locations is that one does not have to go looking for them, instead they provide their service while individuals are on the way to their destinations. Also, imagining a space with malls and supermarkets and no street vendors is unimaginable in a country where many just cannot afford commercialized malls and supermarkets. From spices, vegetables, fruits, clothes, food, snacks to even books, and gadgets, vendors sell products at cheaper rates. Despite being active contributors towards the economy of the state, street vendors, it seems, are unable to cross the parameters of aesthetics set by the state.

For now, Delhi is witnessing a cruel drive to uproot street vendors from their traditional spots. This is often accompanied by further brutality at the hands of the police and municipal authorities, both entities working at the express orders of the State..

Anita shared the circumstances of her working life with the jury. She is a mobile vendor who sells kurtis in Kamla Nagar Market at Delhi’s Bungalow Road, who is finding it difficult to understand and adjust to the beautification norms of the government. The vendors in that region try to make ends meet through these mobile stalls of various commodities. Kamla Nagar is a hub for shopping for students from university campuses, along with shoppers from various corners of the city.. Anita pointed to the random brutality of the police and municipality as they harass vendors, often confiscating their goods. In fact they show no hesitation in even manhandling the vendors. The mistreatment does not end there. Despite having legal permits for their vending stalls, they are declared illegal and are asked to shut their business and vacate the space.

“These are people who live by their day’s earnings,” explained Shaktiman Ghosh of the National Hawkers’ Federation, “The day they do not work, they have zero earnings. We fought for the legislation that gives us rights, but today even those rights are being violated.” Clearly, the Street Vendors Act does not seem to come to the rescue of the hawkers during such a state of exception like the Commonwealth Games or the G20 events, or even visits by a foreign dignitary.

Later during the tribunal, the discussion led to the question of whether the permit used by the vendors is legitimate or in such exceptional scenarios has a discrepancy in it. The question was raised by Anand Yagnik who was trying to understand the issue from a legal point of view. To this, Sandeep Verma from the Hawkers Federation pointed out that first, the Delhi government had issued permits to each hawker, however, these permits do not allow GPS tracking to mark a location for a specific hawker. Secondly, rules on every permit are the same, irrespective of the fact that the vendor is a mobile hawker; has a van or falls under the category of weekly market hawkers. Police try to impose their brutal dictate on these hawkers using loopholes in the rules. They forcefully evict and destroy the products of street vendors in the name of encroachment clearance and never mention that the clearance is for street vendors. Sandeep also mentioned that hawkers/vendors have always been vulnerable to the police and authorities, however, this was the first time that, in the name of G20, vendors and their commodities were cleared by bulldozers.

Whether it was Mohammad from Bhuj, Anand Lakhan from Indore, Syed Haider from Mumbai or Yakub from Udaipur, everyone had a similar story to share when it came to the experiences of street vendors during the preparations for G20. Anand Lakhan in a case submitted before the jurors noted, “One of the most distressing incidents was the demolition of all the shops, locally known as gumtiyas, along the route of the Brilliant Convention in Indore. These establishments were razed to the ground, thus the very means of livelihood for these hard-working individuals were destroyed.



People lost their businesses and suffered a significant setback, plunging them into financial hardship.” A nation hosting an event like G20 is a matter of great pride and that was exactly what the street vendors in Indore were told. They were asked to shut their shops for 10 days since a delegates’ meeting was supposed to be taking place in Indore. In other words, a nation's “pride” was destroying the livelihoods of so many people. The vendors tried setting up stalls in their old locations after the 10 days were over but found that they were still prohibited from functioning from those spaces and are now scouting for new spots.

This was a scenario reported in many other cities (as presented to the jury in the case details file). For instance, in Darjeeling, hawkers were not allowed back on Mall Road, the most famous stretch in Darjeeling, even after the G20 tourism working group meeting was over. “Keeping in mind the sentiment of the general public of Darjeeling we are now adamant about not allowing the hawkers to return. Since it is an issue of livelihood, we will explore other places for their resettlement,” said an official. But to relocate them away from the tourist hub is tantamount to taking the fish out of the water when it comes to the livelihood of hawkers. Similar was the fate of the nearly 10,000 hawkers evicted in Vishakhapatnam in the run-up to G20, who were supposed to relocate themselves to alternative cities chosen by the civic authorities. In Guwahati, too hawkers were evicted from the footpaths so that G20 delegates don’t come away with a negative impression of the city. Places of tourist interest are the biggest hubs of activity for hawkers, and removing them from these settings is to deal the worst blow to their livelihoods... It was the same story in Mahabalipuram as well, hawkers were asked to vacate their locations for as long as the delegation was around.

Much of the eviction was being done in the name of not just cleaning up the environment but saving it: “clean and green” cities have become the most used and abused words. While cities are running on energy that is hardly clean, green has only come to mean a scenario free of the sight of poverty. Whether it was in Itanagar where a G20 meeting was proposed, or Udaipur now designated as a ‘smart city’, the situation was similar. Incidentally, Udaipur is in Rajasthan, which is ruled by the largest opposition party in the country. What this clearly shows that this is not about which party is in power, but the attitude of the state that those deemed unwanted need to be plucked out like a fly from a bowl of soup.

During the tribunal, another aspect that was raised was the allocation of dedicated security personnel and law enforcement officers to remove street vendors from the roads and ensure their clearance. This was reported by Syed Haider from Mumbai, However, there is not much difference even in Delhi. Private guards in black safari suits with cudgels are employed to drive away street vendors at various spots in Delhi. In other words, people are being given a livelihood to destroy another’s livelihood. One of the jurors, Pamela Philipose, raised a question about how a smart city is to be defined. To this Anand Lakhan responded that Indore is adorned with the prestigious title of being the “cleanest city” of the nation. However, when they claim it as the cleanest city, they present data claiming features like the number of vendors who have been cleared from public pathways. Such data motivate the authorities of other cities to follow suit... This also means that India is increasingly disdaining those of its citizens who are navigating difficult lives with the bare minimum of resources and who dutifully contribute to the state in the form of tax.

In the case details submitted to the jury members, there was the testimony of Sheikh Akbar Ali, a waste picker from Seemapuri. In the name of aesthetic enhancement, the Delhi government has installed compactors operated by private companies which are turning their once thriving profession into a struggle for survival.

Said Ali, “Previously, we would diligently sort through the waste we collected, separating recyclables that could be sold to generate income. However, with the introduction of these compactors, we are deprived of the opportunity to retrieve valuable materials, as everything is crushed together, leaving us with no choice but to sift through the garbage in search of salvageable items. This has not only increased our workload but also reduced the space available for waste collection, making it more challenging to gather and segregate the refuse efficiently. These installed machines that are being a part of the city in the name of beautification for G20 are now a threat to the waste pickers as we, especially the women, are now facing the prospect of losing our livelihood. Beautification surely should not make the lives of another section of society so miserable..”

On the one hand, our honourable Prime Minister motivates the nation through his inspiring journey from being a chaiwala to Pradhan Mantri. As part of his dream of Aatmanirbhar Bharat, he recommends that the educated youth of the nation put up stalls and make pakoras, saying that one should be proud of being employed, no matter the kind of job. On the contrary, street vendors and ferriwalas are considered unwanted, unattractive and people who undermine the nation's pride. A nation that should protect its citizens chooses to betray them by destroying their means of sustenance and making it difficult for not just individuals, but millions of families, to eke out a living.



Vulnerability

The public hearing demonstrated that evictions around G20 rendered the marginalised and weaker sections more vulnerable. Two sources of vulnerability could be discerned. First, a state which prioritises optics over people, which does not treat its poor as citizens, emerges as totally unempathetic. Second, there is the abject failure of the judicial and administrative mechanisms to ensure adherence to laws and procedures guaranteeing protection to vulnerable populations. The public hearing abounded with examples illustrating this.

Mohammed from Bhuj in Gujarat reported that from 1st February only street vendors were asked to shut shops a week before the G20 delegation visited the area. They were asked to leave the town for 10 days. At one point, they had welcomed the event in the spirit of Vasudev kutumbakam, and they were told that G20 would open up employment opportunities, provide more facilities and improve tourism. But the manner in which evictions and blockades unleashed in the name of G20 took place spelt doom for them. Adjacent to the Adani-run hospital in Bhuj were some stalls that would cater to the needs of the relatives of patients in that hospital. The stall keepers agreed to shut their establishments for ten days. But when they came back, they were removed within a month. Apart from destroying their incomes, ordinary persons who have relatives admitted as patients in the hospital now have to go long distances to get even a cup of tea or a meal. According to Mohammed, this is nothing but an organised crime.

There are laws that are meant to work in favour of street vendors. In reality, they are ignored. The authorities now pick up the leaders of the street vendors in pre-emptive arrest drives so that they can then go about their evictions easily. The police meanwhile justify these drives by claiming by citing petty and often false objections, such as the illegality of the structure of the establishment, in order to create extremely challenging situations for these vendors...

Pruthviraj, who represents Land Conflict Watch, shared an interesting perspective with the jury at the public hearing... Laws that are expected to be the same for all according to the Constitution are often altered based on the interests of powerful sections of society. Pruthviraj pointed out the clear variation of treatment based on economic capabilities in an instance where 700 notices were issued to middle-class house owners residing on illegal land in Mehrauli. Ultimately, just 25 houses were demolished. On the other hand, around 1500 notices were served in Tughlakabad, and 3000 houses were demolished. This particular data show the biases in the state's treatment of citizens, based on their profile and economic status... The Tughlakabad region accommodates more from the lower tiers and their homes are largely part of slums and non-permanent structures.

Apart from such data, similar observations were made in the case of an archaeological park in Lado Sarai, where the DDA claims that the dwellers there have encroached on DDA land. However when evictions took place, the privileged in their lavish residences remained untouched, while the vulnerable and impoverished had to bear the full weight of the demolition drive. Such disparity clearly highlights the unequal treatment accorded by the state to its citizens and its basic ethos towards the marginalized.

One of the most vulnerable victims of demolitions has historically been the children. Rushta of NFIW pointed out that in places like the Katputli Colony, which was demolished in 2017, children were expelled from their schools because their old addresses were no longer valid...

Pooja from Bella Estate pointed out that families were given three hrs to pack their things which were next to impossible and many students missed their board exams due to the eviction drive since they had to help their parents save their belongings. Now they live under the flyover and it is very difficult for children to study and carry on with their education.

In certain instances, the authorities buried the books of students to force them to leave. Is any beautification drive worth more than the education of children? This all happened, despite the laying down of a Standard Operating Procedure that needs to be followed while carrying out evictions, which DUSIB notified as a Protocol in 2017.- The Protocol addresses many gaps in the policy and provides that evictions shall not be carried out during examinations and adverse weather conditions.

It was also pointed out that women face added burdens in such scenarios. Rushta revealed the really pathetic condition of the women in communities that have faced or are facing eviction drives. They lose not just their household goods but even their identity and jobs because they no longer have the same dwelling place.

Activists argue that eviction and displacement disproportionately affect women, leading to increased costs and hardships. Women are often responsible for maintaining sanitation facilities, ensuring food security, and the safety of themselves, their children and the elderly. When their homes are destroyed, their access to these basic necessities is threatened. Pregnant and lactating women suffer the most from the loss of healthcare and housing, with many forced to give birth in the open after being evicted. Displacement adds additional stress, leading to early labour and limited access to healthcare. Women from marginalized communities, such as the Gadia Lohar community, a nomadic community whose houses were demolished in an eviction drive in Delhi's Mansarovar Park in 2017, face increased violence and harassment during and after eviction, further exacerbating their vulnerability. The lack of proper sanitation facilities forces women to endure indignities on a daily basis. The situation is made worse by the absence of rehabilitation measures by authorities and compounded by the fact that most informal settlements house migrant workers, labourers, and domestic workers, who already lead precarious lives. Despite court recognition of the right to resettlement, governments and state authorities have repeatedly violated the rights of displaced individuals. Rehabilitation efforts have been hugely inadequate, with the majority of eviction cases in 2020 lacking resettlement options. Temporary government-run shelters are insufficient. Clearly, long-term solutions are the need of the hour to address the housing needs of evicted individuals, particularly women and children.

Recommendations from the Jury and Others

Jury's comments:



Harsh Mander, a renowned social worker and researcher, saluted the courage and spirit of men and women facing evictions. He pointed out that in these difficult times the minority Muslim community, the democratic rights activists and the poor have been portrayed and constructed by the state as the three public enemies of the state. The public hearing focussed on the last category, i.e. the poor. The question is whose land is this, whose city, whose nation? The government's behaviour indicates as if it thinks that the city belongs to only a few. A city cannot run for even a day without the working poor, but no space is made for them, for providing them with work, housing and education for their children. We want them to be like Aladdin's genie, that they come to our service and then disappear. So when these urban poor are portrayed as illegal then one should understand that they are not included in the law to be considered as legal. To recall an example, the Street Vendors' Act, which was passed by the Parliament in 2014 in favour of street vendors to practise their occupations with legality, freedom and dignity is mostly not implemented as the testimonies in the public hearing made very clear. Apart from this, the construction of homeless shelters was done on the orders of the Supreme Court but even this did not deter the administration from demolishing the shelter homes in the name of city beautification. In this fight of each of the working people for their right to lawful shelter and livelihood, we assure our support and solidarity as you resist this injustice that you are going through.

Anand Yagnik, advocate at Gujarat High Court, asserted that when the government tries to modify rules according to the comfort of the moment that translates into the state itself disobeying the constitutional laws which clearly indicates 'misrule of law' or 'absence of law' by the state. The constitution is being violated by the government. Indians have the fundamental right to reside in any part of the country. The laws can definitely restrict fundamental rights through the legislative process but not at the cost of complete negligence of humanity. Using IPC, CRPC, Police Act or Street Vendors Act to snatch your constitutional rights is unlawful. These restrictions are not reasonable enough for anyone to survive in the city, no matter whether it is in the case of Bella Estate or any other locality. Forced evictions with the help of police and administration are illegal and unconstitutional. Thirdly, if an individual has been allowed to stay for a long

time on a piece of land then that land can't be claimed as theirs. If politicians belonging to the ruling party give assurance to people staying in unregistered housing that their accommodation would be regularised, then that is mostly a false promise. There needs to be a law or regulation to ensure that three months' Therefore in any case of cheating in the case of land then a notice should be served to the individual at least three months before the demolition so that there is enough time for the victim to approach the court and file a reasonable case. The demolition should only be considered post 3 months so that ample time to consider the case is given to the victim.

Beena Pallical of NCDHR highlighted how demolitions disproportionately affect marginalised communities. For example, in 2010 during the Commonwealth Games, huge stadiums were made using 700 crores from SC/ST budget. Even then there were evictions and demolitions. When asked, they said when guests come to your home, don't you clean your house. We were shocked that a CM can speak like this, she said. Today, the government has changed, but the situation on the ground remained the same, Pallical pointed out. She suggested that budgetary allocation at the central and state levels for SCs and STs should be used for ensuring livelihood and education for them. There is a civil society 20 as well. This has been occupied by the RSS and others. We need to form a People's 20. We should raise the issues of extraordinary expenditure on G20 advertising at the cost of vulnerability, evictions, and lost livelihoods by submitting a statement to G20.

Pamela Philipose asserted that G20 has been used as a weapon by the state to snatch away the basic livelihood and rights of a common person. Under the veil of beautification, the basics have been taken away. She pointed to how humiliating it is for the citizens of a nation to be hidden from visiting international delegates as if their very presence is a blot on the country. What came out very clearly in these hearings is how brutally laws were being changed and interpreted to cater to the interests of the ruling elite. Today, the bulldozer is now increasingly being used in these eviction drives. In fact, the bulldozer has emerged as a clear symbol of the brutality and cruelty of the state in present-day India. It is tragic to hear how hawkers have come to be framed as encroachers, basti dwellers seen as illegal occupants, and the homeless considered as criminal elements and drug addicts. In conclusion, she pointed out how the G20 events have emerged as a golden opportunity for the powerful to ensure that their interests get translated into state policy at the cost of the poorest and most vulnerable sections of the country's population...

Tikender Panwar said that what was required was a strong consensus and acceptance of the reality that evictions are no answer — rather housing and land rights are the way forward. Even the United Nations has laid a broad policy framework for shaping the principles for slum rehabilitation: like, including slums in a city's master plan, providing security of tenure for slum dwellers, planning with (not for) slum communities, and accepting their importance in economic development. In this regard, three state governments look favourably at the 'right to life' for the urban poor. Punjab and Odisha have large slums in their cities and towns. Here, the land tenure rights have been ordained in the policy framework, and the PMAY has been customised to meet ground realities. Both states have shown exemplary political leadership in designing their slum policies. In both states, a multi-pronged strategy for each city has been designed, rather than a state-level policy framework. Inter-departmental partnerships were built, which are driven at the state level and are crucial for unlocking land for slum/informal settlement, and for its improvement. Community partnership is ensured at every stage of planning and its implementation. In Karnataka, it is slightly different, where more than 100,000 people have been given rights of registration in 2022. This scheme was started by the previous Sidaramaiah government. This means that it is not just a land patta that has been given to the slum dwellers,

but the sale deed in the name of slum dwellers was issued for a nominal sum of less than Rs 5,000. The Karnataka story of reclaiming rights by the slum dwellers is a story of two decades of struggle that started in 2003. Another important feature is the subjective role of the officers. The slum board comprised officers who were not just proactive but also assimilated the argument of housing for all, he said.

Other recommendations

Anand Lakhan from Indore asked, can we prepare in advance to stop these evictions which are largely preplanned? He said an important issue was the saffronisation of spaces where some people are deployed to convince locals that it is in fact in their interest to leave. This is happening in Indore.

Pruthviraj, Land Conflict Watch, said the problem was that people don't have documents. This the PWD, ASI, DDA and government know. (Slums in Delhi is 0.2% while car parking in 2%?). So govt can easily regularise the slums, but they are not the priority.

Karubaki Mohanty, I Pro Bono, asked what were the challenges in court. What is the narrative from their side? We are called encroachers, we do not have any legal rights on the land. This is where it starts from in the court. But in many cases, there are good judgements as well in which the right to housing and right to dignity was foregrounded first. So they said first rehabilitate and only then can you evict. DUSIB and urban shelters also have the same policy. First, they have to survey, and if one can show any document from before 2006, then first you will be given a flat in resettlement policies. So we see contradictions. Sometimes notices are not served, and sometimes they even give overnight notices. Then they also use details as technical discrepancies to deny resettlement. Also, they say it basti be more than 50 houses, but many a time it is difficult to find documents for all 50. Many times documents get misplaced or destroyed and that is a big challenge. Secondly, they are considered as encroachers and with such a mindset they do get notices and judgements based on such a mentality which is unfair. The landowning agency is in a fighting mode. There are many orders that do act in favour however for now the problem being the Supreme Court not even recognizing the problem. One instance can be of a public notice issued and then withdrawn was used during court hearings and to give a verdict which itself shows how structured are the judgements when it is about the urban poor. Earlier the judgments used to some extent have progressive recognition of the right to housing. But these days you cannot see such things, she said.

Sandeep Verma pointed out that in Delhi we have been able to reclaim a number of markets which were evicted by the government. A 2019 Supreme Court order that directed the removal of encroachments such as guard rooms or paved parking outside rich people's houses, and explicitly excluded street vendors and hawkers. That order was misused to remove street vendors only. The situation in Delhi is telling because it is one of the few states which has one of the best schemes to implement the Street Vendors Act. It lays out that no vendor can be removed before a survey and issuance of the Certificate of Vendor. But the implementation of these schemes has happened in a manner that they ensure no protection for the vendors. The vending certificates deliberately do not mention the category of vendor - whether mobile or stationary - nor do they mention the location of shop, thereby rendering the Street Vendors Act useless, he said.

Anil Bakshi, of Street Vendor Mazdoor Mahasabha, too said that the discrepancies in Certificate of Vendor need to be rectified to ensure the rights of street vendors in light of the street vendor's act.

Lawyers from I Pro Bono said that DUSIB has to facilitate rehabilitation and resettlement but it does not do its job properly. In fact, in a lot of cases DUSIB is making false statements in courts which to the detriment of slum dwellers. While we have to focus on rights enshrined in laws, we also need to see the procedures prescribed in the laws. For instance the survey required to be undertaken before evictions and other mandatory procedures are not being adhered to by DUSIB.





Public Hearing on The Forced Evictions Across India and G20 Events: A Report by Concerned Citizens