

Public Hearing on ‘Unlawful Demolition in Baljeet Nagar (Gayatri Colony)’, West Patel Nagar, New Delhi, April 18, 2011



The Jury Panel was composed of Justice AP Shah, former Chief Justice, Delhi High Court, Chair of the Jury Mr. Miloon Kothari, United Nations Special Rapporteur on the Right to Adequate Housing, Ms. Amita Joseph (BCF) Social and legal activist, and Jaya Srivastva, former Director –Ankur.

It is to note that a large scale demolition was carried out on the March 23-24, 2011, by the Delhi Development Authority (DDA) affecting over 4,000 residents of Baljeet Nagar/ Gayatri Colony/ basti at West Patel Nagar. The action was stayed after legal intervention by the Delhi High Court. However, despite several High Court orders mandating for immediate provision of basic facilities, such as water, food and sanitation in case of a demolition, residents of Baljeet Nagar are still deprived of their fundamental rights.



“The DDA only makes houses that cost lakhs. Nobody makes houses for you people. They did not have any right to demolish your houses without issuing notice. It was a travesty of your human rights. When your jhuggis are destroyed, your work and your children are affected. You are not

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raising your voice enough. It was your weak position that made you pay bribes to the DDA and police officers to make a house. It should be the DDA and police which should be punished, not you all, for claiming your right to shelter,” Justice Shah remarked.



In the public hearing, twelve testimonies were presented before the Jury members, which highlighted different aspects of problems faced by the residents following the demolition. Some of the issues that the testimonies highlighted include the disruption of education of the children for they could not appear for their examination, besides the elderly persons, working men and women, pregnant women and lactating mothers being worst hit among

all. Also, Anish, a five years old child, who was blinded when he fell while fleeing from a bulldozer and eight-year-old, came forward to speak before the Jury. Pushpa, a domestic help living there since 2003, said a DDA officials had taken money from her just a day before the demolition. Poonam and Anu, two Class XII students, said their public examinations were ruined and they and several other children had to miss exams because the demolition took place then.

Kamlesh, a mother of three, said her children had returned from school with tears in their eyes as the teacher had scolded them for wearing dirty uniforms to school. “When there is no water, how can I wash my children's clothes,” she asked. Anu, a pregnant woman, worried that her health was worsening, as she has not been able to eat or sleep properly.

Taking into consideration the alarming situation emerging from the gross violation of human rights of the basti residents following and due to the unlawful demolition, the National Campaign on Dalit Human Rights (NCDHR) and HRLN, IGSSS, HLRN, LEDS, CSEI and Sahari Adhikar Manch came forward to jointly organize this public hearing at the basti. The hearing witnesses participation of the basti residents, numbering almost 1500.

News links

1. http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/article1708454.ece?sms_ss=email&at_xt=4dad87e716411178%2C0
2. <http://www.hindustantimes.com/Up-against-DDA-ravage/Article1-686885.aspx>

Court Orders in Connection with the unlawful demolition

On 07 April 2011, the case was called for hearing in the High Court of Delhi and following directions are issued to concerned authorities:

1. Immediate supply of increased no. of water tanks to the residents who have been rendered homeless on accounts of demolition by the DDA
2. Arrangement of food packets to the homeless residents of the Gayatri colony under the *Aap ki Rasoi* Scheme of the Department of Social Welfare, Govt. of National Capital Territory of Delhi (GNCTD)
3. DDA, in an organised way, to render all possible assistance to get the debris cleared and enable the displaced persons to remove their belongings from under the debris.
4. The Secretary, Department of Health, GNCTD to assess the situation and ensure that a mobile dispensary is provided to the displaced people.

A Writ Petition has been filed in the Delhi High Court, on 24 March 2011 following the uninformed demolition at the above mentioned locality. The senior counsel from the Delhi Development Authority informed that one acre of the land was cleared of the jhuggies (shacks) by the DDA. Heeding the plea from the petitioner that the residents were not informed about this demolition drive and it had taken them unawares, and that no comprehensive survey was undertaken by the DDA before demolishing the 'jhuggies', the court gave the stay order with immediate effect to the DDA, till the case was heard on the next date, 25 March 2011.

On 25 March 2011, the case was called for hearing. The court has directed the Commissioner (Land Management), DDA to file detailed affidavit in the Court informing it of the following:

1. The details of the comprehensive (door-to-door) survey that the DDA is bound to conduct before commencing demolition
2. If any of the persons whose jhuggies are demolished were entitled to rehabilitation in terms of the Union of India for rehabilitation of slum dwellers policy.
3. Whether the comprehensive survey accounted for the fact that about 7000 children living in the JJ cluster, attending schools in nearby areas, and to indicate whether the DDA drew up a plan of action to ensure that the right of education of the children would continue undisturbed notwithstanding the demolition action;
4. Whether the aspect that there were several people who are beneficiaries of the Integrated Child Development Services (ICDS), including lactating and pregnant women were accounted for before the demolition action took place; also to inform how the Anganwadi centres/ICDS were functioning in the jhuggies could be demolished without making alternate arrangement.
5. Whether the concerned authority/department was informed in advance of such demolition;
6. Govt. of National Capital Territory of Delhi (GNCTD) to inform whether the demolition action took place with its prior consent and intimation

Other directions given by the Court are as below:

1. The GNCTD appointed Nodal Officer of Mother NGO for the homeless to be asked to undertake a survey of those which have been displaced on account of the demolition action;
2. The Commissioner (Land Management), DDA to constitute a team of three senior officials who will immediately visit the site and ensure basic facilities like drinking water, sanitation including public toilets, temporary shelters and health services to the 1000 families rendered homeless due to demolition;

Place on record the lay-out of the area which shows the exact location of the jhuggi clusters