

**Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and the Special Rapporteur on extreme poverty and human rights**

Ref.: AL IND 11/2023  
(Please use this reference in your reply)

15 December 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolutions 52/10 and 53/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning forced evictions and housing demolitions that occurred in the city of Delhi and other cities that held G20 events. Many of the evictions took place prior to and during the planning of the G20 events in the early morning, without affected individuals having received adequate notice, and resulted in the destruction of their belongings. In most instances, no suitable alternative housing was offered. It is also alleged that the evictions were carried out with municipal authorities and accompanying security forces resorting to disproportionate use of force. In addition, street vendors were reportedly manhandled or prohibited from exercising their businesses in several locations, and faced the confiscation or destruction of their merchandise, contrary to international human rights standards and national law.**

While the allegations below relate to forced evictions in the context of India's G20 presidency, forced evictions and home demolitions have in recent years been reported in an increased manner to the Special Rapporteur on the right to adequate housing and are showing signs of becoming systematic and widespread. The Special Rapporteur has raised forced evictions and arbitrary home demolitions in several communications, including recently in IND 9/2023 from 29 August 2023, IND 5/2022 from 9 June 2022; IND 14/2021 from 25 August 2021; IND 13/2021 from 14 July 2021, IND 14/2020 from 17 September 2020. We regret that to date only one reply was received in relation to these communications.

According to information received:

***Forced Evictions Related to the G20 Summit in New Delhi***

India held the G20 Presidency from 1 December 2022 to 30 November 2023, and a series of meetings and events took place in different cities across the country in the run-up to the G20 Leaders' Summit, held on 9 and 10 September 2023. In New Delhi, evictions in the context of the G20 meetings have affected over 250,000 people, as their houses were demolished in various parts of the city. Many eviction notices were issued as demolition began. When notice was provided, it was not adequate and served only few days before the eviction. New Delhi has about 16 million residents, but only 23.7% live in "planned" or "approved" neighborhoods, with the rest living in informal

settlements., forced evictions and demolitions disproportionately impacted low-income areas. Allegedly far less houses were demolished for middle-income house owners than for low-income families. For example, 700 notices were issued to middle-class house owners residing in Mehrauli, and ultimately just 25 houses were demolished. In comparison, in Tughlaqabad, a neighborhood mainly inhabited by lower-class families, around 1,500 notices were served and 3,000 houses were eventually demolished. According to information received, the evictions were marked by brutality from the authorities. Moreover, despite established law<sup>1</sup> requiring prior notice before demolitions and rehabilitation plans, affected persons were not consulted before the demolitions, nor were given reasonable and sufficient notice, and were not granted adequate alternative housing or compensation after being evicted

Between 10 and 11 February 2023, in the Mehrauli neighborhood, around 25 buildings were demolished, impacting around 4,000 individuals. An initial notice of the eviction was sent out on 12 December 2022, instructing 700 families to remove “unauthorized structures” within 10 days. An additional notice was sent out on 3 February 2023. The evictions were carried out by the Delhi Development Authority (DDA), accompanied by police forces, and were justified by stating that the constructions were illegal and obstructive to the development of the Mehrauli Archaeological Park (MAP). The demolitions came to a halt on 14 February 2023, when the High Court of Delhi granted a stay, following appeals by residents that they were unlawfully being displaced. The evictions and demolitions occurred a month prior to the G20 meetings hosted in the Mehrauli Archaeological Park in Delhi.

On 15 February 2023, in the village of Sarai Kale Khan, in the Yamuna floodplains, a State-owned night shelter was demolished by the Delhi Urban Shelter Improvement Board (DUSIB), leaving 50 people homeless. The demolition was allegedly carried out in order to make room for a bamboo garden where one of the G20 meetings was scheduled to take place. Testimonies stated that many of the belongings of the night shelters were buried under the rubble after the demolition occurred. Some of the affected residents have been able to take refuge in other temporary shelters that reportedly have not provided for the same facilities as the night shelters did.

On 10 March 2023, in Yamuna Pushta (an embankment), near the Kashmere Gate, 8 homeless shelters were demolished, affecting more than 5,000 migrant workers and daily wage earners. The evictions were carried out without prior notice being served, and ordered by the Delhi Urban Shelter Improvement Board (DUSIB). The persons evicted have been reportedly taken refuge in temporary shelters. From 9 to 14 March 2023, human rights defenders approached the Delhi High Court requesting the shelters on the Yamuna bank not be demolished. On 14 March 2023, the court dismissed the petition against the demolition. While the DUSIB claimed that the inhabitants had been moved

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<sup>1</sup> Section 5B of the Public Premises (Eviction of Unauthorized Occupants) Act of 1971 requires that an estate officer provide a seven-day notice minimum to an occupant to demolish the unauthorized structure or to explain why the structure should not be demolished. Similarly, under Section 368 of the Delhi Municipal Corporation Act of 1957, even if an order of demolition has been given, the building is required to be vacated within the specified period under the order “not being less than thirty days from the date of the order”.

to the other shelters after the demolition took place, dozens of homeless people have stayed on the riverbank. Around 70 people have been sent to shelters located in Dwarka, and reportedly lack access to sufficient income to survive in the new shelter.

Just a few kilometers away, on 28 March 2023, in Bela Estate, located on the western bank of the Yamuna river, more than 600 homes were demolished. Families of farmers and daily wagers were given only 15 minutes to evacuate their residencies before the demolition of their homes began. No compensation or alternative housing has been provided to the families affected. The communities have taken refuge under a flyover and lost their livelihoods. Some of the affected children were unable to continue their schooling and many missed their board exams. Several were reportedly expelled from their schools due to no longer having a valid address. During these evictions, authorities collected and then buried, books and schoolbags of students to force them to leave.

Between 30 April and 3 May 2023, in the village of Tughlaqabad in south Delhi, around 1,000 houses were demolished. Notice of the eviction was sent out on 11 January 2023. Most of the people living in Tughlaqabad belong to disadvantaged communities. The evictions were carried out by the Archaeological Survey of India (ASI) and the DDA, in response to a February directive from the High Court of Delhi, which instructed the ASI to remove unauthorised structures and encroachers from the “public land” in Tughlaqabad. While the High Court of Delhi noted that the ASI must provide alternative housing for people living in the Tughlaqabad area, no alternative living space was provided to the affected residents. During these evictions and demolitions, the police forces were reported to be present with mobile jammers that would inhibit the circulation of any visuals of the situation, and phones of activists were snatched.

On 13 May 2023, in the village of Dhaula Kuan, 200 residents were evicted by the Public Works Department (PWD). An initial eviction notice was sent on 29 December 2022 to 125 slum dweller households, with an expected eviction to occur within 15 days. In response, protests were held, which led to the High Court of Delhi deciding on a temporary halt to the demolitions until temporary alternative accommodation was provided to the residents. In spite of this, on 28 January 2023, the PWD issued a subsequent notice, mandating residents to evict their homes by February 3 and relocate to temporary shelters designated by the DUSIB. Another temporary stay was later granted until 20 April. The demolitions, which eventually took place on 13 May 2023, were carried out without any prior warning or official notice.

### ***Forced Evictions Related to the G20 Summit in Other Cities***

Evictions related to G20 events were reportedly not limited to New Delhi. From 13 to 16 December 2022, the Development Working Group of the G20 held a meeting in Mumbai, which many international delegates attended. Overnight, informal settlements were covered by green curtains or barricades as part of the beautification drive, and the communities were forced to restrict their activities.

The Ramgarh district administration allegedly implemented an eviction drive from areas near the Patratu Lake Resort. The area was planned as an excursion destination for the G20 delegates on 3 March 2023, with the resort being closed to tourism from 22 February 2023 to 4 March 2023.

On 20 and 21 March 2023 the Civil 20 (C20) meetings took place in the city of Nagpur, Maharashtra state. The C20 is an official engagement group of the G20 forum. Informal settlements were hidden behind iron sheets that were additionally covered by plastic grass. Municipal authorities and police removed the homeless population and nomadic communities from the streets, requiring them to move outside the city. Many of those individuals reported that they were asked to leave the city by officials who informed them that foreign dignitaries would be visiting the city.

In the ASR Nagar neighborhood, local authorities placed green sheets 1.67 meters in height and 400 metres in length to conceal a community of around 100 tribal families, many of which belong to the vulnerable Chenchu, Mondri Banda, and Devara Banda communities. Ahead of a G20 meeting scheduled to take place in March, around 60 of these families also received eviction orders. Just 14 kms away from these communities, a luxury hotel welcomed G20 delegates for their discussion on “Financing Cities of Tomorrow: Inclusive, Resilient and Sustainable.”

### ***Forced evictions of street vendors***

Ahead of G20 meetings, street vendors were reportedly brutally uprooted and evicted from their traditional vending spots, and their merchandise were removed or destroyed by bulldozers in several locations, including in the cities of Delhi, Bhuj, Indore, Mumbai, and Udaipur. The removal was carried out by municipal authorities accompanied by police forces. In various instances, according to information received, the street vendors were manhandled, and their products destroyed. Although the vendors had legal permits to be there, under the Street Vendors Act (2014), they were asked to shut down their stalls and to vacate the space by the authorities.

On 1 February 2023, in Bhuj, street vendors were asked to shut their stalls a week prior to the visit of the G20 delegates and vacate the area for 10 days. However, when they came back, they were again removed after a month. In Darjeeling, hawkers were removed from their stalls on Mall Road, ahead of the G20 Tourism Working Group in April 2023. They were also prohibited from returning after the meeting was concluded. Before the G20 Infrastructure Working Group meeting on “Financing Cities of Tomorrow - Inclusive, Resilient and Sustainable”, which took place in Visakhapatnam city between 28 and 30 March, more than 10,000 street vendors and hawkers were reportedly evicted. In the city of Guwahati, the Guwahati Municipal

Corporation (GMC) evicted around 30,000 hawkers and street vendors greatly affecting their livelihoods.

### ***National legislation and jurisprudence governing evictions***

In the judgement in *Olga Tellis v. Bombay Municipal Corporation*, the Supreme Court of India established the right to livelihood as a part of the fundamental right to life (Article 21 of the Indian Constitution). Courts in India have also issued numerous decisions that strongly relate to forced evictions and demolitions. In *Sudama Singh v. Government of Delhi*, the High Court of Delhi laid out the procedure to be followed before, during, and after forced evictions, which was further reaffirmed by the Supreme Court. In *Ajay Maken v. Union of India*, the High Court of Delhi held that the forced eviction of settlement dwellers without due process and proper rehabilitation would contravene the provisions of law.

The Street Vending Act (2014) Act provides for the protection of street vendors from harassment by police and other authorities and for clause ensuring that street vendors can carry out their business in dignity and without fear of harassment by the authorities.

Without prejudging the accuracy of the information received, we wish to express our serious concern about forced evictions and home demolitions carried out in New Delhi and other locations in India prior to G20 events mainly affecting low-income groups that appear to have been implemented without any consultation, due process, compensation, or advance provision of alternative housing. We are also concerned about reported prohibition of street vending and manhandling of street traders in contravention of national law and international labour and human rights standards.

The practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing (Commission on Human Rights resolution 1993/77). The forced evictions *prima facie* would violate article 11 of the International Covenant on Economic, Social and Cultural Rights and relevant protections against forced evictions as set out in General Comment No. 7 of the Committee on Economic Social and Cultural Rights, in Human Rights Council resolution 13/10, and in the Basic Principles and Guidelines on Development-based Evictions and Displacement (A/HRC/4/18, Annex I). The alleged measures against street traders raise concerns related to their compatibility with articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights and with International Labour Organization's (ILO) Recommendation 204 on transition from the informal to the formal economy.

The forced evictions reported to us underscore that a core concern identified by the previous Special Rapporteur on the right to adequate housing after visiting the country (A/HRC/34/51/Add.1) has so far not yet been effectively addressed. The Special Rapporteur had recommended to India in January 2017 to “institute a national moratorium on forced evictions and demolitions of homes. Enact legislation to guide forced evictions that stipulates that forced evictions can only occur in the most exceptional of circumstances, once all other alternatives have been pursued, in strict compliance with international human rights law. [...] When evictions are required as a result of valid health and safety risks, governments must ensure that resettlement takes

place in a time-bound manner, ensuring meaningful consultation with those who are directly affected, that fair compensation is awarded and that resettlement housing is adequate, as prescribed by international human rights law” (A/HRC/44/51/add.1. para 85 (c)).

Please refer to the **Annex on Reference to international human rights law** attached to this letter which provides a more detailed legal analysis of the applicable international human rights instruments and standards mentioned above.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please specify whether any prior consultation was held with the affected persons and households before the forced evictions and demolitions were carried out.
3. Please provide any information about the efforts that the Government has made to ensure access to adequate housing, livelihoods and work for the affected persons and households following the forced evictions and demolitions. Specifically, please provide information on housing and land alternatives that have been offered to the affected persons, avoiding that they are homeless and destitute after state actions. Please also indicate whether any compensation has been provided to the victims.
4. Please indicate whether all feasible alternatives to forced evictions and demolitions have been explored. If alternatives were explored, please provide details on why these alternatives were not deemed suitable.
5. Please elaborate what measures India has taken to implement the recommendations by the previous Special Rapporteur on the right to adequate housing to prevent and end forced evictions that are not compliant with international human rights standards as mentioned above and set out in her report A/HRC/44/51/Add.1.
6. Please inform us what concrete steps the government will take to provide remedies for those adversely affected by forced evictions and home demolitions.
7. Please provide information on the measures, if any, that have been taken to ensure that the removal of street vendors was carried out in accordance with the Street Vendors Act 2014, which provides legal protection for street vending and the right to use public spaces. How does the government plan to address the adverse impact on the livelihoods of the street vendors and their families and ensure their rights to work, just and favourable conditions of work and to an adequate standard of living are protected in the future?

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations. In our view the Government should as well carry out a comprehensive audit to establish why forced evictions and home demolitions have become widespread or systematic and adopt an action plan to prevent and end such violations of international human rights standards.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

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Special Rapporteur on extreme poverty and human rights

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards.

We wish to remind your Excellency's Government of the obligations it assumed upon acceding on 10 April 1979 to the International Covenant on Economic, Social and Cultural Rights (ICESCR), in particular concerning the right of everyone to an adequate standard of living for himself and his family, including adequate housing (article 11). In its General Comment No. 4 interpreting obligations under the ICESCR, the Committee on Economic, Social and Cultural Rights (CESCR) affirmed that all persons should possess a degree of security of tenure, which guarantees legal protection against forced evictions, harassment and other threats. The General Comment clarified that "forced evictions are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law". In the same General Comment No. 4, the Committee stated that States should take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.

Further, in its General Comment No. 7 on forced evictions, the CESCR clarified that if an eviction is to take place, procedural protections must be guaranteed, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation, and provision of legal remedies and legal aid. Under no circumstances should evictions result in homelessness, and the State party must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land, is available to affected individuals, where they are unable to provide for themselves. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders. States parties shall also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected.

In this regard, we would like to draw your attention to the Human Rights Council's resolution on adequate housing as a component of the right to an adequate standard of living, in the context of mega-events (A/HRC/RES/13/10), adopted following former Special Rapporteur on adequate housing Raquel Rolnik's report (A/HRC/13/20) on the same topic. In the context of mega-events, the resolution calls upon States to ensure that the right to adequate housing of affected persons is respected, while giving due consideration to issues such as insecurity of tenure. It also recommends States to explore alternatives to evictions and undertake any such evictions in accordance with the domestic legal framework and in full compliance with the relevant provisions of international human rights law, including those for adequate and effective remedies.

The Basic Principles and Guidelines on development-based evictions and displacement (A/HRC/4/18, Annex I), further state that urban planning and development processes should involve all those likely to be affected and should include: appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; effective dissemination by the authorities of relevant information in advance, including proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; a reasonable time period for public review of, comment on, and/or objection to the proposed plan; opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities. Moreover, these Principles and Guidelines underscore that States must give priority to exploring strategies that minimize harm. Comprehensive impact assessments should be carried out prior to the initiation of any project that could result in development-based evictions and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, and resettlement, is available and provided.

In addition, we would like to refer your Excellency's Government to the Guidelines for the implementation of the right to adequate housing (A/HRC/43/43) and the Principles on security of tenure for the urban poor (A/HRC/25/54). Guideline No. 6 clarifies that, in order for any eviction to comply with human rights law, certain conditions must be met. These include meaningful engagement with those affected, exploration of all viable alternatives, relocation to adequate housing agreed upon by the affected households so that no one is rendered homeless, access to justice to ensure procedural fairness, and compliance with all human rights. Recognizing the significant difficulties faced by the urban poor in accessing justice, the Principles on security of tenure for the urban poor specify that States should take all measures to remove these barriers and ensure that the urban poor can access effective remedies through a range of judicial and administrative mechanisms. Remedies for violations of the right to adequate housing may include, among others, restitution, reparation, the provision of alternative adequate housing, rehabilitation of housing or livelihoods, as well as financial or non-financial compensation for loss and damage.

Regarding the forced eviction of street vendors, we would like to remind your Excellency's Government's that, through the adoption of the New Urban Agenda in 2016, States committed to recognizing the contribution of the working poor in the informal economy to the urban economies, and to enhance their livelihoods, working conditions and income security, legal and social protection, access to skills, assets and other support services, and voice and representation. In this regard, we would also like to stress the provisions enshrined in article 6 and 7 ICESCR, which address the right to work, and call on State parties to recognize the right of everyone to the enjoyment of just and favourable conditions of work. These provisions must be read in conjunction with article 11 ICESCR establishing the right to an adequate standard of living for himself and his family, as well as article 2 on the right to non-discrimination. Furthermore, the International Labour Organization's (ILO) Recommendation 204 on transition from the informal to the formal economy states

that State parties should promote local development strategies, both rural and urban, including regulated access for use of public space and regulated access to public natural resources for subsistence livelihoods.

We further wish to refer to the report of the former Special Rapporteur on the right to adequate housing (A/HRC/13/20), focusing on the impact of mega-events on the realization of the right to adequate housing. The report underscores that policies enacted in the attempt to ‘beautify’ or ‘cleanse’ the city where the mega-event is to take place, frequently negatively impact the most disadvantaged and vulnerable sectors of society, including low-income populations, homeless persons and street vendors. The report recommends States to provide guarantees to ensure that homeless people and street vendors, among others, are not criminalized in connection to the organization of the event. A recent report of the Special Rapporteur on the rights to freedom of peaceful assembly and association (A/HRC/53/38/Add.3) has also recognized that workers in the informal economy should be meaningfully consulted whenever infrastructure or city planning projects that might affect their livelihood are undertaken.

In addition, international standards relevant for regulating the use of force by law enforcement personnel, such as the 1979 UN Code of Conduct for Law Enforcement Officials, provide that in the performance of their duty, law enforcement officials shall respect and protect human dignity and uphold the human rights of all persons. Law enforcement officials may use force only when strictly necessary, for a specific legitimate aim, and be strictly proportionate.