

HOMELESS, STARVING AND NOWHERE TO GO

Forced Eviction of Khori Gaon in the
Middle of a Pandemic and Monsoon

Report of the Public hearing held on July 17, 2021 organised by
Concerned Citizens for Khori Gaon & National Alliance of People's
Movement



Summary and Recommendations

This report is the outcome of a public hearing held to hear the testimonies of residents about the years of injustice, fraud, ill-treatment and human rights abuses, now climaxed with the brutal demolition of Khori Gaon.

The Supreme Court has concluded that this basti is an encroachment on the Aravalli forest land and so deemed it fit to order the Municipal Corporation of Faridabad to undertake evictions using force if needed and not to use the Covid pandemic as an excuse to delay the demolitions. The demolitions are taking place as this report is being written. The monsoon has arrived, and we are still in a pandemic where most of the population is not vaccinated. Haryana was under partial lockdown till June 21, 2021. Thus we have all the ingredients of a huge human rights disaster, one that could easily be averted. The UN Special Rapporteur also made these observations in their joint statement.

The residents of Khori Gaon are the working class of NCR and are the victims of systemic inequality, corruption and state failure to provide urban housing and development pathways to the poorest sections of our society. The continuous reference to them as forest encroachers and land grabbers is devoid of historical context or factual understanding of the status of the land, the dynamics of occupation and the declaration of forest. So these certainly cannot be the basis of any exercise to determine what is fair and just in the case of Khori Gaon.

Sections 2.0, 3.0, and 4.0 of the report, are based on the testimonies of the residents about their experiences of living in Khori Gaon, the research and reporting done by scholars and journalists. It provides the historical context of the settlement, details about the legal cases and the Supreme Court's orders, a description of the multiple demolitions that have taken place, their impact on the settlement's residents and the human rights violations that have emerged.

Observations

As panel members who heard the testimonies about Khori Gaon, we are of the view that we are faced here with a human rights disaster of massive proportions, hence entirely unacceptable, mainly due to the brutal manner in which the demolitions are sought to be carried out. We are not questioning the order of the Apex Court. We are drawing attention to the fact that the order is being appropriated to perpetrate violence on a scale that recalls the demolitions of Turkman Gate and Sanjay Gandhi National Park – both of which were denounced as major human rights abuses. The houses were demolished during COVID pandemic and in the middle of the monsoon. There are no transit camps, no relief in terms of food and water, no place to rest their weary heads. There is no promise of rehabilitation for people whom we count as our very own.

Recommendations:

1. The forced eviction of residents and demolition of houses at Khori Gaon, Haryana, including women, children and senior citizens with the help of police force perpetrating violence by use of excessive force thereby causing severe injuries to the residents, should be immediately halted as it is in gross violation of fundamental rights, human rights, good governance and constitutional morality in a democracy.

2. Persons who have suffered injuries in the process of forced eviction must be provided adequate medical treatment as well as reasonable compensation. Those families in which a member has died as a result of the pressure of these operations during the period of demolition ought to be given adequate compensation.

3. Before resorting to any act of eviction/demolition, the State of Haryana and Delhi must ensure:

- i) carrying out a survey recording the details of the household, members of the family, documents in their possession and recording of their statements ;
- ii) public disclosure of the survey and giving time for residents to make corrections, if any
- ii) they are assigned a place for temporary accommodation where they can shift;
- iii) providing proper documentation to all those whose houses are to be demolished regarding the permanent rehabilitation within a given time frame.

4. The State of Haryana and Delhi should first prepare a record of the evictees and provide them with documentation. Next, they should develop a comprehensive R&R Policy for Khori Gaon residents, ensuring that the accommodation will be provided to them within a reasonable time frame. No eviction will take place from the current dwellings until this is done. All the residents should also be provided with a rehabilitation card.

5. The permanent accommodation should have basic human facilities like drinking water, electricity, sanitation, access to adequate health care, education, transport etc., in consonance with ensuring human dignity of life as enshrined in Article 21 of the Constitution, as explained above.

6. Those who are losing jobs and the right of livelihood due to pandemic and the forcible demolition of their houses should be ensured the basic right to food, drinking water, shelter, electricity, etc., in the temporary accommodation.

7. All evictees and residents must be enrolled under the National Food Security Act and provided a ration card as they are from the economically vulnerable section. Further, they should also be enrolled for all applicable social welfare schemes and policies including old age pension, widow pension, disabled pension and the government must ensure registration under applicable laws such as those for construction workers, migrant workers, informal sector workers etc

8. There should be a complete moratorium on evictions and demolitions till such time the COVID-19 pandemic is affecting the country.

9. If Khori Gaon is to be evicted because it is seen to be an 'encroachment', and with the purpose of reclaiming the Aravalli ecosystem, then the same must be done simultaneously with all other high-end 'encroachments' like the farmhouses, hotels, that are on the PLPA land. Let the govt show evidence of having issued notices to them, and starting the process of eviction/demolition on all of them, before it does any further evictions of the urban poor. If, on the other hand, these high-end 'encroachments' are considered to be in consonance with the land use proposed or in place for this area, then Khori Gaon should also be continued to exist in its current location, and basic amenities be made available as a matter of human and constitutional rights.

We hope that members of the public, government, media, legal community, activists, academics and policymakers who read this report will engage with its contents and work together towards making cities a safer and inclusive space for the poor. Environmental protection and social justice must necessarily go hand in hand if we are to move into a better future. As a society, we need to confront these complex challenges of our times collectively with compassion and humanity towards all, upholding the principle of leaving no one behind while moving towards greater sustainability.

Signed: (All members of the panel)

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1.0. Introduction

Khori Gaon is an informal settlement (basti) at the border of Delhi and Haryana and the foothills of the Aravallis. It started developing on a post-quarry landscape in the 1970s. Quarrying started here in the 1950s and continued uninterrupted till the 1990s. Important to note here is that the Forest Conservation Act came into force in 1980. The land on which the basti stands displays irregular slopes, inaccessible pockets, vertical rockfaces, and deep pits. As a result, access has always been an issue. Khori Gaon is surrounded by commercial, hospitality and high-end residential developments, which are identified as located on the same deemed forest land. To its east are Taj Vivanta Hotel, Radha Swami Satsang Bhavan, Pinnacle Business Tower, Sarovar Portico hotel and to its south are the farmhouses and Suraj Kund Tourist Complex. To its north are the Delhi informal settlements Chungi 1, 2 and 3 in Lal Kuan. A wall built by the Forest Department separates the Asola Bhatti Wildlife Sanctuary and Khori Gaon. It was constructed to provide legal protection to the ridge from further destruction from quarrying activity and to block the informal settlements' residents from accessing it¹.

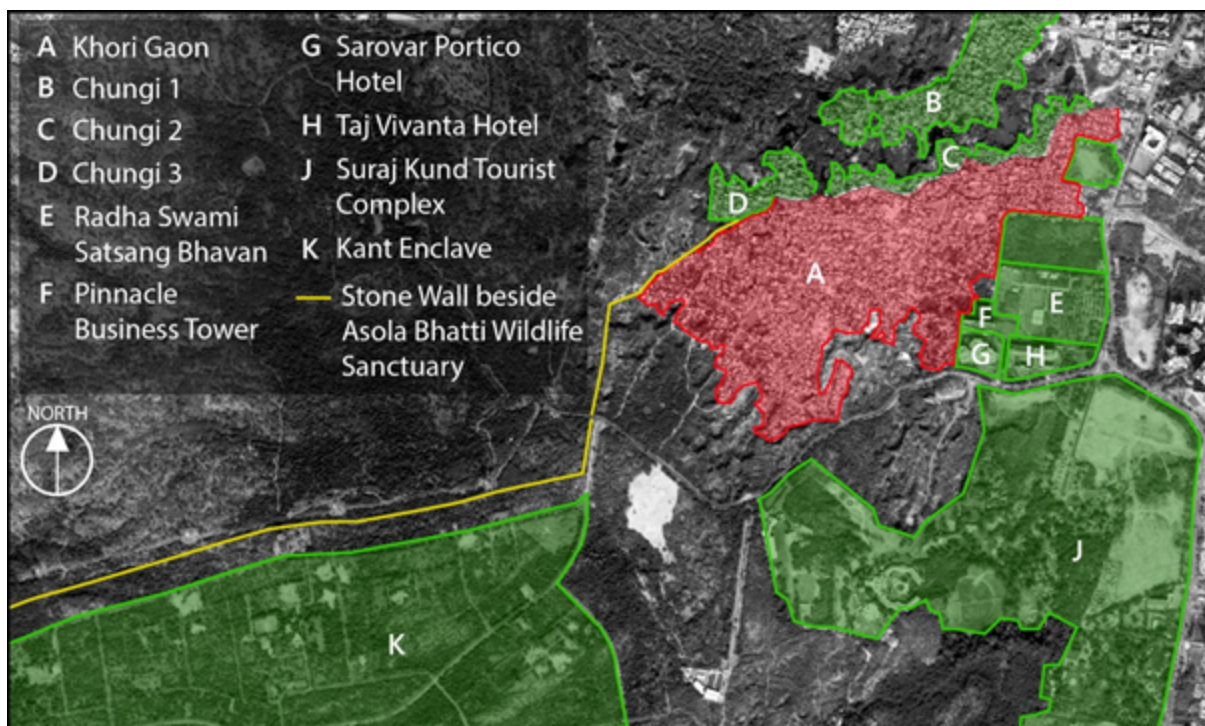


Fig 1. Khori Gaon and Neighbours (Source: Ishita Chatterjee)

¹ Sinha, G. N. (2014). An introduction to the Delhi Ridge. Department of Forests and Wildlife, Govt. of NCT of Delhi, New Delhi, India.

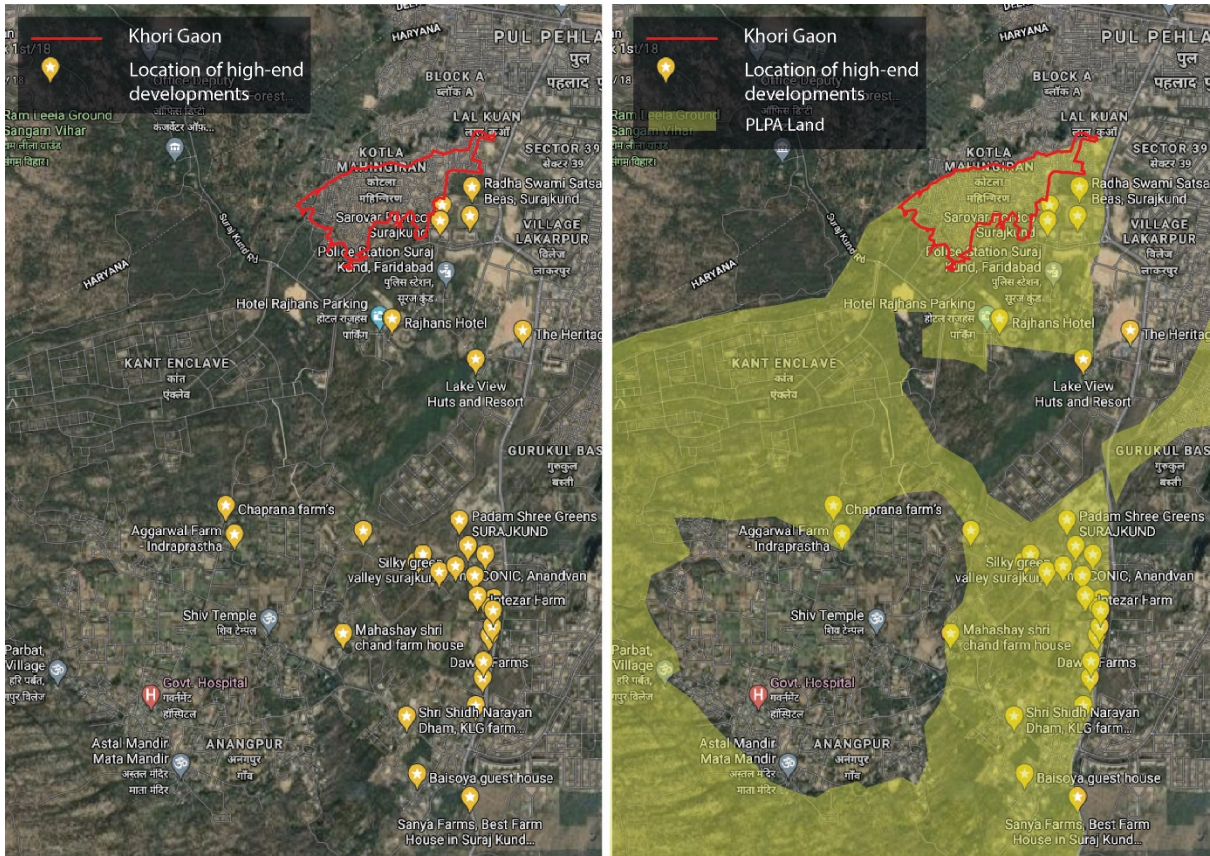


Fig 2. High-end developments beside Khori Gaon on PLPA land (Source: Ishita Chatterjee)

The boundary of the forest and the border between the two cities, Delhi and Faridabad, are unmarked. The only territorial marker present is the stone wall built at the edge of the Asola Bhatti wildlife sanctuary to Khori Gaon’s west. Due to the absence of any border marker, the area between Delhi and Faridabad has been an ambiguous zone. This ambiguity has been exploited by the politicians of both states and by the land mafia, who sold the plots to the unknowing residents.

Located at the margins of two states, the forest and the city, Khori Gaon’s residents have lived with multiple vulnerabilities for years. In addition, they also endured the disproportionate impacts of the COVID pandemic. The demolition taking place in Khori Gaon currently, as per the Supreme Court’s orders² of 2020 and 2021, has literally been the last blow which has not only severely impacted the current residents but also undone the small, incremental improvements undertaken by multiple generations and driven them towards helplessness and poverty.

² [SC Orders Removal of 10,000 Residential Constructions on Aravali Forest Land \(thewire.in\)](https://www.thewire.in/news/india/sc-orders-removal-of-10000-residential-constructions-on-aravali-forest-land/)

2.0. History of Khori Gaon

2.1. Purani (Old) Khori Gaon

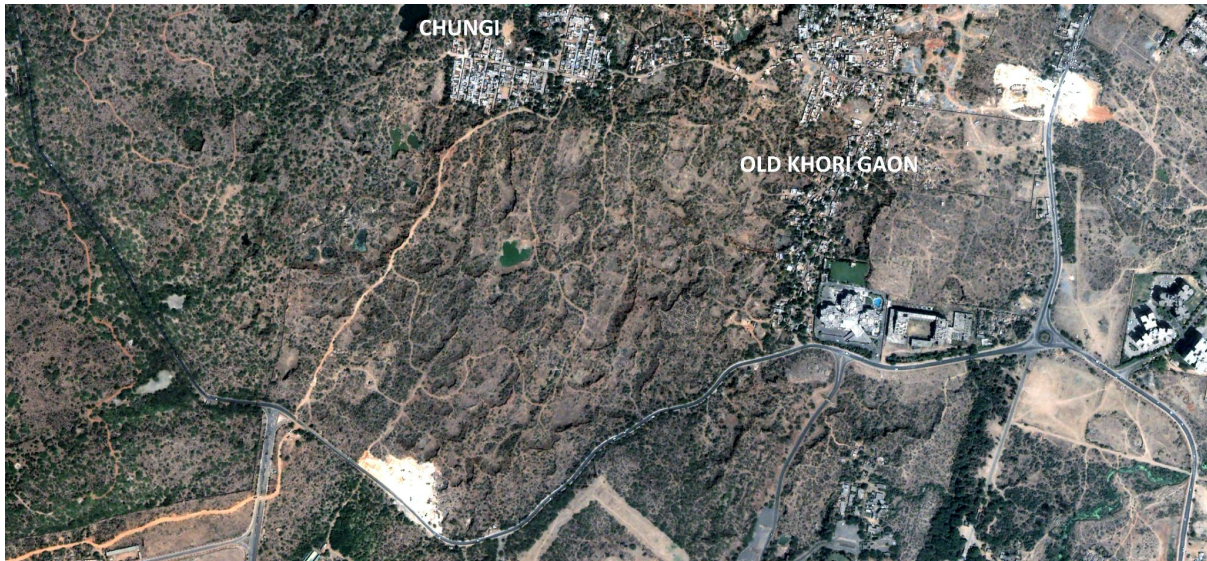


Fig 3. Satellite image of May 2002. (Source: Google earth)

The part of the Aravalli hills where Khori Gaon is located, also called the Southern Ridges, fell under the surrounding villages' common land. The forest seen in this area was semi-arid with thorny foliage³. The *gujjars* who lived in the nearby villages were pastoralists and used the hills to herd their cattle. When the Britishers captured Delhi in the 1800s, they started acquiring the commons through the Waste Land Act of 1863⁴ and forests through the Forest Act of 1865⁵. As the *gujjars* lost their livelihoods they started subdividing and privatising the common lands. After independence, the Indian government continued the forceful acquiring of common lands, forests, and water bodies. Some of the villagers then started selling their private land parcels to powerful bureaucrats, real estate developers or leased them to mining companies.

The Southern Ridge was also the Aravalli range's quartzite table. As a result, this area witnessed heavy quarrying from the 1950s till the 1990s before it was checked by the Supreme Court. A record number of 240 villages in Haryana moved from agriculture to mining⁶. Between 1992 and 2009, multiple court orders were issued, initially for compliance with sustainable mining practices and then for a complete ban on mining in Haryana. Some of the early

³ Sud, Megha. (2015). *Political Ecology of the Ridge: The establishment and contestation of urban forest conservation in Delhi* (Vol. 23). Franz Steiner Verlag.

⁴ Singh, Subrata. (2013). Common lands made 'wastelands': making of the 'wastelands' into common lands (29).

⁵ Guha, Ramachandra. (1990). An early environmental debate: The making of the 1878 forest act. *The Indian Economic & Social History Review*, 27(1), 65-84. doi:10.1177/001946469002700103

⁶ Pananchikal, Jahnavi. (2018). Why the Aravalli Forest Range is the Most Degraded Zone in India. *The Outdoor Journal*. Retrieved from <https://www.outdoorjournal.com/in/uncategorized/aravalli-forest-range-degraded-zone-india/>

residents of Khori Gaon are the families of the quarry workers who started settling down here between 1970 to 1990. Fig 2 shows that the early residents settled down on the east side, which is referred to as Purani (Old) Khori Gaon. The google earth image shows the area extent of Old Khori Gaon in 2002.

The quarry workers had migrated from Uttar Pradesh, Bihar, Madhya Pradesh, Jharkhand and West Bengal. Many of these workers were victims of debt bondage at the hands of their quarry contractors and could not go back to their villages. In addition, they also suffered from silicosis and other health ailments due to exposure to dust during mining. After the mines were closed, they found alternate employment as casual labour and daily wage workers in various offices, hotels, malls and gated societies that came up in the vicinity. Most of the residents of Old Khori Gaon have access to municipal water and electricity from the Haryana government. Mostly these residents are the ones in Khori Gaon with identity cards from Haryana.

2.2. New Khori Gaon

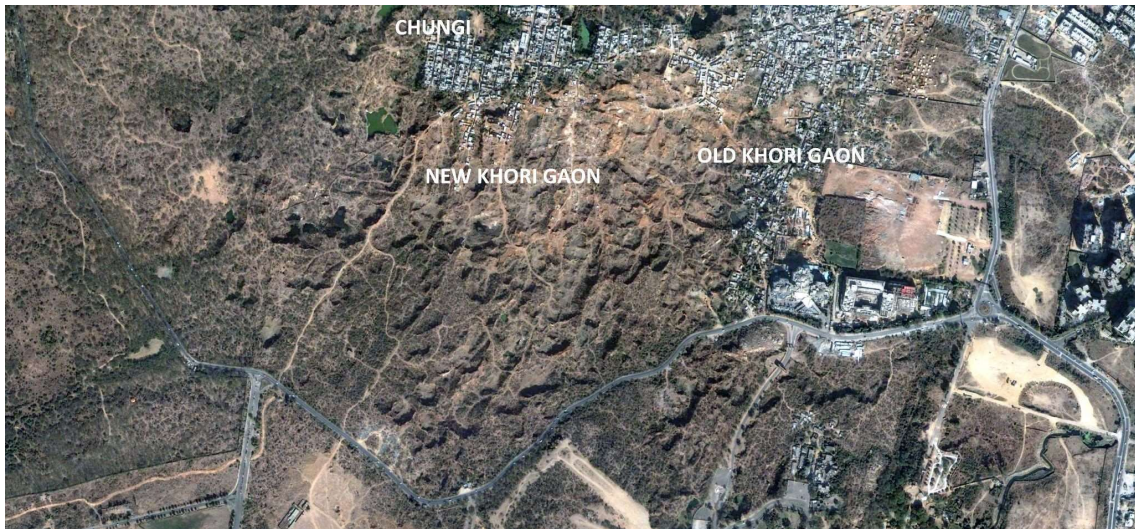


Fig 4. Satellite image of January 2008. (Source: Google earth image)

After illegal mining dwindled, the land was soon grabbed by the mafia and sold to urban poor from 2000 onward. The decade of the 2000s also saw several slum demolitions in Delhi. Urban poor from different parts of Delhi, who either could not afford to buy a house in the city or were displaced from other informal settlements and urban development projects, moved here. Villagers from the nearby states had also migrated here for job opportunities. Most of them had sold their land in the villages and moved to the city. Others spent their life's savings to buy plots and construct their houses. All these residents had purchased their plots from the

land mafia active in this area. Fig 3. shows that New Khori Gaon started developing south of Chungi.

For the longest time, the residents were unaware that this was deemed forest land. In many cases, the unsuspecting residents were provided with fake property documents and power of attorney for the land. The Delhi-Haryana border ambiguity has also been exploited by the land mafia, as well as the politicians. Since Chungi, situated in Delhi, had access to municipal services, a plot sold by the mafia claiming its location is in Delhi fetched a much higher amount than the rest of the area.

During each election cycle, Delhi, as well as Haryana politicians, have promised services, regularisation and have even provided official documents in return for votes. As a result, a few residents have documents of Delhi and some of Haryana. In some cases, residents have documents from both states. However, a significant number still remain invisible in official registers. Unlike Purani Khori Gaon, the Haryana government did not provide electricity to the residents of new parts of Khori Gaon. Instead, the Delhi government provided electricity and built roads in this area. Fig 3. shows the extent of newly developed area by the end of December 2011.



Fig 5. Satellite image of December 2011. (Source: Google earth image)

Even though the residents have access to electricity from the Delhi side in most cases, they do not have papers to prove it since this was supplied through informal channels. They relied on private and state tankers for water. The mafia also exploited the residents by extracting money whenever they built a higher floor or added another room. If there was a gap between purchasing the land and constructing the houses, the mafia often sold the land to other buyers.

In some cases, the mafia also grabbed the properties of those who went back to their villages for a few months.

In the high court judgement of 2016, it is mentioned that the Haryana tourist department officials while inspecting the land noticed the basti in 2010. In response, few petitions were filed by the residents before the Punjab and Haryana High Court to request for regularisation or provision of alternate housing. The court cases continued till 2016. During the period between 2010 -2016, instead of a reduction in plotting, there was a significant increase in the selling of plots to the poor. Comparison of Fig. 3 and Fig. 4 shows that between 2011 and 2017, the settlement's growth has trebled. New residents were offered assurances in exchange for bribes from the forest department, police, and the land mafia (refer to resident testimonies). Hence, the growth of the settlement seems to have involved a nexus of land mafia, bureaucrats from government agencies and police officers.



Fig 6. Satellite image of March 2017. (Source: Google earth image)

There was no demarcation or boards claiming that this land was government or forest land till June 2021, which further raises questions about the role of the authorities. Wide publicity to this fact could have prevented thousands of people from being duped into spending their life savings in 'purchasing' land here and allowing the unmitigated growth of the settlement. It is only during the demolitions that were carried out recently that the boards have been installed.

3.0. Legal Background

Removing poor people from their homes in the name of environmental protection pushes generations of their families towards destitution. We know this well from what is happening with adivasis of India who live in forest areas in urban or rural regions. The Forest Rights Act was introduced to correct this historical injustice. But the implementation of this law suffers from the same prejudices of elite conservation models and is repeatedly being used to keep forest dwellers from claiming their rights to forests. The Supreme Court in 2019 in a case challenging the constitutional validity of the Forest Rights Act ordered the eviction of more than 10 lakh forest dwellers on the basis of “rejected claims”. Fortunately, this order was withdrawn within a month when it was pointed out to the Court that it may have been misinformed.

The migrants who come to cities for work are often from minority communities. They are landless peasants and SC/STs who have nothing left in their villages due to aggressive land acquisition for development projects, mining, creation of Protected Areas and other social inequalities of land ownership and caste oppression. And they lose their very identity and certain protections when they leave their states or regions such as areas declared under Schedule V and VI of the Constitution. But the city never seems to accept them enough to provide them dignified housing.

3.1. Forest land and PLPA

Punjab Land Preservation Act, 1900 (PLPA) is a colonial law for regulating land use for environmental protection especially soil and water conservation. In 1992, this area on which Khori Gaon now stands was notified as regulated under PLPA. Usually these notifications are for a specified period of time, but following the MC Mehta case in the Supreme Court, between the 1990s and 2004, the Supreme Court banned mining in the Aravallis and gave the Aravallis an additional layer of legal protection through a series of orders. By these orders, areas notified under Section 4 of PLPA are “deemed forests” and the forest laws of IFA are applicable. If construction activities are to be undertaken, they have to be done after permissions under the FCA.

Apparently, this is the root cause of the problem. In 2005, the Forest Department issued notices to evict Khori Gaon residents on the pretext that this is forest land. Since then, Khori people have been called “forest encroachers”. This tag has been selectively applied to them with no historical context of this process by which these areas were recognised as forest land and they have as a consequence suffered such institutional hostility from the highest Court of law and from the government of a state that has the worst forest cover in the country.

The state’s failures in regulating land use on PLPA areas are self-evident. In a June 2020 report submitted by the Haryana Forest Department to the National Green Tribunal in the long running case, numerous cases of construction violations on PLPA lands have been identified and these cover an area of 1426.5 acres. In Faridabad alone, there are 123. Although the Forest Department claims to have issued notices from time to time to select developments in this list, it has had little success in dealing with forest encroachments overall.

This is mainly because there are major violations on village common lands and many of these have been privatised and now co-owned by several people. The violations may be done by one of the members of the co-ownership who are also elite residents of the NCR region. A good example of this is the Kant Enclave case in the area neighbouring Khori Gaon.

Managing government land under PLPA restrictions is just as challenging. Although the Development Plans of the Faridabad Municipal Corporation indicate that land use is highly restricted in PLPA areas, several high-end commercial establishments like resort hotels and tourist facilities are in the neighbourhood of Khori Gaon. These buildings are also listed in the forest department's report to the NGT. But they don't seem to be threatened with eviction and demolition orders.

But in the Khori Gaon cases, the government seems to claim that this densely packed human settlement on only about 120 acres of land is essential for forest conservation in the state. The human cost of reclaiming this forest land will be the highest in the Aravalli. Broad estimates show that this will lead to the displacement of 600 people per acre and the loss of primary residences of poor people. If the more than a hundred farmhouses in the Aravalli forest areas running commercial or religious enterprises in villages like Mewla Maharajpur, Ankhir and Anangpur are relocated, the human cost per acre of reclaiming Aravalli forests in these areas will be negligible. Surely some prioritisation has to be done for reclaiming forest land in the state?

Actually it does not seem that this entire process is being undertaken keeping forest protection in mind. After the Kant enclave judgment of 2018, the state government attempted to amend the clauses of the PLPA law itself in order to make large scale construction possible on these lands. These amendments were stayed by the Supreme Court. Also there has been no action on the scores of farmhouses and other illegal constructions built on PLPA land. These constructions were given official electricity connections by the state government.

3.2. High Court and Supreme Court orders

The legal challenges in courts by the Khori Gaon residents began in 2010 when the first eviction was ordered. The residents of Khori Gaon challenged the eviction orders in the Punjab and Haryana High Court through a number of petitions.

In April 2016, the HC made very important observations. One order referred to the actions of the state authorities with respect to their eviction notices as "perverse and cryptic".⁷

The High Court judgment of 29.4.2016 spoke of the needs of poor migrant workers in our cities. And we have seen how this issue played out during the pandemic lockdown. The HC instructed the Haryana Urban Development Authority to conduct a detailed survey of those eligible for rehabilitation. At the same time, the central government was asked to prepare a nationwide right to housing policy. However, these directions were sidelined.

⁷ <https://thewire.in/urban/why-haryana-govt-cant-evict-khori-gaon-residents-without-rehabilitation>

The Municipal Corporation instead filed an appeal before the Supreme Court. On 19 February 2020 and 5 April 2021, the Supreme Court ordered the removal of the settlement through multiple orders.. In its order of June 7, 2021 the court stated that they “expect that the Corporation will take all essential measures to remove encroachments on the subject forest land without any exception, not later than six weeks from today and submit a compliance report in that behalf...” “The state in general and the local police in particular shall give necessary and logistical support to enable the corporation to implement the directions given by us to evict the occupants/encroachers including by forcible eviction...”

Hearing the petitions seeking a stay on the demolition after that order, the Supreme Court stated in its order of 17th June 2021 that, “..this court has already recorded the assurance given by the Corporation that action against unauthorised structures...will be taken by following due process and in accordance with law...”

Using these orders, the state agencies of Haryana have taken steps that are in direct violation of the COVID-19 Guidance Note announced by the United Nations Human Rights Special Rapporteur, Leilani Farha, in April 2020. It states that “[h]ousing has become the frontline defence against the coronavirus. Home has rarely been more of a life or death situation...States must take the following urgent measures, in keeping with their human rights obligations: Declare an end to all forced evictions of informal settlements and encampments...Ensure all residents of informal settlements/encampments have access to an adequate, affordable and proximate supply of water, toilets, showers, sanitation services, soap, hand sanitiser, disinfectants, and masks. In communities with limited access to local water supply, water tankers and equipment to create boreholes must be urgently provided...”

The state’s constant insistence on the removal of Khori Gaon on forest land but turning a blind eye to the high-end developments beside it highlights the discriminatory claims made by the state on forest conservation. Khori Gaon is not the only settlement on forest land in this area as per the Punjab Land Preservation Act (PLPA), 1990 . To its east are the commercial and hospitality developments (refer to map 1 in Annexure). Along the Suraj Kund Badhkal road, there are at least 35 farmhouses and hotels on forest land (refer to map 2 in Annexure).

There is also an unauthorised colony Chungi 1, 2, and 3 in Lal Kuan, that falls in Delhi. In Chungi’s case, since the Delhi Urban Shelter Improvement Board ’s cut off date is 2015 for rehabilitation or compensation, the residents were not uprooted from their habitat. However, Haryana Urban Development Authority ’s cut off date is 2003 renders most of the residents ineligible. Lawyers representing the Khori residents have repeatedly asked the Haryana government to ensure proper steps are taken and a detailed survey is conducted before the eviction. They have also requested amendments to the cut off date to 2020. However, since the court has left the issue of rehabilitation to the Haryana government, the state government has ignored this requirement.

3.3. Summary

Based on the earlier sections, the chronology of the events are as follows –

- a) The history shows that the destruction of the ridge had begun long ago in the 1950s when quarrying had started.
- b) The Forest Conservation Act came into force in 1980 whereas, the settlement has started developing in the 1970s.
- c) The notification of PLPA land in the area took place in 1992
- d) The declaration of the deemed forest status happened in 2004
- e) The hotels, commercial complex and religious centre beside Khori Gaon developed between 2000 to 2014. Pinnacle Business Tower and Radha Swami Satsang centre started their construction after the declaration of forest in 2005.
- f) As per the forest department's submission to NGT on 18.6.2020, there are 123 violations of PLPA land in Faridabad district.

4.0. Forced Eviction

4.1. COVID pandemic and its impact

Residents of Khori Gaon mostly worked in informal jobs like driving, construction, factory jobs and domestic help. Many of them were also daily wage labourers. Informal workers were the worst hit by the pandemic. Their wages were either reduced or entirely stopped, driving a huge number of people into greater poverty. Many had lost their employment as a result of the government's extended lockdown without prior notice and covid restrictions at workplaces. The closing of state borders had an immediate impact because the majority of people worked in Delhi, Gurgaon, and Noida and were unable to commute. The majority of them also had no savings to offset the health and economic difficulties caused by COVID.

Since many residents did not have identity proof, obtaining relief provided by the state was almost impossible. Those with Delhi identity cards were ineligible for the assistance provided by the Haryana government. The Haryana government distributed distress ration tokens to people who did not have ration cards; however, this assistance did not reach most of the Khori Gaon inhabitants. Similarly, they were unable to access the state's financial assistance announced for informal workers due to language barriers in filling out the forms and since they could not get the documents notarised during the pandemic.

Most COVID-19 cases in Khori Gaon went unreported and untreated during this first wave. Access to hospitals was restricted owing to transportation issues, heavy costs, and a shortage of hospital beds. The second wave was catastrophic. Residents were left to fend for themselves while the entire nation battled to deal with growing numbers and overcrowded hospitals. A small number of people were able to get oxygen cylinders from private dealers; however, many were duped into purchasing half-empty cylinders. Many people have died as a result of the 2021 wave. As many families lost sole earning members, women struggled and still struggle to feed their children. Residents also have also found it difficult to arrange for vehicles to take dead family members for burial or cremation, often spending an entire day with the bodies.

The court's eviction and demolition orders need to be understood within this context of the socio-economic inequalities and the uneven impact of the pandemic faced by Khori Gaon's residents. On March 13 2020, an eviction notice was given to the residents, giving them seven days to vacate. During this time, India was witnessing a steady rise in COVID-19 numbers. The residents tried to submit their grievances to the government; however, due to the closure of government offices, they were not able to submit the documents in time.

Eventually, a nationwide lockdown was imposed on March 24, 2020, and the demolition did not occur. However, on September 14, 2020, as many as 1,700 houses were demolished. This period was the peak of COVID-19 during the first wave. On this day, India saw 92,071 new COVID-19 cases.

On February 1, 2021, a letter was sent from the Khori Gaon Residents Welfare Association to the Faridabad government, appealing to the state authorities that a survey be conducted and residents be rehabilitated as per state policy. However, no dialogue was initiated with the residents; instead, on April 2, 2021, 300 houses were demolished without prior notice, the same day when 81,466 new COVID-19 cases were reported in the country. The recent demolition notice was given on June 7 for June 9, when nationwide COVID-19 cases were still high at 92,596.

4.2. Implementation of June 7th Supreme Court Orders

The Supreme Court's latest orders have been used as a weapon against the entire basti that has been legally fighting in courts since 2010.

An order was issued by the Deputy Commissioner of Faridabad, stating that the process of eviction would start on June 9, 2021 at 6:00 am. Such notices were put up in few places in Khori Gaon. The Deputy Commissioner of Faridabad had also given instructions to Deputy Divisional Officer Badkhal, Joint Commissioner NIT Range Faridabad, Secretary Municipal Corporation Faridabad. A march past was carried on by the police in the settlement, asking people to evacuate immediately.

The SC orders caused a lot of panic among the residents and they began to organise meetings in the basti and came out to protest peacefully with activists non violently. But the police imposed section 144 to prevent these meetings and stop any form of mobilising. Many residents and activists were arrested by the police. The entire basti was barricaded by the police because of which no vegetable vendors, water tankers or any other service could reach them. Electricity connections to the area were cut off and the basti, which is at the foothills of the Aravallis and has an undulating terrain because it was a mining area, was enveloped in darkness at night. These were the hottest and most humid days of the season and the lack of electricity and water affected young children and old people's health. Mobile towers near the area were removed because the administration felt that residents were communicating with activists and the media about their condition. Without mobile connectivity and electricity, the education of students who were all attending online classes came to a complete halt. Their futures are already seriously compromised.

During these days, the basti residents faced threats from the police everyday. The state administration also made some announcements that the area will be evicted and the residents were advised to leave with their belongings. From time to time, bulldozers were stationed outside the basti in large numbers to scare the residents. Officials also undertook small-scale demolitions on foot. But in the absence of any announcement of a rehabilitation plan in these announcements, the residents were confused and clueless about where they were supposed to go. Some residents even went looking for rentals in nearby areas and came back despondent because they found very few accommodations available during covid and the

rents were simply unaffordable for them. News reports⁸ mentioned that close to 7 residents had committed suicides as they felt helpless, and an elderly person had lost his life without access to water.

A week after the SC orders of July 7, the CM of the state, ML Khattar, stated at a press conference that those residents with Haryana voter IDs would be given housing in the EWS flats built by the state government⁹. But this was not elaborated by any state agency to the residents of Khori Gaon and so the residents kept waiting for future announcements. Several resident groups had also approached various political and government officials to clarify about the process of evictions and rehabilitation. But there was no such clarification.

On July 13, a press conference was held by the Municipal Corporation of Faridabad, where a rehabilitation scheme was announced with conditions for eligibility¹⁰. Less than 24 hours after the rehabilitation press conference, on July 14, the state agencies and the Police began the most brutal form of demolitions in Khori Gaon. This was also the day the monsoon reached these parts. From 8.00 am onward, a heavy deployment of police and officials was present at Khori Gaon and started demolishing the houses. Police used drones to locate where residents had gathered and used force to disperse them. When the residents resisted demolitions, they were mercilessly beaten. In some cases, women were dragged by their hair when they refused to move from their homes. Men were hit and pushed against walls (annx :see video footage at <https://twitter.com/leenadhankhar/status/1415616572123537408>).

More than 300 houses were demolished by the end of July 14, and the residents who were rendered homeless spent the night exposed to the weather conditions without a roof. No alternative housing or even a temporary transit camp was not created for them. Due to the police blockades and section 144, no aid could be distributed to them the first night. The next day, on July 15, when the residents tried blocking the entry and exit points of the basti, police resorted to lathi-charge to disperse the crowd and, in the process, injured more than 10 people; many of them were women¹¹. According to estimates by residents and journalists, around 600 houses were destroyed by evening. July 16, was one of the worst days as close to 1500 houses were destroyed. The debris from the demolition drive was so much that the next day, July 17, was spent by the police collecting it and removing it from their path so that they could continue with the demolitions the next day.

While the lack of any temporary accommodation has been difficult for everyone, it has been particularly severe for women, children and the elderly. Many of the residents have existing

⁸ [Fearing impending demolition of his home, 70-year-old dies by suicide in Khori village | Delhi News \(indianexpress.com\)](#)

[Elderly commits suicide fearing demolition of his house in Khori village \(outlookindia.com\)](#)
[“Worse than death”: Khori Gaon residents on the fear of demolition ordered by the Supreme Court - YouTube](#)

⁹ [Under demolition shadow, Khori village on the boil, residents and police clash | Delhi News \(indianexpress.com\)](#)

¹⁰ [After demolition, Khori residents to get EWS flats in Faridabad—but conditions apply | Delhi News \(indianexpress.com\)](#)

¹¹ [Violence, heart break and pain as civic body demolishes houses in Faridabad’s Khori colony - Hindustan Times](#)

health ailments, and some are disabled. A huge number of residents are single mothers with children. Residents whose houses have not yet been destroyed are providing shelter to some families, but since the houses in bastis are generally extremely small, many have not managed to find any shelter. Most of the residents have no savings due to the long pandemic, loss of jobs, and extended lockdowns. Since the demolition drive also destroyed most of their belongings, they also do not have any provisions for cooking. As a result, a lot of them have been staying hungry for the last few days.

The police made arrangements for food on July 15; however, the location of the food distribution centre was far, and most residents could not reach the place, especially those with mobility issues (annx: see video testimony). NGOs stepped in on July 17, the only day the police did not conduct any demolition; however water and shelter still remained an issue. On July 18, the situation went from bad to worse. Demolitions started from morning 10 am, and the police encircled the entire basti, thereby restricting movement inside and outside. Some of the volunteers and residents assisting them in distributing food were also stopped and got trapped in the police blockade for a few hours.

Throughout the last month, the police's behaviour towards the residents has been increasingly aggressive and inhuman- using excessive force and causing grievous injuries¹². They have continuously threatened and beaten them and often barged into their houses without asking for permission. Police have also occupied the beds and sitting places within their small rooms to take refuge from the heat and rain, while the scared residents either left the rooms or huddled in a corner. The weather in the dry hills of Khori Gaon is scorching, and the chances of heat strokes are very high because of the rising temperature. The police have taken breaks for lunch, water and tea during the demolitions. But for the residents, the bodily torture and the fear of losing their homes has been relentless.

(For testimonies of women residents pls see video recording of a public hearing on Khori Gaon on <https://m.facebook.com/NAPMindia/> The residents speak from 1:11:28 to 1:53:33)

Several reporters have been covering the issue of Khori Gaon evictions since the June 7 SC order. Some of them have visited the area and conducted extensive interviews with residents on video and these have been published. However, when the demolitions started and reporters reached the location, the police adopted violent tactics to stop them from recording the demolitions and speaking to the residents. The twitter timelines of some of the reporters who consistently covered the Khori Gaon issue gives information about the violent behaviour of the police against the media.

The human rights violations were also highlighted by the UN Special Rapporteurs who said that, "We appeal to the Indian government to respect its own laws and its own goal of eliminating homelessness by 2022 and to spare homes of 1,00,000 people who mostly come from minority and marginalised communities. It is particularly important that residents be kept safe during the pandemic." They further added, "We call on India to urgently review its plans for razing Khori Gaon and to consider regularising the settlement so as not to leave anyone homeless. No one should be forcibly evicted without adequate and timely compensation and

¹² ['We Will Not Leave Our Homes': Protests, Detentions Continue in Khori Gaon \(thecitizen.in\)](#)
[Thousands of Villagers from Khori Detained by Delhi Police for Protesting Demolition | NewsClick](#)

redress “The role of the Supreme Court is to uphold the laws and to interpret them in light of internationally-recognized human rights standards, not to undermine them¹³.”

4.3. Resettlement scheme

As per the scheme proposed by the Haryana government for the rehabilitation of Khori Gaon¹⁴, only those residents area eligible for allotment of EWS whose annual income is up to Rs 3 lakh and if any adult earning member/head of the family either possesses a voter id card or any identity card issued by the Haryana state or has an electricity bill. However, the proposed EWS flats are not ready, and no assurance was given when they will be. The government proposed to provide eligible residents a meagre amount of Rs 2000/month for 6 months to find accommodation until these flats were ready. In order to book the flats worth Rs 3,77,300, that are still not ready to move-in, resident have to pay a deposit of Rs 17,000 within 15 days of the allotment, and the rest would be collected as instalments of Rs 2,500/month for 15 years after that.

One of the most complex issues, in this case, is the basti’s location at the Delhi and Haryana border. Most of the residents in Khori Gaon do not have identity cards from Haryana; instead, they have documents and identity proofs from Delhi. Similarly, since the Haryana government did not provide electricity, the majority of the houses draw electricity from Delhi though through informal arrangements without bills and other documentation. Through its failure to recognise and address this issue through the rehabilitations plan, the Haryana Government has rendered most of the residents ineligible. In the absence of any survey, a large number of families will be excluded from the scheme because of the identity card issue. Even in the eligible group, many will not be able to afford the initial deposit (refer to testimonies in the Annexure). Secondly, the rent that is required to find alternative accommodation till the EWS flats are ready is much more than the promised amount of Rs 2,000. Hence, in the rehabilitation scheme, most of the residents will be left behind and risk being rendered homeless¹⁵.

¹³ [OHCHR | India must halt mass eviction that threatens to leave 100,000 homeless – UN experts](#)

¹⁴ [Khori colony: Mandatory ID proofs may deny residents govt's rehab scheme, say activists - Hindustan Times](#)

¹⁵ [Khori Gaon Residents Left Homeless as Govt Rehabilitation Plan Excludes Most People | The Swaddle](#)

5.0. Panel observations

Prof. Amita Bhide:

The evictions in Khori gaon have been executed in a very violent fashion; and have not been accompanied by provision of any viable alternatives for the residents in terms of temporary relief or more durable settlement. It is surprising that other high end developments along the forest are allowed to continue while the settlement in the middle of these developments is displaced. This places a question on even the intention to conserve the ridge or afforest it.

Ms. Anjali Bhardwaj:

The large scale forced eviction of people from Khori Gaon in the midst of the COVID 19 pandemic is absolutely inhuman. To protect and uphold peoples' constitutional guarantee of right to life with dignity, the Supreme Court should have first ensured that a proper policy of rehabilitation was in place and people were relocated properly without suffering. Under no circumstances should people be put through this kind of hardship in the middle of a pandemic when the working poor are facing the twin crisis of disease and economic distress. The testimonies suggest that the police has used excessive force causing grievous injuries to residents. Testimonies of journalists that they were threatened and prevented from covering the demolition should set off alarm bells in any civilised society. The real test of the robustness of our democracy and its institutions lies in how the well-being of the vulnerable sections of society is ensured. Unfortunately in this case, the system has clearly failed miserably. The Delhi and Haryana governments are responsible for rehabilitating people, and must be made accountable for this. Also, an enquiry needs to be set up to probe all those, including the local administration, who were involved in duping residents into 'purchasing' plots in Khori and forging documents.

Mr. Ashish Kothari:

This case follows a trend across India of people being rendered 'illegal occupants' of land by either post-facto changes in land-use designations (typically this has happened re. 'forest lands' under Indian Forest Act), or because they are forced to settle on lands that they may not even know the category of and are assured its all legal/fine. .

The inequality of treatment is stark (though not surprising), between Khori gaon and the other occupations. If reclaiming and regreening the Aravalli is indeed the objective, why remove only the Gaon?

Prof. Bittu Kaveri Rajaraman:

The eviction of Khori Gaon residents is an act of brutality that follows a pattern of poor people being duped by the land mafia into investing in housing that they later find is "illegal" in the state's documentation. The process of eviction rendering them homeless and dispossessed

of their investment is a crime by the state that both fails to recognise the circumstances in which they came to settle on the land many years ago, and that points to the state's own failure in building low-income housing to accommodate urban migrants. The double standard the state shows towards high-end encroachments on the same area is particularly problematic. Often there are multiple alternatives to this kind of eviction, which should be investigated in this situation. But under no circumstances should it be permitted for the state to evict people from their homes without democratic consultation and due arrangements for them to stay in humane and well equipped, quality alternative housing. The brutalities and police repression upon those peacefully protesting eviction are testimony to even more criminal behaviour on the part of the state.

Dr. Claude Alvares:

If the developments at Khori Gaon are similar to those that took place at Turkman Gate (1975-76) and Sanjay Gandhi National Park, then I am sorry to say, we have gone backwards as a nation on the human rights front. And this is a matter to be deplored.

It cannot be argued under any circumstances that these acts of violence against underprivileged people living at the edge have the sanction or endorsement of the Supreme Court of India. The Supreme Court of India has issued an order of demolition, but it is expected that this is subject to compliance with civilized norms and total conformity with the civil and human rights of the affected population. The Supreme Court cannot be dragged either directly or indirectly into endorsing violence of any sort, especially violence and brutal suppression of the dignity of the poor.

Therefore it is imperative that these actions of the authorities are brought to the notice of the apex court. We are saying this after hearing direct statements of assault, battery, violence and open inhumanity related to us during the course of a public tribunal set up to intervene on behalf of the human rights of the victims concerned.

We reiterate that it was the duty of the authorities to ensure that the exercise of demolition was carried out in a humane fashion. This would have necessarily required erection of transit camps with all facilities including water, food and shelter, a subsistence allowance, and adequate rehabilitation at alternate sites.

The demolition thereafter ought to be accompanied by a time-bound investigation into the actions of all those who permitted the Khori Gaon development to come up. The inquiry should include officials from the forest department, the municipal councils concerned, and others who benefitted from turning a blind eye to what was happening. If such investigation is not ordered and concluded, the land mafia and all these officials who knowingly allowed the building activity without taking appropriate action, will get off scot free, even while the poorest bear the full burden of these unfortunate and morally indefensible developments.

6.0. Recommendations of the panel

We have heard the aggrieved residents of Khori Gaon and taken their written and oral depositions on record. We have also carefully gone through the various orders passed by the Hon'ble Supreme Court, the documents on court record and the media reports. We have also heard the legal experts on the issue of housing rights, right to shelter and the need to grant resettlement and rehabilitation in this situation. After careful consideration, by consensus, our recommendations are as follows:

1. The forced eviction of residents and demolition of houses at *Khori Gaon*, Haryana, including women, children and senior citizens with the help of police force perpetrating violence by use of excessive force thereby causing severe injuries to the residents, should be immediately halted as it is in gross violation of fundamental rights, human rights, good governance and constitutional morality in a democracy.

2. Persons who have suffered injuries in the process of forced eviction must be provided adequate medical treatment as well as reasonable compensation. Those families in which a member has died as a result of the pressure of these operations during the period of demolition ought to be given adequate compensation.

3. Before resorting to any act of eviction/demolition, the State of Haryana and Delhi must ensure:

- i) carrying out a survey recording the details of the household, members of the family, documents in their possession and recording of their statements ;
- ii) public disclosure of the survey and giving time for residents to make corrections, if any
- ii) they are assigned a place for temporary accommodation where they can shift;
- iii) providing proper documentation to all those whose houses are to be demolished regarding the permanent rehabilitation within a given time frame.

4. The State of Haryana and Delhi should first prepare a record of the evictees and provide them with documentation. Next, they should develop a comprehensive R&R Policy for Khori Gaon residents, ensuring that the accommodation will be provided to them within a reasonable time frame. No eviction will take place from the current dwellings until this is done. All the residents should also be provided with a rehabilitation card.

5. The permanent accommodation should have basic human facilities like drinking water, electricity, sanitation, access to adequate health care, education, transport etc., in consonance with ensuring human dignity of life as enshrined in Article 21 of the Constitution, as explained above.

6. Those who are losing jobs and the right of livelihood due to pandemic and the forcible demolition of their houses should be ensured the basic right to food, drinking water, shelter, electricity, etc., in the temporary accommodation.

7. All evictees and residents must be enrolled under the National Food Security Act and provided a ration card as they are from the economically vulnerable section. Further, they

should also be enrolled for all applicable social welfare schemes and policies including old age pension, widow pension, disabled pension and the government must ensure registration under applicable laws such as those for construction workers, migrant workers, informal sector workers etc

8. There should be a complete moratorium on evictions and demolitions till such time the COVID-19 pandemic is affecting the country.

9. If Khori Gaon is to be evicted because it is seen to be an 'encroachment', and with the purpose of reclaiming the Aravalli ecosystem, then the same must be done simultaneously with all other high-end 'encroachments' like hotels, farmhouses that are on the PLPA land. Let the govt show evidence of having issued notices to them, and starting the process of eviction/demolition on all of them, before it does any further evictions here. If, on the other hand, these high-end 'encroachments' are considered to be in consonance with the land use proposed or in place for this area, then Khori Gaon should also be continued to exist in its current location, and basic amenities be made available as a matter of human and constitutional rights.

7.0. Annexures

7.1. Testimonies of affected persons, journalists and others

Residents Testimonies¹⁵

Resident 1: I live in Khori Gaon, my house has been demolished yesterday even after several protests against it. When we people protest against the felling of our houses, authorities scold us, beat us with laathi and in a very bad manner, they ask us to go away. They tell us that our houses are built on public land and therefore illegal even though we people have bought this land by selling our village land and have spent all our earnings to build our house on this land. Now when my house has been demolished, I along with my three children are forced to sit under a cloth to save ourselves from the scorching heat. The Haryana government has announced a rehabilitation plan which involves given EWS housing available to Khori people, we have been asked to fill a form for our rehabilitation and I also went to fill it, I have also submitted all the required documents including Aadhar card and Voter ID but they are now telling us that we will have to give 2000/month as rent for our alternate accommodation in Dabua, after this, we will be given a salaried income of Rs. 2500-3000. Why should we pay them any rent for an alternate accommodation which they are providing us in place of our house which they have demolished, we don't even have any money left to eat now.

What are helpless, 6-7 people in our area have already died amidst all this panic, we are hardly able to arrange any food for our families now. A survey must be conducted to understand the circumstances in which people living in these 10,000 houses with at least 5-6 people from each house are living currently, where will all these people go after demolition?

Resident 2: I am a resident of Khori Gaon, PM Modi launched the scheme *Jahan Jhuggi wahiin makaan*, therefore while protesting we were requesting modi ji to show some mercy on us but police started beating us with lathis, even was hit with laathi by a male police and I fainted on the spot due to the hit, people pushed me on the corner of the road and later on picked me up from the spot. I have been living here for the past 18-19 years, my house is next on the line to be demolished, my 10 year old girl goes to a nearby school, where should I take her after my house here is demolished?

Resident 3: Modiji gave the slogann *Beti Padhao, Beti bachao*, we saved our girls but when my 12 year girl was requesting them not to demolish her house for the sake of her education and future, they asked her to get out of their house as their house was illegal as it is built on government land and also threatened that they would detain her. Even when her house was demolished before her eyes, she is still crying and insisting to go back to her house. Around 5000 houses have been demolished. We have surviving with without food, water and electricity for the past two months, even then they have breaking our houses and beating so ruthlessly. There is a very heavy deployment of police which is not letting us go anywhere and even male police is beating women very ruthlessly. Is there no corona for us? Is corona only for the rich? We are living under a cloth shed, I have three small kids, including a girl, where will I take

¹⁵ These are excerpts of the testimonies made to the Public Hearing panel. Their identities have been protected, but are known to the panel members. Public hearing link: <https://t.co/kxKaUun676?amp=1>

them if rain comes? Now that they have demolished our house, from where will I arrange Rs. 5000-7000 as rent for a rented accommodation?

.....: My house has been demolished, I have nowhere to go now. My husband's one leg is broken and a son of mine has died, I don't what to do and where to go. Modi ji promised us *Jahan Jhuggi wahan makan*, asked us to maintain social distancing and to be inside our houses only, I did whatever he asked the public to do but now we are on road, we have nothing to eat, now when my children could study all their books are buried under the debris of our house, they didn't even allow us to take them out of our house before demolition, they have destroyed the future of my children.

.....: My house has also been broken and I have nowhere to go. I have two girls aged 18 and 16, where should I take them now? When we try to protest against the demolition of our house, police threatens us with laathi and ask us to leave. Where should we go?

Resident 4: I am a Social worker living in Khori gaon along with these women, I am speechless to see such pain and suffering but I will speak and fight against it. Police has caused so much destruction here and they are picking up, arresting and putting in Jail anyone who is even slightly speaking up against it, some women were released yesterday night after four days of custody, even right now 12 women are in jail. A man named Aslam was also taken away by the police and they are not even telling us where they are taking these people. They have put false cases on people, they are threatening journalists and not allowing them to cover or report about the demolition. The police is using drones for itself to trace people but they are not allowing media to show our pain to the world. Media has all the right to cover what is happening here.

During corona times, when the administration/government assured everyone with voter IDs that they will rehabilitated then they should have rehabilitated the people before such demolition. We were living on this land as we had duly bought this land and developed it, we were not at fault. No action has been taken against the people who are responsible for all this, there is not even any mention of land mafias who had illegally sold us this land, was it possible for them to illegally sell 170 acre of land without any nexus with government officials?

Various government agencies have come repeatedly to extract bribes and exploit us. Now they are demolishing our houses, beating us and not even allowing us to remain here after demolition even when they very well know that we have nowhere else to go, we are left with no means or capacity to arrange any alternative accommodation, where will people go with all their household things? However, people are still fighting and I am proud of the residents of Khori that we are still standing up and supporting each other in such adverse circumstances.

Today, there is no media or social media coverage of our issue, even if a minister is hit with a tomato it is shown as news all day but here even when an entire colony has been demolished and several people have died in this demolition, there is no news regarding it. Police is even snatching away dead bodies from people by brutally beating them, it seems that our people who have died have no value or count. Our electricity and water supply has been cutoff, has the Supreme Court has also ordered to cutoff our electricity and water supply or to not let us go for work or to inform the police about the details of the people we are talking to on call or going to meet? They have also blocked our call and internet network, what kind of Justice is

this? I don't know if they consider us humans, we can't understand if we are Indian or not, should such treatment be given to an Indian?

Today the administration is threatening us to leave our houses, demolishing them, levelling the floor and putting up a board that it is a Government land, why did they not do all this years, if they had done so before, there would have been no confusion and we would not have been fooled and destroyed like this. We used to go to Nagar Nigam and also to politicians for help but they never told us that this is government land and we should leave. Politicians from all major political parties have taken our support through vote and have also taken us in large number to their rallies, if they all knew that this public land, they should have removed us earlier only but they didn't, they are asking us to leave now because we on our own developed and made this area and now they have an eye on this area.

No action has been taken against big buildings, hotels and farm houses in the same area. Our only crime is that we are poor, they are taking advantage of the fact that we are economically weak and have no other option but to peacefully witness our houses being demolished before our eyes and can't even stay in our colony after demolition. It is better that they should just drop a bomb on all of us and kill us, at least then we will not have to beg them for basic shelter. People have spent their entire life earning on our houses, we are being punished only because we are poor. Why no action has been taken against people sold us this land and settled us here? Why no action has been taken against government officials who were extracting bribes from us even after they knew that this land belongs to forest department? Our blood and tears are mixed with this land. Now that this land is developed and made it livable, government wants this land. For rehabilitation, they are asking us to show documents from 2003, but at that time they deliberately didn't help us with getting these documents so that we are now able to claim rehabilitation later, we didn't get their game plan then, we are understanding it now.

Resident 5 : While around one lakh of us have been living just 170 acres, a few people have been living in 1000 acres area of hotels and farms in the same area, no action has been taken against them. The police doesn't even treats us humans, they make fun of us and shoo us away like dogs, has the Supreme Court ordered this as well?

Group of residents responding to questions: Nobody helped us during Covid. No tests were conducted in our settlement and therefore, at first, we were not even able to understand that people are dying due to Covid. We tried to arrange oxygen and other resources on our own but couldn't save our people. No covid vaccination has been conducted here, none of us are vaccinated. Nobody will know if people die here. There are many women here who became widows after their husband died during covid, some of them including a lady named Kalpana are being jailed for protesting against the felling of their houses. No covid test is being conducted on people who are being released from Jail. Only a boy named X who has been taken away by police is being said to be under quarantine for 15 days by the police, we don't know if this true or false, none of us know where he is quarantined, people here believe that he is dead now, he has a wife, small children and old aged mother, they are not aware about his details and are inconsolable. Please find our young people and children who are missing, there are old mothers who cannot do anything to find them.

There is no temporary camp for us, we don't know if they will be able to rehabilitate any one of us in the next 6-12 months. Even no temporary shelter camp or food facilities have been

arranged for the displaced people at the site. At Radha Swamy Satsang Ashram, the government has arranged some stay and food facility, some of us walked for an hour to reach there but they were not allowed to bring some food back for their family as the administration had “no orders from the top”.

One government school is in old Khori Gaon, not in new Khori Gaon where demolition is taking place. Our ration cards are not being considered valid and we are being denied Ration for the past 6-7 years. Most of us have Haryana Voter ID.

.....: I had lost my husband and was left with my five daughters and a son. There is no earning member in our family. Till today, I have not been able to get my widow pension started as the demand so many documents and I am not able to do it myself. I was only running for things and my children were hungry. Due to this situation, I decided to settle in and around Delhi, the broker who sold us this land told us that this land is in Delhi and possession of land is important to get land rights, so we bought this land from broker, built a makeshift house and started living here. However, we were never been able to improve our lives because we are continuously stuck in collecting water, food, going to work. So much of our small incomes have gone in giving to government officers from police, nagar nigam and forest department who come to extract money from us. They never told us that this we should leave, they gave us false assurances and kept extracting money from us. Government officials are the biggest mafias if you ask me. We would not been destroyed like this if government had not troubled us. They are not removing poverty, they are making the rich richer and killing the poor like us during corona.

Resident 6: From Shahjahanpur, UP. My house was the last to be demolished yesterday. My husband is no more, I have a young daughter, I have nothing left and nowhere to go. I have a loan of Rs. 5 lakh taken for the purpose of construction of my house. All my IDs are of Delhi and I have no Haryana documents. I had no information that this was forest land, government never us about it, if we had known this before we would have never sold our village land and taken a loan to construct a house on this land. With even my house demolished, I am left with nothing.

Resident 7: My house is next on the line for demolition, I have 7 children, one of the girls is handicapped, where will we all go in Corona, what happened to Modi Ji's *Jahan Jhuggi wahan makan* and *Bethi Bachao*

Resident 8: I came to Khori Gaon in 2000 and my house has already been demolished once in 2003, we somehow reconstructed it but taking a bank loan now my house is again on the line for demolition. My husband is injured and is unable to work, I am the only earning member of my family, I work as a labourer and have not been able to earn anything for months now. I will not be able to afford the EWS house under the rehabilitation plan even if I want to as it asks us to pay Rs. 2500/month and one time amount of Rs. 1700. How will pay all this? I don't even have money to drink water and have to arrange it somehow, I have not eaten for the last three days, I can't eat any food out of tension. I don't know what to do, where to go.

Journalists

Sumedha Pal:

I have been covering news on Khori Gaon from 7th June onwards, when the Supreme Court order was given. As mentioned by the residents and other colleagues, there is a heavy police presence here. Even journalists have been threatened and faced police brutality. There has been a direct censoring of the press in this area. Journalists are being barred from accessing the demolition site and deliberately removed whenever we have reached Khori Gaon. We were asked to give written consent that we are responsible if something happens to us or the police do anything to us before proceeding with reporting. Police demanded a written consent from journalists even to stand in that area. Even when journalists agreed to give their consent, we were still not allowed to report and be threatened.

During the Mahapanchayat in Ambedkar Park, a senior police officer ordered another officer to confiscate my phone while I was filming police attacking the demonstrators with batons. When an officer attempted to grab my phone, I stopped filming and fled the scene for my security. Senior journalists were also meted with similar treatment. There were around 5-6 police against each journalist. The state of freedom of the press in India has become deplorable and dangerous.

Naomi Barton¹⁷:

I'm Naomi Barton, and I work with The Wire. I have been on the ground at Khori Gaon on June 16, following a violent police crackdown against peacefully protesting residents, then and then again on July 16, as the demolition of Khori Gaon takes place.

Police officials threatened me with arrest if I did not stop recording; I was physically moved by female police officers away from the site of demolition, with verbally violent police officials loudly threatening physical harm if I did not move. On presenting my press card, the insistence on my being removed continued; I was only able to go back to the site after some time, and through less visible routes. When I asked why the press was not being allowed, given that the police were here lawfully, on the order of the Supreme Court, I was verbally threatened again for 'making fun' of the police. The entirety of my time there was marked by overt and hostile police surveillance.

It is worth interrogating why the custodians of the law, the police, on orders from the highest court in the land, are acting as though they are performing a crime that needs to take place furtively. While utterly valid in law, it is my understanding that this is the result of knowing the violence that they are party to has no moral standing, and their actions are to limit the damage to optics. As the saying goes, "Not only must Justice be done; it must also be seen to be done," and this is a justice that is impossible to be seen as just.

Multiple women residents spoke to me about the police violently dragging them out of their homes by their hair if they refused to leave prior to demolition. Several people sported bruising and injuries caused by police violence in June, and are on record speaking of it. Multiple people yesterday also spoke about the police violence meted out to a young man called Aslam, who on being distraught by his inability to rent a house elsewhere, had resolved to die in his

¹⁷ Naomi Barton's testimony was sent in writing for the Public Hearing.

house as it was demolished. After being beaten by several policemen, he allegedly fell unconscious after his head was smashed into a wall. Several men spoke about their fear of the police, who have resorted to violence via lathi as a first course of action. A woman whose house was demolished the previous day had returned to its rubble, and had resolved to put up a tent and continue to live in the rubble, given that she had nowhere else to go. She was dangerously close to an area that was in the process of demolition ongoing -- the police were unconcerned with her physical safety.

It is impossible to overstate how militarised the area has become, with the armed police intimidating residents with the threat of rifles. Shots have not been fired, but it is violence to force people into actions they do not choose, at gunpoint.

The residents have also been deprived of accessible water since June. This means they have to ration alarmingly little quantities of water which they have to physically carry to their homes over prohibitive distances. The heat at this point is physically dangerous -- something which the police seem to be keenly aware of given that they dispersed immediately to shaded areas, which were frequently the very houses that were due to be demolished.

It is not an understatement to say that in the absence of any rehabilitative measures, the Supreme Court order has justified and enabled violence to the extent of death. Under its aegis, it has condemned the most powerless citizens to immediate physical violence from the police, and the extended material violence caused by being condemned to homelessness in a hostile climate and economy. In the absence of resources and support, those without a safety net are condemned to death -- a sentence which the residents of Khori Gaon truly believe the Supreme Court has ordered for them.

Concerned Citizens

Ishita Chatterjee, PhD Scholar, The University of Melbourne:

The Supreme Court orders mention that Khori Gaon residents are forest encroachers, and hence they should be evicted. However, the residents have paid for the plot of land sold to them by the land mafia. In many cases, they were also provided with fake documents and power of attorneys. The Delhi and Haryana governments have provided voter id, adhaar and ration cards to them. Even after the court cases started in 2012, people continued to be provided with fake promises by government officials and politicians that they will not be evicted. Along with Khori Gaon, many high-end developments are standing on forest land as per the Punjab Land Preservation Act (PLPA). However, they have not been called forest encroachers or illegal. So, if Khori Gaon residents are accused of encroachment, then the government should be asked why this was allowed?

Additionally, the idea of the 'forest' is constructed. Even before mining this area was just thorny shrubs. And even that disappeared when mining was allowed here from the 1950s. Hence, the idea of the forest only exists in the government's imagination and on paper, but on the ground, there is no forest. Hence, Khori Gaon stands on post-quarry land and not forest land.

Dr Manju Menon, Senior Fellow, Centre for Policy Research:

The Punjab Land Preservation Act (PLPA) is a colonial law that was used to regulate land use in certain areas to protect soil and water. In 2004, the Supreme Court held that the PLPA land would be considered “deemed forest” and construction activities will be illegal unless approved. Based on this order, the Forest Department of Haryana issued a notice for eviction in 2005. This was the beginning of calling the people of Khori Gaon “forest encroachers”. There are many illegal elite constructions on PLPA lands in Haryana, and the forest department has a long list of them that was prepared in 2020. However, while these elite violations have not been touched, the Haryana government is displacing the people of Khori Gaon to reclaim a relatively small area of forest land at a very high human cost.

Neelesh Kumar, Basti Suraksha Manch: Khori Gaon had become a jail for the residents after the order of the Supreme Court of 7 June 2021. There were police all around, and they were constantly threatening the residents. People’s water, electricity and other facilities were stopped. The police held marches through the streets of Khori Gaon regularly. Whoever raised their voice or whenever groups tried to gather were put in jail. Journalists were threatened many times. Whenever people tried to organise a protest, processions and demonstrations, they were prevented from gathering or even exiting the *basti*. When they resorted to lathi-charge many of the residents and activists were injured. Due to helplessness, many people committed suicide. Demolition by bulldozers and JCB machines began on 14 June. In the rain and scorching sun, people’s houses, temples, mosques, churches were demolished based on a resettlement policy on paper without conducting any ground survey.

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