

PERMANENT MISSION OF INDIA TO THE UN, GENEVA

HUMAN RIGHTS COUNCIL

13TH SESSION (1-26 Mar 2010)

AGENDA ITEM 3: Interactive Dialogue with SR on Adequate Housing

(5th Mar 2010)

Statement by India

Mr. President,

The delegation of India thanks the Special Rapporteur on the Right to Food and the Special Rapporteur on Adequate Housing for their respective reports focusing on topics of relevance and importance to their mandates. We would, however, confine our remarks to the report by the Special Rapporteur on Adequate Housing.

Mr President,

2. The Special Rapporteur's report refers to the potential impact of sporting mega-events on the realization of the right to adequate housing. We appreciate the fact that the Special Rapporteur has chosen to highlight both the positive as well as negative impacts of hosting mega-events on the realization of human rights. We believe that mega-events provide an opportunity for the urban regeneration of a city while potentially enhancing the right to adequate housing. The staging of mega-events has often served as a catalyst for the initiation and implementation of large housing development projects in host cities. In the preparation of such events, host cities have undertaken substantial infrastructural and environmental projects, which provide for enhanced mobility through integrated rapid transport systems, improved waste management, clean drinking water and sanitation systems, sanitization of contaminated areas and aesthetic improvements to the city. In the particular context of housing,

mega-events provide for the construction of new dwellings and renovation of existing ones, thus greatly enlarging the housing stock in densely populated metropolitan cities.

3. We take note of the Special Rapporteur's acknowledgement that the impact of mega-events on the enjoyment of the right to adequate housing for all is not so clear. We believe that infrastructural development must not be the result of mass forced evictions and displacement of people, in particular the vulnerable population, and must address the human rights dimension in its implementation strategy. We also believe that it is obligation of the Government to ensure that the hosting of a mega-event does not adversely affect the right to housing.

4. India, as the host to Commonwealth Games later this year, has been mindful of such concerns, as also its obligations under the ICESCR to provide all appropriate means, in the preparation for this mega-event. The Commonwealth Games Authority, the elected Government of the National Capital Region of New Delhi, the Ministry for Housing and Urban Poverty Alleviation and the Delhi Development Authority have all been coordinating their efforts towards this objective. A majority of the houses constructed in the Commonwealth Village have been reserved for allocation to low-income families after the event. Separately, the New Delhi Master Plan 2021 has pledged 30% of the housing complexes for the urban poor. In December 2005, the Prime Minister of India inaugurated the Jawaharlal Nehru National Urban Renewal Mission which focuses on urban regeneration while giving due consideration to the right of adequate housing.

5. We are aware of the concern that has been expressed at the evictions in the context of hosting such events. In our case, such evictions are in accordance with procedure laid down by law and only relate to illegal settlements on public land. Such settlements often exist not merely owing to socio-economic conditions of the squatters but in deliberate connivance with unscrupulous private realtors. We have had, therefore, several judgments by our judiciary, including by the Supreme Court of India, which have directed the executive to remove such unauthorized occupation of public land. At times, the Courts have also gone beyond the strict requirements of the law and directed the

executive to resettle those evicted, as, for instance, has been the case with the evictions effected in last winter on which the Special Rapporteur had expressed concern. Notwithstanding the fact the General Comments of a Treaty Body do not constitute international human rights law, we would like to assure the Special Rapporteur that we are appreciative of her concern, and are mindful of our obligations under the international human rights instruments to which we are a party.

6. In the context of the Commonwealth Games that we are hosting, we would also like to mention that, on the environmental front, the Ecological Code 2010 incorporates the Green Games vision which shall become the benchmark for the Commonwealth Games in future. It provides tangible targets and environmental mandates that strive towards hosting a consumption and carbon neutral event, with a focus on bio-diverse plantation to naturally offset the carbon footprint.

7. Lastly, Mr President, we would request the Special Rapporteur to share her views on two issues:

- a) One, in line with her recommendation in para 80 of the Report, what, according to her, are the obligations of private entities and corporations involved in such mega-events?
- b) Two, in line with her recommendation in para 76 of the Report, in what various ways, according to her, can the state intervene to create a stable housing market?

Thank you, Mr. President.