

ZFI's letter dated May 25, 2020 addressed to Delhi Police

To
The Officer Incharge
Police Station
Kalindi Kunj
New Delhi

May 25, 2020

Sir,

Sub: Refugees staying in Kalindi Kunj

Kind reference is invited to the discussions we had with the officials of PS Kalindi Kunj during the last few days regarding the issue related to the Refugees in the jurisdiction of PS Kalindi Kunj. We are pleased to furnish the desired information as follows.

Refugees converged at UNHCR in 2012

1. In April 2012 the media had reported that hundreds of refugee families of Myanmar arriving from different parts of India had converged outside the office of the United Nations High Commission for Refugees (UNHCR) in Vasant Vihar, New Delhi demanding identity cards to be issued to them by UNHCR leading to protests from the residents of the area against the gathering.

Dispersal by Police

2. In order to deal with the issue, as per media reports, the Delhi Police shifted them to a plot of land belonging to the Delhi Wakf Board near Nangal Dewat village. However, it was later reportedly claimed by the Delhi Development Authority (DDA) that the plot was in use by its Horticulture Department. In the meantime the Delhi Police were able to convince most of the refugee families to return to the states from where they had come to the UNHCR office. While most of the families were thus persuaded by Delhi Police to return to different states in India a couple of hundreds of them found themselves at a loose end and had to stay back in Delhi.

Children, women were inhumanly scattered on roads - help by ZFI

3. As per media reports these refugee families including babies, children and women were inhumanly scattered on pavements and crossroads in the national capital also causing inconvenience to the general public while nobody came forward for help. Thus Zakat Foundation of India (ZFI - public charitable trust registered in 2001) decided to temporarily volunteer its plot of land measuring 1,100 square yards in Madanpur Khadar Ext near Kalindi Kunj. This was subject to the condition that the refugees can stay there only till the time that the Government of India does not have objection and the authorities continue their efforts for their return.

Home Minister's announcement in Parliament & litigation

4. Thereafter a posse of Delhi Police officials visited the plot, made enquiries and they were given copies of documents evidencing ownership of the plot by ZFI. Thus, such usage of the ZFI's plot of land was announced by the Union Home Minister in the Parliament. Proceedings of Rajya Sabha of May 16, 2012 are enclosed herewith as Annexure "A" for further details and record. However, litigation had also started then in the matter and, therefore, ZFI had no option but to wait for instructions from the Government and/or the Hon'ble Court as the matter became *sub judice*.

Fire in camp - Help rendered by Delhi Government, Police, UNHCR

5. In early hours of April 15, 2018 past midnight there occurred a fire at the ZFI's plot where the Refugees were staying since 2012 resulting in destruction of their shanties. Officials from Delhi Government and Delhi Police had taken charge and the Refugees shifted to the nearby plot. A video of the ruined site is produced herewith.

6. After the fire multiple teams were involved from various authorities to help people out of the human tragedy, to conduct forensic examination and other legal formalities though for the first few days the ZFI was denied access to its site.

7. Yet, immediate humane concern of everyone was to provide basic relief. Arrangements (pitching of tents on alternate plot and supply of food) for the quick rehabilitation of these Refugees were done by the Delhi Government for initial three days after the fire. The UNHCR team was also involved from the very beginning. Obviously, ZFI was given to understand that shifting to the nearby plot

is temporary and the refugees would return to the ZFI plot as soon as it reverts back to habitable condition.

Supreme Court appointed SDM as nodal officer

8. A Supreme Court bench headed by the Hon'ble Chief Justice of India ordered the appointment of the SDM as the nodal officer after the Centre presented a status report. News report of the said order is enclosed herewith as Annexure "B".

Help by DM, SDM, BSES

9. Consequently Sri Saurabh Sharma, SDM started supervising the provision of the minimal humane requirements to the Refugees in compliance of the Supreme Court order. There were multiple meetings at his office in Amar Colony involving UNHCR, the NGOs (including ZFI), utility providers like BSES etc. ZFI had regularly followed instructions issued by his office. In the meantime ZFI began making its plot habitable by erecting temporary piped structures. The DM and SDM had visited the site.

Sudden demolition by Sri RD Sharma of UP Irrigation Dept

10. As the work was in progress to refurbish the ZFI plot in order to shift the Refugees back to there, a team headed by Engr R D Sharma of the UP irrigation Department reached the site late in the evening on May 26, 2018 unannounced alongwith a group of persons and a JCB and suddenly knocked down the work done including major portion of the boundary wall that existed since 2004. The ZFI was taken aback and called No.100 and also informed the local police. The matter was also referred to the SDM as he was the competent authority. Photos and videos of the demolition got done by Sh R D Sharma and his team are being produced.

11. Thus, surprisingly, after a period of about one and a half decades of purchase and peaceful possession of the plot by ZFI, the UP Irrigation Department abruptly took the law in its own hand and committed this illegal act. As per the procedural requirement the SDM informed the UP irrigation Department to apply for demarcation of land stating that the cost of demarcation is to be borne by the UP Irrigation Dept which was the objecting party. The officials of the UP Irrigation Department agreed and a tender was floated by the SDM office. However, as the number of bidders was less than the minimum required the tendering process was re-initiated.

Demarcation held up for non-payment of expenses by Sri RD Sharma to SDM office

12. As the process dragged on endlessly the ZFI repeatedly offered to the SDM and UP Irrigation officials that as the latter were disputing a small part of the plot under ZFI's ownership & possession the refugees could be relocated back in the remaining (undisputed) area of the ZFI's plot. For this purpose the ZFI officials also met Sh R D Sharma as well as the SDM but the offer was turned down. The ZFI was asked by the SDM to wait until the process is over.

13. After a couple of months the tender was awarded to a successful bidder to undertake the demarcation. However before starting the demarcation process the SDM office wanted the UP Irrigation Department to deposit the amount bid by the successful bidder. The payment of this amount is reportedly still pending (by the Irrigation Department to SDM office). Copies of letters written by ZFI to both of these offices were submitted to the PS Kalindi Kunj. Copies of four such documents are enclosed as "Annexure C".

ZFI's offer continues

Thus, ZFI continues to have 'no-objection' that the refugees are resettled back on the ZFI's plot subject to the final decision taken in the matter by the Government and/or the Hon'ble Court.

Yours sincerely,

-Sd-

Abdur Rahman
Administrative Officer
(Darul Hijrat), ZFI

Cc DCP - South East, Delhi Police
Commissioner of Police