

Planning for the ‘Urban Displaced: Post-colonial Refugee Scenario in Delhi

Akhilesh Singh Shisodia

School of Planning & Architecture, Bhopal
E-mail: 10akhileshsingh@gmail.com

Abstract—*In today’s scenario, violence, political conflicts, exponential food insecurity, persecutions and natural disasters like earthquakes and rapid floods have left over 6 million people seeking asylum in the last 3 years. Political services and prospects have failed or so far remained elusive in most situations contributing to the alarming refugee crisis faced by the world presently. The number of climate migrants is anticipated to reach near 200 million refugees in the next 30 years as a result of environmental degradation and climate change. There is a dire need to address this issue through both political and humanitarian perspectives to ensure sustenance of these people. A refugee brings along some unique cultural qualities and language, but, cocooned by oppressions, insecurities and social fears, which once eliminated, can lead them to stability, acceptance and empowerment in a foreign land.*

India’s capital city, Delhi has witnessed, over the past six decades, a constant transfiguration of citizen culture and character through a blend of inhabitants from cities all over India and even different nationalities. The city hosts about 30,000 registered refugees all together, struggling to find their place in the conjunction. The crowded conditions lead to morbidity and stress. However, collective consciousness and contextual opportunities may prove to be critical for planning refugee settlements in the concerned metropolis.

The research investigates varying patterns of different refugee communities in Delhi and temporal-contextual analysis of legislative aids and their respective effects to the order and bracket of their settlements from the post-colonial period to present day. The study is receptive to conserve the heritage and cultural intangibles attached to the motive and analyses its magnitude in the physical as well as judicial planning for refugees to produce prototypical solutions for their sustenance with dignity and peace in an urban environment.

Keywords: *Refugee crisis, post-colonial state, context analysis, heritage, culture, advocacy, India, Delhi*

1. INTRODUCTION

India has nurtured an age-old tradition of protecting the humanitarian accords towards refugees and asylum seekers, opting a liberal approach for refugee policy. A contrast, however, develops between the policies of immediate post-colonial period and present day that have contributed to the prejudicial differences between refugee communities residing here. The absence of domestic or international legal framework codifying their protection seems to be an outcome of India’s strained status in South Asian politics and the risk it

faces from terrorism. The country hosts around 420,400 refugees who face inconsistent and insufficient services as the country is not a signatory of the 1951 Refugee Convention or its 1967 Additional Protocol. Examining the disparities in protection for different groups in India helps to address urban environments and urbanization at sites and procedures that worsen their vulnerabilities.

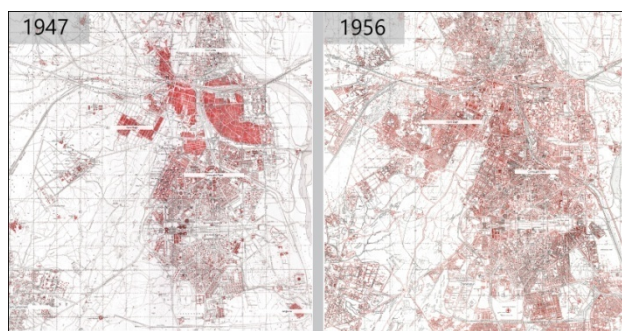
Delhi, the bustling capital, in effect, was born in 1947. The partition saw Hindu and Sikh refugees pouring in while the number of Muslims who fled tramped over thousands. Delhi took in nearly five lakh refugees from Pakistan during this period. Many prominent parts of the city have grown out the refugee camps that emanated along the limits 71 years ago. The following decade proved to be crucial to shape the sprawl that awaited. The constitutional draft arrived at the start of this decade and hence the spatial and legislative aspects of planning for these affectively displaced communities were kept in mind. As time passed, this stratum gradually blended in with already residing population. Before this decade, Delhi was different. Deserted wastelands and agricultural fields steadily gave way to residential suburbs, industrial zones and commercial markets and hence, the refugees of that period became a defining chapter in the city’s current character. The population doubled; a rise that hasn’t been witnessed since, according to the census. However, the Muslim share of the population dived down from 33% to a surprising 6% till 1956.

The following few decades saw the arrival of various groups such as the Tibetans in 1959 after China’s annexation, the Muslim Afghans and the stateless Rohingya. They, however had to face a different scenario altogether with the atrocities of day-to-day survival, social & economic aspirations and the persecution from the people already residing here. Some of the groups have worked their way through understanding the importance of self-reliance and a sense of community to emerge out in the present day with a distinctive identity.

2. IMMEDIATE POST-COLONIAL SCENARIO

Where the settlements were initially sparse beyond the civil lines, lands were occupied with a swift pace by refugees after partition including the vast empty areas of Kingsway which

later on formed to be Delhi's largest refugee camp. The Indian govt. allotted 2,000 acres of land to permanently resettle refugees through the Ministry of Relief and Rehabilitation. Colonies such as Vijay Nagar, Model Town GTB Nagar and Lajpat Nagar had emerged on the map. Refugees moved into the vacant flats of the Lodhi Colony and settled around the villages in Jangpura and Nizamuddin, all of which were once barren. Mixed-use grew rapidly as commercial land-use was the only solution to ensure sustenance of refugees. The currently prominent areas like Khan Market and Karol Bagh were forged from agricultural areas in 1951. The government played a huge role in finding and allocating lands for refugees and as a result, by 1956, Southern Delhi had begun to take shape with Defence Colony. Land in western Delhi became the template for successive neighborhoods i.e. U-shaped with open areas/ community parks in the middle. These cropped up to form the current Rajinder Nagar and Rajouri Gardens, dominated by Punjabi neighborhoods.



(Map Source: Delhi Archives/ Survey of India)
Figure 1 Delhi: 1947 vs 1956

The anti-Muslim nationalist agenda that followed the partition saw the city spaces being transformed into 'Hindu' and 'Muslims' which eventually drove the majorities of Muslims out of India. Hence, prominent traces of them can only be seen in the old city areas while the surrounding colonies consumed most of the 'colour' on the cultural canvas. The subsequent occupation of lands by Sikhs and Hindu refugees showed the nation's inclination to specify non-citizens and hence use Delhi as a model to enforce character and 'who stays' in other urban centers as it brought bureaucratic as well as economic benefits.

3. ARRIVAL OF OTHER REFUGEE GROUPS

The timeline for other groups began in 1959 after annexation by the People's Liberation Army when Dalai Lama took refuge in India along with 1,10,000 Tibetans. The government assisted many of them to settle in Majnu Ka Tila in Northern Delhi. In 1980s, Afghan refugees fled in, following the outbreak of war in their country after invasion of Soviet Union. Non-Muslim Afghans often faced persecutions and attacks unlike the remaining who shared familiar culture as the residing Muslims. The stateless Rohingya migrated here in 1982, when the Burmese government denied them of

citizenship, followed by numerous discriminations which rendered them the most persecuted minorities in the world. The Rohingya still reside amidst adverse conditions in the shanty houses of Kalindi Kunj in south-eastern Delhi. The Afghans and Rohingyas found their place in the mandate of UNHCR along with Somalians and were provided with the much-needed protection and welfare strategies to empower them.

4. INDIAN REFUGEE POLICY

India accords a differential conduct towards refugees of different nationalities. National Human Rights Commission confirms the provisions of inadequate facilities for Chakmas and Rohingyas. Tibetan refugees received far better treatment as compared to the other groups. In Indian framework, the union legislature alone has the right to deal with the issue of citizenship, naturalizations and aliens. The lack of refugee specific legislation deems the refugees under the ambit of term 'alien' [(Article 22, para 3, Constitution of India) and (Section 3(2)(b), Indian Citizenship Act, 1955)]. Hence, the plight of the refugees majorly falls within Foreigners Act (1946), Registration Act (1939) and Passport Act (1967) to regulate their entry and exit in the country. Refugees face a risk of prosecution and arrest by immigration authorities due to lack of valid documentations. An arrested refugee maybe forcibly deported or undergo detention while the hearing is continued regarding plea for refuge or asylum as the executive government holds unrestricted right to expel a foreigner. The court may, in many cases be lenient in the matter of punishment for illegal entry by staying deportations and providing the refugees with an opportunity to approach UNHCR. Keeping in mind all the grave risks they face, it seems crucial to determine the treatment of refugees as a special class of aliens and acts be amended for them accordingly.

5. PROTECTION OF REFUGEES

The constitution of India ensures few fundamental rights to refugees including right to equality, freedom of religion, personal liberty. These safeguard the human rights of refugees to live with dignity. In Delhi, the govt. provides residential permit to those possessing a refuge status certificate issued by UNHCR. The slow pace of the complicated process doesn't however ease their suffering. Article 21 protects them against solitary confinement, custodial violence and provides right to medical assistance and shelter. However, this imposes certain constraints as any action of the state which deprives a foreigner of his/her life or liberty without judicial procedures, which also includes refoulement of refugees, would fall foul of article 21. The contradictions have been numerous contested in the court over decades and lack of specific resolves still presents an uncertainty towards the protection of refugees.

6. INTEGRATION OF INTERNATIONAL AND DOMESTIC LAWS

As a party to various human rights treaties, it is legally obligatory for India to protect the human rights of refugees through administrative measures under Article 253 and 51C including the clause of non-refoulement. UNHCR puts a moral obligation over India to facilitate constructive coordination with it by following the provisions of the Refugee Convention, 1951. The Indian judicial system tends to find the international laws for refugees fairly reliable but article 42 of this convention allocates reservations with respect to the rights of refugees which theoretically defeats the purpose. The legislative solutions, thus, tend to point towards enacting a uniform and refugee-specific legislation to provide them constitutional support, rather than feeding them to the mercy of executive and the judiciary.

7. ROLE OF UNHCR

Since India hasn't ratified the 1951 convention, it becomes paramount for United Nations High Commissioner for Refugees to play its part in safeguarding the refugees. It has the responsibility to aid and resettle refugees living in India. The largest communities under their mandate are refugees from Burma and Afghanistan. Collaborating with few partners and even local communities, it provides support and humanitarian relief including several community welfare services for recognized groups, functioning primarily from Delhi and Chennai. However, not being an organization of formal status does close a few doors. Over the decades after its establishment in 1981, there have been several protests led by the refugees against the inefficiency of fulfilling its purpose, for example protest by 100 Afghan and Somalian refugees in 1999 against UNHCR's lack of assistance when they were denied residential permits. UNHCR has been questioned for its opaque procedures for resettlement initiatives. Since 1989, after the arrival of Burmese asylum-seekers, the number of refugees has exponentially grown in Delhi, of which, 96% belong to the Chin community. Tibetans, on the other hand, are not under the mandate of UNHCR operations and are registered with Central Tibetan Administration i.e. 'Tibetan Government in exile'. The organization works towards achieving the 3 R's for the refugees:

- *Registration*: asylum-seekers approaching UNHCR undergo consideration by the organization, followed by conduction of Refugee status determination (RSD) through interviews and long step by step procedures consuming about two and a half years.
- *Recognition*: after granting the claim for refugee status, UNHCR issues a refugee certificate valid for 18 months. This is an important identity document to avail support services from the organization.
- *Resettlement*: this process requires UNHCR to identify cases on the basis of vulnerability, instead of nationality.

After the submission of cases in the respective countries, it takes almost a year after interviews and formalities for a refugee to receive an exit permit. However, glancing at the statistics, out of 9000 Hindu Sikh Afghans, only 1400 have been granted citizenship in their countries while more than 3000 have still been waiting for more than 18 years.

The reliability of UNHCR, hence, depends on the swiftness of formal procedures which currently don't quite fulfil the criteria leaving the displaced groups, in a state of temporary permanence and suffering. An account with a UNHCR official helped identify the present-day problems that refugees undergo. The primary issue is lack of documentation which further prevents them from any accommodation, healthcare, employment and educational opportunities. Many refugee groups have to live in shanties with conditions much worse than many slums and EWS settlements. Somalians and Afghans have to do menial daily-wage labor-intensive jobs with extremely low pay whereas Rohingyas have to indulge in rag-picking and sweeping. The main causes of these conditions other than legislative negligence are:

- *Language barriers* creating communication gaps and narrowing down the radius of occupational opportunities.
- *Prejudices* and local unacceptance which often end up in oppressions and violence.
- *Lack of education* facilitates a refugee's unawareness to the human rights reserved for him/her and hence the inability to approach the respective authorities for support.

The organization has helped refugees to avail the UNHCR card through which they get access to services including appropriate healthcare and primary education. Many of the asylum seekers have been able to acquire a long-term visa through the efforts made by UNHCR to normalize their stay, get jobs and admission in selected institutions. The organization's belief revolves around spreading awareness at local levels regarding the culture and character of victims and the potential they possess to act as an integrated part of the societies. The foundations of measures should be laid upon *advocacy planning* aiming towards the removal of existing prejudices and creating sensitivity amongst public and local organization regarding the refugee crisis. Their directive has been reaching the roots and engaged at-risk communities and refugee groups to work together and counter the threats by organizing youth clubs and literacy groups in areas like Kalindi Kunj, Vikaspuri and Khirki extension in Delhi. The idea of self-reliance is steadily being dispensed at local level leading to empowerment. For e.g. UNHCR has assisted Afghani and Somalian women in mobilization and finding work through promoting refugee crafts and culture (Figure 2) which simultaneously lets the locals establish acquaintance with their heritage, constructing sympathy and acceptance.



Figure 2: Somali women presenting their cuisine (Left), Locals co-operating with Rohingya fire victims (Right). Source: UNHCR/ Elsa Mathews

8. PRESENT-DAY DELHI: CONTEXTUAL ANALYSIS

Delhi, acting as a hub of numerous cultures and ethnicities has undergone constant change in its tangible and intangible morphology since the partition and refugee waves over several decades have represented a major part in the city's transmutation. "What once was a British city, had emphatically become a Punjabi city by the 1950s", according to historian V.N. Datta. The adjectives of its description remodeled into hearty, exuberant and imaginative from literary and languid.

While a visual analysis across the city reveals several groups trying to emerge out of oblivion by using their memories from the motherland as a media of expression and sustenance, there are still some who don't find the sense of identity significant in-front of survival and hence have agreed to be consumed by order and concrete. The competition of commerce has left 'art' far behind and communities have become a tourist to their heritage. Amidst these constant interventions to oil the system, a refugee is found in the dilemma of choosing *integration* or *distinction*. Several prominent refugee areas were elected inclusive of most of the groups all over the city and urban walks were organized with occasional first-hand surveys and pedestrian interviews to obtain an idea of the its contrast to other areas as well as its own past. Areas of relevant output included Lajpat Nagar, Malviya Nagar, Majnu ka Tila, Kalindi Kunj and Jangpura.

9. CONTRAST: LIFESTYLE AND PHYSICAL CHARACTER

Malviya Nagar and Lajpat Nagar were once the safe-haven camps for refugees from Pakistan and a buffer of almost 70 years have provided them with numerous opportunities to grow out of persecutions and normalize their citizenship. They have emerged out well through legislative support at crucial times and have used the commercial sector as a pedestal to sustenance. The present-day areas reflect congestion of mixed-use on peripheral roads of residential colonies which tend to conceal themselves within gated communities. Houses in Lajpat Nagar (mostly HIG and MIG) go as high as G+3 lined around community parks and connected backyards which point towards the intentions of being a strong collective unit

reclusive to outside interaction. The architecture reeks of being consumed by concrete, creating an imagery owing nothing to the past and delineating future for naught. Similar contexts have been defined for areas like Jangpura and Kalka Garhi. There seems an uncertainty of the refugees in the area either being the host of these trends or merely being a prey of metropolis.

Kalindi Kunj is home to the most persecuted tribe in the world living in refuge since 1989 i.e. Rohingyas. The threats and oppressions they face haven't improved much from what they were experiencing in Myanmar. There exists a constant despise between them and the locals of Kalindi Kunj. People detest sharing their resources with this community, hence, they are forced to reside in dilapidated shanty houses in deleterious conditions. A recent fire of unspecified source burnt down 55 dwellings of their settlement in April. Evidently, oppressions have transformed into agitations which has led the locals to assume Rohingyas to be a violent group and further distanced them from support. They don't possess any distinctive cultural artistic skills which rules out empowerment through refugee craft. However, amongst all that is adverse, even the shanties reflect blurred visions of their settlement patterns and dwelling structure from back in Myanmar. The clusters comprise of narrow lanes less than a meter wide and dwellings are arranged compactly as double-storied make-shift shelters. Inside the houses, multiple uses have been assigned to spaces. For e.g. the attics are used for storage and can be divided into layers. Poor waste management system within the community leave huge piles of garbage around it which makes the area prone to disease/epidemics.

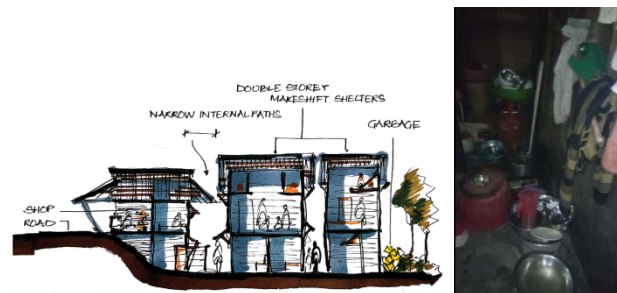


Figure 3: Shanties of Rohingya in Kalindikunj (Left), Interior of dwelling unit (Right). Source: Thesis report/Vishal Kumar

Tibetans residing in Majnu ka Tila have thrived, if compared to other groups given that they received local as well as constitutional support at the time of their arrival. The present picture highlights the compactness of the settlements. The distribution of mixed land-use and dwelling orientation reveals as well as conceals the close-knit pathways psychologically bringing neighbors closer and nerve-like connections of streets creating a sense of belonging among the residents. Visually connected spaces form intangible neighborhood surveillance. Although cement has been adopted as the material of choice here, signs of Tibet's vernacular architecture and techniques

are evident by the heights of dwellings and overall contoured connections in-between. Courtyard spaces have been used as community-strengthening zones by placing religious buildings in the center of the region. Embedding religion in the day-to-day activities of residents designs their expression and reinforces their identity. Tibetan refugees have inventively combined commerce and heritage to open themselves to the outside communities. Hence, the markets are often seen packed with tourists looking for artifacts and craving Tibetan cuisine.



Figure 4: Narrow streets and courtyard spaces. Source: Author

India's alliance with Dalai Lama since 1960s has eventually helped these refugees in availing educational services, jobs, lands for settlement and finally, even a right to vote. It has also aided the formation of organizations on the basis of gender and other social criteria. For e.g. Tibetan Women Association. Hence, it is in the interest of research as to determine the distinction they have over other suffering groups to finally enjoy a status almost equal to an Indian citizen.

10. GATHERINGS FROM STABLE REFUGEE GROUPS

In an urban environment, the governing bodies may face numerous set-backs and long ordeals of legislature to assist a refugee community. Planning, like in most cases, is more effective at local level giving way to communicative and collaborative measures of advocacy. When closely observed, stable refugee communities which include refugees of partition, Afghans and Tibetans in Delhi, exhibit several features that may be effective to uplift others groups:

- Education/awareness about the social and legal system of the host country to practice one's human rights.
- Amalgamation of trade and crafts to simultaneously promote and sustain heritage and lifestyle. This also helps to reduce local threats and issues.
- Clustering together refugee neighborhoods of similar perspectives to strengthen their organizational and social distinction.
- Using religious buildings as a binding factor in a community for expression of divine beliefs.
- Letting the victims plan and construct their own communities, rather than foreign imposition of ideas and

actions that defeat the purpose of impalpable bond to a space.

- Inducing the idea of self-reliance by establishing virtual local self-government to involve the victims in decision making processes to empower them.

11. CONCLUSION

The process of reclamation of post-colonial landscapes have rendered disparate scenarios for different refugee groups. The past 70 years have given way to prejudices, partiality and people being laid down at the mercy of bureaucracy to seek sanctuary in India. Although, government assistance is the primary need to avert this crisis, the functioning of organizations like UNHCR and other social groups contributes an equal share. A temporal contrast showed an evident need for the government to aim at increasing the workforce tending to this issue and implement measures to properly identify a refugee without the layers of paperwork involved. The Aadhar defines the citizenship of an Indian and acts as a universal medium to access services offered by the government. Procedures of similar nature can be implemented for the 'displaced' too. At this stage, legislation of such nature may seem improbable majorly due to the minimal impact that refugees have on the economy. They are practically a liability to the nation and require empowerment to be considered influential to the administration's mandate. The contextual analysis points towards root-level implementations as most effective and hence the process of accreditation should start with the 'locality'. Considering the case of Lajpat Nagar; the neighborhoods being referred to as Punjabi localities; and the irony of absence of any native 'Punjabi' culture as such among the refugee settlements verifies how commercial sector clubbed with survival instinct consumes the character of an urban regime. However, when the same sector is grouped with craft and native skills, it channels the sustenance of a memory and hence lends character to a landscape.

In terms of fostering communal growth as well as empowering an individual, the provisions of tools and skills tend to contribute towards a greater stability. A refugee can provide an essential service to a mutually beneficial relationship with the neighboring area. By integrating a marketplace, for instance weekly bazaars of culture exchange, the set of skills that a refugee arrives with can be linked to the sense of livelihood, eventually restoring his/her dignity and deepening mutual understanding with locals. Other physical aspects like religious bodies, communal gardens, backyard kitchens and informal gathering spaces also promote strengthening of the community. Refugee resettlement is an instrument of economic growth and development which may serve as a portent to new ways of 'living together'. It conceptualizes richer exhibition of a city with strong social structures and spaces that are inclusive and polyvalent, offering livable spaces that every human deserves.

REFERENCES

- [1] Aparna Alluri, Gurman Bhatia. (2015, May 5). The decade that changed Delhi. *Hindustan Times and Dawn*.
- [2] Hazra, D. (n.d.). *Escaping Victimhood: refugees as a new socio-political subject*. Delhi.
- [3] Jessica Field, Anubhav Dutt Tiwari, Yamini Mookharjee. (2017). Urban refugees in Delhi. *Urban Crises*, 9,10,11.
- [4] Kaur, R. (2009). Distinctive Citizenship: Refugees, subjects and post-colonial state in India's partition. *Cultural and social history* , 429-446.
- [5] Kumar, V. (2018). *Disaster resilient resettlement for Rohingya refugees*. Bhopal: School of Planning and Architecture, Bhopal.
- [6] Marybeth Morand, Jeff Crisp. (2013). *Destination Delhi: A review of the implementations of UNHCR's urban refugee policy in Delhi*. Delhi: Policy development and evaluation service.
- [7] Mathews, E. (2018, May 9). *Indians rally to help Rohingya refugee fire victims*. Retrieved from UNHCR: <http://www.unhcr.org/5af2cbdf4>
- [8] Mathews, E. (2018, June 16). Refugee status in delhi. (A. Shisodia, Interviewer)
- [9] Mathews, E. (2018). *Somali women taste freedom with catering group*. Retrieved from UNHCR: https://www.unhcr.org.in/index.php?option=com_news&view=spotlightd&id=17&Itemid=124
- [10] Sharma, M. (2009). *Refugees in Delhi*. New Delhi: Centre for civil society.
- [11] teacher, L. (2018, June 25). *REFUGEE LAW: THE INDIAN PERSPECTIVE*. Retrieved from LawTeacher.net: <https://www.lawteacher.net/free-law-essays/international-law/refugee-law-the-indian-perspective-law-essay.php#citethis>
- [12] UNHCR, IDP Profiling service, Feinstein International Centre. (2013). *Urban profiling of refugee situation in Delhi*. Switzerland: UNHCR.