

HOUSING AND HUMAN RIGHTS VIOLATIONS

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- * One hundred and twenty five huts set fire to under the instructions of and in the presence of B.M.C. officials during demolition on 24th February 1995 at Maharashtra Nagar, Bandra (E).
- * Sixty male residents of Shivaji Nagar, Andheri (W), picked up by Police of D.N.Road Police Station on 23rd May, 1995 to enable the demolition squad to carry out demolitions on 24th May, 1995 without any protest.
- * Seven hundred structures raged to the ground at Cuffe Parade Ragak Dhobi Ghat Zhopadpatti, Cuffe Parade on 24th February 1995, with the aid of bull-dozer.
- * Adarsh Ramai Nagar at Wadala (E), demolished on sixteen separate occasions since the year 1990 without notice and without the residents being provided any alternative accommodation.

Fifty per cent of the population of Bombay reside in slums and on the pavements and live in constant fear of being evicted without notice and without being provided alternative accommodation. The demolition squad consisting of the personnel of Bombay Municipal Corporation, State Government and the Police unexpectedly visit the demolition site during the day when the men are at work and on the women protesting the demolition they are arrested. Bulldozers and fires are used to facilitate the demolitions. Not only are the structures destroyed but so are the belongings contained therein and often the occupants are unable to re-build their homes and start afresh due to economic constraints.

Slum and pavement dwellers are looked on as encroachers and usurpers of public property and not as victims of circumstances. It is essential to recognise that people live in such inhuman conditions not out of choice but due to their poverty and helplessness. Slum and pavement dwellers work in the vicinity of their settlements and on losing their homes are forced to leave the area which in turn renders them jobless and increases their poverty.

It is shocking to know that the machinery of the State which was created for the protection and promotion of the welfare of the people is in-discriminately being used to spread destruction and destitution. There are attempts to justify this ruthless action on the grounds of overpopulation, excessive migration to the City, space and financial constraints. Detailed studies carried out have belied these myths and highlighted the callous and negligent attitude on the part of the concerned authorities. For example four thousand acres of surplus land had been acquired by the Government under the provisions of the Urban Land Ceiling Act for housing the economically weaker section but loopholes in the Act and corruption on the part of the implementing authorities has ensured that no constructive benefit has been derived by the weaker sections.

Domestic and international laws are continuously violated and repeated forced ~~xxx~~ evictions take place. The Supreme Court itself has included 'right to shelter' as falling within the purview of Article 21 of the

Constitution. The Indian Government has on the international platform signed and ratified international covenants and resolutions whereby it has committed itself to provide housing to its people and has condemned forced evictions. In the year 1979 the Indian government ratified the International Covenant on Economic, Social and Cultural Rights which recognises the right of every person to adequate housing. India is also a signatory to the Resolutions on Forced evictions adopted by the United Nations Commission on Human Rights. These Resolutions urge governments to undertake immediate ~~xxx~~ measures to eliminate the practice of forced evictions and emphasise that ultimate responsibility for preventing evictions rests with Governments. By signing these Resolutions the Indian Government has portrayed to the rest of the world "that the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing" and "that every woman, man and child has the right to a secure place in which to live in peace and dignity."

Despite having signed and ratified the aforesaid conventions and Resolutions, forced evictions

and demolitions are continuously planned by the State machinery in contravention of the ~~said~~ said conventions and resolutions. The Indian government signs progressive instruments and is applauded as a promoter of human rights throughout the world but within the country the human rights record of the government is appalling. The requisite notice prior to demolition ~~are~~ is not issued and the residents of the settlement are deprived of an opportunity to show cause against the proposed demolition - the State is thus guilty of violating the basic principles of natural justice.

The hutment settlements are homes to thousands of persons but are provided with no amenities. Two or three taps supply water to the entire settlement and that too for an hour a day. No proper sanitation facilities exist and the toilet blocks are unusable thereby forcing people to use open places such as railway tracks which has resulted in people being run over by trains. Poor drainage leads to collection of stagnant water and spread of disease. Another health hazard is the non-removal of garbage. The B.M.C. is in charge of clearing

the garbage but hutment settlements are denied this service thereby increasing their misery. Lighting is a basic human need which slum and pavement dwellers do not enjoy thereby compelling them to resort to illegal connections at a premium. Access to ~~the~~ houses within the settlement is through 'kuccha' tracks making it impossible for a vehicle to enter. In an emergency no fire engine or ambulance would be of any use and the entire settlement housing thousands of persons could be burnt to ashes in half an hour. The authorities look upon slum and pavement dwellers as encroachers and a nuisance and ~~thus~~ attempt to justify their approach of non-cooperation.

The Supreme Court in M/s. Shantistar Builders Vs. Narayan Khimalal Thitane, (AIR 1990 SC 630) has held ".... The difference between the need of an animal and a human being for shelter has to be kept in view. For the animal it is the bare protection of the body; for a human being it has to be a suitable accommodation which would allow him to grow

in every aspect - physical, mental and intellectual". Thus the Supreme Court envisages not a mere roof over the head but "suitable" accommodation. Though the right to shelter has been laid down on several occasions the reality is dismal and people are made to believe that their survival is due to the largesse of the authorities and not because of any inherent right.

The present State Government has on Dassera day this year launched a scheme for the rehabilitation of slum and pavement dwellers wherein they have absolved themselves of their duty to provide housing to its people and passed this function ~~on~~ on to private builders. The promise given to the masses is that forty lakhs houses will be built and all those persons residing in slum and on pavements as on 1st January 1995 will be provided housing free of cost. This Scheme has increased the vulnerability of slum and pavement dwellers who now have to face both the devious authorities and private builders. Their land is being grabbed by unscrupulous builders tempted by the offer of extra FSI. Under the scheme, the developers are to accommodate the

slum dwellers on the plot and develop the remaining plot for sale at the prevailing market rate. It is only obvious that the builders will concentrate on profit making and defeat the purpose of the scheme. Nowhere in the entire scheme is it stated that the slum and pavement dwellers are being provided alternative accommodation as the same is their right. Neither is it stated that forced evictions and demolitions would be stopped. Despite this scheme demolitions continue and no assurance to the contrary is given. Slum and pavement dwellers presently have no security of tenure and are forced to shift from one place to another - their only demand is that they be given the land on which they reside to enable them to build their homes in accordance to their needs and means.

Forced evictions and demolitions are often disguised by the use of terms such as "cleaning the urban environment", "urban renewal" and "progress and development". The visit of a dignitary on the holding of international games provides the authorities

with a justification to render people homeless. High rise buildings and parks and gardens are reason enough to render thousands of persons homeless. Conversion of Bombay into another Singapore has been the priority of both past and present State Governments. The new economic policy has worsened the situation for the weaker sections. The attitude of the government highlights its double standards. Progressive stands are adopted on the international scene ~~xx~~ whereas within the country regression and violation of human rights is the rule.

India may yet win the race for globalisation of business but its human rights record is appalling thereby negating any supposed progress made in the last few years. Displacement of lakhs of people for a World Bank funded project is not what India wants. It is time now to identify the wants of India with the wants of the common man and not that of its politicians and elite. Is it too much to ask of the government to allow the common man to live with some semblance of human dignity ?

The result of implementation a policy of modular urbanisation would be to dramatically raise living standards in rural areas whilst avoiding the social disruptions that attend urban mass migrations. This kind of development would significantly reduce out - of- pocket costs of urbanisation whilst raising indicators human development. The modular city in short is, a model of a socially and ecologically sustainable development.[This model is based on writings of many authors specifically John Freedman's article in Environment and Urbanisation 1996]

The Plan needs to be reworked at taking in to confidence and ensuring participation of the people of the region. In other words planning should be bottom up and not top down. This will be in line with the constitutional amendment on giving more powers to local self government institutions in the area of local planning and development. While doing this to see whether the Agropolitan model in modified way can be adapted appropriately to suite the MMRDA Region.