

# **INDIAN PEOPLE'S TRIBUNAL ON ENVIRONMENT AND HUMAN RIGHTS**

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## **RELEASE OF IPT REPORT BULLDOZING RIGHTS REPORT ON FORCED EVICTIONS AND THE NEED FOR HOUSING POLICIES FOR THE POOR**

The recent demolitions of slums in Mumbai, which took place from November 2004 to February 2005, have rendered more than three lakh people homeless in a span of a few months, and constitute a gross violation of basic human rights. The Indian People's Tribunal (IPT) was approached by organizations working with the slum dwellers to investigate the legality of the demolitions as well as to look into the alternatives for poor people to obtain housing in the mega city of Mumbai.

The IPT constituted a panel headed by Justice Suresh (Retd.), Kenneth Fernandes (Coordinator of Asia Pacific Region, Centre of Housing Rights and Evictions, Australia), Miloon Kothari (UN Special Rapporteur, on Adequate Housing), Kalpana Sharma (Bureau Chief Hindu Newspaper), Sanjeevini Kher (Marathi Journalist and Freelance Writer) and Salaam Bin Razzaq (Winner of this Year's Urdu Sahitya Academy Award).

The Tribunal released its report which investigations into:

- The brutality of the demolitions
- The politics, the myths and the realities behind these demolitions
- As well as the possible alternatives to housing for the poor in Mumbai city.

While investigating into the issue the IPT found a deep divide in public opinion. On one hand a strong section of people feels that those people who had been evicted are 'encroachers' and demolition maybe be harsh but necessary.

On the other hand housing rights groups and human rights activists state that the UPA government has violated their 'Common Minimum Programme' and have violated India's International Commitments and Obligations on providing housing for the poor. This report looks at not only at the immediate impacts but also at the causes and possible solutions to the question of housing for the poor.

The nub o the problem lies in the fact that there simply is no affordable housing for the poor available in the city. To quote the MMRDA Regional Plan 1996 -2011 - During 1984 – 91, the supply increased to 47,400 units per annum, whereas the current need is of 85,000 units – a deficit of 45,000 units persists. The government has tried to make out the problem of slums to be one largely driven by migrants to the city but if one analyses the Census reports one finds that at a maximum of 30-40 families enter Mumbai daily i.e. both rich and poor. The increase in urban population is also due to a natural 60% rate of population regeneration. In absence of their being cheap housing units available for poor people – people have had to resort to the informal sector to meet their housing needs.

As per the information that the IPT received from the MCGM approximately 288 acres of land had been cleared in this demolition drive. But in reality when the IPT Tribunal visited some of the sites the people were still staying there as they had no place to go. "The very notion that once one demolishes someone's home the people will go away is a simplistic and futile way of dealing with the housing problem in Mumbai" said Sanjeevini Kher, panel member of

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Tribunal, "the history of demolitions have shown that people don't go away because they have no where to go to, it simply makes poor people poor, continued Kher.

In absence of an integrated housing policy the government has used the notion of the 'cut off date.' The Congress government in their Election Manifesto had promised to extend the date to regularize slums till the year 2000. Coming to power largely on this promise the Congress did a 180-degree turn around. This back tracking on its electoral promises is not new as the history of the cut off date shows that since 1976 repeated governments have demolished homes, increased the cut off date and in most cases provided no rehabilitation. "The very notion of cut off date is *ultra vires* to the Constitution of India", said Justice Suresh while releasing the IPT report. "Because in reality the cut off date makes not structures illegal but the poor people themselves."

Architect, urban planner and activist Arvind Adarkar commented that "the government and large sections of the middle class will take tough stand on slums but when it comes to blatant fraud like the taking over of the mill lands by private builders for private profit – the government turns a blind eye." Mumbai is rapidly loosing more land from the mills than it stands to gain by evicting the slum dwellers.

India is bound by both domestic and international law to provide for 'housing for the poor.' The UN and the Indian Courts have gone as far as defining what constitutes a home – i.e. not just shelter but accommodation that is affordable, habitable and as near to one's work as possible. "The Government of Maharashtra and the Courts need to seriously look at the responsibility entrusted to them under the Constitution," said Justice Suresh.

The Government is merely hiding behind the myth of 'lack of money and land' stated Deepika D'Souza of the IPT secretariat. "During the IPT investigation we met with numerous planners, policy makers and read reports investigating land use and planning, and what one finds is that each successive Chief Minister as misallocated land. The Tinaikar report regarding the CIDCO land in Navi Mumbai is a case in point." From the evidence at hand in the last 10 years itself the government has misallocated or caused a public loss of over 100 crores. This evidence itself is not conclusive but seems to be a tip of the iceberg. Demolitions themselves cost at a rough estimation approximately 84 crores to the BMC. Worse, funds to the tune of 500 crores were available with the Urban Ministry for housing for the poor which over the last three years have hardly been used.

The IPT Tribunal suggests a multipronged strategy to homelessness in Mumbai it has looked at national and international experiences and suggested ways to provide basic shelter for the homeless. The solutions suggest various levels of intervention but in a nutshell the Tribunal report recommends, "A) Any solution for the slum dwellers in Mumbai has to be based on the principle that "The government is for the public welfare" and is not a body supporting speculative interests. B) Need for a slum policy for Maharashtra, having a separate chapter focusing on issues of Mumbai, C) Housing and slum policy to be simultaneously seen and D) There is a need to make statutory bodies and statutory development plans accountable to the people.

Concluding the press and public meet Justice Suresh emphatically stated, "in the interim the government needs to stop all demolition of slums and with the approach of the monsoons provide rehabilitation to the evicted slum dwellers."

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