

An appeal from HIC-HLRN

NGO appeals against slum demolitions in Mumbai

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Mumbai: YUVA, a partner of HIC-HLRN in Mumbai, has informed us of a brutal demolition in which local authorities have destroyed 5,000 houses in Mandala, Mankurd in Mumbai, and set fire to an entire slum on 9 May 2006.

A police force of 500-700 along with Mumbai Collectorate officials and 6-7 bulldozers demolished about 5,000 houses in the slum communities of Indira Nagar and Janata Nagar in Mandala, near Mankurd in Mumbai.

The police came to the site around noon and were confronted by women and men. All of a sudden, people saw smoke rising from the back of the site and rushed there to quell the fire. Meanwhile, the police easily gained entry into the slum and demolished most of the houses and burned the rest, wiping out the entire community. The fire continued burning for several hours, while fire brigade personnel looked on passively, doing nothing to extinguish the fire.

Furthermore, the police engaged in a massive brutal "lathi charge" (assault with batons) in Mandala, beating and dragging residents from the demolished site, and destroying their personal belongings. Police officials also put water in the food being cooked in the community kitchen and confiscated grain stores.

The police assault badly injured three people, who then were admitted to the Satabti Hospital. One of them remains in hospital. Shamin Banu suffered a miscarriage after women police hit her

in the stomach. She is recovering in the Sion Hospital, having suffered severe bleeding lost consciousness after being beaten. In all, forty persons received injuries during the demolition and fire.

The police, however, ordered the nearby government hospitals, including Satabti Hospital, not to admit anyone from the slum and not to give the injured persons any medical records, as those documents might be used as proof of injury due to police violence. The lack of cooperation from hospital staff only reveals the tyranny of the police.

Mumbai Collectorate gave the residents of Indira Nagar only a 12-hour notice of the demolition. Those evictees living in Janata Nagar had no prior information of the demolition and were taken completely unawares.

In its assault, the police arrested five men and three women from the site. Police arrested Aisha Bi, an activist from Mandala, was arrested from inside her house. The police took the activists to the Govandi Police station where they abused and beat them, while handcuffing some of them, and charging them with attempted murder under Section 307 of the Indian Penal Code, which is a non-bailable offence. The activists are currently in jail.

A delegation of 15 people from social movements, people's organisations and concerned citizens finally managed to arrange a meeting with the Deputy Collector, Mr. Jhande, on 12 May. In front of the deputy collector, police denied they used lathis or other form of violence against people in the slum. However, an independent team from the Tata Institute of Social Sciences has first-hand evidence of the events and will be releasing its report shortly.

A large police force is still present at the site and people face constant threats of arrest and further eviction. People are out in the open with the belongings that they managed to salvage from the demolished site. From latest reports received, the police have fenced the demolition site with barbed wire, and have removed all those people who had set up temporary structures for shade.

Women and children are now sitting under the scorching sun with no place to go and no provision for shelter. The authorities have still not provided any resettlement options to the evicted. Police officials are also patrolling in nearby slums and threatening people not to give food or shelter to the evicted people. Instances of abuse by intoxicated policemen at night have also been reported.

It is being reported that the Mumbai Metropolitan Region Development Authority (MMRDA) is planning to resettle people whose houses were demolished as part of the Mithi River Development plan in Mandala. This attempt would pit the poor and displaced against one another.

The demolition is completely illegal, as the government clearly has stated in its affidavit to the High Court that Mandala is reserved for people whose homes were demolished during the 2004-2005 slum-clearance drive. Apart from this, a High Court-appointed Special Committee under the chairmanship of Maharashtra state's Chief Secretary is still working on a plan for providing affordable housing to all the slum dwellers without any reference to a cut-off date.

Background

In May 2004, the Congress Party's Manifesto promised to regularise slums built in Mumbai city before the year 2000. However, in contravention of its Manifesto, the Mumbai government engaged in a massive demolition drive between November 2004 and March 2005 and destroyed an estimated 92,000 homes in 44 areas. The government abandoned a survey underway to identify those individuals and families who had settled prior to 2000 and, therefore, eligible for protection in the event of future demolitions. The government notification legalising pre-2000 slums has yet to materialise.

Moreover, the government has embarked on a new urban renewal initiative known as "Operation Makeover," which aims to free up public spaces for infrastructure projects including shopping malls and entertainment complexes. An estimated 5,000 homes have been razed so far, with

demolitions at present being undertaken in all 24 of Mumbai's wards. This is part of the government's goal to reduce the slum population of Mumbai from 60% to 20% as mentioned in the McKinsey Report for Bombay First (a coalition of builders, industrialists and city planners). Sacrificing poor citizens' human rights in favour of luxury schemes for the rich reflects a perverse and distorted paradigm of development.

In the last two months, Mumbai has witnessed a fresh spate of brutal demolitions, generally accompanied by police violence and the use of force against residents. Until now, the city government has not provided any rehabilitation or alternative housing to any of the evicted. Mandala, the site of the present demolitions was earmarked as a rehabilitation site for those evicted in 2004-05 but ironically, it has also become a site of eviction instead.

National and International Human Rights Law Violations

The demolition in Mandala is a blatant violation of the human right to adequate housing. These forced evictions without adequate rehabilitation violate the affected people's fundamental right to life and livelihood as enshrined in Article 21 of the Indian Constitution. Reaffirming the principle of indivisibility of all human rights, the fundamental right to life encompasses the right to live with human dignity. Furthermore, Article 14 of the Constitution of India guarantees equal protection under law.

The demolition also contradicts the United Progressive Alliance (UPA) government's Common Minimum Programme (CMP), proposed in May 2004. The CMP specifically states: "Forced eviction and demolition of slums will be stopped and, while undertaking urban renewal, care will be taken to see that the urban and semi-urban poor are provided housing near their place of occupation."

Besides contradicting the Common Minimum Programme, the actions against the people of Mandala constitute a violation of their basic human rights to life, security, health, work, and adequate housing; i.e., the right of all women, men and children to gain and sustain a secure

place to live in peace and dignity.

The authorities have especially violated people's entitlements to security of tenure and freedom from forced evictions; access to, and benefit from public goods and services; information, capacity and capacity building; participation and self-expression; rights to resettlement and adequate compensation for violations and losses; and physical security and privacy. All are elements of the human right to adequate housing as recognized in international law.

By these evictions, the Indian authorities, including the local authorities, have breached their treaty obligations under, inter alia, Articles 2, 11, 12, 13 and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which India acceded in 1979. The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments No. 4 on the right to adequate housing and No. 7 on forced evictions. The State of India also has contravened its obligations under Articles 16, 27 and 39 of the Convention on the Rights of the Child (CRC) to which it acceded on 11 December 1992, and Article 14 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDaW), which it ratified on 9 July 1993. The evictions also constitute a gross violation of the new Basic Principles and Guidelines on Development-based Evictions and Displacement issued by the UN Special Rapporteur on Adequate Housing of the UN Commission on Human Rights.

Action Requested:

Please write to the authorities in India, urging them to respect their obligations under national and international law to respect, protect, promote and fulfil the human right to adequate housing by:

- Ending police terror in Mandala, and withdrawing police forces from the site immediately,
- Instituting an independent enquiry to look into police atrocities,
- Stopping all demolitions till the committee adopted by the High Court on affordable housing comes out with a comprehensive housing policy,

- Compensating people for the destruction of their homes and loss of their material and nonmaterial losses,
- Providing adequate alternative housing in the same area.

Please send your communications to the following responsible parties:

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P.S.

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