

FROM DELUGE TO DISPLACEMENT

The Impact of Post-flood
Evictions and Resettlement
in Chennai



HOUSING AND LAND
RIGHTS NETWORK



Information and Resource
Centre for the Deprived
Urban Communities

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We hope this study will help spread awareness on the egregious issues related to the forced relocation of disaster-affected persons under the guise of safety but, which in reality, is part of a larger framework of promoting segregation and dispossession of the poor from cities, and will help the affected persons to achieve justice and restitution for the violation of their human rights.

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July 2017

Acronyms and Abbreviations

| | |
|----------------|--|
| AIR | All India Radio |
| AWC | Anganwadi Centres |
| CAG | Comptroller and Auditor General of India |
| CD | Community Development |
| CESCR | Committee on Economic, Social and Cultural Rights |
| CMWSSB | Chennai Metropolitan Water Supply and Sewerage Board |
| ETRP | Emergency Tsunami Reconstruction Project |
| EWS | Economically Weaker Sections |
| GCC | Greater Chennai Corporation |
| GoTN | Government of Tamil Nadu |
| IASC | Inter-Agency Standing Committee |
| ICDS | Integrated Child Development Services |
| IT | Information Technology |
| JNNURM | Jawaharlal Nehru National Urban Renewal Mission |
| LCPD | Litres Per Capita Per Day |
| LIG | Low Income Groups |
| MAWS | Municipal Administration and Water Supply |
| MD | Managing Director |
| MUDP | Madras Urban Development Project |
| NBC | National Building Code of India |
| NGO | Non-government Organization |
| PDS | Public Distribution System |
| RAY | Rajiv Awas Yojana |
| R&R | Resettlement and Rehabilitation |
| TNSUDP | Tamil Nadu Sustainable Urban Development Project |
| TNUDP | Tamil Nadu Urban Development Project |
| TNSCB | Tamil Nadu Slum Clearance Board |
| UN | United Nations |
| ULB | Urban Local Body |

Executive Summary

In November–December 2015, the state of Tamil Nadu in southern India was impacted by severe floods. The District of Chennai was one of the worst affected in the destructive deluge. Those residing on the banks of Cooum and Adyar Rivers, which house the majority of Chennai's urban poor, were among the worst impacted. The banks of Cooum River housed 14,972 families in 65 settlements while the banks of Adyar River accommodated 9,687 families living in 28 settlements.

Based on the announcements of the Chief Minister of Tamil Nadu, on 7 December 2015 and 29 December 2015, families—living along the banks of Adyar and Cooum Rivers and Buckingham Canal—who had lost their homes were to be provided alternative houses in the resettlement sites of Kannagi Nagar and Perumbakkam, located on the outskirts of Chennai.

Following the announcements, the Government of Tamil Nadu carried out a series of evictions of the flood-affected households under the guise of 'post-flood rehabilitation.' The vulnerability of the urban poor, after the flood, was used by the state to clear the river banks. Of the 9,687 families residing on the banks of Adyar River, the state shifted 3,464 families to the resettlement sites of Ezhil Nagar (Kannagi Nagar) and Perumbakkam by June 2016. Plans were announced to relocate an additional 2,519 families in the month of May 2017. However, because of the change in leadership and the uncertain political scenario in the state, it is expected that the families will be resettled towards the end of July 2017.

After receiving reports of human rights violations and the absence of due process in the resettlement of flood-affected families, Information and Resource Centre for the Deprived Urban Communities (IRCDUC), Chennai, and Housing and Land Rights Network (HLRN), Delhi, conducted a human rights research study in the sites of Ezhil Nagar (Kannagi Nagar) and Perumbakkam, in order to identify the gaps in the post-flood resettlement process; to assess and analyse the living conditions at the resettlement sites; and, to explore solutions and propose recommendations to the state.

The study uses the 'human right to adequate housing' framework provided by Article 11.1 of the International Covenant on Economic, Social and Cultural Rights; General Comment 4 ('The right to adequate housing') of the United Nations (UN) Committee on Economic, Social and Cultural Rights, the Basic Principles and Guidelines on Development-based Evictions and Displacement; and, the Inter-Agency Standing Committee's (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters to analyse the resettlement process and living conditions in the resettlement sites. This study also assesses the implementation of the Tamil Nadu Slum Areas (Improvement and Clearance) Act 1971, which is the state law applicable to 'slums'/informal settlements in the state.

Study Findings

A. Basic Profile of the Population

In Perumbakkam, 60 per cent of the resettled flood-affected families are Dalits and 40 per cent belong to Other Backward Classes (OBC). In Ezhil Nagar (Kannagi Nagar), 71 per cent of the resettled flood-affected families are Dalits while 29 per cent belong to OBC. In Perumbakkam, the family income of 53 per cent of the households is less than Rs 3,000 per month while in Ezhil Nagar, the family income of 48 per cent of the households is less than Rs 3,000 per month.

B. Post-flood Relief Process

The 'charity approach' of selected relief coordinating agencies engaged in the post-flood relief process, reportedly violated the dignity and self-respect of the disaster-affected communities.

C. Post-flood Displacement: Violation of Human Rights of Disaster-Affected Families

1. Violation of Due Process and the Rights to Participation, Information, and Free and Prior Informed Consent

This study reveals that 71 per cent of the disaster-affected families in Ezhil Nagar and 69 per cent in Perumbakkam reported that they were neither consulted about the relocation process, nor was their opinion considered. Seventy-seven per cent of the respondents in Perumbakkam and 67 per cent in Ezhil Nagar did not receive any details about the resettlement plans, including the location of the site, design/size of the houses, and the housing scheme. Of those surveyed, 94 per cent in Perumbakkam and 96 per cent in Ezhil Nagar (Kannagi Nagar) claimed that they were forced to relocate.

2. Violation of the Human Right to Adequate Housing

The study highlights that in the absence of a comprehensive policy on housing, the state has failed to construct adequate houses for the poor. The houses constructed by the Tamil Nadu Slum Clearance Board (TNSCB) in these settlements compromises the safety of residents. Minimal efforts have been taken to ensure housing accessibility and provide a 'barrier-free environment' for persons with disabilities and older persons in these sites. Further, TNSCB does not have any mechanism in place to ensure that sale deeds will be issued to residents on completion of payments. The living conditions of the flood-affected relocated families are grossly inadequate, especially given the lack of basic services in the resettlement sites. Also, the location of the sites is not suitable, as there are no adequate livelihood options in the area.

3. Violation of the Rights to Land and Property

The rights to land and property of the urban poor have been denied because of the emerging demand for the land on which they live. The Government of Tamil Nadu has failed to ensure that the most marginalized urban residents have access to secure tenure.

4. Violation of the Human Right to Work/Livelihood

As most of the resettled men and women are employed in the unorganized sector and their places of work were located close to their original sites of habitation, many lost employment immediately after relocation. The remote location of the resettlement sites and the increased distance to work was thus the most significant factor responsible for livelihood loss. In both resettlement sites, the flood-affected men and women lost employment immediately after relocation.

5. Violation of the Human Right to Education

One of the important findings of the study with regard to the human right to education of children is that 16 per cent of children in these resettlement sites are out of school/*anganwadi* (Integrated Child Development Services) centres. The drop-out rate in both the resettlement sites is higher in the age group of 0-5 years and 15-18 years. This is because both settlements have insufficient and inadequate *anganwadi* centres and higher secondary schools.

6. Violation of the Human Right to Health

Prior to relocation, 99 per cent of the respondents accessed government hospitals for healthcare and medical services. After their relocation, 91 per cent of the respondents reported accessing healthcare from private agencies/actors because of the non-availability of government healthcare facilities within the settlement.

7. Violation of the Human Rights of Women

During the relocation process, women were denied their right to participate in decision-making processes. The forced relocation has adversely impacted their livelihoods, as the distance of the resettlement sites from the city has forced them to lose their jobs. The lack of basic amenities in the site, including healthcare, water supply, Public Distribution System (PDS) food shops, and access to government schemes, further pushes women, including women-headed households, into abject poverty.

8. Violation of the Human Right to Resettlement

As the Government of Tamil Nadu does not have any law/policy/guidelines on resettlement, the current practices governing resettlement and rehabilitation are either department-based or project-oriented. None of the current schemes pay attention to human rights standards or due process; neither do they provide mechanisms for grievance redress for affected persons.

D. Violation of National Laws and Court Orders

The study found that the Government of Tamil Nadu has violated the following national and state laws: The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989; the Tamil Nadu Land Encroachment Act 1905; the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act 1975; the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007; and, the Tamil Nadu Slum Areas (Improvement and Clearance) Act 1971. Furthermore, the government has still not prepared the State Urban Housing and Habitat Policy that is to be implemented under the National Urban Housing and Habitat Policy 2007. The state has also violated progressive orders of the Madras High Court related to housing.

Response of the State Government

The study authors submitted the draft report of this study to the Managing Director, Tamil Nadu Slum Clearance Board, on 25 March 2017 for his feedback, and received a written response on 28 April 2017. The response states that:

- TNSCB has decided to construct 500 to 2,000 houses in one location instead of building *en masse* housing projects;

- TNSCB will coordinate with line departments to ensure that social infrastructure is in place before resettlement; and,
- Efforts are being taken to identify land for relocation within Chennai City.

Key Recommendations

Based on the study findings, especially of egregious human rights violations and contraventions of national and international laws and policies, this report makes the following recommendations to the Government of Tamil Nadu:

- The state should not resort to similar *en masse* housing projects, as they result in ‘ghettoization’ of communities while violating their human rights to adequate housing, work/livelihood, food, water, sanitation, health, education, and security of the person and home.
- The state should ensure that future housing projects focus on in situ (on site) upgradation or redevelopment instead of forced relocation to the margins.
- In order to ensure and protect the right to land of the urban poor, the Government of Tamil Nadu should provide equitable spatial allocation for the poor, based on their proportion of the total population.
- The Government of Tamil Nadu should ensure that the Tamil Nadu Slum (Improvement and Clearance) Act 1971 is amended in accordance with international human rights standards, including the Basic Principles and Guidelines on Development-based Evictions and Displacement, and the Guiding Principles on Security of Tenure for the Urban Poor.
- The role of TNSCB needs to be further strengthened, especially in the post-74th constitutional amendment context, where ‘slum’ improvement and upgradation as well as urban poverty alleviation fall under the purview of the urban local bodies.
- The size of housing provided by the state should be increased to a minimum of 700 square feet (as specified in the National Rehabilitation and Resettlement Policy 2007) to accommodate extended families.
- Each housing project should have adequate space allocated for social infrastructure, including community centres, ICDS centres, PDS shops, and playgrounds, based on the existing norms of the Government of Tamil Nadu and the Government of India as well as international guidelines.
- The state should develop and implement a human rights-based, gender-sensitive policy framework for housing, rehabilitation, resettlement, and disasters. It should incorporate international human rights standards and norms, including the IASC Operational Guidelines, and also work to meet India’s national and international legal commitments.

Conclusion

The authorities used the flood as an ‘opportunity’ to evict the poor from city centres, thereby violating their multiple human rights and denying them their ‘right to the city.’ Though the steps proposed by TNSCB, in its response to this report, are a welcome move, there are several policy concerns that need to be addressed on a priority basis.

IRCDUC and HLRN hope that the Government of Tamil Nadu pays heed to the findings of this study and implements the recommendations proposed, with the aim of restoring the human rights of the resettled communities and of preventing any further human rights violations.

Disaster-induced Displacement: The Aftermath of the November–December 2015 Floods in Chennai

In the months of November and December 2015, heavy rains caused floods affecting various districts of Tamil Nadu. The intensity of rainfall received in these months made the monsoon an unforgettable one.

From the first week of November 2015, the districts of Chennai, Cuddalore, Kanchipuram, and Thiruvallur started facing heavy monsoon rain. The intensity of the rain drastically increased on 15 and 16 November 2015 in the districts of Chennai, Kanchipuram, and Thiruvallur. As a result, the water bodies of these districts overflowed and the surplus water flooded low-lying areas of the districts.

The flood situation became severe when the districts of Chennai, Kanchipuram, and Thiruvallur again received heavy rainfall during the last week of November 2015. The days of 23 November 2015 and 1 December 2015 recorded the highest rainfall resulting in intense flooding in these districts.

Over 80,120 individuals, including those from the armed forces and state government departments, were involved in the rescue process. It is estimated that 13,80,461 individuals were rescued and made to stay in 5,554 relief camps across the state.¹

Chennai District was one of the worst-affected districts in Tamil Nadu. As a result of the incessant rain, surplus water from Chembarambakkam, Puzhal, Poondi, and Sholavaram reservoirs, and the Krishnapuram Dam (Andhra Pradesh) was released, creating a destructive deluge. The rivers of Adyar, Cooum, and Kosasthalaiyar, and Buckingham Canal became forces of destruction, as the surplus water made its way through these water bodies resulting in widespread inundation.

Because of the immediate and consecutive peak flood discharge on 23 November 2015 and 1 December 2015, river floodplains were submerged and unleashed massive damage across Chennai City. The rivers

¹ Official statement of the Chief Minister of Tamil Nadu, 7 December 2015, Press Note Number 179.

of Adyar and Cooum faced similar floods in 1943. However, it was reported that the November–December 2015 floods were more severe than those of 1943.²

It is also to be noted that the banks of these rivers are home to the majority of Chennai's urban poor. The banks of Cooum River house 14,972 families in 65 settlements, of which 715 families from seven settlements have already been resettled. Of the 14,972 families, 13,232 families lived within Chennai while 1,025 families resided outside the city.³ The banks of Adyar River accommodate 9,687 families across 28 settlements. Of these families, the Tamil Nadu Slum Clearance Board (TNSCB) enumerated 6,257 families while 3,430 families were surveyed by the Greater Chennai Corporation (GCC).⁴

For the families residing in the informal habitations on river banks, the deluge not only unleashed death and destruction, but also heralded widespread displacement and dispossession.

From Deluge to Displacement

The then Chief Minister of Tamil Nadu announced on 7 December 2015 that the families residing along the banks of Adyar and Cooum Rivers and Buckingham Canal who had lost their homes would be provided houses in the relocation settlements of Okkiyum Thoraipakkam (Ezhil Nagar, Kannagi Nagar) and Perumbakkam. Ten thousand houses constructed by TNSCB were to be allocated to these families.⁵

The Chief Minister's statement of 29 December 2015 pointed out that Chennai had witnessed unprecedented collateral damage because of the floods. The worst affected in the floods were the poor. In order to provide houses for all those who lost their homes in the floods, and to ensure better outflow of rainwater in the city, it was announced that 50,000 houses would be constructed by TNSCB and another 50,000 houses under the Housing for All–2022 scheme, for those families residing along the banks of Adyar and Cooum Rivers, and Buckingham Canal. It was also mentioned that TNSCB had completed construction of 10,000 houses and that these houses would be allotted initially to the flood-affected communities. The Chief Minister's statement also mentioned that the houses were equipped with electricity, drinking water, sewerage connections, roads, storm water drains, education, healthcare, and transportation facilities.⁶

The Government of Tamil Nadu also announced that the relocated families would get an allowance of Rs 5,000 as shifting charges and a monthly sustenance allowance of Rs 2,500 for one year. It also announced that job training and recruitment fairs would be conducted for the youth to ensure employment for those who relocated. The Chief Minister of Tamil Nadu assured people that the address in their ration cards would be changed and children would be enrolled in schools immediately after the relocation.

The Housing and Urban Development Department subsequently issued a Government Order 03, dated 7 January 2016, which stated:

2 'Hydrological Simulation Study of Flood Disaster in Adyar and Cooum Rivers,' Tamil Nadu, National Remote Sensing Centre (NRSC)/ Indian Space Research Organisation (ISRO), Version – 1.2, 7 December 2015. Available at: http://www.nrsc.gov.in/sites/all/pdf/Adayar_Cooum_Rivers.pdf

3 Final Report, Integrated Cooum River Eco-Restoration Plan, Tamil Nadu Urban Infrastructure Financial Services Limited (TNUIFSL), November 2014, p. 26.

4 Review meeting on resettlement of flood-affected families along the banks of Adyar River, Presented by Greater Chennai Corporation (GCC), 4 February 2016.

5 Official statement of the Chief Minister of Tamil Nadu, 7 December 2015, Press Note Number 179.

6 Official statement of the Chief Minister of Tamil Nadu, 29 December 2015, Press Note Number 704.

"The Hon'ble Chief Minister has announced on 7 December 2015 to relocate about 50,000 families living on the banks of Adyar, 'B' Canal and Cooum Rivers. Initially 25,000 families living on the banks of Adyar and Cooum Rivers are to be relocated in the tenements constructed/under construction by TNSCB at Okkiyum Thoraipakkam, Perumbakkam, All India Radio (AIR) Land in Thiruvotriyur, and Navalur. TNSCB has been constructing 32,452 tenements in Chennai under Jawaharlal Nehru National Urban Renewal Mission (JNNURM) and Emergency Tsunami Reconstruction Project (ETRP). Out of which 25,000 tenements have been completed/nearing completion. Currently construction of 10,000 tenements has been completed or will be completed within a month's time. Hence, it is proposed to allot these 10,000 tenements in Phase I to the families living in the banks of Adyar River, as ordered by the Chief Minister. The remaining tenements will be allotted in Phase II to the families living in the banks of Cooum River."

All the resettlement sites mentioned in the above order are located nearly 25 to 35 kilometres away from the original sites of habitation of the flood-affected communities. Uprooting them from their places of residence would lead to destruction of their livelihoods and also affect children's education.

With these announcements of relocation, the river bank families who suffered the brunt of the deluge further encountered state-sponsored dispossession that denied them their right to adequate relief and just rehabilitation.

Another important aspect to be noted about the post-flood resettlement is that houses constructed for the 2004 tsunami-affected families were reallocated to the 2015 flood-affected families. The Tamil Nadu Government Order 03, dated 7 January 2016, also mentioned that, "Out of the total tenements under construction at Okkiyum Thoraipakkam by TNSCB, 2048 tenements at Okkiyum Thoraipakkam were constructed to accommodate the families living in hutments along Marina and affected by Tsunami disaster in 2004. Out of the 2,048 tsunami-affected families, 814 families are unwilling to be relocated at Okkiyum Thoraipakkam. Hence, 814 tenements at Okkiyum Thoraipakkam are vacant and will form part of the 10,000 tenements proposed to be allotted to the families living on the banks of Adyar River. Besides, out of 3,616 tenements constructed in AIR Land in Thiruvotriyur, 540 tenements were reserved for the slum families of Nallathanneer Odaikuppam who were affected by Tsunami disaster in 2004 and road widening. These families are also unwilling to be relocated at AIR Land, Thiruvotriyur and seek *patta* for the houses occupied by them at present location. Hence these 540 tenements are also proposed for allotment to the slum families living on river margins in Chennai."

This Government Order explicitly points out that 1,354 houses allotted for tsunami-affected persons were reallocated to those affected by the 2015 flood. This indicates the failure of the Government of Tamil Nadu to provide permanent housing to all those affected by the tsunami, over a decade after the disaster. This reallocation also resulted in conflict between flood-affected and tsunami-affected people in Chennai. In the month of February 2016, a group of tsunami-affected families demanded that the houses allotted to them in Ezhil Nagar (Kannagi Nagar) should not be reallocated to the flood-affected families. Both the flood-affected as well as the tsunami-affected families possessed allotment orders for the same flats. This resulted in tension between the two groups. A government official had stated that, "The tsunami-affected people would be accommodated in the 10,000 new tenements under the 'Housing for All Mission', which are under construction in Perumbakkam."⁷ This reallocation indicates a great lapse on the part of the state government to provide houses in a planned manner to all disaster-affected families. While tsunami-affected families are still awaiting permanent houses, the houses

7 'Resettled residents suffer rude shock,' *The Hindu*, 18 February 2016. Available at: <http://www.thehindu.com/news/national/tamil-nadu/resettled-residents-suffer-rude-shock/article8250452.ece>

allotted to them have been reallocated to flood-affected families without any consultation with them. The houses of the tsunami-affected families were reallocated without cancelling the original allotment order, exacerbating the confusion and tension between both communities.

Disaster-induced Displacement: An Emerging Trend in Tamil Nadu?

Displacing families after a disaster is not a new trend for the Government of Tamil Nadu. After the 26 December 2004 tsunami struck the shores of Tamil Nadu, the state government took advantage of the vulnerability of the affected coastal communities and forcefully evicted them under the guise of providing 'safety housing'.⁸ Nearly 7,432 families from the districts of Chennai and Thiruvallur were evicted and shifted to relocation sites over 30 kilometres from their original sites of habitation.⁹ In the post-tsunami rehabilitation phase, the Government of Tamil Nadu had plans of relocating 16,839 families from Chennai and 13,070 families from Thiruvallur District — a total of 29,909 families.¹⁰ As a result of the relentless resistance demonstrated by coastal communities, the Government of Tamil Nadu was forced to give up plans of relocating some communities.

The act of alienating coastal communities from their land was executed in an orchestrated manner across the state. The housing projects of the Government of Tamil Nadu under the World Bank-funded ETRP supported the cause of private players who were awaiting an opportunity to usurp coastal land and its bountiful resources. The state intervened in the lives of tsunami survivors by proposing a resettlement plan that coerced them to give up their lands. Government Order 172, dated 30 March 2005, issued by the Government of Tamil Nadu stated that, "All the house owners of fully damaged and partly damaged *kutchha* (temporary) and *pucca* (permanent) houses within 200 metres of the High Tide Line, will be given the choice to go beyond 200 metres, and get a newly constructed house worth Rs 1.50 lakh¹¹ (150,000) free of cost. Those who do not choose to do so will be permitted to undertake the repairs on their own in the existing locations, but they will not be eligible for any assistance from the Government."¹²

This Government Order explicitly stated that only those who were willing to shift would be eligible for alternative houses; coastal communities who had traditional rights over the sea and the coast were, thus, forced to move from their source of life and livelihood. With the fear of losing housing support from the state, people were coerced to give up their rights over their lands.

The evictions carried out by the government after the 2004 tsunami and the 2015 flood reveal how the state machinery has taken advantage of disasters to force people out of their homes and move them to the city peripheries. This neoliberal economic agenda of the state to alienate the poor from their resources in the name of 'development' and 'safety' is an example of 'disaster capitalism.'

8 Alvino, R. M., and Peter, Vanessa, 'The World Bank in India Undermining Sovereignty, Distorting Development,' Kelly, Michele and D'Souza, Deepika (eds.), Orient Blackswan Private Limited, 2010, p. 401.

9 Ibid, p. 403.

10 Ibid, p. 404.

11 A lakh is a unit in the South Asian numbering system that is equal to 100,000.

12 *Voiceless No More – People's Tribunal Report*, Books for Change, Bangalore, 2007.

Overview of Resettlement of Deprived Urban Communities in Chennai

Forced eviction and resettlement of urban deprived communities from their settlements is common across the country, and Tamil Nadu is no exception. The state is especially known for its massive relocation sites for the urban poor on the fringes of the city.

On 1 March 2010, in a meeting convened by the Chief Secretary, Government of Tamil Nadu, regarding infrastructure facilities to be provided in Okkiyum Thoraipakkam, Semmenchery, and Perumbakkam by TNSCB, the Principal Secretary to Government, Home Department had stated, “This kind of concentration of slum population in one place is not desirable and the future programme should ensure that they are more distributed and there is a mixed development.” He requested that smaller amounts of land should be provided to TNSCB for rehabilitation and resettlement schemes at different places.¹³

Despite acknowledging that constructing massive housing projects is not desirable, the Government of Tamil Nadu has continued constructing 44,870 tenements at a cost of Rs 2,431.16 crore¹⁴ as “Integrated Townships” in the mega cities of the state—namely Chennai, Madurai, and Coimbatore—to resettle families living in “objectionable locations” under JNNURM.¹⁵ Under this scheme, 29,864 houses are under various stages of construction in Chennai, at the cost of Rs 1,775.6 crore.

Table 1: Details of Completed Resettlement Housing Programmes in Chennai

| Name of the Relocation Site | Total Number of Tenements Constructed by TNSCB |
|---|--|
| Kannagi Nagar | 15,656 |
| Semmenchery | 5,164 |
| All India Radio Land | 3,616 |
| Thilagar Nagar (Hindustan Lever Limited Land) | 1,392 |
| Total | 25,828 |

¹³ Minutes of the meeting held by the Chief Secretary in the Chief Secretary’s conference hall, at 3:30 p.m. on 1 March 2010.

¹⁴ A crore is a unit in the South Asian numbering system that is equal to ten million. The Indian Rupee (INR) is written as Rs.

¹⁵ Policy Note 2013-2014, Housing and Urban Development Department, Government of Tamil Nadu.

Available at: http://cms.tn.gov.in/sites/default/files/documents/housing_5.pdf

Nearly 129,000 individuals residing in various settlements in the core areas of Chennai were moved to the above listed resettlement sites, all of which are located on the peripheries of the city, in the guise of “housing programmes.”

Table 2: Details of Ongoing Resettlement Programmes in Chennai

| Name of the Programme | Location | Name of the Site | Total Number of Tenements Constructed by TNSCB |
|-----------------------|----------------------|----------------------|--|
| JNNURM | Okkiyum Thoraipakkam | Ezhil Nagar | 6,000 |
| | Perumbakkam | Ezhil Nagar | 3,936 |
| | Perumbakkam | Perumbakkam Phase I | 10,452 |
| | Oragadam | Navalur | 2,048 |
| | Perumbakkam | Perumbakkam Phase II | 5,988 |
| | Thirumazhisai | Gudapakkam | 1,024 |
| | Thiruvotriyur | All India Radio Land | 416 |
| ETRP | Thiruvotriyur | All India Radio Land | 540 |
| | Okkiyum Thoraipakkam | Ezhil Nagar | 2,048 |
| Slum Free City | Ambattur | Athipattu Phase I | 1,056 |
| | Ambattur | Athipattu Phase II | 416 |
| Total | | | 33,924 |

Over 169,000 individuals residing in various locations in the city are to be resettled in the above-mentioned remote sites that are located far from places of work, study, and healthcare. Of the 33,924 tenements, in various stages of construction, 4,404 tenements have been occupied. As of May 2016, nearly 22,000 individuals were residing in these tenements.

After the completion of the resettlement programme, 59,752 households comprised of 298,000 individuals would have been evicted and forced to reside in the fringes of the city.

The following houses are being constructed with the objective to relocate those living in “objectionable” settlements located near water bodies in Chennai.

Table 3: Details of ‘Objectionable’ Settlements in Chennai

| Name of the River/Canal | Number of Households |
|--|----------------------|
| Adyar River | 9,539 |
| Cooum River within city limits (13,500 Households) | 14,257 |
| Cooum River outside city limits (757 Households) | |
| North Buckingham Canal | 9,000 |
| Central Buckingham Canal | 5,300 |
| South Buckingham Canal | 12,000 |
| Total | 50,096 |

Despite the fact that the Government of Tamil Nadu seeks to displace 50,096 families, there still exist major gaps in the rehabilitation and resettlement process implemented by the state government. Till date, there is no clear policy or set of guidelines at the state level to govern rehabilitation and resettlement in Tamil Nadu. The current rehabilitation and resettlement practices of the government are varied; they are either project-based or department-oriented.¹⁶

¹⁶ *Forced to the Fringes: Disasters of ‘Resettlement’ in India. Report Two: Kannagi Nagar, Chennai*, Housing and Land Rights Network, New Delhi, 2014. Available at: http://hlrn.org.in/documents/Kannagi_Nagar_Report_2.pdf

The Chief Secretary to the Government, in a meeting dated 1 March 2010, had commissioned the formation of a high level committee,¹⁷ to prepare a policy/set of guidelines/norms to be followed whenever a rehabilitation and resettlement scheme comprising around 5,000 households is to be undertaken. He stated, “Given that there are more than 5,000 households (25,000 population), all the facilities necessary/infrastructure, funding, staffing, operation and management issues related to this and delivery of services by the local bodies and all other departments should be included as part of the package, and the committee should come up with a set of norms for this purpose.” Even six years after the formation of the high level committee, no policy/guidelines/norms related to rehabilitation and resettlement have been formulated.

IRCDUC had presented the findings of the report, ‘Forced to the Fringes, Disasters of ‘Resettlement’ in India’¹⁸ to the Secretary of the Department of Municipal Administration and Water Supply (MAWS), Government of Tamil Nadu. In particular, issues related to children living in the resettlement site of Kannagi Nagar were raised in the meeting. The need for a statewide policy on housing and habitat and a policy on resettlement was also discussed.¹⁹ At various instances, the Government of Tamil Nadu has acknowledged the need for a policy framework for housing and resettlement in the state. Despite this, several resettlement sites are being constructed and people are being forcefully evicted and relocated, without any initiative to develop a comprehensive state-wide housing and resettlement policy.

It is also to be noted that the Government of Tamil Nadu is well aware of the long-term and human rights impacts on the residents of resettlement sites, specifically on their livelihoods, education, health, and security. The Managing Director (MD), TNSCB had stated that when such huge resettlement projects are taken up, “There is a need for service delivery; otherwise it brings a bad name to the government as well as renders the entire process infructuous given that these people are the most disadvantaged sections who have been deprived of their livelihood and also have been moved out of their homes within the city.”²⁰ Even though the Government of Tamil Nadu is aware of the fact that moving communities from their homes within the city will result in the loss of livelihoods, the trend of relocating the urban deprived communities is increasing.

17 The committee was officially formulated by Government Order (MS) No. 117, dated 26 August 2011, Housing and Urban Development (SC 1 (2)) Department.

18 *Supra*, note 16.

19 Letter Number 20617/M.C.I./2014-6, 30 October 2014, Municipal Administration and Water Supply Department, Government of Tamil Nadu.

20 Minutes of the meeting held by the Chief Secretary to the Government, in the Chief Secretary’s Conference Hall, at 3:30 p.m. on 1 March 2010. The meeting was about infrastructure facilities to be provided by TNSCB in Okkiyum Thoraipakkam, Semmenchery, and Perumbakkam.

Ezhil Nagar (Kannagi Nagar) and Perumbakkam: Sites under Study

Ezhil Nagar is an annexe to the large resettlement site of Kannagi Nagar, constructed by TNSCB. Together the sites of Kannagi Nagar and Ezhil Nagar will form one of the largest resettlement sites in India. These sites are located on Old Mahabalipuram Road, in Okkiyum Thoraipakkam Town Panchayat, Kanchipuram District. Since November 2011, these settlements are part of Division 195 of Zone XV, under the extended areas of GCC. These settlements were built in a phased manner from the year 2000.

From an initial size of 3,000 houses, the settlement of Kannagi Nagar has steadily grown to 15,656 constructed and occupied houses. Ezhil Nagar has a total of 8,048 tenements, of which 2,048 tenements were completed under ETRP and 6,000 tenements under JNNURM.²¹ As of November 2016, 1,318 of the 2,048 ETRP tenements were occupied while of the 6,000 JNNURM tenements, 5,542 were occupied.



Ezhil Nagar (Kannagi Nagar) resettlement site

²¹ Supra, note 15.

Perumbakkam is another very large resettlement site located at Perumbakkam Village of Kanchipuram District. It is situated behind the existing relocation settlement of Semmenchery, about 10 kilometres away from the resettlement site of Kannagi Nagar. The Perumbakkam Housing Scheme has been initiated by TNSCB to resettle residents from Chennai District to Kanchipuram District. One of the locations within the Perumbakkam relocation site is also named Ezhil Nagar.



Perumbakkam resettlement site

Table 4: Details of the TNSCB Perumbakkam Housing Programme²²

| Location/Phase | Number of Houses | Budget (in crore rupees) |
|---------------------------|------------------|--------------------------|
| Perumbakkam I | 10,452 | 686.03 |
| Perumbakkam II | 9,476 | 685.62 |
| Ezhil Nagar (Perumbakkam) | 3,936 | 175.35 |
| Total | 23,864 | 1,547 |

Table 5: Occupied Houses in Perumbakkam (as of June 2016)

| Site | Total Number of Tenements Available | Total Number of Tenements Occupied |
|---------------------------|-------------------------------------|------------------------------------|
| Ezhil Nagar (Perumbakkam) | 3,936 | 3,811 |
| Perumbakkam Phase I | 10,452 | 802 |
| Total | 14,388 | 4,613 |

²² Demand No. 26, Housing and Urban Development Department, Policy Note 2014–2015, Government of Tamil Nadu, December 2016. Available at: http://cms.tn.gov.in/sites/default/files/go/Test_housing_urban_d26_e_2014-15.pdf

The Study Process and Methodology

Rationale for the Study

The November–December 2015 floods in Chennai were used to displace urban communities residing in the core areas of the city to resettlement sites located on the city outskirts. The evictions were carried out under the guise of ‘post-flood rehabilitation,’ capitalizing on the vulnerable situation of the communities after the deluge. Based on the 7 December 2015 announcement of the Chief Minister of Tamil Nadu, 10,000 families residing along the banks of Adyar and Cooum Rivers, and Buckingham Canal were to be resettled. Ten thousand houses were allotted for this purpose; 9,687 families from the banks of Adyar River were identified and 3,464 of them were shifted to the resettlement sites of Ezhil Nagar (Kannagi Nagar) and Perumbakkam by June 2016. Of the 5,983 families residing along the banks of Adyar River, for whom allotment orders have been issued by TNSCB, 3,464 families have already been resettled and there are plans to shift an additional 2,519 families in the month of May 2017.

**Table 6: Abstract of the Survey of Flood-affected Families along Adyar River
(Date: February 2016)**

| Description | Number of Settlements | Number of Families Assessed | Biometric Details Sent to TNSCB for Allotment of Tenements by Greater Chennai Corporation (GCC) | Allotment Order Issued by TNSCB | Number of Families Shifted | Families yet to be Shifted |
|--|-----------------------|-----------------------------|---|---------------------------------|----------------------------|----------------------------|
| Biometric details available with TNSCB | 15 | 6,257 | 5,718 | 5,225 | 2,812 | 2,413 |
| Biometric survey done by GCC | 7 | 805 | 758 | 758 | 652 | 106 |
| Biometric survey to be taken up by GCC | 6 | 2,625 | 0 | 0 | 0 | 0 |
| Total | 28 | 9,687 | 6,476 | 5,983 | 3,464 | 2,519 |

In addition to residents from the banks of Adyar River, families from the District of Kanchipuram were also resettled in these sites after the flood.

Given a situation where the state government continues to construct a growing number of large resettlement sites with no rehabilitation policy in place and no adherence to any human rights standards, there is an urgent need to monitor the resettlement process in Tamil Nadu. It is also important to document the human rights violations of disaster-affected and displaced communities, so as to ensure restitution for their rights and to protect those who could be affected by these processes in the near future.

After receiving reports of human rights violations and lack of due process in the resettlement process, Information and Resource Centre for the Deprived Urban Communities (IRCDUC),²³ Chennai, and Housing and Land Rights Network (HLRN),²⁴ Delhi, conducted a human rights research study in the sites of Ezhil Nagar (Kannagi Nagar) and Perumbakkam in order to identify the gaps in the post-flood resettlement process; to assess and analyse the living conditions at the resettlement site; and, to explore solutions and propose recommendations.

The study uses the ‘human right to adequate housing’ framework provided by Article 11.1 of the International Covenant on Economic, Social and Cultural Rights;²⁵ General Comment 4 (‘The right to adequate housing’) of the UN Committee on Economic, Social and Cultural Rights, and the Inter-Agency Standing Committee’s Operational Guidelines on the Protection of Persons in Situations of Natural Disasters (IASC Operational Guidelines)²⁶ to analyse the resettlement process undertaken by the Government of Tamil Nadu and to monitor its international legal obligations. This report also assesses the implementation of the Tamil Nadu Slum Areas (Improvement and Clearance) Act 1971, which is the state law relevant to ‘slums’/informal settlements.

Objectives of the Study

The study seeks to:

- Document the living conditions of the flood-affected communities resettled in Ezhil Nagar (Kannagi Nagar) and Perumbakkam;
- Highlight the human rights violations of the rehabilitation and resettlement process;
- Make practical recommendations to improve the living conditions of the resettled communities, and help them access justice and restitution of their rights; and,
- Use the study findings for advocacy with the Government of Tamil Nadu on issues related to housing, disasters, rehabilitation, and resettlement in the state.

Methodology

The research team of IRCDUC along with the Kannagi Nagar Pothu Nalla Sangam²⁷ undertook the task of collating evidence and facts, including government data available in the public domain, and information acquired through the Right to Information Act 2005 and media sources, in order to gain a holistic understanding of the post-flood resettlement process. The team of researchers also visited Ezhil Nagar (Kannagi Nagar) and Perumbakkam to interview the disaster-affected residents and assess the situation on the ground.

23 IRCDUC is a consortium of community-based groups and people from various walks of life trying to assert the rights of urban deprived communities. Its primary objective is to enhance the capacities of deprived urban communities by collecting, collating and disseminating information on various laws and policies related to adequate housing.

24 Housing and Land Rights Network (www.hlrn.org.in) works to promote the human rights to adequate housing and land, and related rights, especially for the most marginalized.

25 Article 11.1 of the International Covenant on Economic, Social and Cultural Rights (1966) guarantees the human right to adequate housing. The human right to adequate housing is further elaborated by the United Nations Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment 4, ‘The right to adequate housing,’ 1991.

26 The Inter-Agency Standing Committee’s Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, 2011 (IASC Operational Guidelines) establish the rights of survivors and the duties of responsible agencies. They also contain details of operational procedures to be followed in all stages of disaster response. The IASC Operational Guidelines are available at: http://www.ohchr.org/Documents/Issues/IDPersons/OperationalGuidelines_IDP.pdf

27 Community-based group working for the rights of displaced people in Kannagi Nagar and Ezhil Nagar.

The questionnaire for the study was designed by HLRN and uses the human right to adequate housing framework, in particular the elements of 'adequate housing' as expounded in General Comment 4 of the UN Committee on Economic, Social and Cultural Rights,²⁸ and further expanded by the Special Rapporteur on adequate housing²⁹ and HLRN.

The study used a sample size of 1,020 respondents from Ezhil Nagar (Kannagi Nagar) and Perumbakkam. The random sampling method was used to identify and interview members of the community. The research team also ensured that residents relocated from various areas in Chennai, at different periods of time, were included in the sample to ensure a comprehensive and accurate understanding of the process of resettlement undertaken by the Government of Tamil Nadu (GoTN).



Training for the survey team

Table 7: Details of the Families Interviewed and Sample Size

| Name of the Scheme | Name of the Site | Number of Families Resettled after the Floods | Number of Families Interviewed | Percentage of the Samples |
|--------------------|-----------------------------|---|--------------------------------|---------------------------|
| JNNURM | Ezhil Nagar (Kannagi Nagar) | 1,720 | 388 | 17 |
| ETRP | Ezhil Nagar (Kannagi Nagar) | 595 | | |
| JNNURM | Perumbakkam | 1,819 | 632 | 35 |
| Total | | 4,134 | 1,020 | 25 |

Of the 4,134 flood-affected families resettled to the above sites from Chennai and Kanchipuram, the study interviewed 1,020 families; this amounted to 25 per cent of the entire resettled population.

Table 8: Details of the Families Surveyed

| Name of the Resettlement Site | District from which People were Shifted | Number of Families Surveyed |
|-------------------------------|---|-----------------------------|
| Perumbakkam | Chennai | 589 |
| | Kanchipuram | 43 |
| Sub-total | | 632 |
| Ezhil Nagar (Kannagi Nagar) | Chennai | 388 |
| | Kanchipuram | 0 |
| Sub-total | | 388 |
| Total | | 1,020 |

28 General Comment 4, 'The right to adequate housing,' of the UN Committee on Economic, Social and Cultural Rights, 1991. Available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?Opendocument)

29 See, 'Questionnaire on Women and Housing' in the report of the Special Rapporteur on Adequate Housing, A/HRC/4/18, 2007. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

Table 9: Areas from where Respondents were Relocated

| Name of the Resettlement Site | Name of the Settlement from which People were Resettled | Families Resettled (as of February 2016) | Number of Families Surveyed |
|-------------------------------|---|--|-----------------------------|
| Perumbakkam | Anushiya Mandapam (Saidapet) | 92 | 73 |
| | JJ Nagar (Nandambakkam) | 43 | 21 |
| | Jothi Ammal Nagar (Saidapet) | 377 | 134 |
| | Ambedkar Nagar (Kotturpuram) | 289 | 51 |
| | LDG Road (Saidapet) | No Information | 86 |
| | Soorya Nagar (Kotturpuram) | 481 | 224 |
| | Pudhu Kuppam –Tambaram (Kanchipuram District) | No Information | 43 |
| Sub-total | | 1,282 | 632 |
| Ezhil Nagar (Kannagi Nagar) | Govindasamy Nagar (RA Puram) | No Information | 69 |
| | Autuma Nagar (Saidapet) | 1,086 | 225 |
| | MGR Nagar (Nandambakkam) | 195 | 94 |
| Sub-total | | 1,281 | 388 |
| Grand Total | | 2,563 | 1,020 |

A team of enumerators from the communities (trained exclusively for this purpose) conducted door-to-door household surveys. SPSS software was used to compile and analyse the data.

The members of the research team also carried out house visits and interacted with the resettled communities and the urban local body (ULB) to understand and document the living conditions of the people in Ezhil Nagar (Kannagi Nagar) and Perumbakkam. Focus group discussions were conducted with men, women, youth, and children at the resettlement site. The study team also conducted infrastructure mapping in both the sites to assess adherence to human rights standards.



Volunteers involved in the survey

Study Findings

A. Basic Profile of the Population

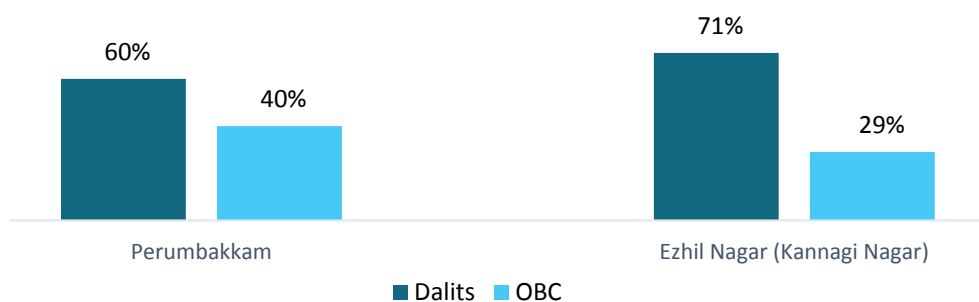
Table 10: Profile of Resettled Families

| Name of the Resettlement Site | Men | Women | Children | Total Population |
|-------------------------------|--------------|--------------|--------------|------------------|
| Perumbakkam | 811 | 924 | 624 | 2,359 |
| Ezhil Nagar (Kannagi Nagar) | 401 | 432 | 390 | 1,223 |
| Total | 1,212 | 1,356 | 1,014 | 3,582 |

Caste Profile

In Perumbakkam, 60 per cent of the resettled flood-affected families are Dalits and 40 per cent belong to Other Backward Classes (OBC). In Ezhil Nagar (Kannagi Nagar), 71 per cent of the resettled flood-affected families are Dalits while 29 per cent belong to OBC.

Figure 1: Caste Profile



Education Status

In Perumbakkam, 23 per cent of the adults are illiterate, 46 per cent have completed primary school, 18 per cent have completed high school, four per cent have completed higher secondary school, and nine per cent have a college education. In Ezhil Nagar (Kannagi Nagar), 30 per cent of the adults are illiterate, 40 per cent have completed primary school, 23 per cent have completed high school, 10 per cent have completed higher secondary school, and seven per cent have a college education.

Household Income

In Perumbakkam, the family income of 53 per cent of the households is less than Rs 3,000 per month while 36 per cent of the families reported an income ranging from Rs 3,001 to Rs 6,000. In Ezhil Nagar, the family income of 48 per cent of the households is less than Rs 3,000 per month, while 39 per cent of families reported a monthly income between Rs 3,001 and Rs 6,000.

Table 11: Household Income of the Resettled Families

| Name of the Site | Income Range | Percentage of Households |
|-----------------------------|----------------------|--------------------------|
| Perumbakkam | Less than Rs 3,000 | 53 |
| | Rs 3,001 to Rs 6,000 | 36 |
| | Rs 6,001 to Rs 9,000 | 9 |
| | Rs 9,001 to 12,000 | 1 |
| | Rs 12,001 and above | 1 |
| Ezhil Nagar (Kannagi Nagar) | Less than Rs 3,000 | 48 |
| | Rs 3,001 to Rs 6,000 | 39 |
| | Rs 6,001 to Rs 9,000 | 12 |
| | Rs 9,001 to 12,000 | 1 |
| | Rs 12,001 and above | 0 |

B. Post-flood Relief Process

Humanitarian goods and services should be provided on the basis of assessed needs, without any distinction of any kind other than that of differing needs and without any discrimination as to race, colour, sex, language, disability, religion, political or other opinion, national or social origin, property, birth, age, or other status. All affected persons should have safe, unimpeded and non-discriminatory access to goods and services necessary to respond to their basic needs. Specific measures such as priority access or separate distribution systems should be taken to the extent necessary to ensure that persons with specific needs have adequate access to humanitarian goods and services. (B.1.1 IASC Operational Guidelines)

IRCDUC was engaged in coordinating relief for the flood-affected marginalized residents of Chennai. While countless individuals across the country contributed to the flood relief process, it should be noted that the 'charity approach' of selected relief coordinating agencies violated the dignity and self-respect of the disaster-affected communities.

Discussions with various flood-affected families revealed that during the early relief phase, people received tattered, old clothes, which could not be worn. When they did not accept the old clothes, some relief agencies allegedly responded by stating that, "You have lost everything, why can't you use what you receive?" and, "What we give is certainly better than what you had?"

During the early relief phase when there was an immediate need for food, community leaders were made to fill in relief assessment forms that had several insensitive questions like, "Did you eat a meal yesterday? Did you cook anything yesterday? How many meals did you receive?" These questions are not required during the early relief phase when basic essentials are urgently needed by the survivors of the disaster. In many areas, people complained that women were made to wait for hours to receive food packets.

C. Post-flood Displacement: Violation of Human Rights of Disaster-Affected Families

This study uses the human rights framework to assess the resettlement process and living conditions in the resettlement sites of flood-affected communities in Chennai. In particular, it focuses on the 'human right to adequate housing' framework provided by Article 11.1 of the International Covenant on Economic, Social and Cultural Rights; General Comment 4 ('The right to adequate housing') of the UN Committee on Economic, Social and Cultural Rights (CESCR); General Comment 7 ('Forced evictions') of CESCR; the Basic Principles and Guidelines on Development-based Evictions and Displacement and, the IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters to analyse the resettlement process undertaken by GoTN and to monitor its international legal obligations.

In Resolution 1993/77, the UN Human Rights Commission stated that, "The practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing."³⁰ The UN Committee on Economic, Social and Cultural Rights, in General Comment 7, defines forced eviction as the: "[P]ermanent or temporary removal against the will of individuals, families or communities from their homes or land, which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."³¹

The Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)³² categorically state that evictions can only take place in 'exceptional circumstances.' They contain detailed operational guidelines and elaborate the duty of the state before, during, and after evictions.

1. VIOLATION OF DUE PROCESS AND THE RIGHTS TO PARTICIPATION, INFORMATION, AND FREE AND PRIOR INFORMED CONSENT

The Basic Principles and Guidelines on Development-based Evictions and Displacement call upon states to adopt policies to ensure effective protection of individuals, groups, and communities against forced eviction and its consequences (paragraph 28). Further, they direct authorities to provide appropriate notice to all potentially affected persons that eviction is being considered; to engage in effective dissemination of information in advance; to hold public hearings; and, to provide a reasonable time period for public review of proposed plans (paragraph 37). They call on states to fully explore alternatives to eviction, and to ensure that potentially affected groups and persons have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives (paragraph 38). The Guidelines also state that any decision of the eviction should be announced in writing in the local language to all individuals in advance (paragraph 41).

30 United Nations Commission on Human Rights Resolution 1993/77, 'Forced Evictions,' March 1993.

31 General Comment 7, 'The right to adequate housing (Art. 11.1 of the Covenant): forced evictions,' United Nations Committee on Economic, Social and Cultural Rights (1997). Available at: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+Comment+7.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+7.En?OpenDocument)

32 The Basic Principles and Guidelines on Development-based Evictions and Displacement were presented in the 2007 report (A/HRC/4/18) of the UN Special Rapporteur on Adequate Housing. They were formally adopted in December 2007 by the UN Human Rights Council. Available at: http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf
For a summary of the Guidelines in Tamil, see: http://hlrn.org.in/documents/Tamil_Handbook_on_Evictions.pdf

IASC Operational Guidelines

- C.2.3 All affected groups and persons should be consulted and participate in the planning and implementation of transitional shelter and permanent housing programmes, for tenants and owners/occupiers.
- C.2.4 Should evictions become unavoidable in situations other than forced evacuations and despite consultation and participation in accordance with C.2.3, all the following guarantees should be put in place:
- (a) An opportunity for genuine consultation with those affected;
 - (b) Adequate and reasonable notice prior to the scheduled date of eviction;
 - (c) The timely provision of information in an accessible format on the eviction and future use of the land;
 - (d) The presence of government officials during an eviction;
 - (e) The proper identification and registration of all persons being evicted;
 - (f) The proper identification of all persons carrying out the eviction;
 - (g) The prohibition of evictions during bad weather or at night;
 - (h) Provision of legal remedies; and
 - (i) Provision of legal aid, where needed, to seek redress from the courts.

While several international standards emphasize the importance of participation and dissemination of adequate and timely information to the families facing the threat of eviction, the study reveals that 71 per cent of the disaster-affected families in Ezhil Nagar and 69 per cent in Perumbakkam reported that they were neither consulted about the relocation process, nor was their opinion considered. The study finds that 77 per cent of the respondents in Perumbakkam and 67 per cent of the respondents in Ezhil Nagar did not receive any details about the resettlement plans, including the location of the site, design/size of the houses, and the housing scheme. While several international standards emphasize the importance of participation and dissemination of adequate and timely information regarding any eviction, this study reveals that 71 per cent of the disaster-affected families in Ezhil Nagar and 69 per cent in Perumbakkam reported that they were neither consulted about the relocation process, nor was their opinion considered. The study finds that 77 per cent of the respondents in Perumbakkam and 67 per cent of the respondents in Ezhil Nagar did not receive any details about the resettlement plans, including the location of the site, design/size of the houses, and the housing scheme.

Though 67 per cent of the respondents in Perumbakkam and 59 per cent of the respondents in Ezhil Nagar (Kannagi Nagar) stated that they knew about the time of eviction, 87 per cent in Perumbakkam and 85 per cent in Ezhil Nagar (Kannagi Nagar) reported that they were not provided any opportunity to register their dissent. Eighty-five per cent of the respondents in Perumbakkam and 86 per cent of the respondents in Ezhil Nagar (Kannagi Nagar) had not seen the resettlement site prior to their relocation. The Government of Tamil Nadu did not make any arrangements for communities to visit these sites.

Of those surveyed, 94 per cent in Perumbakkam and 96 per cent in Ezhil Nagar (Kannagi Nagar) claimed that they were forced to relocate. Many had clearly voiced their opposition to moving to an alternative location, but the state did not take into consideration their dissent and proposed plans. The study also reveals that 77 per cent of respondents in Perumbakkam and 91 per cent in Ezhil Nagar (Kannagi Nagar) were not given adequate time to shift.

The study highlights that 99 per cent of the respondents in both sites did not receive any legal notice of the proposed eviction. Reportedly, officials cited a Madras High Court order that required the eviction of those residing on the banks of water bodies in Chennai. Copies of the order, however, were not given to

the affected people. Some families were told that they were being moved on the basis of a government order ordering the eviction of those residing on the banks of River Adyar.

Basic Principles and Guidelines on Development-based Evictions and Displacement

42. Due eviction notice should allow and enable those subject to eviction to take an inventory in order to assess the values of their properties, investments and other material goods that may be damaged. Those subject to eviction should also be given the opportunity to assess and document non-monetary losses to be compensated.
46. Neutral observers, including regional and international observers, should be allowed access upon request, to ensure transparency and compliance with international human rights principles during the carrying out of any eviction.
47. Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected. States must also take steps to ensure that women are not subject to gender-based violence and discrimination in the course of evictions, and that the human rights of children are protected.
50. States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition...
51. Authorities and their agents should never require or force those evicted to demolish their own dwellings or other structures.³³

All respondents stated that neither the government nor any other agency had carried out an inventory to assess the value of their property or possessions. Eighty-six per cent of the respondents mentioned that police officials were involved in the eviction process, while 14 per cent of them said that politicians along with officials of the land-owning department were present at the site during the eviction process.

Discussions with the affected communities reveal that police officers and politicians threatened them to vacate their homes immediately. In some cases, their water and electricity connections were disconnected a day before the evictions. In some areas, on the day of eviction, children were stopped from going to school. The government officials disregarded special concerns of women and children. No neutral observers were present at any of the sites during the eviction process.

Ninety-nine per cent of the respondents felt that their human rights were violated during the eviction process, as the entire process was based on coercion and against the free will of individuals. Thirteen per cent of the respondents in Ezhil Nagar (Kannagi Nagar) and seven per cent in Perumbakkam reported that their belongings were destroyed in the eviction process. Three per cent of the respondents in Perumbakkam and two per cent in Ezhil Nagar (Kannagi Nagar) mentioned that they were injured in the eviction process. They specifically raised the issue of being pushed aside by the police when they tried to talk to the government officials present at the time of eviction.

The evictions were carried out in the middle of the academic year, disrupting children's education. Sixteen per cent of the children displaced after the floods to these resettlement sites have dropped out of school, as a direct result of relocation.

Freedom from Dispossession, Damage and Destruction – All individuals and communities have a right to a place to live without threat of dispossession from their land, all forms of their property, their homes and resources, as well as all individual and collective holdings required to sustain their livelihoods.

(Special Rapporteur on Adequate Housing, Questionnaire on Women and Housing, A/HRC/4/18, 2007)

³³ Supra, note 32.

The study reveals that the entire eviction process was carried out in the guise of ‘rehabilitation’ of the flood-affected communities. The vulnerability of the disaster-affected persons was used to evict them from the centre of the city to the periphery. The communities that had once resisted the evictions had no other option but to give up their struggle and give in to the state’s pressure to move.

2. VIOLATION OF THE HUMAN RIGHT TO ADEQUATE HOUSING

The human right to adequate housing is guaranteed and protected in several international human rights legal instruments, including the International Covenant on Economic, Social and Cultural Rights. It has been defined as: “The right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity.”³⁴

In this section, the study uses the elements of adequate housing from General Comment 4 (1991) of the UN CESCR as well as from the Special Rapporteur on Adequate Housing and HLRN to assess the housing and living conditions of families in the resettlement sites of Ezhil Nagar (Kannagi Nagar) and Perumbakkam.

Legal Security of Tenure: All persons should possess a degree of security of tenure which guarantees protection against forced eviction, harassment and other threats. (CESCR, General Comment 4)

Legal security of tenure is a distant dream for the deprived urban communities who are beneficiaries of TNSCB’s housing programme. TNSCB has a long history related to non-issuance of sale deeds. In a writ petition (W.P. No. 18999 of 2003), the Madras High Court issued an order dated 30 July 2012 that stated the following:

“On the facts and circumstances of this case and considering the plight of the poor 55,000 slum dwellers living in 120 slum developmental areas, who have not been issued with the Sale Deeds, even after the receipt of the entire sale consideration for the plots, allotted to them and in the light of the decisions, stated supra, a Mandamus is issued to the Secretary to Government of Tamil Nadu, Housing and Urban Development Department, Fort St. George, Chennai 600009, and the Managing Director, Slum Clearance Board, Chennai, to execute the sale deeds to the petitioner as well as to all the 55,000 slum dwellers, by taking a positive decision, on the proposals, dated 21 June 2012, sent by the Managing Director, Slum Clearance Board, Chennai to the Government, the whole exercise shall be completed within a period of two months from the date of receipt of a copy of this order.”

The Tamil Nadu Slum Clearance Board had constructed houses under the World Bank-funded Madras Urban Development Project (MUDP) and Tamil Nadu Urban Development Project (TNUDP). Over 55,000 allotments had been made by TNSCB across the state. TNSCB had allotted the lands under these projects on the “as is where is” condition. TNSCB collected monthly installments towards the land cost and development by entering into a lease cum sale agreement with the residents. The scheme allows people to avail of services related to electricity, sewerage, and water, and also raise loans for constructing houses. However, many settlements have still not received sale deeds under this scheme, as there are complications in the transfer of land process. TNSCB, therefore, has a history of non-issuance of sale deeds even when payments have been completed.

³⁴ Report of the Special Rapporteur on Adequate Housing, E/CN.4/2006/41, 2006. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

The Government of Tamil Nadu provided free houses for those affected by the 2004 tsunami and the 2015 floods. For those affected by the tsunami, under the World Bank-funded Emergency Tsunami Reconstruction Project (ETRP), TNSCB provided 6,292 free tenements (3,616 tenements on AIR land, 628 *in situ* tenements in Nochi Nagar in Marina Beach, and 2,048 houses in Kannagi Nagar). TNSCB, with other funding, constructed free houses for tsunami-affected families in Thilagar Nagar (1,392 tenements), Kannagi Nagar (1,228 tenements), Thazhan Kuppam (468 *in situ* tenements), and Semmenchery (1,858 tenements). Despite the fact that these houses were provided free of cost, TNSCB has not issued sale deeds for the tenements. Instead, the disaster-affected families have only been issued allotment orders that do not provide them with any security of tenure. What is preventing TNSCB from issuing sale deeds for the disaster-affected families? For those houses under the Hire Purchase Scheme³⁵ or the Rental Scheme,³⁶ families are only issued an allotment order that also does not ensure security of tenure even though the housing is provided on TNSCB-owned land.

TNSCB does not have any mechanism in place to ensure that sale deeds will be issued to residents on completion of payments. This directly relates to the fact that there is no comprehensive policy on housing in the state and the Tamil Nadu Slum Areas (Improvement and Clearance) Act 1971 also does not contain provisions related to housing, security of tenure, or resettlement.

There is also need for enhanced accountability and transparency within TNSCB. The allotment order provided to the flood-affected families does not clearly mention the issue of payments and sale-deeds. The affected communities, therefore, have no information about the financial cost of houses and the nature of tenure. According to the survey, 98 per cent of the respondents were not clear about the scheme under which they had been provided houses and its details.

Accessibility: Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. (CESCR, General Comment 4)

TNSCB has not taken any efforts to ensure housing accessibility and provide a 'barrier-free environment' for persons with disabilities. In Ezhil Nagar (Kannagi Nagar), some older persons and persons with disabilities have been provided houses on higher floors. This greatly impedes their access and creates serious problems for them, as climbing the narrow staircase every day is an ordeal. In Perumbakkam, however, a lift is available. Housing design, especially in terms of toilets and other facilities, is not disability-friendly; neither does it accommodate the needs of older persons.

In Ezhil Nagar, the flats do not have internal water supply connections. Hence, women are forced to collect water from hand pumps outside their homes and climb one to three floors with a minimum of six water pots, on a daily basis. Discussions with the women revealed that they do not find it safe to go and file complaints in the police station located in Kannagi Nagar. The previous inspector in the police station, allegedly, used abusive language against them. Certain anti-social elements, including hooligans, have sought refuge at the resettlement sites and pose a threat to women's security and safety. There is no separate women's police station within the settlement. Women spoke of instances where unclothed men knocked at their doors at midnight. Girls shared their fear of going out alone, as men often harassed

³⁵ Under the Hire Purchase Scheme of TNSCB, houses (tenements) are allotted to 'slum' families at a subsidized rate. The people will be residing in the tenement and will have to pay Rs 250 per month for a period of two years. A sale deed will be issued to the families after completion of the payment.

³⁶ Under the rental housing scheme, the houses constructed will be rented out to 'slum' families. The owner of the rental property will be TNSCB who will be receiving rent from the tenants (the 'slum' families) in return for using the property.

them. The women in both sites stressed the need for an all-women police station to address issues of violence against women.

Affordability: Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels. (CESCR, General Comment 4)

In Perumbakkam, the flood-affected families have to pay Rs 750 per month for their tenements. This payment is being levied on the basis of a temporary allotment order issued to each family, which states that of the Rs 750, Rs 700 is the maintenance cost. There are no details regarding the total amount that people have to pay, and how long the monthly installments have to be paid for. In Ezhil Nagar, residents are required to pay Rs 300 on a monthly basis. According to the survey, 89 per cent of the respondents in Perumbakkam and 92 per cent in Ezhil Nagar (Kannagi Nagar) were not given details about the allotment, amount to be paid, or the period of payment prior to their relocation.

The family income of 53 per cent of the respondents in Perumbakkam and 48 per cent of the respondents in Ezhil Nagar (Kannagi Nagar) is below Rs 3,000 a month. The payment of monthly installments for their homes is thus a financial burden for the families. In cases where families have failed to pay the monthly installment for five to seven months, TNSCB officials have issued notices threatening to cancel their allotment orders and to evict the families without prior information. Therefore, people have been forced to take loans at high rates of interest in order to meet the financial requirements. This has resulted in increased indebtedness of the flood-affected communities. About 86 per cent of the residents surveyed reported being more in debt after the relocation process.

Habitability: Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. (CESCR, General Comment 4)

The houses constructed in Perumbakkam have poor lighting and ventilation. Even during the day, houses and corridors are engulfed in darkness. In order to improve the ventilation and lighting, open-to-sky spaces were introduced in the second design, but there has been no significant improvement as yet.

An affidavit submitted by Mr K. Sudhir (a practicing architect with 32 years of experience) in a public hearing on 'Impact of the Flood on Chennai Slum and Pavement Dwellers'³⁷ reveals that there are two different types of designs of houses in Perumbakkam. The Type A design has 32 blocks, each with 24



Houses with poor lighting and ventilation in Perumbakkam

³⁷ The public hearing on 'Impact of the Flood on Chennai Slum and Pavement Dwellers' was organized by the Unorganized Workers' Federation (UWF), Pennnurmillyakkam, and the National Alliance of People's Movements (NAPM) on 31 December 2015 before Justice (Retired) K. Chandru and others.

units per floor and a total of 192 dwelling units per block, housing about 750 individuals. The Type B design covers 156 blocks, each with 12 units per floor and 96 dwelling in each block, housing about 380 individuals. In Type A housing, each of the 32 blocks has been provided with two lifts and two stairways arranged around the lift shafts.



Darkness despite 'open-to-sky spaces' in Perumbakkam



Corridors engulfed in darkness in Perumbakkam

Discussions with the affected communities reveal that in Type A housing, there are two sets of staircases, 2.5 metres wide. The narrow staircases are inconvenient for most people to access. The staircases in this type of building cannot be used during a fire because of their position around the lift duct. There are no emergency exits in the buildings, and in case of a fire or earthquake, it would be very difficult for residents to use the narrow staircases as escape routes.

In Type B housing, each of the 156 blocks has been provided with one lift and two stairways, of which one is arranged around the lift shaft. Residents reveal that during an emergency situation, nearly 380 people would have to use these two staircases to escape. The communities point out that they were relocated under the guise of 'safety' but the houses provided to the disaster-affected persons are not disaster-resilient. The affidavit submitted by Mr K. Sudhir also points out that, "Fire and Life Safety provisions of the National Building Code of India, 2005 prescribe the standards to ensure safe exit during a fire emergency. Type A and Type B designs fail on all counts with respect to the minimum aggregated exit width required in the ground floor (5.8 and 6 metres provided instead of 12.8 and 6.4 metres stipulated), minimum exit width for stairways given the occupancy (zero effective width of 1 metre provided instead of 1.2 metres mandated) and the maximum travel distance to an exit from the furthest point of the floor (34.3 metres and 21.5 metres provided against a maximum of 30 metres). Both Type A and B deploy staircases around lift shafts, which is forbidden by the code under Section 4.9.3. In view of this prohibition, the 32 blocks of Type A have zero-exit width availability in case of a fire in these buildings, putting in risk the lives of over 30,720 people who will eventually occupy the 6,144 tenements in them. As for the remaining 156 Type B blocks, one of the two staircases provided in each block is invalidated for the same reason and only one dog-legged eight-floor high staircase remains with an effective exit width of 83% of the minimum required, to service the emergency escape needs of over 480 people."

The violation of National Building Code of India (NBC) norms has been one of the issues raised by civil society organizations and also by the office of the Comptroller and Auditor General of India (CAG) in its audit report (General and Social Sector) for the year ended 31 March 2014.³⁸

³⁸ Report of the Comptroller and Auditor General of India, General and Social Sector for the year ended March 2014, Government of Tamil Nadu, Report Number 3 of 2015. Available at: https://www.cag.org.in/sites/default/files/database/CAG%20Report_TNSCB_0.pdf

In reference to the Perumbakkam housing scheme, the CAG report states that, “The extent of land allotted to TNSCB for Perumbakkam project was 81.20 hectares. Maximum dwelling units permissible in the project area as per NBC norms were 12,180 houses only. However, construction of 23,864 dwelling units was proposed with a density of 294 dwelling units per hectare thereby causing congestion at the site which resulted in public criticism and prompted GoTN to change location for 3,488 units. Even considering construction of 20,376 tenements in the site, the density would be 251 units per hectare, which exceed the norms of the NBC.”



Narrow dark staircases in Perumbakkam

TNSCB has, thus, violated standards of NBC and has constructed tenements that would lead to congestion, thereby threatening safety of residents.

The quality of the houses is also an issue of concern. Residents have reported cracks in several of the newly constructed houses. The roof plaster in one of the houses in AA Block of Perumbakkam collapsed; fortunately, no one was present in the house when this happened.



Fallen roof plaster in one of the houses in Perumbakkam

Issues of livelihood also have not been considered in the layout and design of housing. For instance, people involved in head-load vending or carpentry find it difficult to carry their equipment up the narrow staircases when the elevators do not work. Space for storing livelihood-related equipment, including of fishing communities, has not been provided .

Availability of Services, Materials, Facilities and Infrastructure: An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services. (CESCR, General Comment 4)

Access to basic services, especially water and sanitation, is inadequate in both sites. Discussions with the Urban Local Body (ULB) in this area reveal that the entire site of Kannagi Nagar (including Ezhil Nagar) requires at least 55 lakh litres of water on a daily basis. However, the maximum water received varies between 25 and 30 lakh litres a day, resulting in an acute shortage. In Perumbakkam also, certain blocks report insufficiency of water.



Stagnation of sewer water in Ezhil Nagar (Kannagi Nagar)

The affidavit filed by Mr K. Sudhir,³⁹ points out that, “NBC mandates provision of minimum of 1,351 litres per capita per day for Economically Weaker Section (EWS) and lower income group housing catering to populations over 100,000 and equipped with a full flushing system. However, the water supply provision at the Perumbakkam project is only 50 Litres Per Capita Per Day (LCPD) or 37 per cent of the minimum quantity stipulated, currently supplied by the desalination plant of Nemmili, where costs are close to six times the charges levied by CMWSSB.”

Discussions with the residents revealed that the quality of water-tanks installed in Ezhil Nagar is of poor quality, while pipelines have not been installed properly by the Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB). Residents claim that most of the pipelines are leaking. Similar complaints regarding water and sewer pipelines also exist in the Perumbakkam settlement. During the visit of the research team to Perumbakkam in January 2017, water was leaking from roofs and walls because of poor installation of water pipelines. Both elevators in some of the blocks were not working and people had to climb up to seven floors for several days, until the elevators were repaired.

In Ezhil Nagar (Kannagi Nagar) sewage disposal has been a challenge from the day of inception of the site. As Ezhil Nagar is an annexe to Kannagi Nagar, the sewage waste has to be transported from the pumping station located at Ezhil Nagar to the collection well located in Kannagi Nagar. This arrangement did not work because Kannagi Nagar is at a greater elevation than Ezhil Nagar. Therefore, an alternative arrangement was made to construct a lift station to resolve the issue. In January 2017, for unknown reasons, the contractor stopped construction of the lift station after completing 80 per cent of the work. Now, CMWSSB is disposing sewage waste through the storm water drainage facility, as a result of which residents are suffering from skin infections and other ailments.

With regards to maintenance, TNSCB is charging the residents for services in the settlements. TNSCB implemented the ‘free housing’ scheme for tsunami survivors in Chennai with financial assistance from the World Bank and Government of India funds under the Rajiv Gandhi Rehabilitation Package and the Jawaharlal Nehru National Urban Renewal Mission (JNNURM). Of the 11,000 ‘free houses’ constructed by TNSCB for tsunami survivors in Chennai, a total of 6,292 free houses were built with World Bank funds.

An internal note dated 18 December 2015 (REF: G1/5069/2007) and signed by the Chairman of TNSCB, directed the Estate Officers to increase the monthly maintenance cost of Rs 50 to Rs 250 for all beneficiaries of the ‘free housing’ scheme, with effect from 1 December 2015. The note cited “financial

³⁹ Supra, note 37.

crunch" as the reason behind the decision to increase the maintenance fee. TNSCB did not organize any public hearing or discussion with the affected communities in order to seek their views on this decision.

Citing the increased maintenance cost of existing flats and the increased cost of constructing new houses as the reason, TNSCB increased the monthly expenditure of people whose livelihoods and incomes had been adversely affected by the relocation. The sudden increase in the monthly maintenance charge also highlights the lack of prior planning on the part of TNSCB. The increased maintenance cost is almost equal to the monthly installment charged by TNSCB under its 'Hire Purchase Scheme' for housing. This sudden move only reinforces the fact that the Board is now trying to use 'maintenance' as a means to charge residents for the housing provided, thereby dispelling any myth of 'free housing.' Issuing an ad hoc internal note, without clarifying reasons for the increased charge and without understanding the financial impacts of the decision on the already vulnerable disaster-affected families, reveals the callous attitude of the Board.

In a response to a query raised by IRCUDC regarding the increased maintenance cost, TNSCB stated that the tenements were allotted to the beneficiaries under the condition that they would form and register a Welfare Association to manage maintenance issues in the site. All residents were to be members and pay a monthly subscription before the tenth of every month. Maintenance work was to be carried out by the Welfare Association and all taxes, including property tax, water tax, sewerage tax, electricity consumption charges, and other charges levied by the local body had to be remitted by the residents.

The TNSCB response also states that despite efforts taken by the Community Development wing of TNSCB, the residents are reluctant to form a Welfare Association and hence TNSCB has been forced to take charge of maintenance work that includes cleaning, garbage removal, operating water motors/pumps, and maintaining sewerage facilities.

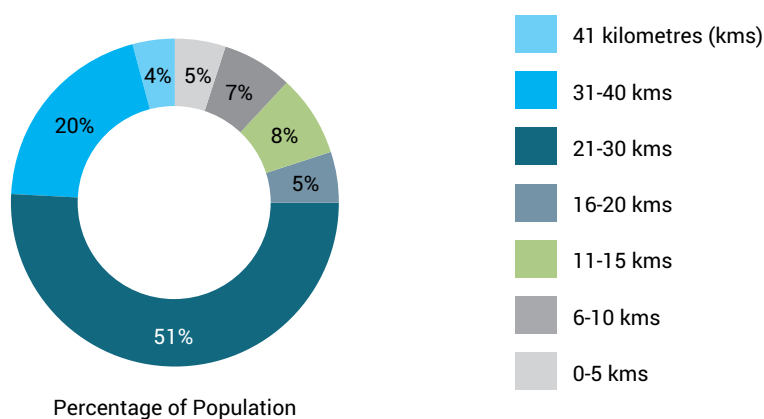
The critical question that this raises is why disaster-affected communities are being made to pay maintenance cost as well as taxes for basic services when the general public in 'non-slum' areas in Chennai only pays taxes for services.

TNSCB, in its response, also stated that, "Payment of maintenance charges by the respective allottee is their sole responsibility for the services rendered to this effect by the board till the formation of the associations by themselves. Further, if the tenements are not properly maintained, the durability of the structure will get deteriorated in a short time. TNSCB, as a quasi-government agency, is not provided with any grants by the Government for meeting its administrative charges. The administrative charges are met by the Board on its own by the supervision charges earned for the Government of India projects like JNNURM, Finance Schemes etc." This also gives rise to a larger concern of why affected communities are being made to bear the cost of availing basic services.

Location: Adequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities. (CESCR, General Comment 4)

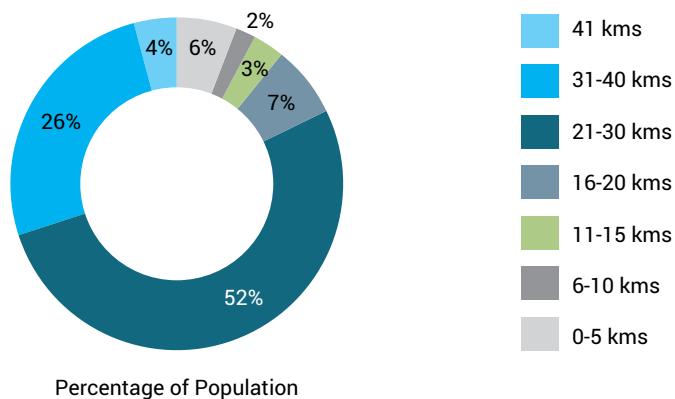
The study reveals that the location of the settlement is not suitable as there are no adequate livelihood options in the area. These settlements are located in an area where the Information Technology (IT) industry is concentrated. Most of the relocated persons work in the informal sector and do not have the requisite skills to be employed by the IT sector. This has resulted in many people losing their livelihoods.

Figure 2: Distance of Work Place from Perumbakkam



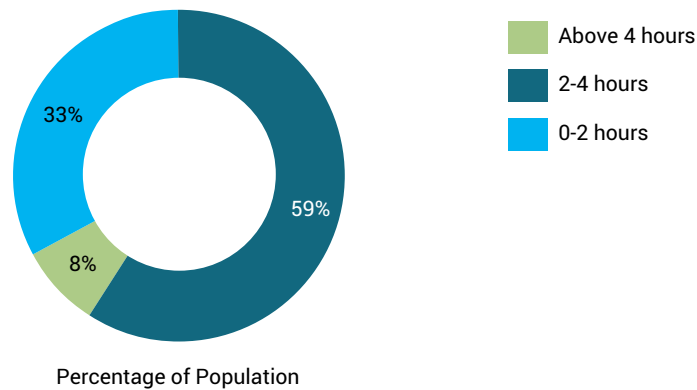
Of the residents surveyed for this study from Perumbakkam, 51 per cent claimed to travel between 21 and 30 kilometres to reach their places of work; 20 per cent reported that they have to travel from 31 to 40 kilometres to work on a daily basis; while four per cent reported travelling over 40 kilometres to reach their sources of livelihood.

Figure 3: Distance of Work Place from Ezhil Nagar



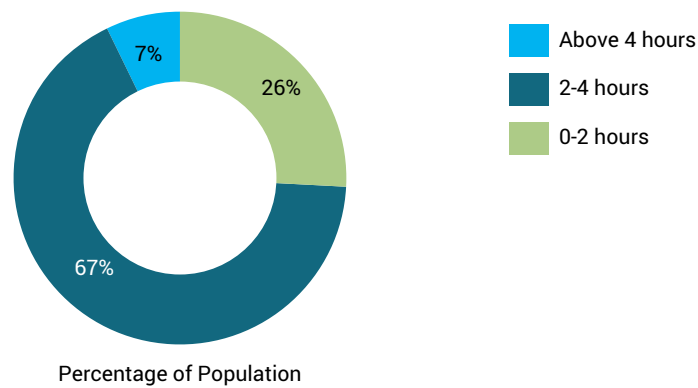
In Ezhil Nagar, 26 per cent of the respondents claimed to travel between 31 and 40 kilometres to reach their places of work; 52 per cent reported that they have to travel between 21 and 30 kilometres to work on a daily basis; while four per cent travel over 40 kilometres to reach their sources of livelihood.

Figure 4: Time Taken to Reach Work Place from Perumbakkam



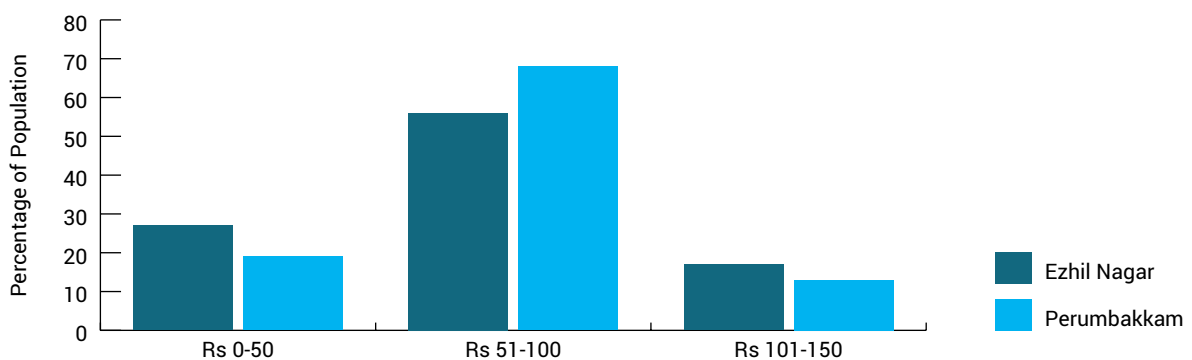
The survey reveals that in Perumbakkam, 59 per cent of the respondents spend two to four hours commuting to work, while eight per cent reported travelling for over four hours to reach their work places.

Figure 5: Time Taken to Reach Work Place from Ezhil Nagar



In Ezhil Nagar, 67 per cent of the respondents reported commuting for two to four hours to reach their work places, while seven per cent travel over four hours daily to their places of work.

Figure 6: Amount Spent on Travel to Work Place



The above figure reveals that in both settlements, the majority of working individuals spend an average of Rs 50 to Rs 100, on a daily basis, to commute to work. Since they are unable to find employment near the resettlement sites, they are forced to continue working in their former jobs, located close to their original sites of residence in the city. Most people are involved in unorganized daily wage labour and earn minimum wages. The distance of the site from their work places and the excessive cost and time spent on the daily commute, greatly impedes their earning capacity as well as their ability to work. Before relocation, only six per cent of the respondents reported using bus services to commute to work. But after relocation, 72 per cent of the respondents commute by bus to their places of work. This has contributed to an increase in their monthly expenditure.

Cultural Adequacy: The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. (CESCR, General Comment 4)

The houses are also not culturally adequate. Residents, especially women, complained that in the flats in Perumbakkam, the kitchen windows open out to the toilet ventilator, which is not appropriate. This is also a consequence of the lack of consultation with affected communities on the housing design and layout.



Kitchen windows open out to the toilet ventilator in Perumbakkam

Physical Security: Every woman, man, youth and child has the right to live and conduct her/his private life in a secure place and be protected from threats or acts that compromise their mental and/or physical well-being or integrity inside or outside the home.

(Special Rapporteur on Adequate Housing, Questionnaire on Women and Housing, A/HRC/4/18, 2007)

The flawed building design in Perumbakkam has resulted in the fall of two girl children. One fifteen-year old girl (resettled from one of the flood-affected areas) tripped and fell seven floors down from the open-to-sky (OTS) spot. Another 12-year-old girl had a fall from the OTS area on the sixth floor and survived with severe injuries.⁴⁰ After advocacy related to this issue, TNSCB officials have locked the grill gate in the OTS area in buildings where the OTS is situated inside the building. However, the grills need to be installed on the parapet walls of the OTS area in some of the tenements where the OTS is located outside the building. After a media report and an advocacy initiative of IRCDUC, TNSCB is now installing grills in these tenements.

40 'A house to call their home after losing homes,' *The New Indian Express*, 27 November 2016. Available at: <http://www.newindianexpress.com/cities/chennai/2016/nov/27/from-flood-ravaged-slum-families-pushed-to-ghetto-on-chennais-edge-with-no-water-power-or-schools-1543047.html>

Located on the fringes of Chennai, the terrain of Perumbakkam consists of reserved forest area, agricultural land, and water bodies. Media reports have described the serious menace of foxes at the site.⁴¹ The site is, therefore, not suitable for a residential area. In the months of March and April 2016, around 15 cows, pigs, chickens, and squirrels were attacked and devoured by foxes.

Freedom from Violence against Women: The state must prevent all forms of violence against women committed by either state or non-state actors to ensure women's human right to adequate housing.

(Special Rapporteur on Adequate Housing, Questionnaire on Women and Housing, A/HRC/4/18, 2007)

All survey respondents stated that the resettlement sites are not safe for women and girl children. The resettlement process has been marked by gender-insensitivity, and the human rights of women have not been protected.

3. VIOLATION OF THE RIGHTS TO LAND AND PROPERTY

Universal Declaration of Human Rights 1948

Article 17 (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

IASC Operational Guidelines

C.1.1 The right to property should be respected and protected. It should be understood as the right to enjoy one's house, land and other property and possessions without interference and discrimination. Property related interventions should be planned accordingly. Property rights, whether individual or collective, should be respected whether they are based on formal titles, customary entitlements or prolonged and uncontested possession or occupancy.

The Basic Principles and Guidelines on Development-based Evictions and Displacement also protect the rights to land and property, and call for states and their agents to ensure that no one is arbitrarily deprived of their property or possessions.

The post-flood resettlement process in Chennai has failed to respect and protect the customary rights of communities over their land. Government records state that 85 per cent of informal settlements do not have legal land titles and the residents are living below the poverty line.⁴² The lack of security to land tenure had resulted in the state branding people as “illegal occupants” and “squatters” despite the fact that the law of the land does not subscribe to these terminologies. The deliberate denial of the provision of security of tenure has been the root cause of forced evictions wherein the people are coerced by the state government to move to ghettos under the guise of ‘post-disaster rehabilitation’ and ‘affordable housing.’

The right to property is deliberately denied to the poor because there is an emerging demand for the land on which they live. The Mayor of GCC, in March 2010, pointed out that, “The river margin lands from where the huts are evicted will be developed as parks and boating facility will be set up.”⁴³ The key factor that influences eviction of the urban poor is that of land. The India Urban Poverty Report 2009 of the

41 ‘Foxes run free in Perumbakkam,’ *The Hindu*, 31 May 2016. Available at:

<http://www.thehindu.com/news/cities/chennai/foxes-run-free-in-perumbakkam/article8669791.ece>

42 Draft Master Plan II for Chennai Metropolitan Area, 2026, Chennai Metropolitan Development Authority, March 2007.

43 Seminar on Waterways, 4 and 5 March 2010, organized by the Chennai Metropolitan Development Authority (CMDA).

Ministry of Housing and Urban Poverty Alleviation (MoHUPA) points out that Chennai needs only around 2.43 to 3.20 per cent of the city's land area to provide housing for all residents of informal settlements, assuming that these settlements are accommodated within the city and not on the outskirts. If providing even a small amount of land is a difficulty and if resettlement sites are constructed on the fringes of the city, land usage patterns in cities need to be examined. Moreover, there is no open and transparent process to project the availability of land within cities. Equitable distribution of land in urban centres is not a priority for the government. Issues of land and settlement development and the politics around them, thus, need to be brought to the centre stage of the policy discourse.

The state government is aware that the livelihoods of deprived urban communities are intrinsically linked to their places of residence. The Draft Master Plan (March 2007) clearly mentions that 78.47 per cent of 'slum-dwellers' walk to their work place, 5.52 per cent use bicycles, and 15.76 per cent use buses or trains to commute to their places of work. Relocating people away from their places of employment in the guise of providing housing will not solve the problem, but results in increased unemployment and poverty.

The Guiding Principles on Security of Tenure for the Urban Poor clearly mention that, "States should promote, protect and strengthen a variety of tenure forms, including those deriving from statutory, customary, religious and hybrid tenure systems. All relevant laws, policies and programmes should be developed on the basis of human rights impact assessments, which identify and prioritize the tenure arrangements of the most vulnerable and marginalized."⁴⁴ Despite the fact that these Guiding Principles elaborate the duties of states to improve security of tenure, especially for vulnerable and marginalized persons and groups living in urban poor settlements by developing city-wide strategies for securing tenure, the Government of Tamil Nadu has failed to ensure that the most marginalized urban residents have access to secure tenure.

4. VIOLATION OF THE HUMAN RIGHT TO WORK/LIVELIHOOD

International Covenant on Economic, Social and Cultural Rights

Article 6 The State Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.⁴⁵

IASC Operational Guidelines

C.3.1 Access to livelihoods and employment opportunities as well as projects to restore economic activities, employment opportunities and livelihoods disrupted by the natural disaster should be facilitated, without discrimination, as soon and as comprehensively as possible. To the maximum extent possible, such measures should already be initiated during the emergency response phase.

The post-flood resettlement has disrupted the livelihoods and adversely impacted economic opportunities of the disaster-affected communities.

⁴⁴ Guiding Principles on Security of Tenure for the Urban Poor, presented in the report of the Special Rapporteur on Adequate Housing, A/HRC/25/54, 2013. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/StudyOnSecurityOfTenure.aspx>

⁴⁵ The International Covenant on Economic, Social and Cultural Rights, General Assembly resolution 2200A (XXI), 16 December 1966.

Table 12: Employment Details of Resettled Families

| Name of the Settlement | Type of Employment | Percentage of Men Employed | Percentage of Women Employed |
|-----------------------------|----------------------------------|----------------------------|------------------------------|
| Perumbakkam | Daily wages (unorganized sector) | 67 | 70 |
| | Employment (organized) | 5 | 3 |
| | Own Business | 3 | 3 |
| | Unemployed | 25 | 24 |
| Ezhil Nagar (Kannagi Nagar) | Daily Wages (unorganized sector) | 73 | 61 |
| | Employment (organized) | 7 | 7 |
| | Own Business | 3 | 8 |
| | Unemployed | 17 | 24 |

The study reveals that 67 per cent of men and 70 per cent of women resettled in Perumbakkam work in the unorganized sector, while 73 per cent of men and 61 per cent of women displaced to Ezhil Nagar (Kannagi Nagar) are engaged in the unorganized sector. As most of the resettled men and women are employed in the unorganized sector and their places of work were located close to their original sites of habitation, many lost employment immediately after relocation. The remote location of the site and the increased distance to work was thus the most significant factor responsible for livelihood loss. This resulted in loss of income and had an adverse impact on the economic conditions of displaced families by impoverishing them further, thereby increasing their marginalization.

Figure 7: Unemployment of Men Before and After Relocation

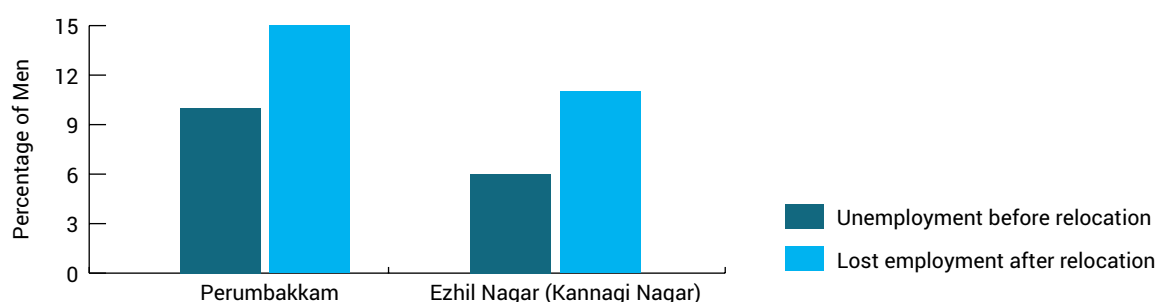
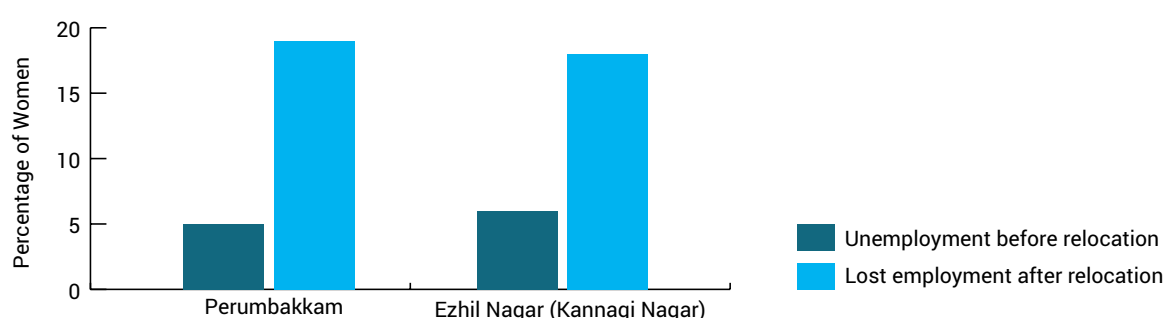


Figure 8: Unemployment of Women Before and After Relocation



In both settlements, the flood-affected men and women lost employment immediately after relocation. In Perumbakkam, 15 per cent of working men and 19 per cent of women lost employment immediately after relocation. In Ezhil Nagar, 11 per cent of the resettled men lost employment after relocation while 18 per cent of the women in Ezhil Nagar lost employment immediately after relocation.

Discussions with the women who lost employment after relocation reveals that they lost jobs because of the increased distance they had to travel for their work. Inadequate transportation contributed to the time taken to reach their places of work; therefore, most of them lost their jobs. Most of the women who worked as domestic helpers in their original sites of residence lost their jobs, as they could not commute.

5. VIOLATION OF THE HUMAN RIGHT TO EDUCATION

International Covenant on Economic, Social and Cultural Rights

Article 13.1 The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights to and fundamental freedoms.

IASC Operational Guidelines

- B.2.6 The right to education should be respected and protected. It should be understood as the right to receive, without discrimination, an education in all its forms and at all available levels that is accessible, acceptable and inclusive. Education interventions should be planned accordingly. At the primary level, education should be compulsory and free.
- C.4.1 Access to secondary and higher education should, to the extent possible, not be disrupted, in particular when students can no longer afford the studies as a consequence of the disaster.

Table 13: Age-wise Classification of Children

| Name of the Resettlement Site | Children (0-5 years) | | Children (6-14 years) | | Children (15-18 years) | | Total Number of Children |
|-------------------------------|----------------------|------------|-----------------------|------------|------------------------|------------|--------------------------|
| | Girls | Boys | Girls | Boys | Girls | Boys | |
| Perumbakkam | 87 | 94 | 127 | 136 | 87 | 93 | 624 |
| Ezhil Nagar (Kannagi Nagar) | 54 | 68 | 88 | 106 | 39 | 35 | 390 |
| Total | 141 | 162 | 215 | 242 | 126 | 128 | 1,014 |

Figure 9: Profile of Children (0-18) years

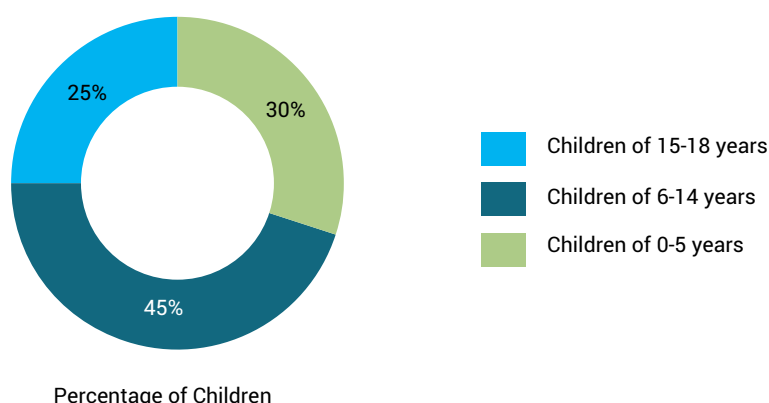
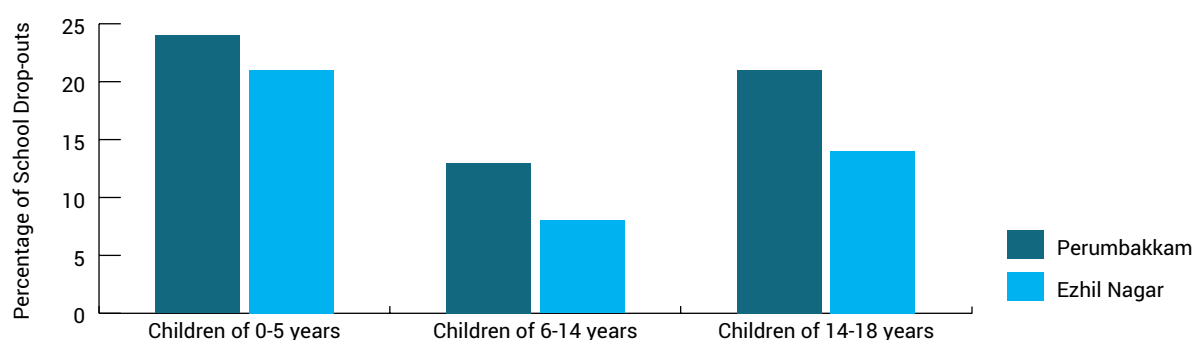


Table 14: Details of School Drop-outs after Relocation

| Name of the Resettlement Site | Population Details | Number of Children Going to School/Anganwadi | | Number of Children that have Dropped out of School/Anganwadi | | Percentage of Drop-outs After Relocation |
|-------------------------------|------------------------|--|------------|--|-----------|--|
| | | Girls | Boys | Girls | Boys | |
| Perumbakkam | Children (0-5 years) | 61 | 76 | 26 | 18 | 24 |
| | Children (6-14 years) | 105 | 124 | 22 | 12 | 13 |
| | Children (14-18 years) | 62 | 81 | 25 | 12 | 21 |
| Ezhil Nagar (Kannagi Nagar) | Children (0-5 years) | 47 | 49 | 7 | 19 | 21 |
| | Children (6-14 years) | 81 | 97 | 7 | 9 | 8 |
| | Children (14-18 years) | 35 | 29 | 4 | 6 | 14 |
| Total | | 391 | 456 | 91 | 76 | 16 |

Figure 10: Percentage of School Drop-outs after Relocation



One of the important findings of the study with regard to the human right to education of children is that 16 per cent of children in these resettlement sites are out of school/*anganwadi* (Integrated Child Development Services) centres. In Perumbakkam, 18 per cent of the children have dropped out of school/*anganwadi* centres and in Ezhil Nagar (Kannagi Nagar) 13 per cent of the children have dropped out of school/*anganwadi* centres (AWC). The drop-out rate is highest among children between 0-5 years and 14-18 years of age. The reasons are explained below.

Early Childhood Care

Twenty-three per cent of children between 0-5 years—in the two resettlement sites—are not able to access benefits from AWC. Infrastructure mapping conducted by the study team reveals that there are five AWC in Ezhil Nagar (Kannagi Nagar) and four in Perumbakkam. Of the four AWC in Perumbakkam, one is not functional.



Anganwadi remains closed in Perumbakkam

Based on a judgment of the Supreme Court dated 12 December 2006, in relation to the ICDS scheme, “Government of India shall ensure that population norms for opening of AWCs must not be revised upward under any circumstances. While maintaining the upper limit of one AWC per 1,000 population, the minimum limit for opening of a new AWC is a population of 300. Further, rural communities and ‘slum-dwellers’ should be entitled to an “*anganwadi* on demand” (not later than three months) from the date of demand in cases where a settlement has at least 40 children under six but no *anganwadi*.” After the floods in Chennai, 4,134 families (nearly 16,530 individuals) were forcefully relocated to Ezhil Nagar (Kannagi Nagar) and Perumbakkam. Based on the population norms set by the Supreme Court order, the children from these families require 16 AWC in total. However, both resettlement sites have only eight functional AWC.

These eight AWC cater to the entire population of over 600 children of 0-6 years in the resettlement site (including those resettled prior to the floods) and hence are grossly insufficient to meet the requirements.

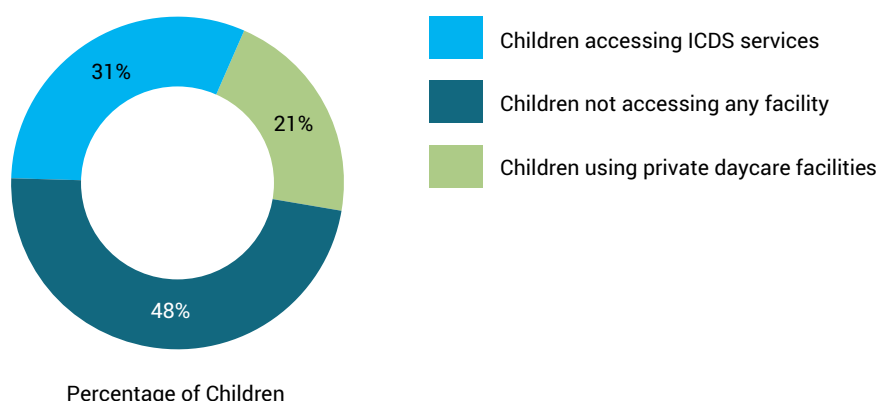
It is to be noted that most AWC function from people’s houses and not in a separate space exclusively designed for this purpose as per the policy. The norms related to setting up of ICDS centres based on the order of the Supreme Court are thus being violated in both the sites.

The other issues related to *anganwadi* centres in the settlements include:

- The *anganwadi* workers are not regular;
- The quality of services provided in the centres is poor and hence parents are reluctant to send their children. Since families do not have the financial resources to enroll their children in private daycare facilities, the result is that many children are not accessing any early childhood care facility in these settlements.
- In Perumbakkam, of the three functional AWC, two centres do not have provisions for an *anganwadi* helper. The teacher thus has to additionally also manage the centres resulting in an increased workload and inefficiency. The AWC functioning in ‘A’ Block in Perumbakkam, has only one teacher who takes care of the children and also cooks food for them. During the visit to the AWC, the researchers observed one child playing alone on the third floor without any adult supervision. As the teacher was busy cooking food for the children, she had not realized that the child had walked out. In the AWC functioning in ‘L’ block in Perumbakkam, no cooking implements or utensils had been provided to the helper in-charge of the centre. She had to use her personal utensils to cook food for the children. The teacher was initially working in the AWC in Semmenchery and was posted in Perumbakkam on a temporary basis. At the time of publishing this study, no permanent teacher or helper had been appointed in this centre.

The Government of Tamil Nadu claims that most parents are reluctant to send their children to AWC and prefer to send their children to private daycare centres. However, the detailed assessment undertaken during the course of this study in Ezhil Nagar (Kannagi Nagar), including of those families resettled prior to the floods and after the floods, disproves the claims of the state government. The study reveals that 48 per cent of children between 0-6 years of age in Ezhil Nagar are not accessing any services from the government, 31 per cent are availing ICDS services, whereas only 21 per cent are accessing private daycare facilities.

Figure 11: Detailed Assessment of Children between 0-5 Years in Ezhil Nagar



The low utilization of services is directly linked to the gross inadequacy of AWC in these sites. The resettlement sites of Kannagi Nagar, Ezhil Nagar, and Perumbakkam require 172 AWC catering to families that are already residing there as well as for those who are to be shifted in the near future, after completion of construction of the houses in Perumbakkam. The three settlements, however, have only 28 AWC.

School Education

In both resettlement sites, 11 per cent of the children of the age group 6–14 years and 19 per cent of the children of the age group 15–18 years have dropped out of school. The reason for the high drop-out rate is the lack of adequate schools and education facilities at the resettlement sites and the increased distance from children's schools in the city.

The drop-out rate in both sites is higher in the age group of 0-5 years and 15-18 years. This is because both settlements have inadequate and insufficient AWC and higher secondary schools.

Of the parents interviewed for the study, 23 per cent cited the absence of adequate schools and AWC in the resettlement sites as the primary reason for children losing access to education. While they initially sent their children to schools near their original sites of residence, the increased distance and the difficult commute led to them being forced to drop out. Fifty-five per cent of the parents of children who have dropped out of school, highlighted that the quality of education available in the resettlement sites is poor and hence children refuse to go to school. These parents are exploring possibilities of enrolling their children in other schools in the vicinity. The lack of safety in the sites (especially in Perumbakkam) was also reported as a reason for parents' hesitation in enrolling children in the available schools, especially girls.

Infrastructure mapping conducted by the study team further reveals the deficit of infrastructure related to education in both sites. In Perumbakkam, there exists only one primary school and one high school. Both these schools function in an existing block that has been built for residential purposes. Construction work of the two schools (one primary and one high school) is ongoing and is expected to be completed by June 2017. TNSCB had, therefore, converted an existing tenement into a school building violating the following provisions of the Right of Children to Free and Compulsory Education Act 2009 and the constitutionally-guaranteed fundamental right to education.

| Provisions under the Right of Children to Free and Compulsory Education Act 2009 | Violations of the Act and Impacts on the Safety of Children |
|---|--|
| For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area or limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of the Act (Section 6). | For a population of nearly 95,000 people (23,000 households) who are to be relocated, services related to education for children will not be adequate. The population of school going children will be about 20 per cent, or about 19,000 students. For this population, at least 11 schools with a 2000 student capacity are required. However, there is a provision for only nine schools in the layout and till date no school building is complete, despite the fact that over 5,000 families are residing at the sites. |
| <p>The term “compulsory education” means obligation of the appropriate Government to provide infrastructure including school building, teaching staff and learning equipment S (Section 8 (d)).</p> <p>No school shall be established, or recognized, under Section 18, unless it fulfills the norms and standards specified in the schedule (Section 19 (1)). Specific clauses in the schedule (related to school building):</p> <ul style="list-style-type: none"> (vi) play ground; (vii) arrangements for securing the school building by boundary wall or fencing. | <p>The building allotted for a school in Perumbakkam is that of a tenement constructed for residential purposes. There is no exclusive structure constructed for the school despite the fact that people have already been resettled at the site.</p> <p>The tenement allotted for the school is not safe and suitable for children. The building is not designed for a school and there are safety concerns, including the absence of an emergency exit for a seven-storey building. Moreover, there is no provision for a playground, boundary wall or fencing, violating Section 19 of the Act.</p> |



Primary school functioning in residential tenements in Perumbakkam

Seven tenements in a block have been converted into a primary school in Perumbakkam, which accommodates 236 children. The building, however, is not adequate for a children's school. There is no proper ventilation, no library or laboratories, no staff rooms, and inadequate toilet facilities. Discussions with parents reveal that teachers are not regular, and that in their absence, children are made to monitor classes for the entire day. The visit of the study team to the primary school in January 2017 reveals that while teachers were present, there are no efforts to provide a permanent structure for the school.



Children studying in poorly-lit houses converted into classrooms in Perumbakkam



High school functioning in residential tenements in Perumbakkam



Classrooms in Perumbakkam with no teacher



Children left on their own with no teachers in Perumbakkam

The situation is similar in the high school in Perumbakkam that has 182 children enrolled. Children complain that teachers are not regular. Sometimes the children are asked to manage classes by themselves. Two classes did not have teachers during the day of visit to the school in June 2016. During the visit to the high school in January 2017, the study team noticed that though teachers were present, classes were being conducted in the hallway, with limited lighting. Students reported that since there was no adequate space in the tenements allotted for classrooms, classes were held in the hallway.

In both the schools, toilets are inadequate. Since seven tenements have been converted into seven classrooms for the primary school, there are only seven toilets for the 236 children. Likewise, there are only seven toilets for the 182 children in the high school. As there is only one toilet per tenement/per class, there is no provision for separate toilets for girls.

The Government of Tamil Nadu states that children in Perumbakkam should attend the primary and higher secondary school in Semmenchery. However, there are 5,164 families residing in the Semmenchery resettlement site and the existing schools are already above capacity and insufficient for the children in that area. It is, therefore, not possible for children from Perumbakkam and Ezhil Nagar to be accommodated in the schools in Semmenchery (which are located over a kilometre away from Perumbakkam). Given the lack of higher secondary schools in the vicinity, children find it difficult to travel elsewhere to enroll in class 11 and 12.

While there are provisions for setting up nine schools in the layout of Perumbakkam, till date not a single school building is complete. This also violates the requirements of the Basic Principles and Guidelines on Development-based Evictions and Displacement,⁴⁶ which require that all facilities at the resettlement site must be completed before families are relocated.

Ezhil Nagar has only one middle school. Unlike Perumbakkam, it is in a separate school building constructed for the purpose. The school, however, does not have a compound wall or adequate toilet facilities or adequate space for the children to eat their mid-day meal. The children have their meals in the corridor. When the study team visited the school in July 2016, there was no water available for drinking and other purposes. During the second visit to the Ezhil Nagar middle school in January 2017, the study team observed that the class teacher had not realized that some of the children were absent from the classrooms and were playing outside the school. Given the absence of a compound wall, the safety and security of children is compromised.



High school functioning in residential tenements in Perumbakkam

The Government of Tamil Nadu has acknowledged the gaps in education-related infrastructure in these settlements. Based on interventions of IRCUDC, a series of review meetings were conducted in the resettlement sites of Ezhil Nagar and Kannagi Nagar. In the minutes of the Review Meeting conducted by the Principal Secretary/Commissioner, Corporation of Chennai on 20 May 2015,⁴⁷ the following points were discussed:

1. The Chief Educational Officer (CEO), Kanchipuram District reported in the meeting that they had submitted proposals to the Director of School Education for: upgrading the Panchayat union primary school in Kannagi Nagar, establishing a new high school in Ezhil Nagar on the land earmarked in the layout, and repairing damaged school buildings in Semmenchery. The CEO also requested the Principal Secretary/Commissioner to construct additional classrooms in the schools in Semmenchery and Kannagi Nagar. The CEO also requested GCC to build more classrooms in the existing school building in Ezhil Nagar and a new school building on the vacant land earmarked for a high school.
2. In this meeting, the Principal Secretary/Commissioner also gave instructions to the Zonal Officers to undertake repair work in the school buildings in Semmenchery, and to prepare estimates for constructing new school buildings in Kannagi Nagar and Ezhil Nagar. The Principal Secretary/Commissioner was also instructed to develop estimates for the construction of additional classrooms in Semmenchery as per the requirement, in consultation with the CEO. The CEO was requested to submit proposals related to the requirement of classrooms in various schools to the Principal Secretary/Commissioner, Greater Corporation of Chennai.

⁴⁶ Supra, note 32.

⁴⁷ Minutes of the Review Meeting conducted by the Principal Secretary/Commissioner, Corporation of Chennai at the Corporation Office on 20 May 2015, regarding improvements to be taken up in Kannagi Nagar and Ezhil Nagar in Zone XV with officials of the Corporation and line departments.

In December 2016, construction of the new school building in Ezhil Nagar was near completion and additional classrooms had been constructed to accommodate more children. Despite these efforts, the school facilities are insufficient. This has resulted in a situation where 42 per cent of the children from Ezhil Nagar continue to study in their original schools, situated near their former sites of habitation. Over 59 per cent of the children from Perumbakkam also continue to study in schools close to their original sites of habitation, even though they have to travel over three to four hours every day to reach their schools.

There is a jurisdiction issue with regard to the schools in these settlements. Though the settlements of Ezhil Nagar (Kannagi Nagar) and Semmenchery were brought under the ambit of GCC in 2011, the management of the schools remains divided between GCC and Kanchipuram District Administration. The divided jurisdiction continues to be a hindrance for the children to access quality education as there is a delay in accessing funds for developing the infrastructure facilities in the schools. The Education Officer of GCC has acknowledged that problems emerge in decision-making processes.⁴⁸

On 23 August 2016, the Chief Minister of Tamil Nadu made the following announcement (announcement number 014) in the Legislative Assembly, which stated that: “Those families affected by floods in Chennai were resettled in the sites of Ezhil Nagar and Perumbakkam. In both these settlements there will be one primary school and one high school set up in order to benefit the 564 school going children in Perumbakkam and 1,127 school going children in Ezhil Nagar.” In another announcement (announcement number 013) made on the same day, the Chief Minister mentioned that, “TNSCB is in the process of constructing 20,376 houses in Perumbakkam. In this area and in the areas surrounding this site there are 4,269 children enrolled in class 12. Hence an arts and science college is to be set up in this area with a budget of 8 crore and 48 lakhs.”

These measures, however, were announced only eight months after people had been forcefully relocated in the two sites. Only temporary and inadequate solutions have thus far been offered to the resettled families. Till the government ensures that adequate schools, infrastructure, and other educational facilities are provided in the resettlement sites, the human right to education of the flood-affected children will continue to be violated.

6. VIOLATION OF THE HUMAN RIGHT TO HEALTH

International Covenant on Economic, Social and Cultural Rights

Article 12 The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

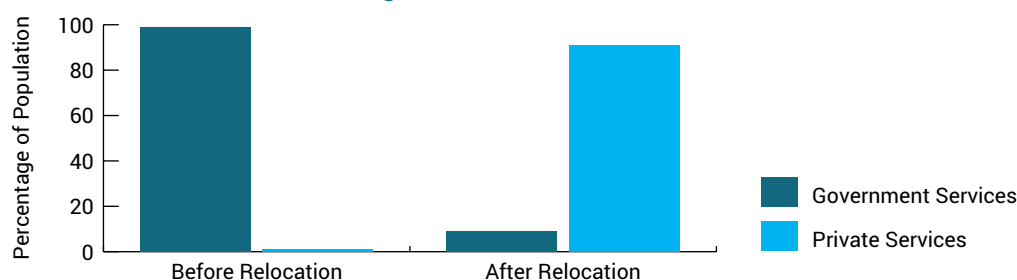
IASC Operational Guidelines

B.2.5 The right to health should be respected and protected. It should be understood as the right to timely and appropriate, accessible, culturally acceptable and gender sensitive health care without discrimination as well as to the underlying determinants of health (such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing), healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health. Health interventions should be planned accordingly.

48 ‘Corporation yet to take over schools in Kannagi Nagar,’ *DT Next*, 17 January 2017.

The flood-affected families had been provided food and potable water immediately after the flood. The study reveals that evictions were carried out between 20 days to three months after the flood. Alternative housing was immediately provided for most of the evicted persons, except for two per cent of the survey respondents who had to wait for more than a week to avail their houses. Prior to relocation, 99 per cent of the respondents accessed government hospitals for healthcare and medical services. After their relocation, 91 per cent of the respondents reported accessing healthcare from private agencies/actors because of the non-availability of government healthcare facilities within the settlement. Only nine per cent of the relocated population has access to services from state urban health posts.

Figure 12: Healthcare Services



Prior to the relocation, 91 per cent of the respondents mentioned that they had to travel less than five kilometres to avail medical services, while after relocation, 98 per cent of those surveyed reported having to travel more than 10 kilometres to access healthcare facilities. The nearest government hospital where women residents of Ezhil Nagar (Kannagi Nagar) and Perumbakkam can avail maternity care is located over 10 kilometres from the site.

7. VIOLATION OF THE HUMAN RIGHTS OF WOMEN

The human rights of women are guaranteed in the Constitution of India and in international and national laws, policies, and guidelines. The most important international legal instrument for the protection of women's rights is the Convention on the Elimination of All Forms of Discrimination against Women, which India ratified in 1993. The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities, as well as general comments and recommendations of UN treaty bodies, also recognize the equal rights of women and men, and prohibit discrimination on the basis of sex and gender. The IASC Operational Guidelines, the Basic Principles and Guidelines on Development-based Evictions and Displacement, and the Guiding Principles on Security of Tenure for the Urban Poor also contain strong provisions for the protection of women's rights, including their rights to adequate housing, land, and resettlement.

This report reveals that women are the worst affected in disaster and relocation processes. During the relief phase, women were not able to access any gender-appropriate relief packages. Discussions with flood-affected women reveal that none of the relief packages they received had essential requirements, including undergarments and sanitary items. Women were not consulted by most of the agencies that were involved in the relief process. Their special needs were not met. This could be attributed to the fact that there are no specific guidelines for relief and rehabilitation available at the state level. There is a need for drafting standard operating procedures to be followed by government and civil society during relief and rehabilitation processes; these guidelines should be gender-sensitive.

During the relocation process, women were denied their right to participate in decision-making. The forced relocation has adversely impacted their livelihoods, as the distance of the resettlement sites from the city has forced them to quit their employment. In addition, the lack of security and safety in the sites as well as the absence of adequate daycare facilities (*anganwadi* centres), further forces mothers to stay at home and take care of their children. The lack of basic amenities in the site like healthcare, water supply, PDS, access to government schemes, further pushes women, including women-headed households, into abject poverty.

8. VIOLATION OF THE HUMAN RIGHT TO RESETTLEMENT

The Government of Tamil Nadu had announced that relocated families would receive an allowance of Rs 5,000 as shifting charge and a monthly sustenance allowance of Rs 2,500 for a year. It also announced that job training and recruitment fairs would be conducted for the youth to ensure employment for those who had moved to the resettlement sites. The then Chief Minister of Tamil Nadu had also assured people that the change of address in their ration cards and enrollment of children in school would be facilitated immediately after relocation.⁴⁹

Families that were relocated to Perumbakkam and Ezhil Nagar in January-February 2016 received the 'shifting charge' of Rs 5,000 when they were relocated. However, the 'sustenance allowance' promised to them was not paid every month, and sometimes a payment of three months was cumulatively deposited. In January 2017, they had received only seven months' payment; the balance was deposited 1.7 years after their relocation. The government's reason for the delay was the 'model code of conduct' issued for the May 2016 Tamil Nadu Legislative Assembly election, which prohibits the transfer of funds during elections. However, even after the elections, people did not receive the monthly 'sustenance allowance' on a regular basis. The delayed disbursement adversely impacted the relocated families who were in dire need of funds on account of the losses incurred as a result of the flood and their subsequent eviction and relocation to the new settlements.

Discussions with flood-affected families resettled from the banks of Adyar River reveal that TNSCB has provided 'skill development' programmes for men, women, and youth in these sites. The communities, however, reported the lack of follow-up after the training. Women mentioned that despite the training, they have not been able to invest in any income-generation activities. Many of those trained have not been able to secure jobs. While some of the recruiters who participated in the job fairs conducted by TNSCB had promised employment to the youth, they had not provided them with any appointment letters confirming employment.

Many children continue to study in their old schools near their original sites of habitation because the schools in Perumbakkam are of poor quality and operate from residential buildings. Though the government has issued free bus passes to the children, they find it difficult to travel because of inadequate bus facilities, and the long distance and time taken to travel to school. On average, children spend between three and five hours daily on commuting to school.

The Basic Principles and Guidelines on Development-based Evictions and Displacement⁵⁰ protect the right to resettlement, which includes the right to alternative land of better or equal quality and adequate housing (paragraph 16). They also specifically call for 'eviction impact assessments' to be conducted prior to any planned eviction/relocation:

49 Official statement of the Chief Minister of Tamil Nadu, 29 December 2015, Press Note Number: 704.

50 *Supra*, note 32.

32. States must give priority to exploring strategies that minimize displacement. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. “Eviction-impact” assessment should also include exploration of alternatives and strategies for minimizing harm.
33. Impact assessments must take into account the differential impacts of forced evictions on women, children, the elderly, and marginalized sectors of society. All such assessments should be based on the collection of disaggregated data, such that all differential impacts can be appropriately identified and addressed.

The Government of Tamil Nadu, however, has not carried out any Social/Eviction Impact Assessment before or after relocation, neither has it developed a comprehensive Resettlement Action Plan to identify and mitigate the adverse effects of resettlement.

The Guidelines also call for just compensation to be paid on the basis of comprehensive assessments:

58. When eviction is unavoidable, and necessary for the promotion of the general welfare, the State must provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property. Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, such as: loss of life or limb; physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services. Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.
59. All those evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage and transport of their properties affected, including the original dwelling and land lost or damaged in the process. Consideration of the circumstances of each case shall allow for the provision of compensation for losses related to informal property, such as slum dwellings.
60. Women and men must be co-beneficiaries of all compensation packages. Single women and widows should be entitled to their own compensation.
61. To the extent not covered by assistance for relocation, the assessment of economic damage should take into consideration losses and costs, for example, of land plots and house structures; contents; infrastructure; mortgage or other debt penalties; interim housing; bureaucratic and legal fees; alternative housing; lost wages and incomes; lost educational opportunities; health and medical care; resettlement and transportation costs (especially in the case of relocation far from the source of livelihood). Where the home and land also provide a source of livelihood for the evicted inhabitants, impact and loss assessment must account for the value of business losses, equipment/inventory, livestock, land, trees/crops, and lost/decreased wages/income.

The Tamil Nadu government has not provided any compensation to any of the evicted families for the loss of property and personal belongings or for the loss of education, livelihoods, healthcare, and income. There is no practice of assessing economic damage and costs incurred by persons affected by eviction or resettlement. Though the evicted families have lost land, they have not been provided with alternative land. Instead, they have only received alternative housing, which is inadequate and does not provide long-term security of tenure.

The above findings reveal the violation of the right to resettlement of the flood-affected families.

Discrepancies in State Resettlement Programmes

Forty-three families of JJ Nagar residing along Nandambakkam Canal in Manappakan were evicted on 4 February 2016 by GCC. These families were Project-affected Families (PAFs) of the World Bank-funded USD 4,000 million Tamil Nadu Sustainable Urban Development Project (TNSUDP). They were to be evicted for the implementation of the Integrated Storm Water Drain Project of GCC. A handout (in Tamil) issued by GCC, stated that the affected families would have been entitled to houses, structural compensation, shifting charges, and a subsistence grant. The families were promised houses in Thirumazhisai (another resettlement site constructed by TNSCB at Gudapakkam). However, under the guise of flood rehabilitation, they were shifted to Perumbakkam without any prior information or consultation. While they were provided the relief amount under the flood programme, they were denied the compensation that they were entitled to under TNSUDP. Only after lobbying with the World Bank, the TNSUDP PAFs received compensation of around Rs 12,000. These communities neither availed the full amount of monthly sustenance under TNSUDP nor the flood rehabilitation package. Till date, the communities have received only Rs 17,500 against the monthly sustenance charges of Rs 30,000 (Rs 2,500 for 12 months). None of the families have received the structural compensation they are entitled to as per the Resettlement and Rehabilitation (R&R) Brochure (dated June 2015) issued by GCC under TNSUDP.

The World Bank, on the other hand, points out that the Environment and Social Management Framework Document dated November 2014, requires that non-title holders are entitled either to “compensation at Market Value for the affected structure or alternative house with minimum area as per Government norms.”⁵¹ The handout circulated to the communities by Greater Chennai Corporation states that communities are entitled to both compensation and an alternative house.

The case of JJ Nagar reveals that even when people are entitled to compensation, as in the case of TNSUDP, the means to avail it are complicated as they are evicted/relocated under different schemes. In Tamil Nadu, there are several discrepancies in the provisions of the following schemes:

- a. Post-disaster resettlement;
- b. Project-affected families resettled as a result of land acquisition; and,
- c. Resettlement housing programmes for those residing in ‘objectionable’ locations.

As the Government of Tamil Nadu does not have any law/policy/guidelines on R&R, the current practices governing R&R are either department-based or project-oriented; none of the current schemes pay attention to human rights standards or due process or provide mechanisms for grievance redress for affected persons.

⁵¹ Environmental and Social Management Framework (ESMF), Tamil Nadu Sustainable Urban Development Project (TNSUDP), Volume I, November 2014, Prepared by Tamil Nadu Urban Infrastructure Financial Services Limited (TNUIFSL), E4672 V1.

Disaster Response Measures of the Government of Tamil Nadu

Although providing housing for disaster-affected persons is one of the state's key areas of rehabilitation, the Government of Tamil Nadu has failed on this front. The Madras High Court, in September 2016, passed an order directing the Government of Tamil Nadu to constitute an advisory committee under the Disaster Management Act 2005 within 15 days. It is to be noted that this directive was issued as a result of various public interest litigations (PILs) filed because of the state's inaction after the 2015 Chennai floods.

On 18 October 2016, the Revenue Department passed Government Order 256 to create an Advisory Committee that would advise the State Disaster Management Authority. The Advisory Committee formed as per Section 17 (1) of the Disaster Management Act comprises experts from various fields, including remote sensing, communication, weather forecasting, transportation engineering, urban drinking water supply and sewerage, public health, rural drinking water, ocean sciences, meteorology and climate change, highways, industrial safety, public health and preventive medicine, petroleum and explosives safety, forest conservation, irrigation, flood management, electrical transmission, water resources management, and environment. The Committee, however, has no representative from the Housing and Urban Development Department that is in charge of providing houses to disaster-affected families. Housing is one of the key issues during post-disaster rehabilitation. Excluding a representative from the housing department in the Advisory Committee demonstrates the lack of commitment of the Government of Tamil Nadu to ensuring adequate housing for disaster-affected communities.

D. Violation of Laws and Court Orders

Violation of National and State Laws

The state government, by forcefully evicting and relocating flood-affected communities to the resettlement sites of Perumbakkam and Ezhil Nagar (Kannagi Nagar), has violated several national and state laws. These include the following :

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989: Under this law, the following acts of alienation of socially disadvantaged communities from their habitats are considered as offences of atrocities:

- Wrongfully dispossesses a member of a Scheduled Caste (SC) or a Scheduled Tribe (ST) from his land or premises or interferes with the enjoyment of his rights over any land, premises or water [Chapter II: Offences of Atrocities: Section III – (v)];
- Forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence. [Chapter II: Offences of Atrocities: Section III – (xv)].

Data from the 'Slum Free Plans of Action' of various cities in Tamil Nadu reveals that of the 10 cities, six cities have more than 40 per cent of the SC/ST population living in 'slums.' The high SC/ST population living in inadequate settlements reveals the socio-economic conditions of these communities and calls for concerted measures to promote their economic development. The act of forcefully evicting SC/ST and dispossessing them of their homes/lands and rendering them impoverished and jobless, is an atrocity against them by the government.

Table 15: Percentage of SC/ST Population Living in 'Slums'

| Name of the City | Percentage of SC/ST Population in 'Slums' |
|------------------|---|
| Chennai | 51 |
| Coimbatore | 45.14 |
| Erode | 62.5 |
| Madurai | 23 |
| Salem | 28 |
| Tiruchirapalli | 53 |
| Tirunelveli | 29.5 |
| Thoothukudi | 24.75 |
| Tiruppur | 53.77 |
| Vellore | 45 |

The Special Component Plan (SCP), consisting of specifically allocated funds for promoting the development of SC/ST, by reducing poverty and unemployment, and by promoting their access to education, healthcare, and other basic amenities was used in Perumbakkam. Twenty-six per cent of the state installment was paid using SCP,⁵² signifying that the housing caters to the SC population from the settlements of Chennai. A project that forces SC communities from the city (Chennai District) to a village panchayat (from where they had once migrated to the cities), cannot be classified as progressive. It is also ironic given the adverse socio-economic impacts of the project on the SC population. The study authors, thus, conclude that the state government has made use of SCP funds to aid a regressive project that has increased the marginalization and vulnerability of the affected SC population.

Tamil Nadu Slum Areas (Improvement and Clearance) Act 1971: The Act states that, "There must be a notification declaring the particular area as slum area⁵³ under Section 3, and as per Section 11 there must be declaration that such area comes under the slum clearance area.⁵⁴ Without following the procedures under Section 3 (c) and 11 (notification and declaration), the Slum Clearance Board has no right to evict."

Before notifying a slum to be a 'slum clearance area,' TNSCB should inform the residents of the area about the proposal and seek a show cause notice from the residents if they object to the move. [Section 11 (1)]. It is only after the issuance of the notification that TNSCB acquires the obligation and the power to clear the 'slum clearance area' (Section 12 & 13). The Act also contains provisions for the owners to redevelop (Section 14) as well as for the prescribed authority to redevelop the clearance area (Section 15).

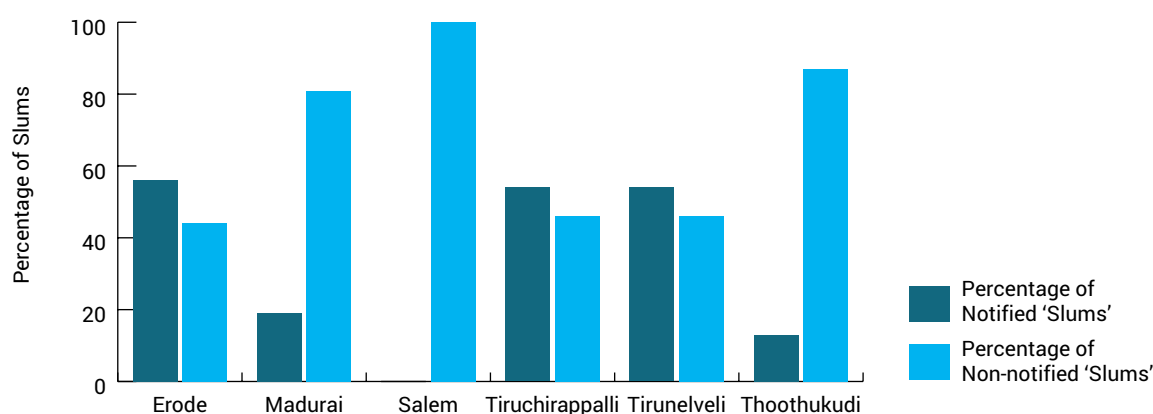
The major concern related to the declaration is that communities are not aware whether their area is a notified 'slum area' or a 'slum clearance area.' Even when their settlement is notified as a 'slum clearance area,' residents do not know the procedure for responding to the show cause notice issued by TNSCB, as prescribed under Section 11 (1) of the Act. TNSCB, therefore, needs to conduct legal literacy and awareness programmes, including dissemination of information related to Section 11 of the Slum Act, across the city. It also needs to adopt a transparent approach in the notification process.

52 The Government Order G.O. Ms. No. 45 (Municipal Administration {MA2} and Water Supply, Dated 2.2.2011) regarding the additional state share for the first installment (Rs 7330.68 lakh) for Perumbakkam Phase I and II points out that 26 per cent (Rs 1905.98 lakh) of the additional state share for the first installment was booked under the Special Component Plan.

53 Slum Area – A 'slum area' is an area legally accepted as a slum by TNSCB where *in situ* upgradation or redevelopment of the area is possible.

54 Slum Clearance Area – A 'slum area' where upgradation or redevelopment is possible and hence families will be resettled.

**Figure 13: Notified and Non-notified 'Slums' in Tamil Nadu
(Slum Free Plan of Action – Rajiv Awas Yojana)**



An analysis of the information available in the 'Slum Free Plans of Action' for various cities in Tamil Nadu reveals the following:

- Many of the 'slums' still remain non-notified across the state.
- In the city of Salem, none of the 'slums' surveyed under Rajiv Awas Yojana (RAY) are notified.
- In the city of Thoothukudi, of the 100 'slums' surveyed under RAY, 87 slums still remain non-notified. The notification processes of the 13 notified 'slums' was carried out prior to 1992. Of the 63 'developed slums' in Thoothukudi, only one slum was notified; 62 of the 'developed slums' are non-notified.
- The 'Slum Free Plans of Action' of Chennai, Coimbatore, Tiruppur, and Vellore do not have details regarding the status of notification of 'slums.'

The absence of information about the status of notified 'slums' in the plans of action of four cities and the high prevalence of non-notified 'slums' in the other cities, depict the lack of importance given to the notification process. This calls for an effective and accountable process of declaration of 'slums'/ settlements of the urban poor. The 'Slum Free Plans of Action' of all the ten cities do not contain any measures for 'declaration' of slums.

The Comptroller and Auditor General of India (CAG), in the Audit Report (General and Social Sector) for the year ending 31 March 2014, reveals the following findings related to the Tamil Nadu Slum Areas (Improvement and Clearance) Act 1971:

- Non-notification of slum areas: "It was observed that GoTN notified 1,202 slums in 1971 and 17 more slums in 1985. Thereafter, no proposals were submitted by TNSCB for notification of slums and hence no slums were notified by the Government. As per the all India survey conducted in 2012 by the National Sample Survey Office, there were 2,364 slums with 5,88,611 households in urban areas of the state, out of which slums notified were 1,156 comprising of 2,45,089 households, constituting 49 per cent of the total slums. In reply, Managing Director (MD), TNSCB stated (September 2014) that migration of people to Chennai was heavy and incessant due to employment opportunities in the city. It was further stated that formation of new slums in the city and migration of people are socio-economic phenomena which cannot be vigilantly watched or controlled by TNSCB. The MD, TNSCB further, stated that declaration of slums would only encourage slums dwellers to encroach vacant lands and claim right over the land besides demanding basic services. Meagre allocation of funds from the State Government for meeting the needs of slum dwellers was also cited as a reason

for non-notification of slum areas, which was also noticed by audit... The fact, however, remains that slum surveys were conducted under the Tamil Nadu Urban Development Programme in Chennai in 1986 and in nine other places in 1988. Thereafter, slum survey was conducted in Chennai in 2004. A comprehensive socio-economic survey was undertaken only in Chennai in 2011 in all the 10 cities by TNSCB under RAY, a centrally sponsored scheme. Thus, no survey was carried out by TNSCB during the period 1989-2010 in towns other than Chennai and in Chennai during 2005-2010 to identify and notify slum areas, which are the statutory functions of the prescribed authority (TNSCB) as envisaged in the Act. The MD, TNSCB stated during the Exit Conference (October 2014) that, Since the Act was passed forty years ago, it might need modifications based on present circumstances and the matter would be taken up with the Government" (CAG Audit Report, 31 March 2014).

- Non-declaration of Slum Clearance Areas: "It is to be noted that no proposal for notification of slum clearance area in the state was furnished to the GoTN by the Board, since its inception" (CAG Audit Report, 31 March 2014).

Given this finding of TNSCB failing to declare any settlement as a 'slum clearance area since its inception,' on what basis were all the evictions in Chennai carried out?

Chapter VII of the 1971 Act deals with the protection of 'Occupants in Slum Areas from Eviction.' Section 29 clearly states that, "Proceedings for eviction of occupants not be taken without permission of the prescribed authority." The Act further mentions, in Section 29 (3), that the prescribed authority should provide an opportunity for people to present their views about eviction, and that evictions can take place only after the prescribed authority grants permission to evict the area. These requirement, however, are not implemented by TNSCB prior to evictions.

The Act also clearly mandates that there must be a notification declaring the particular area as a 'slum area' or a 'slum clearance area' and that without the procedures prescribed under Section 3 and 11 (notification and declaration), the Slum Clearance Board has no right to evict anyone. The declaration under Section 11 and notification under Section 3 are mandatory.⁵⁵ However, 'slums' that are not declared as a 'slum area' are often demolished/evicted by TNSCB. Further, since its inception, TNSCB has not declared any 'slum' as a 'slum clearance area.' The people are seldom served with an eviction notice. And if eviction notices are issued, affected persons are not given adequate opportunities to present their grievances, as there is no grievance redress mechanism. The evictions carried out by TNSCB are extrajudicial because of the classification used by TNSCB to evict 'slums' in the cities. The terminology used to classify slums, including 'developed,' 'under-developed,' 'objectionable,' 'unobjectionable,' 'tenable,' and 'untenable' in the policy notes of the Housing and Urban Development Department and various other documents of the Government of Tamil Nadu, are extrajudicial, as this terminology does not fall under the domain of the 1971 Slum Act. However, settlements are being evicted because they are located in 'objectionable areas' (for instance those located near rivers, low-lying areas, coastal areas, and road margins)⁵⁶ based on the above classification. The settlements in 'objectionable areas' are evicted without giving due consideration to the declaration or improvement process, as mandated in the Act. The policy decisions regarding evictions are based on the above terms, which override the provisions of the Tamil Nadu Slum Areas (Improvement and Clearance) Act.

Furthermore, the Act does not have any specific provisions related to land, security of tenure, community participation, or standards for ensuring adequate and affordable housing for the urban poor in the state.

⁵⁵ See: http://www.tnscb.org.in/act_slum.pdf (Downloaded from the official website of the Tamil Nadu Slum Board, April 2015).

⁵⁶ Twelfth Five-Year Plan (2012-2017) Plan Document, Chapter 7, Urbanization, State Planning Commission, Government of Tamil Nadu. Available at: http://www.spc.tn.gov.in/12plan_english/7%20Urbanisation.pdf

Housing provided by the state thus varies according to different programmes and projects. As these issues are not covered by the Act, there are no checks and balances or mechanisms to monitor the implementation of various schemes, projects, and programmes.

Since its creation, TNSCB has constructed over 1.05 lakh tenements. Under the Madras Urban Development Project (MUDP) and the Tamil Nadu Urban Development Project (TNUDP), 504 settlements have been upgraded and 1.30 lakh families have benefitted till date. Over 100,000 plots have been developed and allotted.⁵⁷ However, there is no legal or policy framework for implementation of state housing projects. The government has not taken any efforts to include housing components (one of the major activities of TNSCB) in the 1971 Slum Act, nor has it prepared the State Urban Housing and Habitat Policy that is to be implemented under the National Urban Housing and Habitat Policy 2007.⁵⁸ There are no standards or guidelines for houses constructed by TNSCB; all interventions are either project or programme-based.

The major gap in Tamil Nadu is the absence of a policy framework to address issues related to resettlement and rehabilitation. Moreover, as TNSCB is the nodal department for housing and resettlement, components of rehabilitation should have been included in the Slum Act.

Violations of Orders of the Madras High Court

As stated in the section on 'legal security of tenure' in this report, the Madras High Court issued an order dated 30 July 2012 (W.P. No. 18999 of 2003) to issue sale deeds for residents of 55,000 houses living in 120 'slum developmental areas' within a period of two months from the date of receipt of a copy of the order. However, even in 2017, the state has not issued sale deeds to many of the houses in the '120 slum developmental areas.'

An order issued by the Madras High Court (W.M.P. Nos. 27714 and 27715 of 2016) on 02.03.2016, refers to a judgment in the case W.P. 1294 of 2009 (*T.K. Shanmugam vs. State of Tamil Nadu*), which states that: "The aforesaid is a policy decision. We may, however, state that the schemes where persons are taken completely outside from original inhabitation often do not work out because the beneficiaries give away/sell their rights in such rehabilitation places to somehow come near the area where they were originally located. It is, this problem, which has been debated, and in many places now, the process of in situ development and rehabilitation is being thought of. This emanates from the fact that on account of their occupation, which lasted number of years, the place of work, education etc. makes the people to come back to the area in question. Such in situ rehabilitation often works out better as a solution, of course, subject to availability of land. We do believe that this is an aspect which should be examined by the State Government."

Despite the suggestion of the Court to focus on *in situ* development and rehabilitation instead of relocation to remote areas, the Government of Tamil Nadu has not taken concrete policy measures to implement this order.

The findings of this study, thus, confirm that the state has failed to take an informed decision because of the absence of laws and policies on housing and R&R.

57 Policy Note 2010-2011, Demand No. 26 Housing and Urban Development, Tamil Nadu Slum Clearance Board. Available at: <http://www.tnscb.org.in/Policy%20Note%202010-11%20Secretariat%20English.pdf>

58 National Urban Housing and Habitat Policy 2007, Ministry of Housing and Urban Poverty Alleviation, Government of India. Available at: http://www.nhb.org.in/Urban_Housing/HousingPolicy2007.pdf

Response of the Government of Tamil Nadu

The study authors submitted the draft report of this study to the Managing Director, Tamil Nadu Slum Clearance Board, on 25 March 2017, for his response. As TNSCB is the nodal agency for ensuring houses for the flood-affected families, the draft was submitted to this department. TNSCB sent the following response on 28 April 2017.

The exact document received from the Government of Tamil Nadu, in response to this study, is pasted below (without any edits):

The torrential rain in November and December 2015 devastated the Chennai City and the slum families living in hutments on the banks of water ways and low lying area were severely affected and thousands lost their houses. These families were living in hutments in unhygienic conditions without basic facilities and subjected to annual flooding and frequent fire accidents. In order to increase the flood carrying capacity of the rivers in Chennai and to provide habitable houses to these slum families, the Hon'ble Chief Minister of Tamil Nadu has ordered to resettle 25000 slum families in the tenements constructed at Okkiam Thoraipakkam and Perumbakkam. The families living on the river margins in Chennai City are being employed in service sectors / unorganized sectors nearby / elsewhere. They are availing of the basic and social infrastructures available in core city.

Resettlement and Rehabilitation Schemes

The Tamil Nadu Slum Clearance Board has constructed/constructing 8048 numbers of at Ezhil Nagar OTP and 20376 numbers of tenements at Perumbakkam with G + 7 pattern, first of its kind. At present the Board has resettled 10974 families including Project Affected Families & flood affected families who were living in core Chennai city. Apart from housing, the Board has provided necessary Community Social Infrastructure facilities like ICDS centers, Schools, Primary Health Centre, Aavin Milk Booth, Fair price shops, Transport, Solid waste management, Police booth, burial ground etc. for the benefit of the rehabilitants.

| | Name of the Scheme | No. of Tenements | No. of Families resettled | | |
|----|--------------------------|------------------|---------------------------|----------------|--------------|
| | | | PAF | Flood Affected | Total |
| 1. | Ezhil Nagar | 6000 | 4074 | 1715 | 5789 |
| 2. | OTP | 2048 | 900 | 595 | 1495 |
| 3. | Ezhil Nagar, Perumbakkam | 3936 | 1340 | 2350 | 3690 |
| | Total | 11984 | 6314 | 4660 | 10974 |

Repairs and Fixing of Grills

- Grills are being fixed in balconies, verandas and other common open places.
- Repair works such as re-plastering of walls, roofs, rectification of water leakage, drainage blockage etc., are being carried out.

Community Development Programme

- 30 batches of Skill Training programmes under Part-II Schemes in eight trades imparted through approved training providers at a total cost of Rs 14.92 lakhs are as follows,
- 82% got self employed/employment on completion of the training.

| SI No. | Name of the Scheme | Name of the Skill Training / Soft Skills training | No. of batches | No. of benefited |
|--------------|-------------------------------|---|----------------|------------------|
| 1 | Ezhil Nagar OTP | Retail Sales and Computer Billing | 1 | 20 |
| 2 | Perumbakkam | Bakery Products Making | 2 | 40 |
| 3 | | House Keeping | 2 | 50 |
| 4 | | Tailoring | 2 | 40 |
| 5 | Ezhil Nagar OTP & Perumbakkam | Making of Spicy Products & Masala Making | 3 | 75 |
| 6 | | Beautician | 3 | 60 |
| 7 | | Fashion Designing | 3 | 60 |
| 8 | | Artificial Jewelry Making | 3 | 60 |
| 9 | Ezhil Nagar OTP | Soft Skill Training | 6 | 150 |
| 10 | Perumbakkam | Soft Skill Training | 5 | 125 |
| Total | | | 30 | 680 |

The slum families residing in core city are unwilling to move to the periphery of city. The slum dwellers living in different locations with diversified occupational background when made into a single entity, poses a big challenge. The slum families are motivated to move voluntarily to the tenements in the periphery of the city adopting the following practices.

- I. Resettlement schemes have been implemented as a planned integrated township near arterial roads like OMR with requisite infrastructures like roads, street lights, storm water drains, water supply, Gensets, lifts for the tenements and social infrastructures like schools, ration shops, primary health centre, convenient shops, play grounds, milk booth, bus terminus, gym, parks, police station, etc.
 - i. The slum families are sensitised about resettlement.
 - ii. The slum families are transported with their belongings from their existing locations through Lorries during resettlement.
 - iii. TNSCB arranged to receive them at the site, conducted medical checkups provided food and water for three days, with the help of other departments.
 - iv. The allotment of the tenements to the beneficiaries is decided according to priority like physically handicapped etc in a transparent manner.
 - v. Biometric features of the benefitted families are captured.
 - vi. Tenements are constructed at 400 sq.ft with facilities like multipurpose room, bed room, kitchen, bath room, toilet, etc.
 - vii. All the tenements are provided with CFL lamps and electric fans.
 - viii. Cleaning, white washing and colour washing the tenements before occupation.
 - ix. Individual Electricity service connection was erected with cost borne by TNSCB.
 - x. Beneficiary contribution at the rate of 10% of the project cost was borne by TNSCB through Government funding.
 - xi. During resettlement, camps are organized with representatives from line departments and addresses in the ration cards are changed on the spot and ration materials issued to them immediately at rehabilitation sites.
 - xii. The TNSCB arranged the admission of the wards of the relocated families immediately, on the spot in the schools and ICDS centre in the resettlement schemes without any documents.

- xiii. The free bus passes are extended to the previous schools if the children desired to continue their education in the schools in previous locations.
 - xiv. The TNSCB arranged massive disbursement of the following allowances to the beneficiaries during the resettlement process.
 - xv. Shifting allowance of Rs 5000/- immediately on occupation.
 - xvi. Subsistence allowance of Rs 30,000/- at the rate of Rs 2,500/- per month for one year to their Bank accounts.
 - xvii. Employment oriented skill development training and livelihood activities for the resettled families to enable them to earn for their livelihood in the new areas. Job melas conducted regularly.
- II. The above said best practices motivated the slum families to voluntarily relocate themselves to the tenements in the periphery of the city. The slum families living in hutments on the banks of the Chennai City Rivers who were subjected to vagaries of natures like flood, fire accident, living in unhygienic conditions etc have been resettled in self contained tenements with all requisite basic and social infrastructure in integrated township without any law and order problems in a manner, which has brought a good name to Government and appreciated throughout the country.
- III. Formation of WASH (Water Sanitation and Hygiene) Committee & Residents Welfare Associations: To empower the residents for the upkeep of tenements, tenemental scheme and for sustainability, the rehabilitants have been sensitized on the issues and the roles & responsibilities, 54 WASH Committees and 19 Residents Welfare Associations have been formed.
- IV. Green friends for upkeep of the scheme: Based on the formation of WASH Committees, 37 Green Friends from the R & R Schemes have been identified and engaged in cleaning of the staircases and the corridors of the tenemental blocks under essential services by the Board.
- V. Roping in NGOs: 21 NGOs have been provided space for rendering services to the residents on Health, Education, Social Mobilization and Awareness creation, Job Opportunities etc.

Way Forward

- a. Tamil Nadu Slum Clearance Board has decided to construct houses ranging from 500 to 2000 in one location instead of en masse housing projects.
- b. Coordinating with Line Departments the social infrastructure preferably has to be in place before resettlement
- c. Strengthen the Community Development Wing with adequate staffing and budgetary provisions for specific community development work in settlements will be looked into.
- d. Under "Housing for All", 1904 AHP vertical number of houses are approved for construction in Tamil Nadu. Affordable Housing (AHP) is proposed in 8 locations in Chennai City. Community Meetings to convenience the Residents for high rise buildings due to paucity of land, accommodating the urban poor homeless and develop integrated inclusive communities.
- e. Efforts are being taken to identify Land within the Chennai City Co-ordinating with various departments of the Government.
- f. Under PPP mode models are being worked out
- g. Initiatives to have dialogue with the owners of the Private Lands so as to plan for sharing of Land and accommodating the already encroached families."

Recommendations and Conclusion

I. General Recommendations to the Government of Tamil Nadu

1. The state should not resort to similar *en masse* housing projects, as they result in 'ghettoization' of communities while violating their human rights to adequate housing, work/livelihood, food, water, sanitation, health, education, and security of the person and home. This planned segregation, apart from contravening the provisions of the Constitution of India and international and national law, further violates the 'right to the city' of all residents. The 'right to the city' is defined as the right of all residents of the city to participate equally in its development and to have an equal share in its benefits.⁵⁹ This right must be upheld by the state.
2. The state should ensure that future housing projects focus on *in situ* upgradation or redevelopment instead of forced relocation to the margins.
3. In order to guarantee and protect the right to land of the urban poor, the Government of Tamil Nadu should work beyond the existing framework for protection of land. Ten per cent of land is reserved for EWS/LIG in new housing projects in Chennai Metropolitan Areas, likewise the Tamil Nadu Housing Board earmarks 40 per cent of developed plots for EWS/LIG.⁶⁰ However, the issues related to land and the requirement of minimal lands for redevelopment within cities, reveal that reservation should be extended beyond developed plots and constructed houses. Over 50 per cent of the informal settlements in the urban areas of Tamil Nadu consist of Scheduled Castes (SC) and Scheduled Tribes (ST). The Government of Tamil Nadu should, therefore, consider introducing reservation of land for SC/ST living in the city. Equitable spatial allocation should be made for the poor, based on their proportion to the total population. There should be focus on issuance of individual *pattas* (titles for individual houses) and community *pattas* (for tenements) over the land on which houses are constructed to ensure that ownership and legal rights to the land are vested with the community. Individual *pattas* should be issued in the names of women. Currently, the legal rights over the land on which the tenements are constructed are vested with the Tamil Nadu Slum Clearance Board.
4. The Government of Tamil Nadu should ensure that the Tamil Nadu Slum (Improvement and Clearance) Act 1971 is amended in accordance with international human rights standards, including the Basic Principles and Guidelines on Development-based Evictions and Displacement, and the Guiding Principles on Security of Tenure for the Urban Poor. The Act should serve as a holistic and comprehensive law, with adequate emphasis on the protection and security of land tenure. The amendments should also focus on issues of adequate housing, security of tenure, livelihood, education, *in situ* upgrading, and resettlement. The various components of housing that ensure

⁵⁹ See, 'The World Charter on the Right to the City' at: http://hlnr.org.in/documents/World_Charter_on_the_Right_to_the_City.htm. Also see: http://hic-gs.org/content/Whats_the_R2C.pdf

⁶⁰ Mahadevia, Darshini and Datey, Abhijit, (2012), *The Status of Pro-poor Reforms in Indian States*, Centre for Urban Equity, National Resource Centre for Urban Poverty, Ministry of Housing and Urban Poverty Alleviation, Government of India (Working Paper 17, p. 36).

adequacy of housing, including from General Comment 4 of the UN Committee on Economic, Social and Cultural Rights, should be incorporated in the Tamil Nadu Slum Areas (Improvement and Clearance) Act.

5. The role of TNSCB needs to be further strengthened, especially in the post-74th constitutional amendment⁶¹ context, where slum improvement and upgradation as well as urban poverty alleviation fall under the purview of the ULB. The various state laws, including the Tamil Nadu Slum Areas (Improvement and Clearance) Act, the Chennai City Municipal Corporation Act (1919), the Tamil Nadu District Municipalities Act (1920), the Tamil Nadu Town and Country Planning Act (1971), the Tamil Nadu Land Encroachment Act (1905), the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act (1975) and the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act (2007) need to be amended with the addition of pro-poor provisions, and with a view to halting evictions, demolitions, and forced relocation of marginalized communities. The role of TNSCB as well as that of the other agencies involved in urban governance needs to be clarified not only in the Slum Act but also in the other laws mentioned above.
6. The minimum size of housing provided by the state should be increased to 700 square feet (as specified in the National Rehabilitation and Resettlement Policy 2007) to accommodate extended families. This will also reduce various social and psychological problems arising from lack of space and privacy.
7. Each housing project should have adequate space allocated for social infrastructure, including community centres, ICDS centres, Public Distribution System (PDS) shops, and playgrounds, based on the existing norms of the Government of Tamil Nadu and the Government of India as well as international guidelines such as the Basic Principles and Guidelines on Development-based Evictions and Displacement.
8. The state should develop and implement a human rights-based, gender-sensitive policy framework on housing, rehabilitation, and resettlement. It should prioritize the most marginalized sections of the urban poor, including the homeless, migrants, transgender persons, Scheduled Castes and Scheduled Tribes, minorities, persons with disabilities, and children.
9. As housing is one of the key issues in post-disaster rehabilitation, a representative from the Housing and Urban Development Department should be included in the Advisory Committee (formed as per Section 17 (1) of the Disaster Management Act).
10. The state should develop and implement a human rights-based, gender-sensitive disaster management plan that emphasizes guidelines and minimum standards for relief and rehabilitation in accordance with international standards. This should incorporate the 2011 IASC Operational Guidelines.
11. Implement the recommendations made in the India mission report of the Special Rapporteur on Adequate Housing, in particular the recommendations to: impose a moratorium on forced evictions and demolitions; survey and provide legal recognition of all existing informal settlements and prioritize in situ upgrading and rehabilitation, with secure tenure for all inhabitants, based on meaningful participation; collect and systematically update data on housing-related issues, like evictions, living conditions and homelessness; ensure timely, adequate compensation or resettlement and/or alternative housing for persons who are affected by natural disasters, with genuine consultation and participation of the individuals and communities affected; and, enhance

61 The Constitution (74th Amendment) Act 1992 was passed by the Government of India and came into force in April 1994. This amendment Act provides for the constitution of three local self-governing institutions in urban areas; Municipal Corporations for major cities, Nagar Panchayats for smaller towns, and General Councils comprising elected representatives.

effective monitoring and coordination to ensure that budget allocations for housing, sanitation, and water provision at all levels of government are executed in a timely and transparent manner.⁶²

12. Implement recommendations of the Special Rapporteur on Adequate Housing, in the report on the right to adequate housing in post-disaster settings. These include: providing secure tenure for everyone post-disaster; ensuring meaningful participation; undertaking comprehensive post-disaster needs assessments; redressing discrimination and ensuring the realization of the right to adequate housing for the most disadvantaged groups; promoting the restitution of housing and property; doing no harm; rebuilding communities; facilitating the 'right to return' of affected communities, where possible; adopting disaster risk reduction legislation; and, ensuring compliance with international human rights standards.⁶³

II. Recommendations to the Tamil Nadu Slum Clearance Board

1. Ensure implementation of the Tamil Nadu Slum Areas (Improvement and Clearance) Act 1971 by declaring 'slums' and regularizing 'slums' on a periodic basis.
2. Strengthen the Community Development (CD) Wing with adequate staffing and budgetary provisions for specific community development work in settlements. The CD Wing should be involved in diverse activities and should provide linkages with various departments to ensure that social security schemes are in place within the settlements. The vision, activities, strategies, and budget of the CD Wing need to be revised. The CD Wing could explore supporting creative livelihood models for communities and ensure marketing linkages with other agencies. There is a need for one or more community development officers in these sites to oversee various issues. There could be an exclusive multi-purpose community resource centre with trained staff where residents could seek clarity on existing government schemes and could seek assistance to apply for the same. Counseling and legal aid could also be provided in the community resource centre.
3. Ensure that the CD Wing of TNSCB has a comprehensive development plan (with adequate staffing and budgetary allocation) exclusively for the relocation settlements of Kannagi Nagar, Ezhil Nagar, Semmenchery, and Perumbakkam, prepared in consultation with community-based organizations.
4. Ensure that the designs of houses are culturally sensitive, accessible to persons with disabilities and older persons, and that all safety aspects are incorporated as detailed out in the National Building Code of India.
5. Undertake comprehensive and holistic human rights-based impact assessment studies of the resettlement sites, similar to this study, and officially incorporate the findings in future planning. The state government should review the findings of this study and initiate development plans for these settlements accordingly.
6. Evolve site-specific development plans for the improvement of the existing relocation sites and ensure that livelihood schemes of the Government of Tamil Nadu are also linked to the resettlement sites.
7. Ensure that the existing relocation sites are safe for women and girl children. All-women police stations with counselling facilities should be made available.

62 Report of the Special Rapporteur on Adequate Housing, Mission to India, January 2017, A/HRC/34/51/Add.1. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/51/Add.1

63 Report of the Special Rapporteur on Adequate Housing, A/66/270, August 2011. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

8. Undertake a gender and child safety audit in the relocation sites and ensure that the tenements constructed are safe and secure for all. This would include installation of grills on the parapet walls to prevent children from falling.
9. Ensure that all settlements are accessible to persons with disabilities. Take measures to implement building codes and bye-laws adequately.
10. Recommend to the engineering department of TNSCB to take immediate action to address issues of water leakage and repair of elevators. Periodic assessment of the same should be undertaken.
11. Ensure that all relocation sites have adequate transportation facilities for women and children. Special buses should be introduced during peak hours.
12. Prepare a Social Impact Assessment Report to analyse the impact of resettlement on children and also develop a Resettlement Action Plan to mitigate the adverse impacts; and,
13. Submit a comprehensive childcare and protection plan of action for the sites that includes provisions for schools, ICDS centres, and health posts. The Plan of Action should include a timeline for implementation of the various facilities.

III. Recommendations to the Greater Chennai Corporation

1. Clear stagnant sewage water and garbage lying around the sites, and take steps to ensure that there is no water logging in the future.
2. Ensure that the Education Department of GCC improves infrastructure and facilities in all schools, including toilets in the schools in Kannagi Nagar and Ezhil Nagar. Well-maintained playgrounds with adequate play facilities should be established within the schools as well as in other parks in the settlement.
3. Urge the Health Department of GCC to expedite the process of setting up urban health posts in Kannagi Nagar and Ezhil Nagar. Conduct specialized medical camps in schools, ICDS centres, and other areas to specifically monitor and prevent malnourishment among children.

IV. Recommendations to the Chennai Metropolitan Water Supply and Sewerage Board

1. Undertake regular monitoring visits to the resettlement sites and conduct regular testing of the water to ensure adequate quality of water and services.
2. Ensure that all water pumps in the settlement are cleaned on a regular basis.
3. Complete construction of the lift station in Ezhil Nagar and ensure that a permanent solution is developed for the disposal of sewage.

V. Recommendation to the Department of Social Welfare

Create additional ICDS centres in the settlements, based on the population norms and Supreme Court judgments. Most of the ICDS centres are functioning in tenements earmarked for residential use. These tenements will not be able to accommodate more than 15 to 20 children each. Hence, the Department of Social Welfare should construct proper ICDS/*anganwadi* centres.

VI. Recommendations to the Department of School Education

1. Provide improved infrastructure and build more schools to accommodate the population of children in the sites. The schools in Perumbakkam are functioning in buildings constructed for residential purposes, thereby violating the Right of Children to Free and Compulsory Education Act 2009.
2. Bring all schools in the settlement under the administrative purview of GCC. The schools are currently under the administration of the District Education Department of Kanchipuram and only the maintenance of infrastructure is under GCC.
3. Identify, through a comprehensive survey, all children in the settlements who have dropped out of school. This survey needs to be conducted in coordination with various stakeholders. Also identify and address the reasons for drop-out, and assist drop-out children to resume their education. Non-formal education facilities could also be institutionalized.
4. Prepare a plan of action through the District Education Officer (DEO) office of Kanchipuram District for providing education-related infrastructure in the settlement. This should be based on information provided by TNSCB on the number of children (age-wise details) in the site.

Conclusion

The deliberate and planned dispossession and impoverishment of local communities by the state government documented in this report, is a serious violation of their human rights as well as of the Constitution of India and national and international law.

While the residents of settlements in Chennai affected by the flood were evicted and moved to city peripheries, on the pretext of safety, it should be noted that the resettlement sites to which they have been shifted, are also built on floodplains, marshlands or lake catchments, which are low-lying, flood-prone areas. The inaccessibility of rescue and relief operations at these sites can be attributed to their distance from the city and the higher probability and intensity of flooding owing to their location on environmentally-sensitive areas.⁶⁴ The entire ground floor of the resettlement site of Perumbakkam was submerged during the 2015 flood. Hence, it is apparent that safeguarding the communities from flood-prone areas is certainly not the reason for relocating them. Authorities have used the disaster as an 'opportunity' to evict the poor from city centres, thereby violating their multiple human rights and denying them their right to the city.

TNSCB, in its response to this report, has pointed out that it will not be constructing *en masse* housing projects and that efforts are being taken to identify land within Chennai City, in coordination with the various departments of the government. Though these steps being taken by TNSCB, are a welcome move, there are several policy concerns that need to be addressed on a priority basis.

IRCDUC and HLRN hope that the Government of Tamil Nadu pays heed to the findings of this study and implements the recommendations proposed, with the aim of restoring the human rights of the resettled communities and of preventing any further human rights violations.

64 'Placing the Poor in the Flood Path: Post-Disaster Slum Resettlement in Chennai,' *The Caravan*, 4 January 2016. Available at: <http://www.caravanmagazine.in/vantage/placing-the-poor-in-the-flood-pathpost-disaster-slum-resettlement-in-chennai#sthash.Ydt9Yy2O.krhawbdp.dpuf>

Annexures

Annexure 1:

Minutes of the Meeting conducted by Principal Secretary to Government, Municipal Administration and Water Supply Department, Regarding Comprehensive Child Development Plans in Kannagi Nagar, Okkiyum Thoraipakkam and Perumbakkam, 30 October 2014



Municipal Administration
and Water Supply
Department,
Secretariat, Chennai – 9.

Letter No 20617/M.C.I/2014-6 Dated.30.10.2014

From
Tmt K.G. Vimala, M.A., B.Ed.,
Deputy Secretary to Government

To

- 1) The Managing Director,
Tamil Nadu Slum Clearance Board, Chennai – 600 005 (w.e).
- 2) The Regional Joint Commissioner (South),
Corporation of Chennai, Chennai – 03 (w.e)
- 3) The Deputy Commissioner (Education),
Corporation of Chennai, Chennai – 03 (w.e)
- 4) The Project Director
Integrated Child Development Services (ICDS) Scheme,
Taramani. #1, Pammal Nallathambi Street, Taramani,
Chennai - 600 113 (w.e).
- ✓ 5) Smt. Vanessa Peter, Information and Resource Centre for the
Deprived Urban Communities (IRCDUC)
175/12 Chennai Flats, Padi Kuppam Road,
Chennai – 600 040 (w.e).

Sir,

Sub:- Minutes of the meeting conducted by the Principal Secretary to Government, Municipal Administration and Water Supply Department at 11.00 A.M on 08.10.2014 in his Chamber in connection with the issues relating to Comprehensive Child Development Plans in Kannagi Nagar, Okkiam Thuraipakkam and Perumbakkam, Chennai Corporation-Communicated.

Ref:- Government Letter No 20617/M.C.I/2014,
Dated.30.09.2014

I am directed to enclose the copy of the minutes of the meeting held on 08.10.2014 on 11.00 A.M on the above subject for your information and necessary action.

Yours faithfully


for Deputy Secretary to Government

Minutes of the meeting conducted by the Principal Secretary to Government, Municipal Administration and Water Supply Department at 11.00 A.M on 08.10.2014 in his Chamber in connection with the issues relating to Comprehensive Child Development Plans in Kannagi Nagar, Okkiam Thuraipakkam and Perumbakkam, Chennai Corporation

The following officials attended the meeting:-

- 1) The Managing Director,
Tamil Nadu Slum Clearance Board.
- 2) Regional Joint Commissioner (South),
Corporation of Chennai.
- 3) The Deputy Commissioner (Education),
Corporation of Chennai.
- 4) The Project Director
Integrated Child Development Services
(ICDS) Scheme, Taramani.
- 5) Tmt. Vanessa Peter, Information and
Resource Centre for the Deprived Urban
Communities (IRCDUC),

Tmt. Vanessa Peter, Policy Researcher, Information and Resource Centre for the Deprived Urban Communities (IRCDUC), in her email Dated 01.09.2014 has attached a final published report on Kannagi Nagar wherein she has furnished some of the key areas specifically related to children that require attention i.e. adequate school facilities, provision of bus pass to school going children and increasing the number of Integrated Child Development Services (ICDS) Centres and coordination among various Departments including that of the Education Department and the ICDS. She had requested the Principal Secretary, Municipal Administration and Water Supply Department (MA&WS) to take the issue forward.

2. The Principal Secretary, MA&WS held a meeting in this regard on 03.09.2014 with the Managing Director, Tamil Nadu Slum Clearance Board, the Regional Joint Commissioner (South), Corporation of Chennai, the Deputy Commissioner (Education), Corporation of Chennai, the Project Director, Integrated Child Development Services (ICDS) Scheme and Tmt. Vanessa Peter, Information and Resource Centre for the Deprived Urban Communities (IRCDUC).

3. In continuation, a follow up meeting on the issues relating to Comprehensive Child Development Plans in Kannagi Nagar, Okkiam Thuraipakkam and Perumbakkam, Chennai Corporation was held on 04.09.2014 with Principal Secretary to Government, School Education Department in her Chambers. The present condition and the availability of Government Higher Secondary School, Kannagi Nagar was discussed.

4. As a follow up to the above meetings, a review meeting was now held in this regard on 08.10.2014 and the following decisions were taken:-

Corporation of Chennai (CoC) :- Repairs in the School Buildings / Toilets.

- The CoC is requested to make toilets functional with adequate water supply.
- Fund request for Rs.37.00 Lakhs in 4 schools has been sent to Corporation of Chennai. The Principal Secretary / Commissioner, Corporation of Chennai is requested to release funds to Regional Joint Commissioner (South).
- The CoC is requested to accommodate dropouts in the Shelter linked to Schools in Tiruvanmiyur.

Tamil Nadu Slum Clearance Board (TNSCB) :-

- Child helpline has been started.
- The Board has conducted a Job fair and 407 persons participated.
- 212 got placements
- One more job fair is to be held by the Board in November, 2014.
- 5000 youth are to undergo skill development initiative of Employment & Training Department through TNSCB at Kannagi Nagar.
- TNSCB is requested to encourage maintenance of the tenements by the society of tenants.
- TNSCB may also send a proposal to Government for funding on a sliding scale

| Year | GoTN Grant | Tenants Contribution |
|------|------------|----------------------|
| 1 | 75% | 20% |
| 2 | 50% | 50% |
| 3 | 25% | 75% |
| 4 | 0 | 100% |

**Integrated
Child
Development
Services
(ICDS)**

- :- ➤ TNSCB is requested to examine the possibility of increasing the size of the centre to 600 Sq.Ft from 250 Sq.Ft.
➤ Bring the ICDS centre closer to the tenements
➤ To provide more mats / chairs etc.,

**Police
Station**

- :- ➤ Vocational Training Centre is presently being used as boys club.
➤ Community Hall is being used as Police Station. TNSCB is requested to provide alternate site / space to Police Department, so that the Police Station may be shifted to the alternate site.
➤ Exclusive all women Police Station is requested. The TNSCB is requested to send a D.O Letter to the Principal Secretary, Home with a copy to the Principal Secretary, MA&WS.

**Housing
Urban
Development
Dept.,**

- & :- ➤ Housing and Habitat policy is to be framed for the state.
➤ Resettlement policy has to be framed.

K PHANINDRA REDDY
Principal Secretary to Government

// True Copy //


Section Officer

Annexure 2:

Letter dated 21 January 2016 from the Managing Director, Tamil Nadu Slum Clearance Board to Officer on Special Duty (Resettlement and Rehabilitation – R&R)



From

Dr.R.Palaniswamy, IAS.,
Managing Director,
Tamil Nadu Slum Clearance Board,
No. 5, Kamarajar Salai,
Chennai-600 005.

To

Officer on Special Duty(R&R)/ic
Project Director, (CDRP),
Project Management Unit,
Chepauk, Chennai – 5.

Rc.No.G1 / 5069 / 2007

Dated: 21.01.2016

Madam,

Sub: TNSCB – ETRP – houses – Maintenance charges – details
sent - Reg

Ref: (i) Email sent by Vanessa Peter and forwarded by
Mr.Deepak Singh to OSD on 06.01.2016
(ii) Email received from OSD dated 20.01.2016

I invite kind attention to the references cited above.

A detailed note on this subject is enclosed for information and necessary
action.

Encl: one

Dhitha
21.1.16

for Managing Director

Som
21/1/16

TAMIL NADU SLUM CLEARANCE BOARD

Tamil Nadu Slum Clearance Board has constructed tenements for the Tsunami affected people with the funding aid of World Bank under Emergency Tsunami Reconstruction project in the following schemes:

| | | |
|----------------------------|---|----------------|
| AIR land in Thiruvottriyur | - | 3616 tenements |
| Nochi Nagar in Marina | - | 628 tenements |
| Okkiyam Thoraipakkam | - | 2048 tenements |
| <hr/> | | |
| Total | - | 6292 tenements |
| <hr/> | | |

These tenements have been allotted. In the allotment order issued to each of the beneficiaries the following conditions have been mentioned.

- i) In order to carryout Maintenance and other general works of the tenemental area, a Welfare Association should be formed by the beneficiaries and it should be got registered. All the beneficiaries should be members of the Association and they should be governed by the decision taken by the Association.
- ii) An entry fee of Rs.100/- has been fixed to register as member of the Welfare Association. Further till the Association is gets registered, a monthly subscription of Rs.50/- has to be paid to the Estate Officer concerned.
- iii) After getting the Welfare Association registered, the collected subscription amount will be transferred to the Association. The monthly

subscription should be remitted before 10th of every month. All the maintenance works of the tenemental scheme will be carried out by the Welfare Association itself.

- iv) Further all the taxes such as property tax, water tax, sewerage taxes and other charges levied by the local body, electricity consumption charges etc. should be remitted by the beneficiary themselves.

In spite of efforts taken by the Community Development Wing of TNSCB, the beneficiaries are reluctant to form Welfare Associations and hence TNSCB has been forced to carry out the following essential maintenance works.

- i) Cleaning and Garbage removal from the scheme area by engaging manpower.
- ii) Effecting of water supply by engaging manpower for operating the pumps regularly and to attend to any issues in the water distribution including payment of electricity consumption charges for operating the water motors/pumps.
- iii) Maintenance of sewerage lines including removal of sewage blockages whenever occurs.

Taking into account the expenses already incurred in the past, the Board has decided to levy an uniform maintenance charges to each of the beneficiaries constructed under various programmes throught Tamil Nadu without any discrimination. These maintenance charges pertaining to each of its beneficiary cannot be borne by TNSCB or by the Government. It is the sole responsibility of

each of the beneficiary. Hence, the Board in its resolution No.7.01/472 dt.20.11.2015 has resolved to charge an uniform maintenance charges of Rs.250 per month per tenement and insisted that the maintenance should be done by formation of Registered Welfare Associations.

Against this backdrop, the following details are furnished with regard to issues raised by one Vanessa Peter which has been sent to OSD's office by Mr.Deepak Singh of World Bank.

The Chairman's proceedings G1/5069/2007 dt.18.12.2015 has been issued to all the Executive Engineers and Estate Officers of the Board for collecting uniform maintenance charges of Rs.250/- for all the tenements allotted free of cost throughout the State from 01.12.2015 onwards considering the escalation in cost of materials and other aspects. This decision has been communicated only after having a detailed deliberations by the Board members during the Board meeting held on 20.11.2015.

Payment of maintenance charges by the respective allottee is their sole responsibility for the services rendered to this effect by the Board till the formation of the Associations by themselves. Further if the tenements are not properly maintained, the durability of the structure will get deteriorated in a short time. TNSCB as a quasi-government agency, is not provided with any grants by the Government for meeting its administrative charges. The administrative charges are met by the Board on its own by the supervision charges earned for the Government of India project like JNNURM, Finance Commission schemes etc.

and by the actual Incremental Operating Cost in the case of ETRP schemes. Hence, the recurring cost of maintenance charges of Rs.250/- per tenement per month proposed from 01.12.2015 cannot be disputed. Therefore, this issue of order instructing for the collection of maintenance charges was not informed to World Bank or the Government of India so far.

TNSCB has been taking efforts through the Community Development Wing for the formation of the Welfare Associations and hence resorting to frequent public consultations to this effect.

As mentioned already, it is to be reiterated that only after much deliberations in the Board meeting, this decision of collecting maintenance charges from the beneficiaries at the rate of Rs.250/- per month has been got approved with effect from 01.12.2015.

It has been mentioned that the current maintenance cost proposed is almost equal to the monthly installment charged by TNSCB under Hire Purchase scheme. As the monthly installment collected under Hire Purchase Scheme is highly subsidized and fixed long time back, this gives an illusion that the recurring cost of maintenance charges proposed is equivalent to the monthly installment collected under Hire purchase scheme.

Reply for the crucial issues raised:

- The World Bank and the Government of India were not consulted on this move so far as it is felt mandatory that the beneficiaries need to pay for the services rendered on this essential day-to-day maintenance works.
- As already detailed, the officials of Community Development Wing have been taking efforts for the formation of the Welfare Associations and hence resorting to frequent public consultations to this effect.
- In the allotment order itself, as mentioned already, the requirement for the formation of the Welfare Association and the duties of which include maintenance of the scheme area has been pointed out.
- The maintenance cost was increased from Rs.50/- to Rs.150/- in AIR land scheme during 2014 only based on the actual average expenses incurred for the maintenance.
- As mentioned already, it is to be reiterated that only after much deliberations in the Board meeting, this decision of collecting maintenance charges from the beneficiaries at the rate of Rs.250/- per month has been got approved with effect from 01.12.2015.
- As already mentioned, payment of maintenance cost for the respective tenement is the sole responsibility of the beneficiary. This recurring cost cannot be borne by TNSCB or by the Government.
- This enhancement in levying of the maintenance charges of the tenement has no bearing on the funds mobilization for the construction of new houses.

Dhita 20.1.16
For Managing Director
20/1/16

Annexure 3:

Minutes of the Review Meeting Conducted by the Principal Secretary/Commissioner, Corporation of Chennai, on 20 May 2015, Regarding Improvements to be Made in Kannagi Nagar and Ezhil Nagar

1

MINUTES OF THE REVIEW MEETING CONDUCTED BY THE PRINCIPAL SECRETARY/ COMMISSIONER, CORPORATION OF CHENNAI AT CORPORATION OFFICE ON 20.05.2015 REGARDING IMPROVEMENTS TO BE TAKEN UP AT KANNAGI NAGAR AND EZHIL NAGAR IN ZONE-XV WITH THE OFFICIALS OF CORPORATION AND LINE DEPARTMENTS

The following officials were present during the inspection and follow discussion

1. Regional Deputy Commissioner (South), Corporation of Chennai
2. Deputy Commissioner (Health), Corporation of Chennai
3. Deputy Commissioner (Education i/c), Corporation of Chennai
4. Chief Engineer (SWD), Corporation of Chennai
5. Superintending Engineer, Tamil nadu Slum Clearance Board
6. Superintending Engineer, CMWSSB
7. Superintending Engineer, Buildings Department, Corporation of Chennai
8. Assistant Manager, Metropolitan Transport Corporation, Chennai
9. Project Officer, Women Development Corporation, Kancheepuram
10. Project Officer, ICDS, Kancheepuram
11. Chief Educational Officer, Kancheepuram
12. Additional Health Officer (South), Corporation of Chennai
13. Assistant Commissioner of Police (i/c), Thuraipakkam
14. Assistant Commissioner, Tamil Nadu Civil Supplies Corporation, Sholinganallur
15. Mrs. Vanesa Peter, NGO
16. Zonal Officer/Zone-XV
17. Executive Engineer/Zone-XV
18. Headmaster/Headmistress of Schools in Kannagi Nagar

The Principal Secretary/Commissioner, discussed each and every issue related to the development works to be taken up at Kannagi Nagar and Ezhil Nagar, with the concerned officials and issued following instructions:

A. EDUCATION:

1. The Chief Educational Officer, Kancheepuram reported in the meeting as follows:-
 - a. Submitted proposals to the Director of School Education for the upgradation Panchayat union Primary School at Kannagi Nagar and Panchayat Union Middle School at Okkiyampettai into High Schools.
 - b. Submitted proposals to the Director of School Education for establishing a new High School at Ezhil Nagar on the land earmarked in the layout for High School.
 - c. The school buildings at Chemmanchery are damaged and requested to take action for repairing the school buildings. She also placed request for construction of additional class rooms at Chemmanchery.
2. The Chief Educational Officer requested the Principal Secretary/Commissioner to construct required number of class rooms in Panchayat Union Middle School, Okkiyampettai, and existing 4 schools in Kannagi Nagar. She also requested to take up additional construction of class room over the existing school building at Ezhil Nagar and a new school building at Ezhil Nagar on the vacant land earmarked for High School.
3. The Principal Secretary/Commissioner gave instruction to the Zonal Officer/Z-XV to undertake repair works in the School buildings at Chemmanchery at Zonal Office level.
4. The Principal Secretary/Commissioner has directed the SE (Buildings) to prepare estimates for additional school buildings at Kannagi Nagar and Okkiyampettai and a new school building at Ezhil Nagar. The Principal Secretary/Commissioner has also instructed to prepare estimates for the construction of additional class rooms in Chemmanchery Schools as per the requirement in consultation with the C.E.O.

5. The Chief Educational Officer was requested to submit necessary proposals about the requirement of class rooms in various schools to the Principal Secretary/Commissioner, Corporation of Chennai.

B.PUBLIC HEALTH

1. The Zonal Officer/Z-XV informed in the meeting that UPHC Buildings constructed at Ezhil Nagar and Kannagi Nagar have been registered in the name of Corporation of Chennai by TNSCB on 13.05.2015. The Principal Secretary/Commissioner gave instruction to the Zonal Officer to complete the process of formal taking over within 5 days.

2. The Zonal Officer/Z-XV was instructed to take up the missing works if any in these 2 UPHCs proposed to be handed over by the TNSCB.

3. The Superintending Engineer (Buildings) was instructed to prepare estimates for the construction of new hospitals at Ezhil Nagar on the land earmarked for UPHC.

4. The Zonal Officer/Z-XV was directed to take action to get enter upon permission on the land opposite to the existing Amma Unavagam for the construction of a new Amma Unavagam in order to shift the existing Amma Unavagam functioning adjacent to the UPHC.

5. The Zonal Officer, Zone-15 informed in the meeting that there is a proposal for the construction of new gym building at Kannagi Nagar and received tenders for this work. The Principal Secretary/Commissioner directed the Zonal Officer to start the construction at the earliest.

6. The Deputy Commissioner (Health) was given instruction to take adequate steps to commence adolescent counseling centre and De addiction centre at Kannagi nagar and Ezhil Nagar in newly constructed buildings meant UPHC. .

7. The SE (Buildings) was directed to prepare estimate for the construction of 30 bedded hospital at Kannagi Nagar by demolishing the existing Amma Unavagam, Gym Building and UPHC Building.

8. An Hospital is being run by the Isabel foundation at Kannagi Nagar. The SE (TNSCB) has informed that the land was leased to the Isabel foundation and the hospital building was constructed by them.

9. The Principal Secretary/Commissioner requested the Tamil Nadu Slum Clearance Board to hand over the Isabel Hospital building with land to the Chennai Corporation.

C. Integrated Child Development Scheme (ICDS)

1. The Project Officer, ICDS informed in the meeting that no more centre is required for Kannagi Nagar and there is a requirement of 6 new centres in addition to the existing 4 centres at Ezhil Nagar.

2.. The Principal Secretary/Commissioner has directed the Zonal Officer/Z-XV to draft a letter to the TNSCB to allot either building or land for the purpose of establishing 6 ICDS Centres at Ezhil Nagar.

D.FAIR PRICE SHOP

1. The Assistant Commissioner, Civil supplies reported in the meeting that 4 new shops are required for Ezhil Nagar.

2. The Assistant Commissioner, Civil Supplies has been asked to send necessary proposals to the Corporation.

3. The Zonal Officer/Z-XV was directed to identify suitable lands for the construction of fair price shop at Ezhil Nagar and take up construction at Zone level.

E. POLICE STATION

1. The Assistant Commissioner of Police (i/c), Thuraipakkam informed in the meeting that the Police Housing Corporation has to take action for the construction of Police Station at Kannagi Nagar. The Asst. Commissioner of Police also informed that the proposed new Police Station will have the all Women Police Station in itself. Hence it is not necessary to construct separately.
2. The Principal Secretary/Commissioner gave instruction to the Regional Deputy Commissioner to draft a letter to the Home Secretary stating the necessity for the construction of Police Station at Kannagi Nagar with a request to take immediate action to start construction.
3. The Principal Secretary/Commissioner gave instruction to construct 2 Police outposts, one at Kannagi Nagar adjacent to the electricity board office and the another at Ezhil Nagar.
4. The Assistant Commissioner of Police informed that the Boys Club building was fully damaged and requested to take up repair work. The Principal Secretary/Commissioner requested the TNSCB to handover the building to the Corporation.

F. TRANSPORTATION

1. The Assistant Manager, Metropolitan Transport Corporation requested the Principal Secretary/Commissioner to transfer 1.50 acres of land lying adjacent to the existing bus stand at Kannagi Nagar
2. The Principal Secretary/Commissioner requested the TNSCB to take immediate action to transfer 1.50 acres of land to the Corporation of Chennai so as to enable Metropolitan Transport Corporation to take action for the construction of bus depot.

3. The Principal Secretary/Commissioner requested the Metropolitan Transport Corporation to demolish the Compound wall already constructed by encroaching the land earmarked for road in the approved layout.

4. The Metropolitan Transport Corporation was requested to increase the trips, especially for the benefit of women and children, right from the reopening of schools. The Transport Corporation was also requested to inform the Chennai Corporation about . number of bus trips to be added.

5. The Assistant Manager, Metropolitan Transport Corporation informed that they will ply small buses within Ezhil Nagar and Kannagi Nagar shortly.

G. LIVELIHOOD

1. The Principal Secretary/Commissioner gave instruction to the SE (Buildings) to prepare estimates for the construction of Vocational training centre in consultation with DC (Edu).

2. The Zonal Officer/Z-XV was directed to form groups at Kannagi Nagar and Ezhil Nagar to select beneficiaries for imparting training at the proposal vocational training centre through the NULM.

H. BANKING

1. The Representatives from HDFC Bank informed that they are ready to commence banking operations at Kannagi Nagar and Ezhil Nagar.

2. The Principal Secretary/Commissioner requested the TNSCB to construct building for the proposed bank adjacent to the land earmarked for TNSCB office in Ezhil Nagar.

I. TAKING OVER INFRASTRUCTURE

1. The Principal Secretary/Commissioner requested the TNSCB to hand over all building and land assets immediately to the Corporation to enable the Corporation to make necessary plans for the provision of required infrastructure/facilities at Kannagi Nagar and Ezhil Nagar for the benefit of people living there.
2. The Principal Secretary/Commissioner directed the SE (Buildings) to prepare estimate for the construction of retaining wall at the proposed channel (owned by PWD) in consultation with the PWD Engineers in order to provide a bridge to connect the land lying beyond the proposed channel and to utilize this piece of land for the development of a play field/stadium.
3. The Principal Secretary/Commissioner requested TNSCB to hand over street lights immediately to the Corporation for further maintenance.

L. BASIC AMENITIES

1. The Superintending Engineer, CMWSSB was requested to prepare estimate and take up works for solving the problem of sewage water stagnation at Kannagi Nagar and Ezhil Nagar.
2. The Principal Secretary/Commissioner requested the TNSCB to take action to hand over the operation and maintenance of existing sewerage system at Kannagi Nagar to CMWSSB.
3. The Regional Deputy Commissioner (South) was instructed to draft letters to the M.D., TNSCB and M.D., CMWSSB to take action to rectify the problem of sinking pipes, sinking manholes and stagnation of sewage water at Ezhil Nagar and Kannagi Nagar.
4. The Chief Engineer (SWD) was instructed to take up survey and prepare estimate to provide storm water drains in left out areas in Ezhil Nagar.

In general all the departments in Chennai Corporation shall coordinate and take up the systematic welfare activities in Kannagi Nagar and Ezhil Nagar. The Heads of departments of Health, Education, Storm Water Drain, Buildings, Revenue (Land & Estate) and Works Departments are instructed to report the action taken within 15 days. They need to mark a copy to the Zonal Officer. The Zonal Officer Zone 15 is instructed to coordinate/organize the works. The Regional Deputy Commissioner (South) Region is instructed to monitor the overall progress of the works in the discussed subject and report to the Principal Secretary / Commissioner by 15.06.2015.

Sd/-xxxxxx 21.05.2015

**REGIONAL DEPUTY COMMISSIONER
(SOUTH)**

// TRUE COPY //


ZONAL OFFICER-15

To:

1. The Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, Egmore, Chennai
2. The Managing Director, Tamil Nadu Slum Clearance Board, Kamarajar Salai, Chennai-600 005.
3. The Regional Deputy Commissioner (South), Corporation of Chennai
4. The Deputy Commissioner (Health), Corporation of Chennai
5. The Deputy Commissioner (Education i/c), Corporation of Chennai
6. The Deputy Commissioner of Police, Adyar, Chennai-600 020

7. The Managing Director, Metropolitan Transport Corporation, Pallavan Salai, Chennai
8. The Chief Engineer (Buildings), Corporation of Chennai
9. The Superintending Engineer, Storm Water drain Department, Corporation of Chennai
10. Project Officer, Women Development Corporation, Kancheepuram
11. Project Officer, ICDS, Kancheepuram
12. Chief Educational Officer, Kancheepuram
13. Additional Health Officer (South), Corporation of Chennai
14. Assistant Commissioner of Police, Thuraipakkam
15. Assistant Commissioner, Tamil Nadu Civil Supplies Corporation
16. Mrs. Vanesa Peter, NGO
17. Zonal Officer/Zone-XV
18. Executive Engineer/Zone-XV
19. Headmaster/Headmistress of Schools in Kannagi Nagar

Annexure 4:

Media Reports on Perumbakkam and Ezhil Nagar

Foxes run free in Perumbakkam

Residents scared as animals roam around TNSCB tenements

ADITYA R

CHENNAI: Sampath steps out of his house with a torch and a stick whenever he goes to sleep outside the building, to beat the heat. He also ensures that someone there is awake during that time. All this not in fear of burglars, but a large group of foxes that roam around the Tamil Nadu Slum Clearance Board (TNSCB) tenements in Ezhil Nagar, Perumbakkam during night time.

"There are many of them that roam here, some even come in the mornings when no one is around," he said recalling an incident where a fox entered an apartment in broad daylight. "The house was open. A lady was in the

kitchen and her 5-year-old was playing in the hall. Luckily someone spotted the animal and shooed it away with a stick," he said.

S. Munisamy, a daily wage labourer, pointed to a yard where cattle owners would tie up cows and other animals, which was now empty.

Animals attacked

"In the last two months, around 15 cows, pigs, chickens, squirrels were attacked and devoured by these foxes. We keep spotting their half-eaten carcasses every alternate day. After the fox menace grew, people began taking them elsewhere, some even keep them in the apartment. They have to protect their business after all," said Munisamy.

"When their wilderness shrinks they will step out to other areas for shelter, water and food. This is expected," said A.C. Edison, forester at Velachery forest department. "They might be coming from the bushes nearby but instead of panicking we advise people to inform us on spotting one. They need to be rescued and sent to the zoo," he said.

The official advised residents to step out with torchlight during nights. "The moment you flash light on their eyes they will standstill and do no harm," he said. People can contact 044-22200335, Velachery Forest Range Office, if they spot any animal that needs to be rescued.

Slum dwellers seek flood-resistant homes

STAFF REPORTER

CHENNAI: In situ houses, disaster relief and livelihood were among the concerns raised by slum dwellers, who were attending the 'Voice of Slums in post-flood Chennai: Future Concerns' seminar at Loyola College on Monday. Over a 100 slum dwellers, who were affected by floods from across the city, took part in the event led by experts from the field.

"Why is it that it is always us slum dwellers who are relocating during the time of crisis," questioned Shyamala from Chetpet. "We lost everything during the floods, and we are yet to recover from it. Moving to colonies like Perumbakkam only makes it worse. We need a fair solution," she said.

Making no sense

Sasi Kumar, a resident of Koyambedu, pointed out that during the December flood they were relocated to another far-off location which was just as flooded. "It had made no sense to relocate to Kannagi Nagar and Perumbakkam which had water till the first floor. Money and relocation is not the ultimate solution. The State needs to build disaster resistant houses, for all," said Sasi.

A senior official from the Tamil Nadu Slum Clearance Board, who attended the seminar, heard the problems of the community and assured

During a seminar, they voiced their concerns and sought a solution to relocation

assistance. "We have provided a monthly subsistence allowance of Rs. 2,500 to the resettled families, for one year. We have held medical camps and skill training for all. While we have begun providing in situ housing, we shall be extending it for others as well," he said.

Urging slum dwellers to know their rights, Vanessa Peter, policy researcher said: "Slum Act is your weapon. It is important that you know your rights and stand up for it." She also pointed out that there was a need for reservation in land allotment for slum dwellers.

"Just like education, there needs to be reservation in land as well. When you move to a place, it is your duty to find out if the land you're living in is certified among other details. In case you are asked to uproot, file a case," she said.

Adding to this Deva Prakash, program manager, CARE INDIA, said: "Instead of offering relief to the affected in kind the authorities must deposit cash in their respective accounts. During such times, the women and children are the worst affected and the authorities need to provide suitable housing for them."

Colonies get a raw deal

Kannagi Nagar has only 19 children's centres against the required 80

ADITYA R

CHENNAI: There is a woeful shortage of basic infrastructure in resettlement colonies created by the State government and crèches are no exception, experts say.

A recent study published in the Journal for Land and Rural Studies states that Kannagi Nagar in Okkiyam Thoraipakkam has only 19 children's centres under Integrated Child Development Services (ICDS), against the actual requirement of 80.

"This is a crucial issue in all resettlement colonies," said A. Narayanan, researcher, activist and director of the NGO CHANGEIndia. According to the population norms of the Ministry of Women and Child Development, there should be one such centre for a population of 800. Both Kannagi Nagar and Ezhil Nagar have over 90,000 residents. While the former has 19, there are only five at Ezhil Nagar. Most of them function in flats constructed for displaced families living in the city slums and only around six operate from a building earmarked for them.

"This is a gross violation of ICDS norms. Why cannot they allot specific places for



The number of government children's centres is far lower than the requirements — PHOTO: S.R. RAGHUNATHAN

construction of the children's centres instead of dingy and cramped single-room flats that lack ventilation and sanitation," he asked.

A door-to-door survey conducted last year by Information and Resource Centre for the Deprived Urban Communities (IRCDUC) states that of the 1345 children till the age of six, only 156 have access to the government ICDS centres in Kannagi Nagar, while in Ezhil Nagar, only 69 of the 534 children have access to them. "The situation has not really improved lately. The disturbing thing is that a similar model is being followed in

Perumbakkam too," said Vanessa Peter, a policy researcher there.

Officials of the Tamil Nadu Slum Clearance Board (TNSCB) claim that they are planning to increase the number of centres. "We have been liaising with the State government and will soon build adequate number of child care centres in the colonies," said a senior official.

"There are plenty of children in this area who are out of school, malnourished and need basic facilities. We hope the issue is addressed soon," said Stephen Raj, a Kannagi Nagar resident.

Resettled residents suffer rude shock

ADITHYAN

CHENNAI: Over 300 resettled residents at Ezhil Nagar in Perumbakkam thronged the estate office of the Tamil Nadu Slum Clearance Board (TNSCB) on Wednesday morning, demanding documents that would ensure that they continue to stay in the tenements. These residents said they made this trip to the TNSCB office, following a threat, the previous night, from a group of people who asked them to vacate the premises, saying they too had been allotted the same houses.

"They barged into our houses and asked us to leave," said Gunasekar, a resident who along with 300 other flood-affected people moved into the tenements at Ezhil Nagar, from R.A. Puram and Adyar last month. "They said they had been allotted these same flats after they were affected by tsunami. We have the necessary documents. But they too held similar allotment papers. It is confusing," he said.

Two years ago, TNSCB constructed 2,048 tenements at Okkiyam-Thoraipakkam to accommodate families who were living in huts along the Marina and had been affected



Over 300 people moved to Ezhil Nagar last month from R.A. Puram and Adyar — PHOTO: M. KARUNAKARAN

by the tsunami in 2004.

Of them, 814 families did not occupy the houses. Early last month, the State passed an order, demanding conversion of these vacant houses, which had been allotted for the tsunami-affected people, into houses to be allotted for families living along the banks of the Adyar river. The order was passed following a proposal put forth by the Managing Director of TNSCB to allot 25,000 tenements at Perumbakkam, Thoraipakkam, Navalur and AIR land in Tiru-

vottiyur. "Something had to be done to make use of these flats and accommodate those in need, so this step was taken," said a senior official of TNSCB. The official said that the tsunami-affected people would be accommodated in the 10,000 new tenements under the 'Housing For All Mission', which are under construction in Perumbakkam.

However, activists have questions about this. "The housing was completed under the aegis of the World Bank, which had provided the fund-

A group of people barged into their houses claiming they had been allotted to them

ing to construct the 2,048 tenements exclusively under the Emergency Tsunami Reconstruction project. This sudden change in order raises many questions," said Vaneesa Peter, Policy Researcher, Information and Resource Centre for the Deprived Urban Communities (IRCDUC).

An information provided by another TNSCB official on January 21, this year, too clearly mentions that the 2,048 tenements in Okkiyam-Thoraipakkam had been constructed and allotted to Tsunami-affected victims, 3,616 tenements in Thiruvotriyur and 6,28 in Nochi Nagar, Marina, had also been allotted to them.

TNSCB has taken cognisance of the issue and ensured that the residents who move recently continue to stay in the allotted tenements. "We do not want them to come back again and fight with us. We cannot afford more tension. We hope something is done about this," said R. Jeeva, another resident.

Life not easy for flood-hit residents in new area

ADITHYAN

CHENNAI: Twenty-seven-year-old Kaveri says her life has been a struggle ever since she shifted from Saidapet to the government housing colony in Perumbakkam. Her children have had to drop out of school as she became unemployed and poor connectivity ruled out any possibility of travelling to her old workplace.

She is not the only sufferer. Many of the 1,700 families that have been relocated to Perumbakkam from different parts of the city following the floods say there are problems to deal with.

They have been allotted houses but life is far from easy, they claim. They complain about the lack of streetlights, poor infrastructure, lack of proper schools, inadequate exit options, especially



Relocated residents complain about the lack of streetlights, poor infrastructure and loss of livelihood — PHOTO: M. KARUNAKARAN

in case of an emergency, and, most importantly, loss of livelihood. "I am a single mother of two. I moved here after my house in Saidapet was washed away in the recent floods. It's a lot tougher living here," said Kaveri, who used to work as a domestic help in

five houses near her home. Living 25 km away from the city forced her children to drop out of school. "They are too young to travel on their own. Besides, only a few buses are available. A temporary school with poor facilities is set up in two

houses on the ground floor. Parents don't send their children there," she said.

Residents are also frightened to move around in the area after sunset. "We always room in groups as there are no lights. We were better off living in our old homes. At least, we didn't live in fear," said Sumathi.

Residents also complain of inadequate transport arrangements as they all have to rely on the infrastructure in Semmancherry including hospitals. "There are only four buses that come in a day. The first one comes at 6 a.m., in which we send our children to school, and the next comes after hours," said Mani Kumaresan, a daily wage labourer.

Fact-finding reports by Information and Resource Centre for the Deprived Urban Communities (IRCDUC) have also highlighted the

poor quality of life in these resettlement colonies.

"The houses constructed in Perumbakkam reiterate the fact that services for the poor are often dismal," said Vaneesa Peter, Policy Researcher at the centre. "We fear what happened in Kannagi Nagar and Semmancherry would be repeated in Perumbakkam as well," she added.

However, officials from the Tamil Nadu Slum Clearance Board claim that they have made all arrangements to ensure a hassle-free life for the residents.

"We have introduced 10 new bus routes that connect to Saidapet, Guindy, Tambaram and other places. 344 children were immediately transferred to their old schools, 799 people have received their transferred ration cards," said a senior official.



CHARLES GEORGE ARBUTHNOT

Afghan war veteran and 1868 commander-in-chief of the Madras Army had a son, who went into the military, and a grandson, who was decorated flying ace during World War II

A house to call their own after losing homes

Packed together in TNSCB's Perumbakkam facility, the residents list out their woes ranging from lack of water, power supply to safety

NIRUPAMA VISWANATHAN
@Chennai

THE luggage arrived as quietly as its owners. The shifting of families - from the banks of the Cooum at Aminjikarai to the rehabilitation settlements of the Tamil Nadu Slum Clearance Board (TNSCB) at Perumbakkam - was marked by an air of resignation.

Asked whether she will shift to another school nearby Kovachi R, a Standard XII student in a private school at Aminjikarai, shrugged. "We have not decided what to do yet," she said.

Her parents were at a loss. Both of them had raised seven children. Now they have to sell their home off in a hurry and start all over again.

Many residents of Aminjikarai were not against the shifting, but they just did not want it to be Perumbakkam. Senthil R, who used to work as a domestic help, said they wanted to move to Ambattur. If at all they had to. And all they got was Perumbakkam.

In fact, confident that this day would never come though she had received allotment sometime last year, Senthil had pledged her daughter's necklace to build a new roof for her house in Aminjikarai only a few days ago.

"I have lived there since I was 10. Now it is all gone," said the 52-year-old.

Most of their belongings - wooden boxes, foldable cots, old sleeping bags among others - had to be taken by the elevator because the staircases were too narrow that even two medium built persons cannot walk side-by-side. Though there were two elevators in every block, one was non-functional in most of the blocks.

Chandra S, who got her new home in 'J' block, arrived at Perumbakkam on Wednesday. She has not had a bath ever since!

"There has been no water supply for the past three days. For drinking water, we buy cans priced at ₹2 each," she said.

Most houses in the 'J' block and some houses in the 'K' block did not have water supply, complained residents. Some houses

such as 142, 143 and 144 in the 'K' block did not have power either, according to the occupants.

"We have been sleeping without a fan. No action has been taken on our complaints so far," says Lakshmi S, who had to use her neighbour's toilet because her toilet drain was filled with vomit.

She had cataract surgery on both eyes recently at the Kilpauk Medical College Hospital, Nore, the hospital is 24 km away.

When contacted, the TNSCB officials said the issues related to power and water supply would be immediately looked into and all inconveniences sorted out at the earliest.

Residents agreed that the officials had helped them move without a hitch and had even thoughtfully provided them sambar rice for lunch.

But Benu had a lot more running on her mind than sambar rice. She lived with her mother and uncle, both blind.

"My mother sells ration card covers in the Tambaram Railway Station. This place is entirely new to her. So she would need my assistance until she gets familiar with this place and the bus route," she said.

The children in the area make the most of the place even though their school is a housing tenement that has been turned into classrooms - drab and dark like the others.

According to Vanessa Peter, an activist and policy researcher who has been extensively involved in rehabilitation issues, the children were to be shifted to the new school building. But it has already been nine months since they moved in.

The flaws

Though the residents have taken most of the issues in their stride, considering it as a price to be paid for not having to live in fear of waking up to floods or fire, Perumbakkam hides a few darker stories. The flawed building design had resulted in the fall of two girls. While one of them died, the other received severe leg



Sunday Special

injuries.

A small plate of rice and a glass of water on the seventh floor marks the spot from where 15-year-old Nathiya fell to her death. Her mother Jaya leaves it in the open-to-sky (OTS) area on their floor for her every day, knowing fully well she won't be coming home for lunch.

On October 27, Nathiya came home from her school located near Nandanam around 8.30 pm, the usual time she reached home after travelling almost 25 km in the evening traffic. She went outside to pick up her clothes that were put for drying there, but

tripped and fell seven floors down.

"I was sitting right here in the hall and all I could do was to watch her fall," said Jaya, who works as a housekeeper in an apartment not far away.

The OTS space model in the building blocks at Perumbakkam was introduced after the board came under severe criticism for the almost absolute lack of skylight in their earlier tenements. These spaces were introduced to bring in skylight from the highest floor right down to the first floor.

Not only do they not light up

the narrow corridors of the first three floors, they present dangers for children as in the case of Nathiya. A month after her death, the space still remains unprotected and clothes are still dried there by the 'J' residents where Nathiya lived.

Before her, 12-year-old Sruthi (name changed) had fallen from the sixth floor of the 'J' block where the OTS model is different from the one in 'K' block. Here, there are grilles on the walls opposite to the entrances of the houses on the floor, which are intended to cover the OTS space in the corridor wall. This parapet

(Above) People shifting to the TNSCB settlement in Perumbakkam; (R) open space through which Nathiya fell, and (L) grille through which Sruthi fell | SUNDAY P SURESHKAR

Bldg with a dark past

The flawed building design had resulted in the fall of two girls. While one of them died, the other received severe leg injuries.

wall overlooks another wall with toilet plumbing running over it while allowing sunlight into the floor.

"We don't think it brings any light, but it certainly brings in stench from the leaky toilet plumbing from the opposite side of the wall," said Loganathan T, who operates the lift in the block and also lives there.

More importantly, the grilles have a door that can be easily opened and remains so in most of the houses most of the times.

Selvaraj remembers the date - May 10 - well as it was his birthday. It was summer vacation and Sruthi, a resident of Ice House, had come to visit his uncle Manigandan who lived next door to Selvaraj. "I invited her and five or six other children in the neighbourhood for lunch as it was my birthday," said Selvaraj.

As they were waiting for the lunch, the kids went out to play. That was when Sruthi caught the chandelier over the OTS grille and jumped onto the parapet wall, causing her weight to push the grille open, leaving her to plummet six floors, said neighbours.

The bend on the grille door on the first floor was from that fatal day, said Nallathambi, head of the residents' association, who lives on the first floor. "The grille door on our floor stopped her fall and she survived," he said.

But, it was on Saturday that Sruthi took her first steps after the fall. "She has not been able to

go to school. Though her school is very understanding when it comes to the fees, she will have to study in Class VI again next year," said her mother, who sells plastic items from door-to-door with her husband.

But Sruthi, determined to go to school as soon as possible, has followed her physiotherapy regimen strictly. "It hurts a little when I walk now, but I am sure it will get better as I start walking more often," she said. When contacted, a senior TNSCB official said the doors on the grilles were to carry out plumbing and maintenance activities in the pipes that ran across the walls opposite to the grilles.

"But now, we have planned to provide locks to the doors and hand over the keys to the maintenance workers. We will take every precautionary measure possible," he added.

But activists said it took much more than a temporary fix. "Imagine the kind of steps that would have been taken if it had been a housing society for other income groups," she added.

According to Vanessa, in early as 2011, the Tamil Nadu government had recognized the need for rehabilitation and resettlement and housing policies. But till date, no such policy has been evolved.

"There has been denial of rights, especially as there is no access to social infrastructure facility," she said.

JJ Nagar Slum Dwellers Relocated Further Away from Promised Site

Express News Service

Chennai: It was a bolt from the blue for the 43 families residing at JJ Nagar, near the Nandambakkam Canal, who were already resigned to the fact that they would be relocated to Thirumazhisai, after discussions progressed for a \$400 million World Bank funded project to be built over their previous homes.

But on February 4, their hopes of even getting a shelter in Thirumazhisai were shattered, as they

were instead moved to Perumbakkam under a different scheme.

"The officials promised us that we will be shifted to Thirumazhisai. But now they have shifted us to Perumbakkam. We agreed to the former as there were livelihood options. In Perumbakkam, we will not have any," said an affected family.

The Independent Resource Center for Deprived Urban Communities (IRC-DUC), whose recommendations were agreed to by the World Bank and Chen-

nai Corporation to resettle the families in Thirumazhisai, has slammed the Corporation officials for failing to safeguard the rights of the families.

The negotiations had

pave the way for the "Integrated Storm Water Drainage Project for the Expanded Areas of Corporation of Chennai."

The project is oriented towards resolving water-

Despite months of negotiations and meetings with decision makers, families in JJ Nagar faced the exact situation they feared — FACT FINDING REPORT

initially focused on relocating the residents, who had lived in the slum for more than 30 years, to

logging and flooding issues in the city.

"Chennai Corporation wanted them to be shifted

to Exhill Nagar, which the families opposed. After discussion, it was agreed that they would be shifted to Thirumazhisai under the World Bank-funded project," said independent researcher Vanessa Peter.

What is troubling, however, is that "despite months of negotiations and meetings with decision makers, families in JJ Nagar faced the exact situation they feared and worked so hard to prevent," states a fact-finding report of the IRC-DUC.

After pleading and pro-

testing with the authorities for hours, all 43 families eventually gave in and moved to the State-approved resettlement site, abandoning their homes and possessions. It is unclear if they will receive any compensation for the loss of their homes and livelihoods. They had to, until the end of the day on Friday, collect their belongings before the bulldozers moved in, the report went on to state.

The difficulties of the shift in resettlement sites is significant, as children

in the families relocated to Perumbakkam have to travel for over an hour and a half to reach their schools in Manapakkam.

"The affected families are eligible for a different set of relief and rehabilitation packages. The 43 families now can't avail of it. Why has the World Bank failed to safeguard their rights, despite informing them in advance?" questioned Vanessa.

Official sources in Chennai Corporation said they would look into the allegations.



OVERWHELMING STRESS: For residents of Ezhil Nagar, civic issues such as overflowing sewage and poor disposal of garbage have become a part of life. —PHOTO BY K. ARUNACHALAN FOR THE HINDU

Resettled: A story of struggle on the fringes

Thousands who were relocated to remote areas after last year's floods have a tough time finding jobs and accessing basic infrastructure

ANITA R.

CHENNAI: In the months following the December 2015 floods that devastated the city, thousands of families — who in official parlance were encroachers — were sent away from their homes to remote areas. While they were being packed off in crowded trucks, many left with fear and uncertainty about how they would feed themselves in a new area, even while a few hoped that the permanent houses assigned to them would symbolise a new beginning.

However, over a year after the disaster, it is the worst fears of residents that have come true.

"I have sold my jewellery and have been living on alms and handouts from neighbours and money lenders for the last 10 months," said P. Suganthi, a daily wage labourer in Perambakkam, who with her husband, two daughters and ailing mother had to leave Ezhil Nagar after their houses were washed away.

"We were promised employment, but finding a job has been extremely difficult. People look down on us. When I tried to get a job as a sweeper, I was asked to bring a guarantor since I'm from Perambakkam. Almost everyone here faces similar issues," she said.

According to official statistics, 2,151 families from slums were relocated to the Tamil Nadu Slum Clearance Board (TNSCB) tenements in Perambakkam, over 1,715 to houses in Ezhil Nagar and 919 to Godpakkam. These include families affected by various civic projects as well as slum dwellers living on objectionable land.

The loss of income and livelihood has had an impact on various aspects of life. Many have even stopped sending their children to schools due to safety issues and financial constraints. "This place is very isolated and unsafe. By the time my daughters return home, it gets dark. Also, we cannot afford to pay the daily bus fare with no income in hand," said Saroja, a resident of Ezhil Nagar.

Residents are unhappy with the poor quality of construction. E. Rani, a widow residing in Perambakkam, pointed to the damp ceiling in her apartment and showed a video recording from during the recent cyclone in which the entire ground floor of the complex and the street outside were flooded. "The situation remained this way for four days. We found it difficult to step out to even buy food.

Nobody came to help us. Why did they bring us here then?" she said. When they were relocated, the families affected by the floods were given Rs. 5,000 each and told they would get a monthly subsistence allowance of Rs. 2,500 for a year. However, many residents of the tenements complained that there were irregularities in the disbursing of the funds. Their financial situation is made worse by the fact that they are expected to pay a monthly maintenance fee. In Perambakkam and Godpakkam, the charge is Rs. 750 and in Ezhil Nagar, it is Rs. 300, excluding the monthly electricity charge which, according to residents, is not less than Rs. 500.

"We haven't received the allowance for the past three months and we have no jobs either. So, we couldn't pay the maintenance fee. Now the Slum Board officials are threatening to remove us. But how do we pay in such circumstances?" asked K. Raju, a daily wage labourer in Ezhil Nagar.

No rehabilitation

The complaints raised by residents here point to larger questions regarding resettlement in the city. Experts note that the absence of a rehabilitation and resettlement policy or norm in Tamil Nadu and social impact assessment has severely affected the lives and livelihood of slum dwellers who are forced to the fringes of the city. Residents who were resettled said the process was completed at short notice and without consultation.

S. Madhavan, a tea vendor from Villalar Street, Annakkilai, recalled the time when he and others in the locality were given a day to pack their belongings and head to their new homes in Godpakkam, 30 km away.

"My father and I had saved every penny to build our old house. But in a matter of minutes, it was reduced to rubble," lamented Madhavan, who with many other residents had resisted relocation. "But nobody listened to us, and we were brought here. There was absolutely nothing here, no water, no power. The cyclone disrupted the temporary arrangement plan. It's been 15 days without electricity now. Who do we now go to," he asked.

A recent report by the Information and Resource Centre for the Deprived Urban Communities (IRCDUC), a city-based NGO, pointed out that nearly 1.29 lakh

people living in various informal settlements in the core areas of the city have been pushed to the fringes in the guise of housing programmes and another 1.69 lakh individuals are to be resettled in the tenements in Perambakkam, Ezhil Nagar, Athipattu and Thiruvalluvar as per the ongoing resettlement programme.

The report also pointed out that in Perambakkam, 15 per cent of men and 19 per cent of women of the flood-affected families lost employment immediately after relocation. In Ezhil Nagar, 31 per cent of men and 18 per cent of women of the flood-affected families lost their jobs mainly because of the increased distance they had to travel for work and inadequate transportation.

One of the important findings of the study was that 36 per cent of children in these resettlement sites dropped out of schools and anganwadi centres (AWCs). In Perambakkam, 18 per cent have dropped out and in Ezhil Nagar (Thiruvalluvar), 17 per cent of the children have dropped out.

There is only one primary and one high school in Perambakkam,

that too inside the tenements. In Ezhil Nagar there is only one middle school, which parents claim has no facilities.

"There is no water supply in the school or toilets. Many a time, children are made to sweep the classrooms and floors. The maintenance is very poor, so I don't send my children there," said R. Kalyani, a resident of Ezhil Nagar.

A Supreme Court judgment in 2006 related to the Integrated Child Development Scheme (ICDS) scheme had, while maintaining the upper limit of one AWC per 1,000 population, stated that the minimum limit may be kept at 800 for opening of a new AWC. Further, rural communities and slum dwellers should be entitled to an anganwadi on demand (not later than three months from the date of demand).

According to the IRCDUC report, most of the resettlement sites do not have enough anganwadis. The existing centres are cramped with nearly 40 children and function inside houses rather than in separate buildings.

Officials from the Slum Clearance Board said that they had been

taking steps to arrange for employment and set up more anganwadi centres, schools and hospitals and that it would be done based on demand and the number of people moving in.

Similar issues crop up when it comes to vocational training too. "The Board gives tailoring training to everyone. How many tailors does a place need. Training must be based on market demand," said Vanessa Peter, policy researcher, IRCDUC.

Lack of emergency healthcare
Residents of Perambakkam also complained about the lack of healthcare and said that the only primary healthcare centre functioning in the tenements was inadequate and did not cater to emergency services.

"My son once had an asthma attack. We were asked to take him to Royapettah, but there wasn't enough time. So we rushed him to a private clinic. The centre is simply not equipped," said Shobha, a resident. There is currently one doctor at the Perambakkam centre and six at the one in Semmencherry, which residents

claim is also short-staffed and does not provide timely help.

"We currently have six doctors. Three of them work on contract and in their sleep. We are not equipped to handle critical cases. So we refer them to other hospitals," said an assistant civil surgeon from the centre.

A meeting convened by the Chief Secretary in 2010 had stressed on the need for proper guidelines whenever a resettlement scheme for over 1,000 families was proposed. It had also noted that panchayats were not able to deliver services. Confirming this, S. Jayaraman, Perambakkam panchayat secretary, said they were understaffed although they had 50 residential colonies under their jurisdiction and hoped the area would come under the Corporation.

Referring to the need for a resettlement policy, Anubhavram, a Dalit scholar and activist, said that the existing system was not community-friendly. "It's sad and worrying that there is no mention of this ghettoisation. I fear that if left uncurbed, it will lead to serious issues," he said.

Left out and behind

The lack of facilities has left those shifted after the floods struggling



Perambakkam
Resettled families - 2,151
Primary Healthcare Centres - 1 (within tenements, one doctor)
Schools - 2 (1 primary, 1 high school) within tenements. One higher secondary school in under construction
Anganwadis - 5
Ration Shops - 2



Godpakkam
Resettled families - 195
Primary Healthcare Centres - None (under construction)
Schools - None (there are schools nearby)
Anganwadis - None
Ration Shops - None (efforts are on to set up one)



Ezhil Nagar
Resettled families - 1,715 (approx)
Primary Healthcare Centres - 2
Schools - 5
Anganwadis - 20
Ration shops - 14
"The civic facilities for Ezhil Nagar also cater to the approximately 15,656 families in Kammaj Nagar. The facilities listed include only State-run institutions."

A cold corridor is what she calls home

SEARAT RASHEED

CHENNAI: On November 30, a 70-year-old widow — A. Poongavarnam, a resident of Villalar Street, Annakkilai — was directed to pack her belongings and leave her home for Godpakkam. She was one among 100 odd residents asked to do so.

However, Poongavarnam had not been allotted a house, despite submitting the required documents to the Corporation officials.

"They told me I would have to wait for an allotment, and in the meantime, would have to find another place to stay as they were going to demolish my house," she said.

With nowhere to go, she followed her neighbours to

Godpakkam and I, said, between sleeping in the corridor of the apartment complex and

the house of her former neighbour R. Mallika. "My neighbours help out when it gets cold. I was a lot happier in my own house," she said.

Poongavarnam formerly sold fish near the Marina beach for a living. A few years ago, she met with an accident and was advised to stay indoors.

"I have one daughter who lives in Kanchipuram. She used to come and look after me sometimes. But I haven't been able to contact her since we moved here," she said.

"My husband and I built our house with great difficulty, but now that he is gone, I really need help," she cried.



NOWHERE TO GO: Poongavarnam was left homeless after she lost her house in a demolition drive.

After shelter, schools will be the next big challenge

Proposed Campuses Not Ready

Christin Mathew Philip
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Chennai: The state government, which plans to shift 95,000 people (23,000 households) to Tamil Nadu Slum Clearance Board (TNSCB) tenements in Perumbakkam, faces a challenge in ensuring that thousands of children of these families have access to schools.

To an RTI petition by Vanessa Peter, policy researcher at the Information and Resource Centre for the Deprived Urban Communities, TNSCB stated that it would construct 20 Integrated Child Development Services (ICDS) centres, five primary schools, two high schools and two higher secondary schools in Perumbakkam.

But TNSCB is yet to complete construction of the proposed schools. All it could do is convert five of the tenements into a school that has been functioning since December, 2014. Now only



Pics: R Ramesh Shankar



Classrooms are functioning at five tenements (above) of Tamil Nadu Slum Clearance Board in Perumbakkam (left). Construction of the proposed schools are yet to be completed

three ICDS centres function in the locality.

The existing school, which has children from Class 6 to Class 10, has 39 students. There will be a huge influx — likely in the thousands — in Perumbakkam when the authorities move families from the banks of the city's waterways to

this locality. Peter said population of children will be around 20%, which translates to 19,000 students.

"For this, at least 11 schools each of a capacity of 2,000 will be required," she said. "However, there is provision only for nine schools in the layout and no structure is complete so far."

When TOI visited Perumbakkam on Thursday, it has found the 'school' functioning out of the tenements has crammed classrooms, no libraries or laboratories. There is also no playground. The building is not designed for a school, and there are safety issues involving including absence of emergency exits in the eight-storey building. There is no boundary wall either, which is a violation of Section 19 of RTI Act.

Teachers say the premises were flooded during the recent rain. "There is a shortage of space, facilities and faculty as it is a temporary arrangement. But we may have to accommodate children of the affected families when the authorities move them here," a teacher said, adding that rainwater is yet to drain out from many parts of Perumbakkam.

A government official said students can go to three schools (primary, middle and higher secondary) in Semmencherry. "We have completed 80% of the work on a high school and it will open shortly. The temporary school will be shifted once it is opened. We also plan to open another primary school," he said.



The slums are being looked at as something that is detrimental to the general hygiene and safety of the community. This should change. Demand the dignity that you deserve

Vanessa Peter, activist

Slum-dwellers intently listen as experts discuss their problems at a seminar, 'Voice of slums in post-flood Chennai' on Monday

P JAWAHAR



As slum-dwellers relive last December disaster, flood of existential issues surfaces

EXPRESS NEWS SERVICE @ Chennai

MARAGADHAM from a slum in Teynampet does not like to cry when there are people around, she makes it clear. She does, nevertheless. When her father died on December 1 last year after a prolonged illness, Maragadham and her family had to run with the body as the water swept in, taking with it many things they held dear, including their dignity.

"The body was at home for two days. I begged so many to help us bury him. If it hadn't been for my friend, who gave me ₹7000 without a second thought, I don't know what I would have done," she said at the 'Voice of slums in post-flood Chennai', organised by the Department of Service Learning (Out-

reach), Loyola College.

Representatives from 41 slums and low-income colonies in the city gathered to relive their experiences during the floods and how life has been ever since.

'Dignity' is largely overlooked in the discourse of slum-dwellers, according to activist and policy researcher Vanessa Peter. "The media's portrayal of slum-dwellers even during the floods was very disappointing," she said.

When members of the higher economic strata were aesthetically painted as they received the same relief materials, the poor were often shown crowding around the volunteers with outstretched arms, she said.

"The slums are being looked at as something that is detrimental to

the general hygiene and safety of the community," she said. "This should change. Demand the dignity that you deserve." Vanessa also urged the gathering to demand an in-situ rehabilitation.

"Many people with whom we work have received subsistence allowance for only four months even though it has been eight months since they moved in," she said.

The complaints over the current rehabilitation facilities in Kannagi Nagar, Perumbakkam and Chennamchery came in fast and frantic to the single representative of the Tamil Nadu Slum Clearance Board (TNSCB) who was present at the meeting.

"The school that is being built in Perumbakkam is too far for the children to go on foot," said a resi-

dent. "You give us beautician, tailoring and jewellery making courses but what about jobs?" asked another.

Though many of these questions went unanswered, the slum-dwellers were in no mood to stop. Spurred on by members of NGOs who were also present at the programme, they were determined to fight.

"Check if your slum has been officially recognised, ask for community pattas for government rehabilitation complexes, get sale deeds, remember that relief is your right," said Vanessa.

R Mani, senior journalist, who spoke to the gathering at the inaugural session, called for more effective measures that must be in place as part of flood preparedness.



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Housing and Land Rights Network (HLRN)—based in New Delhi—works for the recognition, defence, promotion, and realization of the human rights to adequate housing and land, which involve securing a safe and secure place for all individuals and communities, especially the most marginalized, to live in peace and dignity. A particular focus of HLRN's work is on promoting and protecting the equal rights of women to adequate housing, land, property, and inheritance. HLRN aims to achieve its goals through advocacy, research, human rights education, outreach, and network-building – at local, national, and international levels.

Information and Resource Centre for the Deprived Urban Communities (IRCDUC) is a Chennai-based consortium of community-based groups and individuals from different sectors working to assert the rights of deprived urban communities. The primary objective of IRCDUC is to enhance the capacities of deprived urban communities by collecting, collating, and disseminating information on various laws and policies related to adequate housing, and enabling them to lead their own struggles.

In this collaborative report—**From Deluge to Displacement**—HLRN and IRCDUC present the findings of a detailed primary research study of the resettlement sites of Ezhil Nagar (Kannagi Nagar) and Perumbakkam in Chennai, where the evicted flood-affected families have been relocated. The study uses the human rights framework to analyse the eviction process that preceded the relocation of families to these settlements as well as the housing and living conditions in the resettlement sites. The report makes specific recommendations to the Government of Tamil Nadu to improve living conditions in these relocation settlements, and to incorporate human rights standards in law and policy related to housing, land, and resettlement in the state.

This report also aims to spread awareness on the egregious issues related to the forced relocation of disaster-affected persons under the guise of safety, but which in reality is part of a larger framework of promoting segregation and dispossession of the poor from cities. HLRN and IRCDUC hope that the findings of this report and its recommendations will help the affected persons to realize justice and restitution for the violation of their human rights.



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