

DEPRIVATION

BY DESIGN

**An Assessment of the Long-term
Impacts of Forced Relocation from
Porur Lake, Chennai**



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Acronyms and Abbreviations

AWC	Anganwadi Centres
BC	Backward Classes
CESCR	Committee on Economic, Social and Cultural Rights
EWS	Economically Weaker Sections
FGD	Focus Group Discussion
FPS	Fair Price Shops
GCC	Greater Chennai Corporation
HLRN	Housing and Land Rights Network
IRCDUC	Information and Resource Centre for the Deprived Urban Communities
MNREGA	Mahatma Gandhi National Rural Employment Guarantee Act
MBC	Most Backward Classes
NGO	Non-government Organization
OBC	Other Backward Classes
PHC	Primary Health Centre
PWD	Public Works Department
R&R	Rehabilitation and Resettlement
SC	Scheduled Castes
SDG	Sustainable Development Goals
ST	Scheduled Tribes
TNSCB	Tamil Nadu Slum Clearance Board
UN	United Nations

Acknowledgements

On behalf of Information and Resource Centre for the Deprived Urban Communities (IRCDUC), Chennai, and Housing and Land Rights Network (HLRN), Delhi, we express our heartfelt gratitude to the study participants—people displaced from Porur Lake and resettled in Collector Nagar (Gudapakkam) and Nallur in 2006—for their time, and for raising their issues and concerns with courage and conviction.

We commend the community leaders in the resettlement sites of Collector Nagar and Nallur for facilitating this study.

We also thank the volunteers from Uravugal Social Welfare Trust, a non-government organization (NGO) working in these settlements, for initiating the needs-based assessment process in the sites. We would like to especially acknowledge the volunteers of IRCDUC for assisting us with data collection and for facilitating the focus group discussions.

We hope this study will help spread awareness on the egregious human rights violations and persistent but unresolved issues related to the forced relocation of deprived urban communities under the guise of “restoration of water bodies” but within the larger framework of promoting segregation and dispossession of the poor from cities. Moreover, we hope that this report will help the affected persons in their struggle to achieve justice and restitution for the violation of their human rights, while serving as a cautionary note to the state to halt such forced evictions and relocation in Tamil Nadu.

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November 2019

Executive Summary

“The eviction process was insensitive, one child died in the process and an elderly couple lost their lives because they were trying to safeguard their belongings while the demolition process was going on. We are still denied basic facilities even 13 years after our relocation. We were displaced and forgotten by the government.”

~ Families resettled in Collector Nagar (Gudapakkam) after being evicted from Porur Lake in November 2006

Tamil Nadu is witnessing widespread forced evictions, especially along water bodies in the state. These evictions have deleterious impacts on the lives and livelihoods of economically weaker sections (EWS); however, the scope of public discourse on the issue continues to be limited to treating the poor as “encroachers” without any deliberation on the violation of their constitutionally guaranteed rights. Though the scale of evictions has intensified since the 2015 Chennai floods, forced evictions and relocation of the urban poor under the guise of “restoration of water bodies” have been occurring across the state over the past two decades.

Given the serious and usually undocumented long-term impacts of forced evictions and relocation of the urban poor, Information and Resource Centre for the Deprived Urban Communities (IRCDUC),¹ Chennai, and Housing and Land Rights Network (HLRN),² Delhi, decided to conduct a primary research study and assess the living conditions of persons evicted from Porur Lake in 2006, which accounted for one of the earliest and largest eviction drives for the conservation of water bodies in Tamil Nadu.

This report is an attempt to understand the eviction process carried out under the guise of “restoration of water bodies” and to assess the long-term impacts of forced relocation and resettlement.

Porur Lake is a large water body located in southwest Chennai. It was surrounded by various ‘informal settlements,’ comprising over 10,700 families. The Public Works Department (PWD) and the District Administration forcibly evicted these settlements in November 2006, on the basis of an order issued by the Madras High Court that directed the Government of Tamil Nadu to remove all types of “encroachments” under the control of PWD and local bodies before the onset of the monsoon.

Of the approximately 10,700 families evicted, only 4,000 families were provided alternative land in two sites, namely Collector Nagar, located in Gudapakkam in Tiruvallur District, and Nallur, located in Kancheepuram District. Both these sites are situated over 20 kilometres from Porur Lake. Visits by IRCDUC to these sites in 2018 revealed that the living conditions were grossly inadequate and people were still struggling for basic services, even 12 years after being relocated. Consequently, IRCDUC and HLRN decided to carry out a detailed human rights assessment of the living conditions of the relocated communities as well as the long-term impacts of resettlement. The primary research was conducted in both sites in May and June 2018 through door-to-door household surveys of a sample of 379 families, comprising 9 per cent of the total population. In September 2019, the sites were revisited in order to update the data and record the latest information.

1 Based in Chennai, IRCDUC is a consortium of community-based groups and people from various walks of life trying to assert the rights of deprived urban communities in Tamil Nadu. 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.

2 Based in New Delhi, Housing and Land Rights Network (www.hlrn.org.in) works to promote the human rights to adequate housing and land, and related human rights, especially for the most marginalized, through the integration of a strong human rights approach.

The major findings of this primary and secondary research study are presented below.

Long-term Impacts of Evictions and Resettlement

1) Violation of the Right to Restitution, including Compensation and Resettlement

The study reveals that about 6,700 families evicted from Porur Lake in 2006 did not receive any relief or rehabilitation, including alternative accommodation, from the state. These evicted families, thus, had to fend for themselves, and after being forced to live on the streets for over three months after the eviction, finally moved into rental housing. Two hundred families that could not afford alternative housing continued to reside near Porur Lake for over seven years. However, in 2013, they were evicted again. Details, including the current whereabouts of these 200 families, remain unknown.

The 4,000 families that received alternative land in Collector Nagar and Nallur, only received 'tokens' [a piece of paper with a seal of the *tehsildar* (revenue official)] for the plot of land six days after they were evicted, on 29 November 2006. The 'token' was the only document that entitled each family to the resettlement package that consisted of cash assistance of Rs 2,000 and one cent (435.6 square feet) of *poramboke* (government) land. The state government, however, did not provide any financial assistance for construction of houses at the resettlement sites to any of the 4,000 relocated families. Many families, thus, had to take loans from moneylenders at high rates of interest, in order to build their homes, as they did not have access to formal financial institutions such as banks.

2) Violation of the Human Right to Adequate Housing

Both resettlement sites of Collector Nagar and Nallur, where families from Porur Lake have been relocated, are situated in interior and remote locations. Nallur is not accessible from the main road, as there is no bus connectivity from the site to the main road. The site was allotted to those evicted from Porur Lake after evicting seven families that were residing on the land. Nallur is also located very close to a water body and the resettled families experience flooding during the monsoon season every year. They also report regular encounters with snakes, which pose a great threat to their lives and safety.

In Collector Nagar, even 13 years after relocation, people do not have any legal security of tenure over the land that they have been living on for over a decade. The 'tokens' issued during the resettlement process are the only evidence that families have, which validate their claims to the land. In the case of Nallur, 'assignment *pattas*' (titles) were issued to families in the year 2008. However, 'assignment' does not imply complete ownership of land, it only ensures physical possession.

Thirteen years after their eviction and resettlement, affected families in both settlements do not have access to basic amenities including roads, street lights, water, fair price shops (FPS), *anganwadi* centres (AWC/crèches) and primary health centres (PHC).

3) Violation of the Human Right to Work/Livelihood

The study finds that lack of connectivity by public transport to Porur Lake is a challenge for residents of both resettlement sites. In the initial days after relocation, people had to travel for over two hours to reach their places of work. Men and women reported having to leave their homes at 6 a.m. in order to reach their work places on time. If they missed the early morning bus, they were unable to reach work on time. The study reveals that even after 13 years, only 16 per cent of men and 30 per cent of women are employed in informal work in and around the locality; the rest continue to commute to locations near Porur Lake for their livelihoods.

4) Violation of the Human Right to Education

Children's education has been a major concern of affected families. Immediately after their eviction from Porur Lake, families protested through road blocks ('road roko') demanding their right to education. In Collector Nagar, an AWC was started only 11 years after families moved there, while in Nallur, it took the state 10 years to set up a functional AWC.

5) Violation of the Human Right to Health

A major finding of this study has been the continued violation of the human right to health of affected families in both resettlement sites. Families resettled in Collector Nagar reported having to travel for over four kilometres to Nemam to access the nearest PHC. A PHC was operationalized in May 2018, but does not have a designated doctor and has not been functioning regularly since its inception. The nearest PHC to the Nallur resettlement site is in Melathur, at a distance of six kilometres.

6) Violation of the Human Rights to Water and Sanitation

In Collector Nagar, one common overhead water tank supplies water for only an hour a day, which is grossly insufficient. Though water tanks have been installed at various locations inside the settlement, they also do not provide enough water. Government water tankers aimed at meeting the drinking water shortfall, only visit the settlement once in two days, and thus fail to meet the needs of all residents. Women bear the burden of fetching water for their families, as most households do not have individual water connections.

In Nallur, water tanks were installed only 10 years after relocation. The settlement does not have household water connections; neither does it have adequate drinking water facilities. Women have to walk to the end of the road to fetch water from a common tap. The burden for collecting water for the entire family falls on women and girls.

In Collector Nagar, 60 per cent of the houses do not have individual toilet facilities. The families that have houses with toilets (40 per cent of total households), only constructed septic tanks after 2017, through funding from the central government's Swachh Bharat Mission (Clean India Mission). Till date, the settlement does not have sewage lines. The houses that do not have individual toilets have created a semi-covered space that is used as a toilet. In the absence of sanitation facilities, residents have constructed open drains. The site thus faces sewer water stagnation throughout the year, which is exacerbated during the rainy season.

7) Violation of the Human Rights to Safety, Security, and Privacy

The sites of Collector Nagar and Nallur have faced several instances of fire accidents over the years. The lack of secure land titles for residents of Collector Nagar has prevented many people from investing in their homes. This has resulted in unsafe housing conditions for many. Both sites are infested with snakes, scorpions, and other insects. In Collector Nagar, a 25-year-old woman suffered from a scorpion sting. The unresolved strained relationship with host communities is another element of threat and insecurity for the resettled families. The remote location of the sites in conjunction with inadequate transportation facilities greatly threatens the safety and security of women, adolescent girls, and children.

8) Absence of Legal Safeguards to Protect the Human Rights of Marginalized Communities Living along Water Bodies

The Government of Tamil Nadu and the judiciary have failed to address the needs of the urban poor and marginalized families that have settled along water bodies by labelling them as "encroachers." Furthermore, no attempts have been made to differentiate between genuine encroachers, including commercial establishments,

which violate laws but are not penalized. The study also highlights how judgments of the Madras High Court have failed to acknowledge the historical marginalization process that has forced already deprived families to live along water bodies and then evicted them without adhering to due process. This has resulted in gross violations of the human rights of these communities. The state has also violated a range of national and international laws, policies, and human rights standards in the eviction and resettlement process related to Porur Lake.

Based on the alarming findings of this study, IRCUDC and HLRN make the following recommendations to the Government of Tamil Nadu in order to restore the human rights of those evicted from Porur Lake as well as the rights of other communities facing similar issues, after having been evicted from along different water bodies in Tamil Nadu. This report also seeks to improve living conditions in all resettlement sites, as per the state's moral and legal commitments under national and international laws.

Policy Recommendations to the Government of Tamil Nadu

- End forced evictions, displacement, and resettlement of the urban poor to remote locations, as it results in violation of multiple human rights, including the human rights to adequate housing, land, work/livelihood, food, water, sanitation, health, education, information, and security of the person and home.
- Develop a state-level right to housing law that integrates United Nations (UN) standards of 'adequate housing' and guarantees everyone's human right to adequate housing, without discrimination.
- Develop a human rights-based, gender-sensitive, and child-friendly policy framework on Rehabilitation and Resettlement (R&R), in order to ensure a comprehensive planned approach that respects the rights of affected persons and adheres to national and international laws, policies, guidelines, and human rights standards.
- Consolidate the information and data, available with various departments, on vacant, unused, and under-utilized land in the state. The Tamil Nadu State Land Use Board should officially announce an inclusive 'land reservation policy' for deprived urban communities. The inclusive land reservation policy should focus on equitable spatial allocation for the poor, based on their proportion to the total population. The state should issue individual *pattas* (titles for individual houses) and community *pattas* (titles for tenements) over the land on which houses are constructed to ensure that ownership and legal rights over the land are vested with the community.
- 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,³ and the Guiding Principles on Security of Tenure for the Urban Poor⁴ as well as General Comment 4 of the UN Committee on Economic, Social and Cultural Rights.⁵ Amendments should also include provisions and standards for livelihood protection, education, *in situ* (on site) upgrading, and adequate resettlement.
- Include the active participation of poor and marginalized communities in all housing, conservation, and restoration programmes and processes.
- Translate all relevant policies and programmes related to housing and resettlement into Tamil and make documents available in the public domain.
- Implement recommendations of UN human rights mechanisms, including treaty bodies, the Special Rapporteur on adequate housing and the Human Rights Council during India's third Universal Periodic Review. Also work to implement the Sustainable Development Goals (SDG) in the state.

3 Basic Principles and Guidelines on Development-based Evictions and Displacement, presented in the report of the UN Special Rapporteur on Adequate Housing, A/HRC/4/18, 2007. Available at: https://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf

4 Guiding Principles on Security of Tenure for the Urban Poor, presented in the report of the UN Special Rapporteur on Adequate Housing, A/HRC/25/54, 2013. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/25/54

5 General Comment Number 4: 'The right to adequate housing,' United Nations Committee on Economic, Social and Cultural Rights, 1991, Available at: https://www.hlrn.org.in/documents/CESCR_General_Comment_4.pdf

Recommendations for the District Administration of Kancheepuram and Tiruvallur Districts

- Convene a meeting at the resettlement sites of Collector Nagar and Nallur to address grievances of residents and resolve issues related to livelihoods, including non-implementation of the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA), inadequate bus services, and lack of access to other essential services and civic infrastructure facilities.
- Organize reconciliation meetings between residents of the resettlement sites and host communities to address issues of contention that have persisted for 13 years. Experts should be invited to such meetings with the aim of developing durable solutions and building trust between the communities.
- Take immediate measures to issue secure land titles (*pattas*) to all families residing in Collector Nagar.

This report highlights the multiple and persistent human rights violations of the communities forcibly evicted and relocated from Porur Lake as well as the inadequate living conditions at the resettlement sites of Collector Nagar and Nallur. While documenting violations of national and international laws, policies, and human rights standards related to housing and resettlement, the report also highlights the state's policy that results in discrimination and expulsion of the urban poor from the city, at a high social, economic, and cultural cost to the affected communities. This forced segregation has continued in Tamil Nadu with forced evictions and relocation to the fringes of cities becoming the norm of disaster management and conservation efforts in the state.

By forcibly evicting communities and destroying their homes, while ignoring their historical marginalization and significant contributions to the city, the state is also contravening various SDG, including SDG 11, which aims to “make cities and human settlements inclusive, safe, resilient, and sustainable.” It is a cruel irony that under the pretext of making cities resilient, disaster-resistant, and sustainable, the human rights of the most vulnerable communities are being violated and they are being further excluded from development processes.

By publishing this report, IRCDUC and HLRN hope that the Government of Tamil Nadu pays heed to the findings presented and implements the proposed recommendations, with the aim of restoring the human rights of the resettled communities and preventing any further human rights violations, including forced evictions, in the state.

Introduction: Overview of Forced Evictions along Water Bodies in Tamil Nadu

Since the 1990s, the Government of Tamil Nadu has been forcibly evicting and displacing families of deprived urban communities and lower-income groups residing along the state's water bodies, including rivers, canals, lakes, ponds, wetlands, and tanks.

The key strategy adopted by the state in “restoration of water bodies” is by “removal of encroachments,” unmindful of the fact that people living in these areas are not all “encroachers” but “settlers” who have been residing in these habitations for generations. These communities are not homogeneous but belong to different social and economic groups. As residents of India, they are entitled to legal rights and social safeguards, as guaranteed by the Constitution of India, national and state laws, and international laws ratified by India.

The majority of families presently residing close to water bodies and classified as “encroachers” in Tamil Nadu are from Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC), and Economically Weaker Sections (EWS). Historically, marginalized communities settled near water bodies, as these were the only available lands that were neither in demand nor in possession of affluent communities. The trend of excluded and deprived communities settling on non-titled, government lands is directly linked to the process of historical marginalization that has prevailed in the state of Tamil Nadu and other parts of India.

In Tamil Nadu, the non-titled lands on which marginalized communities predominantly settled are classified as ‘*poramboke* lands.’ *Poramboke* lands were exclusively set apart for public and communal purpose in the pre-independence era village system of Tamil Nadu.⁶ Of the different *poramboke* lands, marginalized communities settled mostly on lands near rivers (*river poramboke*), channels (*channel poramboke*), tanks (*eri poramboke*), village sites (*natham* or *gramanatham poramboke*), and ‘*paracheri*’ or suburbs of the village occupied by the huts of Dalits/SC (*cherinattham* or *cheri poramboke*). In urban areas, ‘distress migrants’ from rural areas settled on lands near water bodies, as they were the only available lands near their sources of livelihood. In some cases, the livelihoods of these communities were also dependent on the water bodies. Therefore, branding the settlements of marginalized communities as ‘illegal’ without taking into consideration the trends of historical marginalization and customary rights of the communities to their lands, is also a strong form of discrimination.

As land titles were not issued to communities residing on these *poramboke* lands, especially those located near waterways, they eventually became victims of forced eviction, especially during the process of “restoration of water bodies.” The inhuman and unjust act of evicting marginalized families under the pretext of “restoration of water bodies” and relocating them to remote locations, thereby uprooting them from their traditional and primary livelihoods, has resulted in gross violations of the human rights of affected communities, including their rights to life, adequate housing, security of the person and home, health, education, food, water, sanitation, and work/livelihood. The act of forcibly dislocating already marginalized and vulnerable families from their historical places of habitation to city margins, without exploring possibilities of relocation near their existing sites of residence, is an act of socio-spatial segregation perpetuated by the state government.

⁶ Chandrasekaran, A., *Land Laws of Tamil Nadu*, C. Sitaraman and Co. Pvt. Ltd., Chennai, 2013.

As a result of widespread propaganda by the state and other interest groups like elitist environmentalists and the real estate lobby, “removal of encroachments” is projected as the only solution for “restoration of water bodies.” This strategy deliberately ignores the adverse impacts of uprooting low-income communities from their sites of residence and livelihood. The absence of alternative views on inclusion of communities in the restoration process has resulted in affected communities developing fear and mistrust of the state. Furthermore, there is a tendency to promote a model of environmental conservation that is anti-poor and anti-human rights. Affluent sections of the public are made to believe that removal of poor “encroachers” is the only way to protect water bodies and prevent flooding. This fuels misperceptions and leads to the lack of public support for protection of the human rights of marginalized urban communities in the state.

The state’s propaganda has also convinced the affluent public that communities residing along water bodies are responsible for their degradation, which is proven to be a myth. A 1989 report titled, ‘Environmental Improvement of Watercourses of Greater Madras’ by Severn Trent International, commissioned by the Corporation of Madras, found that less than one per cent of the pollution in the river was attributable to the ‘slums.’⁷ In 1995, a report titled, ‘Action Plan for Urban Waterways Improvement in Madras and Varanasi,’ by Abt Associates, concluded that, “Untreated or partially-treated effluents from Metro Water’s sewerage plants and pumping stations were by far the most important sources of pollution in the Cooum and Adyar rivers.”⁸ On the contrary, communities living along water bodies have been living sustainably without causing any damage or destruction to these natural resources. This is unlike housing of higher-income groups and commercial establishments that have occupied lands along water bodies, exploited resources, and contributed to water pollution.

The failure of the state government to include marginalized communities in decision-making processes and programme designs for ‘protection,’ ‘conservation,’ and ‘restoration’ of water bodies has resulted in their forcible evictions and inadequate resettlement. These state-led evictions have been carried out without adhering to due process, thereby violating the human right to adequate housing framework provided by Article 11.1 of the International Covenant on Economic, Social and Cultural Rights;⁹ 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;¹⁰ the Basic Principles and Guidelines on Development-based Evictions and Displacement;¹¹ and, other international declarations and guidelines.

In an attempt to understand and document the forced eviction and relocation process carried out under the guise of “restoration of water bodies”; to assess the long-term impacts of forced relocation and resettlement; and, to monitor the state’s national and international legal obligations, IRCDUC and HLRN conducted a primary and secondary research study to assess the human rights impacts of one of the earliest eviction drives in Tamil Nadu for conservation of water bodies, carried out to ‘restore’ Porur Lake in 2006.

7 Coelho, K. and Raman. V.N., ‘Salvaging and Scapegoating: Slum Evictions on Chennai’s Waterways,’ *Economic and Political Weekly*, Volume XLV, No. 2122, 2010.

8 Ibid.

9 Article 11.1 of the International Covenant on Economic, Social and Cultural Rights (1966) affirms that: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

10 General Comment Number 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://hlrn.org.in/documents/CESCR_General_Comment_7.pdf

11 Supra note 3.

Sites of Study: Collector Nagar (Gudapakkam) and Nallur

Porur Lake is a large water body located in southwest Chennai. It was initially part of Tiruvallur District and Kancheepuram District but since 2011, has been incorporated within Chennai city and is now located in Zone XI of the Greater Chennai Corporation (GCC). Porur Lake was surrounded by various ‘informal settlements,’ including Ambedkar Nagar West, Ambedkar Nagar East, Anna Nagar, Selva Ganapathi Nagar, Amman Nagar, and BHEL Nagar,¹² with a total population of over 10,700 families. The District Administration and PWD evicted these settlements in November 2006.

Families residing around Porur Lake were forcibly evicted as an outcome of an order issued by the Madras High Court in 2006, which directed the Government of Tamil Nadu to remove all types of “encroachments” under the control of PWD and local bodies before the onset of the monsoon.¹³

Only 4,000 of the 10,700 evicted families were provided alternative land in two sites, namely Collector Nagar, located in Tiruvallur District, and Nallur, located in Kancheepuram District.

Collector Nagar, Gudapakkam, Tiruvallur District

Collector Nagar is located in Gudapakkam Panchayat of Tiruvallur District, at a distance of 26.1 kilometres from Porur Lake. The settlement was named after the District Collector, the head of the District Collectorate, who handed over the land to 2,000 families relocated from Porur Lake.

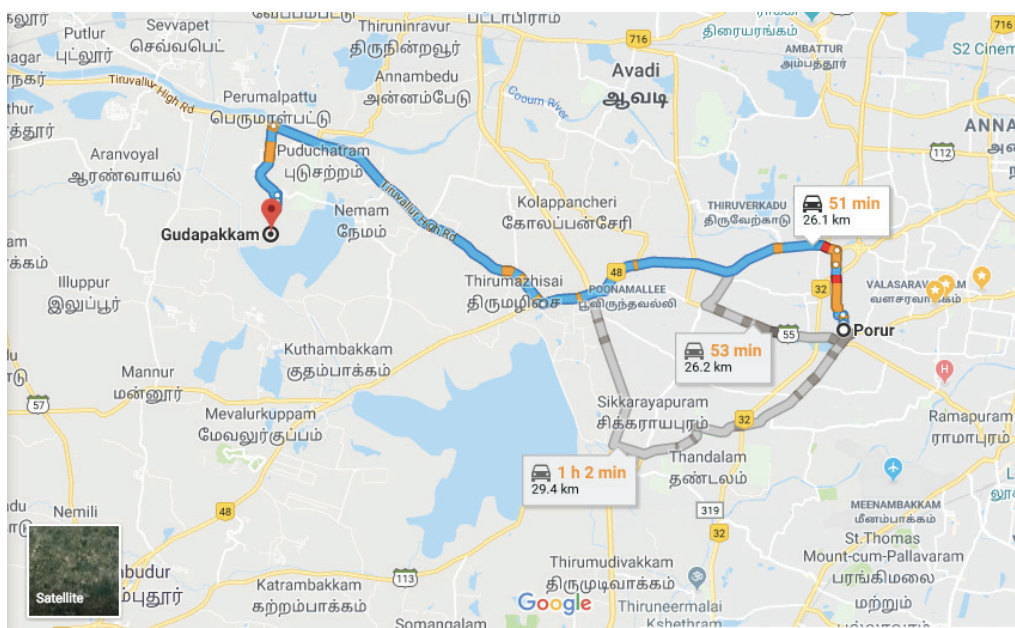


Image from Google Maps depicting the distance from Collector Nagar (Gudapakkam) to Porur Lake

12 BHEL Nagar is an informal settlement named after Bharat Heavy Electricals Limited (BHEL)— an Indian manufacturing and engineering company.

13 Adaikalam, F. V., ‘Eviction, Housing and Livelihood in Chennai,’ 2010. Available at: <http://www.mcrg.ac.in/rw%20files/RW36/2.Francis.pdf>

Nallur, Kancheepuram District

Nallur, also referred as 'Puthu Nallur' (new Nallur), is located in Poonthandalam Panchayat of Kancheepuram District, situated on Kundrathur Main Road. Located 20.1 kilometres from Porur Lake, which takes about 50 minutes to cover by road, the site houses 2,000 families evicted from Porur Lake.

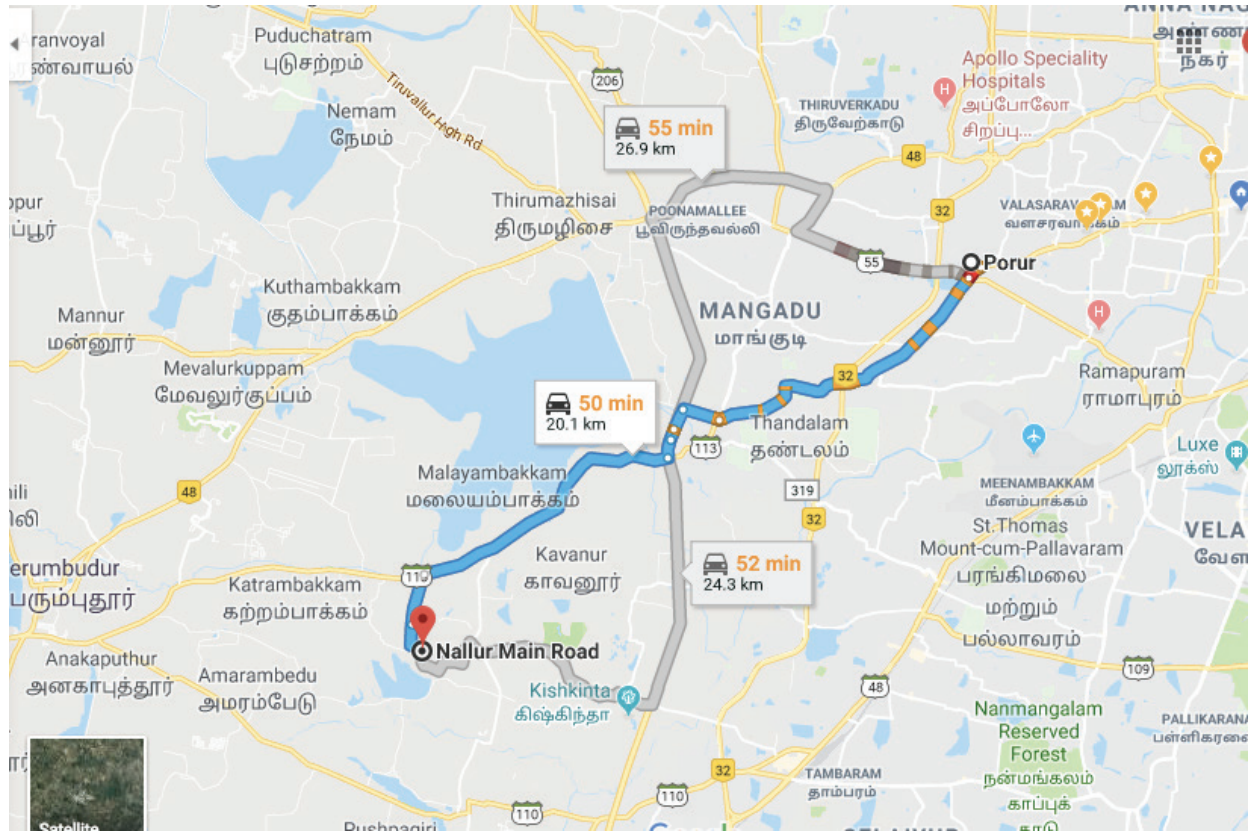


Image from Google Maps depicting the distance from Nallur to Porur Lake

The Study Process and Methodology

Rationale for Intervention

A 2010 research paper titled, 'Eviction, Housing and Livelihood in Chennai'¹⁴ highlighted several issues faced by the families relocated to the sites of Collector Nagar and Nallur, including inadequate access to basic amenities, even four years after their relocation. Visits by IRCDUC to these sites in 2018 revealed that the living conditions continued to be grossly inadequate and people were still struggling for basic services, even 12 years after being relocated. Consequently, IRCDUC and HLRN decided to carry out a detailed human rights assessment of the living conditions of the relocated communities as well as the long-term impacts of resettlement on the 4,000 families that were forcefully moved from Porur Lake to Collector Nagar (2,000 families) and Nallur (2,000 families).

Objectives of the Study

This study seeks to:

- Document the living conditions of families forcibly evicted from Porur Lake and resettled in Collector Nagar and Nallur;
- Highlight the persistent human rights violations faced by the residents;
- Identify lacunae in the rehabilitation and resettlement process;
- Spread awareness on the issues faced by, and widespread neglect of, the relocated communities;
- Make practical recommendations to improve the living conditions of the resettled communities;
- Help the affected communities to access justice and secure restitution of their human rights;
- Prevent forced evictions and relocation without due process in Tamil Nadu; and,
- Use the findings for advocacy with the Government of Tamil Nadu on issues related to housing, rehabilitation, and resettlement in the state.

Methodology for the Assessment

The questionnaire for the study was designed by HLRN and uses the human right to adequate housing framework, which draws its legal basis from Article 11.1 of the International Covenant on Economic, Social and Cultural Right and other international human rights treaties, and further expounded by General Comment 4 ('The right to adequate housing') of CESCR, General Comment 7 ('Forced evictions') of CESCR, and the Basic Principles and Guidelines on Development-based Evictions and Displacement.

The study used a total sample size of 379 families – 48 families from Collector Nagar and 331 families from Nallur. The random sampling method was used to select the sample, and also to identify and interview members of the

¹⁴ Ibid.

community. Of the 4,000 families that were resettled, questionnaires were administered to 379 families, which comprise 9 per cent of the total resettled families.

A team of enumerators from the affected communities along with the team from Uravugal Social Welfare Trust and IRCDUC researchers (trained exclusively for this purpose) conducted door-to-door household surveys in the months of May and June 2018. In September 2019, the team revisited the sites to update the data and record the latest information. The software of SPSS was used to collate and analyse the data. Focus group discussions (FGD) were also conducted with men, women, youth, and children to carry out a qualitative assessment of the living conditions of the resettled families. The research team also interacted with community leaders to understand the struggles of affected persons in their quest to access basic amenities and improve their living conditions.



Survey Process in Nallur



Survey Process in Collector Nagar

Limitations of the Study

The NGO volunteers and researchers of IRCDUC faced challenges in collecting data in Collector Nagar because of the obstacles posed by local politicians in the area; hence the sample size for this site was small. Local politicians threatened community leaders, and researchers involved in the study were forced to hand over the collected data and told to immediately terminate the study. Despite the threats, IRCDUC volunteers, with support from the community, collected information from 48 families and prepared this report.

Study Findings

1. Demographic, Economic, and Socio-Cultural Profile of Resettled Families

Demographic Profile

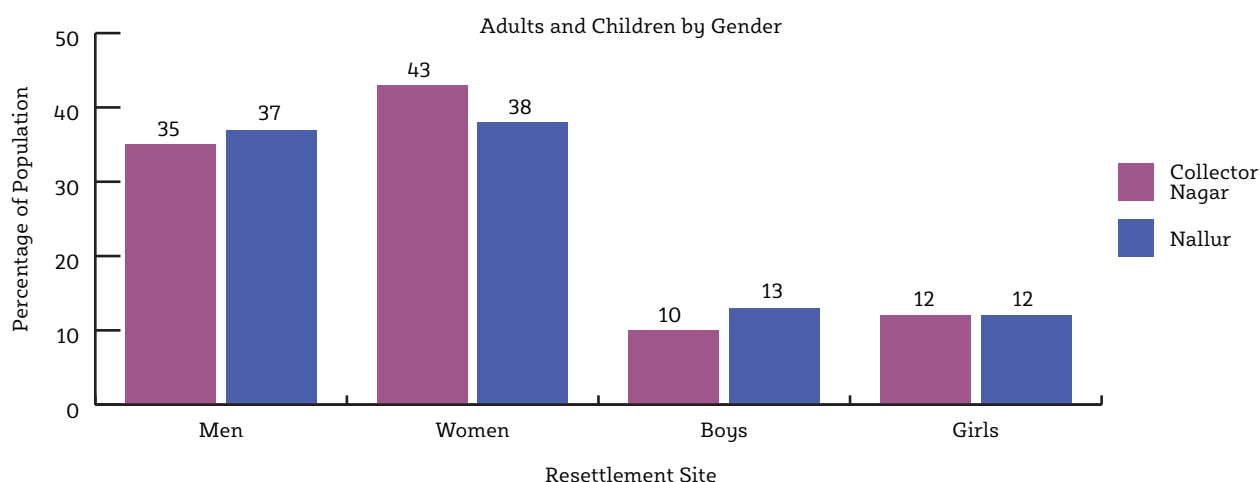
This study used a sample population of 379 families consisting of 1,475 individuals – 542 men, 572 women, 180 boys, and 181 girls. In Collector Nagar, the 48 surveyed families comprise 198 individuals, while in Nallur, the 331 surveyed families comprise 1,277 individuals.

Table 1: Gender of the Sample Population

Gender	Collector Nagar (Sample Population)	Collector Nagar (Percentage of the Total Sample Population)	Nallur (Sample Population)	Nallur (Percentage of the Total Sample Population)	Total Sample Population	Total Sample Population (Percentage)
Men	69	35	473	37	542	37
Women	86	43	486	38	572	39
Boys	19	10	161	13	180	12
Girls	24	12	157	12	181	12
Total	198	100	1,277	100	1,475	100

The study reveals that Collector Nagar has a higher number of women-headed households than Nallur.

Chart 1: Gender of the Sample Population in Collector Nagar and Nallur



Economic Profile of Resettled Women and Men

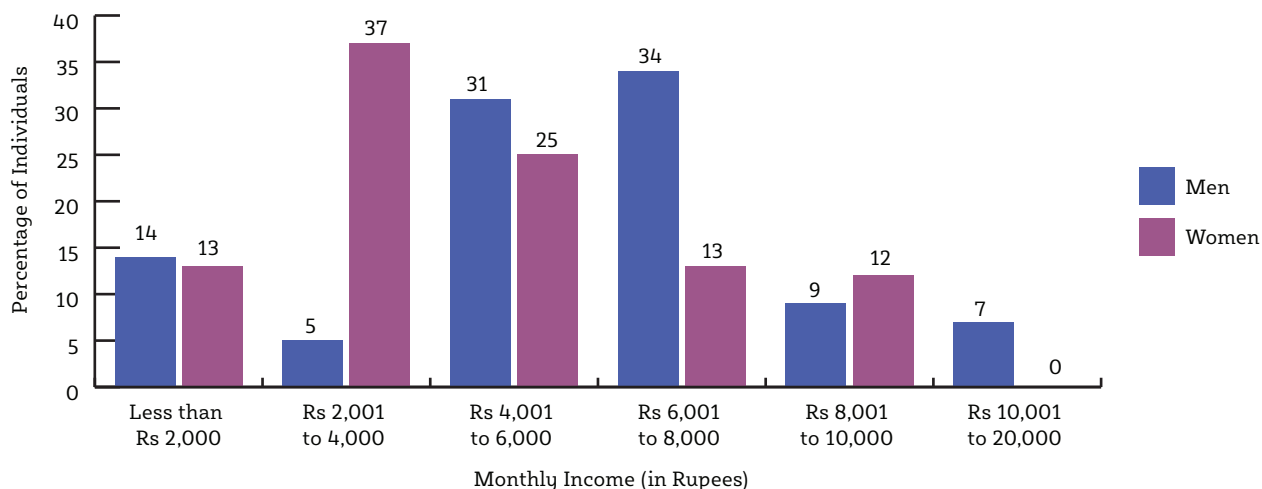
Chart 2: Income of Men and Women in Collector Nagar



The study finds that in Collector Nagar, 63 per cent of the men and 50 per cent of the women earn less than Rs 8,000 per month, while 37 per cent of the men and 50 per cent of the women have a monthly income of more than Rs 8,000.

On the other hand, in Nallur, 84 per cent of the men and 88 per cent of the women earn less than Rs 8,000 per month.

Chart 3: Income of Men and Women in Nallur



Only seven per cent of the men and none of the women in Nallur earn more than Rs 10,000 a month. The families resettled in Nallur earn much less than those resettled in Collector Nagar because of the problems they still face with host communities. Discussions with the affected persons highlighted that even after 13 years of living at the site, they face resentment from host communities. This has affected their ability to find work near the site, as the host communities are either the primary employment providers in the area and are reluctant to hire people from the displaced families, or because the displaced families have to compete with labourers from the host communities for scarce employment opportunities available in and around the resettlement site. For those who have been able to find work in the area, they are offered low wages. It is usually women who take up these lower paid jobs in the vicinity, as they need to be close to home, in order to take care of their children when they return from school.

Caste Profile of Resettled Families

The study finds that 67 per cent of the surveyed families in Collector Nagar and 45 per cent of the families in Nallur belong to Most Backward Classes (MBC); 21 per cent in Collector Nagar and 25 per cent in Nallur are Scheduled Castes (SC); eight per cent in Collector Nagar and 29 per cent in Nallur belong to Backward Classes (BC); and, four per cent of the sample population in Collector Nagar and one per cent in Nallur are Scheduled Tribes (ST).

Table 2: Caste of Resettled Families

Caste	Collector Nagar (Percentage of Families)	Nallur (Percentage of Families)
Most Backward Classes	67	45
Backward Classes	8	29
Scheduled Castes	21	25
Scheduled Tribes	4	1
Total	100	100

Religion of Resettled Families

Ninety-eight per cent of the surveyed families in Collector Nagar and 94 per cent in Nallur are Hindus. In Collector Nagar, two per cent of the families are Christians, while in Nallur, five per cent are Christians and about one per cent of the sample population consists of Muslims. There are no Muslim families in Collector Nagar.

Table 3: Religion of Resettled Families

Religion	Collector Nagar (Percentage of Families)	Nallur (Percentage of Families)
Hindu	98	94
Christian	2	5
Muslims	0	1
Total	100	100

2. Description of Original Sites of Residence of Resettled Families

At their original residence in Porur Lake, 40 per cent of the families that relocated to Collector Nagar, lived in thatched houses, 43 per cent lived in tiled houses, and 17 per cent lived in concrete houses. Of the families relocated to Nallur, 57 per cent originally lived in thatched houses, 30 per cent lived in tiled houses, and 13 per cent lived in concrete houses in Porur Lake.

Those residing in tiled and concrete houses in Porur Lake, prior to the eviction, had constructed their houses by investing their savings in them. Demolition of these houses thus meant loss of their life-time savings.

Table 4: Nature of Housing in Porur Lake

Type of Houses	Collector Nagar (Percentage of Total Houses)	Nallur (Percentage of Total Houses)
Thatched Houses	40	57
Tiled Houses	43	30
Concrete Houses	17	13
Total	100	100

Years of Residence

The study brings to light that 29 per cent of the families surveyed in Collector Nagar and 57 per cent in Nallur lived near Porur Lake for 11 to 15 years; 10 per cent of the families in Collector Nagar and 18 per cent in Nallur lived near Porur Lake for 15 to 20 years; and, 19 per cent of the families in Collector Nagar and three per cent in Nallur lived near Porur Lake for over 21 years.

Table 5: Years of Residence in Porur Lake – Before Eviction

Years of Residence	Collector Nagar (Percentage of Total Sample Population)	Nallur (Percentage of Total Sample Population)
1-5 years	15	2
6-10 years	27	20
11-15 years	29	57
15-20 years	10	18
Over 21 years	19	3
Total	100	100

Nature of Tenure over Housing in the Original Sites of Habitation

In Nallur and Collector Nagar, over 95 per cent of families stated that they ‘owned’ their land at Porur Lake because they had bought it from someone else. Most of the families had a sale deed (an unregistered document on stamp paper, indicating that they had purchased the land from others who previously owned the land). However, this sale deed is not considered to be valid, as the survey records of the settlements around Porur Lake indicate that these settlements were located on government land and that the land-owning department had not allotted the land to the communities.

3. Violation of Human Rights in the Eviction Process

To assess the process followed during, before, and after eviction and resettlement, this report uses the framework provided by General Comment 7 (‘Forced evictions’) of CESCR. Though the Basic Principles and Guidelines on Development-based Evictions and Displacement, which were developed in 2007, did not exist at the time of the eviction, the study assesses resettlement and current living conditions using these standards as well as General Comment 4 (‘The right to adequate housing’) of CESCR, to assess *adequacy of housing* at the resettlement sites. As this eviction was also carried out prior to the inception of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007, the study uses the Tamil Nadu Public Premises Eviction of Unauthorized Occupants Act (1 of 1976) for reference.

General Comment 7 (‘Forced evictions’), Committee on Economic, Social and Cultural Rights (1997)

A forced eviction is defined as, “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”

The human right to adequate housing includes the right to be protected against forced evictions. Over 10,700 families living in settlements near Porur Lake were forcefully evicted, against their will, and without any legal protection between 23 and 26 November 2006. The forced eviction was carried out by PWD along with the District Collectorate of Kancheepuram and Tiruvallur Districts.

Human Rights Violations Before Eviction

General Comment 7 ('Forced evictions'), UN Committee on Economic, Social and Cultural Rights (1997)

11. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. .

Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

40. Prior to any decision to initiate an eviction, authorities must demonstrate that the eviction is unavoidable and consistent with international human rights commitments protective of the general welfare.

41. Any decision relating to evictions should be announced in writing in the local language to all individuals concerned, sufficiently in advance. The eviction notice should contain a detailed justification for the decision, including on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions. All final decisions should be subject to administrative and judicial review. Affected parties must also be guaranteed timely access to legal counsel, without payment if necessary.

42. All resettlement measures, such as construction of homes, provision of water, electricity, sanitation, schools, access roads and allocation of land and sites, must be consistent with the present guidelines and internationally recognized human rights principles, and completed before those who are to be evicted are moved from their original areas of dwelling.

a. Violation of the Rights to Participation, Information, and Free, Prior, and Informed Consent

The study reveals that of the families evicted from Porur Lake, 97 per cent of those surveyed in Collector Nagar and 95 per cent of those in Nallur did not receive any legal notices prior to their eviction. The other families stated that they had received only an oral announcement from government officials about their proposed relocation, without any mention of the date and time of the eviction.

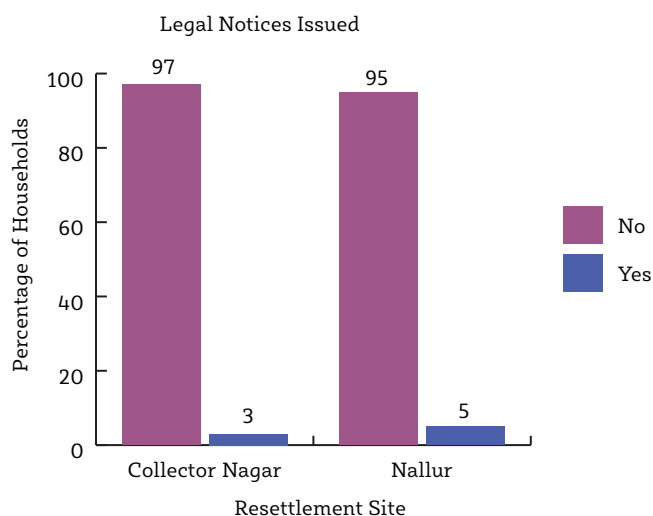


Chart 4: Legal Notices Issued Before Eviction

b. Absence of Prior Information about Date of Eviction

Ninety-four per cent of the families in Collector Nagar and 95 per cent of the families in Nallur learned about the eviction only on the day that it took place. As people were not provided with prior information about the eviction, they were not prepared and also did not have adequate time to pack/remove their belongings from their homes and to mentally prepare for relocation to another site. The worst-affected were children, older persons, pregnant women, and lactating mothers who were deprived of housing and rendered homeless, as a result of the eviction. It was a traumatic experience for children who returned from school to find their homes razed to the ground.¹⁵

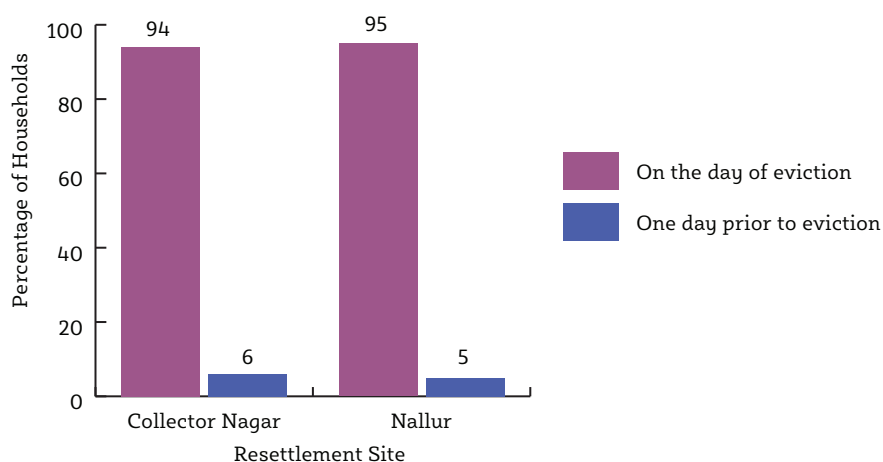


Chart 5: Prior Information about Date of Eviction

Media reports claimed that the Tamil Nadu State Transport Corporation arranged for a couple of buses to take the family members on a visit to the resettlement sites before resettlement,¹⁶ but surveyed families stated that none of them had seen the resettlement sites prior to their relocation.

Discussions with affected communities also reveal that no prior surveys or attempts at enumeration were conducted; neither was any prior information on the resettlement and rehabilitation process provided to affected persons. The resettled families, in both sites, pointed out that no R&R package was offered to them prior to their eviction and forced relocation.

This study also finds that the eviction carried out by PWD and the District Collectorate of Kancheepuram and Tiruvallur Districts failed to adhere to due process, as mandated in the Public Premises Eviction of Unauthorized Occupants Act (1 of 1976)¹⁷ that requires a prior notice in writing. The law stipulates that the notice is to be served by affixing it on the outer door or some other conspicuous part of the public premises, specifying the time and location of the notice.

The failure to adhere to due process mandated by the law and the complete absence of public consultation or measures to provide information to, and seek consent of, the affected families violates provisions of General Comment 7 of CESCR as well as of the Basic Principles and Guidelines on Development-based Evictions and Displacement.

15 'School children return to find homes gone,' *The Hindu*, 24 November 2006. Available at: <https://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/schoolchildren-return-to-find-homes-gone/article3052205.ece>

16 'Encroachment drive enters third day,' *The Hindu*, 26 November 2006. Available at: <https://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/encroachment-drive-enters-third-day/article3053137.ece>

17 The study uses 'The Public Premises Eviction of Unauthorized Occupants Act (1 of 1976)' as a point of reference as The Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 did not exist at the time of the Porur Lake eviction in 2006.

Human Rights Violations During Eviction

General Comment 7 ('Forced evictions'), UN Committee on Economic, Social and Cultural Rights (1997)

16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.

Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

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.
48. Evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections, or during or just prior to school examinations.

Ninety-five per cent of the surveyed families reported that they lost their personal possessions during the eviction process. People were unable to retrieve their belongings as the bulldozers started demolishing houses without providing any time to residents to safeguard their belongings. Affected persons mentioned that they could have saved their possessions if they had prior notice of the eviction.

Families interviewed at both sites reported that they were evicted without any provision of alternative accommodation in the immediate aftermath of the eviction. They recounted the trauma of having to live on the streets, in tents, for six days in the peak of the monsoon season. They also pointed out that land in the alternative sites was provided to them only after they protested against the absence of resettlement provisions. They believed that authorities had used the flood as an opportunity to evict them when they were at their most vulnerable state, with their houses flooded under almost four feet of water.

Discussions with families resettled in Collector Nagar reveal that the eviction process was insensitive; one child died in the process and an elderly couple lost their lives, as they were trying to retrieve their belongings during the demolition of their home.

Human Rights Violations After Eviction

General Comment 7 ('Forced evictions'), UN Committee on Economic, Social and Cultural Rights (1997)

17. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.

Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

52. The Government and any other parties responsible for providing just compensation and sufficient alternative accommodation, or restitution when feasible, must do so immediately upon the eviction, except in cases of force majeure. At a minimum, regardless of the circumstances and without discrimination, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities.

Though PWD and the District Collectorate of Kancheepuram and Tiruvallur Districts evicted over 10,700 families, only 4,000 families were allotted alternative plots of land at the resettlement sites. Over 6,700 families were rendered homeless because of the eviction. A media report dated 26 November 2006 points out that, "While

officials were not in a position to confirm the number of houses brought down and the families were forced to evacuate, a modest estimate said that not less than 15,000 people were affected.”¹⁸ Communities point out that the failure to enumerate families prior to eviction was one of the reasons for exclusion of many families in the resettlement process.

The study team also visited Porur Lake to check if any of the approximately 6,700 excluded families were still living in the vicinity. However, it has not been possible to trace the families that were rendered homeless after the 2006 eviction. Interactions with other families residing close to Porur Lake reveal that of the families evicted in 2006, about 6,500 families that did not receive any alternative land/accommodation from the state moved into rental housing in nearby areas, after being on the streets for over three months after the eviction, while about 200 families that were not provided with alternative land/ accommodation continued to reside near Porur Lake for over seven years. However, in 2013, they were evicted again. Details of these 6,700 families are not known.

A newspaper report quoted the views of the District Collector, Kancheepuram District, regarding provision of alternative accommodation for the affected families: “It might not be possible to provide alternative accommodation to all, and the administration was not legally bound to give such relief.”¹⁹ The media report also pointed out that, “Some district officials felt that allotting alternative sites to encroachers would be setting a bad precedent, which could hamper the process of reclaiming other encroached water bodies.”

4. Long-term Human Rights Impacts of Forced Eviction and Inadequate Resettlement

To assess the long-term impacts of forced eviction and the gaps in the resettlement process, this study uses General Comment 4 (‘The right to adequate housing’) of CESCR as well as the Basic Principles and Guidelines on Development-based Evictions and Displacement, which stipulate human rights standards to be followed during the resettlement process as well as for resettlement sites.

a. Violation of the Right to Restitution, including Compensation and Resettlement

Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

16. All persons, groups and communities have the right to resettlement, which includes the right to alternative land of better or equal quality and housing that must satisfy the following criteria for adequacy: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education.
60. 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 and 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.
61. 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.

¹⁸ Supra note 16.

¹⁹ ‘Land allotted to displaced families from Porur Lake,’ *The Hindu*, 29 November 2006. Available at: <https://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/land-allotted-to-displaced-families-from-porur-lake/article3054463.ece>

The 4,000 families that received alternative land in Collector Nagar and Nallur, only received ‘tokens’ [a piece of paper with a seal of the *tehsildar* (revenue official)] for the plot of land six days after they were evicted, on 29 November 2006. The ‘token’ was the only document that entitled each family to the resettlement package that consisted of cash assistance of Rs 2,000 and one cent (435.6 square feet) of *poramboke* (government) land. The state government, however, did not provide any financial assistance for construction of houses at the resettlement sites to any of the 4,000 relocated families.

Discussions with communities revealed that the process of issuing ‘tokens’ was insensitive; men and women had to wait in long queues to receive ‘tokens’ from the officials of the Revenue Department of Kancheepuram and Tiruvallur Districts. Affected persons were provided ‘tokens’ only after they protested against the absence of resettlement. They claim that they did not have any other option but to accept the alternative land that the government offered, as they were living on the streets with their families, without any shelter, in the aftermath of the forced eviction from their homes in Porur Lake.



A sample ‘token’

Of the 4,000 families that were identified for resettlement after several protests, nearly 300 families did not receive a token in November 2006. Non-issuance of ‘tokens’ in time could be attributed to the absence of enumeration of affected families prior to the eviction as well as the bureaucratic bottlenecks involved in the process.

The affected families first suffered greatly during the heavy monsoon in November 2006. Then they had to witness demolition of their houses, without any prior notice and resettlement. In an act of desperation, the 300 families that had been living out on the streets and had not received ‘tokens,’ blocked a road to bring their grievances to the attention of the administration. After the intervention of the District Collectorate of Tiruvallur District, a hearing was conducted—between 2 and 5 December 2006—for the people who were not allotted alternative land. People were asked to come with a written request and all supporting documents. After several delays, these 300 families were issued ‘tokens’ on 4 January 2007 and 23 January 2007, nearly two months after their homes and dreams were demolished.

Furthermore, financial assistance for construction of houses at the alternative site was not provided to any of the 4,000 evicted families. Many families, thus, had to take loans from moneylenders at high rates of interest in order to construct new homes at the resettlement sites, as they did not have access to formal financial institutions such as banks.

b. Violation of the Human Right to Adequate Housing

Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

55. Identified relocation sites must fulfil the criteria for adequate housing according to international human rights law. These include: (a) security of tenure; (b) services, materials, facilities and infrastructure such as potable water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services, and to natural and common resources, where appropriate; (c) affordable housing; (d) habitable housing providing inhabitants with adequate space, protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors, and ensuring the physical safety of occupants; (e) accessibility for disadvantaged groups; (f) access to employment options, health-care services, schools, childcare centres and other social facilities, whether in urban or rural areas; and (g) culturally appropriate housing.

(i) Legal Security of Tenure

General Comment 4 ('The right to adequate housing'), UN Committee on Economic, Social and Cultural Rights (1991)

Legal security of tenure: Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups...

Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

25. In order to secure a maximum degree of effective legal protection against the practice of forced evictions for all persons under their jurisdiction, States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land.

In Collector Nagar, even 13 years after relocation, people do not have any legal security of tenure over the land that they have been living on for over a decade. The 'tokens' issued during the resettlement process are the only evidence that families have, which validate their claims to the land. The land allotted (48 acres) to the evicted families was previously allotted to families of former defence personnel, through a Government Order dated 22 April 1946 (G.O. M.S. No 966 issued by Public (Resettlement Department). When the land was allotted to the evicted families from Porur, the former defence personnel filed a writ petition in the Madras High Court, claiming ownership over the land.

People, who were initially evicted under the allegation of being "encroachers" in Porur Lake, found themselves again being branded as "encroachers" at the resettlement site despite the fact that the District Collectorate of Kancheepuram had identified and provided land for them. The people had nothing but the 'tokens' to prove their claims to their lands.

The resettled families had to live in constant fear on account of a court case. The matter was sub judice in the Madras High Court until March 2018; land titles were thus not issued to the resettled community. On 12 March 2018, the Madras High Court disposed the case with an observation that the 48 acres of land in Collector Nagar assigned to the resettled families could not be allotted to families of former defence personnel.²⁰

In Nallur, 'assignment *pattas*'²¹ (titles) were issued to the relocated families in 2008. The conditions stated in the temporary land title included construction of a house with proper roofing within 6–12 months of the day of assignment. If the land was left unutilized without construction of houses, or if the houses constructed were not habituated for over a year, the government could confiscate both the land and the house. Without the prior written approval of the Revenue Department, the land could not be sold, leased, donated, or mortgaged for a period of 10 years. In case this was done, the land could be confiscated by the government. It is to be noted that land with an 'assignment title' does not provide complete ownership, it only ensures physical possession.

20 Order of the Madras High Court dated 14 March 2018 (W.P. Nos. 705, 1026, 1506 to 1509, 87 and 15670 of 2017, and W.M.P. Nos. 729, 1002, 1409 to 1412, 16961 of 2017). Available at: <https://indiankanoon.org/doc/161618388/>

21 The policy of the Government of Tamil Nadu is to grant free house sites to the houseless poor. Based on this policy, house sites are given to the eligible house-less poor from the available land set apart for village sites, under Revenue Standing Order 21. As per R.S.O. 21 (6), the Revenue Divisional Officer/District Collector is empowered to change the classification of various types of unobjectionable government *poramboke* lands when the existing village site is not sufficient for the needs of these house-less poor persons. Assignable lands, except objectionable *poramboke*, such as water bodies, are assigned to the eligible house-less poor persons.

(ii) Availability of Services, Materials, Facilities, and Infrastructure

General Comment 4 ('The right to adequate housing'), UN Committee on Economic, Social and Cultural Rights (1991)

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

Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

44. All resettlement measures, such as construction of homes, provision of water, electricity, sanitation, schools, access roads and allocation of land and sites, must be consistent with the present guidelines and internationally recognized human rights principles, and completed before those who are to be evicted are moved from their original areas of dwelling.

Following the eviction from Porur Lake, the District Collectorate of Kancheepuram and Tiruvallur District, had promised the affected families that basic infrastructure facilities would be provided in the resettlement sites; primary schools would be asked to accommodate the displaced children; and, new family cards would be issued, so that affected families would be able to access subsidized food/rations at the new sites within a week. People were also assured bus services from the resettlement sites to Porur Lake.²²

Despite multiple promises, these settlements continue to remain disconnected and without access to basic amenities, even 13 years after relocation.

Collector Nagar does not have household electricity supply till date; the families rely on connections from streetlights. This is very unsafe for the residents, especially during the monsoons. Discussions with communities revealed that they are unable to avail regular electricity supply because they do not have land titles. However, several judgments of the Madras High Court have held that access to electricity supply is an integral component of the right to life, guaranteed by Article 21 of the Constitution of India and is essential for achieving socio-economic rights.²³ In *T.M. Prakash v. District Collector and Tamil Nadu Electricity Board (W.P. 17608/2013)*, the Madras High Court held that, "Electricity supply should, not only be extended to pattadars or the owners of lands, but it should also be extended to the poor and the needy, who live in government promboke lands, when they substantiate occupation, for a considerable period."



Roads in Nallur



Roads in Collector Nagar

²² Supra note 19.

²³ For more information, see, *Adjudicating the Human Right to Adequate Housing: Analysis of Important Judgments from Indian High Courts*, Housing and Land Rights Network, New Delhi, 2019. Available at: https://hlrn.org.in/documents/Housing_Judgments_India.pdf

In Collector Nagar, roads were laid for the first time 10 years after relocation; of the 37 sub-roads in the settlement, only three had been laid at the time of publishing this report. The muddy roads pose a challenge for commuters, especially during the rainy season. The site still does not have electric poles installed. Though streetlights were installed as soon as people were relocated, of the 37 streets, only seven have proper electric poles. Furthermore, the streetlights do not function properly, as a result of which the settlement is engulfed in darkness in the evenings and at night.

Though the elected representative of the local body (Panchayat President) has helped to provide some basic amenities at this site, there are various gaps that need to be rectified. Without addressing the issues of the resettled families from Porur, Tamil Nadu Slum Clearance Board (TNSCB) constructed 1,024 houses on the adjacent land. This has resulted in a strained relationship between the newly-resettled families under the Integrated Cooum River Eco Restoration Project funded by the Chennai Rivers Restoration Project, the families resettled from Porur 13 years ago, and other host communities because of inadequate access to basic amenities.

In Nallur, certain parts of the settlement still do not have proper roads. Residents thus find it difficult to commute to the main road because of the lack of adequate access roads and also because of the absence of adequate bus services connecting the main road with the settlement. Residents of Nallur were able to access electricity connections only 10 years after being relocated. Though streetlights were installed at the time of relocation, 13 years later, most of the streetlights are not in working condition.

According to a state government order, the norm for setting up Fair Price Shops (FPS/ration shops) is one FPS shop for every 1,000 ration cards.²⁴ Therefore, in Collector Nagar, there is a requirement of two FPS, as there are 2,000 families. However, the site still does not have even one FPS/ration shop. In the absence of any ration shops/FPS at the site, affected families have to use the FPS located in Ranuva Colony (Defence Colony), which is located at a distance of about two kilometres. As a result of some hostility of the host communities, the resettled families are hesitant to buy their food supplies from the FPS. In Nallur, there is one FPS for four villages. According to the population norms, there should be two FPS in Nallur. On 15 March 2019, IRCDUC filed a complaint with the Chief Minister's Special Cell, Tamil Nadu, regarding non-availability of FPS for the resettled families in Nallur. The Government of Tamil Nadu responded by stating that FPS will be set up and water connections will be installed in the settlement. As of October 2019, however, there had been no development at the site regarding the same.

Children in Collector Nagar stated that they want playground/parks installed at the settlement, as they do not have any places to play. The study also reveals that residents of both resettlement sites do not have community halls where they can organize various family and public functions.

The cremation and burial grounds in both sites are not maintained properly; neither do they have a fence surrounding the grounds.



Burial ground in Nallur

²⁴ G.O. 63 dated 11 March 1997 (also mentioned in the Justice Wadhwa Committee Report on PDS system – Tamil Nadu).

Access to Public Transportation

In Collector Nagar, buses ply between the site and the main road six times a day (5:30 a.m.; 7:15 a.m.; 8:20 a.m.; 4:30 p.m. (irregular timings); 7 p.m. and 8:15 p.m.). If there is a delay in the bus service, people are forced to lose out on a day's work while children have to miss school. In the absence of bus services, residents have to walk from the settlement to the main road via a deserted connecting road. Women have reported facing sexual harassment and abuse while walking on the road alone. To reach the main road by auto-rickshaw, costs residents around Rs 20 (one way), which is expensive for them.

In Nallur, bus connectivity to the site was introduced only 10 years after the relocation of families. However, the frequency of buses to and from the site is still very low. There are no definite times for departure and arrival of buses. People, thus, have to rely on shared auto-rickshaws, for which they have to pay Rs 20 (one way), which they find expensive. Often, people request passers-by for a lift, in order to reach work on time. Since June 2019, bus connectivity has improved for those living in Nallur, with four buses being introduced to connect the site to Kandrathur and Tambaram (two major commercial areas near the settlement).

(iii) Affordability

**General Comment 4 ('The right to adequate housing'),
UN Committee on Economic, Social and Cultural Rights (1991)**

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. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs.

Though lands were allotted to the evicted families, they were not provided any financial support to build their houses in Collector Nagar and Nallur. This increased the financial burden of the families that had lost their belongings due to the 2006 floods and during the eviction process.

Discussions with residents of Collector Nagar and Nallur revealed that among the resettled population, the most vulnerable groups, including older persons and women-headed households, were not able to access finance for constructing houses on the land that was provided to them. They also pointed out that even moneylenders were hesitant to provide loans as they doubted their repayment capacities. Such families, thus, continue to reside in thatched houses because of the continued lack of access to finance to construct permanent houses.

(iv) Habitability

**General Comment 4 ('The right to adequate housing'),
UN Committee on Economic, Social and Cultural Rights (1991)**

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.

Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

58. Persons, groups or communities affected by an eviction should not suffer detriment to their human rights, including their right to the progressive realization of the right to adequate housing.

As of October 2019, 37 per cent of the houses in Collector Nagar were thatched, unlike in Nallur where only 9 per cent of the houses are thatched.

As families in Collector Nagar were allotted plots on disputed land, without any legal security of tenure, they were afraid to invest in permanent housing and continue to live in insecurity. Despite 23 fire accidents that completely destroyed their houses, many families continue to reside in thatched houses because they are afraid to invest in permanent housing. However, the thatched roof housing is more prone to fire, especially during the intensive summer months.²⁵ Allegedly, the frequent fire accidents have been caused by miscreants, who wanted the residents to vacate the land. About one-third of the families have moved out of the site as a result of the frequent fire accidents. The whereabouts of these families are not known.

“These fire accidents took place three months after we were resettled. We have suffered from fire accidents 23 times since we were relocated. Every day is a nightmare for all of us. Every evening when we return back from work, we hope that our houses have not been engulfed by fire. The last fire accident took place in the year 2010 and I lost all my belongings, but there was no relief provided by the government. After relocating us, they have forgotten about our existence.”

~ A resident of Collector Nagar

The fact that Nallur has more tiled houses can be attributed to the fact that ‘assignment *pattas*’ (titles) were issued to the residents in the year 2016. These titles include a clause that mandate owners to construct permanent housing. During the first four years of resettlement, families living in Nallur, reportedly, faced over seven fire accidents. This also led them to construct concrete or tiled houses, to increase resistance to fire and other disasters/accidents.

(v) Accessibility

**General Comment 4 (‘The right to adequate housing’),
UN Committee on Economic, Social and Cultural Rights (1991)**

Accessibility: Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources.

Families in Collector Nagar and Nallur reported that among the resettled population, the most vulnerable groups, including older persons and women-headed households, were not able to access finance for constructing houses on the land that was provided to them. They also pointed out that even moneylenders were hesitant to provide loans because they feared non-repayment.

(vi) Location

**General Comment 4 (‘The right to adequate housing’),
UN Committee on Economic, Social and Cultural Rights (1991)**

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

Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

56. (f) The time and financial cost required for travel to and from the place of work or to access essential services should not place excessive demands upon the budgets of low-income households.

Both sites are located in remote and isolated locations. Nallur is not accessible from the main road, as there is no bus connectivity from the site to the main road. This site was allotted to those evicted from Porur Lake after evicting seven families that were residing on this land.²⁶ Nallur is also located very close to a water body and the resettled families have to deal with flooding during the monsoon season every year. Residents of both sites

²⁵ Supra note 13.

²⁶ Supra note 13.

also reported regular encounters with reptiles like snakes and scorpions, which pose a great threat to their lives and safety. Collector Nagar is also located in an isolated area and is not well-connected from the main road. A 25-year-old woman resident of Collector Nagar complained of being stung by a scorpion at the site. Allegedly, the families evicted from Porur Lake were resettled on disputed land at Collector Nagar. Discussions with communities revealed that the rationale and process adopted for selection of these specific tracts of lands for resettling the evicted families has not been transparent.

c. Violation of the Human Right to Work/Livelihood

International Covenant on Economic, Social and Cultural Rights²⁷

6. The States 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.

The study reveals that many women and men lost their jobs in the initial days of resettlement. In Porur, most women were employed as domestic workers or street vendors and men were employed in construction work, security services, and as auto-rickshaw-drivers in the vicinity. For those who were moved to the resettlement sites immediately after eviction, their initial concern was to build houses, as the District Administration did not provide any financial support or subsidized raw materials for housing construction. The resettled families, thus, were forced to take loans at high rates of interest from moneylenders to construct new homes.

After the ordeal of arranging finances for the construction of their new houses (thatched houses), affected families endured financial hardships resulting from increased transportation costs, as they had to commute daily to Porur Lake to continue their livelihoods. Residents of both resettlement sites stated that the poor public transport connectivity between the sites and Porur Lake was a great challenge. In the initial days after their relocation, people reported having to leave their homes at 6 a.m. and travel for over two hours to reach their places of work. If they missed the early morning bus, they could not reach work on time.

Within a year of resettlement, the long distance, high transportation cost, and lack of adequate public transportation facilities, forced many women, especially those employed as domestic workers and street vendors, and men employed as security guards and construction workers to give up their jobs near Porur Lake, as the daily commute from the resettlement sites was not viable.

In the absence of adequate day-care facilities for children below the age of five at the sites, many women were forced to stay at home to look after their children, and thus lost their jobs. The lack of safety and security in these settlements, especially as a result of frequent fire accidents, also forced mothers to stay at home and give up jobs. This has had a lasting negative impact on the income of resettled families.

Residents of Collector Nagar who tried to search for work in the vicinity reported facing difficulties from host communities, who prevented them from securing employment in the area. The dispute with host communities has still not been resolved. With the recent resettlement of more families in these sites conflicts between various communities have been exacerbated. These factors have forced many of the relocated families to continue commuting to distant locations for employment.

²⁷ International Covenant on Economic, Social and Cultural Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976. Available at: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

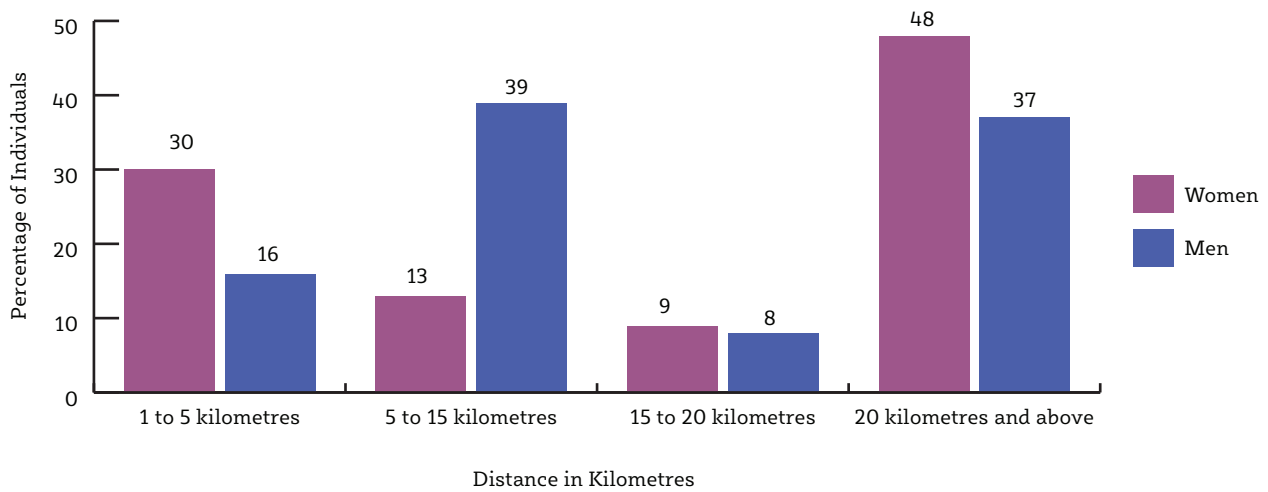


Chart 6: Distance Travelled by Men and Women of Collector Nagar for Employment (One Way)

The study reveals that over 57 per cent of women and 45 per cent of men in Collector Nagar continue to travel a distance of over 15 kilometres (one way) daily to work. Discussions with resettled families in Collector Nagar reveal that men and women whose work commute is less than 5 kilometres a day are those who are employed as agricultural labourers and depend on the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) for their livelihoods. Only 16 per cent of men and 30 per cent of women are employed in other informal work in and around the locality, while others continue to commute to locations near Porur Lake for their livelihoods.

“Going all the way to Porur Lake for work was a difficult task, especially with no adequate bus facility and poor connectivity of the site to the city. We found it difficult to travel for over two hours to reach our place of work, which was located near Porur Lake. The distance and time taken to reach our place of work had a drastic impact on our health. The cost incurred to reach our place of work was very high and what little we earned we had to spend on our travel.”

~ Woman resident of Collector Nagar

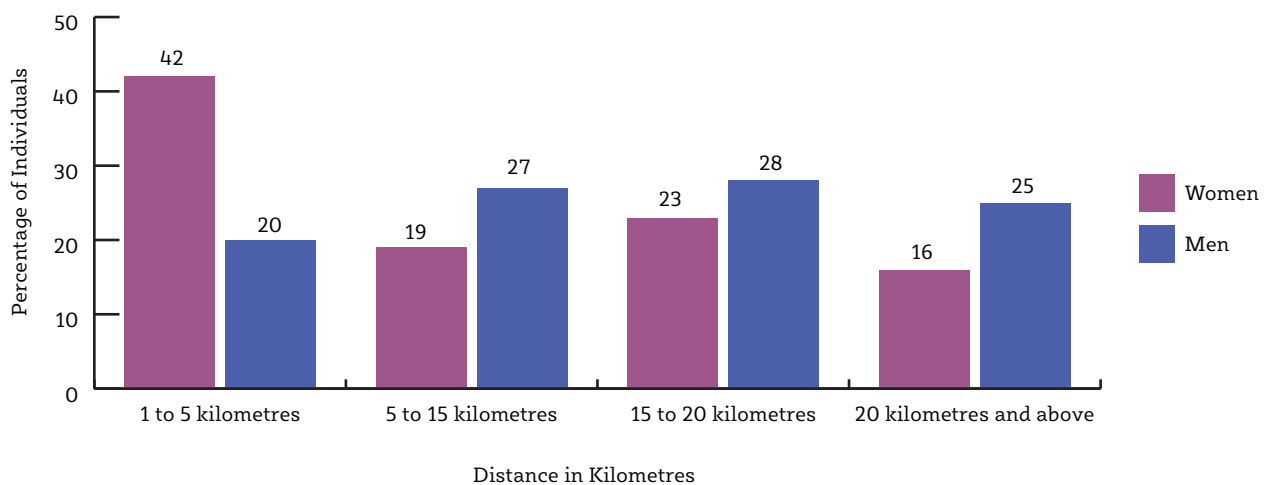


Chart 7: Distance Travelled by Men and Women of Nallur for Employment (One Way)

At the resettlement site of Nallur, 39 per cent of the women and 53 per cent of the men reported travelling over 15 kilometres (one way) on a daily basis for work. Unlike in Collector Nagar, less than 20 per cent of the residents travel to their previous places of work, as they have been able to find jobs in nearby areas of Kundrathur and Sriperembadur. Discussions with the communities reveal that most of the women who are employed under MNREGA are able to avail only 15 to 20 days of work in a year under the scheme. Women also pointed out that the lack of adequate transportation services forces them to take up work for very low wages in the area.

d. 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 and fundamental freedoms.

The Constitution of India

Article 21 A: The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.²⁸

Children's education has been a major concern for affected families. Soon after their eviction from Porur Lake, families protested through road blocks demanding, "*Engal kuzhanthaigal padipathu engey, padipathu engey?*" (Where will our children study, where will they study?)

Women in Collector Nagar reported that they did not receive any support from the District Collectorate of Tiruvallur District to enrol their children in school after relocation. As the eviction and resettlement exercise was carried out in the mid-academic year, residents found it very difficult to enrol children in new schools. It was only with support from an NGO that children were able to gain admission in schools near the resettlement sites.

Collector Nagar has a high school located at less than half-a-kilometre from the site. A higher secondary school in the vicinity was made functional only 10 years after resettlement. For 10 years, the resettled children had to travel to Thirumazhisai, located at a distance of 12 kilometres, to access the nearest higher secondary school. Parents were hesitant to send their daughters for higher secondary education, fearing the distance and time taken to travel to school, as there was no adequate connectivity from the site to the main road. Only after persistent demands of the resettled families, a special bus was introduced to connect the site to Thirumazhisai. However, the excessive commuting time proved to be a hindering factor for girl children to continue their higher education.

One parent pointed out that bus conductors often force children to get off buses when they are crowded, thus making them walk to school or back home. Deserted roads and inadequate lighting also contribute to making the streets unsafe for children to walk alone. During the monsoons, the poor road condition makes it challenging for children to commute to school.

²⁸ The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education to all children in the age group of six to fourteen years, as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full-time elementary education of satisfactory and equitable quality in a formal school, which satisfies certain essential norms and standards.

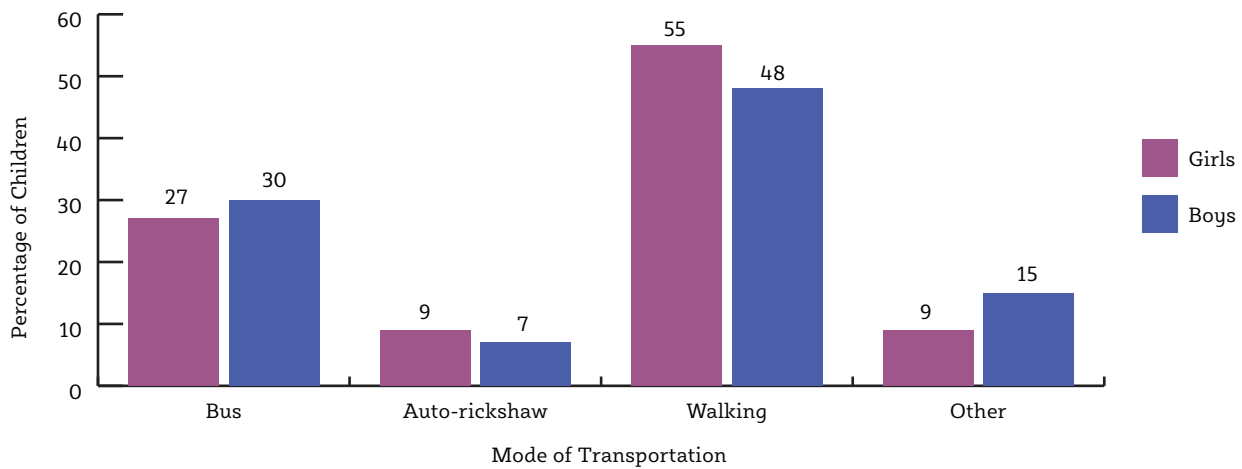


Chart 8: Mode of Transportation to School from Collector Nagar

The study reveals that in Collector Nagar, 55 per cent of girls and 48 per cent of boys walk to school, while 27 per cent of girls and 30 per cent of boys use bus as their mode of transportation.

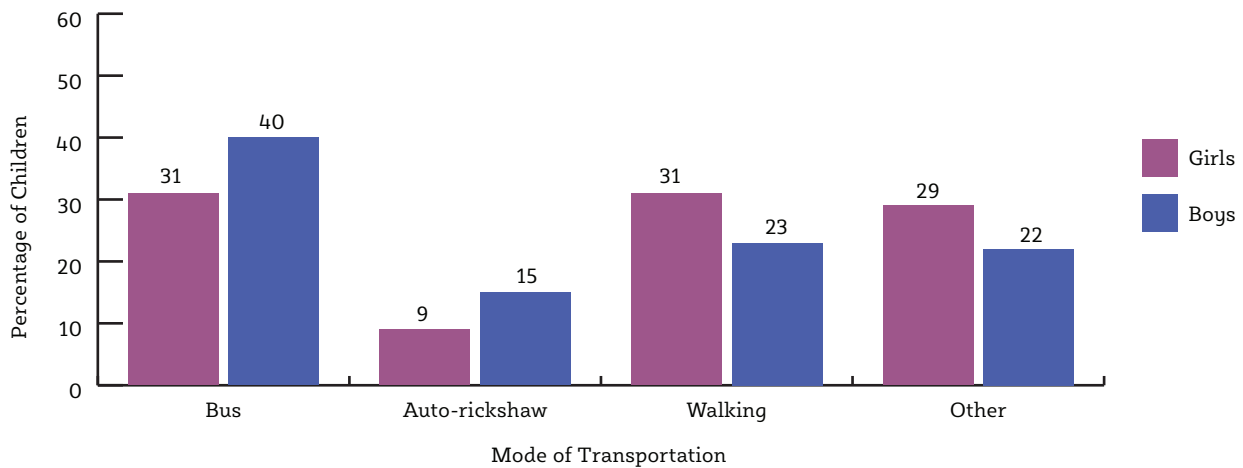


Chart 9: Mode of Transportation to School from Nallur

The study finds that in Nallur, 31 per cent of the girls and 23 per cent of the boys walk to school, while 31 per cent of boys and 40 per cent of girls commute to school by bus. The nearest government high school is located in Nallur Panchayat, about two kilometres from the site, while the higher secondary school is at a distance of eight kilometres. Most children have to depend on their parents to take them to school, as bus services are inadequate.

In Collector Nagar, an Anganwadi Centre (AWC) (crèche for infants and children below five years), was started only 11 years after families moved there, while in Nallur, it took the state government 10 years to set up a functional AWC.

e. Violation of the Human Right to Health

International Covenant on Economic, Social and Cultural Rights

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.

Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

54. In order to ensure the protection of the human right to the highest attainable standard of physical and mental health, all evicted persons who are wounded and sick, as well as those with disabilities, should receive the medical care and attention they require to the fullest extent practicable and with the least possible delay, without distinction on any non-medically relevant grounds. When necessary, evicted persons should have access to psychological and social services. Special attention should be paid to: (a) the health needs of women and children, including access to female health-care providers where necessary, and to services such as reproductive health care and appropriate counselling for victims of sexual and other abuses; (b) ensuring that ongoing medical treatment is not disrupted as a result of eviction or relocation; and (c) the prevention of contagious and infectious diseases, including HIV/AIDS, at relocation sites.

A major finding of this study has been the continued violation of the human right to health of affected families in both resettlement sites.

Families resettled in Collector Nagar reported having to travel for over four kilometres to Nemam, to access the nearest PHC, where a free medical camp is organized every month. As the settlement is located in an interior area and is not well-connected to main roads, accessing healthcare, especially during medical emergencies is difficult. A PHC was operationalized in May 2018, but it has not been functioning regularly since its inception and the doctor is not present in the PHC regularly.

The nearest PHC to the Nallur resettlement site is in Melathur, at a distance of six kilometres.

"I was unable to find public transportation, or an auto or ambulance when my 10-year-old daughter was unwell. My husband was out for work and my daughter had high fever around 6 p.m. The road was desolate and there was no one to help me. I had to run to seek help from my neighbours, who had to drive up to the main road to find an auto. If only we had a PHC nearby, I would have been able to access healthcare for my child immediately. In Porur, we never had such issues; even at midnight we were able to access hospital facilities."

~ Woman resident of Nallur

f. Violation of the Human Rights to Water and Sanitation

In both sites, residents reported continued challenges in accessing water and sanitation facilities. In Collector Nagar, though a common overhead water tank has been installed, water is supplied only for one hour a day, which is grossly inadequate to meet the needs of the residents. Also, while water tanks have been installed at various locations inside the settlements, government water tankers supply water only once in two days. Women and girls bear the burden of fetching water for their families, as household water connections are still not available in most of the houses.

"I am 57 years old, and thus find it difficult to compete with young women to fetch water for my household. However, I have no choice but to wait for the tankers, wait for my turn in the line, and then carry the water home. The tankers do not have fixed timings and sometimes I have to wait outside for a long time. Often, I have to seek the help of other women to carry water to my home.

~ Woman resident of Collector Nagar

In Nallur, water tanks were installed at the site only 10 years after people were relocated. The settlement still does not have individual household water connections or adequate drinking water facilities. Women have

to walk to the end of the road (nearly three kilometres) to fetch water from a common tap. The burden for collecting adequate water for the entire family falls on women and girls. Discussions with women reveal that they have to carry over 10 to 15 pots of water to their homes every day.

In Collector Nagar, 60 per cent of the houses do not have individual toilet facilities. The families that have houses with toilets (40 per cent of total households), only constructed septic tanks after 2017, through funding from the central government's Swachh Bharat Mission (Clean India Mission). Till date, the settlement does not have sewage lines. The houses that do not have individual toilets have a semi-covered space that is used as a toilet. In the absence of state sanitation facilities, residents have constructed open drains. The site thus faces sewer water stagnation throughout the year, which is exacerbated when it rains. The study also found the prevalence of open defecation in Collector Nagar, as a result of inadequate toilet and sanitation facilities.

g. Violation of the Human Rights to Safety, Security, and Privacy

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

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.

The sites of Collector Nagar and Nallur have faced several fire accidents over the years. The state government, however, has completely ignored the situation and has not provided fire-proof housing to the communities, as it does in other 'informal settlements' that are fire-prone in Chennai. The lack of secure land titles for residents of Collector Nagar has prevented many people from investing in their homes. This has also resulted in unsafe housing conditions for many.

The unresolved strained relationship with host communities is another element of threat and insecurity for the resettled families.

h. Violation of Women's Rights

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

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.

Basic Principles and Guidelines on Development-based Evictions and Displacement (2007)

56. (b) Resettlement must ensure that the human rights of women, children, indigenous peoples and other vulnerable groups are equally protected, including their right to property ownership and access to resources;
57. Rehabilitation policies must include programmes designed for women and marginalized and vulnerable groups to ensure their equal enjoyment of the human rights to housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman or degrading treatment, and freedom of movement.

The study reveals that women and children have been severely affected in the stages prior to, during, and after resettlement because of the state's failure to protect their human rights and to adopt a child-friendly and gender-sensitive rehabilitation process.

The remote location of the sites in conjunction with inadequate transportation facilities greatly threatens the safety and security of women, adolescent girls, and children. Many women from both settlements complain that they are completely dependent on men for going out, even during the day. Their freedom of movement and independence has been greatly restricted after their relocation to these sites. Immediately after being resettled, many girls were forced to drop-out of school on account of issues related to the lack of safety. The

distance of the areas of work, non-availability of day-care centres for children and the isolated locations of the resettlement sites resulted in women losing their livelihoods. The state has failed to safeguard the rights of women and children in these settlements. Inadequate resettlement has resulted in increased violence against women.

“We had to rescue a woman who was abducted when she was walking to work, as there was a delay in the connecting bus service. She screamed for help and luckily some men in the nearby area came to her rescue. We used to be scared in the initial days of moving here. Now we have no choice but to go out on our own, so that we can earn to meet the needs of our family.”

~ Woman resident of Collector Nagar

“Most of us depend on men with vehicles or share autos because of inadequate transportation facilities. Once a woman was almost abducted by a man, and as she tried to jump off the two-wheeler in an attempt to escape, she fell and suffered a fatal head injury that claimed her life. Ever since, we either walk or wait for someone to drop us at the bus stop.”

~ Women residents of Nallur

5. Absence of Legal Safeguards to Protect the Human Rights of Marginalized Communities Living along Water Bodies

The Government of Tamil Nadu and the judiciary have not acknowledged that the marginalized families have settled along water bodies due to their historical marginalization that prevented them from settling elsewhere, and, therefore, they cannot be treated on par with other “encroachers.” Furthermore, there is no differentiation between them and the commercial establishments that continue to violate laws but are not penalized.

For the past two decades, evictions of families residing along water bodies across Tamil Nadu have been carried out after the hearing of two writ petitions filed in the Madras High Court in the years 1993 and 2006 (W.P. 17915/1993 and W.P. 25776/2006).²⁹ Ever since, the High Court has passed various judgments directing the state government to hasten the eviction process without adhering to due process mandated in national and international laws and guidelines.

Increasingly, some of the judgments and orders issued by the Madras High Court to expedite the process of evictions have not protected the human rights of marginalized communities living along water bodies. An order of the Madras High Court, dated 21 September 2017, went to the extent of directing authorities to use force against encroachers, stating that, “*In case the encroachments are not removed even after due process of law, the authorities are at liberty to remove such of those encroachments by use of force, if need be, and in such circumstances, the police authorities shall give all necessary assistance to the authorities for removal of the said encroachment*” (W.P. 36135/2015).

Though these orders have also mandated the provision of “reasonable opportunities” to affected families and the need to follow due process prior to evictions, there is no evidence that the state government has abided by this mandate.

Another major blow to the affected communities came in the form of a judgment of the Madras High Court that prevented them from approaching civil courts in their respective areas across the state. In its judgment, the Madras High Court observed: “*Civil Courts are restrained from entertaining any petition for injunction relating to encroachment on water bodies, even if any title documents are produced and in such of those cases, the Government or the concerned person is at liberty to move this Court (Madras High Court) for direction*” (W.P.

²⁹ Supra note 13.

36135/2015). Not all affected families can afford to approach the High Court, also because it is located far from their areas of residence.

Such court orders run contrary to the principles of the judicial system, which intends to ensure access to justice for all, without discrimination, especially for the poor and marginalized.

Several judgments issued by the Madras High Court related to “removal of encroachments” lack sensitivity to the needs and human rights of marginalized groups in Tamil Nadu. On 3 December 2018, the High Court issued an order observing, *“The respondents can take coercive steps, such as disconnection of electricity, water supply, and withdrawal of ration card from the present place forthwith to ensure that the encroachers do not get any benefits from January 2019, including Pongal gifts, if any declared by the Government and ensure that a fresh ration card is issued to them only after their migration to the area identified by the Slum Clearance Board”* (W.P. 31114/2017).

In an order dated 28 January 2019 (W.P. 22163/2018), the Madurai Bench of the Madras High Court called for disconnection of electricity and water connections to houses located along water bodies. The order also directed the Election Commission not to issue voter/election cards to those living along water bodies and also called for the cessation of all government benefits to those living or occupying land along water bodies in Tamil Nadu.

On 31 December 2018, an order of the Madras High Court (W.P. 34629/2018; W.M.P. 40143/2018) stated that, *“I am of the view that it is very unfortunate that the Government is giving a premium to the encroachers, by giving an alternate site. This would amount to encouraging encroachments, so that the encroachers will definitely get an alternate site, where they can reside at the cost of exchequer money, which has been collected from the taxpayers. The Government should ensure that this kind of encouragement with respect to the grant of alternate shelter to encroachers should not be extended and the same has to be stopped forthwith and allotment of alternate tenement is not going to give any solution to the problem.”*

In another order dated 28 January 2019 (W.P. 22163/2018), the High Court stated, *“It is needless to add here that citizens, who have acted in violation of their fundamental duty under Article 51-A(g) of the Constitution of India, 1950, to protect and improve the natural environment including lakes and rivers, cannot be heard to complain of deprivation of any fundamental right till their purge from their unconstitutional acts.”* Such Court observations could result in further violation of the constitutionally guaranteed Fundamental Rights of economically and socially marginalized communities.

The judiciary, thus, has not been sensitive to the needs of resettled/displaced communities in Tamil Nadu, who have been victims of forced eviction and inadequate resettlement. Certain judgments, in several instances, have gone beyond their mandate. For instance, when asked for an explanation on massive resettlement, the Madras High Court observed: *“This is a matter purely within the policy domain where the elected Government would decide the mode of resettlement”* (W.P. 6039/2011).

Tamil Nadu’s R&R packages have several discrepancies, as the state government does not have any comprehensive law/policy/guidelines. The present practices governing R&R are either department-specific or project-oriented; none of the ongoing schemes are sensitive to human rights standards or due process. They also do not provide mechanisms for grievance redress for affected persons. The different types of resettlement packages of the state include post-disaster resettlement; project-specific resettlement (families resettled after land acquisition); and, resettlement housing programmes (for those residing in ‘objectionable’ locations). Families shifted from various districts under different projects but resettled at the same site are also provided

different R&R packages. This inconsistent and discriminatory practice creates several problems for resettled families across the state.³⁰

The continued absence of a comprehensive state policy on resettlement has been one of the primary reasons for poor execution of R&R programmes in Tamil Nadu. This is also reflected in the lack of coordination between relevant departments and absence of convergence of schemes.

In a high-level meeting in 2010, the Government of Tamil Nadu had acknowledged the need to prepare a policy/ set of guidelines/norms for R&R to be followed in cases where over 5,000 households are to be relocated.³¹ However, the state has still not framed a rehabilitation policy.

Four years after the high-level meeting, in 2014, when IRCDUC presented the findings of a study on the resettlement site of Kannagi Nagar³² to the Secretary of the Department of Municipal Administration and Water Supply (MAWS), Government of Tamil Nadu, the state government acknowledged the need for a state-wide policy on housing and habitat as well as on resettlement. However, as of October 2019, the state had not formulated either policy, despite the increasing importance of these issues in Tamil Nadu, especially in terms of the adverse impacts of evictions and inadequate resettlement on the lives of marginalized communities.

The continuation of forced evictions and insensitive resettlement highlights that repeated attempts to evict poor people from their localities, without adhering to due legal process, is a “legal and administrative nightmare in Tamil Nadu” and the approach is “anti-poor, anti-democratic and anti-people.”³³

In the absence of human right standards and policy safeguards for evicted and resettled persons in Tamil Nadu, the reliance of the Madras High Court on government action, wherein it states that, “...*the elected Government would decide the mode and manner of resettlement,*” which has generally been against the interests of the urban poor in the state, further threatens the rights of affected persons.

By violating the rights of the affected families, both during the eviction and resettlement process, the state has contravened its constitutional mandate to “promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes” and also failing to “protect them from all social injustice and all forms of exploitation” (Article 46, Constitution of India).

30 *From Deluge to Displacement: The Impact of Post-flood Evictions and Resettlement in Chennai*, Information and Resource Centre for the Deprived Urban Communities, and Housing and Land Rights Network, New Delhi, 2017. Available at: https://hlrn.org.in/documents/Deluge_to_Displacement_Chennai.pdf

31 Ibid.

32 *Forced to the Fringes: Disasters of 'Resettlement' in India. Report Two: Kannagi Nagar, Chennai*, Information and Resource Centre for the Deprived Urban Communities, and Housing and Land Rights Network, New Delhi, 2014. Available at: https://hlrn.org.in/documents/Kannagi_Nagar_Report_2.pdf

33 Supra note 13.

Recommendations and Conclusion

This study reveals that the human rights of families evicted from Porur Lake and resettled in the sites of Collector Nagar and Nallur have been violated by the state. Even 13 years after their relocation, the living conditions at both sites are far from adequate, and residents face daily challenges in accessing their basic rights and entitlements.

Given the alarming findings presented above, IRCDUC and HLRN propose the following recommendations to the Government of Tamil Nadu, in order to restore the human rights of those evicted from Porur Lake and other water bodies in Tamil Nadu; to improve living conditions in all resettlement sites; and, to prevent any further violations of human rights of the urban poor, as per its moral and legal commitments under national and international laws. These recommendations are also applicable to the 50,000 families, residing along the water bodies in Chennai, who face an imminent threat of eviction.

Policy Recommendations for the Government of Tamil Nadu

- The Government of Tamil Nadu should ensure the equal right of women and men to protection from forced evictions and the equal enjoyment of the human right to adequate housing and security of tenure, by developing a state-level human right to adequate housing law, which commits to ending forced evictions and ensures the provision of legal security of tenure. In this regard, the recommendations made by the Special Rapporteur on Adequate Housing to India should be implemented (see box below). Such legislation should comply with international legal and human rights standards, including General Comment 4 of CESCR and the Guiding Principles on Security of Tenure for the Urban Poor. The state should also focus on the provision of adequate housing, including through participatory *in situ* (on site) upgradation or redevelopment of existing settlements, not forced relocation.³⁴

Report of the Special Rapporteur on Adequate Housing: Mission to India³⁵

85. The Special Rapporteur makes the following recommendations to the central and state governments:

- Adopt national legislation with explicit recognition of the right to adequate housing without discrimination on any ground. The legislation must be based on national and international human rights standards and commitments.
- ...
- Institute a national moratorium on forced evictions and demolitions of homes. Enact legislation to guide forced evictions that stipulates that forced evictions can only occur in the most exceptional of circumstances, once all other alternatives have been pursued, in strict compliance with international human rights law. Third party actors should also be regulated and monitored in that regard. Where states already have such a moratorium in place, the central government must comply. When evictions are required as a result of valid health and safety risks, governments must ensure that resettlement takes place in a time-bound manner, ensuring meaningful consultation with those who are directly affected, that fair compensation is awarded and that resettlement housing is adequate, as prescribed by international human rights law.

³⁴ See, report of the Special Rapporteur on Adequate Housing, focusing on the right to housing for residents of 'informal settlements,' A/73/310/Rev.1, 2018. Available at: <https://www.undocs.org/A/73/310/rev.1>

³⁵ Report of the Special Rapporteur on Adequate Housing, on her mission to India, 10 January 2017, A/HRC/34/51/Add.1. Available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/51/Add.1

- The priority of the state government must be to minimize evictions, in accordance with international human rights standards, especially the UN Basic Principles and Guidelines on Development-based Evictions and Displacement,³⁶ which permit evictions only in ‘exceptional circumstances.’ Where *in situ* upgrading/development is not possible, resettlement plans should be discussed with the community and should only be carried out with their free, prior, and informed consent. The state must guarantee that no resettlement takes place until such time as a comprehensive resettlement policy consistent with internationally recognized human rights principles and standards is in place.
- The Government of Tamil Nadu should urgently develop a human rights-based, gender-sensitive, and child-friendly policy on R&R, in order to ensure a comprehensive and planned approach that respects the human rights of affected persons and adheres to national and international laws, policies, guidelines, and standards. In particular, it should incorporate the human rights standards elaborated in the Basic Principles and Guidelines on Development-based Evictions and Displacement.³⁷ All resettlement provided by the state should be within a distance of three kilometres from people’s original sites of residence and not more than five kilometres.³⁸ Efforts must be taken to ensure that livelihoods and education of resettled persons are not adversely affected. The resettlement policy should make provisions for an institutional framework that includes appointment of an empowered and designated official under the Department of Revenue and Disaster Management Department, to monitor all resettlement-related activities along with a district-level ombudsperson to monitor and evaluate all state resettlement programmes. The specific needs of marginalized communities, including women-headed families, children, persons with disabilities, and older persons should be incorporated into the policy.
- In addition to a comprehensive state policy on R&R, operational guidelines should be drafted to specify the roles and responsibilities of the various line departments as well as of the Commissionerate of Land Administration, Commissionerate of Land Reforms, and Commissionerate of Survey and Settlements. The operational guidelines should also include specific protocols for the R&R process, including for post-disaster resettlement and for conservation efforts such as “restoration of water bodies.”
- The Government of Tamil Nadu should consolidate the information and data, available with various departments, on vacant, unused, and under-utilized land in the state. The vacant land-mapping exercise should be completed across the state. The Tamil Nadu State Land Use Board should officially announce an inclusive land reservation policy for deprived urban communities. Such a policy should focus on equitable spatial allocation of land for the poor, based on their proportion to the total population, with a focus on the issuance of individual *pattas* (titles for individual houses) and community *pattas* (title for tenements) over the land on which houses are constructed to ensure that ownership and legal rights over the land are vested with the community. This would also help ensure protection against forced evictions.
- 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 Displacement and Evictions, 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 various components of adequate housing, including from General Comment 4 of CESCR, should be incorporated in the Tamil Nadu Slum Areas (Improvement and Clearance) Act. Amendments should also include provisions and standards for livelihood protection, education, *in situ* upgrading, and resettlement.
- All disaster management plans and policies of the state should include provisions of, and comply with, the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Inter-Agency Standing Committee’s Operational Guidelines on the Protection of Persons in Situations of Natural Disasters.³⁹

³⁶ A Tamil translation of these Guidelines is available at: https://hlrn.org.in/documents/Tamil_UN_Eviction_Guidelines.pdf

³⁷ Supra note 3.

³⁸ According to the Delhi Slum and JJ Rehabilitation and Relocation Policy 2015, alternative accommodation to those living in ‘informal settlements’ should be provided either on the same land or in the vicinity, within a radius of five kilometres.

³⁹ The Inter-Agency Standing Committee (IASC) is an inter-agency forum of UN and non-UN humanitarian partners founded in 1992, to strengthen humanitarian assistance. The IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters were published in January 2011 to promote and facilitate rights-based approach in post disaster situations. They are available at: https://www.ohchr.org/Documents/Issues/IPPersons/OperationalGuidelines_IDP.pdf

- As evictions are carried out in post-disaster situations and also for the purported reason of reducing vulnerabilities of families residing in “high-risk river front areas,” the Government of Tamil Nadu should recognize the right to property, as also specified in the IASC Operational Guidelines, which affirm that, “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.”
- All conservation and restoration programmes and processes should include the active participation of poor and marginalized communities. They should be seen as contributors to the process, and not targeted and discriminated against because of their poverty.
- All relevant policies and programmes related to housing and resettlement must be translated into Tamil and uploaded in the public domain, so that they are easily accessible to the people.
- The state government is also obliged to meet India’s international legal commitments and should thus implement all human rights laws related to housing and resettlement. Furthermore, it should implement recommendations of UN human rights mechanisms, including of treaty bodies, the Special Rapporteur on adequate housing and the Human Rights Council during India’s third Universal Periodic Review.⁴⁰ The state government should also work to fulfil India’s commitments to implementing the Sustainable Development Goals by 2030.

Recommendations to the District Administration of Kancheepuram and Tiruvallur Districts

- The administration should convene a meeting at the sites of Collector Nagar and Nallur to address grievances of residents and resolve issues related to livelihoods/work (including non-implementation of MNREGA), inadequate bus services, and lack of access to other civic infrastructure facilities and essential services. Such meetings should be held every three months until the issues identified in this report and raised by affected residents are resolved satisfactorily.
- Officials should work on organizing reconciliation meetings between residents of the resettlement sites and host communities to address issues of contention that have persisted for 13 years. Experts should be invited to such meetings with the aim of developing durable solutions and building trust between the communities.
- Immediate measures should be taken to issue secure land titles (*pattas*) to all families residing in Collector Nagar.
- A wall should be constructed between the Chembarambakkam Tank and the houses in Nallur to prevent entry of water into the settlement when it rains.

Conclusion

This report highlights the multiple and persistent human rights violations of communities forcefully evicted and relocated from Porur Lake in 2006 as well as the inadequate living conditions in the resettlement sites of Collector Nagar and Nallur, even after 13 years of relocation. It reveals the state’s policy of discrimination and expulsion of the urban poor from the city to the margins, at a high social, economic, and cultural cost to the affected communities. This planned segregation has continued in Tamil Nadu, with forced evictions and relocation becoming the norm of disaster management and conservation efforts in the state. Such actions of the state contravene various provisions of the Constitution of India as well as national and international laws, policies, and guidelines, including *inter alia*, the International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of the Child; Convention on the Elimination of all Forms of Violence against

⁴⁰ For more information, see, *United Nations Documents Related to Housing and Land Rights in India*, Housing and Land Rights Network, New Delhi, 2019. Available at: https://www.hlrn.org.in/documents/UN_Documents_Housing_Land_2019.pdf

Women; Convention for the Protection of Rights of Persons with Disabilities; General Comments 4 and 7 of the UN Committee on Economic, Social and Cultural Rights; the Basic Principles and Guidelines on Development-based Evictions and Displacement; and, the Guiding Principles on Security of Tenure for the Urban Poor.

The actions of the government related to forced eviction and failed resettlement also violate the 'right to the city' of all residents, which is defined as the collective right of all inhabitants of the city to participate equally in its development and to have an equal share in its benefits.

Though the Madras High Court has stated that the mode and manner of resettlement vests purely within the policy domain of the elected government, the Tamil Nadu government has been carrying out rehabilitation and resettlement across the state without a policy to safeguard the human rights of affected persons and communities. This has resulted in systemic violations of Fundamental Rights of the urban poor in the state, who continue to be viewed as "encroachers" by the judiciary and state and local government officials.

People evicted from Porur Lake in 2006, even 13 years after resettlement, are being denied their basic rights and continue to live in inadequate conditions, without access to essential amenities and infrastructure.

Across Tamil Nadu, not much has changed in the eviction process carried out by the state. Over the last 13 years, from the forced eviction of residents of Porur Lake (November 2006) to the recent eviction of families living near Korattur Lake (October 2018), the state has not followed due process or paid heed to the rights, needs, and economic contributions of the urban poor to the city and its economy. Instead, it has resorted to undemocratic measures to destroy people's homes and personal belongings, and forcefully relocated them to city peripheries, resulting in their increased marginalization and impoverishment.

*Hemavathi, who attempted self-immolation along with her 10-month-old son and five-year-old daughter, but was rescued in time by other residents, said, "What has happened to us is barbaric. My family lost everything. I was with my 10-month-old son in the house when heavy machinery was brought in. They didn't even give me time to pick up the milk bottle to feed my son," she alleged, sitting quietly amidst the debris... Gnanasekeran, 66, suffered a mild heart attack during eviction, but he was said to be out of danger.*⁴¹ (Eviction carried out for implementing the Korattur Lake restoration project in October 2018)

By evicting communities and destroying their homes, while ignoring their historical marginalization, the state is also contravening several SDG, in particular SDG 11, which aims to "make cities and human settlements inclusive, safe, resilient, and sustainable." It is a cruel irony that under the guise of making cities resilient, disaster-resistant, and sustainable, the human rights of the most vulnerable communities are being violated and they are being further excluded from development processes.⁴²

Information and Resource Centre for the Deprived Urban Communities, and Housing and Land Rights Network hope that the Government of Tamil Nadu pays heed to the findings of this study and implements the proposed recommendations, with the aim of restoring the human rights of the resettled communities and preventing any further human rights violations.

⁴¹ 'Korattur lake restoration project: Evictions leave hundreds homeless,' *The New Indian Express*, 13 October 2018. Available at: <http://www.newindianexpress.com/cities/chennai/2018/oct/13/korattur-lake-restoration-project-evictions-leave-hundreds-homeless-1884892.html>

⁴² See, *How to Respond to Forced Evictions: A Handbook for Tamil Nadu*, Information and Resource Centre for the Deprived Urban Communities, and Housing and Land Rights Network, New Delhi, 2015. Available at: https://hlrn.org.in/documents/Tamil_Handbook_on_Evictions.pdf

1. Media Reports on the Porur Lake Eviction

TAMIL NADU

Schoolchildren return to find homes gone



NOVEMBER 24, 2006 00:00 IST
 UPDATED: MARCH 22, 2012 10:36 IST

J. Malarvizhi

Officials begin demolishing encroachments on Porur lake

CHENNAI: More than 5,000 people are likely to be displaced by an eviction drive launched by the Kancheepuram Collectorate and the Public Works Department at the Porur Lake on Thursday morning.

With the lake lying on the border between Thiruvallur and Kancheepuram, officials said that eviction operations on the Thiruvallur side would begin when Kancheepuram was done.

Fifteen earthmovers and tracked excavators were pressed into service to demolish more than 100 houses and several hundred hutments that lie just within the banks of the lake. Officials said that there was no count of the number of houses being demolished.

Many of the residents said that they had bought the land from owners who had since left the area and had built houses here around a decade or two ago.

"We hear threats of an eviction every year," said Leo, resident, "That is why no one took it seriously this time." Residents said that officials arrived at the lake's banks behind Amman Nagar and BHEL Nagar in Madhanandhapuram, Porur, around 8 a.m. and that JCB machines were brought in after 10 a.m. A few said that they had received warnings the previous week. Many said they had not.

Several families were not living in the houses, since the water levels had risen beyond three feet in some places, said residents.

Those still making their way in and out on rafts of thermocol used the same rafts to take away electronic appliances, furniture, clothes and utensils. A group of schoolboys arrived at the banks after noon, stunned to find the homes they left behind in the morning suddenly missing.

Joshua, resident, claimed that a nursery school attended by more than hundred students was among the buildings demolished. The school had been running since the heavy rains last year, said Lakshmi, another resident who lost her house.

The heavy police presence proved unnecessary, given the prevailing air of resignation. The remains of a transformer lay under water close to the bank piled high with debris and household belongings. Men scrambled up electricity poles to disconnect wires as the eviction proceeded. Streetlights were still standing on submerged streets.

"We had electricity connections, ration cards and voter identification cards," said Renuka, a resident of the area for seven years.

Officials said that Nallur village, seven kilometres south of Kunrathur, has been identified as an alternative location for the people evicted.

TAMIL NADU

Encroachment drive enters third day



NOVEMBER 26, 2006 00:00 IST
 UPDATED: MARCH 22, 2012 10:38 IST

K. Manikandan

Officials say not less than 15,000 people are affected

CHENNAI: The drive against encroachments on the Porur lake entered the third day on Saturday. Families evicted from huts and houses began shifting, believed to be the largest displacement in the Chennai region in recent years.

While officials were not in a position to confirm the number of houses brought down and the families forced to evacuate, a modest estimate said that not less than 15,000 people were affected. They were quick to add that all the displaced families would be provided free housing sites at Nalloor village near Kunrathur in Kancheepuram district and Thervai Kandigai village near Gummidipoondi in Tiruvallur district.

A majority of the families whose huts and houses were brought down managed to retrieve whatever they could and transported them in trucks, tempos and motorised rickshaws.

Traffic on the Chennai Bypass connecting Irumbuliur and Madhuravoyal proceeded at a snail's pace near the lake, as there were hundreds of such hired vehicles apart from those belonging to the officials.

There were long queues of men and women waiting to receive tokens from officials of the Revenue Department of Kancheepuram and Tiruvallur districts. People displayed their ration, voter identity and TNEB cards, house tax receipts issued by village panchayats apart from "sale agreement" on stamp papers to get tokens. Only with the tokens could they visit the housing sites earmarked for them. The Kancheepuram region of Tamil Nadu State Transport Corporation arranged for a couple of buses to take the family members on a visit to the alternative sites.

The modus operandi

Encroachments begin in a uniform manner. First, usually land grabbers in connivance with political parties encourage landless people to "book" their plots of choice after a nominal payment. Once there is enough number of "bookings," construction of thatched huts begins with the blessings of lower level staff of the Revenue department.

The necessary 'No Objection Certificates' are obtained or fake ones prepared to apply for necessary amenities. Local bodies grant their approval for formation of new residential localities, despite being fully aware of the violations. Officials of the Tamil Nadu Electricity Board said rules did not permit them to provide connections to encroachments, but they always succumbed to pressure from the bigwigs of ruling parties.

Revenue officials issue 'B' memo and it is only a receipt for the sum received from encroachers as fine for illegally occupying government property. Using the ignorance of most dwellers in such places, land grabbers convince people that such memos were only indicators of ownership of land, say activists, adding that if officials act on time and elected representatives stay away from such issues, the problem of encroachments could be nipped in the bud.

Residents evicted from Porur lake area protest

Seek proper alternative housing and basic amenities

Staff Reporter

CHENNAI: A. Mangalam is one of the many Porur lake area evictees who were rendered homeless and had been facing livelihood problems for the past one year.

Several such families who lived in the area went on a hunger strike here on Tuesday demanding proper alternative housing and basic amenities.

"We were evicted from the Porur lake area last year, only to be shifted to another lake area of Nallur village, located a few km away from Kunrathur," Ms. Mangalam complained.

Time not sufficient

Residents were not given sufficient time to shift their belongings before the demolition drive, she added.

The residents charged that the places provided to them in Kudapakkam near Poonamallee and in the Nallur lake area for alternative housing failed to address their basic needs such as healthcare, transport and education.

President of the Porur Lake Evictees Welfare Association R.Mallika said most of

the about 12,000 families evicted, including from Selva Ganapathy Nagar in Porur Lake area, were left homeless now.

Only about 5,000 housing plots have been allotted in Kudapakkam and Nallur villages.

Several children had not been attending school regularly for a year due to erratic bus services, she said.

The residents, who were mostly casual labourers, said that education of about 600 children and their occupation were affected as they were asked to move away to a place far off from their workplace.

No action yet

A social activist of Centre for Social Work and Research A. Anand working for the welfare of the people said that fire accidents frequently damaged the thatched huts, which served as temporary shelters. Several representations had been made to the authorities, but no action was taken yet, he said.

Housing plots must be allotted to all the evictees and steps must be taken to provide proper education to the affected children, they said.



UNITED PROTEST: Porur Lake evictees on a hunger strike near the State Guest House in Chepauk on Tuesday demanding proper alternative housing and basic amenities. - PHOTO:M.VEDHAN

TAMIL NADU

Land allotted to displaced families from Porur Lake



NOVEMBER 29, 2006 00:00 IST
 UPDATED: MARCH 22, 2012 10:41 IST

Staff Reporter

2000 families to get one cent each

KANCHEEPURAM: Families evicted from the Porur lake will be relocated at Nallur village in Sriperumbudur taluk in Kancheepuram district and Koodapakkam (Poonamallee taluk) in Tiruvallur district.

Each of the families will get one cent of land. In Nallur village, 2000 plots have been allotted to the evicted families from Porur.

Speaking to reporters on Tuesday, Kancheepuram Collector Pradeep Yadav said that nearly 4,000 families were evicted from the 550 acre lake area at Porur, which has a total extent of 850 acres. The 2,000 families will be provided plots in 50 acres of poromboke land. The beneficiaries included seven families already evicted from the Nallur grazing poromboke land, he added.

Basic infrastructure would be provided at the new site, Mr. Yadav said. Officers at the Somangalam Higher Secondary School and Nallur primary school have been asked to accommodate the children displaced from Porur, overlooking regular formalities.

Fresh family cards would be issued to the displaced families within a week to enable them draw rations from Nallur. New bus services will be operated to the colony to connect Kundrathur and Porur.

When his attention was brought to similar encroachments in lakes in other parts of the district, the Collector said that notices had already been issued to the encroachers. It might not be possible to provide alternative accommodation to all, and the administration was not legally bound to give such relief. However, in the present case, the affected families were very poor, he said.

Earlier, he distributed cash assistance of Rs.2000 each to the displaced families. Encroachments along the surplus drain channel - Manapakkam canal - of Porur Lake were also being removed on Tuesday, Mr. Yadav said. Ranvir Prasad, Tiruvallur Collector, has made similar arrangements for those to be relocated at Koodapakkam. Meanwhile, some of displaced families said they required at least three cents of land. They also doubted whether the present arrangement would be a permanent solution. Some district officials felt that allotting alternative sites to encroachers would be setting a bad precedent, which could hamper the process of reclaiming other encroached water bodies.

2. Petition Regarding Non-availability of Fair Price Shops in Nallur

 CHIEF MINISTER'S SPECIAL CELL TAMIL NADU Online Petition Filing and Monitoring System 			
Home Lodge your Grievance Track your Grievance Feedback Change Password Contact Us Log Out			
Track your Grievance			
Name	.VANESSA PETER		
Petition No	2019/996326/IU	Petition Date	15/03/2019
Address	No 9/4, Radhakrishnan Nagar 1st Street Abdulla Street, Choolaimedu, Nungambakkam, Taluk, Chennai,Tamilnadu - 600094		
Grievance	<p>In the year 2006, over 4000 families residing along Porur Lake was evicted, of which 2000 families were shifted to Nallur also referred as 'Pudhu Nallur'. This site is located in Poonthandalam Panchayat, Sriperumbathur Taluk, Kancheepuram District. For the last twelve years the displaced families residing in Pudhu Nallur do not have proper access to the Fair Price Shops (ration shop) because of resistance from the host communities. There is only one Fair Price Shop for the neighbouring 4 village where as per the population norms there should be 2 shops only for this village. To operationalise a fair price shop for puthu Nallur as they are vulnerable communities because of the displacement. In this site, there is no individual water connection for most of these houses. Till date there is no adequate drinking water facility. Women have to walk to the end of the road to fetch water from a common tap. The burden for collecting adequate water for the entire family falls on the women and girl children. Discussion with women reveals that they have to carry over 10 to 15 pots of water per day.</p>		
Grievance Address	,,collrchntn.nic.in,Chennai,Chennai-,Tamilnadu		
Grievance Category	BASIC AMENITIES - MORE FACILITIES FOR VILLAGE	Petition Status	Accepted
Forwarded to District	KANCHEEPURAM		
Concerned Officer	DISTRICT OFFICERS - DISTRICT COLLECTOR		
Reply	<p>மனு ஏற்கப்படுகிறது. மனுதாரர் கோரிய கோரிக்கையானது ரேசன் கடை தொடர்பான புகார்களை வட்டாட்சியர்,வருவாய் துறை, திருப்பெரும்புதூர் அவர்களை அணுகி கூடுதலாக நியாமிலைக்கடை ஒதுக்கீடு செய்ய கோரவும், மேலும் தற்போது கோடைகாலம் என்பதால் தண்ணீர் பிரச்சனை உள்ளது அதனை சரிசெய்ய குடிநீர் வாரியத்துறை மூலம் அனுமதி வரப்பெற்றதும் மேற்படி பகுதியில் குழாய் அமைக்க நடவடிக்கை மேற்கொள்ளப்படும்.என மனுதாரருக்கு தெரிவிக்கப்பட்டுள்ளது. ஊராட்சிகளின் தனி அலுவலர்/குன்றத்தூர் ஊராட்சி ஒன்றிய வட்டார வளர்ச்சி அலுவலர்(கி.ஊ) அவர்களின். ந.க.எண் 849/2017/B1, நாள் - 30.04.2019.</p>		
<input type="button" value="Print"/>			

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 gaining 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. The organization 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)—based in Chennai—is a 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, *Deprivation by Design: An Assessment of the Long-term Impacts of Forced Relocation from Porur Lake, Chennai*, HLRN and IRCDUC present the findings of a primary research study that assesses the long-term human rights implications of forced eviction and resettlement of 10,700 families from Porur Lake, Chennai, in November 2006, under the guise of “restoration of water bodies.” The study uses the human rights framework to analyse the process of eviction and relocation of 4,000 families to the settlements of Collector Nagar (Gudapakkam) and Nallur, and to assess the housing and living conditions at both sites. It also makes recommendations to the Government of Tamil Nadu to improve living conditions in the settlements; to restore the human rights of all affected communities; and to incorporate human rights standards in law and policy related to housing, land, and resettlement in the state.

Housing and Land Rights Network and IRCDUC hope that this report will spread awareness on the serious human rights violations and persistent issues related to the continuing forced relocation of marginalized communities under the guise of “restoration of water bodies” in Tamil Nadu; help prevent forced evictions and displacement and related human rights violations; and, assist affected persons to realize justice through the restitution of their human rights.



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