



HOUSING AND LAND RIGHTS NETWORK *Habitat International Coalition*

URGENT ACTION APPEAL:

**250,000 slum dwellers evicted last December in Mumbai,
another 2 million threatened.**

Case IND-FE 110105

The Coordination Office of the Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN), in Cairo, and its South Asian regional office, in Delhi, request your **URGENT** intervention in the following situation in India.

Brief description of the situation

YUVA (Youth for Unity and Voluntary Action) a HIC-HLRN member organization has informed that, through December 2004, the Municipal Corporation of Greater Mumbai and the Maharashtra State Government have bulldozed 52,000 "hutments" (residential huts or shacks) in Mumbai, forcibly evicting 250,000 people, out of a population of 2.2 million dwellers¹ residing in settlements erected after 1995. All of the families are recognized as living below the poverty line and, as such, local authorities permitted them to inhabit the site after local organizations constantly advocated on their behalf. All of the nearly 2 million inhabitants not yet evicted remain under threat.

The Mumbai and Maharashtra authorities have conducted the demolitions during the day and sometimes also at night to deter and destroy any temporary shelter that evicted people might build. While the resident communities did not receive any legal intimation or notice, officials have treated all local resistance as violations of law and order. Mumbai Police have jailed anyone attempting to resist the eviction and demolition.

Mumbai and Maharashtra officials have thrown these many thousands of people out of their houses at the peak of winter, leaving them utterly defenseless against the elements. The evictees are now living around the demolished sites in the open air without any shelter, food, livelihood, basic amenities, and with no medical facility. Following the evictions, authorities have confiscated the victims' ration cards, which local organizations helped procure for them through an appeal to respect the right to food for all residents. Municipal authorities also have cut water supplies to the settlement sites. Most victims belong to Dalit, Adivasi, nomadic and other economically and socially disadvantaged communities and minorities. Women and children have been the most affected. The assault on the slum dwellers poor homes already has rendered more than 100,000 children homeless, out of school, insecure and vulnerable.

Background information

¹ According to a survey conducted by the Bombay Municipal Corporation

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The State government and corporate interests have time and again expressed their intention to make Mumbai a 'world-class' city for investment, like Singapore or Shanghai. The recent rampant and continuous demolitions targetted against impoverished urban communities seem to be a part of realising this intention.

On 8 December 2004, Chief Minister of Maharashtra State Vilas Rao Deshmukh announced in the State Legislative Council in Nagpur that the state government would demolish all the post-1995 "encroachments," and the same was instructed to the Mumbai Municipal Commissioner Johnny Joseph. Soon after the announcement the demolition drive started. Mumbai Municipal Corporation (MMC) had evicted a few communities in the first week of December, (before the announcement) but no precise data is available. For the ongoing demolition drive, MMC has formed 83 demolition squads, comprised of civic officials and police forces, in the 24 wards of Mumbai, to conduct surveillance and take action against illegal structures.

During the last State elections held in August and September 2004, the candidates of the incumbent party—a coalition of the Indian National Congress and the Nationalist Congress Party—promised security of tenure to slum and pavement dwellers who had arrived in Mumbai before 2002. However, once the Government has been re-elected, it resumed evictions and demolitions, acutely saddening and angering the homeless, slum dwellers and pavement dwellers. It has become clear from various consultations with these marginalized groups that, for them—as confirmed in the Istanbul Declaration and Habitat II Agenda—the human right to housing is central to development, well-being and a sense of security.

The Constitution of India guarantees to every citizen the right to housing, as an integral part of the right to life, enshrined in Article 21, and the right to reside and settle in any part of India as enshrined in Article 19 (d). I . By these demolitions, the State of Maharashtra and the MMC have gravely violated these rights of already-marginalized people.

International Human Rights Law

The eviction of 250,000 impoverished people, as well forcing them into their current living conditions, violate, *inter alia*, their human right to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The Indian authorities especially violate those citizens' entitlements to security of tenure and freedom from dispossession; access to public goods and services; information; participation; compensation, and physical security. All are elements of the human right to adequate housing as codified in international law. Specifically, the authorities have breached their treaty obligations under articles 1, 2, 4, 11, 12, and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which India accessed to on 19 July 1979. The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the right to adequate housing. India also has breached articles 1, 5 and 6 of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), which it ratified on 4 January 1969. While the State of Indian has acceded to the International Convention on the Rights of the Child in 1993, ensuring every child the rights to survival, protection, and development among others, the authorities are violating the rights of 100,000 children, especially breaching its obligations under articles 16 and 39 of that Convention.

Action requested

Please write to the authorities in India urging them to:

- Stop the demolitions and forced evictions in Mumbai slums;
- Develop a plan for Mumbai city that complies with minimum international human rights standards and involves the affected people in the planning process, as is their right, and that respects, protects, promotes and realizes all human rights of all citizens, in particular the marginalized;

- Abstain from use of police force, demolition of houses, arbitrary arrests and detentions against the affected people;
- Respect, protect, promote and fulfil the right to adequate housing of the affected people, namely its following elements that are recognised in international law and jurisprudence: security of tenure; access to public goods and services; as well as information; participation; compensation, and physical security.

Direct your message to the following addresses:

Hon. Dr. A.P.J. Abdul Kalam
President of India
 Rashtrapati Bhawan
 New Delhi 110001, India
 E-mail : presidentofindia@rb.nic.in

OR

H.E. President Abdul Kalam
 Office of the President
 Rashtrapati Bhawan
 New Delhi 110 004, India
 E-mail: Pressecy@Sansad.nic.in
 Fax: +91 (0)11 301-7290 / 7824

Dr. Manmohan Singh
 Prime Minister of India
 Prime Minister's Office, South Block
 Raisina Hill, New Delhi 110 011, India
 Fax: +91 (0)11 230-9545

Mrs. Sonia Gandhi
President of UPA Government
 10, Janpath, New Delhi, India
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 Tel: +91 (0)11 2301-9080 / 2379-2263
 Email: soniagandhi@sansad.nic.in

Minister for Urban Development and Poverty Alleviation

Mr. Ghulam Nabi Azad
 Nirmaan Bhawan
 New Delhi 110001
 Fax: +91 (0)11 2379-3864
 Tel: +91 (0)11 2301-9162 / 8495
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Private Secretary:

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Hon. S.M. Krishna
Governor of Maharashtra state
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 State of Maharashtra, India
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 Tel: +91(0)22 2363-2660/2367-0878

Hon. Mr. Vilasraoji Deshmukh
Chief Minister of Maharashtra State
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 Mantralaya, Mumbai
 State of Maharashtra
 Mumbai 40002, India
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 Tel: +91(0)22 2202-5151/2202-5222

Hon. Mr. R.R. Patil
Deputy Chief Minister of Maharashtra
Chief Minister's Office, 6th Floor
Mantralaya, Mumbai
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Mumbai 400021, India
Fax: +91(0)22 2369-8585
Tel: +91(0)22 2202-5014

Hon. Mr. Johnny Joseph
Commissioner of Mumbai Municipal Corporation
Municipal Commission of Greater Mumbai (MCGM)
Head office, Opposite CST Station
Mumbai 400001, India
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Tel: +91(0)22 2262-0525/2262-0251 Extn - 3109 (O)

Justice A. S. Anand
Chairperson
National Human Rights Commission
Sardar Patel Marg, Sansad Marg,
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Tel: +91(0)11 2334-0891/2334-6244

Dr. Purnima Advani
Chairperson National Commission for Women
4, Deen Dayal Upadhyay Marg,
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Tel: +91(0) 11 2323 7166 / 6988

The Indian embassies and representations in your country.

Geneva – Cairo – Delhi, 11 January 2005

Kindly inform HIC-HLRN and YUVA of any action undertaken quoting the code of this appeal in your reply to: urgentactions@hlrn.org and Amrita.g@yuvaindia.org

Sample letter

Dear _____:

We have been informed by Habitat International Coalition-Housing and Land Rights Network (HIC-HLRN) that, last December, the Municipal Corporation of Greater Mumbai and the Maharashtra State Government have bulldozed 52,000 hutments in Mumbai, forcibly evicting 250,000 people, out of a targeted population of 2.2 million dwellers residing in settlements erected after 1995. Most people belong to Dalit, Adivasi, nomadic and other economically and socially disadvantaged communities and minorities. Women and children have been the most affected. More than 100,000 children have been rendered homeless, out of school, insecure and vulnerable.

During the last State elections held in August and September 2004, the candidates of the incumbent party promised security of tenure to slum and pavement dwellers who had arrived in Mumbai before 2002. However, once the Government has been re-elected, it has resumed a policy of eviction and demolition.

The eviction of 250,000 poor people, as well as their current living conditions, contravene their right to adequate housing, especially their entitlements to security of tenure and freedom from dispossession; access to public goods and services; information; participation; compensation, and physical security. All are elements of the right to adequate housing as codified in international law. Specifically, the authorities have breached their treaty obligations under articles 1, 2, 4, 11, 12, and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which India acceded to on 19 July 1979. By carrying out these gross violations of the human right to housing, the State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the right to adequate housing. India also has breached articles 1, 5 and 6 of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD) that it ratified on 4 January 1969. While the Indian State acceded to the International Convention on the Rights of the Child in 1993, ensuring every child the rights to survival, protection, and development among others, the authorities are violating the rights of 100,000 children, especially its obligations under articles 16 and 39 of that Convention.

We urge you to stop the demolitions and forced evictions in Mumbai slums, and to direct efforts instead to develop a more-civilized plan for the city that complies with international minimum standards, involves the people in the planning process, as is their right, and respects, protects, promotes and fulfils the human rights of all citizens, in particular the marginalized. We also ask you ensure respect for human rights and the abstention from unnecessary and disproportionate police force, demolition of houses, arbitrary arrests and detentions against the affected people. We ask only that you do your part to respect, protect, promote and fulfil the right to adequate housing of the affected and threatened people, thus complying with the obligations to which the Indian State already has committed itself under international law.

Thanking you in advance for your attention to this matter, we look forward to hearing from you about your immediate response to remedy the ongoing human rights violations against the people of Mumbai.

Respectfully,

[Signed]

[Your name and organisation]