



OMCT/HIC-HLRN
JOINT URGENT ACTION APPEAL:
New Massive Eviction in West Bengal:
75,000 People Made Homeless
Case IND-FE 241203

The International Secretariat of OMCT and the Coordination Office of HIC-HLRN request your **URGENT** intervention in the following situation in **India**.

Brief description of the situation

The Asian Human Rights Commission (AHRC), a member of the OMCT network, and Eviction Watch – Asian Coalition for Housing Rights, a member of HIC-HLRN network, have informed the International Secretariat of OMCT that on 15 December 2003, the West Bengal Government and the Kolkata Municipal Corporation forcibly evicted around 1500 families who were living in the canal settlements in the Bagbazar and Cossipore area, Kolkata Municipality, West Bengal.

According to the information received, heavily armed policemen and paramilitary forces carried out the operation. Most of the men living in the settlement were reportedly absent at the time of the eviction, being at work. As a result, women and children were left alone to face the brunt of the violent operation. It is estimated that almost 75,000 people became homeless due to this eviction, which was carried out in the absence of prior notice and resettlement plan. All the evicted families had been living at the Bagbazar and Cossipore area for 40 to 50 years. They had ration cards showing the address of this area as a proof of their legal permanent possession and residence. They even voted for elections from this address.

Background information

This violent eviction is not an isolated incident. On 22 September 2001, about 20,000 people were evicted from Tolly Nullah. On 2 Feb 2003 around 7,000 Dalits were evicted from Belilious Park, 129 Belilious Road, Howrah. After the eviction, these families had to settle in the Belgachia garbage dump, where they have been facing horrendous conditions. They have been living on the open street with no shelter from the sun, no drinking water and no sanitary facilities. As a result, M. Shiva, a 3-year-old child, died due to starvation. Until now, the West Bengal State Government has not provided any compensation to the victims and has failed to resettle them (see OMCT and HIC-HLRN joint urgent action appeals IND-FE 240703 and IND-FE 240703.1).

OMCT and HIC-HLRN are very concerned by the repeated massive evictions that the West Bengal administration has been carried out, especially as they have been extremely brutal

Human rights, international law, and treaty violations

The eviction of the 1500 families, as well as their current living conditions, contravene, *inter alia*, the inhabitants' 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; access to public and environmental goods and services; information; freedom from dispossession; participation; compensation, restitution and rehabilitation; and physical security. All are elements of the right to adequate housing as recognised 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 10 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, but also in art. 16 and 39 of the Convention on the Rights of the Child (CRC) that it accessed to on 11 January 1993

Action requested

Please write to the authorities in India urging them to:

- take all necessary measures to guarantee the physical and psychological integrity of the families who have been evicted;
- guarantee the right to adequate housing of the evicted families, with particular attention to the following elements: security of tenure, access to public and environmental goods and services; freedom from dispossession; participation; compensation, restitution and rehabilitation; and physical security, as recognized in the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child, among others;
- respect, defend, promote and fulfil human rights and the fundamental freedoms throughout the country in accordance with international human rights standards.

Addresses:

Shri Budhadev Bhattacharya, Chief Minister, Govt. of West Bengal, Kolkata.
Fax: +91 (0)33 2214-5480; E-mail: precycm@wb.nic.in and cm@wb.gov.in

Shri Subrata Mukherjee, Mayor, Kolkata Municipal Corporation
Fax: +91 (0)33 2244-2578; E-mail: cmcmayor@vsnl.net

Mr. Ashok Bhattacharya, Minister-in-charge, Municipal Affairs & Urban Development,
Government of West Bengal, Kolkata, India;
Fax: +91(0)33 2214-5480; E-mail addresses: cpimwb@cal3.vsnl.net and micma@wb.gov.in

Shri Atal Bihari Vajpayee, Prime Minister of India, South Block, Raisina Hill,
New Delhi 110 011 India;
Fax: +91 (0)11 301-6857/301-9545 (O), +91 11 301-9334 (R);
E-mail: vajpayee@sansad.nic.in or <http://pmindia.nic.in/writetous.htm>

H.E. President Abdul Kalam, Office of the President, Rashtrapati Bhavan,
New Delhi 110 004, India ;
Fax: +91 (0)11 301-7290 / 7824;

E-mail: Pressecy@Sansad.nic.in

Justice Adarsh Sein Anand, Chairperson of National Human Rights Commission
Sardar Patel Bhavan, Sansad Marg, New Delhi 11001, India;
Fax: +91 -(0)11 -334-0016; E-mail: chairnhrc@nic.in

Shri Dilip Singh Bhuria, Chairperson of the National Commission for Scheduled Castes
Schedules Tribes, Floor 5, Lok Nayak Bhavan, Khan Market, New Delhi-110003, India
+91 (0)11 462-3959, Fax: +91 (0)11 462-5378

The Indian embassies and representations in your country.

Geneva - Cairo, 24 December 2003

Kindly inform OMCT and HIC of any action undertaken quoting the code of this appeal
your reply to: omct@omct.org and urgentactions@hlrn.org.

The joint urgent appeals of OMCT and HIC-HLRN are dedicated to the protection of
to adequate housing.

Sample letter

Date

Excellency,

We have been informed by the World Organisation against Torture (OMCT) and Habitat International Coalition-Housing and Land Rights Network (HIC-HLRN) that on 15 December 2003 the West Bengal Government and the Kolkata Municipal Corporation forcibly evicted around 1,500 families who were living in the canal side settlements in the Bagbazar and Cossipore area, Kolkata Municipality, West Bengale.

Heavily armed policemen and paramilitary forces reportedly carried out the operation. It is also reported that most of the men were at work at the time of the eviction, the women and children being left to face the brunt of the violent eviction. It is estimated that almost 75,000 people became homeless due to this eviction, which was carried out in the absence of prior notice and resettlement plan. All the evicted families had been living at the Bagbazar and Cossipore area for 40 to 50 years. They had ration cards showing the address of this area as proof of their legal permanent possession and residence. They even voted for elections from this address.

According to OMCT and HIC-HLRN, this violent eviction is not an isolated incident but rather one more incident of brutality against poor urban people by the West Bengal administration. On 22 September 2001, about 20,000 people were evicted from Tolly Nullah. On 2 February 2003, around 7,000 Untouchables were evicted from Belilious Park, 129 Belilious Road, Howrah. Since the eviction, the homeless people have been living in horrendous situations on open streets without shelter nor drinking water. We urge you to take all necessary measures to guarantee the physical and psychological integrity of the families who have been evicted, to rehabilitate and to compensate them.

The eviction of the 1500 families, as well as their current living conditions, contravene, *inter alia*, the inhabitants' 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; access to public and environmental goods and services; information; freedom from dispossession; participation; compensation, restitution and rehabilitation; and physical security. All are elements of the right to adequate housing as recognised 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, as well as in art. 16 and 39 of the Convention on the Rights of the Child (CRC) that it accessed to on 11 January 1993. We urge you to respect these fundamental rights in accordance with international law.

Thanking you in advance for your attention to this matter, we look forward to hearing from your remedial response.

Respectfully,

[Signed]

[Your name]

[Your organisation]

CC