



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

URGENT ACTION APPEAL:

5,000 Houses Demolished in Mumbai, Slums Set on Fire and Forced Eviction of Thousands: Multiple Human Rights Violations

Case IND-FE 150506

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

Brief description of the situation

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

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

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

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

The police assault badly injured three people, who then were admitted to the Satabti Hospital. One of them remains in hospital. Shamin Banu, who had a miscarriage after policewomen hit her in the stomach, is recovering in the Sion Hospital. She lost consciousness after being beaten up and suffered severe. In all, forty persons received injuries during the demolition and fire. The police, however, ordered the nearby government hospitals, including Satabti Hospital, not to admit anyone from the slum and not to give the injured persons any medical records, as those documents might

South Asia Office:

B-28 Nizamuddin East
New Delhi 110 013, INDIA

Tel:/FAX: +91 11 2435-8492

E-mail: info@hic-sarp.org
Web: www.hic-sarp.org

Coordination Office:

7 Muhammad Shafiq St., No. 8
Muhandisin • Cairo, EGYPT

Tel/ FAX: +20 (0)2 347-4360

E-mail: hlrn@hlrn.org; hic-mena@hic-mena.org
Web: www.hlrn.org; www.hic-mena.org

UN Liaison Office:

8, rue Gustave Moynier
1202 Geneva, SWITZERLAND

Tel:/FAX: +41 22 738-8167

E-mail: hic-hrc@iprolink.ch

be used as proof of injury due to police violence. The lack of cooperation from hospital staff only reveals the tyranny of the police.

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

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

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

A large police force is still present at the site and people face constant threats of arrest and further eviction. People are out in the open with the belongings that they managed to salvage from the demolished site. From latest reports received, the police have fenced the demolition site with barbed wire, and have removed all those people who had set up temporary structures for shade. Women and children are now sitting under the scorching sun with no place to go and no provision for shelter. The authorities have still not provided any resettlement options to the evicted. Police officials are also patrolling in nearby slums and threatening people not to give food or shelter to the evicted people. Instances of abuse by intoxicated policemen at night have also been reported.

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

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

Background

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

Moreover, the government has embarked on a new urban renewal initiative known as "Operation Makeover," which aims to free up public spaces for infrastructure projects including shopping malls and entertainment complexes. An estimated 5,000 homes have been razed so far, with demolitions at present being undertaken in all 24 of Mumbai's wards. This is part of the government's goal to reduce the slum population of Mumbai from 60% to 20% as mentioned in the McKinsey Report for

Bombay First (a coalition of builders, industrialists and city planners). Sacrificing poor citizens' human rights in favour of luxury schemes for the rich reflects a perverse and distorted paradigm of development.

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

National and International Human Rights Law Violations

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

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

Besides contradicting the Common Minimum Programme, the actions against the people of Mandala constitute a violation of their basic human rights to life, security, health, work, and adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The authorities have especially violated people's entitlements to security of tenure and freedom from forced evictions; access to, and benefit from public goods and services; information, capacity and capacity building; participation and self-expression; rights to resettlement and adequate compensation for violations and losses; and physical security and privacy. All are elements of the human right to adequate housing as recognized in international law.

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

Action Requested:

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

- Ending police terror in Mandala, and withdrawing police forces from the site immediately,
- Instituting an independent enquiry to look into police atrocities,
- Dropping all false charges against the arrested activists and releasing them immediately,

- Stopping all demolitions till the committee adopted by the High Court on affordable housing comes out with a comprehensive housing policy,
- Compensating people for the destruction of their homes and loss of their material and nonmaterial losses,
- Providing adequate alternative housing in the same area.

Please send your communications to the following responsible parties:

Home Minister of Maharashtra

Mr. R.R. Patil

Telephone: +91 (0) 22 -2202-2401, 2202-5014

Fax: + (91) (0) 22- 2202- 4873

Email: DeputyChiefMinister@maharashtra.gov.in

Chief Minister of Maharashtra

Mr. Vilasrao Deshmukh

Fax: +91 (0)22- 2202-9214 / 2363-1446

Phone: +91 (0) 22- 2363 4950

Email: chiefminister@maharashtra.gov.in

Prime Minister of India

Shri Manmohan Singh

7, Race Course Road

New Delhi 110 001

Fax: +91 (0)11 2301–6857 / 9545 (PM office)

Tel: +91 (0)11 2301–8668 / 2312 / 8939 (office);

+91 (0)11 2301–6996 (joint secretary); +91 (0)11 2301–8939 (personal secretary)

Email: manmohan@sansad.nic.in and pmosb@pmo.nic.in

President of India

Mr. APJ Abdul Kalam Azad

Rashtrapati Bhawan

New Delhi 110001

Fax: +91 (0)11 2301–7290; +91 (0)11 2301–7824

Tel: +91 (0)11 2301–3172,

Fax: +91 (0)11 2301–1689

Tel: +91 (0)11 2301–4930, Ext 4211, 4400, 4260 (secretary)

Email: presidentofindia@rb.nic.in

President of Congress Party

Mrs. Sonia Gandhi

10, Janpath

New Delhi – 110 001

Fax : +91 (0)11 2301–8651

Tel: +91 (0)11 2301–9080 / 2379–2263

Email: soniagandhi@sansad.nic.in

Minister for Urban Development

Mr. Jaipal Reddy

Nirman Bhawan

New Delhi 110001

Fax: +91 (0)11 2306–2089

Tel: +91 (0)11 2306–1162

Please see the attached sample letter that you may use. Kindly inform HIC-HLRN at urgentactions@hlrn.org and schaudhry@hic-sarp.org of any action undertaken quoting the code of this appeal.

Sample letter

Dear Madam/ Sir:

Habitat International Coalition-Housing and Land Rights Network (HIC-HLRN) has informed us that, on the morning of 9 May 2006, police along with local government authorities brutally demolished and set fire to 5,000 houses in Mandala in Mumbai.

A police force of around 500–700 along with Mumbai Collectorate officials and 6–7 bulldozers demolished about 5,000 houses in the slum communities of Indira Nagar and Janata Nagar in Mandala, near Mankurd in Mumbai. Meanwhile, the police easily gained entry into the slum and demolished most of the houses and burned the rest, wiping out the entire community. The fire continued burning for several hours, while fire brigade personnel looked on passively, doing nothing to extinguish the fire.

Furthermore, the police engaged in a massive brutal “lathi charge” in Mandala, beating and dragging residents from the demolished site, and destroying their personal belongings. The police assault badly injured three people, who then were admitted to the Satabti Hospital. One of them remains in hospital. Shamin Banu suffered a miscarriage after women police hit her in the stomach. She is recovering in the Sion Hospital, having suffered severe bleeding and lost consciousness after being beaten. In all, forty persons received injuries during the demolition and fire.

What is equally disturbing are reports that police ordered the nearby government hospitals, including Satabti Hospital, not to admit anyone from the slum, nor to give them any medical records so that such could not be used as a proof of injury due to police violence. The lack of cooperation from hospital staff only reveals the tyranny of the police.

While municipal authorities gave the residents of Indira Nagar only a 12-hour notice of the demolition, those living in Janata Nagar had no prior notification or information of the demolition and were taken completely unaware.

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

A large police force is still present at the site and people face constant threats of arrest and further eviction. People are out in the open with their belongings that they managed to salvage from the demolished site. From latest reports received, the police are fencing the demolition site with barbed wire, and have removed all those people who had set up temporary structures for shade. Women and children are now sitting under the scorching sun with no place to go and no provision for alternate housing. The authorities have still not provided any resettlement options to the evicted. Police officials are also roaming in nearby slums and threatening people not to give food or shelter

to the evicted people. Instances of abuse by intoxicated policemen at night have also been reported.

The demolition is completely illegal as the government has clearly stated in its affidavit to the High Court that Mandala is reserved for people whose homes were demolished during the 2004–05 drive. Apart from this, a High Court-appointed Special Committee under the Chairmanship of Chief Secretary of Maharashtra is still working on a plan for affordable housing to be provided to all the slum dwellers without any reference to a cut-off date. The irony is that the houses burnt down and demolished were situated on land allotted for rehabilitation of those evicted in prior demolitions by the Government of Maharashtra.

National and International Human Rights Law Violations

The demolition in Mandala is a blatant violation of the human right to adequate housing. These forced evictions without adequate rehabilitation violate the affected people's fundamental right to life and livelihood as enshrined in Article 21 of the Indian Constitution. Reaffirming the principle of indivisibility of all human rights, the fundamental right to life encompasses the right to live with human dignity. Furthermore, Article 14 of the Constitution of India guarantees equal protection under law.¹

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

Besides contradicting the Common Minimum Programme, the actions against the people of Mandala constitute a violation of their basic human rights to life, security, health, work and adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The authorities have especially violated people's entitlements to security of tenure and freedom from forced evictions; access to, and benefit from public goods and services; information, capacity and capacity building; participation and self-expression; rights to resettlement and adequate compensation for violations and losses; and physical security and privacy. All are elements of the human right to adequate housing as recognized in international law.

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

We are deeply concerned about the plight of the evicted families who are currently on the streets without any adequate housing and nowhere to go. We await your humane and timely intervention to restore the violated human rights of the affected.

¹ The State shall not deny to any person equality before the law or equal protection of the laws within India.

We urge you to respect India's obligations under national and international law to respect, protect, promote and fulfil the human right to adequate housing by:

- Ending police terror in Mandala, and withdrawing police forces from the site immediately,
- Instituting an independent enquiry committee to look into police atrocities,
- Dropping all false charges against the arrested activists and releasing them immediately,
- Stopping all demolitions till the committee adopted by the High Court on affordable housing comes out with a comprehensive housing policy,
- Compensating people for the destruction of their homes and loss of their material and non-material goods,
- Providing adequate alternative housing in the same area.

Thank you in advance for your attention to this serious matter. We look forward to hearing from you about your remedial actions in response.

Respectfully,

[Signed]
Name and Organisation
Location