

PRESS RELEASE

Chennai, 4 August 2017

Report on Post-flood Evictions and Resettlement in Chennai Released, Highlights Violations of Laws and Human Rights of Affected Communities

At an event held at Loyola College, Chennai, affected community members, social activists, and professionals released a study by **Information and Resource Centre for the Deprived Urban Communities** (IRCDUC – Chennai) and **Housing and Land Rights Network** (HLRN – Delhi).

The report titled, **'From Deluge to Displacement: The Impact of Post-Flood Evictions and Resettlement in Chennai'** presents the findings of a human rights-based analysis of the forced eviction and relocation of flood-affected communities in the city. It also makes recommendations to the Government of Tamil Nadu to ensure restitution of the human rights of affected persons and to prevent future evictions in the state.

During a panel discussion at the launch event, independent experts and members of civil society discussed various dimensions of housing, evictions, and resettlement, including the policy framework regulating the same, in Tamil Nadu. They condemned the arbitrary process of forced relocation in Chennai and urged the government to follow due process and uphold human rights, as per norms and standards established in national, international, and state laws.

Background

In November–December 2015, the state of Tamil Nadu in southern India witnessed severe floods. The District of Chennai was one of the worst affected in the destructive deluge. Those residing on the banks of Cooum and Adyar Rivers, which house the majority of Chennai's urban poor, were severely impacted. Based on announcements of the Chief Minister of Tamil Nadu, on 7 December 2015 and 29 December 2015, families from the banks of Adyar and Cooum Rivers and Buckingham Canal who had lost their homes were to be provided alternative housing in the resettlement sites of Kannagi Nagar and Perumbakkam, located on the outskirts of Chennai.

Following the announcements, the Government of Tamil Nadu carried out a series of evictions of flood-affected households under the guise of 'post-flood rehabilitation.' The vulnerability of the urban poor after the flood was used by the state to clear the river banks. Of the 9,687 families residing on the banks of Adyar River, the state shifted 3,464 families to the resettlement sites of Ezhil Nagar (Kannagi Nagar) and Perumbakkam by July 2016.

The Study

After receiving reports of human rights violations and the absence of due process in the relocation of flood-affected families, IRCDUC and HLRN conducted a primary research study in the resettlement sites of Ezhil Nagar (Kannagi Nagar) and Perumbakkam, with the assistance of students of the Department of Social Work, Loyola College (Chennai). The study aimed to identify the gaps in the post-flood resettlement process; to assess and analyse the living conditions at the resettlement sites; and, to explore solutions and propose recommendations to the state. The study used the human rights framework to analyse the eviction process that preceded the relocation of families to these settlements as well as the housing and living conditions in the two resettlement sites.

Major Findings of the Study

- The eviction and relocation process of flood-affected communities in Chennai has violated multiple human rights of the affected persons, including their rights to adequate housing, land, livelihood/work, education, health, food, water, sanitation, information, participation, security of the person and home, and resettlement.
- The housing and living conditions in the two resettlement sites are extremely inadequate and do not conform to international standards of 'adequate housing' and resettlement. The sites lack basic amenities, including healthcare, water supply, sanitation services, adequate and sufficient schools, and Public Distribution System (PDS) food shops.
- The Government of Tamil Nadu has violated various national, international, and state laws, policies, and guidelines as well as progressive orders of the Madras High Court related to housing.
- In the absence of a comprehensive policy on housing, the state has failed to provide adequate housing for the poor. The houses constructed in these resettlement sites compromise the safety of residents. Minimal efforts have been taken to ensure housing accessibility and to provide a 'barrier-free environment' for persons with disabilities and older persons.
- As most of the resettled men and women are employed in the unorganized sector and their places of work were located close to their original sites of habitation, many lost employment immediately after relocation. The remote location of the resettlement sites and the increased distance to work was thus the most significant factor responsible for livelihood loss.
- As the Government of Tamil Nadu does not have any law/policy/guidelines on resettlement, the current practices governing resettlement and rehabilitation are either department-based or project-oriented. None of the current schemes pay attention to human rights standards or due process; neither do they provide mechanisms for grievance redress for affected persons.
- Children have been adversely affected by the relocation. In both resettlement sites, a large number of children have been forced to drop-out of school. The drop-out rate of children in both sites is higher in the age group of 0-5 years and 15-18 years. This is because the settlements have insufficient and inadequate Integrated Child Development Services (ICDS)/*angawadi* centres and higher secondary schools.
- Women have suffered disproportionately from the eviction and resettlement. During the entire process, they were denied their right to participate in decision-making. The relocation has adversely impacted their livelihoods, as the distance of the resettlement sites from the city has forced them to lose their jobs. The absence of basic services in the sites, including healthcare and access to government schemes, further pushes women, including women-headed households, into abject poverty. The lack of adequate security in the sites is also a serious problem for women and girls.
- The report highlights egregious issues related to the forced relocation of disaster-affected persons carried out under the guise of 'safety,' but which in reality is part of a larger framework of promoting segregation and dispossession of the poor from cities.

Response of the Government of Tamil Nadu

The study authors submitted the draft report of this study to the Managing Director, Tamil Nadu Slum Clearance Board (TNSCB), on 25 March 2017, for his response. The key responses from TNSCB, dated 28 April 2017, are as follows:

- TNSCB has decided to construct 500 to 2000 houses in one site, instead of building *en masse* housing projects.

- TNSCB will coordinate with line departments to see that social infrastructure is in place before resettlement.
- Efforts are being taken to identify land within Chennai City for resettlement of the urban poor.

Recommendations to the Government of Tamil Nadu

- The state should not resort to similar *en masse* housing projects, as they result in ‘ghettoisation’ of communities while violating their human rights to adequate housing, work/livelihood, food, water, sanitation, health, education, and security of the person and home.
- The state should ensure that future housing projects focus on *in situ* upgrading or redevelopment instead of forced relocation to the margins.
- In order to ensure and protect the right to land of the urban poor, the Government of Tamil Nadu should provide equitable spatial allocation for the poor, based on their proportion of the total population.
- The Government of Tamil Nadu should ensure that the Tamil Nadu Slum (Improvement and Clearance) Act 1971 is amended in accordance with international human rights standards, including the Basic Principles and Guidelines on Development-based Displacement and Evictions, and the Guiding Principles on Security of Tenure for the Urban Poor. It should also develop and implement a comprehensive human rights-based policy on housing, rehabilitation, and resettlement, which incorporates international standards.
- The state should develop a gender-sensitive, human rights-based disaster management policy, which incorporates the Inter-Agency Standing Committee’s (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters.
- The minimum size of housing provided by the state should be increased to 700 square feet (as specified in the National Rehabilitation and Resettlement Policy 2007) to accommodate extended families.
- The state should ensure that each housing project has adequate space allocated for social infrastructure, including community centres, ICDS centres, PDS shops, primary health centres, schools, and playgrounds, based on the existing norms of the Government of Tamil Nadu and the Government of India, as well as international guidelines.
- The state should implement recommendations of United Nations treaty bodies and the Special Rapporteur on Adequate Housing, in particular those related to forced evictions, housing, resettlement, and disasters.

Given the serious violations of human rights and the grossly inadequate living conditions in the two resettlement sites studied, IRCUDC and HLRN hope that the Government of Tamil Nadu will implement the recommendations proposed in this report; provide immediate restitution and justice to all affected persons; and ensure that no further forced evictions occur in the state.

The report—***From Deluge to Displacement: The Impact of Post-flood Evictions and Resettlement in Chennai***—is available at:

www.hlrn.org.in/documents/Deluge_to_Displacement_Chennai.pdf

For more information, please contact:

Vanessa Peter (IRCUDC): +91-9941537581

Jacintha Chithra (IRCUDC): +91-9840450182

Shivani Chaudhry (HLRN): +91-9818205234

Housing and Land Rights Network, New Delhi: <http://hlrn.org.in/>

Information and Resource Centre for the Deprived Urban Communities, Chennai:

<http://ircduc.blogspot.in/>