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Unequal Realities

FORCED EVICTIONS IN FIVE INDIAN CITIES

2016



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Youth for Unity and Voluntary Action (YUVA) is a non-profit development organisation committed to enabling vulnerable groups to access their rights and address human rights violations. YUVA supports the formation of people's collectives that engage in the discourse on development, thereby ensuring self-determined and sustained collective action in communities. This work is complemented with advocacy and policy recommendations on issues.

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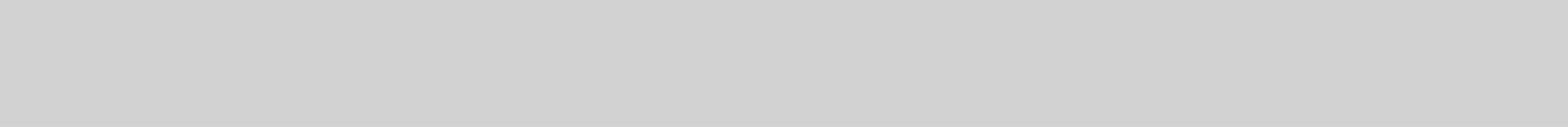
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FOREWORD

The truth about the Indian city is that it has always been a site of struggle. It has historically held both aspiration of coming to the city and making a new life as well as the reality of how difficult this dream is and remains for so many. Today, migration no longer drives urbanisation – most of the people whose stories you will read today in this report were born in cities. The tragedy of our urban development is that, for them, the struggle to belong and to thrive in the city remains often as difficult as for their parents.

Our urbanisation has structural flaws. In this report, it has been depicted through the descriptions of inequality that define our cities. These inequalities are of different forms. The first is an inequality of economic opportunity and therefore of assets, wages and incomes. The second is of participation in governance, of having a say in shaping the decisions that set the conditions in which we live. The third is spatial: of access to legal, affordable housing that would make the “slum” unnecessary. The fourth, and the subtlest of them all, is an inequality in social status, in citizenship, in the quite literal sense of being considered someone of equal worth and dignity.

Forced evictions bring together these four kinds of inequalities. They are critical to document because they represent both the structural and historical causes of exclusion from adequate housing as well as the immediate trigger in which a demolition can shatter often a lifetime of slow, painful struggle to make a dignified urban life. If in Indore, for example, evictions are triggered by the need to score higher on Swachh Bharat rankings, it is also true that the non-implementation of Master Plan reservations for low-income housing, or the lack of use of the shelter fund, has brought us to the present crises of insecure tenure. In Bhubaneswar, similarly, evictions of vendors may be triggered by the Smart City plan, but this cannot be seen outside the structural non-implementation of the Street Vendors Act. The report does well to remind us always to contextualise historical exclusion alongside immediate triggers for evictions. To find a way forward, we will have to resist and challenge both.

The report is also astute in pointing out the range of evicted persons – residents, homeless communities, street vendors, workers – and from where: homes, streets, city spaces. This “mix,” as the report calls it, is critical to understand. Life in the city is possible neither without work or shelter, and they are inextricably connected to each other. People come to the city for work, not for housing. They will repeatedly make housing decisions where work is viable. Reading evictions across the shelter-work spectrum is a major contribution of this report.

The third aspect that the report draws our attention to is the advent of two kinds of fundamental transformation in cities. The first is the changing political economy of urban India, marked most deeply in land and labour markets. The second is the advent of a slew of policy regimes that have focused on making cities “engines of growth” with deeply exclusionary and complex consequences. It is critical that as researchers, activists and urban citizens, we pay deep and sustained attention to the implementation of the Smart City, Swachh Bharat, as well as the Prime Minister’s Awas Yojana (PMAY) plans in our cities. These schemes are emerging at a time when the sole focus on economic growth seems to have eclipsed concerns of equity and inclusion in Indian cities. This context matters. It directs both intended as well as unintended consequences of these policies. The report gives us several examples of this, ranging from evictions to improve rankings, to Smart City plans that find no place for actual city builders and workers, as well as PMAY housing that locates itself so far from city centre work opportunities that even newly made housing becomes uninhabitable.

The work of a report such as this is thus first to bear witness to actual life of urban policies on the ground, to document the exclusion of what is an urban majority in our cities that is being increasingly set aside in fantasies of “world-class” and “smart” urban transformation. The second is to remind us that existing laws, policies and protections such as Master Plan reservations, Slum Acts, and Street Vending acts cannot be set aside, rendering the constitutionally guaranteed rights of citizens left unprotected. The third is to constantly challenge the idea that the lives of workers and income-poor residents are any less valuable than any other in our cities. Taken together, we find not just the documentation of what is under threat but ways to move forward to other imaginations and practices.

The report resounds foremost with the voices of people. It is right that it should do so. It is these voices that we must stand behind and return to the heart of our imaginations of urban development.

Gautam Bhan
New Delhi, June, 2017

ABBREVIATIONS

AMRUT	Atal Mission for Rejuvenation and Urban Transformation
BMC	Bhubaneswar Municipal Corporation
BMC or MCGM	Bombay Municipal Corporation or Municipal Corporation of Greater Bombay
CIDCO	City and Industrial Development Corporation
EWS	Economically Weaker Section
FDI	Foreign Direct Investment
HIG	High Income Group
HRIDAY	Heritage City Development and Augmentation Yojana
IMC	Indore Municipal Corporation
JNNURM	Jawaharlal Nehru National Urban Renewal Mission
LIG	Low Income Group
MIDC	Maharashtra Industrial Development Corporation
MIG	Middle Income Group
NMMC	Navi Mumbai Municipal Corporation
PMAY	Pradhan Mantri Awas Yojana
PMC	Panvel Municipal Corporation
RPF	Railway Police Force
SBM	Swachh Bharat Mission
SCM	Smart Cities Mission
SRA	Slum Rehabilitation Authority
TVC	Town Vending Committee
UT	Union Territory

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EXECUTIVE SUMMARY

Forced eviction is “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” (Committee on Economic, Social and Cultural Rights, 1997). Forced evictions constitute gross violations of a range of internationally recognised human rights, including rights to adequate housing, food, water, health, education, work, security of the person, freedom from cruel, inhuman and degrading treatment, and freedom of movement. (United Nations Human Rights, 1997)

Forced evictions are a violation of fundamental rights enshrined in the Indian Constitution that guarantees the right to freedom, right to equality and right against exploitation. Forced evictions of the poor - at their place of work and stay - have been a reality in cities for decades. A combination of subjective factors and neoliberal shifts in planning have meant that evictions have become a part of urbanisation and seen as a necessary tool in the ‘development’ of cities. While India’s commitment to achieving the targets of Sustainable Development Goal (SDG) 11 and implementing the New Urban Agenda is strong, each eviction and each person rendered homeless or without work take us a step back from achieving these international development goals.

This report looks at the phenomenon of forced evictions across Indian cities of Indore, Bhubaneswar, Guwahati, Mumbai and Navi Mumbai. These cases are indicative of a larger trend in forced evictions and in no way do they represent all the evictions that have taken place in these cities. In Indore, Guwahati and Navi Mumbai, the focus is on forced evictions of slums. In Mumbai, the focus is on forced evictions of the homeless. In Bhubaneswar, the focus is on cases of forced evictions of street vendors. In Guwahati, the report also brings to light forced evictions of homes in rural areas. This mix highlights that the experience and understanding of forced evictions cannot be restricted to places of stay in urban areas alone. People have been forcibly evicted from spaces that encompass their life and livelihood, and while people across socioeconomic classes have been affected – its consequences are experienced very differently.

YUVA runs an Anti Eviction Support Cell with an outreach to select cities in India. Cases that have been documented in this report are an outcome of the outreach in five of these cities. Participant interviews were conducted on sites of evictions and secondary data has been collected from relevant sources. Through this data, the report seeks to understand and explain the causes, nature and impact of evictions; safeguards provided by the State in the face of exclusionary urban programmes; and people’s efforts of resistance along with broad recommendations. It makes clear that while forced evictions are used as a tool for development, they are not a solution. Evictions perpetuate historic inequalities and further the inaccessibility to adequate housing.

The nature, causes and impacts of forced evictions

Key Findings

1. Data on caste, gender and employment in slums point to rapid peripheralisation of historically disadvantaged groups in places of stay and work. While the state attempts mediation through urban poverty alleviation programmes aimed at ‘inclusion’, it is unable to negotiate the needs of the urban poor against the might of global capital. The needs of these global forces are translated through forced evictions owing to smart cities, city beautification, gardens, road widening and an imagination of an Indian city that finds no place for its makers. There are different stated causes for this form of dispossession, but the consequences are the same – a perpetuation of historical inequalities. Examples of this are seen in the evictions of the predominantly Matang settlements in Indore and the Masan Jogi settlement of Anand Nagar in Navi Mumbai. In Indore, caste inequalities are exacerbated owing to relocation that has distanced people from their livelihood, only to be reinforced by the implementation of the Swachh Bharat Mission (SBM).
2. The thrust to re-imagine and reposition Indian cities to fit global imaginations are increasingly superseding protective legal provisions meant to safeguard the rights of the urban poor and the historically marginalised. Laws such as the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971, The Madhya Pradesh Nagariya Kshetro Ke Bhoomihin Vyakti (Pattadhriti Adhikaron Ka Pradan Kiya Jana) Adhinyam, 1984, or Government of Assam Land Policy (1989) safeguard and guarantee rights to land, housing and/or work. Yet they are not adhered to. Progressive reservations in Master Plans and the

74th Constitution Amendment that guarantees participation in decision making at the local level to strengthen people's claim over their habitat, fall short of being implemented. Eviction cases in each city highlighted contravention of the law to varying degrees. While spaces for people's participation in determining their habitats have been created, they remain on paper, both in legislative and policy practice.

3. In Indore, forced evictions have accelerated because of the incentive structure and rankings system of the SBM and the need to implement an imagination of a Smart City. An example of this is seen in the spate of five evictions that took place in November 2016, in anticipation of SBM evaluation for determining the city's national ranking. Forced evictions of slums were carried out because these slums did not have toilet facilities and the existence of open defecation would have downgraded the city's ranking. These evictions were part of series of evictions that took place throughout the city in 2016. All progressive legal provisions in housing for the urban poor were negated by these evictions.
4. In Bhubaneswar, a disregard for the rules set down in the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and the Odisha Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2015 has meant that street vendors have been harassed and evicted from the area demarcated for Bhubaneswar's Smart City area before proper survey, issue of certificates of vending and legitimate functioning of the Town Vending Committee could begin.
5. In Guwahati, slums which have existed on railway land for as long as 70 years experienced evictions in late 2015 owing to a proposed railway storage facility. In 2016, these slums faced constant fear of eviction with newer plans of railway expansion in the offing. In 2016, Guwahati witnessed forced evictions in the rural hinterland owing to supposed 'encroachments' over a green belt. This eviction, that left two dead, had a clear communal and ethnic aspect.
6. In Mumbai, the five cases highlighted the issue of repeated eviction of the homeless. This apart, proposed infrastructure projects and attempts at beautifying the city, have further led to forced evictions of the already homeless people. This is also seen in Navi Mumbai, a planned city, where metro construction and City and Industrial Development Corporation's (CIDCO's) Smart City plans has led to rampant evictions over the last year – a trend not experienced in the city before.
7. The report also negated two myths - that only urban slums are affected by evictions as evictions were witnessed in the rural areas of Guwahati, and that only the poor are affected by forced evictions since many middle class areas in Indore were affected due to road expansion.
8. In the face of forced evictions, people's resistance has been the strongest force. It is and has been the only negotiation between what a city is and what it ought to be. In each city there are people's collectives that have resisted being forcibly evicted, negotiated with authorities and held on to legal provisions guaranteed to them.

Towards building more inclusive and equitable cities

This study endorses the following recommendations to secure the right to adequate habitat:

1. Enforce the UN Guidelines on Forced Evictions: The UN Guidelines on Forced Evictions (since its acknowledgment by the UNHRC in 2007) is a soft law tool that places an obligation on States to ensure that evictions only occur in exceptional circumstances. Member states are additionally expected to adopt legislative and policy measures prohibiting the execution of evictions that do not conform to international human rights obligations (Kothari & Vasquez, 2015). In the current context of rapid creation and investment in urban infrastructure, it is imperative that India adopts these guidelines as the basis for assessing and preventing adverse human impact to be borne as a result of these developments.

2. Increase people's participation in urban governance: The SBM and Smart Cities Mission have given a high weightage to citizens' inputs in ranking cities, but participation in decision making and inclusive implementation of these plans are limited. Moreover, engaging people is not legally binding in either of these missions.

The 74th Constitutional Amendment Act (CAA) mandates people's participation in urban governance towards decentralised planning. Mohalla Sabahs mandated under the 74th CAA are the lowest level of planning where people can make decisions for their neighbourhoods and be part of decisions that affect them. Local governments need to encourage the functioning of these decentralised planning structures. Unless people are empowered with spaces to participate in governance, decisions on their habitats (including forced evictions) will be directed by interests of private capital.

3. Incorporate informal living and work spaces in Master Plans: There exists a formal urban planning practice (done through Master Plans and Regional Plans) and 'informal' arrangements with regards to implementation. For our cities to become inclusive, planning needs to begin including and incorporating what has been traditionally considered 'informal' – these include places of stay, work, recreation etc. For this to take place, planning at the local level through Local Area Plans must be given strength by Planning Authorities.

The New Urban Agenda and Target 11.3 of the SDG 11 highlight the need for planning that is participatory and inclusive of the needs of the marginalised. Incorporation of informal work and living spaces in urban plans will be a significant step to curb forced evictions and create an inclusive form of urbanisation. It is also imperative that plans made through missions and schemes (Housing for All, Smart Cities, HRIDAY, AMRUT) align with the existing city Master Plan, which is a legally sanctioned document, and are accountable to the public at large.

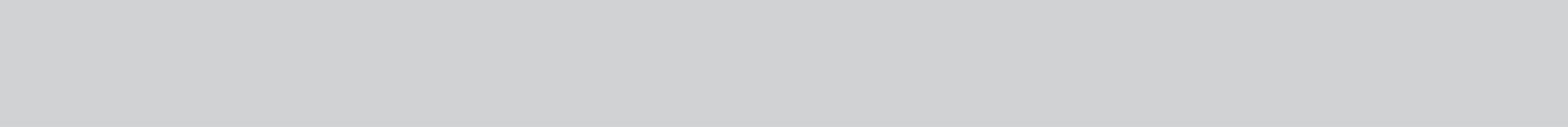
4. Stronger implementation of laws to protect the poor: Each city outlines legal and policy safeguards for adequate housing and livelihood, yet there remain stark gaps in guaranteeing these safeguards. Stronger implementation of existing laws and guidelines must be enforced by governments. Master Plans that outline land reservation for housing must be enforced. Similarly, the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 must be implemented by states and the Supreme Court guidelines on homeless shelters, the Government of Assam Land Policy, 1989 or the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971 in Navi Mumbai should be enforced.

5. Access to justice for people harmed during evictions: This report has brought forth cases of extreme human rights violations during evictions. The belongings of the homeless are mercilessly confiscated. Take the case of five-month-old Payal who lost her life in Guwahati when she had to spend the night out in the rain after her home was broken by the railway authorities, or Teena who lost her limb during the eviction of the settlement she lived in Indore. These violations must end. The UN Guidelines on Forced Evictions must be enforced and fair compensation in the cases of loss of property and physical injury must be made compulsory.

6. Resettlement & Rehabilitation sites must ensure a better quality of life: In the case of resettlement, housing provided should either be in situ or within a 2 km radius from the place of original residence. In cases where livelihood depends on geographical location, as observed in the case of the waste pickers of Indore and the homeless in Mumbai, resettlement must be cognisant of livelihood. Of most importance is that good quality of housing and a quality of life must be guaranteed in resettlement housing.

7. Urgent need for implementation of law for rehabilitation of slums on railway land: The Guwahati case is a microcosm of the need for the railways to enact a law for slums on railway land. Slums are located on land belonging to the railways across the breadth of the country. As the Railways are a subject of the Central government, State laws do not apply to them. A separate law for slums on railway land would ensure right to adequate housing, basic services and the right to compensation in case of evictions for the millions living in slums on land belonging to the Indian Railways.

8. Ensuring the right to adequate housing and livelihood: At the core of this report lies the urgent need to incorporate the right to adequate housing and the right to livelihood as the cornerstone of urban development. A law that guarantees the right to habitat would ensure that Indian cities are smart, clean, house all and ensure development for all.



CHAPTER 1 INTRODUCTION

1.1 Urban Inequalities

In January 2017, the report titled 'An economy for the 99 per cent' made stark revelations of rising income inequality in India. It found that the richest 1 percent now hold 58 percent of the country's total wealth - just 57 billionaires in India now have the same wealth (USD 216 billion) as that of the bottom 70 per cent population of the country (Oxfam 2017). India is one of the most unequal countries in the world, with one section of the population rivaling and outdoing the living standards of the richest in the developed world, while another scrounges for livelihood, shelter and sometimes the next meal.

Successive five-year plans beginning with the Eighth Five-Year Plan (1992–97) laid emphasis on urbanisation as a driver of India's socio-economic growth. The Twelfth Five-Year Plan (2012–17) reinforced this trend with an emphasis on inclusion. In order to promote equity in urbanisation, successive governments have passed laws, developed missions, policies and programmes to address the needs of the urban poor. State governments and local governments have implemented various schemes and passed resolutions that further this vision. Yet, there remain stark socioeconomic disparities. A close study of socioeconomic indicators reveals that urban centers are becoming increasingly gentrified, catering exclusively to the aspirations and needs of India's elite and its burgeoning middle class. (Ramakrishnan, 2013)

According to the data collected under the Socio-Economic Caste Census-2011 (SECC-2011), 20.30 percent of the urban population lives in slums (22.4 percent as per the Census 2011). Moreover, there are 13.16 million urban slum households which amounts to 20.21 percent of the total households in urban areas. The data also uncovers that in urban areas, 0.31 million people are homeless and 0.23 million people live in shelters. The census designates slums as notified, recognised and identified. While the first two are designated as slums by an official authority, identified slums are not (Rukmini S, 2013). They consist of at least 60-70 tenements with at least 300 people. Data shows that of the three types, identified slums have the largest sub-set of slum population, indicating that over a third of India's official slum population does not have official status as a slum, access to legal protection and municipal services (ibid). It is the majority of these slums that experience forced eviction or live in constant fear of being evicted. While this situation has variously been categorised as a development challenge (The World Bank, 2011), an impediment to development and a failure of the state (Vora, 2017)– forced evictions are not the solution. Forced evictions recycle poverty and further inaccessibility to adequate housing.

A caste analysis of urban areas finds Scheduled Castes (SCs) constituting 12.13 percent of the total households while 2.54 percent households belong to the Scheduled Tribes (STs) (SECC-2011). As per the Census 2011, 20.4 percent or 1 out of every five slums residents are SCs, compared to just over one out of 10 for urban India as a whole. This figure is 3.4 percent for STs. The proportion of SCs living in slums has risen by 38 percent over the last decade, and the number of STs living in slums have doubled (51.8 percent), this is contrasted by the 25.1 percent increase in overall slum population between 2001 and 2011 (Census, 2011). A gender division of slums as per the Census 2011, found 22.5 percentage of women living in slums in slum reported towns.

Inequality in urban employment is conspicuous. According to the Report of the Committee on Unorganised Sector Statistics, 93 percent of India works in the informal sector (Sengupta, 2007). The NSS Report (2012) found 67 percent working in the informal sector in urban India. Construction, manufacturing, wholesale and retail trade activities together form the main providers of employment with 72 percent employed in these activities. Women in the informal sector in urban India constitute 62 per cent. A very high proportion of women workers - nearly 52 percent of those employed in the informal sector - reported working in any of the following types of workplace: in their (i) own dwelling, (ii) structure attached to own dwelling unit, (iii) open area adjacent to own dwelling unit and (iv) detached structure adjacent to own dwelling unit. This number was 15 percent for men. These figures are telling of the high percentage of people whose work places and livelihoods are intricately linked to their places of stay.

These statistics on caste, gender and employment point to rapid peripheralisation of historically disadvantaged groups in places of stay and work. Within gender groups and historically disadvantaged castes, there is also an increased rigid class stratification and disparity creeping in. Those with least social capital - women, scheduled castes and scheduled tribes – are further pushed into the periphery of society, having to survive in ever worsening socio economic conditions. While the state attempts mediation through urban poverty alleviation programmes aimed at 'inclusion' it is unable to negotiate the needs of the urban poor against the might of global capital. The needs of these global forces are translated through smart cities,

city beautification, gardens, road widening and an imagination of an Indian city that finds no place for its makers. This form of global capital appropriates land and labour from women, schedule castes and other disadvantaged groups through forced evictions from their habitats. There are different stated causes for this form of dispossession, but the consequences are the same – a perpetuation of historic inequalities.

1.2 City Imaginations and Legal Provisions

The *Pradhan Mantri Awas Yojana* (PMAY) or the Housing for All scheme was launched on June 2015. In its first undertaking, the mission promises to provide central assistance to implementing agencies through States and UTs, providing houses to all eligible beneficiaries by 2022. Eligible persons must not own a house in any part of the country. The scheme will not, say, provide a house to 19-year-old Rajat, who was forced to leave his home in Karnal, Haryana in 2006 at the age of 10 or any of the estimated 17 million homeless people who have family homes in other parts of the country. In keeping with its goal to build affordable housing for ‘all’, it must prioritise in situ redevelopment and upgradation for ‘all’ slums. This will prevent forced evictions that have displaced an estimated 65-70 million people in India since independence, according to various civil society sources (Chaudhry, 2014).

The Smart Cities Mission (SCM), simultaneously launched by the Government of India in 2015, is an extension of this vision and a move to realise it in its full potential through the creation of 100 ‘smart cities’ by 2020. Smart Cities are competitive, technologically advanced cities that seek to achieve global standards. The SCM Guidelines (2015) require each ‘smart city’ to create a new entity called the Special Purpose Vehicle (SPV) that will be established as:

“a limited company incorporated under the Companies Act 2013 at the city-level, in which the State/UT and the ULB will be the promoters having 50:50 equity shareholding. The private sector or financial institutions could be considered for taking equity stake in the SPV, provided the shareholding pattern of 50:50 of the State/UT and the ULB is maintained, and the State/UT and the ULB together have majority shareholding and control of the SPV.” (Ministry of Urban Development, 2015)

The selected cities, reportedly, are raising funds through a variety of public-private partnerships (PPP). However, the PPP model does not necessarily work for the interest of low income and marginalised groups. The involvement of the private sector in such projects dilutes the responsibility of the state in protecting human rights and fulfilling its welfare function assigned by the Constitution of India. Latest reports indicate that the private sector has not met the central government’s expectations in terms of providing ‘affordable housing’ or contributing to the achievement of PMAY targets. Despite tax incentives in the 2017–18 budget to the real estate sector for investing in affordable housing, the focus of the industry is largely on housing for middle income groups, which is being touted as ‘affordable housing’ projects. While dependence on the private sector for the success of the Mission is high, it is also quite apparent that the private sector is likely to be the greatest beneficiary. (HLRN, 2017)

The PMAY, Smart Cities Mission and its predecessor, the Jawaharlal Nehru National Urban Renewal Mission (JNNURM), have a common stated mission to create ‘world class’, ‘inclusive’ Indian cities for ‘all’. In actuality however, they have increasingly represented and catered to the aspirations of a certain class and have not only addressed issues in inadequate housing and informal work in a thoroughly inadequate way but also actively promoted exclusion of the urban poor. In the understanding of urban space in post-liberalisation India, the city is looked at as a springboard to engage with the global economy. There is also a change in the understanding of poverty and inequality, not as a challenge to be overcome but as the result of the failure of the poor to be part of this glistening global world order. Gautam Bhan argues, “Inequality is, therefore, naturalized as an inevitable part of any (market) society. It is no longer understood as a problem of what the poor lack but instead, one of what they have been unable to do” (Bhan, 2009).

The thrust to re-imagine and reposition Indian cities to fit global imaginations are increasingly superseding protective legal provisions meant to safeguard the rights of the urban poor and the historically marginalised. The right to life and protection of livelihood are guaranteed by a number of Acts and rules, but are often negated. Laws such as the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971, The Madhya Pradesh Nagariya Kshetro Ke Bhoomihin Vyakti (Pattadhriti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984, or Government of Assam Land Policy (1989) safeguard and guarantee rights to land, housing and/or work. Yet they are neither adhered to, or are at times superseded by needs of private capital and mandates of global financial agencies. Progressive reservations in Master Plans and the 74th Constitution Amendment that guarantees participation in decision making at the local level to strengthen people’s claim over their habitat, fall short of being implemented. Government schemes and programmes are never beyond the

purview of law. However, since the schemes are implemented with profit incentives and vested interests, the law is superseded and rights are not guaranteed.

1.3 Forced Evictions in 2016 – Exacerbating Urban Inequality

Forced evictions entail a violation of fundamental rights enshrined in the Constitution which guarantee the right to life, freedom, equality and right against exploitation. A combination of subjective factors and neo-liberal shifts in planning have meant that evictions have become a part of city growth and a tool for development (UN Habitat, 2007).

Forced evictions reinforce the construct of viewing a middle class resident as a citizen with fully functional citizenship rights in contrast to a ‘migrant’, belonging to the working class who is an unwanted guest in the city. In a statement in February 2017, the Delhi High Court reprimanded the government over its treatment of the illegal construction of the posh villas in Sainik Farms. “Just because people of Sainik Farms are rich, why should we differentiate between them and those in Neb Sarai where CBI is probing unauthorised construction” the court asked in a newspaper article by Times of India (Times News Network, 2017). While Sainik Farms continues to exist, with palatial houses and their multiple toilets, clusters of houses in Ahir Khedi, Khajrana Ring Road and Ganesh Nagar Road in Indore were demolished instantly because they did not have a toilet. While people occupying railway land in Guwahati are looked at as squatters, the residents of Sainik Farms have faced no such opposition from right thinking citizens. Similarly, while hawkers in Bhubaneswar have been intimidated and are being forced to leave their areas of business, the term, ‘encroacher’, is not used for the myriad of shops, which are illegal constructions in Delhi.

The year 2016 was a significant year for the global urban community. The New Urban Agenda - the document that will drive the pattern of urbanisation for the next two decades - was signed by member states of the United Nations. It dismisses the use of forced evictions as a tool for urban development, yet instances of forced evictions were experienced in both the global north and south through 2016. In the face of these forced evictions, people’s resistance has been the strongest force. It is and has been the only negotiation between what a city is and what it ought to be.

1.4 Methodology

This report is a collection of qualitative eviction data from Indore, Bhubaneswar, Guwahati, Mumbai and Navi Mumbai and seeks to understand the reason for these evictions and rehabilitation offered by the State. Participant interviews were conducted on sites of evictions, from households in informal settlements or slums. Secondary data has been collected from relevant sources where needed. These city cases are indicative of a larger trend in forced evictions and do not represent all the evictions that have taken place in these cities in 2016. In few cases references to evictions in 2015 and continued evictions in 2017 have been made, to provide context and note the ongoing nature of forced evictions.

The report is divided into seven chapters. The first chapter lays the context and each subsequent chapter focuses on one of the five cities. Each chapter has an overview to the situation, safeguards, people’s resistance to forced evictions and recommendations. The report offers some concluding remarks that pertain to planning cities so that they become more humane, inclusive and rights centric.

CHAPTER 2 INDORE

In six major evictions across the city of Indore in 2016, 727 families were evicted from their homes. This chapter traces the trend in these forced evictions. It finds a correlation between the race to secure a high ranking in the Swachh Bharat Mission (SBM) and the eviction of those whose homes and places of work needed to be 'cleaned away'. It also points to local socio-political nexi, a one-track vision of a Smart City that un-see the existing fabric of a city and disregards legal safeguards for the urban poor.

2.1 Overview

When social worker Pranshu George from Deen Bandhu Samaj Sahyog reached Patthar Mundla¹ on the morning of 11 February 2016, he found the settlement in ruins. "The whole place was reduced to rubble. People crowded around me, thinking I was a government official and could help resettle them. One of them told me about a little girl called Teena who was injured in the eviction. I was shocked," Pranshu says (George 2017). On the morning of 10 February 2016 in Patthar Mundla, slum settlements were being demolished by the Indore Municipal Corporation (IMC). 13-year-old Teena found her leg trapped under a large piece of debris. The bulldozer had demolished a wall behind which Teena had slipped out of her home to play. Her parents were gathering their belongings before the same fate awaited their house. A commotion was underway. Resident after resident struggled to gather his/her belongings, as Teena lay crying in the corner. Her parents saw what had happened and rushed her to the Maharaja Yeshwantrao hospital. Her leg was at risk of being infected. It was amputated. Teena will not be able to play outside with her friends anymore.

Brazen evictions have been characteristic in Indore in 2016. Almost 30 cases of forced evictions have been recorded owing to various reasons – construction of an RTO and gardens, road widening, on orders of the National Green Tribunal, for cleaning the local river and in some cases for absolutely no reason at all. In this chapter we focus on the case of six settlements that were evicted in the fervour to make Indore score high in SBM rankings and find a place in the implementation ranking of the Smart City Plan. Settlements that have been evicted include Ganesh Nagar, Khajrana Ring Road, Ahir Khedi Road, Pragati Nagar, Sukhi Nivas Road and Banganga. This is not a complete documentation of all the evictions that have taken place in Indore in 2016. Evictions have taken place in multiple locations, affecting even the affluent in an attempt to re-plan and reimagine Indore as a Smart City.

2.2 Forced Evictions and the Swachh Bharat Mission

The Swachh Sarvekshan, as the inspection is called decides the rating of a city for its cleanliness achievements prescribed in the SBM (Clean India Campaign). A better rating is said to indicate investor friendliness. Individual toilets for the people, including those living in informal housing are weighted highly at 15% importance in the city's ranking. The Swachh Sarvekshan team from Delhi was to arrive in Indore on 3 January 2017 for the inspection of Indore's SBM.

In November 2016, the city saw a spate of evictions. The presence of residential areas without functioning toilets would have marred Indore's rating and so the IMC sought it fit to rid the city of its informal settlements, which could be done faster than constructing toilets. Slum settlements of Ganesh Nagar, Khajrana Ring Road, Banganga and Ahir Khedi/Sukhniwas Road were razed and their residents evicted prior to this visit, simply because residents defecated in the open owing to a lack of toilets. (Reporter S., 2016)

It is not just the SBM, but also issues in land reservation that have caused evictions. Anand Lakhani claims that the eviction of Pragati Nagar took place because the President of the Pragati Nagar Colony, who is also an IMC employee, wanted to develop a garden in the area and has used his influence to evict the slum and appropriate the area for a garden. The Corporator of the area also says land was earmarked for a garden.

¹ Patthar Mundla in Palda village was a settlement of around 100 families. They had permanent *pattas* to their land. They were evicted having been given 1 month's notice, owing to the construction of the new Regional Transport Office.



Image 1: An eviction underway in Budh Nagar, Indore



Image 2 : Indore's streets painted with its rank in the Swachh Sarvekshan

Relocation, Loss of Livelihood and the Swachh Bharat Mission

Families evicted from Shekhar Nagar in 2015 have been relocated to multi-storied buildings under the Basic Services to Urban Poor (BSUP) project (JNNURM first phase) in Bangarda Bada, 16km away from where they used to live. They have been forced to live in the periphery of the city, with poor access to basic amenities and poor livelihood opportunities.

Savita Bai, 35, still travels 16 km to Rambagh, close to her previous residence to pick waste even though it costs Rs. 40 for a one-way trip. To add to this, things have changed for her since the advent of the SBM. "Since last year, the police have begun troubling us saying that we are no longer allowed to pick waste. The *baivan* (ladies) are harassed by the municipal officials for money. Many pay bribes of Rs. 50 out of a meagre average income of Rs. 120 per day to make the police officials go away," she says.

As per provisions of the SBM, there are five assigned garbage collection points in the city where garbage is procured and dumped by volunteers and workers of the IMC. These have become the domain of the IMC and its workers. Independent waste pickers are discouraged and/or prevented from collecting from these points. This has meant a streamlining of the garbage collection process from houses (DNA, 2011). But for an estimated 20,000 waste pickers and 2,000 *jagirdars* (sweepers) in the city, this has meant a total and sudden loss of livelihood. Earlier waste pickers used to collect garbage from houses in addition to sifting through waste and charge Rs. 40 per house, now the IMC workers charge between Rs. 60 and Rs. 90 and independent waste pickers are left without livelihood.

In 2016, the rag pickers of the city approached the District Collector seeking interventions to halt the SBM that disallows them from collecting and accessing waste. Almost all waste pickers belong to the backward Matang caste and their families survive on the money they make by selling waste. In a report published in India Today, an IMC official was quoted saying, "Providing alternate job opportunities is a challenge as there is hardly anything that these rag pickers can do other than what they are doing right now." (Sharma H. , 2016) In January 2017, 250 rag pickers were given identity cards and recognized by the IMC as per SBM rules. The rest remain unrecognised and face grave difficulty to earn their livelihood.

When loss of one's home is compounded by the loss of one's livelihood, vulnerability increases manifold. Not only have the erstwhile residents of Shekhar Nagar been relocated from homes near their place of work owing to a government housing scheme, they have also been debarred from picking waste, the only occupation they had owing to another government scheme that attempts to clean the city.

2.3 Safeguarding Rights of the Urban Poor

Legal safeguards in Madhya Pradesh have taken cognisance of the needs of the poor - the Madhya Pradesh Nagariya Kshetron Ke Bhumihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 made provisions for land tenancy, a useful legislation that allows for addressing the immediate need for housing for the poor in the absence of a permanent resettlement solution; the Madhya Pradesh Nagar Palika (Registration of Colonizer, Terms and Conditions) Rules 1998 provided guarantee of housing for the poor in private residential colonies; and the IMC Master Plan makes special reference to heritage areas. Listed below are legal safeguards provided to secure rights of the urban poor with regard to land and housing. It is important to bring to focus these provisions in the light of the current trend of forced evictions.

2.3.1 Madhya Pradesh Patta Act (1984) and Madhya Pradesh Municipal Corporation/Municipality-Nagar Palika Rules 1998

According to the The Madhya Pradesh Nagariya Kshetron Ke Bhumihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984:

"(2) The Authorized Officer may, subject to the rules framed or directions issued by the State Government from time to time, either settle the land in actual occupation of the landless person or allot to him any other land not exceeding forty five square metres in lease hold rights in his favor, provided he adduces following proof of his residence in the urban area prior to 31st December, 2012.

(a) the ration card issued to him by the competent authority; or (b) the written testimony from the appropriate officer authorized by the Municipal Corporation, Municipality or Nagar Panchayat as the case may be, certifying that he lived in the area prior to 31st December, 2012” (Madhya Pradesh Act No. 15, 1984)

The Act also goes on to state that any person who wrongfully dispossesses or attempts to dispossess an occupier of a dwelling house will be liable for three months of imprisonment.

According to the Madhya Pradesh Nagar Palika (Registration of Colonizer, Terms and Conditions) Rules 1998:

A provision for a, “shelter fee”, exists with 15% land in a private colony to be used for housing of weaker sections of society. This was watered down to 6% in 2014. The rules state “In Madhya Pradesh, the colonizers have to deposit, “shelter fee”, @ Rs. 40/- per sq.m. for a town having population upto 3,00,000; @ Rs. 60/- per sq. m. for towns having population of 3,00,000 to 5,00,000 and @ Rs. 100/- per sq. m. for towns having population of more than 5,00,000. The amount so collected can be loaned (without interest) to local bodies, housing boards/slum clearance boards or development authorities, to be utilised as margin money to obtain loan from financial institutions for construction of EWS houses or providing infrastructure (e.g. sewerage, water etc.) in old juggi basti area.” Alternate to paying, “shelter fee”, is reservation of 15% developed area to carve out plots of 32 to 40 sq. m. plots or EWS houses of 20 to 24 sq. m. size constructed on 25% of total plot area. The rates for such plots or constructed EWS houses are determined by a Committee chaired by the Collector.” (Housing for Economically Weaker Section by Private Participation)

Till date nobody has been imprisoned and evictions continue, abated only by the filing of cases. For instance in Anand Lakhan vs Govt. of Madhya Pradesh (WP/5281/2015) families of Shekhar Nagar had their homes demolished after 25 years of resisting evictions (HT Correspondent, 2015). Approximately 550 families had permanent *patta* and many had temporary *pattas* issued to them by the IMC. This did not prevent them from being evicted or ensure right over the land.

2.3.2 Provisions in Indore Master Plan

Indore has had a history of formulating safety nets for the weaker sections of its society. As early as 1971, there were provisions made for the rehabilitation of slum dwellers in the form of relocation zones in the 1971-1991 Indore Master Plan. However, the actual implementation of this safeguard was diluted when the city grew faster and beyond what the government had foreseen, and sites for rehabilitation of slum dwellers were converted into multi-storied buildings of private builders, car parking for colonies, gardens etc. The current Master Plan 2021 guidelines state that heritage sites and old, historical buildings should not be harmed in an effort to modernise the city.

“Evictions have been synonymous with a rising apathy for safeguards instituted for the poor” says Anand Lakhan, a civil rights activist and National Core Committee member of Right to the City Campaign. The sudden preeminence of the SBM has rendered the poor homeless and undermined the safeguards which were set out for them.

2.4 Beyond Forced Evictions

The socio-political nexus between builders and officials in grabbing land through brutal evictions, land allocation and house allotment in rehabilitation sites is one that has become a common phenomenon across cities. Consider the case of a multi-storied building constructed under the BSUP, a sub mission of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) that now houses the poor evicted from Ahir Khedi. Legal entitlement to the house has still not been given to residents who use a *parchi* or an informal slip given to them by the municipal corporation. To add to this, multiple families have been given *parchis* for the same house.

Across the city, communities are evicted and assured housing (under the PMAY and Smart Cities Mission) is provided in resettlement sites located across 29 villages that have recently been included within city limits. Some resettlement sites ear-marked for relocation are as follows: i. Rangwasa village ii. Navdapanth village on Dhar road iii. Chhota Bangadda village, north of Indore airport iv. Bhagya village v. Shakkar Khedi village vi. Nayta Mundla village vii. Niranjapur viii. Bada Bangarda. Construction of affordable housing projects has begun in Rau near Rangwasa village and a multi-storey housing building exists in Nayta Mundla, while in Chhota Bangadda people have been relocated more than 5 years ago. In these rehabilitation sites, lack of water supply, electricity, health, education and basic services leave much to be desired.

2.5 People's Resistance

Slum residents in Indore have strong organisational networks at the city level. During the last two decades, communities were organised through the Juggi Basti Sangharsh Morcha. Recently leaders from 70 communities decided to change the name with reference to the Smart City project to Indore Nav Nirmaan Manch. They were keen to show that their inclusion was the only way to make any city smarter and without their contribution no planning and implementation was possible. Their plan included developing constructive identities to put up a collective resistance against strategic land grabbing. Indore Nav Nirmaan Manch works in solidarity with all communities who experience eviction. Recently, the forum worked with communities that have been identified for the first and second phase of PMAY to create awareness on the scheme.

The student body too is active in eviction struggles. With support of DBSS, student groups launched the 'Save Indore's Identity Campaign'. Starting with a postcard campaign, around 4,000 petitions were sent to the Chief Justice of Supreme Court, Chief Justice of the State of M.P, National Human Rights Commission, State Human Rights Commission, President and the Prime Minister. Indore Nav Nirmaan Manch and Save Indore's Identity Campaign have come together to support the communities against forthcoming evictions. The civil society group Loknit Manch, composed of Gandhians, socialists, media persons, retired government officers and lawyers is in solidarity with these groups.

2.6 Recommendations

1. The SBM's goals of improving sanitation facilities have to focus on coverage instead of promoting a ranking system that skews the priorities of the civil authorities from inclusive coverage to exclusion and eviction.
2. Legal safeguards such as the Madhya Pradesh Nagariya Kshetron Ke Bhumihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984, and Madhya Pradesh Nagar Palika (Registration of Colonizer, Terms and Conditions) Rules 1998 should be enforced. They cannot be superseded by schemes. Forced eviction should be the last resort. The 1984 Act necessitates that residents be party to the discussion and decision-making process to decide when and where they will be moved, and have a say in deciding if they will be moved at all.
3. In case of forced evictions, notice must be given 24 hours prior to evictions – in Indore, individual notices have never been given before evictions.
4. In cases of injury/death during eviction, like the case of Teena, compensation must be provided by the concerned authority.
5. The distance between relocation site and current place of residence should not be more than 2km. These sites must have all basic amenities and focus on ensuring livelihood opportunities. Government agencies must provide entitlement records of allotted houses.

CHAPTER 3 BHUBANESWAR

In 2016, 26 instances of evictions affected the lives of Bhubaneswar's street vendors. These evictions are including but not limited to those vending in areas of the Bhubaneswar Smart City limit. This chapter discusses causes for evictions of street vendors as a combination of achieving and maintaining Bhubaneswar's ranking as a Smart City, sanitising the Smart City area, and a watering down of the Street Vending Act, which spells out conditions and safeguards for the employment and rehabilitation of street vendors.

3.1 Overview

The presence of street vendors is a commonplace phenomenon across Indian cities. Whether it is on Linking Road in the posh Bandra area of Mumbai or the cluttered vegetable markets of Loni, a small town in Uttar Pradesh's Ghaziabad district, street vendors claim a contributor's right to the city. Street vendors occupy a place in the consciousness of the city's residents and mark out a space for themselves, operating on a social contract with the city's people, providing essential goods and sometimes services in return at low costs.

Even post the 1991 economic liberalisation and the entrance of foreign direct investment (FDI) in retail, especially in food, Indian consumers still consume food and a variety of other consumer goods from street vendors. (Press Trust of India, 2016) The main challenge to the street vendors business is not a lack of demand from the consumer but a shift in the imagination of the cityscape which treats hawkers as just the cause of negative externalities for the city like pollution, overcrowding and traffic jams and fails to engage with them, neither as partners in city imagination nor as parties in a negotiation. In every city, hawkers or street vendors must negotiate their presence with the local Municipal Corporation in sometimes formal but mostly informal ways.

Bhubaneswar has an estimated 22,000 street vendors. Beginning in 2015, signboards started showing up on the streets of Bhubaneswar declaring parts of the city as 'no vending zones'. The Bhubaneswar Airport area, the Governor House, Rajmahal Square, Naveen Niwas, Gandhi Marg, Jaidev Vihar II, Infosys building area, KIIT area and Chandrashekharapur - all bustling street vending markets were designated as no vending zones. Hawkers were forced to close shop overnight, with many of those evicted given only one day's notice.

3.2 A Smart City without Street Vendors

According to the introduction document of the Smart Cities Mission (SCM), the purpose of the mission is to "drive economic growth and improve the quality of life of people by enabling local area development and harnessing technology, especially technology that leads to Smart outcomes" (sic.) (Ministry of Urban Development, 2015)

The first survey of street vendors was completed in the final months of 2016. By then Sishu Bhawan, Chowk 2 and Bani Vihar areas had witnessed evictions after they were designated as Smart City areas. Street vendors here were evicted on the pretext of encroaching in the Smart City area. In the absence of a functioning Town Vending Committee (TVC), this has meant that hawkers are all but excluded from the discussion surrounding the SCM. In a bid to make parts of Bhubaneswar 'smart', the Bhubaneswar Municipal Corporation (BMC) has reimagined those very same parts without its street vendors.

This eviction violated the guidelines prescribed in the Street Vending Act. Moreover, only an estimated 2,000 hawkers were rehabilitated in 6 feet x 6 feet / 8 feet x 8 feet iron structures and the remaining 20,000 continue to be evicted or prone to eviction. Also in violation of the provision that every street vendor must be given a certificate of vending and an ID card, only 280 hawkers have been given ID cards and no Certificates of Vending have been issued post the 2015 Orissa Street Vending Scheme.

3.3 Safeguards for Inclusion of Informal Work

3.3.1 Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014

As per the 2014 Street Vending Act (see Annexure II to Chapter) passed by the Centre, street vendors across the country were mandated to be protected by state specific laws that would regulate their business and accommodate them in the changing cityscape. The Act was meant to be a guideline for the states as they implemented their own Acts. It was also meant to be non-exclusionary, in that it needed to recognise all existing street vendors as legitimate salespersons. It proposed a sequential process for hawker rehabilitation.

Step 1: A survey be conducted of every active street vendor in the city and they be granted ID cards and Certificate of Vending

Step 2: A TVC be formed with no less than 40% of its representatives as street vendors.

Step 3: The TVC convene as a body at least every 6 months.

Step 4: New street vending zones to be demarcated by the TVC and effort be made to accommodate existing street vendors in the vending zone that they presently fall in. If that is not possible then they have to be accommodated in an adjoining vending zone.

Step 5: Proper notice be given before evictions.

Step 6: No evictions to take place until all existing vendors are given certificates of vending after the completion of the survey.

3.3.2 Odisha Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2015

The Odisha government passed the Odisha Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme in 2015 that mandated revision of existing street vending zones in cities

This scheme mirrored the provision of the Central Act with one very notable exception: The scheme required that less than 20 percent of the TVC consist of street vendors, reduced from a minimum representation of 40 percent in the Central Act. However in real terms, this has been made irrelevant by the fact that the street vendors who are members of the committee have never been summoned for a meeting. In official terms, the TVC of the BMC was constituted in 2015, without being registered (registry is mandated as per the guidelines). The vendors' representatives were selected, not elected as per the law and the TVC has never met despite repeated requests from the vendors. For tea stall owner Ashok Nayak, a street vendor in Bhubaneswar's Rupali Chowk area and member of the BMC's TVC, trying to secure a meeting of the body has been a frustrating task. "We have demanded a meeting of the body for over a year but the authorities keep delaying this citing lack of time because of other pressing matters. We have been refused by the Deputy Commissioner's office several times." (Nayak, 2015) The non-functional TVC has meant no participation in the planning process and arbitrary evictions of street vendors.

3.3.3 Regularisation of Street Vending in Bhubaneswar

Bhubaneswar became among the first cities in India to acknowledge street vendors as an integral part of the city and to regularise them through a complex public, private and community partnership model. Between 2007 and 2009, 52 vending zones were created in Bhubaneswar city and as of December 2011, there were 54 vending zones with approximately 2,600 kiosks (Mohapatra, 2012). The key ideas behind designing the policy framework were to bring all the relevant stakeholders together for joint planning and then to implement it through partnership among them (Kumar, 2012)

This makes the eviction of street vendors from the Bhubaneswar Smart City area contradictory to what made the city unique - its approach towards integrating informal work into a formal space in the city.

3.4 People's Resistance

In the absence of a functioning TVC, the short term goal of civil society organisations like the All Odisha Roadside Vendors Association (AORVA), Odisha Basti Sangharsh Samiti (OBSS) is proper rehabilitation of evicted vendors. According to Pratap Kumar Sahu, President of AORVA and OBSS, no provisions for rehabilitation have been made with the exception of the estimated 2,000 rehabilitated persons. The other estimated 20,000 hawkers in Bhubaneswar still live under the threat of eviction. "The push by civil society is currently to formalize the state-street vendor relationship as much as possible" he says. "What cases will we file? You know how slowly the judiciary works. No one listens to our appeals at the BMC as

well,” Sahu says. In such circumstances, Sahu has demanded ID cards for street vendors, the beginning of paying ground rent for the space they occupy, formalised dress code and proper shop numbers. In the absence of legal guarantee, getting written communication between the hawkers and the municipal corporation may be the most effective way of asserting any right by the hawkers on the land “All these steps will formalise the hawker’s right on the land and make them harder to evict, hopefully,” Sahu concludes.

3.5 Recommendations

1. Implementation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014

The Street Vendors Act was passed by the Rajya Sabha, supported by all political parties in March 2014. In the same year this Act was signed by the President of India and was gazetted on the 1st of May 2014. But till now the Act is not implemented in the country in its true spirit. According to the Act, within six months all the state governments and the central territories were supposed to form the scheme and within one year they had to frame the rules to ensure the implementation of the Act. It is unfortunate that more than 90% of states have neither framed the scheme, nor the rules. All states and union territories should expedite the process and ensure implementation of the Act without diluting its goal of protecting the livelihood and regulation of street vending.

Formation of the TVC according to the guidelines in the Act: The Supreme Court in its verdict on 9 September 2013 had ordered the chief secretaries of all the state governments to complete the following four tasks within four months - form TVC, conduct digital survey and registration through TVCs, identify hawking zone, non-hawking zone and restricted zone by TVC, issue an identity card through the Municipal Corporation.

It was stated that until these tasks were performed, no hawker can be evicted or shifted from their working place. There have been incessant delays in the formation of TVCs and where they have been formed it’s done without following the due procedure. According to the Act, TVC composition should have 50% representation from municipality, police, traffic police, market association, residential association representation, 10% representation from NGOs and 40% representation from street vendors. In Bhubaneswar, as per the Odisha Guidelines, street vendor representation has been reduced to 20% and meetings have not even been conducted. It is through TVCs that street vendors can participate in inclusive planning and ensure that vendors are not robbed of their livelihood.

Digital Survey and Registration Certificate through TVC along with identity cards issued by the Municipal Corporation: The provision of the Act and the order of the Supreme Court states that digital survey and registration are the key tasks for effective implementation of the Act. But unfortunately, in major parts of the country this has not been done yet. In some states the task of conducting digital survey was assigned to other companies. However, it was observed that the surveys were conducted in a flawed manner, either the survey stopped midway or did not account for the total number of street vendors. Hence survey should be done seriously by involving all the stakeholders.

2. No eviction of street vendors without rehabilitation

In most cities vending zones have not been finalised. In cities where vending zones have been demarcated, it has been done arbitrarily by the authorities without considering recommendations of the TVCs. The authorities should expedite the process and include recommendations of the TVCs. No evictions should take place until all existing vendors are given certificates of vending and vending zones are outlined. In case of any eviction, street vendors must be rehabilitated by the Municipal Corporation in places that provide business.

3. Sync between Master Plans and the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014

According to the Street Vendors Act, 2.5% of the city’s land should be reserved for street vending in all master plans, local plans and zonal plans. Vending zones mentioned in the Street Vendors Act must form at least 2.5% of a city’s land use and be integrate into the Master Plans for legal recognition as land reservation by the municipal corporation.

4. TVC participation in plans that affect places of work

TVCs once constituted must be given a space to participate in plans that affect their places of work. Feedback on the Smart Cities is restricted to online feedback on their website. Many street vendors find it difficult to give feedback online, that too in English, an alien language for many of them.

CHAPTER 4 GUWAHATI

This chapter outlines the trends in forced evictions in Guwahati. It brings out the reality of forced evictions in rural areas, the communal nature of these evictions and also unpacks historic reasons for the lack of protection against forced evictions. The threat of forced eviction in Guwahati has loomed large, especially in slums located on railway land as the railway expansion plan took shape.

4.1 Overview

In 2015, three instances of evictions affected the lives of those residing on land belonging to the Indian Railways. A total of 135 families were evicted owing to expansion of the Railway network. Though the land was cleared, no expansion took place and the evicted returned almost immediately to rebuild their homes. They have lived in fear of being evicted through 2016 and have organised themselves to negotiate evictions. In 2016, forced evictions have taken place in rural areas, surrounding the district of Guwahati. The main reason for these massive eviction drives was to recover the green belt of Assam from so called 'encroachers' and create a land bank.

4.2 Forced Evictions on Railway Land (2015-17)

In 2015 Guwahati city saw evictions by the Railway Ministry in the slums of Manasa Mandir Path in Bharalu, Shantipur railway gate number 10 and Santipur Bagaan. These slums have grown in the Shantipur and Bharalumukh railway track premises for 75 years. The residents were told that the railways needed to use the area to house railway equipment but no such development has come up. This settlement at Shantipur is a cluster of 50 households and has been evicted several times before only to see its residents return. "We have grown up here," says Nazmin. "Evictions are a part of our life. The first one I remember was when I was 7 years old, then came the one when I was class 8, and in the years I have been married, we have been evicted 4 times." In June 2015 incessant rain lashed the city. 27-year-old Nazmin's family however stood pleading with railway officials as they took down her shanty with a few easy strikes. One of the bamboo sticks holding up the house fell on Nazmin's grandfather and hurt his shoulder. The rain was relentless and soon everything was drenched — their clothes, their belongings. Five month old Payal, born to Nazmin's brother and sister-in-law was drenched too. "She had a weak heart condition and was sick. As we squatted in the rain with nothing but a plastic sheet that we held over heads, she succumbed to the cold," Nazmin says. The baby passed away the same night and a visiting doctor declared her cause of death to be pneumonia.

People are aware that evictions are likely to take place in 2017 covering the greater Guwahati area from Panikhaiti to Maligaon. These slums are settled on the railway land and also on hills. The most vulnerable are the dwellers residing in railway land in the Bamunimaidam area of Guwahati. This eviction will take place due to construction of double track and building of guest houses for the railway minister. Data collected from the residences has proved that people have been residing here from 1965.

The demolitions by the railway authorities on railway land slums are often brutal, with the railway police assaulting people and damaging their meagre properties. Sometimes, the evictions also cause conflict and violence between the poor squatters and the railway administration. In November 2013, the local people injured four Railway Police Force persons while they were trying to remove unauthorised structures in the Railway Colony at Central Gotanagar (The Assam Tribune 2013b) (cited in Mahadevia, 2014).

Rural Forced Evictions

Evictions that have taken place in 2016 cover rural areas, in the districts surrounding Guwahati. The main reason for these massive eviction drives was to recover the green belt of Assam from so called 'encroachers' and create a land bank. This case highlights that forced evictions are not only restricted to urban areas, but also are a tool to further other agendas, a communal agenda in this case.

On 19 September 2016 in Kaziranga, three villages named Bandardubi, Deuchur-chang and Palkhowa were forcibly evicted. Police quelled their resistance leading to death of two persons including a woman. According to the reports published in the media, another Char Chapori² eviction drive was conducted on 21 December 2016 by the Government of Assam against encroachers on government land at Fuhuratoli and Dholpur village under Sipajharmouza and Sipajhar revenue circle. In the eviction drive, around 400 families (approximately 2,000 people) of East Bengali Muslim descent were evicted. Like Kaziranga, this time the eviction drive was preceded by clamour about reclaiming "land of Asom back from illegal Bangladeshi encroachments". In reality, these people could prove citizenship dating back to 1951; with legal documents proving their identity as originally displaced people of the Brahmaputra valley. Due to land erosion in the banks of the river, they lost their property and migrated from one district to another in search of livelihood. The government instead of rehabilitating these citizens, evicted them from the land in the name of illegal migrants. They did not even have any chance to prove their identity, with just one day's notice provided the day before the eviction.

4.3 Safeguards for Slums

The Assam Land Policy, 1989 (Government of Assam) gave priority of land allotment (*pattas*) to indigenous people living in Guwahati or other towns on payment of a prescribed premium. The order of preference is firstly, giving *pattas* to the indigenous people occupying government land for 15 years and not having any land in rural or urban areas of the state and after that, to others with Assam domicile and who have been living in the city for 15 years without owning any land in rural or urban areas.

These dynamics have led to large-scale informal developments through a process called *dakhla* (encroachment), however, mainly on ecologically sensitive areas such as hills and wetlands and the lands reserved under the city master plan or the Urban Land Ceiling and Regulation Act (ULCRA) of 1976, as that was available to the state, private developers and low income households. The *dakhla* was either by the people themselves, as in the case of the tribes who 'encroached' on the hill lands or by middlemen (Mahadevia, 2014) or by the state itself on behalf of various institutions and the private sector.

While there is a provision in the policy for those who have done *dakhla* on State government land to apply for *patta* after 15 years of occupying the land, there is no such policy provision for the Railway lands. As a result, one of the important issues in the context of informal settlements and slums in Guwahati is that of the insecurity of many of the Railway settlements. As per GMC's 2009 slum survey, 23 percent of slums are on railway land in Guwahati (GMC 2009) (cited in Mahadevia, 2014).

4.4 People's Resistance

Mahanagar Unnayan Samiti, a local people's organisation, began organising the people years ago against forced evictions. Small communities in each area grew to fight and resist evictions by submitting petitions and memorandums to the District administration and meeting local MLA's. By 2005-07, the *Mahanagar Unnayan Samiti* had surveyed all the households residing on government land and submitted it to the Guwahati Municipal Council demanding alternate options under JNNURM. In rural areas *Krishak Mukti Sangram Samiti* resisted evictions on the hills and demanded land *pattas* for marginalised farmers and hill dwellers. In January 2017, Uched Virodhi Mancha a platform to resist evictions in Guwahati came together with the *Mahanagar Unnayan Samiti*, Left students organizations and civil society groups to create awareness among people on forced evictions. Memorandums were submitted to the administration where all community members gathered and wanted a solution from the District Commissioner.

² Char Chapori is an area of the Brahmaputra River and its tributaries in the Indian state of Assam. According to Assam Government records, Char Chapori covers 3,608 km² of the Brahmaputra basin, or 4.6 percent of Assam's area. Residents are largely from East Bengal and were brought to Assam during the British era to cultivate the wetland. They were allowed to cultivate jute on a work for food scheme.

4.5 Recommendations

1. For slums on railway land, engagement of the State government with the Indian Railways to rehabilitate the slums established on railway land must be initiated.
2. A law for slums on railway land will ensure that positive measures are initiated towards ensuring adequate resettlement or upgradation.
3. Implementation and renewal of the *patta* system applicable under Assam Land Policy 1989 (Government of Assam 1989) and its extension to slums on railway land must be sought.

CHAPTER 5 MUMBAI

This chapter records a series of evictions of five homeless communities that took place in Mumbai from July to November 2016. These evictions are a violation of the Maharashtra Government Resolution that states that no person can be evicted from their home during the monsoons and the UN Guidelines on Forced Evictions which state that evictions cannot take place during the festive season.

These evictions have a few common threads. They have been carried out either owing to infrastructure projects, based on complaints by middle class residents and/or in order to 'sanitise' and 'beautify' the area. At the time of evictions belongings have been confiscated (this includes citizenship documents, certificates, school books, utensils, clothes and other basic belongings); police brutality during the time of evictions has been rampant (this includes physical violence, beating women, shredding of tarpaulin sheets used as a roof and even burning of belongings). These families have been homeless for years, all that they possess is bundled together on the street. These evictions take away even their most meagre belongings.

5.1 Overview

The definition of homelessness varies across contexts. The Census of India (2011) refers to a "houseless household" as, 'households who do not live in buildings or census houses (which refers to a 'structure with roof') but live in the open on roadside, pavements, in hume pipes, under flyovers and staircases, or in the open in places of worship, mandaps, railway platforms, etc.'" It counted 17, 73,040 homeless people in India - 52.9 % in urban areas and 47.1% in rural areas. These numbers are contested by many as being an undercounting of the actual number, based on the very definition.

Homelessness is on the far end of the housing continuum where individuals do not have access to the most basic form of shelter. Forced evictions of the homeless represent an absolute disregard for those whose very existence is already characterised by violence. The cases outlined in this chapter speak of this violence that is exacerbated.

5.2 Recycling Homelessness

As per the Census 2011 there are 38,339 people who live on the streets in Mumbai city and 19,077 homeless in the suburbs. In total, there are 57,416 homeless in Mumbai. Mumbai has only 7 functioning homeless shelters that can accommodate only 200 people. Though this series of evictions of five homeless communities in Mumbai from July to November 2016 we see clear trends in the causes, nature and impact of evictions (details of each case have been provided in the annexure). It does make a case for homeless shelters, but highlights the larger need for secure and affordable housing.

Causes of evictions: The cited cause for each eviction may be different, however, three clear causes can be outlined:

- i. Eviction due to an infrastructure project - A new railway platform is the cause for evictions in Kurla and developing a garden is the cause for evictions in Matunga.
- ii. Eviction due to middle class apathy and ideas of a sanitised city - Evictions at Tilak Bridge (Dadar) and Matunga Bridge (King's Circle) were triggered by complaints by middle class residents and their elected representatives. The Wadala Bridge and T. Kataria Marg (Matunga) eviction were also linked to attempts at sanitizing the area.
- iii. A larger issue of the fallouts of mass housing and resettlement - The Wadala Bridge case points to a larger issue in mass housing, where residents were to be resettled years ago as per a government housing plan. In the T. Kataria Marg (Matunga) case they too were promised alternate housing years ago. Yet, in both cases they continue to live in a cycle of insecurity on the footpath.

Homeless as a result of fallouts of mass housing schemes: In both the T. Kataria Marg (Matunga) and Wadala Bridge case, residents had been promised alternate housing. They live as homeless today with nowhere else to go and continue living with the hope of finally being given an alternate home. The reason for this is corruption in mass housing resettlement and lack of a few documents that made them ineligible for resettlement.

In 2008 the MCGM issued a notice to evict the households living on T. Kataria Marg in Matunga for widening the existing road. There were around 115 families living in the area at that time. All families were promised rehabilitation. Around 50 families were allotted homes in Dharavi. Most of the families who were not provided homes left the area over time - some went back to their villages, some to other streets, unable to withstand continuous threat and pressure from municipal officials. However, 13 families continued to live in the area, having refused to move out until they are provided alternate accommodation. They have been living under constant threat of eviction for nine years now. Officials would visit the community at least once every month to intimidate them to leave, they would tear the plastic sheets used to cover the shelters, take away whatever little possessions they have, including children's books, uniforms and documents and would demand money for returning it.

In Wadala Bridge only 8 families remain of the approximately 150 families who lived on the pavements of Matunga King's Circle in the 1970s. In 2000 most of them were given alternate accommodation in rehabilitation sites in Mankhurd and Mahul. Approximately 30 families were not provided alternative accommodation. In 2003 they were told that they would be rehabilitated under the Mahatma Gandhi Panth Kranti Yojana (MGPY), a government scheme for rehabilitation of pavement dwellers and were temporarily shifted to the pavements of Wadala near Acworth Leprosy Hospital. Over the years, 18 of these families left this area as they were unable to live there. In early 2016, some families were finally given alternate accommodation, yet there remain 8 families (including 7 children and 8 women) who were assured that they would be given accommodation at a later date.

Everyday violence exacerbated by evictions: Each of the five cases are telling of extreme violence faced on a daily basis by those living in these communities. Women reported sexual abuse and harassment by passersby and cases of children being kidnapped were also reported. They are frequently detained under the archaic Bombay Prevention of Begging Act (1953) and harassed by municipal authorities and the police (Yadav & Choudhury, 2015). Lack of water and sanitation in each community increased vulnerability to disease.

During evictions every community witnessed confiscation of meagre belongings - food being thrown, documents and clothes being snatched away. In the case of the community living under Matunga Bridge, on 22 July the MCGM supposedly acted on the complaint of a resident in the opposite building. Officials came, took photos, used force and bad language to take away their belongings. People from the community followed the officials in attempt to recover their belongings. They saw their belongings (utensils etc) sold to rag pickers at the Mulund Dumping Ground. Two ration cards were also lost in this process. Officials came 3 times after this and took away whatever little they had managed to save the first time! After this, evictions were again conducted on 19 September, 5 October and 3 November 2016. They lost all their savings and rations. Children lost their books, school uniforms and documents.

Repeatedly evicted, only to return: Those living under Matunga Bridge experienced brutal evictions four times between July and November 2016. Yet they continued to live in the same place. Those living on Wadala Bridge have faced four evictions so far, in 2001, 2003, 2010-11 and in 2016. While they are eligible for a government rehousing on 4 July 2016, their belongings were taken away and their homes torn down. The reason for this eviction was that 'Dosti Acres' has a gated community nearby and wanted to make a garden. Evicting them was an attempt to sanitise the area. Simultaneously there was also digging carried out along the footpath where they live, leaving them no option but to move slightly away from the bridge.

In all five cases, the homeless have returned to where they live. This is because their places of work are near where they live. The nearby railway station in Kurla and Dadar are an essential part of their life. The street is not just their only home, but also a means to access an income.

These evictions are a violation of the Maharashtra Government Resolution that states that no person can be evicted from their home during the monsoons and the UN Guidelines on Forced Evictions which state that evictions cannot take place during the festive season. This documentation of evictions in Mumbai raises a crucial need to provide shelters for the homeless as outlined in the National Urban Livelihood Mission (NULM) and in the MCGM Development Plan. It is also a reminder that provision of shelters is a step towards provision of safe and adequate housing



Image 3 : Place of residence – Kurla Station, Mumbai

5.3 Existing Safeguards and State Apathy

5.3.1 Mahatma Gandhi Pathkranti Yojana: The Government of Maharashtra formulated the Mahatma Gandhi Pathkranti Yojana (MGPY) on 10 November 2006. The MGPY scheme provides housing in rehabilitation sites for pavement dwellers who can prove (through documentation) their residence in the city prior to the state government cut-off date. This cut-off date is also what excludes many from being eligible under this scheme. On 1 January 2010 the MGPY was made a vital project of the state.

5.3.2 Supreme Court Guidelines on Homeless Shelters: The Supreme Court has passed a series of orders directing all state governments to set up permanent community shelters and allied services for urban homeless. Recognising their intense vulnerability, denial of rights and extreme poverty, the Supreme Court directed that for every one lakh urban population, facilities for shelter and allied amenities must be provided for at least one hundred (100) persons in cities of India. (Saxena and Mander 2011)

5.3.3 NULM Guidelines (Shelters for the Urban Homeless): Taking ahead the Supreme Court Guidelines, NULM guidelines state “The shelters should be permanent all-weather shelters for the urban homeless. For every one lakh urban population, provisions should be made for permanent community shelters for a minimum of one hundred persons. Depending upon local conditions each shelter could cater to 50 or 100 persons.” It goes on to state that “For all the shelters, a space of 50 square feet per person will be taken as the minimum space to be provided. Under the component, construction of new shelters as well as refurbishing of existing building as homeless shelters will be allowed.”

The scheme for Shelter for Urban Homeless, has detailed guidelines for all state governments to build homeless shelters. As of today, under this scheme, more than Rs 160 crore remains unutilised by the Maharashtra government, and Rs 70 crore lies unutilised by the MCGM. As a result, despite policy guidelines, the homeless in Mumbai have been compelled to live without shelter for many years now (Yadav & Choudhury, 2015)

5.4 People’s Resistance

Through a people’s collective *Beghar Mazdoor Ekta Sanghatana* the homeless resist arbitrary evictions and harassment by local authorities (MCGM, Railways and local police). They are also involved in fighting for their right to food, sanitation, shelter and negotiate alternatives. They have made demands for homeless shelters to be reserved in the Mumbai Development Plan - through this process of negotiation, planners have heeded their demands. Homeless Collective a small group of civil society members work with the *Beghar Mazdoor Ekta Sanghatana*.

5.5 Recommendations

1. Forced evictions of the homeless must be avoided at all costs till alternate accommodation is provided that meets livelihood concerns. Compensation for belongings confiscated during evictions must be provided.
2. Permanent shelter must be provided by the Municipal Corporation as per the Supreme Court Guidelines of one homeless shelter for every one lakh population in cities.
3. Livelihood rehabilitation and permanent housing for the homeless as per NULM – Schemes of Shelter for Urban Homeless must be implemented in Mumbai.
4. An investigation into the causes for certain families not being provided resettlement housing, in spite of establishing eligibility, must be initiated by the Municipal Corporation.

CHAPTER 6 NAVI MUMBAI

Navi Mumbai is a city imagined and planned in 1960s and 70s. The Navi Mumbai Development Plan stated among its objectives “Navi Mumbai would be a city where the common man would like to live, where each family would have a house of its own, where disparities in amenities between income groups would be less than any other city” (Vedula, 2007). Nearly half a century since its conception, there exist slum settlements that form a significant population, and inequalities do exist.

This chapter highlights forced evictions of slums that have seen an increasing trend in Navi Mumbai since 2015. This can be attributed to change in the attitude of the local government, the new Smart City proposal and new infrastructure projects like the Metro rail. In the light of evictions in a city imagined without slums, this chapter raises questions on housing provisions and need for reimagining housing for the economically weaker section (EWS).

6.1 Overview

The ‘Navi Mumbai project’ began in 1971 with the formation of City and Industrial Development Corporation (CIDCO). CIDCO was set up by Government of Maharashtra (GoM) as a public limited company under Indian Companies Act and is wholly owned by the GoM. In March 1971, CIDCO was designated as the New Town Development Authority (NTDA) for Navi Mumbai with a seed capital of about Rs. 40 million. Land was originally publically owned by CIDCO through acquisition of privately owned land covering 86 villages and measuring 159.54 km² within the present limits of Navi Mumbai under Maharashtra Regional and Town Planning Act (MR & TP Act), 1966. Land belonging to nine other villages, measuring 28.70 km², was additionally designated in August 1973 for inclusion in the project area. In spite of some challenges, CIDCO acquired all the land after settling disputes about compensation. (CIDCO, 2015)

In 1991, the Navi Mumbai Municipal Corporation (NMMC) was constituted by the state government as the urban local body for certain nodes of Navi Mumbai and was handed over nine of the 14 nodes of the Navi Mumbai project area for its jurisdiction. In 2016, the Panvel Municipal Council that governed certain parts of the Navi Mumbai project area was upgraded to a Municipal Corporation. Over the years, CIDCO sold plots of its land to various government bodies. Land is currently owned by various government bodies and parastatals such as Navi Mumbai Municipal Corporation (NMMC), Panvel Municipal Corporation (PMC), Forest Department, Indian Railways and Maharashtra Industrial Development Corporation (MIDC).

6.2 Possible Safeguards for Navi Mumbai’s Slums

6.2.1 Housing for Economically Weaker Sections (EWS): CIDCO framed its housing policy incorporating self-financing principle using land as a prime resource in the development of the housing sector to meet the fast growing demand for all sections of society. The primary objective was to make the land affordable to all income groups and to allow various land uses. Between 1970 and 1990, CIDCO was the prime supplier of fully constructed affordable houses through the conventional approach of EWS, LIG (Low Income Group), MIG (Middle Income Group) and to some extent HIG (High Income Group). CIDCO has constructed about 123,577 of housing stock in the city, out of which 51% of housing is for EWS / LIG, while 26% was reserved for MIG and 23% for HIG. The emphasis was on providing affordable housing for EWS. / LIG. (CIDCO, 2015)

6.2.2 NMMC Slum Survey: As per a survey conducted by NMMC of slums on CIDCO, MIDC and private land in 2001, there were 48 slums settlements with a population of 22,716. These settlements and select households are provided with basic infrastructure. The people are also spared the spate of forced evictions. However, not all slums in Navi Mumbai were enumerated during this survey and many were victims of evictions that took place in 2016.

6.2.3 Maharashtra Slum Areas Act, 1971: This Act provides certain safeguards to slum settlements. The Act states that all slums that are notified and meet the state government cut-off date (currently 01.01.2000) are eligible for rehabilitation in case of eviction. Moreover, as per Section 3(z)i-2 of the Act, it is imperative that advance written notice of at least 24 hours be given to residents in case of forced evictions.

6.3 Forced Evictions in a Planned City

In spite of progressive creation of affordable housing, today, Navi Mumbai faces similar problems of so called traditional cities (Vedula, 2007). The Census 2001 revealed that about a third of the population in the jurisdiction of Navi Mumbai Municipal Corporation lives in slums. (Vijapurkar, 2013) Almost all those living in slums work in the informal sector as construction workers, street vendors, sanitation workers and other such. Many among them are migrants in the city. They work and live in precarious conditions. In some slums, CIDCO and NMMC have conducted surveys and have provided households with a survey receipt of the same. Some of them have been spared being evicted.

Increase in evictions: Beginning in 2015, the number of forced evictions of slums has risen. Some communities that had never been evicted since their formation in the early 90s have faced evictions this year. Those communities that faced forced evictions twice a year earlier, experienced evictions almost twice a month in 2016. No official notice had been given in any of these evictions. People received constant threats of eviction through informal means. While evictions were conducted for various reasons they share common trends.

Causes for forced evictions: The prominent reasons for these evictions are the imagination of CIDCO Smart City without slums and construction of the Metro.

- 1. Metro construction:** Tata Nagar, situated near the Belapur Railway Station, has been home to people for the last 25 years. Mr. Krishna Kalunkhe, who has a small shop in Tata Nagar, said they have faced evictions in 2003, 2009 and then in 2013. As recently as 24 May 2016, Tata Nagar was evicted again. The reason for eviction was the Metro project and the Belapur Metro Station that is to be constructed where Tata Nagar is located. (Nayak, 2016) People did not get any prior intimation and lost all their belongings. People continued living in the area, however. On 16 January 2017, Tata Nagar was demolished again to clear the land for the same reason. Approximately 200 households were affected again.
- 2. No place to exist in a smart, planned city:** Mata Ramai Nagar and Sevalal are slum communities located in Khanda Colony, Panvel. CIDCO is the owner of the land and the recently constituted Panvel Municipal Corporation conducts eviction. In 2016, evictions took place in November. People have been residing there for the last 15 to 20 years. In Mata Ramai Nagar and Sevalal, there are approximately 150 to 200 households and 99 households, respectively. People from the community stated that the residents from the nearby societies have complained to the PMC and hence they have been taking an action against them. The other slums like Baltubai Nagar (Belapur), Anand Nagar (Turbhe) have been evicted simply because the authorities believe they should not exist in a planned, smart city.

Contesting land ownership: Jai Durga Mata Nagar (Belapur) was evicted in June 2016 and approximately 200 to 250 households were affected. The Forest Department and CIDCO own parts of this land. The NMMC has conducted a household survey in the community and action was not taken against those who have these survey receipts. But the rest of the households are demolished thrice a year. The Forest department intimates them with a notice before monsoon. But otherwise, they do not get any notice before eviction. Anand Nagar located near Turbhe Railway Station has been in existence for more than 25 years with approximately 350 to 400 households. NMMC and Railways have ownership over this land. NMMC has conducted a survey and has provided survey receipts; yet the houses are demolished more than thrice in a year. In the year 2016 it was demolished in November. The RPF demolished the slums saying that, it would not be safe for people to stay near the railway tracks. NMMC on the other hand has been planning to develop a garden near the tracks. Most people from Anand Nagar are Schedule Caste and Notified Tribes. They have a history of migration and hence do not have a land of their own anywhere. If NMMC takes their land (for which they have a proof of identification and citizenship from last 25 years) they have nowhere else to go. Traditionally, their work (being part of the 'Masan Jogi' community) was to beg and feed their families and therefore, they used to keep migrating. Now, for the last few years, they have been involved in the construction work and domestic work and it is only now that the children are receiving an education.

Baltubai nagar (Belapur) is located next to the railway tracks. There are conflicting views on whose land this slum is located on. One part is adjacent to the railway line, while ownership of another part is claimed by a villager, while another part belongs to CIDCO. In December 2016 it was evicted and in 2017, it was evicted twice in a span of a month on 18 March and 18 April 2017. Approximately 100 to 120 households were affected. The cause of evictions is hard to determine with both the NMMC and CIDCO claiming to act on the behest of the villager.

Force and violence, during and after evictions: In Baltubai Nagar a resident who has been staying there for the last 28 years narrated an incident of a neighbour who was not ready to come out of her house during the eviction – the lady was beaten by a lady police and thrown out of her house. Once their homes have been

demolished they have not been allowed to cover their homes even with plastic sheets as a mere protection. This trend was reiterated by residents of other slums who have faced evictions in Navi Mumbai.

In violation of safeguards: The Maharashtra state cut-off date of 1.1.2000 is applicable to these slums, as is the provision for rehabilitation in case of evictions. However, in the absence of any slum upgradation/rehabilitation/improvement scheme, evictions take place with no scope for rehabilitation. Also contrary to provisions in the Maharashtra Slum Act, CIDCO, NMMC, PMC and the Railway Police Force (RPF) have been evicting slums without any prior notice or intimation of the same. Take for example Panchasheel Nagar No. 2 (Belapur) located on land owned by CIDCO and in existence for the last 20 years. It was evicted as recently as 13 March and 5 April 2017 by the NMMC without any notice - approximately 50 households were affected.



Image 4 :Tata Nagar, Belapur, Navi Mumbai



Image 5: Jai Durga Mata Nagar, Belapur, Navi Mumbai



Image 6: Baltubai Nagar, Belapur, Navi Mumbai

6.4 People's Resistance

Ghar Hakk Sangarsh Samiti is a collective of residents and leaders in Navi Mumbai fighting for the rights of the slum residents and demanding prevention of evictions and rehabilitation. They are working to develop leadership among people in the community, create legal awareness and make demands for housing and basic services. In Tata Nagar, owing to efforts of community leaders, they were able to request the Joint MD of CIDCO to prevent evictions till children's exams were over and also on the grounds that the eviction would cause pregnant women harm. As a result, till May 2017, no eviction was carried out but they do face verbal threats of eviction often.

6.5 Recommendations

Based on interaction with people who have been forcefully evicted these recommendations have been arrived at:

1. Land ownership in Navi Mumbai must be made clear, especially lands occupied by slums.
2. The NMMC and PMC should conduct a detailed household survey of the slums and should provide them with a receipt as on the date of survey.
3. A rehabilitation and upgradation plan for slums in Navi Mumbai must be developed by the local governments and CIDCO.
4. It is mandatory to follow the Maharashtra Slum Act provisions which states that slums before the cut-off date (01.01.2000) are legal and cannot be evicted without alternate rehabilitation. This is especially so for the Metro Project that is being constructed without a rehabilitation component. Moreover, the provision of providing notice in case of eviction must be upheld.

CHAPTER 7 CONCLUSION

7.1 The Way Forward

It is well known that in cities across India, state-provided affordable housing has not been able to meet the demand. In this situation, mass self-constructed settlements, referred to as 'slums' have been the only affordable alternative to affordable housing in the city. Yet it is in these very affordable housing settlements that the threat of forced eviction always looms large. Residents in the settlements are all part of the informal workforce. Among them the majority are waste collectors, construction workers, domestic workers, cleaners, street vendors and other self-employed workers whose contribution to the GDP is invisible yet are indispensable. This reality and the ongoing contestation for city space poses a central question to urbanisation: How can cities be improved while including the most poor and vulnerable residents?

According to Chester Hartman, any resident of the city, especially informal residents have a 'right to stay put' as a tenure guarantee. (Hartman, 1984) This right emphasizes that people cannot be displaced from their place of residence in the name of urban renewal or beautification. The right covers homeowners and renters, who may be forced to evict their homes by various means. Hartman's assertion builds on Henri Lefebvre's Right to the City, which argues for agency and rights for people who live and contribute to the city's economy, and to the lives of other residents, but do not have a legal sanction to live there. (Chisineu, 2012). This question of rights and agency of people must be brought back to the centre of urban imagination. Towards building more inclusive and equitable cities, the study endorses the following recommendations to secure the right to adequate habitat.

7.2 Recommendations

1. Enforce the UN Guidelines on Forced Evictions: The UN Guidelines on Forced Evictions (since its acknowledgment by the UNHRC in 2007) is a soft law tool that places an obligation on States to ensure that evictions only occur in exceptional circumstances. Member states are additionally expected to adopt legislative and policy measures prohibiting the execution of evictions that do not conform to international human rights obligations (Kothari & Vasquez, 2015). In the current context of rapid creation and investment in urban infrastructure, it is imperative that India adopts these guidelines as the basis for assessing and preventing adverse human impact to be borne as a result of these developments.

2. Increase people's participation in urban governance: The Swachh Bharat Mission and Smart Cities Mission have given a high weightage to citizens' inputs in ranking cities, but participation in decision making and inclusive implementation of these plans are limited. Moreover, engaging people is not legally binding in either of these missions.

The 74th Constitutional Amendment Act mandates people's participation in urban governance towards decentralised planning. Mohalla Sabahs mandated under the 74th CAA are the lowest level of planning where people can make decisions for their neighbourhoods and be part of decisions that affect them. Local governments need to encourage the functioning of these decentralised planning structures. Unless people are empowered with spaces to participate in governance, decisions on their habitats (including forced evictions) will be directed by interests of private capital.

3. Incorporate informal living and work spaces in Master Plans: There exists a formal urban planning practice (done through Master Plans and Regional Plans) and 'informal' arrangements with regards to implementation. For our cities to become inclusive, planning needs to begin including and incorporating what has been traditionally considered 'informal' – these include places of stay, work, recreation etc. For this to take place, planning at the local level through Local Area Plans must be given strength by Planning Authorities.

The New Urban Agenda and Target 11.3 of the Sustainable Development Goal 11 highlight the need for planning that is participatory and inclusive of the needs of the marginalised. Incorporation of informal work and living spaces in urban plans will be a significant step to curb forced evictions and create an inclusive form of urbanisation. It is also imperative that plans made through missions and schemes (Housing for All, Smart Cities, HRIDAY, AMRUT) align with the existing city Master Plan, which is a legally sanctioned document, and are accountable to the public at large.

4. Stronger implementation of laws to protect the poor: Each city outlines legal and policy safeguards for adequate housing and livelihood, yet there remain stark gaps in guaranteeing these safeguards. Stronger implementation of existing laws and guidelines must be enforced by governments.

5. Access to justice for people harmed during evictions: This report has brought forth cases of extreme human rights violations during evictions. The belongings of the homeless are mercilessly confiscated. Take the case of five-month-old Payal who lost her life in Guwahati when she had to spend the night out in the rain after her home was broken by the railway authorities, or Teena who lost her limb during the eviction of the settlement she lived in Indore. These violations must end. The UN Guidelines on Forced Evictions must be enforced and fair compensation in the cases of loss of property and physical injury must be made compulsory.

6. Resettlement & Rehabilitation sites must ensure a better quality of life: In the case of resettlement, housing provided should either be in situ or within a 2 km radius from the place of original residence. In cases where livelihood depends on geographical location as observed in the case of the waste pickers of Indore and the homeless in Mumbai, resettlement must be cognisant of livelihood. Of most importance is that good quality of housing and a quality of life must be guaranteed in resettlement housing.

7. Urgent need for implementation of law for rehabilitation of slums on railway land: The Guwahati case is a microcosm of the need for the railways to enact a law for slums on railway land. Slums are located on land belonging to the railways across the breadth of the country. As the Railways are a subject of the Central government, State laws do not apply to them. A separate law for slums on railway land would ensure right to adequate housing, basic services and the right to compensation in case of evictions for the millions living in slums on land belonging to the Indian Railways.

8. Ensuring the right to adequate housing and livelihood: At the core of this report lies the urgent need to incorporate the right to adequate housing and the right to livelihood as the cornerstone of urban development. A law that guarantees the right to habitat would ensure that Indian cities are smart, clean, house all and ensure development for all.

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ANNEXURE I Locations of Evictions

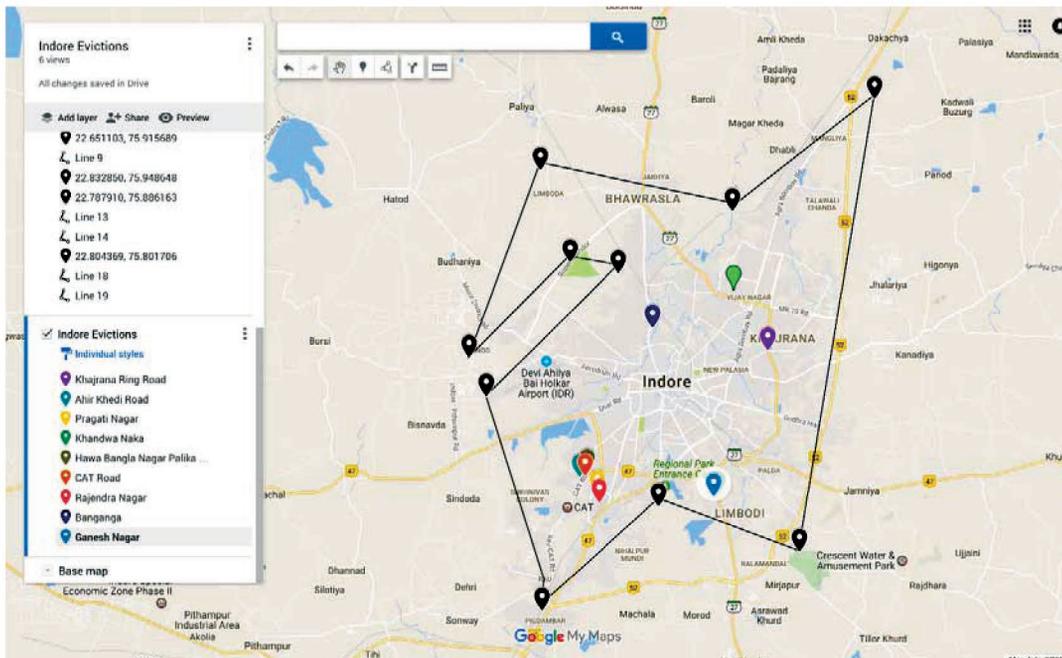


Image 1: Locations of Slum Evictions due to SBM in Indore

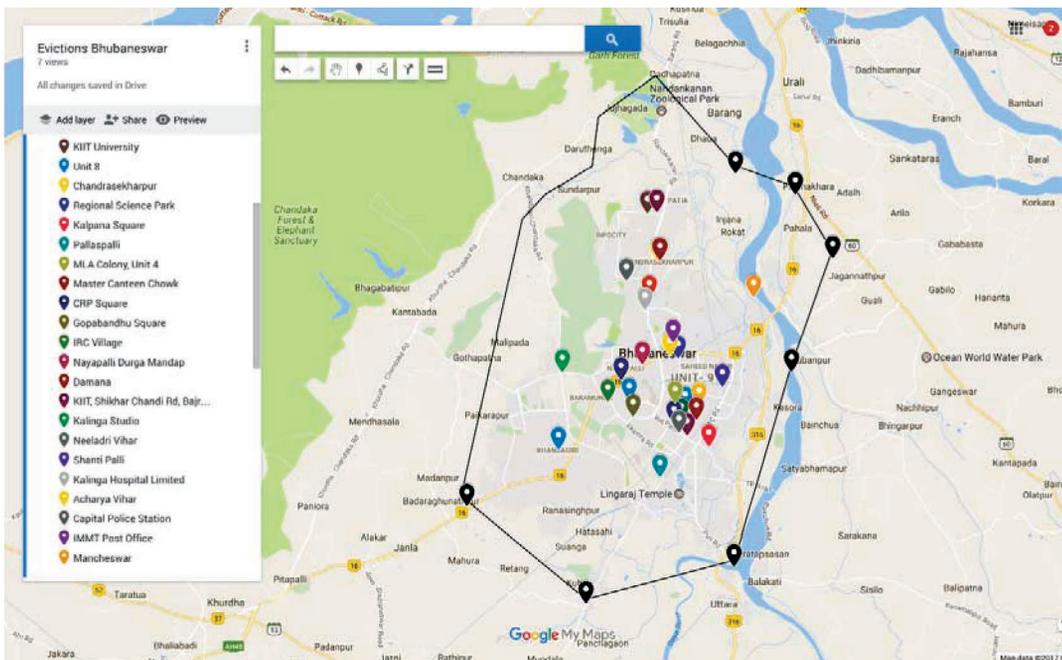


Image 2: Locations of Evictions of Street Vendors in Bhubaneswar

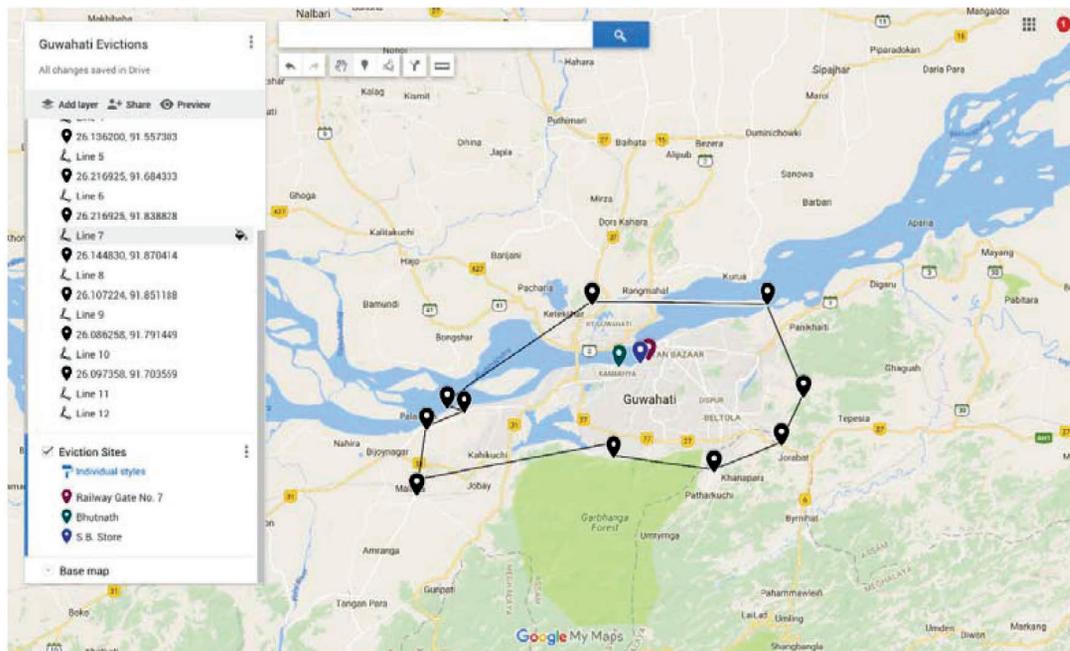


Image 3: Locations of Slum Evictions in Guwahati

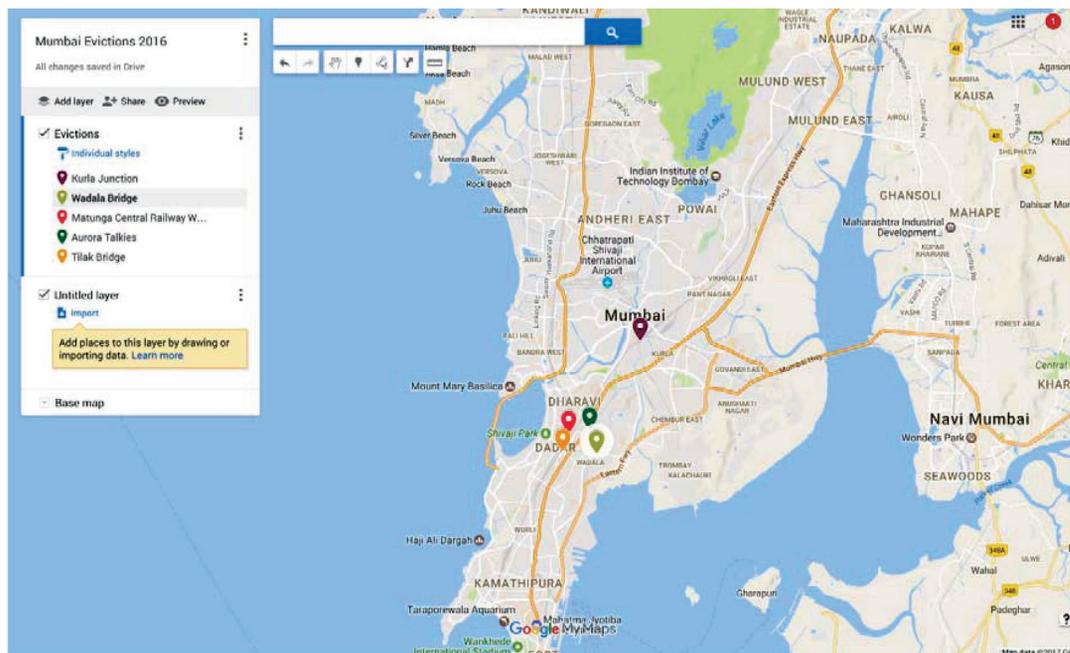


Image 4: Locations of Evictions of Homeless from June to November 2016 in Mumbai

ANNEXURE II Cases of Evictions

Cases of Evictions of the Homeless in Mumbai

1. Kurla

'Kurla platform number 9 is fast approaching its completion' is good news for the commuters of Mumbai's local trains. But with every pillar or brick newly laid for the platform, there is also a group of people who are becoming increasingly insecure - the 23 homeless families who had made the proposed project area of Kurla platform number 9 their address and home for more than 10 years.

Whenever the residents of platform number 9 make an attempt to cover themselves in tents of plastic, the Railway Police Force (RPF) tear it down.

The community lives under the constant threat of eviction from the railway authorities. They have already undergone an eviction as they were pushed out of the maidan where they used to live before when railway started the construction of the foot over bridge. Railway protection officers routinely visit the community now - at least once every month and tell them to move out of the area. At times they abuse the community members and throw away whatever food is cooked.

During the 2016 monsoon, RPF officers visited the site 5 times - twice in July, once in September and twice in August and threatened to throw them out. Initially there used to be at least one female officer but later only male officers were involved in the process. In July the RPF tore their tarpaulin sheets, threw their food with lathis, broke their vessels, abused women and mishandled a 70-year-old woman by tearing the tarpaulin sheet under which she was lying.

In spite of this repeated violence, families continue to live in the area with nowhere else to go.

2. Matunga (East)

In 2008 the MCGM issued a notice to evict the households living on T. Kataria Marg in Matunga for widening the existing road. There were around 115 families living in the area at that time. All families were promised rehabilitation. One morning MCGM officials came with bulldozers, demolished their houses and took away their utensils. Around 50 families were allotted homes in Dharavi. Most of the remaining families left the area over time - some went back to their villages, some to other streets, unable to withstand continuous threat and pressure from municipal officials.

13 families continue to live in the area, having refused to move out until they are provided alternate accommodation. They have been living under constant threat of eviction for around nine years now. Officials visit the community at least once every month to intimidate them to leave. They used to tear plastic sheets used to cover their shelters, take away whatever little possessions they have, including children's books, uniforms and documents and would demand money for returning it. Two evictions were carried out in 2016. While the initial evictions were for widening of the road, they are now being evicted to develop a garden on the pavement as part of a beautification plan. In June 2016, local ward officials burnt their belongings after taking it to the godown in Mahim, said those who had witnessed the scene. On November 1st they were evicted again and were asked to clear the area by November 15th 2016. Families continue to live here in spite of constant violence with no other option to find suitable accommodation.

3. Wadala Bridge

Only 8 families remain of the approximately 150 families who lived on the pavements of Matunga King's Circle in the 1970s. In 2000 most of them were given alternate accommodation in rehabilitation sites in Mankhurd and Mahul. Approximately 30 families were not provided alternative accommodation. In 2003 they were told that they would be rehabilitated under the Mahatma Gandhi Pathkranti Yojana (MGPY) a government scheme for rehabilitation of pavement dwellers. Accordingly, were shifted to the pavements of Wadala near Acworth Leprosy Hospital. Over the years, 18 of these families left this area as they were unable to live there. In early 2016, some families were given alternate accommodation, yet there remain 8 families (including 7 children and 8 women) who were assured that they would be given accommodation at a later date.

They have faced four evictions so far, in 2001, 2003, 2010-11 and in 2016. On 4 July 2016, their belongings were taken away and their homes torn down. The reason for this eviction was that 'Dosti Acres' has a gated community nearby and wanted to make a garden. Evicting them was an attempt to sanitise the area. Simul-

taneously there was also digging carried out along the footpath where they live, leaving them no option but to move away from the bridge.

All their belongings were confiscated. They did not get their clothes and utensils back, even after waiting at the ward office for hours on 5 July. Their belongings were kept in a municipal godown in GTB Nagar. On 19 August 2016, an RTI was filed at the ward office enquiring about the belongings of the homeless. That very day they were called to collect their belongings. These families continue to stay, despite constant threats from the MCGM with the hope that they will finally be given a home.

Everyday Human Rights violations

The community is living on the pavements of the bridge with no toilets and bathrooms within a 1km radius. There is an open space referred to as a 'jungle' that is used for defecation. They have built a temporary plastic bathroom for women to bathe. The children and men do not use it.

Their home on the footpath is a means of livelihood. The women make strings of flowers for festivals and also sell local sweets on the street. The community has no access to water. They are forced to beg for water from the authorities in the Leprosy Hospital. The water is totally contaminated and some state that people have died due to the usage of the contaminated water. The same water is used for drinking, cooking, washing and bathing. It has exposed the community to various skin infections and other diseases.

4. Below Tilak Bridge, Dadar (East)

A group of 25 people living in 5 families have made the pavements under Tilak Bridge, Dadar their home for more than 25 years. One family is Muslim, others are Dalits. Men work as daily wage workers and women as domestic workers. .

Evictions were being carried out on the supposed orders of the Local Corporator and also because a garden is planned to be built nearby. Between July and November eviction attempts intensified. There were 3 evictions during this period. Reported on 4 August was an eviction attempt to sanitise the road. The Corporator had written to the MCGM saying that the community is engaged in begging. Action was taken on that ground. The BMC took all their belongings – this included children's certificates, threw their food, tore school books. The officer has not told them where their belongings are and are not giving it back either. On 2 November, Wednesday, around 25 officials including 20 policemen came to evict this community. Their possessions including documents, clothes, and even a baby's milk bottle was taken away by the authorities. In a gross display of administrative violence and cruelty Shahna who is nine months pregnant was beaten and fell down during the altercation, injuring her forehead. Geetha (55) was also subjected to police brutality and was beaten up while she tried to protect Shahna. The police took away all hospital records of Shahna related to her delivery, forcing the concerned doctor to issue a notice to the authorities to return it back for the purpose of treatment. The community is yet to get any of their possessions or documents back. People continue to live there and BMC officials keep returning and telling them not to live on the road or footpath.

Everyday human rights violations

Like every other community on the street, they also have nightmarish experiences of eviction. Municipal officials used to come with a strong battalion of around 15-20 police, would throw away whatever is cooked and would take away whatever they think is the possession of the community including suitcases and cooking utensils.

The community being small compared to other settlements faces acute security threats. Innumerable times in the night, women here have woken up to chase away drunkards and strangers sleeping next to them.

It is no exaggeration to say that the community's life revolves around Dadar railway station. From livelihood to drinking water they are completely dependent on the railway station for their survival. Railway toilets are their toilets too and they fear being caught for using it. Using public toilets come at the expense of Rs. 5 per head. Either they bathe in public or have to shell out Rs. 20 for using the station bathroom.

5. Below Matunga Bridge King's Circle (East)

"I requested the authorities. I begged them. I also fell on their legs requesting them to spare my child's books, uniforms and clothes. There were blankets that I had collected from the church that I received as alms. They were meant to keep me and my children warm for this winter. They took away everything. My request fell on the deaf ears and my cries did not seem to melt their heart. They only made the scenario worse by hitting the women."

This incident was narrated by a resident of the community of 175 people or 35 families that live on the pavements below Matunga Bridge. The women support the household by working as caterers and sometimes

are forced to live on the railway platform because their working hours are often late and it's too difficult for them to catch the local train to get back to Matunga. They also sell balloons at traffic signals.

Evictions have taken place four times between July and November. On 22 July the MCGM supposedly acted on the complaint of a resident in the opposite building. BMC officials came and took photos and used bad language, often beating the children. They took their belongings and disposed them in the Mulund Dumping Ground.

Some people from the community went with the BMC and saw their belongings (utensils etc) sold to rag pickers there. Two ration cards were also lost in this process. Officials came 3 times after this and took away whatever little they had managed to save the first time! After this evictions were again conducted on 19 September and 5 October. The most recent one took place on the morning of 3 November 2016 - men and women lost all their savings and two months of ration. Children lost their books, school uniform and documents related to the school. The entire community continues to live on the street.

About YUVA

Youth for Unity and Voluntary Action (YUVA) is a non-profit development organisation committed to enabling vulnerable groups to access their rights and address human rights violations. YUVA supports the formation of people's collectives that engage in the discourse on development, thereby ensuring self-determined and sustained collective action in communities. This work is complemented with advocacy and policy recommendations on issues.



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