

FORCED TO THE FRINGES

REPORT
3

Disasters of 'Resettlement' in India

VASHI NAKA, MUMBAI



YOUTH FOR UNITY AND
VOLUNTARY ACTION



HOUSING AND LAND RIGHTS NETWORK
Habitat International Coalition – South Asia

Title and Suggested Citation

Forced to the Fringes: Disasters of 'Resettlement' in India. Report Three: Vashi Naka, Mumbai.
Housing and Land Rights Network (New Delhi: 2014)

New Delhi, June 2014

ISBN: 978-81-902569-6-4

Research and Text

Simpreet Singh

Editor and Content Advisor

Shivani Chaudhry

Data Collection and Entry

Dhanaraj Khare, Jagdish Patankar and Pooja Yadav

Assistance

Sitaram Shelar, Nabamalika Joardar and Farid Bhuyan

Photographs

Cover: Aravind Unni

Inside: Anil Ingle, Aravind Unni and Jagdish Patnakar

Design and Printing

Aspire Design, New Delhi

Published by

Housing and Land Rights Network
G-18/1 Nizamuddin West, Lower Ground Floor
New Delhi – 110 013, INDIA
+91-11-2435-8492
info@hic-sarp.org / hlrnsouthasia@gmail.com
www.hic-sarp.org

In collaboration with

Youth for Unity and Voluntary Action (YUVA)
YUVA Centre
Plot 23, Sector 7, Kharghar
Navi Mumbai – 410 210
Maharashtra, INDIA
Phone and Fax: +91-22-2774-0990/80/70
info@yuvaindia.org
www.yuvaindia.org

Information presented in this report may be used for public interest purposes with appropriate citation and acknowledgement.



This report is printed on CyclusPrint based on 100% recycled fibres.

FORCED TO THE FRINGES

Disasters of 'Resettlement' in India

REPORT THREE: VASHI NAKA, MUMBAI



सामाजिक परिवर्तना करीता निरन्तर कटिबध्दता
Enduring commitment to social transformation



HOUSING AND LAND RIGHTS NETWORK
Habitat International Coalition – South Asia

Contents

List of Acronyms / Abbreviations	iv
Executive Summary	v
I. Introduction	1
II. Objectives and Methodology of the Study	3
III. Human Rights Framework	5
IV. Vashi Naka: The Site under Study	7
V. Literature Review	11
VI. Survey Findings	15
A. Basic Socio-economic Profile of the Respondents	15
B. Notification of the Project and Eviction / Relocation Process	17
C. Housing and Living Conditions in Vashi Naka	22
D. Livelihood and Income	30
E. Perceptions on Human Rights	31
VII. Recommendations	33
VIII. Conclusions	35
IX. Bibliography	38
Annexures	
1. Questionnaire used for the Study	40
2. Letter from YUVA to the National Human Rights Commission about Human Rights Violations in Vashi Naka	44
3. Minutes of a Meeting at the Mumbai Metropolitan Regional Development Authority (MMRDA) on Vashi Naka (in Marathi)	46
4. Letter from YUVA to the Elected Representative Demanding Basic Services at Vashi Naka (in Marathi)	48
5. Letter from YUVA to the Ration Office Demanding Ration Cards and Supplies at Vashi Naka (in Marathi)	49

List of Acronyms / Abbreviations

BPCL	Bharat Petroleum Corporation Limited
BPL	Below Poverty Line
BRIMSTOWD	Brihan Mumbai Storm Water Drainage
BSES	Basic Socio-economic Survey
CESCR	Committee on Economic, Social and Cultural Rights
FGD	Focus Group Discussion
HLRN	Housing and Land Rights Network
HPCL	Hindustan Petroleum Corporation Limited
IA	Impact Assessment
ICESCR	International Covenant on Economic, Social and Cultural Rights
MUTP	Mumbai Urban Transport Project
MUIP	Mumbai Urban Infrastructure Project
MRDP	Mithi River Development Project
MMRDA	Mumbai Metropolitan Regional Development Authority
MGPY	Mahatma Gandhi Pathkranti Yojana
MCGM	Municipal Corporation of Greater Mumbai
NGO	Non-government Organization
NHRC	National Human Rights Commission
PAH	Project-affected Household/s
PAP	Project-affected Person/s
PDS	Public Distribution System
R&R	Resettlement and Rehabilitation
RCF	Rashtriya Chemical Fertilizers
Rs	Rupees (Indian)
UN	United Nations
YUVA	Youth for Unity and Voluntary Action

Executive Summary

Introduction

The past few years have witnessed an increase in the pace of urbanisation in India, with large-scale transformations taking place in cities and peri-urban areas that are being rapidly brought within the ambit of cities and towns. Urban spaces, including the city of Mumbai, are undergoing a restructuring that is unprecedented. The attempted transformation of Mumbai into a 'world class' city has resulted in massive eviction and demolition drives in the name of 'urban renewal,' road widening, river beautification, airport expansion, and other infrastructure projects.

Given the extensive scale of resettlement in Mumbai and reports of inadequate housing and living conditions at the resettlement sites, Housing and Land Rights Network (HLRN - Delhi), in collaboration with Youth for Unity and Voluntary Action (YUVA - Mumbai), decided to undertake a detailed study of one such site – Vashi Naka.

Methodology

The study is part of a comparative analysis of three resettlement sites (Vashi Naka – Mumbai, Kannagi Nagar – Chennai and Savda Ghevra – Delhi) in India. It uses the human rights framework to assess and analyse the eviction / relocation process as well as living conditions in Vashi Naka, with a special focus on the adequacy of housing, provision of basic services, and impacts on livelihood.

The resettlement colony of Vashi Naka is located in M (East) Ward, in eastern Mumbai, and consists of about 90 buildings, of seven floors each, housing around 32,000 people affected by four infrastructure projects (MUTP, MUIP, MRDP and MGPY).

The survey for the study was conducted in the month of December 2013, during which a team interviewed 204 residents of Vashi Naka, and four Focus Group Discussions (FGDs) with people affected by the four different projects and one FGD with the women residents. SPSS software was used for the data analysis.

Major Findings of the Study

I. Socio-economic Profile of the Survey Respondents

Of the survey respondents, the majority (67%) are Hindus while 17% are Muslims, and 12% are Buddhists. One-third of the respondents belong to the Scheduled Caste community while Scheduled Tribes and Nomadic Tribes constituted 5% and 3% of the respondents respectively. More than one-third of the respondents are illiterate, while 30% have completed primary school and 26% have completed secondary school. About 35% of the respondents reported having a monthly income of up to Rs 5,000 and 45% have a monthly income between the range of Rs 5,001 and Rs 10,000.

II. Eviction and Relocation Process

Prior to Evictions

Information about the eviction / relocation: Almost 79% of the respondents claimed that they learned about the eviction from the notice issued by the authorities in this regard. However, 3% found out about the eviction from NGOs. Forty per cent of the respondents had no access to data / documents related to the process of resettlement and rehabilitation (R&R), and only half the respondents felt that they were provided adequate information about the design, material and layout of the alternative house they were to receive.

Absence of participation and consultation: The majority of the respondents (58%) reported that they were not consulted on issues related to eviction / relocation.

Time provided for relocation: Seventy-seven per cent of the respondents felt that they were given sufficient time to prepare for relocation to the R&R site. Forty-one per cent of the respondents believe that the relocation process was forced.

During Eviction / Relocation

Loss of possessions and documents during relocation: About one-fourth of the respondents reported some form of destruction and loss of possessions during the process of relocation.

Demolition of original house: Thirty-seven per cent of the respondents, allegedly, were forced to demolish their houses, while 63% of them stated that they demolished their house voluntarily.

Presence of officials during eviction / demolition of homes: About three-fourths of the respondents (72.5%) reported that government officials were present and involved in the process of eviction.

Injury and disruption of healthcare: Ninety-two per cent of the respondents stated that persons with disabilities and those who were unwell did not receive any special care or facilities during the process of eviction and relocation. Two per cent of the respondents reported injury in their family during the eviction and relocation process.

After Eviction / Relocation

Expenditure on transportation for relocation: The authorities did not cover relocation costs of the affected persons. Forty-three per cent of the respondents had to incur an expenditure of more than Rs 900 for transportation to the resettlement site, while 30% of them reported spending between Rs 300 to 600.

Compensation and access to remedy: Ninety-seven per cent of the respondents reported that they did not receive any form of compensation from the government authorities for losses incurred during the relocation process.

Impacts on family / community: Twenty-three per cent of the respondents stated that their extended family members were separated from them after relocation, as they were resettled to a different R&R site. Since families of the same site have not been resettled together, the resettlement has resulted in a breakdown of social ties and safety nets.

III. Housing and Living Conditions in Vashi Naka

- a. **Habitability:** Neither the residents nor the leaders of the community reported being consulted or asked about their preferences regarding the housing design, layout, and construction material of the flats in Vashi Naka. The families have been allotted flats in multi-storied buildings, which have seven floors each. Many residents complained of water seepage, especially during the monsoons, in the tenements. The flooring has tiles, which after three years, are showing signs of disrepair and damage. The durability of the construction is thus questionable. Thirty-five per cent of the respondents allegedly reported complaints to the government authorities regarding housing in Vashi Naka, including the material used for construction. Most of them, however, felt that no action had been taken by the authorities to address their complaints.
- b. **Accessibility and Location:** The buildings have elevators, which reportedly do not function properly all the time. This most severely impacts persons with disabilities, older persons, children, and women, especially pregnant women. The study reveals that several families did not receive resettlement on grounds of 'ineligibility' declared by the government. For 40% of the respondents, Vashi Naka is located more than nine kilometres from their places of work. This has resulted in loss of livelihoods for many residents, especially women domestic workers. The nearest hospital is located at a distance of three kilometres. There is no secondary school near the site.
- c. **Security of Tenure:** The tenure security is in the form of a title deed for the flat, which is in the joint name of the husband and wife in the family. For the first ten years, the flat cannot be sold, transferred or rented.
- d. **Access to Basic Services**
 - **Health** – Vashi Naka has only one primary health centre, which provides only referral services and not medicines. Twelve per cent of the respondents reported that health services at Vashi Naka were 'poor' while another 12% felt that they were 'very poor.' The monthly expenditure on health after resettlement has increased considerably.
 - **Food** - Though 97% of the residents have ration cards in Vashi Naka, the subsidised ration / Public Distribution System shops at the site, allegedly, do not provide food grains to the residents. Women reported thus having to buy food grains at a much higher price in the nearby market.
 - **Education** - The distance to school has increased for a considerable number of children living in Vashi Naka. Prior to resettlement, 85% of the children could walk to school but after resettlement, only 65% of the children are able to walk to school. The only school in the area is a primary school; there are no facilities for higher education near the site. The only option for children is to either travel long distances in order to attend a government secondary school or to spend large amounts on education at private schools that are located in the vicinity.

- **Water, Sanitation and Electricity** – The tenements have piped water but it is not sufficient to meet the needs of the residents. Electricity supply is regular and the average monthly expenditure on electricity is around Rs 800 – 1,000 per family. Sanitation facilities are inadequate. The site has several open and blocked drains. In the absence of solid waste management facilities, garbage can be found at the site; this poses a health risk to the residents.
- e. **Cultural Adequacy and Security:** Women complained that the residents are not happy with the layout of the site or the structure of the building, as it is not environment friendly. There is no space allocated for a community centre / hall. The residents do not have adequate facilities for social interaction. Vashi Naka does not have any spaces for worship for the different religious communities living there.

IV. Livelihood and Income

Almost three-fourths of the respondents stated that Vashi Naka is situated far from their places of work / livelihood sources. About 35% of the respondents spend more than one-and-a-half hours to commute to work daily. Most residents reported an increased expenditure on travel to work after resettlement; this is an additional financial burden on families resettled in Vashi Naka. Of those who participated in the survey, 22.5% lost their jobs as a result of relocation and had to find alternative employment. Most of the women who worked as domestic workers lost their jobs after the relocation. The primary reason for loss of jobs after relocation to Vashi Naka was attributed to the increase in distance as well as time and expenditure spent on travelling to work. Thirty per cent of the survey respondents reported a decrease in income after moving to Vashi Naka.

V. Perceptions on Human Rights

Forty-two per cent of the respondents felt that their human rights were violated in some way. Ninety per cent of them felt that housing and resettlement are human rights.

Recommendations

Recommendations to the Government of Maharashtra for Vashi Naka and other Resettlement Colonies in Mumbai

- Improve coordination between the Mumbai Metropolitan Regional Development Authority (MMRDA) and the Municipal Corporation of Greater Mumbai (MCGM). Many of the problems faced by the residents of Vashi Naka result from the lack of accountability and coordination between these two authorities. Both agencies have been abrogating their responsibilities and passing the buck to each other.
- Ensure that the provision of basic services like water is in proportion to the population of the site. In Vashi Naka, the water supply is not sufficient to meet the needs of the resident population.
- Open a Municipal Senior Secondary School in the vicinity, as there is only one primary school near the site.
- Set up a new primary health centre with adequate facilities, and improve the quality of services provided in the existing health centre.
- Establish a police post / *chowki* in Vashi Naka to address the growing incidence of crime in the site.
- Create an R&R Authority in Mumbai that has the power and responsibility of coordinating the different state agencies to address the problems faced by relocated families.

- Enable development funds of Members of Parliament and Members of the Legislative Assembly to be used for the repair and maintenance of buildings in all resettlement sites.
- Ensure that there is a uniform policy for resettlement in urban areas. In the context of Vashi Naka, families affected by different projects with different R&R policies and sets of entitlements, have been resettled at the same site. This has led to a state of chaos and discrimination; it also makes monitoring difficult.
- Ensure that the mere allotment of a flat in a resettlement colony does not deny residents access to their BPL (below poverty line) card, as their economic status does not change. On the contrary, in most cases, resettlement has resulted in a decrease in income, loss of savings, increase in expenditure and an overall deterioration in the family's standard of living.

Recommendations to the Government of Maharashtra and Government of India for Housing and Resettlement

Any policy for R&R at the national and state level must include adequate provisions for the following:

- Prior informed consent of all residents during the process of eviction and relocation.
- Regular participation of and consultation with all families likely to be affected by the project, during the phases of project formulation and implementation, including the development of the resettlement site and alternative housing.
- Adequate, timely and unrestricted access to information with regard to the process of eviction, relocation and resettlement.
- Protection of the right of people to say 'no' to eviction and displacement.
- Relocation close to sources of livelihood and protection of livelihoods in the process.
- Inclusion of a special component in the R&R package for vulnerable sections like persons with disabilities, women, children, older persons, members of Scheduled Castes and Scheduled Tribes, and minority communities.
- Periodic review of the R&R process by affected people and their representative organizations.
- Social Audit and regular monitoring of projects and its R&R components.
- Clear demarcation of responsibilities and duties of the various agencies involved in the process of resettlement and rehabilitation.
- Representation of affected persons in the bodies that oversee the process of R&R.
- Legislative framework for the R&R policy/package, which incorporates a human rights approach, including international human rights standards for housing and resettlement.
- Inclusion of basic amenities as an integral and inseparable part of the R&R process.
- Proper coordination between relevant authorities (concerned department, municipal authorities, development authorities) with regard to implementation of the provisions of the R&R policy.

Conclusions

The findings of the study categorically demonstrate that the resettlement and rehabilitation (R&R) process in Mumbai has violated multiple human rights of the affected populations. The entire process is fraught with inadequacies and even what is promised in policies and project documents is not being implemented.

The R&R sites have failed to pass the test of ‘adequate housing,’ including habitability. The entire R&R process in Mumbai has ignored the vital link between housing and livelihood and other human rights. The survey also reveals that the process that was followed for the demolition of homes and evictions is not in congruence with the UN Basic Principles and Guidelines on Development-based Evictions and Displacement. Furthermore, the relocation process and living conditions at Vashi Naka violate provisions in national and international laws and policies, including the Constitution of India.

The process of ‘resettlement’ in Mumbai is just not about evicting people from one place and shifting them to another site, but more deeply, from the case study of Vashi Naka, it can be understood as a process of uprooting and converting people who had an agency of citizenship into mere ‘project-affected persons’ or PAPs, who are treated as ‘numbers’ to be quoted in project documents.

The study, very clearly, brings out the need for overhauling the existing policy framework for housing and resettlement, and for the adoption of a strong human rights approach that would ensure the provision of better housing and living conditions for all those living in Mumbai’s resettlement colonies.

CHAPTER I

Introduction

The past few years have witnessed an increase in the pace of urbanisation in India, with large-scale transformations taking place in cities and peri-urban areas that are being rapidly brought within the ambit of cities and towns. Urban spaces are undergoing a restructuring that is unprecedented. Cities from Chennai to Delhi, Hyderabad to Ahmedabad, and Raipur to Indore, are witnessing heightened contestations and claims over spaces and resources, and the actors are no longer just local but also include international players. These shifts and changes have different impacts on different sections of urban dwellers.

Mumbai has not been aloof from these transformations; rather it has been at the forefront of many such urbanisation-related changes. In the past decade, certain sections of the city have aspired to transform it into a 'world class' city, which has resulted in massive eviction and demolition drives in the name of 'urban renewal,' road widening, river beautification, airport expansion, and other infrastructure projects. The urban poor have had to face the brunt of these transformations in the form of evictions from their habitats and livelihood sources / work places. Most of these transformations have connected as well as disconnected people and spaces. The local has been connected with the global for the smooth flow of capital and profits while the lives and livelihoods of the poor residing in cities have been disconnected.

Over the last decade, the city of Mumbai has seen the creation of nearly 32 housing colonies, popularly called Resettlement and Rehabilitation (R&R) colonies. These colonies have an estimated number of 56,000 tenements providing housing to more than three lakh (300,000) people. These dwelling units have been used to 'resettle' thousands of families from all over the city under the claim of facilitating projects that are mostly infrastructure-related and thus linked to the restructuring of the city. The process of resettlement has resulted in a city beyond the imagination of the people, as the impacts of resettlement are not restricted to the R&R sites but affect the social and demographic fabric of the entire city. It is essential to note that the shifting of populations has not been uniformly carried out across the city. There are certain areas from which people have been evicted repeatedly, and there are other areas where they have been resettled.

One such area of resettlement has been the M (East) Ward, one of Mumbai's 24 municipal wards, which is located in the eastern most part of the city. With low land prices, owing to its geographic terrain and location, M Ward has traditionally been a preferred location for resettlement by the Government of Maharashtra. Over the last decade, a total of 13 R&R sites have been constructed in the ward. Among

them, four are located in Govandi, three in Mankhurd and six in Vashi Naka. At present 12 of these sites are occupied while one site in Vashi Naka is lying empty.

In the past decade or so, several large infrastructure projects in Mumbai have been positioned as ‘development’ projects and have aimed to transform the city’s physical infrastructure. Notable amongst them are Mumbai Urban Transport Project (MUTP), Mumbai Urban Infrastructure Project (MUIP), Mahatma Gandhi Pathkranti Yojana (MGPY), Brihan Mumbai Storm Water Drainage (BRIMSTOWD), Mithi River Development Project (MRDP), Bandra Worli Sea Link, Eastern Express Freeway, the Metro, and Mono Rail. The acclaimed overarching objective of these projects has been to overhaul the crumbling infrastructure of the city and to give a boost to the economy. The implementation of these projects has also meant the reorganising of the city, including shifting of populations, mainly those living in settlements, (‘slums’) to what have been called R&R sites.

Of these projects, MUTP, a project for mass transportation with an estimated cost of Rs 4,526 crore,¹ has three components namely: Rail, Road, and Resettlement and Rehabilitation of project-affected people. This project has been partly funded by the World Bank. MUIP, another transport project was meant to supplement the MUTP, with the main objective of road network improvements on all ‘Development Plan’ roads, and the creation of an efficient traffic dispersal system in the city. It had an estimated cost of Rs 2,648 crore and was a state government venture. The deluge of 2005 in Mumbai gave an impetus to plans of widening and deepening the Mithi River, ostensibly to prevent future flooding for which MRDP was envisaged and was entrusted to the Mumbai Metropolitan Regional Development Authority (MMRDA) for implementation. MRDP involves deepening / desilting of the river, widening of the river, landscaping, tree plantation, aesthetic improvement on either side of the banks, and relocation of settlements from the banks of the river.

With regard to the rehabilitation of people affected by these projects, stand alone R&R policies were formulated for each of these projects with some overlapping provisions. A comparative analysis of these R&R policies reveals that MUTP had the most progressive and comprehensive provisioning of entitlements, as compared to the other projects. The MUTP R&R Policy was framed in close collaboration with the Government of Maharashtra and the World Bank. The main provisions of the MUTP R&R policy included: developing and executing resettlement plans to compensate displaced persons for their losses at replacement cost prior to the relocation; according formal housing rights to project-affected families at the resettlement site; developing and implementing the resettlement programme through active community participation by establishing links with the community-based organizations; and, improving environmental health and hygiene of project-affected families at the site of resettlement.

In comparison to MUTP, the other projects, including MUIP, MRDP and MGPY did not provide for any economic compensation or promise of restoration of the economic status of affected families prior to resettlement. With the exception of MGPY, the R&R framework of all other projects provided for a Grievance Redressal Mechanism. Under MUTP, the criteria for eligibility of resettlement was appearance of the family’s name in the Basic Socio-economic Survey (BSES), while in all the other projects it was proof of residence prior to the cut-off date of 1 January 2000 in Mumbai.

¹ A crore is a unit in the South Asian numbering system that is equal to ten million. At the time of writing this report, the exchange rate of the Indian Rupee (INR) was about sixty rupees (Rs) to one US dollar (USD).

CHAPTER 2

Objectives and Methodology of the Study

Objectives

Given the extensive scale of resettlement in Mumbai and reports of inadequate housing and living conditions in Vashi Naka, Housing and Land Rights Network (HLRN - Delhi), in collaboration with Youth for Unity and Voluntary Action (YUVA - Mumbai), undertook a detailed study of the site. The study is part of a comparative analysis of three resettlement sites (Vashi Naka – Mumbai, Kannagi Nagar – Chennai, and Savda Ghevra – Delhi) in India. It uses the human rights framework to assess and analyse living conditions in Vashi Naka, with a special focus on the adequacy of housing, provision of basic services, and impacts on livelihood. The study also attempts to analyse the eviction and resettlement process. The study uses data to provide a comparative analysis of housing and living conditions before and after resettlement. An important part of the study is to assess the impacts of relocation and resettlement on the human rights of the affected persons, and to also gauge their perception and understanding of human rights.

In the context of this study, it is worth mentioning that there is a dearth of reports on the human rights impacts of resettlement and rehabilitation in urban areas. The few studies that have been done highlight that urban displacement leads to an enhancement of impoverishment risks; a loss of residence and livelihood; and the breakdown of community ties and social networks developed over years and often over generations. HLRN believes it is important to document the impacts of forced evictions, displacement and resettlement, from a human rights perspective in order to demonstrate the serious consequences on different sections of the population, and to strengthen the claims of individuals and communities who suffer adverse long-term, and often irreversible, impacts of these processes. HLRN also hopes to use the findings of this study to advocate for improved housing and living conditions in the existing resettlement sites, to prevent the creation of future resettlement sites of this nature, and to promote legal and policy changes that would ensure the recognition and realisation of the human rights to adequate housing and land.

Methodology

The survey for the study (henceforth Survey) was conducted in the month of December 2013, during which a team interviewed 204 residents of Vashi Naka and held four focus group discussions (FGDs) with people affected by the four infrastructure projects (MUTP, MUIP, MRDP and MGPY) that resulted in their eviction, and one FGD with the women residents. HLRN developed the basic questionnaire for the three-city comparative study, which was also used in Chennai and Delhi. This study used a slightly modified version of the questionnaire that was developed to reflect the locale specific context in Mumbai.² Purposive Snowball Sampling was used for selecting the respondents, which included women as well as those belonging to religious minorities and Scheduled Castes and Scheduled Tribes. Efforts were made to ensure that the sample selected for the study represented people affected by all four projects in Vashi Naka. SPSS software was used for the data analysis.

In addition to the collection of primary data through the Survey, the study included a review of existing literature on the subject. This includes:

- 'Independent Impact Assessment of Initial Phase of R&R under MUTP' by Tata Institute of Social Sciences (TISS) (2003);
- World Bank Inspection Panel Report (2005);
- 'Second Independent Impact Assessment of R&R Sites' done by TISS for MMRDA (2008);
- Research report by Amita Bhide and Neela Dabir on R&R sites of Mumbai (2010);
- M.A. Dissertation of Marina Joseph on 'Women's Struggles for Livelihood in the Context of Urban Poverty and Displacement' (2011);
- 'Rapid Assessment of R&R Sites in M Ward of Mumbai' by TISS (2012); and,
- Research article by Jaideep Gupte on 'Security Provision in Slum Re-settlement Schemes in Mumbai: A Case Study of the Lallubhai Compound Settlement' (2011).

² See Annexure 1 for the questionnaire used for the study.

CHAPTER 3

Human Rights Framework

With the objective of developing a human rights framework for analysis, the study uses the following national and international human rights standards:

- International Covenant on Economic, Social and Cultural Rights 1966;³
- General Comments 4 and 7 of the United Nations (UN) Committee on Economic, Social and Cultural Rights;⁴
- United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement 2007;⁵
- National Urban Housing and Habitat Policy 2007;⁶
- National Rehabilitation and Resettlement Policy 2007;⁷ and,
- The Constitution of India.⁸

The human rights framework has been used to assess and analyse living conditions at Vashi Naka, with a special focus on the adequacy of housing and provision of basic services. The study also analyses whether housing in the resettlement site meets international human rights criteria of adequacy, and ensures access to work/livelihood, education, and healthcare.

India has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), which in Article 11.1 guarantees the human right to adequate housing. General Comments 4 and 7 of the UN Committee on Economic, Social and Cultural Rights (CESCR) further expound the elements of the right to

3 International Covenant on Economic, Social and Cultural Rights, 'Committee on Economic, Social and Cultural Rights, 1966. Available at: <http://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

4 UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: 'The right to adequate housing (Article 11.1 of the Covenant)', 1991. Available at: <http://www.refworld.org/docid/47a7079a1.html> UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: 'Forced evictions,' 1997. Available at: <http://www.refworld.org/docid/47a70799d.html>

5 UN Basic Principles and Guidelines on Development-based Evictions and Displacement, presented in the 2007 report of the UN Special Rapporteur on adequate housing, Miloon Kothari. Available at: http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf

6 National Urban Housing and Habitat Policy 2007, Ministry of Housing and Urban Poverty Alleviation, Government of India. Available at: <http://mhupa.gov.in/policies/dupea/HousingPolicy2007.pdf>

7 National Rehabilitation and Resettlement Policy 2007, Ministry of Rural Development, Government of India. Available at: <http://www.dolr.nic.in/NRRP2007.pdf>

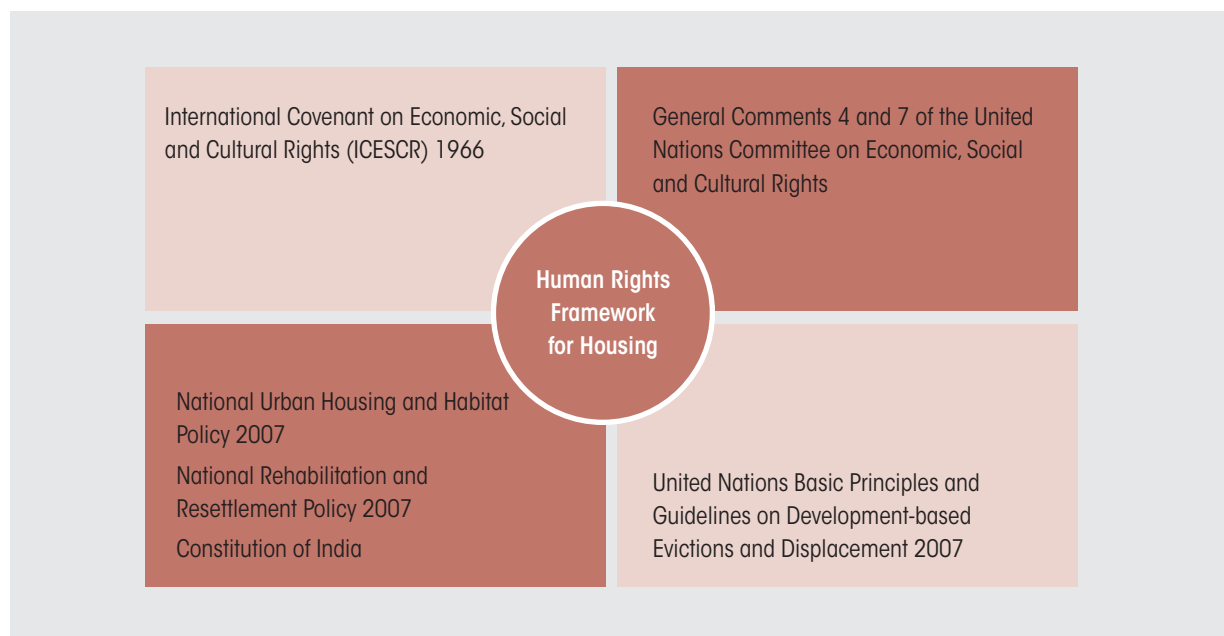
8 The Constitution of India, Ministry of Law and Justice, Government of India. Available at: <http://lawmin.nic.in/coi/coiason29july08.pdf>

adequate housing and explain forced evictions. The UN Basic Principles and Guidelines on Development-based Evictions and Displacement (hereafter UN Guidelines) aim to minimise forced evictions by calling for alternatives. They sanction evictions only in ‘exceptional circumstances’ for the health and well-being of the residents, and in such cases prescribe operational procedures to be followed during each stage of the eviction process.

In the national context, the Constitution of India, in Article 21, guarantees the right to life but does not specifically provide for the right to adequate housing. Jurisprudence in India, including of the Supreme Court and state High Courts, however, has interpreted the right to housing as an integral component of the right to life.

The National Urban Housing and Habitat Policy 2007 has stated as its goal, “To ensure sustainable development of all urban human settlements, duly serviced by basic civic amenities for ensuring better quality of life for all urban citizens.” The National Rehabilitation and Resettlement Policy 2007 contains provisions for social impact assessment, compensation and rehabilitation of affected families. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 came into force on 1 January 2014 and was thus not applicable during the Vashi Naka resettlement process. While the Act contains provisions for compensation and resettlement when land is acquired by the state for ‘public purpose’ projects, it does not provide for urban dwellers who are evicted from state land or other land that they do not own.

The human rights framework of adequate housing helps in overcoming the limitations of the R&R legal and policy framework in India while helping to establish national norms for resettlement based on international human rights standards.



CHAPTER 4

Vashi Naka: The Site under Study

HLRN and YUVA chose to conduct this study in Vashi Naka, one of the 32 R&R sites in Mumbai because of its large size, massive scale of resettlement, and the reported complaints of grossly inadequate living conditions, including lack of access to basic services and adequate housing. Vashi Naka is located 3.5 kilometres from Kurla and three kilometres from Chembur Railway Station in the eastern suburbs of Mumbai. Thus the site is far from the local train stations. It is surrounded by petroleum refineries (HPCL, BPCL, RCF) and therefore the area is highly polluted. These industries do not provide any work options for the relocated families. The site is also surrounded by a number of settlements and housing societies.

The site consists of people resettled from the MMRDA projects of MUTP, MUIP, MRDP and the Municipal Corporation of Greater Mumbai (MCGM – formerly the Bombay Municipal Corporation) project of MGPY. The residents are originally from Dahisar, Dadar, Mulund, Dharavi, as well as other areas of the city.



The name of the site (Vashi Naka) is based on the village name Anik Gaon. Five developers, namely Rockline, RNA, Runwal, Dinshaw and Kukreja were given the contract to construct multi-storied buildings for the rehabilitation and resettlement of the project-affected families. There are about 90 buildings within the Vashi Naka R&R colony. Each building consists of seven floors. Each tenement comprises a kitchen, bathroom, toilet, and a hall, which has a total carpet area of 225 square feet.

Vashi Naka R&R Colony	Approximate Population
Kukreja Compound (Nagababa Nagar)	5,100
MMRDA Colony (Diwan and Runwal Builders)	10,100
New MMRDA Colony (Rockline Builders and Runwal Builders)	5,500
New MMRDA Colony (RNA Park)	5,500
Bharat Nagar	5,800
Vishnu Nagar (empty)	-
TOTAL	32,000

Source: *An Overview of Resettlement and Rehabilitation Colonies in M (East) Ward, Mumbai*

IMAGES OF VASHI NAKA IN 2000, 2007 AND 2014

2000



2007



2014





CHAPTER 5

Literature Review

Tata Institute of Social Sciences (TISS) conducted an independent Impact Assessment (IA) of the initial phase of R&R of MUTP in the year 2003. The IA was done by TISS for MMRDA at the four R&R sites and five Transit Camp sites with the objective to, “make an independent assessment of the experiences and results of implementation of the initial phase of the resettlement programme, both in terms of benefits to the PAHs (project-affected households) and the difficulties or any adverse impact on them.” The IA covered about 2,100 PAHs that were either resettled or were housed in Transit Camps. The IA concluded that in terms of rehabilitation, the issues concerning the vulnerable households that constitute one-third of the PAHs needed special attention.

In the year 2004, several project-affected persons (PAPs) filed a series of complaints regarding violations of the MUTP R&R Policy. This led to the World Bank Inspection Panel investigating the project and presenting a report of its findings in 2005. The Inspection Panel observed that the MUTP R&R Policy consisted of a reduced set of entitlements for PAPs as compared to those expected under the World Bank’s Operational Directive (OD) 4.30. The Panel further noted that the gap between OD 4.30 and the MUTP R&R Policy had grown during the implementation phase, and the intent of some of the policy provisions had not been given effect in operational planning and implementation.

The Inspection Panel surveyed three resettlement sites of Mankhurd, Anik Rockline, and Majas under MUTP. As per its report, the PAPs expressed grievances to the Inspection Panel with regard to, “the lack of water, absence of employment, high transport costs, and the problems of adequate education for children.” The Inspection Panel found that the sewerage and water connections were not working properly, and there was no garbage and waste collection at the site. This was in violation of OD 4.30.

Further, at the time of the investigation, the resettlement sites “lacked adequate access to schools, medical facilities and religious sites.” The Inspection Panel found that little attention had been given to the provision of social services in the resettlement sites.

TISS conducted another Impact Assessment study commissioned by MMRDA in the year 2007-08 to review the resettlement process under MUTP. The IA was done at the three resettlement sites of Majas (Jogeshwari), Anik (Chembur) and Lallubhai Compound (Mankhurd). The IA study involved a sample

survey of 1,505 PAHs, which constituted 20% of the total PAHs. The study found that the allotment of a good, *pucca* (permanent) house and better living environment were perceived as the important benefits of the resettlement. The major negative aspects were the “longer distance to work places, less public amenities and more financial liabilities towards paying for service charges in the buildings.” The study also found that families most affected by the increase in financial liabilities after resettlement were those belonging to the ‘vulnerable’ category who constitute 23.6% of the PAPs. The lack of accessibility to the sites was another major problem, which led to more time and money being spent on commuting. While basic services had been provided, they were not satisfactory. Similarly “public amenities were not well developed, leading to a dependence on pre-resettlement sites for educational facilities, and even for accessing the PDS (Public Distribution System).” The lack of adequate and affordable healthcare services were highlighted at all the resettlement sites (TISS, 2008).

Amita Bhide and Neela Dabir (2010) undertook a research study of project-affected households of MUTP to understand the extent and adequacy of rehabilitation efforts, the proposed plans for resettlement and rehabilitation in relation to the degree of displacement, and an analysis of the guidelines for rehabilitation vis-à-vis international standards of adequate housing. The research study covered five R&R sites in Mumbai. It covered a total of 1,688 households that included 2,187 children. The study report mentions that at least 15-20% of the households were evicted without resettlement, as they were found to be ‘ineligible.’ The process of resettlement, in spite of the involvement of non-government organizations (NGOs), was difficult for about half the study population. “Obtaining prior information, submission of documents, proving eligibility, preparedness for resettlement and allotment of tenements have remained trying processes,” states the report. The report also mentions that, “The travelling time to work and expenses for the same has increased for more than 26% households.” The study found that education of children “is another area that has suffered during relocation as 27.44% children had to change their school or dropped out of school, and 31% children reported that their travel time to school had increased.” Resettlement had affected the vulnerable sections in multifarious ways, as it had impoverished families who found themselves cut off from their livelihood sources. Non-availability of schools and health amenities was a major issue in large sites, the report noted.

Marina Joseph (2011) did a horizontal study on the impact of displacement on women’s livelihoods, focussing on how women’s livelihoods are affected in the process of urban involuntary displacement and ensuing resettlement under MUTP at one of the largest R&R sites (Lallubhai Compound). The study found that, “Almost eight years down the line, PAPs had not ‘adjusted’ to the resettlement site as assumed would be the case... Inadequate infrastructure coupled with the problem of accessibility to cheap transport had created a zone whereby many residents were forced to take to informal sources of livelihood within the resettlement site.” With respect to effects of changes in livelihood on the family, the report states that, “The most common impact of displacement was the effect it had on the education of children.” The study found that, “Some dropped out due to the poor schooling facilities in the new area; some had to drop out to assist in contributing to the family income. Girls were the worst affected as insecurity in the new neighbourhood forced them to join the labour force to avoid having to spend time alone at home.”

Jaideep Gupte (2011) did a case study in an R&R site developed under MUTP, on the aspect of security provided in slum resettlement schemes. The study mentions that, “Not only is the relocation process protracted and extremely violent, but also the relocation sites are becoming sites of concentrated violence, vulnerability and crime, heightening the multiplier effects of the intergenerational transfer of vulnerability and poverty.” The findings of the study highlight several issues of major concern including, “Concerns over physical safety and security arising out of design, layout and access failures, concerns of unemployment, unavailability of healthcare and education, as well as high prevalence of non-cognizable and petty crime.”

In the year 2012, a 'Rapid Assessment of Resettlement and Rehabilitation Colonies in M (East) Ward of Mumbai' was undertaken by TISS focusing on the themes of: health, education, water, waste and sanitation, presence of amenities, livelihood, transfer of entitlements, and welfare services. The purpose of this Rapid Assessment was to understand the overall situation of R&R sites in the Ward and make preliminary decisions for possible intervention. Of the 11 R&R sites that were assessed, five included those where people affected by MUTP had been rehabilitated.



CHAPTER 6

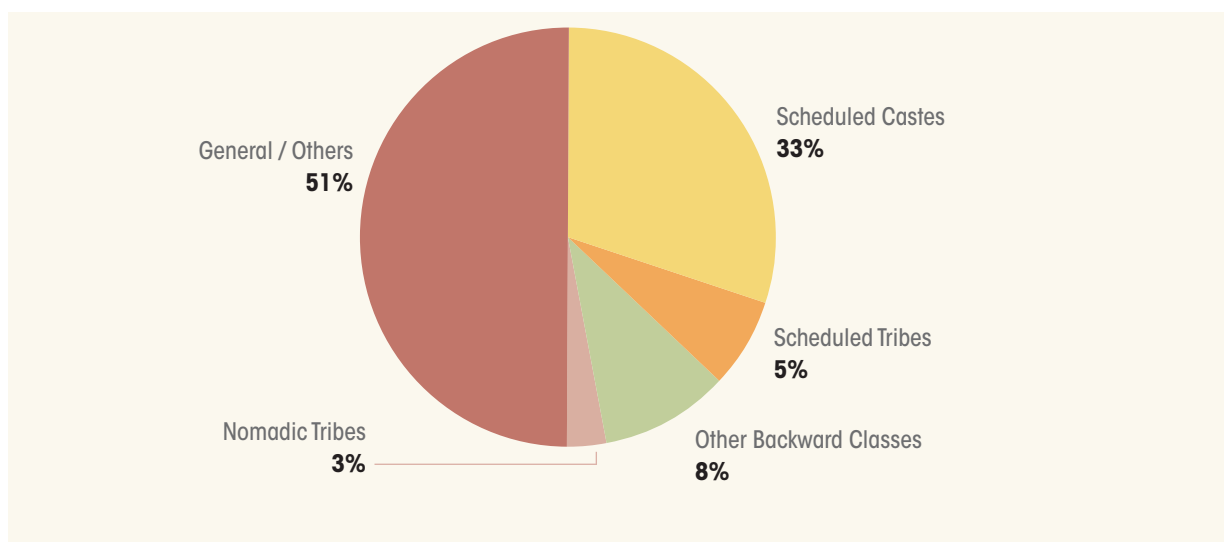
Survey Findings

The survey was administered to a sample of 204 respondents, of which 78% were male while 22% were female.

A. Basic Socio-economic Profile of the Respondents

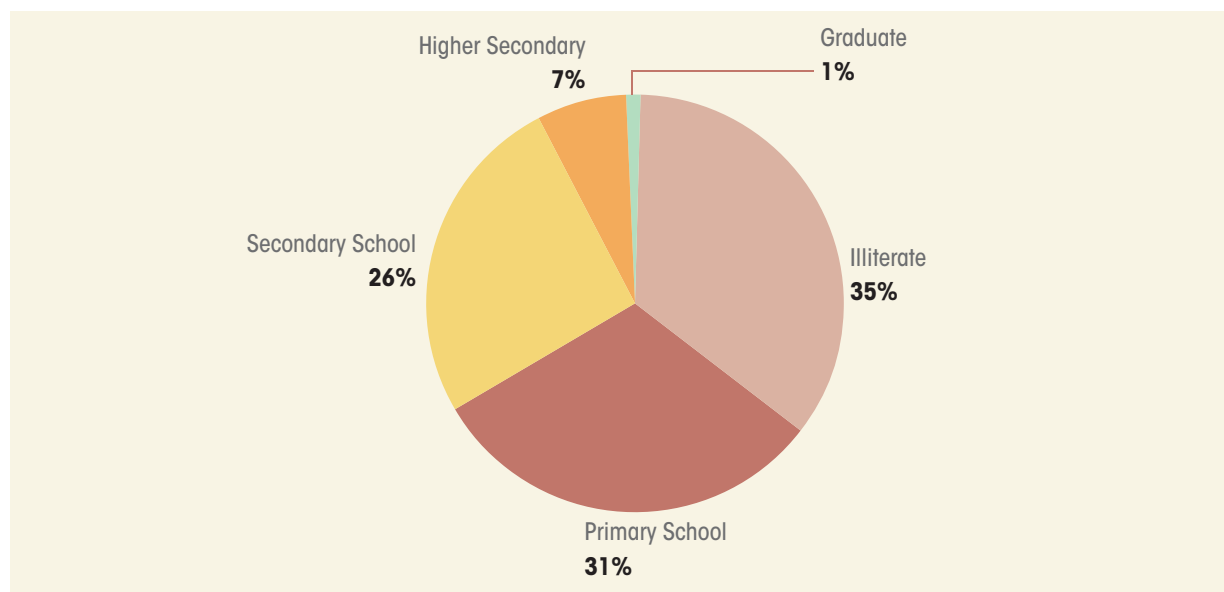
Of the total 204 respondents, the majority (67.6%) are Hindus while 17.6% are Muslims, and 12.3% are Buddhists. About one-third of the respondents belong to the Scheduled Caste community while Scheduled Tribes and Nomadic Tribes constitute 5% and 3% of the respondents respectively.

FIGURE 1: COMPOSITION OF SAMPLE IN VASHI NAKA



More than one-third of the respondents are illiterate, while 30% have completed primary school and 26% have completed secondary school. Only 1% of the respondents have a graduate degree.

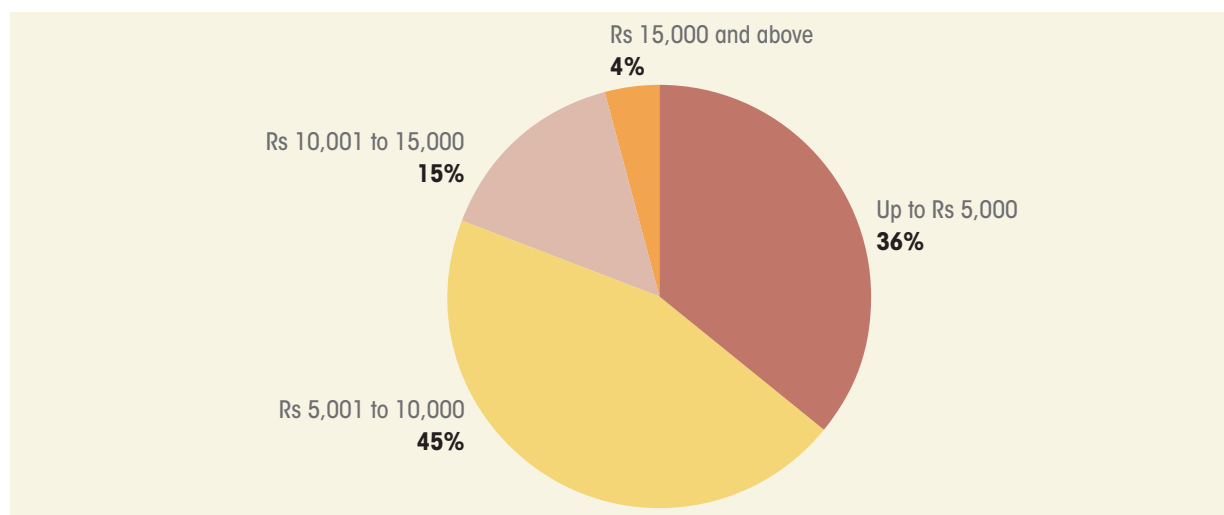
FIGURE 2: EDUCATION LEVEL OF RESPONDENTS



About half of the respondents reported being employed in private jobs while 43% stated that they were self-employed. Only about 8% stated that they were unemployed.

Thirty-six per cent of the respondents reported having a monthly income of up to Rs 5,000 and 45% have a monthly income between the range of Rs 5,001 and Rs 10,000. Only a small percentage (4%) of the respondents earn more than Rs 15,000 a month.

FIGURE 3: MONTHLY INCOME



B. Notification of the Project and Eviction / Relocation Process

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

37. Urban or rural planning and development processes should involve all those likely to be affected and should include the following elements: (a) appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; (b) effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.

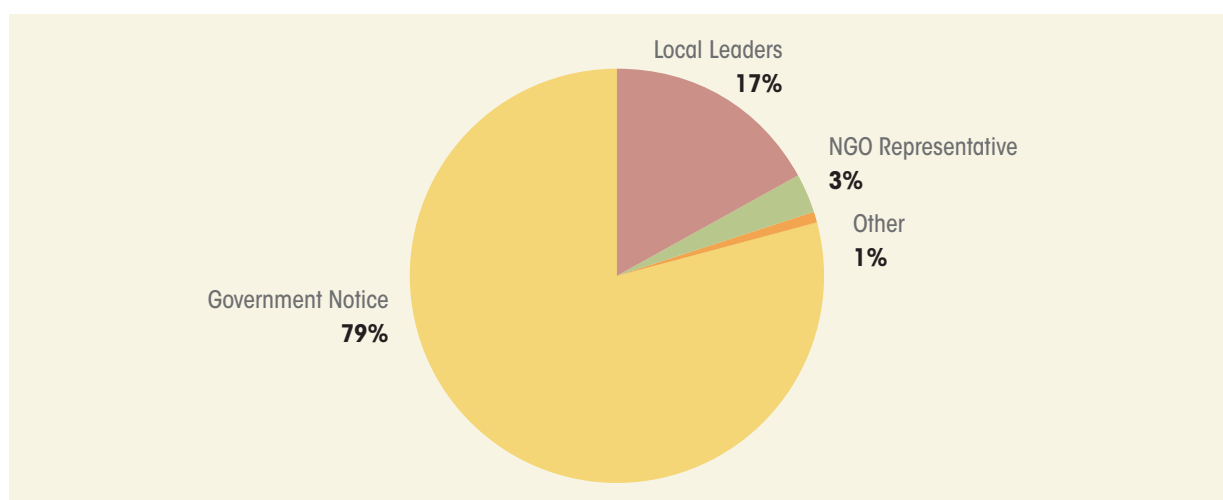
The following section uses the operational procedures and human rights standards expounded in the UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007) to analyse the process of eviction / relocation that preceded the resettlement of families in Vashi Naka.

Prior to Evictions

a) Information about the Eviction / Relocation

A vast majority of the respondents (79%) claimed that they learned about the eviction from the notice issued by the authorities in this regard. Three per cent of the respondents reported finding out about the eviction from NGOs.

FIGURE 4: SOURCE OF INFORMATION REGARDING EVICTION / RELOCATION



Fifty-four per cent of the respondents stated that they knew they were going to receive an alternative tenement but did not have details about the nature and design of the housing. Only 29% of the respondents had received information about the resettlement site where they would be provided with alternative housing. Seventy per cent of those interviewed felt that they had been given adequate information about the location of the resettlement site, but only 60% of the respondents were taken for a visit to Vashi Naka before they were actually shifted to the site.

Forty per cent of the respondents reportedly had no access to data / documents related to the process of resettlement and rehabilitation. Seventy per cent of the survey participants felt that they had been given adequate information on the timeline of eviction and relocation, while only half the respondents felt that

they were provided adequate information about the design, material and layout of the alternative house they were to receive.

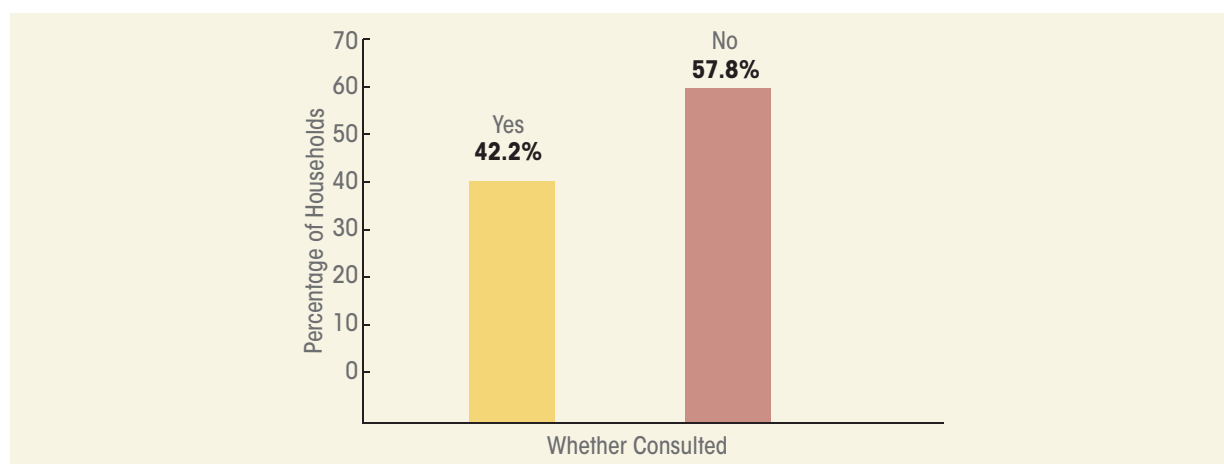
UN Basic Principles and Guidelines on Development-based Evictions and Displacement

38. All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider....
39. During planning processes, opportunities for dialogue and consultation must be extended effectively to the full spectrum of affected persons, including women and vulnerable and marginalized groups, and, when necessary, through the adoption of special measures or procedures.
- 56 (i) The entire resettlement process should be carried out with full participation by and with affected persons, groups and communities.

b) Participation and Consultation

The majority of the respondents (58%) reported that they were not consulted on issues related to eviction / relocation.

FIGURE 5: CONSULTATION WITH RESIDENTS ON ISSUES RELATED TO EVICTION AND RELOCATION



Those who stated that they had been consulted on the eviction / relocation felt that their opinions and views had not been taken into account; thus the consultation exercise was futile.

c) Time Provided for Relocation

Seventy-seven per cent of the respondents felt that they were given sufficient time to prepare for relocation to the R&R site, while the others (23%) were of the opinion that the time provided by the authorities was not enough.

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

- 56 (e) The right of affected persons, groups and communities to full and prior informed consent regarding relocation must be guaranteed.

Fifty-nine per cent of the respondents felt that the relocation was voluntary, while 41% of the respondents were of the view that the relocation process was forced.

During Evictions / Relocation

a) Loss of Possessions and Documents during Relocation

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

50. States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition...

About one-fourth of the respondents reported some form of destruction and loss of possessions during the process of relocation. Although eighty-eight per cent of the respondents did not lose vital documents during the demolition or relocation process, 12% of the respondents reported losing important documents.

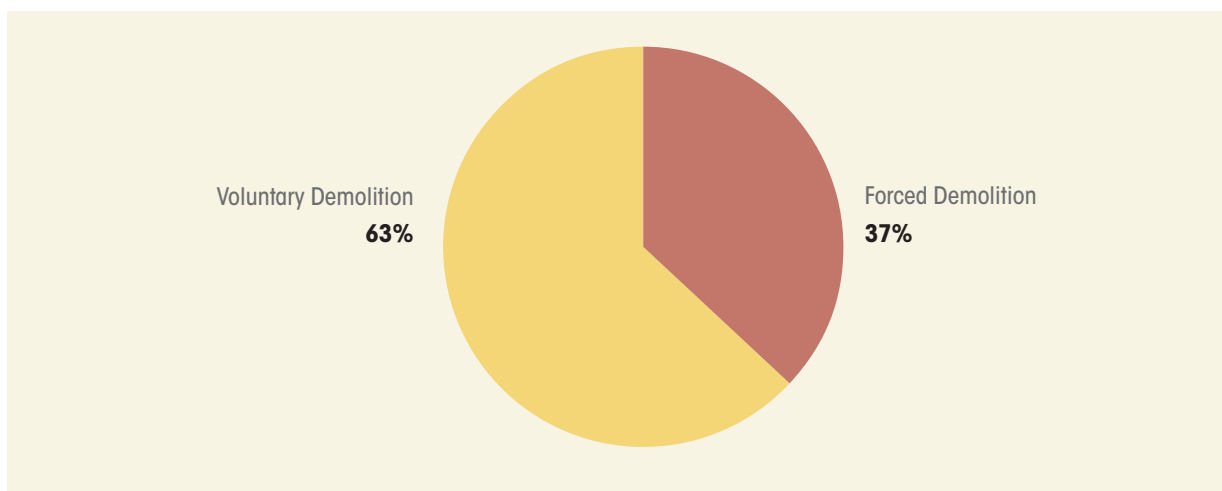
b) Demolition of Original House

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

51. Authorities and their agents should never require or force those evicted to demolish their own dwellings or other structures.

Thirty-seven per cent of the respondents, allegedly, were forced to demolish their houses, while 63% of them stated that they demolished their house voluntarily.

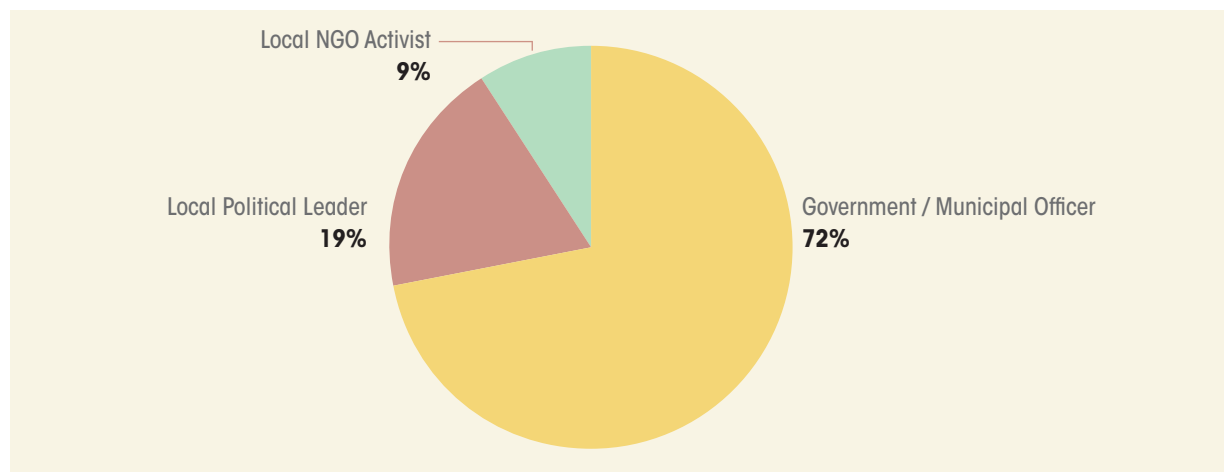
FIGURE 6: NATURE OF DEMOLITION OF PREVIOUS HOME



c) Presence of Officials during Eviction / Demolition of Homes

About three-fourth of the respondents (72%) reported that governments officials were involved in the process of eviction.

FIGURE 7: OFFICIALS PRESENT DURING EVICTIONS



d) Injury and Disruption of Healthcare

Only 2% of the respondents reported injury in their family during the eviction and relocation process. Ninety-two per cent of the respondents stated that persons with disabilities and those who were not well did not receive any special care or facilities during the process of eviction and relocation. Twenty-two per cent of the respondents mentioned that they had to face disruption in their ongoing medical treatment, as a result of eviction and relocation.

After Eviction / Relocation

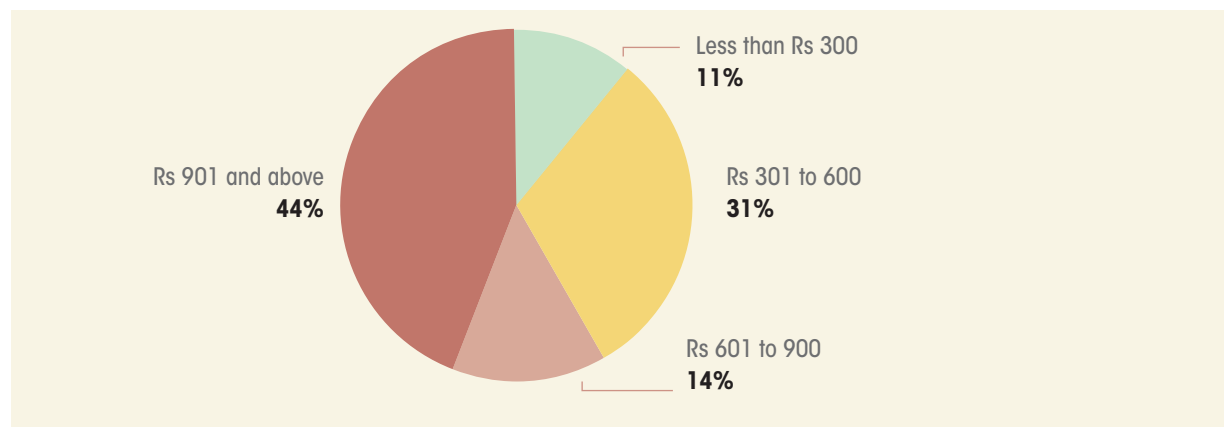
UN Basic Principles and Guidelines on Development-based Evictions and Displacement

54. In order to ensure the protection of the human right to the highest attainable standard of physical and mental health, all evicted persons who are wounded and sick, as well as those with disabilities, should receive the medical care and attention they require to the fullest extent practicable and with the least possible delay...

a) Expenditure on Transportation for Relocation

The relevant authorities, reportedly, did not cover relocation costs of the affected families. Forty-four per cent of the respondents had to incur an expenditure of more than Rs 900 for transportation to the resettlement site, while 30% spent between Rs 300 to 600.

FIGURE 8: EXPENDITURE ON TRANSPORTATION TO VASHI NAKA AT THE TIME OF RELOCATION



During the survey, eighty-three per cent of the respondents lamented the fact that no government officials or their representatives visited them at Vashi Naka after relocation. They also stated that they did not get any form of support from the government.

b) Impacts on Family / Community

Twenty-three per cent of the respondents reported that their extended family members were separated from them after relocation, as they were resettled to a different R&R site.

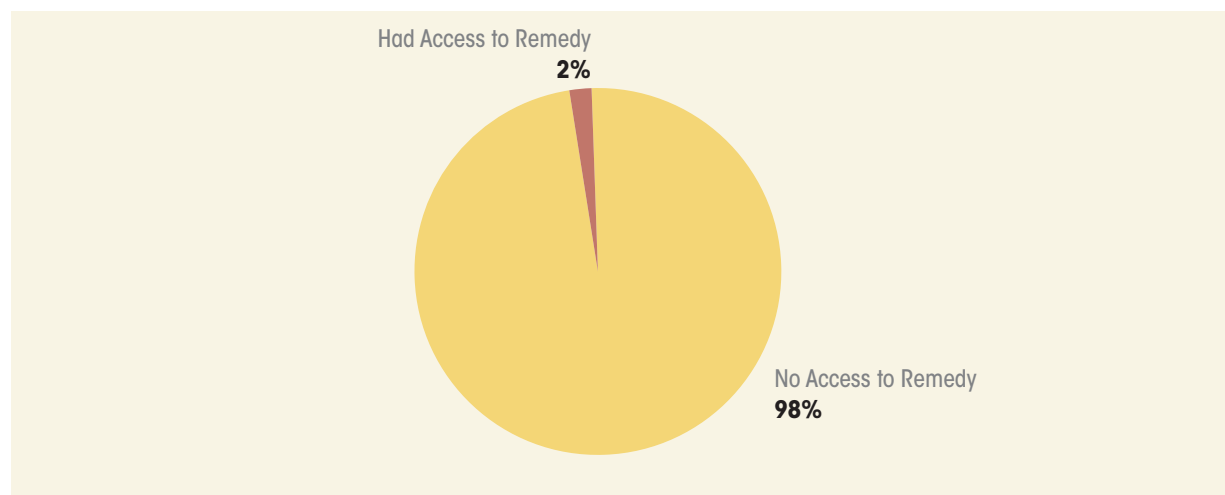
c) Access to Remedy

UN Basic Principles and Guidelines for Development-based Evictions and Displacement

59. All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation...
60. ... the State must provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property. Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, such as: loss of life or limb; physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

Ninety-seven per cent of the respondents reported that they did not receive any form of compensation from the government authorities for the losses incurred during the relocation process. Those who received some compensation (3%) stated that it was for the loss of assets during relocation. An overwhelming majority (97%) of the respondents mentioned that they did not have access to any remedies for the human rights violations they suffered during the process of relocation.

FIGURE 9: ACCESS TO REMEDY FOR VIOLATIONS INCURRED



C. Housing and Living Conditions in Vashi Naka

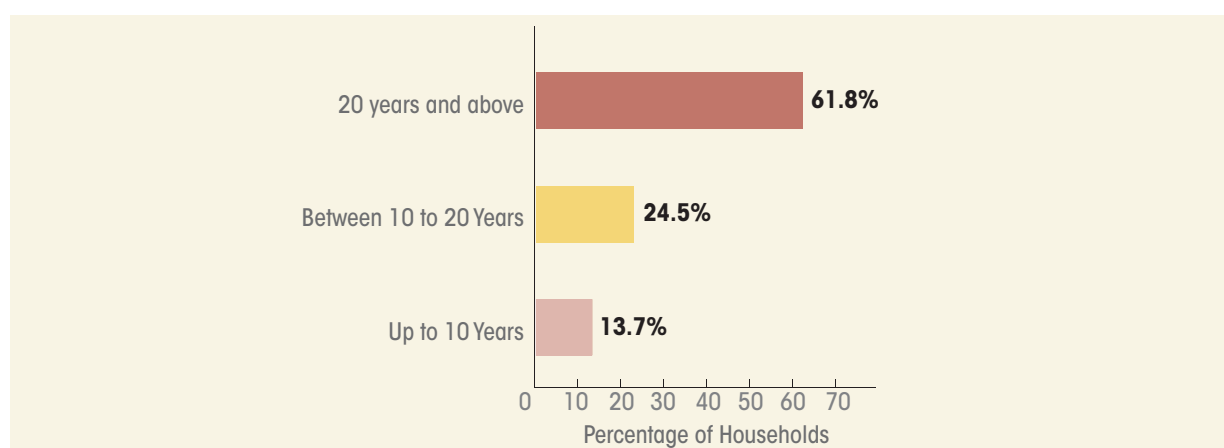
Prior to Resettlement

Sixty-five per cent of the respondents had a permanent (*pucca*) house at their original site of residence, before their relocation to Vashi Naka, while the rest had a temporary or semi-permanent (*kutcha*) structure for their house.

Fifty per cent of the respondents reported that their former houses were between 150 and 300 square feet in size; 10% of the respondents had houses ranging from 301 to 450 square feet; and, 35% of the respondents had houses smaller than 150 square feet. In Vashi Naka, the size of the house provided to all residents is 225 square feet.

More than half of the respondents (61.8%) claimed to have been residing at the site from where they were relocated for more than 20 years. About twenty-five per cent of them lived at the original sites of residence for 10 to 20 years and only 13.7% lived there for less than 10 years. Most of the respondents mentioned that the house at the site from where they were relocated was owned by a male member of the family.

FIGURE 10: YEARS OF RESIDENCE AT ORIGINAL SITE (BEFORE RELOCATION)



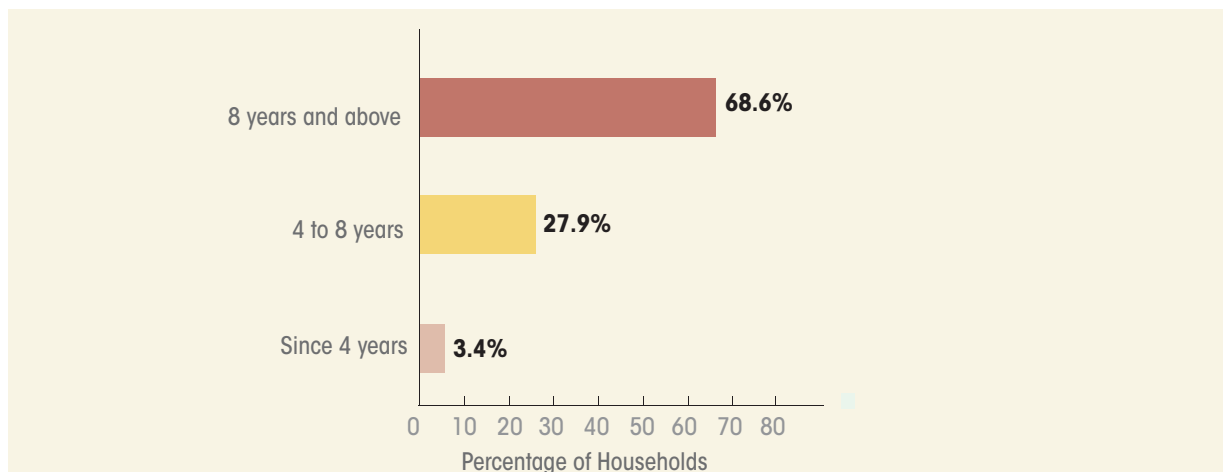
At Vashi Naka

At the time of this study, 68.6% of the residents reported having been at Vashi Naka for more than eight years. Twenty-eight per cent of the respondents have lived there for four to eight years while 3.4% have been living there for less than four years.

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

55. Identified relocation sites must fulfil the criteria for adequate housing according to international human rights law. These include:*
- (a) security of tenure; (b) services, materials, facilities and infrastructure such as potable water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services, and to natural and common resources, where appropriate; (c) affordable housing; (d) habitable housing providing inhabitants with adequate space, protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors, and ensuring the physical safety of occupants; (e) accessibility for disadvantaged groups; (f) access to employment options, health-care services, schools, childcare centres and other social facilities, whether in urban or rural areas; and (g) culturally appropriate housing.

FIGURE 11: YEARS OF RESIDENCE AT VASHI NAKA



(i) Habitability

General Comment 4, UN Committee on Economic, Social and Cultural Rights

Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors.

Neither the residents nor the leaders of the community reported being consulted or asked about their preferences regarding the housing design, layout and construction material of the flats provided to them in Vashi Naka.



The families have been allotted flats in multi-storied buildings, which have seven floors each. The buildings have elevators, which reportedly do not function properly all the time. This most severely impacts persons with disabilities, older persons, children, and women, especially pregnant women. The tenement is a

permanent structure with one bedroom, toilet, bathroom, hall, and a kitchen that is partially separated from the hall with a half wall. Construction materials include cement, sand, bricks and reinforced cement concrete (RCC).

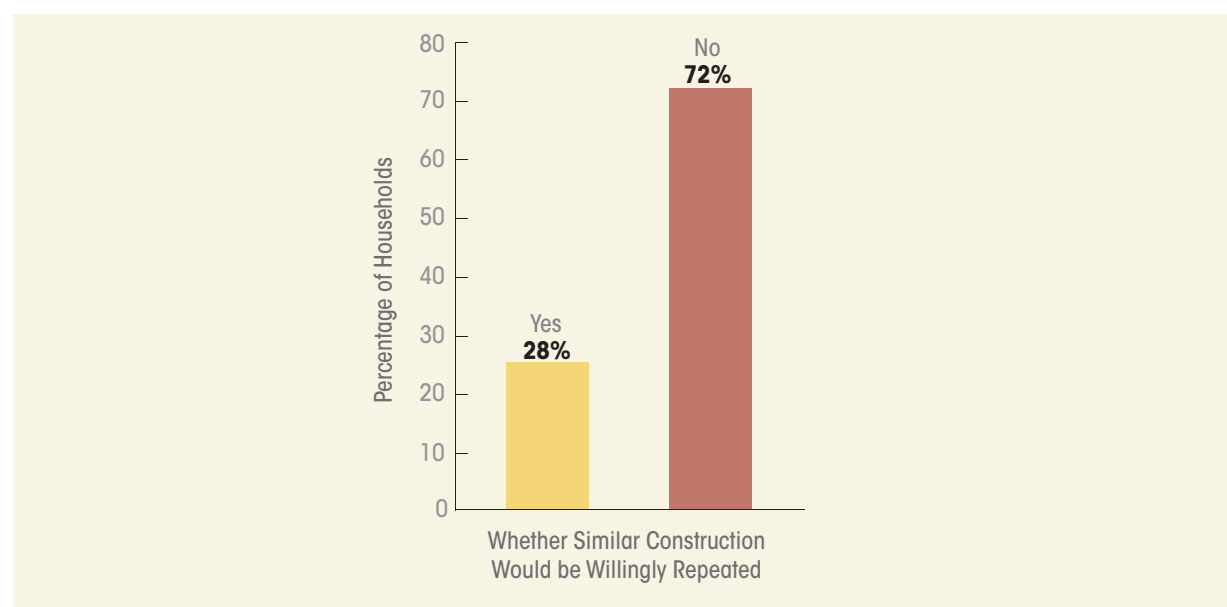
The windows are made of iron and glass, while the wooden doors are of poor quality. Many residents complained of water seepage, especially during the monsoons, in the tenements and the wall of the building. The flooring has tiles, which after three years, are showing signs of disrepair and damage. The durability of the construction is thus questionable. Since the developer's period of guarantee is over, the residents have to pay for and take responsibility for maintenance, which is a matter of concern for them. The average monthly maintenance cost for the building is about Rs 200 – 300 per family.

Each tenement (flat) is attached to the other with a common wall. Adequate space has not been provided between the rows of tenements; only three to four feet separate each row. The small flats are not able to accommodate joint families. Women and adolescent girls also complain of the lack of privacy. The flats do not have adequate ventilation or light, as the buildings are situated very close to one another. The settlement thus has a high density and appears to be congested. In the absence of balconies and common open areas, families dry their clothes inside the houses or in the corridors.

Thirty-five per cent of the respondents allegedly reported complaints to the government authorities regarding housing in Vashi Naka, including the material used for construction. Most of them, however, felt that no action had been taken to address their complaints. Though officials came and inspected the site and assured the residents that they would address their complaints, nothing had been done to redress the situation and improve the quality of housing.

Although more than half of the respondents (54%) claimed that they were satisfied with their present housing, 72% of them stated that if given the opportunity, they would not have constructed houses of the type that were provided to them in Vashi Naka.

FIGURE 12: WILLINGNESS TO CONSTRUCT SIMILAR HOUSES IF GIVEN A CHOICE



(ii) Accessibility, Location, and Readiness of the Site

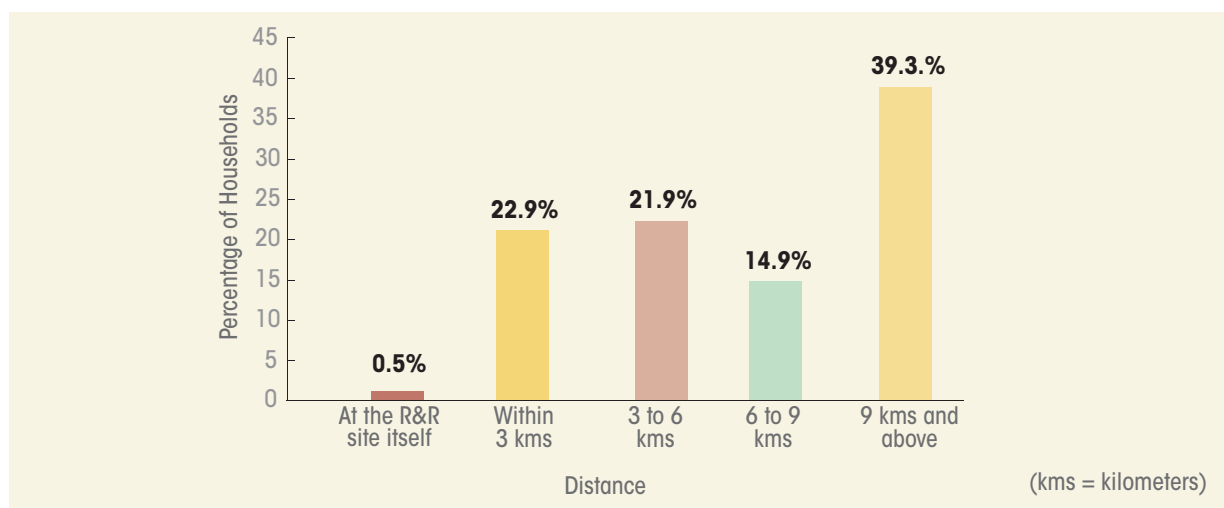
General Comment 4, UN Committee on Economic, Social and Cultural Rights

Adequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities.

The study reveals that several families did not receive resettlement on grounds of ‘ineligibility’ declared by the government. During an FGD with women whose families were affected by the Mithi River Development Project, they mentioned that after the flood of 26 July 2005, a group of government officials visited their settlement and conducted a BSES of the entire area. Under MRDP, a notice of 30 days was issued to every family in the area to provide evidence for ‘eligibility’ for alternative housing. Each family was required to submit proof of residence to the collector for verification. From a total of 3,000 families, 280 families were not found eligible, as they were unable to provide any evidence of residence prior to 1 January 2000.

For 39.3% of the respondents, Vashi Naka is located more than nine kilometres from their places of work. This has greatly affected their livelihoods.

FIGURE 13: DISTANCE OF LIVELIHOOD SOURCES FROM VASHI NAKA



(iii) Security of Tenure

General Comment 4, UN Committee on Economic, Social and Cultural Rights

... all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats...

Sixty per cent of the people interviewed for this study mentioned that the authorities had provided them with adequate information regarding the tenure / nature of title they were to receive for the alternative housing at Vashi Naka. The tenure security is in the form of a title deed of the flat, which is in the joint name of the husband and wife in the family. As per the government's rules, the holders of the title deed do not have to pay for the tenement / title deed, but at the same time they are not entitled to sell it or transfer it during the first ten years. After a period of ten years, they can transfer or sell the flat with due permission from the authorities.

(iv) Access to Basic Services

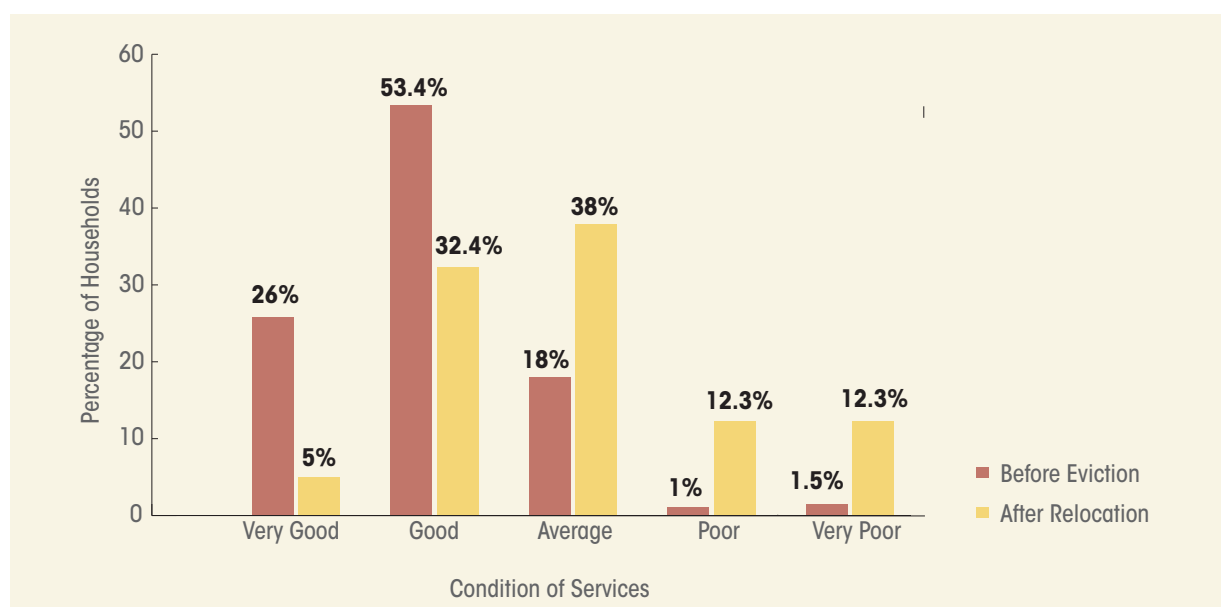
General Comment 4, UN Committee on Economic, Social and Cultural Rights

An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.

a) Health

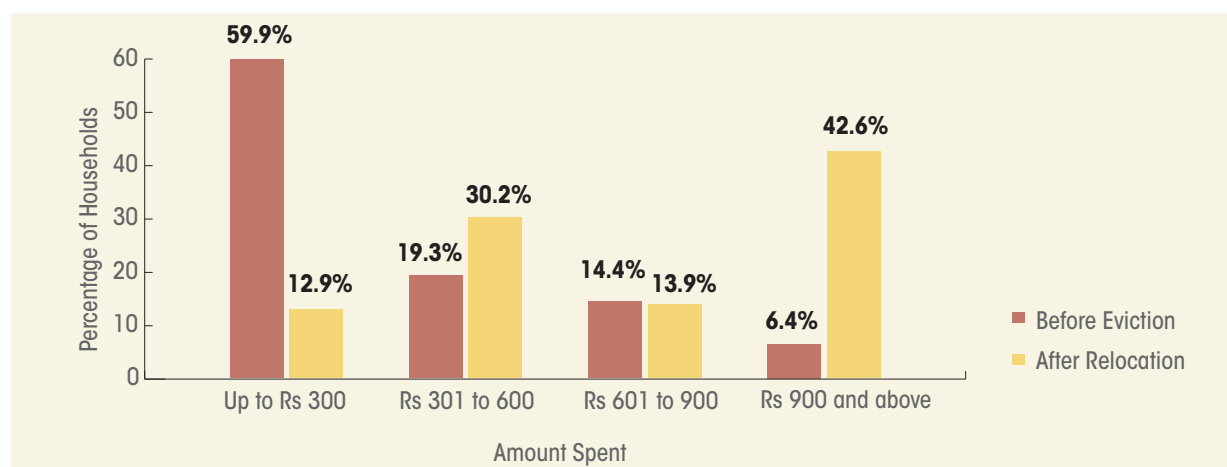
Vashi Naka has only one Primary Health Centre (PHC) for the entire population. Twelve per cent of the respondents reported that health services at Vashi Naka were 'poor' while another 12% felt that they were 'very poor.' Interestingly, only 1% and 1.5 % respondents said that health services were 'poor' and 'very poor' at their original sites of residence.

FIGURE 14: STANDARD OF HEALTHCARE SERVICES



The monthly expenditure on healthcare after resettlement has increased considerably. Prior to resettlement, only 6.4% of those interviewed spent more than Rs 900 on healthcare, but after resettlement, 42.6% of the respondents reported spending more than Rs 900 a month on healthcare.

FIGURE 15: MONTHLY EXPENDITURE ON HEALTHCARE



An FGD with women residents of Vashi Naka revealed that at their original site of habitation, most people visited Sion Hospital and Bhabha Municipal Hospital (Kurla), located within a radius of two kilometres from their homes. Very few families used private healthcare services or visited private hospitals. At Vashi Naka, although the PHC is close by (within 500 metres), most of the residents have to visit private doctors. This is because only referral services are available at the PHC; no medication is provided to the patients.

Government hospitals that are in the vicinity of Vashi Naka include:

1. **Shatabdi Hospital:** located at a distance of three kilometres (by auto-rickshaw it costs Rs 40 and takes about 10 minutes to reach the hospital).
2. **Maa Hospital:** located at a distance of four kilometres (costs Rs 50 by auto-rickshaw and takes about 10 minutes to reach the hospital).
3. **Rajawadi Hospital:** located at a distance of six kilometres (costs Rs 15 by bus and takes 30 minutes; by auto-rickshaw it costs Rs 75 and takes 20 minutes).
4. **Sion Hospital:** located at a distance of six kilometres (costs Rs 15 by bus and takes 35 minutes to reach; by taxi it costs Rs 90 and takes 25 minutes).

Participants in the FGD also reported an increase in respiratory disorders after relocation to Vashi Naka because of air pollution from the neighbouring refineries. The frequency of illness reportedly has increased and so have expenditures on availing medical services.

b) Food

UN Basic Principles and Guidelines for Development-based Evictions and Displacement

56 (g) Relocation sites must not be situated on polluted land or in immediate proximity to pollution sources that threaten the right to the highest attainable standards of mental and physical health of the inhabitants.

Almost 99% of the respondents stated that they had ration cards (for subsidised food under the PDS) prior to resettlement, but after resettlement in Vashi Naka, 97% of the survey participants claimed to have ration cards. The survey revealed that 15% of the affected families who had deposited their ration cards for an address change after shifting to Vashi Naka have not got them back.

During an FGD with women at the site, they pointed out that though there are three PDS ration shops located within Vashi Naka, they supply only kerosene and not food grains. When the residents ask shopkeepers for grains covered under the PDS scheme, they say they are not available, and instead have reportedly charged 'black market' rates for grains. Families thus have to purchase food grains at higher prices from a market located at a distance of one kilometre from the site. Women stated that at their original sites of residence, the PDS ration shops provided kerosene, wheat, rice, sugar and oil at subsidised prices, which were affordable.

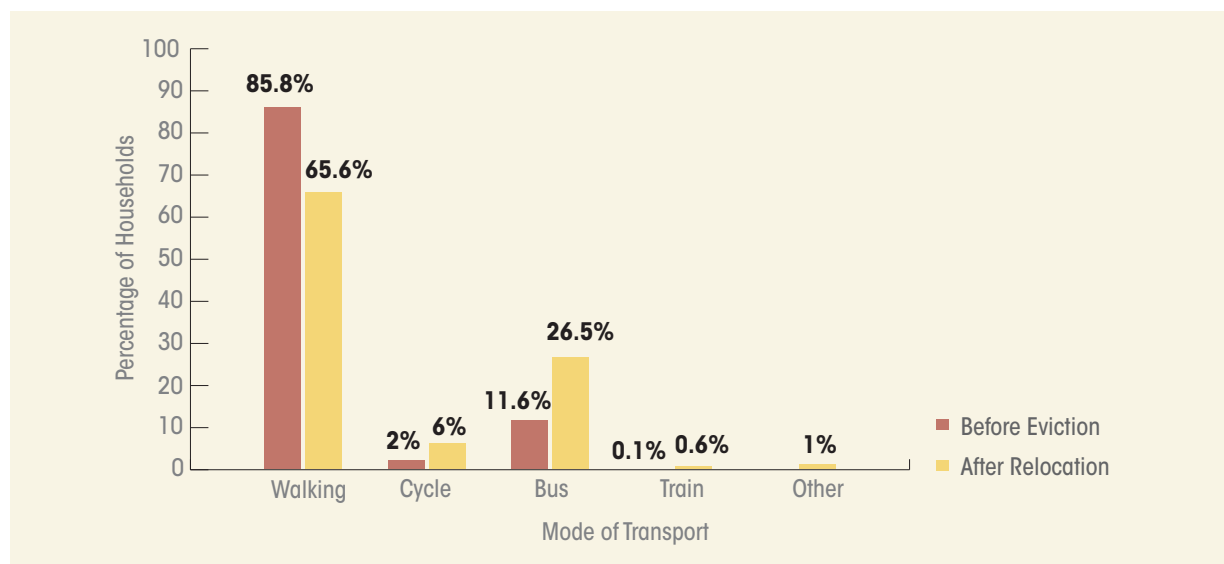
After resettlement, only 3% of the respondents reported having a 'Below Poverty Line' (BPL) ration card. This is because of the norm in Mumbai to revoke BPL cards after people receive a tenement in a resettlement colony. Denial of a BPL card effectively excludes access to many subsidised services. Residents complained of the unfairness of this practice, as their economic situation does not improve after relocation. On the contrary, in most cases, resettlement has resulted in a loss of livelihoods, decrease in income, loss of savings, increase in expenditure, and an overall deterioration in the family's standard of living and economic well-being.

c) Education

The distance to school has increased for a considerable number of children living in Vashi Naka. Prior to resettlement, 85.8% of the children could walk to school but after resettlement, only 65.6% of the children are able to walk to school.

The survey reveals that at Vashi Naka, 26.5% of the children travel to school by bus while before resettlement this percentage was 11.6%. About 30% of the children stated that their monthly expenditure on commuting to school has increased after moving to Vashi Naka.

FIGURE 16: MODE OF TRANSPORT TO SCHOOL



During discussions with the residents, women mentioned that there is a Marathi and Hindi medium government school in Vashi Naka, which provides education only for the primary level. It also does not cater to the needs of the large number of families from southern India who do not speak Marathi or Hindi. This has resulted in most of the South Indian students commuting long distances to their former schools, which provide education in their mother tongue. No higher education facilities are available near Vashi Naka.

During 2004, when MUTP-affected families were rehabilitated, there were no street lights in Vashi Naka. Parents feared for the safety of girl children and thus did not send them to school. The absence of a secondary school near the site has made it difficult for many children to pursue higher studies. A large number of children thus stop studying after completing primary school. The other option for children is to either travel long distances in order to attend a government secondary school or to spend large amounts on education at private schools that are located in the vicinity.

d) Water, Sanitation and Electricity

Vashi Naka is devoid of amenities such as sewerage and drainage networks, proper roads, street lights, and garbage disposal facilities. The tenements have piped water but the supply is limited and it is not sufficient to meet the needs of the residents. The cost of water is included in the monthly maintenance fee charged to each resident of Vashi Naka (Rs 200 – 300 a month). Electricity supply is regular and the average monthly expenditure on electricity is around Rs 800 – 1000 per family. Reliance Energy, a private company, supplies electricity to Vashi Naka. Sanitation facilities in the site are inadequate. The site has several open and blocked drains. In the absence of solid waste management facilities, garbage can be found at the site; this poses a health risk to the residents.

The two responsible agencies – Municipal Corporation of Greater Mumbai (MCGM) and MMRDA are constantly engaged in a blame game and refuse to accept responsibility for the failure of the provision of adequate basic services in the site.

Most of the respondents during the survey and the focus group discussions reported that at the time of resettlement, they did not have any access to water, transport, street lights, police security, health services, community halls, and recreational centres at Vashi Naka. Whatever facilities are available now, were provided only after the residents started living there and after they took several initiatives to ameliorate the situation. Community leaders and residents reported that they had to undertake a number of advocacy measures, including *morchas* (rallies), hunger strikes, *raasta roko* (road blocks), and signature campaigns to improve living conditions at the site. It is only after their persistent struggle for justice that transport services, a government primary school and a health centre have been provided at Vashi Naka.

It can thus be concluded that the project implementing agency and the government did not make any efforts to ensure that the site was inhabitable before residents were relocated.



(v) Cultural Adequacy and Security

Women complained that the residents are not happy with the layout of the site or the structure of the building, as it is not environment friendly. There is no space allocated for a community centre / hall. While the settlement has a Society Office, Welfare Centre and *Balwadi* (crèche) within its premises, the residents do not have adequate facilities for social interaction. Several incidents of social conflict have been reported between the original residents of the site and those who were resettled later. The absence of places of worship within Vashi Naka has resulted in residents creating their own prayer spaces in the buildings, but this is not considered legal.

General Comment 4, UN Committee on Economic, Social and Cultural Rights

The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.

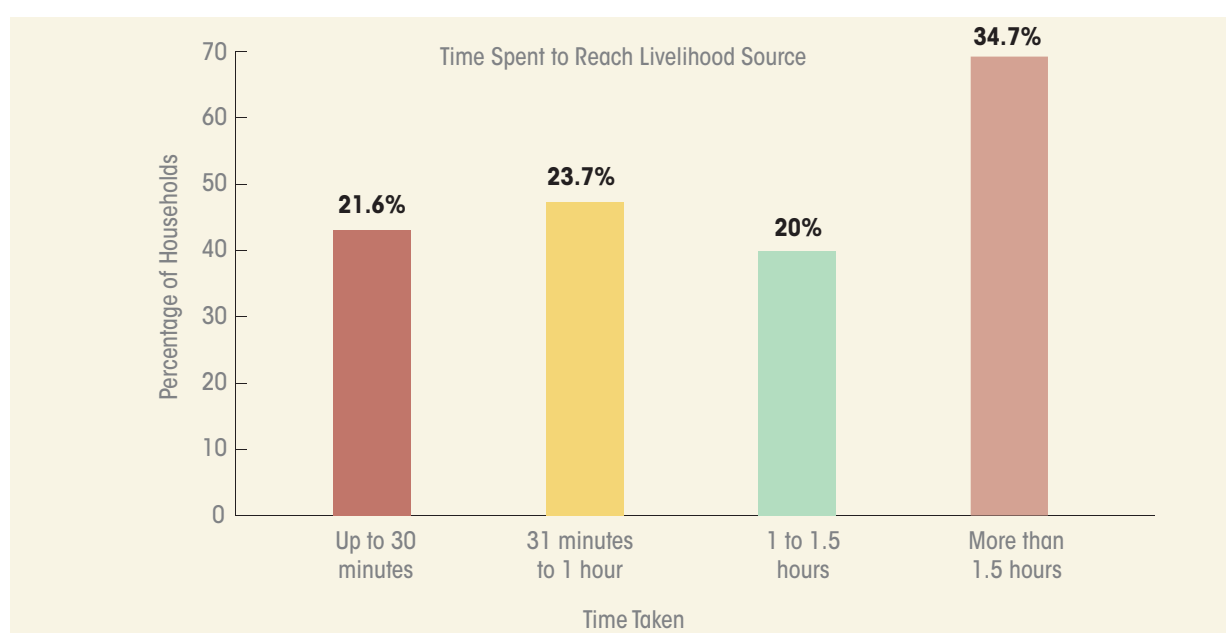
An open-ended question was administered to the respondents asking them how they would have managed the resettlement process had they been in charge of it. They stated that they would have ensured better consultation and participation of the people. They would have chosen a size and design of housing that was adequate for a dignified living. They also said they would have preferred *in situ* (on site) redevelopment and not relocation, in order to prevent loss of livelihoods.

D. Livelihood and Income

Almost three-fourths of the respondents stated that Vashi Naka is not situated close to their places of work / livelihood sources. For almost half the respondents (49%), the distance from Vashi Naka to their work place is more than seven kilometres.

The survey highlights that 34.7% of the respondents spend more than one-and-a-half hours to commute to work.

FIGURE 17: TIME SPENT TO REACH LIVELIHOOD SOURCE / WORK PLACE



About 46% of those interviewed for this study reported spending Rs 50 per day on travel to work, while 13% said they spend at least Rs 100 every day to commute between their homes and places of work. The increased expenditure on travel has been an additional financial burden on families resettled in Vashi Naka.

Of those who participated in the survey, 22.5% lost their jobs as a result of relocation and had to find alternative employment. The primary reason for loss of jobs was attributed to the increase in distance as well as time and expenditure spent on travelling to work.

Most of the women who worked as domestic workers lost their jobs after the relocation because Vashi Naka was too far from their work places. Many of them have now found alternative work in homes located closer to the resettlement site, while some women have initiated home-based work like making artificial jewellery and sewing clothes.

UN Basic Principles and Guidelines for Development-based Evictions and Displacement

56 (f) The time and financial cost required for travel to and from the place of work or to access essential services should not place excessive demands upon the budgets of low-income households.

For 72% of the survey respondents, resettlement has not meant any increment in their monthly income levels. Only 28% of the respondents reported an increase in their monthly income at Vashi Naka. More importantly, 30% of the respondents reported a decrease in income after moving to Vashi Naka.

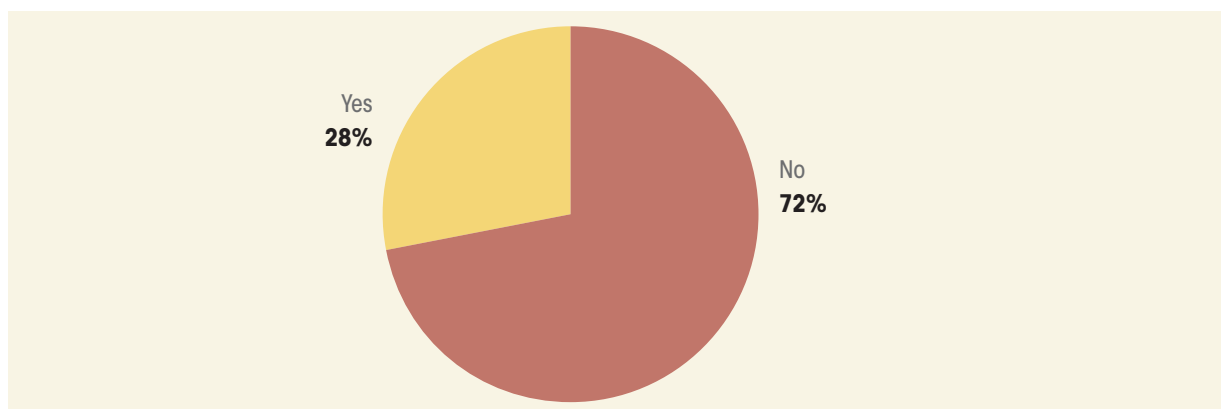


FIGURE 18: INCREASE IN INCOME AFTER RELOCATION

A considerable number of respondents (39%) informed the survey team that after relocation they had to take loans to meet their expenses. Families reported borrowing funds / taking loans for the following reasons: to cover daily expenses (18%); to pay medical bills (8%); and, to pay for their children's education.

E. Perceptions on Human Rights

Forty-two per cent of the respondents felt that their human rights were violated in some way while ninety per cent of them believed that housing and adequate resettlement are human rights.

UN Basic Principles and Guidelines for Development-based Evictions and Displacement

Persons, groups or communities affected by an eviction should not suffer detriment to their human rights, including their right to the progressive realization of the right to adequate housing...



CHAPTER 7

Recommendations

The findings of this study demonstrate that the process of resettlement and rehabilitation in Mumbai is fraught with inadequacies; even what is promised in project documents and policies is not being provided. The study, very clearly, highlights the need for overhauling the policy framework for resettlement and rehabilitation. What is needed is the incorporation of a strong human rights approach in law and policy, which would ensure the recognition, protection and realisation of the human rights to adequate housing, land, work, security, health, education, food, and water of the urban poor, and lead to the improvement of living conditions of all families, including those who have been resettled in the various colonies in Mumbai.

Recommendations to the Government of Maharashtra for Vashi Naka and other Resettlement Colonies in Mumbai

- Improve coordination between the Mumbai Metropolitan Regional Development Authority (MMRDA) and the Municipal Corporation of Greater Mumbai (MCGM). Many of the problems faced by the residents of Vashi Naka result from the lack of accountability and coordination between these two authorities. Both agencies have been abrogating their responsibilities and passing the buck to each other.
- Ensure that the provision of basic services is in proportion to the population of the site. In Vashi Naka, the water supply is not sufficient to meet the needs of the resident population.
- Open a Municipal Senior Secondary School in the vicinity, as there is only one primary school near the site.
- Set up a new primary health centre with adequate facilities at the site, and improve the quality of services provided in the existing health centre.
- Establish a police post / *chowki* in Vashi Naka to address the growing incidence of crime in the site.
- Create an R&R Authority in Mumbai that has the power and responsibility of coordinating the different state agencies to address issues of resettlement and the problems faced by relocated families.
- Enable development funds of Members of Parliament and Members of the Legislative Assembly to be used for the repair and maintenance of buildings in all resettlement sites.

- Ensure that there is a uniform policy for resettlement in urban areas. In the context of Vashi Naka, families affected by different projects with different R&R policies and sets of entitlements have been resettled at the same site. This has led to a state of chaos and discrimination; it also makes monitoring difficult.
- Ensure that the mere allotment of a flat in a resettlement colony does not deny residents access to their BPL (below poverty line) card, as their economic status does not improve.
- Implement the provisions of national and international laws, policies and guidelines, including the Constitution of India, the International Covenant on Economic, Social and Cultural Rights, General Comments 4 and 7 of the UN Committee on Economic, Social and Cultural Rights, and the UN Basic Principles and Guidelines on Development-based Evictions and Displacement.

Recommendations to the Government of Maharashtra and Government of India for Housing and Resettlement

Any policy for R&R at the national and state level must include adequate provisions for the following:

- Prior informed consent of all residents during the process of eviction and relocation.
- Regular participation of and consultation with all families likely to be affected by the project, during the phases of project formulation and implementation, including the development of the resettlement site and alternative housing.
- Adequate, timely and unrestricted access to information with regard to the process of eviction, relocation and resettlement.
- Protection of the right of people to say ‘no’ to eviction and displacement.
- Relocation close to sources of livelihood and protection of livelihoods in the process.
- Inclusion of a special component in the R&R package for vulnerable sections like persons with disabilities, women, children, older persons, members of Scheduled Castes and Scheduled Tribes, and minority communities.
- Periodic review of the R&R process by affected people and their representative organizations.
- Social Audit and regular monitoring of projects and its R&R components.
- Clear demarcation of responsibilities and duties of the various agencies involved in the process of resettlement and rehabilitation.
- Representation of affected persons in the bodies that oversee the process of R&R.
- Legislative framework for the R&R policy/package, which incorporates a human rights approach, including international human rights standards for housing and resettlement.
- Inclusion of basic amenities as an integral and inseparable part of the R&R process.
- Proper coordination between relevant authorities (concerned department, municipal authorities, development authorities) with regard to implementation of the provisions of the R&R policy.

HLRN and YUVA hope that the government will implement these recommendations and revise its urbanisation, housing and resettlement policy in order to improve living conditions and to ensure the protection of the human rights of Mumbai’s working and urban poor – who contribute to the development and economy of the city but are persistently denied their fundamental rights.

CHAPTER 8

Conclusions

The findings of this study categorically demonstrate that the resettlement and rehabilitation process in Mumbai has violated multiple human rights of the affected population. The R&R sites have failed to pass the test of adequate housing, including habitability. The survey reveals that the process of demolition of homes and evictions is not in congruence with the UN Basic Principles and Guidelines on Development-based Evictions and Displacement. The relocation and resettlement process has also violated national and international laws and policies, including the Constitution of India, the International Covenant on Economic, Social and Cultural Rights, the National Urban Housing and Habitat Policy, and the National Rehabilitation and Resettlement Policy, among others.

The following findings reveal the travesty of resettlement in Mumbai, and suggest the immediate adoption of a human rights framework for all resettlement and rehabilitation policies and projects.

1. The Cost of Security of Tenure

The provision of security of tenure over housing has been used as a *mantra* to justify such resettlement. From a human rights perspective, however, it does not hold much worth for the people when provided in isolation. For many of the residents in Vashi Naka, the dwelling units have turned out to be a liability, not an asset. The mere provision of security of tenure does not guarantee the right to live with dignity. Security of tenure has also not meant secure access to other equally important services like water, sanitation, electricity, health and education. For many of the families, gaining security of tenure has been at the cost of their livelihoods. This is especially true for women domestic workers who lost their jobs because of the increased distance from Vashi Naka to their original work places, and have been unable to find alternative sources of livelihood.

The entire R&R process in Mumbai has ignored the vital link between housing and livelihood and other human rights. It is important for housing to be viewed as a human right which requires the fulfilment of various elements of adequacy, as provided by General Comment 4 of the UN Committee on Economic, Social and Cultural Rights: location, habitability, accessibility, affordability, access to basic services, cultural adequacy, and security of tenure.

2. From Citizen to a 'PAP'

The process of resettlement is just not about evicting people from one place and shifting them to another place but more deeply, from the case study of Vashi Naka, it can be understood as a process of uprooting and converting people who had an agency of citizenship into mere project-affected persons or PAPs, who are treated as 'numbers' to be quoted in project documents. This reduction of a citizen to a PAP has been one of the most harmful impacts of the process. Even after staying at a place for several years, in the official parlance, the residents are referred to as 'PAPs' and their homes are referred to as the 'R&R site.'

3. All Not Resettled, None Truly Rehabilitated

The findings of this study show that in all the settlements from where people were evicted, the number of families who were evicted is more than the number of families who were finally resettled. This means that not all those who were displaced have been resettled. It is a fact that a large number of families never received any resettlement or compensation and the whole process of R&R left out many families on the pretext that they do not meet the 'eligibility' criteria of the government. This has resulted in many families being displaced and dis-housed. Given the status of habitability of housing at Vashi Naka, the non-availability of basic amenities, and the persistent problems faced by people in their everyday life, it can be said that none of the families have been truly rehabilitated.

4. R&R Colony or a Ghost Town?

Vashi Naka is devoid of basic amenities such as sewerage and drainage networks, proper roads, street lights, and garbage disposal facilities. The two responsible agencies – Municipal Corporation of Greater Mumbai (MCGM) and MMRDA are constantly engaged in a blame game and refuse to accept responsibility for the failure of resettlement. In local media reports the R&R sites thus have been aptly referred to as 'ghost towns.'

5. Loss of Education

Vashi Naka has a large number of children but there is no government school in the site that provides secondary education; there is only one primary school. As a result, most children face problems in pursuing higher education. In spite of the resettlement site being in existence for ten years, the authorities have not taken any concrete action with regard to setting up of a school at the site or in the vicinity. The only option for children is to either travel long distances in order to attend a government secondary school or to spend large amounts on education at private schools that are located in the vicinity. Even the Right to Education Act has been of no respite to the children in this regard, since it is violated by the Government of Maharashtra.

6. Fragmentation of the Community

The Vashi Naka site is composed of people from multiple sites who belong to different ethnic, social and economic backgrounds. Despite the passage of several years of resettlement, a sense of 'community' has not emerged amongst the residents. The reason for this is that during relocation no thought was given to community ties and social networks. People were randomly allotted flats without any efforts being made to resettle communities together. The process of resettlement has also fragmented solidarity among residents. There have been instances where a single settlement is affected by more than one project and different policy parameters are applied to the residents, thereby affecting their unity. Residents of these

settlements, rather than perceiving themselves as victims of a faulty 'development' paradigm, consider themselves as 'project-affected persons' of some project or the other.

7. The Agenda of 'R&R'

One of the fundamental reasons for the lack of human rights-based resettlement is the fact that housing that is generated through the process of R&R is never the end in itself. It is just a means to achieve different goals. In the case of Mumbai, these purposes have included: eviction of the urban poor from the central areas of the city; gentrification of areas that have been vacated; and, conversion of land use from public to private - largely for the city's elite population, at the cost of the needs and human rights of the urban poor.

8. Need for a Paradigm of Human Rights for Resettlement

The human rights framework not only helps in analysing and understanding these processes and outcomes, but also serves as a guiding light of how resettlement and rehabilitation in urban areas should be carried out. Adopting a human rights paradigm would not only mean ensuring the preparedness and habitability of a site but would also mean protecting the human rights of communities that are facing a threat of eviction; respecting their right to say no to forcible relocation; and, guaranteeing their right to the city, which ensures that they have an equal say in the planning and development of the city as well as an equal right to enjoy its services and benefits.

CHAPTER 9

Bibliography

Bhide A. and Dabir N. (2010). *Staking a Claim: Housing Rights of the Poor in Mumbai*. Tata Institute of Social Sciences in collaboration with YUVA and Dignity International.

Contractor, Q. (2008). *Understanding the Impact of Involuntary Slum Resettlement on Women's Access to Healthcare in Mumbai*, India, Journal of Comparative Social Welfare, 24:2, pp. 153-163.

Doctors for You (2011). 'Final Project Report for the Natwar Parikh Colony Health Centre,' Mumbai.

Gupte, J. (2011). *Security Provision in Slum Re-Settlement Schemes in Mumbai: A Case Study of the Lallubhai Compound Settlement*, Mankhurd, in Mumbai Reader 09-UDRI, Mumbai.

Inspection Panel (2005). 'Investigation Report: India: Mumbai Urban Transport Project (MUTP),' World Bank. Available at: <http://siteresources.worldbank.org/INSPECTIONPANEL/Resources/IPNMUTPFINAL.pdf>

Joseph M. (2011). *Women's Struggles for Livelihood in the Context of Urban Poverty and Displacement*. M.A. Dissertation, Mumbai: Tata Institute of Social Sciences. Unpublished.

Tata Institute of Social Sciences (TISS) (2003). *An Impact Assessment of the Initial Phase of R&R Implementation for the MUTP*. Mumbai: Tata Institute of Social Sciences for the Mumbai Metropolitan Region Development Authority.

Tata Institute of Social Sciences (TISS) (2008). *Impact Assessment of Resettlement Implementations under Mumbai Urban Transport Project (MUTP)*. Mumbai: Tata Institute of Social Sciences for the Mumbai Metropolitan Region Development Authority.

Tata Institute of Social Sciences (TISS) (2012). *An Overview of Resettlement and Rehabilitation Colonies in M (East) Ward, Mumbai M (East) Ward Project*. Mumbai: Tata Institute of Social Sciences.

World Bank (N.D.). 'Mumbai Urban Transport Project Suspension Process.' Available at: <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/0,contentMDK:20865681~pagePK:146736~piPK:146830~theSitePK:223547,00.html>

World Bank (2009). Third Progress Report on Implementation of the Action Plan.

ANNEXURES

40 REPORT 3 | VASHI NAKA, MUMBAI

QUESTIONNAIRE FOR THE SURVEY:

Households at Resettlement Site

Prepared by Housing and Land Rights Network (HLRN)

New Delhi

City: _____ Surveyor's Name: _____
Date: _____

Name of the Resettlement Site: _____

Where were you relocated from: _____

1. Name of the Respondent

1. Name of the respondent _____

2. Address _____

3. Contact Number

4. Religion/ Caste

No.	Relationship	Age	Sex	Education	Employment Status	Occupation	Income per month (Rs)	Any other remarks
			M/F					
1.								
2.								
3.								
4.								
5.								
6.								
7.								

C. Notification and Eviction

1. How did you get to know about the eviction/ relocation?
2. What kind of information did you get about the resettlement site?
3. (a) Were you consulted about the resettlement? (Y/N)
(b) Were you asked for your opinion? (Y/N)
4. (c) Were you taken to resettlement site before the eviction? (Y/N)
5. Did you get enough time to relocate? (Y/N)
6. Did you relocate voluntarily? (Y/N)
(a) Were goods/belongings destroyed/salvaged? (Y/N)
(b) What goods were destroyed?
7. (c) Was property and possessions left behind protected? (Y/N)
8. Were you forced to demolish your house or did you opt to do so?
9. Can you name any officials (police, municipality, local politician, etc.) who were involved in evictions
(a) Was any livestock lost? (Y/N)
(b) Which livestock (with numbers lost)?
10. Were documents destroyed? (Y/N)
11. (a) Were you or your family members hurt? (Y/N)
(b) What kind of injury?
12. How much did you spend for transportation to the resettlement site? Rs _____
13. Have any government officials visited you at the resettlement site?
14. Have they offered any assistance, relief?
15. (a) Did you receive any compensation? (Y/N)
(b) On what basis?

16. Did you have access to any remedial action for any violations that you suffered?
(Y/N)
17. (a) Was any special facility extended to the unwell/disabled at the time of eviction?
(Y/N)
(b) Did eviction cause disruption of ongoing medical treatment? (Y/N)
18. Were members of the same extended family separated in the process of resettlement?
(Y/N)

D. Housing

- What type of house did you have at the original site (eviction location)? (*kutcha/pucca*/ flat/ any other specifications)
- What was the size of rooms in your shelter at the original site? (1metre = 3.28 feet)
Room 1: _____metres x _____metres
Room 2: _____metres x _____metres
Room 3: _____metres x _____metres
Room 4: _____metres x _____metres
- How long had you stayed at the original site?
- Did you own the house or was it rented?
- If you got just vacant plot:
 - How much did you pay for the *parchi* / registration
 - How much did you pay above the *parchi*?
 - How did you raise the money to build your house?
 - How much did it cost to build the house?
 - How much time did it take to build your house?
- If you got a house at the resettlement site:
 - If not, how much did you spend to build / add to it?
 - How many years have you stayed in this house?
 - What is the current condition of the house?
 - Are you happy with your new house?

E. Accessibility/Location and Readiness of the Site

- How far is the site from the present source of livelihood?

F. Participation and Information

- Were you consulted on the eviction/relocation?
- If yes, was any consideration given to your opinion?
- Did you have access to data/documents?
- Were you given adequate information on: (Y/N)
 - Location of site

- Timeline for its provision
 - Design/ material/ layout of the house
 - Nature of title – ownership/lease, collective/individual
5. If you were in charge of resettlement how would you do it? (Write short steps)

G. Access to Basic Services [use Y (yes) and N (no) for both Previous and New Resettlement]

Basic Services	Previous Location	Resettlement Site
1. Health		
1.1 Where do you go when you fall ill?		
(i) Primary Health Centre (PHC)		
(ii) Private Qualified Practitioner		
(iii) Local / Non-qualified Practitioner		
(iv) Home Remedy		
(v) Government Hospital		
1.2 How do you rate the available health services?		
(i) Very Good (ii) Good (iii) Average (iv) Poor (v) Very Poor		
1.3 How much do you spend (on average)? (Rs per month)		
2. Food		
2.1 Do you have a ration card?		
2.1.1 If no, why?		
2.1.2 Have you tried to get a ration card?		
2.1.3 Did you get back your ration card after it was deposited for change of address?		
2.1.4 How long did it take to get the address changed?		
2.1.5 Do you have a BPL card?		
3. Education		
3.1 How do children go to school?		

2. If given a choice, would you have built the type of house that was given to you?
Would you have preferred to build your own house?

II. If you were given only a plot and you built the house on your own

Material Used for Construction

1. What material did you use for construction of the house?
2. Is the material suitable to local weather conditions?
3. Where did you get the material from?

Design of the House/ Site

1. Is it *kutcha*/temporary or *pucca*/permanent?
2. (a) Is it single-storied or multi-storied?
(b) How many floors does it have?
3. How many rooms are there in the structure?
4. Is there a separate kitchen? Is it in the house/ outdoors? Does it meet your cooking needs/ requirements?
5. Do you sleep inside the house or out in the open? Why?
6. In case you sleep in the open, do women feel safe?
7. Do walls between houses go right up to the roof? Do they provide privacy from neighbours?
8. How much space is there within the structure? Is the space adequate?
9. Do women and adolescent girls feel they have enough privacy?
10. Are there windows? Is there enough ventilation?
11. Are you happy with your house?
12. Would it have been better if you were provided a constructed house?

H. Habitability

I. Did you receive a built/complete house as part of the rehabilitation package? (Y/N)

(If yes, please answer the following questions. If no, please skip to Section B below)

Material Used for Construction

1. Do you have any complaint about the material used?
2. What has been the response to your complaint?

Design of the House/ Site

1. Do you sleep inside the house or out in the open? Why?

I. Livelihood and Income

1. Is the resettlement site close to your source of livelihood?

If not,

- 1.1 How far do you have to travel? _____ kilometres
(km.)
- 1.2 How much time does it take? _____ hours
- 1.3 How much does it cost to commute daily? Rs _____

2. How much compensation was received by your family?
3. Who was the compensation paid to?
4. Are you aware of any government compensation policy?
5. Have you lost your job due to relocation?

6. Have women lost jobs /livelihoods/ home-based work due to relocation?
7. Have women received compensation as independent economic units?
8. Have income levels/real wages fallen/ risen/ remained the same at the new site?
9. Have you had to borrow money after relocation? Why?
10. Did you choose the new occupation because you cannot easily reach your old work place?
 - 10.1 What are the main reasons for changing employment/livelihood?
11. Is the layout of the site/design of the structure appropriate from the point of view of continuing livelihoods?

J. Perceptions on Human Rights

1. Do you feel any of your human rights have been violated in the process? Which ones?
 2. Do you believe that housing is a human right?
 3. Do you believe that the right to adequate rehabilitation is a human right? Why?
 4. What rights do you have at the resettlement site?
 5. How should human rights be protected in the future?
-

Annexure 2

Letter from YUVA to the National Human Rights Commission about Human Rights Violations in Vashi Naka

Letter from YUVA to the National Human Rights Commission regarding Vashi Naka

December 08, 2008

To:

National Human Rights Commission
Faridkot House, Copernicus Marg,
New Delhi, PIN 110001
Tel.No. 23384012 Fax No. 23384863

From:

Youth for Unity and Voluntary Action
52/53, Narepark Municipal School,
Opp Narepark Municipal Ground
Parel, Mumbai – 400 012

Sub: Requesting directives on resettlement in Mumbai

Dear Sir/Madam,

Youth for Unity and Voluntary Action (YUVA), a voluntary development organization, was founded in 1984 to create access and enable process to a gamut of rights and opportunities for the marginalized, within the human rights framework. YUVA's mission is to empower the oppressed and the marginalized by facilitating their organizations and institutions towards building equal partnerships in the development process, and ensuring the fulfillment of the human right to live in security, dignity and peace. YUVA is accredited as an NGO with General Consultative Status with the United Nations Economic and Social Council (ECOSOC).

YUVA has been active in the issues of displacement and rehabilitation in Mumbai and was instrumental in the rehabilitation of those who were forcibly evicted at Babrekar Nagar in Mumbai. YUVA along with Tata Institute of Social Sciences (TISS) and Dignity International for the past two years has been engaged in an action research on the displacement and rehabilitation process in Mumbai specially looking into three projects, viz. Mumbai Urban Transport Project (MUTP), Mumbai Urban Infrastructure Project (MUIP) and Mithi River Development Project (MRDP).

The three projects together displace approximately 55,000 families and of them 30,918 families have been resettled in about 36 rehabilitation sites. More than 25,000 families will again be rehabilitated in the future (Statement of R & R as on 01.01.2008) (Annex 1). We have the following submissions to you.

- 1) The rights of the displaced people have been violated by discriminating them between rehabilitation policies in projects in Mumbai where those displaced under Mumbai Urban Infrastructure Project and Mithi River Development Project were denied facilities offered to Mumbai Urban Transport Project (MUTP). This is in direct contradiction to the NHRC recommendations and suggestions emerged at the National Conference on Relief and Rehabilitation of Displaced Persons organized by the National Human Rights Commission on 24-25 March 2008 in New Delhi. According to which all affected and displaced persons have the right to be treated with dignity. In particular, no arbitrary decision, without reasoning should be taken in the matters that affect their source of food, shelter and livelihood.

- 2) That the existing provisions in the rehabilitation policy is not being implemented resulting in the violations of rights guaranteed under the policy for livelihood restoration and reducing vulnerability.
- 3) That the adequate standards of living guaranteed including portable water and access to public distribution system is being violated and the rehabilitated people have no access to municipal services including solid waste management, street lighting, fogging etc.

1) Discrimination in the Rehabilitation Policy

Displacement cannot take place in the absence of just and adequate rehabilitation policies. While MUTP has a proper rehabilitation policy in place, MUIP and MRDP do not have a rehabilitation policy nor proper Rehabilitation Action Plan or Rehabilitation Implementation Plan. Though the displaced are being rehabilitated in the same rehabilitation sites, the displaced from MUIP and MRDP are being discriminated upon by not being given entitlements based on a policy.

While post rehabilitation services are an entitlement for MUTP, they are not for other projects. Assistance, including formation of housing cooperative societies is only restricted to MUTP. (MUTP office has a deputy registrar of Cooperative societies in its office catering to those who have been resettled under MUTP while the others have to go to their respective ward offices). In many cases people coming from different wards are resettled in a single building but do not have a single list. No assistance is being given to those rehabilitated under MUIP or MRDP. Community Development Activities including: a) Ration Card Transfer Campaign, b) Mahila Mandals, c) Saving and Credit Schemes, d) Training Programmes, e) Educational support, (f) Access to public transport, (g) Health programmes, (h) Integration into the local area administration system, (i) Income restoration activities, have only been entitled to MUTP affected households

While there are two Government Resolutions extending the facilities to MUIP and MRDP (Annex 2, 3), these have not been implemented.

2) Non Implementation of the existing provisions of Rehabilitation Policy

The rehabilitation policy (Annex 4) clearly talks about travel compensation (12.a), Livelihood Compensation (12.b), Assistance to vulnerable households (12.c), Access to employment information and training, and Community operated fund (12.d) but these provisions has not be fulfilled.

Travel

The travel policy is meant to be a compensation for the increased travel due to rehabilitation. According to a study 'Staking a Claim' by TISS, YUVA, and Dignity International (Annex 5), more than 68 % in MUTP, 77% in MUIP and 82% in MRDP have been resettled more than 5 kms away from their original place of residence. According to an impact assessment study of MUTP done for MMRDA by TISS, it is stated that the mean monthly household expenditure for travel has increased from Rs. 144 per month to Rs. 411/- per month (table 3.4, page 16, annex 6). The Impact Assessment Study has noted that rehabilitation has resulted in more than two thirds of the population travelling a longer distance, which is perceived to be a major financial liability (Annex 6, page 17). According to the study 'Staking a Claim', about 26% of the population has reported increase in travel time due to rehabilitation.

The travel policy has been arbitrarily changed without any consultation with the Project Affected Households (PAH) and converted into a fund which could only be used for maintenance and repairs of the building and is being given to the Cooperative Housing Societies. This has meant a change in the use of the fund and also the logic behind initiating such a fund.

The frequency of public transport system to and from Vashi Naka rehabilitation site, where more than of

category. According to the criteria for determining BPL, those with pucca houses from rehabilitation are not eligible to be included in the BPL category. This will rob the poor of the social security schemes of the government. Ration shops should also be opened in the rehabilitation sites based on the criteria – one ration shop for 4000 families or 800 -1000 ration cards. At present there are no Ration shops existing within the Vashi Naka, Chembur Rehabilitation Site and Lallubhai Rehabilitation Site at Mankurd, Mumbai

Education: Access to health and education is one the most important issues of rehabilitation. According to the 'Staking the Claim' study, about 27% of the students have either dropped out or changed school. The study also says about 31% had increased travel time to school. According to Urban Development Plans Formulation and Implementation (UDPFI) Guidelines, there should be a primary school for five thousand population and a secondary school for 7500 population (Annex 9)

The impact assessment study clearly documents the lack of school facilities at various rehabilitation centres (page 34). Playground should also be provided to young people in the settlement and schools according to existing guidelines. According to RGoB Standards, there should be one play ground per 5000 population.

Health: According to 'Staking the Claim' study, 21 % of those rehabilitated, have reported that illness has increased after shifting to the rehabilitation sites. Correspondingly, 20% have reported increase in health expenditure. The impact assessment study also points out the lack of health facilities. In Vashi Naka Rehabilitation site (Anik site) there are not enough public health facilities though Indian guidelines talk about an urban public health centre for a population of fifty thousand.

Quality of construction: The quality of construction in many buildings is below standard. The buildings have started crumbling and also have leaks in the roof, toilets etc. In some buildings, water seeps upto the third floor. The impact assessment study has pointed poor workmanship, leakages, seepages, cracks etc. This will result in the non viability of the buildings in the long term thus defeating the very purpose of rehabilitation.

The residents of Vashi Naka (Anik site) held an indefinite hunger strike demanding better facilities pointing out detailed issues of construction, leakage etc. (Annex 10- CD)

Conclusion

We request the NHRC to investigate the matter of human rights violations in the rehabilitation site of Vashi Naka and Lallubhai compound, Mumbai. We especially request your intervention in ensuring the protection of the human rights to adequate housing, social security, and water, as well as the implementation of a non discriminatory policy in Mumbai. We hope that our requests will be considered and that NHRC will conduct an investigation in the rehabilitation sites, especially those where the maximum number of people have been relocated viz. Vashi Naka (Anik Site) and Lallubhai compound and issue appropriate directives to the state government and the agencies concerned to redress the situation.

For more information on this matter, please contact:

Youth for Unity and Voluntary Action
53/2, Nare Park Municipal School
Opp. Nare Park Ground, Parel,
Mumbai – 400 012

of public transport in Mumbai for long distances) is very low. There is only one bus route connecting the railway station to the rehabilitation site

The data clearly states that the distance, expenditure and travelling time has increased and there is less connectivity and frequency of public transport in the rehabilitation sites.

Livelihood impact on vulnerable communities

The Rehabilitation Implementation manual for MUTP while defining the vulnerability profile of the PAH defines it as – Persons above the age of 60 years, Persons in the BPL Category, Women headed households and physically challenged persons. (Annex 7, page 93). According to the objective of the rehabilitation policy of MUTP, "...displaced persons are assisted in improving or at least restoring their former living standards, income earning capacity and production levels; and to pay particular attention to the needs of poor resettlers in this regard."

The slum communities from which people are displaced are not homogeneous and often the place of work is near the place of residence. As displacement alters this relationship between work and residence and leads to increase in travel, the vulnerability is high for communities like footpath dwellers who have a different profile from that of those settled in slums.

The impact of displacement and rehabilitation have resulted in disproportionate impact on vulnerable sections like footpath dwellers who are in the BPL category (in terms of income).

According to the Impact study (page 19), out of the 15.3% vulnerable households, only 1% reported improvement in status while 9% have reported decline in status as a result of resettlement. About 9 % of those who live in the rehabilitation site earns less than Rs 2500/- per month. According to 'Staking a claim study' in Vashi Naka about 68% are still struggle while only 32% people are settled and no one has reported an increase in their socio economic status.

According to a study done by Railway Group, Development Planning Unit, University College, London (Annex 8, page 12), with the railway slum dwellers, relocation has resulted in debt and job loss. The increased cost of living has negatively impacted those communities who are in the 'razors edge of poverty'

Municipal services to be extended to rehabilitation sites

The rehabilitation sites are being considered as private layouts and municipal services including street light, solid waste management, general cleanliness including fogging, etc. are not extend to the sites. Multiplicity of agencies has resulted in shifting of blame on responsibility towards fixing issues regarding services. The lack of services is contributing to the lack of habitability of the rehabilitation sites.

Provision of Basic Services in Rehabilitation Sites

The provision of basic services in the rehabilitation centres is far from inadequate and this has contributed to increasing the troubles of the rehabilitated people.

Water: People have had to struggle and even block roads for getting drinking water. The duration of water supply is less than 2 hours per day. There is erratic water supply and people had to pay for water from water tankers. The water charges in the sites are higher than those in the slums thus increasing household expenditure on water. There is an urgent need to augment the capacity of water pipes in the area so that water pressure is not affected. The sudden influx of more than 50,000 people in an area has resulted in negative impact on water supply.

Ration Cards: The relocation of people to rehabilitation sites does not involve any betterment of their

Annexure 3

Minutes of a Meeting at the Mumbai Metropolitan Regional Development Authority (MMRDA) on Vashi Naka (in Marathi)



क्र.अवि/मुनाप्र/आनिक गांव/पु व पु/०८

दि.१७/३/२००८

प्रति,

श्री.विजय सागवेकर

एम. एम. आर. डी. ए. वसाहत नागरीक सेवा संघ,

मुंबई - ४०० ०७४.

विषय : उपरोक्त शासन मान्यताप्राप्त फेडरेशनला विद्यवासात घेवून काम करण्याबाबत.

संदर्भ : वरील विषयाबाबतचे आपले दिनांक - ८/१/२००८ चे पत्र.

महोदय,

संदर्भित पत्रातील नमूद केलेल्या मुद्द्यावर दिनांक ७/२/०८ रोजी मुख्य अभियंता यांच्या दलनामधे बैठक पार पडली. सदर बैठकीच्या कार्यवृत्ताचा वृत्तांग सोबत जोडला आहे. माहितीकरिता सादर.

संलग्न प्रमाणे

आपला,
(पु.ति.निवडणे)
कार्यकारी अभियंता

E:\M\Documents\Shashi\Chandrasekhar

मुद्रा क्र.४ : रस्ताची दुलसी व डोंबरीकरण : श्री.विजय सागवेकर यांनी सांगितले की, आर.सी.मार्गापासून पुनर्वसन वसाहतीत जाण्यासाठी एकच रस्ता असून त्या रस्तावर ब-याचशा गांगी मोठमोठे खड्डे पडले असून तेथ्या ४ वर्षांपासून सदर रस्ताची दुलसी केलेली नाही. व त्यापुढे रहिवाशांची त्रासोय होते. श्री.निमजे, कार्यकारी अभियंता यांनी सांगितले की, सदर रस्ताच्या दुलसीच्या कामाचे अंदाजपत्रक बनवून मंजूरीकरिता पाठविले आहे. मंजूरी प्राप्त झाल्यानंतर सदर रस्ताचे काम लगेच सुरु करण्यात येईल. मुद्रा क्र.५ : निमी वत डेपो/शेडर : श्री.चंद्रमणी कदम यांनी सांगितले की, पुनर्वसन वसाहतीतील शेवटच्या बस थांब्यावर बस येईपर्यंत प्रवाशांना नवळ्यावळ १५ ते २० मिनिटे लांब रांगेत उभारत पाहतात असे म्हणले. अशा वेळी आस-यासाठी साधे शेडही नाही. मुख्य अभियंता यांनी सुचविले की, चावत्यापक, बोट यांना बस थांब्याच्या शेड/आच्छादनाच्या आगोविषयी ध्यादार करवावे.

मुद्रा क्र. ६ : रस्तावरील दिवे : श्री.विजय सागवेकर यांनी सांगितले की, सदर वसाहतीत जाण्यासाठी संत कक्या मार्ग हा एकच रस्ता असून सदर रस्तावर खेळण्याच्या मैदानावळच्या मळ्या भागात रात्रीच्या वेळेस प्रकाश दिवे उपलब्ध नाहीत. अशा-या रात्री चौ-थाम-या इ.गोदी घडताहेत. श्री.बिंदरकर, प्रमुख, पुनर्वसनांतर यांनी सांगितले की, आवश्यक असलेली रकम इ.स.२००५ मध्ये मुंबई महानगर पालिकेत मरणा केलेली असून अधिकाराने महानगर पालिकेत ब-याच वेळा खेळण्याच्या मैदानावळच्या रोडच्या मध्या भागात दिवांचे खांबे उभे करण्याविषयी विनंती केलेली आहे. पुढे श्री.बिंदरकर यांनी सांगितले की, महानगर पालिकेच्या संबंधित अधिकार्याकडे या गोष्टीचा पाठपुरावा करण्यासाठी अधिकारण आवश्यक ती मदत करेल.

मुद्रा क्र. ७ : डेरेस गळती : श्री.चंद्रमणी कदम यांनी इमारतीचे गळतीचे (डेरस) दुलसीचे/वांटरफुगचे काम सुरु करण्यासाठी विनंती केली. मुख्य अभियंता यांनी कार्यकारी अभियंता यांना परफॉरमन्स गॅरंटी तपासण्यात व त्याप्रमाणे गळतीची कामे करण्यास सुचविले.

मुद्रा क्र. ८ : पिठची निरवी : श्री.चंद्रमणी कदम यांनी स्पष्ट केले की, पुनर्वसन वसाहतीत आणि जवळपासच्या भरिसरात पिठची निरवी उपलब्ध नसल्यामुळे वसाहतीतील लोकांना आर.सी.मार्गावरील चालत जाण्यात बराच वेळ खर्च करावा लागतो. श्री.निमजे कार्यकारी अभियंता यांनी सांगितले की, सदर कामाचे अंदाजपत्रक मंजूरीसाठी पाठविले असून मंजूरीनंतर लगेच काम सुरु केले जाईल.

मुद्रा क्र. ९ : खेळण्याचे मैदान : श्री.चंद्रमणी कदम यांनी खेळण्याचे मैदान उपलब्ध नसल्याचे

मुद्रदा क्र. १० : माध्यमिक शाळा : श्री.विजय सागवेकर यांनी शाळेतियधी विचारणा केनी असता मुख्य अभियंता यांनी सांगितले की, प्राथमिक शाळा अगोबरव प्रयासकीय अधिकारी (शाळा), यम्पूर्व विभागा, मुंबई महानगर पालिका यांना दिली असतू ती जून २००८ पासून सुरु होईल तसेच माध्यमिक शाळेसाठी अंदाजे ३३७४ चौ.मी.क्षेत्रळाच्या रिकामा प्लॉट असून त्यानिषयीची शसन स्तरावर कार्यवाही चालू आहे. श्री.सागवेकर यांनी वसाहतीतील मुलांना शाळेस प्रवेश घ्यायन्य देण्याविषयी प्राधिकरणाने प्रव्याप्याक/शाळा यांना पत्राद्वारे कळवावे व ते प्राधिकरणाच्या अधिकाऱ्यांनी मान्य केले.

मुद्रदा क्र. ११ : शासकीय रुग्णालय : श्री.चंद्रमणी कदम यांनी सुचविले की, पुनर्वसन वसाहतीत किंवा जवळपासच्या परिसरात तात्काळ/वेळेवर रुग्णांना उपचार देण्यासाठी आरोग्य केंद्राची सुट्ट्या उपलब्ध असणे गरजेचे आहे. श्री.विदरकर, प्रमुख, पुनर्वसनोत्तर यांनी सांगितले की, प्राधिकरणाने महानगर पालिकेला याबद्दल पत्राद्वारे कळविले असून बैठकीनंतर सदर पत्राची प्रत देण्यात येईल.

मुद्रदा क्र. १२ : मोफत रेल्वे पास : श्री.विजय सागवेकर यांनी सांगितले की, संक्रमण शिबिरातून/तदनिर्कातून कायम स्वतःची सदनिकेत स्थलांतर होतेवेळेस आमहाल सांगितले होते की, कुटुंबामध्ये कामानेकरी करणाऱ्या प्रत्येकास मोफत रेल्वेपास देण्यात येईल. श्री.विदरकर, प्रमुख पुनर्वसनोत्तर यांनी सांगितले की, नियमावुसार प्रत्येक कुटुंबास आर्थिक नुकसान भरपाई म्हणून दिलेली आहे. यापुढे एखादी सुट रेल्वे प्रयासनाकडे मागावी

मुद्रदा क्र. १३ : काम सुटल्याची भरपाई : कामानेकरीच्या सुटल्याच्या बंदव्यात वर्कशेड देणार म्हणून प्राधिकरणाच्या अधिकाऱ्यांनी हा मुद्रदा अमाय केल्गामुळे यावर चर्चा होऊ शकली नाही.

मुद्रदा क्र. १४ : वसाहतीतील मुख्य नात्यातील गाळ उत्सर्णे व दुसऱ्ती : पुनर्वसन वसाहतीचे क्षेत्र महानगरपालिकेस सुपुर्दे नसल्यामुळे, सदर क्षेत्र/परिसर दत्तक वस्ती सुधार योजनेखाली घेतले नाही. श्री.निसर्गे, कार्यकारी अभियंता यांनी सांगितले की, महानगर आयुक्त यांनी दि. ३०/०१/२००८ रोजीच्या क्षेत्रमेट्रील (site visit) दिलेल्या आदेशानुसार पुनर्वसन इमारतीच्या आजूबाजूच्या मोठ्ठ्या परिसरात झाडू मारून स्वच्छ करणावे काम अगोदरच सुरु केले आहे. ही क्रिया यापुढे महानगरपालिकेने चालू ठेवावी व त्यांस तैदील लोकांनी प्राधिकरणाने दिलेल्या कचरा पेटीच्या माध्यमातून सहकार्य करावे

धन्यवादासह बैठक संपली.

Annexure 4

Letter from YUVA to the Elected Representative Demanding Basic Services at Vashi Naka (in Marathi)



YOUTH FOR UNITY AND
VOLUNTARY ACTION
३१ ०६ ०८

प्रति,
मा. श्रीमती रुक्मिणीनाई विखले स्वरुपमोल
नगरसेविका, वाशी नाका येवूर-मुंबई - ४०००७४
विषय: महानगरपालिकेच्या सुविधा उपलब्ध होण्याबाबत...
महोदया,

'युवा' संस्था गेल्या २४ वर्षांपासून मानव अधिकार अंतर्गत वसति पदविलीत महिला, मुलक आणि नॉचिंत समाज घटकांखोबत त्यांच्या सामाजिक, राजकीय आणि आर्थिक-शैक्षणिक विकासासाठी कार्यरत आहे. सामान्यान्य कागचा एक भाडा म्हणून, जवळीक गरीबांखोबत पुनर्वसित खोबत वाशी नाका येथे सामाजिक विकासासाठी एमएमआरडीए कॉलनी येथे कार्यरत आहोत.

आपण, या विकासाचे प्रतिनिधित्व करीत असल्याने, मुंबई महापालिका नगरातील सुविधा अधिक मिळण्यासंदर्भात लक्ष वेधित आहोत.

खालीलप्रमाणे सुविधा उपलब्ध करून द्याव्यात.
१) एमएमआरडीए ने वसविलेल्या इमारतीमधील मलमिश्राण नलिका व खोली उंच भरलेले आहेत. त्यामुळे धाण खांबीकडे पसरली जाऊन जंगदाई वाढण्याची शक्यता आहे. तेव्हा त्या साफ करून द्याव्यात.
२) सॉडपाणी गटारे व मले खुले आहेत त्यावर खाकणी बसवावीत.
छ) वृद्धांग व मुलांना बसण्याकरिता इमारतीच्या खाली शिमेंट बेंच - बसविण्यात यावीत.

४) एमएमआरडीए वशाहतीमध्ये महापालिका दख्खान्याची सोय उपलब्ध करून द्यावी



YOUTH FOR UNITY AND
VOLUNTARY ACTION

५) एमएमआरडीए कॉलनी मध्ये दहावी वरीत महापालिकेच्या शाळेची सोय करावी, जेणेकरून गरीबांना मोफत शिक्षणाच्या लाभ घेता येईल.
६) बेस्ट' तर्फे एमएमआरडीए कॉलनी ते उग्रय मार्गच्या बस केंद्रा चालू करवाव्यात.

तसे, वरील मागण्यांसंदर्भात कार्यवाही व्हावी, ही निमंती.
सहकार्याच्या अपेक्षे सह!
धन्यवाद!

आपला विश्वासू
शि. जगदीश' पाहाणकर'
युवा' संस्था - संघटक

(U. N. Phansalkar)

YUVA is accredited as an NGO with General Consultative Status with the United Nations Economic and Social Council (ECOSOC)

Field off.: 52/53, Nare Park Municipal School, Opp. Nare Park Ground, Panel, Mumbai - 400 012
Tel.: 91-22-2414 3488 / 2411 6393 / 94 • Fax: 91-22-2413 5314
E-mail: info@yuvaindia.org • Website: www.yuvaindia.org

Regd. off.: YUVA Centre, Plot No. 23, Sector 7, Kharphar, Navi Mumbai - 410 210 (INDIA)
Tel.: 91-22-2774 0990 / 2774 0980 • Fax: 91-22-2774 0970


YUVA is accredited as an NGO with General Consultative Status with the United Nations Economic and Social Council (ECOSOC)

Field off.: 52/53, Nare Park Municipal School, Opp. Nare Park Ground, Panel, Mumbai - 400 042
Tel.: 91-22-2414 3488 / 2444 6393 / 94 • Fax: 91-22-2413 5354
E-mail: info@yuvaindia.org • Website: www.yuvaindia.org

Regd. off.: YUVA Centre, Plot No. 23, Sector 7, Kharphar, Navi Mumbai - 410 240 (INDIA)
Tel.: 91-22-2774 0990 / 2374 0980 • Fax: 91-22-2774 0970

Annexure 5

Letter from YUVA to the Ration Office Demanding Ration Cards and Supplies at Vashi Naka (in Marathi)


YOUTH FOR UNITY AND VOLUNTARY ACTION
 २५. ०२. २०१०

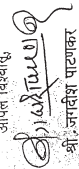
शि. वा. का. क्र. ३३ई
 ५५०
 शासक डा. ५५०
 शाखा. ५५०
 कार्यक्षेत्र. ५५०

प्रति,
 मा. मि. शासनाच्या अधिकाऱ्या
 ५५०
 ५५०
 ५५०


विषय : दि. ९ सप्टेंबर २००८ च्या शासन निर्णय क्र. सवि.व्य-१००५/१९९३/प.क. १९९३/ना.पु.२८ अन्वये पारवी समजाच्या शिपायविकेवर 'बी.पी.एल.' चा शिक्का मारला बी.पी.एल. चे लाभार्थी म्हणून लाभ मिळण्याबाबत.

प्रति,
 'युवा' संस्था म्हणून २५ वर्षांपासून शहरी मरीजांसाठी त्यांच्या सामाजिक, आर्थिक आणि राजकीय सक्षमीकरणासाठी मानव अधिकाराला धरून दलित, पडेलीत, युवक, मुले आणि महिलांसोबत मुंबईसह महाराष्ट्रभर काय करित आहोत. आमच्या कामाचे एक भाग म्हणून वाशीनाका एम.एम.आर.डी.पी.एल. कोलनी, वाशी नाका चेंबूर या ठिकाणी प्रकल्पांवातीच्या पुनर्वसित कोलनीमध्ये सामाजिक सक्षमीकरणासाठी, तसेच मुलभूत सुविधा आणि सहकारी रचनात्मक पद्धती विकसित करण्यासाठी काम करित आहोत. वाशीनाका एम.एम.आर.डी.पी.एल. कोलनी येथे काम करित असताना आमच्या असे लक्षात आले आहे की, येथील पारवी समाज हा पूर्वी सेनापती वापट रोड, माटुंग-मोडिम येथून एम.एम.आर.डी.पी.एल. कोलनीमध्ये बांधित होतून पुनर्वसित झालेला आहे. पूर्वी हा समाज मुख्यतः शोषणग्रस्त राहत होता पण आता पुनर्वसित झालेला राहण्यास आल्याने वाढत्या पाणी, वीज, प्रवासवच देण्याबाबत आणि कुटुंब कमी मिळण्याच्या पैश्यांमध्ये चालविणे कठीण होत आहे. दिवासेन दिवस महगाई वाढत आहे. वाढत्या मरणाबाबतचे गर्भनाशक विनम्र व्यवस्थांतील माचक टांगील पान दुकान हे आशेचा दिवाण आहे. पण 'आदिभूत' या मानव नसलेल्या आणि असंघर्षित क्षेत्रातील स्वयंसेवा करून कुटुंबाकडला चालवणारे ५२पी समाजातील लोकांना वाढत्या महगाईना तोंड देणे परवडत नाही.

म्हणून महाराष्ट्र शासनाच्या नगरी सुवटा विभागाच्या दि. ९ सप्टेंबर २००८ च्या शासन निर्णय क्र. सवि.व्य-१००५/१९९३/प.क. १९९३/ना.पु.२८ च्या आदेशान्वये पारवी समजातील लोकांना 'बी.पी.एल.' च्या शिक्का शिपायविकेचे लाभ मिळण्यासाठी त्यांच्या शिपायविकेवर 'बी.पी.एल.' चे शिक्के मारून लाभार्थी म्हणून लाभ मिळावा. आम्ही वाशीनाका पुनर्वसित कोलनीतील पारवी कुटुंबियांचा सर्व कल व लोच देयवित्तक अर्ज आणि शिपायविका डेटाबेस आणि प्रश्न जोडून देत आहोत तेव्हा वरील शासन निर्णयाचा लाभ मिळवून द्यावा, ही विनंती

आपले विश्वासू,

 श्री. ज्योती पाटीलकर
 युवा-सेक्टर
 ९०२९९९७२११

प्राप्त रवाना : १. निबंधक चर्चीट २. उपनिबंधक, वडाळा


YUVA is accredited as an NGO with General Consultative Status with the United Nations Economic and Social Council (ECOSOC)
 Regd. off.: YUVA Centre, Plot No. 23, Sector 7, Kharghar, Navi Mumbai - 410 210 Maharashtra (INDIA)
 Field off.: New Nalgonda Municipal School, Room No. 5 & 6, Opp. Saraswati Vidyalyaya,
 Tel.: 91-22-2774 0970 / 2774 0960 / 2774 0990
 Fax: 91-22-2411 6333 / 2414 3668 | E-mail: info@yuvaindia.org | Website: www.yuvaindia.org

Housing and Land Rights Network (HLRN) is an integral part of the Habitat International Coalition (HIC). It works for the recognition, defence, promotion, and realisation of the human rights to adequate housing and land, which involves securing a safe and secure place for all individuals and communities to live in peace and dignity. A particular focus of HLRN's work is on promoting and protecting the rights of marginalised communities as well as the equal rights of women to housing, land, property and inheritance. HLRN aims to achieve its goals through advocacy, research, human rights education, and outreach through network-building at local, national and international levels. HLRN's South Asia office is located in New Delhi, India.

Youth for Unity and Voluntary Action (YUVA) is a voluntary development organization that was founded in 1984. YUVA focuses on creating access and enabling processes to a gamut of rights and opportunities within the human rights framework for the marginalised and vulnerable sections of society. YUVA's mission is to empower the oppressed and the marginalised by facilitating their organizations and institutions towards building equal partnerships in the development process, and ensuring the fulfilment of the human right to live in security, dignity and peace.

This collaborative report is part of a three-city human rights assessment of resettlement sites in India – Savda Ghevra, Delhi (Report One); Kannagi Nagar, Chennai (Report Two); and, Vashi Naka, Mumbai (Report Three).

In this report, HLRN and YUVA present the findings of a comprehensive study of Vashi Naka, Mumbai. The study uses the human rights framework to analyse the eviction process that preceded the relocation of families to Vashi Naka as well as the housing and living conditions in the resettlement site. The report makes specific recommendations to the Government of Maharashtra to improve living conditions in Vashi Naka; to address policy gaps and failures of the resettlement process in the state; and, to incorporate human rights standards in law and policy related to housing, land and resettlement, to ensure the realisation of the human rights of urban poor communities across the state.



Housing and Land Rights Network

G-18/1 Nizamuddin West
Lower Ground Floor
New Delhi – 110 013, INDIA
+91-11-2435-8492
info@hic-sarp.org / hlrnsouthasia@gmail.com
www.hic-sarp.org



Youth for Unity and Voluntary Action (YUVA)

YUVA Centre
Plot 23, Sector 7, Kharghar
Navi Mumbai – 410 210
Maharashtra, INDIA
+91-22-2774-0990/80/70
info@yuvaindia.org / www.yuvaindia.org