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Assessing the scope of Ownership Rights in
Urban Slums through the lens Of Forced
Evictions and Rehabilitation schemes

Priyal Goel¹ and Palak Maheshwari²

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1. *Hansraj College, University of Delhi, India*
2. *FORE School of Management, New Delhi, India*

Abstract

The paper aims to bring forth the harsh reality of slum demolitions through the perceptive analysis of the data available and strengthen the understanding by examining a case study. The course of the paper will assess the reasons leading to slum demolitions and how the lack of a legal framework to safeguard against forceful eviction has contributed to the deterioration of physical and mental health of the dwellers. Systematic scrutiny into three global case studies assisted in laying the foundation for the need for ownership rights, improved housing avenues to rehabilitate the evicted and a need for building a more inclusive society.

1.0 Introduction

The UN operationally defines a slum as “one or a group of individuals living under the same roof in an urban area, lacking in one or more of the following five amenities”:

- 1) Durable housing (a permanent structure providing protection from extreme climatic conditions)
- 2) Sufficient living area (no more than three people sharing a room);
- 3) Access to improved water (water that is sufficient, affordable, and can be obtained without extreme effort);
- 4) Access to improved sanitation facilities (a private toilet, or a public one shared with a reasonable number of people); and
- 5) Secure tenure (de facto or de jure secure tenure status and protection against forced eviction) (Nolan, 2015)

However, the reality of urban slums in India is rather grim, with at least five people lodged in derisory housing conditions having access to appalling sanitation and water facilities. Rapid and uncontrolled urbanisation, lack of employment and education opportunities at home, insufficient and pricey accommodations in cities and lack of valuable assistance from the government forces cause the economically and socially vulnerable class to settle amid such dismal conditions of living.

While diligent efforts have been made towards adequate sanitation and employment generation, very little attention is paid to the lack of ownership rights and the unpromising nature of the rehabilitation facilities available for the slum dwellers.

Based on perceptive analysis within a slum in Delhi, the alarming problem that we deciphered was the question of entitlement with respect to housing, land etc. Most urban squatters reside illegally on public land such that investment incentives are unambiguously contorted by tenure insecurity. Economic theory predicts a straightforward relationship between individual property rights and incentives to invest inland.

Tenure security is one of the most crucial elements in these settlements. Insecure tenure hampers investment in housing, twists land and price of services, reinforces poverty and social exclusion, resulting in severe mental stress and instigating a case of an identity crisis.

If we carefully examine the relevant intersections, slum-dwellers, being spatially segregated and socially excluded from the rest of the city, not only struggle with the difficulties of their routine life but also with ambiguous citizenship, unemployment and underemployment, high crime rates, and powerlessness in the decision-making process that directly impacts their lives.

Hence, through this paper, we aim to explore the root causes of the exclusion from entitlement and intersections pertinent to that. In view of this, we proceed by systematically outlining the key elements of housing in slums and through empirical findings summarise how each of these elements relates to the processes and outcomes that stand as barriers between the slum dwellers and their ownership rights. An assessment of the legal framework through the lens of Slum Demolitions in India will give a holistic idea of the issue and the viability of 'slum-free India'.

2.0 Demolitions

Demolition primarily means knocking down a building as a result of varied, often justifiable reasons. However, when the same practice is undertaken to destroy certain informal settlements or slums, without any prior notice or provision of adequate rehabilitation programmes, a large number of people are forcefully evicted from their place of residence. Forced Eviction is defined as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection" (United Nations High Commissioner for Refugees, 1997)

Over the last decade, India's urban population grew by over 90 million and the majority of this population is accounted for, by the rural-urban migration, propelled by the need for sustainable socio-economic conditions, ultimately leading to a rapid manifestation of informal and

inhabitable settlements otherwise known as ‘urban slums’. These communities are often created on private or government-owned land and the inhabitants hold no ownership rights over their dwellings. A rapid increase in the number of urban slums calls for a parallel increase in investment in infrastructure to ensure habitable housing conditions. Most of the times ‘mega-scale infrastructure projects, though aimed at providing the poor with improved housing conditions, demolish their current settlements and the slum dwellers are forcefully evicted from their place of residence, leaving them homeless overnight. The lack of ownership rights makes it impossible for them to fight against such social injustice.

In 2009, the Ministry of Housing and Urban Poverty Alleviation, of the Government of India, produced a National Urban Poverty Reduction Strategy’ (N-11024/5/2002/UPA-III 2008) which promised “A New Deal for the Urban Poor’. The strategy aimed to create ‘slum-free cities’ and was the first instance the right to shelter was acknowledged in India. However, in the years that followed, we have witnessed the mass eviction of the urban poor from lived space, at times to make way for mega-scale infrastructure projects, but often also involving the criminalisation of informal housing of the poor, while regularising, and even enabling the informal urbanisation of the wealthy and powerful. The Government of India does not have any official data on forced evictions and displacement, civil society organizations have estimated that since independence (1947), at least 65-70 million people have been displaced in India, as a result of such ‘development’ projects. (Gupte et al., n.d.)

To demolish slums is to take a step towards creating ‘slum-free India’, but is it?

Once evicted out of their informal settlements with no place to go for shelter, the slum dwellers start to look for other localities, to build their next temporary home, mushrooming another slum in a different area. The vicious cycle created can only be broken by the intervention of entitlement rights, which could protect the socially excluded and economically vulnerable strata of the society from losing their homes.

2.1 Reasons responsible for forced evictions

Based on evidence collected through primary research by the Housing and Land Rights Network (HLRN) in the year 2017, the idea of ‘slum-free India’ is guarded by various reasons which are not necessarily in the best interests of the slum dwellers and are often interlinked with the idea of creating ‘smart- cities’.

After analysing the available data on 213 reported cases of forced eviction in the year 2017, HLRN has identified four broad categories for which individuals and communities were forcibly removed and displaced from their homes and habitats:

- a. 'City beautification' projects, mega events, and interventions aimed at creating 'slum-free cities' [46 per cent of recorded evictions (99 of 213 cases) in 2017];
- b. Infrastructure and ostensible 'development' projects, including road/highway expansion [25 percent of recorded evictions (53 of 213 cases) in 2017].
- c. Wildlife and forest protection, and environmental conservation [14 percent of recorded evictions (30 of 213 cases) in 2017]; and,
- d. Disaster management efforts [eight per cent (16 of 213 cases) of recorded evictions in 2017]. (Housing and Land Rights Network India, n.d.)

According to the aforementioned results, it becomes evident that the majority of evictions are performed under the pretext of 'city beautification' projects. On the surface, it seems like a plausible reason towards building more inclusive spaces and providing improved conditions of living for the poor. However, a much closer look brings attention to the problematic reality of discrimination and prejudice against the destitute and helpless population of the country.

Every time the country is host to a global event, be it FIFA U-17 World cup tournament, Commonwealth games, a book fair or preparations for the Maha Kumbh Mela in 2019, cities are beautified by destructing the informal settlements and rendering the inhabitants homeless. Between August and November 2017, different government agencies in Delhi, including the South Delhi Municipal Corporation and the Public Works Department forcefully evicted over 1,500 homeless people from under flyovers in Delhi, under the pretext of 'beautifying' the city's flyovers. In the absence of low-cost housing options and sufficient shelters, a large number of Delhi's homeless seek refuge under flyovers, especially in inclement weather. (Housing and Land Rights Network India, 2017)

Under Delhi's proposed 'Yamuna Riverfront Development Project,' DDA has developed plans to create a biodiversity park and lake, over an area of 189 acres, in three phases. For development of the first phase of the project, DDA demolished 550 houses in China Colony,

Bela Gaon, and Moolchand Basti, rendering close to 2,130 women and children homeless without due process. Drives to clear forestland also resulted in the demolition of over 1,000 houses in Navi Mumbai in May 2018, and 124 houses in Nagpur in October 2018. (Housing and Land Rights Network India, 2018)

As more ‘smart city projects’, like improvements in Disaster Management or mining, ports, dams, roads and highway construction and projects undertaken towards accelerating tourist attraction get sanctioned, the very people working as labour to build these infrastructures and Ostensible Development Projects are constantly under the fear of displacement and eviction. Many drives are undertaken in the name of Wildlife and Forest Protection, and Environmental Conservation have given rise to a conflict between human rights and environmental rights. To secure the environment, a lot of the slum dwellers are left with prolonged insecurity about the ownership of their self-built homes.

Both Central and State governments have undertaken various ‘slum clearance’ projects across cities to cater to one or more such reasons. The lack of any ownership right over their informal settlements often leaves the affected slum dwellers with no legal assistance to fight the gross violation of the Constitution of India that guarantees right to equality and the freedom to reside in any part of the country.

2.3 Case study- Olga Tellis and Ors Vs. Bombay Municipal Corporation

The Indian scenario has speculated on the spectrums of the right to life from Article 21 of the Indian Constitution where the Supreme Court has coined the right to housing through right to life but it’s not explicitly mentioned in the Indian Constitution.

The legal procedure in terms of protecting slums has had a strong but unstable impact on the right to housing in the Indian State.

Moreover, the Indian Supreme Court has employed the international standards in a vast manner yet its jurisprudence on the right is analytically separate from the provision codified in the international human rights covenants.

Indian jurisprudence on the right to housing has been welcomed across the world with Supreme Court being the spokesperson of the rights of the pavement and slum dwellers by moving away from the literal interpretation of its Constitution ‘right to life’ provision to making it pragmatic for the vulnerable and weaker section of the society.

The philosophy behind the Indian Constitution's right to housing and shelter is such that it acknowledges both the private importance of the right to housing and also the public want for the living conditions which make the individuals contribute and flourish as citizens (ShodhGanag, n.d.)

2.3.1 Background

Olga Tellis and Ors v. Bombay Municipal Corporation is one of the landmark judgments that led to the inclusion of right to livelihood under the purview of right to life in Article 21 of Indian constitution.

For the premise, Chief Minister of Maharashtra, Shri A.R. Antulay, made an announcement for forcibly evicting all the pavement dwellers in Mumbai and driving them out of Mumbai. In 1981, the State of Maharashtra and the Bombay Municipal Council passed a judgement to evict all pavement and slum dwellers from the city of Bombay. Bombay Municipal Corporation was given orders to demolish the pavement dwellers.

2.3.2 Reasons for demolishing as put forward by the judgement

1. Pavement dwellers do not have any legal right to encroach upon any place over which the public has a right of way.
2. Adverse effect on the public by the hazard of health and safety.
3. These dwellers indulged in illegal activities which lead to increase in crime rate
4. Their daily activities cause difficulties in repairing roads and drains.
5. Increases the risk of traffic accidents and disturbs the free flow of vehicular movement.

The decision to demolish the dwellings was challenged by the petitioners before the Supreme Court on the grounds that this decision violated their fundamental rights protected under article 19 and 21 of the Indian Constitution. They also asked for a declaration that the provisions of sections 312, 313 and 314 of the Bombay Municipal Corporation Act, 1888 are invalid as they violated Articles 14, 19 and 21 of the Indian Constitution.

The immediate consequence of this decision was the residents' realisation that such action is violating the right to life, sprouting from the argument that a home in the city

allowed them to earn a decent livelihood, demanding that adequate resettlement should be offered if the evictions are implemented. With the Court declining to provide the requisite remedies requested by the claimants, they found that there was a violation of the right to natural justice of being given an opportunity to hear at the time of planned eviction.

The Court put forward that through the lens of the Directive Principles of State Policy, in Article 21 of the Constitution, the right to life encircled the means of livelihood. If it's obligatory for the state to secure its citizens with an adequate means of livelihood and the right to work, it would be sheer pedantry to exclude the right to livelihood from the content of the right to life.

But, due to the partial nature of the right to livelihood, deprivation of this right could occur if there was a rational procedure undertaken by law. Moreover, the state's action should be reasonable and the affected person must be provided with an opportunity of presenting their refusal for the action being taken.

The court has recognized a legitimate link between the right to life and the right to livelihood while assuming the factual correctness of the premise that if the petitioners are evicted from their dwellings, they will be deprived of their livelihood. Hence, the court established a link between life and its material foundations.

Eventually, the residents realised that it was reasonable for the government to evict those living on public pavements, footpaths and public roads. Consequently, the court held that evictions could only take place according to the procedure established by law as required by Article 21. Therefore, this case provided a procedural guarantee that evictions must take place in accordance with the procedure established by law else, it will be a violation of the constitutional right to life.

Although the Court refused to conclude that the expelled inhabitants were entitled to an alternative site, it ordered that:

1. No one has the right to encroach on trails, sidewalks or any other place reserved for public purposes.
2. The provision of section 314 of the Bombay Municipality Act (is not unreasonable in the circumstances of this case.
3. Sites must be provided to censored residents in 1976.

4. Slums existing for 20 years or more should not be removed unless the land is required for public purposes and, in this case, alternate sites must be provided.
5. High priority should be given to resettlement.
(*Olga Tellis & Ors v Bombay Municipal Council* [1985] 2 Supp SCR 51., n.d.)

2.3.4 Significance of the Case

Olga Tellis is used as an authority or precedent for the statement that pavement dwellers have no right to make use of pavements for private use. It was restated that the pedestrians do have the right to use the pavement in order to go for their daily affairs with a reasonable security measure. But in a contest between the state and the pavement dwellers, the latter will always lose.

1. Ironically, the case went to be in favour of the propertied classes where lawyers often cite the case to justify the eviction of tenants and slum dwellers. But at the same time, the government can't evict them straight away.
2. The case attracted a lot of interest in fighting for housing as a fundamental right but in the case of a pavement dweller, it doesn't suffice.
3. This case serves as an exemplar to justify the use of civil and political rights in advancing the social rights but it's controversial due to its failure in providing alternative resettlement. Also, it is incongruent with developments in other jurisdictions, where courts have found stronger rights to settlement. (*Olga Tellis & Ors v Bombay Municipal Council* [1985] 2 Supp SCR 51., n.d.)

2.3.5 Aftermath

1. The inhabitants of the causeway were expelled without relocation. (Dhingra, 2019)
2. It was observed that the municipal corporation did not completely follow the orders of the Court.
3. Demolition was not done in a humane way and alternative land was not provided. Adding to this, during demolitions, the officers confiscated the belongings of the poor and sold them.

4. Pavement dwellers used to come back to the demolished place after some time and set up their houses again. The Bombay Municipal corporation dug those places up and constructed brick plant beds to display their authority.

Pavement dwellers filed petitions against the actions of the BMC. The legal cost incurred was funded by SPARC, a well-established NGO working towards the welfare of slum dwellers. Their cases were rejected on the basis that they (pavement dwellers) were not credible. (Jagdale, 2014)

2.3.6 Inference

This case showcases the jurisprudence on the right to life which has been designed in a unique way through a judicial response to the deprivation of adequate housing.

The judgment exposed a rational eye-opener into the right to life that includes attention to the issues such as material needs, structural equality, dignity, opportunity and even intellectual development. Moreover, the argument that the economic, social and cultural rights such as the right to housing are somehow philosophically separate from civil and political rights, was eradicated and the holistic approach was adopted. This makes the redressal to the concerned violation outlandishly difficult as the remedies require the court to think with a pragmatic bent, something which this judgement forgot to address. The court needs to accept the harsh realities the slum dwellers have to witness every day and the amount of sweat, efforts and investment it takes - be it emotionally, physically or socially, to establish the pavement. Redeveloping the city in the name of development debunks the basic fundamentals of inclusivity and building a more egalitarian society. The way demolitions are being passed these days stems from the basic understanding that this case proffered. Moreover, alternative rehabilitation as medicine was of temporary nature due to the intangible interplay of the legal framework and the bleak repercussions associated with that.

The right to housing in India is one which is vulnerable to changing political, economic and social pressures through the lens of rapid urbanization in India and the quest for modernization.

The question of ownership is still a hubris when it comes to the legal framework, comprising various gaps in terms of its scope and enforcement.

Nonetheless, the Indian jurisprudence on the right to housing and right to shelter emanating from the right to life represents a strong unique framework across the world. It has also chalked out the procedural guarantees such as rehabilitation and compensation, which have contributed a large part in the daily political struggles of India's informal settlers.

However, adequate redressal to the complainants must be ensured when it comes to their right to a hearing and alternative rehabilitation. A strong and tangible implementation, something which can enlighten the lives of the deceased and restore their faith in the state is the need of the hour.

The road to a 'Slum-Free India' is still a long way unless the ambiguity encircled around the scope of entitlement is not cleared!

3.0 Impact of Forced Evictions

Eviction is not simply the physical displacement of people from their place of residence; it involves the irreparable demolition of homes of the affected persons. Every cycle of demolition and forced eviction renders thousands of slum dwellers homeless, turning them into vagrants. The lack of adequate legal aid, practical ramifications of losing out on economic productivity and the financial constraint, discourages the evicted population to fight the injustice and continually suffer from the impacts of demolition in the name of development.

1. Continual relocation often disrupts the education received by slum children, which hinders the practice of Right to Education by the slum Children and has also significantly contributed to the increase in the drop out rate.

Affected families often incur increased financial costs to retain their children in schools that are located far from resettlement sites or alternative housing locales. Those who cannot afford the increased expenditure are forced to pull their children out of school. The girl child is generally most impacted and often stops studying in order to take care of younger siblings or contribute to the household income or because of safety concerns.

(Housing and Land Rights Network India, 2017)

2. Displacement makes the women and girls vulnerable to sexual abuse and the girl child is often married at an early age due to the insecure nature of the family's informal settlements.
3. The informal settlements are often in proximity to the labour market, to avoid travel expenses. Due to forced evictions, this network is broken, often leaving the slum dwellers investing a portion of their meagre income on travel or worse, losing their source of livelihood altogether. For women working as domestic help, the loss of housing near their urban working space brings in new challenges in the form of loss of income and the need to re-establish their work environment from scratch in the new locality.
4. The inconsistencies of the rehabilitation programmes often leave the forcefully evicted in the turmoil of insecurities. This often leads to bouts of emotional distress and majorly impacts their mental well-being leading to cases of depression and severe anxiety.
5. The use of force and measures like tear gas by officials or the local police during the eviction drives has often been reported. The chemicals involved often harm the slum dweller's physical health, causing external injuries and in certain cases, also leading to death.

A two-year-old boy died allegedly after inhaling tear gas during a demolition drive at a Delhi slum inhabited by performing artists. Aryan, a resident of Kathputli Colony, whose demolition Delhi High Court stayed on Tuesday, had fallen ill after inhaling the gas, fired by police during Monday's eviction. (Vincent, 2018)

6. In several cases, the displaced are denied their rights and not resettled on the false grounds that they are not "legal" residents or are unable to prove their "eligibility" for state schemes. (Housing and Land Rights Network India, 2018)

This gives birth to identity crises among the affected slum dwellers, who are already struggling to find stability in the dynamic socio-economic environment.

7. The persistent discrimination against the country's poor is further perpetuated in state policy. Most state governments continue to use the exclusionary tool of 'eligibility criteria' to determine whether an evicted family should be rehabilitated or not. Even when families have lived for many years at a site, if they fail to meet the state's documentation requirements or happen to be omitted from state-conducted surveys, they

are denied any form of relief or resettlement despite losing their homes, which are generally built incrementally, over years of hard work and investment. This is directly contributing to a rise in homelessness. (Housing and Land Rights Network India, 2018)

8. Economic theory predicts a straightforward relationship between individual property rights and incentives to invest inland. Unlike rural sharecropping situations characterized by contractual arrangements between landowners and tenants, most urban squatters reside illegally on public land such that investment incentives are unambiguously distorted by tenure insecurity. Thus, fear of eviction hinders the investment capacity of the slum residents, implying discounted returns to investment in housing and infrastructure. A study conducted by Erica Field, Harvard University examined the effect of changes in tenure security on residential investment in urban squatter neighbourhoods. The collection of evidence presented in this analysis suggested that strengthening property rights in urban slums leads to a significant increase in the rate of residential investment. (Field, n.d.)

The notion of slum dwellers being treated as outcasts for centuries gains more credence when such demolitions and forced evictions are practiced. The social exclusion faced by them on a day to day basis transcends into inhumanity when their already inhabitable dwellings are demolished under the guise of social development. Instead of providing improved housing alternatives, the slum dwellers are left to fend for themselves. Most of the families evicted as a result of slum demolitions seldom live in highly inadequate housing conditions without access to drinking water or proper sanitation.

4.0 Role of Organisations

Playing a pivotal role, NGO's are essential for protecting the interests of these people as they can help them without any major contribution from the government. Funding from citizens, spreading awareness about these people, their plights, their usefulness, representing them in any matter and providing basic amenities can really uplift their status in the society.

We've listed some of the contributions by the organisations whose contributions, if not revolutionary, but were effective enough to attract the attention of the state.

4.1 People's union for civil liberties

PUCL is the largest human rights organisation in the country formed in India in 1976 by the socialist leader, Jayprakash Narayan, striving to defend civil liberties and human rights of all members of society.

Their fundamental objectives include basically promoting consciousness about and commitment to human rights and civil liberties among all sections of our society. It has also facilitated building a platform for all groups including political parties to come together for advancing the scope of human rights. Through direct intervention in cases where there are gross violations of human rights, it aims to trigger sensitization towards the human rights situation in India in courts and the press. (PUCL, n.d.)

The PUCL supports grassroots movements that focus on organizing and empowering the poor rather than using state initiatives for change. They have brought to light the cases of the bonded labourers, children in prison and violence committed against women undertrials. The PUCL has worked on the issue of the hundreds of people detained by India and Pakistan's governments and accused of espionage after trivial crimes like minor trespassing, a problem linked to the tension caused by the Kashmir conflict. (Wikipedia contributors, 2020)

From time to time, PUCL has actively intervened in the legal space to seek redressal of the universal declaration of human rights which are infringed through forceful eviction and slum demolitions.

In 2011, it came out with a report slamming the government for the inhuman conditions existing in Kannagi Nagar and Semmenchery slum resettlement colonies. The report observed rampant human rights violations in these areas and policy anomalies and called on the government to stop works for the upcoming resettlement project in Perumbakkam designed on the lines of Kannagi Nagar. (The Indian Express, 2011)

In 2019, it demanded justice for those rendered homeless by the demolition of the four slums -- Alaimari, Veera Bhadranaagara, Medara and Priyadarshini Colony, all of them situated in Bengaluru. (TNN, 2019)

4.2 Medha Patkar

Medha Patkar is an Indian social activist working on various crucial political and economic issues raised by tribals, dalits, farmers, labourers and women facing injustice in India.

Founder of the Narmada Bachao Andolan 34 years ago and co-founder of the National Alliance of People's Movements, she is a strong advocate of causes of diverse sections like the tribals, Dalits, farmers, labourers and women across different parts of India.

4.2.1 Ghar Bachao Ghar Banao Andolan

Under her leadership, she launched Ghar Bachao Ghar Banao Andolan, which is a struggle for housing rights in Mumbai. It started in 2005 and continues to fight for the rights of slum-dwellers and those cheated by the builders in various rehabilitation and re-development projects.

The GBGB movement is currently dealing in those slums of Mumbai which have been demolished in or after 2004. It works with the affected community and inculcates leadership from within the community. It believes that the right of housing is a basic human right and the Government cannot deny it just on the basis of 'illegality'. It advocates the Constitution of India, fundamental rights and directive principles of state policy - which includes guaranteeing shelter and other basic services and right to livelihood. It believes in the framework of equity and justice which is required to be the basis for development planning as a whole and housing projects especially. Poor localities in urban areas need to be seen not as illegal encroachments but as service guilds. (Ghar Bachao Ghar BAnao Andolan, n.d.)

In 2013, after lending his voice to India Against Corruption, Anna Hazare joined forces with Medha Patkar to demand land and housing rights for slum-dwellers Mumbai. (Wikipedia contributors, 2020a)

4.2.2 National Alliance of People's Movements (NAPM)

Being one of the co-founders of National Alliance of People's Movements (NAPM), it started as a process in 1992 amidst the impact of Ayodhya incidence and globalization

spree and took a definite shape in 1996 after a long national tour of 15 states by senior activists.

Striving for radical change, NAPM works to influence appropriate processes of democratic development planning, choice of technology and justice in the distribution of development benefits. NAPM promotes the use of alternative technology in water, energy, housing, farming and other sectors, towards building self-reliant lifestyles and communities. It cares for the environment to protect our livelihoods, climate and future generations.

Some of their fundamental concerns today include the uncontrolled growth of obscene wealth on the one hand, and the widening disparity, debt, hunger and suicides on the other paradigm of market-oriented development-induced displacement, privatisation and destruction of national and natural resources. They also intervene in the case of the abuse of people's mandate by legislations such as the SEZ Act, Land Acquisition Act, Nuclear Regulatory Bill (NAPM, n.d.)

4.3 SPARC, Society For The Promotion Of Area Resource Centers

SPARC initiated some education programs for the children of pavement dwellers. But these programmes can be extended to men and women as well.

Shelter Training Program was developed by SPARC and women pavement dwellers for all the pavement dwellers. Public meetings were informally arranged where serious issues were discussed. This program was spearheaded by the women. The problems of demolition and eviction were discussed with the possible total monetary loss. This led to an exploration of possible alternative responses to impending demolitions. Actions taken by them were, Women went to police stations and municipal corporations for understanding the clear process of demolition. With this information, they had a game plan for facing eviction. The problem of non-availability of land which was shown by the contractors was broken. Vacant stretches of land were located (on the Development Plan of the city, and from professionals in the relevant departments of the state government). Visits were arranged to inspect these sites. The training programme included the gathering of information and using it for the benefit of these people. To conclude, the aforementioned organizations, though they have a progressive list of objectives, are still struggling to attain their summit. The ultimate aim should be to cater their energy in the

right direction i.e through collaborations with the government on various projects. This would not only facilitate the needs of the masses , but also give us a better picture of the actual problems of the target population.

5.0 Case Study

5.1 BRAZIL

5.1.1 Overview

The history of slums in the city of Rio de Janeiro in Brazil summarizes an industrial and infrastructure development story. The birth of slums, known as “favelas”, which was basically due to urbanization together with high fertility rates, resulted in the displacement of the poor who had no other chance but resorting to collective efforts for constructing cheap housing away from the city. By the 1970s, under several military dictatorships, 100,000 slum dwellers were evicted within a period of two to three years. The fundamental catch here is that the housing policy in Brazil did not involve the federal government and functions at the sub-national level.

Prior to the 1990s, state-level policies served Then, a decentralization trend was introduced through the 1988 constitution. During the 1990s, the city of Rio de Janeiro worked on including. Hence, favelas became legitimate communities.

They significantly grew to the extent that around 25% of the population lived in slums, yet exclusion increased.

Before the 1990s, state-level policies regulated informal settlements in the city of Rio de Janeiro.

But through the decentralization trend introduced in the 1988 constitution, the city worked on the inclusiveness of informal settlements into the city’s public services and started the process of legitimizing the existence of informal settlements, thus making favelas legitimate communities.

As a consequence, they grew to contribute to around 25% of the population living in slums. (Maher, 2017)

5.1.2 Favela Bairro

The policy mainly aimed at incorporating slums within the city by facilitating access to basic urban and social services. The total amount of the project was US\$300 million, an amount of US\$180 million was received as loan from the Inter-American Development Bank (IDB) and an amount of US\$120 million was received in the form of co-finance from the local government of Rio de Janeiro. (Maher, 2017)

5.1.3 Objective

The main objective of the program was enhancing the standard of life of the poor population existing in favelas in the city of Rio de Janeiro by investing in infrastructure conducting social development actions.

The program consisted of four modules:

- serving children and teenagers
- providing job opportunities
- The institutional improvement which to apply a monitoring and evaluation comprehensive system together with training for officials in the Mayor's office
- training of workers and civil society organizations, and finally actions for disseminating information about the program to the community.

Some of the programme's objectives are listed below -

- Improving the standard of living of poor inhabitants living in slums and irregular settlements in the city of Rio de Janeiro, which was done by reaching 56,000 families in 52 slums and 17 irregular settlements that used to have no access to the main services.
 - Allowing a participatory approach for the community to participate in the planning and execution phases
 - Land-titling regularization.
 - Providing employment and facilitating income generation
- (Maher, 2017)

5.1.4 Accomplishments

Some of the accomplishments of the First Module of the programme are listed below. Keeping in mind the financial aspect of it , the entire module was budgeted around US\$422 million but the actual cost was US\$422 million. As for the level of political and institutional commitment, there was a full municipal government commitment represented in dedicating a big portion of the budget of Rio de Janeiro to the Housing Department and granting it a central role.

Planned Objectives	Accomplished Objectives
<ul style="list-style-type: none"> ● By the end of the project, the objective was to reach 56,000 families in 52 slum areas and 17 irregular settlements that used to have no access to the basic services. ● 100 per cent of households in every slum area or informal settlement should be reached and invited to participate in the different activities of the program by taking part in at least one of the meetings and any other community activity ● Six months after the works were done, all dwellers should have the security of tenure. ● 100 per cent of dwellers should be served with access to potable water, a pluvial drainage net as well as a sanitary system. 	<ul style="list-style-type: none"> ● 75,796 families were reached in 62 slum areas and 16 informal settlements. ● Slum-dwellers actively participated in all the stages of the project ● Goal accomplished ● 96 per cent of dwellers had access to potable water and 90 per cent had sanitary services.

(Maher, 2017)

5.1.5 Factors of Success

Legalisation - In 1988, Brazil became the first country in the world to include a section on urban policy in its constitution. The section included two articles only: the first one recognized the function of property and the other article recognized the rights of the landowner. The most enlightening part was that it respected the rigorous involvement of Labor unions and civil society in the issuance of these articles. (Maher, 2017)

As we discussed in the Olga Tellis case, there is an urgent need to clear up the ambiguity when it comes to enforcing the right to housing in the Indian context. As the ownership rights are not concrete, it creates a big hurdle for the slum dwellers to get adequate resettlement enforced. Since there has never been a fundamental violation of their rights, it puts the dwellers in a weaker position and making it ineffective to complain about their new locations. So many logistical and legal barriers kill their motivation to seek redressal.

In 2005, the State Government of Maharashtra and the Municipal Corporation of Greater Mumbai developed the Mahatma Gandhi Pada PathaWasiDwellers and has since relocated 10,000 of the 30,000 households in the city. This example shows that how effective is the state if they interfere for the protection of someone's right.

Learning from Brazil, there is a need for one unified law/scheme/policy for the whole country whose aim should be to protect the interests of pavement dwellers with the inclusion of provisions such as providing these pavement dwellers with alternative land rather than being brutally forced out of the city Decentralisation- It is worth mentioning that in the following decades, local governments in Brazil became independent of the central government making more democratic decisions and were notably capable to develop and carry out projects addressing the needs of the city. This decentralization of government together with prioritizing urban equity made the Brazilian cities more like an incubator for urban improvement. (Maher, 2017)

Though the Indian policy framework of Decentralisation is quite structural and coherent, the roles and responsibilities assigned to them are not in par with the potential these local governments possess. The municipalities and Panchayats, if given adequate power, can abridge the gap between the state and the target population, thus making it easier for the administration to recognize their citizens's needs.

Community Involvement - Favela Bairro had set explicit principles for the community's involvement in the decision making associated with infrastructure interventions (Magalhães, 2012). The program was elaborately discussed with the community from the beginning and for the sake of mobilizing the population and mediating in the case of conflicts, local representatives were recruited. (Maher, 2017)

To amplify community involvement, the increasing role of NGOs like SPARC through collaborative projects with government should be utilised to connect with the communities mobilised for a cause. In 1993, a woman who lived on the pavements with her group built a community toilet. Since then 6952 toilets are present in Mumbai, thanks to Mahila Milan, National Slum Dweller Federation and SPARC. This was a big opportunity to engage more constructively with the Local Government. Frequent discussions and recruiting community representatives based on merit will instil confidence and bring their needs on the table, resulting in the enforcement of needs-based allocation.

5.2 Codi, Thailand

5.2.1 Overview

Moving to another international experience to set role models in the issue of successful dealings with slums, the research will present the case of Codi, Thailand. In the 1970s Thailand's cities witnessed a huge increase in the population of informal settlements. In the early 1980s, it was estimated that 24% of Bangkok's population lived in informal settlements (NADKARNY, 2010). The response of municipal governments in Thailand during the 1970s to this increase of informal settlements was usually eviction and demolition without guaranteeing resettlement. (Maher, 2017)

In response, a number of civil society and community organizations mobilized to reject evictions. Accordingly, a program to resettle inhabitants of informal settlements into apartment housing on the cities suburbs was initiated in the 1980s by the National Housing Authority (NHA). However, the lack of employment opportunities in such locations caused many families to return to the informal settlements. (Maher, 2017) Apart from the NHA's upgrading program, some pilot housing initiatives were introduced for the poor. This involved "land-sharing" programs, through which residents received infrastructure and secure tenure. This was when they negotiated sharing the site they have been occupying with the landowner. (Maher, 2017)

5.2.2 Projects Undertaken

The first project was the Baan Mankong ("secure housing") Program, which dedicated government funds and soft loans to community organizations of the urban poor that plan and implement improvements to their lands, houses, environment as well as basic services. (Maher, 2017)

The main objective of the Baan Mankong program was improving housing and living conditions and providing security of tenure for poor households, in poor communities in Thailand, within a time frame of five years. This was in cooperation with local governments, experts, universities and NGOs to survey the low-income communities in a certain city, plan and implement an upgrading program which in turn would resolve the land and housing problems in this city within three or four years. Upon the conclusion of these upgrading plans, CODI directed the infrastructure subsidies and housing loans to the communities, who carried out the work all by themselves.(Maher, 2017)

When resettlement was inevitable, alternative locations were suggested to the communities provided that they should be near their original locations, to reduce the social and economic costs of resettlement. (Maher, 2017)

5.2.3 Implementation

The first stage of establishing the Baan Mankong Program was identifying the relevant stakeholders and clarifying the project in detail to ensure that the nature of the finance initiative is clearly conveyed. The second stage was organizing community

meetings so that the stakeholders start taking ownership of the program and establishing a joint committee for overseeing the implementation of the program. This committee involved the urban low-income community, social leaders, local officials, academics and NGOs. The committee worked on building new co-operation relationships and creating a mechanism to plan and implement housing development initiatives. Once the committee was established, a city meeting was to be held with delegates from all communities to disseminate the required information about the upgrading project and the preparation process. (Maher, 2017)

The process usually started by gathering information on all households, infrastructure problems, land ownership and housing security through a survey that the committee organized.

Using the technique of surveying people's needs provided an opportunity for people to gather and learn about the problems of each other. The gathered information was used to set a development plan that covered all the slum areas in Thailand. In the meantime, loan groups and collective community savings were created to run funds within the community and to support community groups. (Maher, 2017)

Baan Mankong Factors of Success

Self Actualisation- Unlike traditional projects, urban poor communities were the main players in this housing upgrading program. This was evident in the fact that the communities controlled the funding, managed the projects and implemented the improvements. Moreover, they carried out the work in most of the construction works and did not hire contractors, which led to minimize the cost to help in the additional investments people made in their own residences. This allowed the program to be driven by people's needs rather than being led by contractors or government. (Maher, 2017)

As has been seen throughout the social developmental programmes undertaken in India, the 'need' and requirements are often decided by a third party on the basis of a very superficial understanding of the ground reality. However, giving credence to the opinion of people whose needs are to be fulfilled will inculcate a better understanding of the requirements and help in devising a more comprehensive approach towards a holistic

social development. Especially in a country like India, primary research plays an essential role to obtain unadulterated and factual results. In addition to this, the strategy of making the slum dwellers build their own home will help in constructing an inclusive environment whereby the slum dwellers will be the driving force for their own development with no third party interventions to further their own personal agendas.

Economic Viability- They worked very closely with the local government and prepared a redevelopment plan which provided secure land and housing for around 1,000 families in several areas. This redevelopment plan helped in creating new housing areas connected to markets and parks. When resettlement was inevitable, alternative locations were suggested to the communities provided that they should be near their original locations, to reduce the social and economic costs of resettlement. (Maher, 2017)

As has been seen in the case of incoming rural migrants, the informal settlements are usually located close to the labour market or their workplace to avoid excess expenditure on travelling and thus, as a result of demolition and eviction they often fear losing their means of livelihood. By providing rehabilitation in areas close to their place of work, the slum dwellers can be ensured of income security. In addition to this, the aid of rehabilitation will also prove to be an efficient intervention in the vicious cycle of slum establishment ultimately adding value to the objective of 'slum-free India'. A more promising solution to curb the problem of rural-urban migration could be to create employment opportunities in villages and small towns. The main reason for migrating to urban cities is for earning livelihood. If they can earn livelihood in their villages, the rate of migration will decrease. Even over-population in urban cities will be reduced.

Employing these people in construction of public places like roads, highways etc will help them earn their livelihood. The contractors can also provide temporary settlement for the duration of a particular work. (Gupta, 2019)

An in-depth analysis of both the case studies bring to light the similarities between housing problems faced by slum dwellers across countries, the only difference being the response to the issues. Both developing countries provide a very efficient and a feasible framework that can be very well adapted to improve the housing condition in the Indian

slums. A systematic and structured implementation of the programmes would encompass sanitation, health care, housing and communal inclusivity leading to a more holistic development of the living conditions of the slum dwellers.

6.0 Conclusion

The primary aim behind writing this paper was to explore the question of entitlement when it comes to housing in slums and evaluate the feasibility of demolitions along with the social and cultural ramifications associated with it.

The Olga Tellis Case was definitely a breakthrough when it comes to deducing the right to housing from the right to life. It ultimately debunked some myths about the scope of the right to life and the pertinent intersections with ownership.

However, when it comes to involuntary displacement, the Indian legal framework falls short of helping the slum dwellers seek adequate redressal due to intangible ambiguities related to rehabilitation.

The premise of demolition is not the destruction of a building but with it, the destruction of a community's sense of belongingness and garnering socioeconomic vulnerabilities among the affected people. The forceful evictions have been backed with humiliation and deprecatory remarks, thus exacerbating the identity issues.

Speaking of the cases of Brazil and Thailand, they definitely proved to be a good handbook for India to work on the pre-existing framework of resettlement and rehabilitation strategies. The values of inclusivity, distribution of power and community involvement are the layers India, as a hub of over 6 crore slums (as per 2011 census), needs to adopt. With effective participation and pragmatic planning, the benefits of any developmental project needs to be weighed with the associated costs, so as to actually enforce the philosophy of Development.

With vivacious aspirations of becoming a 'Slum-Free India', the concerned stakeholders need to keep in mind that this construct shelters more than one-third of the Indian population, something which has the potential to become either an asset or a deterrent towards the path of development.

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