

SLUM REHABILITATION: WHICH WAY?

Truth & Lies Of Slum Rehabilitation in Mumbai

Report of Public hearing on SRA, Mumbai

Panel: Justice (Retd) Suresh H.

Sh. Tiniaker (Ex. municipal Commissioner, BMC),
Sh. Bharat Kumar Raut (Editor, Maharashtra Times)

Hearing Organized By:

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REPORT OF PUBLIC HEARING ON SRA

INTRODUCTION

Public Hearing of slum dwellers, especially those, affected by Slum Rehabilitation Scheme(SRS) being implemented by Government of Maharashtra through Slum Rehabilitation Authority (SRA) was held by a number of people's organizations, coming under the banner of Ghar Bachao Ghar Banao Andolan (a constituent of National Alliance of People's Movements) on 12th Sept at Marathi Patrakar Sangh, Mumbai. The following three persons, namely:

- 1) Justice (Retd.) Suresh H.
- 2) Shri. S. Tiniaker (Retd IAS Officer who handled schemes during his tenure on behalf of Govt. of Maharashtra) &
- 3) Shri Bharat Kumar Raut (Editor- Maharashtra Times).

heard the grievances of speakers, received written submissions and they were requested to arrive at their own conclusion and recommendations if any.

They accordingly would like to make the following observations on the manner in which slum redevelopment scheme was being implemented in Mumbai, under various schemes approved by Slum Rehabilitation Authority.

Accordingly, the three persons, mentioned above heard a number of persons who spoke in the Public Hearing and were adversely affected by the SRS as being implemented mainly in Mumbai, approved by the Slum Rehabilitation Authority (SRA) and implemented by Builders with the involvement of Collector Mumbai and on the advice of Government of Maharashtra.

The list of name of persons who deposed before the panel is being attached as Annexure 1 and the list of names of experts is being attached as Annexure 2. More than 700 people were present in the meeting and were patiently hearing their addresses except that they occasionally raised slogans supporting the speakers with single voice.

OBSERVATIONS:

- A. There was a unanimity amongst the speakers and supported by spontaneous response of the audience, that in the name of giving "free" slum tenements, the scheme is pure and simple in favour of builders, who take initiative to re-develop slums only on the basis of profits they can make in the sale of marketable tenements. In the process, only those areas where the price of marketable tenements can be very high have been picked up for slum rehabilitation. Tardeo-M.P Mill compound slum rehabilitation is the most out standing example of this.
- B. In the process so far, in the course of last 15 years, only about 70,000 shanty houses have been attempted to be re-developed into multi-storied single room apartments; though the promise was ten lakh such tenements would be constructed before year 2000.
- C. In many cases, in the name of slum redevelopment, marketable high priced tenements are being built and sold while slum dwellers await construction of single room tenements, for years together.

- D. The manner in which builders who take initiative for slum redevelopment is also far from having transparency. The exact number and names of slum dwellers, is a matter of manipulation between builders, the government servants from Collector office and BMC.
- E. Full details of slum rehabilitation project are not furnished to all the members and signatures are manipulated, power of attorney taken and SRA permission obtained by builders, who there after totally ignore the slum dwellers and take up the re-development of the area entirely on its own.
- F. The so called Co-operative Housing Societies of slum dwellers are only for name sake; and the property i.e the land is not transferred to the society while the builders, in the name of society, take possession of the land and sell flats in open market.
- G. In the process, a number of intermediaries and agents function on behalf of builders and manage or manipulate the construction of apartments by keeping the slum dwellers in the dark.
- H. Role of Police has been vicious and leave a room for doubt and suspicion as eviction of local residents is concerned. There have been number of complaints of threats and highhanded behavior from the goons of builders and despite persuasion, Police has not taken adequate action as per the complaints. This has happened in number of cases and repeatedly, as in case of Babrekar nagar, Kandivali, Gandhi Nagar-Woli, Saat Rasta.
- I. There are complaints from Juhu Gali, Shakti CHS- Kandivali, Saat Rasta, Gandhi Nagar-Worli that bogus names of residents were shown in the list by local committee members in connivance with authorities like Collector Office or BMC and Builder/Developer. The additional rooms that were created because of bogus names were either sold by the builder or were given to the committee members as graft. This defeats the basic purpose of SRS. It is the responsibility of government authorities to weed out the bogus members and allocate those tenements to slum dwellers who have been evicted by the use of force.
- J. Technically, SRS is to be run and operated by Co-operative Housing Societies. However, the common observation is that the elected bodies of local CHS hand over schemes to Builders/Developers. This happens for many reasons, mainly lack of initiative by community people, lack of mutual trust among residents of basti, short sightedness, selfish attitude and greediness of members of the Committee, government machinery/police and elected people's representatives of various levels.
- K. Obviously, in many cases the slums have been demolished, and the slum dwellers have been shifted to so called slum transit camps, which mostly lack all basic amenities; and reconstruction of slum tenements has been going for years together and the slum dwellers helplessly witness the promised tenements to be built.
- L. The Transit camp is also a important factor in the Scheme. Those who have been shifted to transit camps are not brought back even after the buildings are completed. The representation of Slum dwellers from Babrekar Nagar, Kandivali has pointed out that in Sept 2000, the Additional Collector had declared a list of 658 eligible and 415 in-eligible slum dwellers. The names of some 123 slum dwellers were absent from both the lists. This amounts to violation of their human rights. The representation also points out that there are 65 such names in the list those who were never resident of the area and 53 names have been duplicated. This is a clear violation of the principles of the Scheme. It is surprising that no action has been taken against the Executive Committee of Shakti CHS or the builder.
- M. Initiative of slum dwellers in building houses on their own, permissible under SRS is not supported, while slum dwellers are forth coming, but awaiting State's intervention and support. This is very unfortunate and especially in case of the proposal of self-redevelopment the State authorities have not been responsive as they should have been.

FINDINGS & CONCLUSIONS

1) There has been such a strong resentment of slum dwellers to this scheme, and to the manner in which it is implemented. The scheme obviously is based on initiative of builders and the profit they can make by selling surplus tenements of high denomination. It is necessary that government appoints a committee of experts, who are neither government servants nor builders, but who are knowledgeable persons from public life and have expertise of city development, to take a complete review of the scheme, as it was formulated, as it is being implemented; and the extent to which it has really benefited slum dwellers, or the city at large in the course of last 15 years.

2) This scheme should be looked into by a judicial mechanism both at macro and micro level separately. At macro level the basic principles, which have resulted into eviction of many of the slum dwellers and violation of their fundamental human right of shelter and livelihood in nearby area and at macro level the various schemes that have been implemented are, proposed. SRS should be held in abeyance till the findings of this judicial fact-finding are finalized and made public. The resident's societies and their organizations should be taken into confidence and consulted before deciding new slum rehabilitation scheme. Builders or builder lobby should not be made party to such a deliberation.

3) In the meanwhile, since the matter is already stayed by the Mumbai High Court on the

basis of specific complaints/grievances presented by Writ Petition by few specific

societies, it would be only proper to stop sanctioning any new schemes and

Government

take responsibility for speedy completion of slum tenements for which sanction has

already been obtained, but the work has not been completed by the builder.

Government

cannot be a silent witness to the abandonment of construction work which SRA has

sanctioned for rehabilitation of slum dwellers and already undertaken by builders.

Either

the developer/power of attorney holder or builder or builder is compelled to construct

through slum tenements for which ha has obtained permission from SRA or government

MHADA or any other agency fulfills its obligation to provide promised tenements to slum dwellers who have been dislodged from their slum pockets by the builder on a promise that they would be provided tenements as per the agreement.

4) We would like to impress upon the High Court as also the Government of Maharashtra, that the Scheme has resulted in large scale violations\ of Human Rights, particularly the Right to Housing and Right to Shelter, which is also a Fundamental Right under Art21. The Scheme as it is, results in accommodation of some slum dwellers as against a large number of those who are in the same slum but being evicted and not being rehabilitated. Thus every slum rehabilitation scheme has resulted in evicting large number of slum dwellers that are forced to settle else where and start a fresh colony of slum dwellers. In this fresh colony they will have no documents what ever so, to show that they have been living in the colony prior to 1.1.1995. Thus the Scheme is essentially not for rehabilitation of all the slum dwellers but only for some as against a majority of slum dwellers being thrown out. Therefore any scheme that provides for relief for slum dwellers must necessarily include every slum dweller of that slum community.

5) It is a misnomer to say that the slum dwellers are given "free-houses" since the cost of land and slum tenements and re-developed tenements is passed on to, with profit, to the builder to make such profit as he can by enjoyment of Special FSI and marketable prices of freely sold tenements of high denomination. One thing should be made clear is that, houses allotted to the residents in the new buildings shouldn't be treated as free housing.

6) Since Right to Housing/Shelter has been recognized as Fundamental Right under Article 21 and also Human Right as recognized under International Human Right Law, it must be said that it is the obligation of the government to see every home less person is provided with a home. This obligation cannot be transferred to any private agency such as builders who will be interested in making profit for themselves and not any service for the poor. Therefore, all housing schemes to provide houses to the poor must necessarily be undertaken by the government. No government can plead that they have no finance, as finance to private agencies is made available by their own agencies such as their Nationalized Banks and Financial Institutions. It is not required and not expected that government should give free accommodation to any such homeless person. The government can certainly provide the necessary facility for payment of houses by a long term plan to enable these people to re-pay the government. This will eliminate all fraud and profit motive that is inherit in existing SRS.

7) We are of the considered opinion that there cannot be any cut-off date of recognition and fulfillment of any human right. There cannot be any cut-off date for right to housing/shelter as it is violative of not only Art 21 but also of the Art. 14 (Right to Equality) of our Constitution. Even otherwise, any artificial date whether 1995 or 2000 as the cut-off date for being eligible to claim tenement in slum redevelopment scheme does not stand test to reason. In the first place in Jawahar Lal Nehru National Urban Renewal Mission (JNNURM) no such restriction has been imposed or accepted by our government and in other projects like MUTP, there is also no cut-off date. Further persons who have freedom to buy tenements in the market from the houses/tenements that are being constructed by the same builder under the scheme have no restriction of cut-off date of residence in Mumbai. It is not logical to debar only slum dwellers under the same scheme from being eligible to get a tenement because of restriction of date on his/her stay in slum. This matter needs careful examination by government that has obviously adopted double standards under JNNURM, MUTP & SRS.

8) An Independent authority to guide and monitor the functioning of SRA be created under leadership of non-partisan NGOs and people's organizations. Independent Monitoring Panel-Authority should also observe that the developer who sells the sale tenements in open market should give due percentage of the profit to the societies of local residents for future maintenance of their buildings. Generally in any trade a level of profit is 15-20 %. If builders are making more profit from the land belonging to Government/BMC/Private owners a due share should also go to the kitty of public exchequer. This will create an atmosphere of legitimate profit and residents will keep a better vigil on the working of the builder.

The scheme like giving houses in multi-storied buildings of the type that are approved by GoM through SRA has no parallel anywhere and needs to be re-examined in terms both- its impacts on the city and the slum dwellers.

SUMMARY CONCLUSIONS & RECOMMENDATIONS:

1. The scheme is pure and simple in favour of builders, who take initiative to re-develop slums only on the basis of profits they can make in the sale of marketable tenements.
2. The manner in which builders who take initiative for slum redevelopment is also far from having transparency. The exact number and names of slum dwellers, is a matter of manipulation between builders, the government servants from Collector office and BMC.
3. Role of Police has been vicious and leave a room for doubt and suspicion as eviction of local residents is concerned. There have been number of complaints of threats and highhanded behavior from the goons of builders and despite persuasion, Police has not taken adequate action as per the complaints.
4. Initiative of slum dwellers in building houses on their own, permissible under SRS is not supported, while slum dwellers are forth coming, but awaiting State's intervention and support.
5. A Committee of experts should be formed, who are neither government servants, nor builders, they can be retired Judges and people from public life and have expertise of city development,

to take a complete review of the scheme, as it was formulated, as it is being implemented and to what extent it has really benefited slum dwellers, or the city at large in the course of last 15 years.

6. SRS should be held in abeyance till the findings of this judicial/civil society fact- finding are finalized and made public.
7. Since Right to Housing/Shelter has been recognized as Fundamental Right under Article 21 and also Human Right as recognized under International Human Right Law, it is the obligation of the government to see every home less person is provided with a home. This obligation cannot be transferred to any private agency such as builders who will be interested in making profit for themselves and not any service for the poor
8. We are of the considered opinion that there cannot be any cut-off date of recognition and fulfillment of any human right. There cannot be any cut-off date for right to housing/shelter as it is violative of not only Art 21 but also of the Art. 14 (Right to Equality) of our Constitution.

Shri Bharat Kumar Raut,

Justice (Retd.) Suresh H.

Shri. S. Tiniaker

ANNEXURE 2

Summary Depositions by Experts, Lawyers and Social Activists:

- Adv Shakeel Ahmed, Social Activist & Lawyer.

The Scheme provides for the slum community to form themselves into a registered society and if 70% of the residents feel that they are to join a particular scheme then only the same can be implemented in the slum community.

The scheme entitles people to decide the nature of the Scheme to be implemented, whether they are to involve a builder or any social organization or the society will develop on its own. Also the consent of 70 %, is to be of both men and women of the family and not only men.

Contrary to the rules, as per our estimates, in 90 % cases the formation of Society defies democratic and participatory norms and practices.

There are many examples of signatures of the members being forged while forming the society; in few cases we find signatures of even the dead people and names of people who have never been resident of the area. This is how the consent of residents is obtained.

The Slum Rehabilitation Authority was put in place that in case there is any problem and dispute between the residents and the builder, there has to be some Authority, that can support and help the residents but instead SRA has been working as an agent of the builders.

The role of the police is also questionable and objectionable; they have become a part of the corrupt nexus and have been facilitating this loot. Where ever residents have gone to police complaining forging of documents, it is never entertained claiming that this is a civil matter which is wrong.

In the name of slum rehabilitation, the city is witnessing unprecedented loot of the land by the mafia, every one, ranging from highest officials to slum dwellers are being purchased.

- Chandershekhar, Architect
 - From the very outset I want to make clear that SRS is not a scheme of free housing, no builder gives us houses in free. Our huts are taken over by builder and in return he gives us a constructed flat but the proportion of land under us is reduced.
 - We have been trying at many places for implementing the Self Re-development Scheme but did not receive support of the State administration. In all these cases profit in tune of hundreds of crores of rupees would have been made and that would have benefited government but because of builders's pressure these

schemes are not approved and slum dwellers have no option but to approach them only.

- Under SRS, it is provided that houses constructed will be under two heads: Rehabilitation component and Sale component. Normally the plot should be divided into two equal parts and houses constructed accordingly but instead the slum dwellers are accommodated in one corner of the plot and major portion of the land is grabbed and used for sale component thereby the slum dwellers are to lose the land that they have. Similarly 15% of the land is to be reserved for Recreational Ground and that too is attached to the sale component with no access to the slum dwellers.
- Lastly, the rooms provided under the scheme are not large enough to accommodate the needs and concerns of our lives, they defy national and international norms of required minimum space per person.

- **Dr. Dhende, Corporator-Pune Municipal Corporation**

Slum Rehabilitation Scheme in Pune was introduced in Dec. 2005, its regulations have also been implemented in Dec. 2005. Coincidentally Elections were declared in 2006 & 2007, Congress & Rashtrawadi congress pretended how useful this Yojana is for zopadpatti people in Pune city by giving them free homes.

We never asked any govt. for homes in spite of that” we’ll give you free homes “ why the offer is there?

At the same time the Central's government scheme of National Urban Renewal Mission (NURM) has also been introduced. According to NUR funding there is no cut-off date of 1995. According to the Mission slum rehabilitation plan homes are to be given to those individuals who are present on the date of survey. So according to central govt. rule if your name is in the survey list you are entitled for rehabilitation. but according

Maruti Bhapekar, Corporator, Pimpri Chinchwad Municipal Corporation

Zopadpattis in interior parts of Pimpri – Chinchwad are to be thrown out of the city as per SRA plan & prime locations are to be grabbed for the interest of Builders lobby. Such vested interest is there in Mumbai city, Pune city, & in Pimpri – Chinchwad city. These areas are to be converted into what one can call SBZ, Special Builder Zone. SBZ is for grabbing the locations of slum dwellers in cities, & SEZs for grabbing the lands of farmers in rural areas such dual policies are used to grab the lands of poor people.

- **Dr. Adsule, Nirmala Niketan College of Social Work**

Slum dwellers do not ask for free housing should be clear to everyone, what they ask for is a house in lieu of the house they are giving.

Given the extent of opposition of the people to this Scheme it seems that it should be scrapped, but the government will not do it as it listens more to the builders rather than the people.

The Urban Land Ceiling Act is to be scrapped under the excuse that it has not been possible to implement it, then even SRS has not been implemented to the extent it should have been, why this double talk?

The proposal of doing away with the clause of 70% consent is undemocratic and should be opposed as it is against the right of slum dwellers to be consulted.

Y.P Singh, Ex. IPS Officer & Lawyer

- Builders play with the sentiments of the people, they first demolish the slum, transfer few families in transit camps and then when the illegalities are exposed claim that for the people whose houses have been demolished and are homeless or in transit camps, the scheme needs to be carried out even if it's in violation of the rules.
- SRS is nothing but an access to money laundering. From where the money is coming, that is being invested? Through the slum rehabilitation schemes black money is being converted into white as one gets exemption under Sect 80 of the Income Tax Act. Why, the question is to be answered by the authorities?
- Another thing I want to mention is that for redressal of our grievances, we are going to officials, police stations, authorities, politicians etc. These are the very people who at the first place are responsible for the corruption and part of the nexus.

- Manav Kamble, Social Activist, Pimpri Chinchwad

Black money is being invested in this SRA scheme while it is supposed to be for the benefit of the people and the way Government handles it, they don't care much about the poor people.

Slum people, farmers, poor people and others who are being exploited should come together as joint force to tackle this corrupt government, police and other authorities. Does a common person has the right to justice or not? is an important question now.

Today the earlier factories, workshops, mills are closed and by the closure of these, there is loss of jobs and income while the owner of the land or builder deals in it and indulges in profiteering and such practices are not stopped by the government.

- Medha Patkar, Social Activist

- The SRS is supposedly based on the principles of co-operativism, as to start with, there has to be a society of the slum dwellers who initiate and take the implementation ahead. In reality we are witnessing that this is only an eye wash. This is the primary reason that people today are forced to oppose it and struggle.
- The present Scheme divides residents, into categories of pre 1995 and post 1995. This division has turned out to be stricter than any other division of caste, class or religion. Thus while the scheme talks of co-operativism, actually it divides.
- The rationale of having cut-off date is to restrict the entry of more migrants, but who is to be engaged in the construction of these very buildings being built under SRS, and serve the resident populations are the critical questions.
- Today because of schemes like SRS(SRA), the builders are able to buy not politicians alone but political parties by funding their elections and thus is leading to criminalization of politics. In every SRS people have exposed which politician is supporting which builder.
- Provisions of FSI & TDR are nothing but to facilitate the plunder of resources- human and natural be it land or water and the unrestricted profiteering by the builder-developers at the cost of public investments.
- Keeping aside the political declarations of house of 225 or 370 or 500 sq ft, and also the illegal and un constitutional concept of cut-off dates, the need for implementing in-situ slum rehabilitating schemes with formalizing the land ownership in their name.
- Our Constitution, under Art 243 very clearly lays down that the Ward has to be the basic unit of decision making in urban areas for planning development and without having these plans City Development Plan cannot be formulated.

ANNEXURE 1

S.No.	Name of Deponent	Name of Slum/Society
01.	Kishore Bhalerao	Sayukut Sangharsh Samiti, Saat Raasta,
02.	Pervin Iyunkar	Lok Jagran Manch, Gandhi Nagar Rehwasi Sangh, Worli
03.	Shanti Lal	Ekta Zopadpati Rehwasi Sangh, Juhu Galli, Andheri
04.	Jamila Begum	Anna Bhau Sathe Nagar
05.	Amravati	Mandala, Mankhurd
06.	Nirmala Singh	Ambujwadi
07.	Memorandum	Shakti Co-operative Society, Babrekar Nagar, Kandivali
08.	Memorandum	Juhu Moragaon,
09.	Memorandum	Bhatwadi, Vikroli Park Side
10.	Hyder Imam	Amar Welfare Society, Juhu Lane, Andheri (W)

11.	Rajesh Rathod	Omsai Ram CHS, Saiwadi, Andheri,(W)
12.	Memorandum	Nathushet SRA CHS
13.	Memorandum	Ganesh Wadi Utkarsh Samiti, Bhatwadi, Andheri
14.	Memorandum	Megh Welfare Group, Tulsivadi