

STAKING A CLAIM: HOUSING RIGHTS OF THE POOR IN MUMBAI

Project Proposal

INTRODUCTION/SUMMARY

BACKGROUND

Mumbai is the vibrant and pulsating capital of Maharashtra state. It is India's principal financial, commercial, communication and transportation centre including the largest and busiest port in India. Mumbai alone handles more than 46% of India's total foreign trade. It has also been the first choice of the private entrepreneur and over the decades the primary destination of people from the rural areas in search of their dreams in the big city.

The rapid and unplanned urbanisation over the past decades has caused major problems of congestion, pollution and the growth of city slums. Mumbai has a population of approximately 15 Million inhabitants 60% of whom live in the slums.

Mumbai, the financial capital of India envisions itself as an international trade and finance centre with the authorities planning to transform Mumbai into a world class city like that of Shanghai by the year 2013. This visioning is largely driven by corporate interests and has received strong political, and resource backing over the last few years including 463 million USD from the World Bank for the Mumbai Urban transport Project (MUTP).

The vision Mumbai project has tremendous implications for the life of the poor in the city. This 60% of the city population is today being marginalised in myriad ways. The most vicious attack has however been a denial of their right to stay in the city. December -January 2004 witnessed the eviction of over 85 thousand slum households in different parts of the city. This eviction drive threatens to be the beginning of series of harsh measures to follow in the near future. The struggle of poor communities to stake a claim for affordable and adequate housing in the city is becoming sharper. The need to struggle at multiple levels is actively being recognized. This complex scenario forms the backdrop of the proposed project.

PROJECT RATIONALE

The challenge of right to housing and basic services for the poor is an overwhelming one in a city like Mumbai where the depth and scale of deprivation leaves many well intentioned people and organisations quite helpless. At the same time simply brushing the poor under the carpet – as currently appears to be the case to improve the city’s image - will not make the problem go away. Lasting solutions have to be found.

Although there are no easy answers the starting points are clear.

Housing as a Human Right - The right to a decent housing, basic services and to a decent standard of living are basic human rights – the right of people to live in dignity is evident in the national constitution of India and in various international human rights instruments to which the Government of India has subscribed. The right to adequate housing should not be understood narrowly as the right to have a roof over one's head. Rather, it should be seen as the right to live somewhere in security, peace and dignity. This right has a number of components, including the following:

- ✓ *Legal security of tenure*: everyone should enjoy legal protection from forced eviction, harassment and other threats;
- ✓ *Habitability*: housing must provide inhabitants with adequate space and protection from the elements and other threats to health;
- ✓ *Location*: housing must be in a safe and healthy location which allows access to opportunities to earn an adequate livelihood, as well as access to schools, health care, transport and other services;
- ✓ *Economic accessibility*: personal or household costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not compromised;
- ✓ *Physical accessibility*: housing must be accessible to everyone, especially vulnerable groups such as the elderly, persons with physical disabilities and the mentally ill;
- ✓ *Cultural acceptability*: housing must be culturally acceptable to the inhabitants, for example reflective of their cultural preferences in relation to design, site organization and other features;

- ✓ Availability of *services, materials, facilities and infrastructure* that are essential for health, security, comfort and nutrition, such as safe drinking water, sanitation and washing facilities.

Homelessness, and living in dangerous and unsanitary housing, is constitutive of poverty. The importance of the right to adequate housing is underlined by the Millennium Development Goal that aims to achieve a significant improvement in the lives of at least 100 million slum dwellers by 2020.

Participation – active, informed and effective participation of the affected communities themselves in decisions that affect their lives. The recent demolitions clearly show that not only the communities were not included in the decision making process but that they were not even warned of evictions.

Active and informed participation by the poor may come in the states of:

- ✓ *preference revelation*, an initial stage where people are asked what their preferences are;
- ✓ *policy choice*, the next stage at which policies are formulated and decisions taken regarding the allocation of resources among alternative uses;
- ✓ *implementation* not so much on the technical deliberations that underlie policy formulation but to take part in a process of setting priorities and benchmarks that will guide such deliberations;
- ✓ and *monitoring*, assessment of success or failures of policy so that the state and duty bearers can be held **accountable** for their obligations.

Non Discrimination - The poor are usually victims of discrimination on various grounds such as birth, property, national and social origin, race, colour, gender and religion. Depending on the particular circumstances of each society, poverty may affect primarily members of certain socially disadvantaged classes, or of certain ethnic or religious groups, women, elderly people or indigenous persons, but in most cases poverty is aggravated by some sort of discrimination. If Governments are responsible for such discrimination, they are under an obligation immediately to prohibit and cease all discriminatory laws and practices. Inequalities and discrimination may assume various forms, including explicit legal inequalities in

status and entitlements, deeply rooted social distinctions and exclusions, and policies of indirect discrimination. It is therefore important to look at the effects rather than the intentions of measures and laws.

These three principles must underpin any attempt at a lasting solution.

PROPOSED PROJECT

The proposed project will aim to contribute to the process of finding lasting solutions to the right to housing for the poor in Mumbai using a human rights lens for action research through a strategic blend of participatory Budget and Policy Analysis. Linkage of these research findings to ground realities through partnership with organizations engaged in these struggles is expected to sharpen advocacy and action agendas. The understanding of International Human Rights Standards for housing underpin this entire action and research exercise. The attempt is to examine current projects which have some scope for rehabilitation and to develop the desired standards for rehabilitation in Urban context in India. The project will also study other relevant internationally and nationally funded projects concerned with redevelopment of Mumbai and their implications for the poor.

The distinctiveness of the proposed project lies in

- ✓ the use of the human rights lens in analysis and the rights based approach towards implementation;
- ✓ its interface between research and action
- ✓ a partnership between academic institution and activist organizations
- ✓ a partnership which has local, national and international implications for advocacy.

PROJECT ENTRY POINT

The strategic entry point for the project is seen as the analysis of the Mumbai Urban Transport Project (MUTP). This project represents one of the large infrastructural programmes in the city with implications for resettlement of 80,000 households, it

also has a rehabilitation policy and therefore can be used as a launching pad to understand the larger issues of housing for the poor in Mumbai. The Mumbai Urban Infrastructure Project (MUIP) and the Mumbai Renewal Project are the other projects whose analysis is also included in this research.

The scope of this project can be in terms of understanding the experiences and adequacy of rehabilitation efforts under MUTP so far, the proposed plans for resettlement and rehabilitation in relation to the degree of displacement and the analysis of the guidelines for rehabilitation vis-a-vis the International Standards for Adequate Housing for the poor. Further some insights related to issues of inclusion/exclusion in rehabilitation, transparency/secretcy in resource allocation and utilization, direction of resource allocation, and service delivery are also attempted. The other projects mentioned earlier are clear about the project objectives but the extent of displacement and plans of rehabilitation are yet to unfold. Current developments however indicate that the extent of displacement is bound to be in hundreds of thousands and therefore the need to stake a claim.

BROAD ORIENTATION

The project will cover three areas:

- 📌 Action Research - Research and analysis that will answer : Where are the affected areas? Who are the affected people as a result of MUTP? What has happened to them? Have they been rehabilitated? And if so have they been rehabilitated in accordance with international standards? How much funding has been allocated for the rehabilitation component of MUTP? How many people are affected and are these funds adequate for the scale of the affected communities? How are these funds spent? Are affected communities participating in the decision making of fund usage that directly affects them? What is the comparison over the years since the first year of MUTP? Are the funds properly spent (transparency issue)? What do the conclusions mean for the future of MUTP? Is the implementation of the rehabilitation plan satisfactory? If not what improvements are needed? How does MUTP relate to other plans and how can the MUTP rehabilitation model be used for other major projects including MUIP and the Vision Mumbai?

- ✚ Capacity Building – to build the capacity of the affected persons from the MUTP to realise their rehabilitation in accordance with international human rights standards. This could involve awareness raising and training activities and solidarity actions with the affected persons to realise their rights. This part of the programme will aim to build the capacity of affected communities to actively, and effectively participate in the decisions that affect their lives.

- ✚ Advocacy – To use the results of the research to improve on the implementation of the MUTP rehabilitation process; and to push for other projects to include a strong rehabilitation component in line with international human rights standards (e.g., Policy Statements relating to the rehabilitation component in other projects including MUIP at the state level and Vision Mumbai, or even to the extent of a National Rehabilitation Act at the national level. At the international level for institutions like the World Bank to adopt resettlement plans in accordance with HR standards clearly in their lending policies.)

Project Goal:

This is an Action Research project which aims at strengthening Housing Rights struggles through a strategic blend of participatory Budget and Policy Analysis. Linkage of these research findings to ground realities through partnership with organizations engaged in these struggles is expected to sharpen advocacy and action agendas. The understanding of International Human Rights Standards for housing underpin this entire action and research exercise. The attempt is to examine current projects which have some scope for rehabilitation and to develop the desired standards for rehabilitation in Urban context in India. The project will also study other relevant internationally and nationally funded projects concerned with redevelopment of Mumbai and their implications for the poor. It will in turn help to build an understanding of the linkages between urban development, displacement and rehabilitation.

PROJECT OBJECTIVES

Action Research

- To estimate and understand the implications of MUTP, MUIP and Mumbai Renewal Programme in terms of displacement for the poor.
- To analyse the experiences of the poor and authorities involved in implementation of MUTP with regards to inclusion/exclusion, adequacy of resettlement package, institutional mechanisms of rehabilitation, process of rehabilitation and the overall impact of resettlement on the lives of the people.
- To assess the rehabilitation policy of the MUTP vis a vis the international standards for R & R and in terms of its potential as a standard for urban rehabilitation and resettlement.
- To undertake the budgetary and policy analysis of the MUTP, MUIP and Mumbai Renewal Programme.

Capacity Building

To build the capacity of the affected (displaced) communities in particular to participate effectively and actively and in an informed way in decisions that affect their lives –

- To raise their consciousness on the contents of the rehabilitation package contained within the MUTP – which includes their rights and entitlements;
- To raise their consciousness regarding basic housing, in relation to national laws and constitution – as well as international standards on the same;
- To assist them to claim their entitlements under the MUTP rehabilitation scheme and help ensure that the process takes place in line with human obligations of the various duty bearers;

- To help them to keep a track of income, expenditure flows that relate to the MUTP rehabilitation package and check if the funds are reaching its intended destinations.

Advocacy –

- To use the results and recommendations from the action research for to ensure that implementation of rehabilitation under the MUTP are in line with international standards, that they have been or are being implemented in accordance with these standards and if not to ensure corrective measures are put into place.
- To mobilise affected community, national and international support and keep pressure on the relevant authorities to ensure that the right to housing and access to basic services of the poor are respected.
- To mobilise interest of the international community on the housing needs of the urban poor in Mumbai ?? elaborate.
- To consider using complaints mechanisms such as the World Bank Inspection panel if elements of MUTP rehabilitation plan had not been agreed.

ACTIVITIES

Action Research

- Literature review including:
 - Review of International standards related to the right to housing and access to basic services
 - review of existing state and central government policies including review of the MUTP, MUIP and other relevant policies/schemes which impinge on the housing rights of the poor
 - Study the R & R packages/policies contained within the above mentioned programmes

- Review of rehabilitation successes & failures within India and elsewhere.
- Review of the operationalization of R & R package of MUTP through studies/documents prepared by government and non government organizations
- Budget review, analysis and tracking -
 - Securing and reviewing the budget data in relation to MUTP to start with and tracking the income and expenditure flows;
 - Analysis of the resource mobilisation, utilisation and financial implications for all the stake holders involved in the implementation of the scheme.
 - Critical analysis of projected budget provision for R & R in MUIP and Urban Renewal Project.
- A sample survey of affected communities and communities facing the threat of eviction in the near future on the problems faced, issues of inclusion/exclusion, issues arising out of the gaps in the implementation of the R & R package and related matters.
- secure the operational plan for MUTP , and other development schemes for selection of sites for the survey as well as advocacy inputs
- Analysis & Conclusions and Recommendations – Production of a report complete with facts and figures and recommendations for advocacy and action.

Capacity Building

- Convene meetings with the affected (displaced/ or to be displaced) communities and relevant stake holders– listen, learn and document their experiences – who has already been affected. This part will also closely relate to the “survey” part of the action research.
- Training programmes to mobilise the communities around their housing rights and how they can be claimed for community leaders from different

communities affected by MUTP, MUIP and Urban Renewal Project and other CBOs/NGOs working on housing rights issues

- Posters/leaflets/theatre – aimed at (to be or already) displaced community members of their entitlements under the MUTP rehabilitation package and right to housing and access to basic services.
- Build community consciousness and seek transparency around budget issues - in particular in relation to if funds available for the rehabilitation component of MUTP – where the funds are, how much is claimed to have been spent – are they actually spent in accordance with what has been claimed and can the community help to track this?

Advocacy

The advocacy focuses on building up on agenda at local, National and international levels to recognize the impact of current directions of urban development on the poor, minimize displacement and enforce a comprehensive policy on resettlement and rehabilitation.

Based on the Action Research and recommendations arising from that research as well as building on the capacity building work to mobilise the affected communities, NGOs and friends of the poor at national level and international partners, activities/strategies are expected to involve:

- Complaints/suggestions directed to relevant authorities in Maharashtra state and the government of India involving pressure at the local, national and international levels.
- Alerts through various national and international networks related to economic social and cultural rights as well as specific networks related to housing and land rights.
- Complaint to be taken to the World Bank Inspection Panel should the implementation of the MUTP rehabilitation component are not in line with stated objective;

- Presentation to the UN Committee on Economic, Social and Cultural Rights should there be serious violations of economic, social and cultural rights in respect to MUTP and overall vision Mumbai plans and urban renewal plans in general;

EXPECTED OUTCOMES

- A Report – containing facts and figures regarding the resettlement component of MUTP, with a situation and budget analysis through a human rights perspective and one that clearly outlines recommendations and action for policy and implementation improvements
- Distribution of this report and its overall findings to all stake-holders in the communities, government authorities and other stakeholders in the process;
- Increased capacity of the affected communities to take part in decision making processes (this also depends on the willingness of the governmental stakeholders but at last from the partners side this will be our intention) Specifically, the affected communities will be:
 - Aware of their implications of MUTP rehabilitation package;
 - Aware of their right to housing (right to life) under the constitution of India, the various laws relating to this and also under the various international human rights instruments;
 - Receive skills to put forward their case to the authorities
 - Increased demands for transparency and accountability.

Increased awareness at the international level on the situation in Mumbai and any other actions as might be appropriate.

Participation in the campaign by a wide variety of international actors.

PARTNERS

The present project is a result of consultations between individuals across institutions committed to the cause of housing rights and they bring together a variety of expertise and skills including involvement in the issues at the ground level, subject expertise, budget analysis skills and international advocacy potentials.

The issue and site of the project has been jointly decided after series of consultations within the partners and discussions with some of the activists.

Tata Institute of Social Sciences has a unique status of an academic and research Institute with a close linkage to field issues. There is a long as well as wide experience of research in urban and housing issues. The Institute also enjoys a good degree of credibility and acceptance both among government and non government actors. Some of the significant projects in which the Institute has been involved include

1. Study of legal impediments to housing in Maharashtra
2. Pioneering the slum up-gradation programme in Mumbai
3. Study of the slum rehabilitation scheme in Mumbai
4. Study of the pilot resettlement and rehabilitation programme of MUTP

Along with research, Institute faculty have been engaged with different housing rights groups through field work placements of students, support for specific actions, membership of boards of such groups etc.

Youth for Unity and Voluntary Action – A voluntary development organisation which since its inception in 1984, has questioned social structures along the side of the poor, with the aim of empowering them to participate in a process of meaningful change. The struggle has revolved around creating access and enabling processes to a gamut of rights and opportunities for the marginalised within the human right framework. In 18 years YUVA has shaped many interventions to suit the needs of diverse group of constituents in a constantly changing socio-economic climate. They include women, children, pavement dwellers, un-organised workers, youth, slum dwellers and landless labourers. INSERT MORE

Dignity International - Dignity International was founded in October 1999 largely by the communities directly experiencing poverty and social exclusion who felt that there was a need for a global human rights movement that will promote and defend economic, social and cultural rights on par with civil and political rights – a human rights movement that will defend the human rights of the poorest and most vulnerable in our societies.

Dignity aims to empower the affected communities through human rights awareness and enrich the contents of human rights with their input; work with and affect change in the lives of the poorest communities through local, global campaign action; and advance the human rights framework in the overall debate on globalisation, in particular at the World Social Forum. Dignity's activities include: community learning programmes on human rights, to relate existing struggles of the community (water, sanitation, housing, education, healthcare) to human rights; Learning Programmes on Economic, Social and Cultural Rights (annual global programme, regional programmes in Mekhong, Latin America and others, as well as thematic programmes on Budget Analysis and ESC rights); workshops/Seminars/conferences and more popular forms of learning through theatre at the World Social Forum working with others to advance a human rights framework in the overall debate on globalisation; and campaign work to link the local and global – for a united global campaign to make affect change at the local level for the affected communities.

Main Project Partners

1. Dr. Neela Dabir and Dr. Amita Bhide -Tata Institute of Social Sciences
2. Ms. Lysa John and Mr. Raju Bhise- Yuva
3. Ms. Aye Aye Win- Dignity International

Core team at the local level- Dr. Neela Dabir, Dr. Amita Bhide, Ms. Lysa John, Mr. Raju Bhise. This team will be in charge of the implementation of this action research at Mumbai. All the financial and administrative responsibilities will be managed by YUVA.

The core team will be supported by the International partners in terms of resource mobilization, technical expertise and International advocacy.

It is proposed to have an advisory team composed of experts such as activists,

planners, architects, governments officials, economists. Advisory committee has a consultative status and will be involved at different stages of the project.

BUDGET

We are looking at the following structure

1. Programme Director - (placed in YUVA as overall in charge - Lysa)
2. Research Director (placed in TISS -Neela Dabir and Amita Bhide)
3. Advocacy and training in charge (placed in YUVA – Raju Bhise)

Project staff

1. Senior project co ordinator
2. Two research officers
3. Field coordinator
4. Three Field Organizers
5. One data entry and coding manager
6. One Clerical assistant

By the end of this month the core team from TISS will work on the details of the research component and core team from YUVA will work on the training, advocacy and action part of the project and submit the proposal.

Research Component

1. Literature review of housing related issues/policies/programmes/legislations in Maharashtra vis a vis international standards for R&R and housing rights – 2 months
2. MUTP :
 - a) Compilation of existing reports and studies on MUTP
 - b) In depth study of R &R package within MUT
 - c) Interaction with field agencies working on housing rights issues vis a vis their experiences of MUTP implementation so far

3. Budget Analysis of MUTP

- a) Preparation of a framework of budget analysis on the basis of Activity No.2
- b) Budget analysis exercise of MUTP from the beginning till the date of collection of data.

4. MUIP and Urban Renewal Project

- a) Study of project documents to understand implications for displacement
- b) Understand the R &R component in the context of nature of external investments and impacts on the poor communities
- c) Sample survey for situation analysis of the communities facing a threat of displacement/ evicted households
- d) Tracking of income /expenditure and other resource flows in these projects to look at overall institutional mechanisms for implementation and their implications for operationalising the R&R component.

5. Drawing agendas for advocacy and action – After every six months of the project to feed into the action part of the project. It can be supported by small booklets in local languages for wider distribution

Action Plan with Time-line for research component

Activities/ Months	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
Literature review	█	█	█	█																					
Preparation of tools for sample survey	█	█	█	█																					
Sample survey/ Data Collection					█	█	█	█																	
Budget Analysis								█	█	█															
Analysis of sample survey								█	█	█	█	█	█												
Draft Survey report												█	█	█											
Preparation of capacity Building Materials/ training of field animators								█	█	█	█	█	█												
Capacity building process documentation								█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Advocacy documentation																					█	█	█	█	█
Report Writing																					█	█	█	█	█