

## **URBANISATION AND SETTLEMENTS THE SCOPE FOR AN INCLUSIVE CITY**

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### **Abstract**

Urban settlements have become the only asylum for poverty-stricken vulnerable people to survive in today's cities. The state had demonstrated its commitment in the past through policies such as the Jawaharlal Nehru National Urban Renewal Mission's 'Basic Services for the Urban Poor' (BSUP), 2005, with the mandate to 'improve living conditions of the urban poor in their existing locations'.

The state uses disaster as an extenuating circumstance to displace people from urban settlements and relocate them in the city's peripheries. The houses allotted by the Tamil Nadu Slum Clearance Board post Tsunami 2004 to relocation sites like Kannagi Nagar, Ezhil Nagar, Semmencherry and Perumbakkam are surviving models. Such unconstitutional relocation has isolated people from their sources of livelihood, education, health and assorted amenities.

This article analyses the state of Tamil Nadu's agenda on urban planning for an inclusive city, which falls short of fulfilling the Government of India's commitment to the Sustainable Development Goals (SDG).

It elaborates on the negative impact on poor people living in the new relocation sites, and forecasts major problems that might accrue in case of emergencies. The article ends with recommendations for zero eviction and implementing a housing policy in tune with a human rights approach.

**Keywords:** Urbanization, eviction, relocation, inclusive city, housing, SDGs

## **Introduction**

There has been an unprecedented population explosion in countries around the world, and, for the first time in human history, the majority of people today live in urban areas. By 2050, 66% of the world's population is projected to live in urban areas (United Nations, 2014). The planet today witnesses two powerful human-induced forces - urbanisation and climate change - unleashed by so-called development and myriad forms of environmental degradation. To begin with, given the rapid urbanisation across the globe, forced eviction is one of the most serious challenges of our time. It violates the fundamental human rights of the deprived urban community and prevents them from reaching their full potential. It is imperative that such violations end, in the interests of society's progress and prosperity. The practice of forced eviction is a permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land occupied, without the provision of, and access to, appropriate forms of legal or other protection (Office of the Commissioner for Human Rights Council, 1997).

## **Rapid Urbanisation**

Accelerating urbanization, climate change and globalization, financial and other global crises have contributed to make forced evictions even more acute and complex (United Nations Commission on Human Rights, 2014).

Urban construction, and development funded by private enterprise and commissioned by government bodies, have been undertaken with insufficient regulations and disregard for environmental consequences. Chennai-based environmentalist, I H Sekar, has voiced grave concerns over the current state of affairs. Widespread environmental damage has been caused in the name of 'development' all across wide swathes of Chennai. For example, construction on the Pallikaranai marshland, including the corporation's garbage dump; the airport runway on the Adyar River; and the MRC Nagar neighbourhood, built within the Adyar estuary have all contributed to environmental degradation. Rapid urbanization without proper planning leads to unmitigated

environmental problems and impacts the well-being of the people living in such surroundings.

'Enhancing inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management' is a stated target that is far removed from reality. Town planning is done by experts who make no effort to consult with slum-dwelling inhabitants. These people are forcefully evicted from their residence to far-flung settlements, making it hard for them to access opportunities for livelihood.

### **The pattern of disaster-induced eviction across Tamil Nadu**

In 1971, the Tamil Nadu Slum (Improvement and Clearance) Act was passed for the identification, declaration and improvement of slums. The Act was progressive, and its overarching goal was to improve the lives of those residing in urban settlements. The benefits of the Act included protection against eviction, tenure security and access to schemes, benefits and improvements provided by the government (Tamil Nadu Legislative Assembly, 1971). Although well-intentioned, the Act culminated in several issues in subsequent years. In 1971, 1,202 slums were declared as 'improvements'. In 1985, only 17 additional slums were given a 'declared' status. These are still the most recent slums to be recognized within Tamil Nadu, despite the erection of countless new slum areas since 1985. As a result, families living within undeclared slums are highly vulnerable and have little access to resources, services and education. Living under the constant threat of eviction, they are denied basic human rights, like the right to housing, as in the recent 2015 Chennai Floods.

Evictions have been implemented in the interest of city beautification and infrastructure projects, not for the improvement of an already marginalised and excluded community. Although having a declared status has its advantages, it also means insufficient protection from eviction and access to resources. Consequently, since 1971, random legal evictions have taken place in both declared and undeclared slums, serving to further disadvantage the urban deprived community.

The state's determination to use disaster as a mode of forcibly evicting the urban deprived community is a common pattern in recent history. From the early 1990s, in an effort to advance and modernize the state's infrastructure, with the underlying agenda of removing informal and 'illegal' (Tamil Nadu Legislative Assembly, 1971) dwellings, bulldozers quite literally moved in on the urban poor living alongside rivers, lakes and sundry water sources. For instance, the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007, sought to do just this by forcibly removing slumdwellers from their homes and resettling them on other low-lying, flood-prone areas south and southwest of the city. In November 2016, of the 55,000 encroachments identified, only 4,134 had been removed and their occupants resettled (R., 2017). The communities of Semmencherry and Kannagi Nagar are an example of this, where the complex social and economic problems of relocation are still felt today. These dire effects are a pattern that is expected to play out again in both Perumbakkam and Ezhil Nagar, as the current relocation progresses.

The state intervened in the life of the tsunami survivors by proposing a resettlement plan, coupled with economic arm-twisting policies. The coastal communities residing within 200 metres of the high tide line for ages were suddenly to be relocated under the guise of "safety". The state has derived a housing policy which forces affected communities to forgo their traditional habitations. In addition, taking advantage of this opportunity, the state has proposed resettlement sites far from the original habitations, leading to strategic losses for these affected communities in terms of their livelihood prospects. Yet the people in question agreed to move out to unfavourable resettlement sites as they had no choice and were struggling to regain a lost foothold. They were, therefore, completely dependent on the rehabilitation packages offered, which would be withdrawn if they chose to confront the state and stay on in their original homes. Government Order No:172 states that "all the houseowners of fully damaged and partly- damaged Kutchha and Pucca houses within 200 metres of the High Tide Line will be given the choice to go beyond 200 metres and get a newly-constructed house worth Rs.1.50 lakh free of cost. Those who do not choose to do so will be permitted to undertake the repairs on their own

in the existing locations, but they will not be eligible for any assistance from the government”.

The first target of SDG 11 states that slums are to be upgraded: nowhere in the 10 targets is there a reference to eviction as a viable option for cities to become inclusive, safe, resilient and sustainable. The cruel weapon used by experts appointed by the government to evacuate slum-dwellers is to deceive them with promises of concrete houses and a host of rehabilitation measures, but the truth is that the government chose to undermine the already marginalized communities by relocating them to places where their livelihood opportunities are drastically limited.

### **A history of eviction and relocation**

The location of the urban deprived community, in particular their inhabitanacy alongside water bodies, has been cited as a contributory factor in the 2015 Chennai Floods. However, this claim is unfounded, as evidence from urban planners states that the flood was both human-induced and preventable, and attributed chiefly to large-scale, unregulated urban developments obstructing water channels, reservoirs, and the natural environment. The government owns many of these encroaching structures, including the Chennai Airport, the Koyambedu Chennai Mofussil Bus Terminus, the entire IT corridor and the Adyar Eco Park. The government has ignored environmental caution and permitted private parties to build structures upon known flood plains, catchment areas and marshlands. Forty years earlier, Chennai's waterbeds were twice their current size, which has now greatly reduced their ability to carry water during heavy rains (Ravishankar, 2015). According to The Economic Times, there are three areas to focus on: the reservoir, water bodies, and drainage systems (Ravishankar, 2015).

The forecast leading up to the 2015 Floods predicted 500mm of rain for Chennai, much more than the Chembarambakkam Reservoir could handle without an increased water release. However, the state administration failed to order the release prior to the rains, culminating in an uncontrollable overflow to the river. In addition to the lack of preventive measures, the government also failed to warn people living in low-lying structures of the potential dangers that high levels of water

could bring (Delay in decision to open sluice gates caused flood of trouble, 2015). Thus, the tragic Chennai Floods of 2015 and the significant losses incurred were not a consequence of the location of slum dwellings, but entirely man-made, owing to issues relating to poor urban planning and governmental neglect.

Despite having lost their homes and belongings - as well as, in some cases, family members - to the floods, the city's most vulnerable are now being forcibly relocated. The government has plans for 50,000 families to be evicted and relocated to the city's periphery. Here they will be housed in a one-room apartment of 310-390 square feet amid high-rise apartments at one of two sites, such as Perumbakkam or Ezhil Nagar.

The first of the two relocation sites is in Perumbakkam, Kancheepuram District. Undertaken by the Tamil Nadu Slum Clearance Board (TNSCB), it consists of 188 high-rise blocks within the marshland of Perumbakkam Village. Ten thousand people who will be forcibly moved were prior to the flood, or are still, residing on the banks of Chennai's waterways, canals, drains and other undesirable areas. The irony of this relocation is that in constructing these multistorey apartment blocks, the natural water systems in place have been destroyed, thus creating a highly flood-prone area.

The Ezhil Nagar slum relocation project plans to shift 40,000 slum dwellers to 84 newly-constructed high-rise blocks, also being built amongst wetlands. Similar to the Perumbakkam project, the very location of the new dwellings breaches the natural drainage capacity of the area. Therefore, the urban poor are being moved from one risk-laden site to another. This is in complete contradiction to the Jawaharlal Nehru National Urban Renewal Mission's (the funder for this relocation) 'Basic Services for the Urban Poor' (BSUP) component, whose very mandate is to 'improve living conditions of the urban poor in their existing locations'.

### **The effects of eviction and relocations**

The relocations issued by the TNSCB are, according to the United Nations Human Resources Guidelines, classified as 'forced evictions'. Various elements, separately or combined, define a forced eviction:

*“Carried out without the provision of proper alternative housing and relocation, adequate compensation and/or access to productive land, when appropriate” (Sandhya R, 2015).*

and

*“Carried out without the possibility of challenging either the decision or the process of eviction, without due process and disregarding the State's national and international obligations.”*

These violations are both directly and indirectly related to the manner in which the relocations have been handled. According to the United Nations, the TNSCB has violated the human rights of citizens through relocation, in terms of the following:

***The way evictions have been decided;*** no consultation with or participation from slum-dwellers, no information given, and no recourse mechanisms in place.

***The way evictions are planned;*** no notifications given, site of relocation non-negotiable, and inadequate compensation provided, delayed or subject to unjustified conditions.

***The way evictions are being carried out:*** at night and/or in bad weather, with no protection for people or belongings, and no time allowed to assemble belongings.

***The use of force, violence, threats and harassments:*** in forcing people to sign agreements, and using bulldozers when people are still salvaging their belongings.

***The results of the eviction:*** disruption of children's education, access to medical treatment, mental trauma, loss of jobs and livelihoods, inability to vote because of homelessness, inadequate access to basic services or justice because of the destruction of identity and property papers during the evictions.

These relocations are unacceptable, and inadequate, for the residents for several reasons. Firstly, the relocations are situated very far from the relocated family's workplaces or are uncondusive to the daily commute to and from work, especially in that they are high-rise apartments. Evidence from past relocations has shown similar cases where jobs and incomes are significantly negatively affected post-relocation.

Secondly, the resettlement colonies are not equipped with adequate services including schools, child- or healthcare centres and ration shops. Furthermore, the relocation in itself disrupts the family's ability to access education centres. In addition, such circumstances create a high risk of psychological damage, trauma and violence-related outbreaks. Under international law, forced evictees have the right to an adequate standard of living including education, healthcare, and employment (Office of the Commissioner for Human Rights Council, 1997). Yet these rights are not being recognised in current plans.

An immediate and vital concern is the fact that these new settlement colonies are sited amongst floodplains, catchment areas and marshlands. Therefore, the risk of re-flooding is significantly high, especially as these areas had suffered acute flooding in November - December 2015. In Semmancherry, for instance, 12 people are reported to have drowned in the floods. All that this relocation serves, then, is shuffle already marginalised people from one flood-prone area to another.

Another major target of the SDGs is the involvement of the slum-dwellers themselves in the process of human settlement planning, a utopian idea that has never seen the light of day in the history of independent India.

### **Recommendations**

- We recommend that in-situ housing be mandated. Displacement and relocation of slums and informal settlements to urban peripheries must be prevented.
- We urge the state to commit to housing policies that support the progressive realization of the right to adequate housing for all, as a component of the right to an adequate standard of living, that address all forms of discrimination and violence, zero evictions, and focus on the needs of women, children, informal sector workers, Dalits, indigenous people, homeless communities, persons in vulnerable situations, low-income groups, persons with disabilities, and other marginalized groups.



- The protection of the rights of the urban poor, relocated or threatened by forced eviction/relocation, must be strengthened in law and practice.

The persistence of multiple forms of poverty, growing inequalities, and environmental degradation owing to a lack of a human rights perspective, anti-people policies, and the over-reliance of the government on the private sector remain major obstacles to sustainable development worldwide. They can facilitate or catalyse a shift in power structures in favour of the most disempowered, in terms of an equitable and just share of scarce resources, for the greater fulfilment of the rights of urban deprived communities across the globe.

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