

## **Rights and Wrongs.**

There is underway for the past few weeks in Mumbai a massive demolition drive by the BMC (Brihan-Mumbai Municipal Corporation) targeting illegal encroachments; slums but also and for a change well established restaurants, hotels etc. It has been very long since anything like this has actually taken place without intervention from the 'usual suspects'; namely the NGO's, who need issues to survive and make themselves noticed and the vote hunters who need the numbers wherever and however they come from. For some reason even the routinely misappropriated court orders has not been able to stay the drive, which surprising has the state government backing. The politicians, ruling and opposition are divided on the issue- torn between the shimmering Shanghai syndrome and the vote bank equation. The NGO's and other active representatives of the civil society, I hope, are pondering over an effective counter-strategy.

Illegal encroachment is an issue affecting all Indian cities, towns and even panchayats. It needs urgent attention. We have so far been conveniently passing on the issue for our future generations to resolve. The demolition drive, though not a solution, is at least a sign that a process towards the resolution of this problem can be initiated. I would prefer to look at it that way.

There is enough written about 'nivara hak' or right to housing being a fundamental one. Citizen's rights are the very basis of a democracy and there are laws in place to defend them. Unfortunately these have often been sidelined by authorities, politicians and activist alike though each with a different vested interest. I would like to look at the issue out of a politically polarised 'us against them' vision, with my own citizen's bias.

No one's rights can be secured by the violation of the rights of others. One of the very fundamental rights is the right to property i.e. the right of all to enjoy the benefits of what belongs to them and the duty of the authorities in to guarantee this. Illegal encroachment is an infringement of this fundamental right of individual or collective ownership. Private land belongs to its legal owner and public land belongs to us all and has to used for 'common' good. It is not something politicians can squander at will.

Year after year, and mostly around election times, politicians make generous promises to 'regularise' encroachments. I do not think they have the mandate to do so. Law is not open for political appreciation. Tomorrow it may make electoral sense to regularise other forms of offences. It is a dangerous means of manipulating the law for immediate vote gains.

In Mumbai the profile of the electorate has changed dramatically in the last

decade or so making it impossible for 'regular' citizens to find any political representation. Isn't it their fundamental right as well? Can the future of a city be tributary to the underdevelopment of another due to unchecked and systematic immigration?

The 'regular' citizen's demand for a quality environment, good civic services and amenities is equally legitimate. In Mumbai over the years they have been the beast of burden- bearing the consequences of a deal between other beneficiaries. They pay more and more for lesser amenities and degrading services.

It is obvious from the way different sections of the society have reacted differently to the ongoing demolition drive that it is a no-win situation in the short-term for whoever attempts to tackle the issue. It can only be resolved with firm and focussed governance within a wider vision of the overall development and sustainability of the city (society).

I fail to understand what notions of social justice or equity we are defending by allowing large parts of the urban populations to live in sub-human and precarious conditions. What is the future perspective? How long can we ignore such sensitive issues and leave them for future generations to tackle?

The first step should be to ensure no further encroachment happens and then look at all possible alternatives for legal and subsidised housing for the existing slum dwellers.

The classic heart wrenching bollywood plot; "*garibon ki basti ujhadke five star hotel banana hai*"; that works wonders for filmmaker and politicians alike. However, contrary to what many social activist would like us to think, and sometimes themselves genuinely think, slums are not in the interest of the slum-dweller. They exist because of and for slum-lords, municipal & police officials and politicians. They are the most blatant illustration of law and order failure, nexus between organised crime & politics, corruption and abuse of power by administration & police.

It is agreed that all residents of the city have a part to play in the larger economic canvas and the city would suffer in some way or the other without this participation. That does not imply that so many of them, almost half of the cities population, have to live as encroachers, as third grade citizens.

Even today in Mumbai a full time job of a qualified graduate can be employed at 2 or 3 thousand a month. Slums make this possible. Slums ensure availability of cheap captive labour thus subverting the entire economic equation between remuneration and cost of living. If encroachments are not tolerated, it would certainly elevate the living conditions of its residents. Every service they offer

being remunerated at the value in accordance with the cost of living in that city.

The higher cost of living in Mumbai, and other metros, should actually encourage a lot of small and medium scale enterprise to consider other centres. Slums actually deprive this opportunity of distribution of economic activity. As we all know illegal settlements are also important production centres. In Mumbai 'slums' leather, rubber, plastic and fashion confection happen on a large scale and at the expense of the health and safety of people. These activities are enough to establish and sustain smaller towns elsewhere in better conditions. The market for this production would probably diminish marginally if they are relocated but the gains in terms of environment & living conditions for the labour involved would make it greatly worth while. This can go a long way decentralising employment opportunities and addressing the very root-cause of large-scale city-bound migration. Formalising this production will contribute large sums, presently out of bound, to the state exchequer. All this is requires coordinated macro and micro planning and close collaboration between the different planning and executive machinery of the state.

It is common knowledge that encroachments as they happen today in Mumbai are no spontaneous settlements, as they are sometimes referred to. These are well coordinated land-grab schemes successfully promoted and operated by organised criminal groups in partnership with the authorities. One immediate fall-out of the SRA (Slum Redevelopment Authority scheme was that vacant lands in distant suburbs of Mumbai like Vasai and Nalasopara are passively encroached with migrants imported for the purpose; awaiting the real-estate boom to reach there. Very large sums of money get extorted in form of rents, leases and commissions for providing electricity, water, ration cards etc. There is also the expected measure of violence to create the fear that is required to sustain such an infernal and exploitative system. Accepting encroachment in any form is a direct support to criminalisation and corruption- the greatest evils our nation is facing today.

Encroachment exists in the first place because state agencies for regional / urban planning and housing have failed miserably in doing their job. It is ironical that our 'socialist' national policies left out a fundamental domain like housing development almost totally to private initiative. The output of state housing boards in Mumbai is a fraction of what is required. Today their principal focus seems to be in exercising their control on the public land acquired and reserved for housing and other development by the government under the Urban Land Ceiling Act by brokering deals with builders rather than actually implementing housing development projects.

Social diversity is an essential aspect of a city and more so in Mumbai and it has

to be supported with public policies that support housing, civic amenities, social infrastructure & mobility. At one end politicians are regularising encroachments when at the other the municipal schools are being closed down. In Mumbai the deficiency in housing policy is so serious that today one does not necessarily have to be poor to be in a slum but one has to be super-rich to accede to housing.

Even the much advertised SRA scheme is at best a crisis response and not a sustainable housing policy. The plot level cross-subsidy model on which it works is the too simplistic. Firstly it allows the government to link a basic responsibility by to private initiative. The builder's job is to make profit- but it is the government's job to provide housing. The cross-subsidy of mass housing has to be at a larger policy level and on the scale of a city / region. Secondly it further inflates the real-estate market and the population that can access regular housing.

New development mechanisms need to be created to support creation of housing for all sections of the society. We have seen how availability of housing finance has drastically increased property accession of the middle-class. In terms of the 'market' it is high time the poor are also become clients. Slum dwellers do pay as high as Rs. 3,000/- per month for their accommodation and the amenities they get (water, electricity). I am sure many will readily pay more for a better and regular dwelling. Suitably designed housing finance packages and land subsidies can enable access to regular housing to a much larger number of city dwellers. A lot of under utilised public and private land can be put to good use.

Ad-hoc demolitions are inhuman and unacceptable as such. Though, in principal, encroachment should not be tolerated, demolitions squads cannot act in isolation without immediate re-housing options.

In absence of an effective mass housing policy well integrated within the overall planning for the city we cannot accept the demolition of slums. The government cannot selectively exercise its right without duly performing its duties.