Indian People’s Tribunal on Environment & Human Rights
HUNTED, HOUNDED AND HOMELESS IN INDORE

A Report on Large Scale Forced Evictions

*Tribunal Headed by:*
Justice K. Sukumaran
(Retired Judge, Kerala High Court)

INDIAN PEOPLE’S TRIBUNAL ON ENVIRONMENT AND HUMAN RIGHTS

APRIL 1999
Members of the Tribunal

Justice K. Sukumaran enrolled as a lawyer at the Kerala High Court in 1955 and was Government Pleader of the Kerala High Court from 1969 till 1976. Thereafter he was appointed as an Additional Judge of the Kerala High Court in 1981 and became a Permanent Judge in 1982. In 1990 he was transferred to Bombay High Court and retired in 1992. At present he is a practicing senior Advocate in the Supreme Court of India and continues to promote and defend the rights of poor people and their environment.

Among his many achievements he was also a Council to appear for the Silent Valley Protection Society in 1975 and written 3 books in Malayam to promote legal literacy within the State as well as numerous articles and essays in English and Malayam. He is also the Chairman of the Law Review, a periodical published in Malayam to spread legal literacy.

Advocate Maharukh Adenwalla is a practicing human rights and environment lawyer of the Bombay High Court. Her specialization is housing rights. She is closely associated with struggle groups around the country and is active member of the Nivara Hakk Suraksha Samiti.

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IPT Secretariat

Amarjit Singh, Urmila Salunkhe, Deepika D’Souza, Mamta Sahgal, Sarbani Sarkar, Preeti Verma.

Acknowledgements

YUVA for part financial assistance in printing this report.

Prof. R.D. Prasad, Dr. Jacob Thudipara, Mr. Vasant Shintre, Mahendra Bhai, Mr. P.C. Jain, Mr. Subhash Ranade, Ms. Kalpana Mehta, Mr. Rajendra Bajode, Mr. Anand Lakhan, Mr. Rajeev John George, Ms. Belu Rajeev and other friends from Indore for assistance in organizing the site visits and public hearing.

Ms. Shilpa Joglekar, Ms. Rumana Hamied & Baba Mayaram for proof reading and editorial assistance and Ms. Parezade Mama for assistance with translation.
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Indian People’s Tribunal on Environment & Human Rights
PREFACE

More than fifty years ago the world conscience was bestirred by the miseries caused to considerable sections of humanity by the naked and open violation of basic rights. To combat this and to protect the most vulnerable and poor sections of the world populations the United Nation (UN) Declaration of 1948 came out as a Charter of Human Rights.

Within a short while, India through its secular, democratic Constitution adopted those basic rights through its Fundamental Rights and Directive Principles of State Policy. Still later, was added a necessary adjunct to those glorious principle – the Fundamental Duties.

Violation of human rights, however, continued in a more aggressive and extensive form. This prompted many nations, including India, to provide for an effective forum to take note of human rights violation, to enquire into them promptly and to prescribe remedies expeditiously and effectively. The State Commissions too, were formed later, though under judicial compulsions.

Inspite of this, the violation of basic rights, particularly in the case of weaker sections, continues unabated. Violations of human rights were reported in the media and through representations and agitations, in one of the biggest states of the Indian Union – Madhya Pradesh (M.P.). The Indore citizenry took the initiative to draw the attention of the authorities to the atrocities prima facie indicated.

Representatives of the people – the Members of the Legislative Assembly, the Members of Parliament, and the Chief Minister were repeatedly approached. They were fortunate to get some assurances – more often oral. These promises were promptly forgotten.

It was with this background that Indian People’s Tribunal (IPT), requested me to conduct an enquiry into the eviction of slum dwellers, which took place between 9th January – 12th March 1999. A three-member team consisting of Advocate Maharukh Adenwalla, Advocate Shakil Ahmed and Mr. Amarjit Singh from the Indian People’s Tribunal accompanied me. The Tribunal conducted its investigation from 30th April to 1st May 1999 in Indore.

The Terms of Reference of this Enquiry were as Follows:

1. To investigate into the illegal and large scale demolitions of slum colonies in Indore, an open and flagrant violation of the Master Plan of Indore City, M.P. Housing Policy, Gazette Notifications (M.P. Nagar Palika Rules 1998), the Indian Constitution, the UN Convention on Economic, Social and Cultural Right which India has ratified and the UN Resolutions on Forced Evictions to which India is a signatory.

2. To question how slum dwellers who have land certificates under section 3 of the Patta Adhiniyam and other who sere eligible to receive pattas were evicted from their homes without their consent or without being given prior notice.

3. To visit the sites where people were relocated and review the execution of the M.P. Government’s rehabilitation policy for the communities who have been displaced.
4. To investigate continuing militant and inhuman demolition of slum colonies inspite of opposition by the citizens.

5. To review the lacunae of the M.P. Government in guaranteeing the right to housing and basic amenities of the most vulnerable sections of society.

As in other IPT investigations the IPT team visited the sites from which people have been evicted, the relocation sites and the sites where people are likely to be displaced from. This was followed by a press meeting and a public hearing, where all aggrieved parties and the concerned government were asked to depose before the Tribunal. The public hearing was held at 4:00 p.m. on 1st May 1999 at the Hindi Sahitya Samelan.

More than a hundred affected slum dwellers deposed before the Tribunal. The IPT sent invitations to Mr. Digvijay Singh – the Chief Minister, Mr. Manoj Shrivastav – the Collector, Mr. Iqbal Ahmed – the Chairman of the Indore Development Authority (IDA) and Divisional Commissioner, Mr. K.C. Jain – Chief Executive Officer of IDA, and Mr. Devender Singh Sainger – Superintendent of Police. The officials, however, chose to keep themselves at a distance. The top bureaucracy appears to feel that they are not servants of the people but their ‘Superior Masters.’

The following report is illustrative not only of the M.P. government’s betrayal and refusal to provide for its poorest citizens but a reflection of the governmental attitude in all states of India. It is unfortunate that the world’s largest democracy has been reduced to a nation where only the desires of a handful of the rich and the powerful are pandered to.

Justice K. Sukumaran
(Retired Judge, Kerala High Court)
EXECUTIVE SUMMARY

Indore is the financial capital of Madhya Pradesh and has seen large-scale migration of people from different parts of the country. The migrants all come in search of employment. They are mainly from the working class and stay in hutments in different parts of the city. The slum population of Indore is over 50%. The slums, however, occupy only 5% of the total land area.

The labourers work on daily wages basic in small businesses such as loading, unloading, hawking, in small industries and as domestic workers. Most of the slum dwellers have been resident of the area and the city for 22-25 years.

Since the last few months the Indore Development Authority (IDA) has been indulging in large-scale and brutal demolition of slums. Without prior notice, against the slum dwellers’ opposition and without giving them a chance to collect their homes have been bulldozed. Demolitions were carried out during the day when the male members of the family were at work and only the women, the children, the sick and the infirm were at home. The female members who protested were arrested, treated badly and put into lockup. After the demolitions the evicted slum dwellers were transported beyond the city limits and dumped in an open field without any shelter or any basic amenities like water, electricity or food.

The urban poor were evacuated from their plots in the name of development and on the lands meant for their rehabilitation, skyscrapers and commercial plazas are being constructed.

The IDA evacuated thousands of slum dwellers from the slum areas leaving them to fight the severe cold in the city due to unseasonable rains accompanied by a hailstorm, thereafter the unbearable heat of summer and the cold of winter. Some 835 hutments were affected by this action. The administration did not even spare those who were given pattas (title deeds) during the time of election of the State Government. These pattas were granted under the ‘Rajiv Gandhi Ashray Yojana’ and the patta holders were treated as landowners under this scheme. However violating their own rules the administration-cleared slums in many areas in its so-called anti-encroachment drive.

The slum dwellers of Priyanka Gandhi Nagar, Rahul Gandhi Nagar, Rajiv Gandhi Nagar, Durgeshwari Nagar, Ambe Nagar, Choitharam Patti and Bajrang Nagar were given legal pattas by the State Government. Some 163 hutments were shifted from Bairathi Colony to Ahirkhed ground. Ahirkhedi, however, in the Master Plan of Indore City has been earmarked to be developed into a regional park.

According to the Indore Master Plan there is a provision whereby if anyone has to be shifted they should be shifted to a resettlement site explicitly demarcated for this purpose. In the above case the slum dwellers have been shifted outside city limits to a plot that has already been reserved for something else. When that reservation comes into effect, the slum dwellers will be uprooted again. This is a very real concern as multiple displacements have happened before.

In the Indore Master Plan there is provision for a ring road to be built. This road was to pass through a residential colony where influential people live. In order to save that colony, the
road was diverted to pass through a slum colony. As a result this colony will now be demolished to make way for the road.

The anti-Sikh riots of 1984 in Indore uprooted an entire Sikh colony causing great destruction to the life and property of the Sikh community following, which they fled to Punjab. The State Government wrote to them offering them compensation and resettlement in Indore. The resettlement came into effect and a new colony called Niranjanpur was built. Now the State Government claims that it has resettled the Sikhs on land meant for a ring road and on that premise seeks to uproot an entire colony. Similarly, in 1980, the State Government had resettled people in a colony called Buddhnagar but not seeks to evict the entire settlement claiming that the land is meant for a ring road.

When the demolition drive was taking place, locked houses were broken into as the householders were not present, but no alternative accommodation was provided to them in the resettlement area. Some families received only Rs. 500/- as compensation for resettlement though they were promised much more. The majority of the families received no compensation at the time of resettlement. The Government had promised to provide building material to the slum dwellers after shifting them but they did not keep their promise. The people were promised food at the resettlement site but all they received was stale puris for two afternoons.

At present the slum dwellers have been shifted 5-10 kilometers away from the main city and have to pay more than Rs. 20/- per day to travel to and from the site. The children have been forced to drop out of school, as there are no schools on the outskirts of the city.

The hutments where they used to live were more or less permanent structures in which they had invested a lot. With this sudden move they were forced to start all over again. In the present place they are living under tarpaulin sheets without any security and have been robbed and attacked after shifting to this area.

The Tribunal was shocked to witness to inhuman and callous manner in which the so-called popularly elected democratic government has treated its people. Not only have they violated the most basic ethics of human behaviour but national law as well as international covenants to which it is a signatory.

Even people in possession of Pattas or land titles were displaced. No notice was given nor were people rehabilitated as promised. Moreover the Tribunal was witness to the fact that the government would rather appease the builder lobby and well-to-do citizens than the poor of the city.
<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Date</th>
<th>Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>29&lt;sup&gt;th&lt;/sup&gt; Jan – 4&lt;sup&gt;th&lt;/sup&gt; Feb 1999</td>
<td>Non-stop slum clearance drive by the IDA.</td>
</tr>
<tr>
<td>2.</td>
<td>3&lt;sup&gt;rd&lt;/sup&gt; Feb 1999</td>
<td>Heavy rains with hailstorms.</td>
</tr>
<tr>
<td>3.</td>
<td>4&lt;sup&gt;th&lt;/sup&gt; Feb 1999</td>
<td>Eminent citizens and voluntary organisations submitted a report to the Divisional Commissioner and Chairman, IDA &amp; the District Collector of Indore in respect to the Forced evictions.</td>
</tr>
<tr>
<td>4.</td>
<td>11&lt;sup&gt;th&lt;/sup&gt; Feb 1999</td>
<td>Demonstration by the slum dwellers.</td>
</tr>
<tr>
<td>5.</td>
<td>4&lt;sup&gt;th&lt;/sup&gt; – 5&lt;sup&gt;th&lt;/sup&gt; March 1999</td>
<td>Workshop on Urban Poverty held in Indore, the Collector assures the groups of his cooperation in the matter of preventing slum evictions.</td>
</tr>
<tr>
<td>6.</td>
<td>9&lt;sup&gt;th&lt;/sup&gt; – 13&lt;sup&gt;th&lt;/sup&gt; March 1999</td>
<td>Demolition drive started again.</td>
</tr>
<tr>
<td>7.</td>
<td>13&lt;sup&gt;th&lt;/sup&gt; March 1999</td>
<td>Prominent citizens gave a memorandum to the Divisional Commissioner and Chairman, IDA.</td>
</tr>
<tr>
<td>8.</td>
<td>30&lt;sup&gt;th&lt;/sup&gt; April 1999</td>
<td>The IPT visited the rehabilitation sites to investigate into the matter and to see the living conditions of the people.</td>
</tr>
<tr>
<td>9.</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; May 1999</td>
<td>Public Hearing of the IPT where the government, affected people and other concerned citizens was invited to depose before the Tribunal.</td>
</tr>
<tr>
<td>10.</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; May 1999</td>
<td>Justice Sukumaran’s interim report was placed before the government and they accepted in principle that the demolitions were illegal.</td>
</tr>
</tbody>
</table>
Chapter 1

PROCEDURE OF THE ENQUIRY

During the recent demolition drive over 835 hutments were uprooted and its inhabitants pauperized by the IDA. Arriving by noon on 30th April 1999 the Tribunal plunged into action. The first step taken was to visit the places where evictions had been carried out and the sites where this vulnerable section of humanity has now been dumped as well as areas where further demolitions were likely to take place. Nine sites were visited. The visit continued in the forenoon of 1st May 1999. In the evening statements were taken from the evicted people at a public hearing held at the Hindi Sahitya Samiti Hall.

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Names of the Evicted Slum Locality</th>
<th>Date of Eviction</th>
<th>No. of Hutments Evicted</th>
<th>Resettlement Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Hutments at Ahirkhedi</td>
<td>29th Jan 1999</td>
<td>120</td>
<td>No resettlement</td>
</tr>
<tr>
<td>2.</td>
<td>Hutments at Bairati Colony, Scheme 44</td>
<td>1st Feb 1999</td>
<td>163</td>
<td>Resettled at Ahirkhedi a location which is depicted as green belt in the master plan</td>
</tr>
<tr>
<td>3.</td>
<td>Rahul Gandhi Nagar, Scheme 54</td>
<td>2nd Feb 1999</td>
<td>45</td>
<td>Resettlement at Lasudia Mori, which is depicted as a commercial land-use area in the proposed master plan.</td>
</tr>
<tr>
<td>4.</td>
<td>Hutments near Sharada Math, Scheme 54</td>
<td>2nd Feb 1999</td>
<td>32</td>
<td>Resettled at Lasudia Mori, which is depicted as a commercial land-use area in the proposed master plan.</td>
</tr>
<tr>
<td>5.</td>
<td>Hutments at Scheme 78-I, Bajrangnagar, Lasudia</td>
<td>3rd Feb 1999</td>
<td>100</td>
<td>Most of these hutments were given permanent leasehold rights’ certificates in the Patta Adhiniyam, 1984 just 6 months back.</td>
</tr>
<tr>
<td>6.</td>
<td>Rajiv Gandhi Nagar, Behind Sayaji Hotel</td>
<td>3rd &amp; 4th Feb 1999</td>
<td>145</td>
<td>Resettled at Lasudia Mori, which is depicted as a commercial land use area in the proposed master plan.</td>
</tr>
<tr>
<td>7.</td>
<td>Durgeshwar Nagar, Mechanic Nagar, Scheme 54</td>
<td>9th March 1999</td>
<td>125</td>
<td>(Same as above)</td>
</tr>
<tr>
<td>8.</td>
<td>Ambe Nagar, Niranjanpur Road</td>
<td>10th March 1999</td>
<td>45</td>
<td>(Same as above)</td>
</tr>
<tr>
<td>9.</td>
<td>Choitharam Patti, Manikbagh Road,</td>
<td>12th March 1999</td>
<td>60</td>
<td>(Same as above)</td>
</tr>
</tbody>
</table>

Indian People’s Tribunal on Environment & Human Rights
<table>
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<tr>
<th>Scheme 55</th>
<th>1999</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>835</td>
</tr>
</tbody>
</table>

**SITES VISITED**

**LASUDIA MORI**

Lasudia Mori is on the northern periphery of Indore. It is a site where 552 families from bastis have been resettled after the recent demolitions. Pitchers of 12 feet x 20 feet were measured and allotted by IDA. Pitch holders have been given tokens by IDA at the time of allotment. IDA gave a few residents Rs. 500 to Rs. 700/- at the time of resettlement.

Prior to demolitions the bastis were centrally located close to their place of work. The resettlement is very far from their means of livelihood and therefore many families have been rendered destitute. The demand of the residents is that they should be permitted to return to the site where their previous bastis were situated and should be provided basic amenities on this site. They do not want to remain here and invest in the land. They fear a demolition in the future as the plot has been reflected as a commercial zone in the Master Plan.

There are no amenities provided on the resettlement site. The hand pumps provided for water were not working and started working only when the authorities learnt about the team’s visit to the area.

Ms. Guddhibai told the team that the demolition squad demolished their basti without notice. Her belongings worth Rs. 20,000/- were destroyed during the demolition. IDA gave her Rs. 700/- during resettlement. 2 dumpers and trucks were employed to shift them to the resettlement site. The women used to work in the vegetable market, which is far from the present resettlement site. The women now have to spend Rs. 20/- per day from their earrings of Rs. 50/- to travel to and from the vegetable market. Guddhibai told the team that the Chief Executive Officer, IDA had admitted that the demolition was conducted at the instance of the builder Babbi Seth who had paid Rs. 5,00,000/- for the purpose of the demolition.

Ms. Aneeta resided at Durgeshwari Nagar that was demolished on 8th March 1999. She had been residing there since the last 10 years and work as a casual labourer. She told the team that all her belongings were destroyed during the demolition. She also complained that no amenities were provided at the resettlement site – no water, electricity, school, dispensaries, etc.

Sajanbai wife of Karo resided at Choitharam Patti for several years and was shifted to Lasudia Mori. They have not been given basic amenities or any other facilities. No pattas or tokens have been given to them. They are now staying on the road without any shelter. The road is surrounded by grass due to which there are lots of mosquitoes and flies causing many diseases. The nearest hospital is 5 kms away. Even water is unavailable.

Kanchanbai wife of Mathura Dattaram & Subhadrabai wife of Kailash staying previously in Rahul Gandhi Nagar were shifted to Lasudia Mori. After being shifted to this site no pattas or tokens have been allocated to them and they are compelled to live under the open sky.
Similarly there were other people who were relocated here from several other sites and experienced the same problems.

**AHIRKHEDI AND BAIRATHI COLONY**

Ahirkhedi falls within the area demarcated as Green belt in the Master Plan and also falls within Western Ring Road. The Ring Road is being constructed to ensure that traffic from National Highway does not have to pass through Indore. The government claims that the plan has been amended due to security reasons as the previous alignment was in the vicinity of the Centre for Advanced Technology. There are about 1,500 structures situated at Ahirkhedi. Ahirkhedi is a resettlement site for structures demolished on 1st February 1999.

About 120 homes situated at Ahirkhedi were demolished on 29th January 1999. On the pretext that they were newly constructed, they were not given any alternative pitches. On 1st February 1999 another 163 homes were demolished at Bairathi Colony Slum. This has been in existence for the last 15 years and the residents were shifted to Ahirkhedi. Those shifted were promised Rs. 700/- but they were not given this sum. The residents of Bairathi Colony Slum are unhappy about their shift to Ahirkhedi as it is far from their place of livelihood. No amenities are provided at the new site.

Sukhlal is a daily wage earner at Transport Nagar near Bairathi Colony Slum. Now his place of work is 10 kms away and he has to spend Rs. 20/- per day on transportation. He has to walk for about 3 kms from Ahirkhedi before he can get any mode of transport to work.

Devchand told the team that prior to demolition of his structure at Bairathi Slum Colony no notice was given. Bulldozers were employed and the residents were forcibly shifted on the day of the demolition in dumpers to Ahirkhedi. The residents of Bairathi Colony Slum were promised construction material and amenities at Ahirkhedi – none of these have been provided. Devchand’s main complaint is that there is no public transport facility at Ahirkhedi.

Ahirkhedi is also the resettlement site for the residents of **Sudama Nagar** who were resettled in 1997. Pitches measuring 12 feet x 20 feet were provided. Very few of the residents of Sudama Nagar have been given pattas at Ahirkhedi. The women used to work as domestic workers in colonies near Sudama Nagar. Due to the fear of robbery the residents are forced to return to Ahirkhedi before darkness. They have been provided with a bore well, water tank but no roads have been constructed and they are also worried about water logging during monsoon. There is no police station, dispensary or school in the vicinity. Children who previously went to school whilst residing at Sudama Nagar have had to drop out of school. No officials have visited the resettlement site since they were shifted from Sudama Nagar.

Ramchandra used to reside at Sudama Nagar. He has 3 children who went to school in the vicinity of Sudama Nagar and now travel about 6 kms to school. He told the team that he had made representations to concerned authorities for the construction of a school in the vicinity. In case of any illnesses they have to go to dispensaries in the city for medical treatment.

Rajaram a 30-year-old resident of Ahirkhedi while explaining to the Tribunal how insecure and unsafe their new sites were, said he was stabbed on his back and injured...
in his left eye by an unknown assailant on 20th April 1999. Rajaram was treated in M.Y. Hospital. Rajendra Nagar Police Station refused to register his complaint.

BAJRANG NAGAR
The majority of the residents of Bajrang Nagar are Biharis who work as casual labourers, earning Rs. 50/- per day. They had been issued permanent pattas on 6th September 1998. Bajrang Nagar was demolished on 3rd February 1999 without any notice. The women who protested against the demolition were arrested.

Chandrabai, Umabai, Prembai & others stated that their homes were demolished in the afternoon at about 12.00 p.m. on 2nd February 1999 without any prior notice. At the time of the demolition none of the men were at home as they had gone to work. When the women tried to oppose the demolitions they were arrested by women police and taken to the Lasudia Mori Police Station and were only released after the demolitions were completed.

During the right there was a severe hailstorm and they had to sleep in the open without even a temporary shelter. Most of their belongings were destroyed in the demolition and whatever they managed to salvage was destroyed in the storm. They are given pattas for 30 years inspite of which their houses were demolished. During this period they had taken loans to construct pukka houses. The IDA has given them 12 feet x 25 feet plots but in reality many of the plots are smaller. The people have not been provided with any basic amenities and are now compelled to live far from their place of work.

RAJIV GANDHI NAGAR
Rajiv Gandhi Nagar was demolished on 3rd February 1999 whilst it was raining. The residents pleaded with the demolition squad to stop the demolition and were lathi charged. Patta distribution had commenced but had not been completed when the demolition was conducted. Therefore all the eligible residents have not been issued pattas. No construction material was provided at the resettlement site and on 4th February 1999 during the hailstorm the people had not even a plastic sheet over their heads to protect themselves or their children.

The residents of Rajiv Gandhi Nagar told the Tribunal that even if facilities were provided at the resettlement site, they wanted to return to the earlier site as the present site was too far from their source of livelihood.

Jitender Bhandari's mother-in-law died on 1st February 1999 in Baroda. Due to which they had to go to Baroda. When they returned on 17th February 1999 he was shocked to see that there was not a single house in sight and the land was bare. The shock was too great to bear. None of his belongings could be found nor did he have any place to shelter his wife who was pregnant. Later he saw a man coming from Lasudia Mori and asked him where the people from here had been shifted. The stranger informed Jitender that the people had been shifted to Lasudia Mori. That night they stayed on the railway platform.

The next day he and family went to Lasudia Mori. Through their neighbour Shankaralal they heard that their houses were demolished without any prior notice. His neighbour managed to salvage some of his belongings and gave them back to him.
Shankarlal mentioned that though he had made many requests to the officers not to demolish the colony they refused to listen to him.

During the demolition, the demolition authorities destroyed people’s belongings. They were promised Rs. 5,000/-, 20 bamboos as well as ten tinsheets but till the Tribunal hearing they had not given anything. The Administration gave them Rs. 700/-, one blanket and six meals (for 3 days). This too, they received only after the local leaders demanded and fought for it from the authorities. Jitender had to incur further expenditure, as he had to hire a place for his wife who was in no condition to endure any hardship.

**RAMABAI NAGAR**

The residents of Ramabai Nagar said that they have been staying in Ramabai Nagar – Kannadia Road since the last 4, years. Initially they resided in the heart of the city near Kisanpura Bridge but the IDA said this site was demarcated to create a lake. From here the people were shifted in 1993 to Chandraprabha Shekar Nagar. The government promised not to displace them again but in less than four years they were evicted from there and sent to Ramabai Nagar. Inspite of facing the hardship of being twice evicted in the new place they have not been given any basic amenities or Pattas (as per Rajiv Gandhi Ashraya Yojana). The people fear that they will be again moved from Ramabai Nagar.

**CHIKITSAK NAGAR**

Suresh Chandne, Bhaskar Panpatil, Shaebrao Kandrao, Hari Tayade said that they were shifted from Chandraprabha Shekar Nagar to Chikitsak Nagar on 24th May 1995. Here they have not been provided any basic amenities and no pattas. As most of the people of the colony are poor ragpickers they are regularly harassed by the police and other government officials.

**BUDDH NAGAR**

The residents of Buddh Nagar in 1985 were shifted to this site from the banks of Kisanpura and Katiwala tank, which was in the heart of the city. Mr. Ajit Jogi, the then Collector shifted them to this site. This slum is part of Slum Network that was funded by Overseas Development Authority, UK. The residents have temporary/ permanent pattas. The residents of Buddh Nagar, however, will be displaced once again as the IDA now plans to construct the ring road through this area. The Ring Road has been realigned to save Pragati Nagar, which is a society of Municipal workers.

Narayan told the Tribunal that they were displaced from Kisanpura to Rajendra Nagar Kankad on 15th May 1985. Neither the government nor the nationalized banks have helped them. The IDA has marked 182 jhuggi bastis for demolition, as the ring road will pass through this area. His basti is one of these. They were told that they would be given a proper resettlement place with all facilities like water, electricity, schools etc. The IDA has now retracted its statement and is not willing to provide them with anything.

**NIRANJANPUR**

The settlement has been in existence for the last 60 years and many of the Sikh families who were affected during the Sikh riots in 1984 have been resettled here. The residents have Ration Cards, voter’s identity cards, pattas and their names are on the electoral roll. The settlement has about 1,500 structures out of which 706 families have not been granted pattas. On 2nd February 1999 personnel from IDA visited the settlement and numbered residential
The residents questioned the numbering of their structures but were given conflicting replies. At times they were told that the numbered structures were to be regularized and at other times that they were told that these structures will be demolished. The numbered structures contain approximately 465 Sikh families. Many of the people residing here have gone through extreme trauma when they fled from Indore during the riots in 1984. The government termed their migration as voluntary even though it was forced and during that period they lost everything they possessed. In 1998 they were given pattas. This basti is one of the developed slums but is likely to be demolished in the near future to make way for the ring road.

Niranjanpur has two parts (a) old basti and (b) new basti. 80% of the structures in the new basti are pukka structures. No proper amenities have been provided in this basti. This land was uneven and not suitable for housing but the residents spent time and energy to make this area livable. The houses are built on platform as there are no drainage facilities. During the monsoon there used to be knee-deep water and the residents were compelled to leave their homes. There was no water supply to the basti and the women had to go a long distance to obtain water. Toilets have been constructed by the Rotary Club. Some of the residents have been paying land tax since 1980. The structures in the new basti have also been numbered by IDA.

The Indore Habitat Improvement Project was implemented in this settlement. This project was sponsored by the Overseas Development Authority, UK at the cost of Rs. 64 crores. It even won international awards for being a model slum reconstruction project. It is appalling that the settlements in which large sums of money have been invested, will now be arbitrarily demolished.

IDA and police attached to Lasudia Mori Police Station visited the Ambe Nagar settlement on 10th March 1999 and demolished 21 shops. Bulldozers were used during the demolition. A Banjara settlement laws also demolished. Notice was not given prior to the demolition. K.C. Jain (Chief Executive Officer – IDA) was present during the demolition. The women protested before K.C. Jain but were told that on the next occasion residential structures would also be demolished.

Mrs. Mahinder Kaur Dhariwal runs a school. She told the team that many of the families had constructed their structures with great difficulty as they had lost everything during the riots. Here 80% of the houses are pukka houses. She fears that their homes will be demolished and does not know where they will be placed after the demolition. The women work in the nearby gutkha factory and will lose their means of livelihood once they move. The children will also have to discontinue going to school. The people are also worried about their Gurudwara being demolished, as it plays an important role in keeping alive the Punjabi culture and community life.

Mrs. Dakhabai Namdeo is a vegetable vendor. She told the team that the residents of the settlement should not be shifted. Now that the government has provide them pukka houses and they should now provide amenities such as water, electricity, sanitation, drainage, roads, etc. Instead, they are constantly threatened with demolition and therefore are unable to make long term plans to improve their living conditions. She says that here demand from the authorities is land tenure so that she and her family are secure and can think of the education and marriage of their

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children. The male residents are casual labourers or petty businessmen and the women do household work or work in nearby factories. Due to fear of the impending demolitions the owners of these slums have been staying at home to protect their homes in case the demolition squad arrives unannounced. This has affected their income, as most of the residents are daily wage earners.

Mrs. Sant Kaur is a widow with four children. The family owned agricultural land, which was acquired by the State. Her only means of livelihood is the rent she receives from her shop. The shop was demolished on 10th March 1999, she has complained to the Chief Minister but no heed was paid to her complaint. She now fears that her home will also be demolished.

The slums threatened to be evicted in the near future under various schemes of Indore Development Authority are listed below. These schemes are based on a draft master plan (Indore Development Plan, 2011), which has been opposed by various forums because it is anti poor and inhuman. The matter is subjudice in the Indore High Court.

1. Niranjanpur
2. Buddh Nagar
3. Chandraprabha Shekhar Nagar
4. North Harsiddhi
5. South Harsiddhi
6. Kabutar Khana
7. North Toda
8. South Toda
9. Laxmansingh Chauhan Basti
10. Janseva Nagar
TRIBUNAL HEARING ON 1ST MAY, 1999

The following are the statements and petitions placed before the Tribunal at a press and public hearing held for this purpose. As mentioned earlier though the Tribunal sent the government officials adequate notice, not one official made an appearance. Their absence made it very clear to the Tribunal that the government is guilty of the treatment it has meted out to its people and they were unable to explain the brutal and large-scale demolition.

Mr. Kanhaiya, resident of Ramabai Nagar for 22 years is a fruit vendor. Since birth he has been residing at Kisanpura. His home at Kisanpura was demolished and he has been settled at Ramabai Nagar. At Ramabai Nagar no amenities have been provided: no water, no roads. They also have not been given any pattas. He made representations to the Collector with regard to the absence of amenities but till date no one has heeded his complaint.

Mr. Satish Kumar Verma, 46 years, resident of Lasudia Mori. He was a resident of Rahul Gandhi Nagar that was demolished by IDA without notice. Bulldozers were brought on site but he broke his structure himself in order to save his personal belongings from being destroyed by the bulldozers. It was raining on the day they were shifted to Lasudia Mori and they went hungry. Though he was promised money and construction material, he did not receive either. No water or sanitation facilities have been provided at Lasudia Mori. The resettlement site at Lasudia Mori is very far from his place of work.

Ms. Vandana, 24 years old and resident of Lasudia Mori. IDA demolished her residence at Rajiv Gandhi Nagar on 3rd February 1999 without notice. Vandana personally broke her home as otherwise the bulldozers would have been used and she would have also lost here personal belongings. She was shifted to Lasudia Mori and had no place to take refuge during the hailstorm that followed that night. As there are no amenities at the site or in the surrounding area and many pregnant women were compelled to deliver their babies in the open.

She has a patta of Rajiv Gandhi Nagar, which she showed to the demolition squad but they razed here house. K.C. Jain, Chief Executive Officer of IDA abused the slum dwellers and said “let them starve to death, only then will they stop encroaching.” Lasudia Mori has no basic amenities. It is particularly inconvenient to the women, as they do not even have the privacy of a toilet.

Ms. Sajjanbai was a resident of Bajrang Nagar that was demolished without any notice. She had a pukka house and due to the demolition she has suffered damages amounting to at least Rs. 50,000/-. All her belongings were also destroyed because of the rains. She was promised money and construction material but neither was given.

Ms. Munnibai was a resident of Durgeshwari Nagar that was demolished with the assistance of the police. The residents protested against the demolition. Her belongings such as fan, etc. were also destroyed during the demolition. Prior to this demolition, however, she had never been harassed by the police or concerned authorities.
Ms. Ashabai was a resident of Durgeshwari Nagar and had a patta therefore she protested against the demolition. Lasudia Mori is too far. About 30 families at Lasudia Mori have not been given tokens (identification slip) by IDA, therefore when they rebuild their homes; their homes are demolished. The Mohalla Samiti is in the process of verifying and certifying whether these families had homes at Durgeshwari Nagar.

Mr. Bhanwarlal Gamradhi is a resident of Lasudia Mori and previously resided at Durgeshwari Nagar. He showed the demolition squad his patta but was told that they had orders to demolish and would demolish at any costs. Certain persons had not received pattas at Durgeshwari Nagar as they were in the village and due to absence of pattas no token was given to these families by IDA at Lasudia Mori. Since 1985 all the residents of Durgeshwari Nagar have been included in the electoral roll. No amenities have been provided at Lasudia Mori and therefore he wants to return to Durgeshwari Nagar.

Ms. Indra Singh Charna is a resident of Niranjanpur. The residents of Niranjanpur were given pattas in 1984 and 1998. The authorities now say that the pattas were given by mistake and therefore the pattas are of no value. An improvement scheme such as construction of roads and lighting had also been implemented in this basti. A few days ago the demolition squad visited the basti and started demolishing homes but when the women protested, they stopped the demolition and said they would return later with policewomen.

Amar Singh and five other residents of Bairathi Slum Colony told the Tribunal that their structures were demolished without notice and they were shifted to Buddh Nagar where no amenities have been provided.

Suresh Chandne was shifted from Shekhar Nagar to Annabhai Sathe Nagar in 1995; the residents were not given pattas nor provided with amenities. Hew fears that they will once again face a demolition.

Badu Mankad is a resident of Chandraprabha Nagar. About 500 families reside at Chandraprabha Nagar; the majority of the residents are labourers, and rag pickers. Improvement Schemes approximately Rs. 50 lakhs have been implemented at Chandraprabha Nagar and now there are plans of shifting the residents of Chandraprabha Nagar to another site.

Rajkumar Tonare of the Congress and Jhuggi Jhopdi Cell told the Tribunal that K. C. Jain (Chief Executive Officer of IDA) and the Collector had promised to provide amenities at the resettlement site but the promise has not been kept.

FINDINGS OF THE ENQUIRY

The Tribunal after visiting the site, hearing the people and perusing documents has made the following observations:

1. All the 9 slums evicted in the drive by the IDA were present before the cut off date of 31st May 1998 and were eligible for land tenure certificates (patta) under the Patta
Adhiniyam, 1984. Most of the hutments already had land certificates under Section 3 of the Patta Adhiniyam and others were identified for receiving pattas.

2. No notice was given before eviction.
3. Eviction was made ignoring valid documents of title (patta) shown to the officials.
4. The eviction was done in a very savage manner, violating all the guarantees of human rights.
5. The belongings in the house and the materials with which the humble homes were built were misappropriated and destroyed by powerful mechanical equipment like bulldozers, dumpers and trucks. No inventory was taken before the commencement of ‘Operation Flush Out’.
6. There could be an appalling waste of public funds and aid as within a year the slums that had been developed and improved are likely to be demolished.
7. The officials in charge of the demolition were most insulting, rude and arrogant, treating the slum dwellers as vermin rather than human beings.
8. A nexus between land mafia, builders, corrupt officials and politicians cannot be ruled out.
9. Legitimate and legal methods for redressal of the grievances of the dispossessed have not been of any avail.
10. The authorities have not paid any attention whatsoever to the crying needs of this segment of humanity. Political administration at the highest level has been callously indifferent to the sufferings of the poor people and singularly failed to give them a sense of security or a base for the future.
11. There is continuing threat to the slum dwellers with a Damocles sword of eviction and further eviction. It makes every second of their life a matter of worry and severe misery.
12. The representations seeking elementary human treatment were of no avail before the large team of officials, posse of police and other hired agents.

SOME INSTANCES OF THESE ARE GIVEN BELOW:

1. A woman who had delivered a child two weeks previously had no shelter, nor clothes even to cover her newborn baby. The previous day there was a hailstorm and unendurably cold. Yet, no time was given even to think of an alternative way of protecting the child and the nursing mother. No food, no drinking water, no one by their side to help them.
2. Use of force virtually caused a man the loss of an eye. A long would covering the entire back region is visible. He still covers his injured eye with his dirty cloth and languishes in visible pain, unable to work or even to move about.
3. The invalids were also dumped in the new sites without any means of getting food let alone medical treatment. A mother of a child was insistent that her pitiable plight be seen on the spot. It was a distressing sight to see a child aged about 10 years, a mere skeleton.
4. One child who went to the school and studies up to the 8th class had to stop his education altogether, as the new site is far away from the educational institution in which he was studying. With parents struggling hard to survive, the students cannot have the requisite mental frame even to study elementary things. Why should children of slum dwellers study at all? This appears to be the attitude of the comfortably placed bureaucrats blessed with limitless sources of income.
5. Health care was promised to the families but was never provided.
6. The distance of the resettlement site is oppressively long for the evictees to seek any work or earn an income.
7. Rickety wooden poles and torn plastic sheets make their home with a ‘spacious’ area of 12 feet x 20 feet. Much more space is allotted for the kennel in the residential places of the fortunate few.
8. Representations were made individually and collectively. No official answer has been received by any of them: neither a response nor the redressal of grievances. The officials have treated with contempt the directive from the Chief Minister. Even the requests of the Members of the Legislative Assembly have been consigned to an untraceable heap of papers.

Adequate Housing as per the United Nations International Covenant on Economic, Social and Cultural Rights Includes:

1. Legal security of tenure:
   Guarantees legal protection against forced eviction, harassment and other threats.
2. Availability of services, materials, facilities and infrastructure:
   Must contain certain facilities essential for health, security, comfort and should have access to resources such as safe drinking water, heating, lighting, etc.
3. Affordability:
   Housing related costs should be commensurate to income levels and housing subsidies and finance should be provided to those unable to obtain affordable housing.
4. Habitability:
   Must provide the inhabitants adequate space and protect them from disease, fury of natural elements and structural hazards.
5. Accessibility:
   Must be accessible to all persons including disadvantaged groups, such as people living in disaster prone areas.
6. Location:
   Should allow easy access to employment options, health care services schools and other social facilities and should not be built on or in proximity to polluted sites.
7. Cultural Adequacy:
   The housing policies and designs must enable the expression of cultural identity and diversity.

For details refer to Annexure I
Chapter 2

LAWS PROTECTING AND PROMOTING THE RIGHT TO HOUSING

LAWS OF THE STATE OF MADHYA PRADESH

MADHYA PRADESH NAGARIYA KSHETRON KE BHOOMIHIN VYAKTI (PATTADHRUTI ADHIKARON KA PRADAN KIYA JANA) ADHINIYAM, 1984

By the said Act, land occupied by a landless person in an urban area on 10th April 1984 is to be settled in the name of such person is to be granted leasehold right in respect of land under his occupation not exceeding 50 sq. metres or leasehold rights in respect of other land not exceeding 50 sq. metres.

MADHYA PRADESH NAGARIYA KSHETRON KE BHOOMIHIN VYAKTI (PATTADHRUTI ADHIKARON KA PRADAN KIYA JANA) SANSHODHAN ADHINIYAM, 1998

Sanshodhan Adhyadesh 1998 was promulgated on 24th June 1998. By the said ordinance the 1984 Act was amended and the cut off date was extended from 10th April 1984 to 31st May 1998. Further, leasehold rights were to be granted to those landless persons in possession of ration cards of the same address or by the Mohalla Samiti certifying that the landless person has been in occupation of such land prior to 31st May 1998. Leasehold rights to be given of land in actual possession i.e. upto 1,000 sq. ft. in Nagar Panchayat area upto 800 sq. ft. in Municipal Council area, upto 700 sq. ft. in cities other than Rajbhogi (Class I) cities and upto 600 sq. ft. in Rajbhogi cities.

MADHYA PRADESH NAGARIYA KSHETRON KE BHOOMIHIN VYAKTI (PATTADHRUTI ADHIKARON KA PRADAN KIYA JANA) RULES, 1998

The government of Madhya Pradesh on 27th June 1998 issued the said Rules. The Authorised Officer was to prepare a site plan and conduct spot inspection and inquiries, after which leasehold rights should be granted in favour of the person in occupation of such land. A permanent lease deed is to be issued for a period of 30 years. In the event of any existing occupied land being required for public interest, a High Power Committee constituted by the State Government in each district shall take the necessary decisions.

The Collector for each notified Mohalla Sabha shall hold Mohalla Samiti elections. A Mohalla Samiti shall consist of a minimum of 7 members and a maximum of 15 members; at least 50% of the members of a Mohalla Samiti shall be from Scheduled Castes, Scheduled Tribes or other backward classes and at least one third of the members shall be women. One of the main functions of the Mohalla Samiti is to prepare a detailed Scheme for development of the locality at its present site or its resettlement elsewhere.

(A copy of the above Acts and Rules have been attached in Annexure II & III).

RESERVATION OF LAND FOR WEAKER SECTIONS UNDER THE MADHYA PRADESH HOUSING POLICY 1995 & MADHYA PRADESH NAGAR PALIKA (REGISTRATION & COLONISER TERMS AND CONDITIONS) RULES, 1998
Under these rules any developing authority or registered society, cooperative society may undertake the establishment of a colony by developing that area. In every residential colony of an area of one acre or more, 15% of the area shall be handed over to the Municipal Corporation for economically weaker sections.

**INDORE DEVELOPMENT PLAN 1991, PUBLISHED UNDER MADHYA PRADESH NAGAR THITHA GRAM NIVESH ADHINIYAM, 1973**

This plan provides for 400 hectares of land for rehabilitation of slums and jhuggi jhopadies that are evicted for a public purpose. Thus any slum or jhuggi jhopadies that is evicted should be resettled in the rehabilitation area as proposed in the existing Master Plan of the city (see map on page number 43).

**PROVISIONS UNDER THE INDIAN CONSTITUTION**

**ARTICLE 21**

Article 21 of the Indian Constitution provides for the right to life, which has been interpreted by the Supreme Court to include the “right to shelter.” In Francis Coralie Mulin v/s Union Territory of Delhi (AIR 1981 SC 746) the Supreme Court held “The question that arises is whether the right to life is limited only to protection of limb or faculty, or does it go further and embrace something more. We believe that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessaries of life such as adequate nutrition, clothing and shelter as well as facilities for reading, writing and expressing oneself …” The Supreme Court has in several judgements reiterated that the Right to Life includes the Right to Adequate Housing or Shelter.

**ARTICLE 51 (C)**

The State shall endeavor to foster respect for international law. Courts must interpret statutes so as to maintain harmony with international law. A ratified international instrument is binding on the government and forms part of the national law when it is not contrary to any existing domestic law and does not take away the rights enjoyed by people.

**SERVING NOTICE PRIOR TO DEMOLITION**

“A person who is likely to be adversely affected by a particular act should be informed about the commission of such an Act and should be given an opportunity to be heard” as was held by the Supreme Court in the Olga Tellis Case (AIR 1986 S.C. 180)

**INTERNATIONAL COVENANTS TO WHICH INDIA IS A SIGNATORY**

**INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)**

India ratified this Covenant on 10th July 1979. Article 11 91) of ICESCR is reproduced hereunder: “The State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family including adequate food, clothing and housing and to the continuous improvement of living conditions. The State Parties will take appropriate steps to ensure the realization of this right, recognizing to this affect the essential importance of international cooperation based on free consent”.

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By this Article, the human right to housing is recognized as being of central importance for the enjoyment of all economic, social and cultural rights. Countries, which have signed ICESCR, are obligated to fully realize the right to housing as expeditiously and effectively as possible.

**THE UNITED NATIONS COMMISSION ON PREVENTION AND DISCRIMINATION AND PROTECTION OF MINORITIES UNANIMOUSLY ADOPTED THE RESOLUTION ON FORCED EVICTIONS (1991/12) ON 26TH AUGUST 1991**

This resolution is based on the Right to Adequate Housing mentioned in the United Nations Declaration of Human Rights (Article 25), International Covenant on Economic, Social and Cultural rights (Article 11) and the Convention on the Elimination of all Forms of Racial Discrimination (Article 5).

This resolution emphasizes that the ultimate responsibility for preventing evictions rests with the government and that the governments often seek to disguise the violence that maybe associated with forced evictions by using terms such as ‘clearing the urban environment’; ‘urban renewal’; ‘over crowding’ and ‘progress and development’.

The United Nations Commission on Human Rights unanimously adopted the Resolution on Forced Evictions (1993/77) on 10th March 1993. This resolution reaffirms that every woman, man and child has the right to a secure place to live in peace and dignity. It also affirms that the practice of forced evictions constitutes a gross violation of human rights. Both these Resolutions state that the ultimate legal responsibility for preventing forced evictions rests with the governments and governments should undertake immediate measures, at all levels, to eliminate the practice of forced evictions. “Forced evictions” is defined as “the permanent or temporary removal against their will of individuals, families and/or communities from their homes and/or the land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.

**GENERAL COMMENTS ON FORCED EVICTIONS ADOPTED BY THE UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (CESCR)**

General Comments No. 4 adopted on 12th December 1991 and General Comments NO. 7 adopted on 16th May 1997 under ICESCR deal with housing rights. General Comments elaborate on a particular human right guaranteed by the parent treaty. General Comments No. 4 deals with the right to adequate housing and General Comment No. 7 deals with the right to adequate housing: forced evictions. The right to housing is not to be interpreted in a restrictive sense such as a mere roof over ones head; it should be seen as a right to live in security, peace and dignity. The right to housing is to be ensured to all persons irrespective of income or access to economic resources.

Covenants are legally binding treaties for the countries that have ratified them. India is, therefore legally obliged to fulfil its duty towards housing rights as contained in ICESCR.

By voting in favour of a Resolution, a government indicates its political willingness to work towards the achievement of its contents. The adoption of a Resolution constitutes a significant pledge of the international community towards a particular aim.
Justice R. Sachar, a retired Chief Justice of the Delhi High Court was appointed as Special Repporteur on the Right to Housing. Justice Sachar has stated that people in India could approach the courts to compel the government to grant the rights contained under Article 11 of ICESCR. Justice Sachar is of the opinion that the International Covenant is enforceable even though there is no national law obliging the government to provide housing. Legal opinion has now shifted from the conventional opinion. The courts can directly enforce international law provided that it does not conflict directly with domestic law. Since there is no law in India prohibiting the government from granting the right to housing, the International Covenant is enforceable by the Courts.

The Right to Housing

1. These international instruments are morally and legally binding on the Government. By signing and /or ratifying international instruments, the government has committed itself to provide housing to the people and has condemned the act of forced evictions. Despite these instruments the State continues forced evictions.

2. It is important for organisations working on housing rights to collect data on evictions and the state of housing rights within the country. This will facilitate the preparation of the Parallel Report. A Coordinating Committee should be established at the national level to facilitate the preparation of the Parallel Report.

3. Any violation on housing rights should be sent to the CESC on a regular basis so that the CESC is aware of that particular State Party’s disregard for the Covenant. CESC could also intervene at the government level in an attempt to stop the violation or prevent future violations.

4. Right to Shelter falls under Article 21 of the Constitution. The State authorities should desist from demolishing homes if they are not in a position to provide adequate housing to the people.

5. Landless person in occupation of land prior to 31st May 1998 are to be granted leasehold rights in respect of land as per the Patta Rules of the State of Madhya Pradesh. In case of any existing occupied land having to be vacated for public interest, the High Power Committee in consultation with the Mohalla Samiti is to take decision with regards to resettlement.

Procedural Protections as Laid Down by the UN, which are Essential and should be applied in Cases of Forced Eviction

1. An opportunity for genuine consultation with those likely to be affected.

2. Adequate and reasonable notice to all persons likely to be affected should be given prior to the scheduled date of eviction.

3. Information about the proposed eviction and the alternative purpose for which the land or structures are to be used should be given to those likely to be affected.

4. All persons conducting the eviction should be properly identifiable and government officials or their representatives should be present during the eviction.

5. Evictions should not take place in particularly bad weather or at night.

6. Legal remedies should be established to enable the affected to redress their grievances.

7. Facilities for providing legal aid to the affected persons should be set up.

8. Sufficient alternative accommodation or land consistent with the wishes and needs of the people should be provided to those affected by the eviction.
9. Those persons to be adversely affected should be shifted to an adequately developed site prior to the demolition.

10. The alternative site to be in the vicinity of the demolished site to enable the residents to continue with their source of livelihood, schooling, etc.

11. Forced evictions should be conducted only in extreme cases after having followed the about procedure.
Chapter 3

THE ILLEGALITY OF THESE DEMOLITIONS

The slums, which were demolished from 29th January 1999 till 12th March 1999, were the slums occupying Indore Development Authority land before 31st May 1998. Except hutments evicted in Ahirkhedi, all others were identified under the Rajiv Gandhi Ashray Yojana (amended patta 1984). Most of the families were granted land tenure under Section (3) of the Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana), Adhiniyam, 1984.

No opportunity to be heard was given to the people who were affected by this eviction drive. No Mohall Sabha meeting was called nor were the Mohalla Samitis taken into confidence. Most of the dwellings that were evicted were neither in some public park nor on the side of a road. It is also important to note that the process of providing land certificates by the Authorised Officer had not been completed and if completed then several more residents would have been entitled to land tenure (pattas).

THE LIKELIHOOD OF MULTIPLE DISPLACEMENTS

The rehabilitation of the recently evicted slums, is an open violation of the existing Master Plan of the city prepared under Madhya Pradesh Town and Country Planning Act, 1973. The existing master plan of the city prepared in 1974 has specific provisions, within the land use zones for resettlements of the displaced slums. Page 176 to page 179 of the Indore Master Plan 1991, proposes a detailed Plan for the slum rehabilitation (Annexure IV). These provisions provides for specific planning unit and sectors, and proposes specific lands for slum rehabilitation. If this is followed, the possibility of multiple displacements of slums can be ruled out. Therefore, all the displaced slums should be rehabilitated and settled in these rehabilitation zone depicted in the existing town plan document.

Patta Rules 1998 provides under Section 12 (a) the power and functions of Mohalla Samiti are “to prepare a detailed scheme for the development of the locality as its present site or its resettlement elsewhere.” Violating this clause the Mohalla Samiti was not allowed to prepare a detailed Plan of rehabilitation for it’s slums. The slums have been dumped on the proposed bypass road, green belt and Transport Nagar area (instead of the Rehabilitation zones) depicted in the Master Plan, which leaves every possibility of yet another displacement of the resettled slum in the near future.

For example on 1st February 1999 163 hutments of Bairathi Colony located on the IDA land, were displaced to Ahirkhedi. These slum dwellers have been residing in the Bairathi colony for the past 20 years. Ahirkhedi, the land where the displaced slum dwellers have been settled, has been earmarked as a ‘green belt’ and ‘regional park’ in the Master Plan.

Similarly, other slums were resettled in the land from Lasudia Mori under the recent eviction drive. The said land is proposed as commercial and transportation land to be developed in the first phase of development of Indore in the Master Plan. Again the possibility of the further displacement gains ground in Lasudia Mori as well.
Of the series of examples of multi-displacement of slums, the evident example is that of the **Buddh Nagar Slum** which was evacuated from the city central region and moved near Centre for Advanced Technology (CAT). Despite the fact that the Master Plan has reserved space for these slums in 6-H land, the slum was settled somewhere else. At present Buddh Nagar slum is facing a serious threat of yet another displacement as the ring road construction work gathers strength; the proposed ring road passes through this resettled slum.

**REFUSAL TO PROVIDE LAND TO THE HOMELESS**

The M.P. Housing Policy has provisions for reservation of 15% of land for the poor in all the residential colonies. Till May 1999, 228.6 acres of land were available in 117 co-operative housing societies alone. However, in the past 18 years, despite the existing policies not even an inch of land was acquired by the administration from this 15% of land reserved in these colonies. This was not so, despite the acquisition rate being fixed as low as 50 paise per square foot.

In the notification in the Madhya Pradesh Rajpatra, dated 12 Feb 1999 of the Rules of the Madhya Pradesh Nagar Palika (registration of colonizer terms and conditions) rules, 1998, sub-section 8 of section 10 says that “if within a period of two years, the Competent Authority fails to allot the plot/house to the eligible persons, then such plot/house small be returned to the colonizer by the Competent Authority”.

According to the **Madhya Pradesh Housing Policy, 1995**, only those individuals are entitled for this benefit whose annual income is less than Rs. 6,000/-. However, the Collector’s office does not issue an income certificate for income less than Rs. 11,000/- per year. Under such circumstances, this land will not reach the poor within two years and eventually the land and the profit will go into the hands of the colonizers who are likely to make millions of rupees in each colony.
Chapter 4

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

1. The State of M.P. has actively participated in the violation of human rights of the poor and the vulnerable sections of society. The demolitions were conducted in a most brutal manner in inclement weather. Representations made by the people were not heard. No consideration was given to the elderly, infirm or women in their last stage of pregnancy. The police arrested the women who protested against the inhuman demolitions of their homes.

2. The demolitions were in absolute violation of laws prevailing in Madhya Pradesh. Those persons protected under Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 and who were in possession of relevant proof of residence and had been granted pattas were also dis-housed.

3. The State has willfully violated the fundamental rights guaranteed by Constitution of India. Instead of providing housing to the people the State has demolished their homes. People reside in slums not out of choice but because they have no other option. The earning of the family have gone into constructing these structures. Not only are the structures demolished in a slum clearance drive but they also lose their only belongings and important documents.

4. The State is guilty of double standards. In the international for a the State had signed and ratified progressive instruments which condemn the act of forced evictions and has committed itself to provide housing for its people. A ratified international instrument in binding on the State. The State cannot be permitted to make promises on the international platform and do the exact opposite within the country.

5. Providing ‘notice’ prior to demolition is one of the main principal of natural justice, which the State has not followed. A person who is to be deprived of his home should be given an opportunity to submit his proof especially that, which established his right as per the law.

6. Absence of even those most basic amenities at the rehabilitation sites was observed. People were not provided with facilities such as water, electricity, temporary shelter, sanitation, drainage, etc. at the rehabilitation sites. There are no schools in the vicinity and so many of the children were forced to drop out. There are no medical facilities in the vicinity of the rehabilitation sites.

7. Lack of sufficient planning at the stage of rehabilitation is apparent as some of the colonies were displaced for the second or third time in the last fifteen years. For example Ahirkhed, the resettlement site falls within the area demarcated as a green zone in the Master Plan and also falls within the area through which the Western Ring road is the pass.

8. By moving the slum dwellers outside the limits of the city they have to travel immense distances to reach their places of work.

9. The demolitions were carried out at the insistence of the builder lobby. The alignment of the ring road was changed so as to protect the houses if the privileged. In carrying out the demolitions the State government proved that it was representing powerful builders and vested interests.
RECOMMENDATIONS

1. The State should immediately return to their original sites those persons dislocated form their area due to the demolitions.

2. The State should provide those dis-housed with material to reconstruct their houses at the original sites and should award them with adequate amount of compensation. This should be arrived at in consultation with groups working in the field of housing and eminent citizens.

3. The State should forthwith provide basic amenities such as water, electricity, sanitation and drainage at the original site. The State should ensure that no further demolitions are resorted to for any purposes and that when drawing up the Master Plan there should be minimum dislocation.

4. The State should initiate and complete the procedure of pattas within three months.

5. a. The High Powered Committee constituted under the Madhya Pradesh Nagariya Kshetron Ke Boominhin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) rules 1988 shall convene a meeting of the Mohalla Samiti and the entire process of resettlement should take place in consultation with the Mohalla Samiti in case of a plot being required for public purpose.
   b. The Mohalla Samiti shall be involved in determining that the provision of amenities at the resettlement site is up to their satisfaction. Then only the resettlement process should commence.
   c. Residents should not be shifted to the resettlement site without first providing the eligible residents with pattas.
   d. The high Powered Committee should include representatives of the various bastis (slum dwellers), NGOs working in the field of housing and eminent citizens. At present the High Powered Committee is Constituted only of State agencies.

6. A monitoring committee should be constituted to ensure implementation of the provision of providing 15% reservation of land for the weaker sections under M.P. Housing Policy 1995 & Madhya Pradesh Nagar Pallika (Registration & Coloniser Terms & Conditions) Rules 1998. These rules are essential for allotment of tenements to economically weaker sections. A NGO representative must be there on the monitoring committee. The inbuilt mechanisms, which hinders in providing land to the weaker sections should be corrected so that the homeless get housing within affordable limits.

7. The existing Master Plan provides for specific planning units and sectors, and proposes specific lands for slum rehabilitation. If this were followed, the possibility of multiple displacements of slums can be ruled out. Therefore, all thee displaced slums must be rehabilitated and settled in these resettlement zones.

8. The forthcoming Master Plan of the city should include all the housing all the housing settlements of the poor and their place of livelihoods in the existing land use map of the city. The Master plan should ensure minimum displacement of the poor in the city but if inevitable should provide for resettlement zones for slums and jhuggi jhopadies so that multiple displacements can be avoided. Estimates of future growth of slums should be
realistically estimated during the plan period and sufficient land should be earmarked so that housing needs of the poor are met.

The residents of the area have now been compelled to live in subhuman for the last year. The Tribunal hopes that the State will immediately reinstate those persons affected by the demolition on their original site and ensure that they are provided with building material and basic amenities to enable them to return to their normal way of life.
Annexure I

A COMPILATION OF INTERNATIONAL INSTRUMENTS
DEALING WITH HOUSING RIGHTS

GENERAL COMMENT NO. 4 OF THE ICESCR ON THE RIGHT TO ADEQUATE HOUSING

If your country is one of the 119 countries which has ratified the Covenant of Economic, Social and Cultural Right the following views of the committee are of direct relevance to your government.

On 12th December 1991 the United Nations Committee on Economic, Social and Cultural Right adopted General Comment No. 4 on the right to Adequate Housing by a unanimous vote. The Committee is legally responsible for examining the degree to which countries that have ratified the Covenant of Economic, Social and Cultural Right have undertaken the necessary steps leading towards the full enjoyment of the right found in the Covenant for all citizens, including housing right.

This General Comment is the single most authoritative international legal interpretation of what the right to housing is and contains numerous clauses and principals, which are in one way or another relevant for all countries. Movements, campaigns and organization working for housing right and against forced can therefore compare the situation in their country with the principals found in the General Comment, with a view to determining whether or not their government is acting in full compliance with the right found in the Covenant.

While full copies of General Comment No. 4 can be obtained from COHRE several of the key passages regarding forced evictions are outlined in full below. Special note should be taken of paragraph 18 at the end of the text.

KEY PASSAGES OF GENERAL COMMENT NO. 4

8. Thus the concept of adequacy is particularly significant in relation to the right to housing since it serves to underline a number of factors which must be taken into account in determining whether particular forms of shelter can be considered to constitute “adequate housing” for the purpose of the Covenant. While adequacy is determined in part by social, economic, cultural, climate, ecological and other factors, the Committee believes that it is nevertheless possible to identify certain aspects of the right that must be taken into account for this purpose in any particular context. They include the followings:

a. Legal Security of Tenure:
   Tenure takes a variety of forms, including rental, public and private accommodation, cooperative, housing, lease, owner occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure, which guarantees legal protection against forced evictions harassment and other threats. State Parties should consequently take immediate measures aimed at conferring legal security of tenure.
upon those persons and households currently lacking such protection in genuine consultation with effected persons and groups;

b. **Availability of Service, Materials, Facilities and Infrastructure:**
   An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the water to adequate housing should have sustainable access to natural and common resources, potable drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, food storage, refuse disposal, site drainage and emergency services;

c. **Affordable:**
   Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States Parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels. States Parties should establish subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance, which adequately reflect housing needs. In accordance with the principal of affordability tenants should be protected from unreasonable rent levels or rent increases by appropriate means. In societies where natural material constitute the chief sources of building materials for housing steps should be taken by State Parties to ensure the availability of such material;

d. **Habitable:**
   Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of the occupant must be guaranteed as well. The Committee encourages State Parties to comprehensively apply the “Health Principles if Housing” prepared by the World Health Organisation (WHO) which view housing as the environmental factors most frequently associated with disease conditions in epidemiological analyses; i.e. inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates;

e. **Accessibility**
   Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustained access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV positive individuals, persons with persistent medical problem. The mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many State Parties increasing access to land by landless or impoverished segment of the society should constitute a central policy goal, discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement;

f. **Location:**
   Adequate housing must be in a location that allows access to employment options, health care services, schools, childcare centers and other social facilities. This is both true in large cities and in rural areas where the temporal and financial costs of getting to
and from places of work can place excessive demands upon the budgets of poor household. Similarly, housing should not be built on polluted sites or in immediate proximity to pollution sources that threaten the right to health of the inhabitants.

g. Cultural Adequacy:
The way housing is constructed, the building materials used and policies supporting these must appropriately enable the expressions of cultural identity and diversity of housing. Activities geared towards development or modernizations in the holding sphere should ensure that the cultural dimensions of housing are not sacrificed and that they should ensure inter alia, modern technological facilities, as appropriate.

9. As noted above, the right to adequate housing cannot be views in isolation form other human rights contained in the two international instruments. Reference has already been made in this regard to the concept of human dignity and the principal of non-discrimination. In additions, the full enjoyment of their such as the right to freedom of expression, the right to freedom of association (such as for tenants and other community-based groups), the right to freedom to choose one’s residence and the right to participate in public decision-making is indispensable, the right to adequate housing is to be realized and maintained by all groups in society. Similarly, the right is not subjected to arbitrary interference with one’s privacy; family or correspondence constitutes a very important dimension in defining the right to housing.

11. State Parties must five due priorities to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefits already advantaged social groups at the expense of other. The Committee is aware that external factors can affect the right to a continuous improvement in living conditions and that in many State Parties overall living conditions declined during the 1980s. However, as noted by committee in its General Comment No. 2, despite externally caused problems, the obligations found in the Covenant continue to apply and are perhaps even more pertinent during times of economic contraction. It would thus appear to the Committee that a general decline in living and housing times of economic, directly attributable to policy and legislative decisions by the State Parties, and in the absence of accompanying compensatory measure, would be inconsistent with the obligations found in the Covenant.

17. The Committee view many component elements of the right to adequate as being at least consistent with the provision of domestic legal remedies. Depending on the legal system, such area might include, are limited to:

a. legal appeals aimed at preventing planned evictions or demolitions through the issuance of court-ordered injunctions;
b. legal procedures seeking compensation following an illegal eviction;
c. complaints against illegal actions carried out supported by landlords (whether public or private) in relation to rent levels, dwelling maintenance, and racial or other forms of discrimination;
d. allegations of any form of discrimination in the allocation and availability of access to housing; and
e. complaints against landlords concerning unhealthy or inadequate housing conditions.

In some legal systems, it would also be appropriate to explore the possibility of
facilitating class action suits in situations involving significantly increased levels of homelessness.

18. In this regard, the Committee considers that instances of forced evictions are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principal of international law.

The General Assembly adopted the Global Strategy for Shelter for the Year 2000. Resolution 43/181 recognises the “fundamental obligation (of governments) to protect and improve and neighbourhoods, rather than damage or destroy them.”

Agenda 21 states that “people should be protected by law against unfair eviction from their home or land”.

By the Habitat Agenda, governments have committed themselves to “protecting all people from, and providing legal protection and redress of, forced evictions that are contrary to law, taking human rights into consideration, (and) when evictions are unavoidable, ensuring, as appropriate, the alternative suitable solutions are provided.”

The government must refrain from forced eviction and must ensure that the law is enforced against its agents or third parties who carry out forced evictions.
ROLE OF NGOS IN REPORTING CASES OF FORCED EVICTIONS UNDER ICESCR

Under ICESCR the countries that have signed that Covenant are to submit periodical reports on the measures that they have adopted and the progress made in achieving the right recognized by the Covenant. The committee on Economic, Social and Cultural Rights has been constituted to study the Reports submitted by different countries. The first report i.e. the Initial Report is to be submitted by the country within two years of ratification of the Covenant by that country. Subsequent reports i.e. the Periodic Report is to be submitted every five years thereafter. The Indian Country Report was last submitted in 1988.

It is imperative that the practice of forced evictions conducted by the State be highlighted in the international fora.

1. When a Country Report is filled the Secretariat informs NGOs of that country that the Country Report has been received. Copies of the Country Report are sent and the NGOs are invited to submit their representations.
2. A file is opened at the Secretariat containing the Country Report NGO representations.
3. The Country Profile is prepared by the Secretariat.
4. NGOs can interact with the Precision Working Group in the following ways:
   a. NGOs may make written representation to these working groups.
   b. NGOs may attend the meeting of this working group on the first day orally draw the attending of this working group to particular issues.
5. a. NGOs individually or through a coalition of NGOs may submit a Parallel Report.
   b. NGOs may submit a written through a NGO having consultative status.
   c. NGOs may attend, make oral representations and give focus to issues on the first day of the Committee meeting.
   d. NGOs may attend as observers the meeting between the Committee members and State Parties to gain direct knowledge of what has transpired and report the same to NGOs within the country.
6. NGOs have an important role in monitoring State Parties’ compliance of recommendations and conclusions made by the Committee.
Annexure II
PATTA ACT 1984

MADHYA PRADESH ACT No. 15 OF 1984

THE MADHYA PRADESH NAGARIYA KSHETRON KE BROOMIHIN VYAKTI
(PATTADHRUTI ADHIKARON KA PRADAN KIYA JANA) ADHINIYAM, 1984

(Received the assent of the Governor on the 17th April, 1984; assent first published in the
“Madhya Pradesh Gazette” (Extra-ordinary), dated the 17th April, 1984).

An act to provide for the conferring of leasehold right on landless persons in respect of sites
for dwelling house in urban area in the State of Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-fifth Year of the Republic of
India as follows:

Short title, extent and commencement

1. (1) This Act may be called the Madhya Pradesh Nagariya Kshetron ke Bhoomihin Vyakti
(2) It shall extent to urban areas in the State of Madhya Pradesh
(3) (a) It shall in the first instance come into force in the district headquarters and
towns having population of more than one lakh according to the last census;
(b) It shall come into force in any other town on such date as the state
Government may, by notification, specify.

Definitions

2. In this Act, unless the context other requires:
   (a) “Authorised Officers” means a Sub-Divisional Officer or any other Assistant
       Collector or Deputy Collector in the district as the Collector may by order
       specially authorise to exercise the powers of the Authorised Officer in such area
       as may be specified therein;
   (b) “Dwelling house” means a single storied hut or a single superstructure but shall
       not include any building owned by the Government or any local or statutory
       authority;”
   (c) Omitted.
   (d) ‘Landless persons’ means a person who does not:
       i) own any land in an urban area where he is actually residing;
       ii) occupy land exceeding 5 sq. meters either himself or through any
           other member of his family;

Explanation

For the purpose of this class family includes husband, wife, minor son, unmarried daughter or
any relation by blood wholly dependent on the landless person;

(d-1) ‘occupy’ means occupation of Government land in urban area for residential purpose.
(e) words and expressions used but not defined in this Act and defined in the Madhya Pradesh Land Revenue Code 1959 (No. 20 of 1959), shall have the meaning, respectively, assigned to them in that Code.

3. (1) Notwithstanding anything contained in any law for the time being in force, the land occupied by a landless person in any urban area on the 10th day of April, 1984 shall subject to the provisions of sub-section (2) be deemed to have been settled in his favour on the said date.

(2) The Authorized Officer may either settle the land in actual occupation of the landless person not exceeding 50 sq. metres in leasehold right in his favour or settle in leasehold right in his favour any other land upto 50 sq. metres;

(3) The leasehold right accrued under sub-section (1) shall not be transferable by sub-lease or in any other manner whatsoever except by inheritance.

(4) If the landless person to whom the leasehold right have accrued in report of any land under this Act, transferred such land in contravention of the provisions of sub-section (3), the following consequences shall ensure, namely

i) the lease shall stand cancelled on the date of such transfer;
ii) such transfer shall be null and void;
iii) no leasehold right shall accrue to the transferee in respect of such land

Act to apply to the land vested in the Municipal Corporation or Municipal Council

“3-A. Notwithstanding anything contained in any law for the time being in force:

i) if a Municipal Corporation of Municipal Council by resolution decides to implements the provisions of this Act in respect of any land vested in it under the law under which it constituted the provisions of this Act shall apply mutatis mutandis in respect of such land;
ii) the authority to settle such land shall vest in the Authorised Officer.”

Restoration of possession

4. (1) If any landless person to whom leasehold rights have accrued in the land under section 3 is dispossessed from that land or any part thereof otherwise than in due course of law, the Authorized officer shall on an application made to him by the said landless person within six months from the date of dispossession restore such possessions.

(2) If any dispute arises as to the occupation of the land in question on the 10th April 1984, the landless person claiming such occupation on the said date may refer this dispute to the Authorised Officer for decision. The decision of the Authorised Officer thereon shall be final. Provided that no order under subsection (2) shall be passed without giving a reasonable opportunity of being heard to the parties in dispute.
Revision

“4-A. The Collector may, at any time, on his own motion or on application made by any party interested, for the purpose of satisfying himself as to the legality or property of any order passed by or as to the regularity or any proceeding before the Authorised Officer, call and examine record of any case disposed of by or pending before such officer and may pass such order in reference thereto as he thinks fit:

Provided that:

i) no such application shall be entertained unless presented within thirty days from the date of the order

ii) no order shall be varied or revered in revision unless notice has been served on the party interested and the opportunity given to him of being heard.”

Penalty

“5. Any person who:

i) wrongfully dispossesses or attempts to dispossess an occupier of a dwelling house; or

ii) recovers or attempts to recover rent in any manner from an occupier of dwelling house;

shall be punished with rigorous imprisonment which shall not be less than three months but which may extent to three years and with fine which shall not be less than five hundred rupees but which may extent to one thousand rupees.”

Power to make rules

6. (1) The State Government may make rules to carry out all or any of the purposes of this Act including matters relating to premium, ground rent, etc.

(2) Any rule made under this Act shall be laid on the table of the Legislative Assembly

@ Substituted by Ordinance No. 7 of 1984
£ inserted by Ordinance No. 7 of 1984
x Omitted by Ordinance No. 7 of 1984

(1) The clause (b) (d) of section 2, sub-section (2) of section 3 and section 5 of the Act had been substituted and clause (d) of section 2, sub-section (4) of section 3A, and section 4A had been inserted by the M.P. Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Sansodhan Adhyadesh 1984 (No. 7 of 1984, published in the extra’ ordinary gazette dated 1-5-1984).

(2) The amendments made by the Ordinance (no. 7 of 1984) shall be deemed to have framed the part of the principal Act from the commencement thereof.

(3) The repealed clauses, sub-section and sections were as follows:

Section 2

(b) “dwelling house” includes a hut or super structure;
(c) ‘land’ means any Government land in urban area with a dwelling house used for the purpose of residence:

(d) ‘landless person’ means a person who does not occupy land exceeding 50 sq. meters either himself or through any member of his family.

**Explanation**

For the purpose of this clause family include husband, wife, minor son, unmarried daughter or any relation by blood wholly dependent on the landless person:

Section 3 (a) The authorised officer may either settle the land in actual occupation of the landless person in leasehold right in his favour or settle in his favour any other any other land equal to the land occupied by him or 50 sq. metres which ever is less.

Section 5 Any person who wrongfully dispossesses a landless person from the land in respect of which leasehold right have been accrued to him or part thereof shall be punishable on conviction with an imprisonment of either description which may extent to two years or to a fine which may extent to one thousand rupees or with both.
Short Title

1. This Ordinance may be called the Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Sanshodhan Adhyadesh, 1998.

Madhya Pradesh Act No. 15 of 1984 to be Temporarily Amended.

2. During the period of operation of this Ordinance, the Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 (No. 15 of 1984) (hereinafter referred to as the Principal Act) shall have effect subject to the amendments specified in Section 3 to 7.

3. In Section 2 of the Principal Act for clause (d-1), the following clauses shall be subsection, namely:
   (d-1) “Occupy” means occupation of land in urban area belonging to the State Government, local body or Development Authority for residential purposes.
   (d-2) “Mohalla Samiti” means Mohalla Samiti constituted under this Act.”

4. In Section 3 of the Principal Act
   (i) In sub-section (1), for the words and figures “10th day of April, 1984” the words and figures “31st day of May, 1998” shall be substituted:
   (ii) for sub-section (2), the following sub-section shall be substituted, namely:

   (2) The Authorised Officers may subject to the rules framed or direction issued by the State Government form time to time either settle the land in actual occupation of the landless person or any other land nor exceeding 450 square feet in leasehold right in his favour if he is in possession of a ration card of the said address or the Mohalla Samiti certified that the landless person has been residing at the said land on or before the 31st May, 1998:
Provided that were the landless person is in occupation of more than 450 square feet of land, settlement may be made for land upto 1000 square feet in Nagar Panchayat area, 800 square feet in Municipal Council area, 700 square feet in cities other than Rajbhogi cities and 600 square feet in Rajbhogi cities.

Explanation: “Rajbhogi cities” means cities of Raipur, Jabalpur, Bhopal, Gwalior and Indore.

(iii) for sub-section (3), the following sub-section shall be substituted, namely:
(3) The leasehold right accrued under sub-section (1) shall not be transferable by sub-lease, sale, Gift, mortgage or in any other manner whatsoever except by inheritance.

(iv) After sub-section (5), the following sub-section shall be inserted, namely:
(6) The landless person to whom the leasehold right have accrued under sub-section (1) shall pay development charges at such rate and such manner as may be prescribed.

Substituted of Section 3-A

5. For section 3-A of the Principal Act, the following Section shall be substituted, namely:

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3-A (1) The Committee constituted by the State Government in this behalf shall decide the removal of any slum dwelling and its settlement elsewhere in accordance with the procedure prescribed.
(2) Any landless person who is in occupation of the land of a public park or in the side of a road or in between road and dwelling may be removed form such place in public interest and may be given leasehold right elsewhere.
(3) Any site for dwelling house where the landless persons are settled under sub-section (1) of Sections 3 may be shifted elsewhere in public interest and their leasehold right may be cancelled and such persons may be settled elsewhere.
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Amendment of Section 4

6. In sub-section (2) of Section 4 of the Principal Act, for the words and figures “10th April, 1984”, the words and figures “31st May, 1998” shall be substituted.

Amendment of Section 6

7. In sub-section (1) of Section 6 of the Principal Act, of the words “premium, ground rent etc.” the words “constituted, jurisdiction, powers and functions of the Mohalla Samiti, Premium, ground rent” shall be substituted.

Bhopal Dr. Bhai Mahavir
Dated: the 23rd June 1998 Governor, Madhya Pradesh

Indian People’s Tribunal on Environment & Human Rights
Annexure III

PATTA RULES 1998

GOVERNMENT OF MADHYA PRADESH URBAN WELFARE DEPARTMENT
MANTRALAYA, BHOPAL

No.  Bhopal, dated 27th June 1998

In exercise of the powers conferred by Section 6 of Madhya Pradesh Nagariya kshetron ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana ) Adhiniyam, 1984 (No. 15 of 1984), the State Government, hereby, makes the following rules, namely :

1. **Short Title**

These rules may be called the Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhiniyam Ka Pradan Kiya Jana) Rules, 1998.

2. **Definition**

In these rules, unless the context otherwise required :


(b) “Form” means a form appended to these rules.

(c) “Section” means a Section of the Act.

(d) “Mohalla Sabha” means a Mohalla Sabha notified by the Collector.

3. **Preparation of Register and Site Plan**

(1) The Authorised Officer shall prepare a register for each area and Mohalla Sabha in form ‘A’ for the purposes of this Act.

(2) The Authorised Officer shall cause to be prepared a site plan showing plots of land under occupation by each family of area and the Mohalla Sabha. A rough map of the Mohalla shall be attached to the said register, which need not be according to scale.

4. **Registration of Landless Person**

The Authorised Officer shall suo moto register cases in the above register of each landless person in whose favour the land has been deemed to have been settled in leasehold rights.

5. **Recording of Undisputed Cases**

The Authorised Officer Shall make spot inspection and shall hold such enquires as he deems fit and record such lease hold rights in respect of all undisputed cases.

6. **Registration of Disputed Cases**

The Authorised Officer shall register a separate case of all disputed cases and record a summary of his decision in the register in form ‘A’. All such cases shall be decided after hearing the Mohalla Samiti, if any, and making a proper enquiry in each case.

7. **Grant of Permanent Lease**

A permanent lease deed shall be issued in form ‘B’ for a period of 30 years.
8. **Temporary Lease Deed**

If the Authorised Officer comes to the conclusion that it is necessary to resettle the Mohalla elsewhere in the public interest, occupants of house sites in such Mohalla shall be issued temporary lease deeds for the house sites occupied by them in form ‘C’. The temporary lease deed will lapse automatically as soon as the temporary leaseholder is settled at an alternate site.

9. **Removal of Dwelling House**

(1) The State Government shall constitute a High power committee in each district at the District Headquarters and in such other urban areas as it may deem necessary to decide on the question of securing the vacation of any existing occupied land in the public interest.

(2) The High Power Committee shall consist of the following, namely:

At the district headquarters:

(i) Collector Chairman
(ii) Municipal Commission/Chief Municipal Officer of a Corporation. Municipal Council, Nagar Panchayat Member
(iii) Representative of the Department of Town & Country Planning. “
(iv) Project officer of the District Urban Development Agency. “
(v) Superintendent of Police “

For other Urban Areas :

(i) Sub Divisional Officer, Revenue Chairman
(ii) Municipal Commission/Chief Municipal Officer of a Corporation/Municipal Council, Nagar Panchayat Member
(iii) Representative of the Town & Country Planning Department. “
(iv) Project Officer of the District Urban Development Agency. “
(v) Sub-divisional Police officer “

Provided that in the High Power committee of Bhopal District Head Quarters, the Secretary, Housing and Environment shall be the chairman and the Collector shall be a member of the Committee in addition to the above members.

(3) The High Power Committee constituted under sub-section (1) shall take the following action in the matter of securing the vacation of house sites in the public interest namely :

(i) In the case of a landless person who occupies a houses site in some public park or in the side of road or in between road and dwelling shall be shifted form such location and resettled elsewhere by granting him leasehold right. However, such an occupant will be given proper opportunity of being heard.

(ii) Before taking a decision to shift an occupant from his present site in the public interest the high Power Committee constituted under Sub-section (1) shall convene a
meeting of the Mohalla Samiti, give them an opportunity of being heard and shall sympathetically consider the facts presented before it by the residents of the Mohalla.

(iii) If it is considered necessary in the public interest to shift the permanent lease holders and settle them elsewhere, the High Power Committee shall give to such less holder an opportunity of being heard and after sympathetically considering all the facts placed before it the High power Committee shall decide on shifting the occupant elsewhere. The entire process of resettlement shall be completed in consultation with the Mohalla Samiti.

10. Grant of permanent lease on alternate Settlement

When a temporary lease holder of a Mohalla is resettled at some alternate site he shall not be granted a permanent lease unless he vacates the land occupied by him under temporary lease.

11. Mohalla Samiti.

(i) For each Mohalla Sabha notified by the Collector, there shall be a Mohalla Samiti. A Mohalla Samiti shall consist of a minimum of 7 and minimum of 15 members. Not less than 50 percent of the total members of a Mohalla Samiti shall be from the Scheduled Castes, the Scheduled Tribes or Other Backward Classes. Not less than one third of the total number of members shall be reserved for women. The number of members of the Mohalla Samiti shall be as follows, namely:

<table>
<thead>
<tr>
<th>No. of Families Settled in a Mohalla</th>
<th>Total Number of Members</th>
<th>Minimum Number of Members from Reserved Category</th>
<th>Number of Members of Women</th>
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<td></td>
<td></td>
<td>General Category</td>
</tr>
<tr>
<td>50 but less than 200</td>
<td>07</td>
<td>04</td>
<td>01</td>
</tr>
<tr>
<td>200 but less than 300</td>
<td>09</td>
<td>05</td>
<td>01</td>
</tr>
<tr>
<td>300 but less than 500</td>
<td>11</td>
<td>06</td>
<td>02</td>
</tr>
<tr>
<td>500 but less than 750</td>
<td>13</td>
<td>07</td>
<td>02</td>
</tr>
<tr>
<td>750 but less than 1000</td>
<td>15</td>
<td>08</td>
<td>02</td>
</tr>
</tbody>
</table>

(ii) The election of the members of a Mohalla Samiti be held in accordance with the procedure laid down in the schedule appended to these rules. Every person who is a resident of a Mohalla and who is not less than 18 years of age shall be entitled to contest the election of a member of the Mohalla Samiti.

(iii) The Project Officer of the District Urban Development Agency and the Project Officer of the Poverty Alleviation Cell of the Urban Local Body concerned or an officers nominated by them shall be ex-officio members of the Mohalla Samiti. The elected ward member of the Urban Local Body of the ward in which the Mohalla Sabha lies shall be the patron of the Mohalla Samiti.

(iv) The notification of the Constituted of Mohalla Samiti shall be issued, as the case may be, at the District Headquarters by the Collector and at other places by the Sub Divisional officer, Revenue. The notification shall be published in the Madhya Pradesh Gazette and copies of it shall be displayed, as the case may be, on the notice board of the Collectorate, the office of Sub Divisional officer, Revenue and the officer of the Urban Local Body.

(v) The Patron of the Mohalla Samiti shall be a permanent invitee at the meeting of the Mohalla Samiti but he shall not have the right to vote.
(vi) The members of the Mohalla Samiti shall elect amongst themselves a President, a Vice President, a Secretary and a Treasure in accordance with the procedure laid down in the Schedule appended to these rules.

(vii) The term of the Mohalla Samiti normally by five years. Provided that the Collector may extend the term by a maximum period up to six months or till the completion of the election of the successor Mohalla Samiti, whichever is earlier.

(viii) The members of the first Mohalla Samiti shall be nominated by the Minister in charge of the District and the term of such nominated Committee shall be till the ensuring general elections of the urban local body.

12. Powers and functions of the Mohalla Samiti

The Powers and functions of the Mohalla Samiti shall be as follows:

(a) To prepare a detailed scheme for the development of the locality at its present site or its resettlement elsewhere.

(b) To prevent unauthorized occupation or construction in the locality and to take action to remove them, if found.

(c) To take measures for the security of the locality.

(d) To conduct campaigns for the prevention of child labour and consumption of liquor and other toxic substances, satta, gambling and similar unlawful activities.

(e) To ensure peaceful public celebration on the occasion of festivals, anniversaries etc.,

(f) To conduct local campaigns for social welfare and health care.

(g) To collect development charge, conservancy tax, light tax, fire tax and such other taxes and fees, if authorised by the government or the urban local body as the case may be, and to credit them in the prescribed manner.

13. Fund of the Mohalla Samiti

(a) Sums and grants received for the settlement and development of the locality from the Government of India, the State Government, the urban local body or any other source.

(b) Amount collected by the Mohalla Samiti by way of conservancy tax, light tax, fire tax and other taxes and fees.

(c) Amount received towards development charges.

(d) Voluntary donations made by the residents of the locality for development work and maintenance of the locality.

14. Development charge

(i) No premium or lease rent shall be collected from the permanent or temporary leaseholder. The leaseholder shall pay for 10 years an annual development charge at the following rates:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Description of the Urban Area</th>
<th>Rate Per Sq. Ft. Per year (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Nagar Panchayat</td>
<td>1.00</td>
</tr>
<tr>
<td>2</td>
<td>All towns other than Nagar Panchayat and Rajbhogi cities</td>
<td>1.50</td>
</tr>
<tr>
<td>3</td>
<td>Rajbhogi cities</td>
<td>2.00</td>
</tr>
</tbody>
</table>

(ii) The development charge shall be payable in four equal installments in the months of April, July, October and January.
(iii) The development charge shall be collected from the leaseholder of the Mohalla Sabha by the Mohalla Samiti and in other areas it will be collected by the urban local body.

(iv) All the amounts collected by the Mohalla Samiti and all amounts received by it shall be credited into a Scheduled Bank by the Treasurer by opening an account in the name of the Mohalla Samiti. Withdrawals from this account shall be made under the joint signatures of the President and the Treasurers of the Mohalla Samiti.

(v) The Mohalla Samiti shall maintain an account of income and expenditure in such manner and in such form as may be prescribed by the State Government or the urban local body. The account shall be open for inspection on demand by the competent authority.

(vi) The amount recovered by an Urban Local Body shall be retained in a separate account and shall be utilised for providing basic amenities to the residents of the Mohallas.

15. Securing vacation of occupied land

If a landless occupant is resettled at an alternate site, such a settler shall not be granted any lease till he vacates the land occupied by him earlier.

16. Repeal

The Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Niyam 1984 is hereby repealed.

By order and in the name of the Governor of Madhya Pradesh

D. Singhal
Secretary
SCHEDULE
(See rule 11 (2))

ELECTION PROCEDURE FOR THE MOHALLA SAMITI

1. For each Mohalla Sabha, notified by the collector, election shall be held for the constitution of a Mohalla Samiti by the collector or an Officer authorised by him.

2. The Collector or an officer authorised by him, shall cause to be prepared a Mohalla Sabha wise list of voters in Hindi written in the Development script in which the names of every person who is a resident of the Mohalla and who is qualified to be registered Assembly Roll related to the Mohalla area shall be entered.

3. Proclamation of election to the Mohalla Samiti shall be made a week prior to the date of election. This announcement shall be made by beat of drum within the mohalla and by a written announcement displayed at prominent places in the Mohalla.

4. The first day following the announcement of the election shall be earmarked for filing of nomination. On that day those residents of the mohalla who intend to be a candidate for election to the Mohalla samiti can file their nominations in the prescribed form and place notified by the Election Officer to be appointed by the Collector or an officer authorized by him. Written endorsement of the nomination by two members of the mohalla shall be essential for a nomination. Nomination papers will be accepted from 11.00 am to 3.00 Pm on the day. After expiry of the time set for filing of nomination scrutiny of nomination papers will be done form 4.00 PM and the Election Officer shall announce the names of candidates whose nomination papers are found to be in order.

5. On the same day the candidates will be allowed to withdraw their candidature upto 6.00 PNM after which the Election Officer will finalise the list of contesting candidates. The list of contesting candidates shall be announced by the Election Officer orally and in writing. If election is necessary it will be held on the day and data notified by the Election Officers.

6. Election will be held through secret ballot and in such manner as the Election officer deems fit.

7. The Election Officers shall complete the election process on the date and time announced by him.

8. Immediately after completion of voting, counting of votes shall take place in the presence of contesting candidates present and the names of winning candidates shall be announced. The winning candidates shall be issued certificates of election. The Election Officer shall publish the names of the elected members which shall be displayed, as the case may be, on the notice board of the Collectorate or the office of the Sub Divisional Officer, Revenue and copies of it will be displayed at prominent places of the mohalla.

9. After the prescribed declaration of the election of the members of the Mohalla Samiti, the Election Officer shall convene a meeting of the Mohalla Samiti to elect it’s President,
Vice President, Secretary and Treasurer. The election shall be held by secret ballot and shall be completed within one day.

10. The Election Officer shall set two hours time for the filing of nominations for the officers mentioned in para-8. The nomination of each candidate shall be endorsed by at least one member.

11. One hour will be allowed for withdrawal of candidates.

12. After withdrawal, if election is necessary the Election officer shall finalize the list of contesting candidates and prepare ballot papers.

13. Immediately after the publication of the list of contesting candidates the election for the office bearers will be held.

14. Immediately after voting is over, votes will be counted in the presence of members present and the Election Officer will declare the result. A written declaration of the elections result will be displayed, as the case may be, on the notice board of the Collectorate or the office of the Sub divisional Officer, Revenue and also at prominent places in the Mohalla.

15. Immediately after the announcement of the results the elected office bearers shall take the oath of office in the presence of Election Officer.
### FORM ‘A’
(See Rule 3)

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of the Mohalla Sabha</th>
<th>Name of the Occupants</th>
<th>House No.</th>
<th>Area Occupied</th>
<th>Number of Family Members of the Occupant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Adult Females in the Family</th>
<th>Whether the Occupant Belongs to the Scheduled Caste, the Scheduled Tribes or Backward Classes</th>
<th>Occupation of the Occupant and his Annual Income as Stated by him</th>
<th>Period of Occupation</th>
<th>If the Occupant Holds any Land in the Urban Area</th>
<th>Details Thereof</th>
<th>Opinion of the Mohalla Sabha/Mohalla Samiti</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Statement of the Occupant on Oath</th>
<th>If the Occupant has a Ration Card Details Thereof</th>
<th>Signature of Two Members of the Mohalla Sabha as Witnesses</th>
<th>Date of Spot Inspection by the Competent Officer and his Brief Opinion</th>
<th>Order of the Competent Officer</th>
<th>Area of Plot Settled</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Annual Development Charges

<table>
<thead>
<tr>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
</tr>
</tbody>
</table>
FORM ‘B’  
(See Rule 7)  

Lease is hereby granted by the Authorised Officer of__________ District _______ acting on behalf of the Governor Madhya Pradesh (hereinafter referred to as the Lessor) to Shri/Smt. _________________ Son/Wife of and Shri/Smt.___________________ Son/Wife of Shri ________________________ R/o_______________________ (hereinafter referred to as the lessee) to hold land specified in the Schedule appended hereunder on leasehold rights for a period of _____ year subject to the provisions of the Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhriti Adhikaron Ka Pradan Kiya Jana Adhiniyam 1984 (No. 15 of 1984) and the rules thereunder and the terms and conditions given below :-

1. The Lessee shall not assign or transfer the land allotted to him by way of sub lease, sale deed, gift, mortgage, or in any other manner, nor shall he part with the possession of the said land so as to cause any division therein or otherwise to alter the nature of the leasehold right.

2. The lessee shall not without the previous permission in writing of the authorised officer use of allowed to be used the said land for a purpose other than as a dwelling house.

3. Any transfer made by the lessee in contravention of sub-section (3) of Section 3 of the Act will lead to the cancellation of the leasehold right.

4. If, in public interest, it is decided to result the basti elsewhere under sub section (3) of section 3 A of the Act, the leasehold right shall be cancelled and the lessee may be settled elsewhere.

5. The lessee shall pay for a period of 10 years basti development charges at the rate of rupees ________ per square feet per year in equal installments.

6. The lessor hereby covenants that he will at the end of the term hereby granted and thereafter form time to time at the end of each successive further term as shall be granted at the request and cost of the lessee, execute it to him a renewed lease of the land for a period of _______ years.

Provided that at the time of the renewal of lease the basti development charge may be increased and the renewed lease may contain such of the terms and conditions herein contained as shall be applicable and such other conditions as may be deemed proper by the lessee for the further. Provided further that the decision of lessor at each successive renewal about the basti development charges and the conditions imposed in this regard shall be final.

In witness whereof the parties hereto have set their hands on the day and year written in each case.

Witnesses

1. _______________ Signature of the Authorised Officer on behalf of the
2. _______________ Governor of Madhya Pradesh Dated

1. _______________ Signature of the Lessee
2. _______________ Dated
SCHEDULE

Plot No._________________ Mohalla No. and name________________________ Name of Area/Circle________________________
Tehsil and District________________________ measuring square feet an
bounded as under:

In the North by ______________________
In the South by ______________________
In the East by ______________________
In the West by ______________________
FORM ‘C’
(See Rule 8)

Lease is hereby granted by the Authorised Officer of the District ______ acting on behalf of the Governor of Madhya Pradesh (hereinafter referred to as the lessor) to Shri/Smt ______

__________Son/Wife of Shri/Smt. _________________Son/Wife of ______

__________resident of ___________________________ (hereinafter referred to as the lessor) to hold the land specified in the schedule appended hereunder on leasehold right subject to the provisions of Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam 1984 (No. 15 of 1984) and the rules made thereunder and the terms and conditions here in after appearing:

1. The lease shall not assign transfer or part with the possession of the said land so as to cause any division there of otherwise make any alternation or addition in the dwelling house.
2. The lease shall not without the previous permission of the authorised officer use or allow to be used the said land for a purpose other than as a dwelling house.
3. The lease shall stand cancelled if alternate site is made available. The lessee can take the material to alternate site for which he will not get any compensation.
4. The lease shall be renewed every year till alternate site is made available.

In witness whereof the parties here to have set their hands on the day and year written in each cases.

Witness

1. ______________________ Signature of the Authorised Officer on behalf of
2. ______________________ the Governor of Madhya Pradesh

________________________ Date _______

1. ______________________ Signature of the lease
2. ______________________ Date _______

SCHEDULE

Plot No.______ Mohalla No._______ and Name____________ (Name of the area of Circle _______Tehsil and District ___________admeasuring ______sq. feet_____

____and bounded a sunder:

In the North by __________
In the South by __________
In the East by __________
In the West by __________
12. 5 SLUMS AND JHUGGI JHOPDI SETTLEMENTS

The problem of slums created by poor living conditions, overcrowding, lack of amenities and public convenience and that of Jhuggi-Jhopdi settlement created by organised squatting on public lands with active support by various pressure groups, has been discussed in detail in Chapter 4. 36 slum areas accommodating nearly 80,000 persons and 33 Jhuggi Jhopdi settlements accommodating nearly 22,000 persons have been identified.

Simultaneous action for prevention, improvement, clearance and rehabilitation will be necessary to take this complex problem that involves physical, social, and economic factors. A four-pronged approach is proposed.

I. Modification of building bylaws, formulation of zooming regulating, and strict enforcement of the same. Zoning Regulating are contained in the following chapters.
II. Development of land specifically for economically weaker section of the society in advance so that at least house sites and service within reasonable cost are made available to the migrants so as to improve the living conditions of slum squatting and encroachment of public land.
III. Environmental improvement and provision of service and amenities so as to improve the living conditions of slum areas.
IV. Clearance of slums and rehabilitations of the same at new sites.

The slums and Jhuggi-Jhopdi settlements are divided into 2 broad categories:
(a) Slums and Jhuggi-Jhopdi settlement which are to be improved by provision of services and amenities and buy partial clearance.
(b) Slum and Jhoggi-Jhopdi settlement which are required to be cleared and resettled at a new site.

Clearance of slums is often slums is often difficult because the process of clearance disturbs social life, economic linkage between slum areas and the work places, evokes emotional attachment to the place of residence, particularly in case of resident who have been living there for some time. Besides this, clearance also involves many administrative and financial difficulties. In view of these factors only those slum areas and Jhuggi-Jhopdi settlements have been earmarked for clearance which are either difficult to improve e.g. low lying areas, and areas liable to flooding being situated along riverbank, or the land which is required for other uses essential for proper functioning of city life.

Most of the Jhuggi-Jhopdi settlement, which are proposed to be rehoused at a new site, are situated along riverbanks and are therefore, liable to flooding.
The site for rehabilitation of these slums and Jhuggi -Jhopdi settlement are selected as near to the present site as possible so as to cause minimum dislocation to their economic and social life. Details of proposals for clearance and rehabilitation and for environmental improvement are given in tabulated form.

**INDORE: SLUMS EARMARKED FOR CLEARANCE & REHABILITATION**

<table>
<thead>
<tr>
<th>Name of Locality</th>
<th>Name of the Slum Area</th>
<th>Present Location (Planning Unit)</th>
<th>Proposed Location (Planning Unit/Sector)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mill Area</td>
<td>Amar Tekari</td>
<td>2</td>
<td>2K</td>
</tr>
<tr>
<td></td>
<td>Shel Nath Camp</td>
<td>2</td>
<td>2K</td>
</tr>
<tr>
<td></td>
<td>Freeganj</td>
<td>2</td>
<td>2K</td>
</tr>
<tr>
<td></td>
<td>Kulkarni Ka Bhatta</td>
<td>2</td>
<td>2K</td>
</tr>
<tr>
<td>City Area</td>
<td>North Toda</td>
<td>1</td>
<td>3F</td>
</tr>
<tr>
<td></td>
<td>Nai Bagad</td>
<td>1</td>
<td>2H</td>
</tr>
<tr>
<td></td>
<td>Chamar Mohalla (Jagjiwan Ram Nagar)</td>
<td>1</td>
<td>2H</td>
</tr>
<tr>
<td></td>
<td>Malhar Palton</td>
<td>1</td>
<td>2D</td>
</tr>
<tr>
<td></td>
<td>Usha Phatak</td>
<td>1</td>
<td>3F</td>
</tr>
<tr>
<td></td>
<td>Champa Bag</td>
<td>1</td>
<td>3F</td>
</tr>
<tr>
<td>Juni Indore</td>
<td>Luniapura</td>
<td>4</td>
<td>6H</td>
</tr>
<tr>
<td></td>
<td>Bapu nagar</td>
<td>8</td>
<td>6H</td>
</tr>
<tr>
<td>Mhow Naka and Dhar Naka</td>
<td>Gadariya Mohalla</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Mali Colony</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Hukum Chand Colony</td>
<td>1</td>
<td>1B</td>
</tr>
<tr>
<td>Chawni Area</td>
<td>Navlakha Near Bridge</td>
<td>6</td>
<td>6C</td>
</tr>
</tbody>
</table>

The following slum areas are proposed for Environment improvement:

<table>
<thead>
<tr>
<th>Name of locality</th>
<th>Name of Slum Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mill area</td>
<td>Panchu Kumhar Ki Chawl, Som Nath Ki Purani Chawl, Lala Ka Bagicha, Pancham Ki Phel, Rustam Ka Bagicha, Patnipura, Som Nath Ki Nai Chawl, Shivji Nagar, Goma Ki Phel, Bhamori Dume Ka Bagicha, Kaji Ki Chawl, Jeewan Ki Phel</td>
</tr>
<tr>
<td>City Area</td>
<td>South Toda</td>
</tr>
<tr>
<td>Juni Indore</td>
<td>Jabaran Colony, mominpura, Balai mohalla, Katkatpura, Chamar Bkhal, Moti Tabela No. 2</td>
</tr>
<tr>
<td>Mhow Naka and Dhar Naka</td>
<td>Labiya Bheru, Balda Colony, Modern Village</td>
</tr>
</tbody>
</table>

The table gives Jhuggi-Jhopdi settlement proposed for clearance and rehabilitation.

**INDORE: CLEARANCE AND REHABILITATION OF JHUGGI & JHOPDI SETTLEMENTS**

<table>
<thead>
<tr>
<th>Name of Locality</th>
<th>Jhuggi Jhopdi Settlement</th>
</tr>
</thead>
</table>

Indian People’s Tribunal on Environment & Human Rights
<table>
<thead>
<tr>
<th>Present Location</th>
<th>Proposed location Pl. Unit/Sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bombay-Agra Road</td>
<td>Pl. Unit/Sector</td>
</tr>
<tr>
<td>Prakash Chand Sethi Nagar</td>
<td>3F</td>
</tr>
<tr>
<td>Malviya Nagar (Vishnu Puri)</td>
<td>3F</td>
</tr>
<tr>
<td>Khajrana kankad</td>
<td>3F</td>
</tr>
<tr>
<td>Gumnam Colony</td>
<td>3F</td>
</tr>
<tr>
<td>Adarsh Molik nagar</td>
<td>3F</td>
</tr>
<tr>
<td>Dashera Maidan</td>
<td>Pl. Unit/Sector</td>
</tr>
<tr>
<td>Prakash Chandra Sethi nagar</td>
<td>9 A</td>
</tr>
<tr>
<td>Lodha Samaj Colony (near Mhow naka)</td>
<td>9 A</td>
</tr>
<tr>
<td>Normal School Road</td>
<td>9 A</td>
</tr>
<tr>
<td>River Side</td>
<td>Pl. Unit/Sector</td>
</tr>
<tr>
<td>Chandra Prabhash Shekhar Nagar</td>
<td>9 A</td>
</tr>
<tr>
<td>Chatri bag</td>
<td>9 A</td>
</tr>
<tr>
<td>Shrimati kamlia Sethi Nagar</td>
<td>6H</td>
</tr>
<tr>
<td>Near Krishna Pura Bridge</td>
<td>6H</td>
</tr>
<tr>
<td>Hemilton Road</td>
<td>6H</td>
</tr>
<tr>
<td>Shyama Charan Shukla Nagar</td>
<td>6H</td>
</tr>
<tr>
<td>Dhar Road</td>
<td>Pl. Unit/Sector</td>
</tr>
<tr>
<td>Adarsh Devi Indira Nagar</td>
<td>9 A</td>
</tr>
<tr>
<td>Adarsh Indira Jhuggi Jhopdi</td>
<td>9 A</td>
</tr>
<tr>
<td>Mill Area</td>
<td>Pl. Unit/Sector</td>
</tr>
<tr>
<td>Adarsh Bijasan Nagar</td>
<td>3 A</td>
</tr>
<tr>
<td>Firoz Gandhi Nagar</td>
<td>3 A</td>
</tr>
<tr>
<td>Sarvahara Nagar</td>
<td>3 A</td>
</tr>
</tbody>
</table>

The following Jhuggi and Jhopdi settlement are earmarked for Environmental improvement:

<table>
<thead>
<tr>
<th>Name of locality</th>
<th>Name of Jhuggi Jhopdi Settlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bombay-Agra Road</td>
<td>Dev Nagar, Sanvid Nagar, and it extension, Vinoba Nagar</td>
</tr>
<tr>
<td>Dashera Maidan</td>
<td>V.V. Giri Samaj Wad Nagar</td>
</tr>
<tr>
<td>Mill Area</td>
<td>Near Bansi Press</td>
</tr>
<tr>
<td>Juni Indore</td>
<td>Prakash Ka Bagicha, (Mominpura) Haria Umeria Ka Bagicha, Ramnath Ka Bagicha, Radha Govind Ka Bagicha</td>
</tr>
<tr>
<td>Residency Area</td>
<td>Bacchi Bai Ka Bagicha, Baboolal Ka Bagicha, Nathoo Ka Bagicha</td>
</tr>
</tbody>
</table>

The table gives Jhuggi & Jhopdi settlements proposed for clearance & rehabilitation.

1 Poverty & Vulnerability in Indore, Rajeev John George et. al., Oxfam India Trust, Nagpur, India, 1998, Pg. 2.