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## Submission to U.N. Special Rapporteur on the Right to Adequate Housing

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Submitted by:

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## **Introduction**

The Consortium for Street Children (CSC) and Amos Trust through partnership with Karunalaya India, submit this joint statement to highlight the situation of individuals living in informal settlements in North Chennai, India for the Special Rapporteur's forthcoming report to the General Assembly in 2018.

This submission focusses on questions 1, 6, and 8 regarding the number of individuals living in informal settlements, the underlying causes and existing law and policy.

## **Questions**

**1. Data on people living in informal settlements. Please provide data on the numbers of people living in informal settlement, clarifying the definitions used and including disaggregated data by relevant characteristics (gender, disability, age etc).**

As per the definition of Greater Chennai Corporation homeless persons *"do not have a house, either self-owned or rented, but instead live and sleep on pavement at parks, railway stations, bus stations, places of worship, outside shops, dwelling nearby factories, living at construction sites, living under the bridges, living in Hume pipes and other places under the open sky or places unfit for human habitation. This also includes people who live in temporary structures without walls, under plastic sheets or thatched roofs on pavements, parks or other common spaces."*<sup>1</sup>

**Reference:** Standard operating procedure of Corporation of Chennai for institutionalizing basic services for the urban homeless.

### **Data on people living in informal settlements**

As per the census report of Greater Chennai Corporation of Chennai in 2011 it is estimated that 29,259 families are dwelling on the pavements of Chennai.<sup>2</sup>

As per the Data's available with Karunalaya which was collected only from 18 intervention areas. Over all 962 families consisting of 4810 adults and children.

Gender		Disability	Total
Male	2397	8	2405
Female	2402	3	2405

Age	General
0 - 18	900
18 and above	3910

**6. What laws are in place to protect and ensure the rights of residents of informal settlements, before, during and after any upgrading, if it takes place? Have these laws proven effective? (Please include court decision)**

<sup>1</sup> Corporation of Chennai. Standard operating procedure for institutionalising basic services for the urban homeless, 2014, p. 3.

<sup>2</sup> Right to information Act filed by (PDRA) Pavement Dwelling Rights Association reference number 6278/2013 / Zone 5.

Supreme Court of India directed Delhi and other states in India to ensure that adequate shelters were provided for night stay. The bench observed that not a single person must be allowed to die from having to sleep on the pavement in the freezing cold. A bench of Hon'ble Mr. Justice Dalveer Bhandari and Hon'ble Mr. Justice Dipak Misra expressed the concern that most states were yet to be provide adequate night shelters and asked the Chief Secretaries to personally monitor the provision of night shelters and file a comprehensive report to the court.<sup>3</sup>

“Scheme of shelter for urban homeless” issued by the Government of India, Ministry of Housing and Urban Poverty Alleviation before this court. The said scheme refers to the National Urban Livelihoods Mission (NULM). The NULM was launched on 24.09.2013 to reduce the poverty and vulnerability of urban poor households by enabling them to access gainful self-employment and skilled wage employment opportunities through building strong grassroots level institution for the poor which would result in an appreciable improvement in their livelihood on a sustainable basis.<sup>4</sup>

***8. Any additional information about successful upgrading or resettlement projects or experiences that could provide good practice elsewhere. Please also share lessons learned from unsuccessful project or approaches.***

Providing night shelters could be a temporary measure to protect from extreme weather conditions, but the government of Tamil Nadu is taking the temporary measure as a permanent solution to the pavement dwelling families in Chennai city. Therefore instead of copying the Delhi model of night shelters the actual needs of the pavement dwelling families in Chennai should be addressed by providing housing with the city in the identified lands. The Tamil Nadu government has failed to learn from the past negative experience of setting up shelter for pavement dwelling families at an unused building called Kannapar Thidal in Chennai, where in a small hall of 20'x15' more than 10 families are living a pathetic life without any privacy and protection. More than 55 families are living in that shelter alone in the two floors ever since the year 2002, when they were first evicted to inaugurate SAFF Games at the Nehru stadium in Chennai. These are the lessons learnt from unsuccessful projects implemented by the Central and State Governments.

As per the opinions on the basis of discussion with Pavement Dwellers Right Association - PDRA (A registered body with the Government) Members who state that they were forcefully evicted without notice and thrown away to the outskirts of city by providing housing tenements under RAY scheme by the Tamil Nadu government which would deprive their livelihood and forced them to re-migrate, involve them in any decision making that are affecting them directly or indirectly.

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<sup>3</sup> People's Union for Civil Liberties Vs. Union of India, WP (C) 196/2001 IA decided on 12.12.2011.

<sup>4</sup> Supreme Court of India passing an order to safeguard Homeless Street connected people under NULM scheme.