

## RIGHT TO SHELTER

*This chapter discussed key development of 2008 relating to right to shelter including judicial development, demolition of slum and forcible eviction, alternative resettlement scheme for the evicted persons.*

Rapid urbanization and unplanned usage has led to an acute shortage of land for housing. Distribution of land ownership and usage has been highly inequitable, particularly in Dhaka, where 37 per cent of working and low income households in a population of 12,623,000 (in 2005), are estimated to be living in slums. The Detail Area Plan (DAP) has been strongly criticized by the Bangladesh Institute of Planners and other professional bodies for violating the land usage principles enunciated in the Dhaka Metropolitan Development Plan (DMDP).

Low income households have set up shanties on unoccupied urban land which had been allocated to Government and semi-government agencies.<sup>1</sup> As these agencies enter into partnership with private property developers for construction of commercial units, offices, housing for their senior officials or middle level staff, the slum residents face eviction. Court directions to rehabilitate slum residents before eviction have not been implemented by the executive.

### Judicial Developments

#### *Stay Order on Eviction of Taltola slum from public land in Mohakhali, Dhaka*

The High Court Order, on 14 February, in a writ petition filed by ASK and three residents against the Government, directed both parties to maintain status quo in respect of possession of land by residents of Taltola CNB Bosti, Mohakhali.<sup>2</sup> Before the certified copy of the Court order could be made available on 24 February, residents were forced to leave by the Dhaka City Corporation and the Roads and Highways Department (see evictions below).

#### *Stay order on eviction of Jheelpar Bosti, Mirpur, Dhaka*

In a public interest litigation filed by BLAST, the High Court, on 7 April, ordered the Government not to evict residents from Jheelpar Bosti in Shah Ali Bagh Police thana, Mirpur in Dhaka city without arranging their rehabilitation. It also issued a rule on the Government to explain why the eviction order should not be declared illegal.<sup>3</sup> The petition stated that a government notice on 3 April to evict residents by 7 April would have made homeless 2000 persons who had been resident since 1980.<sup>4</sup>

#### *Appellate Division rejected Land acquisition in Purbachal*

A long running litigation challenging the acquisition of land for the housing development by RAJUK in Purbachal as being in violation of basic rights to life and property - as it would detract from the Dhaka Met-

1 In Dhaka city alone 1,265 acres of *khas* land had been transferred to Bangladesh Railways, National Housing Authority, Public Works Department, Roads and Highways Department, Bangladesh Telephone and Telegram Board, Dhaka Water and Sewerage Authority and Bangladesh Water Board. In addition University of Dhaka, Defence Services including the BDR RAJUK have acquired large tracts of land. See S. Shaffi, "Role of State Agencies in Transformation of Public Lands in Dhaka City", mimeo 2008.

2 Writ Petition No. 1167 of 2008.

3 "HC asks govt not to evict Jheelpar slum dwellers", New Age, 8 April 2008. See also "Pollobi Jheelpar Bosti Ucched na kortey High Courter Nirdesh", Prothom Alo and "Mirpurur Jheelpar Bosti Ucched Bondhey High Courter Nishedhagga", It-tefaq, 8 April 2008.

4 Justice Syed Mohammad Hussain and Justice Farid Ahmed in *BLAST and another vs. Bangladesh and others*, Writ Petition No. 2760 of 2008.

ropolitan Development Plan which expressly prohibited any development in parts of this area until 2015 - and also destroy fruit orchards and the local ecology - was finally rejected by the apex court.<sup>5</sup>

#### *Health Ministry's Compliance with Court Order in Sat Tola Bosti, Dhaka*

The High Court, on 19 April, issued a stay order on the Ministry of Health against proposed demolition of Sat Tola *Bosti* until final disposal of the public interest litigation filed by ASK on behalf of the residents. On 11 November, a Health and Family Welfare Ministry<sup>6</sup> memo stated its compliance with the extended stay order.

#### *Stay Order in Karail Bosti, Dhaka*

On 17 December, the High Court issued a rule upon the Government to explain why its eviction notice to residents of Karail *Bosti* in Mohakhali, Dhaka should not be declared to be without lawful authority, and also issued a stay order on the eviction until 5 January. ASK, BLAST, CUP and three Karail *Bosti* residents had filed a writ petition against a notice from PWD to clear the area.<sup>7</sup>

### **Violations of Right to Shelter**

Insecurity of shelter for the urban poor was exacerbated by further evictions of slum dwellers from public lands, allotted to property developers, or acquired illegally. In some cases evacuation followed arson: a total of 23 cases of fires were reported between 2003 and January 2008 in Dhaka city, prompting some newspaper editorials to demand government investigation into the possibility of arson.<sup>8</sup>

#### *Demolition of Slums and Forcible Eviction*

Demolition of a slum on land belonging to the Roads and Highways Department in Mohakhali led to protests by the residents on 6 February. A police contingent, reportedly, beat and injured protestors using truncheons. About 200-400 families living on rented shanties in the slum were forced to leave the premises.<sup>9</sup>

On 14 February, the National Housing Authority demolished 1,000 brick and non-brick structures on 24 acres of land at Duwaripara in Pallabi thana of Dhaka city.<sup>10</sup> This was in compliance with a Court order issued on 21 January in favour of 474 persons whose claim was based on winning a lottery for that land in 1994. Thousands of people who had occupied the land as tenants were thrown out at 48 hours notice.

On 23 March,<sup>11</sup> a police contingent led by a Magistrate evicted 900 families from approximately 2.14 acres of land belonging to the Bongobondhu Sheikh Mujibur Medical University in Shahbagh Dhaka. Six hundred shanties at the Begunbaria *Bosti* were demolished. The residents protested the demolition without adequate notice. It had rendered them homeless, and prevented school and college going children from giving their exams. The Magistrate claimed that the residents had ignored the notices served on them.

A few instances of eviction were also reported from other towns including in Narayanganj, where Urdu speaking non Bengali families who had been given shelter after the 1971 war of independence by the Kumudini Welfare Trust in Khanpur Metro Hall in Narayanganj faced eviction as the land was to be used for construction of godowns;<sup>12</sup> in Rangpur, where 50/60 police personnel led by the local *quanongo* and two surveyors evicted 14 families without notice from private land in Dakhin Mulatol area, where they had been

5 Civil Appeals No. 83 and 84 of 2006.

6 Reference SAPCOM/Ain Shakha/Mamla-8/2008/69, copy received by ASK.

7 Writ Petition No 9763 of 2008, Justice Syed Mahmud Hossain and Justice Quamrul Islam Siddiqui issued the Rule.

8 "Frequency of slum fires raises questions", *New Age*, 13 April, 2008.

9 "RHD evicts dwellers from Mohakhali", *New Age*, 6 February 2008.

10 Mir Ashfaquzzaman, "Denied again and again", *New Age*, 17 February 2008.

11 "*Obosheshe Poribaghe basti uched*", *Janakantha*, 24 March 2008.

12 "*Narayanganjey atkey pora Pakistanider uchhed korar obhijog*", *Inqilab*, 19 September 2008.

living for the last 40 years.<sup>13</sup> The *qanungo* claimed that they were carrying out court orders, but refused to show the order to the residents. Newspaper reports said that the officials abused women and men in the slum.

### *Arson*

The print media reported on several cases of arson in Dhaka city. The absence of any investigation reports being made public had led to suspicion of its causes which were ascribed to arson rather than accidents.



*Nimtoli Bosti after arson attack*

On 11 January,<sup>14</sup> at about 6 or 7 pm, 1,680 shanties were gutted in an arson attack on a slum in Nimtoli, Dhaka. Thirty persons, including women and children were injured, and many were reported missing. As a result, about 8,000 people were living under open skies. Most of the residents worked in garment factories or as rickshaw pullers and casual day labourers. The ADC (Additional Deputy Commissioner) identified the cause as leakage of a gas stove, whereas some local residents stated that there was no stove in the room.

On 2 February,<sup>15</sup> a short circuit caused a fire in a slum in the Railway Station *Bosti* Sutrapur, Dhaka. Although no one was injured, 500 families were reported to have become homeless.

On 14 February,<sup>16</sup> 25 persons were injured in a fire in Tikka para, Mohammadpur, Dhaka. The fire was put out by 16 units of the fire brigade in two and a half hours.

On 22 October, approximately 400 shanties were burnt in a fire caused by a short circuit in Deya Bari slum in Mirpur Mazar Road, Dhaka at 5 pm.

13 *Inqilab*, 17 June 2008.

14 “*Rayer Bazar Balurmath Nimtoli bostite bhoyaboho aagun*”, *Shamokal*, 12 January 2008.; “*Nimtoli basti der Hajar poribar khola akasher nichey*”, *Jugantor*, 13 January 2008, “10,000 Living under Open Sky”, *The Daily Star*, 13 January 2008.

15 “*Sutrapur bosti tey agun, 200 ghor pure shes*”, *Shamokal*, 3 February 2008, “300 Shanties, office equipment burnt in city fires”, *New Age*, 3 February 2008.

16 “*Mohammadpur Tika para bostir ath shotadhik ghor bhoshiboto*”, *Ittefaq*, 15 February 2008.



Housing project going on in Tikka Para Bosti

ASK investigations conducted in December found few traces of families who had been evicted from these slums. Only 50/60 families out of 5,000 remained in Nimtoli *bosti*. Its low land was being filled in part, while construction had started in other parts. In Mohamadpur's Bashbari *bosti*, where construction on new housing had begun, only 150 out of 2,000 shanties remained and in Tikka Para, which had housed 3,000 families, a signboard was posted stating "Property of the National Housing Authority, Entry prohibited".

### Alternative Schemes for Resettlement

Resettlement of slum residents has not been a high priority for the Government or NGOs during the year, despite some initial progress. The PWD in a belated but salutary move set up the *Nagar Unnayan* Committee (City Development Committee) to design a resettlement package for the nearly 60,000 persons forcibly evicted from Dhaka slums in January/February 2007. It allotted a site measuring 3.47 acres in Mirpur, Dhaka selected by the *Nagar Unnayan* Committee, and signed an agreement with the Coalition for the Urban Poor (CUP), an NGO consortium<sup>17</sup> to undertake a resettlement scheme. This scheme envisages that the Committee's architects would design 240 sq. ft apartments<sup>18</sup> and that CUP would then arrange their lease to some 310 slum families on a monthly payment basis. However, by December 2008, the final transfer of land had not taken place and the Evaluation Committee of the Planning Commission had questioned whether the plan complied with the land usage policy that had been approved under the Housing Policy 1993.<sup>19</sup>

The *Nagar Unnayan* Committee<sup>20</sup> set up by the Public and Housing Works Ministry proposed a 17 year housing development programme for construction of two million housing units, of which 0.82 million units would be for low income households, and 1.1 million for middle income groups. In the first phase, construction of 109,200 units was proposed for squatters on Government land in Mirpur, Dhaka and 310,800 unit shelters for slum dwellers in new housing areas within Dhaka municipal areas.<sup>21</sup>

Only three of the NGOs who run development programmes for education, health, credit, etc., in different slums, have taken initiatives for permanent housing for their group members. Their plans rely on investment of members' savings in purchase of land and construction of apartments to be leased to members on hire purchase. A six storied walk up apartment in Mirpur built by the Association for Realization of Basic Needs (ARBAN) now houses 40 families. SHAKTI's scheme for a multi-story construction of 300-350 sq ft apartments, has not moved beyond purchase of 40 kathas land in Beriband Hajaribagh in Lalbagh thana at a cost of

17 CUP is a coalition of 55 members.

18 Three rooms and kitchen with toilet to be shared by two families.

19 Government of Bangladesh, Planning Commission, Structural Planning, Water and Housing Wing, PEC Meeting Minutes dated 18 July 2008.

20 "Proposal to start projects to meet city housing needs", *The Daily Star*, 20 June 2008.

21 N. Islam & S. Shaffi, *A Proposal for a Housing Development Programme in Dhaka City*, Dhaka, CUS, 2008.

Taka 250,000.0 collected from their members' micro-credit savings. PROSHIKA's Housing Project for the Urban Poor is designed for 350 low cost housing (ranging from 200 to 325 sq ft) in a six storied walk up, which will be sold to its members, living in slums on a 10/15 year installment basis. 74.75 decimal land has already been purchased in the name of Proshika Manobik Unnayan Kendra in Mirpur Ashulia embankment and a construction firm has been appointed.<sup>22</sup>

Government agencies have argued that slum residents cannot be accommodated with housing because of the scarcity of land. At the same time schemes have been sanctioned for luxury housing for senior government officials, or schemes under court's directions for rehabilitation of evicted slum residents have been diverted for middle or upper income households.

The North South Properties Development Ltd. plans to construct 15,000 high value apartments on 750 acres of land in Bhashentek, Dhaka, part of which was allocated by the government to house slum dwellers who had been evicted from here in 1997. The Company claimed that it would construct housing for slum residents, for which each would need to deposit Taka 60,000.0 along with the application. The apartments would be allotted after payment of the full cost of Taka 280,000.0.<sup>23</sup> The company chairman claimed that the slum residents could not afford to buy apartments for lack of credit facilities.<sup>24</sup>

The National Economic Council (ECNEC) on 25 November approved a project for a joint venture with property builders for construction of 4,256 apartments in 38 buildings of 17 stories each in Dhaka at an estimated cost of Taka 33.24 million. The land has been allotted to the Ministry of Science and Technology, Bangladesh Telecommunication Company Ltd., and PWD. Seventeen hundred flats will be sold at subsidized prices for senior and mid-level Government employees, and the rest at commercial rates to private buyers. While the government claims that scarcity of land does not allow it to accommodate housing for slum residents it is expected to allot 42.38 acres in Karail Mouja of Mohakhali, and on 7.18 acres in Mirpur for this project.<sup>25</sup> To implement this scheme, the Government will have to evict almost 120,000 long term slum residents.

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22 Information from ARBAN, Shakti and PROSHIKA.

23 "Flat kintey bostibashider shohoj shortey reen dibey NSDPL", *Sangbad*, 2 December 2008.

24 "Bostibashir 1000 flat bittoshalider dokholey", *Shamokal*, 22 June, 2008.

25 *The Daily Star*, 6 November, 2008 and 25 November, 2008.