

A REALITY CHECK FOR THE RIGHT TO DEVELOPMENT - CASE STUDIES AND COMMENTS ON IMPLEMENTATION

Parallel event to the 12th session of the UN Working Group on the Right to Development

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REALITIES OF DEVELOPMENT

A case study of Mumbai: special reference to drinking water in Mumbai's slums

Youth for Unity and Voluntary Action (YUVA), India

The Resolution of right to development declared by United Nations in 1986 states in preamble that "Development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom." Right to development which is group right of peoples ensure the comprehensive and integrated development of the last man of the society. M. K. Gandhi the father of Indian State said

"I will give you a talisman. Whenever you are in doubt, or when the self becomes too much with you, apply the following test. Recall the face of the poorest and the weakest man whom you may have seen, and ask yourself, if the step you contemplate is going to be of any use to him. Will he gain anything by it? Will it restore him to a control over his own life and destiny? In other words, will it lead to swaraj for the hungry and spiritually starving millions?"

Then you will find your doubts and your self melt away."

However, the growth driven India is divorced from the Gandhi's talisman and so is Mumbai. Mumbai being financial capital of India transforming herself towards world class city rapidly. The very hands crafting the city by sweating blood are getting lost in the darkness of shining. The realities of "other Mumbai" are as...

- 53% population living in slums covering 8% of land mass of Mumbai.
- Over 2 million people are denied drinking water, sanitation and other basic services.
- Over 100 thousand people are homeless living the identity less life.



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- Slum dwellers are constantly facing eviction.
- Increasing Informalisation of workforce.

Development the too of exclusion

Contemporary paradigm of development is excluding the urban poor from its benefit and to satisfy the same various mechanisms are put in place in the name of development. The policy and practices of water supply in Mumbai's slum is against the very ethos of right to development.

The line of cut of date of 1st January, 1995 is the precondition for the slum dwellers to access the drinking water, sanitation and other basic services. The settlements came into existence after the above date is non-notified settlements. Over 2 million urban poor live in such slums. These slums are also not liable for rehabilitation and live constant insecurity of eviction. The official denial of water compel them to access water, which may be unsafe to consume, from alternate sources including private water vendor at many fold higher prices than the Municipal Corporation's price. The extra expenditure on water adds extra weight to their economic burden. People from Ambojwadi, a non-notified settlement in Malad (East), said that;

“the price of water escalate to Rs.30-50 per can (35 liter) in the summer and monsoon due to water scarcity and terrible condition of roads.”ⁱ

Denial of drinking water endanger the public health in general women and children in particular. Women suffer from back and neck pain due to carrying water over head and the risk of miscarriages cannot be overseen which is being reported at many places. Carrying water from far distance at odd times make women and children more vulnerable to sexual harassment. Collection of water consumes too much time to child rearing and livelihood. Children engage in water collection either report late in school on regular basis or dropout due to clash of water supply and school hours. In non-notified settlements children in 4% families solely responsible for water collection while in notified settlement 0.9% where access to water is secure to a certain degree.ⁱⁱ

It's not that urban poor living in notified settlement are free from drinking water problems. They are also the victim of discriminatory policy and practices attached to distribution mechanism. The Municipal Corporation has set the norms for water requirement per person per day according to the housing structure. Inhabitants of buildings are liable to get 150 lpcd (liter per capita per day) and slum inhabitants 45 lpcd.ⁱⁱⁱ There are indigenous people living in Mumbai having no access to safe drinking water though the mammoth pipes carry water from their area. Mumbai also negate the riparian right over water to fuel its growth which.



Right to water in Indian context

Constitution of India does specifically include the provision of right to water in the fundamental right part of it which obligatory on the State. However, Supreme Court of India has interpreted right to water as fundamental right under right to life (Article 21) of Constitution of India in various verdicts and made the obligation on the State to realize it. 74th Constitutional amendment put the responsibility of water supply as mandatory responsibility on Urban Local Self Government (ULSG). National and State water polices are set the need of drinking water at the top priority but remain silent on actual means to realize the same. There is water regulatory authority for the institutional mechanism to regulate the allocation, management and utilisation of water at the State level including specific ministry of water supply and sanitation at the federal and State level. Despite, a comprehensive mechanism for the full realisation of right to water and sanitation as human right still a long dream.

Right to development: path to dignity

Right to development includes all the human rights and human rights of the peoples which infer the right to life with dignity. Dr. B. R. Ambedkar, a dalit leader, way back in 1927 initiated the struggle against denial of access to water from the public sources to the lower caste by the upper cast Hindus, not for mealy access but dignity and said that...

It is not as if drinking the water of the Chavadar Lake will make us immortal, we have survived well enough all these days without drinking it. We are not going to the Chavadar Lake merely to drink its water. We are going to the Lake to assert that we too are human beings like others. It must be clear that this meeting has been called to set up the norm of equality.^{iv}

Therefore we engage our self in...

- Strengthening communities to raise their right to development.
- Deepening knowledge and advocating with State institutions for the legal obligation for the realization of human rights.
- Using judicial spaces for the assertion of human rights.

ⁱ Denial of drinking water: pricing life in Mumbai, YUVA, 2011

ⁱⁱ Condition of drinking water: special reference to Mumbai's slums, YUVA 2010

ⁱⁱⁱ D. Bharti, Mumbai's water: Truths and Myths p(4)



