

FOCUS

Law and Our Rights

Housing Right: An Area Yet to be Explored

No legislation on housing right nor any Constitutional safeguard

At the eve of the UN Conference on Human Settlements, Habitat II, Isaac Robinson assesses the state of housing right in Bangladesh and suggests to given some legislative substances to the housing right of the people.

The Way Developing Countries Solve the Problem

DESPITE that Bangladesh has ratified a number of international human rights instruments that provide for the right to housing, there is no domestic legislation to ensure any such right. In a legal system like Bangladesh international instruments can't play significant role unless they are adapted in the municipal law.

argue that such a duty should at least include a responsibility not to forcibly evict destitute people from their dwellings without providing them with any alternative housing or shelter.

since the right to life is a fundamental right and enforceable in law, it becomes very significant if the right to shelter falls within the ambit of right to life.

The Paradox of Slum Eviction

Urban population in Bangladesh has experienced a very rapid growth over the last three decades. At present in Dhaka alone, slum dwellers form at last 40 per cent of the city population.

ing it to the ground, is by setting the slum on fire. After the 1990 blaze at the Agargaon slum, slums in Kamalapur, Mohammadpur, Tejgaon, Roopnagar, Babupara, around the Sonargaon Hotel, Balu Math, Maghbazar, Pearabagh, Kajipur, Agarghat and about 15 to 16 other slums have received eviction notices or have been evicted. In some areas, public protest has put a stop to evictions.

temporary reliefs to the slum-dwellers.

A government of the people' cannot deny the housing right of the squatters and homeless as since its ultimate object is to ensure the welfare of the people. Unlike Bangladesh, there are significant laws in many other developing countries which tend to solve the housing problem. In Philippines the **Urban Development and Housing Act 1992** expressly discourages slum eviction. Section 28 of the Act provides —

disturbance control procedures; and
8. Adequate relocation, whether temporary or permanent.

It shall be a fundamental responsibility of the State to attain... the provision of the basic necessities of life, including food, clothing, shelter, education and medical care.

Legal Framework
There is no legislation in Bangladesh to protect or promote the rights of the slum dwellers. Existing laws not only fail to recognise such rights, but also provide extensive powers to the authorities to evict slum dwellers with minimal notice and considerable force. Thus, the **Government and Local Authority Lands and Buildings (Recovery of Possession) Ordinance, 1970** provides as follows:

In its observations on the extent of the right to life of pavement dwellers in Bombay, the Indian Supreme Court further stated:

These increased number of people construct ram-shackled shelters in the nook and crannies of the cities. They live in the slums not out of free choice but out of sheer helplessness and desperation and in a continual struggle to eke out the bare necessities of life.

legislation to safeguard slum dwellers from eviction from government land. Existing laws not only fail to recognise any such right of the slum-dwellers, but also provides extensive powers to the authorities to evict slum-dwellers with minimal notice and considerable force. The **Government and Local Authority Lands and Buildings (Recovery of Possession) Ordinance, 1970** empowers the Deputy Commissioner to evict unauthorised dweller only after giving 30 days notice.

When persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumps river banks, shorelines, waterways, other public places such as sidewalks, roads, parks and playgrounds;

Not only these laws provide for distribution of pieces of lands to each slum holder, rather they ensure the water supply, drainage and sanitation and all other infrastructural facilities.

One thing notable in these laws is that the slum dwellers are settled or resettled in the middle of the city. There are plenty of vacant land or acquired government land in the cities as also in Dhaka. The necessity of keeping the slum-dwellers in the city is very clear. Slum-dwellers in every country constitute a very important portion of man power indispensable for the day to

Limitations of the Constitutional guarantees
The foremost limitation of the above mentioned guarantees is that they are not enforceable in law. Therefore the Court can't compel the government to carry on the schemes of these principles. But although they are specifically stated to be non-justiciable, Article 8 (2) of the Constitution provides that they shall:

Policy Framework
The National Housing Policy, 1993 goes some way to recognising the housing problems caused by rapid and unplanned urbanisation, and their impact on the urban poor.

They do not contend that they have a right to live on the pavements. Their contention is that they have right which cannot be exercised without the means of livelihood. They have no option but to flock to big cities... they only choose a pavement or a slum which is nearest to their place of work.

A standard government pre-emption warning comprises of a person who rides around the slum area in a rickshaw and calls out to the slum-dwellers with a microphone that they have 48 hours (sometimes even less) to vacate the land. As soon as the slum empties out, the government authorities arrive on scene accompanied by bulldozers, razing the hovels to the ground. This sort of eviction occurred in 1990 on the 8th of August at Agargaon BNP bazar, Shah Ali-bag and west Agargaon slums where 20,000 homes were demolished in a single day.

As mentioned earlier, forced eviction is contrary to the National Housing Policy, fundamental principle of state policy and some international human rights instrument, yet evictions are frequently carried on. None of these instruments, can safeguard the rights of the slum-dwellers.

National dailies carried lead stories and photographs of this killing. The squatters' union held a public meeting and submitted a memorandum to the administrator of the Dhaka Municipal Corporation.

When there is a court order for eviction and demolition;

day life of the cities. Could you think of the existence of any garment factory in Dhaka without providing the worker a housing place within a reasonable vicinity of the factory? If these workers are settled outside the city, for instance at Savar, wage of the workers shall go up having the consequence of loosing garment businesses in international market. This is only one of the hundred instances which reveals the slum people as an indispensable part of the city population.

be fundamental to the governance of Bangladesh;

The government recognizes the difficult in which the poor live in these settlements and struggle to make their living and also contribute to the growth of urban economy. The poor environmental condition in slums and squatter settlements create health problems for their residents and those in adjoining areas.

The Court also observed that the right to live and the right to work are so interrelated and interdependent that a person's life would be put in jeopardy if she/he is deprived of a job as result of eviction. The right to life cannot comprise 'mere animal existence' and comprises more than physical survival.

Another easy way of illegal slum eviction, next to bulldozing

been endeavouring to give some relief to this distressed people. The problem lying in this case is that, in the absence of specific legislation in favour of slum-dwellers, Courts have to rely on technical points for the purpose of giving relief to the dwellers. Failing to give proper and timely notice, issue of eviction notice from improper office, etc. are grounds on the basis of which Courts are giving some

Although the High Court provided immediate protection against the eviction by issuing an order staying the eviction, it was unable to provide more comprehensive relief as the petitioner withdrew the petition, reportedly following threats or inducements from his employers.

When government infrastructure projects with available funding are about to be implemented;

As regard to the improvement of existing slums, there is a law in India named **The Slum Areas (Improvement and Clearance) Act, 1956**. The law, though outdated and gives wide discretion to the government, gives us food for thought to deal with the improvement of existing slums situated in both public and private lands.

This observation would support the view that the government cannot be compelled to take any action in pursuance of the Fundamental Principles of State Policy, and therefore cannot be compelled to ensure the right to shelter. While the State's duty to ensure the right to shelter may not be interpreted as a positive obligation to act, we would nevertheless

The policy further recognizes that the State should avoid forcible relocation or displacement of slum dwellers as far as possible.

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Slum set on fire



Bulldozing the right of the people

The Daily Star Entertainment Guide

Monday 3rd June
(All programmes are in local time. We recommend programmes printed in bold. There may be changes in the programmes.)

BTV
3:00 Opening Announcement Al-Doran Programme Summary 3:10 Recitation From the Bible 3:15 Cartoon Film: Macron 3:45 Drama series: Retrospect of Selected Dramas 4:00 News in Bangla 4:45 Esho Gan Shikho 5:00 News in Bangla 5:25 Nazrul Songs 5:50 Sports Programme 6:00 News in Bangla 6:30 Tamunya 7:00 The News 7:05 Open University 7:25 Antike-Antare: Musical programme 8:00 News in Bangla 8:40 Package Drama 10:00 News in English 10:30 Shasthakatba 10:35 Jattamar: Family planning programme 10:55 Comedy series: Coach 11:30 News in Bangla 11:35 Tuesday's programme 11:40 Close down

Jump Start VJ Trey 10:00 Frame by Frame 12:00noon The Vibe VJ Luke 1:00 By Demand VJ Trey 2:00 Rewind VJ Sophia 3:00 Big Bang VJ Alessandra 4:30 By Demand VJ Trey 5:30 Rewind VJ Sophia 6:30 The Vibe VJ Luke 7:30 First Day First Show 8:00 Lunchpad 9:00 BPL Dye! 10:00 Big Bang VJ Alessandra 10:30 First Day First Show 11:00 Rewind VJ Sophia 11:30 The Ride 12:00am Over The Edge 12:30 Music Master Bot Show! 1:00 Big Bang 2:00 By Demand VJ Trey 3:00 Frame by Frame

STAR PLUS
6:30 Voltair 7:00 Teenage Mutant Ninja Turtles 7:30 G.I. Joe 8:00 The Dinky Dicks 8:30 Wind in the Willows 9:00 Aerobics Oz Stylr 9:30 Nanny and the Professor 10:00 Mr. Belvedere 10:30 Mollie Katzen's Cooking 11:00 Video-fashion News 11:30 Gabrielle 12:30 Santa Barbara 1:30 The Bold & the Beautiful 2:00 The Oprah Winfrey Show 3:00 Remington Steele 4:00 Mollie Katzen's

STAR Sports
6:00am WJAF Highlights 6:30 US PGA Tour Kemper Open HL 7:00 Trans World Sport 8:30 1996 WFL M/Cycle Champ-Italian GP HL 9:00 The Asian Football Show 10:30 Cricket 96 Sunday League (AXA Equity & Law Sunday League) 3:00 1996 NCAA Women's Gymnastics FM Alabama. USA 4:00 Formula One World Championships 1996 Spanish Grand Prix 6:00 Volvo China Open Day 4 Highlights 8:00 Marlboro

STAR MOVIES
7:30 World Cinema: The Bride 15 (Arabic Subtitles) 9:30 Classic: Cup Of The Indies 12 (Arabic Subtitles) 11:30 Family: Toys 15 (Hindi Subtitles) 1:30 Comedy: Doctor In The House 12 (Hindi Subtitles) 3:30 Classic: Baby Takes A Bow PG (Hindi Subtitles) 5:30 Adventure: Curse Of The Crystal Eye 15 (Hindi Subtitles) 7:30 Film Fecton Black Beauty 12 (Hindi Subtitles) 9:00 This Week That Year 10:00 Comedy: Bill And Ted's Bogus Journey 15 (Hindi Subtitles) 11:30 Forces Heroes: Frigate 18 (Arabic Subtitles) 1:30 World Cinema: La Petit Garcon 7 English Subtitles 3:30 Action: Gun Crazy 18 (Arabic Subtitles) 5:30 Thriller: Monsignor 18 (Arabic Subtitles)

SONY ET
8:30am Yaadon Ki Baarat 9:00 The Three Stooges 9:30 Dennis The Menace 10:00 I Dream Of Jeannie 10:30 Raja Rani Aur Janki 11:00 Sundae Ki Sunday (Serial) 11:30 Cine Fatahe-Hindi Feature Film 2:30 Kismet 3:00 Zamin

DD 7
8:10 Puritawan Gaan 8:20 Binodan 8:25 Classical Music 8:30 Dik Darshan (Serial) 9:00 Jannan (New Drama Serial) 9:30 Sapthalok 10:00 Shastriyao Sangeet 10:30

EL TV
00:30am Dance Dance 01:30 Jugal Jodi 02:30 R.D. Burman Special 03:30 Party Time 04:30 Trane 05:30 Dance Dance 06:30 Jugal Jodi 07:30 R.D. Burman Special 08:30 Party Time 09:30 Tarane 10:30 Fantasy Kai Bhi Aai Bhi 11:00 Ten Bhi Chup, Meri Bhi Chup 11:30 W W Amar Prem

Tara on Zee TV, Tonight at 12:00
12:00am Dev Anand Special 1:00 Best of The Best 2:00 Geet Bahar 3:00 Shatranj 3:30 V3 4:00 Society Navras 4:30 The Music Show 5:00 Teen Do Paanch 5:30 Dev Anand Special 6:30 Best of the Best 7:30 Awaaz: Navi Andaz

Wah! 8:00 O! Signer quartz top of the tops 8:30 Z B Dance Mania 9:00 Sorry Man Lorry 9:30 Shudh Detergent Kar: 10:00 Fataene Chalo Cinema 10:30 Newsline 11:00 Amrath Bachchan Special 1:00 Dance Dance

BBC
6:00 BBC World Newsroom inc. World Business Report: Asia Today/24 Hours 9:00 BBC World Headlines 9:05 The Money Programme 10:00 BBC World News 1:00pm BBC World News 1:15 The Money Programme 2:00 BBC World News 2:30 Time Out: 3:30 Gear 3:00 BBC World News Top Time Out: More Rhodes Around Britain 4:00 BBC Newsdesk 6:00 BBC News Headlines 6:05 Correspondent 7:00 BBC World News 7:15 World Business Report 7:30 BBC Newshour Asia & Pacific 8:30 Time Out: Nature 9:00 BBC World News 9:15 The Money Programme 10:00 BBC World News 10:30 Time Out: Tomorrow's World 11:00 The World Today 1:00 BBC World Headlines 1:05 The Money Programme 1:50 Earth Report 2:00 BBC World News 2:30 Time Out: The Travel Show 3:00 BBC World Report inc. World Business Report/24 Hours 5:00 BBC World News 5:10 Newsnight

PTV
8:00 am Tadawat Aur Tar jumaHamd/Nasr 8:20 Cartoon 8:30 Khabran 8:45 Abb Pata Challa 9:05 Khat Faramash 9:20 Sarqam Sarqam 9:45 Naay-Bill Gliza Pakistan 10:05 Shah Daigh 10:25 English Film: Goat Troop 10:55 Milli Naighma 11:00 Khirban 11:10 The Saint (Roger Moor) 12:00 Shama (Drama Serial) 12:55pm Quran-e-Hakeem 1:02 Bismillah 1:15 Angaar (Drama Serial) 2:00 Shehrad (Drama Serial) 2:50 The Face Of Cultural

ZEE TV
5:30am Infotainment (TMM) 6:00

James Bond
BY IAN FLEMING
DRAWING BY HORAK
WE GOTTA BE FAIR TO RUBY! AFTER PUTTING UP THAT SECOND MORTGAGE, HE SHOULD HAVE FIRST SLICE OF THIS — RIGHT OFF THE TOP!

TOM and JERRY
WHY HAVE YOU GOT ALL THOSE?
I CAN'T SWIM AND THEY HELP ME FLOAT IN THE WATER.

ELVIS
HMMM...YOU MAY HAVE TOO MUCH OF A GOOD THING.

YOU'RE FLOATING OUT OF THE WATER!

NOT A DAMN CENT OF YOUR DUCKY NOTE!

YOU THINK YOU CAN SCRUB A MORTGAGE WITH YOUR MOUTH, YOU'RE CRAZY! WAIT! YOU HEAR FROM MY LAWYER'S BACK IN THE STATES!

CHANNEL V
7:00 Rewind VJ Sophia 8:00

Hearts Afire on Star Plus, Tonight at 12:30

5:30am Infotainment (TMM) 6:00

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