

To,  
Special Rapporteur on the human right to safe drinking water and sanitation  
ESCR Section  
Special Procedure Branch  
UNOG-OHCHR  
Palais des Nations  
CH-1211, Geneva 10, Switzerland

**Subject:** Submission about violation of human right to safe drinking water and sanitation  
by denying access to water to over 2 million poor in Mumbai, India.

**Reference:** Invitation of views through a letter dated 11 November, 2011 by Special  
Rapporteur on human right to safe drinking water and sanitation for a report on  
stigmatization in realization of human right to water and sanitation to be  
presented to the HRC in September, 2012.

Respected Madam,

Pani Haq Samiti is a forum of NGOs,CBOs, Organisation and individuals in Mumbai,  
working on the issue of human right to safe and clean drinking water and sanitation. We believe  
that water is public good and fundamental right of the all human being. We wish to submit the  
issue of denial of drinking water to over 2 million people in Mumbai.

Mumbai Municipal Corporation of Greater Mumbai (MCGM), the Local Self Government  
in Mumbai under the direction of State Government of Maharashtra (GoM), India has denied  
access to drinking water and other basic services officially to over 2 million urban poor living in  
the settlements came into existence after 01.01 1995. Denying drinking water is the gross  
violation of human rights in general and right to safe and clean drinking water and sanitation in  
particular which is being recognized as human right by General Assembly of United Nation on  
28 July, 2010 and India voted in favour of the resolution. The facts of gross violation of human  
right to safe drinking water and sanitation by the State of India are as under:

The Department of Urban Development (UDD) of GoM issued a Circular, No: *GEN/1996/45/CR15/UD27* dated on 4<sup>th</sup> March, 1996, to curb the increasing slums in Mumbai, which states that:

A man collecting water from a stream coming out of wall of drainage in Mankhurd



“take the precaution that, hereafter water supply to any illegal construction shall not be approved [Original in Marathi]”

Further, Housing Department of GoM set the cut-off date of 1<sup>st</sup> January, 1995 as criteria for the entitlement of rehabilitation under Slum Rehabilitation Schemes through a GR No.SRA-1096/P.K.68/Housing cell dated on 16<sup>th</sup> May, 1996. Attuning to above circular, MCGM amended its Water Charges Rule to incorporate the ground of cut-off date to deny water to urban poor. The water charges rule states that:

“Stand post connections on meter measurements shall be given to residential structures in slum areas, which have come into existence prior to 01.01.1995 or any other date specified by Government of Maharashtra in this behalf”.

The poor living in post 1995 settlements of Mumbai, comprises mainly Schedule Caste, Schedule Tribes and minorities, which have been traditionally experiencing stigmatization in Indian context and in modern era it further intensified by denying access to water and other basic services in Mumbai. These people access water from unsafe sources like open wells, hand pipes, tube wells and small pits and forced to relieve at opens spaces causing numerous health concerns and further entrapping in poverty trap. Since in Indian context responsibility of domestic water management rests with women, women and Children are the worst suffers. Children, particularly girl children are forced to collect water from far distance by crossing Mumbai's busy railway tracks and roads risking their lives and at the cost of their education. Women also fall prey to sexual harassment while collecting water from far distance during odd times. They suffer from back and neck pain due to carrying water overhead and in some settlement women suffered miscarriages.



*A Girl in school dress collecting water by crossing railway tracks*

The stigmatization further intensified due to incrimination of stealing water from the supply pipes. However, they purchase water from water Mafia at over 200% higher compare Municipal Corporation price. Higher cost result in consumption of less water or water from unsafe sources. During a survey in Dec, 2011 many reported about not taking bath daily and use sub quality water (saline ground water) for bathing, washing cloths and utensils and other

domestic uses. Irony is that people from such settlements are rightful voters and vote in each election but entire environment creates impediments in their amelioration and development. By denying water and sanitation the State has denied the life with dignity.

For the realization of right to safe and clean drinking water and sanitation we approached all the authorities from Municipal Corporation to federal Government but the voice of the poor voice fall on the deaf years.

#### Attached Documents

1. Circular of UDD, GoM, India (Original in Marathi Language)
2. Circular of UDD, GoM, India (Translated in English)
3. Water Charges Rule of MCGM (Original in Marathi Language)
4. Water Charges Rule of MCGM (Translated in English)

## **Pani Haq Samiti, Mumbai**

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Apanalaya, BUILD, CORO, YUVA, Ghar Bachao Ghar Banao Andolan, HRLN, ICHRL, Girni Kamgar Sangharsh Samiti, Nirbhay Bano Andolan, Ashankur, Jal Biradari, Mahila Vikash Parishad, Maharashtra Yuva Parishad, Nivara Hakka Suraksha Samiti, Footpathwashi Nagric Sangthana, Akhil Bhartiya Janwadi Mahila Samiti, Janta Dal, Don Bosco Development, Shramik Mukti Sangh Aarey, Janata Jagruti Manch, Mahila Vikas Sanshta, Awaz-e-Niswan, Lawyer's Collective.



महाराष्ट्र शासन

नगर विकास विभाग

परिपत्रक क्र. नीईएन १०६६/४५/अ.क्र.१५/नवि-२७

मंत्रालय, मुंबई ४०० ०३२.

दिनांक :- ४ मार्च १९९६.

परिपत्रक

महानगरपालिका व नगरपरिषद क्षेत्रांमधून अनधिकृत बांधकामे व सार्वजनिक जमिनीवरील अतिक्रमणे ही एक चिंतेची बाब झालेली आहे. अनधिकृत बांधकामे व अतिक्रमणे यांना आळा घालण्यासाठी व अस्तित्वात असलेली बांधकामे हटविण्यासाठी त्वरेने उपाययोजना करणे गरजेचे झाले आहे. सर्व महानगरपालिका आयुक्त व नगरपरिषदेचे मुख्याधिकारी यांना अशा सूचना देण्यात येत आहेत की संबंधीत महानगरपालिका व नगरपरिषद क्षेत्रांचे प्रशासकीय विभाग पाडून त्या क्षेत्रांमध्ये एका अधिका-याची नियुक्ती करण्यात यावी. अशा प्रत्येक क्षेत्रांमध्ये अनधिकृत बांधकामे व अतिक्रमणे होणार नाहीत याची जबाबदारी या क्षेत्रीय अधिका-यांवर टाकण्यात यावी. जर अशा क्षेत्रांमध्ये नव्याने अनधिकृत बांधकामे व अतिक्रमणे अस्तित्वात आल्याचे आढळल्यास या क्षेत्रीय अधिका-यांना जबाबदार धरून त्यांच्याविरुद्ध विभागीय चौकशीस तात्काळ प्रारंभ करण्यात यावा व चौकशी सुरु असेपर्यंत त्यांना निलंबित करण्यात यावे. ही कारवाई करण्यापूर्वी त्या विभागातील संबंधीत क्षेत्रीय अधिकारी त्या विभागात नियुक्त झाल्यानंतरच ते बांधकाम चालू आहे किंवा कसे याची पूर्णतः खात्री करून घ्यावी. तसेच या पुढे कोणत्याही अनधिकृत बांधकामास पाणी पुरवठा मंजूर होणार नाही याचीही खबरदारी घेण्यात यावी.

०२.

प्रत्येक क्षेत्रीय अधिका-याला आवश्यक ते संपूर्ण सहाय्य देणे ही त्या क्षेत्राशी संबंधित पोलीस अधिका-याची जबाबदारी असेल. जर पोलीस अधिका-यांकडून उचित सहकार्य मिळत नाही असे निदर्शनास आल्यास त्या पोलीस अधिका-यांविरुद्धही निलंबित पोलीस अधीक्षक वा संबंधित पोलीस आयुक्त यांनी तात्काळ कारवाई करावी. थोडक्यात, अनधिकृत बांधकाम तोडण्याबाबत पोलीस संरक्षणाची मागणी केल्यास तातडीने ते पुरविणे ही संबंधित पोलीस-अधिका-यांची जबाबदारी राहिल. त्यामुळे विविध मार्गांचा अवलंब करून कोर्टातून स्टे आणण्याच्या प्रक्रियेस आळा बसेल.

०३. अनधिकृत बांधकामाविरुद्ध नोटीस बजावल्यानंतर नगरपरिषद वा महानगरपालिकेच्या संबंधित अधिका-यांनी त्या नोटीसीविरुद्ध न्यायालयाकडून स्टे मिळू नये म्हणून तातडीने सक्षम न्यायालयात कॅव्हेट दाखल करव. अस कॅव्हेट दाखल झाल्यानंतर सुध्दा काढकडून स्टे झाल्यास ता बाब कोर्टाच्या निदर्शनास आणून कोर्टाचा स्टे उठविण्याबाबत सत्पर कार्यवाही करावी व स्टे उठताच अनधिकृत बांधकाम काढून टाकावे.

०४. वर दिलेल्या सूचनांचे काटेकोरपणे पालन होईल याची काळजी सर्व महानगरपालिका आयुक्त, नगरपरिषद मुख्याधिकारी, जिल्हा पोलीस अधिक्षक व पोलीस आयुक्त यांनी कृपया घ्यावी. या सूचना गृह विभागाच्या सहमतीने निर्गमित करण्यात आल्या आहेत.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

स्वाक्षरीत/-  
( के. नलिनाक्षन )  
सचिव

प्रति,

सर्व महानगरपालिका आयुक्त.  
सर्व विभागीय आयुक्त.  
संचालक, नगरपालिक प्रशासन संचालनालय, मुंबई.  
संचालक, नगर रचना व मुल्यनिर्धारण विभाग, पुणे.  
सर्व जिल्हाधिकारी.  
सर्व नगर परिषदांचे मुख्याधिकारी.  
पोलीस महासंचालक.  
पोलीस महानिरीक्षक.  
सर्व पोलीस उप महानिरीक्षक.  
सर्व पोलीस आयुक्त व जिल्हा पोलीस अधिक्षक.  
सर्व उप/सहाय्यक संचालक, नगर रचना.

प्रत माहितीसाठी :-

१) मा. मुख्यमंत्री यांचे प्रधान सचिव,

११/११/२०११



# **Government of Maharashtra**

## **Department of Urban Development**

Circular no. GEN/1996/45/CR15/UD27

Mantralaya, Mumbai 400 032.

Date :- 4 March 1996.

### **Circular**

Illegal constructions and encroachments on public land in the jurisdiction of Municipal Corporations and Municipal Councils has become the matter of concern. It has become necessary to take immediate action to prevent illegal construction and encroachment and remove the existing one. All the Municipal Corporation Commissioners and chief-officers of Municipal Councils are instructed to divide the jurisdiction of respective Municipal Corporation and Municipal Councils in administrative divisions and appoint an officer in those divisions. In each such division the responsibility of prevention of illegal construction and encroachment is assigned to concern officer of the division. If In such divisions any new illegal construction or encroachment appears, the respective officer of that division will be held responsible and immediate departmental enquiry shall be initiated and the concern officer will be suspended till the continuation of the enquiry.

Before initiating these proceedings against the respective officer of that division, it will be ensured that the construction work is started in that division after the appointment of the concerned officer. Similarly, precaution will be taken that here after water supply to the illegal constructions shall not be approved.

02. The concerned police officer of that division will be responsible to provide all necessary support to each division officer. If it is noticed that appropriate support is not extended by the police officers, the District Superintendent of Police or concerned Police Commissioner shall take immediate action against such police officers. Briefly, the prompt arrangement of the required police protection if asked for the demolition of illegal construction is the responsibility of concerned Superintendent of Police. So that, the process of bringing stay orders from the Courts by following different means will prevented.

**03. The concerned officer of the Municipal Corporation and Municipal Council shall file caveat in the competent Court after issuing notice against illegal constructions to avoid the stay from the Court against the notice. Even after filing caveat if Court issues stay order, the action to be taken to lift the stay of the Court by bringing the matter to the Court's notice and demolish the illegal construction as soon as stay is dismissed.**

**04. All the Commissioner of Municipal Corporations, Chief officer Municipal Council, District Superintendents of Police and Police Commissioners will ensure the comprehensive implementation of above guidelines. These guidelines are being issued with the consent of Home Department.**

**By order or by name of Governor of Maharashtra**

**Signature**

**(K. Nalinakshan)**

**Secretary**

**To,**

**All the Municipal Corporation Commissioners**

**All the Divisional Commissioners**

**Director, Directorate of municipal administration, Mumbai**

**Director, Town planning and valuation department, Pune**

**All District Collectors**

**All the of Municipal Council Chief Officers**

**Director General of Police**

**Inspector General of Police**

**All the Deputy Inspector General**

**All the police commissioner and District Superintendent of Police**

**All Deputy/Assistant Director, Town Plannig**

**Coy for Information:-**

- 1. Chief Secretary of Chief Minister**



**BRIHANMUMBAI MAHANAGAR**

HYDRAULIC ENGINEER'S OFFICE

AND

CHIEF ENGINEER (SEWERAGE OPERATION)'S OFFICE

**WATER CHARGES RULES**

AND

SEWER AND WASTE REMOVAL RULES

(EFFECTIVE FROM 01.06.2006)

PRICE RS.60/-

- 6.3 Deleted.
- 6.4 Not in use.
- 6.5 Not in use.
- 6.6 Not in use.
- 6.7 Deleted.
- 6.8 Deleted.
- 6.8.1 For the premise under construction and/or addition / alteration, where no unmetered connection for construction use is taken as per the previous rule no.2.1 or 2.7 and where water is used from existing metered connection or accessible connection for construction purpose, Rs.60/- per 1,000litres rate will be charged for approximate water used for construction purpose.
- 6.9 Stand post connections on meter measurements shall be given to residential structures in slum areas, which have come into existence prior to 01.01.1995 or any other date separately notified by Government of Maharashtra in this behalf. Such connections shall be given only for groups of structures, as per provisions of Appendix “E”.

6.9.1 The stand post connections on the basis of meter measurement shall also be given to structure(s) in slum areas in existence prior to 01.01.1995 or any other date notified by Government of Maharashtra in this behalf, conducting trade with requisite authentic documents subject to submission of a stamped undertaking which shall include conditions prescribed from time to time by the Municipal Commissioner or any officer suitably empowered by him in this behalf. Such connections shall be charged at the appropriate rate prescribed under Rule No.1.0. If however, the highest rate amongst them shall be applicable. The consumption in the event of not working of meter will be charged as per the provision under Rule No.3.0.

6.9.2 Deleted.

7.0. Rule No 7 not in use.

#### **Appendix (A)**

Merged in Rule No.1.1

#### **Appendix (B)**

Totally deleted