

the sound of

WORLDS COLLIDING

stories from servants among the poor

edited by Kristin Jack

**SPECIAL 25 YEAR ANNIVERSARY
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9. FIGHTING FOR THE LAND RIGHTS OF SLUM RESIDENTS IN INDIA

Marc and Kathy⁴⁶, Delhi



Marc (a lawyer) and Kathy (a computer and math whiz) have been living in the slums of Delhi since 1995, along with their two young sons.

The centre of Delhi is dominated by the capital's showpiece Government buildings, surrounded by tree lined boulevards and lovingly kept reflective pools. But beyond this architecturally designed oasis of greenery and exquisitely crafted stone, Delhi's 15 million plus population live in one of the worlds most crowded cities, with a population density of 29,000 people per square mile. Inward migration from the surrounding states combined with its booming birth rate mean that Delhi is likely to be the world's third largest city by 2015.

India's much trumpeted economic growth over the last decade has created a swelling middle class, and of course the urban elites rich continue to grow richer still. But beyond the new condominiums and shopping malls, more than three million Delhians reside in some

⁴⁶ For the sake of security, the names of Servants workers in India have been altered slightly in the publication.

1,500 shantytowns with garbage bag plastic roofs and walls. Many live in 'tents' constructed from scavenged cardboard and paper, and on average one water pump serves 1,000 residents. Yet even these are better off than the thousands who simply live on the streets, covered by nothing more substantial than an old sari each night.

One such shantytown in Delhi is Barapullah. Barapullah was a slum built along the bank of a fetid drainage canal located on government land in Delhi. It began more than 20 years ago, when just a few families squatted there, but in the end it was home to about 900, mainly Muslim families (in total about 6000 people). Kath, Tom and I lived there in a little hut for 18 months in 1999/2000. Even after we moved out, we continued to visit our friends there often. On one of these visits, a friend pointed out a notice pasted onto the wall of the toilet block. My first shock came when I realised the notice was announcing that the Delhi City Council had decided to 'rehabilitate' these residents to a relocation area 25 kilometres away. My second shock came when I realised that they had been given just six days notice!

A group of lawyers that some of the slum residents knew made an urgent application to the High Court which succeeded in staying the planned relocation for one further week. However, the lawyers then informed the residents that they wanted another 50,000 rupees (about US\$1,200) in order to take the case any further – a sum well out of the reach of the residents who were mostly struggling simply to survive. Racking our brains over what to do next, a bunch of us (about 25 residents and I) decided to try approaching another group of lawyers we knew of. They were a local NGO group, mainly acting for abused women and HIV positive people. We were thrilled when they gave us a good hearing, and then indicated that they were prepared to give this case a go – all for free!

The next step was to run a couple of big meetings with the slum community to work out exactly what people wanted to do, and whether to run with what these lawyers were offering us. I found myself only just having enough language and extroversion to cope with the size and intensity of these meetings. But I hung in there, because I could sense that a good dynamic was building, with the community talking about and deciding on its own future, and more and more people becoming informed and aware of their options. After some debate, a majority decided they did want to work in partnership with the legal NGO, and that there were three main things that they wanted to get out of the process:

- A stay of four months to get the residents past winter (January and February) and their kids' end of school year exams in March. This would also give the community members time to gather together the fee of 7,000 rupees (US\$150) the government was demanding from each resident to purchase a small parcel of land in the relocation area.
- The issuing of Legal Title to their new land *before* they were shifted. Previous relocations had seen residents be promised land but not actually be given title to any land till several months *after* their homes had been demolished.
- Land to also be made available for people who had arrived in the slum after 1998 (the council rules were that land would only be to families who been resident in the slum since before 1998).

So off we went to court again. The lawyers were doing a good job, but had a tendency not to consult very much before the hearings, nor to spend much time after each hearing explaining what had happened. In addition, the proceedings were all in English, so they were beyond the understanding of most of the local community. So now I found myself in a go-between role of listening to the people, hearing what they wanted said in court, writing that up in legalese (I had practiced as a lawyer for a while back in Australia) and taking that to the

lawyers before the hearings. Then after the hearings I would explain to the community what had just been said, translating from English back to Hindi!

I also tried to involve several other NGO's who worked in Barapullah slum in the process, but this was less successful. One NGO told me strongly that they did not want to get involved in politics, and because this whole case was now being heard in a court they had no desire to be associated with that!

After one of the hearings the judge asked for exact details of how many residents actually lived in Barapullah. The council had a list, but refused to make it publicly available, so we embarked on making our own list of every family in the slum. It was a huge logistical task. *One of the residents I'd gotten to know through the process so far was a guy named Kallu.* Kallu didn't hold any kind of recognised position in the community, but he struck me as particularly honest, and highly motivated to help. So we asked him to lead the effort to collect all the demographic information we needed, which the volunteers then brought to our house to be entered into our laptop. It took several weeks of hard work, but eventually we had our database of almost every family's name, ration card number, house number and entitlement!

After all these efforts, we then gained permission to check our list against the council's to make sure nobody had been left out. Anyone who felt they'd been missed was asked to go to Kallu's place with all their documentation, and then the discrepancies were brought to the attention of the council. *By running this double-check we were able to get land for perhaps half a dozen families who otherwise would have gone landless.*

Meanwhile, in the hearings the judge had agreed with us that the relocation shouldn't happen in winter (January and February), on the grounds that it would be too hard on babies and small children to be exposed to near zero temperatures then. Our hopes were rising that he would declare that the relocation couldn't start till spring (March). But we were shattered when he then decided that the relocation should begin almost immediately, in early December, on the rationale that winter hadn't begun yet....even though temperatures were already down to 5 Celsius overnight! Not only was it winter, but the biggest Muslim festival of the year, Eid, was about to begin. This was a time when families should be secure in their homes, celebrating together, just as we might celebrate Christmas Day back in Australia. The judge's sense of timing couldn't have been more insensitive.

We were running out of options. Our last resort was to try to negotiate directly with the Delhi city council. That was another level of visibility for me, which carried risks for my visa status and for the Christian NGO with which I worked. I talked it through with the director. He gave me the OK so long as I *tried to avoid controversy!* Somehow I managed to get through on the phone to the head of the council department overseeing the relocation (always a minor miracle in India!) In retrospect, getting him on the phone that night may well have been God's intervention, since later I learned that he's a very difficult man to get hold of. But on that night, with only hours to spare before the demolition was due to begin, I got him! Thankfully he seemed a reasonable man and to genuinely care about the community's interests. I requested that he at least hold off on the relocation till after Eid. After a little thought, he agreed. Feeling encouraged, I also suggested that it would be good in the future to have some sort of brochure in Hindi to give to people who were about to be relocated, to explain the steps they needed to go through in order to be allocated alternative land. He agreed to that as well...and asked me to write it!

Meanwhile, the constant stream of people coming to Kallu's door took its toll. He came to me one night, broke into tears and explained that his family couldn't take the constant pressure anymore. It wasn't just the workload, but people's abuse if their claim didn't succeed. Some disgruntled people were making all sorts of accusations: that Kallu was on the take; that *he'd* actually instigated the whole relocation etc etc. People were beginning to make similar accusations about me too, but not so much to my face. To be honest, Cath and I also felt like Kallu. We were sick of the stress, especially with our new baby having just been born (Oscar was born 3 weeks after the whole thing began), and with new co-workers having just arrived who I needed to help settle in. So we held another community meeting in which we told people that we'd tried our best, and had succeeded somewhat, but not completely. We apologised for the failures, but said that Kallu's door and mine door were now shut. If people had any more complaints, they should take them directly to the lawyers. Kallu and I both felt wounded by what had happened. I began to share with him my trust in a God who knows what's really going on (despite gossip and accusations), and the example of Jesus, God's just one, who was so unfairly accused. Through of all this, Kallu and I were becoming close friends.

Meanwhile, my negotiations with the council continued. I tried to take Kallu and others with me whenever I went there. Sadly, a bizarre form of racism (or maybe status-ism) meant that my being a Westerner was a ticket into the presence of these 'big boys', while the locals were shut out. Reluctantly I found myself in the role of the people's advocate before the council.

The next meeting was scheduled for the 8th of January in the head of department's office, to sort out the procedure for dealing with outstanding claims. When the morning of the 8th dawned, after dropping my son Tom off at school, I was shocked to see literally hundreds of police in riot gear near the slum. I feared that the authorities had decided they would act now to enforce the relocation, pre-empting that afternoon's scheduled meeting. With my heart pounding, I approached the head of the police who confirmed my worst fear – yes, they were going to forcibly remove the people today! If the police went ahead, it would be disastrous. Community residents were already calmly dismantling their houses and moving. There was simply no need for force: if it were used, there'd be injuries, property damage and probably a riot. I borrowed a friend's mobile and from outside the police station phoned every contact I had in the council, reminding them as strongly as I could that their boss had ordered the demolition *not* to happen till after we'd met. I'm not sure what worked, but as I stood there, cajoling and urging council members, the police began to melt away.

Eventually the relocation did begin, with people receiving their title certificates, dismantling their tiny houses brick by brick, stacking all their things on the trucks provided by the council, and driving to the new area. It was very painful for people to break down their own houses. The depressed feeling that hung over Barapullah wasn't helped by a cold drizzly rain. But there was another twist to come! There were local elections approaching, so the local MP, sensing a chance to win some votes, arrived during the title certificate issuing process, threw her considerable weight around and scared off the government officials. This was terrible, as many people had already torn down their houses in the expectation of getting their title and moving that day or the next. Now the title issuing process had been stopped, so that not only could they not move to the relocation area, but nor did they have a house left in the slum to live in! More phone calls and another court visit later, and we were assured that the council would continue to issue titles after a few days. Thankfully that happened, and most people who were entitled to land got it and went peacefully. Of the 900 families about 750 received land in the end.

The remainder of the Barapullah slum was eventually bulldozed in April 2000. It has since been turned into a road, which is seldom used!

Attention then turned to the infrastructure, or lack thereof in the relocation area. There was no running drinking water, no electricity, few buses, and when it rained, the whole area filled up like a muddy lake. Several trips to court later (there's been about a dozen in all) and drinking water at least comes by truck daily, most blocks now have electricity and some of the land has been filled. Still the struggle goes on. One of our Indian friend's NGO began a micro-credit programme in the relocation area, to provide loans for people to establish small businesses, since many of them had been moved away from their source of work.

The brochure that I wrote for future relocations slowly found its way through the bureaucracy. I've been told that some of the changes I'd advocated, such as making the council's list of residents publicly available, were implemented in some subsequent relocations.

Those 6 months were certainly the most intense experience of community work that I've ever had. It was, at different times, exciting, scary and very fulfilling. It felt as though God had prepared me for this very piece of work, since I knew people in the slum, had reasonable Hindi and had some legal background. Yet it was a very stressful time for us as a family, with lots of late nights, endless requests and little time to ourselves. We'd appreciate your ongoing prayers for us, for the community, for the infrastructure, for the brochure...and for Kallu, who has since – and partly as a result of this whole experience – come to a genuine and lovely faith.

There is a Gospel verse that should be burned into the heart of every one of us who born into a rich, privileged, Western nation:

“to those whom much has been given, of them much is expected.”

(Luke 12:48b)

We in the West have had such amazing opportunities for education, for health services, and for acquiring wealth. Starvation no longer endangers us – but rather obesity. We have grown fat, both physically and spiritually. And so Jesus warns us: much is expected of us. All these gifts were not given so we could spend them on ourselves, basking in them, accumulating more and more, and seeking greater and greater self fulfilment. These gifts were given that we might use them for expanding God's kingdom of righteousness and justice in this world. They were given that we might use them for the good of others who have been starved of education, health, food, housing, sanitation, legal rights and daily necessities.

Marc and Kathy are a couple who have heard what Jesus says, and are obeying. Marc is a lawyer, and Kathy a Maths and Computer Science honours graduate. They could have chosen to stay in Australia, living lives of comparative luxury. But they haven't. They have instead relocated to where they believe needs are greater and their presence will have more impact (and eternal impact at that). Though embarrassed that his Western appearance and education ushered him into the presence of 'the big boys' on the city council, Marc didn't shy away from the good he could do with this opportunity. He became an advocate, a prophetic voice for those whose poverty and lack of status meant they would not be invited to stand there.

A few months before this incident occurred, Marc and Kathy had been back in Australia on home leave, and Mark had sought out his mentor, Dave, to discuss some of the issues frustrating him in India. Marc shared that though they had been able to help many of their neighbours one by one, they really hadn't been able to impact their community in any significant way. So Dave and Marc prayed together that God would use him to be Christ to his whole community in the coming months. And as we are so often warned – we should be careful what we pray for! What followed were months of nerve jangling hard work. But at the end of it some 750 evicted families had gained land rights and tenure, water, electricity and access to finance. Local Government policy has been changed and a pamphlet outlining peoples rights written and published. The future has been changed. And Kailu's life has been changed.

Of course we should do all we can to love and serve each individual we meet. Whenever we see someone lying beaten and bloodied on the road to Jericho, we must bandage their wounds and drag them to safety. But then we should look at the next step: trying to make the road safe so that no more victims will suffer. In development terms, this is called advocacy. It's what the Prophets were doing each time they denounced injustice meted out to the poor, and called Israel's rulers to account. Advocacy's greatest success comes when unjust (or non-existent) laws are replaced with just ones (Isaiah 10:1-2; Proverbs 31:4,8-9).

My wife Susan is a doctor who, along with her friends and team mates, has spent the last 12 years working to save the lives of hundreds of malnourished children here in Cambodia. At first that meant operating a clinic to which mothers brought their kids to be examined and given vitamins and minerals, medicines and supplements (the clinic was initiated by one of the first Servants workers entering Cambodia, a dedicated German nurse, Gudrun Ahlers, and her Khmer co-worker Hem Neang). Then it meant ensuring that mothers were trained in the best ways to feed and raise healthy kids even on small incomes. These days it also means leading a research-group lobbying the Cambodian Ministry of Health to adopt good policies on child nutrition nation-wide, and pressuring the Government to ban advertisements that try to displace breast-feeding with infant formulas or milk powder. And indeed, as a result in the past year the Ministry of Health and the Government have adopted protocols and passed laws guaranteeing these very things. The gospel comes and transforms individual lives. But it's also whole societal structures that need to be transformed, and the power to do that lies can be found in the Gospel too. An English Christian and parliamentarian named William Wilberforce once believed that too, and after years of struggle he and his friends eventually brought down the institution of slavery. They saw their education and comparative wealth as a gift to be used for the benefit of the poor and oppressed, and not for themselves alone.

If you have the financial means to buy this book, or the education that enables you to read it, realise that you are one of the world's privileged citizens, one of its elite. And so live your life in the light of Jesus' challenge:

"to those whom much has been given, of them much is expected."