

Shri Debabrata Saikia

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Dated:19/02/2023

To

**The Deputy Commissioner,
Tinsukia District.**

Subj.: Memorandum on eviction in Digboi, Bogapani and other areas of Tinsukia district.

The recent eviction of families of Indian citizen and in particular Assamese citizen residing in Government land and railway land in Digboi, Bogapani and other areas under Tinsukia district by the district administration is inhuman and I protest the same.

I demand that they may be allowed to reside in their original place with all facilities until alternative place for rehabilitation is made available. The many children of the families are student and are appearing in forthcoming Secondary and Senior Secondary Board exam. This eviction has left them in quandary which could affect their exams and future. This eviction on own people has unveiled the inhumane, anti-public mindset of the Government.

In this context, I would like to mention the intervention of Hon'ble Supreme Court and High Courts of various states.

Nearly three decades ago, in *Olga Tellis v. Bombay Municipal Corporation*, the Supreme Court had held that the right to life under Article 21 of the Indian Constitution includes the right to dignity, livelihood and housing. The Court mandated that authorities must provide alternate accommodation to slum dwellers when they are evicted, and that slum dwellers have the right to notice and the right to be heard before evictions.

In 2010, in *Sudama Singh & Others v. Deepak Mohan Spolia & Others*, the Delhi High Court had directed that before any eviction, the relevant authority must identify those who are eligible for rehabilitation and relocation. In an appeal to this decision, the Supreme Court had ordered full implementation of the Sudama Singh decision.

Later in 2019, the Delhi High Court in *Ajay Maken v. Union of India* had stated that slum dwellers whose houses had been demolished were entitled to adequate housing. 15 days after this order, in response to an interlocutory application, the Central Government has stated that a final decision on the matter will be taken in consultation with the Ministries of Railways and Housing and Urban Affairs and the Government of Delhi, and that no coercive action will be taken for four weeks.

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Further, the Northern Railway stated that they will not dismantle any encroachment without proper decision along with Ministry of Urban Development and State Government, as the stand taken by the Ministry of Railways in hearing of Ajay Maken's petition in the Supreme Court.

Thus, taking precedents of the Hon'ble Supreme Court and High Courts of various states ruling on eviction, our state should rely on humanistic approach. Non-compliance of provisions of Human Rights, being a signatory to International Human Rights, is against citizen of own country India. This is very unfortunate.

During my to Bogapani area today, the 19th Feb., 2023, I was provided with a copy of judgement from the competent Court of Additional District Magistrate, Tinsukia district, dtd.14th Feb., 2023, wherein, the Court has stayed eviction of some petitioners of the Bogapani area. In the petition, the petitioners mentioned more than 300 families are likely to be evicted. However, one of the petitioners has complained that in spite of Stay Order by the Court, the Railway Department carried out eviction on the premises of the person.

I request the matter be investigated to find out if any lapse has been done by Railway Department or State Government by not honouring Court Order. It amounts to Contempt of Court.

I request for rehabilitation of the evicted families. If the citizens are residing in Railway land due to lack of money to buy land elsewhere, they should be brought under relevant Government schemes for rehabilitation and provide houses under PMAY scheme, etc.

Further, the evicted families have not only lost reputation, but also many valuables, etc. As such, they may be provided with food ration, compensation, etc. as per relief manual for some time.

With regards,

(DEBABRATA SAIKIA)

Copy to:

1. ***The SDO (Civil), Margherita*** for information and necessary action.
2. ***The CO, Margherita Revenue Circle*** for information and necessary action.

(DEBABRATA SAIKIA)