



RLC - TISS, Mumbai



REPORT ON THE PUBLIC HEARING OF RESIDENTS OF MAHUL, MUMBAI

**ORGANIZED BY 'GHAR BACHAO GHAR BANA O ANDOLAN', MUMBAI
TO DEMAND BETTER REHABILITATION,
29TH JUNE 2018**

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Abbreviations

PAP-Project Affected People

NGT- National Green Tribunal

CSA- Collective for Spatial Alternatives

VOC-Volatile Organic Compounds

GBGBA- Ghar Banao Ghar Bachao Andolan

PMAY-Pradhan Mantri Awas Yojana

RAY-Rajiv Awas Yojana

EPRC-Environment Pollution Research Centre

MPCB-Maharashtra Pollution Control Board

Preface

This report captures the testimonies of people residing in Mahul who are Tansa Project Affected People and their narratives of daily struggles with respect to their lives and livelihoods. Majority of the population displaced from Tansa pipeline region to Mahul area belong to marginalized groups and primarily are from Dalit, religious minorities and tribal communities.

A rally and public hearing at Azad Maidan, Mumbai on 29th June 2018 was organized by Ghar Bachao Ghar Banao Andolan (GBGBA), Mumbai along with the residents of Mahul and other areas to demand better rehabilitation. This was led by renowned social worker, activist and Right Livelihood Laureate, Medha Patkar. Dr. Swati Banerjee, Chairperson and Associate Professor, Tata Institute of Social Sciences (TISS), Mumbai and Co-ordinator, Right Livelihood College, RLC – TISS participated in the public hearing as an external expert. A team of students from TISS, Mr. Anush Kumar, Ms. Victoria Vairung, Mr. Fabien Major, Mr. Shyam Bahadur and Ms. Deepsikha also participated in the event.

The report delineates the experiences of people of Mahul and highlights the key issues emerging from the same.

Introduction

Households staying along the Tansa water pipeline were relocated to Mahul, Mumbai which is a heavily industrialized area. The demolition of houses of people staying in various places along the Tansa pipeline and their relocation was done as a result of the Bombay High Court 2009 order to remove settlements within 10 metres of either sides of the pipeline. Project Affected People (PAP) from various parts including Kurla, Ghatkopar, Vidyavihar, Mahalaxmi, and Bandra were relocated to Mahul and the process started about six years back.

No schools, poor connectivity, air that is poison and water that kills. Welcome to Mahul, where city's project-affected people are packed off to.

By Tanvi Despande and Chaitanya Marpakwar, Mumbai Mirror | Updated: Dec 29, 2017, 01:35 IST

(Retrieved from:

<https://mumbaimirror.indiatimes.com/mumbai/cover-story/welcome-to-mumbais-human-dumping-ground/articleshow/62287354.cms>)

However, the poor air quality in the area and the inhospitable living conditions severely impacted people's quality of life, leading to daily struggles for survival. Forced drop out of children from schools, loss of livelihoods, severe ailments resulting in deaths, have forced the residents to demand better rehabilitation through both judicial procedures and social action. This efforts of the citizens are being supported by Ghar Banao Ghar Bachao Andolan (GBGBA), a civil society group spearheaded by Medha Patkar. Since there were no respite to the residents irrespective of their long struggle, GBGBA had organized a rally and public hearing on 26th June 2018 demanding the relocation of the residents of Mahul to a better place, to stop sending more people to Mahul and a better and comprehensive rehabilitation plan including the demand for no demolition without proper rehabilitation. A rally preceded the public hearing which started from Carnac Bunder and culminated at Azad Maidan, Mumbai where the public hearing took place. After the rally and in between the public hearing, a delegate of 10 people met the Education Minister, Mr. Vinod Tawade who represented the Chief Minister of Maharashtra Mr. Devendra Fadanavis who promised to look into the issue. This report captures the key issues as emerging from the public hearing.

About Mahul: the site of relocation

Mahul is located on the eastern seafront of Mumbai in Trombay area. It is host to several heavy industrial units such as Hindustan Petroleum, Bharat Petroleum refineries, Tata Power, Sea Lord Containers and Rashtriya Chemical and Fertilizers. Amidst these industries, there is also a 72 tower rehabilitation complex containing 17,495 tenements intended to act as resettlement home for evictees. (Bhattacharya, A., & Khan, B. 2018, June 1). In 2009, the

Bombay High Court ordered 16,717 houses along the Tansa pipeline to be demolished citing a potential threat to the supply of drinking water to Mumbai. (G. 2018, June 29. “Do Our Lives Matter?”) Following the order, all hutments within 10 meters of the pipeline were considered illegal and a threat to the area. The PAP’s or Project Affected People, from Kurla, Ghatkopar, Andheri and Vidyavihar, among others, were evicted from their homes and relocated to Mahul. Upon their relocation, the PAP’s have been experiencing ailments they claim, are caused mainly due to the toxic emissions from the industries it is surrounded by. They have experienced skin rashes, hair fall, respiratory infections and cardiovascular diseases. There have also been 22 reported deaths associated to these ailments. These claims have been supported by the NGT’s report in 2014 which identified Tuolene Diisocyanate, among others, as one of the most pertinent threat to the residents. Tuolene was the Volatile Organic Compound (VOC) believed to have caused the warehouse blast in China in August 2015, causing death and damage to property. While there is no defined permissible limit for this VOC, it ranges from 15.3 micrograms to 45.9 micrograms per cubic metre in Mahul. The permissible limit for tuolene in the United States is 0.14mg/cubic metre, making the current emission 327 times above the safety limit in Mahul (Lad.S, 2017, December 3). While the pollution is the biggest problem to the residents there, the substandard quality of housing provided to them is another major constraint. The Collective for Spatial Alternatives (CSA) in February 2018 found that out of the 31 buildings surveyed, 29 have broken sewer pipes, 23 do not have adequate waste collection services or functional elevators, two buildings do not have water supply, and 11 do not have constant access to running water. The CSA also found that 27 out of the 31 buildings are facing a steady stream of sewage and water overflow that flood the by lanes and courtyards (G. 2018, June 29) The building complexes are matchbox-like, with little scope for natural light. These complexes are 6-7 storeys high. The report by Indorewala and Wagh also noted that the objective of these buildings seem to be to stack as many tenements as possible rather than providing a liveable space for its occupants. It also points out that these buildings are in violation of the National Building Control rules which allow 500 tenements per square hectare. Mahul currently stands at 1372 tenements per hectare, nearly three times the permissible limit.



Glimpses from Mahul

As mentioned above, because of such difficult conditions at Mahul, the residents in association with GBGBA, have been trying to draw attention to their plight through legal procedures and social action but without much success. There have been deaths, loss of livelihoods and loss of dignity for the residents of Mahul. The public hearing on 29th June, 2018 is another step towards the demand for redressal of the above situation.

2. Public Hearing and Key Emerging Issues



Ms. Medha Patkar speaking at the public hearing on 29th June 2018 at Azad Maidan

A rally and public hearing at Azad Maidan, Mumbai was organized by Ghar Bachao Ghar Banao Andolan, Mumbai on 29th June 2018 along with the residents of Mahul to demand better rehabilitation. The public hearing was held in the afternoon, immediately after the rally and the key speakers were community people, activists of GBGBA including Medha Patkar, Bilal Khan and external expert, Swati Banerjee. More than 200 people had gathered for the protest and public hearing despite heavy rainfall. Various songs were sung during the protest and public hearing about the concerns of poor and marginalized groups by the people gathered for the public hearing. People were also chanting slogans such as '*Sawal Leke aye hai, Jawab leke jayenge*' (We have come with questions, we shall go with answers),

'Ladenge-Jeetenge' (We will fight and we will win), *'Mahila Shakti ayi hai, Nayi roshini layi hai'* (when women come together, they bring social change and empowerment).

Medha Patkar in her address questioned the current development paradigm and the relevance of such processes for the lives and rights of the poor and marginalized sections of the city of Mumbai. She mentioned about how the Bandra -Kurla complex was made by sweeping away the local residents. She further added that this is a trend and in a similar manner, people from rural areas are also forced to migrate to cities. Talking about people's needs and rights, she said that people have common concerns and they are together fighting for their right to life and livelihoods. She questioned, 'what type of development plans are made where the poor are forced to leave their habitats and in such places the builders are making cycling and jogging tracks'? 'What is the effect of such plans on the lives of people'? 'For who are such development plans made'?

Swati Banerjee added that we must take these efforts forward together so that our voices are heard and there is improvement in our lives. She took a poll from people in which almost all the people present responded yes to questions such as, who all have lost their homes? Who all are facing water issues at their homes? Whose children's education is being affected adversely? She further added that the constitution gives us the right to live a dignified life and we need to fight for our rights. She also highlighted the fact that the majority of people at the protest and public hearing are women and that is a great strength for the movement.



Dr. Swati Banerjee addressing the people at Azad Maidan

The key issues that emerged from peoples' testimonies are highlighted below.

2.1 Pollution and Poor Quality of Health

Mahul has been dubbed as the gas chamber of Mumbai because of its alarming proximity to carcinogen emitting heavy industries. This proximity has led to 22 reported deaths that has also been directly linked to the pollution levels in Mahul, while hundreds more are suffering from the various other ailments. This was further explicated by the people in their testimonies saying that they were suffering from various

People's Voices

1. 'See my skin, its filled with rashes now. Have shown to so many doctors and have spent so much money on the same...still it persists.' - Asha, Sonawane

ailments including tuberculosis, skin rashes etc. An old woman from Mahul spoke about a tragic incident of how her son suffered from heart attack after moving in to Mahul. She also mentioned that she had to spend a lot of money for the treatment and presently she do not have any earning member in the family as her son was the only earning member and had to stop working after he suffered from the heart attack. This was a heart rending narrative of a mother who saw his son suffering and eventually also lost all her money and savings in the treatment. The residents further mentioned that they have been suffering from respiratory infections, blackening of skin, pimples, hair fall and cardio vascular diseases, also corroborated by the NGT. Testimony from Rekha Ghadge reveals the financial burden it puts on them as she says, 'since everyone here is from the slums, they don't earn more than Rs. 10,000-12,000. Out of that, we spend Rs. 4000 on travel. Where is money left to pay doctor's bills? It is like an EMI and we cannot afford that' (Lad. S, 2017, December 3, The Scroll). People have been suffering these ailments from 2014 and their plight has been met with indifference.

2.2 Poor Quality of life

2.2 a. Poor quality and maintenance of buildings

The houses in Mahul are packed complexes, which themselves violate the National Building Control norms. The residents many of whom are old, have to climb 7 storeys as the elevators are largely non-functional. Also, the buildings lack proper drainage, have broken sewer pipes and residents have little or no access to water supply. The relocation

of people from different places in the high rises have also broken the community fabric and cohesiveness which was the only social capital that they had.

2.2 b. Poor access to electricity, water supply and poor conditions of toilets

Ms. Neha, from Mahul complained in the public hearing that her home does not have electricity supply and also there is lack of water supply and that the toilets are in extremely poor condition. Mr. H. Sheikh said that, 'we have to spend about Rs. 600 for water'.

2.3 c. Lack of access to education and increased dropout rates of children

All the residents, especially women spoke of how their children's education is getting affected. Many had to leave their earlier schools because of the relocation. Also, children are increasingly forced to drop out as there are no schools closer to the relocated area. Simultaneously, the transportation cost is huge which the parents are unable to meet. A man in the public hearing said, 'we have problems in each households and our problems are similar like no education for children, and therefore no future for them'.

2.2 d. Lack of transport facilities and increased expenses on the same

There are no proper public transport facilities. As a result, the transportation costs increased which impacted several things including stress and difficulty to reach places of work, children dropping out of school etc.

2.3 Loss of livelihood Assets and Activities

People's Voices

2. 'We have to spend Rs. 600 for water and almost Rs. 300 for travelling. How are we going to manage when we have such less income?' - H. Sheikh

3. 'After coming to Mahul, we are spending so much on travelling which is approximately Rs. 100 per day'.

'I still remember the date of the demolition which was on 13th May, 2017 and my brother became homeless...also we survived only on puri vajji for 22 days and had nothing else to eat. My brother Sachin had to live near the drain or literally on the drain/ 'gater meh raha tha' with his children". - Sanjay R

4. 'Everything/all quality of life issues is related to our home/habitat. For example to send our children to school, we need a home and stable income and to have stable income and to do savings, we need a house. So if we don't have the basic necessities i.e., a house, other problems automatically emerge. We have been shifted to Mahaul but the environment is polluted and we cannot stay here' - Yadav

5. 'Poor quality of air and water affect our daily lives and it has become miserable today. Also because of the same and various diseases, our children are unable to concentrate on their studies'. - Pratibha

6. 'There must be alternative shifting before demolition but there is no one to listen to us right now.' - Pankaj Mishra

Mahul is 8 km away from the Chembur railway station, which is the closest one available to the residents. Their jobs and other sources of livelihoods are along the Tansa pipeline where they resided earlier. In order to access Chembur station, it costs them about Rs 128, one way, by auto rickshaw which puts an enormous strain on their finances. The bus services are infrequent and cannot be relied upon either. Spending upwards of rupees 6000 every month to merely access the railway station defeats the purpose of working in these jobs as they are not able to save or even meet their monthly expenses. This has forced some people to take up jobs closer to Mahul. One resident had taken up a job next to BPCL and within two months, she suffered breathlessness and fainted twice. The doctors advised her to stay away from that environment as the chemicals had affected her lungs. She quit her job, but the relief has been minimal as she is still exposed to the same pollutants (Lad.S, 2017, December 3, The Scroll). She is an example, encapsulating the lives of the people in Mahul who have been forced to take up jobs in places that pose a critical threat to their lives. With their preferred occupation snatched away, they now earn lesser, in more dangerous environments, while they are still unable to support their families or send their children to school.

2.4 Government Apathy and Broken promises

Prior to the elections, the residents of Mahul were promised that they would be given relief from their current living situation. Rekha Ghadge, a resident of Mahul, in her interview with The Scroll (Dated December 3rd 2017) spoke about how political leaders had assured them that they would be rehabilitated close to the homes they were evicted from and that they would not have to move to Mahul as it is a chemical zone (Lad.S, 2017,

People's Voices

7. 'We face multiple problems every day. I have lost my job and my children have dropped out from school. On the one hand, transportation cost went high and on the other, income level went down. Also, our health got deteriorated because of the higher level of air pollution and mosquitos. None of us are happy here as we do not have fresh food to eat or fresh air to breathe. Also, when I was in the village, I had a small shop from which I used to earn but now I don't have any source of income - Khan

7. 'In 2004, the political leaders said that they will make Mumbai like Shanghai and the builders started demolition. No one asks the builders why and when they have come to Mumbai but they ask the same question time and again to us. There was Rajiv Awas Yojana housing scheme, which we had hoped will at least give some housing facility to us but the government changed and the policy got changed too. Now it is called as Pradhan Mantri Awas Yojana and they promised to give us housing just to get votes during elections' – Atiq Khan

8. 'One day, I saw Medha tai in TV and then thought of contacting her. When I told her about our situation, she came forward to help us. We have been through so many difficult phases...when I tried to fight for our rights, the police and the builders had put false charges against me and gave me the criminal tag but I have not lost my hope. No matter how much difficulty comes our ways, we have to keep on our fight which we have been fighting since last almost 5 years.' - Neha

December 3, The Scroll). But Ms. Ghadge alleges that after the elections, the leaders were inaccessible and the residents were left with no choice but to move. Like Rekha Ghadge, the residents of Mahul have been severely let down by their representatives which have left their lives in peril.

3. Key Outcome of the rally and the Public Hearing



People at the Public Hearing waiting eagerly even as it was raining heavily

The rally and the public hearing brought wide visibility of the issue at various spaces including media, people from all walks of life in the city in general, civil society, educational institutions and Government. It worked well as an advocacy strategy with the Government as the Education Minister, Mr. Vinod Tawde met a delegation protest on behalf of the Chief Minister. He also promised to look into the issue within 7 days.

'Truth and honesty in our protest emerging from our everyday struggle for survival will ensure our victory' - Pratibha

However, one of the most important outcome has been the collectivisation of people, their increasing awareness on the issue and their collective action for justice.

4. Conclusion: Denial of right to life and livelihoods and way forward

4.1 Denial of right to life and livelihoods

The testimonies and narratives of people as mentioned above reflect not only poor quality of life of people and their everyday struggles but it also showcases denial of basic rights as given in the Constitution of India, especially the right to life and livelihoods. The people have been suffering from the time they were forced to move into Mahul. They have suffered silently for years until they began to organise themselves to fight for their rights. The fight for justice has seen them lose their near and dear ones as well lose their financial stability. People like Anita Dhole, who was forced to quit her job because of deteriorating health, has sold her assets to raise funds to take the case of Mahul further in court. She has been forced to separate from her parents because she could no longer support them, but continues to fight for her fellow PAPs and remain a source of inspiration.

It is thus evident that people have been denied their basic rights at every stage more specifically Article 21 of the constitution has been denied to these people. Article 21 of the Constitution reads, “*No person shall be deprived of his life or personal liberty except according to a procedure by law*”. Francis Coralie v/s Union Territory of Delhi observed that, ‘*The right to live includes the right to live with human dignity and all that goes along with it viz, the bare necessities of life such as adequate nutrition, clothing and shelter over the head....*’. Bandhua Mukti Morcha v/s Union of India expanded the interpretation by stating “*It is the fundamental right of everyone in this country to live with human dignity, free from exploitation....therefore it must include the protection of the health and strength of workers, men, women and of the tender age of children against abuse, opportunities for them to develop in a healthy manner and in conditions of freedom, dignity, educational facilities, just and humane conditions of work and maternal relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity and no state neither the Central Government nor any state government has the right to take any action which will deprive a person of the enjoyment of these basic essentials*”. By perusing the definitions of Article 21, it becomes clear that the people of Mahul have suffered double injustice, the right to live a dignified life as well as no viable alternative. The following aspects of Article 21 have been expanded further to drive home the violation of rights against the people of Mahul.

4.1 a. Denial of the Right to live with dignity

The word ‘Dignity’ entails that every single person is worthy of honour and respect for who they are, not just for what they can do. In other words, human dignity cannot be earned and cannot be taken away. The Universal Declaration of Human Rights states, ‘Recognition of the inherent dignity...of all members of the human family is the foundation of freedom, justice and peace in the world.’

As mentioned by Mr. Sanjay in the public hearing, that his brother had to live near the drain for 22 days with his children. When they were relocated to the buildings of Mahul, they witnessed more difficulties than before. The residents of Mahul do not have access to clean drinking water. It is normal to find thick layer of oil form along the water as it boils, as a result of mixing with the pollutants in the air. The state of infrastructure in the 7 storey complex that the residents live in are equally appalling. They can only use the stairway as the elevators are not functional. Senior citizens, children and people with locomotive disabilities are the biggest victims. A protester recounted during the public hearing, her harrowing experience during the demolition of her house. She was handed a document making her the legal owner of her house. Despite having this paper, her house was demolished because the authorities claimed that the document was fake. By the time she went to the office to clarify this, her house had been demolished. This is an alarming breach of trust and a blatant disregard towards human dignity.

4.1 b. Denial of Right to pollution free air

The air in Mahul is thick due to toxic emissions from the industries nearby. Since the arrival of the residents in Mahul, they have experienced rapid hair loss, skin diseases, burning sensation in the throat etc. There have been deaths too that have been linked to the pollution in the air by the NGT and EPRC. Heart conditions and respiratory infections, in particular, have been the causes of deaths. The health of people is deteriorating with each passing day. Nickel and benzo a pyrene were found by the MPCB to be way above permissible limits, while Tuolene Diisocyanate was identified as the most critical threat to the residents. Tuolene was the Volatile Organic Compound (VOC) believed to have caused the warehouse blast in China in August 2015, causing death and damage to property. While there is no defined permissible limit for this VOC, it ranges from 15.3micrograms to 45.9micrograms per cubic metre in Mahul. In contrast, the permissible limit for tuolene in the United States is

0.14mg/cubic metre, making the current emission in Mahul 327 times above the safety limit in the USA. (Lad.S, 2017, December 3). Considering these facts, Mahul is rightly dubbed the ‘Gas Chamber of Mumbai’ and therefore it violates the right of the residents to pollution free air.

4.1. c. Denial of Right to Livelihood and Education

Livelihood security is severely impacted. People have lost their work either due to resettlement or problem of not accessing the jobs/sources of livelihoods as most of the people who were staying along Tansa pipeline were small business people having small shops, labours or doing blue colour jobs. Most of them not only lost their existing work but some who still manages to find some work have to pay huge amount on travelling because of poor transport facility. The nearest railway is 7 km from the relocation site. Education is also severely affected and many children are forced to dropout from schools. Children had to leave their education because parents had lost their jobs and were not able to afford the daily transport cost to the school as there was no school near to the relocation site. This clearly violates the right to education of children where accessibility is the main concern.

4.1 d. Denial of Right to Health

Health is the major concern of the people of Mahul as it is surrounded by chemical industries and oil refineries which is leading to various diseases such as asthma, cardiovascular diseases, hair fall and skin problems etc. These diseases as mentioned before have cost 22 deaths that is reported and the unreported is a much bigger number. The right to health also include accessibility to hospitals and this is also a constraint due to poor transportation facilities and people have to travel 8 km to reach the nearest hospital. One of the resident from Mahul spoke about the health issue in the public hearing and said, ‘we are continuously having some diseases and our expense on the health have increased drastically.’

4.2 Future areas of action and the need to have people centric rehabilitation policy and practices

The lived experiences of the people as mentioned above highlights their daily struggles for survival. Thus there is an urgent need to address these issues at the earliest. The current efforts of rehabilitation ignores the basic understanding of people - their poverty, diversities, marginalities and intersectionalities including their assets, their livelihood security and access

to basic quality of life concerns such as access to education, health care, transport etc. The procedural aspects of resettlement and rehabilitation also needs to be strengthened to build spaces for transparent and inclusive social impact assessment. There is therefore an urgent need to interrogate the need for resettlement itself at the first place and then the procedures for the same. The policies and practices should be people centric and should not merely displace people without an understanding of their lives and livelihoods. It should aim towards protection of people's existing habitat, livelihood security and restoration of life and livelihoods with dignity and from the perspective and understanding of the people themselves.

Thus key future areas of action with respect to people in Mahul should include the following.

1. Immediate relocation of the residents of Mahul to a better place.
2. No more people should be sent to Mahul.
3. Quality of life and livelihood security of people of Mahul should be restored at the earliest including better access to children's education.
4. A people centric rehabilitation plan should be drawn up which should include inclusive and transparent social impact assessments and a mention of no demolition without proper rehabilitation.

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About the Centre for Livelihoods and Social Innovation, TISS, Mumbai

The Centre for Livelihoods and Social Innovation is a centre in the School of Social Work at TISS working towards building knowledge and practice strategies for people centred and innovative livelihoods promotion for marginalized groups and communities.

About Right Livelihood College, RLC – TISS, Mumbai

The Right Livelihood College at TISS is a collaboration with the Right Livelihood Award Foundation, Stockholm and is hosted by the Centre for Livelihoods and Social Innovation, TISS. The Right Livelihood College at TISS is one of the eight RLC campuses across the world.