

## THE NIVARA HAKK FACT SHEET – 1981 TO 1994

On July 21, 1981, then Chief Minister A.R. Antulay, launched a vicious “Operation Demolition” programme, in which thousands of pavement basti dwellers of Tulsi Pipe Road and elsewhere were forced into trucks and dumped outside the city’s limits. Demolition of bastis was adopted as a policy by the state government and to oppose this, nearly 26 mass organizations representing workers, youth, slum mandals and civil liberties, came together in 1982 to form the Nivara Hakk Suraksha Samiti (NHSS). Anand Patwardhan then was one of the conveners, and Naujawan Bharat Sabha, C.P. D.R., Chatra Yuva Sanghash Vahini and IFTU were some of the active constituents, while various civil liberties groups got stay orders against Antulay’s demolitions, NHSS mobilized huge morchas of several tens of thousands of basti-dwellers all over the city.

**There were numerous struggles which NHSS led and participated in during subsequent years:**

**Footpathvasi Kruti Samiti:** Despite the stay order of the High Court, demolitions of pavement dwellers continued, NHSS and NBS thus led the formation of the Footpathvasi Kruti Samiti in 1983 which united the pavement dwellers of E Moses Road, Nagpada and other central Bombay areas. The highlight of the struggle was the occupation of the Race Course by the slum dwellers, where they symbolically erected a hut, several hundreds were arrested by the police.

**Bandra:** Akin to Khairnar, Bombay saw a similar deputy Municipal Commissioner called Kunda Kadam, who in Bandra carried out several demolition drives against slums below the railway bridge and elsewhere in the 1983-84 period. NHSS and NBS slums in a big way against these demolitions, leading to the occupation finally of Kunda Kadam’s office, which has been recorded in Patwardhan’s film “Hamara Shahar”.

In June 1985, the Supreme Court passed judgment on a batch of petitions arguing for the rights of pavement dwellers. The judgment held the right to walk on the pavement to be more important than the right to life and livelihood, and rejected all the petitions. However, the BMC and the state government waited for the Congress centenary celebrations to end by December 31, 1985, before launching their new demolition drive.

**Sanjay Gandhi Nagar:** In the vicious demolition drive in 1986, Sanjay Gandhi Nagar – situated at Cuffe Parade—became a symbol of protest. In March 1986, the state government demolished the basti and pushed out the 350 families on to the Cuffe Parade footpath. Below the backdrop of mammoth high-rise buildings, a group of slum dwellers led by Anand Patwardhan started a hunger strike, to be joined the next day spontaneously by a moved Shabana Azmi, who had just watched the film “Hamara Shahar”. From the footpath, the agitation grew. The local MLA, Marzban Patrawalla, was gheraoed in his house. The housing Minister, Dr. Subramaniam’s flat and building – Sarang – was stormed by agitators, the collector’s office was gheraoed. The well-

publicized agitation won a lot of public support and gave a big boost to the fight for housing rights of slum dwellers. Finally, in a significant victory, the government agreed to acquire 3.5 acres of land in Dhindoshi, Goregaon from a private trust for rehabilitating the displaced families.

By this time, there were many organizational changes in NHSS. Many of the original constituents in NHSS like Rehvasi Mandals had folded up. Others like Chatra Yuva Sangharsh Vahini chose to leave, claiming that NHSS was taking the “path of violence”. YUVA which had been a constituent left on the grounds that NHSS had become “left Wing”, and that it was being maneuvered by “revolutionaries”. On the other hand, Shabana formally joined the organization as a joint convener and began actively participating in the organization’s work.

At the stage, it was felt that NHSS work should be combined with medical and educational programme, and for that purpose the Nivara Hakk Welfare Centre was formed as a registered trust.

**Rajiv Gandhi Nagar:** In December 1986, the NHSS again led a big agitation against the demolition of Rajiv Gandhi Nagar, a slum in Nartiman Point, which was masterminded by the notorious Maker Builders. The highlight of the agitation was the storming of the Maker Headquarters and the gherao was the storming of the Maker Headquarters, and the gherao of Ranbir Maker, the builder. The matter was successfully settled with Maker Builders agreeing to rehabilitate the entire basti on a two acre plot in Dahisar.

However, NHSS lost social contact with the Basti due to lack of activists and the deliberate manipulation of some Congress lumpens.

**Khanna Compound:** Around the same time, a large slum off Napean Sea Road was evicted to make way for the now famous Pridarshini Park. NHSS led the agitation and gheraoed the local MLA and formed minister, B.A.Desai. the then additional municipal commissioner, S.Ramamurthy, granted them alternative accommodation in Chembur’s Nimoni Bagh area. Though NHSS was partly successful, contact was lost on account of the same problem – lack of grass –root activists and failure to keep in touch with the people.

**Cut-of-date agitation:** With 1987 declared as the ‘Year of Shelter’ NHSS started a big agitation for scrapping the cut-of-date concept for the giving of protection and amenities to slums, there was a massive mobilization of over 20,000 slum dwellers in December 1987 against the office of the Addn. Collector (Encroachments). After the police started a lathi-charge, the crowd retaliated by smashing all the windows of the Old Customs House. Scores of morchaists were injured and over a hundred arrested. All this led to the state government extending the cut-of-date for slum protection from 1980 to 1985, but in its Machiavellian style, it was announced to a mocha of slum dwellers led by the Congress!

**Etbhatti, Ganesh Ja Seva Society:** This slum in Goregaon, housing nearly 250 families, was burnt in 1987 December by Saksaria Builders to grab the property. In that period, a number of such builder-oriented slum fires took place – like in Mahalaxmi Dhobighat. NHSS took the lead in exposing the hand of builders, and brought out a detailed report which found an echo in the legislative assembly. Subsequently, the Etbhatti people had to fight the BMC’s attempt to

demolish the basti to make way for a 'kabristan' ! After several demolitions, morchas and stay orders, the slum is still alive today after 8 years of struggle. But the issues are far from settled and the people are preparing for another round of agitation and court battles.

Legal cases: Similarly, NHSS has taken the lead in filing many such cases involving the housing rights of the people. For example, NHSS has gone to court against retired High Court Judges grabbing prime land illegally for acquiring cheap flats for their own use now known as the Foreshore Society case. Then, an NHSS petition is still pending against the rich man's park in Bandra – Jogger's park – where the poor have been shut out by the charging of an entry fee. Then, NHSS also filed a case against the new D.C. rules whereby Sharad Pawar attempted to legitimize the entry of builders into slums and surplus textile mill lands. Though this case, like many others was lost, there was good propaganda mileage. However, some significant victories were also won like the Kamraj nagar case, where we were able to wrest alternative accommodation in Santosh Nagar, for 440 families of this slum earlier situated on the Western Express Highway, near Vile Parle.

Around 1988-89, IFTU left Nivara – not formally, but by forming their own slum front, which never took off.

**Indira Nagar, Bandra:** NHSS fought against the demolition of this Bandra East basti where the land was sought to be acquired by group of builders for putting up a club house. The slum was burnt on one occasion, demolished on several occasions, and finally a High Court stay order was obtained a few years ago. The basti is more or less regularized now; they accept NHSS leadership, but our contact is sporadic.

**Mahakalinagar, Worli:** A huge 2000-hut strong, predominantly Maharashtra slum in Worli, Mahakalinagar, under NHSS leadership, has been fighting BMC's ploy to evict them to Malvani on the plea that the basti is on the storm water mains. A ding-dong battle has been going on both inside and outside courts, as well as on the streets. In the process, NHSS was successful in getting alternative accommodation for about 200 families affected by the collapse of the drains, at Anand Nagar, Andheri. The significance of this struggle has been the complete exposure of the Shiv Sena and the Congress corporators, who have joined hands with the BMC's eviction policy. The issue of an acceptable location close to their present site, for the slum's rehabilitation, still remains unresolved even today.

#### **Geeta Nagar:**

From about March 1992 onwards, this basti at Navy Nagar, has been fighting a grim battle for survival against the Navy. NHSS led the agitation against the Navy from walling off the approach to the basti. After months of struggle, while the wall construction could not be prevented, the vigorous agitation forced the government to negotiate a package where an alternative tar road, civic amenities like water and electricity, which had been denied by the Navy so far, were granted. In protest against the Congress policy, the basti boycotted the corporation vote in 1992. Subsequently, the rape of a woman from the basti by 4 lumpens was a big issue fought out tooth and nail. The goondas were arrested and jailed for over three months, and a protest morcha of the people was attacked. Finally, due to the effective pressure applied, the lumpen gang which was lording it over Geeta Nagar, has been now virtually wiped out.

**Shivaji Nagar:**

This slum, bordering the Juhu airport, was sought to be demolished by the Airport Authority in 1992. However, due to the effective intervention by NHSS, the demolition operation was topped, and a court agreement reached with the Authority virtually legalizing the slum. The Rehvasi committee from the slum are active NHSS participants, and plans are now afoot to help the basti set up a small balwadi.

**The riots and after:**

After the second spell of rioting broke out in January 1993, NHSS mobilized strongly in the Jogeshwari-Malad belt for the rehabilitation and relief of the riot-affected. A large number of activists and sympathizers from different backgrounds pitched into the effort and dedicatedly worked for several weeks. Wide scale anti-communal programmes, morchas, etc were also conducted. The government's collusion with the rioters and its lip service to the rehabilitation of riot victims was also exposed. In the rehabilitation effort, a medical programme in refugee camps, brought a large number of doctors and medical students to work with NHSS. Nearly a 100 pucca houses were built while building material was provided to about 400 families. NHSS also actively participated in the human rights probe (the Peoples Verdict), initiated by the Indian Peoples Human Rights Commission. In the post riot phase, a large number of meetings in Jogeshwari and Goregaon were conducted exposing communal forces using films and lectures as a medium. NHSS also led the fight for ensuring payment of compensation to riot victims and exposed many corrupt officers at the Bandra and Goregaon tehsildar's office.

**Start of Medical Centre:**

Capitalizing on the good will generated during the riot phase among the medical fraternity, the long-postponed, permanent Nivara Arogya Kendra was launched from May 1, 1993 at Goregaon for subsidized medical aid for slum dwellers. Two doctors joined the Nivara Welfare Centre committee and a special sub-committee which meets regularly, guides the medical programme. At the core of the programme, are two permanent part-time doctors; and they are supported by nearly a dozen more specialists and medical students. Besides weekly visits of specialists, 'arogy camps' at different slums helps popularize the organization and the 'nivara' struggle. The next immediate programme in this respect is to set up a Pathology Lab along with the dispensary to provide better diagnoses.

**The struggle of the 'Donger' bastis:**

There are over 40,000 families residing in bastis along the Borivali National Park stretching from Malad to Kandivili. Soon after the riots, the forest authorities launched an "operation Demolition" of these bastis. NHSS has taken a lead in fighting this policy, and the agitation is still on. In Jambrosi Nagar in September 1993, in fact one BMC demolition worker was killed in the stone-throwing. Under joint NHSS-NBS banner a big slum 'melawa' was held on August 30, 1993 on this issue in Malad. This was followed up by a massive morcha on 16<sup>th</sup> September 1993 of nearly 10,000 slum dwellers.

Simultaneously, a campaign for ration cards has been conducted and we have been successful in reversing the earlier policy of denying ration cards to the 'dongar' bastis. We have been also

organizing people against 'goonda raj' and a series of pamphlets on this issue, as well as on the recent price rise, have been brought out to educate the people.

### **Earthquake relief work:**

After the earthquake struck on September 30, 1993 killing over 20,000 people in Latur and Osmanabad, 'Nivara' mobilized activists and material and reached timely medical and other relief to over 20 village in Umerga taluka of Osmanabad district. Most of the material which included medicines, tent material, baby food, clothes and personnel products was sent by 'Americans', a US disaster relief organization, 'Mahila' an Indian women's organization based in New York, and a group of scientists and professional called 'concerned South Asia'. A large number of doctors joined the relief teams and 'Nivara' was able to keep a mobile dispensary running in the area for about a month, which provided effective medical relief.

After the distribution of relief, teams also campaigned for several days to make people conscious of the lack of government intervention and the corruption in the distribution of official relief. This led to an attack on our team at Kathe Chincholi village on November 5 by upper caste landlords.

### **Educational work:**

The Nivara Welfare centre is conducting, with the help of our Etbhatti committee one balwadi at Rajiv Gandhi nagar, attended by nearly a 100 children. A similar project has been planned at Shivaji Nagar II (Airport slum) at Juhu. At Sanghash Nagar, evening tuition classes for students are conducted at the balwadi there.

The above are some of the more prominent issues Nivara has been involved in. but the list is not exhaustive as the need to be brief makes it necessary to exclude a lot of activities. One inference can be immediately drawn from the above. The clear domination of agitational work over reform and development work- which is the way it should be.

### **The question of foreign funds:**

One fact that has to be recognized is that both NHSS and NHWC have no institutionalized foreign funding sources. Most of the programmes have been carried out through the participation of the bastis, and through individual donations.

The details of the big donations which Nivara has received is as follows:

- (a) **From Indian Red Cross Society:** NHWC received Rs.5 lakhs from the Indian Red Cross in 1986 in the wake of the well publicized Sanjay Gandhi struggle, during which time many people came forward to support the cause of slum dwellers. The donation was specifically given to run a medical programme among slum dwellers and there were no conditions laid down for the expenditure. A controversy was raised at that time about this donation, and it was clarified that it was not 'foreign funds' nor were there any strings, and that it was specifically for a medical programme. At that time the controversy was closed without a clear conclusion. However, the issue did start a debate within the Nivara committee, which continued till finally a resolution on the question was passed in January 1994. The debate was fuelled by offers of foreign-funded organization CASP-Plan- to fund and work in Nivara areas. This was turned down a few years ago. Similarly, a recent

offer of some German organization to fund work among pavement dwellers was similarly turned down.

To return to the Red Cross Society donation, in fact the 'Arogya Centre' at Goregaon is being run with that corpus and the last few years experience has confirmed that there has been no meddling or control by the Red Cross in the affairs of Nivara.

(b) **Riot-relief funds:** In January and February 1993, finances were raised a big way to meet the expenses of relief operations as well as house reconstruction. Nearly two lakhs were raised by activists going door-to-door, students efforts, etc. another seven lakhs in installments was given by the Times Relief fund, which was the donation collection centre set up by the 'Times' group. The money so donated was not 'Times' company money, but the donations of thousands of persons who gave small or big amounts in response to appeals put out by the 'Times' group news papers to help the riot-affected.

(c) **Earthquake relief:** Contrary to belief, 'Nivara' has not received any money for earthquake relief from any foreign institutions. What it did receive was a consignment of medicines, plastic tent material, baby foods and other consumer goods for distribution in the earthquake zone, from the organization listed earlier. About 70 percent of the material was medicines which went to hospitals in Latur, Osmanabad and Umerga and some to KEM Hospital, Parel. Other relief material like plastic tent material, etc were distributed by activists directly to the quake-hit in villages after initial surveys. No money was received from these donor bodies. In fact, funds collected from individual donations (about Rs.1.6 lakhs) was spent by 'Nivara' in distributing these goods – like on public transport and food and travel of activists. Also about 70,000 was spent on purchase of Sholapuri 'Chaddars', and 'tavas' and utensils for the quake-hit. the magic figure of Rs.2.5 crores touted about is customs valuation of the goods sent which was exempted of duty. In fact, the figure was released by Nivara itself in a press release detailing the relief work done by the organization.

Further more, a joint programme was planned by TUSC and 'Nivara' for long term rehab work in the form of setting up either a dispensary or some other community-services in one or two earthquake hit villages. It was in the light of this decision, that Shabana's troupe performing the drama 'Tumhari Amrita' decided to donate the entire proceeds of about Rs.8.5 lakhs from shows done in New York and Canada to this programme. Siemens workers Union has also decided to pool in Rs.two lakhs to this effort but other TUSC constituents have not been able to raise anything significant. In several discussions and meeting with TUSC comrades, some plans for constructing a few houses, dispensary in Kathe Chincholi have now been worked out. In hindsight it however has been proved that the relief materials from America should not have been accepted.

**Clarification:** Lastly, it has been propogandized that Nivara has received some funds from government – Rs.4 lakhs – through chief minister Sharad Pawar. This is false. The land on which Sangharsh Nagar was settled was uninhabitable, as it was full of excavated craters. There was thus a demand raised on government that since it was responsible to resettle the people, it must undertake the civil work of filling the land. Finally, it was in 1989 that Sharad Pawar in meeting with NHSS, sanctioned a sum of Rs.4 lakhs for filling the cratered land. This was no obligation by the government; it was in fact the demand of the people. Even that sum, incidentally has fallen short and the people have spent their own money to reclaim the land.

