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Nivara Hakk Suraksha Samiti



Fact-Finding Team's Report On Anand Nagar Demolition

Report of Anand Nagar Demolition on 21st, 22nd April, 1994.

The K-West ward of the Bombay Municipal Corporation demolished about 3000 houses in Anand Nagar situated off the Andheri-Goregoan link road on the 21st and 22nd April. The demolition squad was led by the ward officer, Mr. C.K. Ghone.

Serious allegations of the ruthless manner in which the demolition was carried out and of setting the slum on fire have been levelled against the squad and Mr. Ghone. The Nivara Hakk Suraksha Samiti set up a fact-finding team to go into the facts and bring out a report on the demolition. The team comprised of emi-

vided AND PROVIDED BEFORE DEMOLISHING THE HOUSES. Nevertheless, a notice has to be served in all cases to give an opportunity to the people who are to be dishoused, to present their case to the authorities. This legal obligation is nowadays observed more in the breach and in this case too a notice of the impending demolition had not been served.

In 1983, the collector's office carried out a survey of the area and in 1985, it issued letters of notice to 1,595 persons asking them to submit their applications with relevant documents for photopasses. The BMC's own



Iftekar Shaik,
who has suffered
burn injuries in
the demolition
of Anand Nagar.

minent Film maker and Playwright Sagar Sarhadi, Ms. Kusum Tripathi, lecturer in Bhavan's college, Mr. P.K. Das architect and Mr. Samuel Jacob, Journalist.

Anand Nagar has been in existence for more than a decade, records of which exist both with the MHADA and the BMC. An area of 12,715 sq. m. was declared a slum in 1985. Of this the BMC acquired an area of 6,000 sq. m. in 1987 from the MHADA for Rs.40 lakhs. It is on this plot of land that the demolished houses exist. Interestingly, this plot is earmarked for "rehabilitation of project affected."

A declared slum is a "protected slum" meaning it can be demolished only if alternate accommodation is pro-

vided AND PROVIDED BEFORE DEMOLISHING THE HOUSES. Nevertheless, a notice has to be served in all cases to give an opportunity to the people who are to be dishoused, to present their case to the authorities. This legal obligation is nowadays observed more in the breach and in this case too a notice of the impending demolition had not been served.

Quite a few developmental activities have been undertaken in this colony. The MHADA under the slum improvement programmes spent Rs. 18,70,000 for nullah and pavement work in the slum. It has also built toilet blocks and just two months ago 45 new tap connections were provided for the dwellers. In 1993, an internal road and gutter was made with money from the corporator's fund.

Thus, the question arises as to why develop a slum if it is finally to be demolished.

The demolition has been carried out in a ruthless fashion as is evident from a visit to the site and versions of the residents and other eyewitnesses. The first day of the demolition i.e. on 21st April, the squad arrived at 11 a.m. without notice and with a large posse of police and started driving out people from their houses. Since the dwellers has no inkling of the demolition many of them had left for their places of work. The squad then allegedly started a fire from the area known as Lankapur, to frighten people out. The fire soon spread with the wind upto Shiv committee chawl and in the ensuing melee people got injured. The team met Iftekar Shaik who has suffered substantial burn injuries sustained when the fire caught him sleeping. The actual demolition began with two bulldozers being used to

Since the demolition, people have been living out in the sweltering heat with their families. Many have not gone to work since a month and the heat is taking its toll.

The team came across two cases of children dying as a result of the demolition. One is six-year-old Vidyashree Rajkumar Pal — a hale and hearty child before the demolition. From the description of the people and her parents, the fires on the 21st put the fear of death in her. She started behaving weirdly and became paranoid about the demolition squad coming to kill her. After her house was bulldozed before her eyes on the 21st, her condition deteriorated. She would keep quering her parents as to why their house was demolished.



Making use of the available water resources.

bring down the structures many of them which were of concrete.

On the 22nd, seven bulldozers were used to apparently speed up the razing and when the squad left the place in the evening they left behind a place which resembled a missile-hit ghost town.

when the squad began demolishing, two ladies Kusum and Poojari Begum pleaded with Mr. Ghone who was directing the operation, to check their records. Mr. Ghone is alleged to have slapped Poojari Begum in reply.

Vidyashree died on the 6th of May 1994. The coroner's certificate records the death as due to Meningitis though a post-mortem was not done.

The second case is that of nine-year-old Rani Gupta who died two days after the demolition. Her certificate records the death due to "hunger, heat and thirst".

Similarly, the team came across quite a few children and adults who have taken ill by remaining under the sweltering heat. People are apprehensive of leaving the site for medical treatment.

The BMC had set up a camp in the area which was there only for one day and which people report had only crocin tablets with them. Mr. R.V. Ghate, the Medical Officer of the K-West ward denied this. He said that a camp was set up for 15 days. There is also a BMC health post in the area where people can take the ill for treatment, he says. He is unaware of the deaths and dismisses it as "exaggeration."

Mr. C.K. Ghone, ward officer, K-West, categorically denied allegations of using excessive force, not giving notice and burning of the slum. "It's all lies," he said adding that the claim of children dying since the demolition was nothing but "propaganda."

Regarding the recognition of the slum, he said that what he demolished was not recognised.

As to why those 686 structures were also demolished, he said it was for "realigning them in a line. This is a decent colony," he said nonchalantly. Asked about the statement he had given soon after the demolition that the land was being cleared for shifting of another slum colony in Worli, Mahakali Nagar, Mr. Ghone said that "the land is for projected-affected." On being asked again he said it is for the higher authorities to decide who has to be housed there.

In a meeting with Nivara Hakk members on the 9th May, one of the higher authorities, the BMC additional municipal commissioner(B), Mr. K. S. Boroi admitted that the demolition was "illegal."

A word about the role of 'people's representatives' here could not be inappropriate. The area is represented in the BMC by Begum Talimunissa of the Janata Dal, in

the state assembly by Mr. Shantaram Amre of the Shiv Sena and in the Parliament by Mr. Sunil Dutt of the Congress Party. It is a sorry state of affairs if citizens represented by such a wide array of parties have to face the assault from insensitive elements of the bureaucracy on their rights, without even a whimper of protest from those who have been elected to represent them.

CONCLUSIONS:

From the above findings the team has come to a conclusion that:

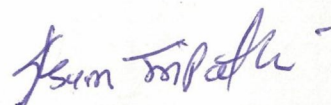
- 1) The demolition is prima facie illegal;
- 2) no attempt had been made to verify records of those who resided in the colony;
- 3) no notice of the demolition had been given;
- 4) undue force was used to carry out the act.

RECOMMENDATIONS:

- 1) The ward officer Mr. C.K. Ghone be suspended pending a thorough inquiry into the incident (the inquiry must go into the motive of the demolition);
- 2) the BMC reconstruct the demolished houses at its own cost;
- 3) the kin of those children who died be compensated by the BMC;
- 4) the BMC should carry out a survey of the residents in the area along with the Jogeshwari Vikas Samiti which was formed post-demolition, with representatives of 30 local committees of Anand Nagar.
- 5) Provision be made for drinking water supply in the area immediately.

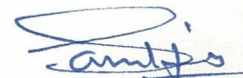


Sagar Sarhadi



Kusum Tripathi

P.K. Das



Samuel Jacob