

# Committee for Protection of Democratic Rights (CPDR)

## Fact Finding Team's Report on Ambedkar Nagar Demolition (May, 2017)



*Rubble at Ambedkar Nagar post demolitions seen in the backdrop of Cuffe Parade's famous World Trade Centre (L); A child's school textbook lying amidst the rubble (top-C); Remains of people's homes amongst the mangroves (bottom-C); The infamous Adarsh Housing Society building as seen from the demolition site, which still stands tall in spite of its illegality (R)*

*This is a report of the five-member fact finding team constituted by Committee for Protection of Democratic Rights (CPDR) to inquire into the demolition of homes and police harassment of residents of Ambedkar Nagar, Colaba between 3rd and 7th May, 2017. The Fact Finding Team members were Shraddha (Nirmala Niketan College of Social Work), Tanmay (Tata Institute of Fundamental Research), Rossi (Homi Bhabha Centre for Science Education, TIFR), Priyanka and Paankhi (Indian Institute of Technology, Bombay). The team visited the site on 10<sup>th</sup> May, 2017 and spoke with the residents and housing rights activist, Bilal, working with Ghar Bachao Ghar Banao Andolan (GBGBA). After meeting with the residents, the team surveyed the site of the demolitions.*

## **Introduction**

Large scale demolitions took place in Ambedkar Nagar basti at Cuffe Parade, Colaba from 3rd to 7th May, 2017. According to a media report more than 1000 hutments had been demolished during the drive.<sup>1</sup> But the residents claim that at least 1500 houses were destroyed. The demolition was carried out under the supervision of Forest Department officials on the ground that the hutments were in violation of the Bombay High Court's 2005 order to protect mangrove cover in Maharashtra.<sup>2</sup>

## **Background**

Ambedkar Nagar is located in Mumbai's A-Ward, close to Mumbai's prime residential and commercial area of Cuffe Parade. It has been in existence from 1980s. An overwhelming number of residents of this basti work in some capacity in neighbouring Cuffe Parade and Navy Nagar as domestic help, taxi drivers, street vendors etc. and in the nearby Sassoon Docks as daily wage labourers. The residents are a mix of Marathi and Hindi speaking communities. Many are from the Banjara and Buddhist community and belong to the Scheduled castes and Scheduled tribes categories.

Over the years, Brihanmumbai Electric Supply & Transport (BEST), a public sector undertaking has supplied their houses with electricity connections and Brihanmumbai Municipal corporation (BMC) has provided communal tap water connections and public toilet facilities to the residents here. The provision of various basic amenities to people by government agencies was perceived by people as a sign of security of tenure and thus many had taken loans to build *puccahouses* on the site they had been residing for years. Most of the residents have voting cards, ration cards, birth certificates of children, PAN cards and Aadhar cards with Ambedkar Nagar as the address. Their children attend various public and private schools in the area.

It is not the first time that residents of Ambedkar Nagar have been left homeless. In November 2013, a massive fire gutted around 900 homes. While the official cause of fire was claimed to be gas cylinder blasts, a newspaper reported the claims of locals and politicians

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<sup>1</sup> 'More than 1,000 illegal structures on mangrove area in Mumbai razed', Hindustan Times, May 7, 2017.

<sup>2</sup> Bombay Court order passed on Petition no 3246/2004 in October 2005.

that the fire “could have been a sabotage as talks were on with two developers for a slum rehabilitation scheme on the site”.<sup>3</sup> In 2015, some 200 hutments were demolished in the basti.

When the team spoke to the residents, it was found that most of them had rebuilt their houses post the fire and the 2015 demolition. Given the provision of metered electricity, water and other facilities by the local government, an overwhelming majority invested in *pucca* houses by availing loans. In April 2015, the residents were issued a notice by the Forests and Mangrove Cell, Maharashtra government and were asked to submit the documents to verify their legibility, failing which they faced eviction. Many families had lost their proof of residence and other important documents in this fire. Yet, they submitted whatever documents they had to the said office. There received no further communication from the office.



*Remains of BEST provided electricity meters (L); Remains of a public toilet complex (R)*

### **Recent Demolitions**

The demolitions began on 3<sup>rd</sup> May morning under the supervision of forest department officials and in presence of more than 100 police personnel. No notices had been issued beforehand. The people shared with us details of how, before the demolition began, trees were cut and debris were filled into the swamp under government supervision to make an access road for the bulldozers.

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<sup>3</sup> ‘1 dead, 900 huts reduced to ashes in Cuffe Parade blaze’, Times of India, November 22, 2013.

The demolitions continued for four days, from morning till late evening during which the police dealt with excessive force against the people. People were at the receiving end of police abuse in the form of verbal abuse, beating, slapping, *lathi* charge, pulling of hair etc. A group of people who strongly objected the same said that they were picked up and taken to the police *chowki* near Mantralaya, Churchgate. Mobile phones of people who were recording the scene were confiscated. What stands out in peoples' testimonies is that women and children were brutally mistreated by officials. Young children were also pushed around and suffered injuries during the demolition process.



*A woman was severely injured on her thigh after being beaten with a police lathi*



*Injuries faced by various residents during the demolition*

The team found that the demolitions were done in an arbitrary manner. The officials had marked some houses with red crosses before starting the demolition. However, the bulldozers paid no heed to the demarcation during the demolition, thus escalating the amount of destruction. Public and collective facilities like water taps, public bathrooms, places of worship, shops and even the *aanganwadi* structure were razed down.

The collective economic loss that was faced by the residents has been huge, as none of them were allowed to remove any of their belonging from within their homes. Due to this demolition, hundreds of families are now being forced to live out in the open with little to no protection from the environment. Almost all children have summer vacations from school and are extremely susceptible to heat strokes and other illnesses given the current weather.



*Remains of a broken down aanganwadi (L); Remains of an onion shop (R).*

People here have strongly spoken against the apathy of the present corporator from A-ward, Makarand Narvekar of the Bhartiya Janta Party. They say that no assistance or support has been provided from his end, even though he had campaigned excessively in Ambedkar Nagar for people's votes prior to the 2017 BMC elections. Likewise, no help has come forth from the MLA who is from BJP and the MP who comes from Shiv Sena. Moreover, the people have alleged that the so-called people's representatives are hand in glove with prominent builders of a luxury hotel being constructed in vicinity who wish to construct an approach road through the site where the basti is now settled.

The activist from GBGBA has shared with us the details of the numerous demolitions of slum hutments that have taken place in the city using the Bombay High court order of 2005. The order which focuses of protection of mangroves, has been used a pretext for razing down

slums, even though it does not recommend demolishing of bastis. On the other hand, massive destruction of mangroves has taken place at the hands of private builders for construction of housing, commercial and vehicular parking projects, such as in Versova, Thane, Gorai, Vikhroli, Dahisar etc.

### **Conclusions**

From the above findings, it is clear that:-

1. The demolition was prima facie illegal as no adequate notice had been provided.
2. Undue excessive force was deployed to carry out the demolitions.
3. The forced eviction which has rendered thousands homeless constitutes violation of the Supreme Court judgments which uphold that the right to shelter as a constituent of the fundamental right to life enshrined in Article 21 of the constitution.
4. The demolition has affected access to education of the children in the basti and constitutes violation of fundamental right to education.
5. The Bombay High Court order against destruction of Mangroves is being used in an arbitrary and unjust manner against slum dwellers while exemptions are being granted to private builders.

### **Recommendations**

1. There should be an inquiry against police personnel who used undue force against the residents and suppressed their rightful expressions of dissent.
2. The Forest Department should compensate the people for the economic losses incurred due to this illegal demolition.
3. The authorities should carry out a survey of the residents in the area along with the participation of people and draw a plan for rehabilitating and housing the affected. Lack of proof regarding cut-off date which is at present 1.1.2000 should not be used to delegitimize people's claims to avail rehabilitation.
4. Given the history of disruptions in the basti in last couple of years- the fire in 2013 and now the massive demolition- the actual motives for the demolition need to be thoroughly inquired into.
5. Sincere attempts need to be made to reconcile the right to shelter of the people with environmental concerns while projects by builders which impose huge environmental cost on the city should not be tolerated.