

**Report of a Rapid Enquiry into the
Demolition and Fire on the 9th May 2006
at Indiranagar and Jantanagar in Mandala, Mankhurd**

**Tata Institute of Social Sciences
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INTRODUCTION

On the 9th May 2006, Indiranagar and Janata Nagar in the sprawling slum settlement of Mandala in north-east Mumbai's M ward were witness to both large scale demolitions of allegedly 'illegal' homesteads as well as a major fire.¹ The demolitions and the fire have resulted in the destruction of approximately 4000 homes rendering a possible 20,000 or more people homeless.

Mandala is less than two kilometres away from the Tata Institute of Social Sciences (TISS), located in Deonar, and TISS students and faculty have often reached out to provide development support to the impoverished communities of the area. For instance, following the floods in July last year TISS, along with other voluntary organisations, was engaged in relief work in the very same colonies that have now been affected by the demolitions and the fire that broke out on the 9th of May.

On the 10th of May, a team of TISS faculty members visited the area to obtain first hand information regarding the situation and to make an assessment of possible assistance that may be rendered to the affected communities. Following the visit and subsequent discussions with the Director, TISS, it was decided to conduct a more detailed but rapid enquiry into the circumstances and consequences of the demolitions and the fire.

On the 11th of May, a team of 18 TISS Faculty, Staff and Students, accompanied by a representative of the Pestom Sagar Citizens' Forum,² visited the affected areas and interviewed around 50 people using a pre-formatted personal information sheet, and held open-ended group discussions with over 150 affected people across the length and breadth of the affected area. The respondents were selected from different locations; the affected people have set up temporary shelters in near by areas, by-lanes and grounds. The interviews and discussions were carried out by TISS faculty, staff and students who fanned out across the affected areas in teams of two. One of the teams, accompanied by a TISS photographer, also visited the health centre of a local NGO where a number of affected people were receiving or were being referred for treatment of their injuries.

In addition, TISS faculty members who visited the affected areas also contacted/met with senior officials from the police and the administration. These included Deputy Commissioner of Police Mr. Sengaonkar and the Officer on Special Duty, MMRDA Mr. Sonavane. Some members of the TISS team also spoke to members of local voluntary and community based organisations regarding the demolitions, the fire and the impact.

This report is based on the interviews, group discussions as well as other first hand information and evidence gathered by TISS team members in the course of the two days. It is important to stress that this report is a result of a rapid enquiry and the findings herein probably represent only the proverbial tip of the ice-berg; the full truth will require a longer and deeper probe, one that is both fully merited as well as imperative. The TISS

¹ See 'Fire razes slums during BMC demolition drive' May 10, 2006
<http://timesofindia.indiatimes.com/articleshow/1523140.cms>

² Mr. N.K. Pratapan, Hon. Secretary

team, in the course of its work, has interviewed over fifty residents of the area. In order to protect their identity, their surnames have been dropped and their first names have been changed.

CONTEXT

The Government of Maharashtra filed an affidavit in the Mumbai High Court (before the bench of the Chief Justice dated 18/6/05) in which it claimed that the plot of fifty acres at Mandala (Mankhurd including the areas of Indiranagar and Jantanagar) has been reserved for the rehabilitation of slum dwellers in the eastern suburbs whose houses had been demolished during the December 2004 demolition drive. Indiranagar had also witnessed large scale demolitions during this drive.

Following this affidavit, a survey to identify the eligible families at Mandala commenced. The survey was conducted by the Additional Collector, Encroachment and Removal, Chembur. In the first phase of the survey, a list of 131 households eligible for rehabilitation was drawn up. However out of these, 36 were found to be bogus and ineligible, indicating that the process of deciding eligibility was marked by corruption and arbitrariness. Following protests by voluntary and community based organizations, the then Additional Collector, Sandeep Kalambe, removed one officer from the survey process and also agreed to recheck and resurvey the area involving residents and workers of voluntary organisations. The resurvey was however stalled midway as a result of the floods and is reportedly still incomplete.

It is important to point out at this juncture that the High Court has declared the concept of cut off date to be unconstitutional and directed the State government to set up a committee which would work towards a policy for providing affordable housing to the urban poor including slum dwellers irrespective of the year of entry. Following that, a High Power Committee chaired by the Chief Secretary of Maharashtra along with 19 other members was constituted to submit a policy document to the High Court in fulfilment of the above order. The document of this Committee and the High Court decision in this matter are still awaited.

SEQUENCE OF EVENTS ON THE MORNING OF THE 9TH MAY 2006

A large demolition squad of the MMRDA accompanied by the BMC and a very large contingent of police (according to some reports in excess of 500) arrived by around 10.00 am.

On seeing the demolition squad (accompanied by at least one bulldozer) and the police party, a large number of people, mostly women, began to converge on the primary road leading into the settlement.

This led to a situation wherein a large number of people gathered at the primary point of entry serving as a *de-facto* barrier to the entry of the demolition squad and the police.

Affected people told TISS that even though they were anxious, the gathering itself was peaceful in nature with the people urging the officials to delay or defer the demolitions.

Even as parleys proceeded, it appears that the police resorted to a lathi-charge to disperse the crowd. And almost at the same time, local residents reported witnessing an outbreak of fire from within Indiranagar. In the ensuing commotion and panic, the demolition squads along with their bulldozer and other equipment accompanied by the police, moved in to commence the demolitions.

Over the next two hours there seems to have been considerable confusion and panic with people trying to retrieve their belongings while dodging or at times even trying to put out the fire or prevent it from spreading and the police attempting often with the use of force, to clear the area of people. At the same time, the demolitions began with the personnel and machines tearing down homes, buildings and other structures. A short while later the fire brigade arrived and began operations to put out/contain the fire.

ARBITRARY AND INDISCRIMINATE DEMOLITIONS

It appears that the formal notice of demolition (a copy of which is in possession of TISS) was served on the residents of Indiranagar by the Deputy Collector's office on the evening of the 8th of May. The notice asks encroachers to remove all illegal structures within 12 hours. According to the affected people the notice was pasted at around 7.00 pm onto a wall adjacent to the principal point of entry and exit into the community.

Given the large population of the community and the fact that it was stuck in one corner of a very large settlement, a very large number of people either remained totally unaware or learnt of the notice late at night or the next morning. Barely thirteen hours later, at around 10.00 am, the demolition squad, police in tow, arrived.

³Tarabai (30), told the TISS team that her husband had heard of an eviction notice somewhere on the main road in the night. But he did not find it anywhere when he went to check in the morning. When the demolition squad arrived she could barely manage to collect all her children and run to safety, leaving behind all her utensils and other household belongings.

Even though the demolition notice clearly refers only to Indiranagar, hundreds of houses (according to many people around 1500) in Jantanagar, an adjacent colony, were also demolished. Even on the morning of the demolitions, residents of Jantanagar were assured by some officials that their houses would not be demolished. That however did not turn out to be the case. It appears that at some point close to the evening the demolition squad turned their attention to Jantanagar catching residents totally unawares.

Kaabil who lived near Raza Masjid, Jantanagar told the TISS team that there no prior notice given to them about the demolition. He said that he had enquired in the morning with the police who had told him that Jantanagar was not going to be demolished. Hence

³ Names of the respondents have been changed to protect their identity.

they were relaxed and were eating when the police came and suddenly started breaking everything and beating people. He, his wife as well as his child suffered injuries in this lathi charge.

It is important to emphasise that a large number of those interviewed by TISS had been resident in Indiranagar and Jantanagar for a period of 5-10 years and a significant number had been residents for over 10 years. The TISS team saw Voters ID Cards (with photographs) recording residency in Indiranagar since 1995. The administration provided no opportunity for people to establish or demonstrate their legal status.

The nature in which the demolition was carried out is akin to meting out collective punishment, a clear violation of national and international law. No enumeration of 'illegal' settlements was done and it appears neither was there any process of delimiting the area scheduled for demolition.

INTIMIDATION AND EXCESSIVE AND ARBITRARY USE OF FORCE BY THE POLICE

Person after person interviewed spoke of how the police used force in any arbitrary and indiscriminate manner. Eyewitnesses as well as those injured recounted that the police resorted to unwarranted exercise of lathis, abuses, intimidation and threats.

(See Pic. 1)

The local DCP Mr. Sengaonkar told TISS that the police did not resort to the use of force and they merely performed their duty of protecting MMRDA and other officials and personnel who were undertaking the demolitions.⁴ There is however overwhelming circumstantial as well as other evidence that points to the contrary.

It appears that a lathi-charge began even before the demolition when a large number of residents gathered at the point of entry into the settlement, effectively blocking the demolition squad that was in any case not entitled to begin demolition until at least 12 hours later. And the use of lathis, foul language, physical threats and intimidation never seemed to have stopped. In fact several TISS team members were also threatened and intimidated by lathi waving police men. A large number of people had bruises and serious injuries from the beatings. The fear of the police was palpable, with some people being too afraid to even talk about what had happened.

Even children were not spared. The TISS teams heard of many children being injured by the police action. On the 10th of May, a TISS faculty member had to actually restrain a police officer who was aiming a large stone at a child who was attempting to retrieve an umbrella from the charred and demolished remains of his home.

(See Pic 2. & Pic 3)

⁴ Interview with Mr. Shengaonkar on 11th May 2006

Shrikrishna, a resident of Indiranagar, said that the policemen barged into his hut and started mercilessly beating him up. The police continued to beat him and his young children even though they were trying to run away. His elder son was badly beaten and while running, the younger one got seriously injured as they were barefoot and pieces of glass pierced the 7-year-old child's feet. Shrikrishna recollects a family of father, mother and child being pushed into the nullah by the police.

Women, it seems, were particularly targeted. Women reported being both verbally and physically abused by the police. The verbal abuse saw the police using intemperate and foul language, often laced with sexual innuendo. In some cases women physically assaulted by the police reported injuries to their private parts. It is also significant that there appear to have been a very small number of women police personnel; almost all the women TISS spoke to, reported that policemen were pushing, shoving, abusing and beating women.

Salim witnessed the police abusing and beating up women mercilessly. His own teenaged daughter was held by her hair and beaten up by a policeman. Reshma also met a similar fate at the hands of the police. When she tried to save her belongings from the fire, she was beaten by the police. Her two year old son whom she was carrying on her shoulder was hit on his head. He has received deep bruises and is yet to get proper treatment.

Urmila, a resident of Indiranagar was beaten brutally by the police even though she did not resist the demolitions. They constantly abused her ('bhosadike, chinaal, chal bhag yahan se') and have seriously injured her. Today she is not in a position to move her body. She cannot turn her head. A huge mark of a stick can be seen just next to her right eye. Her only child, who is 5 years old, is in a state of shock and crying inconsolably.

Tarannum, a resident of Janata Nagar, Gareeb Navaaz Chawl, witnessed her neighbour being beaten up by the police. The lady was breast-feeding her baby. For no specific reason, the police started hitting her, dragged her on the roads, beat her up on her breasts and kicked her with their boots. When she was almost collapsed, Tarannum ran to her rescue, but the police beat her up as well even though she is an advanced stage of pregnancy.

The TISS team also learnt of cases where the police were supposed to have beaten up people as they were not natives of Maharashtra. They had threatened them and had asked them to return to their 'own homes'.

Lakshman (27) is a hawker selling fruits and vegetables in Sanpada. He says the police would not beat up those who would said that they were Maharashtrians. But if they (the police) discovered that if someone was from Bihar or U.P., then they would abuse them both verbally and physically. They would shout that this city was not for them and they should return back to their own villages.

A large number of arbitrary arrests and detentions seemed to have followed the demolitions. Community workers and leaders appear to have been specifically targeted for arrest and a number of people reported that police were conducting house-to-house searches at night to round up people. It was reported that some of those arrested were being released on payments of 'bail' amounting from Rs. 1500 to Rs. 2000.

That the police seemed to be taking extreme measures, is evidenced by the fact that they did not even allow a local community based organisation to help the homeless start a common kitchen on the morning after the demolition. A large number of people whom TISS spoke to recounted in great distress how the police had overturned *handis* of *kichdi* and destroyed a makeshift hearth.

Anand is an auto driver who lived with his wife and 5 children in Jantanagar. He told the TISS team that apart from beating people indiscriminately, some policemen even looted the shops and houses.

Aishuddin also lives near Raza Masjid, Jantanagar and delivers tiles in a hand-cart in Nal Bazaar to earn a living. He says that there was no prior notice given about the demolition. The police entered suddenly and kicked his food and abused him. They did not allow him any time to clear his belongings and drove him out. His wife was dragged by the hair by a policeman. He said that the police broke his TV and CD player and stamped on it in his presence.

(See Pic 4.)

THE FIRE

It is not entirely clear how the fire started. The police and the administration claim that the fire was started by the people and the latter in turn blame the police and the officials. While the question of how the fire started needs to be the subject of an independent and impartial forensic criminal investigation, there are a number of questions that arise in this respect that are important to take note of.

Firstly, the argument of the officials including the police that the fire was started to stall the demolitions beg a number of questions. Why would people set fire to their own houses especially when there is no vested interest such as insurance? Also, while physical demolition almost always leaves some opportunity for people to retrieve some of their belongings including costly house building materials, a fire would leave nothing behind.

Secondly, even if it is accepted that the fire was in fact started by people, it is hard to explain why new fires were seen erupting by TISS faculty members who were at the site between 2.15 pm and 4.30 pm on the 10th May, some 30 hours after the demolitions began. There were certainly no residents inside the settlement at that point; it was entirely overrun by members of the demolition squad, officials from the MMRDA, the Collector's office, the police and fire-tenders.

Thirdly, a number of people whom TISS spoke to claimed that they actually saw officials/police deliberately setting houses afire. A number of people claimed that some sort of incendiary white powder was being thrown around that actually resulted in fires.

Fourthly, it is important to recognise that the fire in effect rendered the demolitions a *fait accompli*; in fact, even unnecessary. It is clear that the fire only served the cause of demolition rather than the resistance and to the extent that the fire destroyed the settlements it actually minimised the need for physical demolition and in some cases may have even rendered it altogether unnecessary.

The TISS teams that were on the site on the 10th May witnessed fire-tenders fighting the sporadic fires that were erupting. The fire-fighting efforts did not seem to be underlined by any sense of urgency whatsoever.

There is no doubt that the causes of the fire are not easy to pinpoint as yet but the fact remains that the ‘official version’ cannot and must not be taken at face value. As far as the causes of the fire are concerned there are far too many unanswered and disturbing questions regarding the role of the officials and the police that need to be clarified through a rigorous and independent enquiry.

Rajesh, a 32 year old vegetable vendor, said while perpetuating violence upon the people, he had heard the officials saying “Sab ko jala dalo...maar do sabko”.

OTHER HUMAN RIGHTS CONCERNS

Homelessness

The demolitions have left an estimated 20,000 people homeless. With the monsoon barely a month away, the plight of these people, especially the women, infants, children, the old and infirm among them is precarious. Following the demolitions, the proximity of the monsoon and the large number of people in search of shelter have caused rentals to increase substantially. The TISS has learnt that people are demanding hefty deposits in some cases of up to Rs. 5000, for a small shanty room in Mandala.

The violation of the right to adequate shelter under the circumstances as those that prevail will greatly exacerbate the affected peoples’ vulnerability to illness as well as social disintegration. It also poses a very serious threat to their physical and mental integrity in particular that of women, children, the aged, the differently able and the infirm.

Health

Health concerns in the wake of the demolition and the fire are of particularly serious concern. A large number of people, including women and children are carrying injuries of varying degrees that need urgent attention and follow up. Peoples' experience of approaching the nearby Shatabdi Hospital for treatment has been very negative. The TISS team was told by a number of people that the police in many cases prevented people from accessing treatment for injuries arising as a result of police beatings ostensibly to prevent them from creating a case record. There were reports of people being arrested at the hospital when they went there for treatment. In addition, TISS also learnt that the police actively encouraged people to seek private medical assistance; several people whom TISS team interviewed had in fact sought private medical assistance for their injuries and illnesses.

One of the women living in Indiranagar, could only remember the brutal way in which the police had assaulted her. She said that a policeman entered her hut and without saying anything, started to beat her up. When she said that she is leaving and begged him not to beat her, he shouted and abused her 'chinaal, randi, kya kar rahi thi ab tak', while continuing to beat her with full force. She urinated there with fear. She was beaten so badly that the policeman's stick broke into two. She was beaten everywhere on her body, even on her private parts. While running away, she saw that her surroundings were on fire. Since the houses were all made of plastic and gunny bags, she had to run over the plastic that was burning and the molten plastic stuck to her feet. Her 3-year-old daughter is still in a state of shock and not recovered. Both of them need urgent medical attention for all their severe wounds.

Sabhu, a resident of Indiranagar says that the policemen went around beating people without even realizing that they were hitting small children or women. Moreover, the police went to the hospital saying people from Mandala have beaten them and prepared false cases. She also said that the police prevented people from going to the government hospitals to get treatment.

The fire that consumed a large amount of plastic—one of the primary construction materials—has also resulted in a large number of affected people as well as other including officials, police, fire tenders etc., inhaling a lot of unhealthy fumes. The TISS team also saw and heard of a number of infants and small children with either burn related injuries or breathing difficulties. This was accentuated by the continuous exposure to extreme heat and dust. It is important to point out that given the settlements close proximity to the dumping ground the health status of the people was already rather precarious, and the fire and the demolition have only worsened the situation.

(See pic 5.)

Existing morbidities like TB and low levels of immunity coupled with homelessness and loss of belongings, and in many cases livelihoods, will place at great risk the health of

particularly vulnerable sections such as pregnant and lactating women, infants, children and the aged.

Anjum was suffering from malaria during the period of demolitions. The trauma of losing all her belongings as well as the violence inflicted upon her by the police has worsened her condition. She is yet to receive any proper treatment for her malaria as well as her wounds.

Loss of Livelihoods, Assets and Savings

Like in most other such very poor urban settlements, Indiranagar and Jantanagar were also sites of an active informal sector where-in people worked from their homes. The sudden demolition and the fire destroyed not only homes, but in a very large number of cases, also the productive base of families such as raw materials, tools, finished products etc.

Abdul had been running a small grocery store within his 12 x 15 ft home in Indiranagar for the past 6 years. But during the demolitions he was able to save only his phone and some clothes. All the goods in his shop and all his savings were lost in the demolitions. Right now he is living on the road in front of the temple in the adjoining area.

Shabbir until two days ago was the owner of a STD booth and a small grocery shop in Indiranagar. All this was a part of his small 12 by 15 feet home that now stands demolished.

Dhruvlal did Plaster of Paris work on daily wage basis. All his trade equipment has been lost in the demolitions and the fire, and he has not been allowed to retrieve anything as well. Today if he has to start working, the tools will cost at least Rs. 5000-6000/-. Currently the family is taking refuge with another family that is known to them and has no idea how to rebuild their lives.

The TISS team was also told by virtually everyone they met that people were not given adequate time to retrieve their belongings. In fact, it appears that the police reserved the strongest use of force against people who tried to enter the area to retrieve or rescue their belongings and assets from the demolition and the fire.

Mohammed Aria lost all the documents of residence, birth certificate of his child, a black and white T.V, a ceiling fan, money worth rupees eight hundred, utensils, clothes and all other household goods. Mohammed has thus lost in the process every little thing that he acquired over years and today he only has his clothes which were on him before the incident. Presently, he is surviving in the open. He is unable to think about the future, and is left with no money to even go back to his workplace.

Ali, a barber lost all his tools and belongings. He was also beaten up by the police and is currently living near a temple with others and managing with food that gets cooked together.

The plight of women headed households was particularly bad. They lacked enough hands to retrieve belongings, many of them were caught totally unprepared and could not go back to collect their belongings from the rubble as they were occupied with their children.

The fire and the demolition also saw a number of affected families lose their savings and cash.

Nasreen lost all her belongings in the demolitions. She says that later when she went to retrieve her stuff, she was beaten up brutally by the police. She has managed to take out only a few burnt notes out of her savings of over Rs. 20,000 from the rubble and has lost all her other belongings.

(See Pic 6)

Ruksana is a 35 year old housewife residing in Indiranagar with her husband and nine children. She has lost all her belongings in the fire except one box full of clothes which she somehow managed to retrieve. The belongings lost by her family included clothes, jewellery, money (Rs.1700), utensils, grains and other household items. Of all the things that she lost, Ruksana greatly regrets the loss of the jewellery which she had saved for her daughter's wedding. Besides the material loss, Ruksana's husband was beaten up and severely injured in an attempt to retrieve the lost items.

The TISS has also learnt that due to demolitions, daily wage earners—significant proportions of those affected—have not been able to attend to their work which seriously compromises the abilities of their families to meet their daily basic needs.

RECOMMENDATIONS AND CONCLUSION

Following a careful examination of the situation TISS urges that the following steps be undertaken immediately:

- a) An independent and competent judicial authority with broad and inclusive terms of reference be commissioned to inquire into the context, antecedents, consequences and responsibility for the entire incident.
- b) Police to cease all action, including threats, intimidation, arrests and detention and reduce their presence to a minimum;
- c) All affected families be provided food and health facilities;
- d) A detailed census be conducted of the affected population and alternative, appropriate and adequate housing be provided to them.

e) All those who have serious injuries be given compensation for the harm caused to them

The demolitions and the manner in which it was carried out, especially the accompanying and still continuing, police action raise several uncomfortable questions. One of the most critical questions pertaining to this is whether the police also have a duty to protect the poorer citizens of the country. Demolition is an administrative action, and while the police are customarily called in to protect the officials, it cannot be at the cost of unarmed, hapless citizens.

Another question obviously pertains to who decides to whom the city belongs? How and on what basis? How many years of residence does it take - two or twenty? Many of the people we talked to were people who had stayed in Mumbai for 15-20 years. They are therefore *Mumbaikars* in every sense of the term even though they had no 'legal' residences. How and why is eligibility for rehabilitation attached to a dwelling unit and place, and not to the person concerned?

Even if, as the officials claim, all the affected people were residing illegally what authority or law empowers the police and the administration to act arbitrarily and resort to needless and disproportionate use of force as it appears to have done in this instance? No doubt encroachment is an offence; however encroachers are also citizens, protected by the Constitution and the law.

And while the state has the power to evict people, the exercise of that power is subject to due process as well as the constitutionally and internationally acknowledged human rights obligations. The abuse of power such as witnessed in Mandala threatens to demolish not only encroachments but democracy itself.

“The heart-breaking scenes I have seen there brings back my memory to [sic] the Jalianwalabaug massacre by British.” –Mr. N.K. Pratapan, Hon. Secretary, Pestom Sagar Citizens Forum, Chembur, following his visit to Indiranagar and Jantanagar on the 11th May 2006.