

THE MUMBAI EVICTIONS **(December 2004 – March 2005)**

AN ANALYSIS OF IMPACT IN TWENTY-EIGHT COMMUNITIES
'A survey by YUVA'

MUMBAI EVICTIONS – THE TOLL SO FAR:

- ✂ **More than 90,000 hutments razed to the ground, of which around 60% of the people had names included in the voters' list.**
- ✂ **Taking an average of two children per household, around 1,80,000 children are rendered homeless, around 64% of these are out of school, insecure and vulnerable.**
- ✂ **The population in the unprotected settlements (post 1995) is estimated at 35,00,000 - of which around fifteen percent are already rendered homeless. Most of these people belong to the schedule caste, schedule tribes, nomadic tribes, other backward classes and minorities. And more than 55% of the evicted people are in Mumbai from between 1995 to 2000.**
- ✂ **Children and aged persons have succumbed to the extreme climatic conditions**
- ✂ **Cost of demolitions in 28 communities calculated at INR 188,256,000.**

BACKGROUND

On 8 December 2004, Chief Minister of Maharashtra State Vilas Rao Deshmukh announced in the State Legislative Council in Nagpur that the state government would demolish all the post-1995 “encroachments,” and the same was instructed to the Mumbai Municipal Commissioner Johnny Joseph. Soon after, through the months of December and January, the Municipal Corporation of Greater Mumbai and the Maharashtra State Government have carried out widespread forced eviction of people dwelling in settlements which were erected after 1995 in Mumbai. This action was carried out with the help of Mumbai Police force. Till date more than 90,000 hutments¹ have been razed to the ground by use of bulldozer. No legal intimation or notice was given to the communities residing in these settlements. Neither was any relocation option was given to them. As this land has to be used for “Mumbai’s development”, one that is out of reach of those displaced.

Thousands of people were thrown out of their houses at the peak of the winter season. They were living around the demolished site under the open roof without shelter, food, livelihood and basic amenities. There is no medical facility provided either and their ration

¹ As stated in Times of India

cards are confiscated and water services have been stopped. The children are out of school, women unsafe, thousands of people living in a state of complete insecurity; utterly defenseless against the elements of nature. Most of these distraught families have simply moved to another slum, and some have put up tents near where their flimsy tin and tarpaulin dwellings have been smashed, with material salvaged from the wreckage.

According to a survey conducted by the BMC, the population in the unprotected settlements is around 35,00,000 - of which around fifteen percent (taking an average of six per household) are already rendered homeless. And those who are not are in constant state of fear in face of these rampant demolitions. Any attempt at the local level to resist such act has been addressed as violation of law and order and people are put behind the bars with the help of the police force. **Most of these people belong to the Schedule Caste, Schedule Tribes, Nomadic Tribes and other backward classes and minorities.**

The worst effect of this brutal act is on women and children. More than 1,80,000 children have been rendered homeless, out of school, insecure and vulnerable. Cases of children succumbing to extreme climatic conditions. It is the same in the case of women who are in the state of insecurity and are most vulnerable and unsafe.

The intention to make Mumbai a world-class city seems to be the main agenda of the State and other beneficiaries behind these rampant forced evictions. The main argument provided by the state for all these processes is that around 80% of the people who came to Mumbai after 1995 are on Municipal or Government – owned land and “pose a challenge to Development plans of Mumbai”. However this applies only to the poor; because those who have power in terms of money, political pressure, resources, etc. are welcomed to the city with garlands and bouquet of flowers. This has turned the tide against the poor in general with the message that ‘you don’t count anymore in the planning’. An act of sheer discrimination!

During the last State elections held in August and September 2004, the candidates of the incumbent party - a coalition of the Indian National Congress and the Nationalist Congress Party - promised security of tenement to slum and pavement dwellers who had arrived in Mumbai before 2000. However, once the Government has been re-elected, it set aside the assurances given in the manifesto and resumed evictions and demolitions, acutely saddening and angering the homeless, slum dwellers and pavement dwellers - those 90,000 families’ whose earnings of life & houses built with sweat & blood were bulldozed. The rulers and elite take pride in ousting them and declaring them as unauthorized, illegal & making them homeless. The evictees are equally determined to struggle for their right to live with dignity in the city, which would be developed, not by excluding the poor but by making it a liveable city for all.

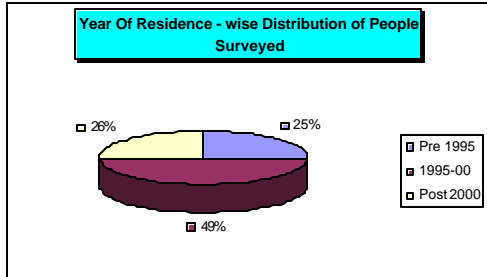
YUVA studied 28 communities that were affected by the vault-face. The next section of this paper provides an assessment on the basis of these findings.

THE ASSESSMENT

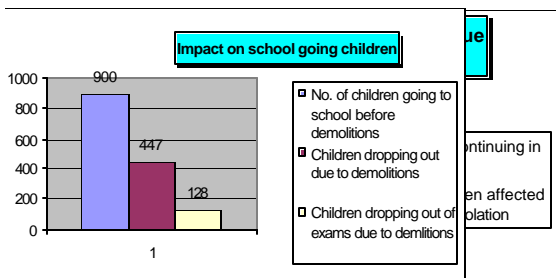
In the chart provided below, the name of 28 communities studied and the number of households demolished reported is mentioned:

LIST OF COMMUNITIES SURVEYED TO ASSESS IMPACT OF DEMOLITIONS						
SL NO	ISLAND CITY COMMUNITIES	NO OF DEMLTN	EASTERN SUBURB COMMUNITIES	NO OF DEMLTN	WESTERN SUBURB COMMUNITIES	NO OF DEMLTN
1	Priya Darshini Nagar, in front of Police Station Wadala	60	Ganesh Nagar, Behind Mahada Colony, Mulund East, Mumbai 80	1000	Mangela Koliwada, Moragaon , Ruia Park, Near Chandan Talkies, Andheri West	165
2	Sitaram Mill Compound, Lower Parel, Mumbai 13	80	Kamraaj Nagar, Ghatkopar East	250	Sai Baba Nagar, Behind Jan Shatabdi Hospital, Kandivali West	57
3	Prakash Nagar, Near Machimar Colony, Mahim, Mumbai 16	50	Netaji Nagar, Behind Panjabi Chawl, Ghatkopar East	560	Asmi Nagar, No. 7, Malwani , Malad West	1500
4	Nanyaneshwar Nagar, Jer Bai Wadia Marg, Sewri	115	Annabhau Saathe Nagar, Mankhurd	3000	Rathodi Gaon, Malwani Church, Malwani malad West	2000
5	Saileela Nagar	20	Ramabai Ambedkar Nagar, Next to MAHADA Colony, Mulund East	20	Ambuj Wadi , Near Aakashwani Malwani, Malad West	7000
6	Shivaji Kutir, LBS Road Kurla	15	Rafiq Nagar , Govandi East	1500	Ameena nagar, Behind Meghwadi Police Station , Jogeshwari	1500
7	Indira Nagar, LBS Marg, Agra Road, Kurla, Mumbai 70	1500	Cheda Nagar, Ghatkopar	80	Siddharth Nagar, Mahada, Behind Four Bungalows RTO, Andheri West, Mumbai	1000
8	Shivneri	500	Kannamaur Nagar	500	Ambedkar Nagar, Andheri	Not reported
9	Ganesh Murti Nagar	60	Maharashtra Nagar	1000	Kamla Nagar	Not reported
Total Reported No. of Demolished Houses		23,532				

In the chart below, we can see that out of these reported 23,532 hutments demolished during a period of 4 months, 25% do not fall in the category of the so-called “illegal settlements”. Out of the remaining 75%, almost 50% hutments were established between 1995 and 2000.



There is a total contradiction to what the present UPA government had promised in its Election Manifesto of providing security of tenement to all the settlements till 2000. It could be looked at as a well thought and planned strategy of the existing state government to demolish maximum communities erected during this period. These communities have been razed to the ground with



no scope for them to rebuild on the same land.

On one hand the Indian Government has ratified the International UN Convention on rights of children ensuring every child the rights to survival, protection, development, and participation in 1992; on the other hand more than 1,80,000 children (taking an average of 2 children in each of 90,000 hutments demolished) have been rendered homeless and out of school. In such a case the question that arises is on the possibility for these children to realize all the above rights in absence of a roof on their head. As shown in the charts above, out of the reported cases of 900 school going children, only 36% still continue going to the schools, the rest of the 64% are rendered drop out of school or exams due to the demolitions. This is how their future is getting nipped at the bud by way of taking away their basic right to life, housing and education by the nation's so called “protector”.

In 1984, it cost the MCGM INR 1000/- to demolish a single hut, as per a statement made by Mr. G R Khairnar, Mumbai's former Deputy Municipal Commissioner in-charge of demolishing illegal structures, popularly known as the “Demolition Man”. In that regard, its simple math to calculate the losses incurred in recent demolitions of 90,000 such huts.

TABLE 1

EXTENT OF DEMOLITION			
	Demolished once	2 - 5 times	More than 5 times
Community	8	14	6
Household	1250	17688	4594

TABLE 2

COST OF DEMOLITION	
Household	INR 4,70,64000 @ INR 2000 per hutment
Land	INR 11,76,60000 @ INR 5000 per hutment
Amenities	INR 2,35,32000 @ INR 1000 per hutment
Total	INR 188,256,000

Table 1 details out the extent of demolition in the recent times. **Table 2** estimates the loss incurred by the people per household based on the extent of demolition. Do note that these details are referring to only 23532 hutments out of the total hutments demolished.

If the same amount of money was used to provide low cost housing, there would not be slums - the so-called 'bane' to the formation of Mumbai into a world class city like Shanghai – in the first place.

TABLE 3

Force Used to Evict		
Force Used	No. of Vehicle	No. of Officals
Police	247	2996
BMC	128	993
Bulldozer	87	
Total	462	3989

TABLE 4

Resistance to demolition			
	Community protest	Cases of assaults reported	Cases of arrest reported
Women	10,000 approximately	31	150 approx
Men	20,000 approximately	15	75 approx
Children	7000 approximately	Around 15 to 20	None

As we see in Table 3 above, there have been close to 3000 police and around 1000 BMC workers designated for the task of demolition. These demolitions were conducted by use of vehicles and bulldozers. **There was no legal notice served to the concerned communities prior to the eviction.** This created a lot of unrest in the affected communities and they resisted against the brutal act. However the mastermind behind the act seemed well prepared to over power the resistance. The police was armed with guns and rifles in most of the cases. In such a situation, the community could only raise verbal protest. In places wherever there has been any attempt towards mass mobilization and demonstrations, people – both men and women were

assaulted and in many cases arrested as described in the table above (**Table 4**). **Article 21** of the Constitution of India guarantees right to protection of life and personal liberty as a fundamental right. People have suffered several injuries with some of the evictees being hospitalized for very severe injuries. The photograph alongside shows the mother and daughter who suffered severe injuries because a part of the structure fell on them.

The Supreme Court had stated in of the cases that the Right to Housing includes adequate living spaces, decent structure and clean surrounding. In 1997, it specified; “ it is the duty of the State to construct houses at reasonable rates and make them easily accessible to the poor. The State has the constitutional duty to provide shelter to make the right to life meaningful”. India’s international obligations under various conventions also emphasize the state’s duty to house the poor. The UN Commission on Human Rights in its Resolution on Forced Evictions emphasized: **“The practice of forced eviction constitutes a gross violation of human rights, in particular, the right to housing”**.

Despite these decisions of the Apex court and in spite of the country’s commitments in the National Habitat and Housing Policy and in the face of our international commitments slum dwellers who have lived in the city for years have their homes demolished without notice or alternative accommodation and without any real ‘public purpose’, finding themselves vulnerable and powerless against the elements of nature day in and day out.

The evicted are living in sub-human conditions without any shelter, in open spaces and holding on to their land. **Out of the reported cases, two children, 3 adults have and an old man has succumbed to the extreme climatic conditions. The conditions are deteriorating by the day with children being out of schools and moving towards a bleak future, women are under constant threat of abuse**. However it is encouraging to see the determination in the evictees who are willing to fight for their rights. They are no more hopeful of help from the people they had voted to represent their needs and help them to move towards better living. They have taken upon themselves the struggle to fight for their cause against these representatives, whom they had voted once for protecting their rights.

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