

THE KAMARAJ NAGAR DEMOLITIONS ;

A CASE OF STATE LAWLESSNESS

A REPORT BY NIVARA HAKK SURAKSHA SAMITI

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Municipal Ward	:: 'K' East.
Land Status	:: State Government land.
Earmarked for	:: Widening of Western Express Highway, construction of service road, and laying of sewerage line.

I

On Thursday, May 12th, 1988, a civic demolition squad led by the deputy municipal commissioner (Zone IV), G.R. Khairnar, swooped down on Kamaraj Nagar and levelled the 820 houses that comprise this slum lying along a section of the Western Express Highway. The unsuspecting residents were caught totally unawares, as no notices had been served on them. The Bombay Municipal Corporation didn't even bother to orally warn them.

This illegal demolition was followed by another round of destruction and arson five days later, when Khairnar and his men set fire to all the houses that had been reconstructed. They also put the torch to all the building material that was lying around. Khairnar, the BMC's demolition "boss", later said : "I set fire to the refuse".

Kamaraj Nagar, whose residents are mainly construction workers from Tamil Nadu and Andhra Pradesh (kamatis), first got into the news in 1981, when the then chief minister, A.R. Antulay, got the residents packed into state transport buses and deported them to Solapur. This act roused all conscious citizens and the Supreme Court was petitioned for the rights of pavement-dwellers.

It was at this time that Justice Lentin of the Bombay high court visited Kamaraj Nagar and confirmed the list of those who had been residing there since 1978. The same year, 418 of these huts were censused. The 1980 assembly electoral rolls record 600 houses (Constituency No. 38-Vile Parle). A register, maintained by the residents, records 820 houses and this has been confirmed and endorsed by the Collector.

In the wake of the demolition, the minister for housing and urban development, Dr V. Subramanian, stated that the state government was considering providing alternative land to rehabilitate the residents of Kamaraj Nagar, as most of them had been settled there since 1978. The minister's words fell on the deaf ears of the corporation, which launched a fresh round of devastation on May 17.

Dr Subramanian admitted that the BMC had erred by bypassing the necessary formalities before demolishing Kamaraj Nagar. Speaking to a delegation of Nivara Hakk Suraksha Samiti, the minister claimed that even the state government, which owns the land, was kept in the dark. The deputy collector, U.P.S. Madan, also admitted that the civic authorities had flouted the

laid-down procedures. He also confirmed the fact that the government was keen on allotting an alternative site to the residents of Kamaraj Nagar.

On May 23, the residents obtained an ad-interim injunction from the Bombay high court restraining the authorities from demolishing their homes. On the same day deputy collector Madan also told a delegation of the Samiti that a state government circular had been sent to the various authorities, including the BMC, directing them not to proceed with the demolitions.

Khairnar, however, maintained that the court's injunction was not applicable since the demolition had already taken place. As for the government circular, he asserted that he was not bound by it. On May 25, Khairnar, however, told a delegation of the Samiti that he had repeatedly informed deputy collector Madan about his intention to demolish Kamaraj Nagar. The deputy collector, according to Khairnar, had been studiously indifferent to the whole matter.

Though the state government has expressed its desire to provide alternative land for rehabilitating the residents of Kamaraj Nagar, it has done precisely nothing since 1981. Past experience and recent developments strengthen our conviction that the government is both devious and hypocritical in its attitude towards slum-dwellers.

As far back as in 1981, the residents of Kamaraj Nagar located an alternative site (CTS - 1, Oshiwara), which belongs to the government and is earmarked for housing the dishoused, and submitted a proposal. The proposal merely gathered dust, inspite of the pious protestations of the government.

This time, the Samiti and the residents have identified three alternative sites, which belong to the government, and there is a determination not to vacate Kamaraj Nagar until a thorough rehabilitation plan is chalked out and implemented.

II

There has been a steady escalation in the frequency and intensity of slum demolitions in the metropolis ever since the former chief minister, A.R. Antulay, launched his blitzkrieg against pavement-dwellers in 1981.

What is particularly distressing is the growing viciousness and callousness of the state and its minions towards slum-dwellers. Officials in charge of various departments and authorities which conduct demolitions talk in terms of wreaking vengeance and "teaching the jhopadpattiwallas a lesson". Increasing recourse is taken to violence and arson. The line between the law and the lawless is getting increasingly blurred, with the brutalisation of bureaucrats and subordinate staff.

The Kamaraj Nagar demolition was carried out on the lines of a "raid" by a goon squad. Bulldozers were pressed into service, strong-arm tactics were used, belongings looted, and arson was resorted to in broad daylight. This is perhaps the first time that the authorities have brazenly set fire to slum-dwellings. The events at Kamaraj Nagar support the Samiti's conclusion, set out in our earlier report "Why slums are burning", that there is a nexus between the police, the BMC, the government, private builders and developers, lumpen elements and goondas.

The Kamaraj Nagar affair also highlights the duplicity of the various government and civic authorities, which feign ignorance about the actions of each other. They seek to create an impenetrable wall of excuses, explanations and downright lies and are not averse to blaming each other. The end result of these machinations is that the violence perpetrated on the poor is sought to be justified and explained away.

Court orders, too, mean little to civic and government officials. The very people who are supposed to uphold the rule of law, arrogantly subvert and circumvent it. In Kamaraj Nagar, Khairnar refused to be cowed down by a high court injunction on the ground that it related to a slum that had already been demolished. In the case of Rajiv Gandhi Nagar (Coregaon), the BMC ~~demolished~~ ^{attacked} the slum in flagrant violation of a high court order. This is a highly disturbing trend.

III

Nivara Hakk Suraksha Samiti and the residents of Kamaraj Nagar demand :

- 1) Immediate cessation of all demolition activity at Kamaraj Nagar.
- 2) Immediate return of all belonging looted by the BMC.
- 3) A scheme for rehousing all the 820 families at Kamaraj Nagar should be finalised and implemented, in consultation with the residents and the Samiti, before the onset of the monsoons.
- 4) A judicial inquiry, by a high court judge, should be instituted into the illegal demolition of Kamaraj Nagar and the subsequent case of arson there. The inquiry should identify those responsible for these illegal acts as well as the violence perpetrated on the residents. The findings should be submitted to the government within a month and should be made public.

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