### THE HEART OF THE CITY

25.3 square miles.2

The seven fishing islands that constituted Bombay, which were gifted to the British Crown as part of a marriage dowry, evolved from being a neglected speck on the map into an important British colony due mainly to its natural harbour. In 1669, the Crown In turn transferred it to the East India Company which, after ignoring it for over a hundred years, developed it as a strategic naval base to curb plracy and then as a major trading port when Surat became less suitable for the purpose. From the latter half of the seventeenth century until 1817, by which time the British had established complete domination over the Islands against attacks by the French, Siddhis and Marathas, Bombay evolved into the biggest city in the Empire after London. Reclamations had linked the islands into a single entity. The population jumped from 10,000 in 1661 to 100,000 in the 1780s to at least 816,562 in the 1870s; in 1951 the census returned a number of 2.3 million people crammed into an area of

Several factors had contributed to the metamorphosis of the city: the destabilization of Surat which was, until the 1780s, the most important Company entrepôt, the increase in British power in the area after their victory over the Marathas, the establishment of telegraph, road and rail links, an overall increase in the volume of India's foreign trade and the opening of the Suez Canal. In addition there were factors like the agrarian crisis and the resultant impoverishment of the peasantry forcing migration to the city Be that as it may, in the year 1900 Bombay was the most important Indian port and, to mix metaphors, the ugly duckling had turned into a colden goose.

I remember that coming from my village to Bombay was an arduous journey. My village was off the Bombay—Goa road in Konkan. From the village it took three to four days to get to Bombay. First, we had to go to Nagotane by bullock cart, and from there by ferry boat to Dhramtar pier and then by ship to Bhaucha Dhaakka (Ferry Wharf), Bombay. Today (he died in 1980) it takes eight hours. From Ferry Wharf we walked to Null Bazaar, my mother with a bundle containing all our belongings, and I, wide-eyed from the sights and sounds of the big city; both of us barefoot. My mother found a Job as a cotton picker in the mills. The money was not enough to cover my school fees.

I loved the horse-drawn trams. The horses would be changed near Byculla Bridge. You still had to walk a long distance to get where you wanted because the trams did not go everywhere. I stayed at Null Bazaar. It was a poor neighbourhood, I would walk to Girgaum to the school.

I was impressed by the magnificence of the city—you could hear different languages, the people of different regions in india, all together, with their own identities and yet together—Parsi, Marwari, Gujarati, English, Christian, Bengali, Punjabi...they were all represented. This city had a unique character, a pace, a passion, an industriousness. This city could attract anybody.



Beyond Parel there was no Bombay. Just trees, coconut trees, and some occasional houses belonging to Parsis and Gujaratis. The rich lived in Cumbala Hill and Hanging Gardens, while the workers lived in Lalbaug-Parel. The air in Parel was not so suffocating then. So the managers of the mills too lived in Parel.

After I started working (in a bank) and I had become active in the trade union movement, I would often get home late. It was dark outside Dadar station in those days. No lights, only coconut plantations, and if you were not careful you could coilide into the coconut trees. Once when It was raining I walked from Churchgate to Dadar. When I reached Dadar it was four in the morning. There, I saw my mother sitting on the rallway platform in Dadar Station, lantern in hand, waiting for me...

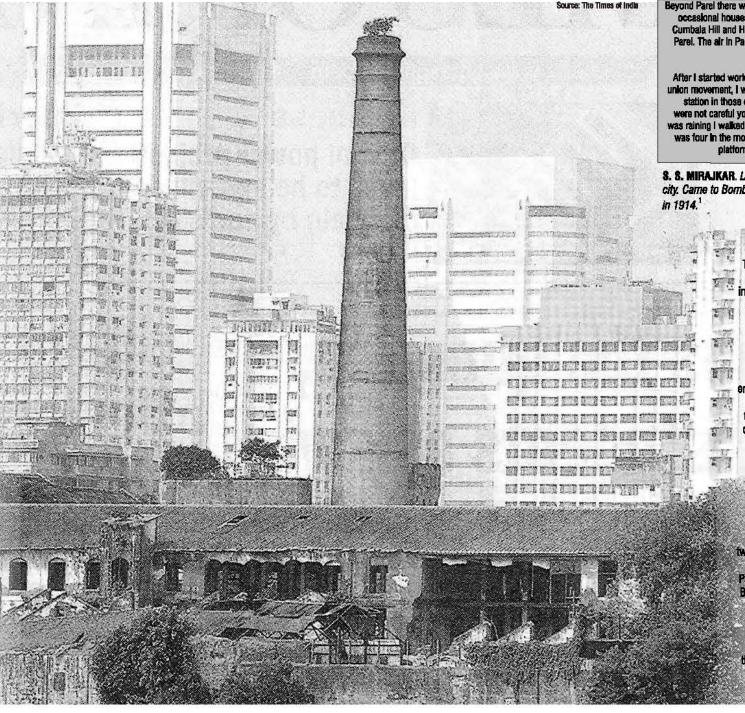
8. S. MIRAJKAR. Leading union leader and, later, Mayor of the city. Came to Bombay at the age of 13 with his widowed mother in 1914.

### Mills And Migration

The raw cotton trade and the textile industry laid the economic foundation for commercial and industrial Bombay. Bornbay's textile industry was established and it grew and flourished from the middle of the nineteenth century.

The city's first Indian cotton mill, The Bombay Spinning Mills, was built in 1851 in Tardeo, Bornbay by Cowasji Nanabhai Davar, a Parsi<sup>a</sup> entrepreneur. He was supported in his venture by a British firm, Platt Brothers of Oldham, with finances from 50 leading merchants of Bombay city supplementing his investment. The mill was Inaugurated in July 1854 and went into production in February 1956. The second was Bombay Throstle Mills under the same management, later christened Alliance Mills in 1857 (operational in 1959). The success of these enterprises inspired another Parsi. Maneckiee N. Petit, to start Oriental Mills in 1858, the first composite mill, unlike the other two which were purely for the production of yarn. This mill too was a success and soon other Parsis and later, wealthy Bhatias entered the fray. By 1862 at least four mills were in operation and six others under construction.

Before the American Civil War, Britain imported only 20 per cent of their cotton from India. With the blockade of the Confederate ports due to the CIVII War, they became dependent on Indian cotton. By 1865, when the War ended in



America, Bombay had earned 80 million pounds sterling through the cotton trade. This money spurred a financial boom and the infamous 'share mania' in the city The end of the American Civil War two months later had a devastating effect on the industrial growth of Bombay and the textile industry. Cotton prices plunged overnight, the share market crashed and a large numbers of speculators became bankrupt. It was only by the end of 1870 that normalcy returned and the mill industry began to revive. Jamshedjee Tata, then an emerging entrepreneur, started Alexandra Mills in 1869 and then the Central India Spinning and Weaving Company. Swadeshi Mills was set up in 1886 (Tata Mills was started by his family after his death in 1915). Morariee Gokuldas established his first mill in 1870, followed by many more thereafter. Thackersay Mooljee's Hindoostan Spinning and Weaving Mills was started in 1873, and David Sassoon and Company set up the Sassoon Spinning And Weaving Mills in 1874. Khatau Makanii Spinning And Weaving Mills was established in 1875. The industry made rapid progress: 21 new mills came into existence in the next 10

The impoverished districts of Maharashtra fed cheap labour in plenty to the city. The millowners sent supervisor-contractors (jobbers) into the hinterland, into the villages of the Konkan belt in the initial period and later to Satara and Sholapur, to procure workers for the mills. In 1865, 10 mills employed less than 6,600 workers, and the total population of Bombay was just 800,000. In 1892 there were 100,000 workers out of which 20,000 were women. Although millowners constantly complained about a dearth of labour, particularly in the period between 1908 and 1911, historiographers are mostly convinced that this was a myth, perhaps more a grouse against the kind of labour available: there were not as many docile and 'good' workers as they may have liked. Except for the period when the bubonic plague hit Bombay in 1896, the supply of labour never seemed to be a real problem.

The first wave of migration into the textile mills of Bombay was from the Konkan belt of which Bombay itself is a part. Konkan is the narrow coastal belt between the Sahyadri mountain range and the Arabian Sea. Although fertile, the land is unirrigated and unproductive. Being closer to Bombay and linked by boat, people could more easily be induced to come and work in the mills. Incentives were required to attract them because Bombay had the reputation of being a sickly and unpleasant city. Barracks called chawls were built to accommodate them and the certainty of earning a regular salary was held out as bait by the jobber-contractors. More often than not, the men's families continued to live in the villages depending on the money orders which carne from the city, creating a money-order economy in

many—even most—of the Konkan villages.

The opening of the Bhor Ghat, the first major roadway through the Ghats (1830), the opening of the first railway line in the country between Bombay and Thane (1853) and the later spread of the railways after 1854, linked the city to the rest of the country, facilitating trade and communications. People from the Ghat districts—the area east of the Sahyadri mountain range, called western Maharashtra (comprising the districts of Pune, Sangli, Satara and Kolhapur)—also started to migrate to Bombay. Although the land of the Ghats was more productive, the produce from the small holdings was not sufficient to provide for expanding families. Bombay offered both opportunity and money to be earned.

### **Living And Working**

The conditions of both work and housing for the textile workers were deplorable. The average age of the workers was 17 and they were rarely able to last until the age of 45. Child labour (below 13 years) was illegal and not particularly encouraged. The highest figure recorded of child labour in the mills is 5.6 per cent of the total in 1892. But according to our seniors interviewees, many families sent their boys to work when they were 10 or 12, if they were big enough to look older.

Wages were reduced or delayed at the will of the management. Besides, if work was not up to the mark, the worker would be

The workers would pay the jobbers money to get their sons work in the mills. But things have changed now. Milhworkers were paid better than clerks then, but now they are in a bad state. Earlier, they did not even need much education. One milhworker could look after 10 dependants. The milhworker was closely associated with his village, physically and emotionally. He would go home for the harvest and for sowing. The Konkani would go home to cut the paddy and the Ghati, the sugarcane. It was an accepted practice for which the mills granted leave.

City In 1954, the pay was about 66 rupees and six annas (30 rupees basic and 36 rupees six annas Daily Allowance) per month. That was what I was first paid. I had to pay 17 rupees to the khanaval. The Konkani had to have fish, so in the khanaval there would be fish on two days and mutton on one day of the week. Food was unlimited. In one paise, you could buy so much bhaji that one person could not finish it.

I was working in Hindustan Mills in 1954. In the 50s, there were only two shifts in the mills, 12 hours each. The Lal Bawta (Communist) Union was powerful.A When Dange9 called a strike, the news would travel just by word of mouth and in a few minutes all the mills would be closed. This kind of communication still exists in the mills.

VASANT PARKAR (approx. 52 years). Ex-millworker. Runs the library of the Chinchpokli Ganeshotsav Mandal library (shop space under the Chinchpokli bridge, used by local residents as a meeting Place in the late Evenings) in the evenings.

Earlier, everyone worked in the mills. Since the mills worked in three shifts, we could accommodate more people. One would sleep when another went on the shift, but now with the closure of the mills, most people are on a general (day) shift. There are rules in the gala—no drinking, no gambling. Everyone has to come back before 9 pm and after that, the lights are not allowed to be switched on. Those who are on the first shift wake up at 5 am. The Dnyaneshwarl\* is read from 5.30—6 am, then everyone goes to work. The second shift wakes up at 7 am, eats at 11 and goes to sleep in the afternoon. They go to work at 2 pm. The third shift comes home in the morning after having lunch at 10 and sleeps until 5 pm. Then they attend bhajan programmes and go to work in the night, at 11. No, this is not a rule, but everyone lives with this discipline, otherwise it is difficult to function. It's not that if someone wants to sleep late they car't, but they normally don't.

There are about 20-30 people in each room. How do we manage? Well, because there are three shifts. That is why there is a problem when the mills close down or even when there is a general holiday. Then people sleep outside on mats. Each has his own stuff which he

hangs on a nail behind his place. During strikes, we had a real problem. Everyone was at the gala and everyone was unemployed.

Those who are in the galas have to find some employment because even if we allow them to live here free of cost, they have to pay for their food. So they try to find some small employment in a small factory or elsewhere. What else can they do? They have no one, but they have to eat. If someone is unable to pay the 25 rupees rent for the gala for two months in a row, he has to leave. Because the gala has to be maintained and programmes like the common pujas and the latras paid for.

When someone retires, we give them a send-off. Some move up or get their families and stay elsewhere. But they still come for the pujas.

We send out invitations and they all come. From the 1982 strike, things have changed; there are not so many programmes. Television has also made a difference. The mandal is not as active as it used to be.

SHIVAJI DIVTE (55 years). Working in the Pimpalgaon Gaonkari Mandal. Tailor by profession. Runs a bhajan mandal with his wife and some friends, performing during Ganeshotsav and other festivals.

fined and the fines were heavy. The typical fine between the 1870s and early 80s was two-four annas and this constituted as much as a half or a full day's pay. The highest fines were imposed on 'bad work' and this often meant the worker responsible would have to buy the piece of cloth with the cost being deducted from his wages. One mill reported in 1892 that fines constituted about one per cent of the total wage bill.<sup>6</sup>

Hours of work were long. There were no clocks or watches either at home or in the mills. According to the Factory Commission Report 1890, sirens running on steam were disallowed by the Municipality. Thus, many of the workers would go to the mill gate as soon as they awoke; some would even sleep outside the gate in order not to be late for work. It appears that the first few mills worked only for 8-10 hours but when Oriental Mills initiated dawn-to-dusk working in 1858, all the others soon followed suit. A typical mill then worked for 13-14 hours in summer and 10-12 hours in winter. A millowner testified before the Commission that workers ate standing at the machines. When the machines tired and slowed down, the workers would know it had grown dark outside.

In the spinning department, hot steam was pumped in by boilers to keep up the heat and humidity which was good for the yarn. The temperature would be maintained at 90-100° Celsius. Workers worked bare bodied and the khaki shorts and singlet they wore became their uniform. The deafening roar of the looms in the weaving sheds often affected the hearing capacity of the weavers. Flying cotton dust gave rise to various respiratory disorders, mainly byssinosis. Toilets were either far away or non-existent which meant that workers had to go long distances to relieve themselves. The working conditions, the heat, dust, noise and lack of ventilation meant that workers had to take periodic breaks. Every mill provided barbers and water

for showers. Tea too would be available but no food. Food was brought in by family members or from the khanavals.

Jobbers were the representatives of the management with whom the workers were in daily contact. The jobbers were more than foremen and they implemented the standards and regulations inside the mill. They supplemented the authority they held within the mills by a system of favours including recruitment and even moneylending.

There was no channel at this time for redressal of grievances. At intervals, many social reformers both in India and Britain took up the issues of the conditions of textile workers and some reforms did come about due to these philanthropic efforts. N. M. Lokhande, a leading social reformer closely involved with millworkers' issues, was the first person in Indian history to organize workers in 1884, albeit in a loose association, quite different from the latter-day unions. He was a follower of the famous radical social reformer Jyotiba Phule, and therefore part of the Satyashodak movement led by Phule which, some maintain, was the first reform movement to give a class dimension to social discrimination even before the communists popularized it in the country.

Lokhande took up the issues of limited and regular working hours and weekly holidays and secured these rights for the millworkers by petitioning the British government. But the main motive force for change and reform was the collective strength of the workers themselves when they began to organize and fight. How they went about doing this is described in the next chapter.

### Community, Family And Institutions

From the inception of the mills and the provision of cheap

accommodation by the millowners and the city planners for the workers, between 30 and 40 per cent of the population in Girangaon lived in single-room tenements or chawls housing six or more people, a situation which remains unchanged even today. Others lived in thatched huts and several were forced to sleep in the corridors and on the streets due to overcrowding. The Census of India 1911 revealed that 69 per cent of the population of Bombay had to live in single-room accommodations or barracks. 10 These chawls are two or three storeys high. They have long common corridors and common toilets at the end of those corridors. Most workers lived close to the mills where they worked. The streets were extensions of the home, part of neighbourhood and social life.11 The paucity of space made the corridors and the open space around the chawls important extensions of family-and therefore community—life and given the fact that most of the workers were migrants who had left their families back in the villages. the community and institutions created to fill this gap became substitutes for the family.

Since most of the workers in a particular mill would be from the same village, the same caste and often the same family, the community was already tightly knit.

We are originally from Kolhapur (the Ghats). My father worked in Mafatlal Mills. My mother ran a khanval. The salaries were low and the family could not manage just on a single salary if one wanted to educate one's children. My mother said. What will I do at home! Il start a khanval.' People living nearby and some relatives would come to eat. I used to help my mother even when I was in my third standard. I would wash the vessels, wash the smaller clothes, clean the grain or go and buy the odd provision from the provision store. I studied upto the seventh. My mother fell sick often. So I had to help out after I came back from the school at 1 pm. My school started at 7 am. I would light the sigdi at 2.30 in the afternoon and wake mymother. Then she would do the cooking. Dinnertime was at about 7 or 8 omeveryone did not come at the same time. But the dabbas (lunchboxes) would have to go at the dot of 5 pm. for the workers in the mill, on shifts. If anyone came after 10 pm we would not servetheir food would be kept in the dabba for them. My father kept the accounts.

I got married in 1962. I was 17. He was a clerk in Bombay Gas. I too started a khanaval. There were about seven or eight in the beginning and then the numbers increased. I still run the khanaval. But there are very few. There were most people in the khanavals until 1972-73. There were about 300 khanavals here. And then theykept increasing until there were about 650. Earlier, there were three meals being served.

The children would help. To turn the chapatis, to take the dabbas to the mills.

Those who came to eat would talk about their problemswe would chat.

Thirteen to 14 men of the same clan shared a gala or *jhilgyachi* kholi—a tenement measuring 10 by 12 feet. They only sleep there.

The common toilets are outside and home-cooked meals are available on payment of a monthly surn at the khanavals—homes where food is cooked and served according to the shift timings. The khanavals are always run by women. They are not just dining spaces but meeting places as well. The khanavalwalis (women who cook and serve meals in their homes) function as a message and information bureau of sorts and are often friends and confidantes of the migrant worker.

VILLAGE associations or gaonkari mandals sprang up in order to compensate for family support and ties. They maintained continuous contact with the village and the family and could influence social and political life in their villages far away because those villages were, to a large extent, dependent on the money sent from the city. During major religious and local cultural festivals and fairs, the villages would come alive. Migrants visiting from Bombay (known as chakarmane), rich and poor, would come together. In the early days, the identification with the villages had the effect of making workers comparatively tolerant of the abysmal conditions of work that existed in the latter half on the nineteenth century, in the first phase of the textile industry. As the community took root however, they started to think about improving their lives in the city

Someone would mention his wife was sick, someone would talk how he had to build his house, that kind of talk. Those who come to eatthey are eating here for five to six years so they've become family. During festivals like Ganapati there would be less people and we would cook special sweets too. During religious fasts we would not cook meat.

And on Saturdays, Tuesdays and Thursdays.

Things are more business-like now. People were like family then.

After the 1973 strike there was a wheat scarcity and the khanavals stopped giving chapatis in the morning with tea. It would be given only during lunch. One worker would require at least four to five chapatis. So for 12 people I would have to make at least 60 chapatis. Now people eat less too.

Khanavalwalis have no holidays. On ekadasi day we would go to the Pandari temple in Matunga. Otherwise whatever I have seen of Bombay was only when I was a schoolgirl, during excursions. Afterwards, we've only been to Ranibag (zoo in Central Bombay)—where is the time!

Now there are only two or three people who come to eat. Two are millworkers and two work elsewhere. My husband is dead.

There were women workers in the mills but they never ate in the khanaval. They would either cook themselves or else they had daughters-in-law.

My son is in the BEST [Bombay Electricity and State Transport] now, and the second has a temporary job in the State Transport.

INDU PATIL (55 years). Runs a khanaval as did her mother before her. Lives in Kohinoor Mills Chawls in Naigaum, near Dadar.

NIVRUTTI PAWAR (65 years). Popular Singer of Marathi folk songs. Also associated with many political movements.

My aunt used to run a khanaval in Naigaum. Many people used to eat there. There were revolutionaries who were underground who would ask me to sing after they had eaten their food and I would sing. We had to be careful because they were in hiding. I would sing songs of freedom for them. Then there were the men from the gymnasium nearby who were from my village. They were all living in the galas and their wives were in the village. They would meet only once a year, sometimes. They too would ask me to sing. I would sing this song: 'A simple village called Kolhapur, in the Sahyadri mountains—my husband has gone to Mumbai, almost a month ago. I check in the village post office but there is still no word from him. My child weeps from him, what can I say to console him? I think of my beloved every moment, I wonder how he is doing; where does he eat? 'Where does he sleep?' This song would thrill my audience and they would make me sing it again and again. They would feel nostalgic for their homes.

and became more conscious of the injustices they had to endure. With the absence of trade unions, the mandals and other local organizations played an important part. These cultural organizations not only provided the recreation which was badly needed but also provided platforms for their creative expression. Every chawl had a committee and every locality had its gymnasiums or vyayamshalas, Ganeshotsav mandals, gaonkari mandals and bhajan mandals.

The bhajan mandals were particularly important. Bhajans consist of collective community singing of devotional songs. Each line is repeated several times in chorus, each word and emotion dwelt upon and improvised. The mill managements held bhajan competitions in the mills, like they did drama competitions. The poetry is written by Bhakti<sup>16</sup> poets like Dovaneshwar. Tukaram. Namdeo and Eknath. 17 Many of the

I came to Bombay from Pimpalgaon (Satara district, in the Ghats) in search of a job. I was not very educated, like the rest, I had studied only upto the sixth or seventh. When we came here, we didn't have any close relatives but we knew there was a mandal called the Pimpalgaon Mandal. There were about 10-15 people from our village who had formed the Mandal. 'When I came here, I started working in a hotel, Santosh Dairy, for 15 rupees a month. I was there for about two or three years. Then I got a pass to work as an apprentice in Morarjee Mills No. 2, known as Sayajee Mills. The training period was three months. I was there for two years, during 1971–72. Then I joined Hindustan Mills, where I work till date.

The Mandal was formed because it was not possible for people to rent their own places individually. Each paid according to his capacity. There was one room in Lalbaug, one in Vakdi Chawl in Prabhadevi, one near Ganesh Talkies in Chinchpokli. At that time, you could buy a room for 4000–7000 rupees.

The Mandal celebrated occasions like Independence Day and Republic Day. We would discuss many things—about history, about our problems. There were 10-12 members. We elected the office bearers. The shares of 165 rupees were later raised to 200. Now the minimum amount to be paid for membership is 4000 rupees. The rent of the rooms and other expenses have to be paid for as well as the activities of the Mandal.

The people who lived in the chawls only slept there. Food was eaten at the khanavals. Earlier, only millworkers lived here, but now that the mills are closing, there are others as well. We have six kholis and there are 25-30 people staying in each. Only people from our village are allowed to stay in those galas. There are people from all castes.

We have a bhajan mandal. We used to regularly hold lezime (athletic dance, performed with a string of small cymbals attached to a short rod) practice as well. There used to be a martial sport called sangram. There would be double bari—a bhajan competition in which the participants would ask questions and give answers and say a lot of

insulting things about each other in verse. All in bhajan form! Our Mandal was very good at this. We had very good classical singers, our artistes would even sing on radio. We had people who would sing bhajans, bharood<sup>19</sup> and songi (bhajan-based song performance). We had dholkiwalas, petiwalas. Most of the programmes would be held on Sundays when everybody was free. Now they no longer live in the mandal kholis.

Our mandal also did a lot of good work for the village. It organized water, lighting and the installation of the idol of a goddess. We built two temples there. We organize a jatra for the goddess Lakshmi every three years in the village and we all go to participate. We take six days off and go there in a special bus. We hold programmes for six days, like loknatya, 18 kusti (wrestling), bullfights. Nowadays, to keep up with the modern times, we also organize cricket matches. We have a credit cooperative society and some people are employed to run that. Otherwise, all of us are employed elsewhere and nobody works full time for the Mandal. When any of the members faces a crisis—like a death in the family—the Mandal helps out financially, helps them return to the village immediately.

Most of the people from our region (the Ghat) are in the spinning department. Jobbers in our village would recruit youth from the village in the mills and then they would be made permanent. The people of the village were also supportive of workers.

My wife and children all live in the village. I did bring them here. They stayed here for two years but it was too difficult to manage, so I sent them back. I have land and cultivation in the village. But it is not enough for my family to survive on. Otherwise why would I come here, to live alone and work?

The villages still organize these competitions after the harvest and we all go along with our families. We meet our relatives, our village folk. But things are difficult in the village. The land does not give enough for the expanding families so in each family you will see that there is one son in Bombay in some company or other, one in the military, and the third somewhere else.

MARUTI GYANDEO SATKAR (approx. 50 years). Activist in the Pimpalgaon Gaonkari Mandal situated ner Lower Parel area, Girangaon.

bhajan singers are part of a 700-year-old tradition of the varkari, a sect which has kept alive its tradition of oral poetry and literature and thus is very different from the exclusive and casteist Vedic tradition.<sup>18</sup>

### **Women Of The Mills**

Bombay was predominantly a city of male migrants. In 1864, only 539 women to every 1,000 males lived in Bombay city. in 1921, the figure remained at 525. The famines of the 1870s and the expansion of the cotton industry in the 1880s were accompanied by a dramatic increase in the employment of women. In 1879, there were 8,553 women in 10 mills in Bombay. in 1881, there were 32 mills employing 31,351 women. In 1896, the number of mills had increased to 71 and the number of women millworkers was 78,455. <sup>19</sup> Factory

I was born in a village in Pune. After my father died my uncle took my mother, my sister and brother and me to stay with his family.

I never studied. My mother and my brother's wife never got on. So my mother came to Bombay and started working in the mill. We were staying in someone else's house.

I was married at 12 but I continued to stay with my mother until I was older. My husband's family were in Worli Koliwada (literally, village of the kolis or fishing community). My sister- in-law kept complaining that I was sitting at home, doing nothing. So I went back to my mother's. There was a woman who was a mukaddam (supervisor) in the mill and my mother asked her to get me a job. That woman would get me vam. ask me to make thread out of it. And I learnt the work. Then she gave me a job. The same mill as my mother. My mother never talked to me while we were working. She would say, What is there to talk about, we can talk at home. We are here to work.' They would weigh the cotton and give it to us and we had to turn it into varn and give it back. The naikin would keep an eye on us, see that the machines were working and everything was going smoothly. The masters would come once in the morning and once in the evening. The naikin was a mukaddam. They were all women in the department. We wore aprons-cloth wrapped around us so that our saris would not get caught in the machine.

Then I went back to my husband's home—he fetched me. That was the time when Gandhi died. I took a tram at five-thirty in the morning and came back in the evening. The shift was from seven to five. I was temporary so I was not taken every day. I grew tired of it. They did this to the women particularly, not to the boys. They did not even like to employ women mainly because they did not like to give maternity benefits. I worked in the mill for five years. Finally I left.

My husband worked in Madhusudan Mills. After I had a child we moved out and started staying separately in Worli Koliwada itself. I had five children; two died and so there are three. My husband was in the habit of drinking and he did not give money regularly. Gambled too. He did not give us any trouble—did not beat us up or anything. Sometimes

legislation in 1891 limiting the hours of work for women and children served to check this initial expansion of female employment. Women constituted about 20-25 per cent of the total textile work force until 1931 when, with the introduction of the night shift (forbidden for women) and maternity benefits, the numbers declined. In 1884, the average daily employment of women was 8,816 against a total employment of 39,716, whereas in 1934 the figures were 24,319 and 128,420 respectively.<sup>20</sup>

An interview with a woman worker born at a later time is still indicative of the life of a woman textile worker of those days.

The fact of being a migrant community created many seemingly unconventional relationships. The need for female companionship had to be addressed. Many men lived with a

there would be no money at all. It was difficult to manage so I started a khanaval. In the khanaval there were only people from the Ghats. I sent food also to people in Crawford Market. My son would take the lunch boxes from here to there.

I did that for some years, then I started selling fish. I also worked as a domestic help.

I could not educate my children. The teacher came home and asked me not to stop my daughter from going to school; she was good at her studies. But how could I? I had no money. My husband drank and gambled. When he got his salary he would just disappear for a week until he had finished it all. One son worked in a hotel and one worked in a shop. I took my daughter to help me with my domestic jobs. She loved music; later my grandson became a musician.

I do not remember any gate meetings or anything. My mother retired and went back to the village. She built a house there with the money she got from her service.

Later Annapuma started. It was started by Prema Purav (Communist Party activist) and she worked very hard to provide an alternative to the women. I joined her. We started by making batata wadas and selling them. We also participated in morchas against high prices. We went to Parel and stopped the traffic. Prema Purav was there and so was Dange's daughter, Roza (Deshpande, Communist Party activist). I have been to Dange's house to meet Roza along with Prematai. We went to demand proper ration on the ration cards—kerosene, rice, etc. There were many people. Police vans came to pick us up. We were taken to Azad Maidan and there they let us go. First we started Annapuma in Prematai's house, then we got a room and started sending food to various companies and offices. My son died suddenly. Of a heart attack. My other son was in the mill. He died too. He was active in the strike; he was arrested and then he lost his job. Then he did various temporary jobs. My daughter-in-law too is a millworker.

Now I am a supervisor in Annapuma

My father was illiterate, a mukaddam in the mills. We are Konkanis. Like any worker family, we lived in one chawl, on Delisle Road. No electricity, only kerosene lamps. As boys we bathed under the common tap. I don't even know where and when I was born. My birth date was decided by my schoolteacher.

I was in Bombay except for the time in 1943 when, in one of the Sassoon Mills—India United Mills No. 4—the boiler burst. There was a wild rumour that the Japanese had dropped a bomb on Bombay. Many people evacuated the city by road, by boat... We did too.

I wanted to go back to school, so I went to Kudal in the Konkan and studied there for two years. There, when I was in the sixth or the seventh, there were two prominent people in the village—one was in the RSS<sup>et</sup> and one was in the Rashtra Seva Dal (cultural and social service organization of the Congress and socialists). Fortunately I was influenced by the latter.

We came back to Bombay and I went back to Shirodkar Night School. We were a small family—I have one sister. Like many millworkers my father was fond of his drink. In those days, the shift was 10 hours—from 5 pm to 3 am—terrible working hours. My father worked for 35 years; he got the asthma-like disease<sup>22</sup> and could not

work anymore. I had to work before I completed my Matric (eleventh and final year of school). I got a job in the Bombay Port as a tally clerk. Then I joined the telephone exchange. My father went back to the village. He never gave us any trouble. It was not an easy life. He would return from work at 3 am, sleep a little, then go to the market to get the provisions, drink a little, eat and then go to sleep before leaving for work again at 5. There was a different culture then. It was common to gamble, and also to 'keep' another woman. To have another woman was considered a sign of manliness. And these women were loyal. To work and to the family, to the wife and children. She could be a widow or a deserted woman. At first people used to mutter a little, but later it would be accepted. She would become part of the family. She was not married to the man but she had her own status.

Yes, so my father had another woman. She was a widow and not of the same caste. In those days it would have been considered odd for them to marry. So she arranged the first marriage for him, and when the wife died, she arranged another one! My father married twice. My sister and I were from his second marriage. We all stayed together, the other woman, my mother, all of us. We also went to the village together. It was common. Accepted. I called her 'mother' too, and she was more of a mother than my own. My own mother died later and it was she who was always there.

BHAI BHONSLE (75 years). Veteran trade unionist. General Secretary of the RMMS during the 1982 strike period accused of having been the main person responsible for breaking the strike. Relieved of his duties in the union after the strike ended. Elected to the Maharashtra Legislature from Mazgaon (Bombay) in 1972 and in 1980. Member, Board for Industrial and Financial Reconstruction (BIFR) in New Delhi in 1993.

woman in Bombay while married to another at home, back in the village they visited only twice or three times a year. Prostitution was the comfort sought, although we could not get anyone to speak of this in much detail. We were also unable to obtain any information as to how the wives dealt with the problem of loneliness.

### **Ganeshotsav And Other Events**

A remarkable feature of chawl life in Girangaon has been the number of community events. One chawl committee or another would be organizing a puja, which gave people an opportunity to come together and sing and dance and, most important, enact and watch theatre performances of various kinds. If it was a festival day then the entire community would explode into activity.

The most important festival was the Ganeshotsav the most popular festival in Maharashtra as a whole. This is the festival of Ganesha, the elephant god. During the 10-day-long Ganeshotsav festival, all the local institutions put up idols and organize various events every day. Although this is a Hindu festival and essentially religious, the programmes were, in earlier days, secular and more an occasion for the coming together of the community for

social rather than religious purposes. Ganeshotsav mandals started in Girgaum in the middle-class locality and proliferated in the mill area. Today it is a feature of every locality in the city. The

community in the mills was mainly Hindu middle caste but participation in the Ganeshotsav festival was secular.

There is a history to the Ganeshotsay which forms the background for the way it began to be celebrated in Bombay. Lokmanva Tilak, one of the leaders of the freedom struggle who was most popular with textile workers, started the tradition of using cultural festivals for political mobilization. The fight was against the British and there was a need for the creation of a national identity. The movement needed national events and symbols-existing historical symbols that were Hindu as well as inclusive—and political myths of unity and hope for the construction of this identity. It was Tilak who in 1893 raised the Ganesh Chaturthi from a simple family pula to the status of a community event. He did this just after the Hindu-Muslim riots of 1893, possibly as a confidence-building exercise for the Hindus, N. M. Lokhande, 25 the other leading figure, was against what he considered a non-secular event, which would only serve to take the masses towards superstition and ignorance. He even attempted to get the British to ban it, although without success, for which he was severely criticized by many liberal reformists.<sup>26</sup> After the riots, Hindu participation in the Moharrum tabut or procession decreased and the Ganesh processions became a kind of Hindu tabut. So Lokhande's suspicion that the Ganeshotsav was a divisive idea was perhaps justified. Lokhande also criticized the Ganeshotsav for I am 73 years old. I stay in Vakdi Chawl, an important centre in all the movements. My father was a police constable and he wanted me to become a police officer. But I got involved in politics. I liked the work that the Congress Party did although the communists were my friends. My mother was an illiterate woman, the wife of a police constable. My father used to gamble—he had all the bad habits of the police constable, you see. Drinking, of course. Sometimes he would sit to play cards and not move for a week. But somehow he never troubled us—he brought us up, looked after us all property. He made us observe all the religious fasts but he never followed all that himself. Once I went to play cards with my friends in the chawl and he caught me there. He came up to me and kicked me hard. He would not allow me to gamble. He wanted to educate us too. He retired in 1936. Then he went to the village to live. My mother knew about everything I did, my work in theatre, sports. And that when I

came home there would always be some more people to eat, so she would keep extra food. Sometimes my friend would wake up my sister and say, 'Hey, make me an omeletts.' A lot of times, my friends would stay over. I had a lot of support from my family. Often friends of mine got arrested in my absence—she would get them out—contact people, organize money. She would keep money for this purpose. We also had an 'aunt' staying with us who worked in Bombay Dyeing Mills. She looked after us too and loved us very much. She would sit outside and wait for me when I was late. My mother would go to sleep. She would wait silently and, without a word, follow me in when I got back. She was my second mother. No, she was not married to my father. But she lived with us. My father and I got her daughters married. 'When she died, it was my younger brother who cremated her.

GOVIND PHANSEKAR (73 years). Congress strongman, former President, F Ward Congress Committee. Clerk in Century Mills for 40 years. Lived all his life in a tenement in Vakdi Chawl, Prabhadevi. Interviewed in the offices of a film production company in Prabhadevi, owned by his son.

KHATU (first name unknown, approx. 60 years). Active in local Ganeshotsav mandal, retired millworker. Interviewed along with the Managing Committee member, Sadanand Kokate, and other activists of the Chinchpokli Ganeshotsav Mandal.

Our mandal was established in 1920, the year that Lokmanya Tilak died. The first Ganeshotsav mandal was established in Girgaum 100 years ago, and ours is the second oldest. We had a small Ganpati in those days. It was only in 1953 that the practice of making huge Ganpati idols started. In 1947, after the riots, the Ganeshotsav was stopped for two or three years. There were doubts as to whether it would ever be revived.

The Ganeshotsav was not just a religious festival but a means to gather people for a comparatively harmless purpose under the British Raj. In those days, the subscription was four annas and 25 paise. I still have the receipt. We used to go door-to-door to collect money just as we do even today, but people would sometimes give in kind rather than cash, like sugar, oil, gulal, etc. People gave with that feeling of contribution to the community. There was a pride in one's own locality which is the case even today.

The Ganesh idol was installed for nine days before the immersion, and every three days it would be dressed in different clothes by professional costume artists. One day it

would be dressed as Ram, then Krishna. Everyday, different programmes like lezime, bhajan mandals, etc. would be held. People gathered every day and there was a festive atmosphere for those few days. At one time, there was only our mandal but now, there are many who have taken the initiative to set up mandals in their areas or chawls. They all work together and cooperate in each other's work. There are times when we have even shared the collections.

We had many kinds of programmes in the festival: bhajan, maldanl khel (gymnastics), dashavatar;<sup>33</sup> naman (dance-drama form popular in North Konkan), tamasha, <sup>34</sup>gauri dance (associated with the elephant god Ganesha), bharood, that is we had the forms of both Konkan and Ghat.

During and after the Samyukta Maharashtra Movement (195560) the programmes of shahirs became more popular. There were also chakri vyakhyanmalas on various subjects where political leaders were invited to talk. We invited socialists, communists, and Congressmen; once we called Datta Samant... SHEIKH JAINU CHAND (63 years). Bard, leads a cultural group called Amar Kalapathak (in memory of the great Communist bard) along with wife Kesar. Among the few who still sing the old songs of the revolution. Living in a tiny ground-floor tenement flat in Saat Rasta, he is a Muslim and Kesar is a Hindu. Their son Nishant is also part of the troupe.

ridiculing the Hindu gods, and argued with Tilak's comparison of Ganeshotsav with the Pandharpur varkari gathering which, he pointed out, was genuinely religious and not political or communal. The festival, however, became increasingly popular and passed into popular tradition. The Ganeshotsav had a slightly different focus from that of the Shivaji Jayanti, being essentially a Hindu festival. It had as its objective, the uniting of Hindus across the barriers of caste. Tilak felt that festivals should entertain and instruct at the same time and should have a current social context. From its inception as a community event, every year hundreds of thousands of people in the city walk in innumerable processions from their localities towards the sea and immerse the clay idols of Ganesh in the water. It is still in Girangaon that the festival is most enthusiastically celebrated.

Another festival, celebrated in Maharashtra and in its textile mill area, which has become more popular after the growth of the Shiv Sena, is Shiv Jayanti, celebrations honouring the birthday of the legendary warrior king, Shivaji. Shivaji fought a guerrilla war with the powerful Mughals and gave a call for 'Swaraj' or Independence for the first time. He popularized the use of Prakrit instead of Persian which was the language of the courts. He instituted economic and land reform and is credited with being a popular, fair and just king. Shivaji extended his kingdom from the Deccan to most parts of what is modern-day Maharashtra and Gujarat. He was a non-brahman, a Maratha (warrior caste) and he has been a popular icon in Maharashtra's history.

In a large public gathering organized in Calcutta in June 1906 to celebrate Shiv Javanti. Tilak insisted that Shivaii was not a Hindu symbol alone nor was Shivaji's fight against Muslims in general, only against the Muslim rulers. He said that Shivaii spoke about and represented freedom and progress. 28 He was a popular symbol and has been used by different political streams for different purposes depending upon their agenda.<sup>29</sup> The first Shivaji celebration, which was attended by Tilak, was held in 1896, in Shivaii's historical fort where he was crowned king in 1673 Raigad Fort in Konkan. There were cultural performances. sports events, gymnastics and public speeches. 30 Tilak's attempt was to mobilize people and this tactic was utilized in a similar way some years later by the Shiy Sena (literally, army of Shivaii). The Congress and the left did not pay much attention to this event but the Shiv Sena used the Ganeshotsav to extend its influence, also popularizing other occasions like the Navratri and Shiv Jayanti by building committees and organizing events on the same lines as the Ganeshotsav.31 They emphasized and

We would put up new plays every Ganeshotsav. Girangaon was the centre of Marathi culture. The people of this area were the ones who really developed Marathi theatre and culture. They contributed not just to their locality but to the whole state. They were not only an audience but they were also performers; there were writers, poets, bhajani buss (bhajan singers), actors, dancers. From 1949 to 1951, I was not free for a single day every chawl committee was continuously holding functions of one kind or another. We never asked for money; we took whatever they gave us. Sometimes for an all-night programme, we would earn just five rupees. Later we started taking professional fees for the artistes. If we took 20 rupees, we gave each of the artistes three rupees or so per night.

I am half-Konkani and half-Ghati. There is a difference between the forms of Konkan and Ghat. Konkan has the dashavatari. Ghat has the tamasha. Mumbai brought the forms of both areas together. They learnt and borrowed from each other. I have mixed various forms in my shows, including koli.

The chawl committees which started functioning after Independence organized different festivals. The Satyanarayan puja is the most important. Then there would be Independence day, Parents' Day, Childrens' Day, and so on.

actively propagated the Hindu and religious aspect of these festivals. The left in Girangaon participated in the Ganeshotsav too in the early years. It was only later that both socialists and communists began to stay away on the ground that it was a religious festival, a stand that not only alienated them from an important local event but also helped to take from the essentially secular way that it was celebrated for a long time, before its take over by the Shiv Sena and Hindu chauvinists.

### Caste And Religious Differences

The unity and integrated nature of community life in Girangaon in the mid- and late-nineteenth century does not mean that there were no conflicts over religion, caste or any other reason.

Violence was a part of that life.

The Pathans, <sup>32</sup> tall, fair, turbanned, clad in long flowing robes, canes in hand, were an intimidating presence. Moneylenders, they would make their appearance on payday, in a group, in front of the mill gates to collect their interest from the millworkers. They were known to extract sexual favours from their women clients and even to ask debtors to sell their wives to them. <sup>33</sup> According to Usha Dange, <sup>34</sup> the Pathans would put out their string cots on the roads and lie there, outside their chawls. People were terrified of them and would avoid passing that way. The fear turned to violence and the Hindu-Muslim riots of Girangaon in 1929 were known as the Pathan Riots.

I am Indian why should I go to Israel? Two thousand years ago during the Crusades, the Jews fled Palestine to various parts of the world. One ship docked off the Kerala coast and then came to the northern Konkan coast. The community settled here. I was born in a village, Gondghar, in Janjira district, now part of Raigad district. Janjira was ruled by a Muslim ruler called Sir Mohammed Siddhi. Muslims formed the majority community here. Many of these people went to Africa and made money which they used to buy land in the area. The land owners therefore were either Muslims or brahmans.

Our family was part of the agricultural labour community. My mother was a strong woman. She worked in the fields. She was big, taller than my father. My father earned six annas a day on the hire of our bullock cart. My father was a religious man. He regularly visited the synagogue in the town, They had 14 children, out of whom only four survived.

I studied up to the fifth standard. My sister was in Bombay, married there. It took six hours by boat to travel from Janjira to Ferry 'Wharf. One anna by tram, and I was in Girangaon. They didn't have enough money to educate me further so I had to return to the village. My brother was a millworker. He was a drawer, a badli worker, in Edward (now Bharat Textile) Mills.

There were many Jews in the textile mills. Jacob Sassoon who owned 14 mills in Bombay was a Jew. He belonged to the upper caste, Cohen, while my family were Israeli which is the third and lowest caste, The middle one is called Levi.

My brother tried to get me a job through a Jewish manager but that did not work. I worked in many different mills.

In those days the work of the weaver was more difficult the auto looms

came only later. The weaver had to hold the lever in one hand and pull the dhota (bobbin) with the other. And also remove the candi (spindle) from the dhota. We made canvas sheets for the British military during the war. Sixteen threads had to be made into one. The yarn was so thick it would stand on the machine. A five-reel loom had to be used.

The cotton would go into your nostrils and rot inside. I had to be hospitalized for 10 days. They burnt out the cotton. For days the rot kept coming out of my nose and throat. This was common. At least 10-12 per cent of the workers would suffer from this tuberculosis.\*\*

In 1940 we used to get 40 rupees as bonus. Our minimum wage was 30 rupees per month.

Muslims stayed in Peru compound in Lalbaug. There was mosque there. There was a bazaar there too. The rent collectors for this market were Muslims. In Mohamedi Building there were 50 per cent Hindus and Muslims.

The Muslims in the mills were very skilled. They were in spinning and sizing and they were from UP. There was no feeling of illwill against Muslims in the mills. But the Hindu workers would not eat from the lunch boxes of the Muslims. I did. The Hindus accepted me as a Jew and I ate in their houses.

The dalits were not employed in the weaving department. But, in Jupiter Mills, one local communist leader got a dalit mahar worker into the weaving department and taught him to be a weaver. But the whole department went against him. Why? Because the communist movement came from Europe where they do not have a caste system. So the priority was the workers' issues. The leadership concentrated on class issues, not caste.

SOLOMON SIMON KUDGAONKAR (89 years). Jewish. Activist in the Lal Nishan Party. Worked in Standard (China) Mills for 33 years. Married with three children, one of whom is in Israel.

Although the majority of people in Girangaon belonged to the Hindu middle castes, hailing mainly from Maharashtra, there were many who came all the way from Uttar Pradesh in the North and Andhra Pradesh in the South. There were Muslims and other minorities too, if in a very small ratio. Communities were not homogeneous. For instance there was a huge difference between the Pathans and the Julahas, both of which were Muslim communities. In the early years, Julaha Muslim weavers were sought after and they were also well organized on caste lines. They were jealous of their position and were known for their refusal to work night shifts. The caste workers did not seem to have a problem with them though they did with dalit weavers.

Others share Solomon's observation about the attitude towards Muslims, but more marked was the discrimination towards dalits, those the upper and middle castes considered 'untouchables'.

Dalits constituted a very small percentage of the mill workforce

and very large percentage of the total population of the city4.86 per 1872, 9.09 per cent in 1911, 11.53 per cent in 1921 and 8.15 per cent in 1941. Correspondingly, the percentage of dalits in the textile mills was 0.99, 9.05, 11.91 and 13.81. It was therefore only from 1921 that dalits began to be represented in the mills in a proportion slightly higher than that in the city. This was perhaps because the opportunities for a dalit were not much better in the city than in the villages. The flush toilet was introduced slowly and, until as late as the 1920s, the system of halalkhori or carrying and emptying of buckets of waste was in practice a job expected to be performed by dalits only.

No mill had a specific policy of forced integration of dalit workers as they did for the more skilled Julahas. In some mills there was in fact a declared policy not to recruit dalits. For instance, in United Spinning and Weaving Mills the management declared that no one from the 'depressed classes' would be taken (1874). So also in Petit Mills (1908). The job that was easily accessible to a dalit in the mills was perhaps that of sweeping, for which many dalits were employed. That there was

Casteism was quite common in the mills even 20 years ago. A few of us in the clerical staff once asked Vishnu, a mahar (of dalit caste) to fill up a water pot that used to be kept outside the office. The upper-caste workers would not touch that pot. When we questioned them, they said, 'Master,' how can you drink water that has been filled by a mahar?' They would sit and chew paan with him but they would not drink water from his hands! They never treated him badly, they were friends with him, but they would never go to his house. Or eat out of a lunchbox bought by any of the mahars. The funny thing is the Marathi workers were unable to judge the caste of the North Indian workers. So they could not practise untouchability with them!

You could not prevent a mill from employing mahars. But they would only be employed in the spinning section. Earlier when the thread had to be pulled out from the bobbin by the weaver with his lips, the non-dalit workers refused to work on a loom used by a mahar before him in the earlier shift. So the restriction on dalits being employed as weavers continued even later when the looms were modernized. Of course, they were paid the same wages as we were. Earlier in our mill, 80 per cent of the workers were from the mahar caste.

Once, when we were organizing the annual puja in the mill, another committee member who was with the CPI(M) and I nominated a mahar as the vice president of the puja committee. We didn't think about his caste, we chose him because he was a good organizer. The workers complained to us; they would not take the prasad from the puja. This became a big issue within the mill, but we stayed firm.

DATTA ISWALKAR (51 years). Clerk in Modern Mills, main inspiration and founder of the Closed Mills
Action Committee formed in 1989. Started his political career in the Socialist Party. General Secretary, Gimi
Kamgar Sangharsh Samiti. President, Mill Chawl Tenants Association. Living in the Modern Mills Chawl.

### casteism in the mills is irrefutable, putting paid to the myth that caste differences automatically disappeared in cities where workers worked and fought together. It would have needed an

external force of some kind.

Violence and violent clashes were an almost unavoidable part of the local life of Girangaon. In 1893, riots were set off in Bombay as a fallout of Hindu-Muslim riots in Saurashtra. On 11 August 1893, Muslims leaving the prayer at the Juma Masjid in South Bombay attacked Hindus. The next day Hindus, mainly hailing from Girangaon, staged a counterattack on Muslims, Mills and docks closed down and the riots which raged on for eight days left 80 dead (33 Hindus, 46 Muslims, one Jew) and 700 wounded. 39 Lokmanya Tilak held a meeting of Hindus outside Shaniwarwada in Pune, in which he called upon Hindus to be militant and defend themselves—unless both Muslims and Hindus know that they are well prepared to defend themselves against the other, the British would continue to forment riots. Lokhande criticized Tilak by saving that he should not blame the Muslims, that they were provoked by some mischievous elements who had come from Saurashtra, and he accused Tilak of playing the same role in provoking the Hindus. Whether this criticism was unjust or not. Lokhande's stand was that both communities had to be held responsible.

### **Art And Artistes**

Festivals and the community life of the area encouraged the development of worker artistes of various kinds. Girangaon gave the city many singers, actors, writers, poets, artistes, and the city responded with warm appreciation as is borne out by what local artistes themselves say.

The fine arts were popular but by far the most popular form was theatre, in Girangaon as well as in the rest of the city Both the Konkan and the Ghat have their own cultural folk forms which were brought to Girangaon by the textile workers, especially during the festivals. Professional performing groups from Konkan and Ghat performed annually in Girangaon on the invitation of various gaonkari mandals and Ganeshotsav mandals. Since they are folk forms, they are region and castebased and closely linked with the everyday life of people. The ovi, referred to below by Nivrutti Pawar, is a couplet sung by women while grinding the grain at dawn. The rhythm is the same as the movement of the grinding stone.

As with most other folk traditions, folk forms in Maharashtra can be divided into three kinds: a) expressions associated with everyday life and work, for instance ovi; b) art forms associated with religious rituals as part of worship and invocation of local deities like bharood and *gondhal*;<sup>47</sup> and c) cultural expressions designed for performance for an audience,

I have stayed in Tejukaya Mansion all my life. My father came here from Mahad, Konkan, when he was 10 years old. We have lived in Bombay for three generations now. I took a diploma in textile design and worked in Swadeshi Mills for a while. When I started making idols and they started getting sold, I left that job.

I loved to look at Ganeshotsav decorations from the time I was little. I remember the Chinchpokii Ganeshotsav Mandal's Golden Jubilee where Shyam Sarang had made a scene from Shakuntala. Then there was Welling—he was a great artist. He was the guru for our generation, a perfectionist. You look at the idol from any side, there would be no distortion. I try to do that myself. My first idol was five feet high. Then I made a 14-foot idol for Jai Hind Cinema Mandal when I was 17 years old. My guru Welling congratulated me and that was such a proud moment for me. From that day I never looked back.

The culture of Girangaon was one of collectivism. This has gone and people have become alienated from the community.

Ganeshotsav means a joyful and collective celebration. From a month before the festival in August-September, the preparations start. The activists of the Ganeshotsav mandal worked on the building of gates and other arrangements with as much enthusiasm as they would for their own family. They would do everything themselves. Now it is all commercial and the work is professional, so there is not that personal touch. The collection of money was one of collective bonding, there was no question of extortion and threats. Even those who were giving the money would look forward to the collection. This was the situation until the 1982 strike. Then the workers started selling their homes and going elsewhere to live. There is no enthusiasm because the new middle class which is coming to live here is not interested in this collective celebration. Then, activists don't have time so the work is contracted out. Before, all the festivals were great events. Even if the

people were poor the festivals were occasions even the rich would envy. There would be bhajans, song and dance competitions, loknatya, one-act plays, fancy dress competitions and folk art on every street. There were painting competitions in Peru Chawl. Both the Konkani and the Ghat people would participate with their own cultural forms. Plays and naman, bharood from the Konkani groups would be performed. There would be lezime groups from the Ghat accompanying the procession to take the idol to the sea. There was no difference between the Ganeshotsay of the two communities.

There was no involvement of political parties. The most famous Ganeshotsav mandals are in Lalbaug Market (called King of Lalbaug), Chinchpokli Mandal, Ganesh Gully and Rangaribadak Chawl in Lalbaug. People used to rent trucks and come to see these Ganesh idols. They would light fires and cook food on the roadside. Everyone stood in the queue, rich or poor, there was no 'pass' system as there is today.

Yes, Ganeshotsav is a religious festival, but we were never conscious of it being so. That word is used now. Earlier, all the programmes in the Ganeshotsav were social. Prizes would be given out for all the competitions held during the year, like debating, drawing and student activities. The religious element has been created by vested political interests.

There are awards for all kinds of art and sports in the state but there is no award for idol makers. There should be one instituted in the name of Lokmanya Tilak. Two or three of us are all right economically but what about the others? They are in need of support and encouragement. Another thing the state should do is to give space to the idol makers before the festival. This is all we ask, and it is not much. Look at all the building activity that is going on in this area now.

VIJAY KHATU (45 years). Best-known sculptor of Ganesh idols in the city.

All I inherited from my mother was my love for music. At dawn every day she would sit at the stone grinder, grinding grain and singing the ovi. I grew up with this memory, waking up to the sound of her melodious voice and the grinding of stone against stone. The songs were full of imagery, about nature, about sowing and reaping, about values. When I cut my first record in 1970, I sang the song that my mother used to sing.

I was eight when I sang with the leading kirtan singer in the village. He said, 'This boy will be a great singer.'

My father was a saitseller, going from house to house with the crystalline salt on a handcart. I would accompany him. The moment I heard the taal of the dholki somewhere—in any of the houses—my steps would faiter and my father would chide me, 'Get out of this wasteful fixation with music, it won't get you anywhere. Do you want to dance in a tamasha or what?' He was convinced that artistes were degenerate alcoholics. He would say, 'If this happens to my eldest son, what will happen to my other children?! Still, without telling him, I went off to see the famous Patthe Bapurao's tamasha. The ticket was two rupees. What a crowd there was! With the very first beat of the dholak. I felt a tingling throughout my body.

Once my father took me to see his spiritual guru. There was an aarti in progress and I joined in. Maharaj asked, 'Who is this boy?' My father told him and complained that I was singing lavnis in the tamasha. The guru said, 'Let him sing anything but he should sing, this boy.' After that my father allowed me to sing whatever and wherever I wanted!

There was a shahir in Girangaon called Shahir Haribhau Bhandari whose profession was selling a savoury from Konkan called khaja. He would sing as he peddled, and I would accompany him. We would sing patriotic songs. I became popular with the local people and they would give me two or three rupees. Then I started getting invited to

sing at functions. I will never forget how once they garlanded me with a hundred crisp one-rupee notes after a recital. The harmonium player who was accompanying me, said, 'Now why not make this a profession?' We were getting so many programmes and so much recognition.

Bombay was full of large clean open spaces then. It was common to not see a single vehicle for one whole hour in our bylane in Grant Road. Girangaon too was full of clean maidans. When you walked down the streets, you would hear bhajans and kirtans. We would go and watch the sculptors work on the Ganpati idols in Lalbaug for the Ganeshotsav in September. There were rangoli artists who made

paintings. There were so lifelike, when you looked at them, you felt they would open their mouths and speak. They were drawn on the road, and people would come to see them. Where is the space to do that now, when the cars even climb the footpaths?

You will be surprised to know that Marathi people used to be afraid of the outsiders then. We were all poor and uneducated and we couldn't speak English. They were seen as English-speaking and educated babus or sahibs.

In Girangaon, I started being called 'mithwala shahir' ('the salt-selling bard'). 'Shahir' is a title people give you. It is not a title conferred by any institution. I was working in Jupiter Mills for a while but I left later. I started getting invitations from outside Bombay. I sang revolutionary songs and soon there was a warrant of arrest, so I had to go underground for a while. I joined the Peasants and Workers Party (Maharashtra-level leftist party) in 1949, and I was active for about 10 to 12 years. I started each of their meetings with my songs. I went to Sholapur during the time they had established a people's government there\*\* under the leadership of Nana Patil, to sing at a meeting.

NIVRUTTI PAWAR (65 years). Popular singer of Marathi

### GUNVANT MANJREKAR (68 years), Well-known artist specializing in the traditional art of

My family was poor. My father was an artist in the court of the ruler of Baroda—Savaiirao Gaekwad. He died when I was a vear old. I was an only child and my mother had to go through a lot of suffering to bring me up. She worked in the fields as a labourer. But she saw to it that I was educated. She wanted me to grow up to be an artist like my father. This was her dream. I was too poor to be able to go to art school. My mother used to wake up early. Before going to work, she would pray to the tulsi and around the plant, make beautiful rangoli patterns. Every day, I too would wake up early and watch while she drew the designs. There were no brushes or colours, so the only way I could paint was with the rangoli powder. After my mother left, I would amuse myself even as a child by drawing pictures with the powder. That was how I started. I never did traditional rangoli. The way all children draw the same pictures two mountains and a rising sun-that's what I did too. Then I started doing portraits. Of Shivaii, of national leaders. No one was there to teach me. I just did these on my own, But I practised and developed my style. I started enjoying what I was doing. There was no one to appreciate my work either, no relatives or friends. They were not so interested in art.

It was only in 1947 that I got some appreciation. When my drawing teacher asked me to exhibit some of my drawings on Independence Day, I said, 'Yes but I can do some rangoli designs as well.' He was amused that I wanted to do the rangoli that women do traditionally. I told him I wanted to do pictures of Gandhiji, Nehru, etc. He was surprised. I told him I had done it before but only at home. He wanted to know how much it cost. I told him, 'About 32 rupees,' so he agreed. We bought the colours. I did the rangoli and people were inspired and everyone appreciated what I had done. That was the beginning. They were amazed at how well I could do it, asked me where I had trained,

One of the parents was a merchant and he commissioned me to do rangoli during the religious discourses. He wanted me to do pictures on Pauranic themes. The pictures I did were on the life on Shiva. I copied it from a picture, because I had not yet learnt to draw from memory. I was only 14 years old. People would show their appreciation by giving me things to eat, or some money. I was encouraged. Then I

was asked to create rangoli pictures in many places around my village. People had not thought that one could use rangoli to draw portraits and scenes.

Rangoli is a popular art. It can be appreciated by the rich and poor alike. It is a socialist art form. Abstract art is inaccessible to ordinary people. Only art lovers can appreciate it. For the rich it is often just fashionable to be art lovers even when they do not understand art. They say, 'Wonderful, wonderful,' and buy it to put it up on their walls, The real art lovers are different, those who understand and appreciate and enjoy the paintings. Rangoli is a popular art, a social art, one that is practised by every woman, rich or poor, outside the house. The main limitation is that it is temporary and it cannot be put up on a wall. You would have to use chemicals for that. I have developed the art. When you paint with water colours you start with light shades and go on to dark. In oils you start from darker colours and go on to lighter shades. In rangoli you use a combination, In some parts you use the former method and in other parts you use the latter. When doing portraits. This is not an art that is taught in art schools. I taught students on the weekends in a four-month course.

examples being the dashavatar and tamasha. In course of time, these forms were used by the amateur artistes of the locality to express their own creative talents, leading to the evolution of new forms like the loknatya, which were also associated with political movements.

The tamasha became the most popular and lasting form, one that found its way into Marathi theatre and even film. There were many tamasha theatres in the working-class area in Bombay. The last surviving one was the Hanuman Theatre in Lalbauo.

At first, the millworkers, with their close links with the Konkan or the Ghat, invited troupes from the villages to perform in the city. Soon, troupes sprang up in the city itself. It was inevitable that given the mixed population of the city, new forms combining elements from the different forms should develop. Proscenium theatre and classical plays were popular with the middle classes, both Maharashtrian and Gujarati. Dashavatar

My family came to Bombay when I was a baby. It was easy to get a place to stay then. My father started to sell vegetables. He would buy vegetables from the wholesale market at Bycuila and sell in retail at Lalbaug. His was the only retail vegetable stall from Lalbaug to Dadar. My grandmother used to help him in the business. Our customers were mostly workers so the kind of vegetables that he sold were those that workers ate.

I could study only up to the eighth standard. There was not much money.

Mills were the hub around which the life of the community revolved. The siren told us the time and we didn't need to look at a watch. I used to wake up at 6 am and when the siren sounded at 7, I would rush to school. Once, while people were in the process of getting ready to go to work, just before the siren sounded, the Lalbaug gas turbine burst and a huge ball of fire flew up into the sky and dropped into the ocean. People immediately dropped whatever they were doing and rushed to the aid of those who were hurt. I remember many had their skin burnt off. The community bonds were that close and strong.

A friend of my father's came to him with the suggestion to organize tamasha programmes on contract. Where this Hanuman Theatre stands now, there was a vegetable farm. There was only jungle around that, no industries or anything. My father took this place on rent. There were many bullock carts in those days, in 1946. We would ferry goods in them. My father didn't have money to buy bamboo, thatch and metal sheets. So he put up a cloth tent supported by bullock carts. That was our theatre.

There were 19 tamasha theatres in Bombay, and the big contractors were Bangdiwala Seth and Abdul Rehman Seth. The cinema theatres you now see in Kamatipura (Bombay's red light district) were all tamasha theatres in those days. Abdul Rehman Seth bought up the whole of Batatyachi Chawl so that his artistes could live there. The working-class families loved tamashas. Cinema was more a middle-class medium.

Bangdiwala Seth was rich enough to take out a silver tabut during Moharram, but he was a big-hearted man. When the collections came in, all of it would be dumped into a box on which he would sit. When the artistes came to take money for their fees he would dip his hand into the box and give out the money without even bothering to count it.

The working class likes light entertainment which does not strain the mind too much, while the middle class listens to classical music, reads books, etc. Workers favoured loksangeet while middle-class people liked natyasangeet. Our theatre had nothing to do with any

MADHUKAR NERALE (65 years). Owner, Hanuman Theatre, Lalbaug, which staged tamashas for over 40 years before closing down. Interviewed at his house adjacent to the dilapidated theatre awaiting demolition and reinvention as a marriage hall. Involved in conducting tamasha workshops for young artistes, and actively trying to mobilize the shahirs in the

movements-it was purely light entertainment. The audience were mostly workers; when it was performed for the middle class it would be done differently. It was called 'baithakichi tamasha' in which the artiste sat down and sang, while the other usual one was called 'bahurangi tamasha' which had more songs and dances and dialogue. This form was most popular in the rural areas. There was a lot of adlibbing, hardly any written script. For instance, if it was a story of Harishchandra, the performer would know about the character so he would simply improvise. So would Taramati, because the actress would know how that character would respond to what Harishchandra was saving. There would be topical comments, the language and the lyrics were colloquial, the music folk, Earlier in western Maharashtra. tamashas were performed in open spaces during religious fairs and festivals. The elite in the villages, the brahmans, traders, government officials, hardly went to watch these tamashas. The village would give supari and a coconut to the tamasha party as advance. The contractors came in later and became middlemen, especially for the town performances.

The millworkers loved theatre. In the early days, they were mostly from Konkan. They had little land. There was no employment either, so their links with Bombay were close. Almost the whole family would be forced to migrate to the city. They formed their own groups to perform plays which focused on various issues in workers lives. The local Konkan form was dashavatar which was closer to theatre. It would be based on epics and other popular folklore that were part of our cultural heritage. Unlike the tamasha, the female roles were played by male artistes. It's done that way even today. Many legendary singers in Maharashtra, like Bal Gandharva, became famous for their female impersonations. Later, after the advent of cinema and the theatre went into a slump, women came in.

What was called dashavatar in South Konkan, was called naman in the North. In Rajapur district, it was known as khele, but there was very little difference in the actual form. There was a kind of tamasha in the north part of Konkan which was called gammat. They would also perform jakhdi or balya dance as it is known in Bombay, a group dance, where boys would each tie a set of ankle bells to one foot and dance in a circle. This last became most popular in the mill areas.

In those days, in my village, there would be plays during Hanuman Jayanti and during the Shravan month there would be pujas. Then there would be bhajans too. I started to participate in the plays. My uncle was the director. First I was given the female roles, because I had the features for it. Later I started doing other roles. People started to notice me. I also used to sing in the bhajan mandals. I learnt about taal and raag. Then Vishwas Narvekar, a triend of mine, included me in a play for the Ganpati festival.

The plays were performed in Girgaum and in Girangaon. Every chawl had some programme or the other where they would put up our plays. The bhajan mandals were very well attended and not just because of religious sentiments. It was also a way to pass the time. In those days there was no other form of entertainment. Let alone TV very few even had radios. If someone had a transistor in his hand, everyone would stare!

The people of Konkan brought these forms to Bombay. Dashavatar parties would be invited to Bombay, and they would stay for a week or two during festivals like Holi or Diwali and perform every day. The forms in the Ghat which were narrative like the dashavatar were the vaghya murali, (referring to boys and girls respectively who are 'given' to the popular dety Kandoba, an incarnation of Shiva), gondhal or bharood and taut (bhajan-based devotional songs). These troupes were also invited from the villages for pujas, naming ceremonies, etc. The areas in Girangaon where the people of Konkan and Desh stayed were separate and distinct. The forms and performances were also therefore dependent on the area.

There were many bhajan mandals. There would be night- long bhajan competitions. There was no need to take police permission to put up performances then. Nor was there any danger to audiences returning home late in the night.

At Hanuman Theatre, we only held tamasha performances. The audiences consisted mostly of men from the Ghat. Some Konkani men would drop by just to see what it was like. Our tamashas would have as many as 10 or 12 groups or parties, called bans. They would be identified by the main dancer, for instance Yamunahai Vaikar or Shevantabai Jejurikar, both of whom were famous tamasha artistes. The performances would go on from eight in the evening to four in the morning when Bombay was already waking up. On holidays, workers would queue up from 6 pm onwards, sometimes even without having dinner. Or else they would eat early, by 4 pm. Our tamashas were on throughout the year, whereas dashavatar and naman would come only during festival seasons.

Women never attended the shows. One reason was that most of the men were here without their wives who would be in the villages. In the villages, a few women would attend because there were few avenues

There was a great community feeling in those days. All these activities were forms of community activity. Now things are different. We are all in separate worlds and as a result we are not able to achieve anything, whether in culture or in politics. There is no unity.

Then I got a job in Century Mills. I don't remember which plays I have acted in because there were so many! The mills used to have inter-mill competitions—there would be as many as 40-50 entries. As soon as I joined Century Mills, just a year later, I acted in the Century Mills entry. That year we won the second prize and a year later, we won the first. The inter-mill theatre competitions were really prestigious. Many famous and talented people participated in them. Many mill people became top theatre artistes. They became famous through their performances during the Ganeshotsav.

The money for the mill drama competitions was donated by the Bombay Mill Owners Association. They would collect the money from contributions from all the mills. The actors would get time off of entertainment. There would be women attending the village fairs where the performances were held. Then, there were many items in one tamasha performance. One was the sangeet ban with the system of daulatjada: members of the audience would offer a coin and request a particular song or dance. The artiste would perform that number and then take the coin from the man.

Now there are hardly any mills running and very few textile workers. So our audiences have almost become extinct. The tamasha artistes are unable to survive. This artistic tradition is likely to die out. The younger leaders of the political parties are inimical to these art forms. They have no concern. Even the maidans which were available to us are no longer so. There is no patronage either from movements or from the state, and the only live entertainment in this area is orchestra. 'When the Shiv Sena, which talks of Marathi culture, was in power, they should have done something but they never did. They never held tamasha or folk festivals to encourage Marathi folk forms.

We as artistes also have to adapt to new forms, keeping what is important, which appeals to people. We must also create new tastes among people, bring in expression and literary merit. Instead of filling our plates with 50 items we should restrict the number, keep only what is appetizing.

I am now organizing tamasha workshops for young people. I familiarize them with tamasha and I call well-known tamasha women artistes, and I am realizing that there is still so much strength in this traditional form.

fromwork and a holiday on the day after the show and during the competition. There were many things that millowners and workers did together, and this continued until the 1982 strike. The attitude of the owners as well as the workers changed after the strike. They were estranged and the owners stopped encouraging activities of the workers. They would say, 'There is no need for so many actors, make do with less.' The mills were running losses and there was not so much money to spend.

In those days the miliworkers were so fond of theatre that there would be a virtual stampede for tickets—there were 17,000 workers and the hail had a capacity of only 800-900. So we would do an extra show and that too would get a 'house fulf'. During competitions, it would be jampacked. Families would come, everyone would discuss the plays, praise, criticize. The workers who acted were also very enthusiastic. A worker who worked on a loom in the day, would be a king in a play. The possibilities were endless!

Some of the mill plays would enter the state-level competitions too. And win. The mill plays were considered good plays. We won many prizes. We had one rule about picking our actors in the mill: he had to have completed 307 days in the mill. That is a year. This was a very strict rule.

BAJIRAO POPALKAR (45 years). Worker in Century Mills and talented actor. Started his career in the mill theatre and went on to act in professional theatre and television. Lives in the Century Mill Chawl with his family.

SHAHIR KRISHNARAO SABLE (77years). Popular singer, writer, performer, loknatya producer-director, currently running an academy to train young folk artistes in his village near Satara. His Maharashtra Darshan was performed in theatres and also broadcast on television. His 'Garja Maharashtra Mazha' became one of the most popular songs in Maharashtra. Daughter

Charusheela is a theatre artiste and son Devdatta is a well-known

We were basically farmers, but since we did not have too much land, my great-grandfather started working as a labourer in the Railways. My grandfather settled in Wai where he bought some land and cattle. That is where I was born. My mother was determined that I should be educated and since she felt I would not receive a good education in our village, she sent me to Amalner, in Khandesh, to her brother, a foreman in the Railway yard. I was interested even then, in music. At that time, 'talking' cinema had just begun. I would listen to records of film songs and I could sing them then and there. I knew the songs of films like Gooal Krishna. Sant Tukaram. I was 10 years old.

My grandmother did not like me singing and she would always say, 'This boy will be corrupted by all this'. But I wanted to sing and for people to hear me sing. Fortunately, there were many gatherings of famous musicians in Amalner, and I was affected by this culture. The other influence in my life was that of Sane Guruji. He lived in Amalner, on the road which I took to school. He was a schoolteacher, but his interest lay in the workers' movement: he left teaching and went into full-time work with textile workers in that area. Many well-known leaders like S. A. Dange and Ushatai Dange (his wife, also an active Party worker) came to his meetings. But Guruii was not a communist. His stage would have both the tricolour as well as the red flag. Once, when I went to one of his meetings, there was a young boy singing a song on stage and everyone appreciated it. I thought to myself. I would like to be on that stage and sing. So I started to go to the meetings, giving my grandmother the slip, and one day I was told I could sing on the stage, And I did. I sang a praise of Jawaharlal Nehru, 'Bharat ka danka alam mein, bajawaya veer Jawahar ne. Aadheen bano, swadheen bano, sikhalaya yeer Jawahar ne' (Brave Jawahar made the name of India famous throughout the world, He said, Lose yourself in the movement, be independent). How they clapped! I started collecting the lyrics of nationalist songs, like 'Charkha chala chala ke lenge swarai lenge, nahin rakhna, nahin rakhna angrezi sarkar' (We shall win freedom while spinning on the charkha, we shall not tolerate the English Government), I was not a lyricist, but I was obsessed by these songs. Of course I started neglecting my studies, and my grandmother was really angry. So angry that she didn't allow me to take the final exams! All this only resulted in my growing closer to Sane Guruii and his thoughts and work. He was bringing out a weekly called Congress and I prepared a play to raise money for it. But my grandmother stepped in and sent me back to my parents. My mother was proud of me, but my father would say, 'Son, why do you sing? Don't you know the saving 'Bamnaghari Ilyana, kunbyaghari dana, ani Maharaghari gana (Education in the house of the brahman, food at the farmer's and music at that of the mahar)? We were in debt: the land was not enough to feed the whole family. I had to look for a job. I had not finished my education, so the only job I could get was in the mills. I set off for Bombay.

I came to Girangaon and got a job in the weaving department in Swadeshi Mills. Then, in the 1940s, the population of Bombay was 14 lakhs or so. The workers and Girangaon dominated Bombay then. It was lively and vibrant. Bombay was the industrial centre and the caretaker of Maharashtra. Girangaon was the area of the workers and Girgaum and Dadar were where the middle class, the babus, lived. Fort was where the officers lived.

music director

When Gandhi started his Quit India Movement, people were charged with patriotic fervour. They left their jobs, their factories, and leapt into battle. I heard Gandhi, Nehru and others speak at several meetings. I asked myself, what was the point in living only to earn two meals a day? I felt I had to do something. So I got another two-three young people and started my kalapathak. I left my job. I started collecting

povadas <sup>48</sup> and group songs to propagate the message of independence amongst illiterate rural folk. 'Chal utha sahlba, atapa bistara, neet vilayat gaath, bolichi tujha vatavata, deedshe varsha alkele neet, are khadituna halav tujhi boat, sahiba neet vilayata gaath' (Sahib, get up, pack your bedroll and go back to where you came from; we've heard your bragging for a hundred and fifty years, now take your ships away from our harbour, go back to where you came from).

Then I wrote another song on the tricolour, based on a song from the film Gopal Krishna. They were rather simplistic. Sane Guruji encouraged and appreciated me. But I thought that was not really creative. I later returned to Khandesh and gave grand povada recitals. I shunted between Bombay and Khandesh for a long time.

At that time there were many poets and singers but very few who were part of the freedom movement. They were all writing on historical themes. But there were some who wrote subversive sonas secretly because there were in government service, working for the British. They wrote about martyrs like Babu Genu." Shireesh Kumar, etc. The British could not ban religious povadas so they would use metaphoric language: they would sing about the killing of a rakhsasa like Keechaka, and people knew they were referring to the British. Famous poets wrote songs on issues like the Bengal Famine, on martyrs, on freedom and gave them to the shahirs to sing. On Independence Day, I wrote a song on our flag and hoisted it in my village. After Partition I wrote one on the communal riots. I was not in any party so I was comparatively isolated after Independence. My leader was Sane Guruji. I decided to look after my family. I went back to the mill, and the manager said to me sarcastically with folded hands, 'Well, well, you are now the masters. Why do you need a job?' And he sent me

I was unemployed, uneducated. I was on the streets. I collected people again and started another kalapathak. You need a certain amount of knowledge, education and skill to write. I had to learn, which I did. Now we had to sing a new kind of music. We started singing folk songs and performing for entertainment. I used humour and satire to convey what I wanted to say, to propagate a message. The form was loknatya—the use of the traditional tamasha with modern themes. In one of my plays for instance, the gods come down

from heaven along with Naradmuni, and when they see what is happening on earth, they are left wondering what to do. Shiva is asked to do his tandav dance but he has forgotten how to, he has been displaced from the Himalayas by the mountaineers and he is now learning break-dance. Narad brings each sinner before Lord Brahma—the religious bigot, the politician, the man who is struggling to collect his daughter's dowry.

We had a big campaign against alcoholism too when Prohibition was imposed. I did a play called 'Alcoholics in Chitragupta's Court'. Chitragupta (the gatekeeper of heaven) asks me, 'How did you die?' and I say, 'I used to put away a quarter (of alcohol) every day. Today I finished my bottle and fell into the gutter and reached here.' I tell my story—how I became an alcoholic—and give my message. But I don't think that had much impact. People drank in secret. I think drinking may even have increased because we talked about it so much! The bootleggers benefited from the Prohibition. It was a good way to earn money and black money increased, corruption increased. Open spaces were captured by these bootleggers to set up their factories. Mafia groups came into being who took money from the poor and homeless and protected the creation of slums near these areas.

There is a close relationship between politics and culture. The job of the writer or artist is to educate and reform society. In one play I wrote—'How Did You Lose Your Way?'—a village sarpanch gets the thumbprint of a poor farmer for a loan to dig a well on his land and blows it up on a tamashewali (female tamasha dancer). But the tamashewali falls in love with the farmer and marries him. She tells him to file a case in court saying the well was stolen. The last song in that play became very popular.

The modern shahir does not have the patronage that the poets enjoyed in the courts of the kings. It is during popular movements that modern poets come into their own. The poets of those days sang the praises of the king. The modern shahir has the patronage of the people and performs plays on their issues for them.

Everything has been swept away now. The cultural movement is almos dead. The shahirs of today are starving. If the government and society do not support them they cannot survive. Where I used to perform every night, I now have only one programme in two months. Today Marathi culture is almost gone from the city. TV has taken over. Every day some new channel comes up. On the streets you don't hear Marathi any more. Only Hindi. Now we are invited to foreign countries but in Bombay, there is very little encouragement.

was a theatre-oriented form. Girangaon combined the proscenium aspect of middle-class theatre and the theatrical aspect of dashavatar in the production of their new plays. This became extremely popular and a whole new breed of playwrights came into being. Each mill had its own theatre group and the inter-mill competition was an important event for the population of Girangaon, even for the city as a whole. There were almost daily performances at the chawl and street-level pujas and theatre groups mushroomed.

### Social And Political Movements

Drama, music, theatre, art and culture in general necessarily have a close organic link with the daily economic, social and political lives of the people, and Girangaon was no exception. Besides the institutions that have been described above, there were two more institutions which exercised a decisive influence on the local community—the trade unions and the political parties which were active in the area. The Congress which was spearheading the Independence struggle, the communists from 1928 after the establishment of their millworkers' union (which became one of the most powerful trade unions in the country), the socialists who were part of the Congress Party until after the declaration of Indian Independence in 1947, the Ambedkarites<sup>45</sup> who had a wide influence among the dalits, all had their cultural troupes and played a role in the rich cultural life of the area.

Girangaon was the stage for many political movements and the people of the area were leading participants in the Independence struggle and later, the Samyukta Maharashtra Movement. Since Girangaon consists of six assembly constituencies making up one parliamentary constituency, it was a crucial area for all political parties. The sheer size of the community, integrated and well organized through their multilayered institutions, made it inevitable that the area be the battleground for the growth of many parties and the clashes resulting thereby. The art and culture of Girangaon could not but be affected by this factor.

Cultural forms in Maharashtra grew not out of royal patronage but people's support. 46 This essentially meant that social and political movements, besides religion and ritual, played an important part in the evolution of art, culture and cultural forms in Maharashtra. The reform movements, an important part of Maharashra's history, started with Jyotiba Phule's movement and its concern with issues of caste and gender. Phule established the Satyashodak Samaj (literally, the community that is searching for the truth) in 1873. The form that was most adopted by social and political movements in the last century was the tamasha, especially the povada component. In Maharashtra, the social reformers and the Ambedkarites modified the tamasha as it existed but removed the lavni component which he considered derogatory to women. They produced

what was called the 'Satyashodaki tamasha' or Satyashodak jalsa or performance. The Satyashodaks sang to an omnipresent omnipotent Creator. The vag (portion comprising dialogue in tamasha) dealt with superstition, treatment of widows, alcoholism, brahmanism etc.<sup>47</sup>

MADHUKAR NERALE (65 years). Owner, Hanuman Theatre, Lalbaug.

The form of loknatya was brought in by Annabhau Sathe and Amar Sheikh. It was a combination of tamasha and theatre. Loknatya means 'people's theatre'. That is why they used a popular form like tamasha, through which they would address social and political themes. Writers like Acharya Atre or Narayan Surve wrote loknatyas and they were performed by Amar Sheikh and others. He was a great performer. When he went on the stage, this ordinary mortal became like a ball of fire, turning everything and everyone to ashes.

Shahirs like Amar Sheikh, Gavankar and Annabhau Sathe who were in the Communist Party did much to propagate the Party's politics among ordinary people. Songs like Annabhau Sathe's 'Majhi maina gavavar rahilii, majha jeevachi hotiya kahili' (My beloved is left behind in our village and my heart bums for her) were popular because so many young workers were alone, and they responded to the song. There were also many songs which they wrote spontaneously on the problems of the workers who lived here and on political issues. They were fired up with the need to organize and mobilize people. The communists were able to reach workers this way. The socialists also had their writers and poets but they did not address the basic problems of the workers. They were more into sermonizing on moral and ethical issues.

The shahirs of Girangaon played an important role in all the political movements like Independence and Samvukta Maharashtra, especially the latter. This movement received an impetus due to the shahirs and poets. The poets would write and the bards would sing. Annabhau Sathe's song 'Mumbaichi Lavni' describing Bombay of those days was very famous. Patthe Bapurao had also written a sono about Bornbay but he described the Bornbay of pre-Independence days. Annabhau wrote about the workers' Bombay. These were not professionals like the other parties. They would not demand big sums of money. Women too would take part in these performances. They were party activists, both socialist and communist, from middleclass backgrounds. Dada Kondke, who became famous later in Marathi cinema, was from Girangaon. He used the form of loknatva in his Vichcha Maihi Pun Kara (Fulfil My Desire). Cinema adopted and appropriated the tamasha form. The loknatva was popular till the 70s and 80s, but has now declined.

This inspired the Ambedkarites to create the Ambedkari jalsa in 1931. Folk music and performing arts in Maharashtra were traditionally the professions of the lower castes and tribes. The Ambedkarites were mainly mahars, traditional performing artistes, and the use of the forms came easily to them. Propagating Ambedkar's message, education and thoughts against casteism, they sang the gan (invocation in tamasha) to Bhimraya or Bhimrao Ambedkar, instead of the traditional prayer to Lord Ganesha.

The socialists and the communists in 1948 called their tamashas loknatya or 'people's drama'. The form was essentially the same as the Satyashodak jalsa. The gan in the communist productions was addressed to the workers and peasants. The message in the loknatya of the communists dealt for the first time with class issues.

The socialist bards were from the middle class, educated and literary figures. The content was more to do with morality, ethics, untouchability, alcoholism—issues that concerned the middle class, rather than portraying the reality of workers' lives which the communist cultural groups like their kalapathak and IPTA did.

Both socialists and the communists performed the tamasha with the lavni content intact and for the first time, middle-class women activists performed in the tamashas. So the loknatya had an appreciative audience in the middle classes as well. Shahir Amar Sheikh, Shahir Annabhau Sathe and Shahir Gavankar were the main stars of the communist squad, and they were all from a working-class background. Amar Sheikh's voice and performing skills have since passed into legend. Amar Sheikh started his life in Bombay as a cleaner on a bus. Tall and broad of build, a mane of wild hair, duff (tambourine) in hand, his picture is a familiar one in Girangaon as well as in Maharashtra's cultural annals.

Annabhau Sathe wrote and performed about 18-20 tamashas, seven- eight povadas. He came from a village near Kasegaon and he belonged to the matang samaj, a dalit caste. He came to Bombay with his father on foot when he was a young boy. There was a strike going on in the mill at that time. "When Annabhau came to the mill for work, Ushatai Dange writes that she was sitting at the gate with other women, and warned him not to go inside because the strike was on. But he went in anyway, because he badly needed the job. He later wrote that he started out as a strikebreaker and then crossed over to the side of the strikers and stayed there throughout his life!

VASANT BHOR (70 years). Son of leading Communist Party textile union activist, the late Parvatibal Bhor. Retired, living in Thane district, near Bombay. Used to be a leading member of the Communist Party's cultural group. Continued to produce many professional plays with other colleagues from the cultural squad, even after leaving the Communist Party. Has a huge collection of memorabilia of the past which he shared with us readily.

My father died when I was in the sixth, when I was 16 years old. My mother decided that everyone should go out to earn. After I passed the seventh, I went to work in the Party press, where my brother was. At that time, it was difficult to get a job in Party institutions unless you knew or were related to someone in the Party. The Party could not pay very much, so it was hardly a job. Although the Party used to organize unions elsewhere, in the Party press the wages were very low. There was a muster and everything. There was no condition that you should be a communist to get a job there, but once you are in the movement, you start to develop. I used to work from nine to six, and then I used to go to night school.

I went to jail twice. My mother went to jail very often since she was an active union and Party activist. In jail, we used to play football in the evenings. There was a canteen too, in Worli Jail. It used to be where the dairy is now. We would dawdle over the food so that we could spend time there rather than in the barracks. This was near the sea, so Amar Sheikh used to sing and people who were walking along the sea face would stop and listen. That was towards the end of 1949. They released me just before my SSC exams, so I failed.

I used to run errands for my mother and Usha Dange. Take messages, things like that. I was not interested in becoming a leader. I did not read much political literature, only the daily newspapers. My mother was fond of reading and my brothers got the habit from her. Narayan Surve was looking after the Party office. He and my brother were close friends, and it was he who brought Surve to the Party office. If I recollect correctly, it was my mother who helped him get a job in the municipality.

There are three different levels among the communists. Some at the top whom you can't expect to live in a chawl. They do what is possible for them to do. Then there were others who earned money and worked free of cost for the Party The third category consisted of those like my mother, who was not very educated, who lived in a chawl in Lalbaug and worked fulltime for the Party. The middle-class women cadres and leaders were different from her. They were not so involved. The ways of the middle-class woman are completely different; even if they become communists, this cannot change. The Party realized the value of someone like my mother and they promoted her. The women who work in the mills also differentiate between the middle-class women and those who come from a working-class background. Everyone knew my mother. The Party was small and well knit. There was a commune in Girgaum and everyone stayed together. Everyone did their own chores. washed their own clothes. There was someone to cook the food, but everyone ate together. Balrai Sahni (famous Hindi film actor) and Kaifi Azmi (well-known Urdu poet) were there too. Couples got separate rooms. There was a great bond between the members. The Party had different fronts, in each section, even for the children. Dina Gandhi, who became Dina Pathak, the actress, used to be in charge of the work amongst children. It was like a shakha.

The Party had its cultural group office in Parel. Once, two underground comrades came from Nagar, on the run from the police. They were to be taken to meet Dange the next day. But the police arrested them, and

I too was put in the lockup along with them. I was only 18 years old. We were arrested as dacoits and thrown into Byculla Jail. We were charged with dacoity and murder. I was there for seven-eight months. It was a horrible place. I was in solitary confinement and was allowed to go out only for an hour. There was no toilet, only a pot inside the room.

Many Party people were arrested during that time. One was a Wagh guruji, who advised me to study further. In working-class families, they do not pay so much attention to education. My mother did not even know which class I was studying in when I was doing my SSC. I was not interested either. But this guruji inspired me to study. He said I would amount to nothing if I did not. Then all the other comrades in the jail started to educate me. I was the only student there. Each one taught me one subject. That is how I passed my SSC in 1951 after I came out of jail.

Two people influenced me in jail: Krishna Desai<sup>48</sup> and Majrooh Sultanpuri, a poet who later became a well-known Hindi film lyricist. He would make very good food for everyone twice a week. These personal touches are what stay with you. What I remember about Krishna Desai is that he used to get irritated when others played chess. Then he learnt it and he started to defeat everyone!

There was a convict in that jail with us, a goonda called Gul-babu. He used to get food from home and he would get extra food for us. He helped me later through college.

I liked cultural activities and became a performer. I worked in Amar Sheikh's troupe. I would be given 20 rupees for a performance. This was for outside performances, in functions, in villages, in jatras, not for Party performances for which there was no fee. If there was a public meeting or if a guest was coming, we would sing in order to gather the public, then after the speeches, there would be a tamasha announced so that no one would run away during the speeches! Often people gathered just for the tamasha. I don't know what his financial arrangement was with the Party but I was paid by him. We toured Maharashtra so many times.

On festive occasions like May Day or someone's birthday, rallies would be held in Kamgar Maidan or Nare Park, where after some speeches, the kalapathaks would perform. There would be many people and the programmes were really popular. There were many political songs, many of which people may not have understood, but the songs were simple and straightforward. There was a general sympathy with Russia, and what we were saying was novel and interesting for them. The communists were active, and they would react and come out on the streets on every issue. By this time, the residents of Girangaon were no longer illiterate. They were reading newspapers like Navakaal and Sandhyakaal which were known as workers' newspapers even though they had no progressive ideology.

Krishna Desai and I became good friends while we were in jail. In Lalbaug we were famous as the guartet—besides us there were Vinayak Patil and Tungare. We formed the Lalbaug Kalapathak of young local artistes. Narayan Surve, Parab were there. There were festivals in the local area—rangoli exhibitions, dance, plays, etc. Once we had invited Balraj Sahani to inaugurate the rangoli exhibition. Without confirming with him, we announced his name, I went to fetch him, and he refused to come since he had not been told. I told him, 'I cannot show my face in Lalbaug anymore if you refuse to come now. He felt bad for me and agreed. But he said he was too tired to come on his motorbike, so I would have to take him there by taxi and drop him home again. On our way back, he asked me my name. When he realized I was Parvatibai Bhor's son, he said, 'Why didn't you say so?' He asked me to come and meet him, but I didn't go. Then I met him again some where else and he asked me to meet him again. I thought he wanted to give me a job in the film industry, but he actually wanted me to study further. I joined Ruparel college for a BSc. I got a scholarship after that and I did my MSc too.

I was the one who got Jwala (Fire) written, based on the Goa liberation struggle. The play did very well. It was put up by Lalbaug Kalapathak and it came first in the state competition besides winning several prizes. When I was working with Amar Sheikh, I had a lot of time. I didn't have a job, and his plays did not require much rehearsal.

The performers were from both Konkan and Ghat. There was little regional or caste divisivenesss in the cultural field. Talent and commitment were far more important. Amar Sheikh was a Muslim from Sholapur, Gavankar was middle class, Annabhau Sathe was a dalit, a mang.

The Party had one central squad which had well-known artistes and writers like Balraj Sahni, Prem Dhawan, Kaifi Azmi and others who were an all-India troupe, and at the Maharashtra level were Amar Sheikh, Annabhau Sathe and Gavankar. They were openly communist and their performances reflected the ideology clearly. The Congress had their Indian National Theatre. Mama Varerkar <sup>49</sup> was one of the main persons and he also wrote a play based on the mills. They had lots of money, unlike the other troupes. The socialists too had their kalapathak but it was of middle-class people and those who were originally of working-class origin, like Dada Kondke and Ram Nagarkar and Nilu Phule. Honest people, very upright. The troupes belonging to different political parties all interacted and appreciated each others' productions even if they competed with each other. Our Central Squad split into two later. There were differences in the Party

My village is in Ahmednagar. My mother worked on the land, my father was a bangle-seller in Bombay. He would send 25 rupees a month. My mother earned five annas a day. I have two brothers and a sister. I was educated up to the sixth. My schoolmaster, he talked to my mother and he said, 'You may want to educate your son but here in the village he can study only upto the seventh, and then he will have to go to high school in the town where only the rich go. So what is the point?' And other people said to her, "Where do children in the Muslim community study further and go ahead in life? At the most he can become a schoolteacher.' My mother said it was more important to live than to be educated. So she sent me to Bombay, to my uncle. My father had died in 1948.

My uncle too was a bangle-seller and lived in Parel near Dharti Talkies, earlier known as Surya. This was after the riots of 1946–48 so Muslims lived together for security. Before that there were

and this extended to the cultural front. Amar Sheikh was with the radical section while Gavankar and Annabhau Sathe were with the right. When they parted to make two separate cultural groups they did not say this was the reason, they just said that it was necessary to expand the activities. Amar Sheikh trained different branches of the kalapathak like ours in Lalbaug. He also trained troupes in the rural areas. 'When the troupe would tour, like when we went to Marathwada (region in rural Maharashtra) we would give the local groups the main items and only Amar Sheikh and I sang a few songs. This was necessary because especially during the elections, there were so many programmes that the main troupe could not manage, if you look at it one way, the Party used the cultural troupes only for propaganda. But it did reach the mainstream on its own. For instance, our play Jwala was performed at Party meetings but we also entered the state competition and won a prize in the Dadar centre which had a middleclass audience. The people in the play were not necessarily Party affiliated. Shahir Sable and Raja Mayekar (Marathi actor) had their kalapathak in Delisle Road. Mama Varerkar had his troupe which was professional in orientation despite being Congress. When we did programmes during Ganeshotsav, etc., we received money. But we were not in a position to pay the artistes. The artistes were mostly amateurs. There was a commitment to a cause and to theatre, in all these troupes.

Cinema was not so popular then. The Konkan people liked theatre because of their dashavatar tradition, like the Ghat people liked lavni and tamasha. But although the audiences were different, the performers were from both the regions. The traditional troupes were either from Ghat or from Konkan, but in Bombay this division ceased. In the local groups Shahir Sable was from Ghat and Mayekar was Konkani. There would be nine-day-long festivals during Ganeshotsav and Navratri, street pujas in the summer and performances every day.

After the bhajans, the play would begin at midnight. It was only afterwards that cinema became popular.

Amar Sheikh then settled down; he had a family to maintain, so he became a professional. He could not manage only on his funds as a fulitimer. What a voice he had! No one could sing like him.

I passed my MSc. got married, and then left the kalapathak.

people of all communities in the mills. Telugu, UP. During the riots, Bombay was the worst affected, so Muslims stayed away from the city The Muslims in the mills were mainly from UP. The Ghat Muslims were farmers. There were very few Muslim millworkers. In any case more Konkanis came to Bombay than Ghatis. This is because the Ghat had more farming while in Konkan the agriculture was not good. Muslims became shopkeepers, they sold eggs, chickens, or out of desperation, they took to stealing. Among the Hindu workers, they educated their children, whereas the Muslims left their families in the village and the children too remained illiterate.

I was 13 or so. I was apprenticed to a bangle-seller near Damodar Hall. I earned 40 rupees a month, out of which 20 rupees went to the khanaval. I sent some money home. There were people of other communities also in the khanaval Muslims, Hindus, Buddhists, etc. The food was more than enough. The khanavalwali was a Hindu from the Ghat, I ate little and she would say. 'You may as well eat free,' but I paid her all the same. The textile workers would all eat very well. No. there was no untouchability or casteism in the khanaval. They were all from the Ghat. I would go and see the plays in Damodar Hall. It was booked through the year by the workers' theatre groups. I knew the doorkeepers so I was smuggled in during the interval. They were historical plays. About great people in our history. This was all amateur theatre. There was professional theatre too. The tamasha theatre was mainly Hanuman Theatre and then Bangdiwala had theatres in all the areas where workers lived. He made a lot of money. Thousands of people depended on theatre for a living here.

I was working close to Kamgar Maidan. I used to see the morchas of the communists and would wonder about them. Once there was a big morcha to Kamgar Maidan and Dange, who was underground, was to appear. Everyone was curious. I went alone. I had not made many friends here; my mother had warned me against friends in Bombay—she felt they would influence me to become a criminal. There at the meeting I saw Amar Sheikh, Annabhau Sathe and Gavankar. They were singing without mics to this huge crowd. The communists were powerful then; they could do whatever they wanted. All this was new to me. It was an illegal meeting. no stage, no mics. If

the police came they would have to flee. I saw Amar Sheikh in his dhoti and shirt; the other two wore pants. There were some songs where the whole crowd would sing along. Dange was a small man, hardly noticeable. His name was announced, and he stood up and did namaskar and the firecrackers went off for almost half an hour. Then he started to speak it was not a speech; it was as if a worker was speaking. Everyone was talking about his speech the next day in Girangaon. I had the songs in my head. I bought the songbook for two annas. Then I thought, I am here in Bombay and I must do something different. I would take off from the shop whenever there was a meeting. The shop owner realized—this chap is not ill, he is just taking off somewhere. He told me, 'lf you are not well, stay at home and get medical help.' So I was thrown out.

I did not want to go back to the village but I did not know what to do in Bombay. Then my uncle said, 'If you cannot survive in Bombay you cannot survive anywhere. No one starves in this city' I felt that was true. I picked up the songbook I had and asked my friend Hassan (who sold eggs in the area where Amar Sheikh lived). That man? Everyone knows him; I know him,' he said, 'he buys an egg from me every day.' So I went as I was, in my khaki half-pants and bare feet. Hasan introduced me and said I could sing. Amar Sheikh called me in and I sat on the floor. He asked me sit on the chair. We talked and I told him I used to sing the prayer in school. My master would always ask me to be the one to sing the prayer.

The shahirs would meet every evening in the Party office—the three of them—Gavankar, Sathe and Amar Sheikh. We would all go there to meet them. IPTA people would be there too. A lot of new poetry and music came out of this movement. Narayan Surve was the first workers' poet, and they would sing his songs. Others followed later. Amar Sheikh lived here, next door. He was married to Jyotibai.

Gavankar's wife had a job.

Annabhau Sathe had a hard life. He produced a lot of literature but he did not get due recognition. There are people who published what he wrote under their own names. He would walk barefoot everywhere. He drank a lot. If you tried to talk to him he would promise to stop but he never did. He spent whatever little he earned from his writing. He was married and had a son, who died only recently.

Amar Sheikh and Gavankar never drank. In 1958 Kesarbai came here and joined the troupe.

We got married in 1973. On the stage. In Akola. One day my adopted brother—he is in the PWP he said, 'Today you both will get married.' So right there, in front of all those people who had bought tickets for the show, we were married. According to Hindu rites. It was on May Day. We were working together in the troupe after Amar Sheikh's death. So we felt it would be good if we got married. We were already staying in the same house. We would be a support for each other.

My family had nothing to do with me ever since I joined the movement and also because I married a Hindu. Kesar's mother was supportive.

SHEIKH JAINU CHAND (63 years), Leads a cultural group called Amar Kalapathak.

KESARBAI (60 years). Singer, married to Sheikh Jainu Chand, working in Amar Kalapathak and among the few who still sing the old songs of the revolution. Despite her age, still performs with tremendous enthusiasm and spontaneity.

My father Gulabrao had a tamasha group. People told him, 'Make her something different. Don't make her a tamasha dancer.' We are from Satara district. That is where I grew up. Tamasha was part of my life. My mother Renukabai Kudchikarin was an accomplished tamasha dancer. She would always be on tour. I would accompany her and my father and my teachers would say, 'This is a question of your livelihood' and they would allow me to finish my exams early so that I could go on tour. My mother was my guru.

My friends, who were all upper-caste people, did not approve of my joining tamasha. Then there came an advertisement about Amar Sheikh and his troupe. There was a communist in my village and he suggested that I be sent to Bombay to join them. You can do something meaningful,' he said and wrote to Amar Sheikh. Amar Sheikh sent someone to fetch me. I was very surprised. Then my parents asked me to go. My father accompanied me to Bombay. Amar Sheikh asked me to sing and he also asked my father to stay in Bombay with me. They gave me a room behind theirs to live in. So my father stayed back. I went with the troupe to Belgaum during the Samyukta Maharashtra struggle. I was scared when I saw all the crowds and the mood in the meetings. I said, 'I want to go back home.' My father told Amar Sheikh who talked to me and told me that I would make something of my life if I stayed. 'What future do you have in an ordinary tamasha group?' He asked me not to be afraid. He told me about politics. We would all gather in the room here and and we would be told about political issues. We would learn the songs too. We sang at Kamgar Maidan and Shivaji Park. Senapati Bapat and Atre were present in the meetings.

Then the speeches would start. First there was another girl called Hema Prabhu and then she got married and I was the only girl. Then Annabhau's adopted daughter Shanta Dhodke started coming. We started a dance group also. Began using costumes and instruments.

Later Amar Sheikh had his own troupe and Gavankar and Annabhau had their own troupe. The communists did not create a new second rank.

### SHEIKH JAINU CHAND (continued)

In 1969 Amar Sheikh died in an accident. We were both there, Kesar and twe were going to Barsi where we had a programme. We had our food. It was raining. People there asked us to halt there for the night but Amar Sheikh refused. It was Rakshabandhan, 29 August 1969. Near Indapur, the station wagon skidded and turned over thrice.

Three of us were unhurt, Vasant Achrekar, Prerana and I. Amar Sheikh died on the spot. We took the others to Sassoon Hospital in Pune.

In Pune people heard what had happened and a huge crowd landed up. Kesar's father died the next day. I was sitting there with bloodstained clothes. They asked me and I told them. They brought Amar Sheikh's body to Pune. Pune almost closed down. The Mayor came and the body was brought to Bombay.

I was unconscious. My nose and lips were torn to pieces. I had stitches in three places and was in hospital for three months. I was again admitted in KEM (Hospital). I had three operations on my face to make it normal. I was 31 years old. My father was dead and so was Amar Shelidh. I had no one except my mother and sister who were living here with me. This room had been given to me to live in. After he died, Amar Shelidh's family tried to evict me from the house. Then I asked other communist Party leaders to intercede. Gulabrao Ganacharya told Jyotibai, 'Are you mad?' She has lost her father. 'Where will they go?' You have a place to stay, why do you want to evict her?' That place too was given to them by the Party He said. 'Kesar too has given her life to the Party.' Then they kept quiet.

# Three mills played by old rule and gave land but now want it back

By Nauzer Bharucha/TNN

Mumbai: Between 1991 and 2001, owners of just three defunct private mills-Matulva Mills at Lower Parel, Modern Mills at Mahalaxmi and Swadeshi Mill at Kurla-surrendered part of their land (about 15 acres) for open spaces and public housing to the Brihanmumbai Municipal Corporation (BMC) and Maharashtra housing and area development authority (MHADA). This was done under the original Rule 58 of the development control regulations of 1991.

However, sources say that both Matulya and Modern Mills now want to reclaim the land they surrendered by submitting a fresh redevelopment proposal under the modified rule 58 of 2001, which allows mill owners to retain a larger share for themselves and leaves little for the BMC and MHADA.

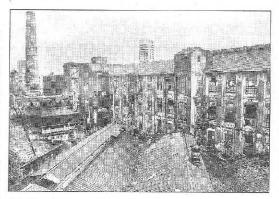
Although earlier records show that Matulya Mills had given away 5,641 sq m to the BMC and another 4.616 so m to MHADA under the original rule, the new proposal submitted by this mill under the amended rule shows the BMC's share from this land at just 474 sq mtrs and MHADA's share at barely 388 sq m. Similarly, in the case of Modern Mills, documents show it had surrendered 8,626 sq m to the BMC and 7,058 so m to Mhada However, in a fresh proposal submitted by this mill, the BMC's share has been reduced to a measly 1,163 sq m.

"These two private mills have realised the benefits of the government's modified (Rule 58) mill policy of 2001 and now want to retain a larger share for themselves," say sources.

Under the original Rule 58, none of the other private mill owners wanted to give up as much as two-thirds of their land to the two public agencies and retain just a small portion for themselves. It was only in 2001 when the then Vilasrao Deshmukh government controversially modified the mill policy by allowing mill owners to retain most of their land, that these owners rushed to seek permissions to set up malls and towers in the past two years.

and towers in the past two years.

The original Rule 58, however, had its loopholes. The owner was to surrender two-thirds of the land only if he demolished the existing mill buildings and structures. If he did not wish to raze those, then it was not mandatory for him to share the land.



## THE STORY SO FAR

1991

DC Regulation 58 introduced, tripartite division of mill land development allowed

1991-2000

Only a handful of private mill owners encashed on the new provision

2001

DC Rule 58 amended to exclude "existing structures" from tripartite division

Feb. 2005

PIL challenging the legality of the 2001 amendment to DC Regulation 58 filed in the Bombay high court.

Mar. 2005
First NTC mill, Jupiter Mills, goes up for sale

The original rules strangely allowed the mill owners to use these ancient mill buildings for commercial purposes. Hence, the Phoenix and Kamala Mills at Lower Parel took full advantage of this by retaining the mill buildings and using them to set up shopping centres and food courts inside the grand structures. This way they didn't have to surrender any land to the BMC or to MHADA.

It was because no land was com-

April 1, 2005
Bombay high court stays mill land development

April 20, 2005 NTC and 5 private mills file an appeal in the supreme court

May 11, 2005
Supreme court grants permission to 7 NTC and 5 private mills to go ahead with redevelopment plans

June 20, 2005
Sale of NTC's Mumbai Textile Mills
and Apollo Mill

July 21, 2005 Sale of NTC's Kohinoor Mill no 3 and Elphinstone Mill

Aug, 16, 2005
Bombay HC to begin hearing on PIL and pass final verdict

ing to the city that the government decided to modify Rule 58 in The hig 2001. But the modification was such that only the open spaces of the mills were to be shared three ways between the BMC, MHADA and the mill owner. The controversy started when it was found that open spaces on most of the mill lands was negligible—most of them were covered up with mill structures. It is this 2001 modification that has now been challenged in the high court.

# PIL to come up for final hearing on August 16

Mumbai: The legal fight launched by the city's green brigade to salvage the vast tracts of mill lands will come up for its final hearing on August 16. The hearing is then likely to go on for several weeks before the final verdict can emerge on whether the mill owners get to exploit most of the land or whether a more equitable distribution of the 600-odd acres of mill land is possible.

The Supreme Court had directed an expeditious disposal of the public interest litigation (PIL) filed by the Bombay Environmental Action Group that challenged a 2001 modification to Rule 58 of the development control regulations. The modified rule permitted mill owners to retain most of the land of the now defunct mills.

The mill owners including Bombay Dyeing, National Textile Corporation (NTC)-the largest owners of mill land-, the BMC and the state all initially opposed the PIL on the grounds that the petitioners were late in approaching the court and that they should have done it when the government modified the rule more than three years ago. When the high court bench headed by Justice F Rebello said the delay would not prevent the court from hearing the issue and stayed all further development plans and permissions, the mill owners rushed to the apex court. Mill land sales had come to a halt and NTC which had five mills on the block was peeved. The apex court granted NTC some relief and allowed transactions to complete, and even allowed con struction on pre-approved plans but with a rider that all development would be at the mill owners' risk

The high court which had kept the matter for final hearing on August 2 deferred the hearing after the state sought an adjournment saying many of its officials were on relief duty after the July 26 deluge and the devastation in the state. While many mill owners have intervened in the matter and filed their affidavits defending the development plans and rules, the BMC and the state have yet to file their say, if any the state have the stat

The communist squad became by far the most popular of the political cultural groups because of their close contact and engagement with the real issues of the people. The IPTA had stalwarts like their bards, famous Marathi poet Narayan Surve, Mulk Raj Anand, Hindi film personalities like Kaifi Azmi, Balraj Sahni, K. A. Abbas, Ali Sardar Jaffry, Shahir Ludhianvi, Dina Pathak and Prem Dhawan among others. Popular Hindi cinema of the time reflected the influence of the workers and their lives. However, a sustained progressive cultural movement failed to materialize, the responsibility for which can be laid squarely at the door of the short-sighted Party leadership, whose main priorities lay elsewhere.

### Heart Of The City

Over the hundred years of its existence Girangaon developed its own unique history, institutions and culture. The social, political and cultural life of the island city was situated in the central part—the middle-class area comprising Girangaon and the working-class belt. It was here that the songs were sung. the plays enacted, newspapers read, issues debated, political battles fought. The textile workers built the unity and consciousness that led to the creation of one of the most militant and conscious trade unions in the history of the working class in India. They also fought the most determined battles during the struggle for Independence. The institutions built over a century have lasted until today, despite the radical winds of change that have swept over the area. It was not just the intelligentsia of the country who created the imagination of modern India. Workers had an important though little documented part to play.

The social and cultural life of the community in Girangaon was a mixture of the Marathi culture and that of the cosmopolitan progressive instincts of the working class the world over. In turn, this 'compound culture' extended to the rest of the city. The cultural and community life of the city was in many ways an extension of the culture and institutions of Girangaon. The reason for the past tense, although these institutions and cultures are still evident in the area, and the city's cultural milieu continues to bear traces of the old, is because the 'globalized' winds of change that are sweeping over this 600acre locality are strong and decisive. Although there are efforts to keep some of the art forms alive, as some of the artistes have said, audiences have changed, audience preferences have changed and a culture based on such strong kinship bonds has become irrelevant in a more alienated citizenry. In a city like Bombay and even in the country as a whole, both of which are going through confusing and cataclysmic changes, the need to weigh these changes is becoming increasingly evident. What is Indian? What constitutes the imagination of modern India? How much of what we have inherited do we keep, and how much is obsolete? What helps us move forward and what will only serve to pull us back? These are the questions that are thrown up by the history of Girangaon.

**KESARBAI** (continued)

- 1 S. S. Mirajkar, Andharakadun Prakashakade (Marathi) (Bombay: Lokyangmay Griha, 1980).
- 2 Morris, Industrial Labour Force.
- 3 One of the first communities to settle in Bombay, encouraged by the British to migrate from Surat. Zoroastrians by faith and originally traders by profession, became one of the most significant and powerful communities in the city.
- 4 Morris, Industrial Labour Force.
- 6 lbid., p. 111.
- 7 Jyotiba Phule (18271890): radical reformer, thinker and literary figure, took up issues of caste and gender. Advocated widow remarriage, female literacy. Was against the practice of untouchability as enforced by the brahmans. Regarding caste as both social and economic oppression, believed social change was possible only through concerted awareness programmes, struggle and the organization of the oppressed. Has left a large body of writing in colloquial Marathi as opposed to the classical language used by other reformers. Inspiration for later dalit and women's literature and continues to be so even today. 8 Approx. 1. 5 US dollars.
- 9 Shripad Amrit Dange (18891991): well-known communist, undisputed leader of the textile workers in Bombay for over 50 years.
- 10 Sukomal Sen, Working Class of India (K. P. Bagchi and Co., 1977). 11 Chandavarkar, Industrial Capitalism.
- 12 Verse written by Sant Dnyaneshwar, popular Bhakti poet.
- 13 Songs and dances by individuals or groups, with lyrics borrowed from writings of the famous Bhakti poet, Eknath. The philosophical content is explained through metaphors from daily life. There is a lot of humour in the lyrics as well as in the style of expression.
- 14 Peti, literally box, refers to a harmonium.
- 15 Folk form explained later in the chapter.
- 16 The final path, that of devotion to god (or bhakti), has been the strongest influence on Indian religious life for the past thousand years. By drawing personal worth not from one's conventional social status but solely from the depth of one's devotion, it provided a spiritual path that was open to everyone thereby subverting the strongly entrenched caste hierarchy where only the brahman could show the path to god. 17 Dnyandev or Dnyaneshwar (1275-1296); born a brahman but his family was ostracized by members of his own caste. Wrote a monumental verse commentary on the Bhagavadgita called Dnvaneshwari.

Tukaram (1608-1690): belonging to the trader caste, most important Bhakti poet after Dnyandev. His beautiful verses Tukaram abhangs are sung in all parts of Maharashtra.

Namdeo (1270-1350): legend has it, was a thief and murderer until he reformed. Written both in Hindi as well as Marathi, some of his verses are included in the Guru Grant/i Sahib, the holy book of the Sikhs. Eknath (1533-1599): scholar and poet, wrote several folk songs or bharoods which are sung even now.

18 Vari, literally pilgrimage, in this case to Pandharpur on the banks of the river Chandrabhaga in the Ghat. The deity Vitthal (an incarnation of Krishna) is a popular god, fondly called Vithoba. The varkaris are noncasteist. Once a year, thousands of varkaris including a large number of women, journey on foot from different parts of Maharashtra to congregate at the Pandharpur temple on the eleventh day of Ashaadh, at the beginning of the monsoons, dancing to the accompaniment of cymbals and drums.

At present, varkaris, including a large number of miliworkers, gather at the Vitthal temple at Wadala near Dadar. So important is this event that even the Chief Minister of Maharashtra and his wife perform a puja at that temple every year on that yery day.

- 19 Morris, Industrial Labour Force.
- 20 V. B. Kulkarni, History of the Indian Cotton Textile Industry (Bombay: Mill Owners' Association, 1979).
- 21 Rashtriya Swayam Sevak Sangh, Hindu-chauvinist cultural

organization which also has a political agenda.

22 Byssinosis: common ailment affecting textile miliworkers due to breathing in of cotton fibres.

23 The main cultural form of the Konkan. Narrative, with epic characters using impromptu dialogues to make topical comments. Humour and satire are an integral part of the form. Performed during the rural fairs, it uses the theatrical device of alienation for the purposes of humour, innovation and topicality. The cast consists of male agricultural workers using colourful costumes and innovative sound effects.

Another folk form associated with the Konkan which became popular with the people of Girangaon is the ihakdi, a fast-paced collective dance performed by young men.

24 The Ghats were the birthplace of the famous tamasha. Like most folk forms it is performed by lower castes. A composite form, including bharood, gondhal, bhaian, poyada, erotic song and dance, it is remarkable for its lack of any kind of religious content or significance. The traditional tamasha starts with an invocation either to Ganesha or the local village deity, followed by the gawlan and batawnia humorous interaction between the mischievous epic god. Lord Krishna and the goois or milkmaids. The main items are the robust lavni dance (erotic but in reality can also have a spiritual or devotional air), the povada and the

25 Tilak and Lokhande, brahman and non-brahman, freedom fighter and reformer, kept up a running feud through the pages of their respective newspapers. Kesari and Dinabandhu. Both were loved and respected by the millworkers.

26 Manohar Kadam, Narayan Meghaji Lokhande (Marathi) (Bombay: Mahatma Phule Samata Pratishthan and Akshar Publications, 1995). 27 Tilak, Sarvajanik Ganeshotsav (Bombay: Sarvajanik Ganeshotsav Sanstha, 1992).

28 A. Samarth, Shivaji and the Indian National Movement quoted by Ashok Chausalkar in Navratra (Bombay: Lokvangmay Griha, 2000). 29 In Maharashtra there were three different viewpoints about Shivaii: the Hindutva perspective which saw him as a Hindu saviour, the Gandhian and the Marxist perspective which projected him as the king who abolished bonded labour and fought feudalism through guerrilla warfare. There was also the point of view of Jvotiba Phule who emphasized the non-brahmanical role of Shivaji and used him as a symbol for the fight against casteism and gender.

30 It is worth noting that this revival was also very masculine in orientation. Shivaii was the valiant male figure and all the activities associated with the festival had valour as the main theme.

31 See Chapter Four. 32 Originally Muslims from the tribal area of the northwest frontier of British India, now in Afghanistan, Many of them settled in India

33 Chandavarkar. Origins of Industrial Capitalism.

34 Usha Dange, Ushakaal (Marathi) (Bombay: Granthali Publications,

35 Actually byssinosis, about which most textile workers had no knowledge.

- 36 Morris, Industrial Labour Force.
- 37 Kadam, Narayan Meghaii Lokhande, p. 63.
- 38 The workers addressed clerical and managerial staff as 'Master'. The word is mostly associated with being literate (from 'schoolmaster').
- 39 Kadam, Narayan Meghaji Lokhande.
- 40 The Sholapur Commune (5-11 May 1930) where people controlled Sholapur city for a period of time. The struggle was brief but violent, and the millworkers played a very important role. There were incidents of rioting, stoning, barricading of railway tracks and attacking of police stations. Photographs of the Queen were taken down. Courts were burnt and people's courts set up in their place. British rule did not exist in the city for four days until martial law was declared on 12 May (Golden Jubilee Pamphlet, Bombay: Maharashtra State Council, Communist Party of India, 1975).
- 41 An invocation to the mother goddess and often, a folk interpretation of stories from the Ramayana and the Mahabharata.

42 Sane Guruji (1898-1950): teacher, known also as an activist and a literary figure. He wrote mainly for children. participated in several strike struggles with Dange. particularly in Khandesh (northern Maharashtra). Drifted away from the communists during the CPJ's boycott of the Quit India Movement after which he grew closer to the

43 A ballad with tales of valour as its main theme. The singers of povadas were called shahirs or bards. The original shahirs were in Shivaii's querrilla army, soldiers as well as singers of inspirational battle songs. Since the shahirs were in touch with the people as well as Shivaji and his soldiers, the image that the povadas portray of the king are more humane and realistic than what we find in novels and plays.

44 Babu Genu (1908-1930): millworker, participated in the Sewn satyagraha during the Swadeshi Movement. Before being sentenced to imprisonment, was asked by the angry judge as to why he didn't hurl himself before the wheels of the trucks if he wanted to revolt against the import of foreign cloth. After his release, joined the struggle again and later, as groups of satyagrahis demonstrated before truckloads of British cloth, he threw himself under the wheels of the last truck and was run over. Has become a symbol of anti-colonial struggle for the miliworkers and for Maharashtra too, featuring as a martyr of the freedom struggle in Marathi school

45 Followers of Dr Bhimrao Ambedkar (1891-1956). most important leader of the dalit people. 46 S. V. Ketkar in D. K. Bedekar, Samvukta Maharashtra (Marathi) (Pune: Chitrashala Prakashan, 1947). 47 Vishwanath Shinde, Paramparik Marathi Thmasha ani Adhunik Vaganazya (Marathi) (Pune: Pranima Prakashan.

48 Krishna Desai (1919-1970): extremely popular and militant communist leader in Girangaon, major bulwark of the Party in the 1960s, later murdered by Shiy Sena boys. 49 Bhaskar V. Varerkar (1883-1964); well-known writer and playwright, active in Congress politics, member of the Raiva Sabha in the 1950s.

# Can Mumbai's mills do a Manchester?

While Girangaon's 600 acres get a posh, but skewed face, urban experts explain why—and how—Deshmukh's government must balance private claims with solutions to some of city's pressing needs

CHITRANGADA CHOUDHURY & RAJSHRI MEHTA MARCH 1

IMAGINE an eastern at Marine Drive. Or green spaces on the scale of the Byculla zoo.

If the Public Interest Litigation (PII ) in the Bombay High Court and a Vilasrao Deshmukhappointed committee, find how part of the sprawling 600-acre millscape of Central Mumbai may accrue to the city, Mumbai will have a mega-opportunity for transport amenities, public spaces, fresh job generation and public housing (see hor) a slev of experts told Newsline

For example, the PIL estimates that the three way division of land ordained in the now-stick Development Control Regulation (DCR) 58 of 1991 would have provided for at least 25 000 housing units reduced to about 4,000 by 2001's amend-

Conservation architect Sandhya Sawant who's surveyed several mills said many structures, like the sprawling loom sheds, need only minor repairs

"The government should recognize their great recycling potential as native training prohousing units say by merely adding a mezanine floor, as has been done in cities like Manchester. said Sawant.

In the cramped oneroom office of the Girni Kaamgar Sangathan, ex-Modern Mill worker Datta Isvalkar worries about unemployment. On his notice board is a solitary government advertisement for railway consta-

"Millworkers' children are uneasy with English." said Iswalkar, "The callcentres and advertising agencies coming up here offer them few work opportunities. Iswalkar argued that

obless youth are swelling the ranks of supporters of gangster-turned Chinchpokli MLA, Arun Gawli.

Sharit Bhowmik. Mumbai University sociology professor, said there's been no social analysis of Girangaon's ongoing



MIT T MESS-IV

Bhowmick.

"'When we conducted a survey in 2001 most workers were too ashamed to own up to their jobless status." said

Sharad Jagtap (35) ex-Khatau mill

mill's 1997 closure none of its 5.700 workers has received their dues-will not tell Newsline what curently keeps his home. fires burning, but states

### **BOMBAY FIRST**



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equipping the human

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textile mills through alter-

dios, workplaces for designers/engineers, exhibition ve non-polluting industries like hardware/garment manufa

Public amenities like housing, schools, hospitals, li ommunity halls and a textile museum

Open spaces through eastern water

pushed out of Girangaor and the government does n't care.

A multi-crore apartment complex now tower over his lively, but crumbling 1924 Byculla chawl-finally seeing ren ovations sponsored b Gawli-built by the 1891 Bombay Improvement

Trust (BIT) BIT the specially constituted planning authori -incorporated into the BMC in the 1930s-was also responsible for acquiring and giving tract of lands for the textile mills at the turn of the last

It is the sort of holistic planning, experts said, that Mumbai needs once again to skilfully manage the competing claims on the biggest freeing up of land the city has witnessed in

'The state must entrust an urban-renewal masterplan for Girangaon to either the Mumbai Metropolitan Region Development Authority or a specially constituted authority along the lines Dwivedi, the city historian currently on the expert committee re-examining DCR 58 which regulates Girangaon's redevelop-

While several of the private mills are undergo the first NTC mill was placed on the market last week planners said land must accrue to the city.

The remaining mill owners could be compen sated with increased floor space index, while being told that fresh public amenities and improved infrastructure will increas the value of their properties, "It's a hitherto unseen opportunity the CM cannot pass up." said architect and historian Neera Adarkar, "Because any redevelopment acres of mill land but the

> chitranoada@ expressindia.com

TOMORROW: THE GREAT WILL DEBATE The Newsline series concludes with two diverging views. The Secretary

General of the Mill

Mr. Aspi Chinoy, Senior Advocate and Mr. N.H Seervai, Senior

### Advacate with Mr Gantam Patel and Mr S. Jagrisni, instruct Ms Nhakder H walk Rock tea Optical ticor Pleader and Mr. G.W. Mattos for Respondent Nos.1 and

K.K. Singhvi, Senior Advocate with Mrs. P.A. Purandare for

WRITE PETITION NO. 3189 OF Josephin Barin Disouza for the Ors r. Virendra Tulzapurkar, Senior Advocate i/b M/s. Kishore

rdas & Co. for intervenors (Property Redevelopers Association).

CORAM : DALVEER BHANDARI, C.J. & DR.D.Y.CHANDRACEUD, J. 17th October, 2005. JUDGMENT: (Per DR. D.Y.CHANDRACHUD, J.)

1. The issues which are raised before the Court by three citizens define for the present and will determine for posterity the quality

life for the residents of the island city of Mumbai. The questions which confront the Court present on the one hand the dangers of urban disruption brought about by unchecked construction and on the other hand the need to protect the constitutionally guaranteed right to life of the large, if even silent, majority. With the destruction that was caused in the aftermath of monsoon rains this year in Mumbai, a hard look at them cannot be postponed. The urban environment of Mumbai is perched upon a precipice, one where the dividing line between existence and destruction is so tenuous as to leave an observer to question whether it exists. Every urban disaster is a grim reminder of the many more waiting to happen unless lessons are learnt and corrective measures taken. The issues are not free of complexity, but they must be confronted, if future generations are

to look upon this one as having presided over the urban destruction

Mumbai. Much of the material that has emerged before the Court in these

proceedings makes startling and disturbing reading. At the heart of the problem are the provisions of Development Control Regulation 33 (7) which allow incentives in the form of an additional Floor Space Index (FSI) of between 50% to 70% for the redevelopment of buildings in cessed Category A those which were constructed prior to 1st September, 1940. Of the 19544 cessed buildings in the island city, 16502 belong to cessed Category A. A committee of two Senior District Judges which was appointed by this Court has demonstrated in its report how erstwhile structures comprising of one or two storeys

have been demolished to avail of a virtually unchecked FSI under Development Control Regulation 33(7) giving way to gigantic towers of between 20 and 40 storeys overlooking, and in some cases touching the roadline of narrow streets. The Commissioners have found an instance where in a proposal under DCR 33(7), a commercial hotel touching the roadline has come up in the heart of the City and that a building consisting of a ground and two upper floors has given way to a new structure of 16 storeys. There is a serious burden on the existing infrastructure, something which neither the State nor the Municipal Corporation disputed before us. Every index of civic amenities such as water, waste disposal, transport and health care is under a severe strain against the weight of population in Mumbai. Open spaces are woefully inadequate spaces for recreation are a mirage for the young and the elderly. The contamination of drinking water with sullage led to an outbreak of hepatitis in the not too distant past. The antiquated sewerage system is in urgent need of repair. In this background, the grievance of the Petitioners before the Court is that with an infrastructure which is critically overstretched and inadequate, it is arbitrary and unreasonable to grant additional or incentive FSI for the reconstruction of buildings which are not unsafe or beyond economic repair and in the face of the Report of an expert committee appointed by the Government which had suggested a limit on FSI of 4. 3. The credentials of the Petitioners before the Court have not been questioned. One of them is a former Municipal Commissioner and a former Chief Secretary of Maharashtra. The second is a Member of the Maharashtra Heritage Conservation Committee, besides being a Trustee of the Bombay Environment Action Group and of the Prince of Wales Museum. The Third is a Civil Engineer, who for 13 years was a member of the Executive Committee of the Bombay Metropolitan Authority, a part of the Slum Rehabilitation Committee and has served with the City and Industrial Development Corporation of Maharashtra which set up the town of Navi Mumbai.

4. The city of Mumbai witnessed a large influx of population from within and outside the State at the turn of the 20th century. A significant segment of the work force was absorbed in textile mills. Areas around textile mills, such as Parel, Lalbag, Girgaon, and the docks witnessed the construction of buildings with small tenements of an area between 70 to 100 sq. ft. Most of these chawls were characterised by common toilet blocks on each floor. It was not

uncommon for a tenement in the chawls to be occupied by large JUDICATURE of A the BOMBAY ORIGINAL

often resulted in the corrosion of steel and wooden beams used in construction. These buildings were not RCC structures. A need was perceived to constitute a body that would oversee the construction of 2 10 Owes for the lower and middle income groups since the chawls Bombay Housing Board Act, 1948 was enacted with a view to provide for the contract the provide for the contract to the contract of the contrac the Second World War, the Bombay Rent and Lodging House Rates Control Act, 1947 came to be enacted. The Rent Act froze rents as on 1st September, 1940. While the Rent Act was intended to protect the any sadd and the first sength of the sen

and 970 many of these buildings showed signs of disrepair and there were instances of collapse. In 1969, the State Government stepped in to provide for the constitution of a Board under an enactment known as the Bombay Building Repair and Reconstruction Board Act 1969. The Board was charged with the responsibility of carrying out repairs to old private buildings and of ensuring reconstruction where it was necessary. The Act of 1969 provided for the imposition of a cess which was primarily to be used for carrying out repairs to old and dilapidated buildings. 5. The constitutional validity of the Bombay Buildings Repair and

Reconstruction Board Act 1969 was challenged before the Supreme Court in Vivian Joseph Farraira v. The Mamicipal Corporation of Greater Bombay (1972(1) SCC 70). The challenge was inter alia on the ground that the imposition of a cess on residential buildings, which were in sound and good condition, and which would not require structural repairs for the entire period of the Act, was an unreasonable restriction and that the Act failed to recognise the material differences between buildings in relation to their physical condition. The Supreme Court noted that one of the features of the city was that a large percentage of residential buildings have been constructed several years earlier and being an island city with limited construction space buildings had to expand vertically. The type of construction was that buildings were built on timber frames; several had 5 or 6 storeys with one or two room tenements, each of which was habited by a large number of persons. The saline atmosphere of the city coupled with the absence of repairs began to have its toll and there were collapses of houses which were virtually unknown in pre-war days. The Supreme Court noted that rents have been frozen under the Rent Control Act and that 17490 buildings of a total of 36,000 surveyed by the Corporation had outlived their lives and that by 1980 the rest would also have outlived their existence. In these circumstances, the Act was enacted to deal with the problem of only residential houses. The Supreme Court held that the legislature was justified in confining its attention to residential buildings where the distress was more acute. The legislature, the Supreme Court held, had two alternatives, the first being the reconstruction of a large section of the city and replacing new buildings in place of the old; while the second was preserving and prolonging the life of existing structures by carrying out structural repairs and alterations. The first option was liable to create legal and economic problems and hence, the legislature had considered it fit to confine its attention to the second option. The object of the Act was not to repair all residential premises but to preserve and prolong their life in order to avert the dilemma caused by the acute shortage of residential accommodation on the one hand, and the reluctance or inability of owners to carry out repairs. The levy of a cess for funding such repairs was consequently upheld by

6. The State legislature enacted the Maharashtra Housing and Area Development Act, 1976 inter alia to unify, consolidate, and amend the laws relating to housing, repair and reconstruction of dangerous buildings and for carrying out improvement work in slum areas. Chapter VIII of the Act enacted provisions for the repair and reconstruction of dilapidated buildings. Section 82 provides for the levy of a cess for the purposes of the Chapter. Section 84 classifies cessed buildings into three categories with reference to the year of construction, these being : (i) Category A : Buildings erected before 1st September, 1940; (ii) Category B : Buildings erected between 1st September, 1940 and 31st December, 1950; and (iii) Category C: Buildings erected between 1st January, 1951 and 1969. 7. Section 76 casts a duty on the Board to (i) undertake and carry out structural repairs to buildings in order of such priority as the Board considers necessary, without recovering expenses from owners or occupiers; (ii) provide temporary accommodation to occupiers while repairs are undertaken or when a building collapses; (iii) undertake the work of ordinary and tenantable repairs; (iv) move the Government to acquire old and dilapidated buildings which in the opinion of the Board are beyond repair and to reconstruct new buildings thereon; (v) move the Government to acquire old and dilapidated buildings which were structurally repaired by the Board when any further repairs are not possible or economical; (vi) construct transit camps to provide temporary accommodation; (vii) demolish dangerous and dilapidated buildings which are not capable of being repaired at reasonable expense. Section 88 of the Act empowers the Board to undertake structural repairs to buildings which the Board is satisfied are in a ruinous or dangerous condition, subject to a statutory maximum in terms of value per square meter defined by the legislative provision. Section 92 empowers the Board to submit a proposal to the Government for the acquisition of a building inter alia

where the Board is of the opinion that it is not capable of being repaired or rendered fit for habitation at reasonable expense and is dangerous or injurious to the health and safety of the inhabitants.

8. The Development Control Regulations for Greater Mumbai were notified on 25th March, 1991. These Regulations form part of the Development Plan under Section 22(m) of the Maharashtra Regional Town Planning Act, 1966. The Floor Space Index for the Residential Zone in the island city, under Development Control Regulation 32, is 1.33. The Development Control Regulations brought in the concept of TDR (an acronym for Transferable Development Rights) by which the development potential of a plot of land is separated from the land and is made available to the owner of the land in the form of a Development Rights Certificate, Development Control Regulation 34 and Appendix VII provide for Transferable Development Rights (TDR) in the form of additional FSI which is granted in lieu of the surrender of land reserved for public purposes. Clause 10 of Appendix VII prohibits the use of TDR in the island city. The prohibition is in view of the fact that the area of the island city is congested and the infrastructure overburdened. Clause 11 prohibited the use of TDR in the three corridors adjoining the Western and Central Railways. By a subsequent amendment Clause 11 permitted the use of slum TDR in the three corridors. However, in view of the congested state of the island city, slum TDR is not permitted to be utilized in the island city. The only TDR which can be used in the island city is 'ARECULATION' 39 (7) eritage : structures.

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shall be accommodated in the reserve peopli liding. (The list sumed shall be accommodated in the reserve peopli liding the list sumed the manual that completely sach in the

of the old and dilapidated buildings". The Sukhtankar Committee submitted a report in July 1997 containing recommendations in regard to the reconstruction of dilapidated buildings. The Committee recommended that FSI be increased to 2.5 or the consumed FSI and that additional FSI be made available for providing accommodation of a minimum area of 225 sq. ft. to the existing tenants. The categoric recommendation of the Committee was that FSI of more than 4 should not be permitted in the island city under any circumstances. The Sukhtankar Committee noted in paragraph 6.5 of its report that even if there is no alternative, but to rehabilitate the tenants in their

existing locations, an excess FSI (above 4) which may be necessary for that purpose would result into buildings of an excessive height and an increase in the density of population. This would be injurious both to property and to human life and to obviate the danger therefrom the Committee opined that in no circumstances should the FSI on an existing plot be allowed to exceed 4. The Committee observed that otherwise the adverse consequences of an unchecked growth upon open spaces, ventilation, urban facilities, traffic and fire fighting requirements would "lie beyond imagination".

13. Between 1991 and 1999 MHADA is stated to have approved the reconstruction of 318 buildings with FSI ranging up to 2. On 25th January, 1999 Development Control Regulation 33(7) came to be amended. By and as a result of the amendment, the FSI available in Development Control Regulation 33(7) for the reconstruction/ redevelopment of cessed A category buildings is thus : The floor space index shall be 2.5 on the gross plot area or the FSI required for rehabilitation of existing tenants plus incentive FSI as specified in Appendix III, whichever is more." 14. Clause 5 of Appendix III provides that the incentive FSI will vary between 50% to 70%. Clause 13 stipulates that since the permissible FSI is dependent upon the number of occupiers and the actual area occupied by them, no new tenancy created after 13th June, 1996 shall be considered. Thus, under the original provisions of Development Control Regulation 33(7), the FSI was allowed upto a maximum of 2 or the consumed floor space index of the old building, whichever was more. This is now replaced by a floor space index of 2.5 on the

dated 13th May, 2003 stands deleted. The new circular provided that changes as regards tenancies would be permitted, while developers would not be permitted to increase the number of tenancies. A suggestion to the effect that the distribution of tenements to the tenants, in the reconstructed building should be regulated by the Repair Board was overruled with a note that it is the responsibility

gross plot area or the FSI required for rehabilitating existing

plus incentive FSI. Since each existing tenant is required to be provided with a minimum of 225 sq. ft. and upto a maximum of 753

15. The Petitioners have demonstrated before the Court on the

when the amendment was brought about, MHADA has approved (1)

an FSI between 2.51 and 4; and (111) 386 buildings with an FSI

is stated to have been granted for rehabilitating the existing

that approved by MHADA. In some cases the difference exceeds

is then added on to the basic FSI that is available.

sq. ft., the floor space index varies with the requirement that is

demonstrated for rehabilitating the existing tenants. The incentive

basis of a statement filed by the Municipal Corporation that after

94 buildings with an FSI ranging from 4 to 11.41; (ii) 88 buildings

between 2.01 and 2.50. In 50% of the cases or more, additional FSI

upon which additional incentive FSI of 50% to 70% has been granted.

Based on the approval by MEADA, the Municipal Corporation grants

planning permission. According to the Petitioners, the FSI that is

sanctioned by the Municipal Corporation is in most cases more than

10.000 sg.ft.; while in certain cases, the Corporation has sanctioned

the Developer to do so and the Repair Board lacked the man-power to perform the task.

18. During the course of the hearing of this Petition, material was placed before the Court demonstrating merit in the apprehension of the deleterious impact upon the infrastructure and the quality of life in

the city as a result of the FSI available for development proposals under Development Control Regulation 33(7). By an order dated 5th April, 2005 this Court noted the allegation that cessed buildings of one or two storeys with only five or six genuine tenants have been replaced by huge skyscrapers of more than 20 to 40 storeys. Counsel appearing for the Petitioners and Counsel for the Intervenors had suggested that the Court may visit sites of cessed buildings where Development Control Regulation 33(7) projects had come up to obtain a clear and comprehensive picture. We deemed it expedient and proper to appoint a Committee of two judicial officers, who would visit ten cessed buildings, of which a list of five would

approved by the Advocate General. Accordingly, we appointed two of our senior Selection Grade District Judges, Mr. V.R. Kingsonkar, Registrar (Legal) and Mr. C.L. Pangarkar, Registrar (Inspection) to carry out the task. The judicial officers have submitted a comprehensive report. Following the report, we had permitted the counsel appearing on behalf of the parties and for the Intervenors to take inspection of the files of MHADA pertaining to five cases in which the Commissioners have found serious violations and an inflation of tenancies. Accordingly, files have been inspected by the learned counsel; submissions have been filed before this Court and we have allowed a further opportunity to all counsel to urge their

provided by the Petitioners and five by the Respondents. to be

submissions or, as the case may be, objections before the Court. We have accordingly heard submissions at length. We now propose to indicate what has emerged therefrom.

19. The Report of the Commissioners and the MHADA Files I) Imran Co-operative Housing Society Ltd. [Sr. No.VI of the report of the Court Commissioners]

he produced and relied upon the same shop licence and the same In the case of this building the coroperative society/ developer electricity bill of 1992; there is nothing on record to show that the filed an application and long developed entanded developing recountries tenthere elsricity bill refers Regulation 33(7) stating that there were 20 existing occupants/
tenements in 199emphasis on aplanned idevelopment unobycuttestwhichatles sought, himself in Corporation certified that there were only 19 tenements for the year. February 1996; (b) For one tenement, Krishna Shatry's wife relied on 1994-95. MHADA btos be achieved by Expanding and February 1996; (c) For one tenement, Krishna Shatry's wife relied on 1994-95. MHADA btos be achieved by Expanding and February 1996; (c) For one tenement, Krishna Shatry's wife relied on 1994-95. names of the tenants and the built no area and cartified the existence Construction activity.

Such to be a subject to the construction activity.

Such to be a subject to the construction activity. of 29 tenements. This was in face of the fact that in 1997 a writ tenements, Krishna Shetty's wife has relied on the same electricity petition had bee COMPACK, colswhan matter thousand on iscaematific researched study (e) For one

statutory audit report of the co-operative housing society for 1997 there is no document whatsever legislative enactments and rules coand makegulations fe framed liding by recorded that there were only 13 members whose names were the name of Govind Nizas in which a main building consisting of a furnished together the name of Govind Nizas in which a main building consisting of a furnished together the name of Govind Nizas in which a main building consisting of a that its Executive Engineer had certified the existence of 29 flows is being replaced by a new building consisting of a ground floor tenements in 1991ndividual egproperty to owners as in the law. Ereacon et 0 tilserothelle. extract, MANA excluded from consideration the 10 borus tenements however, considered it appropriate not to befor to the facts of Govind and granted the propertyhelmisthe waynt they like wiwlsingubjected tios requisition court (writ

only 19 tenants in the building who were occupants of 19 flats. An ... tenement, the daughter of Krishna Shetty has relied on a rent receipt undertaking was and texperience of the second of the seco

20. The Petitioners have submitted before the Court that: (1) This building was at and ter controld by a Theera private owners are to some extent society and since co-operative societies are specifically excluded from making the profitable calse moderated from making the most reprofitable calse moderated from the court the levy of cess under the MEADA Act, this was not a cessed incliding demonstrates a pattern of conduct on the part of pullders and therefore, 1DTOPERTY-MORNETHER UNIDERS TESSOREERS ONE THE UNIDERS TO AN ARCHITECTURE OF THE PROPERTY OF TH Control Regulation 33(7); (ii) MHADA itself concluded that the Regulation 33(7) have been utilized to subvert every conceivable certification of Pequivations: Cannot peetermed as marplatrary Orningees Onable rapacious ends. was ex facie incorrect and false, something which is borne out, by Unfortunately, MHADA which has to certify and accutinize the list of tallocal records Theis Drivate tuenteres the stands tallocal nated to the following the stands to the st record; and [1ii] Though the application for permission under the Development Cont GOOG Latio 18(7) Canase De 29 stated in allie Way or with at the Down of the Content of of which 10 were so facts non-existent, such a fragidulent application—in the face of Municipal and other records showing a stipulated was entertained general non-existent, such a fragidulent application in the face of Municipal and other records showing a stipulated was entertained general non-existent, such as fragidulent application in the face of Municipal and other records showing a stipulated was entertained general non-existent, such as fragidulent application in the face of Municipal and other records showing a stipulated was entertained general and the face of Municipal and other records showing a stipulated was entertained general and the face of Municipal and other records showing a stipulated was entertained general and the face of Municipal and other records showing a stipulated was entertained general and the face of Municipal and other records showing a stipulated was entertained general and the face of Municipal and other records showing a stipulated was entertained general and the face of Municipal and other records showing a stipulated was entertained general and the face of Municipal and Municipal an consideration the 10 bogus tenements. The Developer in such a case tenements has taken place on an ostensible physical verification at has nothing to 16 here. Leaves of the consideration the 10 bogus tenements. The Developer in such a case tenements has taken place on an ostensible physical verification at has nothing to 16 here. The consideration the 10 bogus tenements. The Developer in such a case passes muster, he avails of a windfall in terms of additional FST. On development proposal with reference to hevelopment Control the other hand, exergise decis tosuch fagovernments listing overlargisment listing of the original power of the control that the other hand, exergise to such fagovernments listing overlargisment of the other hand, exergise to such fagovernments and the other hand, exercise to such fagovernments are the other hand, exercise to such fagovernments and the other hand, exercise to such fagovernments are the other hand, exercise to such fagovernments and the other hand, exercise to such fagovernments are the other hand.

the proposal under paccounter of equition being circasonably a necessary to form then public or than 25 the balance.

II) Siddhesh Apahealth, safety, morals or general bwelfare, and necological unfortunate, [Sr. No.IX of the report of the Court Commissioners] if not stark reality is that the interests of the landlord, the tenant this development Considerations, of though an unnecessary in Orin unreasonable under Niwas and Seksaria Building. The new building consists of a ground. Development Control Regulation 33(7). Each is liable to become a floor and 24 floan termeddling: withouthen private 1 ownership to font the to reperty increase the

report that in the case of Beksaria Building, 28 original tenement were inflated to MAY NOT Den 1115 to Floor than Niwas, 31 existing tenements have been inflated to 41 tenements. In other words, the development proposal which was accepted shows a bogus inflation of 30 tenements. In the case of Govardhan Niwas, the inspection extract of the Municipal Corporation shows 31 tenements while there were 28 tenements in Seksaria Building. The modus operandi which has been followed is to show a sub-division of existing flats in Govardhan Niwas for example into flats which are numbered 5A, 8A, 17A, 24A, 26A, 26B, 27A, 28A and 28B. There was no sub-division according to the inspection extract. The same position obtained in the case of Seksaria Building. MHADA specifically noted in the files that the tenements which were claimed to exist have not been reflected in the inspection extract of the Municipal Corporation, MHADA nonetheless purported to accept such additional and bogus tenements on the basis of an ostensible physical verification though in most cases no documentary evidence showing the existence of such tenements in 1996 had been produced before or verified by MHADA. Thus in contrast with the Imran Cooperative

Housing Society's case, where the additional tenements that were created were excluded from consideration since they were not reflected in the inspection extract, the inspection extract in

case of Seksaria Building and Govardhan Niwas was ignored in favour of an alleged physical verification. Seksaria Building originally consisted of a ground floor and three floors. Govardhan Niwas originally was a building of a ground and four floors. The reconstructed building consists of a ground floor and 24 floors. III) Krishna Bhuvan

[Sr. No.III of the report of the Court Commissioners] In this case, a building comprising of a ground floor and two upper floors has been redeveloped into a structure consisting of a ground floor and 15 upper floors. Reaccommodation has been provided only on the first and second floors in the front portion whereas, the rest is in use as a commercial hotel touching the roadline. The report of the Court Commissioners is to the effect that there were at the highest 18 tenants in the original structure whereas

MHADA has permitted reconstruction on the basis of 40 tenements/ occupants in 1996. On the inspection of the files, the Petitioners have

pointed out before the Court that the application was made on behalf of one Krishna Shetty, the landlord/ owner of the building on the

number of existing tenements by a bogus or fictitious inflation of tenancies that would only result in the enhancement of the incentive FSI. Development Control Regulation 33(7) provides an incentive FSI in the case of redevelopment proposals of Cessed A category buildings by co-operative societies of landlords, tenants or occupiers. What Development Control Regulation 33(7) does in effect is to provide a windfall to developers. The availability of FSI is irrespective of (i) the nature of the existing neighbourhood; (ii) the availability of civic services; (iii) the density of population; (iv) the ability of the area to sustain a surge in residents; and (v) the impact on the quality of life on traditional neighbourhoods in the island city. These neighbourhoods are the kernel of the middle class they are under a threat of being swept away by the rash of constructions. 23. This then is a sombre reflection of the manner in which urban planning works in the city of Mumbai. The quality of the urban environment affects in a fundamental manner the right to life of the residents of the city. Courts are disinclined to enter upon lush fields of policy. The issue here is not one of policy but of the right to life under Article 21 of the Constitution. Urban planning is undoubtedly not a static concept. The urban planner is entitled to advance socioeconomic objectives. The emphasis in the present case is not on the reconstruction of buildings per se, but on the incentive which Development Control Regulation 33(7) allows, as an incident of a proposal for redevelopment. These incentives have a serious impact on the quality of life in the island city. Undoubtedly, Cessed A category buildings are constructed prior to 1st September, 1940. Tenants residing in those buildings particularly such of them as are beyond economic repair have a legitimate claim for reconstruction. In many buildings the areas occupied by tenants are less than 225 sq. ft. and the planner can justifiably require the provision of at least a minimum size of dwelling accommodation (fixed at 225 sq. ft. by the Regulation). Incentives may be required to be provided to the developer who has to provide a minimum of 225 sq. ft. free of cost to tenants. A balance has to be made between the rights of tenants in dilapidated constructions and the rights of the community at large which faces the impact of the upsurge in population densities when huge residential towers come up in congested neighbourhoods. The grant of an incentive cannot be divorced from the necessity for reconstruction for it is then that the burden on infrastructure can be justified by a countervailing principle of the safety and welfare of the occupants of a Cessed A category building. Absent such a linkage, 16502 Cessed A category buildings will result in the replacement of existing structures of a few storeys with behamoths without a

semblance of an upgradation of the island city's infrastructure.

that there were 21 tenants occupying 37 tenements. Of these, 18

tenements are stated to be occupied by the landlord, his wife and

the basis of the inspection of MHADA files that (a) 10 tenements

their children. The Petitioners have established before the Court on

were stated to have been occupied by Krishna Shetty, for all of which

24. In its decision in Usuan Gani J. Khatri of Bosbay v.Cantonment Board (1992) 3 SCC 455, the Supreme Court emphasized that the private interest of the land owner or builder must always be subservient to the public interest in an orderly urban environment:

"The slogan of the builders and land owners of utilising the maximum area for construction of high-rise buildings for fulfilling the need of houses in big urban cities should always be subservient to the building restrictions and regulations made in the larger interest of the whole inhabitants of Pune and keeping in view the influx of population, environment hazards, sanitation, provision for supply of water, electricity and other amenities.

25. In a more recent judgment in Friends Colony Development Committee v. State of Origan (2004) 8 SCC 733. the Supreme Court emphasized the serious threat that was posed to ecology and to the environment and the unbearable burden placed on the infrastructure of water supply, sewerage and transport by unchecked urban development. The Court emphasized the role of urban planning in these observations :

"In all developed and developing countries there is emphasis on planned development of cities which is sought to be achieved by zoning, planning and regulating building construction activity. Such planning, though highly complex, is a matter based on scientific research, study and experience leading to rationalisation of laws by way of legislative enactments and rules and regulations framed thereunder. Zoning and planning do result in hardship to individual property owners as their freedom to use their property in the way they like, is subjected to regulation and control. The private owners are to some extent prevented from making the most profitable use of their property. But for this reason alone the controlling regulations cannot be termed as arbitrary or unreasonable. The private interest stands subordinated to the public good. It can be stated in a way that power to plan development of city and to regulate the building activity therein flows from the police power of the State. The exercise of such governmental power is justified on account of it being reasonably necessary for the public health, safety, morals or general welfare and ecological considerations; though an unnecessary or unreasonable intermeddling with the private ownership of the property may not be justified." 26. In another decision arising out of a News Item Published in Hindustam Times in relation to the Pollution of the River Yamuna (2004) 9 SCC 569, the Supreme Court made these observations in the context of the relaxation of the building bye-laws in New Delhi : "It is noticed that increase of FAR and increased density without corresponding increase in provision of services like water, power, circulation, parks etc. would lead to making urban areas in Delhi uninhabitable and lead to ecological degradation and urban degeneration. Hence, upgradation of services was considered essential before any relaxation in bye-laws could be considered."

While permitting a relaxation of the FAR sought by the Municipal Corporation of Delhi and the Union of India, the Supreme Court noted that this was only to allow for an increased number of floors with an undertaking that no additional dwelling units would be created. The Court noted that various Committees had suggested that it would not

accommodation without adding to the burger on chease we would be not in the number of verifice of the public of th a substantial enhancement of the number of dwelling units; an increase in the density of popula CO (COSCONGLING taincrease in the density of popula CO (COSCONGLING taincrease) till on Provision and increase in the density of popula CO (COSCONGLING taincrease) till on Provision and the contract of the number of dwelling units; an increase in the density of popula CO (COSCONGLING taincrease) till on Provision and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the contract of the number of dwelling units; and the number of d enhancement of civic services including water supply, open spaces and public transport. The situation of the structure in the structure in the structure of the structure in the structure of the city must now be evaluated.

Civic Infrastructure

27. The Report on the Development man key the report Bombay 16 an states that the total area of the Island City 17,388.33 Agree and the ultimate population that the city and infinite table Thand lead into according to see the present population of the island un infinite table Thand lead into according to the control of the island unit to according to the control of the island unit to according to the control of the control excess of what was stipulated almost 40 years acc as the population holding capacity of the island cice (1905) the population pleased to set up the acute deficiency of intrastructure in the island city. There are categorical averments that the CRCC infrastlic Taga them.

Committee for dilapidated houses, appointed by the Government of Maio Lahtra Servinges 1985 Askerkar Committee, as it is city - consisting of roads, water supply, sewerage and open areas

| Moon, noted in paragraph 4.4 of its report that it was the stance of amongst others - is overstretched.com side read in The seem that lossing loss of the start Verment that the grant of an alimited scope for increasing the width or roads, the extent of open additional or incentive Fil should be for increasing the vident or roads. areas and for augmenting infrastrate large to account the first the Committee Government and the Municipal Corporation are accepted this position. The Development Control Regulations therefore, provide that Transferable Development Rights Street Compett of

land required for public purposes and TDR in lieu of slum rehabilitation projects cannot be utilized for construction activities in the island city. The Petitioners have adverted, as an example, to the development taking place in the congested areas of Girgaon within a 1 km. radius around Harkisandas Hospital. On the date of the institution of the proceeding there were as many as 5 to 6 major projects under Development Control Regulation 33(7), some as high as 40 storeys. The Petitioners have expressed a grave apprehension of the increase in congestion in an already congested neighbourhood once new high rise constructions in excess of 15 to 20 storeys are put up. One of the extrapolations made by the Petitioners postulates that at present approximately 297 cessed buildings have been reconstructed with an additional incentive FSI between 50 and

70%. Since there are approximately 16,200 cessed buildings, if the figures of additional occupants generated by 297 buildings is statistically extrapolated to all the buildings, it would result in

additional occupancy or population by approximately 17 lacs or increase in 50% of the total population of the island city. This exercise in statistical extrapolation made by the Petitioners may or may not necessarily be accepted, but the principle which the Petitioners seek to espouse does not brook any answer. There was not even an attempt on the part of the State, in the submissions of

Advocate General to demonstrate that the existing infrastructure can cope with an additional population. Indeed, it is significant that neither the State Government nor for that matter, the Municipal Corporation have attempted to rebut the fundamental premise of the Petitioners in regard to the inadequacy of the infrastructure in the island city of Mumbai. Neither the Learned Advocate General nor the learned counsel appearing on behalf of the Municipal Corporation made

effort to displace the submissions made on behalf of the Petitioners highlighting the grievous impact of the additional construction on

already depleted infrastructure of the city. The opposition in these proceedings has come from the Property Owners Association. The affidavit filed by the Association does admit that in 2003 the demand for water was for 3500 million litres per day, but the Corporation could

supply only 2950 million litres per day, making a short fall of 550 million litres per day. In a study report of the TIFR, upon which the Petitioners have relied, it has been stated that there was a short fall of 552 million litres per day between the demand for and the supply of

water for the Bombay Metropolitan Region in 1995. In their submissions, the Petitioners have highlighted that even these figures of shortages are based on an artificial and inadequate norm of 135 litres per capita per day in high rise buildings, 90 litres per capita per day for the chawls and 45 litres per capita per day in the

Municipal Corporation is stated to release water for less than two hours every day in large segments of the island city and most high rise huildings are required to resort to water supplied through tankers

which is itself susceptible to the spread of disease and infection.

attention of the Court has been drawn to the fact that the Municipal Corporation has issued press statements to the effect that no new constructions will receive water until the year 2007. 28. The position in regard to the inadequacies of water supply is not any different in relation to waste disposal and the sewerage system. The sewers in the island city are antiquated. Particularly in the island

city the sewerage lines have not seen any significant renewal or improvement. In so far as open spaces are concerned, when the development plan for 1964 was being prepared, it was noted that a standard of half an acre per 1000 population was feasible within city limits and that a higher standard of 4 Acres could be adopted for the suburbs. Thus, as far back as in 1964, the parameters that were fixed for the island city were substantially lower than those for the pose a stress on services as long a latitical not in cod with a stress on services as long a latitical not permitted. The Court held that this would only allow a latitle more constant.

> cluding water supply, open spaces in the city of Mumbai with its present population of over 12 Mark and the city of Mumbai with its present population of over 12 Mark and the public transport bus circulation, parks
>
> Circulation, parks a resetted in chaotic conditions outing peak hours. There is similarly urban were deficiencies of infrastructure in the island city of

> > already congested areas of the city. The Municipal Corporation had calculated that if a relaxation was permitted to all the buildings

the scheme then proposed was feasible, an additional population of 3.25 lacs could be expected. However, it was noted that all cessed buildings would be eligible for the scheme which, it was observed, had not been the recommendation of any of the Committees. The Sukhtankar Committee which was appointed by the State Government in June 1996 adverted to the unimaginable consequences in the island city, particularly upon the urban environment if the FSI were to be indefinitely relaxed. The Committee expressed grave concerns in regard to safety and the quality of life. The Sukhtankar Committee recommended a grant of incentive FSI only to buildings which fell into cessed categories A and B and which were in a dangerous condition. The recommendations of the

Sukhtankar Committee proposing a cap of 4 on the FSI allowed for projects under Development Control Regulation 33(7), must therefore be understood in the background of the near unanimity of expert opinion on the inability of the infrastructure to cope with the burden of an increasing population.

30. In this background, it would be necessary to make a reference to some of the other provisions in Development Control Regulation 33 relating to the relaxation of FSI norms. Development Control Regulation 33(5) makes provision for low cost housing schemes of MHADA, for the economically weaker sections and for the low income groups. For such schemes, an increased FSI is allowed to the extent of 20% over and above what is normally permissible viz. 1.33. In other words, the total FSI that is permissible is 1.33 plus 0.27 or

Development Control Regulation 33(6) provides for the reconstruction, in whole or in part, of buildings which have ceased to exist as a result of an accidental fire, collapse or demolition by reason of the buildings having been declared to be unsafe under a lawful order. The FSI that is permissible is not to exceed that of the original building or the FSI permissible under the Regulations whichever is more. Development Control Regulation 33(6) takes within its purview all buildings which existed on or after 10th June. 1977 irrespective of whether the building is cessed or uncessed. Development Control Regulation 33(10) similarly provides for rehabilitation projects in slum areas. The maximum FSI that is permissible in respect of a slum redevelopment scheme is 2.50. It is only in the case of Development Control Regulation 33(7) that a virtually unchecked provision has been made for the grant of an FSI together with incentives which are liable to vary from 50% to 70%.

31. In structuring the approach of the Court in proceedings such as these, several principles must be placed in balance. The first Petition that has been filed in the public interest. The nature and problem of fake benancies has assumed a serious dimension. The ambit of the jurisdiction as problem of fake benancies has assumed a serious dimension. The ambit of the jurisdiction as a serious dimension. interest litigation will merit some reflection. There is a challenge in sense of purpose, it would imperit all the fundamentals of urban these proceedings to the grant integrant of the developers have (7) inter alia on the ground rant the effect of the provision is to building allace the benefit of a regulator system which is allow a large windfall of another the Lasserine cessed building allacespect pacty whichen manner in

the right to life of the residents pormission was tsought, was dill's type Infleted with home claims is the result of Constitution. In Guruvayor Dayson Managing Comptte V.C. R. unstables and blink, to nod sed to look the other way. The certification Rajan 2003 (7) SCC 546, to School Comptte Comptte V.C. R. unstables and ballocated by by edam Dane If the the High Court should not entertain a writ petition by way of public. Commissioners before this Court is a striking summentary on the interest litigation quest Olis to control tionalty of the court of the public of the court is a striking summentary on the interest litigation quest Olis to control tionalty of the public of statute or a statutory rule" (para 50/xi) page 571). The expression to overlooked the question of fake rangules. Euch a state of affairs ordinarily is suggestive product the overlooked to personal rule of the control Nonetheless before the High Court does entertein a challenge to the failure on the part of MMADA to control these many doings. filed in the public interest, exceptional circumstances must be monitoring mechanism. The process of certifying tenancies in demonstrated to exist inactually reconsumed xrining the process of certifying tenancies in demonstrated to exist inactually reconsumed xrining the process of certifying tenancies in demonstrated to exist inactually reconsumed xrining the process of certifying tenancies in demonstrated to exist inactually reconsumed xrining the process of certifying tenancies in demonstrated to exist inactually reconsumed xrining tenancies and the process of certifying tenancies in demonstrated to exist inactually reconsumed xrining tenancies and the process of certifying tenancies in demonstrated to exist inactually reconsumed xrining tenancies and the process of certifying tenancies in demonstrated to exist inactually reconsumed xrining tenancies and the process of tenancies and tenancies are the process of tenancies and the process of tenancies and tenancies are the process o jurisdiction. For instance, in Frof. Yeahpal r. State of Chattisgarh should be sometimized and screened by an independent Screening (2005) 5 SCC 420, the Suring Court. Since the Chattiegarh Niji Kehetra Jishwayidhyalaya (Sthapana Aur. functions of the Committee will estail an investigation of facts, the Viniyaman) Adhiniyam, 20 COMMITTEE Pethering queermitted sto agrant oadditional Judge. The the provisions of Sections 2 and 6 where there was a clear want of legislative power in the Silverging was a clear want of committee must have the esistance of representatives from MRADA legislative power in the Silverging was a clear want of committee must have the esistance of representatives from MRADA order of the where colling in applicable constitute a (supra), the Suprame Court classifies that the Court did not intend to committee consisting of (i) Mr. Jastice V.P. Tipnis, Former Judge of lay down any strict rules tis in the court of t

interest
litigation, as each case basic presson is an required for issue of the commissioner to be nominated by the litigation, as each case basic presson is an acquired for issue of the commissioner to be nominated by the litigation, as each case basic presson is an acquired for its acquired f 32. The second circumstance is that the provisions of Development

President and Chief Executive Officer of Manh, and (v) Mr. N. V.

Control Regulation 33(7) AXIS LING: TENANT Sve CCULPY INGanit Executive Officer of Manh, and (vi) for Greater Mumbai brought are force-under the provisions of the Maharashtra Regional and 199 han OL Actes milian 1225 square The hat Complession Region and 199 han OL Actes milian 1225 square The hat Complession Region and 199 han OL Actes milian 1225 square The hat Complession Region Re mandates due observance of statutory procedures in the making and tenants submitted with each development proposal under publication of a Development transfer of the making and tenants submitted with each development proposal under publication of a Development transfer of the making and the include surveys, preparation of land uses inviting of objections, is together shall lay down the parameters that shall be observed in modifications and a fine and the latest land to the control of the Government in notifying the Development Control Regulations acts 13th Committee that have due regard to the municipal assessment record, as a delegate of the StaChalled to exist as on 13th Jane 1246 of wither expression in the 33. Another and the third important facet of the matter which must ordinary course by a statutory or public authority as the committee be emphasized is that the committee the emphasized is that the committee as as as a second recovery of the committee of the matter which must ordinary course by a statutory or public authority as the committee be emphasized is that the committee or the committee of the matter which must ordinary course by a statutory or public authority as the committee or committee or committee. by those in charge of administering it cannot be a ground for holding pending development proposals under Development Control the provision to be proceeding to public, SLATUROLY TECONOS. 320 Chall also be submitted to the Committee for Thangal Kunju Musaliar v., M. Wenkatienalam Potti (1955) 2 SCR any perification and centification. The Committee shall endeavour to 1195, Collector of Custome Links in Convertibing any nonce Cessed bull Iding elnicotes, the list of tenants SCR 786, State of Rajasthan v. Unice of India (1977) 3 SCC 592).

within a period of sixty days of the receipt of the initial list with Mafatlal Industries Ltd. Gessed hull Ldings of Scr 700 approveling at The Linds under Ldickary recent decision in Sushil towns, Sharms v. Union of India (2005) evidence The Committee will be at liberty to inspect the concerned 5 SCC 281, the Supreme Call and dragarding any aconverted Duilling to In pursuance regard to convine "From the decided cases in India as well as in the United States of America, the positive and by the States of America, the positive and by the States of America, the positive and by the a statutory provision is other wise intra virea, constitutional and Planning Authority in regard to the implementation of the amended valid, mere possibility Carolina and Planning Authority in regard to the implementation of the amended valid, mere possibility Carolina and Planning Authority in regard to the implementation of the amended valid, mere possibility Carolina and Planning Authority in regard to the implementation of the amended valid, mere possibility Carolina and Planning Authority in regard to the implementation of the amended valid, mere possibility Carolina and Planning Authority in regard to the implementation of the amended valid, mere possibility Carolina and Planning Authority in regard to the implementation of the amended valid, mere possibility Carolina and Planning Authority in regard to the implementation of the amended valid, mere possibility Carolina and Planning Authority in regard to the implementation of the amended valid, mere possibility Carolina and Planning Authority in regard to the implementation of the amended valid, mere possibility Carolina and Planning Authority in regard to the implementation of the amended valid, mere possibility Carolina and Planning Authority in regard to the implementation of the amended valid and planning Authority in regard to the implementation of the amended valid and planning Authority in regard to the implementation of the amended valid and planning Authority in regard to the implementation of the implementation of the amended valid and planning Authority in regard to the implementation of the amended valid and planning Authority in regard to the implementation of the amended valid and planning Authority in regard to the implementation of the amended valid and planning Authority in regard to the implementation of the amended valid and planning Authority in regard to the implementation of the amended valid and planning Authority in regard to the implementation of the amended valid and planning Authority in regard to the implementation of the amend not make it objectionable, ultra virae or unconsultational. In 2005, considered fresh look, Development Control Regulation 33(7) was such cases, "action" and Kdars casted in the May 12005, amediac corder of the statement and the statutory it is so, the court by upholding the provision of law, may still set authorities antrusted with responsibilities in the area of urban aside the action, order Queck Quink at a for interest of payelogment. the person aggrieved."

Control Rapplatic 33(7) go as to determine what modifications are observed the publication institute pursuance published by the person aggrieved. Control Rapplatic 33(7) go as to determine what modifications are observed to the public public to the public pu important upon planner must take a considered decision. The Government of instrument in aid of the Gotober 2004 trially plans which were increased the considered decision and pevelopment.

Constitution, Recent decisions of the Supreme Court emphasize that Courts must carefully scrutinize whether their jurisdiction has been invoked in furtherance of genuine causes and not for an oblique

motive. Unfortunately, contemporary experience shows that the spurt in public interest litigation has given rise to litigation which is initiated not genuinely in the public interest, but as a means of securing private ends or, as it were, of settling private scores. These proceedings do not belong to that genre. Each of the Petitioners before the Court has a bons fide record of public service and there is not even a suggestion before the Court that their motivations have been

35. A significant purpose of the evolution of public interest jurisprudence in India is the effort on the part of the Courts to ensure the structural regularity of decision making by the executive. In a democratic society the executive is accountable to society and must be responsive to the needs of its citizens. In a society governed by the rule of law, the executive has to be even handed in the administration of law. In vital areas of decision making, the law commands the executive to take into consideration diverse social needs and circumstances. Many of those needs have legal recognition in terms of rights. Some of those which lie at the root of a civilized system are recognized as fundamental in a constitutional system based on ordered liberty. Hence, in the context of a judicial system such as ours, where Courts are the interpreters both of legislation and of valuable constitutional safeguards, public interest litigation has assumed an important role of ensuring that the decision making process is orderly, that it takes into account constitutional rights and principles and that decisions are not based on considerations that are alien to norms of rectitude. Governance in a civil society must be founded on fairness and transparency. The powers exercised by Courts in matters of public interest have advanced the principles of structured decision making by the executive and its instrumentalities. Public interest litigation is an important instrument of seeking the establishment of structural due process in the Indian legal system.

Control Regulation 33(7) and determine whether appropriate

modifications of the Regulation are necessary. In order to facilitate

the exercise and in order to enable the State Government to have the

provisions of the Regulations namely, Development Control Regulations 33(5), 33(6) and 33(10). None of these other provisions allow development without a cap on FSI; iii) The Sukhtankar Committee suggested a ceiling on FSI of 4 citing in support of its recommendation the unimaginable consequences for the city if this was not imposed; iv) The provisions of Development Control Regulation 33(7) have resulted in a windfall for builders without any real protection to tenants. MHADA has by its decision of 18th August, 2004 recorded that it is not its obligation to oversee the actual rehabilitation of tenants and this, must rest in the contractual realm between the developer and the tenant. The Repair Board is said to lack the manpow to perform the task. Unless protective provisions are made to ensure the actual rehabilitation of tenants, an exodus of tenants away from the island city is liable to result under the provisions of Development Control Regulation 33(7). Development Control Regulation 33(7) should not become a convenient instrument of obtaining vacant possession from old tenants and depriving them of their age old residences in conventional neighbourhoods; (v) Development Control Regulation 33(7) does not necessarily ensure that the projects that are pursued with priority are in respect those buildings where conditions of habitation or of structural disrepair are of a serious nature. In one of the submissions filed before the Court by the Federation of Old Buildings Co-operative Housing Societies' and Tenants' Association, it has been pointed out that a large number of projects under Development Control Regulation 33(7) have been undertaken for redevelopment in prime localities where the rates for the sale of flats are between Rs.6.000/- to Rs.8.000/- per sq. ft. or more. Moreover, it has been stated that MHADA has not indicated as to how many permissions were granted for redevelopment of chawls with tenements of less than 225 sq. ft. and on the other hand how many old, but well maintained buildings with residential flats situated in prime localities such as Matunga, Dadar Parsi Colony, Dadar Hindu Colony, Shivaji Park and Prabhadev were allowed to be demolished under the scheme of Development Control Regulation 33(7). Hence, one of the issues which merits serious consideration is the need to ensure that the focus of redevelopment is concentrated on those buildings in which living conditions and structural stability require the most immediate attention. Otherwise builders and developers only target those properties wherein the greatest commercial potential is available. defeating thereby the object and purpose of Development Control Regulation 33(7); vi) The problem of fake tenancies reflects a complete and total failure of MHADA to exercise its regulatory powers in accordance with law. The systematic manner in which tenancies have been inflated could not have been possible without the collusion and connivance of the officials of MHADA with builders and developers. There is a complete absence of consistency in the application of norms to

redevelopment projects under Development Control Regulation 33

Consideration should be devoted by the urban planners and by the

Government to the likely impact of an increase in the density of

(7): vii) There is admittedly a serious deficiency of infrastructure.

in the density of population. FSI has an important bearing on the

be, an enhancement of FSI by urban planners cannot be disembodied

from the adequacy, or as the case may be, an inadequacy of civic

ii) Development Control Regulation 33(7) provides for FSI of a

services:

quality of urban life. A relaxation of FSI norms or, as the case may

kind and nature which is not available under any of the other cognate

benefit of a carefully researched analysis, we have considered it population on the strained infrastructure of the island city. The appropriate to constitute strained infrastructure of the island city. The appropriate to constitute strained infrastructure of the island city. The appropriate to constitute strained infrastructure of the island city. The Justice S.F. Bharucha, former Chief Justice of India has consented to act as the Chairperson of Corporations the chairperson of Corporations the chairmant the chairman trees is the chairman trees in Chairperson, the Committee shall consist of the following members:

-(i) Mr. N.N. Shrikhande, Chaireed hyr, the Hon ble Shrii Justinee Slibral Bharugha on from the -(ii) Mr. Vidyadhar K. Fhatak, former Chief Planner, MRRDA, requirement of marginal open spaces without regard to the systemic
-(iii) Mr. P.M. Apte, former Chief Planner, MRRDA, requirement of marginal open spaces without regard to the systemic
-(iii) Mr. P.M. Apte, former Chief Planner, MRRDA, requirement of marginal open spaces without regard to the systemic -(iv) Mr. N. V. Merani, former Frincipal Secretary, END,
-(iv) Mr. G.S. Pantbalekurang or the pState r Government takes ar Final bil dechalon on very occupier -(v) Mr. G.S. rantbuleaurinterorealtepolecular and property of the property of owners and residents. The State Government shall provide building. Since the additional FSI to be granted under DCR 33(7), secretarial assistance and CAR as 11 FACT COLOR CONTROL CONTROL OF CARTING MOUNTS. Chief Secretary shall facilitate the work of the Committee by ensuring by the Committee as to whether any benefit should be granted to a that necessary arrangemenheaded by the Hone ble Shritming the arrangemenheaded by the Committee by the Committee as to whether any benefit should be granted to a that necessary arrangemenheaded by the Committee by the Committee as to whether any benefit should be granted to a that necessary arrangemenheaded by the Committee by the Committee as to whether any benefit should be granted to a that necessary arrangemenheaded by the Committee by the Committee as to whether any benefit should be granted to a that necessary arrangemenheaded by the Committee by the Committee as to whether any benefit should be granted to a that necessary arrangemenheaded by the Committee by the Committee by the Committee as the Committee by the Committ directions of the Chairperson. The Committee is requested to 40. These considerations must be weighed and balanced with the endeavour an early submiscilarity pothate the odecupants considerations of the Chairperson. The Committee is the odecupants of the Chairperson. The Committee is the odecupants of the Chairperson. The Committee is requested to 40. These considerations must be weighed and balanced with the endeavour an early submiscilarity pothate. preferably within six months of the date of the first meeting. We direct who reside in Cessed A category buildings. The right to housing is a the State Government to whether proceeds the compared FSI should right many manufactures are in arrive at a final decision within a period of three months of the urgent need of repair or replacement. Constructed with the aid of receipt of the Report. In Specifical and asset for feed these purposes strot the hand. It is a line of the purpose of the saline conditions of control Regulation 33(7) existing etenants, wio cupying tenants or new and of human pelect. The saline conditions of control Regulation 33(7) existing etenants, wio cupying tenants. directions issued hereafter, subject to the condition that the list of buildings lack facilities as elementary as a self contained toilet tenants shall be certified 996 of toiless with an 22 by sq. fit taches hale is be to the balance of life this Court.

Warrants a balance between competing equalities. The impact of an 39. Without laying down abasis veofalther verification acot on genuine on tenancales by ices is one facet of this Court. for the State Government, we would emphasise some of those which emerge from the aforesaid The Sommittee.

impact on the quality of life. The other is the need to ensure

i) FSI defines the buildable potential of a plot of land. Allowable
FSI must bear a rational Theoretic tion alisty disposed official stress of the second of infrastructure including water sumply, sewerage, transport, electricity 1940. The balance is not easy to define but a balance has to be and open spaces. An incre**shabiti being order**in**as** itoagos tae, on the basis of a considered understanding of all the facets of a complex problem.

41. While concluding, we draw upon these reflections of Mr. H. M. Seervai in a paper entitled "Justice" which he presented to the Bombay Philosophical Society in 1952: "We talk of life as a journey, but how variously is that journey performed. There are some who come forth girt and shod and mantled to walk on velvet lawns and smooth terraces where every gale is arrested and every beam is tempered. There are others who walk on the Alpine paths of life against driving misery and through stormy sorrows over sharp afflictions, walk with bare feet, and naked breast, jaded, mangled and chilled." (Quoted in Evoking H.M. Seervai compiled by Feroza H. Seervai

42. The serious destruction caused by the monsoon rains of 2005 in the city of Mumbai renders a considered review by the State Government a matter of grave urgency. There are sobering lessons which emerge from the dangers of rampant urban growth. The State Government must consider its response, to salvage what remains of Mumbai.

43. By an interim order dated 26th October 2004, Respondent Nos.1 to 3 were restrained (i) from granting any permission for reconstruction under DCR 33(7) unless the cessed building in respect of which permission was sought, was first verified and found to be dilapidated, unstable and unsafe by a panel consisting of Civil/Structural Engineers to be appointed by Respondent Nos.1 to 3; (ii) from granting basic FSI in excess of 2.5 or the FSI actually consumed in the existing building plus incentive FSI under Appendix III, subject to the Commissioner being permitted to grant additional FSI, by a reasoned order, where the applicant satisfies the Commissioner that such additional basic FSI is required for the rehabilitation of existing tenants occupying tenements on 13th June 1996 of less than 225 sq.ft. The Commissioner was permitted to do so after a full and proper scrutiny and verification of existing tenements and tenancies claimed to exist as on 13th June 1996, with reference to the municipal assessment record, voters' list and other public/statutory records; and (iii) from converting any non-cessed building into a cessed building or from approving any plans under DCR 33(7) regarding any converted building. In pursuance of the order of the Court, a Committee of three Civil/Structural Engineers was constituted. By our order dated 6th May 2005, we recorded the statement of Counsel for the Municipal Corporation that in pursuance of the order of the Court dated 26th October 2004, all plans which were not in excess of FSI 2.5 are being processed by the Municipal Corporation. We direct that until the Committee chaired by the Hon'ble Shri Justice S.P. Bharucha, former Chief Justice of India, submits its report and the State Government takes a final decision on the amendments necessary to DCR 33(7), the interim order dated 26th October 2004 shall continue to operate. Since the verification of tenancies has been directed to be carried out by the Committee headed by the Hon'ble Shri Justice V. P. Tipnis, we clarify that the decision of the Commissioner on whether additional FSI should be granted as a special case for the purposes of rehabilitating existing tenants, occupying tenements on 13th June 1996 of less than 225 sq.ft., shall be taken on the basis of the verification of genuine tenancies by the Committee.

The Petition is disposed of in these terms. There shall be no order as to costs. CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.

(2005) pp 144-145).