

Current Rehabilitation Status over the Issues of Displacement at Sanjay Gandhi National Park, Mumbai: Some Observations

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ABSTRACT

The Present Status Report published by the Forest Department, Maharashtra in June, 2011 reveals the stages of resettlement to be provided to the slum dwellers settled within Sanjay Gandhi National Park (SGNP) Mumbai in two different phases and also reveals the number of pending rehabilitations to be made, in addition to the park conservation measures taken therein. The present study, on the basis of a survey conducted during March-May 2013 in SGNP, is a comment on the Report published, which intends to state that the proposed stages of rehabilitation are truly derisory and insufficient. The final comments represent the overall picture of the current issues of acute marginalization, alienation of livelihood and future uncertainty of the migrant population settled therein resulting from the fictitious rehabilitation measures and depleting livelihood opportunities of which they are doomed victims.

Keywords: Protected Areas (PAs), communities, conservation and conflict, urban environment, displacement and rehabilitation

1. Introduction

This article is a comment on the Status Report published by the Forest Department (FD) of Maharashtra in June 2011 which intends to reveal the stages in which the slum inmates settled within Sanjay Gandhi National Park (SGNP), Mumbai have been relocated or is still to be relocated¹. The prime objective is to represent the actual state of resettlement herein, a picture which provides a stark contrast and is derisory to what was proposed by the FD. A primary survey was being undertaken in between the months of February, March and April, 2013 within selected forest areas of SGNP. The survey was carried out with the help of a focused group interview method. The analysis of the Status Report on the whole highlights the post judgment implementation of the Court Order of 1997 following the Public Interest Litigation (PIL) which was filed in the year 1995 by the Bombay Environmental Action Group (BEAG). The study argues in its final analysis that though several orders have been passed, very little has been done regarding the implementation of the orders. It has also been observed that the Court from time to time has changed and extended the deadline of the removal of encroachments. But till now, almost more than half of the total population staying within the park premises are still to be rehabilitated and they are living in worst and deplorable conditions. This article is a representation of the politics of conservation and conflict in the urban areas of India in general and

SGNP in particular and the social consequences of such conservationist paradigm upon the local community's livelihood in a metropolitan city like Mumbai.

2. The Present Status Report by the Forest Department as per the Directions of the Honourable High Court, Mumbai, (available in June, 2011)

According to the report, 61000 people were occupying the forest land of Sanjay Gandhi National Park (SGNP) in the year 1995, out of which 33000 people were staying since/ prior to 01/01/1995 and were eligible for rehabilitation as per state policy. But after much scrutiny, it was found that 11, 658 people were eligible for rehabilitation and accordingly arrangements were made for their accommodation at Chandivali by Slum Rehabilitation Authority (SRA). However till May 2010, 8711 people were provided with permanent accommodation while 2947 are still awaiting rehabilitation. Allotments of the remaining were supposed to be made by 31st July, 2011, following verification and authentication of the dwellers.

After the joint inspection on 26th May 2011 by Forest Department, Bombay Municipal Corporation (BMC) and Slum Rehabilitation Authority (SRA), it was being found that only 955 flats have got proper water connection. 1338 flats did not have proper water facilities, and thus they were considered to be non habitable. According to the Forest Department, as soon as these flats are given water connection, the remaining slum dwellers will be shifted here. In the first slot, 11,658 encroachers and in the second slot, 13,486 encroachers were eligible for rehabilitation, but for the want of tenements, barring 8711 encroachers, remaining eligible encroachers are awaiting their turn. As stated above till today, only 8711 encroachers have been actually rehabilitated and 955 encroachers will be rehabilitated by 31st July, 2011.

The present scenario is that 12. 76 Ha has been made encroachment free by removing the 8711 eligible encroachers who have been given alternative housing arrangements at Chandivali. Before that, since 1997-1998 and 2003-2004, about an area of 121.11 Ha was made encroachment free. At present there are about 8000 structures which are unauthorized and require to be moved. In this context, it is important to mention that during the last three months, sixteen new encroachments have been located and removed by the forest staff in Malas round of Tulsi range of Sanjay Gandhi National Park. In the year 2006, fifty posts were specially created for encroachment removal in which there was one post for the Assistant Conservator of Forests, two posts for Range Forest Officers and 42 forest guards for field work who are constantly patrolling the area to detect and remove any new encroachments found in the area. In addition to these, there are 35 permanent watchmen and 125 temporary watchmen to patrol the forest

intensively and to take necessary action against any new encroachments if they are located somewhere within the periphery of the forest. The outer boundary of Sanjay Gandhi National Park is 92.470 kilometres, which needs to be protected intensively. Out of this 92.470 kilometres boundary, it is proposed to build a wall on 70 kilometres and for the 22.470 kilometres; cement concrete pillars will be erected. Sanction has so far been given to construct 40 kilometres of boundary wall, out of which 25 kilometres has been completed. For the remaining 15 kilometres wall, an amount of Rs 16.17 crores has been sought by the authorities. The remaining 30 kilometres wall will be constructed in due course of time. Regarding the rehabilitation of the remaining 13486 eligible encroachers in phase II, SRA has conveyed that by December 2013, 10096 flats at Chandivali and the remaining flats at Mankhurd will be constructed. The authorities are pledging for the construction of these homes to the earliest with all the required facilities given to these people at the earliest. The authorities in their report have also clearly stated that along with the rehabilitation of the eligible encroachers, the removal of the ineligible encroachers is a complex process². In that case it happens that the interference of the different politico social agencies have made the task a bit complex. The authorities had requested the Court for issuing appropriate directions keeping in respect of the time frame for the total compliance of the orders of the High Court, Mumbai.

Table 1: Status on June 2012, PHASE-I

A	B	C	D	E	F	G	H	I
Total encroachments prior to 1995; before scrutiny	Total encroachments prior to 1995; after scrutiny	Document submitted by the encroachers for eligibility.	Rs 7000 paid by the encroachers	Total eligible encroachers after payment	Rehabilitation done up to June 2012	Pending for rehabilitation	Tenements ready for rehabilitation	Now as the time limit for document verification is over, Phase I rehabilitation will be complete once this 1700 flats will be given by July end.
61000	33000	25972	12849	11658	9346	2312	1700	

Source: Present Status Report as per directions of the Honourable High Court, Mumbai.

Table 2: AFTER ORDER DATED 10TH JANUARY, 2008, PHASE II

J	K	L	M	N	O
Rs 7000 deposited	Eligible encroachers (approximately)	E+K Total eligible encroachers (approximately)	No. of encroachments removed (approximately)	No of existing eligible encroachments (G+K)	No of ineligible encroachments
16651	13486	25144	58649	15798	8000

Source: Present Status Report as per directions of the Honourable High Court, Mumbai.

According to the official sources, there was a strict instruction on behalf of the High Court, Mumbai to arrange for adequate rehabilitation of all the eligible encroachers before their eviction. Regarding the rehabilitation in Chandivali, Mumbai, it was proposed that facilities like construction of proper roads and sewage system, school market place, playgrounds and medical centres will be established immediately in Sangharshnagar (the “village of the struggle”) colony³ through SRA and BMC. Further, SRA has stated that the allocation of flats is expected to be completed by 2013. Representative bodies like “Sangharash Nagar Housing and Development Federation” were to be registered as cooperative bodies for the collection of maintenance charges like water, electricity etc (Vaquier, 2010: 53, 54).⁴

3. Displacement and Rehabilitation: The Ongoing and Unresolved Issues

Several counterfeit promises have been made by the state regarding relocation of the concerned slum dwellers. In spite of remitting Rs 7000, there was not a single household in course of the survey who was relocated according to the deadline prescribed above. The proposed construction of 10096 flats at Chandivali and at Mankhurd by 2013 which were supposed to be built by December 2013 for rehabilitating the remaining 13486 eligible encroachers in Phase II remains a highly utopian situation. In the year 2003, only 7500 people received their respective allotment letters which amounts to less than one fourth of the total 33,000 persons that were entitled to resettlement (Zerah, 2007). But the actual allotment has till now remained bleak as the survey unfolds. Several hutment dwellers keep coming to the Tulsi Range Forest office to enquire about their room allotment in Chandivali, but are met with despair. The statement of the Conservator and Director of the Forest goes like this, “I am in no position to give a timeline because it involves SRA as well and they are yet to decide on where to build flats for eligible encroachers”.⁵

The requisite amount of money which was to be remitted by the slum dwellers to get alternative accommodation, that is Rs 7000, was collected in two phases, once in 2000 and then in 2008. Still, problems exist regarding the allocation of houses to these people. These problems are manifold. Jaykunesha Sheikh, one of the residents of Lauhugad, who is settled here with her mother and brother since 1989, has admitted that the flat which was assigned to them in Chandivali

complex is being presently occupied by someone else, due to some confusions regarding the allotment list, presently in the hands of the SRA. This is the reason for which they are still not able to move to Chandivali, even after making the payment. In Dahisar, the area surveyed known as Ketkipada, has nearly 6000 settlements, out of which 3280 houses have remitted the money within 2000 to 2008. But only 200 houses have been given relocation in Chandivali till now. Thus an unfortunate part of this resettlement process is that, even after more than almost 15 years that the Bombay High Court has passed relocation orders of legal settlements, Forest Authorities have failed to provide housing to even half of the eligible encroachers. More than a half of the total settlement over there is still left to be relocated to Chandivali. One point of serious concern needs to be addressed here. Allotting alternative accommodation to the slum dwellers does not cease further concerns of habitability and livelihood on the part of the state. Although some residents are really looking forward to the new settlement provided at Chandivali, but some are still wary regarding the new site. Several objections have been raised from the slum inmates regarding cost of transport, setting up new business structure in a completely new place, distance of workplace from home; these are some of the issues raised by them. Many of the encroachers who have been rehabilitated are coming back to the park owing to improper living conditions therein like irregular water and power supply and lack of proper bathrooms. Such a situation demands a very complex understanding of the entire rehabilitation process, since a host of factors is being involved herein.

Considering their resettlement of the families in Chandivali, a few things have been noted. Though better physical infrastructure is provided, the cost involved in it has increased since they have to pay for basic utilities as well as common maintenance of the building. Costs of transport and education have also increased. Similarly, health dispensaries, primary schools, extension of bus routes have not been included in the resettlement plan and needs further discussions with the municipal bodies for improvement. This leads to worsened access of children to schools as well as longer time to reach workplace from home. Regarding the structure of resettlement within the households, those who are a little better off are seen residing at the ground floor apartments which they can use for making shops to derive additional income and those who are still struggling for employment are among the worse off. The rate of unemployment is seen to be higher within the resettlement colony as compared to that of the slums. This is partly due to the factor that it is difficult to get employment in a new place. In addition to the above controversies regarding resettlement, another major issue around which conflicts occur is that the residents are not in a stable tenure position and their place in the city does not have a recognition by the public authorities. Thus their urban citizenship is largely consolidated (Zerah, 2007). Besides, there are some households which are evicted without any

compensation and had also to face brutal force by the state. Forced eviction has created a category of people who were relocated in the suburbs of Mumbai, in a place known as Nalasopara, situated about 40 kilometres north of the previous location. The people living here are poor to the extent that they survive on little earnings like daily labourers, earning a day's income only. On the contrary, high income residential areas and shopping complexes thrive in the vicinity of the national park. Thus, this entire exclusionary conservationist paradigm operates on the basis of fake relocation assurance to the marginalized slum dwellers and patronizing political involvement and inconsistent judicial orders.

4. Conclusion: The Politics of Conservation and the Social Exclusion of the Marginalized

In the case of SGNP, relocating the slum dwellers in an area without any urban functions and employment opportunities reveals the existing stories of social exclusion. Although the state promises resettlement, in most of the cases such resettlement is haphazard and undemocratic. Secondly, regarding the entire resettlement process, no consideration was made of the opinions of the slum dwellers regarding their affordability in terms of maintenance costs as well as security of tenure, and the availability of services in the new complex where they are rehabilitated. This shows a kind of bureaucratic control over the entire decision making process from which the poor people are alienated as always. Thirdly, their dependence on the area has also suffered in terms of huge losses in the local business which they had adjacent to or within the park premises. Since many joint families have a single working member, such unemployment can be severe for their economic condition. Fourthly, it was noted in course of the study that while the elitist group has consolidated their claims on the land, it is the local people who have suffered marginalization and eviction threats. The unauthorized structures in the vicinity of the forest which belong to moneyed people and never face demolition threats, exemplify these claims. Finally, the goal of preserving the environment is built upon in opposition to the slums, since the mechanisms used did not lend an equal voice to everyone involved, which is evident from the absence of collective decision making in the relocation process. The Indian Forest Policy for the first hundred odd years of its existence was primarily premised on the maximization of timber production and revenue generation within Indian Forests. Thus any human presence in those areas was considered to be a hindrance in the functioning of the forest department (Rangarajan and Saberwal, 2005). Recent scholarly works have shed some light on the politics behind forest conservation. According to Baviskar (2002), bourgeoisie environmentalism forces us to rethink the assumption that ecology and equity are always intertwined with each other in the Indian case. In the present conditions of our urban life, the policies are designed in ways keeping majority of the city dwellers out of their purview, denying them the basic rights of livelihood and imposing on them the brunt of environmental destruction.

Shahabuddin in the context of Sariska Tiger Reserve, Rajasthan, asserts, 'instead of shifting the local villagers from in and around the villages an equitable compensatory mechanism and positive interaction between the villagers and the reserve management would be more useful in improving the effectiveness of wildlife conservation in the reserve' (Shahabuddin, 2007). This is true in the sense that based on the belief that human activities are incompatible within the ecosystem conservation of the protected areas; the forest department often prioritize keeping the local people out. In urban areas too, Protected Areas (PAs) are increasingly governed by such an exclusionary conservationist paradigm, which nevertheless supports commercial interests in certain cases. Real estate developers as well as Urban Development Authorities like MMRDA are highly interested in the land of SGNP, either to build around the fringes of the park or to construct water pipes. Politicians and locally elected officials have a significant role to play in the said situation. Another issue which draws serious attention is that there is less documentation of the clashes between environmental versus social justice agenda centring the presence of a large number of flats near SGNP. It is also observed that forest land houses many slum areas as well as apartment buildings. Baviskar has rightfully suggested 'by ignoring the absence of low income housing, the judiciary has criminalized the very presence of the poor in the city, and the Courts have not only brushed aside representations from "basti"-dwellers, but they have also penalized government officials for failing to demolish fast enough'(Baviskar, 2002). The state in almost all cases has successfully planned out strategies in determining their eligibility for resettlement. In the context of the Status Report which has so many flaws in its declarations regarding the provision of proper housing to the poor, the study shows once again the top down approach of the government and trade offs in the commitment where the slum dwellers are legally and socially marginalized for creating inviolate spaces.

Notes:

- ¹ This resettlement process commenced because in the year 1995, the Bombay Environmental Action Group filed a writ petition no 305/1995 before Bombay High Court for the removal of encroachers from the periphery of Sanjay Gandhi National Park, Mumbai. Consequently on 7th May, 1997, the Bombay High Court passed a detailed order demanding that all slum dwellers whose names have been present on the election roll of 1995 should be relocated outside the boundaries of the park within 18 months of passing this order.
- ² This is an assertion made by the Conservator and Director of the national park, Mr Sunil Limaye, in the Status Report itself.
- ³ Sangharshnagar colony is the slum rehabilitation area in Chandivali, Mumbai, where the evicted residents of SGNP are relocated.

- ⁴ Vaquier, Damien (2010). *The Impact of Slum Resettlement on Urban Integration in Mumbai: The Case of the Chandivali Project*. New Delhi. Centre De Sciences Humaines.
- ⁵ Statement by the Conservator and Director of the national park, Mr Sunil Limaye in his interview with Hindustan Times, Mumbai, dated 01/06/2011. Retrieved : <http://www.hindustantimes.com/StoryPage/Print/704279.aspx?s=p.>, accessed on 22/12/2012.

Bibliography

- Baviskar, A. (2011) "Cows, Cars and Cycle-rickshaws: Bourgeois Environmentalism and the Battle for Delhi's Streets". Amita Baviskar and Raka Ray (eds), *Elite and Everyman: The Cultural Politics of the Indian Middle Classes*, pp. 391-418. New Delhi: Routledge.
- Baviskar, A. (2002). The Politics of the City. *Shades of Green: A symposium on the changing colours of Indian Environmentalism*.
- Saberwal, V. K., Kothari, A., & Rangarajan, M. (2001). *People, Parks and Wildlife: Towards Coexistence*. Hyderabad. Orient Longman Private Ltd.
- Saberwal, V. K., & Rangarajan, M. (2003). *Battles over Nature: Science and the Politics of Conservation*. Delhi. Permanent Black.
- Shahabuddin, G., & Rangarajan, M. (2007). *Making Conservation Work: Securing Biodiversity in this New Century*. Delhi. Permanent Black.
- Shahabuddin, G. (2010). *Conservation at the Crossroads: Science, Society and the Future of Indian Wildlife*. Delhi. Permanent Black.
- Shahabuddin, G., Kumar, R., & Srivastava, M. (2007). "Creation of "Inviolable Space": Lives, Livelihood and Conflict in Sariksha Tiger Reserve". *Economic and Political Weekly*, 42 (20), pp. 1855-1862.
- Vaquier, D. (2010). *The Impact of Slum Resettlement on Urban Integration in Mumbai: The Case of the Chandivali Project*. New Delhi. Centre de Sciences Humaines (Centre for Social Sciences and Humanities)
- Zerah, M.H. (2007). "Conflict between Green Space Preservation and Housing Needs: the Case of Sanjay Gandhi National Park, Mumbai". *Cities*. 24. (7). pp. 122-132. Retrieved January 7, 2013 from <http://www.sciencedirect.com/science/article/pii/S0264275106000990>