

701

upto 20

11/2/99

National park will open entry point in Mulund

The Times of India News Service

MUMBAI: Faced with the problem of handling 25 lakh visitors a year, the Sanjay Gandhi National Park has decided to open a new entry point at Mulund end to cater to nature lovers and tourists from eastern suburbs.

Minister of state for forest Vinod Gudghe Patil visited Shankartekadi in Mulund west and made a first-hand assessment about the proposed national park at Mulund.

The forest department has already submitted a detailed plan with the collector informing him about what facilities will be provided to nature lovers in Mulund Park. Local MLA Kirit Somayya will provide Rs 3 lakhs from MLA's fund for the project.

Chief conservator of wild life M. G. Gogate and assistant conservator Satish Phale have prepared the blue print for the 50-acre project which would cover the north-west range of hills from Bhandup water complex upto Yeoor hills in Thane.

The area has moist deciduous to semi-evergreen forest interspersed with pockets of thick mangroves. The minister said the new project would provide recreation zone for the residents of eastern suburbs which would be called Nisarga Vihar.

BMC, forest department at loggerheads over tree felling update 201

SWATI DESHPANDE-AGUIAR ^{IE}

MUMBAI, JAN 25

26/1/99

CAN the Forest Department cut trees in the city without the permission of the Tree Authority of the Brihanmumbai Municipal Corporation (BMC)? No, says the BMC. Yes, insist the forest authorities. The confusion came to light when over hundred trees were cut this month at the Sanjay Gandhi National Park, Borivali.

The Forest Department has recently cleared a large patch of

land near the entrance of the park by cutting down trees to make way for a park-cum-botanical garden. While Deputy Conservator of Forests A R Bharati stated that the forest office is itself a tree authority and does not need any permission from the BMC, the civic officials maintained that any tree in the urban area comes within the jurisdiction of the Maharashtra (Urban Areas) Preservation of Trees Act, 1975, under which it has been constituted the Tree Authority.

The BMC Tree Authority has got the sole powers to sanction cutting of trees within the urban area, stated a member adding that, since the part cleared at Borivali Park is within city limits, the Forest Department ought to have sought permission from the BMC.

Gardens Superintendent K L Velodi told *The Indian Express*, "I had written to the forest authorities seeking an explanation about the felling of trees. However, there was no response."

Sources said oral orders issued

by the civic officials to stop work were ignored.

However, Bharati claimed that he did not receive any letter from the BMC adding that, he has powers to give permission to cut trees in areas outside the municipal jurisdiction. However, he was quick to add that the trees that were cut were subabool trees "which are of no worth.

"We are soon coming up with a kind of a botanical garden on the 10-acre plot, where we will plant a large number evergreen trees of

lesser known species." The subabools, considered to be afforestation trees which regenerate rapidly, were planted in the early 1990s to cover the un-utilised area.

Bharati pointed out that the plot was falling prey to encroachers and was being used a public toilet. He admitted that the park area was badly maintained and the fencing at the border was broken.

However, he said that the park authorities will be take up measures to beautify the area next to the park entrance.

Restrictions for visitors to Kanheri Caves on Shivratri

The Times of India News Service

MUMBAI: Highlighting the fact that the ancient Kanheri Caves, located in the heart of the Sanjay Gandhi National Park in Borivli, are Buddhist caves and have absolutely no connection with any Hindu deities, the park authorities and the Archaeological Survey of India have announced some strict restrictions for pilgrims and other visitors to the park on the occasion of Mahashivratri on Sunday.

The only entry-point to the park will be the main entrance at Borivli east. Entry will be permitted only between 7 a.m. and 5 p.m. and visitors will have to leave the premises at 5 p.m. Visitors will have to buy entry tickets, otherwise they will be fined.

Private vehicles will not be allowed beyond the main gate. Visitors will have to avail of the BEST bus service or walk to the caves.

No hawkers vending anything will be allowed to enter the park.

No person will be allowed to carry inflammables like match boxes, lighters, cigarettes, bidis and kerosene cans into the park.

Non-biodegradable items like polythene bags and thermocol cups will be prohibited.

These measures are aimed at minimising the vandalism of the caves and the surrounding forest on this festival-day. Legal action will be taken against anyone caught flouting these restrictions, according to a press release issued by deputy con-

servator of forests A.R. Bharati.

Believing mistakenly that the caves are a Shaivite site (like the Gharapuri (Elephanta) caves), about 400,000 pilgrims trek through the woods to throng the caves on Mahashivratri day every year. While doing so, they wreak havoc at the heritage site and the leafy trails leading to the caves.

The worshippers break thousands of coconuts in the caves, spill 'haldi-kumkum' on the walls and floors, light agarbattis and diyas, and litter the place.

It takes weeks to clean up the mess made by the visitors. Last year, the forest department removed 1.5 truckloads of coconuts from the caves after the festival, and naturalist-volunteers spent several back-breaking weekends to clear the trails of plastic debris.

"The damage caused to the forest every year is not easily undone," lament the foresters. "Several acres of greenery are scorched and it takes a long time for these to rejuvenate.

This depletes the foodbase of our forest creatures. Also, the plastic debris often gets into the natural water channels and chokes them as well as the undergrowth."

According to the local ASI security guard, the cave surfaces are dented by the thousands of coconuts being broken on them. Some of the ancient Buddhist sculptures have even been known to chip off because of the vibrations.

13/2/99 TOI 3
update 19

Toi 17/9/03

Remove encroachments in 6 months, says HC

17.32
✓ 45

TIMES NEWS NETWORK

Mumbai: The Bombay high court on Monday directed the removal of all existing encroachments in the city's Sanjay Gandhi National Park within six months. The state government had already demolished about 49,000 illegal hutments in the park between 1997 and 2000 but 12,000-odd illegal structures remain.

However, the court also directed the state to relocate the 33,000-odd slum dwellers who had been living on park land prior to 1995, in accordance with an earlier HC directive and the state slum rehabilitation policy. Eligible

slum dwellers have to pay Rs 7,000 for the relocation.

A division bench comprising chief justices C.K. Thakker and S. Radhakrishna passed the verdict in response to a public interest litigation (PIL) filed by the Bom-

SANJAY GANDHI NATIONAL PARK

bay Environmental Action Group (BEAG), which alleged that encroachments had damaged the park's forest cover.

BEAG advocate Gautam Patel argued that the park is unique in that it is the only national park within municipal limits in the country. "Our concern is not only for the depleting wildlife but also for

the Tulsi and Vihar lakes, two major reservoirs located within the park. Encroachments pose a threat to the continuance of both," he said.

However, in response to a plea from advocate Anand Grover, who represented the

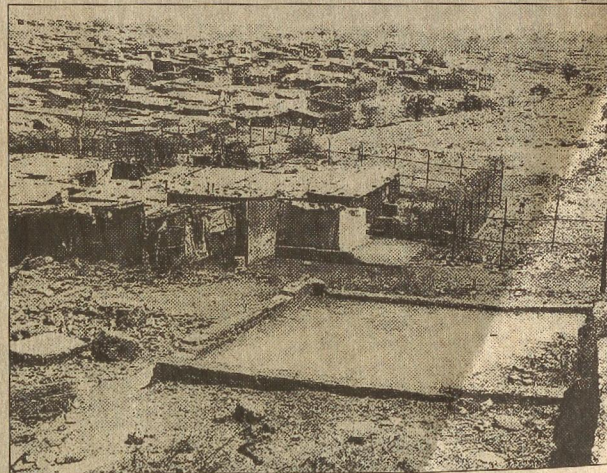
slum dwellers, the court stayed implementation of the orders for eight weeks to enable an appeal to the SC.

The court had earlier passed a series of orders since 1997 directing demolition of illegal hutments in the park. In 2000, the court had expressed its dissatisfaction at the slow implementa-

tion of its orders.

Disposing of about 37 petitions on the issue, the judges said on Monday that according to the Wild Life (Protection) Act and forest laws, the encroachers had no right to reside in the park. They observed that the occupants had been unable to establish legal occupation of the land.

The slum dwellers' lawyers had questioned the validity of the park boundary, arguing that the slums actually fell outside park land. Grover also argued that parts of the Yeoor hills, which house many posh bungalows owned by politicians, were excluded from the park boundary.



Slums in the Kandivili area of the Sanjay Gandhi National Park.

Michael Rodrigues

Sanjay Gandhi National Park to have nursery for endangered, wild herbs

EXPRESS NEWS SERVICE

MAY 1

THE State Government has decided to set up a nursery for endangered species of wild herbs in the Sanjay Gandhi National Park.

The move comes shortly after the Ministry of Environment and Forest issued an order freeing a few hundred endangered species for exports.

Deputy Conservator of Forest, A R Bharti, told *The Indian Express*, that more than 200 hectares of dense forest at Nagla have been earmarked for setting up the park for endangered species. The services of the tribals has been enlisted for nurs-

ing the plants, said Bharti.

He explained that there are more than 400 species of endangered species at Sanjay Gandhi National Park and it is necessary to save them for posterity. The cure to many diseases can be found in herbs and plants in the forests, Bharti pointed out.

"Saplings of some of the endangered species will be sold to various corporations and environmental-conscious bodies. The proceeds from the sales will go to the tribals" remarked Bharti.

The decision assumes significance in light of the fact that MOEF, in a departmental order, has cleared 223 species of medicinal herbs for

exports. Traders can freely ship the rare plants without the legal procurement certificate (LPC) from forest authorities. The forests around Mumbai, particularly in Thane district, have lost a number of herb species. *Gloriosa Superba* is virtually extinct at the Karnala Bird Sanctuary near Panvel. *Cappara-ceae*, *Malvaceae* or *Coelachne Minuta Bor. Poaceae* have become endangered in the Kolhapur, Ratnagiri, Mahabaleshwar and the Amboli ghat area, to name a few.

Environmentalists fear that commercial demands for endangered plants for exports could trigger off an army of pickers in the forests.

7/10/98

The Indian **EXPRESS**

PUNE ■ WEDNESDAY ■ OCTOBER

Tiger safari at national park challenged

PRESS TRUST OF INDIA

MUMBAI, OCT 6

SANJAY Gandhi National Park has put off the inauguration of its tiger safari park to November 1 following a public interest petition filed by animal welfare organisation 'Ahimsa' in the Mumbai High Court challenging the project.

The petition seeks to restrain Sanjay Gandhi National Park from using its land for conducting any non-forest or commercial activity such as setting up of an open air theatre, tiger safari, two more tourism zones, guest houses, botanical gardens and construction of roads within the proposed safari.

Such non-forest or commercial activity was not only in violation of provisions of Section 35 (6) of the Wild Life (Protection) Act, 1972, and Section 2 subsection (ii) of Forest Conservation Act, 1980, but also contravened earlier High Court judgements, the petition contended.

Ahimsa further submitted that Maharashtra State Wildlife Advisory Board had in a letter on May 6 this year informed the State Government through the Ministry of Environment and Forests that the proposed tiger safari was a non-forest activity.

Setting up of tiger safari, open air theatre, additional tourism zones and guest houses would involve large scale felling of trees and construction of motorable roads and offices resulting in reduced space for the animals who are generally comfortable in their natural habitat, the petition submitted.

Greens voice concern over Nisarga Vihar project

update 20

TO 1
15/3/99

By Vaishnavi C. Sekhar

MUMBAI: Confusion over the true nature of the proposed Nisarga Vihar (nature centre) at the Sanjay Gandhi National Park abutting Mulund has left environmentalists perturbed about the project. The World Wildlife Fund (WWF) has raised objections to the project.

Nisarga Vihar will be flagged off on March 21, World Wildlife Day, by chief minister Narayan Rane. It will be developed as a nature spot for the public on the eastern side of the Sanjay Gandhi National Park, at Mulund. The brainchild of city BJP chief Kirit Somaiya, the project is intended to provide an entry point to the park for the residents of the eastern suburbs.

Leaflets advertising the project say that it is a "nature park" of 176-acres stretching from Bhandup water plant up to Thane, and will have an information centre, picnic spots, nature trails, and a childrens' park.

Greens says that the project will endanger the ecology of the park. "The whole area of the park, except for the assigned recreation area in Borivli, can't be developed or used for non-forest activity. This includes the buffer zone in which the nature centre will fall," says Kedar Gore, a WWF official.

The organisation has sent a letter to the Prime Minister and the

Union minister of environment and forests objecting to the project.

However, forest officials say that the project is only a part of their "management activities". "This is part and parcel of the park's activities, and only conservation in nature," said A.R. Bharati, the deputy conservator of forests. "There have been many misconceptions about this project. This is not a separate park or even a recreational area, so it does not require any special permission."

Mr Bharati clarifies that the nature spot will only cover 50 acres of park land and will not have any joggers' park, yoga or recreation centre as advertised by the leaflets. "It will only have a nature information centre with facilities for slide shows, nature trails, and a natural plaza that gives a view of the reservoirs," he said. He adds, "The whole area is already barren, so in fact we will be undertaking replantation and soil conservation."

However, leaflets for the project advertise picnic spots with small pagodas and childrens' parks as part of the nature centre. Moreover, Mr Bharati states that two or three acres outside the park area in Mulund may be used as a recreational area.

WWF officials fear this will lead to a scenario similar to that in Borivli. Mr Gore points out that the

Borivli side of the park has been degraded to a great extent because of the constant flow of visitors to the recreation zone of the Borivli national park. "Excess tourism on the Borivli side has had a very bad impact on the environment of the park, since the visitors drop food and plastic everywhere. Now the same picture will be repeated on the Mulund side of the park," he says.

However, Mr Somaiya says the purpose of the project is to "create an understanding and awareness of nature among the public." He notes that it is currently difficult for people in the eastern suburbs to avail of the recreational area in Borivli.

"But what is the priority for the park, preserving the bio-diversity of the park, or creating access to recreational spaces for people in the city?," asks senior project officer at the WWF, Jagdish Punetha.

WWF officials also pointed out that permitting visitors closer to the catchment areas to get a view of the Tulsi, Vihar and Powai lakes, would adversely affect the reservoirs. However, Mr Bharati states that the areas close to the reservoir will not be opened up.

"On the one hand, the government is supposed to be trying to clear the park of encroachments but on the other they are encouraging people to go there," Mr Punetha points out.

PAV 30 ✓

16 16/4/2001

14 tigers, 20 leopards seen at Melghat Tiger Reserve

PRESS TRUST OF INDIA
PARATWADA, APRIL 14

Tiger Reserve, the sources said, adding that there were 500 waterholes, including 192 natural waterholes.

ONLY 14 of the total 72 tigers and 20 of 64 leopards were spotted in Melghat Tiger Reserve during "Waterhole Census" on April 8. Melghat Tiger Project source today said that due to some disturbance, the tigers could not come at the waterhole to drink water.

The sources said the tiger can sustain without water for upto 8 days and without food for 15 days.

Using Pugmark technique, the reserve authorities had put the estimated population of leopards in 1998 as 64 and that of tiger at 69, which is 27 per cent and 15 per cent of the total number of tigers and leopards respectively all over Maharashtra. Next waterhold count will be carried out in May in Melghat

7/29 ✓
5/1/2001

Naik, CM discuss rehabilitation of slum-dwellers

MUMBAI: Union minister for petroleum and natural gas, Ram Naik, on Wednesday met chief minister Vilasrao Deshmukh to discuss the rehabilitation of 39,000 slum-dwelling families at Borivali's Sanjay Gandhi National Park, reports PTI.

"We have requested the state government not to rehabilitate Borivali's slum dwellers to distant Kalyan-Dombivali in Thane district," Naik told reporters here.

Mr Naik, who met the chief minister along with a delegation including BJP MLA Hemendra Mehta, has demanded the rehabilitation of people within a radius of 10 km of the national park.

The government has agreed to include the draft of the gazette notification over the issue in its January 10 cabinet meet, he said.

The matter is already in the high court and the next hearing is scheduled to be held on Jan 10, he added.

PAV 30 ✓

Poisoned water hole kills peacocks, civet

PRERNA BINDRA
MUMBAI, FEB 24

THE MELGHAT Tiger Reserve, India's oldest tiger sanctuary, is being rocked by a series of poisoning incidents which have claimed the lives of many animals, the latest at a water hole last week causing the deaths of two peacocks, one Indian civet cat, some grey jungle fowls and other birds.

Just four days before the Foundation Day (February 22) of the Melghat Reserve, forest officials discovered that a water hole, Jamun Nallah, in the Chaurakund range in the sanctuary was poisoned, and had caused the death of several birds and animals.

The incident has caused panic among forest officials. Kishor Rithe, the honorary wildlife warden of Amravati, said the Melghat Reserve had lost 12 tigers and leopards in the last two years. "Most of these were poisoned," he said.

Ramanuj Choudhry, field director, Melghat Tiger Reserve said the

animals were being killed by local poachers. "The easiest method is to poison water holes, since these are frequented by most animals," he said. Incidents of locals poisoning water holes to kill peacocks and deer for their meat have become a serious problem in Melghat, he said.

As an emergency measure now, Jamun Nallah has been fenced off and the water sent for testing. "The peacock carcasses have been sent for post-mortem and we are still awaiting results," said Choudhry.

The latest poisoning incident has come after a brief lull. Barely two months back on December 21, four local people had been caught red-handed by forest officials while poisoning a water hole on the Khapra river of the sanctuary. A bottle containing 500 ml of Endo-sulphan, a highly toxic pesticide, was found on them. According to the last census in 1997, Melghat has a population of about 80 tigers, but the reserve remains largely unprotected due to shortage of staff.

7.1 17/12/02

17.52

MUMBAI

Land for slum resettlement had failed WB guidelines

Hemant Shirodkar



The quarry land at Chandivli near Powai where 20,000 slum families are proposed to be rehoused. The land was earlier rejected by the MMRDA on the grounds that it was not fit for habitation.

By Nauzer Bharucha
TIMES NEWS NETWORK

Mumbai: Government officials are questioning the suitability for human habitation of 3.60 lakh sq mts of Chandivli quarry land, owned by builder Sumer Corporation. The officials expressed their doubts after the Slum Rehabilitation Authority (SRA) gave the Nivara Hakk Suraksha Samiti (NHSS) the green signal for a project to rehouse 20,000 slum families on the plot. The families were evicted from the Borivli national park after a high court order and the NHSS was looking for alternative accommodation for them.

Although office-bearers of the NHSS, an organisation headed by actress Shabana Azmi, are excited about the project, the Mumbai Metropolitan Regional Development Authority (MMRDA) early this year rejected this same plot as unfit for its own rehabilitation project.

The authority had been looking for a plot on which to rehabilitate slum dwellers who were to be evicted for the Mumbai Urban Transport Project, officials said. "The Chandivli

land failed to meet the guidelines framed by the World Bank. It got barely eight out of 20 points, when the qualifying mark was 14 points," MMRDA officials said.

The points are awarded taking into consideration the distance of the plot from the nearest railway station, its accessibility, the conditions on the site and quality of the infrastructure, among other things.

An official in the MMRDA told TNN that the Chandivli land had been dynamited for quarrying such much that construction would prove a problem. The land has huge pits, making habitation difficult.

The MMRDA also turned down Sumer's offer because the land was in the possession of quarry owners, even though their licenses had expired. Besides, the authority claimed that the builder had not submitted documents to prove the consent of the original land owners.

However, NHSS joint convener P.K. Das debunked the MMRDA's reasons for rejecting the land. "The cost of levelling the land is minuscule. Although the Chandivli land is on a hill slope, we will take advan-

tage of the natural contours and minimise the cutting and levelling work," said Mr Das, an architect. He said access to the land would not be a problem as there are four municipal roads touching the plot. "It will be the most comprehensive rehabilitation project for the poor," he said.

The project will encompass two high schools, four secondary schools, 13 primary schools, 30 balwadis, 60 cooperative society offices, two hospitals, 750 shops and two large multi-purpose halls. "We will provide all infrastructure including playgrounds," Mr Das said.

Sources said that Sumer Corporation will be compensated with one crore sq ft in the form of transfer of development rights, which at current prices would fetch a staggering Rs 800 crores. The SRA recently tried to surreptitiously release five lakh sq ft of TDR valued at Rs 40 crores to Sumer, although the builder had not complied with a host of formalities. The TDR would have given construction rights to Sumer anywhere north of its Chandivli plot. However, the move failed following a report in this newspaper.

Thane-Belapur belt seeks to become SEZ

By Seema Kamdar
TIMES NEWS NETWORK

Mumbai: If all goes well, the Thane-Belapur industrial zone could become the state's first special economic zone (SEZ). The state government has appointed PricewaterhouseCoopers

told to determine the number of export units in the area and whether they make up a contiguous area of about 1,000 hectares— another essential condition for establishing an SEZ. "They have been told to work with the trade associations of the area and give a report to the govern-

to units in the Thane-Belapur MIDC area, which has been plagued by a host of problems. Among them is low occupancy. Of the approximately 2,200 units in the area, almost half are either shut or have shifted elsewhere on account of such woes as high taxation, steep infrastructure

17.32 ✓
59 ✓

V.P. Singh distances himself from slum rehab project

By Nauzer Bharucha
Times News Network

MUMBAI: Former prime minister V.P. Singh on Friday said he had nothing to do with a proposal by the Nivara Hakk Suraksha Samiti (NHSS) housing rights organisation to involve a private builder in a project to relocate Borivli National Park encroachers.

In the past, Mr Singh and actress Shabana Azmi of the NHSS have fought many battles together for the cause of displaced people and slumdwellers. But now, the former

prime minister has distanced himself from the NHSS-mooted proposal to rehouse the 20,000 slum families on a private plot at Chandivli. The Bombay high court had directed the government to move these slum dwellers out of the Borivli forest area.

The NHSS, which had long opposed builders participating in rehabilitation schemes for slumdwellers, recently changed its view when a developer, Sumer Corporation, offered its 3.60 lakh sq. mt. plot in Powai to rehabilitate

these families. As much as 1.2 lakh sq mts of the total land area comes under the no-development zone.

The proposal, which is being actively considered by chief minister Vilasrao Deshmukh, will mean a windfall for the builder in the form of over one crore square feet of transfer of development rights (TDR), which the firm could use to develop commercial or residential properties in Andheri and beyond.

In return, the builder will have to construct free houses for these slum families at Chandivli.

17.32

11/9/1993 TSI
**Shabana's NGO
to build mega
housing colony**

TIMES NEWS NETWORK

Mumbai: Nagari Nivara Hakk Samiti, an NGO fighting for housing rights under the leadership of actress-MP Shabana Azmi, will be building India's largest rehabilitation project for the urban poor at Chandivli. As many as 16,500 families displaced from the Borivli national park will be accommodated in a township to be developed on 1.89 lakh sq. mt. of land.

General secretary of the samiti P.K. Das, who is an architect, told TNN that the project will be undertaken by the samiti and not by Sumer Corporation to whom the land belongs. He said, following a PIL filed by environmentalists, about 65,000 families, who had encroached upon the national park had to be moved out. Of them, 33,000 families were entitled to rehabilitation since their huts existed prior to 1995. As per the policy of the Maharashtra government, those occupying pre-1995 structures were eligible for alternate accommodation.

Das said Sumer Corporation approached the samiti with an offer to give 1.89 sq. mt. of its land at Chandivli, which was earlier used for quarrying, for rehabilitating 16,500 families. The project will cost about Rs 420 crore. Each of the 16,500 families will contribute Rs 25,000 and the remaining amount will be given by Sumer Corporation.

17.32

3

16 16/9/03

National park to be free of encroachments soon

■ Slum-dwellers' petitions rejected

EXPRESS NEWS SERVICE

MUMBAI, SEPTEMBER 15

MUMBAI'S green warriors have reason to rejoice.

The Bombay High Court on Monday directed the Centre and the state government to remove—within six months—the 70,000 encroaching hutments scattered inside the precincts of the Sanjay Gandhi National Park.

A division bench of Chief Justice C K Thakker and Justice S Radhakrishna gave the order while hearing a Public Interest Litigation (PIL) filed by non-governmental organisation Bombay Environmental Action Group (BEAG). The petition had alleged that due to the unauthorised residential settlements, the forest cover of the park—about 100 sq km—had been damaged.

The bench rejected petitions filed by slum-dwellers and tribals who live within the park's loosely demarcated boundaries, who had appealed that their homes be protected since they were inhabitants of the area for several years.

The order gave a last chance to all 'protected' settlers—pre-1995 encroachers—to avail of the state government's relocation plans at alternative sites. This category of people, numbering 33,000, will have to fork out Rs 7,000 each for their rehabilitation and resettlement on government plots at Kalyan and Dombivili, within three months.

17.32

MBZ 14/7/03

A rendezvous with nature

The monsoon brings a discernible difference to Mumbai. The hot, sweaty feel of summer is replaced by wet streets, downcast skies and sprouts of green dotting otherwise concrete and dry earth. The difference is most tangible in the Maharashtra Sahyadris; that 65 million-year-old mountain range, rising to a height of 5,400 ft (Kalsubai peak near Igatpuri), part of which winds close to the city, putting rejuvenation within a hike's reach. The onset of rains in early June brings to life myriad creatures and innumerable plants on this range as well as the Sanjay Gandhi National Park well within the city. Sahyadri, off Karjat and Panvel, in the wet season become an active ground for trekkers, while its easier patches and the National Park play host to those keen nature watchers. Indeed, Mumbai is lucky to have such a setting — the National Park is often described as the largest of such wooded area within any big city worldwide. Few big cities can talk of a mountain range near by, to which one can escape every weekend.

Monsoon hikes particularly are a Mumbai special. The Western Ghats are at their highest in Kerala, but a wet trek there is a sure invitation to blood-sucking leaches, creatures hardly found in hikes this side.

Consequently, only Mumbai presents you with images like the one seen two weekends ago on the One Tree Hill trail down the Matheran hill... a local outdoor club guiding up 126 utterly wet hikers, ranging from the energetic youth to those old enough to stop and catch their breath after every step.

Elsewhere, you might find similar fervour in pilgrimages, but rarely for a rendezvous with nature. The enchantment does not end with the ascent (or as sound trekking sense would say, with the descent), it lingers atop Sahyadri peaks in the form of ancient forts carved from the region's volcanic rock. Fascination therein is slow to take root, graduating from correcting one's impression that Shivaji built most forts in these ranges, to learning that some of them date back a thousand years to the Shatavahana period, even beyond.

The mystique — strongest while beholding scenes such as the Chanderi-Mhasmalmass with its gnarled features emerging from a shroud of low flying monsoon clouds — drives home, when the volcanic origin of the Sahyadris and their age is factored into the experience. Parts of the Sahyadri are steep and shaped like a verdant equivalent of pictures from Colorado.

For all the fear it can evoke, the Sahyadris were not born from plate collision like the younger Himalayas. Rather, these ranges were shaped by erosion, the inevitable scare element while climbing them. They have eroded through the ages, and still are. The copious crowds that throng to the mountains from India's biggest city, may not be without their contribution to the damage.

One person whose life is woven into the Sahyadri, is Hrishikesh Yadav. Well known in the city's climbing circles, he led the successful 1998 Tata Everest Expedition. According to him, there are two types of people who head to the hills — serious trekkers and picnickers. "The Sahyadris do provide a break from Mumbai's fast life. An uphill walk not only provides physical exercise but also rejuvenates you mentally," he says.

Over the last several years, interest in trekking among city residents has reached a zenith. But even as the number of people heading to the hills has increased, properly planned trips are actually on a decline, says Yadav. "Earlier there would be at least 10-12 expeditions, 8-10 pinnacle attempts. Today, they are few," he says.

The discipline associated with trekking has also taken a back seat. "Nobody wants to join serious trekking groups because of the rules. In fact, most people want to go on their own," says Yadav.

Committed trekking clubs usually insist on a code of ethics while outdoors, ranging from politeness to villagers to bringing back plastic bottles, biscuit wrappers and foil packs. For the new kind of brash, upwardly mobile middle-class families or groups of urban youth out to revel, these are dispensable niceties to nature.

For a recent sample, visit Matheran, the hill resort



A national park within Mumbai may be a feather in the city's cap, but it does not augur well for the wildlife that is constantly under threat from the apathy of its visitors.

Latha Venkatraman and Shyam G. Menon

frequented by Mumbaikars. Normally ascended from the Neral or Karjat side, Matheran itself is on a clean up drive. In fact, garbage disposal on top seems better organised now. But the traffic has begun shifting to routes from Panvel on the other side of the mountain, the once quiet road leading to Maldunga and Dudhani villages below now seeing hordes of picnickers on weekends. The eventual impact of Indian joint family picnics is not hard to foresee.

Arguably, the Sahyadri range does remain out of bounds for many because of the strenuous uphill climbs involved. Yet there is no respite from disappearing tree cover as Franco Linhares, with several years of trekking and rock climbing. "There is rampant tree felling. Sometimes when we go back on a trekking route after a year or so we find entire mountain slopes stripped of their tree cover," he says. Trek routes with very little human habitation are largely left untouched, but elsewhere, rugged forests are replaced by tree stumps.

Closer to the city, the Parsik hills running from Belapur to Mumbra, have seen denudation courtesy Navi Mumbai's property developers, mushrooming places of worship and slum dwellers. One of its smaller humps in Nerul, now lost totally to the real estate industry, has an apartment block on top called 'Everest'. Joint families or visitors in such numbers have

been invading the National Park for a while, now.

With its diverse tree and plant cover ranging from teak, *karanj*, *kadamba*, acacia, red silk cotton and flame of the forest, the National Park offers nature lovers a feast. Not to mention the number of birds (over 250 species) including golden orioles, racket-tailed drongos, minivets, magpie robins, hornbills, bulbuls, sunbirds and woodpeckers. The forest also has its share of fauna including spotted deer, barking deer, palm civet, hanuman langur, macaques and 43 leopards, according to the census of 1996. No doubt, city dwellers need a breather from their grinding routine, but the very presence of too many people trampling through the forest floor is pushing fragile wildlife to the brink.

For National Park authorities, weekends are a nightmare. The fact that a park is situated within Mumbai may be a feather in the city's cap, but it does not bode well for wildlife. The recent discovery of a tiger's pugmarks followed, reportedly, by a sighting, has awakened greater curiosity in visiting the area. It has prompted park authorities to disallow private wildlife enthusiasts from entering the forest and disturbing the habitat. Seems like as all else in Mumbai, nature too lives on the edge. ■

Picture by Shashi Ashiwal

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Tiger leaves a glaring trail in Mumbai's urban jungle

By Vaishnavi C. Sekhar
TIMES NEWS NETWORK

Mumbai: He vanished from the metropolis more than 70 years ago, hunted down during the Raj; but of late, the tiger seems to be making a cameo appearance. The discovery of pug marks in the far reaches of the Sanjay Gandhi national park — in the Nagla area across Bassein creek — coupled with reports of sightings in Tungreshwar nearby, has sent wildlife enthusiasts into a tizzy.

This is the first time that tiger sightings in the Mumbai region have been confirmed by actual evidence in the form of pug marks and scat, or droppings, says environmentalist Debi Goenka. The marks were found five or six days ago near Sasupada, in the dense 30-square-km forest north of the creek. On Tuesday, chief wildlife warden M.G. Gogate examined plaster casts of the pug marks, which had been taken by forest guards who discovered the tracks, and confirmed that they were indeed those of a tiger, probably male.

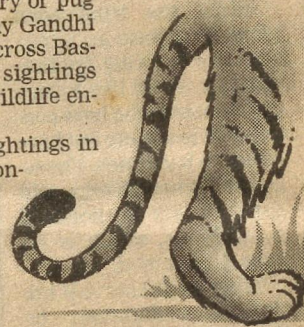
The Mumbai-Thane region has been historically home to the big cat — the *Bombay Gazetteer* from the 19th century reported tigers drinking from Gowalia tank and swimming

across the Kurla creek, says naturalist Sunjoy Monga. But their numbers dwindled with the increasing popularity of *shikar*, and the last one was shot down on the edge of Vihar lake on February 22, 1929. Since then, there has been no

confirmed tiger presence in the region. It is not known whether this is a wild tiger which has strayed into the region, or a captive one which has been released, perhaps from a circus, into the wild. Some believe or hope that it is more likely to be a wild tiger, since captive cats would gravitate towards human habitation. "A circus animal would find it difficult to survive in the jungle, but you never know," says Goenka,

adding that in the dry season, water courses could serve as pathways for the tiger to travel across the region.

"Tigers are known to stray into unknown territory," agrees Monga. In Maharashtra, tigers centre around Tadoba and Melghat, but these are around 650 km from Mumbai region. Monga speculates that if it was a wild tiger, it could have come through the green corridors of Kasara, northern Tansa or Jawhar.



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Encroachments, depleting prey behind panther attacks

MUMBAI: The recent spate of panther attacks inside the Sanjay Gandhi National Park (SGNP) has once again brought to the fore the issue of wildlife habitat crisis and human encroachment.

Eleven cases of panther attacks on children have been reported during the current year at the park located at suburban Borivali. The park, spread over an area of 103 sq km, is surrounded on all sides by suburbs. Wildlife activists attribute the attacks to depleting natural prey base of the panther population inside the park, a fact refuted by forest officials who blame the attacks on expanding human encroachment.

"The panther attacks are largely because there is very little food for them in the park. They wander into the *bastis* (settlements) looking for opportunities to pick up dogs," says Dr JC Daniel of the Bombay Natural History Society (BNHS). Daniel adds that the attacks on humans are largely accidental, cases of mistaken identity.

Panthers normally do not attack humans and even shy away from them if they come across human beings. In spite of human settlements and foresters moving inside the park, no cases of panther attacks on adults have been reported. This corroborates that the attacks have largely been accidental, wildlife experts opine. Tribals have been living in the forest area for a long time and know how to live with the animals, according to Daniel.

Even in zoos, the leopards get excited when they see children, according to deputy conservator of forest at the SGNP, A.R. Bharati.

Forest officials, however, attribute the attacks to large-scale human encroachment in the park. In spite of having removed around 50,000 hutments following a Bombay high court order, there is a considerable

number of humans living inside the park.

The panther's natural prey, peafowl, peacock, spotted deer, etc., are present in sufficient numbers inside the park, Bharati claims. However, leopards do attack stray dogs, because they are easily available in the human settlements. There is also a dispute about the size of the leopard population inside the park, with forest officials putting the number at 42 as per a May, 2001 census. It has been rejected by wildlife experts.

Activists lament there is no continuous study on the animals to substantiate the claims of the park authorities. Information about the area in which the leopards

move around, the male to female ratio, the number of preys in each individual area is non-existent, they claim.

Both wildlife experts and forest officials agree that the park and the animals are paying a heavy toll due to the encroachments, carried out with political patronage.

Despite a high court order directing relocation of encroachees, not much progress has been made. The cash-strapped forest department does not have enough personnel to effectively check encroachments and safeguard the park land. But the immediate concern for wildlife activists is the release of leopards that were caught following

the recent attack on children. "You cannot take the risk of releasing the animals in the park itself. If the animals are the same ones that have killed the children, then they have forfeited their liberty," Daniel says.

Even if the animals are relocated, there are no forests in India, where humans are not wandering around and that compounds the problem. In the absence of studies, it is debatable whether the leopards can adjust to the new environment, the panthers being a territorial animal. (PTI)



Tribals go home, but not to the jungle

ARUNA CHAKRAVORTY

MUMBAI, JUNE 17

ONE of the many worlds that make up Mumbai is melting away. Warli and Kokni tribals who had settled in the once-was-jungle of Aarey 70 years ago, making do with odd agriculture and home brewing of ar-rack, are changing their lifestyle. As huge acres of land they resided in return to the commercial circus of the city — owned by the Nenseys of The Royal Palms — important protocols for the shifting of other tribals in Filmcity and Borivali national park are being laid down.

"It's urbanisation," says Giridhar Dhar of the Mumbai Adivasi Sangh, who has been working here since 1979. "Unless they shift out of this lifestyle,



Tribals like Nausha Nimle and wife must get used to the fact that they can't get free firewood anymore

learn to live in flats, educate their children and get cautious about money, they will never be able to progress," he believes.

The older generation may be uncomfortable with the remote control, but the youth are in familiar territory. Nausha Nimle's son Arjun has no

doubts.

"I will no longer be afraid for my children," he beams. Employed in the security department at Royal Palms, Arjun works in shifts and every night he would worry at his job about wild animals and snakes entering the hut.

More heartburn is in store for the older generation who, till recently, lived off the fruits of the forests. In buildings, there can be no more free firewood or wild animals, flowers and stems for food. "We did not pay a single pie for the land we lived on or for water. Now, we start with monthly maintenance charges of Rs 400 per flat. Besides, we will have to buy kerosene and pay water charges," says another tribal, Anandi Thegad.

What the Nenseys get in the bargain is a clear patch of 240 acres of land and labour for their landscaping and gardening jobs. Mohammad Nensey, the young managing director, calls it a "win-win" situation.

"Thanks to Dhar, we have made a smooth transition", he says. Their relation, that started on an aggressive note when the

Nenseys bought the freehold 240 acres in 1979, ended on a surprisingly even keel. Dhar, a cardholding member of the CPM, is grudgingly appreciative of Mohammad's father, chairman Amir Nensey. "He is a gentleman, though a capitalist," he says.

Dhar worked on the economics of the tribals. Those who lost trees to the Nenseys have been compensated monetarily. For every two flats, there is a 220 sq feet of open area in the garden for planting trees.

Getting a house also means the tribals will have to learn to keep their jobs. "If we find they are drunk, we send them back. But this is a transition. The wives are happy, because the men have a job and don't sit drinking in the house," he says.

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Is the Vaitarna dam worth it?

By Vaishnavi C. Sekhar
TIMES NEWS NETWORK

Mumbai: It's a project that taps straight into the classic conflict between man and nature. A proposed dam in the middle of the Vaitarna, a river flowing through the Sahyadri range, will help slake the thirst of the megapolopolis. But it will also submerge over 10,000 trees.

Is it worth it?

Last week, the Union ministry of environment cast its vote for the nay-sayers — the conservationists — and refused to clear the project, despite the municipal corporation's promise of compensatory afforestation.

Environmentalists, naturally, are thrilled. "For once, the ministry has done the right thing without lobbying from NGOs. It's a pleasant surprise," said Debi Goenka of the Bombay Environmental Action Group.

However, BMC officials are dismayed. The corporation is relying on the Rs 1,000-crore dam — along with another Rs 660-crore project at Bhatsa lake — to put an end to Mumbai's water woes. The city's water vane has always been precariously dependent on the whims of monsoon —

which fills up the five lakes around Mumbai — but this year has been particularly difficult. In November last year, the BMC stopped supplying treated water for construction, and recently cut supply by 10 per cent.

Mumbai gets around 2,900 MLD (million litres per day) water, but requires 1,000 MLD more. The two projects combined will supply that much, but by the time they are both completed — around 2010 — demand will have risen. "The projects will not solve the problem, but will reduce the gap between demand and supply," said U.D. Holla, chief engineer, water supply projects. The funding may come as a World Bank loan.

Around 800 hectares in Beed will be forested to compensate for those submerged in the Vaitarna, so that the total forest cover in Maharashtra remains the same. A Neeri environment impact survey, done over seven years ago when the project was first mooted, also gave a thumbs-up to the dam, stating that the negative impacts could be mitigated and that most local inhabitants were willing to settle elsewhere.

But environmentalists such as Ashish Kothari of Kalpavriksh, Pune, say natural habitats evolved over millennia could not be replaced so easily. "Urban citizens must realise that water security depends on natural forests," he said, noting that forests acted as natural dams, catchment areas which conserve water. "It would be like killing the goose that lays the golden eggs," said Goenka, adding that it was because the British had the foresight to protect forest areas around Vihar and Tulsi lakes that their capacity had increased.

Water experts such as Vijay Paranjpye also say that to effectively preserve biodiversity, compensatory forestation must be done in the same valley and not elsewhere. But he is also doubtful about whether afforestation will actually happen, noting that in most cases where the environment ministry had cleared projects on this condition, the promise has been quickly forgotten.

BMC officials, however, claim that they have already built in the cost of maintaining the Beed forest for 10 years into the project price.

7-32

NEWSLINE SPECIAL Lone big cat has settled at one end of Sanjay Gandhi National Park After half a century, tiger sighted in Mumbai

MADHAV GOKHALE

MAY 22



THE tiger has returned to Mumbai. More than five decades after the island city last spotted a striped tiger — *Panthera tigris* — State Forest Department officials have confirmed the presence of one of the endangered big cats on the north-eastern side.

“It has settled in a dense forest patch at one end of the Sanjay Gandhi National Park (SGNP),” the State’s Principal Chief Conservator of

Forests (PCCF Wildlife) Madhav Gogate told *The Indian Express* today.

“We have evidence and regular tiger-country monitoring exercises in the region have begun,” Gogate, who is currently in Pune, said. Foresters have sought help from Bangalore-based wildlife expert

Ulhas Karanth to put up camera traps in the tiger area — Nagala block — for forest records. Gogate said he had already inspected pugmarks



Encircled area shows the tiger habitat. Courtesy NASA map of western India

and scats found from the area. The presence of the animal could be confirmed after considering the stride — the gap between front and hind

legs, stridal — the space between two front legs and size of the pugmarks, the PCCF said.

“We have sent samples of scat to Dehradun-based Wildlife Institute of India for chemical analysis,” Gogate said.

Though foresters are not sure about the corridor the big cat might have taken to enter Tungareshwar hills along the Vasai creek, it is likely that the tiger strayed into the backwaters of Vaitarna from the forest

stretch of Igatpuri-Kalsubai-Harishchandragad range.

More than five years back, a Pune-based environmentalist had claimed to have sighted a striped tiger in the Bhimashankar range, about 120 km north of Pune. However, no corroborative evidence had then been found.

“Tiger impressions in the forested upper crest of Western Ghats could have been missed due to lack of dusty tracks,” Gogate said, adding that forest officials were also looking for more

CONTINUED ON PAGE 3

Tiger sighted

FROM THE FRONTPAGE impressions. Tungareshwar hills has been a potential tiger area, and it also has a fairly good prey-base, he informed.

Old records with the Bombay Natural History Society (BNHS) show records of a tiger near Mazgaon docks in the early 19th century. There is also a record of a tiger hunt in the now concretised Malabar Hill, Gogate said.

The State has three tiger projects, all in Vidarbha region, while a proposal to create a tiger reserve along the waterlocked areas of Koyna and Chandoli dams in the Western Ghats is still awaiting clearance. The Koyna-Chandoli-Radhanagari forest belt houses about seven to 10 tigers, and the area has been the natural habitat of the big cat, Gogate said. Recently a tiger cub was found in Dodamarg area of Sindudurg district.

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101 20/4/03

Centre nixes Vaitarna project

By Archana Sharma
TIMES NEWS NETWORK

Mumbai: The city's water woes have worsened. As if further cuts in supply were not enough, the Union environment and forest ministry has rejected an ambitious water project for the metropolis.

The BMC's proposed middle Vaitarna dam project — already running behind schedule and re-lated for completion by 2010 — was meant to augment Mumbai's daily water supply by an additional 455 million litres (MLD) drawn from the Vaitarna lake in Thane district. Currently, the city gets about 900 MLD from Vaitarna lake.

Now the environment ministry has put a spanner in the works by refusing the proposal on the grounds that the construction of the dam will result in large-scale deforestation.

The Rs 1,000-crore project would entail the cutting down of about

10,000 trees spread across 600 hectares of land, which is thick with flora and fauna.

"The ministry was more concerned about the damage to the forest than the water needs of a city having a population of 12 million," said a frustrated official from the civic hydraulic department.

Deputy municipal commissioner (special engineering) Ramesh Bhatia said the BMC would re-submit the proposal to the ministry. The

Snags in the pipeline

- Environment ministry refuses to okay middle Vaitarna dam project
- Says project would end up felling more than 10,000 trees spread across 600 acres
- Shoots down civic proposal to compensate with afforestation project in Beed

state government had earmarked 800 hectares in Beed district for afforestation to compensate for cutting the trees in Thane district. However, the environment ministry did not agree to the idea.

Civic sources said the Vaitarna project was touted as a solution to Mumbai's water shortage problems. It envisages the construction of a 300-foot-high dam on Vaitarna river from where the water would be brought down to lower Vaitarna. From there, a 7-km-long tunnel would be laid and another 35-km-long pipeline would bring water up to the Bhandup water complex. The city requires 3,900 MLD, but it gets less than 3,000 MLD.

Large parts of the city are already facing a water shortage because of the poor rainfall last year. The BMC has imposed a 10 per cent cut in the supply, which is expected to increase to 25 per cent if the monsoon fails to arrive on time.

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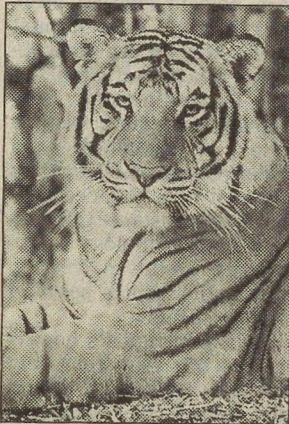
Forest department may capture, relocate tiger

TIMES NEWS NETWORK

Mumbai: While the state forest department appears to be adopting a 'wait and watch' policy with regard to the tiger detected in the Mumbai region, the option of capturing and relocating the animal hasn't been ruled out.

The tiger's pug marks were found a month ago in the Nagla block of the Sanjay Gandhi National Park, across the Bassein creek. This is the first time in 80 years that a tiger is roaming in the region. More recent information suggests that there may even be two animals, an adult female and possibly a younger male. The tiger is believed to have wandered in through the green corridors of Vaitarna and Jawhar.

Forest officials told TNN that they were waiting to see whether the tiger moves northwards, away from the city, or crosses the creek into the Borivli side of the park. "If we find that the prey base is not sufficient, we may decide to capture the animal and relocate it," said a senior forest official. The official added that the department was worried about



the tiger straying out of the forest and into a human settlement in search of prey.

Naturalist Sunjoy Monga said it was understandable that the officials would want to move the tiger, given the high number of leopard attacks in the region. "I guess they would want to play it safe," he said. The forest department has just relocated 100 leopards in the Pune-Nasik corridor because of the increased attacks there.

However, Monga warned that relocating a wild tiger is a tricky option, especially since, in this case, no one really knows where the tiger came from. "We can't just release a tiger in an area

of forest the way we release wild boar or deer," he said. As a major predator and a territorial animal, the tiger would have a huge impact on the ecosystem. "However, in the long term conservation interest, if the animal creates problems, it needs to be trapped," he added.

Since the arrival of the tiger has generated so much excitement, officials say they will not make a decision quickly. "We're keeping our fingers crossed," said an official.

Deputy conservator A.R. Bharathi, who looks after the national park, says the tiger will have a larger area to roam in if it crosses into the Borivli side of the park. "The Nagla block is only about 15 sq km, while there is about 80 sq km this side of the creek," he said.

While forest guards have been put on the alert and the department is releasing prey in the forest, officials warn that the area may still not be able to sustain such a large animal. "Even if we release 200 deers, what will they feed on?" said one official.

They said that tiger may simply return where it came from, if it finds the prey insufficient.

■ CONSERVATION

Leopards in an urban forest

The growing human casualties in attacks by leopards of the Sanjay Gandhi National Park in Mumbai highlight the increasing urban pressures on the park and the failure of the authorities, despite a court order, to take remedial measures.

LYLA BAVADAM
in Mumbai

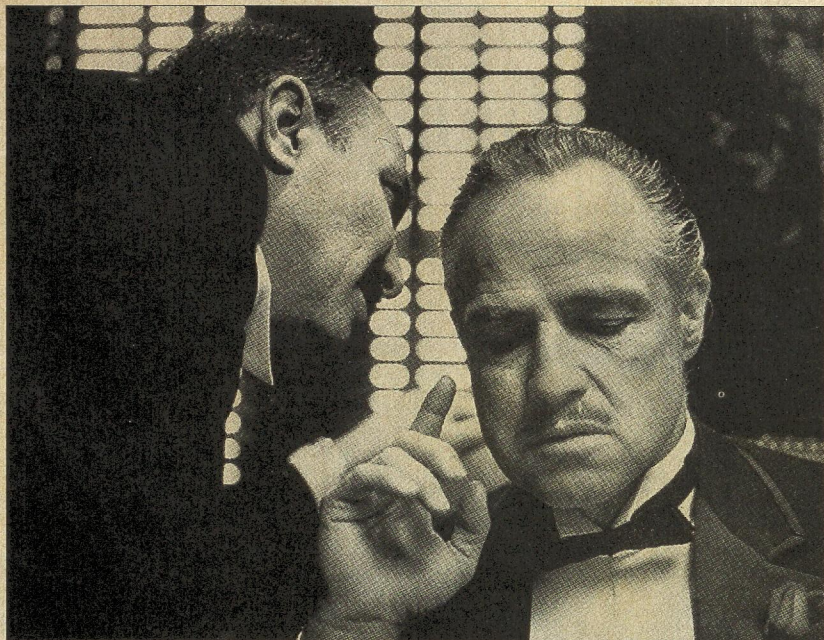
SINCE January this year, 14 people have died as a result of attacks by leopards in the Sanjay Gandhi National Park in Mumbai's northern suburb of Borivali. The majority of them were killed inside the park. Apparently, it is a case of man-animal conflict, a result of the ever-increasing urbanisation around the park. While two people were killed in 2002, the number rose to 12 last year. Although a solution for the problem does exist, its implementation is being stalled because of political expediency.

There are two theories about why the leopards are attacking people. One, during the breeding season mother leopards look for easy prey as they are hesitant to keep away from the cubs for long. Usually dogs fall easy prey. Since dogs are invariably found near human settlements, human beings too become victims. In an interview to *Frontline* over email, well-known conservationist and naturalist Dr. George Schaller said: "I have been told that many squatters live along the edge of the park and the area is also used as a dumping ground for garbage. This has attracted many dogs. Leopards like to eat dogs. When leaving the park the leopards come increasingly into contact with people. When big cats lose their fear of people, conflict will inevitably arise."

At a recent meeting of wildlife experts and the representatives of the Maharashtra Forest Department, it was decided to classify the Borivali big cats as "high risk animals" and not as man-eaters. The classification was based on a quick study of the leopards' behaviour which found that they did not seek out humans actively. Their attacks are thought to be more of a surprise reaction rather than a planned hunt. Wildlife experts say that in all probability the victims would have been squatting or lying down, positions that make them appear smaller than the leopards and



Forest Department personnel, along with workers, laying a trap for the leopards.



PARAMOUNT PICTURES/AP

Marlon Brando as Don Vito Corleone in *The Godfather* (1972).

playing Stanley Kowalski? Vivien Leigh, Anthony Quinn, as Zapata's brother, and Gielgud all won Academy Awards in Brando's creative ambience. At last he won his own Oscar when, reunited with Kazan, he played Terry Malloy, the punchy ex-prize fighter who informs on his corrupt union employees on the docks in *On the Waterfront*. This was the peak of the Method school, with unforgettable scenes between Brando, Rod Steiger and Karl Malden. Many of us can recall from memory Brando's speech to Steiger in the back of the taxi in *On the Waterfront* – 'I could have been a contender...' – which became part of middleweight champion Jake La Motta's stage act as performed by Robert De Niro in *Raging Bull*.

As in the preceding Kazan movies, tenderness alternated with cruelty, flashes of self-understanding with destructive, uncomprehending anger. But this series of triumphs was the end of the first great phase of Brando's career, and confusion and intermittent success followed. His personal life was always a mess, of a distasteful, egotistical kind – sexually exploitative, promiscuous, professionally un-disciplined.

Unlike Henry Fonda, who combined a Hollywood career with a commitment to the theatre, Brando virtually abandoned the stage after *Streetcar*. His only theatrical appearance, thereafter, was in a summer stock play where he failed to learn his lines. There are various explanations for his self-



With Vivien Leigh in *A Streetcar Named Desire* (1951).

contempt and the cynical attitude to acting. His simple, radical politics were challenged when his mentor Elia Kazan appeared before the House Un-American Activities Committee between *Viva Zapata!* and *On the Waterfront*, naming friends as Communist Party members and proclaiming his devotion to the flag.

— Did career come before conviction? Acting seemed less important as a radical activity. This led to Brando's most extreme statement about his profession: 'Acting is

the expression of a neurotic impulse. It is a bum's life. Quitting acting, that is the sign of maturity.' The decline was gradual. Among various sad assignments, Brando worked with Mankiewicz again, on a Goldwyn production better thought of now than in 1955, as a wonderfully ethereal Sky Masterson in *Guys and Dolls*, the only musical either made. At this point, Brando formed his own production company and it led to a classic, satirical New Yorker profile by Truman Capote, the oft-anthologised 'The Duke in His Domain' (conducted in Japan in 1956 when Brando was appearing in *Sayonara*). The only film he directed for this personal company was the much-troubled *One-Eyed Jacks*, a modest Western from which Stanley Kubrick was fired after three days. It ended up after months of shooting as a revealing, flawed masterpiece, rejected at the box-office.

Brando was always around, plying for hire, but made an extraordinary comeback in the 1970s in Francis Coppola's *The Godfather* (1972) as Don Corleone, the Mafia don, and then in the contrasted role as the American in Paris in Bertolucci's *Last Tango in Paris*. After years of lassitude, Brando gave two of his greatest performances for a new generation of film-makers, establishing his ascendancy.

Unfortunately, his comeback was not accompanied by a physical renewal. The slim, classic god of his early years had been transformed into a Silenus: commanding, overweight, complacent. He was a gross, impressive presence as Kurtz in Coppola's *Apocalypse Now*, arriving on set bloated, not knowing his lines (nor having read Conrad's *Heart of Darkness*). Yet he commands the film.

In subsequent pictures, he acted, as Orson Welles often did, by his very bulk. They are best forgotten. For these past 50 years, Brando has been part of our movie going lives, in the roles he played and the social challenges he presented. I twice came close, as I hoped, to meeting him, pressing the flesh. Covering an anti-war concert at the Albert Hall in 1968, I sat through endless awful anti-war performances in anticipation of his personal appearance. It did not occur, and his absence was not properly apologised for. In 1976, I attended a bicentennial conference on western movies in Sun Valley, Idaho, which Brando had agreed to attend and make the inaugural address. Instead, he sent an anti-greetings telegram denouncing the whole proceedings. Well, that was the way he weaved. We'll cherish and miss him and his best films will survive. ■

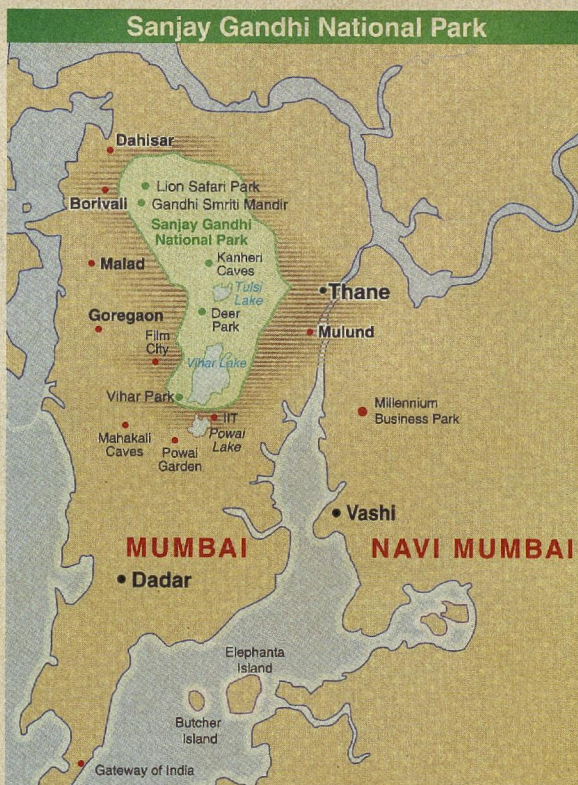
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thus prospective prey.

The second theory is that during the monsoon, since water is available all over the park, animals do not have to depend on waterholes. Usually leopards wait for their prey near waterholes but during the wet season their hunting range covers the entire park. Also, the lush vegetation of the monsoon season makes it difficult for prey to be stalked, so the leopards tend to look for easy game.

Another theory is that an increase in the leopard population and a fall in the prey population have forced leopards to target humans. The Forest Department says that the argument is baseless because the leopard-prey ratio has been stable for the past one decade. Although it is difficult to carry out an accurate census of these elusive animals, there are an estimated 30 to 33 leopards in the 103 sq km park which also supports more than an adequate population of chital, sambar and other, smaller, prey.

Although the prey-predator ratio has been steady, illegal human activity in and around the designated national park has increased. The land use pattern around it reveals that urban pressures are hemming in the park (see map). In the suburbs of Mulund and Boriv-



INFOGRAPHICS: U. UDAYASHANKAR

Area: 103 sq km Boundary wall required: 98 km

Surrounded by over-populated suburbs of Borivli, Mulund, Goregaon and Dahisar and with the industrial district of Thane on its northern border.

Holds Vihar and Tulsai lakes, two of the largest lakes that supply Mumbai with drinking water.

Home to 42 mammal species including chital, sambar, leopard; 17 bat species; 38 reptile species including crocodiles and the rare Ceylonese Cart snake; 8,000 insect species including 150 butterfly species (twice the number in the whole of Great Britain) as well as the Atlas moth, the largest in the world; 274 bird species (a quarter of all the bird species in India); about 800 flowering plants including the Strobilanthes, which flowers every seven years.

ali, for instance, residential complexes abut on to park terrain. Unplanned and unscrupulous development, primarily in the form of settlements, is responsible for the crisis.

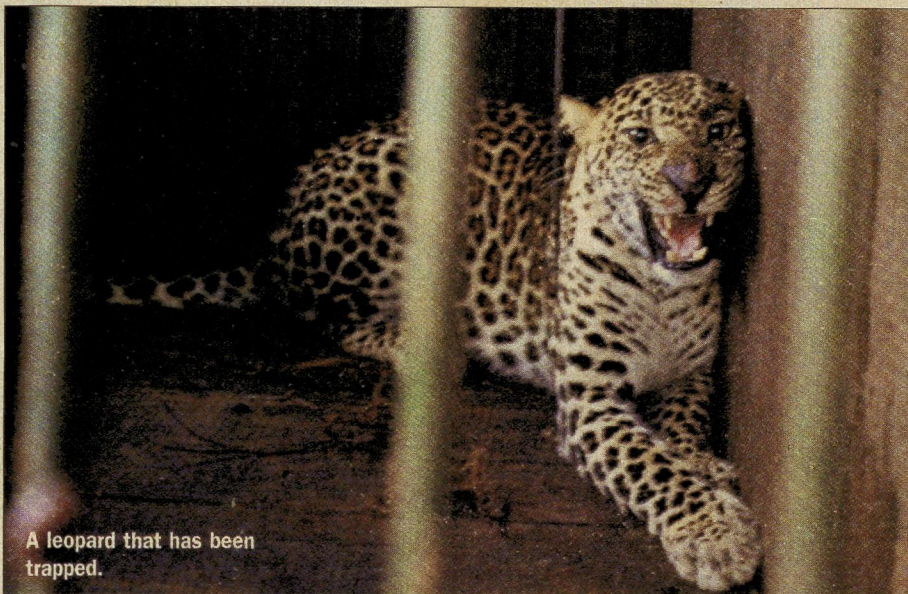
A simple solution to the problem would be the construction of a wall around the park. Debi Goenka of the Bombay Environmental Action Group (BEAG) pointed out, "Neither the people nor the animals understand a line on paper. The wall has to be built to demarcate clearly the park from the rest of the city."

The construction of a wall was authorised by the Bombay High Court in 1997 but seven years later only 11 kilometres of the requisite 98-km boundary wall has been built. The court had also said that all settlements within the park would have to be demolished. Work on the wall remains stalled because the demolition has been carried out only partially. Some settlements still exist in the path of the wall or within the park's boundaries. The piecemeal demolition has caused what Goenka describes as a "honeycomb effect with built-up area interspersed with cleared area in which vegetation has grown". The imperfect clearing of the settlements has the potential to generate conflict because they form a perfect habitat for leopards.

The building of the wall is not plagued by the lack of funds since the Ministry of Environment and Forests has set aside money for the purpose. It is the continuing existence of illegal settlements on the periphery and within the park and political unwillingness to implement a High Court order calling for their demolition and the rehabilitation of the residents at an alternative site that is at the heart of the problem.

Attempts to save the park started in 1995. The series of events that have occurred since then epitomise the activities of citizens who want to achieve a balance between socio-economic realities and environ-

PAUL NORONHA



A leopard that has been trapped.



A wall separating the park and human settlements.

PAUL NORONHA

mental conservation but are faced with insurmountable odds.

The Sanjay Gandhi National Park is the only national park in the world to be situated within the municipal limits of a metropolis, that too a congested one like Mumbai. Losing it just because a boundary wall cannot be constructed would remind one of the adage 'for want of a nail the battle was lost'. In February 1995, the BEAG filed a petition seeking to save the park, pointing out that it was a protected forest under the Indian Forest Act and a notified park under the provisions of the Wildlife Protection Act. Further, the petition stated, the park held two lakes that provided Mumbai with drinking water. The State government did not dispute the petition. In fact, it filed an affidavit admitting that 78,000 to 80,000 illegal huts did exist. Their presence was further confirmed by a satellite survey report of the Space Application Centre in Ahmedabad, which showed encroachment on 772.82 hectares of the park, 200 ha of which had built-up settlements valued then at about Rs.1,000 crores. The State government assured the court that measures were being taken to clear the encroachments and hence the court desisted from passing

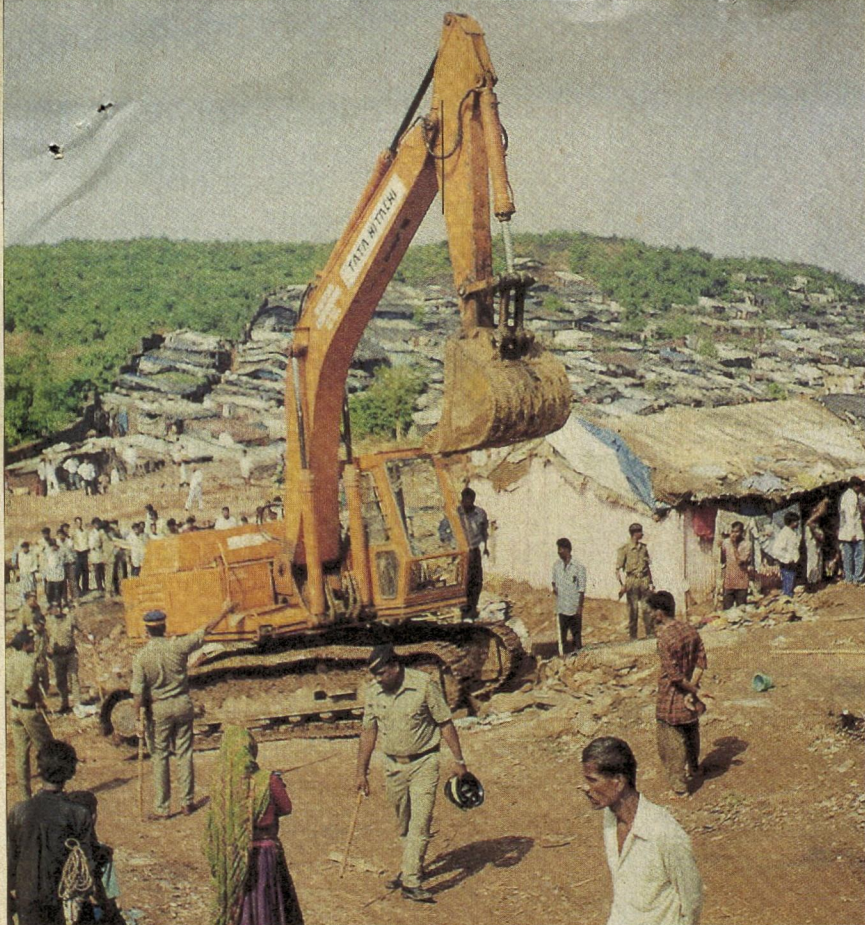
further orders.

When action was not taken even after 18 months, the petitioners approached the court again. Illegal electricity and telephone connections were made available by slumlords in an effort to claim rights over the land. Unlawful quarrying, illicit liquor distilling, and timber extraction were common. In addition, small-scale industries (including a bacon factory), trading and other non-forest activities were rampant within the park. In February 1997, a committee of government officials was constituted by the High Court to look into a scheme to shift the encroachers to other sites.

Based on the committee's findings, 27 recommendations were issued, one of which directed the authorities to conduct a survey of the inhabitants within the park. It said: "Any person found to be in possession of a hut for which he himself does not have a valid photo pass must be evicted forthwith and the structure demolished." It further stated that those persons whose names were not on the electoral rolls prepared with reference to January 1995 had to be removed from the park. Those whose names were on the 1995 and pre-1995 rolls were eligible for relocation by the State out-

side the park's boundaries within 18 months of March 13, 1997. In another significant recommendation, the committee wanted the State government to "construct a boundary wall with watch-towers every 500 metres to protect the National Park Division within a period of one year [from March 13, 1997]. Any interference in such construction shall be deemed to be a violation of the order of this Court and will be dealt with as contempt of the Court." However, the wall could be constructed only if the settlements were removed, for which there was little political will.

In July 1999, the Division Bench passed another important Interim Order. About 60,000 illegal structures existed at the time, of which 33,000 were pre-1995 ones. The rest were in the process of being demolished. The 33,000 "eligible encroachers" were to be shifted to the suburb of Kalyan where vacant government land was to be made available to them at Rs.7,000, paid in instalments. The process of identifying pitches and the readying of surrounding infrastructure and civic amenities was to be completed by January 2000. The offer is believed to have found favour with most people though some, in their individual capacity, took their cases to the



Encroachments within the park being razed after a committee formed as a result of an order by the Bombay High Court in 1997 recommended that they be demolished.

Supreme Court where they are yet to be heard.

By March 2000, little had been done about the demolitions in the park and the court was constrained to observe: "It is a very sorry picture. Sorry in the sense that everyone is mindful of the human problems but for the national park in question, unfortunately very little has been done." Several affidavits and counter-affidavits dragged the case on to 2003, when matters deteriorated further. With an eye on the upcoming elections, the Chief Minister passed an oral order staying all demolitions. At around the same time, in September 2003, the High Court passed an order upholding the July 1999 order and further stated that the pending work should be completed by March 15 this year. In May this year, when the same Judges found that the work was at a standstill, they stayed their own order of September 2003.

While these proceedings, which one environmentalist has described as a "legal nightmare", continue, the Forest Department has been busy setting traps to catch the leopards. So far 19 leopards have been trapped and caged. The future of these animals is one of captivity,

a decision that makes a mockery of the guidelines for conservation and national parks. Trapping the animals is just a knee-jerk reaction by the Forest Department and is aimed more, as one environmentalist said, at "placating rather than pursuing the real solution of segregating the park from the city". Trapping the animals is no solution also because there is no way of knowing whether the right animal has been trapped or whether more than one animal is involved in the attacks. The Forest Department says that caging the animals is a better option. Others think it is unlikely in view of the severity of the punishment for killing animals of an endangered species. The leopard is listed in Schedule 1 (endangered species) of the Wildlife Protection Act and the punishment for killing one is imprisonment for one to three years plus a fine of Rs.25,000.

While emotions have been running high over the killings, the target of ire should not be the leopards or the Forest Department. The blame for the 14 deaths lies entirely on the government which has dragged its feet over the implementation of the High Court Order in rehabilitating the eligible encroachers. ■

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An ongoing disaster

Contamination of soil and groundwater caused by the toxic waste left in Union Carbide's abandoned Bhopal plant poses a new health hazard for the survivors of the 1984 gas disaster, and the Government of India fails to come to their rescue.

V. VENKATESAN

in Bhopal

Photographs: A.M. Faruqi

THE two police constables keeping vigil at the 65-acre (26 hectare) abandoned factory site of Union Carbide India Limited (UCIL) in Bhopal, may just be doing their duty. But the protection of the structures which shelter toxic chemicals since the disastrous gas leak

from the factory in 1984 has not helped allay the fears of the local population that the waste material dumped in and around the factory site is responsible for the soil and groundwater contamination in the neighbourhood.

The Government of India, under the pressure of public opinion over the indefinite fast undertaken in New Delhi by three activists – Satinath Sarangi and the two Goldman Environmental Prize

awardees Champadevi Shukla and Rashida Bee – decided on June 23 to convey its “no objection” to the United States Court of Appeals for the Second Circuit considering environmental contamination claims “unrelated” to the 1984 disaster. But the gas-affected people were not elated: for them, it meant that the government agreed with them but did not feel a moral obligation either to mitigate their grievances at home or to in-



The methyl isocyanate tank at Union Carbide Corporation's factory in Bhopal, which leaked in December 1984 causing a major disaster. Waste material dumped in and around the factory is now feared to cause soil and groundwater contamination in the neighbourhood of the site.

institutions set up by persons or bodies, but also educational institutions set up by religious denominations; the word 'private' is used in contradiction to government institution." Undoubtedly, the observation of the Supreme Court marks the beginning of a new era in recognising the fundamental right of non-minorities to establish and administer educational institutions.

Admittedly, non-minorities and minorities have not been conferred with unfettered rights to establish any institution. They shall have the right to establish institutions subject to reasonable restrictions, public order, morality and health. However, the restrictions should be based on public interest, security, integrity and sovereignty of the nation. Any restriction that strikes at the very root of the right to establish educational or religious institution, will infringe on the right enshrined in the Constitution.

In the judgment the majority of Judges themselves have earmarked certain areas for the regulations to ensure the maintenance of proper academic standards, atmosphere and infrastructure and prevention of maladministration beyond which neither the Union nor any State has the right to impose any restriction.

Since the judgment has overruled the scheme framed in the Unni Krishnan case relating to grant of admissions and fixation of fee, it is argued that the depressed classes and weaker sections have been seriously deprived of their opportunity to have higher education free of cost. The Bench justifies that "it is well established all over the world that those who seek professional education must pay for it" and observes that it is permissible for a State or a university, in the case of government institutions and private-aided institutions, to prescribe the rules and regulations for the admission of students on the basis of merit subject to the policy of reservation, and that it will also be permissible for a government or a university to remember that consideration should be shown to the weaker sections of society. Further, it is pointed out that the right of the minority institution under Article 39 (1) is not absolute, if such institutions receive government aid or grant because Article 29(2) precisely says, "no citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state fund on the grounds only of religion, race, caste, language or any of them".

In the St. Stephen's case (1992), it has

been observed: "The minority institution shall make available at least 50 per cent of annual admission for other communities. The admission of other communities should be done purely on the basis of merit." But the 11-Judge Bench has not insisted that 50 per cent of intake must be from other communities in the aided minority institutions. However, it has stated that an aided minority institution is entit-

The 11-Judge Bench has interpreted Article 26(a) that conferred the "right to establish and maintain institutions for religious and charitable purposes" in such a way as to include all kinds of educational institutions.

led to admit its own students and, at the same time, should admit students from other communities to a reasonable extent. It has also declared that admission "cannot be at the absolute sweet will and pleasure of the management of minority educational institutions". It has also observed that "it is open to the State authorities to insist on allocating a certain percentage of seats to those belonging to weaker sections of the society from amongst the non-minority seats".

Justice B.P. Jeevan Reddy had observed in the Unni Krishnan case, "We do not wish to express any opinion on the question whether the right to establish an educational institution can be said to be carrying on any 'occupation' within the meaning of Article 19(1)(g)." He pointed out: "Trade or business normally connotes an activity carried on with a profit motive, and education has never been commerce in this country." But the Bench has ignored the latter view considering the reality of the situation prevalent in the country. The average expenditure on education of every State government is nearly 20 per cent of its income. In spite of this huge allocation, they are not in a position to provide free and compulsory education for all the children until they complete the age of 14, as directed in the Constitution under Article 45.

So, the court has stated that unprecedented demand for access to higher education and the inability or unwillingness of the government to provide the necessary support have necessitated the government to encourage the concept of privatisation in the field of higher educa-

tion. Hence the Bench has observed that the essence of a private educational institution's autonomy is that the institution must have its management and administration. The essential ingredients of the management of the private institution include recruiting students, staff and fixing the quantum of fee that is to be charged. A State or a university has the power to lay down conditions for grant of recognition or affiliation. These conditions must pertain broadly to academic and educational matters and welfare of the students and members of the staff. Anyhow, the conditions that are laid down for granting recognition should not be such as may lead to the control of the government over unaided private educational institutions. At the same time, a State government has the right to compel the unaided institution to select the students on the basis of merit. While a certain

percentage of seats is reserved for the management out of the list prepared by the government or university through entrance tests, the government could take care of the poor students in filling up the rest of the seats on the basis of counselling. The court has directed that the prescription of the percentage for this purpose should be done by the government according to the local needs, and different percentages can be fixed for unaided minority and non-minority institutions, including professional colleges.

It is a landmark judgment in the sense that the majority in the 11-Judge Bench has dispelled doubts about the definition of minorities, and has expounded the word 'occupation' thereby recognising the non-minorities' right to establish and administer their own educational institutions under Articles 19(1)(g) and 26(a). These have been interpreted as charitable institutions in such a way as to enable all citizens to establish educational institutions.

In the light of this historic judgment, the Union and States have to review their policy in the matters of giving approval, affiliation, fixation of fee, method of selection of students, framing of rules, regulations and so on without impairing the fundamental rights of the minorities as well as non-minorities, who are now constitutionally entitled to establish and administer unaided educational institutions. ■

Aladi Aruna, a former Member of Parliament, was Minister of Law, Tamil Nadu, from 1996 to 2001.

17.32

Encroaching on a lifeline



Mumbai's Borivali National Park, which is India's only park within a metropolis, is threatened by encroachments despite a May 1997 ruling of the Bombay High Court that the encroachers be evicted and resettled elsewhere.

LYLA BAVADAM
in Mumbai

SLUM shanties, stone quarries, encroachments by housing colonies, a flourishing timber mafia, and bootlegging – all these characterised the Sanjay Gandhi National Park in Mumbai until 1997, when the Bombay High Court ordered a clean-up. The Forest Department and non-governmental organisations (NGOs) that work for wildlife protection set about implementing the court ruling. However, their attempts at evicting the encroachers met with resistance from human rights activists. Now, more than five years after the order was passed, about one-fourth of the original number of encroachers still live within the park.

The Sanjay Gandhi National Park, better known as the Borivali National Park, lies partly within the metropolitan region of Mumbai (in the northern-most suburb of Borivali) and partly in the adjoining district of Thane.

There are just a handful of national

parks within city limits in the world. Even within this exclusive club, the Borivali National Park is unique as it holds the dual responsibility of conserving wildlife and being a lifeline to Mumbai. The city's two main sources of drinking water – the Vihar and Tulsi lakes – are within the park. Nowhere else in the urban sprawl is the tenuous link between nature and man so crucially demonstrated as in the dependence of Mumbai's 13 million people on water from these lakes. The park's hilly, forested terrain encourages heavy precipitation, of approximately 2,600 mm a year. The forest absorbs this and regenerates the groundwater sources for months. The thick deciduous forest also acts as a filter for the city's polluted air, though this is as yet an unquantified asset.

Initially notified in 1927, the park was given 'national park' status in 1982. The final notification, as a nature park

(Top) A part of the Borivali National Park, devastated by illegal quarrying.

and forest reserve spread over 103 square kilometres, came in January 1996. When first conceived of, the park lay far away from the city. Over the years it was gradually hemmed in by the urban expansion of Mumbai and Thane. The park has been inundated by residential and commercial encroachment over the last 20 years. About 90 per cent of it is now surrounded by dense urban settlements.

The Borivali National Park is home to a rich diversity of wildlife and flora. Apart from a large population of animals such as monkeys, antelopes, the nilgai, deer and the wild boar, the 1996 census of the park shows the existence of about 43 leopards, 46 species of reptiles and 272 varieties of birds, of which 146 are resident. The park also boasts of a small population of one of the rarest cats found in India – the rusty-spotted cat. Tigers were once resident here but the last one was shot in the late 1920s. A diversity of flora, ranging from deciduous trees to dense mangroves, prove the area's capability to support a rich ecological diversi-



Devotees at the Kanheri Caves, believed to be 2,000 years old, on Mahashivaratri day.

ty. The park also contains the 2,000-year-old Kanheri caves, a complex of 104 Buddhist caves carved out of a hillside.

By the early 1990s encroachments had begun to threaten the park. About 750 acres (300 hectares) had been encroached upon by bootleggers, stone quarry operators, slum-dwellers and builders. After colonising the park's periphery, they began advancing at an alarming pace. The outcome was inevitable. Reports of incidents involving people and the wildlife, some with human or animal fatalities, became frequent.

In an effort to save the park, a public interest petition was filed by the Bombay Environmental Action Group (BEAG) in 1995. The focus of the petition was the need to halt the commercial activities within the park and to remove the illegal encroachments.

Apart from quarry and small-scale industries, a full-fledged, government-owned bacon factory was functioning within the park.

On the unfettered expansion of slums within the park, Debi Goenka of the BEAG says that the encroachments were aided and abetted by local politicians and corrupt officials. "In an area

where the entry of a *bona fide* visitor requires a permit issued by the Chief Wildlife Warden, the construction of over 60,000 illegal structures has been permitted over the past 15 years."

A May 1977 ruling of the Bombay High Court on the BEAG's petition said that the encroachers would have to be resettled outside the park at a designated site once the necessary infrastructure was developed on it. A deadline of 18 months was set. Of the approximately 62,000 structures, the occupants of about

**The Borivali
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33,000 were considered eligible for resettlement. These structures had existed prior to 1995, the cut-off date set by the government. The rest were deemed illegal. The Forest Department started demolishing the illegal slums in 1998, and cleared about 22,000 structures. About 13,000 families still live in the park even though the resettlement site is ready for occupation. About 7,000 families have obtained a stay order on their eviction. Debi Goenka of the BEAG says that his organisation has reactivated the old petition. "There is no legal issue that remains to be cleared. It is just a matter of implementing the earlier order," he says.

As per government policy, encroachers who opted for alternative accommodation had to pay Rs.7,000 in instalments to the Thane district authorities for their new homes. Many families defaulted on payments, thereby bringing down the number of those to be resettled to 12,000. Out of these the Grievance Redressal Authority set up by the government declared about 2,500 families ineligible for resettlement. Finally, only about 9,000 families were considered eligible. Around 7,500 of these have received their allotment letters for the new house sites.

The plight of the evicted people is a sad fact, but it has to be said that human presence within the park is a threat to its existence. Anand Bharati, Deputy Conservator of Forests at the park, said: "Till you ensure protection of the natural environment you cannot consider any sort of development as sustainable. There is no industry that can produce water, air or food. Calculate the value of the oxygen produced by the national park. Can you put a value on it?"

Arguing for the park, Goenka says, "Before the landmark decision of the Bombay High Court, every waterhole, stream and tree in the vicinity of the encroachments had its share of humans, thus depriving wildlife of habitat and water. Trees and bamboo were cut to provide housing materials, and forest fires were a daily affair. Bootlegging was rampant and it was even unsafe for small groups of birdwatchers to enter the park."

In the clash between people's interests and the need to protect animals the balance of public and official sympathy would naturally shift in favour of the former. The Forest Department was put in an extremely difficult and delicate situation and was forced to tread lightly. Slumlords took advantage of the situation and the issued false documents on

PICTURES: SANJOY MOHANGA/PORTOFISE/PHOTOSTOCK



Tree-felling has damaged the fragile ecosystem of the park.



A raging forest fire; (below) Bootleggers busy at work within the park.



stamped paper, thus giving a false sense of security to the slum-dwellers that they owned the plots of land that they occupied.

It was only when a firm stand on the legal status of the park as a notified national park and reserve forest was taken that matters fell into perspective. "The protected area network constitutes just about 4 per cent of the entire country," says Goenka, asserting that wildlife should unhesitatingly be given priority over all else within national parks and reserve forests.

AT odds with this argument are a group of NGOs who say that the tribal people have an inalienable right to live in the park because they lived in that place prior to the park's creation. There are three arguments to challenge them. One is that when a national park or forest reserve is created, all rights except those related to the preservation of nature are extinguished. The second is that people who are being evicted have been offered secure tenure complete with infrastructure. The third argument is that the word 'tribal' needs to be redefined in the context of the Borivali National Park. Goenka, who puts forth the third argument, says, "Very few of them are original tribal residents. About 300 to 400 people were resettled in the 1970s. Some of them have returned to the park. Others who have been displaced by the Thakur housing colony and the Royal Palms golf course, have encroached on the park. None of these people still leads a tribal existence, and they are therefore not eligible for preferential treatment. They do not live off the land or the forest. They hold regular jobs like any of us."

The Ministry of Environment and Forest has sanctioned money for the building of a wall around the park. Work on this is yet to start because the evictions are not yet complete. There have been 50 new posts created for guards and new staff have been appointed. New vehicles have been purchased and two companies of State Reserve Police have been permanently deployed to assist the Forest Department. However, the facilities are still inadequate, considering that there are 103 sq km to be patrolled and guarded.

Future plans to use the park purely for nature-related activities would require the employment of more personnel, but before those objectives can be achieved the encroachers have to be resettled. Only then can the area truly lay claim to its status as a nature park and forest reserve. ■

Park panthers share habitat with tribals

ANAGHA SAWANT
MUMBAI, APRIL 22

THEY are barely five kilometres inside the Sanjay Gandhi National Park border in Borivli and share their habitat with over 40 panthers. The adivasi hamlets of Patache Paani and Akrachi Bhati comprising 40-50 families live with the dread of losing one of them any time to the spotted animal.

At last count, nearly 20 persons fell prey to the panthers. Two months ago, Gangabai Kirkire (35) was returning to her hut in Akrachi Bhati. She never reached. Two days later, neighbours found her half-eaten body. Injuries and paw marks around the dead body indicated that

a panther had attacked her. In another case, two-year-old son of another adivasi Dashrath Bhovare was picked up by a panther even as his mother was busy cooking inside. Raju Varthe (35), Laxmi Varthe (40) and Shanker Barak (35) are other victims of the big cats. These deaths occurred in the last five years, according to Jaag, a social organisation working among the adivasis in the park.

The adivasis, who claimed to be living in the park for generations, said the panthers visit their hamlets almost everyday, any time after dusk. This unrelenting mortal danger, however, has failed to move the park authorities. In fact, they have not maintained any record of the

deaths caused by animals inside the park. Speaking to *The Indian Express*, Deputy Forest Conservator (DFC) A R Bharati said he has no knowledge of any tribals staying inside the park area. "There are settlements only on the fringes of the forest," he insisted. Hence, protection to the endangered tribals would be the least of their worries.

Vitthal Lad of Jaag recalled a complaint made to the then DFC V K Walke in 1991. "He advised the tribals to get lights installed and get their hamlets fenced. He knew full well that they are too poor to even feed themselves," he added.

According to environmentalist Sanjay Monga, a balanced prey base could be a solution to the problem.

221

10/7/99 10/7/99 To 1

Court prods govt. on Borivli park settlers

By Our Law Reporter

MUMBAI: The Bombay high court on Friday directed the chief secretary of the Maharashtra government to file an affidavit outlining what steps the government would take to remove illegal encroachments in the Sanjay Gandhi National Park at Borivali.

A division bench of the high court consisting of chief justice Y.K. Sabharwal and Justice Ajit Shah passed this order following a public interest petition which was filed by the Bombay Environmental Action Group (BEAG) in 1995 challenging large-scale encroachments in the park. There were between 78,000 to 86,000 huts within the park.

This park is a protected forest under the Indian Forest Act and has also been notified as a national park under the provisions of the Wildlife Protection Act. Endangered species of wild animals and rare plants are found in the park.

When the petition came up for hearing on Friday, senior counsel Iqbal Chagla rose to inform the court that they were to be given the status report about the steps taken to evict the encroachers. "On February 28, 1999, the court directed the state government to work out modalities to shift the MAFCO stall from the park premises but nothing has been done."

Advocate general C.J. Sawant told the court that steps were being taken to evict the encroachers but at the moment because of the monsoon, nothing could be done. "There are 33,000 families who are squatting in the forest area. Under the provisions of the Forest Conservation Act, there should be no residential activity carried on," he told the court.

The chief justice then asked him, "What have you done so far to evict these people?" Mr Sawant replied that some of the encroachers enjoyed rights since they could have encroached before January 1, 1995.

HC orders panels to monitor resettlement of park encroachers

101 By Our Law Reporter 17/7/99

MUMBAI: The Bombay high court has ordered the setting up of three committees to monitor the rehabilitation of those who have encroached Sanjay Gandhi National Park (SGNP) at Borivli.

A division bench of the high court, consisting of Chief Justice Y.K. Sabharwal and Mr Justice Ajit Shah, which was specially set up to hear this matter directed that the three committees would ensure the implementation of different aspects of the court order.

"The first committee, which will be chaired by the Thane collector, will monitor and ensure the relocation of the slum dwellers who have encroached within the SGNP and are eligible for alternate accommodation. They will be relocated on land identified in the affidavit filed by the chief secretary," the judges stated.

The second committee which is to be chaired by a judicial member, whose name will be announced later, will function as a grievance redressal committee and the third committee will be chaired by retired high court judge R.A. Jahagirdar and will comprise a nominee from the Bombay Environmental Action Group (BEAG) as well as the deputy conservator of forests of the SGNP. This committee would submit a report every two months to the high court about the progress of the implementation of its order, the judges ordered.

Prior to dictating the order, advocate general C.J. Sawant read out an affidavit prepared by the chief secretary, Arun Bongirwar. Mr Bongirwar had stated in his affidavit that the forest department would act as a coordinating agency to implement the directions given by the high court from time to time.

Mr Bongirwar added that four villages belonged to the green zone in the regional plan. "This plan was awaiting government sanction. The government has now sanctioned

the said plan, but while doing so it has changed the land use from green zone to urbanisable zone. This change in land use has been effected in order to carry out the high court's directions," the chief secretary added.

He also informed the high court that the assistant director of town planning had prepared a layout showing that about 17,000 pitches could be accommodated on these lands. However, she has now been directed to examine if the number of pitches can be raised from 17,000 by making some adjustments in the layout.

The work of building these pitches, roads and civic amenities in these five villages has been entrusted to the Public Works Department (PWD), while the Maharashtra State Electricity Board (MSEB) has been asked to provide for electrification of the area. "The remaining encroachers will be relocated in Ambarnath taluka on the vacant Maharashtra Housing and Area development Authority (MHADA) land or any other suitable land which is to be identified later," he said.

The chief secretary said that every eligible encroacher would have to pay Rs 10,000 per family to the government. "In the event of an encroacher failing to deposit this amount within 15 days, he will be removed from the SGNP without having to be relocated by the government. As far as the shifting of the bacon factory belonging to the Maharashtra Agricultural Food Corporation (MAFCO) from the SGNP is concerned, this matter has been submitted to the cabinet and it is still under consideration," he added.

These orders were passed after a public interest petition was filed by BEAG to demand the eviction of slum dwellers and stoppage of all commercial activity and quarrying within the SGNP.

HC asks state for exact plans of nature centre in National Park

By Our Law Reporter

MUMBAI: The Bombay high court recently gave the state government eight weeks to file a detailed affidavit stating the exact plans proposed for the Nisarga Vihar centre within the National Park at Mulund. The high court said no construction activity can take place till the plans are detailed and approved but allowed the plantation of 3000 saplings to continue.

The order of the division bench of Chief Justice Y K Sabharwal and Justice S H Kapadia was in response to a public interest litigation (PIL) filed by the World Wide Fund for Nature-India (WWF) against the construction of 'Nisarga Vihar', a nature centre, proposed to be built on a 50-acre area within the Mulund side buffer zone of the Sanjay Gandhi National Park.

Among the respondents named were the deputy conservator of forests, the chief conservator of forests and wildlife, Maharashtra and the Yuvak Pratistan, through its president Bharitya Janata Party MLA Kirit Somaiya.

WWF had urged that any further construction in the area be stayed until the petition is disposed off.

According to the petition the creation of such an area within the national park violates the Wildlife (Protection) act, 1972 and the Forest (Conservation) Act, 1980, and will also harm the fragile ecology of the area.

The Wildlife (Protection) Act restricts the acquisition of any right over the land in national parks, while the Forest (Conservation) Act does not permit the use of forest land for non-forest purposes, except with the permission of the Central government.

The petition notes that the project is more like an amusement park for the general public, and not for the purpose of forest conservation.

The petition also points out that the nature centre was inaugurated by Suresh Prabhu, the Union environment minister, and that work has already started on the site even though it is not clear whether the forest department has the requisite clearances.

According to the petition, no proper plan or layout has been sanctioned. It states that the concept plan and pamphlets have been issued by Yuvak Pratisthan, and that it has been active in planning and funding the centre.

However, counsel for the respondents told the bench that there was no plan to build any concrete cement and steel structure. The resting centre for visitors and other centres for education purposes will be shack type and the roads will only be dirt trails.

The respondents in their affidavit said that the project was to increase awareness of flora and fauna amongst children and contended that the Somaiya's role was only restricted towards contributing some financial help. It added that the only concrete construction will be that of a wall on the forest boundary to prevent encroachers from entering the forest premises.

The bench remarked that although the project is laudable the details cannot be given in a haphazard manner and asked for a detailed plan.

SGNP residents stay forest-bound

J DEY
MUMBAI, SEPT 28

IE 29/9/99

FOR over a month and a half, six-year-old Mangal Gangurde has been playing hopscotch, helping her mother with the chores and when there's nothing else to do, the eight-year-old simply loiters around her hamlet in the Sanjay Gandhi National Park (SGNP) at Borivali, day-dreaming of her friends back at school.

Like Mangal, about 100 other primary school children residing in the villages near the Kanheri caves in the park have been stranded by the Brihanmumbai Electric Supply and Transport undertaking, which cancelled its bus service on route 188 on August 12. It says the 12-km road connecting the caves to Borivali railway station is no longer motorable.

Similarly, residents from about 1,000 households in Chunnapada and Tungipada continue to trudge 12 km to the market on foot, negotiating stretches of dense forest inhabited by man-eating panthers and leopards. Tourist traffic to the historic Kanheri Caves, built between the 1st century BC and 9th century AD, has also shrunk to less than a

quarter of the usual flow but the Forest Department says it does not have the funds to repair the road.

Explains Chhaya, a Std IV student in the municipal school near Borivali station, "Now, all I do is stare at my books, which are gathering dust at home."

"The children's education is badly affected. Even if the BEST resumes its bus service after a while, the children may still lose a year," remarks Dinkar Pokhare, a resident. Kachru Kiritikar, a chowkidar with the Archaeological Survey of India (ASI), winces as he recalls the appendix operation he underwent in July. "I have to trudge 12 km to visit a doctor or buy medicines at Borivali," he told *The Indian Express*.

Even though the stretch of road that prompted the BEST to cancel its service, is not more than three kilometers, the Forest Department claims it cannot afford the repairs. Deputy Conservator of Forests, A.R. Bharthi, told *The Indian Express* that conservative estimates peg the cost of repairs at Rs 12 lakh.

The BEST, for its part, says it could be another three months before the bus service is resumed. Till then, the 100-odd children can put their books away.

SC stays demolition of Thane encroachments

KISHORE RATHOD
MUMBAI, NOV 21

1E
22/11/99

THE Forest Department will have to stall its plans to demolish the 500 encroachments at the Thane end of the Sanjay Gandhi National Park, with the Supreme Court issuing a status quo order in the case. The order, issued by Justice S P Bharucha on November 6, has been given on a petition filed by Suresh Sharma on behalf of the encroachers on November 1, claiming that the land under Survey No 520 on which they are located is classified as the collector's land and does not fall under the Forest Department.

The encroachers occupy five acres on a plot at the foot of the Yeoor Hills near Carvalho Nagar in Thane. Apart from the 100-odd commercial establishments, there are three illegal four-storey buildings and 340 pucca hutments.

The Forest Department had finalised its plans to raze the encroachments, after the Bombay High Court vacated a stay granted

to the encroachers on October 1. The stay was vacated on the basis of an order passed by the Collector of Thane on July 27, stating that a certificate issued by the Land Record Officer (LRO) to the encroachers was erroneous. Quoting from the Survey of India and toposheet maps, the collector had pointed out that the plot falls under the jurisdiction of the Forest Department and is not Government land. The court had earlier stayed the proposed demolition after the LRO certified in August 1997 that the property on which the 500 encroachments stood was Government land.

The court order allowing the Forest Department to demolish encroachments in the park had been passed on July 11 on a petition filed by the Bombay Environmental Action Group in 1995. However, the judgement was reserved in the case of the Thane encroachments as the court had stayed the proposed demolition. The stay was vacated on October 1.

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1E / April 16 / 2000

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HC refuses to lift stay on nature park

■ Project will spell doom for residents of Mumbai: WWF petition

PRESS TRUST OF INDIA
MUMBAI, APRIL 16

THE state government's ambitious nature park, launched with much fanfare last year in Sanjay Gandhi National Park here, has received a setback with the Bombay High Court refusing to lift its interim order staying the multi-crore project which aims to attract tourists.

Chief Justice B.P. Singh and Justice N.J. Pandya refused to lift the interim stay granted in December last when the high court had admitted a petition filed by Worldwide Fund for Nature (WWF) which alleged that government had flouted rules while allowing such a project to come up in the National Park.

Since the petition came up for directions last week, the state government pressed for final hearing and reiterated its stand saying that there was no need to obtain any permission from the Centre or conduct any scientific study.

The judges took strong objection to state government's alleged apathy and refused to give an early date for the final hearing saying that the matter should come up before them in regular course. This would obviously take some years and hence the project has been se-

riously affected, legal circles say.

On behalf of state government, Usha Purohit, urged for permission to plant trees for the project. The high court considered this plea because it felt that the green cover would not create ecological imbalance as alleged by WWF.

WWF counsel Nitin Jamdar urged that the national park was the lung of the city and situated in the catchment area of Tulsi and Tansa lakes. Therefore ecological damage would be harmful to the people of the city besides affecting wildlife. He said no permission was obtained from the Centre which was mandatory under the Forest Conservation Act.

WWF referred to a letter written by the then Union Minister for Environment and Forests Maneka Gandhi opining that the park should retain its originality and that there was no need to create rest houses or organise slide shows which may affect wildlife or cause ecological imbalance.

WWF relied heavily on provisions of Forest Conservation Act 1980 which categorically stated that no non-forest activity could be undertaken inside a notified forest area such as the Sanjay Gandhi National park. WWF said the nature park envisaged construction of

structures to accommodate office staffs, exhibit halls and public recreational activities and conveniences.

The state government argued that these activities were to be construed as forest activity and were complementary to the state's forest management policy.

WWF, however, opposed the government's argument saying that such construction was within the National Park precincts and hence would result in environmental degradation. It also referred to a verdict of Kerala High Court which disallowed a forest rest house inside the Parambikulam wildlife sanctuary.

The petitioner's counsel Nitin Jamdar pointed out that the state government had not conducted any scientific study or ecological impact assessment before allowing inauguration of Nisarg Vihar or nature cure project at the hands of the then Deputy Chief Minister Gopinath Munde in March 1999.

Since chief promoter of the project was sitting MP Kirit Somaiya, his trust Yuvak Pratishthan has been made a respondent to the petition. The other respondents are chief conservator of forest (wildlife) and deputy conservator of forest at Sanjay Gandhi National Park in Borivli.

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State restrained from demolishing hutments in national park

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PRESS TRUST OF INDIA
MUMBAI, MARCH 30

IN AN ad-interim order, the Bombay High Court has restrained the forest officials and police from continuing demolition drive against slum dwellers residing in and around Sanjay Gandhi National Park here.

The court had earlier directed the state to demolish hutments which had encroached upon the forest land in violation of rules thereby posing hazards to human life by attracting leopards to the civilian area.

Hearing a petition filed by Nivara Hakk Suraksha Samiti and two slum dwellers, Justice H.L. Gokhale and Justice V.M. Kanade, on March 28, took cognizance of a circular issued by Election Commission directing state bodies and civic bodies to suspend demolitions and evictions during general elections.

The February 19 circular further said that there should not be any change in the electoral rolls and the people's right to exercise their franchise should be protected.

The petition pointed out that despite a blanket ban on demolition imposed by the commission, the state government had pulled down 1000 hutments on March 27.

As the voters had fled the scene, the demolition drive amounted to changing the demographic composition of Mumbai North constituency in which this area falls.

Dharna at BEAG office by slum activists condemned

By A Staff Reporter

MUMBAI: The dharna at the Bombay Environmental Action Group (BEAG) office on Tuesday to protest against the ongoing slum demolitions has come under flak from several lawyers, activists and other citizens.

A group of 50 activists had taken over the BEAG office at Mumbai to demand an immediate halt to the demolitions.

The group under the banner of Jhopadpattivasi Adhikar Sangharsh Samiti (JASS) included activists and members of Committee for Protection of Democratic Rights (CPDR), Communist Party of India (CPI) and other trade union activists, lawyers, and a few slum-dwellers, said D. Goenka of BEAG.

Mr Goenka condemning the act said that "it was totally uncalled for. They went into the office and did not allow the peon to use the phone.

I was in a meeting with transport commissioner V.M. Lal as a member of the high court committee on pollution check. The group even removed wires from the computers and defaced a small national flag on the table with markers," he added.

H.J De, a local resident also condemning the demonstration, said "it is utter nonsense if activists resort to such illegal means. Why can't they have a proper dialogue."

The group called Mr Goenka immediately after entering his office for a meeting.

But the police, when informed, told Mr Goenka to go to his office only after they reached there.

Interestingly, Mr Goenka said, the local police reached his office only around 3 pm.

The reason they gave was that they "could not find the office."

Lord Balaji of Tirupati gets devotees

By P. Vijayakar
India News Service

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Govt. told to clear Sanjay Gandhi Park of encroachers by March 21

101 By Our Law Reporter 6/3/2000

MUMBAI: It is now or never for the 33,000 slum-dwellers occupying large tracts of forest land in the Sanjay Gandhi National Park. The Bombay high court on Thursday ordered the state government to persuade those encroachers who are eligible under its rehabilitation scheme to join the scheme—or face eviction on March 21.

The ultimatum was issued by acting chief justice N.J. Pandya and Justice Ranjana Desai in a public interest litigation (PIL) filed by the Bombay Environmental Action Group (BEAG), which alleged that as many as 33,000 illegal hutments were dotted the national park illegally, endangering wildlife and causing environmental damage.

The court directed that the government should, by March 13, begin a week-long propagation of the message to the slum-dwellers that this was the last chance they had to join the scheme. The matter was adjourned to March 13, and further directions would be given again on March 21 for removal of the slum-dwellers forcefully with help from state reserve police (SRP) battalions.

The bench told the advocate-general, Goolam Vahanvati, to use all means of communication, including the electronic media, pamphlets and loud-speakers, to propagate the message—in all languages and dialects

understood by the encroachers. The government should take help of its department of information and publicity for this purpose. The state should go the whole hog, the chief justice said, and even suggested that messages should ideally be spread in the mornings and evenings, when the menfolk were at home.

Mr Vahanvati said that in keeping with an earlier high court directive, the state had formulated a scheme for the encroachers' rehabilitation at Kalyan and other nearby places, wherein each of the affected slum-dwellers had to contribute Rs 7,000. However, only 459 had joined the scheme, the deadline for which was December 31 last.

Senior counsel Janak Dwarkadas appearing for the petitioner said that the government kept giving the excuse that it had no money to implement any of the earlier directives of the court, which included building a much-needed 22 km boundary wall around the park's periphery. Mr Dwarkadas said the reason why slum-dwellers were not joining the scheme was that local political and social leaders were misleading them with pamphlets that they would be eventually accommodated within the park and nobody could throw them out.

Senior counsel Rafiq Dada argued that the government had delayed the implementation of the high court order delivered in 1997, that only those staying prior to January 1, 1995 would benefit from the rehabilitation package.

Sloganeering slum-dwellers bundled out of court

By Our Law Reporter

Michael Rodrigues

MUMBAI: A mob of slum-dwellers from the Sanjay Gandhi National Park created a ruckus in the court room of the Chief Justice of the Bombay high court on Monday. The encroachers, who had gathered to hear the proceedings of a public interest litigation regarding their resettlement, became unruly when the police asked some of them to leave the packed court room.

The group of more than 300 slum-dwellers, half of them women, began shouting slogans against the police inside the court room even as the acting Chief Justice N.J. Pandya was dictating the order. The division bench comprising the acting Chief Justice and Justice Ranjana Desai tried to pacify the crowd. Justice Desai even spoke in Marathi and asked them to remain quiet and disciplined. But when the shouting showed no signs of stopping, the bench ordered the police to evict the slum dwellers from the court room. The shouting continued in the corridor and steps as the police drove the mob outside the court premises. When the sloganeering was going on, senior counsel Rafiq Dada appearing for the Justice S.C. Pratap committee suggested that the judges could adjourn the proceedings. However the bench remained seated, ostensibly to prevent sending the wrong signals.

Some policemen could be seen trying to explain to the protestors that they understood their problem but were only doing their duty. The crowd was finally dispersed by the police around 2 p.m., almost an hour after the matter was taken up in the court.

The hutment dwellers, hailing largely from Borivli, Malad, Goregaon and Mulund areas of the National Park said they were told by members of Nivara Hakk Suraksha Samiti (NHSS) an NGO that Monday was the last hearing in the court and they should therefore be present. The NHSS, they said, however, asked them to arrive in two or threes and not in a crowd. Architect P.K. Das, joint convener of NHSS, was present in the court when the incident took place.

The court passed stern orders against the slum-dwellers. The PIL



Slum-dwellers of the Sanjay Gandhi National Park wait outside the Bombay high court after they were pushed out by the police when they raised slogans inside the court premises on Monday when the hearing was on.

was filed by the Bombay Environmental Action Group (BEAG) on the issue of the large-scale encroachment of the forest land in national park. The bench directed the state government to carry out an intensive week-long publicity campaign from March 14 to make the pre-1995 slum-dwellers aware that unless they join the government's rehabilitation scheme they would be thrown out of the park limits.

The government must make it clear to the encroachers that the last date for paying Rs 7,000 for a pitch at Kalyan or Ambarnath where the government is going to rehabilitate them, is now March 22, 2000, the court ordered. The administration has also been told to simultaneously make provisions for money to be collected, the brief being that those of the 33,000 eligible hutments who fail to pay up by then would be evicted with the help of two companies of the State Reserve Police (SRP) from March 23.

The court directed the Justice S.C.

Pratap committee to nominate a retired major or colonel to monitor and handle the two SRP companies. The SRP personnel has to be provided from Tuesday fearing law and order problems due a possible backlash from slum dwellers.

The court gave the government four weeks to get the administrative approval for building a compound wall around the forest. The government had earlier said only 22 km of the 98 km periphery was the problem stretch. It had managed to construct only a 1.5 km boundary wall since the first order in 1997. The cost of is estimated at Rs 9 crores and advocate general Goolam Vahanvati said the state had provided for Rs 65 lakhs in additional to Rs 59 lakh already spent. He said the balance would be provided in a phased manner. He also assured that 50 additional posts of forest guards will be filled within a month.

The court ordered that the guards be provided with wireless sets and vehicles till the wall was built and

that 15 watch towers should be built along the wall. The government said it has released funds for building four watch towers and remaining would be built by March 2002.

Earlier, senior counsel Janak Dwarkadas appearing for BEAG pointed out that the NHSS had sent a letter to his client after the last order of March 3. The letter noted that the HC's order for demolishing 33,000 recognised huts would result in over two lakh people being displaced from homes built over the past 15 years. The letter spoke of an alternate plan mooted by NHSS of rehabilitating the slum-dwellers on the external periphery of the park. It had convened a meeting of various organisations on March 9 to discuss the issue. Mr Dwarkadas said the slum-dwellers were brought to the court at the behest of the NHSS. The court, taking serious note of this development, directed the government to investigate into the antecedents of NHSS joint convener Mr Das and submit a report on it on March 27.

VP asks for more time to rehabilitate Borivli national park slum-dwellers

701
26/4/2000

By A Staff Reporter

Sanjay Hadkar

MUMBAI: Former prime minister V.P. Singh has asked the Maharashtra government to get more time to ensure proper rehabilitation of slum-dwellers living within the Sanjay Gandhi National Park. At a meeting with thousands of slum-dwellers at the park in Kandivli (east) on Tuesday, Mr Singh said that he had asked the government to move the court for more time to rehabilitate them, complete a survey of the slum-dwellers and allow them to pay up the money for alternative accommodation.

"The government is willing to accept our arguments but the court, too, has to accept them," Mr Singh said. He added that demolition should not be carried out until a re-survey of slum-dwellers before 1995 is completed. The current figures have been alleged to be lower than the actual numbers.

Slum-dwellers who are confirmed as living there before 1995 are entitled to rehabilitation. Only 6,000 families of 33,000 have applied for the rehabilitation package which requires a payment of Rs 7,000 each.

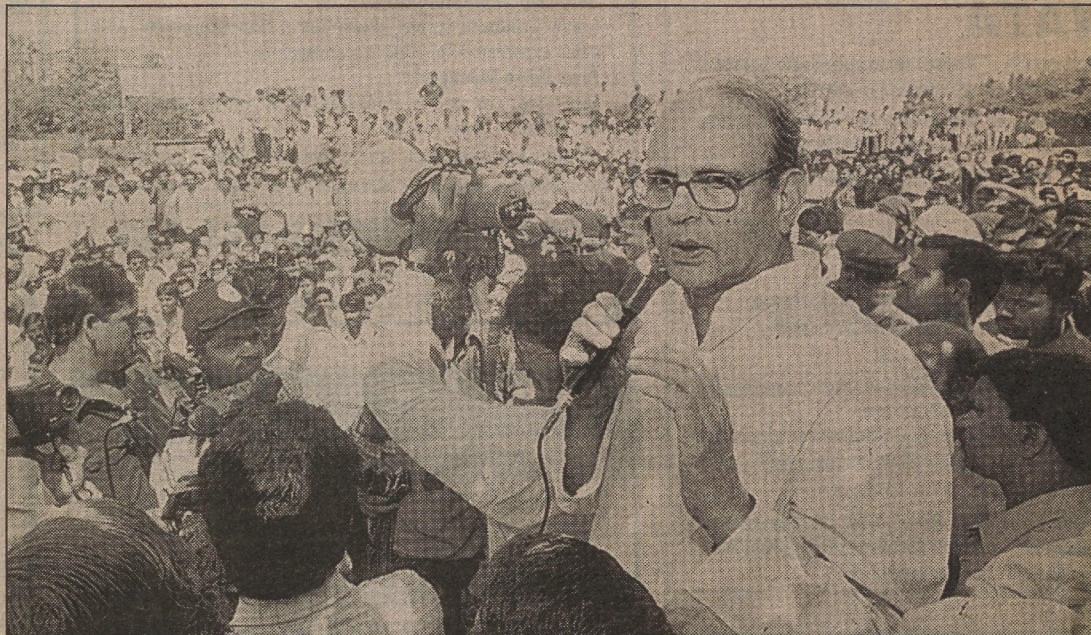
Mr Singh had announced earlier that he would block the bulldozers but this proved unnecessary as the bulldozers were not active when he arrived on the spot at Appapada. Whether the work had been temporarily stopped for the rally was unclear.

Thousands of slum-dwellers greeted Mr Singh on his arrival with applause and slogans, and crossed over from Damu Nagar, Appapada and Gautam Nagar to the top of the hill bordering the park amidst a heavy police presence. The meeting was organised by the Nivarra Hakk Suraksha Samiti (NHSS).

Since the expiry of the deadline for slum-dwellers to move to their alternative accommodation last month, demolition of slums in the park has increased. Over the last few weeks over 5,000 hutments on the borders of the park have been brought down in pursuance of Bombay high court orders issued in a public interest litigation (PIL) filed by an environment group for the protection of the park.

Slum-dwellers have said that the rehabilitation sites at Ambarnath and Kalyan do not have adequate facilities for water, electricity and transport.

"Besides my work and the children's schools are here. How can we be forced to move so far away?" said Dinesh Surve, a resident of Damu Nagar. "We have said that rehabilitation needs to take place within the city, perhaps on the periphery of the park," Mr Singh said.



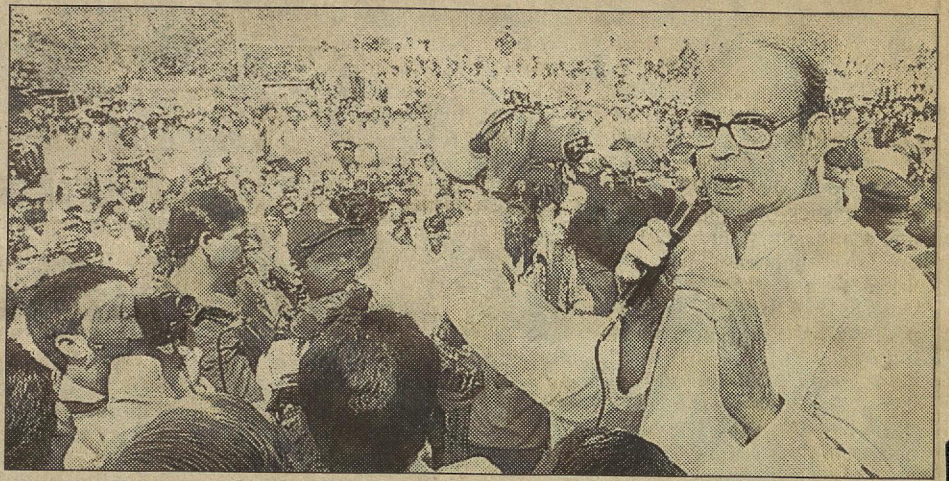
Former prime minister V.P. Singh addresses slum-dwellers at a rally at Appapada, Kandivli, in Mumbai on Tuesday morning. (Bottom) The windscreen of a bulldozer is smashed by angry hutment-dwellers as a demolition squad moved in.



The battlelines are drawn in Borivli

101 30/4/2000

The Nivara Hakk Suraksha Samiti has been fighting the cause of encroachers in Borivli National Park for years now. Its contention: all the encroachers — a whopping 300,000 of them — should be resettled within the park. Ranged on the other side is the Bombay Environmental Action Group which points out that this will have grave repercussions on the city's water supply and green lung. As the high court-ordered demolition at the Park gets under way, the debate heats up



WE, THE PEOPLE: V. P. Singh addressing a rally at the Borivli National Park

By Sunjoy Monga

THE Nivara Hakk Suraksha Samiti (NHSS), having realised that its attempt to pressurise the high court had boomeranged, couldn't have got a better protagonist than V. P. Singh, who reportedly stated at a recent rally that forests could be created elsewhere. Yes, pinch yourself. We continue to be silent spectators to the nonsense perpetrated by politicians and some NGOs who have brought the issue of encroachments, be they on Park lands or railway lands, to such a distressing point.

The Mumbai High Court Order of May 7, 1997 directed that post-1995 hutments be evicted from National Park. Expectedly, dubious protectors showed up to shed crocodile tears. It must be remembered that in 1998, some 22,000 encroachments were removed and 160 acres restored to the Park. Why did NGOs and politicians not oppose those demolitions? They didn't because it involved encroachers who weren't on the voter list. In fact, if the NHSS was

so sincere about the issue, why didn't it approach the Supreme Court to challenge the May 1997 order?

At recent rallies, an oft-repeated demand has been for more time for slum-dwellers. Why should additional time be given? It is only a ploy to further regularise under some excuse. The court order provided an adequate time-frame for rehabilitation. Pre-1995 encroachers were to pay a nominal sum of Rs 7,000 per family for alternative accommodation, with a facility to pay in instalments. By the March 22 deadline, only 5,400 families had paid. Many had been misled, apparently under the assurance that they would not be evicted.

Mumbai's National Park is a unique ecological asset. More crucially, its lakes provide fresh water upon which everyone — politicians and NHSS included — depend for their deeds and misdeeds. This patch of green is Mumbai's indispensable lung. Today, when many parts of the country are engulfed in horrific drought, we are fortunate to have a regular supply of fresh water. This is because of forests in Borivli. All token gestures like tree-

plantation programmes will serve no purpose if this National Park is not strictly protected.

A mere three per cent of India's area is under Protected Area Network. Shouldn't this be kept sacrosanct? Is the NHSS prepared to state that there should be no environment protection, no National Park? Do they not know the encroachments they feign to safeguard violate every possible law — the Indian Forest Act, Wildlife Protection Act and Forest Conservation Act? And they want these regularised into housing projects. The National Park is not a site for any slum rehabilitation scheme!

Time-and-again these 'protectors' have resorted to arousing passion by presenting affected parties as tribals. This despite knowing that presumably none of those being evicted are tribals but those who began settling from the late '70s with political backing. Poaching, illegal distilling

and human-animal conflict were some of the 'gifts' these well-

backed intruders bestowed on the beleaguered forest.

Tragically, for numerous developmental projects, title-holders have been made homeless. But when encroachers are to be removed — not for a giant project like a big dam — but to save a wilderness and a larger populace, pseudo-sympathy creeps in. NHSS regards environmental activists as anti-people. That is whimsical and silly. The fact that NHSS would rather have people continue to live in slums built by slumlords should indicate its true purpose.

Is the welfare of a city and its larger populace, above all, its incomparable wilderness, of less importance than unauthorised beneficiaries? Is the last stronghold of our biodiversity and our waters to be swallowed under a blanket of violations and bogus compassion? One reason for asking for more time is to now, after three years, pretend to look for alternate lands. And the alternate lands being considered are coastal lands. Violation upon violation. One really wonders what's going on. Who know, the services of Laloo Prasad Yadav might be roped in next.

(Sunjoy Monga is an environmentalist)

By P. K. Das

THE houses of 300,000 people in the Borivli National Park are being brutally destroyed. If the eviction goes through, they will be forced to roam the streets — over 40,000 schoolchildren will lose out on schooling, and women will be vulnerable to abuse. These displaced people will not disappear into thin air. Nor will they leave the city. Do we want Mumbai to be threatened by the social unrest that will inevitably follow?

The Nivara Hakk Suraksha Samiti is not fighting for occupation and destruction of forests and parks. Its fight is against this tragic uncertainty and against those who are promoting it. Demolition is no solution; it only worsens things.

BEAG petitioned the high court for the eviction of slums from the park but did not present any plan for rehabilitation. Delinking eviction from rehabilitation is an act of irresponsibility and high-

handedness. If we cannot provide housing to the poor, then we must have the courage to not employ anyone living in slums.

Let us look at the park problem in perspective. Over the years, the forests have been encroached on with the full knowledge and sanction of the forest guards, police and government agencies. The encroachments are not haphazard; they are structured, with roads, by-lanes and neighbourhood squares, proving the organised nature of the activity and the nexus between slum-lords and the authorities.

Today, about 350 acres of 2,500 acres of the park have been encroached on. Many of these hutments are located on land that was already denuded by illegal quarrying activity — there were no forests here. In any case, the notion that encroachments are depleting the catchment area and thus endangering Mumbai's water supply is fallacious. These encroachments are far away from the lakes that provide water to the city. Public access to the lakes has been stopped for several years now due to pollution caused by picnickers.

Much before the boundaries of the park were fixed, a large number of settlements already existed

there. The previous Maharashtra government had stated that all pre-1995 slum-dwellers would be given alternative accommodation, and 33,000 families in the park have been recognised as eligible. But since only 5,000 families have paid the sum of Rs 5,000 towards rehabilitation, the remaining 28,000, along with over 20,000 post-1995 huts, are now being demolished by a court order. Also, there are 2,500 tribal families threatened by eviction. It is for the government to make appropriate laws for rehabilitation instead of shirking its responsibility.

A few years ago, the then chief secretary P. Subramanyam had proposed resettlement along the periphery of the park. Subsequently, D. T. Joseph, then CEO, Slum Rehabilitation Authority, proposed the same as the only viable solution. NHSS has the same view. A planned resettlement will require approximately 200 acres — the remaining 2,400 acres can then be cleared and protected.

An alternate site at Malavni was accepted by the slum-

dwellers but opposed by BEAG, since it would violate the CRZ Act, the site being close to a creek. This habit of merely opposing schemes without suggesting any solution is deplorable. Another site outside Kalyan-Ambernath has been a non-starter for various reasons.

The movement to protect the forests is being led by a few pseudo-environmentalists, who are encouraging crude force and armed policemen to "protect" the environment. This fascist trend is frightening and delinks the issue of environment from social justice.

Unless environmental protection is considered in the perspective of a larger struggle for democratic rights, it will be impossible to guard our environment. The cutting of mangroves, quarrying of hills and land-filling by the mafia go unchallenged. These environmentalists have to realise that such forces can be fought only by organising communities and people at large. At present, they are alienating the masses, and their use of force will only be counter-productive to the cause they are fighting for.

(P. K. Das is an activist with the NHSS)

Pseudo-environmentalists are encouraging crude force and armed policemen to "protect" the environment

CONTROVERSY

National Park demolition to continue: high court

By Our Law Reporter

MUMBAI: Despite rallies and protests against the demolitions of about 30,000 hutments in the Sanjay Gandhi National Park, the bulldozers will continue to raze the illegal structures as the Bombay high court on Friday refused to stay the removal operation.

However, the court has stayed the demolitions at Carvallo nagar in the Thane portion of the national park.

Advocate general Goolam Vahanvati and government pleader R.M. Sawant told a division bench headed by chief justice B.P. Singh that the chief secretary had issued instructions to the police to anticipate trouble and prevent further obstructions to the demolitions by taking precautionary measures.

The court was also satisfied with the report, on the status of the encroachment removal and the former prime minister V.P. Singh's recent protest rally, submitted by the senior inspector of the Dindoshi police station.

The report said that police bandobast has been made available to the deputy conservator of Forest from April 24 onwards. On April 24 and 25, a total of 1650 huts were removed by the forest department as

per the high court's order.

The police said that Mr Singh visited a Kandivli site on April 25 and appealed to the slum dwellers to move to an alternate site and cooperate with the demolition people. "No law and order situation had arisen during Mr Singh's visit."

But the next day local MLA Gajanan Kirtikar arrived at the site. The police detained 34 persons, including a local journalist who led a mob to disrupt the demolition drive. The drive continued after the police used force to control the crowd.

So far, in the last three weeks, over 10,000 huts were removed with police help. The police are also making preventive arrests to thwart any designs of encroachers to stop the demolition drive.

However advocate Colin Gonsalves appearing for Nivara Hakk Welfare Centre which is protecting the slum dwellers interests, urged the court for a complete stay to all the demolitions.

He said the slum dwellers ought to be rehabilitated along the boundary of the forest. Senior Counsel Janak Dwarkadas opposed the demand for a stay saying let the forest lands be restored first.

To
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Slum demolitions at Sanjay Gandhi park inhuman: report

By A Staff Reporter

MUMBAI: The Committee for Protection of Democratic Rights (CPDR) has condemned the slum demolitions taking place along the inner boundaries of the Sanjay Gandhi National Park as "inhuman" and the police presence there as "repressive".

The CPDR sent a fact-finding team to the Appapada slum on Friday. Appapada saw considerable violence on Thursday when police had lathi-charged thousands of slum dwellers who resisted demolitions.

In its report, the CPDR has criticised the inhuman manner in which the demolitions were being carried out. Noting that many slum dwellers had been injured in the lathi-charge, the committee's report said, "Only a small percentage of the peo-

ple uprooted were leaving the park, most of them insisted they would stay."

The report also accused the police of repression. "We're not allowed to take proper interviews of the slum dwellers, even one of the members of our mission was manhandled," the report said.

The report also pointed to a nexus between the builders and the government forest officials. It cited the massive quarrying going on both near Pimpripada and Appapada in the area by various builders. Several multi-storied complexes had also come up recently in "the so-called forest land," the CPDR report added. "It is obvious that apart from the slums, other more recent structures like residential apartments have been left untouched," the report stated.

Criticising the government for not having a proper rehabilitation plan, the report said, "The government has not found alternative accommodation even for slum dwellers living in this area for ten to 20 years." Many of the slum dwellers had said they could not raise money for alternative accommodation in the short time.

"The government must have concrete policy for settling large numbers of bona fide residents of the city who have been unfairly and unjustly dispossessed," the committee concluded in its report.

Observing that the area had become a cluster of townships with schools, health centres and ration shops, the committee said that the government must recognise that the city runs on the services that people residing in the slums provide.

Demolitions go on amid tight security

By Michael Rodrigues

MUMBAI: The work of demolishing thousands of unauthorised structures on forest land in the sprawling Sanjay Gandhi National Park, stretching from the eastern to the western side of Mumbai's suburbs, is going on amidst tight police security.

Till Tuesday, over 34,000 huts have been razed to the ground as against a total of 61,000. Of these,

only 6,000 hutment-dwellers who have paid their share of Rs 5,000 will be rehabilitated elsewhere. The remaining have been declared "ineligible".

Following the recent two incidents of stone-throwing, after the visit of former prime minister V.P. Singh, the police are not taking any chance. Police inspector Shantaram Birje of the Dindoshi police station was seen deputing police personnel

at several strategic points in the narrow bylanes, so that the demolition work was not hampered. Inspector Birje and his staff were constantly on the move, keeping at bay groups of people gathering around the bulldozers.

A source in the forest department commented that slumlords and their political patrons have taken these people for a long ride. Deputy conservator A.R. Bharati, has been

personally supervising the entire demolition operation. Says Mr Bharati, "What could not be achieved all these years due political interference, could now be accomplished, due to the intervention of the high court."

Refuting charges that his department was lethargic in saving the forest from encroachers he said, "Efforts were made to demolish them, but it largely depended on the availability of the police force. There were occasions when even chief ministers and ministers had issued stay orders, whenever we undertook such drives. Earlier, we were unsuccessful in carrying out a vigorous drive even for a week due to morchas and intervention from local politicians," he added.

A former range forest officer from the area Suresh Darade, was initially instrumental in booking five slumlords from the Kandivli area. By now, the police have booked more than 15 slumlords.

According to slumdweller, they were coaxed by a former minister not to pay a penny for seeking alternative accommodation. They were assured they would get a house free of cost. Repenting for not paying the amount was Deepak Mistry, who has been residing at the Savitribai Phule slums for the past nine years. Hailing from Sindhudurg district, Deepak, has decided to return to his village along with his two small children.

Another resident from Bihar, R.S. Tiwari, was lucky to pay his dues within the stipulated period. "Initially, I was threatened by the goons, when they came to know about the payment I made. But today, my hut is salvaged," he told this newspaper on Tuesday.

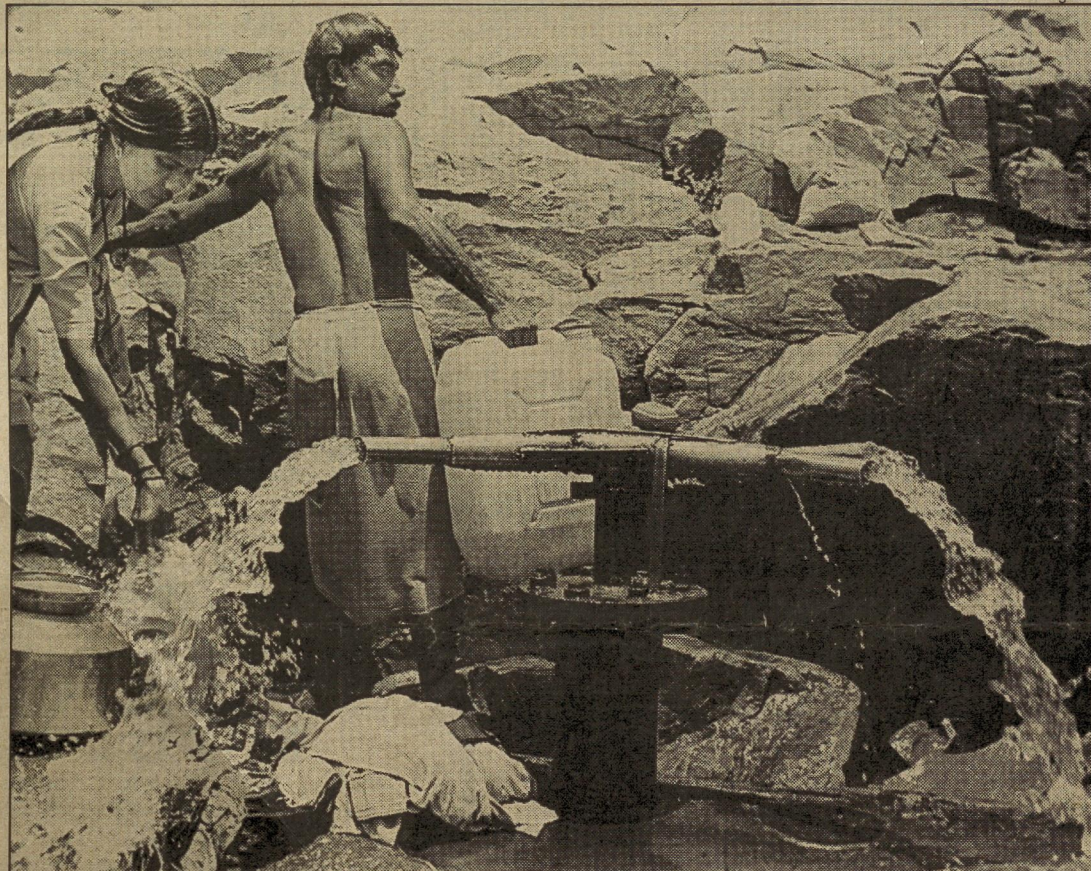
Lt. colonel (retd) P.K.S. Nambair, who has been deputed by the high court since April 14, to oversee and report, has been taking rounds from one end to the other, at times climbing the hillocks to get a better view of the goings on. When asked to comment, he declined to say anything, except that "work is going on smoothly."

Mr Bharati said if everything goes well the shanties would be cleared by the month end.



POST DEMOLITION: A few shanties come up on forest land at Malad after the area was cleared of unauthorised structures.

Michael Rodrigues



DOWN THE DRAIN: A two-inch pipe is drilled into a water main, which provides the encroachers of forest land at Malad in Mumbai with 24-hour running water.

'Inhuman' displacement of people condemned

By A Staff Reporter ^{7/6/1}

MUMBAI: "We have been living here for eleven years. Every now and then, forest officials would take money for leaving us alone," says Nandlal Sitaram, a resident of Ambedkar Nagar, one of the slum colonies being demolished within the boundaries of the Sanjay Gandhi National Park.

Speaking at a press conference called by the Committee for Protection of Democratic Rights (CPDR), Mr Sitaram said that although he had paid the requisite Rs 5,000 for alternative accommodation, he is yet to get it. "Still, the bulldozers razed my house and burned our belongings. When the forest officials came around later,

they said, 'never mind, it was a mistake'," he says.

The CPDR has condemned the Bombay Environmental Action Group (BEAG) for the "inhuman" displacement of people at the slum demolitions being carried at the park on the orders of the high court on a petition filed by the BEAG.

According to the CPDR, two schools teaching 4,000 students, Ambedkar Vidyalaya and Limboni Vidyalaya, have been demolished recently. "What happens to these students after the vacations are over?" asked CPDR representatives.

The CPDR also says that two people have died in the recent demolitions, one a woman who was inside the house when the bulldoz-

er came crashing in. CPDR members condemned the new strategy of the officials to burn the belongings of the people to ensure they would not return.

"With regard to the demolitions in the park, we believe there is a nexus of builders and forest officials and possibly the BEAG," added A.F. Matthew. "Just next to the slums there are large building complexes which are also part of forest land but left untouched. There are also some boards put up by builders claiming the land."

CPDR representatives suggest that while advertisements by the builders tout a green view, this is actually spoilt by the shanties there, "and hurts the interests of the builders".

Slum-dwellers move SC; appeal will be heard today

By Swati Deshpande

MUMBAI: With hutment demolitions going on unabated at the Sanjay Gandhi National Park following the Bombay high court order, an appeal in the supreme court seems to be the last chance for a stay.

Keeping that in mind, a group of slum-dwellers from the park have moved the supreme court in appeal against the high court order. Union minister of petroleum Ram Naik, who is the local member of parliament from north Mumbai constituency, stated on Sunday that the appeal seeking a stay on the ongoing demolitions will be heard on Monday by the supreme court.

A division bench of Justice Kirpal and Justice Kadri will hear the petition filed by Ram Prasad Sharma and others, residents of Ketkipada slum in **PARK CONTROVERSY** Dahisar.

The petition was filed on April 11 and supplementary documents were submitted to the supreme court on May 1, Mr Naik said. He said the petitioner's advocate on record is S.R. Grower and counsels include ex-additional advocate general Bal Apte and Nikhil Sakhardande.

Mr Naik said the appeal against the high court's order of demolition is on the grounds that no opportunity was given to the slum-dwellers to be heard. He said the appeal also relies on Article 21 of the constitution which is for protection of life and personal liberty.

According to Mr Naik, the demolition of 33,000 pre-1995 shanties, whose owners are eligible for rehabilitation, will mean that 2,00,000 people will be deprived of property and livelihood. Mr Naik further added that 28,000 individual repre-

sentations, submitted by slum-dwellers to a grievance committee set up by the high court, were not even considered. He, moreover, contended that the ownership of a lot of present forest land is disputed and the Bombay additional suburban district collector is aware of this aspect.

The Forest Act was enacted only in 1980 and the Sanjay Gandhi National park was declared a forest area as recently as 1995. "Most of the shanties exist prior to 1980. The BMC also has given all basic civic amenities, like water and drainage," Mr Naik said.

The appeal prayed for a stay on the demolition to enable slum-dwellers to represent their case properly. The demolition order, passed by the high court, was in re-

sponse to a public interest litigation filed by the Bombay environmental action group which had sought directions to clear the forest land of widespread encroachments. The high court had ordered demolition of all hutments which had not joined the state government's relocation scheme. The state government had allotted pitches for relocation at Ambernath and Kalyan on payment of Rs 7,000 each by the slum-dwellers. However, only 430 people responded before the first deadline.

The high court extended the deadline again after directing the government to make elaborate announcements that those who do not join will be forcibly evicted. However, only about 6000 families paid up to join the relocation scheme. The Bombay high court had directed that the remaining hutments be demolished.

✓ 1E 15/6/2000

Borivli demolitions to be put off

UNITED NEWS OF INDIA

MUMBAI, JUNE 14

THE State Government today assured the Bombay High Court that the demolition process of encroachments in Sanjay Gandhi National park at Borivli will be stopped temporarily during the monsoon period.

In response to the public interest litigation filed by Bombay Environmental Action Group and others, advocate Gautam Vahanvati appearing on behalf of the State Government said that the hardships faced during monsoons will be considered and demolitions stopped for that period.

The PIL had being filed praying for direction from the high court to make the park free from encroachments in view of the recent judgement by the apex court that forest land should be used for forest purposes only.

ToI 5/6/2000

Morcha by Borivli park slum dwellers on Environment Day

By Vidyadhar Date

The Times of India News Service

MUMBAI: Several Borivli national park hutment dwellers will observe Environment Day on Monday in a novel way. They will take a morcha to the office of the *tehsildar*, a government revenue official, to drive home the point that big builders and quarry owners were harming the environment in Borivli and surrounding areas. They will be joined by hutment dwellers from other parts of Mumbai.

Ramdas Athavale, a member of Parliament of the Republican Party of India, former minister and ally of the Democratic Front government in the state, will join the morcha. The eviction of hutment dwellers in the area has raised several humanitarian, law and order and political issues.

Activists point out that a builder, only a watchman a few years ago, grabbed several acres of land by evicting adivasis, turned the area into a cement-concrete jungle.

He even boasts that his housing complex offered an open space as large as Shivaji Park. How did one individual come to possess so much land, activists ask.

The forest department has failed to declare this zone a forest area and not seen this as encroachment. Similarly, quarrying on a large scale was causing serious environmental

problems, but little action was being taken against the offenders. The forest department denies these allegations.

Several trade unions, representatives of political parties and other organisations, came together on Saturday to oppose the bulldozing of huts near National Park.

The government wants to shift the slum dwellers to Kalyan, Ulhasnagar and other far-flung areas, while it would make more sense to use vacant land around Kalyan for afforestation and a national park, said Prakash Reddy, a graduate of the Indian Institute of Technology and activist.

P.B. Samant, former Janata Dal MLA and campaigner for implementation of the Urban Land Ceiling Act, says there is enough land available in Mumbai under the ULC legislation to house slum dwellers. The government should have the will to acquire the land.

Mr Samant blamed unequal distribution of land for the high prices of housing in Mumbai forcing the poor to live in slums. Even if a high court judge wanted to buy a house after retirement he or she would be able to afford a decent accommodation, Mr Samant said.

Mahendra Singh of the Communist party of India (Marxist) said it was strange that the government enacted legislation for protection of environment but not provided

for the right to housing to the people. People would certainly help plant trees and increase the forest cover if they were given proper houses.

Activists also point out on the basis of various reports, that the real damage to Mumbai's environment was caused by motor cars responsible for much of the air pollution, and unfettered construction activity causing congestion and degradation of civic life.

V. Subramanyan, retired professor of geology in IIT, Powai, who is not connected with the activists, blames indiscriminate urbanisation for the ills affecting Mumbai. We have interfered with nature far too much, he says.

He blames rampant quarrying and construction activity for the flooding of Mumbai. Quarrying destroys the morphology of land by producing vertical cuts on hills where naturally-formed long slopes were present earlier.

This disrupts the normal water flow through streams, accelerates the flow of water over the quarry face and leads to flooding below, he said.

Extensive quarrying in the Amboli-Jogeshwari area in the last 25 years, has completely eliminated a huge hill there. Similarly, continued quarrying has removed almost half the Ghatkopar-Vikhroli ridge, he said.

State govt. calls off slum demolition ^{T01} in National Park ^{15/6/2000}

By Our Law Reporter

MUMBAI: The rains may flood their shanties, but they also bring good news for slum-dwellers. Hundreds of hutment residents who have encroached on forest land in the Sanjay Gandhi National Park can breathe easy from June 15 to September 31 (the monsoon season), as the state government has called off the demolition operation during this period.

The Bombay high court on Wednesday brought some more good news for the encroachers of forest land when it directed extension of time by two weeks to enable them to join the relocation scheme. Chief Justice B.P. Singh and Justice N.J. Pandya, in a significant decision, allowed those pleading for extension of time to pay the Rs 7,000 to join the state's rehabilitation scheme.

Disposing of about a dozen petitions made by various groups of slum-dwellers seeking time to pay for the relocation, the judges directed that others who were eligible can also pay the amount within the two weeks period.

The National Park's slum-dwellers who have encroached prior to January 1, 1995, will be given pitches on payment as per the state's relocation scheme. However, despite extension of time and an ultimatum to join the scheme or face forceful eviction, only about 5,000 of the total 33,000 eligible units have paid up.

The court clarified in advance that no further extension of time after two weeks will be granted. It said that those allowed to pay will have to undergo verification for the eligibility and the pre-January 1, 1995, condition. Those whose hutments have been demolished cannot return to the forest land again.

The amnesty to slum-dwellers was granted after advocate-general Goolam Vahanvati stated that there were lots of slum dwellers who were now seeking an extension of time to join the relocation scheme. He said many were misled by various organisations against joining the scheme and it would be fair to give them a chance.

He also said that it was a very old government policy not to carry out slum demolitions during the monsoon season on humanitarian grounds.

Mr Vahanvati said the state had demolished a total of 50,000 units

from the national park premises and cleared about 300 acres of precious forest land of hutments. The government had started building a boundary wall around certain sections of the national park, though the progress was not satisfactory. He added that in the rains, apart from the policy decision, it was difficult for the demolitions to continue as the bulldozers could not reach the hilly terrains.

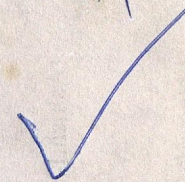
The court posted the matter to June 28, when the state will submit a report on the status of implementation of the Justice Pratap Committee recommendations. The recommendations include steps to be taken for ensuring that no further forest land is encroached upon and steps to clear the existing encroachments. For all other matters regarding territorial disputes arising in the main public interest litigation filed by the Bombay Environmental Action Group (BEAG), the court has adjourned the case to August 9.

Recently, the Bombay high court had granted a stay on demolitions of about 2,000 hutments of Janu Pada in Poisar village when their counsel Arif Bookwala claimed that their land was outside the limits of the forest area. Earlier, Carvalho Nagar residents in Thane, through their counsel Anand Grover, had obtained a stay on demolitions on the same grounds. The high court said these matter would now be heard on August 9.

Regarding a grievance committee headed by the additional collector (encroachment), the court directed that if he could not be present to hear the slum dwellers' grievances he should nominate another officer of equal rank as a substitute.

When it was pointed out by advocate Colin Gonsalves that the government must, in the interim period, also take measures for the rehabilitation work as nothing was being done at present, Mr Vahanvati said the government had identified land in Kalyan and Ambarnath, but some of it was found to be already encroached. Lawyers say that it will be an uphill task for the government to clear the land demarcated for relocation and it is not clear by when actual rehabilitation will begin.

Updated 27/28



se 3/11/2000

'Encroachers' rights were crushed'

EXPRESS NEWS SERVICE
MUMBAI, OCT 31

THE Bombay High Court orders directing the eviction of 75,000 dwellings in the periphery of the Sanjay Gandhi National Park (SGNP) at Borivali was nothing short of a "fraud on the court", since none of the orders considered the rights of the parties most affected, in this case, the slum-dwellers, a three member tribunal of the Indian Peoples Human Rights Commission (IPHRC) states.

The tribunal, headed by former chief justice of the Delhi High Court, Justice Rajinder

Sacchar, Justice (Retd) S M Daud and Justice (Retd) H Suresh, was released by former Supreme Court judge, Justice V R Krishna Iyer today. "It is amazing that the high court has deprived so many people of their right to shelter, which has been included by the Supreme Court as covered under Article 21, which guarantees the right to life," remarked Justice Iyer while releasing the report. "In fact, given the tenor of the various orders passed

by the Bombay High Court, they do not seem to be orders of civilian judges," he added commenting that ordering helicopters and State Reserve Police battalions to assist the demolitions was more of a 'military' preparation.

Following a petition filed by the Bombay Environmental Action Group (BEAG) to protect the park from non-forest activities, the court had in 1997 directed the demolition and eviction of around 80,000 families living there.

While there was no compulsion in rehabilitation, the court had allowed the cut-off date of January, 1, 1995, for rehabilitating

those eligible for alternative accommodation.

Almost all the hutments have been removed and around 14,000 families have already paid the Rs 7,000 directed by the court for alternative houses. At least four people died, the report records, as a result of the atrocities.

These include Shashikala Gupte, who was killed on April 29, 2000, in Malad, when a bulldozer broke her spine during demolition

operations. The IPHRC set up the three-member panel in June this year to study the effect of the order on the slum-dwellers who have been rendered homeless. "We visited all the sites that were populated by these slum-dwellers and all of them were along the periphery of the core Sanjay Gandhi park. There was no wildlife or trees in these ar-

of the entire forest division of the SGNP, the core park occupies only 86.96 sq km and the total encroachment area is around 1.87 sq km. Speaking on the petition filed by the BEAG in early 1995, Justice Suresh pointed out that none of the slum-dwellers were served notices on the petition.

They (the petitioners) mentioned two names of one Kadam and Shirke in the representational capacity for all the slum-dwellers. Yet, there were no addresses of these people, no notices or summons were served to them," he said.

Reminding the gathering of the special Parliament Act that was legislated to allow for the central government to represent the people affected by the Bhopal Gas tragedy, Justice Iyer remarked that no such move had been undertaken by the state government here. "Then how can the government be considered to be representing the slums in this case," he asked.

Justice Suresh also argued that the first time when the orders were passed in May 1997, the orders were essentially consent terms between the state and the petitioners where none of the slum-dwellers or their organisations were heard.

What the report states

- Petitioners misled the court that slums were in the core areas of the park; actually they were along the periphery
- Less than 2 sq km were occupied by the slum-dwellers
- One of the early affidavits of the state recommended rehabilitation of these slums in the periphery of the park
- Slum-dwellers were never heard in the matter
- In May 1997, HC ordered state to set up rehab sites in 18 months. Nothing has happened as yet. But the court has become "aggressor" by directing the eviction of the slum-dwellers

eas. The high court has been misled in believing that they were encroaching on the core forest area," said

Justice Suresh. Of the 103.09 sq km

BORIVALI PARK REPORT

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Inquiry ordered into excesses by officials in national park

EXPRESS NEWS SERVICE
MUMBAI, AUG 23

THE State Government has instituted an inquiry against the alleged excesses committed by forest officials in the demolition of slums in the Sanjay Gandhi National Park (SGNP) under the aegis of Suburban District Collector of Mumbai C S Sangitrao.

The move to appoint Sangitrao is based on a complaint made by the Nivara Hakk Suraksha Samiti (NHSS) — the non-governmental organisation working for securing housing rights of the affected persons — to Chief Minister Vilasrao Deshmukh when they met early this month. While the chief minister had announced that an ordinance would be promulgated to provide compulsory housing facilities to slums pre-dating-1995 deadline, he had also announced that the complaints made against the forest officials, including against Deputy Conservator of Forests A R Bharti would be investigated.

The government, through a letter dated August 8, 2000, directed that the inquiry be conducted by Sangitrao. The collector has meanwhile issued public notices in newspapers summoning all slum-dwellers who have been affected by the al-

leged excesses, for a personal hearing. The hearing is to be conducted at the Bandra (E) office of the collector at 3 pm on August 25.

Hailing the move, vice-president of the NHSS, P K Das, who has also been invited for the hearing, told *Newsline*: said: "It re-establishes the democratic processes which have been throttled in the case of the SGNP slum-dwellers, who have never been heard nor invited for any programme or process to rehabilitate them."

In 1997, the Bombay High Court had declared the SGNP as a forest area under the Forest Act. The court had, on a petition filed by the Bombay Environmental Action Group (BEAG) in 1999, drawn up a plan by which the over 2 lakh slum-dwellers of the structures, protected by the government's cut-off date, were to be rehabilitated. The deposit that the slum-families had to pay was Rs 7,000 each towards the plot that was to be given to them along with other amenities, in places like Kalyan and Ambarnath.

Last week, the court allowed the state government to rehabilitate these slum-dwellers in Malwani, on land declared as a No Development Zone in the Development Plan. Objections and suggestions were invited from the public towards the

dereservation. The court also extended the date for payment of the fees to August 31.

The NHSS's complaint to the government stated that while demolition of the structures was a direction of the high court, forest officials were going beyond the court's orders by burning the structures as well as the material used. It was also alleged that the slum-dwellers's property was being destroyed. Also, the NHSS claimed, there was rampant looting by lumpen elements employed allegedly by the forest officials, indiscriminate violence against the slum-dwellers where at least two people have died and no dialogue with the people on whether their structures fell within the boundaries of the park.

Das said that in fact, the three-member commission of the Indian People's Human Rights Commission on a fact-finding mission, is still hearing depositions of the people and recently both Bharti and Satish Tripathi, principal secretary, state Department of Environment and Forests, had deposed before the commission. He said that Bharti had submitted extensive data before the commission and defended the move to burn the structures, saying it was to ensure that the people did not return.

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Villagers resent rehab of slum-dwellers on their turf

By Anil Singh ^{Tol}

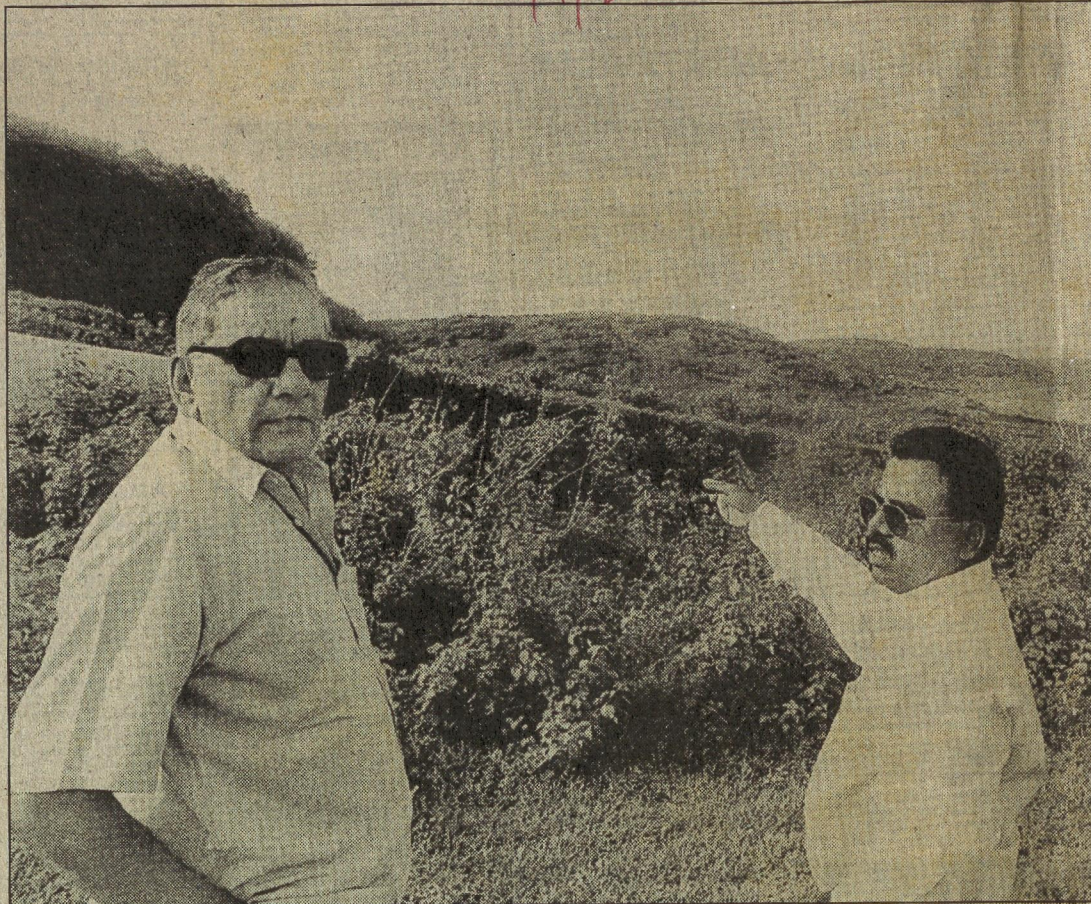
KHONI village (THANE district): The state government's ambitious plans to shift squatters from the Sanjay Gandhi National Park at Kandivli-Borivli to Kalyan-Amarnath may run into trouble with locals at the resettlement site opposing the plan.

The relocation plan is the outcome of a public interest litigation filed by the Bombay Environment Action Group in the high court following largescale encroachment of park area by shanti-dwellers over the years.

"We are just 3,000 in number. Consider the cultural discord which will be caused by the entry of 30,000 outsiders," said Kaluram Patil, the police patil of Khoni village. "Our village has already lost 27 acres to a defence airfield," added his brother.

Khoni residents are marginal farmers who supplement their incomes by working in brick kilns or as manual labourers. Each family has around five heads of cattle. They have electricity but the water pipe stops at the edge of the village.

The residents of Khoni and the other nearby villages such as Shir-done, Ghesar and Antarli where the national park oustees are to be relocated have formed the Gairan Bachao Samiti under the leadership of D.B. Patil of the Shiv Sena to oppose the acquisition of their grazing lands for resettling slum-dwellers. "Because of opposition from the villagers, we have been able to work only for eight days in August on the resettlement site,"



Kalyan tehsildar R.N. Garud points at the hillocks chosen as the rehabilitation site for the oustees of the Sanjay Gandhi National Park at Khoni village in Thane district to retired judge S.M. Daud on Wednesday.

local tehsildar R.N. Garud said.

According to the Nivara Hakk Suraksha Samiti, an NGO, nearly 13,000 of the 42,000 families who

set up shanties on the national park land before 1995 had deposited the sum by August 30, which was the last day for paying up.

The resettlement site at Khoni is on hillocks in the village, which is half-an-hour's jeep ride from Thane. The villagers grow vegeta-

bles and paddy at the base of these hillocks.

The Kalyan tehsildar's men have marked 10 feet by 15 feet plots here for those national park oustees who have paid Rs 7,000 to the government for resettlement.

The mini-township of shanties on the slopes of the national park has been demolished but there is no sign of any development at the resettlement site. "Our job was to locate a vacant site and to mark the plots," said Mr Garud. "It is the job of the public works department and state electricity board to provide infrastructure."

In fact, he told retired high court judge S.M. Daud, who came to inspect the site recently as a part of a team appointed by an NGO, the Indian People's Human Rights Tribunal, that the PWD had stopped work because of a cash crunch. However, Satish Tripathi, till recently the state forest secretary, claimed that the resettlement site was "almost ready."

Khoni, which is on the Katali-Ambarnath Road, is 13 km away from Kalyan and Ambarnath railway stations.

The only means of cheap transportation are the hourly state transport buses. If one misses the bus, there the stray autorickshaws which charge Rs 35.

The government expects the slum-dwellers who will be relocated to find jobs in factories situated ten km away. Not only is the site remote, local villagers are opposed to the resettlement of the slum-dwellers.

29/28

4/9/2000

Anil Shinde

Slum-dwellers tell commission of Government's omissions

EXPRESS NEWS SERVICE
MUMBAI, AUG 7

"WE are willing to shift to one corner of the jungle, but we don't want to go to places like Ambarnath and Kalyan," says Bagubai Kale, a Warli tribal of the Sanjay Gandhi National Park (SGNP).

Kale, along with other men and women of her community was talking to a three-member fact-finding commission formed by the Indian People's Human Rights Association on the ongoing demolitions at the SGNP. The commission headed by former Chief Justice of Delhi High Court Justice Rajinder Sachar and including Justice S M Dand and Justice Suresh Hosbet had wound its way into the 11 tribal padas of the forest, to listen to their woes.

On the final day of the two-day public hearing today, Kale said the communities living here for decades would not be able to eke out a livelihood outside the forest.

They now earn meagre salaries by selling dry firewood

and vegetables, she said, leading the commission through a brief history of their travails.

For Kale, this hearing, coming after protracted hearings of the Bombay Environmental Action Group (BEAG) petition on SGNP, was an acquisition of a voice. Just as it was for hundreds of other slumdwellers who thronged the commission's hearings pointing out illegalities of the demolitions, claiming nei-

National Park DEMOLITIONS

ther notices were served nor were they ever intimated that their land fell in forest land. "Look at our papers," said Mahadev Suryavanshi of Janeroshi Nagar, Malad. "This land has never belonged to forests, yet our houses have been demolished". He was talking to the Commission at Akurli village on Sunday. Almost all those who deposed had similar tales of demolition.

The star of the deposition, though, was former prime minister V P Singh who submitted that the need of the hour was to extend the time limit for payment of fees for rehabilitation and finding alternative land within the city itself. On CM Vilasrao Deshmukh's assurances, he said the CM had promised legislation protecting pre-1995 slumdwellers. "It is easy for authorities to say this is our land. Who do the people belong to?" he asked.

Crowds also thronged the municipal school at Akurli Village, where surveys were being conducted by K C College students on the effect of demolitions of schools on children. "We are still living at the demolished site in a shed covered by plastic. Where else can we go?" said Hirabi Gorile.

"It is the inhumanity that strikes you," Justice (Retd) Sachar told *Newsline*. "How can the authorities burn the items in the houses after demolishing them?" The commission's report is expected to be out in a month.

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Human rights panel takes up park demolition issue

EXPRESS NEWS SERVICE
MUMBAI, AUG 5

THE Indian People's Human Rights Commission (IPHRC) will be holding a two-day public hearing on the demolitions in the Sanjay Gandhi National Park (SGNP) under the aegis of an unofficial judicial inquiry tribunal.

Addressing a press conference, Justice (retd) S M Daud stated that the terms of reference of the tribunal set up will include the human, constitutional and jurisprudential dimensions of the demolitions, the circumstances and conditions under which the court could have ordered the demolitions, the responsibility of the courts to ensure that the housing rights of the evictees are protected, etc.

The tribunal consisting of four retired judges, Justice V R Krishna Iyer (former judge of the Supreme Court), Justice Rajinder Sachar (retired Chief Justice of the Delhi High Court), Justice S M Daud and Justice Hosbet Suresh, former judges of the Bombay High Court will hear

depositions by slumdwellers as well as those connected with the entire exercise, on Saturday and Sunday.

Speaking on the need for the tribunal, principal secretary of IPHRC, P A Sebastian said it had been set up following large-scale violations of human rights of slumdwellers during demolitions, which were continuing despite the state government making a solemn submission before the Bombay High Court that there will be no demolitions during the monsoon. "Yet, on July 22-23, demolitions took place in Bhimnagar slums, in which two persons lost their lives," said Sebastian.

Around 60,000 slum-dwellers in the area have been evicted by the forest officials in the state, following the directions of the Bombay High Court, in a petition filed by the Bombay Environmental Action Group (BEAG). The BEAG had prayed that all non-forest activities be stopped in the SGNP, following which the demolitions were directed.

However, while the government itself stated that around 33,000 slum-dwellers in the area were eligi-

ble for rehabilitation since they were within the pre-1995 deadline, the high court directed that those desirous of an alternative accommodation would have to pay Rs 7,000 towards it. Of these, despite several deadlines given, only 5,000 have paid up till now. Rehabilitation measures are being undertaken at Ambarnath and Kalyan for these slum-dwellers.

However, extensive inquiries conducted by the Nivara Hakk Suraksha Samiti have revealed that during demolitions, forest officials wielded the lathi freely, resulting in deaths of Chandappa Konhale and one Asha Sunil Pandey. Adivasis have complained the land belonging to them from generations have been taken away from them.

They also have with them statements from the principal of the Chandrabhaga Vidya Mandir School at Pimpripada, Malad (E) where he has said the land survey papers of his school show it is out of the forest limits.

Yet, his school was demolished, all fans and tubelights destroyed, and no notice was served before the

demolitions started.

In their statements, while being critical of the "middle class" for believing the removal of slums was critical to a "clean environment", the speakers were also critical of the courts for being insensitive to the human concerns. Justice Sachar said the exercise to evict around two lakh people from the national park was a violation of human rights. "How can environmental concerns weigh against humans?" he asked. He said the priority in all such cases was apparent, it had to be human beings. He pointed out that for all "concerns" of environmental groups, the deaths of tigers in the Nandankanan zoo evoked no response. Justice Daud said it was surprising that in this case, the government was more generous than the courts.

The hearings will take place at Buddha Mandir Hall, Otis Chowk, Kandivli (E) on Saturday and Sri Gurunanak Sachkand Durbar Hall, Mulund on Sunday morning and Jijamata Mandir School, Ananda Wadi, Kurar Village, Malad (E) on Sunday evening.