

# MUMBAI'S LAND-MISUSE PLAN & PEOPLES' ALIENATION

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## **INTRODUCTION :**

Recent trends in privatisation is leading towards starvation of land for social and public purposes. Urban land has been open to manipulation and abuse while developments that are being carried out oppose the very social needs of housing, employment and infrastructure. Landlords and financiers are extended active support by the administration for furthering their control of all state resources including land. Elites across boundaries have cooperated, despite their tensions, to keep wages low, prevent the rise of powerful unions and prevent the redistribution of land and the associated means of production to the people.

The trend in privatisation in the country is propelled by the current wave of globalisation and structural adjustment programmes (SAP) which, are leading to further alienation of the working class. A report by the International Peoples Tribunal entitled 'The People verses Global Capital' concludes with the indictment on the following grounds; 'a sharp increase in unemployment, the cheapening of labour, increase in the concentration of national income, skyrocketing costs of living, the rapid expansion and deepening of poverty, an ever-increasing burden on women and children, the displacement of small-scale agricultural producers, a growing dependence on food imports, growing environmental degradation, deterioration in the health care systems, decreasing school enrollment, increasing drop-out rates and the rising functional illiteracy, a decline in the productive capacity of many nations, the undermining of democratic systems and processes and most significantly, the continued growth of the external debt. In the current logic of imperialism the situation can only get worse because the debt situation of the countries that implemented SAPs has actually worsened. The future is likely to be even more severe, not only the condition of workers, poor peasants and artisans will worsen but the very societies and their cultures destroyed and resources unavailable and inaccessible to more and more numbers of people'.

The overall trend since independence has been the close integration of the controlling classes-landlords, industrialists and financiers together with government and military structures. Mumbai's development and the city's land-use plan has been constantly governed by greed and pursuit of the rich and the ruling class and against social and economic justice. But land ownership and the various land use policies have been caught in its own web of contradictions, thus leading to tragic human and

environmental conditions. The rich have generally done very little to improve the overall living conditions while their greed and pursuit have pulled them in a direction opposite to national interests. Growing marginalisation of the poor and the working class simultaneously with internal conflicts amongst elites due to land ownership, real-estate interest and controlling resources have led to developments contrary to the needs of the people in the city.

Under the guise of privatisation and liberalisation, market oriented developments are being promoted. The Mumbai Metropolitan Regional Development Authority (MMRDA) has argued in its recent publication of the Regional Plan-1996-2011 in favour of market oriented development. The Authority has suggested abolition of bulk land acquisition policy and instead has proposed land assembly wherein the burden of providing land for public purposes should be equitably cast on all land owners. It proposes for an active partnership between the landlord and the government for development of land for public purposes. In order to minimise the resistance of land owners against acquisitions the policy further offers FSI incentives to encourage the landlords for undertaking developments of public projects. The general approach to land policy has to be market oriented with a view to manage land and resources in an efficient and equitable manner, it argues. In the other parts of the region, in the villages and small towns, people are driven off their ancestral property, land and their commons, acquired for mega projects, building new cities, factories etc. Occupation of neighbourhood lands by our own elites in the name of development leads to depression and colonisation of the majority. This trend reflects the same attitude as that of external colonisation which is being once again pushed in the country by multi-national imperialist forces.

The power and wealth of the west coupled with imperialist forces ensure that patterns of development imposed once through colonial conquest can now be brought back under the guise of economic necessity. Growing market penetration of increasing areas of human life, capturing common resources and transformation of them into commodities has led to inequalities and growth of powerful corporates. Land which is the most fundamental resource is even captured and commoditised.

## **LAND STARVATION :**

Today land and development in Mumbai is governed by various Acts and Regulations. Some of the more controversial and commonly known of these are, the Coastal Regulation Zone notification (CRZ), the Urban Land (Ceiling & Regulations) Act (ULC), the Slums Redevelopment Policy (SRD) and regulations for redevelopment of textile mills land in the city. There is much debate both in favour and against each of these regulations and policies. There has been mounting pressures on the government by builders and financiers for scrapping the ULC and the CRZ altogether. There have also been demands for permitting construction of hotels, apartment buildings and commercial premises on textile mills lands so as to revitalise central Mumbai and redensify the low density occupation by the industry. In spite of the failure of the SRD programme, the government is bent upon offering further concessions to developers and builders in order to encourage them for undertaking slum redevelopment schemes.

In spite of several progressive land laws, the government has not been able to implement them for these reasons.

1. The government that represents the interests of the landlords will never want the rich land-lords and industrialists to be adversely affected since they support each other.
2. Landlords and industrialists and financiers have been creating legal obstacles and pressurising the government not to implement the act.

If the various land policies are implemented it would lead to availability of land for accommodating the shortfall in housing, amenities and infrastructure. But there are increasing pressures on the government also from the World Bank and IMF according to which the state is to withdraw from taking direct responsibility of social welfare measures including those for public housing. They support vigorously the policy of increasing the role of private enterprise thereby encouraging the control over land by financiers and developers. But the tragedy is that whenever there are plans with specified developments, they have been systematically violated. Business and commercial interests often overrides planning and design norms. Builders and developers influence the decision makers to amend and delete the restrictions and provide concessions, thus violating even the development control regulations of the city.

**Coastal Regulations Zone notification :** Land along the coast has been open to unscrupulous developments and abuse. The developments lack cohesiveness and does not reflect any urban design concern for water-fronts. There are several reasons for these fragmented developments. Firstly, the city has never had a comprehensive master plan for developments on water-fronts. Secondly, encroachments and reclamations into the sea and mangrove destruction are carried out in blatant violation of the CRZ notification. Land records are often altered and documents are forged in order to legitimize illegal activities. Reclamations at Malad being carried out by the Rahejas, encroachment on to the Beach at Juhu by another developer under the guise of SRD and Zhen Don (the stranded ship) case at Carter Road, where efforts are underway to set-up floating restaurants and casinos, are a few examples of CRZ violations. Under present conditions, development plans and land-use maps cannot be implemented. The actual work being carried out is undertaken by financiers and businessmen who constantly violate and alter the development guidelines. Their motive is limited to the extent of personal gains even at the cost of social and environmental damage. It is in this context that restrictions imposed by the CRZ notification have to be understood and accepted for the interim period. This notification is essentially to stop unscrupulous development and to arrest land-grabbing that are being carried out against social and environmental interests. Halting the abuse of land and construction along the water-fronts is essential in order to protect them from further deterioration and destruction.

**The Urban Land (Ceiling & Regulations 1976) Act :** There is a growing demand to scrap the ULC act altogether. Even the state government has been voicing its opinion in favour of amending the ULC. The Urban Land Ceiling Act has a larger social objective. It is a means by which surplus land is acquired by government to be utilised exclusively for the housing of the poor. This surplus land is to be acquired by a compensation paid to the land owner at a rate of Rs. 10 per sq.m. in the city and at a rate of Rs. 5 per sq.m. in Ulhasnagar area. Under this notification till January 1990, 27,105 statements have been filed declaring 13,917.63 hectares (36,185 acres) as surplus land in Mumbai. Interestingly only 4836 hectares (35%) is notified as to be acquired and only 876 hectares (18%) of the notified land is deemed to be acquired. However there are no statistics available as to prove if any of this land has been allowed for construction of housing for the poor. Just 91 individuals own 55% of Mumbai's vacant land

according to 1991 Kerkar Commission report. In spite of the state government being empowered to acquire surplus land under the ULC it has been dodging this issue.

Legal hindrances is stated as one of the main reasons coming in the way of land acquisition. It is also argued that the ULC act has adversely affected the production of housing units in the city as large tracks of land remain unutilised for construction. Though this is true in reference to the construction of commercial buildings and of housing units for the middle and higher income groups, the argument cannot be supported in reference to the housing crisis in the city, wherein construction of housing units for the low income group is required in much larger proportion. Since developers and builders will not build for the low income category, the scrapping of the ULC will not help in resolving the housing crisis. Therefore strict implementation of the ULC can only contribute towards the social objective of providing housing to the poor and the working class in the city and enable them to have access to land.

The ULC intended to achieve the following objectives :

i) To prevent concentration of urban property in the hands of a few persons and speculation and profiteering therein ; ii) to bring about socialisation of urban land in urban agglomerations to subserve the common good by ensuring its equitable distribution ; iii) to discourage construction of luxury housing leading to conspicuous consumption of scarce building materials and to ensure the equitable utilisation of such materials ; and iv) to secure orderly urbanisation.

Though the Act has been introduced since 1976, land actually taken possession of, has been very small. There have been inherent weaknesses in the legal framework of the Act which came in the way of acquiring land under it. Besides, there is also administrative apathy, legal loopholes and most important, the lack of political will and commitment to implement the high order of objectives of the Act.

**Acquisition under MHADA Act :** After the introduction of the MHADA act 1976, MHADA has not acquired any land in greater Mumbai and Mumbai suburban district. MHADA is a state government housing agency to implement housing schemes on lands made available by the government. These can be excess lands under the ULC or land acquired by the government on behalf of MHADA. As a result of this, the government that

was committed to undertaking responsibility of social welfare (health, food, education and housing) has stopped contributing with an excuse of not having sufficient land and other resources. The government is shirking its own responsibilities on to financiers and private developers who it says, have access to land and finance.

**Acquisition under Slum Act :** Under the Mumbai urban development project of 1985-1993, it was decided that private lands on which slums exist could be acquired under the Slums Act and the land tenure would be transferred to the slum dwellers co-operatives. However not a single scheme has been implemented by acquiring private land under this act.

**Selective acquisition in greater Mumbai :** Land designated in the development plan for public purposes is to be acquired by the Municipal Corporation. However the experience has been dismal. As a result of this the city is starved of adequate amenities and services. Subsequently however, it was decided to adopt a more market-oriented strategy for allowing land owners to transfer development rights to other locations and surrender the land to the municipal corporation free of cost. There is however no indication as to how much land has been acquired under this policy.

**Land Assembly & Market Oriented Development :** The authorities themselves now argue against empowerment of the state for land acquisition. Instead, the MMRDA suggests the policy of land assembly wherein the land owners will not lose their ownership but will be given FSI incentives for development of projects for public purposes. The land owners would be partners with the government for carrying out development programmes. The ugly situations arising out of bulk land acquisition undertaken for setting up Navi Mumbai is stated as the reason for this change in land policy. The MMRDA states that alternatives to compulsory land acquisition have been considered in three types of planning situations :

1. Acquisition of an individual plot reserved in the Development Plan e.g. school, garden etc.,
2. bringing about planned development of land that is about to acquire urban potential over the next decade, but which is currently largely undeveloped, and
3. areas in need of comprehensive redevelopment on account of obsolete pattern of development and buildings.

MMRDA proposes that the burden of providing land for public purposes should be equitably cast on all land owners and not only on them whose land happens to be reserved in the development plan. This could be achieved by providing incentives for assembling land in bigger parcels and stipulating scale of reservations. To keep the interest of landowners alive it proposes to specify land use that may reduce the price of their land. Alternatively, land use allocations are suggested on either side of arterial road network and major transport inputs like suburban railway stations. To minimise the resistance of land owners to part with a fixed proportion of land for roads, services and other facilities, it offers incentives for additional discretionary requirement of facilities for low income housing. This could best be achieved by controlling the allocations of development rights (by way of FSI) without affecting the ownership of land as proposed by MMRDA.

These recommendations for land assembly is a complete surrender to the business interests of the ruling elite. Given our experiences in the city, the business class have always shown dubious interests, often contrary to the larger social needs. By forging documents, manipulating records and by promoting organised crime they have led to the starvation of land for public purposes and for social welfare schemes including housing of the poor. Dropping the acquisition proceedings for individual plots reserved in the Development Plan for public purposes will only adversely affect the growth of amenities and services in the city. Land-lords will use all means to manipulate and alter the reservation in order to commercially benefit from the development of the reserved plots. Similarly by allowing them to gain control over land that is about to acquire urban potential will further encourage speculation in land and real estate whereby more and more people will be denied access to these vital resources.

At this juncture it is important to understand the ideas that led to the setting up of Navi Mumbai. What adverse impacts do such mega developments have on the local people of the region including and on their economy and culture? What way has the new city helped in resolving the crisis within Mumbai, the very purpose for which it was promoted?

**Colonising neighbourhoods** : The very concept of new towns as conceived and implemented in the case of Navi Mumbai is deterrent to development of existing villages and towns in the region. It also sets into



motion a mechanism wherein the local population are rendered useless and irrelevant. Due to powerful external interventions of 'modern world' development programmes (of capital intensive industries and mega projects, etc.) rather than using the existing villages and towns as the nucleus for their development plans, <sup>and</sup> thereby encouraging the growth of multiple centres and minimising displacements. 'The cost of development of this colossal project has slowed down the progress of many other centres thereby increasing disparity between Mumbai and other areas of the region and of the state'.

The concept of Navi Mumbai was based on another argument put forward by Modern Architects Research Group (MARG) that the cost of development of the new city would be almost identical to the cost of reorganisation of Mumbai. This idea adversely affected Mumbai in two ways :-

1. It ignored the fact that reorganisation of surplus vacant land in the city was essential and 2. it watered down the investments needed for infrastructure and services that was urgently required to be expanded for supporting the existing population in the city.

We have to strongly oppose all demands for colonising neighbourhood villages and towns as part of the plan for Mumbai's development. We have to also stop all 'big moves' which are pushed under the guise of larger concerns and comprehensive ideas. We have to consciously plan for arresting the outward growth of the city and oppose real-estate interests that propel these ideas.

A good twenty seven years have been lost since the launching of the twin city of New Bombay (Navi Mumbai); twenty seven years of opportunities for the internal development of this city have been watered down. So we need to turn back and just focus on the various issues that threaten to cripple Mumbai ; of loss of jobs for the working class, lack of housing, weak infrastructure, inadequate services, absence of sufficient open spaces and public amenities, degrading environment and most important of all the heightening of social tensions and violence due to growing economic disparity and communal differences. Let us carefully address and understand the social, cultural, economic and political rights of people in the neighbourhoods of this metropolis before suggesting Mumbai's expansion into the region and opening up several accessible land for its 'scrolling'

population. The failures of Navi Mumbai to act as a counter magnet to Mumbai for decongesting Mumbai and its adverse impact on other areas of the region <sup>has to be accepted and</sup> ~~have to be critically assessed, and accepted.~~ Organised land grabbing and manipulation in the villages and towns of the region by the city folk & land-sharks has led to further marginalisation of the people in the area, where increasing numbers of people get pauperised by being unable to withstand the might of the organised crime of the state and its ruling class allies. The marginalisation and a second citizen status of the local population has infact led to large scale lumpenisation of the youth who quickly get absorbed by the attacking gangs as their agents to suppress the interests of people of the area. Construction of the fertiliser plant at Thal and the struggles of the people against it are lessons of the past. Also the proposal for construction of the second international airport at Rewas-Mandwa is another example of forced development programmes <sup>in the</sup> region against interests of the local people. As Ritu Dewan writes in her study 'Runways Across Villages' - 'we are not opposed either to industrialisation or to urbanisation. The point of debate is what kind of industrialisation and urbanisation; who does it benefit, who pays the costs?' It is assumed that the present Airport at Mumbai will not be able to support the growing air traffic into Mumbai. To back this assumption, extensive studies and surveys are carried out with the sole purpose that another site must be located. ~~Even~~ Both the special planning authorities, i.e. CIDCO as well as MMRDA have proposed (MMRDA in its draft Regional Plan-1996-2011) the <sup>new</sup> site to be across the harbour at Rewas-Mandwa covering 45 sq.km. of land, <sup>This move will</sup> ~~thereby completely destroying~~ 14 <sup>villages of the area and the</sup> sensitive ecology and environment there. <sup>well settled and prosperous</sup>

The proposal for the 2nd International Airport for Mumbai clearly exposes the lack of application of mind by the different agencies and authorities. The questions that come-up here are :-

1. Will the rate growth of air-traffic continue at the same proportion and pace as in the 70's & 80's? Along with Mumbai airport the international airports at Delhi, Calcutta, Trivandrum, Madras, Hyderabad, Ahmedabad are also growing and are also expecting increase in air-traffic into their regions. It will no more be the same old situation where Mumbai would continue to be the only major port that all the people coming into and going out-of the country will route themselves through.
2. Along with big ideas for setting up new mega-projects, the growth potential of the existing Sahar airport has been ignored. Preliminary studies

carried out by professionals have firmly concluded that Sahar Airport has the potential for growth to meet the increasing traffic and cargo movement. Both the reports (one published by Ritu Dewan along with Sandhya Mahtre and the other by Cyrus Guzdar) ~~and others~~ provide adequate justification for this argument. Comparative studies have shown that airports at Hong Kong and Singapore, where the land areas are equivalent and even less (as in the case of Hong Kong) than the land area at Sahar airport, handle much larger capacity of passenger movements as well as cargo traffic.

3. There are also pressures from multi-national corporations (a British consortium along with the Hinduja's) for the promotion of the 2nd international airport for Mumbai at Rewas-Mandwa. What are their interests?

Why should land be taken away from our people and villages destroyed to provide 45 sq.km. of land to the consortium for a project that is not necessary? No airport anywhere in the world has such exorbitantly large land area. Are there other hidden agendas in the programme? Why is MMRDA ~~also~~ supporting the simultaneous urbanisation of the region and areas in and around Rewas-Mandwa? Why should expansion of Mumbai into more areas in the region necessary when Mira road, Ulhasnagar, Kalyan and Vasai-Virar which have all been encroached into for Mumbai's expansion and have been designated as urbanisable zones have a long way to go before they are fully developed. How do we sustain these mega-schemes and support them with necessary services and infrastructure, when the most basic question of ~~inadequate~~ supply and distribution of drinking water is threatening life in these areas. Vast proportions of land in these areas still remain underdeveloped or are developed for speculative business, a situation in which very few real-users find access to land and housing. The areas of Vasai-Virar were dereserved and excluded from the green belt in 1988 and 1990, thereby freeing them for urbanisation. But this opening up of land for urbanisation was not preceded by any infrastructural development thus violating even the MRTP Act. In this process, builders and developers entered the area and grabbed control of vast areas of land, thus rendering it inaccessible to people in the area. MRTP Act requires a sub regional plan to contain provisions for basic infrastructures of water, electricity, drainage, sewage, transport and all social amenities such as health care, education and recreation. While on one hand the state government had permitted the reservation of this area, proposals for providing infrastructure were rejected for want of finance. While the real-estate developers move away quickly reaping their profits from the area

after constructing buildings, the citizens continue to face the wrath of miserable infrastructure. They have to then pay huge amounts both officially to the government and unofficially to mafia controlled services for drinking water and other necessities. Construction of vast numbers of houses without proper infrastructure and facilities led to availability of cheap housing. As a result, the settlements at Vasai-Virar rapidly emerged as dormitory suburbs well connected by rail to Mumbai.

When MMRDA became the special planning authority for this area, vast areas had already been occupied or built upon or kept in possession on the basis of fictitious zonal plans. These violations were already *fait accompli* when MMRDA took charge.

**Displacements** : Developments of new towns such as Navi Mumbai and mega schemes such as the 2nd International Airport proposal lead to displacements. Underdevelopment of existing towns and villages of the region simultaneously with high concentration of investments and opportunities in the new towns force people to abandon their homes and migrate to the new area. The development of Navi Mumbai has made no positive contribution to easing the problems in the city of Mumbai while adversely affecting the small towns and villages of the region. The scale of displacement has grown rapidly in the last few decades primarily as a result of increased economic growth, as well as the processes of industrialisation and urbanisation which are today perceived as the primary definitions of both growth and development. The World Bank has estimated that the 300 large dams that enter the construction stage every year on an average, displace more than 4 million people. An additional 6 million are displaced annually by urban development and transportation programmes - a total of about 900 million people in the last decade alone. It has been estimated that in India development projects have directly displaced about 5 lakhs people every year between 1951 and 1990, only as a result of administrative land acquisition. The number would exceed 4 crores if it included those displaced by non-Plan projects, acquisition for urban growth, changes in land-use and those who are not officially acknowledged as being 'project affected people'.

An aspect that is generally excluded from the 'cost' of development projects is the actual loss to the people who are displaced, and the additional cost of reconstruction of immovable assets including houses, schools, community houses, water and drainage systems, etc. In some cases resettlement and

rehabilitation costs are included but they form a negligible proportion. In twelve different World Bank-aided development projects in India, the resettlement and rehabilitation budget was on an average 3.1% of the loan. This proportion would drop even further if the total project cost is taken into account (since the World Bank provided only a part of the total cost).

Standard calculations of costs have a narrow base, based as they are on a 'cash-for-land' principle of compensation, as the presently operating Land Acquisition Act of 1984 is. Land is an inheritable livelihood-producing asset and hence both incompatible and incomparable to the inadequate one-time cash payment principle. The question therefore is not whether an adequate package can be devised?

Mainstream economic theory states that a finite reservation price can always be found to compensate those affected for their losses, using 'willingness to pay' and related techniques to determine the economic values of objects that are not traded in the market. This approach, apart from its fragile theoretical base, is of little relevance as economic values so derived could be astronomically high. Under ideal conditions, the adopted criteria of a cost-benefit trade-off can be vindicated, in the ultimate analysis, only by a 'social' judgment which does not require that everyone shall be made better off. Which section of society makes this social judgment and for the benefit of which public group is another issue to be taken into account.

Another problem is that of the calculation of 'intangibles' primarily in the case of disbenefits - the dismantling of production systems; the dislocation of long-established settlements; degradation of the environment; loss of biodiversity; the destruction of natural beauty; the loss of historical monuments; the scattering of kinship groups; the disruption of traditional structures of support and solidarity; socio-cultural disarticulation; loss of social capital; etc.

Many development policies and programmes within the city have led to forced evictions and displacements. The slum redevelopment scheme (SRD) launched by the present government promising free houses to 40,000 slum dwellers is a bluff in the name of the poor and a outright real-estate business proposal. The proposal for building hotels, apartments for the high income groups and commercial complexes in place of the cotton textile mills leading to loss of jobs of more than 2,00,000 workers, are a few examples of marginalisation and alienation of the working class and the poor from development of the city's land and infrastructure.

In the SRD programme the government is allowing trading in urban land. The policy offers high FSI incentives and transfer of development rights (TDR). The introduction of both these components necessitates the involvement of corporate companies who can mobilise high capital investments required to implement the scheme. The consumption of surplus FSI upto 2.5 (FSI used for rehousing the existing slum dwellers will consume nearly 50% of the permissible FSI) leads to imbalances as surplus housing stock is built with the balance FSI thereby exerting high pressures on the available (already in short fall) services and infrastructure. Transfer of development rights similarly leads to high and imbalanced densities in particular areas. Moreover the available ratio of open spaces and public amenities will drop to meagre proportions in the area where the extra FSI is utilised, both at the SRD site or at any other place where the TDR is used. Both these concessions made available under the SRD scheme will ultimately lead to further deterioration of environmental and living condition in the city.

The SRD policy highlight in its introduction that priority will be given to slum dwellers co-operatives but sets out a situation whereby the slum dwellers cannot compete. The new business proposal in housing gets to be out of the reach by the slum dwellers. They are expected to compete in the open market to raise large capital, to build vast amount of multi storied apartment buildings for MIG and HIG category and finally get to selling them in the open market. Slum dwellers co-operatives are expected to compete in real-estate business. Under this scheme it is expected that a builder/developer will undertake the development programme, house the slum dwellers on a part of the land in multi-storied apartment buildings and thereby generate surplus vacant land. This surplus land could then be put to trade and business (built there upon or sold on TDR). Land and its development is thus open to manipulation and utilised in the speculative market like any other commodity.

But due to the determined struggles of the poor, commercial interests have failed to grab land under the guise of the SRD programme. In many instances therefore, by using force the development agencies and their lumpen partners unleash terror and violence on the helpless slum dwellers. The land question in the city has become a central issue for people to

organise and strengthen the struggles of the toiling masses, against exploitation and discrimination.

Today the city is experiencing the most brutal and violent demolitions ever of the slums and attacks on the poor. The very existence of the slum dwellers is under threat. These evictions do not in any way benefit the city. As a matter of fact evidences reveal that displacement leads to a process of impoverishment through loss of land, joblessness, loneliness, marginalisation, food insecurity, mortality and social disarticulation. If the city cannot provide land for the very people who are working and contributing to the economy of this city, then all our development programmes and plans may be considered irrelevant and counter-productive and must be radically altered and reframed.

**Textile Mills Closure :** Mumbai's textile mills together occupy 500 acres of land in central Mumbai. The mills today are viewed by the city's ruling class as being long past their period of optimum production and their utilities exhausted. This downfall is weighted against the high value of land that they occupy, and the comparison looks rather absurd. Conservatively observed, the value of this land would be to the tune of Rs. 15,000 crores, thus justifying all reasons for the conversion of land-use to development of hotels, commercial and high income apartment buildings.

The revised development rules of 1991 permit mill land to be sold and used for other developments only if modernisation is carried out. The rules stipulate that 66% of the land sold should revert to the city and used for housing and public amenities. But there are exemptions whereby these reservations do not apply to land utilised for other purposes is less than 15% of the mills total holding. As a result all the proposals that have been cleared so far invoked this exemption and the city's mill owners have turned-real estate developers. The tragedy however is that the city is losing out on land worth nearly 3,000 crores being value of the 15% of the land area of all the mills.

Land-use of these textile mills could not be changed at all before 1991. The government has used the 1991 DC rules to throw open land for development while it continues to assure the public that mills land will not be sold. While the mills are closing down the owners have not framed a viable scheme to rehabilitate the workers. The money accruing from the sale of land is being

diverted and development is not being monitored by the government inspite of strict guidelines imposed by BIFR.

If this trend of development of textile mills land in Mumbai continues, there would be an alarming growth in density in central Mumbai. Growing needs of infrastructure, services and amenities for this gigantic new development will adversely affect these developments in other parts of the city which are already inadequate for the existing population and land-use. The need for additional transportation infrastructure will further require construction of express ways over land and sea. Investments just for that would run over thousands of crores. The estimated cost of only the west-island freeway is between 1200-1500 crores. Hence even the construction of the west-island freeway will not help in decongesting our roads.

The conversion of land-use of the textile mills and other industries in the city as suggested by the MMRDA and by the government policy of shifting the manufacturing sector out of the city will adversely affect the experiences of the fall out as London experienced after they adopted decentralisation programmes in the 60s. Between 1961 and 1983, manufacturing jobs in London declined from 14.49 lakhs to 5.83 lakhs. First, a group constituted in 1982 by the flourishing service sector, added to the problem by advocating the privatisation on infrastructure. So disastrous were the consequences that UK planners were forced to institute hasty rejuvenation schemes to attract jobs back in the city. The BMRDA has noted London's decline, but has not recommended how to avert a similar situation in Mumbai. Only 5.99 lakh jobs have been generated by the manufacturing industries by 1991, against the BMRDA projections of 14 lakh.

**Land & Environment :** The greed for capturing more land in Mumbai has led to major reclamations into the sea. These reclamations have been carried out at different times upon the wishes and whims of the ruling class to occupy and to promote business in real-estate. Reclamations have been carried out by the government as well as by various private agencies.

The most important reclamation carried out by the government at a phenomenal cost has been the Back-Bay scheme in south Mumbai, covering areas of Cuffe-Parade and Nariman Point and adversely affecting the city's land price and real estate. It has also led to an entirely new form of structures and spaces, distinctly different from the developments in the



neighbourhoods of Marine Drive, Ballard Pier, Colaba and Fort area - the central business district of Mumbai. Even though the Back-Bay reclamation was a governmental scheme, it was jointly conceived by private developers, business houses and political leaders of the time for primarily promoting business in real estate. The political leadership however, also wanted to exhibit their might and aura for undertaking developments on western models of high-rise and mega-structures, even though they are irrelevant to our socio-economic condition, thus causing serious damage to the area and to the city with far reaching consequences. This attempt at undertaking development and construction of mega-structures necessitates participation of large corporations including multi-nationals. These models of development are consistent with the policy of privatisation and furthers the alignments of the ruling class forces while ignoring and alienating public interest.

The South Mumbai reclamations have caused damaging effects on ecology. The coastline at Versova which is in the northern-end of the city is being eroded ever-since. Properties and buildings there, are continuously threatened and the residents there have to undertake highly capital-intensive measures for their protection, without any support from the State.

Encroachments and reclamations at various parts of the city have been manipulated too. Land allotted at Nariman Point (Land price here is the highest in the country) to National Centre for Performing Arts at an extremely low price with the objective of promoting art and culture, has now been partly developed for a high cost apartment building, where the saleable price is higher than Rs. 30,000/- per square foot (Approx. 1000 US \$ per square foot), whereby an important public land at the water-front is occupied by a few rich and powerful people.

Construction of 5-Star hotels, resorts and houses are being continuously undertaken along the major waterfronts, thereby openly violating the Coastal-Regulations framed by the Government of India for Protection of coastal zones. By persuasion and force, the developers have been obtaining construction permissions with back-dates, prior to the framing of the regulation. Lokhandwala builders, who are amongst the big builders in the city have encroached on an important public space along the Bandra waterfront (Band-stand), cutting down a hill, destroying the site of a historic fort and violating the reservation of 'No-Development zone', to construct a

5-Star hotel. As a result, an important public space is once again lost. Attempts made by various Citizens forums to halt this land-grab by moving to the Courts has not succeeded. The Courts have clearly supported the needs of the upper classes as against larger public interest in various rulings, on this and many other similar matters, thereby safeguarding the interests of the ruling upper-class. Similarly, another big builder, the Rahejas have built two Hotels at Madh Island and are in the process of developing more properties along the waterfronts at Madh, in the northern part of Mumbai. These are some of the examples of how the use and development of waterfronts has been constantly manipulated and uninterrupted reclamations carried out. These activities also exposes the nexus between officials, police and anti social with total disregard to public opinion and is an abuse to democratic rights and principles.

Ownership of land along the waterfronts is held by various governmental authorities such as the Collector, Mumbai Port Trust, National Airports Authority and the Mumbai Municipal Corporation and in many parts by private organisations and individuals. These various agencies do not have any communication between them and also do not have any definite policy for administration and use of waterfronts. Each authority has at different times entered into lease agreements with private developers, thereby creating a lop-sided and incohesive growth.

Even though large parts of the city today have been developed by reclaiming land, they do not provide a justifiable reason for continuing with the same trend. The creation of Marine Drive and the development along it are often described as the most remarkable and a fine example of urban design in Mumbai. But developments along other waterfronts are incoherent and dismal. Why did it happen that developments subsequent to Marine Drive could not achieve the same success when land was also reclaimed in those areas? We have already discussed this issue earlier whereby we find that individual greed of developers and builders leads to competing unharmonious and fragmented developments. They exercise their power and position to even alter development plans and restrictions. It is, in this context, necessary to ban reclamation into the sea and creeks. The crucial question that comes before us is; who takes the responsibility for an ordered and desirable development and who controls it? Can this be at all achieved under the present political and economic setup?

We have an unending list of examples in Mumbai city where Development Control regulations have been violated, CRZ notification has been ignored, ULC has been manipulated and Development Plans have been altered. A few of the most alarming examples are : 1. The blatant violations of the CRZ and the illegal reclamations of nearly 175 acres of land at Malad into the sea and the cutting of mangroves being carried out by the Rahejas. Boulders and earth required for this reclamation is found by the cutting down an entire hill and depleting the forest at Goregaon/Dindoshi. This hill and the forest is a contiguous part of the Borivili National park and the forests around. Hoard of security guards have been posted to prohibit entry into the reclamation site, while a high temporary wall has been erected to conceal the site from public view. This reclamation is being carried out in violation of the development plan of the city and has been abetted by the BMC which has provided huge quantities of solid waste to reclaim the wetlands. The law on this issue is clear. Mangrove swamps, along with marine parks, coral reefs, reserve forests, have been declared by a notification of the Union ministry of environment dated February 18, 1991, to be 'ecologically sensitive' zones. They have been placed under a CRZ category which allows for no construction. Furthermore, among the prohibited activities listed by the notification within the coastal regulation zone, Sec-2 (iv) prohibits "dumping of city and town waste for the purpose of land-filling or otherwise," while Sec-2 (viii) prohibits "land reclamation, bunding or distributing the natural course of sea water." The notification had given all coastal states three years to phase out dumping grounds on the coast, but the BMC has obviously not heard of it!

Similarly there is another example of the Makers who are well known builders in the city, grabbing a large part of the Airport Authorities land at Juhu. They have even altered land records to prove their bonafide, when it is clearly known that this land has been given on lease by the state government to the National Airport Authority. The Makers have even completed the construction and sale of a number of multi storied apartment buildings on this land. Investigations by the Nivara Hakk Suraksha Samiti has revealed this irregularity.

The examples are endless. As a result, the city's development gets directed by the whims and fancies of a collaborative force, in which government officials, politicians, businessmen, lumpens and mafias are equally involved. Movements of citizens and organizations of slum dwellers have raised the

issue of punishment of these corrupt officials but the government has been silent over this matter.

The apathy and the lack of concern by the authorities towards effective land use control and environmental protection has been tragic. They are joined by large sections of planners and architects in proposing mega projects which require large scale reclamation and destruction of Mumbai's coastline. The proposal for construction of west-island freeway and the trans-harbour link are two most important examples. If at all the west-island freeway is constructed, the sea between the bridge and the present coast will become vulnerable for construction, thus requiring further reclamation. This will also get the encouragement of planners, architects and developers in the city who are only too eager to propose schemes for mega-constructions.

In the city of Mumbai, the promotion of increasing number of shopping malls and commercial entertainment plazas, construction of barricaded parks by private agencies, proposals for exclusive clubs in places of playgrounds enhances consumerism and greed for consumption. Attitude of public spaces that emphasises mass consumption and corporate control are a larger strategy of world capitalism in India and all over third world countries. Much celebrated and often seen as public accessible spaces such as parks, shopping malls, festival market places, described as social spaces are in fact, in practice, spaces of exclusion based on class, race and gender, where free and equal citizens cannot deliberate. The motive of the different governmental agencies has however been to promote business interest of private organizations. In many instances the public sector agencies have entered the market, competing with the prevailing business interests. As a result of this, officials of the concerned government agencies and private businessmen have developed sympathy towards each other. This nexus has resulted in an illegal system of control of public spaces by the collaborators. Now of course the catchword is privatisation. The government is inviting offers and negotiating with private developers to take over the responsibility of development and management of public spaces that includes the waterfronts. While virtually gifting away public open-spaces, the government has not even been interested in assessing the miserable urban-scape that is emerging ; development of gardens by barricading parts of beaches, constructing large toilet blocks on main vistas, restricted parks and clubs on public grounds, etc. Though some of these developments have been

implemented well and look beautiful the issues that concern us are as follows ;

1. Should proposed activities replace existing public needs and priorities?
2. Should collective spaces be converted to private activities and restricted use or barricaded developments?
3. Has any assessment study and survey been carried out for identifying sites for construction of public utilities?

### **CITY FOR ITS PEOPLE : MUMBAI'S FUTURE**

**De-colonising land :** Plans for Mumbai's outward growth must be stopped. Development of the city cannot be based on colonising of neighborhood villages and towns in the region. Programmes for generating new areas of urban land in the region have to be stopped as well to allow for preparation of independent plans for those areas. The main thrust of this new plan should be based on land capability and to promote location-specific programmes rather than impose alien schemes that displaces and destroys the existing economy and capabilities of the people in the area. The process of planning, implementation and monitoring of land and development programmes should therefore be radically restructured to render it an open, democratic process with full accountability. Substantial powers of controlling the resources of each locality must be devolved to the local population, thus strengthening the grass roots level democratic institutions.

Urbanisation in the region and elsewhere is essential but not in the manner it is being forced. Urbanisation should be looked upon as a process by which the economic condition of the area can be improved and the existing feudal structures can be altered. Unfortunately urbanisation is looked upon as a grand project of rapid construction and mega-schemes. These destroy the existing economic and social opportunities rather than strengthening them and allowing growth.

It is equally important for stricter implementation of various people oriented land policies such as the ULC, CRZ, Slum Act, MHADA Act and the Selective Land Acquisition Act. It is infact a social necessity to nationalise land and not surrender it to any exclusive class.

**Introspection :** What is needed today is an introspection of the city and the plan to renew, restructure, rebuild and regenerate to cater to the needs and aspirations of all the people in the city. Adequate housing for the poor, restoring and expanding open spaces, restructuring transportation infrastructure and enhancing amenities will have to be urgently dealt. We have to draw all our attention towards improving the internal efficiency of the city and its environment.

Provision of more and more FSI is in vogue today for all development programmes. It is believed that surplus FSI will generate finance to support amenities, infrastructure, housing and the maintenance of open spaces. The central idea being to vigorously pursue the privatisation policy. Sadly, the adverse situations that will emerge from this policy are not being realised. According to a recent publication in the Economic Times by Ritwika Chaudhari, there is 23.64 crore sq.ft. of surplus developable area to be had from the Mumbai Metropolitan Regional Development Authority, mill owners, the Slum Redevelopment Scheme, from transfer and development rights and of course, from scores of corporates. Property experts say that 17.07 crore sq.ft. is now available from corporate developers of this, 4.37 crore sq.ft. has been sold, while the rest is awaiting buyers. Further, 54.81 hectares (88.49 lakh sq.ft.) of residential land and 150 hectares (2.42 crore sq.ft.) of commercial land from MMRDA is available for development. All this is an addition to land available under the ULC. What will happen to buildings that will be built (if at all?) utilising the surplus FSI which will be available for development? How will we support and sustain this growth without adequate infrastructure? Who will buy them and will they be occupied? Who will inhabit the city of the future when the landscape of Mumbai will be marred by the history of structures-unoccupied, uncared and open to misuse. The vast majority of the working class and the poor will in any case have no access to these developments thus, leading to further degeneration of the cities environment.

**Land Control :** The cities development plan and land-use must allow people to establish control over their own lives. There is need for measures to control speculation, the take-over of land and resources by national and multi-national corporations and a way to eliminate the injustices that arise out of imperialism.

What is alarming today is the growth of a nexus between commercial and financial interest and the state power - state administration, police and local municipal officials, who together manage to subvert social priorities. Stricter laws need to be implemented to bring an end to this corruption. What is required is a more conscious and active public participation in the process of development and decision making.

Dissemination of information and participation for effective utilisation of land and resources in the city is crucial to construct a development agenda that is at once in the interests of a majority of people and of the cities environment.

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