

THE RIDGE FOREST: AN ANALYTICAL CASE STUDY

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The Delhi Ridge has been the subject of numerous campaigns, propagated by non-profit organizations and citizens' unions due to the encroachments upon the regions which have been classified as reserved forest area under the provisions of the Indian Forest Act, 1927. This paper seeks to explore the judicial decisions of the court, evolved through Public Interest Litigations which have been filed by the concerned parties, and the impact on corporations which fuel construction activities in this region as well as the Ridge itself. Through the course of this paper, the author will attempt to elaborate upon the historical significance of the Ridge, as well as the impact upon the labourers who work in the Bhatti mines and their subsequent relocation by the Delhi government. A thorough analysis has been made of the movements propounded to save the Ridge and the author has further dwelled upon the inefficiency of the Indian judicial system in its failed attempts to preserve this natural sanctuary. Lastly, this paper focuses upon the need for improvement in legislative orders so as to benefit future projects and curb inept court practices.

INTRODUCTION

The Ridge forest which is better known as the '*lungs of the capital*' has been the subject of deep controversy for over two decades, owing to the technological hazards which pose a near-constant environmental threat to this abundance of lush greenery, located on the fringes of the country's capital. The Delhi Ridge provides the northern extension to the Aravalli Hill Ranges and along with the river Yamuna, it is considered to be one of the most significant features of New Delhi, garnering both prominence and protection.¹ The Ridge is steeped in history, and provided the basis for Stone Age tribes to take shelter and form colonies.² The forest also garnered importance during the British Raj, as the legendary Revolt of 1857 witnessed intensive fighting in the area, as the rebel group fought to escape British subjugation.

In recent times, the preservation of the Ridge has become the focal point of numerous NGO's and environmental activists, due to the rampant abuse it has endured. The natural surroundings have continuously been impacted by construction and human interference,

¹ The Delhi Ridge was once a contiguous unit, which has now been fragmented into five distinct segments, namely the Northern, Central, Southern, South-Central and Nanakpura South-Central regions, owing to the rising population and immense depletion of natural resources over the years.

² Quartzite rocks comprise a significant portion of the Ridge, which was used by tribes from the Stone Age to construct tools. Archaeologists have discovered such tools on the brinks of the forest, providing constructive evidence of tribe settlements.

on the most basic level possible. The encroachment of the Ridge fell within judicial purview when an environmental activist and lawyer, MC Mehta moved the court and filed a case, wherein he contended that the forest area has acquired the status of *reserved* under the provisions of the Indian Forest Act, 1927. Hence, all encroachments upon it which are in violation of the Act, are held to be patently illegal, irrespective of whether or not government permission has been sought.³ However, although the Ridge is seen as a whole unit, four fragmented sections were categorized as *reserved* area in 1994, which meant that the remaining portions are open to the interpretation of the courts.

COURT PROCEEDINGS AND THE LEGISLATIVE IMPACT ON THE RIDGE

A construction project was sought to be undertaken by a group of thirteen hotels, on a part of the forest area. This move was proposed by the Delhi Development Authority (DDA) Its status as a protected ridge and forest area was corroborated by many government agencies, including the Geological Survey of India and the Central Ground Water Authority (CGWA), which had submitted pleas before the Supreme Court for preservation of the Ridge, in all its natural glory.⁴ This, the International Hotels project was not permitted by the Supreme Court, due to the environmental status accorded to the region, following a Public Interest Litigation filed by the Citizens for the Preservation of the Quarries and Lakes Wilderness (CPQLW). Despite this judgement, in December 2003, the DDA committed yet another assault on the protected ridge, which must be preserved in its pristine glory with no infringements, according to the Master Plan of Delhi, by auctioning off the land upon which the Ridge forest stood. Earlier, a project initiating the construction of a group of luxury hotels was cancelled, due to the various environmental concerns being accorded to the region, following a Public Interest Litigation filed by the Citizens for the Preservation of the Quarries and Lakes Wilderness (CPQLW). Land buyers such as Maruti, Airtel and DLF attempted to begin construction on the land, without first obtaining the relevant clearances from the Pollution Control Committee or conducting an Environmental Impact Assessment (EIA), in addition to a Public hearing.⁵ Following this, in January 2003, a Public Interest Litigation was submitted before the Supreme Court, through it's Centrally Empowered Committee, by Vikram Soni citing its protected status in the Master Plan, as a forest area and water recharge area. This had already been established by the Supreme Court's Environmental Impact Assessment Authority (EIAA) and all agencies in 1997, when the court axed the International Hotels Project. The government agencies made no attempt to stop construction activities or allow the routine checks to be carried out and nor did the court pass a sanction to stay the

³ In 1913, 796 hectares of the Northern and Central Ridge were demarcated as reserved area, and again in 1980, another twenty sites were classified as protected forest region.

⁴ Reports submitted by the CGWA demonstrate that the Ridge is, "a vital water recharge zone, with 85% of rainwater percolating down and no construction activities should be allowed."

⁵ Law mandates that a public hearing *must* be executed, prior to any imposition on the land, which is inclusive of even marking the boundary wall or minute digging.

construction. Meanwhile, the Supreme Court adopted a laidback attitude and its inefficiency caused a continuous postponement in hearing dates; in the interim period, the corporations continued to use this to their advantage and added a floor each month to the buildings.

Certain remedies were made by the court when it issued orders, mandating that both an EIA, as well as a public hearing must be executed, and furthermore, construction activities must be stayed until the necessary clearances were obtained. Thereafter, the opinion of an Environmental Expert Committee was sought, to provide recommendations.⁶ A dearth of accuracy of facts and gross misrepresentation caused an incomplete report to be issued; while all the official reports stated that the area did indeed belong to the Ridge, thereby establishing it as a protected area. However, this stand was later reversed. There was no substantial proof to indicate that the DDA had conducted the EIA, as they were required to do, prior to auctioning off the area. They were of the impression that since substantial construction had already taken place and demolition was no longer a possibility, hence they recommended clearance after the imposition of trivial penalties, in addition to an effective environmental management plan. The construction by the land owners was comparatively insignificant as opposed to the proceedings which took place thereafter, primarily since this was at a time when Delhi was being demolished bit by bit, by the DDA for illegalities, which were being committed by traders. Recommendations regarding the demolition of malls was instituted, as well as the making of a water sanctuary. The Supreme Court's lackadaisical attitude was perturbing; they did not attempt to censure the DDA for the wrongful acts it had committed. The Ministry of Environment and Forest was equally to blame, seeing that it had not taken the required action earlier. All recommendations which were suggested by the expert committee were taken into consideration and executed, with the full force of law. The very basis of giving clearance, that substantial construction had taken place, was initiated by the Supreme Court itself. This was despite the fact that all the previous Supreme Court committees had unambiguously established the environmental importance and protected status of the area. Furthermore, the Supreme Court ought to have taken speedy action on the grounds that construction *must* be discontinued at the earliest, since environment once jeopardized may not be restored. Construction being a continuous process could take place at a later date and hence, save the abundance of greenery, which surrounds the fringes of the country's capital. The action by the judiciary has been subjected to criticism from multiple sources, time and again. The ideal situation would have been one where all the corporates taking a moral high ground curbed their construction proceedings efficiently and immediately and moved to file a case against the DDA.

The impact of these activities has been notoriously profound on the government agencies; far too many of them have been attempting to ensure the sanctity of the Ridge remains intact with a piecemeal result fuelled by the lack of coordination. With respect to the Vasant Kunj region, the DDA's plans for development do not seem to have taken into

⁶ G.N.SINHA, *An Introduction to the Delhi Ridge* at p. 52

consideration the excessive water scarcity of the region and its overall impact. This phenomena is bound to intensify once the project is in full swing and construction is finally completed.⁷ Several non-profit groups are also involved in the proceedings, such as Srishti, which was asked to draft an alternate plan for better management of the Ridge facilities. Often, the intention of the orders of the court are mislaid; in this particular instance, the Bhatti farmers who are being forced to relocate, with few or no funds, while the luxury farmhouses, surrounding the brink of the Ridge, remain untouched. The best way to find a solution out of this situation, is through an eco-friendly land management pattern.

THE BHATTI MINES: IMPACT OF MIGRATION ON THE WORKERS

The Bhatti mines have been subjected to intensive scrutiny, arising from the fact that there was migration of labourers from Rajasthan, Haryana and Punjab to be employed in the mining companies. However, these mines were operated by private individuals and had no qualms about flouting safety regulations, thereby causing the Delhi State Industrial Development Corporation to take invasive action in the year 1975 and gain control over these operations. The workers settled into their own colonies and established permanent residencies in the region. In 1990, the mining quarries were shut down following the death of numerous workers, and these colonies and quarries were declared a part of the Asola Wildlife Sanctuary. As a result, the court decreed that encroachments upon the Ridge must be removed which included uprooting of the workers whose settlements formed a part of these encroachments. A supervisory committee was also established to settle the claims of those who were removed from the Ridge area.

As the case on the Ridge forest progressed through the courts, far more than just the natural surroundings were affected. In Bhatti, the forest department took evasive action and issued eviction orders to the colony of workers. These orders called for a relocation of these people to another village called Joanapur (which was also located on the fringes of the Ridge). This situation was in sharp contrast to the benefits being derived by the rich and affluent, who had over the past two decades, attempted to make themselves comfortable through the incorporation of sprawling farmhouses and luxury resorts destined for weekend getaways; the other side of the system sees the relocation of the indigent working class, away from their families and former lives. This stance may also be seen as hypocritical, and the Delhi sector of the National Alliance of People's Movements (NAPM) made requisite moves to bring relief to these workers by advocating their rights in a more stringent manner. NAPM activists have claimed time and again, that the purposed shifting of the workers' settlements may be economically unviable; the funds to set up and run a home and family in a new surrounding is a foreign concept for most of these indigent groups.⁸ Definitive proof has also been established that the workers may not have been satisfactorily resettled, judging

⁷ The hotel complex and the golf course would require a minimum of six to seven million liters of water on a daily basis.

⁸ As per an affidavit before the Supreme Court, by the Delhi government, the shifting would require roughly twenty crores, none of which is being refunded.

from the the track record of the government, with respect to evicting and resettling people. Furthermore, this non eco-friendly move is seen to pose several environmental concerns.

RIDGE MANAGEMENT PLANS: AN INCLUSIVE APPROACH

Recently, various non-profit groups such as Srishti, Kalpavriksh, Toxics Link and Heritage First have undertaken walks as part of the *Save Delhi Ridge* program and are also members of the Ridge Management Board to ensure that field inspections are regularly conducted as a precautionary measure to ensure non-violation of the Forest Conservation Act. In the year 1979, various student unions and citizen's groups commenced the Delhi Ridge Campaign, in an attempt to save the reserved areas from encroachments and destruction. Ridge Bachao Andolan was formed as the result of a confederation by several NGO's and several of its members are a part of the Natural Heritage First, which has made a concerted effort at saving the forest.⁹ However, all areas of the Ridge did not receive uniform legal protection which led to the formation of the Joint NGO Forum in 1993, to put pressure upon the Delhi Administration and declare the Ridge regions as reserved. In 1995, a Public Interest Litigation was filed in the Delhi High Court against the illegal construction of a road initiated by the DDA, on the Vasant Kunj Mahipalpur Ridge which has been classified as 'protected'. Thereafter, from 1995 onwards, the CPQLW directed by Vikram Soni, fought for a period of over twelve years to save the Ridge. Thereafter in 1995 and 1996, Public Interest Litigations were filed in the Delhi High Court against the illegal construction of a road, initiated by the DDA, on the Vasant Kunj Mahipalpur Ridge, which has been classified as 'protected' area. These attempts garnered success and in the same year, a petition was filed in the Supreme Court by Vikram Soni against the group of Sterling Resorts to prohibit construction on the elephant corridor at Kaladhungi, to which an immediate stay order was issued. Responding to the petition filed by the CPQLW, the Supreme Court set about creating India's first and foremost Urban Environmental Legislation, with the formation of the Environmental Impact Assessment Authority (EIAA), so as to review the status of the environment, in addition to other projects, prior to providing clearance certificates. The Ridge was thus established to be a three-way protected area. Thereafter, the Supreme Court ordered the prohibition of any building, within this area.

CONCLUSION

Over the years, several Public Interest Litigations have been filed in the court, to prevent invasion of this lush natural greenery. The Supreme Court has proved to be wayward and lackadaisical through its inefficiency in ensuring that the Ridge remains unscathed. The courts ought to have taken a conscious decision regarding the preservation of these forests, based on the premise that environment once destructed, may not be restored to its original status. Construction is a continuous process, fuelled by human intervention and hence, does not require an extraordinary amount of time to evolve; natural heritage, however is an

⁹ available at <http://naturalheritagefirst.in/major-works/>

evolutionary resource which may be destroyed in a matter of minutes. Thus, the human race ought to work towards its preservation and protection rather than giving in to its own selfish pursuits. Furthermore, the intention of the court orders is often mislaid; in this particular instance, the Bhatti farmers are being forced to relocate with few or no funds, while the luxury farmhouses surrounding the brink of the Ridge remain untouched. In the opinion of the author, the best way to find a solution out of this situation is through an eco-friendly land management pattern.