

Fight for a forest

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*From where comes this greenery and flowers?
What makes the clouds and the air?*

—Mirza Ghalib

THE battle for protecting Delhi's green lungs, its prehistoric urban forest, has never been more intense than now. The newly global city, located in a cusp formed by the tail end of the 1.5 billion year old, 800 km long Aravalli mountain range as it culminates at the river Yamuna, is the aspirational capital of over 15 million people.

The hilly spur known as the Delhi Ridge once occupied almost

15% of the city's land, though much of it has been flattened. The deciduous arid scrub forest of the ridge still provides a unique ecosystem, which today lies in the heart of the modern city, and is critical for its ecological health. Though citizen's action has managed to legally protect¹ about 7800 ha of the forest scattered in four

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distinct patches, the fight for the ridge forest has been long and is ongoing. Land is scarce, with competing uses in the densely populated city, surrounded by increasingly urbanized peripheral townships of Gurgaon, Faridabad and Noida.

The Aravali range which enters Delhi through its southwest boundary splits into two spurs, one travelling a short distance eastwards towards Tughlaqabad, the other forking off westwards to end 40 kms away in the North. The plateau-like arms had bounded the various cities over time, and only in post independence India, were they blasted to extend it in order to accommodate thousands of new migrants. This trend has continued unabated, and the ridge is now unrecognizable.

Massive residential colonies, several religious institutions, universities and security force camps have been allotted land on the ridge. The four isolated forest patches which still remain, were once contiguous. Even these bounded patches – the Asola Wildlife Sanctuary (6200 ha, southern ridge), Sanjay Van (633 ha, south central ridge), the central ridge (864 ha, behind Rashtrapati Bhavan) and the northern ridge (87 ha, Delhi University) – are under pressure from other ‘use’ claims. Other ridge areas have unfortunately not received protection under forest laws, but been left free to be used as per the dictates of the city master plan, leading to many conflicts.

A large forest in the midst of a dense, highly urbanized and growing city is an unusual blessing, its ecological functions probably more needed today than ever before. The ridge forest acts like a green lung for the city’s polluted air, allows a rich biodiversity to exist in it, lowers the ambient temperature and acts as a noise buffer,

besides protecting the city from desert sands blowing in from Rajasthan (south of Delhi). Most importantly, for an increasingly water scarce city, the ridge forest and the river Yamuna once formed a network of water channels, though most of them have been lost or highly fragmented.

Once, many small streams and *nullahs* originated from the ridge and drained into small and large water-bodies, which ultimately emptied into the river. Today, large water bodies such as the Najafgarh *jheel* (now an industrial area), or the Hauz Khas *jheel* are dry. Many *nullahs* which crisscrossed the city as streams carrying water to the river, have turned into open sewers and are now being covered up for making roads.

The fractured and porous quartzite rocks helped the ridge serve as a groundwater recharge zone. The scrub forest was once rich in animal and plant life. There are records of foxes, porcupines, chinkaras and black-bucks, though now it is mainly neelgai and smaller animals like hares that can be seen. Bird life still abounds, with birds of prey like the shikhra or passage migrants, along with more than 150 other species. However, much of the original vegetation has been overtaken by exotic species like ‘vilayati kikar’, or *Prosipis juliflora*.² Also, in the past, the elevation of the ridge provided a vantage point over the northern plains of the Punjab, providing the city both ecological as well as military security. Many related old structures still exist on it, including the city built by the sultans of the Slave

1. Declared as a Reserve Forest under Section 4 of the Indian Forest Act, 1924, in 1994.

2. Kalpavriksh, *The Delhi Ridge Forest, Decline and Conservation*. Delhi, 1991, and Pradip Krishen, *Trees of Delhi: A Field Guide*. Dorling Kindersley and Penguin Books, 2006, pp. 24-25.

Dynasty in the 13th and 14th centuries and marked by the towering Qutab Minar.

Even though the Delhi Ridge forest has had a long history of protection, it is now battling against being diverted for ‘development’. There are early records of afforestation by Firoz Shah Tughlaq for hunting, and of the British planting trees on it.³ Even in 1878, parts of the area were declared as a Reserve Forest under the Indian Forest Act, 1878. Later between 1913 and 1948 additional areas received protection on the northern and central ridge. In 1980, 20 sites in the northern, southern and central ridge were declared as protected under forest laws. More recently, in 1986, the Lt. Governor of Delhi declared 1880 ha of forest in the southern ridge as the Asola Wildlife Sanctuary. By 1991, an additional 840 ha of the Bhatti mines area were brought under the Asola Sanctuary.

Though many of the earlier notifications were never withdrawn, their current validity has become uncertain, especially since many ground markers have disappeared. With the formation of the Delhi Development Authority (DDA) in 1957,⁴ Delhi undertook the task of urban planning. The first master plan (1962) recognized the need to conserve and protect the ridge as a natural forest, but offered no legal protection to it, as forest laws did. Hence, when major chunks

3. For a detailed discussion on this, see Michael Mann and Samiksha Sehrawat, ‘A City With a View: The Afforestation of the Delhi Ridge, 1883-1913’, *Modern Asian Studies*, 2008, pp. 543-570, Cambridge University Press. First published online 25 September 2008.

4. The Delhi Development (Provisional) Authority – DDDPA – was constituted through a Delhi (Control of Building Operations) Ordinance, 1955 which was replaced by the Delhi Development Act, 1957, with the primary objective of ensuring the development of Delhi in accordance with a plan.

of the ridge land were transferred to the Delhi Development Authority in 1992, despite earlier forest notifications, it raised a public alarm.

The recent fight to protect the ridge forest began in the mid eighties by student groups like Kalpavriksh, who tried to stop tree felling, or the building of transmission towers on it, even prompting intervention by Prime Minister Indira Gandhi.⁵ But it was only in the wake of the 1992 order that matters came to a head. For those who had grown up walking in the forest or bird watching, this was both a death-knell and a call to action. The moment converted ordinary citizens into activists. Voluntary organizations and citizens came together under the banner of the Joint NGO Forum to Save the Delhi Ridge with prominent NGOs like WWF, Kalpavriksh, Srishti spearheading the action.

It was truly a moment of passion. School children marched through the streets of Delhi carrying banners they had painted, residents organized colony meetings, activists devised new slogans, gathered supporters and confronted the politicians as the media carried the story day in day out, even airing 'save the ridge' spots during prime time news. Eminent citizens signed petitions and wrote letters proclaiming the Delhi Ridge forests as the 'green lungs' of the city. As the city was experiencing massive air pollution from a new influx of motor vehicles, the campaign struck a vital chord.⁶

5. Mahesh Rangarajan writes that Indira Gandhi 'took steps to secure the city forest in the summer of 1980, when petitioned by a student group. What the group was unaware of was her central role a few years earlier in getting key Indian Air Force installation modified to preserve the skyline as well as the integrity of the forest.' Mahesh Rangarajan, 'Striving For a Balance: Nature, Power, Science and India's Indira Gandhi, 1917-1984', *Conservation & Society* 7(4), 2009. www.conservationandsociety.org

There were, however, fundamental differences on how the idea of 'green' was understood. The Delhi Development Authority (DDA) saw it as a 'regional park', manicured like the Buddha Jayanti and Mahavir Jayanti Parks on the central ridge. It argued that citizens needed jogging tracks, benches, grass 'clear of snakes', and that protecting the ridge like a 'wild' forest would harbour anti-social elements. Many citizens, on the other hand, wanted the forest as an ecosystem whose biodiversity could only survive when the grasses and shrubs were left for animals, birds and insects to feed and nest in. Parks, and Delhi already had over 12000, needed water, manure and labour, while a forest only had to be left alone. The forest was not only ecologically superior to a park, but also symbolized a balance between nature and development.

However, the associated legal and land ownership issues surrounding the ridge areas were complex and institutionally intertwined. For example, while the DDA and the forest department owned Sanjay Van and the northern ridge, the central ridge was under the Central Public Works Department (CPWD), the Delhi Administration, and the Land and Development Office (L&DO) while the forest department owned the Asola Sanctuary land. No agency wanted to relinquish control, and it was clear that only a higher level action could resolve the issue.

Given the public outcry and the complexity of the issues involved the Delhi government appointed a 10 member committee headed by Lovraj Kumar (then member Planning Commission) in April 1993 to frame a management plan for the Delhi Ridge.

6. For details of the campaign see *Saving the Delhi Ridge: One Year of Conservation Action*. Srishti, New Delhi, 1994.

Four members from environmental NGOs (Indian National Trust for Arts and Cultural Heritage – INTACH, Kalpavriksh, Srishti, World Wide Fund for Nature – WWF) were part of the committee along with officials. The committee recommended that four of the areas be notified as reserve forests, and that the forest character of the area be maintained irrespective of which agency manages the land.⁷ This was an important victory, and on 24 May 1994 these areas were duly notified as deemed Reserve Forest under Section 4 of the Indian Forest Act, 1927 (IFA).⁸

Subsequent to the notification, the mandatory settlement of forest rights began, but was immediately mired in controversy as it was obviously discriminatory. For example, amongst the first to be displaced were the rag pickers and shanty dwellers on central ridge adjacent to a large police camp, a gurdwara and a well-known charitable hospital, even as the President's Bodyguard's owned a swanky polo club ground on the ridge forest behind Rashtrapati Bhavan itself. Rather than face public ire, the club was closed down and relocated elsewhere on the ridge, only to lead to another legal battle subsequently, and its reopening at the same place recently.

Another similar controversy which illustrated the bias in land use was at Bhatti mines, which is part of the notified forest on the southern boundary of the city. Owing to an affidavit filed in the Supreme Court by the Chief Secretary of Delhi, over 30,000 residents living in three colonies

7. Government of NCTD, Report of the Committee to Recommend the Pattern of Management of the Delhi Ridge, New Delhi, 2004.

8. Delhi Gazette, Notification No F.10(42)-I/PA/DCF/93/2012-17(1), Development Department, Govt. of NCT of Delhi, 24 May 1994.

adjacent to the Asola Wildlife Sanctuary, were labelled as 'encroachers'. Under direction from the Supreme Court (1996),⁹ they were asked to relocate, even though many adjoining private farmhouses were left untouched.

Many of them belonged to the Oad nomadic tribes, who are traditional diggers specializing in the construction of ponds and canals and had been workers in the now closed Bhatti bajri mines (1975-1992). Through political patronage two of the colonies have managed to stay on to date, though their fate hangs in balance. Meanwhile the Municipal Corporation of Delhi (MCD) has proposed to use the mines as garbage landfills, which would result in converting the forest into a dump yard of the city, even as the poor are to be removed. The matter is currently in the Supreme Court, following a counter petition challenging this plea.¹⁰

Unfortunately, several ridge areas which could have been included in 1994 were left out, and have been subsequently built upon. Delhi is plagued by a multiplicity of civic authorities, who work in isolation of each other. Hence, 'other use' claims for the forest land emanate from several unconnected quarters. Land developing agencies, transport bodies, civic service providers, and even security agencies all lay claim, such that making a case for keeping a 'forest' has become increasingly difficult.¹¹

Several significant and often unsuccessful court battles have since ensued, and demonstrate the difficulty in protecting the ridge land. Most of them relate to demands by state actors.

9. M.C. Mehta vs UOI, WP(C) 4677/1985, orders of 9 April 1996 and 9 May 1996, Supreme Court of India, Delhi.

10. IA in Almitra Patel vs UOI and Ors, WP(C) 888/1996, Supreme Court of India, Delhi.

An early one dealt with the shifting of the President's polo ground from the central ridge to another location westwards known as Nicholson's Range, without tree felling or land diversion clearance. Srishti and other groups approached the Delhi High Court to stop this, and the case became headline news, since it served notice to the Chief of Army Staff. However, with no help forthcoming from the forest department for providing boundary maps of the notified ridge, the court let the army off with a warning.¹²

After the 1994 notification, the DDA started treating all remaining areas as fair game for 'development', even as many of them, such as the Vasant Kunj ridge, were forested and earlier notifications still granted them a status of reserve or protected forests. Amongst the most important fights concerned over 650 hectares of the Vasant Kunj ridge, half of which was controlled by the army. In 1997, the DDA proposed the building of 13 five star hotels (international hotel's complex) on the area, despite a lush jungle and many small and large water bodies which existed there. On the other hand, the hotels had a high water requirement of up to 1000 litres per room per day.

An NGO, the Citizens for Lake and Quarry Wilderness (CLQW), along with others including Srishti and Kalpavriksh, approached the Supreme Court to stop this.¹³ The court rejected the project, but left the

11. A curious proposal was made for the rehabilitation of captured 'dancing bears' on the Asola Wildlife Sanctuary (1998). The Delhi Government after giving the go-ahead to the project without going into the technical or financial aspects, had to withdraw it after experts declared the area inhospitable for the animal due to lack of water and green cover.

12. Srishti and Ors vs Govt. of NCT of Delhi, Chief of Army Staff and Ors, WP(C), 1996, High Court of Delhi, Delhi.

army area untouched and exempted 92 ha of the remaining for construction of a hotel. Subsequently in 2006, the area again saw new constructions of institutions and shopping malls, despite no environmental clearances having been granted, and another long drawn futile court battle. The area now houses some of the most expensive shopping malls in the city, catering to a select few, even as the function of the ridge for the benefit of million of Delhi's citizens is forever lost. Currently, in another case in the Delhi High Court, citizens are attempting to protect what is left as a major groundwater recharge zone,¹⁴ with an estimated recharge potential of 60 million cubic meters annually.¹⁵

One of the bodies formed to protect and restore the ridge forest is the Ridge Management Board (RMB – hitherto referred to as the Board), constituted in October 1995, and which reports to the Supreme Court.¹⁶ Heavily loaded with government functionaries, the board is chaired by the Chief Secretary of Delhi, and members such as the Vice Chairman DDA, along with three civil society members. It is probably a singular example of a high powered body which exists to protect a specific urban forest and along with the Central Empowered Committee (CEC), appointed by the Supreme

13. Writ Petition (civil) 202 of 1995: T.N. Godavarman Thirumulpad vs Union of India, and Unison Hotels Ltd. vs DDA and Ors, SLP (Civil) No 8960/97, both Supreme Court of India, Delhi.

14. Ramesh Chopra and Ors vs UOI and Ors, WP© 11884-87/2006 in High Court of Delhi, Delhi.

15. Vikram Soni, 'Three Waters: An Evaluation of Urban Groundwater Resource in Delhi', *Current Science* 93(6), 25 September 2007.

16. Constitution of Ridge Management Board, Office of the Development Commissioner, Govt. of NCT of Delhi, No F.56(225)/95/Dev./No/5596-5612.

Court, the board has become the nodal body for allowing any diversion of land for non-forest use on the ridge.

In most instances, requests for land diversion made to the board are by a government body, and the board often plays a conflicting role of adjudicating against institutions of the state. In each case 'public purpose' has been cited. Requests where 'security installations', 'public transport', or 'nationally important events' like the Commonwealth Games are concerned have been granted, while others have been disallowed.

It is noteworthy that in almost all cases requests made by private parties have been denied. In recent years some of the clearance demands have included those from the army for security installations, the municipality for landfills, the Delhi Metro Rail Corporation for metro links, the Delhi Jal Board for building water tanks, the Delhi Development Authority, the erstwhile Delhi Electricity Supply Undertaking for laying transmission lines, the Commonwealth Games Authority for stadiums and parking lots, the Delhi Police for building police stations, and so on.

Many government agencies have violated the ridge forest, but received no punishment for doing so. One example is of the Central Public Works Department (CPWD) building a parking lot and public toilets in the Mahavir Jayanti park under instructions from the Minister for Urban Development and without any mandatory clearance from the board (2002). Though the CPWD was forced to reverse this action, no punitive action was taken. Similarly, the Delhi Development Authority (DDA) made a road in the central ridge without permission, even though it is represented on the board. It required a court action to stop this (2004).

On another occasion, 5000 metric tonnes of rubble was dumped on the ridge by the DDA, and though later removed, no action was ever initiated against the offender (2004). Most recently, the Central Public Works Department has dumped rubble from a road bridge project into a water body on the southern ridge, and citizens have gone to court to have this removed (2009). Clearly there are limits to which any such protection can succeed, especially if the state agencies are themselves often an offending party.

Many other pending issues remain unresolved as well. The boundary of the notified ridge has not been verified on the ground, and much of the forest cover has been taken over by invasive exotic species. Not only do many structures remain within the ridge area whose future is uncertain, there remains a continuing tendency to convert the forest into a horticultural park.

Most people in Delhi have not seen the ridge forest. It is distressing that the citizens have scant respect for the forest and garbage can be seen dumped in many places. Efforts to protect any area outside the notified ridge have so far proved futile, since even the courts have not been willing to extend any additional legal cover to the land. Today, it appears inconceivable that such a large area can be protected as a forest outside a 'development zone' in a city where land demand is astronomically high. Ironically, the metro rail, which traverses over the fabulous forested canopy, provides a first spectacular bird's eye view of the forest to most people. One hopes that this may provide a new impetus for citizens to save a unique natural urban forest, which is critical to the ecology of the city, and whose future can hardly be taken for granted.