

**S. S. Hussain** I.A.S. (Ex)

Chief Executive Officer

Ref. No. MCHI/CEO/17-18/002

August 13, 2018

**Sub: Redevelopment of Slums in CRZ areas where DP (Development Plan) of Greater Mumbai Indicates these spaces as "Open space" or "Garden".**

Dear Shri C. K. Mishraji,

We refer to spaces indicated in the Development Plan of Greater Mumbai as "Open Space" or "Garden" where these spaces have been encroached by slums. These slum schemes on "Open Space" or "Garden" reservations are not "Open space" or "Garden" in reality. These are just reservations shown in Development Plan of Greater Mumbai which is in contrast to ground reality.

The Urban Development Department (UDD), GoM has a policy of the year 1992 for developing these slum redevelopment schemes on open space and garden reservation. By this policy, Slum redevelopment is possible by keeping 33% land as Open Space or Garden. This de facto Open space or Garden is then handed over to Municipal Corporation for maintenance and protection.

Due to this policy, land is released as de facto "Open space" or "Garden" on land which is entirely occupied by the slum pockets. Without this policy, reservation of Open Space or Garden is just on paper and not in reality.

However in CRZ areas of Mumbai: since, open space or garden is classified as CRZ III area, development of slum hutments occupying open space or garden is not possible. By virtue of CRZ norms, the above said policy of UDD, GoM has become null and void, making Slum redevelopment scheme impossible. Thus, CRZ Norms has kept slum hutments in perpetuity as "slums" and sealed their fate for unsafe and unclean living. Spirit of the CRZ Notification, 2011 to lift the slum pockets out of unplanned development into planned scientific development with infrastructure of electricity, water supply, sewerage, is completely defeated.

Moreover, Mumbai city is losing real de facto 33% open space or garden in CRZ Area, Which was possible due to implementation of above said UDD, Maharashtra Govt. Policy.

Hon'ble National Green tribunal, Pune by order dated 17<sup>th</sup> Oct, 2012 in appeal no. 12 & 13 of 2012 with respect for Slum scheme in open space / garden observed that:

*"The question that needs to be addressed is whether the plots already covered by slums could be treated as reserved gardens / parks. Such a reservation is assumed by giving "deeming effect" on account of issuance of the CRZ Notification. Needless to say, what did not exist, in reality is assumed to be in existence by virtue of the CRZ Notification"*

The Hon. High court Mumbai in the matter WP No. 2809 / 2012 has taken cognizance of problems faced by the city of Mumbai and vide order dated January 6, 2013 had expressed concern over the development/ redevelopment in CRZ II areas of Greater Mumbai, Excerpts of the court order is as follows:

*"For regulating the development of Mumbai, Therefore, the Ministry of Environment & forest may consider appropriate regulatory measures which need not necessarily be the regulatory measures applicable to the other coastal areas".*

In view of the above facts, the MoEF is kindly requested to examine the matter of SRA schemes in open space/ garden in Greater Mumbai, and kindly allow the redevelopment of these in the interest of slum dwellers, Slum redevelopment schemes are socially important schemes and need to be implemented to improve the living standards of poor people living in slums.

Yours Sincerely,



(S. S. Hussain)

To,  
Shri C. K. Mishra (I.A.S.)  
Secretary,  
Ministry of Environment, Forest & Climate Change,  
Indira Paryavaran Bhavan  
Govt. of India  
New Delhi