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# INTERIM REPORT OF PEOPLE'S COMMISSION ON IRREGULARITIES AND ILLEGALITIES IN SRA PROJECTS 2013

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## **1. Background and Methodology**

The National Alliance of People's Movements (NAPM) in the month of January, 2013 declared the appointment of a People's Commission on Irregularities in SRA Projects. The context in which the People's Commission was set up were a) the struggle of the activists of Ghar Bachao Ghar Banao Andolan at Golibar protesting the demolition of houses at Ganesh Krupa CHS and the blatant violations of the legal parameters and rules of Slum Rehabilitation Scheme and seeking to protect the rights of the slum dwellers residing in the slums that were undergoing re-development and b) the agreement of the GoM to set up an inquiry of the illegalities in six rehabilitation projects.

The People's Commission was appointed as a parallel process to the above inquiry which could pay closer attention to people's concerns through a participatory process of public hearings and generate thinking on alternatives.

The detailed Terms of Reference (TOR) and composition of the Commission are presented in Annexure

I. The Commission used the following methods to arrive at its findings-

- Inquiries were conducted at all the six sites/places close to the sites. About 10-15 people testified in each of these inquiries,, elucidating different aspects of the cases and the hardships caused to them, along with written representations and supportive documents. Clarifications were sought by members, when necessary. All these inquiries were organized as public meetings which were open to all and each of the meetings had an attendance of at least 50-70 people. The idea was to conduct proceedings in a transparent manner. In Indira Nagar Jogeshwari, Chandivali, and Golibar, the inquiries were conducted in the community itself, making it accessible for residents of the areas. In Ambedkar Nagr and Ramnagar, the inquiries were organized in sites as close to the community as possible. These inquiries helped Commission members to understand the significance and impact of the illegalities and irregularities in the scheme.

- The Commission members reviewed documents pertaining to each case ,most commonly including LOIs, Annexure II, Annexure III ,correspondence between different authorities who had been approached by people to file complaints and seek redressal. It also included perusal of court petitions and decisions where applicable etc

- Letters were also sent to all concerned parties in each case, including other people's groups, developers and the concerned government officials requesting them to file responses or represent themselves before the Commission. In all, over 50 such letters were sent by the Commission. The Commission received in person representation from one developer and written submission from 2 others. It also received a representation from another group in Ambedkar Nagar. The Commission thus gave adequate opportunity to all contending groups to represent themselves.

- The Commission members met to analyse the findings and to identify possible directions of alternatives. In order to analyse the findings the testimonies of people were studied in the backdrop of the main contours of the scheme, its planning and implementation. The findings were shared with the residents and they were given an opportunity to make further representations, if necessary. The report has thus been finalised through an iterative process.

- The greatest challenge for the Commission was to identify particular offices and officers responsible for particular illegalities and irregularities. This was especially because each of the schemes had traversed a number of years through which officers had been transferred. The Commission did not consider it to identify names of officials with the help of data at its disposal. However, the illegalities in the scheme are extremely serious and they are embedded in the structure of the scheme. To expose the same, the Commission used a proxy indicator for the same in the form of an analysis of the profit in the scheme and the methods used by developers to manage the uncertainties of the scheme.

## **2. Key Findings**

### **I. Irregularities and Illegalities in the Schemes**

The summary of irregularities and illegalities concluded on the basis of enquiry is presented here. The scheme wise detailed discussion of each case is presented in the next section. A review of all the six cases reveals certain patterns of irregularities. These are as follows:

a) **Deliberate manipulation and mistakes in the preparation of Annexure II:** This is one instrument which has caused immense anguish to inhabitants of all six areas. The Collector's office (Ward Office in case of Municipal Lands) is involved in deciding the eligibility of particular households to free tenements. However, the Committee members and the developer play a big role in the same too. The preparation of Annexure II is one of the foremost steps in the initiation of the SRA scheme. This is where the manipulation begins.

Initially like in Ramnagar, residents are given huge assurances of making everyone eligible. Later on, while promoters and committee members are seen to benefit from multiple rooms; many are rendered ineligible. In Mahindra & Somayya Quarry, almost three fourth of the current

occupants are ineligible. In Ambedkar Nagar, similarly, a large number of residents have been termed ineligible. On the other hand, several cases have been identified in Shiv Koliwada, Ramnagar, Ambedkar Nagar where non living residents, some tenants, multiple members of the same household have been shown as eligible.

It is very clear that Annexure II is being prepared without field visits, without a detailed scrutiny of documents and to suit interests of developers and promoters. In Mahendra & Somayya Quarry, the survey of the union is used for preparation of the Annexure II. Further there is an arbitrary application of parameters and documentary evidence to different cases. Tools such as video shooting have been grossly manipulated to grab rooms in Ramnagar. In Mahendra & Somayya Quarry, there has been no attempt to think about possibilities of evidence with a group of inhabitants who were denied all services and whose existence in the area depended upon the quarry owners.

On the other hand, the extent of this manipulation of Annexure II is such that an industry to produce backdated documentary evidence has been generated in the shadow of SRA. This industry which preys on the uncertainties created by the process of eligibility cannot come into being without the active collusion of the Collector office, the corporation, the police, locally powerful people. Such an industry is one of the unhealthiest outcomes of the current SRA scheme.

**b) Fraudulent Consent:**

The SRA scheme provides for initiation of proposals following consent of 70% residents of the area. Later clarifications have provided for consent of only eligible residents. The game thus played is where initially developers assure that all non eligible residents will be made eligible, in fact several residents in their testimonies have alleged that Committee members have encouraged fragmentation of rooms and increase in numbers of those to be rehabilitated (Ramnagar, Ambedkar Nagar, Mahendra & Somayya Quarry). The next stage is when the uncertainties around eligibility are converted into pushing people into consenting to the scheme, making dissidents and the vulnerable ineligible and bringing in new people who would not oppose the proceedings of the project. The

actual 70% consent is thus a manufactured consent and a fragmented community.

In the specific projects that were inquired into (Indira Nagar, Ramnagar, Shiv koliwada, Golibar), consent given to an earlier developer is utilised to move the new proposal. The high court has clarified that the individual slum dweller does not have a right to choose the developer but only the right to receive a free tenement. However, the collective of slum dwellers does have a right to choose the developer and be informed of all changes in the proposal. In these cases, the residents were kept in the dark.

In Golibar and Ambedkar Nagar, the state government intervened to create a larger redevelopment proposal, combining existing land parcels and slums. This may be in the interest of planning. However, the implications for consent in case of the changed proposals, what they mean for residents has not been articulated, communicated and no fresh consent on the proposals has been sought. In the case of Mahendra & Somayya Quarry, the slum has been merely appended to the larger rehabilitation project of Sanjay Gandhi National Park, the consent has been bypassed. The clustering in case of Ramnagar is the handiwork of a self declared and hence illegal federation of cooperative housing societies and is thus principally unacceptable, However, the proposal was approved by SRA without due thought to these dimensions.

The clustering in each of these projects has worked to displace many more people than earlier; it has increased the levels of non transparency and manipulation in the projects. The outcome is considerable - large scale displacement without democratic rights, transparency and even entitlements.

c) **Arbitrary Mergers of schemes:**

In three cases reviewed by the Commission, the state government has intervened and merged schemes. In Golibar, this was done through 3k clause in the Maharashtra Slum Areas Act-on orders of the Chief Minister. In Ambedkar Nagar, the non slum component was merged with the slum component through interventions of the Chief Minister. In the case of Mahendra Quarry, the merger was in response to a court plea for

rehabilitation. In Golibar and Ambedkar Nagar, the intent is clearly to get more land for development in the non slum component.

The arbitrariness of these mergers is seen in i) none of these schemes have begun as projects for large scale development like Dharavi rehabilitation plan with preparation of a town planning scheme, they have been initiated as individual SRA projects ii) the mergers do not offer a more improved quality of life to slum dwellers that could have been possible through such large scale development iii) none of these changed plans have been communicated to people at large but have been executed through a coterie of a few committee members and promoters iv) the state initiative is limited to allowing the developers to expand the boundaries i.e take over increased magnitude of land without any consideration of how these processes are carried out on ground.

In the case of Mahendra Quarry, the land component is much smaller and is a hilly terrain –difficult for development and hence its inclusion into another scheme has some rationale. However, the space formulation of the scheme has not taken any specificities of the area into account. In this case, the fact that the area had very few basic amenities and hence, a large number of people with no documentary proofs have not been taken into account. At the very minimum, the records of the trade union should have been taken as the basis of formulation of the scheme, using the internal logic. However, the more useful procedure would have been to conduct a plain table survey, using triangulated testimonies of local residents as proof.

In Shiv Koliwada, the merger of the 33(7) and 33(10) scheme is even more arbitrary. The application of a 'slum' scheme to an erstwhile gaathan, the joining of chawl residents with nearby slums , part cancellations of components of schemes, basis of approval for new scheme are extremely arbitrary and have served to create deliberate confusion in the minds of people as to which provisions and procedures apply, which authority is responsible. At the end of this long story and approvals, it is understood that the developer is submitting that the project is only under 33(7).

In summary, the intent of the state government in guiding mergers of schemes is suspect. If there was a larger intent, sufficient care has not been taken to translate it into practice. Further each of these mergers has made accountability diffuse and made a mockery of an already slim avenue for participation i.e. the individual consents to projects.

**d) Environment Clearance:**

All the six projects – Mahindra Quarry, Indira Nagar, Ramnagar, Golibar, Ambedkar Nagar & Sion Koliwada are projects of a large size, exceeding 20,000 sq metres, making environment clearance mandatory. In the case of Indira Nagar, the environment clearance has been taken only in 2011 after construction of 3 rehab buildings and approval of more than half the project. In case of Golibar also, the Developer constructed 6 buildings and on complaints having been filed with the Department of Environment, misled the authorities by claiming the rehab constructions to be temporary ones but later on obtaining environmental clearance. This is in contravention of the spirit of environmental clearance which mandates a comprehensive consideration of all environmental dimensions. Ramnagar is located on a hilly terrain; Indira Nagar on a land parcel adjoining a nullah and kabrastan. The clearances accorded do not do justice to these specific environmental features. Open spaces, space reserved for garden have been utilised for construction of transit camps in Ambedkar Nagar. While this has been done with approval of concerned authorities, the plans for restoration of the same are not clarified and hence, the approval is questionable.

**e) Impressions on Architectural Planning:**

Slum dwellers in all the six cases have produced before us layout plans, floor plans etc. obtained by them through R.T.I. or such other means. The same are considered authentic. It may be, however noted that in none of the cases, any of the plan were ever shown to the residents, leave aside seeking their approval.

These plans were examined by Shri Chandrashekhar, an Architect and also member of this Commission. He is also a member of the high power committee on housing policy appointed by High Court and high rise building committee appointed by the Govt. of Maharashtra. His observations are as follows:

1) In all the cases, plots are sub-divided into Rehab plot and Sale plot. The Rehab plot is generally 35% to 40% of the net plot leaving 60% to 65% land for the sale component. Since built-up area proposed to be consumed on both the plots is equal and when Rehab plots are proportionately smaller, development on the same is denser. This is no doubt, lop sided development.

To explain this situation, following table may be seen.

**Table 1**

<b>Sr.No</b>	<b>Description</b>	<b>Sq.mtr</b>
1.	Area of plot	10,000
2.	Less: Reservations road setback	1,000
3.	Net plot area	9,000
4.	Rehab plot (35% of net plot)	3,150
5.	Sale plot (65%) of Net Plot)	5,850
6.	Permissible BUA with FSI 3.0	30,000
7.	Rehab BUA (1x 3)	15,000
8.	Notional FSI of Rehab plot ( $7 \div 4$ )	4.76
9.	Sale BUA	15,000
10.	Notional FSI of sale plot ( $9 \div 5$ )	2.56

In our opinion, as per the scheme, size of both the plots rehabilitation and sale component are to be equal. Hence it's a violation that goes against the people's interest.

2) In all the cases, height of the buildings is more than G+7 floors i.e. more than 24 metres. This requires elaborate compliances of Chief Fire Officers requirement which includes sufficient wide driveways to ensure manoeuvrability of fire tenders, maintaining fire extinguishing equipments such as fire extinguishers and alarms, dry and wet risers, sprinklers, static water storage tanks, fire lifts, uninterrupted power supply for operating lift and pumps. All this requires sufficient supervision, knowledge to maintain the equipments and funds.

It appears that no provision towards this has been made.

3) General floor plans are locating housing units on a long corridor. This corridor, though of reasonable width, is never lighted and ventilated.

4) Individual unit plans are normally of a multipurpose room, a kitchen and a single use toilet. We object to single use toilet as the house is normally inhabited by 5 to 8 persons. This makes it extremely inconvenient for the family; particularly in the morning. In our opinion, a separate W.C., a bathroom and a distinct wash basin is absolutely essential. The kitchen, in most of the cases, is not directly lighted and ventilated. A proper innovative planning could avoid this without changing the area.

5) As explained in Table 1 under Clause 1 above, notional FSI of Rehab component becomes 4.76. This requires planners to propose a high rise building with more than 24 metres. Structural maintenance of such high rise buildings would be extremely expensive; which after 20 years could result in collapse and losses to human lives and property.

6) Further, such high rise buildings are socially unacceptable to the people who are used to live close to ground. Those are extremely problematic for the residents who require some open space for their vocations.

**f) Transit Camp:**

The Slum rehabilitation scheme has detailed guidelines on transit camp. The transit camp in Ramnagar is clearly flouting these norms - it is more than five storeys and unsafe. In Indira Nagar, more than 70 households are being given rent in lieu of transit accommodation but the rents have not been revised in spite of the delays in the scheme, exceeding three years. In Chandivali, there are no transit camps and even permanent rehab buildings and are structurally unstable and not liveable without water and lifts. In Golibar the transit camps are more than 5 years old and against the rule and not inhabitable. Also the structural stability is not yet checked and some residents gone to rental housing are not paid rents regularly. This places unacceptable burdens on vulnerable households. In the case of Golibar also, the residents have repeatedly made complaints to the authorities in regard to in-habitability of the transit camps as well as their distance being more than that specified by the High Court. Similarly, in case of Mahendra & Somayya Quarry, concerned authorities have given in written submission that the transit camps are in-habitable and with low quality of basic amenities. Displacement or demolition without good quality, livable transit camps

should be stopped. Dispersing families in rental houses makes them weak in bargaining and transit period extends to 5 to 10 years. This pitiable situation must be changed by compelling all the developers to construct appropriate transit camp that too on the same slum land i.e. in-situ.

**g) Procedure of Cooperative Law not being followed:**

Ramnagar and Golibar are areas where significant proportions of slum residents were organized into cooperative societies under the World Bank supported Slum Up-gradation programme. Several of these societies were mis-managed and some had administrators appointed to them. The redevelopment of these societies should have followed the norms of cooperative law. On the other hand, the redevelopment proposals of these areas have been spearheaded by non residents, by non-elected representatives, finalised without general body meetings. The eligibility in these projects has also been decided without reference to society records. Thus, the principles of cooperative law have not been followed and these areas have been treated as any other slum area.

**h) Bullying and Intimidation of people:**

The experience of many residents in quite a few projects such as at least five out of six under enquiry, has been one where residents and especially, those asking questions, opposing the promoter group and supporters of the same are being consistently intimidated. Eligibility is one of the tools used for the same. Testimonies of residents in Ramnagar, Indira Nagar, Mahendra & Somayya Quarry, Golibar attest to such use of eligibility/ineligibility factor.

The other tool used in Ramnagar and Shivkoliwada is the demolition of critical amenities. The toilet in Ramnagar was demolished in spite of the fact that over a 100 households still occupy the area .In Shiv Koliwada, the entire area has been fenced in, using police force, intimidating and falsely charging people under various charges, and creating hardship for residents, violating the conditions in IOD.

Demolition of existing houses is highly intimidating and intended to threaten people into cooperation. Procedurally, this is sanctioned by the SRA and executed by the Collector office after all requisite permissions are issued, arrangements for transit are completed, Annexure II has been finalised and those ineligible are given due notice and opportunity to

prove their eligibility and all the residents shift out, vacating the land. In Shivkoliwada, Ambedkar Nagar, Ramnagar; and in many of the societies in Golibar there have been big questions about the approval of the projects themselves. Demolition has been undertaken without an effective response to these questions.

The entire scheme is currently structured to support the developers and promoters and view the people who question as opponents and to pose deterrents to them. However, there are no effective checks on whether public interests are being adequately represented in the project and whether due processes are being followed. Demolition in this context is a tool for silencing the opposition and the back up to the same by authorities - collector office, police is of concern.

The cases on activists, the physical attacks on them and the non registration of offences by police stations is indicative of the mindset described above. The impact of each of these is to increase the fear among the residents who oppose and to force them to cooperate.

**i) Complacency of SRA officials with developers:**

Each of the six cases inquired into by the Commission are characterised by a high degree of compromise on public interest. In Shiv koliwada, the declaration as a slum itself is suspect. The approval of a scheme designed at odds with the lifestyle of the community is suspect in its intent to rehabilitate. In the case of Ramnagar, the SRA has not taken due cognizance of the fact that this area has been organized into cooperative societies. In several cases, developers have changed hands, the areas under redevelopment have been extended, the project designs have changed, fresh LOI s have been issued but the matter of consent has never been sought afresh. This indicates that SRA office takes people for granted. Even in schemes where, the numbers of those not considered eligible are very high, the SRA officials have been generous in granting approvals without questioning how this could happen. When questions of transparency have been raised, the SRA has not been forthcoming in bringing all parties on the same board and responding to concerns .In case of Indira nagar inquiry, the inquiry officers came in the developer's car. These are all instances of nexus of particular officials and developers being active. In the case of environment clearance, planning considerations, it has issued directives that have helped to tilt the scheme further in favour of the developers. Thus SRA has been complacent in favouring developers even in its official functioning.

**j) Police Support to nexus of promoters-politicians-developers:**

In at least four cases i.e. Shiv Koliwada, Ramnagar,, Ambedkar Nagar & Golibar, there is reason to believe that the local police station has actively supported the promoter-politician-developer nexus. This is evident in the manner in which these police stations have on one hand responded(or rather not responded) to complaints made by opposition groups, the manner in which they have preferred to witness the physical attack on activists in Ramnagar, the lackadaisical investigations in the case of complaints in Ambedkar Nagar. On the other hand, the cases lodged against the oppositional groups have been pursued with interest and there are instances of disproportionate use of force in demolition as in Ramnagar & Sion Koliwada. In case of Golibar, the residents have been regularly approaching the local police station with complaints of fraud and forgery, but the police authorities never bothered to look into the same, it has been only after intervention by the High Court that half hearted investigations have been done.

There is reason to believe that this support is linked to and cultivated relationships between the nexus mentioned above and the local police station. Satra Developers have sponsored the construction of the local police station, whereas, Mr. Eknath Gaikwad, Member of Parliament, has office in Rehab Building Constructed in Sion Koliwada even though he had no structure which clearly shows the involvement. In case of Golibar & Sion Koliwada, the residents have been regularly approaching the local police station with complaints of fraud and forgery but the police authorities never bothered to look into the same, it has been only after intervention by the High Court (Magistrate Court in case of Sion Koliwada) that half hearted investigations have been done.

## **II. Impact and Loss to People**

The Commission places on record the fact that the Slum Rehabilitation Scheme in general is a scheme in line with aspirations of a significant number of slum dwellers and is intended to do justice to the claims on land that they have established over the years. However, it needs to be noted that the testimonies heard by the Commission are highly distressing and more befitting cases of displacement and negative actions of the state than a rehabilitation scheme. These cases have negatively impacted large numbers of people; the following dimensions of these need to be noted:

**a) Substantial Displacement:**

In all of these cases, there are substantive numbers of people who are displaced but not rehabilitated. There are such families in hundreds or thousands in Ambedkar Nagar, in Golibar, in Shiv Koliwada, in Ramnagar, in Mahendra & Somayya Quarry and in Indira Nagar. These numbers, while being considered a minority in their respective projects are quite substantive. Many of them have invested their life's earnings in constructing and improving their houses and settlements. Displacement threatens to undo this entire process of struggle and achievement. There are multiple individual stories of how this displacement has impacted people emotionally. The overall impact of this displacement on the city needs to be accounted for. Those who have not received alternative accommodation, are either in transit or rental houses. However they hang on to this for years with serious impacts on children's education, community life and at times livelihood.

**b) Fragmented Communities:**

Prior to the advent of these SRA projects, there is reason to believe that there was a fair degree of coexistence in these communities. Residents of Ambedkar Nagar were united in their struggles against repeated evictions. Ramnagar residents had successfully negotiated with government agencies and substantially improved their insecure environment. Shiv Koliwada has a strong history of a fisher people's community whose space has shrunk through repeated interventions of government but which maintained its cultural life. The machinations of the SRA scheme have fragmented these communities, created suspicions and fights among them and made them more vulnerable.

**c) Fear and Intimidation:**

The process of conduct of the scheme is such that it thrives on incentivising a few people and brow beats some others into consent. Intimidating tactics are thus an integral part of the developer repertoire.

While some strong minded individuals and households have been able to withstand such intimidation, there are others whom the Commission heard have been badly impacted by these tactics. Mr Bulunge in Ramnagar and the widow, namely, Rozy Francis Patil in Shiv Koliwada are such stories. In Golibar, 15 yrs old boy has been kidnapped and he is son of one of the local activist who has been taking out all the forgery related to Annexure II for which he was also alleged that his son, who has been threatened by the committee members of the so called society. The overall atmosphere in these communities currently, is one of fear. It was difficult to organise the inquiry in Ramnagar and Shiv Koliwada due to constant threat of reprisals.

**d) Harassment of Vulnerable Households:**

If the litmus test of good governance is how the State treats its most vulnerable, the SRA scheme would fare very badly. In each of these communities, the worst impact of the projects and their implementation has been on the vulnerable households. In Ramnagar, there are instances of grabbing of claims to huts of such households. The entire belongings of households have been confiscated during demolition, causing much trouble and deprivation to those families causing a huge loss for them.

**e) Dependence for rent:**

Transit camp is an entitlement mandated by the SRS. However, by allowing the developer to pay rent in lieu of transit camp, the residents are reduced to protracted dependence on the developer. Although there is by rule a choice granted to the residents to go for either transit camp or rental house, due to bad to worse condition in the transit camps many are compelled to seek rent and thus into an unending bondage. The story of the 70 plus households staying on rent in Indira Nagar case is highly disturbing. While the developer may attribute it to 'global meltdown' and a difficulty of some months, for the households concerned, the non payment of rent threatens eviction by a landlord or adds to burden of debt. Moreover, there are no clauses pertaining to fixing of such rent, its revision etc, thereby adding even more to the economic load over the years.

**f) Living in unsafe conditions and physical hardships:**

The living conditions in Shiv Koliwada, Ramnagar, Ambedkar Nagar and Mahendra & Somayya Quarry are extremely unsafe and full of physical hardships. The conditions in transit camp, the demolition of essential

amenities, the manner of demolition and the fencing lead to an unsafe and unhealthy living space.

g) **Condemned to life in vertical slums:**

Some amount of construction on rehabilitation buildings has been completed in Shiv Koliwada, Indira Nagar, Mahendra & Somayya Quarry. The inspection of buildings in Indira Nagar reveals that the new tenements are highly congested, poorly ventilated, there are few common spaces and buildings are closely packed together. The quality of construction is bad and 225 Sq.ft area tenements are provided inspite of the decision to raise the area to 269 Sq.ft in 2008 that came through the GR when the buildings were only at the plith level. Majority of the people have been refusing to accept 225 sq.ft while a resolution by only 80 members (less than 20%) saying 225 sq.ft is acceptable was got done under duress by the builder's men & used as a sanction. A community like Kolis in Shiv Koliwada which celebrates a lot of community festivals is being condemned to life in approximately 3000 sq mt of land out of 14121 sq metres, or 325 tenements of 430 sq ft .The prospects of 'rehabilitation' in such conditions are remote.

### III. Magnitude of Corruption

The methodology followed makes it difficult to exactly pinpoint the magnitude of corruption in the projects. However; a good estimate of it is possible.

The profits to be made through slum rehabilitation has been estimated in the following chart- An estimation of Profit Involved in SRA Projects

**Table 2**

<b>Project Costs</b>	<b>Unit Costs</b>	<b>Item/units</b>	<b>Total size of component</b>	<b>Component wise costs</b>
(a)Cost of Rehab construction	800 per sq feet	1012 tenements	2,72,228 sq ft	21,77,82,400
(b)Corpus contribution	20,000 Rs per tenement	1012 tenements	-	2,02,40,000
(c) Cost of for sale construction	1200 per sq ft	@3.0 FSI	6,64,078.28 sq feet	79,68,93,938
(d) cost of TDR construction	1200 per sq ft	@0.11 TDR	34,331.23 sq ft	4,11,97,478
Total Costs				107,61,13,816

<b>Project Sales</b>				
(a) At site	15000 per sq ft		6,64,078.2 8sq ft	996,11,74,23 0.00
(b) TDR	15000 per sq ft		34,331.23 sq ft	51,49,68,450. 00
Total sales				1047,61,42,6 80
Profit in the overall project				940,00,28,86 4
Profit per rehab tenement		1012 tenements		92,86,566

1. Estimation is based on Annexure III of Ramanagar Project
2. Total land area is 29,168.42 sq metres, FSI accorded is 3.11, FSI to be utilised on plot 3.0 and TDR of 0.11
3. Actual flat prices in the area are upwards of Rs 16000 per sq ft.
4. Construction cost for rehab is as per the standard gov. rate
5. The estimation prepared in consultation with key informants may err on the conservative side

It is the possibility of these immense profits that spurs developers into slum rehabilitation schemes. The table reveals that profits are contingent upon number of rehabilitation tenements and hence the urge to create bogus rooms. Further, one of the reasons for generating higher densities is also to generate TDR which can generate even greater profit. The uncertainties in the projects are a) the willingness/opposition of residents, b) the ability to obtain 70% consent, c) managing political interests and d) the time lag in the project due to these uncertainties. Management of these uncertainties involves incentivising a few locally powerful people, cutting corners in costs, projecting higher densities and difficult areas in order to get higher FSI and TDR etc. It necessitates developing relationships with various scales of political actors, officials in SRA, Collector office, police stations, and courts. The result has thus been to

develop a nexus of people in these key government offices and developers in SRA.

This explains the inability to respond to people's concerns on part of each of these agencies. It is extremely clear that the government system on the whole has been much more responsive to developer concerns than slum dwellers' concerns. The study of interaction between the above outlined offices and slum dwellers reveals that there is on the whole reluctance to share information, lack of motivation to identify whether the consent has been actually achieved through investigations on ground, a dismissal of allegations against redevelopment proposals on a generic ground of competing interests, and an undue interest in furthering development.

It is also evident that over the years the stakes in slum rehabilitation are getting larger, drawing in bigger players and hence the trend towards clustering of slum areas. Each of these schemes investigated into has involved some form of clustering, change of hands through joint ventures. The clustering in turn enables larger profits but also more uncertainties to manage. The current structure of the SRS is one which is clearly tilted towards the developer and creates room for several modes for cutting corners and making extra profits. The web of corruption surrounding each of these projects needs to be seen in this light.

While the Commission does not identify individuals responsible for the same, particular offices and names emerging repeatedly in the cases deserve to be inquired at least on the basis of actions not taken and responses not given i.e. accountability and responsibility for the loss faced by people, if not, on the basis of why they did not do so.

### 3. Scheme wise Findings

#### I. Param puja Babasaheb Ambedkar SRA Project, Mulund (East)

##### Fact Sheet

<b>Sr. No</b>	<b>Particular</b>	<b>Details (Slum + Non-Slum) Area in sq. Mtr.</b>
1	Area of Slum Plot	12, 337 + 4848 sq ft
2	FSI permissible	3.00 + + 1.73
3	Max permissible BUA area in situ	37011.00 + 8388.00
4	Rehab Component	18794.31 + --
5	Sale Component	18794.31 + --
6	Rehab Residential Tenements	303
7	Rehab + Commercial Tenements + R/C	303 + 3 + 1

8	PAP Tenements	264

This is a redevelopment under 33(10) combining a slum and non slum plot. Dr Ambedkar Nagar Rahiwasi Sangh was created in 1993-94 to organise against the multiple evictions that the community faced. Part of the land occupied by the slum and other land was allotted to Ashtabhuj Federation and a few other societies (11 in all) in 1995-96 although decision was taken in late 80s. In 2004-05, a direction to form a joint scheme (slum+ non slum) was given by the State government with involvement of then chief minister. The scheme so formulated gives a FSI of 3.0 to the 12, 337 sq mtr. area under slum and 1.73 FSI for developing a plot of 4848.95 sq mtr. for the non slum area. The earlier developer was Shri Ram Developers, now they have been directed (vide SRA) to form a joint venture with Samarth Spark Developers for development of both the components. The LOI was issued in 2005 which was revised in 2009. The Collector survey revealed 643 structures, of which 307 were held eligible. Of these, 295 have signed their consent letters- (this is what makes the 70% consent) which includes many forged cases for which CID investigation is going on. However, the number of families existing on the land at the time of allotment of land to co-operative societies itself was 500 and above. A transit camp was built in 2010 and currently, the eligible people are being allotted tenements in the same but till date there are many eligible tenements residing on the site. There are about 110-113 houses still on the site, these comprise the dissidents and the households rendered ineligible for rehabilitation.

### **Irregularities Identified by representing groups**

#### **A. Residents' group led by Poonam Kanojiya**

<b>Sr .No</b>	<b>Irregularities Alleged</b>	<b>Evidence Presented</b>	<b>Conclusions</b>
1	<ul style="list-style-type: none"> <li>• Entire conduct of the project is non-transparent</li> </ul>	<ul style="list-style-type: none"> <li>• Testimonies that change of developer through amalgamation of slum and non slum scheme not communicated to residents</li> </ul>	<ul style="list-style-type: none"> <li>• Comparing evidence presented by the Jai Ambe group as well as Mr Salvi. it is evident that the slum and non slum parts have been combined</li> </ul>

		<ul style="list-style-type: none"> <li>• Details of plans also not shared with residents.</li> <li>• Testimonies alleged that residents came to know about these only through notices of Collector</li> </ul>	<p>through directives of the state government. However, the process of change has not been discussed with the residents of Ambedkar Nagar at large.</p>
2	<ul style="list-style-type: none"> <li>• Annexure II has not been shared with residents</li> <li>• Residents compelled to sell huts under threats of non eligibility</li> </ul>	<ul style="list-style-type: none"> <li>• Testimonies alleged that Annexure II was pasted to a corner of society office in 2009</li> <li>• Testimonies of Mrs. Sugwanti Pal, Mrs. Majiyayin Verma, Mrs. Nirmala Vishwakarma, Mr. Jairam Kushwaha</li> <li>• Senior PI, (Mulund) Police's letter to Additional Collector on 11.1.11, testifying the same</li> <li>• Affidavit of SP, Mr Ugale, testifying the same</li> </ul>	<ul style="list-style-type: none"> <li>• Going by extensive testimonies of residents, the survey by the Collector office is not known by all residents. The lack of field survey as the basis is also revealed by the large number of discrepancies in the Annexure II document.</li> <li>• Further several testimonies also alleged that inclusion in Annexure II was used as a threat by the promoters. The merit of these allegations needs to be recognized in view of the reports of Senior PI and SP</li> </ul>
3	Several relatives of promoters brought in through	<ul style="list-style-type: none"> <li>• Testimonies alleged that a public toilet and hall were demolished to</li> </ul>	<ul style="list-style-type: none"> <li>• Photographs of the site submitted by Jai Ambe group show a demolished</li> </ul>

	<p>construction of new huts and subsequently made eligible</p>	<p>construct 14 new rooms in 2004 and all of these have been declared eligible</p> <ul style="list-style-type: none"> <li>• Among those declared eligible, 10 households have been allotted double rooms, of these 8 are from promoter Moreshwar Koli's family</li> </ul>	<p>toilet and the coordinates of the rooms in its place</p> <ul style="list-style-type: none"> <li>• Scrutiny of Annexure II is supportive of the allegation that Moreshwar Koli, the promoter and office bearer has taken undue advantage and has 8 rooms allotted to various members of his family.</li> </ul>
4	<ul style="list-style-type: none"> <li>• Arbitrary application of eligibility norms by the Collector office</li> </ul>	<ul style="list-style-type: none"> <li>• At least 8-10 residents who are old time residents have been made ineligible</li> <li>• Annexure II has 78 names whose voter list and ration card are from other areas; at least 5 names of persons who have had no structure in the slum</li> </ul>	<ul style="list-style-type: none"> <li>• Application of ineligibility to some of the old timers needs to be scrutinised.</li> <li>• The basis of these 78 names to be scrutinised and excluded</li> </ul>
5	<ul style="list-style-type: none"> <li>• Consent obtained fraudulently</li> </ul>	<ul style="list-style-type: none"> <li>• Consent of 2004 applied to new scheme, no fresh consent taken.</li> <li>• Registers indicate signatures on blank paper which are cut and pasted</li> </ul>	<ul style="list-style-type: none"> <li>• This is evident through testimonies, and foul play in the preparation of minutes of meeting</li> </ul>
6	<ul style="list-style-type: none"> <li>• Developer has included open space in the scheme</li> </ul>	<ul style="list-style-type: none"> <li>• Complaint by Shubh Labh society in the vicinity that Transit Camp has</li> </ul>	<ul style="list-style-type: none"> <li>• This may be a temporary arrangement which has been duly</li> </ul>

		been constructed on RG reservation	sanctioned but whether protective mechanisms to restore the same have been put in place, needs to be questioned. Further, the location and access of the RG reservation to public needs to be ensured and included as part of a layout plan to be shared in public domain.
7	<ul style="list-style-type: none"> <li>Local police station has been non responsive to resident complaints</li> </ul>	<ul style="list-style-type: none"> <li>Testimony of Mrs. Nirmala Vishwakarma, resident of the said area over 25 years - son who was agitated over threat to demolish disappeared, police station has not lodged any FIR till date.</li> </ul>	<ul style="list-style-type: none"> <li>The anguish of Mrs. Nirmala Vishwakarma is genuine and the reasons for non lodging of FIR need to be seriously inquired into.</li> </ul>
8	<ul style="list-style-type: none"> <li>Construction work in progress, neglecting process of CID inquiry</li> <li>Demolition of existing structures to destroy evidence of fraudulent construction</li> </ul>	<ul style="list-style-type: none"> <li>Letter of SP to Deputy Collector to keep demolition pending in view of ongoing CID inquiry</li> <li>Testimonies of affected residents</li> </ul>	<ul style="list-style-type: none"> <li>Scrutiny of documents indicates that procedures were completed and that the SRA issued a directive that CID inquiry and ongoing construction and demolition are two distinct issues. This interpretation is curious because the inquiry pertains to creation of bogus rooms and the</li> </ul>

			demolition has destroyed the evidence for the same. SRA's role has been questionable.
9	Connivance of Deputy Collector office with developer and promoter	<ul style="list-style-type: none"> <li>• Testimonies alleged arbitrary application of eligibility to exclude Jai Ambe society members</li> <li>• Letter by Deputy Collector dated 26.05.2011 directing demolition on grounds of, 'no stay by High court', and as annexure II was passed. CID inquiry considered of no relevance</li> </ul>	<ul style="list-style-type: none"> <li>• The number of excluded structures in Ambedkar Nagar is indeed very large,.</li> <li>• The document claimed to be prepared on the basis of field survey presents many discrepancies. The credibility of field survey by Collector office is therefore questionable.</li> <li>• As discussed earlier, the interpretation of High Court orders by collector office is also questionable.</li> </ul>

## B. Appeal by Developer

Sr .N o	Claims	Evidence	Conclusions
1	Merger of 2 schemes directed by SRA and GoM	<ul style="list-style-type: none"> <li>• Minutes of the meetings with CM, Secretary, Housing.</li> <li>• Comprehensive report by CEO,SRA directing the</li> </ul>	<ul style="list-style-type: none"> <li>• Adequately proved that the merger has been directed by GoM and prepared by SRA. However, also evident</li> </ul>

		possibility of joint scheme	that the procedure for merger is silent on consultation with residents.
2	Developer open to accommodating all residents, provision of large number of PAPs for the same	<ul style="list-style-type: none"> <li>• Testimony by Mr Dattaji Desai on behalf of Ashtabhuja Federation</li> </ul>	<ul style="list-style-type: none"> <li>• There is a provision for 588 rehab tenements in the scheme. However, this is contingent upon eligibility decisions. The trajectory of the same has currently excluded over 300 occupants and hence the claim is questionable or all occupants need to be declared eligible and included</li> <li>• The locus standi of Dattaji Desai and Ashtabhuja Federation in this matter are immaterial as he claims not to be the developer</li> </ul>
3	Jai Ambe society is an attempt of one of the residents to ally with criminal elements	<ul style="list-style-type: none"> <li>• Testimony by Mr Dattaji Desai.</li> </ul>	<ul style="list-style-type: none"> <li>• Possible but beyond the scope of the commission; also credentials of the current developer itself are not known</li> </ul>
4	No. of structures in 2000 was 300, now increased to 643	<ul style="list-style-type: none"> <li>• Panchanama with promoters certifying on ground survey of 643 structures on 16.12.2003 and 18 .</li> </ul>	<ul style="list-style-type: none"> <li>• The claim that the slum structures are ever increasing in numbers has to do with larger policy concerns. In this case,</li> </ul>

		<p>12.2003</p> <ul style="list-style-type: none"> <li>Minutes of the meeting with CM(Revenue) on 25.02.2005 stating that there were 552 structures in 1996</li> <li>Same minutes cite survey by Deputy Collector in 2004, where 643 structures were surveyed and 313 declared ineligible</li> </ul>	<p>532 structures in 1996 and 643 structures have been consistently observed since 2003 The displacement of these occupants is a serious concern.</p> <ul style="list-style-type: none"> <li>The Annexure II currently prepared consists of many discrepancies, including 8 rooms to family members of Moreshwar Koli. Cases like these are totally unacceptable</li> </ul>
5	<p>Dissident group not following procedures, wilfully disrespecting due process of administration and causing overall obstruction to scheme</p>	<ul style="list-style-type: none"> <li>Testimony of Mr Dattaji Desai and his written submission</li> </ul>	<ul style="list-style-type: none"> <li>The SRA scheme as it currently stands does not provide for adequate channels for grievance redressal. It holds activists to be obstructionists to development.</li> </ul>
6	<p>Residents of Ashtabhuja Federation adversely affected by prolonged process</p>	<ul style="list-style-type: none"> <li>Testimonies of members of Astabhuja Federation</li> </ul>	<ul style="list-style-type: none"> <li>It is true that members of Ashtabhuja Federation have a genuine concern and that their aspirations and rights have to be respected. It is equally important to uphold the rights of the even more vulnerable residents of Ambedkar Nagar.</li> </ul>

## **Inferences**

- There are a very large numbers of people (about 50%) who have been rendered ineligible. This makes the entire scheme a displacement scheme much more than a rehabilitation scheme.
  
- The entire community has been fragmented into a) group that is pro developer i.e. Mr Moreshwar Koli and associates, b) group that was earlier part of Rahiwasi Sangh but which has now dissociated from developer and has since aligned with political and criminal interests outside and c) the dissident group. This fragmentation has led to high degree of mutual suspicion and competitive organizing.
  
- The households whose houses have been demolished but not included or rehabilitated are undergoing immense pain and hardship.
  
- There is a high degree of fear among people especially due to threats through anti-social (goonda/henchmen) elements.
  
- The hardship is being used to threaten people into consenting for the scheme.
  
- As per the developer's statement there are only 8 – 10 houses creating obstacles in implementing the scheme, about which no details are been provided by the developers, hence the statement is baseless and irrelevant.

## **Aspects of Environment**

- The transit camp is being located in a plot reserved for garden.

## **Aspects of Planning and Governance**

- The locus standi of Mr Dattaji Desai in this matter is questionable. It is evident from the papers that he has consistently represented the members of Ashtabhuj Federation. However, he also represented Samarth Spark Developers from time to time in the course of the hearing

before the Principal Secretary, on April 29<sup>th</sup>, while claiming that he was not the developer, which is untrue. Mr Desai's son is a partner in Samarth Spark Developer. Further, it is even more unclear how his role has been accepted in the meetings with the revenue department for allocation of land to Ashtabhuja Federation and conversion of the scheme into 33(10).

➤ While the overall merits of conversion into a slum-non- slum joint redevelopment scheme may be debated, it is clear that the slum dwellers were not a party to this decision. The direction of joint venture and its easy acceptance by both partner developers is suspicious and raises questions on the identity of the developer and the interest in the joint scheme.

➤ It is evident from the testimonies of aggrieved residents and papers submitted that Mr Moreshwar Koli and his associates have been unduly awarded a number of places in Annexure II. Residents widely alleged that Mr Moreshwar Koli is not a resident of the area, has bought a tenement here only in 1995 and yet he has not faced any problem in proving his eligibility.

➤ The instance of 'the demolished toilet', newly constructed rooms in the plot is eloquently proved by the photographs submitted by the Jai Ambe group. All of these rooms have been able to furnish backdated proofs to make them eligible. This is not possible without a strong nexus of government officials, police and locally influential people that has worked to manufacture proofs.

➤ The number of residents who have been rendered ineligible for rehabilitation is very high. In fact, this should have been one reason for not pursuing the scheme in the area. It also raises questions on the eligibility determining process as well as the approval process for SRA.

➤ The role played by the local police station which has refused to entertain complaints by residents and instead has consistently favoured the developer, the non registration of FIR in case of the missing son of

Nirmala Vishwakarma indicates a complacency vis-vis people This is a deviation from principles of justice and fairness.

- The report of enquiry by CID is still not finalised and submitted.

**II. Pragati Mandal and 50 other cop societies, Golibar, Bandra - Santacruz (East)**

**Fact Sheet**

<b>Sr. No.</b>	<b>Particular</b>	<b>Details</b>
1	Area of Slum Plot	1,18,840 sq.mts
2	FSI permissible	3.095
3	Max permissible BUA area in situ	3,50,460 sq.mts
4	Rehab Component	1,59,208 sq.mts
5	Sale Component	5110
6	Rehab Residential Tenements	328
7	Rehab + Commercial Tenements	122
8	PAP Tenements	Nil

**Irregularities Identified by representing groups**

<b>Sr. No.</b>	<b>Claim/Allegation</b>	<b>Evidence Available</b>	<b>Conclusions</b>
1	The total 125 Acres for which 3K permission has been given includes Defence as well as	CAG Report, 2011 Maps available with LB Singh	The Developer is claiming for 125 acres since it would mean

	Customs Land.		higher FSI/BUA entitlement that could be later on sold as TDR in the market.
2	Permission given by State government for Re-development on Central Government's land, which is not allowed.	3K Notification issued in August 2008 mentions the total area notified under Cluster development to be 125 Acres and thus it includes land of central government.	While SRA in its very first letter to Mantralaya on the Shivalik proposal had warned that permission of the Central Ministry would be required, the same was by-passed. Ministry of Defence has therefore filed a case in the City Civil Court.
3	CTS No 13 (part) & CTS No 33(part), Land transferred by Dept of Revenue to MHADA in the year 1971 but pursuing Dept of Revenue tells that they don't have any record of this transaction.	Reply by Dept of Revenue to a RTI Application.	Land which is not owned by MHADA is being claimed by MHADA to show that the transfer of land to the Developer is clear.
4	Ex-CM Shri. Vilasrao Deshmukh interfered and shown unwarranted interest by writing letter to SRA to act urgently on the proposal of the Developer.	Number of letters written by Shivalik Ventures to CM in the year 2008 and the following letter written by CM Office to SRA to expedite the proposal.	Politicians interfered in the sanctioning of the Scheme by-passing the legitimate right of the slum dwellers to choose the Developer.
5	No evaluation of the Developer, NOC from	CAG 2011 Report	

	private landowners were not obtained and the same was not verified by the Government/SRA, Govt did not formulate any guidelines for selection of Developer, no cost benefit analysis of the project was done, no NOC from MoD was obtained.		
6	Agreement signed not registered	Un-registered agreements given to slum dwellers by the Developer/Society.	Although the Registration Act provides for the same and the High Court in its Order dated has said the same to be done the Developer has been non-committal to the same.
7	Rehabilitation building constructed on CTS 27, 29 belongs to Railways.	Developer's undertaking dated 17.9.2009 given to Railways that in future if land is required then the Rehabilitation buildings will be demolished.	The Rehab Buildings jeopardises the future of the rehabilitated slum dwellers as in future if land is required then it would be between the Society & Railways and the Developer & the State would be nowhere and totally un-accountable.
8	Bogus Signatures shown in the General Body Meeting.	- Sunanda Sadashiv Gosavi (Sayukut Jagriti & Ekta CHS)	

		<p>uses her thumb impression but her signature is shown.</p> <ul style="list-style-type: none"> <li>- Parvati Jaganath Kadam (Sayukut Jagriti &amp; Ekta CHS) has not been signed but selected as Committee member.</li> <li>- Panchsheel CHS: Signature of Pramod Tulsiram Jadhav serial no 3 is bogus.</li> <li>- Signature of Bhagirathi Govind Shedekar at serial no 4 is bogus.</li> <li>- The name at serial no 4 has not been written.</li> <li>- The name at serial no 5 has not been written.</li> <li>- Signature of Rama Shankar Yadav at serial no 6 is in English although he is not conversant of the language.</li> <li>- Signature of Sanjay S Shukla have been shown at serial</li> </ul>	
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		<p>no 7 although he is not a member of the Society.</p> <ul style="list-style-type: none"><li>- The signatures at serial nos 8, 10, 11 are not of the members but of their relatives.</li><li>- At serial no 14 the tenant has signed in lieu of the owner.</li><li>- Signature of Vijay Parab at serial no 38 are bogus.</li><li>- At serial no 39 the brother of the owner has signed in lieu of the occupant.</li><li>- The name at serial no 42 has not been written.</li><li>- At serial no 44 and at serial no 55 the wife and the husband have both signed.</li><li>- Signature of Radhika Rohate at serial no 56 are bogus.</li><li>- From serial no 57 to 68 only the names have been written but the signatures are not there.</li></ul>	
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9	No lift in the 7 storey transit camp, water comes only for 20-25 minutes in a day.	Testimonies by residents before the Commission.	
10	Fraud in the Ganesh Krupa Society	FIR filed against Shivalik Ventures at Nirmal Nagar Police Station in this regard and the ongoing Protest Petition case at Bandra Court.	
11	Ganesh Krupa CHS owns the land as they have paid money to Government for transfer of land on Society's name.	Official Gazette dated 3.7.1997. It clearly states that various amenities and development activities will be carried out on non-profit basis.  Challan issued by Treasury of the State Government showing deposit of Rs 5,04,920 as compensation for the lands acquired for slum improvement.	Since the members of Ganesh Krupa CHS have deposited money for transfer of land in their name the Developer has no right to evict them from the land.
12	Navrang Society entered into an agreement with M/s Commercial Developer who further without permission of the Society entered into an agreement with Shivalik	Complaints filed by members of Navrang CHS to various authorities.	M/s Commercial Developers have entered into an agreement with third party without obtaining consent of the first party i.e. the slum dwellers.
13	Sanyukt Jagruti CHS also owned the land in form	Registered Lease Deed Agreement	Shivaikl Ventures has fraudulently

	the Lease by MHADA under World Bank SUP	dated 30/10/1994	merged the Lease Land Society into a SRA Society with the objective of furthering his 3K Scheme.
14	Shivalik Ventures misled the National Environment Appellate Authority to Obtain Environmental Clearance	Submission made by the Developer that the Construction that has been done without Environmental Clearance is temporary as they are Transit Camps but in reality they were the Rehab Buildings.	The Developer has misled the Authorities to escape criminal proceedings for violating provisions of Environment Protection Act
15	The Developer does not have consent of the mandatory 70 % slum dwellers as out of total of 4924 eligible slum dwellers 2362 have been issued forcible eviction notices since they were non consenting to the scheme.	Complaint filed by GBGBA on 27.12.2010	Developer is imposing the Scheme on slum dwellers without mandatory 70% consent.
16	Permission under clause 3K be revoked.	In case of Hanuman Nagar, Kandivali the permission was given under clause 3K citing the case of Golibar but when the residents opposed it, the same was revoked but it is not being done in case of Golibar now. It is	Authorities are employing double standards.

		possible to withdraw 3K approval to Shivalik as the “principal developer”	
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### **Inferences**

- Golibar re-development happens to be the largest slum rehabilitation project being undertaken in Mumbai as of today. Unfortunately, it has been marked by several controversies which have negatively marked the lives of the residents.
- Undertaking cluster approach has not benefited the slum dwellers as they have not benefited in any way, their entitlements and benefits remained the same as in case of a standalone slum rehabilitation project. Thus the real beneficiary has been the developer who has got large parcels of lands.
- The project has divided the community into pro-builder and anti-builder camps which has repercussions much being the project as it has impacted their socio-cultural life.
- The project has brought in upheaval in the lives of many of the families especially the children who had to repeatedly witness bulldozers, police atrocities and much of this when they were having their annual examinations.
- Large number of families are forced to stay in rented places which are at far flung areas due to non-provisioning of adequate transit camps due to which their social bonds with the local communities have been disrupted.

### **Aspects of Environment:**

- The Developer had started the construction without taking prior environmental clearance and large number of demolition and construction works were carried out in violation of the Environment regulations. Also, the area undertaken re-development is vast, thus the safeguards need to be robust, which is not the case so.

### **Aspects of Planning and Governance:**

- Although the Golibar Slum Rehabilitation is being developed by employing the cluster approach, in provisioning of social amenities

no such approach is being employed. Thus for land pooling and bringing in large number of slum settlements, the cluster approach has been used, but the case is not so at the level of planning.

- With the use of section 3K of the Slum Act, the rights of the slum dwellers in regard to democratically selecting the Developer as well as the design; have been by-passed.
- The clubbing of more than 50 slum societies has also allowed the Developer to not take consent of 70% majority of the slum dwellers. In most of the Societies 35 to 70% of the members are in opposition to the Developer as well as the project.
- By giving development rights of land to a single Developer, huge losses to the state exchequer.
- Many of the societies were leased land in the past by the state authorities, but now they against have been described as slum and taken under re-development, although they could have gone for self re-development.
- There are claims-counter claims regarding the ownership of land/s and the state authorities have failed to take a un-biased and factual position regarding this, due to which there have been prolonged legal interventions.
- In many of the societies there have been allegations of fraud and forgery and the police authorities have not played the role they are supposed to be playing.
- The provisions related to Maharashtra Co-operative Societies Act are not being followed because of the which the function of the slum dwellers CHS has been under question.

### III. Indira Nagar, Jogeshwari (East)

#### Fact Sheet

<b>Sr. No.</b>	<b>Particular</b>	<b>Details</b>
1	Area of Slum Plot	16,180
2	FSI permissible	2.72
3	Max permissible BUA area in situ	42,629
4	Rehab Component	18,793
5	Sale Component	20,377
6	Rehab Residential Tenements	747
7	Rehab + Commercial Tenements	59
8	PAP Tenements	Nil

People have been staying in Indira Nagar since 35 years. It is MHADA land and a declared slum. SRA was introduced here in 2004. The earlier

developer was Tainwala Developers; he has now formed a JV with Shanti and Santosh Builders. Annexure II specifies 987 structures, of which 821 are considered eligible. The plot is high density, and adjoins a kabarastan and a nullah. According to the Annexure III, 17% of the land is under reservation. Currently 3 rehabilitation buildings have been constructed and about 350 tenements allotted. There are 100-150 families staying on rent outside.

### **Irregularities Identified by representing groups**

#### **A. Indira Nagar Rahiwasi Sangh**

<b>Sr. No.</b>	<b>Irregularities Alleged</b>	<b>Evidence</b>	<b>Conclusions</b>
1	Construction carried out without prior environment clearance	<ul style="list-style-type: none"> <li>• Written submission by Indira Nagar Rahiwasi Sangh</li> <li>• EIA clearance issued on 26.4.11 by which time building plans for 4 rehabilitation buildings and 1 sale building had been approved and construction had begun.</li> </ul>	<ul style="list-style-type: none"> <li>• It is clear that the developer has only obtained environment clearance after completion of significant construction work. The real question is when the notification that made EIA clearance for construction beyond 20,000 sq metres was issued in 2006, why was the developer not asked to comply with the same while issuing a LOI in 2007 when it was clear that the total construction would exceed 20000 sq metres. The court judgement that is quoted is in the Write Petition no.</li> </ul>

			<p>504 of 2012 dated on 29<sup>th</sup> March 2013</p> <p>However, before that, in every project, environment clearance for a project of size larger than 20,000 Sq. meters was obtained earlier to construction but here it was not.</p> <ul style="list-style-type: none"> <li>• The compliance on part of the developer is only in 2011</li> </ul>
2	Promoters along with developers have made certain people wrongly eligible, other eligible ones made non eligible	<ul style="list-style-type: none"> <li>• Testimony of Prakash Pawar - several persons close to promoters, including tenants given rooms in rehab buildings, illegally.</li> <li>• Testimony of Rupali Parkande - room no 721 given to Gangaram Sawant who is not a resident of the area</li> <li>• Ramavtar Bairagi - had 2 rooms , one in father's name</li> </ul>	<ul style="list-style-type: none"> <li>• More documents</li> <li>• All these claims need more detailed scrutiny and inquiry on the basis of documentary evidence as well as on field through local inquiry</li> </ul>

		(father now expired); both were made ineligible, reason - eligibility for 1 person per family	
3	Deviation in original plans, Construction Quality is not good; rehabilitation buildings have tanker water	<ul style="list-style-type: none"> <li>• About 85 complaints so far about construction quality in rehabilitation building</li> <li>• Visit of Jan Ayog reveals bad design of tenements</li> </ul>	<ul style="list-style-type: none"> <li>• Original construction plans not seen by Commission and hence deviation difficult to conclude</li> <li>• Structural safety of construction not assessed but architecturally poor quality with cracked walls, leaking toilets and walls, poor ventilation and light</li> </ul>
4	Delay in implementation of scheme	<ul style="list-style-type: none"> <li>• Testimony of residents which claims that the project began work in 2005, after more than 7 years, scheme not yet complete</li> </ul>	<ul style="list-style-type: none"> <li>• There is a clear delay in implementation of scheme and this has to be attributed to developer.</li> <li>• No role played by SRA in any respect.</li> </ul>
5	Deliberate withholding of 269 sq feet rehab apartments in spite of revised government policy	<ul style="list-style-type: none"> <li>• Time line of project implementation which though initiated in 2005, was on paper till 2008, hence 269 Sq. ft. decision</li> </ul>	<ul style="list-style-type: none"> <li>• Whether the revised policy application was through SRA or Developer is difficult to conclude but for delayed projects or where construction had not commenced,</li> </ul>

		<p>should have been applicable.</p> <ul style="list-style-type: none"> <li>A resolution in favour of acceptance of 225 Sq. ft. tenements used by the developers has signature of only 80 members i.e. a clear minority.</li> </ul>	<p>application of revised policy could have been done</p>
6	Allotment only partially through lottery	<ul style="list-style-type: none"> <li>Testimony of Vishnu Parte - only 282 tenements out of 350 allotted through lottery</li> </ul>	<ul style="list-style-type: none"> <li>This is a serious allegation and needs detailed inquiry</li> </ul>
7	No transit camp, rent not being paid regularly	<ul style="list-style-type: none"> <li>Testimony of Nirmala Bairagi - Rents in the area are between Rs 8000 -10,000. Developer has been giving Rs 6000 since 2007. Not allotted room in constructed buildings. Now rent is not being paid regularly and she is reduced to going to the developer's office multiple times</li> </ul>	<ul style="list-style-type: none"> <li>The grievance of Mrs Bairagi is genuine and the distress caused to her is palpable. The developer too admits to the same but claims financial difficulty. The SRA needs to intervene in this case, give Ms Bairagi and others staying on rent, a rent appropriate to revised rents in the areas and pay advances of a year. Alternatively, they can be allotted tenements in the constructed</li> </ul>

			rehabilitation buildings on a priority basis
8	Few bogus signatures on consent	<ul style="list-style-type: none"> <li>• Testimony of Prakash Pawar - signatures of meetings cut and pasted into consent forms, at least 12 such cases of bogus consent</li> </ul>	On receiving complaints, SRA should have cancelled the LOI or could file a case of forgery
9	Developer never met coop housing society, change of hands fraudulent	<ul style="list-style-type: none"> <li>• Testimonies of several residents</li> </ul>	The fact that an Administrator had to be appointed shows that the Co-operative Society was not functioning democratically and as per rules. The present administration has claimed in his reply during the enquiry by the Principal secretary that all files and documents are not in his possession.
10	SRA officials in liaison with developer	<ul style="list-style-type: none"> <li>• Officials to inquire into construction quality came in developer's car</li> </ul>	<ul style="list-style-type: none"> <li>• What is evident through the testimonies is that several residents are aggrieved and that the SRA has not been able to listen and respond to these grievances at all.</li> <li>• The decision</li> </ul>

			making is clearly biased towards the developer
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### B. Appeal by Developer

Sr. No.	Response to Allegations	Evidence	Conclusions
1	Construction carried out and completed even to date is not beyond 20000 sq metres	<ul style="list-style-type: none"> <li>Cites the clarification by SRA that environment clearance necessary only after construction beyond 20,000 sq metres is contemplated and not at initial stage.</li> </ul>	<ul style="list-style-type: none"> <li>The developer has claimed that vide High Court orders in W.P.No. 504 of 2012 and consequent SRA circular no. 136; he is not required to seek environment clearance until such a time as construction reaches 20,000 sq metres. Here the decisions taken in 2012 are claimed to be applied to the project while in the case of eligibility for higher area, the developer claims that the scheme was approved in 2007 and hence cannot be applied.</li> </ul>
2	Plot is dense and adding new people will affect	Orders of various judgements that state that eligibility cannot be held as grounds for cancellation of slum rehabilitation scheme.	<ul style="list-style-type: none"> <li>The claim of the developer of having no role in eligibility is technically correct. However, developer has a strong interface</li> </ul>

	profitability adversely, hence no motive for developer to add ; eligibility not decided by developer	Also that developer has no role in eligibility decisions	with eligibility due to its linkage with the consent issue and hence developer does have an interest in the same. <ul style="list-style-type: none"> <li>The economics of the scheme is such that profitability is contingent upon higher density upto a point and getting TDR on the basis of the same. Hence claim of adverse impact on profitability is untrue.</li> </ul>
3	No delay, significant investment made so far	Written submission cites how there is an investment over a period of time and that it is only after construction of 3 rehab buildings that a sale component is also being undertaken	<ul style="list-style-type: none"> <li>There is indeed significant investment sunk into the project as evidenced by the construction of 3 sale buildings so far. However, the project is only half way through and there is significant delay which is causing hardship to especially those who are staying on rent as there is no transit camp. Their issues need to be addressed by SRA on a priority basis and a fresh audit of developer financial capacity and reasons for delay needs to be undertaken.</li> </ul>
4	Scheme sanctioned when 225 sq feet	<ul style="list-style-type: none"> <li>Ordinance for revised area issued on 16.4.08. Current</li> </ul>	<ul style="list-style-type: none"> <li>The claim by developer that scheme was issued LOI prior to revised</li> </ul>

	was the norm, additional area will affect profitability	<p>project received LOI in 2007.</p> <ul style="list-style-type: none"> <li>• SRA prevented developer from grant of higher area.</li> </ul>	<p>policy is true</p> <ul style="list-style-type: none"> <li>• The time gap between submission of building plans and construction is high, additional area could have been accommodated</li> </ul>
5	One- two cases where delay in paying rent is possible, reason global economic meltdown	<ul style="list-style-type: none"> <li>• Written submission by developer to the Principal Secretary, Housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Developer admits to non payment of rent to a few. The number is not specified.</li> <li>• It is not clear how global meltdown has affected the said developer. The Reasoning is unjustifiable.</li> </ul>
6	Consent of 101 eligible not necessary as it falls within 30%	<ul style="list-style-type: none"> <li>• Claim in written submission</li> </ul>	<ul style="list-style-type: none"> <li>• Technically true but poses a serious issue of displacement before the GoM. How is the state a party to the displacement scheme in the name of rehabilitation?</li> </ul>
7	AGM called by society and not developer	<ul style="list-style-type: none"> <li>• Written submission</li> </ul>	<ul style="list-style-type: none"> <li>• The demand of residents is of transparency. The SRS is a tripartite scheme involving developer, residents, and the government. The developer cannot be primarily responsible for AGM but is a necessary party if the scheme is to be conducted in a transparent manner</li> </ul>

8	Opposition to scheme is with malafide intent and makes it impossible to implement scheme	<ul style="list-style-type: none"> <li>• Orders of various judgements</li> </ul>	<ul style="list-style-type: none"> <li>• The developer himself admits to no contact with residents. The SRA office too does not seem to have responded effectively to residents' concerns. When the residents, not in small numbers raise legal issues with evidence, the question is not of malafide intent but of the lack of adequate avenues to address genuine concerns.</li> </ul>
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### **Inferences**

- This is a project where there has been (some) significant advance, in terms of 3 rehabilitation buildings have been already constructed and significant investment has been sunk in. There have been significant delays in the project and there is a need to look at the developer's competence and overall strategy for developing this project. Time bound completion of this project needs to be given a priority and made binding upon the developer, inviting blacklisting for other redevelopment projects.
  
- A safety audit of current construction is a must. Also current architectural faults need to be redressed as much as possible.
  
- There are a very large number of households declared ineligible in this project, again placing a question on the very objective of this scheme being a rehabilitation scheme and those names which have been fraudulently included as residents need to be excluded.
  
- The issues faced by those 70 odd households who are being paid rent by the developer in lieu of transit camp are very serious.

- The residents who are being evicted by giving rent are being tortured by not giving them the rent on time and nor the rent has been revised thus depriving them from their housing right.

### **Aspects of Environment**

- Environment clearance has been obtained in an almost backdated fashion.
- The implications of a high density scheme in close vicinity of a nullah, cremation ground have not been carefully assessed.

### **Aspects of Planning and Governance**

- The entire conduct of the scheme from approval to change of hands to approval of Annexure II to the treatment to rentals, allotment of constructed tenements has been non transparent and fraudulent
- The scheme has unduly favoured residents who were in powerful positions in the Committee and meted injustice to others, especially vulnerable families who have been reduced to a dependent position.
- The SRA has not heeded complaints made by residents, even complaints on safety of rehabilitation buildings have only been given a cursory interest

## IV . Mahendra & Somayya Quarry - Chandivali Project

### Fact Sheet

Sr No	Particular	Details
1	Area of Slum Plot	12,051 sq. mts.
2	FSI permissible	2.5
3	Max permissible BUA area in situ	30,037
4	Rehab Component	19,341
5	Sale Component	19,341
6	Rehab Residential Tenements	156
7	PAP Tenements	

### Irregularities Identified

Sr. No	Irregularities Alleged	Evidence	Inference
1	No consent of residents taken and SRA project imposed on people	<ul style="list-style-type: none"> <li>• Testimonies of 8 residents</li> <li>• Written submissions of 8 residents</li> <li>• Findings of Tripartite Commission comprising Collector representative, SRA representative, dated 13.10.2006: The slum dwellers have not given consent, agreements regarding the Scheme, all the slum dwellers are not members of Kamgar Union, Agreement between the Union and Developers couldn't</li> </ul>	<ul style="list-style-type: none"> <li>• Consent of residents has been considered moot in the design of the scheme</li> </ul>

		<p>therefore be considered as the basis for the whole Scheme.</p> <ul style="list-style-type: none"> <li>• Annexure II prepared by Collector in January 2012 in response to High Court order mentions no consent in all 428 cases. That is the time when documents were presented by residents</li> <li>• Minutes of Order dated 28<sup>th</sup> Feb 2003, (23.4.2003 not available) the Developer will undertake individual agreements with the eligible residents and the Union will furnish list of members and eligible people for SRA and this is not done till date.</li> </ul>	
2	Use of threats by developer to force people to evict	<ul style="list-style-type: none"> <li>• Findings of Tripartite Commission dated 13.10.2006</li> <li>• Testimonies of people</li> </ul>	<ul style="list-style-type: none"> <li>• Testimonies appear genuine and should be investigated into seriously</li> </ul>

3	Eligible people made ineligible on a large scale	<ul style="list-style-type: none"> <li>• Testimonies of people reveal that they have been staying here for over 50 years but had no amenities till 2000. Thus no documents</li> <li>• Few households have records of employment</li> <li>• Only 52 households held eligible out of 428</li> <li>• 428 families have claimed while 52 have been declared eligible while a Record of the Union dated 24.11.1995 mentions names of 94 families. This could have been used as eligibility proof, going by the overall manner of execution and the spirit of the agreement.</li> <li>• This same document also mentions that most of the people have Ration Cards and while several do not have either Ration card or electricity, water supply.</li> </ul>	<ul style="list-style-type: none"> <li>• The overall condition of people in terms of the lack of services, their invisibility has not been taken into account in evolving procedures and parameters of eligibility. This has resulted in exclusion of large numbers of people</li> </ul>
4	Wrongful application of Procedure	<ul style="list-style-type: none"> <li>• Letter dated 20.6.2007 to AE-SRA &amp; Sumer Corporation by Dy. Collector (SRA). Annexure II is not prepared through correct procedure,</li> </ul>	<ul style="list-style-type: none"> <li>• It is evident that almost all regular SRA procedures have been bypassed in this case</li> </ul>

		<p>consent not taken, Formation of CHS and appointment of Promoter not done, Notarised Affidavits of residents not taken</p> <ul style="list-style-type: none"> <li>Collectors office pressurised by CEO, SRA to not to raise questions and approve Appendix II with the rationale that this is linked to rehabilitation of slum dwellers in SGNP.</li> </ul>	
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### **Inferences**

- It is evident that in this case, the SRA procedure has not been followed at all. The execution has been more in line with the Minutes of Order dated 23.04.03. This project is being pursued by joining with the project of 33(11) i.e. rehabilitation of residents in Sanjay Gandhi National Park. The fate of these families is not considered independently. Their rehabilitation has been given the lowest priority with the focus being on clearing the land to hand it to the developer.
- The families staying here did not have any amenities, barring a few who had water supply and electricity connections. Very few had documents. These circumstances should have been considered, given the overall context. At the minimum, the record of the union should have been considered a base, but that too doesn't happened.
- In the LOI dated 2007 there is a mention of 156 eligible families. Most of them have been rendered ineligible.
- Further, the testimonies reveal that several residents have been pressurised by the builder to leave the premises by accepting whatever money that was given.

- The overall result for residents of Mahendra and Somayya Quarry is that this project has become a displacement project rather than a rehabilitation project.

### **Impact and Loss to people as a result of these irregularities**

- Several households currently threatened with demolition and thus living a very vulnerable life
- Force used, houses demolished during the last 4 months, even after inquiry by the Principal Secretary was sanctioned and started.

### **Aspects of Planning and Environment**

- Quarry land is being appropriated for residential land use and not being restored to its natural state as a hill, an ecologically sensitive zone.
- No documents regarding environmental clearance seen by the Commission.

### **Aspects of Governance**

- The rehabilitation of these people in the quarry made secondary to the issue of rehabilitation of people in Sanjay Gandhi National Park. In doing so, the peculiarity of the situation of these labourers has not been considered adequately. Amalgamation of 33 (10) with 33(11) itself is questionable.

## **V. Ramnagar, Ghatkopar East**

### **Fact Sheet**

<b>Sr. No</b>	<b>Particular</b>	<b>Details</b>
1	Area of Slum Plot	29,168
2	FSI permissible	3.11
3	Max permissible BUA area in situ	87,505
4	Rehab Component	51,091
5	Sale Component	51,091
6	Rehab Residential Tenements	1459
7	Rehab + Commercial Tenements	Nil
8	PAP Tenements	453

Ramnagar is a hilly area in Ghatkopar village (CTS No.1, SURVEY No.136). People have been staying here since the last 50-60 years. The earliest settlers had put in immense struggle to make the area liveable and secure basic amenities. Most of the inhabitants are Dalits with a high proportion of domestic labour, rickshaw operators, vendors, recyclers and construction workers. 18 Cooperative societies were established here in 1992-95. Of these, 10 are registered with Assistant Registrar, Co-operative Societies of MHADA while 8 are proposed which clearly states that the land belongs to MHADA. Slum Upgradation Programme was been implemented under the provision of World Bank / Prime Minister project in 1988 at Ram nagar. The above mentioned plot was given on lease to the residents of Ram nagar for more than 30 years even though this fact, SRA scheme has been falsely and fraudulently implemented for fulfilling the self motives of the handful by keeping the residents in dark.

Ramnagar Housing Federation was planning to enter into an agreement with Hiranandani Developers in 2004. Due to non compliance of self motive demands of Ram nagar Housing Federation they failed to enter into an agreement with Hiranandani Developers. Without the consents and agreements (around 1750 individual consents) of 11 societies, yet the

Lakeview developers carried out a survey & soil testing in the period 2004-06. The developer was changed to Ms. Satra Property Developers in July 2006. The LOI was issued in 01.02.2010. The Annexure II has 1390 names of which 1012 have been shown as eligible and 378 as non-eligible. 845 slum dwellers are shown as consenting participants to the current proposal. The overall area proposed for redevelopment is 29168 sq metres. FSI issued is 3.11. The current stage is where Transit Camp comprising tenements is constructed and demolitions of unwilling hutments have been initiated.

### **Irregularities Identified by representing groups**

<b>Sr. No.</b>	<b>Irregularities Alleged</b>	<b>Evidence</b>
1	<ul style="list-style-type: none"> <li>• Sindhudurg, Sinhagad, Janjira, Torana, Raigad Pratapgad 2 societies are not being managed properly as per guidelines of coop societies act</li> <li>• Shripat Pawar from Janjira Society manages society in spite of not owning any property in society.</li> <li>• Minakshi Dhokar, shown as secretary, Rohideshwar society stays in Dombivali for last 15 years</li> </ul>	<ul style="list-style-type: none"> <li>• Complaint by Mr. Laxman Mirekar to Asst. Registrar (Co-op.) on 10.03.2008, about Sindhudurg Society, Mr. Raju Mirekar letter to Asst. Registrar (Co-op.) on 12.07.2010 citing 27 complaints made in past about same. Complaint by 30 members of Torana Co-op. to Asst. Registrar (Co-op.) on 3.11.2008, ,Complaint to Housing Secretary by Vinayak Deshmane of Pratapgad -2 society on 10.12.2010</li> <li>• Janjira society had also made about more than 20 complaints to Asst. Registrar(Co-op.) about same in past. For which hearing was also carried out but yet no elections are been taken for this society.</li> <li>• Conclusion drawn by Asst. Registrar (Co-op.) on 25.02.2010 w.r.t. complaints by members of Sindhudurg society, however no action taken vis- vis same</li> <li>• Mr. Mahadev Patole, Secretary of Sindhudurg society had complaint regarding malpractice done by son of Chairperson in society's</li> </ul>

		<p>proceedings.</p> <ul style="list-style-type: none"> <li>• Order by Asst. Registrar (Co-op.) appointing Administrator to Sindhudurg society on 25.08.2010</li> <li>• Letter dated .... to Administrator by Mr. Raju Mirekar in reply of which Administrator has informed that he was not intimated about shifting process of the residents nor did he has given permission or sanction for any such process nor does their office bears any report regarding the same.</li> <li>• Affidavit of Mr. Shripat Pawar dated 06.09.2007 for sale and transfer of hut to Mrs. Sujata Gaikwad, also affidavit by Mrs. Gaikwad selling the room to Mrs. Darshana Bhoj on 20.06.12</li> <li>• Complaint by Mr. Ashok Bansode to Collector dated 15.07.2011</li> </ul>
2	<ul style="list-style-type: none"> <li>• Ramnagar Federation is unrecognized, self proclaimed and has no locus standi for redevelopment. Its formation has not followed due process</li> <li>• At least 5-6 members of the Managing Committee of the federation are not eligible to be members of the federation</li> <li>• The federation is operated as a coterie of 4 people</li> <li>• Federation claims to represent even the 6 societies which had not given consent</li> </ul>	<ul style="list-style-type: none"> <li>• Proposal for name and registration of federation has no place, date. The current office bearers are the only signatories.</li> <li>• Complaint by Prabhakar Shetty - Chairperson, Sinhagad society that his signature on power of attorney and name reservation for federation has been forged. He is now part of the promoter group</li> <li>• Complaint by Prabhakar Shetty - Chairperson, Sinhagad society. He alleges that the federation does not have agreement from 6 societies and yet the federation managing committee has taken representation from these societies, that the federation is</li> </ul>

		<p>being managed by a coterie of 4 people and that Prabhakar Shetty, as president of Sinhagad society has lost confidence in the federation as per statement dated 27.07.2009.</p> <ul style="list-style-type: none"> <li>• Complaints by Raigad, Shivneri and Torana society presidents on 10.5.11 to CEO, SRA about federation not had given any rights to transact redevelopment and if developer/ federation submit such bogus proposal should not be approved.</li> <li>• Complaint by 53 residents of Ajinkyatara society that they have not consented to any proposal for redevelopment</li> </ul>
3	<ul style="list-style-type: none"> <li>• Unregistered Federation of Housing Societies not entered into agreement with Hiranandani developers after receiving money for basic infrastructure improvement, and for due water charges.</li> <li>• Old and New Developer and architect appointed by local political leaders, using documents prepared for Lakeview Developers bypassing individual societies, local residents and even earlier developer</li> <li>• Collective consents were taken prior to the General Body Resolution wherein resolutions for developer's appointment were passed (Ex - 159 to</li> </ul>	<ul style="list-style-type: none"> <li>• Complaint by Mr. Vinayak Deshmane and Mr. Raju Mirekar to Housing Secretary on 10.12.2010</li> <li>• DP remark for a transit plot taken on 06 June 2006 predates alleged society meetings dates, proving that the process for the redevelopment proposal with Satra Developers was well under way before the alleged consent (notarized agreement with Satra developers is dated 22.07.2006).</li> <li>• Complaint by Niranjan Hiranandani, Lake view Developers to CEO, SRA dated 11.11.2006 about alleging devious behaviour by members of Ramnagar Central Development Committee in submitting a proposal for rehab through another developer without intimating Lake view Developers</li> </ul>

<p>172, Rejoinder submitted to Govt.) which would have been visa versa if it would had been taken place democratically.</p> <ul style="list-style-type: none"> <li>• As per Sinhagad society's resolution no.7 dated 20.07.2006, it is noted that Promoters of working committee will sign Development Agreement &amp; Power of Attorney with M/s Vikas Housing Developer which clearly states that M/s Satra Developer was never appointed as developer for the said society. There are many such instances which shows that M/s Satra Developer is working as developer prior his appointment as shown in resolutions and thus have manipulated the documents as per his convenience for achieving his self-motive by keeping residents in dark.</li> <li>• President of Sinhagad and leading members of Sindhudurg society were against the Federation and Developer but for their self-motive and to prevent themselves from the threats given by the developer took back step and agreed to work with the said developer with their</li> </ul>	<p>when several preliminary works such as survey, power of attorney, agreements had been completed between 2004-2006.</p> <ul style="list-style-type: none"> <li>• Letter by Mr. Hiranandani addressed to all co-op societies on the matter dated 21.12.2006 discusses the negotiations and points of tension between the Federation and Lakeview Developers as well as the devious behaviour of federation and that it has retained all documents of consent.</li> <li>• Complaint by Prabhakar Shetty - Chairperson, SinhagadSinhgad society that his signature on power of attorney and name reservation for federation has been forged. He is now part of the promoter group</li> <li>• There are only 4 signatures on the notarized agreement between federation and Satra Developers dated 22-07-2006.</li> </ul>
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	common intention.	
4	<ul style="list-style-type: none"> <li>• 70% consent obtained through fraudulent means</li> <li>• Several unacceptable incentives promised to residents to give their consent. These included extra area of about 100 sq. feet, compensation to those with two or more houses, shifting charges, locating shops in commercial area, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Exhibit 69 of Complaint to Housing Principal Secretary, pg 54, which shows that Local Corporator, Divisional Municipal Commissioner, Ward Officer and Society's Committee with the common intention formulated the fraud report of residents being shifted and the plot has been vacated so there is no need of toilets was the reasons shown in the report for the demolition of the said toilets thus depriving the local residents from their daily necessities and forcing them to vacate the plot due to the hardship.</li> <li>• Individual consent agreements for Raigad, Shivneri, do not have a counterpart signature of developer.</li> <li>• Ajinkyatara has a collective consent, several signatures missing, no counterpart signature by developer on agreement</li> <li>• Police Complaint by Mr. Sachin Bulange on 21.06.2012, against Mr. Prabhakar Shetty, mentions that he was offered a tenement in rehab building irrespective of being ineligible</li> <li>• Complaints by 42 residents of Sindhudurg alleging fraudulent consent</li> </ul>
5	<p>Discrepancy in minutes of meetings -</p> <ul style="list-style-type: none"> <li>• Meetings of Janjira and Panhalgad shown at same place, same time with time difference of half hour with 10-13 resolutions passed in each</li> <li>• Minutes are appended</li> </ul>	<ul style="list-style-type: none"> <li>• Complaint by Mr. Dattu Bhandarkar of Janjira Society dated 24.10.2011 to several officials</li> <li>• Complaint by several residents of Janjira Society dated 24.10.2011</li> </ul>

	<p>to signatures of earlier communications</p> <ul style="list-style-type: none"> <li>• Absent members' signatures on Janjira society minutes, multiple family members signatures</li> <li>• Ashtavinayak society meeting on 10.06.2007 but notarized on 26.06.2006</li> </ul>	
6	<ul style="list-style-type: none"> <li>• Agreement for redevelopment is fraudulent.</li> <li>• 6 non consenting societies also included in agreement</li> </ul>	<ul style="list-style-type: none"> <li>• One person as signatory for 2 societies</li> <li>• notarized signatures precede date of meeting</li> <li>• Report by official, Eastern Suburbs mentions a) lack of 70% consent in Janjira. b) non submission of individual consents by co-op society</li> </ul>
7	<ul style="list-style-type: none"> <li>• Bogus rooms included in Annexure II. 67bogus rooms in Sinhagad society.</li> <li>• Managing Committee members in societies have shown extra rooms in their name</li> <li>• Some managing committee members have also shown rooms belonging to other residents as their own and managed to get multiple names in Annexure II</li> <li>• Deputy Collector's Office - Mr Gangurde has mismanaged the Survey. Lofts, bathrooms, toilets have been numbered. Discrepant proofs used for the same. Overall 250-300 houses across 12 societies are bogus.</li> <li>• Complaints pertaining</li> </ul>	<ul style="list-style-type: none"> <li>• Complaint by Robert Lewis to CEO, SRA on 13.12.2010 and Additional Collector on 20.04.2011 giving details of 36 bogus rooms in Sinhagad Society and requesting an inquiry. Similar complaint by Mr. Dattaram Walekar, SEO, complaint by Amrapali Buddha Vikas Sangh alleging claiming of room by Mrs. Suhasini Sawant on open space dated 15.07.11</li> <li>• Report of inquiry by Additional Collector in matter pertaining to Mr Dadhibal Yadav whose room has been fraudulently claimed by Mr Ramesh Shinde, secretary, Sinhagad society dated 16.09.2010. A similar complaint by Mr Dayashankar Gupta w.r.t. son in law of Mrs. Suhasinims Suhasisni Sawant, Chairperson, Sindhudurg Society. Also complaint by Shrimati Mane - widow of Sinhagad society against Mr</li> </ul>

	<p>to bogus rooms have not been attended to by Deputy Collector, Adl. Collector, SRA and all concerned authorities even after many reminders made for the same.</p>	<p>Chile dated 24.10.11</p> <ul style="list-style-type: none"> <li>• Letter from Additional Collector, Eastern Suburbs to Deputy Collector giving conclusions of primary inquiry. These conclusions include the showing of 7 bogus rooms by Mr Shetty.</li> <li>• Complaint by Mr Madhav Patole, secretary, Sindhudurg society claiming wrong information about redevelopment scheme dated 4.9.09.</li> <li>• Substance of letter of inquiry which talks of 1 year since the preparation of fraudulent Annexure II and hence seeking direction</li> <li>• Police Complaint by Mr. Chandrashekhar Bhardwaj dated 27.03.012 regarding threats from Mr. Rajan Shah and Mr. Prabhakar Shetty</li> </ul>
8	<p>70% consent shown through such fraudulent surveys</p>	<ul style="list-style-type: none"> <li>• Annexure II for Sindhudurg shows 113 rooms of which 20-25 are bogus. On the other hand, at least 2-3 eligible members are shown ineligible. A difference of these 25% is critical for the 70% consent</li> </ul>
9	<p>Non cooperative local residents being harassed by committee members Activists being physically threatened and were beaten up/ attacked in May, 2011 and even after 2-3 complaints/FIRs, no action was taken against culprits.</p>	<ul style="list-style-type: none"> <li>• Police complaint by Mr Sachin Bulange on 21.06.2012 alleging how he was compelled to shift part of his belongings to transit camp since 2011. After he began participating in activities of dissident group, he was locked out of the house, his electricity connection has been cut off and his room in the slum has been used to dump debris.</li> <li>• Request of Mr Chedda, local corporator along with developer, Mr Shetty - a promoter and scrutiny report of MCGM which shows toilet along</li> </ul>

		<p>with other standing structures and yet claims that all dwellers have moved to transit camp and hence toilet should be demolished dated 02.06.2011</p> <ul style="list-style-type: none"> <li>• Complaints by Mrs. Suman Hinge and Shrimati Mane on 4.6.12</li> <li>• Police complaint by Mrs. Ashwini Kadu on harassment by federation members</li> </ul>
10	Local police station is hand in glove with the builder, Satra Developers through their agents/ employees	<ul style="list-style-type: none"> <li>• Complaints by several residents against Mr Shetty's harassment on 20.06.2008 to Home Minister</li> <li>• Complaint by Mr Yeole on being physically beaten by a mob of 40-50 people on 02.06.2011 - no FIR registered by police in spite of the fact that the site of this attack is near police station. The said Police station is been renovated by M/s Satra Developer which clear cut shows their hand in gloves with the developer.</li> </ul>
11	SRA office unresponsive to people's queries and concerns	<ul style="list-style-type: none"> <li>• Complaint by Mr. Vinayak Deshmane about LOI issued to M/S Satra developers and non response to RTI dated 22.12.2006</li> </ul>
12	Current construction work compromising safety and sanitation in area	<ul style="list-style-type: none"> <li>• Site visit by the Commission members and photographs submitted</li> <li>• Testimonies</li> </ul>
10	Amenities like toilets were demolished even when there are families yet not rehabilitated.	<ul style="list-style-type: none"> <li>• Municipal Commissioner, on complaints from societies and activists from the movement, have issued a circular stating that until there is even one family, living, there can be no demolition or destruction of amenities structure.</li> </ul>

## **Inferences**

- The redevelopment proposal in the Ramnagar case is clearly the handiwork of a federation of societies which has never worked as per its mandate of being a representative of people's interests. The developer in this case, has worked in the background with the office bearers of several societies being their foot workers.
  
- The motive behind clustering of areas is clearly the additional FSI to be derived from the same and to bypass the complexity of individual 70% consent. The design for the scheme does not provide for the any additional planning benefits to residents to be accrued through the pooling of land. Instead the pooling has facilitated arbitrary, self - interested decision making in which processes of broader consultation have been completely bypassed.
  
- There are questions about how the scheme was sanctioned to all the steps of its execution ranging from issue of LOI to the approval to transit camp to demolition of current structures and common amenities. Each of these steps is seen to have been undertaken without due consideration of people interests or concerns ie without due diligence
  
- The Collector office and the police station have played a key role in overlooking repeated complaints, not responding to RTI effectively, in not undertaking field inquiries of situations, and in overlooking the violence meted out to activists
  
- The Annexure II in this case has been clearly manipulated in order to ensure that proponents of the project are unduly favoured.
  
- The transit camp is seven storied, dense and seems unliveable.
  
- The current status of the scheme is that a transit camp is being constructed and unwilling residents are being pressurised to shift

and make way for ongoing construction work. The issues pertaining to the project therefore need to be resolved urgently.

### **Aspects of Environment**

- Ramnagar is located along a hill side and is thus an environmentally sensitive zone. The environmental clearance for the project has been obtained in a step by step fashion and does not do justice to the same.
  
- When was it issued

### **Aspects of Planning and Governance**

- Ramnagar is an area where the government had issued leases to residents; they had been organized into cooperative societies. There was thus a great opportunity for participatory, citizen-led redevelopment. This opportunity is clearly lost in the way the current scheme has unfolded.
  
- The merger of different cooperative societies by forming a federation and proposing cluster redevelopment presents an even greater opportunity for the improvement of quality of life for people. However, in this case the formation of the federation and the approval to the larger scheme are dubious and against the very principle of cooperative society functioning of self determination.
  
- The SRA has issued LOI and the transit camp without due diligence. Due diligence in this case would have included the examination of the numbers and validity of consents, attending to the complaint by Lake view developers, the complaints made by various residents from time to time. This raises questions about the role of the SRA as a facilitator that mediates between slum dwellers' and developer interest and the inherent bias in the same.
  
- It is evident that the Collector office has approved invalid persons and structures as eligible. It has also not been responsive to

repeated complaints. It is easy to conclude that the Collector office has been open to manipulation by developer.

- The conduct of the scheme is highly non-transparent. There is no voluntary disclosure on part of authorities or the developer. The responses to various pleas under right to information have yielded very little complete information and queries have been stonewalled. The spirit of the act is thus violated .
  
- Ramnagar is one case where dissident groups and opponents have been raising several questions since the beginning of the project. Yet it is evident that these questions have not been comprehensively addressed at any point. The ineffectivity of the various grievance redressal fora is thus exposed.
  
- The SUP gave considerable benefits to the Ramnagar area and stimulated an improvement of the quality of life. The application of SRA seem to have wiped out several of the gains of SUP such as the collective mobilization, articulation of demands, enhanced entitlements etc. The lack of continuity in policy that can build on earlier programmes is evident in these contradictory trends .

## VI. Shiv Koliwada

### Fact Sheet

<b>Sr. No.</b>	<b>Particular</b>	<b>Details</b>
1	Area of Slum Plot	14121 sq mtrs
2	FSI permissible	2.5
3	Max permissible BUA area in situ	
4	Rehab Component	
5	Sale Component	
6	Rehab Residential Tenements	259
7	Rehab + Commercial Tenements	270
8	PAP Tenements	

Aakar CHS Developers first proposed redevelopment on municipal property through SRA. This proposal was initiated in 1999 and cancelled by SRA in 2001 on the basis of inadequate consent. . The plot is subdivided as per convenience and with the profit motive of the alleged developer and the so-called alleged society without consulting and making the local villagers aware of the fact and keeping them in dark in the name of development. . Pilot Construction, the current developer with so-called alleged society namely Shiv Koliwada CHS carrying out redevelopment under DCR 33 (7). Total land admeasures about 14,121 sq mtr which was reserved for villagers out of which only minimal area being utilised for rehab. The Annexure II records 191 eligible tenants (181 residential, 10 commercial) and 78 hutments on the plot.

A 13 storey rehabilitation building has already been constructed on the plot of land belonging to the Estate education department where there were the Education Department's staff quarters. As per MCGM's record only 28 tenements among the 153 rooms constructed have been allotted so far.

### **Irregularities Identified**

<b>Sr. No.</b>	<b>Irregularities alleged</b>	<b>Evidence</b>
1	<p>Status of land as slum is irregular. The land was occupied by kolis for more than 700 years, BIT bought homes with the promise of alternative homes, they were thus housed in current housing which is in the form of military barracks.</p> <p>The land has been shown with different nomenclatures under various DPs - village plot</p>	<ul style="list-style-type: none"> <li>• Testimonies of Ramesh Keny and Bhavesh Vaity on the basis of their own community history.</li> <li>• Shiv Koliwada is not a declared slum. Residents claim that this was a gaothan. The application of SRA is thus dubious.</li> </ul>

	and then Retail market area, staff quarters, housing for dishoused, etc.	
2	<p>Permission of redevelopment obtained through use of consents of members on an earlier redevelopment proposal (1999 approved) which was stayed and cancelled in 2001.</p> <p>Individual consents of 106 members are largely fraudulent and include signatures of people who have died previously, of illiterate women, of people unfamiliar with English.</p>	<ul style="list-style-type: none"> <li>• Paper on which resolutions of first meeting are placed and the paper on which signatures are recorded are different.</li> <li>• testimonies of several residents</li> <li>• fraudulent signatures evident in case of Parvati Koli, Motubai Koli, Laxibai Keny, JagannathJagganth Koli, Lilabai Patil, Narayan Shivkar, Kishor Keny,Keni, Kashinath Banglekar, Bangislekar, Shashikant Mhatre, Yashwant Koli, Narayan Shivkar.</li> <li>• exhibit with detailed analysis of signatures on various documents</li> </ul>
3	<p>Permission for redevelopment obtained through fraudulent nexus between MCGM officials, developers and promoters.</p> <ul style="list-style-type: none"> <li>• There is a deliberate confusion between whether the project is being pursued under 33(7) or 33(10).33(10). Development agreement mentions both 33(7) and 33(10). Correspondence between authorities and developer only mentions 33(7). Permission for 33(10) was cancelled in</li> </ul>	<ul style="list-style-type: none"> <li>• 70% consent is obtained through forgery cited above</li> <li>• Redevelopment permission given without checking into these irregularities in seeking consent.</li> <li>• Replies to various RTI queries available with the Commission</li> </ul>

	<p>2001.Procedures of 33(7) such as verification of consents and area occupied by tenants by MBR&amp;R Board, or by Estate department have not been done.</p>	
4	<p>Residents are being forced to occupy a 13 storey building by a connivance of municipal officials and police with committee members.</p> <p>The entire area was forcibly fenced, in spite of opposition from residents, resulting in blockade of shops and causing accidents. Fencing was also an encroachment on the footpath which was removed on later after making complaints of the Municipal Commissioner.</p>	<ul style="list-style-type: none"> <li>• Photographs of fence, visit of members to the area, orders of Executive Engineer, Building Proposals (City)-II 27.11.2012, 25.02.2013, 20.03.2013, 26.04.2013 and 09.05.2013 for removal of illegal fencing yet no actions are being taken.</li> <li>• Testimonies and written complaint by Shiv Koliwada Adivasi Welfare Association</li> </ul>
5	<p>Buck for appeals for inquiry and quick grievance redressal through High Power Committee and senior officials and political leaders being passed without required actions</p>	<ul style="list-style-type: none"> <li>• Redundant/nonsensical response to RTI appeal by Estate Department</li> <li>• Testimonies of Kiran Keny Keni</li> </ul>
6	<p>Residences demolished without requisite permissions</p>	<ul style="list-style-type: none"> <li>• Testimony of Mr Vaity Vaiti-received demolition notice on 25 Jan 2011, filed for stay order which was received on 28 Jan 2011, demolition taken up at a time when courts would be on leave, it was continued even after receipt of stay order, and</li> </ul>

		<p>demolition was carried out by police on 27 Jan 2011 along with 70 unknown criminal elements.</p> <ul style="list-style-type: none"> <li>• Video shoot of the demolition which supports the claim</li> </ul>
7	Activists given personal threats by police	<ul style="list-style-type: none"> <li>• Testimony by Ms Madhuri Shivkar - threat given by Senior P. I., namely, Tulsiram Nagre.</li> <li>• Amit Shivkar, Nelson Fernandes, Ms Madhuri Shivkar, Indira Shivkar are booked under sections 307, 326, 324, 323 and 34 IPC.</li> <li>• There are 25 women and 1 man booked under sections 143, 147, 149, 152, 332, 333, 353, 504 IPC.</li> <li>• Madhuri Shivkar is booked in 4 CRs under sections 143, 147, 149, 152, 332, 353, 447, 504, 506 and 34 IPC with many NCs as a result of being the whistle blower.</li> <li>• There are many NCs being recorded in Sion Police Station against the residents who are taking initiatives in bringing out the fraud and irregularities.</li> </ul>

### **Inferences**

- There is no clarity on why and how was this property subjected to the provisions of Slum Rehabilitation Authority
  
- The entire process of sanctioning the redevelopment proposal by Ms Pilot Constructions is fraudulent

- The concerned MCGM officials, SRA officials have been either blind or deliberately not applied their minds to the discrepancies in consent documents
- The overall terms of redevelopment proposal restricts the kolis to land area and does not do justice to their historical claims or their current community life.
- The project has moved ahead and constructed a rehabilitation building and this is precipitating the current pressure to vacate land. The video shoot of the demolition makes it clear that the police, and criminal elements aligned to the developer were acting hand in glove.
- While it may be pragmatic to formulate a compromise solution, keeping in mind the sunk -investment in built environment; the entire project is so dubious that this compromise would only exacerbate the nexus of the developer.
- The overall manner of execution raises many questions on planning and governance aspects where principles of fair treatment, procedure, public rights are being violated.

### **Impact and Loss to people as a result of these irregularities**

- 2 residences have been demolished on 29 May 2012 and 5 Nov. 2012, this has caused severe hardship to especially widow & senior residents like Mrs. Jaywanti Shivkar & Rozy Francis Patil.
- The total lack of transparency in the proposal has pitted the residents against redevelopment which is being promoted by a handful of interested residents.
- Fencing has blocked access and caused inconvenience to all residents. It has also caused hardship to shopkeepers fronting the plot. In the

instance of a fire in one of the residences on 10 Nov, 2012, fire engines could not reach the area due to the fence.

- The construction of the building has created an undue pressure on unwilling residents.
  
- Activists are facing severe harassment and hardship
  
- This plot which was reserved for the villagers would be grabbed away by the developer for his self-monetary motives leaving the present and future generation of Kolis deprived of their land right which is only their heritage, with nothing left in their hands, nor their existence. Their existence will just be wiped off from the map.

### **Aspects of Planning and Environment**

- The fence has restricted the open space in the area, blocked access for the residents
  
- The fence surrounding the plot also covers the footpath, the bus stop, the street lights , thus impacting public amenities and creating an unsafe environment

### **Aspects of Governance**

- Permissions for redevelopment have been granted without due checking of residents, their actual consents or into evident discrepancies in documents.
  
- Responses to RTI - Orders of the information officer and the response of the department indicate the clear cut instances of not carried out the scrutiny of the documents submitted by the so called developer and committee members because of which it was but obvious that they were not in position and unwillingness to provide the verification reports of the same and thus, blindly gave approvals and sanctions respond to the project.

- Orders of Engineer, Building Praposals; AE, F/North ward to free some area of the plot from the fence to enable access to essential services has not been heeded to. The same department has directed the developer to remove the fencing from the plot except the rehab No.2, even after 2-3 notices no actions are being taken against the developer for carrying out illegal fencing on the plot where the structures are existing which is ultimately blocking their sunlight, ventilation and access, thus, affecting their life and liberty.

#### **4. Flaws in Existing Scheme and Regulations**

The Commission is fully aware that these six projects that have been reviewed do not represent the full universe of slum rehabilitation projects in the city and does not deny the possibility of positive examples. However, these six projects amply illustrate all that is wrong with the current policy. The following are some of the major issues.

- Development by builder is prone to fraud and illegality fundamentally wrong:*** Housing is a human right and has been duly acknowledged as such by various judgements in India, linking housing to a right to live with dignity. As such, this mode of development of housing, where developers are primary actors is fundamentally wrong. The initiative and obligation to develop slums is an obligation of the state. It can involve multiple parties, including private initiative,

nongovernmental organizations, corporates, people's self help initiatives etc. However, the primary responsibility needs to rest with the government.

By placing the developer at the centre of the scheme, the current SRS structure has emerged such that the entire government machinery works to collude with the developer. The third and the most critical party in this case- i.e. the slum dwellers are totally neglected and there are no effective teeth by which their interests can be protected in the scheme.

- b. **State Intervention not guided by public interest:** The State is constitutionally bound to act in public interest. The SRS has, however, distorted the meaning of public interest. The entire machinery is working to support the developers who are the prime moving force in this scheme. In cases, where state government has actively intervened, the sum total of intervention is to enable the developers get, rather grab, more land. It is really difficult to discern any public interest in mergers of projects spurred by developer interest. In fact, given that each of these mergers has compounded the levels of difficulty for people, blurred accountability and manipulated even the small avenues of participation - i.e. the consent; it can be concluded that SRS has produced a multilevel collusion between the State and developers.

The manipulation of Annexure II has emerged as a tool of control of dissent, of incentivising promoters or committee members and fragmentation of community.

Non transparency about details of the scheme with all people, then members of the cooperatives.

Planning and execution of schemes in collusion with promoters/few leaders

- c. **Design of Project biased towards Developer profit:** Most of these projects are designed in such a way that the land used for rehabilitation is less than 50% of the total land area. Indira Nagar is highly dense; it also has multiple reservations on it. Thus there are constraints on development potential but those are offset by the high property prices in the area and the possibility of TDR. Shiv Koliwada is not so dense, it has a prime location but the design of rehabilitation does not take into account the requirements of this indigenous community. In spite of the fact, that land parcels have been clustered in Golibar, Ramnagar, Ambedkar Nagar; the benefits of such clustering

to the slum dwellers are not evident in the layouts. The rehabilitation buildings are designed in such a way as to maximise density, minimise their land foot print allocation for rehabilitation so as to maximise land for the commercial, non-rehab residential component and to crowd amenities. This is unacceptable in clustered developments where there are clear possibilities of giving a better quality of life to the slum residents.

- d. **Lack of avenues for effective participation:** The greatest stake in any development of slum is that of the inhabitants who have struggled to make a life in adverse circumstances, made areas habitable and improved them over the years. The current SRS scheme overlooks this, it does not have any effective avenues for people's participation. The only avenue for participation is through their consent to the proposal for redevelopment. The amended slum act and subsequent SRA circulars and court interpretations have placed further limitations on this consent by linking it to a denial of entitlement in case of non cooperation, by equating it to participation in project rather than choice of developer, and by linking it to the question of eligibility. The basis for this consent is the agreement between the developer and the proposed society. However, changes in the agreement are not linked to a mandatory change in consent. After the stage of consent, there are no avenues for participation in the scheme, for regular and transparent communication about the proceedings and decisions in the scheme. The developer does not come face to face with the community; neither do officials from SRA, Collector office and other agencies. Information about the project, key decisions taken have to be obtained through a process of extracting information from unwilling authorities. Grievances of residents have no forum to express themselves and be resolved. This explains the high number of court cases pertaining to the SRA as well as the pending cases before the High Power Committee. Even in these forums, the balance seems to be highly tilted towards the developers as the implementers and primary movers of the scheme. The concern is to construct, everything else is an obstruction in the path.
- e. **Insufficient Accountability and Access to the State:** SRS is a scheme where the government plays the role of a facilitator, bringing slum residents and private initiative together. The SRA here approves the LOIs, issues CCs, accords FSI and TDR to the developers, liaises with other agencies such as collector office, registrar of cooperatives and municipal corporation, issues OCs , enables transfer of funds to cooperative society of slum dwellers and redresses grievances. Over the years, the SRA has been significantly lobbied to by organized

groups of developers to smoothen the process of implementation. However, it is evident from the testimonies that were heard by the Commission that the slum residents have not been able to even obtain proper hearings of their grievances, leave alone lobby for their interests. There is a single window for the developers but slum residents have to run from pillar to post for getting information, responding to actions of the state, getting their entitlements and to extract some response in case of adverse impacts. One very clear reason for the same is because the scheme itself does not compel the SRA to genuinely 'rehabilitate' people. It compels different government agencies and departments to enable implementation.

- f. ***Communities left open to machinations of developers:*** The above two factors i.e. lack of participation (against the Co-operative Societies Act) and insufficient access to the State, leave communities vulnerable to the machinations of developers. Developers typically create groups that are incentivised to be pro redevelopment and organize a web of powerful actors surrounding these groups. Pre-existing differences of interests in communities are widened through this process; new interests get generated through powerful motivations of greed for property and associated capital. In the emerging environment of collusions, vulnerable sections in the community are even more marginalised and have nowhere to go. The SRA as it exists currently, invariably threatens to rip apart the social fabric of slum communities and fragments them. It pits groups against each other and pressurises the minority voice without heed to its content.
- g. ***Reducing housing to a owned tenement:*** The current slum situation in Mumbai is one that has a significant proportion of rentals. Further, slum housing represents a mixture of uses - residential that can be upgraded and expanded over a period, work that can be done using the home as the base and those that are commercial. SRS converts slum settlements into buildings and houses into owned, residential tenements. In doing so, it negates these complex and multifarious uses of space. There are thus other forms of silent displacement that are evoked by the SRS. In large scale projects, the scales of these are bound to be higher.

## 5. Recommendations for Alternative Scheme/Policy

The situation of slums in Mumbai is complex, multifaceted and highly heterogeneous. The adoption of a single scheme to suit this situation itself is wrong, an alternative policy which has a basket of options is necessary to evolve. The hence forth discussed recommendations are thus designed as a set of principles that inform an alternative policy for rehabilitation of slum dwellers rather than an actual scheme itself.

- a. **Objective of scheme has to be comprehensive rehabilitation and not just tenement provision:** Slums are a response not just to the housing crisis in Mumbai but also a symptom of the informalisation of the economy. Slum rehabilitation cannot be confined to be free tenement provision; it will need to be informed by a consideration of livelihoods, social fabric and networks in the community and its ability to sustain housing solutions. Further, rehabilitation authorities need to be infused with this responsibility for rehabilitation of people for which housing is seen as a tool.
- b. **Rehabilitation as Primary Responsibility of the State:** The government has to take primary responsibility of rehabilitation. It can bring in private capital, if it so desires; can also involve multiple actors. However, these actors cannot be allowed to become the movers of rehabilitation as it is more difficult to extract accountability from them. This may affect profits of developers to a certain extent; it may also restrict the current premiums that the state government is able to extract from slum rehabilitation. However, it will lead to a more balanced scheme as opposed to the current scheme which is clearly tilted towards developers.
- c. **Cut off date is a discriminatory concept fundamentally wrong:** A cut off date discriminates and hence it is fundamentally wrong as a principle for award of entitlements. Furthermore, when cut off dates tend to be fixed at a year older and unchanged for two decades, they are unlikely to do justice to ground level situation. The current compulsion for cut offs is due to the free housing concept and hence, it is necessary for the government to free the present housing policy from free housing and cut-off date concept. Since the present cut-off

date is 18 years old, it should be revised or altogether done away with, since it's contradictory with Rajiv Awas Yojana, another scheme of the Centre.

- d. **Declare slum as a slum rehab area:** The basis of rehab of every slum dwellers should be the criteria and the surplus for an alternative scheme has to be to house everyone. If current slum areas are declared as rehabilitation areas, they can be viable areas for rehabilitating existing inhabitants and the surplus area can be used as shelter area for providing options for new migrants in the city.
- e. **Introduction of Rental Housing:** Since all the slum dwellers do not belong to the same economic category, thus to say that all would require or can afford housing on ownership basis would be a miscalculation. Need is that along with ownership based model of rehabilitation, emphasis should also be given to provisioning of rental housing for those families/individuals who are new entrants to the city and do not require or afford ownership houses.
- f. **Modification of designs in case of tenement provision:** The current housing design is unsuited to the family size of the slum households. Another room is absolutely necessary, given that each household consists of at least two couples. The current practice of a single use toilet is another example that is inconsiderate of the large family size. Giving families options of tenement units, sizes with corresponding contribution is another flexibility that can be introduced in alternate schemes.
- g. **Recognize People's agency and Participation:** Alternate schemes for rehabilitation need to be based on a recognition of people's struggles and capacity to improve their housing and settlements. Further, there is a need to give opportunities to strengthen collective management capacities. Formation of residents into cooperatives, enabling them to formally access land through a variety of financing mechanisms, creating such finance institutions, enabling communities to assess the land development potential, and formulate schemes for rehabilitation through multiple models - are some of the principles on which an alternate scheme could be based. The key concept would be for the State to genuinely act as a facilitator, for people and not for the market. In this context there is a dire need to strengthen people's participation in the formulation and implementation of slum rehabilitation and at the same time the authorities should have a stronger role in overseeing the implementation of the scheme.

## Annexure I

### **Terms of Reference For People's Commission on Illegalities and Irregularities in SRA**

1. To investigate (in a participatory and transparent manner) into illegalities and irregularities in SRA and slum rehabilitation schemes in Mumbai, beginning with a priority list of six projects.
2. To assess the documents and draw conclusions on the fraud and the resultant impact of the scheme, on the benefits and beneficiaries, loss to people, and loss to the state exchequer.
3. To estimate the magnitude of corruption and identify officials, politicians, developers and others, responsible for the same.
4. To suggest and plan action against the accused identified through investigation.
5. To identify the flaws and anti-poor clauses/provisions in the housing policy, laws and rules.
6. To suggest any alternative housing scheme/s and/or amend SRA Schemes
7. To recommend any change in the planning pattern, process and laws and rules related to housing for the urban poor and middle class people of Mumbai.
8. To publish and release a detailed report on the enquiry and take it to the communities as well as the Government authorities.

**The Commission will complete an investigation, within one month through**

- 1) conducting public hearing
- 2) analysing/inspecting documents
- 3) interviewing government officials and citizens' groups, NGOs
- 4) Photography, structural analysis etc. , and any other tools decided by the Commission.

The Commission's expenses will be met through voluntary donations.

**The following were the members of the Commission**

1. Justice H.Suresh(Chairperson)
2. Mr Sudhakar Suradkar
3. Prof. Amita Bhide
4. Arch.Chandrashekhar Deshpande
5. Mr Simpreet Singh