Chennai's Rain Check
Fifteen Years and Counting

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The recent floods in Chennai are a fallout of real estate riding roughshod over the city's waterbodies. Facilitated by an administration that tweaked and modified building rules and urban plans, the real estate boom has consumed the city's lakes, ponds, tanks and large marshlands.

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Chennai remains unprepared to combat rains every year. This, despite various citizens' groups calling for the need to abide by planning rules and regulations since the past 15 years. The current floods in Chennai are a wake-up call to everyone to think about how the city has developed without any reflection on the implications of violating the urban ecology, including our rivers, lakes, wetlands and open spaces.

Tamil Nadu experiences severe water shortages and water stagnation/flooding every year. The recent policy focus in the state has been on groundwater recharge through rainwater harvesting, but in practice, the public water utility has been acquiring "water fields"—public agricultural lands in the peripheries of Chennai—where the levels and quality of groundwater is amenable to cater to the city's burgeoning water demands. Simultaneously, poor planning practices and lax enforcement of building rules have resulted in the majority of the city's lakes and ponds being built over, obstructing its natural hydrology.

Unfortunately, successive governments have allowed for weaker plans and poor enforcement of the rules; they have even pushed for amendments that regularise violations and exemptions that will benefit the more affluent.

Submitting to Real Estate

The state's approach to city governance can be seen to be exemplified by the case of the Adyar Poonga, an eco-park built on fragile estuarine lands of the Adyar creek. In 1993, a group of civil society organisations comprising Citizen Consumer and Civic Action Group (CAG), Exnora and the Environment Society of Madras filed a case in the Madras High Court to restrain Tamil Nadu for building activity and housing projects. The petition sought to protect five major lakes in Ambattur, Kakkalur, Nolambur and Chitlapakkam from being converted into residential sites and an Ambedkar Memorial. Unfortunately, the court ruled that the government could use 1.5 acres—rather than the original 45 acres—for the memorial to be set up. Through the 1990s and 2000s, this fragile estuarine area was overrun with extensive construction that included the Leela Palace hotel and several high-end residential and commercial buildings. In 1995, M A M Ramasamy, a real estate baron, sought permissions to construct multistorey buildings close on a portion of the estuarine lands.

In 1996, the Chennai Metropolitan Development Authority (CMDA), the city's apex planning agency, gave the necessary planning permission after the builder had paid the requisite fees and transferred 2,321 square metres of land under the open space reservation (OSR) rule to the Corporation of Chennai. The Corporation of Chennai was to give the building permission but objected that the proposed building violated the Coastal Regulation Zone (CRZ) prescriptions of no construction within 500 metres of the high tide line. However, Ramasamy furnished evidence that the site was located 720 metres— well beyond the high tide line, and also got the Indian Institute of Madras (IIT Madras) to state that a public road was already in existence between the creek and the building site. In 1997, Ramasamy petitioned the Madras High Court to mandate the Corporation of Chennai (COC) to give the necessary permission and received a favourable response. The COC, having already sought and acquired the OSR lands and unable to contest the planning permission given by the CMDA, was compelled to give its permission.

The CAG challenged this order in 1997 on grounds of public interest but lost on account of the area "booming with developmental activities and several constructions have taken place therein in the form of construction of residential quarters for ministers and other government officials, including the construction of residential quarters for the members of the Legislative Assembly, etc." Though the government has repeatedly removed slums and informal settlements from the areas adjoining the river under the guise of safeguarding them, it has also frequently allocated land and built low income housing in large marshlands and natural catchment areas in the city, such as Semmenchery, amplifying the vulnerabilities of the urban poor. All this while the state—both the judiciary and the executive—have abetted and even partaken in the acquisition and degradation of wetlands and waterbodies.

Making It Easy

Several citizen groups have also been criticising such dilution of planning rules and guidelines. CAG had challenged the Tamil Nadu government's decision to regularise building violations in the Madras High Court in 1987. In 1998, the Government of Tamil Nadu introduced Section 113A, an amendment to the Town and Country Planning (T&CP) Act 1971, and framed the relevan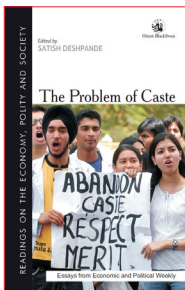t rules under Government Order (GO) 190 to regularise illegal constructions till 1999. The state also extended regularisation schemes in 2000, 2001 and 2002. CAG had challenged Section 113A in 1999 and each of the subsequent regularisation schemes in 2000, 2001 and 2002, respectively. In 2006, Justice A P Shah held that the government could regularise violations till 22 February 1999 and directed that a monitoring committee be set up within the CMDA to frame the guidelines and penalties for this process. However, in 2007 the government proposed further amendments to the T&CP Act 1971 to allow for regularisations till 1 July 2007. When this was challenged in 2007, the high court ruled that the government could take actions for the purpose of administration, but that it could only do so by framing proper rules and guidelines. As a result, the Justice Mohan Committee was set up on 1 June 2007 to look into the regularisation process till 2007 and its recommendations were ratified as guidelines and rules in GO 234 and 235, respectively. The recommendations under GO 234 were rejected by the high court because they were too liberal.

Fourteen years after the government had promised the high court in 1999 that it would enforce the rules, it amended the T&CP Act with Section 113C allowing for further exemptions, and set up yet

another committee—the Justice Rajeswaran Committee (JRC)—to frame the rules and guidelines. The JRC recommendations are far more liberal than even the provisions of GO 234 of the T&CP Act—that had been rejected by the Madras High Court. For example, where the GO 234 prohibited all developments in the Aquifer Recharge Area and the Red Hills Catchment Area, JRC allows developments with negligible safeguards. Similarly, where the GO 234 stated that no buildings with any encroachment, including aerial encroachments, on to waterbodies shall be considered for exemption, the JRC has permitted developments on sites within 15 m from the waterbody subject to conditions imposed by the Public Works Department/Executive Authority. The JRC also states that "in cases where the construction is made in the land use zoning which is incompatible to the land use, the applicant cannot make any additional construction in future and has to give an undertaking to that effect."

By going well beyond the terms of Section 113A ostensibly to provide remedial procedures that extend well beyond CMDA parameters, the JRC recommendations seek to obfuscate the issue of penalising violators and making the violated buildings follow the CMDA's planning norms. Through the setting up of scrutiny and core committees with specific empanelled professionals, the JRC seeks to shift accountability from the promoters and owners of these violations. It is evident that the current floods in Chennai are not natural disaster but can be attributed almost entirely to unrestrained construction and repeated regularisations of violations, and continuing on our current path will not only lavishly reward lawbreakers but is a foot in the door for those who desire to make a case for future transgressions, even if the recommendations made by various committees emphatically state that they are only for stipulated periods.

Another Institutional Mechanism

Today, we have the chief minister of Tamil Nadu stating that officials are doing the best they can in the face of a natural disaster. It is easy to attribute the devastation from unexpected flooding to the results of nature and climate change when in fact it is a result of poor planning and infrastructure. In Chennai, as in several cities across the country, we are experiencing the wanton destruction of our natural buffer zones—rivers, creeks, estuaries, marshlands, lakes—in the name of urban renewal and environmental conservation. The Tamil Nadu government created the Chennai Rivers Restoration Trust (CRRT), earlier called the Adyar Poonga Trust, to implement the Adyar eco-park and the Cooum restoration projects. But in reality, this is yet another institutional mechanism that is facilitating the development of transportation and other infrastructure along the rivers. There have been frequent statements about the threat to the rivers' sustainability posed by sewage outflows and this has been used to facilitate further evictions. However, CAG has made note of several instances where large drains are emptying sewage and industrial effluents into the Cooum River that cannot possibly have been generated by the slum dwellers living close to the banks. Yet, we see evictions underway without any action on the real polluters. The current rains and floods have, ironically, strengthened the government's argument for the need to protect slum dwellers but where they will be moved remains to be seen.

The Kosathalayar River basin joins Pulicat Lake, Madhavaram–Manali wetlands and the Puzhal, Korattur and Retteri lakes before draining into the sea at the Ennore creek. The CMDA classified a large portion of this area as a "Special and Hazardous Industrial Area" in the Master Plan–2026, and the Ennore creek that used to be home to sprawling mangroves is fast disappearing with soil dredged from the sea being dumped there. The Kodungaiyur dump site in the Madhavaram–Manali wetlands is one of two municipal landfills that service the city. Velachery and Pallikaranai marshlands are a part of the Kovalam basin that was the southern-most of the four river basins for the city. Today, the slightest rains cause flooding and water stagnation in Velachery, home to the city's largest mall, several other commercial and residential buildings, and also

the site where low income communities were allocated land. The Pallikaranai marshlands, once a site for beautiful migratory birds, are now home to the second of the two landfills in the city where the garbage is rapidly leeching into the water and killing the delicate ecosystem.

These are all human-made disasters and we need to take drastic steps to immediately arrest and reverse these developments. It is critical that we have high quality data and knowledge of our urban ecology and built drainage networks in the public domain, the lack of which has crippled the impact of citizens and activists in the city. One immediate need for a map of the current floods would be to identify the most vulnerable neighbourhoods to sharpen the government's response, particularly for the urban poor. By adding information about the contours and elevation of the city we can create zones of risks from future instances of flooding and the resulting potential vulnerabilities.

We would also use such a map to assess the extent of damage to life and property, and to monitor if the government's current relief and response efforts are appropriate. Identifying the extent to which the state has built low income housing in floodplains and catchment areas would be a powerful tool to challenge such an approach that places the urban poor in situations that amplify their vulnerabilities. Such a map can also be layered with information about other public infrastructure, such as primary healthcare centres, dispensaries, public toilets, storm water drain network and municipal landfills, to enable analyses on their quality and adequacy. Mapping information on the extent and nature of violations and encroachments and the ways in which violators compromise public health, safety and convenience of other residents of the city to make a compelling case for the city's planning and monitoring authorities to enforce building norms, impose penalties on violators and to reclaim ecologically valuable areas. But most importantly, it is critical that such maps and data are in the public domain so that citizens are better able to challenge governments and hold public officials to account.