

# East Kolkata Wetlands: Analysing the Socio-Legal Protections in the face of Rapid Urban Sprawl

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## Introduction

The East Kolkata Wetlands are precious natural assets of the city of Kolkata, as they extend numerous ecosystem services to it. Along with carbon sequestration, flood control, and providing a unique climate conducive to pisciculture and vegetable farming, the wetlands also serve as Kolkata's natural wastewater treatment mechanism, which treats around 78% of the city's wastewater, saving the municipality around Rs. 4,700 million on an annual basis (Dey and Banerjee, 2015a). Due to their incomparable significance, multilevel institutions have recognised the wetlands as protected sites through conventions and state-level legislation. However, despite the presence of such statutes, degradation and depletion of the wetlands have continued.

This research piece analyses the potency of the wetland's protection institutions. The first section highlights the pertinent defects in the state government legislation with regard to the stakeholder engagement in the process of wetlands conservation policymaking, followed by the section that emphasises evidence-backed policy suggestions as course-corrective measures.

## 2. The Deficits in the Policies Governing the Wetlands

The East Kolkata Wetlands are primarily managed and governed by the East Kolkata Wetlands Management Authority, which was accorded legal sanction through the landmark legislation adopted and enacted by the State Government of West Bengal for the conservation of the wetlands. This legislation, the East Kolkata Wetlands (Conservation and Management) Act, 2006, was initiated to make the domestic statutes of the country align with its international commitments as a signatory to the Convention on Wetlands, commonly known as the Ramsar Convention. In the wake of neoclassical urban growth, manifesting in the form of outwardly expanding sprawl of urban spaces (Wilson, 2011; cited in Arboleda, 2016), these legislations do not just act as potent institutional safeguards to neutralise urban encroachment into wetland areas but also embody a debate occurring between stakeholders of environmental conservation as to which strategies would be optimum to protect these ecosystems, and how the dilemma of either choosing an upward-sloping trajectory of urban growth and real-estate construction or preferring a long-term steady-state sustainable development pathway wherein natural ecosystems and economic participation is relatively harmonised, would be solved (Chakraborty et al., 2023). The wetlands, existing in the peri-

urban regions or as urban frontiers (Sangameswaran, 2018), represent a highly lucrative natural capital which is consistently being subjected to illegal land conversion (Niyogi and Ray, 2013; cited in Mukherjee and Chakraborty, 2016) having direct negative implications for the peri-urban livelihoods associated with fishing and farming communities which utilise the ecosystem services to practice sewage pisciculture and vegetable cultivation (Niyogi, 2015; cited in Mukherjee and Chakraborty, 2016). This destructive development has led to the wetlands area being reduced from 65 sq. km to 41 sq. km within just thirty years, despite the presence of protective legislation since 2006 (Mondal et al., 2022).

These facts bring to light that considerable deficits exist in the natural resource management institution governing the wetlands, not only in terms of the statutes but also in the modus operandi of the implementing agency.

To begin with, let us take into consideration the provisions mentioned in the parent act. Under Section 3(2), subclauses (i) to (xvii) stipulate the composition of the Management Authority that would be responsible for wetland conservation. It is observable that the bare act directs fourteen out of seventeen offices within the management authority to be solely occupied by government officials, politicians and bureaucrats but dedicates only one out of the remaining three positions to a representative of the fishermen cooperatives that too upon nomination by the state government (The East Kolkata Wetlands (Conservation and Management) Act, 2006). The remaining two office-bearers, each being representatives of non-governmental institutions having expertise in wetland conservation and management, respectively, are also to be decided through state government nomination. There needs to be more representation of other informal sector workers engaged in livelihoods situated within the wetlands ecosystem, such as waste collectors and workers involved in waste recycling, apart from sewage agriculturists (Dembowski, 2001).

In addition to this, the agency of the fishermen cooperative representative is significantly truncated and practically rendered negligible when there is only one position reserved for marginalised communities who are not only impacted in the highest magnitude by the destruction of the wetlands but are, in fact, the most active and powerful agents of preservation of the wetlands through the employment of indigenous knowledge systems (Banerjee and Dey, 2017). This move to minimise the substantive representation of marginalised communities or rather the primary stakeholders in the very institutional decision-making process itself is reflective of the theoretical insights laid forth by the framework of urban political ecology (Swyngedouw and Heynen, 2003; cited in Sangameswaran, 2018); that underscores the political economy of how the socially dominant groups, in this case the upper-caste politicians and bureaucrats, further engender inequity by manipulating their social capital and access to legal, political institutions for ostracising marginalised groups- case in point the fishing communities, sewage agriculturists and waste collectors- from the institutional policymaking process such that the very outcome of those processes upholds, facilitates and intensifies the hegemony of the dominant social groups

and further deprives marginalised communities from resources and livelihood, and makes the latter substantially more vulnerable to climate risks. The real estate-politician lobby, which continues to creep into wetlands areas, is encouraged through this skewed power structure in the wetlands management authority, which prohibits adequate transparency and accountability of these institutions to the communities they are supposed to serve.

To make matters worse, Section 7 of the Parent Act mentions that the vacancy of any of the offices within the management authority cannot be a valid reason to delegitimise or even question the decisions taken by the management authority. This implies that despite the law initially commanding (tokenistic) representation of affected fishing communities within the policymaking institution, it also goes ahead to actually add an escape clause by not making the former directive adequately binding, as non-compliance to the same need not be subjected to any corrective or penal repercussions or any form of procedural opposition. In other words, policies concerning the wetlands can actually be made, approved, and implemented without consulting with the fishing communities even once. In fact, this provision actually allows the state government to exclude marginalised community representatives in the decision-making process in the first place.

Moreover, Section 10(5) mentions that the management authority does not have the agency to extend approval for any land-use change project unless the project results in the enhancement of the "local environment" or "surroundings" of the wetlands. This section in no way specifies what kind of activities or projects would actually qualify as beneficial for the wetlands environment and what commitments or requirements such as environmental enhancement actually necessitate (Sangameswaran, 2018).

The urban artificialisation of the wetlands is perpetuated as the natural ecosystem comprising land and water bodies is filled up and illegally converted to real-estate construction sites. Nature continues to be "tamed" (Kaika, 2004). There are little to no repercussions to such illegal activities, such as the state government's reluctance to demolish several unlawful constructions in the wetlands region despite innumerable directives being issued from the Calcutta High Court since 2009 exhorting the government authority to take prompt action (Sangameswaran, 2018). This archetype of ecological conservation is understood correctly as bourgeois environmentalism, which is facilitated by the state to cater to the elite interests of capital accumulation and sequester resources from the marginalised communities (Baviskar, 2003; cited in Mukherjee and Chakraborty, 2016) as a manifestation of climate injustice.

### **3. How Can Wetlands Conservation Institutions be Made More Effective?**

The primary flaw detected in this institutional structure, taking into account the analysis mentioned above, is the disregard directed towards the interests of the primary stakeholders, the marginalised informal sector communities, whose livelihood security is directly correlated

with the effective conservation and protection of the wetlands. This implies that any policy strategised to conserve the wetlands efficiently must actively take into account the interests, concerns, and central agency of the primary stakeholders in all stages of the policy cycle, such as planning, implementation, and evaluation. Therefore, the governance procedure must be rendered participatory and inclusive for this to materialise with due effect.

Effective, and not tokenistic, participation can be ensured through an expansion of the numerical representation held by the marginalised fishing communities by increasing the number of vacancies for them in the management authority. This initiative has to be undertaken to embolden the representation of responsible non-government organisations as well, with an emphasis on those that have displayed an impressive track record of voicing and taking tangible action on environmental issues, such as People United for Better Living in Calcutta (PUBLIC), which had initiated several successful public interest litigations at the Calcutta High Court in 1992 and 1997 for opposing construction carried out by the state government encroaching into the wetlands area (Banerjee, 2022). The incorporation of such NGOs in larger numbers within the planning process will ensure that the possibility of the management authority making neoliberalism-oriented decisions is truncated. Moreover, a larger representation should be determined not just through state government nominations but also through nominations issued by relatively more independent bodies such as judicial institutions, central government, green tribunals and through a possible consensus amongst NGOs themselves. This measure will improve transparency and accountability of the institution, as it will ensure that the power of selecting the non-government stakeholders making the policies itself does not become concentrated in the hands of the state government. Such an expansion of representation should happen simultaneously with the incorporation of new stakeholders --waste collectors' unions and sewage agriculturists- in the institutional structure to ensure holistic policy outcomes. This will naturally entail a shift in the budget allocated to the East Kolkata Wetlands Management Authority to account for the drastic increase in human capacity.

As a supplement to the previous point, the inclusion of primary stakeholders within the urban policymaking process must account for the differences prevalent within the marginalised communities stemming from social variables such as education, gender and age. Women, youth and highly educated individuals are less likely to engage in traditional livelihoods such as sewage farming or pisciculture (Dey and Banerjee, 2016). They are thus more likely to engage in modern occupations, possibly upon rural-to-urban migration. Hence, their aspirations might need to be accounted for during the planning process, as the women, in particular, who stay back to engage in traditional livelihoods, may not be given due consideration by the community representatives during the planning process due to patriarchal norms. Therefore, it is highly essential that young marginalised women, preferably those who are literate, are prioritised as community representatives as they will contribute to ecological and social sustainability more effectively by addressing the concerns

of all community members. Direct representation of marginalised community members in the policy cycle significantly improves the efficiency and effectiveness of the policies, as observed by Agarwal et al. (2023).

The process of decision-making should be participatory, and the Hubli-Dharwad project on peri-urban resource management is an example. This initiative attempted to accord agency to marginalised communities- Dalits, Adivasis, women and landless groups by making them important stakeholders in the process of strategising resource governance (Halkatti et al., 2003). This method is akin to the “incremental approach” that has been advocated for environmental policy planning (Allen, 2003). One of the techniques used to make this process inclusive is that of Participatory Rural Appraisals (PRAs), which germinated specialised policy recommendations to respond to the interests of the marginalised proactively. A consistent pattern of community engagement was instituted that helped in effective information dissemination.

An important insight to be noted from this project is how land in "urban frontier" territories could be channelised for the generation of livelihoods in the peri-urban region by instituting proper land right systems that grant marginalised groups the opportunity to use these land parcels for community-centric development and keep it secured within the peri-urban space itself, instead of allowing the appropriation of this land for urban built-environment or real-estate purposes. Such participatory appraisals could be one of the methodologies that can be replicated in the case of East Kolkata Wetlands as well, apart from instituting appropriate land-tenure systems and livelihood opportunities for ensuring that fishing communities and farmers are not placed in a position to view real estate land prices as incentives to sell their land willingly to developers.

#### **4. Conclusion**

The major issues facing the East Kolkata Wetlands are that of illegal encroachment and sewage resource loss, stemming primarily from the absence of participatory urban planning approaches. The absence of provisions renders the management authority lapse and shields it from accountability. The defects in the statutes can be corrected by instituting a collaborative, more expansive participation from the marginalised communities, who should be regarded as the primary stakeholders, for effective wetlands conservation as evidence suggests that they most actively undertake wetlands protection as it forms a key necessity for their livelihoods (EKWMA, 2010). Wetlands conservation will be holistic and impactful if the adjoining native communities are institutionally empowered in the conservation process.

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## **About the Author**

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