SAFE AND INCLUSIVE CITIES

POVERTY, INEQUALITY AND VIOLENCE IN INDIAN CITIES: TOWARDS INCLUSIVE POLICIES AND PLANNING

Housing with secure tenure* is necessary for poverty alleviation, reducing inequalities and realizing the right to the city. However, the development paradigm in Indian cities plays a central role in creating and perpetuating insecure tenure for a large majority who are unable to access formal housing due to lack of affordability. This insecure tenure exposes them to chronic structural violence. While issues of tenure security in slums that are squatter settlements are widely known, we know less about informal commercial subdivisions that tend to dominate the urban peripheries in many Indian cities. These are residential developments on agricultural lands which have involved builders informally acquiring land from farmers, sub-dividing it into plots and informally constructing societies without taking planning and development permissions, and then selling the plots / tenements to generally low-income and middle-income households.

Ahmedabad’s southern periphery comprises of large areas of informal subdivisions, which have, due to religious segregation in the city since the mid-1980s and more so after the 2002 riots, developed as Muslim ghettos (see Box 1). One such locality is Bombay Hotel, comprising of about 25,000 households living in an area of about 1 sq.km, located beside the Pirana garbage dump along the Sarkhej-Narol highway. Numerous factors, including urban planning and governance, have played a role in shaping this subdivision and the conditions of tenure security and land conflict.

*Tenure is the mode by which land or a dwelling unit is held or owned. A continuum of tenure categories based on de jure rights and de facto rights, and thus a gradation of tenure security, has been identified in different cities.

AHMEDABAD POLICY BRIEF 6

BOMBAY HOTEL Tenure Insecurity and Land Conflicts in Informal Commercial Subdivisions

*Poverty, Inequality and Violence in Indian Cities: Towards Inclusive Policies and Planning,* a three-year research project (2013-16) undertaken by Centre for Urban Equity (CUE), CEPT University in Ahmedabad and Grwahati, and Institute for Human Development in Delhi and Patna, is funded by the International Development Research Centre (IDRC), Canada and Department of International Development (DFID), UK, under the global programme Safe and Inclusive Cities (SAIC).

The research analyzes the pathways through which exclusionary urban planning and governance leads to different types of violence on the poor and by the poor in Indian cities.

The CUE research takes an expansive approach to violence, examining structural or indirect violence (material deprivation, inequality, exclusion), direct violence (direct infliction of physical or psychological harm), overt conflict and its links to violence and different types of crime. We note that not all types of violence are considered as crime (for example, violence by the state), and not all forms of crime are considered as violence (for example, theft).

In Ahmedabad, the largest city of Gujarat state, the research focuses on two poor localities: Bombay Hotel, an informal commercial subdivision located on the city’s southern periphery and inhabited by Muslims, and the public housing sites at Vatva on the city’s south-eastern periphery used for resettling slum dwellers displaced by urban projects.

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EXCLUSIONARY URBAN PLANNING

For urban poor and low-income groups, resorting to informal commercial subdivisions for housing is linked to the failure of the state to provide formal housing that is affordable to them. This failure can be broadly attributed to two main factors. In cities across India, there are or have been legislations, urban planning mechanisms and housing programmes to provide affordable housing for the urban poor and low-income groups. However, these have been inadequate for providing adequate shelter for all, and the state has, moreover, often subverted them — or been complicit in their subversion — to cater to elite interests. At the same time, the urban development and urban planning paradigm has often been hostile to, or only selectively and intermittently tolerant of, the land and housing informalities that the urban poor and low-income groups have been forced to resort to in order to provide for their own shelter. In the case of Ahmedabad, some of the elements of the failure of the state leading to exclusionary planning are outlined below.

As in many other Indian cities, in Ahmedabad also, the acquisition of land under the Urban Land Ceiling and Regulation Act 1976 (ULCRA) was poor as loopholes were used to gain exemptions from acquisition, and even where acquired, the state did not seem to have used these lands for one of the intended purposes, that is, making land available to house the poor. In 1999, ULCRA was repealed by the Government of India rather than strengthening its implementation.

In Ahmedabad, the Town Planning Schemes (TPS), governed by the Gujarat Town Planning and Urban Development Act of 1976 (GTPUDA), provide a mechanism to urban local bodies for organizing and allocating land for socially and economically marginalized groups in urban areas. Under the TPS, which is based on the concepts of land pooling and readjustment, the urban local body acquires up to 40 per cent of all the land parcels in a particular area to provide infrastructure such as roads, water supply, and sewerage; as well as allocate land for social infrastructure such as schools and parks; public housing for socially and economically weaker sections (SEWS); and lands for sale. The remaining land is returned to the original landowners in the form of reconstituted land parcels, the value of which would have considerably increased due to the provision of infrastructure. The landowners have to pay half of the increase in this land value to the government in the form of a betterment charge. The lands for sale and the betterment charge are meant to help the government recover its costs. While the TPS has considerable scope to provide housing and services for poor and low-income groups, this has not been realized adequately.

In Ahmedabad, lands have been allocated for SEWS housing in the TPS, but a large proportion of the allotted lands have remained vacant or have been utilized for unintended purposes. In recent years, Ahmedabad Municipal Corporation (AMC) has built public housing under the Basic Services for the Urban Poor (BSUP) programme of the Indian government on many of the SEWS lands, but they have been used to resettle slum dwellers involuntarily displaced by urban projects rather than create additional housing stock for the growing urban poor population that is in search of affordable housing. Moreover, the allocation of SEWS lands has been uneven across the city; smaller percentage of land has been allocated for SEWS in the TPS for areas with higher land values, that is, areas which are expected to develop for affluent households.

Moreover, in many areas on Ahmedabad's periphery, TPS implementation has been delayed. This includes areas in the southern periphery such as Juhapura, Gjaspur, Makampura, Sarkhej, Makarba, Shahwadi and Dani Limda, which are predominantly Muslim. As a result, the areas have developed haphazardly, often as informal commercial subdivisions. Continuing delay in implementing the TPS in these areas has meant that residents have been denied the provision of basic services and amenities from the state. Moreover, the TPS preparation has provision of consultation with the landowners, and the residents of such informal developments do not qualify as landowners and hence are not recognized as stakeholders during the plan-preparation. Hence, when the TPS implementation begins, the residents living in the line of road, water and sanitation infrastructure provisions tend to face demolitions. Since TPS implementation has been delayed in most of the Muslim areas, the chances of AMC actually constructing SEWS housing on SEWS lands that is accessible to Muslims are also low. Moreover, the Gujarat Housing Board (GHB) has been revived in recent years by the Gujarat State Government, however, none of the housing being built or proposed through GHB funds for EWS (Economically Weaker Section) and Lower-Income Group (LIG) is located in Muslim areas of the city, and is therefore not accessible to Muslims.

The emergence of informal commercial subdivisions like Bombay Hotel and their tenure conditions is directly linked to the above dynamics of exclusionary urban planning that creates class and religious inequities in the distribution of land and other resources within the city.
INFORMAL LAND TRANSACTIONS AND INFORMAL DEVELOPMENT IN BOMBAY HOTEL

Muslim builders began to buy land in Bombay Hotel and develop sub-plotted schemes and housing societies in the mid/late 1990s. Development picked up in the area after the post-Godhra riots of 2002 as demand among Muslims for housing in “safe” areas increased. Some of the riot victims were rehabilitated here. Many poor and low-income Muslims from Hindu-dominated areas and Muslims from congested Muslim areas moved here. The locality also absorbed many Muslim migrants who came to the city from various parts of Gujarat and other states to earn a livelihood. While Bombay Hotel provided them with affordable housing and safety in a communally polarised city, tenure security is not consistently high. This is due to the informality in land transactions, the informal development of the land and the state’s attitude towards this informality.

Informal Rehabilitation of 2002 Riot Victims

Given the state’s unwillingness to rehabilitate the Muslim victims of the 2002 riots, Muslim charities stepped forward to undertake rehabilitation. Bombay Hotel was identified as one of the ideal spaces in Ahmedabad to rehabilitate the victims since it was located near the Muslim area of Shah-e-Alam and some Muslim builders had started to buy land here from the mid/late 1990s. Two rehabilitation colonies called Citizen Nagar A and Citizen Nagar B were constructed next to the Pirana garbage dump, and some of the victims from the Naroda Patiya massacre who had taken refuge in the Shah-e-Alam relief camp were allotted a tenement there.

Although financed by Muslim charities, the development of the Citizen Nagar colonies and allotment of tenements to the riot victims was undertaken by a prominent Muslim builder. He informally bought land from a landowner in the area through his political connections and constructed the colonies without any development permissions. The allottees in Citizen Nagar A were given allotment papers called “Baksheesh no Lekh.” This does not give legal land tenure although it does give them some level of legal claim to the tenement. Those who were allotted tenements in Citizen Nagar B were not given any documents and are also not allowed to make structural changes to their tenements. Some interviewees suggested that that the builder siphoned off money that was given for Citizen Nagar B. His people undertake routine surveillance here and threaten any resident who attempts to make structural changes to their tenement.

Informal Transactions, Subdivision & Construction

The informal transactions first took place between farmer landowners and builders. Land was sold by Hindu farmers to small and medium-scale Muslim builders who found Bombay Hotel to be a good opportunity to make profits out of the surge in demand for housing among low-income Muslims. The sale of land was not registered and was undertaken through stamp papers and power of attorney documents. The farmers did not obtain permission for converting their land to non-agriculture (NA) use, which is, more often than not, expensive and time-consuming (often also involving corruption), and is required in order to sell lands legally to non-farmers. A large “farmer” landowner of the area, having strong political connections, is also known to have informally bought land from other farmers using some coercion, and then to have informally sold the land to builders, many of whom were linked to a city-level political leader. Many land parcels have also changed many hands through informal transactions, sometimes getting divided into two or more parcels along the way, before ending up with the builder who finally developed it for residential purpose.

The builders subdivided their informally purchased land parcel into small plots keeping space for some streets and sold the plots to poor and low-income Muslims. Many builders first constructed tenements on the plots and then sold them. Buyers were lured with low monthly
TOWN PLANNING SCHEMES IN BOMBAY HOTEL

Delays and Impacts on Tenure Insecurity and Basic Services Provision
The Bombay Hotel area came under the AMC jurisdiction in 1975. It is covered under TPS 38/1 and TPS 38/2, for which surveys were done in 2003-04, almost three decades after the area came within the municipal limits and several years after some builders had started sub-plotting in the area. These two TPSs were approved by the State Government as Draft TPSs after a time lag in 2009 and 2006, respectively. Implementation of the Draft TPS 38/1 began after a time lag towards the end of 2013 (See Table 1) (the next stages of preparing the Preliminary TP and subsequently the Final TP, with sanction by the State Government at both stages, are yet to happen). In the intervening years, considerable amount of informal development had already taken place in the locality.

As a result of these delays, when the implementation began towards the end of 2013, it came to light that about 2,200 households were occupying the roads and reservation plots and their houses/shops would have to be demolished. While only part of some houses and shops have been demolished so far (due to protests discussed later), the tenure security of these 2,200 households is in limbo.

Implementation of the Town Planning Schemes in the locality has put the tenure security of 2,200 households at risk, therefore increasing the vulnerability of its marginalized residents.

Moreover, these 2,200 households would not be eligible to receive basic services as they are occupying roads and reservation plots. They are also not eligible to receive the NOC issued in slums by the AMC that entitles houses of less than 40 sq.m. area to receive services nor can they apply for the regularization of their construction under the Gujarat Regularization of Unauthorized Development Act (GRUDA).

Design of the TP Schemes
A large proportion of land in the TP Schemes has been reserved for roads while hardly any land has been allocated for open spaces (See Table 2). The residents are even apprehensive about the high proportion of land allocated for roads in one of the TP Schemes and sense some mal-intention. The allocation of land for SEWS housing is very low.

Installments (Rs. 10 a day to Rs. 1,000 a month) and nil or low down-payments. The transactions were informal, done through sale agreements on stamp papers called “Vechan Karar.” Most of the lands are still registered in the names of the original “farmer” landowners in the government land records (7/12 documents) because none of the transactions have been registered at the Collector’s Office. It is likely that the state authorities and state actors knew of the informal transactions taking place in the area (especially since political leaders were involved), but feigned ignorance and allowed the land to be informally sold and developed.

Informality in land transactions often resulted in spurious bookings where builders sold a plot of land to multiple people who then used various sources of power to stake claim over the land.

The subdivisions have been made and tenements constructed without following development regulations and getting the requisite development permissions such as No-Objection Certificates (NOCs). Since the municipal authority did not begin implementing the TPS for the area until end of 2013, which is one decade after the surveys were done for the TPS, the informal sale and development continued with ease over the years.
Table 1: Timeline of TP Schemes 38/1 and 38/2 (Source: Chief Town Planner’s Office, AMC)

<table>
<thead>
<tr>
<th>TP No.</th>
<th>Year of Area’s Inclusion in AMC Limits</th>
<th>Preliminary Land Surveys</th>
<th>Submission of Draft TP to State Govt.</th>
<th>Sanctioning of Draft TP by State Govt.</th>
<th>Town Planning Officer Appointed</th>
<th>Commencement of Implementation of Draft TP</th>
</tr>
</thead>
<tbody>
<tr>
<td>38/2</td>
<td>1975</td>
<td>2003-2004</td>
<td>August 2005</td>
<td>October 2006</td>
<td>October 2006</td>
<td>-</td>
</tr>
</tbody>
</table>

Map 2: Overlay of Draft TP Schemes 38/1 and 38/2 on Google Earth Image of Bombay Hotel

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Table 2: Land Reservations for Draft TP Schemes 38/1 and 38/2 (Source: Draft TP Scheme documents, AMC)

<table>
<thead>
<tr>
<th>Land Reservations</th>
<th>Norm (%)</th>
<th>TPS 38-1 (%)</th>
<th>TPS 38-2 (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>15</td>
<td>20.35</td>
<td>14.81</td>
</tr>
<tr>
<td>Parks, Playgrounds, Gardens, Open Spaces</td>
<td>5</td>
<td>0.38</td>
<td>1.35</td>
</tr>
<tr>
<td>Social Infrastructure (school, dispensary, fire brigade, public utility, neighbourhood centre)</td>
<td>5</td>
<td>1.14</td>
<td>4.51</td>
</tr>
<tr>
<td>Residential, Industrial, Commercial Plots for Sale</td>
<td>15</td>
<td>5.22</td>
<td>6.65</td>
</tr>
<tr>
<td>SEWS Housing</td>
<td>up to 10</td>
<td>1.65</td>
<td>4.62</td>
</tr>
<tr>
<td>Commercial Use</td>
<td>Not Available</td>
<td>-</td>
<td>1.35</td>
</tr>
<tr>
<td>Total land area under reservation*</td>
<td>-</td>
<td>28.74</td>
<td>33.29</td>
</tr>
</tbody>
</table>

*The remaining land area (i.e. the non-reserved land) would be returned to the landowners as reconstituted plots.
Exclusion of Informal Owners, leading to Tenure Insecurity and Protests
Under the GTPUDA, AMC is required to serve notices about TP Scheme implementation (and invite objections to this) only to landowners. Since none of the residents in Bombay Hotel legally own their plots, they did not receive information regarding the implementation status, leading to anxiety and insecurity. In some cases, AMC marked houses which fell on the reservation plots but did not give residents any information about the purpose of this.

"This lane is supposed to be demolished under TP scheme. We don’t know whether we will get a house or not. We have paid so much money and completed paying our installments just few years ago and now we fear this will get demolished. Many residents have fallen sick listening to people say that demolitions will take place. We don’t have enough money to purchase another house. All our life’s savings have been invested in buying this house."

In the absence of AMC’s formal engagement with the residents, they resorted to objection letters, rallies and protests organized by their local leaders against the demolitions. Some of the local leaders were threatened by local politicians who wanted them to stop the protests. However, the local leaders persevered and the local politicians came to extend their support to these protests, leading the AMC to implement only the minimal road widening required to provide services like drainage and water supply. As a result, demolitions have been minimized, at least for the time being, and no one has seen the demolition of their entire property. It is, however, unclear whether the TP Schemes will ever be officially modified or whether the residents will always live in a state of tenure uncertainty, open to demolitions in the near or distant future.

Basic Services Provision versus Insecure Tenure?
While plots have been reserved for various social amenities such as schools, parks, gardens and health centers in the TP Schemes, municipal officials say that these will not be implemented as the plots are encroached, and that the locality would have to suffer the non-provision of these amenities as a cost of this encroachment. This has pitched residents’ right to secure tenure against the right to basic services and amenities.

Short-term Deprivations
The TP Scheme implementation has created further chaos in the community to access services. For instance, lanes in which the drainage lines were being laid were dug up and water tankers were unable to enter them creating lack of potable water for residents of surrounding societies. In the case of electricity, those who had metered connections had to surrender their meters if their houses were slated to be partly demolished and had to pay for re-installing the meter once demolitions were over.

IMPACTS OF INFORMAL DEVELOPMENT AND NON-IMPLEMENTATION OF THE TP SCHEMES ON BASIC SERVICES PROVISION
For many years, the AMC refused to provide basic services such as water, drainage, roads and streetlights in view of the informal development in the locality. This has led to informal providers stepping in to fill the vacuum left by the state. The builders and other non-state actors provided basic services in the form of bore-wells for water and soak-pits (and later drainage lines) for drainage. However, this infrastructure was insufficient for the growing population of the locality. The water provided through bore-wells was inadequate in quantity as well as unfit for consumption. The soak-pits and drains frequently overflowed. When residents approached the AMC about these and other problems such as lack of roads and streetlights, the latter dismissed their pleas on grounds of illegality of the development and the fact that the State Government had not yet sanctioned the implementation for the area’s TPSs. The everyday lives of the residents was thus marred in deprivations around basic services; conflicts over problems arising out of these deprivations; and threats and coercion by the informal providers who exploited the residents’ dependence on them.

EFFORTS TO IMPROVE TENURE SECURITY: THE ROLE OF NON-GOVERNMENT ORGANIZATIONS, LOCAL MOBILIZATION, POLITICAL PATRONAGE
For almost a decade, the residents of Bombay Hotel lacked the political agency to effectively voice their needs and pressure the local state to provide them with services and implement TP Schemes in their locality. This has been gradually changing.

Upgrading Services and Legality
A Public Interest Litigation was filed in the Supreme Court by the Antrik Visthapit Hak Rakshak Samiti about the lack of basic services in the rehabilitation colonies built by charity organizations in Gujarat for the 2002 riot victims. The court judgment led to the provision of some services for Citizen Nagar. Some of these, such as the construction of a paved road also benefited residents of other societies in Bombay Hotel. NGOs such as Centre for Development and Sanchetana, local leaders, and local organizations have been creating awareness amongst residents of Bombay Hotel about their rights to
municipal services. They have assisted residents in applying for documents such as property tax bills and NOCs** in order to upgrade their claims to services and increase tenure security.

They have also organized rallies and protests to municipal offices and approached elected representatives. Some organizations have also encouraged residents to regularization their constructions by paying impact fees under GRUDA.

Many residents attribute the provision of some services by the AMC over the past few years to the election of a municipal councilor and a MLA from the Congress Party in 2010 and 2012, respectively. Prior to this, their municipal councilors and MLA were from the Bhartiya Janta Party (BJP). However, so far, basic services provision through political patronage has been uneven and mainly localities with more active local leaders with good links to these politicians have been provided with services such as drainage lines, water tankers, streetlights, and paving of internal lanes and roads.

**Protesting Demolitions under the TP Schemes**
The oppositions to the demolitions required by the Draft TP Schemes 38/1 and 38/2 and the role that this played in reducing tenure insecurity (at least for the time being) have been discussed earlier.

**POLICY RECOMMENDATIONS**
While TP Scheme as a mechanism for local planning through which land allocation and basic services’ provision can be done is recommended as it does not involve the time-consuming and often opposed process of land acquisition, many amendments to this planning process are required. These are recommended below:

- **Reduction in the time taken between the land survey and implementation of the TP Schemes.** Recently, the legislation has been amended to complete the survey, planning, approval and implementation process within three years so as to cause minimum displacements and minimize manipulations by builders.
- **Design of the TP Schemes according to the socio-economic status of the existing inhabitants.** For instance, they may not need very wide roads, and if more space is required for schools and health centres then land should be reserved accordingly.
- **In the fully developed areas, TP Scheme implementation would necessarily lead to displacement.** Instead, the public space requirements of a fully developed area, where TP Scheme is being implemented, should be adjusted in the neighbouring TP Scheme or through using existing public lands.
- **Once the TP Scheme is prepared, ensure adequate governance of reserved plots so that they are not encroached upon.**
- **The TP Act should be amended to broaden and deepen participation in the design and implementation of the TP Schemes.** This should involve engagement by the authorities with not only the area’s landowners but also residents who are living in informal settlements in squatter slums and informal commercial subdivisions. Slum upgrading approaches and resettlement within the same TP area in the case of any demolitions for TP implementation should be integrated into TP Schemes to make them more equitable and participatory.
- **Public housing schemes in Muslim areas of the city so that this group can also benefit from subsidized formal housing.**
- **At the locality-level in Bombay Hotel, immediate steps should be taken by the AMC to share information with residents about the TP Schemes, the process through which they were formulated and their progress.** If there are any deviations from the Draft TP Schemes currently in the public domain, the AMC should have a dialogue on this with the residents, including women. This is important for building faith amongst residents for the TP Schemes and ensuring that the schemes benefit them.

**Research Methods**
- Locality mapping and community profiling
- Ethnography + ad-hoc conversations
- 16 Focus Group Discussions (men & women)
- 21 individual interviews (local leaders, water operators, etc)
- Interviews with political leaders & municipal officials

**This NOC (No Objection Certificate) refers to the document issued by a municipal ward office which entitles residents of economically weaker sections in slums who have a house less than 40 sq.m. to receive basic services such as water and drainage.**