

## **Negotiation claims and contestation for the urban poor seeking shelter and land**

### **Redevelopment, Rehabilitation and Resettlement: A road map for claims to shelter in the city of Nanded**

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In the last 2 decades urban centers have seen massive transformation in its landscape. This transformation has resulted in large scale dispossession of people from their habitats and livelihood. In the case of poor in the city, they are left to fend for themselves for shelter, civic amenities and other facilities. Moreover state considers their dispossession legitimate as more often than not land occupied by them is considered to be encroached by the dwellers. In the recent years claims to land and shelter has only come their way via redevelopment, rehabilitation and in very rare cases upgradation. Since the era of globalization and liberalization, dynamism of market has been considered as a magic potion for everything to do with welfare. This has resulted in dispossession, pauperization and uprootment of poor.

The current paper is drawn from learning's in the field during our study " BSUP Nanded: A study" (*Nanded BSUP: Ek abhiyas*) conducted in the year 2013. Study covered 75 case studies from 15 settlements where BSUP was implemented. Equal number of samples were taken from gunthewari plots, municipal plots and from state and central government plot. The methodology of examination has been on two levels. At one level the author has put in the personal experiences and observations while in the field mapping people's problems and struggles for sustainable habitat. At the second level author has made use of data from secondary sources both published and unpublished - reports of GOI, NGO reports and relevant material available on the internet. Some of the work of the internal report of Committee for The Right to Housing has also been used in different places in this paper.

The grammar of urban transformation has been guided by 3 narratives –

1. Contribution of urban areas toward national development is more than the rural areas.
2. Population of urban poor has increased considerably and therefore urban infrastructure is crumbling.
3. Development has largely not been inclusive and therefore there is an increase in population of urban poor deprived of life of dignity.

Approach paper for the 10<sup>th</sup> 5 year plan mentions that urban centers are drivers of economy and therefore the need to develop cities and via this development bring in equity in cities. The above mentioned narratives have propelled investment in urban centers with urgency. However preparation of cities for future investments has resulted in dispossession of poor in the city. In the year 2006-7 Government of India announced Jawaharlal Nehru Urban Renewal Mission to rejuvenate urban centres through it 2 sub missions of Urban Infrastructure and Governance and Basic Services of the Urban Poor. The focus of my presentation shall be on the second submission, Basic Services for the Urban Poor (BSUP), a slum redevelopment and rehabilitation project under JNNURM. However this process created a multilayered deprivation, discrimination and violence, and struggle to hold and sustain transition of redevelopment and then sustain the rehabilitated household.

BSUP submission had focused attention towards integrated development of basic services for the urban poor in the cities covered under the mission. It was geared towards providing security of

tenure at affordable price, improved housing, water supply and sanitation with ensuring delivery of other basic services like education, health and social security. BSUP was implemented in 64 cities across India that included 7 metro cities, 28 B class cities and 28 C class cities. Nanded was a C class city that was entitled for 80% funds from Central Government. JNNURM was to be implemented in 2 phases, 1<sup>st</sup> phase till 2007 and the second phase till 2012 and ultimately has been given an extension for completion of projects till March 2017. The first phase was to be implemented for preparation of the city for 300 centenary year celebration of Guru Gobind Singh. The first phase of implementation of BSUP was to be done in the Gurudwara area and second phase was to be extended to the entire city.

**City profile Nanded** -Nanded is a city in Maharashtra State, it is the 8<sup>th</sup> largest agglomerate of the state and second largest city in Marathwada region after Aurangabad. It is located on the banks of Godavari river. Nanded is major place of Sikh pilgrimage because of 10<sup>th</sup> Sikh Guru, Guru Gobind Singh made Nanded his final abode. As per 2011 Census the population of Nanded was 559564 of which 48.6 % are Hindus, Muslims are 37.59 %, Buddhist are 15.35 %, Sikhs are 2% and others are 1%. Agriculture is the main occupation, followed by tourism – religious tourism. The economic base of Nanded is currently reliant on tertiary sector trade and commerce followed by education, tourism, health and transportation.

Implementation of BSUP will have to be looked in a very systematic way so as to bring out deprivation and struggle and discrimination faced by poor during implementation of BSUP. Numerous cities like Ahmedabad, Hyderabad and many other in which JNNURM was being implemented have facilitated evictions and shifting urban poor to far flung areas from high density, low rise informal settlements to flats without their willingness. However Nanded approached BSUP largely via in situ redevelopment. Through this approach NWCMC converted a large number of kutcha houses on State and Municipal own land as well as gunthewari or unauthorized layouts to pucca houses. The same was also intended to upgrade basic services and infrastructure in these plots.

The first instance of implementation of BSUP started with widespread clearance of settlements and vendors around Gurudwara. The areas around Gurudwara was inhabited by shops, residential tenements that were directly or indirectly associated with activities related to Gurudwara. Only the ones who could prove some legal documentation of land were rehabilitated and remaining were left to their own devices destroying both their habitats and livelihoods. Many of the uprooted household were living on rent found no space in the project. A struggle was initiated by **Nagri Hakk Aandolan** along with eminent citizens but nothing could be achieved. To begin with they were assured of some rehabilitation far from Gurudwara after the completion of rehabilitation of households with some form of ownership documents. After 10 year they have nothing in hand and this long wait have broken their spirits. People have strived hard to rebuild their lives and no more trust the local bodies for any relief.

The second very interesting change that preceded launch of BSUP was adoption of a slum policy that enabled a settlement of 25 households with inadequate infrastructure was to be identified as slums. This drastically increased the number of slum settlements from 58 to 252. What is interesting to note here that the gunthewari plots at the periphery of the city were all included as slums.

Some fact about Nanded will be interesting to note here.

- Of the 252 slums identified 10-15 % slums were on municipal land, 5% on state and central government land, 80% were gunthewari plots.

- It is also interesting that the land area of Nanded municipal corporation has increased by 51 % in the last 2 decades and it has increased by extending the municipal limits in this peri urban gunthewari plots.

What is a gunthewari layout? A gunthewari layout is unauthorized layouts formed through sub division and sale of privately owned agricultural land for residential purpose without taking permission for non agricultural use.

The treatment of gunthewari as slums for the purpose for implementation of BSUP raises a number of questions – was this decision used to facilitate building of infrastructure and amenities, was it used to favour the builder lobby who would gain immensely from the redevelopment of kuccha houses to pucca, or was it implemented to legitimize of the unauthorized layout and tenements. The reality of these gunthewari private plots was not of security of tenure or houses but of issues of lack of amenities and infrastructure like pathways, water sewer lines, lighting, toilets etc. Earlier infrastructure and amenities were denied on these plots because municipal authorities felt that these plots were haphazard. The Detailed Project Report proposed realignment of tenements for better infrastructure and amenities however stiff resistance from people resulted in implementing of projects on the same footprints. The question here then is that whether a project for rehabilitation, in situ in this case was the only way by which poor in the city could gain access to infrastructure and amenities and benefit builder lobby.

People have had to struggle even after completion of construction of houses to get amenities functional, till last year many of the households of Laxmi Nagar at the periphery of Nanded were not connected to the sewer lines. In redeveloped communities like in case of Mehboob Nagar, Vitthal Nagar, Laxmi Nagar and Maltekdi for the provisions of basic amenities an additional amount of Rs.1100 for open category and Rs.500 for SC/ ST category was charged with an added bribe to the local authority to do the job in reasonable time.

Selection of beneficiaries has been another concern raised by the “BSUP Nanded: A study” our study in 15 settlements of BSUP. None of the slum settlement were fully covered. The coverage was between 80 % in Jai Bhim Nagar to 50% in Tehra Nagar. Official documents claim that beneficiaries were selected based on human development index with focus on identifying the most vulnerable. However we found out that the most vulnerable were left out from the project. Our study found that burden of ineligibility was high on women headed households, people staying on rent, locked structures at the time of survey and people who were reluctant to pay the beneficiary contribution and did not have the money to pay. The scheme also favoured rewarding those who had land ownership. The struggle of people started on many fronts just to get their names included. Then came the question of beneficiary contribution, an amount of 18,000 for Schedule caste and schedule tribe categories and for open categories 23500 was a very high amount where the household income in slums does not exceed 8-10,000 Rs. Flexibility was practiced while collecting the beneficiary contribution, the demand to pay in installments was accepted but only in the first phase of implementation. The installment was between 2500 to 5500 Rs depending upon the capacity of the beneficiary to pay. However after 2007 beneficiaries were asked to pay the full amount.

The delay in project implementation has left families’ economic conditions irreparable. With no rise in income, additional expenditure on rent, extended construction period, longer travel time to work, longer travel time to school has left rehabilitated families fatigued and economically drained. Many of them will take a long time to raise their head from the debt that they have been forced into.

Innumerable delays in payment to contractors led to a demand of self development. Therefore some houses are developed through contractors and few on by the self development model. The houses constructed on a self development model have expanded their use spaces in accordance with resources at their disposal. While the ones that were redeveloped by contractor follow a homogenized model. Our study showed that the usable space for many household has reduced as stringent building construction norms were followed. Also the quality of constructions was found to be compromised with cracked walls, leaking ceilings and crooked platforms.

In situ rehabilitation has largely taken away the sufferings of resettlement in far flung areas but has opened newer areas of concern. We have seen the municipal corporation of Nanded extremely accommodating to emerging issues yet it is far from being a comfortable process.

In conclusion the entire question of in situ redevelopment raises 4 fundamental questions -

1. Is redevelopment the only way in which poor in the city get access to Civic amenities and infrastructure. Experience of Nanded redevelopment shows that these same communities were denied basic services like water, sewerage and electricity by the fact that they are haphazard and not planned.

2. Even when progressive schemes like BSUP in situ rehabilitation is implemented with all possible flexibility residents still have to engage on multiple levels to get the development completed best suited to the needs of the residents. And in this kind of negotiation often the most vulnerable, with less or scarce resources get left out as they lack means to negotiate with authorities. At the same time the ones with resources can manage to negotiate developments to their benefits.

3. This is also an outcome of more individualist developments that are propagated by the current development model over the development of community commons that are increasingly become rare. It is easier to take over individual entitlements in exchange of monetary benefits but difficult to hold on to community commons. Ensuring construction of community commons enables people to collectively hold on to the land under their occupation. Maintenance and use can pose a problem of community commons and can be addressed through sensitization and education.

3. And finally - is redevelopment the only means of ensuring equity and life of dignity for the poor in the city. The places that they inhabit are living hell and definitely need some investment, reorganization and transformation.