

basti ki (pari) bhasha



Imaginations for new directions in planning from Indore



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Imaginations for new directions in planning from Indore

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Jadhav, members of mohalla samiti - Indrajeet Nagar and
Rahul Gandhi Nagar

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ABOUT THE BOOKLET

Casually grabbing at the wall, Savita managed to pluck out a chunk of concrete cover, which crumbled like sand under her lightly crushing fingers. 'They built us towers with Parle-G biscuits', Savita quipped. 'Is this supposed to stand for the 20 years it will take us to pay back our loans?'

Savita's is one of the families relocated from a settlement near the city centre to a rehabilitation site located in the outskirts of Indore, with many more in the pipeline to face similar intervention. She is speaking to a researcher from Youth for Unity and Voluntary Action (YUVA) about her experiences of eviction, relocation and rehabilitation, and the planning decisions that led to them.

Set in the transforming urban landscape of a tier two Indian city, steered by centralised planning instruments which are working towards their grand visions in silos, this interaction is

the earliest among many as part of a study conducted by Youth for Unity and Voluntary Action (YUVA), in collaboration with the Indian Institute for Human Settlements (IIHS).

The two major components of the study – research and capacity building - focused on the articulation of a 'slum' within planning instruments and the implications of consequent interventions on the status of urban poor settlements in Indore, colloquially known as *bastis*¹ and legally notified as 'slums'.

Initially, the intended outcomes of the study were a report bringing together different modes of data work with relevant case studies, and periodic capacity building

¹ 'The Hindustani word *basti* comes from its root *basna* (to settle) and means, quite literally, settlement. Colloquially, it invokes an image of an impoverished settlement often made of temporary or *kuccha* materials that reflects in its form the vulnerability of its residents. In English, the *basti* is often reduced and referred to as a "slum".' (Bhan, 2014).

workshops with residents and community groups. However, as the study progressed, it became clear that there needs to be a separate outcome that strings together records of narratives like Savita's.

The research team interacted with residents of bastis through interviews, trainings, community led research, community gatherings like mohalla sabhas and self-help group meetings, community led research and a collaboration with Nav Nirman Manch – a city level people's movement.

The narratives from each interaction functioned as an independently valuable strand making up the larger commentary on planning in Indore being investigated by the study. It was felt that a collection of these chapters would serve as a medium to communicate different articulations of and active engagements with planning as they occur in a range of landscapes that represent the

social, economic, political and physical diversity among bastis in Indore. Extending from a longer timeline of people's engagement with planning in Indore, the chapters in the booklet speak of current experiences of active planning interventions in different parts of the city with references back to earlier episodes.

Responding to large scale evictions in the late nineties, residents of bastis formed the Juggi Basti Sangharsh Morcha (JBSM), a people's group to advocate for land and housing rights of basti residents. In 1998, JBSM, in collaboration with other community groups, individuals and organizations, brought residents of bastis together to participate in drafting the Indore Development Plan (IDP) 2021.

By recommendation from a group member, that they should advocate for basti related issues as part of larger city level issues, the group began taking up an active role in city

planning processes under a renewed identity as Nav Nirman Manch (NNM).

The collective action regarding IDP 2021 is one of the notable movements that offered a momentum and vocabulary related to planning at an individual and community scale, centred on the rights of the marginalised population of the city.

The booklet outlines participation at these scales in the form of perceptions, articulations, narratives of experiences, debates and formulation of plans for action, recorded in bastis and rehabilitation sites of Indore during the planning study.

These interactions are set in the final years of IDP 2021 alongside interventions of centrally sponsored schemes for housing and infrastructure, like the Pradhan Mantri Awas Yojana (PMAY), Smart Cities Mission (SCM) and the Swachh

Bharat Mission (SBM). The Master Plan and schemes are set inside a legislative framework drawn by acts such as the National Green Tribunal Act, 2010, the Patta Act, 1984, the M.P. Nagar Palika Rules, 1991 and the M.P. Slum Areas (Improvement and Clearance) Act, 1973.

These instruments set the tone for state and people led planning processes in Indore and their interaction. The seven chapters in the booklet depict the engagement of residents of bastis with the various forms of manifestations of these instruments on ground.

This booklet takes character inspirations from some of the most passionate among the residents and community leaders who advocate tirelessly for the basti's rights to the city. This booklet was made possible within the much larger scope of their work and its influence.

Of the many forms we imagine this booklet will assume, we hope that it will add to the memories remembering the contributions of Suresh Chandana, a resident leader of Annabhau Sathe Nagar and a member of Nav Nirman Manch, who was a pivotal link between the study and its site of engagement. His courage to question, his perseverance for justice and his optimistic leadership offered crucial direction to many people-led movements in Indore, as they did to this study.

The legacy he left behind is embedded in the larger consciousness of justice that is sustained and strengthened through the many bodies of work built on the hardwork and inspiration of leaders like him.

Ranjita and Pooja are field researchers for the YUVA-IIHS study *Examining the 'Slum' in the Narratives of Urban Planning Processes* (referred to as the YUVA-IIHS study in the following pages). They are in North Toda to map the status of physical and social infrastructure, form, material typology, and tenure security available to residents in North Toda basti. Ranjita is a resident of Rahul Gandhi Nagar, a *basti* located on *kaankad*² land amidst agricultural fields to the South East fringe Indore. Pooja is a resident of



2 | Kaankad is the colloquial term for the thin stretch of land between two agricultural lands. In Indore, settlements which grew over such lands have the word *kaankad* attached to their names. They are usually settlements of migrants into the city or of those households displaced from the interior of the city who built their homes on these strips after arriving upon an agreement with the farm land owners or nearby village committees.

lies on land reserved for the economically weaker section (EWS), to the South West fringe of the city.

They are comparing their field notes from different *bastis* and rehabilitation sites that they visited over the course of the study from the point of view of the *bastis* they live in.



CHAPTER 1

NORTH TODA is a 50+ year settlement, one of the oldest *bastis* of Indore, located in the central historical precinct, along the River Khan.

The *basti*'s first eviction was 20 years ago for the construction of a bridge. A part of the *basti* was relocated to a rehabilitation site near the periphery. The northern segment remains on the riverbank, with fresh threats of eviction in light of central schemes, including the Smart Cities Mission (SCM) and the Pradhan Mantri Awas Yojana (PMAY).

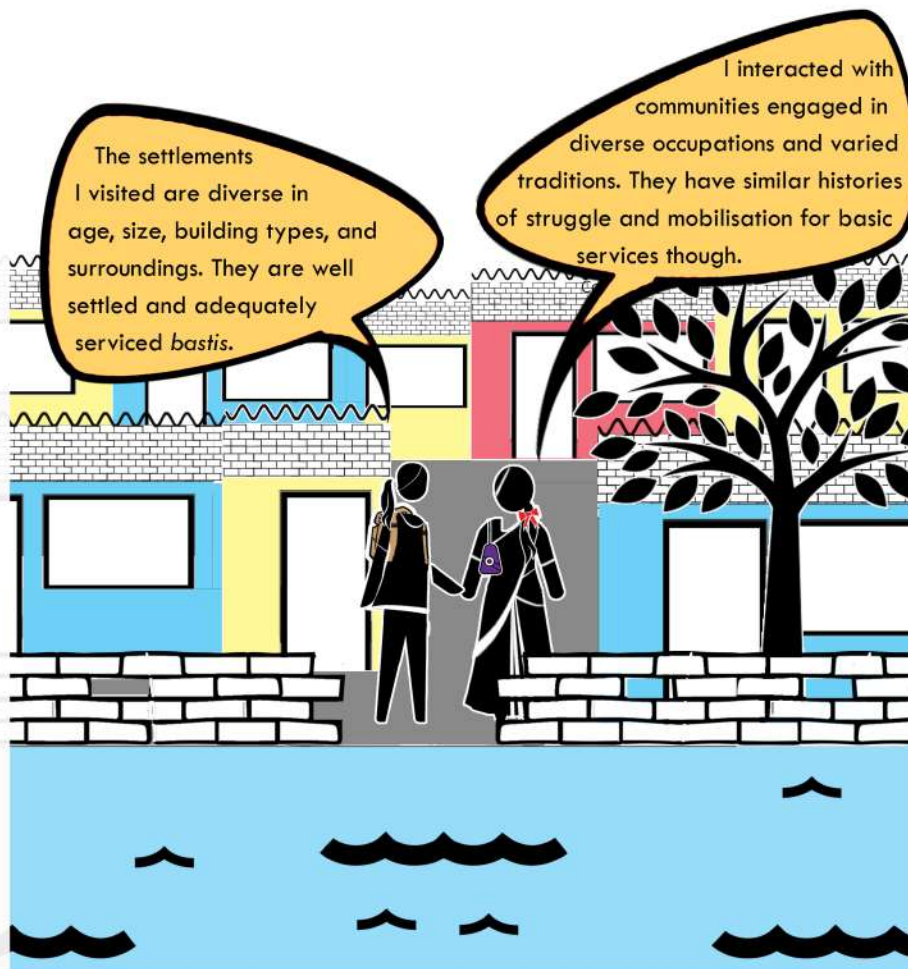
The *basti* is prone to flooding during monsoon and has come under scrutiny of the High Court order to clear the river bank of all encroachments 30mts from its edge.

According to the data collected for the YUVA-IIHS study:

95.5% of 269 dwellings sampled from select 'slum' lists are pucca as defined by the National Sample Survey (NSS), and in 52% households of the sample the latest structural addition was done in the last 10 years. The age of the settlements of these structures is between 22 years and 60 years.

58.5% of the sampled dwellings have year-long access to water supply source within 100m and only 2% use water from private sources.

82.5% of the sampled dwellings access individual toilets connected to closed drainage.



According to the Slum Free City Plan of Action prepared for Indore in 2013:

28.56% categorised 'slum' households have house water connection and another 26.08% source water from public standposts.

84.95% categorised 'slum' households have in house toilets connected to the city wide sewerage system, with only 5% of these connected to open drains.

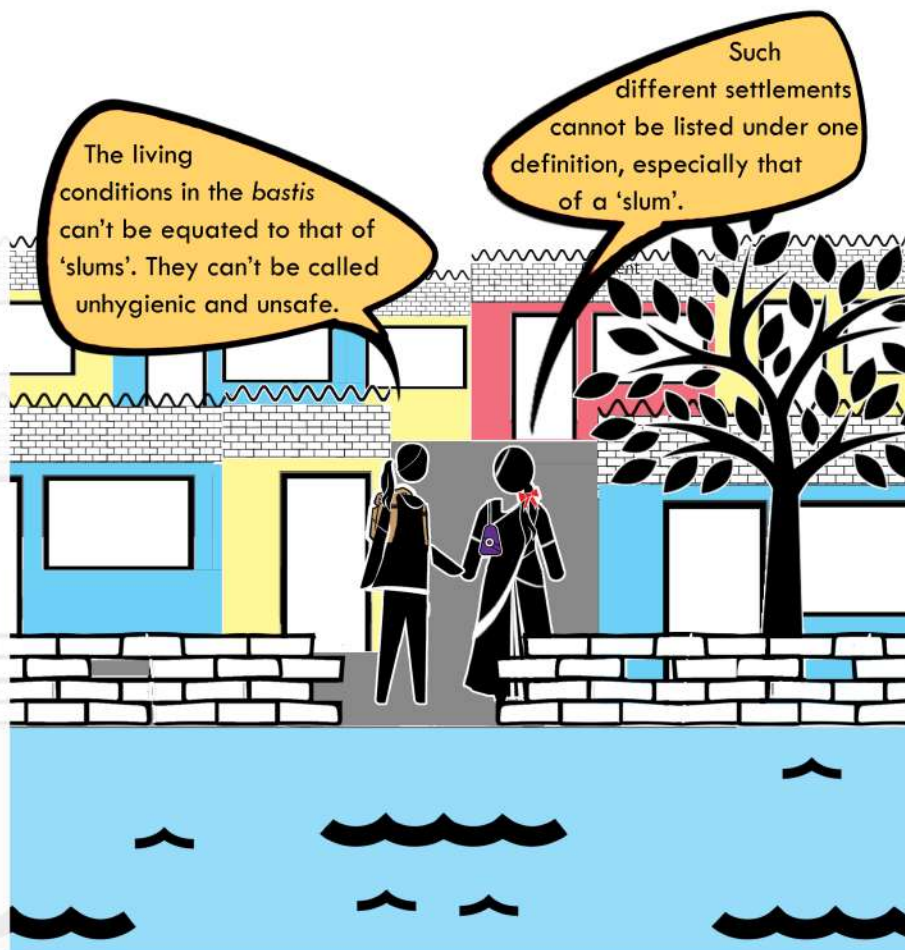
53.81% total road length in settlements categorised as 'slums' is covered by storm water drains.

LIVING CONDITIONS IN BASTIS IN INDORE

Declaration of slum areas from the Slum (Clearance and Improvement) Act, 1956:

‘(1) Where the competent authority upon report from any of its officers or other information in its possession is satisfied as respects any area that the buildings in that area -

(a) are in any respect unfit for human habitation; or
(b) are by reason of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health or morals, it may, by notification in the Official Gazette, declare such area to be a slum area.’
(Government of India, 1956)



BASTIS IN 'SLUM' LISTS

Few slum lists prepared for Indore for intervention:

IMC, 2008:

712 settlements

Census, 2011:

613 settlements

IDP 1974 to 1991:

69 settlements

IDP 2008 to 2021:

404 settlements

PMAY slum list 2015:

646 settlements

SFCPoA, 2013:

599 settlements

IMC - Indore Municipal Corporation

IDP - Indore Development Plan

PMAY - Pradhan Mantri Awas Yojana

SFCPoA - Slum Free City Plan of Action

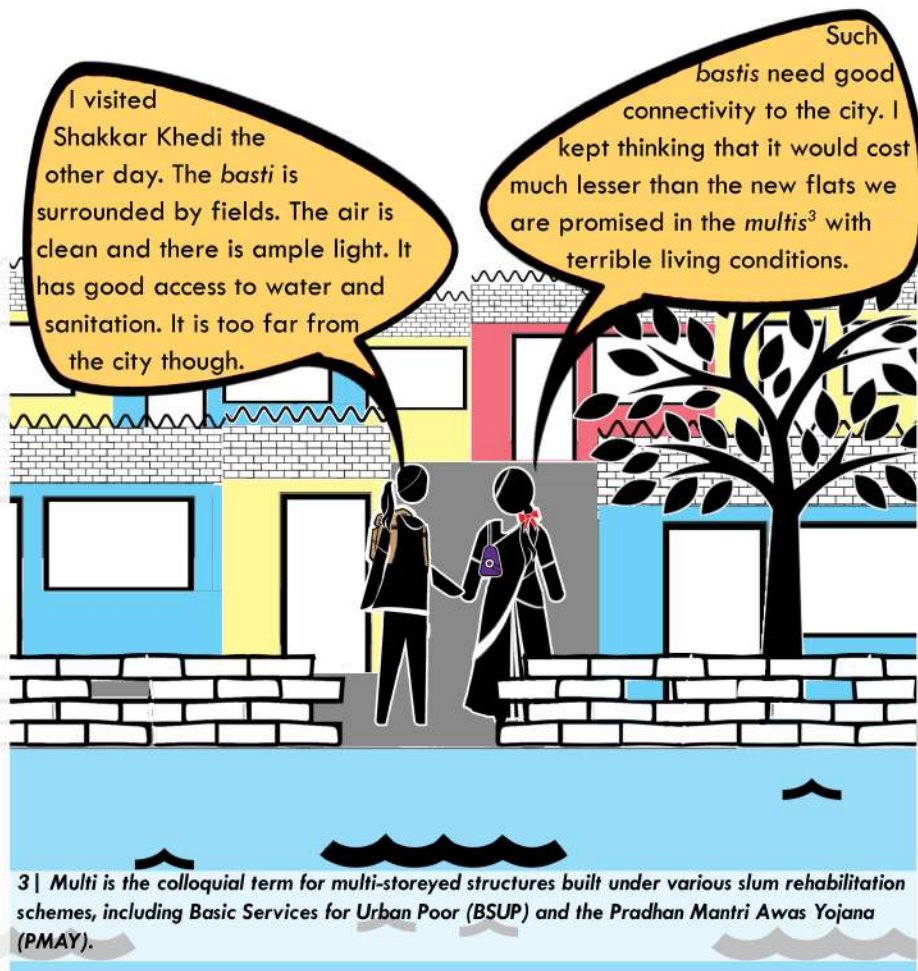
According to the data collected for the YUVA-IIHS study:

Households in 77% of 269 dwellings sampled from select 'slum' lists travel more than 2km for a government hospital.

Households in 70% of the sampled dwellings do not have access to a community centre inside the settlement.

Households in 79% of the sampled dwellings live in settlements without a designated open space within 1km.

Children in 29% of the sampled dwellings travel more than 1km for a primary school and more than 5km for higher standards.



According to the data collected for the YUVA-IIHS study:

Of the 193 households that reported cost of construction, 76% spent less than 1.5 lakhs on construction of home.

Cost of construction of a new flat under the In Situ Slum Rehabilitation (ISSR) and the Affordable Housing in Partnership (AHP) components of PMAY in Indore is estimated at 7.75 lakhs of which 2 lakhs will be beneficiary contribution.

Households in 33.5% of the sampled dwellings make less than 1lakh a year and those in 38% make less than 2 lakhs a year.

WHAT DO BASTIS NEED?

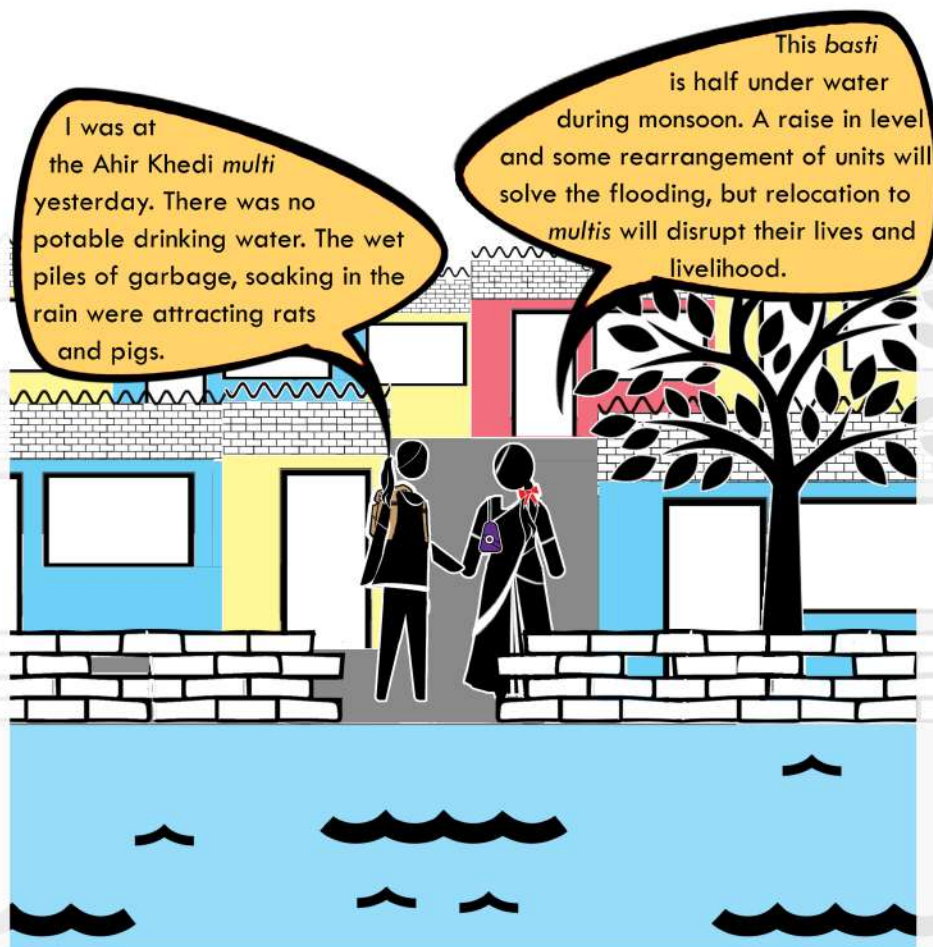
The report of IDP 2021 lists previous attempts to intervene into 'slums' including:

1. Integrated city development programme by IMC and UNICEF, 1983–1987

2. UNICEF programme for provision of basic services, 1987–1994

3. City wide sanitation programme by the Overseas Development Administration (ODA) and Indore Development Authority (IDA), 1989–1997

The report observes that the failure of these programmes is on account of setting impossible goals, not converging with efforts of non-governmental organisations and not taking people's needs and aspirations into account.



BASTI OR MULTI?

As part of its goal to meet housing requirement of the urban poor, PMAY proposes to leverage the locked potential of land under 'slums' to provide houses to eligible 'slum' dwellers, in-situ.

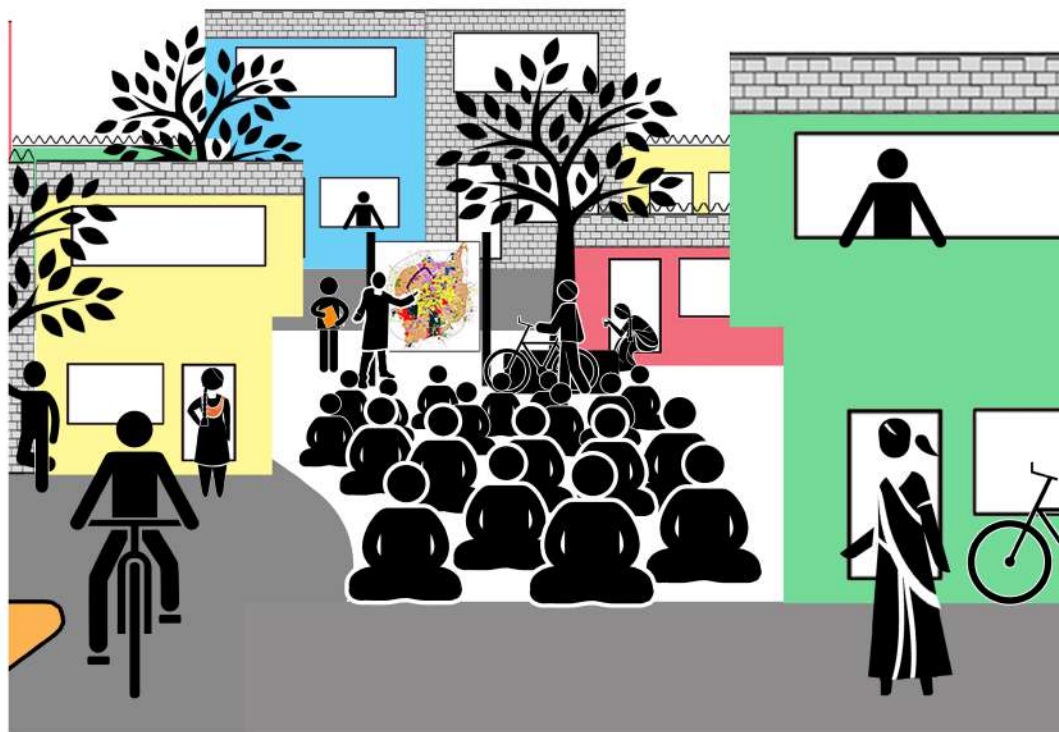
However, stating unviability of in-situ projects, the scheme is proposing relocation of 11 'slums' under ISSR in its first phase and 38 'slums' under AHP in its second phase.

The scheme has already relocated bastis from different parts of the city into five existing BSUP sites located near the fringe of the city.

The residents of Shiv Nagar *basti* are gathered for a discussion on Master Plans as part of the planning study conducted by YUVA and IIHS. They are locating Shiv Nagar on the land-use plan of Indore Development Plan (IDP) 2021 and understanding the implications of industrial land-use reservation on their settlement, especially in light of latest information that the access road adjoining the *basti* is demarcated for widening, threatening to demolish rows of dwellings.



The conversation between the residents and study facilitators is deconstructing different rights and claims to land and the articulation of 'violation' of planning norms within these relationships.



CHAPTER 2

SHIV NAGAR is a 50-year-old *basti* with 1,000+ households, located to the western fringe of the city. The area has experienced accelerated industrial development in recent years. Households in Shiv Nagar have leaseholds to the land through the Patta Act, 1984 and a majority of them pay property tax.

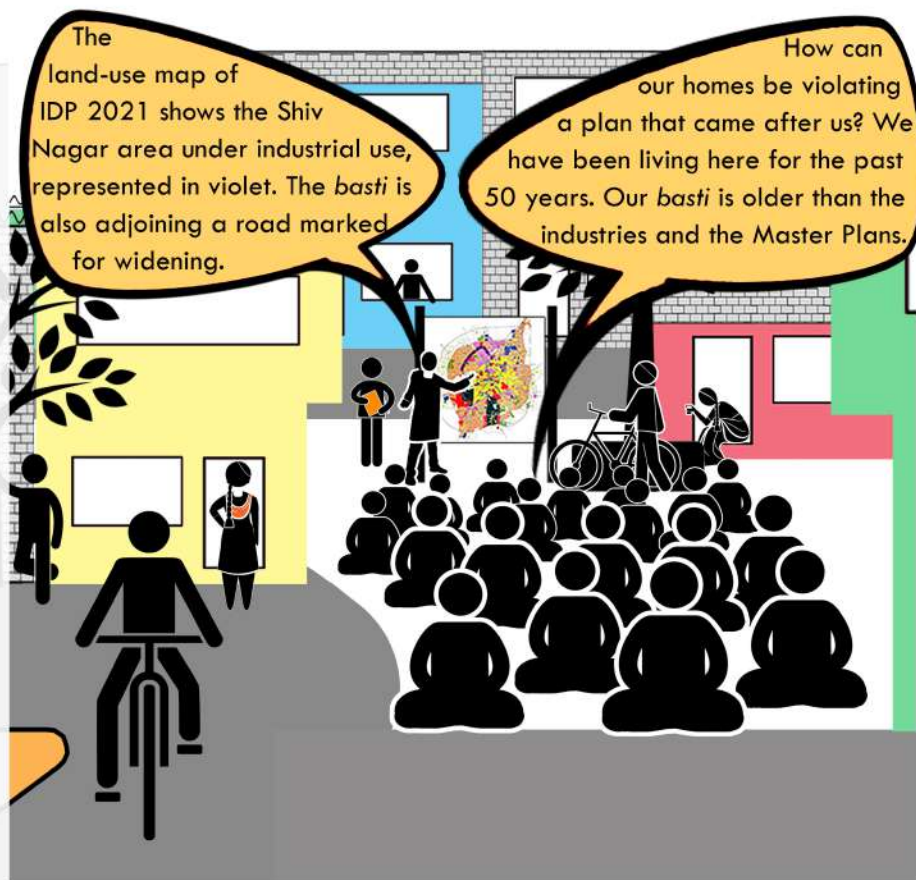
IDP 2021 published in 2008 reserved the area for industrial use, imposing a 'violation' on the *basti*, making it unauthorised. The residents are hearing of eviction to accommodate the widening of an adjacent road. The *basti* is also noted in the Pradhan Mantri Awas Yojana (PMAY) 'slum' list, for relocation under Affordable Housing in Partnership (AHP) in phase II.

IDP 1991 lists 69 bastis as 'slum' areas and jhuggi jhopri clusters. It proposed the relocation of 35 and improvement of 34.

The decision to relocate or improve was not based on land-use. It was decided based on tenability derived from conditions of surroundings.

IDP 2021 lists 637 bastis and maps 488 as 'slums'. 66% of the mapped 'slums' are located on residential use.

Similar to IDP 1991, IDP 2021 does not differentiate proposals for relocation and improvement of 'slums'



BASTIS AND MASTER PLANS

According to the data collected from a sample of 109 'slums' for the YUVA-IIHS study:

82.59% of the sample are on land owned by IMC or the collector.

80.64% show households predominantly with legally recognised documents of tenure—registered land titles or patta from the Patta Act, 1984 or economically weaker section (EWS) land reservation from the M.P. Nagar Palika Rules, 1999 or an occupation certificate given after resettlement by the state.

62.38% of the 'slums' from the sample are on land reserved for residential use under IDP 2021 and 10.09% are on mixed land use, including residential use.

In the capacity building sessions conducted as part of the YUVA-IIHS study, relationship to land in terms of rights and violations in the planning context have been discussed.

A few terms used in the context of legitimacy of 'slums' were introduced:

1. **Unauthorised** - in violation of land-use
2. **Untenable** - unfit for living
3. **Encroachment** - occupation without leasehold or title
4. **Non notified** - not present in the notified 'slum' list.

Shiv Nagar was not shown in the existing land-use map for IDP. The land was then proposed for industrial use. Now, the basti stands in violation of IDP 2021, making the dwellings unauthorised constructions.



Of the 109 'slums' sampled for phase I of data collection for the YUVA-IIHS study

24 'slums' were authorised, and tenable with legal ownership of land.

6 out of the 24 are listed under phase I and phase II of PMAY implementation, to be intervened under ISSR or AHP components of the scheme, both of which involve relocation for rehabilitation.

10 out of the 24 slums are present on the slum list prepared for PMAY if not phased yet.

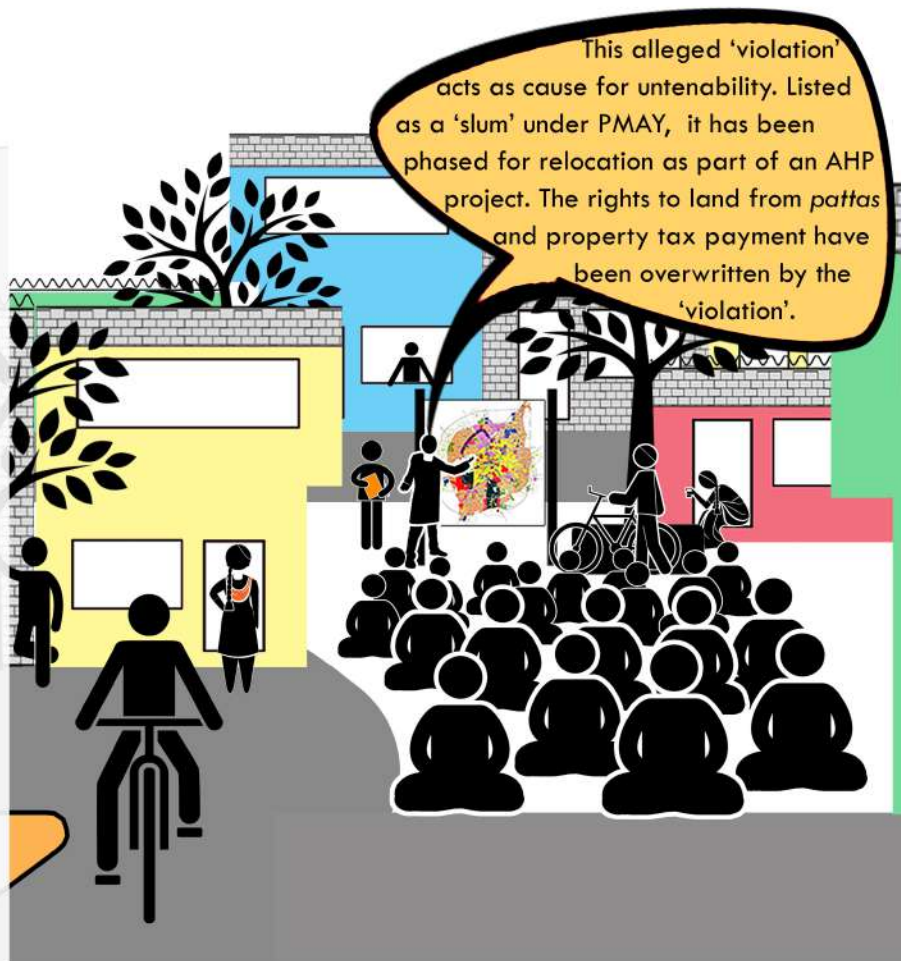
PLANNING 'VIOLATIONS'

The Patta Act, 1984: The Madhya Pradesh Urban Landless Persons (conferring tenure rights) Act 1984.

The Act provides for **settlement of leasehold to the urban landless on the site of occupation itself.**

Many basti households in Indore benefited from this Act, both in their original and resettlement sites, at different stages of amendment of the Act in the years 1984, 1998, 2003, 2008, 2013 and, most recently, in 2018.

The period of leasehold varied between one year and **30 years**, based on the site of occupation.



This alleged 'violation' acts as cause for untenability. Listed as a 'slum' under PMAY, it has been phased for relocation as part of an AHP project. The rights to land from *pattas* and property tax payment have been overwritten by the 'violation'.

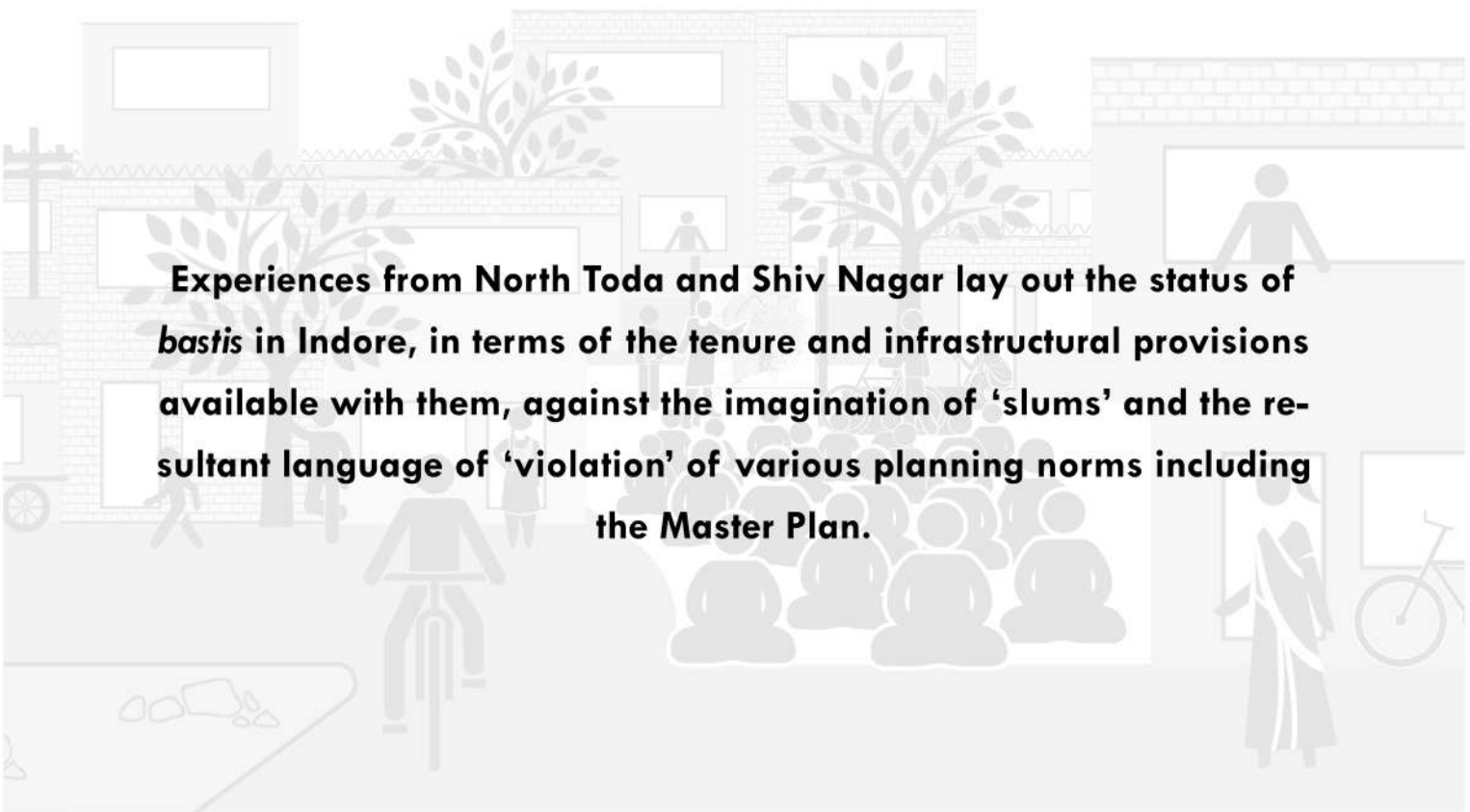
In the capacity building sessions conducted as part of the YUVA-IIHS study, different rights to land and the enabling tenure provisions were discussed:

To occupy - *khajja patra*
And mortgage - *patta*
And inherit - *patta*
And sell/transfer - land title

Other documentation that acts as proof of residence and the strength of each for a claim to land were discussed:

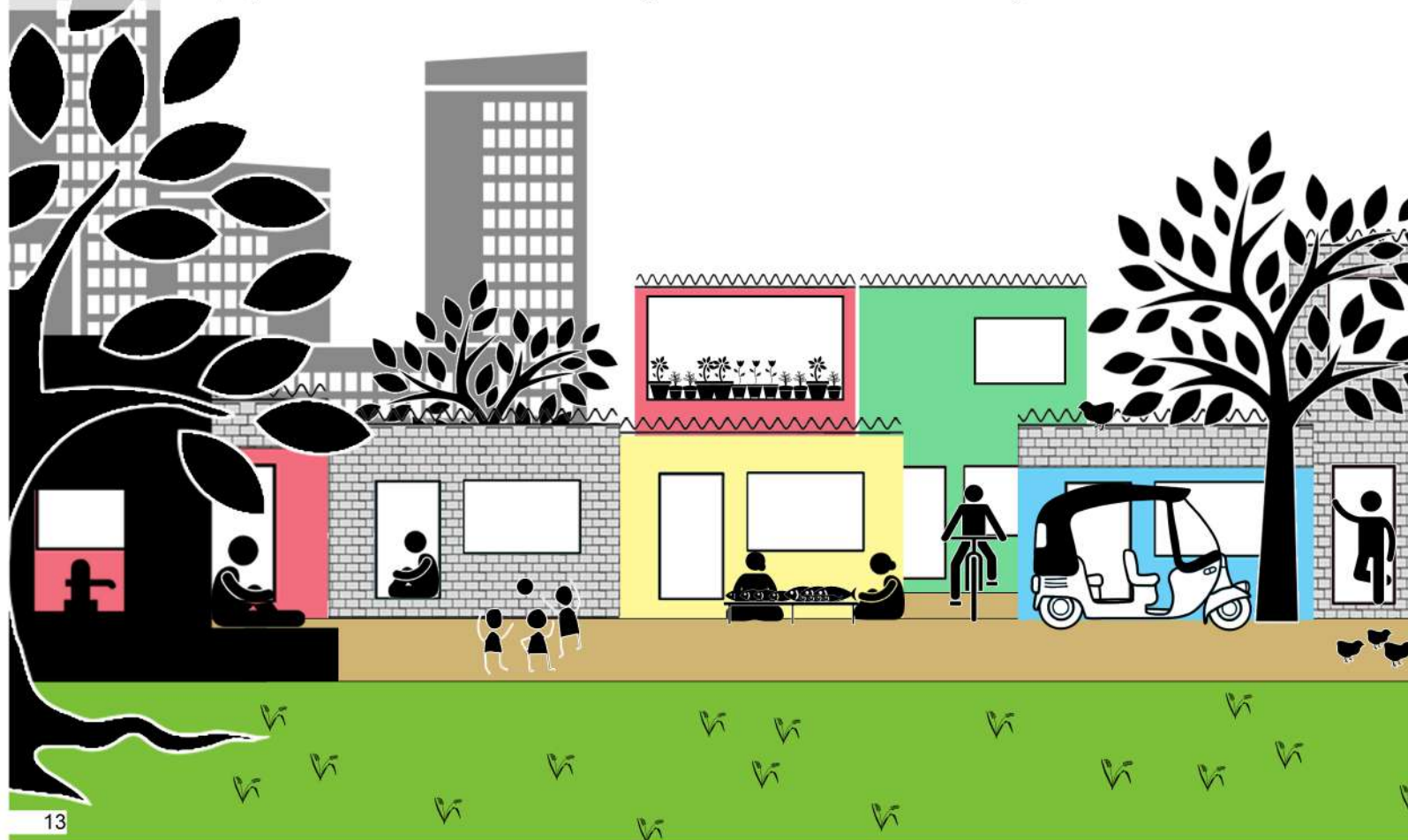
Property tax receipt
Electricity bill
Ration card
Voter ID
in that order of strength after considering contextual specifications.

FORMS OF TENURE



Experiences from North Toda and Shiv Nagar lay out the status of *bastis* in Indore, in terms of the tenure and infrastructural provisions available with them, against the imagination of ‘slums’ and the resultant language of ‘violation’ of various planning norms including the Master Plan.

The residents of Rahul Gandhi Nagar have just been visited by officials from Indore Municipal Corporation (IMC), to conduct a Pradhan Mantri Awas Yojana (PMAY) demand survey. The residents were asked to share their Aadhaar numbers to avail the benefits of a housing scheme. The officials provided them with particular information on cost of the house, available subsidy and details of a loan to pay for the house. Residents are discussing the visit and the information among themselves.



Two women are in conversation about the IMC visit. One of them is advising the other regarding the scheme, narrating the story of a friend from another *basti* in Indore, whose family availed the benefits.



CHAPTER 3

RAHUL GANDHI NAGAR, located near the city periphery amidst agricultural land, settled in two phases. The older part settled through migration of residents 50 years ago and the newer part was resettled by the government in 1984 following an eviction near the city centre.

The *basti* has 450 households, settled on a *kaankad* (a thin strip of land between two agricultural fields).

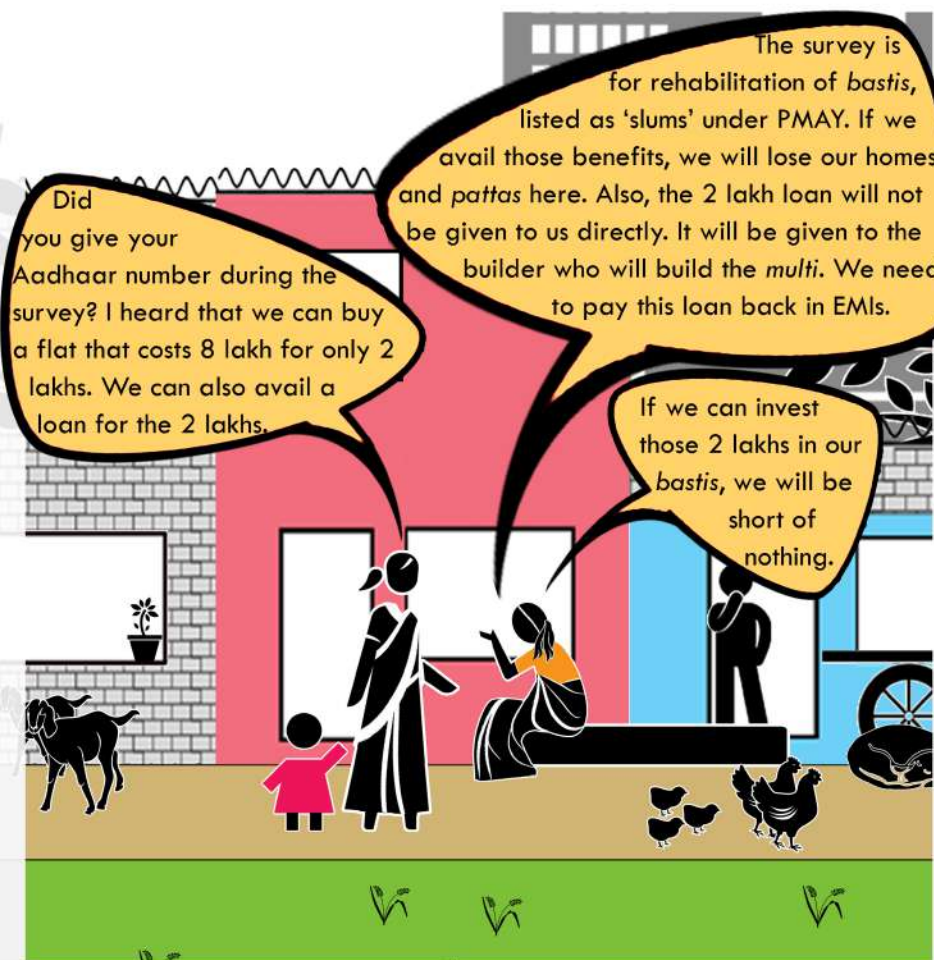
Most of the residents have *patta* leaseholds to their land. Each dwelling in the *basti* is connected to an individual water supply tap and individual toilets. The *basti* has a community centre and a primary school.

According to the PMAY scheme guidelines:

'Beneficiary contribution in slum redevelopment project, if any, shall be decided and fixed by the State/UT Government.'

States/UTs may decide whether the houses constructed will be allotted on ownership rights or on renewable, mortgageable and inheritable leasehold rights. States/UTs may impose suitable restrictions on transfer of houses constructed under this component.'

(Government of India, Ministry of Housing and Urban Affairs, 2015)



According to a reservation slip given to a resident of Rahul Gandhi Nagar, for a flat in a rehabilitation site in Rau, built under the AHP component:

Cost of construction of flat

7.75 lakhs

Central government grant:

3 lakhs

IMC grant:

2.75 lakhs

Beneficiary contribution:

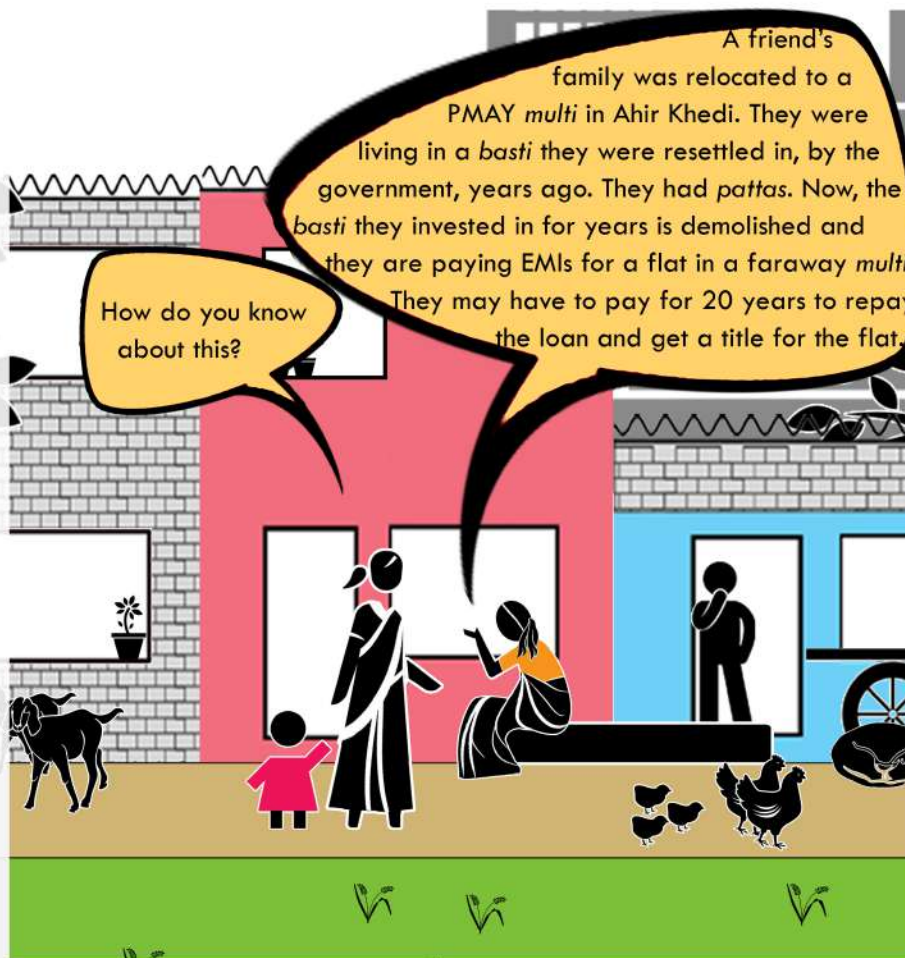
2 lakhs

PMAY ASSISTANCE - NEW FLATS VS UPGRADATION

As per PMAY scheme guidelines the Mission will be implemented through **four verticals**

'1. In-Situ Slum Rehabilitation (ISSR): using land as a resource with private participation for providing houses to eligible 'slum' dwellers. This approach aims to leverage the locked potential of land under slums. It would have two components 'slum rehabilitation component' and a 'free sale component'.

2. Credit Linked Subsidy Scheme (CLSS): will be provided on home loans taken by eligible urban poor (EWS/LIG) for acquisition, construction (and extension) of house'.



PMAY BENEFITS - TERMS AND CONDITIONS

Continued...

'3. Affordable Housing in Partnership (AHP): To increase availability of houses for EWS category at an affordable rate, States/UTs, either through its agencies or in partnership with private sector including industries, can plan affordable housing projects.

4. Beneficiary Led Construction (BLC): assistance to families belonging to EWS categories to either construct new houses or enhance existing houses on their own.' (Government of India, Ministry of Housing and Urban Affairs, 2015)

Bastis from the PMAY 'slum' list are by default considered for 1 and 3. To avail upgradation benefits under 2 and 4, their tenure should be recognised by the ULB.

The *mohalla sabha* of Indrajeet Nagar is in session. A *mohalla samiti* is a constitutionally mandated local body at the community level, as per the 74th Constitutional Amendment Act. The members and representatives are residents of the *basti*. The *sabha* (gathering) is discussing the implications of a recent tender for an in-situ slum rehabilitation (ISSR) project under the Pradhan Mantri Awas Yojana (PMAY) that has been printed in the newspaper.



The members are debating various choices for the *basti* in the face of this project -whether to accept or refuse (and resist), to advocate for the other verticals under PMAY which will allow in-situ upgradation and, to decide if the *basti* is ready to move towards denotification in order to remove itself from various 'slum' lists.



CHAPTER 4

INDRAJEET NAGAR is a 34-year-old *basti* located across the road from the city's vegetable and flower market - Choitram Mandi. The first families to settle in the *basti* are from a settlement in Mahunaka, relocated here to accommodate road widening.

There are 150 households currently residing in the *basti*, more than half of whom have leaseholds through *patta* and pay property tax. The *basti* is on a land reserved for residential use in the Indore Development Plan (IDP), 2021.

Recently a Detailed Project Report (DPR), for an ISSR project under PMAY, has been published to be built on the site of the *basti*.

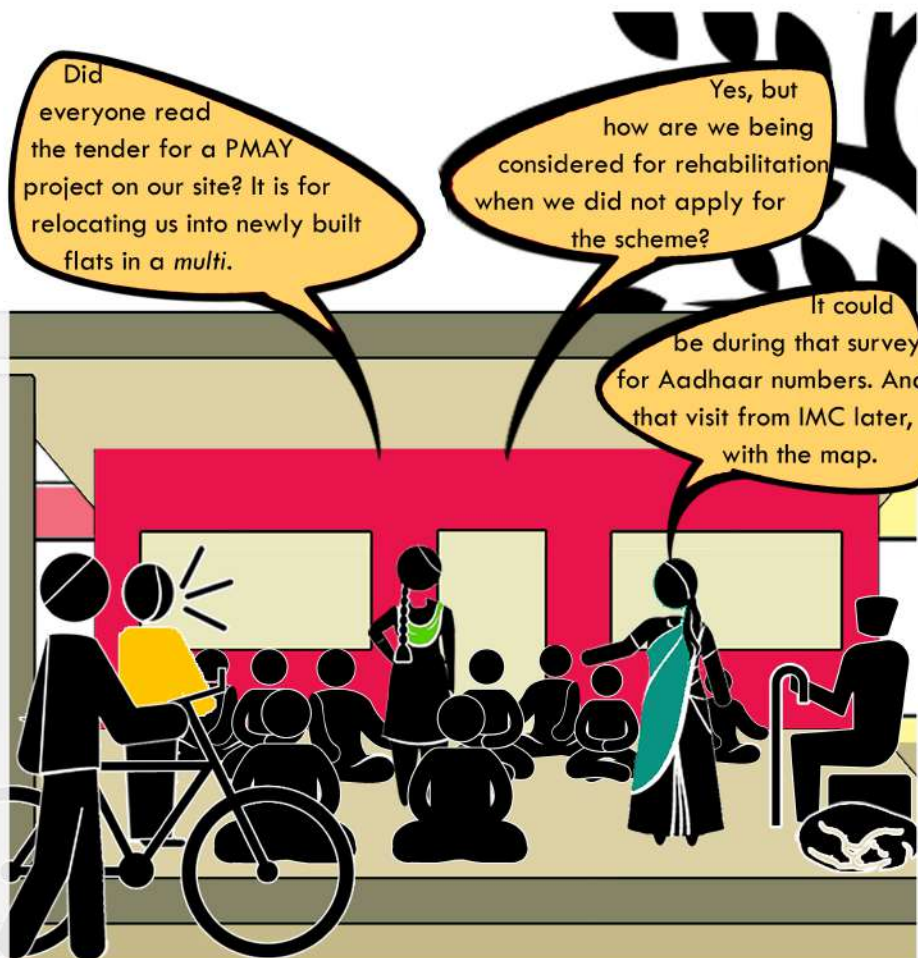
Application for benefits under PMAY is done through a demand survey conducted by State/City officials:

'State/Cities will undertake a demand survey through suitable means for assessing the actual demand of housing'.

'On the basis of demand survey and other available data, cities will prepare Housing for All Plan of Action (HFAPoA).'

(Government of India, Ministry of Housing and Urban Affairs, 2015)

Residents of bastis, phased for intervention under PMAY, recall an 'Aadhaar survey', and none of the scheme details. The separate PMAY web portal, exclusively for application of 'slum' dwellers, requires only the Aadhaar number of residents for application as a beneficiary.



APPLICATION AND CONSENT FOR PMAY

Beneficiary participation in design of projects has been detailed as follows, in PMAY guidelines:

*Slum dwellers through their association or other suitable means **should be consulted while formulating redevelopment projects** especially for the purpose of designing of slum rehabilitation component.*

Families in relocated sites and bastis phased for immediate intervention under PMAY, do not recall any such collaboration and consequent consent for a DPR.

Residents of Indrajeet Nagar recall a visit by an IMC official, bringing a 'map' and taking a group photo with the residents.

The conceptualisation of ISSR under PMAY, using land as a resource:

'A viable slum rehabilitation project would have two components i.e. "slum rehabilitation component" which provides housing along with basic civic infrastructure to eligible slum dwellers and a "free sale component" which will be available to developers for selling in the market so as to cross subsidise the project.'

(Government of India, Ministry of Housing and Urban Affairs, 2015)



DO WE NEED REHABILITATION?

ISSR under PMAY::

All tenable slums should be analysed with respect to their location, number of eligible slum dwellers, area and market potential of the land, FAR/FSI⁴ available and density norms applicable to that piece of land etc.

On the basis of analysis, the implementing authorities should decide whether a particular slum can be redeveloped with private participation or not using land as a resource

The YUVA-IIHS study argues, on the other hand, that if a 'slum' is tenable, there is no need for rehabilitation to 'unlock' the potential of land which is already being used as a resource by the residents.

4 | FSI - Floor Space Index, FAR - Floor Area Ratio

As per Census 2011 'slums' are categorised as:

1. Notified Slums

'declared as such under any statute including Slum Acts.'

2. Recognised Slums

'that may not be notified under statutes but are acknowledged and categorised as slums by state or local authorities.'



We have individual water taps, toilets, and a community centre. We don't need rehabilitation. We don't even need to be on a 'slum' list.

If we move towards denotification, we may lose necessary benefits and subsidies.

We are losing our homes by being on the list. I say that we apply for denotification and proceed towards land registration. We were resettled here and given pattas. We are eligible for land titles.

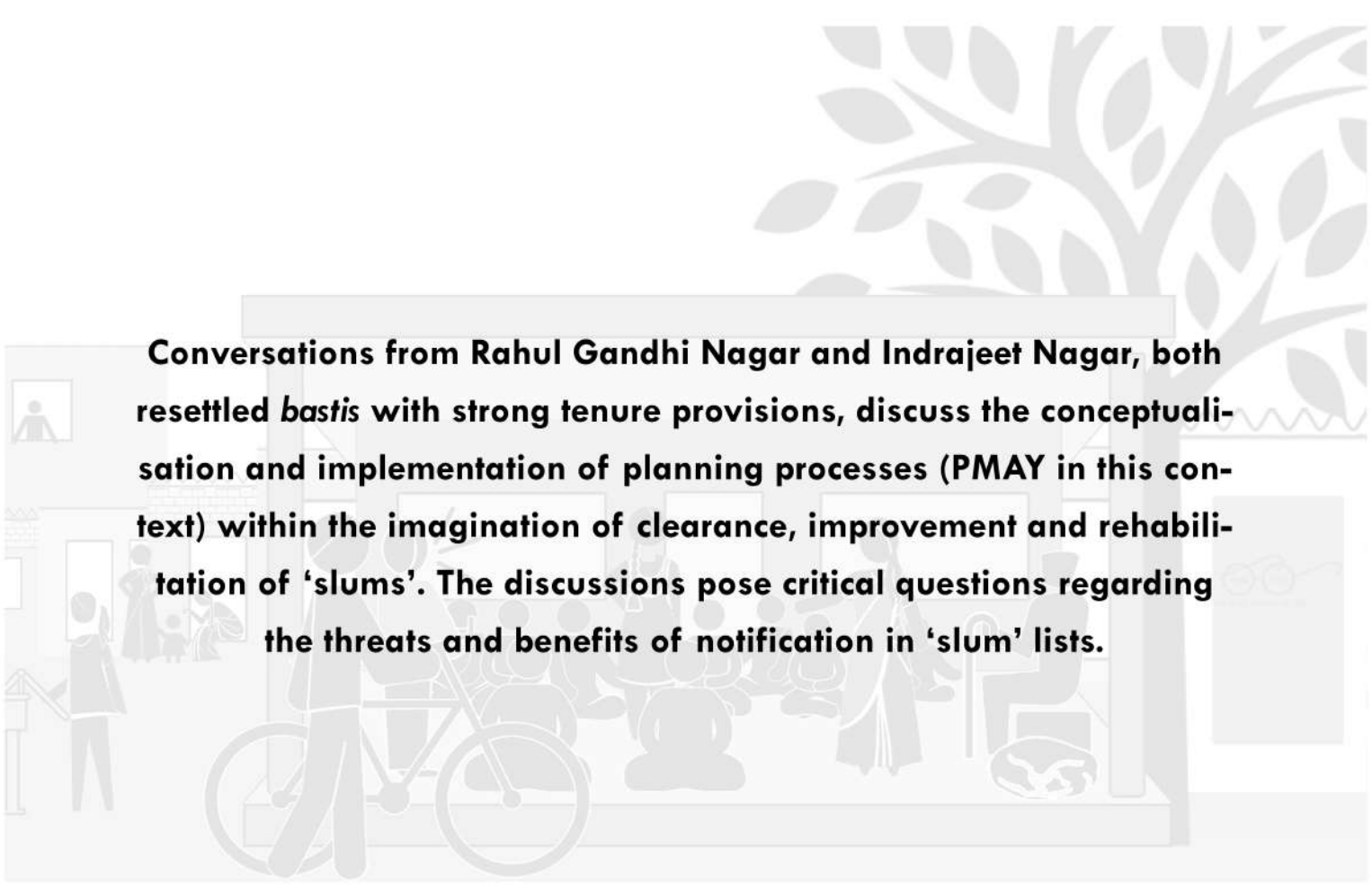
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3. Identified Slums

'of at least 300 residents or about 60–70 households of poorly built congested tenements, in unhygienic environment usually with inadequate infrastructure and lacking in proper sanitary and drinking water facilities' that are identified by the charge officer and inspected by a nominated officer by the Directorate of Census Operations' (Census, 2011)

Refer page 4 for 'slum' lists prepared for Indore under different statutes and by various authorities falling in these categories.

'SLUM' NOTIFICATION - BENEFIT OR THREAT?

The background features a light gray illustration of a community scene. On the right, a large tree with many leaves stands behind a building. In the center, a group of people are gathered, some sitting on the ground and others standing. A person in the foreground is pushing a bicycle. To the left, another person is walking. The scene is set in what appears to be a residential or community area with buildings and a paved ground.

Conversations from Rahul Gandhi Nagar and Indrajeet Nagar, both resettled *bastis* with strong tenure provisions, discuss the conceptualisation and implementation of planning processes (PMAY in this context) within the imagination of clearance, improvement and rehabilitation of ‘slums’. The discussions pose critical questions regarding the threats and benefits of notification in ‘slum’ lists.

Savita's family is one of the 800 that were relocated from C P Shekhar Nagar to the 'slum' rehabilitation site in Bada Bangarda. They were evicted from Shekhar Nagar in October 2015. Savita is one of the residents who actively resisted the relocation. She lost her nephew in a fatal accident during the eviction. She earns her livelihood from collection and segregation of waste. Being an occupation dependent on location, Savita travels back 10km for work every day to the cleared site of Shekhar Nagar.



Savita is in conversation with a researcher from YUVA. Their conversation is about Savita's life in Shekhar Nagar, the process of eviction and relocation, and the conditions at the rehabilitation site in Bada Bangarda.



CHAPTER 5

BADA BANGARDA is site to one of the seven 'slum' rehabilitation sites built under the Basic Services for the Urban Poor (BSUP) scheme. The flats were then allotted to families under the Pradhan Mantri Awas Yojana (PMAY).

The site has 800 flats, occupied by families evicted and relocated from C P Shekhar Nagar in October 2015. It is located amidst agricultural fields near the periphery of the city, along the road leading to the airport.

It is 10km away from C P Shekhar Nagar. Similar to all BSUP sites, it lacks in infrastructure to enable adequate access to basic services.

The Patta Act, 1984 defines a 'Landless Person' as a person who does not own either in his own name or in the name of any member of his family any house or land in an urban area where he is actually residing.

Under Section 3-A of the Act, conditions for removal of dwellings have been mentioned, including conditions of 'slums', public interest and location on parks.

In spite of these conditions, bastis like C P Shekhar Nagar have been given pattas which were also renewed later, conferring a status of tenability on these bastis.



Among the steps detailed for implementation of In-Situ Slum Rehabilitation (ISSR) under PMAY, the following speak of tenability:

Analyse Slum Data to list Tenable and Untenable Slums

- If untenable: adopt other strategies available under Mission
- If tenable: examine financial and technical viability of 'in-situ' slum redevelopment on PPP basis using land as a resource.
- If unviable: adopt other strategies to take care of housing needs in such slums.

C P Shekhar Nagar's central location with tenure, its untenability and unviability, as established by its relocation under PMAY, need to be questioned.

PATTA RIGHTS IN BASTIS AND TENABILITY

In 2014, responding to **Kishore Deepak Kodwani vs State of M.P. and Ors.**, the National Green Tribunal (NGT), Bhopal, ordered the clearance of encroachments on the Khan and Saraswati riverbeds.

Following this order, all the households of C. P. Shekhar Nagar were evicted in October 2015.

The land cleared along the river under this order is currently under development for phase I of Smart Cities Mission, Indore.



According to the brief of the **Slum Networking of Indore City project** of which C P Shekhar Nagar is a part:

‘...in order to create a better living environment for the residents of the informal settlements of Indore and, in the process, reclaiming for public use the formerly polluted lakes and riverfronts of the city.’ (Ekram, 2015)

This has been done by establishing an innovatively planned, low-cost, city level sewerage network, a solid waste management system and recreational areas.

What is unique about the **Slum Networking of Indore City** is that slum regularisation and upgrading exercise is part of a larger environmental upgrading plan for the entire city.

CLEARANCE VS UPGRADATION

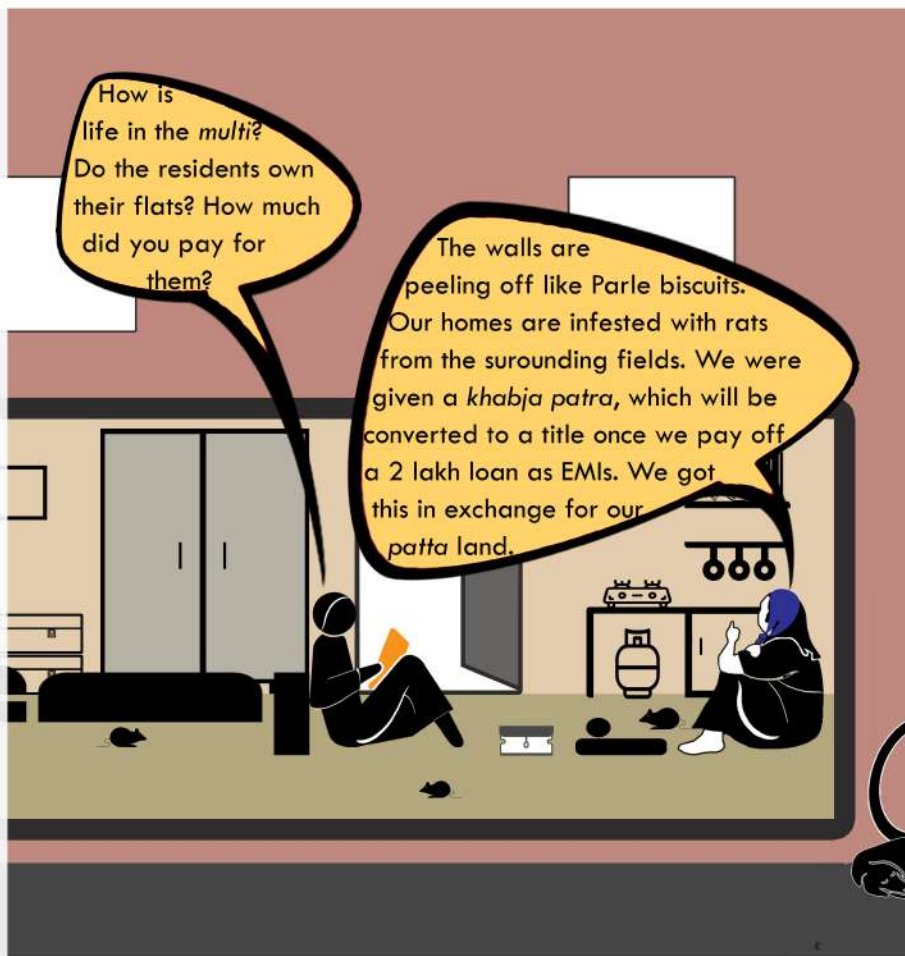
According to the **PMAY guidelines**:

'Slums, whether on Central Government land/State Government land/ULB land, Private Land, should be taken up for "in-situ" redevelopment for providing houses to all eligible slum dwellers.

Slums so redeveloped should compulsorily be denotified.'

(Government of India, Ministry of Housing and Urban Affairs, 2015)

This clause of compulsory denotification should be read alongside the conditions in rehabilitation sites (multis) as described by Savita.



CONDITIONS IN MULTIS

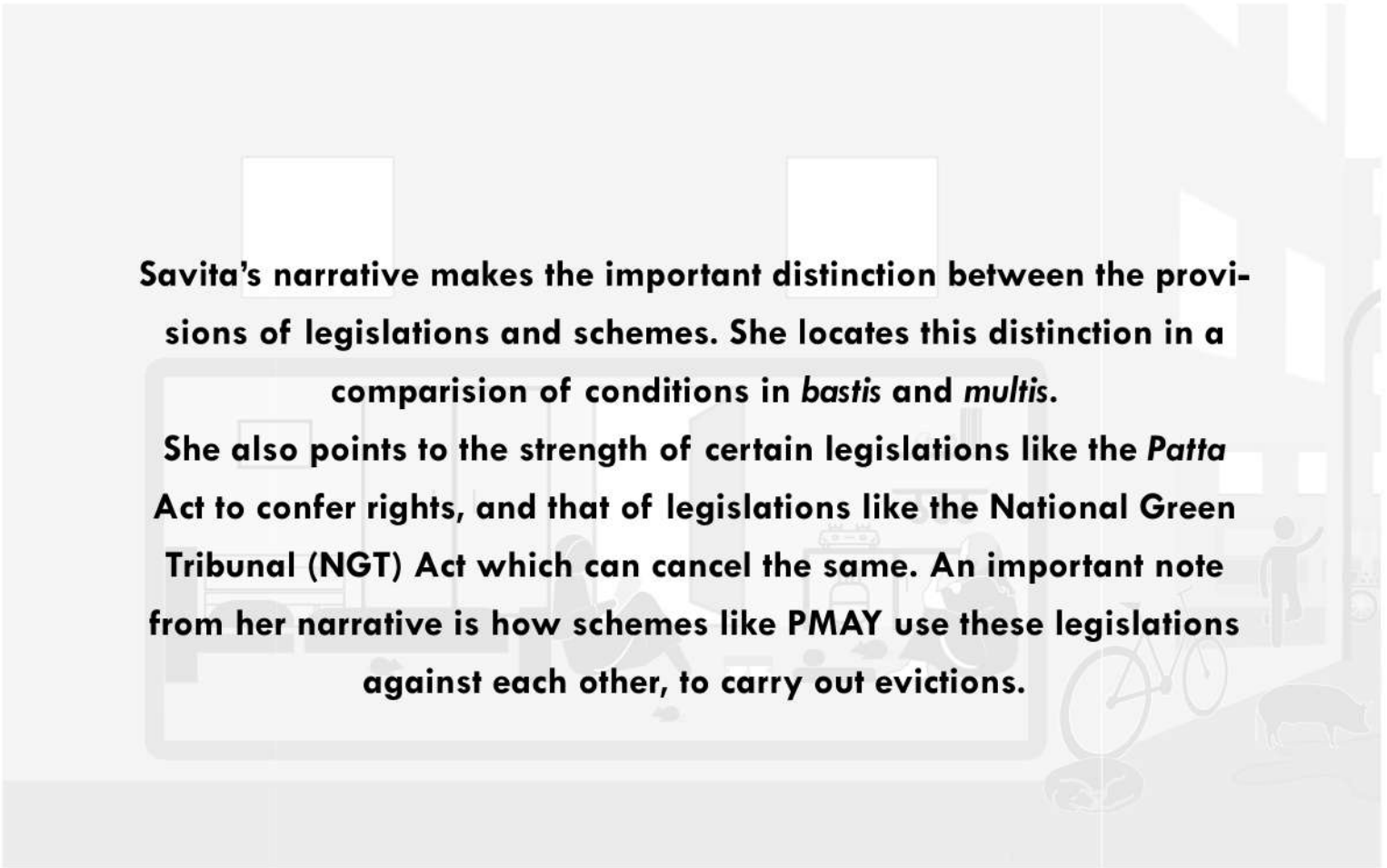
According to section 4 of the **Patta Act**:

'4. Restoration of possession:

(1) If any landless person to whom leasehold rights have accrued in the land under section 3 (refer page 25) dispossessed from that land or any part thereof otherwise than in due course of law, the Authorised Officer shall on an application made to him by the said landless person within six months from the date of dispossession restore such possession.'

(Government of Madhya Pradesh, 1984)

The restoration of leasehold, previously from a patta, with a conditional title in the form of an occupation certificate cannot be considered an equal one. Especially considering the extra cost of travel and loss of work to residents.



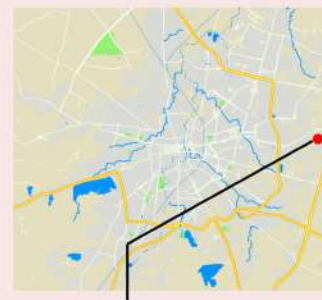
Savita's narrative makes the important distinction between the provisions of legislations and schemes. She locates this distinction in a comparison of conditions in *bastis* and *multis*.

She also points to the strength of certain legislations like the *Patta* Act to confer rights, and that of legislations like the National Green Tribunal (NGT) Act which can cancel the same. An important note from her narrative is how schemes like PMAY use these legislations against each other, to carry out evictions.

A group of residents of Bhuri Tekri have collected in front of a primary school in their *basti*, protesting the eviction of 193 of the 728 households that lived in the *basti*. Their protest has gone on for almost a month, in the midst of relocation of the evicted families to transit camps and the ongoing construction of flats under the Pradhan Mantri Awas Yojana (PMAY) for the economically weaker section (EWS) to rehabilitate the families. They are demanding the restoration of homes for the evicted and to end the threat of eviction for the remaining 535 households.



They are in conversation with a researcher from YUVA about the forced nature of eviction and their interaction with the authorities of the Indore Municipal Corporation (IMC) in charge of PMAY in Indore.



CHAPTER 6

BHURI TEKRI is a 60-year-old *basti*, settled by migrants who worked in stone quarries. It is located on a hillock to the North Eastern fringe of Indore.

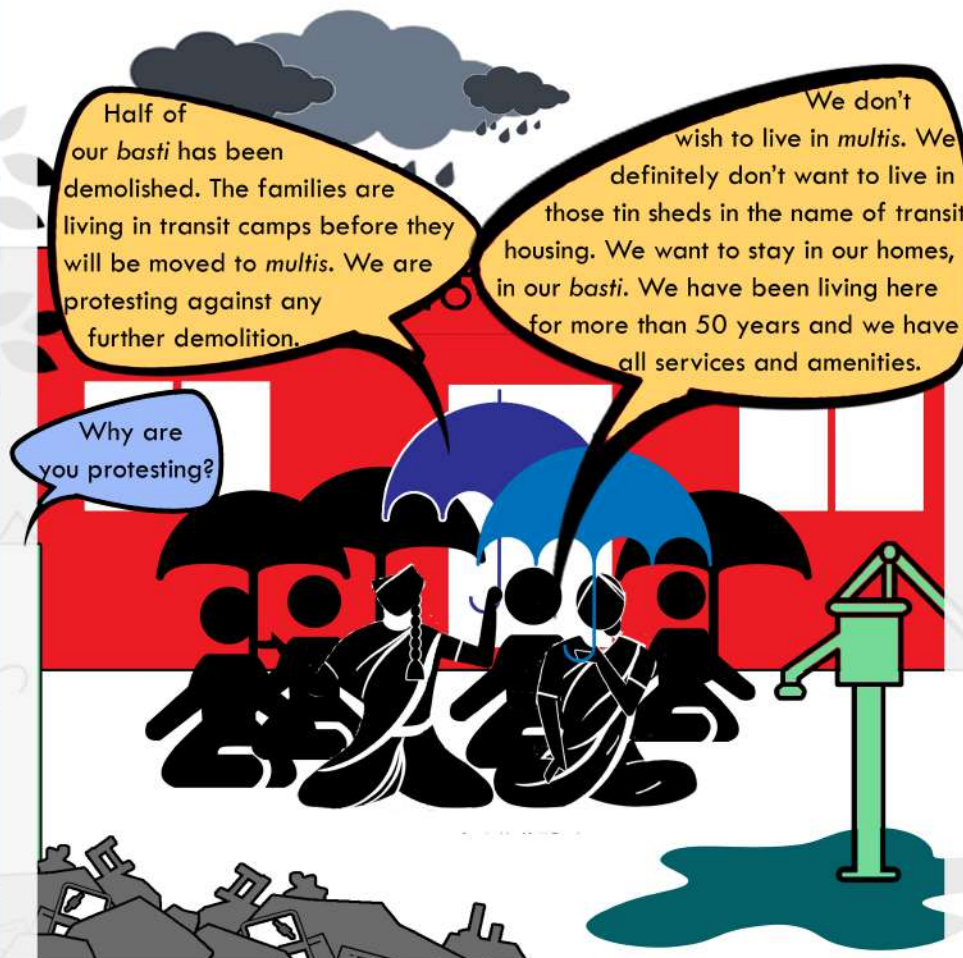
There were 728 households in the *basti* before 193 were evicted in 2016 and the remaining 535 in 2017 to clear land for housing under PMAY. The *basti* is on the PMAY 'slum' list to be rehabilitated in-situ.

The *basti* had access to the city water supply network, hand pumps, individual and community toilets built under the Swachh Bharat Mission (SBM), power supply with electricity meters, a school and a community centre.

Despite the protest, the remaining 535 households of Bhuri Tekri were evicted on 23 May 2017.

According to a complaint placed before the **National Human Rights Commission (NHRC)** on 27 June 2017, Case No. 1270/12/21/2017/OC, complainant Anand Lakhan, with regard to the eviction and relocation of families from Bhuri Tekri in 2017, writes:

'People of Bhuri Tekri are sitting on strike for the past 24 days against IMC action on forceful eviction. IMC has hired bouncers to threaten people who are raising voice against this illegal Act and being forced to shift in the tin shed transit camp'



Responding to this complaint, the Executive Engineer of IMC and Officer-in-charge of the current case, details that:

'Petitioner No.04 (Anand Lakhan) had been making misleading complaints against the steps taken for implementation of the Pradhan Mantri Awas Yojana (PMAY) at Bhuri Tekri and is well aware of the welfare measures taken by the answering respondent (himself) to take care of the persons to whom flats will be allotted under the PMAY, despite which the current petition has been filed on incorrect fact which is liable to be dismissed with costs.'

RESISTANCE TO REHABILITATION

According to the complaint placed before the NHRC: 'Bhuri Tekri is undergoing forceful eviction' and that 'the government in the name of PMAY has misled the people and have taken their Aadhaar number in the survey and have given them a receipt of Awas Yojana under Slum Dwellers.'

The response of Executive Engineer and Officer-in-charge to this complaint detailed that:

'A survey was carried out to collect data of the slum dwellers' and that 'a meeting of affected persons was organised informing them about the PMAY and its advantages' and that 'a notice was issued in the newspaper calling for objection'.



FORCEFULLY EVICTED

Another response to the complaint, by the Commissioner of Municipal Corporation (No. 369/PMAY/2017) says that:

'Out of a total of 726 slum dwellers, 550 have willingly shifted to the temporary shelters.' Annexure R/3 of this response is claimed to the reservation slip given to one such family, that of Premlata Verma.

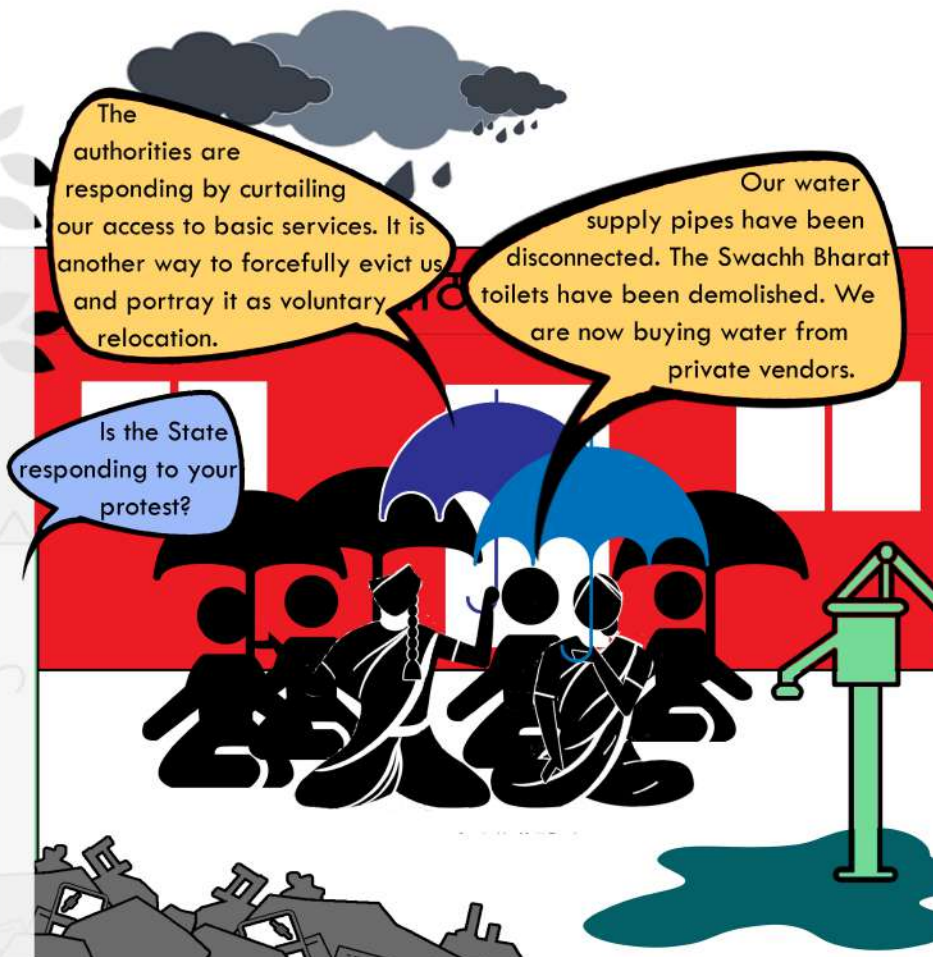
However, as per Annexure 7 to an affidavit filed in response to this response on 1st December 2017, Premlata wrote that the eviction of her family from Bhuri Tekri had been forced. She added that when she resisted, she was taken to the police station, accusing her of attempting to commit suicide and threatening to put her in jail if she does not relocate.

The residents remaining in Bhuri Tekri basti recount the services that were available to them including:

1. Water tanks connected to city wide supply network and bore wells.
2. Community toilets built under SBM.
3. Electricity meters
4. Primary school
5. Anganwadi

The Executive Engineer and Officer-in-charge, in his response to complaint detailed in pages 31 and 32 describes the basti as:


'The condition of "slum" was miserable and the basic amenities were also missing.'



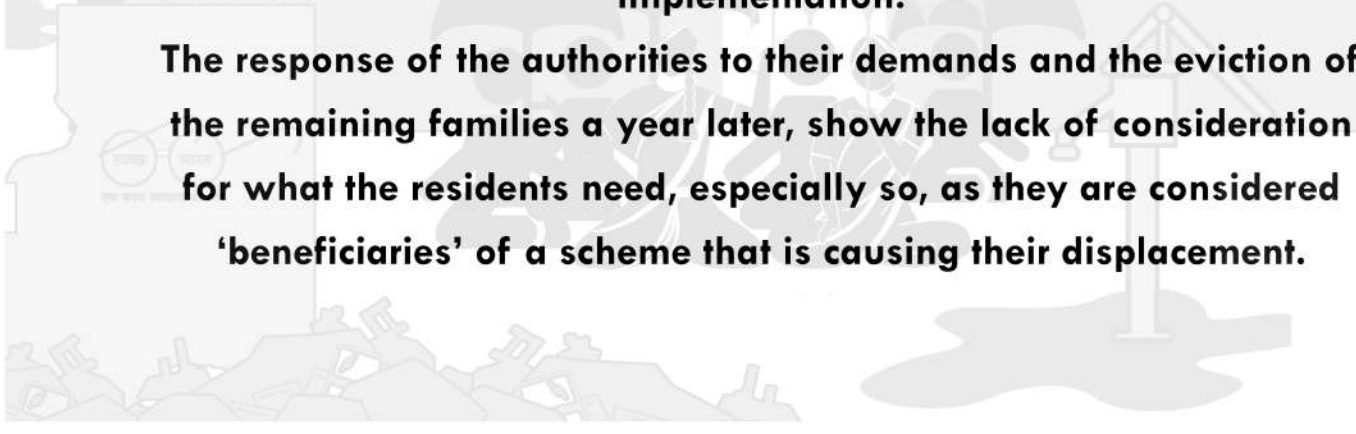
His response goes on to describe the facilities available in transit camps including 'Cement concrete flooring, structure of tin, electric point for fan, bulb plug, roof was covered with green net for protection from sun, cement concrete roads in front of shelters, separate toilets for men and women, water points where water is supplied through tankers every day, free electricity connections to each shelter, LED street lights etc.'

When compared to the facilities already available within the basti, which was also the home of affected persons for 60 years, it makes one question the basti's description as 'miserable' by the respondent.

CURTAILING SERVICES TO FORCEFULLY EVICT



This excerpt from more than a year-long resistance by the residents of Bhuri Tekri speaks of the scattered, yet strong, people's movements in Indore, voicing their rights and questioning the need of certain planning interventions and the legitimacy of the process of their implementation.



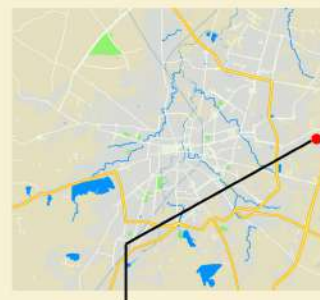
The response of the authorities to their demands and the eviction of the remaining families a year later, show the lack of consideration for what the residents need, especially so, as they are considered 'beneficiaries' of a scheme that is causing their displacement.

Dolly's is the only house standing after the eviction of Bhuri Tekri *basti* on 23 May 2017. With Dolly arrested for resisting eviction and no other member of the family present to unlock the house, the authorities carrying out the eviction let it remain, as per the rules of eviction which mandate that a member of the family be present during the time of eviction. The remaining families of Bhuri Tekri have been relocated to the adjacent transit camp, until the construction of flats for rehabilitation under the Pradhan



Mantri Awas Yojana (PMAY) is completed.

Dolly is in conversation with a researcher from YUVA about the eviction, her arrest and plans for future action.



CHAPTER 7

BHURI TEKRI is a 60-year-old *basti*, settled by migrants who worked in stone quarries. It is located on a hillock to the North Eastern fringe of Indore.

There were 728 households in the *basti* before 193 were evicted in 2016 and the remaining 535 in 2017 to clear land for housing under PMAY. The *basti* is on the PMAY 'slum' list to be rehabilitated in-situ.

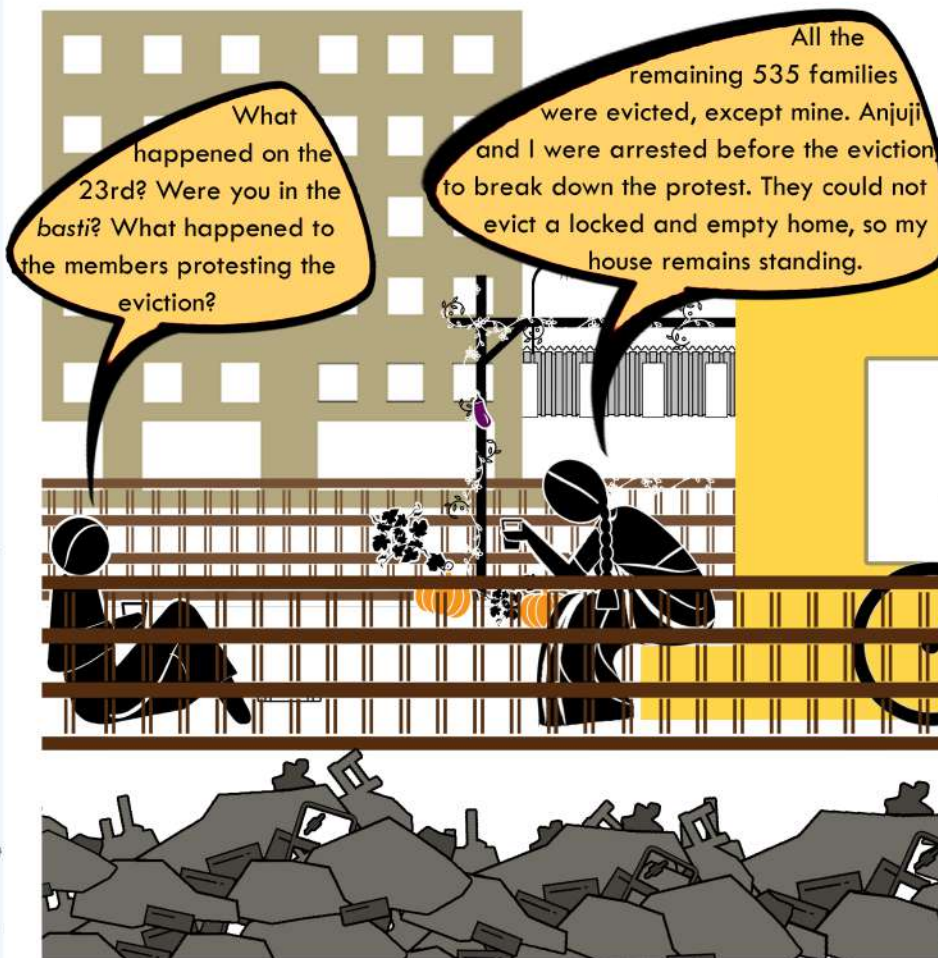
The *basti* had access to the city's water supply network, hand pumps, individual and community toilets built under the Swachh Bharat Mission (SBM), power supply with electricity meters, a school and a community centre.

Responding to a complaint regarding the eviction, presented before the National Human Rights Commission (NHRC), **Case No.**

1270/12/21/2017/OC, the Executive Engineer of IMC and Officer-in-charge of the current case, details that:

'That for construction of the multistoried block under PMAY scheme the necessary demolition has already been carried out and only one hut of Smt. Dolly Verma is to be removed, who has willingly agreed to shift elsewhere.

The aforementioned fact demonstrates that the respondent Corporation did not remove the construction forcibly and sufficient opportunity was given.'



The response continues to detail the construction of housing blocks under PMAY:

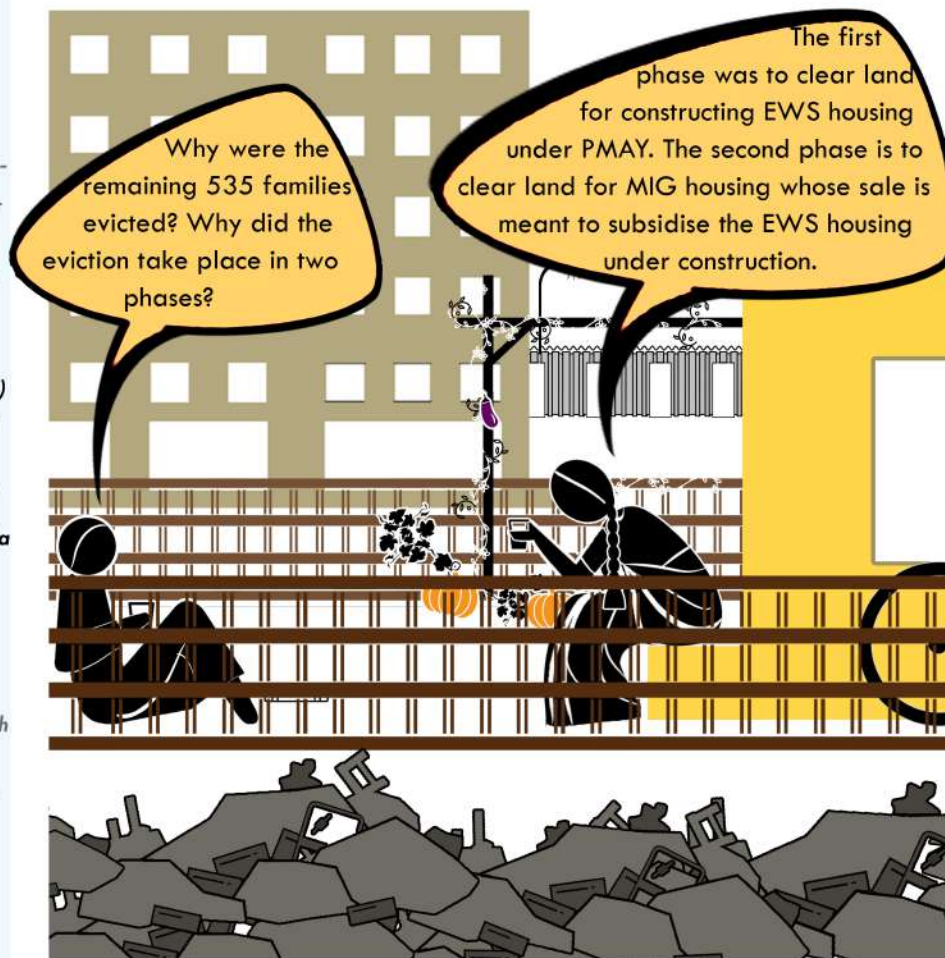
'These units are expected to be completed by March 2019 and a substantial amount of work has been completed.'

It is to be noted that the first 193 families from Bhuri Tekri were evicted and relocated to transit camps in December 2015. The remaining families were evicted and relocated in May 2017. And, despite the estimated timeline mentioned by the respondent, the PMAY structures remain incomplete till the date of completion of this booklet in June 2019.

POST EVICTION - BHURI TEKRI

As per minutes of the 7th meeting of the Central Sanctioning and Monitoring Committee (CSMC) for PMAY (retrieved through an RTI to PMAY department at IMC), one of the 14 Affordable Housing in Partnership (AHP) projects to be implemented in Madhya Pradesh, under PMAY, will be implemented in Indore in three sites - Bada Bangarda, Bhuri Tekri and Niranjapur.

All three sites selected for the project have bastis which settled decades ago, all of which appear on the PMAY 'slum' list to be considered for In-Situ Slum Rehabilitation (ISSR) into the developed sites.



DETAILED PROJECT REPORT - DPR

The detailed project report (DPR) for EWS/LIG/MIG residential development as part of the AHP project in Bhuri Tekri mentions:

704 EWS units
34.98 sqmt each

432 LIG units
58.97 sqmt each

144 MIG units
71.02 sqmt each

The report also mentions area for road widening - which would accommodate a 45mt Master Plan road (RE-2) running adjacent to the site.

The plan for EWS housing has been laid out on the northern half of the basti and the MIG and LIG components on the southern half.

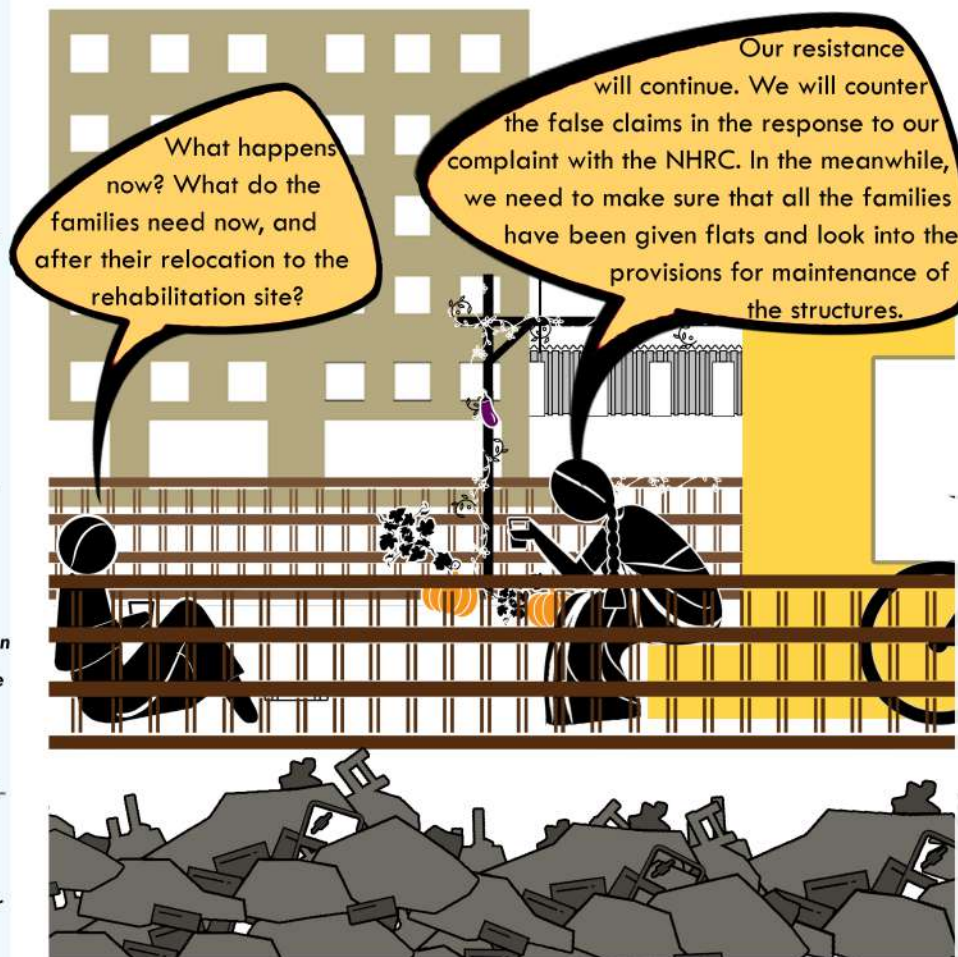
According to the DPR, 704 EWS units will be built.

According to the Executive Engineer's response to the complaint placed before the NHRC, Case No. 1270/12/21/2017/OC, 832 flats are being constructed in 13 blocks.

Annexure R/13 of the response lists 726 families for allotment into the flats.

Additionally, the response also mentions that 'more than 700 families are living in the temporary shelters.'

The list of 'slums' to be intervened under phase I of PMAY implementation in Indore includes Aman Nagar and Sharjah Colony, along with Bhuri Tekri, for rehabilitation into the same site.



PARTICIPATION AND MAINTENANCE

The Executive Engineer's response details **design collaboration and plans for maintenance** as follows:

'For maintenance of the blocks portion of the rent obtained from the commercial area in the same scheme will be provided to the society.'

and that

'A sample flat was constructed and shown to the allottees and their suggestions were asked. The relevant suggestions were incorporated and the design was finalised. Since the allotments have already been made, the allottees can themselves monitor the progress of construction'



The response from the Commissioner and the Executive Engineer of IMC clearly demonstrate their imagination of *bastis* (as ‘miserable’ slums) and *multis* (as new, well serviced flats). Their responses also show a strong opposition to any claim otherwise, evident from the lack of recognition of resisting voices and false claims of voluntary relocation.

In spite of this treatment, the resistance to forceful eviction and relocation continues in Bhuri Tekri, with numerous residents legally countering the responses from IMC to their former complaint.

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