

SAFE AND INCLUSIVE CITIES

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

The land rights conflicts in Guwahati have roots in both, historical land regimes as well as contemporary politics of the region. The Ahom King owned all the land within his territory, which he then granted extensively to temples, priests and charitable institutions. The king also gave lands to the labour that gave the state their services; these lands came to be owned by peasants in time.

During colonial rule, all land ownership was transferred to the State and only occupancy rights were granted to occupants on payment of a lease tax. Occupancy rights were deemed permanent, heritable and transferable. Land tax was very high, which led peasants to selling lands and migrating to occupy wastelands in remote areas. The Forest Act under the British divested the traditional rights of tribal communities over forestlands. Instead, labour were settled in forests by their masters to harvest timber for commercial use. These labour were given rights over forestland. The original occupants (tribals) lost their customary rights over forestlands and were deemed 'encroachers'. The British left but the Indian government continued with the same Forest Act. As a result, in large parts of Assam that were declared reserved or protected forests, tribal people continue to be divested of their customary right to forest areas for habitation and cultivation. Natural calamities such as earthquakes and floods further pushed many communities to migrate towards reserved forests, taking up these lands, which the official machinery calls 'usurping the forestland'.

Since independence, peasants and forest area occupants have revolted, demanding for land rights. These uprisings have continued throughout the state's history, except during 1979-85 period when the state was rocked by a parochial violent anti-foreigner movement, called the Assam Movement. Since the early 2000s, Asom Krishak Mukti Sangram Samiti (KMSS) has taken up the land rights issues of the landless and the marginal peasantry in the state. KMSS has been leading the agitation that also includes the issue of land rights for urban dwellers.

Another inflexion point in the state is ethnic diversity and a number of insurgency movements demanding separate statehood or more autonomy within the state of Assam. There are three Autonomous District Councils (ADCs) and six Tribal Autonomous Councils (TACs). There are many armed militant groups claiming territorial rights in the state. Ethnicity is an important consciousness point among the state's population. Continuous migration of Muslims from West Bengal and areas belonging now to Bangladesh began when the tea-estate owners brought them as workers during the colonial period

GUWAHATI POLICY BRIEF 3

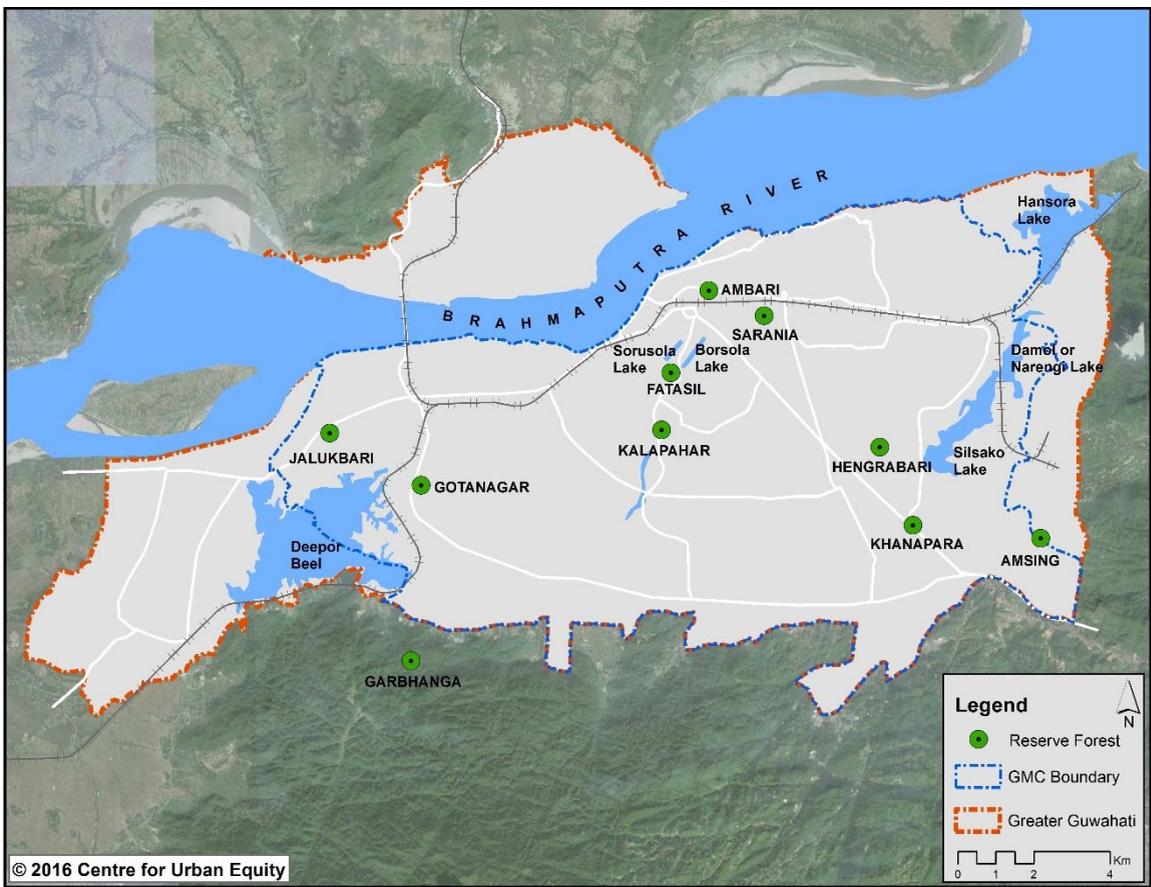
HILL SETTLEMENTS: THE LAND RIGHTS MOVEMENT

"Poverty, Inequality and Violence in Indian Cities: Towards Inclusive Policies and Planning," a three-year research project (2012-16) undertaken by Centre for Urban Equity (CUE), CEPT University in Ahmedabad and Guwahati, 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 analyses 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, noting that not all types of violence are considered as crime (for example, violence by the state), and not all types of crimes are considered as violence (for example, theft).

In Guwahati, the largest city in and gateway to the Northeast India, the research has focused on two hills, two street vendors' markets and women's safety in transport. The two hills together have 25 settlements, of which six have been where primary research was conducted. These hills on the city's periphery have house largely low-income households who have moved to hills to find land to construct ownership housing from their former rental housing

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Map showing hill settlements and major water bodies in Guwahati

Workers were also brought from outside by tea estate owners, who also took to occupying virgin forestland. In recent years, claims and counter-claims to land have set up a cauldron of conflicts boiling, with periodic violent conflicts resulting in deaths and displacement. These movements have periodically spilled over into cities.

CONFLICTS: NATURAL ENVIRONMENT CONSERVATION VERSUS HOUSING FOR THE POOR

The city of Guwahati has numerous hills and wetlands. The city is bound by river Brahmaputra and Khasi-Garo hill ranges to the North and South respectively. The city has a limited supply of land as a result of which it has sprawled on the East-West axis, resulting in high land prices. The high land prices have led to the sale of lands by peasants to middlemen, who have constructed informal housing on them.

Guwahati's wetlands (see map above) have been encroached upon. Many public and private institutions have been given land by the state government after filling up wetlands. For example, in the early 2000s, a portion of land in the Silsako Beel was allotted to the Omeo Kumar Das Institute of Social Change and Development (OKDISCD), a public institution and Ginger Hotel a private firm. Around 2008-09, the Guwahati Municipal Corporation (GMC) began dumping

solid waste in areas around the OKDISCD. The land filled with solid waste was quickly occupied by mafia and sold off to lower middle class migrant families as individual plots. Over time, land in Silsako Beel was allotted to other parties. A part of the Deepor Beel, a protected body under the Ramsar convention, was also filled up with solid waste dumped by GMC. These wetlands acted as storm water reservoirs in addition to maintaining the water ecology in the region.

There are also encroachments for residential purposes on these wetlands. In July 2014, evictions of informal settlements began while those made by powerful people and GMC were not touched. The state Chief Minister promised that all structures on water channels and wetlands would be demolished without looking at the background of the encroacher. However, only selective demolitions were carried out which hit the poor the most. The KMSS protested against the biased nature of the evictions. It also alleged that some of these encroachments were legalised by the state government through granting of miyadi pattas (see box on next page for explanation).

Guwahati presents a good example of permanent conflict between housing needs and ecological needs. The city has many natural wetlands, called *Beels* in local language. Of these, four, Deepor Beel, Sarusola Beel, Barsola Beel and Silsako Beel (see map above)

Box 1: Land Policy and Patta

The state government has prepared land policies in 1958, 1968, 1972 and 1989 respectively. According to the Assam Land Policy, 1989, applicable at present, priority of land allotment to be given to the indigenous people living in Guwahati or other towns by paying the prescribed premium against patta. The preferences to be as follows:

- i) Indigenous people who do not have land either on his name or in the name of his other family members and have been occupying government land since last 15 years.
- ii) The second preference to be given to indigenous people having land in rural areas but not in metropolitan city or town either on his name or in the name of anyone else in his family and have been living in Guwahati on government land for last 15 years.
- iii) The third preference to be given to the people who do not have land either in rural or urban area on his name or in the name of other members in his family but have been living in the city with his family since past 15 years.
- iv) The person having land in rural area on either his name or in the name of others in his family and has been living in the city with his family since past 15 years. But the person should certify that his livelihood is related with the city and that he has not been able to buy land in the city due to his poor economic condition.

Two types of pattas are given:

- i) *Ekasunya patta* refers to a temporary settlement of government land. Once a family gets *Ekasunya patta*, they are entitled to live there for a year.
- ii) *Miyadi patta* refers to long term (30 year) lease of government land. This is seen as permanent land right and hence such lands are considered as private lands.

were notified under the Assam Hill Land and Ecological Sites (Protection and Management) Act, 2006. The Comprehensive Master Plan 2025, notified in July 2009, identified conserving Guwahati's sensitive natural environment as its first goal. The *Beels* had to be restored back to their original form and no further encroachments were permissible. The situation on ground has been far from this.

Guwahati has 16 hills, many of which are under the reserved forest category (see Guwahati policy brief 2). The poor and migrants tend to encroach on environmentally sensitive areas. Commercial establishments and formal developments have come up on these environmentally sensitive areas. Even as the latter have been legalized, the poor and migrants have been evicted repeatedly.

Floods are a major occurrence in Guwahati. Ecological degradation contributes to the flooding. Heavy rains cause landslides in the hills. Incessant rains on June 26, 2014 caused devastating floods, landslides and flood-induced electrocutions that led to death of 12 people. Landslides occur due to uncontrolled earth cutting on the hills and subsequent human habitation on the hills. The evictions that followed the floods led to the death of a 35-year sick widow, leaving her three children orphaned.

The city's middle class opposes the encroachments by the poor when they themselves are living on encroached lands. The Assam Real Estate and Infrastructure Developers' Association (AREIDA), alleges that "hordes of organized encroachers ... have grabbed natural drainage channels, wetlands, forests and hills" of Guwahati, which have led to water logging and flash floods. The Association was to file a PIL in the Guwahati High Court against encroachments, but, refrained from doing so because the government had begun eviction drive on these encroachments in July 2014. The constant conflict between the concern for the ecology by the middle class and basic housing needs of the poor is starkly evident in this city.

DEMAND FOR LAND RIGHTS

In order to fulfil the demand for land, the mafia began occupying government land and abandoned tea estates. In the meantime, the government started allotting *Ekasunya patta* (for definition see box 1) on government land thus incentivising their encroachment. When most of the highlands (which were under the possession of landlords) were encroached, the mafia began encroaching lowlands, wetlands and land on the hills in the city, a process that continues even now.

Though some people possessed land in the plains, they had occupied patches of land in the hills for a long time and had informal rights over it. Historically, there had never been the concept of patta for tribal people. Some of them sold their lands in the plains and became shifted to hills. The process of land alienation occurred at a massive scale because of which they sold their land at minimal prices.

A survey conducted by AC Nielsen in sixteen hill settlements in 2009 revealed that around 65,900 households lived in the hills. Around 71 per cent households were living on government land, while 18 per cent households were living on lands that formed part of reserve forest; around 7.3 per cent households were located on patta land owned by others, while 3.6 percent households were living on patta land under their ownership.

On February 18, 2002, the Supreme Court directed state governments of various states including Assam to furnish information on the extent of reserve forests that had been freed from encroachment. Soon, the state government unleashed an eviction drive in Guwahati's hill settlements. People living in the notified forest areas bore the brunt of these eviction drives. In 2011, just after the Indian National Congress (INC) had won a third consecutive term in the state assembly election, a massive eviction drive was carried out in Guwahati. One of the promises made by the INC was giving pattas to settlers of hills and wetlands. But once in power for the third term, the state government embarked on evictions drive under the pretext to restore the ecological balance in the city. It is alleged that the actual reason was to help some private firms set up multi-storey housing complexes and hotels near the settlements. It needs to be mentioned that the state government had stopped issuing *miyadi patta* under the fear that the 'illegal' Bangladeshi migrants would benefit from it, but, had also stopped issuing *Ekasunya patta* in the last few years, frustrating the hill dwellers claiming land rights.

Even as an atmosphere of mistrust prevailed between the state and the affected communities, the resistance to evictions became stronger and was met by even more violence from the state. As the state proceeded with evictions in Gandhi Basti (June 9), Lalmati (June 10) and Garchuk (June 10), Brihad Guwahati Mati-Patta Sangharsha Samiti (BGMPSS) led protests and demonstrations in solidarity with other hill settlements. The BGMPSS, a unit of the KMSS, organized people along with community leaders to protest against the eviction team in Garchuk but when the situation worsened, they called Akhil Gogoi to bring the situation under control. One resident of Garchuk had the following narration of the events to offer:

"Prior to June 10, 2011, we had received a notice for eviction. We had a meeting and decided to oppose even at the cost of our lives. On June 10, the forest department came with elephants. We had formed groups to confront them... As news spread, people from other hill settlements started coming to Gharchuk. When the policemen who hid in Nizrapara, came out to go back, people caught them and beat them before dragging them to the police station... The environment was very tense as a crowd had gathered outside the police station. The Additional Deputy Commissioner (ADC) of police and other police officers arrived but were not able to take any action. It was for the first time that a protest of this magnitude had taken place in Garchuk."

It was a historic protest. Akhil Gogoi, Superintendent of Police (SP), ADC and forest officials held a meeting in the police station. An accord was signed between the protestors and the administration that until the government took some concrete decision, there will be no further eviction."

After the signing of the accord, the land rights movement gained more traction. On June 22, 2011, thousands of hill dwellers marched to Dispur demanding that the evictions be stopped and pattas be granted to those living on dakhil (encroached) lands. The protestors led by Akhil Gogoi also demanded that an official of the rank of deputy commissioner receive their memorandum. The administration did not respond favourably to their demands. Instead, the police carried out a lathi charge and fired tear-gas shells to disperse the demonstrators, many of whom were injured. This was followed by police firing resulting in the death of three persons on the spot, including a nine-year old boy. Once this happened, the rally turned violent, police officers and their men were beaten up, and several vehicles were burnt or damaged by KMSS. Akhil Gogoi was arrested with multiple bailable and non-bailable and remanded to custody for three days.

The government formed the Bhumidhar Burman committee (Bhumidhar Burman was the then revenue minister in Assam Government) after the violent events of June 2011 to look into the issue of land rights. The committee consulted a large number of organizations (including KMSS) who worked in Guwahati and Assam on land and habitation related issues. It recommended granting pattas to settlers who had occupied revenue lands not later than June 28, 2001. However, these pattas were not to be given for purposes other than residential and the maximum area of such lands given to a person was to be lesser than 1.5 Kathas. Additionally, wetlands and reserved forest areas were not to be allotted. Based on the recommendations of the committee, the government decided to grant pattas to 62,000 households in February 2014. Keeping in mind the upcoming general elections, the government swiftly organized a programme to give pattas to 500 households living on revenue lands to be headlined by the INC's heir apparent Rahul Gandhi.

Since the hill dwellers were not to be given pattas in accordance with the recommendations of the Burman committee, the KMSS organized a protest meeting at Digahalipukhuri on February 18, 2014 and prepared a list of their demands including, a) granting pattas to those living on the hills and wetlands, b) doing away with the June 28, 2001 cut-off date, and c) reduction of premium to be paid against patta.

Akhil Gogoi addressed the gathering and threatened that if the government did not accept their demands by February 25, they would oppose (and disrupt) the programme involving Rahul Gandhi. Later in the day, when KMSS tried to submit a memorandum of their demands to the district collector of Kamrup metropolitan district, they were stopped on the way. The protestors responded with a sit-in protest following which the collector invited two representatives from KMSS to submit the memorandum. He assured them that their demands will be sent to the Chief Secretary (Revenue) who, he assured, would consider their demands sympathetically. This was the second major protest after the tumultuous events of June, 2011.

Anticipating more protests, the government decided to distribute pattas one day before from the planned date of February 25, 2014. Consequently, KMSS also decided to organize a protest on the new date. Akhil Gogoi announced in a press conference on February 22, 2011, that if the government were to not give in to their demands, there would be mass suicides on the streets on February 24 and KMSS would not be in a position to prevent them. The government responded by arresting 100 protestors on the morning of February 24. Unfortunately, a KMSS member named Pronob Boro committed self-immolation in front of Assam Secretariat in Dispur. Though he was rushed to Guwahati Medical College his life could not be saved. After this incident, KMSS withdrew the protest immediately.



Protestors on the road (Courtesy: Press Trust of India)

Post the self-immolation incident, the movement received some support from political parties like the Trinamool Congress which is in power in neighbouring West Bengal. The land rights movement continues in Guwahati and elsewhere in Assam. As of November 2015, the government had conceded to KMSS's demand to grant pattas to 64,000 peasant families including those residing in the hills and wetlands. The conflicts between the state and settlers arise out of a lack of process of land settlement that other states had

undergone at some point of time in history. Given the complex demographic and topographic challenges posed by Assam and Guwahati in particular, task is not easy. The pull of Guwahati as a primate city of Assam and most of North-East India and the limited availability of land in the city makes matters even more challenging. When people from the hinterland migrate to the city, they find it difficult to adjust to the urban conditions of lower per-capita floor space and pine for cheaper, larger houses. There is also a viewpoint which sees the tribals as having been historically handed a rough deal given their close relationship with the forests. Their unwillingness to live in an urban setting, where they are unsure of their ability to earn a livelihood and/or continue with their traditional lifestyle must be considered with seriousness. That institutions (public and private) have been permitted to acquire lands in the hills and wetlands while tribals have had to live under the constant fear of eviction - often facing violence - has turned the public sentiment against the administration. This kind of duality also harms the legitimacy of the state and leads to questions like whether the state represents the interests of the society as a whole or merely a few. It also harms the ecological argument often resorted to justify evictions.

"There was no demarcation, therefore people came and occupied land. If there is a sweet shop without owner, anyone can come and take sweets because in that case [the] sweets belong to everyone... Now government is claiming that due to encroachment on hills, flood situation emerges in the city. But the truth is that there is no scientific drainage system in the city. Drains are too narrow with respect to the rain water that city gets through rains but government is only blaming hill dwellers for this."

CONFLICTS ARISING AS A RESULT OF ENCROACHMENTS

Local youth clubs are common in the hill settlements. Some of them had encroached and sold land. In other cases, they were engaged to clear encroachments during disputes. Youth clubs have transformed into non-state actors creating and settling land related disputes. The youth clubs members, to a great extent, come from families of early settlers and enjoy a nexus with local politicians and police. They operate through threats of violence. In Seujnagar (a settlement in Lalmati-Behrabari hill), a youth group from Beherbari encroached land, which was under the occupation of someone who lived outside the settlement. In response, the Seujnagar *Unnayan Samiti* intervened to resolve the conflict.

Paucity of affordable serviced land in Guwahati city

Unresolved historical land tenure issues in Assam

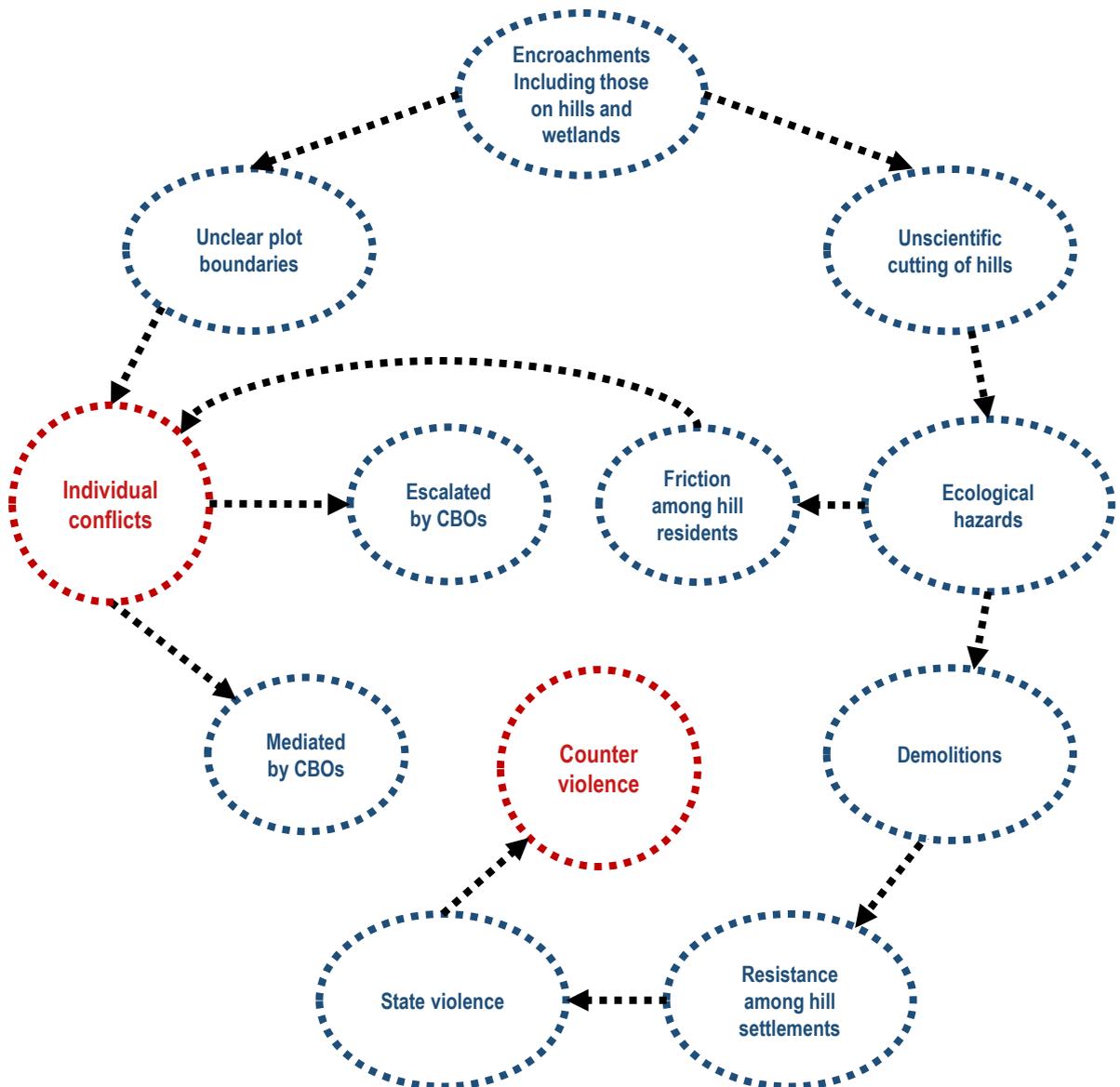


Diagram showing how various factors related to land tenure cause conflicts in Guwahati

Box 2: Conflict resolution by Unnayan Samitis – Case of land encroachment

Unnayan Samiti means development committee. It is a community-based organization (CBO). A parcel of land in Seujnagar under the possession of a person belonging to Rabha community, who lived outside the settlement, was encroached by a Bodo community member who started construction on that land. The Rabha settler pleaded before the Unnayan Samiti to intervene in this matter. The Unnayan Samiti called both parties for a meeting and to present their respective sale deeds signed by witnesses, for adjudicating on the claim. However, no conclusive decision could be reached as both parties indeed had a duly signed sale deeds. The Unnayan Samiti decided that unless both parties came with the original land owner, no construction would be allowed, effectively putting a stay on proceedings on land and by that a possible conflict.

Another land parcel, already claimed by a person, was forcibly occupied by a group of local youth who constructed a temporary structure on that land. The owner of the land did not live in Seujnagar but regularly participated in meetings organized by the Unnayan Samiti, paying community contributions regularly. The owner of the land pleaded before the Unnayan Samiti and consequently a meeting was organized where a decision was taken to demolish the encroachment. The Unnayan Samiti also directed the owner to start living on the land parcel immediately, failing which the Unnayan Samiti would not be able to help him in the future.

In few settlements, people with political patronage also engage in encroachments. In Sripur (in Lalmati-Beherabari hill), followers of a local MLA captured a plot lying vacant due to the death of its heirless owner. When they tried to sell the land, the local youth club resisted. This was a case of positive intervention by the local youth club. Similarly, in Nawkata Shibodham (in Gharchuk hill) a Gharchuk resident tried to sell a part of the community land. The Unnayan Samiti resisted and succeeded in saving the community land. The local youth clubs and Unnayan Samiti have played a positive role in resolving local conflicts. Sometimes though, the youth clubs had taken advantage of their position to create conflict.

CONFLICTS ARISING AS A RESULT OF LANDSLIDES

Guwahati's topography is characterized by hills with steep slope and loose unconsolidated soil. Hillsides



A house in Ganeshpur that got damaged in a landslide. Have been cut haphazardly resulting in landslides during the rains. In the month of September 2014, there were landslides in different hills such as Kharguli and Lalmati following rains that lasted over three days. In Ganeshpur (Lalmati-Beherabari hill), a young man lost his life when a sudden landslide and mass of debris suddenly entered his room at night without giving him any time to escape (see picture). The house owner had cut the hill to build two more rooms, so that he could get extra income of INR 1,500-2,000 per month from each new room.



A resident trying to save the boundary by putting plastic sheet on the edge of boundary in Seujnagar

CONFLICTS ARISING AS A RESULT OF UNCLEAR PLOT BOUNDARIES:

Residents had demarcated plot boundaries by erecting pillars at the corners or by barricading using bamboo sticks or planting shrubs along the boundary. In these conditions, some residents try to grab more land by extending their boundary inside the adjacent plot in the absence of house owner. In other cases, when one plot is above the other, the resident of the lower plot cuts soil to expand his plot area. During monsoons, earth caves in owing to the increased moisture in the soil resulting in loss of land for the resident on the higher level. Such individual behaviours lead to conflicts, which then are mediated by the Unnayan Samiti or local elders..

POLICY RECOMMENDATIONS

The key issue is land rights for the existing dwellers of the hill settlements and encroached wetlands. These are ecological resources that require protection for the larger good of the city and also for the good of the dwellers of these encroachments who perpetually remain vulnerable to natural calamities. The residents of the informal settlements are more vulnerable to natural calamities as they occupy the most marginal lands that are at high risk to natural disasters. The question is how to extend land rights to these dwellers. The following policy recommendations are suggested:

The first step is to recognise their existence in the city and bring them in the policy framework.

After their recognition, local Unnayan Samitis, presuming that these are functioning for larger welfare, can be given the task of preparing lists of residents living in these ecological vulnerable lands.

Hill settlements and wetlands where encroachments have occurred must be surveyed and the possibility of regularising some of them through giving patta under the Assam Land Policy should be explored.

The Assam Land Policy has to be flexible to give pattas on lands people are living, with a suitable limit of maximum land to be granted.

Those who cannot be given patta where they are living, could be allotted pattas on agricultural lands as per the demand made by the KMSS. The dweller require pattas to build their houses and do not want small constructed houses, unsuitable to their lifestyle.

These processes should be carried out in a participatory manner with inclusion of the elected representatives, local Unnayan Samitis and the representatives of political organisations such as KMSS.

For those who are expected to migrate to the city in the future, there should be availability of rental dormitory housing and serviced plots for purchase.

The GMC must ensure that the programme of Housing for All has wider definition and includes developing schemes of small sized serviced plots for those who would like to move to legal housing. The allotment of such plots should be in a transparent manner with the participation of the stakeholders mentioned above.

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