

**Workshop on
Shelter Security and Social Protection for the Urban Poor and the Migrants in
Asia**

At Ahmedabad, India
(February 11-13, 2009)
Organized by,



**A Research Advocacy Program
Managed by**



Supported by IDRC and Ford Foundation

Struggling for foothold: The Experience of Mandala

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Introduction

The submission on Basic services for urban poor (BSUP) as a part of the Jawaharlal Nehru Urban Renewal Mission (JNNURM) has brought the issue of security of tenure for the urban poor to the forefront. It has propelled State Government and Urban Local Bodies (ULBs) to contemplate new initiatives in this regard. While most initiatives have sought to confirm security of tenure to a selection of the urban poor, a new discursive space for the issue has certainly opened up.

Approaches to security of tenure tend to focus on legalese and therefore, forms through which it can be made feasible. Usually prime considerations are land controls and precedent-setting. These views which are largely top down; often fail to understand the street level complexity of tenural issues. This paper argues that understanding tenural issues from the people's perspective and experiences offer new insights that prompt a rethinking of approaches to tenure.

Struggles for tenure are universal experience of all urban poor who seek to create footholds in cities. These struggles are largely invisible. The mandala experience in Mumbai is interesting because the struggles have been brought to a public domain over the last four-five years through the intervention of Ghar Banao Andolan, an affiliate of National Alliance of People's Movements (NAPM). The paper uses this experience of the unfolding struggle in Mandala to bring to fore issues in security of tenure.

The experience of Mandala

Indira Nagar, Janata Nagar are two slum communities that have grown around the peripheries of the low income colony of Shivajinagar in the eastern suburb of Mankhurd in Mumbai. The name 'Mandala' is the popular name of the settlement and has to do with its proximity to the erstwhile village of Mandala. The area houses around 4000 families from different parts of the country.

Settlement began here about 10 years ago through several residents have been in Mumbai for much longer periods. Mandala is located on a 'No development Zone' land, under the jurisdiction of the collector. The initial period of the settlement was characterized by multiple evictions; people here remember eviction as a monthly affair. People resiliently stuck on; they also started making some improvements to settlement and to their houses. By 2004, Mandala was a hustling community that did not have any legal status or civic amenities such as water, electricity, toilets but was a home to 4000 plus households.

People accessed basic services from families who possessed these at a price. Along with these efforts; the long, painful process of establishing a legal identity was under way too. Thus many obtained ration cards; many also found a place in the voter lists.

In 2004-05, there was an intense demolition drive in Mumbai that razed almost 85,000 hutments all over the city. The Mandala community was one of the 18 communities that totally demolished in this drive. This was a note of finality in this drive where security guards were appointed to prevent any entry into 'freed' sites. This was the first time that the hitherto 'private' and individual struggles of citizens entered the public domain. They joined hands with other evictees in the city and became part of demands to extend the cut-off date from 01-01-95 to 01-01-2001 as per electoral promise, to have a rational, a long term policy. The gradually increasing intensity of the struggle forced the state Government to respond.

The State Government response included (a) submission of an affidavit in Mumbai High Court promising rehabilitation of 5654 families between 01-01-95 and 01-01-2000 at Ambujwadi and Mandala (b) initiation of campus to establish eligibility of rehabilitation (c) formation of a Committee to formulate long term policy. All these measures, on the ground had minimum impact. Only 56 families in Mandala and 401 in Ambujwadi were declared eligible. When allegations of corruption surfaced, the entire survey was put in abeyance. A committee for a long term policy was indeed constituted, however its meetings were not coalesced into a report. It became a part of the bureaucratic black box.

The monsoon of 2005 was both a crisis and opportunity for evicted slum dwellers. The minimal impact of the above processes meant that they had no shelter in the heavy rains; however the rains proved an opportunity for a reclaiming exercise where about 35000 families occupied pitches in Mandala. The hitherto invisible exercise of 'encroachment' now turned into an ascertain of claim to public land.

The flooding in 2005 postponed Government action which came in May 2006. The demolition exercise this time was accompanied by excessive brutality. Over 100 people were injured. The accompanying fire destroyed belonging documents.

This was a crumbling blow to the struggle. One section of the people began looking for other options of housing in the neighborhood. However, a significant section engaged in further resistance. A 100 day Dharna did not produce expected results; rather people were forced to disperse after a petition challenging the right to 'long term' agitation. The struggle thereafter has taken a dual form, one was a public forum where the plans of MMRDA to resettle Mithi river evictees were questioned, the Government was shamed by giving a sum of Rs. 2000/ (a price equivalent to land allotment to Hiranandani Developers) and submission of a

proposal for rehabilitation of 3720 slum dwellers in Mandala under BSUP proposal is yet awaiting clearance from the State Government. However, the public claims to the land have minimally, ensured no further demolitions in the area, which is still bereft of basic amenities.

Conflicting Perspective on Tenure

It is extremely critical to note that the beginning points of discourses on tenure are very different for the people and for Government institutions. While the 'State' and other dominant approaches link tenure to land; tenure is important for the poor as part of a right to be in the city. The city represents a contradictory terrain that affords livelihood opportunities but denies any legal access to reside. The prevalent tussles between people and State are reflective of this dichotomy. Recognition of this and bringing it to the fore can offer new ways of thinking about tenure.

Some dimensions of this recognition are:

- For the urban poor, tenure is a part of an overall right to city that includes access to education, health, food, water, toilets, work, being part of voter lists and shelter. Several studies in fact, show that the topmost priorities of the poor revolve around work, food and other matters of survival.
- Most struggles of people to eke a foothold in the city are largely invisible. They occur over a long period of time. Very little is known about these struggles, about what threatens them and what means enables them to secure footholds and assets. There is an urgent need for such knowledge and research.
- Struggles for tenure in public domain as in Mandala are few, even here; only a section of people have been able to sustain their participation in the resistance. The formalization of tenure in the form of BSUP Project will reach out to 3720 families. The real challenge in securitizing footholds is not the 'securitizing' of land rights for the some but ensuring availability of spaces by which the poor can build on and benefit from opportunities that cities offer.
- Further, a community like Mandala has diverse occupancies. Structures are shared by multiple households; households may not be co-terminus with family units. Diverse uses of spaces coexist. The community is characterized by accommodation of diverse interest.

The Mandala experiences are an illuminating lesson in how State institutions think of tenure. Firstly, the concern of larger welfare goals is totally absent in this primarily administrative thinking. Secondly, tenure is linked to an entire package – citizenship, property rights and access to services. There is some evidence that the

association of the above three is becoming tighter. Thus ration cards, access to water which were seen as 'humanitarian' fields are now freezing access to new migrants. Declaration of slums has become an extremely difficult process in several cities. This makes access to amenities difficult. On the other hand a legal title to a tenement in a building or a plot of land may mean little, if cut off from amenities.

A basic conflict in perspectives is thus, brought to fore – a people's perspective that is complex, layered and which sees rights to land as a part of several rights and the state perspective which bundles a series of rights. This compels urban poor into finding ways to abridge their access to this bundle through a politics of health.

Issues in Tenure Systems

Existing tenural modes are complex and unpurposive. Some modes recognize individuals or households (eg. Voter lists) whereas others recognize structures (eg photo pass) while still others recognize settlements (declared or notified slums). These distinct systems are governed by different authorities, follow different rules and directions. Thus, while they present a complex maze to a novice, they represent 'spaces' for the urban poor. One can hope to make a beginning with a more easily available document (e.g. ration card) and build on the basis of this.

The current trend as evident in the JNNURM initiative is to coverage data bases fixate people and households to structures and places. Technologies like Geographical information systems (GIS), biometrics aid such convergence. While ostensibly the objective of such convergence is data gathering and insights into poverty situation and management of such data, the potential of exclusion in the de triangulated systems needs to be recognized and emphasized.

Another facet experienced in Mumbai is the undermining of collective tenure system while granting individual rights over properties to households. Such undermining of collective systems accompanied by the vulnerability of certain households has resulted in pushing out people from settlements rather than enabling them to consolidate their assets.

If the objective of tenure forms is to facilitate a secure existence for the poor and pave the way for consolidation of assets; there is a need to make carefully balanced decisions between individual and settlement security; households level security and interests of women, men and old; occupiers and 'owners' convergence and coexistence of diverse systems. There is a very real threat of a facilitating mechanism being turned into anti poor one, otherwise.