



Tenability Scanner: A theoretical Framework for Classification of Slums in India

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Abstract

Land as fixed and limited natural assets available for the urban development and growth has been identified as one of the key element for slum interventions in India. Scarcity of urban land, ever growing migration and land values in urban agglomeration and vast encroachments over urban land in form of slums and squatters has been creating housing problems in manifold. Due to absence of clearly defined land titles, mounting pressure to provide tenure security and housing to all, scarcity of tenable land for housing development and many other issues related with land, has resulted marginal success to many slum intervention programmes. There has been growing need to resolve the issues related to land so that potential hurdles in the passage of slum intervention may be identified and resolved through appropriate approaches. The case studies carried out for this research work has identified that conventional wisdom of slums as typical settlements is not true infect, slums are diverse and complex settlement that cannot be intervene through one fit all approaches. This has felt the need of a multifaceted but simple framework for depicting contextual differentiation for various types of settlements identified as slum. The proposed framework which we have presented here provides a systematic approach to classify slums into five broad categories for tenability that will help to design more context specific policy intervention.

Keywords: Tenure security, tenability, classification of slums.

Introduction

Since the recognition of slums during early nineteenth century, various types of low-income settlements subjected to poor human living conditions have been defined differently by various authors and authorities. In 1820, the term “slum” was used to identify poorest quality housing and most unsanitary conditions in London cantonments¹. The concept of the slum and its definition varies from nation to nation depending upon their socio-economic conditions and benchmarks for quality of life. There has been a significant change in perception towards the urban poor settlements across the world and with the experiences from interventions our understanding of slums has been growing day by day. Slums are evolved from a nuisance of early twentieth century to today’s unique eco systems of urban world, which have changed over the years to adapt to the needs of their residents². Similarly, slum intervention policies across the world have seen many paradigm shifts. During initial phase, theories slums were portrayed as epicentre of violence and prostitution in the cities and to demolition and relocation of these poor residents to public housing was considered as only viable solution. Further, Turner’s research in 1970s emphasized the concept of self-help and tenure security, and his efforts showed that, when the slum residents were provided with tenure security, they improved their dwellings one brick at a time². The second phase of slum interventions was largely based on Turner’s ideas of self-help and tenure security. In the third

phase of slum intervention, the World Bank entered into the housing sector with their policies based on Turner’s philosophy of self-help with their trilogy of affordability, cost recovery and replicability.

NGOs became global players in this era, and slum intervention policies called for public participation and the involvement of NGOs². The fourth phase started with the slogan of “cities without slums” initiatives launched by Cities Alliance, a group comprising several supra national agencies including UN Habitat and the World Bank. Numerous approaches discussed above, have been devised and adopted to solve the problem of slum across the World but, no nation has ever been able to prevent the emergence of slums and squatter settlements under the pressure of mass movements of people in almost every city. According to UN Habitat report³ on “State of the World Cities-2012” Un Habitat 2012, nearly 32.7% of population of developing country lives in slums. As per National Sample Survey Organization report, 2010, India⁴ had 377 million urban population out of which, 93 million (24.7% of urban population) people were living in slums. There is an increase of 183 million people during 2001-11 with the growth rate of 17.64%. There is an evidence of large scale migration of the rural poor to the urban centres in search of employment. Migration trend shows that one in three persons in urban areas are a migrant (35.4%) in which, nearly 60 % people are migrants from the rural areas. The rapid increase in population, urbanization and the change in

socio-economic pattern in developing country like India over last few decades have resulted in rapid increase in housing demands⁵. Even at current level of urbanization in India, urban deprivation levels are very high as there is acute shortage of adequate housing and infrastructure facilities in the urban areas⁶. Trend of urbanization in India has indicated an increase leading to further increase in challenges for land, housing and quality of life within urban poor settlements. Decadal trend of availability of per capita land in India shows that, per capita land has been reducing. In 1901 availability of per capita land was 1.28 Ha that has reached at low 0.27 Ha, in 2011.

Since independence, The Government of India has been introducing many programmes to alleviate poverty, creating employment opportunities and encouraging planned urban development in its public policies, even though there has been a fast emergence of slums in the Indian cities due to a number of factors. These settlements vary by type, location and character in a dynamic phenomenon that grows at such a pace that large portions of the urban land are occupied by them. The reasons and nature of these problems differ from place to place depending on local spatial, socio-economic and political contexts. The housing problems of poor and developing nations differs greatly from those experienced in developed economies, and further rural and urban housing also exhibit their own peculiar differences. Slums as vernacular settlement created by people from diversified background creates very specific cultural context and becomes unique in its characteristics and identity in due course of time. This may be due to varying degree of potential, constraints and combination of various other factors. The multiplicity of physical and socioeconomic layers of the city and varied dimensions of complexities within the settlements does not allow a single or uniform strategy to tackle the problems of the slums. Thus intervention has to be case specific with respect to local contextual considerations for its wide acceptance among the beneficiaries⁵.

The basic cause behind the marginal success of various approaches of slum intervention devised and applied during various phases described above are not due to its inherent deficiencies rather than our expectations for its acceptability and replicability. Basically, it may be the results of ignorance of local contextual dimensions within policy design or inappropriate match between problem and solution. All interventions designed so far broadly may be divided into two categories i.e. In-situ interventions and relocation projects. Neither every slum of the urban landscape can be upgraded at their existing locations nor, each slum can be moved away from the city. There is need to categorize the slums for broad categories of interventions further, differentiated policy options may be designed for each category based on prevailing local conditions of the settlements for more successful interventions. Therefore, the present study, with the help of an empirical analysis and case studies seeks to develop framework for categorizing slums on the basis of tenability.

Tenure security: a crucial element for slum intervention

Importance of tenure Security was recognized during 1960, as one of the key features to bring radical improvements in urban poor settlements. Land tenure issues and access to land for the urban poor were first initiated in the Second United Nations Conference on Human Settlements during June, 1996 in Istanbul⁷. The land tenure has been defined and interpreted in a number of ways such as the mode in which land is held or owned and "rights that individuals and communities have with regard to land, namely the right to occupy, to use, to development, to inherit and to transfer⁸. UNCHS⁹, in 1996, has defined Land tenure as i. *protection against eviction*, ii. *possibility of selling, and transferring rights through inheritance* and iii. *possibility of mortgage*. Indian housing policy documents has absence of tenure security aspects of the poor settlements till 1970. However, Slum Areas (Improvement and Clearance) Act of 1956, had provision of indirect tenure security in form of notification of slums¹⁰. Further, Environmental Improvement of Urban Slums (EIUS) Scheme was launched in 1972, provided security for slums from eviction for a period of ten years. During 1980s and 1990s, security of tenure has been the subject of attention in India based on report of task force recommendations¹¹. In the state of Madhya Pradesh, tenure is provided in the form of "patta" under the Patta Act 1984. This act provides leasehold right to the landless poor lives in urban slums¹². It has been one of the most imperative steps towards provision of tenure to urban poor settlements in India. Further, National Slum Policy, 2001 can be considered as one of the most historical steps towards the provision of tenure and provision of basic services in slums¹³.

The target 11 of Millennium development Goals (MDG) focuses on improving living conditions of the slum dwellers through incremental housing and gradual improvement in other components such as, tenure regularization, provision of basic services in the slums and improvement in housing conditions including quality of structure and increase in per capita living space of dwelling units of slums. According to an estimate nearly 50% of urban population of Asian continent lacks any kind of legal tenure rights to occupy that land¹⁴. In cities like Mumbai, proportion of land occupied by informal settlements is much higher than the formally accessed land. It is observed that the poor migrants of the cities does not has affordability to buy or rent legal space in cities thus, squats on a vacant land of either government or a private land owner. However, due to ignorance from the land owners and the local authorities such informal settlement expands rapidly and often gets political attention to use as vote bank. Political patronage helps them to consolidate further with provision of urban services, social benefits and identity proof. The rapid increase in population, urbanization and prosperity in cities of developing country like India, the demand for land by every sector of urban system is imposing pressures on scarce urban land resulting high escalation of land value³.

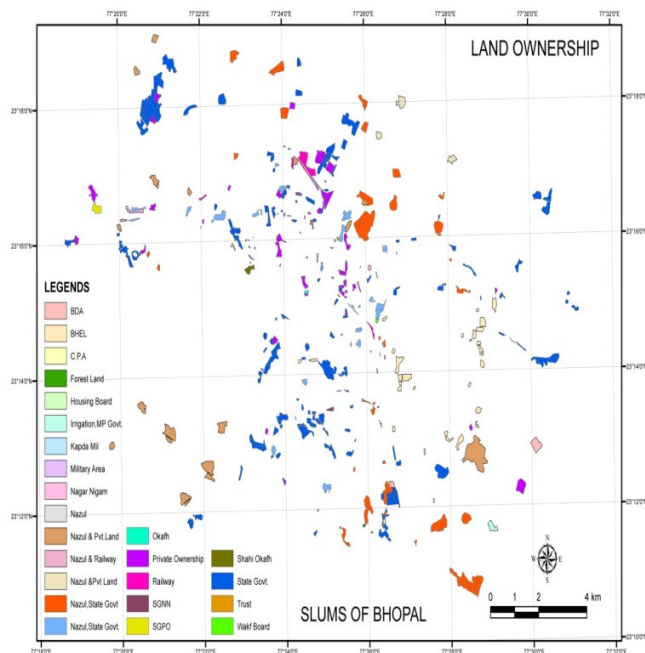


Figure-1
Land Ownership in Slums of Bhopal, India

As per the secondary source data from Bhopal Municipal Corporation¹⁵, for land ownership of slums in the city (Presented at Figure 1) it was found that land occupied by the slums of the city can be divided into 21 categories that includes land belongs to State Government, Local government (Nazul and Nagar Nigam), parastratal agencies like Bhopal Development Authority (BDA), City Planners Association (CPA), Housing Board (HB), central agencies such as Bhopal Heavy Electricals Ltd (BHEL), Railways, Defence, Forest, Irrigation, and others like, Private, trust, and waqf boards, etc. Civic authorities of the city have identified 380 slum pockets in the city in 2006. Out of 380 slums, 254 slums (69.4%) have been found to be located on land belongs to either local or state government. Other land occupation includes 59 slums (16.2%) those have been encroached over private land and slums on reserved land of central government had 29 slums (7.9%) whereas, 24 slums (6.55%) were located on land has dual or disputed land ownerships such as local and central government land, public and private land, etc. As per the secondary survey data, land value of slums in Bhopal ranges from Rs.1500 per Sq.m to highest of Rs. 60,000 per Sq.m. we have found that Most of the slums (200 Nos. 52.6%) are located on land that has market value range between Rs.5000-10000 per Sq.m. followed by (55 Nos. 14.5%) and (35 Nos 9.2%) under range of Rs. 10000-15000 and 15000-20000 respectively. Rest of 41 slums are located on more prime locations where land values are much higher than Rs. 20,000 Sq.m.

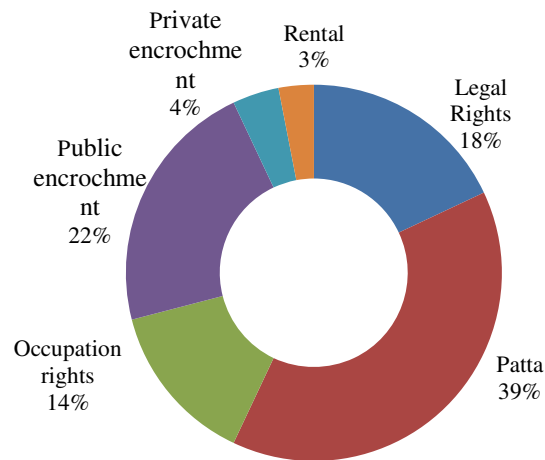


Figure-2
Tenure status in slums of Bhopal

Tenure security of slums in case of Bhopal is provided through “PATTA ACT, 1984”. These “patta” as written document that provides time bound tenure security against eviction are issued to the slum dwellers for max 30 years validity. Most of the slums in Bhopal have got tenure security in form of Patta in the year 1984. Further, process of notifications and grant of tenure security to other slums were carried out in the year 1994, 2003, 2004 and 2009. Survey data shows that, out of 380 slums in Bhopal, nearly 205 slums (54%) have been notified by the state during 1984-2010 and enjoying some degree of tenure security. Rest of 177 (45%) slum pockets still standing as illegal settlements due to land ownership and usability issues. Among all notified slums, 39% has Patta that protect their rights of shelter, 18% slums has got Legal or *de jure* tenure security. 14% slums has occupation certificates as temporary tenure for limited duration whereas, dwellers in 3% slums had rental accommodation. Further, 22% and 4% slums are subjected to illegal occupation over public and private land respectively.

Settlement typologies and Tenability

The term slum is used to describe a variety of settlement types, mostly defined as an area characterized by social and economic isolation, irregular land ownership and low standard of sanitary and environmental conditions⁸. Slums also include the “informal settlements” subjected to under serviced neighborhoods, urban villages, squatter settlements and illegal sub-divisions. The quality of housing in such settlements tends to vary from the infirm shack to permanent structures, although access to basic services and infrastructure may be limited. The evidence from slum intervention policy review in global context suggests that physical conditions in housing settlements can vary from the assumptions in the conventional

wisdom and these variations are likely to have an impact on the success of upgrading strategies¹⁶. I personally believe that, "Slums are peculiar settlements of urban landscapes, those are subjected to varied degree of spatial, physical, socio-economic and aspirational attributes, that needs "context specific interventions" to bring them into formal urban system.

In urban India, different types of land tenure systems can be noticed that exists within settlements ranging from formal secured titles to informal unsecured encroachments. The land ownership characteristics and relative location of settlement are directly related to the threats of eviction for squatters. Illegal occupation on privately owned land and prime location of settlements increases the possibilities of eviction comparing to the public land of less important location. In India, poor migrants has tendency to mostly choose marginal and leftover public land, unwanted by others for their settlements to reduce possibilities of evictions. Alan Gilbert and Peter Ward¹⁷ 1982 in their research also argued that the poor mostly choose to live at marginalized poor land unwanted by others non slum population and these land parcels are expected to get poorer over time because of the lack of public investments". However, in many cities of the developing world as a consequence of physical expansion, many poor housing settlements, those were at peripheral or marginal locations, become more strategic and prime location of the city. The better location is likely to lead to a large differential in land values and a potential incentive for demolition and redevelopment¹⁶.

There are settlements squatted over private or public land, without any legal permission for a longer duration without being evicted that leads to increasing sense of security. Such settlements are example of perceived tenure. Many of the spontaneous settlements of cities begins with the encroachments over land belongs to other. Such Illegal occupation of land of others subjected to high risk of eviction especially if they are located on private land or at prime locations. Higher risk of eviction also evident public or government land especially when settlement has been seen as hurdle for the expansion of civic service networks or settlement causing environmental threats to the public around its vicinity or if settlement found to be located on hazardous land declared as unsafe for habitation. Some of the settlements those have grown over less important public land and survived for longer duration sometimes get patronage of law that has been made to protect rights of shelter. Laws such as "Patta Act" 1984 in Madhya Pradesh, India offers time bound protection from eviction of the people living in slums on public land. In few cases, Law provides *de facto* ownership in form of "adverse possession" to the squatters those have been occupying land for certain period of time without being evicted or charged rent or challenged by any person claiming to own that land. Durrant, Lasserre and Selod¹⁸ argued that *de facto* tenure "has potential positive impacts on home improvement, children's education, labour-market

participation. In some cases old settlements of city core and fringes area settlements in form of urban villages those have been occupied land since very long duration (probably two-three generations) lives with a strong sense of tenure security, generally called as traditional or customary tenure system but, in absence of recorded documentations little insecurity may also observed among these settlements. Some of the poor settlements of the city provided by the Public or Private co-operative housing societies exhibits form of collective tenure that allows people to own or lease property as a group. There may be poor settlements erected over land under lease hold titles that includes rental contract between individual renters or community and the land owners. Finally, there are settlements in which dwellers has legally owned Independent land or houses through formal tenure system as free hold titles. This is most secured and widely rightful system of tenure security where ownership provides high degree of security, freedom to dispose, or use as mortgage for loans or commodity for commercial value. Such free hold settlements sometimes regarded as slum or informal settlement due to inadequate infrastructural services, illegal constructions, or land use violations.

In the light of case study data and evidence from the literature this has been identified that in any city, different tenure types and land ownerships may co-exist even at close proximity. The policy interventions made on the wisdom of slum occupancy only on poor land and consequent provision of tenure regularization gets failed under changed context of location and land ownership attributes. Adaptation of liberal economic policies in India during 1990s has made land a "commodity" to be bought and sold to the highest bidder in the market. Scarcity of habitable urban land has been affecting housing supply especially to the poor sections of the society. Resolving the issue of land has become significant challenge to solve the problems of housing for the poor in our cities. Mahadevia in her research classifies tenure security into three categories: strong *de facto* tenure, weak *de facto* tenure and insecure tenure, based on field observations in six slums in a ward in Ahmadabad¹⁹. Here, we also argue that slums are needed to be classified into suitable categories on the basis of land attributes and context specific interventions should be designed accordingly.

Framework for Classification of slums for tenability

All the settlements (notified, un-notified, formal or informal) those have been identified by the state as "slum" can be filtered and classified for the tenability using systematic scanning process explained below. This will require legal status of land ownership that usually vested with the land records and revenue departments of the city or state. Based on the legal status of land ownership, the settlements can be classified under five broad categories of tenability may called as T1, T2, T3, T4 and T0. The filtration process is presented at (figure 3).

T1 (Legal, formal and undisputed secured tenure):

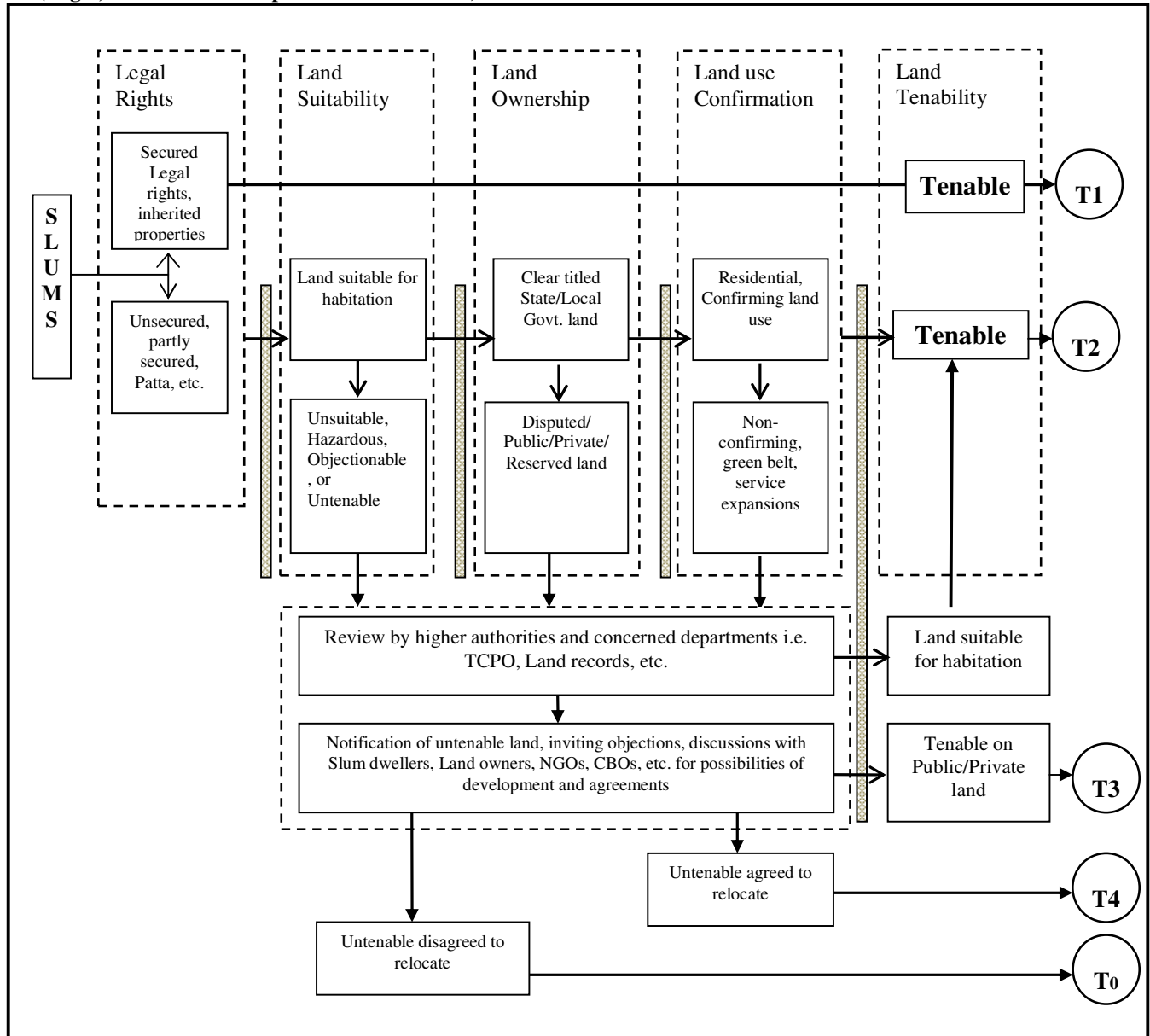


Figure-3
Tenability Scanner (TS): Classification of slums for tenability

The settlements such as old inner city, down town, fringe villages and illegal colonization of recent times those have legal and secured tenure rights but termed as slum due to deficient infrastructure and sometimes because of deteriorated housing conditions. Housing areas that were once respectable or even desirable, but which have since deteriorated as the original dwellers have moved to new and better areas of the cities thus, condition of the old houses has then declined, and the units have been progressively subdivided and rented out to lower-income groups popularly known as inner city slum²⁰. These legally owned or traditional customary tenure settlements may be subjected to high property values, rental

income, commercial potential and employment opportunities thus are different from other slum typologies. Any intervention policy that aimed at displacement of dwellers (under relocation or resettlement projects) for improvement of quality of life of the poor will have least possibilities. Although, poor rentals of these settlements may have choice different from the owners if affordable housing offered to them. Provision of secured tenure may not be prime aspect in this slum typology thus, such settlements can be categorised under specific tenability code as T1 and appropriate intervention can be designed as per specific need of the settlement.

T2 (Non-Hazardous, Non-objectionable and tenable land):

All identified slums (Except those shortlisted under T1) can be brought for second type of tenability in which, three stage of scanning will be carried out to filter the settlement for qualifying for the second type of tenability (T2). First stage of scanning should be made for the analysis of suitability of land for habitation. The settlements those are situated on non-hazardous land parcels which is free from objections and found to be safe for human habitation should be marked qualified for the first stage of scanning and may allow promoting for the stage two scanning. All those settlements that do not qualify at the first scanning should be listed out separately (may called as Disqualified Scan-1) for further analysis or grant of other type of tenability. The settlements those have qualified at first stage of scanning now will be required to pass through the second stage of scanning in which land ownership characteristics of the settlement will be scanned. Here, the settlements situated on the clear titled government land (local or state government) for which government has already provided tenure security (such as Patta) or other form of tenure security can be shortlisted for promoting for third stage of scanning. Rest of the settlements such as settlements situated on disputed land, public or private land encroachments, reserved land, etc. and does not have secured tenure thus failed to qualify at second stage of scanning should be listed out separately (may called as Disqualified Scan-2). At the third stage of scanning, settlements those were promoted at second stage will be scanned for the land use confirmation.

Here, the land on which settlement has been situated will be required to be checked with the existing and proposed master plans /land use plans of the city for confirmation of land uses. The settlements those stands with the violation of land use reservations, density norms, established on green belts or may act as hurdle for the expansion of city services, road networks, etc. can be marked disqualified and should be listed out separately (may called as Disqualified Scan-3). Rest of settlements those were successfully qualified at all three stages of scanning can be made eligible for the tenability of T2. The slums those are situated on non-hazardous and undisputed government land that has been found to be suitable for habitation under the city land use plan and also do not have objections of legal or environmental grounds may easily be granted tenure security thus, can be classify differently for tenability (T2). In-situ upgrading or redevelopment of settlement based on vulnerability and aspirations of the stakeholders could be the most appropriate intervention under this category that can be initiated without much delay for the slums under this classification.

Reviews and reconsiderations for T2: All the settlements those were dropped out at three stages of scanning for tenability (T2) and listed as disqualified slums (Disqualified Scan-1, Disqualified Scan-2 and Disqualified Scan-3) can be reviewed by the joint committees of higher officials such as land records, revenue, town planning and other concerned departments of

local and state government for reconsideration and finalization of slums for tenability of T2. If review committee finds some of the settlements those were disqualified during three stages of scanning but can be made qualified or vice-versa may include/exclude such settlements for finalizing list of settlements for tenability (T2).

T3 (Objectionable settlements): All the slums (Except those shortlisted under T1 and T2) can be brought for third type of tenability. The slums those are situated on other non-hazardous land that has been found to be suitable for habitation but may subjected to objections for encroachments on public or private land ownerships, disputed land, reserved land, etc. can't easily be granted tenure security thus, can be classify differently for tenability. The interventions to such category of tenability will required third party involvement (other than government and inhabitants) to resolve land tenability issues then only intervention can be initiated. Here, government will be required to issue notification to all settlements subjected to untenable land to invite objections from the dwellers and land owners. There can be discussions with Slum dwellers, Land owners, NGOs, CBOs, etc. to seek the possibilities of development and agreements. In-situ upgrading, redevelopment and relocation all kind of interventions is possible under this category. Public-private partnerships, land sharing, TDR or other financial mechanism may be explored based on potential of land. In case of settlements in which concerned stakeholders will end up with some king of successful negotiations and mutual agreements for the developments on subjected land such settlements can be shortlisted for the tenability of T3.

T4 (Untenable and agreed to relocate): All the slums (Except those shortlisted under T1, T2 and T3) can be brought for forth type of tenability. The slums those are situated on hazardous land that has been found unsuitable for habitation and/or subjected to objections for land ownerships and land use etc. thus cannot be granted tenure security for many reasons. Also, the settlements those are objectionable for ownership issues but may be tenable for which, possibilities of development and mutual agreements among the stakeholders was unsuccessful can be further explored at this stage of tenability. As the settlement was found untenable either due to Hazardous and/ or Objectionable grounds, the dwellers may be given an option if they agrees to relocate at affordable public housing after vacating/withdrawing present untenable settlements. The settlements those agree to relocate at other non-hazardous and tenable public housing can be categorize under specific tenability of T4. Most suitable interventions to such category of tenability (T4) can be resettlement through public housing schemes at other non-hazardous and non-objectionable land. The inhabitants of such slums needs to be educated for the untenability and unsuitability of land and with their agreement to relocate intervention can be designed accordingly.

T0 (Untenable and Disagreed to relocate): All the slums (Except those shortlisted under T1, T2, T3 and T4) can be

brought for fifth type of tenability. Basically these are the slums those are situated on hazardous land that has been found unsuitable for habitation and subjected to objections for land ownerships and land use etc. thus cannot be granted tenure security. Also the inhabitants of settlement are not willing to relocate under such cases these settlements can be classified differently for tenability as T-Zero (T0). The interventions to such category of tenability may require more efforts for generating at least partial agreement for relocation that can act as catalyst for other to move at safer locations. Transparency, public participation, motivation, education, protection of social benefits, subsidy, removal of threats of relocation, success stories of other relocation may help to generate consensus among the dwellers to accept relocation. Finally, through the proposed filtration process as discussed above, we can classify or categorize various settlements of an urban centre under five broad tenability types. Each of these tenability types (T1 to T4 and T0) will required very specific kind of policy intervention to achieve successful interventions. Although, more contexts specific policy intervention can be designed if settlements of all four tenability will further categorize on the basis of their spatial and physical attributes.

Conclusion

The proposed framework has presented a systematic yet, simple approach that can be used to categorize the settlements under five categories of tenability by using land attributes of settlement. The study has reconfirm the importance of tenure security and highlighted the issue of tenability as core component that needs to be addressed first and proposed framework can be seen as an effort to resolve land related issues by categorizing settlements under differentiated tenability. By drawing attention to the dynamics of land as key variables and over time the framework helps to review the notification status of settlements. Further, context specific policies for each of the categories can be designed to increase the rate of successful and acceptable interventions. We know that, this simple framework requires many complex procedures and deliberations by the local administrations mainly for T3 and T4 type tenability that cannot be done without active involvement of other stakeholders. But, this is sure that if we could resolve the land issues and succeed to categorize settlements under proposed five types of tenability, further path of interventions will be undisputed, contextual and more acceptable. The framework facilitates a more contextualized understanding of settlements and also serves as a powerful tool for planning and evaluation of ameliorative interventions. In its static dimension the framework as a snapshot of context at a given time the framework highlights which aspects of settlement conditions are the most required and helps to identify priorities for a given settlement. It can also help policy makers, planners and administrators to think through different strategies for how to address the problems under differentiated context. This is an attempt to stratify and structure the settlements for context-specific definitions. Specifically, this framework can be used by

individual towns, states and countries to structure the physical conditions of their settlements.

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