



## ***Security of Tenure and Protection Against Evictions of Slums Dwellers: A Case of Hyderabad***

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### **Abstract**

*This paper is an attempt to investigate the reasons for slum eviction despite the possession of tenure security and also highlights the shortcomings in the rehabilitation process. The relation between tenure security and access to basic services is explored. Case studies are conducted in two evicted slums of Hyderabad which include the Bhimraobada slum and the Chaderghat Darwaza slum, to understand the status of tenure security of the slums in Hyderabad. The paper analyses the reasons for eviction and evaluates the implications faced by the slum dwellers due to slum evictions. Besides, it also focuses on the issues of the rehabilitated areas where the inhabitants of the slums are relocated. Further, the authors suggest necessary steps to be taken to tackle the issues related to slum evictions in future.*

### **1. INTRODUCTION**

Eviction of slums has become a dominant trend in most countries around the world. Slum dwellers are continuously being evicted in various countries. As per the Global Land Tool Network, more than 12,000 people were forcibly evicted from Darussalam camp in August 2006 in Sudan. Around 2,000,000 people in Nigeria, 3,000,000 Africans and 20,000 people in Kenya were forcibly evicted since 2000. Some 25,000 evictions are carried out annually in New York City alone. Nearly 6,000 families in Luanda, Angola in 2001 and 800 people in Ghana in 2006 have had their homes demolished forcibly. For the sake of Olympic Games, 30,000 people in Atlanta prior to 1996 Olympic Games, nearly 720,000 people in Seoul and Incheon, Republic of South Korea, prior to the 1988 Olympic Games and over 1,700,000 people in Beijing, China prior to 2008 Olympic Games were forcibly evicted. Evictions are carried out despite the adoption of anti-eviction laws for the protection of slums. For example, people were evicted in Brazil, even though there were anti-eviction laws in place (Junior, 1999).

This trend of forcible evictions is no different in various cities of India including the city of Hyderabad. In India, it has been estimated that over 50,000,000 people were forcibly evicted to give way to dams since 1950 (UN-Habitat, 2009). In Kolkata, 77,000 slum dwellers were evicted in 2004 and in Mumbai large scale demolitions took place in 2005 (Menon *et al*, 2007). Delhi is mostly dominated by the court

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rulings, evictions and relocation still forms a major part of the slum policies in Delhi. In the recent years, large scale evictions ruled by the court orders took place (Balamir et al, 2001). The city of Hyderabad, witnessed the same, a number of slums have been evicted for various reasons, largely to make way for developmental projects. Over 10,000 houses belonging to the poor were demolished in the late 1990s to beautify the city of 'Cyberabad' (Menon *et al*, 2007). It should be noted that under the Draft National Slum Policy of India, slum clearance is actually ruled out, except under strict guidelines laid down for resettlement and rehabilitation in respect of notified slums located on untenable land situations (Government of India, 2001). However, the policy is still in its draft stage and has not yet come into effect.

## 2. THE CITY OF HYDERABAD

Hyderabad, also known as Bhagyanagar (City of Fortune) is the capital of the Indian state of Andhra Pradesh. It is one of the mostly populated cities of India and also the most populated city of the state. As per the Census of India 2001, population of Hyderabad in 2001 was 5,404,833 whereas, according to the official government website, the current population of the city is above 6,000,000 with an area of 650 sq km.

### 2.1 Slums in Hyderabad

As per the Census of India 2001, slum population of Hyderabad was 601,336 in 2001. The number of notified slums increased from 106 in 1962 to 811 in 1994 (Government of Andhra Pradesh, 1999). The number of slums in Hyderabad Urban Agglomeration increased to 1,631 in 2001 scattering across the city with high population densities. Hyderabad Urban Agglomeration includes erstwhile Municipal Corporation of Hyderabad area and the surrounding nine municipalities including Serrilingampally, Kukatpally, Quthbullapur, Alwal, Malkajgiri, Kapra, Uppal Kalan, LB Nagar and Rajendra Nagar now falling within the jurisdiction of Greater Hyderabad Municipal Corporation (Government of India, 2005).

### 2.2 Security of Tenure in Hyderabad

One of the most important forms of security of tenure structures issued by the Government of Andhra Pradesh is *patta*. The state of Andhra Pradesh adopted the Patta Act, 1984 for tenure regularization as a state wide policy. The *patta* is a bundle of freehold or leasehold or license based rights provided to the beneficiary under certain conditions for a specific purpose and period. Government of Andhra Pradesh issues *pattas* through the office of the Revenue Divisional Officer. Formally a *patta* is issued as the *Patta Certificate* or the *Form-D*. Eligibility criterion for applying for the award of *patta* is that the beneficiary should have been living in a house on government land for more than five years.



Hyderabad is known for its innovative approaches in providing tenure security to poor settlements. Under the Andhra Pradesh Slum Improvement (Acquisition of Land) Act 1956, Government of Andhra Pradesh notified poor settlements as slums. This in turn provided indirect legal reassurance against forced evictions. Another successful innovative approach, Landsharing proved to be advantageous for the squatters against eviction threats (Adusumilli, 2001). On the unobjectionable areas, freehold *pattas* were issued to the eligible tenants on the state government land. House site *pattas* were granted by the Government of Andhra Pradesh revenue department in accordance with Government Order No. 508 of 1995, applicable to all urban areas of the state. *Pattas* were issued in the name of women. They could be inherited but not transferred and could be used as mortgage for housing loans (Sharma et al, 2006). Whereas on the objectionable areas such as squatters on the municipal land, possession slips (later to be replaced with *pattas*) were issued. In case of notified slums on private land, under the Andhra Pradesh Slum Improvement (Acquisition of Land) Act 1956, land was first acquired and later individual *pattas* were issued (Banerjee, 2002).

### 3. BHIMRAOBADA SLUM

Bhimraobada slum was located (17° 23' 13N, 78° 28' 18E) on the state government land next to Gandhi Bhavan. The slum dwellers were evicted on 27 December 2008 by the Revenue Department Office, Hyderabad and the GHMC officials under the directions of the state government paving way for construction of Indira Bhavan, the city office of the Indian National Congress party. The slum area extends to 1153.09 sq m with 83 houses. According to locals of Bhimraobada, the slum was in existence since 1933. A majority of the slum dwellers are engaged in petty business, others are daily wage labourers, auto drivers etc. with an average monthly income of Rs.2,150. The average household size is 3.75 with 1.25 earning members in the family.

#### 3.1 Location

Land where the evicted slum was located falls in Town Survey No 4/1 Block M Ward No 47 in Goshamahal (North) of Nampally village in Municipal Block No.5 and Ward.No.5 was notified under Section 3 (1) and 3 (2) of the Slum Improvement Act 1956 through AP Gazette. No.47 in December 12, 1991 and AP Gazette No. 408-A of 27 September 1995 respectively for about 47 families in Bhimraobada.

#### 3.2 *Pattas* Issued

In the year 1996, D-Form *patta* certificates were issued to 83 occupants by the Revenue Divisional Officer (RDO), Hyderabad. The Government in GO.Ms.No.76 Housing Departments dated 25-11-2005 has allotted an extent of 5,117.68 sq yd, where the slum dwellers have been residing in favour of State Congress Committee for the construction of state headquarters.

In Bhimraobada slum, all the households are in possession of D-Form *patta* certificates issued to them in 1996 (later cancelled in April 2008). All these years, they stayed in their own houses, which were inherited. Prior to the provision of *pattas*, families neither made any effort to acquire *pattas* nor invested anything to acquire them. The then state government issued *pattas* to all those who have been living in a house on government land for more than five years.

### 3.3 *Pattas* Cancelled

The state government directed the RDO, Hyderabad to clear the encroachments and to accommodate them under the Vamiki Ambedkar Malin Basti Vikas Yojna (VAMBAY) scheme at a nearby place. The RDO issued show cause notices to all the occupants that D-Form *pattas* were provided mistakenly by them and hence should be cancelled. In March 2008, the state government de-notified the slum under section 16 of the AP Slum improvement Act 1956 and ordered for deletion of Bhimraobada slum from the list of notified slums. After examining the matter, the Joint Collector Hyderabad cancelled the *patta* certificate on April 11, 2008 (Express News Service, 2008).

### 3.4 Court Case and Eviction

Slum dwellers filed a writ petition in the Andhra Pradesh High Court. They obtained stay from court when told to vacate the place in June 2008. When the stay expired on 25 December 2008, the court refused to extend it further. Taking advantage of this, the authorities decided to evict the slum.

In fact in the past, a number of attempts were made by the local Congress to evict the slum by force but have been prevented by the late Khairatabad Congress MLA, P. Janardhan Reddy. Finally, the slum was evicted by force on 27 December 2008. After eviction, the AP High Court directed the state government not to proceed further on the issue of Bhimraobada slum and appointed an advocate to study the ground realities.

Fig.1 Demolished houses of Bhimraobada slum



Fig.2 Debris after the demolition of the Bhimraobada slum



**Fig.3 Police security during slum eviction**



**Fig.4 VAMBAY houses provided for rehabilitation of slum dwellers at Afzal Sagar**



### 3.5 Rehabilitation

Bhimraobada residents were asked to shift to the alternate flats at Afzalsagar, around three kilometers away from the evicted site, where they were allocated houses in the VAMBAY Weaker Section Housing Colony (Express News Service, 2008). The evicted families were dumped forcibly into new buildings. For more than one reason, these new dwelling units were not acceptable to the families and were averse to relocation. The rehabilitated place is far away from their workplace, making their survival very difficult. Nearly 20 families were not allotted houses (South Asian, 2008). Those who were allotted dwelling units have poor

access to basic services, especially drinking water. No authentic documents were provided for the newly allotted houses. This, has even more increased their insecurity and fear of eviction in the near future.

### 3.6 Political Attention

Demolition quickly snowballed into a major issue with political parties of all hues joining the issue. Political leaders of all parties including Telugu Desam, Praja Rajyam, etc; who supported the slum dwellers and demonstrated against the demolition were arrested.

### 3.7 Patta and Provision of Basic Services

None of the inhabitants felt that their access to basic services increased after the provision of *patta*. Besides, they are of the opinion that the provision of *patta* would hardly increase their access to basic services even in the future. In the past, they were never asked to produce *patta* or any other related document during the provision of any basic service.

## 4. CHADERGHAT DARWAZA SLUM

Chaderghat Darwaza, predominantly a Muslim community, is a non-notified slum located (17° 22' 41.54"N, 78° 29' 14.86"E) on the private land along the southern bank of river Musi, in the Chaderghat locality of Ward 22, Circle 1, Central Zone, Greater Hyderabad Municipal Corporation. The slum is 60 years old with 158 households and spread over an area of 0.5 hectare. They were living at Kamal Theatre near Chaderghat 'X' roads. When the theatre was built, they were rehabilitated at

Chaderghat Darwaza. The average household size is 5.25. A majority of them are auto drivers, while others were street hawkers and domestic servants with average monthly income of Rs. 3,550.

#### 4.1 Tenure Status and Eviction by Force

Of 158 households, 65 have tenure land holdings, rest have been staying without any legal documents (Hagedorn, 2007). A part of the settlement has been evicted by force in June 2000 for the Nandanavanam project on the river banks of Musi. Around three fourth of the households have been staying in their own houses, which were either inherited or purchased.

Nearly 39 percent of them are without any legal tenure documents. They said that they have not made any efforts in the past to acquire *pattas* or legal status. Around half of them still fear eviction by force. This is because they are located on the environmentally sensitive areas i.e. on the southern bank of the river Musi. In the past when they were forced to vacate, they were supported by Campaign for Housing and Tenurial Rights (CHATRI), a non-government organization.

#### 4.2 Rehabilitation

The evicted were rehabilitated and provided with alternate housing units at Nandanavanam colony near Karmanghat, Dilsukhnagar. Not all of them could be accommodated. Evicted slum dwellers from different parts of the city were brought to the Nandanavanam colony with promise of housing. They included rag pickers from under Shivaji Bridge, construction and sanitation workers from places such as Chaderghat Darwaza, Kamal Nagar, Kattela Mandi and Moosa Nagar.

While many got houses eventually, a few bagged mere promises (Swathi, 2008). The residents when queried revealed that despite their rehabilitation at

Fig.5 View of the Chaderghat Darwaza Slum

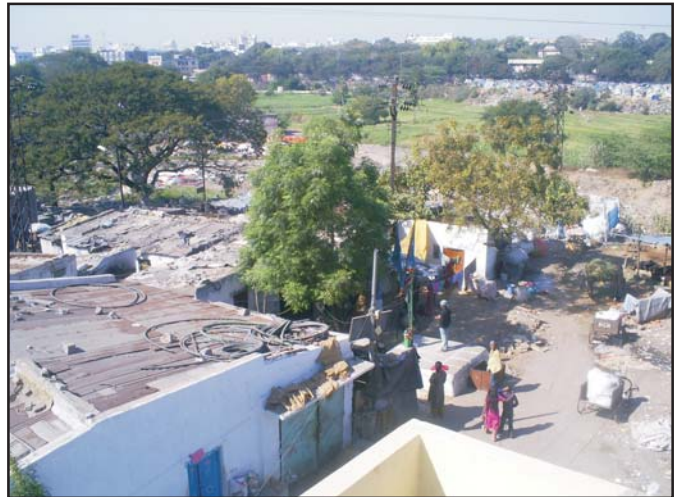
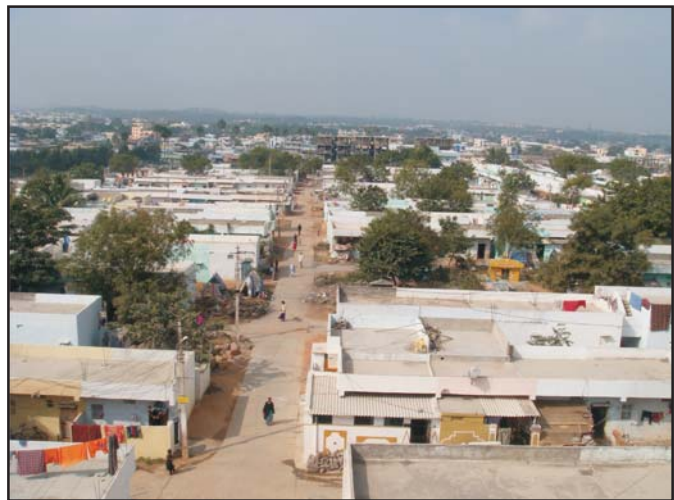


Fig.6 andanavanam Colony where dwellers from Chaderghat Darwaza were relocated



**Fig.7: View of one of the streets of the Nandanavanam Colony**



**Fig.8: Poor condition of basic services of the Chaderghat Darwaza slum**



Nandanavanam Colony, they were deprived of their livelihood by relocating them from their original place. Not able to make a living in the new place, a few of them had to sell the allocated house in informal transactions and had to go back to Chaderghat Darwaza.

#### 4.3 *Pattas* and Basic Services

All of them felt that their access to basic services has not improved even after the provision of the *pattas*. Nearly two third of them were of the opinion that condition of basic services has nothing to do with the provision of *patta* and moreover there would be no improvement even after the provision of *patta* in the future.

### 5. CONCLUSIONS

Despite acquiring *pattas*, both the slums were evicted by force, although for different reasons. The Bhimraobada slum located on the state government land next to Gandhi Bhavan, was evicted under the directions of the state government paving way for construction of Indira Bhavan, the city office of the Congress Party, while a part of the Chaderghat Darwaza slum was evicted by force for the purposes of an environmental beautification project on the banks of river Musi. This was because a part of the slum was located on the

environmentally sensitive area along the banks of river Musi.

In both the cases, *pattas* neither served their tenure security purposes nor provision of basic services. The inhabitants clearly indicated that whatever services were available to them were provided with the help of local political leaders support and not because of the possession of *patta* or any other relevant documents. *Patta* may not always guarantee security of tenure, as despite *patta* possession slums have been evicted by court orders favouring the land owners. Also the link between possession of tenure document and improvement in terms of basic services is hardly a straight line, with many issues like the expectations and affordability of



the slum population, the motivation of the state government which treats them just as a vote bank.

What is unfortunate is that slum evictions are mostly dominated by court rulings. Evictions and relocations still form a major part of the slum policies in Hyderabad. Court orders favour the land owners resulting in evictions. The above case study of Bhimraobada is a classic case in point demonstrating that powerful groups will not let possession of patta documents stand in their way when it comes to overpowering underprivileged groups for their purpose. It may be noted that the slum was evicted not for a public purpose but for the purpose of a political party. In this case, whether the site is the most appropriate for the location of the Indira Bhavan or an alternative site could have been found remains debatable issue.

We propose that the following measures are required to be taken for a better approach towards the slum evictions in future. There is an utmost need for effective implementation of anti-eviction laws, tenure related urban policies, trends, management practices and initiatives of the public, private or the cooperative sectors. The National Slum Policy, 2001 can be considered as one of the historical steps towards the provision of tenure and basic services in slums. The policy rules out slum clearance with a few exceptions for resettlement and rehabilitation in respect of notified slums located on untenable land situations. It advocates the granting of tenure on all government tenable lands including resettlement or rehabilitated sites. Tenure shall be granted to all residents on all tenable land sites owned or acquired by the government. Proper tenure rights shall be granted on resettlement or rehabilitated sites (Government of India, 2001). However, the policy is still in its draft stage and has not yet come into effect. The policy needs to be updated and brought into effect with suitable changes as the policy was drafted a decade ago.

Extensive research should be encouraged to effectively adopt, implement and provide secure tenure options to the urban poor so as to increase their protection against forced evictions. A systematic approach needs to be evolved to rehabilitate the slum dwellers at an alternate site. Tenure security for the rehabilitated may be provided on incremental basis or on flexible leasehold rights basis subject to conditions for a specified period, as otherwise there would be a possibility of misusing the tenure rights by the beneficiaries. The owners of land should respect the agreement (if any) with the occupants and must fulfill required procedures over a specified length of time. The owners or the civic authorities, instead of resorting to violent methods for slum evacuations, should adopt or devise better and peaceful methods to resolve issues amicably. Voluntary groups and Non-Government Organizations can play a better role to prevent unwarranted evictions and assist people with resettlement if they have already been evicted.



## REFERENCES

- Adusumilli, U. (2001) *Regulatory Guidelines for Urban Upgrading: Hyderabad Experience, Hyderabad*.
- Banerjee B (2002) *Security of Tenure in Indian Cities, Holding Their Ground: Secure Land Tenure for the Urban Poor in Developing Countries*, Earthscan, London.
- Balamir, M and Payne, G. (2001) *Legality and Legitimacy in Urban Tenure Issues*, An abstract of a paper submitted to the ESF/N-AERUS conference, Katholiek Universiteit Leuven, Belgium.
- Express News Services (2008) *Revenue Officials Justify Action*, Dated 28-12-2008.
- Government of Andhra Pradesh (1956) *Andhra Pradesh Slum Improvement (Acquisition of Land) Act, 1956*.
- Municipal Corporation of Hyderabad (1999), *Municipal Services for the Urban Poor in Hyderabad*, Program Concept Document, A Draft for Second Consultation, Hyderabad.
- Ministry of Urban Development and Poverty Alleviation (2001) *Draft National Slum Policy*, Government of India, New Delhi.
- Ministry of Urban Employment and Poverty Alleviation (2005) *Jawaharlal Nehru Urban Renewal Mission (JNNURM), Hyderabad - City Development Plan*, New Delhi.
- Hagedorn, K. and Chennamaneni, R. (2007) *Analysis and Action for Sustainable Development of Hyderabad, Hyderabad as a Megacity of Tomorrow: Sustainable Urban Food and Health Security and Environmental Resource Management-Natural Resource Management for a Sustainable Hyderabad*, Humboldt University, Berlin.
- Junior, N.S. (1999), *Forms of Protection of the Right to Housing and to Guarantee the Security of Tenure in Brazil*, A Paper presented at 'Tenure Security Policies in South African, Brazilian, Indian and Sub-Saharan African Cities: A Comparative Analysis', Centre of Applied Legal Studies, 27<sup>th</sup>-28<sup>th</sup> July, 1999, Johannesburg.
- Menon, N.N.A. (2007) *Power and Contestation: India since 1989*, Zed Books, London.
- Sharma, A. Barman, S. and Datta, D.P. (2006) *Land Tenure Security: Is Titling Enough?* National Institute of Urban Affairs, New Delhi.
- South Asian (2008) Police Destroy Slum, Evict People in Hyderabad, dated 30-12-2008 (Available at [www.thesouthasian.org/archives/2008/police\\_destroy\\_slum\\_evict\\_peop.html](http://www.thesouthasian.org/archives/2008/police_destroy_slum_evict_peop.html)).**
- Swathi, V. (2008) *Mere hope lights these gloomy shelters*, The Hindu dated 09-06-2008 (available at [www.thehindu.com/2008/06/09/stories/20080609060090400.htm](http://www.thehindu.com/2008/06/09/stories/20080609060090400.htm)).
- The Hindu (2008) *Outrage over demolition of Bhimraobada Slum*, dated 28-12-2008. (Available at [www.thehindu.com/2008/12/28/stories/2008122850040100.htm](http://www.thehindu.com/2008/12/28/stories/2008122850040100.htm)).
- UN-Habitat (2009) *Facts*, Global Land Networking Tools website, (available at <http://www.gltn.net>).

## WEBSITES

- [www.censusindia.net](http://www.censusindia.net)  
[www.ghmc.gov.in](http://www.ghmc.gov.in)  
[www.gltn.net](http://www.gltn.net)