

# The Regularising State

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This article discusses a form of informality widely prevalent in small and medium cities in Maharashtra, called *gunthewari*. It is an examination of the practice of regularisation of these gunthewaris, and its relationship to other domains of urban governance. It argues that regularisation is an attempt to create a constant state of exception. Regularisation enables the abdication of state responsibility for public housing and planning, while engaging in tokenistic exercises of welfare.

It is by now well known that urban settlements in India are characterised by informal developments more than planned ones. Slums are one of the best known and researched forms of informality, but several other forms are being increasingly brought into discourse, raising new questions about the nature of “informality”, its politics, and the insight it offers into the dynamics of cities. Thus, Delhi has its unauthorised colonies<sup>1</sup> and development plan violations; Mumbai has its Ulhasnagars<sup>2</sup> and Campa Cola Compounds;<sup>3</sup> Bangalore has its Akrama-Sakrama;<sup>4</sup> and so on. The proposed legislation on Akrama-Sakrama has rekindled the controversy around the issue in Karnataka, while in Gujarat, a similar legislation is already in place. Less understood are the forms of informality in small and medium towns.

This article discusses a form of informality that is widely prevalent in several small and medium cities in Maharashtra called *gunthewari*, about which little has been documented. It focuses on the state response to these gunthewaris, and the impact of this regularising response on gunthewaris themselves and the development dynamics of the cities concerned. It is an examination of the practice of “regularisation”, its evolution, interests that propel it, and its relationship to other practices of governmentality in the domain of urban governance.

## Gunthewaris in Maharashtra

A *guntha* is 1/40th of an acre. A gunthewari is a construction on a layout with plots that are around 1,000 sq ft, that is, less than the acceptable norm for planning, which is 3,000 sq ft.<sup>5</sup> They comprise housing in unauthorised layouts, usually on the periphery of cities. These layouts, and the buying and selling of land, are usually with the consent of the landowner, and the construction is done by the buyers of the plot as per their financial capacity. In gunthewaris, the land brought under development is not declared as urban or residential. Further, the layouts do not follow planning norms and are not approved by planning authorities.<sup>6</sup> Moreover, the size of the plots is below the minimum prescribed size. Finally, the construction may or may not be as per building codes. Gunthewaris thus challenge several legislations. These include (i) Prevention of Land Fragmentation under the Maharashtra Land Revenue Code, which prohibits the division of agricultural land below parcels of two acres; (ii) Due Procedure for Conversion to Non-Agricultural use of Land, which is fully bypassed in the case of gunthewaris; (iii) Maharashtra Regional and Town Planning Act, which indicates planning as the source for the creation of layouts and prescribes standards for them; and (iv) Standardised Building Bylaws for municipal councils across the state.

This article is based on a collective research project. The project team included Himanshu Burte, Smita Waingankar and Simpreet Singh. A larger team of collaborators enabled the research in the three cities.

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Gunthewaris are widely prevalent in small and medium cities in the state, although it is difficult to give an exact number. The regularisation policy is applicable to 234 out of the 257 towns in the state. In the three cities that we studied, that is, Sangli-Miraj-Kupwad Municipal Corporation (SMKMC), Akola, and Aurangabad, the estimations vary between 20% (based on discussions with municipal officials) population in Akola to nearly 40% in Sangli (SMKMC Draft Development Plan 2001). Table 1 gives an idea of the scale of the phenomenon in these cities, and also illustrates the difference between official numbers based on applications received for regularisation, and non-official estimates.<sup>7</sup>

**Table 1: Number and Scale of Gunthewaris in Official and Non-official Data**

	Official Data	Non-official Data*
Sangli-Miraj	10 sq km area (25% of developed area of SMKMC), 39,745 land parcels with 56,000 houses (40% population)*	Over 50% houses in SMKMC reported to be under gunthewari
Aurangabad	118 layouts with or roughly 25,000 houses, that is, 1,05,994 population (10%) 11,989 applications received for regularisation	Just four layouts (Bhimai Colony, Indu Nagar, Jai Bhavani Nagar and Rajnagar) comprise about 80,000 houses. Estimated that 7,000 plots of 20 by 30 ft are created annually within city boundaries
• Akola	<ul style="list-style-type: none"> <li>• 23 layouts</li> <li>• 5,000 houses (10%)</li> </ul>	<ul style="list-style-type: none"> <li>• 18 villages surrounding the city are considerably subdivided</li> <li>• 20% of city population housed</li> </ul>

\* In Sangli, the official data is on the basis of a survey cited in the Draft Development Plan of the city, prepared in 1995. Non-official data includes sources such as news reports, and that was obtained through interviews with knowledgeable informants.

### Regularisation of Informality

Two themes dominate the literature on unauthorised colonies. The first is its comparison with other forms of informality. The other is the regularisation exercises and their relationship to urban planning. Bhan (2013) compares unauthorised colonies in Delhi with slums, and questions the discriminatory policy towards slums, which are constantly subjected to eviction, as opposed to other forms of illegality. He thus seeks to shift the discourse from illegality to legitimacy. A consideration of legitimacy brings in new aspects, such as those of class and vulnerability, into the discourse, and lends new parameters to the task of regularisation. Why regularise? Who is regularised and who isn't? What are the terms of regularisation? Zimmer (2012), while analysing the current mode of regularisation of unauthorised colonies in Delhi, observes that they represent "emerging technologies of citizenship of the neoliberal state, seeking to incorporate new populations into a notion of negotiated citizenship – a public-private partnership based on cost-sharing, self organisation and deliberate visibility" (p 95).

The theme that has been of recurrent interest is that of using the state response as an analytical lens into the workings of the state and the practice of urban planning. Roy (2009), observing the practices of unmapping, deregulation and informality of the Indian state, concludes that Indian cities can never be planned. Gururani (2013) concludes that this flexibility of planning is carefully orchestrated, and incites the urban poor, indigenous

bourgeois, and international financial capital simultaneously. Nair (2013), while commenting on the Akrama-Sakrama legislation, describes this as a "dance (with historical moorings) between upholding order through planning and periodic regularisation exercises, of perpetuating a routinised schism between exclusionary colonial planning and accommodative community based governance" (p 46), and suggests that this is designed to encourage a certain dependence on the state. Benjamin (2008) asserts that urbanism in India is located in a "grey" zone that cannot be comprehended by binaries of legality-illegality, and so distinguishes between scales of networks between bureaucracies, capital and people across classes, and their participation in these networks. While the analyses mentioned above suggest that Indian urbanism is highly murky, Bhan (2013), in a more vociferous indictment of the Indian state, treats the failure of the plan as a diagnostic, and asserts the inevitability of transformative politics to engage with the plan.

This article seeks to take this examination of the state's role further. We examine regularisation empirically as a practice of governmentality in this context. Further, we attempt to understand how regularisation lands itself in certain settlements, and how it affects them and the city over a period of time. Roy (2009), in her review of informality as an idiom of planning, concludes that while informality makes possible "territorialised flexibility", it can also paralyse the developmentalism of the state. She further concludes that the outcome of insurgence may not be a just city. We extend this argument beyond the domain of planning into public housing, infrastructure provision, governance, and their embedment in socio-historical processes. We also draw upon the Graham and Marvin (2001) idea of the linkages between the infrastructure networks embedded in socio-historical processes and urban spaces.

The notion of public sphere is useful here. Habermas' (1964) concept of the public sphere combines sociology, economics, law, political science, and social and cultural history. "It is a sphere between civil society and the state in which critical public discussion of matters of general interest was institutionally guaranteed" (p 49). In the context of cities, where networked infrastructures were (are?) seen as an ideal, planning, application of resources, and creation of infrastructures constitute a public sphere. They interweave aspects of sociopolitical order with material bases of life, and involve a constant negotiation of the terrain of social action. We show that regularisation is an attempt to create a constant state of exception, which makes the creation of a public sphere a difficult, if not impossible, prospect. It enables the abdication of state responsibility towards public housing and planning, while engaging in tokenistic exercises of welfare without substance. Thus, governing informality through regularisation becomes as much a face of the neo-liberal state as enabling gated communities.

### Emergence and Spread of Gunthewaris

SMKMC is a city in the prosperous agricultural belt of western Maharashtra. Both Sangli and Miraj have a long civic history, dating to the colonial period. The population of this city was just above 5,00,000 according to the Census of 2011. It grew at

a rate of 3.5% per annum in the period 1981-2001. This growth has largely been fuelled by the spurt of agro industries in the 1980s and the agglomeration of two towns – Sangli and Miraj – with a largely rural tract – Kupwad – in 1997. Landownership in Sangli shows a predominance of private owners comprising two groups, big farmers and trusts of the erstwhile principality.<sup>8</sup> The Development Plan (DP) of the city existed as three independent DPs of the two constituent towns (Kupwad was a village panchayat, and hence had no DP till 1997). The preparation and sanction of the new DP following the establishment of the corporation is still incomplete, with only a part of the DP sanctioned in 2013. The emergence of gunthewaris in SMKMC dates back to the aftermath of the application of the Urban Land Ceiling and Regulation Act (ULCRA) to the small cities of Sangli and Miraj.<sup>9</sup> Its impact on the local land market was momentous, especially as it was accompanied by the preparation of the DP in 1977, in which all the excess land was reserved for public housing in the DP. Further, the DP also reserved a number of agricultural lands adjoining residential lands for public amenities. While there was very little actual acquisition of land by the government, a number of landowners – mostly big farmers, whose lands were included in the expanded city limits – faced a very real threat. Doubly encumbered, they responded by subdividing their lands into small residential plots, and making a quick buck from them. This was the beginning of gunthewaris in the two cities, which are now joined as a municipal corporation.

Akola is a small corporation in Vidarbha, a region once famous for its cotton production and now infamous for farmer suicides. This city was the capital of eastern Berar and was located at a strategically important junction of the Central Railways. It thus emerged as a trade town from the colonial period. The city has a land area of 3,055 hectares, and a population of 5,50,000 as per the census of 2011. The Mumbai-Howrah railway line and the Secunderabad-Khandwa railway line act as the boundaries of this city, whose population has been growing at 2.4% per annum. Akola was converted into a municipal corporation in 2001. In Akola, gunthewari is experienced as a trend that emerged in the 1980s, and has since increased its expanse. The congestion of the old city, establishment of the Panjabrao Deshmukh Krishi Vidyapeeth (PKV) in 1969, constraining development along the east side of the city; and the establishment of several small-scale industries in a public industrial estate in the 1980s, attracting migration from the surrounding countryside for the employment opportunities it provided, are the major reasons for triggering gunthewari developments on lands on the outskirts of the then city limits. The other major trigger for gunthewari development in the city is the fact that city limits have not expanded in the last 12 years, although the population has trebled.

Aurangabad – an industrial city with a fairly rapid rate of growth – is located in the north-west of the state in the drought-prone region of Marathwada, which has poor infrastructure. Aurangabad's history dates back to the Mughal and Nizam rule, and is also characterised by a legacy of land governance linked to the same. The city is a regional headquarter of the state and houses important public offices, besides being an

international tourism centre. All these factors together contribute to a diverse and dynamic city economy. The city has experienced a rapid growth in population, and currently houses a population of 11,71,000. The rate of population growth is about 3.4% p a. The overall land area is 138.5 sq km. The Census of 2011 also shows an even greater population growth in the areas adjoining the city (about 14,00,000). The city limits of Aurangabad have been extended thrice; it has also undergone three DPs – the first prepared in 1969 and approved in 1975, the second prepared in 1982 and approved in 1991, and the third prepared for a much smaller fringe area in 2006 and approved in 2012. An analysis of the DPs reveals a significant proportion of no development zones (NDZs),<sup>10</sup> which have been continued in subsequent plans. Each of these development plans also continued with the strategy of creating a green belt around the city. As a development authority for creating a new city, City and Industrial Development Corporation (CIDCO) was able to stimulate significant residential development for the decade 1980-90, but in a limited land area (about 12 sq km). The development of gunthewaris in Aurangabad is linked to fringe area development as a location, while riots have been the primary impetus for a movement away from the inner city and into gunthewaris. The formation of 13 settlements was actively supported by the Shiv Sena – a right-wing party in the state – in the aftermath of major riots in 1988, and so this entire area is called the orange belt of the city. Today, this is a thriving cluster of settlements, housing about 1,25,000 people. The other end of the orange belt is another pocket of three predominantly Muslim settlements, like Hussein Colony.

Gunthewaris emerged in Sangli and Akola in around 1980, and around 1990 in Aurangabad. The triggers are largely to do with the lack of affordable housing and land in the city, although each city presents a distinct set of circumstances that determine the extent, location, and the form of gunthewaris.

### Residential Profile of Gunthewaris

Field interviews revealed that the initial residents of gunthewaris were people of small means. They largely included people working in the unorganised sector, such as autorickshaw operators, casual labourers, vendors, hotel employees, and small traders. The caste profile is diverse, with all except the most advanced castes represented among gunthewari residents. There are only a few degrees of difference between them and slum dwellers, which in the context of these cities represent dalits and nomadic and denotified tribes. The SMKMC conducted a detailed survey of gunthewari areas in 2001, which was reported in the SMKMC Draft Development Plan 2004. The survey shows that a majority of the residents of gunthewaris were self-employed, had incomes between Rs 5,000 and Rs 8,000, and travelled by bicycle.

The common feature cutting across all these diverse groups is the demand for affordable housing. Gunthewari plots in the cities were available for Rs 5,000-10,000, and were the only option for them when it came to buying housing in the cities. The houses were built of varied material, and construction followed multiple trajectories. Stories of early housing are

about houses made of tin and unbaked bricks, with floors and walls of mud, and of settlements that had no amenities and thus necessitated a lot of struggle. Every house has two to three rooms. Another key characteristic of this phase was the low level of organisation of the activity. Field interactions reveal that most sales were direct transactions between landowners and buyers. The landowners marked out the plots, and the residents constructed on the same.

Gunthewaris that were triggered off in the early 1980s began to expand rapidly in the three cities. In Sangli, gunthewaris expanded from the agricultural lands surrounding the old city to lands under DP reservations, and *watan* and *inam*<sup>11</sup> lands. By 1985, gunthewari developments expanded to agricultural zones on all sides of the city, and to lands reclaimed by filling in canals and *nullahs*. As gunthewari developments had become a fairly significant phenomenon, demands for basic services, and especially key infrastructure such as water, drainage, sewage, and solid waste management, began to take root. Several municipal councils in the state then began to charge property tax, and also provide a few services, such as solid waste collection. Gunthewaris thus became an acceptable housing option. It was fraught with a certain amount of risk as the structures were illegal and there were no planning permissions, but these risks were offset by the security of the bought land, which was private. The parallel phenomenon of slums, which were now being offered services and security till a particular date, was also assuring for actors involved in gunthewaris across the board on either the demand or the supply side. The activity of creating new layouts, selling the plots, and registering these transactions became more organised over the years. Several of the new gunthewaris did not possess adequate basic services, and were located in environmentally vulnerable locations. A demand for a law on the lines of the slum act thus began to take root. Sangli, which coined the term “gunthewari”, also became the epicentre of the demands<sup>12</sup> for an act to regularise gunthewaris. It was joined by several other towns in the state, particularly in western Maharashtra,<sup>13</sup> such as Pune, Ahmednagar, Satara, Kolhapur, etc.

## Regularisation of Gunthewaris

### State-level Responses

In 2001, the Maharashtra Regulation of Gunthewaris Act was promulgated. The preamble of the Act states:

Although Gunthewari developments are unlawful and there is an obvious need to curb such development, it has at the same time, to be appreciated that is neither practicable nor desirable to demolish on a mass scale the old and long existing constructions, made on such plots. This is especially so because the formal housing market has failed to meet the demands of economically weaker sections of the society for shelter in terms of both quantity and price. Gunthewari developments are a form of informal housing and have to be viewed as a positive response, however flawed and imperfect, of the common people to meet their shelter needs. The Bill embodies set of measures in line with this perception of Gunthewari developments is so far as Maharashtra is concerned.

This preamble is reflective of the contrary aims of the Act – regularise and develop existing gunthewari settlements, and

control the growth of new developments. The key features of the act were:

- A one-time amnesty to all gunthewari settlements in the state prior to 2001, and their regularisation by planning authorities.
- Provision of infrastructure such as roads, water supply lines, etc, through the payment of development charges, which would be ring-fenced, that is, placed in separate accounts to be used solely for the purpose of development of gunthewaris.
- Regularisation subject to compliance with a rectification procedure (submission of structure documents and plan, layout of settlement, willingness to give 10% plot to planning authority for infrastructure development free of cost).

Regularisation, as conceptualised in the Act, is thus not a straightforward process. The procedure intertwines the individual plot with the layout plan, introducing an additional dynamic into the process. The expectation of rectification seems to be that through regularisation, every structure and layout can be brought back into the planning fold. Another interesting dimension of the Act is that it does not envisage any cost to the state; the cost of infrastructure provision is to be met from the levy of development charges. This stance is very different from that of the Maharashtra Slum Act, where amenities are provided free of cost to slum residents. What does this represent? Is it a recognition of the differences in the profiles of gunthewaris and slums, or is it a product of the neo-liberal state framework? The latter seems to be the case, as there were significant overlaps between the profiles of slum residents and those in gunthewaris till 2001. This finding partly resonates with Zimmer’s (2012) observation that regularisation is a part of the repertoire of new technologies of citizenship.

The institutional framework envisaged for the implementation of the Act laid stress on local bodies with their powers of regularisation, deciding the development charges, the application of funds for the development of gunthewaris, and the control accorded to them. As a matter of procedure, legislation is accompanied by rules that provide a detailed framework of implementation. Interestingly, no rules were framed for the Gunthewari Regularisation Act. Instead, a state-level committee under the chairpersonship of the chief minister was constituted in 2002 for the effective implementation of the Act. This Gunthewari Committee has emerged as the most important point of decision-making on regularisation. The urban local bodies are left with only operational decisions.

The provisions of the Act, which seemed very stringent when introduced, have been considerably diluted over the years. The provision stipulating that plot-holders should give 10% of land free to the government was challenged in court, on the grounds that it violated the principles outlined in the Land Acquisition Act. But before the high court could take a decision on the issue, the committee decided that landowners would retain control over the 10% land, and that it would be acquired only when necessary for the creation of common amenities.<sup>14</sup> Several other changes made to the provisions include: (i) regularisation of vertical building structures;

(ii) award of discretionary powers to urban local bodies to decide on the regularisation of gunthewaris on DP reservations; (iii) a move to regularise gunthewaris on inam and watan lands; and (iv) consideration of plots up to five gunthas, that is, 5,000 sq feet, for regularisation.

The most important relaxation is in terms of time. More than 13 years after the promulgation of the Act and the exhaustion of the time limit of six months, gunthewaris continue to be regularised, although formal extension had been given only till 2002. Over the years, the committee seems to have been increasingly preoccupied with making “regularisation” possible under varying conditions and circumstances. The idea of bringing gunthewari developments up to the planning standards also seems to have been given up. The regularisation of larger (and eminently “plannable”) plots is a clear indicator of the same. Areas where there has been no relaxation in spite of demands include (i) no reduction in standardised development charges and compounding fees; and (ii) no relief to structures that would come in conflict with the requirement for roads. If relaxations and reassertions are interpreted as indicative of the perception of basic principles of regularisation, then the refusal to assume financial responsibility seems to be a key principle.

The outcome of these “relaxations” is, however, disappointing. Table 2 shows the outcomes of regularisation on the basis of applications received.

Table 2 shows that at the state level, data is available for only one-fourth (60) of the 234 towns for which the Act is applicable. Further, even in these towns, just about half show proportions of regularisation higher than 50%.

**Municipal-level Responses**

There is considerable diversity in the responses of the municipalities, as seen in the study of Sangli, Akola and Aurnagabad. This diversity is reflected in the following aspects.

**Institutional Mechanisms:** The SMKMC and Aurangabad Municipal Corporations have established a separate section for the regularisation of gunthewaris, while in Akola gunthewari regularisation is undertaken by the town planning department. The SMKMC has formed a Gunthewari Committee, comprising an equal number of municipal officials and councillors. The committee has a term of two years, giving almost all councillors an opportunity to serve. It has the mandate of identifying gunthewari settlements, and oversight of regularisation and control of new developments. The committee in the SMKMC has been active, and has consistently advocated for the removal of impediments to regularisation at the state level.

**Database and Records:** The SMKMC and Aurangabad have conducted extensive surveys to identify existing gunthewari

settlements. Such surveys have stimulated regularisation to a certain extent. On the other hand, the surveys and such databases are themselves contested in all the cities under study. The SMKMC seems to have a more updated version while the others, especially Akola, have a ground situation that is at tremendous variance with that on record. In Aurangabad, several undeclared slums were labelled as gunthewari settlements.

**Determining Costs of Regularisation:** In the case of both Sangli and Akola, the development charges and compounding fees are lower than the prescribed charges. Development charges in Sangli are about 20%, while those in Akola are about 75% of the prescribed charges at the state level. The average cost of regularisation in Akola and Aurangabad for a plot of 1,000 sq ft is Rs 10,000, while it ranges between Rs 5,000 and Rs 6,000 in Sangli.

**Provisioning of Amenities:** Gunthewari settlements are eligible for facilities from the municipal corporation only after 80% of the structures in a layout are regularised. Municipal officers in Aurangabad and Sangli shared that under consistent pressure exerted by citizens and local politicians, they are compelled to provide services even if only 50% cases in a layout have been regularised. Akola officials in fact shared that they treat gunthewaris on par with other planned areas in terms of the provision of infrastructure, irrespective of the extent of regularisation.

These observations reveal that the municipality in Sangli has been the most active on the issue of regularisation; Akola corporation is the least active. Aurangabad has taken a lead in developing a database and forming a department, but has not been sympathetic to the issue of costs of regularisation. The reasons for these differences can be located in the political significance of the issue (most corporators represent gunthewari wards in the expanded SMKMC), the location of gunthewaris in the city (in Akola, most gunthewaris are contiguous to slums and are served by slum schemes and funds, so regularisation is not seen as important; in Aurangabad, several undeclared slums were declared as gunthewaris), and the institutional complexity (municipal corporation being one of the actors – amongst several others – in Aurangabad). On the whole, urban local bodies, including both the corporators and the bureaucratic wing, are even more accommodative of gunthewaris than the relaxations evident in the state government responses. The tendency here seems to be to subvert state government directions.

**Regularisation on the Ground**

We now discuss how the policy of regularisation works on the ground. Table 3 shows the status of regularisation in the three cities studied.

**Table 3: Status of Regularisation in Sangli, Akola and Aurangabad**

Name of City	No of Applications for Regularisation	No of Cases Regularised	Per Cent of Regularisation
Sangli-Miraj (till 2012)	30,427	24,084	79.2
Akola (till 2009)	4,195	1,887	45
Aurangabad (till 2012)	19,989	4,920	24

Source: Official data collated from the Gunthewari Section, Municipal Corporation.

Table 3 reveals significant differences in the proportion of regularisation in the three cities. Part of the story is linked to the development charges. Field studies in Akola and Sangli revealed that the high cost of regularisation charges is indeed an important block in the way of regularisation. In Sangli, where development charges are the least, the proportion of regularisation is over 75%, while in Akola, where the charges are high, the proportion of regularisation is about 45%.

Regularisation procedure demands the submission of the layout plan, along with the plan of the individual plot and an indication of willingness to give up 10% land, free of construction. This is to enable the creation of basic amenities and infrastructure. The actual situation is often one where landowners have sold off the lands on which possible roads (internal and access) can be built, and have not left any possibilities of land free of construction. The Act does not bring landowners within its purview, thereby creating a situation where plot holders apply for regularisation, but municipal authorities are unable to process a significant number of applications. After the enactment of the legislation, nearly 16,000 proposals were received for regularisation in Sangli. Of these, a little above 3,000 cases have been regularised. The status of regularisation is similar in most cities in the state.<sup>15</sup>

Another aspect revealed in field interactions with residents was the distinction between regularisation of the structure and the regularisation of land. Construction is regularised by the municipal authority, while the land is regularised by the collector's office. Plot holders thus need to approach two distinct authorities with distinct documentary evidence, charges and protocols, in addition to the official and unofficial transaction costs involved in the same. As a result, in most cases plot holders only regularise the construction, and rarely regularise land. The Act of regularisation thus largely remains partial. Legally, it leaves plot holders in a vulnerable

position, although most believe themselves to be secure owners of the plots.

### Impact of Regularisation

The real incentive for the regularisation of gunthewari developments is the possibility of improvement of infrastructure such as roads, water supply and sanitation, and the application of municipal funds for the same. Municipal officers across all cities shared that the funds collected through regularisation fees is highly insufficient. They are unable to respond to applications and complaints for services. Field interactions revealed that providing adequate facilities to gunthewari colonies is a challenge for local elected representatives in Sangli and Akola, as there are no separate funds available at the municipal level for gunthewari areas. This has given rise to interesting practices. In Sangli, a councillor shared that state government funds for infrastructure development are also used in gunthewari areas. The councillors whose constituency comprises both slums and gunthewari development have used their local funds as well as slum development funds for development works in gunthewari colonies, like constructing internal roads, approach roads, drainage lines, and street lights. According to them, residents from gunthewaris and slums are both voters, and hence it is not possible to discriminate between them while providing services on the basis of the status of houses. In Akola, several gunthewaris adjoin slum areas, thereby facilitating the use of slum development funds for gunthewari development, too.

A review of conditions in select gunthewaris in the three cities is described in Table 4. It reveals that living conditions in the settlements are largely poor, although there is some diversity across regions. Akot file, which houses scrap traders, has better conditions than others. Similarly, the difference between Pundalik Nagar and Hussein Colony in Aurangabad,

which are located in close proximity to each other, is striking. These differences can be linked to the socio-economic status of the residents, as most services are based on self-provisioning. It is also evident that while there has been some application of funds in all these settlements, they have indisputably not been brought to planning standards. The level of services is almost on par with slums.

Gunthewaris are more secure in their tenure in relation to slums. However, there are several issues pertaining to long-term security in each of the three cities. The declaration of the new flood control line<sup>16</sup> in 2005 has affected several gunthewaris in Sangli, which have been rendered unregularisable.

**Table 4: Living Conditions in Gunthewari Colonies**

Name of Settlement	Water Supply	Drainage	Toilets	Waste Management	Internal Roads
Pirjade Plots, Sangli	Individual water connection in almost all houses, regular water supply	Gutter lanes are recently built, no underground, drainage, septic tanks	Houses with attached toilets; very few do not have individual toilets	Door to door collection charges paid by individual household	About nine ft space kept for roads, which have not been built
Bhagatwad, Akola	Three handpumps in colony. Drinking water available at a distance of 5 kms	No underground drainage system, few toilets connected with septic tanks, others manually scavenged	Attached to houses	No system of collection of waste	Narrow spaces kept for internal roads, which have not been constructed
Akot file, Akola	Individual connections, regular water supply	Gutter lanes constructed and functional	Individual toilets inside the houses connected with septic tanks	Door to door collection	Well-built through municipal fund
Pundalik Nagar, Aurangabad	Water supply through tankers, but regular	Underground drainage system	Attached to houses	Door to door collection	15-20 ft internal roads, but not in good condition
Hussein Colony, Aurangabad	One water tank built for whole colony; water comes once in three-four days via tankers emptied into tank	Newly constructed drainage line but poorly constructed and hence blocked	Around 75% houses have attached toilets, rest of them go for open defecation	Door to door collection	Space kept for internal roads below 20 ft but have not been constructed

Similarly, gunthewaris under high tension wires have not been regularised. These households are doubly encumbered on the one hand due to the environmental vulnerability of their location, and second, due to the lack of regularisation which denies them adequate services. In Aurangabad, a proposed road development by CIDCO (which has been charged with the development of peripheral areas of the city) has run into conflict with the pre-existing gunthewari developments. Residents are questioning the road alignment and widening proposed by CIDCO with respect to the Pundalik Nagar-Shivajinagar road, which threatens to affect over 500 houses. Akola does not present such conflicts; self-propelled development is an accepted pattern. However, gunthewaris become part of the overall constraints faced by the corporation, in terms of its inability to provide adequate opportunities and quality of life for all its citizens.

**Changing Dynamics of Gunthewaris**

The impact of regularisation on the erstwhile gunthewaris has been limited in terms of an improvement in the quality of life and convergence with planning standards. However, it has helped to enhance the sense of security of gunthewari residents. It has also led to a considerable appreciation in prices. The price of gunthewari plots in Ramnagar in Sangli rose to three to four lakh rupees after 2001, a rise of 30-40 times. The sharp increase in the prices of plots by 8 to 10 times, even under gunthewari, is a more generic experience shared by all three cities. The

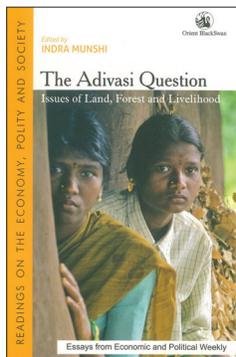
relative price of a constructed house in gunthewaris, however, is easily less than half the price of the same in formal layouts. In Vishrantiwadi, a gunthewari in Aurangabad, the price difference between a two to three-room house in a formal layout and that in the gunthewari is nearly four times. This explains the affordability of gunthewaris across a wide social group.

The maximum impact of regularisation, however, is seen in the development of new gunthewaris. While our interactions with residents of gunthewaris revealed that the high costs of regularisation were an impediment to getting structures regularised, they are low in relation to the overall cost of housing, and thus act as an incentive for bringing in new lands under the purview of gunthewaris. In each of the three cities, the formation of new gunthewaris continues unabated. In Sangli, the new area where gunthewaris are being formed is just beyond the current corporation limits near Haripur, also the octroi haven for the city. It is estimated that 7,000 new plots of 600 sq ft are being laid out annually in the peripheries of Aurangabad. Gunthewaris, along with fringe area developments, form a sizeable bulk of new house construction in the city. The price of gunthewari plots has risen from Rs 100 per sq metre to Rs 1,000 per sq metre. In Akola, too, gunthewaris today form the bulk of the new housing construction, especially for lower-middle class or working-class households. It is estimated that roughly 21 villages in the periphery of Akola have been plotted and developed.

**The Adivasi Question**

*Edited By*

**INDRA MUNSHI**



Depletion and destruction of forests have eroded the already fragile survival base of adivasis across the country, displacing an alarmingly large number of adivasis to make way for development projects. Many have been forced to migrate to other rural areas or cities in search of work, leading to systematic alienation.

This volume situates the issues concerning the adivasis in a historical context while discussing the challenges they face today.

The introduction examines how the loss of land and livelihood began under the British administration, making the adivasis dependent on the landlord-moneylender-trader nexus for their survival.

The articles, drawn from writings of almost four decades in EPW, discuss questions of community rights and ownership, management of forests, the state's rehabilitation policies, and the Forest Rights Act and its implications. It presents diverse perspectives in the form of case studies specific to different regions and provides valuable analytical insights.

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The creation of gunthewaris has become a highly organised activity, as revealed by interactions in the cities. Far from being an informal activity, the creation of layouts, plotting, sales, and documentation of transactions follow a quasi-formal process. Thus, agents are involved in land assembly from farmers, and layouts are planned by lay architects who follow norms that generate up to 25% additional area for sale. In Aurangabad, actual buildings are constructed in gunthewaris and apartments are sold. The sale of these plots is also handled by a network of agents. Transactions are documented through agreements that are registered.<sup>17</sup> In response to the deadline of 2001 for regularisation, bogus stamp papers dated prior to 2001 are sold and used for the same. These experiences illustrate the complex networks that have emerged, and presently operate this parallel land-housing market. These networks are enabled by “porous bureaucracies”, as observed by Benjamin (2008).

The nature of gunthewaris has changed rapidly after the enactment of the Act in 2001. In Sangli, gunthewaris that once represented affordable housing for the working class have now become a strategy for the well-off, who can consolidate assets without bank finance. Several large houses in plots over 3,000 sq ft are now being constructed in gunthewaris. The appreciation in prices has meant that considerations of affordability are pushing people further away to the peripheries of cities.

### Public Spheres

Planning, housing, infrastructure generation, and amenity provision constitute the material public sphere of cities, which connects diverse citizens, governments and the state. Regularisation has had a definitive impact on this public sphere. One trend commonly observed in each of the three cities is the postponement and delays in the preparation and sanction of development plans. Sangli has not had a development plan for the last 17 years. After the merger of Sangli, Miraj and Kupwad as a corporation in 1997, a new development plan was necessary. However, the preparation and sanction of this plan has been inordinately delayed. The DP could be only partly approved in 2012, as the proposed DP contains 180 reservations on lands on which there are gunthewari developments. Its proposals are already being challenged in court as invalid, due to the delay. In Akola, a plan was put in place in 2004, that is, six years after the old plan outgrew its validity; however, the geographical limits of the town have been retained for the past three decades, thereby starving the town of land that can be developed. In Aurangabad, spatial plans have been formulated regularly, but all of them have covered small areas. A comprehensive revision of the 1975 DP took place only in 2001. Estimations of the proliferation of gunthewaris in the peripheries of all three cities indicate that planning has become a challenging prospect. It is evident that planning is being seriously undermined and threatened due to the policy of regularisation.

Public housing has been undermined to an even greater extent. In Sangli, a significant opportunity to create public housing was offered when lands identified as excess under ULCRA were

reserved for public housing. However, no serious attempt was made to acquire these lands. In Aurangabad, CIDCO generated public housing, as well as made significant amounts of land available for affordable residential development. But they abdicated this role in the 1990s. In all three cities, there are effectively few opportunities for legal, affordable housing development. The experiences of the three cities suggest that affordable housing cannot be a single policy or a scheme; it is an opportunity that necessitates the convergence of at least three domains – planning, finance and governance – over a period of time. The three cases suggest that the state government finds it difficult to identify such opportunities. Further, the few capacities that it had to identify and respond to these opportunities (such as those identified by CIDCO in Aurangabad) are also being rendered inactive. In the wake of this, housing and key infrastructures such as water and sanitation have become a private pursuit.

Regularisation sustains a peculiar culture of governance. Corporators were found to be actively involved in the emergence, protection and development of informal settlements. They have actively identified ways of circumventing constraints in the state act, using means at their disposal, in particular the local budgets, to nurture their constituencies in these settlements. The current bifurcation of functions and powers which relegates control of construction to local governments, with the superior levels of government retaining control over land and planning, perpetuates a system where urban local bodies service informal settlements without due consideration of either revenue losses or planning implications, neither of which is their concern. Politics from the state then “regulates” these developments on humanitarian grounds, without providing any back-up of resources. This framework enables urban local bodies to emerge as institutional vehicles that facilitate land grabbing through an accommodation of informal settlements, in alliance with state-level interests.

The above examination of the state of public housing, planning and governance in the wake of a constant state of exception through regularisation indicates a hollowing out of the public sphere of the city. An outcome of the same is the further strengthening of porous networks and the widespread emergence of grey zones of housing. In Akola, gunthewari has become the unofficial city development strategy. A similar trend can be seen in Aurangabad. The threat of spatially polarised cities, where every social group is engaged in a pursuit of its own spatial interests using means at their disposal, portends an emerging challenge.

### Conclusions

Small and medium cities represent realms of possibility and hope (Banerjee-Guha 2013), against the backdrop of immense complexities and challenges of growth in larger cities. The study of gunthewaris and their regularisation in Sangli, Akola and Aurangabad reveals that issues of growth in these cities are highly complex, while being different in terms of their scale, the possibility of clearer interlinkages between causal factors and situations on the ground, and consistent

undermining of local governance capacities to develop responsible responses.

Gunthewaris emerged as a response to the lack of affordable housing options in these cities. The practice of regularisation has offered a certain extent of security to these residents. Its impact on the quality of life in the settlements, however, is limited. As a practice of governmentality, it is fraught with arbitrariness and contradictions. Regularisation acts as a perverse incentive for the generation of new informalities, and strengthens the very phenomenon it seeks to control.

Over a period of time, regularisation has hollowed out the public sphere in the cities, constituted of public housing, planning and governance. It has nurtured a polarised city where every social group uses means at their disposal to pursue their spatial interests. In the western context, the ideal of networked

and technologically connected cities has given way to splintered forms such as gated communities enabled by new technologies, and neoliberal practices, such as the privatisation of services (Graham and Marvin 2001). Under colonial tutelage, Indian cities had a legacy of being divided along lines of planning, legality and infrastructure provision. The three cities studied show that attempts to constitute a public sphere have been abdicated in favour of an approach that nurtures privatised development of spaces, whether through insurgence or through the formation of more privileged, if not enclaved, communities, as seen in Akola. Regularisation, as experienced in these cities, is definitely part of the new approach to citizenship; it does portend the inability to plan. However, above all, regularisation has emerged as a practice of governmentality that enables the creation of cities whose spatial and social fabric is splintering.

NOTES

- 1 In Delhi, an estimated 895 unauthorised colonies were regularised through a notification in 2006; the timeline has been extended several times thereafter.
- 2 Ulhasnagar is a township in the north-east periphery of Mumbai. A public interest litigation (PIL) filed in 19 challenged unauthorised building constructions in the township, after which a survey was conducted. This survey found that over 90% of the buildings in Ulhasnagar were illegal.
- 3 The Campa Cola compound is a case where 35 floors of six buildings in Worli were erected in violation of building permissions. The demolition of these 35 floors has given rise to a recent controversy in Mumbai.
- 4 Akrama-Sakrama refers to a proposed bill in Karnataka that grants regularisation to roughly 14,00,000 building and site violators in Bangalore and other urban areas. It has recently obtained the governor's assent.
- 5 This is as per the building bylaws passed by the state government for all cities in the state in 1986.
- 6 Planning authorities in the case of Maharashtra refer to the municipal authorities, although the officials in charge are state government officials posted with the municipality.
- 7 A number of government documents were consulted for the purposes of this paper. These include the Government of Maharashtra – Gunthewari Act; the Municipal Corporation, Sangli – Draft Development Plan 2004, and the Comprehensive Development Plan; the Municipal Corporation, Akola – Comprehensive Development Plan; and the Municipal Corporation, Aurangabad – Comprehensive Development Plan.
- 8 Sangli was a principality during colonial rule, and had a strong civic history with significant infrastructure development. Miraj principality was annexed, but developed as a health and industrial centre under the tutelage of the Church and British administrators. The influence of the erstwhile rulers is thus fairly strong in Sangli.
- 9 The reason for the application of the UL CRA to these cities is not known. It can be attributed to the strong legacy of state-level leadership from the region, which is also reputed to be “progressive”.
- 10 No development zones are a planning tool that is used to calibrate the pace of development in a city. These zones are expected to be kept in reserve for development at some future date.
- 11 Watan lands were land grants to caste groups, while inam lands were historically gifted to certain families as a reward/exchange of services to the state. They often have multiple claimants, and so ownership is highly contested.

- 12 There are several news reports of agitations in Sangli, demanding a law for regularising gunthewaris in 2000.
- 13 Western Maharashtra is one of the most urbanised regions in the state, and is also politically and economically powerful.
- 14 Minutes of Gunthewari Committee meeting, dated 6 May 2002.
- 15 As per data received from the state government, the percentage of regularised cases to total number of applications varies from 0% in Malegaon to 100% in four to five towns, like Sinner, Pathardi, Yeola, etc, till 2010. This data set covers only 60 of the 234 municipal bodies for whom the Gunthewari Act is applicable. The state government does not have data on the regularisation status in all municipal bodies (see Table 2).
- 16 After a massive flood of the Krishna river in 2004, the flood line was revised.
- 17 The Indian Registration Act allows any transaction to be registered. The gunthewari agreements are a mutual agreement where the state does not stand guarantee, nor are bona fides verified.

REFERENCES

Banerjee-Guha, S (2013): “Small Cities and Towns in Contemporary Urban Theory: Policy and Praxls” in R N Sharma and R Sandhu (ed.), *Small Cities and Towns in a Global Era: Emerging*

*Changes and Perspectives* (Jaipur: Rawat Publications).  
 Benjamin, S (2008): “Occupancy Urbanism: Radicalising Politics and Economy Beyond Policy and Programme”, *IJURR*, 32(3): 719-29.  
 Bhan, G (2013): “Planned Illegality: Housing and the Failure of Planning in Delhi 1947-2010”, *Economic & Political Weekly*, XLVIII (24): 58-79.  
 Graham, S and S Marvin (2001): *Splintering Urbanism: Networked Infrastructures, Technological Mobilities and the Urban Condition* (London: Routledge).  
 Gururani, S (2013): “Flexible Planning: The Making of India’s Millenium City Gurgaon” in Anne Radmacher and K Sivaramkrishnan (ed.), *Ecologies of Urbanism in India* (Hong Kong: Hong Kong University Press), 119-43.  
 Habermas, J (1974 [1964]): “The Public Sphere: An Encyclopedia Article”, *New German Critique*, 3: 49-55.  
 Nair, J (2013): “Is There an Indian Urbanism?” in Anne Radmacher and K Sivaramkrishnan (ed.), *Ecologies of Urbanism in India* (Hong Kong: Hong Kong University Press), 43-70.  
 Roy, A (2009): “Why India Cannot Plan Its Cities”, *Planning Theory*, 8: 76-87.  
 Zimmer, A (2012): “Enumerating the Invisible: The Politics of Regularising Delhi’s Unauthorised Colonies”, *Economic & Political Weekly*, XLVII (30): 89-97.

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