

SLUMS & HOUSING THE URBAN POOR
Bombay's Experience

"Concealed under millions of these roof-tops lies a city under siege. Bombay, a city of nearly 10 million people where no less than 8 million live on pavements, in slums and in dilapidated buildings known as chawls." These are the opening lines of 'Slum Bombay'* a film on housing for the poor, which aptly introduces the cities social and housing environment. In spite of this dismal situation and most inhuman and dangerous conditions in which the poor live, the various policies and programmes for slums and housing has never reflected the needs and aspirations of the slum dwellers and the working class. Instead it has furthered business interests in land and housing. In the recent past there has been several important announcements in the name of the poor, but our experience is that the more oppressive a policy the more pretensions it has of helping the poor. Hence, this talk would explore and expose the implications of some of the most important slum and housing policies of our time and the need to combat them.

In July 1981, the former Chief Minister of Maharashtra A. R. Antulay initiated 'Operation Eviction' by rounding-up thousands of slum dwellers and deporting them to far away places in buses and trucks. Nearly 26 different democratic and revolutionary organisations came together then, to form a united front called Nivara Hakk Suraksha Samiti to organise the slum dwellers for the defence of their homes. From this time onwards slums in Bombay came under sharp focus and the struggle

for housing began to gather new dimensions.

In the Bombay High Court a stay order to 'Operation Eviction' was issued by Justice Lentin, but four years hence in June 1985, the Supreme Court pronounced judgements against the slum-dwellers and ever since, demolitions have been carried out unabated. Simultaneously, slum organisations set about their campaigns, mammoth marches and demonstrations were organised to fight evictions.

As a sop, the Maharashtra Government announced that those who had come before 1976 would be given alternative accommodation. Nivara Hakk Suraksha Samiti attacked the policy of cut-off dates and demanded that all slum and pavement dwellers be recognised and be given alternative accommodation. There upon, many important struggles were waged and the Government under pressure shifted the cut-off date for recognition of slum-dwellers from 1976 to 1985.

The situation has radically changed since the eighties, when the film 'Hamara Sahar' (Bombay our city) was made by Anand Patwardhan. Most upper and middle class people then were direct and blunt in their attack on slum dwellers and expressed in no uncertain terms their anger and hatred, supporting and demanding demolitions and evictions of slums. The brutal attacks on the poor by the State has been brilliantly captured in Hamara Sahar. The film also exposes the growing nexus between the Executive, the Judiciary, the Police, the Builders and Developers, the "lumpens" and other anti-socials. But today, the State and its various agents have become sophisticated. Though their attack on the poor continues unabated, they are not so

blunt and crudely direct. The single act of direct demolitions has now been reinforced by several new policies and programmes with far greater consequences. As activists and also as concerned citizens, it is absolutely necessary for us to understand the under currents and the blatant lies that mark the various programmes and policies meant for the housing of the poor.

PRIVATISATION THRUST AND THE NATIONAL HOUSING POLICY:

Privatisation in housing is a part of the larger privatisation thrust in the country. Both the World Bank and the IMF are now actively involved in the country and they too support the increasing role of private enterprises. Simultaneously, they have given directions to the government for withdrawing from all social welfare measures including that from public housing. The overwhelming thrust of this policy is to shift the responsibilities of the government for housing the poor completely onto the private sector. Housing is to be declared an industry not in order that increased government funds may be available for housing the poor, but rather that the private sector can obtain subsidies to build houses on commercial basis for the middle and upper income groups. It is stated in the National Housing Policy that, "greater emphasis will be laid on corporate development." What the government is saying is that it does not own land in the city, that they have limited resources for housing and that they have not succeeded in improving the housing situation, whereas the private sector, i.e. the developers, builders and industrialists have both vacant land and capital to invest, so why not give them the opportunity to take over responsibility for building more houses. By doing this, the

government is shirking its own responsibilities of providing houses to the poor and is further encouraging and legitimating the exploitation of the poor by the rich. It amounts to a formal surrender by the government to the private and business interests.

Just as most policies are launched in the name of the poor, the National Housing Policy too pretends to be in favour of housing the poor. While stating this as the objective, policy formulations skillfully avoid putting into practice such professed aims. The draft National Housing Policy is so blatantly anti-working class that, it hardly bothers to speak of housing the poor and even when it does, it is in a token manner. Shockingly, there is no mention of either the Urban Land (Ceiling and Regulation) Act or of Sites and Services schemes. It makes no mention of the existing slums or of the need to improve them. It does not talk of tenancy rights. It does not deal with services for the urban poor. It ignores the question of decentralisation, population densities, transportation and environment. It does not comment on the failure of previous public housing schemes.

If under the URBAN LAND (CEILING & REGULATION) ACT, the Government had acquired the vacant and surplus land and given it to the poor at Re. 1/- a sq.ft. for housing then there wouldn't be any shortage of land in the city. It must be understood at this juncture that the pattern of population growth in the city now is fairly stable and clear. In the past few years there has been a drop in the rate of migration to Bombay, presently only 40 families enter the city everyday and not 300 as made out earlier. In fact census figures indicate that the population in certain wards is decreasing (C-Ward covering Bhuleshwar area). The natural growth

in population however, can be assessed easily and therefore, more definite planning programmes can be framed to tackle the housing situation. We consider the ULC Act as a progressive policy and demand its strict implementation.

Though the Act became law, and officially has been effective since 1976, the amount of land actually taken over of has been very small. There have been inherent weakness in the conceptual and legal framework of the Act which came in the way of acquiring land under it. Besides, there are also administrative apathy, legal loopholes and most important, the lack of political will and commitment to implement the Act. As a matter of fact a capitalist government will always be opposed to the idea of nationalisation of land and such social measures. It will never want the rich land owners and industrialists to be adversely affected since they share the same beliefs and support each other. We also demand that land taken over under this act be utilised for housing the economically weaker sections only. There should also be provision for housing new migrants and to accommodate the natural growth of the already existing population. This land could also be utilised for housing the population displaced by riots, natural calamities etc. and also to re-house people from slums where densities are too high and or which are located on critical sites.

However, there has been mounting pressures on the government to scrap the ULC Act altogether. Developers and builders argue that the Act has been blocking the growth of housing stock and has in fact, brought about a situation in which they have not been able

to invest and undertake projects which they are keen and willing to do. It must be realised that the idea of social welfare measures such as housing of the poor are contradictory to the business interests and hence, under no condition will a private developer undertake projects for housing of the poor. As a matter of fact a few exercises in this direction have led to further displacements. Instead, if land is given to the co-operatives of the slum dwellers then the people can decide on more appropriate housing and development programmes. This will allow for individual freedom and expression in housing, resulting in tremendous variety of form, structures, colours and framework of an ever-evolving and living aesthetic. We could overcome the ugliness of apartment buildings and eliminate the exploitation by developers and financiers who today control housing, who have turned it into a commodity where design is irrelevant and has no reference to the cultural and living pattern of our people. In this new situation, people will establish control over their housing environment. We believe that while land ownership must be Nationalised, ownership of houses must be private.

The next matter of concern in the subject of privatisation is that of Finance. Here too, the government wishes to increase the investment in housing by inviting and involving the private sector. How does a private sector enterprises finance itself? In all ventures, the private sector falls back on refinance from various government and semi-government institutions, be they Banks, Housing and Urban Development Corporation, Housing Development Finance Corporation, etc. Notably amongst these institutions has been the newly created

National Housing Bank, an off-shoot of the National Housing Policy. This bank has been set up to finance and support various developers and investors in housing. In short, it would support large corporate and development agencies to further their business interests. This will further institutionalise private profiteering from public funds. For the success of the National Housing Policy and the National Housing Bank, the Government proposes to offer income-tax concessions for fixed deposits and investments in the NHB, the idea being to tap individuals and institutional savings for investment in housing. But all this effort by the Public sector ultimately will benefit again the private developer and builders as they will be refinanced by the NHB for promoting housing schemes. Instead finance from the various government and semi-government agencies is given directly to the societies and corporatives of the people. The societies can then appoint Architects and Project Managers who will in turn assist the society in the selection and appointment of contractors. The entire work can be undertaken and executed into an appropriate and effective housing.

Housing also includes the question of housing Loans. In these loans the World Bank and other foreign agencies actively participate. The government makes this out to be a big favour done for workers. But is this really? By introducing the concept of commercial loans what the government is actually doing is backing-out from its own responsibilities. Almost half of the population lives below the poverty line. It is shameful to expect or demand that these people pay for their housing. The Government is, therefore, duty-bound to provide housing to the poor either free or at highly subsidised rates.

By introducing the question of loans the government has done away with free and subsidised housing altogether. It tells the poor, "I will give you some money now, you can pay it back later" and thereafter proceeds to extract that amount from the poverty stricken person together with interest. How many of the poor will get these loans in the first place? Very few, probably only the well-to-do workers. How many will be able to return the loans with interest? Only a fraction of the working class. We, therefore, reject the whole question of loans as basically being against the interest of the working class as a whole. This loan system is essentially another way in which private developers and builders and also the Government seek to make profits from the poor and downtrodden. Those giving loans are doing so not because they want to help the poor but because it helps them to make further profits through interest payments.

By adapting this policy the Government is ensuring profits to private businessmen. On one hand it is extending loans and other infra-structure support for undertaking and promoting housing schemes, while on the other hand under the garb of helping the poor it is offering loans for buying houses from schemes promoted by the same businessmen.

CROSS SUBSIDIES: Instead of going to the root of the problem and socialising the housing sector, the government seeks ways and means of lessening its responsibilities and of shifting it on to the private sector. One such method is the cross subsidy scheme. For example, the government instead of taking over excess land under the Urban Land Ceiling Act, allows the landlord to retain the excess land on a mere assurance that the landlord would use a small part of

the excess land for housing the poor. Thus, the government argues that the landlord is forced to use his land and his finance for housing of the economically weaker sections of our society.

This approach never works for several reasons. First of all the houses built are unsuitable for the poor and are also too expensive (priced at . 80,000/- or more) and, therefore, these houses are bought over by the rich. Moreover, these buildings are designed in such a manner that a buyer can purchase a number of adjacent flats, break down walls and join them together. To add insult to injury, the government's cross subsidy schemes even say that loans ought to be provided to the poor to purchase such flats. We have already discussed the evils of the loan system. We see housing as a right and as an essential need. Therein lies the crucial difference. In this context one more thing must be noted. In Europe and America and other developed countries an average person spends a fairly high percentage of his income on housing and a relatively small percentage on food. In India the situation is completely reversed. The poor spend almost all their meager income on food and secondarily on health and education of their children and very little is left for housing. It is essential, therefore, that the government subsidises housing.

The Government today has not only overlooked and ignored the irrelevances and failures of the various policies for land-use and finance for housing of the poor, but has further strengthened and given incentives to private businessmen and developers. The most outstanding of these bonus has been the increase in Floor Space Index

(FSI) from 1 to 2.5 for slums. Floor Space Index is a formula by which the area of construction allowed on a given plot of land is restricted. It is a ratio of the plot area to the built-up area. Under 2.5 FSI for slum lands, construction of a building with areas in different floors adding upto 2.5 times that of the plot area is permissible. The increase of F.S.I. for slum lands upto 2.5 will generate a 400% profit for the developer. Say a plot of 2000 sq.mts. where there is a slum. The F.S.I. will be 2.5, which means that there will be 5000 sq.mts. of built-up area permitted. The normal F.S.I. which is one will be sufficient to accommodate all the existing slum-dwellers as they live mostly in ground floor structures. Therefore, the builder will have 3000 sq.mts. of built-up area surplus to sell in the open market. Also the land cost in this development is free to the builder. The price of built-up area in the suburbs of Bombay today may be taken as Rs. 15,000/- a sq.mt. The cost of construction is approximately Rs. 3000/- a sq.mt. Hence, the builder makes a profit of Rs. 12,000/- a sq.mt. which is about 400% . Such a huge rate of profit will unreasonably and unjustifiably enrich certain influential sections of the society and will generate and promote corruption in the administration. This process will also encourage forcible evictions and demolitions organised by the real estate sharks who as we already know have a growing nexus with the Police and the local administration officials. By a combination of force and persuasion the developer will either evict or the Slum-dwellers will be forced to, accept the housing scheme promoted by the developer.

Under the above policy of 2.5 FSI for slum lands, the developer will for maximum profiteering develop and sell the surplus or balance FSI to the middle or high income groups. As a result there would be much greater number of houses built for a small section of our population. We must remember that nearly 60% of the cities population live in slums or in degraded housing conditions and a further nearly 10% live on pavements. Any serious housing programme must cater in large proportions to this population. Simultaneously, we must remember that according to government sources there are nearly one hundred thousand surplus flats of middle income and high income category unoccupied and owned by investors and speculators. Under the present policy, we will be only adding further to the already surplus housing stock for middle income and high income categories and thus, enhancing the speculators and investors market which has been greatly responsible for creating a highly superficial price structure in real estate and housing. The developers and builders under these circumstances will aggressively advertise for sale in other towns and cities of the country for their properties in Bombay. As a result there will be more outsiders coming into the city or they will keep large numbers of houses locked-up for investment thus, contradicting the very argument made by the Government and the upper classes for the need to limiting migration and population growth in the city of Bombay and for increasing the housing supply to reduce the gap between demand and supply.

High FSI such as 2.5 is altogether a dangerous proposition for mass housing and particularly for housing of the poor. Such an FSI can only lead to high rise and high cost construction. High

rise to my mind is irrelevant as a housing solution and it would further displace and destabilise the settlements of the poor. High rise builders require capital intensive technology not only for the initial construction but for subsequent repairs and maintenance of the buildings. In Bombay particularly, due to high rainfall and inferior soil conditions (as most of land is marshy and reclaimed), we face serious structural and maintenance problems in high-rise buildings for the upper classes. Often, major repairs including gunitting have to be carried out, which are all very costly activities requiring high capital expense. To perceive this mechanism as a part of housing programme for the poor is ridiculous and humiliating. Also these activities require corporate management groups to take charge. Another danger of high rise development having units of 250 sq.ft. houses (an area as allowed for slum dwellers) will generate a very high density of population on the given land. The number of such units as compared to middle and high income category housing will be nearly 3 to 4 times on a given area of land and hence population on that land will be much higher. This population pressure on land would have to be tackled by necessary infra-structure such as roads, hospitals, fire fighting etc. and services such as water supply, sewerage, etc. In the city today we are living with an dilapidated and archaic services. In order simply to keep going at the present level we are seeking World Bank assistance and foreign technical collaboration. Expansion of these services to support the increased population density which would result from construction permitted by a 2.5 F.S.I. is not even envisaged.

Lastly, increase in FSI, resulting in high rise construction and high density settlements would require large capital intensive and corporate agencies to undertake the various projects. As a result the control of the users over their own environment will altogether disappear. Even for further maintenance and management, the poor would be found to depend on various monopoly controls and financial institutions. It is often stated that space is most effectively utilised by high-rise buildings but architects have shown that this is not true. Well designed low-rise and small buildings can accommodate large numbers of people achieving desirable density levels. This has even been established in the report of the Urbanisation Commission, Government of India. Secondly, construction and maintenance of a house is an intensely, personal and creative experience. Individuals build, repair, maintain and develop their houses in unique ways giving full expression to their cultural and religious heritage. Mass concrete jungles stifle the creativity of people and make them totally reliant on outside agencies for repair and maintenance. Where these agencies fail, the houses rapidly decline. As a result the working class becomes more and more dependent and experiences a sense of helplessness and frustration.

FSI is not a game of numbers. Unfortunately, in this whole process the various humane aspects have constantly been ignored. Any policy for limiting or restricting the built-up area must be based primarily on population, which means norms for density must become the principle guiding policy. We have discussed earlier how with a particular FSI the variations in the number of families or population can differ greatly. This is realised in the case of small tenements of 250

square feet meant for low income groups as against middle or high income accommodation with tenement areas ranging from 550 upto 1500 sft. The principle of density as a guiding factor for limiting construction will closely relate to the various human aspects and to land , services and infra structure.

Transfer of Development Rights (T.D.R): T.D.R seperates the development potential of a plot of land from the land itself and makes it available to the owner of the land in the form of transferable rights (T.D.R). Such award will entitle the owner of the land to FSI in the form of Development Rights Certificate (DRC) which he may use himself or transfer to any other person. This concept of trading with development rights contradicts the very purpose of a Development Plan of the city, which is meant to regulate and promote the orderly growth of the city including regulating population distribution in relation to the services and infra-structure available.

As a result of TDR plots of land would suddenly achieve a higher FSI than its surrounding plots, thereby creating not just aesthetic and environmental disorder but also imposing disproportionate pressures on the available services and infra-structure or draw from the set balances and distribution of services to other plots. This is particularly significant because no conditions nor plan is made to simultaneously develop the services and its various supplies such as water, electricity etc.

NHSS has strongly opposed to the concept of trading with development rights and the resulting imbalances it would generate disturbing the

harmony and the very purpose of town planning norms and the development plan. The Samiti also argues that this has been done with the ulterior motive of enabling contractors, builders and land owners to indulge in profiteering.

ALTERNATIVE TECHNOLOGY AND LOW COST HOUSING: At another level, Architects, Planners and other Professionals who are concerned with the issues of housing for the poor are engaged in trying to cut costs in construction. They are constantly evolving alternative technologies and materials for use in low cost housing meant for the poor. This exercise without concern for larger social and political issues becomes counterproductive and damaging to the interests of the poor. The Protagonists of alternative technologies clearly distinguish between two different sets of materials for different classes, cement and concrete for the rich and mud for the poor. This distinction of material use on class basis is a social evil. The choice and use of material have to be rather based on geographical and climatic considerations. If concrete is good as a material in response to Bombay's conditions of climate and population density, then it has to be used in the construction of houses for all classes of people in the city. If new and ingenious techniques in using cement and concrete are being developed then we welcome the idea as it expresses concern for careful and sensitive use of scarce national resources. In this case these alternatives should become the material base for all construction.

In this game of housing for the poor, and low cost housing, several foreign Funded Voluntary Agencies, professionals and intellectuals are engaged in subverting the movements and struggles of the poor for

dignity, equality and human rights. These funded agencies believe in negotiations alone as the means for achieving their demands, the attitude being that of begging or requesting for favours on sympathetic grounds rather than making the oppressed conscious and aware of their rights and waging struggles for winning them. They infact intervene and subvert the agitational path people take to win their demands. The NGO's receive funds from foreign agencies with the full knowledge and sanction of the Government. This necessarily means that there are certain conditions and understandings reached between the Government and the funded voluntary agencies. The experience of most struggle organisations have been that these NGO's are continuously undermining the movements of people for democratic and human rights. They systematically neutralise the demands and the unity of the oppressed. Beyond a point in the struggle these NGO's cannot oppose and attack the atrocities perpetrated by the State for there is the threat of discontinuance of their foreign fundings. One will always notice, therefore, that at the time of ultimate crises or when the movement reaches on advanced state of confrontation and when demands are not met, then these NGO's cleverly back-out leaving the movement and the people to face the wrath. They even fail to evolve any alternate political and social programme which could sustain the movement. It is, therefore, necessary for all organisations of slum dwellers to understand the real intentions of the various funded voluntary organisations and oppose their intermediary role as agents.

The New Development Control Regulation further allow the Cotton Textile Mills to develop or redevelop their entire open land and built up area of the premises for three categories of user, i.e.,

recreation ground/garden/playground or any other user as specified by the commissioner, Development by Maharashtra Housing and Area Development Board and Residential or commercial user by the owner, the owner gets about 1/3 of the entire land for residential or commercial user. Most of the Cotton Textile Mills are concentrated in the F and G wards. The floor space indexes may be permitted to be exceeded in the case of buildings of all starred category residential hotels by 50% over the normal permissible floor space index in the F and G wards. This will mean that the cotton mill owners will get an F.S.I. of 1-5 which will enhance their bonanza and strengthen their chance of profiteering. It is not coincidental that the hotels have been permitted an additional F.S.I. of 50% in F and G wards. They are interlinked with the concentration of textile mills in these wards. Otherwise, there is no reasonable explanation why the hotels by granted an additional F.S.I. of 50% only in F and G wards. 1991 is tourism year and there will be an influx of tourists this year and more hotel space is required. But by the time the hotels are constructed the tourism year will be over and the rationale for this increase in F.S.I. will come to an end. There are about 2,00,000 textile workers in Bombay and they will be adversely affected by the permission granted to the mill owners to shift their factories outside the city and to utilise the premises of the mills for residential and hotel categories. The owners have not framed aviable scheme to rehabilitate these workers in terms of employment and accommodation. The permission granted to the mill owners to sell their land will dislocate about 2,00,000 textile workers and destroy their means of livelihood.

COMMUNALISM AND HOUSING: Peoples' struggle for housing is faced today with the threat of communalism. Not only are the working class and the poor divided on religious and communal lines, but they actively participate in opposing and attacking each other. This has been clearly evident during the recent riots in Bombay. Apart from the slum dwellers, the organised working class and their trade unions have failed to unite and oppose the communal forces. This phenomenon has greatly weakened the struggles and movements of the poor including that for housing rights. Housing rights activists and organisations will have to, therefore, give priority to campaigns against communalism and go far beyond the idea of communal amity which to my mind are typically upper and middle class slogans. The toiling masses will have to understand the weaknesses and fragility of these slogans and go further, to apposing religion as the basis of division of society. *Attempts and trends towards ghettoisation have to be opposed & fought against. Any planning and development based on this principle will have to strongly opposed.* Struggle for housing has to be, therefore, made a part of a larger democratic movement. Housing is not merely an issue of design, construction and technology but must be seen as a social movement, fundamental to the growth and development of every individual and family. Housing, therefore, becomes a vital issue for organising the millions of toiling urban poor against State oppression and increasing communal violence and criminalisation of the masses.

CONCLUSION:

The Government has to recognise the slum dwellers and legalise all slums. The State has to concede the right to housing as a fundamental right. It must withdraw from promoting, profiteering by any body from housing. Denial of housing rights is as much as denial to the right to live and is a violation of human rights. Therefore, housing will have to become a major movement. The slum dwellers have to wage struggles to win their rights. The struggle for housing has to become a part of a larger movement for democratic rights in the country.

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* 'Slum Bombay' - a film about housing for the poor, directed by Ralli Jacob and co-directed by Rafeeq Elliyas and P. K. Das, produced by the Indian Institute Of Architects in the year 1992.

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