

Chapter 3

Urban Housing and Exclusion



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1. Introduction

Housing is many things to many people. The National Urban Housing and Habitat Policy (2007) sees housing and shelter as ‘basic human needs next to only food or clothing’,¹ putting *makaan* in its familiar place beside *roti* and *kapda*. The United Nations agrees, speaking of the ‘right to adequate housing’ as a human right. However, the qualifier—‘adequate’—begins to push at the boundaries of what is meant when talking about ‘housing’. Adequacy here includes a litany of elements: ‘(a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy’.² In the move from ‘house’ to ‘housing’, the materiality of the dwelling unit expands to include legal status, infrastructure, aesthetics, as well as the relationship of the house to the city at large.

Both these definitions share a common, unstated refrain: the consequences of exclusion from a basic human need or right are such that, in most societies, such exclusions are seen as ethically and often legally unacceptable. It is important to note that while housing policy and programmes in India have emphasized an ethical commitment to increasing access to housing, the latter is not a textual, constitutional right in India. Legal jurisprudence does, however, offer significant precedents—though even these are contested, as will be seen later—that many have used to argue that access to housing is a derived right, and certainly one of the entitlements that a state owes to its citizens.³

Other discourses of housing speak at some distance from the claims of ‘rights’ and ‘needs’. They speak of housing more as a commodity to be bought and sold as per the dictates of supply and demand—to each as she or he can afford. Housing here is closer to the narrower economic categories of real estate and property, both its means and ends reconfigured. The two imaginations sometimes overlap: as developers building ‘affordable housing’ units demand concessions from the state, they draw upon both the commodity nature of housing as well as recognition of the social and need-based characteristics of the commodity they produce.

In different ways, however, these contrasting imaginations of housing eventually see it as an asset to be accessed, consumed and used, be it by households or developers, for use or exchange. Housing is, in other words, an end unto itself. However, housing is not just what it is but what it *does*. Declaring affordable housing to be a sector marked for priority lending, the Reserve Bank of India spoke not just of access to housing but of the ‘employment generation potential of these sectors’.⁴ Similarly, for the National Housing Bank, housing is a basic need but also ‘a valuable collateral that can enable the access of credit from the financial market’.⁵ Others argue that housing is a vector to other developmental capabilities. Without it, health, education, psycho-social development, cultural assimilation, belonging, and economic development are impossible. As a *bidi* worker and member of the Self-Employed Women’s Association (SEWA), Manjuben, says, ‘My house is my asset, my savings, my workshop, and my place to rest and belong’.⁶ Debates within development circles disagree only about where the virtuous or vicious cycle begins—the fact that these developmental capabilities are interlinked is widely accepted.

It is, therefore, within the multiple meanings and roles of housing (as need, right, commodity, infrastructure, legal status, and financial asset) as well as the dual nature of housing (as an end in itself as well as a means to other desired outcomes) that it is essential to approach the question of exclusion in access to housing. In this chapter, this is done so from a particular location. It is argued, in keeping with the framework of this report, that access to affordable and appropriate housing must be seen as a public good, the protection and provision of which requires strong public commitment and action in multiple ways, including an unambiguous framing of housing as a right and entitlement. This is primarily for two reasons: (a) a belief that the economic, social, political, and developmental implications of exclusions from housing, unlike with private goods, make life with dignity impossible; and (b) the structure of the housing market is such that reasonable access is deeply prone to entrenched exclusions in the absence of corrective intervention and public action.

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It is the nature and form of this public action that is the focus of the analysis. To shape public action, however, is it important to first understand the particularity and nature of different exclusions in access to housing. This chapter traces these exclusions, looking both at what housing is and what housing does. It is important to note that this is done so focussing on urban housing. Section two of the chapter characterizes a particular approach to understanding what is commonly understood as 'housing shortage', or the 'lack of housing', and identifies the major groups that face such exclusions from urban housing. It combines three elements within 'shortage': (a) homelessness; (b) an expanded definition of 'housing poverty';⁷ and (c) illegality. In doing so, the chapter agrees with and nuances further what A. M. Kundu et al. have called, in the Kundu Committee Report, the dilemma of 'affordable housing that is inadequate, and adequate housing that is unaffordable'⁸ with reference to the particular nature of exclusions from access to housing in India'.

Section three of the chapter then looks at how homelessness, housing poverty and illegality impact other capabilities, namely basic environmental services, including water supply, sanitation, drainage, solid waste management, health and education, mobility, economic capacities, as well as socio-political belonging and citizenship. Section four explores the structural causes of this exclusion. The concluding and final section of the chapter offers a set of approaches for public policy and action, to deal with housing and the redressal of its exclusions.

2. The Nature of Exclusion: Decoding Housing 'Shortage'

How can one understand current exclusions within access to housing? In this section, three key conceptual ways to understand such exclusions are laid out: (a) homelessness; (b) housing poverty; and (c) illegality.

2.1 The Kundu Committee Report (2012)

Data is drawn first from the report of the Kundu Committee, constituted as a technical group by the Planning Commission of India to estimate

housing shortage. The report is currently the most authoritative public data on housing shortage in the country, widely reported in the media as well as used by policy makers in formulating the 12th Five Year Plan. The paragraphs that follow present the Committee's findings and its concept of 'housing poverty', but then extends the latter beyond the Committee's definition.

The Kundu Committee Report argues that the overall housing shortage in India is of the order of 18.78 million units. Table 3.1 lays out the estimation of this shortage, along with comparisons with both the earlier Kundu Committee Report as well as the Census of 2001.

Who bears the brunt of this shortage? The nearly 19 million units are concentrated in, and almost entirely accounted for by, a particular income segment of the population. Figure 3.1 shows that in 2007 nearly 100 per cent and in 2012 a little over 95 per cent of the shortage in housing affected families classified as either part of the Low Income Group (LIG, household income between ₹5,000–10,000 a month) or Economically Weaker Sections (EWS, household income under ₹5,000 a month).⁹ The commonly heard refrain that, 'even middle class and working households cannot afford adequate housing' in Indian cities is untrue. The housing market does not, as is commonly believed, exclude large number of middle and working class communities from adequate housing, though it may well exclude them from the kind of housing stock they want.

Yet, it is in disaggregating the shortage into different constituent elements that Kundu et al. allow for a useful conceptual lens to understand housing shortage. Let us take each element in turn.

2.2 Homelessness

The Kundu Committee Report measures homelessness at 0.53 million households. These figures are widely thought to be underestimations, particularly given that homelessness is defined by a lack of abode, address and even a fixed spatial location. Added to this, many people who are homeless lack even a single formal document that allows them to prove identity. Given this, it is worth quoting rather extensively from one of the few large sample studies on homelessness that exists. This

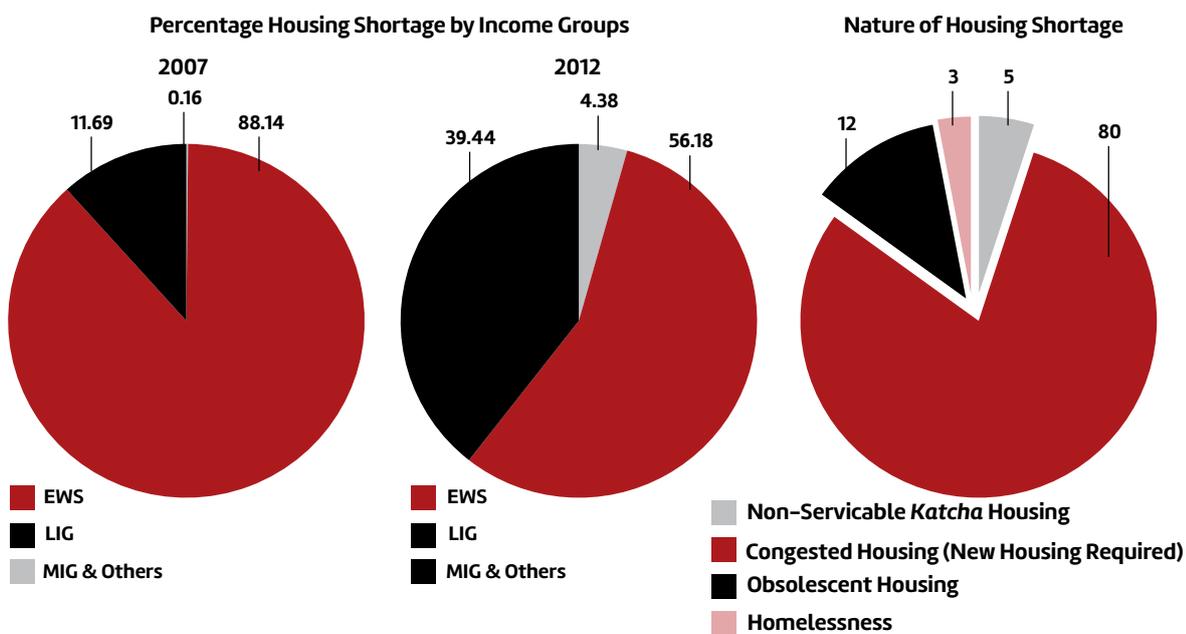
Table 3.1 Estimates of Housing Shortage

Housing Deficit	2001	2007	2012
Total Number of Households (HH)	55.83	66.3	81.35
Total Housing Stock (HS)	50.95	58.83	78.48
Housing Deficit (HH-HS)	4.88	7.47	2.87
Households requiring new housing			
Up-gradation of <i>Kutcha</i> Housing	1.7	Not included	Not included
1. Living in non-serviceable <i>kutcha</i> housing	-	2.18	0.99
2. Living in obsolescent housing	2.01	2.39	2.27
3. Living in congested housing	1.97	12.67	14.99
4. Homeless	Not included	Not included	0.53
Sub-Total (1+2+3+4)	5.68	17.24	18.78
Housing Deficit (HH-HS)	4.88	7.47	Not included
Total Housing Shortage	10.56	24.71	18.78

All figures are in millions.

Source: A. M. Kundu, Susheel Kumar, C. Chandramouli, Abhey Pethe, P. C. Mohanan, Neelima Risbud, Somit Das Gupta, Darshani Mahadevia, R.V. Verma, and D. S. Negi (2012), *Report of the Technical Group on Urban Housing Shortage*, New Delhi: Ministry of Housing and Urban Poverty Alleviation.

Figure 3.1 Housing Shortage by Income Group



All figures are in millions. Source: A. M. Kundu, Susheel Kumar, C. Chandramouli, Abhey Pethe, P. C. Mohanan, Neelima Risbud, Somit Das Gupta, Darshani Mahadevia, R.V. Verma, and D. S. Negi (2012), *Report of the Technical Group on Urban Housing Shortage*, New Delhi: Ministry of Housing and Urban Poverty Alleviation.

report argues that the Census in 2001 enumerated 1.94 million homeless people in India, of whom 1.16 million lived in villages and 0.77 million lived in cities and towns. The number of homeless individuals counted in Delhi, for example, was 21,895. Yet the Delhi Development Authority estimated that the homeless constitute 1 per cent of the population, i.e., 150,000 people.¹⁰ The order of underestimation, therefore, can be as high as a factor of seven, which would put homelessness much closer to nearly 3 million households.

2.3 Housing Poverty

The main thrust of the Kundu Committee report argues that the nature of housing shortage in India constitutes those living in housing conditions that are defined as ‘housing poverty’. These include households living either in unacceptable dwelling units, or in what the authors call ‘unacceptable physical and social conditions’.¹¹ In their report, these are represented by obsolescent or congested houses. The former refers to material dilapidation while the latter to multiple families who live in a single dwelling unit out of compulsion. As Table 3.1 shows, the majority of existing housing shortage comes from housing poverty rather than the absence of homes entirely. Figure 3.1 breaks down housing poverty into its constituent elements. What is important to notice here as well is that only 5 per cent of the existing housing stock is seen as ‘non-serviceable’ (the import of this will be dealt with later in the chapter). It is this characteristic that prompts the Kundu Committee to argue that housing shortage in India is not one of vast shelterless communities, but of existing, often self-built affordable housing that is inadequate.

To the Kundu Committee’s notion of housing poverty beyond obsolescence and congestion, it is possible to add several indicators from the Census

of India 2011, for example (Tables 3.2–3.5). Table 3.2 shows the quality of housing, as described by residents.

Again, the percentage of residents reporting the condition of their housing to be dilapidated is low (5.3 per cent) though it is certain that, according to building norms or standards, or even the intuition of many, a large proportion of the housing that residents deem ‘liveable’ would be dismissed as ‘slums’ or ‘inadequate’. Thus, affordable shelter that is inadequate by some standards is seen as either ‘liveable’ or ‘good’ by those within them. There are differences by caste and tribal status, with Scheduled Caste (SC) and Scheduled Tribe (ST) households reporting a higher percentage of dilapidated homes as well as a lower percentage of ‘good’ homes. These differences are statistically significant.

Looking at other indicators, even a cursory look at the materials of walls and roofs allow us to see significant housing poverty, as well as its nuances upon adding adding factors of gender (by looking at female-headed households), as well as caste and tribe (looking at SC and ST households). Tables 3.3 and 3.4 remind us that a significant portion of households in India are not made of brick or concrete, but grass, thatch, tiles, metal sheets, asbestos and mud. Only 50 per cent of all households have walls made of brick or concrete.

It is interesting to note that female-headed households do not seem to have a markedly different distribution pattern in either material of roofs or material of walls. Differences emerge strongly, however, on looking at caste and tribe. SC households are more likely to be built of grass, thatch, bamboo, or mud than the average general caste household. ST households are more likely to have walls of mud or unburnt brick—only 22 per cent of ST households have walls made of brick

Table 3.2 Self-Reported Condition of Housing

	Good (%)	Liveable (%)	Dilapidated (%)
All India	53.2	41.5	5.3
SC Households	43.2	48.7	8.1
ST Households	41.0	52.7	6.3

Source: Registrar General of India (2011), ‘Housing Stock, Amenities and Assets in Slums: Tables Based on Houselisting and Housing Census’, *Census of India 2011*, New Delhi: RGI.

or concrete. Again, within SC and ST households, female-headed households do not show significant differences in either material of roofs or material of walls.

Differences in gender and caste emerge starkly when one sees the availability of a latrine in the house (Table 3.5). While 53 per cent of all households nationally do not have a latrine within the premises, the figure rises to 66 per cent and 77 per cent for SC and ST households, respectively, and, within them, to 78 per cent and 88 per cent for

female-headed SC and ST households, respectively. About 82 per cent of all households in India have either open or no drains for waste water. This figure rises to 88 per cent for female-headed households and to 94 per cent for ST households.

Housing poverty, then, as understood in this chapter, refers not just to the congestion or dilapidation discussed in the Kundu Report Committee, but additionally to the infrastructure of the house and its environment through measuring access to basic services, latrines, water and

Table 3.3 Material of Roofs

	Grass/ Thatch/ Bamboo/ Wood/Mud etc.,	Plastic/ Polythene	Hand- Made Tiles	Machine- Made Tiles	Burnt Brick	Stone/ Slate	G.I./Metal/ Asbestos Sheets	Concrete	Any Other
All Households	15.1	0.6	14.5	9.3	6.6	8.6	15.9	29.1	0.4
SC Households	20.9	0.8	14.2	8.2	8.0	9.1	16.4	21.9	0.4
ST Households	18.4	0.9	32.7	12.1	1.1	4.5	19.9	10.1	0.3
Female- Headed Households	15.3	0.7	13.9	12.7	5.5	7.5	16.7	27.4	0.4
Female- Headed SC Households	19.6	0.9	13.5	11.2	6.6	8.3	17.7	21.7	0.4
Female- Headed ST Households	19.0	0.9	28.4	12.3	0.1	3.9	23.8	10.3	0.3

Source: RGI (2011), 'Housing Tables', *Census 2011*.

Table 3.4 Material of Walls

	Grass/ Thatch/ Bamboo etc.,	Plastic/ Polythene	Mud/ Unburnt Brick	Wood	Stone Not packed with Mortar	Stone Packed with Mortar	G.I./ Metal/ Asbestos Sheets	Burnt Brick	Concrete	Any Other
All Households	8.96	0.33	23.69	0.68	3.35	10.76	0.58	47.54	3.49	0.61
SC Households	10.48	0.42	27.92	0.46	3.34	9.13	0.84	44.26	2.48	0.68
ST Households	15.69	0.52	46.45	2.6	3.56	6.94	0.87	21.21	1.85	0.32
Female-Headed Households	8.91	0.37	25.09	0.82	4.04	12.79	0.64	43.32	3.45	0.58
Female-Headed SC Households	10.21	0.47	28.01	0.54	4.13	10.34	0.88	42.13	2.65	0.63
Female-Headed ST Households	15.09	0.57	44.93	3.36	3.57	6.45	1.29	21.86	2.48	0.41

Source: Registrar General of India (2011), 'Housing Tables', *Census 2011*.

drainage. This is an essential difference in thinking not about the dwelling unit and the structure of the ‘house’, but of ‘housing’ as a broader category that captures an essential part of a dignified life. It is liveable, not just affordable and existing housing that must be our focus. What is clear from the data is that housing poverty is widespread in India and that it is deepened by gender and caste in almost every case. This confirms one of the key findings the present report—that multiple exclusions aggregate along particular fault lines of, for example, gender and caste.

2.4 Housing Illegality

What the empirics are less able to capture are both the reasons for a strong correlation between poor housing and poor infrastructure, as well as a different kind of vulnerability that is not material: insecurity of tenure. What the Census measures as ‘owned’ or ‘rented’ in reality covers a great deal of secure and insecure tenure. Tenure security can be understood as the *de facto* or *de jure* sense of security that one will not be evicted from or dispossessed of one’s home. Insecurity of tenure can take different forms but, in Indian cities, it most commonly manifests itself in the idea of the ‘informality’ or ‘illegality’ of the settlement.

What is meant by the ‘illegality’ of, for example, a slum? One form of illegality, most commonly associated with the settlements of the poor, typically refers to occupation of land and the building of housing which one does not own in title. Significant scholarship exists on the undisputed fact that a considerable proportion of residents in Indian cities live ‘illegally’, by occupying and building

settlements on public or private land. The reasons for such occupation are equally diverse: a failure of the state to keep its own stated commitments in building low-income and affordable housing;¹² the inadequate notification of urban, residential land in planning documents that could provide space for legal housing to be built;¹³ the skewed structure of our urban land and housing markets that makes entry into the formal housing market nearly impossible for most urban residents; the absence of sufficient investments in regional and urban infrastructure to expand settlement structure and accommodate migration as well as natural growth,¹⁴ among many others.

Empirical work across cities of the Global South shows that informal or illegal practices of inhabitation are not limited to the poor but are, in fact, ubiquitous to poor and elite residents alike, in constantly shifting terrains of how urban space is settled and produced.¹⁵ What separates these ‘degrees of illegality’¹⁶ practised by the elite and the poor are different forms and degrees of informality or illegality, and the differentiated consequences that result from such practices. Let us illustrate this empirically, drawing upon the work of Gautam Bhan.¹⁷ Table 3.6 describes settlement typologies for Delhi using data from the year 2000. What is important to note in reading it is that only 24.7 per cent of the city’s residents lived in what are called ‘planned colonies’. What does it mean for three-fourths of city residents to live in settlements that are ‘unplanned’?

Let us focus on only two categories of Table 3.6: Jhuggi Jhopdi (JJ) Clusters and Resettlement Colonies. JJ Clusters exist on either public or private land that has an owner who has not sold

Table 3.5 Latrine Within the House and Drainage for Waste Water

	No Latrine Within Premises of House	Open or No Drainage for Waste Water
All Households	53	82
SC Households	66	89
ST Households	77	94
Female-Headed Households	66	82
Female-Headed SC Households	78	88
Female-Headed ST Households	88	93

Source: RGI (2011), ‘Housing Tables’, *Census 2011*.

Table 3.6 Settlement Typologies in Delhi

Type of Settlement	Est. Population in 2000 (100,000s)	Percentage of Total Population of City
JJ Clusters	20.72	14.8
Slum-Designated Areas	26.64	19.1
Unauthorized Colonies	7.4	5.3
Resettlement Colonies	17.76	12.7
Rural Villages	7.4	5.3
Regularized Unauthorized and Colonies	17.76	12.7
Urban Villages	8.88	6.4
Planned Colonies	33.08	23.7
Total	139.64	100.0

Source: Government of Delhi (2009), 'Statement 14.4', *Delhi Economic Survey 2008-09*.

the land to the residents of the cluster. These residents have either occupied this land or paid someone who has done so before them. There can, then, be no claim to ownership via property title at all for residents of a JJ Cluster. For residents of JJ Clusters, their 'titles' are illegal and often not even formalized in written contracts of sale. Yet there can be security of tenure in many such clusters based not only on political protection and government inaction but also (this is discussed later in the chapter) through the slow acquisition of services, as well as from identity papers such as ration cards for the Public Distribution System (PDS), that creates a *de facto* if not *de jure* sense of security.

Individual residents can also be illegal within a settlement that is itself legal. A Resettlement Colony is a settlement where those evicted from JJ Clusters are given legal plots of land, subject to multiple conditions. The Resettlement Colony is thus a legal, planned settlement. Yet residents of Resettlement Colonies are intended to be eternal owner-occupiers, making inhabitation by anyone other than the original allottee of the plot illegal. Studies have shown, however, that rental housing comprises anywhere from one-third to one-half of Resettlement Colonies. Renters in a Resettlement Colony, however, cannot be legal residents.¹⁸

It is important to recognize insecurity of tenure an exclusion unto itself when speaking of access to housing. Insecurity of tenure makes even the fragile development gains made by poor households

vulnerable to the shock of eviction. The last two decades have seen cycles of eviction and relocation heighten across Indian cities,¹⁹ thus erasing a generation's ability to move from *kutchra* to *pucca*. Illegality represents the reduction of the urban poor to the status of 'encroacher',²⁰ an identity that allows the substantive erosion of their rights and turns them into improper citizens.²¹ Authors have argued that illegality prevents investment into individual and community infrastructure, thereby impeding the development of a settlement incrementally over time.

The other significant consequence of illegality is the ever-present threat (and increasingly frequent reality) of forced eviction. Evictions are economic and social shocks for poor households, from which several households do not recover. Studying the impact of one instance of eviction on poor households in Delhi, Gautam Bhan and Kalyani Menon-Sen argue that eviction and peripheral resettlement causes what they call 'permanent poverty', as a generation is prevented from development by depletion of assets, breaking of livelihoods, increased costs due to distance from work and the city, increased violence, fracturing of long-built community ties, as well as large-scale dropouts from school education.²²

2.5 Discrimination and Access to Housing

For anyone who has had the experience of searching for a house to rent in Indian cities, it is

obvious that there are few landlords who would accept tenants who are not aligned with their own religious, socio-economic and cultural persuasions. Religion and associated food habits are the main levers of exclusion in the rental housing market—often leading to a ghettoization on religious and cultural lines. In studies in low-income and slum settlements in India, phenomena such as preference for male tenants, or exclusion of tenants of certain regions of the country, and even a binary inclusion of a particular community, etc., were found to be common.²³ This experience is mirrored in access to housing finance, for example, that has clear exclusions along religious, caste and class lines, marked most notably by periodic outcry over banks declaring minority-dominated neighbourhoods as ‘no-lending zones’, officially and unofficially.

Discrimination in access to housing is difficult to measure at scale. Yet individual studies repeatedly suggest patterns of systemic segregation. In Mumbai, for example, Sameera Khan finds a common and complex pattern of exclusion and self-segregation:

While on one hand there is a decrease of Muslims residing in mixed housing, on the other there is a visible increase in the number of Muslim-dominated residential enclaves in the city. This is both a result of Muslims being intentionally denied access to mixed housing, both rentals and ownership, as well as making a choice to retreat to homogeneous community dominated localities because they felt physically safer and less at risk from violence.²⁴

Similar studies find pervasive discrimination in housing access to Dalits,²⁵ people living with HIV,²⁶ transgender and Hijra,²⁷ and people with disabilities.²⁸ At the time of writing, a self-declared neighbourhood association in Delhi had issued a notice not to rent to people from the northeast.²⁹ What does seem to emerge, however, underscoring the argument of this report, is the overlapping of familiar disadvantages in the housing space: gender, caste, religion and ability.

The presence of discrimination is not, in itself, surprising. What makes it particularly important in the Indian context is the near absence of any

legal remedy for identity-based discrimination between citizens or at the hands of private actors. Discrimination at the hands of the state or along legally protected identities such as caste and gender is possible to address legally under a variety of laws and regulations. However, no legal remedy exists to counter a private landlord or co-operative society that puts restrictions on who they will rent to.

3. The Nature of Exclusion: What Housing Does

The first two sections of this chapter have established and described exclusions in access to housing across three kinds of categories: homelessness, housing poverty and illegality. The third section now looks at four key areas and the impact of these three types of exclusions on each of them. This section focusses, in other words, on the consequences of housing, and particularly exclusions in access to housing through the three lenses, on other capabilities of citizens.

3.1 Access to Basic Environmental Services

The absence of access to water, sanitation and waste management and disposal is often determined by housing exclusions. For homelessness, this is both intuitive and well documented. The homeless rarely use public toilets, which are unaffordable even when available, and without a ‘house’, *per se*, suffer multiple deprivations in access to sanitation facilities. As a study argues: ‘the urban homeless have little, and difficult access to even the most elementary services. Things that people living in homes take for granted—every visit to the toilet, every bath—must be paid for, in cash and immediately’.³⁰ The study went on to find that ‘about two-thirds avail of drinking water from public taps, which while free, is often not potable and erratic in supply. 13 per cent buy water from tankers and 12 per cent get it from those shops that offer the homeless water as an act of charity.’³¹

Housing poverty and illegality are also good proxies for inadequate access to basic services. Census 2011 data shows that 63 per cent of all households in recognized or notified slums have either open or no drainage for waste water. About

34 per cent of slum households have no latrine in the premises, and members of over half of such households thus defecate in the open. Almost 43 per cent of slum households do not have a source of drinking water within the premises of their household.³² These figures merely use the slum as a proxy for housing poverty. Yet, since measures of slum populations themselves are possibly underestimations of urban poverty, it is likely that these figures exclude precisely the most vulnerable urban poor communities.³³

There is a history to why such empirical correlations are so clearly empirically visible. The provision of basic services, especially environmental services, was, until recently, prohibited to 'illegal colonies'. Municipalities and urban utilities were meant to not provide environmental services like water and waste management, as well as infrastructure such as legal electricity connections, to non-notified slums and unauthorized colonies. This missing geography in basic urban infrastructure has until recently followed the line of planned/unplanned, legal/illegal settlements that dominantly affects the poor.

Let us take water as an example. The Supreme Court, as with shelter, has affirmed the fundamental right of 'enjoyment of pollution free water [and air] for full enjoyment of life'³⁴ and further added that 'the right to access to drinking water is fundamental to life and there is a duty on the state under Article 21 to provide drinking water to its citizens'.³⁵ How does access to this fundamental right play out on the ground? The Delhi Jal Board invites applications for water connections from 'unauthorized / regularised colonies, Approved colonies, Resettlement colonies / Urban Villages, Rural Villages'³⁶—thereby implicitly excluding JJ Clusters. The Bombay Municipal Corporation (BMC) Rules have a similar exclusion, but one that is, importantly, time-bound. Under a General Resolution issued by the Government of Maharashtra in 1996 and the Water Supply Rules issued by the BMC in 2002, households that cannot provide proof of residence prior to 1 January 1995 have no entitlements to municipal water provision. A recent judicial challenge to this exclusion in the Bombay High Court has resulted only in its reinforcement. Denying the petition filed by the *Pani Haq Samiti*, the Bombay High Court articulated a common fear underlying the denial

of water to slum residents—that services would make residents feel entitled to tenure security: 'you would not want to move away from that place if you have water'.³⁷

Legality of tenure in urban India can thus determine access to services, even as it does so differently across cities, states and sectors. Recently, however, a move to de-link tenure from service provision has been coming into place. Under the Basic Services to the Urban Poor (BSUP) component of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM), it is recognized that the absence of legal tenure prevents the provision of locally provided urban services like access to water, sanitation and solid waste management. The Ministry of Urban Development implicitly acknowledges this: 'Slums, not currently notified, must be enlisted by the local body through a formal process so that these become eligible for provision of basic services'.³⁸

Policy regimes over the past decade—through, for example, national and state schemes on basic service provision—have begun to reverse restrictions on providing basic services to 'illegal' communities and have argued that service provision must be de-linked from tenure status. However, the removal of a formal restriction will still both take time and political attention to reach urban poor settlements that have long been excluded.

3.2 Access to Health

'The paragraphs that follow elucidate how housing exclusions—homelessness, housing poverty and illegality—impact health outcomes of both households and individuals. While the full scope of the relationships between housing and health are beyond the scope of this chapter, outlined here are several key and paradigmatic ways in which housing exclusions lead to lowered health outcomes to illustrate the argument. Three kinds of relationships are traced—conditions within the home, neighbourhood conditions and housing affordability'.³⁹

3.2.1 Homelessness and Health

Studies in the Indian context highlight the severe mental and physical health traumas that arise from homelessness. Intake and availability of food

is scarce, irregular and of little nutritional value. One study in Delhi found that almost a quarter (23 per cent) of the homeless population interviewed ate nothing but cereals over two days prior to the interview, and another quarter (25 per cent) ate vegetables or protein-based foods only once in the two days prior to the study. This is despite the fact that in the same sample, 63 per cent of the homeless reported spending 50 per cent to 90 per cent of their income on food, with nearly 12 per cent spending almost all their income on daily food.⁴⁰ Water and sanitation services are equally scarce, leading to particular health burdens from communicable and water-borne disease. The absence of a proof of address or identity, the absence of even small amounts of money and discrimination based on the way they look or smell present deep barriers to care-seeking for even small illnesses. Further, homeless populations often have higher rates of mental illness and substance abuse, which could be both the cause and result of their homelessness. The particularity of their health needs is then heightened by their isolation from spaces and sites of care.⁴¹

3.2.2 Housing Poverty and Health

There is a general agreement about housing being a key health resource.⁴² While the housing unit itself is a key determinant of health, one of the ways in which housing influences health is through human exposure to inadequate housing conditions, including lack of safe drinking water, ineffective waste disposal, intrusion by disease vectors and inadequate food storage.⁴³ Empirically, health outcomes are often related to the slum as a marker of housing poverty and illegality. Residents of slums tend to have lower health and education outcomes than residents of non-slum areas.⁴⁴ Lack of basic services in slums such as safe drinking water and sanitation increase the risk of waterborne diseases.⁴⁵ Even within a single city, slums with different levels of security of tenure can have significant differences in health and education outcomes, as argued above.⁴⁶ In a study conducted in Mumbai's informal settlements, assessing maternal and newborn health risks, it was found that health vulnerability was related to inadequate access to water, toilets and electricity, non-durable housing, hazardous location and rental tenancy.⁴⁷ On the other hand, adequate and well-serviced

housing reduces illnesses and related expenditure, and increases the wellbeing and productivity of its inhabitants.⁴⁸

Location itself places poor households at increased health risk. The urban poor tend to spatially occupy areas that are of high environmental risk—the sides of open drains, for example—precisely because they are the only populations unable to trade off this risk for affordable housing. The spatiality of housing for the urban poor, therefore, indicates the geography of health risks itself, exacerbated by poor and inadequate access to environmental services discussed in the previous section. In addition to the location and access to environmental services, other aspects of neighbourhoods that can potentially have an impact on health include the presence or absence of social amenities, perception of a neighbourhood as being 'safe' and whether or not the neighbourhoods affect health-risk behaviours that in turn can impact health (for instance, smoking and substance abuse).⁴⁹

Congestion, as measured by the Kundu Committee Report cited earlier, is itself linked to lowered health outcomes. Overcrowding results in heightened exposure to communicable diseases such as tuberculosis and respiratory infections.⁵⁰ Crowded housing is also associated with increased exposure risk to several serious diseases in children—meningitis, tuberculosis, respiratory diseases like asthma, and even coronary heart diseases later in life.⁵¹ Studies have shown the correlation between infant mortality and the reproductive health of women and housing poverty.⁵² In a study on women's reproductive health in slum and non-slum areas across India, significant differences in the quality and quantity of reproductive health practices were found between the two population groups.⁵³

Further, housing poverty defined by the inadequacy or dilapidation of the housing unit has also been found to affect health outcomes. The material and quality of the floors, walls, roofs, kitchen, and sanitary facilities can substantially influence health outcomes of residents. Indoor air quality is known to have a significant effect on the health of residents.⁵⁴ In a study of the health effects on children by the replacement of dirt floors with cement floors in the houses of a slum in Mexico, it

was found that there was a reduction of 78 per cent in parasitic infections, 49 per cent in diarrhoea and 81 per cent in anaemia.⁵⁵ Well-designed housing can also reduce the risk of fire and accidents, which severely impact low-income and vulnerable groups due to their already precarious housing conditions.

3.2.3 Housing Illegality and Health

Housing illegality primarily impacts health through difficulty in access to environmental services in illegal settlements, as already discussed. Secure tenure allows more access to physical and social infrastructure in slums in India,⁵⁶ just as it frees up household resources for investment in nutritious foods, as well as healthcare.⁵⁷ In a comparative study on residents' access to health and education in notified and non-notified slums, it was found that slums which are non-notified are at a comparative disadvantage when it comes to access to health and education. Due to the non-notified status of slums, there can be serious challenges for residents to access water supply (through forced dependence on informal and often criminalized supply systems), sanitation (and prevalence of open defecation) and solid waste management.⁵⁸ Through what has been called the 'poverty premium', poor households also pay a higher price for basic services, often illegally, than non-poor households, leading to significant trade-offs for health and education spending.

Many studies have shown that the eviction and resettlement of these illegal settlements, whether temporary or not, lead to a severe deterioration in the health outcomes of the residents. Children and the elderly are more vulnerable and therefore suffer from various degrees of trauma during such evictions. Many residents are injured and can even lose their lives in such demolitions and evictions.⁵⁹

3.3 Access to Education

Similarly, housing exclusions have strong impacts on education. While homeless populations tend to have direct and clear non-enrolment in schools and high rates of illiteracy,⁶⁰ housing poverty and illegality exert their own set of exclusions on education. There are few studies on the impact of lack of access to adequate housing on education outcomes in India. This is an attempt at an overview of the general findings from a few national and some

international studies, interpreted to the specific conditions of India. The following paragraphs summarize these key findings and interpret their relevance to Indian conditions. Illustrative links between housing poverty and illegality and education include:

- Lack of stability in the housing condition can lead to deterioration in school outcomes for children.⁶¹ Movement of the family (or other supporting unit), especially involuntarily and/or unexpectedly, implies disruption in instruction, absenteeism due to the physical move and a possible disruption of peer and personal networks for children. Children who move frequently may also require more teacher attention and school resources, and can thus have a negative impact on other children as well.⁶² In Indian cities, where slum evictions becoming more the norm rather than the exception, this lack of stability can lead to severe deficiencies and even a breakdown of the already precarious education outcomes of children in low-income groups.⁶³
- Housing poverty is associated with poor academic achievement, behavioural adjustment issues and the induction of 'learned helplessness'.⁶⁴ In a study of 10- to 12-year old working class children in a public school in Pune, the authors found a significant positive correlation between overcrowding in the housing conditions of the children and behavioural adjustment problems, and a strong negative correlation with academic standing. Importantly, there was a significant correlation found between overcrowding and 'learned helplessness' amongst girls, a condition which implied that residential overcrowding led girls to believe in the lack of control over the outcomes of their own education.⁶⁵
- Studies show that education outcomes are far lower in non-notified slums than notified slums of similar demographic and socio-economic profiles.⁶⁶ In one particular study, the lack of a legal status and/or non-recognition by the government meant that it was very difficult to get electricity supply, impacting learning environments for children. Further, since the land was 'illegally' occupied, the municipality was unable to build a school there, and therefore residents had to send their children

several kilometres away to the nearest available school. Since this was not affordable for some of the residents, their children would drop out of school.⁶⁷

- Many studies have shown that evictions and resettlement could further exclude households from education. While it may be that the original settlements were characterized by inadequate physical and social infrastructure, the resettlement (as well as the transit) sites are often characterized by a complete absence of such facilities, as they are on the fringes of the city and suffer from a lack of physical and social connection to the city. This puts great challenges on the ability of households to continue their children's education, as most of these places do not have a school or college.⁶⁸ In a study done in a resettlement colony in Ahmedabad,⁶⁹ it was found that the percentage of children going to school had dropped from 87 to 41 per cent because of the lack of a school nearby, and inability to afford transportation to far-off schools.

3.4 Economic Capacities

Housing, and lack thereof, directly and indirectly impacts the economic capacities of an individual or a household. For many, the link is as direct as the house itself being a workplace. For others, a house is an asset that can be leveraged upon for economic gains. Even if seen only as a source of shelter, housing impacts economic capacities by acting as an agent for risk mitigation, reducing opportunity and productivity costs due to illness. The paragraphs that follow highlight the impact of housing exclusions on two important aspects of life for the urban poor: (a) home-based work and (b) housing location and employment.

3.4.1 Home-Based Work

A house can provide not only shelter and basic services but can also be used as a workplace, be it for running a shop or a household industry, or undertaking contracted work. This is particularly true for the urban poor. Over 50 per cent of the world's total home-based workers reside in South Asia, and they are either self-employed or sub-

contracted workers.⁷⁰ Home-based work refers to not only work in one's own dwelling but in structures attached to or near one's own dwelling, as well as open area adjacent to one's own dwelling.⁷¹

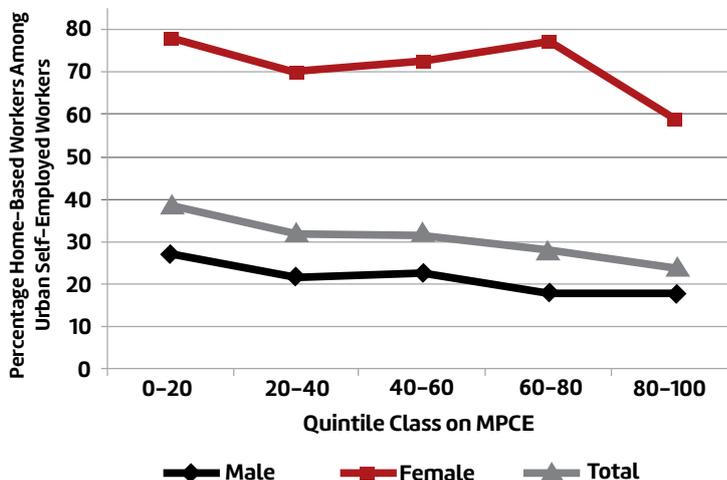
There are no exact estimates for the total number of home-based workers in urban India. About 23 per cent of urban informal employment in India comprises of home-based workers. According to the Census of India 2011, about 5 per cent of workers in urban areas are employed in household industries, out of which about 40 per cent are women.⁷² During 1999–2000, there were about 23.5 million home-based workers in India, out of which 44 per cent were women.⁷³ National Sample Survey Organization (NSSO) data of 2009–10 shows that 30.7 per cent of self-employed persons in urban India worked at home; 72.1 per cent of self-employed females in urban India worked at home, while 21.3 per cent self-employed males worked at home.⁷⁴ Home-based workers tend to be among the poorest Monthly Per Capita Expenditure (MPCE) quintile classes. Put simply, most home-based workers are relatively poor (see Figure 3.2).

3.4.2 Gender, Caste, Ability, and Home-Based Work

One of the striking features of home-based work is its gendered construction. Women choose to work at home because this makes it easier in terms of child-care, cooking and other household duties. In the South Asian context, where women's choices regarding the location of work are often dictated by social norms and social and cultural constraints on mobility, home-based work turns out to be the best (and sometimes only) option for many women to access income.⁷⁵

Saraswati Raju argues that one of the reasons for the universal presence of home-based work throughout the country is that 'it sits comfortably in-sync with pre-existing gendered codes of assigning women to the confines of domesticity'.⁷⁶ Indeed, in a livelihood study conducted in low-income settlements of Katihar (Bihar), it was found that seven out of 10 non-working women wanted to engage in some kind of home-based work including stitching, *papad* making, etc., and only three out of 10 women were ready to go outside their homes to engage in any kind of economic activity.⁷⁷

Figure 3.2 Percentage of Home-Based Workers Among Urban Self-Employed Workers Across Quintile Class on MPCE



Source: National Sample Survey Organization (2012), ‘Home-Based Workers in India’, *NSS 66th Round*, New Delhi: Ministry of Statistics and Programme Implementation, Government of India.

While women are over-represented among home-based workers, the gendered nature of this work is equally ‘mediated by one’s class and caste/community position in the society’.⁷⁸ Not only are there more women home-based workers than men, ‘their demographic profile, educational levels, caste composition and the occupational structure tell a story of overlapping vulnerabilities that are more serious than their male counterparts’.⁷⁹ While data does not always provide these differentiated categories, studies show that caste, religion and ability all impact preference for home-based work and often shape the conditions of employment.⁸⁰

3.4.2 Housing Poverty, Illegality and Home-Based Work

How do housing exclusions impact home-based workers? Many home-based workers work in poor and cramped conditions, with bad lighting and seating.⁸¹ The needs most often articulated by home-based workers are the lack of adequate housing, lack of electricity and lack of storage space.⁸² Spacious, safe, serviced, well-lit housing is of particular concern for home-based workers. Poor infrastructure and living conditions (water and sanitation, waste disposal) eat into their earning time—as they do for all slum dwellers.⁸³

SEWA’s Support to Women Home-Based Workers

The Self-Employed Women’s Association (SEWA) in India has been organizing women home-based workers since its inception in the 1970s. Recognizing that the home is a productive asset, SEWA has been making specific interventions targeted at home-as-workplace needs of urban home-based workers. These include: housing finance, slum up-gradation programmes and electrical connections. SEWA Bank offers housing loans to buy or build a new house, or make repairs to the existing one. Over the years it was observed that most of the members of SEWA Bank had taken loans for housing; moreover they had shown concern for their housing facilities. This gave birth to Gujarat Mahila Housing SEWA Trust (MHT) in the year 1994. MHT has been working towards the transformation of the physical environment of slums in Ahmedabad and other cities. MHT has also worked in electrification of slum dwellings in the city of Ahmedabad and other cities of Gujarat and Rajasthan.

Besides these support strategies, SEWA works towards building voice and visibility of these home-based workers, and influencing policies and programmes to protect them. It also provides training for skill-building and facilitates business development, product development and marketing. SEWA has also been instrumental in introducing enterprise loans and micro-insurance for home-based workers.

Source: Shalini Sinha (2013), ‘Supporting Women Home-Based Workers: The Approach of the Self-Employed Women’s Association in India’, *WIEGO Policy Brief (Urban Policies)*, no. 13, Cambridge, MA: WIEGO

The majority of home-based workers are from low-income households, living in small houses. In addition to lack of space, many of these homes lack adequate light and other facilities. In many situations, they are vulnerable to fire, theft, and natural and civil disasters.⁸⁴ For example, 70 per cent of *agarbatti* rollers in Ahmedabad work from homes that are one- or two-room mud houses in slums. In the absence of adequate space and proper ventilation, they find it very difficult to roll and dry the *agarbattis*.⁸⁵ Individual productivity and economic capacity could be improved by ensuring an improved environment for home-based work.⁸⁶ Security of tenure guarantees protection by the state against forced eviction, thereby ‘making a significant impact on the living and working conditions of the urban poor’.⁸⁷ It also leads to an increase in home-based work.⁸⁸

Most urban planning and development in India is governed by land use zoning and development control regulations, driven by the promotion of single-use zones that are aimed at separating incompatible uses. While that idea has its merits, overtly strict separation of virtually all uses arguably imposes more costs than benefits.⁸⁹ For home-based workers, this means that unless such enterprises are zoned as permissible in residential areas, they would be termed as informal, if not illegal, subjecting them to various forms of socio-economic exclusion and exploitation. For example, informal businesses tend to be excluded from access to formal financial capital.⁹⁰

There is an evident loss of earning opportunities resulting from such restrictive regulations and urban layouts that forbid workshops, retail stores, etc., in residential buildings.⁹¹ However, it cannot be denied that some uses, if put together, could potentially bring more harm than good; for example, a small tailoring workshop in a residential neighbourhood is totally different from a garment factory. Thus, a blanket policy on mixed-use zoning is also not desirable. As Matthias Nohn rightly puts it, there is a need to balance the two rivalling objectives of preventing harm by separating the uses that negatively affect each other, and promoting a mix of uses that co-exist in harmony.⁹²

3.4.4 Housing Location and its Impact on Economic Capacities

In addition to the linkages discussed above between housing and economic capacities, an important factor of housing that has a positive or negative impact on an individual’s or household’s economic capacity is its location. The location of the house, directly and indirectly, affects the social and economic lives of individuals, and plays an important role in undermining or enhancing the economic capacities of an individual or a household.

A direct relation between housing location and economic capacities is proximity to employment centres and ease of access. Location of housing also becomes important for self-employed or home-based workers in order to have visibility and to access markets for raw materials, finished goods, contractors and customers. This reiterates a point made repeatedly in this chapter—the impact of forced evictions and peripheral resettlement, which marks the contemporary Indian city. It is recognized that forced displacements result in disruption of slum dwellers’ livelihoods in the city.⁹³ In a study conducted in a resettlement colony in Chennai, it was found that forced relocation created discontinuities in employment and resulted in increased costs in accessing work for all segments of the workforce, because of long distances to workplaces, loss of networks, a large concentration of self-employed workers in a small zone and the costs of maintaining households in under-serviced, peripheral resettlement sites.⁹⁴ Multiple studies point to the employment impact of resettlement, including elevated transportation costs, breaking of employment networks, restricted mobility (with particular impacts for women and the disabled), as well as the productivity losses due to the erasure of savings and assets during resettlement.⁹⁵

3.5 Housing and Mobility

This section aims at highlighting the aspects through which housing, and exclusions from it, impact mobility of the urban poor. It examines how the dimensions of housing location, gender and other socio-economic lenses further exclude citizens from accessing their basic needs.

3.5.1 Understanding Mobility

Mobility is a necessary element of social and economic interaction, and is linked to the availability and ease of access to the means of transportation available in cities. The existing spatial distribution of activities with respect to work, housing, recreation, commerce, etc., makes the provision of adequate transport a prerequisite means for citizens to access activities in the city, thereby enabling them to enjoy a certain standard of living, as its absence for the majority can lead to severe development consequences.⁹⁶

There is a cyclical relationship between housing location and mobility. In the absence of private means of transport, housing location impacts the mobility of the urban poor. Conversely, mobility may be an important factor while choosing housing location in order to minimize travel time and related expenditures. However, many poor households do not have that choice, either because of forced displacement, or market-induced displacement, as land and housing prices are often very high close to the centre. The notion of mobility in this context therefore can be understood not only in geographical terms as the distance between different locations, but can also be seen to include economic concerns related to affordability, socio-cultural aspects related to safety and security in public space, ease of use of transport and its related infrastructure, and also time spent in commuting.⁹⁷

Housing impacts households and individual mobility through its location. Location cannot be understood in isolation, as it needs to be juxtaposed with the available infrastructure, especially public transport. Within this chapter's understanding of housing exclusions, housing illegality and forced displacements both impact mobility.

3.5.2 Peripheralization of the Urban Poor

Decisions on mobility are framed within the context of certain space-time structures, wherein the relations between housing and mobility can be understood in terms of (a) the spatial distance to the centre of the city and the availability of public transport (accessibility); (b) the social and demographic structure (age, size of household and income); and (c) the deficits (built environment, social and spatial mobility).

These do not take place in isolation but are much influenced by gender, age, social relations and ability. Land development patterns impact and define the arrangement of activities, which defines proximity between travel origins and destinations. Increased compactness of use and concentration reduces trip lengths and increased choice in modes of travel reduces vehicle ownership.⁹⁸ This not only accounts for the reproduction of powerful dominant interests in the transport system, but also in the spatial structure and land uses of the city, creating a framework of inequality in which decisions about travel are made.⁹⁹ Income, or the lack of it, influences household transportation decisions and the ways in which individuals travel. Transport patterns of the poor are often a complex trade-off between residential location, travel distance and travel mode, in an attempt to minimize the social exclusion. In accessible parts of the city, the poor can often afford to live in only precarious sites with insecure tenure.

Conversely, affordable sites that may have more secure tenure are more likely to be located in the less accessible periphery of the city and involve higher commuting times and costs. Low-cost housing in the suburbs and outskirts are matched by high-cost transportation, or vice-versa. Less accessible locations command lower land prices; however, this is offset by higher outlays for reaching jobs and schools. Within the constraints of their limited mobility and other expenses, the location of residence gets further limited to nearby areas in order to reduce travelling time and costs, leaving them in a situation where they have few or no housing options.¹⁰⁰ The overall effect in this leads to increasing inaccessibility. As these needs are often not reflected in mainstream transport planning, the overall outcome is a system that does not reflect the requirements of the majority of urban dwellers. Transport options are accessible to some but not all, and there are not enough options for making optimal travel choices.

3.5.3 Non-Motorized Transport in Car Culture

The allocation of funds under transport policy in India continues to focus on motorized, private transport.¹⁰¹ As Indian cities continue to sprawl, those residents too poor to afford motorized transport will be increasingly disadvantaged,

further cutting them off from many employment opportunities. For people from low-income groups, commuting to work, walking, cycling or taking affordable public transport is not a matter of choice but a necessity for survival. Availability of public transport is critical for ensuring access to basic services such as education and health, and integrating communities into the economic mainstream. As these are travel modes that people from low-income groups rely on, access and mobility for these groups are adversely affected. Thus, the already extreme inequity in mobility and accessibility worsens.¹⁰²

In 2008, Kolkata banned non-motorized vehicles like rickshaws and cycles from 38 arterial roads in the city, with the aim to decongest narrow roads, reduce traffic bottlenecks and improve overall traffic management.¹⁰³ Recently, in 2013, the ban was extended to cover a total of 174 arterial roads banning non-motorized vehicles from plying on them during the hours of 7am to 11pm. The rationale behind the ban stems from wanting to ensure a smoother flow of 'traffic'; a significant portion of which comprises of private motorized means of transport.¹⁰⁴

Cycles provide inexpensive and eco-friendly transport options for households unable to afford other means, and are also particularly useful for women, children, the disabled and the elderly who might either not have access to public transportation, or may not be able to afford private means of transportation. The ban on rickshaws has deep economic impacts. It affects the poorest class, whose livelihood depends on their ability to commute and sell goods on non-motorized transport like cycles, cycle vans, handcarts, pull-carts and bakery vans. In Calcutta, 2.5 million daily trips are made on cycles alone, accounting for 11 per cent of the modal split in the city.¹⁰⁵

3.5.4 Gender and Mobility

Exclusion from housing particularly impacts the mobility of women. An example of this is a case where 700,000 squatters were resettled on the periphery of Delhi; in the same settlement, female employment fell 27 per cent, while travel time increased threefold.¹⁰⁶ Women's mobility is often compromised on the questions of safety, time constraints and inaccessibility to public spaces.

These limitations are reproduced by gender-based restrictions, inferior access to transport means, a high dependence on low-quality public transport and a lack of availability of affordable modes of travel.

In households, domestic responsibilities coupled with weaker access to household resources have further consequences for their mobility. Owing to housing location and limited time, they have to look for work at shorter distances from their home, thus decreasing their choices and opportunities. For example, in the absence of nearby higher-income housing, employment opportunities in the form of domestic work are no longer available for women from neighbouring settlements and they are forced to seek employment elsewhere. This, compounded with housing location, restricts their employment opportunities as safety, work timings, time spent in travelling, etc., all have to be considered. Furthering these is the lack of safety. Absence of footpaths, location of bus shelters, inconvenient timings, etc., all contribute to an infrastructure that is hostile to the needs of women.¹⁰⁷

3.6 On Citizenship

Citizens are not made only at the national level through constitutions and elections. Recently, theorists have argued for a new scale for the determination of citizenship: the city. Arguing that, 'formal membership in the nation-state is increasingly neither a necessary nor a sufficient condition for substantive citizenship',¹⁰⁸ James Holston and Arjun Appadurai suggest instead that it is cities that are 'especially privileged sites for considering the current renegotiations of citizenship'.¹⁰⁹ Indeed, the idea of an urban citizen has been bolstered by Henri Lefebvre's idea of the 'right to the city'¹¹⁰ and many arguments have been made since to consider citizenship in a de-nationalized way. Holston and Appadurai additionally argue that in post-colonial societies, a new generation that creates 'urban cultures distinct from colonial memories and nationalist fictions on which independence and subsequent rule were founded',¹¹¹ thus arguing for a deeper understanding of possibilities of urban citizenship in India.

What kind of citizens are the urban poor? First, the homeless. Homelessness has been under-appreciated for the erasure of humanity and citizenship that it represents. The homeless are not just vulnerable; they are also imagined as subjects without rights. As scholars argue, “The homeless lack a formal address”.¹¹² They are rendered anonymous because they usually lack the markers of citizenship of even poor people in India, such as ration cards and voter identity cards.¹¹³

Yet, even for those that are not homeless, it can be argued that the poor in urban India have always been viewed as ‘different’ from the rest of the city. If anything has changed, it is the perception of the roles played by this ‘different’ citizen and the extent to which their rights or claims are recognized as legitimate. If the urban poor in post-independence India were originally perceived to be ‘humble’, ‘vulnerable’, migrant workers providing legitimate services and benefiting from an independent India’s development ideals, the urban poor of more recent decades have been labelled ‘a nuisance’,¹¹⁴ their presence equated with pollution¹¹⁵ and their homes reduced to ‘slums’, devoid of history or structure while characterized by poverty, filth and fragility.¹¹⁶ It is important that the illegality of this slum is at least partly the basis of such misrecognition. There is a key move here: the housing poverty of the poor that marked their vulnerability now marks their undesirability.

Seeing the poor as illegal as a basis for disavowing their claim to substantive citizenship must, as argued earlier in this chapter, evade the illegalities of the non-poor and elite that also equally define the production of space in Indian cities. This is often done by redefining legality of residence beyond the technical definitions of city authorities. For instance, D. Asher Ghertner mentions the ‘rule of aesthetic’, where slums and informal settlements in Delhi are portrayed as ‘unsightly’ and the ideas of a ‘world-class city’ and ‘slum-free city’ are used to justify the ‘cleaning up’ of slums.¹¹⁷ In Bangalore, Janaki Nair talks about counter-attempts that pit the legitimacy of the city planner against the legitimacy of religious norms by reclaiming geographical space through illegally constructed shrines and motifs¹¹⁸ and the consequent social tensions that emanate from these reclamations. On the other hand, Amita Baviskar describes how the imagination of the Yamuna riverbed in Delhi

as occupied by poor people with polluting practices became the grounds for the demolition of their homes.¹¹⁹ Leela Fernandes talks about the ‘politics of forgetting’, where the portrayal of a rising, dominant middle class is drawn at the expense of specific marginalized groups being rendered invisible in the national political culture.¹²⁰ As the spaces of the poor are themselves reimagined, the poor can be erased as citizens within them.

4. Causes of Exclusion

While it is beyond the scope of this chapter to trace the various histories and factors that have brought us to this point, the section below briefly marks the key set of drivers for exclusions from access to housing that focus on causes of exclusion linked to policy and policy-relevant outcomes.

4.1 The Absence of Legal Rights and Entitlements

Housing is not a right in India. Not only is it not in the chapter of fundamental rights in the Indian Constitution, it, in fact, does not even find explicit mention in the Directive Principles of State Policy. This does not mean that housing has not been seen as a subject of state action within the understanding of its obligations to citizens. It does, however, mean that such action is not justiciable against an explicitly articulated Right to Housing as, for example, the Right to Information or Right to Education is. It also means that housing becomes a matter of policy, programme and mission—work that should be done but that bears no direct consequences for the state should it not be done, and is subject to the whims of changing electoral governments.

Rights to housing and shelter do exist in derived form, i.e., in interpretations of fundamental rights to include housing. Housing rights advocates point to a string of canonical judgments by the higher courts of the judiciary that have read housing and shelter as basic needs and rights, particularly as part of Article 21 or the Right to Life. There is a familiar line of judgments that variously read housing and shelter into the Right to Life.¹²¹ Yet, as evidenced in juridically ordered evictions across Indian cities, these precedents are not binding on higher courts, and there is another set

of equally cited judgments where the courts have refused such an interpretation of Article 21.¹²²

The judicial record on protecting even a derived Right to Housing and Shelter is, therefore, at best uncertain. This implies that certain forms of judicial remedy are not available to housing rights advocates: in the presence of a Right to Housing, a legislative challenge can be mounted against a housing shortage. In the absence of it, only the government's current policies and programmes can be challenged, or an indirect argument via the Right to Life can be made. Certainly, the absence of an adequate policy framework itself becomes much harder to challenge.

The absence of a Right to Housing also has a deeply political impact on the perception of the entitlements of urban citizens to housing. When something is acknowledged as a right, inequities in the provision of that right are more difficult to explain away. This does not imply that simply bestowing a textual right immediately results in more egalitarian situations or that housing conditions cannot improve without an explicit right under the Constitution. Yet it bears pondering if the nature of our fragmented policies and programmes to housing has been able to maintain itself precisely because of the absence of such a right.

4.2 Policy Gaps

Looking at policy gaps in housing would suggest that it is indeed true that the absence in rights frameworks translates into both policy gaps and inadequacies. Housing is a state subject and policy histories of housing have varied greatly across the country. On the national level, however, there was no coherent and enabling policy attention until the mid-1980s. The National Housing Policy of 1988 was universally thought to lack teeth, and was almost immediately followed by a National Housing and Habitat Policy that was strengthened in 2007. The emergence of national housing policies in this period as opposed to, for example, in the 1960s, however, places them in an entirely different political economy.

As the JNNURM makes clear, cities in the modern policy imagination are engines of growth and a very particular type of development. While the Rajiv Awas Yojna (RAY) and BSUP both

attempt to make urban services reach the poor, the main thrust of the JNNURM has been in urban infrastructure and governance, building large-scale, capital-intensive projects. Current policy frames on housing have an increasing emphasis on the involvement of private actors and developers, and the role of housing as an economic good seems to outweigh its presence as a component of welfare and social security.

Further, current urban development policies are increasingly finding it more and more difficult to regulate the supply of land and direct it to particular uses. The expansion of a regime of exceptions and special economic and planning zones has made the aggregation of land and its ownership fairly concentrated towards particular, high-end uses. Policies that prevent such concentration and counter speculation, as well as as well as those that can achieve balanced regional development are notably absent or very weak. The regime of what Michael Goldman has called 'speculative urbanism'¹²³ has seen the emergence of urban governments as brokers rather than providers, with an imperative to monetize and capitalize on public and urban land rather than regulate and guard against market failure and exclusions.

Finally, housing policies have systematically over time broken the link between housing and work. In many transitional economies as well as more egalitarian states, employment is a key part of housing and it is the employer that is responsible for the provision of housing. Historically, the incentives of a well-housed, proximate and productive workforce prompted textile mill owners, for example, to build the eponymous *chawls* in which a generation of workers in Mumbai earned development time and opportunity. The dismantling of employers' responsibilities in the formal and informal components of the public and private sectors represents a singularly important lost opportunity for de-centralized and effective housing production and provision. The possibilities to leverage work status for housing entitlements has equally remained unseen in the informal sector where, for example, developers and construction firms remain without responsibility for the temporary or permanent housing of their workers, who are often brought into the city by them for their labour.

4.3 Lack of Rental Housing

Housing policies have also been singularly ownership-focussed, thinking only in terms of producing individual and titled homes. While this often expands the formal market at the lower end of the market, experience across Indian cities show that such forms of housing are quickly gentrified and used by non-poor households, or by the upper spectrum of the poor at the expense of those with relatively less capital and resources. Ownership-centric policies have meant a deep neglect of, at best, and outright hostility to, at worst, to rental housing Policies that prevent such concentration and counter speculation, as well as of housing forms like dormitories, shelters and communal homes, which play a critical role in responding to the housing needs of the homeless, migrants as well as poor urban residents in general.

Now, in spite of limited policy support towards rental housing, 30 per cent of urban households in India live in rented housing.¹²⁴ Importantly, even within slums, 30–40 per cent of households live in rented accommodation.¹²⁵ For households that cannot afford to own a house, or young households or migrant households that might not wish to own a house, access to rental housing means access to the urban economy, which can lead to individual and household development. What is equally interesting to note is that in low-income segments of the population, landlords are often as poor, if not poorer, than their tenants.¹²⁶ For many landlords, giving a room or space out on rent is in fact a livelihood response to tenuous or otherwise unpredictable employment. Rental income forms a stable and regular source of income. This rental income becomes especially critical when the landlord is a woman, or an elderly or disabled person.

The rental market can be a source of sustenance to both tenants and landlords, if balanced protection for each is institutionalized and supply of rental housing increased. Moreover, it is increasingly being accepted that a vibrant rental housing market enables greater mobility of labour and therefore higher workforce participation¹²⁷—leading to development of households as well as higher productivity for the city. Current penetration of rental markets holds despite the absence of enabling legislation, at best, and an illegalization

of rental accommodation in resettlement colonies and slums, at worst.

4.4 The 'Failures' of Urban Planning

The 'failure' of urban planning is a common refrain in Indian cities. When seen from the perspective of access to affordable housing, however, this failure is complex. On the one hand, the failure to enforce, for example, the mandatory reservation of land for low-income housing worsens access. On the other hand, the failure of Master Plans to fully dictate land use is what has allowed the urban poor to occupy and remain in city centres near work, albeit illegally. It is essential, therefore, to be nuanced in the understanding of how the different kinds of failure of planning impact access to affordable housing, particularly to avoid a simplistic argument that a stronger enforcement of current plans will lead to more egalitarian cities.

Let us take five different kinds of failure. In Delhi, for example, the failures of planning take a particular form. Through a massive nationalization of urban lands in 1959, the state took upon itself to build low-, middle- and high-income housing stock precisely because it felt that private providers would create exclusionary markets. Yet what happened was marked by a set of failures: (a) the inadequacy of targets that estimated requirements for low-income housing; (b) the failure of the state to build even this underestimated quota, particularly for low-income housing; (c) the failure of adequate infrastructural provision that meant even built housing was marked by housing poverty and inadequacy; and (d) the failure of the state to make land available for low-income housing.

While Delhi marks a failure where the state fails its own commitments to building housing in a market that is (to some degree) typical of other post-independence Indian cities, the slow but steady rise of slums in expanding cities like Bangalore point to a different kind of failure. As the city has grown in a post-reform period, previously low housing shortages have widened and all three of our indicators—homelessness, housing poverty and illegality—have worsened. While some would argue this is the failures of planners to anticipate growth in the city over the past two decades, others say instead that Bangalore points not to

the failure but inability of planners to respond to Bangalore's changing dynamics. They argue that de-regulation, the logic of special economic zones, and the powerful demands of capital on urban land and real estate have meant that planning is unable to respond to changing land and housing markets. Within 'speculative urbanism', as Michael Goldman describes it,¹²⁸ public institutions of planning are unable—even if they wanted, which Goldman doesn't believe they do—to intervene to further access at the bottom end of the market.

A third kind of failure within planning is in its absent institutional structure in Tier Two and Tier Three towns, whose local institutions lack either the capacity or foresight to begin planning practices that could prevent them following the same pathways of broken housing markets in larger cities. Cities like Nellore, by no means small towns, still have opportunities to reserve land for low-income housing, to build adequate reserve housing stock and to use zoning to prevent uneven growth. These are cities where land values are rising but still low, and pressure from real estate lobbies is yet to gain momentum. Yet, it is precisely these cities that have almost no medium- to long-term strategies for housing, nor see it as a pressing need to put these in place. In the absence of such strategies, it is only a matter of time before a new set of cities emerge with an old and persistent set of housing problems.

The fourth kind of failure is the inflexibility and rigidity of planning norms. Master Plans can often last 10 to 20 years where they exist. Development controls norms and building guidelines are standardized across vastly different socio-economic and spatial contexts. Across time and space, planning processes and norms in India exemplify a rigidity which forces the innovations that poorer residents use to survive to become illegal. As the previous sections highlight, homes cannot be used as workspaces; small additions cannot be used to generate rental income or provide cheap and accessible housing; layout designs impose norms for density or the use of space that often bear no relation to how people in fact use space; housing is built without regard to future expansion of families or the incremental nature in which the poor in particular build housing, etc. Over time, these restrictions within planning have created and exacerbated the conditions of both housing poverty

as well as illegality, as plans have been pitted against what many must do to thrive.

The fifth and most pressing failure of planning, however, is the inability to fulfil its main purpose: the spatial governance of land through dictates on its use. There are two embedded failures here. For too long, planners insufficiently used zoning to protect land and direct it to low-income housing. When they finally thought to do so, they did so inadequately, offering piecemeal land reservations that remained unenforced and paled in comparison to the degree of need and the depth of the housing shortage. Housing illegality, as many scholars have argued, is a result of the inadequacies of planning. These are 'planned illegalities'.¹²⁹

4.5 Eviction and Resettlement

One of the clear causes of current and cyclical housing exclusions is the eviction from self-built housing and the building of peripheral resettlement colonies which are, effectively, what many have called 'planned slums'. Cycles of forced eviction and resettlement have multiple impacts on housing exclusions. They erase existing, if vulnerable, housing that has often been built incrementally over decades, thereby causing housing poverty to deepen. They create homelessness. They create, as this chapter has repeatedly argued, peripheral resettlement colonies that are, in fact, unliveable due to the impossibility of livelihood and the paucity of infrastructure, tenure security and services. Resettlement has its own impacts on health, services, economic and livelihoods, as the previous sections have detailed. The result is the continued proliferation of housing poverty and, indeed, its reproduction as another generation is placed into what Bhan and Menon-Sen have called 'permanent poverty'.¹³⁰ It has also prompted some authors to ask: 'can the persistence of urban poverty be partly explained by such forced mobilities within cities?'.¹³¹

Let us take just one example of many. In January 2013, an eviction drive was carried out in an EWS housing quarters in the area of Ejipura in Bangalore.¹³² The drive was conducted to facilitate the demolition of the quarters and subsequent construction of a new set of EWS quarters as well as a commercial mall, both of which were to be jointly developed by the corporation and a

private partner. The city corporation agreed to relocate the 1,512 'original allottees' of the quarters (constructed by the corporation in the early 1990s) but, on the basis of a Karnataka High Court order, refused to do the same for those who came to reside there later. This decision was taken, in spite of both claims from the residents that they had been living in Ejipura for several years as well as the fact that an earlier resolution had been taken by the city corporation to accommodate both the original allottees as well as the 'present residents', and the distribution of ration cards and 'voter identity cards had taken place at various times.¹³³

As a consequence, several residents of the quarters were rendered homeless. As late as July 2013, many former residents continued to reside on the footpaths of Ejipura, often in plastic tents or concrete pipes, subject to several health and sanitation hazards leading to illnesses and deaths.¹³⁴ The Ejipura case demonstrates how evictions exacerbate and produce homelessness. It also showcases evictions as part and parcel of an urban development model that has, in the last couple of decades, seen eviction as a primary and common mode of producing urban space. Ejipura is just one of a series of evictions that have increased in frequency and intensity from Chennai to Delhi, Mumbai to Kolkata. Indeed, these evictions can no longer be considered merely an outcome of housing poverty and illegality, but part of what causes them generation after generation.

4.6 Uneven Development

One of the fundamental causes of exclusion in the housing market, though harder to grasp as tangibly as the ones already listed, stems from the long-term consequences of a development paradigm marked by economic inequality. While poverty has no doubt declined significantly in India since independence, this decline has not been enough to prevent a systemic absence of effective demand for a majority of urban residents. In the medium- to long-term, housing exclusions cannot be addressed by policy alone, regardless of whether the provision is public or private. Put simply, housing shortage in India remains both a supply and a demand issue, and enabling lower income households to demand

more effectively must be part of the solution.

Once again, as already argued, the separation of work status and housing entitlements plays a strong role here. Mediating demand through employer-provided housing has marked the historical transition of many low-income countries, as it bridges the gap between what poor households can afford in open markets and what is available to them in exchange for work. A further point worth mentioning here is the continuing prevalence of identity-based discrimination based on caste, religion, ability, gender, sexuality and linguistic lines, among others. Here, even the presence of economic demand cannot offset artificial supply constraints caused due to prejudice. When combined with income poverty, this results in multiple vulnerabilities for the poor and a deeper set of housing exclusions that cannot be solved by increasing demand and supply alone.

As the previous sections have argued in different ways, the current growth model and imagination of urban development—marked most conspicuously by the imagination of cities as 'engines of growth', as the JNNURM describes them—is one that privileges a certain form and register of value. Nowhere is this most visible than in urban land and housing markets. The inability to reserve public land for public purpose was a historical explanation for the state's inability to provide housing. In the current growth model, however, it is 'public purpose' that has itself been reimagined to include highways and airports rather than shelter and bus stops. A rapid financialization has meant that urban local bodies are increasingly under pressure to monetize their land holdings and raise a portion of their own revenues. When the same public land is demanded for infrastructure and for low-income housing, it is not surprising which way it heads.

New forms of urbanization—Special Economic Zones or SEZ cities, new towns, satellite cities, as well as 'integrated townships' and gated communities within cities—are built on entirely different economic and spatial footprints than older settlements. Service sector economies have reduced the working poor to informal, contractual, fragmented and uncertain employment just as new urban forms reshape urban space, land and housing markets to cater to a different economic

citizen—one emboldened and skilled with very different housing needs. Within this development model, finding the political will and ability to direct public resources to low-income housing, especially through interventions in land, becomes an increasingly difficult task to imagine, let alone implement.

5. Moving Forward

In conclusion, four broad approaches can be suggested that could take us forward in addressing housing exclusions.

5.1 Housing as an Entitlement and New Policy Frameworks

The broader approach to how to move forward from a position of deep and entrenched housing exclusions must begin with a new agreement on the centrality of housing as a right, public good and basic need. This agreement must then reflect, in both letter and spirit, that housing is an entitlement for urban residents, keenly linked to and imagined within other forms of social security and social protection like education, health, food and information.

In its spirit, the RAY, the flagship affordable housing scheme of the Ministry of Housing and Urban Poverty Alleviation, moves towards such an articulation. It explicitly takes a ‘city-wide approach’ that includes all slums—whether notified or not. It seeks to ‘redress the failure of the formal systems’ that lies ‘behind the creation of slums’. The RAY challenges the prevailing practices of ‘cut-off dates’ where residents are only eligible for benefits if they can prove they have been in the city for a certain number of years. It argues instead that all residents must be counted if they are there on the date of the citywide survey. The acknowledgement of state failure and the rejection of cut-off dates are important steps for a policy announcement to take. It implies that all residents, no matter where they live in the city or how long they have been there, have a right to be there. In its most recent evolution, it includes the homeless and pavement dwellers, and caters to incremental housing and not just new units. In this sense, the RAY is the closest non-judicial articulation of a Right to Shelter that has been seen.

Yet, programmatically, the RAY faces many of the same challenges that have plagued historical housing programmes. One critical concern for our focus is the weak imagination of regulations that would use inclusionary planning to bring land back into use and supply for affordable housing. Land remains the single largest stumbling block for affordable housing, whether built privately or built by the state under programmes like RAY. While RAY does imagine a ‘Phase II’ in which town planning and municipal acts are amended to enable mandatory use of land for affordable housing, it remains unclear how effective it will be in getting urban local bodies to amend state acts.

How can land be made available for affordable housing through regulation? There are a number of ways; mandatory reservation at either the regional or project level; restrictions on use of existing land, using inclusionary zoning¹³⁵ as used in Thailand and Brazil; the more familiar use of planning controls like Floor Area Ratio (FAR), Floor Space Index (FSI)¹³⁶ and Transfer Development Rights;¹³⁷ or town planning schemes and acts. While this is not the place to discuss each in detail, the point to emphasize is that the use of such techniques—and they are simply that, techniques—and the efficiency of their implementation depends entirely on the broader spirit and political framework in which they are deployed. India’s track record in implementing even existing reservation for EWS housing in new private and public development projects, for example, remains abysmal.

Part of this failure possibly derives from the fact that housing, unlike education, health and food, is not subject to clear policy and rights-based frames, acts and policies that insist upon certain outcomes. A step in the right direction is the emergence of ‘Affordable Housing Policies’ in several states like Rajasthan and Karnataka, with draft policies ready in Andhra Pradesh and Odisha. The Affordable Housing Policy in Rajasthan has been in place since 2009 and mandates reservation of land at the regional level in city Master Plans, with different minimum requirements for urban local bodies, housing boards and private developers. This is different from just mandating EWS housing, for example, in a single development or project and it is much stronger than using zoning to regulate land use. What is striking about Rajasthan is that it seems to have achieved some success in banking

land for affordable housing. From 2009 to the present, public authorities have built over 100,000 units, and nearly 60 per cent are on land reserved and used under mandates of the Affordable Housing Policy.

The historical and contemporary policy gaps in housing outlined in the previous sections are by no means accidental. What is clear is that unless our political debate can reorient itself to seeing housing as a non-negotiable entitlement, policies can only play a stop-gap role in redressing housing exclusions. It is only when an entitlement framework reaches some coherence and agreement that different stakeholders will be able to act on the scale required to address the depth of our housing exclusion.

5.2 Prioritizing *In Situ* Up-gradation

Even as more medium- and long-term frameworks shift, however, there is also an urgent need to address the ‘project’ mode in which current housing policies are functioning. Housing policy in India has long focussed, as argued earlier, on ownership-centric models that have emphasized a particular view of individually owned and titled housing units, rather than seeing a broader view of housing. This is reflected most strongly in the emphasis even within programmes such as the RAY on redevelopment and the building of new housing units, or eviction and relocation, rather than a strategy that has proved globally most effective in addressing housing poverty and its attendant exclusions: *in situ* up-gradation.

Contemporary Indian cities are marked by a particular form of exclusion from access to housing, one that indicates that the poor have housing stock (usually self-built, often precarious) that is considered inadequate. Addressing exclusion, therefore, must begin from this existing housing, no matter what its condition. So how does one address inadequate housing that is affordable? There are two possibilities. One argument is that households living in unacceptable housing must be given new housing units. The other is to recognize existing housing stock—most often built by the poor themselves incrementally over time, as investment becomes possible in fits and starts—and then gradually reduce the inadequacy and raise the liveability of such housing without necessarily

building new building units. The first represents redevelopment (whether on-site or at a new site altogether), while the second is more commonly understood as a form of upgrading. Current housing policy in India shuttles between upgrading, redevelopment and relocation. However, recent trends point strongly to the tendency to build new housing units, often citing the inadequacy of what is dismissed as ‘slum’.

There is a significant danger here. While the vulnerability faced by households living in housing poverty cannot be denied, it must also be acknowledged that such housing represents a level of investment and affordability that is most aligned to the current incomes and aspirations of those households. Put simply, households living in what are considered inadequate conditions are also, at times, living in the kind of housing that they can afford and making trade-offs that others may or may not agree with. It is not uncommon that a poor household will continue to live in a temporary shelter while investing income into better health or education outcomes rather than improvements in housing. The fact that, in the Census of 2011, nearly 41 per cent of households rated their housing as ‘liveable’ and only 5 per cent of housing stock as ‘non-serviceable’ testifies to this.¹³⁸

Rapid transformations in such housing stock—like the rebuilding of low-income housing into multi-storey buildings or the allotment of brand new flats under housing schemes—break the incremental nature by which many poor households improve inadequate housing stock and often lead to market-induced displacements as poor households cannot afford maintenance; cannot afford to move to new locations where livelihoods are uncertain and mobility questioned; or simply cannot afford to refuse offers to sell allocated flats. Upgrading, with its focus on improvement in infrastructure and services as opposed to dwelling units exclusively, represents a different approach to addressing housing poverty, one that increases the liveability of the settlement rather than the materiality of the dwelling unit itself.

Upgrading also has one further crucial function: it represents land that the poor have already occupied and inhabited. In other words, the liveability of that site and its linkages to employment, education and health have stood the test of time. The answer

to the common question “where do I find land” is to be found in up-gradation—the poor have found, occupied and developed the land already. The question is not then the literal availability of the land but, in fact, the ability to use it for housing the poor. This equires dealing with a set of different challenges—agreements with public or private landowners, using the range of regulatory and incentive-linked tools in policy makers’ hands to do so. Slum upgrading programmes that have occurred at scale—most notably in Thailand and Brazil—are the single most effective means of seeing the clear impact of housing improvement and vulnerability reduction within a generation.

Upgrading has now entered the language of housing policy. The challenge that remains is to both convince and enable local and state governments to implement it as the primary mode of housing interventions, rather than redevelopment or relocation.

5.3 Security of Tenure, Not Titling

Linked to a focus on upgrading is an expansion of the notion of security of tenure. Secure tenure implies a *de facto* or *de jure* protection from eviction or dispossession. One way of providing this security is through an ownership title. Yet, in the context of widespread housing illegality, how should the relationship between individual titles and secure tenure be seen? In the *Baan Mankong* programme in Thailand, often considered the inspiration for the RAY, the largest number of housing projects used community titles in the form of long-term leases. Drawing upon the idea of co-operative housing, these titles gave secure tenure. Change to: ‘communities previously considered by the state to have had illegal tenancy, and often living on occupied land that authorities had successfully got permission to use and upgrade.

Community and long-term lease titles have both advantages and disadvantages when compared to individual home ownership. Leasehold titles do not satisfy the felt needs for a ‘house of one’s own’, many argue, and they are not as easily bankable or transferable. These are legitimate concerns. Yet, what community titles do enable us to do is to protect low-income housing communities from market-induced displacement in the context of a deeply unequal and fractured housing market. Put

quite simply, building housing units for the poor and giving individual titles as the RAY intends to do could possibly result in large-scale sale of these units to non-poor families, and the subsequent modification and up-gradation of those units.

In one sense, the right to sell is one that should not be denied to the poor. Yet, from the lens of public policy, one of the objectives in reducing housing exclusions is to have housing stock available at all levels of affordability and income. How, then, is it possible to protect housing stock intended for the poor from being sold to and modified by the non-poor? There is a delicate balance to be struck here but it can emerge only if it is recognized that secure tenure can come through a range of processes, including community leaseholds or even a humble ‘permission to use’ as was successfully tried in the Ahmedabad Slum Networking Project, and not just from private, individual titles.¹³⁹ Community titling can be modified, as elite co-operative housing has long done in cities like Mumbai, to allow a certain controlled transfer of assets as well, allowing certain poor families to sell but monitoring such sales to ensure that the housing stock remains affordable, by and large.

The focus on ownership expands a formal housing market in ways that are no doubt necessary. But if this new formal market excludes the very households it sought to target, then the intentions of policy makers will have once again been thwarted and the housing shortage will remain unaffected. The emphasis on titling has also led to a diminished attention to other forms of housing like rentals, dormitories and shelters. The expansion of rental and temporary housing—particularly suited to migrants and low-income workers—as a diversification of housing stock is critically necessary to answer the diverse and dynamic needs of urban poor residents. The fact that nearly one-third of households in urban slums live on rent gives testimony to a housing solution that already exists informally, and could work very well if given both formal sanction as well as support.

5.4 The Intent to Reside

One of the key tensions in addressing housing exclusions is determining who is eligible for what kind of benefit under various policy regimes. Typically, as this chapter has argued, exclusions

have been perpetuated both through the legality of the settlement, or through the ‘cut-off date’ that mandates a minimum period of residence in a particular address. Both these exclusions have significant impacts on not just access to housing but to its attendant exclusions in health, education, work, mobility and citizenship.

In work elsewhere, one of the authors of this chapter has jointly proposed a different approach to determining eligibility for social security benefits more broadly, including housing. The Intent to Reside (ITR) approach¹⁴⁰ argues that aims at embracing universal (or quasi-universal) entitlements (for access to basic services, education, PDS, decent work, and health for all urban residents as part of an urban social security regime) through evidence of an *intention* to reside in the city, that includes residents at an early stage of this residence. The ITR approach is, in a sense, the anti-thesis of the cut-off date. Rather than asking residents to prove that they deserve to be included as urban residents by surviving for years in the city, it includes them from the very beginning. It attempts at being more mindful of errors of exclusion within a context of universalization and in real situations where operationalization and implementation of

services are themselves premised on conditions and modes of residence.

The ITR Approach has constitutional, legal and policy precedents that have been analysed in detail elsewhere.¹⁴¹ In marking it in this chapter, it is important to emphasize once again that operationalizing an inclusive notion of ‘residence’ is indispensable to addressing the role spatial illegality plays in (re)producing the housing exclusions faced by the urban poor. It may well be that the ITR approach takes the long road towards eventually affirming a Right to Housing or Shelter—by ensuring a set of social security entitlements, at least in the provisioning of fundamental rights to clean drinking water, education and livelihood among other services. In the short run, it is an attempt to overcome the unwieldy requirements of minimum cut-off dates and current policy exclusions on providing such services. It is an acknowledgement of the difficulties faced by implementing agencies, reflected in jurisdictional issues and claims over residence, but offers a much lower floor to operationalize these provisions, based on the Constitutional framework of guaranteed fundamental rights.

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