



# Informal Development, Services Access and Land Rights Claims Dynamics of Conflicts in Hill Settlements, Guwahati

Darshini Mahadevia  
Aseem Mishra  
Yogi Joseph  
Arup Das

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# **Informal Development, Services Access and Land Rights Claims - Dynamics of Conflicts in Hill Settlements, Guwahati**

Darshini Mahadevia  
(Centre for Urban Equity, CEPT University)

Aseem Mishra  
(Centre for Urban Equity, CEPT University)

Yogi Joseph  
(Centre for Urban Equity, CEPT University)

Arup Das  
(Society for Social Transformation and Environmental Protection (sSTEP))

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**Centre for Urban Equity (CUE)**

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**About Centre for Urban Equity (CUE)**

CUE was established at CEPT University in 2009, evolving from the Urban Poverty Alleviation (UPA) Cell established in 2008. CUE advocates a human-centered and equitable urban development paradigm. CUE undertakes research and advocacy; conducts training and capacity-building; imparts education; and networks with stakeholders on various aspects of human settlements with a focus on urban equity.

**Contact**

Centre for Urban Equity (CUE)  
CEPT University  
Kasturbhai Lalbhai Campus  
University Road, Navrangpura  
Ahmedabad - 380009, India  
Email: [cue@cept.ac.in](mailto:cue@cept.ac.in)  
Website: [www.cept.ac.in/cue](http://www.cept.ac.in/cue)

**About Society for Social Transformation and Environmental Protection (sSTEP)**

sSTEP is a development organization working with the poor and marginalized of urban and rural Assam as well as other states in the North East region of India. Its thematic areas of work include livelihood, education, health and hygiene, disaster (natural & manmade), and women's empowerment. sSTEP's mission is the empowerment of poor and marginalized communities, showing solidarity with people's struggles, advocating for accountable governance that protects the rights of the poor and marginalized, reducing the vulnerability of poor and marginalized communities and improving their living conditions.

**Contact**

Society for Social Transformation and Environmental Protection,  
Bhabanada Boro Road (DPS Road)  
Garchuk,  
Guwahati, India  
Email: [sstepghy@gmail.com](mailto:sstepghy@gmail.com)  
Website: <http://sstepassam.org/>

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## **Abstract**

Informal settlements constitute a large share of urban residential development in Guwahati, the only nearly metropolitan city in north-east India. Informality of tenure has been found to impose costs on residents in the form of tenure insecurity, violent experiences of eviction by public authorities, lack of access to basic services, discrimination, environmental and health hazards and inequitable civil rights. This study on informal hill settlements in Guwahati attempts to understand various mechanisms of urban planning and governance that act as drivers of urban violence. These include, but are not limited to land policy and legislation and basic services provision, which were observed to be creating and deepening endemic deprivations, exclusions and inequalities. It investigates the responses and coping strategies of the hill dwellers to these adverse conditions that put them at risk of marginalization. This research also examines interventions made by the state to mitigate the violence, while raising questions on their effectiveness.

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## Contents

Abstract.....	i
Acknowledgments.....	ii
1. Introduction.....	1
1.1. History of Land Issues in Assam .....	1
2. Ethnic Diversity and Conflicts in the State.....	3
3. Development of Guwahati City .....	5
3.1. Before 1960s .....	5
3.2. After 1960s .....	7
4. Land-related Conflicts and Government's Position.....	13
5. Need for Research on Land/Housing Rights for Hill Dwellers .....	15
5.1. Main Research Questions .....	15
5.2. Specific Research Questions.....	15
5.3. Research Methodology.....	15
5.4. Scope and Limitations.....	20
6. Study Locales.....	21
6.1. History of Hill Settlements.....	21
6.1.1. Hill Settlements in Lalmati-Beherbari.....	21
6.1.2. Hill Settlements in Gharchuk .....	27
6.2. Socio-economic Conditions of Surveyed Households .....	30
7. Conflicts in Hill Settlements.....	34
7.1. Natural Environment Conservation versus Housing for the Poor .....	34
7.2. Conflicts Between the State and Community .....	38
7.2.1. Deprivation Related to the Lack of Tenure Security.....	38
7.2.2. The Land Rights Struggle in Guwahati .....	45
7.3. Basic Services Deprivations and Structural Violence.....	52
7.3.1. Deprivation Related to the Lack of Provision of Water Supply .....	52
7.3.2. Deprivation Related to Sanitation and Public Health.....	61
7.3.3. Deprivation Related to Poor Accessibility .....	62
7.4. Conflicts among Residents and Non-state Actors.....	68
7.4.1. Conflicts Arising as a Result of Encroachments.....	68
7.4.2. Conflicts Arising as a Result of Unclear Plot Boundaries .....	69
7.4.3. Conflicts Arising as a Result of Landslides.....	69
8. Role of Unnayan Samitis .....	70
9. Role of other Institutions/Actors.....	71
10. People's Opinion on Probable Solutions .....	76
10.1. Relocation .....	76
10.2. Regularizing the Hill Settlements .....	78
11. Findings and Way Forward.....	78
References.....	84
Annexure.....	86



# 1. Introduction

## 1.1. History of Land Issues in Assam

The State has owned all land in Assam from early history. The Ahom king owned all of the land within his territory and made extensive land grants to temples, priests, and charitable institutions. In particular, religious institutions received massive landed property from the state in the Ahom period (Sharma, n.d.). These were revenue-free and were known as *Lakhiraj* grants. But the bulk of land was allotted to *paiks* in lieu of their services to the state (Das, 1986). *Paiks* were the corvée<sup>1</sup> labour during Ahom reign and each peasant, who gave his services under the corvée system, was given 2.66 acres in lieu of his services towards the State. These lands were the main resources of peasant production in Assam. Homestead and garden lands in one's possession were recognised as private property with the degree of clan control. As 2.66 acres was barely enough for a decent living, the peasants supplemented their subsistence with various produces from the forests and wastelands.

The British period saw the transfer of ownership of all lands into the hands of the State. The occupants were given lands on short-term lease (for a period of one year only), which conferred on them the right to use the land for the given year. After some years, the occupants having permanent homestead or cultivation were granted ten years lease (called periodic lease), which conferred on them inheritable and transferable rights. Both types of lease, whether annual or periodic, were however, renewed at the end of the lease-period (Das, 1986). When large tea plantations came up during the period between 1830s and 1870s period, uncultivated land was transferred to the planters which led to the transformation of a significant amount of forestland, village commons and community forestlands into tea gardens. Moreover, the British replaced the old system of revenue settlement based on periodic corvée services or payment in kind by a new property system involving payment to the government in cash. The colonial government reserved the property rights of all land to itself and allowed only occupancy rights to their occupants which were deemed permanent, heritable and transferable, subject to regular payment of tax. Land with religious institutions was exempted from this (Sharma, n.d.). Debottar lands (lands granted to deities and temples) were kept revenue-free (*Lakhiraj*) but all other revenue-free land grants of the Ahom rule were assessed to half-revenue status. These lands came to be known as Nisf-Khiraj (half revenue paying) estates. However, this system of revenue collection created acute problems for the Assamese peasants due to their poverty. Many peasants had to sell a large portion of their land to be able to pay taxes while many peasants evaded the tax liability by fleeing their homestead to settle in wasteland in remote areas.

The British had introduced forest legislation in the form of Bengal Forest Act that put reserved forests under their control. But, the tribals inhabited these and they entered into conflict with the British State. The interpretation of reserved forests under the forest legislation was 'reserved for use by the State.' This implied that the British could decide the use of forest lands, which they began to give away to individual landholders for tea plantation and to the railways for its use. Further, the colonial administration settled the marginal and landless peasants in the forest areas, who were then allowed to practice agriculture therein in exchange of their labour in collecting forest resources, mainly timber, and other such activities on behalf of the colonial forest department. These settled villages were known as

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<sup>1</sup> Corvée is a form of unpaid, unfree labor, which is intermittent in nature and for limited periods of time: typically only a certain number of days' work each year.



‘Forest Villages’<sup>2</sup>. Here, it is important to note that the term forest villages does not refer to the villages located in the forest, but refers to villages or colony of coolies or labourers established by the Forest Department for assured supply of labour required for the forest works carried out by the department. The people practicing shifting cultivation were allowed to settle and use forestland for temporary period until they shifted to other place. Such temporary villages were known as ‘*taungya* villages.’ The tribals, who practiced shifting cultivation and thus requiring large land portions, began to experience land shortage. When they used forestlands for their survival, they were branded as encroachers.

As commercial exploitation of resources was the prime objective of the colonial administration, immigration of poor Muslim peasants from East Bengal was encouraged for jute cultivation in swampy wastelands in early twentieth century. The local peasants did not practice commercial cultivation of jute. These immigrant Muslim peasants initially preferred to settle in river basins suitable for jute cultivation but gradually began to encroach into the reserved forest thus creating a situation of potential conflict with the tribals. Simultaneously, immigrants from Nepal began to settle in the remote forests and foothills of Assam. Together, these settlements restricted the local peasants’ access to land resources while setting up dynamic situation for conflicts around land.

The Assam earthquake of 1950 caused an alarming rise in the Brahmaputra riverbed, which consequently led to floods, land erosion and loss of land amongst the indigenous peasants. This resulted in large-scale migration in search of land to different parts of Assam and usurping of land under reserve forests.

During 1948-52, the Revolutionary Communist Party of India (RCPI) organized a series of uprisings (partially armed) seeking ownership rights for sharecroppers<sup>3</sup> with the slogan “land belongs to the one who wields a plough, the jungle belongs to one who wields an axe.” But the government banned the movement under the pretext that they supported illegal felling of trees and instigated the peasants to stop paying rent to the landlords. There were a number of cases of looting the landlords. Since early 1949, the Communist Party of India (CPI) was also engaged in organising armed peasant movements in Darrang and Kamrup districts of central and lower Assam. In certain parts of the Kamrup district, the sharecroppers refused to give any part of their produce to the landlord. At the same time, the Congress Socialist Party (CSP) also took an active role in organising the marginal and landless peasantry and demanded government wasteland for them. In 1970s, the CPI (Marxist) also organised a similar movement, but at limited scale, demanding fixation of rent collected by the landlords at a much lower than the prevailing level. However, the land reform measures and issues linked to peasantry were pushed on the backburner after the anti-foreigner movement, also popularly known as the Assam Movement (1979-85) flared up. Since the early 2000s, *Asom Krishak Mukti Sangram Samiti* (KMSS) has taken up the land rights issues of the landless and the marginal peasantry in the state. KMSS has been on the agitation mode on the issue. Issue of land rights of the urban dwellers too has been included in the movement.

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<sup>2</sup> Here, it is important to note that the term forest-villages does not refer to villages located in the forest, but to villages or colonies of coolies or laborers established by the forest department for assured supply of labour required for works carried out by the department.

<sup>3</sup> Also called *ryots* elsewhere.

## 2. Ethnic Diversity and Conflicts in the State

Assam also has, along with all the Northeastern states, a history of ethnic conflicts. There have been insurgency movements in Assam for separate statehood, such as that for Bodoland, etc. National Democratic Front of Bodoland (NDFB) is a militant group, asking for separate statehood. The movement has split into two, with one group coming mainstream to negotiate while the other one becoming more militant, attempting to establish power, entering into conflict with the Muslims living in the Bodoland region, causing large scale violence periodically as in December 2012. Reaction to that has been rise of Islamist militancy in the region, pushing for making the NE as their base that also includes Bangladesh. There are theories doing round that the Congress has promoted Bangladeshi migration to increase their votebank, as the Muslims have traditionally voted for Congress in the NE<sup>4</sup>. The Karbi Anglong district of Assam too is seeking separate statehood and has a militant outfit named Karbi People's Liberation Tiger (KPLT). Violence erupted in 2013 July, reviving the old demand of statehood<sup>5</sup>, continuing through the rest of the year<sup>6,7</sup>.

The state's governance is fractured by formation of Autonomous Councils. There are six Tribal Autonomous Councils; namely, Tiwa Autonomous Council at Marigaon, Rabha Autonomous Council at Goalpara, Deori Autonomous Council at Lakhimpur, Mishing Autonomous Council at Dhemaji, Thengal Kachari Autonomous Council at Titabor and Sonowal Kachari Autonomous Council at Dibrugarh. Besides, there are three other autonomous district councils, Bodoland Territorial Council, Karbi Anglong Autonomous Council and Dima Hasao Autonomous District Council<sup>8</sup>. This has led to fissured governance in the state has led to mistrusts among various councils and ensuing constant points of conflicts among the various ethnic groups<sup>9</sup>. Over and above, there are now conflict lines drawn with the Muslims, all of them being considered as Bangladeshi migrant.

According to the population census of 2011, 65 per cent of the state's population is Hindus, 31 per cent is Muslims and just 4 per cent are others. In 1901, these figures were 71 per cent, 12 per cent and 17 per cent respectively. By 1951, just after the national independence, the proportion of Hindus was 72 per cent and that of Muslims was 25 per cent. The proportion of others had declined to 3 per cent. The tribal communities seem to have been classified as Hindus. The increase in Muslim proportion prior to independence is on account of internal

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<sup>4</sup> Das, H. N. (2014) "Islamist Militancy in Eastern India", Assam Tribune, November 30, Source: <http://www.assamtribune.com/scripts/showpage.asp?id=nov3014.6.438.126.978.870>, accessed on November 30, 2014.

<sup>5</sup> "Violence in Assam Over Demands for Karbi Anglong State", Tehelka, July 31, 2013, Source: <http://www.tehelka.com/2013/07/violence-in-assam-over-demands-for-karbi-anglong-state/>, accessed on December 26, 2015.

<sup>6</sup> "Fresh Violence Rocks Karbi Anglong District", The Hindu, August 3, 2013; Source: <http://www.thehindu.com/news/national/other-states/fresh-violence-rocks-karbi-anglong-district/article4985215.ece>, accessed on December 26, 2015.

<sup>7</sup> Talukdar, Sushanta (2014) "3,000 People Rendered Homeless in Karbi Anglong Clashes", *The Hindu*, January 7, Source: <http://www.thehindu.com/news/national/other-states/3000-people-rendered-homeless-in-karbi-anglong-clashes/article5546137.ece>, accessed on December 26, 2015.

<sup>8</sup> See: [https://en.wikipedia.org/wiki/Autonomous\\_administrative\\_divisions\\_of\\_India](https://en.wikipedia.org/wiki/Autonomous_administrative_divisions_of_India), accessed on December 26, 2015.

<sup>9</sup> Saikia, Hiranya (2012) "Ethno-Exclusive Politics Affecting Assam", *The Times of Assam*, September 18, Source: <https://www.timesofassam.com/exclusive/ethno-exclusive-politics-affecting-assam/>, accessed on December 26, 2015.

migration in the unified province of Bengal that consisted of current West Bengal and Assam of India and former East Bengal (now Bangladesh). Muslims were brought to the tea plantations from East and West Bengal. They also migrated to work as labour. Then, the influx of Bangladeshi Muslims increased due to 1971 war. The Assam accord between AASU and central government, settled for March 24, 1971 as cut-off date for identification and deportation of immigrants<sup>10</sup>.

Although, majority of Muslims are Bengalis, there are many Assamese-speaking Muslims living in upper Assam. The Muslims are in substantial numbers in the districts of Goalpara, Dhubri, Naogaon and Cachar. For example, according to 2001 census, present day Dhubri has 74.29 per cent Muslim population and Barpetta has 59.36 per cent<sup>11</sup>. The tribal population constitutes about 13 per cent of the total population of the State (Srikanth, 2000). The tribal communities are differentiated as those living in the hills and plains. The hill tribes, Karbis and Dimas, are concentrated in hilly districts of Karbi Anglong and North Cachar hills. They have their own dialects and do not identify themselves with the other Assamese. However, it is very difficult to say who actually constitutes the indigenous population as most of the groups living here came to this region from different places at different points of time. It is believed that the Austroloids migrated first to this region and settled in the Khasi and Jaintia Hills districts of the present Meghalaya state. They were followed by the Mongoloids, who are referred as the *kiratas*, in the Vedic literature. They migrated from the western part of China. Tribes like Bodo, Garo, Rabha, Deuries, Misings, Morans, Chutias, Dimasas, Koches (Rajbongshi), Lalung, and Hajong belong to this race. The Bodo tribe later branched off as a different sub-group and founded their independent kingdom. Other tribes such as Nagas, the Kukis, the Karbis, the Mizos, etc, came much later. In the second decade of the 20<sup>th</sup> century, the Ahom, belonging to the Tais of Mongoloid race came to the upper Assam through Burma, facing strong resistance from the local kings and tribal chiefs while trying to establish their rule in upper Assam (Srikanth 2000; Acharya 2003; Daimary 2012).

The process of immigration started when the British introduced the wasteland settlement policy with a view to collect more revenue. While this policy enabled tea planters to usurp more land and procure labour from outside the province, it also encouraged Muslim peasants from Bengal to migrate and settle in the wastelands. Workers were brought from Odisha, Bengal, Bihar, United Province (Uttar Pradesh), Central Province (Madhya Pradesh) and parts of Madras Province to work on the tea estates. The British also recruited Nepalese in the armed forces and their presence encouraged more migration from the kingdom to Assam where they took over vast virgin lands for sugarcane cultivation and dairy farming in the districts of Kamrup, Lakhimpur and Darrang. Many Marwaris also came in search of economic opportunities and engaged in trade and business activities. In order to increase the state revenue, the British with the help of Assamese landlords, encouraged the Bengali Muslim peasants from East Bengal to migrate to the Brahmaputra valley. Compelled by

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<sup>10</sup> This paragraph from Reyaz, M. (2013) *From Where Have All the Bangladeshis' Come? A Brief History of Muslims in Assam*, Source: [http://twocircles.net/2013jan04/where\\_have\\_all\\_%E2%80%98bangaldeshis%E2%80%99\\_come\\_brief\\_history\\_muslims\\_assam.html](http://twocircles.net/2013jan04/where_have_all_%E2%80%98bangaldeshis%E2%80%99_come_brief_history_muslims_assam.html), accessed on December 26, 2015.

<sup>11</sup> Reyaz, M. (2013) *From Where Have All the Bangladeshis' Come? A Brief History of Muslims in Assam*, Source: [http://twocircles.net/2013jan04/where\\_have\\_all\\_%E2%80%98bangaldeshis%E2%80%99\\_come\\_brief\\_history\\_muslims\\_assam.html](http://twocircles.net/2013jan04/where_have_all_%E2%80%98bangaldeshis%E2%80%99_come_brief_history_muslims_assam.html), accessed on December 26, 2015.

poverty and overpopulation, lakhs of landless peasants mainly from Mymensingh district of East Bengal settled in Brahmaputra valley. Since the Assamese were reluctant to learn English, the British brought along with them many English knowing Bengalis to work as clerk, lawyers and other professionals (Guha 1977).

It was expected that immigration would end with the Indo-Pak partition of 1947 but on the contrary, thousands of Bengali-Hindu refugees came to Assam from East-Bengal during the 1950s and 1960s and settled in different parts of the state. During the Liberation War of 1971, lakhs of refugees from East Pakistan took shelter in Assam. Although many of them returned after formation of Bangladesh, lakhs of Bangladeshi refugees stayed back in Assam.

While the ethnic groups did not feel threatened by the tribal people from other provinces who came to work in tea plantation as wage labour, they were highly apprehensive of the Hindu Bengalis, Bengali Muslim peasants and Marwaris who entered bureaucracy, agriculture and business respectively. These ‘natives’ were worried about being dominated by them in all spheres. This sense of insecurity and feeling of alienation made them conscious of their own identity vis-a-vis the immigrants. This feeling of insecurity was the genesis of the Assam agitation, which started in the late 1980s and ended up with Assam Accord in 1985. One repercussion of this agitation was the movement led by the United Liberation Front of Assam (ULFA). Although militant activities of ULFA have reduced and many of its cadres have surrendered or entered the mainstream since the late 1990s, some militants shifted their base camp to Bhutan and Bangladesh. There are also other militant outfits that claim to be working for protecting the interests of their respective communities. This is one of the foremost reasons behind spontaneous episodes ethnic violence, in different parts of Assam.

### **3. Development of Guwahati City**

Guwahati's expansion beyond the traditional core of Fancy Bazar, Pan Bazar, Uzan Bazar, Reherbari, Tokobari, Athgaon and Machkowa happened after Assam's capital was located in Dispur area adjacent to the city in 1973. Since then, the population of the city increased enormously accompanied by encroachments on waterbodies and hills surrounding the city for habitation purposes. The city is characterised by numerous hills and high lands scattered all over, along with swamps, *beels* (water bodies/wetlands) and low-lying areas. These natural features have led to uneven spread of population in the city. The encroachments on these natural features are a result of the shortage of flat land in the valley. Industrial units came up along the Guwahati-Shillong (GS) road and Zoo Road, which formed the peripheries of the city till the 1960s. In mid-2010s, the industrial units were located even beyond these areas and outside the Guwahati Municipal Corporation (GMC) limits on the sides of National Highway 37 that bypasses the city. The transport network has also expanded in all directions. The physical development and land related issues in the city can be divided into two phases, before and after 1960s. It is also important to note that Guwahati was dominated by tribal people, Karbi, Boro and Garo in the past.

#### **3.1. Before 1960s**

The present Guwahati area, barring the traditional core of Uzan Bazar, Pan Bazar and Fancy Bazar was largely agricultural with few hamlets. Land was owned by some landlords and sharecroppers cultivated these and retained part of the produce, the other part given to the landowner. There were always tussles between the sharecroppers and landlords because while the former cultivated the land, majority of the share of the produce was taken by the latter. Hence, right after independence, there was a strong peasants' movement where the sharecroppers demanded rights over cultivable land. Tenancy legislation, land to the tiller,

were being enacted in many states. But, in Assam, the political system favoured the landlords.

Though the major part of land was under the occupation of landlords, other types of land ownership also existed. Right after independence, the land could be categorized into following categories:

- Miyadi patta land under landlords
- Forest land
- Wetland
- Government land
- Tea estates
- Land under tribal belt
- Debottar, Dharmottar and Brahmottar<sup>12</sup> lands.

The reserve forest lands within current Guwahati are in Sarania, Hengrabari, North Amsing, South Amsing, Khanapara, Garbhanga, Gota Nagar, South Kalapahar, Fatasil, Ambari and Jalukbari (Map 1). Government land is scattered all over the city. Silsako, Bondajan, Deepor, Surasola, Borsola are the main wetlands. Apart from these large water bodies, there were several ponds (*pukhuris*) in the city. Land around water bodies was identified as ‘green belt’ in government records and was used by indigenous people living in the vicinity to cultivate paddy. Another important category of land was tea estates. There were several tea estates amounting to thousands of bighas<sup>13</sup> of land in the city. The largest one was Sunsali tea estate established in 1859 and owned by a British gentleman PC Domren. Measuring about 5,000 bighas of land, Sunsali Grant was given on lease by the government for a period of 99 years and expected to be wound up in the 1950s. A portion of this tea estate was acquired to set up the Guwahati Refinery and its residential colonies. There was a small tea estate called Latasil tea estate located on the Kharguli hill of a British tea planter named Cambell in the early part of 20<sup>th</sup> century. Adjacent to Latasil tea estate, there was a tea estate named Ramsa Hill tea estate, belonging to Rai Bahadur Krishna Chandra Choudhary<sup>14</sup> of Uzan Bazar. There were two more tea estates – Basisitha and Woodland. The Guwahati Central Military Hospital is located on part of the Basisitha tea estate, owned by the Rai Bahadur Mahendra Mohan Lahiri’s family of Fancy Bazar. It closed down one or two years after the independence. Woodland tea estate was located on the present day Santipur Hill side and its contiguous Fatasil Hill (Assam Tribune, 2015). To protect the identity of tribal communities, tribal belts were formed in Guwahati as well as in Assam during the colonial period. The Greater Guwahati area was under the South Kamrup Tribal Belt prior to shifting of the state capital to Dispur (Sharma, 2013).

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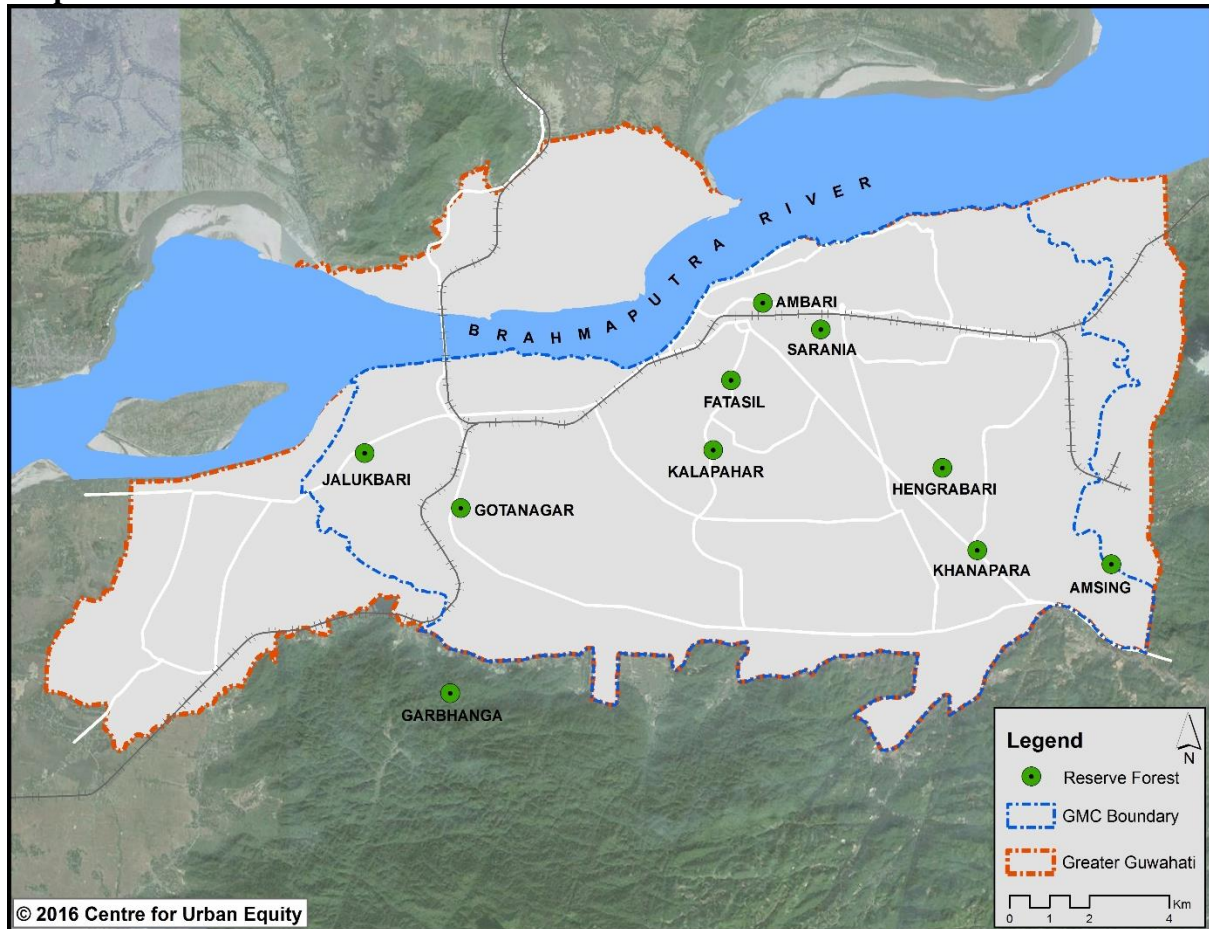
<sup>12</sup> Debottar land refers to the land dedicated to idols while Dharmottar lands are those that were devoted to religious purposes. Brahmottar lands are those that were granted to priests and learned people. Even in the British period, government did not take back these lands that were granted during the Ahom kings’ rule.

<sup>13</sup> A measure of land equal to 0.25 acres.

<sup>14</sup> Akhil Gogoi, the leader of KMSS, has alleged that Mr. Choudhury had illegally obtained land on Ramsa Hill. See, Staff Reporter (2014) “KMSS Says Sristi Nagar Construction Illegal”, *The Sentinal*, July 2, Source: [http://www.sentinelassam.com/ghy\\_city/story.php?sec=1&subsec=0&id=196596&dtP=2014-07-02&ppr=1#196596](http://www.sentinelassam.com/ghy_city/story.php?sec=1&subsec=0&id=196596&dtP=2014-07-02&ppr=1#196596), accessed on July 2, 2014.



**Map 1: Locations of reserve forests in and around Guwahati**



### 3.2. After 1960s

There was a big population influx to the city after the setting up of the state capital at Dispur in 1972. The new administrative jobs attracted migrants, which also brought together those wanting to escape rural poverty and hardships. Slightly better-off lower middle class people came to Guwahati for better opportunities. Students in large number from rural areas, other towns in Assam and from other North-Eastern states came to Guwahati for better education facilities. Low-income population from other states such as Andhra Pradesh and Bihar came to work in low-quality jobs such as scavenging, sanitation, etc. The decade long insurgency problem raised the feeling of insecurity, leading to a tendency amongst people belonging to affluent and middle classes to own a house in Guwahati. There are several ancillary informal activities linked with each formal activity thereby generating employment opportunities for poor section of society. In spite of the high demand for housing, the government did not have a housing policy in place. Though some housing was built in Dispur, such accommodation was insufficient even for government employees. Low-income households were never the government's priority. As a result, ecologically sensitive areas such as reserved forests, water bodies and wetlands were encroached by both low income and middle income households. *Dakhal*, that is encroachment, became the preferred way of accessing land for housing in the city.

The Urban Land Ceiling and Regulation Act (ULCRA) of 1976, which could have met the land demand for housing, did not serve any purpose in Guwahati. The land owners who were served notice for acquisition of surplus land went to court, which froze the lands for any formal transactions. The government could not acquire these lands and the owners could not

sell these lands legally. Such lands then entered the informal market and the landowners engaged middlemen to sell the land parcels. These middle men ensured that such vacant lands were not encroached upon by the exodus of the new migrants. The informal land parcels were made available only to those who could pay. These housing developments were called encroachments and some of these were given *pattas* as discussed in Desai et al (2014) and Desai and Mahadevia (2015).

The middlemen dealing with surplus land formed a cartel with political support and began to sell land parcels in the open market. This led to growth of land-mafia in Guwahati. The areas where largest plotted developments occurred on the surplus lands were the Zoo Road, Narengi, Six-Mile, and areas behind the Down Town Hospital. These areas are now inhabited by middle and higher class of people. Though the land was in the name of landlords, the sharecroppers also illegally sold these lands to the migrants. Some landlords transferred the lands in the name of fictitious owners (*benami* land transactions), which were transacted in the informal land market. The ULCRA was repealed in 1999. The lands were vested back to the original owners, but are occupied by households who had purchased such lands from the middlemen. Even if a policy of granting *patta* to such informal occupants of land were to be framed, it would probably not work as these are now under private ownership. Those living on such lands will have to continue staying in informal housing without tenure security.

In order to fulfil the demand for land, the mafia began occupying government land and abandoned tea estates. In the meantime, the government started allotting *eksunya patta*<sup>15</sup> on government land thus incentivising their encroachment. When most of the highlands (which were under the possession of landlords) were encroached, the mafia began encroaching lowlands, wetlands and land on the many hills in the city, a process that continues even now. Land prices and rentals were high in the plains and in the absence of any housing policy which could provide housing to poor immigrants, they had no option but to encroach and occupy hill lands. Similarly, lack of livelihood opportunities and rising land prices due to the expansion of the city incentivised the tribal to sell off their lands in the plains. On becoming completely landless, they went and occupied hill lands wherever possible.

### **Box 1: An illustration of development of hill settlements**

Katabari was mainly inhabited by Bodo and Kachari people in the past but is now occupied by Muslim families who came from the flood-affected areas of Barpeta district. This process of land transfer started in late 1990s. Before 1990s, Katabari was a backward area without any infrastructure. It was only after the construction of the Inter-State Bus Terminal (ISBT) and widening of the by-pass that land became precious in this area. Few middlemen bought land from tribal people and later sold it to the migrant Muslim families. It is interesting to note that though Bodos were living in Katabari since generations, they didn't have land *patta*.

Though some people had land in the plains, they also occupied some patches of land on the hills for a long time and had informal rights over it. There had never been the concept of *patta* for tribal people in the past. Some of them sold their land in the plains and became totally dependent on hills. From Lalmati to Gharchuk along the highway, all lands were inhabited by Karbi and other tribes in the past but the process of land alienation occurred at a massive scale because of which they sold their land at minimal prices. In contrast to this, the hill

<sup>15</sup> *Eksunya patta* refers to a temporary settlement of government land. Once a family got *eksunya patta*, they were entitled to live there for a year.

settlements located behind the veterinary college in Khanapara are inhabited by Mising community who were displaced on account of the erosion of riverbanks in the Dhemaji and Lakhimpur districts. Also, there were few old settlements on the hills. The Kalapani settlement on Fatasil hill is one of the oldest such settlements with a history of around 200 years. This settlement was inhabited almost entirely by the Garo community initially but has seen the arrival of other communities in the recent past.

There are five hill ranges under the Kamrup East district. The Guwahati and Garbhanga South Guwahati ranges come under Kamrup Metro whereas Sonapur, Rani and Palasbari range come under Kamrup rural. On the whole, in the state, due to encroachments, the forest cover has declined to 20 per cent from 33 per cent; 12 per cent of the state's reserved forest cover has been encroached upon and large part of the encroachment is around Guwahati<sup>16</sup>. A newspaper report on June 30, 2014 stated that 2005 estimates of encroachments of forest lands, Assam led, where 205,775 hectares of forest lands were encroached upon in Assam pre-1980, which has increased to 254,711 hectares<sup>17</sup>. A report on encroachment in reserve forest areas reveals that 986.75 hectares of area under reserve forests had been encroached by March 2013 in the Kamrup East Division, which comes to 2.79 per cent of the total forest lands (Table 1) in this Division. Out of these, the most encroachment has been reported in the Guwahati range. Minimal encroachment has been recorded in Sonapur, Rani and Palsbari hill ranges.

A survey conducted by AC Nielsen in sixteen hill settlements in 2009 revealed that around 65,900 households were residing on hills. 71 percent of all households were living on government land, while around 18 percent of households were living on lands part of reserve forest; around 7.3 percent households were located on *patta* land owned by others, while around 3.6 percent households were living on *patta* land under their ownership. Here, it is important to note that revenue land is available on the hills for which *pattas* had been issued to people as well as institutions.

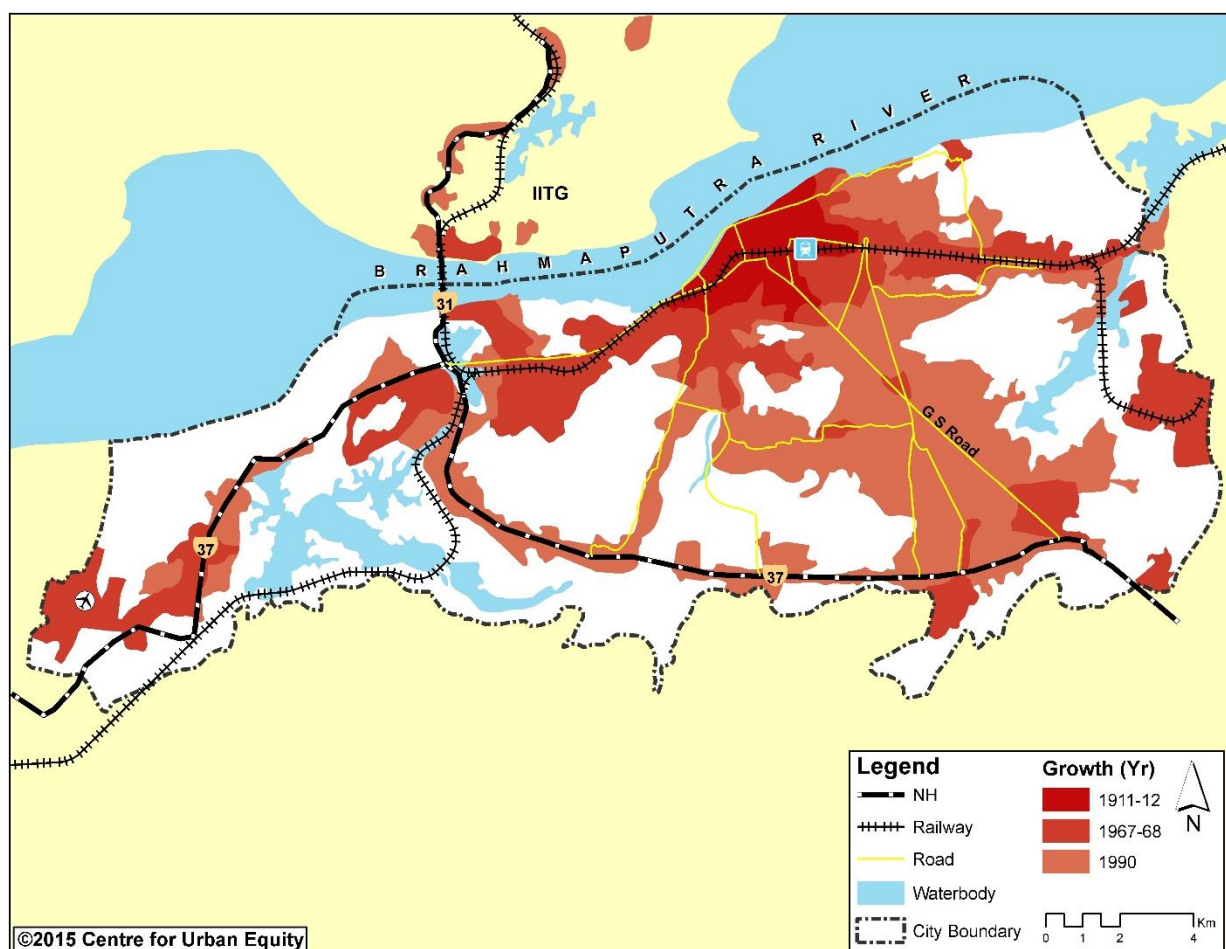
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<sup>16</sup> Kumar, Anuradha (2002) "A Controversial Eviction Drive", Frontline, 19 (15), Source: <http://www.frontline.in/static/html/fl1915/19150460.htm>, accessed on Dec. 28, 2015.

<sup>17</sup> As per the data collected by an Empowered Committee appointed by the Supreme Court in the context of the Writ Petition (Civil) No. 202 of 1995. See Deka, Harekrishna (2014) "Encroachment on Forest Land in Assam", Assam Tribune, June 30, Source: <http://www.assamtribune.com/scripts/showpage.asp?id=jun3014,6,435,126,987,780>, accessed on Dec. 26, 2015.



**Map 2: Urban sprawl of Guwahati City**



Source: Sharma (2005), Ph.D. Thesis

**Table 1: Area under reserve forests in East Kamrup Division**

Name of range	Name of reserve forest	Area in Ha.
Guwahati range	South Kalapahar reserve forest	70.00
	Fatasil reserve forest	670.44
	Jalukbari reserve forest	97.70
	Gotanagar reserve forest	171.00
	Hengrabari reserve forest	628.00
	Sarania hill reserve forest	7.99
Garbhanga South Guwahati range	Garbhanga reserve forest	18,860.58
<b>Sub total</b>		<b>20,505.71</b>
Sonapur range	Marakdala reserve forest	1,426.50
	Aprikola reserve forest	6,075.00
	Matepahar reserve forest	225.00
	Zetilaquri reserve forest	120.58
	Chamata reserve forest	27.00
Rani range	Rani reserve forest	4,370.00
	Jarasal reserve forest	1,256.00
	Kawasing reserve forest	998.00
Palasbari range	Maliata reserve forest	325.46
Sub Total		6,949.46
<b>Grand Total</b>		<b>35,329.25</b>

Source: Encroachment Position Forest Reserve Wise under Kamrup East District as on 31.03.2014

Guwahati's wetlands have been encroached upon, some legalised by the state government and some not. For example, many public and private institutions/ firms have been given land by the state government in the area of the wetlands. In the early 2000s, a portion of land in the Silsako beel was allotted to the Omeo Kumar Das Institute of Social Change and Development (OKDISCD) and Ginger Hotel who went ahead with construction despite their being water around the site. Around 2008-09, the GMC started dumping solid waste in areas around the OKDISCD. The land filled with solid waste was quickly occupied by mafia and sold off to lower middle class migrant families as individual plots. Over time, land in Silsako beel was allotted to other parties such as Royal Hub, Prithvi Construction, Himmat Singka, Hamja Property<sup>18</sup> etc. A part of the Deepor beel was also filled up with solid waste dumped by the GMC. Portions of Sarusola beel and Borsola beel, located in the central part of the city were occupied by public and private institutions. Sarusola beel acts as a storm water reservoir for various areas such as Chandmari, Gandhi Basti, Solapar, Ulubari, Manipuri Basti, Fancy Bazar, Paltan Bazar, Chatribari, Pan Bazar, Lakhtokia and Athgaon. The misfortune with these two beels started when the Revenue Department initiated the process of issuing land documents to people who had started residing on its bank. The KC Das Commerce College, Lions Club Eye Hospital, Nari Mancha and several private properties were allotted land on the Surusola beel whereas tourism department, private organizations and businessmen were allotted land on Barsola beel.

The KMSS has made allegations that all permanent and commercial buildings occupying vast areas of Silsako beel, owned by powerful politicians, businessmen, bureaucrats, institutions etc. have been tolerated. In 2014 July, when evictions from these wetlands had begun, such constructions that too were obstructing water flow to the water body were not evicted<sup>19</sup> but those of the poor were. Not just these, the ministers, politicians, senior Congress party leader and that of the opposition party, IAS and IPS officers too have captured Silsako beel lands<sup>20</sup>. The state Chief Minister had to come out and make a statement that irrespective of the status of the encroacher, all structures on the water channels would be demolished. Allegations have been leveled against the state Public Works Department and Urban Development Department's Minister for encroaching on Silsako beel<sup>21</sup>. In spite of the bold announcement, the state government did not have answer to the allegations of the KMSS that a five star hotel, Radisson Blu, a joint venture of the GMDA and a private business house was built on Deepor beel. Not just that, another hotel, Ginger Hotel, was constructed on Silsako beel of the city. The question that KMSS asked was why these hotels were given legal permissions to construct on the beels when the houses of the poor were being demolished<sup>22</sup>. Also, there are

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<sup>18</sup> Hamja Property belongs to the Badruddin Ajmal who is the President of All India United Democratic Front (AIUDF), an electorally significant political party in Assam. It was allotted 22-bighas of land in Silsako beel.

<sup>19</sup> Rajkhowa, J P (2014) "Conduct Eviction of Encroachers without Discrimination", *The Sentinel*, July 6, Source: <http://www.sentinelassam.com/editorial/story.php?sec=3&subsec=0&id=196996&dtP=2014-07-06&ppr=1#196996>, accessed on July 6, 2014.

<sup>20</sup> Such as Ginger hotels, Co-operative education institute, Indian Institute of Hotel Management, Peoples for Animal, Doordarsan colony, Sai Mandir, etc. See Rajkhowa, J.P. (2014), op cited.

<sup>21</sup> Chronicle News Service (2014) "Gogoi Spells Zero Tolerance for Illegal Encroachment", *Eastern Chronicle*, July 12, source: <http://www.easternchronicle.net/index.php?city=2&edition=12072014#>, accessed on July 12, 2014.

<sup>22</sup> Chronicle News Service (2014) "State's First Five-star Hotel Radisson Blu Built on Wetlands, Claims KMSS", *Eastern Chronicle*, July 12, source: <http://www.easternchronicle.net/index.php?city=2&edition=12072014#>, accessed on July 12, 2014.

allegations on the government that miyadi pattas were given to some in the wetlands and river banks in Guwahati<sup>23</sup>.

**Picture 1: Silsako wetland where land was allotted to public and private institutions (left), Municipal dump yard next to the Deepor beel (right)**



Photo courtesy: Down to Earth, September, 2011

There were several water bodies along the GS Road and Zoo Road but when these roads developed, it disturbed the flow into these water bodies. Gradually, people filled up these water bodies and today these areas stand fully developed. Though the Guwahati Water Bodies (Preservation and Conservation) Act enacted in 2008 for prevention of encroachment on wet lands and water-bodies exists, the encroached land on beels which were issued *patta* by unfair means were kept out of the ambit of the wetlands. People who couldn't get *patta* on wetlands face the continuous threat of eviction. Rampant cutting of soil on hills and encroachment on swamps and water bodies has left a huge impact on environment. Guwahati faces flash floods every year resulting in loss of life and property.

The establishment of Guwahati Refinery in the 1960s was followed by allocation of land for the secretariat in Dispur, headquarters of the Assam Battalion, Guwahati Medical College and many other public institutions. In most of these cases, villagers were not displaced but their livelihoods were affected on account of loss of prime agricultural land. While landlords were compensated in return for land acquired for development, the sharecroppers got no aid from the state. Some villagers sold off their land themselves, fearing acquisition. Kachari Basti is a village that was primarily inhabited by the Bodos. The villagers don't have any agricultural land left as the entire area has been developed. The Assam Land Revenue Regulation of 1886 was framed to ensure that all communities (including tribals) who had Common Property Resources (CPR) became owners of the land they cultivated. All cultivators, including the tribals enjoying CPR were given permanent, heritable and transferable rights on their land. However, when vast tracts of land were marked for development projects, private lands were acquired by the government through a gazette notification while CPR lands were merely transferred from one department to another. Individual owners having *pattas* could claim compensation, but since the CPRs dependents did not have any documents, they were unable to claim any compensation.

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<sup>23</sup> Staff Reporter (2014) "Provide Details of Land Pattas in Wetlands, GMC & GMDA told", *The Sentinel*, July 8, 2014, Source: [http://www.sentinelassam.com/ghy\\_city/story.php?sec=1&subsec=0&id=197177&dtP=2014-07-08&ppr=1#197177](http://www.sentinelassam.com/ghy_city/story.php?sec=1&subsec=0&id=197177&dtP=2014-07-08&ppr=1#197177), accessed on July 8, 2014.



**Picture 2: Waterlogged houses and street during rainy month of September 2014**



Photo courtesy: Eastern Chronicle, Guwahati edition

After the secretariat was built in Dispur, the government de-reserved the tribal belt for development in Guwahati. A large part of Khanapara and Six-Mile area was under tribal belt. No person was entitled to *pattas* despite being in possession of the land parcel for a long time. After de-reservation, brokers bought small-sized plots from the tribal families and sold it to others after consolidating small plots and cutting plots of similar sizes, leaving space for road. This led to dispossession of land among tribals.

#### **4. Land-related Conflicts and Government's Position**

Guwahati serves as the entrance to north-east India. As part of the look-east policy of the central government, it is being envisioned as entrance to south-east Asia. Various industrial, commerce, education, health, administrative and cultural centres are emerging in the city. This has contributed to the high influx of migrants from different states. Migration has also been on account of decline of agriculture, soil erosion by river, and unemployment in the villages. As a result, the population of Guwahati has increased from 1.2 lakhs in 1971 to 9.6 lakhs in 2011. It is estimated that currently about 15 lakh people are living in Guwahati. The government did not take any major steps towards planning and development of the city even after the capital was shifted from Shillong in 1972. The city suffers from a severe shortage of housing. Thousands of poor and economically weaker families started dwelling on government land, ceiling surplus land, forest land, wetland and railway land. Instead of addressing the problem of land and habitation, the government preferred to carry out evictions time and again. Using their nexus with political parties and with the help of corrupt officials, the land-mafia as well as some capitalists encroached hills and wetlands and illegally constructed buildings. The government either allotted the land to those people or preferred to ignore the matter. In doing so, the government incentivised the encroachment of public commons.

The state government has prepared land policies in 1958, 1968, 1972 and 1989 respectively. According to the Assam Land Policy, 1989, applicable at present, priority of land allotment should be given to the indigenous people living in Guwahati or other towns by paying the prescribed premium against *patta*. The preferences should be as follows:

- i. Indigenous people who do not have land either on his name or in the name of his other family members and have been occupying government land since last 15 years.
- ii. The second preference should be given to indigenous people having land in rural areas but not in metropolitan city or town either on his name or in the name of anyone else in his family and have been living in Guwahati on government land for last 15 years.
- iii. The third preference should be given to the people who do not have land either in rural or urban area on his name or in the name of other members in his family but have been living in the city with his family since past 15 years.
- iv. The person having land in rural area on either his name or in the name of others in his family and has been living in the city with his family since past 15 years. But the person should certify that his livelihood is related with the city and that he has not been able to buy land in the city due to his poor economic condition.

But in practice, the Assam government failed to implement the aforesaid provisions. The main flaw in this policy is that there was no provision for giving *patta* without premium to poor landless families.

The land policy of 1989 has been under execution since past 25 years. The memorandum submitted by Mahanagar Unnayan Samiti, Guwahati to CM in February 2008 states that there are six revenue circles covering an area of 5,49,359 bighas of land. However, the government has land records (*bandobasti*) for only 270,637 bighas. Also, the government has never given legal recognition to this policy. Therefore, the problems of landless people have aggravated and their numbers have increased over time. The government is very well aware about their but have chosen to remain indifferent to this issue. In order to fulfil its promise of granting *pattas* to the landless, various schemes have been prepared by the government, but these remain on paper.

In the last 25 years, socio-economic conditions have changed drastically in the state and in the city; but no new land policy has been drafted. In 2011, the government formed a committee under the chairmanship of Bhumidhar Burman, the then revenue minister to resolve the land issue, but only after rigorous protests by hill dwellers led by the KMSS against eviction and demanding land *pattas*. In fact, in the protests on June 22, 2011, three protestors died in police firing on a rally of the KMSS in Dispur<sup>24</sup>. People had high hopes from this committee but the committee ended up giving recommendations that prevented a large number of poor and landless families from getting *patta*. In 2014, the government decided not to give *pattas* to settlers on hills and wetlands and instead limited the beneficiaries to those who were living on government lands. This led to even more conflicts on the issue of land alienation and *pattas*. Further on, on June 17, 2014, the state government put out an Office Memorandum to divert agricultural land for industrial and commercial use. But, KMSS opposed it and forced the state government to amend the memo to only transfer those plots for non-agricultural purposes whose fertility could not be restored through relevant efforts and also hold public hearing before transferring the plots<sup>25</sup>.

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<sup>24</sup> Staff Reporter (2014) "KMSS Hardens Stance on Land Rights, Gives Ultimatum to Government", *The Sentinel*, June 23, Source: <http://www.sentinelassam.com/mainnews/story.php?sec=1&subsec=0&id=195712&dtP=2014-06-23&ppr=1#195712>, accessed on June 23, 2014.

<sup>25</sup> Staff Reporter (2014) "Farmland Office Memo to be Amended", *Assam Tribune*, August 3, Source: <http://www.assamtribune.com/epaper/aug0314/at01.html>, accessed on August 3, 2014.

## **5. Need for Research on Land/Housing Rights for Hill Dwellers**

The decision of the state government to limit the beneficiaries of the *pattas* to those living on government lands while excluding those living on hills and wetlands led to a peculiar dilemma. It was not clear if the people living in the hills and wetlands would have any tenure security at all. Any alternative measures for resolving their current unclear status of tenure were also not made known. This research is an attempt to explore the nuances of this complex issue, present the facts about the conflicts in the recent past and the potential it may hold for future conflicts and violence. It covers ongoing conflicts on account of these people being denied land/housing rights by the state for such a long time. This research focuses on a few hills settlements where urban poor live and attempts to understand the issues in the specific context of each settlement's location and history. The research the residents' socio-economic conditions and extent of their access to basic services and amenities. It presents the conflicts rising out of lack of tenure security and related adverse conditions as well as the coping strategies employed by the dwellers to survive in the city.

### **5.1. Main Research Questions**

- What are the exclusions, conflicts and types of violence occurring in Guwahati especially among the poor and lower income groups due to lack of land rights and related inadequacy of infrastructure?
- What is the role of urban planning, policies and governance in creating exclusion, conflict and violence?
- What are the responses/interventions by people, state and non-state actors to these conflicts?

### **5.2. Specific Research Questions**

#### **A. Land-related issues**

- How old are the hill settlements and what are the processes through which they have developed over time? What kind of ownership documents do the hill-dwellers possess?
- How are the informal occupation (*dakhal*) and transfer of land carried out? What are the issues arising out of these processes? Do such informal transfers create any conflicts that may or may not lead to violence?
- How are the current policies and legislations mitigating or creating land-related conflict and violence?
- What are the efforts by people and organisations towards dealing with threats of eviction and obtaining land rights?

#### **B. Planning and governance related issues**

- How are people managing access to basic services and amenities? What is the role of statutory institutions and political actors in their provision?
- What is the role of non-state actors in the provision of basic services and amenities?
- How are the above mechanisms reducing or creating exclusion and conflict?

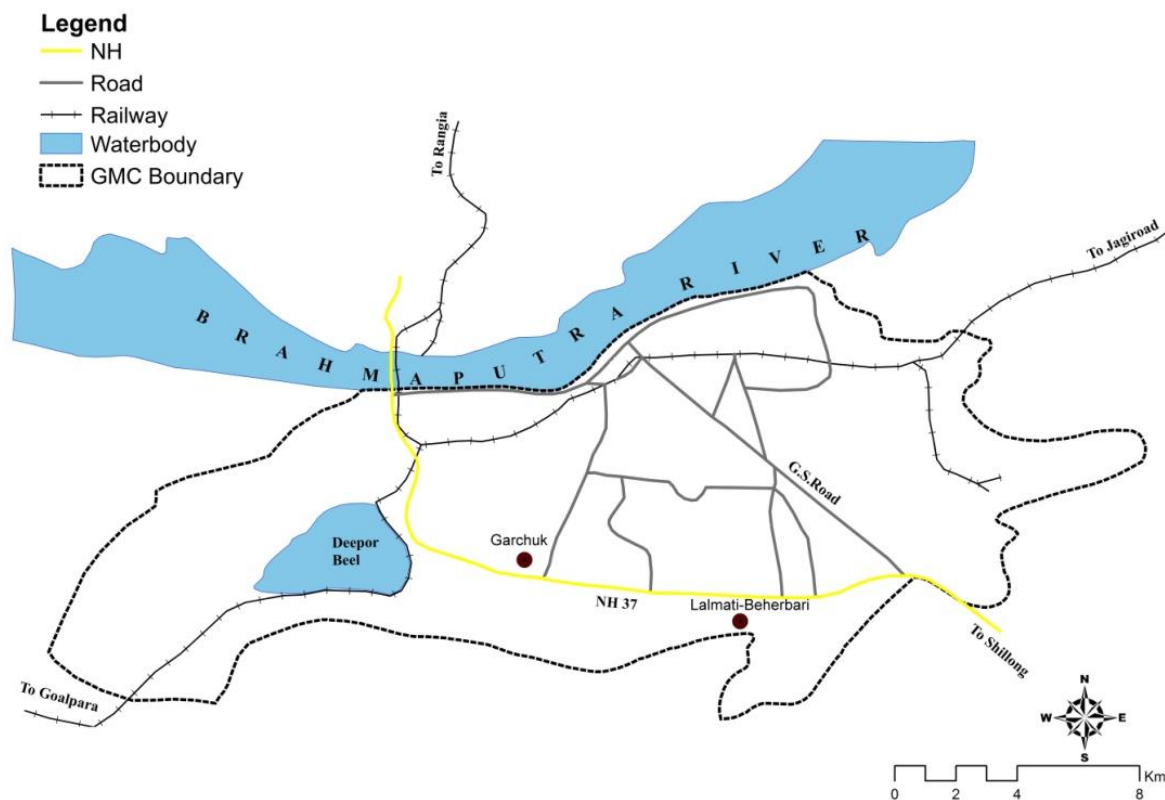
### **5.3. Research Methodology**

After visiting several hill settlements in the city, two hills in Southern periphery, Gharchuk and Lalmati-Beherbari, where urban poor are concentrated, were selected for this research whose focus is on urban poor. However, it was not possible to conduct research on all the

settlements in these two hills as Gharchuk and Lalmati-Beherbari consist of 9 and 16 hills settlements respectively. Hence, community profile of all these 25 hill settlements was prepared wherein information regarding the number of households, caste and communities, status of land, housing structures, status of basic amenities and services and evictions carried-out in the past were covered (Annexure-I). After preparation of community profile, six hill settlements were selected for further research. The criteria for selection of settlements were:

- Settlements having mixed-income group (poor as well as lower-middle class) such as Seujnagar in Lalmati-Beherbari.
- Settlements where large number of marginal (extremely poor) families are living. Sripur in Lalmati-Beherbari and Nawkata Shibodham settlements come under this category.
- Settlements served with public services like piped water connection. Teenug Ganeshpur in Lalmati-Beherbari is one of the hill settlements served with piped water connection.
- Settlements where *Unnayan Samitis* are actively working not only for provision of basic amenities and services but also for social harmony and have a strong hold on community resources. Sanghmaghuli in Lalmati-Beherbari and Mithingapuri in Gharchuk fall under this category.

**Map 3: Location of Lalmati-Beherbari and Gharchuk hills in Guwahati**



Source: Map Prepared by CUE



**Map 4: Location of selected hill settlements in Lalmati-Beherbari**



Source: Map Prepared by CUE

**Map 5: Location of selected hill settlements in Gharchuk**



Source: Map Prepared by CUE



Three methods were adopted to conduct this research after selection of these six hill settlements.

- Informal conversations with hill dwellers and personal observation.
- Focus Group Discussions (FGDs) - Two FGDs (one for men and another for women) were organized in each of the six settlements in the hills. Group discussions with male groups were organized in the presence of the president and secretary of respective Unnayan Samitis and that with the women were held in the presence of president and secretary of respective Mahila Unnayan Samitis
- Semi-structured questionnaires

The steps followed while conducting FGDs are as indicated below.

### Step I: Introduction of the research

The facilitator started the discussions by introducing himself/herself, details of the project and the specific purpose of conducting the FGD to the participants. It was also made clear that the participants could choose to refuse to answer any question that made them uncomfortable.

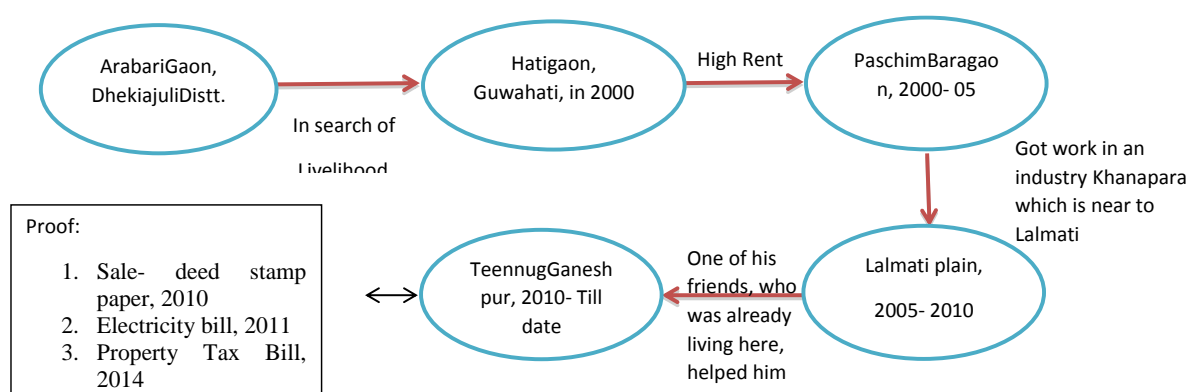
### Step II: Introduction by the participants

The participants introduced themselves by giving the following details:

- Participant's name, age and occupation.
- Native place, year and reason for migration to Guwahati.
- The areas where the participant lived over time in Guwahati before coming to their present location.
- Year and manner of arrival at present location.
- Documentary proof to ascertain length of stay at present location.

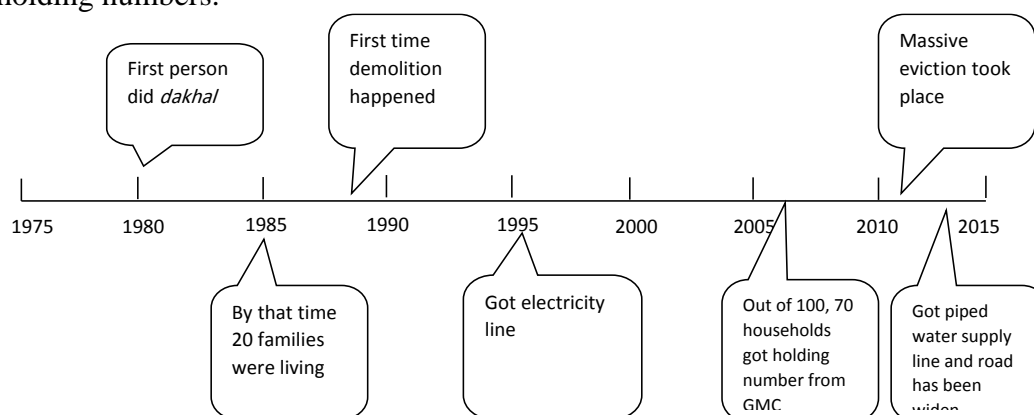
Simultaneously, the facilitator recorded the information given by participants in the following manner:

Pradeep Boro, Age- 32, works as daily wage labour,



### Step III: Timeline Graph

To trace the history of the settlement, the below timeline graph was used to show details like the year of origin, provision of services, episodes of eviction and registration of property with holding numbers.



### Step IV: Identification of problems/conflicts/tension

Problems and instances of conflicts within the community, between two settlements, between government and community were recorded in the table below. These included tension between two households or within the community due to road, drainage, water, plot boundary, sale and purchase of land, *dakhal* on someone's plot etc. Factors behind the problems were identified along with its prioritization and ranking of the identified issues.

**Table 2: Sample of the prioritization and ranking table**

Problem/conflict/tension	Factors/causes	Priority	Ranking
Fight over water	There is only one spring which has insufficient water		
Land occupation by outsiders	No strict regulation to prevent encroachments		
Land <i>patta</i>	This is a RF land		
Poor <i>kutcha</i> road	No recognition from the government		

### Step V: Discussion on impact and response of two prominent problems/ conflict points identified



### Step VI: Development options

Apart from how the issue of land *patta* and housing for people residing on forest land could be resolved, other development alternatives were also discussed with participants.

## Step VII: Institutional Matrix

The facilitator enquired about the institutions that helped/hinder them in accessing services, welfare schemes for poor and preventing evictions and recorded the responses in the below table.

**Table 3: Sample of institutional matrix table**

Institution/actors	Help/Hinder	Suggestions
KMSS		
Forest Department		
MLA		
Councillor		

The participants were asked if they wanted to add anything apart from the data captured as part of the formats. The facilitator thanked them for their time and assured them of complete anonymity in line with research ethics.

Apart from the FGDs, 72 semi-structured interviews were also conducted as part of the research for which 10 per cent or more samples were collected from each settlement (Annexure-II).

**Table 4: Distribution of FGDs and semi-structure interviews over six hill settlements**

Sl.	Name of the hill settlement	No. of FGDs		Total	No. of semi-structured interviews		Total
		Male	Female		Male	Female	
1.	Seujnagar	1	1	2	16	4	20
2.	Sanghmaghuli	1	1	2	6	7	13
3.	TeennugGaneshpur	1	1	2	5	4	9
4.	Sripur	1	1	2	1	9	10
5.	Mithingapuri	1	1	2	3	6	9
6.	NawkataShibodham	1	1	2	7	4	11
	<b>Total</b>	<b>6</b>	<b>6</b>	<b>12</b>	<b>38</b>	<b>34</b>	<b>72</b>

### 5.4. Scope and Limitations

As the research findings are based on intensive research in only six hill settlements, it cannot be claimed that this sample represents the status and concerns of all the hill settlements in the entire city. A general picture of the city was sought by visiting various hill settlements in the city and having conversations with scholars working on these issues.

**Picture 3: Participants revealing issues related to their settlements in group discussions**



Photo by authors

**Picture 4: Semi-structured interviews going on with hill dwellers**



Photo by authors

## **6. Study Locales**

### **6.1. History of Hill Settlements**

#### **6.1.1. Hill Settlements in Lalmati-Beherbari**

**Seujnagar:** The land located in the lower part of present Seujnagar was allotted to three contractors by forest department for stone quarrying, as informed by an elderly resident of the settlement. Each of them was allotted 20-bigha land through lease for quarrying purpose in 1981 on payment of some royalty of INR 3 lakhs for 5 years. They continued quarrying on the land till 1995 using crusher machines. In early 1990s, stone quarrying was banned in Kamrup district. They therefore sub-plotted this leased-land and begun to sell them from 1995 to those looking for plots to build houses. Each plot measured about 1 katha and 5 lessa and sold at INR 26,000. The upper part of Seujnagar has just developed in last few years. In 1991, only 2-3 families were living in the upper part, where the main developments occurred between 2005 and 2008. The residents contributed funds in 2007 to get electricity connection in the locality. The *mandal* office did the *jarib*<sup>26</sup> survey in this area in 2009. After the *jarib*

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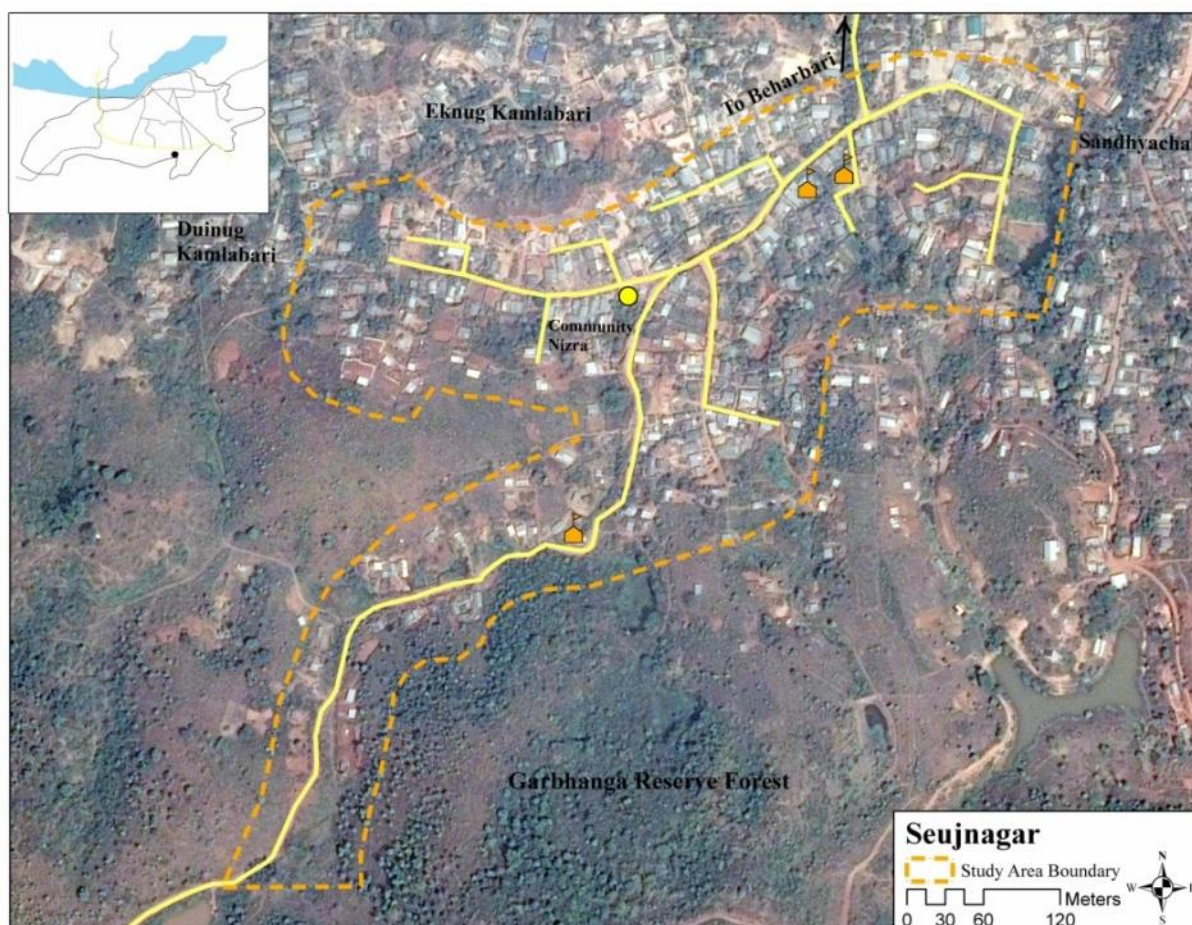
<sup>26</sup> *Jarib* (chain) survey is a popular method of survey, which used by revenue department to measure the size of plot.



survey, many households were issued holding numbers by the GMC. Seujnagar residents had paid INR 20,000 collectively to the *mandal* office for the *jarib* survey.

Majority of the families living in Seujnagar have come from different parts of Assam such as Nalbari, Dhubri, Silchar, Lakhimpur etc. Some are from outside Assam, namely from Uttar Pradesh, Bihar and Nepal. At the time of our survey, there were about 320 households comprising of Assami-Hindu, Bengali-Hindu, Bodo, Karbi, Rabha, Manipuri, Nepali, and Bihari residing in Seujnagar. This settlement had never faced eviction except for the newly developed upper part where few houses, considered as recent encroachments by the forest department, were demolished.

**Map 6: Morphology of Seujnagar in Beherbari**



Source: Map prepared by CUE

**Sanghmaghuli:** Mr. Ashok Kumar Sangma, who worked with Governor Office of Nagaland, left his job and came to Guwahati as his parents were already living in Beltola. His father was an employee of Assam Rifles but moved to Guwahati from Meghalaya in 1974 after separation of Assam from Meghalaya. When Mr. Sangma left his government job from Governor's office, he started coal business in Lalmati and was searching for a place to live on hills because his siblings had sold the parental house after the death of their father. Mr. Sangma found the current site of Sanghmaghuli suitable for habitation due to availability of levelled land on hill-top with water and absence of vegetation.

In 1989, Mr. A.K. Sangma planted around thousands of trees and started living on the hill-top at Lalmati. After few months, another person, Mr. Biren Deka, came and also started living

nearby Mr. Sangma. Over time, people came, and settled here asking permission to Mr. Sangma (which in fact was not required). Overtime, this settlement acquired the name 'Sanghmaghuli' after the name of A.K. Sangma.

The first eviction in Sanghmaghuli happened in 1992, after which there have been frequent evictions, almost every third month. In 1996, Mr. Sangma was arrested by the forest department on the charge of himself encroaching forestland and encouraging others to do so. He was kept in the forest range office at Lokhra for three days and then shifted to Basistha office for three more days. Mr. Sangma requested the concerned forest officer for verification of the encroached land. After verification, forest department found that forest department had cut down 1600 banana trees, 500 papaya trees, many trees of bamboo, jackfruit, neem, coconut etc., which were planted by Mr. Sangma in the past. After verification, forest department called six old inhabitants of Sanghmaghuli who signed as surety and Mr. Sangma was released. During the focus group discussion, Mr. Sangma told, "I was arrested because of the rumour that Mr. Sangma belongs to ULFA and has been giving land to others. But the truth was that I did lot of plantation because it was wasteland.<sup>27</sup> If we Indians would not be allowed to plant trees and live on wasteland, how could we live in India? I had planted thousand trees here. I was famous for planting trees." Again in 2002, forest department sent an arrest warrant in the name of Mr. Sangma following which he was put in jail for three days until he was granted bail from the court.

In 2002, there was a large-scale eviction on hills in Guwahati under which Sanghmaghuli was again evicted. In 2011, eviction team came, but due to strong protest, they left from the lower side of Lalmati. At the time of our survey, there were 93 families living in Sanghmaghuli. Maximum number of families came here by 1996. About 73 families were living here in 1996. Presently, almost 60 per cent families belong to Bodo community whereas rests are Assamese-Hindu, Bengali- Hindu, Bihari, Nepali, Karbi and Rabha.

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<sup>27</sup> Mr. Sangma defined wasteland as unused land, which is not being used by government as well as by common people and where there neither agriculture nor plantation.



**Map 7: Morphology of Sanghmaghuli in Lalmati**



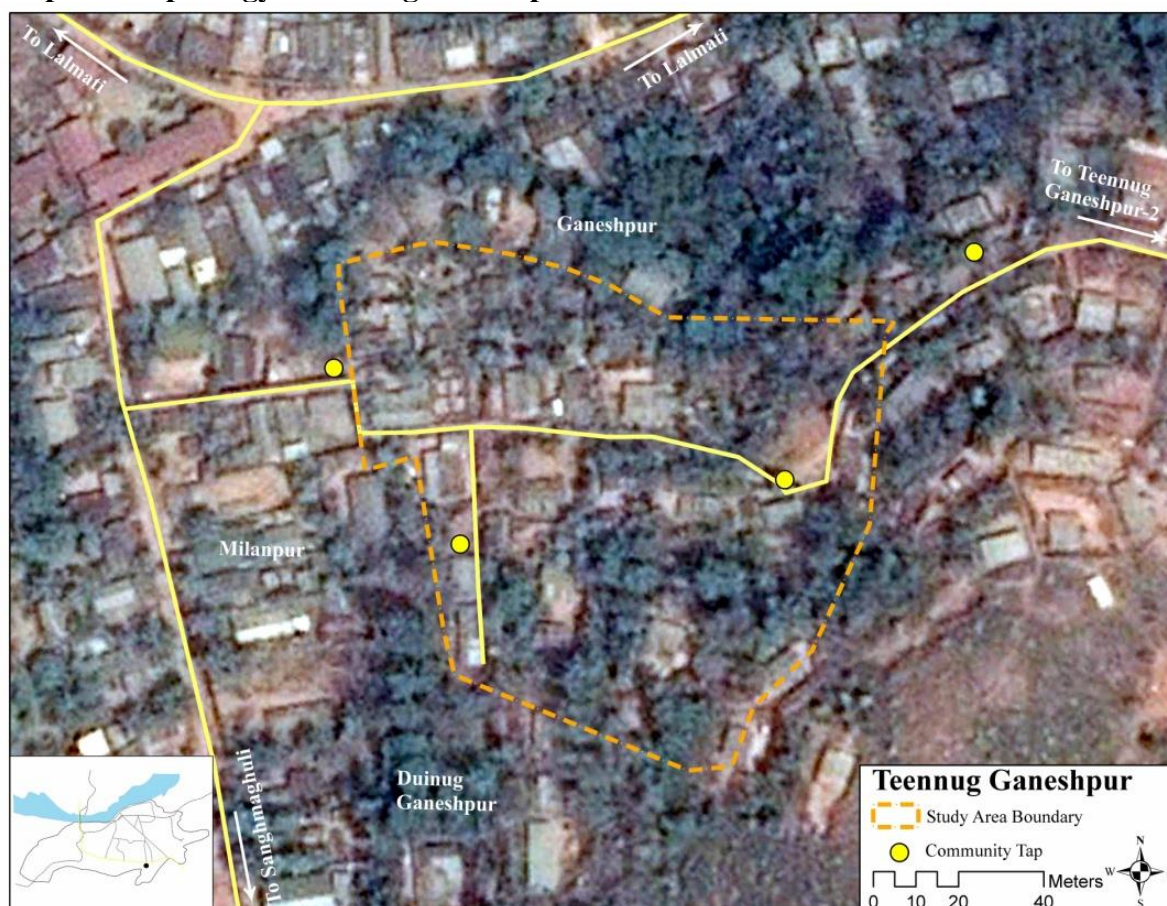
Source: Map prepared by CUE

**Teenug-Ganeshpur:** There is a Ganesh Temple in the lower part of this settlement, which is why different settlements were named after this temple e.g. Duinug-Ganeshpur, Teenug-Ganeshpur, etc. The latter one is the most recent one in the location. Prior to 2000, this area was forest and started developing only after 2000 when various institutions started coming in this area such as Nidhi Bhawan in 1989, the by-pass (NH-37) and Game Village, leading to population increase. Majority of families currently living in Teenug-Ganeshpur formerly lived on rent in Lalmati and nearby areas. The people who came upto 2005 were able to do *dakhal* and that too on large plots in the base of the hill below the temple, but those who came after, the majority, had to purchase plots from the earlier encroachers. It is said that a group of local boys in Ganeshpur also did *dakhal* on some patches of land in Teenug Ganeshpur and sold it to the needy poor families. At the time of our survey, 42 households resided in Teenug Ganeshpur. Bengali, Assamese, Mikir, Koch, Lalung, Sonowal etc. communities are living here. The families who live in this settlement came to Guwahati in search of livelihood from various parts of Assam.

This settlement was evicted twice in the past, in 2002 and in 2011. In 2011, apart from houses, few electricity posts were also demolished. Later, community repaired the electricity posts because electricity department denied repairing the damaged posts. Only after the 2011 eviction, Teenug Ganeshpur people decided to form of *Unnayan Samiti* in order to represent this settlement in land *patta* and eviction related matters and meetings. Hence, in 2011, *Unnayan Samiti* was formed here.



**Map 8: Morphology of Teenug Ganeshpur in Lalmati**



Source: Map prepared by CUE

Mahila Samiti is active here since 2002 and has taken initiatives for development of this locality and create access to basic services such as electricity and water. Initially, the adjacent settlement in the plains got water connection funded by MLA (Akon Bora) in 2010. Then Mahila Samiti approached the president and secretary of Ganeshpur Unnayan Samiti to extend water supply connection up to Teenug Ganeshpur. They agreed and each house of Teenug Ganeshpur gave INR 500 as membership fee for this *Unnayan Samiti* and additional INR 700 to get individual water connection. But pipeline from the base of the hill reached only half way in Teenug Ganeshpur. Then remaining households in Teenug Ganeshpur had to spent INR 3,000 to INR 5,000 to extend pipe line up to their houses. Few households, who were poor and lived on the upper side of the settlement, settled for common community tap. The common tap was shared by 12-15 houses and they paid INR 200 per month per household to the water management committee. Prior to getting water supply connection, people used to fetch water from the *nizra* and had to wait in long queue for their turn to fill the water.

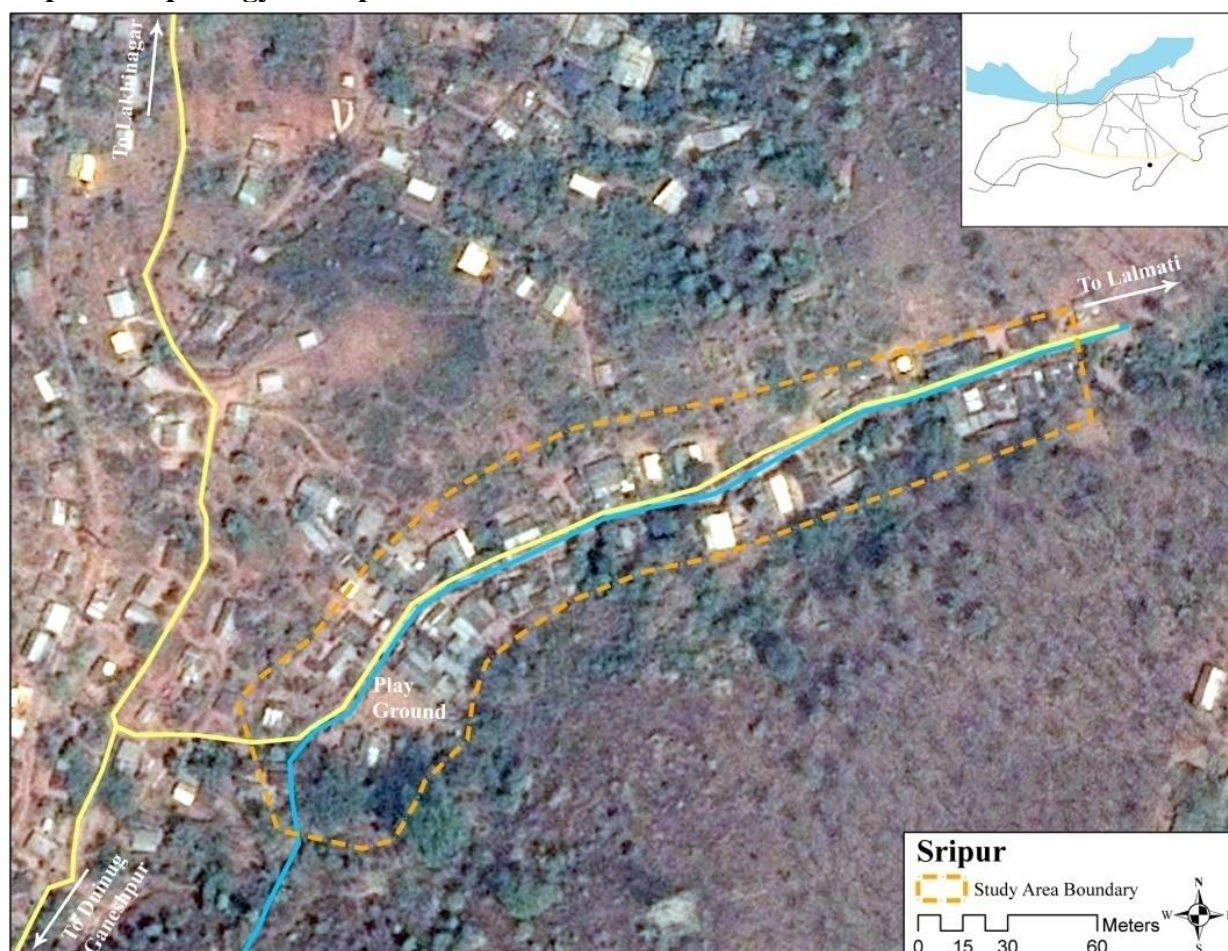
Electricity came to settlement in 2009, once again through the efforts of the community. Residents stated that each household contributed INR 5,500 and pooled money to pay the electricity department for electricity pole and wires. Lot of perseverance from the residents was necessary; they made innumerable visits to the Assam State Electricity Board (ASEB) for the same.



**Sripur:** Sripur is a settlement on the upper side of Ganeshpur. It was also part of Ganeshpur upto 2007. A natural stream flowed between the two hillocks. The stream has reduced to narrow drain due to encroachments on both sides through cutting of hills to build houses. The process of encroachment had begun in 1996, with one Mr. Jagdish Basumatri, who was the first one to do *dakhal* in the area. Mr. Basumatri came to Guwahati from Nalbari in 1980s, was the first person who made *dakhal* in the location in 1996 from where this settlement started. Mr. Basumatri has engaged in different economic activities. He has worked in different occupations in Guwahati such as daily wage labour, building material supplier in a coal company and painter and has also lived in different places on rent like Patherkushi, Bakrapara and Bengali Basti with his family. When he was living in Lalmati, his wife, who came to this hill area to collect firewood, found the area inhabitable and the family moved in the location of Sripur settlement. In the same year, after eviction in Duinug Ganeshpur, located below Sripur, six families from former also shifted close to the house of Mr. Jagdish. As the forest department begun to target the upper side of the hills for eviction, the residents of Sripur formed an *Unnayan Samiti*, which latter allowed other families to settle down in Sripur after paying its membership fees. This *unnayan Samiti* prefer to spend membership fees collected for the development of Sripur.

With encroachments, some roads to Sripur have closed. But, people have constructed on road from the main road. This is also a way to reach Basistha-Lalmati settlement. Half of the present Sripur was protected under the forest act and a fence was constructed around the protected area. But, people breached the fencing over time to create the present settlement. At the time of our study, 58 households consisting Bodo, Assamese-Hindu, Bengali-Hindu, Nepali communities were living in the settlement with the Bodos in majority. In 2002, Sripur witnessed eviction by forest department for the first time. But in 2011, eviction did not take place here. In 2009, Sripur got electricity connection after paying hefty amount to ASEB. This amount was collected through community contributions as well as amount obtained by the *Unnayan Samiti* partly through selling of the community land to others.

**Map 9: Morphology of Sripur in Lalmati**



Source: Map prepared by CUE

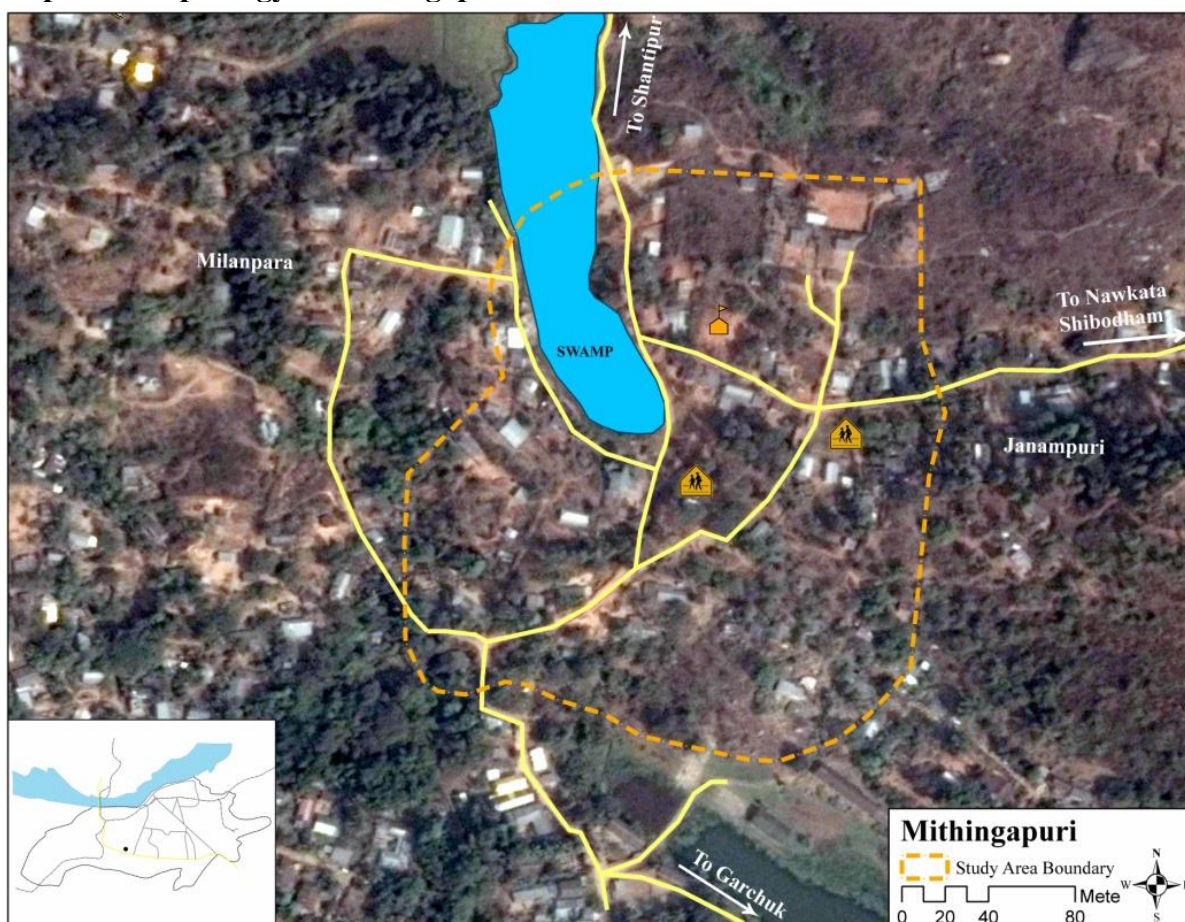
### 6.1.2. Hill Settlements in Gharchuk

**Mithingapuri:** The words 'Mithinga' mean 'nature' and 'pur' mean 'place.' As this place had nice scenery and landscape, people called this place 'Mithingapuri'. This entire area was under *dakhal* since 1995 by few influential people who lived just below this settlement in Gharchuk. Different people had made *dakhal* in different parts. In early 2000, low-income families living on rent in Gharchuk and nearby places smelled an opportunity to own land plots in the hills of Gharchuk and begun to purchase land parcels from the residents of Gharchuk who had made *dakhal* on the hills. The gradual encroachment uphill's begun. Initially, some plots were sold at INR 5,000 but since then the prices have gone up as the plots have been sold twice or thrice over. In 2003, 12 resident families formed an *Unnayan Samiti* to govern this settlement. Rest of the land was yet under *dakhal* of few families who resided in Gharchuk and few families who had bought the land but did not live here that time. These 12 families formed *Unnayan Samiti* on the occasion of Shivratri and for the first time Shivratri festival was celebrated in Mithingapuri.

In 2009, electricity line reached here when a group of 11 families pooled in INR 1.2 lakh and deposited it with the ASEB for electric posts and wires. Later, people formed groups for each stretch/ cluster and gave ASEB the requisite money. This way, at the time of our study, the entire Mithingapuri settlement was covered with electricity line.



**Map 10: Morphology of Mithingapuri in Gharchuk**



Source: Map prepared by CUE

In 2007-08, Mithingapuri received INR 50,000 fund from the MLA Ramen Kalita for road widening. Since 2010, Integrated Child Development Scheme (ICDS) centre has been functioning in this settlement. In 2014, Mithingapuri *Unnayan Samiti* started a lower primary school with its own initiative. They have appointed a teacher to teach the children. This *Unnayan Samiti* also gets support from Batho High School, Katabari to run this educational institute.

**Nawkata Shibodham:** Initially, this place was known as Nawkata. ‘Nawkata’ means ‘boat-shaped’, named after its topography. In 2001, when community built a Shiva temple in this locality, they renamed the place to Nawkata Shibodham. This settlement started developing since early 2000. In 2001, only 5 families were living here. Muslim community inhabits the in Nizarapara area, on the eastern side of Nawkata. In 2001-02, Gharchuk Club begun settling Bodos in order to prevent encroachment of Nizarpara Muslims on the vacant lands here. This led to expansion of this settlement between 2002 and 2004. At the time of our study, 38 families were residing in Nawkata whereas 8 plots were under possession of few families who did not reside here. There are 5 Assamese-Hindu, 3 Bengali-Hindu and one Rabha family residing. Rest of the families are Bodos.

**Map 11: Morphology of Nawkata Shibodham in Gharchuk**



Source: Map prepared by CUE

The settlement has an open community plot where Muslim and other communities have attempted *dakhal* many a times. Another attempt was made by a few Muslim households of Nagaon to carry out *dakhal* in the lower part of Nawakata in 2007. Bamboo materials to construct a wall were also brought. But, as soon as the non-Muslims of the Gharchuk area came to know about this, they organized people from nearby settlements such as Nawkata, Mithingapuri, etc. along with members of Gharchuk club, and encircled the Muslim families who had come to encroach. Fearing physical harm on possible violence, the Muslim families fled, but a few were caught and were beaten up by the assembled non-Muslims. The police and forest officials were also influenced to register case against the Muslims who were caught for the offence of encroaching on forest lands and cutting plantation. The festering ethnic and religious tensions play out in these manner in the informal hill settlements and can take a violent turn as described here.

Late 2001, an *Unnayan Samiti* was formed in Nawkata. In 2010, they put concrete rings at the bottom of the *nizra* (natural spring) to collect water at one place in Janampuri. For this, they got assistance from Krishna Boro, a Congress leader.



## 6.2. Socio-economic Conditions of Surveyed Households

The social composition of households in hill settlements was found to be mixed with around 48.6 per cent of households tribals (Scheduled Tribes - STs)<sup>28</sup>, 26.4 per cent general category, 16.7 per cent Other Backward Castes (OBC) and 8.3 per cent Scheduled Castes (SC). In terms of distribution by religion, the hill settlement residents comprised of 51.5 per cent households who reported Hinduism as their religion<sup>29</sup>. Another 45.8 per cent households were tribals who practised indigenous religious practices while the remaining 2.7 per cent were tribal Christians. As the Table 5 below indicates, Assamese Hindus form the second largest community residing in the hills after the tribals. As per the 2011 census, Hindus form 84.9 per cent and 61.5 per cent of the population of Kamrup metropolitan district and Assam, respectively.

**Table 5: Religious affiliation of the residents of hill settlements**

Sl. no.	Religious affiliation	State of origin	Composition (%)
1.	Indigenous religion	Local (tribals)*	45.8
2.	Hinduism	Assam	29.3
		Nepal	8.3
		Bihar	6.9
		Bengal	5.6
		Uttar Pradesh	1.4
3.	Christianity	Local (tribals)*	2.7
	<b>Total</b>		<b>100.0</b>

\* Around 88 per cent of the tribal households are Bodos by ethnicity

**Table 6: Education status of the households**

Sl. no.	Level of education	Composition (%)
1.	Illiterate	31.9
2.	Primary	16.7
3.	Secondary	40.3
4.	Higher secondary	5.6
5.	Graduation	4.2
6.	Post-graduation	1.4
	<b>Total</b>	<b>100.0</b>
	<b>Total households</b>	<b>72</b>

Source: Primary Survey, 2014

Around 31.9 per cent of the household heads were found to be illiterate<sup>30</sup>, having never attended school. This is found to be worse than the district but better than the state's performance on the same parameter in 2011. Another 16.7 per cent were found to have completed primary education. Some 40.3 per cent of heads of households had completed secondary education while those who had completed higher secondary, graduate and post graduate levels of education stood at 5.6 per cent, 4.2 per cent and 1.4 per cent respectively as seen in the Table 6. The low literacy levels and lack of opportunities are the main reasons

<sup>28</sup> Among the tribal households, 94.2 per cent followed their indigenous religious traditions while the remaining 5.8 per cent reported to be Christians. In terms of ethnicity, an overwhelming 88 per cent of the tribal households were Bodos. In 2011, tribals comprised around 8.1 per cent and 12.4 per cent of the population of Kamrup metropolitan district and Assam state, respectively (Census of India, 2011).

<sup>29</sup> In terms of state of origin, this community comprised of Assamese Hindus (56.8 per cent) and those who had come from Nepal (16.1 per cent), Bihar (13.4 per cent), Bengal (10.9 per cent) and Uttar Pradesh (1.4 per cent).

<sup>30</sup> The illiteracy levels in 2011 stood at 20.2 per cent and 38.5 per cent for Kamrup metropolitan district and Assam, respectively (Census of India, 2011).

behind 38.9 per cent and 13.9 per cent household heads being involved in low-wage self-employment and daily wage casual labour, respectively (Table 7). Self-employment includes street vending, rickshaw pulling, driving auto-rickshaw, liquor brewing, livestock and milk production and distribution activities. Around 18 per cent household heads were employed in salaried private sector jobs such as those in companies, private schools, industries, showrooms, hotels and transport companies in the position of security guards, gardeners, peons and cleaners. While 11 per cent of the household heads worked at home, most of them worked in near-by places to reduce their commute and the associated costs. Those living in Lalmati-Beherbari area went to Beltola, Beherbari, Lalmati and Lokhra for work whereas those residing in the hills of Gharchuk, went to Gharchuk village and near-by places such as Boragaon, Dhirenpara, Ganeshpara and Lokhra for work. Those engaged in the private sector took up work in establishments spread across the city and hence were required to use trekkers and bus to reach work. Self-employed individuals such as those engaged in colouring work, took up work wherever available in the city and even travelled to other parts of Assam.

**Table 7: Occupation of the households**

Sl. no.	Occupational Categories	Composition (%)
1.	Regular- salaried public sector service	5.6
2.	Regular- salaried private sector, companies, etc., services,	18.1
3.	Regular- salaried in the households, household enterprises	5.6
4.	Regular- salaried in industries as workers	4.2
5.	Self-employed- low wage	38.9
6.	Self-employed- high wage	8.3
7.	Daily wage labour	13.9
8.	Non-workers	5.6
	<b>Total</b>	<b>100.0</b>
	<b>Total sample</b>	<b>72</b>

Source: Primary Survey, 2014

**Table 8: Monthly income of the families**

Sl. no.	Monthly income in INR	Composition (%)
1.	1500-5000	18.1
2.	5001-10000	54.2
3.	10000-15000	11.1
4.	15001-20000	8.3
5.	>20000	2.8
6.	Not replied	5.6
	<b>Total</b>	<b>100.0</b>
	<b>Total sample</b>	<b>72</b>

Source: Primary Survey, 2014

The impact of low levels of education and thereby, employment in low-paying jobs reflects in the income levels of the households. More than half of the households earned between INR 5,000 to 10,000 per month and a considerable proportion of households (18 per cent) reported their monthly earning between INR 1,500 and INR 5,000 per month (Table 8). Only 22.2 per cent families reported their monthly income to be more than INR 10,000 in a month. Together in the two locations where this research was conducted, slightly more than half (54.2 per cent) of the households came to Guwahati between 1991 and 2000 (Table 9). Another 13.9 per cent came in the decade before. However, most of the respondents (72.2 per cent) came to live in the hills only after 2000 (Table 10). One in eight households had heads who were born in the city. Many households whose heads were born in Guwahati, later shifted to the hills because of arrival of new members in the family resulting in the need for more space. The encroachments in the hill settlements began in 1996, before which only 8

per cent of the surveyed households lived in these hills. Migration to the hills is tied to the history of the settlement. For example, Sanghmaghuli started developing in the late 1980s. However, only a few families lived there until the 1990s. Most of the households migrated between 1990 and 2000. In contrast, Nawkata Shibodham started developing in early 2000s and most of its current residents arrived between 2002 and 2004.

**Table 9: Period of Migration to Guwahati (% households)**

Sl. no.	Period of migration to City	Composition (%)
1.	Before 1970	2.8
2.	1971-1980	9.7
3.	1981-1990	13.9
4.	1991-2000	54.2
5.	2001-2010	6.9
6.	Born in Guwahati	12.5
	<b>Total</b>	<b>100.0</b>
	<b>Total sample</b>	<b>72</b>

Source: Primary Survey, 2014

**Table 10: Period of migration to present residential location in hills (% households)**

Sl. no.	Time period	Composition (%)
1.	1990-1995	8.3
2.	1996-2000	19.4
3.	2001-2005	34.7
4.	2006-2010	27.8
5.	2011-2014	8.3
6.	Not replied	1.4
	<b>Total</b>	<b>100.0</b>
	<b>Total sample</b>	<b>72</b>

Source: Primary Survey, 2014

As mentioned earlier, only 12.5 per cent household heads were born and brought-up in Guwahati, while the remaining 87.5 per cent were migrants to the city. Of the total sample of 72, five households had migrated from Bihar, another two from West Bengal and one each from Meghalaya and Nepal. The migrant hill residents reported that in their native villages, they owned either no land or were left with a land parcel that was too small for sustenance agriculture. Pushed by these factors, around 69.4 per cent respondents conceded that they had come to Guwahati for earning their livelihood (Table 11). Initially, there was single-male migration but later these migrants brought their families too. Some of the other reasons behind migration as reported by the respondents are given in the Table 11.

**Table 11: Reasons for migration to Guwahati**

Sl. no.	Reasons for migration	Per cent
1.	In search of livelihood	69.4
2.	Family migrated because head of the household was working in Guwahati	6.9
3.	Official transfer	4.2
4.	Due to marriage	1.4
5.	Family dispute	1.4
6.	Had father's land here, hence come to acquire	1.4
7.	No one was in the family to take care hence came here to live with relatives	1.4
8.	Left home in childhood and unintentionally reached to Guwahati	1.4
9.	Not applicable as born in Guwahati	12.5
	<b>Total</b>	<b>100.0</b>
	<b>Total sample</b>	<b>72</b>

Source: Primary Survey, 2014

Households adopted various means to acquire a piece of land in Guwahati to set up their house. The most common approach (50 per cent of the respondents) was to stay on rent in a piece of land in the plains for some time before purchasing a piece of land in the hills from one of the many middlemen with a *dalil*<sup>31</sup> as the proof of ownership (Table 12). Around 9.7 per cent of the respondents had preferred to encroach upon their present land instead of outright purchase after adopting the same approach. In spite of the lack of tenure and other deprivations related to the unavailability of public amenities, the respondents did not appear willing to go to the plains on account of their dependence on the ecology around them. This is evidenced in what a young lady from Sanghmaghuli said:

## 7.2. A

*“If we would go to plain, what would we do? Flat area is not for the people like us. It’s for regular salary employees. We go, cut down and collect the fire wood in the forest. We weave cloth in our house. We can earn little money here but cannot do so in flats. Whatever government may do, we will not leave this place. We have left our land in villages, so we could not go back.”*

Another lady from the same settlement appeared to place more emphasis on their earning a livelihood in the hills over the comparatively better prospects of education for their children in the plains. She said:

## 7.2. B

*“It is fine that we could educate our children well in the plain but the question remains that how would we earn to educate them?”*

Around 6.9 per cent of the respondents were facilitated by the *Unnayan Samiti* - on payment of a nominal fee - to occupy the present piece of land. In our FGDs, some respondents also said that *Unnayan Samitis* also prevent environmental degradation in their area and restrict new encroachments. This claim was found to be not true since we came across families who had arrived just three to four years ago. The presence of relatives and acquaintances prompted some 9.7 per cent of the respondents to arrive and occupy nearby lands on the hills. Two families reported that they were living on someone’s private land in plain with the permission of the landlord but later the landlord sold that land and they moved on hills. Here, it is important to note that about 50 per cent hill dwellers have bought land from someone at some point in time and are now living here. Also these plots are the result of transactions from one hand to another after the original *dakhal*. Some of the other ways in which households came to occupy the present piece of land are listed in the table below.

**Table 12: The ways in which households have acquired the present piece of land**

Sl.	Ways of acquiring land	Per cent
1.	Stayed few/many years on rent in plain then shifted to hill after purchasing a piece of land	50.0
2.	Stayed few/many years on rent in plain then shifted to hill by encroaching a piece of land	9.7
3.	Stayed few/many years on rent in plain then shifted to hill after paying nominal fee to the local <i>Unnayan Samiti</i>	6.9
4.	Directly came and started living on hill because of acquaintances	9.7

<sup>31</sup> An informal proof of occupation that a person received after buying *dakhal* land from an earlier occupant or middleman.



Sl.	Ways of acquiring land	Per cent
5.	Father did <i>dakhal</i> when respondent was kid	1.4
6	Family expanded and occupied/bought land in reserve forest area	6.9
7.	Living on rent in plain but local club helped them to occupy this land free of cost	5.6
8.	Lost previous land hence shifted here	2.8
9.	Was staying by squatting somewhere, later shifted to hill after getting permission from local <i>Unnayan Samiti</i> buying land here	5.6
10.	Is staying on rent on the land whose landlord is living in the lower part	1.4
	<b>Total</b>	<b>100.0</b>
	<b>Total sample</b>	<b>72</b>

Source: Primary Survey, 2014

## 7. Conflicts in Hill Settlements

Encroachment on the hills, which are partly reserved forest areas, ensuing lack of tenure security, settlements thus formed having scattered morphology and hence lack of basic services provisions, absence of local state in the welfare space and people managing their own access to services often mediated by the *Unnayan Samitis* (local CBOs – Community Based Organizations), and presence of many non-state actors in the service provision and rent seeking space, has led to various types of conflicts. These are:

- i) Conflict between agenda of natural environment conservation and housing for the poor
- ii) Conflict of residents of hill settlements with the state on the issue of land rights and legal status of land
- iii) Basic services deprivations and structural violence
- iv) Conflict among residents and with non-state actors over access to land and basic services, often manifesting along ethnic or communal lines.

The absence of the welfare state results in deprivations of water supply, sewage and solid waste have become pathways to conflicts. It has resulted in the emergence of quasi-state governance mechanisms like the *Unnayan Samitis* which take up local governance which may not entirely be undesirable. These groups work outside (sometimes within) the framework of the state and carry out a variety of functions like the provision of services. Given the nature of deprivations that the residents suffer from, they look at *Unnayan Samitis* with great respect. However as Lama-Rewal (2007) shows in the case of Resident Welfare Associations (RWAs) elsewhere, it was found that these local governance bridging mechanisms suffer from parochialism, lack of accountability, ad-hocism and exclusionary tendencies. Guwahati city's housing geography is fragmented along ethnic and communal lines and such parochialism then plays out when any minor local conflicts over land or access to other services is concerned. The land issue manifests as territorial issue, as discussed above while introducing Nawkata Shibodham. The absence of the state also results in the emergence of groups that take up vigilantism often resulting in the curbing of personal freedoms.

### 7.1. Natural Environment Conservation versus Housing for the Poor

Guwahati presents a good example of permanent conflict between the Housing Needs and Ecological needs. The city has many natural wetlands, called *beels* in local language. Of these, four, Deepor Beel, Sarusola Beel, Barsola Beel and Silsako Beel, have been declared as notified under the Assam Hill Land and Ecological Sites (Protection and Management) Act, 2006. The Comprehensive Master Plan 2025, notified in July 2009, had stated its first

goal as conserving Guwahati's sensitive natural environment<sup>32</sup>. On both counts, the beels (wetlands) have to be restored back to their original form and no encroachments are permissible on them. The city has also about 16 hills, many of them are under the reserved forest category, as discussed above. The poor and the migrants to the city tend to encroach on environmentally sensitive areas. Not them alone, but, even commercial establishments and formal developments have come up on these environmentally sensitive areas. But, the latter have been legalized and the housing of the poor and the migrants have not been legalized; these have been evicted, and this has led to conflicts.

Deepor beel had an area of 40 sq km, as per the revenue records, but in 1989, the government declared it as a bird sanctuary with an area of 4.14 sq km, leading to the environmentalists alleging large scale encroachments all over. A railway line passes over it, dividing the lake. There are constructing brick kilns, huge permanent buildings, boundary walls etc. along the beel. The GMC has put a garbage disposal dump on the beel. Influential people have encroached water area of the beel through earth filling<sup>33</sup>.

Floods are a reality of Guwahati. But, the floods are not just caused by heavy rains alone but interference in the city ecology. For example, the city experienced incessant rains on June 26, 2014, which was followed by devastating floods experienced by the city on the day and following day. Incessant rains caused mud-slides and flood-induced electrocutions that led to death of 12 people. Heavy flash floods, it is stated, was caused by big drains or rivers like Bharalu, Mora Bharalu and Bahini getting clogged with garbage or their encroachments by illegals developments along the banks. The rain water drains into natural wetlands/ reservoirs such as Silsako beel, Borchola beel and Saruchola beel, which too have experienced encroachments reducing their capacity. Landslides occur due to uncontrolled earth cutting on the hills and subsequent human habitation on the hills. In what can be called knee-jerk reaction, from June 30, 2014 onwards<sup>34</sup>, the state bureaucracy went about evicting illegal settlers along all the rivers and beels with unprecedented brutality and without informing the residents, which led to death of a 35-year sick widow, leaving her three children orphaned<sup>35</sup>.

In July 2014, 14 pucca houses, 12 katcha houses and 16 boundary walls along Silsako beel were demolished clearing 12 bighas of land. Along Bharalu river, 14 semi-pucca structures and six walls were demolished clearing three bighas of land. Along Basistha river 15 pucca houses, 50 katcha houses and 20 boundary walls were cleared<sup>36</sup>. The people resisted and

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<sup>32</sup> Staff Reporter (2014): "Assam Realtors Back Eviction Drive", *Telegraph India*, July 11, Source: <http://epaper.telegraphindia.com/details/92392-13196171.html>; accessed on July 11, 2014.

<sup>33</sup> Rajkhowa, J P (2014) "Conduct Eviction of Encroachers without Discrimination", *The Sentinel*, July 6, Source: <http://www.sentinelassam.com/editorial/story.php?sec=3&subsec=0&id=196996&dtP=2014-07-06&ppr=1#196996>, accessed on July 6, 2014.

<sup>34</sup> Rajkhowa, J P (2014) "Conduct Eviction of Encroachers without Discrimination", *The Sentinel*, July 6, Source: <http://www.sentinelassam.com/editorial/story.php?sec=3&subsec=0&id=196996&dtP=2014-07-06&ppr=1#196996>, accessed on July 6, 2014.

<sup>35</sup> Hussain, Wasbir (2014) "Assam Firefight's Guwahati Flooding, No Plan in Hand", *The Sentinel*, July 12, Source: <http://www.sentinelassam.com/mainnews/story.php?sec=1&subsec=0&id=197625&dtP=2014-07-12&ppr=1#197625>, accessed on July 12, 2014.

<sup>36</sup> Staff Reporter (2014) "Eviction Near Water Bodies Aimed at Clearing Path for Floodwater: Admin", *Assam Tribune*, July 8, Source: <http://www.assamtribune.com/scripts/showpage.asp?id=jul0814.7,420,129,495,1002,915,129,165,990>, accessed on July 8, 2014.

entered into scuffle with and pelted stones at the police. These compelled the police to fire teargas shells and do lathi-charge. The evicted people became violent<sup>37</sup>. The KMSS mobilized mass gathering protesting against the eviction drive carried out by the district administration to clear water channels of Guwahati on July 6, 2014. KMSS agreed that flood problem has to be tackled by clearing water channels but also questioned the district administration as to why the poor were being evicted while the big hotels were being regularized<sup>38</sup>.

Allegations of tolerating permanent and multi-storied commercial and other buildings occupying vast areas of the Silsako beel, owned by powerful politicians, businessmen, bureaucrats, institutions etc., which too had adversely impacted flow of water in to and from the Silsako beel, were not been covered under the much-hyped 'eviction agenda' were made<sup>39</sup>. Not just these, the ministers, politicians, senior Congress party leader and that of the opposition party, IAS and IPS officers too have captured Silsako beel lands<sup>40</sup>. The state Chief Minister had to come out and make a statement that irrespective of the status of the encroacher, all structures on the water channels would be demolished. Allegations have been leveled against the state Public Works Department and Urban Development Department's Minister for encroaching on Silsako beel<sup>41</sup>. In spite of the bold announcement, the state government did not have answer to the allegations of the KMSS that a five star hotel, Radisson Blu, a joint venture of the GMDA and a private business house was built on Deepor beel. Not just that, another hotel, Ginger Hotel, was constructed on Silsako beel of the city. The question that KMSS asked was why these hotels were given legal permissions to construct on the beels when the houses of the poor were being demolished<sup>42</sup>. Also, there are allegations on the government that miyadi pattas were given to some in the wetlands and river banks in Guwahati<sup>43</sup>. Also, some of the residents whose houses were demolished in the eviction drive along Silsako beel and Bharalu river, claimed that they had miyadi patta. The question is why a few were being given Miyadi pattas while others were being demolished?

The city's middle class does not support the encroachments by the poor when they themselves are living on encroached lands. The Assam Real Estate and Infrastructure

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<sup>37</sup> Chronicle News Service (2014) "Forty-five High Rise Buildings Under Eviction Radar", *Eastern Chronicle*, July 8, Source: <http://www.easternchronicle.net/index.php?city=2&edition=08072014#>, accessed on July 8, 2014.

<sup>38</sup> Chronicle News Service (2014) KMSS Mobilises Mass Against Eviction in Guwahati", *Eastern Chronicle*, July 7, Source: <http://www.easternchronicle.net/index.php?city=2&edition=07072014>, accessed on July 7, 2014.

<sup>39</sup> Rajkhowa, J P (2014) "Conduct Eviction of Encroachers without Discrimination", *The Sentinel*, July 6, Source: <http://www.sentinelassam.com/editorial/story.php?sec=3&subsec=0&id=196996&dtP=2014-07-06&ppr=1#196996>, accessed on July 6, 2014.

<sup>40</sup> Such as Ginger hotels, Co-operative education institute, Indian Institute of Hotel Management, Peoples for Animal, Doordarsan colony, Sai Mandir, etc. See Rajkhowa, J.P. (2014), op cited.

<sup>41</sup> Chronicle News Service (2014) "Gogoi Spells Zero Tolerance for Illegal Encroachment", *Eastern Chronicle*, July 12, source: <http://www.easternchronicle.net/index.php?city=2&edition=12072014#>, accessed on July 12, 2014.

<sup>42</sup> Chronicle News Service (2014) "State's First Five-star Hotel Radisson Blu Built on Wetlands, Claims KMSS", *Eastern Chronicle*, July 12, source: <http://www.easternchronicle.net/index.php?city=2&edition=12072014#>, accessed on July 12, 2014.

<sup>43</sup> Staff Reporter (2014) "Provide Details of Land Pattas in Wetlands, GMC & GMDA told", *The Sentinel*, July 8, 2014, Source: [http://www.sentinelassam.com/ghy\\_city/story.php?sec=1&subsec=0&id=197177&dtP=2014-07-08&ppr=1#197177](http://www.sentinelassam.com/ghy_city/story.php?sec=1&subsec=0&id=197177&dtP=2014-07-08&ppr=1#197177), accessed on July 8, 2014.

Developers' Association (AREIDA), alleged that "hordes of organized encroachers ... have grabbed natural drainage channels, wetlands, forests and hills"<sup>44</sup> of Guwahati, which have led to water logging and flash floods. The Association was to file a PIL in the Guwahati High Court of National Green Tribunal against encroachments, but, refrained from doing so because the government had begun eviction drive on these encroachments in July 2014.

On the other hand, the KMSS opposed the eviction drive as well as the notification about the no-development on the four beels, also asked the state government to amend the Land Revenue Regulation Act, 1886, and grant land transfers of agricultural lands not cultivated for last 10 years to the households encroaching beel lands. The KMSS also organized protest at Silsako Beel against eviction<sup>45</sup>. One lady, Kukila begum had died due to heart attack suffered from shock of learning that her house too would be demolished by the district administration. KMSS asked for compensation for her family<sup>46</sup>. But, large-scale evictions continued.

There is thus, conflict between the poor residents' right to housing and city and ecological conservation. The way the issue has been handled has led to conflictual situation. If the city had housing programme or the land rights programme for the poor and the new migrants, the conflict would not have arisen. After all, the poor households living on the river and lake fronts are the first to face the largest loss due to flood hazard.

In Guwahati, the festering tensions around the Bangladeshi migrants also surface in natural calamity situations such as floods. It has been alleged by the local residents around Deepor Beel that: "suspected people started entering the wetland area in large number for the last 3/4 years and building houses, even on the middle of the wetland. When we try to talk to them in Assamese language, they don't understand. They speak in Bangladeshi tune."<sup>47</sup> Allusion is to Bangladeshi migrants encroaching on the Deepor Beel, which is a Ramsar site since 2002 and hence being notified as protected wetland by the state government act, as mentioned above. There is a longstanding conflict between the Assamese and the Bengali speaking Muslims, some of them immigrants from Bangladesh, which led to long drawn violent agitation in the state since 1985 led by All Assam Students Union (AASU).

On one hand, the Kamrup Metro district administration has identified 366 land slide locations on 19 hilly areas in the city and had asked the residents to shift to safer locations during monsoons in July 2014<sup>48</sup>. On the other hand, the GMDA gave NOC to development of integrated township named Shristinagar, Guwahati on Ramsa hill at Noonmati. KMSS took strong objection to giving permission to this private construction company to take up

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<sup>44</sup> Staff Reporter (2014): "Assam Realtors Back Eviction Drive", *Telegraph India*, July 11, Source: <http://epaper.telegraphindia.com/details/92392-13196171.html>; accessed on July 11, 2014.

<sup>45</sup> Staff Reporter (2014): "Assam Realtors Back Eviction Drive", *Telegraph India*, July 11, Source: <http://epaper.telegraphindia.com/details/92392-13196171.html>; accessed on July 11, 2014.

<sup>46</sup> Staff Reporter (2014): "Assam Realtors Back Eviction Drive", *Telegraph India*, July 11, Source: <http://epaper.telegraphindia.com/details/92392-13196171.html>; accessed on July 11, 2014.

<sup>47</sup> Staff Reporter (2014) "Deepor Beel: Patta Land and Suspected Bangladeshis", in *The Sentinel*, July 12, <http://www.sentinelassam.com/mainnews/story.php?sec=1&subsec=0&id=197528&dtP=2014-07-11&ppr=1#197528>, accessed on July 11, 2014.

<sup>48</sup> Staff Reporter (2014) "366 Landslide Prone Areas Identified in City", *Assam Tribune*, July 6, Source: <http://www.assamtribune.com/scripts/showpage.asp?id=jul0614.5,249,129,507,297,756,129,327,357>, accessed on July 6, 2014.

township construction activity on 750 bighas of land on Ramsa hill, while the low-income residents of the other hills were being evicted<sup>49</sup>. About 5,000 apartments were being constructed in this township, for which the Chief Minister gave permission, while not giving any land pattas to the landless in the hills and wetlands in and around the city, leading to immolation by Pronob Bora on February 24, 2014. Akhil Gogoi also made allegation that the said land was illegally captured by one individual, which after many court battles got legally transferred to the heirs of the person. This land was then transferred to a private company, which eventually sold it to a Realtor Company that obtained permission to develop Sristi Nagar township on the land. Gogoi also alleged that the construction was taken up without necessary permissions and by that it is illegal<sup>50</sup>. Subsequently, the Sristi Nagar township area's construction was ordered to be stopped and the constructed structures were demolished<sup>51</sup>.

## 7.2. Conflicts Between the State and Community

Conflicts between the state and community arise on the issue of tenure. Since the hill settlements are not recognized as legal by the state, the residents live under the constant threat of evictions. These evictions are often violent in nature and unmindful of the harsh weather conditions or ill-health of the evicted. A resident of Teenug Ganeshpur who faced eviction said:

8.1 A

*“My daughter was sick, suffering from jaundice when we were evicted in 2002. There was heavy rain that night leaving us drenched along with our belongings.”*

These types of experiences have led to widespread resentment against the state as we shall see later in this section. Since the state has also has not been able to provide basic services including water supply, sanitation, solid waste management and drainage, this feeling of alienation has also increased. The following section presents the deprivations that rise out of a lack of secure tenure and traces the land rights movement and related conflicts in Guwahati.

### 7.2.1. Deprivation Related to the Lack of Tenure Security

The land regime in Guwahati is complicated. Desai et al. (2014) discuss at great length the land regime in Assam and Guwahati in particular. A lot of the issues with the current land regime can be linked to the fact that huge swathes of Common Property Rights (CPR) land with the tribals came to be (wrongly) considered state property under the colonial state immediately converting the tribals into encroachers with no rights over the land. At the same time, the state gave *pattas* to various people under the provisions of the Assam Land and Revenue Regulation Act, 1886. This transformation in the land rights from customary collective rights to documented individual lease has caused problems in Guwahati. This anomaly has not been rectified still even as the Assam Land Policy of 1989 made attempts to

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<sup>49</sup> Staff Reporter (2014) “Akhil Wants NOC Annulled”, *Telegraph India*, July 2, 2014, Source: <http://epaper.telegraphindia.com/details/90442-131743125.html>, accessed on July 2, 2014.

<sup>50</sup> Staff Reporter (2014) “KMSS Says Sristi Nagar Construction Illegal”, *The Sentinal*, July 2, Source: [http://www.sentinelassam.com/ghy\\_city/story.php?sec=1&subsec=0&id=196596&dtP=2014-07-02&ppr=1#196596](http://www.sentinelassam.com/ghy_city/story.php?sec=1&subsec=0&id=196596&dtP=2014-07-02&ppr=1#196596), accessed on July 2, 2014.

<sup>51</sup> Staff Reporter (2014) “Order to Stop Sristi Nagar Works Issued, Says DC”, *The Sentinel*, July 2, Source: [http://www.sentinelassam.com/ghy\\_city/story.php?sec=1&subsec=0&id=196597&dtP=2014-07-02&ppr=1#196597](http://www.sentinelassam.com/ghy_city/story.php?sec=1&subsec=0&id=196597&dtP=2014-07-02&ppr=1#196597), accessed on July 2, 2014.

give land to indigenous landless people through granting of *miyadi patta* to those who have done *dakhal* and stayed on government land for at least 15 years. The tribals in the hills around Guwahati who were traditionally using the lands under collective ownership feel left out of the development story.

**Land and housing shortage in the plains:** Having one's own land (*maati*) is highly valued amongst the people of Assam. All this has encouraged people – be it the urban poor or the middle class for whom buying *miyadi patta* land from a *miyadi patta* holder is too expensive – to informally enter into and occupy State government land. Since there is a great shortage of *miyadi patta* land in the plains, rents are high. Our previous research informs us that there is a shortage of 1 lakh housing units in Guwahati city alone. As a result, there is a vibrant informal market for sale of *dakhal* land in the hills. The new migrants to the city have no choice but to look for land/houses in the hills:

#### 8.2.1 A

*“The price of land in the plains is too high for us. If we would have capacity to buy a land in plain why would we come to live here with so many hardships?”*

In response to the question on why should they be given *patta* for occupied land while they were aware that this land comes under reserve forest and still encroached it? The President of Unnayan Samiti of Sangmaghuli said,

*“You are right but we were living on rented house and over time our family expanded. The rent also increased. We do labour and mason work. Either we pay rent or feed our family and educate our children. Therefore we thought that we should move to forestland and squat. At least it would save our monthly expenditure on rent. This is the prime reason.”*

Another participants stated,

*“As we are tribes, we know that we have right to live on hills. We do not need patta. It has been mentioned in the legislation. We are khilangia manu (indigenous people) so we have right to live anywhere in the Assam and northeast.”*

Our research in the settlements show that some of the hill dwellers first arrived in the late 1980s and early 1990s when most of these hills were unoccupied. They did *dakhal* and made the ground ready for future settlers. Some of these early settlers continued to live in their lands, while others made money out of selling more lands that they did *dakhal* on.

**Lack of clear boundary between protected and unprotected forests:** During discussion with male participants in Seujnagar, it was revealed that when they had bought land here, they were not aware that this land came under jurisdiction of the forest department. One of the participants said:

*“People are also living from 2008-09 in upper part. All residents have bought land here. How long people could live on rent? Actually there is no demarcated boundary so that people could know about the ownership status of land. Therefore, people came and gradually bought land from lower part to upper part.”*

Another participant added:

*“There is no boundary between government land and forest land, local people claimed that this part of the hill belong to them and sold it to other needy persons. This is how the entire area developed over years.”*

**GMC measuring land holdings and deciding property tax:** Our discussion with male participants in Seujnagar revealed that when they bought land in the hills from people who had done *dakhal* before them, they were not aware that their land was part of reserve forests. As there was no boundary between government land and forest land, parts of the hill were claimed by the early encroachers as theirs and sold to new migrants. A local resident informed that even GMC officials had come and given him holding numbers after measurement before he had commenced construction of his house. Measurement of the plot area, allocation of holding numbers and deciding the tax by GMC gave him the assurance to build a house and live on the plot. This points to the lack of communication between various levels of the government.

**Political patronage raises hope:** Politicians have also used the issue of *pattas* to garner votes. During the elections, they make promises to the effect of granting *pattas* as soon as they came to power. This encourages people to encroach land on hills as their hopes of getting permanent settlement are raised. However, it is another matter that the politicians seldom come true on their promises. As a participant from Teenug Ganeshpur said:

#### 8.2.1 B

*“During election, political parties and their candidates come to us and assure for patta. Even, they also make public announcement if they would win, do not evict the hill settlers. But I don’t know why it happens? Once they win, they forget all their promises.”*

The dual nature of the political establishment towards the hill dwellers has made them to lose hope in the local leaders over the years. Even the forest department encourages the settlers to plant more trees with a view to increase the area under green cover. The hill dwellers take their word as an assurance that they may not be evicted, only to be proved wrong later. As a participant from Teenug Ganeshpur said:

#### 8.2.1 C

*“Often forest officials come and direct us not destroy the plantations and encourage us for plantation. Hence, we understand that if we would do so, they will not evict us. People start following them but after few years they again come to evict us.”*

**Hill dwellers resentful towards government:** In the past few decades, the government has granted *pattas* to several affluent people as well as institutions even on wetlands, as mentioned earlier. At the same time, tribals who have had historical claims on the hills and the forestlands have not been given *pattas*.

#### 8.2.1 D

*“We are Ahomia manu (Assami people). So we do not need to fight with the government for patta. We should be allowed to live here. It does not matter whether the*



*government gives us patta or not; we should not be evicted from this place. Anyway, we have been living here now and do not wish to leave this place at any cost.”*

The hill dwellers are resentful towards the government because they feel that the existing system was helping the affluent at their expense. Since, the dwellers know of the state giving *pattas* to institutions and individuals, they invoke their CPR legacy to demand *pattas*.

During discussion one resident said:

*“Akhil has stated that government is not giving patta to tholuamanu (indigenous people) of Assam but to brokers, contractors and Marwaris. We are the old inhabitants and tribe but we are not getting patta. We can access bank loan only if we have patta, not only to construct houses but for improved livelihood too.”*

Another resident stated:

#### 8.2.1 E

*“Himmat Singh (a local well-connected affluent person) got patta and built a 17-storey building on Bharalu drain but poor do not. What does it mean? We poor people cannot not give bribes and hence we cannot get patta. Only the poor people who are politically and economically sound will get patta and other poor people will not get patta. 15 years ago, when Tarun Gogoi was not the CM, he was not in favour of eviction but now he himself is sanctioning evictions.”*

Tribal people are resentful because they think that government is just using tribal people for their political gain but not giving settlement. One of the participants revealed discrimination that he and his community feel:

*“Now, this is a matter of thought. For hill dwellers, there is nothing. No water, no school...nothing. We can say that we are citizens of India but we realize that we are not in the list of human beings. People, in any other country do not get discriminated like us. We feel this sorrow. See the condition of temple in this locality. We cannot build it properly yet. No political leader or rich person made contribution for this temple. We are living in nostalgia and do not know about the future of our next generation.”*

He further stated,

*“Morally, government does not have right to evict us and beat us. Pranob Boro has scarified his life and we have been beaten just for a piece of land to live. We are tribal people, hence government should support us but they do politics in the name of tribal people. They have moved up with the help of tribal politics. If tribal families do not live on hills, where do they live? Rabha, Hasung, Karbi, Deuri, Miri, Bodo, Khamti, Nissi, Apatani, Aadi etc. are tribal. No one has heard of tribal people being evicted anywhere except Assam. Have you heard about it in Arunachal, Nagaland, Tripura, Mizoram? Nowhere eviction has been taken up against tribes. Though, I don't have periodic patta in my native place, after 52 years of my life but we do cultivation and we have never been evicted from that place. Have you ever heard eviction in Doyang, Chirang? Why does government break this law only in Guwahati? Tribal people are living on hills in every state but never evicted. Why are hill dwellers in Guwahati being evicted? Once, I*



*stated on TV that there is no need to evict hill dwellers by the government of Tarun Gogoi. They should put hill dwellers in sacks and throw us in Brahmaputra River."*

Another participant said:

*"We are entitled to poll our votes but denied to get services. There is value of our vote but we are not entitled to get any service. There is a value of our votes but there is no value of our land where we reside. I have enough documents to show that I reside here."*

Given the number of times promises have not been kept, they said that they needed changes in policies, no longer willing to settle for mere verbal assurances.

### **Deprivations arising out of lack of secure tenure:**

Fear of eviction: Hill dwellers live in constant fear and trauma in the absence of tenure security. The women were most affected by the lack of tenure and constant fear of eviction. They told us that whenever there is a rumour of eviction, they are not able to go ahead with their normal lives. Children are not sent to school. Only the menfolk go to their workplaces. A resident of Mithingapuri said:

#### **8.2.1 E**

*"When the last time eviction happened, we were lost in ambiguity and tension. We were not able to take decisions. What should we do? Should we cook food? Should we take care of house and kids or should we go to participate in the protest [against the eviction]? We did not eat for the entire day. In the evening when I was going to cook, people started shouting, they are coming... they are coming... I ran towards down but we found that media persons who were coming with camera light."*

One of the woman participants in Seujnagar said:

*"We live in constant fear of eviction. Even, if there is rumour of eviction, we do not eat properly and everything seems to stop. Men go to their work and engage themselves in other works too but we women live at home with fear throughout the day."*

Another woman resident said,

*"Usually evictions happen during annual exams. As we cannot leave our house to drop and receive our kids from the school, we ask them to come themselves from the school. We could not leave our home. We need to take care of our belongings if eviction happens suddenly. We also call our relatives for taking care and transfer belongings from one place to another."*

They respond in good numbers to KMSS's calls for protests demanding *pattas* and tenure security for the hill dwellers. They also fear that if they are ultimately made to vacate their lands by the government, they would not even receive the money they had invested on occupying the current plot of land.

Can't invest on improving their lives; no *pucca* houses or toilets; can't get roads, water supply or drains built: Given the complex legal status of these settlements, the government has not been able to provide water supply, sanitation or drainage facilities to the hill dwellers.

The hill dwellers are also wary of investing on the construction of *pucca* houses or toilets due to constant fear of eviction. As one of the participants from Sripur said:

#### 8.2.1 F

*“How could we build pucca houses unless we have patta? We are labourers, if we would build incremental house by dint of hard work and with our mere savings, build a toilet and bathroom and if later they would come and demolish, what would be the yield?”*

As a result, they continue to live in poor conditions with little access to services that their counterparts in the plains may have access to. The lack of a secure tenure also excludes them from making use of government welfare schemes and programs.

#### 8.2.1 G

*“If we would have land patta, we can also build our house under various government schemes like Indira Awas Yojna.”*

Can't get certificates for children to access government scholarships: Participants revealed that they were unable to access caste certificate and permanent resident certificate due to the unclear status of their land. Consequently, they are deprived of the benefits of various government schemes for the poor and indigenous tribes. Their children are unable to access government scholarships as they do not possess the documents essential for scholarship. A resident of Sripur narrated her experience:

#### 8.2.1 H

*“There was an ambiguity about which area this settlement falls in. Once I needed a caste certificate for my son so that he could access scholarship in his school. I went to the Rani Mauza office where I had paid tauzi fine. I was directed to Beltola Mauza office who denied me the certificate. They said that they do not issue caste certificates for people living on forest land. When I showed my tauzi fine receipt they declared it to be false.”*

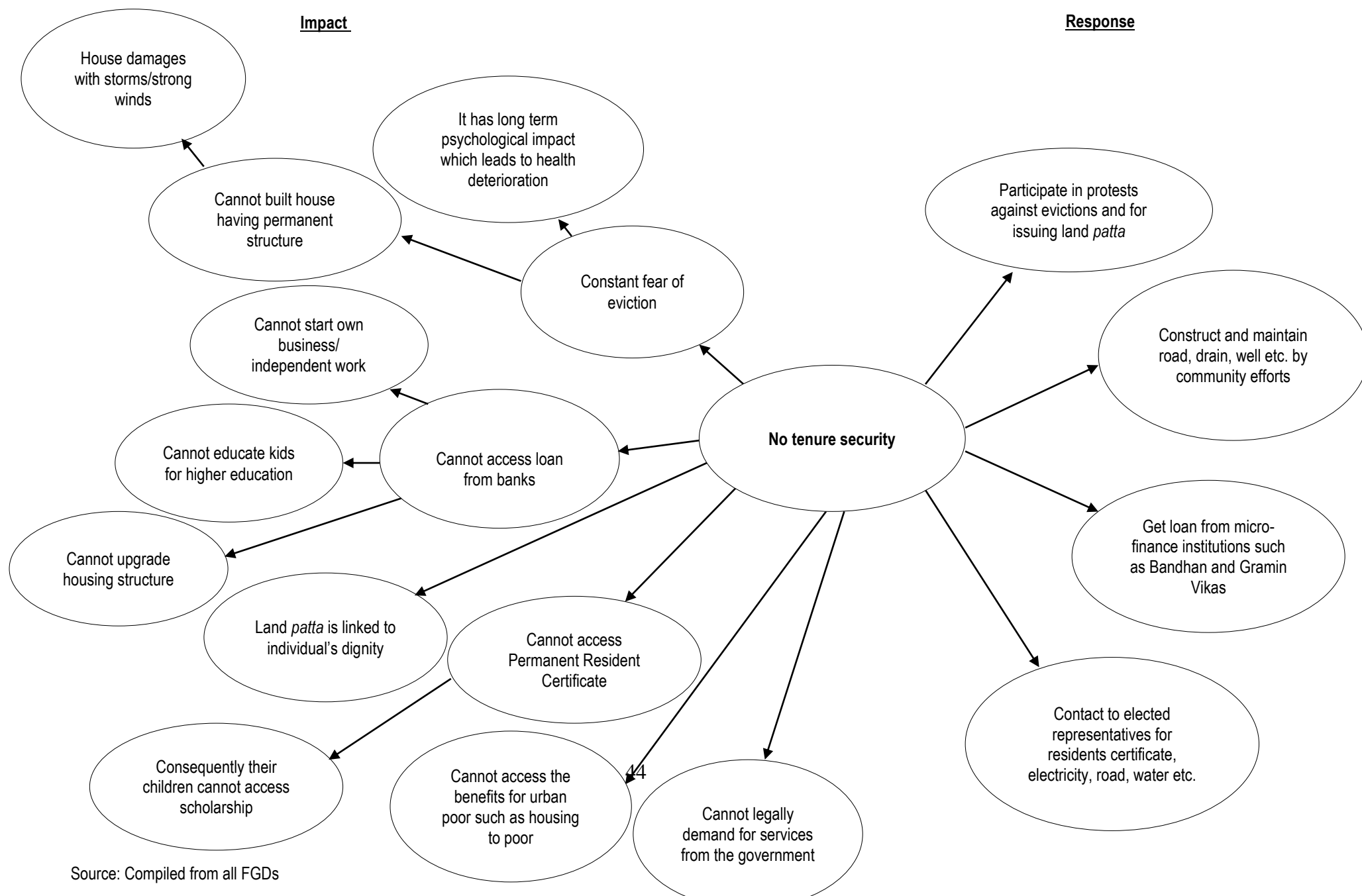
After this incident she got the caste certificate made by paying a bribe to the official, using help of a friend with links in the same department.

No access to credit: These participants argued that in the absence of land *patta*, their growth has been curtailed. They are unable to get money on credit for any purpose. The hill dwellers have little access to formal banking institutions. The informal financial institutions are also unwilling to lend to the hill dwellers as they have no property to mortgage as security in exchange for a loan. Therefore, they lose out on opportunities to seek new livelihood opportunities.

One participant said:

*“The people who reside in plain do not lend money to people who reside on hill by saying that you are living in hut. You do not have patta. If you would leave this place after getting money, where do I search for you?”*

Diagram 3: Impact and response to the not having land *patta*



The lack of tenure security leads to several deprivations for the hill dwellers, who are unable to access basic service of water supply, sanitation and drainage. Also, they are not in a position to invest on improving their housing conditions as they fear losing the investment on account of possible evictions in the near future. Finally, they are unable to access government welfare schemes or formal/informal sources of credit to improve their livelihood. The hill dwellers, in our research, were of the opinion that even if the government were to grant them *pattas* alone, they would be better off than now.

### **7.2.2. The Land Rights Struggle in Guwahati**

Residents of Sanghmaghuli and Sripur reported frequent evictions (twice or thrice in a month) carried out by the forest department in 1992 and 1996 which forced them to live in temporary tent structures built of plastic sheets and sacks. But after February 18, 2002 order of the Supreme Court of India which directed the state governments of various states including Assam to furnish information regarding how far forest reserves have been freed from encroachment, the state government unleashed an eviction drive on the peoples' dwellings in the forest areas all over the state including hills in Guwahati with unprecedented ruthlessness. People living in the notified forest areas bore the brunt of these eviction drives. The repressive nature of the eviction drives and its coverage in the media caused a furore in the state (Sharma, n.d.). In an informal conversation, a senior forest officer who was in-charge of the eviction drive in hill settlements in South Kamrup District in 2002 claimed that the department was successful in carrying out evictions in the hill settlements in Guwahati inspite of massive protests. The Communist Party of India (Marxist) CPI (M) had played a major role in organizing protests against evictions and a series of events on land *patta*, land and habitation problem in Guwahati.

In 2011, just after the Indian National Congress (INC) had won a third consecutive term in the state assembly election, a massive eviction drive was carried out in Guwahati. Udayon Misra (2011) wrote, "During the recent elections, the Congress went out of its way to woo the settlers and promised them land documents if they voted for the party. And vote they did, leading to a resounding Congress victory in all the seats in Guwahati and its suburbs. But once in power for the third term, the Tarun Gogoi government decided that evictions had to be carried out in some of the settlements. Though the stated reason for such evictions was to bring back the ecological balance of the city, the actual reason seemed to be to help some private firms set up multi-storey housing complexes and hotels near the settlements." Clearly, there was a lot of mistrust between the government and the civil society on the issue of the purported motive behind the evictions.

Even as an atmosphere of mistrust prevailed between the state and the affected communities, the resistance to evictions became stronger and was met by even more violence from the state. As the state proceeded with evictions in Gandhi Basti (June 9), Lalmati (June 10) and Gharchuk (June 10), 2011, a Brihad Guwahati Mati-Patta Sangharsha Samiti<sup>52</sup> (BGMPS) led demonstrations in solidarity with other hill settlements slowed down the eviction drive. The BGMPS organized people along with community leaders to protest against the eviction team in Gharchuk but when the situation worsened, they called Akhil Gogoi<sup>53</sup> to bring the

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<sup>52</sup> Alternatively known as Greater Guwahati Land Rights Struggle Committee.

<sup>53</sup> Akhil Gogoi is a peasant leader and RTI activist from Assam who has been leading many anti-graft movements in the state. Gogoi is the founder Secretary of Krishak Mukti Sangram Samiti (KMSS - (Peasants' Liberation Struggle Committee) - a left wing peasant organisation - and is also associated with National Alliance of People's Movements (NAPM).



situation under control. One resident of Gharchuk had the following narration of the events to offer:

#### 8.2.2 A

*“Prior to June 10, 2011, we had received a notice for eviction. We had a meeting and decided to oppose even at the cost of our lives. On June 10, the forest department came with elephants. We had formed groups to confront them. People went down with slingshots. They threw stones at the eviction party. The policemen who came on bikes hid themselves in Nizrapara while the remaining policemen and elephants ran towards Gharchuk police station. Everyone started coming down the hillslope. As this news spread, people from other hill settlements started coming to Gharchuk. When the policemen who hid in Nizrapara, came out to go back, people caught them and beat them before dragging them to the police station... The environment was very tense as a crowd had gathered outside the police station. The Additional Deputy Commissioner (ADC) of police and other police officers arrived but were not able to take any action even though the protestors had blocked the highway. It was for the first time that a protest of this magnitude had taken place in Gharchuk. It was a historic protest. Akhil Gogoi, Superintendent of Police (SP), ADC and forest officials held a meeting in the police station. An accord was signed between the protestors and the administration that until the government took some concrete decision, there will be no further eviction.”*

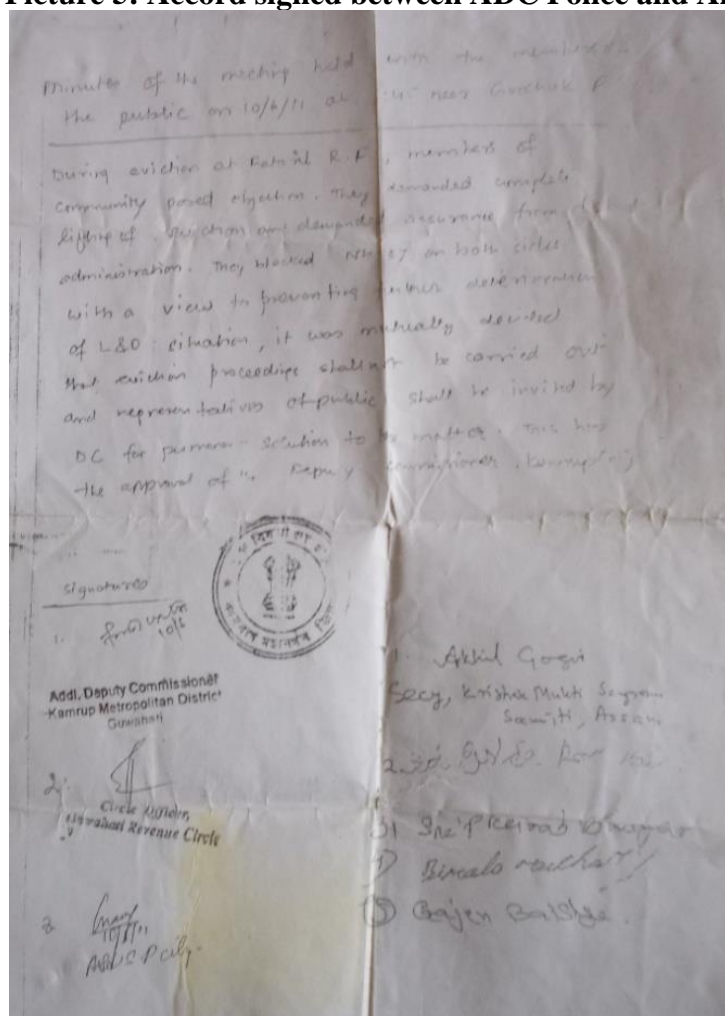
After the signing of the accord, the land rights movement gained more traction. On June 22, 2011, thousands of hill dwellers marched to Dispur demanding that the evictions be stopped and *pattas* be granted to those living on *dakhal* lands. The protestors led by Akhil Gogoi also demanded that an official of the rank of deputy commissioner receive their memorandum. The administration did not respond favourably to their demands. Instead, the police carried out a *lathi* charge and fired tear-gas shells to disperse the demonstrators, many of whom were seriously injured. This was followed by police firing resulting in the death of three persons on the spot, including a nine-year old boy. Once this happened, the rally turned violent, police officers and their men were beaten up, and several vehicles were burnt or damaged by Krishak Mukti Sangram Samiti (KMSS) (Peasants’ Liberation Struggle Committee) supporters (Misra, 2011). Akhil Gogoi was arrested with multiple bailable and non-bailable and remanded to custody for three days.

The government formed the Bhumidhar Burman committee (Bhumidhar Burman was the then revenue minister in Assam Government) after the violent events of June 2011 to look into the issue of land rights. The committee consulted a large number of organizations (including KMSS) who worked in Guwahati and Assam on land and habitation related issues (Refer Annexure-III). It recommended granting *pattas* to settlers who had occupied revenue lands not later than June 28, 2001. However, these *pattas* were not to be given for purposes other than residential and the maximum area of such lands given to a person was to be lesser than 1.5 Kathas. Additionally, wetlands and reserved forest areas were not to be allotted. Based on the recommendations of the committee, the government decided to grant *pattas* to 62,000 households in February 2014. Keeping in mind the upcoming general elections, the government swiftly organized a programme to give *pattas* to 500 households living on revenue lands to be headlined by the INC’s heir apparent Rahul Gandhi.

Since the hill dwellers were not to be given *pattas* in accordance with the recommendations of the Burman committee, the KMSS organized a protest meeting at Digahalipukhur on

February 18, 2014 and prepared a list of their demands including, a) granting *pattas* to those living on the hills and wetlands, b) doing away with the June 28, 2001 cut-off date, and c) reduction of premium<sup>54</sup> to be paid against *patta*. Akhil Gogoi addressed the gathering and threatened that if the government did not accept their demands by February 25, they would oppose (and disrupt) the programme involving Rahul Gandhi. Later in the day, when KMSS tried to submit a memorandum of their demands to the district collector of Kamrup metropolitan district, they were stopped on the way. The protestors responded with a sit-in protest following which the collector invited two representatives from KMSS to submit the memorandum. He assured them that their demands will be sent to the Chief Secretary (Revenue) who, he assured, would consider their demands sympathetically. This was the second major protest after the tumultuous events of June, 2011.

**Picture 5: Accord signed between ADC Police and Akhil Gogoi & others**



Source: Lalmati-Beharbari Anchalik Unnayan Samiti

<sup>54</sup> The premium was as high as INR 10,000 which was clearly beyond the affordability of most settlers.

**Picture 6: Meeting organized by KMSS at Digalipukhuri on February 18, 2014**



Photo by authors

**Picture 7: Protestors on the way to DC office slogans against government**



Photo by authors

Anticipating more protests, the government decided to distribute *pattas* one day before from the planned date of February 25, 2014. Consequently, KMSS also decided to organize a protest on the new date. Akhil Gogoi announced in a press conference on February 22 that if the government were to not give in to their demands, there would be mass suicides on the streets on February 24 and KMSS would not be in a position to prevent them. The government responded by arresting 100 protestors on the morning of February 24. Unfortunately, a KMSS member named Pronob Boro committed self-immolation in front of Assam Secretariat in Dispur. Though he was rushed to Guwahati Medical College his life could not be saved. After this incident, KMSS withdrew the protest immediately.



**Picture 8: KMSS activist Pranab Boro set himself on fire in front of the Assam Secretariat in Guwahati (left), hill dwellers waiting for Pronab Boro's dead body to perform rituals at Janampuri, Gharchuk**



Photo courtesy: The Telegraph (left), Photo by authors (right)

This led to a great furore across the state. Public sentiment grew against the manner in which the protest was handled by the government. Questions also rose against the selective eviction of indigenous people from the hills when institutions were able to acquire lands and Bangladeshi immigrants were encroaching lands elsewhere. The Sentinel newspaper published its view point:

#### 8.2.2 B

“The self-immolation by a person outside the Assam Secretariat as he was protesting in a KMSS-led rally against the State government’s land patta policy on Monday is highly unfortunate and raises some pertinent questions. First, the state government ought to have taken adequate measures to avert such a situation by working out a concrete strategy to deal with such mass protests... Two, forest lands and wetlands are very precious environmental resources and encroachments - especially in such areas - must be stopped. However, the government must come up with a strategy to relocate people living in such areas – as these people are mostly poor and backward... Three, the State government would do well to explain why business houses from outside the state have been allowed to acquire lands in areas that must be protected for environmental reasons... And four, what about encroachment of land by illegal Bangladeshis across the State? These aliens must also be thrown out if indigenous people are being asked to leave the land encroached by them. Why the apparent [lack of] sympathy of the government towards people of the state? Policy must be equal for all in a democracy. There cannot be any room for discrimination in a democracy. But the million-dollar question is whether the Tarun Gogoi government has any real concern for the ethics of democracy!”

(The Sentinel, Guwahati edition, February 25, 2014).

The Chief Minister’s plan of giving *pattas* to 500 families remained unchanged even as the KMSS called for an Assam *Bandh* (closure) on February 25, 2014. Protests continued with the protestors resorting to burning of tyres. Akhil Gogoi and few other leaders of the KMSS were arrested in the first week of March and sent to prison for a month on the charges of instigating Pronob Boro for self-immolation and disturbing law and order in the city. Post the



self-immolation incident, the movement received some support from political parties like the Trinamul Congress which was in power in neighbouring West Bengal. The land rights movement continues in Guwahati and elsewhere in Assam. As of November 2015, the government had conceded to KMSS's demand to grant *pattas* to 64,000 peasant families including those residing in the hills and wetlands. KMSS has plans to evolve into a political party with a view on the 2016 assembly elections. This has led to further mistrust between the INC led state government and the movement.

**Picture 9: Rahul Gandhi at Khanapar ground (left), protestors on the road (right)**



Photo Courtesy: Press Trust of India (PTI)

The KMSS and the state government have remained constantly at the logger-heads, the former observing and challenging the state government exigencies in granting lands for various real estate projects. For example, on one hand, the Kamrup Metro district administration has identified 366 land slide locations on 19 hilly areas in the city and had asked the residents to shift to safer locations during monsoons in July 2014<sup>55</sup>. On the other hand, the GMDA gave NOC to development of integrated township named Shristinagar, Guwahati on Ramsa hill at Noonmati. KMSS took strong objection to giving permission to this private construction company to take up township construction activity on 750 bighas of land on Ramsa hill, while the low-income residents of the other hills were being evicted<sup>56</sup>. About 5,000 apartments were being constructed in this township, for which the Chief Minister gave permission, while not giving any land pattas to the landless in the hills and wetlands in and around the city, leading to immolation by Pronob Bora on February 24, 2014. Akhil Gogoi also made allegation that the said land was illegally captured by one individual, which after many court battles got legally transferred to the heirs of the person. This land was then transferred to a private company, which eventually sold it to a Realtor Company that obtained permission to develop Sristi Nagar township on the land. Gogoi also alleged that the construction was taken up without necessary permissions and by that it is illegal<sup>57</sup>.

<sup>55</sup> Staff Reporter (2014) "366 Landslide Prone Areas Identified in City", Assam Tribune, July 6, Source: <http://www.assamtribune.com/scripts/showpage.asp?id=jul0614,5,249,129,507,297,756,129,327,357>, accessed on July 6, 2014.

<sup>56</sup> Staff Reporter (2014) "Akhil Wants NOC Annulled", *Telegraph India*, July 2, 2014, Source: <http://epaper.telegraphindia.com/details/90442-131743125.html>, accessed on July 2, 2014.

<sup>57</sup> Staff Reporter (2014) "KMSS Says Sristi Nagar Construction Illegal", *The Sentinal*, July 2, Source: [http://www.sentinelassam.com/ghy\\_city/story.php?sec=1&subsec=0&id=196596&dtP=2014-07-02&ppr=1#196596](http://www.sentinelassam.com/ghy_city/story.php?sec=1&subsec=0&id=196596&dtP=2014-07-02&ppr=1#196596), accessed on July 2, 2014.

Subsequently, the Sristi Nagar township area's construction was ordered to be stopped and the constructed structures were demolished<sup>58</sup>.

Another flash point between the two was when the state government put out an Office Memorandum of June 17, 2014, to divert agricultural land for industrial and commercial use. But, KMSS opposed it and forced the state government to amend the memo to only transfer those plots for non-agricultural purposes whose fertility could not be restored through relevant efforts and also hold public hearing before transferring the plots<sup>59</sup>.

The conflicts between the state and settlers arise out of a lack of process of land settlement that other states had undergone at some point of time in history. Given the complex demographic and topographic challenges posed by Assam and Guwahati in particular, this is indeed a complex task. The pull of Guwahati as a primate city of Assam and most of North-East India and the limited availability of land in the city makes matters even more challenging. When people from the hinterland migrate to the city, they find it difficult to adjust to the urban conditions of lower per-capita floor space and pine for cheaper, larger houses. In the words of one of the FGD participants:

#### 8.2.2 C

*“It was difficult for us to pay rent every month with low income of my husband. We were facing difficulty in rented room especially when relatives came and stayed with us. Hence, we started searching land where we could live. One of my neighbours who was also living on rent informed us about this place. Hence, we bought land in 2006 and immediately shifted here. That time there were no road and electricity. Initially, we built a small temporary cottage before shifting here and over time made investment to construct this house.”*

There is also a viewpoint which sees the tribals as having been historically handed a rough deal given their close relationship with the forests in the hills which supports their livelihood and survival in more ways than one. Their unwillingness to live in an urban setting, where they are unsure of their ability to earn a livelihood and/or continue with their traditional lifestyle must be considered with seriousness. That institutions (public and private) have been permitted to acquire lands in the hills and wetlands while tribals have had to live under the constant fear of eviction - often facing violence - has turned the public sentiment against the administration. This kind of duality also harms the legitimacy of the state and leads to questions like whether the state represents the interests of the society as a whole or merely a few. It also harms the ecological argument often resorted to justify evictions. For example, one of the participants in the Seujnagar FGDs noted:

#### 8.2.2 D

*“There was no demarcation, therefore people came and occupied land. If there is a sweet shop without owner, anyone can come and take sweets because in that case [the] sweets belong to everyone... Now government is claiming that due to encroachment on*

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<sup>58</sup> Staff Reporter (2014) “Order to Stop Sristi Nagar Works Issued, Says DC”, The Sentinel, July 2, Source: [http://www.sentinelassam.com/ghy\\_city/story.php?sec=1&subsec=0&id=196597&dtP=2014-07-02&ppr=1#196597](http://www.sentinelassam.com/ghy_city/story.php?sec=1&subsec=0&id=196597&dtP=2014-07-02&ppr=1#196597), accessed on July 2, 2014.

<sup>59</sup> Staff Reporter (2014) “Farmland Office Memo to be Amended”, Assam Tribune, August 3, Source: <http://www.assamtribune.com/epaper/aug0314/at01.html>, accessed on August 3, 2014.

*hills, flood situation emerges in the city. But the truth is that there is no scientific drainage system in the city. Drains are too narrow with respect to the rain water that city gets through rains but government is only blaming hill dwellers for this.”*

The government must address the growing insecurities of the settlers. Evictions must be stopped immediately and steps taken to grant *pattas* to hill settlers with a reasonable recent cut-off date. It must also take steps to engage more pro-actively with the settlers to re-establish and strengthen its legitimacy.

On February 26, 2014, there was another rally organized by Trinamul Congress (TC) where Mamta Banerjee came to address the people. She wanted to visit the home of Pronab Boro but administration did not accord her the permission to go there. Therefore, she sent Mukul Roy, Ex. Railway Minister to visit the victim’s house. He came and said that the TC supported their demand for land *patta*, which would be included in their manifesto prepared for coming parliamentary election. TC also gave assistance of Rs.1 lakh to this family. TC was the only party which came to show their sympathy and support to this demand; even though they have no base in Assam so far. No other renowned leader from any regional and national party came to express their sympathy and support the victim’s family.

### **7.3. Basic Services Deprivations and Structural Violence**

#### **7.3.1. Deprivation Related to the Lack of Provision of Water Supply**

Given the challenging topography, provision of water supply in the hill settlements is indeed a task. The government does not recognize the legality of these settlements. As a result, it has not provided them with any water supply facilities. Given the segregated nature of the settlements and the low population of these settlements, it may not be feasible to undertake a large water-supply project to cater to these settlements. However, the communities could certainly be assisted in taking care of their own water needs. In the absence of support, the residents of these settlements are left to their own devices as shown in table below. Since there are multiple conflicting claims to a limited resource and in the absence of proper management, the residents suffer from deprivations of water, especially in the dry months of winter.

**Table 13: Major sources of water in various settlements**

Sl. no.	Settlement	Major sources of water	Extent of deprivation
1.	Seujnagar	Group bore-wells, community <i>nizra</i> , ring wells, <i>kutcha</i> wells	High
2.	Sanghmaghuli	Household wells	Low
3.	Teenug Ganeshpur	Community water tank	Medium
4.	Sripur	Household wells, community wells	Low
5.	Mithingapuri	Ring wells, <i>kutcha</i> wells	Medium
6.	Nawkata Shibodham	Community ring well, community <i>nizra</i>	High

Source: Authors

**Seujnagar:** As the Table 14 shows, our research found Seujnagar and Nawkata Shibodham to suffer from high levels of deprivation of water. The Seujnagar settlement is spread across the lower (older) and upper (newer) parts of the hill. Given the topography, it is difficult to access underground aquifers in the higher parts of the settlement. They are entirely dependent

on naturally occurring *nizra*<sup>60</sup>. It is comparatively easier for the residents of the lower parts of the settlement to access groundwater through bore-wells, ring wells and *kutch*a wells. As a result, those living in the higher reaches are more susceptible to water deprivation than their counterparts in the lower reaches. In lower parts of the settlement some 8-12 residents got along and dug a bore well. This should have ensured year round supply of water to these families alone. However, electricity supply in these parts is not entirely dependable. Voltage fluctuations and frequent power cuts have debilitating effects on the motor whose coil gets burnt every now and then. At those times, the households dependent on the bore-well join their other counterparts in drawing water from neighbouring families' ring wells. It is interesting that the bore-well water seldom goes to these 'donor' families as those who pooled money to get it dug have maintained exclusivity of access to it. This produces conditions for conflict.

The families dependent on the ring wells have it slightly better than those dependent on *kutch*a wells. The water users who depend on *kutch*a wells complained of poor quality of water with sediments taking a lot of time to settle down before they can be used for domestic consumption. In the upper reaches of the settlement, the residents have taken individual connections from the community *nizra*. They face deprivation arising out of the lack of water in the dry months. In such a condition, when people see others drawing more water from the *nizra* than what they deem is fair, there are conflicts. In the monsoon season, the pipes get jammed as a result of soil getting stuck in them. This can also act as a situation that may lead to conflicts. Participants in the FGDs described Seujnagar as a relatively peaceful area with no untoward incidents. When the residents approached the administration with a plea to extend water supply services from an overhead water tank constructed in a neighbouring settlement 200 m away, they did not get any favourable response. Since there is a continuous deprivation of water and the administration does not respond well, there is resentment as well conditions conducive for conflict between the community and individuals.

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<sup>60</sup> These are natural outlets of water seeping (trickling) through rocks. Communities use innovative methods locally to collect this water using pipes and cut plastic bottles as makeshift taps. The *nizra* often dry up in the winter months when there is no possibility of recharge of the underground aquifers.



**Picture 10: Community *nizra* and pipes connected with *nizra* in upper parts of Seujnagar**



Photo by research team

**Nawkata Shibodham:** The ground beneath the Nawkata Shibodham settlement is rocky in nature. The digging of wells in such terrain requires higher expenditure than elsewhere. As a result, most families in this settlement do not have their personal wells. Instead they depend on two community ring wells connected to *nizra* nearby. As discussed earlier, in the dry months, *nizra* either runs dry or their output becomes considerably lower. This leads to a shortage of water in the settlement especially in the period between January to April. This leads to long queues at the wells. Women bear the brunt of the effects of this shortage as they must wake up at 2 o'clock in the night to have any chance of collecting any water. As a participant in the FGDs pointed out:

#### 8.3.1 A

*“People wake up at 2 o'clock at night in winters and go to the well with buckets, canister and drums to fill water. Some people come with many vessels. They come late in night because at night, one can get water easily. If one person takes all the water, the next person must wait until water accumulates in the well. The 3-4 families who brew liquor take all the water at night and other people must wait for long time. They are not bothered whether others get water or not... There are families who need water and have to go for work in companies. As they wait in queue for water, they get late for work. Hence, the people who work in company also bring two buckets for water in the night but when they see that one family is taking more water at their expense, a fight breaks out.”*

Here, conflicts arise between the community and the families that brew liquor<sup>61</sup>. The acute shortage of water in this settlement not only opens an opportunity for conflict between competing users, it also has implications on the health of the women who fill up water for their households at times when they should ideally be taking rest. Additionally, there are also

<sup>61</sup> As discussed earlier, the brewing of local liquor is an illegal activity. However it is a common means of earning extra money among the families in the settlement.

implications on the emotional health of the women. The constant pressure of having to collect sufficient water after doing other household chores and going for work leaves them with little time for other more useful pursuits. One can interpret this as self-inflicted violence arising out of deprivation of water. As another participant in the FGDs said:

### 8.3.1 B

*“We have no peace [in our lives]. We live under constant pressure for water. We go to work for the entire day and run for water after coming back in the evening.”*

Other consequences include poor sense of self-worth, increased expenditure on food on days they are unable to collect enough water, domestic discord arising out of husbands putting pressure on their spouse to collect more water and cook meals on time, extra expenditure on water collection outsourced to others and hygiene issues arising out of clothes being washed less frequently. These can have debilitating effects on the health of adolescents and young women in particular. The deprivation of water in this case leads to conflicts between the community and the individuals as well as self-inflicted violence.

**Picture 11: People standing in queue and waiting for their term to fill water at community *nizra* in Nawkata Shibodham**



Photo by research team

**Mithingapuri:** This settlement had 52 houses of which, only 12 houses had individual wells. Of these 12 wells only seven were ring wells while the remaining five were *kutchra* wells. Therefore, the remaining 40 households depended on these 12 households for water. Out of the seven ring wells, only three had good quality water. One of the residents claimed that 22 families fetch water from his ring well, which had good quality water. As the quality of water is not good in most of the other wells,<sup>62</sup> residents filter water by using local techniques before consumption. During the dry months in winter, residents faced acute water shortage. In

<sup>62</sup> The water is muddy and the residents claimed that the water had high content of iron.



winters, only three wells remained operational. People put their vessels in queue and waited for their turn for a long time. Conflicts rose frequently and resulted in verbal and physical fights over their turn and quantity of water drawn from the well. Due to the scarcity of water and the long waiting times for small amounts of water, women were not able to cook food timely. People brewing liquor – illegally – would stop their business in these months as the process requires huge quantities of water. This stressed their livelihood earning abilities. One of the participants stated:

#### 8.3.1 C

*“To filter the water, we make filters using tin and plastic bucket. In the winter season, when there is acute water scarcity, in the morning, we try to fetch at least two buckets water for drinking because when the quantity of water goes down in the well, it becomes muddy. We also consume less water. Suppose, I need to have two glasses of water but I manage with one glass. People go down to ponds for bathing and washing clothes.”*

People responded to the situation by using less water than needed to wash vegetables, clean dishes and wash clothes. People reported that they would fall sick often with diseases like jaundice placing additional economic burdens on them. During a discussion with the women’s group, it was revealed that the pressure on the operational wells becomes very high in the winters thus forcing the owners to resort to tactics like hiding the rope and bucket used to draw water from the well.

**Picture 12: Local filter which is being used by residents for drinking water (left), a *kutchra* well with poor quality water in Mithingapuri**



Photo by research team

A participant shared her reasons for doing so:

#### 8.2. D

*“I hide the bucket because I keep telling people that there isn’t enough water but people ignore me and keep drawing water. I have no problem if people draw water after I have drawn water for my personal use... I have rented out few rooms. In winter, my tenants complain to me that they don’t get enough water as others draw all water from the well.”*

The participants in the FGDs in Mithingapuri revealed that the residents of the settlement suffered from moderate to high levels of deprivation arising out of the lack of access to water. It imposed economic, health and social costs on their lives. Conflicts also arose which at times also escalated to physical fights.

**Teenug Ganeshpur:** The residents of this settlement get their water from a community water tank constructed in 2009 using local area development funds sanctioned by the local Member of Legislative Assembly (MLA). The tank itself is located in a neighbouring settlement and serves other settlements adjacent to Teenug Ganeshpur. It is managed by a *Jal Samiti* which collects a monthly fee of INR 200 from those who have an individual piped connection. Families that collect water from a common tap must pay INR 50 monthly. However, the functioning of the water supply system is not very smooth. The residents were not satisfied with the short duration of water supply every day. They also complained of frequent outages that last for weeks together at a time. This didn't usually result in a reduction from the monthly charges, which they were expected to pay despite poor levels of service. In the words of a FGD participant:

#### 8.2.1 C

*“Here, residents do not have personal well. We have individual water supply connections but water comes only once in a day for 20 minutes. Actually, every household does not have individual connection. The bore-well stops working often, sometimes twice in a month. Then, we have to wait for its repairing for a week.”*

The residents felt that the pumpset was being worked for more time than its design capacity resulting in frequent repairs. In other cases, the *Jal Samiti* would not pay the electricity bills on time resulting in the electricity board cutting their connection. In both cases, the residents were made to suffer unduly and conditions arose where conflicts occurred between individuals and the community operating the *Jal Samiti*. The participants in the FGD also felt that the fees were too high for them. Only 10-15 families had individual connections as the remaining ones shared four common connections. The residents in the higher reaches of the settlement did not take individual connections also because there was never enough pressure for the water supplied from the lower settlement to reach their homes. As water was supplied for 20 minutes a day, the shared water taps became the venue for conflicting claims on water. Sometimes, these conflicts would get elevated to verbal and physical violence which would then have to be contained by other members of the community. As seen in the pictures below, families invest on storage utensils and keep them in front of the common taps while waiting for the daily supply. In the event of water supply outages, they must fetch water from private wells in adjacent settlements which can take a high physical toll on the women carrying the water. Sometimes, when the dry season sets in and water shortage is severe, they are forced to use the services of private tankers which are expensive.



**Picture 13: Four families place their water tank near one of the common taps. They fetch water to their homes from this tank (left), People put their gallons in row before fetching water from the tap (right)**



Photos by research team

**Sanghmaghuli:** Most families have their own wells or easy access to *nizra* in this settlement. Some families also supply water to settlements on the lower side of the hills through individual pipes for which they charge between INR 300-500 per month.

**Sripur:** Most families have either a *kutchra* or *pucca* ring well in this settlement. Those that do not have their own wells fetch water from their neighbours' well. There are two community wells in the upper part of the hill where two groups of seven families each have put together a pumping mechanism. Each family invested an initial capital of INR 2,000 for a connection and continue to pay a monthly fee of INR 400 towards management of the system. People also depend on two community wells in the adjacent settlements of Duinug Ganeshpur intermittently. In both settlements of Sanghmaghuli and Sripur, there are no deprivations arising out of lack of water.

**Picture 14: A person taking water from neighbours ring-well in Sripur (left), a community ring well in Ganeshpur which also used by Sripur residents.**



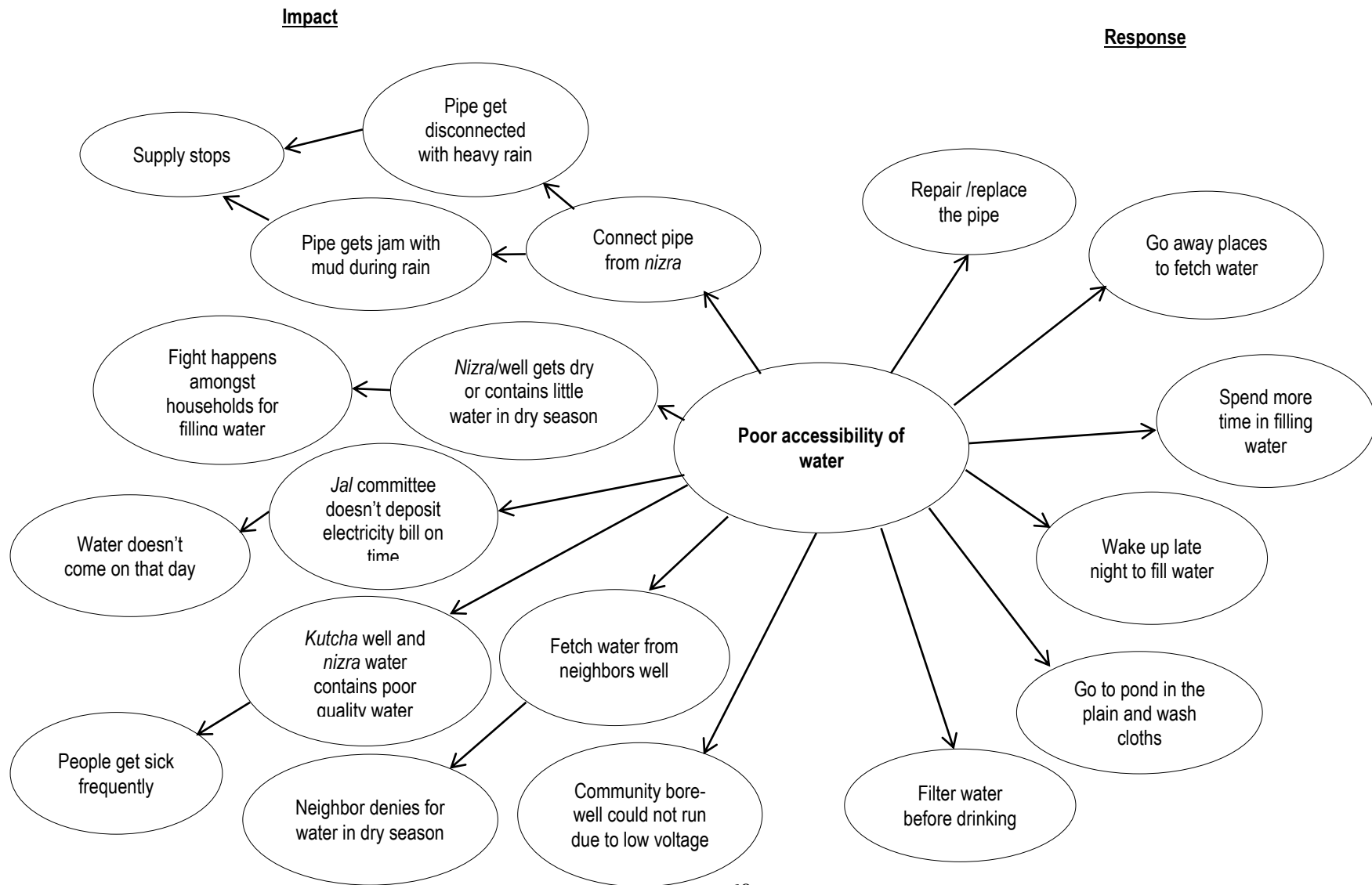
Photo by author

Sanghmaghuli and Sripur had comparatively better conditions when compared to Seujnagar, Nawkata Shibodham, Mithingapuri and Teenug Ganeshpur which exhibited high to medium levels of deprivation. Overall, in most of the settlements where the research was carried out, it was found that the lack of access to water supply lead to deprivation which resulted in



conflicts – verbal or sometimes even physical – on the residents. Additionally, livelihoods – some of them not legal in the strict sense – also came under stress. People ended up paying a heavy price on the social front with strained relations resulting out of such conflicts. Others ended up missing work due to having to wait for water at odd times. Needless to say, women bore the brunt of such deprivations. Given the lack of water, compromises had to be made on the hygiene front resulting in costs on the health front – again imposing unnecessary economic costs on the already impoverished settlers.

Diagram 1: Impact and response to water woes



Source: Compiled from all FGDs

### 7.3.2. Deprivation Related to Sanitation and Public Health

As with water supply, disposal of waste water and solid waste is also a major concern in the hills. Unlike the plains, it is a challenge to lay these systems in place in the hilly terrain. Also, given the illegal status of these settlements, the state may not be interested in making investments of this nature. In the absence of household toilets, many of the residents of the hill settlements resorted to open defecation in the nearby forests or somebody else's plot. Not only does this lead to severe inconveniences for women and elderly, but it also creates conditions for conflicts between those caught defecating and the plot owners. During the monsoons, this deprivation gets even more severe. Even those households that had access to toilets mostly had *kutchha* toilets instead of *pucca* toilets. In the absence of secure tenure and the constant threat of evictions, they were not willing to risk investing in the construction of *pucca* toilets. A middle-aged man from Sanghmaghuli shared his reason:

#### 8.2.2 A

*“How we could build pucca house unless we have patta? We are labourers, if we were to build a house with toilet and bathroom using our meagre savings and if later they come and demolish, what would be the yield?”*

The water shortage may also be a factor discouraging them from building a *pucca* toilet. Also, some participants pointed out that given their poverty, they'd rather invest in their children's education and nutrition while nursing hopes of drawing themselves out of their squalor. As a young lady from Nawkata Shibodham pointed out:

#### 8.2.2 B

*“I earn INR 300 after working hard the entire day. Do we pay school fees or feed our kids or build a toilet?”*

Some families in Mithingapuri allowed their neighbours to use their toilets. At these toilets, one could see long queues in the morning, thus creating conditions for conflict. Also, the *kutchha* pit toilets result in a foul smell in the entire locality leading to unhygienic conditions that can have health-related implications. Also during heavy rains, people open these pits and let the sewage flow along with the rain water. In both these cases, there is a condition for conflict. However, people understand that they all have the same problem and respond by adding kerosene oil or burning incense sticks.

In the absence of sewer systems, the residents coped by digging pits or letting the waste water from domestic use accumulate in their plots. Households involved in the illegal brewing of liquor produce a lot of foul-smelling waste water that flows into others plots along the natural slope. In both these cases, there are conditions for conflict. Also, in the absence of any solid waste management in the hills, heavy rains resulted in the waste material from upper hills to flow into the plots and houses of those residing in the lower areas, thereby creating conditions for conflict. Clearly, the lack of management of waste water and solid waste is tied to the absence of secure tenure at a larger level. However, the larger question is whether the state can afford to put the health of its citizens at risk over tenure? The absence of these systems also creates conditions for conflict. However, not all of these conditions translate into conflict because the residents are also resigned to the fact that physical fights may not result in the resolution of their problem.

**Table 14: Waste water and solid waste management strategies in the hill settlements**

Sl. no.	Settlement	Waste Disposal Strategies		
		Toilets	Waste water/ drainage	Solid waste
1.	Seujnagar	-	Absent, depend on natural drains	-
2.	Sanghmaghuli	Open defecation in forest, <i>kutcha</i> pit toilets <sup>63</sup>	Narrow natural and dug drains	Dumped around settlement
3.	Teenug Ganeshpur	<i>Kutcha</i> pit toilets	<i>Kutcha</i> pits, narrow channels	Burning the waste
4.	Sripur	<i>Kutcha</i> pit toilets, <i>Pucca</i> toilets	<i>Kutcha</i> drains prone to collapse	-
5.	Mithingapuri	Open defecation in forest, shared <i>kutcha</i> pit toilets	Absent, depend on natural drains	-
6.	Nawkata Shibodham	Open defecation, <i>kutcha</i> pit toilets	Absent, depend on natural drains	-

Source: FGDs, 2014

**Picture 15: *Kutcha* pit toilets in Teenug Ganeshpur (left) and Mithingapuri (right)**

Photo by authors

### 7.3.3. Deprivation Related to Poor Accessibility

Our research indicated that the residents of the hill settlements suffered from deprivations arising out of poor accessibility. There are no *pucca* roads. The *kutcha* roads that exist were cut in the hills by the residents themselves or by the *Unnayan Samitis*. The *Unnayan Samitis* mandate one person from each family to contribute to development works. Otherwise, the family must pay INR 200 per day as fine. The residents were under the impression that the *Unnayan Samitis* have made quite a lot of money<sup>64</sup> in this manner.

<sup>63</sup> FGD participants said that constant fear of eviction discourages them from investing on *pucca* housing or toilets.

<sup>64</sup> We came across allegations (especially in Sripur) against the *Unnayan Samitis* that they were wasting the money thus collected on alcohol, instead of using it for developmental works. Sripur's *Unnayan Samiti* did not enjoy much credibility among the locals. As a result, the residents did not respond much to its calls for contributions of labour for development works.

**Picture 16: Community repairing common roads using community labour in Lalmati**



Photo by authors

Some settlements like Sanghmaghuli have *kutch*a roads that can be used by four-wheelers vehicles whereas others like Nawkata Shibodham can be accessed only on foot or two-wheelers. Given the hilly terrain, reaching these settlements was a challenging task, more so during the monsoons when the *kutch*a roads turned slippery. The participants in the FGDs reported that their children were not able to attend school regularly during the monsoons. The hill settlements depend on private and public schools in the plains. Out of the six settlements, Integrated Child Development Services (ICDS) centres were available only in Mithingapuri and Sanghmaghuli. No primary schools were available. Mithingapuri *Unnayan Samiti* started a lower primary school but were faced with the problem of attracting qualified teachers and basic amenities on account of financial constraints. Since, they appeared to place a lot of emphasis on their children's education - probably viewing education and jobs as a means of getting them out of their current predicament – they were forced to make expensive choices. A male participant from Mithingapuri said:

#### 8.2.3 A

*"I put my boy in the boarding school because of poor road condition. But, now I am facing problem in managing his fees."*

Even during the dry months, the streets became unusable - especially for women - after dusk as there were no streetlights. In the case of Sripur, where the community installed streetlights on their own, they were vandalized by local drunkards. The steep slope and poor condition of roads added to the cost of provisions in the grocery shops in the hills. A shopkeeper from Mithingapuri said:

#### 8.2.3 B

*"I have to sell commodities at higher prices than shops in the plains because there is an extra expense incurred to transport goods up the slope."*



Another shopkeeper from Nawkata Shibodham stated:

#### 8.2.3 C

*“I have to find out someone to carry goods having weight. A person takes 50 rupees to carry 50 kg of weight. Therefore, I have to spend 100 rupees extra to transport 100 kg goods. Ultimately, I add one rupee more per kg while selling. Customers argue with me for this price and I have to justify this every time.”*

Both these experiences hint at conditions for conflict created as a result of the poor condition of the roads. Participants in the FGDs conducted in Nawkata Shibodham and Mithingapuri pointed out that local councilors were petitioned several times on the issue of laying *pucca* roads. However, their response was not encouraging at all. In the lack of any assistance from the state, the residents made efforts to build their own roads. These *kutchra* roads don't last even a whole year. The problem of lack of *pucca* roads can't be disconnected from the unavailability of drains. Torrential rains in the monsoons damage the roads on a yearly basis.

#### 8.2.3 D

*“There are lots of problem due to absence of drain. In the winter season, the community repairs the roads but during rains, the water flows through the roads and makes natural drains. This creates potholes in the middle part of the road.”*

Since the monsoons turn the roads unusable, it also affects the ability of the residents to look for work and access livelihood opportunities. The lack of roads has implications on people's access to healthcare. The residents of hill settlements suffered from poor access to medical facilities. Hill dwellers depend on chemists and physicians in the plains. People must go to private dispensaries in Lalmati or the government hospital at Dispur Last Gate which is five kilometres away<sup>65</sup> from Lalmati. There are more than sixty thousand people residing in the hills with no means to access a government hospital. There is an army hospital in Basistha where civilians are not allowed to avail treatment. These add to their deprivation, especially in critical times of illness or pregnancy as evidenced by the following experience of a woman from Sanghmaghuli:

*“When I experienced labour pain, my family and neighbours put me on a ‘sangi’ and four men took me down the hill<sup>66</sup>. I suffered a lot. I was thinking that my life would not be saved.”*

Residents of Seujnagar reported that even ambulance services don't respond to emergency requests in their areas despite the fact that hospitals are not too far away. This causes fear and anxiety among the residents:

#### 8.2.3 F

*“During day time, men go for work. The road condition is poor. How do we go to the hospital? Even ambulances do not come to our house... I get nervous when my kids fall ill.”*

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<sup>65</sup> Given the hilly terrain, even a five kilometre journey can take a long time which is especially crucial in times of medical emergencies.

<sup>66</sup> A makeshift stretcher whose frame and body are made out of bamboo and plastic sacks, respectively.

These experiences point out the healthcare services related deprivation caused due to the absence of good roads. Another woman from Nawkata Shibodham stated:

### 8.2.3 G

*“I have problem in my knees, because I fell down once when I was walking up the hill with fire-wood. A woman took me to my home.”*

The accessibility deprivation therefore imposed huge economic costs on the residents. Those that were not able to bear the costs continued to suffer the results of poor accessibility. Overall, the lack of accessibility had negative implications on people’s savings, livelihood, education and healthcare.

**Picture 17: Slippery, muddy roads in Sanghmaghuli (left) and Teenug Ganeshpur (right)**



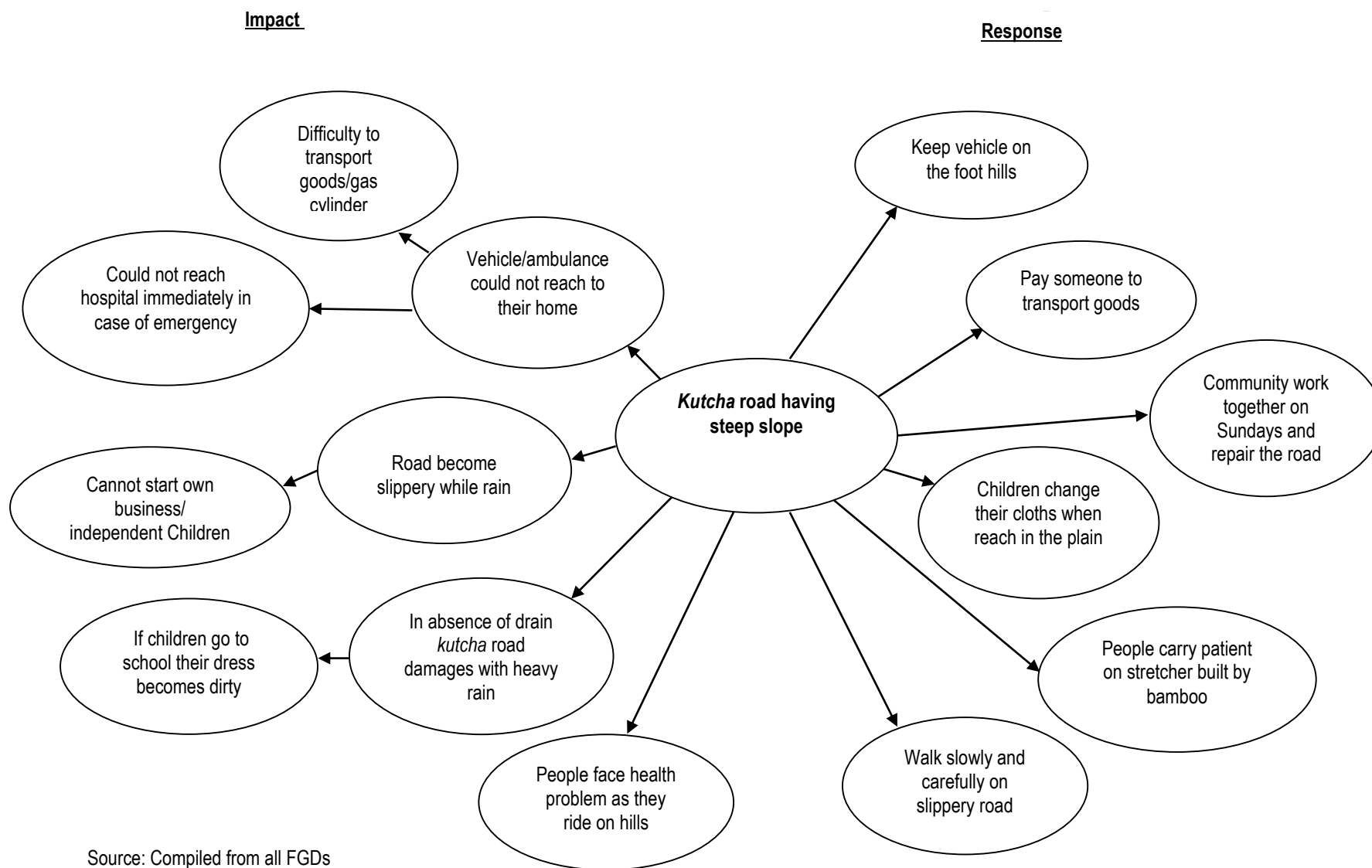
Photo by authors

**Picture 18: School-going children trying to push their bicycles up the hills (left), residents carrying groceries (right) in Mithingapuri**



Photo by authors

Diagram 2: Impact and response to the poor, *kutch*a roads having steep slope



Source: Compiled from all FGDs

## 7.4. Conflicts among Residents and Non-state Actors

### 7.4.1. Conflicts Arising as a Result of Encroachments

Local youth clubs are common in the hill settlements. There are local youth clubs, which encroach and sell land. In Seujnagar, a youth group from Beherbari encroached land which was under the occupation of someone who lived outside the settlement. The Seujnagar *Unnayan Samiti* does not normally intervene in the matters of local youths, as their members often belong to the earliest settler families and have nexus with local politicians and police. As a result, the local youth clubs often succeed in getting possession of the lands they choose to encroach. In other cases, *Unnayan Samitis* intervene and adjudicate on the conflicts. Clearly, the lack of formal land deeds leads to conflicts between individuals and groups.

#### **Box 2: Conflict resolution by *Unnayan Samitis* – Case of land encroachment**

A parcel of land in Seujnagar under the possession of a person belonging to Rabha community, who lived outside the settlement, was encroached by a Bodo community member who started construction on that land. The Rabha settler pleaded before the *Unnayan Samiti* to intervene in this matter. The *Unnayan Samiti* called both parties for a meeting and to present their respective sale deeds signed by witnesses, for adjudicating on the claim. However, no conclusive decision could be reached as both parties indeed had a duly signed sale deeds. The *Unnayan Samiti* decided that unless both parties came with the original land owner, no construction would be allowed, effectively putting a stay on proceedings on land and by that a possible conflict.

Another land parcel, already claimed by a person, was forcibly occupied by a group of local youth who constructed a temporary structure on that land. The owner of the land did not live in Seujnagar but regularly participated in meetings organized by the *Unnayan Samiti*, paying community contributions regularly. The owner of the land pleaded before the *Unnayan Samiti* and consequently a meeting was organized where a decision was taken to demolish the encroachment. The *Unnayan Samiti* also directed the owner to start living on the land parcel immediately, failing which the *Unnayan Samiti* would not be able to help him in the future.

The original encroachers of hills consider these lands as that of their private ownership. If such lands are not occupied then they are at risk of further encroachment. In such situations, some of the original encroachers, who consider themselves as land owners, engaged local youth club to get their encroached land parcels freed by giving part of the land or money to the latter. In few cases, the landowner had to let go of his land after it was encroached.

Encroachments on hills have been made by residents living in the plains, who have then sold land to others by falsely claiming that portions of the hill belonged to them. The *Unnayan Samitis* did not prevent such incidents. In few settlements, people with political patronage also engaged in encroachments. In one particular case of Sripur settlement, followers of a local MLA captured the plot lying vacant due to the death of its owner who did not leave behind an heir. When they tried to sell the land, the local youth club resisted. This was one case of positive intervention by the local youth club. Similarly, in Nawkata Shibodham a Gharchuk resident tried to sell a part of the community land. The *Unnayan Samiti* resisted and succeeded in saving the community land. The local youth clubs and *Unnayan Samiti* have largely played a positive role in resolving local conflicts but in a few cases, the local youth club has taken advantage of its position to create conflict.



#### 7.4.2. Conflicts Arising as a Result of Unclear Plot Boundaries

Residents demarcate plot boundaries by erecting pillars at the corners or by barricading using bamboo sticks or planting shrubs along the boundary. In these conditions, some residents try to grab more land by extending their boundary inside the adjacent plot in the absence of house owner. In other cases, when one plot is above the other, the resident of the lower plot cuts soil to expand his plot area. During monsoons, the earth caves in owing to the increased moisture in the soil. The resident of the higher plot ends up losing land. This leads to conflicts which are resolved either by the intervention of the *Unnayan Samiti* or local elders.

**Picture 19: A resident trying to save the boundary by putting plastic sheet on the edge of boundary in Seujnagar**



Photo by authors

#### 7.4.3. Conflicts Arising as a Result of Landslides

Guwahati's topography is characterized by hills with steep slope and loose unconsolidated soil. Hillsides have been cut haphazardly owing to population pressures. Every year during the monsoons, landslide occurs in hill settlements, leading to many casualties. In the month of September 2014, there were landslides in different hills such as Kharguli and Lalmati following rains that lasted over three days. In Ganeshpur, a young man lost his life when a sudden landslide and mass of debris suddenly entered his room at night without giving him any time to escape. The house owner had cut the hill to build two more rooms, so that he could get extra income of INR 1,500-2,000 per month from each new room. In the same month, another person died in Hengrabri - Lichubagan and a woman and a child injured on Kharguli hill due to landslides. In 2006, a woman lost her life after her house was destroyed by a landslide on a rainy night. During discussion with women participants in Sripur, it was revealed that whenever landslides occurred, the hill settlers hid the incident as they feared that the administration may evict them on grounds of threat to life from natural disaster. Not only do the families live under the constant threat of landslides and evictions, they also must deal with conflicts that rise as a result of these landslides. In the event of such disasters, the

families who live on lower part of the hills blame those who live on the upper part of the hill and vice-versa. They argue that landslides are caused as a result of cutting of soil and trees by the opposite party.

**Picture 20: House damaged due to landslide (left), the room where a young guy died under debris from the landslide in Ganeshpur**



Photo by authors

**Picture 21: Rampant hill cutting going on for habitation on hills**



Photo by authors

## **8. Role of Unnayan Samitis**

Since the state is almost absent in the hill settlements, *Unnayan Samitis* have taken up the governance role. They are formed of the elders and old settlers of a settlement. Sometimes, such *Unnayan Samitis* may look after multiple adjacent settlements together. They perform a wide variety of functions including organizing the community for construction of roads, drains, temples and other physical and social amenities. They also organize religious functions, adjudicate in conflicts and organize protests against the government's eviction drives. In order to raise funds, the *Samitis* oversee transactions involving the transfer of land and extract money from both the seller and buyer. This amount varies from INR 2,000 to INR 5,000 per transaction. Apart from this, they impose fines on residents when generally observed rules of conduct are broken. For example, when a call for labour is issued towards construction of local roads or drains, each family is expected to contribute one person. When a family fails to do so, a fine of INR 300 is imposed on the family. This amount is roughly

equal to the daily wages of a manual labourer. In few settlements like Seujnagar, each household has to compulsorily pay INR 100 in addition to the contribution of labour.

When the *Unnayan Samitis* organize protests in association with KMSS, people are expected to participate. Additionally, some amount is also fixed as donation towards making travel arrangements and supporting the activities of KMSS. The balance is supposed to be spent on development of the settlement. However, as was evident through our research, these *Samitis* have poor financial management capabilities. Residents placed doubts the spending of the collected money by the *Unnayan Samitis*. Of the six settlements that were visited, only Seujnagar has a registered *Unnayan Samiti* which annually audits their accounts internally. Other *Unnayan Samitis* do not even have a fair accounting system. It is not easy for the *Unnayan Samitis* to collect the contribution from every house and reach consensus on various issues. Few families decline giving contributions as they think that they do not need any support. Others doubt the fair utilization of money by the *Unnayan Samiti*. Nonetheless, majority of the households support the decision of the *Unnayan Samitis* because they realize that in the absence of the state, there is no other institution that can work for development of hill settlements.

Women participants of FGDs in Sripur stated that since the *Unnayan Samiti* was not fair in its functioning, they did not take any interest in the development works organized by the *Unnayan Samiti*. They also did not make monetary contributions to the *Unnayan Samiti* for development. In response to a question on why they did not oppose the corrupt practices, the women responded that they were not hopeful of any corrective measures being taken. One of the participants said:

#### 9.1 A

*“Actually, in Sripur, both who sell and purchase land pay a fee to the Unnayan Samiti. But they latter wastes this money in liquor. The Unnayan Samiti also gets money from the families who do not come to contribute labour during community works such as road construction. But all the money is eaten up by the Unnayan Samiti members.”*

Other participants felt that the *Unnayan Samiti* had been collecting money since 1996 but were unable to execute development projects of late as people had stopped cooperating with them. Owing to bad experiences with regards to the spending of public money in the past, the goodwill enjoyed by the *Samiti* has suffered. As a result, people have stopped responding to calls for labour or monetary contributions. This has led to the stalling of development works in the settlement leading to more disillusionment among the settlers. Ultimately, settlement residents have stopped engaging with the *Unnayan Samiti* for fear of being looked at as corrupt.

## 9. Role of other Institutions/Actors

Apart from the *Unnayan Samitis* and KMSS, elected representatives, micro-finance institutions and Non-Government Organisations (NGOs) are other actors that support hill dwellers in various ways. Table 15 gives details on assistance by various institutions/actors to the hill settlements. Most of the hill residents have voting rights and electricity connections. People had to get their applications endorsed by the local MLA before submitting it to Assam State Election Board (ASEB). After endorsement by the MLA, ASEB easily sanctions electricity connections on payment of deposit amount for electricity poles. As hill dwellers do not have legal rights to their land, they are unable to obtain certificate of residence from the



competent authority. Instead, the residential certificate issued by Ward Councillor/ Ward Member is used for various purposes

**Table 15: Assistance by various institutions/actors to hill settlements**

Sl. no.	Hill settlement	Assistance given
1.	Seujnagar	<ul style="list-style-type: none"> <li>- Donation of Rs, 50,000 from Ms. Bijoya Chakrawarti, Member of Parliament (MP) for construction of <i>Namghar</i> in 2009-10.</li> <li>- A culvert was constructed using funds provided by ex. MLA, Ramen Kalita in 2009-10.</li> <li>- The present MLA, Himanta Talukdar has sanctioned <i>pucca</i> road up to <i>namghar</i> in Seujnagar,</li> <li>- Present MLA also assisted in connecting Seujnagar with 11 KV electric line.</li> </ul>
2.	Sanghmaghuli	<ul style="list-style-type: none"> <li>- This is the only settlement that does not get any kind of support from any political leader, government and NGO as yet except an ICDS centre.</li> <li>-Bandhan and Gramin Vikas micro-finance institutions have given money to several people in this settlement.</li> </ul>
3.	Teenug Ganeshpur	<ul style="list-style-type: none"> <li>- In 2010, the entire settlement was connected by a piped water supply with funds from Mr. Akon Bora, an MLA,</li> <li>- In 2009, Women Development Committee met with Mr. Akon Bora and this settlement was included under scheme <i>Mohilat Tel</i> (Oil for Women). Under this scheme, each woman gets one litre kerosene oil per month.</li> </ul>
4.	Sripur	<ul style="list-style-type: none"> <li>- MLA helps them to pay the <i>tauzi</i> fine when <i>mandal</i> office denied taking fine from them in 2005.</li> <li>- MLA also endorsed their application to ASEB for electricity line.</li> <li>- World Vision gives them blanket, education kit to their children, chair, mosquito net etc. Once, World Vision also gave livelihood support to a group of women but this attempt could not sustain for long time.</li> </ul>
5.	Mithingapuri	<ul style="list-style-type: none"> <li>- In 2008, Mr. Ramen Kalita, Ex. MLA, sanctioned INR 50,000 for road widening in this settlement.</li> <li>- Mr. Ramen Kalita also gave financial support for construction of temple in this settlement.</li> <li>- ICDS centre has been running here since 2010.</li> <li>- World Vision has constructed a meeting room for Women Development Committee in this settlement. World Vision also provides book, table, chair and bi-cycle to some students.</li> <li>- In 2005, sSTEP had constructed a water tank to store water from <i>nizra</i> but later the <i>nizra</i> dried up.</li> </ul>
6.	Nawkata Shibodham	<ul style="list-style-type: none"> <li>- Krishan Boro, a Congress leader, helped them to built water tanks where water accumulates from <i>nizra</i>.</li> <li>- Gramin Vikas and Bandhan provides loan which they take in order to fulfil various needs such as education to their children, buying land in their village, starting small business, buying vehicle etc.</li> </ul>

Source: Compiled from FGDs and Semi-structured interviews

Bandhan and Gramin Vikas are the two major micro-finance institutions that offer credit to the poor in Guwahati. In hill settlements, residents reported that they had taken loans from these institutions. These loans are being taken for livelihood as well as housing purposes. A resident from Sripur said that she had taken a loan from Gramin Vikas for the first time to

open a pan stall. She had also taken loan of INR 30,000 from Bandhan<sup>67</sup>. In Sripur, many families had taken loans by forming a group of 30 to 35 women. Once they repaid their loan, they took new loans. In Nawkata Shibodham, one resident had taken a loan of INR 5,000 for constructing his house out of tin sheets. After repaying that amount, he took a new loan of INR 13,000 from Gramin Vikas to buy more tin sheets<sup>68</sup>. He planned to again take another loan, after repaying the current loan, so that he could construct a toilet in his house.

As discussed earlier, *Unnayan Samitis* and hill dwellers approached local MLAs and other influential political leaders when faced with evictions. Niranjana Nath, President of Lalmati-Beherbari Hill Settlements Aanchalic Committee and a resident of Sanghamghuli said:

10 A

*Politicians play both roles, sometimes they support and sometimes oppose evictions. It depends upon whether their party is ruling or sitting in opposition. In 1998, residents of Chamuguri (one of the hill settlements in Lalmati) met Tarun Gogoi to stop the eviction and he directed the forest department to stop the eviction. That time, he was president of Assam State Congress Committee. Another application was given by Lalmati Aanchalic Hill Samiti to Akon Bora where he directed the forest department to stop the eviction in 2006. But, eviction at massive scale took place between 2002 and 2011 in the regime of Congress when Tarun Gogoi was the CM in Assam."*

Apart from supporting hill dwellers in stopping evictions temporarily, local MLAs also helped hill dwellers in changing the land status so that evictions could be stopped permanently. In one such case, few settlements such as Ganeshpur, Baikunthapur and Milanpur located in the foothills of Lalmati were taken out from reserved forest area during the reign of Asom Gana Parishad (1985-1989). The local MLA played a major role in taking these settlements out of the forest land. In other cases, people living in the foothills bribed the forest department officials to delineate the forest boundary by leaving their settlement outside the forest area. The forest department generated a new map and gave it to *Unnayan Samiti* of the settlement and asked the residents to show the map to the eviction team. In this way, they were able to avoid evictions.

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<sup>67</sup> She planned to take a third loan of INR 50,000 next year. She took loans and converted the notes into coins from the bank. She sold these coins to small vendors, bus and trekker operators. She earned a rupee for every four rupees lent. The loan was taken from the micro-finance institutions at 6.24 per cent per annum.

<sup>68</sup> When this research was going on, he was paying INR 330 per week to Gramin Vikas and had to pay six more instalments of the loan as he had already paid the rest.



[illegible]

74

[illegible]



## 10. People's Opinion on Probable Solutions

During the FGDs, participants were asked about their opinion on possible relocation in the plains with accommodation in flats. Their views were also sought on the possible role of the *Unnayan Samitis* and the government in a situation where they were to receive permission to live in the hills.

### 10.1. Relocation

Majority of participants opined that leaving their present plots would not be possible because their livelihoods were partially or fully dependant on the hill resources and their land. A woman participant in Nawkata Shibodham said,

11.1 A

*“It will be good for families working in companies but not good for those whose livelihoods are associated with land and allied activities like cattle rearing, liquor brewing etc. Now, we grow vegetables and fruit but this would not be possible in flats.”*

The President of Teenug Ganeshpur *Unnayan Samiti* also had the similar views. He said,

11.1 B

*“Only giving place for habitation would not suffice. We need to engage ourselves in some work in order to survive. At the same time, our families also need to be engaged in some work that would give us extra earning. If we raise 2-3 animals, plant some vegetables or fruit bearing trees, then we could have little extra earning. In this way, we could save some money for our family. It would be difficult for an irregular employed person to live in flats. We, hill dwellers, like to live only on hills.”*

Many families brew liquor and rear livestock in hill settlements. These activities are interlinked. They get a large amount of processed rice as a by-product of liquor brewing, which they feed to the pigs. It takes 7 to 8 months for a pig to be ready for slaughter. Each pig costs about INR 5,000-6,000. Few poor families collect firewood from forest and sell it to the residents who cook food on firewood or brew liquor by using it.

**Picture 24: Hill dweller coming back after collecting firewood from the forest (left), liquor brewing apparatus at a home in Sanghmaghuli**



Photo by authors

Participants also presented other reasons as objections to relocation. One of the Mithingapuri residents said,

#### 11.1 C

*“Now, we survive on daily wages labour. But, if shifted to flats, we would have to pay tax, instalments of the flat and cook food on gas stove. Here, we cook food on firewood. Now, we grow chili and other vegetables inside our boundary and save money on vegetables for the entire year. I have planted banana trees of which I not only use the bananas but after having the bananas, I use the tree for making khar.<sup>69</sup> Our expenses would increase. The most important issue is that where would my next generation live in flat. There would be limited space. Government would not give us a second flat. Here, in 1 Katha land, three families can live easily but not in a flat having two rooms.”*

Hill residents were reluctant to leave their present place because they had invested considerable amount to build their habitation. Also, the kind of habitation they will get from the government was also not clear to them. One of the woman participants in Seujnagar said,

#### 11.1 D

*“The families who have been living here since 5 to 10 years have built houses after struggling for many years. If later government will relocate us somewhere else, our investment would be wasted. We will have to start a fresh life. We even do not know where government would give us land or flat. So this is a major question before us and government too.”*

Government has allotted land to influential people, politicians and institutions on hills and wetlands. This is another reason because of which hill settlers are not willing to live their present place. A resident of Mithingapuri said,

#### 11.1 E

*“If we were not living here, what would government do with this land? They will sell it to the rich. We are sure that government will not do plantation here, if they shift us somewhere else. We will die but will not leave this place. We know everything. Government and police, all are corrupt now.” After a small pause, he again continued, “Okay, we will go and live in the flats but we will also put a condition... government should assure us in writing that they will not give this land to corporates and use this land exclusively for plantation. Otherwise, once we would leave this place, factories and resorts would come here. If the government accepts our condition, only then we will go. If the government breaks its promise and allots this land to corporates and township projects, we will come back and repossess our land.”*

The hill dwellers resistance to relocation is based on fear of loss of livelihood and investments already made on building their houses. There is also resentment against the duplicity in government policy with regards to allocation of *pattas*. There is also a loss of

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<sup>69</sup> 'Khar' is traditionally prepared from dried banana stem or using a ready-to-use substitute, which is baking soda bi-carbonate. It is used in the local cuisine of Assam.

confidence as the people are not convinced that the eviction is being done for environmental purposes.

## **10.2.Regularizing the Hill Settlements**

Many *Unnayan Samitis* were ready to cooperate in maintaining ecological balance on the hills if they were to be given permission to continue living. During discussion with residents and the *Unnayan Samiti* members in Sanghmaghuli, participants were of the opinion that the *Unnayan Samiti* could monitor and prevent cutting of hills as well as illegal encroachments. But before making bye-laws or rules, people should be consulted and convinced that if they would follow the newly framed rules, then after a certain set time period they would be given *patta*. One of the residents in Seujnagar said,

### **11.2 A**

*“We would be happy if the government were to ask us to do plantation and live here. But instead of this, they keep saying to leave this place. I have house in Nalbari, nothing else. Here, I can work and feed my family. Hill cutting has been stopped here. If someone cuts, we go in group and ask him not to cut the hill. At the same time, we also plant trees. If government officials will come and do meeting with us, give instructions with assurance that we would not be evicted if following conditions are to be followed, we would certainly follow the conditions. But, if developers are allowed to construct here, and we are not allowed to live here, then we will not follow any instruction.”*

Another resident in Mithingapuri said,

### **11.2 B**

*“If government will give patta with certain condition, we will form ‘Ban Suraksha Samiti’ (Forest Protection Committee) for each hill settlement. If someone will cut trees for commercial purpose except domestic purpose, Ban Suraksha Samiti will take action against him. The guilty person would be given warning first time but next time, he would be punished.”*

Seujnagar participants revealed that if forest department fenced and demarcated new boundaries leaving the present settlements, then their *Unnayan Samiti* would take responsibility of monitoring so that no fresh encroachments occurred beyond the demarcated boundary. In summary, *Unnayan Samiti* can play an important role in identifying the genuine inhabitants in their settlement; and formation, monitoring and implementation of rules and regulation, if hill settlements were to be regularized in the future. However, one needs to be careful about the exclusionary nature of some of these Samitis as hinted in an earlier section.

## **11.Findings and Way Forward**

In the following section, these conflicts as well as their drivers are explored based on our research. Apart from 72 semi-structured personal interviews and ethnographic research, 12 FGDs were organized in six hill settlements. In each FGD, the participants were asked to prioritize issues. The tables below have been prepared by combining all discussions where three, two and one points were allotted to first, second and third prioritized problems. Problems/ conflict points were ranked based on their intensity, which was found after adding all the numbers. The conflicts observed in the hill settlements can be categorized into three



major categories based on the major actors involved. These are conflicts between a) the state and the community (both as individual members and group of residents), b) the community and individuals, and c) individuals.

**Table 16: Prioritized problems/conflict issues based on FGDs**

Driving forces	Conflicting issues/problems	Intensity	Ranking
Poor governance	No tenure security	31	I
Lack of urban planning/infrastructure	Difficulty in accessing water	10	III
	<i>Kutch</i> a road having steep slope	21	II
	Absence of drains	2	IV

Source: Compiled from all FGDs

The haphazard and unplanned urbanization and the phenomenal growth of population over the past few decades - beginning from shifting of the state capital to Guwahati from Shillong in the early 1970s - have resulted in continuous and large-scale conversion of land from non-urban use to urban use, among which have been lands of ecological value, such as the hills, forests and wetlands. Time and again, environmental concerns have led to demolitions of encroachments on these lands. However, the demolitions have been selective; allege the land rights movement at the state level, led by the KMSS. The state government has permitted encroachments by the local body, namely, the GMC, for dumping waste as it has been done in Deepor beel, or allocated lands for public institutions and commercial projects. The KMSS has raised question as to why these encroachments on ecological sensitive zones permitted while that by the low-income groups for housing purposes not permitted. The land rights movement is volatile and has taken violent turn time and again, with the movement adopting violent means to protest inviting violent retaliation from the state government.

There is geography of encroachments; the tribals have encroached the hills while other communities have encroached the wetlands. KMSS is supporting and demanding *patta* for both set of informal dwellers in the city. The KMSS's agitation has influenced policy decision on patta allotment and the state has agreed to grant patta rights to about 62,000 households, but, has also subverted the policy by only granting pattas to 500 households. The conflict between the state and the KMSS is on. The city's ecology remains fragile and the city is at high risk to annual inundation.

Nowadays, the major conflict is between hill settlers and the state. Though some of the influential people and institutions have granted *patta* on hills and wetlands, government cannot issue the land *patta* to hill and wetland settlers under the present legislative provisions. Whenever, the government starts the initiative to evict the hill settlers under the pressure of Supreme Court or High Court or Ministry of Environment to increase the reserve forest cover, such initiative turns into violent protests by hill settlers. Before 2011, when KMSS was not behind this cause, these migrant poor people did not have hope of permanent tenure on their present location but once this demand got support from this organization, people are now hopeful in getting *patta* and they are supporting KMSS by all their means.

The characteristics of hill dwellers vary by location. The hill encroachments in the central part of the city have now become middle-class housing. This study has focussed on six hill settlements on two hills in the city's periphery, in Lalmati-Berbari and Gharchuk hills. The findings from our study are discussed below.

Large scale migration has taken place in Guwahati since past few decades from various districts of Assam. The early settlers, many of them being tribes such as Bodos and Rabhas, sold off their lands to the middlemen, who then sold these land parcels illegally to the migrant population. The land prices in Guwahati are high and so rentals are also high. The low-income households, finding vacant lands on the hills, purchased plots from the early encroachers of the hills for their housing.

Natural resources like water and land are limited on hills. Since the number of inhabitants has gradually increased over the time, this creates conflicts amongst the residents now and then. For instance, in winters when the water level reduces in wells, fights between the residents emerge over water sources. The water requirement varies with size of the household as well as their trade (families brewing liquor need more quantity of water than others), which creates conflicts amongst families for fetching water. In the same way, if someone tries to extend their boundary towards road or breaches into the neighbour's boundary, the conflict emerges which sometimes leads into violence.

Generally one can say that hill dwellers are not living in good conditions, even in few settlements; people are living in very poor conditions. They face acute water shortage problem during winters. They face difficulties in rainy season as it restricts their mobility which affects their work as well as earnings. They cannot provide better education facility to their kids and medical facilities are negligible on hills. Even, ambulance and fire brigade cannot approach these hill settlements in case of emergency. The only benefit of living on hills is that they have their own land where they can brew liquor, rear pigs and other animals, plant few vegetables and some trees for their own consumption which ultimately works to support their livelihoods. If they live on rent in plain (as they cannot afford the land in plain), it is a burden on them and cannot undertake these supporting livelihood activities. Few families even go inside the reserve forest for collection of firewood for individual use as well as for selling it to others. Few families collect green leaves which they sell to others who are involved in rearing cattle such as cows and buffalos. Here, it is important to share that few families have expressed their desire to leave the present location if they would be given some good rehabilitation taking into consideration their current livelihoods. Even, women who brew liquor do not like engaging in this work but do it unwillingly as they do not have any other viable option, which gives them quick money. They also feel that they are engaged in illegal work which is not good for the future generations. Thus they were ready to rehabilitate in plain seeing the scope of improved future of their children. Thus, there is all round deprivation in living conditions, which has reduced opportunities for these dwellers on one hand and exposed them to high risk of evictions now and then.

There are two types of mediations that happen in the situation of deprivation and conflicts. Most hill settlements have *Unnayan Samitis*, who work as an arbitrator when two families cannot resolve the conflict themselves. The residents hardly approach police or court because they are aware that since this land does not belong to them, neither police nor court would interfere in this matter and if they did, the residents themselves would lose out.

Land grabbing is rampant in the parts of hills having moderate slope due to high land value. But, the *Unnayan Samitis* do not grab the land and do not encourage others to encroach the land. In fact, the *Unnayan Samitis* have submitted list of inhabitants in their settlement to the government in June 2011. They also control encroachments by unknown people. In one instance, a local *Unnayan Samiti* stopped the Muslim households from the neighbouring area

to encroach on the territory it governed. Once someone occupies a piece of land, *the Unnayan Samiti* cannot deny accepting that household as a member of the *Samiti*.

The other type of mediation is the political patronage extended to the dwellers of the hills. This has given the hill dwellers hope of obtaining permanent residential status on these reserve forest lands as during elections the political leaders openly support right of tenure of the hill dwellers. The politicians have also given their development funds to create facilities in these hills settlements. In few settlements, road and water supply has reached with the funding of MLA's local area development fund. Where MLAs cannot pass the *pucca* road, they sanction money for road widening by cutting the hills through JCB machine.

As tribal people are used to live in communities since centuries, they easily formed Unnayan Samitis. Unnayan Samitis confined their territory, made collective efforts and arranged for various facilities starting from electricity to water, road etc. The level and availability of services in each settlement depends upon the activeness of Unnayan Samiti members as well as the residing community. Apart from the provision of services, Unnayan Samiti plays an important role in organizing religious festivals, helping individuals in the settlement during hard time like if someone wants to marry his daughter, the entire community help them at their own level. Some people help in arranging grocery, others support from money or clothes or by gifting utensils etc. In the same way, if someone dies, all the residents stay at home that day and do not go for work or any other work until the death body is cremated. However, these collective efforts give the feeling of community cohesiveness as they collectively face problems as well as celebrate festivals. Most importantly, Unnayan Samitis also organize people during evictions and encourage them to take part in demonstrations.

However, Unnayan Samitis have also their own weaknesses. Some of the Unnayan Samitis are led by greedy people. As majority of the hill settlers have low literacy and most of the Unnayan Samitis do not have fair accounting system, chances of corruption are high. The Unnayan Samitis are supposed to be the treasurers of the community resources including land, they get certain amount from both seller as well as buyer of plot in their area, even Unnayan Samitis sell-out lands occasionally, when they need money to do some necessary work for community; but Unnayan Samitis do not always deposit this amount in their accounts. At the same time, fair Unnayan Samitis are also struggling to develop their settlements because of financial constraints. Majority of the residents are poor and cannot contribute much in terms of money. They can manage with their own resources to carry-out tiny works such as construction of *kutchra* road, community well, temple but when they want to undertake extensive works requiring huge amount of investment such as construction of *pucca* road, piped water supply, drain etc. they need support from the political leaders.

Development options: There is a dire need for a comprehensive housing policy for the landless people in Guwahati. As this research is focused on hill settlements, the following options or combination of options, as per feasibility in various kinds of situations, could be opted by the government in the section of hill settlements in the comprehensive housing policy for the city.

# Already, an extensive household level survey has carried-out by AC Nielsen ORG MARG Pvt. Ltd. covering all the hill settlements in the city. The IIT-Guwahati has also identified 366 landslide prone locations in the city. Hence, now there is need to assess whether any further planned development is possible on hills where people have already occupied the land. The hill settlements having potential of planned development should be regularized. The revenue

generated after regularization of such settlements, or part of such settlements, should be invested in creation and provision of infrastructure in the settlement. The GMC or any competent authority should ensure provision of road, piped water connection, sewerage network, drainage network and sanitation services.

# People residing in areas prone to landslides or areas where planned development is not possible or ecologically sensitive areas, they should be relocated to the nearby revenue land. The building design and layout plan for rehabilitation site would be designed only after consultations with *Unnayan Samitis*. There should adequate provision for livelihood spaces at rehabilitation site. The unemployed should be covered under the National Urban Livelihood Mission (NULM). This would provide livelihoods to the unemployed or the workforce engaged in part time employment may get engaged in full time, high wages work. Moreover, in order to preserve the social fabric, instead of allotment of plots/flats through draw system, locality (*Unnayan Samiti*) wise rehabilitation should be preferred.

## The BPL and marginalized families should be issued lease for the plot/flat at subsidized rates, so that they could afford the premium. The premium should be decided after consultation with the *Unnayan Samitis*.

# The lease for plot/flat should be given to the families with the condition that they cannot transfer the property to anyone for next 99 years. If someone is reported transferring land illegally, the *patta* would be void automatically and land ownership goes to the government.

# The environment considerations should be in focus while developing the hill settlements. All the *Unnayan Samitis* should be empowered to strictly monitor and restrict hill cutting. The beat offices of forest department should monitor the fresh encroachments and hill cutting on regular basis. If someone is found cutting hills, he should not only be imposed heavy fine but his land *patta* should also be cancelled immediately. All the open spaces under the reserve forest area should be covered by plantation by launching mission plantation drives on the hills. The local *Unnayan Samitis* should be directed to take care of those plantations.

# Many hill dwellers are engaged in liquor brewing, especially women. It is important to note that brewing and selling liquor cannot be a livelihood. By doing so, they are not doing justice to themselves or to their families. Thus, government should be in the position to provide them livelihood alternatives. All the hill settlements have women development committees. These committees could be used as self-help groups (SHGs). Each group should be given vocational training as per their interest and then linked with the micro-finance institutions, which would provide them access to finance in order to initiate some legal and dignified occupation. For instance, there are lots of opportunities to engage these women in activities such as weaving cloths, making handicrafts, pickles, etc. Many women are already involved in such income generate in activities but there is need to link their work with national and state livelihood promotion and skill programmes so that they could get direct benefits and others will also be encouraged to pick up such activities.

# Lastly, the city and the state government should pro-actively take up low-income housing programmes, which should have multiple approach, from upgrading housing wherever possible to give pattas to constructing new housing for those living in ecologically sensitive sites. The government should also remove commercial and institutional encroachments of the ecological resources for the city and her dwellers to have a sense of justice.





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# Annexure

## Annexure-I

### Community Profile

Name of the Hill: Garchuk

Number of settlements: 9

Name of the settlement	No. of HHs	Ethnicity- caste and religion	Housing structure	Number of tenants	Status of services			Land issues	Eviction	Remarks
					Water	Drainage	Road			
1. Milanpara	67	Assamese- Hindu and Bodo (max), Bengali, Bihari, Rabha	4-5 houses are <i>pucca</i> , rest semi- <i>pucca</i>	No	18 hhs have well, 7-8 get water from <i>nizra</i> , rest depends on neighbours	No drain	<i>Katcha</i> - Access road- 15 feet wide, internal road- 8 to 10 feet	This land comes under 'Khas' category. -Majority of the hhs were paying <i>tauzi</i> fine in the past. -Everyone has house no. But no one has holding number.	Eviction comes in 1993, 2009, 2011 but was not able to evict.	-This settlement falls under two wards, ward no. 6 & 7 -The water level in wells goes down during winters thus families buy water tank water from private suppliers. -As per ethics, no one denies to give water to others from their personal well.
2. Ek Nug Milanpara	49	Rabha, Bodo, Nepali, Assamese-Hindu	Semi- <i>pucca</i>	No drain	Two community well	No drain	<i>Katcha</i> road	-Two houses have house no. -No one have holding no. -Households were paying <i>tauzi</i> fine in the past.	-Two times eviction happened in the past, -Last time eviction happened in 2002.	-Few years back ago due to some financial dispute in unnyan samiti, Eknug Milanpara has formed after

										isolation from Milanpra, -2 hhs have ration card in this settlement.
<b>3. Belsrigaon</b>	50 (This settlement is only 7-8 years old, maximum people came from bodo tribes violence affected areas)	Bodo (max), Assamese-Hindu, Nepali	Semi- <i>pucca</i>	No drain	Nijra (people bath and wash cloths at nijra and take water in buckets)	No drain	<i>Katcha</i> road	-No patta -No house no -No holding no	-Never evicted	-Men and women both work in factory and as daily wage labour
<b>4. Mithingapuri</b>	65 (2 years back there were only 35 houses)	Bodo (max), Bengali- Hindu , Garo, Rabha, Bihari	Semi- <i>pucca</i>	5 hhs rent-out rooms in their houses	-4 hhs have ring well, whereas 10-11 hhs have <i>katcha</i> well.	No drain	<i>Katcha</i> road	Families have submitted <i>kabula</i> form to BGMPSS	Never evicted	-This area is also developed in last 7- 8 years but people did dakhal 10- 15 years ago. -Now the price of land is about Rs 3 10akh per katha (it depends on the location within the settlement)
<b>5. Shantipur</b>	35	Assamese- Hindu, Bodo, Bengali-Hindu, Manipuri	Semi- <i>pucca</i>	Only 1 or 2 hhs rent-out rooms	3 hhs have well, others get water from <i>nizra</i>	No drain	15 feet uneven <i>Katcha</i> road	-Nobody has either holding no. Or house number.	Never evicted	-This settlement is under-developed. Most of the plots are still vacant.
<b>6. Janampuri</b>	25	Bodo, Assamese-Hindu, tribal people (who used to work in tea garden and originally belongs	Semi- <i>pucca</i> (few houses have tin sheet wall), One thatched roof house	No tenant	2 community ring well and 2 personal well. Rest of	<i>Katcha</i> open drain	15 feet wide, uneven <i>katcha</i> road	Nobody has either holding no. Or house number.	Never evicted	-This settlement has been developing for last 10 years.



		to Jharkhand and Odisha)			the families rely on these 4 wells.					
<b>7. Nawkata Shibodham</b>	38	Bodo, Bengali and Assamese-Hindu	Semi- <i>pucca</i>	No tenants	One community well which gets water from <i>nizra</i> . People get water directly from <i>nizra</i> and from well to other purposes	No drain	Approach road 20 feet wide but internal roads vary from 7–10 feet	Nobody has either holding no. Or house number.	Never evicted	-There is one L.P. school up to 3 red standard which managed by a missionary
<b>8. Tarzanpara</b>	150 hhs (21-22 years ago there were only 5 houses)	Assamese-Hindu and Bodo	15- 20 houses are <i>pucca</i> whereas rest are semi- <i>pucca</i>	30	20 houses have own well, One community well (funded by MLA), few houses also get water from <i>nizra</i>	Open <i>katcha</i> drain	Approach road is 20 feet wide but internal roads varies from 2 to 10 feet having steep slope and poor condition	Every house have house no. but only two hhs have holding no.	4 times eviction happens in the past, but in upper side where land is supposed to be forest. -2008 is the year when last time eviction happen	-The lower part of Tarzanpara which consists 40% land comes under revenue land and 60% land which covers upper part comes under forest land. -Tarzanpara is famous for its rigorous protest against eviction in 2011.
9. Garopara (upper part)	150- 170 hhs (Actually this settlement consist 360 hhs half of the settlement located in the middle part	Bodo (max), Assamese-Hindu, Nepali	30 houses are <i>pucca</i> and rest are semi- <i>pucca</i>	50 hhs rent out rooms in their house	30 houses have ring-well, one house gets water from <i>nizra</i> and rest of the houses gets	No drain	20 feet wide <i>Katcha</i> approach road but internal roads are only 10 feet wide	-This land again comes under 'khas' category -10 hhs deposited <i>tauzi</i> fine in the past	-Never evicted	-Garopara is originally inhabited by Garos as its name also depicts. But now they shifted to back

	between plain and high part of the hill consist about 200 hhs but here the information is given only for upper part houses because social composition and housing structure are different in both parts )				water from community tank which is connected with <i>nizra</i>			-Some houses have house no. But no household has holding no.		side of Garchuk hill. That settlement comes under Maligaon hill.
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**Name of the Hill:** Lalmati-Beherbari

**Number of settlement:** 16

Name of the settlement	No. of HHs	Ethnicity- caste and religion	Housing structure	Tenants	Status of services			Land issues	Eviction	Remarks
					Water	Drainage	Road			
<b>1. Milanpur</b>	55	Assamese- Hindu, Karbi (2-3 hhs), rabha (2-3 hhs), SC (12- 13 hhs)	Max. Semi- <i>pucca</i> . Only few of them are <i>pucca</i>	More than 70 tenants (because one hh have more than 5-6 tenants. Tenants are living in a shared room. This settlement is not at the height, and Lalmati	20- 25 hhs have well. Others get from neighbour.	<i>Katcha</i> but organised, 7- 8 feet wide and 10 feet deep as it carries large amount of water that comes from upper part of the hill.	20 feet wide <i>Katcha</i> road	-Majority of households in this settlement had paid <i>tauzi</i> fine between 1995 and 2007. -Every house have house no. but only 10 to 15 have holding number .	Four houses had demolishe d in 2002.	-This settlement was under Reserve Forest but in 1986, when AGP government was ruling, this settlement was demarcated out of reserve forest area.

				forest area starts from here, so tenants prefer to live here.)						
<b>2. Milan Nagar</b>	120	Assamese-Hindu (max.), Assamese and Bengali-Muslim, Bodo and Karbi	Maximum semi- <i>pucca</i>	25	-80 hhs have well, rest get water through <i>nizra</i> . -8 hhs have piped water connection, water is managed by a committee.	Natural drain, waste water flows between two rocks.	15 feet wide <i>katcha</i> road having moderate and steep slope.	-Here, again majority of households deposited <i>tauzi</i> fine between 1996 and 2007. -Only 2- 3 houses have housing no. but no one has holding number.	-Several times eviction happened here and last time eviction took place in 2002.	
<b>3. Khankhua</b>	152	Assamese- Hindu (max.), Bodo, Garo, Karbi, Nepali, Bengali-Hindu, Rabha, Manipuri (2-3hhs), Bihari	Semi- <i>pucca</i>	1	20 -25 houses have personal well, 2 community well funded by MLA, few households get water from <i>nizra</i>	<i>katcha</i> , open drain	12-15 feet wide <i>katcha</i> oad, but diversified- some parts are even and some parts are uneven	-40-50 hhs were paying <i>tauzi</i> fine in the past. -120 hhs have house no. -10 hhs have holding no.	-2 or 3 times eviction happened in the past. -Last time eviction happened in 2002.	- In 2011, here eviction did not happen because lower part people protested and eviction team went back.
<b>4. Sangmaghuli</b>	93	Max. Bodo, Assamese- Hindu (2-3 hhs), Nepali (2-3 hhs), Bengali-Hindu	Maximum Semi- <i>pucca</i> (bamboo mat-wall & tin sheet- roof)	Nil	80 hhs have own well and rest get water from <i>nizra</i> (spring)	Open narrow <i>katcha</i> drain	20 feet wide <i>katcha</i> but even	-32 hhs had paid <i>tauzi</i> fine for many years in the past. Continuous evictions discouraged to pay continuous fine, thus they stopped depositing	Several times eviction happened here in the past but last time eviction took place in 2011.	-2-3 ponds are located in this settlement. Few of them managed by local people for fishery. Whereas one big pond adjacent to this settlement was given to a private firm by

								fine after sometime. -Only 1 or 2 hhs have holding number. -8 to 10 hhs have house number.		forest department on lease.
<b>5. Samuguri</b>	52	Assamese-Hindu (60%), Rabha, Garo, Bodo, Karbi, Bengali-Hindu, Bihari (6 house), Punjabi (3 house), Manipuri (1 house).	10 houses are <i>pucca</i> , whereas rest are semi- <i>pucca</i> ,	Nil	15 hhs have own well. About 100 families getting water from Sangmaghuli through pipe, which located at upper part of this settlement.	5 (depth)X10 (wide) feet natural drain	20 feet wide <i>Katcha</i> road	More than 50% hhs who are living for 20 years paid <i>tauzi</i> fine to SDC (Sub-Deputy Collector) office at Azara which is 20 kms away from here. -About 50 families have holding no. and are paying tax regularly to the GMC.	During 1984 and 1992 there were frequent eviction, thus that time families had temporary structure. In 1984, almost every week evictions happened. After 1992 the frequency got reduced and they built semi- <i>pucca</i> structure. The last time eviction happened on June 8, 2011.	Sangmaghuli have high water table, and most of the household have well, so they supply water to Chamuguri people and charge Rs 150-200 per month per family.

<b>6. Gajenpuri</b>	63	Bodo ( 32 hhs), Nepali & Bihari	Maximum semi- <i>pucca</i> , only 2-3 houses are <i>pucca</i>	Nil	There are 5 well built by 2-3 families on shared basis. Rest get water from nizra.	No drain	15 feet wide katcha road	-5 hhs have holding number.	-This settlement had faced eviction in 2011.	
<b>7. Teennug Ganeshpur-I</b>	42	Assamese- Hindu (Kosa, Deka, Kalita, Burman, Kasari)	Semi- <i>pucca</i>	Nil	The entire settlement is served with either individual piped connection or community connection	No drain	7-8 feet wide <i>katcha</i> uneven road	About 15 hhs were depositing <i>tauzi</i> fine in the past. -No one has house no. But 10-15 hhs have holding no.	-This settlement has faced eviction twice in the past i.e. 2002 & 2011.	
<b>8. Teennug Ganeshpur-II</b>	100	Assamese- Hindu, Bengali- Hindu, Bodo, Muslim & Christian (tribal)	Semi- <i>pucca</i>	Nil	-30 hhs have piped water connection from water tank. There are two community well, connected with <i>nizra</i> .	No drain. Many families have constructe d soak pits in their compound .	10 feet wide <i>Katcha</i> road	-10- 15% hhs had depositing <i>tauzi</i> fine, since last 20 years, -20- 30% hhs have holding number	-2 times evictions took place in the past and last eviction was in 2002.	
<b>9. Duinug Ganeshpur</b>	103	Assamese-Hindu (60%), Bodo (40%)	Semi- <i>pucca</i>	Nil	50 hhs have well and other rely on neighbour's well	Open <i>katcha</i> drain	<i>Katcha</i> road	-85 hhs used to deposit <i>tauzi</i> fine in the past but since last few years it has been stopped -Every household have house no. but only one hh have holding number.	-Several times eviction took place in the past and in the year of 2000 last eviction happen.	
<b>10. Sripur</b>	45	Bodo, Assamese-	Max. semi-	20 hhs	Only 2-3 hhs	- <i>Katcha</i>	<i>Katcha</i> road	-Majority of	4 times	- In 2011,



		Hindu, Bengali-Hindu, Bihari, Rabha, Christian (3 hhs)	<i>pucca</i> , 3 <i>pucca</i> including one RCC roof	have tenants- Bengali, Nepali, Living on rent and working as daily wage labour and Rickshaw puller.	don't have well. Rest of the houses personal well, either <i>katcha</i> or ring-well.	natural drain	in poor condition	the households in this settlement used to deposit <i>tauzi</i> fine collectively in the past. -No one has holding number.	eviction happened here in the past. Last eviction happened in 2002.	eviction team did not reach to hill settlements located in upper part of the hill due to strong protest by the hill settlements in the lower part.
<b>11. Lukhinagar</b>	65	Hindu, Bodo, Karbi, Rabha, Assamese-Muslim & Bengali-Muslim	Semi- <i>pucca</i>	Nil	All the households depends on piped water connected with <i>nizra</i> located at top of the hill.	No drain	<i>Katch</i> road having steep slope	-Maximum hhs were paying <i>tauzi</i> fine in the past. -10- 15 hhs have holding no and house no. too.	-This settlement had faced seven times eviction in the past. Last eviction happened in 2011.	-Here, maximum households have ration card but APL card against their poor economic condition.
<b>12. Seujnagar</b>	320	Assamese- Hindu, Bengali- Hindu, Bihari, U.P., Nepali, Karbi, Bodo, Rabha, Kasari.	50- 60 houses are <i>pucca</i> , some of them have RCC roof (all in the lower part), and rest of the houses are <i>katcha</i> .	25-30	In lower part almost every hh have own ring-well, a deep-bore well has also constructed by 10- 15 hhs which supply water only to those 10-15 hhs. Houses situated at upper part are connected with <i>nizra</i> through pipe.	There is a natural trench between two hills that carries the water from upper part while houses in lower part have built semi- <i>pucca</i> wide drain.	20 feet wide <i>katcha</i> road, but internal streets are uneven width varies from 10 to 15feet.	20 to 25 per cent hhs have holding number and 60 to 70 per cent hhs have house number.	-Few of the houses located at upper part were evicted in 2013.	-This is a large settlement which starts from foothills to up hills. The lower part is inhabited by lower-middle class and upper part is poor families.
<b>13. Eknug</b>	35	Assamese-Hindu	Semi- <i>pucca</i>	Four	80% hhs have	Open and	15 feet wide	All houses	This	

<b>Kamlabari</b>		(max.), Bihari (2-4), Bodo, Karbi, Bengali (2-9 houses)	(80%), <i>pucca</i> (20%)	households have rented rooms in their compound	personal well, rest of the hhs get water from neighbours	unorganised <i>katcha</i> drain	<i>katcha</i> road	have house number but only 1 or 2 houses have holding number	settlement never faced eviction.	
<b>14. Duinug Kamlabari</b>	50	Assamese-Hindu, Bengali-Hindu, Bodo	41 semi- <i>pucca</i> houses & 9 <i>pucca</i> houses	20 hhs give rooms to tenants but no. of tenants would be more. As one household can provide space for up to 11 renters.	Only 20 hhs have personal well. Rest of the families fetch water from neighbour's well.	<i>Katcha</i> -open and unorganised	<i>Katcha</i> , uneven but 20 feet wide. Internal roads vary from 15 to 10 feet.	-Every house has house no. but only one or two houses have holding no.	-This settlement doesn't come under reserve forest, hence, never evicted.	There is acute shortage of water. Most of the wells get dry in March, April and May. In dry season, people buy water from private water suppliers, which cost Rs. 250-300 for 500 litre water tank.
<b>15. Khunkushi</b>	100	Assamese-Hindu, Bodo, Nepali, Bihari	In the lower part of 40 houses are <i>pucca</i> , some of houses have RCC roof and big plot sizes. 60 semi- <i>pucca</i> (Bamboo mat wall is locally called ' <i>torza</i> ') houses are located in the upper part.	Nil	Well and piped water connection	Natural drain	20 feet wide <i>katcha</i> road	-No one has neither house no. nor holding number.	Never evicted	
<b>16. Sandhyachal</b>	160	Assamese-Hindu, Muslim, Karbi, Bodo, Nepali	Almost every hhs have 2-3 tenants	Only 30-40 houses are semi- <i>pucca</i> whereas	140 hhs have piped water connection, rest of the houses have	Open <i>katcha</i> drain	<i>Katcha</i> road- width varies from 20 to 15 feet	-Most of the households were paying <i>tauzi</i> fine but later	This area has never been evicted.	- This settlement is served with piped water connected

				rest of the houses are <i>pucca</i>	personal ring-well.			government stopped this fine. - Now maximum hhs have holding no. in this locality.		with water tank, funded by Ravinder Narayan Kalita, AGP Ex-MLA. This tank was built by PHED and handed over to the Unnyan Samiti for operation and maintenance. Every household was paying Rs. 150/- per month. Unnyan samiti has employed a person for Rs. 5000 per month to run the pump, clean the tank and mix the bleaching powder in water. At the time of getting connection each 140 households have paid Rs. 2000. In which, Rs 1000 spend for piped connection to the household and Rs. 1000 deposited in unnyan
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										samiti's account for future maintenance. -People in this settlement have submitted <i>kabula</i> form to DC office twice but they don't get any response so far.
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**Note:**

-Houses having bamboo sheet /brick/tin sheet wall and tin sheet roof are considered as semi-*pucca* whereas Assam-type houses and houses having RCC roof are considered as *pucca* house in the above table.

### Semi- Structured Questionnaire for Hill settlements in Guwahati (Safe and Inclusive Cities)

1.1 Name of the hill \_\_\_\_\_ 1.2 Name of the Settlement \_\_\_\_\_

1.3 Name of the interviewer \_\_\_\_\_ 1.4 Date \_\_\_\_\_

1.5 Name of the respondent \_\_\_\_\_ 1.6 Relation with household \_\_\_\_\_

2.1 Name of the head of the household \_\_\_\_\_ 2.2 Age \_\_\_\_\_

2.3 Sex: 1. Male 2. Female 2.4 Education \_\_\_\_\_

2.5 Community: 1. Assami-Hindu 2. Assami-Muslim 3. Bengali- Muslim 4. Bengali-Hindu 5. Sikh 6. Christian 7. Tribal (specify) \_\_\_\_\_

8. Other \_\_\_\_\_ (specify)

2.6 Caste: 1. General 2. OBC 3. SC 4. ST

2.7 Ownership Status: 1. Owned 2. Rented 3. Living on acquaintances place without paying any rent

2.8 Occupation \_\_\_\_\_ 2.9 Place of work \_\_\_\_\_ 2.10 Household size \_\_\_\_\_

3.1 When did you come to Guwahati? (Mention the year) \_\_\_\_\_

3.2 From where (birth/ native place) did you come? \_\_\_\_\_

3.3 Why did you come to Guwahati? (Reason for Migration††††††††††††††††)

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\_\_\_\_\_

3.4 How did you manage to get space here? Who helped you to get space here?

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3.5 The proofs which can show how long have you been living here?

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#### 4. Basic services

4.1 What is the main source of water in your house? 1. Personal ring-well 2. Community ring-well 3. Personal piped water from nizra, 4. Community nizra 5. Personal kutchha well, 6. Personal bore-well 7. Community bore-well 8. Public tap 9. Individual piped water connection 10. Other \_\_\_\_\_

4.2 Do you have toilet in your house? If not, where do you go?

\_\_\_\_\_

\_\_\_\_\_

#### 5. Problems/ conflict / tension and institutions involved

What are the main problems that you are currently facing being a hill dweller? (It may vary from eviction to access of all basic services and any other thing that participant may want.) Factors/ causes behind aforesaid discussed problems. Its impact on community or on individual, and how do they respond it? Different issues like 1. Water 2. Drainage (storm water, waste water and sewage) 3. Road 4. Plot boundary 5. Encroachment on someone's plot/ vacant plots 6. Land patta and eviction 7. Fight amongst neighbours and families (ethnic conflict) 8. Alcoholism 9. Absence of toilet 10. Other, can be probed in following manner:

Issue/ problem/ conflict/ tension	Causes	Impact	Response	Actors/ institutions involved	Suggestions
Issue/ problem/ conflict/ tension	Causes	Impact	Response	Actors/ institutions involved	Suggestions

## 6. Personal Experience

6.1 Have you ever witnessed or heard about any kind of tension/ conflict/ violence in this locality or outside this locality? If yes, please explain.

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## 7. Remedies in relation to housing/ land problem

7.1 What do you think about the following options? And what do you think would be the role and responsibility of the people as well as the government in these options for them to succeed?

a. If people should be allowed to live here by keeping vegetation and not deteriorate the soil further.

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b. If government should give a plot of land or flat in plain area with all the basic amenities in the possible nearest place of your present location?

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## 8. Institutional framework

8.1 Role of UnnyanSamiti? Purpose, level of success, weakness and challenges?

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8.2 Who are the other actors or institutions to whom you approach when need any kind of assistance?

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## 9. Other

9.1 What is the main source of income in your house? \_\_\_\_\_

9.2 Monthly income of the household (approximately) \_\_\_\_\_

9.3 Contact No. \_\_\_\_\_

## 10. Note by interviewer/ additional information/ interviewers observation, comment

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**Annexure-III**

**Suggestions given by various organizations to the Bhumidhar Barman Committee in the hearing conducted on 17-09-2011**

S.N.	Name of the organization	Suggestions made
1.	<b>Pub Guwahati Bhumi Sanskar Samiti</b>	<ol style="list-style-type: none"> <li>1. The Samity is concerned with land settlement in respect of the occupants of Chunchali Grant</li> <li>2. The Samity urged the Govt. to take steps with regard to the disposal of the case preferred by the Govt. of Assam in the Hon'ble Gauhati High Court against the order passed by the Munsiff Court which gave verdict in favor of the Frontier Associates (P) Ltd. who claimed approx. 3992 Bighas of land of Chunchali Grant.</li> <li>3. About 3992 Bighas of land of Chunchali Gant is being occupied by around 20,000 families since 40 years.</li> <li>4. Upon disposal of the above case in favor of the Government, the above land be settled with occupants.</li> <li>5. Value of premium to be made Rs 10,000/- per Katha.</li> <li>6. The Samity wants the Chunchali Grant land to be considered as Residential Zone instead of "Sensitive Zone" because people are occupying the land since last 40 years.</li> <li>7. The Samity says that the claim of the occupants in the above land deserves consideration because Government has undertaken Water Supply Schemes for their benefit.</li> </ol>
2.	<b>Nationalist Congress Party, Assam State Committee</b>	<ol style="list-style-type: none"> <li>1. Whatever land is occupied, legally or illegally, should be settled with the occupants. But archeological &amp; historical places should be preserved and protected.</li> <li>2. On the spot survey should be done to ascertain the feasibility of settlement.</li> <li>3. Minimum 15 years of occupation till date should be the qualifying year for considering settlement to the occupants of Government land.</li> <li>4. A toll free 24 hour telephone no. should be arranged to disseminate information by the public in respect of hill cutting, fresh encroachment or violation of land laws.</li> <li>5. Future encroachment should be stopped</li> <li>6. Forest villages should be formed/constituted in respect of occupants of forest land.</li> <li>7. The matter of land settlement in Greater Guwahati area should not be required to have cabinet approval. Spot settlement should be given after verification.</li> <li>8. Before settling in wetland, proper drainage and storage of water should be taken into consideration.</li> </ol>
3.	<b>Mahanagar Unnayan Samity, Guwahati</b>	<ol style="list-style-type: none"> <li>1. There arises confusion regarding occupation of the Govt. land by the encroachers – whether it is Revenue land or Forest land. Therefore, demarcation and survey of the Reserved Forest land and Revenue land within the City should be immediately done.</li> <li>2. People occupying forest land with thatched houses may be rehabilitated in available Revenue land nearby.</li> <li>3. Eviction should not be carried out till the occupants are settled.</li> <li>4. Unnayan Samity should be given the responsibility to identify new encroachers.</li> <li>5. Construction of houses/buildings without permission should be treated as illegal, of the new settlers.</li> <li>6. The survey should be made public so that there is no further encroachment and the committee will render necessary assistance to the survey party.</li> <li>7. Kabula petitions should not be insisted on. Land should be settled on the basis of survey, instead of on the basis of Kabula Petitions.</li> <li>8. Survey should be done in case of Ceiling surplus land also.</li> <li>9. Persons who cannot afford to buy land in Guwahati should also be considered for settlement.</li> <li>10. Cut off year should be 2009 as for consideration for settlement, as a survey was made in the year 2009.</li> <li>11. Encroachment should be cleared from Wet land. Alternative arrangement for land should be made for occupants of wet land who are economically poor.</li> <li>12. Unnayan Samity should be given responsibility to identify new encroachers.</li> <li>13. Provision should be made allowing the families whose cases will be considered for settlement to pay premium at rates depending on their economic conditions.</li> </ol>

		14. Government should identify suitable Government land for construction of Housing Complex for the occupants of Govt. land. Housing schemes like JNNURM can also be implemented.
4.	<b>All Assam Shramik Krishak Kalyan Parishad, Kamrup District Committee</b>	<ol style="list-style-type: none"> <li>1. People living in Govt. land under the respective Circles of Guwahati should be given settlement in the above land.</li> <li>2. The cut off year should be 2006 for consideration with regard to settlement of land to landless settlers.</li> <li>3. Premium should be realized as per Govt. rules.</li> <li>4. For post 2006 occupants, land may settled after conducting enquiry to ascertain their claim of being landless due to erosion, flood etc.</li> <li>5. Land occupied by encroachers should not be settled for commercial / industrial purpose, only for residential purposes should be given.</li> <li>6. The Ceiling surplus land of Sonapur Tea Estate should be allotted after proper verification to the ex- Tea Garden families and other genuine landless families.</li> <li>7. No permission should be given for setting up industries in residential areas of Sonapur Revenue Circle.</li> </ol>
5.	<b>Brihattar Guwahati Mati Pattan Dabi Committee</b>	<ol style="list-style-type: none"> <li>1. Eviction of settlers occupying Government land should be stopped.</li> <li>2. All Government land under occupation of landless settlers in Greater Guwahati area should be settled with them.</li> <li>3. Settlement of land of the occupants of Ceiling surplus land, Tenancy land, Grant land and Debottar land should be made as per provisions of the relevant Acts.</li> <li>4. The unused Railway land in occupation of the settlers for a considerable period of time should be resumed by the Government from the Railways and settled with the occupants.</li> <li>5. The excess land of RSN &amp; IGL Company should be taken over by the Government and the land should be settled with the occupants of the land.</li> <li>6. The Premium for settlement should be at affordable rates for the settlers most of whom belong to the economically poor section. Facility for payment of premium in installments should be provided and the process of land settlement should be made simpler. DC should be invested power to settle land after approval of SDLAC &amp; minimum one member should be included in LAC.</li> <li>7. Cut of year for consideration for settlement should be 22<sup>nd</sup> June, 2011 and not beyond not.</li> <li>8. Forest Rights Act should be implemented to give protection to the occupants of forest land.</li> <li>9. Care should be taken to see that while undertaking rehabilitation / relocation of occupants of forest land in available Revenue land, the means of livelihood of such families is not hampered.</li> <li>10. Occupancy rights should be given to persons who are not eligible under Forest Rights Act till alternative arrangement is made for their shifting to available Revenue land.</li> <li>11. A committee should be constituted from the Government side involving independent people for survey of the land in occupation of the encroachers.</li> <li>12. Transferable rights should not be given in respect of the land settled with the occupants. Only the rights of inheritance should be allowed.</li> <li>13. For the sake of natural justice, settlement of land should be given maximum at the rate of 2(two) kathas, to the landless families who are in occupation of the Government land for a long period.</li> <li>14. Survey should be carried out in respect of the ceiling surplus land in and around Guwahati City and ceiling cases should be disposed off expeditiously.</li> <li>15. The Report of the High Powered committee should be made public.</li> <li>16. Local people should be given settlement. Transfer of land should be restricted to Permanent Resident of the State. A new Act to be made like Meghalaya.</li> <li>17. For industrial &amp; commercial purposes, Govt. land should not be allotted.</li> </ol>
6.	<b>No 2 Hengrabari Unnayan Samity, Geetanagar</b>	<ol style="list-style-type: none"> <li>1. A total number of 109 households are residing in the Government land situated at No 2 Hengrabari area since 1980.</li> <li>2. Cut-off year for consideration of settlement should be 10 years.</li> <li>3. Settlement should be made on the basis of spot survey. Survey to be done along with the Unnayan Samity.</li> <li>4. Premium for settlement should be fixed as per land value that existed 10 years back and the eligible families should be allowed to pay the premium in installments.</li> </ol>

		<ul style="list-style-type: none"> <li>5. Quantum of land to be considered for settlement should be 1 katha 10 lessas per family.</li> <li>6. The cases of those families, who do not possess papers of minimum 10 years of occupation of Government land, should also be considered on circumstantial facts in the matter of settlement.</li> <li>7. Relevant Act / Rules to be followed in case of settlement in wetland.</li> </ul>
7.	<b>Anandapur Nijarapar Unnayan Samity</b>	<ul style="list-style-type: none"> <li>1. There is no wet land, forest land and hilly land in the Anandpur Nijarapar locality. There is no fresh encroachment too.</li> <li>2. Out of 53 Nos. of Kabula Petitions submitted earlier, 6 of them have been considered whereby the Petitioners concerned were given settlement during Ex- Chief Minister Hiteswar Saikia's time. Now, the Committee wants that settlement for the rest of the settlers should be considered.</li> <li>3. Land for settlement should not be considered below 1 Katha 5 Lessas per family.</li> </ul>
8.	<b>Gandhi Mandap Path Unnayan Samity, Dakhin Sarania</b>	<ul style="list-style-type: none"> <li>1. Government must examine the matter of giving settlement in the Dakhin Sarania area very carefully because most of the encroachers do not deserve consideration for settlement of land in their occupation.</li> <li>2. Proper Survey should be conducted to determine the genuineness of the occupants before they are considered for settlement.</li> <li>3. The PWD Road leading to the Gandhi Mandap should be cleared of encroachment, before any settlement process started.</li> <li>4. Old settlers should be given first preference in case of settlement.</li> </ul>
9.	<b>Brihattar 37 No. Ward Sanmilita Unnayan Samity</b>	<ul style="list-style-type: none"> <li>1. The area covered under 37 No. Ward comprises of hilly area inhabited by indigenous people who have been in occupation of the Government land located in the area.</li> <li>2. Since the above families have been in occupation of the above Government land since the last 40 years, the said land should be settled with them.</li> <li>3. The Samity wants that the land reserved for the Assam State Housing Board should be de-reserved, and be allotted to occupants.</li> <li>4. The area was declared as Eco-Sensitive Zone as per 2009 Master Plan of GMDA. The Samity wants that the area should be excluded from Eco Sensitive Zone and kept as Residential Zone since it has been under occupation by the people for a long period of time.</li> <li>5. There was no suggestion from the Samity as to the Cut-off year.</li> <li>6. Settlement should be given after conducting spot verification and survey.</li> <li>7. Benefit from housing schemes to be extended to people residing in Hills.</li> <li>8. Premium should be made Rs 20,000/- per Katha.</li> </ul>
10.	<b>Basistha Nagar Unnayan Samity</b>	<ul style="list-style-type: none"> <li>1. Spot survey should be undertaken in the Basistha Nagar area which will enable the Government to ascertain the (i) Type of land and the (ii) Type of people occupying the land.</li> <li>2. Some settlers of the above area have been occupying the Government land since the last 50-60 years.</li> <li>3. The premium for settlement should be fixed depending on the economic condition of the settlers.</li> <li>4. Cut-off year for consideration for settlement should be 15 years.</li> <li>5. Quantum of land to be considered for settlement should be 1 Katha 10 Lessas per family.</li> <li>6. Since the area is near Meghalaya, process of settlement should be expedited.</li> </ul>
11.	<b>Nandangiri Unnayan Samity, Hengrabari</b>	<ul style="list-style-type: none"> <li>1. There are a total 100 nos. of household who are occupying 1 Katha to 1 Katha 10 lessas of land in Hengrabari area which is either forest or revenue land.</li> <li>2. Quantum of land to be considered for settlement should be 10 Katha 10 Lessas per family.</li> <li>3. The Samity informed that after proper survey, verification of documents etc to be undertaken by the concerned Circle Officer, the decision regarding settlement of land to the eligible families residing in the Revenue land should be taken.</li> <li>4. All settlement proposals pending at different levels should be cleared immediately.</li> </ul>
12.	<b>Lalmati Beharbari Anchalik Unnayan Samiti</b>	<ul style="list-style-type: none"> <li>1. There are a total number of about 1175 No.s of settlers.</li> <li>2. They started settling in the area since 1985-1988.</li> <li>3. Quantum of land to be settled should be 1 Katha 10 Lessa.</li> <li>4. Premium at concessional rates should be realized while giving settlement of land to the eligible families because they belong to economically weaker section.</li> <li>5. The Samity will submit the list of 1175 No.s of households.</li> </ul>



		6. The Samity suggested that a Joint Forest Management Committee be constituted with the help of the administration. 7. The Samity will provide full co-operation during survey and identification of the land under occupation of the settlers.
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**Suggestions given by various organizations to the Bhumidhar Barman Committee in the hearing conducted on 18-09-2011**

S.N.	Name of the organization/Individual	Suggestions made
1.	<b>Kamrup District Krishak Mukti Sangram Samity</b>	<ol style="list-style-type: none"> <li>The Samity said that the eviction drive carried out by the Govt. recently in Guwahati was illegal as it was done without following the existing rules of Revenue and Forest Act.</li> <li>The Samity wants a time-bound solution to the problem of land settlement which is being faced by the settlers in Greater Guwahati area within a period of 3 months.</li> <li>The Samity supports the Forest Rights Act, 2006, but opposes the provisions contained in the Act whereby it is required that 'other traditional forest dwellers' living in the Forest land for at least 3 generations prior to the 13<sup>th</sup> Day of December, 2005 will be conferred with Forest Rights. The Samity wanted that an amendment to this provision should be brought so that the landless families, who have been residing in the Forest Land but do not fall within the above category, should be conferred with Forest rights also.</li> <li>In respect of <b>wet land</b> the following demands were placed by the Samity :-          . No fresh encroachment should be allowed after the enactment of the Wet land Preservation Act.          . If BPL families are occupying Wetland, they should be rehabilitated / relocated with land in other suitable places with good communication facility after a proper survey, within greater Guwahati area.          . Govt. should intimate decision as to action proposed to be taken in the matter settlement in wetland within one month.</li> <li>Nobody should be allowed to transfer land once settled with him or her.</li> <li>Cut-off date for consideration of settlement of land should be from the date of constitution of Dr. Bhumidhar Barman Committee.</li> <li>Quantum of Revenue lands (Cadastral and Non cadastral) to be settled should be 1 Katha 10 Lessa which will not be applicable to the Tribal people whose livelihood is dependent on agriculture.</li> <li>K.M.S.S. should obtain legal opinion in the matter of interpretation of the Forest Rights Act with regard to the provision laid down in the above Act whereby Forest Rights cannot be conferred to occupants of forest land other than the following classes of people :-          i. Forest Dwelling Scheduled Tribes          ii. Other traditional forest dwellers living in forest land for at least 3 generations of stay prior to 13<sup>th</sup> Day of December, 2005. K.M.S.S. suggested that Govt. should also obtain legal opinion from the Legal experts regarding the above point.</li> <li>All eviction should be stopped till the process of settlement is completed.</li> <li>KMSS favors de-reservation / de-notification of the Reserved Forests within Greater Guwahati City.</li> <li>Premium for settlement should be Rs. 10,000/- per Katha.</li> </ol>
2.	<b>Churchali Nagarik Mancha</b>	<ol style="list-style-type: none"> <li>The Mancha requested Govt. to take steps for early disposal of the Case preferred by the Govt. of Assam in the Hon`ble Gauhati High Court against the order passed by the Munsiff Court which gave verdict in favor of the Frontier Associates (P) Ltd. who claimed approx.. 3992 Bighas of land of Churchali Grant. The Manch was informed that the government would take necessary initiative in this regard in consultation with the organizations involved in the above matter.</li> <li>The Manch wanted that the genuine landless inhabitants occupying the land at Churchali Grant should get land settlement on disposal of the case in favor of the Government.</li> <li>The Manch wants the Churchali Grant land be considered as Residential Zone instead of Eco-Sensitive Zone made by GMDA because people are residing in the above land since the last 40 years.</li> </ol>

3.	<b>Churchali Bilpar Unnayan Samiti</b>	1. The Samiti informed that a Case preferred by the Govt. of Assam in the Hon`ble Gauhati High Court against the order passed by the Munsiff Court which gave verdict in favor of the Frontier Associates (P) Ltd. who claimed approx. 3992 Bighas of land of Churchali Grant, is pending. The Samiti wanted that the Government should engage a good Advocate to contest the case in the High Court as the earlier advocate namely B.K. Goswami who contested the case on behalf of the Government has expired. The Samiti was informed that the Government would take necessary action in this regard expeditiously.
4.	<b>Shri A.C. Deka, Flat No. C-2, Kanika Apartment, New Guwahati, Guwahati – 20</b>	1. Survey of the encroached land should be done through Assam State Disaster Management Authority with G.I.S. 2. Disaster prone areas should be identified and listed out. 3. Group Housing scheme may be considered. 4. All major structures not confirming to the guidelines of the Building by Laws of GMDA, should be dismantled / regularized with penalty.
5.	<b>Surabhi Nagar Unnayan Samity, Pachim Boragaon</b>	1. There are a total number of 50 households residing in Surabhi Nagar, Pachim Boragaon area which is situated in revenue area. 2. The quantum of land for consideration of settlement should be maximum 1.5 Kathas as per Govt. norms. 3. Cut-off year for consideration for settlement should be 15 years. 4. Premium should be fixed as per Govt. norms.
6.	<b>Janasimalu Unnayan Samity</b>	<b>Absent</b>
7.	<b>Kahilipara Krishnanagar Unnati Sadhini Samiti</b>	1. The Samity informed that the people of Kahilipara Krishnanagar area have been occupying the land since 1970. 2. Cut-off year for consideration for settlement should be 15 years. 3. Quantum of land to be considered for settlement should be 1 Katha 10 Lessas per family.
8.	<b>Amayapur Unnayan Samity</b>	1. The area falls under Churchali / Madgharia Grant. 2. The Committee wants expeditious settlement of the case pending in the Hon`ble Gauhati High Court against the order passed by the Munsiff Court which gave verdict in favour of the Frontier Associates (P) Ltd. who claimed approx. 3992 Bighas of land of Churchali Grant. 3. The Committee wants drainage system drinking water and road works to be done by the Govt. in the area. CEO, GMDA will take necessary action in this regard after obtaining legal opinion.
9.	<b>N.E. Hills &amp; Plains Tribal Cultural Development Centre</b>	1. The N.G.O. represents Khanapara, Badulipur, Ruwadnagar, Guwalnagr, Kanchan Nagar, Batahghuli, Majulipar etc areas. 2. In respect of Forest land, occupants are to be considered under Forest Act. 3. Revenue land may be settled at the rate of 1 Katha 10 Lessas per family. 4. Flood affected indigenous people occupying the land should be settled as per Govt. norms. 5. Cut-off year for consideration for settlement should be fixed as per Govt. norms. 6. The organization suggested that the settlers already in occupation of Government land should not be evicted. There shall be no further encroachment in the Government land.
10.	<b>Birubari Nizarapar(Hill side) Unnayan Committee</b>	1. More than 162 Nos. of household are residing in the Govt. revenue land at Birubari Nizarapara (Hill side) area. 2. Cut-off year for consideration for settlement should be fixed as per Govt. norms. 3. Quantum of land to be considered for settlement should be fixed as per Govt. norms. 4. Premium for settlement should be considered at lower rate for the families belonging to the economically poorer sections among the occupants.
11.	<b>Krishna Nagar Unnayan Samity, Debakata Nagar</b>	1. The land under occupation of the settlers in the Krishnagar, Debakata Nagar area mostly belongs to Kamakhya Devalaya, Railway and partly forest land. 2. Hon`ble Minister Shri H.B. Sharma suggested holding a separate meeting for Debottar land occupied by the settlers. 3. Quantum of land in respect of the “Go-Palak” of the area may be considered for more than 1 Katha 10 Lessas. 4. The Samity informed that about 35 bighas of Forest Land in under encroachment of land mafia. The Forest Department should take necessary steps to clear the above encroachment urgently.
12.	<b>1 No. Hengrabari Indrapur Unnayan Samity</b>	1. There are a total number of 76 settlers who are in occupation of land situated at No. 1 Hengrabari Indrapur area since 1974. 2. It is not confirmed whether the land under occupation of the above settlers is forest land or revenue land.

		3. Cut-off year for consideration of settlement should be 15 years provided the land is Revenue land. 4. Quantum of land to be considered for settlement should be minimum 1 Katha 10 Lessas.
13.	<b>Birubari Unnayan Santha</b>	1. Total 1000 numbers of settlers are residing in the revenue land in the Birubari area. 2. The quantum of land to be considered for settlement should be minimum 1 Katha 10 Lessas. 3. Cut-off year for consideration for settlement should be 15 years of occupation. 4. For economically poor, premium should be realized at lower rates. 5. There is no new encroachment in the above area.
14.	<b>Kanchan Nagar Unnayan Samity</b>	1. 25 families of Kanchan Nagar No. 1 Hengrabari who had been in occupation of the land covered by Sarkari Dag No 192 have been conferred with Pattas. However, about 150 nos. of settlers are yet to get patta. 2. Quantum of land to be considered for settlement should be minimum 1 Katha 10 Lessas. 3. Cut-off year for consideration for settlement should be 15 years. People who are occupying land before 22 <sup>nd</sup> June, 2011 should also be considered later.
15.	<b>Arunudoy Unnayan Samity, Ramkhenagar, Kalapani, Pub-Boragaon</b>	1. Total 2000 nos. of settlers are residing in the Ramkhenagar, Kalapani, Pub- Boragaon area. 2. Quantum of land to be considered for settlement should be minimum 1 Katha 10 Lessas 3. Cut-off year for consideration for settlement should be 10 years. 4. For “Go-Palak” and agriculturists, more than 1 Katha 10 Lessas per family land should be settled in their names. 5. Married sons living in separate mess should also be considered with regard to settlement of land.
16.	<b>Anandpur Gaon Unnayan Samity, Hengrabari</b>	1. There are a total number of 58 settlers who are residing in the Anandpur Gaon, Hengrabari area which is Revenue land. 2. The quantum of land to be considered for settlement should be minimum 1 Katha 10 Lessas per family. 3. Cut-off year for consideration for settlement should be 10 to 15 years of occupation.
17.	<b>Basistha Ashram Unnayan Samity, Guwahati</b>	1. 3 no.s of villages exist under the Samity. The area is located near the Assam-Meghalaya Border. The Samity wants that settlement of land should be given to the settlers for the above villages, at an early date. 2. The quantum of land to be considered for settlement should be minimum 1 Katha 10 Lessas. 3. Cut-off year for consideration for settlement should be 10 years. 4. The Samity informed that the Meghalaya Government wants to provide electricity connection to the settlers. 5. There is no new encroachment in the area.
18.	<b>Brihattar Bakrapara Kendriya Unnayan Samity</b>	The Unnayan Samity agrees to the view of the Brihattar Mahanagar Unnayan Samity. 1. The Samity wants that land settlement to the settlers should be determined on the basis of spot survey by the Govt. instead of people requiring to submit Kabula petition. 2. All types of Govt. land should be surveyed. 3. Land should be settled as per Govt. norms at the rate of 1 Katha 10 Lessas per family. If more than 1 Katha 10 Lessas of land is occupied then the excess area of land should be considered for settlement provided the land is contiguous. 4. Variable Premium should be fixed in terms of economic condition. 5. Special relief should be given with regard to payment of premium and other consideration for the people of the area as they live in areas bordering Meghalaya.
19.	<b>Bondajan Suraksha Committee, Birkuchi</b>	<b>Absent</b>
20.	<b>Shri Bikash Sarma, Panjabari</b>	People residing in hilly area should be considered for getting settlement of land at the rate of 1 Katha 10 Lessa per family, provided the land under their occupation does not fall within Forest area. The activities of the land mafia should be checked by the administration. The whole settlement process should be made transparent so that only genuine landless person gets the settlement benefit.
21.	<b>Kharghuli Settlers Association</b>	1. A total number of 500 settlers are residing in the Revenue land since 1972 after shifting of the State capital, in Kharghuli area. 2. The quantum of land to be considered for settlement should be minimum 1 Katha 10 Lessas. 3. Cut-off year for settlement should be considered for 10 to 15 years.



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| FOR URBAN EQUITY

Kasturbhai Lalbhai Campus,  
University Road, Navrangpura,  
Ahmedabad - 380009. INDIA  
Phone: (0) 91-79-26302470, 26302452 Ext: 149  
Fax: (0) 91-79-26302075  
E-mail : [cue@cept.ac.in](mailto:cue@cept.ac.in)