The Dynamic of Collective Resistance and Institutional Punishment

RESEARCH QUESTION/PAPER GOAL:

The month of June and north India; conducting field interviews in Chandigarh’s small flat colonies; makeshift karyana shops and ice cream carts were a much needed recourse. The karyana shops (most of which we visited to purchase cold packaged water and initiate unstructured conversations alongside) were all around, one at every few steps. They sold everything a family would need on a daily basis - sugar, flour, dals, tea leaves, biscuits and products frequently demanded by children- chips, chocolates, juices, etc. Some were set-up inside a ground-floor small flat with a window counter facing the street, some others were set-up in a bamboo structured tin-roofed semi-permanent arrangement, and some others were in stationed vans. There also were locally-based vegetable vendors who moved their carts in these neighbourhoods as well as the nearby areas. Similar were the ice cream cart & sugarcane/orange juice cart movers who mostly remained stationed at some point in the neighbourhood, but had the provision to tour the nearby areas too. The landscape was completed by footpath vendors — paan shops, mochis (cobblers), the under-mango-tree naayis (barbers) with a single-seat arrangement and the dhobis (clothe pressers/ironers relying on heavy coal-based irons).

On our first day in the field, as we were walking our way towards the small flats colony in Ram Darbar — a small colony, we discovered much later, relative to all others constructed under the same Scheme — the distant glimpse of structured four-storeyed concrete flats stacked consecutively one after another, situated in a landscape of streets, criss-cross paths and park spaces, in close proximity of a government school, health dispensary and community centre, gave an impression that the inhabitants (formerly slum-dwellers) would have been leading a characteristically urban life here. This impression was quite close to what was envisaged by the Small Flats Scheme 2006.

From a macro perspective, large-scale displacement is entrenched in the identity of India. Occurrences such as the Partition of 1947, Bangladesh’s War of Independence (1971) and the Sri Lankan Civil War (1983-2009) has seen millions of refugees settle in the country. However, resettlement is not necessarily political. A [[1]](#footnote-0)Lok Sabha Secretariat Report (2013) revealed that 60 million people had been displaced for developmental projects (often based on civilising/urbanising goals) between the time of independence to the turn of the century. Tribal people, dalits and the urban poor suffer disproportionately more from these projects, a failure on the part of the planning and implementation of the country’s Rehabilitation and Resettlement (R&R) Policy. Post-independence, [[2]](#footnote-1)The Indian Constitution extensively utilised the colonial Land Acquisition Law (1894), providing monetary compensation in exchange for the acquisition of private land to serve public purposes. [[3]](#footnote-2)Walter Fernandes (2008) revealed how such compensation failed to serve its functions, insisting on a developmental view of compensation rather than one of economic growth.

Subsequently, the [[4]](#footnote-3)“Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act” was passed in 2013, aiming to provide reforms through ‘prior informed consent’ to affected parties of R&R Policy. However, no specifications were made for the degree of consent required for projects used purely for a public purpose, while a 2015 Amendment gave significant leeway for such consent with respect to defence, rural infrastructure, affordable housing, industrial corridor and social infrastructural projects. Using a case study of 3 neighbourhoods, the [[5]](#footnote-4)Housing and Land Rights Network (2014) discovered innumerable legal violations (such as of the right to work, education, adequate housing) by the government and implementing agencies in state resettlement projects similar to the ones explored by us in Chandigarh. Issues in urban planning have been acknowledged by the government, with a [[6]](#footnote-5)2021 NITI Aayog report requesting a “paradigm shift and new ethos” (p.80) for planning and managing cities which has been plagued by critical issues such as a ‘lack of institutional clarity’ (p.80) and a ‘disconnect between urban planning and urban land records’ (p.82). Thus, we entered these neighbourhoods unsure of what to expect, wondering how truly different resettled neighbourhoods could be relative to the intensely planned regions of Chandigarh.

[describe in detail relevant portions from the scheme in 100-150 words here]

[For self-reference] [Etic- outsider’s perspective, Emic- insider’s perspective]

However, as we would gather very soon, these small flat colonies were, in fact, unlike any other urban housing society. Walking closer to the Ram Darbar colony, our etic perspective changed rapidly. The road progressively deteriorated as we moved from the community centre towards the colony. Garbage dump in an empty field at the tail end of the colony. Mosquitoes all around. Lands which were supposedly public parks were nothing more than untamed wild grass. But, at the same time, seeing the karyana shops, paan shops, vegetable vendors, barbers and dhobis; seeing neighbouring ladies gathered around and sitting on manjhis (charpai/four-foot folding beds), children ……… gave a sense of community.

SHOUBHIK

While cautiously walking on the uneven tiled flooring, it becomes evident by the number of children and working-age adults on the street on a weekday afternoon how low employment and weak educational facilities prevail in Maloya. Clause G (11) of the Chandigarh Small Flats (CSF) Scheme 2006 that relocated these residents to this neighbourhood states that the public housing created is exclusively for residential purposes. One look around such houses with bed sheets drying off the window and laughter under the shade of the multi-storeyed flats reveal something else. Many homes have been converted into self-sustaining shops, providing daily goods which would otherwise need significant amounts of travel. An attempt to overcome Maloya’s lack of immediate connectivity to work and school opportunities, these stores are not only little acts of rebellion but also necessary for survival for both consumer and shopkeeper.

In response, public officials chasing a beautification rather than social upliftment goal during the relocation process issue notices to informants about the illegality of these stores that must be shut immediately. While the forced resettlement process in India habitually infringes upon [[7]](#footnote-6)individuals’ constitutional rights by the state, the government views these dusty stores with packets of Kurkure lining the corners as unacceptable. Information asymmetry plagues the residents of Maloya II, with most unaware of the Appellate Authority supposedly established as a grievances redress system or one’s right to education and right to life. These are faraway concepts for the children finding joy in the texture of the street dogs’ fur and adults conversing with tea in their hands, leaning against a cycle and wiping sweat off their brow.

Interviewees immediately become more animated when speaking to us about crime as well as law and order in Maloya II. Grouping is on the basis of one’s previous residency. Impossible to recognise just by viewing, our interviewees reveal that most forms of socialising are restricted to those who’ve been displaced from the same locality. Colony 4 with Colony 4, Sector 54 with Sector 54. There’s a heightened sense of distrust, particularly when strangers like us approach locals to question their view on what they have no choice but to call home. Few were only convinced to be interviewed when we revealed that their names wouldn’t be recorded, often to only provide half-answers that don’t give away too much information. Aforementioned employment struggles and poor schooling has driven many to crime as sustenance. Elders who we asked about the law and order situation in Maloya spoke in sighs and sad eyes discussing people who should still be in school or starting their professional careers fighting frequently, engaging in petty crimes and drug use. For the youth, crime represents the only option, as stable employment opportunities seem a far cry away. The inability of local councillors to visit the site has allowed for a weak social fabric to develop, built on dubiety and anti-social activities in the community. The lack of enforcement agencies sees crime festering as the urban poor’s constitutional rights are habitually violated.

A consequence of prevalent crime and lack of social cohesion isn’t just a lack of safety, but also a negative perception of Maloya II as a community from state officials and other communities. A former auto driver emotionally recalls facing discriminatory remarks from the police after being questioned about where he was travelling to and from alongside his home’s location. He was accused of supporting local thieves simply on grounds of his profession and place of residence, which the police found highly amusing while the auto driver struggled to forget. During the course of this job, this interviewee played a crucial role to bring men with coarse hands to work and tired women exhausted in their saris back home from the hospital. This former auto driver somberly concluded from such travels that residents of Ram Darbar, Colony Number 4 and Maloya are looked down on and generalised to be inferior, indecent and immoral people due to crime and violence in their respective neighbourhoods. A reverberating effect harms the whole community of Maloya, as employers are reluctant to provide jobs to ‘thieves’ as residents from other neighbourhoods avoid such places at any cost. This is in addition to already tense relations between people relocated from different communities on top of the general distrust for barely-present government officials. When asked if this interviewee had any final thoughts, he pleaded that people from Maloya are good hard-working people that deserve a second chance, hoping for concrete support that goes beyond the sympathy shown in our eyes.

In displaced neighbourhoods such as Dhanas, police presence comes more frequently, often shutting down petty crimes. Invariably, although social relations remain strained and based on mistrust due to crime, it hasn’t collapsed in the same way as Maloya II. Invariably, Dhanas would not receive as much law enforcement attention if it was not one of the more economically productive localities under the CSF Scheme. A vicious cycle emerges, ineffective governance and a lack of public services leads to collective resistance and anti-social activities. In response, further crackdowns and additional negligence by the state is validated while negative public perception of the neighbourhood emerges. This concept is not unknown to our interviewees who have been forcibly displaced, all of whom are acutely aware of the cards they’ve been dealt. Some are rebellious, demanding additional support from the state in our brief interviews. Most are dejected, even schoolchildren, resigned to the phrase that ‘your experience is what you make of it.’

Despite government promises, residents of Maloya II are forced to repair their public facilities themselves. This is a common theme across multiple resettled neighbourhoods, where water, gas and electricity facilities are poorly supplied and people turn to alternative solutions, particularly on the black market or attempt to perform maintenance themselves. Not exclusive to harsh periods of rain, the planned city of Chandigarh sees its outskirts regularly struggling with sewage and weak ceilings in the public housing. A group of women interviewed almost too casually spoke how using plastic for repairs is preferable than glass, as some of their friends have died during such repairs. Suffering is almost all too common in Maloya II. Similarly in Sector 149, since any government action towards cleaning services (such as for drainage) requires innumerable calls to unresponsive helplines and false promises that help will arrive tomorrow; many locals find their own makeshift solutions to such problems. Multiple residents of Sundarnagar, Ram Darbar, Sector 38W have shifted to cylinders sold in the black market just to feed their families every night. A tired resilience is a defining characteristic of our interviewees, young and old, who know at this stage they’ll somehow manage even without public assistance.

[[8]](#footnote-7)In Maloya I, the Chandigarh Small Flats Scheme 2006 prevails. Clause G-9(b) states how “The Competent Authority may revoke any licence if any licensee commits default in the payment of water or electricity charges.” Interviewees complained of paying over 1000 rupees monthly, often receiving threats from the state for late payments. In an even worse situation are citizens of Maloya II. They come under the Affordable Rental Housing Complexes (ARHCs) Scheme of 2020, paying rent between [[9]](#footnote-8)3000 to 3500 Rupees monthly compared to around 800 Rupees in Maloya I. A major source of confusion and resentment in Maloya II is a lack of justification for the higher rent on top of the monthly water, electricity and gas receipts. The housing style, quality of services, poor education facilities, lack of employment is common across Maloya; but one group pays around 4 times more rent. Nobody within the residence has the answer to why.

The government still forces residents to pay money for public services, out of fear of eviction, despite no efforts made towards maintenance or guarantees of regular supply. Structural punishment prevails in the manner that the state’s negligence can continue while the recipients of basic services suffer. The Ministry of Home Affairs passed [[10]](#footnote-9)Notification no. G.S.R. 1015(E) in 2017 to “provide for the delivery of public services to the people of UT Chandigarh in a transparent, efficient and time bound manner.” Not one interviewee mentioned bringing up issues with the Appellate Authority or filing a Appeal/Revision, simply out of lack of information. The urban poor were shifted towards the outskirts of Chandigarh to Maloya, but they might as well have been shifted into the dark. An expensive and unsustainable dark.

NOTES:

Maloya 2: Affordable Rental Housing Complexes (ARHCs) Scheme: raise rent to 3500 for ground floor units from 3000/month ⇒ April 2023 agreed (UT Committee Board) ⇒ <https://www.hindustantimes.com/cities/chandigarh-news/ut-administration-proposes-rent-hike-for-affordable-rental-housing-complexes-in-maloya-under-arhcs-scheme-101681763955867.html>

15,000 face cancellation of allotment over unpaid rent: June 2023

* Chandigarh Housing Board facing outstanding rent worth 52 crore
* 16,000 flats under Small Flats Scheme + 2000 under Affordable Rental Housing Complex Scheme
* The flats are located in Sectors 49, 56, 38 (West), Dhanas, Industrial Area, Mauli Jagran, Ram Darbar, Maloya (small flats) and Maloya (ARHC). Of the total defaulters, maximum 7,008 are from Dhanas, followed by 2,018 from Maloya and 1,388 from Mauli Jagran.
* 10 days to clear pending dues

<https://www.tribuneindia.com/news/chandigarh/15-000-face-cancellation-of-allotment-over-unpaid-rent-515107>

Goals of Affordable Rural Housing Complexes (ARHCs) for Urban Migrants/Poor

<http://arhc.mohua.gov.in/>

Outcomes:

1. Effective utilisation of vacant land by public/private entities
2. Decent living environment for Urban Migrants/Poor
3. Sustained Workforce and Increased productivity
4. Economically Productive use of govt funded vacant housing
5. Strengthening of municipal finances
6. Promoting new investment opportunity + entrepreneurship

Chandigarh Small Flats Scheme 2006

<https://chbonline.in/wp-content/uploads/2022/12/6.-the_small_flates_scheme2006-compressed.pdf>

-The Chandigarh Administration after conducting a biometric survey in March, 2006 has identified 18 colonies where unplanned habitations have encroached upon public land. Only those included in the biometric survey will be eligible for license fee based accommodation under this scheme

- ’[“Recognised Resident” means a resident ofa notified colony whose name is included both in the Voter list of2006 as well as in the BioMetric Survey conducted by the Chandigarh Administration in the year 2006 and is continuously residing in the colony and shall also include a resident of a notified colony whose name docs not appear in the voter list as on 1stJanuary, 2006 but appears in the voter list as on 1stJanuary, 2004, 1st January, 2005,1stJanuary, 2007 and 1st January, 2008: Provided that in case of of the Recognised Resident, one member of his family, as defined above, who fulfills the conditions of the Recognised Resident will be eligible for being a licensee.]

-A general notice of at least 21 days shall be given by tire Competent Authority, before the residents of a Notified Colony are required to vacate the colony or part thereof

7. Notwithstanding anything contained in the Scheme, no person shall be eligible for allotment of flat unless he fulfills the following conditions :— (a) The applicant must himself be residing in the Notified Colony. Mere ownership, unless accompanied by actual physical habitation of a building or structure or covered site shall not be sufficient to make a person eligible for allotment under this scheme. (b) The person docs not own or have ever been allotted whether on freehold or lease-hold basis, a residential site in the Union Territory, Chandigarh, Panchkula or Mohali by the respective Government/ Administration or its Agency either in his own name or in the name of any member of his family dependent on him.

16. (a) TheCompetent Authority shall also cancel the allotment of the flat if it is found that;— (i) The allotment has been obtained by supplying false information or by suppressing the facts: Provided that no license shall be cancelled on this ground unless the licensee is given an opportunity of being heard; (ii) The licensee fails to vacate the Notified Colony by the date and time prescribed under this scheme ; (iii)The licensee fails to deposit license fee in spite of the service of notice of demand for a period os determined by the Nodal Agency, whether consecutively or otherwise; (iv) The licensee owns any land/buildIng either in his name or in the names of any member of his family dependent on him, whether on tree-hold or lease-hold basis in the Union Territory ofChandigarh, Panchkula and Mohali prior to allotment under this scheme.

(b) The licensee is offered a flat and he fails to occupy the same within 30 days of such offer. +

I. Appeal 17. (a) Any person feeling aggrieved by any order passed by the Competent Authority under this scheme relating to eligibility or otherwise shall be entitled to file an appeal to the Appellate Authority as appointed by theAdministrator, U.T., Chandigarh, (b) Appeal shall be filed within 30 days from the date of communication of the impugned order. (c) The Appellate Authority may, for good and sufficient reasons, entertain an appeal filed beyond the period of limitation provided under Para (b) above. (d) The Appellate Authority may confirm, vary or reverse the order appealed against and may pass such orders as he may deem fit. (c) Order passed on appeal by the Appellate Authority shall be final. 18. Any order passed by the Competent Authority under this scheme shall in so far as it is consistent with the provisions of this scheme, be deemed to be valid and effective as if such allotment or action was done or taken under this Scheme, \*\*\* 19. '

1. “Displacement and Rehabilitation of People Due to Developmental Projects.” *Lok Sabha Secretariat: Parliament Library and Reference, Research, Documentation and Information Service (LARRDIS),* No.30, Dec. 2013, <https://loksabhadocs.nic.in/Refinput/New_Reference_Notes/English/DisplacementandRehabilitation.pdf>. [↑](#footnote-ref-0)
2. Samling et al. “Resettlement and Rehabilitation: Indian Scenario. DECCMA Working Paper.” *Deltas, Vulnerability and Climate Change: Migration and Adaptation*, IDRC Project Number 107642, 2015, <https://generic.wordpress.soton.ac.uk/deccma/wp-content/uploads/sites/181/2017/07/INDIA-Resettlement-Working-Paper_FEB2016.pdf>. [↑](#footnote-ref-1)
3. Fernandes, Walter. “India’s Forced Displacement Policy and Practice.” *Creighton University,* 2008, <https://onlineministries.creighton.edu/CollaborativeMinistry/NESRC/Walter/chp-7.pdf>. [↑](#footnote-ref-2)
4. “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, 2015.” *PRS Legislative Research,* https://prsindia.org/billtrack/the-right-to-fair-compensation-and-transparency-in-land-acquisition-rehabilitation-and-resettlement-second-amendment-bill-2015. [↑](#footnote-ref-3)
5. “Forced to the Fringes: Disasters of ‘Resettlement’ in India.” *Housing and Land Rights Network,* 2014, <https://hlrn.org.in/documents/Forced_to_the_Fringes_(combined).pdf>. [↑](#footnote-ref-4)
6. Kumar et al. “Reforms in Urban Planning Capacity in India: Final Report.” *Government of India,* Sep. 2021, <https://www.niti.gov.in/sites/default/files/2021-09/UrbanPlanningCapacity-in-India-16092021.pdf>. [↑](#footnote-ref-5)
7. “Forced to the Fringes: Disasters of ‘Resettlement; in India.” *Housing and Land Rights Network,* 2014, <https://hlrn.org.in/documents/Forced_to_the_Fringes_(combined).pdf> [↑](#footnote-ref-6)
8. <https://chbonline.in/wp-content/uploads/2022/12/6.-the_small_flates_scheme2006-compressed.pdf> [↑](#footnote-ref-7)
9. <https://www.hindustantimes.com/cities/chandigarh-news/ut-administration-proposes-rent-hike-for-affordable-rental-housing-complexes-in-maloya-under-arhcs-scheme-101681763955867.html> [↑](#footnote-ref-8)
10. <http://rtsc.chd.gov.in/about_us.php> [↑](#footnote-ref-9)