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Gunthewaris in Maharashtra

Perspective and Issues

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GUNTHEWARIS IN MAHARASHTRA PERSPECTIVE AND ISSUES

Urban India Reforms Facility (UIRF)
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Preface

Gunthewaris in Maharashtra - Perspective and Issues

The Centre for Urban Planning, Policy and Governance (CUPG) of the School of Habitat Studies (SoHS), Tata Institute of Social Sciences (TISS), Mumbai, is engaged in developing critical scholarship around issues of urban habitats. It has attempted to develop new pathways to knowledge in this domain. These include attempts to-

- A) focus attention on issues pertaining to small and medium towns in order to counter a knowledge that is centred around metros
- B) socialise knowledge by exploring new methodological approaches through engagement with participatory methods and bringing in activists, journalists, politicians and other nonconventional actors as active producers and consumers of knowledge
- C) challenge mainstream assumptions of urban policy

Through a Ford Foundation supported project titled 'Urban India Reform Facility' from 2009-11, an attempt was made to lay foundations of the above enterprise by developing detailed studies around themes such as water supply, solid waste management, housing, governance and reforms. These studies covered 20 small and medium towns in the country with a particular focus on Maharashtra.

The current project, conducted over 2011-13, also supported by the Ford Foundation builds on these foundations by deepening the thematic thrust. This particular document is based upon a research that explores the issue of informal housing, its role in urban space and the policies that deal with the same in three towns of Maharashtra.

Gunthewaris are a form of informality peculiar to Maharashtra though it shares similarities in form, emergence and function to several other informalities such as unauthorised colonies in Delhi, revenue layouts in Karnataka etc. While being a prevalent form of informality in several towns of the state, it has not received as much academic attention as the issue of slums. Mobilisations around the issue of gunthewari are largely localised. Policy attention is only through the language of regularisation, which itself is fraught with contradictions. The primary purpose of this issue note is to draw attention to the issue and its problematic treatment in policy. Further, it hopes to bring attention to the linkages between various forms of informality, their role in shaping the land markets in these small cities and argues for the need for a more comprehensive view of the same in policy and land use planning. The costs of adhoc and short term view of policy that characterizes the current policy framework for a rapidly urbanizing state like Maharashtra are immense. We hope that the document enables a more comprehensive view of land and housing policies by civil society as well as the state government.

Gunthewaris in Maharashtra - Perspective and Issues

Introduction

A guntha is 1/40th of an acre. A gunthewari is a construction on a layout with plots that are around 1000 sq feet ie less than the acceptable norm for planning which is 3000 sq feet. Gunthewaris represent a form of informality in Maharashtra that is highly prevalent in small and medium sized cities and yet has received very little academic or policy attention. As one of the highly urbanized states in the country, the state of Maharashtra has been at the frontiers of urban informality for some time now, especially due to its popularity as a migration destination for the last few decades. It has one of the highest proportions of slums in the country at 25% as per census 2011. Data on gunthewaris however, is much less-known as official data only reflects regularised plots. However, a scan of local newspapers is replete with accounts of widespread gunthewaris.

This issue note is an in-depth analysis of the issue of gunthewaris. It analyses the issue of gunthewaris in relation to the land and housing market and other informalities such as slums. It is based on the findings of a participatory study of three cities in the state – Sangli-Miraj-Kupwad, Akola and Aurangabad. These cities were chosen for their varying scales from small to medium as well as their location in three distinct land regimes, agro climatic zones and administrative divisions. In each of the cities, the study adopted an extended case study approach with an inquiry led by activists, academicians and politicians. The study employed primary data collection in a few localities, review of government policies and data, interviews with relevant stakeholders and workshops in each city at different points during the study.

The first part of the note introduces gunthewaris as a phenomenon and its various facets. The second part is an analysis of the issue, while the third part engages with the policy discourse on the issue. The study of gunthewaris raises many challenging and complex questions about land and spatial planning, on the relationships between the formal and informal market in housing, the continuities and the disjuncts between varied forms of informality and the production of these informalities in the shadow of policy. The concluding part of the issue note attempts to table some of these issues, while pointing out that policy touches only a part of the questions raised.

Section I: Introducing Gunthewaris

Gunthewaris are a form of informal housing, largely seen in Maharashtra. They comprise of housing in unauthorised layouts, usually in the periphery of cities. These layouts and the buying and selling of land are usually with the consent of the land owner, and the construction is done by the buyer of the plot as per their financial capacity.

It is expected that housing in urban areas is constructed as per building norms on plots and layouts that are planned for the same. Such houses are then linked to the basic infrastructure systems of the city. In gunthewaris, often the land brought under development is not declared as urban or as residential. Further, the layouts do not follow planning norms nor are they taken for approval to planning authorities. Thirdly, the size of the plots is under the minimum prescribed size. Finally, the construction may or may not be as per building codes.

Gunthewaris thus challenge several legislations. These are –

- a) **Prevention of Land Fragmentation:** The Maharashtra Land Revenue Code prohibits the fragmentation of land below 2 acres. This is to maintain the feasibility of agriculture as an economic enterprise. Gunthewaris are parcels of agricultural land, and such represent a violation of this requirement.
- b) **Procedure for Non Agricultural use of Land:** The Maharashtra Land Revenue Code prescribes a detailed procedure for granting permission for non-agricultural use of land. The procedure, focused around the District Collector's office, is geared towards making such permission highly layered and prohibitive. These permissions are bypassed in creating a gunthewari.
- c) **Maharashtra Regional and Town Planning Act:** The MRTP Act, 1966 aims at planned development of urban areas. Every town is expected to develop as per development plans (land use plans) prepared by the planning authority. Such plans indicate the lands available for residential development in a town. Further, the plans are based on certain normative standards of layouts and plotting. Gunthewaris are located on land that has not been declared as urban or residential. The standards used for plotting are below those used in planned layouts.
- d) **Building Bye Laws:** Since 1986, Maharashtra has introduced building byelaws for different categories of towns. Building byelaws specify various aspects of building construction like heights, proportion of buildable plot area, setbacks, approvals etc. Gunthewaris do not follow either the processes of approval or the standards specified by building bye laws.

Similar to other forms of informal developments, gunthewari areas are often, not covered by property taxes of municipal bodies. The extension of basic infrastructures such as water supply, drainage, sewage to them is uncertain as they are unplanned and illegal. As they are located on private land, they are fairly secure settlements. However, they may face threats due to planned developments or reservations that intend to acquire land.

Gunthewaris are thus a form of housing provisioning by informal markets. These informal markets involve a variety and scale of actors ranging from agriculturists who put their land up for sale to people who plot the lands and organize the sale and documentary processing for the same. Gunthewari thus is a multidimensional issue.

A. Current Situation of Gunthewaris

- a) **The Extent**

It is very difficult to estimate the exact number of gunthewaris and their land coverage. This is because; the numbers that exist largely reflect the extent of regularisable gunthewaris. It is therefore necessary to look at official numbers as an indication of actual situation. Further, it is also necessary to understand estimations given by non official sources. The following chart based on Sangli- Miraj, Akola and Aurangabad illustrates the same –

Table 1: Number and Scale of gunthewaris in official and non official data

Name of City	Official data	Non official data*
Sangli- Miraj	10 sq km area (25% of developed area of SMKMC) 39,745 land parcels with 56000 houses(40% population)*	Over 50% houses in SMKMC reported to be under gunthewari
Aurangabad	118 layouts with or roughly 25000 houses ie 1,05,994 population 11,989 applications received for regularisation	Just 4 layouts(Bhimai Colony, Indu nagar, Jai Bhavani Nagar and Rajnagar) comprise about 80000 houses, estimated that 7000 plots of 20 by 30 feet are created annually within city boundaries
Akola	23 layouts 5000 population	18 villages surrounding the city are considerably subdivided 20% of city population housed

*In Sangli, the official data is on the basis of a survey cited in the Draft Development Plan of the city prepared in 1995. In Aurangabad, in Akola, a survey of AMCs official data reflects applications for regularisation.

*non official data includes sources such as news reports, and that obtained through interviews with knowledgeable informants

The chart illustrates very clearly the high levels of difference between the ground level situation of gunthewaris and official data. It is significant to note that while a beginning towards comprehensive surveys of slums has been made in the state and the country, gunthewaris are not surveyed comprehensively and so there is no data base of the same.

There are other such reports for different cities in Maharashtra. As per the records of Property Tax Department of Pimpri – Chichwad Municipal Corporation, unauthorised layouts in the city number around 1lakh 60 thousand. (Source: News in a marathi daily news paper 'SAKAL' dated on 17th August 2011). Similarly, in Nanded, around 16 thousand layouts were found to be created by gunthewari in a survey undertaken by the Municipal Corporation.

(Source: News posted on website of Nanded Municipal Corporation dated on 22nd Nov. 2012 <http://www.nwcmc.gov.in/newsdetail.php?fid=67>)

B. Lands under Gunthewaris

Gunthewaris are largely developments on private land. However, a careful study of the lands involved reveals interesting trends-

- In Sangli, lands that pose difficulty for territorial use (ie for primary productivity) such as marshy lands, flood prone lands, waste lands are used for gunthewaris. Further lands that may be difficult to develop in future such as those under high tension wires are also preferred locations for gunthewari developments. Inam lands were issued to clans/caste groups in return for their service to kings in medieval India. Powerful interests within villages have often laid claim to these lands and gunthewari developments have become a means of such land grabbing in the city. Ramnagar, for example is located partly on inam land and some part of the land is under high tension wires.
- In Akola, gunthewaris and slums have an extensive presence. Gunthewaris, here are located in lands that are not attractive for the better off (congested), and adjoining slums. One of the key informants shared that all gunthewari developments are on agricultural land that has been reserved as residential or Yellow zone as per the old and existing DP. Since 1978-80 housing by way of gunthewari have been created in the outskirts of city mainly in old Akola City.
- Aurangabad is located in a region which was part of the erstwhile Hyderabad Nizam kingdom. The regime cultivated a complex maze of land grants and tenures. These complexities have never been resolved in the post independence era. As a result, there are several lands with multiple claimants. Private lands that were locked in a tussle between the City Industrial Development Corporation(CIDCO), the municipal corporation and the owners were plotted and sold at very cheap rates ie Rs 5 per sq feet, on basis of Rs 100 stamp paper. Gunthewari developments have typically emerged on such lands with the help of elements who have offered protection to the activity of creating layouts, construction, sale of plots or apartments and provision of a few basic amenities.

C. Locations of Gunthewaris

The chart below describes the locational attributes of gunthewaris in each of the cities.

Table 2: Location of Gunthewaris in Sangli and Akola

City	Locational attributes of gunthewaris
Sangli	<ul style="list-style-type: none">- Most gunthewari developments are situated in the extension area of goathan. These are located centrally in the city, near the S.T depot. Colonies like Kale plot, Ramamata nagar , Trimurti colony are in this extended goathan area.- Few colonies are on bank of river Krishna like Kakanagar, Magarmachh colony, Ramnagar. These colonies are in the south part of Sangli City. Rest of colonies like Shamrao nagar, Hanuman nagar, Musale Plot are in northern part of city along the Kolhapur road.
Akola	<ul style="list-style-type: none">- There are 23 gunthewari colonies within the city limit. The river Morna flows through the city from the South to the North and acts as a natural wall dividing the city into the eastern and western part. Gunthewari colonies are situated in both these parts, particularly in the 'extended goathan' and the municipal peripheral areas adjacent to highways such as both the sides of Dabaki Road, Vashim bypass road, Balapur road and Balapur naka.- Taj Nagar, Sailani Nagar, Phadake nagar, Renuka Nagar, Bhavani nagar, Parvati Nagar, Sopinath Nagar, Bharati Plot, Ramesh Pura, Sontakke Plot, Tathagat Nagar, Arab colony, Bhagat wadi ; these are gunthewari colonies situated in the old city of Akola.- Firdos Colony, Rajiv Gandhi nagar, Neharu Nagar, Haji Nagar, Shankar Nagar, Sant Kabir nagar, Nibhandhe plot, Pimpale nagar, Aanad nagar, Gautam Maharaj nagar, new khetan nagar and Menge nagar, these colonies are situated in new city of Akola.- Similarly in many peripheral villages like Akoli khurd, Hingana, Kaulkhed, Dabaki , Bhourad, Guddh, Shivani, Shivapur, Shivar, Kumbhari, Shiloda, Kharap, Kapashi, Borgoan, Manju, Wadegoan, Pinjar, Mahan and Paras , land has been fragmented into gunthas and sold. <p>(Source: News in Marathi daily newspaper 'Dainik Lokmat' dated on 29th December 2012).</p>

D. Process and Modes of Transaction and development

- a) Identification of lands: The process of gunthewari development begins with identification of land parcels for the same by land owners or by informal developer networks which manage to grab contested land parcels, or speculators who develop an understanding with land owners. There is a lot of overlap between land owners and developers of land. This network seeks to develop layouts in a quasi-legal or extra-legal mode, utilising provisions such as permissions for constructions of farmhouses etc in agricultural plots, a fine for unauthorised development in agricultural plots (NA 36) as equivalent of a NA(non-agricultural use) or town planning permission.
- b) Development of gunthewaris: The creation of layouts under gunthewaris varies in terms of professional expertise. Layouts like Pirjade plots were prepared by lay people with a very rough marking of plots and sales that were transacted by the landowners themselves. Over the years, gunthewari development and plotting have become more organized. Gunthewaris layout preparation is not a lay process. As discussed earlier, it follows a quasi-planning process, clearly designed to optimise the potential of land. The critical differences between a gunthewari layout and a formal layout are as follows:

Table 3: Differences between Gunthewaris and Formal Layouts
in terms of planning parameters

Planning parameters	Gunthewaris	Formal Layouts
Plot area	25 by 40 feet or 33 by 33 feet	<ul style="list-style-type: none"> - 300 sq. feet for LIG housing; - 500- 1250 sq. feet for MIG housing, - 1250 – 3000 sq. feet for semi detached housing and for individual plots above 3000 sq. feet
Internal Roads	9 ft wide, abutting	<ul style="list-style-type: none"> - Minimum 6 mtr or 20 feet as per Sangli, Akola and Aurangabad DCR with setbacks
Open Spaces and Social Amenities (includes hospitals/ health centre, School, Colleges, balwadi, market, community hall, gym)	Hardly any, smaller open spaces are a feature of Shivsena Vasahat in Akola but rarely found in most cases. Social amenities almost non existent.	Sangli DCR*- In layouts of 2 hectares , 10% of land should be kept as open space ; in layouts above 2 hectares , 10% land should be kept for open space + 10 % of total land for public amenities

(contd.)

* Development Control Rules (DCR) define planning norms of formal layouts in each city. At present, every city has its own DCR sanctioned by State Urban Development Department. Maharashtra State Directorate of Planning and Valuation Department now has plans to introduce uniform DCRs for all corporations and another set of DCRs for all Municipal Councils.

Planning parameters	Gunthewaris	Formal Layouts
Open Spaces and Social Amenities (includes hospitals/ health centre, School , Colleges, balwadi, market, community hall, gym)		<ul style="list-style-type: none"> - Akola DCR- If land is within municipal limit of old Akola , every layout should have 15% open space ,for outer limit of old Akola, 10% land for open space + 10% of total land for public amenities - Aurangabad DCR- 10 % of total land should be kept open in every layout above 0.4 hectare (4000sq.mtr.)

(Source: Above mentioned information provided by key informants - Municipal Corporation websites)

The chart illustrates how the built environment of gunthewaris is distinct from formal layouts. Layouts created in this manner easily 'save' up to 10,000 sq. feet or 25% space of layouts of 40,000 sq. feet that is available for construction as compared to formal layouts. It also illustrates that while being outside the law, gunthewaris are not 'unplanned' but planned to a different order. There are some places where the on-paper layouts show small width roads, some open spaces but often even these road spaces are sold off to other buyers. Thus, in Sangli as well as in Aurangabad, there are layouts where there is no road space at all.

- c) **Agreements:** Gunthewari transactions too follow a quasi legal process. Agreements between land owners and buyers of plots are executed on stamp papers and registered, usually on stamp papers dated prior to 2001 (critical because the gunthewari law allows regularisation of developments till 2001). A copy of one such agreement has been given in **Annexure 1.**

The agreement specifies-

- The plot boundaries and area
- The owner and the buyer
- The negotiated price
- The transfer of all ownership rights of the plot to the buyer

The agreement is drafted as a two party agreement to buy and sell a specified piece of property. The content of these agreements differs. For example, one of the agreements specifies that the plot is in a gunthewari layout, that the buyer is aware of the risks associated with the same and that the land owner does not have any liability towards the same.

Obviously, these agreements potentially challenge laws on fragmentation of agricultural land, laws against transfer of agricultural land to non agriculturists and regulation of land use. The agreement is thus registered; the transaction isn't, giving a semblance of legalese to the transaction which is actually extralegal. These take advantage of the fact that documents and transactions can be registered under the Stamp and Registration Act without an investigation into the transaction. The drafting, execution and registration of these agreements indicate that the business of gunthewari developments has deeply penetrated the land revenue system and a clear protocol for the same has been developed.

d) **Payments:** Due to the informal nature of gunthewari developments, the buyers are unable to avail institutional finance. However, interactions with residents of Pirjade plots),some of the early residents of Ramnagar and Sainath nagar(Sangli) and Bhagatwadi (Akola), indicate that there is a certain degree of flexibility in the scheduling of payments, allowing people to pay in instalments. There are indications that such flexibility is more with early buyers and when land owners are directly involved in the sale. This may be one strategy to offset the risks in these transactions.

In cities like Aurangabad, where gunthewari development is more organized, there are a significant proportion of third party sales where land owners are bypassed. In such situations, the terms of payment are usually one time payments.

E. Profile of Residents of Gunthewaris

The profile of people who stay in gunthewaris varies widely from low income groups to high income groups. There is also city – wide variation. To illustrate the same, given below are resident profiles of a few gunthewaris in the cities of Sangli – Miraj, Akola and Aurangabad.

Table 4: Resident Profiles in gunthewaris in city Sangli, Aurangabad and Akola

Name of settlement and city	Period of emergence	Size of settlement	Profile of residents
Pirjade Plots, Miraj	1990	10 -15000 houses	Unorganised sector workers and include rickshaw operators, casual labourers, vendors, hotel employees, small traders. All castes except Brahmins and Maratha i.e. upper caste. Majority are Muslim families. Many families came from villages in search of better livelihoods. Many are part of extended families that resided in goathan part of city .

Name of settlement and city	Period of emergence	Size of settlement	Profile of residents
Ramanagar, Sangli	1988	800 houses	Largely comprised of unorganised sector workers when the settlement emerged, new buyers are better off, many stayed in rental houses earlier
Bhagatwadi, Akola		2500	Most belong to backward castes, unorganised sector workers, stayed in rental houses or in congested areas in inner city earlier
Akot file, Akola	1994	20000 houses	All residents are Muslim, unorganised sectors like engaged in scrap business, furniture shops. Few are Auto rickshaw driver and daily wages labourer. They are also involved in illegal activities. The financial capacity of residents is sound.
Pundaliknagar, Aurangabad	1994	20,000 houses	Largely Hindus, allegiance to Shivsena, unorganized sector workers
Hussein Colony, Aurangabad	1994	400-450 houses	Largely Muslims, unorganized sector workers

The table leads to the following observations –

- Most gunthewaris are socially heterogeneous, comprising inhabitants from several caste groups. However cities like Akola and Aurangabad with a history of communal riots have a distinct communal edge to the formation of gunthewaris. In fact in Aurangabad, the formation of gunthewaris is a strategy adopted by inner city residents to gain security in the presence of own community. In Sangli no such ghettoisation is seen. Both Hindus and Muslims stay together in gunthewaris as well as in slums. However, caste factor is strong with families belonging to backward classes, Scheduled castes, Buddhists and lower caste Muslims.
- There is a difference among residents of gunthewaris in initial phases and those that have bought plots after 2001. Residents of the initial phases are people of small means who may not lead a hand to mouth existence but are not well off either. Gunthewaris was the only option for them to buy housing in the cities. There are only a few degrees of difference between them and slum dwellers. SMKMC conducted a detailed survey of gunthewari areas in 2001. The survey shows that a majority of the residents of gunthewaris were self employed, had incomes between Rs 5000-8000 and travelled by a bicycle. Among the next generation of gunthewari developments, there are a significant number of cases where incomes are much higher.

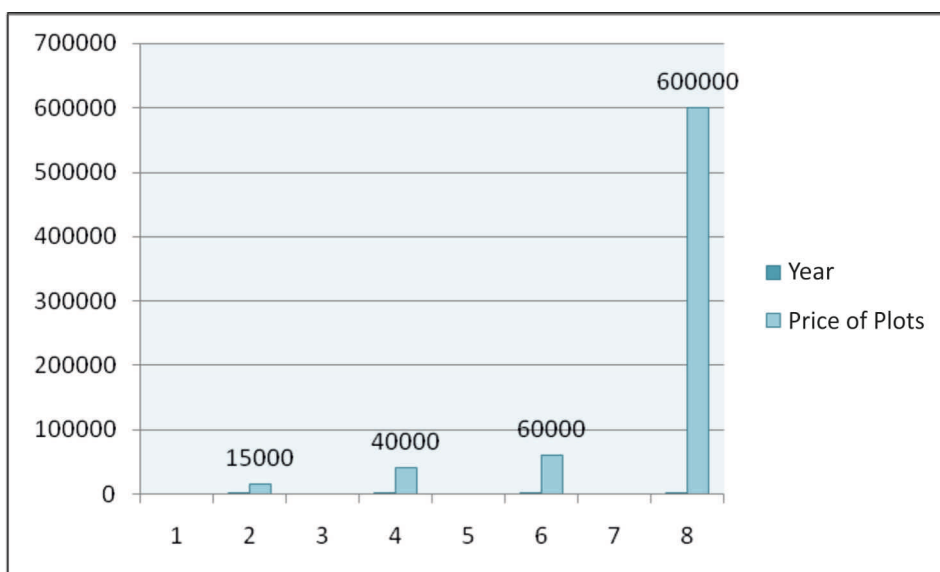
- The predominant characteristic of gunthewari developments is that they have emerged as the only available option of affordable housing in these cities for the groups concerned. Post 2001 residents on the other hand are those who are buying into more settled areas. They are thus better off and from higher social groups. Current trends in all these cities are that plot size and price have increased, and gunthewaris too have begun to be cornered by the better off.

F. Housing

- a) Cost of plots: Gunthewaris have emerged as an option for affordable housing in the three cities. Plots of 1000 sq feet were bought at Rs 5000 in Ramnagar in 1989 while in Pirjade plots which began to be developed around the same time; the price was Rs 15-20,000. The price differences are explained by the proximity to infrastructure. In Aurangabad, a lot of gunthewaris developed after 1988 in the wake of communal riots. Pundaliknagar was one of the larger settlements where plots of 600 sq feet were sold at Rs 3-5000. The plots in Hussein Colony which also developed around the same time were also sold at a similar rate. Bhagatwadi in Akola developed around 1994 and plots were sold at Rs 40000-50000. At the point of development, these plots were less than half of the price of plots in formal layouts.

There has been a considerable appreciation of prices in all the six gunthewaris studied. Some amount of sale and ongoing construction in Ramnagar in Sangli puts the sale price at Rs 6-700000. The graph below shows the rise of prices in gunthewari plots in Ramnagar.

Figure 1 : Rising prices in gunthewari plots in Ramnagar, Sangli



Source: Field interviews in Ramnagar.

The overall plot prices in Ramnagar have risen 40 times in the last 24 years. The sharp increase in prices of plots by 8 to 10 times, even under gunthewari is a more generic experience shared by all the three cities. The relative price of a constructed house in gunthewaris however is easily less than half of the price of the same in formal layouts. In Vishrantiwadi – gunthewari in Aurangabad, the price difference in a 2-3 room house in a formal layout and that in the gunthewari is nearly four times. This explains their affordability across a wide social group.

- b) Form of houses: A key characteristic of gunthewaris is the wide difference in the built form. Interactions with residents in Pirjade plot in Sangli reveal that when the settlement began, most houses were kuccha, materials used being mud, grass, bamboo. Houses were either constructed themselves or with the help of labourers from the same colony. Cost of construction was usually less than Rs 50,000. Over a period of time, people have improved their houses and currently, most houses are pucca, cement houses of 400-500 sq feet. The story of Bhagatwadi in Akola, Ramnagar in Sangli and Hussein Colony is similar. There has been a significant up-gradation of houses in all these settlements. Pundaliknagar is a slightly different story in that the development here was more organized. Several houses have been constructed as multi-story buildings and apartments have been sold to individuals. The scope for incremental improvement is thus low. Similarly, some of the recent gunthewaris in Sangli have houses that are bungalow-like and built as finished products. Similarly in Akola, the Sindhi colony near khadan situated in old Akola City, has well built ground plus one houses developed by gunthewari system.
- c) Current status: The lower end of gunthewari settlements is almost slum-like. The high end gunthewaris are bungalow-like lay outs that combine 2-3 gunthas. Such layouts are seen in some parts of Hussein Colony, Pundaliknagar. The survey in Sangli carried out for the DP process states that about one-third of the plots were between 1000-1500 sq feet. 43% houses were pucca RCC constructions, 35% were semi pucca and about 22% were kuccha. The extent of improvement in Bhagatwadi in Akola is low; a lot of houses here are made of asbestos sheets, grass and mud, either semi pucca or kuccha. In Aurangabad, Pundaliknagar is a fairly well developed layout while Hussein Colony has widely varying in housing sizes and structures. In short, currently, gunthewaris represent a highly heterogeneous housing status.
- d) Ownership: The survey in Sangli mentioned earlier concludes that houses in gunthewaris are largely self owned. There is hardly any rental market or speculative activity by house owners in the settlements. This is interesting because it is over thirty years since gunthewaris emerged in Sangli. Our field studies reveal a similar finding of the settlements studies in the three cities. It confirms that the phenomenon of gunthewaris is even now an affordable housing option in these cities.



Slum-like houses in Sainath Nagar
- a gunthewari colony in Sangli

Bungalow-like layouts in 'Pirjade Plot'
- a gunthewari colony in Miraj-Sangli



G. Infrastructure and Living Conditions

Congestion and haphazard development are a common characteristic of these settlements. Several land owners and middlemen; in their bid for profits promise adequate connecting roads and open spaces in the layouts but which are nonexistent in reality. In Hussein Colony, there are several dead ends.

Original living conditions in several of the gunthewaris were very bad. Pundalikhnagar residents had to wage a long struggle for water. Several gunthwaris in Sangli faced issues of water logging in monsoons.

Interaction with residents across all the three cities reveals that living conditions have considerably improved after 2001 as the provision of regularisation has opened the door for municipalities to provide basic amenities to gunthewaris.

The following chart indicates the current nature of living conditions in the six settlements studied.

Table 5: Living conditions in gunthewari colonies in Sangli, Aurangabad and Akola

Name of settlement	Water Supply	Drainage	Toilets	Waste Management	Internal Roads
Pirjade Plots, Sangli	Individual water connection in almost all houses, regular water supply	Gutter lanes are recently built , no underground drainage , septic tanks	Attached toilets; Few residents do have individual toilets	Door to door collection by hand cart ; charges paid by individual house hold	Less than 10 feet space kept for roads but not built
Bhagatwadi, Akola	3 hand pumps in colony. Water from this source used only for domestic works. Drinking water brought from municipal tap situated in other colony at the distance 5 km. Thus every family pay cost for drinking water as Rs. 25 per month	No underground drainage system, few toilets connected with septic tanks, manually cleaned by paying labour	Attached toilets	No system of collection of waste	Narrow spaces kept of internal roads but not constructed
Akot file, Akola	Individual connection of water tap , regular water supply	Gutter lanes	Individual toilets inside the houses connected with septic tanks	Door to door collection by contractor appointed by Municipal corporation but not on regular basis	Well built through Municipal Fund

Name of settlement	Water Supply	Drainage	Toilets	Waste Management	Internal Roads
Pundalikhnagar, Aurangabad	No piped water system, water supplied through Water tankers regular	Underground drainage system	Attached toilets.	Door to door collection by Ghantagadi(h and cart) contracted by Municipal Corporation	15-20 feet internal roads but not well
Hussein Colony, Aurangabad	One Water tank built for whole colony; Water comes once in 3-4 days;	Newly constructed drainage line but most of the time it blocks , not well	Around 75% houses attached toilets , rest go for open defecation	Door to door collection by Ghantagadi contracted by Municipal Corporation	Space kept for internal roads below 20 feet but not constructed

As seen in the table, living conditions in gunthewaris are highly diverse. Within each city, the lower end of gunthewaris are like slums while the higher end are like more dense, small unit detached house layouts. It is interesting to note that there are immense service provision issues in the slum like settlements while even trunk infrastructure is fairly available in the better layouts. In case of the latter, the difference among the formal layouts and these may be minimal.

‘Bhagatwadi - a gunthewari colony in Akola’



No drainage System, not connected with septic tanks

H. Issues Faced by Residents

From the perspective of residents, gunthewaris present the only option for affordable housing available in the cities. Residents of gunthewaris face short term and long term constraints and threats. The short term issues revolve around living conditions in gunthewaris which as illustrated above vary widely. Long term constraints and threats are linked to the very factors of their emergence and thus are highly difficult issues to resolve. The following is an illustrative list of such issues in the three cities-

- The declaration of the new flood control line in 2005 has affected several gunthewaris in Sangli which have been rendered unregularisable. Similarly gunthewaris under high tension wires too have not been regularised. These households are doubly encumbered on one hand due to the environmental vulnerability of their location and secondly due to the lack of regularisation which denies them adequate services.
- The proposed DP of SMKMC contains 180 reservations on lands on which there are gunthewari developments. Just in ward 25 of Sangli, there are over 100 houses on an open space reservation. There is thus a clear conflict between land use plans and their actual use, creating uncertainty for the residents of such gunthewaris.
- In Aurangabad, the proposed road development by CIDCO who has been charged with development of peripheral areas of the city has run into conflict with the pre-existing gunthewari developments. Residents are questioning the road alignment and widening proposed by CIDCO with respect to the Pundaliknagar –Shivajinagar road which threatens to impact over 500 houses. Pundaliknagar was laid out on a road reservation which residents claim ignorance about. On the other hand, the settlement has existed since 1990, thereby bringing into question the very premise of such road planning that has not been implemented for over a decade and the insistence on an alignment that does not take conditions on ground into account.

- Akola does not present issues of such conflicts. Self propelled development is an accepted pattern. However, gunthewaris become part of the overall constraints faced by the corporation in terms of its inability to provide adequate opportunities and quality of life for all its citizens.

I. Regularisation of gunthewaris

In 2001, the Maharashtra Regulation of Gunthewaris Act was promulgated. This act permitted gunthewaris in the state till 2001 to be regularised. It prescribed a procedure for regularisation of existing gunthewaris within 6 months of promulgation of the act and made a provision for development charges to provide for infrastructural improvement in gunthewaris. More than 12 years after the act, several gunthewaris are not regularised. Further, new gunthewaris continue to form, challenging the overall principle of one-time regularisation.

Data from State Urban Development Department for 60 municipal bodies out of 234 municipal bodies (Out of 257 ULBs the Gunthewari law is applicable to 234 municipal bodies.¹) stating gunthewari regularisation status is presented below.

Table 6: Status of regularisation in the state as on 2010

Sr. No	Municipal Corporation / Municipal Council/ Nagar	Time Period	Received Cases for Regularisation	No. of Regularised cases	No. of Cases Not Regularised / Cancelled	Percentage of Regularisation	Revenue generated from Regularisation (Rs.)
Amravati Division							
1	Amravati Municipal corporation	30.04.01 to 31.3.09	4947	1848	3099	37.4	1,81,67,953
2	Varud council, Amravati	30.04.01 to 31.3.09	1410	1304	106	92.5	1,24,66,869
3	Achalpur Council, Amravati	30.04.01 to 31.3.09	434	217	217	50.0	13,65,681

¹Section 3 of Gunthewari Act 2001 exempts certain urban areas for implementation of provisions under this law. They includes Mumbai Metropolitan Region – MMR (16 ULBs) ; Scheduled areas declared by President of India; forest areas comes under the Forest (Conservation) Act 1980 includes Nandurbar, Shahada, Taloda and Navapur Municipal Councils (4 no); CRZ areas; Eco-Sensitive Zones or Ecologically Fragile Areas and hill stations includes Matheran, Mahabaleshwar, and Panchgani (3 no).

Sr. No	Municipal Corporation / Municipal Council/ Nagar	Time Period	Received Cases for Regularisation	No. of Regularised cases	No. of Cases Not Regularised / Cancelled	Percentage of Regularisation	Revenue generated from Regularisation (Rs.)
4	Anjangaon Surji Council, Amravati	30.04.01 to 31.3.09	474	1	473	0.2	4,14,614
5	Daryapur Council, Amravati	30.04.01 to 31.12.06	106	10	96	9.4	1,75,594
6	Chandur Bazar Council, Amravati	30.04.01 to 31.3.09	125	9	116	7.2	39,579
7	Yavatmal Municipal council	30.04.01 to 31.3.09	1289	91	1198	7.1	22,73,254
8	Umarkhed Council, Yavatmal	30.04.01 to 31.3.09	193	85	108	44.0	8,30,950
9	Ghatanji Council, Yavatmal	2001 to 2010	270	15	255	5.6	1,11,204
10	Vani Council, Yavatmal	30.04.01 to 31.3.09	207	122	85	58.9	12,40,050
11	Digras Council, Yavatmal	30.04.01 to 31.12.06	3	3	0	100.0	6,205
12	Akola Municipal Corporation	30.04.01 to 31.3.09	4195	1887	2308	45.0	4,39,20,949
13	Akot Council,	30.04.01 to 31.3.09	4268	1625	2643	38.1	1,06,64,624
14	Telhara Council, Akola	30.04.01 to 31.3.09	83	54	29	65.1	99,250

Sr. No	Municipal Corporation / Municipal Council/ Nagar	Time Period	Received Cases for Regularisation	No. of Regularised cases	No. of Cases Not Regularised / Cancelled	Percentage of Regularisation	Revenue generated from Regularisation (Rs.)
15	Jalgaon(Jaamod)	30.04.01 to 31.3.09	307	23	284	7.5	1,42,526
Nagpur Division							
16	Wardha Council	30.04.01 to 31.3.09	176	91	85	51.7	21,12,578
17	Hinganghat , Wardha Council	30.04.01 to 31.03.010	276	229	47	83.0	31,46,261
18	Sindi council, Wardha	30.04.01 to 31.3.09	2	2	0	100.0	2,35,367
19	Pavani Council, Bhandara	2001- 2010	130	99	31	76.2	6,20,620
20	Chandrapur Municipal Council	2001 - 2010	204	93	111	45.6	68,39,726
21	Varora council, Chandrapur	01.04.01 to 31.12.11	828	371	457	44.8	33,40,593
22	Bramhapuri council, Chandrapur	30.04.01 to 1.04.10	7	4	3	57.1	72,254
23	Ballarpur Council, Chandrapur	2001- 2010	102	46	56	45.1	3,89,569
24	Bhadravati Council, Chandrapur	2001- 2010	93	34	59	36.6	7,29,757
25	Rajura Council, Chandrapur	2001- 2010	58	14	44	24.1	No information given

Sr. No	Municipal Corporation / Municipal Council/ Nagar	Time Period	Received Cases for Regularisation	No. of Regularised cases	No. of Cases Not Regularised / Cancelled	Percentage of Regularisation	Revenue generated from Regularisation (Rs.)
26	Umred Council, Nagpur	2001- 2010	586	586	---	100.0	19,25,330
27	Kalmeshwar Council, Nagpur	2001 - 2010	300	87	213	29.0	14,72,963
28	Katol council, Nagpur	30.04.01 to 30.03.10	123	66	57	53.7	21,97,524
29	Mohapa council, Nagpur	30.04.01 to 31.03.09	83	55	28	66.3	4,35,138
30	Gondia Municipal Council	30.04.01 to 30.03.10	1585	1072	513	67.6	3,51,76,416
31	Tiroda council, Gondia	30.04.01 to 30.03.10	490	490	0	100.0	15,40,755
32	Gadchiroli Council, Gadchiroli	2001 - 2010	1838	1097	741	59.7	41,27,910
33	Desaiganj Council, Gadchiroli	2001 - 2010	488	407	81	83.4	22,44,233
	Nasik Division						
34	Malegaon council	2001 - 2010	5161	1	5160	0	2,131
35	Manmad council, Nasik	2001- 2010	421	148	273	35.2	10,03,216
36	Nandgaon council, Nasik	2001- 2010	240	86	154	35.8	3,41,271

Sr. No	Municipal Corporation / Municipal Council/ Nagar	Time Period	Received Cases for Regularisation	No. of Regularised cases	No. of Cases Not Regularised / Cancelled	Percentage of Regularisation	Revenue generated from Regularisation (Rs.)
37	Sinnar council, Nasik	2001- 2010	99	99	---	100	2,96,836
38	Yeola council, Nasik	2001 - 2010	23	23	0	100	1,56,863
39	Satana council, Nasik	2001- 2010	785	785	---	100	1,79,623
40	Ahmadnagar Municipal corporation	2001 - 2010	4410	380	4030	8.6	45,49,108
41	Srirampur council, Ahmadnagar	2001- 2010	2736	331	2405	12.1	23,10,203
42	Sangamner council, Ahmadnagar	2001- 2010	1967	1036	931	52.7	64,88,389
43	Kopergaon Ahmadnagar	2001 - 2010	882	274	608	31.1	17,80,716
44	Rahuri council, Ahmadnagar	2001- 2010	683	304	379	44.5	51,36,430
45	Rahata council, Ahmadnagar	2001- 2010	452	177	275	39.2	30,98,294
46	Srigonda council Ahmadnagar	2001- 2010	115	101	14	87.8	4,62,155
47	Deolali pravara council Ahmadnagar	2001- 2010	360	128	232	35.6	17,63,536
48	Pathardi council, Ahmadnagar	2001- 2010	91	91	0	100.0	9,11,108

Sr. No	Municipal Corporation / Municipal Council/ Nagar	Time Period	Received Cases for Regularisation	No. of Regularised cases	No. of Cases Not Regularised / Cancelled	Percentage of Regularisation	Revenue generated from Regularisation (Rs.)
49	Shirdi Nagar, Panchayat Ahmadnagar	2001- 2010	1366	1084	282	79.4	87,80,513
50	Dondaicha Warvade council, Nandurbar	2001- 2010	486	---	486	0.0	---
51	Amalner council, Jalgaon	2001- 2010	627	489	138	78.0	25,86,218
52	Chalisingaon council, Jalgaon	2001- 2010	932	600	332	64.4	1,10,98,279
53	Pachora council, Jalgaon	2001 - 2010	56	51	5	91.1	2,71,516
54	Raver council, Jalgaon	2001 - 2010	34	22	12	64.7	1,97,634
55	Savada council, Jalgaon	2001- 2010	2	1	1	50.0	44,747
	Pune Division						
56	Vita Council	2001- 2010	1621	1451	170	89.5	1,31,30,515
	Aurangabad Division						
57	Latur Municipal council	2001- 2006	819	785	34	---	1,12,45,232
58	Udgir Council, Latur	2001- 2006	193	161	32	---	9,71,913

Sr. No	Municipal Corporation / Municipal Council/ Nagar	Time Period	Received Cases for Regularisation	No. of Regularised cases	No. of Cases Not Regularised / Cancelled	Percentage of Regularisation	Revenue generated from Regularisation (Rs.)
59	Nilanga Council, Latur	30.04.01 to 31.12.06	593	333	260	56.2	6,39,245
60	Ausa council, Latur	30.04.01 to 31.12.06	283	159	124	56.2	10,31,941

(Source: Information provided under RTI Application dated on 31.12.2011)

The table shows that the percentage of regularisation varies from 0% in case of Malegaon to 100% in three ULBs. However, the task is far from complete in most towns. A closer study of the three cities that were studied shows the following status of regularisation.

Table 7: Status of Regularisation in Sangli, Akola and Aurangabad

Name of city	No. of applications for regularisation	No. of cases regularised	% of regularisation
Sangli (Till 2012)	30,427	24084	79.2
Akola (Till 2009)	4195	1887	45
Aurangabad (Till 2012)	19,989	4920	24

(Source: Official data collated from Gunthewari Section in Municipal Corporation)

The implementation of the act as illustrated by this data is, far from complete. Implementation of the act however cannot be only measured in terms of extent of regularisation. The qualitative dimension of regularisation, how it has been received in the various cities, the various blocks experienced by citizens and an analysis of the policy are discussed elsewhere in the paper.

Section II: Gunthewari Policy

In 2001, the Government of Maharashtra passed the Gunthewari (Regulation, Upgradation and Control) Act. This act provides the framework for policy to deal with gunthewaris in the state. The act recognizes that gunthewaris are unplanned and illegal settlements and so need to be regulated. However, it also recognizes that such settlements are spurred by the spiralling housing needs of ill informed and needy citizens and so adopts a humane approach towards these settlements. The preamble is indicative of a policy of one - time amnesty. It seeks to regularise, upgrade and control these settlements. These objects, contradictory at first glance are seen to be necessary to deal with a situation that includes long standing structures on ground and a considerable investment on part of citizens. A copy of the Act has been given in **Annexure 2**.

The following are the critical features of the Act –

- The act expected regularisation of all gunthewari constructions within a period of six months of passing of the act.
- Regularisation is conditional. The applications for regularisation are expected to be accompanied by -
 - (a) Documentary proof of ownership or lawful possession of the plot;
 - (b) Existing layout plan;
 - (c) Plan of existing construction on such plot;
 - (d) Rectification plan;
 - (e) An undertaking by the applicant to rectify uncompoundable infringements;
 - (f) Demand draft drawn on any scheduled bank to cover the amount due as compounding fee and development charge.
- The authority for regularisation is the local planning authority ie the ULB or the gramapanchayat
- The planning authority is expected to apply the development charge towards the development of common or indivisible infrastructure or services in the layout. The act in fact specifies that the expenditure on development has to be proportional to development charges collected.
- The planning authority is expected to initiate action in case of non regularisation or if application of same is rejected. The expected action is demolition of the structures on a month's notice. The act holds the chief officers of the ULBs as primary responsibility holder for control of gunthewaris.

The requirements for rectification expect the plot owner to conform to set back requirements, enable construction of lanes and pay an infrastructure development charge. Further, the

procedure intertwines the individual plot plan to the layout plan, introducing an additional dynamic into the process. The expectation seems to be that through regularisation, every structure and layout can be brought back into the planning fold. Regularisation of gunthewaris, as proposed by the act is thus, not a straight forward process, its requirements seem to be rather stringent. The act also outlines a strict time line for structures and layouts eligible for regularisation.

The powers of regularisation, deciding the development charges, their application have been left to the respective urban local bodies. Interestingly, no rules were passed following this act. As a result, what exists on ground is a range of varied practices followed by the local bodies. It is thus necessary, to understand how regularisation is articulated through these practices and how it impacts the phenomenon that it seeks to regulate. A copy of application for regularisation (Sangli – Miraj – Kupwad Municipal Corporation has been given in *Annexure 3*.

Regularisation charges are dependent on the location of land. Thus a well located plot (e.g. near a highway) has to bear higher development charges as opposed to plots that are not so well located.

A. The Subsequent Dilutions

As discussed earlier, the provisions of the gunthewari act are rather stringent. Expectedly, these provisions were challenged in court on the grounds that the government had no right to demand 10% land of the plot without any compensation. In 2002, the high court gave an order to GoM to revoke the condition of 10% area to be forfeited for common amenities by every plot holder. In response, the GoM took a stance that land owners would retain control over the 10% land and that it would be acquired only when necessary for creation of common amenities.

In its actual implementation at the city level, the local planning authorities (municipal authorities) received mixed responses from plot holders. Municipal authorities in cities like Sangli, Solapur, Pune and Pimpri Chinchwad where huge number of gunthewari developments exist, faced varied issues in the regularisation process. The Urban Development Department constituted a state level committee under the chairpersonship of the Chief Minister for the effective implementation of the act in 2002. This Committee took several decisions over the years to facilitate regularisation. The chart below outlines some of the major decisions taken by this forum.

Table 8: Decisions to Facilitate Regularisation taken by the State level Gunthewari Committee

No.	Aspect of regularization process	Decisions Taken
1	<p><i>Date of filing applications for regularisation</i></p> <p>According to section 4 of law, last date for filing the application for regularisation was within a period of six months from the date of the enactment of law or such extended time permitted by the Planning Authority.</p>	<p>Immediately after enactment of law the state government declared the date for accepting the regularisation applications was 31st March 2002; It was further extended by state government till 31st March 2003 in the state meeting dated on 8th January 2003 (GR – 1003/21/C. N.6/2003/UD -30, 3rd Feb. 2003)</p> <ul style="list-style-type: none"> • In case of Pimpri – Chichwad Municipal Corporation the state Govt. has extended the date for regularisation to 31st March 2012 (Ref: news in DNA- 'Gunthewari constructions: PCMC gets deadline till March 31' dated on December 24, 2011) • In case of Sangali- Miraj -Kupwad Municipal Corporation, the applications for regularisation are still being accepted (This information was shared by an officer in Gunthewari section in Municipal corporation during a field visit in the month of Feb. 2013)
2	<p><i>Regularisation contingent upon agreement to bequeath 10% area of plot free of cost for basic infrastructure.</i></p> <p>Section 3 (2) (a) of law stated one of the conditions for regularisation i.e. in the layout, ten per cent of the plots shall vest in the Planning Authority, free of cost: Provided that, such plots are unsold and unbuilt.</p> <p>The municipal authorities from Sangli, Aurangabad, Nasik, Solapur, Pune and Pimpri Chinchwad reported this as one of the major roadblocks in regularization.</p>	<ul style="list-style-type: none"> • The state govt. directed that even though 10 % open spaces were not kept in the gunthewari developments, such plots should be regularised under the law. (06.05.2002). • In response to the PIL challenging this provision, it was further clarified that no actual land acquisition would be done and the 10% land would remain with the land owner till infrastructure provision was actually done.

No.	Aspect of regularization process	Decisions Taken
3	<p><i>Keeping space for 9 mtr. internal roads in gunthewari developments during regularization</i></p> <p>Section 3 (2) (b) of act stipulated roads width size while regularizing gunthewari developments such as nine meters or required Development Plan road width in the areas of a Municipal Corporation, a Special Planning Authority and a New Town Development Authority and four and half meters or required Development Plan road width in other areas;</p> <p>Pune Municipal corporation reported that it was very difficult to find open or unbuilt space for 9 mtr. roads in guthewari developments.</p>	<ul style="list-style-type: none"> • The state govt. directed that regularization of those gunthewari constructions that conflict with the requirement of 9 mtr. roads, be kept aside for temporary period. (06.05.2002) • Pune Municipal Corporation has proposed a road width of 15 feet for regularisation.
4	<p><i>Regularization of vertical Gunthewari developments</i></p> <p>There is no provision in the law dealing regularisation of vertical gunthewari developments</p> <p>Pune Municipal corporation has regularised gunthewari constructions with 0.9 F.S.I.</p>	<ul style="list-style-type: none"> • The state govt. directed gunthewari constructions with FSI existing prior to 2001 such structures should be regularized under the law.(06.05.2002)

No.	Aspect of regularization process	Decisions Taken
5	<p><i>Gunthewari plots on lands reserved for public purpose in the Development Plan</i></p> <p>The law prohibits regularisation of gunthewari developments on land reserved for public purpose.</p>	<ul style="list-style-type: none"> • The state government directed that If gunthewari developments prior to 13th August 2001 were on land reserved for public purposes, then Municipal authorities should take decision whether these reservations are really required or to be implemented in future or not. Gunthewaris on reservations that could be relaxed could be treated as eligible for regularisation. (06.05.2002)
6	<p><i>Issue of regularizing gunthewari constructions on vatani land</i></p> <p>The law defines "Gunthewari development" as plots formed by unauthorisedly sub-dividing privately owned land. It does not apply to constructions on other types of land.</p>	<ul style="list-style-type: none"> • The state govt. directed UD department to prepare a proposal for regularisation of gunthewaris on vatani and other types of land and send it to Revenue Department for further action (08.01.2003)
7	<p><i>Issue related to maximum size of gunthewari plots to be considered for regularisation</i></p> <p>In Gunthewari Act there is no mention about maximum limit of area size of gunthewari developments mentioned for regularisation.</p>	<ul style="list-style-type: none"> • Maximum size of plot to be considered for regularisation was 5 guntha i.e. 5000 sq. feet. • It was decided that if gunthewari plot size is more than 15 guntha (15000 sq. feet), then minimum 150 sq. mtr. Plot or 10% of total plot whichever is higher should be acquired for open space or balwadi or community centre or public toilets. (15.1.2004)
8	<p><i>Applying N. A. permission for regularised plots under gunthewari law.</i></p> <p>Section 5 (1) stated that on being regularised, the Gunthewari development shall be converted to non-agricultural use for all purposes of the Maharashtra Land Revenue Code, 1966, subject to the payment of non agricultural assessment and the other</p>	<ul style="list-style-type: none"> • Once the concerned plot holder get the certificate of regularisation from the planning authority then there is no need to follow N A permission procedure in regular course. The collector and the Commissioner/ the CEO of Municipal corporations/Councils have authority to decide the amount of fees for N. A. permission/ clearance. Hence once the payment being made then such plots should be treated as having deemed with

No.	Aspect of regularization process	Decisions Taken
8	terms and conditions of such conversion, and the provisions of the Development Plan or the Regional Plan, as the case may be, shall, so far as such development is concerned, stand modified or relaxed, as may be required.	<p>N.A. Permission. Here the state govt. directed Revenue department to publish government resolution in this effect as soon as possible.(06.05.2002)</p> <ul style="list-style-type: none"> • To simplify the procedure of regular N.A. Permission the state govt. has released GR (Gr. No. NP -0711/C.No. 82/L-5, dated 10th August 2011.) which mention that The collector should permit clearance within 2 days. A copy of GR has been given in Annexure 4 • The state govt. proposed to the state revenue department that in case of gunthewari developments - to levy minimum fine as levy under 'Amnesty Scheme' where only one time cost need to be paid(8.01.2003)

The chart illustrates the varying conditions in the form, nature and lands on which gunthewari developments existed and were encountered in the course of regularisation. The provisions of the act, which when introduced seemed very stringent have been considerably altered to accommodate conditions on ground. The decisions taken by the review committee seem to be more informed by the singular objective of regularisation while the considerations of development, control were relatively undermined. Difficult decisions such as 'dereserving lands' have been left to the concerned planning authorities while those pertaining to differing types of lands were referred to the 'revenue' department. There seems to be no clarity on how to tackle urban land and planning related issues and how to coordinate actions across all departments. Further, the actual practices of regularisation on the ground reveal even greater contradictions.

B. Regularisation on Ground

a) Institutional Mechanisms: As discussed earlier, the Gunthewari act leaves the matter of how to regulate to the urban local bodies. The Corporations under study have instituted distinct mechanisms to intervene in gunthewaris. Sangli-Miraj-Kupwad Municipal Corporation has established a separate section namely ' Gunthewari Regulation Section'. The Gunthewari Regulation section under the City Town Planning Department is entrusted with regularisation of gunthewari developments. They accept the applications from plot holders scrutinize the same and release a certificate of regularisation. The Aurangabad Municipal Corporation too has a separate gunthewari section under the Town Planning Department. In Akola, there is no such

separate section for gunthewari regulation; it is undertaken by the town planning department. In the places where such a section is established, there appear to be some concerted and consistent efforts to deal with the issue.

b) Gunthewari Committee

One of the interesting institutional mechanisms is the Gunthewari Committee formed at the municipal level in SMKMC. This committee, comprising an equal number of municipal officials and councillors has a term of 2 years, giving almost all councillors an opportunity to serve. It has the mandate of identifying gunthewari settlements, oversight of regularisation and control of new developments. The committee in SMKMC has been active and has consistently advocated for removal of impediments to regularisation at the state level. Akola and Aurangabad do not have such committees at the municipal level.

c) Data Base and Records

Gunthewaris are located at the cusp of land development and thereby represent highly contested terrain. Some corporations like SMKMC and Aurangabad have conducted extensive surveys to identify existing gunthewari settlements. Such surveys have stimulated regularisation to a certain extent. On the other hand, the surveys and such data bases are themselves contested. In Sangli, one of the gunthewari committee members shared how there are many cases of illegal or unauthorised constructions that have been regularised via the gunthewari act. Gunthewari act has thus become a shortcut to legalise illegal constructions. Even a survey of open spaces in the city to curb such developments by the gunthewari committee has not helped. In Aurangabad, a survey of gunthewari settlements has been conducted in some 40 wards of the city but some parts remain to be surveyed. Akola Municipal Corporation did not conduct a survey but appealed to citizens to regularise gunthewari constructions after the act was passed. The list of 23 gunthewari colonies that the corporation possesses is on basis of applications received for regularisation.

The data bases that the study corporations have are incomplete. SMKMC seems to have a more updated version while the others, especially Akola have a ground situation at tremendous variance with that on record. The use that the surveys are put to is another matter altogether. It is evident that the sheer act of survey itself constitutes a de facto regularisation of settlements and thus embeds potentially converse impacts. On one hand, 'knowledge of the situation' remains partial; the incentive is diffused on the other.

d) The cost of regularisation

The high cost of regularisation was one of the major apprehensions expressed during the assembly debate on the gunthewari act. Section 3(3) of gunthewari law stated that “the regularisation of Gunthewari development shall also be subject to the prior payment of compounding fee and development charge, as may be determined by the State Government, from time to time; provided that, the State Government may, authorise the Planning Authority to determine the compounding fee or development charge or both, in the area of its jurisdiction.” Immediately after the enactment of law, the state government issued a

resolution (18.6.2001) on standardized rates for development charges and compounding fees for regularisation. According to this GR the municipal authorities are expected to decide the charges within the prescribed limits of standardized charges outlined in the GR.

In the state level meeting of committee for reviewing implementation of gunthewari law held on 6th May 2002, several municipal authorities cited high charges as one of the reasons for low levels of regularisation and demanded a reduction in the rate of compounding fee and development charges. The Pune Municipal Corporations proposed that there should be a consolidated fee including both development charges and compounding fees rather than two distinct charges. Further, they proposed a consolidated fee of not be more than Rs. 115 per sq. mtr. The state government however did not revise the charges and argued that the extra fund was necessitated for provision of services and constructing basic infrastructure.

The following chart compares the standard charges prescribed by the state government against those in the study corporations.

Table 9: Comparison of Charges for Regularisation in Sangli and Akola

	Standard Rates for Municipal Corporations (in Rs. per sq. mtr.)	Rates in Sangli-Miraj- Kupwada Municipal Corporation (in Rs. per sq. mtr.)	Rates in Akola Municipal Corporation (in Rs. per sq. mtr.)	
			Old rates	Revised rates as on 3 rd Jan 2004 *
Development Charges				
A. For plots		20	30	30
1. Residential	240	40	150	115
2. Industrial	360	80	225	175
3. Commercial	480	60	300	230
Compounding Fees				
1. Unauthorised Plots	25	10	15	12
2. Construction on plots above authorised FSI (Basement area, Balkony, Potmala, mezzanine)	100	25	75	57

3. Ground floor Construction over authorised limit	50	15	35	27
4. Construction over authorised limit on top of roof	10	5	10	8

The Table illustrates that fees charged in case of both Sangli and Akola are much lower than the prescribed charges. In fact, the charges in Sangli are about 20% of the prescribed charges at the state level. The charges in Akola till 2004 were about 70-75% of the state level charges. In 2004; they were revised, citing the low financial capacity of residents in few gunthewari colonies.

Field studies in Akola and Sangli revealed that high cost of regularisation charges is indeed an important block for regularisation. The costs of applications for regularisation range from Rs 90 in SMKMC to Rs 150. On a plot of 1000 sq feet with a construction of about 750 sq feet, the regularisation charges amount more than Rs. 10,000 in Akola and Aurangabad and Rs 7000-8000 in Sangli. Further, there is an additional cost linked to the location of plots. In Sangli, where the development charges are the least, the proportion of regularisation is over 75% while in Akola where the charges are high, the proportion of regularisation is about 45%.

The costs mentioned above however are not the complete costs of regularisation. For regularisation of land, the plot holders would need to approach the revenue Department in the Collector office and also pay 'Non Agriculture' use conversion charges. The gunthewari Committee in Sangli has consistently advocated at the state level for declaring the gunthewaris as residential zones, thereby reducing the burden of the 'NA' charges and procedure. However, this has not yielded much results.

e) The 'act' of regularisation

The procedure for regularisation outlined vide the gunthewari act makes a distinction between regularisation of the structure and the regularisation of land. Construction is regularised by the municipal authority while the land is regularised by the Collector office. Plot holders thus need to approach two distinct authorities with distinct documentary evidence, charges and protocols in addition to the official and unofficial transaction costs involved in the same. As a result, in most cases, plot holders only regularise the construction and rarely regularise land. The act of regularisation thus, largely remains partial.

Another dimension of regularisation is the link established between individual plot holders and the layout of the settlement. Regularisation procedure demands submission of the layout plan along with the plan of the individual plot and indication of willingness to give up 10% land, free of construction. This is to enable creation of basic amenities and infrastructure. The actual situation is often one where land owners have sold off the lands on which possible roads (internal and access) can be built and not left any possibilities of land free of construction. The

act and the procedure place the responsibility of obtaining the layout plan and releasing 10% land on the small plot holders rather than land owners. The relief given by the state government decision to not actually acquire the 10% land is notional. It creates a situation where plot holders apply for regularisation but the municipal authorities are unable to process a significant number of applications. (Table 2, Page 17)

The certificate of regularisation that accrues after all the procedures are duly completed is one that merely clears the construction. It does not confer ownership rights to the plot holders; neither does protect the plot holder from contestations over the ownership/possession. This is in contrast to the perception of most gunthewari residents that they are secure as they are in possession of land through a documented process. The actual meaning of regularisation thus needs to be contested.

f) Application of Funds

The real incentive for regularisation of gunthewari developments is the possibility of improvement of infrastructure such as roads, water supply, sanitation and the application of municipal funds for the same. The act specifies that development charges and compounding fees collected for regularisation are the main source of fund for providing municipal services and building basic infrastructure in gunthewari colonies. The state government does not provide any grants or funds for development works in gunthewari colonies.

Further, the procedure specifies that gunthewari settlements are eligible for getting facilities from Municipal Corporation only after 80% regularisation is completed. Municipal officers in Aurangabad and Sangli shared that under consistent pressure exerted by citizens and local politicians, they are compelled to provide services even if only 50 % cases in a layout have been regularised. Akola officials in fact shared that they treat gunthearis on par with other planned areas in terms of provision of infrastructure. The provision of amenities on ground thus seems to be sympathetic to the cause of the plot holders than the rules created by the state government.

Municipal officers across all cities shared that the fund collected through regularisation fees is highly insufficient. They are unable to respond to applications and complaints for services. Field interactions revealed that providing adequate facilities to gunthewari colonies is a challenge for local elected representatives in Sangli and Akola as there are no separate funds available at municipal level for gunthewari areas. This has given rise to interesting practices in Sangli and Akola. In Sangli, a councillor shared that state government funds for infrastructure development are also used in gunthewari areas. On the other hand, gunthewari residents in Aurangabad are kept out of a proposed major project around development of water and drainage in the city. The councillors whose constituency comprises both slums and gunthewari development have used their local fund and slum development funds for development works in gunthewari colonies like constructing internal roads, approach roads, drainage lines, street lights besides slum areas. According to them residents from gunthewari and slums both are voters, and hence it is not possible to discriminate in providing services on the basis of status of

houses. In Akola, several gunthewaris adjoin slum areas, thereby facilitating the use of slum development funds for gunthewari development too. On the other hand, the distinction between regularised areas and those that are not is evident on ground. For instance, in Sainath nagar, Sangli - a gunthewari colony situated near Krishna river, it can be seen that infrastructure such as roads, water pipeline, drainage etc are laid down up to the regularised gunthewari area while the rest of gunthewari houses do not have any amenities. Regularisation in this case is difficult because many houses lie in the 'flood line' identified by the state government.

In total contrast to these practices on ground which reflect a certain 'flexibility' in application of funds for gunthewari development, is the approach of the CAG which has asserted that gunthewari funds need to be ring fenced and be accounted in terms of each layout. The Akola Municipal Corporation was thus pulled up for utilization of Rs 2.71 crore collected through compounding fee and regularisation charges on works which were not permissible under the provisions of the act (salaries and allowances, payment of electricity and telephone bills).

g) Control of New Developments

One of the clearly outlined objectives of the gunthewari act is to control new gunthewari developments. Sangli and Aurangabad have formed gunthewari committees which are expected to perform this function. In Sangli, the committee has a representation from officials of the corporation as well as elected councillors. It has conducted a survey of open spaces in the city to monitor their encroachment. However, the committee is unable to restrict the proliferation of new gunthewaris. As a councillor shared, it goes against the very grain of local politics to act against citizen's needs and expectations. In Aurangabad, the role of the Committee is confined to the survey. Control here, is seen much more through a lens of calibrating the provision of services. Many undeclared slums in the city were declared as gunthewaris in 2001. On the other hand, several new gunthewari settlements still remain to be surveyed, and serviced. Akola Municipal Corporation seems to have a very passive approach to gunthewari settlements, especially in terms of control. In this city where the city corporation is clearly dominated by the political wing and where bureaucracy is weak, informal development seems to be the accepted mode of city development and the orientation of the administration is in terms of how to get past the rules and serve these settlements.

In each of the three cases, though, the local bodies seem to be unable to control the proliferation of new gunthewari developments within the boundaries of cities. There are also reports of several new fringe area developments in the vicinity of all the three cities where jurisdictions differ – gram panchayats, revenue department (agricultural land). Consultations in the cities revealed that many such developments are driven by speculative interests and involve powerful elements in the three regions.

There is no policy to deal with gunthewaris after 2001. They are considered illegal but their construction and services continues unabated in most cities of the state. There are increasing instances when these irregularities catch the attention of the courts as in Pimpri Chinchwad, triggering massive demolition drives. Even in Sangli and Aurangabad –the study cities,

gunthewari developments are increasingly coming into conflict with critical planned developments.

The current moment of gunthewari developments is one of a crisis of planning. It does not just defeat existing plans but threatens the future prospect of planning as well. A serious analysis of the underlying elements of gunthewaris as well as the implications of the policy is thus called for.

Section III: Emergence and Proliferation of Gunthewaris – An analysis

A. Gunthewari Development – The Triggers

Gunthewari developments in all the three cities have been reported as a post 1980s development. While there are some generic factors involved in their emergence, there are also specific triggers that have shaped the trajectory of gunthewari developments in each of the cities.

Sangli - The emergence of gunthewaris in Sangli dates back to 1976 and the application of the Urban Land Ceiling and Regulation Act (ULCRA) to the small cities of Sangli and Miraj . Its impact on the local land market was momentous, especially as it was accompanied by the preparation of the Development Plan in 1977 in which all the excess land was notified as residential land in the DP. Further, the DP also reserved a number of agricultural lands adjoining residential lands for public amenities. While there was very little actual acquisition of land by the government, a number of land owners- mostly, big farmers whose lands were included in the expanded city limits faced a very real threat. Doubly encumbered, they responded by subdividing their lands into small residential plots and making a quick buck from them. This was the beginning of gunthewaris in the city near the S.T stand with layouts like Ramamata Nagar.

Akola - Gunthewari in Akola is experienced as a trend that emerged in the 1980s and has since increased its expanse. The congestion of the old city, establishment of Punjabrao Deshmukh Krishi Vidyapeeth(PDKV) in 1969, constraining development along the East side of the city, and the establishment of over 200 small scale industries in the MIDC areas attracting migration from the surrounding countryside for employment opportunities are the major reasons for triggering gunthewari developments in the lands on the outskirts of the then city limits. The other major trigger for gunthewari development in the city is that the city limits have not been expanded in the last 12 years (the proposal for Hadhwad (include 21 villages)was forwarded to the Urban Development Department on 14th August 2002) though the population of the city has trebled. Gunthewaris have emerged towards the South and West of the city opposite to the PDKV area where scope of development was restricted. Most of them are located on erstwhile agricultural lands that were included in city limits but continued to be placed under agricultural use.

Aurangabad- Pundaliknagar is one of the thirteen gunthewari settlements of riot affected people who previously stayed in the inner city till 1985-90. The formation of these settlements

was actively supported by the Shivsena- a right wing party in the state and so this entire area is called the orange belt of the city. Today, this is a thriving cluster of settlements, housing about 125,000 people. The other end of the orange belt is another pocket of 3 predominantly Muslim settlements like Husseinagar. Riots have thus been the primary impetus for a movement away from the inner city and into gunthewaris in Aurangabad. Gunthewaris in Aurangabad are intertwined with issues of fringe development.

The review of triggers indicates their specificity to each city in terms of the time of their emergence as well as in terms of determining the locations of gunthewaris and the particular profile of occupants. However, the triggers also lend themselves to a few general conclusions. Two dimensions seem to be critical in emergence of gunthewaris. These are –

a) Locations - where landowners are able to make quick gains from the sale of plots. Typically, these locations are on the periphery of urban areas, close enough to enable access to urban amenities and far enough to enable distance from highly priced urban lands. These are locations where proceeds from property begin to exceed productivity of territory or from primary activities on land.

b) Time points – Land markets are highly dynamic and gunthewaris also represent points in time at which land owners do not have opportunities to make formal and larger gains through this conversion of territory to property. Hence, the resort to layouts with small plots.

The review of these triggers indicates that gunthewaris are developments in the shadow of policy. They raise several questions of the nature, timing, implementation and effectiveness of spatial policies in the particular locales. They also indicate certain patterns of spatial planning (or its absence) in the state of Maharashtra. Some of these issues are discussed later in the concluding section of the state level base paper.

B. Phases of Gunthewari Development

As developments intricately linked to local land markets, guthewaris are highly dynamic entities that change with space-time contexts of the city. The review of Maharashtra indicates that gunthewari development has followed two broad phases-a) prior to regularisation till 2001 and b) post regularisation

a) Profile of Gunthewaris prior to 2001

The profile of the residents of these gunthewaris that were created in the wake of the triggers discussed above was quite similar to the profile of residents in slums – largely migrant workers, people in unorganised sector. They were a step above them in that they aspired for the security of their own house. In Akola, the inner city congestion pushed many rental households towards a search for houses in gunthewaris. A similar trend was also seen in Sangli where the old gaathan area was getting very congested. There is a slight variation in Aurangabad where riots lent an extra edge to the development of gunthewaris .This is reflected in the profile of residents in gunthewaris as well as in the manner of organizing their development. Gunthewaris in Sangli are socially the most heterogeneous while those in Aurangabad are communally organized.

The common feature cutting across all these diverse groups is the demand profile for affordable housing. Plots in the cities were available for Rs 5000- 10,000. Construction could be as per one's affordability. The only issue was lack of basic infrastructure such as roads, sewage, drainage and solid waste collection.

Another key characteristic of this phase was the low level of organization of the activity. Field interactions reveal that most sales were direct transactions between landowners and buyers.

Gunthewaris that were triggered off in the early 1980s began to expand rapidly in the three cities. In Sangli, gunthewaris expanded from the agricultural lands surrounding the old city to lands under DP reservations, inam lands and open spaces set aside to obtain NA permissions. By 1985, gunthewari developments expanded to agricultural zones on all sides of the city and lands reclaimed by filling in canals and nullahs.

By 1985, gunthewari developments had become a fairly significant phenomenon . Demands for basic services thus began to take root. These were met with some resistance from the Council due to lack of availability of land for amenities. The beginning was made through MP/MLA Local Area Development Funds. The Council then began to charge property tax and also provide connections for water supply and electricity. Gunthewaris thus became an acceptable housing option. It was fraught with a certain amount of risk as the structures were illegal but these risks were offset by the security of the bought land. The parallel phenomenon of regularisation of slums till a particular cut-off date which were now being offered services and security was also assuring for those involved in gunthewari. The activity of creating new layouts, selling the plots, registering these transactions began to be more organised over the years. Several of the new gunthewaris did not possess adequate basic services and were located in environmentally vulnerable locations. A demand for a law on the lines of the slum act thus began to take root. Sangli which coined the term 'gunthewari' also became the epicentre for the demands of an act to regularise gunthewaris. It was joined by several other towns in the state, particularly in Western Maharashtra such as Pune, Ahmadnagar, etc.

b) Post 2001 Phase

The legislation to regularise gunthewaris was enacted in 2001. This has changed the dynamic of formation of gunthewaris. The act opened a window for regularisation of the settlements. After the enactment of the legislation, nearly 16000 proposals were received for regularisation in Sangli. Of these a little above 3000 cases have been regularised. The status of regularisation is similar in most cities in the state as seen in table. What is pertinent to discuss here is the impact of regularisation on erstwhile gunthewaris and new gunthewari formation. The impact of regularisation on erstwhile gunthewaris has been limited in terms of improvement of quality of life and convergence with planning standards. However, it has helped to enhance the sense of security for gunthewari residents. The price of gunthewari plots in Sangli rose to Rs 3-4, 00,000 after 2001, a rise of 30-40 times.

The maximum impact of regularisation is however, seen on new gunthewari developments. In each of the three cities, the formation of new gunthewaris continues unabated. Sangli, the new area where gunthewaris are being formed is just beyond the current Corporation limits near and grab in the study towns as well as in other areas of Maharashtra.

Haripur which has become also the octroi haven for the city. The plotting of such layouts through lay architects, the sale of these plots, the issue of bogus stamp papers prior to 2001, the regularisation of these settlements have all become highly organized. There are several large houses in plots over 3000 sq feet which are now being constructed in gunthewaris currently. The new profile of gunthewari residents is people who do not need loans to construct houses and who command power over the Corporation to look the other way. In Aurangabad, the declaration opened the gates for a highly organised activity of preparing layouts through engineers and architects, construction of 3-4 storey buildings and registered sales. It is estimated that there are 7000 new plots of 600 sq feet which are being laid out annually in the city on its peripheries. It is a sizeable bulk of new house construction in the city. The price of gunthewari plots has risen from 100 Rs per sq metre to Rs 1000 per sq metre. In Akola too, gunthewaris today form the bulk of the new housing construction, especially for lower middle class or working class households.

In summary, the key trends in the post 2001 phase are –

- Increase in security and asset values in gunthewaris before 2001: 2001 became the marker of tolerance of gunthewaris as it is outlined in law. The legislation gave de facto security to the settlements before 2001, even without undergoing the regularisation process. Settlements such as Pirjade plots in Miraj, Bhagatwadi in Akola have still not been fully regularised but the housing prices in these areas shot up following the 2001 legislation.
- Encouragement to uninhibited new gunthewari formation: Every study city demonstrates that the number of gunthewari structures post 2001 far outnumber those prior to 2001. This is both in terms of numbers of houses as well as in the number of layouts. The gunthewari act, has been interpreted as a virtual acceptance of gunthewaris as a housing form by ULBs.
- Greater degree of organization in the business of gunthewari creation: Gunthewaris have historically been more organized than slums in their emergence. The 2001 act meant an increase in the degree of organization as illustrated above. It has also meant the emergence of networked actions that invoke informal housing as an instrument for land grab.
- Larger plots, houses and use of gunthewaris by more powerful elements: One of the most interesting trends seen in the three cities is the emergence of larger plot developments through a gunthewari mode. Sangli has experienced plots stretching 7-8 gunthas (potentially very much in line with planning norms) which have sought regularisation. This usurping of a housing mode that has been one of the few affordable housing options available in these towns by the more powerful suggests a development that demands fresh analysis of the phenomenon of gunthewaris.
- Increase in speculative land sales and development in fringe areas: The tolerance of gunthewaris became a virtual green signal for subdivisions of agricultural land in the fringes of urban areas. There is reason to believe that contemporarily, gunthewari and informal housing have emerged as euphemisms for land grab in the study towns as well as in other areas of Maharashtra.

C. Perspectives of Stakeholders

The issue of gunthewaris involves a variety of stakeholders, including the residents themselves, the land owners, the other actors involved in the creation of layouts and transactions, the urban local body and the state government. The perspectives of these various stakeholders towards the issue of gunthewaris present interesting continuities and differences, as discussed below-

- **Residents:** Residents of gunthewaris perceive themselves to be legitimate buyers and occupants of their homes. Even though many physical attributes are shared by slums and gunthewaris, gunthewari residents perceive themselves to be distinct from slums in that they have bought the land from land owners. Slums are equated with indignity and vulnerability to governmental actions in shifting them. As against the same, gunthewaris are seen as housing with dignity though vulnerable to the machinations of land owners cum developers. Residents take affront to the news of proposed road alignments in Aurangabad or action against the open space reservations in Sangli. The constraints in living conditions are either accepted as part of life and there is an expectation that the government do something about the same since they are regular tax payers.
- **Land owners:** Most land owners of gunthewaris are large land owners or those who have acquired land from small farmers. There is a tremendous overlap between land owners and developers of gunthewaris though this has changed in recent years with more organized elements coming in. Land owners see gunthewaris as a mode of optimising revenue from their holdings. The government is seen as an agency that blocks the same and hence there is a constant process of identifying ways in which procedure and regulation can be bypassed.
- **Other actors:** There are several service providers in the network that creates and transacts gunthewaris as a regular business. These includes people in critical government offices such as land revenue offices, courts and people working outside the system such as draftsmen, para legals etc. The key attribute of these actors is their knowledge of how the system works and therefore also the techniques of bypassing the system or how to create a quasi – system. There is an attempt on part of these actors to be invisible and operate through word of mouth and social networks.
- **Political class:** The role of the political class in the matter of the gunthewari issue is highly complex and layered. The Gunthewari act was initially introduced as an ordinance and subsequently presented to the state legislature. The debates in the assembly give an interesting insight into the political perception of the issue. The concerns raised in these debates ranged from the concern for planned development of cities, inclusiveness of city growth and the crisis of affordable housing. There was a plea to relax the conditions for regulation and the costs of the same. The debates reflected unanimity of opinion that gunthewaris needed to be regularised, there were differences over the timing and the mode of it. If these debates are to be taken as an indicator of political opinion on gunthewaris, the analysis that gunthewaris represent affordable housing is shared across the political spectrum.

At the local level, councillors cannot afford to make a distinction between gunthewaris and slums in terms of service provision. There are very few councillors who articulate concerns of planned development of the city. In the city consultations, the role of powerful politicians in land grabbing through gunthewari developments is clearly articulated.

- **Urban Local Body:** Service provision to gunthewaris has emerged as a political imperative for the municipal bodies. In all the three cities studied, there are several wards which have significant gunthewaris. In Sangli, 40 out of 74 municipal wards, out of wards in Akola and out of wards in Aurangabad are considered to be gunthewari wards. Gunthewaris thus constitute a significant proportion of local population and as such cannot be denied basic services. The move towards regularisation has further bolstered this move. There is a constant pressure from local councillors to identify funds to benefit the gunthewaris.

The extent of service provision to gunthewaris however differs across cities. In Akola, the Corporation does not make any distinction between gunthewaris and other localities of the city both in terms of service provision as well as in terms of charging property tax. In Sangli, gunthewari residents pay property tax but the levels of services and infrastructure are certainly low in gunthewaris, especially those in difficult locations. There is a significant difference in levels of services in formal settlements and gunthewaris in Aurangabad. Partly this has to do with the fact that Aurangabad Municipal Corporation declared some of the undeclared slums as gunthewaris. This is also the city where settlements like Pundaliknagar have struggled for over a decade to access water and even now live under the looming threat of road widening. The relationship of gunthewaris to local bodies thus, is almost schizophrenic. It shuttles between acceptance and denial. Akola, Sangli and Aurangabad present examples of a descending scale of integration of gunthewaris within the overall functioning of the local government.

Under the umbrella of a uniform state policy towards gunthewaris, the reasons for the differences in services need to be identified at the local level in the domain of local land and political interests. In Aurangabad, parastatals like CIDCO are more immune to political influence and are seen to be actively in conflict with the gunthewaris. Here the party in power at the local level is in opposition to that at the state level which regulates institutes like CIDCO. At the other end is the city of Akola, where the influence of the local party in power is limited to the region and the degree of acceptance of gunthewaris as a housing form is such that their illegality is considered a non issue. In Sangli, there is a mixed response. On one hand is the political imperative that ensures that local body funds are invested in gunthewaris and funds from the state government are lobbied for. On the other hand, gunthewaris in open spaces, along flood lines, under high tension wires are insecure. Secondly, gunthewaris are being excluded from critical infrastructure developments like the new drainage plan. These ambivalent stances in Sangli in relation to gunthewaris need to be seen in a backdrop of the interplay between highly competitive local and regional politics in the city. Overall, the tolerance of informality seems to be inversely linked to the degree of vertical organization of land-political interests and their base in the local.

- **State Government:** The state government role in the gunthewari issue is critical as it involves regulation of land and urban planning. The former is addressed through the land revenue system headed by the Collector at the district level and the latter through the Town Planning Directorate. Both these departments in turn are governed by the Urban Development department of the state government. The emergence of gunthewaris itself is in some ways a failure of both land and planning policies followed by the state government and their inability to sense local needs or agility in responding to opportunity.

Its dealings with phenomena of irregular housing such as gunthewaris are fraught with dilemmas and contradictory pressures. Acceptance of these phenomena signals a tolerance of irregularity and encourages the same. It also creates further constraints for the future planning possibilities. On the other hand, non acceptance translates into a non humane response that is incompatible with a democratic spirit. Land revenue department is concerned with non payment of revenue in the transactions; town planning department is concerned with the non compatibility of such developments with land use plans. Bureaucracy is concerned with regulation; political wing is concerned with responsiveness to local demands. The regulation of gunthewaris through the 2001 act and its actual practice is shaped by these contradictions.

These stakeholder perspectives demonstrate how the actions of various groups collude, conflict and shape the production of gunthewaris, their sustenance and their regulation. These interactions are dynamic and it is evident that they represent and produces the only form of affordable housing currently available in these cities. It is also clear that this claim that has lent legitimacy to gunthewaris is now questionable. Regulation has now become a perverse incentive, which produces more gunthewaris than regulates it.

D. Gunthewaris in relation to other forms of informality

It is generally recognised that informal housing in Indian cities is one the rise. Gunthewaris represent one form of informal housing in small and medium cities, along a continuum of other such forms. It is thus interesting to compare gunthewaris with these forms and understand the similarities and dysjuncts between them. Such a comparison gives insights into the interface of dynamics of particular locales, people and regulating frameworks.

a) Gunthewari vs Slums

A slum is one of the most recognized forms of informal housing.

The following chart attempts to do the same along multiple dimensions-

Table 10 : Multiple dimensions of Gunthewari and Slums

Dimensions	Slums	Gunthewaris
Occupant Profile	Working class and unorganized sector households, greater preponderance of dalit sections, shelter secondary in relation to livelihoods in city	Working class, unorganized sector households, socially heterogeneous, aspirant for own house from rentals or congested housing
Lands under occupation	Largely government lands, contested lands, reclamations and claim established in form of encroachments, sales reported but no documentary evidence	Largely private lands but also a good proportion of lands that have been encroached through organized activity, occupation however post layout formation and through sale transactions
Nature of layout	no layouts, division of plots done roughly	Layout development through 'para' professionals, documented layout plans though difference between what is shown to buyers and what actually exists on ground
Housing Development	Highly incremental contingent upon household and settlement stability	Incremental in large numbers of cases
Housing size	Generally about 20 by 30 sq feet, 2 rooms	Generally 1000 sq ft, extremes - 20 by 30 ft in Aurangabad to more than 3000 sq ft in Sangli. Most houses between 2-3 rooms
Housing Structure	Houses kuccha, semi pucca and pucca	Most houses are pucca but several also semi pucca
Taxation	Pay concessional amounts on water, fine for structure to municipality	Are charged water and sewerage taxes by municipality
General level of Amenities	Highly varied across cities. However generally lower in relation to other settlements, most officially provided amenities are of public nature, fairly high presence of amenities that are procured through illegal/extra legal means Amenities provided through MP/MLA funds, slum schemes of central/state gov. Project approach and so little continuity	Water and toilets are largely within homes; sources of the same are bore wells etc, other amenities often lacking Most amenities procured through self provisioning and border on illegal/extra legal means

Dimensions	Slums	Gunthewaris
Infrastructure	Qualitatively and quantitatively poor Infrastructure provided through MP/MLA funds, slum schemes of central/state gov	Qualitatively and quantitatively poor but varies across settlements Infrastructure provided through municipal budgets for ward improvements
Documentary evidence	Voter ids, BPL cards, utility bills Evidence pertains to structure and citizenship	Sale deed, Utility bills Evidence pertains to buying and possession of land
Perceived Security of shelter	Varies from high security in Akola to high insecurity in Sangli, vulnerability to government action and to being relocated persistent	Fairly high except where threats have been experienced in specific locations Righteous anger in case of government action possibility
Constraints experienced	Slums across all cities are highly vulnerable to government action and policy change Those located on environmentally hazardous location have to live with related risks There is very little recognition of agency of slum dwellers, thereby continuing their vulnerability to political dynamics	Gunthewari residents are seen as located between victimhood and residents with capabilities, they are comparatively less vulnerable to fluctuations in policy. However, drastic threats such as court initiated actions remain

The comparison of slums and gunthewaris as a housing form reveals both the overlaps in terms of the demand side and the freedoms/ constraints experienced by residents as well as certain key differences. The differences in policy are even more critical. The following chart identifies some critical differences in policy towards slums and gunthewaris.

Table 11: Differences in Policy towards slums and gunthewaris

Dimensions	Slums	Gunthewaris
Scope of regulation	<ul style="list-style-type: none"> • Covers private lands as well as government lands • Conditional declaration even of 'commons' lands and lands under reservations • Calibrated by date lines which have been regularly extended 	<ul style="list-style-type: none"> • Covers only private lands • Inam lands, public lands, lands under reservations excluded • Fixed date line of 2001
Nature of regulation	<ul style="list-style-type: none"> • Regulation is in the form of 'declaration' of a slum, enabling state to intervene • Slums are almost never delisted • Surveys of structures and issue of identity cards to slum households undertaken as local practice, high level of variation in this practice • Documents linked to occupancy and citizenship as the base for 'regulation' • All property transactions in the informal realm 	<ul style="list-style-type: none"> • Regulation is in the form of a 'certificate' of regulation of structure by ULB • Construction of land possible but necessitates different regulation procedure with revenue department • Regulation does not imply acceptance as a residential area on par with other planned areas • Documents of possession are accepted as the basis for regulation Property transactions in the informal realm though enjoy high level of legitimacy due to quasi judicial nature of documents with the plot holders
Cost of regulation	<ul style="list-style-type: none"> • Declaration of a slum is a collective process and cost • Documents for structure such as ration card, photopass, electoral list cost very low 	<ul style="list-style-type: none"> • Cost of regulation s very high – application costs, those linked to regulation of structure and those linked to regulation of land – cumulative costs range from Rs 8000 -15000

Dimensions	Slums	Gunthewaris
Role of state	<ul style="list-style-type: none"> • Conditional declaration as slum • Ongoing interventions contingent upon prevalent policies • Basic services provided free of cost • No taxation but usually expected to pay costs of maintenance of services given • High vulnerability to relocation 	<ul style="list-style-type: none"> • Regularisation of structure and land possible • Though date for 'regularisable' structures is fixed ie 2001, the period for regularisation has been extendable and conditions for the same have been relaxed over the years • Basic services provided at variable levels but at a cost • Tax levels almost on par with planned settlements

It is evident from the above chart that there are critical differences in policy on slums and gunthewaris than those justified by the overlaps in the issues. It creates the basis for a critique of the policy.

b) Gunthewari vs Haddwadh

Haddwadh or limit extension refers to a particular locale of informality in Maharashtra. A spatial development plan typically reviews the boundaries of urban settlements. In the case of some cities, boundaries have been revised, however the administration has not been able to acquire the land or provide services to it. In the meanwhile, constructions or sale transactions on the erstwhile rural land have already begun. Such localities which are 'urban' but are not serviced by the 'urban' government are called haddwadh. Gunthewari and haddwadh thus both pertain to the use conversion of rural land. However, in limit extension, land is officially denominated as urban while gunthewaris traverse land officially denominated as urban as well as rural. There is a lot of overlap between motives of land owners in both these phenomena, seeking to make a quick gain and preventing land acquisition by the state. There are also overlaps between conditions of haddwadh layouts and gunthewari settlements, the residential profiles. However, haddwadhs also have a lot of pre-existing residents. The urban local bodies perceive haddwadhs as partly legitimate settlements but trapped in a fall out of an institutional stalemate while gunthewaris are seen as illegal developments.

c) Gunthewaris and Zhalar Khsetra(Urban Fringe)

The Zhalar Kshetra is a peculiar form of informal development in the city periphery. It is linked to urban development/settlements in villages on the periphery with the consent of the local authority ie the gram panchayat. Here the form of informality depends on the gram panachayat which has overreached its institutional domain; it challenges the planning authority with the

regional outreach. Zhalar kshetras are typically found in cities where there are regional spatial planning authorities with planning jurisdictions beyond the city's geographical limits. For example, Aurangabad has a zhalar kshetra which covers nearly 28 villages on the periphery. The developments in the zhalar kshetras consist of layouts serviced by the gram panchayat. However, they come into conflict with developments envisaged by the planning authority. Thus, a major conflict is emerging in Aurangabad around the roads planned by CIDCO that pass over some of these already existing layouts. Zhalar hsetra is officially sanctioned by the wrong authority while gunthewaris bypass approvals of all authorities. The residents of these areas are thus relatively better serviced.

In comparing gunthewaris with some of these other forms of informalities, it is evident that these forms emerge around similar triggers. These include the inability of state institutions to plan and effectively commandeer land for future urban development in time, the sheer lack of affordable housing solutions in cities that push people across classes to seek housing solutions that are informal. There is a gradient of 'illegalities' that these forms express. These range from non approved constructions to non approved use to non approved sale of land to wrongly approved developments. In their very existence, they are a testament to the varying layers of regulation of housing activity in the state, their impact on housing activity and shadow activities linked to each of these regulations. The forms also express a continuum with a differing gradient of vulnerability. Thus slums may be seen as representing the highest vulnerability because they challenge several layers of approval while the zhalar khsetra or had wadh the least vulnerable as they involve institutional approvals of a kind. The socioeconomic vulnerabilities of residents in these informal settlements overlap considerably with the maximum Dalit, minority, and poor populations staying in slums. The lower end of gunthewaris overlaps with the profile of slum dwellers but towards its higher end also has groups with higher socioeconomic status. Zhalar kshetra and hadd wadh also overlap with gunthewaris in terms of a lower middle class to higher middle class profile.

The analysis of gunthewaris enables a critique of the policy towards gunthewaris.

Section IV. Gunthewari Policy: A Critique

A policy for informal developments is a tricky terrain. Granting sanction to some of these developments through regulation may be a relatively easy task as opposed to controlling the forces that generate these developments on the demand and supply side. Further policy also demands nuance in differentiating between the various shades of 'irregularity' and 'vulnerability' that these informalities represent. Finally, the aspect of unintended outcomes or perverse incentive can very easily be embedded in policies. The gunthewari policy can be critiqued on all these grounds.

A. Choice of Policy Instruments

The policy instruments employed to deal with varied forms of informalities need to be analysed. A law, an ordinance, a resolution, an order/directive differ in the generative processes, institutional architecture and justiciability. A law can be presumed to have more

comprehensiveness and permanency; it is also a policy instrument that is the least flexible. The application of a legal instrument to deal with gunthewaris, may be linked to their presence in relatively large geographies in the state. On the other hand, the law was expected to regularise only gunthewaris till 2001 ie the year when it was passed. It was thus seen as a one-time gratis. The law continues to be in force even after 12 years. In these 12 years, the scenario of gunthewaris has vastly changed but the law has no provisions to deal with the same. Further, the study reveals that gunthewaris have a lot of locale specificity; a law propounds a uniform approach to deal with them across all cities and towns, which may be counterproductive.

B. Institutional Architecture of Regulation

The institutional framework envisaged in the act is one that leaves the actual regulation to the planning authority ie the local corporation with guidelines for the same taken by the state government. The local corporations only have jurisdiction over planning and construction; they do not have a control over land. Thus regulation of land remains an unaddressed issue in the act and in the institutional framework. This has significantly eroded the importance of regulation as a legal sanction to a transaction. For the plot holders, regulation is notional; it is not a guarantee of claims to land nor does it ensure a full citizenship.

As stated earlier, gunthewaris have a lot of locale specificity. For eg gunthewaris in Pune, Pimpri Chinchwad, Aurangabad are a highly organized construction activity as opposed to gunthewaris in smaller cities and towns where they are relatively informal. The law however does not distinguish between these differences in cities. These differences had to be accommodated over the years through the decisions of the state committee.

One of the reasons for having a state level act to deal with gunthewaris could possibly be linked to a lack of faith in local politics which could open the door for 'rampant illegal construction'. Within the act, there is no distinction between larger gunthewari plots and the ones that are smaller. The larger plots and constructions on them are much closer to plan standards than those on smaller plots. Irregularity, in this case seems to be a matter of choice rather than compulsion. For these plot holders, regularisation is an easy mode of getting things done. The gunthewari policy has clearly opened up the route for such developments. If one of the reasons for having a state level act was a it is clear that having a state act is equally, if not more ineffective to control the same.

One question that needs to be asked is whether there is a mismatch in fixing powers and accountability in the state. Do urban local bodies have adequate incentive to regulate gunthewaris or unauthorised construction? Or are they emerging as the last peg in a system that encourages informality from the top?

C. Mode of regulation of gunthewaris in comparison with other informalities

If one were to trace the policy history of dealing with informalities in the state of Maharashtra, the most obvious pattern would be that each of these emerging forms has been dealt with through a separate and delinked action. Thus, there is a separate law to deal with slums,

another law to deal with gunthewaris, an ordinance to regulate unauthorised construction in Ulhasnagar and Kalyan- Dombivali etc. On one hand, these multiple and distinctive policies may be expected to add nuance to overall approach; on the other hand they may be ineffectual in dealing with the overlaps on ground.

It is of particular interest to see how the slum act and the gunthewari act compare since there are a lot of overlaps in the two phenomena on ground. Further, it is interesting that the rationales for bringing in the two acts are fairly similar.

The background of the slum act says that the law is enacted with purpose to make better provision for the improvement and clearance of slum areas in the State and for their redevelopment and for the protection of occupiers from eviction and distress warrants

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

The review of regularisation discussed earlier reveals how the policy confines the state role to regularisation and provision of services through collected funds. This is in opposition to the slum act where the state accepts an obligation to intervene in slum areas in order to alleviate their distress; there is no expectation of taxes. The fundamental difference between the two acts is thus in their doctrine. One ie the slum act is cast in the welfare mode of statist intervention characteristic of the 1970s while the gunthewari act is cast in the neoliberal mould where state obligations are sought to be kept to a minimum.

Field studies reveal that the real difficulties that gunthewari residents face are the lack of roads, open spaces and trunk infrastructure. The gunthewari act and its implementation have been unable to address these issues effectively and it is seen that the standard of services is only marginally improved over slums. The application of funds too overlaps as it is difficult to make distinctions. If the basic facilities to be provided in gunthewaris are of the same standard as that of slums and planned and executed in a similar mode, the need for two acts is questionable. The rationale of giving only 'free' services and denial of agency to slums and delinking services from funds collected and a nominal regularisation in the case of gunthewaris is not justified by the tremendous overlaps on ground.

Another important question that needs to be asked is whether the relative difference in costs of regularisation as 'slum' and as 'gunthewari' is worth the difference in the 'meaning' of the regularisation. In cities like Aurangabad where several undeclared slums were declared as

gunthewaris, in Akola where slums and gunthewaris are geographically contiguous, in Sangli where the lower end gunthewaris are as good or as worse as slums – each of these cases points to the dubious 'difference' created in these two categories.

Is there a larger purpose to this distinction? Could gunthewaris have been declared as slums on private lands? This has been done in the case of Mumbai and a few other cities. Declaration as a slum places the land under occupation as a site of public interest to be acquired by the state by giving the land lord a 'fixed' compensation. On the other hand, the gunthewari act bypasses the land owner and does not penalise him in any manner nor does it hold him responsible for release of land for basic infrastructure. In fact, he gets an added incentive through the value addition to development on his land as opposed to declaration as a slum that reduces the value of land for the land owner. It is evident from the field studies that the act has been unable to control new gunthewari developments. This proliferation is at least partly explained by the inability to rein in the land owners who are able to speculate and get away with it. This difference between the incentive structures for land owners in the two acts seems to be a key difference in the drivers of the two phenomena.

Several questions arise from the comparison of these two prevalent forms of informalities. On ground, most slums dwellers recount a tale of transaction of land (including public and private). Yet, why are slums perceived to be devoid of agency? Why are gunthewaris 'regularised' as individual plots and not as settlements? Why slums are 'declared' as settlements and not as sets of 'individual structures'? Why slum areas are kept vulnerable to the changing dictums of policy? What explains the treatment of gunthewari plot holders as 'somewhat legal' but slum dwellers as 'illegal'? Questions such as these underline the arbitrariness of policy to deal with these informalities and point to an overall lack of comprehensiveness in dealing with the issue of informal developments.

Conclusion

The study of gunthewaris as a form of informal development gives insights into particular forms of urbanization, its drivers and illustrates the highly embedded nature of informality in the system. The policy treatment of these informalities is fraught with arbitrariness. It also raises multiple issues linked to several initiatives of the state in urban development, including spatial planning, land reforms and housing policies.



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रमेश श्रावणाजी भगत
या अकोला
व.शि.म.ग.

दिलीप व. पांडे
मुद्रिक विभाग
कलकत्ता ऑफिस, अकोला

अनुक्रमांक नंबर ३४४८
सन १९९८ को गत
चे ५ ला खोला
दरम्यान अकोला मुख्यालय
दुर्यम निबंधक कचेरीत
बाणून दिला.

फौ घेतली ती
नोंणे फी	११० -
फोटो पाने	२० -
फ. खर्चा	१२ -
शेरे ती	२ -
मे ती	२ -
टपाल	२० -
एकूण.	२०६ -

रमेश श्रावणाजी भगत

दुर्यम निबंधक

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दुर्यम निबंधक
अकोला

दुर्यम निबंधक
अकोला

विभाग क्रमांक-६/७ प्रमाणो पंचोपाल नगर जवळील.
शहर विभाग मुद्रांकसमये - १,०००/- बाजार भाव किंमत
समये-१५,०००/- स्थावरचे खारेदीखत किंमत समये- १०,०००/- चे (दहा हजार
तलहून घेणार :- तलीमुन बी शोखा जलाल वय ३५ वर्ष घटकाम.
राहणार-श्रावणाजी नगर अकोला ता. नि. अकोला यांती.
तलहून देणार :- १) रमेश श्रावणाजी भगत वय ४७ वर्ष ट्यापार व शोती.



१८६४८ रमेश श्रावणजी भगत
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२) दिलीप श्रावणजी भगत वय ३९ वर्ष इतो.

नंबर-२) तर्फे मुळात्वार नं ब्र -१) रमेश श्रावणजी भगत वय ४७ वर्ष

फंदा- व्यप र व इतो दोघोही राहणार- शिवाजी नगर अकोला.
ता. जि. अकोला.

स्थावरचे खारेदीखात लिहून देतो ते येणे प्रमाणे :-

भरणा :- या खारेदीखाताचा पूर्ण भरणा रमये- १०,०००/- (दहा हजार)
या तुम्ही आम्हांस आगाऊ रोखा दिला आहे तो पावला.

या रमयचि मोबदल्यात आमचे मालकीची ताब्यातील बिनबोजाची
जागा क्रमांक- ८८ तुम्हांस विक्री तिचे वर्णन :-

मौजे शहानुवाजपूर प्र. ता. जि. र. डि. र. स. डि. नगर परीषद अकोला
येथील विभाग क्रमांक- ६/७ प्रमाणे पंचशाल नगर वस्ती जवळील (झुलपुकार
बाबाचे दग्याचे उत्तरेकडील भाग) इत स. नं. ५ चे आमचे जमीनीचे तिचे
आमचे जवळील छाजगी नकाशातील जागा क्रमांक- ८८ तुम्हांस विक्री
तिचे माप :- पूर्व- पश्चिम - ४० फुट १२.१२ मीटर

दक्षिणा- उत्तर - २५ फुट ७.६२ मीटर

याचे क्षेत्रफळ - १००० चौ. फुट २२.२ चौ. मीटर

याची पतुस्सीमा :- पूर्वस - पाच फुट रेंदीची सव्हीस गल्ली. पश्चिमेस-

पश्चिम फुट रेंदीचा रोड- उत्तरेस- स. नं. ८ ची जमीन. दक्षिणेस -

जागा क्रमांक- ८७ ची जागा.



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या क्तुस्तीमेतिल वरील क्षोत्रफळाची जागा तुम्हांस
आम्ही वरील भरण्यांत विकली व आज तुमचे ताब्यात
दिली.

याचा मालकी हक्कानि तुम्ही पूर्ण उपभोग घ्यावा.
यावर आमचा हक्क संबंध राहिलेला नाही. यांची नोंद
तुमचे नावे कस्त घ्यावी.

याचा आज मागील कर आम्ही देऊ. याचा आज पृढील
कर तुम्ही घावा.

यावर बोजा हक्क गहाण नाही. तसा निघाल्यास तो आम्ही
आमचे छावनि दुर कस्त देऊ व तुमचे नुकस्तान भस्त देऊ.

हे छारेदीछात लिहून दिले ते मल्ल आम्हांस व आमचे
इस्टेट वारसास लागू असे. अकोला तारीखा- ४.८.९८
टाईम बाय- दि.प्र.पडि अकोला.



साक्ष

१) शेखरजीकाजी

२) शेखर

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मुंबई नगरी

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स्थावरची इतार पावतो

तोदा रुपये ४०,०००/- [चाळोस हजार रुपये]

इतार रुपये १५,०००/- [पंधरा हजार रुपये]

लिहून देणार :- राहुल रमेश भगत वय अं. २५ वर्षे

रा. शिवाजी नगर जुनेशहर अकोला

लिहून देणार :- राजेश्वर बाबा शेरवत, वय अं. २५ वर्षे

रा. भगतवाडी जुनेशहर अकोला त. जि. अकोला

मी रवाजगोव सही करणार स्थावरची इतारपावतो

लिहून देतेवे येणे प्रमाण :-

महाराष्ट्र मालकीचा व प्रत्यक्ष ताब्यातील मीचे शहानवाजपुर प्र.स. जि. र. डा.

रतडी नगर परिश्र अकोला येथील विभाग क्रं. ६/७ प्रमाणे पंचशिल नगर वस्ती

जवळील इन्फ्रुक्चर बाबाये दग्याचे उत्तरेकडील भाग स. नं. ५ चे जमिनोचे

रवाजगो नकाशातील जागा क्रम कि ८८ त्यांचे मोजमाप.

पूर्व - पश्चिम - ४० फुट

दक्षिण- उत्तर - २५ फुट

त्याचे एकूण क्षेत्रफळ १००० चौ. फुट. त्यात चुतिमा :-

पूर्वत - पाच फुट रस्त्याची सडकीत गेली, पश्चिमेत - विस फुट रस्त्याची

रोड, उत्तरेत - स. नं. ८ ची जमिन दक्षिणेत जागा क्रम कि- ८७ .. २.

वरिष्ठ वर्णाची व क्षतिमतील जागा व त्यामधील बांधिल्या कुळामातीचे
 तिन रवोल्या सहित तदंगभूत वस्तुसह आज रोजी मोतुम्हास रक्कम
 रुपये ४०,०००/- [चाळीस हजार रुपये] मध्ये तुम्हांस विकण्याचा
 सोदा आज रोजी कायम केला असून इतारापेठे आज रोजी रुपये
 १५,०००/- [पंधरा हजार रुपये] रोख नगदी मिळाले असून बांधिल्या
 राहिलेली रक्कम रुपये २५,०००/- [पंचविस हजार रुपये] तुम्हो मला
 रवरेदीचे दिवशी देण्याचे कबूल केली असून रवरेदीची तारीख आपल्या
 दोघांत दिनांक:- २४.४.२००६ रोजी किंवा त्याचि अति माझी राहिले
 उर्वरित रक्कम मला देऊन रवरेदी तुमच्या नावाने व तुमच्याच
 रवचनि [घेणाऱ्याचे] रवचनि करून देईल. सदर रू वरिल जागेचा/राज्य
 ताबा मी तुम्हांस रवरेदीचे दिवशी मौजून तुमच्या ताब्या देईल.

सदर प्लॉटवर कोणाचेही कर्ज/गहाण नाही तसे आढळल्यास
 ते मोरवरेदीचे अगोदर क्लोजर करून देईल.

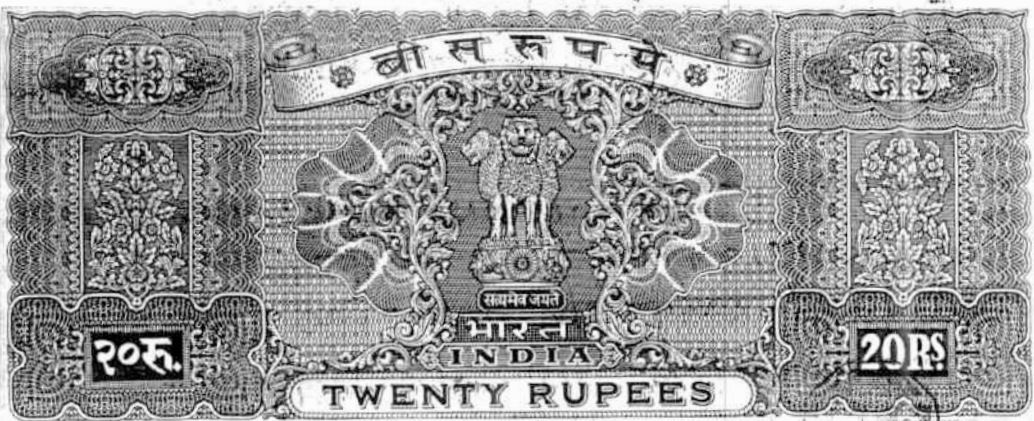
वरिल मुदतीचे अति तुम्हो माझी राहिलेली रक्कम देऊन रवरेदी
 करून न घेतल्यास तुम्हो मला दिलेल्या इताराची रक्कम बुडेल व ती
 मागण्याचा तुम्हांस अधिकार राहणार नाही. जर मी वरिल तारखेस
 वि. कोर्टात तुम्हांस रवरेदीकरून देण्यास इजर न राहिल्यास तुम्ही
 कोर्टामार्फत रवरेदीकरून घ्यावी व त्यास माझी केसतीडो डरकत
 राहणार नाही.

करिता हा स्थावरची इतार पाकागे माझे राजीव्हाने व
 होशोडवाश्वर असताना लिहून देत असून ते माझे इ. वा. लागू असे
 आज दिनांक: २४.५.०५

साक्षीदार

- १) फायोजी कुबिन
- २) अमीनाबी

सहो मालिकुमकी शेख जलाल
 [लिहून देणार] १४/५/०५



15/10/65
31/9/65
EP 2000

रमेश भावरा गजरा शर्मदा
विक्रम चण्डा
फयाजीदीन

नरेश्वर राम सुब्रह्मण्य
मुद्रांक विभागा, अकोला



करारनामा

लिडुन देगार :- मलीक फैसल खान रफिकुल हसन
खान वय 2 वर्ष खंदा नोकरि
रा. मोहम्मद हली रोड वेदपुरा अकोला.
यांग

लिडुन देगार :- रमेश भावरा गजरा शर्मदा
खंदा - व्यापार रा. शिवोजी नगर
अकोला रा. श्री. अकोला.

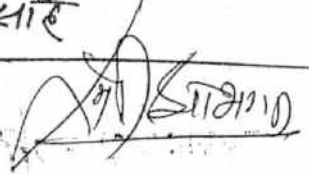
कारणे :- मी खालील सहि करणार करारनामा
लिडुन देगे ल. येणे प्रमाणे.
माझे खजाने लाब्यात कुवाकडेही गहाळ नसलेले
बिठि खोताने मीत्या शहाणवाजपुर पु. ला. श्री. र.
स. डि अकोला येथील शेक सं. 9-4 भागतवाडी
पं नमावा मधील खोटे व. 981


यस भाग :- 24 x 80 - फुट (1,920) 1000 - फुट
पु. रोड प. सर्वेक्षण नम्बर 1. प्लॉट नं. 982 - फुट
जागा नं. प्लॉट नं. 986 - फुट जागा.

वारिस वणनिय प्लॉट तुम्हारा नजारा 3/19/03
रोज 24000/- पंचायत हजर कपयात किस्म
माहे. व हि स्वकम पुणे नगरी छेपुन प्लॉट
तुमने लाव्यात दिमा माहे. या प्लॉटवर घर
बांधावे. व हावे. किन्नावे व्यवहार करावा तसेच
वंशापंथपत्रात उपभोग द्यावा. या प्लॉटवर माझे
कोणताही कसमिद राहिल्या नाही. तुम्ही हि जागा
संबंधी कायल्यात तुमने नावाने करून द्यावी
स्वदेदी वदं माहे. स्वदेदी यानु साव्यावर
तुम्ही सांगाल त्याने नावाने तुमने स्वमनि
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माहे नाही लकर राहिल्या नाही. करिमा हा
करारनात मी माझे राजस्वुशीत वाचुन समजुन
मिदुन दिमा माहे. हि मात 7 माझे इ. वारकले मातु
द्वेषे. नजारा 3/19/03 लाहे

साक्षी

फायाजी दीन




This is Chan Mehbub Khan
Key maker, Hotel Hotel
Sardar Bazar Akota

Annexure 2 : Maharashtra Gunthewari Developments
(Regularisation, Upgradation and Control) Act, 2001

**MAHARASHTRA GUNTHEWARI DEVELOPMENTS (REGULARISATION, UPGRADATION
AND CONTROL) ACT, 2001**
MAHARASHTRA ACT NO. XXVII OF 2001

*(First published, after having received the assent of the Governor, in the "Maharashtra
Government Gazette" on 13th August, 2001).*

An Act to provide for the regularisation and upgradation of certain *Gunthewari* developments and for the control of *Gunthewari* developments and for matters connected therewith and incidental thereto.

WHEREAS both Houses of the Legislature were not in session; AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to promulgate an Ordinance to provide for the regularisation and upgradation of certain *Gunthewari* developments and for the control of *Gunthewari* developments and for matters connected therewith and incidental thereto; and, therefore, promulgated the Maharashtra *Gunthewari* Developments (Regularisation, Upgradation and Control) Ordinance, 2001, on the 30th April, 2001;

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-Second year of the Republic of India as follows —

STATEMENT OF OBJECTS AND REASONS

There has, of late, been a growing tendency to form plots unauthorisedly by subdividing private lands and transfer them to needy persons for the construction of dwelling units. Since these subdivisions are usually in multiples of a *guntha*, such developments are some times referred to as *Gunthewari* developments.

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

1. Short title, extent and commencement:

- (1) This Act may be called the Maharashtra *Gunthewari* Developments (Regularisation, Upgradation and Control) Act, 2001
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall be deemed to have come into force on the 30th April, 2001.

2. Definitions: In this Act, unless the context otherwise requires, —

- (a) “*Gunthewari* development” means plots formed by unauthorisedly sub-dividing privately owned land, with buildings, if any, on such plots, including excess vacant land under the Urban Land (Ceiling and Regulation) Act, 1976, not vested in the State Government, but excluding land under encroachment;
- (b) “layout” means a piece of land or contiguous land under common ownership sub-divided into plots;
- (c) “Planning Authority” means —
- 1) for the areas within their respective jurisdiction, —
 - (i.) the Nagpur Municipal Corporation, constituted under the City of Nagpur Corporation Act, 1948;
 - (ii.) the concerned Municipal Corporation, constituted under the Bombay Provincial Municipal Corporations Act, 1949; or
 - (iii.) the concerned Municipal Council, constituted under the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965; or
 - (iv.) the Nagpur Improvement Trust, constituted under the Nagpur Improvement Trust Act, 1936; or Maharashtra Gunthewari Developments Act, 2001 17
 - (v.) the concerned Special Planning Authority, constituted or appointed or deemed to have been appointed under section 40 of the Maharashtra Regional and Town Planning Act 1966; and
 - 2) in respect of areas other than those covered by sub- clause (1), the Collector or an officer authorised by him in this behalf;]
- (d) “prescribed” means prescribed by rules mad under this Act; (2) Words and expressions used but not defined herein, shall have their respective meanings as assigned to them in the Maharashtra Regional and Town Planning Act, 1966.

3. Regularisation of Gunthewari developments

- (1) All *Gunthewari* developments existing on the 1st January, 2001, shall, on an application being made in this behalf by the plot-holders to the Planning Authority, as provided in section 4, be eligible for being considered by the Planning Authority for regularisation. Provided that, *Gunthewari* developments existing in the following areas shall not be eligible for regularisation namely : —

- (a) Mumbai Metropolitan Region as established under subsection (1) of section 3 of the Maharashtra Regional and Town Planning Act, 1966;
- (b) Scheduled Areas, declared as such by the President of India by an order under paragraph 6 of Schedule V of the Constitution of India;
- (c) forests to which the Forest (Conservation) Act, 1980 applies;
- (d) Coastal Regulation Zone as declared under clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986;
- (e) Eco-Sensitive Zones or Ecologically Fragile Areas as declared under section 1 and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986;
- (f) Hill Stations as notified by the State Government;
- (g) Special Tourism Areas, declared as such, by the Central or State Government:

Provided further that, the *Gunthewari* developments in respect of the following categories of plots and buildings shall also not be eligible for regularisation namely:—

- a. plots formed and transferred after the 1st January, 2001;
- b. plots existing on lands under acquisition for a public purpose;
- c. plots existing on lands where the provision, or to which the extension, of civic services is not technically feasible or financially viable;
- d. plots or buildings (or parts thereof), posing hindrance in the provision of infrastructure facilities and change in the plans for such facilities to enable the said plots or buildings (or parts thereof), to continue to exist is not feasible;
- e. plots or buildings (or parts thereof) which, in the opinion of the State Government or the Planning Authority, ought not to be regularized, —
 - (i.) in the public interest; or
 - (ii.) because of the matter being *sub-judice*; or
 - (iii.) as the same is barred by Court decisions or orders.

(2) The regularisation of any *Gunthewari* development shall be to the following general conditions, namely :—

- (a) In the layout, ten per cent., of the plots shall vest in the Planning Authority, free of cost: Provided that, such plots are unsold and unbuilt;

- (b) Wherever necessary, open marginal spaces shall be surrendered, to achieve a road-width of nine meters or required Development Plan road width in the areas of a Municipal Corporation, a Special Planning Authority and a New Town Development Authority and four and half meters or required Development Plan road width in other areas;
 - (c) It shall not be the responsibility of the Planning Authority to provide alternate plots or otherwise compensate plot- holders displaced or affected by any development or rectification carried out in the process, or for the purpose, of regularisation and upgradation of *Gunthewari* developments;
 - (d) The regularisation of any *Gunthewari* development shall not confer any title or claim in respect of the land or building not already enjoyed by its holder prior to such regularisation.
- (3) The regularisation of *Gunthewari* development shall also be subject to the prior payment of compounding fee and development charge, as may be determined by the State Government, from time to time:

Provided that, the State Government may, authorise the Planning Authority to determine the compounding fee or development charge or both, in the area of its jurisdiction.

4. Procedure for regularisation:

- (1) The concerned plot-holder shall apply for regularisation of *Gunthewari* developm4ft within a period of six months from the date of the coming into force\ of this Act or such extended time as the Planning Authority may permit.
- (2) The application shall be accompanied, *inter alia* by —
 - (a) documentary proof of ownership or lawful possession of the plot;
 - (b) existing layout plan;
 - (c) plan of existing construction on such plot;
 - (d) rectification plan;
 - (e) an undertaking by the applicant to rectify uncompoundable infringements;
 - (f) demand draft, drawn on any scheduled bank to cover the amount due as compounding fee and development charge.
- (3) **The** Planning Authority shall scrutinise the case for fulfillment of the stipulated requirements laid down under sub-section (2), including proof of actual rectification of uncompoundable infringements, and thereafter, issue a certificate of regularisation if satisfied on all these counts.

5. consequences of regularisation:

- (1) Notwithstanding anything contained in any other law for **the time being in force, on** being regularised, the *Gunthewari* development shall be deemed to have been exempted under section 20 of the Urban Land (Ceiling and Regulation) Act, 1976 from the provisions of Chapter III of the said Act and converted to non-agricultural use for all purposes of the Maharashtra Land Revenue Code, 1966, subject to the payment of nonagricultural assessment and the other terms and conditions of such conversion, and the provisions of the Development Plan or the Regional Plan, as the case may be, shall, so far as such development is concerned, stand modified or relaxed, as may be required.
- (2) On such regularisation of *Gunthewari* development under section 3, by the concerned Planning Authority, all Court cases or other proceedings, filed by such Planning Authority, and pending in any Court insofar as they relate to such unauthorised development, shall abate.

6. Upgradation of regularised Gunthewari development:

- (1) The amounts accruing to the Planning Authority on account of compounding fee shall be kept by the Planning Authority in a separate head of account, layout-wise and utilised for providing on-site infrastructure (other than electricity supply) in the layout:
- (2) Provided that, fifteen percent, of such amount shall be retained by the Planning Authority towards administrative charges.
- (3) The on-site development of the layout shall be undertaken in proportion to the amount of compensation received by the Planning Authority.
- (4) Common or indivisible infrastructure or services or amenities or facilities shall be provided by the Planning Authority only after such minimum proportion of number of plots in the layout, as may be determined by the State Government, from time to time, have been regularised.
- (5) Individual or divisible infrastructure or services or amenities or facilities may be provided as per the terms and conditions prescribed under the relevant law, after the plot has been regularised.

7. Control of Gunthewari development:

- (1) If any plot-holder has not applied for regularisation within the specified period, as provided in sub-section (1) of section 4, the Planning Authority shall, before initiating any action under sub-section (2), against the holder of such plot, for demolition of such unauthorised construction, give such plot-holder, one month's notice, to apply for regularisation of such unauthorised development.
- (2) On the plot-holder's failure to apply for such regularisation, as provided in sub-sections (1) and (2) of section 4, within the time limit specified in the notice, or his application for regularisation is rejected by the Planning Authority the Planning Authority shall demolish the unauthorised construction.

(3) The police shall provide adequate protection and support to the Planning Authority for carrying out the demolition under subsection (2).

(4)

- (a) The Chief Executive Officer of the Planning Authority or the Collector, as the case may be, who fails to remove any *Gunthewari* development undertaken after the date of coming into force of this Act, within a period of six months from the date of its occurrence or the Commissioner of Police or the Superintendent of Police, as the case may be, who fails to provide adequate police protection and support for carrying out the demolition as aforesaid; or
- (b) a person who in any way prevents or obstructs the Planning Authority or Collector or Commissioner of Police or Superintendent of Police, in the discharge of their duties as aforesaid; or
- (c) a person who after the date of coming into force of this Ordinance, carries out any *Gunthewari* development; or
- (d) a person who aids or abets such unauthorised development or prevention or obstruction of such demolition, shall be deemed to have committed an offence under this Act, and shall, on conviction, be punishable with fine upto rupees ten thousand:

Provided that, the incumbent Chief Executive Officer of the Planning Authority or the Collector shall not be liable unless he has held the post for not less than six months, immediately before the date of commission of the offence: Provided further that, no prosecution of the Chief Executive Officer of a Planning Authority or a Collector or a Commissioner of Police or a Superintendent of Police for any offence under this sub-section, shall. Be instituted except with the previous sanction of the State Government.

8. Power of entry:

- (1) The Planning Authority or any officer authorised by it, may enter into or upon any land or building with or without assistants or workmen for the purpose of,
 - (a) ascertaining whether any land is being or has been developed in contravention of any provision of this Act or any other law;
 - (b) making any measurement or survey or taking levels of such land or building;
 - (c) setting out and marking boundaries and intended lines of development;
 - (d) marking such levels, boundaries and lines by placing marks and cutting trenches;
 - (e) examining works under construction and ascertaining the course of sewers and drains

Provided that, —

- (i.) in the case of any building used as a dwelling-house, or upon any enclosed part of garden attached to such building, no such entry shall be made except between the hours of sunrise and sunset and without giving its occupier at least twenty-four hours notice, in writing, of the intention to enter;
 - (ii.) sufficient opportunity shall, in every instance, be given to enable women (if any), to withdraw from such land or building;
 - (iii.) due regard shall always be had, so far may be compatible, with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.
- (2) The powers of the Planning Authority or any person authorised by the Planning Authority in this behalf, shall extend only to the area under its jurisdiction.

9. Service of notice, etc:

- (1) All documents, including notices and orders required by this Act or any rule or regulation made thereunder, to be served upon any person shall be deemed to be duly served, —
- (a) where a document is to be served on a Government department, railway, local authority, statutory authority, Company, corporation, society or other body, if the document is addressed to the head Of the Government department, General Manager of the railway, Secretary or Principal Officer of the local authority, statutory authority, company, corporation, society or any other body, at its principal, branch, local or registered office, as the case may be, and is either,—
 - (i.) sent by registered post to such office; or
 - (ii.) delivered at such office;
 - (b) where the person to be served is a partnership firm and if the document is addressed to such firm at its principal place of business, identifying it by the name or style under which its business is carried on, and is either,—
 - (i.) sent by registered post to such office; or
 - (ii.) delivered at the said place of business;
 - (c) in any other case, if the document is addressed to the person to be served, and,—

- (i.) is given or tendered to him; or
 - (ii.) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates; or
 - (iii.) is sent by registered post to that person.
- (2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be, addressed “the owner” or “the occupier”, as the case may be of that land or building (naming or describing that land or building) without further name or description and shall be deemed to be duly served, —
- (a) if the document so addressed is sent or delivered in accordance with clause (c) of sub-section (1); or
 - (b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building.
- (3) Where a document is served on a partnership firm in accordance with this section, the document shall be deemed to have been served on each partner of such firm.
- (4) For the purpose of enabling any documents to be served on the owner of any property, the Planning Authority may, by notice in writing, require the occupier (if any), of the property to state the name and address of the owner thereof.
- (5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

Explanation: — A domestic servant is not a member of the family within the meaning of this section.

- 10. Public notice how to be made known:** Every public notice given under this Act or rules or regulations made thereunder shall be in Writing over the signature of such officer who may be authorised in this behalf by the Planning Authority and shall be widely made known in the locality to be affected thereby, affixing copies thereof in conspicuous public places within the said locality and by publishing the same by beat of drum or by advertisement in one or more local newspapers, and by such other means which the officer thinks fit.
- 11. Notices, etc. to fix reasonable time:** Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or rule or regulations made thereunder, the notice, order or other document shall specify a reasonable time for doing The same.
- 12. Authentication of orders and documents:** All permissions, orders, decisions, notices and all documents of a Planning Authority shall be authenticated by the signature of such officer as may be authorised by such Authority in this behalf.

13. Offences by companies:

- (1) Where an offence under this Act, or the rules made thereunder, is committed by a company, every person who at the time when the offence was committed, was in-charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly

Provided that, nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where any offence under this Act or the rules made thereunder, has been committed by a company with the consent or connivance of, or is attributable to or on the part of, any Director, Manager, Secretary or other Officer or servant of the company, such Director, Manager, Secretary or other Officer or servant concerned shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
Explanation. — For the purposes of this section, —

- (a) “company” means a body corporate and includes a trust, a firm, a society, an institution or, other association of individuals; and

- (b) “director” relation to-

- (i.) a firm means a partner in the firm;

- (ii.) a society, a trust, an institution or other association of persons or body of individuals, means the person who is interested under the rules or bye-laws of the society, trust, institution or other association or body with the management of \ the affairs of the society, trust, institution or other association or body, as the case may be.

14. Withdrawal of cases and compounding of offences:

- (1) No Court case initiated for any offence punishable under this Act or rules made thereunder shall be withdrawn except with previous sanction of the Planning Authority or any officer authorized by such Authority in this behalf.
- (2) Except with regard to offences, the prosecution for which requires previous sanction of the State Government, the Planning Authority or any person authorised in this behalf by the Planning Authority, by general or special order may, either before or after the institution of the proceedings compound any offence made punishable by or under this Act or rules made thereunder.
- (3) When an offence has been compounded the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

- 15. Jurisdiction of courts:** No Court inferior than that of a Judicial Magistrate of the First Class shall try an offence punishable under this Act.
- 16. Protection of action taken in good faith:** No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rules or regulations made thereunder.
- 17. Members and officers to be public servants:** Every member and every officer and other employee of the Planning Authority shall be deemed to be a public servant within the meaning of the Indian Penal Code.
- 18. Finality of orders:** Every order passed or direction issued by the State Government or orders passed or notices issued by any Planning Authority under this Act shall be final and shall not be questioned in any suit or other legal proceedings.
- 19. Power to delegate:**
- (1) The State Government may, by notification in the *Official Gazette*, delegate any power exercisable by it under this Act, or rules made thereunder to any officer of the State Government in such case and subject to such conditions, if any, as may be specified in such notification.
 - (2) The Planning Authority may, by an order in writing, delegate any power exercisable by it under this Act or rules or regulations made thereunder, to any officer of the Planning Authority in such cases and subject to such conditions, if any, as may be specified therein.
- 20. Powers of Planning Authority to be exercised by certain officers:** The power and functions of a Planning Authority shall, for the purposes of this Act, be exercised and performed by the following officers, namely :-
- (i.) in the case of a Municipal Corporation, by the concerned Municipal Commissioner or such other officer as he may appoint in this behalf;
 - (ii.) in the case of a Municipal Council, by the concerned Chief Officer of the Council;
 - (iii.) in the case of the Nagpur Improvement Trust or a Special Planning Authority, by the Chief Executive Officer or person exercising such powers under the Acts applicable to such authorities; and
 - (iv.) in the case of Collector, either the Collector or such other officer as he may authorise in this behalf.
- 21. Control by State Government:**
- (1) Every Planning Authority shall carry out such directions or instructions as may be issued from time to time by the State Government for the efficient administration of this Act.
 - (2) If in, or in connection with, the exercise of its powers and discharge of its functions by any Planning Authority under this Act, any dispute arises

between the Planning Authority and the State Government, the decision of the State Government on such dispute shall be final.

22. Returns and information: Every Planning Authority shall furnish to the State Government such reports, returns and other information as the State Government may, from time to time, require.

23. Power to make rules:

(1) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication makes rules to carry out the all or any of the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be, after it is made before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session or sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such decision, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

24. Power to make regulations: — The Planning Authority may, with the previous approval of the State Government, make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act.

25. Repeal of Mah. Ord. XIII and saving:

(1) The Maharashtra *Gunthewari* Developments (Regularisation, Upgradation and Control) Ordinance, 2001, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any rule made or notification or order issued) under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.

Annexure 3 : Gunthewari Regularisation Form of Sangli-Miraj-Kupwad Municipal Corporation.

कब्जे पट्टी

२०/- चे स्टॅम्प पेपरवर

१) संस्था / व्यक्तीचे नांव

करारपत्र लिहून देणार

२) आयुक्त,

करारपत्र लिहून घेणार

सांगली मिरज आणि कुपवाड
शहर महानगरपालिका.

०९९

सांगली, मिरज आणि कुपवाड शहर महानगरपालिका हद्दीमधील भूमापन क्र..... हिस्सा क्र.
..... या रेषांकनातील भूखंड क्र..... क्षेत्र चौ.मी. ही माझी स्वतःच्या
मालकीची जागा आहे. त्याच्या चतुःसीमा खालीलप्रमाणे आहेत.

पुर्वेस -
पश्चिमेस -
दक्षिणेस -
उत्तरेस -

उपरोक्त वर्णनाची मिळकत ही सांगली मिरज आणि कुपवाड शहर महानगरपालिकेच्या तसेच महाराष्ट्र
गुंठेवारी विकास (नियमाधीन करणे, श्रेणीवाढ व नियंत्रण) अधिनियम २००१ मधील गुंठेवारी विकास
योजनेप्रमाणे..... बाजूस नियोजनाच्या दृष्टीने फुट रुंदीच्या रस्त्याने बांधित
..... रुंदी लांबी होत आहे. बांधित होणारे क्षेत्र सरासरी चौ.मि. आहे.

ज्या अर्थी सांगली मिरज आणि कुपवाड महानगरपालिकेने महाराष्ट्र गुंठेवारी विकास (नियमाधीन करणे,
श्रेणीवाढ व नियंत्रण) अधिनियम २००१ मधील तरतुदीची अंमलबजावणी करण्याचे ठरविले आहे. त्या अर्थी
उपरोक्त अधिनियमातील तरतुदीनुसार महानगरपालिकेच्या क्षेत्रामध्ये आवश्यकतेनुसार रस्त्याच्या रुंदी एवढी
खुली सामासिक अंतरे सोडणेस व दुरुस्ती आराखड्यानुसार भूखंडाचे रस्त्याखालील बांधित क्षेत्र
महानगरपालिकेकडे मोफत निहीत करण्यात मी बांधील असल्याने माझे उपरोक्त मालकीच्या भूखंडापैकी
नियोजनाच्या दृष्टीने दुरुस्त आराखड्यानुसार प्रस्तावित रस्ता रुंदी मध्ये बांधित होणारे क्षेत्र..... चौ.मि.
आहे. सदर रस्त्यामध्ये व इतर विकासामध्ये बांधित झालेले क्षेत्र मी स्वखुषीने विना हरकत कोणतीही नुकसान
भरपाई न घेता सांगली, मिरज आणि कुपवाड शहर महानगरपालिकेच्या ताब्यात आज रोजी देत आहे. सदर
जागे संबंधी कोणतीही तांत्रिक अडचण उद्भवल्यास ती दूर करण्याची जबाबदारी माझे स्वतःवर आहे.

म्हणून लिहून दिले करारपत्र.

सांगली

दिनांक :

लिहून देणार

लिहून घेणार

(आयुक्त)

सांगली मिरज आणि कुपवाड
शहर महानगरपालिका

टिप : अर्जाची छाननी प्रक्रिया पूर्ण होऊन भूखंड नियमाधीन करणेपूर्वी कब्जेपट्टी करून देणे बंधनकारक राहिल.

परवानाधारक आर्किटेक्ट/इंजिनियर यांचे प्रमाणपत्र

प्रमाणित करणेत येते की, मी

आपल्या महानगरपालिकेकडील परवानाधारक आर्किटेक्ट/इंजिनियर असून माझा परवाना क्र. असा आहे. मी आर्किटेक्ट / इंजिनियर म्हणून अर्जदार भूखंडधारक श्री./सौ/कु..... यांच्या गुंटेवारी क्षेत्रातील स.नं. हिस्सा क्र..... मधील खुल्या भूखंडासह त्यामध्ये असणाऱ्या अस्तित्वातील बांधकाम नियमाधीन करण्याच्या तांत्रिक कामाचे कागदपत्र तयार करण्याचे काम अधिकृत रित्या स्विकारले आहे. अर्जदारास जोडलेला अस्तित्वातील रेखांकन आराखडा (बांधकामासह) अस्तित्वातील बांधकाम आराखडा, दुरुस्त आराखडा इ. नकाशे मी स्वतः जागेवरील मोजमापे घेणून त्याप्रमाणे तयार केलेली आहेत. रेखांकनामध्ये दर्शिलेल्या जमिनीच्या हद्दी या सर्वसाधारणपणे सर्व्हे नंबरच्या/हिश्याच्या प्रमाणित मोजणी नकाशाशी सुसंगत आहेत. त्यामध्ये करसल्याही प्रकारची तफावत नाही.

परवानाधारक आर्किटेक्ट/इंजिनियरची सही

शिवका

अभिवचन पत्र

२०/- चे स्टॅम्प पेपरवर

मी री..... ता.....

गावातील भूमापन क्र..... हिस्सा क्र..... मधील अनाधिकृत रेखांकनामधील भूखंड क्र..... चा मालक आहे. मी या भूखंडामध्ये इमारत बांधली आहे/नाही. माझा भूखंड महाराष्ट्र गुंटेवारी विकास (नियमाधीन करणे, श्रेणीवाद व नियंत्रण) अधिनियम २००१ मधील कलम ३ नुसार बाधित नाही. मी हा भूखंड क्र..... दि. १ जानेवारी पूर्वी खरेदीने/कबजेपट्टीने मालक या नात्याने विकत घेतला आहे. हा भूखंड सार्वजनिक कारणासाठी संपादनाखाली अथवा विकास योजनेच्या प्रस्तावित रस्त्याखाली नाही. हा भूखंड व त्यावरील इमारत याबाबत कोणत्याही प्रकारचे वाद न्यायप्रविष्ट नाहीत. तसेच नागरी जमिन कमाल मर्यादा व विनियम अधिनियम १९७६ अन्वये माझे मालकीचा/ताब्यातील भूखंड राज्य शासनाकडे निहित नाही.

माझ्या रेखांकनामध्ये एकूण भूखंडाच्या १० % भूखंड न दिकलेला आणि त्यावर बांधकाम न केलेला उपलब्ध आहे. खुला भूखंड महानगरपालिकेकडे मोफत निहित करण्याबाबतची कबजेपट्टी मी/मूळ जमिन मालकांनी करून दिली आहे. ती सोबत जोडली आहे. गुंटेवारी अधिनियमातील तरतुदीसंबंधातील शासनाचा/नियोजन प्राधिकरणाचा कोणताही निर्णय झाल्यास तो माझ्यावर व माझे वारसांवर बंधनकारक राहिल.

महानगरपालिकेच्या क्षेत्रामध्ये आवश्यकतेनुसार उक्त अधिनियमाचे कलम ३(२)(ख) नुसार रस्त्याच्या रुंदीएवढी खुली सामासिक अंतरे सोडणेस व दुरुस्त आराखड्यानुसार भूखंडाचे रस्त्याखालील बाधित क्षेत्र महानगरपालिकेकडे मोफत निहित करण्यास मी बांधील असून या सोबत या क्षेत्राची कबजेपट्टी जोडली आहे.

मी अभिवचन देतो की, आपसात मिटविण्याजोगे नसेल अशा उल्लंघनाचे दोषांचे मी निरसन करीन. तसेच जागेच्या हद्दीबाबत कोणत्याही प्रकारचे वाद झालेस ते मी माझे स्तरावर माझे खर्चाने निराकरण करीन. त्याची तोशीश मी महानगरपालिकेस लागू देणार नाही.

भूखंडधारकाची स्वाक्षरी

टिप : अर्जदार यांचे भूखंडाशी संबंधित इतर वादाच्या बाबी असल्यास त्यांचा स्पष्ट उल्लेख अभिवचनात करणे आवश्यक राहिल.

(३)

प्रशमन शुल्क आणि विकास आकार परिगणन पत्रक

अ) प्रशमन शुल्क

प्रशमन शुल्काचा तपशिल	क्षेत्र चौ.मी.	दर प्रती चौ.मी.	एकूण रक्कम
१) भूखंड क्षेत्र		१०/-	
२) अनुज्ञेय चटई क्षेत्र निर्देशकापेक्षा अधिक केलेले बांधकाम अ) तळघर ब) पोटमाळा क) वाल्कनी ड) बंद केलेली वाल्कनी		२५/- २५/- २५/- २५/-	
३) तळमजल्यावरील अनुज्ञेय असलेल्या बांधकामापेक्षा वाढीव बांधकाम (आवश्यक त्या सामासिक जागेत केलेले बांधकाम प्रोजेक्शनसह)		१५/-	
अ) रस्त्याकडील बाजूचे सामासिक अंतरातील बांधकाम (फ्रंट)		१५/-	
ब) मागील बाजूचे अंतरातील बांधकाम (रिअर)		१५/-	
क) बाजूचे अंतरातील बांधकाम (साईड)		१५/-	
ड) बाजूचे अंतरातील बांधकाम (साईड)		१५/-	
४) प्रवेश द्वाराजवळील छप्पराचे विहीत मर्यादित अधिक केलेले बांधकाम		५/-	
एकूण प्रशमन शुल्क			

(अक्षरी रूपये) म्हणजेच रूपये/-

दर्शनी धनाकर्ष क्रमांक

दिनांक

बँकेचे नांव

भूखंडधारकाची स्वाक्षरी

परवानाधारक आर्किटेक्ट / इंजिनियर

परवाना क्रमांक

दि.

यांची स्वाक्षरी

(४)

प्रशमन शुल्क आणि विकास आकार परिगणन पत्रक

२) विकास आकार -

अ. क्र.	छप्पराचा तपशील	क्षेत्र चौ.मी.	दर.प्रती चौ.मी.	एकूण रक्कम
अ)	भूखंड क्षेत्रासाठी		२०/-	
व)	वांधकाम क्षेत्रासाठी			
	१) निवासी वापर		४०/-	
	२) वाणिज्य वापर		८०/-	
	३) औद्योगिक वापर		६०/-	

एकूण भरावयाचा विकास आकार

म्हणजेच रुपये

/-

(अक्षरी रूपये) म्हणजेच रुपये/-

दर्शनी धनाकर्ष क्रमांक

दिनांक

बँकेचे नांव

भूखंडधारकाची स्वाक्षरी

परवानाधारक आर्किटेक्ट / इंजिनियर

यांची स्वाक्षरी

परवाना क्रमांक

दि.

**Annexure 4 : The Government resolution - simplifying the procedure of regular
'Non agricultural (NA) permission i.e. NA permission within 2 days**

**अकृषिक परवानगी देण्याच्या
प्रक्रियेतील विलंब कमी करण्याबाबत.**

महाराष्ट्र शासन
महसूल व वन विभाग,
शासन परिपत्रक क्र:एनएपी-०७११/प्र.क्र.८२/ल-५
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक : १० ऑगस्ट, २०११

शासन परिपत्रक

महाराष्ट्र जमीन महसूल अधिनियम, १९६६ चे कलम ४२ अन्वये जमीनीच्या वापरात बदल करण्यापूर्वी जिल्हाधिकारी यांची परवानगी घेणे आवश्यक आहे. अकृषिक परवानगी देण्याच्या प्रक्रियेतील विलंब कमी करण्याबाबतचा प्रश्न शासनाच्या विचाराधीन आहे. अशी अकृषिक परवानगी देण्याची प्रक्रिया अधिक सुलभ होण्याच्या दृष्टीकोनातून शासनाने असा निर्णय घेतला आहे की, ज्या ठिकाणी शासनाने विकास आराखडा मंजूर केला आहे व जो भाग निवासी क्षेत्र म्हणून विकास आराखड्यात आरक्षित आहे तसेच महानगरपालिकेने बांधकाम प्रस्ताव मान्य करून बांधकाम सुरु करण्यास परवानगी देखिल दिलेली आहे अशा प्रकरणी देखिल अकृषिक परवानगी देण्यामध्ये होत असलेल्या प्रदीर्घ विलंबामुळे सर्व सामान्य जनतेस अनेक गैरसोयींना तोंड द्यावे लागत आहे व त्यामुळे जनक्षोभ देखिल निर्माण होत आहे. वस्तुतः अशा प्रकरणांमध्ये कुठलीही सखोल तपासणी करण्याची आवश्यकता उरत नाही. त्यामुळे अशा प्रकरणी अकृषिक परवानगी तात्काळ देणे आवश्यक आहे. ही सर्व वस्तुस्थिती विचारात घेता पुढीलप्रमाणे निदेश देण्यात येत आहेत.

२. ज्या ठिकाणी विकास आराखडा शासनाने मंजूर केलेला आहे, जो भाग निवासी क्षेत्र म्हणून विकास आराखड्यात आरक्षित आहे, ज्या प्रकरणी महानगरपालिकेने बांधकाम प्रस्ताव मान्य करून बांधकाम सुरु करण्यास परवानगी दिली आहे, अशा प्रकरणांमध्ये जिल्हाधिका-यांनी आवश्यक ती अकृषिक परवानगी, दोन दिवसांच्या कालावधीत देण्याची दक्षता घ्यावी.

३. या ठिकाणी हे देखिल स्पष्ट करण्यात येते की, महाराष्ट्र जमीन महसूल अधिनियम १९६६ च्या कलम ४४-क मधील तरतुदीनुसार ख-याखु-या औद्योगिक प्रयोजनाच्या व्याख्येत शेतीमाल साठविण्यासाठी गोदाम याचा समावेश असल्याने, अशा प्रयोजन बदलासाठी अकृषिक परवानगीची आवश्यकता नाही.

४. हे शासन परिपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून, त्याचा संकेतांक क्र. २०११०८१०११००३६००१ असा आहे.

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भा. मुख्यमंत्री यांचे उप सचिव, मुख्यमंत्री कार्यालय, मुंबई-३२,

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