This book is based on an action research project carried out in East Delhi by the Institute of Social Studies Trust between mid-2003 and mid-2005, with support from the IDRC, Canada. It explores the situation of the slum dwellers in selected areas, the challenges to organizing, and procedures and systems of interaction with officials and agencies responsible for service delivery. The book includes analyses and reflections drawn from other experiences and perspectives.

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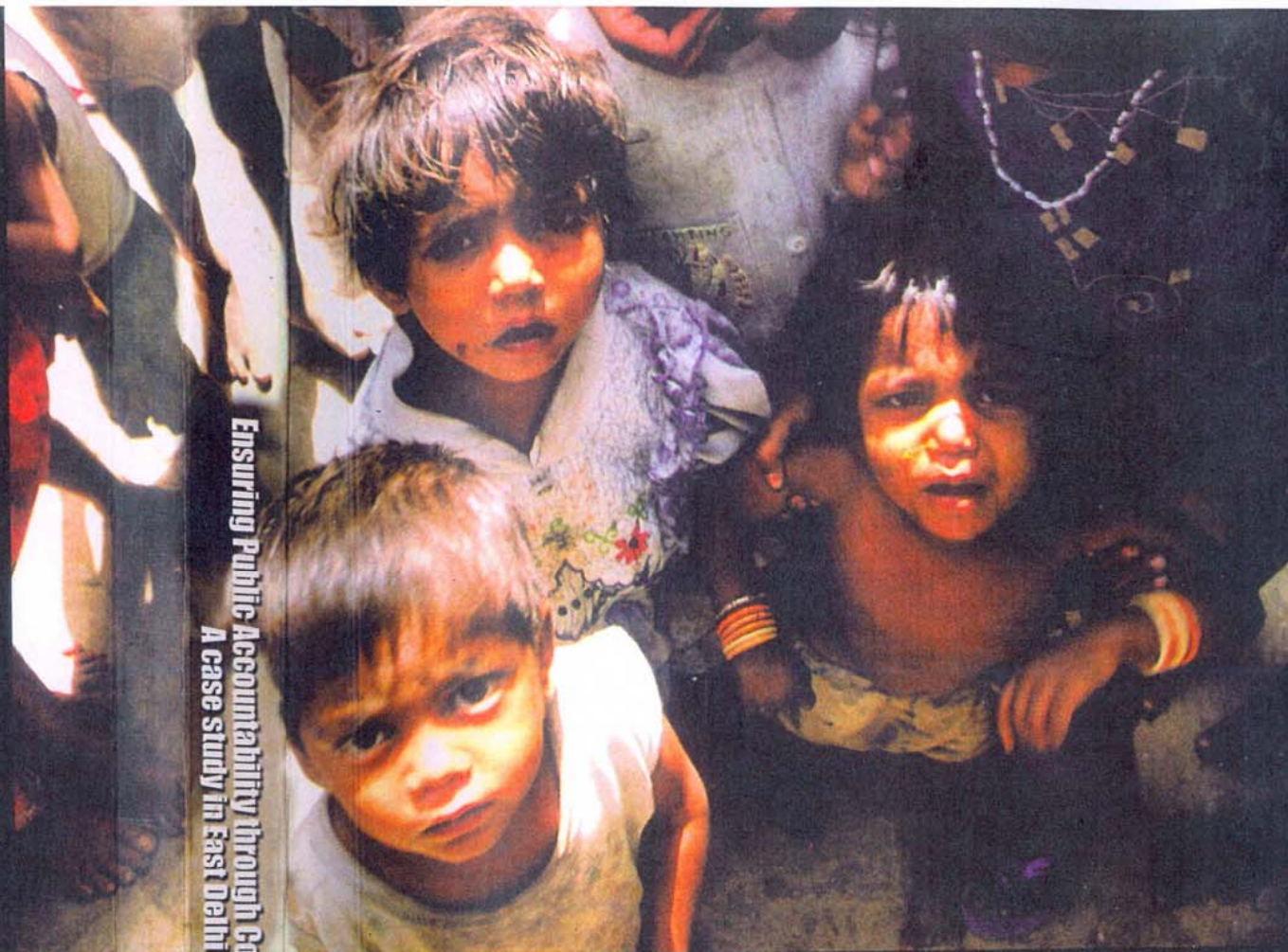
Ensuring Public Accountability through Community Action
A case study in East Delhi

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Edited by
Ratna M. Sudarshan and Suchi Pande

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Introduction

Ratna M. Sudarshan

The recent Supreme Court orders of 2006 and 2007 and subsequent MCD actions to demolish unauthorized constructions in Delhi have served to highlight the extreme confusion that exists regarding laws and regulations concerning land use and construction. The city itself is clean, green, planned and well serviced in parts, congested, poorly serviced and haphazard in others, and the attempt to impose an overarching plan on the city is not an easy nor necessarily logical task. As Ela Bhatt has said in the context of developing countries, 'the emerging city must be different, decentralized, multi-centered, and planning needs to be alive in the lives and needs of all people…..The Indian reality is its multiplicity: formal-informal, modern-traditional, urban-rural-tribal. So here, governance and planning are needed not for uniformity but for multiplicity…….Our cities have diverse economies existing simultaneously—the vendor with a basket of fruit on her head moving in the streets selling from door to door, the vendor with a push cart; a small corner store kiosk and the large supermarket exist because they are parts of several mini-economies.'[1]

Inclusive urban planning is not readily evident in Delhi. Unlike the recent demolitions which have been given visibility and coverage by the print media and television, the demolition of slum clusters is a regular feature and evokes little reaction. A large number of well intentioned and even at times inspired voluntary efforts have been initiated with the objective of reducing if not eliminating the inequities that abound. Government schemes and programmes offer some financial support for some of these activities, and financial support is forthcoming from multilateral and bilateral donors too. Such efforts for slum upgradation are virtually invisible to the upper income, and professional / bureaucratic elite in the city. This is not to say that forms of engagement between the middle class and the poor do not exist—they certainly do, and generate their own complexities.

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[1] Ela Bhatt, 'Cities are people' at colloquium on 'World Class Cities and the Urban Informal Economy: Inclusive Planning for the Working Poor', Durban, 24-25 April 2006.

In this book, we offer some perspectives on the city, drawing upon field interventions conducted by ISST in East Delhi, supplemented with insights from different disciplinary as well as other experiential perspectives.

Between mid-2003 and mid-2005, ISST researchers and field staff were actively engaged in an action research project titled 'Ensuring public accountability through community action' supported by the IDRC, Canada. The project was conceived as an attempt to network with other NGOs in Delhi, to initiate a systematic process of interaction between residents of slums and government officials facilitated by NGOs, with the general objective of developing on a pilot scale a viable model for such interaction. This book is presented with a view to offering some insights into the dilemmas that face such interventions, as most often such efforts go unrecorded. When ISST started on its project to 'ensure public accountability through community action' it did so with a set of explicit assumptions— some of which were later revised—and other implicit ones that were uncovered and understood only in the course of the project. For us, this has been a valuable learning exercise, and while the completion of the project does not mean the end of ISST's intervention or concern, it has certainly resulted in a substantial change in the *nature* and the *focus* of the community level intervention. By no means is it the intention of this book to argue against such interventions: on the contrary, our point is precisely that there is an urgent need to address the inequity and the lopsidedness of the city in a more systematic and transparent way than has been done so far, but above all, to tackle the problem at its roots and not through 'band aid'. It is this understanding—what, actually, is the root of the problem?—that we try and articulate in this book.

Chapter 1 presents a backdrop to the project intervention. The size and characteristics of the slum population in Delhi are briefly reviewed, as well as some key schemes and programmes supported by the government. The chapter also includes some field perspectives on these issues and on the nature of 'community' in urban slums. The chapter seeks to demonstrate that there is a clear and proven link between the quality of the shelter and basic amenities available in slums, and the health outcomes. The idea that slums are also 'communities' with a sense of interdependence is found to be more problematic.

Chapter 2 reviews the project process over two years, 2003-05, and the manner in which our efforts evolved in the course of these years, as well as recording the interactions, successes and failures, of the project. Building on the understanding that basic amenities and health are clearly linked, and that therefore an improvement in the former would have clear implications on quality of life and well-being, the project sought to stimulate community action and facilitate dialogue with relevant authorities. While the lack of amenities affects the entire population of the slums, it was our understanding that the greatest burden of poor sanitation and lack of water and cleanliness falls on women, who, by virtue of being less mobile and more restricted to the household, are completely trapped in the environment of the slums and are more dependent on facilities available in the immediate vicinity of the home. While ISST's own energies went largely into the action research that is documented in this chapter, a need was felt on the one hand for more information on entitlements and processes, and on the other hand for reflection upon the ISST experience. The remaining chapters in the book were written as background papers for the project, both to provide relevant information and to analyse the ISST experience in the light of other experiences from different perspectives.

Almost the first problem that the ISST project ran into was the difficulty of identifying which agency was responsible for any particular plot of land or activity. The multiplicity of agencies dealing with municipal administration and slum upgradation and management in Delhi, combined with the vertical structure of decision making in each of these agencies, makes it very difficult for citizens without personal contact or power to approach local officials or obtain an answer to a problem. Chapter 3 by Bikram Jeet Batra provides invaluable information on the current entitlements of different categories of slum dwellers. It becomes clear that only short-term solutions have been proposed and implemented so far; long-term solutions to the crisis of low income housing in Delhi have still to be articulated, and could not be actualized without dramatic changes in the economy of rural India.

Chapter 4 by Jyotsna Bapat is a review of various examples of people–government interactions in urban infrastructure provisioning from other cities and countries. She argues that there has been a clear shift in thinking about urban infrastructure, from seeing it as a public good to be provided by the government, to seeing it as a 'limited good' with controlled access. This shift has stimulated different kinds of private–public collaboration, including with voluntary agencies and international donors, in cities across the world, with varying degrees of success. The greatest challenge in all cases has been the ability to include the poorest in the community, or the question of 'last mile connectivity'.

However 'micro' the ISST intervention might be judged as being, it is embedded in a series of national and international agreements relating to water and sanitation. In Chapter 5 Medha Bisht uses a gender perspective to examine international agreements on sanitation and waste management, and argues that a focus on 'local diplomacy' is required in order to translate international agreements effectively into national and subnational actions; and the need to engender these processes. She sets out some of the steps in creating a 'Best Alternative to Negotiated Agreement' in the context of the ISST study, an exercise that throws into relief the differences that will emerge if one starts from a theoretical perspective compared to starting from the observed reality.

The approach taken by ISST in this project was one of emphasizing the rights and responsibilities of slum dwellers. Joy Deshmukh Ranadive in Chapter 6 examines the relevance of the international rights discourse to such a project. She suggests that the articulation of a Right to Housing has not recognized the fact that insecurity of tenure deserves to be prioritized over other conditions of housing. She also points out that 'when one advocates a rights-based approach to development, there are several formal and informal systems of jurisprudence that operate simultaneously'. Fine-tuning these, to get a synergy between the informal and formal systems is essential to ensuring that the rights as granted by law are also obtained in practice.

The project had two aspects to it—dialogue with the government to ensure entitlements on the one hand, and the strengthening of community action on the other. One of the important learnings from the ISST study was that the slum residents were not willing to spend time and effort on the provisioning of what they saw as a responsibility of the state (toilets, sewers) in the absence of security of tenure. Such concerns rarely led to 'community action' or mobilizing. But it would be incorrect to conclude that community mobilizing was completely absent. In Chapter 7, Jyotsna Bapat uses evidence from the areas covered by the project to show that people do in fact mobilize under a 'sacred canopy'—the 'collective symbolism shared by a group of people'. Despite the very loose connections between individual inhabitants of urban slums, the examples contained here show how people come together to create and protect religious spaces and symbols. These serve to give recognition to a place of habitation, provide some meaning in difficult lives, and have even in some cities been a basis for new forms of governance.

Chapter 8 by Indu Prakash Singh reflects upon the experiences of the Ashraya Adhikar Abhiyan, and the development of shelters for the homeless. There are important lessons for any activism in this experience, not the least that such initiatives require the support and space from the authorities, and equally the support and voluntarism of people and other organizations. The challenge of multiple partnerships is essential if a small intervention is to build up momentum and be sustained over time.

The last chapter by Solomon Benjamin draws on the experiences of Bangalore to argue that globalization and the donor-driven agenda of urban reform have set certain directions for change which are extremely difficult to confront or modify. He warns that ignorance could place one unwittingly in the position of being a 'Trojan Horse'.

Overall, then, the ISST project demonstrated clearly that we need to start with understanding the way that people live and interact which may be very different from what is expected – thus, the finding of the existence and emergence of 'sacred canopies' was an entirely unexpected discovery of the research process. Likewise, the role of political agents had been underestimated in the initial design of the exercise which laid greater emphasis on government officials and authorities. The implication is that there is need for strengthening and educating slum residents as *political* beings, to be able to assert both rights and responsibilities in relation to urban infrastructure as in other spheres. The issue cannot be depoliticised and converted into an economic model. The ISST project had set out with the idea of trying to develop a model that could be applicable to slums, in a manner somewhat similar to the 'Bhagidari' model that the Delhi Government has developed for authorized colonies. It became evident that if such a model is to develop, there are certain prior conditions that need to be fulfilled. People need to be organized into groups, a process that is inevitably slow and requires sustained effort and commitment. But this process is necessary before trying to discuss issues of representation before the authorities. In relation to basic amenities, it became clear that a prerequisite for co-operation by slum residents is granting security of tenure. The existing system of informally elected *pradhans* is highly politicized, and there needs to be greater transparency and information on resources, responsibilities etc; which is available to people generally and not just to the *pradhan*, if a more inclusive system of representation is to develop. The project also confirmed that women are not usually in a position to demand their strategic needs; better hygiene, toilets and sanitation would contribute to their health, energy and well-being; but the provision of such facilities does not fall within the daily activities and the areas of responsibility of women. Hence, women become dependent on the existing structures of governance (*pradhans*) through which such facilities are negotiated. Seeking to put women in a position to be able to articulate such needs and to do by themselves whatever is required to ensure that these needs are met, requires a process of building up capabilities. This includes giving women basic information and literacy, building self confidence, and organizing women into groups for support and solidarity.

For ISST's own future agenda it became clear that in order to achieve the objectives we had set out with, we need to focus our own efforts at 'intervention' on helping to achieve the pre-conditions for effective community action. The root of the urban problem lies as much in rural India as in urban India. Ensuring decent conditions of life for those who live in cities requires a basic agreement between the authorities and the more privileged citizens of the city that low-cost housing is a priority and not a dispensable luxury. In the absence of such an agreement, efforts to improve the living conditions in slums will continue to be fraught with conflict and lack of transparency. Seeking to make Delhi a 'world class city' is being interpreted as the elimination of the poorer parts of the city, the imposition of order and the creation of beauty. It is important that this vision be inclusive, that the use of space be such as to equitably benefit all residents of the city.

List of acronyms

AAA	Aashray Adhikar Abhiyan
AAI	Action Aid India
ACHR	Asian Coalition for Housing Rights
ADB	Asian Development Bank
AFD	Association for Development
AIR	All India Radio
AITUC	All India Trade Union Congress
BATF	Bangalore Agenda Task Force
BATNA	Best Alternative to Negotiated Agreement
BPBA	Bombay Prevention of Begging Act
BSES	Bombay Suburban Electric Supply (now BRPL: BSES Rajdhani Power Ltd)
CBO	Community Based Organization
CII	Confederation of Indian Industry
CM	Chief Minister
COHRE	Centre on Housing Rights and Evictions
CRHP	Campaign for the Rights of Homeless People
CSE (MCD)	Conservancy and Sanitation Engineering Department of the MCD
D4C	Delhi for change
DDA	Delhi Development Authority
DJB	Delhi Jal Board
DLSA	Delhi Legal Services Authority
DSW	Department of Social Welfare
ECS	Economic and Social Rights
EIUS	Environmental Improvement of Urban Slums
FDI	Foreign Direct Investment
FICCI	Federation of Indian Chambers of Commerce and Industry

GIDF	Great Indian Dream Foundation
GNCTD	Government of National Capital Territory of Delhi
HIC	Habitat International Coalition
HIGH	Health Intervention Group for the Homeless
HLRN	Housing and Land Rights Network
HMKP	Hind Mazdoor Kisan Panchayat
HMS	Hind Mazdoor Sabha
HUDCO	Housing and Urban Development Corporation Ltd
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHBAS	Institute of Human Behaviour and Allied Sciences
INTUC	Indian National Trade Union Congress
IR	International Relations
ISI	Indian Social Institute
ITO	Income Tax Office
JAC	Joint Apex Committee
JE	Junior Engineer
JJ	Jhuggi Jhompri (shanties)
JNNURM	Jawaharlal Nehru National Urban Renewal Mission
KAP	Knowledge, Attitude, Practice
L&DO	Land and Development Office
LG	Lieutenant Governor
LOA	Land Owning Agency
MCD	Municipal Corporation of Delhi
MLA	Member of the Legislative Assembly
MNC	Multi National Corporation
MPD	Master Plan Delhi
MUTP	Mumbai Urban Transport Project
NCHR	National Campaign on Housing Rights
NDMC	New Delhi Municipal Council
NFHR	National Forum for Housing Rights
NGO	Non Governmental Organisation
NOC	No Objection Certificate

NRI	Non-Resident Indian
O&M	Operation and Maintenance
PAK	Practice, Attitude, Knowledge
PDS	Public Distribution System
PIL	Public Interest Litigation
PLA	Participatory Learning and Action
PM	Prime Minister
PPP	Public Private Partnership
PRA	Participatory Research and Action
PWD	Public Works Department
R&R	Relief and Rehabilitation
RAS	Rapid Assessment Survey
RR	Road Restoration
RTI	Right to Information
S&JJ	Slum and Jhuggi-Jhompri
SCAC	Shelter-cum Activity Centre
SHG	Self Help Group
SJSRY	Swarna Jayanti Shahari Rojgar Yojana
TOO	Theatre of the Oppressed
UBSP	Urban Basic Services for the Poor
ULCA	Urban Land Ceiling Act
URA	Urban Reforms Agenda
UTUC	United Trade Union Centre
VO	Voluntary Organisation
WDR	World Development Report
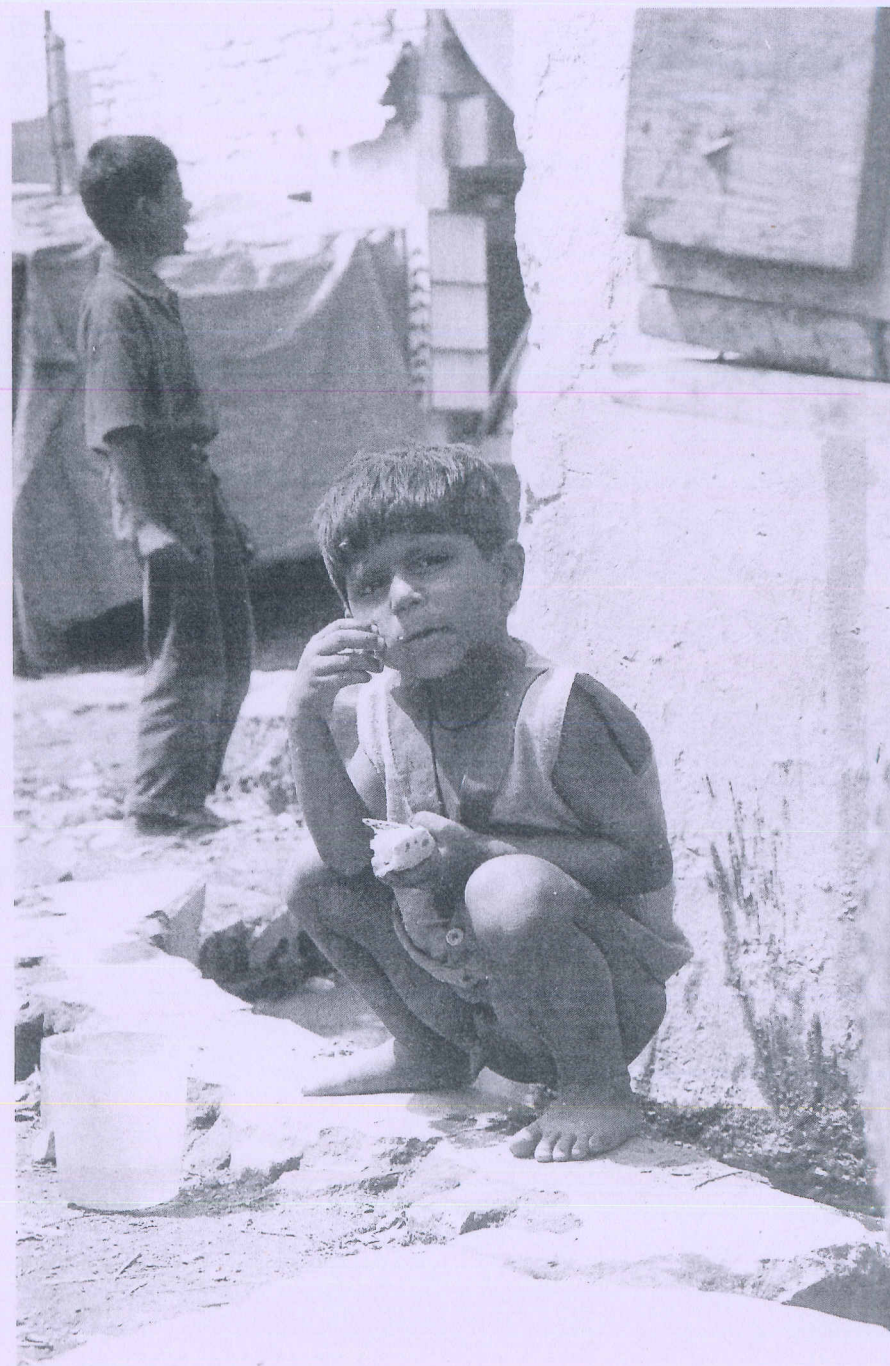
User fee in community toilets blocks in slums varies from Rs. 1 -2, children often defecate in the open.
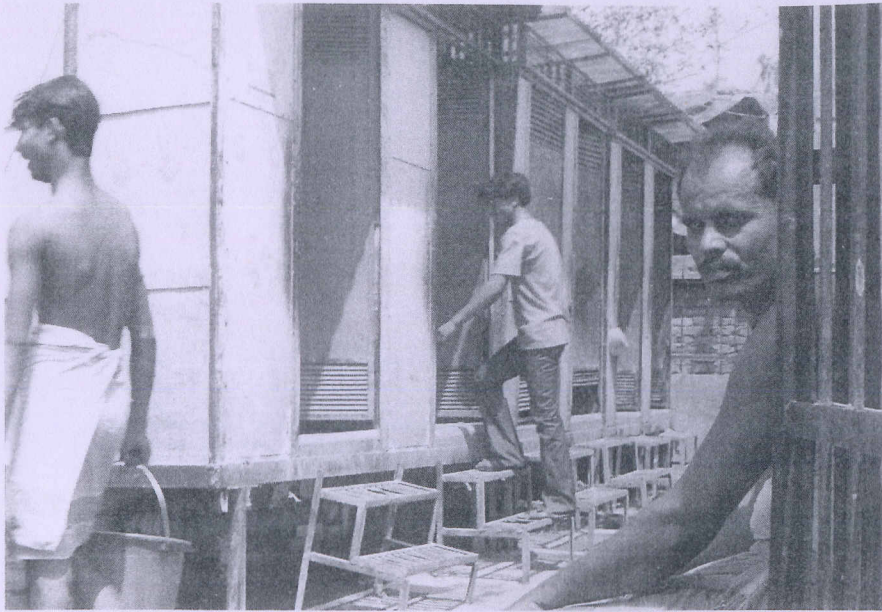
A Community toilet block in a slum usually houses mobile toilet units with 16 toilets; 8 each for men and women.

A bird's eye view of a low income residential colony in East district of Delhi.

Community toilet blocks also have bathing units- 2 each for men and women but women rarely use these units.

A number of mobile toilet vans parked at the outskirts of the city are brought in for special functions such as Independence Day, Delhi marathon etc.; only 2 such units are made available for a slum cluster with a population of 1000 and above.

A slum beside an open drain in South district Delhi.

A typical monsoon scenario of a road, which is one of the main roads leading into a low income residential colony.

A girl uses a stray source of water to wash up.

Cardholders queue up at the fair price shop for their monthly ration quota.

A woman tries to unclog a drain near her house to prevent the water from flowing into the house.

People make their way alongside a road that has become unusable during the rains.

...oy uses one of the main sources of drinking water in a slum cluster located right next...

Children bathe near a dead cow in the Yamuna Pushta area.

JCB machine is a priced possession. The MCD has only a few to go around the entire city for clearing garbage from dumping sites.

bird's eye view of a slum cluster located near a railway line in East district Delhi.
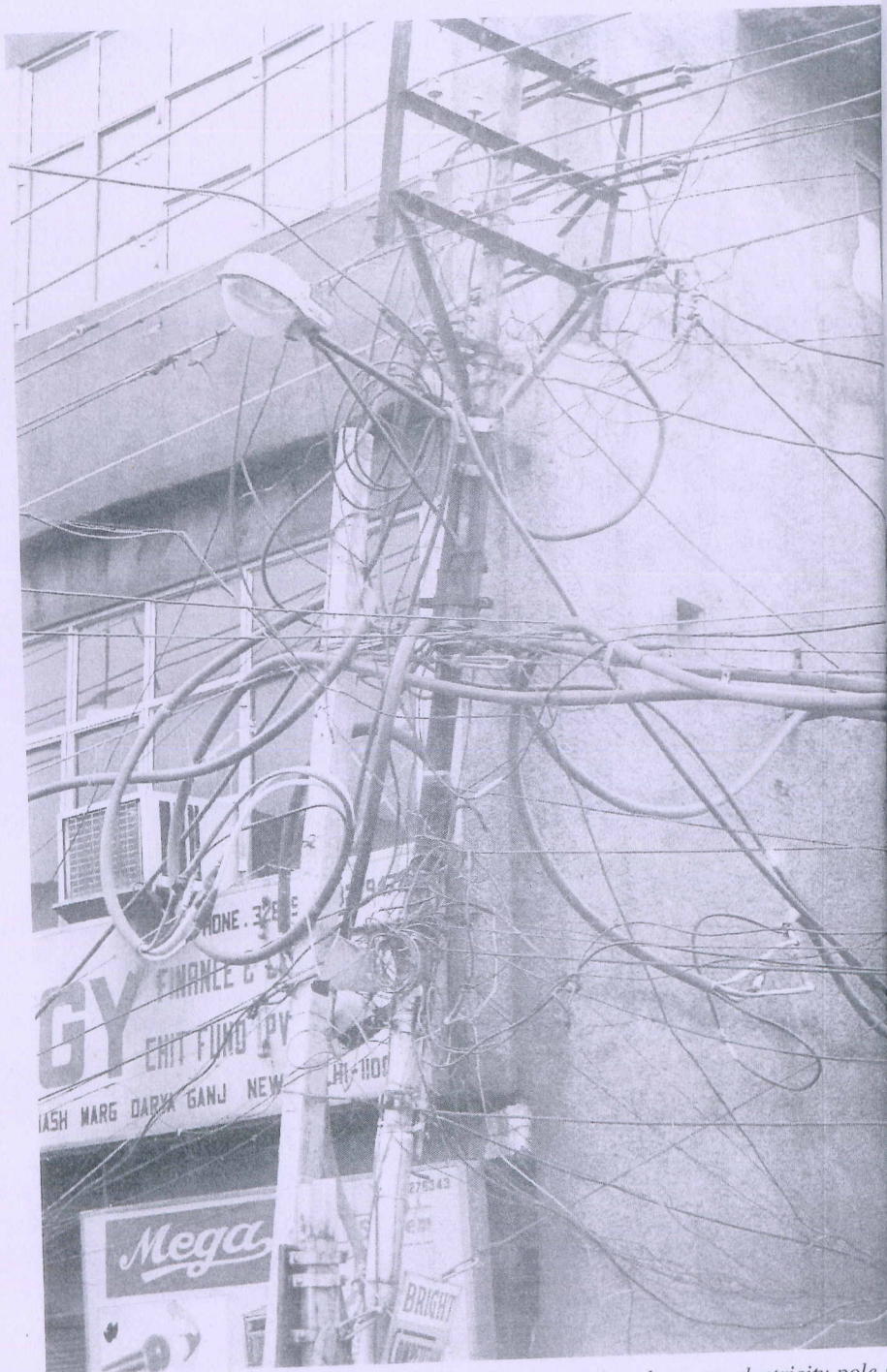
In parts of old and east Delhi housing colonies and market places an electricity pole s

Lack of proper drainage facilities in slums often impacts the health of children who suffer from regular bouts of infections, skin irritation and fever.

The Context of Public Accountability and Community Action

Manjistha Banerjee and Suchi Pande

The first part of this chapter briefly reviews the situation of the slum clusters in Delhi, their entitlements to basic services, and the limited access in practice. The second part discusses the sense in which such clusters might be expected to constitute 'communities'.

SECTION I[1]

I.I. The Growth of Slums

Like many other cities in the developing world, a considerable percentage of the total population of Delhi lives in squatter colonies and slums. Figures from the 2001 census suggest that the slum and squatter population accounts for 15.72 percent of the total population of the National Capital Region of Delhi. Another estimate suggests that the population living in Jhuggi Jhompri Clusters, Slum Designated Areas, Unauthorised Colonies and Resettlement Colonies is 52 percent (Government of Delhi, 2002: 129). According to unofficial sources (Dhar Chakravarti, 2001: 2), the rate of growth of the squatter population and inmigration during 1981-94 was four and a half times higher than the non-squatter population.

With such a sizeable population of the city living in slums, the general positive picture that emerges for Delhi when compared with the other states of India in terms of different economic indicators is belied. For example, the percentage of population below the poverty line in all of Delhi is around 8 percent compared to the all-India figure of 26 percent (Government of Delhi, 2002: 167). The same percentage for the slum population is however closer to the all-India estimate. According to Mitra (2003: 82), the percent of population below the poverty line in 'recognized slums' is at 25 percent. In terms of per capita income (Government of Delhi, 2002: 2), at constant 1993-94 prices Delhi ranks, it is estimated, at Rs. 24450 for 2001 (ibid: 8).

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[1] This section has been contributed by Manjistha Banerjee.

The income levels of the slum population is much lower. An NCAER survey (2002: 31) estimated the average household monthly income of population living in slums to be Rs. 3073 and per capita monthly income to be Rs. 575.

Low income levels, along with lack of access to basic amenities, leads to precarious living conditions that contribute to low levels of human development. In some instances, available data on access to basic services and human development indicators in the slums compare poorly with the corresponding statistics at the all-India level, even though Delhi as such may compare in favourable terms. For example, the overall female literacy rate in Delhi is at 74.7 percent according to latest census (2001) estimates. In contrast, the literacy rate among women residing in slums of Delhi stood at a mere 38.9 percent (NCAER, 2002: 33). This is lower than the all-India *rural* female literacy rate (2001) of 46.7 percent. In terms of access to basic services, at the overall national level, around 19 percent in *urban* areas do not have access to sanitation facilities. The same figure for Delhi is at 6 percent (NFHS, 1998-9). The NCAER (2002: 35) study on slums in Delhi estimates these figures to be at 26.7 percent.

Most of the residents of slums are migrants from other parts of India, mostly rural India.[2] Employment opportunities offered by the city even though mainly in the informal sector, and are often ad hoc and unstable, are the major attraction that brings people to Delhi.[3] But not all migrants, especially those with strong linkages with their native villages, want to settle down in the city. Many would like to return to their villages, with capital to buy land while others just want to eke out a living during the difficult summer months when no agricultural activity is possible. With the onset of the rains, they return to their villages to resume cultivation. For those who settle down in the slums, it is not clear what prompts the decision. Is the decision premeditated or taken in due course once the migrant is able to gain a foothold in the city? Unfavourable economic circumstances (such as landlessness, indebtedness) in the village are likely to be a major contributory factor in the migrant's decision to settle down in the city. Slums are the only place available to them to live in since the cost of living is low; it is (generally) close to their working place as well as offers a neighbourhood close to their relatives, friends and co-villagers.

As Delhi continues to grow further in the context of a globalizing and liberalizing economy, its attraction as a source of employment for rural

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[2] An estimated 83.9 percent of the population who migrated to Delhi is from rural areas, 15.8 percent from small and medium towns (with population less than a million) and 0.3 percent from metropolis (million-plus cities) (Dhar Chakravarti, 2001:3).

[3] A study of the labour market in Delhi, found that the proportion of migrants who moved into the city after receiving assurances of jobs from their urban contacts was same for both formal and informal sectors suggesting that the informal sector too can act as a pull factor (Bucci and Banerji, 1994 as cited in Mitra, 2003).

migrants is likely to be further enhanced. This, in turn, is likely to lead to a further increase in the population living in slums.[4] Urban policy needs to find ways of integrating slums into the city's settlement system and ensuring that these settlements have access to basic services.

I.II. A Typology of Slums

As per the Economic Survey of Delhi (2002: 129), there are eight types of settlements in Delhi:

- *Jhuggi-Jhompri* clusters (JJ clusters)
- Slum designated areas
- Unauthorised colonies
- Resettlement colonies
- Rural villages
- Regularised-Unauthorised colonies
- Urban villages
- Planned colonies

The first two categories account for the bulk of slum population in Delhi. Legally notified slums are those which have been designated as slums under the Slum Areas Improvement and Clearance Act (1956). A majority of these notified areas are in the walled areas of the city (Shahjahanabad). Originally meant to accommodate 60,000 people, the current population is about 2 million (Dhar Chakravarti, 2001: 7).

JJ clusters on the other hand are illegal occupants or squatters on public or private land. In a survey carried out in Delhi in 1990, 2.59 lakh households were estimated in 929 slums (Government of Delhi, 2002: 131). Another estimate by Slum Wing of MCD suggests about 1100 JJ clusters with 6 lakh households and an approximate population of 21 lakh. Unlike cities such as Kolkata or Mumbai, Delhi does not have slum settlements in certain specified areas; instead they are scattered throughout the city in small settlements near railway tracks, roads, river banks, parks and other vacant lands (Dhar Chakravarti, 2001). The number of households in a settlement is 100 or below in slightly more than 50 percent of the slum settlements while another quarter has a size of more than 100 but less than 300 households (Slum Wing of DDA, 1990 as given in Ali, 1998). These settlements are generally formed along lines of regional, linguistic and caste affiliations, though there are many clusters that are heterogeneous in composition (Dhar Chakravarti, 2001).

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[4] During the last decade, an estimated 38 percent of the growth of population in Delhi was due to immigration. Although the relative contribution of inmigration to this growth has declined over the years, it has registered an increase in absolute terms (Dhar Chakravarti, 2001:2).

Resettlement colonies, as the name suggests, comprise JJ cluster households that have been *resettled* from their original settlements. The total population in resettlement colonies is estimated to be 18 lakhs (2000) in 44 resettlement colonies (Government of Delhi, 2002: 129-130). The first resettlement programme was carried out in 1961 and subsequently many JJ clusters have been shifted. Prior to 1970, it was possible to shift most of the households (43,000) living in these settlements to various resettlement colonies, but after 1970, as the rate of migration increased, resettlement has not been able to keep pace with the growth of JJ clusters (ibid: 131).

Many slums also fall under 'unauthorised' colonies and 'regularised-unauthorised' colonies, though the exact proportion is not known. Urban villages are another category where due to lack of basic amenities and rapid population growth the living conditions are like those in slums (Dhar Chakravarti, 2001).

This typology is important as each of the different type of residential settlements has implications in terms of entitlements to basic services. For the purpose of understanding and researching on slums, a slightly different classification has been suggested by Ali (2003: 7). It includes, apart from some of the above categories (legally notified slums, JJ clusters, unauthorized colonies, urban villages, resettlement colonies), Harijan Bastis and pavement dwellers.

I.III. Slums and Resettlement Colonies

The results of an NCAER (2002) survey suggest that resettlement colonies as opposed to slums have better access to essential amenities. The legal recognition given to resettlement colonies makes it mandatory for the government to ensure the provision of basic infrastructure in these settlements.[5] JJ clusters, on the other hand, do not enjoy any such entitlements since they are considered illegal occupants of public/private land. The difference in entitlements is what accounts for the difference in access to basic infrastructure between the JJ clusters and resettlement colonies and this difference in turn contributes to the overall better living conditions in resettlement colonies as against slums.

The location of a human settlement, for instance, is an important determinant of living conditions. Location near a *nallah* (stream) or an industry heightens the risk posed to health on account of the pollution (either human or industrial). These risks are minimized if settlements are instead located near highways or main roads; though here too the residents are exposed to vehicular

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[5] The government launched a scheme in 1979-80 to provide and improve basic civic amenities in 44 resettlement colonies. In 1988-89, resettlement colonies were transferred from DDA to MCD with the assurance that the maintenance expenditure will be borne by Government of Delhi. Between 1979 and March 2002, the Delhi Government had released an estimated Rs. 4517.67 crores under plan expenditure and Rs. 470.18 crores under non-plan expenditure (for maintenance) (Government of Delhi, 2002: 130).

pollution and risks of accidents (particularly high for children). All the resettlement colonies (see Table 1 below) are located near highways/roads. Slums, on the other hand, have a mixed locational profile. A quarter of the sample slums are located near highways/roads, another 20 percent near *nallah* and railway tracks each. Arguably, the better location of resettlement colonies is because these colonies have been settled in a *planned* manner.

Table 1: Location of Slums and Resettlement Colonies

Location near	Slum	Resettlement Colony	All
Railway track	18.8	—	15.0
River/Nallah	21.9	—	17.5
Highway/Road	25.0	100.0	40.0
Construction site	—	—	—
Industry	6.3	—	5.0
Religious/Public place	15.6	—	12.5
Other	12.5	—	10.0

*Source: NCAER (2002: 15).   *All Figures are in percent.*

Other evidence of better infrastructure in resettlement colonies as opposed to slums is that 93.8 percent of respondents in slums and 100 percent in resettlement colonies reported piped/tap water as the major source of drinking water (NCAER, 2002:15). Lack of access to sanitation facilities in slums vis-à-vis resettlement areas is another aspect of the comparatively better living conditions in the latter. More than 90 percent of the sample households in the slums and 50 percent in resettlement colonies do not have access to independent toilets (see Table 2). In fact, only around half of the sample

Table 2: Availability of sanitation

	Slums			Resettlement Colony		
	Adult male	Adult female	Children	Adult male	Adult female	Children
Urination						
Own toilet	6.8	12.1	6.6	41.8	42.0	42.5
Public toilet	40.6	52.2	19.4	19.9	30.0	14.5
Open space	48.9	29.0	35.5	37.2	10.5	15.5
Just outside the house	3.7	6.8	38.5	1.0	17.5	27.5
Defecation						
Own toilet	5.5	5.3	4.4	42.1	42.0	43.0
Public toilet	67.8	69.8	32.6	46.2	46.5	29.5
Open space	24.5	22.2	42.2	11.7	11.5	19.7
Just outside the house	2.2	2.8	20.9	0.0	0.0	7.8

*Source: NCAER (2002: 35).   *All figures are in percent.*

slums have proper drainage facilities while all the resettlement colonies reported the existence of drainage facilities though it is not clear if these facilities are functional or not (NCAER, 2002: 6).

In addition to lack of drainage facilities, 70 percent of the slums and 13 percent of the resettlement colonies do not have a proper system of waste disposal and therefore, garbage is dumped in the open (NCAER, 2002: 16).

All the resettlement colonies enjoyed access to electricity. The survey found near-universal accessibility to electricity in slums (95.4 percent) too (NCAER, 2002: 34), but a deeper probe would have thrown up a different picture in terms of number of connections that are *legal* versus those that are *paid for but not recognized as legal connections.*[6]

The differences between slums and resettlement colonies extend to the social and economic spheres. The security of tenancy that these settlements enjoy encourage residents to make investments in housing, health and education while at the same time, the comparatively better living conditions may have contributed to better health of the residents and thereby improvement in incomes. In addition, the dwellers in resettlement colonies have been in Delhi for a longer duration (many of the resettlement colonies were set up prior to 1970s) and therefore, have a stronger foothold in the city, which allows them to access better employment and educational as well as health facilities.

If the income parameter is taken into account both in terms of average income level and distribution of income, resettlement colonies are better off than their counterparts in slum colonies (NCAER, 2002: 20-21). The average income of a slum household is Rs. 2,840/ while it is Rs. 4,020/ per month in a resettlement colony. In terms of per capita income, it works out to be Rs. 533/ in a slum and Rs. 733/ in a resettlement colony. The distribution of income too is skewed towards the lower end in slums. The median income level for slums lies in the range of Rs. 2,000 to Rs. 3,000 with nearly 30 percent of the households with an income less than Rs. 2,000 per month and only 5 percent with an income more than Rs. 5,000 per month. On the other hand, the median income level in resettlement colonies is between Rs. 3, 000 and Rs. 5,000 per month, lower proportion of households are below Rs 2,000 per month and a much higher percent have monthly income level more than Rs. 5,000. Data on household expenditures and possession of assets confirms that the residents of resettlement colony are better placed than their slum counterparts.

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[6] Since slums are not recognized by the state, they are not entitled to electricity connections. Nevertheless, in most cases, a middleman who has an official connection supplies electricity to slum households. In common parlance, these connections are referred to as *illegal* and it is assumed that the slum dwellers enjoy electricity free of charge. But this is not the case, indeed it is the opposite. The illegality of their connections means that dwellers end up paying a high price for a highly erratic and irregular service.

The occupation profile too reflects the differences with regard to the income level between slums and resettlement colonies (NCAER, 2002: 26). A larger percent of the population in slums is dependent on daily wage employment (40 percent) where earnings are both low and irregular. The other main occupations reported are shop keeping or business (20 percent), salaried employment (14 percent) and self-employment (13 percent). In contrast, there are three main sources of employment in the resettlement colonies—nearly 40 percent are in business and about one-fourth each in salaried and wage earning jobs. Another significant difference is that around 8 percent of the respondents in slums worked as domestic servants (such as cooks, maids, *chowkidars*, etc.) and another 5 percent as sweepers while these proportions were negligible in resettlement colonies.

In resettlement colonies 90 percent of the sample households lived in *pucca* houses, the corresponding figure for slums is much lower at one-quarter. Around 50 percent of the slum residents live in semi-pucca houses and another quarter in *kutcha* houses. Nearly 80 percent of the households in slums do not have a separate kitchen; the corresponding percent for resettlement colony is much lower (NCAER, 2002: 22). The better housing conditions of residents of resettlement colonies is a direct consequence of the security of tenancy that these residents enjoy. Since property rights are guaranteed, residents of resettlement colonies, unlike those in JJ clusters, can invest and improve their housing conditions over the long term without fearing the threat of eviction.

The NCAER (2002: 52) also estimated morbidity rates in slums and resettlement colonies of Delhi;—it is lower in resettlement colonies (88 per 1,000) than in slums (112 per 1,000). Differences in the prevalence of acute[7] illness especially among women accounts for higher morbidity prevalence rate in slums. Rate of hospitalisation reported on the basis of 365 days recall (20 per 1,000) too is higher for slums.

The differences between slums and resettlement colonies also hold if we consider the educational background of the sample households. Rate of illiteracy was higher in slums than in resettlement colonies. A further breakdown in terms of class completion rates indicates that the 'primary and middle school' completion rates are similar for both males and females, but widen if 'high school or above' completion rate are considered, especially for males.

In general, the available data confirms the link between physical living conditions and human development indicators. It also brings out the importance of security to tenancy in improving living conditions.

Nevertheless, while JJ clusters are worse off than resettlement colonies,

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[7] Illness that occurred in the previous 30 days provided that the overall duration is less than 90 days.

both are far from having adequate provision of basic amenities. Indeed, the evidence from the NCAER (2002) study should not be taken to mean that all is well with resettlement colonies. The provision of infrastructure in resettlement colonies is more often than not inadequate, given its population size. A survey conducted by the Council for Social Development (1990) as cited in Ali (2003) highlights the poor state of infrastructure in three resettlement colonies (Trilokpuri, Kalyanpuri, Kichripur) set up in 1977. Some of the key findings of the study are as follows:

- About 30,000 households reside on 22,000 plots.

- About 11,000 squatters had emerged on open spaces reserved for housing parks, and health and education facilities and so on.

- Half the population did not have individual tap connections for water supply.

- Few households have access to individual lavatories; the population largely depends on community lavatories or has no option but to defecate in the open.

- There are 17,000 electric connections and 4500 'illegal' connections.

- Domestic garbage is dumped in the open. The rate of clearance is low and consequently provides a veritable breeding grounds for different diseases. Drainage alongside the roads is also not maintained properly.

- Parks and open spaces exist, but they are devoid of greenery. Of the 259 public parks, 25 were occupied by jhuggies at the time of survey.

I.IV. The Politics of Slum Development

It has been argued that an important reason for the growth of slums in Delhi is the Master Plan itself. The Plan is based on an elaborate idea of 'zoning' (Nigam, 2001: 43) where land is segregated as residential, commercial and industrial. The industrial zones, however, do not have any provision to provide accommodation for house workers who would come to work in these industrial zones.

On the other hand, such provision in the Master Plan, that could have been instrumental in meeting the house needs of poor migrants to the city, have been ignored (Dewan, 2002: 84). The original plan stipulated 'suitable [residential] sites in several zones' for the economically disadvantaged. Furthermore, over the years there has been a gradual dilution of provisions of resettlement for the slum population.

To begin with, the plot size allocated to households in resettlement colonies has been steadily declining. The provision in the Master Plan of Delhi (1962) was of an allotment of 80 sq. metres per household (Nigam, 2001). This was subsequently reduced to 40 sq. metres during the massive resettlements of the 1970s (Dewan, 2002). The Master Plan of Delhi (2001) then brought

this down to 25 sq. metres (Nigam, 2001). In reality the plot size actually allocated is even smaller. Slums that were resettled in Narela (2000) as well as evictees from the Yamuna Pushta slums (2004) were allocated a plot size of 12.5 sq. metres (Dewan, 2002; Jamwal, 2004).[8] Dewan (2002: 82), in fact, argues that 'the small resettlement plots do not even compare well with the space that people occupy in slums'. The land under slum settlements in Delhi is around 4000 hectares while the number of slum families is between 400,000 and 600,000. Even with the higher estimate of number of families, the gross area occupied is 66 sq. metres per family. In planned housing area, the net residential area (the area under house plots and appurtenant services but excluding major roads and facilities) is about half the gross area. In slums the net residential area tends to be even greater (on average well over 33 sq. metres) with little land under other facilities.

Apart from limited space per family, housing on small plot size contributes to the deterioration of resettlement colonies into slums (Delhi Master Plan 1961 and 1990 as cited in Dewan, 2002). Dewan (ibid: 83) summarises this as 'it is generally true that current slum resettlement projects usually end up looking not very different from the slums they replace'.

Secondly, the first resettlement of JJ clusters in early 1960s entitled the residents not only to a plot size of 80 sq. metres but one that was serviced with WC, water tap and plinth (Ali, 2003). Selection of the resettlement site had to be done keeping in mind the availability of essential services such as water supply, sewerage and electricity as well as schools, dispensary and community centres. Residents were given ownership rights—subsidy was to the tune of 50 percent and repayment was on a monthly basis. Over time these standards have got diluted; there has been a shift towards provision of services for a group rather than on an individual basis. Thus, in the resettlement schemes carried out in 1975-76, along with a decline in plot size to 25 sq. metres and ownership rights, the following standards were laid down for the provision of services (ibid: 79):

- Hand pump (1) for 20 persons

- Filtered water hydrants (1) for 4 persons

- Bathrooms (1 seat) for 6 families

- Latrines (1 seat) for 5 families

In recent years, resettlement sites are increasingly on the outskirts of the city (for example, Narela, Holambi Kalan, Bawana, Madanpur Khader, Tikri Khurd) in violation of the recommendations of the Master Plan, which argued for integration of people from different cross-section of income groups in

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[8] Some of the evictees from the demolished Yamuna Pushta slums were allocated a slightly larger plot size of 18 sq. metres (Jamwal, 2004).

residential neighbourhoods, (Dewan 2002).[9] Apart from lack of infrastructure facilities in these colonies,[10] what is of particular concern to the poor is the lack of transport facilities. These sites located on the periphery of the cities provide little employment opportunities for the poor for which they have to commute to the city centre. However, the absence of proper transport facilities makes this journey costly in terms of physical and monetary resources as well as in terms of the time spent on travel. As a result, people often find it prudent to sell off their tenements and return to the city, thus defying the logic of resettlement (ibid).

Yet another dilution pertains to the resettlement process. During the resettlement drive of 1975-76, provisions were made for camping sites to allow temporary habitations (Ali and Singh, 1998). Such considerations no longer form part of the resettlement process. The decision to relocate slums in Yamuna Pushta was taken at a high level meeting in January (2004), the first demolitions were carried out in February and the process was completed by early April (Jamwal, 2004). Not only were the residents not given enough time to prepare for the demolition, the authorities did not also bother that the demolition drive in the months of February and March coincided with school exams. Further, many residents of JJ clusters are left out of the resettlement process. The list of households eligible for plots in the resettlement site is based on a four-year old survey which does not take into account the new residents in the slum. Also, houses recorded as 'locked' in the survey are not being considered for resettlement (ibid).

Furthermore, given the high rates of migration, the rapid increase in slums and paucity of land, resettlement of JJ clusters has not been able to keep pace and increasingly appears arbitrary and governed by extraneous factors not related to the welfare of slum dwellers. Dewan (2002: 87) in fact argues that slums are resettled under 'special circumstances'. One such circumstance is when the land on which slums are settled is required to be developed by the land owning agency. For example, the addition of a premier facility to AIIMS (in 2000) necessitated the resettlement of 5000 huts that had developed on its 20 acres of land (ibid). The other circumstance arises when court orders (often as a result of public interest litigation or PIL) seek removal of slums. The latter, Dewan notes, has also extended to appeals to politicians for removal of slums under the guise of what is termed as public

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[9] The logic behind avoiding segregation of housing settlements in terms of income groups is that a mixed income profile is advantageous both for the economically marginalized and the better-off. It enables the latter to access the services offered by the poor. On the other hand, not only do the poor find it easier to access livelihood options, but they can also access better basic infrastructure as roads, water, electricity, etc. (Dewan, 2002).

[10] After a visit to one of the resettlement colonies in Delhi (Narela), a federation of non-government organizations and community-based organizations came out with a report which *The Asian Age* (August 10, 2000 as cited in Dewan, 2002: 82) summarized as 'altogether Narela is the new name of hell'.

interest. For example, in February 2000 residents invited the then Minister for Urban Development (Jagmohan) to see the squalor around Kalka Temple and as a result the slums in the adjoining land with more than 5000 huts were surveyed for resettlement (ibid). In addition, slums are also resettled on account of environmental concerns, specifically the need to develop or maintain green area in the city. The recent (2004) demolitions of slum clusters in Yamuna Pushta were necessitated because the Union Tourism Ministry wants to develop it as a tourism spot and green belt (Jamwal, 2004).

In addition, ideas such as creating the National Capital Territory which could have helped to deal with the problem of rapid growth of slums have failed to take-off. The idea behind National Capital Territory (comprising of six districts of Haryana, three districts of Uttar Pradesh and a part of Alwar district in Rajasthan) was to develop a number of satellite and ring towns around Delhi as industrial areas that would provide alternate low-skilled employment opportunities and thereby, help to 'deflect' the large number of migrants who come to the city in search of employment (Nigam, 2001: 41). The scheme has not really succeeded, and one of the main reasons cited for the failure is poor infrastructure. In recent years, Gurgaon and Noida, which lie on the outskirts of the city, have witnessed phenomenal growth, but so far this growth has largely been confined to the service sector and has benefited mostly the educated urban middle class as opposed to the poor who have limited skills.

I.V. Schemes for Slums

A number of government schemes do exist that seek to provide better living conditions to people living in slums. For instance, as per the Economic Survey of Delhi, the government made provisions for the following schemes in JJ clusters:

- Construction of Basti Vikas Kendra
- In situ upgradation of JJ clusters
- Environmental improvement in JJ clusters
- Construction of pay and use complex Jan Suvidha
- Shishu Vatika/ common space in JJ clusters
- National slum development programmes
- Sanitation in JJ clusters
- Urban basic services
- Swarn Jayanti Shahri Rojgar Yojna
- Water supply in JJ clusters
- Electricity connection in JJ households

- Mobile van dispensaries in JJ clusters
- Health centres in JJ clusters
- Integrated Child Development Scheme

However, the success of the different schemes initiated by the Government in achieving the desired objectives has been limited; these are essentially short-term interventions and lack a holistic approach towards slum welfare. The various schemes fail to ensure a uniform pattern in terms of accessibility to different services (Sudarshan and Bhattacharya, 2006). There is, for example, no uniform ratio of total population and the number of taps/ toilets in the slums. The functioning of Pay and Use Jan Suvidha toilet complexes is another example. Field observations[11] suggest that while in some slums women and children are allowed to use the complexes free, in others children are debarred from using them and there is no uniformity of rates.

Table 3: Different schemes for slums and dilution of provisions overtime

S. No.	Name of the Scheme	Provisions under the Scheme
1	Environmental Improvement Scheme	• Water taps (1 for 50 persons) • Community toilet (1 for 20-50 persons)
2	Urban Basic Services Programme (1985-90)	• Water taps (1 for 150 persons or 30 families) • Community bath (1 for 50 persons or 10 households) • Community toilet/ 'pay and use' Jansuvidha toilets (1 for 50 persons or 10 households)
3	Prayog Vihar Project	The project approach was to rearrange plots on the same site and provision of community infrastructure. • Realignment of plots on the same site, 0.47 hectares were allocated per beneficiary (as opposed to 4.0 hectares they occupied) to achieve a density of 2200 people per hectare. • Each beneficiary was allocated a room of 9.5 sq. metres with a provision for expansion on the first floor and group bath and WC (1 for 7 families).

[11] Personal communication with Amita Joshi, Coordinator, ISST Field Office.

Further, over the years there has been a dilution of standards in provisions of basic services in the slums as is evident from the table below.

Moreover, concept of upgradation of slums as a means to provide better living conditions to the slum population has also been questioned (Dewan, 2002). Since most slums are densely populated (jhuggies in Delhi occupy only 5 percent of the total land while accounting for a bulk of the city's population), it has been argued that in situ upgradation means that a large number of poor people are confined to a small area resulting in inequitable distribution of land. Secondly, many of the slums are in precarious locations such as near railway tracks or along waterbodies as a result of which they are prone to disasters such as floods or fire. In situ upgradation does not protect these settlements from these disasters, whether natural or man-made, and can at best be seen as a temporary measure.

I.VI. Field Observations on Access to Basic Services[12]

It is not clear why there are so many categories of slums, with varying entitlements. These variations also make it difficult to find out the extent to which these entitlements have been fulfilled. Field observations suggest that the actual situation may be quite far from the stipulated norms.

It is common knowledge that slums lack basic services like access to water, access to sanitation, structural quality of housing, and security of tenure. The lack of these services has both direct and indirect implications on the quality of life of slum dwellers. When a slum comes up in an area it becomes the responsibility of the MCD Slum and JJ wing to provide basic services— drinking water tap, toilets, sweepers and garbage disposal facilities in the area.[13] However, in a study carried out in 16 slum communities in east Delhi[14] these basic services were found missing or inadequate.

Toilet seats and bathing units against population (in '00)

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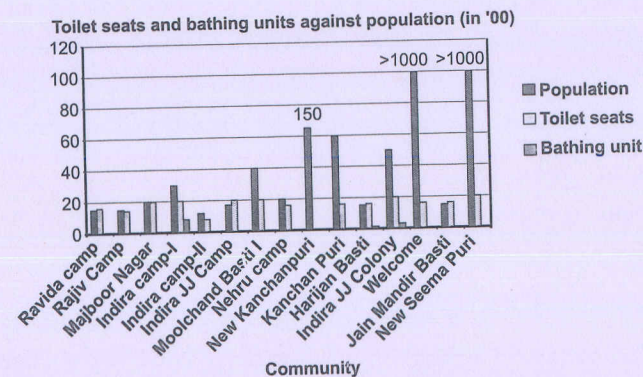
[12] This section has been contributed by Suchi Pande.

[13] In an informal conversation with a JE of slum & JJ wing of the MCD.

[14] Observation undertaken by ISST in the period February–March 2004.

Land in the urban space is highly contested. With increasing demands for modernisation/development and sprucing up of cities in a bid to host sports meets or open numerous shopping malls; claims on land become increasingly disputed. This is also the reason why probably basic services become inadequate and very costly.

The diagram on p.13 is based on field observations and shows how inadequate the provision of sanitation is.

Poor sanitation coupled with poor diet, lack of general cleanliness and shortage of water results in poor health. Table 4 shows the further implication of this in terms of health expenditures.

Table 4: Average spending on healthcare

Rich	Poor
• 20 percent enjoy three times the share of public subsidy for health. • On an average, the rich spend 2 percent of their incomes on healthcare.	• 20 percent of Indians have more than double the mortality rates, fertility rates and undernutrition levels of the richest 20 percent. • On an average the poor spend 12 percent of their incomes on healthcare.

Source: NCAER 2002.

Table 5: Monthly spending by slum dwellers on visits to doctors

Per month	Per visit
Average monthly expenditure on health-related services is approximately 50 per cent of household income for slum dwellers	One visit to a doctor costs about Rs. 2-500—during summer / monsoons easily 3-5 visits made-total cost (total amount—visits made)

Source: Field observations undertaken by ISST, 2004-5.

Table 6: Key points regarding food intake

Frequency of Meals	Quantity of food consumed	Preparation
• Two proper meals a day—lunch and dinner • For school-going children breakfast is a small meal—tea with bread or fan[15]	• 1.5 kg of vegetables and 1.5-2 kg of wheat flour consumed in one meal (family size of 5-7 members). • Meat/fish and egg may be cooked once a week. • Fruits are rarely purchased. • A family buys half a kilo or 250 grams of milk on a daily basis. Most of it is utilized for making tea.	• The preparation of vegetables is usually extremely spicy as a result small children consume very little vegetable.

(Source: Field observations undertaken by ISST, 2004-5)

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[15] 'fan' is a long biscuit

SECTION II[16]

II.I. The Nature of 'Community' in Urban Slums

Defining what we would mean by a 'community' in an urban context is not easy. Firstly, there is the question of who is defining community—an external observer, or a member of the group being described. The Government for instance routinely identifies groups for purposes of eligibility to various schemes and programmes. But while these groups may share some characteristics—such as average level of income—they may be very different in other respects.

Secondly, communities in the urban context are grounded in a very fluid politics of a settlement process. No two settlement types will share the same sort of social organising or social cohesion—each is subject to a process of settlement which is vulnerable to rapid change and highly politicised.

The city as it exists today is highly segmented spatially—depending on who occupies the *space;* one forms a separate notion of community for different spaces. While the government programmes are classic examples that see the poor as one community; one needs to understand that the type of community that gets defined is different for a housing cooperative society, a squatter settlement, a resettlement colony and an unauthorised settlement. There is also a strong temporal dimension to the types of community being defined. A community within a squatter settlement is likely to be different when pressurising councillors and contacts for basic service provisions prior to notification or being regularised, than when, after notification as a recognised slum, it pressures for scheme-based development.

Of late the appearance and use of 'buzzwords' like 'social capital' in the discourse on community further complicates the understanding of the term. Putnam (2000) defines social capital as the 'trust, norms, and networks that can improve the efficiency of society by facilitating coordinated action'. The World Bank (1999) defines social capital as the 'glue' that not only 'underpins but holds the institutions of society together'. The basic suggestion is that if people have social connections they can build communities.

However, these ideas of trust, social networks, sustainable development and participation can be considered as simply formulas of international development. Social networks are complex systems that are a product of evolutionary processes not easily created or designed. With a supportive environment these networks can grow and strengthen (Moobela, 2003).

The existing literature assigns different aspects to what does or does not constitute a community. It has been argued that communities organise around

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[16] This section has been contributed by Suchi Pande.

commonality of interests, profession, religion, race, class, caste, beliefs, faith and more (See e.g. Maser, 1989). To be part of a community means to practice the same profession, belief, faith and to share the same goals that have been passed on from generation to generation and therefore be able to identify yourself as different from the 'outsider'.

The two main characteristics of a community dominant in the majority of definitions are people and place (geographically marked out areas that people inhabit). If one could define a community on these two aspects alone then urban slums fit the definition of a community. However, a community may be based on people but it incorporates a host of other aspects and characteristics that are essential to the understanding of a community.

In order to understand the notion of community it is important to reflect on the history of the term and its use. Community has been defined and redefined over the years as sociologists and philosophers have tried to make sense of the constantly changing world around us. The transformations within society as a result of industrialisation, monetisation, production and satisfaction of material needs gave rise to the view that rather than being based on status, kinship, and joint property, society is now based on contract, territory and individual rights (Aggarwal and Gibson, 1999).

More recently, community has become the focus of social scholars, ecologists, and development thinkers, all of whom are trying to make sense of the abrupt social change visible around them. Commercialisation, migration to urban areas, recognition of the limits of the state and the emphasis on popular participation has further reinforced the positive role of communities. This has led to the community being viewed as a homogeneous, small, spatial unit with shared norms and practices. However, what this type of definition ignores is the non-social, political and economic aspects that affect and impact the so called community (ibid).

If a community is understood as primarily a unified body of individuals living in a locality, it is necessary for them to be linked by common interests and carry out face-to-face interactions with each other in a manner that they share and participate in their own development within a larger society.

The Webster's Dictionary defines community as—'a social group of any size whose members reside in a specific locality, share a government, and have a cultural historical heritage.' In the context of city communities residing in specific localities and sharing a government hold true but defining the residents as one 'social group' with a 'cultural heritage' is questionable.

A social group can be defined as one which is characterised by social interaction within a defined geographic space with a consciousness of kind, possession of common ends, norms, means, ecological relationships and self sufficiency—where people are linked in their interests and perceptions of themselves as individuals and as part of a larger collective.

What becomes increasingly evident is that the term community when used in the urban environment is rather loosely applied to what can in its very basic form be referred to as groups of people.

In urban societies these groups of people are associated with specialised activities or professional and occupational roles that help provide access to the things of 'need'. These very occupational and professional roles are used to carve out identities. These identities are then manifested in spatial segments that groups inhabit by choice (or forcibly). The groups further engage in a process of co-option and selection to ensure a social and professional homogeneity of residents of their spatial area.

These groups and the areas they inhabit are characterised by heavy concerns of security and protection from the *outsider* resulting in exclusion and filtering of those outside (Benit, 2000 cited in Dupont, 2001). The communities are also characterised by sharp income divides apparent in the contemporary economic stratification of the city. This kind of stratification influences the access and control different sections of people have on services. These are what one refers to as 'gated communities' of the urban city.

On the other side of the gated communities are the outsiders—the groups that live in squatter settlements or informal settlements. These are treated as *illegal encroachments* on public land and evicted at will by Government agencies. Therefore, settlements such as these have inadequate—one or maybe two—basic services like water, toilets or proper sanitation or lack any kind of civic amenities. These are commonly referred to as *slum communities.* However, they can more aptly be called *distressed communities,* that have migrated to the city in order to meet their needs of subsistence. However, the daunting environment and the lack of adequate housing prevents these settlements from organising themselves as communities and thereby actively participating in their overall development.

A community must have a history, which is passed on if a community wants to know itself over time. History is a reflection of how we see ourselves and thus goes to the very root by which we give value to things (Maser, 1989).

An essential and probably the most human part of community is interaction or interface between its members. A community could be your neighbourhood or your workplace. A 'place' where human collectives interact *(The Challenge of Slums, 2003)*—the community is therefore rooted in a sense of place through which people are engaged in a reciprocal relationship with their landscape. A community that evolves out of and incorporates interaction exists on the mutual trust shared by its members. It is alive and an ever-changing interdependent system of relationships (ibid).

Commonality of interest is usually present where people are working to achieve the same goals and have the same aims–like a small group of

businessmen/women trying to organise their activities to reap larger profits (Maser, 1989).

Any kind of social organising in slums, it is argued, serves two different functions: either as a social support system for getting by or help for getting ahead. Usually both do not exist in one place simultaneously. Survival determines the formation of alliances by people inhabiting squatter settlements. It is also most influential in determining motivation and mobilisation of such settlements to act as communes as and when the subsistence factors are threatened. Residents form alliances across ethnic groups as well as 'political' alliances that help them in their attempts to survive the unfriendly and intimidating atmosphere of the city. Critical alliances or networks/links are created with their local political representatives. In exchange for votes, these links are more often than not utilised to meet everyday needs from making ration cards, birth certificates, certifying documents to the occasional requests for road repair or cleaning community toilet blocks etc. However, these very same links are important elements of the survival mechanism of these settlements.

Slum dwellers treat their surrounding area as a place with which they do not have a reciprocal relationship. This type of community is not rooted in a sense of place. Their area is a territorial, administrative entity and not something which forms a bond with its inhabitants.

But slums are also simply people who live side by side, and we hoped in this project to find, or even to plant, the seeds of a community consciousness.

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CHAPTER 2

Ensuring Public Accountability through Community Action:
A Review of the Project

Suchi Pande and Ratna M. Sudarshan

SECTION I
Background, Objectives and Method

I.I. Genesis of the Project

This project had its genesis in the activities of the Community Outreach Programme started by ISST in 2000.

Under the Outreach Programme two sub-centres were set up in slum clusters in east districts of Delhi—*'Saheliyon ki Bari'* in Nehru Camp (NH24) and *'Apni Phulwari'* in Harijan Basti (Sonia Camp, Mandawali). A range of activities were undertaken, in response to perceived needs including enrolling children into Municipal Corporation-run government schools, starting up non-formal and remedial education for children and neo-literate adults, etc.

It was soon evident that the poor living in the slums of Delhi suffer not just from low incomes but also from a sense of social exclusion. Although these vulnerable groups turn out in large numbers to vote, systems for accountability between elections are extremely weak.

Information and access to information is of great importance, and a critical tool in moving beyond the 'right to vote' towards a 'right to participate' in governing ourselves.[1] The Right to Information movement in India has progressed, matured and grown fast forcing the government to be accountable for their actions to the citizens of this country.[2]

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[1] Aruna Roy MKSS (Mazdoor Kisan Shakti Sangathan).
[2] The Right to Information Act was passed in 2005.

The Delhi Right to Information Act was passed in 2001. This project wanted to take advantage of the enabling environment created by the existence of the Act and the inclusive approach of the state government as reflected in the 'Bhagidari' programme. Public accountability to the poor must necessarily be negotiated at the local level through local groups, and ISST hoped to facilitate the emergence of a modified, 'Bhagidari'-type, approach in urban slums.

I.II. Project Objectives

ISST field workers had previously dealt with individual grievances related to service delivery—ration/food grains, water, sanitation or community toilet blocks—and felt that systemic changes were needed. The overall objective of this project—'Ensuring public accountability through community action' —was to promote good governance and public accountability, in selected slum communities in the State of Delhi, pertaining to the delivery of public health goods and services.

The specific objectives of the project included undertaking an "action research" programme addressing issues around barriers to participatory governance in the context of public service delivery in Delhi slum communities, and strategies for promoting, ensuring, and sustaining a system of accountable governance; increasing awareness and knowledge among the inhabitants of slum communities, and mediating social organisations around issues of rights and entitlements, governance, and social action for better service access and utilisation; building effective institutional linkages between slum communities (and slum dwellers) and local authorities responsible for delivery of basic services.

ISST saw its own role as that of a catalyst, to bring together community groups and service providers in a process of constructive dialogue.

I.III. Basic Assumptions of the Project

1. Presence of an NGO that would facilitate and ensure relative ease of community mobilising in areas where the project was to be implemented.

2. It would be possible to 'engender' the proposed activities both through the active participation of women, and through a better articulation of their needs.

3. Representation and dialogue would be possible at different levels—at slum levels and at levels of city administration and in between—with government officials at varying levels of seniority participating.

4. Actors/process in the dialogue could be similar to that in middle class colonies where the interaction is between Government, Residents Welfare Associations (RWA) and NGOs (the Bhagidari approach).

5. Issues identified as basic needs (sanitation, water, and sewerage) could be the point around which organising and dialogue take place.

6. The Right to Information would be a critical tool in raising awareness and bringing people together.

I.IV. Project Approach

The Project had three aspects:

1. The first was to facilitate the formation of representative groups within the slum communities to encourage organising and collective action to address felt needs related to civic amenities and gaps in service delivery. Given ISST's own priorities we hoped to support women leaders, and to ensure that issues concerning women found a place on the agenda.

2. The second was to catalyse the development of 'roundtable' dialogues in which local NGOs, representatives of the slum communities, the local political and official representatives would participate and develop a forum for the articulation of grievances and possible ways of resolving them.

3. Third, documentation of the process and background research as necessary.

These three aspects were all worked on simultaneously and in an interactive fashion.

The methods applied under the project were participatory in nature and included:

- Interactive observation exercise to document the nature of service provisions in slums prior to mobilisation of groups

- Roundtable discussions with NGOs and community representatives and the government

- Interactive workshops with NGOs and local groups

- Area level workshops with local groups

- Focus group discussions with selected slum clusters

- Participatory learning and action exercise with selected resettlement colony

I.V. The Actors

The project sought to engage four sets of actors—slum residents, Government agencies, local NGOs and political representatives.

- **Slum Residents:** Most slum residents are migrants from neighbouring states, and include both those who migrated many decades ago and those who are recent migrants. The limited sense in which the slums also constitute 'communities' has been discussed in the previous chapter.

An important, informal institution of governance for addressing community level concerns found in the slums is that of the *Pradhan.*

In our approach to catalyzing 'community action', we were conscious of the need to involve, in particular,

a. the elected *pradhans* in the area, and

b. women who appeared to have leadership qualities.

Informal governance: Nehru and Sonia Camps

In Nehru Camp the community elects the 'Pradhan' for a full term of five years. Three candidates usually contest - the number may vary. They distribute pamphlets, citing the goals and promises they will fulfill if elected. These contestants also make door-to-door visits gathering votes. These representatives usually have some sort of informal affiliation to a political party. However, these political affiliations are not given prominence in the election for the pradhan.

Men are far more active than women in these elections. Women are usually not included in the meetings that are organised prior to the campaigning. During the door-to-door visits they are simply silent listeners. According to Farzana, Jaimala, Geeta and Amina, residents of Nehru Camp, women usually take the backseat, they do not have a say and often do not take any interest either, in these informal institutions of governance.

At the same time, they feel confident to approach the Pradhan with issues and problems that they may face with respect to filling out forms or getting information on procedures; at a small charge of Rs 20-30, the job gets done.

As in Nehru Camp, the residents of Sonia Camp also elect a community head called the pradhan. Alongside a pradhan there is an 'uup pradhan' a secretary and committee members. One of the members in Sonia Camp is a woman called Meera. Sonia Camp has no procedure for election. No votes are cast and no campaigning is organised. Men are simply called for a meeting, amongst them they decide who should become the pradhan and that is how a community head is elected. Occasionally women are called into these meetings, if there is 'ladies work' on the agenda (something that is seen to concern women more than men).

Our field investigations showed that the one woman who participates actively in the community's informal institutions, Meera of Sonia Camp, has been able to do so despite being illiterate. Meera is a member of the pradhan's working committee. She has been assertive in articulating grievances and has also tried taking up these issues with the authorities, but gets only limited support from other women and even less from the men. The local councilor sees Meera as having the potential for being the pradhan of the Camp. However, the men control the selection of the pradhan. Although they recognize her qualities, she has not so far been elected to this position. Meera herself feels she could do more than the current pradhan because his political connections and obligations act as a constraint. She feels that her illiteracy might hinder effective leadership.

ISST had tried to understand what kind of interventions would most help in strengthening the participation of women and giving visibility to their concerns. Clearly, overcoming illiteracy would greatly change women's own self image, and hence increase their capability to participate. But literacy by itself would be insufficient. On the basis of our experience, it seems that women are most comfortable not as individual agents but as members of a group; and that their horizons may not be able to encompass a very large community. In other words, it is in giving importance to issues and concerns of a cluster of households living together that we are most likely to see the emergence of engendered governance institutions; however for an individual woman, such as Meera, who has already emerged as an actor, literacy would be a tool of considerable empowerment.

- **Government Agencies:**

The MCD Slum & JJ Wing is in-charge of basic service provisions for the resettlement and slum areas; the MCD CSE is in-charge of the sanitation provisions for the city. Overall, the Municipal Corporation of Delhi is in-charge of providing basic services like sanitation, roads, and other development works to 93 per cent of city. The MCD is an autonomous body with a separate Council and Mayor and is headed by a Commissioner.

There are autonomous bodies that take care of service provisions within the state such as the Delhi Jal Board[3] (DJB) which was constituted through an Act of the Delhi Legislative Assembly in 1998. It is the body in charge of looking after the water requirements of the city. The Chief Minister of Delhi heads this body. Another autonomous body is the Delhi State Industrial Development Corporation Ltd. (DSIDC). It was established in 1971 to aid, counsel, assist, finance and promote the interests of industries in Delhi.

Since the first Five Year Plan of 1951, the Indian government has seen the emergence of slums as a *problem* and not as a *solution* to the dearth of low-income housing. As a result, they have emphasised slum clearance and resettlement over a policy of community improvements.[4] These policies have been aggressively pursued in the city of Delhi,[5] most infamously during the "Emergency" of 1975-77. These resettlement drives meant that slum dwellers were expected to live far from the place of work, and also caused extreme disruption of community structures.[6] Not surprisingly these slum

[3] Civic agency responsible for water supply in Delhi
[4] Sridharan 1995 cited in Governance in the Gullies: Democratic responsiveness and community leadership in Delhi slums, Saumitra Jha, Vijayendra Rao and Michael Woolcock, November 22, 2004
[5] Jagmohan's demolition of the Yamuna Pushta Slums in 2004
[6] Saumitra Jha, Vijayendra Rao and Michael Woolcock November 22, 2004 Governance in the Gullies: Democratic responsiveness and community leadership in Delhi slums

clearance schemes met with strong resistance. On the other hand, even today, 25 years later, almost all resettlement colonies lack access to adequate drainage, drinking water, sanitation facilities and medical health centres.

The government structure is one that lacks clear location of responsibilities because of the many multiple agencies and overlapping powers; the general approach is one of containing slums, of giving them only a bare minimum of basic services.

In this project we tried to involve representatives of the following departments/ agencies:

MCD Zonal Setup of Delhi
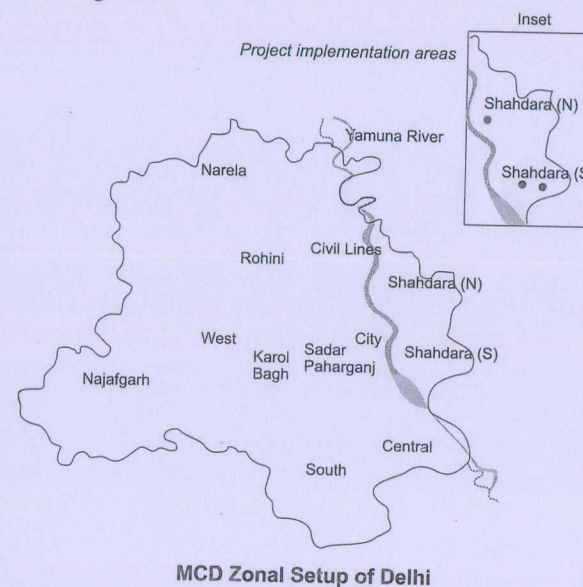
a. the Bhagidari Cell of the Delhi government
b. the Planning Department of Delhi government
c. the MCD
d. the Delhi Jal Board

- **Nongovernmental Organisations (NGPs)** – There are several NGOs currently active within the city of Delhi. These NGOs are engaged with different types of community development projects, women and child welfare, health, sanitation, education, public awareness and informal work issues. The NGOs are aided financially through a variety of sources: foreign

[6] Saumitra Jha, Vijayendra Rao and Michael Woolcock November 22, 2004. 'Governance in the Gullies: Democratic responsiveness and community leadership in Delhi slums'

donors, UN development agencies, Central and State governments, and a few secular foundations. ISST sought to involve other NGOs in this project. Several NGOs within Delhi adopt slum clusters and carry out their activities from within the clusters.

An initial contact was made with a large number of NGOs active in Delhi. However, a sustained partnership developed and remained active through the whole period with only two organizations, i.e.

a. Rasta

b. Action India – Sahbhagi Manch

Our Partners

RASTA is a non-profit, non-governmental organisation founded in 1994 by a group of social activists with a mission to care for the disadvantaged people of the community. It is currently active in three slum and JJ clusters in East Delhi (Rajiv JJ Camp (located alongside NH-24), Indira JJ Camp Pt 1, and Indira JJ Camp Pt 2). The organisation began its various activities in 1994 with the vision of showing the path to every individual to realise his/her potential, live with dignity, and enjoy an equal social status in an environment of solidarity and communal harmony.

For the past three years their strategy has been centred on organising and sensitising the people of the community towards their development needs and the initiatives that can be explored to fulfil these needs. Rasta has attempted to help communities develop their capacities for sustainable development through utilising local wisdom, encouraging participation, delegating responsibilities, developing linkages with the Government, maintaining regular follow up, and providing feedback.

The organisational objectives include Universalisation of Education (through formal and non-formal education centres for all age groups with emphasis on the girl child and people living below the poverty line; Community Health (awareness generation community health programmes focusing on women and children); Community Organisation (self-help groups, and development of community infrastructure such as schools); and Income Generation (skill training, income generation activities).

ACTION INDIA has been working since 1975 in Jhuggi Jhompri clusters and Resettlement Colonies in Delhi, having evolved out of the women's movement in India. It aims at enabling marginalised groups to organise themselves to demand a rightful share in the social and economic resources and participate in all spheres of development.

Action India is currently working in several parts of Delhi including East Delhi and South Delhi. It has been working in the New Seemapuri area for the last 20 years, promoting and encouraging women's participation in their own day-to-day lives. Their main strength has been the formation of Sabla Sanghs (active women's collectives) to encourage collective action. Action India's focus areas are Community Development, Education, Women's Empowerment, and Livelihood.

Organisational objectives include counselling for victims of domestic violence and dowry cases; documentation of such cases and referrals to the Crime Against Women Cell of Delhi Police; crèche for working mothers; creative activities for adolescent girls, such as stitching and tailoring, extra-curricular activities; counselling and awareness generation for adolescent girls, including legal issues, family life education.

• The Politicians

The city state of Delhi is governed through three different structures—Union, State and Municipal. The confused state of Delhi's governance has been well documented in the recent publication *Delhi: Citizens' Handbook*.[7]

Each ward in the city has two Municipal councillors and one MLA. These persons maintain a close connection with slum dwellers. The poor in slums are the most accessible vote banks that a large part of the city's politicians rely on. In exchange for votes the slum residents receive piecemeal basic service arrangements. The emergence and survival of many slums in Delhi goes back to the days of the Emergency in the 1970s, a time when lakhs of people were brought into Delhi and settled in numerous clusters that went by the ubiquitous name of 'JJ colonies' and bloomed all over the city. There are several Sanjay and Indira Nagar colonies[8] (with Nehru, Rajiv, and now Sonia Camps added to the list).

Resources available for slum development

Each MLA gets a development fund of Rs. 1 crore 90 lakh to carry out development work in his/her area. Each councillor gets a JJ development fund of Rs. 70 lakh. Unlike the MLA who receives the funds in hand, the Councillor can merely recommend to the concerned department that they carry out a particular development work in a slum area and bear costs out of his/her fund.

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[7] Published by the Centre for Civil Society, 2006.

[8] Gupta, S. Mumbai Shanghaied to Patna, Indian Express February 19, 2005 (www.indianexpress.com/print.php?content_id. 65013)

Connections between the slum residents and political parties take several forms:

a. The slum clusters nominate an informal head called the *pradhan* and usually these *pradhans* are affiliated to one or the other political party; politicians therefore reach out to pradhans and via them to the whole community during elections.

c. the councillors and MLAs for their part are able to use the development funds at their disposal to strengthen the relationship with the slum dwellers, and the latter are at times able to improve their own environment and facilities only through these funds.

Overall, the relationship between the slum dwellers and elected representatives is much more one of mutual sympathy and understanding than seen with government officers who are more alienated and distant.

SECTION II
Documenting the Process

Summer 2003

II.I. Getting Started

Before starting up the project, three NGOs, two in South Delhi and one in East Delhi were contacted to gather basic understanding on the feasibility of implementing such a project from the point of view of NGOs. The visits were made to field sites where the NGOs were active as well as to the main offices of the NGOs. The ISST staff interacted with both the field workers and the senior level programme officers and Directors of these Institutes. The initial reactions and responses to such a project were very positive. The representatives contacted exhibited enthusiasm and a need for such an intervention. In addition, a preliminary observation exercise was conducted. This was carried out in 16 slum communities of East District Delhi.

The slums and colonies visited during the preliminary observation exercise included three types of settlements—Harijan Bastis, *Jhuggi-Jhompri* (JJ) clusters and Resettlement Colonies. In a slum cluster once the inhabitants settle, the civic agency, Slum &JJ Wing of the MCD[9] is responsible for providing minimum basic services like one water tap, drains, community toilet blocks and garbage disposal facilities. The last survey conducted by the Slum and JJ department and the Municipal Corporation of Delhi in 1994 enumerated 4,80,000 households in 1080 slum clusters in the capital. Unofficial surveys done later indicate that their numbers have nearly doubled over the last six years (See Chapter 1).

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[9] The Delhi Development Authority (DDA) the apex agency for planning and development of the city, is empowered to prepare a master plan, zonal plan, to implement and enforce plans and to develop, manage and dispose off lands in Delhi. The Slum & JJ wing of the MCD initially part of the DDA was merged with the civic body in September 1992.

The residents of these slums were initially living in shacks made of straw mats, plastic sheets and other waste materials with no permanent structures for houses or services. Over the years with political largesse and in exchange for votes, they have managed to make semi-permanent houses and acquired minimal civic amenities. However, these settlements have not been able to expand the size of their houses (that usually measure 18 sq yards or less).

ISST's initial data was collected through door-to-door inquiries and also through informal conversational interviews. Key informants included both men and women. The purpose was:

- to build an understanding of the physical characteristics of the slums and to document the availability or non-availability of civic amenities;

- to identify existing and active community-based groups, the willingness of the community to mobilise and seek solutions through collective action;

- to identify focus areas of NGO action.

Table 1:

NGO focus areas	NGO	Slum Cluster	Population
Health & Sanitation	5	5	23,450
Education	6	10	57,500
Self Help Groups/Women's Collectives	4	6	25,400

Source: ISST

Table 2: Cleanliness

Sweepers	Slum Cluster
Private >3	2
Public 1-3	11
Not available	3
Total	16

Source: ISST

Table 3: Garbage collection

Garbage collection Points	Slum Cluster
0	13
2	2
3	1
Total	16

Source: ISST

Table 4: Toilets and bathing facilities

Number of People per Toilet Seat	Slums (no.)	Bathing Units	Slums (no.)
0-20	6	With bathing units	5
20-50	6	Without bathing units	11
50+	4	-	-
Total	16	Total	16

Source: ISST

Table 5: Electricity

Electricity	Slum Communities
Meters[10]	2
Unrecognised paid connections[11]	14
Total	16

Source: ISST

The findings also drew attention to the significance of the size of a slum cluster and the implication thereof on mobilisation capacity. Smaller clusters with approximately 250-350 households, such as Harijan Basti and Rajiv JJ camp, were quicker to organise and more responsive to group based or community based addressing of needs and working out of solutions than larger clusters.

The informal institutional governance mechanisms were also highlighted during the preliminary observation exercise. This helped to draw attention to the distinct models of community mobilisation currently active in slum clusters.

- The first is that of the elected '*pradhan*' who represents the community before the Member of Parliament (MP), Member of Legislative Assembly (MLA) or the Municipal Councillor.

- The second model that emerged was that of a community coming together and selecting a leader.

- The third was of the presence of a Community Based Organization (CBO) and its direct involvement with the community. These three different models helped in building an understanding of the networking and alliance formation processes that slum dwellers utilise and rely on (especially in crisis situations).

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[10] Before privatization of electricity slums followed a system of sub-contracting electricity. Where slum residents paid a monthly fee of 100-150 rupees depending on the electrical equipment owned to a main contractor.

[11] Every slum dweller pays for electricity connection. Since government legally cannot provide the slum dwellers with electricity meters although many have demanded. Slum dwellers make direct payment of 50-150 rupees to linesmen/ electricity pole repair personnel to sustain electricity supply to their homes.

Models of mobilisation

Name of NGO or Slum Cluster	Community-based Group
Action India	Sabla Sanghs /Women's Collectives
RASTA	Community Willingness to mobilise
Kanchanpuri Basti	Presence of Community Based Organisation

Source: ISST.

In August 2003, ISST organised a one-day interactive workshop that was attended by 12 NGOs from all over the city (as against 35 that had been invited). Secretary Renu Sharma and two other representatives of the Bhagidari (Participatory Governance) Cell of the Delhi State Government also attended the workshop. The aim of the workshop was to identify potential NGO partners in each of the nine districts of Delhi. After the workshop it was decided to start with just one district, the East district, where ISST has its own field office and other NGOs based in this area had also expressed a strong interest.

East District of Delhi stretches over an area of 364 sq.km with a population of 1.448770 million.[12] The district is also home to the first resettlement colonies, which were resettled from the former squatter settlements in central and old Delhi regions during the time of the Emergency in 1975. A large number of these colonies are located at the periphery of the city (and constitute part of the National Capital Territory (NCT). East Delhi in the past and even today has been characterised by a significant growth in housing to meet the demands of the upwardly mobile middle class. The area is preferred for its affordable housing through the cooperative housing societies, where flats are available at much more reasonable rates than the South or New Delhi districts.

This area is also marked with several pockets of slum and substandard settlements. The residents of these slums initially worked as construction labour for the housing societies and a few are currently employed here in diverse capacities. The project was initiated in the East District of Delhi, in the MCD Shahdara-South and Shahdara-North Zones.

Over the next few months, ISST undertook a 'pilot within a pilot' as it were, to explore the possibility of community action and dialogue with the MCD, in relation to garbage collection. This is briefly described below.

Garbage Segregation at Harijan Basti

In November 2003, ISST and RASTA in collaboration with the Municipal Corporation of Delhi attempted to implement garbage segregation in selected

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[12] Census 2001, Provisional D

slum communities of the trans-Yamuna region. Initially, six communities in East Delhi were identified to implement the first phase of awareness generation about garbage collection.

After a series of preliminary meetings with the Commissioner of the MCD, a team of MCD officers met with the RASTA and ISST staff at ISST's West Vinod Nagar Office on November 18, 2003. In the meeting the Assistant Engineer (CSE) MCD and a representative from the Sociology Department (MCD) were appointed to keep in touch with the staff of the two NGOs. A list of the MCD officers present at the meeting was also compiled to allow the NGO representatives to contact them in case of any difficulty. ISST suggested that given the background of the particular areas it was best to begin with awareness generation and setting up of adequate garbage disposal facilities. After working out the details, the Joint Director CSE (MCD) suggested that these facilities could be provided in the identified communities to initiate the garbage collection process before the team ventured into the segregation process.

A field survey was conducted by the ISST and RASTA staff and the MCD Assistant Engineer to review the sites and explore the possible options of setting up garbage disposal facilities in those areas. After the survey, the team began work in one of the communities—Harijan Basti (Sonia Camp), Mandawali. Here the focus was on two garbage dumps. One was a children's park transformed into a dump and the other an open area transformed into a dump.

Due to the imminent state election, work could not begin immediately after the survey was conducted. On December 23, ISST wrote to the Joint Director CSE, to learn about the status of installation of dumpsters. Overnight green and blue bins were installed in Harijan Basti and Rajiv JJ Camp. ISST contacted the Assistant Engineer and discussed the inadequacy of the small bins that were installed in place of the large dumpsters that were decided on. Between 27-29 December 2003, eight trucks partly cleared out and levelled one of the dumps in Harijan Basti. However, this clearing out process also came to an abrupt halt. ISST approached the Assistant Engineer and were informed that the 'JCB' machine required to pull out a large quantity of waste would be provided as soon as one was available. A few weeks later, ISST approached the AE again and as per the AE's direction, ISST and RASTA staff spoke to the Joint Director CSE and informed him of the problem. He asked ISST to let his Assistant Engineer conduct a survey to determine the quantity of garbage being produced or collected in those dumps before taking further action.

In January 2004, the local Municipal Councillor on one of her visits to the community noted the problem of the garbage dumps in Harijan Basti. She directed her entire sanitation team to be present and ordered them to be

observant and carry out their responsibilities. She also spoke with the residents of Harijan Basti and asked them to take action if they found anybody throwing waste into the dumps. She instructed the Assistant Engineer to start the process of building a 'dhalao' (dumping ground) near one of the garbage dumps. The councillor also spoke with garbage collectors dumping waste in these dumps from various areas (Preet Vihar, West Vinod Nagar, Mandawali). They said there was no other place to dump the waste, one 'dhalao' near Preet Vihar was locked and they were asked to pay 100 rupees to unload the waste into the dumping house. The councillor then asked them to identify that dump and decided to take action. In February, she visited Sonia Camp again with a contractor and her Assistant Engineer to identify a suitable site to build the dumping house. In March 2004, on a regular field visit the ISST staff noted a group of men planting tall grass at the back of the dump but they refused to comment on what or on whose orders they were acting.

The residents of Sonia Camp and the shop owners whose shops are located adjacent to the dumps were involved in a discussion organised by ISST. They were asked to stop people from dumping waste into the two dumps. They expressed a keen interest in getting rid of the dumps but the residents of the Camp expressed their inability to prevent people from dumping as the neighbouring local community (particularly the 'gujjars') ignored their requests and dumped cowdung. In the face of these constraints the dumps still exist and no further action has been taken after the partial clearing that took place in December 2003. ISST was told that the Assistant Engineer would get back after his team had put together an estimate of the garbage being generated in the area. ISST did not hear back from him.

On account of the continuous pressure by the people of Harijan Basti on the progress of the garbage removal activity, field workers decided to make use of the Delhi Right to Information Act, 2001. They needed to get a better understanding of the departments involved and to obtain clarity on which department was responsible for the children's park. Between February and May 2004, two applications were submitted—one in the MCD Shahadara South Zone Office of the Deputy Commissioner. The second was submitted to the MCD Slum & JJ Office. Both at first declined all responsibility. Two months later the Additional Commissioner along with Deputy Director Horticulture MCD Shahdara South Zone insisted on a meeting with ISST and visited the area. After the meeting he informed the ISST team that the garbage problem was the responsibility of CSE Shahdara South Zone but since MCD Slum & JJ had built the boundary wall to the park, MCD Slum & JJ was responsible for the upkeep of the park. All this was intimated in writing from the Additional Commissioner's Office. The MCD Slum & JJ denies its association with the park and has mentioned that as far as sanitation is concerned the responsibility lies with MCD CSE!

On August 20, 2004 a discussion was organised with the MCD sanitation wing with members of ISST, RASTA and Action India. A field visit was organised on August 23, 2004 at Harijan Basti as a follow-up to the discussion with MCD officials from East Delhi. The visit was planned to assess the sanitation situation and survey the area for installation of dumpsters and to identify a site for developing a composting pit. Unfortunately the matter is yet to be settled.

II.II. Roundtables and Dialogue Building Process

After a few months of visits and discussions in the communities, the process of round-table discussions was started.

On March 18, 2004 a round-table discussion was organised to discuss the findings of the preliminary observation conducted in 16 slum communities of East Delhi by ISST. Members of 7 NGOs and their community representatives and one government official from the DJB attended the discussion. The purpose of the meeting was to develop linkages with NGOs in the East Delhi region, to initiate an interaction process with the community representatives and to understand their level of participation within their communities. The discussion also addressed the crucial question of design and formulation of strategies to strengthen community-based leadership qualities and indicate how such development could prove beneficial in any attempt to establish accountability and transparency in service delivery for the urban poor.

The following issues were thrown up in the discussion:

- The current situation pertaining to health and sanitation in East Delhi.

- The inadequacy of basic services in relation to needs.

- The difference between the level of cleanliness and hygiene inside homes, and outside them, in slum communities.

- Varying nature of community leadership and their strategies for action.

- Local community representatives or groups sharing their experiences with respect to service delivery within their area with respect to drinking water supply, health, sanitation and presence and use of toilets provided by Government bodies.

- The question of rights-based approaches as well as duty-based approaches both on the part of service providers (i.e. government) and the beneficiaries (slum dwellers) to establish accountability.

- The importance of information and the exercise of the Delhi Right to Information Act as a tool for improving governance.

Drawing on experience, an NGO spokesperson suggested that 'neighbourhood groups' could play an important role as pressure groups

and for dealing with problems related to service delivery. It was suggested that NGOs in consultation with the community could organise the members to work towards achieving goals set by the community. Suggestions were made that through the use of these 'neighbourhood groups' pressure can be put on the concerned Government department depending on the need of the community. For example, a separate community toilet block for women was obtained through one such group in Moolchand Basti located on the banks of the Yamuna River.[13]

It was also highlighted that this experiment with local groups enjoyed a much larger success rate in resettlement colonies than in Slum and JJ Clusters as the latter were more concerned with issues like eviction and security of tenure. There was agreement that an areawise strategy be developed for maximising local group involvement.

With a consensus on utilising the Right to Information as an important tool in ensuring accountability it was suggested that 'information windows' be formed where one person can undertake the responsibility of providing information within the community. (This, however, proved to be a tremendous challenge given the high level of illiteracy in slums. The process of understanding and utilising the Act remained heavily dependent on the NGO.)

Initially six NGOs (two with resettlement colonies and four with JJ clusters) were identified for participation in this project.[14] The NGOs and the clusters identified were those with some experience of community leadership activity. ISST proposed to conduct one area-level workshop in each of the clusters of the six NGOs and suggested some guidelines according to which this experiment would be carried forward. It was proposed that after the area workshops each cluster would be encouraged to articulate its own goals and approach relevant officials. After a couple of months, the cluster representatives would be provided with a platform to interact with Government officials and present before them a strategy or plan of action that they had developed to address lacunae in service delivery and ask for Government participation to carry it forward.

MARCH-APRIL 2004
Area Workshops

The March 18 discussion was followed by area-level workshops conducted by ISST. These were intended to review progress, discuss the possibilities for collective action, and consider the possible use of the Delhi Right to Information Act.

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[13] This cluster was demolished in 2003 Pushta demolitions.
[14] Five NGOs including ISST from East Delhi and one from South Delhi.

Unfortunately, a few of the slum clusters visited during the preliminary observation exercise were demolished and inhabitants evicted from the banks of the Yamuna river. As a result, the only community-based organisation which had started its collective action activities was unable to participate.

Area workshop I[15]

Based on the March 18 discussions, ISST had planned to organise a set of capacity-building workshops in coordination with partner NGOs to assist in the process of building up community groups. The first area workshop was organised in Rajiv JJ Camp on March 25, 2004. Rajiv Camp is a small Jhuggi Jhompri cluster located alongside National Highway 24. Rajiv Camp came into existence around 1988-89. Starting with an initial seven or eight jhuggies the Camp now has around 350 households. The residents are migrants primarily from Bihar and Bengal and a few from the states of Uttar Pradesh and Madhya Pradesh. A majority of the population earns their living by working as construction labourers, rickshaw pullers and vendors. Women usually find work as domestic helpers in the neighbouring housing society complexes.

JJ clusters like Rajiv Camp are not legally entitled to any permanent infrastructural civic amenities such as permanent toilet blocks or drains or water taps. A few basic amenities such as drains and water taps have been acquired through formation of alliances and networking with political representatives, apparently out of their development funds.

This workshop was conducted keeping in mind that it was an initial interaction with the community members and therefore three broad categories were outlined for discussion:

1 Strength/Effectiveness of Community Based Groups
2 Mobilising Community Based Action
3 Right to Information Act, Delhi

A total of 20 residents of Rajiv Camp attended the workshop. ISST began by briefly sharing its observation findings from 16 slum communities in East Delhi on sanitation, hygiene and availability/non-availability of basic amenities. The purpose of this exercise was to get the people present to think in terms of their felt needs and share relevant information on the same.

ISST learnt during the course of the interaction that the residents of Rajiv JJ Camp had tackled the sanitation situation on their own, tired of nonresponsive agencies. The residents had hired private cleaners to clean the mobile toilets; drains were cleaned by the 'sanitation committee' consisting

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[15] Volunteers from the Peoples Movement against Corruption-Parivartan offered their time to speak on the Right to Information Act of Delhi.

of women from the community. Plans were also underway to construct separate toilets for women. In the summer of 2003, five women (including the *pradhan*) from Rajiv JJ Camp also took it upon themselves to get the electricity crisis resolved. They went from one Government office to another and eventually to the Chief Minister; in the process they were even physically assaulted by goons who tried to dissuade them from taking the matter forward. Through the entire ordeal several people taunted them and told them to give up. However, finally, electricity supply was restored to the Camp through payments made to the linesmen and since that day, many in Rajiv Camp are ready to repeat the entire collective action process again if necessary!

Viewing the Right to Information Act of Delhi as a useful means to facilitate community-based action and reap maximum benefits from it, four members from Parivartan volunteered to highlight the importance of the Act. They highlighted the positive outcomes achieved through using this and the potential to involve the common man/woman in improving governance. Besides sanitation, hygiene, water and electricity, one of the most important issues taken up for discussion was the availability of rations through the Public Distribution System (PDS). It was felt that in order to demonstrate the workings of the Act it was best to test it out on examples related to the ration issue. The residents reacted powerfully to the presentation on the Act and the PDS situation. The residents informed the group that ever since the PDS scheme was introduced in Delhi, the people of Rajiv Camp had not obtained any ration on their cards in spite of being potential cardholders/beneficiaries.

ISST distributed pamphlets (in Hindi) narrating the success of Right to Information from other communities in East Delhi. The pamphlets also spoke of the strengths of community action and community-based leadership. The pamphlets narrated instances where individuals acting on their own could not succeed, but acting together in groups and collectives they were successful.

The residents of JJ Camp participated in the discussion enthusiastically and expressed an eagerness to follow up on the suggestions of building community groups and arriving at solutions through teamwork. Residents of Rajiv JJ Camp filed 25 applications the following day on the ration issue under the Right to Information Act of Delhi. A few days later the same residents went to the Food and Supply Department in the Income Tax Office area and successfully submitted their applications.

Area workshop II

The second workshop was organised in Majboor Nagar JJ Camp on March 29, 2004. The main points of discussion were the strengths of collective action and creating awareness about the Delhi Right to Information Act.

Approximately 25 people attended the workshop. All the members present were women. The workshop was less successful compared to the other area workshops, the discussions were not focused and the idea of collective action did not immediately find much support. As the discussions progressed numbers gradually dropped and at the end of the meeting only nine women remained.

Two main problems were discussed—one pertaining to ration distribution and the second related to inadequate water supply. The group had no previous experience of collective action.

Overall, the workshop did not achieve its desired objective. The women present were not interested in forming a group to collectively resolve their problems. The group also seemed politically divided. Each had their own touts within the community whom they could approach in order to get a leaking pipe fixed or a ration card made. The workshop was concluded with the NGO representatives agreeing to maintain a register keeping track of the initiatives taken by the seven women who volunteered to speak with the MLA regarding the water issue.

Area workshop III

The third area workshop was organised in Harijan Basti in Mandawali. This Basti is a small cluster of around 200-300 households, and has been in existence for the last 15 years. The Slum and JJ Department of the MCD has provided one drinking water tap and a community toilet block. The block was obtained through the sustained efforts of the residents and the NGO (ISST) with the help of the local municipal councillor, four years prior to the commencement of this project.

The workshop focused its attention on Right to Information and once again the main issue that emerged was of the nonavailability of food rations at subsidised prices. Field workers from ISST and Parivartan went from door-to-door trying to get an understanding of the ration situation in the basti. Once a sufficiently large group of people showed interest in knowing more and gathered together as a group, Parivartan volunteers addressed the group on the crucial issue of tax collection and how each citizen irrespective of economic status pays tax in return for services. The main idea communicated was that the Government is not 'bestowing any kind of favours' on the poor by providing them with subsidised rations. Rather it was the right of every citizen and the duty of every ration shop owner to ensure that the prescribed quantity and quality of ration is being received. To illustrate the point further a woman from a resettlement colony in East Delhi narrated her experiences related to the use of Right to Information and how by doing so she has been successful in receiving the proper quantity and quality of ration. At this point, the *Pradhan* also joined the discussion and agreed to extend his full support to whatever action the cluster as a group decided to take.

Pamphlets on using the RTI were also distributed. Approximately 10-15 individuals filed Right to Information applications and agreed to meet the next morning to submit the same applications at the Food and Supply Department at ITO. The workshop was successful in demonstrating to the people the benefits of the Right to Information Act.

Area Workshop IV (a)

The fourth area workshop was organised at New Seemapuri.

Located on the outskirts of Delhi, New Seemapuri is a resettlement colony that was settled in 1975. Most of the residents were slum dwellers before being relocated here. The inhabitants were provided with plots of 22 yards each on a 99-year lease with a house tax of Rs. 8 per month. Majority of its residents are children of long-term migrants to the city and were born in Delhi. The residents work as daily wage earners, workers in private factories, shop owners, small businessmen and a few are Government employees at the clerical level. Women are mainly involved in home-based work such as making *bindis* or cutting thread from finished garments. The average family size is six members.[16]

There are six main blocks in the New Seemapuri area—blocks A–F. Each block has between 9 and 16 *galis* (lanes) with approximately 196-780 houses depending on the number of houses in each lane. Five of the six blocks are lined with JJ clusters with a population varying between 300–1,400 people. Other than security of tenure, in other ways the conditions of resettlement colonies are similar to those of squatter settlements. In spite of being planned colonies, they suffer from several infrastructural inadequacies such as irregular and inadequate water supply, poor sewerage, drainage, schools, ration/food grain shops. Given the small size of the plots most residents cannot make space for toilets within the houses and are compelled to make use of community toilet blocks. Each block has one community toilet block with a maximum of 16-20 seats for a population of 1,500 or more. The toilet block is rarely cleaned (at times once in a week, more often once in two-three weeks). The supply of drinking water for such colonies is met through groundwater sources despite possible contamination.

The discussion was carried out at the community centre of Action India, an NGO active in the area since 1984. The discussion was organised with women representatives of the Sabla Sanghs (Women's Collectives) who reside in the same colony. These workers are motivated to take up issues pertaining to the welfare of the community. All the women representatives were articulate, literate and had some experience in community mobilisation practices. These women had organised a two-member committee responsible

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[16] The family size varies from 2-12 members depending on each household. But on an average there are 6 members in a family.

for public cleanliness in every lane. Though the campaign did not prove successful, it gave these women an insight into the dynamics of group action and also made them aware of the problems faced by Government functionaries.

The main issue emerging here pertained to sewer lines. There was considerable confusion both on procedure and on sanction charges for getting connections. It was suggested that filing an application under Right to Information could provide some clarity. From the point of view of the authorities continuous water supply is a pre-condition for sewer connections to allow proper disposal of waste. However, New Seemapuri households face an acute water supply shortage, and so many residents were relying on tube wells to meet their daily water requirements. The representatives argued that instead of the Government limiting access of sewer connections to those with legal water supply connections, it would be better to educate people on the need to flush toilets properly. This could become a point of discussion between the community and Government authorities.

Area workshop IV (b)

A second meeting was organised with the *'Pratinidhis'* (community representatives) of New Seemapuri. A total of 12 members were present. These *pratinidhis* are residents of the New Seemapuri Resettlement Colony and have been associated with Action India as field workers for five years or more.

The workshop began with a song on women's rights. The problems of sewers and water connections and the sanitation and cleanliness situation emerged as the most important concerns. Drainage and sewage systems in these colonies are highly inadequate. As a policy the MCD carries out drain and sewer cleaning once in a year. Cleaning of the smaller drains (of the few that do exist) in New Seemapuri is random. During the rainy season these colonies suffer from various waterborne and mosquito-borne diseases. Waterlogging and choked sewage pipes are a routine occurrence during the rainy seasons. With choked drains and sewage pipes the residents constantly have to prevent the dirty water from entering their houses. In New Seemapuri, sewer systems were laid in some colonies as late as 10-20 years after resettlement. There were several infrastructural inadequacies at the time of laying the sewerage connections, the pipes were laid too low and over the years have required additional Government expenditure to carry out repair and maintenance work to operate them.

The representatives narrated their experiences of collective action—they submitted signed applications to the local MCD office to get the drains cleaned and succeeded in their endeavour. They were also successful in encouraging the women of their area to keep the outside of their houses clean once the MCD sweepers had done their job. They expressed concern

over the appalling sanitary situation. The community toilet blocks were never cleaned. The toilet blocks were easy to use for men but after sunset if girls wished to use the toilets they had to be accompanied by elders. They expressed disappointment over the behaviour of sweepers who continued to be inefficient even after filing several applications in the local area office.

> Frustrated by the appalling sanitary conditions of the toilet blocks the women decided to take matters in their own hands. One of the workers narrated how she along with several others locked the community toilet block and dumped heaps of garbage, thus compelling the person-in-charge to have the entire toilet block and the surrounding area cleaned. She also managed to drive out the peeping toms and eve teasers who hung around the toilet block waiting to harass young girls who wished to use the toilets.

Fed up with trying to use the community toilet blocks women decided to take sewer connections and build toilets in their own houses. But the Delhi Jal Board local area office demanded a payment of 5,200 rupees as the sanction fee for acquiring a sewer connection. Since others had paid Rs. 190 for this, there was understandable reluctance to pay the higher rate. Overall the workshop succeeded in motivating the *pratinidhis* to address the sewer and sanitation issues.

APRIL 2004
Second roundtable discussion

The second round-table discussion was organised on April 20, 2004. The aim of the discussion was to review the experiences of the past month (March-April 2004) with respect to mobilisation of community groups within each area and the steps taken by these groups to interact with the local area officials. This discussion was organised to address important issues such as formulation of a strategy for interaction with Government officials, how a group should formulate its problems and present it before the officials and what strategy should be applied to facilitate a dialogue between the two parties.

Members from six NGOs participated in the workshop. Mr. Ashok Kumar from A.V Baliga Memorial Trust, a Delhi-based NGO, as well as two representatives from SEWA Ahmedabad were the experts invited to share their experiences with mobilising/motivating members of slum communities to form Community Based Organisations (CBOs).

The following were the concerns that emerged from the discussion:

- Inadequate and poor quality of drinking water (this problem was discussed keeping in mind the overall shortage of water in Delhi).

- Lack of proper drainage facilities within slum communities and resettlement colonies.

- Electricity connection and usage within slum communities and resettlement colonies.

- Sewer connections and facilities within resettlement colonies.

- Toilets—erratic arrangement with regard to maintenance and indecent behaviour by male members who use the toilet complex as a pretext for eve-teasing adolescent girls and young women within slum communities and resettlement colonies.

- Failure/inadequacy of normal grievance redressal mechanisms.

The discussion was centred on the importance and significance of Community Based Organisations. Representatives from SEWA spoke briefly about the 'Parivartan Programme' in Ahmedabad, in which 32 CBOs in 12 areas are working together with the Ahmedabad Municipal Corporation (AMC) to bring basic infrastructure including water and sanitation and other services, in an affordable and sustainable manner to the slums within Ahmedabad City. SEWA emphasised that the first step needed to be mobilisation of people and the formation of CBOs. The SEWA team demonstrated the importance and advantage of Community Based Organisation in dialogue-building and formation of linkages to address community-based needs. In the case of the Parivartan Programme, the CBOs consist of representatives from within the community. These representatives are trained to coordinate all activities with the AMC. As a result of the success of this CBO involvement in the programme, two CBO members, also members of SEWA, are now members of a Committee on a State Level Slum Policy.

It was pointed out that this example was based on a single agency dealing with slums; the multiple government agencies in Delhi make such efforts much more difficult.[17] In Delhi it becomes necessary to interact with several agencies (NDMC, MCD, DDA, PWD, MCD Slum & JJ, Delhi State Government, and Central Government). The formation of CBOs however was seen as a useful and constructive tool for communicating the needs and requirements of slum dwellers to the Government; it is a slow but necessary process.

The representatives of SEWA suggested that the ISST project could take advantage of existing CBOs or other community groups. This was the main criteria (the importance of which was confirmed by the area workshops) for identifying two NGOs—**RASTA** and **Action India**, to take the project and the process forward. It was agreed that the two organisations would concentrate on strengthening their respective community

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[17] Intervention made by Prof. Swapna Mukhopadhyay

representatives to identify area-specific issues, formulate strategies for collective action and devise solutions. As and where necessary ISST would supplement with necessary inputs.

It was unanimously decided that the two NGOs would take a month to plan their activities with direct involvement of the community. After this each would present their experience before government officials and initiate a solution-oriented dialogue with them.

It was suggested at this workshop that ISST could set up an information cell and focus on capacity-building of members of the various groups involved in this process of ensuring accountability.

The participants of the discussion were also asked to express their reactions to the area workshops conducted by ISST. A few participants reiterated that after the area workshops, members of the community had actually come forward and expressed an interest in forming a group where a group did not exist. Within already existing groups the participants said that after the workshops they had come closer together as a result of the information disseminated.

II.III. Formulating a Plan of Action

On April 29, 2004, a discussion was organised with the community as well as NGO representatives of the two selected NGOs to develop an area-specific action plan. The discussion addressed the following points—

- Mobilising community support, identifying a few representatives, and keeping members of the community informed of developments.

- Formulating strategies to interact with Government officials.

ISST reiterated its role as the facilitator or catalyst agency. It was queried as to whether the agenda or activities of the NGO matched those being suggested under the project and would the NGO be willing to collaborate unreservedly.

The discussion ended with a unanimous decision to conduct a Focus Group Discussion at Rajiv JJ Camp and a Participatory Learning and Action exercise (PLA) at New Seemapuri to gather more information on the identified issues and then formulate a plan of action for dialogue with concerned departments.

II.IV. Mid-Project Workshop

A mid-project workshop was organised on May 26, 2004, to assess gaps and to identify directions for the future.

Several background papers were presented and discussed including a review of basic services in the slums and resettlement colonies of Delhi, a paper on local diplomacy and a review of best practices. A report on the field activities was also presented. Other similar community-based initiatives undertaken

in Delhi were discussed. Experts from a Delhi-based NGO, Toxic Links and from the Society for Development Studies (SDS) shared their experiences with community mobilisation.

It was emphasized that community action should aim at involving people in the process of development and not at imposing models.[18] The emphasis should always be on what people want and the role of NGOs should be that of facilitators. Accountability is important, but the poor often accord more importance to livelihood, services and shelter.

The presentation by Toxic Links discussed a project titled PLUS, which was implemented in Govindpuri Transit Camp and other slums. The key feature of the project was that it sought to intervene in a holistic manner and involve all the residents of the slum. The latter was particularly difficult given the heterogeneous composition of slums in Delhi and division of the slum residents along lines of caste/class/region. Nevertheless, the project succeeded in bringing people from different socio-economic groups together. The community was asked to identify key problem areas and prioritise the need for action as 'soon', now' and 'later'.

Participatory Learning and Action (PLA) Exercise, New Seemapuri

ISST in collaboration with Sabla Sanghs conducted a PLA exercise from May 24 to June 13, 2004. The primary purpose of the exercise was to understand people's priorities, and their perceptions in relation to sewerage connections. Sewer lines were first laid in New Seemapuri in 1984, and tend to get periodically choked. The ISST–Action India team visited all six blocks lane by lane to gather people's opinions. The technical expertise for conducting the PLA was provided by the Action India staff. The PLA exercise made use of two techniques for collecting data—the *chappati* (pie) technique and the 10 seed technique.[19] The first was used to help people identify the most crucial issues that they wanted remedied and rank them according to priority/need. The second was to gather approximate figures for the number of sewerage connections taken (authorised or self-acquired), the approximate family size and the social make-up of the area.[20]

Issues that emerged from the PLA exercise were:

Confusion over fee hike—The sewerage connection sanctioning fee of Rs. 140 was hiked to Rs. 1,700 without any public announcement or advertisements. To make matters worse, Government officers were found to be very confused as to what the correct and prevailing rate was.

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[18] Dr Vinay Lall of SDS
[19] PRA tools that guide researchers to sort priorities to reach certain realisations
[20] An approximate percentage of the various states the residents or their family migrated from.

Lack of information and low levels of literacy—The low level of education and lack of information resulted in the people of D, E and F blocks being conned into paying in excess of the allotted sanction charges.

Willingness to take collective action—D, E and F blocks were smaller in size with low income levels as compared to the remaining A, B and C blocks. D, E and F blocks expressed a willingness to mobilise as a group in order to remedy their current situation. The response from A, B and C blocks varied as many people had acquired these connections already.

Behaviour of government officials—The lack of a sensitised outlook towards the problems of the common person makes it doubly hard for economically weaker sections of the society to receive proper guidance from Government officials. As a result, they turn to contractors and middlemen.

Legal, illegal connections and presence of middlemen/touts—In January 2003, the Delhi Jal Board organised a camp for the New Seemapuri area to help people acquire sanction for sewerage connections. However, this camp was not adequately publicised and a majority of the people failed to acquire their connections. As a result, they turned to the touts in the area to acquire their sanctions. For a Rs. 140 sanctioning fee people paid anything between Rs. 1000-2000 to the touts and still did not receive their files or their sanction receipts. There is an alarming dependence on touts in the area.

Alternative methods of payment of road restoration (RR) charges—The residents of New Seemapuri expressed concern over their inability to make a down payment of Rs. 1,600 RR charges. They suggested that either the MCD grant them permission to repair the road themselves or allow them to pay the Rs. 1,600 in instalments.

Neighbourhood clashes—It was narrated how, fed up with the erratic supply of water in the New Seemapuri area, the residents sat on a *'dharna'* outside the Delhi Jal Board Seemapuri pumping station. The protest was organised in order to receive at least a six hour supply of water every day. The residents were successful in their efforts, as new pipelines were laid and they were promised improved water supply. Unfortunately it turned out that the water pipelines laid in New Seemapuri were in effect supplying water to the neighbouring Dilshad Colony,[21] besides which they also learnt that the sewer waste from the same colony was being diverted into the Seemapuri sewerage lines. As a result, the lines would be choked every few months.

After the PLA was completed a meeting was arranged of individuals from each lane in each block. These individuals had volunteered to form groups

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[21] A residential housing society for the middle and relatively affluent sections.

in their blocks and take up the matter with the concerned municipal officers after formulating an action plan. The purpose of the meeting was to take people's representatives to the local DJB office to clarify the issue of sanction fees for new sewer connections. However, the Executive Engineer for the region had just been transferred and the replacement had joined two days earlier. The idea was dropped. Instead it was decided that the same information could be sought through a Right to Information Application.

Information acquired through the use of Right to Information from the Delhi Jal Board on July 2, 2004 confirms that the RR charges (included in the new sewerage connection sanction fee) were hiked from Rs. 40 to Rs 1,600 on October 17, 2003. While circulars were sent amongst Delhi Jal Board and MCD with regard to collection of RR charges, there seems to be no indication of any effort made to communicate this to the general public. It has also been specified that the RR charges cannot be paid in instalments as they are road restoration charges and have to be paid at the time of the sanction of a sewerage connection. MCD has yet to reply to the application filed in their North Zone office of the Deputy Commissioner. Whether the Rs. 1,600 can be subsidised for the Seemapuri residents can only be decided upon by the MCD as these are policy changes that require approval from the senior officers.

Focus Group Discussion, Rajiv JJ Camp

A group discussion was organised on July 5, 2004 to discuss the need for a toilet complex within the Camp, and how this might be obtained. Fifteen people participated in the discussion which was facilitated by one member each of RASTA and ISST. The discussion progressed from a brief dialogue about the history of Rajiv Camp (how it came into existence) to the main issue under consideration—that of a community toilet complex. The discussion lasted an hour, followed by individual interviews with a few residents.

About five years ago, Rajiv Camp was well on its way to acquiring a toilet block. The then councillor had promised to see that this was provided. Unfortunately, politically motivated actions[22] and internal disputes[23] resulted in the demolition of a half constructed toilet complex!

Many reasons were given on why a toilet block is a priority.

- **Absence of a toilet complex/block**—Twenty-five years have gone by since Rajiv Camp came into existence. To date there is no permanent toilet structure for a population of approximately 1,500.

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[22] The fight between the then MLA and Councillor – both belonging to different political parties resulted in the demolition of the toilet block.

[23] The 'old' residents and the 'new' residents (evictees) from another slum cluster a few kilometers away from Rajiv Camp disputed over the use of the toilet block.

- **Presence of a mobile toilet**—There is one mobile toilet that is located at the rear end of Rajiv Camp. Residents who use the toilet pay the cleaner Rs. 30 per month per household for cleaning it. This toilet is, however, inadequate for the population of 1,500. Women and children very rarely use this toilet.

- **Women and adolescent girls**—More than half the population of Rajiv Camp consists of women and young girls and they face the maximum number of problems with regard to using open spaces for defecation or for bathing. Every household has a minimum of three women/girls who have no privacy and therefore become vulnerable to attacks from mischief mongers who hide in the tall grass or even by workers of the BSES[24] office who peep from their office roof or window. In retaliation the men of the community often get into fights which sometimes get ugly.

   Using the open space at night becomes particularly dangerous as several children and old women have fallen into the big open *'nalla'* (drain) that runs parallel to Rajiv Camp.

- **No provisions for bathing**—With no toilet blocks the women in Rajiv Camp have to either mark out a small portion of their 18 yard plots to bath in or use the open space in front of the taps. This prevents them from taking a bath comfortably, as they have to be completely dressed to bathe in the open.

- **Excess expenditure**—In the absence of toilets, women and children using the open space inevitably get bitten by insects and sometimes even snakes and this adds to the financial burden of the families.[25]

- **Demolished toilet block**—As mentioned earlier, a toilet block was being constructed but was demolished when it was half complete, due to politically motivated actions and internal disputes. The residents have been trying ever since to get a toilet block constructed again with no luck.

- **Willingness to mobilise**—The community is small in size and therefore easy to mobilise. On several occasions the community has come together as one to solve problems related to electricity, water, and sanitation.

- **Internal differences**—While the community has the capacity to mobilise as a collective, there are also internal differences between past and present *pradhans*. However, so far these have been resolved amicably.

[24] Rajiv Camp is located right behind the local electricity supply office.

[25] See background note on Health in Urban Slums.

Overall, the residents felt that a toilet complex is a must especially for women and girls. They were willing to pay a caretaker to clean and maintain it.

After a meeting with senior MCD officials in August it became clear that Rajiv JJ Camp could not approach the concerned municipal authorities for a permanent community toilet block. The Additional Commissioner MCD pointed out that a JJ cluster is not legally entitled to permanent infrastructure; it was suggested that since the cluster is located along side a running *'nalla'* (open drain), small shacks made of straw mats or cloth could be constructed over the *nalla*, thus creating a temporary but better option to the existing situation. Interestingly, the residents rejected this suggestion, arguing that if the Government was unwilling, the NGOs could raise the funds: their own contribution would be forthcoming for a permanent structure but not for a temporary one.

II.V. Discussion with Municipal Corporation

On August 20, 2004 ISST along with the two NGO partners RASTA and Action India met with senior Municipal Corporation officials. The Additional Commissioner MCD was present. The purpose of the discussion was to bring the problems of the three clusters to the notice of the Government and deliberate over practical solutions. The objective was also to highlight the current negotiation patterns of the local groups and residents and seek the cooperation of the Government regarding the three key issues of garbage clearance, community toilet blocks, and sewer connections. The discussion ended with possible directions for resolving the garbage situation at Harijan Basti. In the case of Rajiv JJ Camp the Additional Commissioner reiterated that given the type of settlement, Rajiv JJ Camp could not legally be provided with permanent basic infrastructural facilities. Regarding the issue of sewers it was pointed out that the appropriate authority was the Delhi Jal Board. Although the ISST/Action India team tried to explain that the confusion on the issue pertaining to the sanction fee for sewer connections was directly linked to the MCD road restoration charges, the officers simply said that the teams should approach the Municipal Commissioner or the Delhi Jal Board.
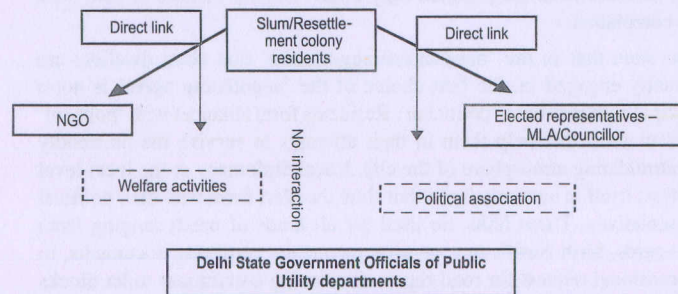
The existing model of interaction between slum and resettlement colony residents and other Government/political agents as revealed through this project was presented and discussed with MCD officials.

The pattern of negotiation that exists is one that is piecemeal and highly influenced by vote-bank politics. Each MLA can legally only serve the purpose of a member of the State Legislative Assembly and represent his/her constituency's demands. S/he is the communication bridge between service providers and the residents of his/her area. S/he has the capacity to raise issues in the State Legislative Assembly on behalf of area residents and carry out referral work for area residents—like attesting application for birth certificates, ration cards, old age pension etc., or submitting written demands on behalf of their constituency. However, the MLA also influences the award of contracts for development works to people who are willing to support him/her through votes or money, or both. Given the unclear nature of entitlements, slum residents use the opportunity to negotiate for some services in exchange for their votes. The councillor is seen as having less power, as s/he has no control over the development funds. The councillor's fund remains with the MCD and senior level officers decide whether particular development work for a slum cluster can be sanctioned or not.

II.VI. Final Workshop

The final workshop for the project ensuring public accountability through community action was organised over a period of two days (May 16-17, 2005). The aim of the workshop was to reflect on the project findings and discuss the future course of action for the activities initiated under the project. The participants at the workshop included partner as well as other non-governmental organisations, slum residents, community workers, senior Government officials, researchers and activists from Delhi.

The workshop attempted to discuss the project findings through different modes of reflection including discussion of research papers, the project experiences, a film as well as a street play done by children from these communities. In addition, senior Government officials were invited to a question and answer session on issues of concern. These deliberations highlighted a series of critical issues, which are included in the final section, Learnings from the Project.

SECTION III:
Learning from the Project

Since the project was designed keeping in mind participation on three broad fronts—the NGOs, the government and the local community—it was necessary that all three parties be involved from the very beginning. The project had been undertaken with certain assumptions.

First, it was assumed that ISST would be able to work with other NGOs for mobilising the communities. It was understood that one of the vital players in the process would certainly be NGOs. In practice, it proved very difficult to bring together different NGOs, since each had its own separate commitments and limited resources of time and personnel. The project was seen as an exercise isolated from the main activities of the NGOs. This meant that they were unwilling to spend too much time in experimenting with area-specific community-building strategies. Several NGOs did not have a complete understanding of community dynamics and as a result internal disputes within communities complicated the process. Although ISST saw itself in the role of a catalyst, the expectation from others was that it would lead the organising of community groups. Some NGOs felt threatened by the implications of a partnership approach, fearing that this might weaken their position in the community. As a result, the project was undertaken on a smaller scale than initially planned, and ISST worked closely with only two other NGOs.

Second, it was expected that dialogue and discussion with lower level Government functionaries would be feasible. However, given the vertical structure of Government departments, all decisions are taken at the top. While very helpful discussions were arranged with senior officers, the current structure of Government departments does not allow for dialogues between community residents and local officers in the manner anticipated, since the latter are not empowered to take decisions of the kind the former are seeking. Negotiating and building channels for dialogue between Government officers and slum dwellers also proved difficult due to the social distance between the two parties.[26] The representatives of the Government were willing to answer questions and to acknowledge the imperfections within the system but no real solutions emerged. The project experience confirmed that the presence of a sensitised senior executive in the Government certainly facilitates access. The challenge is in motivating the lower level bureaucracy to be more responsive.

In the context of Delhi where multiple agencies are in-charge of service delivery, difficulties arise with regard to pinning responsibility on any one agency. Multiple agencies make the process of successful service delivery to the poor extremely difficult. Often one service is provided in part by two agencies. For instance, in the case of sewer connection, DJB is responsible for sanctioning, however, the MCD Engineering department is in charge of laying down the sewerline connections. In the case of Seemapuri, neither of the two was willing to provide relevant information on the sanction fees until the same was acquired through a Right to Information application.

Moreover, Government officers are bound to respect the underlying approach of the Government towards slums. In its search for world class status,

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[26] See also Chapter 8.

Delhi is moving towards an overhauling process by which all that does not conform to the notions of a 'clean, green' city is being forced out of the city boundaries. The new development agenda seeks to debar vendors and hawkers from operating in the city. Workers in the informal economy provide cheap and reasonable service alternatives to many city residents, but few defend their rights.

The changing macro realities need to be confronted. The Urban Reforms Agenda that is rapidly picking up pace in many metropolitan cities across India is further marginalising the poor. Here issues of citizenship and disclosure bills are being pushed with the real aim of attempting to define how citizens can participate in local Government; no attempt is made to question the processes related to delivery of ration cards, basic services or development works. With cities becoming globalised at an incredibly fast rate, how does this rapid process of development impact on the avenues of participation for the poor?

Third, the close ties between communities and elected MLAs has its own history and dynamics, and this often meant that community residents were reluctant to engage in discussion which might be misconstrued as a vote of no-confidence in their erstwhile patron.

In its approach to the project, ISST had recognized the need to involve elected *pradhans*. But it had underestimated the political complexity of various relationships. For example, ISST strongly urged that people use the Right to Information to ensure availability of rations at subsidised rates. It was found that given the nexus between ration shop owners and politicians, the pradhans did not want to antagonize the local ration shop owners. Thus in the case of Rajiv JJ Camp the residents were divided on whether to pursue their complaints against the ration shop owner or drop all charges against him. Although the Camp showed solidarity when they learnt of the black marketing of their food grains, and compelled the ration shop owner to give an old, handicapped individual one year's free rations, at the same time under pressure from the *pradhan* only three residents refused to take back their complaints.

It was seen that in the 'need-based negotiation' that slum dwellers are constantly engaged in, the first choice of the 'negotiating agent' is not a municipal authority but a 'politician'. Residents form alliances with 'political' representatives that help them in their attempts to survive the unfriendly and intimidating atmosphere of the city. Local diplomacy at the local level manifests itself in networks/links that slum dwellers form with their political representatives. These links are used for all kinds of needs ranging from ration cards, birth certificates, pension payments, certifying documents, to the occasional request for road repair or cleaning community toilet blocks etc. This pattern of negotiation is necessary for a slum to obtain even a minimal service provision. In exchange for votes the slum dwellers are able

to get a water tap, a hand pump, maintenance and repair of the lanes within the cluster and even small drains for flow of water. Unsurprisingly, while communities were willing to meet and discuss the well intentioned suggestions of the project, they were careful not to upset the apple cart.

Fourth, it was assumed that since sanitation, water and sewerage were clearly felt basic needs; the nucleus of organising could be around this recognised set of needs. However, this proved not to be the case. It emerged that people viewed such services as entitlements; they were willing to invest time and money in something that would be a matter of individual ownership (private toilets, individual sewer lines) but not for public services. It was seen that what did lead to organising and collective action were issues directly linked to their survival. The demolition of *jhuggies* mobilised all slum dwellers. Although a few clusters did show willingness for collective action to address service delivery failures, internal disputes such as between older residents and newcomers, complicated the situation. Thus in Rajiv JJ Camp, residents were willing to pay a nominal amount every month towards O & M charges, but unwilling to allow the use of the same toilet complex by tenants who had recently taken up *jhuggies* on rent. The older residents wanted to negotiate for a toilet block but only for the use of older residents.

Implicit in the attempt to mobilise communities was the understanding that some level of interdependence, of 'community', exists in slum clusters, an assumption that was largely belied. There are clusters within Delhi where people from the same village or those following the same profession reside together thereby confirming the association of community by area of origin or through professional affiliation. Yet the slum clusters visited through the course of the project were characterised by the absence of a community ethos. This meant that the residents lacked a feeling of belonging or a sense of historical association with each other. Even brothers who migrated together and resided next to each other in one cluster said that in the city family and blood relations were overridden by individual priorities and needs. Each individual remains caught up in a never-ending struggle to meet daily needs and is left with little time or motivation to forge ties and build relationships as s/he would in the villages—and collective action as a community is seen only in response to threats of eviction.

In the case of New Seemapuri, which has the advantage of being legal and having security of tenure, organising as a group was difficult since the clusters that are relatively well off did not necessarily share the same problems as those that are indigent. Within the poorer clusters work and earning enough to make ends meet took priority over organising for better services.

An interesting observation made during the project was the evolution of sacred spaces in different types of settlements.[27] Within a few years of

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[27] See Chapter 7.

settling in a particular place each cluster finds the resources to identify a 'sacred space' which in turn conveys a sense of identity and permanence. It serves to limit the population of the slum, and to ward off municipal agencies if and when they arrive to demolish and evict the residents. It is possible that people's organising around sacred spaces could even evolve in ways that would impact on entitlements.

Fifth, the Right to Information was seen as being a critical tool for raising awareness and encouraging people to work together. In a system of governance embedded with corruption and preferential treatment, access to information and active citizen participation are the two essential components in making services work for the poor. Access to information is a catalyst for change. This was proved time and again. At the same time, the process of seeking and getting information, of absorbing it and using it requires the building up of capacities well beyond current levels.

Perhaps more than anything else, the project demonstrated the need to move away from time-bound interventions that are under pressure to show results quickly, to more sustained and long-term commitments. This would also allow the developing of a realistic understanding of the needs of the poor people that inhabit the city. It is not always clear whether the needs being highlighted genuinely reflect the priorities of slum residents, or whether they get replaced inadvertently or otherwise by the priorities of Government or NGOs in a hurry to show results. The intentions of Government in relation to slums are unclear and can be questioned; NGO interventions too need scrutiny. Project outcomes need examination from the perspective of slum dwellers, to record their perceptions about NGOs interacting with them, what are their expectations and how far are these met.

Finally, it was one of ISST's objectives to highlight the gender aspect of the problem, and to engender the process of seeking better services. The project amply confirmed that better facilities for sanitation and public health are crucial for women's health and safety. This is also recognised by women. But women are embedded in communities, and community representatives did not generally present the problem as especially a women's issue, rather as one of community entitlements. Even though in one area, it was the demand for a separate toilet block for women that was at the forefront of needs, the process of negotiation and seeking to get this installed, followed the established pattern of negotiation with local politicians, and over the duration of this exercise no real solutions had emerged. It thus seems that women's needs in relation to better sanitation are very much a part of the complex system of relationships within which such amenities are negotiated for and acquired in the slums.

CHAPTER 3

Entitlement to Services and Amenities in JJ Clusters, JJ Relocation Colonies and other Non-planned Settlements in Delhi: an Overview

Bikram Jeet Batra*

Prepared as a backgrounder for the ISST pilot project, 'Ensuring Public Accountability through Community Action', this chapter provides an overview of entitlements of JJ dwellers and JJ relocation colony dwellers with respect to basic amenities and services. Since the purpose of this paper is to strengthen Delhi JJ dwellers' demand for basic services and greater public accountability, the paper focuses on local laws and policies and deliberately leaves out provisions pertaining to housing rights in the Indian Constitution as well as in international law as these have been sufficiently documented and analysed.[1]

Another particular aspect not explored in this paper is the *politics* of the issue.[2] This is all pervasive—whether in the form of the terminology used (Ramanathan's references to 'planned slums', and the move from the language of eviction to demolition) or the actual provision of the basic services and relocation/demolition (the MCD-NDMC-DDA 'mix and match' and the

tussle between centre and state) to the basic lack of low cost housing in the city and the Master Plans for Delhi. *Realpolitik* is also evident from the manner by which the State and the Courts understand 'illegality' and differentiate on the basis of who the encroacher is. The manner in which the Delhi High Court views unauthorised colony developers and dwellers is very different from how it views JJ dwellers.[3] One 'encroachment' is allowed to be regularised while the other is sought to be 'demolished' without any relocation or alternatives—if the Delhi High Court is to have its way.[4]

The upcoming 2010 Commonwealth Games brings with it additional challenges for JJ dwellers and the homeless in Delhi. Their struggle for survival in a "slum free" Delhi will not be fair by any stretch of the imagination. The demolitions in the Yamuna Pushta are a clear indication of how the State will interpret and play by the rules it determines itself.

In this context, the struggle for basic services and amenities must not be seen in isolation, but as the first part of a basic right to life with dignity. This along with protection from arbitrary eviction and rehabilitation are all stepping stones towards an operationalised right to adequate housing – in planned low cost housing integrated within the Master Plan and the city.

Nonplanned Settlements in Delhi

Delhi was a small town in 1901 with a population of 0.4 million. Delhi's population started increasing after it became the capital of British India in 1911. During the Partition of the country, a large number of people migrated from Pakistan and settled in Delhi. Migration into the city continued even after Partition. The 2001 Census recorded 138.51 lakh population of Delhi with 3.85 percent annual growth rate and 47.02 percent decennial growth rate during 1991-2001.[5] This is supplemented by an annual 3 lakh migrants who come to Delhi every year.[6]

There is no agreement on figures of people living in various settlements in Delhi. According to the Hazard Centre in New Delhi, the population in JJ clusters is 30-32 lakhs. A similar estimate was provided by the Municipal

[1]   E.g Miloon Kothari, 'The Human Right to Adequate Housing', *Journal of the NHRC*, Vol. 2, 133-147, 2003; HIC-HLRN, *Restructuring New Delhi's Urban Habitat: Building an apartheid city?* New Delhi: 2002; Jayna Kothari, *A Right to Housing?* at www.indiatogether.org/opinions/rhousing02.htm. For analysis of judgements see Usha Ramanathan, *Illegality and Exclusion: Law in the lives of Slum Dwellers*, IELRC Working Paper 2004 – 2, at www.ielrc.org/content/w0402.pdf

[2]   This has been well covered by Usha Ramanathan, *Ibid*.

[3]   The MCD also makes a clear distinction between the two. As far as unauthorised colonies go the MCD believes, "Total demolition of these unauthorized colonies ... where poor and middle class people have sunk their hard earned savings ... would have entailed a gross national waste, As such efforts are being made to regularize these unauthorized colonies with some reasonable reduced essential norms." (pp. 126 Annual Plan Volume IV – Government of National Capital Territory of Delhi, 2004-05.) That JJ dwellers too invest their savings and often pay rent to the JJ mafia as also pay for services etc. is completely ignored.

[4]   Even more blatant is the sensitivity towards resettlement of Members of Parliament who lose elections. While they must vacate official residences, they are provided alternate residence at state cost in Lutyen's Delhi. See Gita Dewan Verma, *Slumming India*, Penguin Books: New Delhi, 2002, 1992.

[5]   Economic Survey, Delhi Government 2001

[6]   P. 80, Annual Plan Volume IV – Government of National Capital Territory of Delhi, 2004-05. Henceforth Annual Plan.

Corporation of Delhi in a court affidavit. Other tables and statistics show vast difference and it is outside the ambit of this study to attempt to reconcile the discrepancies in the various existing tables.

Table 1: Estimated breakdown on population of Delhi in various settlements[7] (approx.)

S.No	Settlement Type	Pop. (lakhs)	Percentage
1	Planned/Approved Colonies	33	23.5
2	Regularised Unauthorised Colonies	18	13
3	Resettlement/ Relocated Colonies	18	13
4	Urban Villages	8	6
5	Unauthorised Colonies	7	5
6	Notified Slums	27	19
7	JJ Cluster	21	15
8	Rural Villages	7	5
9	Pavement Dwellers	1	0.5
	TOTAL	140	100

There also appears to be no consistency with regard to the terminology. Literature on the subject often used the all pervasive 'slums' to cover all non-planned settlements. 'Resettled' and 'relocated' are used interchangeably in many documents—including Central and Delhi Government reports. For this reason it becomes important to appreciate the differences between the various forms of settlements in Delhi.

- **Planned/Approved colonies**—These are colonies that are approved by the zonal agencies and form part of the Master Plan of Delhi. They are obviously the most comfortable vis-à-vis services and amenities.

- **Slums**—These are settlements that are notified as per provisions of Section 3 of the Slum Areas (Improvement and Clearance) Act, 1956 as too dilapidated or suffering from other disadvantages in terms of ventilation etc. Most of the notified slums in Delhi tend to be in the walled city and were declared a long time ago. There appears to have been no notification of slums in the past three decades. Slums normally receive in situ upgradation. In cases where upgradation is not possible, slums can be cleared.

- **Unauthorised colonies**—These are colonies created on land that is not meant for residential use. Very often these colonies are created on agricultural land by private developers who make a colony plan, streets and lanes etc., but these plans are not approved. At present there are close to 2000 such colonies in Delhi with at least 450 on private land.[8]

- **Regularised unauthorised colonies**—These are unauthorised colonies which are regularised by government agencies. This regularisation is obviously a political decision and often has the effect of amending the 'land use' of the land on which they are created.

- **Urban/urbanised villages**—These are villages that having been overrun by the city of Delhi are now, by notification of the Delhi Government Urban Development Department, declared as urbanised villages. Once these are notified all by-laws etc., for buildings are applicable.

- **Rural Villages**—These are villages that exist within the National Capital Territory of Delhi which are yet to be notified as urban villages. Often these tend to be on the periphery of the city.

- **Resettlement colonies**—These are a total of 44 colonies in Delhi formed during the sixties up until 1985. Some of the resettlement colonies now (Kalkaji etc.) have the same standards as any other planned colony. The term is often used loosely (and incorrectly) to cover relocated colonies also. Resettlement colonies tend to be better off than JJ relocation colonies, e.g. plot sizes etc. are usually larger.

- **Harijan Bastis**—These were occasional social welfare gestures where special colonies were given constructed at low cost or free for 'harijans'. The term has no administrative connotation though most *harijan bastis* tend to be planned/approved colonies.

- **Jhuggi Jhompri (JJ) clusters**—These are normally shanty constructions made by migrant labour in Delhi. These tend to be largely on government agency land or 'encroached' land. In a number of documents JJ clusters are also referred to as squatter settlements. This paper, however, uses the phrase JJ clusters for all such complexes.

- **JJ relocation colonies**—When the authority, that owns the land on which JJ clusters are built, requires the use of the land, clearing takes place of the cluster and families are relocated to these colonies as per the relocation policy. These colonies are known as squatter resettlement sites also, but should not be confused with resettlement colonies that were a pre-1985 phenomena.

- **Pavement Dwellers**—Although this is not a type of settlement but a group of people who are 'homeless' in the most literal sense, these are

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[7]   The figures are close to those provided by the Delhi Urban Environment and Infrastructure Improvement Project Status Report for Delhi 21, January 2001 (hereafter DUEIIP). The figure on pavement dwellers comes from a survey conducted by the Delhi-based Aashray Adhikar Abhiyan.

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[8]   These figures are estimates of the S&JJ wing. No study has been conducted in the recent past to provide an accurate estimate of the number of unauthorised colonies.

persons who normally reside on pavements, under bridges and flyovers and the roadside in general. In spite of their high visibility and numeral strength, pavement dwellers are not entitled to any civic amenities. Civic authorities are required to provide shelters for this category of people but these are few and far between.

This paper examines entitlement to services and amenities of residents of nonapproved colonies but focuses largely on JJ cluster residents and residents of JJ relocated colonies. JJ dwellers tend to be lower in the hierarchy of those living on the margins, and along with pavement dwellers are the most visible face of the housing crisis that plagues all of India's metro and 'mega' cities.

Problems of Services and Amenities

Provision of basic services has for long been monopolised by the State.[9] The resultant lack of accountability amongst the service providers can be observed most acutely in JJ clusters and other nonplanned settlements.[10] A 1999 study of public services in Delhi studied a sample of 659 JJ dwellers (and conducted additional survey with 309 JJ dwellers) and found that while sewage and street lighting were amongst the services not easily available, two-thirds of the sample was dissatisfied with power supply, public toilets, sewage and water supply.[11] The same study found that 58 percent of JJ dwellers were dissatisfied with garbage clearance.[12]

The problem though is not limited to JJ dwellers alone. A fact finding mission of HIC-HLRN in 2001 found that even 25 years later some of the resettlement colonies had not received sewage connections.[13] A 1997 study by the Council for Social Development in three resettlement colonies found that despite the requirement of one hand-pump for 20 households, in one of the colonies the ratio was 1: 49 while in another it was 1:174.[14] A review of basic services in slums and resettlement colonies of Delhi by ISST further provides details on the poor conditions in JJ clusters including those relating to location.[15]

[9] Some services like electricity though have been privatised. It is not clear yet whether this has led to substantial improvement vis-à-vis accountability.

[10] See the Report Card Studies in six major cities conducted by the Public Affairs Centre, Bangalore.

[11] *Voices from the Capital,* Public Affairs Centre, Bangalore, June 1999.

[12] This is particularly relevant given the upper class biases against 'slum' dwellers as contributing to the filth in the city. Gita Dewan Verma too notes that the poor services relating to garbage disposal lead to higher visibility of garbage resulting in such biases even though "slum dwellers score higher than non slum dwellers in terms of the 'reduce, reuse and recycle' mantra of waste management." *Slumming India,* Penguin Books: New Delhi, 2002, at 22.

[13] HIC-HLRN, *Restructuring New Delhi's Urban Habitat: Building an apartheid city?* New Delhi: 2002.

[14] Sabir Ali, *Magnitude of slum problems in Delhi,* CSD Working Paper Series – 002/03.

[15] Manjistha Banerjee, *Review of Basic Services in Slums and Resettlement Colonies of Delhi,* ISST, New Delhi, Undated.

The relation between the lack of basic facilities and health is obvious. A 1998 sample study covering 798 households at the Mall Road settlement found sewage and sanitation facilities inadequate. The waterlogged spots provided ideal settings for malaria. 55.7 percent of households identified asthma as a frequent disease. Similar results were also seen in another study at Shahdara in East Delhi. Tuberculosis too was found to be a major illness in a previous 1992 study of the Motia Khan settlement.[16] A detailed study of health problems and basic amenities in urban slums in Delhi by ISST also offers more information on this aspect.[17]

The short-changing with respect to basic services is not restricted to those within the 'slums' themselves. Thus Verma provides details on the poor conditions of MCD run primary schools that catered to 9 lakh poor students— largely from JJ clusters.[18] Given the context of the present ISST project, this paper focuses only on basic services and amenities in the settlements.

Administration of JJ Clusters in Delhi

As per the Slum and JJ department (S&JJ) of the Municipal Corporation of Delhi (MCD) survey there were 1100 JJ clusters containing around 6 lakh jhuggies and housing about 30 lakh people in Delhi.[19] Settlements are largely in Northern and Eastern Delhi with 63 percent concentrated in 20 out of the 70 constituencies in Delhi. Badarpur has the largest number with Adarsh Nagar and Wazirpur following closely.[20]

The historical approach towards JJ clusters had been one of clearance. This was largely because they were seen as squatter settlements occupying land meant for planned use.

In 1958, the Government of India appointed an advisory committee to study labour bastis and JJ clusters in the urban area of Delhi. This committee noted that it would not be humanitarian to use force in eviction of such a population. Prior to 1960 it was the Delhi Development Authority (DDA) that was responsible for JJ clusters. On 1 January 1960 this responsibility was shifted to the MCD and the S&JJ Department was set up in the early

[16] Both studies were conducted by the Society for Development Studies, New Delhi. See the Status Report for Delhi 21 prepared by the Delhi Urban Environment and Infrastructure Improvement Project (DUEIIP), January 2001, see pp 15 – Chapter 5.

[17] Suchi Pande, *Background note on Health in urban slums in Delhi,* Institute of Social Studies Trust, New Delhi, presented at the workshop 'Ensuring Public Accountability though Community Action' May 16-17 at New Delhi. See also Ramamani Sundar et al., *The Burden of Ill Health among the Urban Poor: The case of Slums and Resettlement Colonies in Chennai and Delhi,* National Council of Applied Economic Research, 2002.

[18] *Ibid. Slumming India,* at 95.

[19] This was included in the affidavit submitted by S.K Trivedi, Dy. Commissioner, S&JJ on behalf of the S&JJ Department, MCD in August 2000 before the Supreme Court in the matter of *Almitra H Patel and others v. Union of India and others,* W.P (civil) No. 888 of 1996.

[20] Delhi Urban Environment and Infrastructure Improvement Project (DUEIIP), Status Report for Delhi 21, January 2001, see Page 14 – Chapter 5.

sixties. The first scheme for resettlement for JJ clusters began shortly thereafter in 1960 with allotment of two-room tenements to over 3500 households. Later, partially developed plots of 80 sq. yard plots were provided but this was reduced to 25 sq. yard sites for each household due to land shortage. Close to 50,000 families were resettled in this scheme though most received the smaller plots. Though initially envisioned as camping sites with only basic facilities, the 18 resettlement sites included colonies like Kalkaji and Naraina which are now like any other developed/planned colony in the city.

In 1968 JJ removal and resettlement aspect was transferred to DDA while the entire S&JJ wing moved to the DDA only in 1974.[21] With the emergency in 1975, a massive programme for resettlement was undertaken by the DDA and close to 2 lakh people were moved to 16 resettlement colonies and received plots of 25 sq. mtrs.

Unlike the 18 pre-1975 resettlement colonies, those developed from 1975–1977 were well planned in terms of location outside the city to deter further squatters. It has been claimed that infrastructure and community facilities in these colonies were made in accordance with the then existing MPD and in cases even improved upon the master plan.[22]

After the end of the emergency and the general elections in 1977 the S&JJ moved back to the MCD and then reverted once again to the DDA in 1980.[23] Another 9-10 colonies were developed from 1981–86. Altogether these 44 colonies created till 1986 are referred to as 'Resettlement Colonies'.[24] However, post-1986 the emphasis shifted from resettlement to improvement of clusters. No major relocation thus took place after 1985 till 1992 when a Revised Resettlement Policy was formulated by DDA.[25] On 1 September 1992, S&JJ was finally moved to MCD where it has remained since.[26] "The main function [of the S&JJ department] is to undertake the programmes/schemes directed for the welfare and improvement of the quality of life of JJ dwellers."[27]

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[21] GoI letter No. 10-2-1968 Hi, dated 16 Jan 1968 and GoI, Ministry of Works and Housing letter No. K 17011-19-UD-III, dated 11 Feb 1974 respectively.

[22] RG Gupta, *Shelter for Poor in the Fourth World – Volume 2*, Shipra: Delhi, 1995, at 395. Details of the facilities laid down and standards observed can be found at 396-398.

[23] GoI, Ministry of Works and Housing letter No. K 19011/9/77 DDII-B, dated 22 Dec 1977 and GoI, Ministry of Works and Housing letter No. 11011/2/80-LSG, dated 28 Feb 1980 respectively.

[24] Some documents refer to 45 or 46 colonies in total. The reason for the inconsistency is not clear.

[25] DUEIIP Ch 6-10.

[26] Vide Office Order No. F.12(4) 74- LSG/UI dated 1.9.92 issued by Delhi Government in pursuance of MoUD, Govt. of India letter No K- 20014/4/91/DDVA/IIB dated 26 August 1992.

[27] This was included in the affidavit submitted by S.K Trivedi, Dy. Commissioner, S&JJ on behalf of the S&JJ Department, MCD in August 2000 before the Supreme Court in the matter of *Almira H Patel and others v. Union of India and others*, W.P (civil) No. 888 of 1996.

Delhi Government's 'Three-Pronged Strategy'

In 1992, the Delhi Government adopted a three pronged strategy for dealing with JJ clusters.[28] This was done keeping in mind the new policy of the Government that on the one hand no fresh encroachments would be permitted on public land and on the other hand past encroachments prior to the cut-off date would not be removed without providing alternatives.[29] The intent of such a policy was explained by a senior DDA official:

> "That keeping in view the policies of planned growth of urbanisation, income support and poverty alleviation, and together with steps to arrest the growth of slums in urban areas, the Central and the State Governments would have to take steps to avoid forcible relocation or dis-housing of slum dwellers and encourage in-situ upgradation, slum renovation and progressive housing development with conferment of occupancy rights wherever feasible, and to undertake selective relocation with community involvement only for clearance for priority sites in public interest."[30]

Strategy I: Relocation of those households where the land owning agency (LOA) submits a request to Slum and JJ Department, MCD (S&JJ) for clearance of the JJ cluster to enable project implementation in the "larger public interest". The LOA is also required to contribute due share towards relocation.[31]

Strategy II: In-situ upgradation of JJ clusters. However, this is only done where the LOA issues a No Objection Certificate (NOC) to S&JJ for utilization of the land.

Strategy III: Extension of minimum basic civic amenities for community use under the scheme of environmental improvement in JJ clusters. This is done irrespective of status of the encroached land till their coverage under one of the above two strategies. This scheme began in April 1987.

The Central Ministry of Urban Development (MoUD) too has expressed its support for such a policy and suggested that the general approach to JJ clusters should be for environmental improvement and in-situ upgradation

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[28] This was part of the 8th Five Year Plan for Delhi (1992-97), 'Planning, development and construction of urban space by DDA/ Government of NCT Delhi'.

[29] Affidavit, *Ibid.*

[30] Counter Affidavit of DDA in *National Alliance of Peoples Movement Delhi Chapter v. Govt of NCT Delhi and Ors*; Civil WP No. 4229/96 dated Feb 1997, cited in Videh Upadhyay, *Adequate Housing, Administrative Authorities and Urban Poor in Delhi – Review of Critical Legal Issues*, undated.

[31] Upadhyay (*Ibid.*) refers to a number of priorities for relocation by the government:
  a) where the land is required for specific projects
  b) because the existing JJ clusters are the cause of social tension in the area
  c) from areas where they are continually exposed to the vagaries of nature such as "Yamuna Bandh"
  d) from along the railway tracks for both environmental and human safety.

rather than relocation, which should only be done in urgent cases where the LOA requires land for a priority purpose project and subject to undertaking to bear the entire cost of developed site in the new location.[32]

In 1997 the Ministry of Urban Affairs and Employment, Government of India issued revised guidelines for the implementation of a centrally assisted slum development programme.[33] These are virtually identical to the schemes already laid down by the Delhi Government.[34]

Though the revised policy of the Delhi Government was struck down by the High Court of Delhi arguing that there was no requirement for an alternative site to be provided, the order of the High Court was stayed by the Supreme Court.[35] The policy therefore remains in place at present. The three-pronged strategy of the Delhi Government has also been endorsed by the Draft Master Plan for Delhi 2021.[36]

Basic Services in JJ Clusters

This scheme to provide basic civic amenities was approved by the Government of NCT of Delhi in March 1987. It has been further clarified by the Delhi Government that basic civic amenities are to be provided to all JJ clusters and there is no order restricting provision of these services based on any cut-off dates or status/title of the land.[37]

While in 1987 the scheme included only water, sanitation and street lighting, provisions for brick paved pathways and drains for waste and rainwater were added in 1988-89.[38] At present the basic amenities to be provided are as follows:

1. Water supply—one tap for 150 persons.
2. Sewers—open drains with the normal out-flow avoiding accumulation of waste water. There is no provision of other sewerage as per present policy.
3. Storm water drains.
4. Community bath—one per 20-50 persons.
5. Community latrines—one seat for 20-25 persons.
6. Widening and paving of existing lanes to make room for easy flow of pedestrians, bicycles and hand-carts etc. on paved roads to avoid

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[32] p. 100, Annual Plan.

[33] Vide their communication No. K-11014/29/96-UPA (AZC/VS/I-DD(M) dated 11 Dec 1997.

[34] p. 124, Annual Plan.

[35] Order dated 29 November 2002 in *Okhla Factory Owners Association v. GNCTD and others*, CWP No. 4441/1004.

[36] p. 26, Draft Master Plan for Delhi 2021 (hereafter MDP 2021).

[37] Vide communication from the Department of Urban Development, Government of Delhi, No. 1-1/90/UI/1165date 11 Feb 1994.

[38] p. 103, Annual Plan.

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mud and slush. Where paving is 5 years old the replacement is being undertaken.

7. Street light poles—30 metres apart.
8. Brick flooring/drain/concrete pavement.

There are technical experts supervising this work under the chairmanship of SE (QC) in S&JJ. However, the S&JJ has expressed the inability to follow national norms (1 WC for 20-25, 1 bath for 20-50 persons) due to "physical constraints."[39] Further, one of the major problems in providing Jan Suvidha complexes has been the lack of the 'No objection certificate' from the land owning agency. In the absence of the NOC or where it is not feasible to provide structures of Jan Suvidha complexes (either conventional or pre-fabricated) "sufficient no. of Mobile Toilet Vans" are to be stationed in those JJ clusters.[40] Where the complexes do exist, it is the responsibility of the S&JJ to provide electricity in the complex and bear the charges for it. Furthermore, groundwater available is to be used for sanitation purposes —thus there is entitlement for tube-well, pump house and pump-sets. The cost of these is built into the cost of the complex.[41] To make these complexes 'environmentally compatible', S&JJ has also proposed providing horticultural works as maintenance of these as part of the scheme.

Basti Vikas Kendras in JJ clusters are also to be provided by S&JJ. There is a similar provision for "horticultural works like plantation of trees, grass and shrubs ... to make them environment-friendly". However, the policy clearly provides a loophole when it states that all these facilities would be provided "wherever the vacant land is available for the provision of this facility".[42]

Another entitlement in JJ clusters is of *shishu vatika/* common spaces. This is done by the protection of open available vacant spaces within the JJ clusters by constructing boundary walls of 1.5 metres (with grills where necessary) with an opening. These can then be utilised for establishing a *shishu vatika* or as common open space for use of the community. The Annual Plan (p 116) also provides for "few play equipment like sea-saw (sic), revolving platforms, swings, bridge, slides etc." for providing recreational facilities to children. In addition to this, the S&JJ is also required to undertake allied work like "construction of toe wall, removal of *malba*, supply of good earth, levelling/ dressing, horticulture maintenance etc." For the horticulture works, "tree plantation, earth filling, provision of tube well, development of nurseries, laying of water lines, tree guards" are also to be provided.[43]

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[39] P. 107, Annual Plan.

[40] P. 110, Annual Plan.

[41] P. 108, Annual Plan.

[42] P. 97-98, Annual Plan.

[43] P. 117, Annual Plan.

The normal situation in the JJ clusters is one of acute shortage of water. The Delhi Jal Board is also receiving funds from the Delhi Government for provision of water supply in JJ clusters under an approved scheme.[44] As of 31 March 2002, 820 JJ clusters were being covered in this scheme by the DJB.[45] The Delhi 21 status report however has recommended (as a short term recommendation) the provision of piped water supply to JJ clusters through standpoints presently being served as water tankers.[46]

However, it is clear that JJ clusters do not receive adequate water supply. The Delhi Master Plan 2001 suggested 135 lpcd as the minimum domestic water supply in *any* residential area.[47] The Central Public Health and Environmental Engineering Organisation (CPHEEO) has published a new water supply manual and as per the latest manual, water requirement for domestic purposes has been recommended at 150 litre per capita per day + 15 percent losses = 172 lpcd.[48] The National Capital Regional Planning Board (NCRPB) suggests that optimum supply is from 150–225 lpcd.[49] The Delhi Urban Environment and Infrastructure Improvement Project however suggests 150 lpcd where sewer flushing is provided and 135 lpcd where excreta disposal is through pour flush system.[50]

Where there is no piped supply to individual houses but water supplied through stand posts, the Government of India norm supply for water is 40-70 lpcd. Thus the norm for JJ clusters, notified slum areas and unauthorised colonies can be as low as 40 lpcd.[51] Resettlement colonies and rural villages get 150 lpcd, while the norm for planned colonies is 200 lpcd.[52] Regularised colonies and urban villages are to receive168 lpcd.[53]

The DJB norm is to provide 225–270 lpcd in planned colonies and urban villages. Resettlement colonies, regular unauthorised colonies and rural villages are to receive 131.75–154 lpcd while JJ clusters, notified slum areas and unauthorised colonies can receive 42.5–50 lpcd.[54]

The Delhi 2021 projection for water requirements visualises the minimum norm of supply as 150 lpcd for all present JJ clusters, slums, rural villages and unauthorised colonies. Urban villages, regularised colonies and resettlement colonies will receive 200 lpcd while planned colonies will receive 225 lpcd.[55]

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[44] p. 105, Annual Plan.

[45] *Socio Economic Profile of Delhi*, Planning Department, GNCTD, August 2002, at p. 15.

[46] Chapters 14 – 10, DUEIIP.

[47] p. 30, MPD 2001.

[48] p. 30, Annual Plan.

[49] p. 39, Delhi 21 report.

[50] See Chapter 7 – 1, DUEIIP.

[51] See Chapters 7 – 14, DUEIIP.

[52] Based on Manual of Water Supply, See Chapters 7 – 14, DUEIIP.

[53] Based on MoUD recent norm if 37 gallons pcd for metro cities, See Chapters 7–14, DUEIIP

[54] The lower end of the range is from the DJB norm in pre-feasibility studies. See Chapters 7 – 15, DUEIIP.

[55] See Chapters 7 – 16, DUEIIP.

The Draft MPD 2021 too provides the same figure but adds that a minimum water supply of 135 lpcd has to be ensured for all areas. "This may be provided at two levels potable and non-potable. In the existing areas till the arrangement of non-potable water is made, potable water shall be supplied."[56]

Solid waste disposal is also a particular problem in JJ clusters, slums, unauthorised colonies etc. The DUEIIP report observes that most of these areas do not have proper approach roads and internal roads are too narrow to permit the movement of waste collection vehicles. This affects adversely the arrangement for removal of waste leading waste to rot in the lanes and open areas.[57] In order to ensure more effective solid waste management, the MCD has also sought additional human resource to be able to provide for small-sized bins within the JJ cluster and dustbin, *dhalaos* outside the cluster.[58] .

In-Situ Upgradation of JJ Clusters

Where the LOA provides the NOC the S&JJ can go ahead with the strategy of in-situ upgradation. This scheme "envisages that the existing JJ dwelling units are upgraded in an improved and modified layout by socialising the distribution of land and amenities amongst the squatter families."[59] The upgradation provides that households are in sites of 10–12.5 sq. mtrs in a modified layout and *pucca* informal shelters can be built.[60]

The minimum basic civic amenities to be provided during in-situ upgradation are:

- Drinking water supplies through municipal water hydrants/ India Mark-II deep handpumps/ tubewells at a yardstick of one water post for 30-35 persons.[61]

- Paved pathways and drainage facilities upto out-fall.

- Street lighting at a yardstick of one pole every 30 metres. JJ households can obtain individual electric connections on payment of charges to concerned power supplier.

- Pay & Use *Jan Suvidha* complexes containing toilets/ bathrooms for community use of group toilets/baths. One WC seat for 20-25 persons and one bath for approx. 20-50 persons.

- *Dhalaos/* dustbins for garbage disposal, at a yardstick of one garbage bin for 15 households within 55 metres of all dwelling units.

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[56] p. 143, Draft MPD 2021.

[57] See Chapters 10 – 2, DUEIIP.

[58] p. 146, Annual Plan.

[59] p. 99, Annual Plan.

[60] The size of the plots would themselves be a violation of the provisions of the master plan however.

[61] Hand Pumps other than India Mark II are, however, not considered as safe methods. See DUEIIP Ch 6 – 18.

- Household/shelter—to be constructed by the beneficiary with technical assistance from S&JJ.[62]

The S&JJ is also required to work with an NGO/voluntary organisation for community mobilisation work in all of the selected clusters. In all, only about 180 JJ clusters have been listed for in-situ upgradation. This is largely due to the LOA not granting the NOC to the S&JJ. Furthermore, the S&JJ has found that the Rs. 9500 per JJ dwelling that it receives for in-situ upgradation is insufficient.

The in-situ scheme has so far been tried in only a few sites including Ekta Vihar, Prayog Vihar, Madrasi Basti/ Shanti Vihar and Shahbad Daulatpur.[63] According to the MCD, this approach is economically viable as it does not dislocate the income generating capacity of the JJ families and at the same time causes least problems to city urban management facilities.

JJ Relocation Colonies

The framework for the relocation scheme was approved by Delhi Development Authority on 4 February 1992 (vide item No. 33). However, the scheme has been modified subsequently as per Delhi and Central Government directions.

The original relocation plan envisaged development of sites and services plots of 18 sq. mtrs each with a 7 sq. mtrs undivided share in open courtyards as per the cluster-court-town house planning concept for resettlement. To be eligible for relocation the requirement was holding of ration card by 31 Jan 1990 and being an Indian citizen.[64] In a later addition those holding ration cards up to 31 Dec 1998 were made eligible to plots of 12.5 sq. mtrs.[65]

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[62] RG Gupta (at 429) provides much higher standards, but there is no information provided as to where these standards are prescribed.
- One WC for three families.
- One bathroom for six families.
- One washing space for six families.
- One additional water tap of drinking water for 12 families.
- Water supply @ 30 gallons pcd.
- Sewerage @ 24 gallons pcd.
- Drainage @ 2.5 cusecs per hectare.
- Power @ 60 KW per hectare.
- Minimum width of lane – 3 m to be used only by pedestrians. Other roads to be 6,9,12 metres. Access to cluster by footpath of 1.5 metre width.
[63] The site at Shahbad Daulatpur also included land owned by MCD. Interestingly JJ clusters in Trilokpuri and Kalyanpuri, on land pockets belonging to the S&JJ itself have not so far been covered under the in-situ upgradation and are yet "being explored" (p 102, Annual plan).
[64] Informally however the S&JJ treats all persons with ration cards upto August 1990 as eligible in this category. This decision was taken after it was found that even though the decision to grant ration cards was made in Jan 1990 by the then Prime Minister VP Singh, a large number of persons did not receive the ration card till much later in the year.
[65] Ministry of Urban Development and Poverty Alleviation vide communication No. K-19014/4/96-DD II B/VOL-III dated 13 October 2000.

Initially the policy framework of the scheme required that sites measuring about five hectares be utilised for provision of 100 plots/ residential units by achieving a density of 200 units per hectare.[66] In each of the layouts, one hectare of land was to be earmarked for the provision of community facilities such as primary schools, open spaces, *shishu vatikas*, *basti vikas kendras*, community facility complexes, *dhalaos* etc. The S&JJ is also providing community toilet and bath complexes in the relocated colonies till the "arrangement for the individual WCs are made by the families themselves."[67]

The full coverage of 18 sq. mtrs was permitted by the family who were also allowed to develop the first floor, if they could afford it, later. The 2004-05 Annual Plan observes, "the resettlement (sic) complexes are an integral part of the new residential development schemes of DDA".

The relocation plan also involves setting up of multi-purpose co-operative societies comprising 200 families. S&JJ as also NGOs assist in the setting up of these societies. There are also plans to set up a 'Social Housing Corporation; to provide affordable shelter in partnership with the private sector as also undertake in-situ upgrading schemes.[68]

S&JJ was made responsible for provision of infrastructural facilities within the layout of these relocation complexes as also "peripheral services". "Trunk services" were to be provided by the relevant agencies/ departments—Delhi Jal Board etc. Transport, Education, health and fair price shops etc., are also to be provided by the concerned Delhi Government agencies. Thus while S&JJ needs to earmark specific land pockets for such places, the concerned agencies have to take the initiative and provide the facilities.

S&JJ is also required to provide the facility of multi-purpose community facility complexes in relocation colonies. There is also a provision for "horticultural works like plantation of trees, grass and shrubs ... to make them environmentally friendly."[69]

Thus, the total services that dwellers in JJ relocation colonies are entitled to are as follows:

- Water supply
- Toilet/ baths

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[66] The Development Code in the Master Plan for Delhi 2001 lays down a maximum net density of 350 tenements per hectare in JJ clusters that receive in-situ upgradation or in relocation colonies. However, the draft MPD 2021 proposes to permit 600 dwelling units of slum/economically weaker section housing (upto 25 sq. m) per hectare.
[67] Initially the Independent WC seat and bathroom on the ground floor with cooking shelf were an integral part of the dwelling unit to ensure that the residential unit would be self contained. Subsequent to the decision of the Delhi High Court (*Lawyers Cooperative Group Housing Society v. Government of India and others*), the construction of foundation up to plinth level along with WC seats has been dispensed with.
[68] Delhi 21 Status report, Ch 6-13.
[69] P. 98, Annual Plan.

- Electrification—street lighting, individual connections
- Drainage
- Sanitation
- Education—schools
- Health dispensaries
- Transport
- Roads[70]
- *Basti Vikas Kendra*
- *Shishu Vatika*
- *Dhalaos*
- Brick flooring and drain
- Cremation ground/*kabristan*
- Site for Fair Price Shop[71]
- Ration Shop/ Kerosene Oil shop[72]
- In certain colonies, there has been provision of Police Post, Mother Dairy and Religious places.[73]
- Mini Sewage treatment plant[74] and Community Halls[75] may also be authorised for a large colony.

The draft MPD 2021 lays down planning norms for facilities and infrastructure applicable for collective community rehabilitation/ relocation, in-situ upgradation of Slums, JJ & Resettlement colonies, Urban Villages, Special Area and unauthorised colonies. Therefore, a primary school must be set up where the population is 5000 in an area of 800 sq.m. Similarly, senior secondary school of 2000 sq.m is to be set up where population is 10,000. Multi-purpose community hall (100 sq. m), *Basti Vikas Kendra* (100 sq.m), Religious site (100 sq.m), Police Post (100 sq.m), Health Centre (100 sq.m), Park/*Shishu Vatika* (200 sq.m) can be included in a composite

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[70] The MPD 2001 also lay down that pathways would be a minimum two metres wide up to 30 metres in length, minimum three metres wide upto 35 metres in length. See p 66, MPD 2001.

[71] S&JJ, Status of facilities at Relocated Site as on Date 07.01.2005 (Madanpur Khadar – Ph. III) – on file with author.

[72] S&JJ, Developmental Works at Squatters Resettlement Scheme at Holambi Khurd as on 07.01.2005 – on file with author. The two shops have been constructed by Delhi Metro and handed over to S&JJ.

[73] One religious place handed over to local samiti while another site is "vacant and feasible". Police post too "vacant and feasible while one booth location handed over to Mother Dairy. S&JJ, Status of facilities at Relocated Site as on Date 07.01.2005 (Bakkarwala – population approximately 6500 families).

[74] This has been provided in a colony where approx. 6,500 families are settled. S&JJ, Status of facilities at Relocated Site as on Date 06.01.2005 (Holambi Kalan – Ph.II) – on file with author.

[75] Three have been earmarked and Work on two halls has begun in a colony with 7500 families. S&JJ, Status of facilities at Relocated Site as on Date 06.01.2005 (Bawana) – on file with author.

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facility centre (500–1000 sq.m.). The MPD also notes that area for essential retail outlets, e.g. Dairy, Fair Price Shop, Kerosene shop, etc., may be provided as also provisions for informal trade units and weekly market to be made wherever necessary.[76]

Referring to the relocation of JJ clusters, the Draft MPD 2021 notes "the immediate need of the resettlement (sic) colonies is individual service i.e. water, sewerage and electricity. Regular sewerage network provision may not be possible immediately in many areas because of non-availability of connecting lines and financial constraints. In such cases the low cost sanitation on individual and collective basis should be adopted."[77] The Draft also notes that the need for the construction to be based on approved/ standard building plans.

The draft MPD 2021 also lays down guidelines for collective community rehabilitation/ relocation—In-situ upgradation/ rehabilitation of slum and JJ clusters & resettlement colonies. More importantly the draft MPD 2021 proposes new (and reduced) norms for utilities—1 WC for 10 families, 1 bath for 20 families.

Policy Revisited

In compliance with the 30 Nov 2000 order by the High Court of Delhi, a coordination committee on relocation was set up by the Government of Delhi with the Secretary, MoUD as its convenor.[78] This Committee has recommended that all relocated families should receive plots of 18 sq.mtrs irrespective of whether their ration cards are pre-or post-1990. The Committee has also noted that services relating to transportation, education, fair price shop, healthcare, electricity, water, sewerage, approach road are absolutely essential and must be provided before or simultaneously with the shifting of jhuggi dwellers to the new sites.[79]

Interestingly, the minimum plot size was laid down as 25 sq. metres by the MPD 2001, though the plan permitted reduction to 18 sq.m with 100 percent coverage provided an area @ 7 sq.m per plot tenement was clubbed with the cluster open space.[80]

The Draft MPD 2021 also suggests changes to the details of the policy being presently followed. It notes, "during the period covered by MPD-2001, a sites and services based relocation approach was employed in which resettlement was done on 18 sq.m and 12.5 sq.m plots allotted to

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[76] P. 26, Draft MPD 2021.

[77] P. 27, Draft MPD 2021. Unfortunately the DDA and the master plan continue to use resettlement and relocation colonies interchangeably. It is clear however that even though the excerpted paragraph refers to 'resettlement colonies', it should be relocation colonies.

[78] *Samudayik Vikas Samiti v. Union of India*, CWP No. 6553/2000.

[79] P. 93, Annual Plan.

eligible persons on a licence basis. This has led to a number of aberrations, and there are several aspects, due to which this approach needs to be progressively abandoned and substituted by an alternate approach." The Draft MPD further proceeds with providing components for an alternate approach including "Resettlement—whether as in-situ upgradation or as relocation should be based mainly on built-up accommodation of around 25 sq.m with common areas and facilities." There is also emphasis placed on availability of employment in relocation areas, transit accommodation near original site and close working with NGOs/CBOs.[81] Other changes relate to tenure rights, more incentives and partnership with the private sector.

JJ Clusters in the NDMC Area

While the bulk of Delhi's slums are administered by the MCD, a small number also fall within the limits of the New Delhi Municipal Corporation (NDMC).[82] Set up in 1911 as the Raisina Municipal Committee, the NDMC was redesignated in 1927 and is presently governed by the NDMC Act, 1994. Controlled by the Central Government, the NDMC covers 42.7 square kilometres, largely in central Delhi, including the seat of the Central Government and the residential area for ministers and officials, the diplomatic enclave as also some prestigious residential and commercial areas.

While the NDMC does not appear to have any policy with respect to slums, a senior official at the Corporation stated that the de-facto policy since 1998 was to ensure that New Delhi became "slum free".[83] In line with this (lack of) policy, the NDMC does not have a slum or JJ wing and the main strategy is to remove all the clusters as soon as possible. Towards this the NDMC has already made payment to the MCD for relocation of the seven JJ clusters that exist on land owned by NDMC. The other 34 clusters are on land owned by the L&DO (MoUD) and the NDMC is awaiting requests from the Central Government to relocate these clusters.

In the absence of policy, only minimal facilities of water, sanitation and health are provided by the NDMC on "purely humanitarian grounds without taking a strictly legal view". This translates into installation of public hydrants, cleaning of drains and distribution of chlorine tablets, ORS packs and ensuring inoculations. These services are provided through the NDMC's own budget via the Enforcement Division supplemented with technical assistance from the Engineering Department and the medical officer etc.

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[80] p. 66, MPD 2001.

[81] p. 26, Draft MPD 2021.

[82] These are approximately 41 JJ clusters with close to 700 jhuggies in the largest cluster. Some of the clusters have 30-35 jhuggies.

[83] Mr. UK Worah, IAS, presently Secretary, NDMC.

The 2004-05 Annual Plan of NCT Delhi also provides for Rs. 10 lakh for 'environmental improvement in JJ clusters in NDMC area'. This amount is meant to cover the following:[84]

1. Providing public hydrant
2. Deep well handpumps
3. Tube-wells
4. *Sulabh Shauchalayas* (pay and use toilets)
5. Brick flooring
6. Improvement to toilets, drainage system and parks
7. Providing mobile toilets

However, no clear specifications are laid down in the annual plan with respect to the above services. For its part, the NDMC insists that services are being provided solely for "humanitarian" reasons but the continuous stress on the high profile and "special" nature of the area and the constant reiteration of the need to prevent epidemics suggests that concerns about other residents of the area is a major factor of providing the JJ clusters these services. This is supplemented by the fact that while no electricity was being provided to the clusters earlier, in the past few years efforts are being made to provide single-use points in the jhuggies. This is being done to avoid the fire hazard caused by improvised (stolen) electricity connections.

When queried about the quality of services of the JJ clusters in the NDMC area in comparison with those in the MCD clusters (which have the benefit of the policy); a senior official of the NDMC retorted, "the fact that they are living in this area itself makes them privileged. Even if they steal electricity —they will get it for all 24 hours. How many residents outside the NDMC area can claim that?" The official did not believe that the lack of a policy made the NDMC less accountable especially as the "question of accountability does not arise since this [provision of services] is purely humanitarian".[85]

Slums under the Slum Areas (Improvement & Clearance) Act, 1956

Of the 3280 properties/ *katras* originally notified as slums with S&JJ, 382 have been cleared/demolished as per the provisions of the Slum Areas (Improvement and Clearance) Act, 1956. While 365 *katras* have been identified as dangerous, there are another 400 *katras* owned by the Delhi Government which are awaiting notification.[86] Importantly, most of the slum notified areas are the property of the Government of Delhi presently on lease.

The existing 2898 properties/ *katras* are entitled to structural safety repairs which are deemed inescapable and essential for ensuring safety. Since 1991-92, these repairs have included replacement of sewage, water supply

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[84] p. 154, Annual Plan.

[85] UK Worah, *Ibid.*

[86] p. 113, Annual Plan.

system.[87] Additionally, slum dwellers are also entitled to "minor repairs" on a day-to-day basis.[88]

In terms of general services and amenities, notified slums are entitled to the same facilities as planned colonies. However, in practice, the position of notified slums is not the same as planned colonies. There are thus additional services that may be made available. Thus 'Pay and Use *Jan Suvidha* complexes' are provided to cover old dilapidated structures of community toilets for reconstruction.[89] Additionally, under the urban basic services programme provision of water supply, sewers, storm-water drains, widening and paving existing lanes, *dhalaos*/ dustbins, street lights, multi-purpose community halls containing *barat ghars*, reading room-cum-libraries, *balwadis*, *anganwadis*, dispensaries etc., are required to be provided.[90] However, the Delhi 21 status report records that this is done "depending on resources and need of the people."[91]

Slum improvement and clearance has often suffered due to a centre-state dispute and control over power by the governments. A three pronged policy is presently proposed for the urban renewal of slum dwellers and an effort is presently underway by the Delhi government to develop a policy for slums.[92]

Resettlement Colonies

At present there are 44 resettlement colonies in Delhi and water supply exists in all of them. Sewer lines have been laid in all 44 colonies up to March 2003.[93]

Resettlement colonies which were developed by the DDA were transferred to MCD on 1 June 1988 with an assurance that special funds would be provided by the Government of Delhi. MCD made one time special repairs to make services of the colonies functional and undertook to provide additional facilities to bring these colonies at par with the standard of the corporation. This task was undertaken on a war footing after the outbreak of gastro-enteritis in Delhi in 1988.

Resettlement colonies are entitled to the same services as adjoining planned or approved colonies.[94] These include metalling-premixing for roads, brick pavement, storm-water drains, concrete pavement /Kota stone, improvement of old lawns, street lighting, improvement to old lavatories, deep bore

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[87] p. 100-111, Annual Plan.
[88] p. 112, Annual Plan.
[89] p. 107, Annual Plan.
[90] Chapters 6 – 5.
[91] *Ibid.*
[92] See Chapters 13 – 9, DUEIIP.
[93] p. 39, Annual Plan.
[94] p. 127, Annual Plan.

handpumps. The Draft MPD 2021 also proposes that resettlement colonies, though planned, are also to be upgraded in a manner similar to that of JJ clusters and notified slums.[95]

Regularised Unauthorised Colonies

A total of 567 unauthorised colonies have been regularised so far. All the 567 regularised unauthorised colonies are to be provided sewerage facilities in the near future. Sewer lines already exist in 482 colonies and another 18 should be complete by the end of 2005. The remainder will be completed in a phased manner.[96]

Piped water supply was already provided to 557 of these villages by March 2002.[97] Road/path/metalling-premixing, brick pavement, strom-water drains, CCP/Kota stone, improvement of parks, street lighting, community latrine 'dense carpet', dustbin are some of the works being carried out by MCD.

The draft MPD 21 observes, "regularization (sic) has not really brought in any tangible improvement […] for redevelopment in unauthorised colonies, it is necessary to achieve their desired densification while ensuring proper road widths, parking facilities, community facilities and services on the basis on prescribed differential/reduced space standards."[98]

Unauthorised Colonies

Of the 1071 unauthorised colonies (as per 1993 survey), piped water supply is available at only 398 colonies. For drinking water to the remaining, there is a provision to supply water through tankers. These are sought to be phased out with increase in piped water supply.[99] However, no sewerage services are being provided in unauthorised colonies as per the present policy. When these colonies get regularised proper sewerage system will then be laid.[100]

In accordance with the High Court of Delhi order in the HD Shourie case, Delhi Government has granted permission for works to be carried out relating to construction of roads and drainage in the colonies which came up before 31 March 1993 on private lands or lands now vested in *gram sabhas*.[101]

The draft MPD 2021 proposes that unauthorized colonies slated for regularization "need to be improved through redevelopment by ensuring participation of inhabitants".[102] The draft MPD 2021 provides that there should be a minimum road width of 4.5 metres. This is necessary for

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[95] p. 17, Draft MPD 2021.
[96] p. 38, Annual Plan.
[97] Socio Economic Profile of Delhi, Planning Department, GNCTD, August 2002, at 15.
[98] p. 24-25, Draft MPD 21.
[99] p. 4, Annual Plan.
[100] p. 38, Annual Plan.
[101] p. 147, Annual Plan.
[102] p. 17, Draft MPD 2021.

providing individual essential service connections. Where the width is lesser, the community service provision will be made by the resident society for which the land would be provided by the resident society. Furthermore for facilities like community hall, dispensary too—all the land will be provided by the residents society of the concerned unauthorised colony.[103]

The draft MPD 2021 also requires that the distance of roads with width less than 9 metres should be within 100 metres from an approved road of 9 metres for fire safety and disaster management requirements.

The Draft also refers to "guidelines for regularization of unauthorised colonies" which has been prepared but not yet been finalised for implementation.[104]

Urban Villages

Of the 135 urban villages, 98 villages have been provided sewers so far. Another two shall be completed in 2005. In 32 urban villages the laying of sewer lines has been found to be technically unfeasible. In the remaining three villages, Delhi Jal Board was due to complete laying of lines by March 2005.[105] In the 32 villages where it is not feasible, decentralised system such as mini sewage treatment plants and bio-digesters are to be provided and can be claimed.[106]

Residents of urban villages are entitled to services as provided in approved colonies. Piped water supply exists in all the urban villages.[107]

Development works like metalling/premixing, dense carpeting, brick flooring drain, cement concrete, Kota stone flooring, street lighting etc., are approved for urban villages. Other improvements include parks, street lights etc.[108]

The Draft MPD 2021 provides that there should be a minimum road width of 4.5 metres with compatible mixed-use. This is also necessary for providing individual essential service connections. Where the width is lesser, community service provision will be made instead of individual service.[109]

Rural Villages

The Master Plan for Delhi 2001 saw the rural area of Delhi as a zone of great significance. It recognised that the rural area also attracts migrant workers—mainly from Haryana and Uttar Pradesh. The MPD 2001 thus observed, "the area needs to be provided with a reasonably high level of infrastructure and good road linkages to the city".[110] These areas also host a growing number of relocated colonies.

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[103] p. 25, Draft MPD 2021.
[104] p. 24, Draft MPD 2021.
[105] p. 32, Annual Plan.
[106] p. 39, Annual Plan.
[107] p. 39, Annual Plan.
[108] p. 124, Annual Plan.
[109] p. 17, Draft MPD 2021.
[110] p. 43, Draft MPD 2021.

Based on the population, its growth rate and road linkages, five villages were further identified by the MPD for the location of major health facilities and markets. To cover the deficiencies of lower level health facilities, schools and location of rural industry another six settlements were identified:

- Bakhtawapur—hospital, health centre, dispensary, vet hospital, rural industrial area and commercial centre.
- Bawana—health centre, rural industrial area and commercial centre.
- Jharoda Kalan—hospital, dispensary, vet hospital, rural industrial areas and commercial centre.
- Dhansa—dispensary, rural industrial areas and commercial centre.
- Chawala—hospital, vet hospital, rural industrial area and commercial centre.
- Jagatpur—dispensary and rural industrial area.
- Ghogha—dispensary and rural industrial area.
- Qutubgarh—dispensary and rural industrial area.
- Jaunti—dispensary and rural industrial area.
- Mitraon—dispensary and rural industrial area.
- Gommanhera—dispensary and rural industrial area.

The commercial centre built in 3 hectares would accommodate cinema, shopping complex, bank, post office, cooperative store etc. Each individual settlement would require improvements in water supply and other facilities. At present DJB is not laying sewerage system in rural villages.[111]

The MPD 2001 also called for housing for the landless to be taken up through public housing agencies. The MPD instructed that rural village abodes and extensions shall be regularized as per Government of India orders of February 1977.[112]

Conclusion: the Search for a Comprehensive Solution

With little change in economic conditions in rural India, the influx into Delhi continues. A study by the Council for Social Development (CSD) found 94,000 JJ dwelling families in and around the older resettlement colonies. In another 1995 survey by CSD, the trend was observed in 20 resettlement colonies.[113]

The Draft Master Plan for Delhi 2021 too visualises an addition of 24 lakh dwelling units. This includes an estimated housing requirement of 20 lakh dwelling units for additional population between 2001 and 2021 and a backlog of

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[111] p. 193, Draft MPD 2021.
[112] p. 44, MPD 2001.
[113] Sabir Ali, *Slums within resettlement colonies as an environmental hazard: A case study of Delhi slums*, CSD Working Paper Series – 008/003. This trend has also been acknowledged by the Delhi 21 Status report, Chapters 6 – 8.

approximately 4 lakh units.[114] Of these, 25 percent (6 lakh dwelling units) will be 'created' by way of in-situ upgradation or relocation etc., of notified slums and JJ clusters.[115]

Though the original Master Plan for Delhi proposed resettlement of JJ dwellers in low cost housing in locations all over the city, the trend over the last few decades is to move dwellers to locations on the outskirts of Delhi. This is continuing despite obvious problems of livelihoods and transport. Verma notes that this does not make planning sense and observes that the integration approach has obvious advantages, "for the poor it offers better access to livelihood opportunities as well as to quality infrastructure—roads, water, schools, hospitals etc. For the non-poor it offers better access to the services offered by the poor".[116] This symbiotic relationship however continues to be ignored and plans continue to acquire new sites for resettlement. It is understood that MCD is presently attempting to acquire 252 acres of land in *Savda Ghavra*—a rural area in the NCR.[117] There are suggestions that these would host 'vertical dwellings'—four-storey buildings with one-room flats.[118]

Unfortunately there seems to be little hope of any substantial improvement with respect to basic services and amenities as there seems to be little imaginative thought in this regard within the administration. The Delhi 21 Status Report, contemplating future action "for stepping up the much needed basic services" referred merely to "community involvement and municipal efforts" in the short term.[119] In the long term the report saw "redevelopment of the area by involving the beneficiaries" towards "wholesale upgradation" as the best solution to the problems currently being faced.[120] Other spaces however do seem to be emerging. As part of the Plan Monitoring, the draft MPD 2021 proposed the setting up of a Slum Rehabilitation and Social Housing Group as also a Legal Framework Review Group. While the former would work on policies, strategies and structure for slum and JJ rehabilitation, the latter would work on regularisation and upgradation of unauthorised colonies.[121] These groups could be lobbied with to ensure better services as also longer term solutions to the low income housing crisis.

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[114] The backlog (as per Census 2001) comprises 1 lakh net shortage. The remaining 3 lakh is replacement of dilapidated and *kutcha* structures. Draft MPD 2021, page 21.
[115] *Ibid.* Table 4.1.
[116] *Ibid.*, *Slumming India* at 85.
[117] This was indicated by MCD officials in discussions with the author. Land use for the village, located near Nangloi and Najafgarh, has already been cleared by the DDA and NCR planning board. Presently objections to acquisition are being sought.
[118] Reported in the *Indian Express*, Delhi Newsline, 26 April 2005.
[119] Chapter 14 – page 8.
[120] *Ibid.*
[121] Draft MPD 2021, at page 174

CHAPTER 4

Experiences of People–Government Interaction: In Urban Infrastructure Provisioning

Jyotsna Bapat

Introduction

The focus of this chapter is the emerging challenge of maintaining environmental sanitation through participatory governance, that ensures gender equity, and which is targeted at the poor in urban areas. Theoretical formulations need to be tested against reality. Specialists from different disciplines understand issues, and therefore solutions, differently. For example, a more humanist people-centred interpretation of the issues of environmental sanitation might link it up with the issues of poverty in urban areas, focus on the reasons for migration to urban areas as a coping strategy for sustaining livelihoods of the poor, and suggest solutions through labour laws, while a planner might look upon this challenge of environmental sanitation as a resource constraint.

This chapter presents a particular perspective, related to issues of urban governance and propagated by planners and urban developers, that dominates the literature. Here the issue is seen as a crisis in planning, resulting from historical growth trends and inadequate resources allocated to cities and therefore adding more resources to the cities can solve the problem. Given the resource constraints there is an emerging tendency to look towards a participatory governance approach. Such an approach seeks ways and means of involving poor men and women in decision making for creating and maintaining infrastructures that improve their environmental sanitation, by creating 'voice' and 'space'. More participatory and transparent governance structures would allow for the emergence of cheaper and more sustainable solutions to environmental sanitation issues arising in urban areas, for the poor.

Urbanization is a trend the world over. A third to a fourth of world population is living in the cities in developing countries. At the turn of the millennium, a total of 2.8 billion people or 47 percent of the total population of the world is living in urban areas while by 2015 a total of 4 billion or 54 percent of the total world population will be living in urban areas. India's urban population is about 290 million people in 2000, which works out to about a third of the population. This figure is projected to grow at the rate of about 3 percent per year in the next decade. By the year 2025, 50 percent of India's population is expected to be living in urban areas (www.careindia.com, urban development link). Promoting urbanization and industrialization was a desirable development model for the newly independent countries fifty years ago.

Industrialization and its associated urbanization is a solution to reducing the population pressure from the agricultural lands and rural hinterlands. It is often associated with increasing national production and higher levels of per capita GDP. Providing housing and planning adequate social and physical infrastructure in the form of health, education, transport, power, water, sanitation and sewage facilities for the newly formed cities and maintaining law and order are the main responsibilities of the city governments assisted by the central urban development department, in India.

But over time poor and inadequate infrastructure provision has become a norm especially in slums. The focus here is on physical infrastructure and particularly sewage and sanitation, solid domestic waste (garbage) and internal roads. Poor and inadequate service is a norm in these sectors as well. This is due to various reasons: Increase in the number of urban centers, reduced resources per city from the centralized kitty for capital investments, increasing population pressures, both natural and migratory, put strain on already inadequate existing services, and finally, increasing budgetary constraints on the municipal bodies responsible for providing these services made it difficult for the local authorities to extend these services to new areas. Slums, known by different names in different parts of the country, have become a permanent feature of urban landscapes. They are characterized by inadequate infrastructure and environmental degradation. Poor and not so poor people live here. Inadequate 'economic' demand, insufficient 'affordable' supply, inadequate finance and not very transparent and accountable governance of the service provisioning can be identified as the major issues leading to the 'Slum-urbanization' of the cities in developing countries like India.

Providing infrastructure services to slums in the cities is an additional challenge to city managers. Various reasons are cited for the growth and under-development of slums such as inadequate incomes, lack of property right and insufficient mobilization of communities. A people-oriented approach to management of infrastructure is a fast emerging trend in the developing countries. This allows for participatory planning approach based on providing an affordable service, at a cost that the people are willing to

pay, thus taking care of inadequate finances and ensuring transparency and accountability among public and private service providers particularly in water sanitation and waste disposal services. Various examples of meeting these challenges of inadequate demand, insufficient finances and non-transparent governance are now available due to special efforts made by the UN Habitat initiative. Special focus here is on issues of governance.

The paper is divided into three parts. The first part traces the historical causes for the skewed development of the city landscape into slums and explains the problems due to unanticipated and unplanned growth in the cities. The second part highlights international initiatives to address these and the third part lists out 'success stories' in different cities mainly in developing countries, with primary focus on Indian cities, in meeting the challenges.

PART I
The Issue
Nation States and Centralization of Government

After the Second World War, roughly from the late 1940s into the early 1970s Asian elites tried to impose ideals of modern nation state building, on their newly independent countries. A modern nation-state was seen to require strong centralized governments (Manor, Robinson and White, 1999). The prevalent, easily acceptable development model, of industrialization, urbanization and green revolution (independent of political systems) was adopted by the newly independent developing countries. It had worked for the developed countries, whether capitalist or communist, and all that developing countries had to do was to follow the same path.

These models had an urban bias. With resources focused on development of cities, rural-urban migration to towns was inevitable. Centralized urban biases in planning resulted in rapid growth of cities. Main role of city governments is to provide the social and physical infrastructure and maintain law and order. City development could be sustained through public finance going into physical and social infrastructure development of the cities mainly on roads, water and sewage and sanitation, health and education, free or at highly subsidized rates to promote growth. Planning the development of the cities was a centralized exercise, in the hands of development planners, with a separate Planning Development Authority set up for every major city and state in India.

Urban Development Planning

Planned urban development through master plans designed by city planners and architects was adopted to plan the growth of the city. These Master Plans were based on the concept of zoning, and included maps of residential, commercial, industrial zones and more recently ecologically sensitive green zones. Within the earmarked zones there were vacant spaces left for future expansion of the infrastructure services such as roads, vacant lands in the residential neighbourhoods for institutions like schools and hospitals and

open spaces for parks and recreational centres, for future development. This was the 'ideal' map of the manner in which a city should grow in the future. The emergence of slums in these vacant spaces left for future use was therefore seen as aberration. Therefore, these slums were not provided with any infrastructure facilities, except on humanitarian grounds.

But over time the financial resources available with the state to transfer to the city administration, in the light of limits to local resources available to the cities emerged as the main concern. Thus the 'shoe string' approach (a paradigm for urban development that believes that the 'shoe' will be lifted automatically if the 'strings' or the 'laces' are picked up, thus focusing on developing the elite areas in the city would lead to overall development of surrounding areas) to development of the informal and poor neighbourhoods of migrants from rural areas was not going to work. At the same time the demand for infrastructure services in water and sanitation is on the increase due to increasing population mainly due to migration. Thus, there is a large gap between the supply of these services and the demand for them, which needed to be addressed by the city planners. This realization over time has brought about changes in the attitude of planners towards cities.

Living in Asian Cities

Most of the developing countries like India have had a colonialist past. Colonialism has had two major adverse impacts on national development in Asia *(Living In Asian Cities, 1996)*. First, it shaped the governments in terms of the forms of political system and attitudes towards politics, law and the bureaucracy. Second, it helped to create and perpetuate an elite and middle class who are in tune with and aspire to Western culture and ideals, but most of whose members are consequently unable to understand or react to conditions in their own cities. Hence, too many laws, regulations and practices in Asian government are still based on an ill-suited colonial model. Thus, settlements of the poor are seen as 'disease-ridden' 'eyesores' and 'dens of crime' which need to be eradicated. The approach to the issue of poverty is based on a combination of indigenous and Western notions of charity rather than empowerment. The poor are also regarded as unwitting tools that can be politically exploited for elite and middle-class ends.

Change in Attitude Towards Slums

Over time there has been a shift in attitude towards slums. Along with the changing attitude of planners towards city planning, there is a parallel change in attitude of city governments towards urban slums. The state attitude till recently towards slums was of 'moral intolerance.' This changed to acceptance of slums as inevitable and therefore tolerance. Over time the 'regularization' of slums as a policy emerged, partially due to resignation and partially due to judicial activism. There is a slow realization mainly through NGO efforts that the state cannot do anything better than what the

poor have done for themselves and should therefore help them instead of being a hindrance. This was further facilitated by the global campaign for good urban governance initiated at the global level by UN HABITAT and other international agencies including the World Bank.

Changing role of government

Associated with the changes in the attitude towards urban growth in general and the slum in particular the role of the Government has changed 'from being the provider to facilitator'. Historically physical infrastructure such as water and sanitation, roads was seen as a 'public good' and by implication to be provided free of cost by the state through public finances. The assumption was that the cost of operating the infrastructure services and the maintenance of the capital assets (O and M costs) would be paid for by the city governments through their revenue sources. Over time, given the intensity of urbanization, shrinking revenue base, global changes in the last decade, limits to public finance in most South-Asian countries, including India, are becoming clear. There is a clear shortage of 'supply' over 'demand.'

This is when slowly the meaning of infrastructure as 'public good' or 'free good' with unlimited access, changed to 'limited good' with controlled access. Thus local governments in cities are now expected to raise O and M costs through their own revenues or other sources such as user charges. At the same time there has been a change in the profile of migrants from affluent skilled labour attracted by industry in the past, to distress migration of displaced marginalized people, giving rise to rapid increase in slums. Thus while the pressure for additional infrastructure investment increased due to migration, the migrant's ability to pay for this through increased revenue for the city or state, was limited. More recently due to global pressures and lack of financial resources, the state is changing its role from being an infrastructure provider to becoming an infrastructure facilitator. There is also a shift in emphasis away from capital investment in infrastructure to service provisioning. Historically infrastructure services could be provided cheap only if they were large due to economies of scale. But now services of even small units have become cheaper due to new technologies, and can be handled by small infrastructure providers to reduce costs. These could be small private providers like local businesses or CBO or NGOs etc.

There has thus been a change in the attitude towards slums (Saran, 2000) over the last few decades. Benjamin (2000) has argued in his paper that the belief in the 'trickle down' effect or the 'shoe string' approach to slum development, where slum dwellers were seen as passive recipients of economic growth is no longer the current thinking. Migration is seen as a strategic act on the part of migrants to improve their livelihoods (Hans, 2000). There is evidence to support that access to productive lands to the poor is critically important to promote a form of economic development that would provide them with jobs and economic and political autonomy in

society. Insights from clusters of local economies prove that poor groups in competition and partnership seek lands in productive settings as a definite economic strategy. This is complemented by a focus on the process of access to land in its institutional and political setting. Priority of the poor is for food, employment, water, shelter in that order which often results in their 'squatting' in city centres. These emergent 'clustering economies' seen as marginal settlements historically are fast becoming hubs of intense economic activities because of their flexibility and informal nature. They have become major centres of outsourcing due to their flexible specialization and the ability of the labour to be moved quickly. They have thus become an extension of mainstream economic development. Studies show that these clusters are capable of economic efficiencies. They are centres of innovations and skill upgradation and generators of employment in economies with fast changing production demands. Thus they are the key to future urban growth, productivity and reducing poverty, forming a valuable resource base to consider for urban areas. They are also characterized by lack of adequate infrastructure resources.

Thus, though there has been a change in attitude towards slums among policy makers and city councils the change in attitude has not been dramatic enough to extend infrastructure services to these areas. Individual entrepreneurs in these localities have found private, and often illegal, solutions to these public problems.

Transitional Phase

Ideally, this arrangement of private agents/agencies, providing services to consumers should evolve into the state agencies monitoring the private providers to regulate and protect the (poor) members of the civil society from exploitative practice. But today we are in a transitional stage where the state is still a provider of services and has not completely withdrawn from roads and water sanitation and garbage collection responsibilities (while the power and telecom infrastructure is being privatized in India). These services are not just infrastructure services but are linked with health and hygiene issues of the community and are therefore important. Add to this the 'illegal or irregular' status of the slums, and the fact that these services are provided only to a limited extent and that too on humanitarian grounds rather than as a right of these members of the civil society.

PART II
Urban Governance

Issues of Governance

It is in this context of poor slum neighbourhoods, their illegal status, and the limits to resources to be provided by the municipal authorities that the issue of governance comes into focus for cities in Asia. Since governance is the process of decision-making and the process by which decisions are

implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made, through formal and informal social structures. The concept of "governance" is not new. It is as old as human civilization. Simply put, "governance" means: the process of decision-making and the process by which decisions are implemented (or not implemented). Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance.

Governance has become a 'hyphenated' phrase in development projects for various development agencies. In different contexts of development and in different region-specific contexts it assumes different meanings, but broadly the World Bank definition is generally accepted. For the World Bank and the ADB, governance is understood as sound development management. The key dimensions are accountability, participation, predictability and transparency.

The government is one actor and other actors are context dependent. Other actors involved in governance vary depending on the level of government that is under discussion. In rural areas, for example, other actors may include influential landlords, associations of peasant farmers, cooperatives, NGOs, research institutes, religious leaders, finance institutions, political parties, the military etc. The situation in urban areas is much more complex. At the national level, in addition to the above actors, media, lobbyists, international donors, multi-national corporations, etc. may play a role in decision-making or in influencing the decision-making process. All actors other than government and the military are grouped together as part of the "civil society." In some countries in addition to the civil society, organized crime syndicates also influence decision-making, particularly in urban areas and at the national level. Similarly, formal government structures are one means by which decisions are arrived at and implemented. At the national level, informal decision-making structures, such as "kitchen cabinets" or informal advisors may exist. In urban areas, organized crime syndicates such as the "land mafia" may influence decision-making. In some rural areas locally powerful families may make or influence decision-making. Such informal decision-making is often the result of corrupt practices or leads to corrupt practices.

There is a global recognition of major goals that need to be achieved by 2020 identified under the Millennium Development Goal by UNDP and other UN Agencies (WDR 2004). Urban governance and urban environmental health are important goals among them. Ensuring Environmental Sustainability lists the following subgoals to be achieved by 2020:

- Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources.
- Reduce by half the proportion of people without sustainable access to safe drinking water.

• Achieve significant improvement in lives of at least 100 million slum dwellers, by 2020.

Defining Urban Governance

UNDP defines 'Governance as the exercise of political, economic and administrative authority in the management of a country at all levels' including cities. Recognizing the fragmentation of the cities into rich and poor, legal and illegal occupants of the land, the campaign focused on 'inclusive city.' The campaign (Global Campaign, 2000) is to create a global debate on good urban governance through seminars, workshops and participatory projects, to contribute to the increasing number of initiatives world-wide aimed at good governance. The eight global norms to identify good governance are: sustainability, decentralization, equity, efficiency, transparency, accountability, civic engagement, security for the individual and engagement of strategic partners such as NGOs, CBO and the municipalities (Global Campaign, 2000). The Global Campaign launched in 2000 at Nairobi, Kenya by the United Nations Center for Human Settlement has an agenda for sustainable human settlement development in the urbanizing world. The campaign objective is to combine the goal of eradicating poverty with improved urban governance, by monitoring the state of cities and providing examples of sustainable growth of cities through database creation among other things.

The database of about 1600 practices in 140 counties was created to document 'good and best' practices on 16 issues including urban governance and infrastructure, communication and transport, which is the focus of case studies selected here. The campaign took into account the various regions of the world and the region-specific campaigns took into account the specific requirements of the developed and the developing countries. In Arab countries, for example, security of tenure was emphasized while in North America the emphasis shifted from public to private service provisioning.

Since the UN HABITAT conference on urban governance in 1999-2000, there has been a rapid and substantial shift in the policies toward urban slums over the past five to six years. The attitude as reflected in the policies toward slum has changed from them being perceived as 'scum' to being an integral part of, and serving the interests of, the elites and the middle class in the cities. The emphasis has been on empowering the poor living in urban cities through promoting policies of good governance and action that is liberal and humane (see Appendix I). As the city expands and begins to reclaim the erstwhile barren land that is earmarked in the city plan for future infrastructure expansion, but in the meanwhile has been encroached upon by new migrants, mostly construction labour, the emphasis is on rehabilitating and integrating them. This attitude also reflects in the Urban R

and R policy toward displaced slum dwellers, more recently in the MUTPII project in Mumbai in 2002, where they were relocated within 250 metres radius of their original location with better quality of houses and infrastructure.

Given the mandate of international agencies like the UN and the World Bank to be 'a-political' in the country they intervene, they propose to evolve norms of behaviour that would ensure that the government will give to its people what they (the governments) promise. The most relevant intervention from the perspective of the ISST project is the United Nations Human Settlement Program and their campaign on Urban Governance. With regard to issues of toilets, sanitation, drainage and solid waste management in slums, the most important challenge is to find an appropriate representative/s of the community that can speak on behalf of it, can organize the service providers, can monitor them and ensure that the service is affordable to the targeted community.

Thus given that the role of city government is changing from provider to that of facilitator and it faces a resource crunch, the tendency to depend on local communities' ability to mobilize and manage additional demand for urban infrastructure services is. unsurprising. What are the ways in which this dual objective can be met that is consistent with its role as a facilitator? Drawing from the database mentioned above the following part examines various international examples of the process of decision making and its implementation, by various actors and structure and procedures put in place to implement the decision once made, in different relevant contexts across infrastructure projects.

PART III
Approaches and Examples in other Cities and Countries

This section highlighting approaches and examples in cities, mainly focusing on India but also including countries from Asia, Latin America and Africa that focus on innovative ways in which challenges to inadequate finance, to inadequate supply and to issues of governance, are met. The three major physical infrastructure needs of all the residential communities but particularly focusing on the slum communities are: toilets and sewage, collection of garbage or municipal waste, and drainage and internal roads in that order. Some examples of power supply and general administration needs are also considered here. While drinking water supply has received adequate attention and funding over the last decade and a half the other three areas of toilets and sewage, solid municipal waste, and internal roads and drainage has been recently focused under the UN HABITAT initiative mentioned earlier. Examples are drawn from the database for good and best practices generated by both these agencies. Presented here is a sector issue matrix, with each cell representing the issue related to the sector. We start with the issues focus, and the various

problems in the sectors are discussed in detail with examples of best practices used to support it.

Table 1: Issue\Sector Matrix for urban infrastructure affecting slums

Issues/sectors	Finance/capital investment	Supply/demand	Governance power authority accountability
Toilets	Building toilet blocks, subsidy for maintenance	'Demand management'	Accountability of service provider
Garbage/ solid waste	Equipment/transport Individual subsidy	Promoting garbage collectors	Accountability of service providers
Drainage/internal roads/river front	Lining of drains, maintaining internal roads	Building of demand through participation	Maintenance and O and M cooperation
General administration	For extending service, O & M of existing services	Human resource matching of skills with demand	Increase staff efficiency/ reduce staff

Public Toilets in Slums

The issue of inadequate toilets in slums is a very relevant issue (Marshall, 2003). Through there are norms for number of persons per toilet seat of 40, the actual ratio in any slum far exceeds this. The Bombay High Court order of 1986-87 has laid down a precedence for providing of drinking water and toilets as fundamental human rights irrespective of the status of the slum. But building toilets in slums is a major problem due to shortage of adequate space. Heavy capital investment is needed to connect these toilets to city sewage systems or even setting up a septic tank to contain the waste. Keeping these common use toilets clean was a major challenge because of inadequate water supply to drain the waste and unwillingness of the *safai karamchari* to clean public toilets.

The case study of Sangli, in Maharashtra[1], and Colombo in Sri Lanka[2], indicates that the capital investment for building of the toilet blocks

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[1] A total of 498 slum in Miraj in Maharashtra, India did not have toilet blocks or running water. With the help of MAGNET (Media and Governance Network) an NGO and funded by CIDA, Ford Foundation and ADB, new toilet blocks with separate facilities for men and women have been created. The caretaker of this toilet block lives in the adjacent connected rooms. The community members pay for it through user fees. There is a spot biogas unit that is attached to the toilet unit that generates cooking gas. The NGO helped make the voices of the slum dwellers heard by the Government because of its ability to hear, inform and persuade the Government agencies by spotlighting issues and regions. Significant time and efforts were spent on persuading stakeholders beyond the immediate community to accept that toilet blocks represented improvement and not eyesores. ("Media and Governance forum in Pune and Sangli, India" by Nirmala Pandit at WWW. IOG.ca/MAGNET).

[2] In Colombo, Sri Lanka toilet block facilities in one region and improvements in the drainage in another region were identified as priority intervention by MAGNET with the help of the local communities, and though the funding had ended the local community is motivated to contribute from their own resources.

comes from international development funding agencies, the city council too contributes part of capital investment as in Somolu, Nigeria[3] with local communities willing to contribute labour and money for its completion. The NGOs in Pune in Maharashtra[4] have built public toilets for slums with municipal funding through a process of bidding. Toilet construction is also sometimes a part of cleaning of a major river-front project including the Yamuna Action Plan, but more of this later.

There is a huge hidden demand for toilets in the city slums but risk of insecure tenure and therefore affordability is an issue, and Operation and Maintenance of the public toilets is a major challenge. 'User charges' is seen as a solution to make these toilets affordable. User charges are levied per use of toilet per day and/or per person. Part of the money collected goes to meet the employees' salaries and part of it goes to service the capital investment made by the local government or the agency that has created the facility. The major challenge here is micro management or micro governance of the facility, to ensure service for keeping the toilets clean and the drainage free from overflow, by the municipal employer or the sweeper. If the sweeper gets directly paid by the community then such toilets are better maintained, as in one slum in Delhi (personal interview).

Garbage/ Solid Waste

Collection of domestic waste that comes in the form of bio degradable waste or domestic garbage (Ogawa, 1995) and nonbiodegradable waste such as plastic metal and paper is another major problem in slums. Besides the general problems of shortage of staff and inadequate capital investment is collection of garbage which pervades all municipalities, (Moai and Morris, 1996), the problem of collection is mainly because the land on which the slums are located do not always belong to local governments and so their employees would not enter these lands for collection nor can the local government assign a bin and a spot inside the slum.

Calcutta Municipality[5] contracted out garbage collection to a private firm. A one-time capital investment for collection of garbage such as tippers was

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[3] In Somolu, Nigeria 37 community development associations were formed and 40 percent of the local authority budget was allotted to basic infrastructure provisioning that was spend on water supply, solid waste management, road and drainage, rehabilitation.

[4] In Pune in Maharashtra, India in 2002 widescale toilet blocks were to be constructed and maintained by NGOs in consultation with the local people for design. They were expected to personally supervise the construction and could not bid for higher than estimated cost of construction of the block.

[5] In Kolkata, India 700 tons of garbage collection, transport and management is given to a private firm on contract and is monitored by the municipality, thus ensuring private sector participation for waste recycling.

made by the Tirunelveli Municipality.[6] They privatized the garbage collection through residential associations and provided Rs 5/- per household as subsidy for payment to the private worker employed by them. Salary supplement is given by the agency HUDCO to rag pickers to collect garbage in Delhi in the ASIAD village.[7] Mumbai Municipality gives a matching contribution to the funds raised by the community in Ghatkopar,[8] Mumbai. Zabbaleen, the community of garbage collectors in Egypt,[9] or rag pickers in Delhi by HUDCO are given the 'right to the garbage' they collect, so that they can sort and sell the nonbiodegradable materials and recycle the biodegradable garbage through composting. This is also mediated by an NGO in Lucknow called 'Muskan Jyoti'.[10] In Khulna suburb of Dhaka, Bangladesh[11] slum dwellers collected garbage and sold compost. User fees were charged to residents with cross-subsidization to poor communities to cover the cost of collection.

Another innovative approach on the demand management side is motivating the residents to segregate garbage at source into separate bins. This was successfully attempted in Gamdevi and Gilbert Hall in Mumbai[12] on a pilot basis.

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[6]   Sanitation services in colonies in Tirunelveli, India have been privatized through residential associations. A subsidy of Rs. 5/- per household is given per household for payment of private workers. Tipper autos were introduced and paid per weight of garbage collected. 55 families thus got self employed, they prepare compost and recycle waste. The municipality saved Rs. 1 million from this initiative, planted 10 000 saplings and made the garbage dump into a picnic spot.

[7]   In ASIAD village in Delhi HUDCO which had vested interest in the lands, mobilized rag pickers to segregate garbage and collect it from communities, markets and shops. The salary supplement is given to the waste collectors for their efforts by HUDCO and it also provided two coloured bins to the residents

[8]   In Joshi lane in Ghatkopar Mumbai India, segregation of garbage, vermiculture, cleanliness and beautification of lane was made possible through community participation. Advanced Locality Management was planned through a Rs. 1/- per day per household contribution and a matching contribution from the Municipal Corporation. With its success the local community is hopeful of extending this model to repair of roads and water supply and to regulating hawking and unauthorized construction.

[9]   Zabbaleen garbage collectors in Cairo, Egypt are a community involved exclusively in garbage collection and solid waste. Instead of displacing and relocating them to outer city limits they were settled and jobs were created for them through sorting and recycling of city garbage. Thus municipality incurs no cost for 200 tons of garbage collected by them now.

[10]   In Lucknow UP India, 'Muskan Jyoti Samiti' an NGO has successfully provided comprehensive solid waste management to part of the city through vermiculture since 1994. Community mobilization, recovery of cost through household service charges proportionate to the affordability was used to make it financially viable in four years time.

[11]   In Khulna in Dhaka, Bangladesh slum dwellers were involved in solid waste collection programme. A joint waste management committee, involving residents in decision making and design was created. A higher user fee through waste collection in rich localities was cross-subsidizing waste collection in poor localities. While the waste collectors had supplemental incomes through 'barrel' compost creation and sale.

[12]   Gamdevi and Gilbert Hall in Bombay, Maharashtra 1996-97 solid waste, source separation and collection by individuals and community based composting and trade in inorganic material was successfully pilot tested.

The major issue in governance is to ensure sorting and collecting of garbage on a daily basis. Privatization of these operations either to housing societies or NGOs or empowering the traditional communities involved in garbage collection are innovative micro level governance solutions to this issue.

Drainage/Roads/River Fronts

Drainage and internal roads are another major infrastructure concern in slum communities because of their haphazard development. Very often drainage on roads and paved drainage is a luxury for the slum dweller. The issue of drainage and internal roads often pose the same constraints of land ownership and uncertainty for the local city governments, given the illegal nature of these slums. Very often these slums are located on the banks of a major river passing through the city leading to pollution of river waters.

In Somolu, Nigeria (ref footnote no. 3) 37 local community development associations undertook the responsibility of managing roads and drainage in addition to solid waste management for which the municipality gave 40 percent of its infrastructure budget to these community associations. External funding in Agetur Bennin in Contonou[13] helped the city council to build fifty kilometres of covered drainage along the road so that people could continue to trade along it. In greater Mafikeng area in South Africa,[14] local capacity building for cleaning of river through new contractors and labour intensive methods was promoted by a steering committee set up by city councils. In Baghmati river in Nepal[15] a park was created in place of a garbage dump in the river-bed. In Pillibhi Slums in Bangladesh[16] toilet blocks were created to avoid the river front from being polluted due to open defecation into the river. Under Yamuna Action Plan Low Cost Sanitation in the form of public toilets were created in 21 towns in Haryana and Uttar Pradesh and Delhi metropolitan regions.[17] Contracts for O and M are given to different NGOs through a bidding process.

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[13]   +"Poverty Reduction and employment generation: the case study of Agetur Bennin In Contonou": Blandine Fanou and Ursula Grant, Feb 2001, University of Birmingham, UK. In Agetur Bennin in Contonou, paving, and cleaning operations of drainage along the road length of fifty km. was taken up by the city council with external funding. This ensured that people were able to trade along the side of the roads, in addition to improving the sanitation of the city.

[14]   In the Greater Mafikeng area in South Africa, the river front project was carried out by a broad-based steering committee which emphasized on training and building local capacity on river clean up, drinking water, storm-water drainage and traffic flow. All public work was contracted out to new emerging contractors or labour intensive methods were favoured.

[15]   In Kathmandu, Nepal cleaning of the Baghmati river by creating a park in place of a garbage dump and encouraging a youth leadership programme to benefit the environment was an initiative taken up by MAGNET that succeeded.

[16]   Pillabhi Slums in Bangladesh where the river front was being polluted as a result was avoided by creating toilet blocks and reduced open defecation into the river.

[17]   Project document Japanese Bank of Infrastructure Credit 2005.

These projects require a participatory approach where the demand for clean river front of a lined drainage or good internal roads is first created. Involving local committees in planning and implementation of these projects therefore becomes essential. But in India this waterfront development, be it river or lakes, gets narrowly interpreted, as 'events' focused on Public Awareness and Public Participation through a bunch of rallies, public walks and media publicity rather than a 'process' of involving the public in a structured and long term basis. As a result, the problem of operation and maintenance of these facilities has not been adequately answered yet in any of these communities. In Delhi the internal road upgrade, for example, is done through MLA funds spent haphazardly, often leading to lowering of house-plinth below the road or drainage levels or disruption of existing structures.

O and M of these roads and drainages is an ongoing battle. The sweepers employed by the municipality clean the internal drains in addition to the toilets. The people pay a user charge per household on a monthly basis in addition to the salaries of the employees in Delhi Slums (Personal Interview), but in other areas it is still a problem and some slums employ private sweepers (Personal Interview).

General Administration Issues of the City Council

Inadequate finances, mismatch between the technical requirements of the staff and the existing competence of the employees, reducing staff consistent with outsourcing are the major problems faced by the municipal councils and corporations, the world over. In India particularly, the security of a lifetime tenure for those employed in municipality has played havoc with the performance and efficiency of the staff.

The principal sources of finance traditionally for a city were from property taxes, user charges for infrastructure services, and state devolution to the cities according to the finances commission, in India. Other cities the world over have similar revenue streams. More recently the more innovative municipalities in Argentina and Indian cities,[18] have floated Municipal Bonds. These bonds raise money through open markets for the infrastructure development needs of the city. Part of the city revenue is put in escrow to ensure the servicing of these bonds. It is assumed that quicker and timely completion of these infrastructure development projects would increase the revenues for the cities through increased user charges.

Multi-agency funding of a project to reduce individual agency risks is another way of raising money for a project. Cauvery River water supply project which provides drinking water to Bangalore and Madurai adopted a multi-

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[18] Rosario, in Argentina, Madurai, in Tamil Nadu, Ahmedabad in Gujarat are raising money from the financial markets through Municipal Bonds. It is the trend in major cities across the world. In India, Ahmedabad city was the first in doing so.

agency funding approach where 7 to 8 agencies have funded the project in India.

Self help groups and micro finance: Micro finance for access to infrastructure services, particularly telephones, was provided by SEWA, Ahmedabad to its members who had formed 'self help groups'.

A large amount of municipal resources are spent in paying the salaries of the staff that is recruited for providing infrastructure services. In Delhi, for example, 40 percent of the budget goes on solid waste collection, water and sanitation services, and another 10 to 20 percent on health services, mostly on paying the salaries of the staff. A unionized and organized labour force is another reason for the inability of the municipality to increase the skill, accountability and efficiency of its staff. Privatization of infrastructure services to large contractors as in the case of Kolkata, or residential associations in various cities or community mobilized groups, in short stakeholder participation as mentioned above, is a strategy adopted by municipalities to avoid recruiting additional staff and also to make the communities aware of the limits of municipalities.

Emphasis on governance measures such as decentralization of power and finances to local circles and ward levels, to increase local accountability is another initiative taken by some municipalities in Rosario city in Argentina,[19] Colombo in Sri Lanka,[20] Ahmedabad[21] in India and Santo Andre in Brazil.[22] A strong emphasis on transparency, accountability and monitoring of progress through a partnership with stakeholders and the municipality is essentially a governance initiative. The key words are report card or scorecard for monitoring progress based on indicators, accountability and partnership.

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[19] Rosario city in Argentina in 2000 decentralized its municipal functions and operational organizations based on the model of small-scale services. It has established ways of public communication and information about the process development and its outcomes. Results are shared with the citizens routinely.

[20] In Colombo, Sri Lanka, financial crisis in the municipality led to an emergent partnership between the municipality, private sector, NGOs and external funding agencies. An input output matrix was created to measure the performance. A '100 day impact' programme was created that assured the delivery of service in 100 days and public accountability was ensured though a weekly public day, assigned to high ranking officials for meeting the public.

[21] In Ahmedabad in Gujarat, India an innovative urban partnership was developed between the government, the public sector, the institutional donors, the corporations and the CBOs with each investing a portion in the river front development project.A report card system on municipal services in Ahmedabad, was introduced that maps the trends in service performance and user satisfaction on an on-going basis.

[22] "Participatory Urban Governance: the experience of Santo Andre" Celo Daniel, United Nations Chronicle (Online edition), Nol.XXXVIII No. 1, 2001.
Santo Andre is located in SE of Sao Paulo, Brazil. Social exclusion worse than poverty is associated with famine and lack of income. Therefore policies of social inclusion need to go beyond the sectoral approach. The city public administration included a generation coordination unit with people from the local community in addition to the technical coordination unit. A scorecard of urban indicators of social inclusion was created with the involvement of communities that helped in evaluating the priorities and diagnosis of programme implementation success.

Together they address various issues related to social equity and justice, decentralization and empowerment. These initiatives are taken in Bangalore, Vaizag[23] and Alappuzha municipality of Kerala state,[24] NOIDA,[25] and Surat[26] in India.

Integrated Infrastructure

An integrated infrastructure upgrade through donor funding is often a way out of the financial crisis. It is often easy for larger municipal corporations like Mumbai, to get funding for sewage and drainage (1984-1989) from large donor agencies like the World Bank but smaller municipalities find it difficult to get donor funding. A DFID funded project, in Indore city in Madhya Pradesh[27] is one such project which had an integrated approach to capital infrastructure development including the slums within the city. The project was implemented over a period of 7 years (1996-1999) and its strengths are numerous. It was able to attract the capital investment needed to upgrade the infrastructure so that the slums had access to the mainstream infrastructure in water, sanitation, sewage. A special programme for drainage and internal roads for slums was also implemented.

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[23] Information technology project is set up in Vaizag India to empower its citizens. The project will share information and communication with the people about the various projects, their progress and outcomes.

[24] Community development societies (CDS) are societies that are the convergence of poverty, nutrition and self help group in Alappuzha municipality of Kerala state. These neighbourhood groups of CDS will prepare micro plans at individual localities that will be aggregated into mini-plans at ward level and town level plans at municipal levels in consultation with municipal officials. This would ensure poverty programmes targeted at women and children.

[25] Forming Neighbourhood Management Councils involving local community representatives is a model adopted by NOIDA, U P., Bangalore, Karnataka and Surat, Gujarat in India. These groups provide their inputs in the plans for their areas

[26] In Surat, Gujarat, India, in 1995 the new mayor decentralized his administrative and financial powers to ten commissioners (four functional heads and eight zonal chiefs) and a consultative decision making process was introduced. Transparency in routine work, efficient tax recovery, transparency in tax assessment was introduced and loopholes in administration were plugged. In 18 months the city changed from being the filthiest to second cleanest in Gujarat.

[27] Indore, Madhya Pradesh, India, habitat improvement programme funded by DFID, adopted a slum networking approach to infrastructure provisioning alongside health and community development. 600 families in 10 slums were part of the 'in slum assessment' ensured community voices were incorporated in the project. A total of 40, 000 families in 180 slums were targeted. An investment of Rs. 600 m. was made in providing water supply, individual and community toilets and paving of roads as part of the project. Slums are considered an integral part providing opportunities rather than problems, but a 'weak' part of the city matrix that needed upgrading. So modern infrastructure investment in water sanitation and power was made but without the provision of micro finance for 'last mile connectivity' from the doorstep to inside the house, the project was unaffordable to the average slum dweller and did not succeed as much as expected. The river front development did not succeed.

But its major weakness was the 'last mile connectivity' from the infrastructure to the household. The household was expected to come up with the economic resources needed to pay for this connectivity. Without the sharing of risk through provision of low interest loan, given the risk of uncertain tenure, many households did not perceive connecting to these services, as financially viable and therefore did not bother to get connected. No special funding was made available because it was assumed that access was an issue for poor people and once the access was available they would make the necessary investment to connect. The assumption made was that affordability is not an issue, and that people living in the slums can afford to connect, if given the opportunity. This proved to be wrong. This could be primarily due to the nonsecurity of tenure of slum dwellers that they may be reluctant to take the risk of additional investment, even if they can afford it.

Electricity Distribution

Providing electricity is relatively cheaper and environment-friendly way of meeting 'lights and fan' needs of the poor. The consumption of electricity is at subsistence levels due to poverty. So it is often not worthwhile for a power company to set up individual metered connections to the residents.

There were two examples in which this issue was handled. In Duccan village in South Africa[28] in 1996, the local businesses became the distributors of power and collected the revenues from individual consumers. They were able to monitor the consumption very closely and could charge rates that the people were able to pay. In Delhi[29] before the privatization of power distribution there was a 'city meter' scheme that some of the slums in Delhi have connected into. The *Pradhan* or the community leader has a meter that recorded the total power consumption of the slum and he paid the bill. The *Pradhan* then collected a fixed rent of upto Rs. 150 to 200 per month per household for two light bulbs and one fan and/or one cooler/ fridge that the household used.

Conclusion

Thus to conclude, historically city development took place according to the Master Plan drawn up for every city with a twenty-year horizon in mind. This assumed a certain population profile and growth rates in the population of the city according to the migration patterns and birth and death statistics.

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[28] Duccan village in South Africa in 1996, will be providing sustainable electricity reticulation through electricity distribution and collection of revenues through local businesses. As there are 90,000 poor people and 5000 informal dwellings this is the only way that electricity could be provided at price affordable to them.

[29] Delhi city meters scheme: the meter is in the house of a community leader in some East Delhi slums who pays the metered reading charges to the power company. He recovers his costs by charging individual households a fixed rent based on consumption of power.

But very often the city growth or the regions in which these growths took place were dictated by other factors leading to failure of Master Plans. In addition there is a shrinking of financial resources available to the city authorities resulting from shrinking revenue base. Pockets of unplanned growth with inadequate supply of infrastructure services need to be provided with infrastructure services by the city government, or the city municipality. To provide water and sanitation to these settlements, irrespective of their status, is a legal requirement.

A more recent solution to inadequate supply of infrastructure resources is to facilitate private, small, local community based solutions, to these public problems. Shifting from the centralized supply-driven budgetary allocation to a demand-driven approach consistent with the affordability and willingness to pay by the people involved, is a huge transition in which the role of the Government agencies is still being defined and redefined. Thus, the major challenge faced by city authorities is that of governance: shifting the role of government from being a provider to being a facilitator of infrastructure services. The major challenge is decentralizing the local government and making the local government more transparent, accountable and participatory in the process of providing infrastructure service to local communities through engagement of strategic partners such as CBOs and NGOs and other stakeholders. A multiplicity of arrangements for all issues at every sector and involving the civil society private business and CBOs and NGOs are being tried out in different cities and counties quite successfully. But the limits of these initiatives are now becoming obvious. For example, under the Yamuna Action Plan the Low Cost sanitation facilities provided by the JBIC funding and auctioned out to NGOs for O and M on cluster basis has resulted in neither maintenance through cross subsidy of these facilities nor efficient operations, as the NGOs have not acted any differently than private contractors. This was because there was no procedure or checks and balances in place for local public accountability of the NGOs in the contract, so that the users of the facility could hold the NGO responsible for any service delivery.

Thus, the trend is towards Government withdrawing from being the primary provider of infrastructure investment and services. Decentralization of infrastructure investment and service delivery is another trend in local governance. Involving multiple stakeholder participation and ensuring local governance through community level monitoring is another major trend in urban infrastructure. Another trend is related to conservation of inland waters. Of the 38 total projects reviewed on governance here, 28 projects are in the area of governance focusing on making sure that the rivers or inland waterbodies like lakes and ponds are cleaned up.

Besides, the limits to involving NGOs for managing the infrastructure created for the slums are obvious as in the case of the Yamuna Action Plan as

mentioned earlier. This brings into focus that point made at the beginning that approach to long term sustainability of urban environmental sanitation will have to be process-driven rather than target-driven. It is a long and slow process that will need to 'create a demand' for the environmental infrastructure among the poor living in slums, and ensure gender equity in promoting a participatory approach to finding local solutions and ensuring local governance models in environmental sanitation. This 'process-driven' approach has proven to be successful in parts of Orissa and Madhya Pradesh by UNICEF (April 2004), albeit in rural areas where the challenges are of a different nature.

APPENDIX I
Good Governance

Good governance has eight major characteristics according to the UN HABITAT definition. It is participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

Participation

Participation by both men and women is a key cornerstone of good governance. Participation could be either direct or through legitimate intermediate institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision making. Participation needs to be informed and organized. This means freedom of association and expression on the one hand and an organized civil society on the other hand.

Rule of law

Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force.

Transparency

Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media.

Responsiveness

Good governance requires that institutions and processes try to serve all stakeholders within a reasonable timeframe.

Consensus-oriented

There are several actors and as many viewpoints in a given society. Good governance requires mediation of the different interests in society to reach a broad consensus in society on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society or community.

Equity and inclusiveness

A society's well-being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires that all groups, but even more particularly the most vulnerable, have opportunities to improve or maintain their well-being.

Effectiveness and efficiency

Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

Accountability

Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organization or institution. In general, an organization or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law.

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CHAPTER 5

Sanitation and Waste Management: A Perspective of Gender and Diplomacy

Medha Bisht

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Contemporary diplomacy takes place in a context where a purely state-centric approach has been displaced by one that takes cognizance of political and economic independence and interpenetration, emergence of multinational corporations, NGOs and sub national actors. Consequently the meaning of 'diplomacy' has taken on new dimensions, and has come to be employed both by state and non-state actors to articulate demands at an international level.[1,2]

This paper has been written with an 'applied prism analysis' with a gender prism applied to the whole analysis. Section I offers a conceptual understanding of diplomacy in the context of sanitation and waste management at the international level. Section II critically examines the policy relevance of such agreements at the national level and Section III proposes a policy framework, which emphasizes more on a bottom-up approach, rather than a top-to-bottom one. To focus the analysis a micro-case study of the situation in East Delhi is presented. A framework for negotiations, which emphasizes a participatory approach, will also be developed.

SECTION I
Going to Basics

What is Diplomacy ?

Diplomacy is one of those terms that is best approached through a consideration of its usages, rather than by an attempt to assert or capture a

precise, fixed or authoritative meaning. In general, diplomacy can be defined as the management of international relations by negotiations rather than by force or other means. It can be understood as an art of negotiations, which has gradually adjusted itself to changes in political conditions. If one looks at the history of diplomatic studies one can neatly divide it into old[3], new[4] and contemporary diplomacy.[5]

If one studies the nuances of contemporary diplomacy, the term multi-stakeholder diplomacy is gaining currency amongst scholars of international relations. Negotiations on sanitation and waste management can become a starting point to study the empirical aspect of multi-stakeholder diplomacy because:

- It constitutes an important tool to bridge the potential gap between the traditional states and the emerging decision-makers such as the NGOs, MNCs and the civil society organizations concerned with the area of sanitation and waste management.

- It underlines the applicability of a three-level approach (international, national and local when studying the concerned agreements. This is particularly important as in the existing negotiating agreement there lies a great disjunct between the policy-making at the international level and decision-making at the national level.

- It also highlights the gaps and challenges in the present agreements and proves to be a useful critique of the moral dialogue of good governance and sustainable development that the concerned stakeholders are involved in.

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[1] Harold Nicholson, *Diplomacy* (New York: OUP, 1953) Henry Kissinger,'Diplomacy'(Simon and Schuster,1994);K.Hamilton and R.Langhorne, *The Practice of Diplomacy: Its Evolution ,Theory and Administration*. (Routledge: London and New York,1995).

[2] James. D. Darian, *On Diplomacy* (London: Blackwell Publishers, 1997); Paul Sharp, For Diplomacy: Representation and Study of International Relations', *International Studies Review1*, 1999, pp33-58; Strobe Talbott, 'Globalization and Diplomacy: Practitioner's Perspective, *Foreign Policy*, 108,1997, pp70-87; Rein Mullerson, *Human Rights Diplomacy* (Routledge: London and NewYork, 1992); Peter. B. Evans et al. (ed), *International Bargaining and Domestic Politics*, (U.S.A: University of California Press, 1993).

[3] Old diplomacy, a synonym for secret diplomacy was used to emphasise the diplomacy of the 17th and 18th century. During this era only the big states possessed the common responsibility for the conduct of international relations and the small states and public opinion played a negligible role. Please refer to, Henry Kissinger, *Diplomacy* (Simon and Schuster, 1994); K. Hamilton and R. Langhorne, The *Practice of Diplomacy: Its Evolution Theory and Administration* (Routledge: London and New York,1995).

[4] New Diplomacy, a synonym for open diplomacy was the diplomacy of the twentieth century and the protagonist of this term was the President of the U.S.A., Woodrow Wilson. One of the most important characteristics of New Diplomacy was the appreciation of public opinion and the rapid increase of communications, which modified many of the practices of old diplomacy.[3] Please refer to, Henry Kissinger, *Diplomacy* (Simon and Schuster, 1994); K. Hamilton and R. Langhorne, *The Practice of Diplomacy: Its Evolution Theory and Administration* (Routledge: London and New York,1995).G.V.G Krishnamurthy, '*Dynamics of Diplomacy (Delhi*: National Public House, 1968).

[5] Contemporary Diplomacy has been coined to signify the emerging nuances in the post-cold war era. An underlining factor regarding contemporary diplomacy is that the center of gravity of global problems has shifted from a nation centric approach to a more humanitarian one. The usage of the terms like Human Rights Diplomacy, Environmental Diplomacy, Stakeholder Diplomacy and Public Diplomacy justify this statement. Please refer, M. Leonard and C. Smewing, *Public Diplomacy* (London: Foreign Policy Center, 2002), Victor. A Kremnyuk, *The Emerging System of International Negotiations* in Victor. A Kremnyuk (ed), *International Negotiations: Analysis Approaches and Issues,* (Oxford: Jorsey Bass Publishers, 1991.)

In addition, both sanitation and waste management, rather than treating it as a stand-alone, can be linked to the debate on Environment and Development. This is because the rapidly expanding numbers of local agenda 21 initiatives continue to serve as successful models of public partnerships between cities, towns and local communities or multi-stakeholder processes.[6] Local Agenda 21 becomes an important focal point to start with because the fate of Agenda 21 is directly linked to the priorities and reforms within the states, which have endorsed it. Solid wastes as defined in Chapter 4 of Agenda 21 is defined as, "all domestic refuse and non-hazardous wastes such as commercial and institutional wastes, street sweepings and construction debris." In some countries, the solid wastes management system also "handles human wastes such as night-soil, ashes from incinerators, septic tank sludge and sludge from sewage treatment plants. If these wastes manifest hazardous characteristics they should be treated as hazardous wastes." As part of the larger goals to address the issues of sanitation and waste management, Chapter 7 of Agenda 21 focused on promoting sustainable human settlements. "Human settlements programme has focused on environmental problems in the cities, the integration of sustainable development concerns into urban policy, rural urban linkages, housing finance systems that serve the priorities of low income urban households, the constraints on community-based action in low income settlements and interventions for supporting poverty reduction in urban area."

Similarly, in Habitat 1 and 2 Conferences[7] there has been a shift from approaches that are focused on single issues such as sanitation or upgrading of housing to the multi-sectoral approaches that consider the many interrelationships between sectors. The ten principles or guidelines that form the basis for development of sustainable human settlements are:

1. Partnerships. No single individual, organisation or country can bring about sustainable human settlements, which will need collaborative and often novel partnerships (See Appendix I).

2. Sustainable Development, improving the quality of life without compromising natural and human resources on which it is based.

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6 See Bremen initiative website, http//www.Bremen-initiative.de.and Commonwealth Secretariat, *Effective Partnerships in the areas of Human Settlements, Water, Sanitation and Waste Management* Commonwealth Consultative Group on Environment, Korea, 28 March 2004, Provisional Agenda Item 3 CCGE (04) 1.

7 To go into a more detailed analysis, Habitat Agenda agreed by governments in 1996 at the second UN Conference on Human Settlements (also called the City Summit) draws on the outcomes from previous international gatherings, notably the concept of sustainable development from the UN Conference on Environment and Development (the Earth Summit) in 1992, and articulated in Agenda 21, but was also influenced by the World Conference on Human Rights in 1993, the UN Social Summit in 1994, and the World Conference on Women in 1995.

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3. Eradication of Poverty should underlie activities concerning human settlements, and is the key to providing opportunities and choice for all.

4. Equity, so that there is equal access to opportunities, resources and services regardless of gender, race or status.

5. Good Standards of Health and Education, essential for a good quality of life, should be targeted at those who most need them.

6. Good Planning and Layout of settlements to provide a decent living environment.

7. Solidarity and Co-operation, whereby countries, communities and individuals work together for the wider goals of the Habitat Agenda.

8. Nurturing of the Family which, as the basic unit of society, plays an important role in the stability of human settlements.

9. The Citizen. We should encourage respect for human rights and provide opportunities for active participation of every citizen in local affairs. Each individual should take a responsible part in building a sustainable community.

10. Developing and More Developed Nations. While countries have agreed to tackle the unique combination of social, environmental and economic problems and opportunities with which they are faced, the enormity of the problem faced by many developing countries places a special responsibility on the developed countries to help them.[8]

In the recent summit on Sustainable Development, 2002, UN Habitat with special concern for Chapter 7—sustainable settlements[9], Chapter 21—waste and sanitation[10] and Chapter 28—local authorities participated actively in the process. (For special commitments on Sanitation and Waste Management see Appendix 2.)

GENDER DIPLOMACY: AN EMERGING NUANCE

Women's groups have been critical actors in mainstreaming a gender perspective in environment and development negotiations since the 1990s

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8 Commonwealth Secretariat, *Effective Partnerships in the areas of Human Settlements, Water, Sanitation and Waste Management* Commonwealth Consultative Group on Environment, Korea, 28 March 2004, Provisional Agenda Item 3 CCGE (04) 1.

9 In promoting sustainable human settlement development, Chapter 7 calls for the integrated provision of environmental infrastructure: water, sanitation, drainage and solid-waste management, along with sustainable energy and transport systems. It calls for innovative city planning strategies to carry this out, particularly as developing countries adopt a 'fast-track' approach to their growing economies. It stresses that one of the parameters of sustainability in urban areas is effective management of its wastes.

10 Chapter 21 focused exclusively on waste issues, including hazardous and radioactive waste. It lays out objectives and action to be taken, as well as some key numeric targets to be achieved.

Gender mainstreaming as an issue linkage has facilitated the negotiations on development at the international level in three ways: First by adding a gender linkage one party can offer the other an additional advantage and thus a reason to agree. Second by adding a gender linkage and thereby bringing other parties to the bargaining table, it is also possible to counteract the power of the blocking coalition (by increasing the size of the coalition that favours agreement). Third, a gender linkage makes it possible to shift the institutional locus of a negotiation to a new venue in which implementation may be easier.[11] This is particularly true in those negotiations where the institutional locus of the structure is the United Nations.

Though gender mainstreaming is just a nuance, there are two main ways that domestic advocates can employ to promote gender concerns through development negotiations:

- They can promote gender concerns using instrumental arguments. In other words, instead of basing their case for attention to women, primarily on gender equality, they can use synergistic arguments about the linkages between gender concerns and other development goals, such as efficiency, poverty alleviation, social development and environmental sustainability.

- Political and financial pressures extended by a handful of donor governments have been important in channelizing greater attention to gender concerns and transforming this into concrete action. Also responses of multilateral organizations like UNDP, ILO and World Bank to gender sensitive politics are providing an important platform to promote gender policy.

This is specifically so in the case of environment diplomacy, where women are actors and sustainable development an agenda. Gender diplomacy thus can be termed as diplomacy for women, by women and of women. Where the feminist understanding of international relations provides a conceptual base to understand gender issues, a more detailed empirical study of women lobbies on gender bargaining and multilateral diplomacy can provide an important starting point to study the translations of theoretical inputs of feminist theory to diplomatic practice at the international level. As seen in Appendix 1 and 2 an emphasis on equitous approach and the involvement of UN agencies is a prominent feature. Going by this perspective, gender mainstreaming in the area of sanitation and waste management can play an important role in paying good trade-offs to the developing countries.

With all these commitments and the plan of implementation, which are negotiated at the international level, a holistic approach is needed to translate

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[11] Medha Bisht, Gender Issues in Contemporary Diplomacy, M. Phil Dissertation, JNU, 2004, New Delhi.

these commitments to the national and the local levels. However before any application of these commitments is explored a functional framework is needed. It is with this perspective in mind that the concept of local diplomacy has been conceptualized.

SECTION II

A Framework for Local Diplomacy

Local Diplomacy can be termed as the study of the missing link between international and national levels. By making this missing link the prime focus of research, the internal negotiations within each nation can be synchronized with the external negotiation. Also, a systematic focus on local diplomacy helps in creating an infrastructure at the sub-national level, which can help in translating the concepts identified at the international level to the national level. Another important reason for introducing local diplomacy is that it moves away from structural level explanations (associated with international distribution of power and national interests) to actor level explanations. Some of the factors, which highlight the significance of studying local diplomacy are:

- The quantitative increase in international agreements is not the necessary test for the quality of agreements. The statement rests on the assumption that there is possibility of a mismatch between what elites in international negotiations perceive as problems and what local people at the sub-national level perceive as problems.

- It raises the questions of accountability and the stakes of state-actors at the national level. The reason for this is that the growing participation of non-governmental organisations at international negotiations highlights challenges to sovereignty and the legitimacy of monitoring mechanisms, which give an opportunity to non-state actors to demand accountability of state actors at the national level.

- Local diplomacy also helps in constituency building efforts at the national level, which can in turn enhance the bargaining power of the state-party when it is negotiating issues at the international level. This is specifically so, when one is negotiating issues of developmental orientation.

In the following pages, a general framework of local diplomacy has been outlined. The main focus will be on approaches, styles and strategy of negotiations at the local level. Towards the end of this analysis, the ISST project is presented as a case study.

Diplomacy from the Prism of Applied Approach Analysis

Local diplomacy differs from international diplomacy in the sense that the latter focuses more on a top-bottom approach, whereas the former being an inverse mirror image of it emphasizes on a bottom-up approach. Also local

diplomacy questions the notion of effectiveness by highlighting the importance of institutional and monitoring mechanisms. An example in point here is the concept of sustainable development, which has dominated the international conferences of nineties. Sustainable Development remains a mere prescriptive abstract unless it is employed to engage various stakeholders, at the international, national and local levels. Local diplomacy can put theoretical insights to the study of the effectiveness of international negotiations.

Effectiveness has meant distinctly different things to different communities. To academicians' effectiveness describes the ability of an approach to solve particular issues. The IR literature has nominally taken account of the problem of effectiveness in the growing body of literature on this subject.[12] However, it has located the concept of effectiveness well within the traditional boundaries of the discipline. Many scholars in international relations have explained the problem of effectiveness by relating it to regime theory. The concept of regime was first used in international politics by Ruggie in 1970, and described by Keohane in 1984, who described regime as a set of mutual expectations, rules and regulation, plans, organizational energies and financial commitments, which have been accepted by a group of states.[13] Another scholar, Stephen Krasner, has narrowed this description down to a widely accepted and elaborate definition in 1980s.[14] According to him 'regimes can be defined as sets of implicit and explicit principles, norms, rules and decision-making procedure around which actors' expectations converge in a given area of international relations'. Principles are belief of facts, causation and rectitude. Normal standards of behaviour are defined in terms of rights and obligations. Rules are specific prescriptions or proscription for actions and decision-making procedures are prevailing practices for making and implementing collective choice. Krasner further divided regime theory into three varieties:

- Realist/structuralist
- Modified realist/structuralist
- Grotian

The realist approach conceives of the world as consisting of state actors engaged in a struggle for power maximization. According to it regimes are a method by which powerful states set up rules that best respect their interests.

The modified structuralist view of regime theory is based on the idea of rational choice and moves away from the idea of pure power and politics to a more functional area of international cooperation, such as social and

[12] Ibid.
[13] R.O. Keohane, *After Hegemony: Cooperation* and *Discord in World Political Economy.* (Princeton: Princeton University Press 1984).
[14] S.D.Krasner., *International Regimes* (London: Cornell University Press, 1983) and G. Kutting, opcit, pp11-23.

technological areas. Also, though the basic approach of the modified realist view is state-centric, it takes into account the existence of non-state actors. Last, the Grotian model emphasizes social factors in the study of international relations. In addition, the importance of domestic and transnational actors is stressed although the state is seen as the central actor in international area.

Also there has been an active debate on effectiveness within the regime theory. One of the initiators of the debate has been Arid Underdal.[15] Another main contributor is Oran Young. Underdal tries to find indicators, which examine the conditions under which a co-operative arrangement will be effective. He does not give an explicit definition of effectiveness but surmises that effectiveness is a relative concept that needs to be defined individually in the case of each regime or international agreement. This approach aims to serve, as the basis to an applied context but is vague on where effectiveness is situated e.g. problem solving adequacy, institutional set, implementation or compliances. In contrast, Oran Young[16] defines effectiveness by looking at the role of international institutions in question. For him, an institution is effective to the extent that its operation compels actors to behave differently than they would if the institution did not exist or if some other institutional arrangements were put into place. Young has also established a list of factors that influence the role of regimes. These are divided into exogenous factors relating to the social environment in which regimes operate, and endogenous factors relating to the character of the regime transparency i.e., the case of monitoring or verifying compliance; robustness of social choice mechanisms, transformation rules i.e. ability to adopt to changes; capacity of governments to implement provisions; distribution of power, such as material inequality between member states and the intellectual order expressed as ideology or power of ideas. Thus, according to Young an effective regime would need high transparency, high robustness, good transformation rules, high capacity of governments, equal distribution of power, high inter-dependence and a constant intellectual order. Also according to Young, all these factors relate to regime performance.

Therefore the approach, which has been employed to study local diplomacy, is an extension to the concept of effectiveness of international agreements. However, it probes into the strategies and frameworks of negotiations as a tool to understand the conceptual meaning of local diplomacy and puts forward the argument that a systematic analysis of local diplomacy can be a linking thread between the national and the international levels and at the same time can help in identifying the bottlenecks which impede an effective

[15] A. Underdal, 'The concept of regime effectiveness', *Cooperation and Conflict, 27(3)* pp227-250, 1992.
[16] Oran, Young et al., '*Global Environmental Change and International Governance* (England: Dartmouth College, 1996).

transition of international negotiated agreements.

However, before the author moves on to elaborate the framework for interaction between various stakeholders at the national and the local levels, it becomes imperative to define what characteristics of domestic negotiations distinguish it from international negotiations.[17]

- Specifications of policies and actors at local level require a great amount of information as compared to explanations based on the constraints imposed on states by the international system. Also sub-systemic factors pose greater difficulties in terms of generalizations, as these factors are more likely to be idiosyncratic.

- Concepts and policies tend to become more specific as they move from problem identification (international level) to the stage of implementation (domestic level).[18]

- There is a divide primarily between state centered and society centered approaches. The difference in focus may often be ascribed to methodological choices. Where international negotiations result in state centered approach, there extended domestic studies give rise to society centered approach.

To put this idea into a more concrete form, a brief outline of the structure of urban local bodies in Delhi is presented. The purpose is to give a realistic and practical base to study the impediments and roadblocks, which can often come up when conducting a dialogue at the local level.

Going Back to History

Delhi was a state till 1956.[19] In 1956 on the recommendations of the State Reorganization Commission, Delhi was declared a Union Territory. With the enactment of the Delhi Municipal Corporation Act, 1957, a Municipal Corporation was elected in April 1958. The jurisdiction of MCD covered the entire union territory of Delhi including rural areas but excluding New Delhi and the Delhi Cantonment.

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[17] It is necessary to point out that the present model of local diplomacy can be studied only in context to negotiations, which have a developmental orientation. This study can be a useful model in studying various conferences like the Rio conference (1992), the World Conference on Human Right (1993), the International Conference on Population and Development, Cairo (1994), the Fourth Conference on Women, Beijing, 1995 and World Summit on Human Settlement, Istanbul, 1996 etc.

[18] G.K Rosendal, opcit, pp183-192.

[19] The MCD took over the functions previously entrusted to ten local bodies-municipalities, notified area committees, Delhi District Board and the three statuary bodies vis, Delhi State Electricity Board Delhi Road Transport Authority and Delhi Joint Water and Sewerage Board. The Municipal Committee became the premier body for provision and maintenance of urban services, sanitation and certain community facilities in Delhi. It lacked power in regard to the planning, development and disposal of the urban land.

Under the DMC Act 1957, the power of control and supervision vested in the Union Government, which is still exercised through the Lt. Governor. There was no legislative body for Delhi from 1956–1966, which could have exercised control over the functioning of the municipal corporation. In 1966, the Delhi Metropolitan Council was constituted. It was not given any role in control and supervision of the functioning of the municipal corporation. Even the existing Legislative Assembly set up in 1993 under the Government of National Capital Territory of Delhi Act of 1992 has no control or authority over the functions of the Municipal Corporation of Delhi.

Thus the present relationship between the MCD and the Delhi government is very vague. With structure and policy legislations Delhi has become a bewildering array of authorities and jurisdictions. In short, the structure includes the New Delhi Municipal Committee, the Delhi Municipal Corporation, the Delhi Development Authority or DDA (which reports to the Central Government), the Government of the National Capital Region of Delhi (an appointee of the Central Government) and the Ministry of Urban and Poverty Alleviation. When different political parties run these institutions, fuel is added to the bureaucratic fire caused by the multiplicity of authorities, which makes the framework of Delhi thoroughly irrational.

As far as the legislative powers of the union are concerned, they are limited only to the following subjects and areas:

- Delhi and other union territories.

- Property of the union.

- A subject of the state legislatures authorizes union parliament to legislate.

- Amendment of the Constitution of India.

However, to de-ossify the structure the 74th Amendment Act, 1992 has been a revolutionary piece of legislation by which the Constitution of India was amended to incorporate a separate chapter on the urban local bodies. The 74th Constitutional Amendment has been a bold initiative to help make local self-government work better. The list of functions assigned to the rural and urban local bodies have been included as the 11th and the 12th Schedules of the Constitution. The 12th Schedule contains a specific subject called "urban poverty alleviation". The clear intention of the Constitution Amendment was that local governments should have a major role in the alleviation of urban poverty.[20] Also the amendment emphasized decentralized participatory structures such as the ward committees and municipal planning committees in support of the local initiatives by the community groups. The national slum policy (draft) has stressed for a priority role for the local

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[20] The paper does not go into the number of poverty alleviation schemes, however a study of such schemes is available in *Urban Poverty Alleviation in India: A General Assessment and a Particular Perspective, Vol, 1, Ramanathan* Foundation, 2002.

bodies in discharge functions listed in the 12th schedule viz. (i)slum improvement and upgradation, (ii) urban poverty alleviation, (iii) regulation of land use and construction of buildings, (iv) provision of urban amenities and (v) public health and sanitation including provision of water supply.

The framework for planning in Delhi is equally daunting. Though urban planning in Delhi commenced in 1824, Delhi Development Authority prepared the first Master Plan for Delhi, which was published in 1962.[21] This plan was reviewed and amended for its extension for another 20 years by the DDA and published in 1990 (second Master Plan). Though the DDA is the major actor in the field of urban planning, land management and housing, there are as many as 120 public bodies intervening in the same territory. (See Figure 1)

Figure 1: Administrative Set-up of the National Capital of Delhi
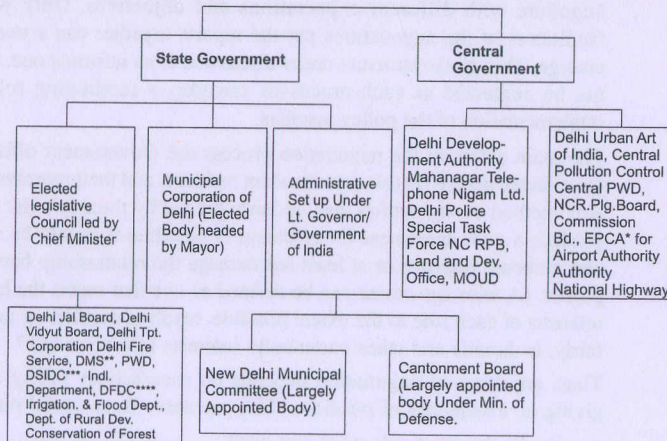
*Environmental Pollution Authority; ** Delhi Milk Scheme; *** Delhi State Industiral Development Corporation; **** Delhi Finance and Development Corporation.

Thus as the figure shows with so many intervening actors, action at the local level becomes unrepresentative. Though the MCD has staked its claim to have its say on the Master Plan for Delhi, the proposal remains under scrutiny. This claim is based on the view that the Constitution (74th) Amendment Act envisages Master Plan preparation by civic bodies, not development authorities, and that the MCD has a better grip on ground realities and problems, especially through its experience of dealing with encroachments, than Delhi Development Authority and that its councillors

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[21] Master plan recommends development of the region surrounding Delhi to check the immigration. Since the efforts have been made to initiate planned development of the region surrounding Delhi with in a policy and institutional framework. In this process the National Capital Region Planning Board Act, 1985 was passed by parliament and the National Capital Region Planning Board (NCRPB) came into existence.

represent people as well as public opinion on planned development. Under Article 243-W the MCD may be empowered by the state legislature in respect of (a) preparation of plans for economic development and social justice, and (b) performance of functions and implementation of schemes as may be entrusted to them in matters listed in the Twelfth Schedule. (The Twelfth Schedule includes, at the first three items, (i) urban planning, (ii) regulation of land use and (iii) construction of buildings and planning for economic and social development). In relation to the power of DDA to revise Master Plan, Article 243-ZE provides for the constitution of a Metropolitan Planning Committee for metro-cities to prepare a draft development plan paying regard to plans prepared by municipalities, to central and state government priorities, etc.

With this complex structure the problem of inmigration into Delhi continues which often manifests itself in the growth of slums. This is because the urban local bodies responsible for providing infrastructure and services lack capacity for planning and management, decision-making, financial resources, autonomy and authority to determine and ensure adequate levels of provision.

Going to the structure of human settlements, sanitation and waste management, the urban structure of Delhi is quite complex. Though to ensure appropriate allocation of land and development of all public utilities, physical infrastructure, MCD 2001 made provisions of 9 land use categories with further 37 use zones. However, the objectives of the Master Plan could not be achieved due to failure in making available adequate developed land for physical infrastructure and public utilities to the concerned agencies in time on the one hand and the lack of adequate developed land at affordable rates for public housing on the other. For instance, according to 2001 Census there were 25.54 lakh households in Delhi compared to 18.62 lakh households in 1991. There were 33.80 lakh houses in 2001 of which 30.02 lakh houses were occupied and 3.78 lakh were vacant. Out of the occupied houses only 23.16 lakh (78.18) were being used exclusively for residential purposes. Piped water supply was available to 19.24 lakh households in 2001 as against 14.09 lakh households in 1991. Dependence on water through handpumps has reduced to 18.68 per cent households compared to 20.06% in 1991. Electricity was available to 23.72 lakh (92.86 per cent) households in 2001 and the balance 7.14% households were dependent on kerosene, solar energy etc. Toilet facility was available to 11.61 lakh households and 12.55 lakh households were connected with closed drainage and 10.41 lakh households with open drainage. Separate kitchen facility was available to 16.87 lakh households and 17.37 lakh households were using LPG for cooking purposes in 2001.[22]

The significance of these figures is just to highlight the lack of adequate developed land at affordable prices to different categories of residents. Various

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[22] *Economic Survey of Delhi*, 2003-2004.pp168-170

types of unplanned settlements have come up in Delhi. These are regularized-unauthorized colonies,[23] JJ Resettlement colonies,[24] urbanized villages,[25] approved colonies[26] and Jhuggi Jhompri clusters.[27]

With these diverse settlements, translation of policy-level issues becomes complicated. However, local diplomacy if carried out in a sustainable way can help in breaking the impasse. Not only such policy dialogues can inform the local level but also create a base for the accountability of MCD and help in devising joint solutions for progressive action.

SECTION III

From Theoretical to Empirical

Therefore, now a proposition regarding sanitation and waste management, from a perspective of local diplomacy, will be developed. The attempt will be to bridge the gap between the local and the international levels, so that the implementation of the internationally negotiated agreements can be facilitated. The case study will focus on the Urban Local Bodies in Delhi responsible for the delivery of services in the context of sanitation and waste management and draw on the experience of the ISST project. This is a model case study. However, it will be appropriate to clarify that negotiation is not a finite process. The essence of the process is to juggle, combine, divide and change the number of key elements (positions, stakes, issues, demands and the minimums of the parties) that are not even known and when known they are not even fixed. Thus, the stakeholders involved are:

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[23] Government of India regularized 567 unauthorized colonies in Delhi in 1977. To provide basic amenities in these colonies, a plan was initiated in 1979-80. An investment of Rs.661.46 crore (plan funds released) has been made in these colonies up to March 2004.

[24] The scheme started in 1961. During 1975-77 a massive programme for settlement of about 1.97 lakh JJ Cluster households was undertaken by DDA with the development of 26 new JJ Resettlement Colonies. These JJ resettlement colonies were transferred from DDA to MCD in 1988-89 with the assurance that government of Delhi will provide maintenance expenditure to MCD under non-plan. Since 1979-80 upto March 2004 an amount of Rs 637.34 crore under non-plan for maintenance has been released by Delhi Government.

[25] At present there are about 135 urbanized villages in Delhi. a plan scheme to improve the civic services in these urbanize villages was started in 1979-80. Since then an amount of Rs.206.82 crore (Plan funds released) has been provided to MCD and DJB up to March, 2004.

[26] Though provision of civic amenities in approved colonies is the primary responsibility of MCD, yet keeping in view the financial crunch of MCD, a new plan scheme was started in 1997-98 for the development of approved colonies. Since then the amount of Rs 118.40 ahs been released to MCD for the execution of development works like roads, drains, parks, footpaths etc. in these colonies.

[27] These settlements in the form of clusters started prior to independence. During the Seventh Five Year Plan a scheme was started to provide basic minimum civic amenities in all the JJ Clusters. In addition to the implementation of the plan scheme by Slum Wing, a number of other department agencies are also implementing plan schemes for welfare of JJ cluster households. Some of these schemes are: Trans Yamuna Area Development Board, Urban Development Cost Recovery, Housing Policy and MLA Development Fund.

- Local Government Officials (MCD and DJB)
- Non Governmental Organizations
- Local Community Representatives
- CBOs and SHGs.

The issues involved are better sanitation and health facilitation in Delhi and proposing a plan of action for building and sustaining community leadership.

The Design: Who are the Negotiators?

As there is no single approach to negotiations its reality is apprehended only by the approaches and the responses of the concerned actors that come to negotiate with different expectations and objectives. Only when the facilitators of the negotiations put the reports together can a true picture emerge. Though the structure under discussion is an informal one, it should not be neglected as such processes can play a facilitating role in the implementation of the policy agendas.

The main actors in the negotiation process are Government officials and the affected people (in this case the slum residents and their representatives). Any method of negotiation may be fairly judged by three criteria: it should produce a wise agreement if agreement is possible; it should be efficient; and it should improve or at least not damage the relationship between the parties. (A wise agreement can be defined as one that meets the legitimate interests of each side to the extent possible, resolves conflicting agreement fairly, is durable and takes community interests into account.)[28]

Thus, any form of negotiation depends on successively taking and then giving up a sequence of positions. This can serve three useful purposes:

- It tells the other side what you want.
- It provides an anchor in an uncertain situation.
- It can eventually produce the terms of an acceptable agreement.

Once the issues have been identified arguing over positions can produce unwise agreements. Before taking a stand, one needs to understand the interests of each party. In general, an interest is anything that concerns the negotiator. If a side is monolithic i.e. it has no internal divisions—understanding of interests is equivalent to ferreting out its full set of concerns and specifying the ways in which trade-offs among the parties could be made. When a side is not monolithic, the appropriate unit of analysis should be the aggregate to which a reasonable set of interests can readily be ascribed. This model in negotiation analysis has been called pre-negotiation analysis. Pre-negotiation analysis proposes that issues need to be decided

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[28] Roger Fisher, *'Getting to Yes: Negotiating Agreement Without Giving In.' (USA*, Penguin Books, 1983) pp4.

and several possible resolutions for each of the issues have to be explored. However, it has to be kept in mind here that the *identification*, rather than the *resolution* of issues is the primary focus of the pre-negotiation phase. For instance, with respect to sanitation and waste management, a dialogue was held between ISST and the MCD officials. The following key concerns emerged out of this 'pre-negotiation phase' discussion:

a.   Garbage segregation and solid waste management in Harijan Basti.

b.   Construction of a toilet block in Rajiv Camp

c.   Sewerage connection in New Seemapuri.[29]

The next step is the role of the neutral party, which can meet privately with both the parties.

These types of negotiations are called assisted negotiations in the negotiation literature.[30]

Often in negotiations where the Government and the people are involved, assisted negotiation becomes necessary. This is because the Government–community dialogues can become increasingly complex for a number of reasons, including :

•   Affected groups are hard to identify and difficult to represent.

•   The concerned parties can often have difficulty initiating and pursuing discussions.

•   Emotional, psychological or financial stakes can be so high that the disputants are unable to sustain the collaborative aspects of unassisted negotiations.

•   Power imbalances between the parties may preclude or impede the dialogue process to a great extent.

In such cases an intervention can be made by an NGO—that is a nonpartisan intermediary—a facilitator, mediator or an arbitrator.

The aspect of assisted negotiation is important because it underlines the role of the NGOs at the national and the local levels. For instance, separate meetings can be held between the officials of the DJB and the MCD and the community. The *pradhans* (slum head), slum dwellers, CBOs and the SHGs should be a special part of the participatory dialogues.

The next step is getting started with the negotiations. Here, as NGOs enter the process, they will have to spend a substantial amount of time meeting with the parties to convince them that a negotiated approach can work.

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[29] The points observed were from the round table discussion between ISST and MCD officials. Held on August, 20,2004.

[30] David. A. Lax and James K Sebenius, 'The Negotiator's Dilemma: Creating And Claiming Value', in *The Manager As The Negotiator: Bargaining For Cooperative And Competitive Gain* (Simon and Schuster, 1986).

Because the notion of joint problems solving is alien to most Government and community dialogues, it is necessary to describe situations in which consensual approaches produce better outcomes than conventional approaches. This necessitates the intermediary to be well-versed in actual practice, which is informed by the knowledge of the existing nuances at the national level. This step also involves what is called inventing options for mutual gains and the importance of using an objective criteria. To give some perspective to this argument, some of the points that emerged in the round table discussions held between the MCD officials and the associated NGOs, and which would facilitate a process of assisted negotiation, were:

New Seemapuri

•   Expanding linkages with existing *Sabla Sanghs* and where these groups are absent, an exclusive focus should be on creating such groups. This will facilitate the participatory exercise.

•   Identifying linkages and coordination between other Government departments, which are of concern to the ongoing project.

•   Establishing control rooms and service centres in the concerned areas.

•   Highlighting the accountability factor of the Government to the people in the community while also motivating them to take responsibility and sensitizing them for the same.

•   Establishing regular monitoring agencies, which can maintain the progress that the project takes.

•   Where constraints of space are evident, one should look for alternative linkages. These linkages can be environmental and health issues thus giving the picture a larger framework.

•   The problems of the project are more related to the management exercise; therefore the solution lies in locating alternatives within the socio-economic locale of the community.

•   One suggestion was that alternatives to Government provision could also be explored. For example, self-help groups could be created and loans provided through micro-credit schemes, with ISST (or other NGOs) being the guarantor.

•   One of the contested points was that of the sanitation factor of the project.

•   The NGOs should first identify nodal agencies, rather than hooking onto wrong places, which wastes time and energy and in the process affects the participatory mode of the community too.

•   Using RTI (Right to Information) as a tool, NGOs should highlight accountability of Government officials towards service delivery and regular interaction with the official hierarchy in the Government should be maintained so that pressure can be continuously applied.

Rajiv and Sonia Camps

- Joint efforts should be encouraged and pits should be dug through self-initiation, this is particularly so in the cases where there are unauthorized colonies.

- Both NGOs and community should recognize the constraints and within these constraints facilities should be sought.

- For delivering services, it was discussed that sincerity should be reflected from both sides so that it is a win-win situation.[31]

- To solve the questions of finance it was suggested that alternative avenues should be located where slum dwellers should be informed and encouraged to take loans.

- One view expressed by some MCD officials (but not shared by all) was that contractors should be involved for ease of implementation of proposed facilities. However, senior MCD officials suggested that this system of giving construction contracts needs to be discarded totally.

- Awareness camps should be organized so that people understand the problems and start taking initiatives.[32]

The next step includes getting closer to a win-win possibility. Some of the factors, which can be identified in getting closer to a win-win possibility, are:

- Identifying issue linkages

- Creating your own Best Alternative To Negotiated Agreement (BATNA).

Identifying Issue Linkages: Before identifying issue linkages it is important to know the answers to the following questions: When does it help to add issues and when does expanding the agenda make it difficult to reach an agreement? Which kind of linkages are legitimate and which are counter-productive? How can negotiations avoid any exploitation of the issue linkage? Won't issue linkage add to the institutional complexity, which already exists in the present structures of urban local bodies?

An issue linkage can help in any negotiation in three different ways:[33]

a. First, on a confidential basis with each party, a neutral agenda can be constructed which all parties can accept. This helps in increasing the number of coalitions mainly because of the bargaining strength attained when pursuing a common goal.

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[31] Devender Kumar, DC, Shahadra North Zone, MCD promised that once all the sewer connections are confirmed , the responsibility of service delivery is of the MCD.

[32] This can be complemented by Capacity Building Initiatives, which can be taken in the process of the project. This will also solve the questions of sustainability, which were raised. In other words the project will enable people to take responsibility after the tenure of the project is over.

[33] Lawrence. E. Susskind, *Environmental Diplomacy :Negotiating More Effective Global Agreements (New* York, OUP, 1994). pp87

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b. Second, coalitions aim at facilitating the exchange of points of view and the coordination of positions.

c. Third, this helps in determining the very dynamics of negotiations, even though it has no official status—thereby improving the lobbying strength and offering a framework within which the exchange of information and the pooling of human and financial resources can occur.

This is particularly true with respect to the present urban structure of Delhi, where there are large numbers of intervening actors. Engaging them and creating consensus with various actors can help in consensus building and facilitate joint solution to various problems.

For example, if we identify 100 issues in all, we could group these into four clusters of 25 each, within which there may be a hierarchy of issues. In a pre-negotiation phase, the parties should be creative in identifying clusters of issues that could yield joint gains for the parties.[34]

The three issues discussed above can be presented differently with a thematic focus that addresses larger goals like:

a. Good Governance: Sanitation,[35] assuring service delivery,[36] management facilitation.[37]

b. Economic Concerns: Costs involved in the project, can be solved through access to loans.[38] Partnerships are another area. However, this requires a detailed examination and research about the partners before they are invited to participate.

c. Security Concerns: The security of the womenfolk in the urban environment,[39] conflict resolution relating to lands occupied by slums, informal settlements and owned by the center, state and the local government bodies.[40]

d. Developmental issues which involve both ecological and social aspects. Developmental issues should be linked with rights-based approach. National Human Rights Commission (NHRC), the academia, politicians,

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[34] H.Raiffa., 'Contributions of Applied Systems Analysis to International Analysis', pp.5-12 in V. Kremenyuk, opcit and William, Zartman, 'Pre-Negotiations :Phases and Functions', *International Journal, XLIV, Spring, 1989, pp237-53.*

[35] Can engage the interests of the residents and the local government officials. Sanitation has been used as a broad term to include issues of *dhallaos* (land fills), composting and adequate transport.

[36] Will help in keeping the slum residents involved in taking initiatives.

[37] Will help in getting the cooperation of the government, as it is one of the main concerns of the government.

[38] Loans can be availed through micro-credit mechanisms, which will help in formation of self-help groups and also in the process encourage capacity building exercises, which will ensure the sustainability of the project.

[39] The issue of toilet construction can be highlighted in this context

[40] A proposal should be submitted in this regard and initiatives taken by the central government.

media persons and the concerned NGOs (which focus on environment and heath aspects) should be informed and engaged for suggestions to create the appropriate environment.

As the reason to negotiate is to produce something better than the results one can obtain without any negotiation, the other alternative of BATNA is imperative if action is to be realized at the local level. BATNA is also important because such an alternative can avoid any kind of exploitation of an issue linkage and help remove any kind of ambiguity inherent in it. This also means exploring alternatives for oneself, so that the rights and expectations of the people who have an unfavourable power equation can be met.

What are those results? What is that alternative? What is BATNA?—these are the standards against which any proposed agreement should be measured. Though the BATNA in general terms is used in the international negotiation literature, at the local levels, one can see it as the alternative which the communities have from the legal and the constitutional perspectives, the available schemes and the alternative arrangements which can be possible in such an environment.

Some of the alternatives, which can be used as the BATNA in the case under discussion, are:

- Electoral Politics: The local constituency can be one of the most important tools the people have. However, awareness raising and informing the people about the problems and issues regarding the local area and their voting rights is an imperative to achieve this objective. Mobilization of interest groups in the concerned areas can be useful.

- Municipal services shall be brought under the Consumer Protection Act to monitor quality and the reliability of the basic services delivered at the settlement level. Such proposals should be forwarded to the Government. The National Slum Policy (draft) has put this suggestion forward.

- Right to Information Act of Delhi, 2001 can be an effective measure for developing the accountability of services by the Government officials. According to Section 2(1) of the Act 'right to information' means the right of access to information and includes the inspection of works, documents, records, taking notes and extracts and obtaining certified copies of documents or records, or taking samples of materials. More dissemination on the concerned Act should be emphasized for an effective use as after the promulgation of the Act, it is now up to the people to demand an open government by invoking the provisions of the law.

- The local media: The NGOs should try to influence policy circles through the local media. The social responsibility of the media has to be highlighted and the societal, political and economic aspects brought out in the public domain and discussed.

- The NGOs can also carry out a wide range of initiatives designed to promote the realization of certain issues, in this case the right to adequate housing. With specific regard to the covenant on Economic, Social and Cultural Rights, they can publicize this instrument to vulnerable disadvantaged groups in society.

- NGOs and the civil society in the concerned areas should come together and devise strategies. The Government should also be a part of this process. This should be as the National Slum Policy (draft) says a three-tiered process with seminars for senior level functionaries (both officials and elected representatives) and mid career training at decentralized locations and on the job training. This should be further corroborated with active partnerships with civil society and NGOs and women groups.

- Along with these approaches, it is important to address issues in respect to the role of the state at different levels. The complexities in planning and the institutional infrastructure of Delhi can be explored more in detail and proposals made for policy formulation. Also proposals should be given to the Government to hold seminars and training workshops for Government officials.

- The public-private partnerships are also an emerging theme. However, before replicating these one needs to understand the specific locale and the actors involved. This again involves a series of negotiation before such decisions are undertaken. To translate these words into action much initiative is needed at the local level so that a bottom-up approach informs the policy level and does not become a victim of just a rhetoric moral dialogue at the international level.

BATNA can be useful in exploring the alternatives that one possesses. Engaging in negotiations means buying the time for the area-specific activity. Therefore, BATNA can be strengthened in a parallel process alongside negotiations. The reason for this is that in case the dialogue process stagnates, BATNA, can help to improve the bargaining position of the community, as in the case of Government-community dialogue.

Another important aspect, which cannot be ignored in local diplomacy, is the role of research and opinions of experts. Incorporation of research inputs into policy-making and creating awareness amongst the public can also help a great deal in putting pressures on the Government for effective service delivery. Also it can help in attracting international attention to local issues. Epistemic communities can play this role by highlighting issues of social concern.[41] An epistemic community is a network of professionals

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[41] Peter. M. Hass, 'Introduction: Epistemic Communities And International Policy Coordination, *International Organization, 46,1, Winter, 1992. pp* 1-35.

with recognized expertise and competence in a particular domain and an authoritative claim to policy relevant knowledge within that domain or issue area. Specific research to the probable threats caused due to unhygienic conditions and dealing with social psychology of insecure livelihoods can perform the function of demanding accountability of secure livelihoods by the Government.[42]

However, in the course of the fieldwork conducted by ISST, it was found that there existed a significant difference between the formal model of negotiations and practical approaches to developing negotiating strategies. The formal model had been derived by developing certain strategies based on negotiation theory, but in practice it was difficult to implement because of the gaps which existed between the beneficiaries and the formulation of policy.

The reason for this was that the existing model of interaction between the slum residents and concerned agencies shows that there is no direct interaction between the slum residents and Delhi State Government officials of the public utility departments. Instead the citizen-politician linkage was observed, which obfuscated the theoretical model of interaction between the concerned actors. The dynamics of the existing mode of interaction throws light on the following factors:

- The significance of the agency

- The accountability factor.

The agency in the existing structure of the Delhi slums is the MLA who is also the nodal agent whom the residents generally approach regarding the problems they face. The accessibility of the agency is an important factor in determining the functional aspect of the slum communities in Delhi. Also the accessibility factor is an important critique of the institutional urban structure of Delhi, which is inaccessible to the general public. Assisted negotiations with the help of a neutral party can help to identify issues and take the negotiations a bit further.

The accountability factor that exists between the agency (the MLA) and the community is also important mainly because it creates a conduit through which neglected issues can be voiced. It reflects the importance of direct accountability to the citizens. It helps in showing how interests and issues are expressed and are able to influence decisions made by the MLA. This dimension if studied carefully can be an important input to the pre-negotiation phase as discussed earlier and help to identify issues at a broader level.

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[42] A more detailed analysis can be found in C. R Snyder (ed), *Coping the Psychology of What Works* (New York: Oxford University Press, 1999)

Conclusion

Decentralization has been an important theme in the 1990s. Despite the legislation mandating decentralized action, however, this case study shows that reality is very different. While all agencies support the idea of community participation, the actual space for community action is limited; decisions continue to be imposed from above and the whole process reflects a gap between providers and beneficiaries. In addition, a gender prism needs to be given to the whole process if the debate on rights at the international level is to be effectively translated to the local and the national levels.

APPENDIX 1
Emerging Partnerships

International, Multilateral and Bilateral Agencies

- International financial institutions (IFIs)—namely, the World Bank— and regional finance institutions, such as the International Development Bank (IDB) and the Asia Development Bank (ADB).

- Organizations and programmes of the United Nations system, such as UN-Habitat, the United Nations Development Programme (UNDP), United Nations Research Institute for Social Development (UNRISD) and the United Nations Environment Programme (UNEP), as well as regional commissions of the United Nations, i.e. the Economic and Social Commission for Asia and the Pacific (UNESCAP), the Economic and Social Commission for Western Asia (UNESCWA), the Economic Commission for Africa (UNECA), the Economic Commission for Latin America and the Caribbean (UNECLAC) and the Economic Commission for Europe (UNECE).

- Supra-national regional entities, such as the European Union (EU), inter-agency programmes, such as the Urban Management Programme (UMP), the Municipal Development Programme (MDP) and the Cities Alliance.

- Regionally funded development programmes, such as UrbAl or AsiaUrbs, funded by the EU.

- Bilateral cooperation organizations: A few bilateral agencies have recently elaborated urban policy or strategy documents, while a significant number of countries have explicit urban strategy.

Networks

- International associations and networks of local authorities, such as the International Union of Local Authorities (IULA), City-Net, the United Towns Organization (UTC) and Metropolis.

- Professional associations, such as the International Union Association (FIABCI), the International Federation of Surveyors (FIG) and the Cooperation of continuing Development of Urban and Suburban Transportation (CODATU).

- Foundations, associations, and national and international NGOs.
- Expert researchers and academic international networks.

National and local bodies

- Central Government entities, such as ministries and central administrations.
- Sub-national entities, such as states, regions and provinces.
- Government agencies, such as authorities and statutory bodies—for example, Land Development Agencies (LDAs) and Housing Development Authorities (HDAs).
- National and local finance institutions, such as housing banks and mortgage credit institutions.
- City and municipal governments and administrations.
- National and local partners of international networks and associations.
- National private-sector actors, such as real estate, infrastructure and service providers.
- National and local NGOs.
- Communities and community-based organizations (CBOs).

Notes:

(i) DFID, 2001: BMZ, 200D; USAID, 2001; CIDA, 1998. In Australia: Flanagan and Kanaley, 1996; SIDA, 1995; SC 1995; The Netherlands Ministry of Foreign Affairs, 1994; DAN'IDA, 20-30 (in Danish), (ii) For example, Belgium, Finland, France, Italy, Japan, Portugal and Spain.

APPENDIX II

Special Commitments on Sanitation and Waste Management (WSSD):

- Halve the number of people without access to drinking water and sanitation by 2015.
- Improve the lives of 100 million slum dwellers by 2020.
- Support African countries in their efforts to implement the Habitat Agenda and the Istanbul declaration (with reference to sustainable urbanization, adequate shelter, basic services, governance systems in cities and other human settlements and national/local institutional capacities).
- Strengthen UN-HABITAT (jointly with UNEP, UNDP and UNCTAD) in its role to build capacities at all levels for implementing Agenda 21.
- Enhance the role of local authorities and partnerships involving local authorities and other levels of government as called for in the Habitat Agenda.
- Other references include—transport, waste management, coastal area management and land based marine pollution, disaster management, good governance and broad based decision-making etc.

CHAPTER 6

Housing the Poor:
How Relevant are Human Rights?[1]

Joy Deshmukh-Ranadive

PART I

What is the Right to Housing?

Housing is an issue that is intimately connected with the basic human trait of being a social being that needs to live in collectives in a safe, secure and meaningful habitat. By definition, housing is the central hub of everyday living. It is a multi-dimensional concept that encompasses the characteristics of the house (physical structure and design); home (social and psychological features); and neighbourhood (physical and social characteristics, and local services).[2] However, history has shown just as has contemporary reality, that human beings are often deprived of the basic amenities that are required to settle and live. Housing is included under economic, social and cultural rights, however, given its close links to the right to life, it is also argued that the right to housing is actually a civil right.[3] The interconnectivity between civil-political and ESC rights makes housing in particular a right which, if violated or not realized, poses a threat to life.

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[1] This paper draws from work done under the CWDS project 'Beyond the Circle of Rights' and the ISST project 'Ensuring Public Accountability through Community Action'.

[2] See, 'Housing and Population Health The State of Current Research Knowledge', Brent Moloughney, Lecturer, Department of Public Health Sciences, University of Toronto, Canadian Population Health Initiative, part of the Canadian Institute for Health Information, Canada Mortgage and Housing Corporation – June 2004, Available online as PDF file [44p.]at: http://secure.cihi.ca/cihiweb/products/HousingPopHealth_e.pdf

[3] In the Indian context, in a judgment given by Again, a statement prepared by the New Jersey Afro-American, a newspaper published at Newark, New Jersey, and submitted by Samuel P. Hoskins of the editorial staff, urges that 'the right to housing is a civil right due without discrimination, without race, color, class, and religious restrictions imposed by anyone, whether the discrimination is advanced by builders, buyers, owners, housing authorities, city commissions, or state commissions.' See, http://historymatters.gmu.edu/d/6900/

As a human right, housing has been recognized both internationally and nationally within India. International human rights law has been designed to protect the full range of human rights required for people to have a full, free, safe, secure and healthy life. The right to live a dignified life can never be attained unless all basic necessities of life—work, food, housing, healthcare, education and culture—are adequately and equitably available to everyone. Based squarely on this fundamental principle of the global human rights system, international human rights law has established individual and group rights relating to the civil, cultural, economic, political and social spheres. The primary basis of United Nations activities to promote, protect and monitor human rights and fundamental freedoms is the International Bill of Human Rights. The Bill comprises three texts: the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), and the International Covenant on Civil and Political Rights (1966) and its two optional protocols. These instruments enshrine global human rights standards and have been the inspiration for more than 50 supplemental United Nations human rights conventions, declarations and bodies of international minimum rules and other universally recognized principles. These additional standards have further refined international legal norms relating to a very wide range of issues, including women's rights, protection against racial discrimination, protection of migrant workers, the rights of children, and many others.

The Right to Housing

• A Singular Right

The right to adequate housing has been recognised as a component to the right to a decent standard of living with the adoption of the Universal Declaration of Human Rights in 1948. It is also recognized in the International Covenant on Economic, Social and Cultural Rights (ICESCR). This is similar to the right to food and other economic, social and cultural rights. It is a singular right of every man, woman and child.

Pursuant to article 11 (1) of the Covenant, States parties *"recognize the right of **everyone** to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions"*.

• Exists Irrespective of Difference

As is with all other human rights, on no account will any difference be made by gender, race, colour, citizenship status, age etc. All are equal in their need and hence all are equal in their entitlement to adequate housing. The question that comes to mind here is—does that mean that every human being has a right to a house irrespective of the costs involved? It is believed that using a human rights approach would entail asking and addressing

broader questions rather than providing free houses to people. This links with the provision of other infrastructure and facilities. It links with the right to food, health and education. It is also argued that a human rights approach means ensuring that people have the finance to actually buy houses. This links with the right to livelihoods and work.

....individuals, as well as families, are entitled to adequate housing regardless of age, economic status, group or other affiliation or status and other such factors. In particular, enjoyment of this right must, in accordance with article 2 (2) of the Covenant, not be subject to any form of discrimination. (General Comment 4)

• The Right to Housing is Connected to Being Human

Housing is essential to being a human being and lack of it is dehumanizing. Elements of housing are connected to the requirements of human beings as a species as against non-humans.

7. In the Committee's view, the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity. This is appropriate for at least two reasons. In the first place, the right to housing is integrally linked to other human rights and to the fundamental principles upon which the Covenant is premised. This "the inherent dignity of the human person" from which the rights in the Covenant are said to derive requires that the term "housing" be interpreted so as to take account of a variety of other considerations, most importantly that the right to housing should be ensured to all persons irrespective of income or access to economic resources. (General Comment 4)

• Access

As is with other economic and social rights housing has to be provided where people are so disadvantaged as to be unable to access housing. Otherwise states have the responsibility to facilitate access to housing. State parties have to make such provisions that people are able to access housing in adequate quality and quantity.

7. Secondly, the reference in article 11 (1) must be read as referring not just to housing but to adequate housing. As both the Commission on Human Settlements and the Global Strategy for Shelter to the Year 2000 have stated: "Adequate shelter means ... adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities—all at a reasonable cost". (General Comment 4)

Access to housing can be physical or financial. Physical access is governed by different kinds of disparities. Regional disparity exists between rural and urban centres. In a rapidly globalizing and urbanising world, the right to adequate housing gains significance and is under threat. Within urban centres there is further locational disparity between the centre and peripheries. In several cities in India, almost 40 percent of the population live in life-threatening environments, which are insecure and have no access to civic amenities. Between people there is disparity of status where certain persons are accorded citizenship and others are not. Refugees, migrants and displaced persons are inevitably accorded the worst kinds of housing. Socio-cultural disparities also determine access to housing. Castes like the dalits and races like the blacks, or migrants in white societies, do not have the choice in terms of choosing housing location since they have been allotted marginalized places within the geography of the area. Compounded by class marginalisation, crowding necessarily takes place in certain areas. Legal disparities in land and inheritance rights also affect physical access to housing. When land rights are egalitarian across class, caste and gender, and legal frameworks are supportive then physical access is not unjust. Finally, class disparities affect physical access to housing. Class divides pre-determine the physical access to housing. Within this constraint, if there is an economic system that leans more towards privatisation these constraints are accentuated. The reverse is true for systems that allow for common property resources.

When talking about financial access to housing, incomes are the most obvious determinant of access to housing. Further, a person's access to work and livelihoods directly affects financial access to housing. There is a two-way relationship between work and housing. Each is simultaneously the dependant and the independent variable. Hence, while work determines income and therefore housing, housing also determines work and opportunities for livelihood generation. Again, assets, which can be converted through liquidation, augment financial access to housing. Inheritance and its accompanying laws determine financial access to housing. Property, land and share markets also affect financial access to housing. These markets are not always determined by supply and demand. Speculation and expectations have an important role to play especially in markets related to housing. Hence there is an in-built room for uncertainty and unscrupulous behaviour within these markets. These get reflected in access to housing.

With respect to access to housing there are certain mandated requirements which are stipulated by the UN system. These are affordability and the requirement that adequate housing must be accessible to those entitled to it. Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened. Steps should be taken by States parties to ensure the percentage of housing-related costs is commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing. Tenants should be protected from unreasonable rent levels or rent increases. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement.

• **Housing**

The concept of housing is not restricted to a physical entity comprising of walls and roof. It is a more expansive concept that includes infrastructural facilities as also qualitative dimensions. The National Campaign for Housing Rights, India in its conception of housing, describes good housing as a vital base in society for all people to build free and equal relationships amongst themselves, and in turn to build cultural identity and society itself. "It is by dwelling somewhere, and with some permanence, that we would gain our political and other democratic rights; by which our cultural identity and homeland is accepted by the rest of the society – and the world." Hence, an adequate house must contain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, potable drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, food storage, refuse disposal, site drainage and emergency services. General Comment 4 stipulated seven conditions that are mandatory for adequate housing. These are—Legal security of tenure; Availability of services, materials, facilities and infrastructure; Affordability; Habitability; Accessibility; Location and Cultural adequacy. A more detailed list was drawn up subsequently by the Habitat International Coalition and Land Rights Network. These are as follows:[4]

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[4]   HIC is an independent international non-profit Coalition of organisations and individuals working in the area of human settlements. Members include NGOs, CBOs, academic and research institutions, civil society organisations and like-minded individuals, from 80 countries in both North and South. The binding factor is a shared set of objectives, which shape HIC's commitment to communities working to secure housing and improve their habitat conditions.

1. Security of tenure

8 (a) Legal security of tenure. Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups; (General Comment 4).

The legal right to secure tenure, whether freehold, leasehold, or other form of individual and collective possession of housing, involves protection from forced eviction, harassment and other threats. It also effectively guarantees access to, use of and control over land, property and housing resources.

2. Public goods & services

8 (b) Availability of services, materials, facilities and infrastructure. An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services; (General Comment 4).

The right to adequate housing cannot be effectively realized without access to public goods and services, including, water, healthcare, transport, fuel, sanitation, lighting and electricity, sewerage and waste disposal. The services must be adequate in that they are based on the needs of the community and the government must effectively regulate service distribution so as to avoid corruption. It must also ensure sufficient infrastructure. Where private industry is contracted for either provision or maintenance, government remains responsible for the effective functioning of private actors.

3. Environmental goods & services, including water and land

Every community must have access to natural resources necessary for its survival and livelihood, including, inter alia, fuel, fodder, water and building materials. Access to natural resources must be sufficient to meet community needs and the state must effectively regulate distribution and ensure efficient delivery of the same.

Land is a resource integral to survival, livelihood and adequate housing. To this end, the state must ensure reasonable access to land. In particular, the state must provide for equitable distribution with emphasis on the provision

of necessary resources for poor households and other marginalized and vulnerable groups. Governments must implement land reforms where necessary to ensure its fair distribution as a public good and protect the landed property rights of land-based and indigenous peoples from encroachment.

Potable water is integral and essential to the rights to life, health and adequate housing. The state must ensure that clean and safe water is reliably accessible and provided in adequate supply for individual, family and community use. The state should ensure agricultural communities not be denied water by any external source, and should assist citizens of all communities meet their water needs. The state must take effective measures to ensure the absence of water-borne pathogens and pollutants, and must protect against environmental degradation of water supply (water table). It must also ensure that adequate infrastructure is in place so as to ensure sufficiency, affordability and easy access.

4. Affordability (finance)

8 (c) Affordability. Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs. In accordance with the principle of affordability, tenants should be protected by appropriate means against unreasonable rent levels or rent increases. In societies where natural materials constitute the chief sources of building materials for housing, steps should be taken by States parties to ensure the availability of such materials; (General Comment 4).

5. Habitability

8 (d) Habitability. Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well. The Committee encourages States parties to comprehensively apply the Health Principles of Housing 5/ prepared by WHO which view housing as the environmental factor most frequently associated with conditions for disease in epidemiological analyses; i.e. inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates; (General Comment 4).

Adequate housing must provide needed space to live in dignity and peace. It must also provide protection from natural elements, structural hazards and

disease vectors that are threats to physical well-being. The physical conditions of the home can affect the realisation of other rights, including the highest attainable standard of mental and physical health, as well as education, whereas the lack of conditions are not conducive to learning (especially for children).

6. Accessibility (physical)

8 (e) Accessibility. Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement; (General Comment 4)

Disadvantaged communities and groups must be allowed full and sustainable access to adequate housing and resources, including land, infrastructure and sources of livelihood and the state must take account of special housing needs. Disadvantaged groups within communities must be guaranteed equality in respect of the conditions that constitute adequate housing and the state must ensure this equality of right and access.

7. Location

8 (f) Location. Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants; (General Comment 4)

Adequate housing must be in a place that enables access to employment, primary health-care, education and other social services and civic amenities. The financial and temporal cost of transport must not place excessive financial and other demands on the household. In addition, both rural and urban housing must be in a location that is safe, particularly from environmental hazards and pollutants.

8. Cultural appropriateness

8 (g) Cultural adequacy. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, inter alia, modern technological facilities, as appropriate are also ensured. (GC 4)

Housing configuration, spatial design and site/community organization should be determined locally and in harmony with a community's cultural preferences and attributes. The state must enable cultural expression and diversity and should ensure the participation of all cultural/religious groups in planning.

9. Dispossession, freedom from

Each individual and community has a right to a place to live without threat of dispossession from land, all forms of their property, their homes and resources, as well as all individual and collective holdings required to sustain livelihood. The state must safeguard this right to freedom from dispossession, protect vulnerable groups and compensate, resettle or provide for restitution where dispossession takes place.

10. Information, capacity and capacity-building

Individuals and communities must have access to appropriate data, documents and intellectual resources that impact upon their right to obtain adequate housing. Having access to appropriate data means being informed about potential industrial and natural hazards, infrastructure, planning design, availability of services and natural resources and other factors that affect the right. The state has the obligation to ensure that laws and policies facilitate such access and ward against denial of the right to adequate housing. Unimpeded opportunity and reasonable means for public debate and expression with respect to the process of government, administration and finance procedures, market mechanisms and the activities of the private sector and others engaged in the housing sphere are presupposed in a democratic society.

Individuals and communities should have access to technical assistance and other means to enable them to improve their living standards and fully realise their economic, cultural and social rights and development potential. The state, for its part, should endeavour to promote and provide for catalysts and mechanisms for the same, including efforts to ensure that all citizens are aware of procedural measures available toward defending and realizing her/his right to adequate housing. This concept is sometimes also referred to as "empowerment," which is defined as "a process that enhances the ability of disadvantaged ('powerless') individuals or groups to challenge

and change (in their favour) existing power relationships that place them in subordinate economic, social and political positions." (Agarwal, 1994: 39)1

11. Participation and self-expression

Effective participation in decision making is essential to the fulfillment of all other rights, as well as the elements of the right to housing (Shue, 1996). At all levels of the decision-making process in respect of the provision of and right to adequate housing, individuals and communities must be able to express and share their views, they must be consulted and be able to contribute substantively to such processes. The state must ensure access to decision-making centres and effectively combat fraudulent and corrupt practices.

In respect of the right to adequate housing, the right to self-expression includes the right effectively and substantively to participate in decisions that affect housing, including, inter alia, location, spatial dimensions, links to community, social capital and livelihood, housing configuration and other practical features. The state must ensure that building and housing laws and policies to not preclude free expression, including cultural and religious diversity. Moreover, the right to self-expression must be respected, protected, promoted and fulfilled to ensure harmonious and effective design, implementation and maintenance of the community, for which necessarily addressing the interests of multiple parties is only possible through cooperation in consideration of their views.

12. Resettlement

Resettlement may be essential to survival in the case of natural or human-made disaster. Therefore, the congruent right to freedom of movement can be essential to the fulfillment of all other rights. Any resettlement arrangement, whatever the cause, must be consensual, fair and adequate to meet individual and collective needs. It must provide sufficient access to the sources of livelihood, productive land, infrastructure, social services and civic amenities. Moreover, there must also be fair and adequate restitution and/or compensation for losses, particularly when human-caused.

13. Safe environment

An adequate place to live must be free from harm or threat of harm from natural or man-made disaster, and environmental pollutants, disease vectors and other avoidable hazards. The environment must provide access to natural resources, including food, fodder, water, and building materials, and reasonable recreational opportunities in nearby areas similarly free of such menacing conditions.

15. Security (physical) & privacy

Every man, woman, youth and child has the right to live and conduct her/

his private life in a secure place and be protected from threats or acts that compromise their mental and/or physical well-being or integrity. The state must address the security needs of the community once determined, in particular the needs of women, the elderly, children and other vulnerable individuals and groups. The State must then ensure physical security to the extent possible, refraining from threat to, or interference in personal and private activity in the home that does not infringe upon the corresponding rights of others. However, domestic violence must be treated as a violent crime.

State Obligation

A synthesis of the jurisprudence of the Committee on Economic, Social and Cultural Rights, the European Commission and Court on Human Rights, the European Committee of Independent Experts and the contents of UN resolutions and legal texts addressing housing rights issues, set within the framework of the commonly accepted methodology of the four 'layers of obligations'[5] (**e.g. to respect, to protect, to promote and to fulfil**) of States in terms of the right to adequate housing reveals much of the substance and core content of this right as recognized under international law. These can be divided into 34 discernable State obligations:[6]

The Obligation to Respect Housing Rights

1. The right to popular participation throughout the housing sphere, including the right of citizens to influence and decide upon any housing laws or policies;

2. The rights to organize, assemble and form associations, particularly with respect to tenants organizations, community-based organizations and housing cooperatives;

3. Legal protection from forced or threatened eviction or house demolitions;

4. The right to equality of treatment, particularly in terms of the allocation of housing resources, access to housing finance and resident permits;

5. The right to privacy, including the protection from arbitrary searches of residences;

6. The right to be free from racial discrimination, particularly in the housing allocation process;

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[5] The actual obligations of the state are divided into three- to respect, protect and fulfil. For purposes of further clarity this list also includes the obligation to 'promote' which seems to be actually an interpretation within the existing three layers of state obligation

[6] Appendix 2 of Clarence J. Dias & Scott Leckie, N.D. Human Development And Shelter: A Human Rights Perspective, Occasional Paper 21 - Human Development And Shelter: A Human Rights Perspective, http://hdr.undp.org/docs/publications/ocational_papers/oc21a.htm

7. Tolerance and promotion of housing-related freedoms, including the right to self-help housing initiatives;

8. Ensuring respect for cultural attributes of traditional housing construction methods, the protection of housing of historical significance;

9. Refraining from coercive measures forcing another State to violate housing rights.

The Obligation to Protect Housing Rights

1. Immediate steps must be taken by States to ensure that violations of housing rights standards by the State and its agents are, to the maximum extent, prevented from occurring;

2. Additional immediate steps must be taken to ensure that violations of housing rights by third parties, including protection from abuse by landlords, are prevented;

3. The availability of impartial legal remedies in cases of alleged violations of housing rights

4. The comprehensive provision of security of tenure throughout all housing sectors, applicable to all citizens;

5. Active measures designed to protect all persons against racial or other forms of discrimination, harassment and the withdrawal of services;

6. The affordability of housing for all income groups in society should be ensured. In this regard, housing costs should never be allowed to rise to levels preventing dwellers from accessing and satisfying other basic needs;

7. The regulation of rent levels and provision of housing subsidies should be undertaken in an appropriate manner, with a view to ensuring compliance with the affordability principle;

8. The overall habitability and physical safety of dwellers should be actively protected and adequately stimulated, with particular regard to protecting dwellers from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors;

9. Housing should be built at locations in near proximity to employment options, schools, health care centers and open spaces. Conversely, housing should not be built in dangerous areas where threats to environmental health and hygiene exist;

10. States must respond constructively to housing rights violations, wherever they occur, both domestically and in other countries.

The Obligation to Promote Housing Rights

1. Comprehensive legislative and policy review of all laws, regulations or other directives having any negative bearing on the fulfillment of housing rights should be undertaken without delay upon acquiring housing rights obligations;

2. Both the legislative and policy recognition of the right to adequate housing should be established;

3. Targeted policies towards ensuring the full realization of housing rights in the shortest possible timeframe for all sectors of society should be carried out;

4. Establishing benchmarks designed to monitor societal housing needs, including the use of appropriate indicators towards this end should be developed and applied;

5. The development and implementation of a national housing strategy is a fundamental element of the promotion function;

6. Priority attention and targeted strategies towards satisfying the housing needs of disadvantaged groups, including the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters and people living in disaster-prone areas are required;

7. Ensuring the full accessibility to housing resources by all ethnic, racial, national, minority or other social groups.

The Obligation to Fulfil Housing Rights

1. The devotion of a reasonable proportion of public expenditure on housing, consistent with social housing requirements and international, national and local legal duties;

2. Housing subsidies for tenants and first-time home buyers, as well as the establishment of effective housing finance measures for low-income groups form a crucial aspect of this obligation;

3. The construction and maintenance of public housing resources by public agencies, as well as the financing by the State of such activities;

4. The provision by the State of public services, including infrastructure, water, electricity, sanitation, heating, sewage, draining, roads, health care facilities and emergency services;

5. Active measures should be undertaken by the State in support of those persons, families and groups unable to satisfy their housing needs by individual efforts;

6. The promotion of natural and/or indigenous building materials for use in the housing process;

7. A proportion of overseas developmental assistance by the industrialized countries to other States should be provided towards assisting developing countries in satisfying housing rights obligations;

8. The provision of adequate housing accommodation for all refugees and asylum seekers within a State's borders forms a fundamental requirement of the obligation to fulfil.

Rights and Responsibilities

There seems to be a paradox of sorts when one asks the questions, 'if the right to housing is a singular right then why do some groups have to be prioritised?' As is seen in General Comment 4,
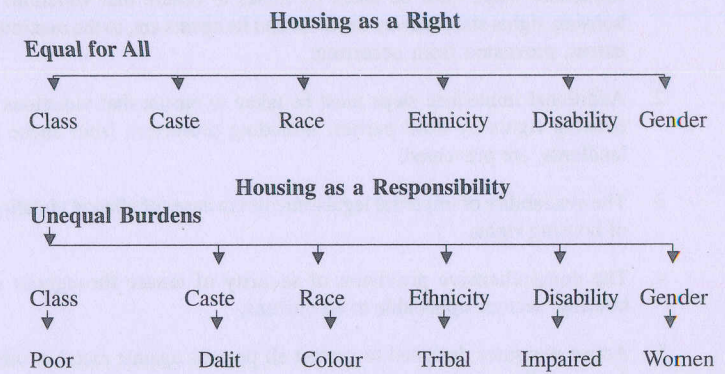
11. States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others. The Committee is aware that external factors can affect the right to a continuous improvement of living conditions, and that in many States parties overall living conditions declined during the 1980s. However, as noted by the Committee in its General Comment 2 (1990) (E/1990/23, annex III), despite externally caused problems, the obligations under the Covenant continue to apply and are perhaps even more pertinent during times of economic contraction. It would thus appear to the Committee that a general decline in living and housing conditions, directly attributable to policy and legislative decisions by States parties, and in the absence of accompanying compensatory measures, would be inconsistent with the obligations under the Covenant.

It has been seen that within a rights discourse, the responsibility for housing reaching people and vice versa, rests with the state. However in the dynamics of everyday life within a capitalist system, people have a responsibility to house themselves and their families. What is a right, that is, to have housing, in reality manifests as a burdensome responsibility. Outcomes can be seen when the two responsibilities given below are juxtaposed.

Responsibility to house oneself—Responsibility of state and other big actors, to respect, protect and fulfill.

If the responsibility of persons is to feed themselves and the responsibility of large, powerful actors is to respect, protect and fulfill it, the former depends on the latter. That itself reveals the vulnerability of persons in availing of the right to housing. In as much if the latter responsibilities are upheld, the former will be less burdensome and the right will be realized. There is an advantage of differentiating between right and responsibility

while viewing access to housing. As a right, every person should be able to access housing. But as a responsibility to house oneself/family, there is a differential burden. Hence, there is a need for a focused attention on vulnerable persons. It is also important to consider the distribution of responsibility of housing oneself. Vulnerable groups bear a larger burden, and within a vulnerable group, certain persons bear an even larger compounded burden. This can be illustrated with the following diagram.

Housing as a Right

Equal for All

| Class | Caste | Race | Ethnicity | Disability | Gender |

Housing as a Responsibility

Unequal Burdens

| Class | Caste | Race | Ethnicity | Disability | Gender |
| Poor | Dalit | Colour | Tribal | Impaired | Women |

For an Individual:
Compounded Discrimination, Compounded Burdens

Burden/Discrimination	Class	Caste	Disability	Gender
Single	Poor	Dalit	Impaired	Woman
Double		Poor Dalit	Poor Impaired	Poor Woman
Triple		Poor Impaired Dalit		Poor Impaired Woman
Quadruple				Poor Impaired Dalit Woman

The above diagram illustrates how in spite of the fact that housing as a right is equal for all individuals and groups, it is the responsibility to house oneself that causes unequal burdens across people and that requires prioritization on the part of the state. Hence policies and programmes have a focus on certain disadvantaged groups. Women suffer from discrimination by virtue of their gender. However when it is compounded to being poor/ from a disadvantaged caste/with a disability, then the burden of feeding herself is very heavy.

PART II
The Indian Situation and A Project

India and the Right to Housing

The institutional approaches in India to enable people (particularly, the urban and the rural poor) to access housing have been through measures for poverty alleviation, credit and subsidies for housing as well as incentives for shelter improvement or relocation. These are implemented through national and state level policies and programme. Notable functions at the central level are policy preferences and resource allocations made through the Five Year Plans for national development and the regulation of public finance for housing, infrastructure, land acquisition/development, and urban development through the National Housing Bank and Housing & Urban Development Corporation (HUDCO). Governments at the state and local levels (village/city) are also empowered to determine policies and undertake programme and practices in relation to housing. This includes the administration of aspects such as land regulation, ownership, transfer, upgradation or eviction.

India has ratified several international instruments that make it obligatory for the state to realise the right to adequate housing progressively for all its citizens. India also has assumed specific obligations at the domestic level in the form of constitutional provisions, laws, policies and jurisprudence.[7] According to Article 21 of the Constitution of India:

> No person shall be deprived of his life or personal liberty except according to procedure established by law.

The Supreme Court of India has held that the right to shelter or adequate housing is a fundamental human right emanating from this provision. This has been established in numerous Supreme Court decisions, including *U.P. Avas Evam Vikas Parishad v. Friends Coop. Housing Society Ltd.* where the Court held that:

> The right to shelter is a fundamental right, which springs from the right to residence under Article 19(1)(e) and the right to life under Article 21.

The court provided further interpretation of the right to life in *Chamelli Singh and other v. State of UP,* (JT 1995 (9) SC 380):

> In any civilized society, the right to live as a human being is not ensured by meeting only the animal-needs of man. It is secured only when he is assured of all facilities to develop himself and is freed from restrictions which inhibit his growth. All human rights are designed to achieve this object. Right to life guaranteed in any civilized society implies the right to food,

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[7] Restructuring New Delhi's Urban Habitat, to build prosperity or to punish the poor? Report of the International Fact-finding Mission, Habitat International Coalition in cooperation with *Sajha Manch.*

> water, decent environment, education, medical care and shelter. These are the basic human rights known to any civilized society.

All civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and Convention or under the Constitution of India cannot be exercised without these basic human rights.

In *Olga Tellis v. Bombay Municipal Corp. (1985) 3 SCC 545,* the Supreme Court held that Article 21 of the Constitution also encompassed the right to livelihood and that this right was indivisible from the right to shelter:

> Eviction of the petitioners from their dwellings would result in the deprivation of their livelihood. Article 21 includes livelihood and so if the deprivation of livelihood is not affected by a reasonable procedure established by law, the same would be violative of Article 21 ... The right under Article 21 is the right to livelihood, because no person can live without the means of living i.e. the means of livelihood. If the right to livelihood were not treated as part of the Constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation. ... There is thus a close nexus between life and means of livelihood. And as such that which alone makes it possible to live, leave aside what makes life liveable, must be deemed to be an integral component of the right to life.

The National Housing and Habitat Policy (Ministry of Urban Affairs and Employment, Govt. of India, 1998) aims to solve the "varied problems of shelter for the poor and the deprived" while also "the need for conserving our resources. This will ensure sustainable development of housing and settlements." The policy, keeping with the larger privatization focus of the government, concentrates on making the government an enabler rather than a provider of housing and related services. The policy aims to involve "women at all levels of decision-making and enabling them in formulation and implementation of the housing polices and programmes". "Addressing the special needs of women headed households/ single and working women/ women in difficult circumstances. The specific requirements of women in terms of providing necessary facilities in homes to lessen their drudgery would be given sufficient attention" is also a policy aim. The policy also directs States to "confer homestead rights in the rural areas on the landless, persons from SC/ST community, rural poor and those displaced due to execution of development projects. Such rights may be given jointly in the name of both husband and wife."

The Right to Housing in India is defined by judicial interpretation rather than any direct guarantees in the Indian Constitution. It is associated with the

'right to life'.[8] In India there have always been campaigns around housing issues. During the 1950s–60s there was an emphasis on clearance of settlements. Re-housing in subsidized projects was facilitated through the Slum Areas (Improvement and Clearance) Act, 1956. Informal settlements were provided basic minimum services as a temporary measure. In the 1970s the emphasis on slum improvement was through the provision of basic services. The Environmental Improvement of Urban Slums (EIUS) was launched by the central government in 1972. Indirect security of tenure provided by a pre-condition that municipalities would not clear settlements in which improvements were made for at least 10 years. The Urban Land Ceiling Act (ULCA, 1976) was introduced to allow vacant lands and land in excess of stipulations to be available for housing the poor. The Act was eventually repealed in 1998. The Urban Basic Services for the Poor (UBSP) scheme was initiated in 1977 and was implemented successfully for two decades. During the 1980s there was recognition of the security of tenure. The influence of international developments in housing rights was visible. Recommendations for increase of supply of land for housing in cities were made by the Task Force on Housing and Urban Development (1983). The Land Acquisition Act was amended in 1984 and was extensively used to acquire lands for public housing. The Draft National Housing Policy was tabled in 1988 which attempted to reflect the international perspective on housing. There was the acquisition of vacant lands for social housing and major housing schemes for the rural poor were introduced. The nineties saw the implementation of the 'right' to housing. The National Housing Policy of 1994 highlights the prevention of forced eviction, promotion of in-situ upgradation, slum renovation and conferment of occupancy rights, where feasible. The Draft National Slum Policy of 1999 advocates the integration of informal settlements in the city and the right of citizens to participate in decision-making. Increase in land supply, review of land use norms, provision of basic services and role of government in increasing access to land and housing for the poor were key themes of this decade. The National Housing Policy was adopted after long debates and mobilization by civil society to reflect the housing as a human right perspective in 1994. It commits to the prevention of forced eviction, promotion of in-situ upgradation and slum renovation, conferment of occupancy rights where feasible and selective relocation. The policy due to vigorous campaign also provided for the first time the joint ownership and entitlement of land/housing between men and women. The attempt in the 1990s to involve the private sector on a land-sharing basis in facilitating housing for the poor introduced a new, though only partially successful, approach to resolving the economic contradictions governing the availability of land and housing in the city. The

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[8] In contrast, the Constitution of South Africa is explicit in guaranteeing universal access to adequate housing and prohibiting forced evictions.

draft National Slum Policy of 1999 reflected a more comprehensive understanding of the housing issue. It advocated the integration of informal settlements with the rest of the city and the right of residents to participate in decision-making. It indicated that tenure could be collective, such as group tenure or co-operative tenure and restricted the practice of slum clearance only in exceptional cases. Further, it outlined steps for the government to acquire private land on which tenable slums exist, and recommended measures like land use classification and the comprehensive listing of informal settlements. Further the 73rd and 74th Constitutional Amendments strengthened local governments and provided further spaces for direct participation in decision-making for citizens.[9]

It was in the late eighties that there was a spurt in intervention from civil society in response to large scale forced evictions and displacement across the country. The formation of the National Campaign on Housing Rights (NCHR), was instrumental in making housing a national agenda, and contributing to Habitat (UNCHS). The National Campaign on Housing Rights was launched in 1986 as a network of people's organizations, development organizations, trade unions, academic institutions, lawyers and other civil rights groups. It was the first of its kind of network in the national context and also represented an unconventional approach to and understanding of the right to housing than what was prevalent at the time. Its critical intervention was to emphasize the role of the State in fulfilling the right to housing, and it is best known for its effort to establish housing as a 'fundamental right'. The campaign defined housing as "one of the most fundamental of all human rights, providing as it does the base for most other activities in life; recognition as an explicit Fundamental Right ... can have a very substantial effect on the living conditions of huge numbers in the country and can help greatly to clarify the government's role and actions in the field." On the role of the government it elaborated that, "the State's most constructive role in housing is not to build directly for all sections, but rather to create and guarantee the preconditions by which all women and men can gain adequate housing. It is to empower and enable people to build for themselves, to control excessive consumption and profiteering and to build directly only for the very poor or otherwise handicapped." The NCHR also emphasized the relationship between gender and housing, which was

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[9] This section is drawn from the excellent documentation in the sum of all actions Dynamic Responses to the Housing Challenges of the Poor, Regional Dialogue on Housing Rights, Bangkok, 27-29 June 2004, Minar Pimple & Lysa John YUVA, India. http://www.unescap.org/pdd/calendar/HR2004/presentations/7India-Pimple/India-pimple.ppt (PDF format) and http://www.google.co.in search?q=cache:PyBOMjqyz08J:www.unescap.org/pdd/calendar/HR2004/presentations 7India-Pimple/FinalReport_percent252025jun04-Pimple.pdf+The+sum+of+all+actions+YUVa+Minar+Pimple&hl=en&lr=lang_en&ie=UTF-8 (HTML format)

one of the key themes of a number of national consultations on a Draft Approach Paper on housing rights that it organized.

These consultations culminated into a 'People's Bill of Housing Rights'. The preparation of the Bill through a process of democratic consultation itself was a first in a country where policy making was seen as the exclusive preserve of the bureaucratic or legal elite. The Bill was drafted by a Legal Working Group constituted by the NCHR that comprised of persons with expertise in law and women's rights and involved four revisions based on inputs received from sectors/ groups across the country. The final draft of the Housing Rights Bill was completed after six years of national discussion in July 1992, followed by a yearlong advocacy campaign for its adoption in the Parliament. Although the purpose of a constitutional amendment was not achieved, the NCHR accomplished many important outcomes towards establishing the right to housing. As a result of the momentum it created across the country, the housing issue became part of the national public and political discourse. Most notably, it affected the introduction of housing rights in the political manifestos and state policies in the 1990s and was the precursor of significant policy and practice changes on housing at the state and local levels. As stated in its approach paper,

"Housing rights can never be enforced or implemented due to the good will of the state… (but) on the strength of the masses of women and men and their level of organization and struggle. The whole purpose is to see people not as passive objects of law but as agents of law making and enforcement."

The Legal Working Group of NCHR prepared four drafts of the Approach Paper. These consultations culminated into a 'People's Bill of Housing Rights'. The People's Bill envisages a constitutional amendment to guarantee housing as a Fundamental Right and thereby make the State responsible and accountable to millions of homeless people of India. The Draft of People's Bill on Housing Rights was finalised, published and circulated in July 1992. The People's Bill conceives housing as a fundamental Human Right and addresses the issue of housing in a broader policy framework, including the necessity for the Right to Information. Some of the salient features of the People's Bill included:

- The mandatory duty of the State to support people in building and improving their own houses.

- Provision of secure legal tenure to all rural and urban poor.

- Promoting women's rights in land and housing.

- Restoration of common village lands to the local village communities, Adivasis and forest dwellers.

- Curbs on speculation and profiteering in land.

- The implementation of the Urban Land (Ceiling and Regulation) Act 1976.

- Major increase in production and supply of land and other basic housing resources.

- Emergency housing for the victims of natural and man-made disasters.

- Special housing information centres must be established in all the state and district centres.

The Campaign enlisted the support of many eminent citizens and professionals like jurists, lawyers, architects, planners and administrators in order to build up a broader vision and support base for the campaign. In an effort to build a housing rights movement in the country, the campaign also extended its support and solidarity to numerous struggles for housing by mass movements, trade unions and voluntary organisations in urban and rural areas.

The Campaign received the support of two central trade unions, the Bharatiya Mazdoor Sanghatana and HMKP in signing a 'Joint Charter of Housing Demands'. The Joint Charter was accepted in principle by two more trade unions, AITUC and HMS and the leaders of other trade unions like INTUC and UTUC also extended their support for the initiative taken by NCHR. All the types of avenues that are open for media advocacy were used by the Campaign. A series of consultations, workshops, and seminars were organised between 1986-89 on housing policy, gender and housing, struggle for housing in rural India, and on housing and population: power and control. A seminar and a convention on the Urban Poor was organised in 1993.

Extensive newspaper coverage and articles on different aspects of housing ensured that media attention was focused on the issue. The campaign also initiated research on housing rights and published and disseminated information on the various aspects of housing conditions and the housing struggle. Its regular publications and newsletters also played an important role in influencing public opinion. Grassroots groups, focused upon the issue of housing rights in the form of plays, poems, songs, posters, stories, picture cards, calendars and documentary films. The sum total was quite a vibrant media campaign.

The campaign drafted a Charter of Electoral Demands on housing in 1988 to start a dialogue with and to convince various political parties to address the critical issue of housing in their election manifestos in a comprehensive manner. This resulted in a more informed debate on the subject by the Members of the Parliament of both the houses.

A direct impact was seen in the form of inclusion of housing as an important issue in the election manifestos of all the major parties. The campaign also succeeded in initiating a debate in the parliament, to make housing a fundamental right, in the form of a Private Member's Bill, proposed by Shri Sharad Dighe (M.P.) in 1989.

The campaign drafted and submitted a People's Petition for Housing Rights to the Petitions Committee of the Lok Sabha in 1988. The petition was

supported by resolutions and 10 lakh signatures from around 148 organisations and individuals from all over the country. The petition focused on crucial issues like rural and urban housing, women, workers, handicapped persons and housing, the role of government and the recognition of the right to housing as a fundamental right.

Alliances were formed with regional and global partners through networks such as The Asian Coalition for Housing Rights (ACHR), Centre On Housing Rights and Evictions (COHRE), Housing and Land Rights Network (HLRN) and Habitat International Coalition (HIC). The South Asian Regional Program of Habitat International Coalition, Housing and Land Rights Committee, was initiated in 1999 to develop support work on housing and land rights in the region i.e. India, Pakistan, Burma, Bhutan, Bangladesh, Nepal, Tibet and Sri Lanka. In the initial years, their work was focused on identifying partners and determining the issues for collaboration through assessment visits, facilitation of training workshops, human rights education and effective advocacy at the United Nations. In the process resource material for training on international mechanisms was developed and research work initiated. The future direction of HIC's work will be towards building an effective network of housing rights activists in India, Pakistan, Bhutan, Bangladesh, Nepal, Sri Lanka and Burma by identifying groups working specifically on the issue of women's right to land, property and housing and groups working on children's rights to include children's right to housing in their agenda. HIC seeks to address the common conditions in respect to evictions and displacement that violate the socio economic and cultural rights in the region. HIC believes that the human rights approach is utilised by few organisations as the benefits of using this approach is shared more with the partners in the west than within the South Asian countries. The changing economic climate and drive towards privatisation is forcing the CBOs and NGOs to look for alternate strategies and allies. HIC will use this change to further its tasks of building coalition for housing and land rights in the region.

In India, HIC has been a key partner in the effort to revive the National Campaign (NCHR) for Housing Rights in India to develop a common agreed agenda for housing and land rights. The key partners for HIC in this process so far are *Sajha Manch* in Delhi, YUVA in Bombay, *Nivara Haq Aabhiyan* in Nagpur and the NCHR based in Hyderabad. HIC is also in dialogue with National Forum for Forest Workers, National Alliance for People's Movements, National Struggle for Tribals Self determination, city based housing rights groups and organisations and environment groups networking through out India. HIC encourages its partners to collectively monitor the housing rights violations and report the same to the thematic and the treaty body mechanisms of the UN.

The next part of this paper tries to look at the experience of the ISST project through the prism of the rights discourse.

PART III
Whose Responsibility?

Achievements and Constraints

It is evident from the situation in all the three areas under the study that several of the fourteen conditions outlined in the list comprising housing were not available to the residents. The attempt of ISST was in the nature of mobilising the community to speak for their rights and to knock on the doors of the state. The process that reflects this attempt has several lessons to offer.

A rights based approach visualises state responsibility as paramount and expects the state to treat all as equal human beings. In the event of this responsibility not being fulfilled, community action is required. 'In the summer of 2003, five women (including the *pradhan*) from Rajiv JJ Camp took it upon themselves to get the electricity crisis resolved. They went from one government office to another and eventually to the Chief Minister; they were even physically assaulted in the process by goons who tried to dissuade them from taking the matter forward. Through the entire ordeal several people taunted them and told them to give up however in the end, electricity supply was restored to the camp through payments made to the linesmen and since that day, many in Rajiv Camp are ready to repeat the entire collective action process over if necessary.'

Community mobilisation was not just to tap state accountability. Experience showed that the state not being an amorphous whole, its various arms functioned at different levels of (in) efficiency. Then community mobilisation takes the nature of 'self help'. 'ISST learnt that the residents of Rajiv JJ Camp fed up with several applications for redressal on the garbage situation in their area going unheard were compelled to work out the sanitation situation on their own. The residents had hired private cleaners to clean the mobile toilets; drains were cleaned by the 'sanitation committee' consisting of women from the community. Plans were also underway to construct separate toilets for women'.

All human rights are interconnected and indivisible. Since a life of dignity is entrenched in every human right, it is next to impossible to separate or prioritise one over the other. Housing is a classic example that shows how the rights to life, security, water, food, work connects with habitat. However the one right which if realised, which is the most powerful input in realising all other rights, is the right to information. Community action is paramount if the right to information has to be realised. Unless forces are rallied together it is difficult to avail of the benefits of such a right even if it is put in place by an Act as is in Delhi. The right to food, (via protests about ration shops), was campaigned for, by using the right to information. And this initiative was carried out under the fight to realise the right to housing. At Rajiv Camp, four members from Parivartan volunteered to highlight the importance

of the Right to Information Act. Besides sanitation, hygiene, water and electricity, one of the most important issues taken up for discussion was the availability of ration. 'It was felt that in order to demonstrate the workings of the Act it was best to provide the examples related to the ration issue. The residents reacted powerfully to the presentation on the Act and the PDS[10] situation.'

However, what has to be remembered is that when the rights-based dialogues talk of community action to realise human rights, just as is the state, the community also comprises of uneven fragments that do not join into an amorphous whole. 'After a year of field visits and organising discussions with local slum residents it emerged that organising people around governance issues and linking those to service delivery gaps was not easy. Organising did not easily occur on abstract issues but rather on events and in crisis situations. The process was useful in arriving at an understanding of local level dynamics pertaining to negotiating, managing crisis and willingness to organise collective actions. It was ascertained that while negotiation is necessary for improving service delivery – the first choice of agents to negotiate with are not government but political agents.'

In as much as the nature of the community is divided and different, it is extremely difficult to rally together even if there is a common problem to be addressed. 'The meeting in Majboor Nagar JJ camp, did not prove to be successful, it was quite chaotic and the idea of pressure groups could not be put across to them successfully.'

It also seems that since the state in all its various forms is not accountable to the residents there is a felt and expressed need for the community to substitute for the state and cope in whichever way it thinks appropriate. 'The crucial issues relevant to New Seemapuri were those pertaining to sewer lines....The representatives argued that instead of the government limiting access of sewer connections to those with legal water supply connections, it would be better to educate the people that toilets need to be flushed properly. This could become a point of discussion between the community and government authorities.'

Certain issues are of more concern to women than men. Sanitation is a case in point. This is because while the issue may be common to all there is a gender differential effect of its deprivation which affects women more acutely and negatively than it does men. 'The women from New Seemapuri expressed concern over the appalling sanitary situation. The community toilet blocks were never cleaned. The toilet blocks were easy to use by men alone after sunset but if girls wished to use the toilets they had to be accompanied by elders. Frustrated by the appalling sanitary conditions of the toilet blocks the women decided to take matters in their own hands.'

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[10] Public Distribution System food grains distributed through ration shops across Delhi.

It is interesting to note at whose door the community places responsibility. When basic amenities are not provided, there is no doubt that in an urban environment as in Delhi communities are aware of the concept of 'rights'. This is all the more true when NGOs have been working in these communities. However lessons can be learned from the experience of ISST as to the different circumstances under which communities are willing to substitute for what the state should do and what they are not willing to compromise upon. Rajiv Camp is one of the many settlements that came up without any civic amenities like sewerage/toilet blocks, water and electricity. After a meeting with Senior MCD officials in August it became clear that Rajiv JJ camp due to its settlement type could not approach the concerned municipal authorities for a permanent community toilet block. The Additional Commissioner MCD, informed, a JJ cluster is legally not entitled to permanent infrastructure provisions. But, as a cluster they were not willing to risk investment on the option placed before them for consideration. They were of the view that the government *must* make provisions for them.

Community mobilisation in the face of insecurity of tenure seems to have a different complexion. Given the insecurity of housing, people are not willing to invest time, money and effort on infrastructure since these are not assets that can be carried in the wake of demolition or relocation. Hence communities are more successful in mobilising around issues like the PDS and rations. A benefit from such an initiative is not only immediate but can also be availed of at a different location. In this light it would seem that then there has to be a prioritisation of conditions from among the fourteen listed where security of tenure seems to be the most important.

Is There Relevance in 'Human Rights'?

Where is the state?

A rights based perceptive has been increasingly adopted by development practitioners and activists. This is in contrast to the 'welfare' perspective which made the poor and marginalised out to be victims who have to be supported and helped. Housing as a matter of right has very different implications from housing as a welfare provision. However for a right to be realised several institutions have to be in place. Further these institutions have to be mature enough to carry out the expected roles. The meaning of the right to housing as has been outlined earlier assumes several factors. First, for public accountability democracy is essential. India has a system of governance that is based on democracy, hence in principle it should not be difficult to address the state in the event of the non-realisation of a right. The success of citizens using the Right to Information Act is illustrative of this. However, success is not always certain. This is again because the underlying assumption behind human rights activism is that the state is uniform, which it is not. Hence ISST found that while communities could

reach certain arms of the state it was unable to interact with others, as is shown in the diagram on page 149.

Democracy and Accountability

The observation of ISST regarding this entire process of mediation is an eye-opener. As they have reported, the pattern of negotiation is highly influenced by vote-bank politics. Each MLA legally can only serve and represent her/his constituency's demands. S/he is the communication bridge between service providers and the residents of his/her area. S/he has the capacity to raise issues in the state legislative assembly on behalf of area residents and carry out referral work for area residents—like attesting application for birth certificates, ration cards, old age pension etc., or submitting written demands on behalf of his constituency. However, illegally s/he openly interferes with day-to-day functioning of government officers, awards contracts for development works to people that are known to him, divert resources from a poor cluster to an affluent one simply because they are in a position to contribute to his/her election fund. Given the unclear nature of entitlements for slum residents—this illegal exercise of power is also utilised by the slum residents to negotiate for few services in exchange for their votes. On the other hand, the councillor is not viewed in the same light or approached with the same ease and intention since s/he has no control over the development funds. This is because the councillor fund remains with the MCD and senior level officers decide whether particular development work for a slum cluster can be sanctioned or not.

If democracy is so vital to human rights it has to be remembered that democracy hinges upon the quest for votes. There is an inbuilt dependency of the electorate and the representative that is linked by votes. The electorate depends upon the representative for hearing and carrying their voice forward and the representative depends upon the electorate for getting voted in. In such a dependency, issues of concern become the pawn in the game. The elected representative is not actually the service provider. S/he is the voice of the community/individual. It is in their interest to be or at least appear to be approachable. Hence communities find that they can interact with them. Their actual capacity to make wheels move and make the real service providers act is a matter of question. If they are really in a position to make service providers function then the fact that services are not provided or that they are inadequately provided means that there is a deliberate ulterior motive in keeping poor housing settlements in such conditions since there is always place for promises of criticality to be made on the basis of which votes are attracted. It would then not seem preposterous to suggest that it is in the interests of such elected representatives to keep such settlements always in a state of want. On the other hand if it is really not in the hands of elected representative to streamline service delivery systems then it is deceitful on their part to make false promises to communities.

The other arm of the state is the varied layers of bureaucrats and service delivery officials. These are in no way dependent on the communities that they provide services to remain in their jobs. These are also the most difficult to reach. It takes a committed official then even if s/he is at a lower end of the hierarchy, to make a difference. The woes of the communities get carried to the person concerned and action is taken. In such cases it is necessary to find other dependencies which can be exploited. The case quoted in the ISST study, of the innovative method used in Sundernagari is illustrative. After having fought hard to expose corruption and black marketing in the PDS the residents of Sundernagri, a resettlement colony located at the periphery of Delhi, demonstrated a simple yet brilliant solution that has compelled the government to stand up, take notice and rectify the inadequacies. Santosh is a 20-year-old resident of Sundernagri. In December 2004 she was attacked twice and almost lost her life in one attack. Santosh works with the people's movement, 'Parivartan' who have been tackling corruption in the capital's Public Distribution System (PDS). The life-threatening attack on Santosh in December 2004 triggered off a unique and extremely effective form of protest. On January 26, 2005 (Republic Day) , a large number of people in Sundernagari decided to simply forego their ration entitlements of wheat, rice and sugar for the entire month of February. Sundernagari has a population of almost a lakh of people out of which 9000 families depend on the Public Distribution System. Their reason for forfeiting ration supplies was straightforward. They would agree on taking their ration only if it was provided with honesty and dignity. They did not want ration that involved violence, corruption, and insult. The people believed that the ration shops and the Food department officials should exist only if the people wanted and took their ration supplies. So if the people decided not to do so, neither would the shops survive nor would the jobs of Food officials! This innovative method was extremely successful since it was a matter of embarrassment to the officials when food was not lifted from the ration shops. Research needs to examine the dependency relationships between service delivery providers, receivers and elected representatives. Such research is likely to throw light upon the chain of inefficiencies that make housing so inaccessible to marginalised communities.

Lines of Dependence and Interdependence

While addressing issues of accountability, it is of utmost importance to trace the lines of dependence that flow between the actors involved. These lines of dependence reflect the power inequalities within the socio-political system. Hence in the ISST study we saw that the electorate needed the elected representative to make their voices heard and to get their priorities addressed. In return the elected representative also needed the people since they were her/his vote bank. In the case of councillors these lines of dependence were not so countervailing, since only the people depended on

the officials, hence the power inequality was skewed. A similar phenomenon was observed in the relation of the service providers and the people. At such times there is need for an 'equaliser' which then finds a countervailing line of dependence back to the people. The case of Sundernagri showed how such an equaliser can be found. Unless dependence that flows in one direction is equalised with a countervailing dependence that makes the relationship one of inter dependence, there cannot be a dialogue and there cannot be accountability. The equaliser has to be arrived at with a judicious use of strategies that are relevant to the contextual realities of the place and situation.

In this context it is also important to realise that the accountability of the mediating NGO is also important. NGOs have relationships with the state, donor agencies, funders etc as also with the community. Their role in generating accountability between people and the state hinges in large measure upon their own accountability to the communities with whom they work. Hence lines of dependence and interdependence can flow in the following manner.
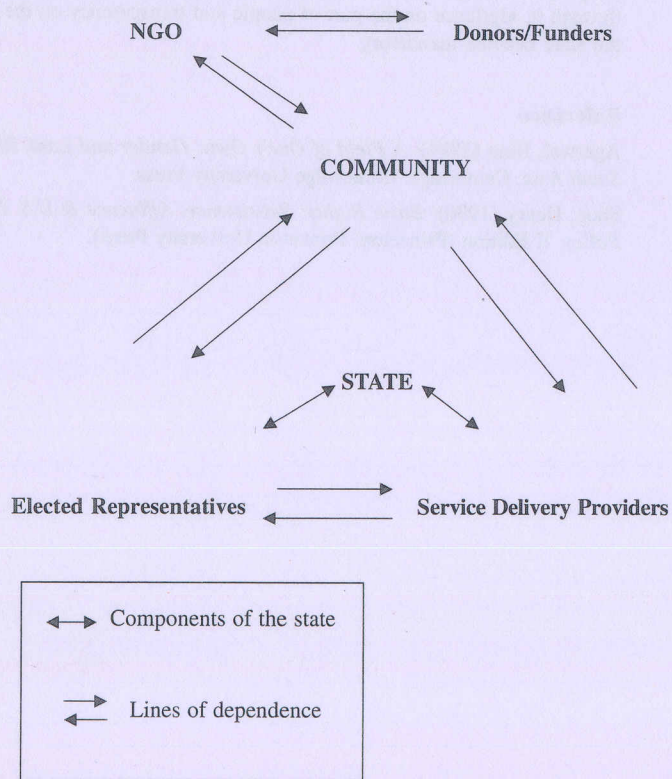
Whose Right? Who Decides?

The other vital phenomena to consider when one advocates a rights based approach to development, is that there are several formal and informal systems of jurisprudence that operate simultaneously. Often the immediate effect upon the lives of people is the verdict of social norms and these get played out, prevailing over other formal systems of justice. Social entitlements often are not the same as legal ones. At such times the supposed arms of the state which are supposed to 'protect' people's right to housing, are also socially structured and they team with the powerful to carry out not the rule of the law but social norms. Communities that are fragmented along caste lines distribute resources and services including housing, along methods that are far removed from the concept that all human beings are equal. At such times the presence of the UN or laws of the land do not have much relevance. Take this case from the ISST study. Harijan Basti is a 350 household slum cluster located alongside the Chander Nagar railway line in Mandawali, East district Delhi. The name derives from the fact that the residents are predominantly from the backward classes with roots in the villages of UP and Bihar. During 1980s a few families moved to Delhi from Mahoba of Hamirpur district of UP in search of jobs. The land currently occupied by the clusters was claimed by the gujjar community. Today, however, the name Harijan Basti has no direct link to the caste of the cluster inhabitants, Pandits and Muslims live along side those families that settled here first. The cluster is divided into two halves by a MCD Shishu Vatika (children's park) that has been used for over five years as a garbage dump. ISST undertook an exercise with the MCD on garbage segregation and solid waste management to address the poor sanitation situation in the area. The residents of Harijan Basti came forward enthusiastically to contribute to the cleaning up of the park. However, their enthusiasm was curbed by the pressure from the local gujjar community. The gujjars that live in the *pucca* (permanent) plots adjacent to the cluster were reluctant to get the park cleaned up as this was a convenient place for dumping cowdung. While the park was being cleaned a gujjar lady came and dumped cowdung in the park, when the residents told her not to do so she merely turned away and walked away. When two people went after her asking for her house details so that a *challan* (fine) can be cut she merely said *"hazar, pandra sau, do hazar rupaih katoge? Aajao ghar se ley lo"* (How much will you fine 1,000, 1,500 2,000, come home and take it). She said she was not afraid and she would dump the cow dung where she had been dumping for the last few years. The residents were unable to keep a check on the cow dung dumping even after many people had stopped dumping garbage into the park. They said that if they told people not to dump then the gujjar men threatened them and told them to stay in their *jhuggies* and not get into these clean up activities and become 'netas'.

In November 2004, the same cluster was under threat of eviction because of ulterior motives. It has been alleged that the municipal councillor from the area received a certain amount of money (approximately 1-2 lakhs) from the local gujjar community to develop a vacant plot of land near the cluster. Even after significant interventions had been sought from the Chief Minister's Office, the Additional Commissioner MCD, the Engineer-in-Chief and the Executive Engineer, the local councillor insisted in evicting the residents without provisions for resettlement of any kind. She continued to pressurise the residents until the party heads for the district told her to either provide proper resettlement or refrain from troubling the residents.

Many of the men from the gujjar community are policeman. Each time the residents of Harijan Basti decide to mend their houses; two-three policemen land up at their door step to extort nothing less than 3-5 thousand rupees. If the case is reported to the SHO of the beat area (with the help of a NGO) they come back and demand more money or threaten to evict them. The residents of Harijan Basti often suggest that they fear their gujjar neighbours. If they live quietly without demanding better, more habitable, environments they get less troubled by the gujjars. Whether it is dirty clogged up drains, or the garbage in the garbage dump or the electricity cuts in summer, the gujjars hold the residents of Harijan Basti responsible. The gujjars call them dirty and insist they should be removed. *"Jhuggi wale gande log hain, bijli, pani chori karte hain, inko yahan se hata dena chahiye"* (slum dwellers are dirty, they steal water and electricity, they should be removed from here).

The need for prioritisation

When one studies the literature on the right to housing it leads us to believe that all the conditions listed under housing are equally important. The ISST study however brings to light that insecurity of tenure is the most stressful of all the other inadequacies that people have to live with. This does not allow for community mobilisation. It makes for such feelings of insecurity as would necessitate the clustering along caste and village lines. It also is a major disincentive in self help and investing in infrastructure. It is dehumanising and alienating. The ISST study cites how community mobilisation which was successful, was destroyed since the settlement was evicted in the case of the residents living on the banks of the Yamuna river. The right to housing is closely tied with enabling the human being to perceive a future, to think and plan for it and to believe in it. Insecurity of tenure dehumanises since it necessitates living from one day to another. If tenure is assured, it will be easier for communities to come together, to overcome differences and to visualise a common future good. Livelihoods are better planned and other service delivery mechanisms like education and health are also better accessed. *Research needs to be carried out which investigates the importance of security of tenure above all other conditions in housing.*

Today the most dangerous process at play is the emphasis upon the instrumental value of a person, not the intrinsic value. Hence the need for human rights and the right to be human is even more paramount. However, the strategy to fight for these rights gets complicated since situations are located within changing philosophies of state role in development processes. With the sweep of globalisation and liberalisation, the onus of development initiatives has shifted to what has been called 'people's participation'. Hence programmes are now structured around self-help groups and people management committees. While there is no harm in involving people in planning processes and programme implementation, there is always the danger of the State's abdication of its duty towards citizens from the perspective of rights. The fine line has to be balanced between the involvement of people and the role of the state in meeting the basic needs of the people. Perhaps the answer lies within a rights-based perspective, since through it, vigilance on the part of people and transparency on the part of the state become mandatory.

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CHAPTER 7

Urban Governance Issues and the Sacred Canopy

Jyotsna Bapat

Rationale

What is the governance issue linked with sewage, sanitation and garbage collection for urban slum dwellers? The governance issue is how to justify providing basic minimum physical infrastructure services to them given that they are not 'paying' any property tax or other municipal taxes, are not 'legitimate dwellers' at the place of residence, have no formal title and hence no legal rights to the lands they occupy or the houses they live in, the dwelling units they live in do not conform to any standards, and even the people who live here change constantly over time. Thus if the slum dwellers are amorphous, unorganized, alienated individuals sharing urban spaces by accident then entrusting such a 'mob' with maintenance of civic amenities is not wise.

This stems from a particular understanding of policy-makers to urban migrants. Urban migration is something that is seen as undesirable. Indian government employment programmes in rural areas explicitly aim to prevent distress migration of labour. But migration as a phenomenon in general and rural to urban migration in particular, has a complexity that is not fully understood so far, in India or in other countries. The questions who migrates, who profits from it—depend on a range of economic, social, cultural and political factors. The effects of migration are equally complex—though the negative effects, of increased inequality are often highlighted. De Haan (January 2000) therefore argues that even if the effects of migration cannot be easily identified, migration needs to be understood as a common element of livelihood strategies. Centrality of migration, for the household's livelihood, should be recognized first. The policy implication of this view is that policies

* With Case Study inputs from Suchi Pande (Project Coordinator, Institute of Social Studies Trust)

should aim to support migration in general. If there is evidence to believe that 'distress' migration is taking place the state policies should intervene to stop it. It follows that negative implications of policies towards migrants, should be more central. Therefore policies at the minimum should recognize rights of migrants, should contribute to providing access to health and therefore environmental sanitation.

Often in slums in Delhi, it is found that a social response to hostility of the policy-makers to the slum dwellers, is a process of closure. The first generations establish cultural and religious symbols, in the slums. These take the form of temples and religious shrines, which can be interpreted as a process of closure in the face of hostility in the 'host' society. In Delhi the host society often represents the formal housing colonies, that are located near the slums and those that the slum dwellers themselves may have helped in constructing.

The question is can these 'processes of closure' be interpreted as symptoms of instability replacing stability in the life-cycle of a slum? Can this be taken as evidence of a community? If the answer is affirmative, then they deserve compassion and help and more humane treatment, in the form of access to water, sanitation, sewage and solid waste disposal management infrastructure, and even a subsidy in maintaining it. The possibility needs to be explored if the social/cultural/religious organizations that have evolved around these religious symbols can be harnessed, to provide environmental sanitation and better living conditions to the urban migrants. This would mark a beginning of policies aimed to support migrants in the city without addressing the 'sticky' land ownership issue of the slum dwellers.

Urban policies towards slums are changing. Most municipalities provide drinking water connection and common public toilets to slums that are ten years or older. In case of slums affected by infrastructure expansion: "No development without rehabilitation" has become a norm. A formal urban rehabilitation policy that applies to urban slums in India has been accepted as a norm since the 2002 Bombay Urban Transportation Project Phase-II in Mumbai. In the present context concerted efforts over the last one and a half year had only limited success in bringing people and MCD officials together, on sanitation and solid waste collection. Therefore there is a need to look for alternate community organizations that can be harnessed to create and maintain environmental sanitation in slums in Delhi.

The housing structures in urban areas range from JJ slum clusters to resettlement colonies to co-operative housing colonies. These are typologies of classification based on land ownership and legal rights from a city government's view and not an evolutionary continuum. Each of these has an internal dynamics, of origin and evolution that can be inferred from their social histories. Having said this, the problem of governance related to environmental hygiene mentioned above is a very real one, when addressed from humanitarian perspective for JJ slum clusters.

Is it possible to infer the stage in the evolution of a JJ cluster that can be linked with external physical structures? Suggested here is a thesis that the existence of a more structured religious canopy is a symbol of stability replacing instability, with a matured communal identity and a sense of permanence and belonging, in the life cycle of a JJ slum.[1] Physical existence of 'The Sacred Canopy' reflects the ability of the community to mobilize resources and organize around a common cause. Human societies have always organized themselves around 'religious canopies' as a basic instinct.

Claiming space

The issues of land and space are highly contested and politicised in urban environments. These are often viewed only from that point of view which benefit or consider the affluent and well-off sections of society. And therefore, access to land and claiming spaces by the poor often proves difficult and compels them to rely on 'other' means than negotiation to claim spaces as their own. One of these other means manifests itself in the form of religious structures also referred to as 'sacred canopies'[2] to claim space.

Although governments and development agencies prefer to link up these processes of claiming spaces to the issue of 'governance' it is important when speaking of governance to reflect on and unpack the meaning of governance– who governs over whom and in what way and do the governed stay passive?

Poor people are engaging in building sacred canopies on a more fundamental level and not one only linked with 'governance'. Through the use of sacred canopy they are defining space as ritual which is both protecting their territory in highly contested times and also finding spiritual support in this marking of space.

The key concern here is also control of space. Land is identified and viewed not from the point of view of its history but transferability. It is acceptable to raise a hue and cry over the growing environmental degradation of the land in the city. Nevertheless, despite the further abuse of land as a result of excessive commercialisation, the needs of the poor for shelter are hardly significant. That this planned landscape is backed (fostered) by a menacing real estate mafia with links to politicians and city authorities is another inconvenient fact that is easily forgotten.

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[1] The original inhabitants of the settlement in two areas of slums we worked for indicated an initial struggle to settle in the current location. "Every couple of months the Municipal Corporation of Delhi staff would come and destroy our residential structures and take away the poles and Corrugated Iron Sheets (CGI) and destroy the permanent brick or stone structures. We were even moved from one side of the road to the other (in Rajiv JJ Camp). Finally the MLA said 'we could stay here.' This is our present location and we are here for the last ten odd years. This boy was born when they last destroyed the slum now he is in fifth standard." As told by a resident of Rajiv JJ camp.

[2] Peter Berger 1969. "Sacred Canopy"...... Anchor Books New York (Reprint 1990).

In all its human settings, land appears both as an object of use and as a symbol with meaning. However, viewing land only in its mere functional sense as a mere setting for other things is not enough but making symbolisation of space central to the understanding of land relations[3] is useful in that it places the poor, marginalised slum dwellers not as 'passive agents' but as 'active ones' who shape what they have, are given and sometimes reject even on so-called irrational reasons.

People associate with mythical lands not as owners or citizens but as organic or spiritual components. The definite identity of the owner results from the organic bond that connects the family and its lineage that seems to originate from one place. As Veronica Strang (1997) says of aboriginal Australians[4] generally: 'As hunter-gatherers, their lives were wholly bound up with land…their entire social and spiritual existence was mediated by land and the ancestors embedded in it, whose lives they were spiritually directed to emulate'.

On the other hand viewing land as property (public/private) signifies a different meaning to the people and the association they form with the land they inhabit. The urban poor are especially vulnerable to commercial and politically motivated actions in the contest for spaces. Therefore it is necessary to recognise the multiple and fluid meaning of space and its sacred character. The links that bind and connect may not always be visible relationships or rituals but they do convey a moral and emotional identity in the face of commercial objectification that goes against them.

A fundamental quality of land is the fuzziness of boundaries; even where land is legally delineated the boundaries and borders will be weak. How are lands then geometrically ascertained? Principally by way of their sacred centres (Munn 1970; Layton 1995:218)[4] – such as places of recurrent ritual practices (the *peepal* tree at Harijan Basti). At their centres, lands are precisely strong and uncontestable (Strang 1997: 257-8).[5] On the Malay-Indonesian border, displaced Sakai[6] set up a sacred shamanic centre on land in the forest which they hope to reclaim as property (Abramson 2000).

In most real life situations, land relations are built out of a combination of jural and mythical factors (Perotta cited in Abramson 2000). In fact, today there is no strip of land, sea or space which is not jurally subsumed and or

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[3] Mythical land, legal Boundaries: wondering about landscapes and different tracts (2000) A.   Abramson. Pluto Press: London.

[4] Robert Layton & John Ucko (1995).....

[5] Strang Veronica 1997, "Uncommon Ground: Cultural Landscapes & Environmental Values" Berg Publishers Ltd.: exploration in anthropology series.

[6] Aboriginal tribes of the Malay Peninsula.

legally owned. There is no human actor today who does not have a mythical relation with some territory or other. Unlike the forms of thought reality therefore, lived reality exhibits partial combinations of land myth and land law, variable articulations of land rites and land rights and singular interpenetrations of property and identity (Abramson 2000).

Society and religion

Primateology, the study of a human being's closest genetic cousins tries to understand the basic human nature that is genetically embedded. These studies as quoted by Krober indicate that among various instincts that we share with primates, a fear of the supernatural represented symbolically in their own image, is exhibited by chimpanzees. Various sociologists who have studied the sociology of religion have explored the symbolic nature of religion in human societies and provided various structural and functional explanations for its continued existence. Emile Durkheim's concern in his *The Elementary Forms of the Religious Life* (1912) was ultimately both present and practical: "If we have taken primitive religion as the subject of our research," he insisted, "it is because it has seemed to us better adapted than any other to lead to an understanding of the religious nature of man, that is to say, to show us an essential and permanent aspect of humanity."

Religion according to Durkheim can be defined only in terms of features that are found wherever religion is found. The very existence of religions in all cultures, therefore, assures us that they "hold to reality and express it." The symbols, through which this reality is expressed, of course, may seem absurd; but we must know how to go beneath the symbol, to uncover the reality which it represents, and which gives it, its meaning. These symbols may be imposed on an objective reality which may possess purely functional meanings in other contexts of every day life. Like a tree could be considered sacred or a betelnut may be considered as Lord Ganesh for a particular ritual. These symbols form a 'sacred canopy,' which every society builds over its own world to give it meaning that is beyond the purely functional meanings that the objects may have in every day life.

The most barbarous and the most fantastic rites and the strangest myths translate some human need, some aspect of life, either individual or social. The reasons with which the faithful justify them are 'true reasons' meaningful to them and do not cease to exist in the face of other alternate explanations of the objects.

Theorizing the sacred canopy

The sacred canopy as a concept is used by Peter Berger (1969) to convey the collective symbolism shared by a group of people. The social construction of reality that is symbolic of a supernatural order of things that goes beyond our 'rational' understanding, a world of mystery. These symbols are context specific and linked with a particular social group to whom they are meaningful. They may or may not form the characteristics of a specific religion. Once these symbols assume a physical form their primary purpose is to protect the people, structures and objects under this canopy. Such a sacred canopy linked with physical space of a human settlement is found in all cultures and all settlements. It represents the symbolic re-organization and reconstruction of public space by a social group. Implicit in it is a sense of 'ownership' of the space, by the people who occupy it; a permanence of the settlement assumed by the residents.

Sacred canopy in traditional villages

Profane and sacred spaces are defined, within the residential houses in a traditional village in India. There is a clear demarcation of residential areas and other spaces in a household irrespective of a particular religion (Elide 1987) for majority of residents. In India the residential spaces are demarcated into a place for sleeping/living, a place for water storage, garbage disposal space and bathing space etc. Toilets are always away and detached from the main structure of the house. The main deity of the family occupies the sacred spaces, inside the house. The kitchen is also located near it with limited access to 'outsiders.' The profane spaces are the *baithak* or a living room, which is a space for public access, where any one can come in. There is usually a raised boundary to the door that leads to the outside called *umbertha* beyond which is the realm of the malevolent sprits. Near the border and away from the main living spaces would be a shrine for lesser gods, who would be border deities e.g. *tulsi* plant, that would be responsible for protecting the household from evil spirits, as first line of defence.

This micro cosmos of sacred canopies in the residential spaces in a village house is replicated in the macro cosmos of the structure of the village. There would be a caste-based segregation of residential places, a water collection points *panavtha* a garbage disposal point *ukirda* and one or more village god '*gram devata*' located within the village a temple, a mosque or a gurudwara etc., and lesser gods located at the boundaries to protect the "*ves*" or village boundaries like Maruti or *Jari Mari* or some other region specific lesser deities etc. These lesser deities may some times include shrines for some malevolent spirits or '*kadak daivat*'. This structure of *gram devata* in the centre and lesser gods at the boundaries is of significance in establishing the sacred canopy of the village. This defines the 'insiders' and the 'outsiders' from the village perspective—Those who belong and are under the protection of the main gods and those who are not protected by them. The right of first '*pooja*' on Dasera or Utsav or Urs then determines the social prestige of the families in the village and the socio-cultural hierarchy of families residing within the village boundaries.

Social change, crisis and resistance

In a different but related context, in Ethiopia and in Indonesia, religion and religious organizations and people holding these positions have been mobilized to bring about guided social change. In the context of Ethiopia the HIV/ AIDS epidemic was brought under control by the Christian priests and other faith based organizations, who preached the virtues of sex within marriage and monogamy to their followers and thus helped in bringing down the epidemic to single digit from a double digit galloping spread. (http:// www.unicef.org/ethiopia/overview.html) Similarly in Indonesia the Ministry of Religion organizes and implements various social and infrastructure development projects in different parts of the country (Personal Interview: Cynthia R de Windt, consultant UNICEF November 18, 2004).

In Mumbai the *Sarwajanik Ganesh Utsav* a public celebration of Lord Ganesh was initiated by Bal Gangadhar Tilak well over a hundred years ago. This celebration, like Durga Puja in the eastern part of the country is a public celebration. But unlike Durga Pooja this public religious platform was used by Tilak to highlight political concerns and issues of social equity and justice. On an apparently religious platform the religion of the participant was never a hindrance to participation during the early years of the *Sarvajanik Ganesh Utsav*. So the public debated with participants from different communities and even religions and this formed the main part of the celebrations before independence. Since independence it has become even more popular and a more widespread phenomenon and every lane, every settlement and every co operative housing society has one Ganesh idol installed every year. The *Ganesh Utsav Mandals* are formed as temporary entities for the celebrations and get automatically dissolved at the end of it. They collect donations, put up decorations, install the idol, hold celebrations and immerse the idol, in sea at the end of the festival. Some of these bigger *mandals* have become registered societies and have become more formal, and have an institutionalized structure, with a president, chairperson, treasurer and a secretary with a managing body of trustees etc. They collect funds and part of these funds are used for social causes, like funding needy students, or sending donations to drought or flood affected rural villages in Maharashtra or even other states. This is a more recent phenomenon, but the ability of the religious organizations to take on social causes and disaster related rehabilitation works, is not an alien idea.

At another level, traditional rural societies have a history of resistance to social change forced by other dominant cultures. Anthropological literature is replete with examples of such resistance to domination. The cultural form of this resistance is usually in the form of 'spirit possessions' and rituals around the possessions. The cargo cults of the Malenesian Islander documented by Jarvie (1970) is among the earliest examples of the aboriginal people seeking recourse to supernatural spirits for help and prosperity. Similar

studies of women possessed by spirits when they had to relocate to urban cities from the Indonesian hinterlands, in the face-assembly line jobs, in urban Java, is a more modern example (Ong 1987). David Hardiman's (1995) study of the history of resistance though the cult of '*Devi*' exhibited by the tribals from the Dangs against the forest contractors is well documented in India. Thus forced modernization and industrialization is resisted by the 'powerless' rural people though recourse to a supernatural, a world of mystery inhabited by spirits, and can be loosely defined as a recourse to religion. Paul Axelrod's (1995) study of Flight of the Deities documents the resistance of the local Hindus to Portuguese occupation and conversion of residents to Christianity in Goa. He argues that the Hindu resistance was an act of relocating their main Hindu gods on the political boundaries of the colony, outside the control of the Portuguese and yet within reach of the residents.

Rural urban migration

In India, like any other developing country, there is a rapid growth in the urban populations over the last few decades. At the turn of the new millennium, India's urban population is about 290 million people, which is about a third of the population. This figure is projected to grow at the rate of about 3 per cent per year in the next decade. By the year 2025, 50 per cent of India's population is expected to be living in urban areas. (www.careindia.org 8080/display sector (urban development).

Immigration from rural hinterlands rather than natural population growth accounts for the rapid urban population growth in newly developing cities, usually state capitals and other major cities in Indian states. In some of the major megapolis, only in the last decade this trend is showing a reversal. For example the decadal natural growth rate in 1991-2001 in Mumbai is slightly higher than the population growth rate due to immigrations.

According to the Census of India, 1991, fifteen years from now, Delhi will be home for more than 8 million residents living in substandard settlements without adequate basic facilities and a safe environment. In spite of their large numbers, these residents have consistently been marginalized in cities. Their contribution to the growth and survival of these cities is unrecognized. Development programmes in these areas are mostly *ad hoc* or focus on a single sector and are unable to meet the multidimensional challenges posed by urban poverty.

Slums as societies in distress?

Although urbanization is often associated with increasing national production and higher levels of per capita GDP, poverty remains a persistent feature of urban life, both in terms of income and living conditions. Urban poverty in fact emerges as a more complex phenomenon than rural poverty, with aspects of environmental degradation, inadequate planning and management

of urban resources, mismanaged investments in technology as well as insufficient mobilization of communities. (http://www.careindia.org:8080/display Sector.jsp urban development).

Though there are more recent studies to the contrary, (Benjamin 1996 "Land Productive Slums and Urban Poverty", Memeograph, (PhD Thesis MIT (M.S Arch. S.) USA). Urban slums are seen as places of thriving new industries. The informal status allows the flexibility to new capital to explore new technologies and innovations. New industry in Bangalore and Delhi in urban slums are documented to have these characters. As long as these are not distress migrations the labour migrating to urban areas can be seen as rational economic agents able to judge opportunities in urban areas and capable of maximizing their productivity (De Haan 2000).

In spite of evidence to the contrary there is a dominant tendency to see migration from rural to urban areas as distress migrations. The popular image reinforced by media, is families unable to find employment and sources of livelihood to sustain themselves in time of famine or lean season, migrate to urban areas in search of livelihoods. These are typically seen to be construction labour or unskilled industrial labour, who on completion of their job at the site, manage to 'squat' in public lands. The reason for them, not wanting to 'go back' could well be that they recognize the richness and diversity of livelihood opportunities that the urban environment offers. Decision to migrate could be a part of the collective portfolio of activities and income sources (De Haan 2000).

Informal settlements of *Jhuggi Jhompri* (JJ) slums form one end of the continuum, the other being formal housing, of the residential patterns in an urban space. In Delhi there is a transition from a JJ slum, to a resettlement colony. The JJ slums are 'illegal settlement' a settlement of migrants who are occupying public spaces. Some of the JJ slums, became resettlement colonies. When these spaces are claimed by the state authorities for their intended purposes, the displaced squatters are relocated in other open spaces with minimum 'sites and services' and a paper indicating the allocation of the plot of land. Just that proof of ownership is enough for the settlers to build multi-storeyed housing as they have access to informal finance.

Historically the open spaces were reserved by the state for future needs of the growing city. Usually these are spaces reserved for physical infrastructure expansion, like roads railways or power transmission lines, bus depots etc. These JJ slum settlements used to be treated as illegal encroachers by the city authorities and with no legal and legitimate status. Therefore they were routinely demolished by the JJ Slum wing of the Delhi Municipal Corporation. These settlements are therefore characterized by lack of civic amenities like roads, power, water, sewage and sanitation and solid municipal waste collection facilities. This results in environmental degradation, inadequate infrastructure facilities, as well as insufficient mobilization of communities.

They are seen as communities in distress who have migrated for reasons of subsistence and therefore their apathy to the open sewage and garbage and general unhygienic conditions are seen as a symptom of this distress.

Sacred canopy as a response

The JJ slums and the resettlement colonies are the two dominant residential spaces where majority of the urban poor reside in Delhi. These spaces are also characterized by insufficient mobilization of communities because it is assumed that people living in these spaces do not have a common thread that would unite them as a community. Though a closer examination of the settlement patterns do exhibit social networks that are on regional, ethnic and linguistic basis and span across the settlement. (In a personal interview by Jyotsna Bapat with Shagun Devi ex-Pradhan Rajiv JJ Camp, location community Centre Rajiv JJ Camp, on 25 March 2004).

A defining feature of each of these settlements is the 'sacred canopy' that exists across all the settlements and yet the form and structure that it assumes varies across each. It ranges from just a tree being identified as sacred to a full fledged temple as elaborated later. These JJ clusters have existed in this specific location well over 15 to 20 years. The residents are more settled and have relatively stable livelihoods, albeit at subsistence levels. They all believe that they are in the present location due to 'destiny.' They all share a sense of belonging that is represented by commonly agreed 'public spaces' in their JJ colony as sacred and profane space.

Because the supernatural is a realm set against the reality of every day life and is often seen to surround it, it can only be communicated by sacredness through religious collective symbols. Sacredness is a quality of power, realized in experience and objects of life. So religion is constructed as a canopy of sacred objects and meanings, a universe of built meaning to reflect collective and therefore project itself right into the personal beliefs of the individual and human groups. Thus there is a relationship between institutions, the forms of work and life, and both social and inner meaning.

This sacred canopy is maintained by the social order, and in turn makes the objective social order subjectively legitimated to every thinking individual. The faith based groups and institutional organizations of society are placed into history and the very drama of unfolding life, that history reflects the playing out of divine reality.

Furthermore, the subjective impact of this construction and reflection is in the explanation of events of significance, thus explaining the perceived good and bad of life within that order. It pervades every area of life right down to the very personal, so that sexual relationships reflect the divine to human relationship, and health and wellbeing reflect the condition of the individual in relation to the divine will. It is a very thorough, united and uniting ideological system with sacred and supernatural support, that re-enforces the mundane and every day reality.

Functional explanations

When people believe that they have lived long enough in these lands to claim them as their own, they create these canopies. It could be explained as a process of 'closure,' a reaction to the to legitimacy granting authorities' hostility to the settlement and unwillingness to legitimise the settlement. In this case it is the Municipal authorities. At a purely mundane level it is a symbolic structure that is indestructible by state authorities[7] and sometimes even supported by the state representatives like the local MLA or councillor.[8] Religion has its own legitimacy. Once the religious structure is established and accepted by the people around it, it becomes 'indestructible.'

It provides 'legitimacy' and identity to the residents around it. The structure provides a focal point to the spatial spread of the settlement. Once the focal deity is established at the centre of the settlement the border deities follow very quickly just as in any traditional village settlement patterns. These help in providing a physical boundary of settlement that cannot be destroyed by government or other political authority. This physical demarcation is essential to establish the Insider-Outsider status and early arrivers versus newcomers. This distinction is essential for getting facilities from the municipal authorities. Thus the religious monument provides a markers and a cut off date of origin to the settlement, so that the before and after can be clearly indicated. The type of god and the festivities associated with it provides the socio-cultural identity to the group. It provides a moral legitimacy that traditions accept as legitimate. The religious structure provides a level of comfort and spiritual protection against forces beyond their control. The other more important feature is the political clout and self-confidence that the community gains because of this ability to organize and sustain the religion related activities over time.

To substantiate these observations, three case studies are presented here. These settlements were strategically selected for understanding and interventions related to the ISST project (Ensuring Public Accountability through community action Aug 2003-May2005).

Case studies

Harijan Basti—the tree as sacred canopy

Spaces do take on a meaning, although they may not always be as clearly defined or seem explicit. In the city context, space is highly contested—by various groups wanting to utilise space for various purposes 'developmental' 'religious' and/or 'survival'.

Sacred forms and shapes derived from natural objects (trees, stones, and land forms) are symbols of sacred or divine, which are then utilised as

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[7] During field investigations in conversation with engineer level Government officers.
[8] Refer case study *Harijan Basti—Hanuman Temple*.

processes to continue to reside in a place or find new sites. In squatter settlements people in order to survive need to form alliances across ethnic groups, but also religious spots with a distinctive identity are used to secure tenure to that location to prevent demolitions.

It has long been a tendency among human beings to perceive and believe the sacred to be present in anything, ranging from trees, or stones, to human-beings. The sacred tree or sacred stone is not venerated as a stone or a tree but, because of hierophany, as something sacred. As a sacred tree, or a sacred stone, the tree is no longer a tree and the stone no longer a stone (http://witcombe.sbc.edu/sacredplaces/sacredness.html).

In one such squatter settlement Harijan Basti a *peepal* tree occupies a sacred space. It manifests itself in a reality different from the normal reality. The *peepal* tree in India is associated with spiritual understanding–and easily recognisable by red and yellow threads and the bright red clothes with golden border that are tied to the tree.[9] The *peepal* tree at *Harijan Basti* is located in the middle of the settlement with very little to speak of its holy or sacred nature.

In Harijan Basti the *peepal* tree serves its sacred purpose in a quasi-traditional sense. It is not venerated as a sacred tree—it is just a tree. As mentioned before there is very little (visually to the outsider) that conveys its 'sacred' nature. In Indian villages a tree is revered as the power that sustains the community. And perhaps, these resident migrants from rural India draw from the tree their faith and their strength for survival in the city.

The tree has a small bell and two red and golden bands tied to its branches. But neither of these is starkly visible. What one also learns is that there is a small '*Sivaling*' (symbol of Lord Shiva).[10] These as the residents put it are 'symbols of association' of the religion they are born in to. However, unlike the limitations of mobility associated with the normal 'temple' space, the space around the tree is not out of bounds for the residents. The tree in Harijan Basti serves as the common point of contact and address for all occasions. Monthly meetings, election of informal institutional heads, normal chit-chat, interaction with NGO groups, awareness generation are all carried out from under the tree. It is only by accident that one learns that the tree although just a tree is one which does occupy a sacred space. The residents refer to it as a tree but add that it is also their temple.

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[9] Threads are tied around the *peepal*, to seek a boon. It is believed that the thread bothers the tree spirit, which therefore grants the boon. After the boon is granted, the thread is untied and buried at the foot of the tree (http://www.gurjari.net/ico/Mystica/html/scared_trees.htm).
[10] An independent observation on the small size and discreetness of the symbol has been linked to the caste background of the inhabitants of the basti. Given the small number of upper caste people, perhaps the tree and the symbol occupy a space linked more to faith than 'religion'.

Harijan Basti—the Hanuman Temple

Harijan Basti is divided into two halves by a children's park. At the start of the settlement is the sacred *peepal* tree with a small *Sivaling* and at the end of the settlement is a Hanuman temple.[11]

Unlike the *peepal* tree which has very little that speaks of its sacred or holy nature, the Hanuman temple at Harijan Basti is constructed in the traditional style of an Indian temple. It is a walled structure with an idol of Lord Hanuman covered in *sindur* (vermilion)[12] from head to toe standing on a raised platform.

The surroundings of the temple unlike that of the tree is not a 'shared' space—public and scared space. It is only a space for worship. Fresh flowers are offered to the idol everyday and oil lamps and incense sticks are burned. A daily *puja* is also carried out at the temple.

The construction of the Hanuman temple is an exercise in marking the boundary of the settlement. It is representative of the actions of Harijan Basti slum cluster that does not intend to expand onto the remaining public land. The temple manifests itself in to a symbol of the primary purpose of protection for the inhabitants.[13]

Yet another significant feature is the eternal support for the creation of such sacred spaces by the political representatives of the area. The residents are squatters on public land and can be evicted as and when a demand for 'development' work in the area is identified. Although provisions for basic public services can be delayed, construction of a sacred space is endorsed and accommodated. In the case of the temple the local municipal councillor encouraged the residents to go ahead and construct this temple.

Emboldened by their ability to organize themselves as the following incident that took place recently in November 2004 shows, the case of Harijan Basti demonstrates that survival is one of the critical factors determining the formation of alliances by people inhabiting squatter settlements. The demolition incident at Harijan Basti in November 2004 (which was favourably averted) clearly brought out that 'local diplomacy' at the local level manifests itself in networks/links that slum dwellers form with their

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[11] Hanuman is the monkey God of Hindus. He is considered *Chiranjeevi* (will live eternally). He is respected and worshipped for his wisdom, humility and devotion to lord Ram. It is believed that Nandi (A bull—Siva's vehicle) well versed in all scriptural and spiritual knowledge—imparted knowledge of devotion to Hanuman. He is also considered as a strange manifestation of Lord Siva.
(http://hinduwebsite.com/hinduism/siva.htm).

[12] Sita wore *sindur* for the safekeeping of Ram, having learnt this Hanuman went and rolled himself entirely in *sindur*. One of the main offerings made by devotees at Hanuman temples is *sindur*.

[13] In the popular imagination Hanuman is best known as *Sankat Mochan*, the destroyer of danger and trouble.

political representatives. These links are more often than not utilised to meet everyday needs. However, these very same links are important elements of the survival mechanism of these settlements.

This small slum cluster in east district Delhi actively mobilised as a community over a ten day period as they made constant efforts to organize financial and human resources to save their *jhuggies* from demolition. Their efforts were aimed at protecting their *jhuggies*, threatened by arbitrary action of road widening with 'ulterior motives'. The collective action was inspired and driven by the spirit for survival. It was understood that if few *jhuggies* were broken, soon all the rest would meet the same fate. And therefore majority of the households contributed 50 rupees per household towards covering travel costs to do the rounds of numerous government offices in the hope of averting the demolition. The residents were lucky to meet with a desired end since one section of the road had already been completed and knowing this they were successful in organising and, most importantly, initiating the action. They did not leave it up to the NGO or to the Chief Minister to act on their behalf and become their saviours.

Rajiv JJ Camp—the sacred canopy and the ability to mobilise resources as a community

Rajiv Camp is a small JJ.[14] The case of Rajiv camp demonstrates the physical existence of 'The Sacred Canopy' that reflects the ability of the community to mobilize resources and organize around a cause.

Rajiv Camp's sacred canopy imparting a sense of permanence and belonging to the cluster is a traditional Indian temple. The temple is located at the rear end of the cluster. The temple has '*pucca*' (permanent) walls and an iron gate. The temple was constructed by pooling resources from the cluster inhabitants. The cluster inhabits the Bengali community which constitutes half the cluster population and the other half are from Bihar and other states. Durga puja is celebrated with a lot of ardour and zest at Rajiv Camp. During the month of Durga puja celebrations the residents of Rajiv Camp collect '*chanda*' (community funds) for organising *puja* over ten days to mark the celebration. This fund is used for buying oil, flowers and food and other items to use in the *puja*.

The entrance of Rajiv Camp has a newly constructed '*Siva mandir*' (Siva Temple). The temple was constructed in the last few months. The symbolism of the temple is one that marks the start of settlements boundaries. The empty space beyond the temple was gradually being occupied by people

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[14] Houses constructed with waste materials–discarded cardboard sheets, plastic sheets, jute mats etc. Over the years the cluster has acquired brick walled houses. Nevertheless it is still officially a JJ cluster.

who wanted to set up their jhuggies there. But the residents of the camp refused to increase the size of their settlement and expand onto the empty space and risk a forced eviction. With their requests to stop the occupation of the space falling on deaf ears they decided to construct the temple to mark the start of their boundary and save their cluster against any eviction drives. To ensure and convey their intentions for building a temple they invited the support of their elected political representative and the local municipal councillor.

This cluster has been inhabited for the last 15 years and the government is still justifying its inability to provide basic services in the area. Rajiv Camp is a JJ cluster as per MCD[15] typology of squatter settlements Rajiv Camp is not legally entitled to any services that can be provided in the form of permanent structures. And so, residents have been living 15 years in the same area without proper toilet facilities.

The residents were approached with the idea that the issue of absence of toilets in their area can be addressed through similar mobilisation means that the residents use to mobilise funds for the *puja* and initially for building the temple. However, this idea was not well received. The residents argued that collecting funds for organising *puja* is not a big deal because the amount is small and manageable. On the other hand, mobilising funds for setting up temporary toilet arrangements with no guarantee of how long the temporary arrangements would last and the fear of losing whatever little they invested, the residents refused flat out.

They were of the opinion that the government should provide them with toilets. If the government is not keen on paying attention to their needs then NGOs could mobilise the funds. They were of the opinion that as a community arguing for services was futile as the government rarely listens. They said that they had begun the process by approaching their elected political representative and would rather follow up on that than risk small investments on their own.

New Seemapuri - traditional sacred spaces

New Seemapuri is a DDA[16] JJ (resettlement) colony. The residents were resettled here from the old Delhi region during the time of Emergency in 1975-76. Seemapuri is a planned colony, where people living in slums were relocated and allotted houses. A majority of the population here are Islamic/Muslims. The colony is divided into Old and New Seemapuri area.

If one was to look at the layout plans for the colony one would locate several sacred spaces in and around the New Seemapuri area. There are mosques and temples lining the borders of the colony on all four sides. There are six blocks in the New Seemapuri colony and each block has at least one big mosque and temple.

[15] Municipal Corporation of Delhi.
[16] Delhi Development Authority.

There are parks located at the end and beginning of almost every block. In almost all the blocks a significant portion of the land dedicated to the public park has a temple. There is also one church. Mosques are usually located in the middle of a block or in between two blocks. In fact in block D of New Seemapuri a few lanes are also named after the mosque and are commonly referred to a '*masjidwali gali*' (Mosque lane).

Discussion and conclusion

Berger in his theorizing ends with the note of despair that the rationalization and bureaucratization of the modern world is leading to secularization of the urban dwellers with deep social and psychological consequences. The explanations in term of life and death offered by the sacred canopy is breaking down and is replaced by meaninglessness and alienation for individuals. His thesis is there is no general way to rebuilding the sacred canopy, except some small resurgence of religion in pockets.

What is argued here is rebuilding of the sacred canopy is not just possible in urban spaces but is already happening in the JJ slums in Delhi with deep social and psychological consequences. This is a symbol of the plurality of meanings that that objective reality symbolizes. It provides an ethnic and cultural identity to the amorphous and faceless mass. Organizational hierarchy within the group develops—beginning with the celebration of festivals, graduating to welfare organizations of the *Ganesh Mandals* taking up a social cause to raise consciousness or help marginal groups define the Insider-Outsider status of residents. It provides protection against the state and a potential for routing the 'infrastructure development' of the state where the state agencies cannot deliver for various reasons. The 'Sacred Canopy' that reflects the ability of the community to mobilize resources, to organize themselves around a cause, offers a potential solution for addressing the 'Issues of Governance'. Civic amenities may be entrusted to such communities and these various committees that support the religious canopy in the community, may be mobilized for ownership of the civic amenities and for monitoring and supervision of these created physical infrastructure assets.

The urban governance issue in the JJ slums in Delhi is the issue of 'ownership' of lands that the JJ slums currently occupy. People are not very willing to invest in infrastructure utilities which they see as 'luxury goods' as per their own ranking of priorities. These are like any typical infrastructure investments, 'top heavy'. Though initial capital investment in creation of the infrastructure network is very high, they yield returns slowly over time, through user fees. Therefore the local government is not willing to invest in the infrastructure without resolving the land ownership issue. The municipality cannot provide it free for the same reason; there are also other technical and legal issues of ownership of the land that makes the municipality drag its feet. Given this issue of ownership of lands they are located on, the

JJ slum community cannot get the municipal authorities to help them legally. This is all part of the non-supportive policies of the urban governments toward the slum dwellers in India. Therefore political largess for upgrading through MLA funds is the only source that is open to them. But there is a queue and a waiting time for their turn.

But a more supportive policy towards urban JJ slums should allow this to happen. As indicated by the religious canopy these communities are organized, mobilized and financially vibrant. Affordability of O and M with, 10 per cent contribution of labour from the community, is a model proposed for promoting water and sanitation infrastructure in rural India. The same model can be extended to the urban slums that exhibit religious canopies. The organizational structure that manages these activities related to religious canopies can be involved in monitoring and supervision of these facilities.

Do we have empirical evidence to support this argument? In Maharashtra some of the older *Ganesh Utsav Mandals* have been involved in socially meaningful activities, like distribution of free books to deserving students and donations to natural calamities. So are churches in Ethiopia in fighting AIDS. Thus, the older the sacred canopy, the better its ability to mobilize people around a social cause.

The ability to mobilize the JJ slums over issues of sewage and solid waste disposal is worth exploring. Bringing the government and the community together on these issues in three east Delhi slums has met with limited success, in the current project. Working with an already functional community organization to take on a new responsibility may prove to be easier. This can prove to be a first step towards the MCD's policies. Supporting migrant labour by providing access to health and education facilities seems crucial as recognition of the contribution and rights of migrants.

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CHAPTER 8

The Discovery of 'A'* Name: The Coming of Community, Identity, Dignity ... to Deal with Homelessness

Indu Prakash Singh

AAA: Not, by the way!

Aashray Adhikar Abhiyan (AAA), a programme of ActionAid India, took shape after repeated meetings in early 2000. The idea to start something like AAA, working with the homeless in Delhi, germinated in the Planning Commission meeting held on September 19, 1999. This meeting was initiated by AAI, under the leadership of Harsh Mander and supported by friends like Mathew Cherian and Amita Joseph. The then Planning Commission Secretary Dr. N.C. Saxena gave full support to this initiative.

The meeting in the Planning Commission served as the right setting. It was brought to attention of all that little work has gone in, towards addressing the urban poverty issues in the country. And also there was no government scheme worth the name that was covering the homeless in the cities of this country (the people who slept on the pavements, hand carts, vending carts–*rehris*, rickshaws, flyovers, traffic medians, in parks, under bridges etc.). It was thought it will be apt to start this work in Delhi, since this is the capital of India. And the learning and understanding gained by this work will be used to replicate this work in other cities of India.

It was decided to form a small secretariat, which would coordinate this work. The meetings held in ISI and ActionAid DRO office in early 2000, clinched the formation of AAA. A steering committee was created to guide this work, and the entire team of AAA (7 programme staff and 2 support staff) was in place by May 2000.

A* : signifies AAA (Vijay Naugain's idea)

As we had no idea about the homeless, their needs, their problems, their existence ... we immediately started to plan for a rapid assessment of the situation. Mid-May 2000, we conducted a recce for the team, and after an orientation of the volunteers drawn from different organisations, the rapid assessment survey (RAS) was conducted from June 5th–June 16th (the details of this is given in the published report of the RAS: *The Capital's Homeless*).

Right from the beginning, we knew, alone we could achieve nothing. That's the reason why we involved everyone, whoever volunteered. And also we wanted the issue of homelessness to move into the agenda of different organizations. Early August 2000, we organised a meeting of voluntary organisations, where we shared the major findings of the RAS, and also called for their support to our work.

While we enlarged our support base, we went in for various brainstorming sessions within the team to grapple with the challenges that our understanding, as we engaged with the homeless, kept throwing. We never shied away from telling each other what we really felt. And all this brought our team together. It was dialectical in nature. We kept debating and questioning our understanding. All this contributed to the understanding that we have today on the homeless issue (but definitely, all this was not easy, it took lot of our time and effort. Had we not done this, we would have got trapped in formulating theories, with no bearing on reality). Surely, I feel that what I've learnt personally and together with the team, I couldn't have learnt reading a book on the homeless. For there was no such book. Our understanding was formed not through the traditional KAP model, but rather PAK (Practice, Attitude and Knowledge) model. We learnt by doing, by being with the homeless on their turf, at their time, and at their choice.

All this provided us with a real opportunity. We had no blueprint to follow. No models to replicate. No understanding to prejudice our minds. As Tagore has said "Paths are made by walking", we followed it. We made mistakes, but never repeated them. We knew Rumi had said "Your mistakes can also lead you to the truth". We definitely can't say if we have all the truth, information and knowledge on the homeless issue. For us the process has been more of our concentration and emphasis, than the product. A process where everyone: the homeless – children, women, men, disabled, mentally challenged/ill, elderly, destitute; our homeless community workers; our support staff; our programme staff; our networking partners ... has contributed.

Our strategies, interventions, and actions were not born in isolation. It was born in the thick of our engagement with the issue, with the people, with organizations, etc.

The paths are made by walking

For everything that we did, there was a definite reason. The key questions in understanding what we are today? what we represent today? why we

did what we did? are in some way reflected in the following (the initial three years, 2001-2003 of our engagement is being outlined, as a case in point):

1999-2000

- the initial steps taken

2000

- how was rapid assessment survey (RAS) experience instrumental in the programmes that followed (Health, NightOuts)
- how did actions follow RAS
- how did media start reporting
- the role of recurrent team brainstormings
- crucial meetings held (VOs etc.)
- why was emphasis laid on networking with VOs
- what did we approach IHBAS (Institute of Human Behavior and Allied Sciences) for
- the basis for needs based assessment on health
- what were the plans to handle sanitation
- the beginnings of health intervention
- what came out of our visits to custodial institutions run by the Department of Social Welfare (DSW)
- why did we insist for going for Praxis training (4 of us)
- the role of DRO
- our initial meetings with MCD Slum and JJ
- one night shelter closed, could we do anything
- what was it that we asked the Archbishop's support for
- when did sensitisation begin and how was it done
- how did the idea for NightOuts germinate
- when did we start focusing on BPBA,1959 (The Bombay Prevention of Begging Act) and why

2001

- what was our role in Census 2001
- the 2½ months–old dead body found and the Supreme Court PIL
- what emerged from our relationship with the DSW
- what came of our meeting food and civil supplies department
- what was the purpose of our visiting all the night shelters

- we still insisted for 3 of our colleagues to go for Praxis training
- 4 of our community workers/support staff went for Sandhan training
- other shelter closed, what was it that we did
- how did our first demonstration go
- why was Khula Manch organised
- what made us file a PIL in the High Court, despite we being not keen t use the PIL way
- what came of the PIL
- how was the Theatre of the Oppressed (TOO) received by the homeles
- why was PRA conducted in all the Night Shelters
- Evaluation, by using PRA techniques, conducted for HIGH (Healt Intervention Group for the Homeless)
- how did the first meeting with Subhash Sharma, NDMC Chairperson an Catholic church priests, Bangla Sahib gurdwara and us go

2002

- what made us withdraw from the workshop that we were co-hostin with the DSW
- why was emphasis put on getting DLSA (Delhi Legal Services Authority permission to represent in the Beggar's court
- when did homeless community workers start joining us, full time
- what was happening at the High Court
- the creation of Joint Apex Committee (JAC) by MCD
- how did St. Anthony's Boys School open up for street children
- how did *Anugriha* (first shelter for homeless women in Delhi) come abou
- D4C's emergence and contribution to our work
- when did regular shelter meetings (JAC) start at India Habitat Centre
- the shaping of plans for joint management of the two night shelter Fatehpuri and Fountain Chowk
- what happened at the meeting on Begging, called by DSW and cordinate by AFD (Association for Development)
- did sensitisation catch up with the police and hospitals
- Evaluation, by using PRA techniques, conducted for HIGH (Healt Intervention Group for the Homeless)
- training conducted for would-be community workers for shelte management

- how did temporary shelters: 13 tents, 5 community centres, 1 dropin–centre come about during the winter

- what was nice about St. Columbus School opening

2003

- how did Star News, Star World, CNN, AIR come in a big way to support us
- more schools opened up for shelter for the homeless
- how were homeless people contacted and told to use the temporary shelters
- when was the MoU signed for Joint Management of the two shelters and cheque of 41 lakh given by Sterlite industries
- permission given by the Director of Education to use 3 schools as night shelters for the homeless
- why was a snap survey conducted in the temporary shelters
- why was *mahapanchayat* organised
- what happened immediately after that
- did we meet the CM to seek redressal
- why have we approached the President of India
- why is it that we had a *panchayat* after the *mahapanchayat*
- what was the reason to go in for a 5-day survey of the concentration areas of the homeless
- what's happening in the Beggars Court now

Surely, the work that went on in Delhi threw up remarkable challenges and learning. This was one work where we designed new ways of working: putting our heart, soul and family into it (we've learnt more here than through our academic explorations: we reclaimed our humanity), more night focused, the process of participation being the rubric of our entire work, facilitating collective action than merely organising and mobilising... We realised from day one that we couldn't do it alone. Right from the inception we called all the leading VOs for their support. And we got that in plenty. Civil society: schools, colleges, individuals, clubs (Rotary), hotels, corporates etc. came out in support. The government initially was dilly dallying, and then we went for a PIL against MCD in 2002 in the High Court of Delhi. The Hon'ble court ordered for developing a scheme to hand over two of MCD's night shelters to AAA. Ever since that time the relationship with the government has been better (Delhi4Change, a programme of AAI {DRO} was instrumental in this).

The work in Delhi has spawned work in other cities, as planed in 1999. Within two years we started visiting other cities and conducted sensitisation sessions with bureaucrats and the civil society, and training sessions with the VOs. The work in other cities through sensitisation started from 2002 (Nov.2002, Chennai).For other cities it's likewise: (Hyderabad {Bal Tejassu

was initiated in 2000}, Lucknow {winter campaign was initiated in 2002, in 2003 it spread to Varanasi, Allahabad and Saharanpur}, Mumbai, Patna (has already started its work in Muzaffarpur and plan to extend it to Gaya), Jaipur it started in 2003. Kolkata initiated its programme in early 2004 {its intervention with children living on charity and hand rickshaw pullers started in 2002}. Bangalore started its work in 2003 (it works mainly with street children and some homeless families {esp. Mangalore} and has been active in Dharwad, Hubli, Gulbarga, Wadi, and Mangalore). Pune started its intervention through survey from May 2004. In Ranchi the work is being planned. In Guwahati the work started in 2003.

We have always, right from the beginning, linked our work with organisations working on housing issues in slums. We became members of National Forum for Housing Rights (NFHR) right from its inception in 2002. For the issues of shelters and housing are linked. With the demolitions/evictions happening in a big way in Mumbai, Lucknow, Guwhati, Patna and other cities (In Delhi we all are aware of what happened last year at Yamuna Pushta) currently, hundred thousands of people have been rendered homeless.

Interface with the government

We have had an undulating/dynamic relationship with the government. On this relational continuum, collaboration and confrontation are two extreme points. We have mainly tried our best to collaborate, failing which we did challenge the bureaucratic authorities. But never has it been that we have got averse to any governmental agency, except one. Right from the beginning we knew we had to take government on our side and all the negotiation for this, had to have the participation of the homeless as well.

The biggest stumbling block was that Delhi had lots of government bodies: DDA, MCD, L&DO, NDMC, Delhi Police, limited powers (no land, law and order etc.) of Government of the National Capital Territory of Delhi (GNCTD). It took us quite a time to get past this maze–the Delhi governance labyrinth.

And to get past this maze we had to use the good offices of our relations (senior officers in the government) for a semblance of order in our work. It's really unfortunate that it's next to impossible to meet a bureaucrat. There was one officer who perennially remained elusive despite umpteen efforts to contact him. Finally, I could contact him only through the use of the name of one of my family members. This we had to do for the work that we were engaged in with the homeless. It was not for any personal favours. I shudder to think what would have happened if we didn't have such contacts in government. Could we have done it? I have no answers for this.

I'm forced to say, mimicking Coleridge, "government, government everywhere, not one sign of governance (pro-poor)." We have seen a supportive CM until elections were held. The very same CM did nothing when homeless women

were evicted from NDMC's Palika Hostel on October 16, 2004. They were evicted despite the assurances from PM and Sonia Gandhi on 13th October, 2004 given to us, when we met them at their respective homes.

The Department of Social Work (DSW) does nothing for the homeless. They have no schemes that benefit them. They are pro-active in lodging the destitute people (pejoratively called beggars) in their certified institutions/ jails. The welfare officers have long forgotten their training. The most inhuman people we have encountered are here. Police would of course top the list of inhuman people, but the DSW are well trained in social work, hence can't be excused for their inhumanness. DSW is one department we have always had problems with and we keep a safe distance from them. This is one department we don't want to interact with. We have reasons (experiences) galore for this.

In this entire work with bureaucracy we find we have hit a blind alley. If you go from bottom you will never reach the top echelon to advocate for policy changes. And to enter from top is an uphill task. And to have a convert at the top, a friend of the issue is important, but not sustainable. With the transfer of that person the entire support structure crumbles.

MCD support has stood us in good stead for the Commissioner was convinced that what we were doing was crucial. He informed his subordinate staff, hell-bent on closing the shelters from March 31st, 2005 (this was despite "A Perspective Plan on the 'Night Shelter' requirement in Delhi – existing ground realities and suggestions towards consolidation and improvements" submitted by Shri A K Paitandy, Secretary, Social Welfare on October 8, 2004 to the Chief Secretary wherein he had mentioned 13 pragmatic suggestions to improve Night Shelters, pp.8-10, points 16-28 and also points 29-30), after winters got over that the homeless needed shelters throughout the year. And the shelters continue to be there with his firm commitment, to see that the work continues.

Surely, a policy instrument or a scheme is desired to put bureaucratic idiosyncrasies, whims and fancies to rest.

We hope impacts of our agitational engagement with the government bear fruits as well as the collaborative dynamics. Some we share in detail and others in points.

The Fatehpuri Night Shelter episode

The Fatehpuri Night Shelter got closed around June 2000 to house the so-called 'Bangladeshi residents'. It was made into a detention center for them. Problem after problem started cropping up for the homeless now sleeping on the pavements, outside the shelter. On September 11, 2001 the biggest night shelter in Delhi, Meena Bazar was closed. The homeless shelter users were urged through the notices pasted outside the Meena Bazar shelter to go and use Fatehpuri

shelter, Lahori Gate shelter, and Chandni Mahal shelter. The notice issuer had forgotten that the Fatehpuri shelter had closed way back in 2000.

The homeless people were very agitated. Soon an idea emerged to march from Subhash Park to Punarvas Bhavan at ITO. The date for this was September 19, 2001. We decided to take a pledge at Rajghat for the non-violent struggle for shelters. The *dharna* continued till 6 pm. The Additional Commissioner, Slum and JJ was not there to receive the memorandum. We presented it to his secretary. We were asked to come on Friday the 21st. When we met the Additional Commissioner, Slum and JJ we gave him an ultimatum that if by Tuesday, i.e., 25th the Fatehpuri shelter doesn't open we will go in for fast unto death. This shelter opened on 24th, a day earlier. And till date it remains open for 24 hours as *Aashray Griha.*

In fact around October 2001 we filed a PIL, reluctantly though, in the High Court of Delhi against the closures and bad maintenance of Night Shelters. In May 2002, the Hon'ble High Court directed MCD to develop a scheme to hand over two shelters to AAA on a model basis. From here emerged the Joint Advisory Apex Committee to look into Night Shelters. It was in July 2003 that we got the possession of Fatehpuri and Fountain Chowk Night Shelters to run as a 24 hours Shelter-cum-Activity-Centre (SCAC). And both are running till date, being now managed by the homeless themselves.

Both the shelters are being run on a sustainable basis, from revenue generated from the shelter users.

In all, 21 Night Shelters were constructed by the government (of these not even a single shelter was for women, despite the fact that Delhi had started topping the entire country in criminality: rape, murder, theft, cheating etc. from the 1990s), until 2001, though at no single point they all existed, at the same time. From the earlier 17 night shelters in 1995 (the year from which the closure of night shelters started being done: between 1995-2001, only 4 new shelters were created, while 7 were demolished, and by 2003 the 8th one also got demolished) , only 12 night shelters remained in 2002, which today has risen to 24 (including two school night shelters). Of which 11 shelters (5: community centres; 4 porta cabins; 2 full fledged shelters of MCD) are for 24 hours, managed by AAA. Another community center in Sitaram Bazar is being managed by the Great Indian Dream Foundation (GIDF) as a night shelter. MCD today is directly managing only 10 night shelters. Today, there are three shelters for women, two 24 hrs and one night shelter, all managed by VOs.

Our aim is not to portray government departments in just one colour. There are many shades of white as well as grey and also many other colours. A glimpse of some colours are given below:

- This work had its inception from the Planning Commission meeting on November 19, 1999. This surely was a good credibility we enjoyed.

- Got support of the LG to work in the beggars court in 2000- 01. Gyanendra Badgainyan was a tremendous support and instrumental for this.

- The CM was very appreciative of our work in 2002-03. Visited the shelters in January 2003.

- Manjit Singh, the Additional Commissioner, Slum &JJ, gradually started supporting us.

- NDMC was very supportive of our work from 200-early 2004. It had mentioned its shelter for homeless women as an achievement in its Annual Report. Change of guards happened and the Palika Ashray Griha proposal which was approved by NDMC Council Resolution 3 (11) dated November 22, 2002 got dropped.

- From January 7, 2004 Palika Hostel on Ramakrishna Ashram Marg got opened for women and children to take shelter in the night. It was abruptly closed on October 16, 2004. Women and children were forcibly evicted. Many sustained injuries and bruises and our community worker, Suraj Prakash got his left arm fractured, as he was targeted for the attack by the NDMC employees for his protests.

- The MCD Commissioner has been very supportive of our work. Hence, despite problems work has continued.

- The Secretary (Social Work) Shri AK Paitandy did draw up a Perspective Plan for the Night Shelters.

We have used the learning in Delhi to seek government support in other cities, where our Campaign for the Rights of the Homeless People (CRHP) is active. For this campaign we need the support of each and every member of our society. That's you all, here and outside, in the wider world. Do join us!

This is an opportunity to reclaim our humanness. Let's not miss it. For it will be a collective loss. And we at AAA, strongly believe in making our society beautiful, equal, joyous,… with a home for all. Living in peace, forever!

CHAPTER 9
Lifestyling India's Metros: The Elite's Civic Reform*

Solomon Benjamin

Fearing Slum India

Lifestyling Indian Metros in ways that mimic the 'Lifestyle Advertisement' pages of some English dailies: Bangalore into a Singapore, Mumbai vying with Kolkata to be transformed into Shanghai, and Delhi into London! Such globalized aspirations are promoted and shaped by a variety of interests: State and National Governments advised by international consultancy groups who draw on development resources of international donors; serious interest by globally connected financial institutions and banks; much more direct roles by high end real estate developers and international and domestic retail giants seeking to expand 'organized retail' markets via Malls; and, quite central, the figure of the returnee elite NRI. The last is most complex forming both a significant source of consumption given their monetary surpluses but also their anxiety seek to recreate memories of New Jersey Suburbia transformed from their fears of what they see as a slum filled, messy, and criminalized Indian cityscape.

Given these complexities, there are several complex cultural, economic, and political aspects of globalizing metros. For instance, some authors see the slumming of India to reflect societal fractures and inequitable development that calls for modernizing intervention – even if this has been in the past highly regressive and violent to the poor.[1] In this chapter however, I point to the material underpinnings and how this has emerged as a hotly contested political project: Real estate centered on private property, land in

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[1] See for instance, Dewan Verma Geeta *Slumming India* Penguin India 2002; Also see, a similar argument made in Jagmohan's *Island of Truth* Manohar Press 1997. The latter seeks to justify one of the darkest periods of Indian urban history when during the state of internal emergency between 1975-77, more than a million poor people were forcibly resettled to the periphery and also subjected to violent forced sterilization.

productive locations, and consumption economies around branded goods. What is significant is that this political project is driven by normative ideals that in earlier times were seen as progressive reforms. In this first section, I introduce this theme while in the second, the bulk of the chapter, detail it out in the context of Bangalore. This city, under the SM Krishna regime, provides a particularly useful illustration of the attempt to 'Lifestyle' it to Singapore, but also four other aspects:

- First, its material construct in it's rapidly escalating real estate markets, which now locate it on the global scale along with London, Dubai, Tokyo and Hong Kong. One group of scholars like Pani and Rudolph *et al.* usefully point to the 'iconic' status of the SM Krishna regime in Karnataka and that of Chandrababu Naidu in Andhra Pradesh.[2] Pani shows how rather than 'reform', SM Krishna was driven more by modernist interests and how this was built into the corporate sector, the BATF and their links to Infosys as Icons to justify his pro-elitist agenda. This chapter builds on this to suggest that real estate interests of very large globally connected developers, the country's largest IT companies, investments by the Singapore government, and financial interests all underpinned such a 'modernist' approach. Thus, while this city is known globally as India's IT powerhouse, in investment circles it forms part of a globally connected speculative apparatus.

- Second, such an empowering of real estate and high-end retail economic interests were made possible by specific institutional underpinnings in the Bangalore Agenda Task Force (BATF). What is significant that for a first time, (less successfully seen in Mumbai's *Bombay First*), that a very small group of business elite came to re-shape public policy in their image.[3] In doing so, the BATF completely and explicitly by-pass democratic structures that in previous times, Karnataka had some claim to.

- Third, as an institutional innovation particularly useful to real estate and retail interests, the present and newer *avatar* of the BATF is in the more recent Jawaharlal Lal National Urban Renewal Mission (JNNURM). This programme, via its Rs. 50,000 crore fund allocation, spurs real estate markets all over urban India. Large real estate developers now find specific institutional access to public funds to subsidize their ventures built around

the rhetoric of river front development, heritage, urban renewal and urban design.

- Finally, a critical issue here is on how we view political failure, assumptions of progressive decentralization and, linked to it, issues of un-constitutionality. Programmes such as the BATF and the JNNURM, and its sub-conditionalities in the Area Sabba are blatantly un-constitutional. The BATF faced political failure resulting in a change of government, and the Area Sabba has recently been opposed across party lines in Bangalore's city council debates. Even in Mumbai, where the concept via the Vote Mumbai campaign faced some success, this has happened that city's elite Juhu ward, but after a delimitation of ward boundaries that reduced slum portions to only 20 per cent! The point is that these political failures are hardly related to activist campaigns in public forums or then via the judiciary. Instead, the political counter happens via a complex locality of politics, which is fueled by a material base in economy, real estate and city location. Thus, city contests happen within material realms rather than ideological ones. In this context, the way to conceptualize the increasing opposition to Special Economic Zones (SEZs) all over the country, various World Bank and other international donor funded urban renewal projects in Mumbai, and in other cities, may be to look at the day to day materiality of these contests rather than assume classical notions of 'resistance' (the realm of NGOs, urban activists, or social movements).[4] As I shall underline, it is this quiet politics of the everyday operating at the level of the 'everyday state' that subverts and erodes global capital.

An understanding of the material elements of Lifestyling Indian Metros needs to be centered in changes since the early and specifically mid-nineties. In earlier times, Indian cities were mostly off the policy screen. With this, 'unplanned development', de-facto tenures, mixed land use housing posed as 'non-conforming and illegal' were earlier addressed from the perspective of the welfare state and social justice to frame Master Planning. 1991 saw two events. First, was the 'liberalization' of the Indian economy. Parallel to this, at the global stage sought by the World Bank, was the vision of the city as the center for economic productivity. This argument came in several publications from the World Bank, their senior advisors and academics.[5] The change in emphasis here was to move urban funding away from the basic needs approach of the 1970s and 1980s to focus more on mega infrastructure assumed to place cities on the global finance circuit–and one

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[2]   See a) Pani Narendra "Icons and Reform Politics in India: The case of SM Krishna" in *Asian Survey*, Vol. 46, Issue 2, pp. 238-256; b) Rudolph Lloyd, Rudolph Susanne "Iconization of Chandrababu: Sharing Sovereignty in India's Federal Market Economy" *Economic and Political Weekly* 36:18 (May 5,2001).

[3]   For a detailed and excellent 'insiders' view of the BATF, see Ghosh Asha "Public-Private or a Private Public? Promised Partnership of the Bangalore Agenda Task Force" *Economic and Political Weekly* November 19, 2005
http://www.epw.org.in/showArticles.php?root=2005&leaf=11&filename=9367&filetype=html

[4]   Harriss, John, Fuller, CJ 'For an anthropology of the modern Indian state' Ch.1 (pg.1-30) in *The Everyday State and Society* in CJ Fuller and Veronique Benei (ed) *Modern* India Hurst & Company London

[5]   See 'urban productivity' WB Policy Paper WB 1991; Michael Cohen' The steps ahead' WB/*Habitat Journal* 1993; Nigel Harris 'Cities after structural readjustment..' 1995;

that would over time alleviate poverty. Not surprisingly, 'policy thinking' promoted in various World Bank and its allied USAID and DFID supported research institutes moved along this realm. A parallel process entailed identifying what donors call 'change agents' in plain language senior and also ideologically minded bureaucrats. With training in international and regional forums, these persons could effect public change to bring cities onto the national agenda, but also in a particular way to move approaches away from basic needs to that of branding cities.[6] In effect, the policy prescription was to move public investments away from slums forming the bulk of city economy and territory, to focus on particular marketable infrastructure under arrangements such as Public Private Partnerships (PPPs), incentive funds, but also ways to control 'politically motivated' municipal funding via accounting mechanisms such as double entry book keeping. The issue of 'politically motivated' fund is central. The vast peri-urban settlements housing, along with central city slums, almost 70-80 per cent of city populations and economy, remain illegal. For these areas, the only source of investments for basic infrastructure remain un-tied municipal funds. Given their de-facto tenure situation and contradiction to master plans, the only way for funds is via the political voice by their occupants. In the new language of developmental economics to place cities on the global stage, it was evident very quickly that if this politics was not reigned in, there would be few surpluses for mega projects and such vote bank politics would seep away resources despite 'reforms' instituted at the national level. Thus, central to the branding of cities was institutional change (later to be claimed under the rhetoric of 'good governance') of fiscal prudence of municipal bodies, replacing political authority across party lines embedded in municipal councils (with mayor centric but specifically administrator controlled) under the ideas of 'city managers'. Implemented in an earlier era in Latin America to underpin several authoritarian dictatorships, these can be thought as an anti-politics machine to open an economy to international corporate business while reducing their 'political risk'. Such thinking in the high ground of urban policy and academia in the mid-nineties was focused on the two new economic growth nodes: China and India, which for donors and international financial institutions offered significant returns to investments.

One popular constraint to such economic opportunity is touted as 'political will' at the national level. Another more subtle and complicated one is the constraint posed by the locality of politics across party lines. The latter is seen to be intertwined in a politics of implementation, which 'dilutes' the policy of making cities attractive for global investments, by big capital and financial

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[6]   Training/indoctrination was both in universities in the global north with usually year long international programmes for mid career professionals. MIT's SPUR, Harvard's Loeb, for instance. In many cases, the spring/summer break was with an internship at the World Bank or other international donor agencies.

institutions. [7] Thus, the political project converges a constellation of interests that has reshaped policy to center around the rhetoric of Good Governance, Urban Renewal, Electoral Reform, and Participatory City Planning. All of this fits into a particular type of neo-liberal reforms agenda that USAID, the World Bank advise the Government of India's Planning Commission, its Ministry of Urban Development to adopt via further technical advice prepared by premier research institutes on urban policy – The National Institute for Urban Affairs (NIUA), and the National Institute for Public Finance and Policy (NIPFP). The country's largest-ever urban fund aimed at globally oriented economic renewal, the JNNURM, complements such policy initiatives.

Five aspects are central in this new politics:

- *First, from grants to incentive funds:* Unlike in the past when publicly funded programmes were mostly grants, the new funds are 'incentive' based. These require State and Local government to adopt associated conditionalities that are both fiscal and political. The former relate to essentially land based regulations around land acquisition, real estate taxes, and building bylaws.

- *Second, the centrality of land in speculative economy:* The incentive here is one of the most material aspects of city life: Land and it's speculative potential. Such potential surpluses are essential for the private corporate sector investments not just to reap sufficient surpluses but also to attract globally connected financial partners. This then allows fiscal regimes lobbied at the national level to allow these surpluses to be transmitted in efficient ways, remitted to the global economy. There is a significant public role here in that the infrastructure is not of the common city, but that which is

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[7]   It is significant here the academic literature that built around this politics of implementation – rather than that of the origins of policy itself. Not surprisingly, coming out of academic funding by the World Bank and USAID in the Mexican and Brazilian cases, it valorized the position of technically qualified city managers and administrators who would draw on good management to counter 'politics' in establishing a neo liberal reform agenda. Note that the conceptual language used centers around 'The Nation State — Civil Society — Market' which in their homogenization pose de-politicized both policy and locality. The former is posed as a binary to implementation, moves attention away from the 'power' of policy – its nature, origin and connections. The latter is posed as an aberration of corrupt local elites indulging in 'patron client' politics. The saviors to this rot come from ethnical well trained and paid techno-bureaucrats who underpin their state power via their rationality, while an empowered 'civil society' is shaped via progressive NGOs into social movements that helps place a progressive agenda on the policy plane. Such a functional-normative view of politics is central to silence progressive critics while allowing neo-liberals agendas to set the reform stage. See: Grindle Merilee *The Politics of Implementation* Harvard University Press 1987; Tendler Judith *Good Governance in the Tropics* John Hopkins University Press 1997. Later in this chapter I point to other literature that grounds these issues in more useful ways, works by Singerman on patron client politics and networks, that by Moore on legal anthropology, and Harriss and Fuller on the everyday state.

high-class and set to 'global standards', and as important, to be in good locations[8].

- *Third, political conditionalities being central to new funding arrangements:* The issue here is of highly contested space and location. Thus, the need to re-order city politics since city territory and especially central locations, are not vacant but occupied by a political vocal and active poor and middle-income groups. These neighbourhoods being mixed land use, accommodating bazaar like economies but also home based manufacturing and commerce are locations where economic use has been a long tradition to fuel local politics.[9] Thus, central to the economic agenda is the politics of making space – via the instruments of urban renewal, heritage conservation, urban and 'environmental planning', 'river front' development. It is hardly surprising when activists across the country point to how in the name of development, poor groups are moved out, and while some offered re-housing, in no case is any of this in-situ but located far from their original locations.

- *Fourth, the re-ordering of political space ('political will') via the center to the local:* The main argument here is neo-liberal reform in Lifestyling Cities finds a great ally in national level party-administrative structures. The logic lies in the crises faced by national level parties, the rapid emergence of complex and fluid coalition politics, and also the crises of funds. In this context, the mode of development around incentives for mega projects and their requirement of bulk funding centralizes the complicated bribery associated with any developmental infrastructure. This centralized management helps to establish political discipline downstream to the state and local level. Another aspect is that part of the incentive structure connected to city periphery areas relate to both subsidized fiscal benefits and also land issues which when valorized spur a huge potential market – both locally and globally. Thus, it is hardly surprising that big business lobbies, financial institutions, and real estate groups, all call for more effective national level planning and ways to ensure the compliance to national level policy by local government.

- *Finally, the engendering of a new 'demanding public':* An important part of this political clearing is to re-create 'a public' that demands such

[8]   *Deccan Herald* 'End-use or speculative realty investment?' http://www.deccanherald.com/deccanherald/aug192005/realty711292005818.asp
       Most of the Non-resident Indians (NRIs) are not end-users. As they are also not fussy about price, does the situation appear ripe for speculative investment? Currently, NRIs account for 20 to 30 per cent of the business in real estate and this goes up to 75 per cent in some cases in the super premium projects.
       Stolen Acres It's urban loot—epic scale—in Bangalore Rs 15,000 cr (and counting) Sugata Srinivasaraju *Outlook Magazine* February 06th 2007

[9]   Benjamin S: *Urban land transformation for pro-poor economies* Pages 177-187 in Geoforum Volume 35, Issue 2, March 2004 Special issue: Themed Section on "Differentiation in South Africa and Indian Cities" - Edited by S. Oldfield.

replacement and establishes this via a process that seems at first glance democratic – but in reality cuts through the vibrant although chaotic seeming municipal politics that help establish the bulk of city economies. When I use the term 'vibrant', is to capture the high degree of political favour that municipal elections generate – where from semi legalized slum areas voter turnouts reach 90 per cent as compared to a bare 2 per cent of elite areas.[10] To re-order the representative and democratic structure that shape city politics what is instrumentalized is the possibility for the city elite to capture public investments for their neighbourhoods, to set up regulatory and policing structures to ensure their exclusivity against hawkers and other un-authorized commercial use, and finally, to also control and reign-in municipal politics that across party lines is seen to perpetuate economies and occupation of land.

Indian urbanism thwarts extraction of real estate surpluses by corporate interests

The poor in the newly globalized Indian city, according to the reformers, would also be Lifestyled, — magically transformed into the 'yet to be consuming, but surely getting there service sector.[11] For example, management schools point to the ingenious 'dabbawallas' of Bombay as representing the potential entrepreneurial energy, who with varying degrees of 'global exposure', access to micro-credit, perhaps even credit card and online insurance, training in business management and other 'best practice', would join the tech and finance savvy international community. This fairy-tale ending stumbles when the significant threat to cities being 'lifestyled' comes from the 'messy' un-planned neighbourhoods. What is sought in the New Jersey look-alike neighbourhoods not just their visual appeal, but also specifically an underlying premise of individual property rights. This allows, as explained later in this chapter, globally tradable real estate market built around Indian growth rates in addition to extensive corporate control over local bodies.[12] The messiness of Indian urbanism thwarts these attempts in substantive ways: Land issues are shaped by multiple and diverse tenure regimes whose de-facto status is shaped by municipal politics. This situation allows real estate surpluses to be distributed to a wide variety of occupants even though they might not be landowners. Furthermore, these complex tenure settings underpin the economic clustering of the economy into networked firms, which in turn, helps to build complex political

[10] This comes from interviews with political activists and also a candidate for municipal councillor for the airport constituency ward, Valli Amal who sought a political base from the slums in that ward.

[11] See for instance, a view by Shashi Tharoor on this issue in: "Who is this middle class?" http://www.hindu.com/mag/2005/05/22/stories/2005052200250300.htm

[12] There is a vast literature on the issue of machine politics and regime theory in the US context, the most famous being Logan and Moloch, and of Clarence Stone.

relationships.[13] Not just real estate surpluses, but also such urbanism subverts another area attractive to global capital: retail and commerce, and branded products. This is by the occupation of economically central locations, the retail of goods and products locally manufactured outside of the structures of royalties established by branded goods.

The above relationship points to the immediate global implications from the slumming of Indian cities that undermine the speculative opportunity of large international financial institutions. These, in turn, also seriously threaten the financial interests of metro elite and returning NRIs (non-resident Indians). Although returning home, these groups usually maintain a significant part of their investments abroad. The significant point here is the convergence in their investments – both domestic and foreign: Locating in cities like Bangalore, with a booming real estate market, they seek to invest in high-end housing provided by high end real estate developers. In parallel, their investments via the route of international finance usually located in off-shore tax havens, find significant investment in real estate linked funds seeking surpluses in the 'emerging markets' of India and China. Thus, while 'slumming' directly affects the financial quality of their 'property', it also questions the efficacy of the 'reforms' agenda forming a crucial element of risk on returns to internationally invested funds. There are other related issues in international finance: The rise of ethnical investing in mutual funds, which are further invested in micro-credit firms in 'the Third World'. Slumming India implies that economies stay embedded in complex trade based capital (often portrayed as 'money lending') and in doing so, occupy economic territory sought after an increasingly remunerative globally connected finance organized as 'micro credit. Finally, Slumming cities consolidate vast territories into de-facto tenure with few 'legible' land titles. For large IT and other companies, who seek to accumulate real estate via the assistance of state policy to shore up their book value, this is deeply threatening.

My intent in the above paragraphs has been to show the serious constraints to Lifestyling Metros that come from cities slumming. If so, it is not surprising that politics in terms of 'vote banks' that underpin 'messy unplanned non-conforming' settlements become a key focus of civic reform. The fear of local politics is located centrally in the radicalization of property. The counter politics to vote bank politics is at two levels:

- First, at the institutional level in terms of developmentalism – centered on programmes. While India is often touted as the world's largest democracy in International forums, the programmatic structure to *Lifestyle Cities* is directed by a select group of bureaucrats and policy research institutes

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[13] In the US case, with very clearly defined tenure settings that valorize private property into singular tenure forms, such political alliances are almost impossible to achieve and in effect allow for corporate cooption of local government.

by-passing parliamentary-legislative debate. Not surprisingly, supporting the bureaucrats to undercut parliamentary or political debate is from major business lobbies like the Confederation of Indian Industry (CII), Federation of Indian Chamber of Commerce and Industry (FICCI), large private financial Institutions, and some IT majors with a strong interest in land issues.

- Second, an attempt to recreate a legitimate public that represents 'demand' for the 'reforms' supplied! This requires re-framing forms of public representation among the elite who have stayed away from the political arena depending on their class and ethnic connections among higher end policy circuits.[14] A central part of this creation of a legitimate public is that of 'participation' posed as a spiritual duty for the deserving to 'gain reforms'.[15] Also, as will be discussed shortly, a national campaign for electoral reforms shaped around the re-constitution of electoral ward boundaries and a new tier of 'representative democracy'. In Mumbai's recent municipal election, this ensured an elite capture at least one council seat at election time from one of that city's most elite wards.

This section in outlining the main argument forms an introduction to the particular case of Bangalore that has witnessed since 1999, an attempt to Lifestyle it into Singapore. What is striking is its political failure pushed its proponents into a national circuit that presently encompasses missions to cities to emulate earlier political failures. This traverse funded in great part by the central government but also under various donor funding, illustrates the significant material purpose at play. This section emphasizes in large part intricate and less understood connections. The attempt is not to portray a 'conspiracy' theory, but rather the way a variety of interests congregate around what can be excellent sources of economic return, but also forms of political control. The latter underpins the serious interest in National Governments – both their bureaucratic and political parties to this globalization agenda.

SECTION II

Bangalore as a Lifestyle statement

Bangalore with its reputation as India's silicon valley provides a useful entry point to start to root these concepts. This city has seen huge income divides. In 1991, according to the NSS, the difference between the lowest 20 per cent and highest 20 per cent in Bangalore was 1:5. By 2001, this had increased to 1:50. Preliminary calculations in 2004 drawing on studies of chronic poverty suggest that if we include a much wider definition of societal groups, such

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[14] See fig. 2 in Benjamin Solomon 'Governance circuits in Bangalore...' *Environment & Urbanization Vol No. 4* 2004.

[15] Henkel Heiko, Stirrat Roderick 'Participation as spiritual duty; Empowerment as Secular Subjection' in *Participation: The new tyranny?* Zed Books London New York 2001.

differentials may be significantly higher.[16] Income divides by themselves are only one indication but point to the way power is influenced over public decisions that impact vast number of people, and spur particular forms of contestations. The State government in 1999, formally declared an IT corridor – a huge expanse of high grade infrastructure and services, dedicated water supply trunks to a territory much bigger than the Bangalore city corporation's own, and about one and a half times the size of Paris! This was done under new forms of acquisition via the single window clearance scheme of the Karnataka Industrial Area Development Board (KIADB). The KIADB was used not just for the IT corridor at 154 square kms, but the case of the new International Airport notified at 5000 acres is even more startling. Forty per cent of this huge project is slated for real estate development to fund this public private partnership (PPP).[17] In addition, the Bangalore Mysore Infrastructure Corridor (BMIC) over its southern western fringe is now a significant political crisis.[18] This is due to the scam in the allocation and pricing of land to the private developer at much below market prices. This is when the small farmers whose land was acquired were paid only Rs. 10 /square foot. If this was not enough, land acquired via the KIADB in such mega projects, is developed at public expense at a cost between Rs. 800 to Rs. 1000, but allocated to the private corporate sector at less than Rs. 1 as part of 'negotiated' 'Public Private Partnerships'.[19]

Such controversy over public investments slated for private gain for the elite of IT and BT, could not be sharper when 20 per cent of the schools in the state are single room and single teacher run, large numbers without functional roofs at monsoon time, and 85 per cent do not have functioning female toilets, while only 66 per cent have access to drinking water facilities, but no indication about the actual availability of water or its quality![20] Pani in a recent paper shows how the SM Krishna government in their zeal to Lifestyle Bangalore, offered a consortium led by Seimens on their offer towards the new International Airport support which worked out to Rs.

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[16] Benjamin S. & Bhuvaneswari R. Background paper on urban disparities for the Karnataka Human Development Report –II Department of Planning, Government of Karnataka 2004.

[17] See Jacob John's analysis in the *Economic and Political Weekly* of April 20th. 2005 on this issue.

[18] For more details on this, see the website of the Environment Support Group: www.esg.org ; For the latest on the land controversy see Menon P., *"An expressway blocked"* in *Frontline* June 03 2005 pg. 39

[19] This was in the case of acquired land allocated to GE Caps., and also for the Toyota Kiloskar factory at Bidadi in an internal report for the Karnataka Industrial Area development Board, and the report of the Controller Auditor General of India (CAG). The Bellandur panchayat, one of the most pro-active in the city's periphery and also having land notified for the IT Corridor, has been involved in lengthy legal cases against their lands being acquired at much below market prices and subsequently allocated cheaply to private companies some whom in turn, have sold it to substantial profit to MNCs like INTEL.

[20] See: *'24% of schools have only one classroom: Over 20% have just one teacher'* in The *Hindu* May 13, 2005 quoting the *'District Report Cards of Elementary Education in India: Where do we stand?* Prepared by the National Institute of Educational Planning and Administration New Delhi.

3.65 billion at the end of 2001, when the state government spent less than Rs. 30 million on capital expenditure for education in 2000-2001.[21] The amount was also more than twice the state capital expenditure for that year on health, education, and social welfare combined. John has shown in his analysis of the airport deal, how much of the subsidy was allocated in terms of land for the consortium to raise via real estate development, non-airport revenues.

And for those who thought that these mega investments posed for IT would compensate via the returns in revenue and employment this remains a relatively un-researched question. For instance, the NSS shows that only 4 per cent of the city's population are in the IT, and manufacturing and trade as well as some sectors like garments and silk still employ more. The myth of the IT, however, remains all pervasive firing the dreams of not only governments but families too with unknown social and political consequences when it becomes evident that such expectations are un-real.[22] There is no analysis as to what the IT brings to the Karnataka government and to Bangalore city in real terms *after* accounting for the tax breaks, incentives and public subsidies in high grade infrastructure, and subsidized land forcibly acquired from small farmers under the dedicated laws for mega projects.

Some preliminary analysis drawing on a citywide survey of various types of work areas (made for a French consultancy hired by the Bangalore Development Authority) revealed a startling picture. Those mid-city and peripheral locations in the West and South that housed small manufacturing and trade, as well as the wholesale city areas that provided the bulk of employment differed in infrastructure investments as compared to the high end IT by a factor of 1:40 or perhaps 1:60 if one included 'off site' investments in the forms of dedicated expressways, high grade services. This was especially when only 16 per cent of Bangalore's roads are tarred, and almost all of these are concentrated in the 14 per cent of the elite based

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[21] See Pani Narendra 2006 Op.cit..

[22] This is evident in the 'The Hindu Opportunities Fair' for the ITES, BPO, and IT held on 28-29th, May 2005 at Bangalore. On the first day, more than 30,000 candidates came, including those from neighbouring states, with about 200 offered employment. On the second, with 13,500 attending, the figure was between 150 and 200 being offered jobs. Such was the rush that 100 buses were run by the city bus service between various city centers to the Whitefield in Bangalore's periphery where these interviews were held. (See several press reports at the *The Hindu*, on May 29th – 30th. 2005, Bangalore edition). There is little mention of wage rates offered and other terms of employment. Narendra Pani with the *Economic Times* Bangalore mentions how the starting wage rate offered by Infosys has been the lowest ever at Rs. 8500 in 2005 – down from Rs. 11,000 in 2004. This is also when its senior management has been given a pay rise ranging to levels of Rs. 31 lacs to Rs. 58 lacs a month, apart from huge incomes accrued when they have been able to off load their stocks. (See: Infy top brass get fatter pay packets' *Times of India* 24th. May 2005; *The Hindu* Business section, May 25th. 2005. It is commonplace knowledge that given the favorable fiscal regimes in place, and also how such incomes are structured in accounting terms as vouchers and '...her expense' categories, they miss the tax net.

Master Planned area. Analysis in this project also showed that if one considered both property tax, and indirect taxes that come from non-residential uses located in non-master planned areas, than it was the 'illegal' un-planned areas that generated not only more revenue to various levels of government but subsidized in both land and expensive infrastructure those living in the Master Planned areas! There are other legal issues that are embedded in the political economy of planning. The new legal regimes frame the land development process that underpins the bulk of the city. This is especially where employment happens, as non-conforming and hence in various shades of legality, further clouding possibilities of estimating the co-relation between where employment comes from and who accesses public investments. Not only land, but forms of planning that were centered around municipal government promoted 'regularization' are undervalued if not made illegal while Master Planning is promoted as the only way of dealing with city change. The point here is normative structures like Master Planning are embedded in particular forms of power relationships. In the text below, I will show a glimpse of the more global connections in this contest and specifically on the notion of the 'Public'.

Landing the IT: Presentations made by large business groups and international financial institutions on the 'arrival' of Bangalore in the international real estate market reveal startling accounts. The interest in Bangalore's real estate market is firmly grounded in a variety of circuits. Financial institutions like ICICI and HDFC (and their international partners) investing mega projects like the IT Corridor profited in the range of 24-30 per cent on funds sourced at the international market at 2 per cent! Significantly and in addition, the returns to the US property market were slated at 40 per cent![23] There are also opportunities in other shorter term returns accrued via the share market focusing on construction firms netting very high returns.[24] Much of this gain was primarily due to the state governments providing access to subsidized land and cheap institutional finance, and more so, within a financial

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[23] The CEO of I-MAX international at a FICCI conference on Urban Reforms Agenda in April 2004 mentioned that the returns from their Hyderabad theater was the highest world wide — in US $ terms!

[24] For instance, Citigroup Inc. (via its Citicorp International Finance Corp) sold its entire 15.5% stake in the Indian construction firm IVRCL Infrastructure and Projects for $23.5 million. They bought the shares at Rs. 125 per share had expected Rs. 300 per share but actually got Rs. 454! IVRCL in turn, plans to buy a 70% stake in Hindustan Dorr Oliver Ltd for $12.3 million to help bid for larger construction projects. ('Citicorp sheds entire stake in IVRCL Infrastructure Ltd' in Deccan Herald May 17 2005.) The point is one of the complexity of speculative flows that large projects spur, and the scale of these transactions drawing in international capital.

[25] In middle 2004, there were a series of reports in the business papers on how the largest landowners in the country were not the traditional landlords but IT companies, and that this was primarily with the favourable terms by which this land was allocated to them at below market price. Analysis mentioned how on a square footage per employee in Indian based IT companies was many times over the world average!

architecture that involves FI like ICICI and their info tech funds based Special Purpose Vehicles (SPVs) as intermediaries that 'securitize' financial flows.[25] ICICI Venture Funds for instance, has tied up with a US based Tishman Speyer Properties to invest US $ 300 million in not just the metro cities but specifically smaller cities and towns with an expected growth of 15-20 per cent a year over the next decade! ICICI is a subsidiary of ICICI Bank that currently manages $800 million in assets. Tishman Speyer is a US giant, which owns the Rockefeller Centre and The Chrysler centre and has slated US$ 8 billion for global property investments. All these form part of a much wider terrain implicating private banks and real estate.[26] The involvement of the 'State' is critical, and as a news report mentions, that since February (the time of the FICCI and CII conferences on FDI in real estate) entry into FDI into plots of more than 25 acres upto initially 100 acres and later 2000 acres was allowed.[27] With the easing of FDI norms, the trend for the developers in this situation is to build what the real estate industry terms as a 'land bank' – where developers 'block' large parcels of land in locations they see of being value added driven by the hi-tech. This in turn spirals land prices and land banks.[28] While initial news reports mentioned the use of such 'banks' by the large developers, recent ones point to the largest of IT companies both 'domestic' and MNCs like Intel, Microsoft, and GE with estimates of over 1,350 acres being corners with an estimated value of

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[26] See: ICICI Ventures' fund buys H'bad property November 27, 2003 http://www.indiainfoline.com/pefi/hous/bao6.html
ICICI Ventures' India Advantage Fund, in a novel property investment, has made a Rs 35-crore purchase through a special purpose vehicle of two floors in Hyderabad's upscale L&T Infopark 'Cyber Gateway.'.. The returns by way of rentals on the equity investment are expected to be in excess of 20%. The purchase of the 1.06-lakh sq ft property in 'Cyber Gateway' has been made through the 100% ICICI Ventures-owned SPV called Mezz Equity Software Services. The investment has been financed through a mixture of debt and equity, with the ICICI Fund routing Rs 9 crore through the SPV, while the balance Rs 24 crore has been raised from banks. L&T Infocity has developed two towers ..a joint venture between L&T and the AP government. This is the first real estate investment by the India Advantage Fund. The fund has set apart around Rs 200 crore for real estate investments. Earlier, it had taken a Rs 36-crore equity stake in the chain multiplex company PVR promoted by the Bijli family. It is also in the running for Glaxo's prime property in Mumbai, where ICICI Ventures has bid through a JV with builder Vicky Oberoi.

[27] News report *'ICICI arm to flow $ 300 m into real estate'* in *Indian Express* Mumbai edition April 11 2005

[28] *'Land prices rocket to a new high: The driving force: Easing of FDI norms, Creating Land Banks'* The report mentions: *'A number of foreign construction majors are seen to be interested in building integrated townships in India... a director in the management consulting company JCSS Global says that his company alone is working on three integrated township projects in Bangalore, all of them involving foreign majors and each of them on over 200 acres of land. The Puravankara-Keppel land joint venture (author: with Singaporean investments) is planning three massive projects...'* in *Times of India* march 25 2005 Bangalore edition.

[29] Kapur Mansi *'India Inc building up land banks'* *Business Standard* Mumbai February, 09 2004 http://www.businessstandard.com/search/storypage_new.php?leftnm=lmnu1&leftindx=1&lselect=1&autono=149413

around Rs 1,600 crore.[29] In addition to IT companies, pharmaceutical companies such as Dr Reddy's and Ranbaxy, as well as telecommunication giants Reliance Infocomm and Bharti have also been buying land in all metros and major cities. A quote by Infosys's Mohandas Pai is significant here:

> *'..."For this, creating land banks was a big challenge to the company. We persuaded state governments to allot us land. This was available only at a distance from cities, and required good roads to campuses, power lines and assured water supply, and our own transportation."*[30]

The main justification by companies is that they are growing rapidly. However, the land available per unit employee is amazingly high.[31] The other issue is that amassing land by 'persuading the government' is just one step. As Pai of Infosys mentions above, the other is to get the state to fund expensive off site infrastructure such as expressways, and what the IT term as reliable water, power, and telecommunication infrastructure. This comes at the expense of small and medium farmers. What is missed out however is that the funds to build 'infrastructure' such as 'expressways' could have been utilized for improving basic health, education etc. Also, in the land notified for expressways and such large mega projects, existing use as home based small manufacturing and retail find their ability to access basic infrastructure almost impossible. This is due to changed governance and legal regimes that in turn facilitate the large corporate groups access land and locations as described above. Thus, considering the public policy process more closely opens up a range of issues as described below.

'Withdrawal' or 'Facilitation'? In considering the process of public policy, and the actors involved, one soon realizes the notion of 'The State' needs to be un-packed to understand the form of politics. In Bangalore starting 1998

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[30] Urs, Anil *'Infy plans 10 mn sq ft office space'* in Bangalore May 26, 2005 http://www.rediff.com/money/2005/may/26infy.htm

[31] See: a) Kapur, Mansi 'India Inc building up land banks' In *Business Standard* Mumbai February, 09 2004 http://www.businessstandard.com/search/storypage_new.php?leftnm=1mnu1&leftindx=1&lselect=1&autono=149413; b) 'Corporate India milking its real estate' in Hindu Businessline http://www.thehindubusinessline.com/2004/04/25/stories/2004042501500100.htm; c) Sanjay K Pillai IT firms - India's real estate kings IT companies have acquired over 1,000 acres of land http://www.business-standard.com/general/storypage.php Chennai June 2, 2004; d) Abhrajit Gangopadhyay Vishwanath Kulkarni Infosys campus plans worry Karnataka www.blonnet.com/2002/12/06/stories/2002120602390100.htm BANGALORE, Dec. 5 2003 *"....The market rate of inner lands in the notified area is Rs 40 lakh per acre while that facing the Ring Road is Rs 1.5 crore per acre,"* Mr. K. Purushottam, resident of Bellendur village said. However, KIADB has proposed to acquire the land at a uniform rate of Rs 9 lakh per acre. "We have suggested the Urban Commissioner to acquire dry lands near the currently-notified area," Mr B.T. Ramachandra, another Bellendur resident, said. The villagers have also hinted at carrying on a "peaceful agitation" if KIADB continues "land grabbing at such rates." However, the Government sources strongly refuting the prices quoted by the villagers said, "You cannot extrapolate the price for a small housing site for acres...."*

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for instance, when the IT corporates and also the large developers were able to benefit—this refers not just to the Government of Karnataka but the location of policy making in private corporate sector organizations like the Bangalore Agenda Task Force (BATF) and it's allied advisory bodies and think tanks. In un-packing these connections, the well-publicized 'Singaporean connection' to Bangalore emerges as being much more than mere imagery. For Bangalore to be Singapore was given wide publicity by the BATF, that itself was set up with direct support of the then Chief Minister. The close alignment of the BATF and Infosys is open knowledge but what is less known is that in the early nineties, the Singaporean government invested Rs. 1500 Crs in that company.[32] Such investments perhaps open access to 'public' policy on mega decisions. By the late nineties, the Singaporean company Jurong Corporation planned the Master Plan for the IT Corridor. The major architectural firm RSP International is one of the main firm designing super large high-end 400,000 – 600,000 square footage IT and BPO complexes. Significantly, this too is a Singaporean firm. There are other connections with the "Public": Karnataka's showpiece, the Singapore Technology park, the ITPL, is again partnered in part by the Singaporean government with the share of the Government of Karnataka contributing land acquired from poor farmers![33] If we return to the real estate surpluses mentioned earlier, a significant investor in ICICI's IT fund, and benefiting from the cheap land is the Government of Singapore's 'Temasek Holdings'. Pani in his detailed analysis of the connections between Infosys, the BATF and SM Krishna and his government shows the direct links between the financial valuation of that company and its close connections into the modernist agenda of the then Chief Minister. But this was not just symbolic but materially underpinned by land in fundamental ways.[34]

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[32] Pani 2006 op.cit elaborates usefully on the connection between Infosys, the BATF, and the then Chief Minister SM Krishna. This is not just in instituting the BATF, but also in the role of public funds invested via mutual funds in shares of these IT companies. Thus, not only the capitalization of land, especially when serviced with high grade infrastructure, but also public security in shares helped move up the valuation of the company resulting in very high returns when the chief executives among others off loaded part of their investments. It is common knowledge in Bangalore that the then Chief Minister's son in law and also nephew had specific interests in both real estate development of IT tech parks, and also a major stock broking company.

[33] For additional information on this, see the website of the Alternative Law Forum, Bangalore at: www.altforum.net

[34] Pani Op.cit 2006. Also see a) Anil Urs Infy plans 10 mn sq ft office space in Bangalore May 26, 2005 http://www.rediff.com/money/2005/may/26infy.htm ; b) Real estate in Delhi, Mumbai record highest yield in '03 MAY 04, 2004 http://economictimes.indiatimes.com/articleshow/658475.cmshttp://economictimes.indiatimes.com/articleshow/msid-658475,curpg-2.cms *'...Indian corporates like Infosys, Wipro, TCS and Satyam, Dr Reddy's, Ranbaxy, Reliance Infocomm and Bharti are using land as a vehicle to park their surplus funds. "These companies are now considering real estate as their important component of investment," it said. Indian corporates bought 1,350 acre land at an estimated cost of Rs 1,600 crore during the last two years. Investing in real estate portfolio has now emerged as a key tool for corporate treasury management in India. Interestingly, MNCs like General Electric, Microsoft and Oracle have also been buying land in all the Metros and A class towns in India...'*

It should be clear by now, that we are talking not just a changed role of the 'State' in terms of its 'withdrawal'. Instead, the point here is of its transformation in shaping the form of contestations in favour of particular type of elite groups. If one focuses more closely on the way Master and Regional Planning is reframed rather than on 'withdrawal', higher levels of government are particularly interventionist. These interventions are not just one off events of demolition but are framed within a larger institutional structure of special purpose agencies and parastatal agencies, specific policies being promoted under the URA which is linked to dedicated funds including those which in previous times were relatively un-tied and scheme based. These funds and policies are not just for the private corporate sector to facilitate PPPs and comfort funds, but now they tie in funds from large donors like the World Bank, and its IFC, ADB, JBIC, and DFID, as well as private sector funds that in turn link central government funds all placed under 'conditionalities'.[35]

The new institutional arrangements under the URA imply that local governments are empowered not in their elected wings. Instead, much like a repeat of colonial administration, the empowerment happens via their commissioners, and specially via advisors and consultants whose salaries or consultancy charges are paid for by donor funds as part of 'capacity building'.[36] Capacity building is in this context, nothing more than a 'Trojan horse' set within the elected body to de-politicize it.[37] Such a de-politicized structure responds to the emphasis of the URA for municipal bodies to be 'competitive' and raise revenues for 'cost recovery' as part of an overarching privatization programme. This is critical since in the new models of Public Private Partnerships (PPPs) hiked water rates are complimented by property tax streams to be 'escrowed' to the private utility provider. For higher levels of

government, such an arrangement is useful to ensure stricter political control over lower level councils. This is especially in Karnataka with a history of elected representatives who have tended to be independent of any party platform and often switching on what higher-level party structures see as being opportune. In this situation however, it is hardly surprising if such an 'elected' body vigorously pursues policies against its own elected constituencies – demolition of settlements of un-sure tenure (rather than their regularization using un-tied funds). One would also see contradictory interventions. When basic education and health infrastructure is failing especially in the city's outer wards, the corporation chooses to build Bangalore's largest mall (with Marks and Spencer's as an anchor client!) and multi-storied commercial complexes and parking lots as a way to raise revenue.[38] Such actions include demolishing a housing colony built for 'weaker sections' on grounds of defective construction, to then build a convention centre and a commercial complex! It is hardly surprising that this city's local body would push for Transfer of Development Rights (TDR) that effectively cuts through economic territory under the control of small traders locating on rented tenure forms in central city areas, and open up these for larger commercial complexes and where need be, Malls and Multiplexes.[39]

There are several other significant issues that connect interventions in the policy arena, which in turn has direct connections to both real estate generation and distribution. These are the new forms of land acquisition via the KIADB. The interesting thing here is the efficiency with which very large parcels of land can be notified and acquired on behalf of the IT sector via the 'single window clearance' with an emphasis of the land provided through this process being on the basis of a 'clear and marketable title'.[40] The emphasis on clarity of land records posed on the rhetoric of cutting down corruption and easier transfers forms the basis for the second event: The Bhoomi programme for computerization of land titles and now much showcased by the World Bank. Although initiated as a decentralized process, this got a flip by the SM Krishna government when it not only moved up from being a model programme, but increasingly centralized. Central in the process, and inspired by Hernando De Soto, is the move to make titles

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[35] This relates to an important point made by Prabhat Patnaik in looking at national level policies. See 'Nation facing 'economic balkanization' *(The Hindu* May 29, 2005, Bangalore edition): *Centre using Finance Commission as an instrument of coercion'. The report mentions: 'By making devolution of funds to the state conditional upon their accepting the structural adjustment agenda, the central government was forcing them to prune their fiscal deficit through methods that impinge on the welfare of the masses and financial authority of the State Government.* For excellent critiques of the new policy environment on rural development, see I) Devinder Sharma *'Towards corporate agriculture'* in edit page *Deccan Herald* May 26th. 2005; ii) Sainath P., *'Six on ten sounds right for this government'* in edit page *The Hindu,* May 30 2005; For an excellent critique of donor funds on this issue see: Monbiot G., *'Rich keep the poor just where they want them: The EU is keeping the poorer nations exactly where it wants them: beholden to their patrons'* in *The Hindu* June 1 2005.

[36] In the Bangalore City Corporation (The BMP), in attempting to understand how decisions were made, we discovered that a special advisor 'vets' and framed development proposals to be placed prior to their submission to the Town Planning Committee – in effect reducing the latter to a rubber stamp. This structure was introduced during the time of the SM Krishna government as part of the BATF sponsored re-structuring to introduce F-BAS (Fund Based Accounting) and Self Assessment Scheme (SAS) "reforms". It is hardly surprising that during the high time of the BATF, specific attempts were made to dissolve the 'Appeals Committee', which otherwise plays the critical role of deciding on a complex range of fiscal and public works matters via a cross party process.

[37] The use of the term 'Trojan horse' is attributed by Ravichandar, one of the core members of the BATF to Ramesh Ramanathan. It implies using mechanisms to co-opt the elected council into accepting these reforms, and a key pressure point used, as explained by Ravichandar was the MOU signed by the Commissioner and the State Government which linked grants by the State government to the local body conditional to their accepting the 'reforms'. A carrot to this stick was that the increased funds from the SAS would provide 'incentives' to those corporators who agreed to play along.

[38] See "BMP counting on joint ventures to boost revenue: Corporation to make use of its property" The Hindu May 16th. 2005.

[39] See "BMP to acquire land for road widening work: Citizens not impressed by TDR scheme" *The Hindu* May 19 2005.

[40] Ibid. See their report on the IT Corridor in Bangalore

marketable, rather than establish claims based on occupancy.[41] The main point here is that two very different processes drive land markets and transactions. One shaped by the occupancy and use of land, its productive use and specifically its transformation over time via physical upgrading or growing locational advantages.[42] Another, centered on its title, is centered around very different types of pressures and is arguably more 'speculative'. What the combination of the KIADB form of land acquisition and the Bhoomi form of land titling do is to emphasize the latter especially when one considers that with FDI, money can be rapidly moved across regions and within what may be considered as ephemeral investment categories. It is hardly surprising that a detailed study of eight taluks around Bangalore, and especially of the IT dominated part, showed up a political economy where elite groups of large developers and their clients in the IT have captured large parcels of land at the cost of smaller farmers and land owners.[43] More specifically, given the particularities of the process, these emphasize a speculative based real estate market.[44] One of the major political crises, apart from the BMIC mentioned above, is that of large scale land grabbing in the high growth peripheral areas of Bangalore. The point here is the relationship between the activities of big business and especially IT, Bio-Tech in amassing land, and their influence on public policy. This point is reinforced when we consider the 'urban' version of Bhoomi. Promoted and implemented via the 'E-Governments Foundation', this foundation is funded by Nandan Nilekeni the CEO of Infosys. However, the work here with funds from the Asian Development Bank has the project operating in 57 towns in the state. The main activity here is GIS based land management system that digitizes land parcels and assigns a code used for property tax purposes. This is complemented by the effort to introduce 'North American' norms and styles of parcel addressing. Significantly the database is maintained by the E-Governments Foundation rather than with the State Government on an argument that the latter does not have the technical expertise. The CEO of the Foundation mentioned in a talk that this database is not kept at the local municipal body in case the elected body uses this for 'regularization' purposes. The essential feature here, like in the Bhoomi Programme, is to reinforce the 'marketable' title of land, and when inter-linked to an electronic data base,

[41] Karnataka for instance, in its five governance regions embodied 1500 forms of recording land tenure, which the intent was to reduce to 256 as a move towards modernization. (Statement by the project designer during the World Bank's ABCDE conference held in March 2003).

[42] Benjamin S.J., Urban land transformation for pro-poor economies in *Geoforum* (Pergamon Press) Volume 35, Issue 2, March (Edited by S. Oldfield). Pages 177-187 on 'Differentiation in South Africa and Indian Cities' 2004

[43] Benjamin et.al *'Bhoomi: E-Politics or An Anti-Politics Machine set out to globalize Bangalore?* (A CSEU Working paper February 2005 Paper accepted and under review by the *Journal for Development Studies* for publication.

[44] Ibid.

can allow as the CEO mentioned: *'To sit in New Jersey in the US, and via my laptop, check out a property in one of the towns in the outskirts of Bangalore..'*

The connection between the corporate groups and the decision making structure is complete when we consider that the chairman of the Bangalore International Airport Authority (BIAL) is the Chairman of Infosys. And not just institution like the BATF and the BIAL, but IT and BT policy has had industry leaders at their helm. I will return to another aspect of policymaking and influences by big business, where much of changes seen in the governance structure of Bangalore are elements of the Urban Reform Agenda (URA). The URA, in forming the core thinking of Ministry of Urban Development and also Ministry of Finance, is linked increasingly to conditionalities of both Government of India and also large donor funds.[45] A senior IAS officer in Karnataka when asked about policy making relating to IT and BT, pointed to the IAS being bypassed in this as it was all written up by big business in the IT and BT. This is borne out by the positioning of the private corporate elite on almost all major task forces in Karnataka especially at the time of SM Krishna as CM. Similarly, a senior bureaucrat from Delhi when asked about how policy on the urban reform agenda and new business partnership were framed, the pointed response was that the 'steel frame' of the State was being rapidly dismantled and replaced by policy making from 'external sources'. Such a 'capture' of the policy making process is paralleled by the way this is pushed through the system. Here it is useful to mention an interesting observation made by a researcher working on the issue of public sector reforms for an international donor agency. He mentioned that in contrast to Kerala, where the elected representatives debate proposals for reforms, what struck him in Karnataka was the way a small coterie of 'blue eyed' very senior but young IAS officers used government orders in ways to bypass the legislature and instrumentalized these via committee. Also implicated here, was the role of the large donors in aiding this process, and perhaps Karnataka and Andhra Pradesh were seen as two states (during their previous CMs) where the Chief Ministers would back up the 'blue eyed' boys in this process.

The text above raised the question of a blurring between "The State" and the interests of 'big business', and hence the notion of 'public accountability'. With this I turn to another questions – that of blurring between a vocal 'civil society' voicing concerns around the interests of "citizens", and the interests of big business. In the nineties, much of the radical urban literature focused on notions of 'gated communities' (inspired from San Paolo) and how these linked to global flows of capital made possible by electronic communications and also the consolidation of capital itself. 'Gated' communities are definitely the way the elite live in Delhi, Bangalore, and Bombay. What is more important however, is the resurgence of an elite active, proactive, and even aggressive

[45] See footnote 19.

'civil society' that aims to re-shape urban territory in their favour. Such groups use and appropriate a sophisticated developmental discourse that at first glance is progressive (albeit a bit politically neutral!) but also deeply divisive. It also poses, much like a re-phasing of Nehruvian vision, the global city as the Temple of modern India and with it, particular spheres of consumption.

Here it is important to unpack the new forms of funding that, with them, bring in very different 'strings'. These in turn, further implicate a complex definition of civil society. In Bombay and Bangalore, the organization promoting the URA programme and in effect funding the renewal process, also provides funds for 'urban heritage and conservations', as well as for 'urban design' improvement. Here again the seductive idea is that of 'participatory urban design' claimed to be made 'hawker friendly' by designating a special hawking zone so that citizens may be able to claim back 'encroached' public space. This is also accompanied with public art, new media initiatives, and also environmental improvements in terms of landscaping. It is hardly surprising given the effectiveness of these measures in building of public opinion in favour of urban renewal, that several large donor driven urban development projects include a significant 'environmental' improvement agenda. This is framed for instance as a 'river front' development as seen in Ahmedabad, Indore, and Kolkata (and perhaps Delhi?). In effect, as part of these improvements, squatters locating on 'dangerous' riverfronts are evicted to 'safer' grounds' with a resettlement package in place with NGOs playing a facilitating role.

Another effective form of control is that of micro-credit – which when linked to NGOs increasingly being promoted on their managerial efficiency rather than social activism, forms a significant constraining factor. In Bangalore, the micro-credit link is even stronger where the BATF in its 'citizen' face, and that of the 'poorer citizen' has in place supra micro-credit fund routing organization to smaller and more field-based NGOs.[46] A key issue is the impact on political moderation by corporate groups (via field NGOs) instilled among poor groups especially during election time. This is quite apart from the significant economic returns that I discuss later in the text. Here we find complex relationships that extend into 'public demand making' on much of the URA agenda.[47] This argument gets a further

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[46] I will return to this issue later in this text, but here briefly refer to the Sanghamitra Foundation run by Ramesh Ramanathan, also significantly co-convener of Janaagraha, which was promoted as the 'demand side' for reforms to the 'supply side' by the BATF to pressurize Bangalore City's municipal corporation.

[47] Significantly, Janaagraha is also linked to the "PROOF" campaign promoting 'transparency and accountability' and towards a citizen charter, and in this effort bringing like-minded 'civil society' organizations like the Public Affairs Centre (PAC) and Voices. Ramanathan and Samuel Paul (Chairperson of the PAC, and previously with the World Bank) were ADB consultants on an urban reforms project for Tumkur and other towns in the Bangalore metro area, and applied their lessons there to Bangalore city via the F-BAS and SAS, and the creation of the BATF.

flip when we consider the new model of 'reform' oriented development projects like the Greater Bangalore Water Supply Project. Here we find, a congruence of NGOs and 'civil society' organizations taking on a role of 'educating' local residents as to why they should be prepared to pay more for a 24/7 water supply, accepting substantially high rate increases, and the culling of public stand posts on arguments of "unaccounted water" or theft. This is when many of them are forced into buying water from private tankers or depend on a very very inadequate water supply.[48] In effect, in it's mildest terms, the role of 'civil society' is one of a mix of propaganda. These efforts however, need to be seen within the linkages of the proponents of these groups to the larger URA. Within the new conditionalities that come with state and central level grants and fund transfers, local bodies are coerced into accepting what is, in effect, a process of privatization.

Interestingly, (ex) BATF members seek to further institutionalize their entry into governance by two more 'Trojan Horses': The proposed legislation of "Citizen Participation" and "Disclosure law" that they pressure into the system via their central government networking. The logic goes as follows. A key issue confronting the BATF was by opposing politicians who questioned how a body constituted as a committee via a government order (GO) should not only continue beyond its mandate, but also bypass parliamentary process. Second, they also questioned efforts such as the PROOF, which created parallel systems of review, and was used by the elite to shape budgets in their favour. With the new legislation in place, framing another BATF would be administratively far easier and routed on the basis of a centralized legislation. A member of the E-Governance Foundation agreed, that now that their initial work of GIS is over, a major challenge would be property taxes being raised as part of an 'escrow' to pay for the private water utility. It is here that both a "citizenship" pressure group to demand 24/7 water, and a 'disclosure' law under the URA's 'Urban reform incentive fund' (URIF) would be operationalized to pressure the council to adopt 'market based measures'. This is hardly new and resembles the use of Ward(s) Committee (WsC) with multiple councilors per ward, and the state government nominating other members.[49] In this landscape, actions by 'civil society' would be centrally located in such coercive efforts.

Such coercive actions get reflected in a variety of areas. For example, it is useful to focus on efforts to promote electoral reform.[50] The focus on corruption in public life, basically to pressurize the leadership of political

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[48] This is via the Citizen Participation Wasp or CP-Wasp arranged by the Janaagraha.

[49] In contrast to a single councillor based Ward Committee as in Kerala and West Bengal, and the municipal council playing a key role.

[50] This is paralleled in what has become a national level pressure group, witnessed in the *LokSatta* in Hyderabad, *Public Affairs Centre* and *Jaanagraah* in Bangalore, *Centre for Civil Society* in Delhi, and *Praja* in Mumbai.

parities to disallow candidates with 'criminal' records from contesting polls, and also to declare 'assets'.[51] Significantly, there is no known effort to focus on the bureaucracy in this regard, and especially the senior bureaucracy. On the contrary, there are efforts in part to protect them.[52] The electoral reform process also attempts to get richer groups to vote and to form a political pressure group. This is to counter what is termed as 'vote bank' politics where local politicians have the distinctive support of poorer groups and obviously in responding to these constituencies, promote upgrading of basic infrastructure and services, and in-effect promote 'un-planned' developments. In an almost absurd case, but perhaps with conceptual parallels to the electoral reform campaign, 11 petitioners in Bombay have moved court in that state to ban squatters from voting![53]

A serious problem for the non-voting rich of 'vote bank' politics is that local politicians use public funds in 'non-notified' slums. These areas, normally housing the poorest of poor, where the conventional slum development schemes are disallowed by 'the law' from investing in. 'The law' here refers to several judgments of the Supreme Court made on account of elite based PILs. If this situation is not complicated enough, a closer look at 'criminal' records raises even more controversy. Here, research into the nature of criminality reveals the centrality of pressuring the system

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[51] In Karnataka for instance, under Section 19 of the Karnataka Municipal Corporation act, each corporator is required to declare his/her assets including of her /his family. To our knowledge, no senior bureaucrat or the commissioner of the corporation is required to do the same. Also the decision as to which corporator is declared to lose their post is that of the State government with little concurrence of the council.

[52] This is either on corruption and declaring their assets (including of their close relatives), or then, their entry into politics via the 'nomination' route (rather than elections). In fact, the campaigns for electoral reforms in part support what they term as 'stability of administration' – which means that a senior bureaucrat can be safe guarded against transfer by elected representatives. This stance is interestingly also adopted by large donors and forms part of the urban reforms agenda.

[53] See *Times of India* 18 September 2004: '.. *A group of eleven prominent residents have filed a PIL asking that illegal encroachers be removed from the voters' list. They believe that encroachments on railway land and pavements prevent 'developmental work'. Political parties will not remove illegal slums because those are their vote banks. The ruling parties keep legalizing the slums. Subhash Bhende, litterateur and one of the petitioners says, "We are not against slum dwellers, but against the unauthorized slums that are obstructing infrastructural developments." He believes that voting is not a constitutional right and under the Representation of People's Act, in order to vote, you must fulfill two conditions: you have to be over 18 years of age and an ordinary resident of the area. Bhende therefore argues that election officials should not register names of slum dwellers in the voters' list without inquiring into the legal status of their residence. He adds, "You can't register yourself as a voter by saying 'I live under the lamp-post'." Bhende's proposition is that if these people cannot vote, the government will lose interest in them and will not protect them. "We are not saying that they should be removed or thrown out, we are just saying that this is a way of ending the viscous cycle of increasing encroachments. We can't stop people from coming in the city but at the same time, we have to find some way of solving the problem..."*

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on land issues, and especially in the political process of representing poorer groups.[54] Thus, for an aspiring politician at the local level, with a constituency of the poorest, is very likely to have criminal charges framed against them – just as is the common experiences of activist NGOs on the forefront of 'peoples struggles'. If so, than much of electoral reforms may actually be aimed to protect their access to resources from what they see as a 'hydra' of vote bank politics, and their declining claims on public investments.[55] Electoral reform needs to be contextualized both in terms of political parties confronting an increasingly coalition based politics and the need to discipline such trends. Second, their alliance and a 'remunerative' one in large mega projects that places funding streams at higher levels of government.

Trojan Horses of the Development Type: When the BATF spokesman or his colleague in the core. team used the term Trojan Horse, the symbolism in the parallel to particularly virulent forms of computer viruses could not be more apt. He boasted to the audience that included the World Bank's mission on transparency and public accountability that what the BATF had achieved in two years and by subduing the corporators of the BMP, could not have been achieved by the Bank's high powered and well-paid consultants. It was hardly surprising for the Chief Minister in the inaugural address at the World Bank's ABCDE conference in March 2003 to reinforce this point in praising the BATF and reminding the audience that it was after many years that finally urban lending by the Bank was possible in Karnataka with a dis-empowered opposition. I have referred earlier to how the BATF saw itself both as a "public private partnership" but also in the instruments it implanted in the elected body as a Trojan Horse. Of course, such Trojan horses needed the coercive power of the State – the explicit backing of then CM, under whom, the blue eyed bureaucracy instrumentalized an MOU tying in the elected hands of the BMP via their dependency on the former for grants as well as fund transfer. The point I wish to raise here is if one can understand Public Accountability and Community actions not in a neutral sense but rather place them into the thick of politics. If so, can one view a range of 'Trojan Horses' as suggested below.

For sure, some like the BATF, PROOF, and the Janaagraha are elements of an alternative system of governance, but as mentioned above, were these specifically governance based Trojan Horses? Furthermore, perhaps a key

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[54] See Dhareshwar, Vivek, 'Rowdysheeters: An essay on subalternity and politics', in Subaltern Studies IX Oxford University Press 1998.

[55] A presentation by a well-known NGO on electoral reforms and its report card methodology to members of the progressive municipal governments of Mangalore and Udupi brought forth this issue in a pointed way. The deputy mayor of Mangalore, a three time corporator and well known social activist, quizzed the presenter and concluded: "...*what you are intending to do, is not 'cleaning up the system', what you really want is the rich to vote, since the poor vote much more..*'. When this author met with a senior member of the campaign, he commented: '... *the poor have their vote bank ways, but how about us....?*"

political learning for the BATF and their corporate supporters was their crises of existence after their CM stepped down and was replaced by a 'pro-rural' congressman. For Janaagraha and their ward vision campaign, the political learning came out of the strong reaction of the council across party lines at being by-passed. If so, for the BATF did these learning translate into need for other reinforcing Trojan horses: Their current efforts and pressure to move the central government, the planning commission, and party leaderships in Delhi (including the left) to legislate the Citizen Participation and the Municipal Disclosure acts? Is a related Trojan Horse located in the JNNURM – that acts as a carrot and stick much as the MOU between the Government of Karnataka and the BMP? Can what are essentially instruments of efficient management, as seen in the F-BAS, SAS, the Bhoomi programme, turn into Trojan Horses to centralize controls at particular levels of government or then in big business? One could also consider here particular type of schemes – an excellent example is the SJSRY. Although slated to be 'poverty focused' via the emphasis on training and micro-credit, our previous analysis of its organizational structure and how it fits into micro-level politics has shown how this reinforced centralized political and administrative control. For instance, one field worker mentioned how MLAs approached NGOs undertaking MF with a list of their members as part of a deal where for political favours, that MLA could then use the financial relationship as a form of coercive control. If private NGOs and especially those connected so closely to policy that has been formed in such significantly un-democratic ways, can now manage a public programme like the SJSRY the issues of how state power is being privatized for these interests is fundamental. Micro Credit in its political sense could be seen as an economic underpin to civil society as a 'Trojan Horse'.

Janaagraha's ward level pro-elite 'incentive fund': If in the Bangalore case, the Janaagraha and PROOF was seen as the demand side of the 'reform equation', than how does one view other forms of 'participatory governance'? Specifically, forms of participatory planning that the Janaagraha promotes that targets hawkers, small traders and manufactures termed as 'un-authorized use and construction'. There are several illustrations of this but I shall focus on two. The point I make here is that in setting out a 'Trojan Horse', the aim is to install a decision making process that in guise of being progressive, allows elite groups to take over economic and political territory. An excellent illustration of concept is seen in Janaagraha participatory planning via it's Bala-Janaagraha wing involving school children and college youths in 'local governance'. A closer view showed that this campaign promoted an institutionalized form of 'middle class activism.' This process started as an exercise of 'ward mapping and investment plan.' Here "citizens" attended the meeting to specify how the ward budget was to be spent, and come up with a ward vision plan. Seemingly mild, this is in fact most damaging to the

claims of the poorest in that ward. It is in the details however that such 'participatory' planning strategies were most damaging to lower income groups. The Janaagraha organized college students (MBAs and Charted Accountants) to survey neighbourhoods of the 15 chosen wards to identify possible revenue generation sources. This is done by filling in a 'tool kit' provided for that purpose. The additional revenue from the previous ward property tax that accrues from this survey will be allocated to that ward. This will be spent on works to be decided by the committee of 20 residents set up during the Janaagraha consultations in their previous phase of ward visioning. Thus, if the ward revenue was 2X, and the new one after this survey is 3X than the "X" is up for the committee to fulfill their wish list. Significantly, the councillor or the municipal corporation's standing or works committee or then the appeal committee had little role in this process.

The issue here in some wards like that of 68, which has some of the most elite parts of Bangalore but in large part, very poor areas without the most basic infrastructure, 'participation' happened from the elite sections and on categories set up under the visioning framework that already reflected elite concerns. In effect, the surplus generation shaped by location and the agglomeration economies now accruing to relatively pro-poor economies are shifted to high end one. The BATF-Jaanagraah combine also 'visioned' extending this to a larger city wide process where 'citizens' mobilized on their programmatic mandate would identify 'un-authorized' use (commonly seen as 'mixed' land-use) that would feed a database for the BATF to pass on further to the BDA. The BDA – BATF combine saw their main role in the new Master Plan to rid the city of its "un-planned' growth as an important step to modernize it. Such databases of 'violations' and non-tax paying properties would help fund the large infrastructure required for modernization. One can immediately note serious equity issues here — between rich and poor wards, between the richer groups who tend to dominate these civic committees, the legality of the issue of private committees to decide on public funds. Most critical, was the assumption of the Master Plan as an instrument to decide the legality of the city, when much of public administration scholarship point to the contrary. As Annexure 4 shows such parallel forms of governance not surprisingly, proved very unpopular with city corporation councillors leading to serious confrontation too. It also proved unpopular to residential associations too, who saw the Janaagraha as coming between them and the councillors. This opposition from the elected body had several aspects. First, they saw this as a purposeful act to not only sideline the councillor but also to place her/him in a fragile political situation that reinforced authoritarian party control. Elected representatives would be faced with a carrot and stick: To either conform to the wishes of the largely middle class and elite "partners" of the campaign and benefit from the centralized party support in election time. Or be confronted with well-connected local elite who uses the high-level bureaucratic system and

high-level political connections to reduce the chances of being nominated as a party candidate during election time.

The above argument has specific material reflections in Janaagraha's highly publicized 'citizen' based urban renewal of the Cox town market in Bangalore. The NGO claimed this as a success and marked the occasion with extensive press coverage on the active 'citizen participation'.[56] Like other locations that this author witnessed in Ejipura, the dominant role seemed to be the elite who aimed to control hawkers and small vendors who legally paid revenues to the city corporation. Not surprisingly, two years later, a press report pointed to the utter failure from the point of view of the small vendors and hawkers in the Cox town and other two locations.[57] The fact that such 'participatory planning' is driven by ways to raise funds outside of municipalized 'vote bank politics' to fund elite priorities is a different issue. These illustrations raise two other significant questions to consider: Would forms of participatory Master Planning, however progressive in their field method (PRA, and RRA techniques) and pro-poor in technical analysis serve as Trojan Horses if these are disconnected in location within elected councils of municipal government?

My point is that despite the rhetoric of being pro-poor, the efforts of many progressive NGOs outside parliamentary systems can effectively subvert forms of political and economic claim-making by poorer groups, and not necessarily provide alternatives, or maintain the type of agency that currently exists within poor groups. If one takes this argument further, it becomes useful to consider the systems set within constitutional structures rather than treat that as sacrosanct. For instance, the concept of Ward Committees. An important point is made here by KC Shivaramakrishan, one of the senior bureaucrats under the then PM Rajiv Gandhi who helped draft the 74th. Constitutional Amendment legislation. He recollects that initially the idea was of a Ward Committee (WC) but that bureaucrats in what can be considered as a classic case of 'subversion' of the spirit, added a 's' to the Ward. This in effect allowed almost all states except for West Bengal and Kerala, to have 3-4 wards to institute Wards Committees (WsC). Since the State Government decides which wards amalgamate, as well as influences the nomination of members, one can see that WsCs can effectively de-stabilize opposition councillors within the politics of Municipal Councils.[58]

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[56] See: 'Citizens market plan Cox Town buys it; *Deccan Herald* July 19 2004

[57] See 'Market Mess: A tale of three shandies' *Deccan Herald* 15 January 2006. The full page color article featured photographs with titles such as: "vendors left in a lurch with nowhere to turn but the streets .. Rafeeq Mohammed vegetable: The annual rent will increase when we shift to the new complex..'; Other reports were similar. See: 'Malleshwaram merchants oppose new market' *New Indian Express* Sept 9, 2006

[58] This is then not very different from the Residents Welfare Associations (RWAs) being empowered by the Delhi Government – a move that has been rightly criticized as being elitist and to cut through parliamentary forms via municipalized politics.