Urban Policies and the Right to the City in India

2011

Rights, Responsibilities and Citizenship
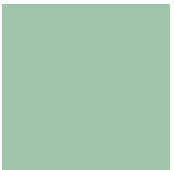
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Urban Policies and the Right to the City in India:

Rights, Responsibilities and Citizenship

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Foreword

As a follow-up to the Copenhagen World Summit for Social Development of 1995, UNESCO contributes with UN-HABITAT to the creation of more inclusive cities, and promotes the development of urban public policies which respect, protect and promote inclusiveness, social cohesion and local democracy. Our strategy involves strengthening the link between research and policy making, contributing to a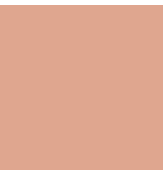dvocacy and policy dialogue and stimulating innovative thinking to contribute to social cohesion and cultural diversity in urban settings.

A new urban framework is clearly emerging in India where, by 2050, the urban population will represent more than half of the entire population of the country, around 54.2 percent, constituting more than 875 million people, for whom the *right to the city* could represent a powerful tool for better addressing the inherent challenges of such a radical social transformation.

By collecting the richness of sixteen original research papers, this publication highlights the relevance in India and the multiplicity of entry points of the *right to the city* as a vehicle for social inclusion and sustainable social development for Indian cities. It aims at supporting the development of a rights-based approach to urbanization in India to help generate the political will and create a culture of resource allocation favorable to the most vulnerable groups and individuals, such as the urban poor, migrants, women and children.

It is our wish to provide policy makers and city professionals with a set of recommendations in law and urban planning that will strengthen rights and responsibilities, increase interfaith tolerance, and reinforce the inclusion of the most vulnerable in urban management.

We trust *Urban Policies and the Right to the City in India: Rights, Responsibilities and Citizenship* will constitute a solid reference point for policy makers at a local level, as well a basis for the exchange of knowledge between researchers, city professionals and local authorities on building inclusive cities.

I wish to thank most warmly all the experts who have contributed to the completion of this compendium, and in particular the colleagues of Centre de Sciences Humaines, New Delhi, for the invaluable support they have extended to the *right to the city* initiative, and the Sir Dorabji Tata Trust, whose funding and support made it possible.

Iskra Panevska,
Director and UNESCO Representative a.i.
to India, Bhutan, Maldives and Sri Lanka

Contents

Introduction
Right to the City and Urban Citizenship in the Indian Context

Marie–Hélène Zérah, Stéphanie Tawa Lama-Rewal, Véronique Dupont, Basudeb Chaudhuri

The "World Charter for the Right to the City", presented in Quito in 2004 at the Social Forum for the Americas and later that year at the World Urban Forum (Barcelona, September 2004) resulted from a series of struggles, by various social movements and organizations, to promote a rights-based approach to the challenges of urbanization. This charter received the support of several local governments which took up the task of developing city charters, and of international organizations, including UN-HABITAT and UNESCO which then launched a series of actions on the question of urban citizenship and the right to the city. In 2005, UNESCO and UN-HABITAT started a project entitled "Urban Policies and the Right to the City: Rights, Responsibilities and Citizenship" (Brown and Kristianson, 2009) and this was followed by the recent UN-HABITAT report on the state of the world's cities which articulates the importance of taking forward the right to the city as a vehicle for social inclusion (UN-HABITAT, 2010).

Debating the value of the Right to the City in the Indian context is both relevant and controversial for a series of reasons that are discussed in this opening paper. With the Indian Government having just launched the Rajiv Awas Yojana Programme (or Planning for Slum-Free Cities) as part of the National Urban Poverty Reduction Strategy (2010-2020) it appears timely to open up this debate.

The objectives of this report will be twofold: (i) to discuss the Right to the City (RTTC) approach and to examine its analytical and pragmatic value for Indian cities; and (ii) to take stock of the existing situation and problems therein and of the existing legal and policy framework. This will be done through a number of themes: women in the city, access to decent housing and urban services, discrimination, livelihoods, land, among others, looking at the directions that are, or should be, taken to promote social justice. As part of this exercise, the report will aim to assess various public policies in terms of their inclusiveness,

their limitations, and will propose a series of recommendations.

1. The Concept of RTTC

The concept of the Right to the City (RTTC) is powerfully suggestive and very ambivalent at the same time; briefly tracing its genealogy may help to clarify its contemporary meaning and relevance. *The Right to the City* is the title of a book written in 1968 by Henri Lefebvre, a French, Marxist social scientist who meant it to be a radical call to all inhabitants in the city to contribute to the "production of [urban] space" (Lefebvre 1991) and to appropriate its uses. In the 1990s Lefebvre was rediscovered by American, neo-Marxist scholars such as David Harvey, who highlighted the significance of Lefebvre's thought in today's urban scenario. Though the city of the 1960s and the contemporary city are clearly different, both Lefebvre and Harvey have underlined the need in both cases for stronger democratic control and for wide participation in struggles to reshape the city. In this radical interpretation, the RTTC is part of a critique of the capitalist model of accumulation; it is conceived as a counter-narrative to the wave of neo-liberal reforms that have transformed relationships between the state, the private sector and civil society in cities the world over. "The right to the city is […] far more than a right of individual access to the resources that the city embodies - it is a right to change the city more according to our heart's desire" (Harvey 2008: 23). Some of the social movements that push for charters on the right to the city clearly adopt this radical stand and consider that the production of urban space is

achieved by daily struggles and mobilization from below. In the North, movements to reclaim the streets or cultural heritage[1] are inspired by the "Lefebvrian" idea of the city as a daily creation by its inhabitants. In the South, global networks of associations and social movements, such as the International Alliance of Inhabitants[2] or the Habitat International Coalition[3] are organized around the defence of a series of rights.

The latter approach pertains to a second, more reformist interpretation of the RTTC, defining it as a bundle of rights that can be obtained only by engaging with the institutions of the developmental state. South African researchers, Susan Parnell and Edgar Pieterse, argue that the notion of RTTC is crucial to poverty reduction in a context of global urbanization (Parnell and Pieterse, 2010). They distinguish four generations of rights (from civil and political rights, historically granted on an individual basis, to more collective rights, such as the right to urban services, which are yet to be achieved) that can be subsumed under the all-encompassing RTTC. According to these authors, "using the realization of rights as the litmus of urban poverty reduction changes the understanding of the nature and scale of government interventions that are required to achieve poverty reduction targets." (Parnell and Pieterse, 2010: 159).

To put it more succinctly, the reformist interpretation of the RTTC defines it as a collection of rights *in* the city, while its radical interpretation considers that the RTTC is larger than the sum of its parts. In both meanings however the concept of RTTC is equivocal on at least three points. Firstly, it refers, at the same

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[1] For instance the "Our Waterfront" campaign in New York, which is part of the Right to City Alliance in the United States (see www.righttothecity.org).

[2] The International Alliance of Inhabitants (www.habitants.org/) also includes cooperatives, communities, tenants, house owners, the homeless, slum dwellers, indigenous populations and people from working class neighbourhoods and positions its actions to the claims and the defence of housing rights.

[3] See www.hic-net.org/. The Habitat International Coalition was started in 1976 mostly in the global North and expanded its activities and membership to Latin America, Africa, Asia and the Caribbean from the end of the 1980s onwards. The HIC is a non-profit alliance of around 400 organizations (comprising of trade unions, social movements, research institutions, non-governmental and civil society organizations, etc.) and individuals all concerned with issues related to urban settlements. Its main activities are to advocate and support housing rights and fight against eviction. In recent years, it has been an important stakeholder in the campaign for the World Charter for the Right to the City.

time, to entitlements and to claims, that is, to the domain of the legal and to that of the moral. It is concerned with existing rights (such as the right to vote in municipal elections) but also with claimed rights (such as the right to public transport). This first distinction suggests a second one, between formal and substantive rights. The right to live in the city, to work in the city, to move in the city etc. will remain purely formal as long as the city is not made affordable (focus on housing), practicable and accessible (focus on transport), safe (focus on street lights, police etc.) and livable (focus on urban services).

Thirdly, these two distinctions suggest another one, which might even be a contradiction, between individual and collective rights. According to Lefebvre and his radical followers, the RTTC is a collective right whose exercise comes from outside the sphere of the state. This explains the strong affinities between the concept of RTTC and the new urban social movements - some authors actually call for a unified social movement (Purcell, 2002, 2003). Yet a rights-based approach can also promote individual rights: public policies and political participation (in a broad sense) can certainly be used to ensure better access to, and use of, the city.

The two approaches, therefore, can be considered as complementary: the first one calls for a mobilization from below, whereas the second one focuses on improved institutional mechanisms and policies. Mobilization from below, through a competitive political bargaining process, can force public authorities to provide those collective goods and services that will allow urban dwellers, as Lefebvre puts it, to "consume" the city. This complementariness is best articulated by Peter Marcuse. For him the relationship between rights in the city and the RTTC can be read as the efforts to convert the city-of-today (in which pragmatic action shall be undertaken) into the city-that-should-be (through a long term engagement for the future): "Many charters, manifestos and platforms list rights that are demanded: a right to housing; to potable water; to an ecologically sustainable environment; to participate in

decision-making; to employment; to education; to entertainment and to free speech and assembly. These are plural rights, and they are certainly consistent with the demand for a right "to" the city in the unitary sense in which Lefebvre meant it. However they are partial; Lefebvre's demand is for something unitary. One can be an important step to the other, but they are different with distinct formulations" (Marcuse 2010: 88).

The analytical value of the RTTC as a concept, on the whole, is more heuristic than descriptive. But above all the RTTC is a powerful *political* concept. This is quite clear if one considers the series of social movements, in India as elsewhere, that have used the notion of rights (to housing, food, healthcare...) to articulate their claims. However while the mobilizing power of the concept is evident, its strategic value is less clear as it leaves open the question of implementation and appeal if and when rights are not protected. The language of rights is not the only one used by Indian social movements, and it would be interesting to compare the achievements of those who use it and those who don't.

In this report, while focusing on policies, we will adopt the reformist interpretation of the RTTC, i.e. we will define it as the right to all the city has to offer. This implies that we take seriously the resources of the city, whose attraction is strongly linked to the possibilities it offers for social mobility, and more generally for a better life. Thus the transformative agenda that is carried by the concept of RTTC will also be present, in the background. Indeed the assumption behind the very idea of this report is that the RTTC is a strong advocacy tool, which can be used to incorporate new ideas into state policies, in order to go, beyond inclusiveness, towards the city of our "desires".

2. Urban Citizenship in India

Situating the concept of RTTC in the Indian context is best done through a discussion of urban citizenship. Citizenship can be defined as being essentially a boundary between citizens

and others, i.e. those who are inside, and those who are outside the concerned community. Citizenship defines a status (through a series of rights), but it also involves a set of practices (that can be considered as responsibilities). The notion of urban citizenship must be clearly differentiated from that of citizenship with reference to the nation: unlike the latter, it has no legal content; urban citizenship is not so much about legality than about legitimacy. More precisely, urban citizenship appears as a very fluid, but not very porous, boundary between those people whose presence is legitimate in the city and others. If the concept is not useful from a legal standpoint (at least in a country where people are free to move from one place to another), it makes a lot of sense from a political point of view, and is critical regarding the implementation of policies. According to Holston and Appadurai (1996) "… Place remains fundamental to the problems of membership in society, and…cities… are especially privileged sites for considering the current renegotiations of citizenship" (p. 189). These authors strongly argue that we should consider the various discourses, practices and "performances of citizenship" (p. 192) together.

The notion of citizenship itself is not much used in those struggles of which large Indian cities are both the site and the object, except by a very vocal minority, chiefly represented by neighbourhood associations. These associations constantly represent themselves as "law abiding, tax paying citizens", thus implicitly asserting that citizenship is closely linked to one's property, or at least to one's income. This fiscal definition of citizenship is thus clearly elitist. Paying one's taxes is classically one of the important duties, or responsibilities, attached to citizenship in a liberal democracy, the other being voting. The emphasis put by neighbourhood associations on the former is doubtlessly linked to the fact that the urban middle classes that they represent do not vote in large numbers, unlike the urban poor (Jaffrelot 2008). Indeed the peculiar Indian voting pattern, in which there is a positive correlation between poverty and electoral participation is even more striking in cities: the urban poor have a much higher electoral participation than the affluent classes.

Partha Chatterjee's distinction between "political society" and "civil society" (Chatterjee 2004) subsumes to a large extent that distinction between the "voting poor" and the "tax-paying rich". There is now a large body of work inspired by his text that theorizes the differentiated access to the state and its resources, building on the idea that some have rights (and responsibilities - for instance property tax payers) while others have to negotiate favours. If one perceives citizenship as the passage from need to demand, and from favour to right, then the question is of much relevance to urban India.

Finally, empirical studies on the capacity of the urban poor to enjoy basic rights in the city – be it the right to vote in local elections, the right to subsidized food through the Public Distribution System (PDS), or the right to resettlement when slums are demolished – show that having an official proof of residence is crucial. This suggests that urban citizenship hinges on provable residence, and therefore chiefly excludes, among the urban poor, migrants and the homeless, in spite of the fact that they contribute to the city in a major way, as the main hiring pool for construction workers for example. Beyond these two categories, this report will provide empirical evidence of exclusion of various people (women, scheduled castes) in various contexts, thus suggesting the contours of what can arguably be qualified as conditional citizenship. The permanence of unequal urban citizenship is strongly linked to urban fragmentation in the rapidly changing landscape of Indian cities.

3. Positioning India's Urbanization and Urban Poverty

Despite its remarkable size - around 377 million people today – the urban population represents less than one-third of the total Indian population (31% according to the 2011 Census). As expected for a country of the size of India, whose population recently passed 1.210 billion (2011

Census), strong spatial disparities persist with regards to the level of urbanization as well as the development of metropolitan cities. If India pursues its urban transition, the numbers of potential migrants to the cities would be higher than the numbers of current urban dwellers, therefore with greater challenges to face for town planners and policy makers.

Urbanization in India over the last sixty years is characterized by an increasing concentration of the urban population and of economic activities in the bigger cities. In 1951, in the aftermath of Independence, India had 5 agglomerations of over one million inhabitants, representing 19% of the total urban population; in 2011 there were 53 accounting for 43% of the total urban population, among them 2 megalopolises with more than 15 million people (Mumbai and Delhi).

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Box 1. Towns and cities as per the Census of India's definitions

The classification of a settlement as an urban unit or town, since the 1961 Census of India, is based on the following definition:

(a) All places which answer to certain administrative criteria, such as the statute of a municipality, a corporation, a cantonment board, a notified town area committee, etc. These are called the statutory towns.

(b) All other places which satisfy the following three criteria simultaneously: i) a minimum population of 5,000 inhabitants; ii) a population density of at least 400 persons per square kilometer; iii) and at least 75 per cent of the male working population engaged outside agriculture. These are called the census towns.

Settlements with a population of 100,000 and more are termed as "cities", and those with one million people or more as "metropolitan" cities/urban agglomerations.

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Notwithstanding its undisputable contribution, migration is not the most important factor of urban growth. The share of net migration in the growth of urban population at the national level fluctuated between 19% and 24% from 1961 to 2001, whereas natural increase (the excess of births over deaths) accounted for about 60% from 1981 to 2001 (Sivaramakrishnan, Kundu et al., 2005). The urbanization of former villages and the reclassification of rural areas following the extension of cities' boundaries constitute the other components of urban growth contributing directly to the process of urban sprawl.

The fragmentary data from the provisional results of the 2011 Census reveals a decline in demographic growth in districts within metropolitan cities (with the notable exception of Bangalore), suggesting that these have become less welcoming to prospective migrants, which raises concerns about exclusionary urbanization (Kundu, 2011). Available data also indicates a process of population redistribution towards outlying districts within extended metropolitan regions.

The limitations of official definitions (Box 1) and their consequences should be emphasized. The administrative boundaries of urban agglomerations often do not correspond to actual urban spread. This underestimates the impact of urbanization, as well as the scale at which urban planning and governance should be considered. In particular, the development of peri-urban areas, involving rapid transformations with issues of competing land-uses and environmental vulnerability, suffers from a lack of adequate politico-administrative jurisdiction.

Various alternative appraisals of urbanization have recently questioned the official level of urbanization. A first approach that classifies as urban all physical agglomerations with at least 10,000 inhabitants confirms the above (Denis, Marius-Gnanou, 2011). The number of urban localities thus identified in 2001 was about twice the official number, revealing a more diffuse process of urbanization, and a

resulting level of urbanization at 37%, nearly 10 points of percentage above the 2001 Census figure. The findings also point to a process of "extended metropolitanization", namely a larger urban spread around the metropolitan as well as secondary cities than is shown by the census categorization. A second method, calculating the population within an hour of travel from a town of 50,000 or more, estimates the level of urbanization to be 52% (using the United Nations population data for 2006) and points to the same processes (Uchida and Nelson, 2008). Indeed, the recently released provisional 2011 Census data confirms rapid changes in the urbanization process: out of a total of 7935 towns in 2011, 2774 are new towns that have been added since 2001[4].

It is also of note that migration and urban population statistics have undervalued the real pull effect of the cities, in so far as the development of commuting and other forms of circular mobility have provided substitutes for permanent residence in the city. In discussing the RTTC challenges, this floating population of "rurban" and temporary migrants does matter; the latter often prove to be more vulnerable, although they are usually also overlooked by statistics on urban poverty.

Poverty in India remains large and widespread, including in urban areas, although its appraisal is highly debated (Box 2). The evidence on urban poverty, as analyzed by the 'National Urban Poverty Reduction Strategy 2010-2020' Paper (Mathur, 2009: 16) is mixed: "its incidence measured by the headcount ratio[5] has dipped from 49% in 1973-74 to 25.7% in 2004-05 [as compared to 56.4% and 28.3% respectively in rural areas], but the numbers of the urban poor have risen from 60 million to 80.8 million persons, and the share of urban poor in the total [numbers of poor] from 18.7% to 26.8% over the 1973-74 to 2004-05 period"[6]. This further means that in 2004-05 "one in every four urban residents in India survives on less than Rs. 19 [US $ 0.42] per day" (ibid: 36). Two main features of urban poverty deserve mention. First, although urban poor and slum dwellers cannot be equated, slums or informal settlements represent the most visible expression of housing poverty in Indian cities. Secondly, urban poor households are predominantly engaged in non-wage, informal employment. Strictly speaking there is no urbanization of poverty over the above reference period[7]; nevertheless, in a context marked by the fast increasing contribution of cities to the gross national product (see below), these various indicators challenge poverty reduction strategies.

4. The Changing Landscape of Indian Cities

Worldwide, cities operate in a competitive environment to attract capital, especially in high-value sectors, and skilled labour. Boosting economies of agglomeration is seen as a core element of public policies. In India, till the liberalization and the opening of the economy in 1991, cities were not perceived as "engines of growth": investments were insufficient and governance was weak. The steady rising share of the urban economy in the Indian GDP (62% - 63% in 2009-2010)[8] and the expected future contribution of cities to growth and urban poverty reduction have led to a paradigm shift. Since the mid-1990s, some states (such as Karnataka, Andhra Pradesh and Tamil Nadu) have adopted strategies that leveraged the potential of new economic sectors. But increasingly,

[4] Out of these 2774 new towns, only 242 are statutory towns (therefore governed by an urban local body) while the remaining 2532 are Census towns and are still governed by rural panchayats (councils).
[5] The head count ratio of urban poverty is the proportion of urban population living below the poverty line.
[6] Estimates by the Planning Commission.
[7] The urbanisation of poverty is underway when the growth rate of the numbers of urban poor exceeds the growth rate of urban population: this is not the case in India over the reference period, since the urban population has increased by 161% from 1971 to 2001, while the numbers of urban poor have increased by 35% from 1973-74 to 2004-5.
[8] There is no precise method to calculate the urban share of the GDP. Figures that exist are mostly estimates. However, this share was estimated at 37.7% in 1970-1971, 52% in 1999-2000 and is expected to reach 75% of the Indian GDP by 2030.

Box 2. How many poor in Indian cities?

In 2005, the Planning Commission acknowledged the need to develop alternate methods to measure poverty and appointed the Suresh Tendulkar Committee that submitted its report in 2009. The new poverty lines calculated by the Tendulkar report use the all India urban poverty line basket as the reference frame to recalculate state wise urban and rural poverty figures after correction for the rural-urban differential price. The committee has also recalculated state wise urban poverty ratios using new price indices. This has been accepted by the Planning Commission in April 2010. The percentage of poor in urban areas remains the same as the one calculated using the old methodology i.e. 25.7% in 2004-2005. However, the state level pattern has changed due to the use of new price indices suggested by the Tendulkar committee. As compared to the 1993-1994 figures and using the Tendulkar report's methodology, urban poverty has declined from 31.8% to 25.7% in urban areas. The variations among states are wide with rates of urban poverty ranging from 4.6% in Himachal Pradesh, 12.9% in Delhi, 25.6% in Maharashtra, 37.6% in Orissa to 43.7% in Bihar (Himanshu, 2010: 44).

Even though the Tendulkar's calculation method has for the whole of India re-evaluated the total number of poor at 37% (as compared to 27.5% with the previous methodology) and consequently shown that the number of poor is higher than previously acknowledged, there is an ongoing controversy about who are the poor. For instance, Dr. N.C. Saxena Committee, which was set up by the Ministry of Rural Development, came up with a figure of 50 percent of poor people for the whole of India for the year 2004-2005. Furthermore, for the same year, the Arjun Sengupta report on the Conditions of Work and Promotion of Livelihood in the Unorganised Sector pegged at 77 percent the number of poor as well as vulnerable people. Part of these variations is explained by differences in the technical calculations that lead to internal debates among economists (Rath, 2011). Nevertheless, this leads to larger political debate, even more so in the recent months. Based upon Tendulkar report, the Planning Commission has updated the baseline for households below poverty line at Rs. 32 a day for urban areas. This is broadly similar to the $ 1.25 poverty line used by the World Bank (in PPP dollars) for international poverty comparisons. Since the below poverty line could be used for a number of targeted programmes and subsidies, it raises controversies as its relevance with many considering that this criteria is abysmally low and would lead to the possibility of a large section of the population being excluded from the available social security net programmes of the country, be it in urban or rural areas.

Sources:
Fighting persistent poverty, The Hindu, 18 January 2011, http://www.thehindu.com/opinion/editorial/article1100442.ece
Himanshu (2010), Towards New Poverty Lines for India, Economic and Political Weekly, XLV, No 1, pp. 38-48.
Jha, H. (2011), Redefining policy directions, TheNew IndianExpress, 1 July 2011, http://expressbuzz.com/opinion/op-ed/rede-fining-policy-directions/290009.html.
Planning Commission, 27Jan2011 available at http://planningcommission.nic.in/reports/genrep/Press_pov_27Jan11.pdf
Rath, N. (2011), Measurement of poverty: in retrospect and prospect, Economic and Political Weekly, XLVI, No 42, pp. 40-43.

the main push for urban reforms comes from the Central Government, through its flagship programme, the JNNURM (Box 3). From an economic point of view, a set of mandatory reforms aim at upgrading urban infrastructure through supporting large-scale investments, improving the financing health of cities and deregulating land markets. In the mind of policy makers, this should create a virtuous circle to ensure improved quality of life, boost the housing stock and employment opportunities. However, fundamental contradictions plague the existing model of urban economic growth. The share of informal employment with respect to formal

Box 3. The Jawaharlal Nehru National Urban Renewal Mission (JNUURM)

Launched by the Ministry of Urban Development in December 2005 for an initial period of seven years, this national programme comprises two submissions: i) urban infrastructure and governance, administered by the Ministry of Urban Development; and ii) Basic Services to the Urban Poor (BSUP), under the Ministry of Housing and Urban Poverty Alleviation. The aim of the JNNURM is "to encourage reforms and fast track planned development of identified cities. Focus is to be on efficiency in urban infrastructure and service delivery mechanisms, community participation, and the accountability of ULBs (urban local bodies)/parastatal agencies towards citizens." Some specific elements characterize the JNNURM:

1. The targeting of a limited number of cities (eligible ones include the then 35 million-plus cities plus 28 selected cities -state capitals; and religious, historic and tourist cities).

2. The considerable amount of funding dedicated for cities (Rs. 150,000 crores $\simeq$ 33,3 billion US$). To access funding, cities have to prepare a City Development Plan. The financial contribution of the 3 levels of government is: for cities above 4 million population, 35% Central Government, 15% State Government and 50% Urban Local Bodies; for cities between 1 to 4 million population, the allocation is 50%, 20% and 30% respectively.

3. The explicit importance given to the linkages between infrastructure financing and governance issues, basic service provision and urban renewal.

4. The imposition of 13 mandatory reforms for both ULBs and state governments (including repeal of the Urban Land Ceiling Regulation Act, reform of property tax and introduction of user charges, use of e-governance, provision of services for the poor).

5. The importance of governance issues through the application of the 74th Constitutional Amendment Act (CAA), the enactment of a community participation law and a public disclosure law, all part of mandatory reforms.

The JNNURM's agenda aims to enhance the potential of cities by altering rules and regulations relating to urban development, repealing land regulations, modernizing the functioning of municipalities, enhancing their revenues and fiscal responsibility and deepening the process of decentralization. Although welcomed from many quarters and having led to significant investment and reforms the JNNURM has come under criticism on various grounds namely the dominant role of the centre vis-à-vis the states, the lack of attention to the urban poor (despite a submission dedicated to Basic Services to the Urban Poor) and the inadequate focus on the political processes needed to strengthen ULBs.

Source: http://jnnurm.nic.in/

employment has grown. This situation leads to sharper income inequalities and reflects the difficulty of creating sufficient jobs in the sectors most valued by policy makers. City visions and strategies exclude the importance of the informal sector and its embedded position within the formal sector. On the contrary, they either aim at directly transforming those areas occupied by the informal economy (through places for hawking, market renewal, small industry clusters) or they threaten such areas by promoting infrastructure and housing projects that in specific cities, lead to slum evictions.

Restructuring the urban economy is materially inscribed in the transformation of the existing

urban landscape and the production of new urban spaces. On the one hand, commercial complexes, large integrated residential complexes (catering to the wealthier segment of the population in the cities or in their peripheries), existing or planned modern transport infrastructure (such as metros, flyovers, highways) are new physical icons of an aspiration for Indian "world class cities". On the other hand, in metropolitan cities in particular, slum demolition and resettlement sites, when made available, have driven the poor from the city centre and their place of work. Moreover the privatization of public spaces, through the private management of parks or street enclosures, for example, contributes to multiple processes of gentrification and the creation of exclusive spaces, but also to the creation of relegated areas of the city. Spatial segregation is not a recent phenomenon, its historical roots persist and new forms of spatial inequities underpin increased social distance. Urban poverty, largely located in slums, though not exclusively, remains daunting. Balancing economic growth with urban poverty reduction is a challenge that public policies try to address directly by aiming at improving slum conditions, such as the recently launched Rajiv Awas Yojana (RAY).

Finally, fragmentation, spatial expansion and economic restructuring all create new stakes in governing urban settlements. The 74th Constitutional Amendment of 1992, defining political decentralization, was a landmark ruling giving legitimacy and transferring responsibilities to the third tier of government. It also included mechanisms for coping with urban problems at the neighbourhood and the agglomeration level thereby furthering political democratization. Though it appeared as a powerful, legislative instrument of change with the aim of empowering cities, enabling them to decide on their own development strategy, in fact political decentralization has been unsatisfactory. On the one hand, the role of states remains dominant in framing and financing urban policies and even more so in smaller urban local bodies. On the other hand, the larger involvement in urban affairs of private (business, think-tanks,

multinationals) and civil society stakeholders (NGOs, resident welfare associations, and community-based organizations) have further complicated decision-making processes. Finally, the increasing role of the courts in making pronouncements on land use, location of industries or slum evictions, is at variance with efforts towards deepening urban democracy, which is supposed to be a key element of the JNNURM agenda on urban governance.

These rapid transformations have generated numerous conflicts and struggles around the way in which growth and resources have been and are distributed. Of course cities are also machines of liberation and inclusion. Large cities remain very attractive to migrants from rural areas and smaller urban centres. They are where economic and social opportunities exist, they promise anonymity and some freedom from rigid social norms. However, the ability of Indian cities to effectively integrate the lower, poorer sections of society is undermined in a context where rising land value and decreasing affordability of housing constrain equitable distribution of space and resources. This is exacerbated by project-based urbanism and the collusion between decision makers and powerful private actors (in particular the real estate industry, often equated with the rise of "land mafias").

More specifically, the large metropolitan cities, in their aspiration to modernity, tend to be increasingly anti-poor and anti-migrant, partly as a result of middle-class activism. The negative attitude towards migrants, mostly seen in Delhi and Mumbai, points to concerns about the manageability of large urban centres, struggles around local employment and the distribution of economic growth dividends, as well as anxieties about cultural identity. The potential rise of urban violence as well as the likelihood of disasters and climate change (leading to distress migrations) are issues that could alter the terms in which the rights of the poor are claimed, defined and protected.

This is not to say that the residents of the city are mere spectators of ongoing changes or passive

recipients of public policies. On the contrary, urban dwellers are active participants in the ongoing changes and the making of the city even though the portraying of the 'city' as a collective actor often tends to make these processes invisible. Indeed, cities are important sites where daily protests are generated. As such they demonstrate the numerous types of demands made to the Indian State for a more substantive understanding of urban citizenship.

5. Structure

This publication offers a series of thematic papers that address some of the major issues at stake through the common, if multi-layered, lens of the RTTC. In so doing, it aims at providing a unique perspective on Indian cities today and on the possible paths towards increased inclusiveness. We consider that the question of urban poverty is embedded in the process of deepening inequalities, and that understanding the question of inclusion requires scrutinization of changing equations between different social groups; we will, therefore, not restrict ourselves to a focus on the urban poor.

As a policy document, the main objective of this compendium of articles is to discuss the significance of the concept of the RTTC and its effect on public policies which could unleash the potential of cities to be sites of integration and equitable sharing of the benefits of growth. After a presentation of the basic facts, each paper expounds the existing legal and policy framework, engages with current debates and practices, identifies barriers to better inclusion, and concludes with a set of policy recommendations. This framework is justified by the ambition to engage with central policy debates; it gives less space to social movements, daily struggles, in short to voices, even though these are referred to by various authors. But there is no doubt that protests and dissent are central to the functioning of Indian cities.

The report does not claim to be exhaustive but could be seen as a building block in a wider

debate that should involve scholars, policy makers, and social activists. Firstly it should be said that some important themes, such as food security and education, are not discussed; however the chosen topics provide for a thorough discussion of the crucial issues of participation, of living and working conditions and accessibility and affordability of basic amenities. Secondly, problems pertaining to specific groups, such as children, are dealt with across various papers rather than being treated as a separate theme. Thirdly, this document is also biased towards metropolitan cities about which a sizable literature is available. However this focus can also be justified by the specific position of large cities in the Indian context: big cities account for an increasing share of the urban population; they are at the forefront of the economic liberalization of the country and experience rapid changes as a result of globalization; they are the main target of the JNNURM; lastly they have a significant impact on the ways the city is imagined. This compendium will focus on the contemporary city and will relegate the historical modalities of the foundation and fabric of the Indian city (that would normally enable us, to read more finely, the actual trends) to the background. Neither will it discuss the potential trajectories of the cities of tomorrow.

This report is organized as follows. The first three papers present the legal and institutional framework relevant to the notion of a right to the city in the Indian context. They focus, in turn, on international charters adhered to by India, as well as the relevant constitutional rights (Kothari); on the RTTC as a moral right (Baxi); and on the governance of contemporary cities (Tawa Lama-Rewal). This is followed by four papers that discuss the role of gender (Tawa Lama-Rewal), caste (Mehra) religion (Ghose) and migration (Bhagat) with regard to the right to the city. These papers highlight that, other socio-economic determinants also condition access to urban resources besides poverty-based exclusion. The next two papers deal with various forms of claims to urban space and urban land. Mehra recalls the historical forms of

segregation in Indian cities, thus allowing a better understanding of the contemporary modalities of space inequalities at work, while Benjamin and Raman demonstrate the centrality of urban land to the notion of RTTC. Papers by Dupont on housing and Bhowmik, Zérah and Chaudhuri on urban livelihoods then present what are arguably the two main dimensions of the right to the city. The final set of papers discusses access to a series of major urban services, such as water (Zérah), transport (Murthy) and healthcare (Duggal). The last contribution to this collection, by Kothari, describes how the human rights framework could be used to take the 'Right to the City' forward.

Overall this publication shows that, although India is endowed with a rich and mostly progressive constitutional and legislative framework, which provides a solid base for pushing the RTTC forward, there remain numerous barriers to the implementation of this legal framework. Some of the main obstacles are institutional and others social and cultural. The latter is evident when one considers the condition of the urban poor and the migrant workers: though they are the "city makers" in the most literal sense, their claim to the "right to the city" and their "rights in the city" are the most fragile of all urban citizens; in fact they are frequently jeopardized, or even denied. Furthermore, while civil society organizations are fairly active in many areas in India cities, their modalities of intervention do not necessarily favour the empowerment of the urban poor. In such a context, Lefebvre's idea of the RTTC has not lost its relevance for India today. What is at stake is a transformation of attitudes and frames of mind, and of society. The RTTC implies an agenda for change, and not just integration into the current system. In other words, the RTTC approach allows us to go beyond the "inclusive cities" slogan. Through this publication, we therefore hope to make use of the mobilizing power of the RTTC slogan without emptying it of its transformative content.

Finally, the structure of this policy document as a collection of separate papers is deliberate. The divergent views expressed by the various authors are not erased, which serves two purposes. First, it brings together convergences among authors and it highlights the existence of a consensus on some recommendations for policies and measures that would enhance the rights of all urban dwellers. Second, it reflects the intensity of current debates that all those concerned by the future of Indian cities, including policy-makers, need to engage with.

The Constitutional and International Framework

Miloon Kothari

The movement for the "Right to the City" has been developed by social groups and civil society organizations as an attempt to ensure better opportunities for everyone living in cities, especially the most marginalized and deprived sections. The right to the city is not to be viewed as a new legalistic right, but as an articulation to consolidate the demand, within city spaces, for the realization of multiple human rights already recognised internationally. It is a means to try and combat the exclusionary development, selective benefit sharing, marginalization and discrimination that are rampant in cities today. In this regard, a particularly useful paradigm to change the failed nature of policy and legislative formulation is the human rights framework that guides, and flows from, the Constitution of India and the international human rights instruments that India has ratified.

The recognition and implementation of overarching principles that underpin human rights instruments, such as non-discrimination and indivisibility, offer powerful means to tackle the growing phenomenon of segregation and insecurity that millions across India face. For example the indivisibility approach to adequate housing – a right that is central to the RTTC – would require equal attention to the human right to housing, the right to security of the home and security of the person, and the right to health, food, water and livelihood. Any legislative or policy formulation or choices that create a conflict between these rights would be inconsistent with human rights obligations.

1. Domestic Obligations

Several articles of India's constitution are especially significant for the RTTC. At the outset, Articles 19 and 20 concern core areas of the RTTC, namely the right to migrate to the city, the right to work and the right to adequate housing in the city. Thus, Article 19 states that "All citizens shall have the right (…) (d) to move freely throughout the territory of India; (e) to reside and settle in any part of the territory of India; and (g) to practise any profession, or to carry on any

occupation, trade, or business". Regarding the right to adequate housing, although the Constitution does not explicitly refer to it, this is recognized and guaranteed as a subset of other fundamental rights. Article 21 provides that no person be deprived of his or her life and personal liberty. The Supreme Court affirms that the right to life necessarily implies access to basic amenities. To that end, the right to adequate housing is a constitutional guarantee. Because the practice of forced eviction results in the loss of livelihood, it is a prima facie transgression of Article 21.

In addition, Article 14 and 15 guarantee substantive equality, obliging the state to take affirmative action in facilitating opportunities for the disadvantaged and prohibiting discrimination on the grounds of religion, race, caste, sex or place of birth. Read together, these provisions not only prohibit the exclusion of those marginalized from basic housing and land rights, but also implicate state action in redressing these deprivations.

India's commitment to justice and equality on an international level is enshrined in Article 51 of the Constitution. The Supreme Court has declared that the provision enjoins the State to respect and promote the standards of international law. In particular, the court holds that legislative and executive actions must conform to the principles established in international covenants.

2. International Commitments

Since the adoption of the Universal Declaration of Human Rights (1948), India has ratified all international human rights instruments relevant to the RTTC (Box 4), and is expected to report regularly to the treaty bodies and to the United Nations Human Rights Council, under its Universal Periodic Review system, monitoring their implementation.

In addition to the treaty obligations listed above, India has also adopted declarations and programmes of action stemming from international human rights conferences such as the Declaration and Programme of Action of the UN World Conference on Human Rights

Box 4. International human rights instruments ratified by India

- The International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966).
- The International Covenant on Civil and Political Rights (ICCPR, 1966).
- The Convention on the Elimination of all Forms of Racial Discrimination (CERD, 1965).
- The Convention for Elimination of All forms of Discrimination against Women (CEDAW, 1979).
- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984).
- The Convention on the Rights of Child (CRC, 1989).
- The Convention on the Rights of Persons with Disability (2006).

(Vienna, 1993) which marked an important global consensus on the indivisibility and interdependence of all human rights.

The right to adequate housing – to take the case of a human right central to the RTTC – is most comprehensively elaborated in the Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR): "The State parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including food, clothing and housing, and to the continuous improvement of living conditions…"

It must be noted that India's commitment to adequate housing under the ICESCR explicitly precludes the practice of forced evictions. General Comment 7 of the Committee on Economic, Social and Cultural Rights recognizes this abrogation of liberty, justice, security and privacy as a violation of international human rights law. The UN Commission on Human Rights has also recognized forced evictions as a gross violation of human

rights, particularly the right to adequate housing.

Given the critical importance of realizing the human right to housing for women and children in India, it is relevant to look at the instruments that protect these rights such as the Convention on the Elimination of Discrimination Against Women and the Convention on Rights of the Child. Women's complex role within the family and the household has brought about the need to articulate "adequate housing" from a gendered perspective. Despite the formal protections conferred upon women through national instruments, local customs continue to exist that deny women rights of ownership and inheritance. In addition to the broad recognition of women's rights to housing, it is critical to recognize that "special attention is required for groups of women who are more vulnerable than others, at higher risk of becoming homeless or suffering from the consequences of inadequate housing." The severe impact on women arising from housing violations has been highlighted by the UN Commission on Human Rights.

Moreover Article 16 of the Convention on the Elimination of Discrimination Against Women (CEDAW) lays down the state's obligation to ensure equality of access for both men and women to property, rights of ownership and administration. Emerging from these international instruments is the recognition that full realization of the right to adequate housing and land is central to a woman's right to self-determination.

The unique vulnerability of children is most comprehensively addressed in the Convention on the Rights of the Child. The right to a safe and secure environment is integral to the realization of other basic rights as the home is the frame of reference for the child's formative period of development. Article 27(3) calls on state parties to assist parents and guardians in providing the child with proper food, clothing and housing. Article 16(1) protects the child from unlawful or arbitrary interference with his or her privacy, family, home or correspondence. The Concluding Observations of the Committee on the Rights of the Child notes

that India's efforts to implement legislation with respect to child rights have been inadequate, considering the high percentage of children living in inadequate housing, including slums, and the continued occurrence of forced evictions.

In addition to the provisions of the international instruments outlined above it is important to refer to the interpretative instruments that the relevant treaty bodies have developed. For instance the Committee on Economic, Social and Cultural Rights has reiterated in General Comment 4 that the right to housing is not restricted to shelter but encompasses the right to live in security, peace and dignity, irrespective of the right holder's income and access to economic resources. The set of core obligations that comprises of the right to adequate housing include legal security of tenure, availability of essential services, affordability, habitability, reasonable location and cultural sensitivity in housing development policies. Since the adoption of this General Comment, more work at the national and international levels has deepened the understanding of the essential elements of the right to adequate housing to include elements such as the right to privacy, to participation and to freedom from dispossession.

3. Apathetic Implementation

Acts of ratification legally bind the state to implement its obligations. Timely implementation and progressive realization of rights emanating from international instruments is imperative. This duty obliges state parties to move expediently towards the realization of economic, social and cultural rights, notwithstanding the nation's level of economic health.

However, in practice *de jure* ratification of international legal instruments has not substantively translated into improved housing and living conditions nor quelled the pattern of forced evictions. The vast schism between existing legal entitlements and the social reality of housing conditions in India today is symptomatic of state apathy in implementing its national and international obligations. This fact has

been repeatedly pointed out by UN monitoring bodies, such as the Committee on Economic, Social and Cultural Rights in its latest concluding observations on India (May 2008).

Violations of the right to adequate housing persist in India today, in contravention of international laws. Thus the UN Committee on the Elimination of All Forms of Racial Discrimination has articulated its concern over the effects of caste-based discrimination and directed State action in this area by "undertaking to prevent, prohibit and eliminate practices of segregation directed against members of descent-based communities including in housing, education and employment".

On the issue of forced evictions, a recurring phenomenon across the country, General Comment No. 7 of the Committee Economic, Social and Cultural Rights provides guidance for policy and legislative formulation. While recognizing that forced evictions are a violation of human rights, in the event that relocation is unavoidable General Comment 7 lays out the procedural methodology to alleviate the impact of such measures, including timely and appropriate notice, public participation in rehabilitation schemes and the obligation to provide reasonable compensation. In addition, the UN Basic Principles and Guidelines on Development-based Evictions and Displacement could provide guidance to states on taking steps to minimise displacement, to ensure security of tenure and to improve access to civic services; to provide adequate resettlement for those living in health and life-threatening conditions; and to ensure adequate compensation in cases of losses incurred due to the actions of state and non-state actors.

4. Recommendations

The human rights approach to the RTTC relies on domestic and international legal mechanisms to create accountability for deprivations, discrimination and exclusion. In India, the State's response to obligations created by these mechanisms has been inadequate. There is scope for much improvement. Poor implementation of domestic legal obligations, failures to incorporate international obligations, and a dearth of reflection and analysis of violations have lead to a clear erosion of the RTTC in India. One can make three basic recommendations in this regard.

One, laws and policies which are clear abrogations of international human rights and various provisions of the Indian Constitution, such as anti-vagrancy and anti-beggary laws and certain land acquisition laws, should be repealed.

Two, India should withdraw its declaration with regard to Article 16(1) of CEDAW. That Article prescribes that state parties take measures to eliminate discrimination against women in family and marriage and to ensure, among other rights, "the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property." India's statement that it will abide by this provision – "only in so far that it does not interfere with its "policy of non-interference in the personal affairs of any community" - creates an ideological impediment to the fulfilment of the right to land and adequate housing in particular.

Three, civil society must make creative use of the human rights framework, which includes international legal instruments and emerging advocacy networks, to seek redress for violations of rights. Emerging conceptions of human rights are challenging traditional assumptions about 'duty holders' and how change can be fostered within the rights framework. In contrast to an approach that stresses states as violators, the contemporary human rights regime not only identifies the state as a vehicle for change but also creates additional opportunities for civil society to raise objections to state actions and publicly address violations. As is evident from the work of several human rights and development organisations in India today, civil society can contribute to the structure and use of a human rights framework that is most conducive to the progressive realisation of economic, social and cultural rights. Human rights education and learning, at all levels, is essential for the creation of a common sentiment imbued with human rights consciousness.

A Philosophical Reading of the RTTC

Upendra Baxi

The 'Right to the City' is a remarkably recent ethical invention of our times, if only because it brings a spatial turn to our thinking about what it may mean to say 'human' and 'having' rights. Understandably, 'time' rather than 'space' has been a central category in human rights discourse; how space affects our notions of being and remaining human has of course been studied in terms of critical and cultural geography, yet the ways in which spatial locations construct the geographies of rightlessness and injustice have yet to be fully explored. Critical legal geography is a recently invented discursive field (Blomley, 1994; Delaney, 2003, 2004) but it is only with the RTTC theory and movement that our thinking about human rights takes a distinctly spatial turn. And above all we learn from Henri Lefebvre's gifted corpus how being and remaining human entails several modes of being, power, and resistance.

Lefebvre's 'conceptual triad' directs our attention to 'spatial practices' (the 'physical practices,

everyday routines, networks and pathways'); the practices of 'representations of space' (forms of abstract knowledge generated by formal and institutional apparatuses of power engaged in the organization of space) and the 'represented space' forming part of the social imaginary of 'inhabitants and users' of space through which 'complex symbols are linked to non-hegemonic forms of creative practice and social resistance (Butler, 2009: 320). It is at least clear that rather than a natural given, 'space' is always socially constructed and the contestation always occurs on the axis of the represented space and representations of space. Increasingly, at stake remain people's struggles over the politics of and for space. If so, the question posed by the languages of rights surely matters.

1. The Right to City

Not all those who enunciate RTTC aspire to install a juridical right. As late as 2009, the UNESCO/ UN-HABITAT maintains with articulate clarity

that the "right to the city" is not a positive right in a legal sense: neither ... have the intention to promote a new international legal instrument[9]." This, then, indicates a striving towards an articulation of a moral right.

How may we describe the moral RTTC? David Harvey advances our common understanding of this 'Right' when he says that:

"The right to the city is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. It is, moreover, a common rather than an individual right since this transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanization. The freedom to make and remake our cities and ourselves is... one of the most precious yet most neglected of our human rights" (Harvey, 2008: 24).

The idea that the RTTC is a right to "change ourselves by changing the city" needs close consideration. It is a right not in the sense of liberty but in the sense of power; it is an individual as well as a collective or common right; and it is a right to call for, or to achieve, change in our living spaces and ourselves. However, the 'we-ness' for transformation is not a given but has to be constructed, forged, or fabricated if only because those who wield economic, social, and political domination aspire always towards fragmentation of the emergent 'we-ness.' In this sense, then, the RTTC is a 'right' to struggle for maintaining critical social solidarities. And, accordingly, such a right presupposes respect for freedom of speech and expression, advocacy and dissent, movement and assembly, or the popular capacity to struggle to attain these. In sum, the moral RTTC assumes legal duties of respect for the conventionally called civil and political human rights.

The UNESCO/UN-HABITAT discourse concerning the RTTC re-affirms what Harvey felicitously

names as the "exercise of a collective power to reshape the processes of urbanization" (Harvey 2008). Important as this affirmation remains, the task of understanding any conception of the moral RTTC takes us in the direction of understanding the idea of city itself.

2. Understanding the City as a Site of New Rights

Too many imageries of the city crowd the landscape of memory. No doubt, the idea of city itself varies with its changing histories.

First, we hear a good deal about global cities, or the space of transnational flows, transactions, and networks of global capital. The extension of the moral RTTC assumes a complex character here depending on how well and how far may we draw distinctions between the notions of 'global,' 'world,' and 'informational' city[10] (Storper, 1997). If we were to regard global cities as 'machines' for the operations of global capital,' the RTTC primarily offers a menu of obligations for state managers to facilitate capitalization of space. This may result in practices of spatial apartheid in which the owners of labour power remain consigned to live in the peripheries of the city.

Second, taking the moral RTTC seriously invites attention to several spheres of international law. A much debated instance concerns the limits of power of belligerent occupation in disputed and occupied territories. It remains at the outset rather difficult to think about the RTTC outside the frame of the collective human right to peace and non-aggression.

Third, in conditions of relative peace, the enunciation of a moral RTTC entails a different imagery of the city as a 'moral universe' in itself. If since 'classical antiquity, the city has had two principal meanings in the West: human relationships (civitas) and built forms (urbs),' the city provides sites of how 'people live together

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[9] See, Urban Policies and the Right to the City: Rights, Responsibilities and Citizenship, UNESCO, MOST-2 Policy Paper (2009) at p.3.
[10] As concerns this, there is a lot of talk about the democratization of virtual space, in which citizens increasingly become global netizens (Hauben, 1996) as well as about the digital divide (Norris, 2002).

as communality; how they see and treat one another is morality' (Yi-Fu Tuan, 1988: 316). The idea of a city as a moral universe accentuates a civilizational idea. In contrast, much of the UNESCO/UN-HABITAT RTTC discourse elevates the idea of civitas, the idea of citizenship - a public commons in which the notion of the right to remain a stranger combines with notions of neighbourhood and community and critical solidarities that this may in turn also generate. The idea of citizenship, as we know well remains inescapably politico–juridical, a genre in which the organized political society promotes notions of state responsibility towards those whom it recognizes as members, to whom it has obligations of promoting collective human security and a respect for their constitutional and internationally recognized/enunciated human rights. This gesture of inclusion is also at the same time a signature of exclusion for non–citizen persons, within state jurisdiction. Cross-border migrants, whether asylum-seekers, refugees, or stateless persons, while protected by international humanitarian law standards and norms, pose distinctive challenges to the discourse of a moral RTTC (see for the Indian scenario, Roy, 2010). The gallant work of the UNHCR and of 'critical refugees' studies' has demonstrated the ethical inadequacy of spatially-bounded notions of citizenship with some current notions of RTTC. So too has the plight of within-nation citizen migrant populations—environmental exiles or 'development' displaced peoples.

Fourth, the RTTC talk needs to take more seriously than is the case now, the rights of a city conceived in the grammars of non-centralized space for local self-governance. And in this perspective, the creation of such space remains important equally for the 'unitary' and 'federal' structuration of state power. At least the questions thus presented by RTTC talk and movement relate to the dignity of the local pitted against the dominance or the hegemony of the regional and national constitutional moral architecture for at least the constitutionally organized political societies. The Indian instance shows how.

Fifth, this new constitutionally enacted representational space now remains liable to forms of capture, as the narratives of struggle over Special Economic Zones now fully signify. All over again, both sovereign urban planners and managers and non-state (corporate) actors promote social space as a resource, utility, and commodity in overt and covert markets. At stake in India, but not uniquely so, remains the stark fact: as 'cities' proliferate, 'environment' diminishes. On this register, of course, the distance between moral and juridical human rights may not be extravagantly maintained, because in the main the right to human life and livelihood with dignity partakes both. A wider question also stands thus posed: how all our RTTC fond talk may after all remain ethically adequate to the tasks and agendum of 'deep' ecology? The Bhopal catastrophe, in its several avatars (Baxi, 2010a) may best serve the complex and contradictory regimes of governance of RTTC and the rights of City.

Sixth, how may we fully grasp a new RTTC 'nomosphere' – in which theory, social movement, and individual practices create new meanings for old concepts such as 'politics,' 'planning,' and 'citizenship' – as well as new 'spaces of hope' for the masses of urban impoverished? Incidentally, I insist on the term 'impoverishment' (as against 'poverty') because it indicates more vividly the processes of social, economic, developmental, planning choices that consciously and continually make and keep people 'poor.' The dominant practices of the Indian 'urban'/'rurban' planning have little regard for the impoverished and worst-off Indian citizens who understandably, in turn, translate RTTC grammars and vocabularies primarily as a demand for social justice.

The moral RTTC thus may not be construed primarily, or merely, as an instrument of social policy (at all levels from the global to the local); rather, it invites labours of theory and movement articulating both a new charter of basic human rights as well as a forum for articulation of demands of justice. Both these, variously, contest the dominant idea of a city made, in the main,

possible by a new globalizing notion of 'inclusive growth'—not entirely an Indian metaphor. 'Inclusive growth' stands opposed to the imagery of 'equitable development.' It marks forms of strategic inclusive exclusion. Put starkly, this signifies a constant supply of docile bodies that have little choice but to allow the unconscionable use and exploitation of their labour power to construct the spaces of the city and their continual use as well for supplying the means of informal economy upon which the cities thrive. In this sense, at least, the idea of a 'city' crystallizes neo-colonial spaces.

Seventh, in the current wave of 'moving forward' the RTTC seeks a reversal of this state of affairs. They hark back to several critical etymologies that relate the idea of city to the notions of civitas and urbs —the originary spaces of civility, fraternity (civic sense marking common dependence), citizenship, and even 'civilization' (marking spaces of dignity of discourse for several, even when conflicted, world views – of pluralist conceptions of life). I know that much of the RTTC discourse does not extend thus far (outside the discourse of historical divided cities) but I believe that it ought to do so.

3. The Specific Vicissitudes of RTTC in Indian Constitutionalism

The Indian Constitution, by means of its original division between fundamental (civil and political) rights as enshrined in Part III and Part IV, embodied Directive Principles of State Policy (social and economic rights) but ensured unfavourable conditions for democratic judicial action concerning the rights to shelter and livelihood prospects for the urban impoverished. Further, planning of urban land use, as is well-known, largely favoured the housing needs of the urban middle classes and the land hunger of business and industrial classes and property developers.

The recurrent production of the conditions of human rightlessness stands amply documented in activist literature. The various housing schemes for the urban impoverished represent, overall, more governance beneficence than any fully-fledged recognition and affirmation of the human right to shelter and housing.

It is in this context that one turns to the adjudicatory leadership of the High Courts and in particular the Supreme Court of India (SCI, hereafter) The groundwork for this was laid in the post-Emergency era when the Supreme Court of India steadily sought to convert itself into a Supreme Court for disadvantaged, discriminated, and dispossessed Indian citizens (Fredman, 2008). This resulted in a rights-revolution – a genre in which the SCI begins to:

a) Convert Part IV rights into enforceable Part III rights;

b) Convert basic human needs into judicial enunciations of human rights;

c) Radically democratize the right to judicial remedies via social action litigation (SAL) still misnamed as public interest litigation (PIL);

d) Develop a partnership between courts and learned, professional human rights and social movement groups to inaugurate human rights specific judicial invigilation of public policy and executive action.

It is in this context that the Supreme Court of India decision in the Olga Tellis case affirms a constitutional right of disadvantaged citizens to shelter and housing in the context of the Bombay pavement dwellers, who were to be evicted on the grounds of the competing right of other citizens to move freely on public roads. In vivid prose, the Court described their conditions of human rightlessness. The juristic inheritance of Olga Tellis comes to its fullest fruition in a 2010 decision by the Delhi High Court in the case of Sudama Singh. In an exemplary mode, the Court doesn't merely deploy the various declarations of national urban policy but also fully marshalls the General Comment 7 (1997) of the UN Committee on Social, Economic, and Cultural rights, the

Report of the Special Rapporteur on Adequate Housing, and the UNDP reports. Based on all these, it legislates, in effect, the constitutional impermissibility of forced evictions of the urban impoverished. It further directed that any necessary relocation shall be consistent with the proviso that state agencies shall ensure 'basic civic amenities, consistent with the rights to life and dignity of each of the citizens' at each and every 'site of relocation.'

A contradictory adjudicatory leadership stance is poignantly illustrated by other judicial decisions. In 2000, the Supreme Court in Almitra H. Patel v. Union of India ordered the Delhi Government and other authorities to remove 'slums and unauthorized colonies' on 'public' land, dispossessing an estimated 3.5 million people. In fact, the Court went so far as to depict the slum-dwellers as 'encroachers' whose 'illegitimate' claim for compensation against dispossession from their jhuggis amounted to 'pick-pocketing' the taxpayer! In a recent Delhi High Court judgment (Pitampura Sudhar Samiti v. Government of National Capital Territory of Delhi – a common judgment in 63 different petitions filed by the middle class community through their respective residents welfare associations), Delhi slum-dwellers are 'seen not just as a threat to the adjoining middle class colonies and the city in general,' but also as a threat 'to the nation itself!'

The ways of Indian judicial activism now follow the path of the worldwide phenomenon of judicial and juridical globalization – a form in which the human rights of the corporate legal humanity (Grear, 2010) claim precedence – even an ontological priority – over those of the 'wretched of the earth.' In this context I believe that the RTTC discourse remains the best hope there is for the future of human rights in a troubled world.

4. Conclusion

One ought to contrast the politics *of* space with politics *for* space. The former refers to many a practice of domination which include the old and new forms of veneration of the sacerdotal rights of freedom of property and contract and conventional notion of the powers of eminent domain of the state. Our staid notions of the rule of law sanction various forms of violent social exclusion, even apartheid, for the worst-off peoples in a society and the accompanying insecurity of human rights to life and livelihood for the urban and rural impoverished.

In contrast, politics *for* space seeks to 'discipline' where possible and 'punish' where necessary the practices of domination. In this sense, it remains transformative politics. The 'Right to the City' thus interrogates the 'sacred' nature of the human rights to freedom of property and contract and the ways of sovereignty that escalate the mysteriously grounded eminent domain state powers.

Through myriad people's struggles everywhere, we witness the battle cries for the reclamation and restoration of 'public' spaces and places in different imageries of social and human rights action – whether in the languages of the movements of indigenous peoples, the rural and urban impoverished, or the needy migrant voices of human rightlessness (always deeply gendered and suffering). At least on my reading, the RTTC movement summons some new critical global agendum led by a 'new sovereign'—the assemblages of human rights and social movements which remind us that no one may ever take human rights seriously without taking human and social suffering equally seriously.

Urban Governance: How Democratic?

Stéphanie Tawa Lama-Rewal

The governance of Indian cities is characterized by an increasing complexity, in terms of actors, processes, and resources. One can trace such complexity to three major causes: (i) the federal organization of the Indian State, historically characterized by a strong centre; (ii) the economic reforms launched in the early 1990s, which have allowed multinational firms – with a strong interest in urban infrastructures – to enter the Indian economy; and (iii) the decentralization policy adopted in 1992. In this context, the relationship between urban governance and the right to the city can be summed up in the crucial issue of participation: what are the opportunities and constraints that define the capacity for urban dwellers to meaningfully participate in those decision-making processes that affect their life in the city? An informed response to this question implies distinguishing how different socio-economic groups are empowered, or disempowered, regarding access to the existing avenues of participation; but it also requires scrutinizing the relationship between various

forms of participation and decision-making per se.

1. Facts

The governance of large cities involves a multiplicity of institutional actors, both public (municipal corporations, parastatal agencies and officials depending on the state and on the central governments, the courts) and private (the corporate sector, organized civil society). Such multiplicity can be an obstacle to transparency and to accountability. Some of the tasks assigned to public actors tend to overlap, which makes it difficult for citizens to identify the institution that is responsible for a given problem in the delivery of urban services, and therefore to properly channel their grievances. The increasing involvement of the corporate sector through public-private partnerships (PPPs) can aggravate the opacity of the chain of responsibility. Finally the increasing involvement of the courts (both the High Court and the Supreme Court) in the

21

major decisions shaping cities can act as a limit to democratic control.

The overlap in the remit of the various actors of urban governance also impacts negatively on their collective efficiency. There is obviously a strong need for coordination of these multiple agencies, which could and should be provided by the Metropolitan Planning Committees (MPC) that all states are supposed to set up in the framework of the decentralization policy adopted in 1992. So far however only four states – West Bengal, Maharashtra and more recently Andhra Pradesh and Gujarat - have implemented this provision[11]. In most Indian cities however the absence of an MPC allows the state government to keep playing a major role in urban governance, since it usually controls key functions such as land development and planning, or law and order.

The historical rivalry between the three levels of government (Sivaramakrishnan & Maiti, 2009: 26) is further complicated by a rivalry, at each level, between elected representatives and officials. Parastatal agencies and boards (which in most cities are in charge of key sectors such as land, water, electricity, transport etc.) are almost always composed of a majority of officials and a minority of elected representatives, thus favouring a technocratic, top down vision of urban governance. One of the objectives of the decentralization policy elaborated by Rajiv Gandhi's government in the late 1980s, and implemented from 1993 onwards, was precisely to democratize local government, to make it more representative of, and more responsive to, the local population.

The implementation of the decentralization policy, however, is way behind the ambitions of the 73rd and 74th Constitutional amendments. The translation of these amendments into

> **Box 5. The 74th Constitutional Amendment Act: defining decentralization in the urban context**
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> The decentralization policy takes the form of two constitutional amendments, the 73rd CAA dealing with rural India, and the 74th CAA dealing with urban India. This policy is historic for several reasons.
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> 1. It confers a "constitutional dignity" (Baxi, this volume) to the third level of federalism: local elections have to take place within six months from the end of the mandate of the previous council, under the supervision of state election commissions.
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> 2. It makes local democracy more representative: reservations (i.e. electoral quotas) for scheduled castes and scheduled tribes, which have been implemented at the level of both the national parliament and states' legislative assemblies since independence, are now extended to the local level. These reservations are in proportion to the local demographic weight of SCs/STs. An important innovation is reservations for women which are established for the first time (33% of seats).
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> 3. This policy also makes local democracy more participative: the 74th CAA institutionalizes participatory spaces – the ward committees – meant to promote the participation of citizens in the management of urban affairs.
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> 4. It devolves significant responsibilities to urban local bodies, through a list of functions to be transferred to local self-government – the Twelfth Schedule.

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[11] Thus the Kolkata Metropolitan Planning Committee (KMPC), formed in 1998, is made up of elected representatives of the rural and urban local bodies that fall under the metropolitan area (two thirds) and of officials (one third).

implementable policy was done through the conformity legislation that all states had to adopt from 1993 onwards. This process revealed, in most cases, the persisting resistance of state level politicians to an effective delegation of resources and power to lower levels. As a result, local government is weak in Indian cities, on several accounts. One, the resources allocated to municipal corporations (in terms of both finances and functionaries) are so limited that no city government can actually take charge of all the functions listed in the XIIth Schedule. Two, the dominant municipal regime, called "Commissioner System"[12], confers executive powers to the executive, non elected wing of the corporation; the strong man of the municipal corporation is thus the commissioner – an Indian Administrative Services (IAS) official nominated by the state government, rather than the mayor, who is usually indirectly elected and only has a ceremonial role. Three, because of the reservations system, many councillors are newcomers, which makes them more dependent on local level functionaries to exercise their prerogatives. As a result municipal corporations lack in authority, which explains the fact that the mayor is hardly known amongst city dwellers, many of whom are also unaware of the name of their local councilor.

This indifference to local government expresses itself in the low rate of participation that characterizes municipal elections. One must note however that electoral participation at that level is even more determined by class than it is elsewhere in India (Jaffrelot 2008): whereas the middle classes tend to abstain from municipal elections, poor voters do participate *en masse* – indeed studies of municipal politics show that poor urban dwellers know their councillor, whom they consider as a privileged mediator with public authorities, be it at the municipal or at higher levels (Ghosh & Tawa Lama-Rewal 2005, Berenschot 2010).

What are the modes of participation, other than elections, open to urban dwellers? The 74th CAA promotes the idea of ward committees as a sub-municipal space of interaction between residents, councillors and officials, at the level of the smallest electoral constituency – the ward. But this provision too has been interpreted in a restrictive way, and in most cities ward committees are really *wards* committees: they exist at the level of a cluster of wards – a scale that does not qualify as local. In addition, wards committees usually do not make space for civil society – a prominent exception being Mumbai, where wards committees include 3 NGOs – selected by the councillors. In practice therefore wards committees only add one level of interaction between councillors and functionaries. Municipal government, on the whole, hardly leaves any space for citizens' participation beyond elections.

However alternative avenues of participation in urban affairs have emerged in the past two decades. Some of these follow a top down dynamic: this is the case with participatory programmes initiated by state governments (such as the Bhagidari scheme – see below) or by Municipal Corporations (like the Advanced Locality Management Groups created in 2001 in Mumbai). Other channels of participation are more bottom up: for instance media campaigns (including through the internet), public audits, and public interest litigations.

2. The Legal and Policy Framework

The 74th CAA (1992) constitutes a breakthrough in the political trajectory of independent India in two regards: (i) it is part, along with the 73rd CAA, of an historic and ambitious decentralization policy, as mentioned above; (ii) it asserts that local self-government in cities is different from that of the village, thus contrasting with past policies which tended to conflate the urban and

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[12] The alternative municipal regime, called « Mayor-in-Council system », is implemented only in West Bengal and Madhya Pradesh. In that system the head of the executive wing is the Mayor, elected by municipal councillors from among themselves, who then nominates a small number of councillors who are given charge of the main portfolios (such as water and sanitation, roads etc.) and form the "council" in the manner of a cabinet in the Westminster system.

the rural. However the 74th CAA has been only partly implemented: some optional provisions, such as the composition and role of ward committees, have been interpreted in a very restrictive way; while some mandatory provisions such as the formation of Metropolitan Planning Committees have simply been ignored in most states.

One of the stated objectives of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) - launched in 2005 is a proper implementation of the 74th CAA in the 65 concerned cities. The JNNURM pays specific attention to the participatory dimension of local democracy, yet its contribution in the matter has not been conclusive so far. For instance, one of the conditions for cities to be eligible to the JNNURM was the elaboration of a City Development Plan (CDP), i.e. a comprehensive document identifying those urban projects that had to be given priority and providing a road map for inclusive urban development. CDPs were supposed to reflect the priorities of all stakeholders, which implied extensive consultation with city-dwellers, but the consultation process proved to be extremely flawed in most cases: consultation meetings were organized in such a way that they made the participation of the poor, or the uneducated, very difficult; when they did take place, many of their conclusions were not incorporated in the final CDPs (see Hazards Centre, 2005).

The JNNURM also makes it mandatory for eligible cities to implement a Community Participation Law (CPL), meant to achieve what wards committees could not, namely institutionalize a local participatory space, the area *sabha* (or area assembly) where the local councillor and municipal officials would interact on a regular basis with representatives of the local residents[13]. The area sabha would be composed of all

registered voters in a given polling booth (or a series of polling booths), and its representatives would be members of the ward committee. The CPL has been strongly criticized by CSOs on three grounds. Firstly, the "model CPL" offered by the JNNURM does not specify whether such representatives will be elected or nominated by the councillor. Secondly, CSOs are wary that area sabha representatives might actually over-represent the privileged sections of the local population, who will be better equipped to get elected or nominated. Finally CSOs argue that limiting membership on the basis of electoral rolls would de facto exclude migrants, who make up a substantial section of local population, from area sabhas[14]. So far, in any case, the creation of area sabhas has been strongly resisted, including by self-proclaimed champions of participation, such as the Chief Minister of Delhi, and the CPL has been implemented only in four states: Andhra Pradesh, Assam, Gujarat and Karnataka.

A specific piece of legislation actually runs counter to the objectives of the decentralization policy, namely the Local Area Development Scheme (LADS, 1993), which concerns elected representatives at the state level (i.e. Members of Legislative Assembly, or MLAs) and at the national level (i.e. Members of Parliament, or MPs), and is popularly known as the MP/MLA fund. This policy allows each MP or MLA to spend a given amount (regularly revised) in his or her constituency, on a series of pre-defined items, such as roads, water pumps etc. In urban areas, the implementing agency is the municipal corporation. This provision introduces a competition between councillors (who also have a fund to be spent in their constituency) and representatives elected at higher levels; it undermines decentralization, since non-local representatives can also intervene in issues that are essentially local. This provision has

[13] One should note that representatives of residents already exist in slums, albeit in a non-official capacity: the slum pradhan is a local "big man" whose long term residence in the slum combines with relatively privileged contacts with political cadres to make him a sometimes important mediator between slum residents and local politicians (see Jha, Rao, Woolcock 2005).
[14] For an elaborate critique of the CPL, see CASUM, Collaborative for the Advancement of the Study of Urbanism through Mixed Media, Community Participation Law (CPL). What Participation? Whose Community? Available at http://casumm.files.wordpress.com/2008/02/community-particpation-law.pdf

repeatedly been criticized (it was also blamed for encouraging a clientelistic nurturing of their constituency by MPs and MLAs), yet no government has been willing to act on it so far (Kumar & Landy, 2009).

Finally the Right to Information Act (RTI) is arguably a major legislative tool for both local and national democracy. The RTI Act, resulting from the relentless advocacy of the Mazdoor Kisan Shakti Sangathan (MKSS), an NGO based in Rajasthan, was passed in 2005 at the national level[15], but it had been adopted in several states even before that date. The RTI makes it mandatory for officials, at all levels of government, to provide any document requested by a citizen (with a few exceptions) within 30 days of the application, or face sanctions (see http://righttoinformation.gov.in/). It is a powerful instrument of democratic control, and has indeed been used by various citizen groups to expose corruption and other types of wrongdoing by public authorities.

3. Political and Academic Debates

The term "governance", that is today quite ubiquitous when it comes to the management of urban affairs, has been the object of an international academic debate, in which Indian political scientists have been important contributors. The notion of governance, imported as it is from the vocabulary of the corporate sector, hints at the new importance of a managerial conception of local democracy (Jayal 1997, Chandhoke 2003), in which the legitimacy of decisions hinges on their efficiency more than on the democratic selection of decision-makers. The academic debate thus focuses on the risk for democratic control to dissolve itself in the "good governance" discourse.

A more India-centric debate owes much to John Harriss and Partha Chatterjee, two anthropologists working on Indian cities, who offer a conceptualization of political participation

Box 6. The undemocratic governance of Special Economic Zones (SEZs)

The passage of the SEZ Act in 2005 reinforced the Indian government's policy of allowing the creation of special tax free areas and expanded it on a large scale. The SEZ policy is meant to promote private (foreign and domestic) investment in industrial infrastructure to enhance exports and create jobs, without reforming labour laws. The favourable tax and policy regime of SEZs is a strong incentive both for developers of SEZs (who will own it) and to firms that set up in SEZs. SEZs can be developed either by the private sector, state government agencies or through a Public Private Partnership (PPP). The response has been very positive, with more than 700 proposals received till date.

SEZs have special implications for urbanization in India. Most SEZs today are developed next to large cities. They can include shops and housing, which means that they can become private townships. It is actually expected that SEZs will translate into 50 to 70 new satellite towns (with a population comprised of between half a million and one million inhabitants) over the next decades.

The SEZ policy is the object of a controversy on several points. One of them is the fact that SEZs exemplify undemocratic governance: since the decentralization policy is not applicable in SEZs, their inhabitants do not enjoy any right to participate in their governance, be it directly or through representatives (see Jenkins, Kennedy, and Mukhopadhyay forthcoming).

in the urban context in binary terms. Harriss (2007:2717) contrasts the "old politics of political parties and their mass movements, especially trade unions ... a politics forged primarily in and over workplaces" and the "new politics ... built up

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[15] The RTI is not applicable to the state of Jammu and Kashmir.

around voluntary organisations in civil society rather than political parties, around new social movements... rather than labour organizations, and ... forged in communities rather than in workplaces". Similarly, Chatterjee (2004) distinguishes the "political society" structured by political parties and trade unions, and concerning the masses, from the "civil society" composed of "proper citizens" who mobilize themselves through associations. Both conceptualizations highlight a correspondence between class and mobilization strategies.

This academic debate finds an echo in the competing claims for citizenship that express themselves in Indian cities. Citizenship is commonly defined as the sum of rights and obligations that characterize the relationship between the individual and the state. In Indian cities today, (urban) citizenship is claimed on a different basis by different categories of people, as shown by political speeches and press statements. On the one hand, neighbourhood associations, that mostly represent middle class residents, insist that they fulfill the *obligations* entailed by citizenship; thus a much used phrase is that of "law abiding, tax paying citizens". On the other hand, social and political organizations representing slum dwellers underline their *rights*, in the sense of basic human rights, as evident in expressions such as "the people, the common man". Oddly enough, the fact that poor urban dwellers participate much more in local elections is hardly evoked as a ground for citizenship; yet voting is usually considered as a major practice defining citizenship, and anthropological studies on the meaning of the vote in India suggest that poor voters consider elections as a rare opportunity to "perform" their citizenship (Hauser & Singer, 1986).

Another debate concerns the role of civil society organizations (CSOs) in the democratic character of urban governance. A number of CSOs have played a crucial role in negotiating rights – to low-priced water, secure housing, good roads etc. – for city dwellers. As mentioned, the MKSS (the Mazdoor Kisan Shakti Sangathan NGO

based in Rajasthan), has led the struggle for the right to information. The same organization has reinvented public audits – an organized meeting between local people and public authorities on a given, local issue, which gives a very concrete meaning to accountability. Public audits require the strong involvement of an NGO, and in Delhi Parivartan, Mobile Crèches, Jagori, among others, have engaged with this particular mode of collective action when dealing with the question of urban services. In Mumbai, the Society for the Promotion of Area Resource Centres (SPARC) has been much involved in the mobilization of slum dwellers to secure housing rights. There is now a debate, both in the activist and in the academic spheres, over the consequences of such NGO engagement in urban governance. Does it contribute to deepening urban democracy (Appadurai 2001), indeed to "forge a new type of global urban democracy" (Weinstein 2009: 402)? Or does it, on the contrary, facilitate the undemocratic processes that characterize urban renewal (Roy, 2009b)?

4. Good (and Bad) Practices

A series of recent initiatives concerning urban governance are specific to one state, or to one city. For instance, in 1996, the State Government of Kerala launched a unique experiment: the People's Campaign for Decentralised Planning. Unlike everywhere else in India, local democracy was conceived not only as an extension of representation (to new levels and new social groups), but also as a site of participation. From 1996 to 2001 thousands of people were mobilized for participatory planning. Kerala's experiment was unique: the state was strongly supporting of this initiative; state funds were released very quickly; and a substantial proportion of the budget was to be allocated though participatory planning (Sharma, 2003). However when the Left Democratic Front lost state elections in 2001, the experiment was suspended by the new, Congress-dominated government.

Voting remains the major form of participation

Urban Policies and the Right to the City in India : Rights, Responsibilities and Citizenship

Box 7. The Unique Identification (UID) project

In 2009 the Government of India set up the Unique Identification Authority of India (UIDAI), an agency in charge of implementing the Unique Identification Card project in the country. Under this project every adult resident will be given a 12 digit number, associated to a photograph and biometric data (fingerprints, iris) so as to make sure that the ID is unique. The UID is meant to make people visible to the state, in order to achieve a series of objectives: (i) reaching all the potential beneficiaries of welfare programmes; (ii) suppressing "leakages" due to corruption and making sure that all the provided benefits reach their intended beneficiaries; (iii) fighting fraud, including electoral fraud; (iv) fighting terrorism.

The UID Card project has evoked a series of criticisms (see for instance Ramanathan 2010), focusing on three aspects: the reliability, security and misuse of data. First, there are strong doubts concerning the technological feasibility of the project, and one can fear that the data collection and recording will be prone to errors. Second, errors would have dramatic consequences since it is expected that major state agencies, but also banks and other commercial institutions will request UID cards from their consumers. Third, the UID database will be linked with other identity databases, which means that the powers of surveillance over the population will increase manifold. Critics argue that the National Identification Authority of India Bill (introduced in Parliament in December 2010) does not include the necessary safeguards to ensure that privacy rights will be protected from the legitimate owner of the database (the UIDAI) or from unauthorized institutions.

in local democracy. In this regard it was observed that initiatives aiming to limit rigging in local elections can end up disenfranchising the most vulnerable section of voters. Such was the case during the 2007 municipal elections in Delhi: for the first time, ration cards were not admissible as a proof of identity, because, it was argued, ration cards are not an individual document (there is one ration card per family, which can facilitate bogus voting). But most alternative identity documents (such as PAN card, driving licence, telephone bill) implied a level of income which is beyond a substantial section of voters. The 'Unique Identification' number that is in the process of being attributed to the whole population of India might provide a solution, but it raises another set of issues.

In India as in many other countries, there are attempts at developing a more participative local democracy, for instance through consultation procedures, that have become more frequent in the past decades, since the "good governance" discourse values people's participation. This new

trend concerns even one of the most top down and technocratic features of Indian urbanism: the Master Plan. But experiences of consultation around the latest Delhi Master Plan, for instance, revealed a strong resistance to implementing the participation principle in the spirit intended. Citizens and citizen groups were invited to express their views – which they did; but the final Master Plan ignored most of the 7000 plus recommendations received (Hazards centre 2005).

Participation goes further than consultation in participatory schemes, such as Bhagidari in Delhi or the Advanced Locality Management (ALM) groups in Mumbai.

Both Bhagidari and the ALM in Mumbai have been criticized as being amenable to elite capture; in other words, they tend to empower the already powerful. Yet these schemes have also proven to trigger collective action beyond their assigned objectives, and beyond the targeted population, namely the middle classes. For

Box 8. The Bhagidari scheme

This urban participatory device, launched in 2000 by the Chief Minister of Delhi, Sheila Dikshit, provides a rich example of the current political emphasis on participatory governance. The scheme, defining itself as "a citizen–government partnership"[16] is designed to facilitate interaction between residents and city administrators in order to develop a localized form of participation, focusing primarily on urban services. The Bhagidari ('partnership' in Hindi) scheme officially aims at "developing a democratic framework in which citizen groups can communicate and act in partnership with government servants in order to solve simple, daily problems"[17]. In practice the scheme is almost exclusively channelled via Resident Welfare Associations from authorized colonies (as well as trader associations). The Bhagidari scheme comprises regularly organized thematic workshops (usually lasting three days), through which representatives of RWAs and the various administrations dealing with urban services meet and debate, with the intention that they collaborate (rather than conflict) as 'Team Delhi' to resolve common problems by identifying 'consensual propositions', a key notion of the scheme. The Bhagidari scheme was selected as a best practice by the United Nations, but there is significant scholarly debate regarding the impact of Bhagidari on urban politics and everyday life in Delhi.

instance in Delhi, Resident Welfare Associations (RWAs) have evolved into an interest group that occasionally confronts the state government or the municipal corporation, and they have allied with associations representing the urban poor in a movement resisting the privatization of water delivery, which ultimately proved

successful (Tawa Lama-Rewal, 2007). In Mumbai some ALM groups have joined municipal elections in 2007, and their candidate has been elected (Zérah, 2007), suggesting that these participatory programmes can help fight the electoral abstention of the middle classes, which is certainly important for the legitimacy and authority of local government.

A much advertised "product of the Bhagidari scheme" (according to Delhi's Chief Minister[18]) is Mission Convergence: this programme was created in 2008 to bring all the nine social welfare departments of the Delhi government together under a single-window system, through which beneficiaries can directly access schemes such as old age pension, ration cards etc. In 2010 this programme won two gold medals from the Commonwealth Association for Public Administration and Management (CAPAM), rewarding its contribution to good governance. However Mission Convergence, just like the Bhagidari scheme, is strongly criticized by elected representatives who resent the fact that it relies on bureaucrats (and CSOs), which deprives them of their traditional role as intermediaries between the welfare departments and beneficiaries.

A more ubiquitous practice is the provision of citizen charters by an increasing number of administrations, starting with Delhi and Andhra Pradesh – two states whose Chief Ministers have repeatedly asserted their commitment to "good governance". Citizen charters are meant to fulfill one of the key notions of the good governance package, namely transparency. The availability of documents providing, in clear terms, a description of the tasks of major urban agencies, as well as the name, function and contact of the person in charge, is definitely an important step towards a true accountability of administrations to citizens. However, the real impact of these charters ultimately depends on (i) the capacity of all sections of the population, including the

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[16] http://delhigovt.nic.in/
[17] Delhi Smiles (brochure of the Bhagidari scheme, Delhi Government, 2007)
[18] Frontline, 03/05/2010.

Urban Policies and the Right to the City in India : Rights, Responsibilities and Citizenship

less educated, to understand them – which requires the involvement of advocacy NGOs in "demystifying and popularizing" the charters (Banerjee 2006: 11); and (ii) on the existence and efficiency of grievance redressal mechanisms – which is closely related to the implementation of the Right to Information.

Finally classic modes of mobilization, such as street protests, *bandh* (general strikes), *dharna* (sit-ins), or *gherao* (encircling a person representing the contested decision/authority) have shown in the recent past their enduring efficiency. For instance the conflict that shook Delhi in 2006 around the implementation of the new Master Plan offered a representative sample of the various forms of collective action mentioned above: press campaign, PIL,[19] street protests. Ultimately, it was the strikes and demonstrations called by the traders, and joined by all those opposing zoning, which forced the government to adopt mixed land use, even if that implied amending the Master Plan so that it would coincide with reality on the ground. This episode exemplifies how two definitions of the notion of right can be mobilized and opposed to each other by different groups. While supporters of a strict implementation of the Master Plan (i.e. of the zoning principle) favored a legalistic vision, arguing that the Master Plan was binding by law, opponents evoked the idea of justice, that is, of natural rights, to justify their opposition to zoning and their support to mixed land use.

5. Barriers

The main barrier to an implementation of the spirit of the decentralization policy seems to be an enduring resistance to the delegation, and therefore the sharing, of power and resources, by state level politicians and officials. With hindsight, it appears that state governments have consistently worked towards containing the potential of the 74th CAA in terms of changing the balance of power.

Another barrier to inclusive urban governance is of a more social nature: it lies in the way various avenues of participation are informed by class. As mentioned, most participants in municipal elections are poor, while most participants in participatory schemes are middle class.

6. Policy Recommendations

One can see five possible ways to empower local self-government and to make it more responsive to city dwellers. Empowering councillors is essential with regard to making urban governance more inclusive, because councillors are the most approachable representatives of public authorities for poor city dwellers. At the same time, it is necessary to create spaces of interaction between councillors and representatives of the local population that would involve middle class residents as well, in order to give another dimension to the mediation work effected by the councillor. This would then go beyond interventions on behalf of individual constituents (what Berenschot -2010- calls "brokerage and patronage"), towards defending (local) common interests.

1. The Mayor-in-Council system should be generalized[20]: This municipal regime, already implemented in two states, vests executive authority in the hands of the Mayor. Even if the Municipal Commissioner, nominated by the state, plays a major role in the implementation of the Municipal Corporation's functions, she/he is responsible to the Mayor-in-Council, not the state government.

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[19] The Public Interest Litigation is a legal procedure established in the early 1980s in India, whereby a person or an organisation can approach the court and seek legal remedy in cases where public interest is at stake, even though that person or organisation is not an aggrieved party.
[20] This recommendation goes one step further than the « Model Municipal Law » prepared by the Ministry of Urban Development in the framework of the JNNURM, which advocates: "Executive powers vested with Empowered Standing Committee"; "Five year term for Mayor/Chairman"; and "Provision for wards and ward committees".

2. The Mayor should be elected directly by voters, for a five year tenure. Direct election as well as a tenure that matches that of the municipal corporation/council will ensure the visibility of the Mayor for voters, and reinforce his/her status as a representative of local self-government vis-à-vis state and central interlocutors, as shown by the Tamil Nadu experience in this regard.

3. Councillors should be systematically provided with well designed, efficient training, just after being elected. This is essential considering the fact that (i) many of them are newcomers (because of the rotation of reserved constituencies), and (ii) they have to work with officials who are often more experienced than they are. A good training would empower councillors to make the best of their prerogatives.

4. The MP/MLA Local Area Development Scheme should be suppressed, as its negative effects have been pointed out by a number of observers. Councillors should be the only elected representatives concerned with local infrastructure in their constituency. Again, this measure would reinforce their credibility in the eyes of voters and officials.

5. The Community Participation Law should be improved – so as to allow for a democratic representation of the various social groups present in the locality – and implemented. The development of neighbourhood activism in the past decades has shown that middle class residents are concerned with local issues, and eager to act on them. Functional area *sabhas* are much needed to channel this energy in a more democratic way.

Women's Right to the City: from Safety to Citizenship?

Stéphanie Tawa Lama-Rewal

Women face specific constraints when it comes to accessing urban space and other urban resources - a fact that has a major impact on their lives. A close analysis of these constraints reveals that what is at stake here is gender in the scientific sense of the word, i.e. the socially constructed definition of sex roles. Gender informs urban space and is reinforced by urban space at the same time, thus providing a clear case of the "socio-spatial dialectic" analysed by Soja (1980), one of the leading interpreters of the *Right to the City*. In the Indian context "restrictions imposed on... women's mobility and access to public space... include controls on timings, purpose, place, dress and companions [which are linked to concerns regarding] their sexual safety and respectability" (Khan, 2007: 1529). According to the "ideology of respectability" (Viswanath & Mehrotra, 2008: 22), that is dominant in India, women belong to the private sphere, that is, to private spaces.

The following discussion will often refer to women as a single group, even though studies show that young women, poor women, women of religious minorities and women with disabilities are particularly vulnerable. Indeed intersectionality characterizes, to a large extent, the issues at stake, but also many of the responses which are – or should be – given. The discussion focuses on violence against women, which is observed in a continuum from private to public spaces, that is, from home to schools and to workplaces, via public transports and public places.

1. Facts

The issue of safety – or, rather, the lack of it – is central to the relationship between women and the city. In this context, safety refers most often to protection from sexual violence, and concerns like safety from disease or from accident, though quite relevant, are much less discussed. Violence against women takes many forms. Officially, "crimes against women" (an

administrative category created in 1992) include rape, kidnapping, homicide for dowry, dowry, torture (physical and mental), molestation, sexual harassment (or "eve teasing"), importation of girls, immoral traffic, child marriage, indecent representations of women, and *sati*[21] (National Crime Records Bureau, 2005: 241). To this gruesome list one must add acid throwing, a horrific type of aggression that has recently become more frequent in cities all over South Asia.

According to the National Crime Records Bureau, out of the 35 largest Indian cities, Delhi comes first regarding crime against women: in 2005, 33.2% of rape cases, 37.4% of kidnapping and abduction cases, 19.1% of dowry deaths and 23.1% of molestation cases happened in Delhi (p.246). These figures corroborate the reputation of India's capital city as being unsafe for women. But studies on Mumbai, a city reputed to be woman-friendly, show that there are never more than 28% of women in public urban space in that city (Phadke, 2007: 1511), which invites us to relativize the notion of "woman-friendliness".

Improving safety requires action on three grounds: (i) urban infrastructure; (ii) urban planning; (iii) police response. Firstly, three components of urban infrastructure are crucial to the safety of women.

- Street lighting is inadequate in most parts of most Indian cities, and dark areas force women either to avoid going out altogether at night, or to take much longer, alternative routes.

- Public toilets are equally inadequate, in their numbers as well as in their quality. The assumption that women's place is at home is evident from the fact that the ratio between women's and men's toilets in Delhi is 1 to 10. Discrimination takes another form in Mumbai, where public toilets are more expensive for

women than for men. In poor areas (slums, resettlement colonies) where a substantial portion of the urban population resides, there are often only collective toilets, which women do not use because they are too expensive or badly maintained. As a result women go in the fields, where they are more exposed to sexual aggression. When there are no toilets in schools, as is still frequent, female students will miss school every month when they are menstruating.

- Public transport is another instance of crucially inadequate infrastructure: buses and trains are invariably crowded, which facilitates sexual harassment.

One must note here that the lack of street lighting, public toilets and public transport entails serious risks of disease (the absence of a possibility to relieve themselves causes gynaecological infections in women) and of accident (one can fall in the dark, one can fall from an over-crowded bus or train), yet the fears that they evoke are overwhelmingly related to sexual aggression.

Secondly, urban planning plays an important role in women's sense of safety. In India as elsewhere, women fear deserted spaces. They feel most comfortable, especially after nightfall, in places occupied by permanent traders, such as hawkers. This shows that zoning – a principle that still inspires many urban planners – contributes importantly to limiting women's access to urban space. Indeed, as underlined by Greed, "zoning was undertaken in the name of public health and efficiency, but was heavily influenced by historical attitudes as to the proper 'place' of woman within the city of man, that is 'separate' and 'at home'."[22] However, in the Indian context crowded spaces are equally feared by women. "In India both deserted and very crowded spaces pose problems to women; the latter provide men an excuse and an opportunity for sexual harassment"[23].

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[21] The Sati is the widow who immolates herself on the funeral pyre of her dead husband. By extension, "sati" has come to refer to the Hindu practice of widow immolation.
[22] Source: http://www.gendersite.org/pages/planning_the_non-sexist_city_the_eurofem_initiative_and_beyond.html
[23] Interview with Kalpana Viswanath, Jagori, on 15/12/2010.

Thirdly, police response to crimes against women is largely inadequate. At best the police are under-resourced, at worst they are themselves involved in such crimes. Indeed studies show that women often do not report crimes out of fear of police harassment: they do not trust the police to help them pursue their aggressor, and they do not feel secure in the police station. There is a need to increase the proportion of women among police officers: as of today, Delhi is the Indian city with the largest proportion of women police officers (7% before the Commonwealth Games, 10% after) as opposed to 3 to 4% in other cities (7% in Mumbai).

The lack of safety, and the restrictions on women's mobility that it generates, has a major impact on their ability to avail themselves of opportunities offered by city life, starting with education. This observation holds true across classes, even though "the lack of safety affects the poor or working class more severely as girls and women have to often give up, or at least compromise on, their right to education or earn a livelihood because of a lack of safe transport to schools or places of work. In new resettlement areas, parents of many young girls withdraw their daughters from school because of the fear of sexual violence on the way to school, especially by bus. Alongside a feeling of fear, this has an irrevocable material consequence on the lives of these girls." (Viswanath & Mehrotra, 2008: 22)

The city is also a site of professional opportunities. The changing economy of Indian metropolises, especially the development of the service sector, offers new jobs to women, but some of them involve working at night (for instance journalism, call centres, malls and the hospitality industry), which puts women in a doubly difficult situation, as they have to negotiate both the reluctance of their family and their own fears.

Finally, the city as a space of leisure is hardly open to women, except in the semi-privatized spaces of consumption such as cafés, cinema halls and malls – which however are really open only to women of a certain class (Phadke, 2007). Studies show that loitering – a significant occupation of male urban dwellers – is considered inappropriate for women who are seen as legitimately occupying public space only while going from one private space to another (Ranade, 2007).

2. The Legal and Policy Framework

The language of rights has long been the preferred language of the Indian women's movement, whose second wave emerged in the 1970s around protests against custodial rape. The women's movement really consisted in a series of campaigns around crucial themes, aiming at achieving change through legislation. However, such a focus on law was criticized from the 1990s onwards, as it became clear that those laws adopted in response to the movement's agitation and lobbying had gone through a dilution process, and were badly implemented. Legislation regarding crimes against women, appears to be inadequate on two grounds: conceptualization and deterrence.

As far as the conceptualization of the law is concerned, Rukmini Sen has shown how the language of the Indian Penal Code (dating from 1860) actually perpetuates outdated notions of what is at stake when a woman is the victim of a crime. "Often for want of another provision, cases of molestation and sexual harassment are booked under [outrage or insult to the modesty of a woman]" (Sen, 2010). Given the archaic language used here, the onus is on the judge to interpret what constitutes 'modesty', and interpretations are often based on conventional stereotypes of a woman's appropriate behaviour (CEQUIN 2010). The Victorian language of the Indian Penal Code (IPC) reinforces the notion that what must be protected is women's virtue, not their rights (to freedom of speech, of movement etc.). Indeed sexual offences are described by the IPC as an outrage (section 354), or insult (section 509), to the modesty of a woman – thus implicitly asserting that women need to display modesty. Such reasoning would justify

moral policing by various organisations, and it explains that the Meerut Police Force was proud to broadcast images of its "Operation Majnu" conducted in 2005, whereby it targeted couples in parks, rounding them up, occasionally beating them up (Sen, 2010). There is therefore a strong need to change the language of the law, and to reformulate it in terms of women's rights to a life free from violence and from the fear of violence.

Another major inadequacy of existing legislation concerns its deterrence, as shown by Flavia Agnes. "Presently, rape is dealt with under Section 375 of the IPC. The rape law does not bring within its scope serious assaults, which fall short of penetration…. All sexual assaults besides rape fall in the category of Section 354, which makes sexual assault with intention of outraging 'modesty' of a woman punishable, with sentence up to maximum of 2 years. Apart from rape and custodial rape, this is the only section in the IPC which deals with sexual assault." (CEQUIN, 2010).

More generally, "there is no policy or legislative framework which addresses gender based violence in public spaces – between home and place of work… Unlike the Domestic Violence Acts which provided an umbrella for all aspects of gender based violence in the domestic space, there is no effort to create a normative framework for … public spaces." (CEQUIN, 2010). For instance, the National Policy for the Empowerment of Women, adopted by the Government of India in 2001, ignores the issue of women's safety in the city, and the section on violence against women typically overlooks violence in public spaces.

However, two legislative breakthroughs need to be mentioned here. The first one is the 74th Constitutional Amendment Act which establishes reservations for women (33% of

seats) in the elected councils of municipal corporations, municipal councils and *nagar panchayats*[24]. The first generation of women councillors elected in this framework have been limited in their effectiveness by various factors playing out differently in different cities, such as elections by proxy, the lack of adequate training or the non-involvement of feminist organizations. Moreover, when it comes to going out at night, be it to attend to emergencies or to participate in political meetings, even women councillors are constrained by fears for their life and their reputation. Nevertheless, the new massive presence of women among local elected representatives has positive, if indirect, effects: it contributes to changing the common perception of politics and power as a male domain, and it provides a more approachable mediation resource for women voters, which is much used for domestic disputes (Ghosh & Tawa Lama-Rewal, 2005). Therefore the passing of the Women's Reservation Bill by the Rajya Sabha, in 2010, that aims at implementing similar women's reservations in Parliament and in state assemblies, has created much hope.

The second breakthrough is the "Vishaka Guidelines" issued by the Supreme Court in its 1997 landmark judgement on sexual harassment at work. The Protection of Women against Sexual Harassment at the Workplace Bill, 2010, builds on these guidelines. Converting them into a full-fledged law in fact aims at reaching out to the private sector and to the unorganised sector that have largely ignored the recommendation to set up complaints committees, for instance.

3. Experiments

A series of recent publications[25] suggest that the spatial turn which has affected social sciences, in India as elsewhere, since the late 1990s, also impacts on the Indian women's movement.

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[24] A nagar panchayat (city council) is the urban local body governing a small city (with a population comprised between 30,000 and 100,000 inhabitants).

[25] See the reference list for a sample of these publications in geography, planning, and gender studies. Significantly, the "Review of Women Studies" published twice a year by the widely read Economic and Political Weekly, which always reveals the focus of debates within the academic component of the women's movement, was entirely devoted to the relationship between women and urban space in April 2007.

Violence has always been a core issue of the movement, yet "the focus so far has been on the intimate part of violence... [Then] there was a realization that public spaces pose different problems"[26]. This new awareness, linked to the use of new methodologies, such as safety auditing (see Box 9) has resulted in a renewed, spatialized approach to traditional themes of women's studies such as violence, access to work, and the intersectionality of both discrimination and collective action.

The "Gender and Space" project (2003-2006) conducted by Shilpa Phadke, Sameera Khan and Shilpa Ranade in Mumbai played a pioneering role and inspired studies in other cities. That project was conducted with PUKAR (Partners for Urban Knowledge Action and Research), an urban research collective focusing on gender as a

category to examine the ordering and experience of the city, particularly public space in Mumbai. Another major collective study was conducted by Jagori, a Delhi-based NGO, whose approach was less academic and more action-oriented.

As a result we now have a series of innovative works focusing on the many ways "spaces and places are engendered" (Paul, 2010: 265) in different Indian cities. Research conducted in Mumbai, Delhi, and also Kolkata is characterized both by innovative methodologies – studies are strongly empirical, relying on a mix of methods such as ethnographic observation of urban spaces and their use, cognitive mapping, focus group discussions, interviews – and by exciting theoretical insights. They offer a subtle analysis of the many micro-decisions (regarding what clothes and ornaments to wear, what to carry, where to walk) that are constantly made by women in order to maximize their safety while they occupy public space. A common argument runs through all studies: safety is closely related to respectability, and the burden to produce both lies with women themselves: "The production of ... safety is linked to the manufacture of both purpose and respectability in order to legitimise women's presence in public space" (Phadke, 2007: 1511).

Thus, recent feminist scholarship, elaborating on the close connection between the progressive discourse on safety and the conservative, patriarchal discourse about the paramount importance of women's respectability/ modesty/decency, shows how safety belongs to "a desexualised version of public visibility" (Phadke, 2007). These works show that the safety discourse is a trap insofar as it reinforces those social representations of women's roles that come in the way of women's equal access to all urban resources. "In their movement through space women reproduce hegemonic discourses of femininity, particularly that of respectable femininity", writes Ranade (2007: 1525), while Phadke criticizes the demand for safety and

Box 9. Safety auditing as research and action

This methodology was initially developed by the Metropolitan Action Committee on Violence Against Women and Children (METRAC), an NGO based in Canada, but it has been adapted to the Indian context by PUKAR (Partners for Urban Knowledge Action and Research) in Mumbai and Jagori in Delhi. Safety auditing is a "cognitive mapping exercise" (Paul 2010: 268) "which involves walking through a space and identifying factors which cause it to be safe or unsafe. The audits focus on the built environment or infrastructure (lighting, trees, pavements, parks etc), the location of police booths, public telephones, shops and other vendors, identifying spaces that are male dominated and those that are more accessible to women" (Viswanath & Mehrotra, 2008: 22) "The audit is a participatory tool... based on the premise that the users of a space are experts in understanding the space" (Jagori, 2010).

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[26] Interview with Kalpana Viswanath, Jagori, on 15/12/2010.

argues that "what women need in order to access public space as citizens is not so much the provision of safety as the right to take risks" (Phadke, 2007).

Molyneux's (1985) distinction between "practical" and "strategic" gender interests is helpful to situate these studies vis-à-vis each other. One could say that studies focusing on the need for safety (which can be assimilated to a demand for protection, according to Phadke, 2007: 1516) articulate *practical* gender interests: they aim at immediate response and do not challenge women's subordinate position in society, unlike studies that focus on risk, emancipation, citizenship – which articulate *strategic* gender interests.

4. Good (and bad) practices

Many of the recent initiatives concerning women's safety in urban spaces have taken place in Delhi, and one can see two reasons for it. Firstly, Delhi's reputation as an unsafe city for women has been recently reinforced by several cases of middle class working women being murdered at night, which have attracted a lot of media attention – thus producing an image that is disastrous for India's capital city. Another reason is undoubtedly the enduring commitment to women's rights on the part of Sheila Dixit, Delhi's Chief Minister since 1998.

The record of the Delhi police force is a mixed one. On the one hand, it is notorious for issuing recommendations that implicitly put the blame for violence against women on to women themselves. "For example in 2004, the Delhi Police issued a set of 'do's and don'ts' such as not going out alone in the dark, not talking to strangers, avoiding lonely areas and so on. More recently, the Delhi Police advised women from the North-East on how to avoid sexual harassment which included advice about dress

and behaviour" (Viswanath & Mehrotra, 2008: 22). On the other hand, the Delhi Police Force has been involved in a series of positive initiatives, starting with the (Women's) Crime Cell, Nanakpura, created in 1983, which was "the first police response intended specifically for women in India… [However] the cell's interventions remained limited to marital disputes, and it did not engage in consultations with all concerned institutions (schools, residents associations, local police) etc." (Nalwa, 2010: 12).

Another, more visible initiative is Parivartan, a programme launched in 2005, initially in the North West District of Delhi, to fight rape and domestic violence by deploying women police constables for identification and redressal of women's grievances within each community. The programme raises awareness through a series of pantomime performances and workshops with parents, teachers and other stakeholders. In 2006 the programme was extended to the whole of Delhi but in selected police beats for the next five years[27].

Parivartan was associated with the Safe Delhi Campaign, launched in 2005 by Jagori with the support of the Delhi Government. Jagori, a women's rights organisation working in Delhi since 1984, adapted the methodology of safety audits to the Delhi context in order to conduct a large survey about women's safety in the city. The campaign focused on public awareness (through leaflets distributed in markets, short films shown in cinema halls, discussions organized in schools and colleges) "to bring to public notice, public discourse, the idea that spaces can be looked at as gendered"[28]. Jagori built significant partnerships with key actors in public transport: for instance it provided training to about 5000 employees - drivers, conductors and traffic supervisors – of the Delhi Transport Corporation. The campaign resulted, among others, in the Delhi Government forming a "working committee" on women's

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[27] To know more about this programme, see http://www.delhipolice.nic.in/parivartan/parivartan.htm. This initiative received the "Webber Seavey" International Award in 2006 for "quality in law enforcement" by the International Association of Chiefs of Police, Washington DC.
[28] Interview with Kalpana Viswanath, Jagori, on 15/12/2010.

safety, which included several departments in addition to Delhi Police, Delhi Commission for Women etc.

Finally, the Make Delhi Safe for Women campaign, an awareness campaign initiated by the NGO Centre for Equity and Inclusion (CEQUIN), facilitated a high level consultation meeting in 2009, which led to the creation of a steering committee chaired by the Health Minister, to address issues of women's safety in Delhi. The campaign targets primarily men and boys, focusing on redefining the concept of 'masculinity' to initiate positive behaviour change.

One must note, however, that in spite of this series of initiatives that testify to the sensitivity of decision-makers with regards to the problem of women's safety in the city, such concerns remain disconnected from the larger vision represented in planning documents. Thus the City Development Plan prepared in 2006 in the framework of the JNNURM makes no mention of the fact that urban infrastructure must be woman-friendly.

Initiatives in other cities include the Mumbai police helpline established in 2008, as a result of the strong advocacy work realized by the NGO Akshara with 12 other women's organizations. This concerted campaign resulted in the launch of the toll-free police helpline to report crimes against women, children and senior citizens. "Akshara took up the initiative in 2008 to ensure the smooth functioning of the helpline by training the police staff, and launched a media campaign in collaboration with the advertising agency Leo Burnett to spread awareness about the helpline... Whenever a woman calls the helpline, a police van arrives at the scene within 10 minutes. The fear of prompt action by the police has deterred many habitual offenders from committing crimes against women".[29]

This series of positive initiatives suggest that improving the safety of cities requires NGOs and other civil society organizations to work in partnership with major institutions engaged in civic life, be it the police, schools, colleges or bus companies. Success often depends on the commitment of top level bureaucrats, which is linked in turn to the actual commitment of political leaders.

Beyond safety issues, the urban component of the Indian women's movement also contributes in a major way to articulating women's claim to full citizenship, in a variety of concrete ways. A major issue is access to housing: in that field several NGOs have facilitated the creation of self-help groups that mobilize women living in slums in order to help them articulate their right to shelter, like the Mahila Chetna Manch in Delhi. Some women's organizations (such as the Delhi-based Centre for Social Research) also provide crisis intervention centres – for which there is a dire need in all cities[30].

5. Barriers

"Change is not easy to achieve, because the city is the outward manifestation of deeply-held assumptions about women's role in society" writes Clara Greed in *Gendersite* (http://www.gendersite.org/). There is a universal truth in this statement, as shown by studies on Indian cities and their use by women. Thus, two studies on Kolkata, though focusing on different socio-economic groups, reveal common restrictions to mobility, which are strongly linked to representations of what marriage entails for women. Middle class participants in a focus group discussion "maintained that the marital status of a woman plays a significant role in her access to and utilisation of public spaces. ... Marriage repositions [the woman's] place within the home... therefore employment fails to actually emancipate her from the shackles

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[29] "Power to Resist", Frontline, March 27-April 09, 2010.
[30] In January 2011 the Delhi High Court directed the government to build two shelters specifically for destitute women who are pregnant.

of familial and societal unjust proscriptions. Before marriage, she is restricted in the name of physical vulnerability; after marriage, social commitments keep her away from public spaces" (Paul, 2010: 264). The other paper, focusing on women slum dwellers in the same city, concludes that "the ideology of woman as homemaker is so ubiquitous that even when women are successful in combining productive activities with their reproductive duties, they do not consider it an achievement. Rather, they consider it their misfortune" (Bose, 1999: 12).

6. Policy Recommendations[31]

One can distinguish two sets of recommendations, the first one aiming at improving women's safety in cities, the second one targeting the larger objective of full citizenship. These two objectives obviously complement each other: "When women are demanding safety in public places, they are, in fact, claiming their rights of citizenship" (Agnes, 2010: 39). The two lists correspond to the distinction made above between practical and strategic gender needs.

In order to increase safety for women, a number of interventions are needed in three main fields:

- Urban planning should promote mixed land use, hawkers and night markets;

- Infrastructure provision should focus on (i) the quantity, quality and accessibility of public toilets; (ii) street lighting; and (iii) public transport;

- In terms of urban governance, there is a need to render the police more woman-friendly (for instance, by recruiting more women

police; by having a special police force to work proactively towards protection of women especially in crowded places; by creating, in each police station, one counselling room where an NGO could interact with women, so that they feel comfortable[32]). Moreover, past experiments suggest that adequate training to sensitize key urban actors (including bus and auto drivers, the police) can go a long way to improve women's safety.

A second set of recommendations stem from the fact that social constraints weighing on women result in specific needs regarding accommodation and child-minding facilities. Infrastructural requirements in this respect include women's hostel (economically more affordable, and socially more acceptable, than (co-)renting a flat); affordable, good quality crèches; but also school timings that are more compatible with a full-time job.

Finally, one must note that the issues and proposed solutions concerning women's right to the city affect other social categories as well. If "the city is sexist" (Greed, 1994), Indian studies on women in the city, as well as research on sexual minorities (Narrain & Bhan, 2006) point at the many axes of domination that exist alongside with gender, showing that the Indian city is also class ridden, and homophobic. The policy recommendations listed above are therefore likely to have an impact beyond women alone. As Phadke put it (Phadke, 2010: 13), "the presence of accessible public toilets, public transport and public parks constitute critical factors in creating a city that is friendly not just to women but also to other marginal citizens – the poor, the elderly, the physically challenged and children".

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[31] For a more detailed list of recommendations towards increasing women's safety in cities, see Jagori 2005.
[32] These two recommendations were suggested by Deol Rout in a response to a query posted by the UNESCO New Delhi Office on "Safety for Women in Historical Urban Areas", Solution Exchange (Gender Community), 16 October 2009 (see http://www.solutionexchange-un.net.in/gender.htm)

Caste and Class in Indian Cities: Habitation, Inequality and Segregation

Diya Mehra

This short paper examines the dynamics of habitation, inequality and segregation as witnessed in Indian cities, with a particular focus on caste groups and caste-based practices. Caste groups and caste-based practices are understood here as, firstly, ascriptive, political, cultural and occupational identities and communities; and secondly as practices of marking distinction in relation to particular groups. The paper is based on evidence available in the secondary literature in relation to Indian cities and particularly to the place of Dalits or scheduled castes (SC) within them, with some references to other historically disadvantaged groups such as scheduled tribes (ST) and in some instances other backward classes (OBC)[33]. While there is a great deal of literature available on these topics, this paper cites a few examples to highlight key points.

1. Caste in Urban Spaces

The Indian Constitution aims at providing all its citizens equal rights and opportunities, including those of non-discrimination. Accordingly, and in relation to 'scheduled castes' and 'scheduled tribes' (as notified by the Indian state), who are recognized as being historically oppressed and socio-economically disadvantaged, a number of 'protective and developmental' measures have been taken to affirm their dignity and to promote their "educational and economic interest" (Thorat, 2002: 572). Constitutional remedies range from punitive sanctions against caste-based discrimination and violence, to reservations in education and government to promote social justice and mobility for members of these communities.

In the case of India's cities, studies from the early colonial period suggest caste-based

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[33] Juridically, OBCs are defined as a category which refers to classes, however the targeted communities for purposes of reservations etc. are defined by caste.

settlement, reflecting occupational distinctions within city neighbourhoods and sections, with a tendency towards higher castes living in the centre of the city and lower castes on the periphery (Raju et al, 2006). This form of segregation appears to be somewhat mitigated through modern forms of urban development. Traditionally, it has been suggested that caste-based distinctions are less visible in Indian cities. Indeed, this is the promise of the modern city particularly after Independence - providing new forms of social/occupational mobility and social proximity not available in rural areas (Nandy, 2001).

While it is certainly true that Indian cities, despite segregation, exclusions and evictions, are spaces of anonymity, diversity and mobility for a wide range of castes, classes and communities, at the same time, it has to be acknowledged that caste-based practices remain salient to segregation, and to practices of distinction in urban contexts. It is important to remember in the case of Indian cities, as the scholarly literature commonly suggests, it is often difficult to disaggregate between distinction and discrimination based on class vis-à-vis caste. The predominance of a discourse on 'class' as being the main distinguisher between social groups is popularly asserted in urban India, as many scholars have noted (Fuller, 1996), connoting that caste does not exist because the tightly mandated divisions between caste groups are not obviously visible in urban environments where it is difficult to maintain occupational and spatial/social exclusiveness. However, scholars note that caste-based practices remain salient to urban status distinctions (Beteille, 1996). In subscribing to this view of the hybridity of class and caste in urban India, this paper will present some evidence on the persisting problems of caste-based social and economic inequality, segregation (including when presented as class), cumulatively pointing to the continued discrimination in access for Dalits and other disadvantaged groups, to the city.

2. Housing Segregation Based on Caste

In the post-Independence period, a strict form of housing segregation based on caste boundaries appears to be moderated by modern forms of urban development. Scholars studying the spatial distribution of caste communities report a dispersal of caste settlements across urban space, with a high tendency for low caste residents to be located in low class areas of cities (Dupont, 2004). In these analyses, low class/income areas may be mixed by caste and ethnicity, while at the same time being linked to neighbouring high caste settlements. Thus, rather than strict segregation based on caste occupation and residence, what is seen in the more recent decades is the cohabitation of low castes/classes separated within their own areas, while being proximate to wealthier, upper caste/class areas to whom low class/caste settlements often provide domestic and everyday services (Schenk, 1986). Conversely, a similar overlap of caste and class also suggests that most high income/education areas of Indian cities are occupied by higher castes. Such forms of residential segregation appear ubiquitous, yet they are almost entirely absent from public discourse as being segregation forms based on caste. This is explained by the slippage between class distinction and caste practices, reflected in the common assertion that the city is a modern site without the 'problems' of caste, which is thought of as a largely rural phenomenon.

However, as counter-evidence, studies have enumerated that individuals from low castes occupy slum clusters in larger number than other groups in many different cities. Based on the census report of 2001, Neekhra (2008) reports that individuals from SC/ST communities form more than 25% of the population of slums in Delhi, Nashik, Nagpur, Bangalore, Bhopal, Chennai, Jaipur and Pune. More detailed surveys of selected slum settlements in Delhi (Gidwani, 2006) report numbers as high as 60%. In Ahmedabad, this figure is as high as 91% when it includes OBCs and Muslims (UN-HABITAT, 2003).

Indeed, many analyses of the urban poor concur that cumulatively they comprise mainly SC/ST groups, OBCs and Muslims. Deshpande (2003) reports that in the year 2000, STs, SCs, OBCs and Muslims together accounted for 91% of the urban "below the poverty line" (BPL) population. Urban segregation in this context thus appears to hinge on a distinction between upper class/caste Hindu populations vis-à-vis lower class/caste and religious minority populations.

3. Poverty, Access to Urban Basic Services and Employment

Given that SC form a large part of the urban poor, it is not surprising then that these communities have lower access to urban water and sanitation amenities such as taps, drinking water, latrines and bathrooms in relation to non-SC/ST groups in urban areas. In including these figures, the 65th round of the National Sample Survey (NSS 2010a) shows how SC/ST residents appear to access more community-based facilities associated with slum and informal areas, rather than individualized facilities of water and sanitation that are linked to wealthier urban settlements. NSS data shows that the 'exclusive' use of drinking water facilities and attached bathrooms are least available to SC households, who also have the least amount of access to toilets (NSS, 2010a). Thus, while 4 % of 'other' households had no access to toilets, 23% of SCs were included in that number.

Perhaps the richest data sources available on caste inequality in urban areas relates to the subjects of poverty, access to employment and livelihood. In general, scholars report that in the post-reform period, there has been an urbanization of poverty (Chandrasekhar and Mukhopadhyay, 2008), with the incidence of urban poverty rising between 1993-94 and 2004-05. Within this period, in 2000, city residents identified as SCs had the highest incidence of poverty of any group in Indian urban areas (Mukatar, 2005).

Not surprisingly then, a vast majority of SC workers are found to be in the informal sector,

with a larger percentage of them being employed as service and production related workers and labourers. While the urban male unemployment rate for SC workers has been the highest among all social groups historically, SC workers have found their unemployment rate increasing or stagnant in the decades of the eighties and nineties. Similarly, while the workforce participation rate of urban females has increased for the non-SC/ST castes, it has declined marginally for the SC and ST women (Himanshu, 2008).

SC workers do not face any discrimination for urban jobs (regular and informal) requiring little education and skills, and indeed continue to work in 'traditional' low-caste occupations such as sweeping, and leather work in large numbers. SC workers appear to be stymied, however, in their access to higher education, self-employment and entrepreneurship, and access to skilled and technical professions, mainly because of their lack of educational capital. Thus in comparison to 27.7 % of urban males from the 'other' category who were graduates, only 8.6 % of SC individuals had this level of education attainment. The gap is also visible for urban women who are SC, as well as between ST, OBC and 'other' populations (Himanshu, 2008).

The absence of SC workers from the growing professional landscapes of especially large Indian cities – a fact captured by a number of studies – is evidence cementing the link between caste, class and economic status (Thorat and Newman, 2010). A number of studies (Oommen and Meenakshisundararajan, 2005; Fuller and Narasimhan 2006) which surveyed the IT sector, for example, found little or no presence of SC workers in their professional workforce. As Carol Upadhyay (2007) and Thorat and Newman show from their work, high-end and top management jobs in the IT and other professional industries go to individuals of middle and upper class-caste backgrounds with certain kinds of recognizable cultural capital (education, the lineage of a 'good family', appropriate language skills, deportment and 'personality'). Such positive cultural

attributes are usually stereotypically associated with, possessed by, or purchasable by individuals from manifestly upper caste-class backgrounds. These studies also show that in terms of caste composition, a greater diversity in mixed caste co-habitation in the workplace is found - as it is in the case of spatial neighborhoods - at the lower end of the socio-economic spectrum, with elite spaces remaining segregated by caste and class from other parts of the workforce.

Finally, the continuing centrality of the doctrinally important caste logics of purity and pollution (wherein separation between castes is based on the assumption that low castes are polluting), can also be seen in certain urban contexts, even when indexed to class. Leela Fernandes, for example, suggests that contemporary middle class attempts to evict the urban poor from their neighbourhoods are forms of 'spatial cleaning'

(Fernandes, 2006). Scholars of the domestic relationships between residential employers and their lower-class/caste servants also point to the importance of rules of purity and pollution in managing these interactions. This could come through the employer's insistence on maintaining 'standard rules of deference', as well as traditional caste 'purity and pollution' taboos manifest in their 'concerns about the contamination of bathrooms, clothes, dishes' if shared with servants, or the description of household workers as 'dirty' (Qayum, 2003).

Cumulatively, such practices of segregation and distinction separate middle, upper class-caste residents from their lower caste-class urban counterparts, who increasingly come to live in separate and separated worlds, even as India's cities expand to include a great diversity of socially aspirational communities and peoples.

Muslim Neighbourhoods and Segregation in the City

Joyita Ghose

This paper discusses both inclusive and exclusionary practices of the Indian state towards 'religious minorities'[34] in urban spaces. In particular, it flags the linkages between residential segregation along communal lines in Indian cities and communal violence and discrimination. While the paper engages with issues at an all India level, it does so through drawing specific examples of practices aimed at promoting socio – spatial mixity, or, on the contrary, barriers. It must be noted, while acknowledging the discrimination faced by other minority religions in Indian cities, that this paper actually focuses on experiences of Muslims for two reasons: (i) communal violence is directed against that particular community to a greater extent (Wilkinson 2002: 1579), and (ii) the literature deals almost exclusively with Hindu-Muslim conflict.

1. The Legal and Policy Framework

The writing of the Indian Constitution was underscored by an understanding of the cultural and religious diversity that existed in India at the time of independence. One of the key implications of this understanding was the linking of individual freedoms with equality for diverse communities. Thus Article 25 of the Constitution gives all religious communities the right to profess, practice and propagate their religion. Additionally, the Indian State allows personal law, specific to various religious communities, to govern family matters.

A Minorities Commission was created in 1978 under the Ministry of Home Affairs as an institutional safeguard for the rights of minorities (both religious and linguistic), as it was felt that despite constitutional provisions, there was a

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[34] The Government of India, under Section 2 (c) of the National Commission for Minorities Act, 1992, identifies Muslims, Christians, Sikhs, Buddhists and Zoroastrians as religious minorities in India. The Census of India, 2001 shows that these minorities constitute about 18.4% of the population in total, of which 13.4% are Muslims, 2.3% are Christians, 1.9% are Sikhs, 0.8% are Buddhists, and 0.007% are Zoroastrians (Parsis).

failure on the part of the state to achieve "national integration". After the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the National Commission for Minorities Act (1992) was enacted and the National Commission for Minorities (NCM) became a statutory body in 1993. The NCM is responsible for the periodic evaluation of the status of minorities; making recommendations for the effective implementation of safeguards for the protection of the interests of minorities to the Central and state governments; investigating specific complaints regarding the violation of rights of minorities and ensuring they are addressed by appropriate authorities, among others.

Finally the Ministry of Minority Affairs, created in 2006, is the nodal agency for the "overall planning, coordination, evaluation and review of the regulatory and developmental programmes of the minority communities"[35]. This entails policy formulation in consultation with the Central and state governments, addressing issues related to minority communities in neighbouring countries in consultation with the Ministry of External Affairs, addressing issues related to the socio–economic, cultural and education status of minorities, dealing with matters related to employment opportunities for minorities in government and private sectors, among others. The ministry works with the National Commission for Minorities, the Central Wakf Council[36], the Maulana Azad Education Foundation and the National Minorities Development and Finance Corporation.

One must also mention the Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, introduced in Parliament in the summer of 2011. That Bill aims at preventing pogroms such as the attacks on Muslims in Gujarat in 2002, and providing relief for victims of such violence.

2. Current Debates

Three broad and rather diverse perspectives emerge in the literature on the relationship between religious minorities and the Right to the City – examining firstly, access to social, economic and political institutions; secondly, the causes and consequences of religious-ethnic violence in cities, by examining residential segregation in particular; and thirdly the impact of the re-imagining of the metropolis within the framework of the neo-liberal agenda in contemporary India.

A first series of studies look at the manner in which religious minorities have limited access to educational, social and economic institutions in urban spaces through empirical investigation (John and Mutatkar, 2005). The Sachar Committee Report (Government of India, 2006: 35) points out that the level of urbanization within the Muslim population has historically been higher than the population as a whole and continues to remain so.[37] Yet the relative deprivation of Muslims in urban areas is much higher as compared with rural areas. Interestingly, the report finds that difference in consumption expenditures between Muslims and non Muslims is highest in smaller towns (with populations less than 50,000 or between 50,000 and 200,000) (GOI, 2006c: 153). In fact, the incidence of poverty is highest among Muslims in smaller towns (with populations below 50,000).[38] The report also finds that the gap

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[35] http://minorityaffairs.gov.in/newsite/main/subj_alloc.asp

[36] In Muslim law, wakf is property dedicated to charitable purposes. The Central Wakf Council was established by the GOI in 1964 for the purpose of advising it on matters relating to the administration and functioning of State Wakf Boards in the country. State Wakf Boards are responsible for the management and protection of Wakf properties through the establishment of District Wakf Committees, Mandal Wakf Committees and Committees for individual Wakf properties. The CWC is responsible for two major development activities; the development of urban Wakf properties and, creating education opportunities.

[37] In 1961, while 18% of the population lived in urban areas, 27.1% of the Muslim population did so and in 2001, 35.7% of the Muslim population was urban as compared to 27.8% nationally.

[38] John and Mutatkar (2005: 1343) in their study of economic deprivation of Muslims, Christians, Sikhs and other religious minorities in India find that the average monthly per capita consumer expenditure (MPCE) of Muslims is the lowest in both rural and urban India. On the other hand, the average MPCE of Sikhs and that of Christians is the highest in rural and urban India respectively. Finally, the prevalence of poverty among Muslims and Sikhs is more in urban India than in rural India. However, the reverse is true for Hindus, Christians and the 'Others'.

between literacy levels of Muslims and 'All Others' is higher in urban areas than in rural areas at all levels of education, even though literacy levels are generally higher in urban (70.1%) than in rural (59.1%) areas.[39] State level estimates also suggest that the literacy gap between Muslims and the general average is greater in urban areas and for women[40].

Other studies examine the causes and consequences of ethnic-religious violence in urban spaces beyond socio–economic variables. Varshney (2002: 6 – 7) argues that ethnic-religious conflict (between Hindus and Muslims) is primarily an urban phenomenon[41]. He highlights the importance of intercommunal civil engagement, and in particular associational (as opposed to everyday) engagement as factors that lead to ethnic peace (Varshney 2002: 281). He argues that it is the absence of associational engagement (in the form of sports clubs, film clubs and professional organizations) that makes some cities more prone to repeated communal violence. Everyday forms of engagement, although useful at the village level, fail to prevent violence in cities because of their larger population sizes.[42]

While Varshney places greater emphasis on the lack of associational and everyday forms of engagement between communities as a key cause of cities being prone to riots. , Brass disagrees and argues instead that riots are 'organized' and 'produced' by a network of known persons across the city or town. He points out that communal tensions and lethal rioting are integral to the Hindu Right agenda in contemporary India (Brass

2003). Wilkinson (2002: 1579) identifies three major causes for continual communal conflict in some states and cities in India: first, decades of corruption, criminalisation and a general lack of state capacity have left state governments too weak to prevent riots. Second, state governments are unable or unwilling to protect minorities because they systematically under-represent them within their governments, police forces and local administrations. Finally, the degree of party competition affects the value that governments place on attracting Muslim swing voters, which in turn affects whether or not the government will order the respective administrations to protect the minorities.

Ethnic and religious violence is a major cause of residential segregation. Reflecting on the complex ways in which marginalization and "*entre soi*" (i.e. self-imposed segregation linked with an expressed preference to stay with members of one's own community) interact to produce residential segregation, Kirmani, in her paper on the influence of historical events on the construction of contemporary urban localities, finds that one of the most common reasons residents choose to live in a "Muslim area" is the persistent fear of religion-based riots (Kirmani 2008: 57).[43]

More recently, studies have begun investigating the impact on religious minorities of rapid urbanization and of the re-imagining of the metropolis. In her study of Ahmedabad's changing socio-spatial contours, Mahadevia (2002) argues that as the Ahmedabad Municipal

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[39] Refers to all non Muslim communities.
[40] See also Hasan & Menon (2005).
[41] He points out that between 1950 and 1995, urban India, where roughly one third of the population resides, accounted for more than 96% of the deaths due to communal violence. Additionally, even within urban India, eight cities (Ahmedabad, Mumbai, Aligarh, Hyderabad, Meerut, Baroda, Kolkata and Delhi) have a disproportionately large share of urban violence and account for 49% of all urban deaths in Hindu – Muslim violence. These cities represent about 5% of the total population, which means that close to 95% of the population has not been prone to riots.
[42] Chandhoke explores the preconditions for the existence of civil society in the context of the failure of civil society organizations to respond to communal violence in the city of Ahmedabad in 2002 and finds that the process of engagement in civil society can begin through interaction in neighbourhoods, schools, workplaces and political struggles. However, division in these arenas cannot be overcome through merely entering civil society; the existence of civil society is not always a democratic space, and often organizations that wish to "intensify democracy will have to take on the state as well as organizations within that sphere" (Chandhoke 2009b: 107).
[43] In her interviews with residents from Zakir Nagar in Delhi, Kirmani also found that religious identity was not the sole marker of people's experiences in the urban spaces, and that age, class and gender were often as important in their construction of localized identities.

Council began borrowing from commercial agencies, the city development processes became increasingly exclusionary. She explores the interconnections between class, religion, communalism and globalisation in the city and suggests there has been an institutionalization of exclusion: "The process of exclusion starts from the segmented city structure, which was earlier segmented on the basis of class but now on the basis of religion" (Mahadevia 2002: 4851).

3. Experiments Promoting Socio – Spatial Diversity in Cities

Mohalla Committees in Mumbai, Maharashtra

In the wake of the 1992 demolition of the Babri Masjid in Ayodhya, Uttar Pradesh, the city of Mumbai experienced one of the largest outbreaks of communal violence in its history, with over 1000 people dead and several thousand fleeing the city (Human Rights Watch, 1995: 26 – 27). Mohalla ("neighbourhood") Committees were established in the aftermath of the Mumbai communal riots of 1992–93 with two major aims: (i) to open up channels of communication between the police and citizens, particularly those belonging to the Muslim community; and (ii) to promote a greater socio – spatial mix between Hindus and Muslims (Thakkar, 2004: 581).

Initially the Sheriff of Mumbai launched a project to set up citizen-police committees in the 72 police stations to promote communal harmony. It was then decided that dialogue with minority communities was the way forward, to both increase levels of trust in state structures, and to facilitate the movement of people across increasingly 'ghettoised' urban spaces. Mohalla Committees, as the name suggests, operate in small areas, usually determined by the local police station, and are headed by a beat officer. Membership is open to people of all communities living in that area. A facilitator is appointed by the citizens to assist the beat officer in the running of the committee. The key activities of

these committees include resolving complaints related to the functioning of the local police; raising civic issues such as health, drinking water, garbage disposal etc; monitoring local educational facilities; and promoting communal harmony through the celebration of festivals, sporting events etc. (Thakkar, 2004: 582). In 1994, Mahim, an area with a history of communal violence, was the first locality to start a Mohalla Committee. One of the first events organized by the Committee was a drawing competition on the theme of communal harmony for the school children of the area. A number of committees have organized cricket matches as a means of diffusing communal tension locally. Local leaders involved with Mohalla Committees have often stepped in to diffuse tense situations. These Mohalla Committees have several achievements to their credit, including the participation of youth in events organized by committees, leading to improved exchange between communities, and a decrease in 'ghettoisation'. In February 2002, during the Gujarat riots, the Mumbai police activated the Mohalla Committee network throughout the city and as a result some of the most sensitive areas of Mumbai such as Nagpada, Bhendi Bazar and the slum colonies were incident free (Sen 2006: 5).

Disha, Saharanpur, Uttar Pradesh

Varshney (2002: 292 – 293) describes the impact of civil engagement between women of Hindu and Muslim communities in Saharanpur, Uttar Pradesh, through the efforts of an NGO, Disha, involved in the state's *Mahila Samakhya* program. Disha's women workers, through their interaction with women from both Muslim *mohallas* and Hindu *bastis* (neighborhoods) encouraged greater interaction between the two communities. The Mahila Samakhya report (1991: 71 – 73) points out that in the initial stages, women from the Muslim *mohalla* did not speak to women from the Hindu *basti* in the area of Bateda. The women workers realized the importance of promoting exchange between the two communities but did not begin with organizing joint meetings right away. At first,

they organized separate meetings for the two localities. Gradually they began relating stories from both hamlets and building an atmosphere of trust. Eventually they were able to mobilise both communities on common issues such as ration cards so that ultimately collective meetings were held in both localities. Varshney points out that in the aftermath of the Babri Masjid demolition, it was the close ties between the women from the two communities that helped sustain local communal harmony.

Shanti Sena, Uttar Pradesh

The idea of a Shanti Sena (peace army) was inspired by Gandhi's text Hind Swaraj (Indian Home Rule) and conceptualized by Swaraj Peeth, an NGO working to promote communal harmony through Gandhian ideals. A Shanti Sena is a community–based civilian, non partisan peace keeping force trained to prevent the escalation of communal conflicts. Between 2005 and 2008, 170 men and women took part in this programme, and 65 were trained to serve as conflict mediators, emergency relief workers and watch guards for human rights violations. Swaraj Peeth has established six regional Shanti Sena centres in Western Uttar Pradesh. In 2005, the Shanti Sena assisted in resolving an eight year dispute in Muradabad over the construction of a Muslim college on a piece of land where a temple existed (Vora and Vora, 2008).

4. Key Challenges and Recommendations

Even though most authors identify a varied range of contributing factors for communal violence in India, there is broad consensus on the idea that "the increasing anonymity and disparity of urban life are playing a greater role in communal conflagrations in post-independent India" (Sengupta 2005: 2046). Clearly, a combination of factors leads to the increasing marginalisation and 'ghettoization' of religious minorities, especially Muslims, in the city. Dealing with the same requires an integrated approach which is sensitive to the complex manner in which economic, political and social marginalization interact to reduce access to public goods such as education and health on the one hand, and create conditions for increasing residential segregation on the other. Thus, improving access to public goods through improved educational opportunities, health facilities and infrastructure; and promoting socio – spatial diversity at the community level must be the two cornerstones of any policy aiming at tackling the marginalisation of religious minorities vis a vis urban spaces in contemporary India.

Migrants' (Denied) Right to the City

Ram B. Bhagat

1. The Context

The history of cities in the Indian sub-continent goes as far as the middle of the third millennium BC with the emergence of cities like Harappa and Mohenjo Daro in the Indus valley (Champakalakshmi 2006:8). During different phases of Indian history, many new cities have emerged and many have declined, shaping the history of India (Ramachandran 1995). The dynamics of city growth shows that migration has been a very important component as cities were centres of trade, manufacturing and services. These functions could not have been sustained without migration and migrant labour. People migrate to cities not only for work, but also on account of business, education, marriages, natural disasters and conflicts etc.

As cities have evolved through various migrations over a long period of time, they are characterized by diversity in terms of ethnic and religious identities, occupations, language, culture, food habits and so on. In fact heterogeneity is the hallmark of cities and innovations – in which migrants have played a very significant role – are central to their existence.

Migration, especially internal migration, contributes significantly to the growth of Indian cities. The Indian Constitution guarantees freedom of movement and freedom to settle within the territory of India as a fundamental right of all citizens (Article 19). Yet migrants face several barriers in terms of access to civic amenities, housing and employment, as well as restrictions on their political and cultural rights because of linguistic and cultural differences. These discriminations are articulated in various parts of India in the theory of *'sons of the soil'*, which evokes anti migrant sentiments (Weiner 1978, Hansen 2001). Migrants are all the more vulnerable to discrimination and exploitation as many of them are poor, illiterate and live in slums and hazardous locations prone to disaster and natural calamities. As such, the condition of migrants in cities needs to be addressed squarely in urban policies and programmes.

Migration raises a central issue for the right to the city – i.e. the right for everyone, including migrants, to access the benefits that the city has to offer - and how best to promote awareness of, and representation for migrants within the city (Balbo 2008:132). The Right to the City perspective seeks to improve the condition of migrants by providing an alternative view point to counter the negative effects of neo-liberal policies (Purcell 2002). It advocates proactive strategies to include migrants in the decision making process, recognizing their contribution as valued urban citizens. This paper presents an array of cases of the denial of migrants' right to the city; it reviews the nature and process of migration to urban areas in the light of recently available evidence, identifies the exclusionary processes operating in Indian cities influencing migration and migrants, and suggests strategies for the integration of migrants in building inclusive cities in India.

2. Migration, Urbanization and Cities: Spatial Pattern and Exclusionary Processes

Migration has been the main component of urbanization. In India, about one-third of the population lives in urban areas (31 percent) according to Census 2011. The urban population, comprised of 377 million out of the total population of 1,210 million enumerated by the 2011 Census, is spread over about 8000 cities and towns. These cities and towns are hierarchically linked with each other, but predominantly embedded in the spatial organization of the national economy. The spatial structure of the Indian economy is shaped by three port cities namely Kolkata, Mumbai and Chennai, established during colonial rule (Raza and Habeeb 1975). Delhi also played an important role after it became the capital city in 1911. Together these cities dominated the urbanization process and the inter-regional flow of migration. The 2011 Census shows that the urbanization process is vibrant in North, West and South India with the three largest cities, namely Delhi,

Mumbai and Chennai forming a nucleus in their respective regions. Hyderabad, Bangalore and Ahmedabad are another group of big cities that shaped the regional pattern of urbanization. On the other hand, Eastern and North-Eastern India lagged behind with the declining importance of Kolkata and the lack of any other megacity in the region. The next ranking city in East and North-East India is Patna, which is about 7 times smaller than Kolkata. The exclusion of Eastern and North-Eastern India on the map of urbanization is also evident in the fact that the region as a whole is characterized by high inter-state out-migration, which is largely due to the lack of vibrant cities in the region. The same is also true for the central region, consisting of the states of Uttar Pradesh, Madhya Pradesh, Chhattisgarh and Rajasthan.

India has had a policy of economic liberalization since 1991. During the post liberalization phase, the importance of cities and urban centres in India's economic development, has been growing. For example, the contribution of urban areas to India's GDP has increased from 29 percent in 1950-51 to 47 percent in 1980–81, to 62 percent to 63 percent by 2007, and is expected to increase to 75 percent by 2021 (Planning Commission 2008: 394). It is also being emphasized that 9 to 10 percent of growth in GDP fundamentally depends on making Indian cities more liveable and inclusive (Planning Commission, Govt. of India 2008: 394). However, with increasing economic growth, wealth is becoming concentrated in cities and urban centres, and the gap between rural and urban India in income levels, wages and employment opportunities is widening. Furthermore, increasing economic growth is also associated with growing regional disparity and lopsided urbanization. Many have argued that the process of urbanization during the post liberalization phase has been exclusionary (Kundu 2007; Bhagat 2010). It is not only exclusionary in the regional sense but also as a social and spatial process within the city, and it would be perilous to ignore the conditions of migrants in urban areas.

3. Internal Migration: Trend and Pattern

Indian cities are growing through internal migration, unlike some cities in developed countries where international migration has been a relatively larger component. Because of the visibility of international migrants in Western cities, international migrants have received more attention from researchers, international organizations and funding agencies. It is now realized that the proportion of internal migrants – those who move within the national territory – is several times larger than those who move beyond national boundaries. According to the Human Development Report 2009, the number of those who moved across the major zonal demarcations within their countries was nearly four times larger (740 million) than those who moved internationally (214 million), (UNDP 2009: 21). However, if we take smaller units such as villages and towns as a geographical demarcation, internal migrants were as many as 309 million in India alone, based on the place of last residence in 2001, out of which 101 million were enumerated in urban areas[44].

3.1 Migration to urban areas

India's urban population was 79 million in 1961 and increased in a half century to 377 million in 2011. By 2030 it is likely to reach about 600 million (Ahluwalia 2011). The share of in-migrants (all durations of residence) in the population of urban areas has increased from 31.6 percent in 1983 to 33 percent in 1999-2000 to 35 percent in 2007-08, for which the latest data are available from National Sample Survey Office (NSSO 2010c). The increase in the migration rate[45] to urban areas has primarily occurred due to an increase in the migration rate for females (see also Fig 1). Although females migrate on account of marriage, many of them take up work sooner or later, joining the pool of migrant workers in urban areas.

On the other hand, the male migration rate in urban areas has remained constant (between

Figure 1. Migration rates in urban areas, India, 1983 to 2007-08 (in percent)
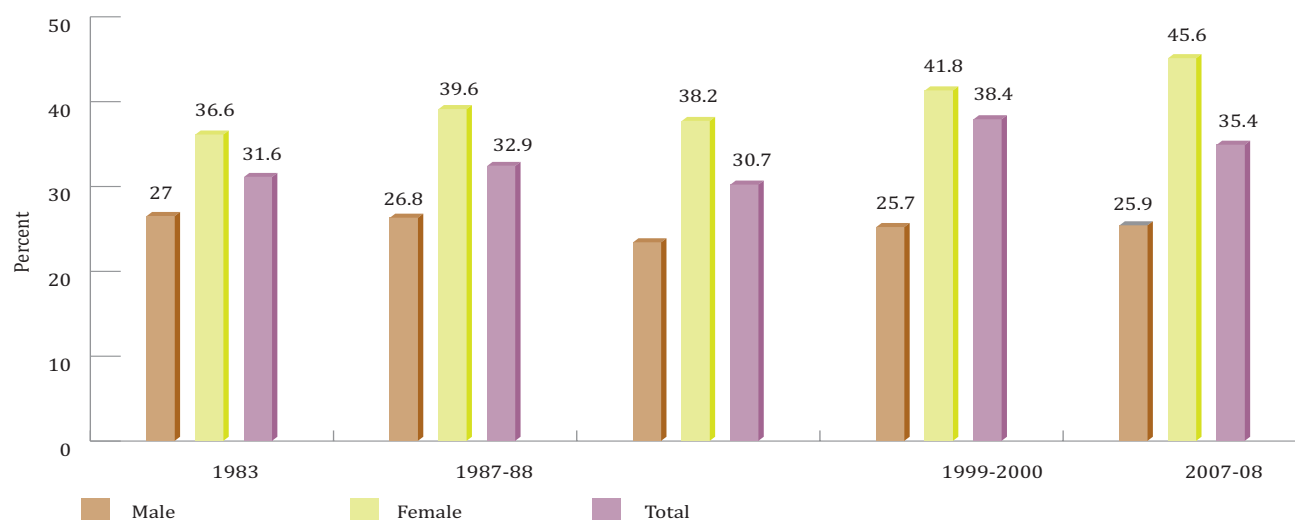
Source: NSSO (2010c).

[44] NSSO estimated the total number of migrants to be about 288 million in 2007-08, out of which 94 million were living in urban areas. The NSSO uses a slightly different criterion in fixing the place of last residence, i.e. a person would have lived at least six months in the place of last residence before arriving at the present place of residence. No such condition is required in the census criterion defining migrants based on their last place of residence (see Bhagat 2008).
[45] The migration rate is defined as the number of all duration migrants in a particular year divided by the respective population. It is represented as numbers of migrants per 100 persons.

Figure 2. Employment-related reasons for migration by streams of migration, India, 2007-08.
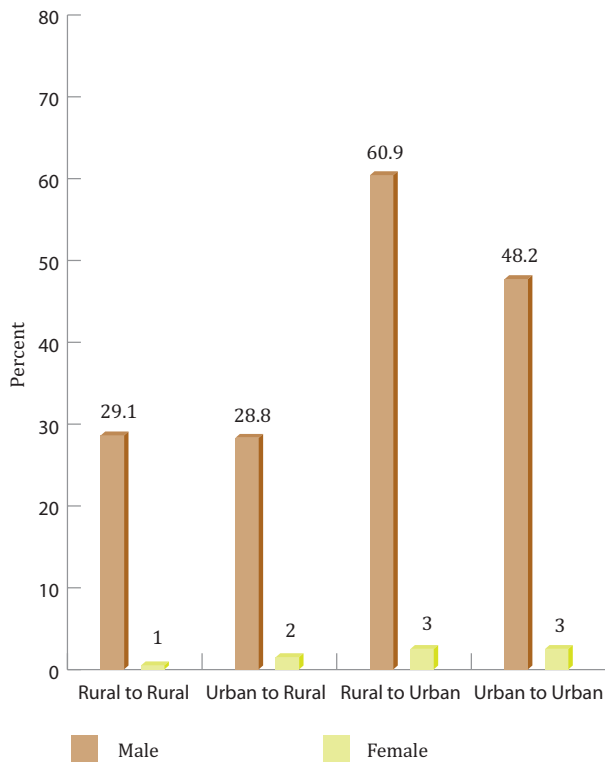
Source: NSSO (2010c)

26 and 27 per cent), but employment-related reasons for migration of males increased from 42 percent in 1993 to 52 percent in 1999-2000 to 56 percent in 2007-08 (NSSO 2010c). This shows the increasing importance of employment-related migration to urban areas. When we disaggregate the reasons for migration into various streams of migration such as rural to rural, rural to urban, urban to rural and urban to urban, employment related reasons go as high as 62 percent in the case of male rural to urban migration (NSSO 2010c; see also Fig 2). Further, within the rural to urban migration stream, there is the increasing importance of inter-state rural to urban migration for employment-related reasons (Bhagat 2010).

3.2 Migration to cities

As mentioned in the earlier section, internal migration in India is influenced by the regional disparity of levels of development established during colonial rule. City ward migration became more important as cities of a million plus

acquired new prominence on the urbanization map of India. At the beginning of the twentieth century, Kolkata acquired the status of a million plus city, followed by Mumbai in 1911. By 1951 Delhi, Chennai and Hyderabad joined the ranks of the million plus cities. By 2001 there were 35 million plus cities in India, in which about 38 percent of the total urban population resided. The number of million plus cities has risen to 53 and the population residing in them has increased to 43 percent by 2011 (http://www.censusindia. gov.in/2011-prov-results/paper2/census2011_ paper2.html). The rising importance of million plus cities, both in numbers, as well as the huge concentration of urban population within them indicates the significance of migrants in the city space. The share of in-migrants (all durations of residence) in the entire population varies from less than 15 percent in million plus cities like Allahabad and Agra to 55 percent and more in cities like Surat, Ludhiana, and Faridabad. Mumbai and Delhi had about 45 percent of migrants in 2001. When we look at the share of the migrants across the million plus cities, it is quite evident that this share is closely related to the economic position and vibrancy of cities (Bhagat, Das and Bhat, 2009).

Migrants in cities and urban centres are predominantly engaged in the informal sector, doing a variety of work such as construction work, as hawkers and vendors, domestic servants, rikshaw pullers/drivers, electricians, plumbers, masons and security personnel etc. The majority are either self employed or casual workers. About 30 percent of migrant workers are working as casual workers, and are therefore quite vulnerable to the vagaries of the labour market and lack social protection. Only 35 percent of migrant workers are employed as regular/ salaried workers (NSSO, 2010c).

3.3 Seasonal and temporary migration

Migration involves change of residence either on a permanent or semi-permanent basis, but there are a large numbers of people who move for a short duration in the lean season from

their current place of residence, annually. Such migrants, known as seasonal and temporary or circular migrants, are not fully captured by the conventional definitions based on the criteria employed by the Census or NSSO, of place of birth or place of last residence criteria. An additional definition of migration has been used by NSSO to capture seasonal and temporary migration. A seasonal or temporary migrant is defined as "the household member who has stayed away from the village/town for a period of one month or more but less than six months during the last 365 days, for employment or in search of employment" (NSSO, 2010c). This criterion estimated a seasonal or temporary migration of 14 million[46] additionally, as per National Sample Survey 64th Round in 2007-08. The seasonal/ temporary migration is predominantly, (63 percent), directed towards cities and urban centres (Keshri and Bhagat, forthcoming). Several studies have pointed out that seasonal/ temporary migration is more prevalent among the socio-economically deprived groups such as scheduled castes and tribes, and among the poorest of the poor and landless households. It is mostly driven by distressed circumstances and is a form of livelihood strategy of the rural poor (Deshingkar and Akter, 2009; Keshri and Bhagat, 2010).

4. Migrants' Exclusion and Denial of Rights

With some policy changes and programmes there could be enormous benefits from migration, both for the areas of origin and for areas of destination (UNDP, 2009). Migration transfers labour from areas of surplus to areas of deficit, raising the overall productivity of the labour force and minimizing imperfections in the labour market. Migrants bring new skills and innovative practices and are willing to take risks where the natives fear to tread. As noted in the preceding sections, cities are important destinations for

migrants and the rising contribution of cities to India's GDP would not be possible without migration and migrant workers. Employers in many instances prefer migrant workers who are hard working, disciplined and pliable, and paid less.

Migrants contribute to the diversity of cultural life in the city. Bollywood is a living example: successful actors or actresses and other artists are either migrants themselves or their parents have migrated to the city of Mumbai. Without migration the success of Bollywood in the film industry could not have been imagined. Similarly, the contribution of trading communities like the Parsis, Marwaris and Gujaratis etc. in promoting trade and commerce in several Indian cities has been possible in the wake of their migration. Also many of India's leading statesmen such as Mahatma Gandhi, Jawaharlal Nehru and B.R Ambedkar had migrated before shaping the history and destiny of India. There are many such instances which point to the fact that migration should not be seen simply as a response to crisis, but as an instrument to fulfill the aspirations of the people. It is not the result of a lack of development but a sign of people's desire to prosper.

Back home, remittances are vital for improving the living conditions of millions of households. In India, almost all households use remittances for household expenditure in order to improve their quality of life. A very high proportion of households use remittances on food items (76 percent) followed by health care (38 percent) and education (31 percent) in rural areas (NSSO, 2010c). Apart from financial remittances, migrants bring back a variety of skills, innovations and knowledge, known as social remittances, which contribute to the social and economic changes in the areas of origin. These examples show that migration brings benefits to both areas of origin and areas of destination.

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[46] Priya Deshingkar and Shaheen Akter (2009) estimated 100 million circular migrants based on their logic and inferences and they have estimated that these migrants contribute 10 percent to the national GDP.

Despite the enormous contribution of migration to national progress, it is not viewed positively and sentiment against migration to the city has been growing (Nath 1986; Rajan et al 2011). As a result, migrants face a variety of exclusionary forces both directly and indirectly. In India exclusionary processes are more indirect and subtle, unlike China where migrants in urban areas are discriminated against on the basis of the household registration system (*hukou*). In China, migrants are not part of the urban *hukou* and face discrimination in access to employment, pension, housing, health care and education. This has been a matter of intense debate in recent years (Solinger, 1999; Li, 2010). On the other hand, in India the exclusion and discrimination against migrants take place through political and administrative processes, market mechanisms and socio-economic processes causing a gulf between migrants and the locals along ethnic, religious and linguistic lines. India is a federal country of states which are, by and large, organized on linguistic lines. Migrants generally originate from the low income states which are also often linguistically distinct from the high income states which receive migrants.

The migrants' right to the city is most strongly denied in the political defence of '*sons of the soil*' which aims to create vote banks along ethnic and linguistic lines, even dividing migrant communities into those who belong to the state (same linguistic group) and those migrants from other states (different linguistic groups)[47]. This leads to the marginalization of migrants in the decision making process in the city, and exacerbates their vulnerabilities to the vagaries of the labour market, the risks of discrimination and violence, health risks, and also the risks of natural calamities like floods and landslides due to their places of shelter being located in vulnerable sites within the city. As social

protection programmes are hardly geared towards migrants, they tend to be underpaid and exploited; they lack proper housing and access to improved sources of drinking water, sanitation and health services. There are a huge number of urban people living in slums[48]. Slums are a manifestation of deprivation in cities and the migrants who live in slums are hugely affected by the denial of their right to shelter, to potable drinking water, to sanitation and to healthcare (see also paper on 'The Challenge of Slums and Forced Evictions').

A recent study by the NSSO (2010a) in 2008 shows that, 25 percent of the urban households have no access to drinking water within their premises, 22 percent have no bathroom, 15 percent have no access to a drainage facility and 11 percent do not even have any toilet facility. Only three-fifths of urban households owned their dwelling in 2008-09. These figures for urban areas as a whole are appalling and indicate deprivations and the denial of various rights to vulnerable groups such as migrants within the city. The city restructuring and urban renewal process, under the aegis of neo-liberal policy regimes, has also led to the huge displacement of migrants, even from notified/recognized slums within the city, in recent times. Moreover, squatter settlements of poor migrants are termed illegal in the eyes of elites, municipal authorities and courts, and are increasingly subject to eviction. These are examples of blatant violations of the right to shelter as well as of the human rights of migrants in cities.

Many migrants lack proof of identity and proof of residence in the city. This turns out to be the biggest barrier to their inclusion. Due to a lack of proof of residence, many are not included in the voters' lists and cannot exert their right to vote. Lack of residential proof also leads to

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[47] Rajan et al (2011) present examples of "sons of the soil" movements from various states of India such as Maharashtra, Assam, Meghalaya and Goa.
[48] As per Census of India 42.6 million people lived in slums in 2001. The figure estimated by the Town and Country Planning Organization (TCPO) was 61.8 million (International Institute for Population Sciences 2009:12). On the other hand, according to UN-Habitat (2006: 193) there was a slum population of 158 million in India in 2001, which was estimated to be 184 million in 2010. Estimates vary due to different criteria adopted in defining slum populations.

> **Box 10. Mobile Crèches in Delhi and Mumbai**
>
> Mobile crèches provide childcare services to 6000 children in a year, at 21 day care centres at construction sites across Delhi, NOIDA (Uttar Pradesh) and Gurgaon (Haryana), from 9.00 a.m. to 5.00 p.m., six days a week. It also ensures child care services for another 5000 children in a year, by setting up neighbourhood crèches, functionalizing public services in the slums of Delhi and building capacities of community women and grass root organizations in Early Childhood Care and Development (ECCD), in North India. Mobile Crèches work with corporate partners, including construction companies and state/central governments (http://www.mobilecreches.org/). In Mumbai, Mumbai Mobile Crèches provide support and care related to health, education and the safety of the children of construction workers, typically low skilled migrant labourers (http://www.mumbaimobilecreches.org).

exclusion from opening a bank account, getting a ration card and a driving license and so on, all of which are very important documents since they are requested in order to benefit from different government programmes. It is worthwhile to note that residential proof depends upon a migrant's ability to either own a house in his/her name or his/her family member's name, or to get a house on rent under leave and license agreement. The recent UID (Unique Identification) project also insists on residential proof[49].

The denial of political rights (of voting) for migrants is crucially linked to the denial of the right to housing in the city. Due to the lack of proper housing, many migrants live in informal settlements and are unable to acquire proof of residence. In addition, as most of them work in the informal sector, they have no opportunity

to get a proof of identity from their employers unlike their counterparts who work in the formal sector.

Due to lack of identity and residential proof, migrants turn out to be non-citizens in the city. They are subjected to police harassment and implicated in criminal cases. They face the lack of physical safety and security at the work site as well as at their place of stay. Women, who generally migrate to the city as companions to their male counterparts, face greater risk of exclusion. Women generally work as construction workers, domestic or daily wage workers. They are paid low wages compared to male migrants, have a limited access to drinking water and toilet facilities at the work site, and face the risk of sexual harassment. There is also an absence of crèche facilities to look after their young children at most of the work sites (see Box 10 for some good practices) .

The children of migrants are denied their right to education as seeking admission to school is cumbersome and the language barrier is difficult to overcome. The migrants' language is generally distinct from the local language and this adds to the baggage of their disadvantages.

The exclusion of migrants from access to health services is a very serious issue. Public health services are not available and private health services are too costly to be used. Migrants in most cases are neither able to reap the benefits of health insurance schemes nor they are provided with health insurance by their employers. They also face greater risks of HIV/AIDs (Saggurti, Mahapatra, Swain, Battala, Chawla, and Narang, 2011).

5. Challenges of Migrants' Inclusion

The exclusion of migrants is sustained through ethnic polarization and a negative attitude towards the process of migration and urbanization. On the other hand, migration is

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[49] See also paper on "Urban Governance: How Democratic?"

not recognized as a component in the planning process and in the various programmes of the Government. This has happened due to the assumption that migrants are poor. While this may be partly true, this assumption has obstructed the mainstreaming of migration into the development strategies of the country. There is a need to recognize the component of migration independently in national development strategies because migrants are diverse groups whose vulnerability is determined not only by economic factors but also by a large number of non-economic factors. These factors include political power, ethnic, religious and linguistic identities and their social and cultural life in the city. It is important to realize that promoting the migrant's integration with the host community will be helpful in building a peaceful and prosperous city. A rights based approach to building an inclusive city provides a philosophy and strategies about whom to include, how to include and where to include. It has to be borne in mind that enhancing the migrants' inclusion deepens the notion of citizenship, expands the horizon of freedom and a sense of equity which at its very core promotes and encourages human rights in general and the right to the city in particular. It may be noted that the inclusion of highly skilled and better paid migrants is far easier to accomplish than the inclusion of low skilled rural migrants to the city. Further, migrants belonging to religious and linguistic minorities need special attention.

5.1 Inclusive urban policies and migrants' right to the city

Creating a positive attitude towards migration and migrants

In order to build inclusive cities and to promote migrants' integration into the local populations, the recognition of migrants' right to the city by civic bodies, organs of governments, local elites and other stakeholders is fundamental. Building a positive attitude towards migrants and migration and, recognizing their contribution to the city, although a long term process, is essential. A sustained effort to educate political and community leaders, municipal staff and state bureaucracy through conferences, workshops and by electronic and print media would be helpful. A positive attitude towards migrants will pave the way for their political, economic and social inclusion in the city, reduce discrimination in accessing the services of different government offices and even save them from police harassment.

City planning and migrants

City planning is virtually a failure in India. Due to this failure migrants are increasingly blamed not only for the declining civic amenities but for almost all of the city's woes. This not only sustains a negative attitude but even incites hatred and violence towards migrants. City planning is a very important instrument with which to realize the migrants' right to the city. But in most cities either there is no master plan, or it is so obsolete and inadequate that it is unable to address the needs of the city inhabitants in general and of migrants in particular. The city master plan hardly reflects concerns with inclusiveness because it is technically prepared and bureaucratically envisioned with little involvement of citizens. A Right to the City approach would democratize the preparation of the master plan, bring inclusiveness as a core city development strategy and provide opportunities not only to realize the inhabitants' rights (including migrants') within the city (e.g. the right to housing, the right to water and sanitation, the right to education and health etc) but also "their right to change the city according to their heart's desire"[50]. Doing so would require migrants to be placed at the core of the city development agenda.

Migration and governance

Migrants are often blamed for rising crime and problems of law and order in the city. Sometimes they are even perceived as a threat to national security. The main reason for such a perception

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[50] According to Harvey (2008:23) the lack of freedom to make and remake our cities and ourselves is the most precious but the most neglected of our human rights.

is that many migrants are anonymous in the city because of lack of identity and inclusion into urban citizenship. The political inclusion of migrants needs to be made easier by involving NGOs and members of their neighbourhoods who could be allowed to certify the residential status of those migrants having no formal document, so that they can get a ration card, a bank account, and enter the voter list etc., all of which are often seen as a gateway to urban citizenship[51].

A proactive role for municipal bodies would further help the political inclusion of migrants in the city. In this respect the Citizen's Charters prepared and declared by several municipal bodies is a positive development (see Box 11).

Government policies and programmes

Government policies and programmes are silent on the issue of migration and protecting the rights of migrants. This is evident in the Five Year Plan documents. Both the 11th Five Year Plan (2007-2012) and the Draft Approach Paper to the 12th Five Year Plan (2012-2017) recognize urban transition in a positive framework, yet no reference has been made to the migration issue in these documents, let alone to the safeguarding of migrants' rights in the city.

Urban development is a state subject in India, but the centre formulates huge urban development programmes giving opportunity to the states to take advantages of them. The Jawaharlal Nehru Urban Renewal Mission (JNNURM) and Rajiv Awas Yojana (RAY) are two important examples. The Basic Services for Urban Poor (BSUP) component of JNNURM and RAY are very significant steps in addressing the needs of the urban poor and slum dwellers. It is likely that those who have acquired some degree of legal or quasi legal (recognized or notified slums) status will benefit. However, these programmes do not address the migrants issue explicitly. For example in Mumbai all those who have been living in slums but arrived after the year 2000 would lose the right to housing under slum rehabilitation programmes. These instances are indicative of the manner in which urban policies and programmes are discriminatory against migrants. These need to be changed in both their ideology and structure in consonance with the principles of Right to the City in order to realize the vision of an inclusive city.

6. Policy Recommendations

Migration should be acknowledged as an integral part of development. Government policies should not hinder but seek to facilitate internal migration. It should form the central concern in city planning, and the city development agenda

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[51] The recent experiment in which a Memorandum of Understanding was signed between a group of NGOs working with migrant workers, known as the National Coalition of Organizations for Security of Migrant Workers, and the Unique Identification Authority of India (UIDAI) for facilitating the inclusion of migrant workers in the UID programme, appears to be a significant step. See http://uidai.gov.in (accessed on 9th October 2011).

should seek to include and integrate migrants politically, economically, socially, culturally and spatially. This requires enormous change in the attitude of those who appropriate and dominate cities towards the process of migration and urbanization. A historical understanding of the process of migration and urbanization and the migrants' role in building cities will go a long way, but it needs to be communicated and propagated through workshops, conferences, print and electronic media in order to bridge the gulf between migrants and local communities.

Policy documents such as the 12th Five Year Plan, JNNURM, and City Development Plans should recognize the value of migration in very explicit terms and address the concerns of migrants and their rights, unequivocally.

It needs to be emphasized that the democratization of city governance and the political inclusion of migrants in decision-making processes are twin pillars of an inclusive city. A rights based approach to city development would usher in a new era of freedom and human development; it must begin in the city and must begin with migrants.

Urban Spatial Exclusion: A Historical Perspective

Diya Mehra

This paper examines practices and processes of spatial exclusion and segregation as described and analyzed in the Indian literature on cities for the colonial and postcolonial periods. It seeks to point to historical administrative and cultural continuities in such practices, and to how they may have shifted as the morphology of Indian cities has transformed. While there are many examples of spatial exclusion that can be examined in relation to particular groups (as illustrated in previous papers of this report), this essay will focus on the continuing 'problem' of the urban informal. In the first section, it uses particular examples to index how urban informal and indigenous systems and their constituents have been persistently excluded and segregated from planned parts of the city, both historically and contemporarily. The paper then examines new dynamics that are furthering a process of 'dual city' formation in contemporary India's largest cities as urban development is increasingly capitalized and privatized.

1. The Historical Problem of Informal and Indigenous Urbanism

Genealogically, the distinction between the legal, formal, planned Indian city and the illegal, informal, unplanned city stems from the colonial state's interventions to plan and order urban spaces. This was done primarily through the British introduction and implementation of urban planning with laws and standards – in the form of municipalities with their by-laws, acts and statutes, urban development projects, plans and schemes. Historians suggest that such colonial interventions into urban spaces stemmed from a number of different concerns. For one, colonial administrators sought to create the modern Indian city as an 'orderly, hygienic, scientific, technologically superior and civilized space' (Kaviraj, 1997), introducing a planning and administrative regime that intermixes as it is described:

'civic consciousness and public health, even certain ideas of beauty related to the

management of public space and interests, an order of aesthetics from which the ideals of public health and hygiene cannot be separated' (Chakraborty, 1991:16).

In the North Indian case, work on post-Mutiny (1857) cities shows how the additional dimension of maintaining security within cities became a major organizing principle for new British municipal regimes, alongside colonial concerns with maintaining public health as the British sought to protect themselves from civic uprisings as they did from disease (Oldenburg 1984; Gupta 1971). Diseases proved a serious threat to British settlements as they appeared more susceptible to falling prey to illness.

In the case of all of these concerns – whether aesthetic or to do with health or security – historians of a number of cities report a general colonial insistence and perception that the cultural spatial practices and habits of Indian natives in urban areas were a leading source of danger, dirt, ill-health, congestion and spatial disorder (Kaviraj, 1997; Arnold 1987; Chakraborty, 1991; Sharan, 2006). This perception and attitude, which appears to infuse the logics of colonial municipal administrations, is generally considered to be generative of the segregation and exclusion of informal/indigenous urban systems, because of the persistent pattern wherein certain native spatial forms were legally and punitively segregated and excluded as dangerous 'cultural' urban blight. This exclusionary distinction was particularly detrimental to the native urban poor in a situation where municipal resources were not spent to ameliorate 'poor' living and working conditions or provide better space and infrastructure for local and everyday city activities, even as wealthier Indians came to adopt new planned urban forms.

Indeed in the colonial period, the de facto civic provision of new infrastructures of piped water, sanitation and electricity among others was usually reserved for the more privileged urban classes. British settlements, in particular, kept

a safe distance from 'native' areas, despite claims made for the universal appeal, benefits and requirements of modern town planning standards and infrastructure for all. These universal benefits however would remain either undelivered or simply unaffordable especially to poor and informal populations for a number of reasons, including the rising price of land as Indian cities expanded, as well as the cost of building and of installing civic infrastructure. Thus, even if the cultural question of the 'native' use of space is held aside, unlike in Europe wherein municipal finances (privately or publicly) were raised to ensure some kind of increasing and comprehensive coverage for civic infrastructure and public housing, in the case of Indian cities, municipal spending was usually limited.

At the same time, municipalities were armed with vast powers to intervene in the city in order to ensure an adequate urban environment and that municipal and planning standards were met. Such forms of administration introduced, among other forms of intervention, the possibility of legalized demolition and eviction – segregation and exclusion through removal. This is seen, for example, in repeated cycles of slum demolition or hawker removals in both the colonial and postcolonial era. Municipal regulations could also include the demolition of illegal or additional construction, or the removal of "encroachment" of trades and services onto the street (a habitual practice in 'native' areas) as municipal violations (Hosagrahar, 1997; Sharan, 2006).

In her case study of municipalization in Uttar Pradesh's towns between 1919-1939, Nandini Gooptu (1996) shows how such municipal empowerment worked to exclude and segregate the urban poor and the informal sector in particular. Under the guise of remedying civic ills such as poor sanitation and the consequent spread of disease, vast areas in Uttar Pradesh's cities were selected for redevelopment and betterment. This was enforced by carrying out 'acquisition, demolition, and clearance' drives in areas that were either undeveloped, congested

or with slum housing. Anti-encroachment drives were also carried out against informal services and trades run by the poor.

Such actions led to the removal of the formerly resident or working poor to the peripheries of cities, to areas that could not be commercially developed, and ensured a loss of livelihood following eviction from the centre of the city. As land prices spiralled, affordable housing or places of trade came to be increasingly scarce, leading the poor to live, for example, in 'marshes, ditches, and swamps'. Not only did this deterioration of the housing and economic situation of the urban poor reinforce the notion of slums as sites of filth and squalour created by the poor, it was also magnified by the lack of civic infrastructure for slum areas which was at the same time being expanded to elite areas. In defining but not ameliorating the 'problem' of the urban poor, colonial, municipal regimes actually created a perpetually, repetitive problem.

The relevance of this model to the post-Independence period is two-fold.

Until recently, in practice, informal urban political economies such as slums, bazaars, small manufacturing units, roadside vendors and hawkers etc, indeed a large range of architectures that house and employ the urban poor and the informal economy – were often *not* threatened with regulation and eviction, finding extra-legal political protection. Yet, such informal/indigenous settlement, and improvised spatial systems, were never entirely included in legal conceptions and definitions of the postcolonial city either (Sen, 1976). The latter continued to be derived from colonial municipal law, and to adhere to 'modern' town planning conventions that seek to produce 'orderly, hygienic, scientific, technologically superior and civilized' urban spaces. Statutorily and conceptually then, the planning thrust remained on producing 'modern' cities, with the

continuing designation of informal economies and their spatial/land practices as undesirable and/or removable, illegally or inadequately using city or public spaces.

In the post-Independence period, some experiments were tried out to ensure both 'modern' *and* equitable urban planning. In the case of slums for example, and of the Delhi Master Planning process that took place in the late 1950s, planners attempted to ensure that new urban development was both orderly and re-distributive and that there were no new slums in Delhi. This was done by including measures such as cross-subsidizing land for the poor into municipal regimes, and introducing more equitable densities for civic infrastructure provision. However, such mechanisms by and large failed for a number of reasons which include scarcity of resources and those subsidies intended for the poor actually going to middle-class housing. As informal settlements continued to grow apace in Delhi, colonially-derived policies of 'clearance, rehabilitation, and relocation' were repeatedly used to evict slum dwellers, even as the number of squatters grew, in effect forming a large part of Delhi's urban landscape. Further, the Master Planners, like colonial administrators before them, suggested that inadequate urban spaces such as slums were partly a product of the 'rural' cultures of the urban poor. Tolerated but never legally integrated, these urban forms remain vulnerable to periodic state initiated removal, and to the difficulties of insecure tenure (DDA, 1960; Batra and Mehra, 2008*).

Similarly, hawking as a fundamental right has only been recognized in 2010[52] despite the historical ubiquity of hawker vendors in Indian cities. Previously although there may have been administrative regulation and licensing, and extra-legal protection to allow for hawking, such mechanisms could be expanded or revoked as municipalities desired, with a general tendency to seek to limit 'legal' hawker numbers. It is not uncommon, thus, for the number of hawkers

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[52] Supreme Court Judgment in Genda Ram vs Municipal Corporation of Delhi, 8 October 2010.

to far exceed the number of licences available, making it easy to exclude them when required. In Mumbai, for example, hawkers' licences have not been issued since 1978 (Kalhan, 2007).

2. Continuing Segregation and Exclusion of the Urban Informal in Contemporary India

In the contemporary post-liberalization period, this continuing illegality of informal economies has formed the basis for large-scale evictions and removals of the urban poor and informal in large metropolitan cities like Delhi (Dupont and Ramanathan, 2008; Mehra and Batra, 2006), Kolkata (Roy, 2003), and Mumbai (Mahadevia, 2008) among others. Evictions have included mainly slum demolition, the removal/regulation of hawkers, small industries, shops and services and forms of 'unauthorized' construction. Such mass evictions have come at a steady rate after a lull and there are numerous case studies of how evictions have added to the growing spatial polarization in large Indian cities in the post-liberalization period (Dupont and Ramanathan, 2008; Mehra and Batra, 2006; Fernandes, 2006; Baviskar, 2003; Mahadevia, 2008).

In the case of evicted slum settlements and informal economies, contemporary marginalization happens through the conjecture of a number of legal, political, social, and economic factors including:

- The historical absence of legal rights for the residents and workers, housing and trades of the informal/indigenous city as explained earlier;

- The decline of extra-legal political support for urban informal economies, which increases their vulnerability;

- The symbolic and often legal degradation of hawkers, beggars, labourers and slum dwellers as 'dirty, disease creating, polluting, encroaching and/or illegally squatting', can be seen especially in administrative documents and court judgements and in the emergent middle-class activist discourse in large cities, which cumulatively and effectively resurrect colonial planning discourse;

- The increase in demand for value-added aesthetic urban landscapes, including through the creation of new landscapes of leisure (malls, cinemas, parks and gardens, etc) as well as for 'value added' residential and commercial real estate, that raises demand for land occupied and used by the urban informal/poor;

- The construction of infrastructure on lands that were once utilized by the urban poor.

Spatial removal and exclusion thus appear at present, to not only come from market and government interventions to upgrade the city, but to also include the active participation of middle-class urban residents, their civic associations, and the judiciary (Dupont and Ramanathan, 2008; Fernandes, 2006). There is as well as a shift in larger public and policy discourse wherein socio-economic differentiation in infrastructure and housing provision is acceptable, and urban rationalization – conceived of as the enforcement of existing and new planning laws, including those which remove informal economies – is considered necessary to produce market friendly, world-class, metropolitan cities. In this, the parallels with colonial municipal regimes are many – modern municipal regimes segregate and exclude informal urban spatial forms in the course of attempting to build modern, aesthetic, and orderly cities, at a time when cities are expanding spatially and economically, and land prices are rising. In the contemporary period, by comparison to earlier periods, this is also happening when the new requirements for land, especially for new infrastructure and real estate development, are on a much larger scale.

The privatization of space

New forms of segregation and exclusion between informal-formal, poorer-richer cities are also visible in the privatization of new urban spaces

built primarily for middle-class residents. Such privatization includes the ubiquitous installation of security and monitoring infrastructure such as security gates on neighbourhood, mall and office entrances, which restrict and monitor entry and exit, especially of the urban poor. The number of such semi-public and entirely private spaces for work, living and consumption – such as malls, offices complexes, restaurants – have only grown in the last two decades, adding layers of urbanism to existing cities with restricted and limited access for the poor and the informal except as service workers, as they are not the legitimate consumers of these new spaces of work, home and leisure. Further green field residential and commercial development through private development (including with the financial assistance of the state in some cases) is almost entirely enclosed, or even gated, ensuring that this pattern will persist in the future. In these developments, ensuring 'security' and the creating of buffer zones between mainly wealthier urban residents, their new ambient environments, and the poorer denizens of the 'chaotic' city is paramount (Brosius, 2009, Waldrop, 2004). Attempts at such buffering and privatization also include the removal of slums as well as hawkers and vendors in common public areas and streets.

3. Conclusion and Recommendations

Currently, the segregation, eviction and removal particularly of the urban poor and the informal in Indian cities is based on the continuing utilization of colonially derived municipal laws, urban ideologies, and practices of distinction which favour organized, formal and legal spaces as appropriate urban spaces. This tendency is magnified today as cities are upgraded aesthetically and infrastructurally, whilst at the same time it becomes increasingly unaffordable for the urban poor and informal to exist legally. Furthermore the post-reform period has also seen the rise, on a large-scale, of a new-enclosed architecture which excludes the poor and informal urban systems and their representatives (except as service workers), through practices of boundary maintenance and gate-keeping.

Given the long history of urban segregation and exclusion of the urban poor and informal, it is possible to say that urban planning 'definitions' of a poor, disorderly, dirty, dangerous and diseased informal have emerged as social, symbolic and stigmatizing stigmas attached to urban informality. Ameliorating this situation requires the recognition that informal economies work as multi-faceted, affordable systems with their own regulating logics, employing and providing for a great deal of the urban poor and rural migrants in a context of jobless economic growth. Informal systems also provide innumerable services for wealthier city residents. Providing an equal space in cities for such networks and their growing number of constituents is thus necessary as a part of the right to the city.

Claiming Land: Rights, Contestations and the Urban Poor in Globalized Times

Solomon Benjamin and Bhuvaneswari Raman

A consideration of urban land is central to the theme of the Right to the City (RTTC) in the way we understand contestations over it. The issue of RTTC, from the land perspective, is not only about ensuring access, but also about questions of where, who, and how. To move beyond a simplistic mechanistic approach, we mobilize Lefebvre's conception of 'rights' as multi-dimensional spaces shaped through everyday politics, material practices, and history. It is important to look at the material practices that produce various types of spaces, and in turn, to see how these spaces shape those practices (Lefebvre, 1991). Thus our conception draws on notions of social production of space and the simultaneous processes of territorialization and de-territorialization.

1. Facts and Conceptions: Interpreting the 'Rights' to Land

1.1 Crises in facts and conceptions

Globalisation and urban land

Land contestations over location in central city areas and rapidly developing urban peripheries adversely shape the claims of poor groups to physical territory, political and institutional space and economy, especially when almost all poor groups mobilize forms of occupancy that are based on de-facto tenure. It is important here to carefully consider the nuanced ways in which claims made by poor groups get eroded or strengthened. More explicitly, the impacts of evictions faced by poor groups in the metro cities like Mumbai, Delhi and Bangalore reflect declining claims to locations. Paradoxically, as explained below, a conflation of the right to land with that of the right to housing is used to justify titling programmes. This can seriously weaken the claims of poor groups in contested

and globalized territories in several ways. Globalization reshapes RTTC from the land perspective in significant ways. Policy makers, mobilizing Hernando De Soto (2000)'s ideas, argue that the digitizing of land titles is essential for a corporate driven economic development, in order to move up the global ladder on which cities are located. By not doing this, cities would fall into an anarchic abyss. This effort towards greater legibility of city territory via policy and institutional structures for clear titles and new laws for large-scale land acquisition has become the centre of several new laws and institutional frameworks with a key role played by powerful corporate groups. The draft Land-Titling Bill (2007-2010) is one of these many policy and legislative shifts. These changes form the basis for central city urban renewal facilitated by instruments such as the Transfer of Development Rights (TDR)[53] and new land acquisition procedures for mega projects such as expressways, new international airports, and Special Economic Zones (SEZ).

Climate change and competing claims to the urban environment

At a time when issues of climate change are central, the discussion over competing claims takes on a special meaning in two ways: first, making cities globally competitive via large-scale urban renewal has, in some cities like Mumbai and Bangalore, had stunning environmental consequences underpinned by significant land issues. In Mumbai, these are linked to the hegemonic control by special purpose agencies (Pathak and Patel, 2005), and in Bangalore, to a loss of wetlands and green cover (Nagendra and Gopal, 2010). The second aspect of the urban environmental crises from the land perspective relates to the loss of local government control over environmentally sensitive wetlands. Here,

new metro level institutional forms allow for easy conversion into public land and the associated homogenization of land titles allowing its allocation for gated housing groups, large scale IT and commercial complexes. Land, however, that is allocated to re-house poor groups evicted from central parts of the city as part of slum resettlement is located in more degraded or conflict-ridden areas. This aspect is linked, as discussed below, to the mobilisation of the term slums.

'Slums' as a language of disempowerment

From the mid-seventies till the early nineties, scholarly research focused on the ground level processes through which land was settled and developed in diverse ways. These earlier perspectives contested the ahistorical Master Planned perspective that considers all non-planned areas as 'slums'. Several scholars have pointed to the serious problem of conceptualizing non-master planned areas as slums (Rao, 2006; Roy 2011; Benjamin, 2004). Despite this critique, diverse ideological groups use the negative connotation associated with slums persuasively to further their own development agendas. Furthermore, one of the logics of the term had the intention of bringing equity in services and infrastructure. However, this term continues to find wider but perverse applicability by various groups in the political context of highly contested land: the elite, including their 'Resident Welfare Associations', at times the senior judiciary, and many researchers of diverse ideological positions, and senior administrators. Many in these groups consider that slums create deviant behaviour and fuel exploitative 'patron clientelism'. This is despite several substantive scholarly works suggesting otherwise. One stream disaggregates the state (Fuller and Harris, 2001) to explore mechanisms

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[53] TDR is a planning instrument derived from the North American context that allows planning authorities to acquire land in central city areas by promoting private land developers to compensate landowners in return for extra development rights in terms of extra floors in properties in non-central locations. The complication lies in the large number of tenancies that characterise central city areas, and also relatively small parcels that require consolidation into larger plots. More importantly, since TDR is used as part of compulsory land acquisition, the public authority can be seen to forcing tenant and small property occupants into agreements with much more powerful land developers. In India, there has been much controversy with TDRs in Mumbai.

of political agency. Others look in a fine grain way at the mobilization of slum leaders (Dhareshwar, 1998). Related to this, ethnography reveals that local politics largely revolves around poor groups mobilising local politicians and middle level bureaucracy to claim land and services in situations of very fragile and overlapping land tenures (Benjamin and Raman, 2001, 2006). The circulation of the term slum also facilitates a perverse advocacy.

At the relatively more benign level, NGOs attempt to protect the poor from regressive slum politics. The use of slums is implicated in how NGOs can accumulate enormous political clout and lucrative real estate positioning. Slums is framed in oppositional terms to good housing, and patron clientelism is set against participatory planning allowing NGOs to take charge of negotiating resettlement predicated on clear land titles which forces poor groups into dependency and tacit acceptance of eviction from central city areas which are much richer in economic opportunities. Poor groups get further disadvantaged when some NGOs, with the growing support of elite groups (including academics) also press for an electoral reform that targets local politicians. Such reforms rarely address the corruption at the higher levels of political or administrative circuits that facilitates big business lobbies to gain land and other key urban infrastructure, or the new institutional architecture and massive financial re-structuring funded by real estate surpluses from urban renewal.

In sharp contrast to the situation on the ground, and despite the extensive evidence cited in this paper, ambiguous land titles are assumed to reinforce the economic marginality of poor groups. Such marginalisation is assumed by scholars of diverse ideological schools who focus narrowly on the assumed benefits of land titling. These schools of thought view slums as the manifestation of malfunctioning markets. This focus eschews a discussion on the quality

of locations sought by diverse economic and social agents in a city. With the advent of ideas of 'the global city', slums are seen as a constraint on urban productivity, despite being diverse non-planned settlements often with substantive economies. Such thinking allows for various bodies to press for urban renewal in central city areas. Thus slums are not only a narrow administrative and legal category, but also an analytical category to mask complex historical, political and human processes through which cities in India and other places are constituted. In fact, not recognizing these histories and claims, and thus the multidimensional aspect of rights, runs the risk of de-legitimizing these claims and, paradoxically, of interpreting rights in ways that exclude those groups who are supposed to benefit from this normative perspective.

Poverty alleviation programmes miss out crucial land dimensions

Poverty alleviation programmes have focused on two aspects: provision of legal titles for housing or with a focus on specific occupational groups such as street traders, viz., the hawking zone policy and more recently the digitization of land titles. In the context of economies based on small firms, the effort has been to earmark specific places in the city for their activities and licensing. As the experience of conflict between street traders and the state in different Indian cities shows, licensing and allocation of spaces via zoning for small economic activities have served as a tool to restrict their spaces in the city (Raman, 2010; Anjaria, 2006). Here, it is important to note how constructions of informal/formal and illegal/legal have served as a useful tool to generate support for displacing small and medium economies in the city[54]. It is not only those economies that get targeted through these programmes but also small-scale industries as in the cities of Bangalore or Mumbai, which are re-allotted to corporate economies or large developers.

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[54] The urban renewal programmes and mega city programmes implemented in cities like Bangalore, Chennai, Mumbai and Delhi targeted both retail and wholesale trading clusters that are both recognized and unrecognized. The distinction between formal and informal is not valid in this context.

Rehabilitation and Resettlement (R&R) induced displacement

In large part, the social construction of poverty as a state of political and economic marginalisation reinforces policies of displacement. Housing rights linked with complete titles justifies schemes of R&R to displace poor groups into very regressive re-housing located in the urban periphery. These blocks, often locking inhabitants into tightly managed regulatory structures against re-sale, are located away from livelihoods and from political and social contacts. The role of both civil society and NGOs, despite their conventional image of being progressive, is central in this process. Elite NGOs as mediators in the public-private partnerships form the basis for R&R control surveys and allocation lists as an instrument of social control in a complex power dynamic with poorer groups (Sanyal and Mukhija, 2001; McFarlane 2004). This becomes even more complicated when the housing construction process is entangled into significant real estate potential and generates opportunities for large kickbacks via construction contracts (Mukhija, 2003), and especially where mediating NGOs can morph into significant power centres of their own (Roy, 2009a; Benjamin and Raman, 2001). It is important to note that the rhetoric of good housing via re-housing serves to push the poorer groups away from city centres to serve elite middle-class interests. Several scholarly works on the rise of civic activism by new middle-class and elite groups highlight the vocal and aggressive efforts by elite resident welfare associations (RWA) to exclude the poor and their political and administrative spaces[55]. This happens under the guise of new forms of neighbourhood management that controls land, or aims at maintaining it as a pristine green with limited access for groups seen as 'illegal squatters' by the elite (Zerah, 2007; Tawa Lama-Rewal, 2007; Benjamin, 2010).

Another increasingly controversial arena is that of 'hawking zones.' This represents a similar politics of exclusion from the logic of land claims to productive locations, and is driven by elite RWA and larger traders to move hawkers into commercially deprived, off-street locations (Benjamin, 2010). This changing political dynamics in Indian cities underscores the importance of understanding the rights and claims of poorer groups to city spaces in a wider perspective. This is within a context of threats posed the capture of urban space by the elite, through strengthening their claims over administrative and political spaces. Not surprisingly, there are clamorous calls from this constituency for restructuring institutions governing urban land, curbing the administrative practices of local institutions and for a large-scale titling programme. These shifts have to be viewed within the realm of institutional manoeuvrings and elite capture – an issue we discuss later in this paper. Beforehand, it is important to get a sense of the ground level dynamics.

1.2. A nuanced understanding of land: interpreting the rights to land

From slums to more accurate descriptions of territorializations

The relationship between land and poverty is best understood via multiple processes of territorialization. Scholars since the mid-eighties have well documented, in South Asia and Latin America, the variety of institutional and non-institutional actors at different levels that shape various forms of land development (Banerjee, 2002; Risbud, 2009; Nientied and Van der Linden, 1985; Benjamin and Raman, 1999). In the Indian case, these include un-authorized colonies, private subdivisions, revenue layouts, squatter settlements, re-settlement colonies, village boundary sub-divisions, single storied rows of housing for workers or multi-storied *chawls* (in Mumbai), as well as central or traditional walled

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[55] See: Fernandes (2006) on the politics of the new middle class that seeks to displace visual signs of poverty from public space; Anjaria (2006) and Rajagopal (2001) on the conflict between street traders and the city in Mumbai; Benjamin (2010) and Ghosh (2005) on the role of Bangalore Agenda Task Force in Bangalore; Arabindoo (2009) on Chennai middle class mobilization.

city areas. Many of these land settlements have different names: revenue layouts in Karnataka are very similar in the development process to 'un-authorized colonies' in Delhi – shaped by different administrative and legal genealogies.

What binds these various forms is that they evolve outside of the Master Planning process, although deeply influenced by its regulation and implementation politics that shapes among other things, the diverse and de-facto tenure forms. This politics centrally involves local government interventions despite the fact that land is a state subject. Thus, what is important are not just constitutional pronouncements or state announced policies, but actual practices on the ground. This situation also affects the possibility of incremental development and mixed land use that remain common to these settlements in varied possibilities (Benjamin, 2004).

Land regularization as a central progressive intervention

Land regularization has to do, in its narrow technical sense, with processes of introducing basic infrastructure and services. Although it may be influenced by state level declarations, this is set in motion via local government, pressurized by councillors, with a varied political constituency of mostly poor groups united in their need for civic improvement of infrastructure and services. Such pro-poor politics includes middle level bureaucracies, many of whom stay, or have relatives residing, in settlements with basic infrastructure. The all-pervasiveness of such terrains across cities and towns coalesces political pressures to move higher levels of administrations.

The bottom-up nature of these demands, and often on land demarcated as being 'illegal' according to Master Planning norms, means that these often lie beyond policy, and are accommodated via administrative procedures that strengthen 'de-facto' tenure. Land regularization is thus not an aberration of implementation, but rather constituted by

particular forms of political and administrative practices that emerge out of lobbying by varied poor and middle class groups. When land is also the site of great contestations, various forms of de-facto and more explicit forms of land regularization are often under-the-radar to avoid subversion by the elite who lobby for stricter Master Planning regulation and programs such as titling and TDR.

The increasing assertiveness of the elite is reflected in the reorganization of powers and functions within the municipality in favour of parastatal agencies, and the concentration of power at higher levels of state administration. This situation has reduced the power and influence of councillors over basic issues of civic development. Even so, councillors and street bureaucrats retain their alliances with decision makers and political elites, embedded in higher levels of national policy and funding, to secure information on state actions (Raman, 2010). These political actions have (often usefully from the standpoint of poorer groups) de-facto effects on land tenure. Some scholars and experienced activists now recognize the usefulness of ambiguity, and the poorest groups rightly fear that surveys undertaken in the name of planning often turn out to form the basis for evictions and demolitions. Such a world of de-facto politics is complicated when actions to secure claims to territory are mobilized not by an individual-based political rationality, but rather by urban groups operating as complex alliances who seek to secure good locations and access to real estate surpluses from much more powerful and influential elites.

Diversity of land territorialization and tenure forms underpins an economy of the poor

The other main advantage of the land perspective is that it allows a basic conception of the urban economy: the poor people's right to urban land remains, most centrally, their right to an economy that works in their favour. This is when urban livelihoods and job creation programmes by agencies of the state or by NGOs remain a

significant challenge. Land becomes a central issue in thinking about the city economy, and within it, the politics of access to productive locations and localities. One part of this politics is that urban land issues for the poor have almost always been looked from a narrow housing perspective when much of its politics is really about economy. The connection to economy comes from a closer consideration of the practices around land processes that reveals how small-firm based economies (viewed as the informal sector) engage with real estate, locate in ways to spur and tap into agglomeration economies, and generate a city politics of land regulation (Benjamin, 2004). The ways land is settled influence poverty processes not only for the poor but also for more diverse middle-income groups who are connected to varied small economic activities. Indian cities are characterized by diverse types of economies, of which the bulk of employment is generated by a variety of small economic activities (NSSO, 2005). Many of these are small clusters, which flourish in territories with diverse tenure forms (Benjamin and Raman, 2001; Benjamin 2004). For example, Bangalore despite its prominence as India's 'silicon valley', has less than 4% of its employment generated by the IT (information technology) sector and this proportion is likely to be less for other metros (Mahadevia, 2006). However, the IT sector is hugely visible in policy circuits and in the English media and is advantaged by the planning process (Benjamin 2010). Many studies have shown, city territories are constituted through political process (Sarin, 1982; Benjamin, 2004; Raman, 2010) and shaped by a plurality of institutions and laws. The diverse land tenures that allow a variety of firms to locate in close proximity and share economic linkages reflect multiple institutional and political spaces.

Thus, it becomes central to closely consider the differentiated way in which city spaces are territorialized for varied economies, their often competing politics in terms of their congregations, and therefore the opportunities for different social and economic groups to locate in a place and find work. Such territorial

formations constituted for economic activities dominate Indian cities – both in metros, their suburbs and small towns. Thus, framing the land – poverty relationship narrowly outside of economy even when enshrining this as a legal right to land, misses the wider politics by which territories are constituted in the city. Such a perspective skews the analysis to a narrow frame of supply of serviced land for housing. Perhaps this is the reason why the housing question dominates discussions on land for the poor, although land constitutes key resources in the economic strategies of poorer groups in Indian cities (Benjamin and Raman, 1999). The interface between land and poverty can be observed in three different ways:

- *Access to productive locations:* Areas with multiple employment opportunities allow different groups to plug into economic processes.

- *Land-based financing is a strategy common to economies of different scales:* While large economies deploy land assets to raise capital via financial institutions and the corporate market, actors in small economies rely on land to get connected to different forms of group financing and long leasing arrangements. Similarly, investment in land as a way of hedging risks is a strategy common to a variety of actors both rich and poor, involved in different types of economic activities.

- *Diversity of land tenure forms observed in some localities allows poorer groups, among others, to claim land and consolidate it over time:* Forms of land development through shaping tenure, type of congregation, land-based financing strategies and circuits, and socio-political relations influence the type of economies that evolve and develop in a particular place (Benjamin and Raman, 2001; Benjamin, 2004; Raman, 2010).

Thus, land affects poverty not only with regards to access to housing, but more importantly, with regard to the poorer groups' claims to occupy productive locations.

Competing land territorialization between large-firm and small-firm economies

From the perspective of poverty processes, land claims and the issue of access are related to the ability of relatively poorer groups to plug into city systems –that is their economic and political processes (Benjamin and Raman, 1999). Contestations over city territory are related to the fact that land settings sought by different economies differ, and relate to very different political and institutional circuits. Small-firm economies provide almost all of urban employment for the poor and middle-income groups. They form a huge political constituency with strong connections in lower and middle level bureaucracy and are able to mobilise local government. This is to regulate land in ways that allows for groups of firms to evolve production and trade relationships and also expand incrementally responding to emerging markets (Benjamin, 2004). Here, very basic infrastructure is improved over time to cater to both domestic and economic needs, as these neighbourhoods are of mixed residential and trade and industrial use.

In contrast, large firms pressurize public authorities to help them consolidate large parcels of land with dedicated high quality infrastructure. Both small firm clusters and large firms seek real estate surpluses to fund improvements and to increase their administrative and political clout – but in very different ways to constitute 'occupancy urbanism' (Benjamin, 2008). Small firm clusters, mobilize the diverse tenure forms (viewed erroneously as ambiguous titles) to distribute real estate surpluses that form a key source of capital. In contrast, large firms and their financial institutions mobilize a very different logic of territorialisation: these projects are based on a financial logic, related to real estate surpluses, but predicated on clear titles and homogenized tenure forms (Benjamin, 2008). These find support in higher levels of government and planning agencies, unlike small firm clusters whose main institutional support comes from municipalized realms that are pressured towards land regularisation and strengthening diverse and de-facto land tenures.

Thus competing economic groups, including the poor, seek land in economically viable locations, institutional and regulatory spaces, and both tap real estate surpluses albeit in very different ways. Scholars have demonstrated the fallacious link between titles and poorer groups' access to credit as a substantive critique of De Soto's argument for clear and complete titling as positivist logic to finance low-income settlements (Gilbert, 2002; Benda-Beckmann (von) Franz 2003). This discussion also has a substantive aspect to it that concerns employment by pointing to the dangerous risks of accentuating a situation of jobless growth that since the late nineties remains at crisis level accentuated by the 1998 global financial crises. Thus, to consider the RTTC through the lens of contestations over land shaped by globalization emphasizes economic contest, instead of restricting the issue to that of the provision of shelter and welfare.

2. Academic debates

The literature on this topic has begun to recognize the diverse ways the poor, among other groups, claim land. This emerging perspective underlines the need to consider the social construction of land claims, and in turn, to have institutional pluralism to reflect the diverse channels through which this happens. This comes from looking at wider sets of literatures: from urban studies, geography and social anthropology, law, public and social policy, and economic development/ development studies. This extensive literature looks at how cities are constituted by a variety of land development processes that collide with practices of Master Planning. A consideration of territorial practices – an area of great study till the late 1990s, when anxieties of being globalised rarefied discussions on how cities worked at the grassroots – remains useful material. Social anthropology provides us, with its ground-up view, with an entry into both a construction of law as shaped by the daily practice of settling land in an incremental way, and also the nuances

of the workings of public administration. This view builds on Lefebvre's Production of Space (1991), being a result of everyday practices. The anthropology of law opens up useful debates around the nature of property as located in the social and political embedding of urban land markets and non-market processes (Hann, 1998). Economics provides us with an entry into the complicated relationships between clusters of mostly small trading and manufacturing firms that dominate city economy. Scholars of critical geography point usefully to the conflictual realms of real estate that include poorer groups building additional rooms to rent out, as well as large globally invested developers seeking land as locations for massive commercial complexes. A consideration of the city economy around land issues thus remains deeply political where the lens of legal and institutional pluralism allow for an understanding of the political processes by which different groups try to shape policies.

In expanding our view of territorial practices, we trace our understanding of land issues along broad genealogies. In the 1970s and till the mid 1980s, closely connected with what can be termed 'urbanization as developmentalism', the major concern was the recognition of the diverse supply of land for housing. This emerged as a reaction to the failure of mass housing of the 1960s and early 1970s. Following the 1980s, especially in India and parts of Latin America, the emphasis was on land regularization as part of a wider notion of basic needs, but also the capture or cooption of anarchic forms of territorial formations into the liberal notions of city management. These approaches collided with more traditional forms of Master Planning set in motion by competing institutional structures. Such moves in public policy were also implicated in the way cities were seen: from neglect in the 1960s-70s, to the emphasis on a 'make do' set of interventions of the 1980s to address possible social unrest. Land issues as they affect poorer groups were linked extensively to their access to land for housing. Critiques of the above approach led to the development of different strands of theory.

In the 1990s, there were moves towards making cities globally competitive. The arguments for complete titling defended by De Soto (2000) came into prominence with extensive conceptual and empirical reactions. The idea that provision of legal rights to land would enhance the claims of poorer households gained support – in contrast to growing scholarship that disputed this claim based on both conceptual and empirical evidence. It was in the late 1990s that a distinct turn away from basic needs, along with the aspiration for radical transformation via urban renewal and mega projects, re-shaped land policies and in particular interventions outside the state.

By 2005, this was accompanied by changes in larger governance structures and new architectures of public land acquisition. Here one sees the erosion of practices by poor groups to claim land due to efforts to reorganize the governance of land. A key aspect relates to control of large territories facilitated by a proliferation of new institutions underpinned by distinctive legal frameworks. This points to the need to consider the politics of lobbies and alliances that mobilize institutions to push for forms of homogenized tenure, and most importantly, the new financial architectures that support it. Such resistance to reconfigure land claims in order to transform control over economy and property and to raise taxes goes back to colonial times, when opposing groups mobilized customary forms of land tenures (Dossal, 2010). Even today, in some regions like Goa, resistance to land acquisition for large projects like SEZs is being framed around customary practices and institutions. Another form of subversion, more commonplace, is the appropriation of administrative procedures via file notings, minutes of council meetings, and petitions (Hull, 2008). This relates to a dis-aggregated understanding of the state which shows local government as a porous bureaucracy pressured to strengthen de-facto land tenures (Benjamin, 2004).

A consideration of practices on the ground, discussed in other sections of this paper, has pushed theory to question whether legal rights-

based approaches necessarily make urban planning more responsive towards the poor. In the emerging political and institutional context, a narrow mapping of claims to a particular parcel of land and to an individual results in recommendations for individual titles, biometric surveys, and then, suggestions for cut-off dates, all of which result in what Blomley (2003) terms as the violence of the 'grid and survey'. This also results in the construction of certain types of views such as seeing slums as territories to be cleaned using urban renewal programmes, or legalized via land titling programmes.

A useful critique of positivist notions of city planning comes from an understanding of legal and institutional pluralism. The cleavages of Indian society and their different avenues of engagement with the state and associated relationships have also been documented in the literature (Benjamin, 2000; Chatterjee, 2004; Corbridge, 2005; Fuller and Harriss 2001; Raman, 2010). These works highlight the importance of municipal, institutional and political terrains for poorer groups, not only to legitimize their claims on land, but generally to claim resources via the state. Given prevailing power structures, the process of claiming land by the poor among a majority of other urban citizens does not lie in the explicit realm of participatory planning, but is rather deeply engrained in the 'everyday state' (Fuller and Harriss, 2001; Corbridge, 2005), pressured to intervene on land and land regulations. The rights to city land are thus situated in a complex political process which can hardly be reduced to techno-managerial zeal, or placed as policy prescription within a narrow linear rationale driven by the anxiety that cities must be made globally competitive.

3. Inclusive and Exclusive Practices

Land regularization is constructed as an aberration of implementation or as encouraging disrespect for the rule of law and, as argued

earlier, such views are disputable. In this section we consider not just the techno-managerial aspects of such progressive practices but their political realities and context. We suggest that the trend of simultaneous, selective institutional multiplicity at the higher level and homogenization at the local level reflect manoeuvrings that allow for elite capture. Such capture is when the re-territorialisation almost always pushes poor groups away from employment in central city locations. But also, given how the economy of the poor works around local clustering relationships, even a local reorganization results in disruption pushing away the poorest often with the most fragile claims.

This may help to explain paradoxical situations whereby some poor groups agree to resettlement and also some form of land title. Here one must consider the new political and reforms milieu, institutional changes towards special purpose development and financial agencies and the huge emphasis in public policy on housing and related micro-finance[56]. All this is happening in a climate of fear of eviction and the trauma of resettlement and consequent negotiation to try to get compensation. All these factors together emphasize an electoral politics around 'titling' leading to the situation where some poor families are confronted with what seems to be inevitable eviction, agreeing to some form of titling that would provide them with some immediate advantage including the resale of their allocated dwelling. Another reinforcing dimension is the emphasis on 'public-private partnerships' as interpreted from the land titling perspective. This is particularly aimed towards the rebuilding of what planners designate as slum, and predicated on an argument that clear and above board titles allow the efficient operation of the market.

At one end, the diversity of forms of tenure and the legal and institutional pluralism of land administration, in areas designated as slums, are viewed as a hindrance to the emergence of

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[56] This logic is apparent in the recent Rajiv Awas Yojana that is constituted around public private partnerships, micro credit, and interventions premised on re-building rather than the old style upgrading. Also see the presentations at the National Conference on Guaranteed Title Security (GOI 2010) accessible via the web.

an efficient market, because of the lack of clear titles and titling systems (Dey et al., 2006). At another end, equity of access to land is equated with providing titles at their place of residence. Following from this line of logic, arguments are mobilized for implementing a titling programme, a GIS mapping programme, and reforms of governance structures[57]. Thus, paradoxically, there is support for these interventions from opposing ideological schools, despite the evidence that such interventions affect adversely relatively poorer groups and the economies to which they are connected (Raman, 2010; Benjamin and Raman, 2001, 2006; Mitchell, 2004; Blomley, 2003).

In another paradoxical way, large developers and their financial partners lobby for de-centralisation that facilitates a loose regulatory environment. However, when it comes to land acquisition, or when confronting local government undertaking land regularisation, these same groups call for the dis-empowerment of local level institutions. Since the early 2000s, scholars point to how public policy is shaped by powerful private think tanks that include organized and influential elite groups (Benjamin, 2010; Ghosh, 2005). Thus, an uncritical application of policy under the rubric of 'rights' can actually damage the claims of the poor to the city. In effect, not considering land issues in a comprehensive way clouds issues of access to locations for livelihoods, political space, and shelter for the poor. From this perspective, recent policies like the Rajiv Awas Yojana programme may include exclusionary effects for the poor. In this narrower, techno-managerial perspective, the intent of public policy would be to regulate the supply and demand of land around the notion of enabling markets and to reform laws and institutions related to land administration. This perspective attempts to address resulting social

tensions by strengthening legal access to land for housing through R&R programmes (Dey et al., 2006).

Such a view dominates the discussions of the World Bank and policy institutions. Here, while unlocking land value and shifting towards an efficient land market is seen as instrumental to finance economic growth via large firms, for the poor welfare solutions based around housing perspectives are advocated. The assumption here being that while an efficient market would ensure trickle down benefits to the poor, the latter welfare solutions, involving mobilization of constitutional rights, would strengthen legal claims to land by poor groups. Linked to it is the emancipatory potential of city planning. Besides, titling is also justified as a pre-requisite to financing infrastructure via market securitization.[58] These views generate the rationality for implementing a series of programmes including GIS mapping[59], the Land Title Certification Bill, a Land Titling Authority, land banks as well as metropolitan governance, ostensibly essential to improve the process of master planning, the absence of which would have hindered the formation of an efficient market.

The introduction of a titling programme is often accompanied by restructuring of institutions. While titling programmes have been rolled out for rural and peri-urban areas in many cities, for urban property, the JNNURM expects states to introduce a property title certification system. States like Rajasthan, Delhi, Karnataka, Andhra Pradesh, and Haryana are already working on schemes to guarantee land titles. Thus, the various interventions in the forms of planning tools, laws, and institutions need to be seen together to understand their impact on poorer groups. In July 2010, implementing a system of

[57] See the websites of the NGO Janaagraha (http://www.janaagraha.org/) and its partner programme India Urban Space Foundation (http://indiausp.org).
[58] An example of this is the Tamil Nadu Urban Infrastructure Financing Corporation (TUIFIC) promoted by the World Bank and private financing corporations including Infrastructure Leasing and Finance Services (IL&FS), US Agency for International Development (USAID).
[59] See the draft Land Titling Bill 2010.

Guaranteed Property Titles (GLT) has been made one of the mandatory reforms under the JNNURM. To that end, the Ministry of Urban Development has initiated a national level programme entitled PLATINUM (Partnership for Land Title Implementation for Urban Management), which is financed by the Infrastructure Development Financing Corporation (IDFC) and is to be implemented by the India Urban Space Foundation (IUSF), founded by a venture capitalist based in Bangalore.[60] Interestingly, the IUSF is preparing the guidelines for implementing GLT. In general, these policies are geared to constitute new territories for the new economies through large-scale land acquisition in the periphery for SEZs, as well as to reconstitute territories in the developed parts of the city using instruments like TDR (Benjamin and Raman, 2001).

In the above discourse, social justice relating to land rights and the claims of affected people is associated with land for housing and financing these housing projects via centralized schemes. Noteworthy is the fact that such large funding provides a fillip for the implementation of large-scale relocation programmes, as in the case of Chennai, where the housing agenda of the state agency is shaped by funding availability. These programmes also have serious consequences for the ability of sizeable groups of the city's population, particularly poorer groups, to claim land, as such programmes focus on the following:

- The homogenization of tenure forms, since diverse small and medium economies are portrayed as informal/illegal economies that constrain economic growth. This is reflected in the expressed anxiety of different reports on the difficulty of acquiring land, tracing the history of claims and establishing a master plan[61]. The diversity of tenure forms is viewed as a risk to the corporate-led mega development, as land consolidation and acquisition have proved to be a difficult task.

The history of land acquisition in different Indian cities via master planning, prior to globalization, illustrates the difficulties faced by state institutions in acquiring land.

- The control of information at the municipal or the local institutional level is viewed as a second threat. In the context of peri-urban areas, many of which fall under the rural or urban panchayat administration, the field bureaucrats of revenue administration had close knowledge of land data (Ahuja and Singh, 2005). Senior administrators argued that the control of information at the local level rendered it difficult for them to plan effectively or to hold the field bureaucrats to account.

- Thus the digitization of land for other projects in the pipeline, viz., land titling and metropolitan governance, is driven by the anxiety of senior bureaucrats and corporate lobbies to neutralize the power of several small local institutions and to undermine the influence of local politicians over the land process. The proliferation of new institutions and a centralized financial architecture, that started initially as part of the politics to control local institutions as well as local political actors, gained new momentum with globalization.

- Pressure to curtail regularization and to introduce new bills to restructure titling and governance is now emerging in the new urban policy regime. Interestingly, mapping is presented as a necessary tool to evaluate regularization of violations in metros where there have been mass demolitions since the turn of the century in order to clear 'illegal' encroachments, including what are perceived as informal and illegal economies.

These shifts are important as, in the dominant discourse, actors and institutions associated with the local or municipal circuits are marked

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[60] See also http://www.idfc.com/foundation/policy/collaborations_and_projects.htm.
[61] See http://www.janaagraha.org/

as repositories of corrupt practices, whose power needs to be curtailed to overcome the gaps in state's accountability and transparency in metropolitan governance (Ahuja and Singh, 2005). The source of this corruption is linked to ambiguity in land records and its control at the local level, which makes it difficult for senior bureaucrats to control street bureaucrats and for policy makers to plan effectively (Lobo and Balakrishnan, 2002). Such assumptions are questioned in some studies on the digitized titling programmes, which have been implemented by the Government of Karnataka since 2003. Those findings show an increase in bribes and transaction costs (Raman and Bawa, 2011). Based on a close reading of the proposed legislation, policy discussions, and legal documents, we see a central issue in the trend towards project-based institutional pluralism and programme-based homogenization. Basically, the key issue is whether what comes out of public policy, under the rhetoric of 'efficiency and equity' and planned development, remains a route to private accumulation by large corporate groups. At the same time, legal and administrative regimes render illegal the practices of poor groups to mobilize real estate. For instance, lock in periods, leasing arrangements, can be seen as instruments of closure. In contrast, institutional pluralism, rather than reflecting opportunities for multiple freedoms, in fact restructures institutions, which in turn allows the elite to capture territory. Thus, the language of right to the city needs to be strategically and carefully located after a close analysis of the power structures that shape policy and institutional design.

4. Policy Implications at Different Levels

We see five key policies that operate at various scales:

1. *Land regularization as a policy for shelter and pro-poor, job-centric economic development.* The dominant mode of land supply for shelter and economy happens via incremental development in small towns, large villages, and metro peripheral areas.

2. *Political empowerment of local government (municipal/ panchayats).* This is both a political and administrative space to engage with land issues (regularization, extension of services and basic infrastructure) and associated financial measures using development charges and octroi as a source of revenue. Such institutional empowerment forms a pre-requisite to promote extensive in-situ upgrading of basic infrastructure and services.

3. *De facto tenure via in-situ upgrading promoted by local government.* This helps poorer groups establish and strengthen their claims to contested locations; this further results in shelter consolidation and generates economy.

4. *'Job-centred economic development', employment and value addition*, is implicated in upgrading and servicing existing concentrations of usually small home and neighbourhood-based firms. It recognizes the positive impact of land regularization on city economies dominated by small firms located in mixed land use situations.

5. *Strengthening pro-poor political management of land in contested urban settings*. This lies in the access and influence of poorer groups on local government institutions among other political spaces.

The above five policy positions in turn question several commonly held assumptions:

- *The 'housing fetish'* where the emphasis on complete 'housing' de-recognizes other, more important claims to locations. Land regularization as a position brings into question several dominant policy perspectives, namely: i) 'housing shortages' justifying 'mass housing' by specialized housing authorities; and ii) de-jure land titles as pre-requisites for development, or a guarantee against evictions.

- *Local governments as mainly 'administrative/ maintenance' bodies:* their role would be limited to implementing central schemes, and managing regulations to promote 'large economy' set out by higher levels of governments.

- *Hi-Tech zones such as SEZs, or IT/Bio-Tech corridors, or 'urban renewal as a prerequisite for economic development':* These interventions require large scale land acquisition or specialized instruments such as TDR in central city areas, both resulting in resettlement housing for the evicted persons.

- *Advocacy politics as the sole political space favourable to poor groups:* This positions NGOs or RWAs as an institutional hinge to shape contestations over land, over space in local government, and in land regularization procedures in favour of poor groups. NGOs can and do play a central role in 'housing rights' but their role remains controversial as far as empowerment is concerned.

The Challenge of Slums and Forced Evictions

Véronique Dupont

Urban Policies and the Right to the City in India :
Rights, Responsibilities and Citizenship

Access to adequate housing is at the core of this paper, which adopts the notion of the right to housing defined in the late 1980s by the Indian National Campaign on Housing Rights as "the right for every woman, man and child to a secure place to live in peace and dignity" (Kothari, 2003: 2). Thus, access to adequate housing –as opposed to exclusion from it– encompasses both decent physical shelter and secure residential status.

1. Facts: Shortage of Decent Housing and Recurrent Evictions

1.1. Shortage of decent housing

Indian cities, especially the largest ones, are faced with an acute shortage in decent housing, which has resulted in congestion and lack of comfort for urban households (precarious, sub-standard structures as well as lack of amenities), and in the growth of poor and illegal settlements. The extent of the urban population living in slums provides a synthetic indicator of this:

- As per the 2001 census[62], 43 million people, representing 23% of the population of cities with over 50,000 inhabitants, lived in slums. This proportion increases in the largest cities: 19% in Chennai and Delhi, 33% in Kolkata, and 54% in Mumbai. However, the 2001 Census (Box 13) underestimates the effective number of slums and slum dwellers, as towns below 50,000 population and clusters with less then 60 households were not covered.

- Subsequently, the Committee on Slum Statistics/ Census (GOI, 2010b) took into account all the 5161 towns and cities and estimated their slum population (in clusters of at least 60 households) at 75.3 million, accounting for 26.3% of the total urban population. The projection for 2011 is 93 million.

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[62] At the time of writing, the 2011 Census tables on slums, and on houses & household amenities, were not available.

• As per the more comprehensive definition of UN-HABITAT (Box 12), India's urban slum population was estimated at 158.42 million by mid-year 2001, or 55% of the total urban population.

In 2008-09, 43% of the dwellings in slums were not fully consolidated (i.e. were *katcha* or semi-*pacca*), and 50% of the dwellings in the sub-category of non-notified slums likewise. (NSSO, 2010b and Box 14). Over the years, the consolidation of structures, the addition of a storey and the development of a rental sector have contributed to increasing residential density in settlements already congested, as evidenced by the following figures. According to the 2001 Census, 37% of urban households had only one room for living, this proportion rising to 39% in Delhi, 41% in Chennai and to 65% in Mumbai. In 2002, the per capita floor area available was 4.6 sq.m. in slums as against 8.4 sq.m in other urban areas (NSSO, 2004).

Unequal access to urban land is further exemplified by the situation in big cities. In Mumbai (Municipal Corporation) in 2001, 6.5 million slum dwellers, accounting for about half of the population, occupied only 8% of its area. In Delhi in 1998, before the massive demolition drive targeting illegal slums, squatter settlements housed 3 million inhabitants, accounting for 27% of the total urban population, but occupying less than 6% of the land (Kundu, 2004).

Most often the lack of adequate housing structures and amenities is combined with the lack of secure tenure – slums correspond then to the "squatter settlements" (Box 15) targeted by eviction operations. Illegal occupation of vacant land and slum dwelling has often been the only option for the urban poor, as there was no affordable alternative in the formal sector. In addition to the conditions of makeshift housing, congestion, and sub-standard basic urban services, the squatters often resorted to occupying marginal land, such as insalubrious and/or dangerous sites not meant for construction due to ecological fragility or

industrial and health hazards and that were unlikely to attract the attention of developers in the immediate future. Such sites are found on river banks predisposed to flooding, low lying and marshy lands, industrial zones, industrial and urban waste dumping zones, along railway tracks, drains and canals or below high tension lines. Thus, out of about 49,000 slums estimated in urban India in 2008-09, 24% were located along *nallahs* and drains and 12% along railway lines. About 48% of the slums were usually affected by water logging during the monsoon (NSSO, 2010b).Therefore, slums dwellers are particularly vulnerable to industrial and natural disasters, as dramatically shown by the explosion of the Union Carbide pesticide factory in Bhopal in 1984, or the 2005 floods in Mumbai.

The presence in Indian large cities of many homeless people also deserves mention; among them children are the most vulnerable. Yet the homeless are largely undercounted by the Census (the first census to count them was in 1991). In Delhi they were estimated at between 100,000 and 200,000 in the mid 1990s, or 1 to 2% of the total urban population. Their number has increased dramatically following large-scale slum

Box 12. UN-HABITAT operational definition of slum

The operational definition of a slum recommended by a United Nations Expert Group Meeting (Nairobi, 28-30 October 2002) for international usage, defines a slum as an area that combines, to various extents, the following physical and legal characteristics (UN-HABITAT, 2003):

• inadequate access to safe water;

• inadequate access to sanitation and other infrastructure;

• poor structural quality of housing;

• overcrowding;

• insecure residential status.

Box 13. Definition: slums as per the Census of India

For the first time in 2001, the Census of India collected data about slum areas in cities/ towns having a population of 50,000 or more based on the 1991 census, and identified as follows:

"All specified areas notified as 'slums' by State / Local Government and Union Territories (UT) Administration under any Act; All areas recognized as a "slum" by State / Local Government and UT Administration which may have not been formally notified as a 'slum' under any Act; A compact area of a least 300 population or about 60-70 households of poorly built congested tenements, in an unhygienic environment usually with inadequate infrastructure and lacking in proper sanitary and drinking water facilities."

A broader and simpler definition of slums was proposed for the Slum Census of 2011, namely: any compact housing cluster or settlement of at least 20 households with a collection of poorly built tenements which are mostly temporary in nature, crowded together usually with inadequate sanitary and drinking water facilities and unhygienic conditions.

Box 14. Definition of slums by National Sample Survey Office (NSSO)

The NSSO adopted the following definition for its round surveys:

" A slum is a compact settlement with a collection of poorly built tenements, mostly of temporary nature, crowded together usually with inadequate sanitary and drinking water facilities in unhygienic conditions". Such an area was considered as a non-notified slum if a least 20 households lived in that area. Areas notified as slums by respective municipalities, corporations, local bodies or development authorities were treated as "notified slums."

1.2. Extent of slum eviction in large metropolises

Since the 1990s, large Indian metropolises have experienced a restructuring of their urban space in line with the requirements of globalising cities. The implementation of urban projects, especially infrastructure expansion, urban renewal projects, and "beautification" operations, have resulted in many demolitions of poor or unauthorised settlements and forced evictions[63].

- In Mumbai, between November 2004 and March 2005, 90,000 houses were demolished, affecting around 450,000 persons in 44 localities. These estimates, by the Indian People's Tribunal on Environment and Human Rights[64], may be compared to the official figures of less than 50,000 houses.

- In Kolkata, 77,000 people were displaced in 2004-2005 (as reported by COHRE)[65].

- In Delhi, in 2004-2006 slum demolitions in connection with the redevelopment of the river-front and the construction of the Athletes' Village for the 2010 Commonwealth Games,

demolitions: by 53% in Delhi between 2000 and 2008 (Tingal & Kumar Pandey, 2008). Major demolitions, with similar effects, also affected Mumbai and other metro cities.

The Working Group on Urban Housing with Focus on Slums estimated that 26.53 million houses were required to be constructed in urban areas during the period 2007-2012, essentially for Economically Weaker Section (EWS) and Low Income Group (LIG) sections (GOI, 2006a: 3).

[63] See Habitat International Coalition – Housing and Land Rights Network – South Asia Regional Programme (HIC-HLRN, 2010 and 2011) and http://www.hic-sarp.org/ .

[64] www.iptindia.org

[65] Centre on Housing Rights and Evictions: www.cohre.org.

Box 15. Slums and squatter settlements as defined by the law in India

The Slum Areas (Improvement and Clearance) Act of 1956 deems as slums, old, dilapidated and overcrowded housing sectors where the buildings "are in any respect unfit for human habitation" or that "are by reason of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, detrimental to safety, health or morals". [Slum Areas (Improvement and Clearance Act) 1956, Chapter II].

This definition may apply to houses inhabited by tenants or proprietors with legal rights, as in the case of the old urban core of Delhi, which was notified as a slum area. This Act was first implemented in Delhi. Other states have later enacted their own Slum Areas Acts, with a definition of slums that may vary from state to state, but is usually based on similar notions.

There is no reference to the status of tenure (legal or illegal) in the Slum Areas Act. In contrast, the urban authorities and the judiciary designate as "squatters settlements" informal settlements on lands occupied and built upon without the permission of the land owning agency. These are the "illegal slums" locally called jhuggi-jhompri clusters in Delhi, jhopad patties in Mumbai and cherries in Chennai.

dramatically affected settlements along the embankments of the Yamuna river causing the eviction of about 300,000 people –including 200,000 people from February to May 2004[66].

2. Legal and Policy Framework

2.1. Urban and housing policies and the urban poor

During the two decades following the Independence of India (1947), policy makers and planners were still under the influence of Mahatma Gandhi's advocacy for a village-centred model of development, and public policies displayed a strong anti-urban bias. Until the 1980s, urban housing was not part of the priorities set by the Five Year Plans, and the few public housing programmes launched by the central government with the support of the states were unable to meet the increasing housing needs of the urban population, especially of the poor. Because of the cost of construction, the modalities for selection of beneficiaries

and the final price for the dwellings, most of these programmes have benefited the middle classes (Milbert, 1988). Till the 1990s, the regulations imposed by state authorities had the perverse effect of slowing down construction activity in the formal sector, and of contributing indirectly to the proliferation of unauthorised colonies and squatter settlements. At the same time, urban poverty was largely perceived as a consequence of rural poverty, with the spectre of masses of poor migrants pouring into the major metropolises to crowd into slums, weighing down urban infrastructure and contributing to the decline of cities (Mukherji, 2006). Faced with this fear, until the early 1980s, authorities endeavoured to discourage migration by making big cities less attractive. Industrial development was strongly controlled through the license system; infrastructure and housing for the working classes were neglected; and slum demolition was a recurrent threat (Burra, 2005).

The Report of the National Commission on Urbanisation in 1988 and the first National

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[66] Source: OMCT/HIC-HLRN, Joint Urgent Action Appeal, Case IND-FE050504. Delhi, Geneva, Cairo: World Organisation against Torture, Habitat International Coalition-Housing and Land Rights Network, 5 May 2004.

Housing & Habitat Policy (1994) marked a definite turn. The new urban development strategy was based around the concepts of decentralisation, deregulation and privatisation (GOI, 1988 & 1992). Its aims were to enhance the economic efficiency of cities, promote the development of their infrastructure and better respond to housing demand. Public-private partnerships, the strengthened role of the private sector and the principle of cost recovery were also encouraged, including in slum rehabilitation programmes and housing schemes for the poor. Several deregulation measures have altered the context of urban development, in particular: the deregulation of the cement sector, which boosted the construction sector; the abolition of the license system for the majority of industrial plants; and the repeal of the 1976 Urban Land (Ceiling and regulation) Act (imposing a ceiling on owned urban property) in 1999, with a view to stimulate land markets.

The major shift in the role of the government from being a provider of housing and amenities to being an enabler, while promoting public-private partnership, has been confirmed in the subsequent national urban policies and programmes, such as the 2005 Jawaharlal Nehru National Urban Renewal Mission (JNNURM). As part of JNNURM, the sub-mission "Basic Services to the Urban Poor" (BSUP), under the Ministry of Urban Housing and Poverty Alleviation[67], aims at ensuring equitable and inclusive city development, and attempts to stimulate housing activities through the provision of subsidized dwelling units in multi-storied complexes for the economically weaker sections. Critics have however expressed strong scepticism about achieving the integration of the urban poor through this programme (Mahadevia, 2006) and fear on the contrary further exclusion through more slum demolitions and displacement linked to the implementation of infrastructure projects

and a 'sanitized' vision of the cities (HIC-HLRN 2009).

"Affordable Housing for All" is the slogan of the third (and current) National Urban Housing and Habitat Policy (2007), which had to acknowledge that the efforts initiated earlier "have not been able to fully overcome the housing shortage situation particularly for the economically weaker sections (EWS) and low income groups (LIG)" (GOI, 2006a: 4-5). Therefore, one of the stated aims of this policy is "facilitating accessibility to serviced land and housing with focus on EWS and LIG categories" (Ibid: 14). To that end, the policy recommends earmarking 20% to 25% of the land to be made available at affordable rates for the EWSs and LIG. It further recommends to use land as a resource, including for slum rehabilitation. "The main suggestion is to use market mechanisms to raise resources for slum upgradation or redevelopment and increase the land supply through the use of Transfer of Development Rights[68] and increase in Floor Space Index"[69] –which cities like Mumbai have begun to do (Mahadevia, 2009: 215). The policy further advocates the granting of tenurial rights to slum dwellers in situ or in relocation sites, and emphasizes the need to prepare a special action plan for slum dwellers.

The role of the private sector as developer and builder is strongly promoted, with the government being a regulator and facilitator. However, in this model, it is likely that housing for the poor will be developed in the urban peripheries, which would require an efficient and affordable mass public transport system to enable them to access employment centres located in more central parts of the city. Moreover, the cost of such model of housing is likely to remain out of the reach of "the recent low-income migrants not having adequate income and savings", who

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[67] http://mhupa.gov.in/ & https://jnnurmmis.nic.in/jnnurm_hupa/index.html (accessed on 10-08-2010).
[68] Transfer of Development Rights, or TDR, is a certificate from the city administration given to the landowner (real estate developer or builder) for extra building space. It allows the builder to develop land and construct housing in another place in the city (with certain restrictions on the location such as in Mumbai) or to sell his rights to other builders.
[69] The Floor Space Index (FSI) or Floor Area Ratio is the ratio of the total floor area of buildings on a certain plot of land to the area of that plot.

"would continue to live in squatter settlements" (Ibid: 216).

Although the National Urban Housing and Habitat Policies provide the general agenda and main directives, under the Constitution of India and the federal system of government the states are assigned responsibility for land administration and land reforms, including urban development. Therefore each state needs to adopt the acts passed by the parliament and is free to frame its own laws and urban policies, including slum policies, except with regard to land owned by central government agencies. The National Capital Territory (NCT) of Delhi is a specific case: the central government retains the control on land, police, and law and order. Thus, the Delhi Development Authority (DDA), the agency responsible for monitoring the planned development of the capital city, is under the purview of the central government.

2.2. Slums and squatter settlements: historical and legislative background

Just after Independence (1947), the proliferation of slums in the capital city was considered a major issue. The Parliament enacted the Slum Areas (Improvement and Clearance) Act of 1956, a pioneering law that included measures for improving the old housing stock in certain cases, and demolition of dilapidated buildings in others (Box 15). The Act was first implemented in Delhi and extended to other states. It was not conceived to address the issue of unauthorised settlements, and "although [its] purpose was to improve the housing conditions, it has frequently been interpreted as giving licenses to demolition and eviction" (HIC-HLRN, 2004: 7). The attempt to prevent the proliferation of squatter settlements also led to the enactment of specific laws (such as the 2001 Amendment to the Maharashtra Slum Areas Act) and court judgements treating the latter as illegal encroachments and a cognizable offence (see below). The Slum Areas Act also introduced

a distinction between the notified and non-notified slums, likely to generate a new line of exclusion for the provision of basic services.

2.3. Main ad-hoc strategies implemented till date[70]

Faced with the extent and persistence of slums and squatter settlements, the governments and town authorities have implemented various types of *ad hoc* interventions: provision of basic services as part of larger poverty alleviation programmes; resettlement on alternative sites, with housing or site-and-service programmes; and in-situ rehabilitation. These programmes may be initiated and funded by the central government or the state government, or sponsored by international organisations. However, these strategies concern only a section of the slum dwellers, while many others among those termed squatters have been the victims of demolition drives without any compensation; thus they address only the symptoms of housing poverty without solving the roots of the problem.

A Draft National Slum Policy was formulated by the Central Ministry of Urban Development and Poverty Alleviation in April 1999. It contained progressive features, such as the provision for granting land tenure rights to slum dwellers wherever feasible, and where this was not tenable, the provision for proper resettlement. But this policy was not approved by other government departments, especially those owning land on which many informal settlements had developed, such as the railways, port trusts and defence establishments (Burra, 2005). Consequently, the Government of India never endorsed this policy that became obsolete with the advent of the new strategy for "Slum-Free City Planning" in 2010 (see below).

Environmental improvement of urban slums

The improvement of the living conditions in the existing slums through the provision of basic services was initially a response of town

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[70] Sources for this section include: Ali (1990), Banerjee (2002), Burra (2005), Dupont (2008), Dupont and Saglio-Yatzimirsky (2009), Risbud (2003, 2009).

authorities to sanitation and public health concerns. In 1972, the Central Government launched the Environmental Improvement of Urban Slums scheme, aimed at providing basic infrastructure in zones officially notified as slums. Other schemes with similar or more comprehensive objectives followed, influenced in particular by the Urban Basic Services scheme for the urban poor initiated by UNICEF worldwide in the 1980s. The 1996 National Slum Development Programme (NSDP), including a grant from the Central Government to the states and a loan component, pursued the same kind of strategy. Another centrally sponsored programme deserves mention –the Valmiki Ambedkar Awas Yojana (VAMBAY), launched in 2001 to facilitate the construction and inprovement of dwelling units of people living below poverty line in urban slums. Lastly, the provision of 'Basic Services to the Urban Poor', with a focus on slums, is again part of the agenda of the 2005 JNNURM.

This pragmatic, although short-term, approach – improving the living conditions of slum dwellers where they are based rather than relocating or re-housing them – does not, however, guarantee them rights of occupancy, nor does it protect them from demolitions and evictions if the land-owning agency comes up with projects of "better public" utility on occupied sites. Certain states or cities (Bhopal in 1984, Mumbai in 1985) had however integrated the regularisation of land tenure in their slum up-grading programmes.

Resettlement schemes and site-and-service programmes – a focus on Mumbai and Delhi

A National Policy on Resettlement and Rehabilitation (R&R) of project affected persons was adopted in 2004, followed by a new National R&R Policy and an R&R Bill in 2007 (yet to be enacted). Although these policies have been elaborated by the Ministry of Rural Development, the Bill may apply to the involuntary displacement of people, including in the context of slum demolitions in urban areas due to the implementation of projects for public purpose.

The Bill may be considered as progressive since it aims " to provide a better standard of living and to make concerted efforts for providing sustainable incomes to the affected families", and to "integrate rehabilitation concerns into the development planning and implementation process".

Much before the formulation of a National R&R Policy, Maharashtra was the first state in India to enact resettlement legislation (in 1976, amended in 1986), and also the first state to have a specific policy for urban areas: the "Policy for Resettlement and Rehabilitation of Persons Affected by Urban Projects, to be taken up in the Mumbai Metropolitan Region under the [World Bank funded] Mumbai Urban Transport Project" (1997), which was extended to all urban centres in the state in 1998.

In Mumbai, like in Delhi, the removal of slums and squatter settlements is in principle limited to untenable sites or when land is required for projects of public utility. In site-and-service programmes, displaced families have been allotted plots in relocation sites theoretically provided with basic infrastructure, where they had to build their own dwelling. Secure land tenure is granted under the form of leasehold or license with restrictive conditions. Relocation in resettlement colonies without rehousing was the approach favoured by the Delhi authorities from the late 1950s till 2010 to deal with squatter settlements. It nonetheless required a financial contribution from eligible families (INR 7500 –US$ 167– in the 1990s and 2000s). Moreover, the size of the plots was considerably reduced, from 80 sq.m. in the first scheme of 1960, to 18 sq. m. and even 12.5 sq. m. in the 1990s and the 2000s, which resulted in the recreation of over-crowded settlements –in fact one of the criteria characterising a slum area. Under the last resettlement scheme implemented in Delhi, from 1990 to 2008, around 65,000 squatter families were officially relocated[71]. In Mumbai, slum clearance policy was influenced from the

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[71] Source: Slum and Jhuggi-Jhompri Department, Municipal Corporation of Delhi.

1980s by the World Bank funded programmes, including later recommendations for resettlement *with* housing, usually in apartment blocks (resettlement in Chennai followed the same model). Lately, in 2010, the Government of Delhi modified its policy for the relocation of slum dwellers, with a shift towards the allotment of flats instead of plots.

The impact of R&R programmes (including in-situ rehabilitation, examined below) on slum eradication has been seriously limited by the eligibility criterion referring to a cut-off date of arrival in the settlement. Despite adjustments of this date in the long run, this principle has caused the eviction of large numbers of slum families without any compensation.

Resettlement programmes most often entail relocation in remote peripheral zones or sometimes in zones that are ecologically fragile. The long distances between the new sites and the previous ones negatively affect the access to employment and social networks, and more generally access to the city resources and opportunities (for Delhi, see Menon-Sen and Bhan, 2008). As a result, part of the allotted plots or flats have been resold by the slum families who could not afford the process of resettlement and its adverse impact on livelihoods, or they have been grasped by unscrupulous real estate agents.

In-situ rehabilitation – the example of Mumbai

In-situ up-grading or rehabilitation has been an approach recommended in several national policy documents, including the current strategy. In Mumbai, in-situ redevelopment and granting of secure tenure to rehabilitated slum dwellers was the preferential strategy in the 1990s, with the involvement of private builders as well as civil society organisations. The principle is to encourage private builders to construct multi-storey buildings for the slum families on the same site, using only part of the land, and to use the

rest of the land thus cleared for residential or commercial development on the open market, for their own profit. Additional incentives such as increased Floor Space Index and Transfer of Development Rights (TDR i.e. extra building space) are provided to the builders to cross-subsidise housing for the poor.

The first Slum Redevelopment Scheme was introduced in 1991 for slums located on private lands; it was revised and extended in 1995 to slums on land owned by institutions of the state government, with the ambition of providing 800,000 free tenements of 21 sq.m to 4 million slum dwellers. By mid 2009, about 105,000 housing units were built and occupied under the 1995 Slum Rehabilitation Scheme, accounting for around 12% of the initial objective[72]. One major difficulty was to find vacant public lands for the temporary transfer of slum families; furthermore, certain transit camps became 'permanent'. The scheme was criticized for favouring the interests of the real estate lobby (Burra, 2005), for its corruption scams and opening the doors to a burgeoning land mafia (Weinstein, 2008), as well as for creating "vertical slums".

2.4. The new strategy for "slum-free city planning"

A new strategy for Slum-Free City Planning – or the Rajiv Awas Yojana programme (RAY)[73], was initiated in 2010 as part of the JNNURM Basic Services to the Urban Poor sub-mission and the National Urban Poverty Reduction Strategy 2010-2020 (Mathur, 2009). The counterpart for towns which are not covered by JNNURM is the Integrated Housing and Slum Development Programme, that replaces the previous programmes (NSDP and VAMBAY).

The central approach of RAY is to redress the shortage of urban land, amenities and shelter that lead to the creation of slums.

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[72] Source: Slum and Rehabilitation Authority, Mumbai, Maharashtra Housing and Area Development Authority.
[73] Rajiv Awas Yojana. Guidelines for Slum-Free City Planning, Gvt of India, Ministry of Housing & Urban Poverty Alleviation. [http://mhupa.gov.in/ & https://jnnurmmis.nic.in/jnnurm_hupa/index.html (accessed on 10-08-2010)]

"RAY for the slum dwellers and the urban poor envisages a 'Slum-free India' through encouraging states/union territories to tackle the problem of slums in a definitive manner. It calls for a multi-pronged approach focussing on:

1. Bringing the existing slums within the formal system and enabling them to avail of the same level of basic amenities as the rest of the town;

2. Redressing the failures of the formal system that lie behind the creation of slums; and

3. Tackling the shortages of urban land and housing that keep shelter out of reach of the urban poor and force them to resort to extra-legal solutions in a bid to retain their sources of livelihood and employment." (GOI, 2010a: 1)

Its plan of action comprises two parts:

*   The upgrading of existing slums along with property rights, including: infrastructure provision only, or slum redevelopment/ rehabilitation programmes, or relocating of untenable slums (i.e. "those which are a 'safety' or 'health hazard' to the inhabitants or their neighbourhoods, even if redeveloped" – Ibid, 2010a: 2 & 18);

*   Action to prevent new slums, including reservation of land and housing for the urban poor.

The plan of action gives primacy to a public-private-partnership model to build affordable housing. It also promotes community participation: for each slum identified, the decision-making process regarding its redevelopment plan "should necessarily be done with the involvement of the community", "with the assistance from lead NGOs/CBOs" (Ibid, 2010a: 5 & 18).

This "new deal for the urban poor" (Mathur, 2009) involves a more comprehensive approach than the previous strategies, but the way in which it would be implemented, beyond its 'good' intentions, remains to be followed up. Although rental housing is envisaged, the focus on home ownership and its financial modalities raise concerns already evoked: the contribution and regular monthly instalments, to pay back housing loans, which are expected from the slum families may eventually result in excluding the poorest from the programmes, with a capture of the housing schemes by higher income groups (as observed in previous schemes targeting the lower income groups). Regrettably too, this policy document does not tackle some issues specific to squatter settlements, which stems from the interference of the judiciary.

2.5. The changing role of the courts vis-à-vis slums and squatters

India has an independent judiciary system, and the courts have emerged as an increasingly important actor in urban governance, especially through the Public Interest Litigation (PIL) procedure. Until the 1990s, the courts often passed stay orders that prevented forced evictions of slum dwellers (Ahuja, 1997) or passed judgements showing some understanding for the living condition of the poor and the responsibilities of municipal authorities, that summoned the latter to provide civic services to slum dwellers (Ghertner, 2008). Significantly, "the Supreme Court of India has (…), in various judgments, upheld the right to housing under the ambit of the right to life, the right to life with dignity, the right to clean drinking water and the right to livelihood."[74] (Kothari et al., 2006: 17). Under the Constitution of India, the right to shelter is indeed recognised as a fundamental right, which springs from the right to residence under Article 19(1)(e) and the right to life under Article 21.

Reversing a span of progressive judgments, the Supreme Court and high courts have later passed a number of anti-poor sentences. Over the last decade, "judgements of the Indian judiciary have contributed to the violation of housing and land

[74] Francis Coralie vs Union Territory of Delhi, 1981; Chameli Singh and others vs State of UP, 1996 ; Olga Tellis vs Bombay Municipal Corporation", 1985 (see Box 16).

Box 16. Some significant court cases in Mumbai and Delhi

In the 1980s, the "Olga Tellis vs Bombay Municipal Corporation" case (1985) marked a milestone. It took place in a context where human rights movements and the campaign for housing rights influenced the mobilization of civil society against forced evictions (Banerjee 2002). 'Olga Tellis' was a PIL case brought to the court in the defence of pavement dwellers' rights to secure a place to live in. The judgment of the Supreme Court recognized the basic right to shelter of the slum and pavement dwellers as well as the right to livelihood as an integral part of the right to live, acknowledging also the necessary connection between place of residence and livelihoods for pavement and slum dwellers. But the right to shelter and livelihood was set up in competition with the right of pedestrians to use the pavement as a footpath, and given precedence. The Court further stated that the squatters' homes could not be demolished during the rains and without adequate previous notice. Although the provision of alternative sites before eviction was not made mandatory in the order, it affected the implementation of slum policies in Mumbai in this direction.

The discourse of the courts hardened in the 2000s. Some judgments passed, especially in Delhi, have contributed to reinforcing the perception of slum dwellers as squatters, culprits of encroachment, evoking even the image of slum dwellers as pickpockets, without recognizing them as victims of failure in housing policy and urban development. The slums were then re-attributed as the source of problems and as a nuisance, and the "new nuisance discourse" used as "the primary mechanism by which slum demolition take place at present" in Delhi (Ghertner, 2008). The intervention by the judiciary in the last 18 years has undermined the Delhi slum policy to a large extent. In 1993, leasehold tenure for resettled squatter families at relocation sites was proscribed by a decision of the Delhi High Court, and to be replaced by a license system. Some key judgments, in the Almitra Patel vs Union of India case (Supreme Court, 2000) and the Okhla Factory Owners' Association vs Government of NCT of Delhi case (Delhi High Court, 2002), further denied the obligation of the state to provide resettlement alternatives to the evicted families (Ramanathan 2006; Dupont and Ramanathan 2008).

In many cases the intervention of the courts was a response to petitioners representing the interests of industrialists or welfare resident associations, or more generally of upper and middle income groups, who put forward environmental and sanitation considerations through public interest litigation and asked for the removal of neighbouring slums, thus exacerbating the antagonism between the housing needs for the poor and the aspiration for a "clean and green" Delhi.

The intervention of the judiciary in favour of slum clearance proved to be more decisive in Delhi – the capital city, seat of the Central Government as well as the Supreme Court. Nevertheless, some recent judgments by the Delhi High Court showed more consideration for the plight of the slum and pavement dwellers. For instance, in the Jagdish and Others vs Delhi Development Authority (DDA) case (Delhi High Court, 2006), the judgment recalled the international binding instruments for the Indian State and the obligation of the human settlement policies to be in conformity with the international legislation; it further stressed:

- the statutory obligation of DDA to provide housing to the EWS as per the stipulation of the Master Plan for Delhi;

> - the failure on the part of DDA to perform that statutory duty;
>
> - and the entitlement of the EWS residents whose homes were demolished to be considered for allotment of a plot or a housing unit.
>
> Last but not least, civil society organisations welcomed the "path breaking" judgment in favour of slum dwellers delivered by a division bench of the Delhi High Court on February 12, 2010 in the case Sudama Singh vs Government of Delhi and other connected matters. Dismissing the argument of the Delhi Government and the Municipal Corporation of Delhi that these jhuggi dwellers did not deserve to be relocated as they had set up their jhuggis on public roads and thus violated the 'right of way', the bench stressed that "jhuggi dwellers are not to be treated as secondary citizens. (…) They are the citizens who help rest of the city to live a decent life, they deserve protection and the respect of the rights to life and dignity which the Constitution guarantees them". This judgment challenged other judgments by the same court, pointing to a conflict of judicial views.

rights, especially of the poor", as denounced by housing rights movements (Kothari et al. 2006: 43; COHRE, 2008). Nonetheless, views that are more favourable to the right to shelter for the poor reappeared in some recent judgments (Box 16).

3. Current Political and Academic Debates – Policy and Research Questions

3.1. Which conditions for effective housing and slum policies?

There is a consensus to recognize that, till date, the poorest sections of the population gained very few benefits from the urban strategy that has been implemented since the 1990s. Thus, at the end of the Tenth Five-Year Plan (2002-2007), "99 per cent of the housing shortage of 24.7 million (…) pertains to the EWS and LIGs" (GOI, 2007: 3). There are however diverging views regarding the most appropriate way to overcome the housing shortage and the slum problem.

Which role for the market?

The underlying neo-liberal agenda of urban and housing policies (including RAY), and the emphasis on market forces, has been criticized by some civil society organisations and researchers (HIC-HLRN 2009; Mahadevia, 2006 and 2009,

Nijman 2008). They denounced the tendency of the state to pull back its role and responsibility regarding provision of land and housing for the economically weaker sections of society. In contrast, other academic circles advocate an even stronger role for the market (Annez et al., 2010). They argue that government intervention should make the market operate better and recommend measures to facilitate (i) private provision of dwelling units of lower standards affordable for slum dwellers; (ii) removal of regulatory constraints on land use; (iii) removal of barriers of titling and conversion of rural to urban land; and (iv) the clarification of property rights on frozen land.

Besides, the provision of free or highly subsidised housing for slum dwellers is criticized for creating perverse incentives. Appropriate community contributions in slum R&R is a principle which is also supported by some civil society organisations, such as the Mumbai based 'Alliance', in order to promote a more sustainable solution, and as a mechanism to strengthen the community's empowerment, its community binding, self-respect and responsibility (Burra, 2005: 79).

Yet with regard to slum rehabilitation, depending too heavily on the private sector does not seem a tenable option, as the success of schemes using land as a resource relies on very high land prices.

When the real estate market stagnates or goes down, this type of investment is not attractive anymore for private builders. Moreover, in the case of in-situ redevelopment, builders are interested only in certain lucrative locations (Nijman, 2008).

Therefore, others such as Rakhi Mehra, co-founder of Micro Home Solution (www.microhomesolutions.com/), advocate a portfolio of housing solutions, including dormitories and rental, each with user contributions and based on ability to pay, rather than the "one-size-fits-all allotment model". The argument is that only a variety of solutions can address the diverse needs of the urban poor, which are a highly-segmented group. In other terms, affordability and diversity should be combined.

Slum upgrading: problem or solution?

The argument in favour of slum upgrading could be summarized as follows. Slum settlements should be considered as habitat developed by the urban poor and for the urban poor, to support their livelihoods and living. Thus public policy should work to improve the conditions of this habitat, and aim at facilitating these processes instead of disturbing them. The investment made by the urban poor should not go to waste (see, among others, Our Inclusive Ahmedabad, 2010, Box 17).

Yet, there is legitimacy in the criticism of an approach that attempts to make slums a permanent feature of the cityscape: such an approach actually obliterates the distinction between the problem and the solution (Dewan Verma, 2002; Dupont and Ramanathan, 2009). Slums have no place within the concept of a planned city. The existence of slums is, then, an index of failure in the planning or execution of the plans. The under-achievement in generating housing stock for the EWS suggests that non-execution of the housing programme is one

identifiable reason for the proliferation of slums; and upgrading *in situ* would only make permanent the problems with the failure of planning, or execution of plans, for the city. In this view, the problem is then presented as the solution. This would discharge the state from its responsibilities, and would relegate residents of slums to conditions of living that are lower than would be admitted into any rational plan; moreover, it would perpetuate the extremely unequal access to land by the urban poor.

The divergence of arguments also highlights the complexity of slum-related issues, which require answers in the short and long-term.

3.2. Cumulative impoverishment generated by forced evictions

The effects of forced evictions[75] that accompany the slum clearance policy and R&R programmes raise serious concerns and questions that policy makers must not ignore. The lack of secure tenure in most slums or, in other words, the exclusion from the "legal" city, entails a risk of eviction leading to inadequate resettlement or homelessness, urban nomadism and further impoverishment. The most vulnerable are those families who are denied access to R&R programmes. With the destruction of the living space, several dimensions of impoverishment may combine or jointly strengthen each other, especially in homeless situations. The waning of any type of asset (human capital affected by early school drop-out, for example) can affect another type of asset in the future (financial, due to declining incomes) and thus compromise capabilities. In addition to the loss of the house and material belongings, forced eviction may entail cumulative effects through losses of rights and chain deprivations: deprivation of resettlement and rehabilitation entitlement, loss of house and address, loss of civic rights, bar to gain access to certain jobs or schools, and/or loss of actual or future incomes. All these jeopardize

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[75] Following the United Nations' human rights approach, forced eviction is defined as "the removal of individuals, families or communities from their homes, land or neighbourhoods, against their will, directly or indirectly attributable to the State" (OHCHR-UNOG 1996: Introduction).

the right to the city and the right to live with dignity. From tolerated squatters, the non-rehabilitated displaced families become second-class citizens and illegal city-dwellers.

Yet, slum families who could "benefit" from a resettlement scheme also suffer from the loss of livelihoods in relocated sites, usually situated on the city outskirts. Most often, and contrary to the principles stated in policy documents on slums, adequate urban services and infrastructure do not precede the resettlement of families and may take several years to be put in place. Impoverishment occurs because of the remoteness of urban resources and the lack of access to basic urban services and social facilities on the site, including health care and adequate schools. This shows the failure of planning, or the negligence of the public authorities' towards these settlements. Additional costs thus include increased transportation costs, increased housing and maintenance expenses (including electricity and water bills), loss of jobs or lack of increase in salaries while expenses rise. Consequently, although resettlement programmes may strengthen the right to gain access to a secure place to live, on the other hand, they tend to erode the rights to economic and socio-cultural opportunities. This ensues from a restricted approach that treats housing in isolation, whereas there is a need to look at socio-economic and livelihood issues in an integrated manner.

Heavy losses and expenses following evictions affect all households in demolished slums, irrespective of whether they are entitled or not to a resettlement programme. In addition, excluded families that remain in an illegal situation by squatting once again in vacant plots, or by living on the pavements (because of their lack of means), expose themselves to the risk of further evictions. Repeated demolitions or acute residential insecurity promote processes of marginalisation, nomadisation and pauperisation, that reveals the inability of evicted families to rebuild their lives over time and recover from the shock of demolition (Dupont, 2010).

The processes analysed above question the "treatment" of slums and squatter settlements by governments and local authorities: in addition to these adverse effects, especially on children, the question raised is whether this treatment has in fact, deepened exclusion? Although policies may mention inclusiveness in their objectives, they generate new forms of exclusion through other mechanisms. Exclusion mechanisms stem, first of all, from the very design of most R&R programmes in urban areas, specifically their eligibility criteria: the application of a "cut-off" date of arrival in the settlement; and the financial contribution required from households. This restricted entitlement to R&R constitutes an obstacle to a sustainable response to the housing need of the urban poor. Secondly, de facto rights are further restricted by other exclusion mechanisms, which stem from the conditions under which the programmes are implemented, and result in the exclusion of a number of eligible families as well (Dupont, 2010). The exclusion of tenants from slum R&R schemes is also a common phenomenon. In fine, the process of rehabilitation or resettlement is not equal for all.

The destruction of squatter settlements without adequate rehabilitation leads to fresh illegal occupation of land, or to the expansion or densification of existing slums. This chain process has been quite common in Indian cities. Far from being urban poverty eradication programmes, slum clearance policies remain limited to being policies for the eradication of the symptoms of housing poverty in the most visible urban spaces. In fact, they further impoverish the large number of slum-dwellers who are excluded from R&R programmes. This questions the foundations of such public policies and the conditions of their implementation.

In the context of Indian cities, the "Slum-free City" slogan raises different expectations for different people: for the poor, this is the promise of better living –especially housing– conditions; for slum dwellers with no tenure rights, it evokes a threat of demolition without proper rehabilitation; for the real estate lobby and builders, there is an

expectation that the lands cleared from slums will be replaced by private housing estates, with a relaxation of regulations; and for the urban middle-classes, "Slum-free City" means getting rid of the sight of slums and ensuring their own comfortable living in a sanitised city. Furthermore, the word "slum" itself "is also dangerous because it confuses the physical problem of poor quality housing with the characteristics of the people living there" (Gilbert, 2007: 697), and is subsequently conducive to the undertaking of worst practices in relation to slum evictions.

3.3. Identification of "worst" practices

Reports prepared by the Housing and Land Rights Network (http://www.hic-sarp.org/), the National Human Rights Commission, the National Forum for Housing Rights, Indian People's Tribunal on Environment and Human Rights (www.iptindia.org), the Centre on Housing Rights and Evictions (www.cohre.org) provide numerous illustrations of bad through to worst practices, involving violations of humans rights by the Indian state, in the context of slum demolitions and forced evictions, or police harassment of houseless people, and in contravention of international laws. Such violations concern "not just the human rights to adequate housing, but also the human rights to livelihoods, health, education, water, food, culture, and the right to live with dignity", the situation being much worse for women and children (Kothari et al., 2006: 57). To summarize, the state's worst practices include repeated demolitions without any alternative option provided, without prior notification as mandated, without sufficient time given to the people to save their belongings before their houses are destroyed, and above all with the use of violence, including cases of setting fire to facilitate demolition.

This catalogue of violations of rights would not be complete without mentioning the context of the 2010 Commonwealth Games in Delhi: in addition to forced eviction from slums (HIC-HLRN, 2011), anti-beggary laws (such as the Bombay Prevention of Begging Act, 1959) were used against homeless people, in order to 'clear' the city from their sight before the international event, which entailed arrests, detention in "beggar homes" similar to jails, and deportation outside the city – in short a clear denial of access to the city for the homeless, which was denounced by national as well as international NGOs and human rights organisations (Hazards Centre, 2010; HIC-HLRN, 2010; Amnesty International[76]).

4. Initiatives Aiming at a Better Inclusion of Slum Dwellers in the City

Civil society organizations (CSOs) have been active in defending the rights of slum dwellers and the houseless, to make their voice heard, help them improve their living conditions and access to Resettlement and Rehabilitation (R&R) programmes, with however mixed results with regards to forced evictions. Other interesting initiatives have also emerged from the social enterprise sectors, from the funding agencies as well as from the government.

4.1. Human rights and housing rights movements

Some organizations –such as Habitat International Coalition–Housing and Land Rights Network, the National Forum for Housing Rights– articulate their actions through denunciations, protests and advocacy under the paradigm of human rights. They use the human rights framework that flows from the Indian Constitution (see above) and from the international human rights binding instruments that India has ratified, especially the International Covenant on Economic, Social and Cultural Rights that elaborates in the most comprehensive way the right to adequate housing and explicitly precludes the practice of forced evictions. Noting

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[76] "India must address forced eviction and other human right abuses in Delhi during the Commonwealth Games", Amnesty International Statement, 4/10/2010 (AI Index: ASA 20/029/2010), London.

that "*de jure* ratification of international legal instruments has not substantively translated into improved housing and living conditions nor quelled the pattern of forced evictions", they further denounce *"the vast schism between existing legal entitlements and the social reality of housing conditions in India today"* (Kothari, 2003: 6). In other words, their endeavour is to make formal rights real, i.e. to transform them into substantive rights.

The Asian Coalition for Housing Rights, a network of grassroots organizations and NGOs, has also played a significant role since the end of the 1980s. Promoting community-to-community exchanges as a peer learning process, experiences and knowledge were shared through the network, such as the:

> "formation of saving and credit groups of low-income women, (…) community-driven enumeration of local residents, surveys and mapping of slums, model houses as a mean of creating norms and standards that the poor themselves recommend to city decision makers, and negotiations with municipalities and local governments for secure land tenure, housing and infrastructure. These activities were designed to build community-based organisations of the urban poor. (….). Innovative and charismatic activities (…) were replicated and institutionalized as a strategy" (Patel et al., 2001: 47 & 56).

The Indian Alliance of an NGO, the Society for the Promotion of Area Resource Centre (SPARC) and two grassroots organizations, the National Slum Dwellers Federation (NSDF) and Mahila Milan (a decentralized network of savings' collectives formed by women and pavement dwellers)[77], was particularly active in this network, and the above strategies have been implemented in Mumbai and some replicated in other Indian cities too (Boxes 18 & 20). This movement gained recognition by international institutions. The 'Alliance' also gained visibility in the academic world through

its regular articles in the journal *Urbanization and Environment* (Burra, 2005; Patel et al., 2001, 2002, 2009; Arputham and Patel, 2010).

4.2. Civil society organizations' mobilisation

Some initiatives aim first at more transparency and providing a space for people affected by forced displacements to voice their opinions, protests and suggestions. The public hearing on habitat and livelihood displacement in Ahmedabad illustrates the same (Box 17). The types of actions and protests organised by CSOs against slum demolitions and inadequate resettlement also include public meetings, rallies, sit-ins, the holding back of the demolition squads, petitions with collection of signatures, legal petitions filed in the courts and also awareness campaigns (such as, in Delhi, the Campaign for the Right to Live with Dignity launched by Delhi Shramik Sanghathan, the Jagori-led "Stop eviction campaign", and, in Mumbai the "Ghar bachao ghar banao Andolan" – 'Save home, build homes' movement), all of which can create empowerment and capacity building among affected people.

In Mumbai, the introduction of the Dharavi Redevelopment Plan in 2004 under a public-private partnership raised a strong opposition movement:

> "activists from Dharavi's residents' associations, community-based organizations and other civil society groups have sought to engage the authorities in dialogue to address its many critical deficiencies. There has been some successes – for instance, the setting up of an expert committee with civil society representation by the officer in charge; acceptance of the need for a comprehensive household survey, and discussions about a more decentralized community-driven upgrading" (Arputham, Patel, 2010: 501).

CSOs' mobilisation in this city further exemplifies initiatives aimed at strengthening community participation in the context of partnerships

Urban Policies and the Right to the City in India :
Rights, Responsibilities and Citizenship

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[77] For further information about the "Alliance" (as it is called in short), see: http://www.sparcindia.org

developed in the 2000s between the local government, NGOs, CBOs and the private sector in slum R&R programmes. The NGOs, that initially came into play to compensate for government apathy in providing urban amenities and to help slum dwellers to fight against demolition and to access better resettlement conditions, got involved as developers in R&R schemes (Boxes 18 & 19).

Some key lessons emerged from these experiences, namely –

 "the importance for low-income households and their communities of being organized and, if they have to be resettled, of being able to engage in the development of their resettlement and relocation (including its location) and to have a major role in determining the actual logistics of the move. Low-income settlements need strong, representative community organizations that can negotiate resettlement programmes that are acceptable to their members; that can make sure that provisions are made for

everyone affected by the resettlement, and that can oversee the move and be there to cope with difficulties in the site to which they move" (Patel & al., 2002: 170).

The role of NGOs and CBOs in coordinating the slum dwellers resistance and setting the conditions of their R&R proved rather effective in Mumbai, where pro-poor activists, including charismatic figures of the intelligentsia (Box 19) contributed to the campaigns' success. As a result, slum dwellers are better organised and armed – as compared, for example, to their Delhi counterparts – to negotiate with other stakeholders, public as well as private, and assert their basic rights (Dupont & Saglio-Yatzimirsky, 2009; Kumar 2008). This also highlights the diversity of urban contexts.

Some experiences of resettlement described in this section underline the realignment of roles between state agencies and Non-Governmental Organizations (NGO) and Community-Based Organizations (CBO) with a critical engagement of the latter in partnerships where the role of

Box 17. Public hearing on habitat and livelihood displacement in Ahmedabad

A forum, named "Our Inclusive Ahmedabad" was set up by concerned citizens of Ahmedabad. It included members of the slum communities and street vendors' groups, individuals working with the urban poor through NGOs, human right activists, academics, business people, entrepreneurs and lawyers. The Forum organised a public hearing on December 19th, 2009, to bring to the fore the various issues of urban development and displacement as experienced by the poor of the city of Ahmedabad, and also to generate ideas on alternatives in urban development that would include the lives and livelihoods of the poor. Before holding a structured public hearing, a jury of nine prominent residents of the city visited the people affected by displacements and held discussions with them to undertake a comprehensive view of reality. About 600 people participated in the public hearing to which government representatives were also invited.

This was the first such city level consultative process held in the city in the last two and a half decades. The depositions were collected in two segments: the first one focused on the stories of the victims of the displacements; and the second one involved presentations by specially invited people, on the possibilities of taking care of the poor in the city's development projects.

The jury's verdict included several conclusions the relevance of which goes beyond the context of Ahmedabad city and could be treated as general policy recommendations.

Sources: Our Inclusive Ahmedabad (2010) [URL: http://www.spcept.ac.in/download/cuemisc/Public-Hearing-Report-2010.pdf]

> **Box 18. Displacement from the railway tracks in Mumbai: an example of people managed resettlement**
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> The improvement of Mumbai's rail transport is one component of the Mumbai Urban Transport Project, funded with a loan from the World Bank, with the Mumbai Metropolitan Regional Development Authority (MMRDA) as the project implementing agency. The project entailed the displacement of low-income squatter settlements situated along the railways tracks. The MMRDA entrusted the NGO SPARC and its Alliance partner, the CBO Railway Slum Dwellers Federation (RSDF), to monitor the R&R scheme.
>
> The displacement of 60,000 people was carried out without coercion, between April 2000 and June 2001, first to transit accommodation and later to housing built by the Mumbai Housing and Area Development Authority. The long term engagement of SPARC and RSDF in mobilizing slum dwellers on railway lands since the 1980s and in supporting women to set up saving groups for relocation housing, proved to be crucial to quickly manage the resettlement process. The resettlement programme was thus underpinned by strong levels of community organization among the population to be relocated, including active women's participation. The community involvement consisted of: preparing the baseline socioeconomic survey of households to be moved (including hut-counting, rough mapping, numbering and a cadastral survey, a household survey and settlement profile), designing the accommodation into which they moved, and managing the relocation process, including the allocation of housing units, with a particular consideration for the regrouping of households. In the resettlement site attention was given to minimizing the costs for those who were relocated.
>
> Importantly, the World Bank's clear R&R policy compelled the railway authorities to abide by these guidelines as a condition for obtaining the loan they needed to modernise their system.
>
> *Sources*: Patel, d'Cruz C. and Burra (2002); Banerjee (2010).

the state is that of a "facilitator" – a position advocated by the Alliance. However, "the participatory approach is not an instant fix and takes long to take root and be effective, especially in a large heterogeneous population and with divergent interests" (Banerjee, 2010). In addition, in such a model of NGOs' intervention, there is a risk of blurring the roles of the various actors involved in slum R&R policies, and of introducing new vested interests (Dewan Verma, 2002). NGOs may also lack the necessary strengths and skills to endorse the increased responsibilities transferred to them. This concern was indeed stressed by the World Bank Inspection Panel (2005) as regards the implementation of the resettlement component of the Mumbai Urban Transport Project. Furthermore, the issue of eligibility criteria –the cut-off date that excludes many dwellers from the R&R programmes – remains un-addressed even in the successful

experiences of resettlement monitored by NGOs and CBOs. Working within the state policy framework, Civil Society Organizations' involvement in Resettlement and Rehabilitation programmes cannot achieve an entirely inclusive pattern.

The challenge is to scale up some of the good initiatives and practices at a level where it can influence policies and thus have a larger impact, while recognising at the same time that a single model and uniform packages are not likely to work – as suggested also by other ventures.

4.3. Initiatives by "social enterprises"

In the sector of "social enterprises", some initiatives aim at providing affordable housing options, such as "Micro-Home Solutions" who insist on the need to conceive a range of options to meet different needs

Box 19. The Chandivali resettlement project in Mumbai

This is an example of a resettlement process in Mumbai monitored by an NGO, Nivara Hakk Suraksha Samiti (NHSS), in the context of the eviction of slum dwellers from Sanjay Gandhi National Park (SGNP), following an order of the Bombay High Court in May 1997 in a PIL. Using the clout of its chairperson, a famous actress and former Member of Parliament, the NHSS approached the Government of Maharashtra and its Chief Minister to find an alternative site. Simultaneously, a private builder (Summer Corporation), proposed a piece of land for a resettlement project in the suburb of Chandivali, 10 km south of the SGNP. This 89 acre plot, located along a hilly scrub land, was at that time rented to a private quarrying company and had already raised controversies over its development potential as a residential zone.

The Housing Minister brought together the NHSS leaders and Summer managers, who agreed upon the construction of 25,000 flats of 21 sq.m, out of which 12,070 would be for the Park's slum dwellers. NHSS acted as the developer and its leader as the project's architect. The proposal was accepted by the High Court in 2000. The name of the resettlement complex, Sangarsh Nagar (the village of the struggle), reflects NHSS' vision of an achievement for the slum dwellers after years of judicial struggle.

The housing project was financed through the allotment of TDR to the builder, to subsidize free flats for the relocated families. The involvement of the NGO NHSS in the project was omnipresent in each and every step of the process, from the legal struggle and the survey of eligible families to the drawing of blueprints and the monitoring of construction; initially NHSS acted as the developer of the project. The monitoring and control of the slum dwellers' eligibility documents by forest officers took place within the NHSS welfare centre and under the NGO's supervision. In contrast, the role of the Slum Rehabilitation Authority (SRA) was limited to a few controls carried out by its engineers.

The relocation site is closer to the historical centre of Mumbai than the original slums, which is a unique feature for a resettlement project in this city. The construction of the complex started in 2005. The quality of construction for the blocks of flats and the provision of amenities planned by NHSS were far higher than the standards required by the SRA. However, in 2007, strong disagreement arose between NHSS and the private builder, who did not find it profitable and necessary to deliver such high quality construction for a slum rehabilitation project and finally appointed its own architect. Subsequently, the plans were considerably modified and the second lot of flats are of a lesser standard as compared to the first 5000 flats delivered according to NHSS plans.

This experience highlights the importance of NGO involvement, but also of political connections, in order to be able to propose an alternative resettlement project better suited to the needs of displaced slum dwellers – notwithstanding the environmental hazard. But it also shows the limits of the NGO's power to promote an improved housing model against the diverging financial interests of the private builder, in the constraining framework of public-private partnership scheme under the SRA.

Source: Vaquier (2010).

Box 20. Experiences with surveying and mapping Pune and Sangli slums on a geographical information system (GIS)

The NGO Shelter Associates and Baandhani ("building together"), an organization of women and men slum dwellers, worked together to collect information on each household in slum settlements in Pune and Sangli (Maharashtra) and to map this, along with infrastructure and service provision and each slum's position within the city. This permitted data on slums to be superimposed on these cities' development plans, by using a GIS. This provides an important information base for improving infrastructure and services within slums and for integrating slums into city-wide planning.

There are contrasting experiences in the use made by the two local governments of this information. In Pune the slum census project was stalled because of little interest among the municipal officers and engineers, strained relations between administrators, and ultimately because the Municipal Corporation stopped its funding. In contrast, in Sangli the municipal officers and engineers participated in the survey, and the involvement of the local government proved to be a key factor for the success of the experience.

This shows that the involvement of all three partners –the communities, NGOs and government– is essential to ensure the inclusion of slum settlements in mainstream urban planning and development.

Source: Joshi, Sen and Hobson (2002).

(www.microhomesolutions.com). Evoking its "traditional social responsibility", the international Lafarge Group has also shown some interest in "projects to enable poor people to access to a higher quality habitat" as evidenced by a study recently sponsored by the Group – Affordable housing in India: Need and emerging solutions (Escale Responsable, 2010). Yet, these initiatives indicate a shift towards considering the poor as a market. They will involve loan instruments and thus create dependency on financial institutions; therefore, it raises concern about the main beneficiaries of this potential window of opportunities.

4.4. Monitoring by funding agencies

The international funding agencies (such as the World Bank and the Asian Development Bank) had influenced R&R policies in India, as their conditionality includes directives for adequate rehabilitation of the affected population. For example, the Operational Directive 4.30 of the World Bank (1990) stipulates the following rules: involuntary displacement should be avoided or minimised; when it is unavoidable, a resettlement plan should be included in the initial project; community participation in planning and implementing resettlement should be encouraged; land, housing, infrastructure and other compensation should be provided to the affected population.

In 1993, an inspection panel was created as an independent mechanism to ensure accountability in Bank operations with respect to its policy and procedure; it intervenes on request of the affected people. In the Mumbai Urban Transport Project implemented by the MMRDA, the Bank suspended its funding based on the inspection panel report set up to investigate complaints to the Bank by project-affected population. The Panel found that most of the complaints were justified (World Bank Inspection Panel, 2005). Thus, operation directives of the World Bank and the Inspection Panel provide a commendable safeguard

mechanism to promote a resettlement process that is more respectful of the project-affected people's interests, as well as an evaluation mechanism allowing drawing lessons. Due to these safeguards, the Bank-financed projects often provide more guarantees for the affected people than other urban operations not financed by the Bank and involving forced evictions. This may create a discrepancy of treatment among the inhabitants of a same city, as in the case of Mumbai (World Bank Inspection Panel, 2005).

4.5. Government initiatives

E-governance may be a promising tool to promote better access to information and better transparency through the net. For instance, the recently established Delhi Urban Shelter Improvement Board, in force since July 2010 under the Government of the NCT of Delhi, posts on its website (http://delhishelter.nic.in/) a series of documents, including lists of allotted plots under resettlement schemes, lists of cancelled plots, important circulars, etc. Yet, sharing information and transparency are far from being the norm in urban projects, especially before their implementation. Thus, for the Mumbai Metro Rail Project–phase II, no information was shared even under the Right to Information, as it was refused with the argument that "sharing information would be a threat to the security of the nation".[78]

The "Peer Experience and Reflecting Learning" (PEARL) under JNNURM also deserves mention. It is presented as an initiative "to support cities to actively pursue activities in implementation of projects and reforms" (…) "It is felt that cities identified under JNNURM, can network amongst themselves for cross learning and sharing of experiences, hence effectively managing their cities" (www.indiaurbanportal.in). This initiative includes on-line documentation of "best practices" in the field of housing for the poor, urban renewal and R&R. But what is presented as "best practices" from the point of view of the

urban authorities and implementing agencies may not be perceived in the same way by other stakeholders, especially the project affected persons. For instance, the Sabarmati River Front Development Project in Ahmedabad (launched in 2004) is documented on this portal as a best practice of urban renewal, while the findings of a seminar and a public hearing (Box 17) held in 2009 on development induced displacements evidenced, in contrast, many flaws and unsolved issues. As a step towards more comprehensive knowledge, the PEARL initiative could be improved by opening up a space for discussion, including contested views, on its website.

5. Barriers to Achieve a Better Inclusion of Slum & Pavement Dwellers

Different types of barriers and limits can be identified:

The first limit is institutional; it results from the distribution of power and responsibilities between the federal government and the state governments. The latter are in charge of land administration, including urban development and housing, but "the oversight exercised by the federal government is insufficient to ensure effective implementation of the existing strategies and policies to ensure the right to housing for all" (HIC-HLRN, 2009: 9); it is also insufficient to ensure that all the commitments of the Indian State ensuing from the ratification of international conventions and covenants are respected.

Social barriers prove to be very strong: class prejudices and existing stereotypes include perceptions of slums as centres of illicit activity, and slum dwellers as squatters, encroachers or criminals, thus as illegal residents as opposed to lawful citizens (Dupont and Ramanathan 2008; Kothari et al., 2006). Such perceptions, shared by the police, municipal officers and urban authorities, generate contempt and violence

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[78] "India: Slum Dwellers Protest No Say On Mumbai Metro Phase II", 13 May 2009, http://www.sacw.net/article912.html

(Baviskar, 2003) and affect the poor migrants in general. They also pervade the discourse of urban governance: as long as the slum dwellers are perceived as illegal, they will not be considered as deserving recipients of the benefits of public policies.

The lack of accurate and updated knowledge about slum dwellers, and even more about pavement dwellers and houseless people, contributes, on the one hand, to prejudices and biased perceptions and, on the other hand, to the urban authorities' policy blindness.

In the planning of the city there are conflicting interests between all stakeholders, including divergent interests among the large and heterogeneous populations of slum and pavement dwellers. Their lack of empowerment and mobilization to push their cause along with conflicting uses of space, all these factors hinder a better inclusion of slum and pavement dwellers in the urban planning process.

Several deficiencies in the programmes for urban poverty alleviation have been already identified (GOI-Planning Commission, 2002; Mathur, 2009: 29-30). They include: frequent changes in the make-up and composition of the programmes, without, however any systematic evaluation; the failure of specific provisions in municipal laws for dealing with issues relating to the urban poor and the slums; a lack of capacity building mechanisms for municipal bodies; continuing uncertainty regarding institutional arrangements for slum improvement programmes and the lack of a coordination mechanism between local urban bodies along with an overall inability to provide a "place for the poor in the town planning process". To this can be added the capture of slum R&R programmes and housing schemes meant for EWS and LIG by higher income groups; and, not insignificantly, as the problem of corruption in the implementation of the programmes. To some extent, many of these deficiencies reflect a lack of commitment and the absence of political will.

6. Policy Recommendations[79]

- Housing and slum policies should be based on a proper understanding of the processes of urbanization and migration toward the cities, as well as of the links between the development of informal settlements and the lack of affordable and adequate housing for the lowest income groups. The vital connection between the habitat of the urban poor and the access to their means of livelihood should also be taken into consideration. Therefore, R&R programmes and housing policies in general should be articulated to facilitate the access to employment opportunities, urban services and social amenities. Consequently too, the habitation of the urban poor should be well connected with affordable and efficient public transport systems.

- The deficiencies in urban poverty alleviation programmes should be addressed. Priority should be given to increasing land and housing supply for the urban poor, including public housing schemes. This should be supported by mechanisms to prevent the capture by higher income groups or the land mafia, and for controlling real estate speculation. Legislative backing for the allocation of land to the urban poor would be necessary. The earmarking of a significant share of the land and housing supply in public as well as private layouts/housing projects to EWS and LIG should be made a precondition to benefit from funds under the RAY programme.

- Housing policies should encompass a range of options, including dormitories, short- to long-term rental housing units, and not focus mainly on access to home ownership. They should also take into consideration historical, cultural and social realities. To address the specific and immediate needs of the homeless, sufficient and adequate shelters should be created, including separate shelters for women and children. However, this has to be understood

[79] This section includes some of the policy recommendations formulated by human right movements (such as HIC-HLRN) and civil society organisations (such as Our Inclusive Ahmedabad).

as emergency measures to avoid further impoverishment. It cannot be a substitute for poverty alleviation policies which must address the roots of the problem and encompass both rural and urban areas and their linkages.

- Although the diversity of needs has to be recognised, slum and housing policies should be based on the notion of universal entitlement and citizenship. Therefore, security of tenure should be provided to all slum dwellers, irrespective of their date of arrival in the city.

- Specification of a "cut-off date" of arrival in the settlement as an eligibility criterion for R&R programmes should be eliminated. This is not based on any substantial rationale and creates different citizenship's entitlements in terms of rights to housing. Moreover, cut-off dates can sanction the demolition of houses thereby disenfranchising many vulnerable urban residents and generate further exclusion and impoverishment.

- More transparency and accountability and a truly participatory process at every step, with various stakeholders, should be embedded in urban policies and the implementation of urban projects. In the case of projects entailing displacement, an "eviction impact assessment" should be undertaken which includes social environmental and economic impacts, before any eviction is carried out.

- When displacement is unavoidable, the government must establish appropriate procedural safeguards in accordance with international law and international human rights standards.

- Human rights education and vocational training is essential at all levels - this would include present and future policy makers, town planners, police forces and officers in urban local bodies - in order to fight against prejudices vis-à-vis the urban poor and slum dwellers, to recognise their due place in the planning process and in policies, and to promote human rights consciousness. Outdated legislation like the Bombay Prevention of Begging Act of 1959, and other analogous laws, should be abolished, as they effectively criminalize the poor and the homeless and are used against them. Training in schools of planning and architecture should also pay more attention to low-cost housing, to be designed in consultation with the concerned residents.

- Responsibilities: Ensuring the right to adequate housing is not only a matter of public policies, but a shared responsibility of the state and the civil society. The latter can contribute to this task by seeking redress when necessary and using a human rights framework to that end.

Urban Livelihoods:
the City versus the Informal Economy

Sharit Bhowmik, Marie-Hélène Zérah and Basudeb Chaudhuri

In the last two decades Indian cities have witnessed significant structural changes with de-industrialization in larger cities and the shift towards the tertiary sector and widespread urban restructuring and renewal projects. The performance and expansion of labour markets are perceived as essential for the reduction of poverty and inequalities and the promotion of inclusive growth. Concerns regarding underemployment, labour informalization and increased inequalities make it necessary to look at how these transformations impact on the quantity and the quality of employment.

The focus chosen here is on the informal economy for two main reasons. Firstly, in 2005, 72% of the total number of workers in urban areas were carrying out their activities in the informal (or unorganized) sector[80]. Secondly, the new urban policy regime's rising hostility (or ignorance)

towards the informal economy deeply threatens urban livelihoods, and consequently the right to the city, of large sections of the urban population.

1. The Facts

The larger concern around India's jobless growth does also apply to the urban economy. The employment growth rate grew in the middle of the 2000s, apparently indicating a reversal of the jobless growth that characterized the post-liberalization period, but the latest figures show a return to the previous trend which, according to Himanshu (2011), confirms the worrying disjunction between economic growth and job creation. Underemployment and lack of decent jobs is a negative feature of urban labour markets.

Moreover there is an undeniable trend towards increasing informalization of the economy

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[80] We use interchangeably informal/unorganized workers and we follow the definition of unorganized worker given by the NCEUS (2007:4): "Unorganized workers consist of those working in the unorganized sector or households, excluding regular workers with social security benefits provided by the employers and the workers in the formal sector without any employment and social security benefits provided by the employers."

and a constant reduction in the number of regular workers. The National Commission for Enterprises in the Unorganized Sector (NCUES) was set up in 2004 by the Government of India to examine the problems faced by the unorganized sector, which has indeed absorbed most of the net employment growth. Beyond the lack of absorption capacity of the organized industrial sector, the shifting distribution between the number of casual workers (stagnating) and the self-employed workers (on the rise) also points to a process of informalization of the formal sector. An increasing number of firms are relying on subcontracting to smaller, informal firms, or to self-employed workers who do not get the benefit of job and social security (NCEUS, 2007: 4). Based on his analysis of the NSS data, Himanshu (2011) shows that 1.6 million urban males engaged in the formal sector in 1999-2000 are working in the informal sector in 2004-2005. Informalization is now expanding in sectors such as trade, restaurants, hotels, repairs.

A closer look at occupational profiles reveals diverse processes at work along with existing - and worsening - disparities in terms of wages and working conditions. Using consumption deciles[81] to classify workers into poor/vulnerable and higher income groups, the NCEUS report points out that the share of casual workers in the poor and vulnerable group (90%) is higher than the share of self-employed workers (74.7%) and regular workers (NCUES, 2007: 8). In terms of wages, for all India, regular workers earn three times more than casual labourers and these inequalities vary among states (for urban males, the ratio of regular worker to casual worker wage is the highest in Bihar at 4.6, and the lowest in Kerala at 1.5), thereby indicating that state policies, historical power relationships and social hierarchy also play a role in the structure of urban labour markets.

Finally, there is a great diversity in the informal sector, which is composed of various categories of population with different endowments. The congruence between poverty and informal work is further compounded with other disadvantages such as the level of education, which is critical to access better job opportunities. There is a disproportionate share of Muslims and SCs/STs employed in the informal sector (NCEUS, 2007: 22). Women (and partly children) are largely employed for piece-contract work or as domestic workers, which leaves them very dependent on intermediaries. The lack of job opportunities points to a shift towards more marginal and insecure jobs for new migrants (Chandrasekhar, 2011). Thus, the vulnerability and risks experienced by informal workers are to be understood in their multidimensionality.

2. The Legal and Policy Framework

There are three points of importance regarding the legal framework. Though the right to work is not a fundamental right, article 19(1)(g) of the Constitution guarantees to all citizens the right "to practice any profession, or to carry on any occupation, trade, or business". Labour is in the concurrent list and both central and state governments can enact policies and legislations. There is a plethora of laws[82] regarding labour (especially central laws) but very few of them cover workers universally. The large legal arsenal of central laws deals with the regulation of working conditions and more specifically: (i) the relationship between employer and employee[83], (ii) wages and remuneration[84], and (iii) social security benefits[85]. Some acts are particularly relevant for the urban sector, such as the Building and Other Construction Workers Act, 1996 and the recently passed Domestic Workers Act, 2008. However, these laws are not implemented because it enables urban employers to draw

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[81] This classification into two groups is provided to summarize results but the NCUES has used a precise classification based on average consumption expenditure per capita per day.

[82] The list given here is not exhaustive and does not include the legislations enacted by states.

[83] The Bonded Labour System (Abolition) Act, 1976; The Child Labour (Prohibition and Regulation) Act, 1986; The Factories Act, 1948; The Interstate Migrant Workmen Act, 1979; The Contract Labour Act, 1970; The Trade Unions Act, 1926.

[84] The Minimum Wages Act, 1948; The Payment of Wages Act, 1936; The Equal Remuneration Act, 1976.

[85] The EPF Act, 1952; The Workmen Compensation Act 1923 and Employees State Insurance Act 1948.

on very cheap and unprotected labour, and inspectors generally do not to report violations (Box 21 as one example).

Laws and policies also focus on the promotion of employment and skills. The Micro, Small and Medium Enterprises (MSME) Development Act, 2006 is aimed at enhancing the competitiveness of micro, small and medium enterprises which have grown rapidly and contribute to 45% of the total manufacturing output and 40% of the total exports. The Skill Development Mission is centred on increasing the number of skilled workers. These are important steps to enhance urban livelihoods that are spread across a large number of sectors, both in the secondary (manufacturing, agro-businesses) and tertiary sectors (including financial services), apart from the visible informal urban activities such as street vending for instance for which a specific bill is under preparation (Box 22).

In this context, the question of a National Urban Right to Work has been increasingly discussed and a series of consultations were held by the UNDP and Government of India in 2005, which concluded that there was a need to focus on the "Right to Work" in an urban context. The setting up of the National Commission for Enterprises in the Unorganized Sector (NCEUS) by the Government of India has led to the Unorganized Workers Social Security Act (2008) which includes the urban context. It has launched the debate for an integrated informal sector policy that would cover all aspects, ranging from social security (including health benefits, life and disability cover, as well as old age and maternity cover), to the regulation of work conditions, the growth of employment and productivity, and the question of financing unorganized enterprises.

Seen by some as a means to correct market failures, it is also proposed by others as moving towards a universal rights-based approach. Indeed, the three points raised above, of education, wages and the provision of social security, can be linked together to make an argument in favour of the provision of public

goods and thus bring into the policy realm the constitutional arguments on rights and entitlements (as Amartya Sen has argued on many occasions). Better education and better health (better infrastructure in general) would augment or enhance individual capacities to earn better wages, and thus enable people to acquire social mobility.

Finally, central to the question of urban livelihood is the impact of master planning zoning, development control rules and urban bye-laws that circumscribe the definition of legality in the city. The strict land use and zoning implied by most city master plans (and even more so in Delhi where the Master Plan has the status of a law) imply that many economic clusters and economic activities are de facto illegal since they do not conform to the Master Plan. Similarly, the strict application of urban bye-laws prevents the city accommodating to increased urbanization. This is seen in the manner in which urban villages in cities and villages in the periphery, where these bye-laws do not apply, become places where rental housing and cheap accommodation is built up. In concrete terms, informality is largely the product of rigid and anti-poor urban regulations which preclude access to legal and formal livelihoods.

3. Policy and Academic Debates

3.1. Livelihoods, employment conditions and social protection

Since the informal sector has absorbed most of the new employment growth, its role to expand job opportunities and improve urban livelihoods is essential. In both the cases of Micro, Small and Medium Enterprises (MSMES) and self-employed workers, apparent structural and institutional constraints limit their ability to create solid assets. Rules are complicated, cumbersome, and time-consuming, be it for registration purposes, sales tax payment, use of subsidies and credit facilities. However, the existing formal regulatory framework has not been very effective either because it is not feasible or it

can be circumvented (through arrangements, bribes). The lack of effective regulation also partly explains the rapid growth of this sector and its ability to create jobs, which relates to a debate on the need for adequate balance in regulation whilst not stifling the vibrancy of the sector and still ensuring minimum standards (for instance regarding pollution). However, policies considered a priority across the board are those facilitating access to credit institutions, devising innovative financing tools (including harnessing the potential of microfinance) and providing technical, managerial and marketability skills.

Furthermore, urban informal economic clusters are often located in settlements with fragile land tenure which exposes them to the threat of demolition, or where institutional tertiary sector organizations are not located. A well-known example is the case of Dharavi that hosts hundreds of small thriving enterprises - under the threat of displacement - in a neighbourhood that did not have a single bank until a few years ago, despite contributing significantly to the GDP of Mumbai. The absence of a legal lease or ownership rights on land, the often informal status and the lack of legal papers mean that obtaining collateral for bank loans is close to impossible. To facilitate access to more formal forms of production, De Soto (1989) stresses the importance of providing lease or ownership status on land to consolidate a right to build productive assets. This approach is increasingly considered in the Indian context but is contested by others since it could also lead to new market forces that would evict these clusters (see Benjamin and Raman in this volume).

A key issue to leverage the potential of job opportunities in and around cities is to improve the levels of skill and education especially since evidence points towards increased wage inequalities between skilled and unskilled workers[86] (Awasthi, Kashyap and Yagnik, 2009). As highlighted by the results of the NCEUS report, casual workers at the bottom of the working force

hierarchy in the unorganized sector have much lower levels of education. Unni (2009) argues that even when a worker is able to get a diploma, her ability to leverage its potential is weak and impacts negatively both employability and upward mobility. These limits, together with the large share of unskilled workers and an access to training mostly through informal networks, underline the lack of success of institutionalized vocational training and ITIs (Indian Training Institutes) that are central to the government policies of enhancing skills. Improving skills (through the implementation of the Skill Development Mission, the setting up of State or privately funded vocational institutes, public-private partnerships, etc.) along with a strong focus on primary education is essential to raise the ability of actual and future workers to benefit from new job opportunities. In the medium and long run, this would be a step towards improving the bargaining power of workers to obtain better wages and working conditions in the labour market.

Indeed, the question of wages remains important since income inequalities have increased in urban India. Wage inequalities are related to the occupational profile, to inter-state disparities and to the size of cities. Belser and Rani (2011: 54) show that 40.8% (respectively 38% for men and 40.8% for women) of urban casual workers are paid below the national minimum wage. A debate exists between those who argue for the application of a minimum wage and the application of the existing legal framework (Balser and Rani, 2011) and those who are wary of measures that could create rigidity in the labour market and prefer better targeting of social programmes, adequate safety nets, market incentives for voluntary action plans by enterprises. Furthermore, with the rise of new forms of urbanism, there is also a growing concern that Special Economic Zones, many of which are located in the metropolitan regions, do not need to abide by all labour laws or to uphold the right to strike (Singh, 2009). As a recent

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[86] Though this divergence cannot be generalised to all urban activities.

example, the Government of Haryana's decision to declare as illegal the strike by workers at the Maruti factory in Manesar (Delhi Metropolitan Region) underlines that even in the organized sector, workers' rights can be curtailed in a rapidly changing, urban, metropolitan economy.

The NCEUS has characterized the problems of social security in the informal sector as being the result of capability deprivation (correlated to the lack of sound employment, low earning as well as other factors such as health and education levels) and of the absence of safety nets. Most of the unorganized working class depends on informal networks based on caste and kinship that Gill (2009) has unveiled in her work on the waste markets of Delhi. In the urban context, the relationships between employer-employees (not always exploitative) are complex and contribute to providing safety nets for the most vulnerable groups. Worryingly, relocation processes due to either demolitions or large infrastructure projects bear the danger of disrupting these fragile social safety net systems. To broaden the scope of traditional social security systems, the more recent idea of social protection takes a comprehensive view and aims at "addressing insecurities related to the failure to meet basic economic and social needs as well as those related to sudden change for the worse" (UNESCO-ICSSR, 2010:5). It highlights the importance of designing institutional mechanisms to cope with high risks and vulnerability[87].

3.2. The relationships between the city and the informal economy

Many activities of the urban informal economy are not carried out in factories, workshops and shops in planned commercial areas or in offices. They take place in the streets, on the road side and pavements, at home, on site and in unplanned and unauthorized industrial zones or markets. For instance, 9% of men work on construction sites, 29% work in their own enterprises outside their dwelling and 13% work in their own dwelling. Working from home is the case of 54% of the women engaged in the informal sector. Before the turn of the 1990s, as explained by Mehra (in this volume), despite modern planning norms, the polity and civil society at large allowed the inclusion of the working class in public life and in public spaces. The 1990s have redefined the relationship between the city and the informal economy. The rapid deindustrialization and the closure of manufacturing units (Del Monte, 2002; Breman, 2003) have led to displacement of large numbers of previously unionized workers. The aspirations of a rising middle class and of city bureaucracies for modern and "world class" cities contributed to this process. The urban working poor are increasingly perceived as free riders on what the city offers in terms of facilities. Yet these workers make a major contribution to the city's mobility (drivers of cycle rickshaws, rickshaws and even taxi drivers), its economy (home-based activities, small manufacturing and food processing industries), its transforming new built environment (construction workers) and increasingly its service industry (hotels, restaurants).

Above all, there is a lack of knowledge, of acceptance and understanding of the flows (of resources, finance and people) between the formal and the informal economy that characterizes the urban economy. As a consequence planning authorities (whether at the city or state level) are unable to engage with the role of the informal economy in city planning. As Mukhopadhyay (2011) rightly argues, they see the informal economy as dysfunctional while on

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[87] Recognizing the importance and necessity of adequate social protection systems, the United Nations System Chief Executives Board (CEB) recently adopted in April 2009, "the Social Protection Floor Initiative" (SPFI) as one of its nine key priorities to cope with the current global crisis. A UN inter-agency initiative, the SPFI corresponds to a set of essential transfers, services and facilities that all citizens everywhere should enjoy to ensure the realization of the rights embodied in human right treaties. Its objective is to promote and support (i) the implementation of a basic set of social transfers, in cash and in kind, paid to the poor and vulnerable to provide minimum income security and access to essential health care, and (ii) the availability and access to essential services, such as education and health, adequate nutrition, water and sanitation.

Box 21. Struggles for implementation of better working conditions: the case of construction and domestic workers

Social protection measures include social insurance for the working poor, constitution of welfare boards, implementation of equal wages, maternity benefits, and construction of crèches. Construction boards often have more funds because usually 2% of the cost of construction is deposited with the board. However, to benefit from the facilities the construction worker must become a member of the board. Most workers are not aware of the existence of the board nor do they know what it does. Though it is the responsibility of the labour department to educate workers on their rights, this is rarely done. It is left to trade unions to help out workers. Two such organizations have been important in organizing workers and trying to influence policy-making for more progressive work conditions.

The Construction Workers Federation of India[88] was created in 1989 and pushes for the implementation of a number of rights such as the Building and Other Construction Workers Act, 1996, the Inter-State Migrants Act, 1979, the provision of housing facilities for construction workers, and for women's rights such as equal wages, application of the Maternity Benefit Law of 1951 and the delivery of pension for widows.

In March 2011, the Supreme Court ordered a number of states to apply the Building and Other Construction Workers Act and requested governments to appoint regulatory officers to ensure the implementation of the Act in the informal sector. This decision was in response to a PIL filed by the National Campaign Committee for Construction Labour.

The Self Employed Women's Association (SEWA)[89] is one of the most active organizations in the defence of workers' rights in the informal economy, and in particular the case of domestic workers[90]. Its Delhi branch has organised campaigns for enrolling construction workers and domestic workers with their boards. SEWA has also started its own insurance scheme for women in informal employment.

One must also mention the National Domestic Workers' Movement that works with domestic workers (including children and migrants). This social movement fights for the implementation of existing laws, the recognition of non-implemented legislation, as well as for respect and dignity for activities that are often considered to be derogatory to one's status. Typically, this movement refuses terms such as "servants" and "maids" which imply an inferiority status, pushes for the inclusion of domestic workers in the labour laws (which till date does not apply) and fights for decent working hours and a larger set of benefits.

Among existing initiatives, the National Health Insurance has been extended to domestic workers through Rashtriya Swasthya Bima Yojana, after it got approval from the Union Cabinet in June 2011. It will cover around 47.50 lakh domestic workers. The National Social Security Fund for Unorganized Workers will fund schemes to provide health insurance cover up to Rs. 30,000 (666.66 US$) through cashless smart cards. However it is unlikely that this insurance coverage will be functional till the end of 2012.

[88] http://www.cwfigs.org
[89] www.sewa.org/
[90] http://www.domesticworkerrights.org

the contrary it works and is relevant for the city. If there was no demand for what the informal economy provides in terms of products and services, it would simply disappear.

Unni (2009: 90) shows how the City Development Plan of Ahmedabad, often held up as a best practice, does not think of benefits for workers when planning to redevelop vacant textile mills' land; it does not have sufficient focus on enhancing infrastructure in the 141 existing markets; it does not hold any provision for providing better facilities in slums where 51% of the working women operate as a priority. This could be said of many other large Indian cities. The example of the Dharavi Redevelopment Plan, aiming at a modern and centrally located neighbourhood, symbolizes the aspiration to erase messy, complex, though productive economic spaces. It also underlines the inability of decision makers to grasp the multidimensional role that land plays in Indian cities, as a productive asset with historically built economic and social networks. More precisely, this tension between changes in the city and in the urban informal economy takes various shapes.

First, the notion of public spaces is being reshaped and this has a definite impact on activities carried out in the streets. Despite the convenience that many poor or middle class residents find in being able to shop at the exit of train or bus stations or close to their house, there has been a push against street vending by civic authorities, often with the support of resident welfare associations (Anjaria, 2006). As Bhowmik (2010) shows, a number of states and cities with a more progressive outlook have provided a sound regulatory environment rather than feeding on predatory practices (bribes, protection money), and developed a more transparent and coherent system. Yet cities authorities remain very reluctant to include these activities in their planning exercise.

The three States of Orissa, Chhattisgarh and Andhra Pradesh have enacted progressive legislations or policies regarding street vending.

Box 22. Urban Street Vending Bill

The not yet enacted National Policy on Urban Street Vending Bill (2009) recognizes that street vending has been prevalent in India since time immemorial. In this regard, it endorses the recognition, by the Supreme Court, of the right to hawking, and that street vendors provide essential commodities to common people and the urban poor (Bhowmik, 2010). However, the proposed Bill is falling short of a number of recommendations that were framed by the NCEUS in its National Policy for Urban Street Vendors (that partly took into account the viewpoint of organized movements like the National Association of Street Vendors of India (Box 23)). This underlines the gaps between policy making and law framing despite the reiteration by the Supreme Court in October 2010 of the rights of urban street vendors and the need for an improvement of their situation and their legal protection.

The planned Bill of 2009 diverges from the initial National Policy drafted in 2004 on a number of points such as:

- the preservation of natural markets (ignored by the 2009 Bill);

- the priority to register existing vendors before issuing new licenses, which raises the fear of manipulation and issuing of license based on non-transparent means;

- eviction as a last resort is mentioned in the National Policy while the planned Bill does not mention eviction, hinting that in the absence of regulation, city authorities could decide to evict street vendors;

- the space reserved for street vendors: since they are estimated to represent 2% of the urban population, the extent of space for street vending shall be commensurate with their proportion.

Source: Bhowmik, 2010.

In Bhubaneswar, one-third of the pavement is allotted to street vendors and harassment by city authorities has stopped, resulting in an increase of income for vendors (Bhowmik, 2010). The Urban Street Vendors and Hawkers (Registration and Regulation) Bye Laws of 2010 of Chhatisgarh follow all the guidelines of the National Policy and the Andhra Pradesh Street Vendors' (Protection of Livelihood and Regulation of Street Vending) Bill of 2010 protects livelihoods by stating that eviction cannot be carried out if a first notice and a fine have not been issued first, and that confiscation of goods is a last resort.

These positive steps to protect the rights of street vendors contrast with large cities such as Delhi, Mumbai and Kolkata where eviction drives, public interest litigations against hawkers, and reluctance by the city authorities to allow hawking zones, have been the trend. West Bengal and Maharashtra have very regressive approaches towards street vending. For instance, the Maharashtra Government has passed a law in 2010 that has drastic implications for street vendors. It provides licenses only for those street vendors who have proof of residence for 12 years or more in the state. Moreover, vendors operating without a license or those in non-hawking zones will be fined Rs. 5,000 and face a jail term of six months.

Second, the process of urban restructuring (slum eviction, rehabilitation schemes and gentrification) and the implementation of large scale infrastructure projects also translate into slum evictions and displacement of economic clusters. On the one hand, many informal activities are conducted in slums. Beyond providing cheap residences, they are also centres of employment for small and micro industries and home-based work, especially for women. In the worst cases, slum eviction without notice destroys both the ongoing activities and further bears the risk of cutting off the home based workers from their networks to access work (see Dupont in this volume). In the case of

rehabilitation, more often than not, rehabilitation and resettlement is focused on building houses and rarely provides space and opportunities for work, thereby increasing the vulnerability of relocated slum dwellers. The situation is even harder for specific groups such as migrants since these rehabilitation packages are linked to a date of arrival in the residential location, or for women who are employed as domestic workers and have to travel much longer to reach their place of work since relocation sites are increasingly in the periphery of cities.

In old industrial zones, where large tracts of land are available such as the textile mills in Mumbai, the needs of the disenfranchised workers in terms of housing have been dismissed in favour of luxury apartment complexes (Adakar and Phatak, 2005). At the same time, a number of

[91] www.nasvinet.org/

informal economic clusters are under threat either because of large projects, pressure from resident groups, and increasingly, environmental concerns. This is the case for instance with the Mundra recycling market where all these factors combined to displace it (Gill, 2009), and of the small and polluting industries located on the bank of the Mithi river in Mumbai, which is being desilted and widened as a response to the 2005 floods. It is important to note here that arguments around the right to a clean environment often obscure unequal power relationships between actors[92].

Third, these processes are reinforced by a shift in the perceptions of the urban poor and the informal economy that leads to legitimizing evictions, to violent action against specific categories or to apathy by civil society when rights to live, work and consume in the city are threatened. The organization of the recent Commonwealth Games in Delhi resulted in a large-scale drive against slums and street vendors but also in the violation of the rights of construction workers, who are essentially migrants (Box 24). There are specific factors

attributable to migrants, among other vulnerable groups, which lead to a series of concrete problems for them in accessing the city in material terms, as well as in being socially integrated. These include: their temporary status; their location - often in the most recent and consequently "illegal" settlements; and their differences in terms of language and regional culture. The migrants' temporary status precludes them from the benefit of services offered in cities, in particular the public distribution system (PDS) and the benefits of other social protection programmes. The condition of women migrants is even more deplorable as they receive lower wages than men (a violation of equal pay for equal work). Labour migrants are also geographically scattered, socio-culturally fragmented and economically disenfranchised. As such, they are not recognized as a class of citizens and are often considered as a burden on the resources of the city by the decision makers and amongst the urban elites. In their imagination of the world class city, a "city without slums" is desirable even though it is a direct concrete threat to an inclusive urban citizenship and accompanying rights.

Box 24. Violation of workers' rights at the Commonwealth Games construction sites in Delhi and civil society organizations' campaign

At the time of the 1982 Asian Games in Delhi (the Asiad), the pitiful working and living conditions endured by construction labourers led to a Public Interest Litigation (PIL) filed in the Supreme Court. The judgement stated that the disregard, by employers, of several provisions under the Labour Laws, amounted to the violation of the workers' fundamental rights guaranteed to all citizens of India under Articles 14, 21 and 23 of the Constitution. In 2007, in the context of the preparation for the 2010 Commonwealth Games (CWG), that was to "Right the Wrongs of Asiad' 82", 22 organizations and individuals constituted the coalition Commonwealth Games Citizens' initiative for Workers, Women and Children (CWG-CWC) in order to address the working and living conditions of the 100,000 expected unskilled construction workers, mostly migrants, in the capital city.

The initial objectives of the campaign focused on:

- Building awareness of the issues among the general public, construction companies, the State Government and the construction workers themselves;
- Pushing for the implementation of the Building and Other Construction Workers Act of 1996;

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[92] Typically the main encroacher on the Mithi river is the Mumbai Metropolitan Regional Development Authority, also in charge of widening the river.

- Partnering with implementers to make a concrete difference on the ground and act as a watchdog.

Concrete actions undertaken included:
- Advocacy for the registration of workers with the construction workers welfare boards, and the workers' access to the benefits from the Welfare Funds;
- Setting up of crèches on the construction sites;
- Information campaign (through website, newsletter, fact-sheets, press-articles in the media);
- A public hearing on construction workers' issues in Delhi, organised on October 13, 2009;
- A study on the safety and social security of construction workers engaged in major CWG construction/renovation projects in Delhi.

However achievements regarding the improvement of the workers' condition proved to be meagre:
- By 2010, about 26,000 workers registered with the construction workers welfare boards, only 7,775 of which were 'active' registrations.
- The Welfare Fund stood at Rs. 410 crores (USD 91.11 million) in September 2010, thanks to the contributions paid, mostly, by government agencies and the Delhi Metro Railway Corporation. However, only Rs. 1 crore (USD 222 000) were disbursed for the welfare of the construction workers and their families (namely for education scholarships).
- Several provisions of laws enacted to protect contracted labour (1970 Act), interstate migrant workmen (1979 Act) and construction workers from exploitation and bondage labour (1976 Act) were violated by the employers: workers were paid less than the legal minimum wage; they were made to work overtime without receiving the stipulated double rate; appropriate safety measures on the construction site were not fulfilled; they were not provided with suitable hygienic and residential conditions.

The violation with impunity of the workers' rights at the CWG construction sites led the coalition to file a Public Interest Litigation in January 2010 in the High Court of Delhi – Peoples Union for Democratic Rights (PUDR) and others versus Union of India and others. The reports of the public hearing and from the fieldwork investigations were submitted as supporting facts to the Court. However, for the workers there is no tangible effect and especially for the migrants who have already gone back to their place of origin.

A combination of factors prevented the CWG-CWC campaign from being successful. The divided polity and stratified society appear as a major obstacle to push forward the cause of the vulnerable groups, and of the migrant construction workers especially.

Source: Compiled by Véronique Dupont from interviews with activists at Mobile Crèches (NGO coordinating CWG-CWC); CWG-CWC Newsletter and fact-sheets; PUDR (2009), HIC-HLRN (2010).

4. Policy Recommendations

Decent employment, adequate social protection and recognition of the rightful place of the informal economy are key elements to ensure access to improved urban livelihoods and the prospect of a more just city.

In order to improve employability and enhance workers' social protection, a large range of policies and actions can be designed, that would also be specific to different sectors. Suggestions here limit themselves to an overarching platform, whereas specifics would need to be debated for different sectors of activities. They include: (i) the enforcement of existing legislation regarding mobility, working conditions and social security benefits; (ii) better regulation and control mechanisms for some aspects of the informal sector but without stifling its vibrancy; (iii) the reshaping

of policies to enhance the potential for job opportunities for small units and self-employed workers. This would include simpler procedures for registration, institutional mechanisms to access subsidies and financing, and to improve skill development; (iv) to scale up skill and vocational training, especially in smaller towns and ensure they target the required needs.

Another range of recommendations are more centrally focused on urban policies. At first, a large number of concrete actions can be pursued such as investing in education and facilities for the children of construction and migrant workers, providing housing for construction workers, improving infrastructure in markets and bazaars, providing crèches for working women, enhancing cheap and more flexible transport systems, etc. Secondly, the manner in which cities are planned and regulated needs to evolve and ensure the legality of mixed land use, the writing of urban planning norms which are sensitive to the needs of the poor, urban bye-laws which are less rigid, the introduction of local area development plans in a participatory manner, and the implementation of small-scale pilot projects for improving economic clusters.

But above all, a paradigm shift from the existing mindset focused on "cities without slums" and "world class cities", is urgent. Urban policies and city planning need to take into account the functionality of the informal economy and its linkages and transmission channels with the formal economy (which would require a more persuasive account of the economic benefits of the informal sector in terms of its contribution to GDP and city taxes). On the one hand, this would help to revisit existing policies and lead to more concrete inclusive processes. On the other hand, it would uphold that the urban poor and the informal workers are fully-fledged urban citizens and city makers, rather than city users and free riders.

Water and Sanitation: Barriers to Universalization

Marie – Hélène Zérah

1. Facts: Inequalities and Vulnerability

The Millennium Development Goals aim by 2015 to halve the proportion of people without access to safe drinking water and sanitation and is a yardstick to measure the progress of India towards ensuring universal access.

1.1. Water data: an apparent success

In the beginning of the 1990s, an estimate of around 90% of the urban population had access to safe drinking water as compared to an access of 95.3% in 2005. According to the Government of India, the MDG objective was reached in 2007. By 2015 the overall access figure will reach 98% of the urban population (Central Statistical Organisation, 2009: 84). In other words, universal access is within reach.

However, the story is less rosy if one looks at the percentage of households with a house

connection and the quality of service provided. The decline in the percentage of in-house connections from 52% to 48% in the last 20 years demonstrates the weak link between higher investment and better services for the poor (Mehta and Mehta, 2010). Aggregated statistics are insufficient to capture the situation of water supply in Indian cities.

In the first place, variations among states are significant: according to the 2001 Census, for 13 states, provision of safe water remains below 90%. Performance varies across states, and considerably so in terms of modes of access. A number of states provide tap water for more than 90% of their population (Karnataka, Jammu and Kashmir, Sikkim, Meghalaya and city-states like Puducherry and Chandigarh), while others perform badly (Bihar: 29%, Assam: 36%) or on average (Uttar Pradesh and Kerala with tap water provision of 47% and 41%)[93].

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[93] Data from Census 2001. Census 2011 data are not yet available.

City size also matters[94]. Piped water access in 2001 varies from 73% for class I cities to 58% for cities in the class IV to class VI bracket (World Bank, 2006: 13)[95]. Further, in the class II to class VI city categories, Maharashtra has the highest percentage of piped water coverage (around 60%) while in each of those classes, the lowest performing state supplies around 30% of its population with piped water. Differentiated access is a cumulative process aggravating the situation in the small towns of poorer states.

Finally, Indian cities are characterized by an unreliable and restricted supply limited to a few hours per day, even for households with in-house connections. Problems of quality of service (predictability of supply, timings of supply), of water quality and of quantity of water supplied are considerable (Zérah, 2000; World Bank, 2006).

1.2. Sanitation data: an evidently unsatisfactory situation

Regarding sanitation, the situation is much worse. The MDG will not be attained in the near future and the level of access to improved sanitation has not progressed rapidly enough.

Variations in definition provide different figures related to access to improved sanitation: 77.5% according to the 2006 NFHS data and 54% according to the WHO/UNICEF data (JMP 2010). Both data sets show that open defecation remains a common practice for 17% - 18% of urban dwellers. Only about 28% of the urban population has a sewerage connection and about 63 to 73% has a household toilet connected to a sewer or onsite disposal (WSP, 2009: 9). The overall cost of inadequate sanitation (including rural settlements) is estimated at 6.4% of the India's GDP, and inequalities are strongly embedded in social and cultural practices (WSP, 2010).

Another concern is the low level of wastewater collection, disposal and treatment systems. The treatment capacity for the wastewater generated reaches 51% for metropolitan cities (1 million plus), 32% for cities with a population above 100,000 and 8% only for cities with a population comprising between 50,000 and 100,000 inhabitants (CPCB, 2009). Variations are significant among metropolitan cities: the sewage treatment capacity of Hyderabad is 100% as compared to 65% in Delhi or 26% in Nagpur and 11% in Lucknow. Practices of discharge of untreated sewage into water courses and water bodies and neglected open drains have a negative impact on the environment and public health.

Similar outcomes result from inefficiencies in the management of solid waste. Collection efficiency is estimated at a national average of 72% with large variations according to states. The best performing ones are Kerala and Haryana (collection efficiency level of 82%) and the worst performing ones are Bihar and Gujarat (59% and 61% respectively). Among cities, Mumbai has 96% collection efficiency as compared to 52% in Madurai and 19% in Salem[96]. Transport capacity is also limited (around 70%) and manual handling remains a widespread practice despite investments in mechanized machinery in recent years. Finally, inadequate disposal of waste (open dumping and badly operated landfill sites) leads to environmental degradation.

This being said, these data do not convey the importance of water and sanitation as one of the main telling indicators of the quality of life in cities, in material, social and symbolic terms. Discrepancies between poor and residential colonies, vulnerability of specific groups, distribution inequities and maintenance of discriminatory practices portray the Indian city as far from inclusive in terms of access to urban basic facilities.

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[94] Population size-class is defined as follows: Class I: 100,000 and above; Class II: 50,000 to 99,999; Class III: 20,000 to 49,999; Class IV: 10,000 to 19,999; Class V: 5,000 to 9,999 and Class VI: Less than 5,000 persons.
[95] These figures are also in the Eleventh Plan of the Government of India.
[96] These various figures (state wise and city wise) have been compiled and analyzed by Sharholy et al. (2008).

1.3. The ground reality: distributional inequalities and cumulative vulnerabilities

Modes of access and levels of consumption are the first indicators of urban inequities in the sector. The low level of in-house water connections is a reflection of the absence of connection to piped water supply in slum and poor areas. Public utilities often provide water through hand pumps, standpipes and wells (or more recently through water tankers). Other sources available can range from free traditional ones (lakes, common resources) to collectively or privately managed small networks. Supply from these sources is limited in time and imply long queues to access water and coping strategies to fulfill consumption need, that remain often below 70 litres per capita per day (Shaban and Sharma, 2007). Consequently, all studies on water access in slums point out to the reliance on at least 2 or 3 sources of water supply.

Even though some water sources, such as standpipes, provide an effective form of cross-subsidy, reliance on multiple sources leads to heavy financial and time opportunity costs. Many studies have demonstrated that in proportion to their incomes, poor people pay more for water than others (WSP-SA, 1999): they rely on costly individual and collective strategies ranging from storage, water tankers or payment to employees of public utilities for supply and also paying for protection from the police. The inclusion of health and environmental impacts adds to the economic costs borne by the poorest. Indeed, for sanitation, "the per capita economic impact of inadequate sanitation for the poorest 20% is 60% more than the urban average" (WSP, 2009).

Beyond the low level of access and the related economic costs, this situation emphasizes the inability to leverage the potential of urban services to reduce social inequalities and promote social justice. Narratives of daily experiences related to water supply and sanitation bear testimony to the feelings of exclusion, lack of security and fear related to the denial of basic rights. Such consequences are particularly acute for women and children as well as workers involved in sanitation services.

1.4. A focus on vulnerable groups

Due to their responsibilities in the family as water collectors, women are the prime victims of poor water supply. A large share of their time is devoted to fetching water (also carried from their place of work), to negotiate access to water points, to queue and wait for water and to face household disputes when water is insufficient (Sharma, 1999). Further, they suffer the most from inadequate sanitation facilities: women face sexual harassment at water collection points and in toilet facilities; when going outside for toilet needs, they face physical danger leading them to leave in groups during early mornings, absence of toilet facilities also force women to hide during menstrual periods and to be helpless when stomach related ailments strike them in the night as they cannot go out in fear: this exacerbates strong feelings of shame. Even when there are toilet blocks, problems persist: open roofs lead to peeping and the absence of dustbins are problematic for women during the menstrual cycles[97]. Apart from entrenched and disempowering socio-cultural practices, this indicates the lack of consultative processes by public utilities which would address specific demands while planning infrastructure.

Children represent another vulnerable group. Along with women, young girls and children are assigned the task of filling water vessels before going to school. The lack of toilets in school affects the enrolment of girls. Death and diseases due to inadequate water and sanitation affect children worse below five years of age. SC/STs are also under-provisioned. Tap water is provided for 78% of "others" in the population, as against 69% for SC/STs and the absence of latrine concerns 4% of other groups as against 23% for SCs and 21% for STs (NSS, 2010).

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[97] Presentation done by Jagori on 26th November 2010 on their ongoing work in two resettlement colonies in Delhi.

Workers and employees in the sanitation sector are confronted with a very poor and degrading working environment. The conservancy staff works without any protective equipment – a fact that leads to both injuries and diseases (Srinivasan, 2006). Permanent employees, organized through trade-unions, are better off than daily wage contractors but are still denied adequate working conditions. The situation of rag pickers, at the lower level of the waste chain is much worse as they work in (and often live on or close to) landfill sites. Similar problems are encountered by those involved in the practice of manual scavenging. They suffer from respiratory and skin diseases (in particular children), and though critical to the functioning of the waste management system, their earnings and working conditions are very low, leading to ongoing debates on their inclusion in formal public policies. Finally, the stigma still attached to these jobs and practices undermine the right to self-respect and dignity.

Exclusion results from a cumulative process and some sections of the poor are more vulnerable than others. Beyond negative externalities for all, there are multiple dimensions (material, economic, social and cultural) in which basic rights to amenities to ensure good living and working conditions, safety, and a form of social justice are denied.

2. The Legal and Policy Framework

The relationships between the legislative and policy domains are complex. As some authors have underlined (Cullet, 2009), water policy and the introduction of policy instruments are overriding water laws. This raises a number of questions, from ethical ones to more pragmatic complexities in understanding both the framing and the implementation of laws and policies, whose outlines are ill defined and sometimes overlapping.

2.1. Legal framework

The question of the right to water has been one of the most debated questions in the international arena in the last few decades. In July 2010, the General Assembly of the United Nations voted for a resolution recognizing access to clean water and sanitation as a human right. There was no consensus on this resolution since some states were wary of the problems of enforcement and legal implications. Nevertheless, it reveals a process at work in many countries towards recognition of this right, which also follows a series of campaigns for the right to water[98] by international NGOs.

However, there are a number of arguments that question the heuristic and the strategic value of a right to water. Bakker (2007: 438-439) summarizes some of the critiques of the right to water: (i) the right to water necessitates a number of conditions for its implementation and might lead to issues of trans -boundary conflicts, (ii) the existence of a right does not automatically translate into improving access, (iii) a more radical criticism comes from the perspective of the conflict of human rights with ecological rights, accordingly, an implementation of the right to water might degrade further hydrological and eco-systems, (iv) and, finally, the right to water is based upon the notion of individual right. On the one hand, this is not in itself contradictory with the processes of privatization and commodification and undermines the resilience of the commons that are based upon community management and collective responsibility. This debate poses the larger question of the fundamentals on which the notion of a right is to be devised (individual or collective notion) as well as its strategic value in improving the conditions of life.

In the case of India (who voted in favour of this resolution), the right to water is implied by

Urban Policies and the Right to the City in India :
Rights, Responsibilities and Citizenship

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[98] See for instance the campaign by Green Cross International (http://www.greencrossinternational.net/) or the Canada based campaign (http://www.righttowater.ca/) or the collective forum (http://www.righttowater.info/) among others.

judiciary interpretation in the Article 21 (right to life) and in the recognition of the right to a clean environment (Cullet, 2009). According to Baxi (2010a), the Indian Supreme Court "creatively interprets the Article 21 guarantees of the right to life and liberty to shaping a new regime of human water rights". Despite this, some authors underline the fact that the understanding of water in all its dimensions (cultural, symbolic, historical, environmental and even religious) is very limited in the Indian laws that mostly deal with irrigation and water supply. Consequently, there is an ongoing debate regarding the importance of drafting a Right to Water rather than just deriving it (Baxi, 2010a) and on drafting a National Water Law that would be binding for the state and would enunciate clear principles.

Located in the legislative realm, the Municipal Solid Waste (Management and Handling) Rules of 2000, notified by the Ministry of Environment and Forest, incorporated the recommendations of an important Supreme Court judgment. This judgment was the response of a Public Interest Litigation filed in 1996 regarding the inability of urban local bodies to handle their waste. The Supreme Court set up an expert committee whose conclusions got included in the MSW Rules of 2000. A series of directives are given (such as prohibition of littering, door step collection of waste, compulsory street sweeping and measures to improve transport and treatment systems) with dates for compliance. States are responsible to ensure that urban local bodies design and implement adequate policies.

2.2. Public policies

Water is a state subject. The centre can have a role to play (for instance regarding the disputes around river sharing among states) and water supply for domestic, industrial and commercial purposes is part of the functional domain of urban local body as defined by the 12th Schedule of the 74th Constitutional Amendment.

At the national level, the National Water Policy (NWP) of 2002 and the recent National Urban

Sanitation Policy of 2008 are the two main documents pertaining to the sector.

The NWP of 2002 attempted to reach a consensus among states and is not very operational. It provides a number of guiding principles and enunciates the priority of drinking water. It mentions the importance of community participation and the possibility of recourse to private sector participation with the condition that water is not treated as a commodity. However, this policy has very little impact on what is decided, designed and implemented at the state and cities level and is not binding upon states when they draft the State Water Policy.

In 2008, the Government of India passed a National Urban Sanitation Policy whose objective is that "All Indian cities and towns become totally sanitized, healthy and livable and ensure and sustain good public health and environmental outcomes for all their citizens with a special focus on hygienic and affordable sanitation facilities for the urban poor and women" (GOI, 2008: 2). Total improved sanitation includes repealing manual scavenging and the socio-cultural biases against sanitation and sanitary work. It also states that open defecation needs to be eliminated and that every "urban dweller should be provided with minimum levels of sanitation, irrespective of the legal status of the land in which he/she is dwelling, possession of identity proof or status of migration" (GOI, 2008: 12). These elements appear as very progressive in their entitlement dimension. States are responsible for enacting state policies and city sanitation plans need to be submitted. One incentive to pursue sound policies is the creation of a national rating and award scheme.

Finally, provision of water and sanitation to the urban poor is one of the mandatory elements for the funding provided by the Jawaharlal Nehru National Urban Renewal Mission, which has funded a large number of water supply and sanitation schemes. However, the JNNURM funded schemes have mostly dealt with building new infrastructure such as traditional water

Box 25. The stakes of providing 24 hours water supply

No Indian city provides 24 hours continuous supply. Unreliable water supply has negative outcomes, principally network degradation, water contamination and high coping costs for users. Pushing for a shift from an intermittent to a continuous water supply is a policy objective of the Central Government.

Since the middle of the 2000s, a few pilot experiences of round the clock water supply were initiated, mostly in three cities of Karnataka and Nagpur. These projects are carried out through a public private partnership contract and both contracts have been awarded to an international French water company. The main documented example is the case of Karnataka where in 2003, the State Government with the financial and technical support of the World Bank launched a pilot project in Belgaum, Gulbarga and Hubli-Darwad in selected pilot zones that represented around 10% of the city connections and a select mix of the population. Operation started in April 2008.

What are the lessons and the concerns of these projects from a technical, social, economic and governance perspective?

From a technical point of view, each pilot zone had to be isolated to be provided with continuous supply. The whole distribution network (old, leaking and unable to stand high pressure) had to be upgraded and in-house connections were replaced and metered. Critics of the project raised two issues: (i) the delineation of a pilot zone separates the city in to two (those with 24 hours and the others) and could lead to a skewed distribution of water resources to ensure 24 hours in the pilot zones; (ii) the high cost of refurbishing the whole distribution system is not feasible without external financial aid. The response to those critics points out that an unfair distribution of water (linked to the urban political economy) already exists and that 24 hours supply was achieved thanks to improvement in the distribution network and not to increased supply. If pilot projects are not segregating *per se*, cost and financial sustainability issues bring to the fore the necessity to accurately assess their outcomes in order to ensure conditions on how to maximize the existing network for new generations of projects.

From a social point of view, a billing and consumer service system and an increasing block tariff system were established to ensure payment for better services while ensuring subsidies for the poor. Evaluation of the first two years of operation already point towards the positive benefits of continuous water supply with a reduction in the cost of coping strategies (in particular through reduction of the electricity bill for pumping water into storage tanks) even though many households kept their tanks and filtering systems despite the higher water quality. Booster pumps that lead to network deterioration have been removed. Regarding willingness to pay, resistance is stronger than expected by the project team. It is greater among higher income groups well equipped with alternatives. Another group not satisfied with the new service provision were households who still have cattle and are unhappy with the new tariff. For slums, continuous supply means no queues, better hygiene conditions and lower bills, which led to a more rapid acceptance of the scheme. On the other side, revenues increased and efficiency was improved for the urban local body. In the face of diverse perceptions of the project, there is a need to better understand the users' demand for and their perspective on the 24 hours supply in case of a national strategy to expand similar projects.

Finally, many critics of the project have also underlined the manner in which the urban local bodies in Karnataka were bypassed by the project implementation structure that heavily relied on the State Government. In the case of Nagpur, the Municipal Commissioner was the main driver in the negotiations with the private operator. From a governance perspective, capacity building among local elected representatives as well as their involvement in the water reforms implementation is a prerequisite.

supply schemes and waste water systems and treatment plants.

At the state level, a number of states have passed state water policies but Karnataka is the first (and only one) to have enacted an Urban Water Policy. This policy claims universal access and improvement of services for the urban poor as its main objective. However, as with most of the existing reforms, it also reflects a shift towards a number of underlying principles. A first shift regards the recognition of water as an economic good, leading to reforms such as tariff increase, cost recovery, and water commodification as well as a push towards providing 24 hours supply (Box 25). A second shift regards the institutional framework with the trend towards the setting up of a Water Regulatory Authority (such as in the case of Maharashtra and Uttar Pradesh), even though these authorities have had little influence up till now. A third shift corresponds to the decentralization and participation agenda, in particular for sanitation and solid waste management, since urban local bodies all over India are responsible for solid waste management. In the case of water supply and sanitation, water boards or other city or state parastatals are responsible for water supply and distribution - a contradiction with the 74th constitutional amendment which delegates water supply to the urban local bodies.

Finally, it is important to underline that water sector reforms, which have influenced changes in water laws and policies, are the main factor of change in the sector. These reforms have been largely influenced by a consensus around the underlying principles mentioned above. The influence of international funding agencies or international organizations concerned with water issues stems from a number of international conferences organized in India since the middle of the 1990s. Central government guidelines and landmark reports on commercialization of infrastructure played a role in forging national trends at the state or city level bureaucracies. However, because of its symbolic dimension, water reforms remain a site of conflict and debate as to how urban services can be provided to all.

3. Current Debates Regarding the Existing Mechanisms of Exclusion

Reforms are influenced by an approach that assumes that well designed incentives can ensure better accountability, performance and service delivery mechanisms. However, advocates of reforms work within a minimalist institutionalist framework limited to a sectoral understanding, unconcerned by other types of institutions, such as belief systems and social structures (Jaglin and Zérah, 2011). This explains the contested debates, as research, aiming at understanding the role of social structure and practices, demonstrates the inefficiency of some of the reforms to reach the poor on the one hand, their perverse effects on the other hand, or their unintended effects.

3.1. Legal and administrative procedures as a tool of exclusion

Provision of urban services requires proofs of legal tenure or land ownership. Despite repeated policies highlighting the importance of security of tenure and land tenure regularization, many settlements in Indian cities are still located on plots of land without any legal title. Most often municipalities do not extend services to these settlements, which is a denial of their right to urban services. In view of the complex political dynamics surrounding regularization processes and provision of land titles, there is a push towards delinking the question of land tenure from service provision. Some municipalities in India have made steps in this direction such as Bangalore (Box 26) while others face serious constraints to implement programmes, that are conceived to provide services such as the Slum and Sanitation Program in Mumbai (Box 27).

Lengthy and complex procedures, even when security of tenure exists, are another barrier to access adequate level of services. First of all, despite the 74th Constitutional Amendment, parastatal agencies remain very important actors and this often leads to fuzzy boundaries in terms

Box 26. Bangalore – delinking land tenure and service provision

Since 2000, the Bangalore Water Supply and Sewerage Board started to think of strategies to improve services in slums. An important measure concerned the downscaling of the requirement for service provision from formal tenure documents to simple proof of occupancy (for instance ration cards, electricity bills). It also revised its tariff policies in order to reduce the cost of a new connection (either individual or shared) as the Board decided to eliminate public standpipes. Finally, it created a Social Development Unit that acted as an intermediary platform with the communities and established links and networks with known NGOs. Critically, this unit worked in close connection with chief engineers and street-level engineers to "elicit interest from within".

Constraints to roll out this strategy remain, such as: (i) the recognition that accountability mechanisms are much more complex than usually described by international organizations. Brokers, intermediaries are to be taken into account rather than simply building new institutions such as "user committees", (ii) building confidence among various actors takes more time than the usual duration of projects and acknowledging failure is critical, (iii) engaging with conflict can lead to potential solutions rather than simply analyzing it as a resistance to change.

Source: (Connors, 2007)

Box 27. Contradiction of slum policies and land ownership – the case of Slum and Sanitation Program (SSP) in Mumbai

The Slum and Sanitation Programme (SSP) was negotiated between the World Bank and the Municipal Corporation. It started in 1995 with the objective to construct 35,000 toilet seats with a participatory approach. The Municipal Corporation ensures support to contractors and NGOs as well as provision of water and electricity. Regarding the technical implementation of the contract, the World Bank agreed to more flexible standards in order to enable NGOs to bid. Two local private entrepreneurs and SPARC were awarded contracts in different localities. The contract includes the construction of toilets as well as social intermediation with the communities and the support extended to form a CBO. The project plans to involve communities at each stage of the process. Before construction, they participate in the design of the infrastructure and have to contribute to the capital cost (at least 70% of the families have to agree). The CBO will certify completion of the work. After construction, the CBO manages the maintenance of the toilet and collects user fees.

In its own assessment, the Water and Sanitation Program highlights the problem of the legal recognition of slums. For non-notified slums, services are not provided as these settlements are likely to be removed and the SSP cannot be applied. For notified slums under the State's Slum Areas Act, households are given a "right to dwell" but this does not imply security of tenure on the housing plot. This enables the state to secure the possibility of redevelopment schemes, in which case, implementing the SSP would entail sunk costs. Further, the diversity and complexity of land ownership leads to varied procedures that translate into spatially unequal implementation of the SSP. In Mumbai, 48% of slums are located on private land, 21% on state government land, and 17% on municipal land and the remaining are mostly with Central Government and the Indian railways, two institutions reluctant to notify slums. Programmes for slums, including the SSP are more easily implemented for slums on municipal and state lands, while for private land, a no objection certificate (NOC) is required for the municipal corporation to intervene.

Source: Sarkar et al. (2006: 9-10).

of responsibility on how to get a new connection (Box 28).

Such complex procedures are intimidating. They also lead to the incidence of intermediaries or kickbacks and can deter poorer household unequipped to deal with complex bureaucratic machineries. Middle-class households, thanks to their social and class status, can access bureaucrats and talk to them as equal while poorer sections of the population are left to find other modes of intermediation to access the State (Harris, 2005). Consequently, simplifying and streamlining procedures for connections appears

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Box 28. Procedure to get a new water connection in Puri

- Purchase of new water connection application form from the Public Health and Engineering Office (PHEO)

- Submission of filled application with supporting documents to the office of the Junior Engineer, PHEO

- Application form is forwarded to the concerned Junior Engineer (JE)

- JE undertakes a site visit to determine feasibility of sanctioning new water connection

- If the connection is feasible, the JE forwards the application to the concerned Assistant Engineer (AE)

- Assistant Engineer reviews the application, supporting documents and the feasibility report

- If AE finds the documents in order, he prepares a demand note for connection fee and forwards it to the applicant

- Applicant deposits connection fee, connection is sanctioned, applicant is required to take the connection in the presence of the concerned JE

Source: (NIUA, 2010: 31)

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as an important means to ensure easier access to WSS (water supply and sanitation) services but also needs to be seen in a larger perspective of increased transparency and access to the State. Finally, this question is also related to the significance of being connected and raises the question of affordability.

3.2. Are services affordable for the poor?

On an average, 50% of city dwellers have an in-house connection. Costly individual and collective coping strategies, which rely on other sources (the last NSS data point for the first time that bottled water is used by 3% of urban households), are required for most households but poor people often end up paying more for water than connected households (WSP-SA, 1999). Further, beyond legal and administrative barriers, high connection fees and payment of water are a deterrent to shift to a more formalized supply. This question of the cost and the tariff for WSS services is central to a scorching debate among those more concerned with economic efficiency and those more concerned with social equity.

Pro-reformers have argued that weak tariff structure contributes to a vicious circle of low tariffs leading to low revenues and hence low investment in the sector. They have pushed for a modification in tariff structure, arguing that water tariffs are too low. However, ensuring accessible tariffs for the poorest section is critical. This tension has led to a number of debates and has at times percolated into policies.

A first question relates to the type and the amount of subsidies. Reforms have tended to reduce the importance of cross-subsidies. This practice, though denounced as ineffective, remains a powerful tool that should not be discarded. Therefore, careful understanding of the existing cross-subsidies and some of their distortions need to be understood. When domestic consumption is not metered, in-built subsidies favour those with a higher consumption level. In the case of metered consumption and

tariffs based on the increasing block tariff (IBT) system (that covers about 38% of the urban population), the first lower tariff block is considered the "lifeline" block. The design of the blocks is significant. If the first block is not well designed, allowing large level of consumptions, in the end a large number of consumers benefit from the subsidies. Another well-known problem with the IBT structure concerns the shared connections mostly in poorer localities. Joint usage pushes costs up to the end of the price range. In the end, all users connected to the network get subsidized to an extent. In addition, these subsidies, barely reach the most deprived sections of the population who are either not connected or face the regressive inbuilt tariff subsidies.

In short, a policy of full cost recovery is simply not feasible. To ensure social equity, various options need to be thought of. For instance, free water provided by public fountains and taps located in low-income areas is the most effective targeted subsidization possible. But they only represent 5% to 10% of the subsidies channeled into the sector (Foster et al., 2002). Since the middle of the 1990s, many utilities (Box 26) have chosen to eliminate public taps but maintaining a sound network of free taps might be more effective in ensuring the right to water than more 'progressive' solutions.

In order to implement the right to water, a legal entitlement in South Africa's legislative arsenal, the first six cubic meters are provided free for all households to ensure that there are no self-imposed restrictions on consumption with adverse effects on health. Payment facilities, reduction of connection fees as attempted by many utilities can also be used but they still might not reach all city dwellers. These are just examples of the debates that need to take place in a larger perspective than the one usually seen by reformers and utilities.

Finally, this question is even more important in the case of wastewater. Since the cost of connections is high, it creates an entry barrier for poorer households but also for more wealthy users. Pricing for sewerage is difficult as payment is not towards the "consumption of a good" but rather to dispose of waste. It leads to a resistance towards an increase in rates, even among those who can afford to connect. Nevertheless, public policies, based upon expansion of underground sewerage and construction of wastewater treatment plants will entail a substantial increase in investments by public utilities, for which user charges will only contribute marginally. The implications of these dynamics are critical and could lead to a rethinking of technical choices that will not be discussed here.

Finally, in the last fifteen years, the debates around tariff increase and shift in subsidies pattern have contributed to the emergence of the figure of the "consumer". It has subtly replaced the notion of user or beneficiary. The focus is on ability to pay. This shift has also led to efforts by public utilities to improve their billing facilities and their complaint system, as well as the publication of a citizen charter. This highlights the ambivalence of this shift that could also be seen as more empowering and relates to the question of voice.

3.3. Understanding demand: accountability, incentives and voice

Accountability, transparency, and the increased participation of users have been leitmotivs in reform processes aimed at improving the accountability route between users and providers of services.

A first trend, adopted by many cities, has been to rely on ICT (informations and communication technology) to facilitate payment of bills, online complaint systems, and information dissemination. Hyderabad put a lot of emphasis on this relational aspect with the creation of a metro consumer care, a single window cell and a citizen charter. All of these initiatives combined with astute public relationships improved accountability mechanisms and the image of the board, leading to some form of confidence building between users and the utility (Caseley,

118

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3.3. Understanding demand: accountability, incentives and voice

Accountability, transparency, and the increased participation of users have been leitmotivs in reform processes aimed at improving the accountability route between users and providers of services.

A first trend, adopted by many cities, has been to rely on ICT (informations and communication technology) to facilitate payment of bills, online complaint systems, and information dissemination. Hyderabad put a lot of emphasis on this relational aspect with the creation of a metro consumer care, a single window cell and a citizen charter. All of these initiatives combined with astute public relationships improved accountability mechanisms and the image of the board, leading to some form of confidence building between users and the utility (Caseley,

Urban Policies and the Right to the City in India : Rights, Responsibilities and Citizenship

118

2004). Many cities have followed similar strategies: Chennai created an active customer cell and increased its number of bill collection centres; the corporation's website provides increased information on urban services, as well as the possibility to apply online for connection and to make complaints. However, these shifts towards more efficiency have not always led to an improvement in the actual level of service. The problems of scarcity experienced by Chennai and Hyderabad are good examples of the potential disjunctions between customer services and actual service provided. Secondly, these changes have mostly benefitted the middle-classes.

A second important trend is the increase of participatory schemes. First of all, the tool of participation is seen in policy circles to ensure a better understanding of demands and diversity at the local level, to make the voices of citizens heard, and to ensure project ownership. It is promoted, in particular for slums, as a tool for empowerment. Many initiatives are also calling for citizens' responsibility to cooperate with public authorities.

Pockets of success exist and have been documented but the question of their long-term sustainability (both social and financial) remains. More structurally, questions have to be raised as far as participatory schemes are concerned, especially since there is an overall consensus that participation cannot be done away with. First of all, in many participatory schemes, the main focus has been on ensuring payment by communities rather than engaging in long-term capacity-building with communities (Zérah, 2009). Secondly, as mentioned before, it has often been limited to selected pockets in cities where rights are granted while the most marginalized groups such as squatter settlements or urban nomads are left out. Thirdly, it leaves the responsibility of service regulation to the communities themselves, a process that can aggravate social exclusion and undermine urban regulation (Box 26).

A third trend is the increasing rise of civil society platforms and arenas involved in consultation processes. The "right to the city" encompasses the right to participate in decision-making processes, to discuss and to debate in the public arena. Such arenas have either been created by the government or result from the varied actions of NGOs, urban think tanks, networks of associations, in particular federations of Resident Welfare Associations. Urban water and sanitation services are often a concern civil society organizations engage with, either through the coproduction of urban services or by being part of decision-making processes on various scales (from ward meetings to larger urban platforms for debate). Urban services have been one of the sites where "middle-class" groups have been able to make their claims on the city. Secondly, citizen charters, the single window cell, improvement in billing and services, simplification of process and online procedures promoted by the public utilities have enlarged the access to information therefore one dimension of accessing the city.

3.4. Reforming the government vs. claiming the right to water

Water reforms have been mostly based on improving efficiency. A rapid overview of "best practices", in the India Urban Portal (www.indiaurbanportal.in), mostly provides examples of tariff regime changes, use of new technologies (rainwater harvesting, improved landfill management), and practices of operation and maintenance efficiency and of 24 by 7 water supply schemes. Very few examples deal with the question of improving services to the poor.

These calls for reforming the government have rarely been based on a reading of the failure of the Weberian type of bureaucracy in a context of sharp inequalities and class differences. The more recent ethnographic-based reading of service provision for urban dwellers demonstrates the importance of everyday political mediations and of practices of patronage and brokerage (Berenschot, 2010), effectively used by the poor. In this regard, the reforms have made no dent in a dual system of service provisioning based on the one hand on a Weberian bureaucracy, providing

services on norms and planning to legally entitled citizens (the 'civil society' of P. Chatterjee) and the 'porous bureaucracy' (Benjamin, 2008) accessible to the 'political society'. On the contrary, this disjunction, which provides to some extent a *de facto* right to services, has been dismissed by pro-reformers as consolidating clientelist networks (Keefer and Khemani, 2004).

Consequently, these reforms have called for a lesser discretionary power to political diktats through the politics of corporatization, ring-fencing and the setting up of regulatory authorities. On the contrary, we argue with others, that any policy related to urban services need to engage with the politics both at the state and at the city level and the larger debate of the attitudes, norms and practices towards the poor and the larger question of social exclusion. Transformation of urban services cannot be read separately from the larger context of cities increasingly becoming sites of exclusion and marginalization.

In this context, the importance of growing social movements, or simply groups claiming their rights to the city, around the question of urban services, is undermined or bypassed by a focus on public policies. Indeed, recent years have seen the rising mobilization of groups and movements against processes understood and theorized as water privatization, the destruction and commodification of the commons and of decent dignified conditions for labour (Boxes 29 and 30).

The articulation of the notion of a right to water is gaining ground and is articulated by NGOs in the face of specific reforms. One such example relates to the potential introduction of pre-paid water meters in Mumbai that interestingly has raised both the question of the right to water (as these meters could limit the usage of water) and of the right to the city, as for some it would introduce a right to stay. More significantly, it underlines the circulation of rights-based claims as the protests in Mumbai were closely following the steps of protests in Phiri, Johannesburg, South

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Box 29. Anti water privatization campaigns in large Indian cities

Strong resistance against 'privatization' reforms has emerged in a number of large Indian cities, where projects with private sector participation have been considered .

A first example is the case of Delhi, where a coalition of resident welfare associations and of the civil society organization, Parivartan, opposed the project of water privatization promoted by the World Bank. This group demonstrated irregularities in the consultant selection process for the feasibility report by relying on access to official documentation. They also led a 'counter-expertise' campaign towards the project focusing on the overall cost of such projects and the question of access of the poor to services. This movement started by "middle class" resident welfare associations also reached out to groups more concerned with water and the urban poor.

A second example of mobilization is the case of Mumbai where a similar loose coalition of diverse interests against the introduction of private sector projects , ranged from municipal officers, resident welfare associations (sometimes in contradiction with the larger network of these associations) and community-based organizations, strongly opposed any attempt at privatization. Similar examples in Karnataka and in Bangalore exist with the involvement of CIVIC as part of an anti-privatization campaign in Bangalore and a larger movement for a Peoples Campaign for the Right to Water, is also present on Facebook and using electronic media as a tool for dissemination.

Sources: on Delhi, see the debates between Parivartan (Bhaduri and Kejriwal, 2005) and the World Bank (Jagannathan, 2006); on Mumbai, see Bawa (2009), and on Bangalore, see the People's Campaign for the Right to Water.

Box 30. The Safai Karamchari Andolan: a movement for the elimination of manual scavenging

The Safai Karamchari Andolan is a movement fighting for the eradication of manual scavenging. Following the lack of implementation of the Eradication of Manual Scavenging and Dry Latrine (Abolition) Act of 1993, the Andolan in December 2003, filed a petition in the Supreme Court for ensuring implementation of the act by various state agencies. Despite positive decisions by the Courts, the process is still seen as extremely slow. This has led the movement to launch a campaign in 2008 called "Action 2010" that includes marches and protests, mostly held in cities. Even though a large share of the actions by the Andolans are related to the rural situation, the location of the protests related to the right for decent work is clearly located in the cities, that appear to be a locus for the rights-based movement.

Source: see http://safaikarmachariandolan.org

Africa on a similar question. This demonstrates the embeddedness of the debate on water with the larger debate on the right to the city and its articulation in international debates.

4. Policy Recommendations

Recommendations could be made regarding three main domains: institutions (that includes norms, rules and law), organization and governance.

As regards the question of institutions,

- Clarify the relationship between law and policy by rethinking the content of the existing water laws and the rationale it is based upon.

- Prioritize sanitation and wastewater, which are two sectors with important environmental and public health externalities. This concerns both the question of investment as well as the importance of accompanying socio-cultural changes.

- Take into account the situation of smaller towns whose level of services is significantly lower than in large cities. This implies investment in these towns, as well as ensuring the empowerment and capacity building of local authorities and local administration.

Concerning organizations, the main question relates to improving service delivery mechanisms through a set of possible reforms that need to be thought of at each state and city level:

- De-link the question of access to services from the question of land tenure.

- Reduce entry barrier for households that cannot connect to the network: simplify procedures for getting connections, reduce their cost and introduce payment in installments.

- Maintain a well functioning network of free public taps rather than dismantling them.

- Ensure effective subsidies through tariff policies incorporating the question of social justice.

- Take measures to make utilities more socially sensitive to the issues faced by the poor: recruitment of social scientists to engage with communities and engineers, the creation of a special cell, the setting up of communication channels with communities, etc.

In the domain of governance,

- Empower local councillors.

- Democratize decision-making processes to discuss the contents of water reforms lest they face opposition and any attempt at improving services is blocked.

- Recognize the potential role of communities for the management of the commons that still exist in the cities.

Urban Transport and the Right to the City: Accessibility and Mobility

Kavya Murthy

Transport in the Indian city is a series of contradictions; too unruly to be programmed only by policies, and geared largely to a motor-based mobility. Higher levels of accessibility enabled by public transport services are beyond the reach of many who rely on unorganised, informal transport arrangements. The solutions offered by transportation policies and public-private partnerships posit methods of transit that purport to be universally accessible, yet are in empirical fact out of the reach of the majority. The contradiction then is best summed up by the conflict between *accessibility* and *mobility solutions,* the latter receiving precedence in a transport planning fraternity that sees movement as an end in itself. Rather than ensuring the directness of links and a density of connections, by accounting for geographical destinations of activities, mobility in and of itself becomes a performance objective in planning, with greater public investment in roads easily accessible by car users rather than modes that facilitate multimodal access for heterogeneous publics.

The unresolved dilemma in the Indian planning scenario is one where good mobility is seen as a sufficient condition for accessibility.

1. Context

Urban governance and infrastructure need to account for the spatially segregated social configurations that exist in the Indian urban situation, with choices for urban transport systems closely analyzing the socio-economic characteristics of land use patterns, housing, employment and population density. The formal planning process needs to account for the large sections of 'informal' settlements of squatters, unregulated land use outside municipal limits that constitute a huge portion of urban systems alongside the more planned high and middle income localities. The majority of the population in transit is accounted for by users of low cost travel modes such as bicycles and walking, who are 'captive users' of these modes by necessity and compulsion. Being unable to afford even the

subsidized fares of buses, these 'captive users' of low cost travel modes, and users of intermediate public transport such as tempos, cycle rickshaws and autos, need to be brought into the master-planning process. These travel modes constitute up to 50 to 70 % of commuting trips, and the dominant mode of motorized transport is by public transport, buses alone constituting 20 to 65% of total trips (Tiwari, 2007).

So how do we understand urban transport, when there exists the chasm between the governed and ungoverned, the governable and the unruly spaces of the city? Does the solution to urban planning for transportation in Indian cities steady itself on the idea of the Plan, and to what extent does the Plan itself sweep away with its force the preexistent modes of extra-legal forms of transit and livelihood?

The situation in India is now one of limited transport infrastructure and public sector finances, with increased congestion due to increased urbanization. Land use policies are increasingly stringent, attempting to relocate commercial and residential localities in urban peripheries, and private motor vehicle usage is on the rise with an absence of adequate public transport to accommodate the needs of urban sprawl. The incompatible mix of motorised and non-motorised modes on road space has led to traffic fatalities. The concentration of wealth among the elite who can afford private motor vehicles coexists with the poor facing worsening transportation problems. Road space is increasingly claimed for private motor vehicle use even as there is a complete lack of facilities for pedestrians and cyclists from low income groups.

Private motorized transport has been reported to have increased twenty fold in the last decade, with car ownership increasing sevenfold from 1981 to 2002. Increased demand on public transport saw Mumbai witness a sharp 14-fold increase in suburban rail services. Mumbai between 1990 and 2000 saw an 86% increase in the bus fleet, with Chennai at 28% and Delhi lagging behind at 28%. However, this increase

remains slower than the increase in private motorized vehicles and while buses quadrupled, cars and motorcycles increased nearly seven fold. Buses are a sizeable portion of all public transport in Indian cities, and along with minivans, rickshaws and cycle rickshaws, these forms of transport available to the public account for 30% of urban trips in cities between 1 and 2 million, 42% in cities with populations of 2 and 5 million, and 63% in cities with a population over 5 million. Eighty per cent of trips in Kolkata are by public transport, and 60% in Mumbai and 42% in Chennai and Delhi respectively (which are polycentric and lower in density). In Delhi, 21% of land area in Delhi is devoted to roads, for privatized modes and autos, cycle rickshaws and cars. This results in 80,000 fatalities a year because of traffic accidents, a third of which includes pedestrians, motorcyclists and bicyclists. Policies continue to ignore the needs of non-motorized travellers, focusing on speeding up travel for the motorized elite by grade separated flyovers and widening selected arterials (Pucher et al, 2005). An important aspect of mobility is the limited scope of travel purposes of the poor, with travel usually accommodating pragmatic journeys to work, education and to meet domestic requirement. The idea of leisure or participation in public life by choice has yet to be incorporated into travel planning for cities.

2. Policy Framework

The recent National Urban Transport Policy (NUTP) (GOI, 2006b) adopted by the union cabinet in 2006 is a dramatic policy shift that *seeks* to address the mobility needs of the poor. The NUTP aims to steer transport planning away from privately owned auto-based mobility solutions (Tiwari, 2007) as the key for modernization and economic development, and towards privileging public transport systems. The policy is premised on the importance of the urban agglomeration as a center of rapid economic growth for industry and service. The growth in the population which presses for improved mobility, and the flow of goods and people, necessitates a policy that makes for good mobility

and allows for socio-economic activities. While the plan is people-centric, it emphasizes the need to make cities livable *as* engines of economic growth. The NUTP responds to the need for urban planning as a parameter in planning rather than as a post-facto result of urban sprawl. Drawing from a framework of 'sustainability', it seeks to replace vehicles with people, and bring in improved public transport and non-motorized modes in a multimodal system which makes room for safety, affordability and access to jobs, education and recreation. Policy objectives include public-private partnerships for financial support, and urban planning as a professional practice that is also regulated through legal frameworks.

By taking into consideration land use, population, area, and urban income levels, the primary consideration of the NUTP is to channel the future growth of a city around a pre-planned transport network rather than developing a transport system after uncontrolled sprawl has taken place. This is seen as being contingent upon the equitable distribution of road space, since the focus of transport policy needs is people and not vehicles. The need to reserve space for public transport and non-motorized forms such as cycling and walking is given centre stage, as part of the larger discursive structure of the NUTP's argument towards a sustainable, people-centric policy that takes into consideration urban livelihood patterns.

The policy stresses the importance of recovering operating costs both with private-public partnerships and through different pricing schemes and public transport mechanisms for different classes, taking into account the heterogeneous nature of the urban population. Apart from basic services and subsidised fares, the need for premium services of high quality for the segment of the population needing to be weaned away from the use of private transport, is given focus. Alongside the JNNURM, the NUTP places emphasis on transport systems that integrate different modes in order to create a space for seamless travel; the mixing of various

modes of transport require urban planning and public appraisal which need to be given institutional impetus. Along with planning is the necessity of an improved system of governance, operating in conjunction with professional bodies that regulate the performance of public transport systems.

The NUTP is important given the sprawl of unplanned urbanization in India today, and the expected increase in urban population. In light of the encouragement of private motorized transport in infrastructure development projects funded by Central and State government, the NUTP's focus on a people-centric, inclusive perspective brings equity into a discourse largely dominated by the demands of private motorized transport. However, the implementation of the policy objective remains to be seen, with governments required to use technologies suitable for land use, populations and urban form, specific to different cities.

The Jawaharlal Nehru Urban Renewal Mission (JNNURM) includes urban transport and has identified 65 cities for the upgrade of road infrastructure, with guidelines prioritizing public transport in compliance with the NUTP. Public transport, pedestrians and bicycles and the Bus Rapid Transit System [BRTS] are the focus of its purview for transportation. BRTS and bicycle-inclusive plans require cities to modify earlier road expansion schemes for at least five cities and this includes 6 lane arterial roads which provide 2 lanes for buses (Tiwari, 2007).

3. The Experiments

The High Capacity Bus Systems [HCBS] that are being introduced into urban planning exist in discourse as a space diametrically opposite to metro rail, despite the umbrella idea of multi-modal transit networks within urban transportation development. Solutions to transport crises are structured by imagining networks of mobility through single signature transportation infrastructures, where the benefits of metro rail stand in oppositionto the HCBS.

The vision of the HCBS makes room primarily for public transport and non-motorized vehicular transport on road space, in an attempt to wean the transport planning strategy from the centrality of private motor vehicle usage. The HCBS works also to address the problems of congestion and accidents that occur due to mixed-mode traffic on roads. The HCBS also attempts to accommodate roads as places of work, shelter and transit, attempting to restructure traffic flow by restructuring roads into physically divided sections that make space for the differing relative speeds of different modes of transport, such as buses, cars, bicycles and pedestrians.

Drawing from the experiences of the success of the HCBS in Latin American countries, the affirmation of its benefits are described strongly in terms of cost and time efficiency. As opposed to the metro rail, held to be unsuitable in itself to meet the mobility requirements of a majority of city residents given the mixed land use patterns of Indian cities, the advantage of a road based mass transport system is seen in its inclusion of low income residents within its network. Different from just a regular bus fleet, HCBS includes a reserved right of way for buses to optimize routes and allow for more passengers per hour per direction [pphpd], a greater density of routes, and modernized and centralized control of bus movements. Special buses with low floors for safety are also a feature of the HCBS.

The Bus Rapid Transit service has to be introduced into the city through a reconfiguration of city space in the same manner as the mono-rail networks, a stand-alone system with no compromise over right of way (Patel 2006: 2035). The emphasis of the BRTS is to accommodate the convenient and economical movement of *public transport,* and in addition to a dedicated corridor for buses, meeting the needs of pedestrians and bicyclists, thus accommodating the primary needs of 80% of the commuters on the road. An examination of the practice (or lack of it) of the BRTS in Delhi, Ahmedabad and discussions in Mumbai will help reveal the extent to which it actually addresses social inequity, and to what

degree the project *spatially* integrates into its implementation the benefits it purports: across income groups, gender, class and location.

The urban development vision envisaged by the JNNURM makes room for the introduction of the BRTS in Ahmedabad, Bhopal, Delhi, Indore, Jaipur, Pune and Vishakapatnam. Under the supervision of the Delhi Integrated Multi-Modal Transport System which was formed in 2006, Delhi has scheduled the building of 26 BRT corridors covering a total length of 310 km by 2020. The JNNURM in Ahmedabad funded a project of Rs. 880 million for a pilot corridor of 12 km. In addition to the public transport facilities made available by the Ahmedabad Municipal Transport Services (AMTS), this JNNURM-funded BRTS project is seen as a strategic intervention that seeks to improve transit options for the city.

Ahmedabad has witnessed a growth of 9 to 10% of private vehicle ownership per year, with a simultaneous deterioration of the public transport situation provided by the AMTS. With 250,000 passengers per day and a fleet of 350 buses, Ahmedabad sought to create an Integrated Public Transit System in three phases, with a proposed BRTS, metro rail and a roads upgrade all on the agenda. The BRTS was tabled with the intention of introducing a network of 155 km, with a first phase of 58 km developed in the Ahmedabad Municipal Corporation (AMC) area. The project attempted to induce modal shifts to public and non-motorized transport and improve road infrastructure. It was also the first big project equally working for the benefit of the poor after the communal riots in 2002.

The AMC zone is a region with mixed socio-economic groups; the Walled City and eastern area consisting of high density of population of low income households in industrial areas, and the western sector primarily composed of the planned, high income residential localities with less population density. The Sabarmati River was a spatial marker of the economic duality of Ahmedabad city, with the eastern city distanced from the educational centre and other

institutions located in western Ahmedabad. Western Ahmedabad is a less modernized area which was scarred by the communal riots of 2002 with a high composition of working class Muslims and lower caste groups. Lower income groups constitute up to two-thirds of the households within the AMC's jurisdiction, with high income groups only 7%. Prior to BRTS the city had up to 64% users' captive to public transport or walking due to affordability constraints. The BRTS was to attract transit users from economically weaker sections, through greater spatial and economic accessibility, by creating a system that made room for non-motorized mobility.

Swati Khanna's analysis of the social and geographical equity aspects of the BRTS in Ahmedabad looks at the extent to which the purported benefits sought to be brought to all income groups actually demonstrates a regressive movement, with a high proportion of travel time savings and savings from vehicle operating costs accruing to higher income groups, with benefits accruing from modal shift comparatively insignificant. Given the percentage of low income slum and chawl dwellers of the eastern city, who constitute 40% of the total population of Ahmedabad, the benefits of the BRTS were disproportionately lower for these groups than for middle and high income groups. Household sample surveys of income groups demonstrate that high income groups were located closest to BRTS routes, with a distance of 708 metres from the BRTS, and lower income groups at a further distance of 867 metres (Khanna, 2009). The winners of the BRTS were seen to be clustered around the western part of Ahmedabad along the BRTS route.

In the planning for the two operative BRTS routes covering 39.5 kilometres the BRTS run by Ahmedabad Janmarg Limited also saw the eviction of 2,600 families along its routes, mostly in Wadaj-Nava Wadaj, Chandola Lake, Danilimda, Khodiyarnagar, Shah Alam, Jamalpur, and Soni Ni Chali. These locations are coincidentally situated in the eastern sections of Ahmedabad. At the same time, significant road improvements in the western parts of the city, and the importance of the station at Kankaria Lake also indicated the bias towards higher economic groups. The BRTS also entailed evictions around BRTS terminuses, near Gita Mandir in the centre of the city, for the building of the Maninagar station, and also near Kota Nagar on the edge of the city ring roads.

It is also important to note that the public-private partnership model that allows for the development of the BRTS in Ahmedabad pumps in Rs. 1200 crores (266,6 millions US$) a year to the 50 buses operative in the current phase of the BRTS. At the same time the fleet of 650 AMTS buses secures a daily revenue of only Rs. 25 lakhs (around 55,5 thousands US$) that needs to accommodate up to Rs 88 crores (around 19.5 million US$) a year for pensions and salaries. The improvement of public transport through the AMTS was neglected with available private capital channeled to the BRTS instead.

The Ahmedabad Janmarg Bus Rapid Transit System has been widely hailed as one of the best mass transit systems in the country, despite analysts demonstrating the imbalance in benefits that the system has created in the city. Raising the profile of the BRTS system within urban planning discourse and emphasising that it is for people and not traffic, do not adequately evaluate the distributive economic impacts of the project. There are negative distributive impacts, spatially, for instance, and in falling short of providing subsidised fares, and better facilities and routes for bicycles and walking. More work is needed to bring a higher percentage of gainers from modal shifts than from infrastructure improvement. However, the accolades that the Ahmedabad BRTS have received with the 2010 Sustainable Transport Award and the extensive support from the Gujarat state government, is exceptional given the high degree of public outrage witnessed by the introduction of the BRTS in New Delhi.

The BRTS in Delhi has been in the planning stage as far back as 1998, but received impetus with the Commonwealth bid that allowed it to unfurl

as a pilot project in April 2008. In a city with a 132% increase of car ownership between 1996 and 2006, road space rapidly became a shrinking and precious resource that needed efficient management, with traffic fatalities standing at 15,000 in 2004 (Badami, 2009). Unlike the Delhi Metro Rail, the BRTS was subject to an extensive press vendetta. The BRTS was seen as hijacking road space away from car ownership. The editor in chief of a prominent daily accused the system of being made by "an incredibly powerful alliance of well-meaning civil servants, politicians, activists, and private "experts"" and to have enforced brutally a Lane Permit Quota reminiscent of the License Raj Quota period[99]. The BRTS amounted to a "new kind of ideological socialism" that meted out "radical surgery on the roads without due public consultation" (Gupta, 3rd May 2008).

In a city such as Delhi which over the last decade did witness extensive surgery of roads with predominance given to grade-intersected intersections (flyovers) for smoother traffic flow and control of vehicular emission of cars that served only a minority of the total commuting population, the media ire against a system that was threatening the space- symbolic and literal- of private vehicles on the road [and a certain class of users] was a double-edged sword. In Mumbai, 50 flyovers were built at a total cost of 100 crores, while in Delhi up to 30 flyways were built for around the same expense. Road widening and highways are seen as solutions to problems of congestion and pollution, serving motorized vehicle usage with little or no attention to pedestrian and cycle accessibility. Other than the 1500 crores pumped into road improvement and flyovers by the JNNURM, up to 67,455 crores (around 15000 million US$) are being sanctioned for rail based metros across 6 mega-cities, while the road based BRTS across 7 medium cities received 2990 crores (around 665 million US$). In comparison, pedestrianization stands at only 94 crores (around 21 million US$).

4. The Affordability Question

Bicycle and walk trips constitute up to 27 and 38% respectively of total trips in medium and large cities in India. This is all the more noteworthy when set alongside high motorization and road improvement. Cyclists are involved in up to 10% of road related fatalities, and pedestrians continued to be 49% of the category of victims of road accidents. Low income households who depend on these modes do so out of necessity; in a city like Delhi, around 30% of households have monthly incomes of less than Rs. 5000, making motorized public transport unaffordable or prohibitively expensive. The fare per kilometre on the metro (Rs. 0.60) or on Delhi Transport Corporation buses (Rs. 0.20) could cut into as much as 15% of total family income (Tiwari and Jain, 2008). Buses, however, continue to serve approximately half of travel demand, but are given no dedicated lanes. These vulnerable roadway users and the majority of the commuting population dependent on public transport are sidelined by policies that cater to car-oriented, automobile lifestyles.

The idea of the world-class city has been the guiding force behind the transformation of Mumbai's roads. The process of change upholds the vision and reinforces the very subjective experience of a particular class. The car user is distinctly upper middle-class, and disregards the mass of people who depend on buses, trains, and human power for walking or cycling. Further a large portion of the poor live in the eastern suburbs, which are less connected by public transport. They try to find work closer to their residence to avoid commuting costs but when travel fares account for a higher percentage of income than is affordable walking becomes the most practical option for commuting. Choice of mode of travel, of either bus or rail is also determined by location in the city, where the poor who would benefit from rail transit since the fares are cheaper than buses, live further away from

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[99] This refers to the period of the planned Indian economy where a complex system of licenses and regulations was central to the control of the economy and led to malpractices regarding issuing of licenses to a selected few.

rail lines due to land prices being higher near the railway. A one-way, 20km commute on the rail would cost less than Rs. 4 (0.09 US$) a day as opposed to the Rs. 20 by bus (Baker et al., 2005: 30).

The Government of Maharashtra over the last decade have introduced the Bandra Worli Sea-Link, the Mumbai Urban Transport Project [MUTP], the Mumbai Metro Master Plan, the BRTS and the Mumbai Monorail Master Plan along with the addition of several flyovers. Despite the efficient suburban railway, rail fatalities are at a staggering 4000 a year and extreme overcrowding causes enormous duress. Lack of pedestrian friendly infrastructure on the road, and that conjoined with the railways has led to many of the fatalities. The MUTP which was to provide 30 Pedestrian Grade Separated Schemes, has followed through with the completion of only one. The transformation of Mumbai into a 'world-class city' with such projects requires extensive road widening, but implementation has narrowed down widths of footpaths for pedestrian usage. Connecting the elite to modernity (Anand, 2006: 3424), roads are seen as leading the direction to a congestion-free, smooth-flowing urban system, even as they systematically exclude a majority of the population in transit. In Mumbai, bazaars have been relocated outside of the city to make room for more roads, and auto rickshaws, trucks and unlicensed buses are forbidden from entering the island city during the day. Several roads are closed off to non motorized vehicles as being modes of transit that impede flow of traffic (Anand, 2006).

The BEST[100] bus fleet in Mumbai carries up to 4.1 million passengers per day, and the railway transports 6 million over 303 km of tracks; 47% of Mumbai's population moves on foot or bicycle, and 75% of all motorized trips are by public transport (Cropper and Bhattacharya, 2007). However, schemes to improve mobility still focus on rail based systems as solutions to congestion and pollution control, with the idea of

the BRTS receding into the background. The BRTS in Mumbai could work to ensure safe movement of pedestrians and non-motorized mobility, and a bus system to reduce the load on the railways. This could be done by reducing the priorities given to the Mumbai Metro Master Plan, flyover and skywalk projects envisioned by the Mumbai Metropolitan Region Development Authority and by promoting north-south arterial routes and east-west BRT routes. Such an approach, some argue, would be much cheaper than existing plans (Badami, 2006: 4726).

The situation in Mumbai of the reluctance of the wealthier classes of the city to provide right of way to pedestrians and bicycles, is not unique to the city but is a phenomena of class; it bursts forth vehemently in the media's diatribe against the BRTS road designs in Delhi, etching out the exclusive imagination of the 'public' by planners and practitioners who uphold procedural iniquity in the implementation of transportation decisions.

The ideals that prop up infrastructure development in Indian cities, aspiring to build modernized infrastructure that derive from successful models, are described in Hirschmann as 'pseudo-imitation', in which to be acceptable, it seems, projects must often be built as pure replica of a successful venture in an advanced country (Hirschmann, 1967: 22). The Transmileno in Bogota, which has been held up as an exemplary moment in urban transportation planning for developing economies, cited repeatedly in the Indian situation as a model, also faced equity problems given its distributional outreach to poorer income groups and settlements, with the traditional, less expensive, albeit chaotic, bus system replaced by a more expensive fare system of the Transmileno that was funded by private companies.

The metro rail systems that are rapidly being propounded in Indian mega-cities are also part of the developmentalist agenda that mimic the

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[100] The Brihanmumbai Electric Supply & Transport Undertaking

metro systems of high-income countries, despite the need to address the specificities of patterns of living and working in the Indian urban situation. While the need is great for high density networks and lower capacity surface transport systems that are cost efficient in terms of the user and the city planner, the metro is seen as comfortable, economical and freeing up road space of congestion. The first elevated rail transit system of Chennai which cost Rs. 269 crores brought in no returns, with a higher fare structure and the absence of intermodal transport facility at the stations leading to the city, thereby virtually ignoring its existence. The first and only underground metro railway in Kolkata, which was to bring in 623.7 million passengers by 2000 saw only one-eleventh of its projections met. Experiences from the Delhi and Kolkata metro indicate that these projects do not meet up to their stated projected carrying capacities (2.2 million passengers per day in the case of the Delhi Metro in Phase 1, 2005) and indeed, subsidize up to Rs. 12,000 to 40,000 per person per year in terms of capital expense (Mohan, 2007). Despite empirical evidence of the drawbacks of such high capital investment bringing back results which fall short of predictions, the metro has possessed the imagination of urban development in India.

While the Delhi Metro has successfully captured a significant degree of middle income bus users, and has covered up to 190 km in its second phase, the benefits it purports, such as the decrease of traffic congestion, are difficult to assess. "To make the project appear more attractive than it was, the pseudo imitation technique was used to present it. Since urban rail transit was tried and tested in developed countries, it was easy to conceive of it as a solution to Delhi's transportation problems" (Mann, 2009: 6). The next phase of the Delhi Metro will require an investment of Rs 14,500 crore (around 3222 million US$) that the Delhi Metro Rail Corporation seeks from the DDA and the Japan International Corporation Agency (JICA) , to add another 69.57km of metro through six new corridors. At Rs. 8 to Rs. 30 (0.17 to 0.66 US$) a ride, the cost of the metro continues to be twice that of a bus service, being unaffordable to

a significant section of the population. However, as Rashmi Sadana notes, "as a symbol alone, the metro has already gone some way...(it) is seen as unambiguous evidence of progress and development; it is seen as proof that Delhi is indeed a world-class city spawning a "pan-Indian desire for the metro" (Sadana 2010: 78).

The Namma Metro project in Bangalore, and the Hyderabad Metro Rail Corporation, saw the filing of writ petitions and Public Interest Litigations against it. They cropped up largely through the lack of public consultation and violation of prior clearances from state governments regarding the protection of environmentally sensitive zones. The PIL filed by the Environment Support Group (ESG) in Bangalore is largely based on a response from concerned groups of specific outrage that Lalbagh, a heritage space of ecological value, and other public parks and neighbourhoods, were built upon by the Namma Metro project. The PIL was largely in favour of the sanctity of public commons that were disregarded and were to be displaced by industrial sites. The ruling by the High Court on the Bangalore Metro in November 2010 demanded that metro rail system be developed in strict compliance with the Karnataka Town and Country Planning Act, which required public consultation for any land use planning. In essence, the PIL reinforced that which the metro needed to address as law: the preparation of the Master Plan, public consultations and absolute transparency of its budget. However, the notion of the 'public' embedded in the ESG's response is predicated on what has been been called bourgeois environmentalism; the process was set in motion not by the concern for the metro as a mode of transport and its accessibility and affordability, but by the filing of a PIL contingent on aesthetics and sanctity of public commons; the illegality of the development of the metro line in Southern Bangalore, which destroyed public parks enjoyed by middle class residents.

The justifications for the metro across the board have been based on social benefits such as improved access to users of the system, reduced

pollution, and travel and time savings. However, the differential concerns of a heterogeneous population with users of different classes, and even a category of non-users, are not necessarily explored. Gitam Tiwari, in fact, asserts that the segment of the population who are 'non-users' might indeed experience an indirect impact of the metro project. The impact of the Delhi Metro on poor households within the proximity of the project has been studied by Anvita Arora, who documents the commercial and residential evictions, especially of low income settlements, effected by the Delhi Metro for its construction. Arora's household survey based on primary data reveals that for those households that were not evicted by the metro line, there was reduced accessibility to bus services, and for those households relocated by the metro, distance to work and education have increased, with decreased transport accessibility (to bus stops and work areas). Distance, time and cost are seen to have increased, for up to 83% of the households interviewed. The low income resident could also not afford the metro without losing 30% of family income on travel. The urban poor are not seen as the target group of stakeholders for the metro, nor even considered as a population adversely affected by land use patterns of the metro lines itself (Arora, 2007).

A continued look at the 'illegal' occupations, of unauthorized housing in the city, which are a significant part of the spatial, social and economic fabric of the city, show that the linkage between shelter and livelihood for the poor is constantly rendered unstable due to large scale evictions and relocations. For women in urban slums from low income households the situation is most precarious, with poverty structuring limited mobility. Not only does transportation planning in India rarely meet the accessibility and affordability needs existing in India, policies also fail to include the gender specific needs of transport users. The risk of sexual harassment structures the lives of women, and such gender based restrictions on mobility with the added burden of lack of affordable modes of travel for women in urban slums have barely been addressed.

5. The Law

At this point it is interesting to introduce the High Court of Delhi ruling on the Public Interest Litigation[101] filed by Manushi and the Initiative Transportation and Development that deals with the ceiling limit fixed by the Municipal Corporation of Delhi (MCD) on the issuance of cycle rickshaw registrations, which stood at 99,000, and the bye-laws of 1960 that limited the granting of licenses only to cycle rickshaw 'owner-pliers'. The regime of zoning by the MCD which deemed it legal to impound, confiscate and destroy rickshaws comes under jurisdiction alongside the need to create separate lanes on road way to provide right of way to non-motorized modes of transport like the cycle rickshaw (High Court of Delhi, 2010).

The premise of the PIL was based on the necessity of allowing cycle rickshaws to ply on roads without the everyday exploitation and harassment faced by unlicensed rickshaw-pullers. This sector employs up to 800,000 seasonal migrant workers and requires a low capital investment to improve livelihoods. Most of all, this form of transportation is important as a feeder mode for the users of public transport and for short and medium length trips. The ceiling on the number of licenses is seen by the PIL as hostile discrimination since no such licenses are issued to motor vehicle owners, which are also given prominence at the cost of pedestrians and NMVs. The MCD's cap is also seen as violating Delhi Master Plan 2021 which mandates the use of NMVs. The ownership policy of the bye-laws

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[101] The Public Interest Litigation (PIL) was created in the 1970s to encourage the use of the court by the poor and any well intentioned person, representing their interests, to take up issues related to fundamental and human rights before the court. From the mid-1980s onward, large numbers of PIL related to environmentalism and issues of urban governance were brought to the Supreme and the High Courts, leading to a form of judicial activism that was increasingly led by the middle class and was in many cases adverse to the inter-est of the poor.

also held that the plier of a cycle rickshaw had to be the owner, and the PIL holds that given that a majority of rickshaw pullers are impoverished, seasonal unskilled migrants requiring livelihood, this denies them the opportunity to earn their livelihood and condemns a class of citizens. The declaration of no-entry zones and the lack of separate lanes are not only damaging for the income of cycle rickshaw pullers but also dangerous. The lack of parking spaces, resting spaces and repair yards which would allow for rickshaws to ply are entirely absent, indicating a failure by the government to provide safe working conditions.

Given that motorized vehicles are allowed to ply unrestricted, the zoning regime which prohibits the plying of cycle rickshaws is deemed further unlawful given that this also affects poor commuters. While the regulation is not voided by the Court, the Court stresses the need to take remedial measures. The use of the public road has to be made inclusive to all modes of transport and cannot be appropriated or monopolized by one mode of transport, particularly when the bulk of the population uses public transport. The need for segregated cycle tracks is stressed by the Delhi Master Plan, along with the bus corridors, which as a form of road management would not to give primary access to only one class of vehicles.

This framing of the cycle rickshaw within the claim to the city by the court is not only path breaking in terms of the discursive parameters of constitutional equal opportunity that it draws from, but also in linking the right to livelihood by declaring the cap on cycle rickshaws as arbitrary; not only does it stress the need to allow cycle rickshaws to ply freely on the roads but also recognizes the importance of the activity as employment for the poor. Given the absence of any restrictions on private motorized vehicles, the court sees the ceiling cap as antithetical to equality in addition to being arbitrary. It places strong emphasis on the need to promote non-motorized transport, especially in terms of the linkages they provide to public transport. In light of the unprecedented rise in the motor

vehicle population, and Delhi's population, the presence of cycle rickshaws is seen in positive terms, providing services as feeder modes to public transport, providing employment to a class of impoverished persons. The court rules that while the municipality is entitled to regulate road space and traffic, it is necessary that public roads include pedestrians as much as traffic of motorized and non-motorized modes, stressing the need for balance in accommodating the view of all stakeholders on the road.

6. Conclusion and Recommendations

The purpose of progressive policies such as the National Urban Transport Policy is to allow for the participation of the heterogeneous social groups within the city, through multimodal networks that bring together spaces, cultures and geographies seamlessly. However, the infrastructure projects taken up in various urban spheres in India reveal a lack of inter linkage between different modes of travel. What is happening in transportation planning at the moment is a shift from city planning and governance to mega-infrastructure and development as single signature solutions to dilemmas of mobility, notwithstanding the emphasis on multi-modality. When cities are shaped by megaprojects, the purpose of the Plan falls into disrepair. Understanding of the urban form in development projects and transportation needs to recast the understanding of the public as a space of common interest, a collective aspiration.

An exploration of the dominant forms of transport currently privileged by the public-private partnership model reveals a lack of adequate analysis of urban form and affordability, with multimodal transportation touted as a model without sufficient integration of different regulatory bodies. There seems to exist in the current scenario an endless series of interruptions between the different models of transportation that are being advocated. Public transport and of network models that allow for pedestrian and bicycle access need to integrate

privately-run, intermediary transport forms within the larger agenda touted by the NUTP, bringing into its purview the diversity of localized transport that are currently in use. What is necessary is a closer look at the exclusions that are enacted in the deployment of plans by the Government, where different experiments with the metro rail and high capacity bus systems override the urgent need for more equitable access, density of routes and affordability. What appears to be currently at work is an emphasis on offering public transport as an attractive alternative to private motor vehicle usage. This is a blinkered view at best, given the deep class inequality prevalent in the Indian urban situation, where the majority of transport users are in fact, non-private vehicle users.

Given the diversity of Indian urban forms, transportation planning needs to closely address the links between livelihood and transportation without resorting to single-signature infrastructure projects as solutions to problems across the board. Affordability needs to be singularly addressed as a serious concern, given the almost pan-Indian scenario of inequality of class structure.

As put by Gautam Bhan, the contestations are "fundamentally, about urban citizenship - by what rules do we share what we collectively consume" (Bhan, 2008). The problem one faces then is between the Plan, the unorganized sector and the infrastructure as it stands, and infrastructure as it is projected in the urban planning imagination. The partial view of the Plan itself lies in its attempts at inclusivity that leads to ejections of prexistent urban forms of livelihood and modes of transit. Urban transportation planning, policy and implementation needs to verbalize and integrate how and to what extent the public sphere of transport imagines common interest, to what extent the State, the court and the mechanisms of infrastructure actually inform the city as 'public'.

The Retreat of the State in Healthcare Policy and the Right to the City

Ravi Duggal

1. Context

The public health system in urban India was fairly robust until the end of the eighties. The civil hospitals of district towns and the teaching hospitals and specialty hospitals in larger cities and metros were centres for obtaining excellent healthcare free of cost. This access was not limited to the city dwellers. The rural hinterland also had access to it when they needed it. In fact the tertiary care hospitals in the large cities and metros attracted patients not only from across the region and country but also from neighbouring countries and developing countries of Asia and Africa. So the public healthcare of urban India was clearly seen as an arena of right to the city and the public hospitals of these cities served one and all without any prejudice or discrimination.

But this was in an era when public hospitals reigned supreme and had some of the best medical care expertise and facilities. The economic policies of liberalization, privatization and globalization, which had its beginnings in the early eighties and accelerated after the structural adjustment reforms of the early nineties under pressure from the World Bank, changed all this. The trusted and well functioning, albeit overcrowded, public hospitals in these cities, as well as in many districts, became victims of the economic reforms through budgetary neglect. Declining investments and expenditures in public health budgets from up to 1.5% of GDP in the latter half of eighties down to 0.8% of GDP by mid-nineties (Duggal, 2009) stifled the functioning of these hospitals creating dissatisfaction not only amongst users but also frustration amongst healthcare providers working in these hospitals. At the same time private healthcare, already well-entrenched for outpatient care or primary care, started to expand rapidly to fill the spaces that the neglect of public hospitals was creating.

This private sector growth was facilitated by an unprecedented growth of medical education in the private sector, the entry of the private sector

in health insurance and the corporate sector in healthcare. This changed the political economy of urban healthcare. From relative equity in access to expensive hospital care there was a clear shift to increased inequity with the urban middle classes, supported by employers and/or insurance, moving to the private sector. The middle classes, including government employees, were the voice of public healthcare but their exodus to private healthcare in an environment where fiscal withdrawal of the state crippled the public healthcare system and left the public health institutions to become providers for the poor. It is well recognized that a public system functions best when it is based on universal access and anything which becomes a structure or scheme for the poor becomes a poor system. A further blow to the public health system came with the so-called health sector reform projects led mostly by the World Bank and bilaterals like DFID and USAID. These projects introduced the notion of user fees in public hospitals and added further to the difficulties of the poor who had become the main users of these institutions.

Thus through the nineties and the new millennium the urban public healthcare system deteriorated and is today in a dismal state. Only a radical transformation hinged on universal access to healthcare and a rights-based approach can reverse this declining process. This paper will discuss the urban healthcare challenges in this context.

2. Policy Framework

These changes in the urban health scenario of the post-eighties happened because there was no urban health policy or even an understanding of urban health. The 1982 National Health Policy (NHP) (GoI, 2002) was largely about rural primary care. Until then cities were seen as development centres and healthcare hospital facilities were the hallmark of cities. Hence medical care characterized the health image of the city. Thus the hospitals were more important than the dispensaries or clinics which provide primary care and consequently resources were

primarily directed at hospitals. Thus, besides providing secondary and tertiary care they also became huge primary health centres with thousands of patients seeking primary care daily and overcrowding the hospitals. The inadequate investments in primary care in the cities prevented the development of a referral system and this has had its consequences for the inefficiencies of the public health system in urban areas. However, in urban areas, with teaching hospitals, urban health centres were set up as an extension of the medical college's preventive and social medicine department, to provide comprehensive primary care in selected urban pockets (Pandit et. al, 1996). These were in a sense the first attempts at urban primary care but instead of evolving into that they became mainly field practice areas for medical students and interns.

Further, overall urban policy itself is a problematic area. Historically it has been an arena of tension between the state government and the local bodies (Shaw, 1996). Notwithstanding the 74th Amendment of the Indian Constitution, the tension continues and in most urban areas the state governments continue to reign supreme and this has stifled local initiative in urban policy development and reform.

However, in the latter part of the eighties a different trajectory for urban health policy was shaping up under the direction of the World Bank. This could be seen as the first initiative in urban health policy making. This was the Fifth India Population Project (IPP V) under which, as per suggestions of the SV Krishnan Committee (1982), health posts were recommended for Mumbai and Chennai (and later IPP VIII in Delhi, Bangalore, Kolkata and Hyderabad). The health post concept was to help strengthen primary healthcare in urban areas but this opportunity was not used in the best possible way. In reality instead of being comprehensive primary healthcare projects, the IPP V and VIII became family planning and RCH (Reproductive and Child Health) projects directed at changing the demographics and not the healthcare of

Table 1 Trends in urban hospital utilization rates (%) and average medical expenditure per hospitalization (Rupees) across 42nd (1986), 52nd (1996) and 60th NSS rounds (2004)

Type of Hospital	Hospital Utilization (percent)			Hospitalization Expenditure (Rs.)		
	60th	52nd	42nd	60th	52nd	42nd
Public	38	43	60	3877	2195	385
Private	62	57	40	11553	5344	1206

Source : NSSO 60th Round – 2004, Report No. 507, NSSO, New Delhi, 2006

the cities. They were targeted mainly at slum dwellers and the poor and the result was that they developed into a poor primary healthcare system. In the meantime India underwent structural adjustment which reduced budgetary allocations to healthcare and opened the gates for the expansion of the private health sector, especially hospitals. This changing trajectory is well reflected in the National Sample Surveys (NSS) on morbidity and utilization (NSSO, 1998 and NSSO, 2006).

The utilization and health expenditure data across the 42nd (1987 – pre structural adjustment), 52nd (1996 – early post structural adjustment) and 60th (2004 – full impact of structural adjustment) rounds of NSS shows a very alarming trend (Table 1).

There is over a one-third decline in the use of public healthcare facilities for hospital care in urban areas and consequently an increase of over 50% in the use of private healthcare facilities. Why is this so? Partly the answer is within the same data set. The cost of seeking treatment even in public hospitals has increased over ten-fold. During the same period the purchasing power of the poorer classes has not changed in any substantial way and as a consequence the 52nd and 60th rounds show higher levels of untreated morbidity as well as asset sale and borrowing (indebtedness) to seek hospital care, especially amongst the poorer groups. This trajectory in healthcare access brings out sharply the diminishing affordability of healthcare.

The other part of the answer is the declining investment and expenditures in the public health sector, down from 1.5% of GDP in 1987 to 0.8%

in 2004. Presently however, it is almost 1% due to the push under the flagship of the National Rural Health Mission (NRHM) programme. In fact, NRHM has had adverse consequences for urban health – with greater resources being pumped into rural healthcare services without a significant increase in budgetary allocations for the public health sector, the urban health services were further strangulated leading to the collapse we have seen over the last decade or so. Realizing this, the Central Government announced a National Urban Health Mission (NUHM, 2010) to bring back life into the urban health services but over two years have passed since its announcement and there is nothing on the ground as yet.

However, even if the NUHM were implemented, one is not sure if the situation would have changed for the better because the policy prescription in its framework document is problematic: "The National Urban Health Mission aims to address the health concerns of the urban poor through facilitating equitable access to available health facilities by rationalizing and strengthening the existing capacity of health delivery for improving the health status of the urban poor. This will be done in a manner to ensure that well-identified facilities are set up for each segment of the target population which can be accessed as a matter of right." Further the mechanisms being suggested like public-private partnerships (PPPs), community risk pooling schemes and insurance for secondary-tertiary care for targeted groups, among others, is very clearly an extension of the selective approach which the IPPs promoted. And such an approach will only further damage the public health system in urban areas (Dasgupta and Bisht, 2010).

Box 31. Public health resources availability

Public health resources in urban areas appear reasonably adequate when contrasted with rural areas and this is reflected in the fact that household own expenses in urban areas are only about twice of what the state spends on healthcare in urban areas as against rural areas where out of pocket burden is 10 times that of what the state spends on rural healthcare. Metropolitan regions like Mumbai corner about half the public health resources of the state and also about 40% of private health resources. Thus while we see policy level neglect of urban healthcare we see less of a neglect in terms of resource availability, even though there is a declining trend.

3. Debates and Key Challenges

Urban areas accommodate for three quarters of the healthcare infrastructure and provisions - doctors, hospital beds, expenditures etc. Urban areas definitely have healthcare resources on a par with developed country averages and definitely within the framework defined by the WHO. These resources were indeed being effectively delivered until the late eighties to a reasonably satisfied urban population with effective health outcomes. But post 1990, the declining expenditures and investments contributed to the neglect of the public health system and especially the urban health system which, with much lower budgetary allocations, had to now compete with the fast growing private health sector. Under structural adjustment programmes, social policies also veered towards marketization and a clear shift in healthcare policy was engineered – from comprehensive care to a preventive-curative divide, the former being under public responsibility and the latter being the domain for the private health sector.

It can be argued that these trends are closely linked with the wide spectrum of changes in the economy since the mid-1980s, which have led to the large and unregulated growth of the private health sector, especially corporatization of healthcare, privatization of various services in public health institutions, including introduction and increase of user fees. This list continues with the following changes making up the spectrum; the deregulation of drug prices, expansion of private medical education, increased reliance on market mechanisms to address welfare needs, the introduction and rapid growth of private health insurance, the weakening and privatization of social insurance, and consequently the overall weakening of public health systems.

All this clearly happened by design as evidenced by health policy statements supporting private sector growth. In addition since the turn of the nineties, the state reduced its role by virtually stopping any new investments in public health and there was a declining trend in public budgets, both as a percentage of total government budget, as well as that of GDP. Thus the main hurdle to healthcare access is a weak and declining public health sector which exists in contradiction with an environment of high economic growth on the one hand and the continuing high levels of poverty in the changing political economy and in keeping with the inequities associated with it on the other. The consequence of this is that even the poor are forced to access market based healthcare as we have seen above with a trend of increasing indebtedness due to healthcare requirements as well as an increase in the proportion of untreated ailments as revealed by the trends from the NSS healthcare surveys.

Despite NRHM the public healthcare system in India still favours much larger allocations for urban areas. Urban areas in 2010 accounted for about 60% of the Rs. 650 billion (14.4 billion US$) of public resources expended on healthcare by central and state governments combined. This works out to about Rs. 1130 (around 25 US$) per capita for the urban population (almost 3.5 times that (Rs. 325 – around 7 US$-per capita) which gets allocated to rural healthcare) (Duggal, 2011). In addition, cities and towns also have municipal governments spending resources on healthcare.

For instance, Mumbai Municipal Corporation with a budget of Rs. 21.67 billion (around 481 million US$) in 2011 will be spending over Rs. 1350 (30 US$) per capita on healthcare, in addition to what the state government spends (MCGM, 2011). Yet Mumbai city's public healthcare system does not meet more than 18% of ambulatory care demand and 36% of hospitalization demand (Dilip and Duggal, 2004). The rest is taken care of by the private for-profit and not-for-profit sector at an estimated cost of over Rs. 3000 (around 66 US$) per capita and at least two-thirds of it as borne by households themselves.

Yet a large proportion of the poor as well as lower middle classes have inadequate access to healthcare resources in urban areas. Why is this so? Urban healthcare, both public and private is over medicalized. Preventive and promotive care, as well as environmental health in urban areas, is grossly inadequate. This leads to a lot of unnecessary medical care and hence a waste of valuable resources. So the issue in urban areas is not adequacy of resources but unnecessary usage and wastage, both in the public and private domain. The public sector does not invest adequately in public health and the private sector benefits as a result with a large clientele of avoidable medical care. Thus urban healthcare is completely cure-oriented. All resources invested in health deal primarily with curative services. Public health measures are grossly inadequate and this results in poor hygiene and poor standards of environmental health. Filth, pollution, epidemics, unsanitary living conditions all lead to preventable health problems. This general situation leads to avoidable medical care expenditures. Table 2 provides an overall health

Box 32.   Healthcare delivery in Puducherry – pride of public healthcare

Puducherry's public health system, despite being a logistical challenge with the 4 districts located as enclaves across three states, is outstanding. It is largely urban with over two-thirds of the population living in cities and towns. The healthcare services are within easy access for all and the services are provided completely free of charge. The per capita public expenditure on health care services is Rs. 1658 or 1.9% of Gross State Domestic Product which annually treats over 48 lakh out-patients (5 episodes per capita per year) and 1.5 lakh in-patients (155 hospitalizations per 1000 population annually), perhaps the highest medical care load anywhere in the country. To support this within the public sector it has a hospital bed: population ratio of 1:500, doctor: population ratio of 1:2000 and nurse: population ratio of 1:1000 and 24x7 free ambulance services. Consequently, Puducherry's overall health indicators are one of the best in the country – Infant Mortality Rate of 25, Maternity Mortality Rate of 35 and birth rate of 16.4. Puducherry has various special health initiatives like a special programme for adolescent healthcare, special medical assistance to below poverty line patients to seek tertiary care, including outside the Union Territory if needed, free kidney transplant and dialysis facilities. Puducherry is leprosy free and has a cure rate of 90% for tuberculosis, and 99.8% of deliveries happen in institutions. In the outlying regions of Mahe and Yanam where tertiary public facilities are inadequate a health insurance programme is being administered to provide cash free secondary and tertiary care to all families up to Rs. 2.5 lakh on a floater basis. So why is Puducherry a success? What is apparent is that adequate public investments have happened and kept pace with increasing demands, budgetary commitments for healthcare are high, and clear efforts at creating equity are visible. What is probably also true is that literacy and educational achievement is high, people are empowered and enforce a political will that provides reasonable health security to the citizens.

Source: Puducherry Ministry of Health http://health.puducherry.gov.in/

profile of urban areas, also indicating the extent of urban advantage. If we read the data on the select variables in Table 2, in the context of a fairly reasonable level of health spending, the health outcomes for urban India are certainly not commensurate, even though in most cases it has an advantage over rural areas.

But we also have the example of Puducherry, a Union Territory which has a mostly urban population and has maintained its robust public health system by assuring that adequate resources are provided to all its healthcare facilities resulting in good health outcomes (see Box 32).

Urban health resources as we have seen above are largely in the nature of medical care. The public health situation is quite poor in most urban areas, despite the volume of public and private health resources committed to urban areas. Primary healthcare facilities in the public sector are grossly inadequate in urban areas and as a result the burden of primary care falls on urban public hospitals, apart from the large variety of private providers. The social determinants of health and environmental health like water, sanitation, sewerage systems and garbage disposal, housing conditions, pollution and overall poverty itself are also a huge challenge which goes beyond the domain of the healthcare system and at the same time impacts the latter substantially. Some of these social determinants of health are being addressed under the JNNURM. Strong policy initiatives backed by the pumping in of resources for these social determinants or environment health initiatives are being addressed and will in turn impact urban health positively. This in fact dovetails with the Healthy Cities programme that the WHO has been promoting (see Box 33).

However urban healthcare, both primary care and even hospital care (with the decline in investments and expenditures), still remains an issue due to weak policy level interventions. The NUHM, despite its weakness, continues to be sidelined and one can only conclude that

urban health policy is not yet a priority with the government which prefers to focus on rural healthcare due to the budget constraints of the health department. The underlying assumption is that municipal governments ought to compensate and invest more in this sector or that the market would provide for urban healthcare along with the rapidly growing private health insurance market. The suggestions made by the defunct NUHM policy document go in this direction.

Given the above described urban health policy environment, a collapsing public healthcare system can only add to the misery, especially for the poor. The collapse as we have seen is largely due to falling investments and declining expenditures in public health spending and this is largely a post structural adjustment programme phenomena. Within the public health system there is pressure for privatization because of accumulated debt burdens. At another level, the private health sector is expanding rapidly and the corporate sector is also increasingly getting into the provision of healthcare. This has raised the cost of healthcare substantially. In fact even in public health institutions user charges have been raised substantially. This makes access to healthcare ever more difficult, not only for the poor, but also for the middle classes. And with gross inadequacies within the public health system even the poor are being forced to migrate to the booming private health sector, and often accruing huge debts as a consequence.

The private health sector, especially in urban areas, that operates in a completely commercialized and unregulated environment is consequently plagued by large-scale malpractices, unnecessary interventions, negligence etc. that has made use of private health care more risky and more unaffordable. This also leads to exploitation of patients' vulnerability and violates basic user rights of such provisions. The complete lack of ethics and self-regulation within the profession makes matters worse and has affected the status of the

medical profession which is today labelled as a dhanda (trade), instead of being regarded as a profession.

Even the government has been unconcerned about regulating the private health sector. Civil society pressures have forced the government to at least start thinking about this and regulatory laws are being formulated and debated but little action has happened as yet. This is the case, for instance, with regards to the provision of free treatment for the poor in Delhi's private hospitals. Thirty seven large private hospitals were given land at concessional rates by the Delhi Government under the condition that they would reserve 25% of their out-patient department capacity and 10% of beds for free treatment of the poor. Following the non-compliance of this agreement, a group of lawyers filed a petition to the High Court of Delhi who gave a judgment in 2007 and ordered these hospitals to abide by the agreed conditions for which they got the land. This order was challenged in the Supreme Court by ten of these hospitals on the basis that they provide very specialized treatment that are too costly to be given free. However, the Supreme Court in September 2011 upheld the High Court decision and has directed these ten hospitals to provide free treatment for the poor. Similarly there is a case in Mumbai High Court filed by health activist groups to demand accountability of all hospitals registered under the Public Charitable Trust Act which mandates all such hospitals to provide 20% of inpatient care and 10% of outpatient care free to the poor. These hospitals which are some of the most well known elite hospitals in India are given complete income tax waiver in lieu of the above social obligation. These hospitals have never respected this obligation and the concerned state agencies have never demanded accountability from them. The High Court has ordered that this provision be implemented but as yet no resolution on the mechanism to do this has been agreed to.

Table 2. Urban health profile (figures in percent unless otherwise stated)

Variable	Urban Value	Urban Advantage (times)
Public Hospital Beds* per lakh	108	5.0
Allopath Doctors* per lakh	196	14
Health Insurance Cover	10.4	4.7
Public Facility Use	30	0.81
Private Facility Use	70	1.11
Under 5 Mortality	52	1.58
Infant Mortality Rate	42	1.48
All Vaccines Children	58	1.48
Ante-Natal Care 3+	74	1.72
Institutional Delivery	69	2.23
Ante-Natal Care by Doctor	77	1.88
Delivery by Doctor	62	2.38
Delivery in Public Facility	29	2.07
C-Section Delivery	17	2.83
Post-Natal Care	61	2.18
Ultrasound Use	44	2.75
Children Under 5 Nutrition Stunting Wasted Underweight Anaemia	40 17 33 63	1.25 1.23 1.39 1.14
Body Mass Index age 15-49 < 18.5 Women Men	25 26	1.64 1.46
Anaemia age 15-49 Women Men	52 17	1.11 1.65
Integrated Child Development Services - any services -No supplement food - child -No supplement food – mother	23 82 83	0.66 0.87 0.92
Piped water	71	2.54
Toilet facility	83	3.19
Gas/Electricity as Cooking Fuel	60	7.5
Disease Burden per Lakh Tuberculosis Diabetes Asthma CHD*	319 1378 1488 7234	1.57 0.54 1.18 0.39

Source: *CBHI – National Health Profile 2010 accessed from - http://cbhidghs.nic.in/index2.asp?slid=1125&sublinkid=929; all other data is IIPS/ORC Macro - NFHS-3- http://www.nfhsin-dia.org/factsheet.html

4. Policy Recommendations

- In urban areas there is an increasing tendency to directly access specialty services and primary care is being ignored. Even public health services give inadequate resources for primary care. For instance, dispensaries and health posts in the Mumbai Municipal Corporation health budget get only 6% of the allocations. Dispensaries, for instance, cater to an average of 80 patients per day, which is a reasonable number, and this shows that we need to expand the dispensary infrastructure manifold (surveys show that only 10-15% of OPD (Outpatient Department) care is dealt with by the public system). The health posts are grossly under-utilized. Demand surveys show that people prefer public services provided they become more accessible. Setting up an appropriate referral system is critical for rationalizing resource use at secondary and tertiary levels. This will also improve the efficiency of the public health system. Thus more resources need to be invested in primary care services like dispensaries and health posts, which need to be integrated and backed by a disciplined referral system so that resource use is both rationalized as well as cost effective and efficient.

- Public health measures and environmental health issues need immediate attention and increased investments because they cause a large proportion of ill health and in the long run such investments are more cost-effective. For instance, Mumbai is the richest Indian city both in terms of income as well as its contribution to the State Exchequer but it is one of the riskier places in terms of its public health environment. If public health and environmental conditions improve, more than half of the public and private resources for medical care can be saved. The relevance of the Healthy Cities concept is critical to making such improvements.

- Regulation of medical practice. Regulation of the health sector, especially private healthcare needs priority attention. Draft legislations are being debated but there is an urgency to see that these are implemented and monitored. The absence of regulation and ethics in medical practice is a major threat to the health of citizens and violates their rights.

- Minimum quality standards of good practice and use of standard treatment protocols have to be defined and put in place. This would require setting up an elaborate and effective system of quality monitoring and accreditation. This process has begun with the setting up of the National Quality Council and the National Board for Hospital Accreditation, but being voluntary in nature, it is not being seriously considered by healthcare institutions. There is a need for stronger regulation to enforce this and make it mandatory.

- Need for a comprehensive urban health policy. Past attempts at urban health reform have actually caused more harm through the selective and targeted approach of delivering healthcare and it is this approach which results in poor health outcomes in urban India, especially of the poor and the slum dwellers. The NUHM draft framework is a continuum of such an approach and needs to be radically changed within the framework of a universal access healthcare system.

- If Urban Local Bodies have to develop need-based policies in the interest of local citizens, their autonomy in terms of finances, policy design and modes of implementation needs to be scaled up. Further, the various segments of urban healthcare need a complete overhaul: (i) the substantial expansion of comprehensive primary care services that include dispensaries and health posts, (ii) public hospitals need to be rejuvenated and strengthened and linked to a referral system to make them even more robust than they were up until the 1980's, (iii) environmental health conditions and the various social determinants of health need upgrading immediately so that many

Box 33. Healthy Cities

What is a healthy city?

A healthy city is not one which has achieved a particular health status. A healthy city is conscious of health and strives to improve it. Thus any city can be a "healthy" city, regardless of its current health status. What is required is a commitment to health and a process and structure to achieve it.

The WHO Healthy Cities Programme has emerged in response to the deteriorating health conditions linked with urbanization. It was launched in the South East Asia Region in 1994. This WHO programme aims at realizing its objectives through partnerships between public, private, and voluntary agencies.

Healthy Cities approach

The approach seeks to put health high on the political and social agenda of cities and to build a strong movement for public health at the local level. It strongly emphasizes equity, participatory governance and solidarity, inter-sectoral collaboration and action to address the determinants of health.

Successful implementation of this approach requires innovative action addressing all aspects of health and living conditions, and extensive networking between cities across the country and regions. This entails: explicit political commitment; leadership; institutional change; and inter-sectoral partnerships.

The Healthy Cities approach recognizes the determinants of health and the need to work in collaboration across public, private, voluntary and community sector organizations. It recognizes the process to be as important as the outcomes.

Framework for action

Based on a regional consultation on Healthy Cities in the South East Asia Region a framework for action for the Healthy Cities project was developed. This framework can be adapted to other settings and is briefly described here.

- Development of a local task force. This could include members of the central and local government, charismatic individuals, NGOs, community groups, training institutes etc.
- Awareness raising and building public support.
- Identifying priority issues.
- Obtaining approval from the Government.
- Appointment of a partnership task force and coordinators and setting up of office and working committees to address priority issues.
- Preparation of the Programme Plan and creation of awareness about it. To start with baseline data should be collected. Equally, it would be important to note that the identification of action would need to be a dynamic process.
- Plan implementation. After the development of the plan and the prioritization of issues, it would be time to mobilize resources from different sources: the community, government and private sector and implement the plan.
- Evaluation and assessment should be part of a dynamic process to help make necessary adjustments and improvements in the plan implementation.

Sources:
1. http://www.euro.who.int/en/what-we-do/health-topics/environmental-health/urban-health/activities/healthy-cities/who-european-healthy-cities-network/what-is-a-healthy-city

2. http://www.searo.who.int/en/Section23/Section24/Section25.htm

preventable illnesses are taken care of and the demand for medical care is consequently reduced.

- Most importantly the urban healthcare system should be financed to the largest extent possible from taxes and social insurance revenues which are pooled into a single payer mechanism. All other regressive forms of financing like user charges, community financing, insurance etc. need to be dropped.

- In order to realize the above, the entire healthcare system, both private and public, would have to be organized under a single system that is mandated by public law, something similar to the Health Canada Act for instance. In Canada universal access to comprehensive healthcare is mandated by law and is financed by a public corporation created under the Act. This corporation which pools all resources from taxes, insurance etc. funds all healthcare in Canada.

A Human Rights' Perspective for the Right to the City

Miloon Kothari

The city of today does not recognise everyone equally. Neither does it make available its services, benefits or opportunities to all. The most marginalised and the poorest are the ones that suffer the most. Economic globalisation and the institutionalization of neo-liberal policies, including through privatization of civic services, has led to deepening inequalities of income and opportunity between and within cities. This in turn has led to an increase in the number of people forced to occupy inadequate and insecure housing and living conditions along with very unstable livelihood options.

Cities across India have become spaces marked by urban inequality and growing 'ghettoisation' and segregation. Where new projects (gated communities, malls, entertainment complexes) have created a clear demarcation between 'rich' and 'poor' areas, slums are sprawling, with little access to essential civic services, especially water, electricity and sanitation. The poor continue to be forcibly evicted from their homes to make way

for neighbourhoods of cities that have become playgrounds for the rich. The existing reality in Indian cities thus argues for the need for a broad-based, holistic and encompassing *right to the city* as a human rights response.

1. The Right to the City within the Human Rights Framework

The multiple violations of human rights evident in Indian cities calls for the adoption and implementation of a strong human rights based approach, as the only way to preserve and uphold the dignity of all residents of the city and to address the multiple violations and problems faced by millions.

As already mentioned earlier in this volume, the movement for the "Right to the City" has developed as a response by social groups and civil society organizations from across the world in an attempt to ensure better access to opportunities for everyone living in cities, especially the most

marginalized and deprived sections. This led to the elaboration of a *World Charter on the Right to the City.* The RTTC is not to be viewed as a new legalistic right, but as an articulation to consolidate the demand for the realization of multiple human rights within city spaces. The concept and implementation of the RTTC needs to be grounded in the basic human rights principles of: non-discrimination; indivisibility of human rights; gender equality; progressive realisation; non-retrogression; subsidiarity; solidarity; and cooperation. It emphasises that attention to persons and groups in situations of vulnerability should be given priority and also stresses responsibility and sustainability as core principles.

2. Expanding the Right to the City

While the *Charter* is a comprehensive document and provides useful guidance and operating principles to take it forward and make it a reality, there is however a need to go beyond it to ensure the guarantee of all human rights to all those living and seeking to live in city spaces, with a special focus on the marginalized and vulnerable groups. The RTTC needs to encompass the ideals of an alternative, adequate, and ideal city. It is not merely the right to any city, especially not to a city the way we know it today, but a city based on mutual respect, tolerance, democracy, social justice, and which incorporates the following principles:

Indivisibility of human rights

The basic principle of the RTTC is that human rights are interdependent and indivisible. This calls for the simultaneous realization of all human rights for all residents of the city. This means that all human rights — civil, political, economic, social, cultural and environmental rights — must receive equal priority in city governance, in planning, management, and implementation. The critical human rights that must be respected, protected and fulfilled include, *inter alia*, the rights to an adequate standard of living, including adequate housing (and basic services like

sanitation and electricity); water; food; health; work- livelihood; education; security of the person and home; liberty; equality; participation; information; land; environment, freedom from inhuman and degrading treatment and the freedom of movement, assembly, and residence. The RTTC should also encompass the rights to self determination, right to freedom of assembly and organization, and the right to development – social, political, cultural, spiritual, economic – both personally and collectively.

Important in the articulation and realization of the RTTC is the recognition that the right is not just an individual right but also a collective right. This includes the right of groups to collectively own, access, and benefit from resources, spaces, opportunities and services. It also encompasses the right to communal land and property as well as to public spaces.

Since human rights are interdependent and interrelated, it is important that cities are developed as spaces for mixed interaction and multiple uses. The critical links between housing, livelihood and health must be recognized to enable work places to be situated close to places of residence. Facilities for home-based work, especially for women should be provided. Schools, hospitals, and markets should also be located close to residential areas. Housing should not be situated in locations where residents face environmental, health and personal security risks.

Non-discrimination and inclusion

Human rights must be guaranteed to all those women, men, youth and children who choose to make the city their home – irrespective of their economic status, identity, caste, class, race, gender, religion, sexual affiliation, work, civil status, and irrespective of whether they are legal "inhabitants" or "citizens." Social inclusion includes the right to be accepted and to be considered equal. It is also linked to the issue of identity and the feeling of belonging to a city. Everyone must have equal access, entitlement

and enjoyment of the city's services, spaces, and benefits as well as the collective enjoyment of culture.

Inclusiveness also refers to the adoption of inclusive models of city planning and development, as well as the creation of mixed income and mixed class neighbourhoods to prevent social segregation, gentrification and social apartheid, and the increasing "ghettoization" of city spaces. Moreover, the poor and homeless must not be criminalized and subjected to forms of abuse and violence by the state and its machinery. Anti-vagrancy and anti-beggary laws need to be abolished in order to recognize the contributions of the working poor to the city economy.

The principle of non-discrimination and the imperative of inclusion are immediate obligations and cannot be postponed by states claiming lack of resources or other constraints. This principle, therefore, needs to be seen as complementary with the principle of progressive realisation outlined below. The RTTC must be defined as the right to an inclusive and gendered political, social, cultural and spiritual space.

Priority to vulnerable and marginalised groups

The principle of non-discrimination also calls for special protection and priority to be given to the rights of the most marginalised groups. These include persons belonging to groups which have been historically discriminated against such as the Dalits and nomads, the homeless, street children, persons with disabilities, single women, victims of violence, domestic workers, migrant workers, sex workers, persons living with mental illness and HIV/AIDS, religious and sexual minorities, workers in the informal sector, internally displaced persons, refugees, the destitute and those living in precarious conditions. Within each of these groups, special attention must be given to children, women and older persons. Special measures need to be taken to protect the rights of each of these groups. For

instance, provisions need to be made for persons with disabilities – to enable their equal access to city spaces and participation in city life. This would involve making roads, sidewalks, housing, buildings, public spaces, and public toilets, accessible to all persons with disabilities. For the homeless the right to the city would mean access to permanent shelters with all required civic services and at appropriate locations close to places of employment. Affirmative action measures may also be required to promote the rights and interests of marginalized groups.

The RTTC must include a strong commitment to poverty reduction. This includes removing discriminatory provisions in laws and policies that go against the poor and economically weaker sections. Financial incentives, subsidies, credit, and priority housing, with security of tenure, must be provided to all those living in inadequate and insecure conditions, including all those currently threatened with evictions.

Gender equality

The RTTC has to be interpreted as the right to a gendered city that ensures the equal protection and realization of women's human rights. City spaces are largely dominated by patriarchal relations in production and distribution. Cities must protect women's rights to housing, privacy, security and freedom from violence. There is a need for strong initiatives developed in consultation with women to make cities safe, to ensure that women have equal access to both public and private spaces, public transport, streets, sidewalks, markets, parks, toilets (both public and private), workspaces, political spaces, and community spaces. The rights of women to natural resources and livelihood, including home-based work should also be protected within all city spaces. This includes access to permanent shelters reserved for women, safe spaces for victims of domestic violence, and hostels for single mothers and working women. Women's participation in city planning and representation in governance is also critical towards promoting a balanced and equitable development of the city.

Interdependence and sustainability

The RTTC must also recognise the interdependence of action and effects – the effect that actions of one group have on the human rights of others. It does not support the application of rights within a specific area where excessive use or misuse by one actor directly jeopardises the right / use/ benefits accrued to another. Those better off cannot have the city spaces and neighbourhoods to themselves to the detriment of those from a lower income, or another caste, group. The principle of mutual responsibility and sustainability must be upheld, especially with regard to the environment, and use of land, water, electricity, and other basic resources. There need to be enforceable checks and penalties on excess use.

This principle also calls for the sustainable and responsible management of natural and ecological resources, including energy, in the city and its surroundings. The RTTC includes the right to live in a sustainable city, which protects the right to a healthy and safe environment. Given the threat of climate change and the rise in natural disasters, disaster mitigation, preparedness, and response must be a component of city planning and development. When people have to be relocated in order to protect their life and health, their right to adequate resettlement must be respected and guaranteed.

Participation and consultation

Effective, democratic and gendered participation in local decision-making and planning is critical to the realization of human rights in a city. Adequate consultation with and participation from all sections of society is key to building inclusive and democratic city spaces. The principle of prior informed consent must drive all planning and decision-making within a city. Local government agencies must not act without first consulting those who will be directly or indirectly affected by their actions. The right to participation also includes the right to political participation in the city. All residents of the city should have the right to stand for office and to vote in democratic processes, including elections. The principle further includes participation in the equitable distribution of resources of and in the city. Finally, governments must include civil society and social movements in the development and implementation of city plans.

Social function of the city and property

The city as a social unit and social space must ensure that it meets the needs of all its residents. The principle of the "social function of property" should guide all land use planning to ensure that land is not diverted to meet the interests of the rich at the expense of the poor. The notion of 'public purpose' must not be utilised by governments to turn over land for 'private profit'. For example, shopping malls must not be allowed to come up on land reserved for public housing or public schools and hospitals. The social function of property also implies that there should be limits on the size of landholdings to promote equality in land ownership.

The *right to land* must also be recognized and upheld to ensure equality in ownership and use of city land and city spaces. This includes the right to collectively own and manage land and property. The right to land is also integrally linked to the provision of legal security of tenure over housing and land. This would ensure protection against forced evictions, check real estate speculation and land grabbing and accumulation, enable the sustainable development of settlements, and would prioritise social uses of land. Land laws and land use policies should also define public interest to prevent the takeover of land for undemocratic purposes and should revoke the principle of eminent domain since it is largely misused by states. Special provisions, including subsidies, reservation of land and financial facilities for low cost housing, availability of credit and subsidized transport should be provided for the poor and economically weaker sections to ensure their equal access.

Recognition and respect of diversity in economic, social, political, spiritual and cultural life

The city must recognize diversity in all its forms and promote a culture of tolerance and mutual respect. It must create conditions and opportunities which enable all individuals and groups to develop and realize their full potential. The RTTC also includes the right to leisure, recreation, and collective creativity.

Progressive Realization

States must commit to the long-term realization of all human rights. They must commit to a consistent improvement in the realization of human rights and the wellbeing of all. This means that, at all times, states must be able to demonstrate that they are taking steps to promote an adequate standard of living and improvement in living conditions and to uplift, in particular, the conditions of all residents of cities who are currently living in inadequate conditions. Lack of resources cannot be used to justify the failure to implement human rights. Local and city governments must adopt this principle as a commitment to a sustained improvement in the standard of living for all city dwellers with benchmarks to monitor the progress in achieving human rights standards.

Non-retrogression

States, including local city governments and municipalities, have a specific duty not to take retrogressive measures that would jeopardize the sustenance and realization of the bundle of human rights that comprise the RTTC. Deliberate measures, either through acts of commission or omission, that lead to an increase in those living in inadequate and insecure conditions is a violation of the commitment to human rights.

3. Need for a Sensitive Interpretation of the "Right to the City"

While articulating the principles encompassing the right to the city, it is also important to enumerate what the RTTC is not, in order to prevent its misinterpretation. Experience demonstrates that the way the RTTC is currently being implemented in most cities is not in keeping with human rights principles. This in effect, is not the realization of the RTTC but its negation.

The human rights approach defines the RTTC. Any violation of human rights amounts to a violation of the RTTC.

It is important to note that the RTTC is not about controlling capital for personal gain or about unchecked consumption and unfettered growth of the market. Profit cannot be the driving principle of city development. The RTTC is also not about concentration of wealth and resources in the hands of a few. In fact it clearly calls for the need to control markets and to install safeguards to prevent situations like the recent sub-prime housing crisis in the US or the lack of affordable housing visible across India's cities. A commitment to RTTC means that a state must review the operation and regulation of housing and tenancy markets and, when necessary, intervene to ensure that market forces do not increase the vulnerability of low-income and other marginalised groups to phenomena like forced evictions. A city cannot claim to be committed to human rights if it promotes the commodification of rights such as water, and the privatization of essential services. Private investment in areas such as housing and delivery of basic services has to be controlled if the RTTC is to be realized as a human right.

The RTTC also calls for a holistic, balanced and multicultural development. This includes the creation of mixed neighbourhoods. It is not about promoting gated communities for the rich and the forced relocation of the poor to the fringes. Implementation of the RTTC must ensure that "city beautification" and urban renewal measures do not take place at the expense of the poor. The city's working classes, the ones who build and maintain the smooth functioning of the city, must be given adequate housing and basic services.

Their living conditions must be progressively ameliorated, *in situ*, as far as possible. They must not be subjected to forced evictions and displacement. The contribution of the city's poor to the city's economy must be acknowledged and laws should not discriminate against them and favour the rich.

4. Countering Obstacles

• The principles briefly discussed help to set the stage for taking the RTTC forward. The RTTC in our current reality, however, is limited to an elite section of society – those who have the economic and political power to benefit from the city. Many programmes, including advocacy and human rights education across all sectors of society are required. Only through such dynamic actions will we be able to ensure that the RTTC as the protection and fulfilment of the human rights of all, especially the most marginalised, is implemented and realized in cities across the world. Suggested strategies for city and national governments include: the

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Box 34. The World Charter on the Right to the City

The World Charter on the Right to the City is an initiative oriented toward fighting social exclusion, be it political, cultural, economic or territorial. It puts forward an approach linking human rights to democratic dimensions. Accordingly, the charter defines the Right to the City as "the equitable usufruct of cities within the principles of sustainability, democracy, equity and social justice".

Therefore, the charter is based on six principles and strategic foundations for the Right to the City: (1) full exercise of citizenship and democratic management of the city; (2) social function of the city and of urban property; (3) equality and non-discrimination; (4) special protection of groups and persons in vulnerable situations; (5) social commitment of the private sector; and (6) promotion of the solidary economy and progressive taxation policies.

As quoted in the charter, the goal is "[...] to gather the commitments and measures that must be assumed by civil society, local and national governments, members of parliament, and international organizations, so that all people may live with dignity in our cities."

Contrary to many other initiatives in the same vein, the World Charter on the Right to the City actually stems from grassroots initiatives comprising of NGOs, academic and professional groups rather than regional or governmental organizations. Organizations such as the POLIS Institute, the Brazilian National Forum for Urban Reform, the Habitat International Coalition, the Latin American Association of Promotion, Action Aid America, the Observatory of Metropolises, the International Observatory of City Rights, the Center on Housing Rights and Evictions, and UN-HABITAT all worked at developing and improving the charter.

The World Charter on the Right to the City is the product of years of discussion which started in the run-up to the 1992 Earth Summit in Rio de Janeiro, Brazil. The idea for the charter was first conceived in 2000 at the World Social Forum in Porto Alegre, Brazil. Following the second World Social Forum in 2002, NGOs and social movements started drafting the first version of the charter. An improved version of the charter was elaborated and released at the 2004 Social Forum of the Americas in Quito, Ecuador. It was then presented in September 2004 at the World Urban Forum in Barcelona, Spain, and in January 2005 at the World Social Forum in Porto Alegre.

Sources:
Brown, A. and Kristiansen, A. Urban Policies and the Right to the City: Rights, Responsibilities and Citizenship. UNESCO/UNHABITAT, 2009, pp. 25-26.
Osorio, L. The World Charter on the Right to the City, UNESCO/UN-HABITAT/ISS 2006.

implementation of international legal human rights commitments;

- Harmonisation of local and national laws with international human rights standards;

- Implementation of human rights based court judgements and recommendations from the UN human rights system such as the treaty bodies, the Human Rights Council and the Special Rapporteurs.

- Need for human rights based reform of city policies and its development paradigm and ideology;

- Strong political will of city governments to implement human rights and to adopt and adhere to the *World Charter on the Right to the City*;

- Development of consolidated plans to ensure the simultaneous and collective development of all groups, with a special focus on the immediate realisation of rights for the most marginalised;

- Implementation of regulatory measures as a check against unfettered growth of the market.

5. Conclusion

As elaborated above, in order to counter the debilitating reality of the dispossession and exclusion of the working classes, including the urban poor, the 'right to the city' as a concept encompassing a bundle of human rights could become a powerful organizing principle for mobilization and advocacy. As a movement it could help articulate and realize the model of an alternative city – one that is grounded in human rights and based on equality, inclusion, mutual respect, tolerance, freedom, and social justice. Across the world today, individuals, movements and campaigns for the human rights to adequate housing, food, land, livelihood/work, health and security, are struggling to regain access to urban spaces and services, to secure safe housing and sustainable livelihood opportunities, to minimise forced evictions and to ensure adequate resettlement. These initiatives could rally around the paradigm of the RTTC as an organizing principle that encompasses all human rights that all residents of a city can rightfully claim as their own – with those currently poor and marginalized having priority in state policy.

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References

Adarkar, N., Phatak, V K. Recycling Mill Land: Tumultuous Experience of Mumbai. Economic and Political Weekly, Vol 40, 51, 2005, p. 5365-68.

Ahluwalia, M. S. 'Prospects and Policy Challenges in the Twelfth Plan', Economic and Political Weekly, Vol 46, 21, 2011, p. 88-105.

Ahuja, M., Singh, A P. Computerization of Land Records: Inter-state Variations. In: Land Reforms in India. 10: Computerization of Land Records, New Delhi, Sage Publications, 2005.

Ahuja, S. People, Law and Justice. Casebook on Public Interest Litigation. New Delhi, Orient Longman, 1997.

Ali, S. Slums within Slums: A Study of Resettlement Colonies in Delhi. New Delhi, Har-Anand & Vikas, 1990.

Anand, N. Disconnecting Experience: Making World-class Roads in Mumbai. Economic and Political Weekly, Vol 41, 31, 2006, p. 3422-3429.

Agnes, F. NCW-UNDP-CEQUIN - Gendered Claims of Citizenship and Notions of Honour and Stigma, Gender-Based Violence in Public Spaces: Challenges and Solutions, Constitution Club, Delhi, 2010.

Anjaria, J S. Street Hawkers and Public Space in Mumbai. Economic and Political Weekly, Vol 41, 21, 2006, p. 2140-2146.

Annez, P C., Bertaud, A., Patel, B., Phatak, V K., Working with the Market. Approach to Reducing Urban Slums in India- Policy Research Working Paper 5475. World Bank, 2010.

Arora, A. Transportation Projects and their Effects on the Urban Poor: Integrating a Social Impact Assessment Methodolody. Indian Institute of Technology, New Delhi. 2007. PhD.

Arabindoo, P. Falling apart at the Margins? Neighbourhood Transformations in Peri-Urban Chennai. Development and Change, Vol 40, 5, 2009, p. 879-901.

Arnold, D. Touching the Body: Perspectives on the Indian Plague. In: Subaltern Studies 5. R Guha (ed.), New Delhi, Oxford University Press, 1987.

Arputham, J., Patel, S. Recent Development in Plans for Dharavi and for the Airport Slums in Mumbai. Environment and Urbanization, Vol 22, 2, 2010, p. 501-504.

Badami, S. Urban Transport in Mumbai. Economic & Political Weekly, Vol 41, 46, 2006, p. 18-24.

Badami, G. Urban Transport Policy as if People and the Environment Mattered: Pedestrian Accessibility the First Step. Economic and Political Weekly, Vol 44, 33, 2009.

Baker, J., Basu, R., Cropper, M., Lall, S. and Takeuchi Akie. Urban Poverty and Transport: The Case of Mumbai. Mumbai, World Bank, 2005.

Bakker, K. Paying for Water: Water Pricing and Equity in England and Wales. Transactions of the Institute of British Geographers, Vol 26, 2, 2001, p. 143-164.

Balbo, M. International Migration and Right to the City. UNESCO, 2008, p. 125-135.

Banerjee, B. Security of Tenure in Indian Cities. In: Holding their Ground: Secure Land Tenure for the Urban Poor in Developing Countries. A Durant Lasserve and L. Royston (ed.), p. 37-58. London, Earthscan Publications Ltd, 2002.

Banerjee, B. Giving Voice to the Poor in Municipal Planning: Learning from the Andhra Pradesh Urban Services for the Poor. In: Urban Governance and Management: Indian Initiatives. p. 213-235. P. S. N. Rao. (ed.), New Delhi, IIPA, 2006.

Banerjee, B. India. Guidelines and Practices in Relation to Evictions, Acquisition, Expropriation and Compensation. Scoping Paper for UN-HABITAT Sheller Division and GLTN, Institute for Housing and Urban Development Studies, Amsterdam, 2010.

Batra and Mehta. Slum Demolition and the Production of Space in Neoliberal Delhi. In: Inside Transforming Urban Asia: Processes, Politics and Public Actions. Mahadevia (ed.), New Delhi, Concept, 2008.

Baviskar, A. Between Violence and Desire: Space, Power, and Identity in the Making of Metropolitan Delhi. International Social Science Journal, Vol 55, 175, 2003, p. 89-98.

Bawa, Z. K. East WDIP Case Study, 'The Voice of City Dwellers in Urban Governance. Participation, Mobilisation, and Local Democracy – Comparing Indian/South African Debates', Centre de Sciences Humaines and Department of Civics and Political Sciences, Mumbai University, 2009.

Baxi, U. Marginal Remarks Concerning Water Policy Regimes; Governance, Rights, Justice and Development: An Epilogue. In: Water Governance in Motion: Towards Socially and Environmentally Sustainable Water Laws. p. 511-530. Philippe Cullet, A. Gowlland-Gualtieri, R. Madhav and U. Ramanathan. (ed.), Bangalore, India, Cambridge University Press, 2010a.

Baxi, U. Writing about Impunity and Environment: the 'Silver Jubilee' of the Bhopal Catastrophe. Journal of Human Rights and the Environment, Vol 1, 1, 2010b, p. 23-44.

Belser, P., Rani, U. Extending the Coverage of Minimum Wages in India: Simulations from Household Data. Economic and Political Weekly, Vol 46, 22, 2011, p. 47-56.

Benda-Beckmann (von), F. Mysteries of Capital or Mystification of Legal Property? European Journal of Anthropology, Vol 41, 2003, p. 187-191.

Benjamin, S., Raman, B. Urban Governance and Poverty in Bangalore. Working Paper 15. Birmingham, International Development Department, School of Public Policy, University of Birmingham, 1999.

Benjamin, S. Governance, Economic Settings and Poverty in Bangalore. Environment & Urbanization, Vol 12, 2000, p. 35-56.

Benjamin, S., Raman, B. Urban Governance and Poverty - Working Paper 26. Birmingham, International Development Department, School of Public Policy, University of Birmingham, 2001.

Benjamin, S. Urban Land Transformation for Pro-poor Economies. Geoforum, Vol 35, 2, 2004, p. 177-187.

Benjamin, S., Raman, B. Urban Futures of Poor Groups in Chennai and Bangalore: How These are Shaped by the Relationship Between Parastatal and Local Bodies. In: Local Governance in India: Decentralization and Beyond. N. Jayal, A. Prakash, P. Sharma (ed.), New Delhi, Oxford University Press, 2006.

Benjamin, S. Manufacturing Neoliberalism: Lifestyling Indian Urbanity. In: Accumulation by Dispossession: Transformative Cities in the New Global Order. S. Banerjee-Guha. (ed.), New Delhi, Sage, 2010.

Berenschot, W. Everyday Mediation: The Politics of Public Service Delivery in Gujarat, India. Development and Change, Vol 41, 5, 2010, p. 883-905.

Beteille, A. Caste in Contemporary India. In: Caste Today. C. Fuller. (ed.), New Delhi, Oxford University Press, 1996.

Bhaduri, A., Kejriwal, A. Urban Water Supply. Reforming the Reformers. Economic and Political Weekly, Vol 40, 52, 2005.

Bhagat, R.B. 'Assessing the Measurement of Internal Migration in India', Asian and Pacific Migration Journal, Vol 17, 1, 2008, p. 91-102.

Bhagat, R.B., Das K.C. and Mari Bhat P.N. Pattern of Urbanisation and Metropolitan Growth in India, Unpublished Project Report, International Institute for Population Sciences, Mumbai, 2009.

Bhagat, R. B. 'Internal Migration in India: Are the Underprivileged Migrating More?', Asia-Pacific Population Journal, Vol 25, 1, 2010, p. 31-49.

Bhan, G. Cities, Cars and Buses: The Modern, the Ideological and the Urban. 2008.

Bhan, G. This is No Longer the City I Once Knew: Evictions, The Urban Poor and the Right to the City in Millennial Delhi. Environment and Urbanization, Vol 21, 1, 2009, p. 127-142.

Bhowmik, S K. Legal Protection for Street Vendors. Economic and Political Weekly, Vol 45, 51, 2010, p. 12-14.

Blomley, N. Law, Space and the Geographies of Power. London, Guilford Press. 1994.

Blomley, N. Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid. Annals of the Association of American Geographers, Vol 93, 1, 2003, p. 121-41.

Bose, M. Work and the Built Environment: Lessons from the Slums of Calcutta, India. Habitat International, Vol 23, 1, 1999, p. 5-18.

Brass, P. Production of Hindu Muslim Violence in Contemporary India. Washington DC, University of Washington Press, 2003.

Breman, J. The Making and Unmaking of an Industrial Working Class: Sliding Down to the Bottom of The Labour Hierarchy in Ahmedabad, India. Amsterdam, Oxford University Press, 2003.

Brosius, C. The Gated Romance of India Shining: Visualising Urban Lifestyle in Images of Residential Housing Development. In: Popular Culture in a Globalised India. A Reader. p. 174-191. Moti Gokulsing und Wimal Dissanayake (ed.), London, Routledge, 2009.

Brown, A., Kristiansen, A. Urban Policies and the Right to the City: Rights, Responsibilities and Citizenship.MOST-2 Policy Papers Series UNESCO-UN-HABITAT. Paris, 2009.

Burra, S. Towards a Pro-poor Framework for Slum Upgrading in Mumbai, India. Environment and Urbanization, Vol 17, 1, 2005, p. 67-88.

Butler, C. Critical Legal Studies and the Politics of Space. Social & Legal Studies, Vol 18, 313, 2009.

Caseley, J. Public Sector Reform and Corruption. Economic and Political Weekly, Vol 39, 11, 2004, p. 1151-1156.

Central Statistical Organisation. Millennium Development Goals: India Country Report 2009: Mid-Term Statistical Appraisal New Delhi: Central Statistical Organization, Ministry of Statistics and Programme Implementation, Government of India, 2009.

CEQUIN. Concept Paper of Conference, Gender Based Violence in Public Spaces: Challenges and Solutions, New Delhi NCW-UNDP-CEQUIN, 2010.

Chakrabarty, D. Open Space/Public Place: Garbage, Modernity and India. South Asia, Vol 14, 1, 1991, p. 15-31.

Champakalakshmi, R. Trade, Ideology and Urbanisation, Oxford University Press, New Delhi, 2006.

Chandhoke, N. Governance and the Pluralisation of the State. Implications for Democratic Citizenship. Economic and Political Weekly, 2003, p. 2957-2968.

Chandhoke, N. Civil Society in Conflict Societies. Economic and Political Weekly, Vol 44, 2009, p. 99-108.

Chandrasekhar, S., Mukhopadhyay, A. Multiple Dimensions of Urban Well-Being: Evidence from India - Poverty, Gender and Youth. New York, Population Council, 2008.

Chandrasekhar, S. Migration and Urbanization in India. Mimeo, 2011.

Chatterjee, P. The Politics of the Governed. Reflections on Popular Politics in Most of the World. Columbia, University Press, 2004.

COHRE. Global Survey on Forced Evictions Centre on Housing Rights and Evictions. Geneva, 2008.

Connors, G. Watering the Slums: How a Utility and its Street-Level Bureaucrats Connected the Poor in Bangalore. Massachusetts Institute of Technology, Boston. 2007. Ph.D in Urban and Regional Planning.

Corbridge, S. Seeing the State : Governance and Governmentality in India. Cambridge, New York, Cambridge University Press, 2005.

CPCB. Status of Water Supply, Wastewater Generation and Treatment in Class-I Cities & Class-II Towns of India. Delhi, Central Pollution Control Board, 2009, p. 93.

Cropper, M., Bhattacharya, S. Public Transport Subsidies and Affordability in Mumbai, India. Policy Research Working Paper Series World Bank, 2007, Series 4395.

Cullet, P. Water Law, Poverty, and Development: Water Sector Reforms in India. Oxford University Press, 2009.

D'monte, D. Ripping the Fabric: The Decline of Mumbai and Its Mills. Mumbai, Oxford University Press, 2002.

Dasgupta, R., Bisht, R. The Missing Mission in Health. Economic and Political Weekly, Vol 45, 6, 2010, p. 16-18.

DDA. Delhi Development Authority (1960) Draft Master Plan for Delhi New Delhi: Delhi Development Authority.

Deshingkar, Priya and Akter, S. Migration and Human Development in India, Human Development Research Paper No. 13, 2009. United Nations Development Programme.

De Soto, H. The Other Path: The Economic Answer to Terrorism. London, New York: Harper and Collins, 1989.

De Soto, H. The Mystery of Capital. Why Capitalism Triumphs in the West and Fails Everywhere Else. London, Black Swan Books, 2000.

Delaney. Tracing Displacements: Or Evictions in the Nomosphere. Environment and Planning D: Society and Space, Vol 22, 2003, p. 847-60.

Delaney. Beyond the Word: Law as a Thing of This World: Law and Geography. p. 67-83. Holder, J., Harrison, C. (ed.), Oxford, Oxford University Press, 2004.

Denis, E., Marius-Gnanou, K. Towards a Better Appraisal of Urbanization in India. Working Papers Series 2, Institut Français de Pondichéry. Pondicherry, 2011.

Deshpande, S. Contemporary India: A Sociological View. New Delhi, Penguin, 2003.

Dewan Varma, G. Slumming India. A Chronicle of Slums and their Saviours. Delhi, Penguin Books India, 2002.

Dey, P., Sharma, A., Barman, S. Land Tenure Security: Is Titling Enough? NIUA Working Papers 06-03 National Institute of Urban Affairs. New Delhi, 2006.

Dhareshwar, V. Rowdy Sheeters: An Essay on Subalternity and Politics. Subaltern Studies IX. Chakrabarty, D.,Shahid,A. (ed.), New Delhi, Oxford University Press, 1998.

Dilip, T., Duggal, R. Needs for Public Healthcare Services in Mumbai, India. Asia Pacific Population Journal, Vol 19, 2, 2004, p. 27-40.

Dossal, M. Theatre of Conflict, City of Hope : Mumbai, 1660 to Present Times. New Delhi, Oxford University Press, 2010.

Duggal, R. Sinking Flagships and Health Budgets in India. Economic and Political Weekly, Vol 44, 33, 2009, p. 14-17.

Duggal, R. Financing Strategies for Equity and Universal Access to Healthcare. Budget Track, Vol 8, 2, 2011, p. 5-11.

Dupont, V. Socio-spatial Differentiation and Residential Segregation in Delhi : a Question of Scale? Geoforum, Vol 35, 2, 2004, p. 157-175.

Dupont, V. Slum Demolition in Delhi Since the 1990s: An Appraisal. Economic and Political Weekly, Vol 43, 28, 2008, p. 79-87.

Dupont, V, Ramanathan, U. Courts and the Squatter Settlements in Delhi. Or the Intervention of the Judiciary in Urban "Governance". In: New Forms of Urban Governance in India. Shifts, Models, Networks, and Contestations. p.312-343. I.S.A. Baud, Joop de Wit (ed.), New Delhi, Sage, 2008.

Dupont, V, Saglio-Yatzimirsky, M.C. Programs De Erradicacao, Reassentamento e Urbanizacao das Favelas: Delhi e Mumbai. Revista Dos Estudo Avancados, Vol 23, 66, 2009, p. 283-302.

Dupont, V. Création de nomades urbains et appauvrissement. Impact des politiques d'éradication des camps de squatters à Delhi. Revue Tiers Monde, Vol 201, April, 2010, p. 25-45.

Escale Responsable. Affordable Housing in India: Needs and Emerging Solutions 2010. Fernandes, L. India's New Middle Class: Democratic Politics in an Era of Economic Reforms. Minnesota, University of Minnesota Press, 2006.

Foster, V., Pattanayak, S., Prokopy, L. Water Tariffs and Subsidies in South Asia, Do Current Water Subsidies Reach the Poor? Water and Sanitation Program. Washington D.C., 2002.

Fredman, S.: Human Rights Transformed: Positive Rights and Positive Duties. New Delhi, Oxford University Press, 2008.

Fuller, C. Caste Today. New Delhi, Oxford University Press, 1996.

Fuller, C J., Harriss, J. For an Anthropology of Indian State. In: The Everyday State and Society in Modern India. C. J. Fuller, Veronique, B. (ed.), London, Hurst & Company, 2001.

Fuller, C J, Haripriya, Narasimhan. Engineering Colleges, 'Exposure' and Information Technology Professionals in Tamil Nadu. Economic and Political Weekly, Vol 44, 3, 2006, p. 258-62.

Ghosh, A. Public-Private or a Private Public? Promised Partnership of the Bangalore Agenda Task Force. Economic and Political Weekly, Vol 40, November 19, 2005, p. 4914-4922.

Ghosh, A., Tawa Lama-Rewal, S. Democratization in Progress. Women and Local Politics in Urban India. New Delhi, Tulika Books, 2005.

Gidwani, V. Subaltern Cosmopolitanism as Politics. Antipode, Vol 38, 1, 2006, p. 7-21.

Gilbert, A. On the Mystery of Capital and the Myths of Hernando de Soto: What Difference Does Legal Title Make? International Development Planning Review, Vol 24, 1, 2002, p. 1-20.

Gilbert, A. The Return of the Slum: Does Language Matter? International Journal of Urban and Regional Research, Vol 31, 4, 2007, p. 697-713.

Gill, K. Of Poverty and Plastic : Scavenging and Scrap Trading Entrepreneurs in India's Urban Informal Economy. New Delhi, Oxford University Press, 2009.

GOI. Ministry of Urban Development and Ministry of Urban Employment and Poverty Alleviation. Jawaharlal Nehru National Urban Renewal Mission – Overview. Government of India. Available at: http://jnnurm.nic.in/wp-content/uploads/2011/01/UIGOverview.pdf

GOI. Ministry of Urban Development. National Commission on Urbanisation: Report New Delhi: Ministry of Urban Development, Government of India. 1998.

GOI. Ministry of Urban Development. National Housing Policy New Delhi: Ministry of Urban Development, Government of India. 1992.

GOI. National Health Policy 2002 New Delhi: Ministry of Health and Family Welfare, Government of India. 2002.

GOI. Report of the 11th Five Year Plan (2007-12) Working Group on Urban Housing with Focus on Slums Report Ministry of Housing and Urban Poverty Alleviation, Government of India. New Delhi, 2006a.

GOI. Ministry of Urban Development. National Urban Transport Policy New Delhi: Ministry of Urban Development, Government of India. 2006b.

GOI. Social, Economic and Education Status of the Muslim Community of India: A Report. Government of India. 2006c.

GOI. Ministry of Housing and Urban Poverty Alleviation. National Urban Housing and Habitat Policy 2007 New Delhi: Ministry of Housing and Urban Poverty Alleviation, Government of India. 2007.

GOI. National Urban Sanitation Policy:Ministry of Urban Development of the Government of India, 2008.

GOI. Ministry of Urban Housing and Poverty Alleviation. Rajiv Awas Yojana, Guidelines for Slum-Free City Planning. New Delhi: Ministry of Urban Housing and Poverty Alleviation, Government of India. 2010a.

GOI. Ministry of Housing and Poverty Alleviation. Report of the Committee on Slum Statistics/Census New Delhi: Ministry of Housing and Poverty Alleviation, Government of India. 2010b.

Gooptu, N. The Problem of the Urban Poor Policy and Discourse of Local Administration. Economic and Political Weekly, Vol 31, 50, 1996, p. 3245-3253.

Grear, A. Redirecting Human Rights: Facing the Challenges of Corporate Legal Humanity. London, Palgrave McMillan, 2010.

Greed, C. Planning the Non-Sexist City: the Eurofem Initiative and Beyond.

Gupta, N. Military Security and Urban Development: A Case Study of Delhi 1857-1912. Modern Asian Studies, Vol 5, 1, 1971, p. 61-77.

Gupta, S. The Lane Permit Quota Raj. Delhi, Indian Express, 3 May 2008.

Hann, C M. Introduction: The Embeddedness of Property. In: Property Relations: Renewing the Anthropological Tradition. 1-47. CM Hann (ed.), Cambridge, Cambridge University Press, 1998.

Hansen, Thomas Blom, Wages of Violence. Naming and Identity in Postcolonial Bombay, Princeton, Princeton University Press. 2001.

Harriss, J. Political Participation, Representation and the Urban Poor, Findings from Research in Delhi. Economic and Political Weekly, Vol 40, March 12, 2005, p. 1041-1054.

Harriss, J. Antinomies of Empowerment. Observations on Civil Society, Politics and Urban Governance in India. Economic and Political Weekly, Vol 42, 26, 2007.

Harvey, D. The Right to the City. New Left Review, Vol 53, September-October 2008, p. 23-40.

Hasan, Z., Menon, R. (ed.) In a Minority: Essays on Muslim Women in India. New Delhi, Oxford University Press, 2005.

Hauben, M. 'The Netizens and the Wonderful World of the Net: An Anthology'. 1996.

Hauser, W., Singer, W. The Democratic Rite: Celebration and Participation in the Indian Elections' Asian Survey. Asian Survey, Vol 26, 9, 1986, p. 941-958.

Hazards Center. Heritage Games: Cleaning Up the Debris. New Delhi, Hazards Centre Publication, 2010.

Hazards Centre. Dilli Kiski Hai?. Hazards Centre, New Delhi, 2005.

Hazareesingh, S. Colonial Modernism and the Flawed Paradigms of Urban Renewal: the Uneven Development of Bombay City 1900-1925. Urban History, Vol 28, 2, 2001, p. 235–255.

HIC-HLRN. Fact-Finding Mission Report: Restructuring New Delhi's Urban Habitat, Building an Apartheid City? Habitat International Coalition - Housing and Land Rights Network. New Delhi, 2002.

HIC-HLRN. Acts of Commission. Acts of Ommission. Housing and Land RIghts and the Indian State. A Report to the UNC of Economics, Social and Cultural Rights. Habitat International Coalition - Housing and Land Rights Network. New Delhi, 2004.

HIC-HLRN. Acts of Commission. Acts of Ommission. Housing and Land Rights and the Indian State. Habitat International Coalition - Housing and Land Rights Network. New Delhi 2009.

HIC-HLRN. The 2010 Commonwealth Games: Whose Wealth? Whose Commons? Habitat International Coalition – South Asia Regional Programme, Housing and Land Rights Network. New Delhi, 2010.

HIC-HLRN. Planned Dispossession: Forced Evictions and the 2010 Commonwealth Games. Fact Finding Report Mission 14 Habitat International Coalition – South Asia Regional Programme, Housing and Land Rights Network New Delhi, 2011. Fact-Finding Report Mission 14.

Himanshu. Employment and Wages of Dalits. New Delhi, CSH working paper, 2008.

Himanshu. Towards New Poverty Lines for India. Economic and Political Weekly, Vol XLV, 2010, p. 38-48.

Hirschman, A. The Principle of the Hiding Hand. Public Interest, Vol 2, 1967.

Holston, J., Appadurai, A. Cities and Citizenship. Public Culture, Vol 8, 2, 1996, p. 187-204.

Hosagrahar, J. Design, Domination and Defiance: Negotiating Urbanism in Delhi, p. 1857-1910. University of California Berkeley. 1997.

Hull, M. Ruled by Records: The Expropriation of Land and the Misappropriation of Lists in an Islamabad Bureaucracy. American Ethnologist, Vol 35, 4, 2008.

Human Rights Watch. Playing the 'Communal Card': Communal Violence and Human Rights. New York, Human Rights Watch, 1995.

International Institute for Population Sciences, 2009, Health and Living Conditions in Eight

Indian Cities, National Family Health Survey (NFHS-3), 2005-06, Ministry of Health and Family Welfare, Govt. of India.

Indian People's Tribunal on Environment and Human Rights. Bulldozing Rights – A Report on the Forced Evictions and Housing Policies for the Poor in Mumbai.IPTEHR. Mumbai, 2005.

Jaffrelot, C. 'Why Should We Vote' ? The Indian Middle Class and the Functioning of the World's Largest Democracy. In: Patterns of Middle-Class Consumption in India and China. 35-54. C. Jaffrelot, P. Van der Veer (ed.), New Delhi, Sage, 2008.

Jagannathan, V N. Story of a Hiss. Water Scarcity and the Need for Reform. Economic and Political Weekly, Vol 41, 11th March, 2006.

Jaglin, S., Zérah, M-H. Introduction. Revue Tiers Monde, Vol 203, juillet-septembre 2010, Eau des villes: repenser des services en mutation, sous la direction de Sylvy Jaglin et Marie-Hélène Zérah 2010, p. 7-22.

Jagori. Making Delhi Safe for Women Jagori. New Delhi, 2005.

Jagori. Understanding Women's Safety. Towards a Gender Inclusive City. Research Findings. Delhi, Jagori, 2010.

Jayal, N G. The Governance Agenda. Making Democratic Development Dispensable. Economic and Political Weekly, 1997, p. 407-412.

Jenkins, R., Kennedy, L., Mukhopadhyay, P. The Politics of Special Economic Zones New Delhi, Oxford University Press, forthcoming.

Jha, H. Redefining Policy Directions. The New Indian Express, 2011.available at: http://expressbuzz.com/opinion/op-ed/redefining-policy-directions/290009.html

Jha S., R V, Woolcock M. Governance in the Gullies: Democratic Responsiveness and Leadership in Delhi's Slums. World Bank Policy Research Working Papers, 2005.

JMP. Estimates for the use of Improved Drinking-Water Sources and Sanitation, India Joint Monitoring Programme for Water Supply and Sanitation, WHO / UNICEF, 2010.

John, R M, Mutatkar, R. Statewise Estimates of Poverty Among Religious Groups in India. Economic and Political Weekly, Vol 40, 13, 2005, p. 1337 – 45.

Joshi, P., Sen, S., Hobson, J. Experiences with Surveying and Mapping Pune and Sangli Slums on a Geographical Information System. Environment and Urbanization, Vol 14, 2, 2002, p. 225-240.

Kalhan, A. Impact of Malls on Small Shops and Hawkers. Economic and Political Weekly, Vol 42, 22, 2007, p. 2063-66.

Kaviraj, S. Filth and the Public Space: Concepts and Practices about Space in Calcutta. Public Culture, Vol 10, 1, 1997, p. 83-113.

Keshri, K and Bhagat, R. B.   'Temporary and Seasonal Migration in India', Genus Vol 6, 3, 2010, p. 25-45.

Keshri, K and Bhagat R. B., (forthcoming) 'Temporary and Seasonal Migration in India: Regional Pattern, Characteristics and Associated Factors' accepted for publication in Economic and Political Weekly.

Khan, S. Negotiating the Mohalla. Exclusion, Identity and Muslim Women in Mumbai, Economic and Political Weekly, 2007, p. 1527-1533.

Khanna, S. 'Where are the Actual Gainers of the BRTS? , Ahmedabad: A Study into the Spatial and Social Distribution of Transport Development Projects'. 2009.

Kirmani, N. History, Memory and Localised Constructions of Insecurity. Economic and Political Weekly, Vol 43, 10, 2008, p. 57-64.

Kothari, M. The Human Rights to Adequate Housing - India's Commitment and the Struggle Towards Realization. Journal of the National Human Rights Commission, Vol 2, 2003, p. 133-147.

Kothari, M., Karmati, S., Chaundhry, S. Human Right to Adequate Housing and Land National Human Rights Commission, New Delhi, 2006.

Kumar, G., Landy, F. Vertical Governance: Brokerage, Patronage and Corruption in Indian Metropolises. In: Governing India's Metropolises. Stéphanie Tawa Lama-Rewal, Joël Ruet, (ed.), Delhi, Routledge, 2009.

Kumar, R. Globalization and Changing Patterns of Social Mobilization in Urban India. Social Movement Studies, Vol 7, 1, 2008, p. 77-96.

Kundu, A. 'Migration and Exclusionary Urban Growth in India', the 6th Dr C Chandrasekaran Memorial Lecture, IIPS Newsletter, Vol 48, 3&4, 2007, p. 4-24.

Kundu, A. Provision of Tenurial Security for the Urban Poor in Delhi: Recent Trends and Future Perspectives. Habitat International, Vol 28, 2004, p. 259-274.

Kundu, A. Politics and Economics of Urban Growth. Economic and Political Weekly, Vol 46, 20, 2011, p. 10-12.

Lefebvre, H. The Production of Space. Oxford, Blackwell, 1991.

Lefebvre, H. Le droit à la ville, 3ème édition, Paris. Economica, Anthropos, 2009.

Li, B. "Inclusion of Rural-Urban Migrants in China - Is Removing the Hukou the Solution", in How to Enhance Inclusiveness for International Migrants in Our Cities: Various Stakeholders' Views, UNESCO/UN-HABITAT 2010, p. 127-135.

Lobo, A, Balakrishnan, S. Report Card on Services of Bhoomi Kiosks: An Assessment of Benefits by Users of the Computerized Land Records Systems in Karnataka Public Affairs Center, Bangalore & World Bank, Bangalore, 2002.

Mahadevia, D. Communal Space of Life Space: Saga of Increasing Vulnerability in Ahmedabad, Economic and Political Weekly, Vol 37, 48, 2002, p. 4850-58.

Mahadevia, D. NURM and the Poor in Globalising Mega Cities. Economic and Political Weekly, Vol 41, 31, 2006, p. 3399-3403.

Mahadevia, D. Inside Transforming Urban Asia: Processes, Politics and Public Actions. New Delhi, Concept, 2008.

Mahadevia, D. Urban Land Market and Access of the Poor. Urban Poverty Report Ministry of Housing and Urban Poverty Alleviation and United Nations Development Program, New Delhi, 2009.

Mahila Samakhya. Mahila Samakhya Uttar Pradesh Annual Report 1991 – 92 Mahila Samakhya, Lucknow.

Mann, A. The Principle of the Hiding Hand Revisited: A Case Study of Delhi Metro Rail Infrastructure Services in Asian Cities, 2009.

Marcuse, P. Rights in Cities and the Right to the City? In: Cities for All: Proposals and Experiences towards the Right to the City, 29-42. A. Sugranyes and C. Mathiver. (ed.), Santiago, Habitat International Coalition, 2010.

Mathur, O P. Slum-Free Cities. A New Deal for the Urban Poor. National Urban Poverty Reduction Strategy 2010-2020 A.D. New Delhi: National Institute of Public Finance and Policy, Government of India, 2009.

McFarlane, C. Geographical Imaginations and Spaces of Political Engagement: Examples from the Indian Alliance. Antipode, Vol 36, 5, 2004, p. 890-916.

MCGM. Municipal Corporation of Greater Mumbai (2011) Budget Estimates A, B &G Mumbai: Government of Maharashtra.

Mehra and Batra. Neoliberal Delhi: Through the Lens of the Yamuna Pushta Slum Demolitions. In: Megacities: Approaches to Metropolitan Cities in India. Brosius, C. and Ahuja, R. (ed.), Heidelberg, Draupadi Verlag, 2006.

Menon-Sen, K., Gautam, B. Swept off the Map. Surviving Eviction and Resettlement in Delhi. New Delhi, Yodakin, 2008.

Milbert, I. Politiques publiques et logement du plus grand nombre en Inde. Revue Tiers-Monde, Vol 29, 116, 1988, p. 1183-1194

Mitchell, T. The Properties of Markets. Informal Housing and Capitalism's Mystery. Cultural Political Economy Working Paper Series N° 2 Institute for Advanced Studies in Social and Management Sciences, University of Lancaster. Lancaster, 2004.

Mohan, D. The Politics of Mobility. Seminar: Transport for Liveable Cities: A Symposium on the Problems of Urban Transport, Vol 579, 2007.

Molyneux, M. Mobilisation without Emancipation? Women's Interests, States and Revolution in Nicaragua. Feminist Studies II, Vol 2, 1985.

Mukherji, S. Migration and Urban Decay. Asian Experiences. Jaipur, New Delhi, Rawat Publications, 2006.

Mukhija, V. Squatters As Developers? Slum Redevelopment In Mumbai. Ashgate Publishing, 2003.

Mukhopadhya, P. Formality and Functionality of Indian Cities. Seminar, Vol 617, 2011, p. 2-8.

Mutatkar, R. Social Group Disparities and Poverty in India. Working Paper Series No. WP-2005-004, Indira Gandhi Institute of Development Research, 2005.

Nagendra, H., Gopal, D. Street Trees in Bangalore: Density, Diversity, Composition and Distribution. Urban Forestry & Urban Greening, Vol 9, 2, 2010, p. 129-137.

Nalwa, S. Police Response to Gender-based Violence in Public Places. Delhi, Constitution Club, 2010.

Nandy, A. An Ambiguous Journey To The City: The Village and Other Odd Ruins of Self in The Indian Imagination. New Delhi, Oxford University Press, 2001.

Narrain, A., Bhan, G. Because I Have a Voice: Queer Politics in India. New Delhi, Yoda Press, 2006.

Nath, V. "Urbanisation in India: Review and Prospects", Economic and Political Weekly, Vol 21, 8, 1986, p. 339-352.

National Crime Records Bureau. Ministry of Home Affairs, Government of India. New Delhi, Crime in India 2005.

NCEUS. Conditions of Work and Promotion of Livelihoods in the Unorganised Sector New Delhi: National Commission on Enterprises in the Unorganised Sector, Government of India, 2007.

NCEUS. Ministry of Labour & Employment. Report of the National Commission for Enterprises in the Unorganised Sector (NCEUS), New Delhi, Government of India, 2009.

Neekhra, V. Growing Vulnerability Crisis 'Will Slums Ever Reduce or Improve?': A Case from India. In: Vulnerable cities : realities, innovations and strategies. T. Kidokoro. (ed.),Tokyo, Springer, 2008.

Nientied, P., van der Linden, J. Approaches to Low-income Housing in the Third World: Some Comments. International Journal of Urban and Regional Research, Vol 9, 1985, p. 311-319.

NIUA. Procedure for Obtaining Water and Sewerage Connections in India: Case Study of Five Cities. United States International Agency for Development and National Institute of Urban Affairs, New Delhi, 2010.

Norris, P. Digital Divide: Civic Engagement, Information Poverty, and the Internet Worldwide, New York, Cambridge University Press, 2002.

NSSO. Ministry of Statistics & Programme Implementation, National Sample Survey Organization. NSSO 52nd Round – 1996 New Delhi: Government of India, 1998, Report No. 441.

NSSO. National Sample Survey Organization Ministry of Statistics & Programme Implementation. Migration in India 1999-2000. New Delhi: Government of India, 2001, Report No. 470.

NSSO. National Sample Survey Organization Ministry of Statistics and Programme Implementation. Housing Condition in India. Housing Stock and Constructions New Delhi: Government of India, 2004, Report No. 488.

NSSO. Informal Sector and Conditions of Employment in India, 2004-2005 National Sample Survey Organisation Ministry of Statistics & Programme Implementation, Government of India, New Delhi, 2005. Report No. 519.

NSSO. National Sample Survey Organization Ministry of Statistics and Programme Implementation. NSSO 60th Round – 2004 New Delhi: NSSO, 2006, Report No.507.

NSSO. Housing Conditions and Amenities in India, 2008-2009 Ministry of Statistics and Programme Implementation, Government of India, New Delhi, 2010a.

NSSO. Some Characteristics of Urban Slums, 2008-2009.NSS Report No 534- NSS 65th Round (July 2008-June 2009) National Statistical Organisation, Government of India. New Delhi, 2010b.

NSSO. Migration in India 2007-08, Ministry of Statistics and Programme Implementation, Govt. of India, New Delhi, 2010c.

NUHM. National Urban Health Mission – Draft for Discussion Ministry of Health and Family Welfare, Government of India. New Delhi, 2010.

OHCHR-UNOG. Office of the High Commission for Human Rights Fact Sheet no. 25 Forced Evictions and Human Rights, Geneva: United Nations.

Oldenburg, V T. Colonial Lucknow, 1856-1877. Princeton, Princeton University Press, 1984.

Oommen, U. and Meenakshisundararajan, A. Social Structuring of Human Capital of the New Global Workforce, International Conference on New Global Workforces and Virtual Workplaces: Connections, Culture, and Control, National Institute of Advanced Studies, Bangalore, August 12-13 2005.

Osorio, L. The World Charter on the Right to the City, UNESCO/UNHABITAT/ISS, 2006.

Our Inclusive Ahmedabad (A Forum of Concerned Citizens of Ahmedabad). Report of the Public Hearing on Habitat and Livelihood Displacement in Ahmedabad, Ahmedabad, 2010.

Pandit D. et al. Evaluation of MCH Services Provided by Urban Health Centres. Health and Population-Perspectives and Issues, Vol 19, 1, 1996, p. 41-49.

Parnell, S., Pieterse, E. The 'Right to the City': Institutional Imperatives of a Developmental State. International Journal of Urban and Regional Research, Vol 34, 1, 2010, p. 146-162.

Patel, S., Burra, S., d'Cruz C. Slum/Shack Dwellers International (SDI) – Foundation to Treetops. Environment and Urbanization, Vol 13, 2, 2001, p. 45-59.

Patel, S., d'Cruz C., Burra, S. Beyond Evictions in a Global City: People-Managed Resettlement in Mumbai. Environment and Urbanization, Vol 14, 1, 2002, p. 159-172.

Patel, S., Arputham, J., Burra, S., Savchuk, K. Getting the Information Base for Dharavi's Redevelopment. Environment and Urbanization, Vol 21, 1, 2009, p. 241-251.

Patel, S B. Advantages of Bus Rapid Transit Systems. Economic and Political Weekly, Vol 41, 20, 2006.

Pathak V.K., Patel, S. Would Decentralisation Have Made a Difference? Economic and Political Weekly, Vol 40, 36, 2005, p. 3902-3904.

Paul, T. Public Spaces and Everyday Lives: Gendered Encounters in the Metro City of Kolkata. In: Doing Gender, Doing Geography. 250-269. Saraswati Raju & Kuntala Lahiri Dutt (ed.), Delhi, Routledge, 2010.

Phadke, S. Dangerous Liaisons. Women and Men: Risk and Reputation in Mumbai, Economic and Political Weekly, 2007, p. 1510-1518.

Phadke, Shilpa, "Gendered Usage of Public Spaces: A Case Study of Mumbai", NCW-UNDP-CEQUIN conference on Gender Based Violence in Public Spaces: Challenges and Solutions, Delhi, Constitution Club, October 26-27, 2010.

Planning Commission, Govt. of India Eleventh Five Year Plan, Vol III: p. 394-422. : Agriculture, Rural Development, Industry, Services and Physical Infrastructure, Oxford University Press, New Delhi: 2008

Planning Commission, Press Note on Poverty Estimate, http://planningcommission.nic.in/reports/genrep/Press_pov_27Jan11.pdf, last accessed on 31 October 2011.

PUDR. In the Name of National Pride (Blatant Violation of Workers Rights at the Commonwealth Games Construction Site). People's Union for Democratic Rights, 2009.

Purcell, M. Islands of Practice and the Marston/Brenner Debate: toward a More Synthetic Critical Human Geography. Progress in Human Geography, Vol 27, 3, 2003, p. 317-332.

Purcell, M. 'Excavating Lefebvre: the Right to the City and its Urban Politics of the Inhabitants, Geojournal, Vol 58, 2002, p. 99-108.

Qayum, S. Grappling with Modernity: India's Respectable Classes and the Culture of Domestic Servitude. Ethnograph, Vol 44, 4, 2003, p. 520-555.

Rajagopal, A. The Violence of Commodity Aesthetics. Hawkers, Demolition Raids, and a New Regime of Consumption. Social Text, Vol 68, 19.3, 2001, p. 91-113.

Rajan, S. I, Korra, V. and Chyrmang, R. 'Politics of Conflict and Migration' in S. Irudaya Rajan (ed.) Migration, Identity and Politics, Routledge, London. 2011.

Raju, S K., Satish, M., Corbridge, S. Colonial and Post-Colonial Geographies of India. New Delhi, Sage.

Ramachandran, R. Urbanization and Urban Systems in India, Oxford University Press, Delhi: 1995. p. 22-74.

Raman, B. Street Traders, Place and Politics: A Case Study of Bangalore. London School of Economics and Political Science, London. 2010. PhD.

Raman, B., Bawa, Z. Interacting with the State via Information and Communication Technologies – the Case of Nemmadi Kendras in Karnataka. Media Asia Journal, Vol 38, 2011, p. 52-64.

Ramanathan, U. Illegality and the Urban Poor. Economic and Political Weekly, Vol 41, 29, 2006, p. 3193-3197.

Ramanathan, U. A Unique Identity Bill. Economic and Political Weekly, Vol 45, 30, 2010, p. 10-14.

Ranade, S. The Way She Moves. Mapping the Everyday Production of Gender-Space. Economic and Political Weekly, Vol 2007, p. 1519-1526.

Rao, V. Slum as Theory: the South/Asian City and Globalization. International Journal of Urban and Regional Research, Vol 30, 1, 2006, p. 225-232.

Rath, N., Measurement of poverty: in retrospect and prospect, Economic and Political Weekly, Vol 46, 42, 2011, p. 40-43.

Raza, M. and Habeeb A., Characteristics of Colonial Urbanization- A Case Study of Satellitic 'Primacy' of Calcutta (1850-1921) in S. Mazoor Alam and V.V. Pokshishevsky (ed.), Urbanization in Developing Countries, Osmania University, Hyderabad, 1976, p. 185-218.

Risbud, N. The Poor and Morphology of Cities. Urban Poverty Report, 2009 Ministry of Housing and Urban Poverty Alleviation and United Nations Development Programme. New Delhi. Oxford University Press. 2009.

Risbud, N. The case of Mumbai, India. In: Understanding Slums: Case Studies for the Global Report on Human Settlements. UN-HABITAT. 2003.

Roy, A. City Requiem, Calcutta: Gender and the Politics of Poverty. Minneapolis University of Minnesota Press, 2003.

Roy, A. Civic Governmentality: The Politics of Inclusion in Beirut and Mumbai. Antipode, Vol 41, 1, 2009a, p. 159-179.

Roy, A. Why India Cannot Plan Its Cities: Informality, Insurgence and the Idiom of Urbanization. Planning Theory, Vol 8, 1, 2009b, p. 76-87.

Roy, A. Mapping Citizenship in India. New Delhi, Oxford University Press, 2010.

Roy, A. Slumdog Cities: Rethinking Subaltern Urbanism. International Journal of Urban and Regional Research, Vol 35, 2011, p. 223-238.

Sadana, R. On the Delhi Metro: An Ethnographic View. Economic and Political Weekly, Vol XLV, 46, 2010, p. 77-83.

Saggurti, N. Mahapatra B., Swain, S.N. , Battala, M., Chawla,U. and, Narang, A. "Migration and HIV in India: Study of Select Districts." New Delhi: UNDP, NACO and Population Council, 2011.

Sanyal, B., Mukhija, V. Institutional Pluralism and Housing Delivery: A case of Unforeseen Conflicts in Mumbai, India. World Development, Vol 29, 12, 2001, p. 2043–2057.

Sarin, M. Urban Planning in the Third World: The Chandigarh Experience, London, Mansell Press, 1982.

Sarkar, S., Moulik, S G., Sen, S. The Mumbai Slum Sanitation Program. Partnering with Slum Communities for Sustainable Sanitation in a Megalopolis Water and Sanitation Program-South Asia, New Delhi, 2006.

Schenk, H. Residential Immobility in Urban India. Geographical Review, Vol 76, 2, 1986, p. 184-1942.

Sen, J. The Unintended City, Seminar, Vol 200, 1975, p. 33-40.

Sen, P. Forging New Paths in Peacemaking in Times of Conflict and Violence, Delhi, Ashoka, 2006.

Sen, R. 'Neutral' Law or 'Moral' Codes Controlling and Recreating Sexualities/Intimacies, NCW-UNDP-CEQUIN Conference on Gender based Violence in Public Spaces: Challenges and Solutions, Delhi, Constitution Club 2010.

Sengupta, R. Communal Violence in India. Economic and Political Weekly, Vol 40, 20, 2005, p. 2046-2050.

Sengupta, A. The Challenge of Employment in India : An Informal Economy Perspective : An Informal Economy Perspective, Vol. I and II, New Delhi, Academic Foundation, 2009.

Shaban, A. Sharma, RN. Water Consumption Patterns in Domestic Households in Major Cities. Economic and Political Weekly, Vol 42, 23, 2007, p. 2190-2197.

Sharan, A. In the City, Out of Place: Environment and Modernity, Delhi 1860s to 1960s. Economic and Political Weekly, Vol 41, 47, 2006, p. 4905-11.

Sharholy, M., Ahmad, K. et al. Municipal Solid Waste Management in Indian Cities - A Review. Waste Management, Vol 28, 2, 2008, p. 459-467.

Sharma, K. Waiting for Water. Mumbai, Society for the Promotion of Area Centres, 1999.

Sharma, R. Kerala's Decentralization. Idea in Practice. Economic and Political Weekly, Vol 2003, p. 3832-3850.

Sharma, R N. Survey of Hawkers on Municipal Lands in Mumbai. Tata Institute of Social Sciences, Mumbai, 1998.

Singh, J. Labour Law and Special Economic Zones in India.CSLG Working Paper Series Centre for the Study of Law and Governance, JNU, New Delhi, 2009. CSLG/WP/09/01

Sivaramakrishnan K., Kundu, A., Singh, B.N., Handbook of Urbanization in India, New Delhi, Oxford University Press, 2005.

Sivaramakrishnan, K., Maiti, A. Metropolitan Governance in India. An Overview of Selected Cities, Center for Policy Research, New Delhi, 2009.

Soja, E. The Socio-Spatial Dialectic. Annals of the Association of American Geographers, Vol 70, 2, 1980, p. 207-225.

Solinger, D.J. Contesting Citizenship in Urban China: the Peasant Migrants, the State, and the Logic of the Market, University of California Press, Berkeley, 1999 .

Storper. The Regional World, Territorial Developments in a Global Economy. London and New York, Guilford, 1997.

Srinivasan, K. Public, Private and Voluntary Agencies in Solid Waste Management: A Study in Chennai City. Economic and Political Weekly, Vol 41, 22, 2006, p. 2259-2275.

Tawa Lama-Rewal, S. Neighborhood Associations and Local Democracy: Delhi Municipal Elections 2007. Economic and Political Weekly, Vol 42, 47, 2007, p. 51-60.

Thakkar, U. Mohalla Committees of Mumbai Economic and Political Weekly, Vol 39, 6, 2004, p. 580-586.

Thorat, S. Oppression and Denial: Dalit Discrimination in the 1990s. Economic and Political Weekly, Vol 37, 6, 2002, p. 572-578.

Thorat, S., Newman, S. Blocked by Caste: Economic Discrimination in Modern India. Oxford, Oxford University Press, 2010.

Tingal, D., Kumar Pandey, V. The Known Unknown: A Study of the Homeless People in Delhi. Delhi, Indo Global Social Service Society, 2008.

Tiwari, G. Urban Transport Planning. Seminar: Transport for Liveable Cities: A Symposium on the Problems of Urban Transport, Vol 579, 2007.

Tiwari, G., Jain, H. Bicycles in Urban India. Urban Transport Journal, Vol 7, 2, 2008, p. 59-68.

Uchida, H., Nelson, A. Agglomeration Index: Towards a New Measure of Urban Concentration. World Development Report 2009. Reshaping Economic Geography. Background Paper, 2008.

UNDP Human Development Report - Overcoming Barriers: Human Mobility and Development, United Nations Development Programme, New York. 2009

UNESCO-ICSSR. Summary Report: Research Meeting: Social Protection Policies in South Asia 18 – 19 March 2010, New Delhi, 2010.

UN-HABITAT. The Challenge of Slums – Global Report on Human Settlements, London, Earthscan Publications, 2003.

UN-HABITAT. The State of the World's Cities 2006/2007, Earthscan, London.2006.

UN-HABITAT. The State of the World's Cities 2010/2011: Bridging the Urban Divide. London, Washington D.C., Earthscan 2010.

Unni, J. The Unorganized Section and Urban Poverty: Issues of Livelihood. In: India: Urban Poverty Report 2009, 76-93.G. UNCP and Ministry of Housing and Urban Poverty Alleviation. (ed.), Oxford University Press, 2009.

Upadhyay, C. Employment, Exclusion and 'Merit' in the Indian IT Industry. Economic and Political Weekly, Vol 42, 20, 2007, p. 1863-1868.

Vaquier, D. Impact of Slum Resettlement Projects on Urban Integration Through Access to Employment: The Case of Chandivali, Mumbai. Occasional Paper 26, Centre de Sciences Humaines, New Delhi, 2010.

Varshney, A. Ethnic Conflict and Civic Life: Hindus and Muslims in India. New Haven, Yale University Press, 2002.

Viswanath, K, Mehrotra, S. Safe in the City. Seminar 583, Vol 2008, p. 21-24.

Vora, N., Vora, R. Hind Swaraj Dialogue and Gandhi Shanti Sena. In: Process Documentation 2002 – April 2008, New Delhi, Swaraj Peeth, 2008.

Waldrop, A. Gating and Class Relations: the Case of a New Delhi 'Colony'. City and Society, Vol 16, 2, 2004, p. 93-116.

Weiner, M. Sons of the Soil: Migration and Ethnic Conflict in India, Princeton University Press, New Jersey, 1978.

Weinstein, L. Democracy in the Globalizing Indian City: Engagements of Political Society and the State in Globalizing Mumbai. Politics & Society, Vol 37, 7, 2009, p. 397-427.

Wilkinson, S. Putting Gujarat in Perspective. Economic and Political Weekly, Vol 37, 17, 2002, p. 1579-1583.

World Bank. India. Water Supply and Sanitation. Bridging the Gap Between Infrastructure and Service. Background Paper: Urban Water Supply and Sanitation, The World Bank. New Delhi, 2006.

World Bank Inspection Panel. Investigation Report. India: Mumbai Urban Transport Project (IBRD Loan No. 4665-IN; IDA Credit No. 3662-IN). 2005. Report No 34725.

WSP. Improving Water Supply and Sanitation Services for the Urban Poor in India. Guidance Notes: Water and Sanitation Program - South Asia 60. 2009.

WSP. The Economic Impacts of Inadequate Sanitation in India Water and Sanitation Programme. New Delhi, 2010.

WSP-SA. Water for India's Poor: Who Pays the Price for Broken Promises? Water and Sanitation Program-South Asia. New Delhi, 1999.

Yi-Fu Tuan. Space and Time: The Perspective of Experience. University of Minnesota Press, 1988.

Zérah, M-H. Water. Unreliable Supply in Delhi. New Delhi, Manohar Publishers, 2000.

Zérah, M-H. Middle Class Neighborhood Associations as Political Players in Mumbai. Economic and Political Weekly, Vol 42, 47, 2007, p. 61-68.

Zérah, M-H. Participatory Governance in Urban Management and the Shifting Geometry of Power in Mumbai. Development and Change, Vol 40, 5, 2009, p. 853-877.

List of Websites

Central Bureau of Health Intelligence:
http://cbhidghs.nic.in/index2.asp?slid=1125&sublinkid=929

Census of India:
https://censusindia.gov.in

Centre on Housing Rights and Evictions:
http:// www.cohre.org

Delhi Urban Shelter Improvement Board:
http://delhishelter.nic.in/

Delhi Government:
http://delhigovt.nic.in/

Domestic Workers' Rights:
http://www.domesticworkerrights.org

Gender and the Built Environment Database:
http://www.gendersite.org/

Green Cross International:
http://www.greencrossinternational.net/

The International Alliance of Inhabitants:
www.habitants.org/

Habitat International Coalition:
www.hic-net.org/

Housing and Land Rights Network:
 http://www.hic-sarp.org/

India Urban Portal (under National Institute of Urban Affairs & JNNURM):
www.indiaurbanportal.in

India Urban Space Foundation:
http://indiausp.org

Indian People's Tribunal on Environment and Human Rights:
http://www.iptindia.org/

Infrastructure Development Financing Corporation:
http://www.idfc.com/foundation/policy/collaborations_and_projects.htm.

Janaagraha:
http://www.janaagraha.org/

Jawaharlal Nehru National Urban Renewal Mission:
http://jnnurm.nic.in/

Micro Home solutions:
http://www.microhomesolutions.com/

Ministry of Housing & Urban Poverty Alleviation, Government of India:
http://mhupa.gov.in/

Ministry of Minority Affairs, Government of India:
http://www.minorityaffairs.gov.in/

National Association of the Street Vendors of India :
www.nasvinet.org

National Family Health Survey:
http://www.nfhsindia.org/factsheet.html

Office of the High Commissioner for Human Rights, United Nations, India Homepage:
http://www.ohchr.org/EN/countries/AsiaRegion/Pages/INIndex.aspx

Office of the High Commissioner for Human Rights, United Nations:
 http://www.ohchr.org/

Parivartan campaign/ Delhi Police:
http://www.delhipolice.nic.in/parivartan/parivartan.htm

Pratham:
http://pratham.org

Right to Information:
http://righttoinformation.gov.in/

Right to the City:
www.righttothecity.org/

Right to Water:
http://www.righttowater.ca/

Right to Water and Sanitation:
http://www.righttowater.info/

Safai Karmachari Andolan:
http://safaikarmachariandolan.org

Self-Employed Women's Association:
www.sewa.org

Society for the Promotion of Area Resource Centres (SPARC):
http://www.sparcindia.org

Solution Exchange India:
http://www.solutionexchange.net.in/

UN-HABITAT:
http://www.unhabitat.org

Unique Identification Authority of India, Government of India:
http://www.uidai.gov.in

UNESCO:
www.unesco.org

WHO Healthy Cities:
http://www.searo.who.int/en/Section23/Section24/Section25.htm

List of Boxes

List of Tables

List of Figures

List of Abbreviations

ALM	Advanced Locality Management
AMC	Ahmedabad Municipal Corporation
AMTS	Ahmedabad Municipal Transport Service
BEST	The Brihanmumbai Electric Supply & Transport Undertaking
BPL	Below Poverty Line
BRTS	Bus Rapid Transit Service
BSUP	Basic Services to the Urban Poor
CAA	Constitutional Amendment Act
CAPAM	Commonwealth Association for Public Administration and Management
CBO	Community Based Organization
CDP	City Development Plan
CEQUIN	Centre for Equity and Inclusion
CIVIC	Citizen's Voluntary Initiative for the City
COHRE	Centre on Housing Rights and Evictions
CPCB	Central Pollution Control Board
CPL	Community Participation Law
CSO	Civil Society Organizations
CWC	Central Wakf Council
CWG	Commonwealth Games
DDA	Delhi Development Authority
DFID	UK Department for International Development
ESG	Environment Support Group
EWS	Economically Weaker Sections
GDP	Gross Domestic Product
GIS	Geographical Information System
GLT	Guaranteed Property Titles
GOI	Government of India
GSDP	Gross State Domestic Product

HCBS	High Capacity Bus Systems
HLRN	Housing and Land Rights Network
IAS	Indian Administrative Services
IBT	Increasing Block Tariff
ICT	Information and Communication Technology
IDFC	Infrastructure Development Financing Corporation
IGSSS	Indo Global Social Services Society
IL&FS	Infrastructure Leasing & Financial Services Limited
ILO	International Labour Organisation
INR	Indian Rupee
IPC	Indian Penal Code
IPP	India Population Project
IPTEHR	Indian People's Tribunal on Environment and Human Rights
IT	Information Technologies
IUSF	India Urban Space Foundation
JICA	Japan International Corporation Agency
JNNURM	Jawaharlal Nehru National Urban Renewal Mission
KIADB	Karnataka Industrial Areas Development Board
KMPC	Kolkata Metropolitan Planning Committee
LADS	Local Area Development Scheme
LIG	Low Income Groups
MCD	Municipal Corporation of Delhi
MCGM	Municipal Corporation of Greater Mumbai
MDG	Millennium Development Goals
METRAC	Metropolitan Action Committee on Violence Against Women and Children
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act
MHS	Micro Home Solutions
MKSS	Mazdoor Kisan Shakti Sangathan
MLA	Member of Legislative Assembly
MMRDA	Mumbai Metropolitan Regional Development Authority
MP	Member of Parliament
MPC	Metropolitan Planning Committees
MPCE	Monthly Per Capita Consumer Expenditure
MSME	Micro, Small and Medium Enterprises

MSW	Municipal Solid Waste
MUTP	Mumbai Urban Transport Projects
NAVSI	National Alliance of Street Vendors
NCEUS	National Commission on Enterprises in the Unorganised Sector
NCM	National Commission for Minorities
NCT	National Capital Territory
NFHS	National Family Health Survey
NGO	Non Governmental Organisation
NHP	National Health Policy
NHSS	Nivara Hakk Suraksha Samiti
NIUA	National Institute of Urban Affairs
NMVs	Non Motorised Vehicles
NOC	No Objection Certificate
NRHM	National Rural Health Mission
NSDF	National Slum Dwellers Federation
NSDP	National Slum Development Programme
NSS	National Sample Survey
NSSO	National Sample Survey Office
NUHM	National Urban Health Mission
NUTP	National Urban Transport Policy
NWP	National Water Policy
OBC	Other Backward Classes
OPD	Outpatient Department
PAN	Permanent Account Number
PDS	Public Distribution System
PEARL	Peer Experience and Reflecting Learning
PHEO	Public Health Engineering Organisation
PIL	Public Interest Litigation
PLATINUM	Partnership for Land Title Implementation for Urban Management
PPPs	Public-Private Partnerships
PUDR	Peoples Union for Democratic Rights
PUKAR	Partners for Urban Knowledge Action and Research
PWD	Public Works Department
R&R	Resettlement and Rehabilitation
RAY	Rajiv Awas Yojana

RCH	Reproductive and Child Health
RSDF	Railway Slum Dwellers Federation
RTI	Right to Information
RTTC	Right to the City
RWA	Resident Welfare Association
SAL	Social Action litigation
SCI	Supreme Court of India
SCs/STs	Scheduled Castes/Scheduled Tribes
SEWA	Self Employed Women's Association
SEZ	Special Economic Zones
SFCs	State Finance Commissions
SGNP	Sanjay Gandhi National Park
SME	Small and Medium Enterprises
SPARC	Society for the Promotion of Area Resource Centre
SRA	Slum Rehabilitation Authority
SSP	Slum and Sanitation Program
UID	Unique Identification
UIDAI	Unique Identification Authority of India
ULBs	Urban Local Bodies
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UN-HABITAT	United Nations Human Settlements Programme
UNICEF	United Nations International Children's Emergency Fund
USAID	United States Agency for International Development
TDR	Transfer of Development Rights
TUIFIC	Tamil Nadu Urban Infrastructure Financing Corporation
VAMBAY	Valmiki Ambedkar Awas Yojana
WHO	World Health Organisation
WSS	Water Supply and Sanitation

Urban Policies and the Right to the City in India:

Rights, Responsibilities and Citizenship