

# Planned Illegalities

## Housing and the 'Failure' of Planning in Delhi: 1947-2010

GAUTAM BHAN

Chaos, irrelevance, incompetence and exclusion, what do these “failures” tell us about the apparently self-evident understandings of plans, “planning” and “planned development” in Delhi? What implications does this have, in particular, for an urban politics and practice interested in the many forms and imaginations of a just and more equitable city? This paper argues that in Delhi the “chaos that is urban development” is not planned but is an outcome of planning. Plans do not control but they influence, determine and limit.

The City was not planned as it is, but the City is an outcome of planning.<sup>1</sup>  
—Peattie 1987:15

The “failure of planning” has become a ubiquitous, long-standing and commonsensical refrain in Indian cities. Decades apart, Ashis Nandy and Jai Sen both famously described Indian cities as “unintended” (Sen 1976; Nandy 1998). Meera Bapat’s description of the “failure, even irrelevance, of the dominant ideology of urban planning” (Bapat 1983) seemed to echo even two decades later as Gita Diwan Verma’s “chaos that is urban development” (Verma 2002). The planners’ desire to “effect a controlled and orderly manipulation of change” has been, argues Amita Baviskar, “continuously thwarted” by the “inherent unruliness of people and places” (Baviskar 2003: 92). Urban planning is considered, at best, “hopelessly inadequate” in terms of being able to tackle this chaos (Patel 1997) though inadequacy is the gentlest of the charges levelled against planning. Citing the twin jaundice and cholera epidemics in Delhi in 1955 and 1988, Dunu Roy argues that the worst aspect of the failure of planning was that, in fact, “planners did not even understand the implications of what they themselves had done” (Roy 2004).

Crisis-ridden as well as crisis-inducing, chaotic, irrelevant, incompetent and exclusionary: planning in India does indeed seem to have “failed”. In Indian cities, this “failure” has acted as a reason, impetus and justification for a range of diverse urban practices: increasing juridical intervention into urban governance by the higher courts; political action by civil society organisations and resident associations; the emergence of new forms of public-private governance mechanisms within urban reform and policy paradigms; and trenchant critiques by social movements seeking rights to and in the city.

### Narratives of 'Failure' and Planning

What does it mean for planning to have “failed”? Narratives of “failure” are simultaneously narratives of planning. Accusations of chaos, irrelevance, incompetence and exclusion, in other words, each rely upon an imagination of what functional, relevant, competent and inclusionary planning could and should look like within an Indian city. “Failure is”, in Ravi Sundaram’s words, “a diagnostic of planning” (Sundaram 2009). In this essay, I take Sundaram seriously. I assess planning by problematising, in the Foucauldian sense, the certainty of its “failure”. Foucault argued that, “for an object to enter into the field of thought, it is necessary that a certain number of factors have made it uncertain, have made it lose its

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Gautam Bhan ([gbhan@ihs.co.in](mailto:gbhan@ihs.co.in)) is with the Indian Institute for Human Settlements, New Delhi.

familiarity, or have produced around it a certain number of difficulties". It is necessary for it in other words, to be "problematized". The task of the analyst then is to understand how these "difficulties" become "a general problem for which one proposes diverse practical solutions". In other words, the "failure of planning" is not a given – it is "a question whose formation and obviousness must itself be subject to analysis" (Foucault 1994 (1984): 114-17). To do so, I ask: How have diverse sets of actors come to agree, seemingly without exception, on the "failure of planning"? What comprises these diverse understandings of "failure"? What do these "failures", in turn tell us about the apparently self-evident understandings of plans, "planning" and "planned development" in Delhi? What implications does this have, in particular, for an urban politics and practice interested in the many forms and imaginations of a just and more equitable city?

### Histories and Categories of Inhabitation

I problematise "failure" within a specific aspect of urban development – the production of housing in the city. My question thus becomes more specific: what is the relationship between planning, the nature of its single or multiple "failures", and the production of housing in the city for and by its various residents?

To assess something as broad as "housing" in the city, I turn to the *Delhi Economic Survey 2008-09*. In the chapter on "Urban Development", the Survey presents a "description" of "types of settlements" in Delhi in order to "explain the situation" in the city (Government of Delhi 2009, Table 1).

**Table 1: Settlements in Delhi**

Type of Settlement	Est Population in 2000 ('000s)	Percentage of Total Population of City
JJ clusters	20.72	14.8
Slum designated areas	26.64	19.1
Unauthorised colonies	7.4	5.3
JJ resettlement colonies	17.76	12.7
Rural villages	7.4	5.3
Regularised-unauthorised colonies	17.76	12.7
Urban villages	8.88	6.4
Planned colonies	33.08	23.7
Total	139.64	100

Source: Statement 14.4 of the *Delhi Economic Survey 2008-09* (Government of Delhi 2009).

At first sight, Table 1 seems to confirm a "failure" of planning. In 2000, it says, only 24% of the city lived in "planned colonies".<sup>2</sup> What could be a greater indictment of planning than nearly 75% of the city living in housing that is apparently "unplanned"? Yet as we problematise this failure, we must ask a different set of questions: how were these categories constructed and defined? What makes one category of housing "planned"? Conversely, what is "unplanned" about housing in the other categories? How do "planned" and "unplanned" relate to the "legal" and the "formal"?

In the sections that follow, I analyse some of the categories of Table 1 through a necessarily partial but illuminating history of inhabitation in the city. Using a series of geospatial maps, I visualise – as far as it is accurately possible to do so – where housing described and defined by these categories was built in the city from the issuance of the first master plan in

1962. On these maps, I then transpose Delhi's three master plans, using the result along with additional housing data to assess the relationship between these master plans and the building of actually existing housing stock.<sup>3</sup> I seek to map, in a sense, the magnitude and textures of the gaps between imagination, intention and actual practice, arguably one of the most commonly understood "failures" of planning. Put simply: what is planned does not exist on the ground, what is on the ground does not exist on the plan. Finally, I map both existing as well as evicted *bastis*<sup>4</sup> in order to juxtapose sites of eviction, existing housing stock and the master plans to further interrogate the idea of "planned development".

I do so to argue that, in Delhi, the "chaos that is urban development" that Verma (2002) describes is not planned but it is, to twist Peattie's phrase, an outcome of planning. Plans do not control but they influence, determine and limit. Problematizing planning's failures allows us to find what I am calling the traces of planning – its legacies both historical and contemporary and its presence in the contemporary city either in absence or presence, in failure or success. Within housing in particular, I argue that planning plays at least two key roles: (a) it determines spatial patterns of settlement and inhabitation even in cities that are "unplanned" and "chaotic"; and (b) it produces and regulates illegality as a "spatial mode of governance" (Roy 2003). Urban practitioners in a city like Delhi, I argue, have no choice but to engage with planning precisely because of the continuing relevance of what are considered its "failures". In my conclusion, I offer a new set of frameworks for this engagement, one that takes planning seriously as a site of politics, particularly for the urban poor.

### Built Categories and Built Environments

Armed with these sets of questions, I now turn to the analysis of the categories of housing presented in Table 1, taking each in turn.

#### Legal, Formal, Planned, Legitimate

In the analysis that follows, I use a recognisable but often confusing vocabulary to describe settlements: legal/illegal, formal/informal and planned/unplanned. My use of these terms is strategic. By this I mean that I use them despite knowing their limitations and the lack of clarity in their competing definitions. I do so precisely to make these limitations visible, to highlight implicit and internalised foreclosures, and to show the political work these perform as terms used widely within legal, planning, academic as well as everyday discourse.

Specifically, I use the term "planned" only when it is used by Table 1 itself, i.e., in describing the "Planned Colony". I limit my use of "legal" to only refer to housing that is recognised by the plan to the extent that the owners of the house possess some kind of recognised title or ownership that can be registered with local authorities. To describe documented transactions of sale and purchase of property or built housing whether or not the resultant titles are legally recognised, I use the term "formal". To describe violations of building norms, developmental controls, and layout plans, regardless of the legality or planning status of the settlement, I again use the twin terms

“formal/informal”. As I will argue later, this separation in terming the violations of certain norms as “illegal” and others as “informal” is one that emerges from the settlement typologies themselves and has significant implications for settlements and their residents alike.

I introduce one additional term to the above vocabulary: legitimate. I use legitimate to describe settlements that enjoy a de facto or de jure security of tenure. I mean by this that they are protected – either explicitly within the plan or implicitly in actual urban development practice – from arbitrary eviction. Settlements that are legitimate need not, therefore, derive their legitimacy only from law (although some can and do). They can be formal or informal, legal or illegal, in the sense of the terms described above.

### Planned Colonies

Planned colonies are those that are built on plots marked in the development area of the master plan, in concordance with the use allocated to that plot in the master plan or the zonal plan (if it exists),<sup>5</sup> and that are presumably laid out according to norms and standards defined in the master plan for design, infrastructure and amenities. There is, however, one more critical element: the temporality of when all these conditions were met. A “planned colony” fulfils all of these conditions at the time that it was built. It is and has always been planned, legal and legitimate.

The importance of the category of “planned colony” is in its role as a benchmark. It is the ideal type – the colony that planning imagines as typifying both the norms of the plan as well as the process for producing housing. The planned colony is at the heart of “planned development”, a marker of the imagined chronology and synergy between the temporalities of building, inhabiting and planning that is taught in planning schools globally and especially in India: plan, service, build, then occupy.<sup>6</sup> It is the housing under the plan’s control that is built where, when and how it was intended.

Within the “Planned Colony”, there are layers of unplanned activities and informal uses, such as commercial use in a residential building, for example.<sup>7</sup> The priority given in the settlement typologies has been to the fact that the colony is built on a plot that is marked on and exists in conformity with the layout and design rules of the master plan at the time it was built. The planned colony, therefore, is legal, planned and legitimate, but has both formal and informal uses as well as built structures within it.

### Planned Colonies and Housing Stock: Looking at the Data:

Yet looking more closely at how, when and where planned colonies were built, and more importantly, those that were intended but not built, this ideal type of planned development begins to unravel. Looking at housing data makes two kinds of failures clear: (a) shortfalls in housing built by the Delhi Development Authority (DDA) or DDA-approved actors that emerge almost immediately after the Master Plan Delhi (MPD) 1962 is issued and proceed to widen till the present day; and (b) the absence of sufficient notified and zoned land (“urban

development area”) where planned housing could be built to make up this widening housing shortfall.

**Shortfalls in Planned Housing:** There is no disagreement in the data that there is a systemic and widening gap between housing needed and that built by the DDA or DDA-approved actors. Estimates of housing shortfalls vary only in the severity of their estimation.<sup>8</sup> The MPD ’21 estimates a short fall of 4,00,000 units, with 88% of that shortfall seen to fall under the economically weaker section (EWS) housing (Delhi Development Authority 2007). The sharp skew in the shortfall is explained by the shortfall in housing is due to very particular “failures” – the DDA overbuilt middle and higher income housing while substantially under-building housing for what are termed as the EWS. See Table 2.

**Table 2: Housing Stock Allocated vs Built**

	Intended % of Total Built Housing	Actual % of Total Built Housing
EWS	40	30.32
Low income group (LIG)	30	27.99
Middle income/high income group (MIG/HIG)	25	22.94
Self-financed schemes/other	5	18.76 <sup>9</sup>

Sources: (TRIPP 2000; Hazards Centre 2003). Indicates housing built on by DDA or DDA-authorized actors including government agencies, cooperative societies. Does not include privately built housing.

**Shortfalls in Urban Development Areas:** A planned colony can only be built on land notified within the development area of the master plan and zoned residential. Yet no new land was notified as an urban development area by the DDA between 1962 (when the MPD ’62 was issued) and 1990 (when the MPD ’01 was issued). Though it is true that MPD ’62 sought to notify enough land to account for urban expansion upto 1981, this still leaves nearly a decade of urban growth for which no additional land was notified within the master plan – a decade in which the city’s population increased by 3.2 million people. The MPD ’01 further added only 4,000 hectares to the development area of the MPD ’62 – a mere 4.5% of the existing development area in the MPD ’62. This extension was the only addition until 2007 when the MPD ’21 added 20,000 hectares. In the interim, the city’s population had grown by another six million people.<sup>10</sup>

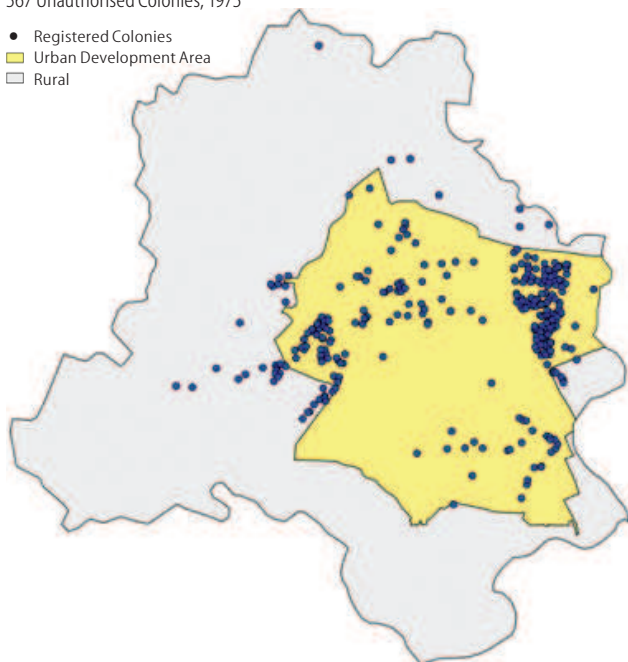
This rising population, clearly, could not wait for the plan to catch-up with the realities of the urban growth and expansion. In 1990, when the MPD ’01 was issued, and in 2007, when the MPD ’21 was issued, areas far beyond the notified area in the master plan were already built up. Both the MPD ’01 and the MPD ’21 chose not to notify already built-up areas as development areas within the plan. For these colonies built in between plans, it was impossible to be a planned colony as they had no way to meet (rather than violate) the basic classificatory principle of the Table 1: the building of the colony on land marked and zoned residential within the development area.

The shortfalls in housing for all categories of residents and the particularly significant shortfall in housing for the poor implied that planned housing stock was, by any estimation, inadequate. The shortfall of notified developed areas within

**Map 1: The Second Wave of Regularisation**

567 Unauthorised Colonies, 1975

- Registered Colonies
- Urban Development Area
- Rural



All maps in this paper were made by the author and a team of research associates – Deepika Jha, Imran Basha and Swathi Shivanand – all then with the Indian Institute for Human Settlements, New Delhi.

the plans and the long durations between successive plans meant that even building planned colonies was impossible. Residents therefore were, at least in part, forced to build shelter in what became, by implication, a range of “unplanned colonies”. There was, in a curious sense, then not the violation of the plan through “illegal” acts, but instead, the impossibility of legal and planned inhabitation for the poor and the rich alike. It is planning and the plans themselves therefore that produces and regulates what it itself defines as “illegal” settlements. Illegality then is not outside planning – it is part of its logics, conceptions and practices. What is important to note that this “illegal inhabitation”, as I shall argue in the next sections, has defined the processes of inhabitation for the poor and rich alike though the consequences of these illegalities are markedly different for each.

**Unauthorised and Regularised-Unauthorised Colonies**

The primary classification principle for building the housing categories is inclusion within the development area of the plan in a zone marked for residential use. An “unauthorised colony” is precisely one that is built on land not included in the development area in the plan or one built on land within the developmental area but not yet zoned for residential use. Before 1975, most of Delhi’s unauthorised colonies fell in the latter category as land acquired under the MPD ’62 was not fully developed, i.e., infrastructural services were not provided and the land parcels not notified to be ready for planned housing to be built. Since 1975, however, most unauthorised colonies belong to the former category and fall outside the development area of the plan – precisely in the built-up areas that the MPD ’01 and MPD ’21 selectively included or continued to leave out of the development area.

These colonies are largely on land considered “rural” by the master plan at the time they were built – land that, crucially lay outside developed or even “urbanisable” land as notified by the then relevant master plan. Rural land belonged either to individual farmers or was common land in the village and belonged to the gram sabha, or village council. Most unauthorised colonies get created when land is bought by an individual – let us call him an “aggregator” – from either individual farmers or the gram sabha and aggregated into the size of a colony that could be large enough to hold as many 200 units or as few as 10. This aggregated land is then divided into plots<sup>11</sup> and sold with written contractual agreements that detail monthly instalments and payment schedules undertaken and completed by individual house owners.<sup>12</sup> Densities, size of dwelling units and layouts vary considerably – unauthorised colonies range from working poor neighbourhoods to elite single-family homes.

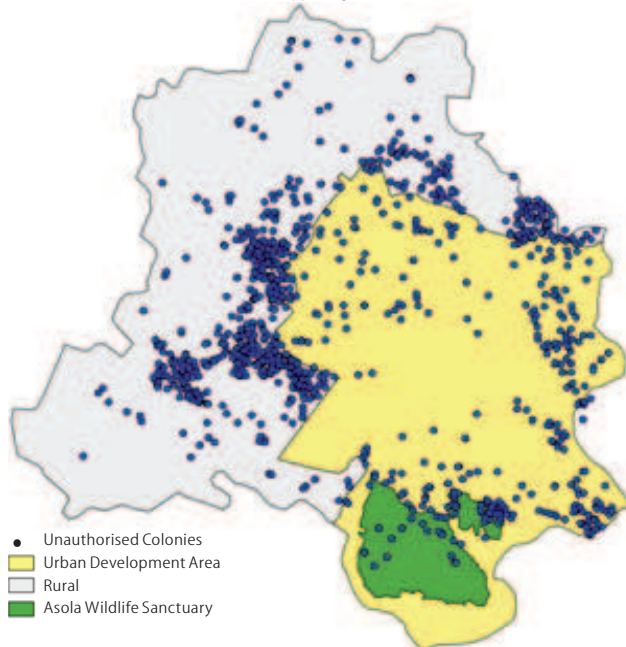
What exactly is unauthorised about the unauthorised colony? First, the farmers and the gram sabha cannot sell rural land for non-agricultural use – they can only sell to others who will keep the land under agricultural use, ostensibly, to “farmers”. Many unauthorised colonies – and in Delhi, the most famous of them all<sup>13</sup> – were thus never called as such by their residents through the 1980s. Yet many other unauthorised colonies do not even make such pretence and look, for all purposes, like residential layouts with no claims to agriculture. The violation here is not one of squatting – that the residents of these colonies paid for their land is undisputed. Such payment and the written documents produced therein are proof of a documented and, indeed, formal process of purchase by the buyer. Yet though the purchase is formal, it is not legal. Housing units within these colonies are thus both with and without “titles” – though all house owners have formal documents that show detailed payments for their flats, none of these can be registered with the local authorities as recognised, legal property titles because the colony does not exist in the plan. Titles cannot be legally transferred. Municipal services cannot be provided to these colonies since they do not exist in the plan.<sup>14</sup> There are many shades of legality here, as Zimmer (2012) has pointed out, using the example of “sales” done through powers-of-attorney which can be registered as proxy titles which Zimmer describes as “semi-legal” since they cannot indicate a full transfer of ownership.

Unauthorised colonies are illegal, both formal (in transaction) and informal (in building codes and developmental norms), unplanned but they are dominantly legitimate. There are very few cases of demolitions of an unauthorised colony, and almost none in the last few decades. Repeated committee recommendations and even judicial orders for the demolition of a few figurehead, elite and powerful unauthorised colonies like sainik farms have proved impossible to implement. Unauthorised colonies do, therefore, enjoy a de facto security of tenure if not a de jure one. This simultaneity of illegality and legitimacy is one that I will return to in the conclusion.

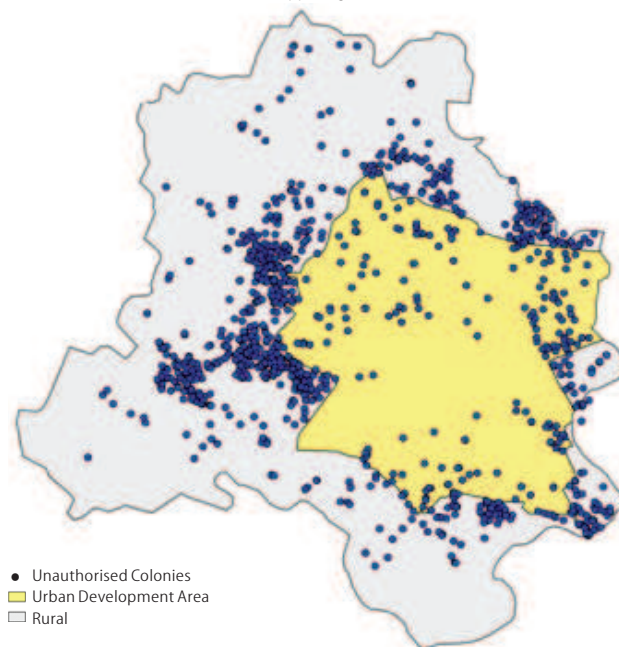
Periodically an unauthorised colony is “regularised”. Regularisation is a process by which the colony is made legal – the property titles are recognised by law and can be registered

**Map 2a: The Third Wave**

1,639 Unauthorised Colonies in 1993 Mapped against MPD '01

**Map 2b: The Third Wave**

1,639 Unauthorised Colonies in 1993 Mapped against MPD '62



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with the state. The process involves an attempt to align the unauthorised colony as closely with planned norms of the settlement layout as well as individual buildings as well as the payment of a one-time “conversion charge”. However, the colony, once regularised can still not be a planned colony – for it was not one at the time of its inception. Its journey to legality, via its time as an unauthorised colony, is thus eternally enshrined in its new categorical name: Regularised-unauthorised colony, or regularised colony, as it is colloquially known. Regularised colonies are legal, legitimate, must attempt to shift from informal to formal in terms of building and developmental codes as part of the layout process, but are not planned.

### Mapping Regularisation

Why do unauthorised colonies emerge? The previous section detailed the housing shortfalls in planned colonies in Delhi. The sheer inadequacy in housing stock, of land zoned in the developmental area for housing, the inability of many households to wait for allocations of housing stock built directly by the DDA itself are key drivers for the market for the “unauthorised colony”. This market was clearly artificially constrained by regulation that allocated insufficient land for housing and then, further, prevented private builders or in fact anyone other than the DDA itself or the public agencies and cooperatives it authorised to build housing on the land it did notify. In short, some part of the story of the unauthorised colony is partly simply a matter of supply and demand, of what I have described as the impossibility of planned and legal housing.

What then is the relationship of the master plan with the unauthorised colony? Does the plan, in any way, relate to the “unplanned”? It is here that spatial analysis of where unauthorised colonies were built becomes particularly illuminating.

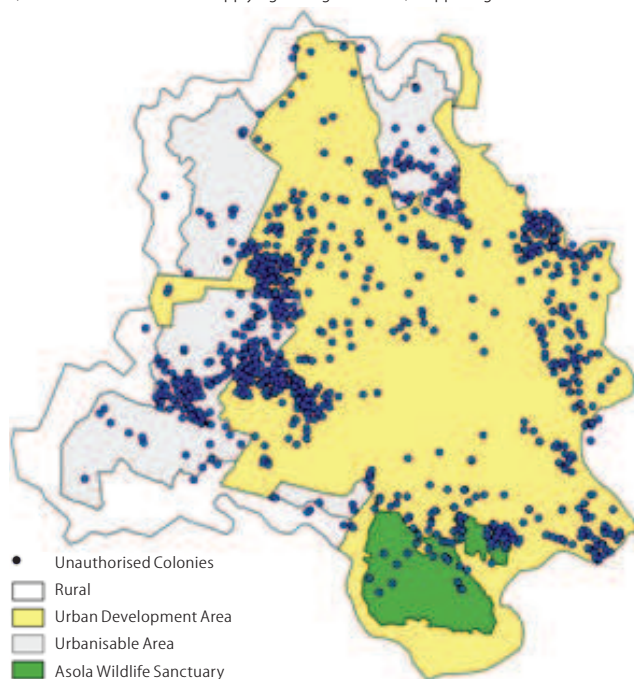
Data on where unauthorised colonies exist are hard to come by for both definitional reasons and because of the near absence of systematic surveys. Like in bastis, the act of the survey by government authorities represents tricky political moments for unauthorised colonies. On the one hand, surveys are necessary for any possibility of “regularisation”. Yet any surveying sheds light precisely on the extent of illegal building and makes the colony visible to the authority technically responsible for enforcing the plan and, thereby, taking punitive action against the colony. Periodically, schemes for regularisation will be announced and invite applications from unauthorised colonies – it is at these moments, then, that it becomes possible to map these colonies.

There are three major waves of “regularisation” in Delhi’s history. A hundred and two colonies were regularised in the first wave in 1962 itself as part of the first master plan. The second wave was in 1975. Map 1 (p 61) shows 567 unauthorised colonies regularised that existed in 1975, plotting them against the boundaries of MPD '62 that was in force at the time.<sup>15</sup> What is immediately visible is that the colonies lie within urban extensions imagined by the MPD '62 plan but within areas not zoned or notified for residential use. Yet there is a small cluster to the west, clearly outside the development area of the plan that has caused a ribbon-effect from the furthest colony to the boundaries of the plan. These colonies were regularised even as they clearly violated the MPD '62 by being located beyond the urban developmental area. These colonies represent housing that was made legitimate and legal though it violated the primary basis of classification shown in Table 1. Planning does produce its own failures.

This contradiction – where the creator of the system of categories itself violates the primary principle of their classification – repeats itself decades later. In 1993, applications were invited

**Map 3a: The Third Wave**

1,639 Unauthorised Colonies Applying for Regularisation, Mapped against MPD '21



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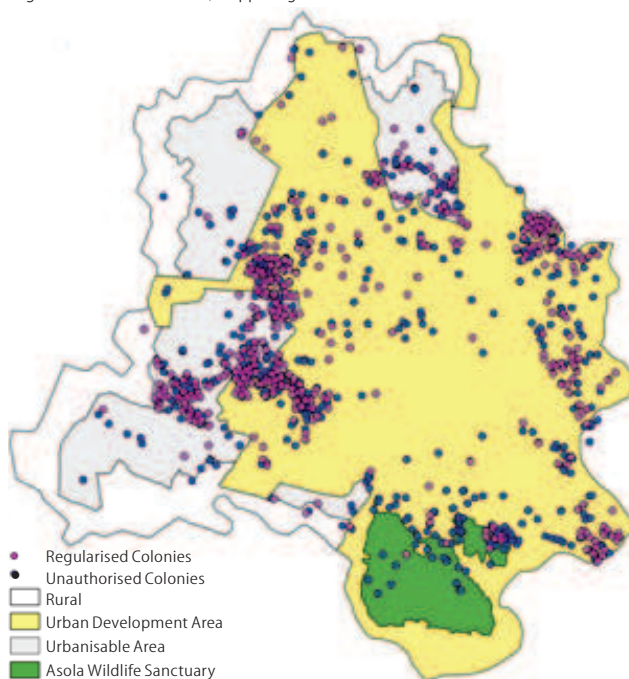
from unauthorised colonies as part of a regularisation scheme. A total of 1,639 colonies applied.<sup>16</sup> In their applications, each colony submitted a layout plan, mapping precisely the boundaries of the colony, the number of units and location. These data are to be treated, as always, with caution. These may not represent the universe of unauthorised colonies in the city but certainly represent a minimum set of such colonies and, arguably, given the numbers in relation to the housing category data this paper started with, represent a significant proportion of such housing types. Using this data, Map 2a (p 62) maps these colonies against MPD '01 which had been issued just a few years before the regularisation scheme was announced while Map 2b shows where these colonies exist and maps them against MPD '62. Map 3a then maps these same colonies against the MPD '21.<sup>17</sup>

A clear spatial pattern is immediately visible. The largest clusters of unauthorised colonies clearly do populate areas just beyond the developmental areas of the plan, i.e., areas still considered “rural” or “urbanisable”. In this sense, the unauthorised colony marks the immediate “outside” of the master plan. Yet what is striking is that, even in 1993, these colonies are largely outside the plan boundaries of the MPD '62! When plotted against MPD '01, a relatively small number in the southern extension enter the development area. The DMP '62 remains, therefore, even in 1993, a boundary to the planned city. The master plans here clearly act as a bounding condition. The spatial pattern of where unauthorised colonies are built, therefore, is not planned but is determined by planning – the clustering of unauthorised colonies at the edge of the development area is not incidental.

In 2009, nearly a decade and a half after the colonies had applied for regularisation, 733 of these colonies were regularised

**Map 3b: The Third Wave**

Regularised Colonies in 2009, Mapped against MPD '21



in what is considered the third major wave of regularisation. Map 3b shows the regularised colonies within the universe of all the unauthorised colonies that applied, mapped against the MPD '2021 that had been issued just a few years earlier in 2007. The maps allow us to see another aspect of the relationship of the plan to both unauthorised colonies and regularisation. The MPD '21 had been issued in 2007 itself, and clearly knew of the existence of these colonies given their applications to be regularised. Yet, as Map 3b shows, the MPD '21 stops short of extending the development area to include many (indeed, most) of the unauthorised colonies which remain in what the MPD '21 terms as “urbanisable area” though it is clearly built-up and occupied. What is particularly important is that many of these colonies that lie in this “urbanisable area” are then regularised in 2009 though just as many are not. Yet again, a colony is made legitimate and legal but in violation of the primary principle that the idea of the planned colony represents: the building of a colony on the development area of the plan in a zone marked residential.

Another question arises: why did only 733 colonies get regularised and not the remaining 906? What explains, between two neighbouring colonies, which will remain unauthorised? In the absence of objective metrics by which the regularisation process functions, it is indeed the discretion of the DDA to decide who will become legal and who will remain illegal, at what time and for how long. Once again, it is the plans, and not the failure of their implementation, that produce and regulate illegality. They determine, through their discretionary ability to notify or not notify parts of the city within the development area, as well as through waves of “regularisation” that include certain colonies but not others, which settlements will be legal

and which illegal, which will thrive and which will not be allowed to exist. The production and regulation of illegality is part of, and not outside, planning and planned development. It is a technique of rule, what Roy (2003) calls a “spatial mode of governance”.

### Urban and Rural Villages

Urban and rural villages offer a further twist on our understanding of planned, formal and legal. Urban villages are dense settlements, located throughout the city, which largely consist of previously rural villages that have been incorporated into urban areas as the city expanded. Twenty such villages were included in the MPD '62, 106 in MPD '01 and 152 in MPD '21. Rural villages are similar settlements but located in the peripheries of the city and still in areas of the master plan marked as “rural”.

In one sense, urban and rural villages are planned since they are included explicitly within the master plan. This incorporation, however, is on the basis of exceptions: a suspension of the norms and rules of planning. In order to be able to “retain their character”, urban villages are exempt from any building norms, mixed use or single use zoning classifications, or restrictions from any kind of use. In other words, urban villages may build to any height, mix commercial and residential activities, violate developmental controls for setbacks, parking, and street widths. All of these were considered “inapplicable” to urban villages because they were meant to be the locus of “village-trades” that the MPD '62 sought to remove from the planned city.

Urban villages today range from poor neighbourhoods still practising “village trades” including pottery, leather kilns and rearing of cattle to working class neighbourhoods providing student housing to some of the city’s most chic fashion and arts districts. They take advantage of their status of exemption from planning and developmental controls to create vibrant mixed-use neighbourhoods. What is ironic about urban villages is that activities that would be considered informal in any other city neighbourhood are permissible in urban villages. The villages are legitimate: residents enjoy security of tenure and cannot be evicted. However, residents of urban villages are meant to be owner-occupiers in perpetuity – no sale or transfer of land or housing is permitted. They are thus legal, in the sense that their property titles are recognised by the state, but within their exceptional status are limitations to their legal property rights. Urban and rural villages are, therefore, formal in name though not practice, legitimate, planned by decree of exception and legal though with limitations.

### The Bastis

Images of the “slum” need little introduction. Temporary, fragile and vulnerable housing materials, the absence of sanitation, waste, and sewage services, the poverty of the residents, the overwhelming density of the “slum” can be conjured up by even those that have never actually been to one. As argued earlier, I used the term *basti* (in plural, *bastis*) to refer to the settlements of the poor for which the “slum” has become shorthand.

Yet what is colloquially called the *basti* by those who live within it is, in terms of our categories, seen as three distinct categories of settlement: slum designated areas, *jhuggi-jhopdi* clusters (*JJ* clusters),<sup>18</sup> or resettlement colonies.

**Slum Designated Areas:** Slums are settlements identified, or “notified”, under the Slum Areas Act, 1956. Slums were considered “any area unfit for human habitation” by reason of “dilapidation, overcrowding, faulty arrangement and design of buildings, narrowness or faulty arrangements of streets, lack of ventilation, light or sanitation facilities, or any combination of above factors”. Yet no measurable parameters were included in the definition leading to a discretionary rather than objective assessment of which areas would be declared as slums.

This is evident in looking at areas notified as slums under the Act. The last notification under the Act in Delhi was in 1994 – no new slum has been acknowledged under the Act in the last 16 years. In fact, most of the slum designated areas in Delhi exist in the old city – the walled city of Shahjahanabad that was notified as a slum in the MPD '62. Since then, it has been reclassified first as a heritage zone and in the MPD '01 as a “special area” though many parts of it remain notified as a slum in addition to being both a heritage zone and a “special area”. What is critical to note is that 97% of notified *katras*, or small neighbourhoods, in the old city areas notified as slums are privately-owned and have been so since before Independence and the MPD '62. There are almost no notified slums, therefore, on public land.

Slum designated areas are often referred to as notified slums, as opposed to *JJ* clusters. Notification entitles settlements to an element of protection against arbitrary eviction, or eviction without resettlement, and priorities in upgrading and service provision. Indeed, several schemes in the 1970s, including the Environmental Improvement in Urban Slums policy, were restricted to notified slums though incremental upgradation policies from the mid-1980s disbanded this practice. Slum-designated areas are then legal but with restrictions, legitimate, unplanned, and both formal and informal.

**JJ Clusters:** *JJ* clusters are *bastis* that have not been declared slums by notification under the Slum Areas Act and that are imagined to retain the physical fragility and deprivation of the slum. Again, there is little clarity on what makes a community a “*JJ* cluster” – there are no strict metrics of infrastructural services, income, or spatial layouts, for example, to determine whether a settlement is or is not a *JJ* cluster. The National Sample Survey Office (NSSO) describes a “non-notified slum” as “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”.<sup>19</sup> Yet what is important to note is that unlike a notification under the Slum Areas Act for which a denotification exists, there is no mechanism for a settlement to cease to be a *JJ* cluster. There is no metric of density, services or income that they can clear, for example, that will make the surveyors of the NSSO stop including the settlement in the

category of slum. This is one reason why actual JJ clusters vary widely in infrastructural standards, quality of housing and even layouts of settlements.

The categorisation process ensures that once a settlement is seen as a JJ cluster, it remains so in perpetuity. One of the reasons behind this curious practice is that the primary classification principle of our categories is not, in fact, the quality of housing but instead, as I have argued, the status of the land the settlement is built on vis-à-vis the master plan. These are planning categories. Whether the quality of the housing stock in a JJ cluster is better or worse than that of an unauthorised colony, a planned colony or a regularised colony, let alone a slum designated area, is then seen as irrelevant. The definitional manipulations and naming practices of the categories of settlements are techniques of rule, exercised in the name of and as part of planning practice. They are critical in determining the distance between the legitimate and the legal. In other words, they are part of the calculus – beyond the state and its attempts at governance – that determine whether a legal or illegal colony is legitimate or not, i.e., if it can enjoy a de facto security of tenure.

What separates a JJ cluster and an unauthorised colony? The focus of the categorical definition remains that residents of bastis are seen to be “squatting” on land that they neither own nor have paid for. In Delhi, 95% of JJ clusters<sup>20</sup> are on public land, and the large majority (83%) of them on land owned by the DDA.<sup>21</sup> It is this that is seen to make their illegality clear – the land they occupy has a known owner. Unlike in the case of unauthorised colonies where residents did not have the right to buy rural or private land but the sale itself is seen as a formal and valid transaction, payments made by some residents of bastis to “buy” their plots or at least the right to remain on them, are seen as clearly and unambiguously informal. The “aggregator” who creates the unauthorised colony in this case becomes the “slum lord” for precisely the same set of actions: occupying land, parcelling it, and allowing families to settle in defined and marked parcels for a fee. The JJ cluster, therefore, is unplanned, illegal, informal and not legitimate.

**Resettlement Colonies:** The only way for residents of JJ clusters to become legitimate is, ironically, to be evicted from the

JJ cluster and resettled into an alternative site, called a resettlement colony.

Terms of resettlement have shifted through the three plans. From plot sizes of 80 sqm in the MPD '62 to 25 and 18 sqm in MPD '01, and back to 25 sqm in MPD '21. Eligibility criteria have also changed dramatically. Scholars have argued that displacement without resettlement was “not an option” in the 1960s.<sup>22</sup> Within and after the Emergency, however, resettlement shifted from being universal to being conditional. Renters were excluded and only plot “owners” were allowed even though the ownership of the latter had no legal recognition. Down payments were demanded before families would be allocated plots and, most importantly, only families that could prove that they had been living in a particular site for a certain number of years were eligible. The year chosen was determined as the cut-off date. In evictions from 1990-2007, estimates of the number of families resettled averaged only about 25-40% of total families at any given site.<sup>23</sup> This offers a further insight into JJ clusters – the only claim to legitimacy that residents of JJ clusters have is the number of years that have lived in a particular settlement.

Resettlement colonies, ironically, are the closest category to planned housing. They are planned in the sense that they are explicitly included within the development area of the master plan in a zoned marked for residential use, laid out according to standards and norms for resettlement colonies in the master plan and, critically, they fulfil all these conditions at the time they were built. In other words, they are the only other housing category that fulfils all the benchmark conditions of planned colonies. The only difference lies in the nature of the title. Families allocated plots in resettlement colonies are imagined as eternal owner-occupiers. They are given licences rather than titles that are non-transferable, cannot be sold and are often not in perpetuity – some licences have to be renewed every 10 years or so. Though there has been no recorded case thus far of licences not being renewed, the possibility remains. Resettlement colonies are then planned, formal, legitimate as well as legal, though with restrictions on the last count.

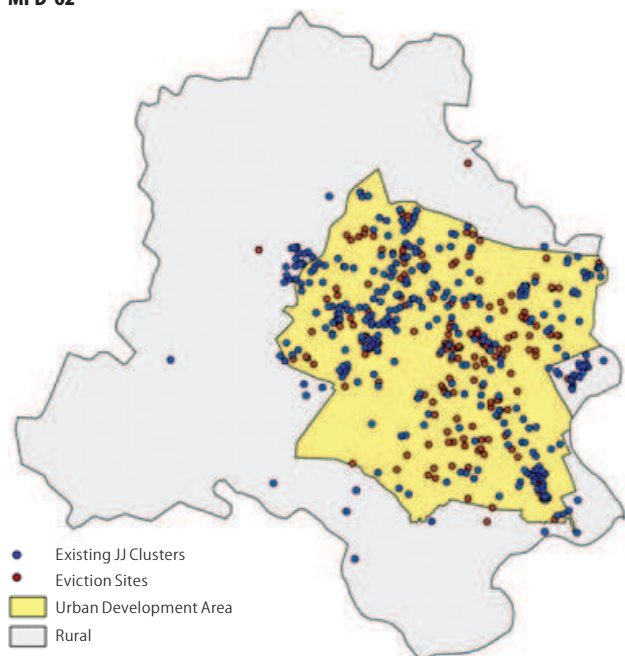
What separates slum designated areas, JJ clusters and resettlement colonies? The only tenable criteria of difference is

**Table 3: The Long Story Short: 'Planned and Unplanned Colonies'**

	In the Master Plan?	Conform to Developmental Controls?	Titles?	Formal, Legal, Planned and Legitimate?
JJ clusters	No	No	No	Informal, illegal, unplanned and without legitimacy
Slum designated areas	Yes	Exempted	Yes, but restrictions on sale	Formal by exception, legal with restrictions, unplanned but legitimate
Resettlement colonies	Yes	Yes	Yes, but restrictions on sale	Formal, legal, legitimate and planned, but restrictions on sale, transfer and rental
Unauthorised colonies	No	No	No	Informal for building codes, formal for process or purchase, illegal and unplanned but legitimate
Regularised colonies	Yes	Modifications required	Yes	Informal for building codes, legal and legitimate but unplanned
Urban villages	Yes	Exempted	Yes, but restrictions on sale	Zones of exception – planned by exemption, legitimate and legal though with limited rights to property, formal by exemption
Rural villages	Yes	Exempted	Yes, but restrictions on sale; No titles for common land	Zone of exception – planned by exemption, legitimate and legal though with limited rights to property, formal by exemption
Planned colonies	Yes	Yes	Yes	Formal, legal, legitimate and planned



**Map 4: Evictions 1990-2007 and Existing JJ Clusters (2010) Mapped against MPD '62**



All maps in this paper were made by the author and a team of research associates – Deepika Jha, Imran Basha and Swathi Shivanand – all then with the Indian Institute for Human Settlements, New Delhi.

their tenurial status and their relationship to the master plan. Slum designated areas are protected from arbitrary eviction without resettlement and thereby enjoy a certain de facto security of tenure though not a de jure one. JJ clusters have no security of tenure at all; resettlement colonies are authorised by the master plan but offer security of tenure only to the original allottees of the plot – titles are non-transferable and rentals are illegal though they occur widely in practice. Studies estimate that between 15% and 40% of all resettlement colonies are inhabited by renters or those that have illegally and informally “purchased” a plot in the colony from the original allottee. Cancellations of allotments and “recovery” of plots from within resettlement colonies is, therefore, not uncommon.<sup>24</sup>

### JJ Clusters and the Master Plan

If unauthorised colonies are related to the master plan, does the same relationship hold for JJ clusters? Elsewhere, I have analysed in detail patterns of settlement and eviction of JJ clusters in Delhi (Bhan and Shivanand 2012). Map 4 summarises that analysis, locating a minimum set of evictions in Delhi from 1990-2007 as well as all existing JJ clusters in 2010 and mapping them against the Delhi Master Plan 1962.<sup>25</sup> Even a glance at the map indicates a remarkable pattern: nearly all the eviction sites and all existing bastis, even four decades later, fall within the bounds of MPD '62.

The implication here is that the settlements of the poor – those that exist and those evicted – display a particular spatial pattern of settlement that is determined by the MPD '62. The plan acts, as it did for unauthorised colonies, as a bounding condition. This time, it acts as another kind of boundary: one that seems to hold the settlements of the poor within the centre of the city. It is worth remembering here that this centre represents

a particular urban footprint – the public lands acquired as part of the Delhi experiment, the city's large-scale land nationalisation in 1959.

Bastis have been seen to be the single most visible and uncontested sign of the “failure of planning”. Yet what is clear is that, like unauthorised colonies, bastis may not be planned, but their spatial patterns and locations are determined by planning. How do we understand this clear presence of the master plan in the very constitution and production of settlements that are assessed as unplanned, illegal, informal and illegitimate or, in other words, those that are presumed to exist beyond, outside, despite or in violation of the plan? What does this tell us about the “failure” of planning, or narratives of its absence in shaping and settling the city? Importantly, why do bastis cluster not just around the development area of the 1962 master plan in particular – the exact footprints, in other words, of the Delhi experiment? It is to these questions that I now turn in the concluding section of this essay.

### Diagnosing Failure

The “chaos that is urban development” that Verma (2002) describes is not planned but it is, to twist Peattie's phrase, an outcome of planning. Looking at planning's failures allows us to find what I am calling the traces of planning – its legacies both historical and contemporary and its presence in the contemporary city, either in absence or presence, in failure or success. Plans do not control but they influence, determine and limit. Within housing in Delhi, planning plays at least two key roles: (a) determining spatial patterns even in cities that are “unplanned” and “chaotic”; and (b) producing and regulating illegality. I turn to each of these below.

### The Territoriality of an Irrelevant Plan

**Re-evaluating the Delhi Experiment:** In 1959, the DDA acquired nearly 39,500 acres of land, the largest urban land acquisition in Indian urban history. “The Delhi Experiment”, as it came to be known, has been largely seen as a “failure”. It is argued that the experiment failed in its primary objectives: to prevent the spatial segregation of the poor and to prevent speculation and vast inequalities in land and housing markets. The land acquisition, particularly because it was not accompanied by corresponding large-scale housing development, is seen to have distorted the land market. These are certainly legitimate critiques. Yet the data presents another side to thinking about how to evaluate the Delhi experiment and, indeed, the impact of public landownership on housing for the poor.

The data shows that while most housing is built illegally and termed “unplanned”, where it is built, i.e., the spatial patterns of the location of different kinds of housing, is indeed significantly determined by the MPD '62. The plan acts as a bounding condition – it determines, even if it does not control, where housing has been built. Two clear examples of this have been shown. As Map 3a shows, the largest clusters of unauthorised colonies populate areas just beyond the development areas of the first two master plans. In this sense, the unauthorised

colony marks the immediate “outside” of the master plan. Yet what is striking is that, even in 1993, these colonies are largely outside the plan boundaries of the MPD '62. When plotted against MPD '01, a relatively small number in the southern extension enter the development area. The DMP '62 remains, therefore, even in 1993, a boundary to the planned city.

Map 4 similarly showed us that almost all evictions where some resettlement occurred and all existing JJ clusters are located within the urban development area of the MPD '62. Plans see JJ clusters as the result of an absence or incompleteness of planning – the result of “unplanned and unregulated urban growth” (Swamy, Bhaskara Rao et al 2008). They are settlements assumed to be entirely divorced from planning or that exist despite or outside plans. Yet what is clear from the data is that planning determines where JJ clusters have been built. The locational preferences of the urban poor are not independent of an irrelevant or absent plan – JJ clusters are not “outside” planning even within the context of a “failed” plan. In the context of Delhi, specifically, JJ clusters are tied to planning in a particular way – their locational patterns are determined by public landownership.

This settlement pattern suggests a relationship not just between master plans and housing but, in particular, between the MPD '62 and spatial patterns of “illegal housing”. Since the MPD '62 is also the site of the Delhi experiment, this pattern is a relationship between public landownership and the settling patterns of the poor. It is a pattern that, for the poor, is arguably a beneficial one: a large number of JJ clusters still remain in the centre of the city as imagined by the MPD '62. One could argue, in fact, that as the city has grown around and beyond the MPD '62, the poor have remained in the core imagined by the first plan. They have done so, importantly, not just during the 1962-81 period when the MPD '62 applied but also well beyond it, through the 1980s to 2000s. Residents of JJ clusters, in other words, chose to settle on public land in the MPD '62 area rather than in the vast areas in the west and north-west of the city. These areas, as Maps 2 and 3 showed us, were where large colonies were being built through the 1990s. These were by no means peripheral or underdeveloped areas without markets, employment or housing.

The implications of this spatial clustering for interventions in housing are immense. For Delhi, debates on ideas of “public purpose” determining the use of publicly-owned land, the metrics, mechanisms and evaluation of its value and the determinations of “public interest” that govern its use have a specific and disproportionate importance for the poor. This is both an opportunity and a potential pitfall. The former lies in the far-reaching effects state action can still have on housing for the poor, even within a time of what Goldman (2010) calls “speculative urbanism”. The mechanisms to do so exist. If, for example, as current housing policies and particularly the new central housing initiative for the poor under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) suggest, in situ upgradation is implemented for existing JJ clusters, the locations poor households find themselves in would be tremendously advantageous. Elsewhere, I and others have described

this clustering as an upgrading dividend (Bhan and Shivanand 2012). However, it is precisely these locations that may make this political imperative difficult. The darker counter-argument suggests that the current trend of increased evictions and peripheral resettlement occurs precisely because of the prime locations of many JJ clusters within the city centre. Further, as Sivaramakrishnan has argued, the ability of planning authorities to exercise such an option is systematically being eroded as deregulation and reform weaken instruments and techniques of public control over land and land use in Indian cities (Sivaramakrishnan 2011).

**Challenges to the Politics of Stealth:** The traces of planning challenge certain contemporary theories of how the poor settle within cities of the south. Solomon Benjamin (2008) argues, for example, for an occupancy urbanism. Taking “land rather than the Economy” as his starting point, he argues for a perspective that, “contests narratives that view cities as passive stage sets, acted upon by a macro-narrative” (ibid: 720) – a critique made often of modernist planning embodied by the MPD '62. Occupancy urbanism, Benjamin argues, focuses on other materialities, the incremental nature by which land is actually settled.

Benjamin’s argument is both compelling and insightful. I seek to add to it only a sense of its limits as well as possible new engagements in response to these limits that take us further in thinking about, as Benjamin is committed to doing, subaltern and micro-politics in the southern cities. Large-scale evictions in Delhi significantly challenge the narrative and possibility of “occupancy”, “the politics of stealth” or even “the quiet encroachment” suggested by Bayat (2001), whether these work through vote-bank politics, complex negotiations with local and municipal politics, or knowing how to “work” the system. “Macro-narratives” are indeed unable to control the city, as Benjamin suggests, but this does not mean that they do not determine many aspects of inhabitation in the city, by rich and poor alike, or that the political techniques of negotiation, stealth, subversion and resistance are not applicable to these macro-frames just as powerfully. In other words, different plans fail to control the city at different times in different ways. Understanding these differences is necessary whether one seeks to support or resist planning, and certainly if one believes that planning is “irrelevant” for those who “live outside it”. What the data suggests is that none of these housing categories, and particularly not those considered “unplanned”, are or can be “outside” planning.

Benjamin shows how elite civil society organisations in Indian cities pit “planned development” against “slums” but planning and the master plans do not seem to be important sites of engagement or resistance for him. Planners, he argues, “are duty bound and cajoled into declaring [particular] land settings as illegal” (2008: 724). What makes planners “duty-bound” other than the terms of the plan and planning process? How could challenges to and probematisations of these terms and the categories they work through act as a form of resistance? Can planners not practice occupancy urbanism, focusing on politics,

materialities and open-ended complexities? Benjamin's concern with respect to planning is to show its inability to control the city. Yet the counter-narrative of this "failure", as I have argued, is as incomplete as the modernist planning's claims of success.

This is dangerous ground to cede. Benjamin argues that planning and policies have become the domain of elite engagement – it is business associations like the National Association of Software and Services Companies (NASSCOM) or Federation of Indian Chambers of Commerce and Industry (FICCI)<sup>25</sup> and elite city associations like the Bangalore Action Task Force and Mumbai First that are calling for "comprehensive planning". Yet this is precisely a reason to reclaim planning as a site of urban politics. This essay, in deconstructing the "failure" of planning to show how traces of the plan continue to have an effect on the city and the lives of the poor within it, has attempted to make a case that planning is a site that subaltern and urban politics must engage with. It certainly must not cede it to, or dismiss it as, a terrain of state rule, as an irrelevant set of archaic and forgotten modernist ambitions or a site of elite capture set in opposition to "complex negotiations at the local level" that are seen as the primary domain of engagement for the urban poor.

### Rethinking Planning Theory

From its roots in economics and the theory of dual labour markets, informality has been traditionally represented as "a sphere of unregulated, even illegal, activity, outside the scope of the state" (Roy 2008). In urban theory, the narrative of "informality" has been a particular marker in theorising cities of the global south, particularly "megacities" that are "big but not powerful" (Robinson 2006) and beset by "problems". In this depiction, the informal has been one of the key drivers of the "dysfunctional landscapes of Southern cities" (Rao 2006) that are seen as the result of the "the dominance of informal, unplanned urban growth" (Swamy, Bhaskara Rao et al 2008).

Until recently, the bias in urban theory has been to see informality more as "a domain of survival by the poor and marginalised" (Roy 2008: 2). In this reading, it is often quickly reduced to the "slum". The slum then is read as a "demographic and territorial form" that is the "spatial manifestation of the informal proletariat that has emerged from over a decade of structural adjustments" (Davis 2006: 28). It is the "distorted substance" that changes the "urban into a dysfunctional stage for violence, conflict and the iniquitous distribution of resources" (Rao 2006: 231).

Roy (2005) makes a different argument. She argues that urban informality is not, in fact, a "bounded" space or sector at all, but a type of governance. She understands it as the state's ability to suspend order, to "decide what is informal and what is not, to determine which forms of informality will thrive and which will disappear" (ibid: 182). This is a "new spatial vocabulary of control, governance and territorial flexibility" (Roy 2003: 157), a mode of the production of space. How does our data respond to this set of debates?

First, the data shows that "unplanned" growth is not the domain of the poor or the slum. If the "dysfunctional landscapes of Southern cities" are indeed caused by the "dominance of

informal, unplanned growth", as Rao argues, then this dysfunction must take into account not just the "slum" but the production of illegal housing by the middle and upper middle classes as well. In fact, the data reminds us that illegal construction of housing is, in fact, the dominant mode of production of housing and shelter in the city. The reduction of urban dysfunction to the "slum" in policy, everyday discourse as well as within urban and planning theory, I argue, has played a key role political and intellectual role that is, in David Harvey's use of the term, "counter-revolutionary" – it not only asks the wrong question, it prevents the real question from being asked.<sup>27</sup>

I suggest a different field of inquiry – if illegality is indeed the dominant mode of production of urban housing as the data suggests, then how do we understand and account for the processes within as well as implications and management of different kinds of illegality when exercised by different urban actors? This reframing insists that analyses of urban politics be relational, looking at the ways in which particular kinds of urban practices and actors are framed as "illegal" relative to others and what work such a framing is meant to do. One example of this is in my own use of the word "illegal" rather than informal. It is not unintentional that only a basti is called an "informal settlement" colloquially even in a city where planned housing is in a minority. Though they share overlapping concerns and definitional terrains, the framing of unplanned growth as "informal" as opposed to "illegal" has implications for urban politics. This shifts our focus from legality to legitimacy – to better understand the ways in which different settlements are able to gain a de facto security of tenure or even negotiate different levels of insecurity differently. Why cannot an unauthorised colony be evicted in the numbers that bastis are demolished? Why is the only claim to legitimacy of residents of a JJ cluster the number of years they have lived or evidence of their poverty despite a clear failure to build adequate low-income housing? How is this legitimacy gained or lost, within or outside planning?

It is plans and not the failure of their implementation that produce and regulate illegality. They determine, through their discretionary ability to notify or not notify parts of the city within the development area, as well as through waves of "Regularisation" that include certain colonies but not others, or even in patterns of eviction that evict certain bastis but not others, which settlements will be legal and which illegal, which will thrive and which will not be allowed to exist. The production and regulation of illegality is part of, and not outside, planning and planned development. It is a technique of rule, what Roy calls a "a spatial mode of governance".

Yet there are limits to this mode of governance. These limits are embedded both within and exercised through the plan. The first is the unintended consequences of planning as outlined above – once plans are notified, even if they "fail" their traces still determine spatial patterns of housing. This implies that there are constraints to the state's own ability to reach directed outcomes through planning. The second limit is that discretionary governance – what Roy calls a "calculated informality" – exercised by the state still uses and is thus bound by

the categories of planning. I showed in multiple instances in this essay that the DDA often violated its own principles of categorisation. This violation has consequences – the ability of institutions of the executive to be discretionary and “calculated” has limits. This is particularly true when different institutions within the “state” choose to exercise competing discretions within the city. The advent of the judiciary and their understanding of the plan as statutory law, for example, has already greatly compromised the ability of the executive to exercise discretion as a part of rule. Contrary to what Roy argues, within the courtroom, the formal and the legal take concrete, juridical form that is based on the categories and stipulations of planning. To be both understood as well as resisted, this juridical form will have to, at least partly, be deconstructed from within planning itself.

### Conclusions

Michel Foucault readily admitted that nothing happens as laid down in programmers’ schemes. Yet he insisted that they are not simply utopias “in the heads of a few projectors”. They are not “abortive schemas for the creation of a reality” but “fragments of

reality” itself. They “induce a whole series of effects in the real” (Foucault 1991 (1980): 81). Planning in Delhi has indeed had a “series of effects in the real”, particularly for the poor. These effects are spatial, social and political. They influence the built form of the city, mediate urban politics and governance as well as affect regimes of belonging and citizenship. They transcend and challenge conventional understandings of the dichotomies of planned-unplanned, formal-informal and legal-illegal. They challenge simple diagnoses of the failure and irrelevance of planning in Indian cities. They argue, most importantly, that planning remains a site that is critical for urban politics to engage with, especially a politics that seeks to foreground concerns of inclusion, equity and the right to the city.

My intention here is not to argue for the power of planning, to advocate for “better”, “inclusive” or “participatory” plans, to restore modernist or techno-phantasmic dreams of more effective implementation or control, or even to disagree with the varied diagnosis of the failures of planning in Indian cities. Instead, I argue only that urban practitioners in a city like Delhi have no choice but to engage with the plan because precisely of the continuing relevance of its failures.

### NOTES

1 Peattie (1987: 15).

2 Neighbourhoods are often referred to colloquially in Indian cities using the English word “colony”. The use of the term is a claim to status – the “colony” after all is not a “cluster”.

3 I relate narratives of failure in planning specifically to master plans in Delhi for two reasons. One, Delhi is arguably India’s most planned city. From the establishment of the grand British imperial capital in 1911 through the large-scale acquisition of public lands just after independence to today, Delhi has been subject to an extraordinary gamut of state-led attempts at spatial regulation through master planning processes. The master plans themselves are one of planning’s most visible presences in the city. Two, recent interventions into urban planning and governance by the Delhi High Court and the Supreme Court of India has often used the master plans what they have called the “Plan in its legal position” – as the basis of their intervention. This has made master plans living documents in the city, suddenly sold at traffic lights in hastily photocopied and stapled editions and widely talked about across the media. Planning in Delhi, in other words, is in significant part about the plans themselves.

4 I use the Hindi/Urdu word *basti*, rather than the often reductive English use of the word “slum”. I do this because “slum” has a particular legal definition in urban planning in India (I discuss this later in the essay) but mostly because the word “slum” is not used by the residents of *bastis* themselves to talk about their settlements. I detail the relationship between *bastis* and planning categories in the table later in this essay.

5 Delhi is divided into 15 zones – eight urban, six rural and zone ‘O’ for the riverbed. zonal plans were introduced under the MPD ‘21. There are currently 16 zonal plans prepared for Delhi. Available at [http://dda.org.in/planning/zonal\\_plans.htm](http://dda.org.in/planning/zonal_plans.htm). Accessed on 19 April 2012. Most of these plans have been made in the last five years. In 2009, when I began fieldwork, only six zonal plans had been notified. The number rose to 11 by 2011, and up to 15 by April 2012.

6 See Baross (1987).

7 Over time, two types of changes have come about in planned colonies: the extension of individual housing units beyond allowed limits of covered and built area (including extensions into public paths, areas and roads) as well as widespread violations of permitted use, particularly the commercial use of residential premises. It is worth remembering here that the Delhi master plans have retained the single use model of zoning imagined in the 1962 master plan – implying that almost all mixed use in colonies zoned as “residential” violates plan guidelines. Successive plans have created layers of exemptions to handle these non-conforming uses. First, they allowed certain kinds of commercial use. Then, individual streets were exempted in otherwise residentially zoned colonies. In the MPD ‘21, nearly 2,183 streets across the city were suddenly declared “mixed use” though these were not all by any means within planned colonies alone.

8 Estimates by technical committees of the Government of India led by Prof Amitabh Kundu in 2007 and 2012 found a similar story at the national level. In 2012, the committee estimated a shortfall of 18.78 million units, of which 14.99 million where demand for new housing for “households living in congested houses”, 0.99 million in “non-serviceable *kutchas* houses”, with another 0.53 million homeless.

9 Others have argued that the data itself severely undercuts the extent of bias towards building HIG and MIG flats. The Self-Financing Scheme (or SFS), started by the DDA in the 1970s, was intended to allow families to expedite the construction of their own DDA flat by paying the entire cost in fewer installments. Needless to say, only middle and higher income families, and largely the latter, were able to afford unsubsidized housing and raise the required down payments. SFS housing, argue many, simply adds to the HIG housing stock which implies that 41% of all housing stock built by the DDA was either middle or high income.

10 See Delhi Development Authority (1962, 2001, 2021).

11 Unauthorised colonies are built without any specific or standardised norms of layouts,

public areas or infrastructure but often in some relationship to prevalent developmental norms for planned colonies in the master plan in the hope of eventual regularisation.

12 Personal interview with Senior Town Planner, Municipal Corporation of Delhi, Sunil Mehra.

13 A colony called Sainik Farms has, for nearly two decades, arguably been the best known example of a rich, illegal colony. The government is widely seen as powerless to act against the powerful residents of the colony. See, for example, “Government Admits Sanik Farms Illegal”, available at: [http://articles.timesofindia.indiatimes.com/2009-12-04/delhi/28059937\\_1\\_affluent-colony-illegal-colonies-unauthorized-colony](http://articles.timesofindia.indiatimes.com/2009-12-04/delhi/28059937_1_affluent-colony-illegal-colonies-unauthorized-colony), accessed on 13 April 2011.

14 Recent urban policies like JNNURM and the National Urban Sanitation Policy have moved towards providing environmental services regardless of legality of tenure. This has allowed public utilities to legally provide services even in “illegal” settlements.

15 It is important to note that we have no way, using existing data, to know if more unauthorised colonies existed at this point. It is possible that there were many other colonies that were not regularised but existed at this point of time though it is believed that this first wave of “regularisation” of these colonies covered most of the existing unauthorised colonies. This view was supported in personal interviews with A K Jain (Former Director, Planning of the Delhi Development Authority); Sunil Mehra (Senior Town Planner, Municipal Corporation of Delhi) as well as Viresh Bugga (Chief Town Planner, Municipal Corporation of Delhi).

16 While beyond the scope of this paper, the fact of the application for regularisation, as Zimmer (2012) has argued, indicates a differential ability to negotiate the risk of visibility. Speaking for unauthorised colonies, Zimmer argues that, “visibility, from a resident’s perspective, is associated with the allocation of funds, infrastructure and facilities; in short, with their definition of ‘development’” (p 90). This is in stark contrast with the way JJ clusters engage with “visibility” which I would argue is much more cautious and hesitant, if not ruled out for many years altogether especially in the early

- years of the settlement. Differential responses to visibility as two kinds of illegal settlements marks another aspect of the politics of legitimacy and its impact of regimes of citizenship.
- 17 Maps of unauthorised colonies were marked using publicly available lists of colonies that applied for regularisation. These lists include detailed layout maps of the colonies and their locations. These locations were then cross-referenced with Eicher Maps and Google Maps/Google Earth. Site-visits were conducted between March and August 2011 to resolve naming conflicts and discrepancies between the lists and the maps. While this may or may not represent the entire universe of Unauthorised Colonies in Delhi, it does represent a minimum set that exists whose existence is acknowledged by the residents themselves.
  - 18 In Hindi, *jhuggi-jhompri* refers to temporary, fragile housing shacks typically made of temporary materials like tarp or thatch, though its use can be more general and just refer to poor settlements. Along with *basti*, it is the closest translation of the everyday use of the English word "slum".
  - 19 See [http://mospi.nic.in/Mospi\\_New/site/home.aspx](http://mospi.nic.in/Mospi_New/site/home.aspx), accessed on 19 April 2012.
  - 20 Estimates range from 95-98%.
  - 21 See Government of Delhi 2009.
  - 22 See Ramanathan (2004).
  - 23 See Bhan and Shivanand (2012).
  - 24 The distinctions between these three categories are impossible to make in terms of either their built environment, housing stock, or of the poverty levels of their residents. Many resettlement colonies are inhabited by residents who may be legal but are poorer and live in housing stock that is more fragile, built of temporary materials and are economically more disadvantaged than those that live in tenurially more precarious JJ clusters. Resettlement colonies have often, in fact, been called "planned slums" by activists who argue that it is impossible to create anything other than a "slum" in recent resettlement colonies because of the diminishing size of the plots, the distance from employment and work centres and the abysmal state of infrastructural services. See Bhan and Menon-Sen (2008).
  - 25 Data used to map evictions and resettlement, as well as existing JJ clusters, slums and resettlement colonies, was sourced from a variety of public agencies. Three lists were combined to make the maps below: a list made in by the Department of Food and Supplies in the Municipal Corporation, another by the Slum and JJ Department of the Municipal Corporation and a third by the newly formed Delhi Urban Shelter Improvement Board (DUSIB). The map plots 685 existing JJ clusters as surveyed by DUSIB in 2010 and 217 eviction sites. For a detailed discussion of the data along with a discussion of its limits and strengths, see Bhan and Shivanand (2012).
  - 26 The National Association of Software and Services Companies (NASSCOM) is "premier organisation that represents and sets the tone for public policy for the Indian software industry". See [www.nasscom.org](http://www.nasscom.org). FICCI stands for Federation of Indian Chambers of Commerce and Industry. See [www.ficci.com](http://www.ficci.com).
  - 27 See Harvey (1973).

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