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**Citizenship, Urban Governance and Access to Civic Services:
Delhi Municipal Elections 2017**

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Introduction

India's urban population with 377 million (2011 Census) constituting 31.6% of our total population is projected to cross 50% by 2050 (UN Population Fund estimates). The number of statutory and census towns increased from 3799 and 5161 to 4041 and 7935 from 2001 to 2011 respectively. India's 8000 cities together contributed 63% of the GDP in 2007, and this is expected to go upto 75% by 2021 (2011 census). However the pace of urbanization in India is posing challenges related to service delivery and infrastructure, housing, environment, and transportation. Infrastructure is often deficient and service delivery standards are sub-optimal specially for the urban poor. If the urban challenges are not tackled appropriately, India's cities will only get increasingly chaotic and rural poverty will be converted into urban poverty.

Delhi is among the most populous cities of the world with 18 million people and its projected population growth will make it among the first three by 2025. However, Delhi is not a resource poor city, it has the highest per capita income and wages besides the largest number of private vehicles in India. New Delhi's planned landscape, government complexes, foreign missions, aesthetically designed enclaves covering only 2% of Delhi's population is governed by a non-elected municipal body.

New Delhi Municipal Council (NDMC) is the local body of the city of New Delhi. The area under its administration is referred to as the NDMC area. NDMC, covering an area of 43.7 km is governed by a council with a chairperson appointed by the central

government and includes the Chief Minister of Delhi. The state of Delhi is divided into three statutory urban regions: the NDMC, the Municipal Corporation of Delhi (MCD) and the Delhi Cantonment Board region. The MCD governed part of Delhi covers the largest area – 1397.3 km. It has the onerous task of providing civic services to urban villages, resettlement colonies, “regularized” as well as “unauthorized” colonies besides slum settlements. MCD is an autonomous body that governs 8 of the 11 Districts of Delhi. It is among the largest municipal bodies in the world providing civic services to more than an estimated population of 11 million citizens in the capital city. Recently the MCD has been trifurcated into 3 smaller Municipal Corporations – North Delhi Municipal Corporation, South Delhi Municipal Corporation and the East Delhi Municipal Corporation.

The Delhi Cantonment Board works under the Cantonments Act 2006 governing an area of 10,791.88 acres with a population of 110351 (census 2011). The Delhi Cantonment houses the Delhi Cantonment Area and other defence related installations in the city.

Under MCD jurisdiction, posh planned colonies like Vasant Vihar and Defence Colony coexist with middle income level housing complexes (massive townships like Dwarka and Rohini) where MCD provides basic services – road maintenance, garbage removal, street lighting, community parks, primary schools and health clinics. Water and electricity is the responsibility of Delhi Jal Board and Delhi Vidyut Board working directly under the State Government of Delhi. Since 2015, the Aam Aadmi Party

(AAP) government slashed the power tariff to half and provided 20,000 litres of free water for all residents.

The “unplanned” part of the city under MCD jurisdiction has the “majority” of city votes. That is the reason why the seven members of Parliament, 70 members of Delhi legislative assembly and 272 municipal councilors – (elected representatives) indulge existing voters with their own brand of “appeasement politics” by routinely promising them clean drinking water, 24 hour electricity, clean sewerage and “regularization”.

The unplanned part of the city – constitute three unorganized clusters living in close proximity to one another. These include some 675 slums and resettlement colonies, over 1000 unauthorized colonies and 135 urban villages. Political parties have seen to it that the slum settlements receive immunity from demolition except through judicial orders, get supply of drinking water, a modicum of sewage disposal, food subsidies and an election voting card. The second group consists of over 1000 unauthorized colonies. The occupants bought agricultural land privately, (an illegal transaction) since converting or subdividing agricultural land required approvals that were never obtained. Without sale deeds or building plans, shoddy structures, deficient sewerage systems and insubstantial basic amenities, these housing areas have been shunned by the municipal system but many such colonies get “regularized” from time-to-time.

The third large group comprises 135 urban villages. Dotted all over Delhi and interspersed among planned residential and commercial complexes, these villages are precariously built

structures standing amidst electric wires, shoddy hutments and garbage. Ironically the elected Municipal Corporation of Delhi which is the custodian of public health and safety, exempted all urban villages from paying property tax or following any building regulations.

These are the grim present realities of Delhi's demographic changes in the last three decades, in the backdrop of which Delhi's urban development seems extremely problematic. **Both Delhi's frenzied expansion or the politics of "appeasement" practiced by successive elected governments leaves the task of the Municipal Corporations (MCDs) of Delhi extremely challenging in providing uniform civic services.**

There are key drawbacks of Delhi's Master Plans, which were never prepared for the "population explosion", that actually happened in the period they were planning for. Furthermore Delhi is governed by multiple agencies- water, power, roads, public transport and land are controlled by other parastatals of line departments of Central and State governments making coordination difficult. MCD is responsible only for solid waste management, maintenance of public spaces and some basic repairs and maintenance of other services such as roads, street lighting and drainage systems while many other functions have been outsourced to other bodies.

The launch of the Jawaharlal Nehru National Urban Renewal-Mission (JNNURM) towards the end of 2005 significantly enhanced both the local governance and urban planning systems in India's largest cities. One of the prerequisites for any city to

access funds from Central government was to prepare a City Development Plan. The Community Participation Law under the 74th constitutional amendment provides for going further down and reaching the people which has never been implemented in any city. It makes provisions for constituting Area Sabhas/ Mohalla Samitis within a “ward” for taking municipal administration nearer to the people. In Delhi, the mohalla sabhas, the referendums on mobile apps and massive advertisement campaigns led by the AAP government regarding public services since 2015 have probably led to renewed debates on citizens’ right to uniform civic services than ever before.

The research hopes to look at both models: (a) “**universal**” or (b) “**differentiated**” in terms of citizen access to basic urban civic services and offer a rationale for choosing one or the other for the city of Delhi. The “majority” of Delhi’s urban dwellers are floating migrants with no clearly defined rights to its urban city space or its civic services. **Therefore should there be a universal entitlement policy with regard to basic civic services (bench marks universally defined) for all city dwellers, or should all basic amenities be given access on the basis of “private capacity to pay” or the “ability to pay” mandatory taxes? This is the basic research question this paper sets to address.**

Janagraha Survey of Cities:

Last year, the NDA government launched its flagship program to develop 100 smart cities across India. But Indian cities still have a long way to go before they can be considered smart.

A survey of 21 cities carried out by Bangalore based advocacy group Janaagraha Centre for Citizenship and Democracy found Indian cities continue to fare poorly—scoring in the range of 2 to 4.2 on 10, as against the global benchmarks of London and New York, which have scored 9.4 and 9.7 respectively on various urban government indicators¹.

These scores imply that Indian cities are grossly under-prepared to deliver a high quality of life that is sustainable in the long term. This is particularly worrisome, given the rapid pace of urbanization in India and the huge backlog in public service delivery (Annual Survey of India's City-Systems report, 2016)

Of the 21 cities, Mumbai with an overall score of 4.2 has been ranked at the top for investing adequate funds in public infrastructure and services, having skilled manpower to run its municipalities, using information technology for governance and encouraging citizen's participation among others. Chandigarh is at the bottom of the list. *Delhi is ranked 9th*. The national capital fares poorly, scoring 0.9 out of 10 for failing to implement the city's master plan successfully. However Delhi's MCD is not resource poor, since it generates 50 %(own revenue) of the amount they spend.

Today, more than 70% of Delhi's population live in illegal settlements. Since the 1960s, Delhi's flawed master plans with insufficient allocation for low-cost housing have led to the mushrooming of illegal housing colonies in the face of large-scale migration from neighboring states.

Similarly, the survey found that none of the 21 cities have an effective mechanism in place to deter master plan violations with all cities scoring zero. The survey does not focus on the dysfunctional aspects of Indian cities that stare out at citizens—the potholed roads, lack of 24x7 water supply or overstretched public transport. It seeks to highlight the flawed legislations, policies, processes and practices that lie at the root of these issues

A majority of the 21 cities lack skilled manpower in the municipalities with many having large scale vacancies, the survey found. Patna, for instance has 64% vacancies in its municipal corporation followed by Bangalore (52%) and Mumbai (21%). Delhi however has the highest ratio of employees per lakh population and therefore MCDs in Delhi are not understaffed. Lack of adequate number of skilled staff in municipalities could lead to lower property tax collections and own revenues, which affects a city's financial resources.

The report leads us to the firm belief that there are a common set of root causes that underlie most quality of life challenges in our cities. Unless we address these root causes of poor spatial planning and political leadership, our quality of life is unlikely to change.

The report recommends amending the planning laws, constituting a metropolitan planning committee anchored by municipal elected representatives for formulating city's metropolitan plan among others to address the deficiencies in city planning².

Notions of Participatory Governance

India, and more specifically Delhi, provides an ideal context for exploring urban participatory governance for at least two reasons. Firstly, the Bhagidari scheme, an urban participatory device launched in 2000 by the Chief Minister of Delhi, Sheila Dixit provides a good example of a clear political emphasis on participatory governance in urban management. The scheme, defining itself as “a citizen-government partnership” (Bhagidari website) is designed to facilitate consultation between residents and city administrators in order to develop a localized form of participation that extends civic engagement beyond elections, focusing primarily on the quality of urban services.

Resident Welfare Associations (RWAs) are common in Delhi’s urban middle-class neighbourhoods, and have existed since the 1950s. In Delhi’s authorized colonies RWAs are linked to the residency occupation process following the construction and/or sale of plots by the Delhi Development Authority (DDA). RWAs are non profit associations, funded via monthly resident subscription, whose self proclaimed role is to represent the inhabitants of a physical area or colony. Although the activities of RWAs vary significantly, and some function primarily as management committees (especially in new housing estates and apartment blocks), they are usually concerned with infrastructure and basic services in the area: for example roads, parks, water, electricity, and solid waste removal. They also generally promote resident community feeling through the

celebration of festivals, and sometimes through the creation of an informal assistance service. The strategies employed by RWAs to secure and maintain services and infrastructure from municipalities and other public authorities range from strategies of collective persuasion, to the organization of demands and complaints (e.g. via petitions and demonstrations). Although RWAs exclusively prioritize the needs of residents within a small bounded physical area, more recently RWAs in Delhi have extended these self-serving interests beyond neighbourhood-level issues, promoting a middle-class agenda of “active” citizenship across the city. For example, promoting the “greening” of the city, to the exclusion of other politically organized (needs often more numerous urban voices) such as the poor’s need for basic services (e.g. Fernandes, 2004; Baviskar and Ray, 2009). This exclusion can be rationalised by the RWAs normative vision of urban citizenship as restricted to “respectable” and “tax-paying” urban-dwellers (i.e. the middle and upper-classes), in contrast to “illegitimate” floating migrants (i.e. the poor) residing in the city.

The AAP government of Delhi conceived Mohalla Sabhas with the vision to decentralize governance and decision-making at the level of the community or Mohalla. The idea of deepening urban democracy to a level lower than the “ward” found place first in the Community Participation Law, passing which by states was a necessary condition for the release of certain funds under JNNURM. Delhi government’s efforts in this direction marks the first attempt by any state government to deepen democracy. Mohalla Sabhas have been notified but yet to be rolled out and functioning in Delhi.

Housing Typologies in Delhi: How do they impact municipal services

Delhi has had three Master plans, made by the Delhi Development Authority (DDA), a para-statal, technocratic body, appointed (not elected) by and reporting to the Central Ministry of Urban Development. The three Master Plans of Delhi (MPDs) have been prepared for 1962, 2001 and 2021. Each is a twenty year plan, intended to capture growth in the city and mark detailed land use categories and divide the National Capital Territory of Delhi into an “urban development area” and “rural” zones. From the 2021 Master Plan, a third category of “urbanisable area” was added, presumably to mark areas for future expansion. If we look at the table, “planned colonies” is only one of the eight categories of housing in the city, inhabited by only 23.7% of the population in 2000. **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 and that are presumably laid out according to norms and standards defined in the master plan for design, infrastructure and civic amenities. A “planned colony” supposedly fulfilled all these conditions at the time that it was built. Therefore they can be termed “planned, legal and legitimate” colonies. Over time, two types of changes have come about in planned colonies-the extension of individual housing units beyond permissible limits of covered and built area (including extensions into public land, areas and roads) as well as widespread violations of permitted use, particularly the

commercial use of residential premises. In other words, even within the planned colonies, there are layers of unplanned activities and informal uses and successive plans have created layers of “exemptions” to handle these non-conforming uses.

Settlements in Delhi

Types of Settlement	Estimated Population in 2000 (100,000s)	Percentage of Total Population of City
JJ Clusters	20.72	14.8
Slum Designated Areas	26.64	19.1
Unauthorized Colonies	7.40	5.3
JJ Resettlement colonies	17.76	12.7
Rural Villages	7.40	5.3
Regularized-Unauthorized Colonies	17.76	12.7
Urban Villages	8.88	6.4
Planned Colonies	33.08	23.7
Total	139.64	100

Source: Drawn based on data from Government of Delhi sources

(This table clearly shows that 75% of the city lives in housing that is apparently unplanned. Even in 2017 the position remains roughly the same.

Unauthorised Colonies

The population of Delhi increased by six million between 1962 to 2007 when the MPD’21 was notified-yet no new land was notified as an urban “development area” by the DDA from 1962 to 1990. MPD’01 added 4000 hectares and MPD’21 20,000 hectares as

“development area” notified as “residential”. For colonies built in between plans, it was impossible to get the tag of a “planned colony” as they had no way to meet the basic classificatory principle of the table: i.e. the building of the colony on land marked and zoned “residential” within the “development area”. Residents therefore were forced to build shelter in what became, by implication, a range of unplanned colonies. This is partly a result of DDA’s inadequate housing protection but in equal part the result of its refusal to include already built up areas within the “development area” of the Master Plan. This illegal inhabitation, interestingly has defined the processes of habitation for the poor and the rich alike, though the consequences of these “illegalities” are different for each. An unauthorised colony gets created when land is bought by an individual aggregator—from either individual farmers or the gram sabha and aggregated into the size of a colony. Though the purchase from this aggregator by individual buyers is formal, it is not legal since “agricultural land” cannot be used for non-agricultural purposes. Though all house owners have formal documents, none of these can be registered with the local authorities as recognised legal property titles because the colony does not exist on the Plan. However there is no recorded case of an eviction from an unauthorised colony. They enjoy a de-facto security of tenure and privately “buy” municipal services. Periodically, an unauthorised colony is “recognised” through a process—the property titles get recognised by law and can be registered. The process involves an attempt to align the unauthorized colony as closely with planned norms of the settlement layout (including building codes) as well as the

payment of a onetime “conversion charge”. There have been three major waves of regularization in Delhi-1962(102 colonies), the second wave in 1975(567 regularized) in the third wave in 1993 applications were again invited for regularizations. In 2009, 733(out of 1639 applications) of these colonies were regularized. In the absence of objective criteria by which the regularization process functions, it is indeed the discretion of the DDA to decide who will become legal and at what time. Once again, it is the Plans, which determine, through their discretionary ability to notify or not notify parts of the city within the “development area”, as well as through waves of “regularization” that decide which colonies will be “legal” or not legal.

Urban villages are settlements, located throughout the city and largely consist of ex rural villages that have been incorporated into urban areas as the city expanded. Urban villages are planned since they are included explicitly within the Master Plan. In order to be able to “retain” their character, urban villages are exempt from any building norms, mixed use or single use zoning classifications. In other words, urban villages may build to any height, mix commercial and residential activities and violate developmental controls for parking and street widths. Urban villages today range from income poor neighbourhoods still practising village trades to neighbourhoods housed in some of the city’s most fashionable districts (e.g Hauz Khas Village). The villages are “legitimate”; residents enjoy security of tenure and cannot be evicted.

Jhuggi Jhopri (JJ) Clusters and Resettlement Colonies

Slums are settlements identified or “notified” under the Delhi Slum Areas Act, 1956. Slums were considered “any area unfit for human habitation due to dilapidation, overcrowding or lack of sanitation” .The primary principle of classification of the category, remains that residents are perceived as squatters on land they neither own nor paid for. In Delhi, 95%of JJ clusters are on “public” land, the large majority (83%) of them on land owned by DDA (GOI 2009).Unlike in the case of unauthorised colonies where residents did not have the right to buy rural or private land for urban use but the sale is a formal valid transaction, the efforts by some residents of slums to buy their plots is seen clearly as “illegal”. The Slum Lords who supposedly own slums: occupy land, parcel it and allow tenants to settle for rent and are all engaged in informal activities in unplanned illegal sites on public land. The only way for residents of JJ clusters to become “legitimate” is to be evicted from the Slum cluster and resettled into an alternative site, called a “resettlement” colony. What is it that separates slum designated areas, JJ clusters and “resettlement” colonies? The major point of difference is their tenurial status and their relationship to the Master plan. Slum designated areas are protected from arbitrary eviction without resettlement (they exist only in the Old City and on Private Land) in Delhi today. JJ clusters have no security of tenure (exist mostly on public land), resettlement colonies are authorised by the Master Plan. Families allocated plots in these colonies are owner-occupiers, given licenses rather than titles that are non-transferable, cannot be sold. Tenants living in JJ colonies are

excluded. In evictions from 1990 to 2007, estimates of the number of families resettled averaged only about 25-40% of the total families at any given site. Activists claim that recent resettlement colonies because of the diminishing size of the plots, the distance from employment centres and the abysmal state of infrastructural services remain slum-like even today³.

An important point to note is the unevenness of civic services provided by MCD in the different categories of colonies, other than "planned". In the rest of the colonies, municipal services are provided formally since most of the residents are the urban rich/middle class who are tax payers and claim benefits individually or through RWAs. It is only the residents of JJ clusters who are completely at the mercy of their landlords who "arrange" for civic services through illegal payment to municipal authorities.

Delhi Municipal Elections, 2017

This election evinced more public interest than any one municipal election one can remember in the last 3 decades. Virtually all categories of residents (75%) living in all colonies other than "planned", were being promised good and uniform civic services by the 3 major contenders-Bhartiya Janta Party(BJP), Aam Aadmi Party(AAP) and the Congress⁴. Of all the parties, AAP promised the maximum freebies to the urban middle class and the poor. They declared a moratorium on "evictions", in-situ development of slums, abolition of property tax and a cleaner and greener Delhi with existing MCD funds. AAP was

firmly of the opinion that MCD under BJP rule (last 10 years) had become a corrupt and inefficient body and all “illegalities” in all unauthorised colonies had become "regularized" through corrupt practices. AAP promised radical MCD reforms to end corruption and increased participatory urban governance through Mohalla Sabhas⁵, better run corporation schools and efficiently run mohalla clinics⁶. In short AAP promised radical urban governance without increasing taxes. Despite having a more radical agenda, AAP lost the elections to BJP, who did not have any new ideas to run MCD except the promise that there will be greater coordination with the Central Urban Development Ministry and of course they will clean up the "mess" in Delhi with more "central funds". They had already been in power for the last 10 years and their track record had been so poor that to pre-empt an election failure, they had to sack their entire old councillors and bring in fresh faces, with a promise of doing everything better in municipal governance if they were to win the elections.

BJP managed to make voters look beyond MCD's shoddy record and focus on Modi, and turned it into a referendum on the AAP government. AAP'S vote share was 26%, BJP romped home with 36.1%. If we look at the BJP manifesto, they have promised to do everything they hadn't done in Delhi in the last 10 years-ensure 100% doorstep garbage collection at all colonies and a good service in unauthorised colonies and urban villages. They have promised to acquire compacter units, waste management plants and waste-to-energy plants at landfills. They promised to construct more public toilets under Swachh Bharat Abhiyan (a complete failure in Delhi) and ensure basic sanitation around

slum clusters. BJP said Colony roads would be regularly maintained except in unauthorised colonies where "public money" cannot be invested. They wished to improve municipal schools and health clinics, but have not spelt out any new modus operandi. They accused the Delhi government of not giving them the Fourth Delhi Finance Commission Funds, and promised to ensure collection of property tax on time. Their manifesto had nothing to say about "unauthorised colonies" and "JJ clusters" or "uniform civic services" at all. They therefore stand for a notion of "differentiated" civic services based on the housing status of different urban residents in Delhi and have no clear agenda on how to improve "participatory" urban governance.

Why AAP lost?

Despite innovative ideas on curbing corruption and promising more participatory urban governance, AAP appears to have a confused strategy. Delhi Chief Minister Kejriwal appeared as an incorrigible confrontationist who kept saying on the one hand "we did what we promised" but the party also kept harping that it wasn't being allowed to work. Barring a degree of success in improving public hospitals and schools, AAP failed in several aspects such as lack of fresh infrastructure projects for transport or road management. Most its performance was sub-optimal in most aspects of urban governance handled by the Delhi government, like road maintenance and repairs etc.

What Delhi expects from the new corporators

To the authors, the only real possibility of a Smart City Project being implemented is in the NDMC Area and work towards it has already started. So a small portion of Delhi (42.7 sq. km.) may become a smart city in the next decade. The entire NDMC area is the legal planned part of the city devoid of unauthorised colonies and JJ clusters where the majority of Delhi's population is currently housed.

Enforcing this plan is entirely possible in the NDMC area-which has been declared the cleanest city in the North Zone and finished seventh among 434 cities in the Swacch Sarvekshan 2017⁷ .

What is happening after the elections 2017?

Long-held promises to fulfill- by MCD

- Composting plants to make Delhi free of landfill sites, which are exhausted.
- Improving door-to-door collection of garbage
- Special teams to desilt drains and prevent vector-borne diseases
- Construction of drainage system to prevent waterlogging
- Construction of toilet blocks to make Delhi defecation-free

The elections have been a game changer for Delhi's municipal governance. Media coverage of urban issues has been relentless with Times of India leading the coverage to raise citizen consciousness of municipal neglect of their duties. BJP's manifesto was full of pious promises, none of which had been pursued in the last 10 years. AAP's manifesto had many new ideas, in-situ rehabilitation of JJ residents being one of the most radical ones. It is amazing despite all these promises people voted the BJP to power once again. AAP had been reminding urban residents during the election period that MCD has no problem of funds-it is sheer lack of a work culture and corruption that makes it unable and unwilling to fulfil its mandate . *The BJP - AAP war continues with each blaming the other for Delhi's unsanitary condition, relentless road digging, water-logging, unhygienic condition of slums and MCD workers again complaining of lack of payment of salaries.* The High Court of Delhi has repeatedly intervened and given stern warnings to MCD to fulfil their mandate. Some other developments post 2017 elections are:

- Lt Governor of Delhi has declared 89 villages as "urban areas". This paves the way for land pooling which would make available 40,000 acres of land available for development. The agricultural land of the farmers will be declared as "development area". After this, farmers can give land to DDA for land pooling
- All land outside "lal dora" - the area demarcated for village residential areas-has to be declared as "development area".

- After that the land use will automatically be allowed for “non-agricultural” purposes.
- South Delhi Municipal Corporation launched a website - mcdonline.gov.in putting more facilities online to make its services paperless. Infact they are planning to go completely online for all municipal services.
 - By the end of 2018 in collaboration with primal agencies, 100%doorstep garbage collection in approved colonies of Delhi and "high-performing service" in unauthorised colonies and urban villages have been promised by the 3 MCDs
 - The Delhi government has promised to make Delhi defecation- free, place garbage compacter units to reduce volume of waste to less than 20% by 2018-19, to set up 3 more waste-to-energy plants at landfill sites to complement the three already in operation.
 - The New Slum Rehabilitation Policy 2015, notified in 2017 is a landmark, according to urban watchers.

Makings of an urban welfare state

Historically the Indian welfare state was largely imagined for rural areas. Most social security programmes focussed on rural poverty and destitution - government flagship programmes like National Rural Employment Guarantee Scheme, the National Rural Health Mission are just some examples.

Recently we do witness some seminal changes in government policies towards the urban poor - from the Urban Livelihood Mission to the Right to Education, Social Security for Unorganised Sector Workers Act, to growing debates on Urban Housing for the poor and Universal Health coverage proposals are all meant for urban coverage. We can see the emergence of an urban welfare regime that defines rights and entitlements for urban residents specially the poor. This is truly needed in the context of an urban renaissance-most Indians will be urban residents by 2050 and any notion of “differentiated” citizenship rights is morally wrong and this is what urban activists have been fighting for in the last 3 decades in Delhi.

Let us now look at two policies in India which recognises the need for a welfare regime which is based on the universality of citizenship rights - the Rajiv Awas Yojana (RAY) and the National Urban Sanitation Policy (NUSP). RAY begins with a clear articulation of the right of all citizens - to come and take shelter in the city or in other words “reside” in it. It clearly acknowledges the failure of the state to build sufficient housing for the poor in urban areas and the poor’s legitimate “right to shelter” in urban areas. Secondly RAY argues that it shall improve security of tenure by the granting of “property” rights. What is a property right in a slum cluster can of course be variously defined - Is it ownership, or the right to use? A right to sell or the right not to be evicted? These are important points which the New Slum Development Policy 2017 has sought to clarify. Urban

residents are beneficiaries of livelihood promotions through the National Urban Livelihood Mission or the recently passed National Street Vendors Act 2014. Therefore people employed in the unorganized sector are not "encroachers" or "squatters" but have been recognized as “workers” and all urban residents should therefore possess “the right to services” like water and sanitation as well as education and health services. These policies enable at least a partial claim of a “right to the city” because they are urban policies- *premised on residence within the city*. Unlike previous regimes of poverty alleviation, they do not identify beneficiaries as targeted groups marked by their relationship to the “poverty line” or imagine the urban poor as simply "floating migrants" who deserve no facilities as permanent tax paying urban citizens do. They use a language of universal rights and entitlements-they do not separate the urban slum from the urban rich colonies, from the income poor to the elite urban citizen.

The Delhi Slum and JJ Relocation and Rehabilitation Policy, 2015 is now a reality after recent amendments in 2017. The policy allows land owning agencies to be charged for dwelling units at institutional rates instead of circle rates. The institutional rate is Rs 12000 per sq. km while the circle rate is Rs 46200 per sq. km on average. Also landowning agencies (public or private) can now relocate and rehabilitate slum dwellers themselves instead of mandatorily entrusting the job to the Delhi Urban Shelter Improvement Board (DUSIB). The thrust of the policy is in-

situ rehabilitation and relocation⁸ by either the DDA or *private developers*.

Judicial Interventions

The commissioners of the 3 municipal corporations have often come to be indicted after the Municipal Elections of 2017. They recently came under fire in the Delhi High Court (HC) for reducing Swachh Bharat campaign to a "complete naught" in the capital. HC termed as "shocking" that despite repeated concerns raised by the court on solid waste collection and disposal, the corporations have not moved a single step resulting in a situation where Delhi, which once had the largest per capita forests, has been converted into a slum. The court said the corporations are in complete breach of rights of the citizens under the Constitution apart from the provisions of the DMC Act, civil laws and constitutional duties. Apart from the concerns of health, environment and right to life of the citizens of Delhi, the corporations have been hauled for the violation and contempt of court orders. The bench said the corporations have ruthlessly and callously permitted compounding and regularisation of unplanned and unauthorised colonies without first ensuring increase or improvement in civic amenities, such as bigger or greater number of sewage and water lines. It lamented that conversion of residential property for commercial activity was being permitted without first ensuring there was enough space for parking⁹.

HC observed that there seemed to be more garbage than land for people in the capital. The bench lamented the lack of will in the corporation to work towards removing garbage and combating diseases, *saying funds were not the problem but the absence of will was.*

Referring to the claim by the corporations that they were short of funds due to failure of the Delhi Government to release money, the court wondered why the civic bodies had not filed any contempt plea to ensure implementation of the 4th Finance Commission recommendations. It also sought details from the corporation regarding their functioning in the past 5 years. "All municipal corporations shall inform us in tabulated format, five yearly progression with regard to the demographic variations, variance /increase in staff strength as well as infrastructure development in the nature of availability and increase in procurements" were the observations of the judges¹⁰.

The bench also asked the government and corporations to inform it about the fate of the sewage treatment plants in the city. *8000 metric tons of garbage everyday accumulates in Delhi - why they don't reach landfill sites was the query.* The High Court chastised the Public Works Department and the Delhi Jal Board (under AAP government) for not cleaning drains annually and only resorting to knee jerk measures before the onset of the monsoon. *The court said another problem faced by the city was the multiplicity of civic agencies with each blaming the other instead of having a citizen oriented approach.* Delhi does not seem to have any

plan for migrants, 2 lakh move into the city every year. In India every planning model is overturned by an excess of population - housing and public transport for example cannot keep up with rising numbers.

Where is a national urbanization policy?

The Post-liberalization era has viewed urbanization as a challenge as well as an opportunity. While the corporate sector confronted it as a real estate opportunity, the government made attempts with the Jawaharlal Nehru National Urban Renewal Mission (JNNURM), Rajiv Awas Yojna and Provision of Urban Infrastructure in Rural Areas, etc. with diverse results. Today, the new government at the Centre has taken urbanization head on as an opportunity, with a vision to go Smart. Therefore, it becomes vital for the Government to clarify on its strategy for Smart Cities, considering the fact that there are no globally accepted universal standards of “smartness”. Besides India does not have a national urbanization policy that could serve as an initial operating model for smart cities.

India’s attempts at inclusion in the processes of globalization since the early 1990s brought about a seminal change in the way cities were perceived and their role in the economy. Cities have become the hub for domestic and international investments thereby acquiring the catalytic role of engines of economic growth. There has also been a rapid expansion of migration from rural areas to cities. After the 1990s, urbanization in India has been concentrated in developed regions leading to great

pressures on existing infrastructure as well as on the public service delivery systems of those areas. Almost half of India's urban residents have little access to basic services such as water and sanitation, solid waste collection, roads and shelter and this further undermines their rights to live in cities. Indian policy makers face a very onerous task of addressing two conflicting objectives—one relates to serving the city population needs for basic services and the other one relates to infrastructural needs for making cities “world class”, as desired by international business interests (Chatterjee,2004).

The growing recognition of the Indian urban crisis in recent years coincides with the neo-liberal public policy shifts among national governments, international financial institutions and many smaller non-governmental organizations (NGOs) and, consequently, there has been a paradigm shift in the urban development policies of India. Many Global cities of the developing South, have experienced: (a) the withdrawal of state finance and the entry of private capital in urban development with the concomitant change in the state's role towards establishing the institutional conditions that are necessary for uniform civic services for urban residents e.g. Gurugram was developed by private capital and developers and has among the worst urban infrastructure or municipal services in India. (Harriss 2007; Nijman 2006).

However amidst all of this, the 74th Constitutional Amendment Act (CAA) 1993 marked a watershed in the constitution of Ward Committees (WCs) as deliberative bodies at the Municipal level, to

elicit greater participation of citizens in local government initiatives. Participatory governance arrangements in major Indian cities have also been marked by the involvement of neighbourhood association/residents welfare associations (RWAs) and NGOs. The involvement of these new actors has been justified in the name of “democratization” and the promotion of greater efficiency in the functioning of institutions of urban governance (Coelho *et al.*, 2009). All these changes demonstrate that a variety of stakeholders are now involved in influencing urban governance in India.

Salient Features of Urban Reforms in India

Till the 1990s, municipalities in India used to rely on budgetary support from the state/central government for development infrastructure. After liberalization since the 1990’s in the changed policy environment, a series of urban reforms have been initiated to enhance the financial autonomy of the municipalities and, more precisely, to enable them to raise resources from the market for funding their development programmes. These programmes have championed the concept of “privatization” of urban services through the introduction of user charges and public-private partnerships (Kamath *et al.*, 2009). Jawaharlal Nehru National Urban Renewal Mission, India’s flagship urban development programme, has made the allocation of grants conditional on adhering to a set of financial and governance reforms incorporating those concepts at the state and city levels.

Resident Welfare Associations (RWAs) in Delhi

The RWAs in Delhi under the Bhagidari Scheme established partnership between residents/citizens and the municipal authorities to improve the urban services delivery system. However, these associations were found to be dominated by the members of the middle classes who identify the urban poor and squatter settlements as threatening to any future urban development. (Harris, 2006).

Elite RWAs subscribe to the idea of “responsible” citizenship and are concerned with citizens as consumers. Apart from only paying taxes, these RWAs are interested in “constructive engagement” through, for example, private-provisioning of some services. Emphasis was placed on eliminating citizen benefits for “unauthorized” or “illegal” colonies. These RWAs took the judicial route to address the problem of “illegality”. They preferred to access state officials directly with their problems. The scope of resident participation was limited in the sense that important decisions were often taken by a small core group of RWA members. On the contrary, non-elite RWAs (mostly in unauthorized colonies) were not found to be driven by the notion of citizenship but were directly concerned with the non-availability of civic amenities in their colonies and sometimes employed confrontationist strategies, (for example, street demonstrations) for aggressively pushing their demands. They preferred to contact the lower level government officials and discussed their problems with these representatives. Instead of bypassing the democratically elected municipal bodies, they cooperated with the elected representatives. In some cases, members of non-elite RWAs campaigned for councilors and

offered issue-based support. This rapport between the non-elite RWAs and councilors had serious implications for poor people's access to services since the councilors sought to solve the problems of the poor through their "political" influence which they exercised to get work done by the officials in favour of their constituencies (Benjamin 2000).

Conclusion

Barring the NDMC area, Delhi has truly become a city of floating migrants (estimated to be 2 lakh per year). The Master Plans have failed to plan for this growth and the concomitant pressure on civic services. Technocrats devise plans without necessarily understanding the realities of this relentless rural-urban migration which is an unstoppable process. People will go where jobs take them. Citizenship, in the world's largest democracy has to be morally defined in terms of an universal set of entitlements irrespective of where citizens live or what they own. Therefore the Delhi municipal elections of 2017 did offer 2 models in terms of rights to urban residents-one universal (AAP manifesto) and the other differentiated (BJP manifesto). Though BJP has won, it will also perhaps come to understand that years of pro-poor activism, politicization of the urban poor and the logic of numbers (in terms of votes) in a democracy inevitably lead to the "universal" model in terms of providing a minimum package of civic entitlements to all urban residents irrespective of their housing status.

More and more unauthorized colonies are being regularized and slum dwellers "evicted" to resettle them as per the vision of the

state to build “smart cities” everywhere. The city of Delhi now truly belongs to all-the rich, the middle and even the poor have “survived” with their different agendas through some sort of activism-the rich and the middle classes usually resort to “judicial activism” focusing on their rights as taxpayers to keep the city clean and “green” with the best civic amenities possible by civic agencies. The poor have asserted “politically” their right to “housing” and a common minimum of municipal services for their right to live in the city.

In essence, the purpose of inclusive urban development in Delhi gets defeated as the participatory practices failed to put the idea of “governing from below” into practice (MCD has been converted to a service provider only); instead they facilitated the idea of “governing by political capacity”. However what followed is a growing perception that “the city needs to survive”(judicial activism) as much as its citizens. For this first, the legal and regulatory framework needs to be strengthened to empower local democratic institutions to act effectively and a strong national mandate for pro-poor service delivery is necessary for encouraging local government and service providers to intervene in favour of all categories of urban citizens. Given the widespread prevalence of patronage and clientelism in Indian democracy, leaders can make city governments truly effective especially for the poor if they are committed to provide benefits to the people not as charity, but as entitlements. This has often been termed as politics of “appeasement” but the authors feel very strongly that this kind of politics has truly been “empowering” and “entitling” for the poor.

Delhi is indeed a city of paradoxes. It has a potential SMART CITY within it, ably governed by a non-elected municipal council without any notion of “participatory” urban governance. This NDMC area is truly a model for other Indian cities to emulate for smart urban governance indicators have been put in place. On the other, the elected Municipal Corporation governed part of the city now is one of the worst examples of urban governance-the city is congested, polluted(it has the largest number of energy consumers and vehicle owners in India),overpopulated with 75% of its people living in unplanned and illegal colonies/slums and witnessing a pathetic condition of roads with 8000 metric tons of garbage accumulated daily but not disposed regularly. However it is the nation’s capital and citizens (specially students and job seekers) come from all over India. It has become a city of migrants and all residents therefore need to establish their “right to housing and municipal services” as part of their universal “right to the city” as urban residents.

The authors would like to thank the students of M.A. Public Administration in the Department of Political Science, Jamia for their pilot survey in each of the 4 categories of housing colonies in South Delhi-planned, unauthorized, urban villages and JJ settlements recently after the municipal elections of 2017. This was our primary source of data for writing this article besides secondary sources cited.

Endnotes

¹ See Annual Survey of India's City Systems 2016-Shaping India's Urban Agenda, Janagraha Centre for Citizenship and Democracy, Bangalore

² Ibid

³ Read Gautam Bhan's "In the Public's Interest: Evictions, Citizenship and Inequality in contemporary Delhi", Orient Blackswan, Delhi, 2016 which has the results of authentic research done in Delhi's slums and resettlement colonies

⁴ BJP won in 181 wards which went to polls on April 23, 2017. AAP bagged 48 seats and Congress won 30 seats.

⁵ In order to achieve the objectives of self-rule, 2972 Mohalla Sabhas were digitally mapped out across the 70 Assembly Constituencies of Delhi. Each Mohalla was formed by combining 3-4 electoral parts with all the registered voters living within. To avoid administrative multiplicity, all public assets (e.g roads, streetlights, drains) were digitally mapped to the asset owning civic agency like the MCDs PWD etc (ASICS Survey, 2016)

⁶ Mobile health clinics for the urban poor have become functional in Delhi, again an AAP initiative.

⁷ The award parameters:

- Municipal solid waste collection and transportation
- Solid waste processing and disposal
- No open defecation
- Capacity building efforts
- Municipal Documentation
- Citizen engagement and observations

⁸ In today's neo-liberal era, slum clearance and rehabilitation is being done mostly by private developers e.g. Mumbai and Bangalore by giving a variety of incentives to slum landlords and tenants to get the land "vacated" first. Then "low income" group housing flats are raised on the vacated land (usually public land) and sold at subsidized rates to the slum residents. The same process may start in Delhi.

⁹ HC's directions came after it took cognizance of a TV channel's news video showing that garbage was not being collected and disposed of from several Delhi colonies for days on end. Two recent deaths in the city have also caught the attention of the Delhi High Court, which took suo-moto cognizance of them. A bench of acting Chief Justice Gita Mittal and Justice C. Hari Shankar took note of Times of India reports on the death of a ragpicker while removing garbage due to electrocution and a nine year old boy's death in a compost pit.

¹⁰ These Delhi High Court judgments were all delivered between May and July, 2017 after the Delhi municipal elections in April 2017.

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