

# **LEARNING FROM MUMBAI**

**Urban Age Seminar, 29 May - 15 June 2007**

Cities Programme, London School of Economics and Political Science

Department of Urban Studies and Planning, Massachusetts Institute of Technology

Harvard Law School, Harvard University

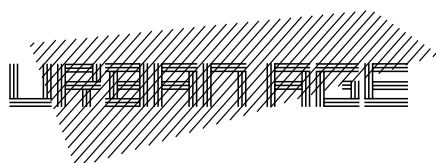
Contact:

Cities Programme  
London School of Economics  
Houghton Street  
London WC2A 2AE

+44 (0)20 7955 7706  
[urban.age@lse.ac.uk](mailto:urban.age@lse.ac.uk)  
[www.urban-age.net](http://www.urban-age.net)

Alfred Herrhausen Society  
Deutsche Bank  
Unter den Linden 13/15  
10117 Berlin  
Germany

T +49 (0)30 3407 4201  
[ute.weiland@db.com](mailto:ute.weiland@db.com)  
[www.alfred-herrhausen-gesellschaft.de](http://www.alfred-herrhausen-gesellschaft.de)



a worldwide investigation into the future of cities  
organised by the Cities Programme  
the London School of Economics and  
Political Science and the Alfred Herrhausen Society,  
the International Forum of Deutsche Bank



THE LONDON SCHOOL  
OF ECONOMICS AND  
POLITICAL SCIENCE ■

**Alfred Herrhausen Society**  
The International Forum of Deutsche Bank



# Table of Contents

Introduction	1
Seminar Structure and Participants	2
 <i>Essays</i>	
Governance as Dynamics Examining the Role of Actors in Urban Politics	7
Is the “Rule of Law” Good for Cities?	15
Law As Contestation, Rather Than Creation Of Vulnerability	25
Regeneration Rhetoric: Questions of Good Form for City Making	37
Performing Spaces of Religion	43
Vulnerability and Empowerment	51
Is Scale a Vice? Governing Mumbai’s Millions	59
Human Settlement Development: the Central Role of Cities in our Environment’s Future	75
Street Competence: Notes for a Working Definition	81
Spectacle as replacement – Learning or Unlearning from Asian Olympic cities	89
Why Mumbai’s Slums are Actually Villages	97
 <i>Appendix</i>	
List of Reader Materials	I
Study of Housing Typologies in Mumbai	VII



# Introduction

## Urban Age Seminar: Learning from Mumbai, 29 May – 15 June 2007

'Learning from Mumbai' was an intensive three week Urban Age research workshop with faculty and postgraduate researchers from the London School of Economics and Political Science, Harvard Law School, MIT, Partner's for Urban Knowledge and Action Research (PUKAR) in Mumbai, and the Centre for the Study of Culture and Society in Bangalore. Drawing from the data archive and research resources of Urban Age, the workshop analysed various social, economic and environmental factors shaping Mumbai's development. A special focus on the city's Eastern waterfront and Dharavi, the largest slum in Asia, has led to the creation of an interdisciplinary framework through which researchers can formulate a social, legal and spatial brief for advanced urban development in the 21st century.

This working draft provides an overview of the seminar's structure and methodology and presents the seminar's preliminary output, a series of provocative essays and graphics by workshop participants that propose new ways that urban discourse and practice can learn from Mumbai.

Note: The work contained herein is not for citation of further circulation without the written permission of the authors.

## About Urban Age

Urban Age's principal aim is to shape the thinking and practice of urban leaders and sustainable urban development. Initiated by the Cities Programme at the London School of Economics and Political Science and Deutsche Bank's Alfred Herrhausen Society, Urban Age is structured around international and multidisciplinary events and research supporting the creation of a new urban agenda for global cities. In 2007, Urban Age will explore urbanisation in India.

# Seminar Structure and Participants

## Schedule

29 May	Introductions with briefings on each subject and schedule
Day 1 (30 May)	Workshop: Street Life
Day 2 (31 May)	Workshop: Spatial analysis of Democratic Governance Urban Age Public Lecture: Architecture of Justice, Richard Sennett
Day 3 (01 June)	Workshop: Urban and Social Integration
Day 4 (04 June)	Workshop: Contested Spaces / Religious and ethnic conflicts Urban Age Public Lecture: Financing Sustainable Economic Development, Hari Sankaran
Day 5 (05 June)	Workshop: Accessibility and Mobility Urban Age Public Lecture: Is the Rule of Law Good for Cities, Gerald Frug
Day 6 (06 June)	Workshop: Typologies and Permeability of 3D forms
Day 7 (07 June)	Workshop: Cultural Industries
Day 8 (08 June)	Workshop: Global Environmental Crisis
Day 9 (11 June)	Group discussion, writing and production Urban Age Public Lecture: Global Warming and the Political Economy of Cities, Saskia Sassen
Day 10 (12 June)	Group discussion, writing and production
Day 11 (13 June)	Group discussion, writing and production
Day 12 (14 June)	Production
Day 13 (15 June)	Presentation

## Participants

### Faculty and Staff

- a. Ricky Burdett, Director, Urban Age
- b. Gerald Frug, Louis D. Brandeis Professor of Law, Harvard Law School
- c. Adam Kaasa, London School of Economics
- d. Pamela Puchalski, London School of Economics
- f. Richard Sennett, Professor of Sociology, LSE and Bemis Professor of Social Sciences, MIT
- g. Priya Shankar, Alfred Herrhausen Society
- h. Fran Tonkiss, Associate Director, Cities Programme, LSE

### Postgraduate Students

- a. Zainab Bawa, PhD Candidate: Centre for the Study of Culture and Society, Bangalore,
- b. Rit Chandra, PhD Candidate: Bartlett School of Planning, University College London
- c. Vaidya Gullapalli, JD Candidate: Harvard Law School
- d. Suzi Hall, PhD Candidate: Cities Programme, LSE
- e. Shekhar Krishnan, PhD Candidate: Program in Science, Technology and Society, MIT
- f. Olivia Muñoz-Rojas-Oscarsson, PhD Candidate: Cities Programme, LSE
- g. Iliana Ortega-Alcazar, PhD Candidate: Cities Programme, LSE
- h. Eli Rosenbaum, JD Candidate: Harvard Law School
- i. Torsten Schroeder, PhD Candidate: Cities Programme, LSE
- j. Cassim Shepard, MCP Candidate: MIT, Department of Urban Studies and Planning
- k. Hiro Shirai, PhD Candidate: Cities Programme, LSE
- l. Jayaraj Sundaresan, PhD Candidate: LSE, Cities Programme

### Guests

- a. Jo Beall, Director, Development Studies Institute
- b. Philipp Rode, Executive Director, Urban Age
- c. Hari Sankaran, Managing Director, Infrastructure Leasing & Financial Services Ltd.
- d. Saskia Sassen, Centennial Professor of Sociology, London School of Economics and Professor, Committee on Global Thought, Columbia University
- f. Rahul Srivastava, Partners for Urban Knowledge, Action & Research (PUKAR), Mumbai





# *Essays*



# Governance as Dynamics

## Examining the Role of Actors in Urban Politics

ZAINAB BAWA

*"They are called pigeons."*

*"Pigeons?"*

*"Yeah, because they come to London without proper visa and start to live there, in East London. That is why they are called pigeons."*

The bus was passing through Tower Hamlets. There were stalls on the street, people manning them. An old man, disheveled, was sitting with his legs apart, on the pavement, looking stoned. Two burly men were sitting next to him on the pavement. They looked like miscreants.

This is East London. The bus veered through Aldgate and immediately, I was transported into the more glamorous parts of London City. The image of Tower Hamlets has stayed with me since then. I ask myself, how do the poor and the migrants make claims on the city? How do they get their needs for basic infrastructure, housing and employment fulfilled? I want to suggest that governance must be viewed as dynamics between different actors in the city, rather than in terms of 'urban management'. These dynamics allow us to understand tactics and strategies which different groups in the city employ to access various resources. Such a view enables us to comprehend the power relations that play out on the landscape of the city and most importantly, understand that the poor groups have agency and that they can mobilize certain forms of politics to fulfill their claims. Benjamin and Bhuvaneshwari (2001) suggest that urban governance needs to be viewed in terms of various types of political/administrative circuits:

*These involve rich and poor groups who compete to access productive locations, to attract*

*and also to define the form of public investments. Derived from this, is a view of planning not as a unitary non-partisan system but shaped by claims made by various groups (including poor ones) to access public resources, land in productive locations, and public interventions.*

In this paper, I will present fieldwork conducted in Bangalore and Mumbai to make my case for understanding governance as dynamics between different actors in the city. I will outline the ways in which the lower level bureaucracy in the municipal administration i.e., engineers and field staff, are emerging to subvert the higher level politics of senior municipal, state and national level bureaucrats and agencies such as the World Bank and are turning out to be important actors on the scene of changing urban politics. I will also map the relations between municipal councilors, bureaucrats and NGOs and the antagonisms between these actors which lead to municipal councilors being labeled as 'corrupt' and 'rent seeking'. By doing so, I will question the popular view which suggests that municipal government is corrupt and inefficient. Rather, municipal government is important for poor groups in the city to access basic infrastructure and with municipal governments exiting provision of basic services, poor groups are most affected (Amis 1999; Benjamin and Bhuvaneshwari 2001).

### **In Deep Waters – the role of field level bureaucracy in water departments in municipalities**

Urban water is a contested domain. Cities are facing real water deficits though in public platforms, senior bureaucrats, agencies such as the World Bank (WB) and members of civil society seem to suggest that it is not water scarcity, but the mismanage-

ment of water resources that causes water shortages. According to the WB, 'Global Cities' such as Mumbai, Bangalore and Delhi (among Shanghai, London, Tokyo and New York) must receive water 24/7. Benchmarking studies are cited to show how the citizens of Mumbai receive only four hours of water while Paris is serviced with water 24/7.

In 2004, the WB funded a study to examine the feasibility of privatizing water distribution to the citizens of Delhi. Following the study, the WB was to issue a loan of \$140 million to supply water in two zones in South Delhi 24/7. WB appointed consultants to carry out a study of how this could be achieved. At the end of the study, the Government of Delhi was to give a go-ahead to the implementation of the project. The project proposal was flawed. Two water distribution zones of Delhi, South I & II, were to be handed over to management experts under a management contract. The Delhi Government was responsible for providing the budget and the water for both these zones so that the objective of 24x7 water could be met. At the start of every financial year, the experts could ask for any amount from the Delhi Government to meet their contractual obligations. The experts would draw a monthly salary of Rs. 25 lakhs. The project did not ensure equity of water distribution but focused solely on the 24x7 objective. Whether water would be available 24x7 in each home was nobody's responsibility so long as there was 24x7 water at the input of every zone.

This programme was to affect both, the citizens of Delhi as well as the staff of the Delhi water board. The water board and the activists were concerned about the privatization programme in the light of the fact that water privatization had failed in Bolivia, Cochabamba and other countries across the world. Massive tariff hikes were anticipated if water were to be privatized. But most importantly, once water is privatized, there is no representative authority which people can hold accountable when problems in the water supply arise. With these concerns, activists filed applications under the Right to Information (RTI) Act to obtain documents and file notations of the project so that the facts could be brought out before the public. In reality however, the documents, correspondences and file notations of this project were handed over

to the activists by the bureaucrats and trade unionists in the Delhi water board. This enabled the activists to inform the citizens and to stop the programme from being carried out. Similarly, when the Greater Bangalore Water Supply and Sanitation Project (GBWASP) was proposed for Bangalore city, activists received detailed information including official documents, file notations and correspondences through bureaucrats from the water board. This allowed the activists to launch a protest to stop the programme from being carried out any further. In the case of the K-East Water Distribution Improvement Project (WDIP) which proposed contracting of water distribution in the K-East ward in Mumbai, the field engineers and staff of the hydraulic department in the Brihanmumbai Municipal Corporation (BMC) have been actively canvassing against the implementation of the project, highlighting the negative implications of this programme.

In the case of all three cities, the sanctions for the privatization programmes came from the Ministry of Urban Development (MoUD) in Delhi. The agreements were signed between the MoUD, the government of India and WB (Mumbai and Delhi) and USAID (Bangalore)<sup>1</sup>. When decisions are made at this level, the local government cannot question or challenge them. Instead, it must seek to subvert these decisions which is what happened in the three cities. The law, in this case the RTI Act, was merely a sanction, legitimating the passing of information to the activists. In Mumbai, I filed for documents under the RTI Act for the K-East WDIP but was refused the documents on the pretext that that this information was intellectual property and could not be given to me under the RTI Act following which I had to liaise with the field level bureaucrats to obtain the documents.

---

1 It is also important to bear in mind that national governments may not have a choice in signing agreements on infrastructure projects with multilateral agencies such as the World Bank (WB), Asian Development Bank (ADB), USAID, etc. These agreements may have to be signed under conditionalities imposed through WTO and international agreements. Therefore the view that national governments have a choice in deciding whether to accept loans from agencies such as WB, ADB, USAID, etc. or not does not necessarily true in all circumstances.

What is of importance in the case of Delhi, Bangalore and Mumbai is the way in which the engineers and the operational staff of the water departments and boards acted in a way to make transparent information which was otherwise opaque. One might argue that the behaviour of the bureaucracy can be seen as rent seeking since they would have lost their jobs under these privatization programmes. However, this would be too simplistic a proposition to make. When the International Finance Corporation (IFC) submitted its report on the GBWASP, the ex-Chairman of the BWSSB expressed his concerns over the 87.85% hike in the water tariffs above the base level BWSSB tariffs which would take place under the GBWASP and that the appointment of a private management contractor for O&M of water supply and sewerage facilities would not be compatible with the overall water administration system. He also stated how privatization programmes across the world had failed and in this light, he suggested that the proposed GBWASP project in Bangalore should be withdrawn. The Chairman was eventually dismissed and replaced with another person<sup>2</sup>.

Water is a basic resource. In the city, the poor must struggle in order to receive water. One of the sources through which the poor can claim access to water is through the councilor. The councilor provides public water connections in the form of shared standposts or public taps to his/her constituency. However, if the councilor does not provide water to his/her constituency, the slum dwellers have to liaise with the field staff of the ward to obtain water. A retired engineer of the water department in Mumbai mentioned to me in an interview that his department could not afford to disconnect/not provide water to slum dwellers who did not have secure land tenure. "We cannot disconnect these people just because they don't have a legal title. Where will they get their water from?" he stated. In Delhi, the Delhi Jal Board (DJB) ensured that it provided water to the slums beyond the Yamuna River. A Ph.D. thesis conducted on the DJB's extending of water to the slums beyond Yamuna showed that if the DJB would have excluded these slums from water provision, there would have been communal riots in Delhi.

2 As per documents obtained through the Right to Information (RTI) Act.

In Bangalore, the Bangalore Municipal Corporation (known as the Bangalore Mahanagar Palike (BMP)) was paying the Bangalore Water Supply and Sewerage Board (BWSSB) to provide water to the slums in the city through public taps and fountains. Around 2000, due to deficits in municipal finances, the BMP decided that it would no longer pay the BWSSB to supply water to the poor. The BMP paid a settlement amount to the BWSSB for the arrears on water and left it to the BWSSB to decide whether it subsequently wanted to continue supplying water to public taps and fountains. The BWSSB decided to initiate a programme of extending individual metered water connections to the slum dwellers. This would ensure that the slum dwellers paid for the water they used and it would also help the BWSSB to reduce non-revenue water (NRW). The BWSSB is a para-statal body and is not part of the BMP. The BWSSB is headed by the Chairman along with seven members on the Board, generally five from the Indian Administrative Services (IAS) and two persons with a technical background. Commissioners of the BMP and BDA, the Chairman and the principal secretary Government of Karnataka (GoK) and the chief secretary of the urban development department of Karnataka are also members of the board. The chief engineer of the BWSSB and his assistant chief engineers are responsible for the day-to-day operations of the water supply in the city. The board decided that individual connections would be extended only to slum dwellers who presented clear land titles. However, the engineers issued individual connections to anyone who showed a clear proof of identity such as a voter ID card, a ration card, electricity bill etc. Gradually, the board agreed to the decision of the engineers and this allowed the engineers to extend water connections to more and more slum dwellers.

Agencies such as the WB and private consultants argue that the utility is responsible only for providing services. However, in the case of Bangalore, Delhi and Mumbai, we can see that the water departments and boards are not merely utilities, but are operating in strong political contexts. They are faced with decision-making at every level and their act of making these decisions is a political act. An executive engineer of the BWSSB responsible for managing operations and maintenance in

one zone in Bangalore mentioned to me that often slum dwellers from the surrounding areas come to him asking for his office to clean the choked community toilets in their slums. Cleaning of toilets does not fall under the purview of the water department. However, this engineer gets his field staff to use the jetty sprays and clean up the choked toilets. This is a clear instance of how the poor are making claims for basic services on the local governments and the local governments must resolve the day-to-day dilemmas at every step. With the introduction of privatization programmes and urban renewal programmes, these departments come under the scanner and are faced with tough decisions with respect to providing services to the poor. During interviews with consultants, individuals from civil society organizations and multilateral aid agencies, a theme which constantly emerged was the way in which these groups were irked with the operating field staff and labeled them as corrupt. In an interview with a consultant from a prominent consulting firm, he pointed out that tight controls should be issued from the top boss so that reform programmes can be implemented in a more controlled manner. While policies are made at the top level, their implementation is subverted by the field level bureaucracy which irks those in power and command at the top.

Thus, the field level bureaucracy is emerging as prominent new actors in the dynamics of urban politics. The poor groups operating the levers to mobilize engineers, valvemen, etc. to access basic resources. Undoubtedly, there is exchange of bribes in several cases. However, the 'corruption' that goes on at this level is negligible when compared with the larger transactions at the level of senior bureaucracy. The civil society discourse on corruption targets everyday practices of petty money exchanges. What it does not question is the exchange of large sums of money in national level defence deals and other large infrastructure projects. This civil society discourse of transparency and accountability is therefore opaque and quiet when it comes to larger structures of power.

## **On deepening democracy – everyday dynamics between councilors, bureaucrats and NGOs**

I was sitting inside the office of a councilor of a ward in Mumbai, talking to him. An old woman appeared and asked to talk to him. He asked me to excuse him for a moment while he dealt with the old woman. The old woman praised the lord and said that she had come to him on recommendation of a relative who was known to him. The councilor said he knew her relative. She said she had come to him with great expectations and hoped that he would help her with the admission of her granddaughter in the local public school. She said that she had been asked to get more and more documents to complete the admission, but if the councilor put in a word, the admission would be completed. He said he would do so and handed a form to her which he said she should fill out while he would make an official letter on his letterhead, recommending the child's admission. She thanked him profusely and told him she was grateful that he had helped her. She narrated some of her troubles to him including a recent foot injury. He handed two hundred rupees to her and said he would help her in any way possible. She thanked him again and left.

After she left, the councilor continued talking to me. He explained that his constituency consisted of poor and backward Muslims. "These people live in large families in small little rooms. The family keeps extending and so, over time, they build an extra floor on the building. Sometimes, the family wants to extend the production unit running in the house. So they build an extension to their structure. I know that these things happen and they are against the building byelaws of the municipality. But these should not be demolished. Therefore, at the beginning of my term, I brought the Assistant Engineers of my ward, the factory supervisors and other officers and told them that these buildings should not be touched and demolished. The other thing is the hawkers. During the month of Ramadaan, there are several hawkers in this area selling food items. They are out to earn their livelihoods. I do not touch these hawkers. Today, if I go to each one of them and ask them for one lakh ru-

pees (about \$2380), then the municipality officers will come to them and ask them for a sum of ten rupees to be paid each day. If I ask them to pay me two lakh rupees (about \$4760), then the municipal officials will ask them for twenty rupees each day. On the other hand, when a contract is passed in my ward and the contractor gives me gifts and presents (including money), I accept it. I don't refuse. This I will admit openly."

During interviews with councilors from Mumbai, some of them admitted openly to accepting bribes and gifts. The traditional view is that the councilor is a corrupt entity and he/she exploits the poor. While it may be true that the councilor is corrupt and can be exploitative, it is also important to remember that the poor have agency and they can tactically play their councilor to access basic resources. There is also a clearly political agenda in labeling the councilor as corrupt. One councilor stated that traditionally, the higher bureaucrats in the municipality, such as the deputy municipal commissioners (DMC), the additional municipal commissioners (AMC) and the municipal commissioner have vested interests in labeling the councilor as corrupt. Higher level bureaucrats in municipalities are perhaps more rent-seeking and corrupt than the councilors. One councilor in an interview mentioned to me that the total budget of the BMC in Mumbai is 7,000 crores. Of this, 3,500 crores is spent on salaries. In the remaining 3,500 crores, 5% of the money is laundered away. According to this councilor, the notion that the councilor is corrupt is propagated by the bureaucracy because the bureaucracy can earn larger bribes on large city infrastructure projects, while the councilor has to contend with taking bribes on smaller contracts such as building toilets, maintaining roads, taking bribe from someone who has built an extra loft on the building, etc. Another councilor also admitted that councilors are corrupt, but not to the extent that NGOs and civil society organizations (CSOs) make it out to be.

Labeling the councilor as corrupt is also a propaganda of party politics. Party members at the state level, when it comes to large infrastructure projects, want to discipline the councilors (who rank below them) in order to make larger sums from these

projects. Agencies funding large infrastructure projects dislike councilors because councilors can vote against the project in the municipal council and the project will have to be revoked. Therefore, these agencies approach top party bosses who in turn discipline the councilors. [cite instances from the TIDE Mangalore Study] In the case of Mumbai, the creation of the MMRDA has added another dimension to the politics. The state government is interested in vesting more and more powers into the MMRDA which is now executing large infrastructure projects. This allows the bureaucrats and politicians to make larger sums of money, in turn disempowering the municipality and the councilors. The councilors cannot question/challenge the decisions of the MMRDA because the MMRDA is a para-statal body.

However, it is important to note that the councilor is not the only source of fulfilling claims for the poor. In some localities, it is the MLA (member of the state legislative assembly) or the MP (member of parliament) who is the actor which helps the poor. A famous instance is that of former actor-MP Sunil Dutt. Dutt was a film star who was involved in several charity works. He contested the state elections from Bharatnagar. Bharatnagar is a slum situated opposite the plush Bandra-Kurla Complex. Dutt was an MLA from this area for a long time and was loved by the people. He then went on to contest national elections and became the MP, but his constituency as MP had increased. He was no longer responsible for Bharatnagar. Another MLA from the Congress Party (to which Dutt belonged) took over the seat. The local leader of Bharatnagar explained to me that even though Dutt was no longer the MLA, whenever people faced trouble in the slum, they would straightaway approach Dutt who was now MP. Dutt would then put pressure on the MLA to ensure that the situation is resolved. When the problem was solved, people would say, 'ah, Dutt solved it!' even though it was the MLA who resolved the issue. In this way, the political dynamics ensured that Dutt was the hero for Bharatnagar slum residents and they remained loyal to him during the elections.

There is talk of decentralization in the city and the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Acts

(CAA) are evoked as the messiah for solving 'governance problems' in the city. But these acts have not outlined a role for the MLA which makes it problematic.

Another important dynamic is the emergence of NGOs, CSO and residents associations in the city. It is well known by now that these groups usually work through bureaucrats to fulfill their agendas. This in turn disempowers councilors. What is interesting though is that there are conflict of agendas between residents' associations, NGOs and CSOs and often, the ways in which these are played out affects one group or the other. In one case, an NGO named Karmayog in association with the BMC in Mumbai formed the NGO Council. The NGO Council was made up of several NGOs. It was proposed that the NGO Council would monitor government projects. The NGO council, mainly Karmayog, began to take up agendas run by other NGOs independently. It took up the issue of hawkers which was the agenda of CitiSpace, another group in Mumbai. This agitated CitiSpace which lobbied with other groups to ban the NGO Council. Currently, the council is defunct.

Appadurai's argument that the claims of the poor can be fulfilled through NGOs is highly contestable. His notion of deep democracy derives from the experiences of one NGO, namely SPAARC, which has also recently been criticized in the manner in which it carried out rehabilitation of project affected persons (PAPs) under the World Bank funded MUTP project.

I want to conclude by citing the case of a hearing that I was witness to very recently in London. The residents of the Jam Factory neighbourhood on Tower Bridge in London issued a case against the developer of the Jam Factory named Angel before the Southwark Planning Council. The details of the case go like this. Angel is the developer of Jam Factory, a high real estate complex. As per the original plan, Angel built 146 [confirm number] extra apartments in blocks A, B and C. As per rule 106, Angel promised to develop block D for social housing, but later backed out by saying that since the apartments in Block D had smoke free kitchens and other amenities not necessary for social housing, it would sell the apartments in Block D

on a commercial basis and develop block E for social housing. The building of Block E would affect the residents of Block C in terms of reduced sunlight and noise pollution. Angel also stated that since Block E would be social housing, Angel would create a separate gate for entry for residents of Block E. The residents petitioned a plea before the Southwark Planning Council stating that Angel had violated the original commitments and that it should stick to its original commitment of selling apartments in Block D for social housing. They also argued against having a separate entry for residents of Block E simply because it is social housing. In its argument, Angel pointed out that there were amendments to the original plan which were approved by the councilor and the planning commission but were not notified later. The councilor representing the citizens of Jam Factory supported the residents but also stated that a final solution would have to be attained through a negotiation between Angel and the residents. The Planning Commission did not make a decision in the meeting, but decided to defer to the next cycle. The commission was aware that this was a prestigious case and that deciding against the residents, in favour of the developer, would tarnish the image of the council. At the same time, the council also recognized the powers of the developer. The decision has still to be made, but this is another instance of how the power dynamics work between various groups in the city, be it London or Mumbai. Benjamin and Bhuvaneshwari (2001) suggest that

*It is vitally important to observe closely the mechanisms used by poor groups in influencing policy or decision making and also the implementation process. Our observations reveal two paradoxical (and provocative) aspects. First, the concept of the Porous Bureaucracy. Here we find that institutions that provide access to local groups (especially poorer ones) can on the surface be look like a bureaucratic mess and seem 'non-transparent'. These very characteristics can allow influence by local groups using their political clout under a particular range of political and social conditions, commonly called 'vote banks politics.' Political strategy here is not always explicit, and to capture this, we introduce the term Politics by Stealth. Our main argument is that influenc-*



*ing, subverting official procedures in contradiction of planning policy happens not only by the more visible politics by public protest, but by a sophisticated knowledge of how to play the institutional levers of the system. In this context, it is hardly surprising that the institutional arena where the Politics by Stealth most effectively happens and where bureaucracies provide easy access via the Porous Bureaucracy.*



# Is the “Rule of Law” Good for Cities?

GERALD E. FRUG

Everyone hears again and again that the rule of law is a fundamental ingredient in a civilized society. But what is the rule of law? And, whatever it is, is it good for cities? The answer to the second question, I shall argue, depends on the answer to the first. There is a vast body of literature about the rule of law – literature ranging from Aristotle to Hegel, from Hayek to Rawls, from A.V. Dicey to Jiang Zemin and beyond. In this chapter, I put aside a discussion of this important literature. Instead, I ground my discussion of the rule of law by concentrating on its meaning for the development of cities, both so-called “world cities,” such as London and New York, and developing cities, cities such as Shanghai, Johannesburg, Mumbai, and Mexico City.

The core value I associate with the rule of law is the importance of restraining the exercise of arbitrary power – the need to protect the weak against the strong. This is task that we want the rule of law to perform. And it is a valuable function. The easiest way to recognize its importance is to think about Mogadishu: the endless violence, insecurity, and corruption there has unleashed the exercise of the kind of arbitrary power that we want the rule of law to restrain. The same point, however, can be made everywhere. The immigrant communities in London, Paris and New York, the financial investors in Mumbai and Shanghai, the people living in shacks and gated communities in Mexico City and Johannesburg – they too seek protection against the exercise of arbitrary power. To the extent that the rule of law provides this protection, it is a good thing. And, it is a particularly good thing for cities: otherwise, it would not be possible for millions of people to live together in one geographic space.

The problem with this conception of the rule of law is that it is utopian. The protection against arbitrary power is always incomplete and imperfect.

Nowhere does the formal legal system actually achieve it. Most people see this point most easily when they think about the arbitrariness that derives from the power wielded by governments – not only by authoritarian governments but by democracies too. We see this arbitrariness every day everywhere in the world, including in the U.S. and the U.K. Even there, civil liberties abuses occur, markets are improperly regulated, courts step outside their bounds or refuse to act when needed, cities are restrained too much on some matters and too little on others. But government is not the only problem. There are also dangers posed by the private sector – by employers, business leaders and financial institutions. To protect against their power, we rely on the government to regulate financial markets, prohibit employment discrimination, and penalize fraud, to mention only a few examples. Arbitrary power is also wielded by other private individuals – through violence, intimidation, and the refusal to help those in need no matter how easy it would be to do. To deal with this threat, we sometimes impose fines and penalties. And sometimes we do nothing. When faced with these kinds of private exercise of power, the current system is also incomplete.

More worrisome than this incompleteness is the fact that the combination of the two roles that I’ve mentioned for the rule of law – the need to restrain governmental power and the need to restrain private power – contradict each other. We rely on the government to regulate the market and to punish anti-social activity, and, at the same time, we seek to limit governmental power. We seek both to empower government and to disempower it. We seek both to empower private discretion and to regulate it. And these conflicting assignments are not the only basic structural problem presented by the formal legal system. As every architect and designer knows, no matter how we work out the details

of the rule of law, legal rules can take on a force of their own. Rule-following can itself become a source of arbitrariness rather than a protection for human creativity. That's why the rule of law should not be equated with whatever the formal legal system provides at any given moment in time. Even at its best, the formal legal system cannot fully protect us against the abuse of power.

It is important, therefore, not to reduce the idea of the rule of law to the formal legal system. Instead, the rule of law should be understood as an unachieved – and, indeed, an unachievable – ideal. The phrase engraved on the entrance of the Harvard Law School library – “Not under Man but under God and Law” -- captures this ideal. This famous phrase, following a line that goes from Bracton to Coke to the present day, seeks to place everyone in society, even the king, under law rather than under the power wielded by other human beings. Unfortunately, this is not possible. Unfortunately, laws are man-made. Legislatures can be capricious. Administrative agencies can be captured by the very groups they are supposed to regulate. And even the most honorable courts have their own institutional role to protect and, staffed by educated elites, can fail to see abuses even when they exist. The basic question facing cities is what to do about these inadequacies. The classic answer is to try harder to improve our current formal legal institutions. I'm not against this project; in fact I support it. But it is not enough.

In this chapter, I discuss an additional strategy. If we are interested in restraining the exercise of arbitrary power, we need to invent new institutions to promote the core value of the rule of law not only in cities in developing societies but in the U.K. and the United States as well. I have in mind democratic institutions that would supplement the current legal system in order to address abuses it does not now prevent. I can summarize the point I want to make in this essay in a single sentence: The protection against arbitrary power is too important a task to be left simply to lawyers. To spell this out, I will focus on two aspects of city life. The first is the part of the city that the formal legal system currently does not adequately address – best illustrated by the informal economy and informal housing so prevalent in the developing world. The

second is an aspect of city policy that the formal legal system regulates in detail. The example I have in mind is the way cities organize decisions about urban economic development. Notwithstanding the legal system's substantial role in urban development policy, I shall argue, its fundamental structure can still enable the exercise of power by the strong over the weak rather than the other way around. I want to offer some ideas about the kinds of institutions that might supplement the efforts of the current legal system in these two contexts, whether the threats of arbitrariness come from the government or from private individuals.

Before I turn to this agenda, I want to clarify the connection between the formal legal system and city life. When dealing with the development of cities, the notion of the rule of law is normally invoked in four different ways. First, there's the relationship between the rule of law and the development of the kind of market economy necessary to promote urban economic growth. You can't have a market economy without legal rules – indeed, some insist, without the right kind of legal rules. Consultants by the thousands therefore travel the world trying to design legal rules to promote their visions of a thriving local economy. Next, there is the organization of local democracy. Democracy can't mean that city policy should be determined by whatever the majority wants to do. Majorities, after all, can invade the rights of minorities – indeed, popular passions can generate oppressive policies of all kinds. A functioning democracy, in other words, has to be subject to the rule of law. Then there is the institutional meaning of the rule of law. If the rule of law is essential for the functioning of the city economy and city politics, who decides what the right legal rules are – the city, the national government, international norms, a higher source altogether? Decision making about the rule of law itself requires rules of law. Finally, even after we address the economy, local politics, and institutional design, there remains the question of the relationship between the rule of law and the built environment. Planners often complain that decision makers do not pay adequate attention to the plans they have worked so hard to draft. For plans to have meaning, they seem to be saying, they have to be inscribed into law.

One might think from this account that just about everyone agrees that the rule of law is a necessity for city life, and that it is a good thing too. Actually, however, on every one of these points, there are those who fight against law and legal rules. Consider the economy. We often hear these days that fostering a market economy should focus on the repeal of legal rules. Deregulation is the word currently in fashion. Government, people say, should get out of the business of trying to manage the economy; the organization of society should derive instead from the operation of “the free market.” Next, consider the issue of democracy. The idea of relying on legal rules to foster democracy is currently very much under attack. What’s in vogue instead are references to governance, stakeholders, non-governmental organizations, and community organizing. A lot of people who defend these alternatives seem to think that legal rules get in the way of what they are trying to do. Then, there is the institutional question. Many people claim that the way government is organized is now so hopeless that there is nothing that can be done to fix it. If so, modifying legal rules is not going to solve the problems cities face. The institutional mechanisms that might address these problems have to be found elsewhere – in public/private partnerships, empowering civil society, and privatization. Even courts are now being replaced by arbitrators. Finally, when thinking about the built environment, we have all heard architects’ complaints about their frustrations with the endlessly complicated legal rules that affect their work. Planners often say the same thing. As one important Indian Urban Planner said recently, talking about Delhi, “If we want to make this city a peaceful place then we . . . will have to remove the fingers of the state apparatus that have got into the planning processes and we have to restore to planners the legitimacy of planning.” Don’t legal rules, he seems to be saying, whoever drafts them, just make things worse? Shouldn’t architects and designers and planners be free to do their work without all these lawyers nipping at their heels?

There is, then, more controversy than one might think about the current relationship between cities and the rule of law. In practice, this controversy is resolved in the design of the institutions that make city policy. The rule of law is inscribed in

the way we organize government, the roles we allow it to play and prohibit it from playing, and the checks and balances we build into the system. The relevant legal rules come from the government – some from the city government and some from the central government, some from popularly-elected legislative bodies and some from executive agencies. Many derive from courts decisions. This fragmentation of authority is the way we regulate the market and the way we protect against the possible abuse of democratic power. We check the possible abuse of local democracy by having national oversight. And we check the possible abuse of national oversight by having local democracy. We take some matters – like the money supply – out of politics to check against legislative abuse. And we subject other matters to a popular referendum – in America, establishing the maximum level of the property tax – to ensure the carrying out of the democratic will. We entrust the courts with an enormous amount of power while, at the same time, insisting they are doing nothing but implementing the law, not making it.

As this description suggests, nothing about our system is completely worked out. Competing ideas are always in play, and rules are constantly being revised in light of experience. I emphasize this because the alternatives I’m going to propose will be equally open and contestable. Readers will not pay any attention to my alternatives if they think that the current legal system is predictable and determinate – and that any alternative should therefore be equally predictable and determinate. One needs to see how the rule of law now operates to be open to any proposal for change.

Consider the popular idea that we need to protect the operation of “the free market” from governmental intervention. Obviously, this slogan represents at best a half-truth. Market societies need legal rules even more than they need to escape from them. Let’s say that I live next door to you, and that I want to develop my property in a way that will destroy your property values. Does private property mean I can do what I want on my own property? Or does it protect your ability to do what you want on your property? Or let’s say that I want to sell you my house and that it is riddled with termites. Because I want to sell my house at a

high price, I don't tell you about the termites. Am I guilty of fraud – or are you guilty of not protecting yourself? Just in the United States, both answers to both questions are now accepted as law. These basic point about property and contract – the kind of thing students first learn in law school – are just the beginning of the different kinds of societies that different kinds of legal rules enable. Securities regulation provides another example. Different legal regimes governing securities markets enable different level of trust for investors – and, therefore, different levels of investment.

There is, in short, no such thing as “the free market.” Different definitions of private property and different definitions of enforceable contracts and different securities laws create different kinds of market societies. There are as many markets as they are combinations of possible legal rules. And, in fact, the rules in the U.K. and the United States have changed dramatically over time, as the nature of the economy and the society has changed. Even now, the rules in the U.K. and the U.S. are not the same. Simply in the United States they vary from state to state. That's why it is so surprising, at least to me, that many people are so confident in our existing legal system that the most important rule of law project now taking place around the world is the effort to export our system to developing countries. When President Bush and Prime Minister Blair held their press conference on April 9, 2003, under the heading Iraq Will Soon Be Liberated, they said explicitly that one of their principal goals was to make the rule of law the foundation of Iraqi democracy.

What did they mean by that? It's hard to know exactly. But perhaps some indication might be gleaned from the countless projects, initiated by the World Bank and many others, designed to bring the Rule of Law to developing countries. What are they trying to do? One basic idea is that they are seeking to export the rules we have adopted to structure our market economy to their market economy. The Rule of Law project also involves fostering particular forms of governmental organization – not just elections but ideas about the way to decentralize power, the organization of public-private partnerships, and the creation of public corporations and quangos. Currently, the Rule of Law project is

particularly focused on the judiciary: the goal is to ensure, or create, an independent judiciary as the bulwark of protection against government abuse. Sometimes, the Rule of Law project also promotes legal rules that don't exist in the U.S. and the U.K. For example, in their effort to promote human rights, world organizations, including the United Nations, are seeking to promote rights such as the right to housing, the right to education, and the right to health.

One problem with this current Rule of Law project is that it relies almost entirely on the formal legal system to establish the rule of law, even though many people in the world's cities make their living in the informal economy, live in informal housing, and rely for survival on informal networks that escape the reach of formal rules. Speaking recently of an informal neighborhood in Cairo, a New York Times reporter wrote that the residents see government as “an utterly unreliable source of help for the average citizen.” This is not surprising, because the informal economy and informal housing result from the government's withdrawal from portions of the economy and the housing sector, leaving them unregulated, untaxed, and unprotected. The informal housing in Johannesburg or Mumbai is built without legal permission and is not in compliance with legal standards. The informal economy includes people engaged in building the housing, selling food and other commodities, and providing services such as transportation by vans or rickshaws. One form of arbitrary power threatening these communities is exercised by the government: large-scale, mass evictions that drive people from their homes, and, equally importantly, rob them of their economic livelihood. But the government's intervention is intermittent. Sometimes the government adopts the opposite policy, seeking instead to improve services to the informal sector rather than eliminating it. The more pervasive form of arbitrary power is exercised by landlords taking advantage of those who rent housing from them, criminal gangs seeking to skim money from local vendors, and the police and other officials taking payoffs to look the other way when these abuses occur. The informal sector is filled with people who pay money for housing, depend for their livelihood on a particular location for their stall, and rely on access to transpor-

tation and infrastructure. If trouble arises, the formal legal system is not there to help them. Calling in the police is not an answer because the police themselves can be the problem.

It is important to recognize that the informal economy and the informal housing sector, as I have just described them, are set up in accordance with law. By this I mean that the law sets up rules of formality – licenses to operate businesses, building codes for housing, zoning laws, taxation schemes – and these rules define the limit of legality. Those outside these limits are by definition illegal. For that reason, they are vulnerable both to public and private power. To understand the role that law is playing in the informal sector, it might be helpful to draw an analogy to a very different rule system – criminal law in 18<sup>th</sup> century England. In a well-known essay, Douglas Hay tells the story of the enormous increase in the reliance on the death penalty in England during the 18<sup>th</sup> century – with capital punishment rising from 50 different crimes to more than 200 in a little over 100 years. The story he tells, however, is not of mass executions but of non-enforcement. Many people who could legally have been executed were saved – decision makers withheld penalties from those who had been condemned, making them quite understandably grateful. One can see this system, however, not as the gracious exercise of mercy to criminals but, quite the contrary, as a system that gave enormous power to those with the authority to forgive trespasses – those who decided that the penalty would not be imposed. This is the structure, I suggest, that those living and working in the informal sector now experience. Having been declared illegal, they are subject at any time to the penalties of illegality. These penalties can be and often are withheld. This withholding of sanctions is what enables the street peddlers to work and those living in the shacks to call them home. But officials can change their mind at any time.

One response to this situation might be to extend the formal legal system to everything now in the informal system. This would mean bringing all housing and economic transactions within legal requirements – regulating them, bringing them up to code, subjecting them to taxation, giving them the rights of property owners. In many parts of the

world, this simply cannot be done. The government does not have the resources or capacity to create a totally formal world. Indeed, it is because of its inability to provide housing that informal housing has become so widespread. And it is because of its inability to create an economic system that provides enough jobs that the growth of the informal economy has been so substantial. This is the structure that dominates places like Mumbai and Mexico City. But even in the U.K. and the United States, bringing every element into the formal system – every illegal immigrant working as a maid, every business transaction made off the books, every building not strictly in compliance with the regulatory codes – is unachievable.

Another problem with relying on the formal legal system is that it depends so heavily on lawyers and courts. I'm not one to join in the general chorus of condemnation of lawyers. A lot of lawyers have made an enormous contribution to values I associate with the rule of law – in their practice, in government service, and on the bench. But even in the U.S. and the U.K. lawyers can also frustrate the rule of law by endless motions and delays, by clever exploitation of technical problems, and by a kind of devotion to a client that frustrates the general welfare. Courts too can be a problem. At the time of the Warren Court in the 1960s, many people in the United States looked regularly to the courts to solve problems of injustice. No longer. Court decisions, it is now clear, can undermine important protections for racial or gender minorities by invalidating or narrowly construing protections enacted by national, state and local legislatures. Besides, reliance on courts and lawyers is unlikely to be very useful in many cities around the world, given the limitations of their legal institutions. The problem now is that the only alternative to relying on lawyers and courts is doing nothing: no protection either from the arbitrary power of government or from those within the informal neighborhood who prey on others. We have to come up with a third option.

The one I would like to suggest is local democracy. The basic idea is to empower neighborhood people themselves, working collectively, to intervene against the power of corrupt police, landlords, and the criminal underworld. This would require the

decentralization to the neighborhood level of two kinds of authority: the ability to make rules that limit the current forms of abuse and the ability to resolve the disputes that arise under the new rules. These are familiar rule of law tasks. But I would not assign them to lawyers, judges or other professionals. I see the establishment of basic rules as an example of neighborhood self-government: the analogy is to the legislature. I see the application of the rules as an example of empowering ordinary people to make decisions about disputes in their own community: the analogy is to the jury. Both institutional forms can be vehicles for involving ordinary citizens in the experience of protecting people from the exercise of arbitrary power. More than that, they can enable ordinary people to assert some control over their own lives – control that can begin by limiting the kinds of exposure imposed by some neighborhood residents over those who are even more vulnerable. This process can then lead to another form of power: it can contribute to political organizing so that, when the danger arises from the city or state governments rather than from fellow residents, the neighborhood would be better prepared to confront it.

A first reaction to this idea may be one of alarm: it raises the specter of vigilante justice, of group oppression, or unleashed prejudice. It could too – unless, that is, it were subject, as I would subject it, to the kinds of organizational restraints traditionally associated with the rule of law. I am not proposing a form of community empowerment disconnected from the legal system. I am proposing a new kind of institution that would fit within and that would strengthen the legal system. Like the rest of the legal system, any neighborhood process needs to be subject to institutional checks and balances. No rule of law regime enables a group of people to exercise unchecked power. The issue here – very similar to the one that confronts the formal legal system – is how to give the decision makers enough authority so that they can be empowered while, at the same time, limiting the dangers of abuse that they themselves impose. This is the problem involved when the legal system subjects city decision making to state or national oversight, subjects jury judgments to judicial and appellate review, and subjects legislative judgments to declarations of their unconstitutionality. Moreover, the role of

outsiders is not just to limit power in the name of checking abuse. It is also to reinforce neighborhood power by providing assistance in cases that the neighborhood can't handle. Sometimes, neighborhood residents may be too vulnerable to retribution by powerful actors in the community to be able to make a decision. Still, the structure I am proposing is not just an addition to the traditional formal legal system. It is also a modification of it: as I have stressed, the decision makers would be ordinary people, not lawyers or judges or experts. No one thinks that setting up this system will be easy. There would not be one model for the world. But, if a structure can be designed and can begin to work, there can be a new way for the most vulnerable people in the world's cities to limit arbitrary power – arbitrary power that formal legal system now either permits or disregards.

Let's turn now to the second situation I want to discuss, one far from the neighborhoods in my first example. I am talking about the places where the government and developers are concentrating their efforts to further the economic growth of cities. I mean places like King's Cross, White City and Canary Wharf in London, the Atlantic Yards in New York, the Santa Fe neighborhood in Mexico City, the Mill area in Mumbai. These are not places, like the sites for the informal sector, designed to be marginal. They are to be the heart of the city economy, and, as a result, they are the places where the formal legal system is most in evidence. The way that the current legal system structures these developments is not the same everywhere, so to discuss the process requires engaging in generalization, indeed, over-generalization. But it usually takes the form of three legally-constituted negotiations: one between the city and the developer, another between the two of them and the surrounding neighborhood, and the third involving efforts by all interested parties to get approvals from other regulatory government bodies, often at the state or national level. These three negotiations create an enormously complex process. Legal rules affect every part of it. Yet, it seems to me, the most important issue that these developments raise is not addressed by the legal system at all.

To consider what's left out of this process, I need to say what's left in. The focus of the negotiation



between the developer and the government is the devising of a formula that allows the developer to make enough money to be willing to sign the deal and enables the government to accomplish enough of its current objectives to be willing to go along. The government's focus might be on the accommodation of affordable housing, the size of the buildings, the need for improvements to the infrastructure, or other similar matters; the developer is likely to be focused principally on the bottom line. The deal with the neighborhood is different. The neighbors have to be persuaded not to try to block the project, so enough has to be offered to them in terms of local amenities to buy their compliance (even if, ultimately, they will be forced to move out of the neighborhood). The regulatory authorities will have still other objectives – very often environmental concerns, but they can involve almost any aspect of regulatory power. These additional regulatory requirements are often used strategically by opponents of the development to attack a deal they are against on other grounds. One thinks of the defeat of Westway, the highway once proposed for the west side of Manhattan, torpedoed for its danger to stripped bass. If these three negotiations are concluded successfully, the deal is blessed as consistent with governing law.

Does this process allow the exercise of arbitrary power? I think it does. The source of arbitrariness can vary. Sometime it can come from the government when it interprets the legal rules to allow the developer exemptions from standard practice – or when it interprets the law to prohibit the developer from doing something it might just as easily have allowed. Sometimes it is the neighborhood organization, operating under the cloak of the word “community,” that can hold up a project by demands that outsiders would consider unreasonable. Sometimes, it can come from the architects, when they seek to defend the unchallengeable creativity of their design. Sometimes it can be based on a disputable invocation of environmental or other rules. Since the background legal framework does not determine the result of any of the negotiations, there is a considerable amount of individual discretion exercised in all of them. The formal rules are often crafted precisely to allow this discretion, thereby circumventing the popular protest that another process might have produced.

The overarching question left out of this process is whether the current economic development strategy embraced by these projects will improve the lives of the majority of people affected by them. This is not a question to be negotiated with developers. It is also not likely to be addressed by the detailed technical objections lodged with regulatory agencies. And it is not a question appropriately answered by the neighborhood where the development is located. The current assumption in planning circles about popular involvement is that the relevant “community” to evaluate development decisions is the neighborhood, and not the larger population. One can understand why people think this. After all, a development is likely to have a very significant impact on people living nearby. But that is also reason why the neighborhood might be the wrong focus group. The way neighborhoods evaluate their future is likely to be different than a city-wide evaluation. Change has to take place somewhere, and if every neighborhood parochially resists it, it will be prevented from happening. To be sure, the public sector itself, and not just the neighborhood, is always one of the negotiating parties. Perhaps, then, the overall question of economic policy is handled by it in the negotiations. Often, however, it is not the city that represents the public. Instead, it is a public authority, public corporation, or quango that has been carefully organized to be less responsive to democratic decision making than the city itself. Even when the city is involved, the desire for attracting investment can overwhelm the Mayor and other executive officials. They often feel that the city is so threatened by competition with other cities, so desperate to get the deal done, that an examination and debate about the conception of the city's future that the deal is fostering would seem a distraction.

Another basic assumption about the current negotiation structure embraced by planners and architects is that the focus should be on land use. But much more is at stake in development decisions than how land is to be used. Even more important is the idea of the city that the proposed development will foster – the kind of population the city is trying to attract, retain, and exclude by adopting this particular definition of economic growth. Most of the major projects I'm thinking about, not just in London and New York but also in Mumbai,

Shanghai, Mexico City, and Johannesburg, are focused on pursuing the image of being a global city. This means attracting finance, high-tech, and international investment, and therefore providing the office buildings, high-end shopping, and secluded housing complexes that these target audiences are thought to demand. Those who are pursuing this agenda rarely have to defend it before representatives of the city as a whole. They rarely have to articulate how this strategy will improve the lives of most city residents. They rarely even have to spell out what “trickle down” means. By defining the issue in terms of land use, the question of the city’s overall economic policy is not usually even raised. But as long as the larger issue of defining the city’s future remain unexamined, economic development strategies can strengthen the strong over the weak, not the other way around.

That’s why we need to open up the contestability of economic development policy to a democratically organized institution. Unlike my proposal for the informal sector, I think that the institution should represent people city-wide, rather than be neighborhood-focused. In some cities, this can be done by giving greater authority over this issue to the city’s legislative body – its city council or assembly. In other cities, this institution might not be organized in a way that adequately represents the variety of people from the very different kinds of neighborhoods that have a stake in the outcome. The effectiveness of the local legislature depends a lot on its size, whether it is neighborhood-based or elected at large, its legally-defined role in city decision making, and the quality of the democratic process that produces its members. If the local legislature is not now adequate, another organization will have to be established. I don’t see this democratic process as one more step in an already too convoluted development process. I see it as establishing the framework for all development decisions. I don’t see the goal to be a planning document in the conventional sense. I see as a mechanism that structures a continuing struggle over the city’s future, one that will require constant revision as the consequences of different projects on the lives of different kinds of residents becomes apparent. I don’t see the meetings as like the kind of community group meetings so often associated with planning decisions. The role of the democratic proc-

ess should not be to offer advice and criticism to experts. The participants should be empowered to establish the city’s strategy for economic growth, with the experts advising the decision makers rather than being the decision makers. And, finally, I don’t see this proposal as a way to open up governance decisions to stakeholders. What people mean by stakeholders is never obvious to me, but it usually includes prominent business interests, selected non-governmental organizations, and civic leaders. I have in mind another group: ordinary city residents. The goal is to include the very people left out in the reigning economic development strategy in the decision making about what that strategy should be. These are the people who most need to be protected by the rule of law.

As was the case for the neighborhood process for the informal sector, I see this process as an integral part of the existing legal structure, not independent of it. It adds new voices to the legal structure. It too needs to be subject to a system of checks and balances. To give unrestrained decision making power to any particular group would enable arbitrary power, rather than limit it. After all, city-wide coalitions can target poor neighborhoods for undesirable uses, thereby perpetuating the power of the strong over the weak. The formal legal system is the way we now organize the democratic process and integrate it into the overall governance structure, and I seek to build on this model. It should be clear, in other words, that I consider the formal legal system an indispensable ingredient in establishing the rule of law. But it should be equally clear that I think that the current system needs revision. I seek to add more democratic ingredients to it. In the context of the informal sector, the problem I identified was the limits of formality. On the issue of economic development, the problem is the way the formal system currently organizes the decision making process. In both cases, new institutional structures are needed to empower the people not now in the process to be able to make decisions not now adequately addressed.

In my view, my proposal dealing with economic development and my earlier proposal about informal neighborhoods constitute one agenda not two. For me, the most vulnerable residents of major cities are threatened today by events in two very dif-

ferent parts of town. Some of their vulnerability derives from the neighborhoods where they live; some comes from the effect on their lives produced by the pursuit of development elsewhere in the city. The changes I propose to the way we now organize the rule of law in our cities are designed to protect these people from decisions made regarding either kind of neighborhood. This is not just a necessity for the developing world. London and New York are justly proud of the immigrants who have become a major part of their population. But their views are rarely represented in the debates about the city's future. To address this omission, I propose a more democratic form of the rule of law. No doubt my proposals, like the idea of rule of law itself, will have to be revised as their imperfections become apparent. Framing the rule of law for cities is an endless task, not a single model that can be exported around the world. The way we perform this task is by designing and redesigning institutions – different institutions in different contexts – in order to better protect the city's most vulnerable residents from the exercise of arbitrary power. If we do this, the rule of law will be good for cities.



# Law As Contestation, Rather Than Creation Of Vulnerability

VAIDYA GULLAPALLI

Outside the law as it is written down, delivered in judgments, passed in legislative assemblies and in Parliament, are the rules of operation in spaces where the law has given no clear instructions, where it lacks force or where its internal ambiguities and contradictions make it necessary or preferable for people to rely on extralegal arrangements. The rules as they evolve in these spaces may be regarded as benevolent to the extent that they make life necessities available to people despite an unresponsive legal system. They may be regarded as exploitative to the degree that the socially or economically vulnerable can only access these necessities through the self-interest of those with greater political or economic or social power than them.

This chapter is concerned with the laws that govern access to land in Mumbai, for street vending and for housing. The laws that structure access place land out of the legal reach of a huge fraction of residents. Access is then negotiated through informal arrangements, with authorities and between residents. Often, the arrangement is simply a promise not to enforce the law in exchange for money or votes.

When the law proscribes activities in which people have little choice but to engage, it creates vulnerability in them and a corresponding source of power in those who will enforce the law. In the absence of a strict oversight mechanism, government officials can translate the threat of law enforcement into opportunities for personal gain. The cost of meeting their demands will be less than the cost of the legal punishment and with this single point in mind, it might seem that everyone gains. Yet if we can take aim at the creation of vulnerability that happens with the writing of laws that simply do not serve large sections of a city's population, we can do more for working and living conditions that will

meet the needs of more people. The goal here is to reopen the law as a realm that can absorb, mimic, or correct power differentials in, extralegal negotiations. It is not always necessary or productive to vilify the arrangements by which, for example, on the street that allow a group of vendors to sell their wares in exchange for support of a particular party. But it is also unnecessary and unproductive to write off the law as a site of contestation. It should be possible for the working conditions of street vendors or the living conditions of those who live in slums to be taken into account in the drafting of laws. Indeed, this is the purpose of political representation.

The storied decisive vote of the Indian poor has already shown itself to be source of leverage in the daily negotiations on the streets of Mumbai, or Kolkata, or Bangalore, or Delhi, with those who command access to land that is officially out of reach. Yet, when must or want to, those with government authority can still bring the weight of the law crashing down on the heads of those with the most to lose. This is an effort to describe some of the ways in which vulnerability was and is created by laws that operate in Mumbai so that this experience might be brought into the arena of lawmaking.

## Sites of work

*The experience of hawkers in Mumbai, as elsewhere in India, have taught them not to fear a regulatory state, but a predatory state, a state that constantly demands bribes and threatens demolitions – against which a licence or other formal recognition provide security.<sup>1</sup>*

---

1 Jonathan Shapiro Anjaria, "Street Hawkers and Public Space in Mumbai", *Economic and Political Weekly*, May 27, 2006.

Some visions of public space presume the presence of those engaged in commercial activity. At least one vision of Mumbai's streets would include the continued presence of the vendors of fruits, flowers, vegetables, appliances and clothing who contribute to the city's life of commerce, outdoor activity and sensory stimulation. Street vendors, certainly (between 20 and 30% of whom have been forced out of the organized sector) depend on access to public space in order to carry out their profession and earn their livelihood. Yet this access has become increasingly threatened in Indian cities and in an urban planning context that sets the "global city" as a target to be reached, one which does not include your local chaatwalla.

Municipal law in Mumbai criminalizes "encroachments" upon the city pavements. This places all vendors who set up stalls in violation of law. State law also prohibits obstructions on the streets. Until recently, neither the municipal nor state government could authorize vendors' presence on the streets. When the city – or state or national or sublocal – government cannot officially sanction access to space, those who depend for their livelihood on access to public space will seek informal sanction and protection from punishment. Plainly put, street vendors must pay for their space and their payments will be less than the cost of a fine or eviction (measured in loss of goods and income) but more than the government might charge in an official system of licensing or registration. Vendors depend for their space, and in turn, their livelihood, on their ability to directly or indirectly influence government officials. Given that most vendors have minimal individual political clout, their "influence" inevitably means their ability to pay authorities or mediating parties to leave them alone. One survey conducted by the National Association of Street Vendors found that vendors spent between 10 and 20% of their daily earnings on bribes. Given the average street vendor only earns between Rs 50 – Rs 100<sup>2</sup>, this is an enormous strain on already meagre incomes. Evi-

2 This figure is drawn from Sharit Bhowmik's article, "Urban Responses to Street Trading: India". In his article, Dr. Bhowmik also states that the average vendor earns between Rs 40 and Rs 80 each day. For the purpose of illustrating the pressure bribe payments place on vendors, I have used to higher figure here.

dence from Delhi also suggests that police officers and BMC officials also help themselves to vendors' goods adding to the cost of vending.<sup>3</sup> Evictions and demolitions also lead to a loss of goods and income. In one set of estimates, this could amount to another Rs 40 crore of lost income (though not all of that is paid to government functionaries).

## Background

93% of workers in India and 65% of workers in Mumbai are in the "informal" or unorganised sector. There are a total of 40 million street vendors in the country. The 1997 survey by the National Alliance of Street Vendors India (NASVI) estimated 250,000 vendors in Mumbai. Estimates by the Mumbai Hawkers Union run to 300,000 vendors. 30% of those in street vending once worked in the formal sector. Vendors also provide markets for home-based and small-scale industries. Vendors typically work days of ten hours or longer. Less than 20% of vendors are unionized though they do form associations, largely for the purposes of organising to pay local officials for the right to work in a certain location.

More than 75% of street vendors are men. The presence of women varies between scattered markets and established markets. Historically, women have worked more in the sale of perishable goods, such as fish, vegetables and flowers. Due to the tighter time constraints inherent in the sale of these goods, vendors are more vulnerable to threats of eviction and demands for bribes. In recent years, however, the number of women vendors may be increasing and their presence in non-perishable goods growing larger.<sup>4</sup>

The conflict between the opportunity for residents to practise their trade on the streets and the op-

3 In "Street Vendors and Exploitation by the State", Shailly Arora & Aoneha Tagore estimate that "at a modest average of Rs 500 per person per month by way of cash bribes and Rs 300 per month for loss of income due to open robbery of their goods by government servants, the five lac vendors of Delhi are being fleeced of Rs 40 crore a month, which tantamounts to Rs 480 crore a year by the government functionaries."

4 Pavements of Prosperity, The Hindu Business Line, April 27, 2004, online edition: <http://www.hinduonnet.com/businessline/blbby/stories/2004042700180400.htm>

portunity for residents to use the streets for travel – whether on foot or bicycle or by car – has driven court decisions in this area. In 1989, the Supreme Court held that “[t]he right to carry on trade or business...on street pavements, if properly regulated[,] cannot be denied on the ground that the streets are meant exclusively for passing or repassing and no other use.”<sup>5</sup> The effect of this decision has hinged on interpretations of what “properly regulated” means.

### *Legal Framework*

Until 1978, the Bombay Municipal Corporation issued vending licenses. The BMC issued a total of 15,000 licenses. A study commissioned by the BMC and conducted by TISS (Tata Institute of Social Sciences) and YUVA (Youth United for Voluntary Action) in 1997 included a survey of 102,401 vendors of whom only 5,653 were licensed. Six of the seven cities included in the NASVI report had provisions for licensing vendors. The exception was Kolkata, where the Municipal Act was amended to make street vending illegal.<sup>6</sup>

The BMC Act prohibits selling goods in a public place without a license granted by the Municipal Commissioner. It also prohibits any obstructions in the streets. This prohibition applies to licensed vendors as well, making their licenses insufficient protection against eviction by the municipal authorities. The BMC Act grants the municipal authority the “[p]ower to remove without notice anything erected, deposited or hawked” in contravention of these two clauses. In effect, the Municipal Corporation may evict all street vendors, whether they have licenses or not, for creating an obstruction on the street. In the case of unlicensed vendors, the Corporation may also remove all the sale items and materials in the vendor’s possession.

Even where the municipality authorises street vending, the police have the authority to remove vendors. Section 34 of the Police Act empowers the police to remove any obstructions on the streets. Hence, even if the municipal authorities

designated areas as street vending zones, the police would have the right to evict street vendors in these zones. Even licensed street vendors can be evicted under this law. The Section reads: “No person shall cause obstruction in any street or public place by...exposing anything for sale or setting out anything for sale in or upon any stall, booth, cask, and basket or in any other way whatsoever.”

Along with their actions against slum dwellers, the Government of Maharashtra and the BMC have periodically carried out eviction drives against street vendors. A massive demolition drive in the early 1980s prompted a case in the Supreme Court, *Bombay Hawkers Union v. BMC*. The implementation of its verdict is still being litigated today. Most conspicuously, the BMC is still in the process of creating the hawking and non-hawking zones mandated by that judgment. On February 12, 2007, the Supreme Court issued a temporary order, granting relief to about 24,300 vendors who will be allowed to continue their business in the hawking zones, though they are not licensed, until May 2007. The Court ordered the Maharashtra government and the BMC to finalise their licensing policies by the end of May. The Court also required that all vendors be moved from the non-hawking zones to the hawking zones, making it clear that no vending would be permitted in the non-hawking zones.<sup>7</sup>

### *In limbo*

As the details of the BMC’s licensing scheme have been worked out over the past few decades, the capacity of the authorities (the State government and the Municipal Corporation) to regulate street vending has been transformed into a relationship premised on the unauthorized status and constant vulnerability of vendors and the consequent power of government officials over them. Given that vendors have few other occupational options (as mentioned earlier, a significant minority entered street vending after having to leave the formal economy), as long as the government withholds authorization from them, they will do whatever is necessary to continue their work.

5 Sodhan Singh versus NDMC, 1989

6 See Section 371 of Kolkata Municipal Act. Street vending is now a non-bailable offence.

7 Relief for Mumbai Hawkers till May 2007, IndLaw.com, February 12, 2007, <http://www.indlawnews.com/61EFBE B7DA8FF712E7FE383926D2E5D6>

Between 1987 and 1998, there was a pauti system in place. Under this system, the BMC would exact “unauthorised occupation cum refuse removal charges” from vendors, thereby instituting what approximated a daily fee while maintaining vending outside the bounds of legality. It is unclear whether the BMC distinguished between licensed and unlicensed vendors for the purposes of the pauti. Given that even licensed vendors violate the BMC’s prohibition on obstructions in the streets, it seems possible that pautis were issued regardless of licenses.

The charges were between Rs.5 and Rs.10 per day. The 1997 TISS/YUVA survey found that 22,000 vendors were issued pautis daily and collections amounted to Rs.4 billion annually. An affidavit submitted by the BMC disclosed that the Corporation collected over Rs.2.7 crores (Rs.27 million) between August 1998 and April 1999. As Anjaria has observed,

*This was formal recognition of an informal, officially unrecognized, yet widespread, activity. In effect, this system was official recognition of an unofficial practice (“unauthorised occupation”) – a clever manoeuvre of the state to collect revenue from an officially illegal population, otherwise outside the purview of state regulation and control.*<sup>8</sup>

The pauti system ended in 1998 after an elite citizens’ group called the Citizen’s Forum for the Protection of Public Space filed suit against the BMC claiming that the Municipal Corporation had taken no action on the Supreme Court’s 1985 ruling.<sup>9</sup> The group cited the pauti system as an example of a continuing illegal practice. The High Court concluded that the BMC had no legal authorisation for this system, bringing an end to the practice.

Rather than reduce street vending, however, the end of the pauti system led to greater deregulation of public space, as the BMC no longer had any

<sup>8</sup> Anjaria, 2.

<sup>9</sup> The description of citizens’ groups as “elite” follows from similar descriptions in the literature and from the observation that it is generally middle- and upper-class residents of Mumbai who agitate for the eviction of street vendors to make public space available for activities other than commercial activity.

formal relationship with the unlicensed vendors. Vendors attested that the formal revenue collection through pautis was replaced by increased bribery demands from the BMC and state authorities. Rather than reducing the number of vendors, the end of the pauti system simply severed any formal relationship of authorisation between vendors and the BMC.

In the absence of an official framework created by the BMC or the State, hawkers organised themselves throughout the city and in relation to their location. Groups agitating against the presence of vendors sometimes characterise their opposition as a reaction against the presence of “outsiders” and to the entrance of migrants into the city. Interestingly, much of this organised opposition seems to happen in the more well off neighbourhoods of South Mumbai – exactly the neighbourhoods where the most well-established, long-term vendors work. These are the neighbourhoods in which it is most profitable for vendors to operate and newly arrived migrants are more likely to find space for themselves on the outer fringes in the city, rather than in the prized wealthy areas. It would be difficult for a new migrant to find space to work in the neighbourhoods with the best business. The ability of vendors to return to the same location depends on relationships with other vendors and with the officials who sanction their presence.<sup>10</sup>

### *The new legal framework*

The framework currently being devised by the BMC and the Maharashtra Government is largely informed by a set of recommendations submitted by the Bombay Municipal Commissioner in 1983, when the Bombay Hawkers Union v. BMC case was in the High Court. That case affirmed the right to carry on trade or business guaranteed in the Con-

<sup>10</sup> Anjaria offers another example of the organisation internal to the occupation in Mumbai: For instance, Ramesh, a hawker actively involved in a hawkers’ union explains, “There are many hawkers who ply the streets on marked handcarts (marked handcarts refer to those owned by non-hawker businessmen, illegally rented out of BMC godowns and hence not subject to demolition actions) and are causing problems. Those hawkers who have worked for years sit next to the building, away from the road and the footpath. Those who are plying marked handcarts set up their business in the middle of the road, creating obstructions.”



stitution of India, subject to the restrictions of not causing nuisance, annoyance or inconvenience to other members of the public. The judgment held that public streets were meant for the use of the general public and not to facilitate the carrying on of private trade or business.

Since then, the details of the BMC scheme have bounced back between the Corporation, citizens' groups, the High Court and the Supreme Court. A central feature is the creating of "hawking" and "non-hawking" zones. A 1996 draft scheme included 488 hawking zones and 28 sites for the construction of hawkers' plazas. In 2000, the High Court approved of a modified scheme that included 187 hawking zones. The Court also held that there could be no fixed place of business, as that would do away with the distinction between vendors and traders. For this reason, the BMC's initial proposals to create hawkers' plazas and one square metre pitches for vending were not allowed on the ground that it would make the right to hawk a transferable or inheritable right.

The High Court ordered the formation of three 3-member committees to select BMC committees have already begun to identify streets as hawking or non-hawking zones. Even where not yet law, the inclusion of streets in a non-hawking zone by the committees has had the effect of law on the ground. The installation of non-hawking zone signs has been immediately followed by a hike in the bribes charged. There are stories, too, of local residents authorities bribing the BMC to erect signs in their streets to keep vendors out of their neighbourhoods.

The National Taskforce on Street Vendors submitted its Draft National Policy in 2002, as an effort to "provide and promote a supportive environment for earning livelihoods to the street vendors, as well as ensure absence of congestion and maintenance of hygiene in public spaces and streets." The draft policy recommends ward-level registration of vendors rather than a fixed number of licenses. The recommendation of ward-level registration has not been incorporated into the orders of the High Court or Supreme Court.

## Space for homes

This section is broadly concerned with the legal structure that creates or restricts access to land and housing and its relationship with the informal negotiations that regulate access to housing for the majority of Mumbai's population. The term "informal housing", as used here, includes authorised and unauthorised slums, pavement dwellings, homes created on the side of railway tracks and homes on airport authority land. There are 5.79 million slum dwellers in Greater Mumbai<sup>11</sup> out of a total population of 11.9 million.<sup>12</sup> The population density of Dharavi, the largest slum, is 18,000 people per acre. Meanwhile, there are swathes of unoccupied, unused land in the most expensive parts of the city.

The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, states that the State may designate an area a slum, if:

- a) any area is or may be a source of danger to the health, safety, or convenience of the public of that area or of its neighbourhood, by reason of the area having no basic amenities, or being unsanitary, squalid, overcrowded or otherwise; or
- b) the buildings in any area, used or intended to be used for human habitation are
  - i. in any respect, unfit for human habitation; or
  - i. by any reason of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation light or sanitation facilities or any combination of these factors, detrimental to the health, safety or convenience.<sup>13</sup>

11 Economic Survey of Maharashtra, 2003-04, available online at [http://www.maharashtra.gov.in/english/ecoSurvey/ecoSurvey1/esm\\_e/cha03e.pdf](http://www.maharashtra.gov.in/english/ecoSurvey/ecoSurvey1/esm_e/cha03e.pdf)

12 Census of India, 2001, online at <http://www.censusindia.net/results/millioncities.html>

13 Act XXIII, Chapter IV, Section S.26, p.8864

## *Multiplicity of ownership*

Land in Mumbai is a patchwork of municipal, state, central government and private land. People create informal settlements on land irrespective of ownership. Those who live on the side of railway tracks are living on central government land. Pavements belong, by and large, to the municipal government. These and other differences in control and ownership make for complications in whether settlements are eligible for State redevelopment and resettlement plans or, in some instances, whether the municipal government is allowed to provide services. In the case of the settlements on the side of railway tracks, Indian Railways, a national department, had long refused permission to the state government to implement service provision schemes on their land. As of January 2007, even plans of the Integrated Child Development Services department of the State government to provide vaccinations right at the railway station to all those who enter Mumbai, as an easy way to reach people as soon as they enter the city, were waiting on permission from the Railways department to use its property for a table and two staff persons to administer the vaccinations.<sup>14</sup> The Railways department and State government were unable to agree on a rental rate for the required land.

Private land is often scattered throughout public land. This has the effect of creating pockets that the Municipal Corporation will not provide with services. Based on the experience of other cities, this likely has the effect of lowering the attractiveness of these areas and reducing investment in the informal housing created here. In some instances, the Railways has also refused to allow the municipal government to provide services to those living along railway tracks. In keeping with the multiple ownership authorities there are multiple slum dweller federations, each organised to raise issues with the proper authority, whether the airport authority, the railways, or the state government.

Pavement dwellers are also not covered in the numerous State schemes. At last count, approximately one million of Mumbai's residents live on

the city's pavements. Pavement dwellings typically house single male migrants, living close to their place of employment. The 1981 Census identified about 22,600 households in pavement dwellings. SPARC (Society for Promotion of Area Resource Centre), an NGO, and Nirmala Niketan College of Social Work, counted 125,000 pavement dwellers in 1985. The living conditions of pavement dwellers is worse than that of squatters as they are not eligible for improvement schemes and often face harassment and demolition. Resettlement, when available, is often not an acceptable option since proximity to places of employment is of such importance. It was in a case involving the eviction of pavement dwellers that the Supreme Court recognized that eviction could lead to the deprivation of livelihood, which could amount to a deprivation of life.

## *Status of settlements*

Authorised slums are those that have been recognised as legal settlements by the state government. Around 40% of informal settlements in Mumbai are authorised. Authorisation is not a guarantee against demolition but does mean that the state government must resettle residents in the event of a demolition. It also means that the municipal government must provide services – water, electricity, garbage collection, and roads. In 1976, residents of slums who could prove their residence in a location prior to 1975 received “photopasses” as part of the process of authorisation of their slums.

Unauthorised slums are those that are regarded as illegal by the state. These slums are not entitled to municipal government services. They are also vulnerable to demolition and eviction and residents are not entitled to resettlement by the state or municipal government. Unauthorised slums are periodically authorised, often immediately before or after State elections, when incumbents authorise more slums in an effort to create safe voter banks and when challengers promise to authorise more slums if voted into office.

The distinction between authorised and unauthorised slums can be blurry. In some cases, it is residents rather than slums that are authorised. A series of governments have enacted laws trying

<sup>14</sup> Conversation with Gokul Devarai, Child Development Program Officer of Integrated Child Development Services (ICDS), January 4, 2007.

to distinguish between those slum residents who should be entitled to services and housing and those who should not be on the basis of date of entry into the city. For instance, one of the Congress party's election promises in the most recent State election was that they would authorise all those who could show proof of residence in the city before 2000, to extend authorisation to more people than under the existing cut-off date of 1995. The premise is, despite a right to mobility in the Indian Constitution, that certain people's presence is authorised, perhaps instead of the settlement in which they live. This is why among neighbours, some homes might have legal electricity connections and others have to 'rent' electricity from the neighbour with the legal connection.

Access to housing is considered a constitutional right within the ambit of the right to life and the right to livelihood.<sup>15</sup> However, the constitutional right only goes so far as to require adequate notice from the state or municipal government to residents before demolition and eviction. The Supreme Court has explicitly granted that state and municipal governments have the authority to demolish slum dwellings and evict residents.<sup>16</sup> Therefore, importantly, even authorised slum dwellers have no entitlement to the houses they have built or the housing they rent from others. Their only right is one to notice and resettlement.

Despite the requirement of notice and the state government's own laws authorising the presence of people who arrived in the city before a certain date, the state and municipal government frequently demolish the homes of long-time residents with no notice at all. Though redress is possible,

15 See *Olga Tellis v. Bombay Municipal Corporation*, 1985 (3)SCC 545)

16 The landmark judgment dealing with the rights of slum dwellers is *Olga Tellis v. Bombay Municipal Corporation* (BMC), brought before the Supreme Court as a Public Interest Litigation in 1981. It established both that "[I]f the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his life would be to deprive him of his means of livelihood to the point of abrogation" and that only a deprivation of livelihood which is not "according to the procedure established by law" would constitute a deprivation of law under Article 21. Thus, the right to livelihood established in *Olga Tellis* is, despite the rhetoric, simply a procedural right to notice and hearing.

seeking it can be prohibitively expensive, in time and money. Both municipal and state authorities carry out demolitions. However, even when the municipal authorities order demolitions it can be at the initiative of the Municipal Commissioner or Deputy Commissioners, who are state-appointed bureaucrats rather than locally elected representatives.

It is also the case that proofs of residence in authorised settlements, such as the photopasses issued in 1976, can become sources of enormous exchange value for the residents who receive them. Residents might sell these passes and move to unauthorised locations in order to pay for weddings, healthcare, or other life needs and necessities. When they move, they move with the hope that their new location will eventually become authorised.

The 2001 Census was the first time detailed data on slum areas was collected across the country. The Mumbai Sewerage Disposal Project, 2000-01, studied the availability of services in Mumbai's slum settlements. As of 2001, Greater Mumbai had 1,959 slum settlements, with a total population of 6.25 million. Only 17 per cent of this population was in the Island City while 58 per cent was in the inner western suburbs.<sup>17</sup> 47% of households were located on private land. This census also included pavement dwellers and those in chawls, which are located on state government, central government (including railway), and municipal land. Three types of housing options available for the poor in Mumbai are chawls, which are rental tenements; *zopadpattis*, which is squatter housing; and pavement dwellings. Only *zopadpattis* fall within the legal definition of 'slum', though pavement dwellings and chawls also have terrible, slum-like conditions.<sup>18</sup>

*Chawls* were rental tenements constructed for single male migrants by factory owners, landowners, and some public sector units. As these migrants made their resident permanent, their families joined, increasing the density of housing. The Rent Control Act froze rents making the building of

17 Risbud, Neelima. "The case of Mumbai, India," *Understanding Slums: Case Studies for the Global Report on Human Settlements* 2003,

18 *Id.*

chawls unprofitable or insufficiently profitable for landlords and quickly leading to a halt in supply by 1950. The lack of investment by owners after the Rent Control Act meant rapid deterioration in the conditions of the chawls.

### *Informality*

The uncertainty of always being vulnerable to demolitions seems to be outweighed by the hope of eventual authorisation and lack of other options. Many slum dwellers see fit to make improvements on their homes and to add on to the buildings, for space to rent, to use as a workspace, or to use as a shop. Shops in unauthorised settlements may be more profitable than legal ones as owners do not pay taxes on them. Almost 45 per cent of houses had two or more stories. 42 per cent of dwellings had an area of less than 10 m<sup>2</sup>, 38 per cent having an area between 15 and 20 m<sup>2</sup>, and only 9 per cent with an area of more than 20 m<sup>2</sup>.

Only about 49 per cent of slums have access to water supply from shared standpipes, while 38.3 per cent have a supply from more than one source. The remaining slums get their water from tube wells or community standpipes. Only 5 per cent have individual taps. 17 slums with a population of approximately 0.1 million people have no water supply at all and have to depend on adjoining settlements. Despite 59 per cent of toilet blocks having been constructed after 1995, residents face inadequate and poorly maintained toilets. Waste collection and sanitation are also in poor condition in most slums. Unauthorized slums, of course, simply receive no such services. In those authorized slums that do receive services, the lack of an organized system or information among residents contribute to poor conditions.

In an article about Alexandria, Egypt, Ahmed Soliman discusses the potential of semi-formal housing to accommodate low-income groups. The author describes the movement of the urban poor from the lowest-cost housing to better quality homes in the form of semi-formal housing in three stages. The Egyptian state plays a role in developing semi-formal or informal housing by providing services, through upgradation schemes and with the changing of land ownership from private to

public and back to private (both the first and second step have not happened to the levels desired in Mumbai). The three steps in the expansion of semi-formal and informal housing are scattered expansion, collective expansion and consolidated expansion. In the first, informal housing springs up in close proximity to government housing and its attendant services on a city's periphery. In the second, services and main roads are extended to informal housing and this increases the value of this housing and signals future authorisation, drawing low-income residents from the central city to the periphery, depending on the quality of transportation available. In the consolidated expansion stage, the number of illegal subdivisions increases. Affordability and availability of services makes these settlements magnets for investments in housing construction, thereby converting many residents from tenants to owners. As the price of land goes up, more storeys are added on to buildings.

Though this description builds on the contested assumption that the growth of semi-formal housing must happen on the urban periphery, some of its details seem appropriate to informal and semi-formal settlements throughout Mumbai. The article also describes a newly developed government posture towards informal and semi-formal settlements, which is to guide their formation on land which the government would like to see developed rather than land which it does not wish to develop, perhaps to spare the high future cost of providing services to unserved areas.<sup>19</sup>

A survey of residents affected by the evictions from Sanjay Gandhi National Park in 1997 provides an interesting illustration of the variety of ownership transfers whereby residents came to be in posses-

<sup>19</sup> This point is made by Alan Gilbert in "Third World Cities: Housing, Infrastructure and Servicing," *Urban Studies*, Vol. 29, Nos.3/4, 1992, 435 – 460, 435. Gilbert argues that when government resources are tightly limited, the state will allow informal housing to spring up because allowing it is less expensive than suppressing land invasions and the like. He states that, though elites stand to benefit from limited access to land for the poor in a context of scarce land, the advantages to governments of allowing this access, at least for its own supporters, outweighs the benefits of scarce land availability to land owning elites. This argument presumes a substantial overlap between the government and elites.

sion of their homes. Six percent of those surveyed bought their homes from slumlords. Slumlords gained control over the land with force and threats (“muscle power”) and sold individual huts for Rs. 1,000 to Rs. 60,000. 42% of the sample bought their tenements from older slum dwellers. Many of the residents had also bought their plots of land from forest officials who reportedly had bushes and trees cleared to accommodate the people after taking money for the section of land where the person was supposed to put up the hut.<sup>20</sup> In a similar vein, after the floods that washed over the city in 2005, residents who lived on the banks of the river spoke of having bought their illegal plots from local officials who allowed them to build shacks.<sup>21</sup>

Relationships with the authorities also percolate into relationships with other residents. After the 1992 riots, Muslims residents of a mixed community in Dharavi put pressure on the local official to erect a wall between the section of Muslim residents and the section of TAMILIAN Hindu residents. The TAMILIAN residents saw this as evidence of the control the Muslim residents wielded over the local corporator and began to leave the area. Thus, the security of one group suggested a lack of security to the other group.

20 Sanchayeeta Adhikari, “Urban planning and Politics of Slum Demolition in Metropolitan Mumbai”.

21 Mike Davis explores this supply of land for settlements by those wielding local influence: “Slum ecology, of course, revolves around the supply of settlement space. Winter King, in a recent study published in the Harvard Law Review, claims that 85 per cent of the urban residents of the developing world ‘occupy property illegally’.<sup>40</sup> Indeterminacy of land titles and/or lax state ownership, in the last instance, are the cracks through which a vast humanity has poured into the cities. The modes of slum settlement vary across a huge spectrum, from highly disciplined land invasions in Mexico City and Lima to intricately organized (but often illegal) rental markets on the outskirts of Beijing, Karachi and Nairobi. Even in cities like Karachi, where the urban periphery is formally owned by the government, ‘vast profits from land speculation . . . continue to accrue to the private sector at the expense of low-income households’. Indeed national and local political machines usually acquiesce in informal settlement (and illegal private speculation) as long as they can control the political complexion of the slums and extract a regular flow of bribes or rents. Without formal land titles or home ownership, slumdwellers are forced into quasi-feudal dependencies upon local officials and party bigshots. Disloyalty can mean eviction or even the razing of an entire district.” Planet of Slums, 11.

## Tenancies

Through the 1980s, most cities in the developing world saw a shift from tenancies to ownership of housing.<sup>22</sup> According to a study conducted in Mexico City, this trend was consistent with the stated preferences of city residents there.<sup>23</sup> In Bombay, there was an increase from 10% owner-occupants in 1961 to 39% owner-occupants in 1981.<sup>24</sup>

Nevertheless, tenancies still constitute a large portion of housing arrangements in Mumbai.<sup>25</sup> Small-scale landlords are responsible for a large fraction of housing stock available to the urban poor in many cities around the world, particularly in the developing world.

Renting a room in a Mumbai slum can be expensive, ranging, according to one account, from US \$10 in more cramped quarters with no access to services, to US \$40 for an average room in South Mumbai. According to this source, an initial deposit is always required and can range from US \$200 to \$1200. “Rent agreements with 11 month contracts are signed on stamp-paper and even ratified by two witnesses and renewal depends entirely on the owner-tenant relationship”. A 25m<sup>2</sup> room in a well-placed settlement like Santosh Nagar could fetch up to US \$18,000.

In some Indian cities including Mumbai it is the case that most tenants are native residents whereas newly arrived immigrants own housing – hinting at the need for networks to rent housing.

A story from after the floods that washed over the city in 2005, when residents of informal settlements who lost their homes received cash compensation, suggests that state and city authorities insufficiently understand the nature of tenancies. In the case of one resident, however, the money went to his tenant rather than to him because of a

22 Gilbert, 1.

23 Id. at 440, citing Gilbert, A .G. and Varley, A. (1991) Landlord and Tenant: Housing the Poor in Urban Mexico. London: Routledge .

24 Id.

25 In this account, sharing rooms with relatives is not considered a tenancy though that is a set of living arrangements that would be well worth explanation.

blanket understanding of the government officials of which floor of a building went to tenants.

*Shop No. 59 is across the road from the Mithi and when the waters rose, most of Mohammed Ashrafali Ansari's stocks were washed away... But the situation at home was far worse. Like many slum dwellers, he lives with his family on the first floor of his house. The ground floor, which too he owns, is rented out. When government officials distributing cash compensation came to his house and gave his tenant*

Rs.5,000, Ashrafali Ansari asked for his share but was told he was not eligible since he lived on the first floor.<sup>26</sup>

There seems to be, therefore, an official narrative about informal tenancy arrangements that may not match the varied agreements on the ground.

## Conclusion

The legal systems of Mumbai – municipal, state and national – create spaces within which extralegal arrangements flourish. These arrangements are encouraged or hindered by the legal rules and structures. Neither vendors nor residents of informal settlements are entirely free to create relationships with local or state officials or one another as they are always under the threat of being subject to government action in the form of evictions or demolitions. In one sense, police officers and municipal officials act as the closest agents of government and hold the power to authorise access when, seemingly, no one else does. On the other hand, these threats can create an environment of coercion and leave vendors and residents with no leverage over officials except individual appeals to their individual self-interest.

The legal system with regards to street vendors has been in a state of flux for several years now, making “informal” arrangements the de facto institutions to which vendors and officials must turn for any common understanding of how to gain or allow access to space. The right to life and livelihood, which might provide protection to residents

of informal settlements, was hemmed in by the Supreme Court to amount to a right to notice of demolitions but not against demolitions. In the event that the Municipal Corporation fails to provide adequate notice, it is not clear whether the avenues of redress open to residents could compensate for the loss of home, family possession and work materials. In short, the legal system has failed to create rules that satisfactorily address the felt need for access to land for livelihoods and living.

The legal system is, of course, created by people – by elected representatives and nominated judges. It is not too much to expect that the formal legal rules around and within which people organise their lives can be brought closer to the daily needs of a large fraction of city residents. The arrangements at which residents arrive to compensate for deficiencies hint at a way forward in understanding the work that needs to be done in creating institutions to create and prevent access to land. The threats to which they are subject can also serve as warnings to keep the law from contributing to their vulnerability.

<sup>26</sup> After the deluge, Frontline, Volume 22 - Issue 18, Aug 27 - Sep 09, 2005

## References

- Adhikari, Sanchayeeta. "Urban planning and Politics of Slum Demolition in Metropolitan Mumbai".
- Anjaria, Jonathan Shapiro. "Street Hawkers and Public Space in Mumbai", *Economic and Political Weekly* (May 27, 2006).
- Arora, Shailly and Tagore, Aoneha. *Street Vendors and Exploitation by the State*. Publication of the Centre for Civil Society.
- Bhowmik, Shanti. "Urban Responses to Street Trading: India".
- Census of India, 2001.
- Davis, Mike. *Planet of Slums*. London ; New York. Verso, 2006.
- Economic Survey of Maharashtra, 2003-04, available online at [http://www.maharashtra.gov.in/english/ecoSurvey/eco-Survey1/esm\\_e/cha03e.pdf](http://www.maharashtra.gov.in/english/ecoSurvey/eco-Survey1/esm_e/cha03e.pdf).
- Frontline. *Slums in the limelight*, Volume 21 - Issue 22, Oct. 23 - Nov. 05, 2004, <http://www.hinduonnet.com/fline/fl1518/15180190.htm>
- \_\_\_\_\_. *After the deluge*, Volume 22 - Issue 18, Aug 27 - Sep 09, 2005
- Gilbert, Alan. "Third World Cities: Housing, Infrastructure and Servicing," *Urban Studies*, Vol. 29, Nos.3/4, (1992).
- Gilbert, Alan and Varley, Ann. *Landlord and Tenant: Housing the Poor in Urban Mexico*. London: Routledge. 1991.
- IndLaw.com , *Relief for Mumbai Hawkers till May 2007*, February 12, 2007.
- Kolkata Municipal Corporation Act.
- Nuewirth, Robert. *Shadow Cities: A Billion Squatters, A Urban New World*. New York ; London : Routledge. 2005.
- Olga Tellis v. Bombay Municipal Corpn. (1985) 3 SCC 545,572.
- Risbud, Neelima. "The case of Mumbai, India," *Understanding Slums: Case Studies for the Global*
- Report on Human Settlements 2003, United Nations Human Settlement Programme, [http://www.ucl.ac.uk/dpu-projects/Global\\_Report/](http://www.ucl.ac.uk/dpu-projects/Global_Report/).
- Sodhan Singh versus NDMC, (1989) 4 SCC 155
- Soliman, Ahmed M, "Legitimizing Informal Housing: Accomodating Low-Income Groups in Alexandria, Egypt", *Environment and Urbanization* (Vol. 8, No. 1, April 1996).
- The Hindu Business Line, *Pavements of Prosperity*, April 27, 2004.





# Regeneration Rhetoric: Questions of Good Form for City Making

SUZI HALL

If design is the expansion of what is possible, how can design be used as an instrument for urban transformation? The language of urban regeneration masks contesting agendas. Under the guise of stretchy development principles like ‘sustainability’ and ‘participation’ or equally loose spatial terms such as ‘mixed use’ and ‘public space’, design language can profess the edict of transformation but still serve limited or vested interests. In contemporary cities experiencing profound population growth, the stakes between competing claims for regeneration are raised. While the needs of the urban poor expand, the pursuit of economic growth from external investment is often viewed as the trump card. The global outbids the local. What then is a suitable understanding of urban prosperity and how could design deal both the marginal and the powerful into urban regeneration? To address this question I fall back on the luxurious caveat of not having conclusive answers. Instead I structure my argument through trying to raise the pertinent questions.

## Retrofit or start from scratch?

Up to the mid-twentieth century the idea of making a city from scratch was not that implausible. Marrying a wholesale urban vision to a clean slate was still within the remit of feasibility. Political and economic will could forge ahead of the consequences of large-scale city making. Chandigarh exemplifies the act of conjuring up an immediate city. Evoked by India’s first Prime Minister, Nehru, designed by outside experts most prominently represented by Le Corbusier, and surveyed onto virgin territory, here was an immense proposition to symbolise a modern capital for the Punjab. After the devastating effects of the 1947 Partition, the agenda of reconciliation was grafted onto a modernist planning vision. The official website for Chandigarh informs us that the city flourishes

today, “ranking first in India in the Human Development Index”. Transformed by everyday use and growing beyond its intended capacity, the City currently accommodates one million citizens. There are many million mark cities in India, the issue of scale having direct bearing on the nature of regeneration strategies.

The dramatic growth of the modern industrial city in the nineteenth century changed our understanding of the sheer capacity and impact of cities. The ‘modern’ city for all its ability to generate opportunities and inability to address lack of opportunity, is a destination for a perpetual influx of would be workers and residents. The idea of new prospects has become inextricably associated with the city. The emergence of a Global economy at the turn of the twentieth century has shifted our understanding of the competitive potential of cities. Prospects have become closely associated with what cities need to do to attract global investment. And the order of competition has expanded from urban/rural to urban/national to nation/nation. The weight and measurement of urban prosperity has become a global matter. The sheer dramatics of the contemporary metropolis/megalopolis has altered the politics and art of city making. New priorities and new projects are matched to new delivery processes. A city ‘from scratch’ has become a more remote possibility – the enormous will and investment required to shift the centre of gravity away from the entrenched urban centres is an option that has become increasingly untenable.

## What’s the scale of the regeneration problem?

What happens in the established mega-cities in the developing world, when the city not only continues to grow, but rapidly grows in on itself? A new kind of mega-congestion emerges out of the

extremity and intensity of the urban experience. In spite of how adept the citizens become at coping, no matter what skills they acquire, prosperity for the vast percentage of citizens is unattainable. The possibilities for transformation are seemingly out-paced by diminished public resources and accountable and effective instruments to deliver change. Ironically, the urban intensity simultaneously produces a congestion that requires dramatic intervention and makes large-scale regeneration extremely difficult. Dramatic intervention in occupied cities that seeks not only to partially rectify (city-mending) but to transform the city is costly in many ways. Retrofitting is expensive to finance, complex to administer and risks significant displacement of citizens who explicitly depend on their urban spot to survive. As the city of mega congestion grows, the impacts on all that is vulnerable goes unmitigated, and the effects of human and environmental degradation are compounded. The question of who has the effective capacity to intervene on a large-scale becomes increasingly difficult to answer. When city governance is weak, current convention favours the role of public private partnerships or private developers, where the highest bidder brings to the regeneration agenda “the bottom line” of maximising investment and return in the short term. But if the goal is a prosperous city for all of its citizens, then the question ‘what is the priority of intervention?’ becomes increasingly fraught.

### **Whose priorities are a priority?**

What might be a strategic approach to city-making in Mumbai – start from scratch or retrofit? Hari Sankaran, an executive for a large development bank in India, has a twofold contention. Mumbai produces, “a deeply dehumanising experience of the city [where] the city is a wearisome environment to be in.” When daily efforts of both rich and poor, are invested in continual struggles against the intensity of mega-congestion, prosperity is curtailed. For this to fundamentally alter, intervention of a dramatic order is required. Hari’s proposition is speculative: a new financial centre for India located in Gujarat. In a seminar discussion at the London School of Economics, Hari describes a vision of high-rise and parkland, underpinned by the significant offer of 60 million square

feet of serviced office space. The offices would be let at the staggeringly competitive rate of one dollar per square foot, a direct competition with rental rates of fifty to a hundred dollars per square foot in established financial centres such as New York and London. In no way would such a prestigious undertaking be easy to vest in the fraught landscape of Mumbai. For starters, how would new large scale infrastructure be superimposed onto an existing context, and who would have to be shifted out to make space for this alternative undertaking? Although infrastructure such as transport is already over extended, intervention of a large order, such as the Mahim Bay Sea Link, has been relegated to intentions. Hari’s proposal is to effectively bypass the constraints imposed by context. This constitutes a green-field development project led by private investment, apparently requiring only a marginal percentage of financial commitment from government. Is this the vision of Dubai for Mumbai? If private returns are paramount to the viability of these propositions, who will underwrite the public interest? Do we have enough faith or evidence that the trickle down effect is a route to transformation? Is it possible to have a process of city making that includes prospects of prosperity for the spectrum of citizens, without losing the prospects of prestige?

### **Is precedent of any use?**

Precedent is invariably tied to the particularities of context. I turn to Jaipur as the first planned city in India to tackle the question of whether precedent offers real directions for the unprecedented nature of growth evidenced in radical contemporary landscapes like Mumbai. The purpose is to explore the role of design as an effective, inclusive and meaningful strategy for city making. I state some of the limits of the contextual particularities at the outset. The city of Jaipur was conceptualised in 1727 under the auspices of Maharaja Jai Singh and his Hindu Priest architect, Vidyadhar Bhattacharya, and was initiated onto a green-field site. Almost three centuries, the directive role of princely leadership and an unexploited site, sets a distance between this city and Mumbai. What they share is the question of how to plan for large scale and rapid growth, where there is a scarcity of resources to effect the plan. In both cases the task

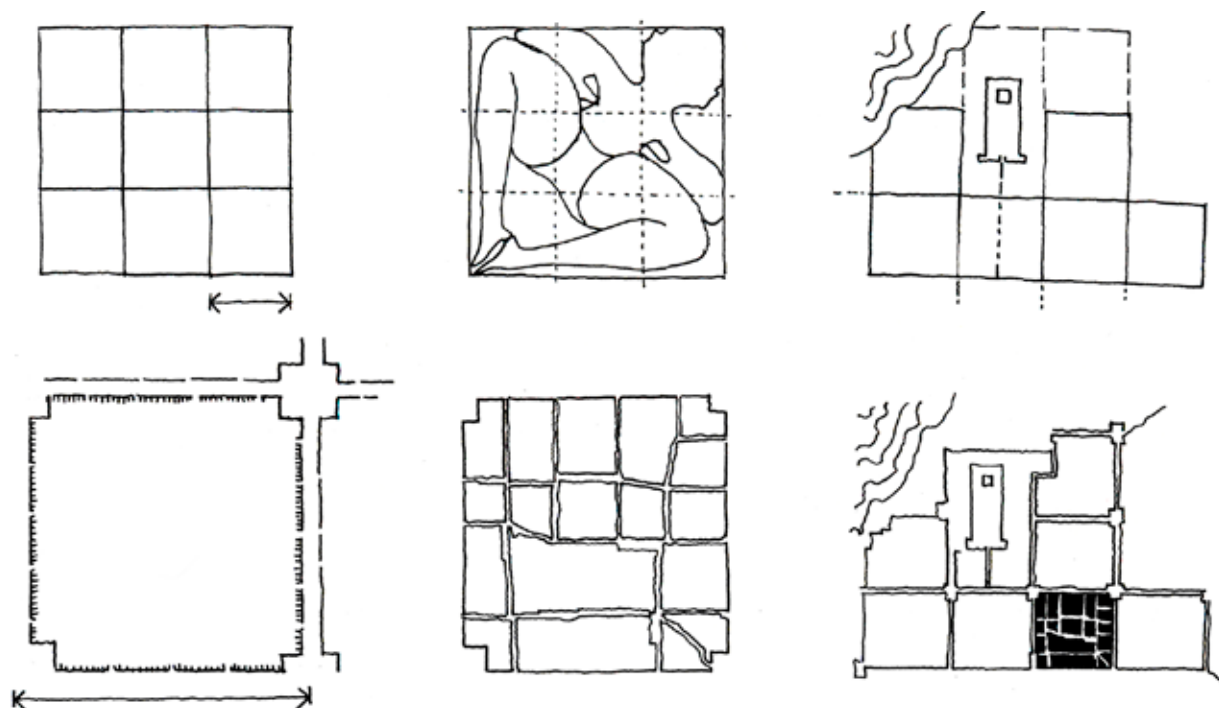
of city making in its largest dimensions must face aspiration and reality. Attending to both prosperity and need requires a strategy whereby necessary, limited and focused investment is likely to yield the maximum impact for the range of its citizens. This also requires a far more inclusive strategy, one where the resources and initiatives of citizens are integral to how the city unfolds.

The city making strategies of Jaipur are complex and depend on a multi-layered relationship between values and priorities. I explore six layers embedded in the plan for Jaipur, considering the city as both a formal proposition and a transforming, lived experience. The first set of three layers relate to a spiritual or poetic proposition for urban form. A structure for urban order is ordained by belief systems that define what ought to be sacred or of highest value in the plan. This 'higher' order generates the relationship between the city and earth and sky, heart and mind, location and place. The second set of three layers relate to a prosaic proposition for urban form, defining where and how to distribute public resources. The poetic and prosaic orders effects two inseparable concerns; the making of a robust, distinctive public structure or foreground, and the setting up of a legible urban frame

to release a range of investment opportunities for a spectrum of investors. In this urban paradigm, larger scale or prestigious investment is integral to the everyday life of the city. Opportunities are released for the individual citizen or small-scale entrepreneur within the core urban structure.

### i) Cosmic dimensions

The idea of the city is contained within the structure of a perfect square. As a starting point for planning the city this geometry functions as an abstraction of higher order concerns– the connection of the city and the citizen to the cosmos. The square is further divided into a nine square Mandala, signifying the nine planets of the ancient zodiac. Aside from its cosmic dimensions the geometry also generates the preconditions for the actual proportions of the urban block. Sacred and secular concerns are therefore integral to the first order of city making. Something of a super-block is initiated in the Jaipur grid, where each of the nine squares measure approximately 800 by 800 meters. There is an intelligence to this dimension that relates cadastral division to the culture of settlement making. The block size and related morphology connect to a public investment strategy, where limited resources can be located in a



Layers of city making – Jaipur (From top left to bottom right)

i) Cosmic dimensions; ii) Sacred dimensions; iii) Dimensions of place; iv) Where to focus: the logic of less; v) How to include: the logic of more; vi) How to include: the logic of collectives/community; i) Cosmic dimensions

few prime sites for maximum impact. The Jaipur proportion is radically different to much smaller planned European grids from the same period, where prospects for more intensive investments were higher (Morales, 1978).

#### **ii) Sacred dimensions**

A sacred figure is overlaid on the rhythm of nine squares. The combination of the geometric and anthropomorphic layers indicates suitable locations for core urbane functions. This relationship determined the best site for the palace complex and its great gardens, corresponding to the position of the heart and soul of the abstracted figure. What follows is the integration and proximity of the most prestigious elements to the ordinary parts of the city.

#### **iii) Dimensions of place**

The inherited qualities of the landscape are the physical attributes of place that distort the purity of the original grid. The relationship of the city to the hillside, and an optimal position for the Nahargarh Fort is such that one of the nine squares concedes to the presence of place, and is shifted to the outer south-east corner of the city. This opens up the strong connection of clustered institutions in the central square and of primary streets, to the landscape beyond.

#### **iv) Where to focus: the logic of less**

The 800 by 800 meter grid is a key strategy for how resources are effectively distributed and released through the city. This is a matter of proportion; the relationship between the available public resources, the potential private resources and the available resources of the urban poor. In situations like Jaipur, where resources are relatively scarce, the question of where to place primary resources for greatest effect is critical and this is where the intersection of the blocks play an exemplary role. By focusing key public resources within a few limited but accessible locations, prime sites are distributed through the city. At the intersection of primary routes, where flows are most concentrated, these intersections release enormous opportunities; the possibilities for great market places, the clustering of public and private investment, and prestigious and lively places all contributing to a framework of urban assets.

#### **v) How to include: the logic of more**

Along the edges of these great streets the width of which span 34 meters, is a system designed to maximise individual entrepreneurial spirit that is so integral to Indian cities. Small shops, many no more than two meters wide, line the edges of these prime streets forming an intense crust of trade and manufacture. This edge is oriented to the small-scale entrepreneur, releasing a scale of intensity conducting within a legitimate urban framework. The smallest investor is integrated into the city prospects at the outset. By formal inclusion their activity and urban contribution is legitimised. There is yet another important strategy here. By focusing public investment in key public sites such as the primary streets and intersections where urban flows are highest, these prime locations are also the areas into which other scales of private investment will invest. These street edges are also lined with three, four and five storey buildings over the colonnade of street life below. So the highest land value in the city, while incorporating the highest bidders, does not exclude the small operators.

#### **vi) How to include: the logic of collectives/community**

The primary investment resources and energy are focused in the seams of the 800 by 800 meter grids. When resources are limited, the tradeoffs needs to be integral to the investment strategy. Here the relative trade-off occurs one layer back from the primary structure of the city. At this scale, concerns of basic services structure public investment. Each super-block could be considered as a ward within which land is roughly divided into smaller blocks varying in size and transforming over time. The smaller blocks could be considered neighbourhoods or communities, so in spatial terms there is an articulation of potential local organisation. Smaller street run through the super-blocks, and in contemporary terms these would need to fulfil the obligation of allowing services to penetrate the blocks. Once attending to basic service provision, public investment retreats. A more secretive world emerges over time, where individuals and groups shape and organise neighbourhoods with familiar vernaculars of chawls and haveli. The issue here is how to structure smaller housing initiatives to deliver collective forms of housing, without absolute

state intervention. The role of this housing is not primarily that it is 'affordable' but that it is generative. Its economy stems from the capacity of urban housing to look beyond shelter and attend to the entrepreneurial activities associated with mixed use.

### **Do we need a multi-lingual language for City-making?**

One of the essential lessons of Jaipur is how design can assist in setting out the preconditions for a complex urban environment. If design is to be effective, it needs a layered strategy dependent on the relationship between structure and process. The 'bottom line' here is the scale and proportion of public investment relative to the inclusion of a wide range of actors. Jaipur is more of an adaptable frame than a comprehensive plan. Multiple and layered, it has a complete set of ideas without a complete prescription for the city. The richness of the fabric emerges out of many imaginations released and focused over time. It indicates that rather than the politically correct but over worked language of regeneration we need good questions and good strategies, an order to our intent.

### **References**

- Correa, C. (1996). Charles Correa. Thames And Hudson. London
- Curtis, W.J.R. (1988). Balkrishna Doshi. An Architecture for India. Rizzoli, New York.
- Morales, M de sola. (1978). 'Dear Leon, Why 22 x 22?' in Lotus International. 58. Pp. 38-41
- <http://chandigarh.nic.in>.



# Performing Spaces of Religion

OLIVIA MUÑOZ-ROJAS-OSCARSSON AND PRIYA SHANKAR

## I. Introduction

The compactness of cities plays itself out in the multiple uses and contestations of space. We are looking at the performance of religion in space, and the ways in which space is performed through religion. By religion, we do not mean individual faith and belief, but religion as a socio-cultural and political construct. By space, on the other hand, we mean not only physical space but space in a more abstract sense, as an intangible dimension of the urban collective imaginary, which does not necessarily correspond to measurable space. Hence, by locating ourselves in the context of Mumbai, we attempt to explore the notions of religion, space, race and belonging and how they relate to each other. Among other things, we try to draw parallels with other historical and contemporary cases of religiously diverse and segregated cities, and also contrast the different implications that religious and racial diversity and identification seem to have for a city and its inhabitants, particularly in terms of freedom of mobility.

Thus, we begin our essay with a brief introduction that situates the four key notions mentioned above in a larger geographical and historical perspective. This is followed by a historical contextualisation of the case of Mumbai. After this we examine the performing spaces of religion in Mumbai through the prism of daily practice, the festival and the riot. The latter allows us to compare religious and racial violence. Finally, we reflect on what is distinct about Mumbai as a religiously diverse city which has undergone religious violence, and how this is relevant to a larger understanding of lived experience in the urban space.

Perhaps the historical image par excellence of a religiously contested city is Jerusalem. For centuries, Jews, Christians and Muslims have claimed their right to this ancient city, which holds sacred spaces for the three religions. Before that, Babylonians, Assyrians, Greeks and Romans successively conquered the city, often marking their occupation with the destruction of existing temples and the construction of new places of worship. Hence, tensions, conflicts and transitory peaceful arrangements among the contenders have followed one another over the centuries. Today, we witness the city immersed in yet another prolonged period of hostilities. In view of its past history, many wonder if the possibility exists to create a durable agreement that satisfies the aspirations of the three religious communities, or perhaps nowadays it would be more accurate to refer to the aspirations of the two political entities involved: Israel and Palestine.

A historical, but contrasting image to Jerusalem is medieval Toledo in Spain. Although romanticised, the image of Jewish, Muslim and Christian craftsmen, scholars, and translators peacefully coexisting and working in this beautiful Castilian town remains a powerful icon of how cultural excellence can be attained through religious diversity and exchange. In 1085 the Christian king, Alfonso VI, (re)conquered the city through an agreement with the Muslim ruler, but continued to recognise the rights of the various religious communities. It was not until the late fifteenth century, with the attempt to build a united and durable political entity (some would say a proto-nation-state) by king Fernando of Aragon and queen Isabel of Castile, that this potential for harmonious coexistence was fully eliminated and religious homogeneity imposed across the territory. By the end of 1492, the royal couple had finalised the military re-conquest of the Muslim kingdoms, expelled the

Jews, and forced the Muslim and Jewish families that wanted to remain in the country to convert to Christendom. Only the Christian families that could trace back their roots to the arrival of the Muslims in the ninth century, demonstrating that they had not mixed with either Jews or Muslims, had an indisputable right to live in what now became the Spanish kingdom. The Holy Inquisition was set up to investigate the accurateness of family histories. Religion, race, space and belonging had suddenly been forged into a single cultural and political identity.

Five-hundred years later, in December 1992, in a different part of the world, in a different religious context, the city of Mumbai experienced violent and bloody riots between its Muslim and Hindu communities, which resulted in the loss or serious damaging of the multi-religious and cosmopolitan spirit that traditionally characterised this legendary port-city. The alleged trigger of the riots was the demolition of the Babri Mosque in Ayodhya by Hindu nationalists in early December that year. As already noted, the destruction of temples as a means to humiliate and disempower religious communities constitutes a millenary practice. Yet, in order to understand the implications of this act and the subsequent riots in the context of contemporary South Asia it will be necessary to explore how the relationships between religion, race, space and belonging have played out during the modern history of the subcontinent.

## II. Historical context

As in medieval Toledo, most Indian towns had seen the co-existence of several different religions for many centuries. Hinduism, with all its different sects and forms, Buddhism, and Jainism had co-existed during the ancient period. From the 8<sup>th</sup> century, the Western coast of India saw the coming of Arab Islamic merchants and Persian Zoroastrians.<sup>1</sup> From the 12<sup>th</sup> century, many parts of the country came under Islamic rule with the establishment of the Delhi sultanate under Qutb-ud-din Aibak. This period of Islamic rule did not see mass conversions or mass executions, but an

interesting interaction of different religious cultures that led to strong syncretic movements, Sufi and Bhakti, from the 14<sup>th</sup> to the 17<sup>th</sup> centuries. The same period also saw the emergence of Sikhism, a religion strongly influenced by the interaction of Hinduism and Islam. So most Indian towns of the late Medieval and early modern period, saw a reasonably comfortable co-existence between various different religions and sects.<sup>2</sup>

However, Mumbai was not an old Indian town. It was a collection of seven islands, mostly fishing villages that the Portuguese occupied in the 16<sup>th</sup> century. This was gifted to the English in the 17<sup>th</sup> century, and established as a port-settlement by the English East India Company. Bombay, as the town was named, was a distinctly colonial city established by the English. The town expanded in the 19<sup>th</sup> century, with the establishment of mills, and railways. As this happened and more migrants came into the city, Bombay was divided into the English town and the Indian towns, clearly demarcated areas for different inhabitants.<sup>3</sup> Bombay also emerged as a centre for the newly emerging western-educated Indian intelligentsia. The first meeting of the Indian National Congress happened in Bombay in 1885.

This is relevant because Bombay became a centre in which the forces of nationalism and colonialism played out against each other, and through this process, there emerged a solidification of religious identity. Indian society was introduced to forms of modern, democratic politics. In such politics, there was a need to form allegiances and alliances, and these were often based on religion and caste. People from a certain community tried to build common interests and stances to have greater bargaining power with the government to be able to garner more jobs and better positions for their community.

1 The exact date of the arrival of the Persian Zoroastrians is debated, but is put roughly between the 8<sup>th</sup> and 10<sup>th</sup> centuries.

2 We are aware that this view is hotly contested in Indian historiography, but those debates are beyond the scope of this paper. In our view, this position was by-and-large the case.

3 J. Masselos, 'Appropriating Urban Space: Social Constructs of Bombay in the Time of the Raj' in J. Masselos, *The City in Action: Bombay Struggles for Power*, Oxford University Press, New Delhi, 2007



In the first decade of the 20<sup>th</sup> century, as a part of the Swadeshi (self-rule) movement, B.G. Tilak, a nationalist leader created the Shivaji festival, in an example of the 'invention of tradition'<sup>4</sup>. Although not intended for religious purposes, but as a means of gathering crowds as a part of the anti-colonialist struggle, this festival acquired Hindu overtones.

In 1909, through the Morley-Minto reforms in the limited elections to the Bombay Presidency Council, the colonial government introduced separate electorates. These separate electorates required people to fix their identity in one religion. Similarly, the process of census classification also brought a greater fixity to identity. Colonial knowledge, which often informed nationalist knowledge, often included religious narratives and viewed religion through clearly demarcated boundaries. The climax of this process of the emergence of religious nationalism can be seen in the Partition of India and Pakistan in 1947. Even though this event and the violence that accompanied it did not have as direct an impact on Bombay as it did on other regions, it left a deep mark on the collective consciousness of people in Bombay as elsewhere in India, so later rhetoric, such as that of the Shiv Sena and BJP<sup>5</sup> in the 1990's, often harks back to what happened during Partition.

### III. Daily Practice

Thus in post-independence Bombay, there were clearly several strands of religious identity and practice. There were fluid and multiple religious identities, there were more modern territorial religious identities, and there was the ideology of secularism of the modern Indian state. It is in this context that we will examine the performing spaces of religion in Mumbai. The way religion performs in and through space can be viewed through the prism of daily practice, the festival and the riot. We are aware that this is a problematic construct, our intention is not to imply that there is some sort of natural continuum between daily practice,

4 E. Hobsbawm, 'Introduction: Inventing Tradition' in E. Hobsbawm and T. Ranger ed. *The Invention of Tradition*, Cambridge University Press, Cambridge, 1992

5 The Shiv Sena and BJP (Bharatiya Janata Party) are both Hindu nationalist parties that emerged as strong players in the 1980's: the Shiv Sena in the Mumbai and Maharashtra context, and the BJP in the pan-Indian context.

festivals and riots but that the three can be used as categories to analyse the performing spaces of religion in Mumbai.

Mumbai's population includes Hindus, Muslims, Parsis, Christians, Jains, Sikhs and Buddhists, and daily practice varies for each of these religions, as it does for the a-religious or atheist segments of Mumbai's population. However, there are certain common themes that can be drawn out. Post-independence, official public spaces in Mumbai were not religious but secular, and spaces that were symbols of the state or associated with the state were not meant to express religion. This changed by the 1980's, with religion occupying a much more prominent place in Mumbai political rhetoric. Yet the daily spaces of religion mostly remained the private, the public and the interstices between the two.

So for example, there was the private altar or place for puja or place for the Quran or place for the Bible in the house or workplace, as a private space for daily prayer. Yet there were also numerous local street-side shrines whose religious affiliations were often unclear: just small little elevated or box structures where people would light incense or offer flowers as a part of their daily rituals. These structures would often be to a local saint or deity, and their exact significance would be lost on people from other areas. However, although the exact reason for the spot of the shrine varied greatly, the ways in which prayer was offered was often quite similar so it would be understood as a shrine by all. Sometimes, these shrines acquired great fame out of their specific localities as well. The street was an important public space for the daily performance of religion. Other than the numerous street-shrines discussed above, it also served as the space for buying flowers or incense or head-covers. Thus the religious marketplace often occupied the street. The street was often also the space in which food was distributed after prayer or religious worship on certain 'auspicious' days. The interstices between the private inner-space and the public street were sometimes also marked by religion. Thus, the courtyard or doorway would be decorated in religious symbols or flowers.

Other than the street, the home or workplace and the courtyard or doorway, Mumbai, as any other city, also has large grand spaces for the daily practice of religion. There are several churches, temples and mosques. To us, one of the most interesting examples of the grand spaces of religion in Mumbai is the Haji Ali Dargah. The Haji Ali Dargah is the shrine of a Muslim merchant and Sufi saint from the 15<sup>th</sup> century. It is located in the middle of the Worli Bay, 500 yards from the coast and connected by a narrow causeway. Today, it acts as place of worship for people from many different religions and massive crowds accumulate to go pray at Haji Ali every Thursday and Friday. This multi-religious place of worship is a fitting example of the fluid and multiple religious identities and interactions.

Thus in people's daily lives, though the daily practice of religion does play a role in both private and public spaces, it is certainly not the most important part of daily life. Religion is just one segment in a life that places great importance on work, trade, commerce, finance, success, opportunity and family. In daily life, people are not viewed purely in terms of their religious identities but also as clients, customers, trading partners, suppliers, producers, fathers, sisters, friends, teachers, lawyers, doctors or other numerous multiple identities.

#### IV. Festivals

Religion certainly acquires more importance during festivals, though identity can remain fluid even in festivals. Bombay has had several large festivals, other than just the pan-Indian ones, there are festivals specifically associated with the city. The pan-Indian festivals celebrated in Mumbai include Diwali, Dussehra, Holi, Eid and Moharram. Diwali is the festival of lights that celebrates the return of the God Ram to his hometown Ayodhya, but is also seen as the Hindu New Year, and a time to worship Lakshmi, the Goddess of Wealth. It also has references to various other gods and goddesses. In being such a complex festival with a multiplicity of symbolic references, it is relevant for various segments of the city's population. Thus, Parsi and Muslim merchants and traders will also often decorate their shops during Diwali and distribute sweets to their clients. The other pan-Indian fes-

tivals will also often see similar joint celebrations throughout the city. The Ganapati festival is famous as a specifically Bombay-festival. It involves a massive procession to immerse a huge Ganapati (elephant-god) idol in the sea. Through festivals such as Ganapati, Moharram and Holi (which also involve massive processions), it is religion that performs space i.e. religion and religious crowds reformulate the conceptions of space to suit their requirements. So a road instead of being a space for transport, is entirely occupied by festival crowds and becomes a public space for celebration. Jim Masselos sees Mumbai festivals as an indicator of collective accustomed space.<sup>6</sup> Festivals perform and occupy a much larger sphere in urban space than daily practice. Symbols of the festival appear all over the city, on homes, in marketplaces, in workplaces, and on streets. Festival fetes and fairs are set up in parks, squares and on narrow streets. They also often spur the commercial activity in the city, with a whole period of commerce based on festival-related goods and food-items.

However, as much as festivals act as a mechanism for joint celebration, they also act as a mechanism for gathering people together. When enormous crowds of people gather together, then the mood and momentum of the crowd can vary. It can easily switch from celebratory to confrontational, antagonistic and angry. Thus, festivals and festival processions can sometimes also be moments of tension for eg:- when a large Hindu procession plays music in front of a mosque. For in the crowd and mass collection of people together lies a certain spontaneous urban power. So processions through specific neighbourhoods or streets, are often a way of making that power felt in those areas.

#### V. Riots

We suggest that religious riots constitute another way of performing religion based on the infliction of overt and systematic violence on other religious communities. Through the performance of violence, members of a particular religious community, acting in its name, retaliate, defend their

6 J. Masselos, 'Appropriating Urban Space: Social Constructs of Bombay in the Time of the Raj' in J. Masselos, *The City in Action: Bombay Struggles for Power*, p. 294, Oxford University Press, New Delhi, 2007

community or assert its superiority. Violent rioting is a way that lies closer to the staging of religion through festivals than to the performance of religion through daily practice. It usually needs encouragement from outside and orchestration from above. Religious violence in the urban context covers an array of practices from the exclusion of the members of other communities from certain spaces to the destruction of their property, to their humiliation to ultimately their physical elimination.

The modern history of South Asia has witnessed repeated instances of religious violence, often in relation to interventions from the colonial and post-colonial administrations aimed at changing the geographical distribution and political arrangement of the different religious communities that inhabit the subcontinent. The partition of Bengal and Punjab in 1947 in order to create the independent states of India and Pakistan is the most important example of such a process. In post-independence Mumbai there have been riots at a smaller scale, usually concentrated to specific neighbourhoods, or in nearby towns such as Bhivandi, where riots occurred in 1984.

In spite of this record of religious violence, the riots that took place in Mumbai in December 1992 and January 1993 were unprecedented in the city's multi-religious and cosmopolitan history. As already noted, the symbolic trigger of the conflict was the demolition of the Babri Mosque in Ayodhya by Hindu nationalists, yet, the event took place in an already tension-laden atmosphere, very much the result of persistent anti-Muslim instigations by the Hindu right represented by the political party Shiv Sena (literally the Army of Shiva). The increasingly strong rhetoric of religious and messianic taints that the Shiv Sena, and specifically its leader Bal Thackeray, had begun to deploy from the 1980s had proved a successful vote-gathering instrument, reaching particular momentum in the early 1990s. In this context, the perceived aggressive reaction of the Muslim community to the Babri Mosque event, including rumours accusing Muslim rioters of killing Hindu workers in the southern part of the city, led agitated Hindu groups to burst out on the streets seeking for retaliation. Muslim homes and businesses across the

city and the socio-economic spectrum were attacked, including slum settlements, working-class and middle-class neighbourhoods, often under the passive or complicit gaze of the police. Although the figures remain unclear, between five-hundred and nine-hundred people were killed during the riots and Rs 4000 crore (more than £ 850 million) of property were destroyed.<sup>7</sup>

Abdul Mannan, who was hacked with swords and then burnt to death by the mob in central Mumbai on 11 January 1993 is merely an example of the inexpressible brutality that Mumbayites were suddenly capable of. Another example that illustrates the perverse and complex nature of the riots is the case of Haju Abdul Haq Ansari, whose shop was looted and burnt on 7 and 8 December 1992. Allegedly, instead of detaining the perpetrators, whom the victim identified as living in the opposite building, the police arrested Ansari, beat him and his employers, and pressed false charges against him, hence aligning on the Hindus' side.<sup>8</sup>

The connivance of the state apparatus would be one of the aspects that lead some authors to argue that the 1992-1993 Mumbai riots demonstrate distinct and very contemporary features, which make them different from prior instances of religious violence in the subcontinent. In this sense, Masselos suggests that the riots were the result of a typically postmodern combination of elements in a perhaps characteristically global city: "the politicization of religion, events elsewhere in India, the communalization of politics, slum gangs fighting for control of slums and control of hutments that represented real monetary value, criminal gangs fighting for dominance between themselves, and landlords trying to regain control of their land."<sup>9</sup>

Does the acknowledgement of the impact of this intricate network of power groups and different agendas do away with the possibility of portraying riots as another way of performing spaces of religion? We don't think so. Without ignoring the multiple causes and effects of the Mumbai riots,

7 J. Masselos, op. cit., p.363; citation needed.

8 See <http://www.indiarightsonline.com/Sabrang/combat.nsf/38b852a8345861dd65256a980059289d/3ad278fb08fe1204e5256d1200405d8c?OpenDocument>

9 Masselos, op. cit., p.382

the use of religious profiling and practices derived from the collective imaginaries of religious violence indicate that riots still constitute a means to perform religion and mark space. Moreover, is there anything distinct about religious violence in the urban context that makes it different from, for example, racial violence?

Incidentally, 1992 was also the year that violent racial riots took place in Los Angeles ultimately leading the state and federal authorities to bring in the National Guard and federal troops to put an end to rioting, killing and looting. In this case, the triggers were the perceived unjust conviction of Rodney King, an African-American citizen, whose detention involved violent police behaviour; and the mild sentence given to the Korean shop-owner that shot a young African-American citizen in March 1991.

The LAPD had been repeatedly accused of corruption and racial profiling and the two events turned into catalysts for the violent expression of accumulated sentiments of injustice within the African-American community. Most people were killed by fire-arms, although two of the cases that were more profusely covered by the media, Reignald Denny (a white truck-driver) and Fidel López (a Latin American construction-worker), entailed more ritualised, if not spectacle-oriented performances of violence.<sup>10</sup>

In the end, the majority of death victims were African-Americans and Hispanics, but not white Caucasians. The Korean and Asian minorities suffered significant material losses as many of their stores were looted and even burnt down. One explanation for this situation is that the riots prevailed in the less well-off neighbourhoods where minority communities tend to concentrate.<sup>11</sup> This explanation leaves the idea of black violence aiming at a white, repressive State somewhat on the side, instead emphasising inter-racial tensions within the

economically underprivileged sectors of the city as the ultimate cause for the violence. The racial profile of the enemy whom the rioters fought turns out to be less identifiable from this point of view, and consequently the violence seems more randomly distributed.

Although cities that have undergone riots are very specifically located in their historical and cultural context, there are certain features that all such cities share i.e. the existence of a varied population in very close proximity. Although there are differences between race and religion as markers of identity, there are also fundamental similarities. In situations of conflict, there is usually a clear demarcation of the Self (racial or religious group) as opposed to the Other (religion or race). Beyond this demarcation, in modern urban conflicts there is often an element of struggle for space and power through territorial demarcation, making certain space exclusive for the Self. In both racial and religious rhetoric, there is also a great significance attached to gender and purity as markers of identity. Intermixture is considered polluting or undesirable, women being seen as symbols of honour for the community. Furthermore, in riots, racial or religious, there often exists a paradoxical mixture of both carefully planned and spontaneous acts of violence. Also, catalysing events and rumours often play a large role in the outbreak and spread of riots.

Finally, it should be emphasised that the cost of riots for a city is extremely high, regardless of their religious or racial nature. The individual and collective experiences of trauma, along with the physical destruction and material loss, are bound to painfully damage the city's social fabric. More often than not, the recovery from violence and riots is a long process that takes years or even decades. Indeed, cities, together with the state or national authorities, have formal means to intervene in the processes of reconciliation through, among other things, the provision of financial compensations to the victims and their families, emergency psychological aid, long-term therapy, but also the organisation of symbolic acts of reconciliation. It is worth noting that many believe these initiatives need to be sensitive to the natural mourning processes that individuals and collectives go through,

10 In the first case, the victim was dragged out of his truck, beaten and his skull crushed with fragments of concrete. In the second, he was beaten, his ear almost torn off, and his upper body and genitals sprayed with black paint.

11 It should also be kept in mind that in their attempt to subdue the rioters, police and military forces also caused victims.

especially symbolic initiatives. In this sense, some would even argue that the absence of formal interventions is preferable, and that it is better to let the city and its different communities, find their balance again simply relying on daily practice as a powerful healing liniment.

## VI. Learning from Mumbai

What parallels and lessons does Mumbai hold for other cities with multi-religious or multi-ethnic societies? What can Mumbai say about Baghdad or Los Angeles? We think that there are two possible ways in which we can approach this issue i.e. to look at what is helpful and to look at what is harmful for heterogeneous urban communities. In Mumbai, one sees an almost bizarre mix of both these tendencies.

What is helpful is the fluidity and multiplicity of identity one can find in the city. For heterogeneous urban living, it is important to not construct and foment singular monolithic and essentialised identities. Thus, the Hindu student who goes to the Haji Ali Dargah mosque to pray for good exam results, or the Muslim merchant who distributes sweets on Diwali are symbols of what we can learn from Mumbai's daily practices. In Mumbai there are numerous examples of a Muslim factory-owner employing Hindu workers or a Jain jeweller having long-standing relationships with his Parsi customers. The ties of commerce bind separate communities and provide platforms for interaction and understanding. As a result, trust and tolerance emerge.

What we can also learn from Mumbai is its resilience and capacity to cope with violence and disaster, and the way in which the logic of economic opportunity operates in helping the city do this. Whatever the calamities that confront them, people seem to get on with their daily lives of working and making money in a spirit of survival rather than resignation.

But it is clear that despite these positive tendencies, we have also observed terribly harmful trends in Mumbai. These trends relate to the ways in which cynical populist politics can aid in forging monolithic identities and the consequences for a

city in terms of human, social and material costs. We have seen the seeming suddenness with which such a process can occur. Spatial and neighbourhood segregation can be both a means and effect of the process of religious politicisation. However, the impact of neighbourhood segregation along religious lines in Mumbai is different from the usual conception of racial segregation, for example in American cities. The visible markers of religion in Mumbai are not as perceivable as the visible markers of race. In daily life, it is possible for a person to be visibly religiously anonymous. If one sees an anonymous person on the street or in the train, it is not easy to tell from their physical appearance whether they are Hindu, Muslim, or Jain. Only by asking for a person's name, can their religion be identified. Of course, there are also people who wear markers of their religion through attire. Nevertheless, as a Mumbayite, it is possible to leave one's religious identity aside, and move through the spaces of the city as an anonymous citizen.<sup>12</sup> This is very different from the experience of racial identification in cities such as L.A. In making this statement, we do not want to diminish the problems of religious identification in Mumbai, but to emphasise that it leaves greater room for ambiguity, fluidity and mobility than is possible in racially segregated cities.

Essentially, we have observed the potential of religious anonymity for the peaceful coexistence of different religions in a city. It is perhaps the possibility of moving freely through a city without being identified that may form a basis for harmonious city life. So could that potential exist in a city that has been religiously contested through history such as Jerusalem?

---

<sup>12</sup> We are not suggesting that Mumbai is easy for religious minorities. We are aware that they face enormous discrimination in the city. We are only suggesting that it is possible to have moments of anonymity when they do not face discrimination. For eg:- on the train



# Vulnerability and Empowerment

ILIANA ORTEGA-ALCÁZAR

Popular settlements represent approximately 60% of the housing stock of cities in the developing world. Historically, popular settlements have been either largely disregarded by urban theory or have been depicted as an exceptional and problematic phenomenon that needs to be eradicated. The wide variety of habitats that this 60% comprises are generally conflated into the very vague and pejorative word “slum”. What the term “slum” indicates is the existence of low-quality housing with inappropriate ventilation, no hygiene and high levels of overcrowding. Slum conditions are thus to be found both in formal housing such as inner city tenements or in popular settlements. Disregarding the complexity of popular settlements, their varied levels of informality and consolidation, popular settlements have been conflated with the term slum. As a result, popular settlements are automatically portrayed as sites of squalor that bring nothing but vulnerability. In this depiction, vulnerability is equated with poor material conditions and consequently simplified, and de-politicised. In this essay, I will move beyond material conditions – which are actually greatly varied – to explore further the notion of popular settlements as sites of vulnerability. With the aim of bringing complexity back to the investigation of popular settlements, the second part of the essay will explore the notion of popular settlements as sites of empowerment. Such an exploration, it is hoped, will move us beyond the false dilemma of choosing between eradicating popular settlements or leaving them as they are. What can be learnt from these complex environments?

## Popular settlements as sites of vulnerability

### *Legal vulnerability*

The major source of vulnerability lies in the insecure legal status of the settlements. The contradictions inherent in the legal system place the dwellers of popular settlements in a particularly dire position. The case of India serves as a good example of the legal vulnerability to which the residents of these settlements are subject. Unauthorised settlements are defined as slums and are regarded as illegal by the state. They are not entitled to municipal government services, which means that the provision of services has to be solved by residents themselves. Unauthorised settlements are highly vulnerable to demolition and eviction and, unlike the situation in the authorised ones, in the event of demolition or eviction taking place residents are not entitled to resettlement by the state or the municipal government.

The fact that even the authorised settlements are vulnerable to arbitrary power reveals the extent of the vulnerability of the urban poor. In Mumbai around 40% of all popular settlements are authorised, meaning that they have been recognised as legal settlements by the state government. Authorisation, however, is not a guarantee against demolition. It simply entitles the residents of these settlements to be re-housed in the event of demolition. Moreover, though having the right to be resettled residents lack the power to decide over the location or quality of their new housing (Gullapalli 2007).

One of the more salient contradictions of the legal system acting as a source of vulnerability relates to the right to housing. Access to housing is considered a constitutional right within the ambit of the right to life and the right to livelihood. This

right to housing, however, does not protect urban residents from having their housing declared illegal. The constitutional right only goes so far as to require adequate notice from the state or municipal government to residents before demolition and eviction. The Supreme Court has explicitly granted that state and municipal governments have the authority to demolish “slum” dwellings and evict residents. Therefore, importantly, even authorised dwellers have no entitlement to the houses they have built or the housing they rent from others. Their only right is one to notice and resettlement (Gullapalli 2007). Thus, even after they have been regularised residents of popular settlements are not allowed to forget that they have no stable legal status. As the case of Dharavi exemplifies, when the land on which slums are located becomes valuable property, people are prone to be pushed out to another slum, to another “illegal” settlement. And so the cycle repeats itself.

### *Clientelistic relationships*

Aside from the inherent contradictions of the legal system, vulnerability also stems from the position popular settlements hold in the political game. Whether a settlement is authorised or unauthorised is conditional on the unpredictability of the political circumstances. Rather than depending on the fulfilment of particular requisites over which the residents have some control, regularisation is dependant on the will, or lack of it, of those with power over the legal status of the settlements. Because of this, unauthorised slums are periodically authorised, often immediately before or after elections. Settlements regularisation is thus used as a means to secure voter banks. During electoral campaigns political contenders promise to authorise more settlements if voted into office.

Land regularisation is thus highly unstable, counting with official papers attesting to the legal authorisation of the land is no guarantee as settlements are often unauthorised by newly elected governments discarding previous authorisation. In Mexico City, for example, it is common to find residents who have two or three different regularisation papers each one coinciding with the coming to power of a new set of government officials. Residents are thus vulnerable to having their papers

cancelled every time a new president or new city government comes along. They are then subject to re-negotiating the regularisation, having to pay for their land titles again, and “owing a favour” to the administration in turn.

In Mexico City, the common development of irregular settlements in communal and ejido lands adds yet another layer of vulnerability. The inherent complexity and lack of transparency as regards land ownership of these lands means that it often happens that, years after a settlement has been regularised and the alleged owners compensated, someone else comes along claiming ownership to the land and requiring the process of regularisation to be repeated. The land has to be re-expropriated by the state, the new purported owner compensated, and new land titles sold to the residents. Residents thus find themselves having to pay repeatedly for their land titles with no guarantee that they will be recognised in the future.

Based on extensive research carried out in Mexico City, Ward (1989) demonstrates how, in the context of popular urbanisation, land policy has been used by successive governments to achieve political mediation and control. “The state has sought to use the issue of land as a means of extending its influence over the poor and of maintaining their quiescence” (Ward 1989: 151). The precarious conditions of popular settlements meant that its inhabitants needed to constantly negotiate with the government for the provision of services, and for an effective land regularisation process. The state used this situation to build patron-client relations that would guarantee the political support of the urban poor in exchange of a solution to their demands.

### *Reproduction of structural poverty*

Though providing a temporary housing solution for the urban poor, popular settlements do not contribute to break the structural poverty from which they stem. Burgess (1982) argued that although it is important to recognise the use value of housing in these settlements, it is crucial to bring to the fore the fact that this housing solution is a result of deep structural poverty, and that this structural poverty is not challenged but actually reproduced.



The inherent contradictions of the legal system, the organisation of land invasion movements and of popular settlements in general by institutionalised political forces, the penetration of squatter organisations by institutional forces whose specific purpose is to diffuse revolt, and the manipulation of squatter groups for vote-catching purposes (Burgess 1982) means that the urban poor remain trapped in a cycle of structural poverty which the vulnerability of their settlements only increases.

Following the same line of argument, Connolly's (1982) research has highlighted that housing production in popular settlements represents an affordable housing solution due to the many hours of unpaid labour its inhabitants invest. Furthermore, she states that the relatively low costs are possible mainly due to: "a reduction in the use-value of the house produced, that is, in the reduction of the living conditions of the population" (Connolly 1982: 160). Thus, housing production in popular settlements is, in the long term, an altogether economically more profitable solution for the State than for its inhabitants.

## **Popular settlements as sites of empowerment**

### *What housing does for people*

Although the above cited vulnerabilities are not to be underestimated, I will now move beyond this level of analysis to explore the potential of popular settlements as sources of empowerment. Towards this end, housing ought to be understood as more than a set of services and material qualities, a good house also has to provide social benefits that can be as fundamental. Following this premise Turner suggests that some materially poor dwellings are preferable in social terms especially when compared to mass produced affordable housing. Historically, social housing built by the state has not responded to the dwellers' needs in terms of access to jobs, and social networks. A further problem is that it has tended to provide housing at a relatively high price, leaving its residents with little remaining money for other needs. Although the material characteristics of the houses are better than in many popular settlements, they create a socially and economically more vulnerable situ-

ation for the inhabitants (Turner 1976). "Middle-income households... can afford the diseconomies of unsuitable housing and can often compensate for them by means of alternative expenditures. If the only dwelling available to middle-class users is poorly located, for example, they can compensate through the use of automobiles or telephones, while these luxuries are far beyond the reach of the vast majority of countries with very low median incomes. The lower the income level, therefore, the better the match must be between the demand and the housing process, if both the household and the housing economies are to be maintained". (Turner 1972: 162). When compared to the bulk of affordable housing provided by the state, in spite of their poor material qualities, popular settlements put their residents in a relatively less vulnerable position because of their ability to provide housing at almost no cost, access to work and to social networks of mutual support.

### *House as site for income generating activities*

Housing in popular settlements around the globe provides not only sites of residence but also important sites of income generating activities. The complex linkage between home and work enables low-income communities to simultaneously guarantee a livelihood and a home. The adaptability of self-help housing means that minimal resources can be used very effectively. With only minimal costs, adaptations can be made to incorporate income generating activities in the home. Except for cases in which dwellings are already very small, home-based enterprises occupy little space within the home and have little negative impact on domestic space (Tipple 2004:378). Thus, domestic activities coexist with income generating activities maximizing productive time. On the whole, home-based enterprises bring about positive benefits in terms of the income they represent. Though working conditions are often dire - specially in manufacturing - and though home-based enterprises often entail exploitation of low-income workers and in particular of women, they represent an important livelihood for the urban poor in the context of increased unemployment and impossibility to enter the formal economy.

“Throughout the world, there is a clear trend towards radical economic restructuring leading to greater privatisation and reliance on the free market. Such processes are recognised as having a devastating impact on large portions of the urban poor which, combined with the continuing increase in urban populations, must inevitably mean that more and more low-income urban households will have little option but to generate income from within their own resources and networks.” (Kellett and Tipple 2000:212).

Low-income households that have a home-based enterprise are able to secure a higher income than those which do not (Tipple 2004:374). Tipple demonstrates that home-based enterprises significantly increase the employment opportunities of low-income households, especially for women. “At least 50% more women work in HBE [home-based enterprises] operating households than in those without an HBE [home-based enterprise].” (Tipple 2004: 374). Aside from the provision of jobs for low-income populations home-based enterprises have a positive impact for the neighbourhood as a whole. In providing goods and services at an arms reach, neighbours are able to save time and resources that would otherwise be spent travelling. Cutting on transport cost is a great advantage for, when present, transport represents a significant portion of the earnings of a low-income household.

Redevelopment projects and relocation programmes have a negative impact on this source of livelihood. The same is not true of neighbourhood upgrading and consolidation which improves the productivity and operation of home-based enterprises, and promotes further investment as a result of tenure security. (Tipple 2004:372).

### *Political empowerment and limited self-government*

Though entangled in the complex web of clientelistic relations described in the first section of this essay, and not escaping the contradictions of the legal system which place residents in an unstable position, popular settlements are also sites of political empowerment. Finding no support from the state to respond to their basic needs, the ur-

ban poor are compelled to find solutions for their most basic needs by themselves. In this process, they confront material and legal difficulties that motivate them to undertake organised political action (Holston 1991:453). Thus, they emerge as important political actors with a limited negotiating power vis-à-vis the state. Through their political organisation they cease to be merely vulnerable individuals and become active citizens that enjoy a limited self-government with respect to their immediate urban surroundings. As Gutmann describes of an irregular settlement in Mexico City: “In stark contrast to residents of middle- and upper- class neighbourhoods in the capital, people in Colonia Santo Domingo are accustomed to the regular exercise of limited self-government with respect to matters like building roads and ensuring citizens’ safety in the colonia” (Gutmann 2002: 177-178).

The main limitation to the political empowerment that emerges in popular settlements is that, in most cases, political organisation and activism dies out after the settlement is consolidated. Once the basic material needs, such as the introduction of urban services, are in place, and once the settlement has been regularised, the need to organise decreases and, with it, their political power and capacity to subvert the structural vulnerabilities to which they are subject. In these situations, though structural conditions remain unchallenged, the urban poor undergo an important process of politicisation that is a source of empowerment.

Based on research carried out in the autoconstructed settlements of Brazil, Holston argues that when “people come to conceive of their residential struggles in terms of a right to rights, the politicisation of daily life leads from an expanded sense of the field of politics to one of citizenship founded on radically new understandings of self and society” (Holston 1991: 454). In these cases the political empowerment resulting from irregular settlements can be strong enough to challenge the structural sources of vulnerability to which the urban poor are subject.

### *Women's empowerment and politicisation*

Though the precarious material and legal conditions of irregular settlements drive the bulk of its residents to organise, research from a variety of cities around the world suggests that it is women who undergo a more profound process of politicisation and empowerment. They are the ones who carry out the bulk of the administrative and negotiation work with the authorities throughout the self-help process. Aside from the extra work this entails, Massolo argues that, "[t]he positive side of these experiences of tiring negotiations is that women acquire knowledge on the institutional workings, and develop practices of communication and negotiation with the public powers as social subjects-actors of a social housing project and not as objects of an official housing policy" (Massolo 1991:310). These practices not only empower women with relation to the state but also significantly alter their position at home. Being the ones more often engaged in the day-to-day political organisation and activism of the irregular settlements, "they become more knowledgeable than men about public political affairs in general" (Elizabeth Jelin cited in Gutmann 2002: 180). In this process women become more articulate, self-confident and count with a network of support which enables them to improve their position at home. Though the patriarchal system as a whole is generally not challenged directly, women's relative empowerment has meant that issues such as domestic violence are constantly addressed.

### *Alienation vs. place attachment*

Popular settlements are sites of strong social networks. Political organisation and the necessary involvement of all residents with the matters of their neighbourhood result in a constant interaction amongst neighbours. Poverty and the lack of institutional support from the state induce individuals to rely on others. In these contexts, the family and other social networks are fundamental resources for their survival (González de la Rocha 1994). Popular settlements are not inhabited by residents leading their lives behind closed doors. Residents are required to interact constantly with each other. Compared to other contexts of poverty such as in mass affordable housing projects, in popular set-

tlements people must develop social skills so as to be able to live and rely on one another. Whilst residents of mass housing projects are often alienated from their surroundings, popular settlements are characterised by a strong feelings of belonging and place attachment. Contrary to generalised views in urban literature that claim place attachment is dependant on long term residence in a place, in popular settlements strong attachment to the neighbourhood results from actively choosing and building this place for themselves. On one level, attachment results from the neighbours' shared work and productive effort put on the urbanising of the area. On another, it stems from each family's effort and productive engagement with their houses. As the settlement consolidates and social networks and political organisation tends to weaken, attachment becomes more centred on the strong feelings of appropriation and possession that stem from having actively produced the house. Both in the early decades of the urbanisation and in the latter state of consolidation, the strong attachment to place characteristic of popular settlements results from people's active production of the neighbourhood and its houses and not from long term residence in the area. People's practical engagement with space is the source of attachment and belonging. The attachment to place characteristic of popular settlements stands in stark opposition to the alienated environments of mass produced affordable housing where feelings of disenchantment and frustration prevail.

### **Conclusion**

Recent developments in cities throughout the world urge us to re-think the potentials of popular settlements. There is a growing drive towards the eradication of popular settlements and their replacement by formal mass-produced social housing. In Santiago de Chile, as from the 1990s the state has built large amounts of mass social housing in which a significant portion of the urban poor has been relocated. In the context of alleged economic growth and the drive toward "good quality" housing the urban poor have significantly improved their material conditions. In spite of this, Tironi (2003) argues that there is a widespread discontent and generalised feeling of deterioration amongst the urban poor. Chile's new poverty, says Tironi, is

less about material needs than about social exclusion and urban segregation. Feelings of deterioration result from the ghettoisation brought about by the new mass social housing developments. The social housing of the 1990-2000 is an isolated, socially homogenous, deteriorated and highly stigmatised environment.

Similarly, in Mexico City, the scarcity of land available for urbanisation, strict control over land invasions, the rising costs of construction materials, and a persistent economic crisis mean that popular urbanisation is no longer a solution for the urban poor. The alternatives are thus to overcrowd in the existing popular settlements or move to one of the massive subdivisions of low quality affordable housing. At present a large sector of the population has been pushed to remote areas where commercial builders are developing massive subdivisions of low quality affordable housing. Although in quantitative terms these commercial developments have provided access to “affordable” legal home-ownership to a significant number of Mexicans, they are also the source of considerable problems. They represent a highly problematic segregation pattern and ghettoisation. In addition, their remote location is an important source of vulnerability in that access to employment is severely hindered, costly and time consuming.

As in Latin America, in other cities of the developing world popular settlements are increasingly seen as a problem and are being replaced by new habitats for the urban poor. In the context of India's ambition to become a central player in the global economy, the government of Mumbai and its corporate sector are pushing to develop Mumbai into a World-Class City along the lines of Shanghai's latest developments. With more than half of the city's population living in popular settlements, the future of this environment is central to the discussion around Mumbai's future developments. Slums are seen as obstacles for development. This view has brought an unprecedented wave of demolitions and evictions, which are often referred to by the press as “Operation Shanghai”. In this context, the city is currently debating the future of Dharavi, usually referred to as Asia's largest slum. Dharavi is located in what is now the city's business district, thus becoming a prime location and a target for

real estate developers. The existing redevelopment proposal for Dharavi suggests that the majority of the settlement be developed for commercial and office use and the rest for housing. Only a portion of today's residents will be re-housed in the area and the rest will be relocated on marginal lands, far away from their present location (Mahadevia). Though the exact nature of the proposed housing for Dharavi's current residents is as yet unclear, it seems the future will be akin to what is happening in cities like Santiago de Chile and Mexico City where mass-produced low-quality housing are the new landscapes for the urban poor. The tendency is to remove the urban poor from popular settlements and re-house them in some sort of mass social housing, publicly or privately developed. What these developments have in common is their ill-location in relation to access to employment, inability to enable home-based enterprises to develop, dissolution of social networks, and the creation of homogenous, highly stigmatised spaces where alienation results from resident's incapacity to actively appropriate their surroundings.

These recent trends call for the development of more socially sustainable alternatives for the urban poor. Though a return to the popular settlement and the adoption of a “leave things as they are” approach represents both an unviable and problematic alternative, clearly there is something to be learnt from these complex environments. We should strive for the reduction of the important vulnerabilities present in the vast expanses of popular settlements throughout the world. But in reducing these vulnerabilities the equally significant sources of empowerment that are facilitated by these environments should not be forgotten.

## References

- Burgess, R. 1982. Self-help housing advocacy: a curious form of radicalism. A critique of the work of John F. C. Turner. In *Self help housing : a critique*. Edited by Peter Ward. London : Mansell Publishing.
- Connolly, P. 1982. Uncontrolled settlements and self-build: what kind of solution? The Mexico City case. In *Self-help housing. A critique*. Edited by P. Ward. London: Mansell Publishing.
- González de la Rocha, M. 1994. *The resources of poverty. Women and survival in a Mexican city*. Oxford, Cambridge: Blackwell Publishers.
- Gullapalli, V. 2007. Formal and Informal access to Land. Paper presented at the Urban Age seminar: Learning from Mumbai. London School of Economics, 29 May- 15 June 2007
- Gutmann, M. 2002. The romance of democracy. Compliant defiance in Contemporary Mexico. Berkeley, Los Angeles: University of California Press.
- Holston, J. 1991 Autoconstrucción in working-class Brazil. In *Cultural Anthropology*, Vol. 6, No. 4 pp.447-465
- Kellett, P. and Tiple, G. 2000. The home as workplace: a study of income-generating activities within the domestic setting. *Environments and Urbanization*. Vol. 12, No. 1
- Mahadevia, D. Shanghaiing Mumbai: Visions, displacements, and politics of a globalising city. Retrieved 7 June, 2007, from <http://www.idpad.org/pdf/DARSHINI%20MAHADEVIA%20-Paper%2016.pdf>
- Massolo, A. 1991. *Mujer y vivienda popular*. In *Espacio y vivienda en la Ciudad de México*. Edited by Martha Scheingart. Mexico City: El Colegio de México.
- Tiple, G. 2004. Settlement upgrading and home-based enterprises: discussions from empirical data. *Cities*. Vol. 21, No. 5, pp. 371- 379
- Tironi, M. 2003. *Nueva pobreza urbana. Vivienda y capital social en Santiago de Chile, 1985-2001*. Santiago de Chile: Universidad de Chile, Ril Editores.
- Turner, J. F. 1972. *Freedom to build: dweller control of the housing process*. New York: Macmillan.
- Turner, J. F. 1976. *Housing by people : towards autonomy in building environments*. London : Marion Boyars.
- Ward, P. 1989. *In search of a home: social and economic characteristics of squatter settlements and the role of self-help housing in Mexico City*. Liverpool: University of Liverpool.



# Is Scale a Vice? Governing Mumbai's Millions

ELI ROSENBAUM

To begin this essay on government with an analogy to built form, levels of administration can perhaps be seen as equivalent to differently-sized buildings. In this (admittedly imperfect) metaphor, national and state governments are the hulking skyscrapers, encompassing masses and towering into the sky; more local and neighborhood authorities are in contrast the walk-up flats, the two-, three- and five-deckers, close to ground level, but nowhere near as vast.

A bolder or more generalizing theorist might find more at work in this metaphor than a simple physical stand-in for scale, and argue that larger levels of government may be more likely to build one type of structure than the other—that, to put it bluntly, larger governing systems are not just the size of skyscrapers, but may prefer them, both for themselves, and for their citizens, when it comes to housing and planning workspaces and communities. Yet such an argument is beyond the scope of this paper, which instead aims much more humbly: to examine how structures of representation and legal authority are set up for the massive—and massively growing—population and economy of Mumbai, and in particular how the scale on which formal planning and decision-making takes place may serve to include or exclude certain of the city's groups.

At this point the comparison to skyscrapers and walk-ups—in the context of Mumbai, perhaps chawls or wadis is the more appropriate term—may take on some meaning: to illustrate that while both types of built form serve the same basic purpose—containing human activity indoors—they do so at vastly different scales, with effects which may be good, bad, or both. The skyscraper houses more people per square meter, yet its construction and maintenance may pose disproportionate environmental risks; in the chawl, you are more likely

to know your neighbor, yet there are many fewer of them to know. For some, the smaller scale is a virtue, for others it may be a vice.

Government operates much the same way: national and state government has the same ostensible mission as local government—to represent and provide services to citizens—yet the scale on which authorities are created still matters greatly. Most simply, Mumbai's population varies widely depending on where the boundaries of “the city” are drawn. More to the point, the scale on which Mumbai is to be governed will differ greatly depending on where the lines are drawn—and how the city and its citizens are represented will depend on how many other interests are included.

In other words, if Mumbai is conceived of as a chawl—as a small physical entity such as the island city, or just the current territory of the Municipal Corporation—then the desires and preferences of the individuals in that area will be translated into policy through significantly different channels than if the city is governed as a skyscraper—as a vast “metropolitan region,” or as just one part of an even more massive state. Scale, then, is everything: it determines who governs, whom is governed, and how.

## The Structure of Local Government in Mumbai

To begin, the starting point for this paper is the misperception that there is a single “Government” of Mumbai, or that the city's structure can be represented with a list of agencies and functions.<sup>1</sup> As will be seen, power to both make and implement policy

---

1 See the well-known McKinsey report, which uses such language. McKinsey and Bombay First, *Vision Mumbai: Transforming Mumbai into a world-class city*. Mumbai: Bombay First, 2003.

in Mumbai is indeed divided between a number of actors: some, such as the Municipal Commissioner, are appointed by the state of Maharashtra; others, like the councilors on the Municipal Corporation, are locally elected; some, such as the Mumbai Port Trust, are Mumbai-specific entities created by state or federal government; and still others are broad state agencies which operate both in Mumbai and in the rest of Maharashtra. Even in scholarly literature, descriptions of these bodies' formal duties are often ambiguous and confusing, both due to the sheer number of organizations, as well as the rapid pace of legislation and other activity to create, re-name, and merge agency activity.

As such, the goal of this paper is to begin to show the significance of the city's idiosyncratic division of power, and in the process to demonstrate how the scale on which the government operates may not have ideal representational results—in other words, it may be a democratic vice. To wit, this piece will argue that, in spite of intended and formal devolution to the democratic local governing body of Mumbai, the most significant decisions and actions on the city's shape and future are made at the regional and state levels, often in consultation with private and multinational interests, and usually at the expense of meaningful participation by those within the city limits. First, however, this section will provide an outline of the basic governing bodies.<sup>2</sup>

### *“Local” Institutions*

#### **Brihanmumbai Municipal Corporation**

Legislative body charged with approving all policy for Mumbai. Membership is fixed at 227 elected representatives, with five-year terms. Corporators (or councilors) serve part-time, as the body meets once a month. Ostensibly, this is the policy-making arm of the city government, yet the Commissioner and other state entities play an enormous role in policy formulation. Indeed, the state government retains the power to overrule any action of the Corporation, and the state may even dissolve and supersede the entire body (although this has only happened in Mumbai once, in 1984). Even local

elections are under state control: under the terms of 1992's 74th Constitutional Amendment, generally viewed as enhancing local government power, elections for the Corporation are now conducted by the State Election Commission.<sup>3</sup>

#### **The Mayor**

Official drawn from the 227 councilors and elected by them for a one-year term. He is viewed as the ceremonial leader of the city, its “First Citizen,” and as the chair of the Corporation, heads all of its meetings. Yet the precarious position of the Mayor was evident as recently as 1998, when the Maharashtra government created a new form of mayoral council, only to abandon this effort and revert to the previously existing structure within a year. Scholars tend to view this episode as having enhanced the power of the Commissioner, making the Mayor more of a figurehead.

#### **Corporation Committees**

Much of the deliberative and policy-making work of the Corporation takes place on a variety of permanent and ad hoc committees, which decentralize the technical work of legislation, and on the whole are comprised entirely of elected Corporation members. While they are “[t]heoretically answerable to the Council,” they “sometimes extend their boundaries at the expense of the Council [and] become powerful centres of decision-making and develop strong linkages with the [Commissioner].”<sup>4</sup>

First is the 27-member Standing Committee, elected by and from the councilors, which is a “microcosm of the Corporation and a bridge between the Corporation and the Commissioner,” with “executive, supervisory, financial and personnel powers...to a great extent independent of the [Corporation].”<sup>5</sup> It nominally oversees the Commissioner's administration and its decisions on day-to-day civic affairs, while they must be approved by the Corporation, generally are as a matter of course.<sup>6</sup>

2 See generally David A. and Marina R. Pinto, *Municipal Corporation of Greater Mumbai and Ward Administration*, Delhi: Kovark Publishers, 2005.

3 Marina R. Pinto, *Metropolitan City Governance in India*. New Delhi: Sage Publications, 2000, 102.

4 Id., 103.

5 Id., 103.

6 Id., 104.



Other examples include the Education Committee, with oversight of primary education; the Electric Supply and Transport Committee, which oversees electrical lines as well as buses, but not railways, and the General Manager of which is state-appointed; and the Improvements Committee, which votes on redevelopment. Also, in the wake of the 74th Amendment, the city now has “Wards Committees,” with oversight of particular geographic areas, and made up of both governmental and non-governmental officials. However, to date the city has only formed 16 of its allotted 25 committees.

### *State Institutions—Mumbai-Specific*

#### **Municipal Commissioner**

This official serves as the chief executive and highest administrative official of the Corporation, and is appointed by the Maharashtra government for a renewable term of three years. In the traditional scholarly view, the Commissioner is seen as implementing the policy which the Corporation makes, and so his significant actions—notably preparing the budget—must be approved by the councilors.

However, as this post directly oversees and staffs the city’s vast administration, in the form of a bureaucratic hierarchy including 14 Deputy Commissioners (eight in charge of administrative units, and six overseeing groups of electoral wards), the office—and, through it, the state—has huge functional power over the city. Indeed, the functions usually cited as “local”—administering the electrical lines and buses, issuing food and beverage licenses, overseeing the sewage system—are performed by the Commissioner’s full-time, professional staff. If and when the Corporation is “superseded” by the state, the Commissioner becomes the sole administrator.

In addition to exercising direct authority in Mumbai through the Commissioner, Maharashtra has also created a large number of uni-functional bodies for the city, which exercise at times unilateral control over huge policy areas. These include:

#### **Mumbai Metropolitan Region Development Authority**

At times one of the more powerful bodies in Mumbai, yet—significantly—it does not fit easily into the Mumbai-specific category, as it has jurisdiction over an area almost 10 times the size of the 437.71-square-kilometer Municipal Corporation. This authority was created in 1975 and charged with implementing a state-devised and approved redevelopment plan, which for the first time delineated a 4355-square-kilometer “Metropolitan Region.”<sup>7</sup> In this capacity, the Authority directly funds and partially implements many of Mumbai’s recent major “Projects,” including Transport and Urban Development, and is the direct recipient of World Bank funding.<sup>8</sup> This means it has the power to not just coordinate regional planning across jurisdictions, but also can itself build roads, rails, and other infrastructure, and even manage traffic.<sup>9</sup>

As such, an agency under the direct control of the Maharashtra chief minister, who is also the Authority’s formal head, has jurisdiction over territory including but also well beyond Mumbai’s Corporation itself, and so outside of any purely local entity’s legal reach. Given the 74th Amendment’s explicit delegation of urban planning powers to local government corporations, notably through Mumbai’s Improvements Committee, itself charged with devising redevelopment plans, the Authority gives cursory respect to the idea of local autonomy: thus, one section of the body’s governing statute states that it may not take any action within the purview of the local Corporation. Significantly, though, another section gives the agency power to override any local authority.<sup>10</sup>

7 Neelima Risbud, “The case of Mumbai, India,” *Understanding Slums: Case Studies for the Global Report on Human Settlements 2003*, United Nations Human Settlement Programme, [http://www.ucl.ac.uk/dpu-projects/Global\\_Report/](http://www.ucl.ac.uk/dpu-projects/Global_Report/).

8 The Mumbai Urban Infrastructure Project, however, is its own independent entity. Pinto and Pinto 497.

9 India Business Insight, “MMRDA Gets RS2,444 Crore in Its Kitty (For 2007-2008),” Apr. 10, 2007. Funding was also included for conversion of a Vikrant warship into a floating museum.

10 Pinto and Pinto 497: “When the state government permitted [the Mumbai Metropolitan Region Development Authority] to undertake infrastructure projects in Mumbai, it had to placate the [Corporation] by stating...that

## **Mumbai Police**

Police in India operate under both federal and state authority. They are part of the Indian Police Service, one of three national civil service departments, and the Mumbai Commissioner is also directly subordinate to the Maharashtra police chief, himself a subordinate of the Indian Home Minister. The practical consequence of this is that the city cannot evict residents or demolish property without state support.<sup>11</sup>

## ***State Institutions—Statewide***

A wide variety of state bodies operating throughout Maharashtra have significant dealings in Mumbai. For instance, the state operates all secondary schools in the city, despite the fact that the Municipal Corporation has responsibility for public primary schooling (though not the generally higher-quality private schools). While the state agencies involved in Mumbai are far too numerous to list, four important ones are:

### **Maharashtra Housing and Area Development Authority**

Agency with authority for maintenance and renovation of a variety of public and private buildings, tasks which had previously been split amongst agencies. Also provides physical infrastructure and improvements for slums, including toilets and retaining walls, and is the main provider of public housing in the city.<sup>12</sup> The Authority purchases land, administers its personnel, and works with other agencies, notably the Region Development Authority and the Municipal Corporation.

### **Slum Rehabilitation Authority**

Powerful state body, set up in 1995, with broad authority to formulate plans for impoverished areas, and work with developers and other agencies to coordinate implementation. For instance, this agency was involved in an infamous scheme wherein developers were able to build commercial properties on slum lands, in exchange for the con-

struction of tenements for the dislocated residents. While the agency nominally has sole authority to approve any development regarding slums in Mumbai, its authority may be functionally bypassed, and it tends to work in conjunction with other state agencies.<sup>13</sup>

### **State Industrial and Investment Corporation of Maharashtra**

The Maharashtra government has a long history of using its agencies to promote industrial development and relocation within the state. One early, and still-existent, organization is the Maharashtra Industrial Development Corporation, which promoted industrial uses of land and today supplies water to much of the state. This agency, the State Industrial and Investment Corporation, was formed several years later, and provides tangible assistance and funding to companies trying to locate in the state. Moreover, it is also the parent organization of the City and Industrial Development Corporation, the unitary body which plans, develops, and governs the “new town” of Navi Mumbai. Much of its economic and industrial policy—notably the use of special economic zones—is unique to Navi Mumbai, and is not used in Mumbai itself.

## ***Federal Institutions***

The federal government exercises little direct authority over cities, as it is legally prohibited from making policy on urbanization, with that power reserved to the states.<sup>14</sup> However, several federal entities operate within and about Mumbai, including:

### **Mumbai Port Trust**

Independent federal agency responsible for administration of the main port facilities in Mumbai. This goes beyond managing shipping day-to-day, also including contracting with private developers for operations and infrastructure, and even devising plans to convert portions of the city’s waterfront into a shopping, entertainment, and cruise

---

[the Authority’s] actions would be in consultation with the Municipal Commissioner.” Id. Note that there was no requirement of consultation with Mumbai’s elected officials.

11 Id., 498.

12 Risbud.

13 Sudha Mohan, *Urban Development and New Localism*, Jaipur: Rawat Publications, 2005, 235-240.

14 Annapurna Shaw, “The Planning and Development of New Bombay,” *Modern Asian Studies*, 33:4, 951-988 (Oct. 1999), 954.

complex.<sup>15</sup> As the agency is independent and federally-appointed, its interests do not always align with those of the state administration. For instance, the agency actively opposed state plans to privately develop the port of Rewas, 10 miles south of Mumbai.<sup>16</sup>

Under national law, the board includes federally-appointed representatives of the shipping industry, labor, and state government.<sup>17</sup> It employs around 55,000 people, and many of these workers and their families live on slums that occupy large portions of the Port Trust's lands.<sup>18</sup> Its holdings, along with those of the military, airport, and railways, makes the Indian federal government the largest single landowner in the city.

### **Indian Rail/Mumbai Rail Vikas Corporation**

A joint venture of the federal Ministry of Railways and the Maharashtra government, which runs Mumbai's trains. Notable in that the Municipal Corporation is responsible for public transportation in the form of buses, but not railways. As mentioned above, the federal government also owns and runs the city's airport.

### **Conflicts, Tensions, and Constraints**

As can be seen, "local" government in Mumbai is a complex web of agencies. Yet what is significant for the present study is not so much how the city is organized, as it is how this complexity advantages particular interests, levels, and forms of government, and simultaneously places significant constraints on the power of Mumbai's more democratic and decentralized institutions. Indeed, a number of scholars have begun to argue that, in spite of the intentions of the 74th Amendment, municipal self-government in India, including in Mumbai, is today still more formality than reality.

15 India Business Insight, "MPT to Develop Cruise Terminal at Mumbai," Apr. 3, 2007.

16 Indian Express, "Maharashtra's Private Port Plan Runs Into Rough Weather," Nov. 15, 2005.

17 Department of Shipping, Government of India, "Major Port Trusts Act, 1963," <http://shipping.nic.in/writeraddata/linkimages/THE%20MAJOR%20PORT%20TRUSTS%20ACT,%2019636813785592.htm>

18 Economic Times, "Port Property Can Give City an Uplift, Say Architects," Feb. 25, 2004.

This section will look at how intended decentralization diverges from the actual operation of the city. The picture that emerges is one of continued dominance of urban policy by the Maharashtra state government. This is evident from the part-time status of the Municipal Corporation, the largely ceremonial role of the Mayor, and the large power of regional and statewide entities to formulate and implement policy. There are also a number of formal and practical constraints on local actors. And there is even dispute between actors within state government, notably those representing Mumbai itself, such as the Commissioner, and those concerned with the region, much of it about resource allocation, and reflecting what many scholars see as an anti-urban policy bias.<sup>19</sup>

Overall, these constraints and conflicts—indeed, the very scale on which governing the city takes place—can be seen to minimize opportunities for meaningful mass participation by Mumbai's citizens in policy-making or implementation, especially with regards to planning and development. Instead, the legal and political prevalence of state agencies, and the financial dependence of the city on state and private money, gives the "real" power to other interests—state, national, and corporate.

### *Weakness of Indian Local Government*

There is a long history of disempowered local institutions in India, with them generally seen as "the weakest link in the political fabric of the country."<sup>20</sup> Scholars cite a number of cultural and historical explanations for this dynamic, finding roots in British society, in the imperial administration of India, and even parallels between the Indian class system and its relatively hierarchical system of federalism.<sup>21</sup> Until the 74th Amendment in 1992, municipal governments were not just functionally weak, but also legal creatures of their states, and as a result local institutions tended not to focus on transparency or accountability: as

19 For instance, the recent Urban Transportation Project experienced serious delays due to wrangling between the Regional Development Authority and other state agencies. Gurbir Singh and Rajesh Unnikrishnan, "MMRDA's Caught in a Labyrinth [sic]," *Economic Times of India*, Sept. 5, 2005.

20 Pinto, 61.

21 Id.

“extension[s] of the state, they were based on bureaucratic structure, and failed to become democratic institutions.”<sup>22</sup>

Today, the status of local governments is not aided by their reputation for inefficiency, and even corruption. One survey of Mumbai councilors found that over half felt the Municipal Corporation is “permeated” with corruption.<sup>23</sup> Elected members of the Corporation have even been involved in other criminal activity: one 1994 report by the Times of India found over a dozen Mumbai corporators involved in crimes including robbery, kidnapping, and murder; one scholar estimated that by 1999, councilors were being arrested at a rate of one per week, and approximately 10 percent of the city’s government had a criminal record.<sup>24</sup> Even lawfully elected and serving politicians often lack legitimacy, as the sheer number of candidates means that many win election with less than a majority of votes. Overall, municipal election turnout is low and declining.<sup>25</sup>

Notably, many scholars feel that even the introduction of the 74th Amendment has not altered the underlying political weakness of local government. In spite of its strong legal language, it must still be “operationalised meaningfully to be effective.”<sup>26</sup> In particular, even though the amendment expanded the list of duties which may be exercised by democratic municipal bodies, “what functions and responsibilities should actually be assigned to the municipalities in place of or in addition to what they already have is still left to the state legislatures.”<sup>27</sup> In Mumbai, the elected branch of local government remains part-time, with the services within local jurisdiction still administered by the state-appointed Commissioner. As a

result, “empowerment of [urban local bodies] has more or less remained a matter of discussion for scholars.”<sup>28</sup>

### *“Anti-Urban” Bias in Maharashtra*

Adding to this already weak nature of local government is the fact that, at least since the 1960s, India and in particular Maharashtra has pursued a development strategy focused less on existing center cities, and more on promoting rural development and new urbanization.<sup>29</sup> This political economic bias, at least with regard to Mumbai, can perhaps be traced to the city’s historical role as a center of colonial activity, and the attendant desire by modern politicians to share the wealth of the central city with the less-developed surrounding areas. Whatever the origin, this dynamic serves to constrain not just the elected municipal representatives, but also the state appointees and agencies concerned only with Mumbai, which may lack the clout of statewide departments. For instance, the state has in the past few decades devoted significant resources to developing the “magnet” city of Navi Mumbai, directly east of Mumbai itself.

Today, with the population in Mumbai’s suburbs growing much faster than within the city limits, the pressure to focus on the metropolitan region broadly defined will no doubt increase. Already, the state of Maharashtra allocates its federal grants at an 88:12 ratio favoring rural over urban areas, even less favorable to municipalities than the federal government’s recommended 80:20 split.<sup>30</sup> The state’s Department of Urban Development admits it does not place a high priority on the problems of existing cities, which one scholar directly cites as “one of the major reasons for the burgeoning growth of the urban slums and the marginal groups in the city.”<sup>31</sup>

22 Bharat Dahiya, “Democracy, Governance and Environmental Management in Contemporary Urban India,” presented at 16th European Conference on Modern South Asian Studies, Edinburgh, UK, Sept. 6-9, 2000, [www.sociology.ed.ac.uk/sas/papers/panel44\\_dahiya.rtf](http://www.sociology.ed.ac.uk/sas/papers/panel44_dahiya.rtf)

23 Pinto, 115-116.

24 J.B. D’Souza, “Local Self-Government and Citizens,” *Economic and Political Weekly*, 34:42-43, 2984-2986 (Oct. 1999).

25 Id.

26 Mohan, 76.

27 Soumen Bagchi, “Myth of Empowering Urban Local Bodies,” *Economic and Political Weekly*, 34:37, 2637 (Sept. 1999), emphasis added.

28 Id.

29 See generally Shaw, 952-955.

30 Mohan, 101.

31 Id., 6.

## *Constraints on Mumbai's Fiscal Powers*

One of the most significant limits on Mumbai's local self-governance is its weak financial position, in particular its minimal revenue-raising powers, and its consequent dependence on state and private grants to fill the gap in its budget—this despite its status as the most affluent and one of the most efficient municipal corporations in the nation. Most tax revenues collected in Mumbai go to the state, and of local taxes, the octroi (tax on goods entering or leaving the territory) is set to expire, while the property tax is both insufficient to cover expenditures, as well as functionally regressive. As a result, much municipal funding, especially for large development projects, tends to focus on already-well-off areas, and is structured so as to appeal to businesses and investors.

First, while the 74<sup>th</sup> Amendment theoretically devolved certain powers to the cities, it “more or less succeeded in keeping the financial powers of the local bodies within the jurisdiction of the state governments,” such that the “ultimate decision of authorising and assigning selective taxes to the local bodies continues to reside with the state legislature.”<sup>32</sup> The consequence of this continued restriction on revenue-raising powers is that cities have remained dependent on intergovernmental transfers. If states continue to devolve authority over expenditure policy without giving cities corresponding tax powers, municipal fiscal dependence on the state will persist.<sup>33</sup>

In point of fact, Mumbai is heavily dependent on property taxes, and will become even more so given that the collection of octroi must be abolished by 2010.<sup>34</sup> This is problematic in itself, both since collection rates at the local level tend to be alarmingly low, and also because the existence of rent control and other limits on the taxable property base put its burden disproportionately on the less

well-off.<sup>35</sup> Almost all other tax revenues—including sales taxes, vehicle registration fees, and luxury taxes—goes directly to the state: for instance, “Maharashtra has steadily refused to countenance a municipal surcharge on the sales tax it gets from the city... Mumbai has a tiny municipal vehicle tax for maintenance of its roads[, yet] it is a negligible fraction of the motor vehicle tax the state collects from the city, and itself retains.”<sup>36</sup>

Another, related consequence of the city's limited revenue-raising power has been to increase its reliance on private sector and capital market sources of funding. However, many scholars argue that this can only exacerbate the already-existing structural dynamics which favor well-off areas and interests in the formulation of policy. With private corporation or financial market funding, “better-off colonies will tend to get more attention and a larger share of investable income,” as “the projects that are likely to be financed through the credit market would, by their very logic, be commercially viable and ensure profitability to the investors and other stakeholders.”<sup>37</sup> Even if the motive is not pure profit, scholars still argue that cities such as Mumbai with many options for development may not tend to focus on “economically unattractive” sectors.<sup>38</sup>

Even when funding for municipal projects comes from non-profit, non-governmental organizations, such as the World Bank, this may still limit the autonomy of the local democratic process. For instance, in order to qualify for a World Bank loan to maintain its water and sewer system, Mumbai's Municipal Corporation had to agree to keep its financial records for this system in double-entry, accrual format, as opposed to the rest of its accounts, which it records on a single-entry cash basis.<sup>39</sup>

32 Bagchi.

33 Ajit Karnik and Ala Lalvani, “Urban Local Government and the Flypaper Effect: Evidence from Maharashtra, India,” *Publius: The Journal of Federalism* 35(2): 273-295 (2005).

34 Press Trust of India, “Industry expects plan for phase out of octroi in state budget,” Mar. 21, 2007. Today, Maharashtra is one of only two states in India that still permits this tax.

35 Pinto and Pinto, 208. The authors state that “it would not be wrong to surmise that in many situations the poorer sections of the population...subsidise the richer sections and affluent neighborhoods.”

36 J. D'Souza.

37 Amitabh Kundu, “Institutional innovations for urban infrastructural development: the Indian scenario,” *Development and Cities*, ed. David Westendorff, Oxford: Oxfam 2002, 62.

38 *Id.*, 48.

39 *Id.*, 46.

Finally, devolving more authority to cities without concomitantly improving their revenue-raising powers also risks increasing their use of private companies for basic civil services. Already, Mumbai has used private contractors for trash collection and disposal and the maintenance of public spaces, while other large cities including Bangalore and Jaipur outsource for duties including road maintenance, and Navi Mumbai has used contractors for duties as integral as the city's sewage and sanitation system.<sup>40</sup> To the extent that devolution on expenditures outpaces municipal revenue powers, it may become the exclusive domain of far less accountable private contractors.

### *The Limited Local Role in Development*

The constraints on local democratic participation in Mumbai's governance are perhaps most evident with regard to land and building development policy. This is in turn particularly striking since planning, land use, and slum rehabilitation power were among the primary local delegations included in the 74th Amendment. Yet many scholars argue that Maharashtra has relinquished little if any of this authority.

To begin, the national government has always been, and today remains, involved in development, as a federal Planning Commission comes up with five-year plans for India's cities. The most recent gives explicit mention of "democratisation from below"—yet the plan "revolve[s] around the strengthening of the democratic structure, with the assistance of the very agencies—state governments, and the urban development authorities," such as Mumbai's Region Development Authority, "who have continued to take over the functions that rightly belong to the [urban local bodies]."<sup>41</sup>

Even to the extent that local authorities such as the Mumbai Improvements Committee have the authority to regulate land use and implement the city's development plan, all of this activity is done subject to the terms of state legislation.<sup>42</sup> This leads one scholar to point to "above all, [a] lack of popular participation in the planning and development

processes."<sup>43</sup> Another argues that, by excluding the popular branch of municipal government from development policy, and maintaining primary authority at the regional and state level, "the voices of the poor...get muted as they are filtered through different layers of authority as they traverse the terrain from the slum to the seat of power."<sup>44</sup> One consequence is that zoning rules, notably density regulations, often disadvantage the poor, by depressing housing availability and affordability.<sup>45</sup>

The development of the city's docklands is a good case study in the politics of development initiatives. First, it is notable that there are industry representatives on the government-appointed task force in charge of redevelopment plans.<sup>46</sup> Also, the project is complicated in that the port itself is controlled by a federal agency, yet an early task force was appointed by the state government. State officials have thus had to present their proposals to the federal Minister of Shipping, and all plans must proceed subject to the terms of federal coastal zone regulations.<sup>47</sup> Plans for the cruise ship terminal had to receive approval from both the Port Trust and the national government itself.<sup>48</sup>

Industry presence on the waterfront task force is not an anomaly. Numerous studies note the prominent role of private developers in shaping and implementing land use policy. Even without participation on planning boards, policy is often tailored with corporate interests in mind, such as one notorious plan that allowed developers to build commercially on former slum lands, in exchange for erecting tenements on small portions of the sites. The consequence of this policy was that only a select few neighborhoods, in areas well-suited to commercial development, experienced improvements. A subsequent government investigation found that state development agencies had

---

43 Pinto, 123.

44 Mohan, 200.

45 Ramakrishna Nallathiga, "An Evaluation of the Impact of Density Regulation on Land Markets in Mumbai," *International Real Estate Review*, 9:1, 132-152 (2006).

46 *Economic Times*, "Task Force Appointed to Look Into Plans for Eastern Waterfront," Nov. 8, 2002.

47 *Economic Times*, "Plan for Trade Centres on Waterfront Remains in Limbo," Nov. 20, 2003.

48 *India Business Insight*, "Cruise Terminal Plan Gets MbPT Push," Feb. 26, 2007.

40 *Id.*, 51.

41 Mohan, 66.

42 Pinto and Pinto, 175-183.

worked without community or non-governmental organization input, and instead the plan had been “designed to enrich Mumbai’s powerful construction lobby.”<sup>49</sup>

The policy literature lacks many instances of development and slum rehabilitation activities which took place with significant community participation. One oft-cited example involved the relocation of 60,000 individuals to make way for a railway extension, in a joint effort of state, local, and federal governments.<sup>50</sup> Yet this situation was unique, owing to a combination of conflict between the state and federal agencies, an unusual degree of organization by slum-dwellers’ groups and NGOs. Notably, none of the community interfacing took place through Mumbai’s democratic council. Indeed, advocacy groups note that demolition and relocation efforts are often carried out with no input from the Mayor, elected council, or decentralized ward committees.<sup>51</sup>

## Conclusion

As such, before Mumbai can formulate a strategy for governance “reform,” there must be a clear understanding of the current context of local political institutions in India and Maharashtra. Scholars must realize that intended and formal decentralization often does not bear out in practice—Mumbai cannot be represented in a flow chart, or understood as a compilation of agencies sharing authority, or even working together. Instead, the institutions with “real” power—the ability to devise and implement master plans, the right to overrule or subsume other bodies, and the means to raise and spend money—are overwhelmingly those appointed or controlled by the state and national governments. Mumbai’s elected council has always been limited in its resources and functional power, and now the entire city finds itself as just

one small part of a “metropolitan region,” and a constituent of vast state bureaucracies.

For this reason, in approaching policy decisions, practitioners and researchers must be careful to connect specific issue and action areas with specific institutions, and to recognize whose interests are represented by the responsible agencies. For instance, development and slum research must focus on key state institutions, notably the commissioner, police, and Maharashtra planning authorities. In general, democratic and local actors tend not to play a large role in these areas, and even the numerous activist groups in the city are often unable to influence decisions city- or region-wide.

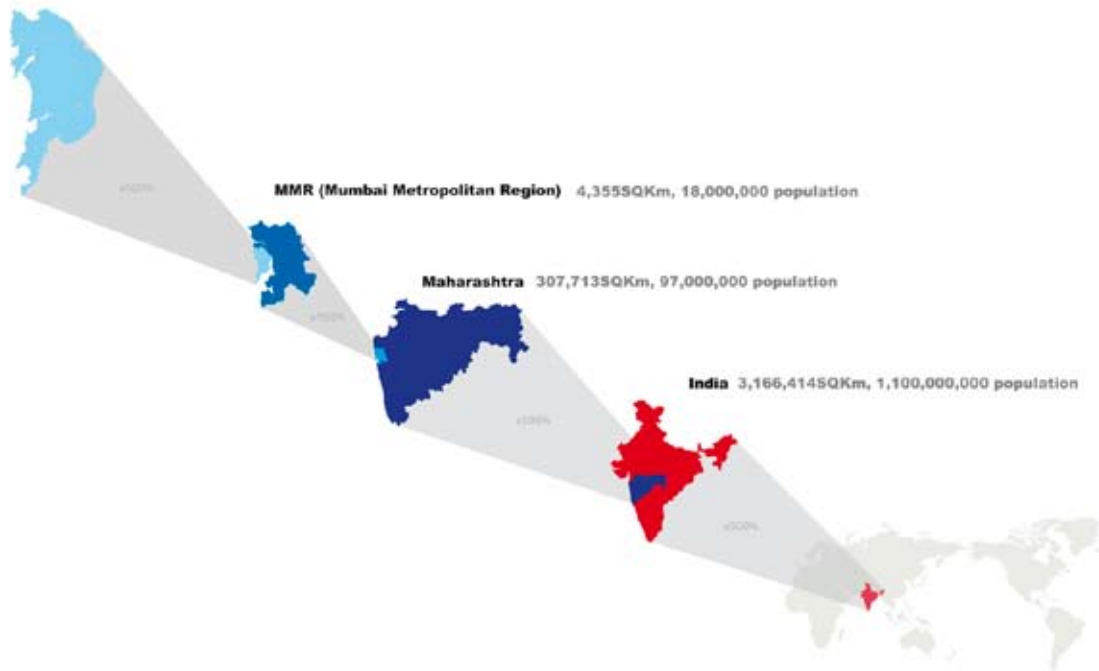
Most of all, in terms of learning from Mumbai’s experience with government, it is important to recognize the impact of the sheer size of the city and its metropolitan region, and the scale on which this allows for government operation. Indeed, it is possible to imagine a very different set of policies and outcomes for the fourteen million living within the 437-sq-km of the Municipal Corporation, were the Corporation and its elected members to actually wield real power, in particular in terms of revenue-raising, transportation, and planning and development authority. Instead, with the central city dependent on the state for funding, and with decision-making on physical development and infrastructure largely made out of state offices and skyscrapers—many of which view Mumbai as but one part of a region ten times its size—the concerns of particular neighborhoods, of individual wadis and chawls, may become victims of scale.

49 Mohan, 241-2.

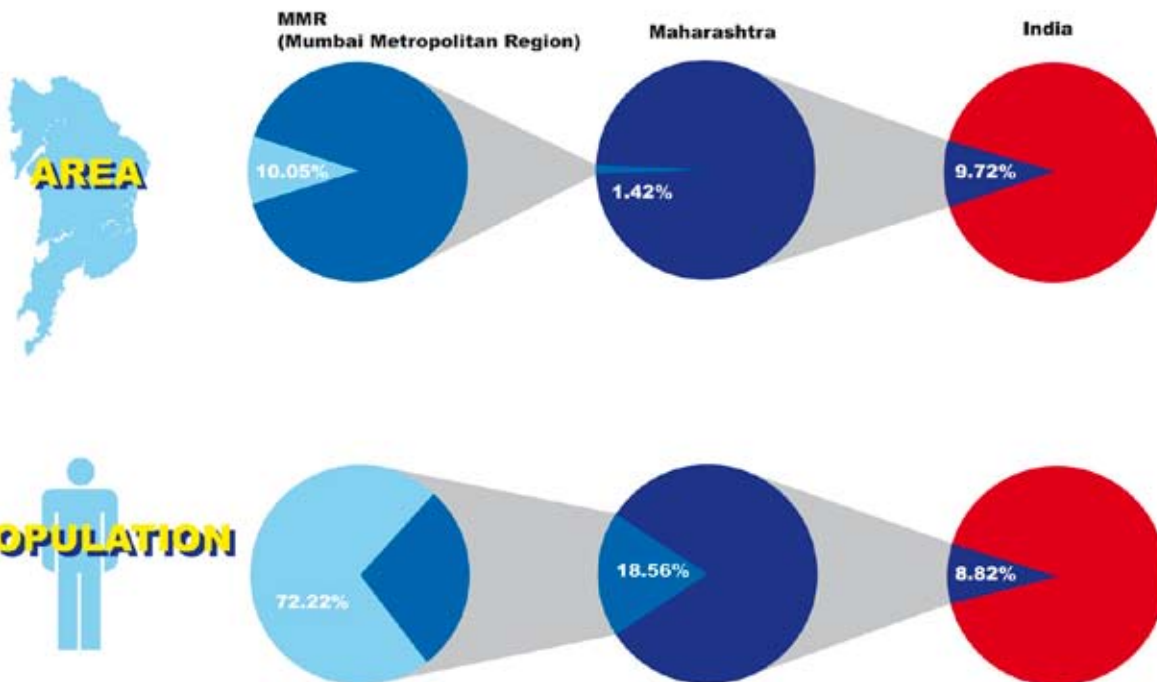
50 Sheela Patel, et al. “Beyond evictions in a global city: people-managed resettlement in Mumbai,” *Environment and Urbanization*, New Delhi: Sage Publications, 2002, [http://eau.sagepub.com/cgi/content\\_abstract/14/1/159](http://eau.sagepub.com/cgi/content_abstract/14/1/159); also Mohan, 194-256.

51 Deepika D’Souza, et al., *Bulldozing Rights: A Report on the Forced Evictions and Housing Policies for the Poor in Mumbai*, Mumbai: Indian People’s Tribunal on Environment and Human Rights, 2005.

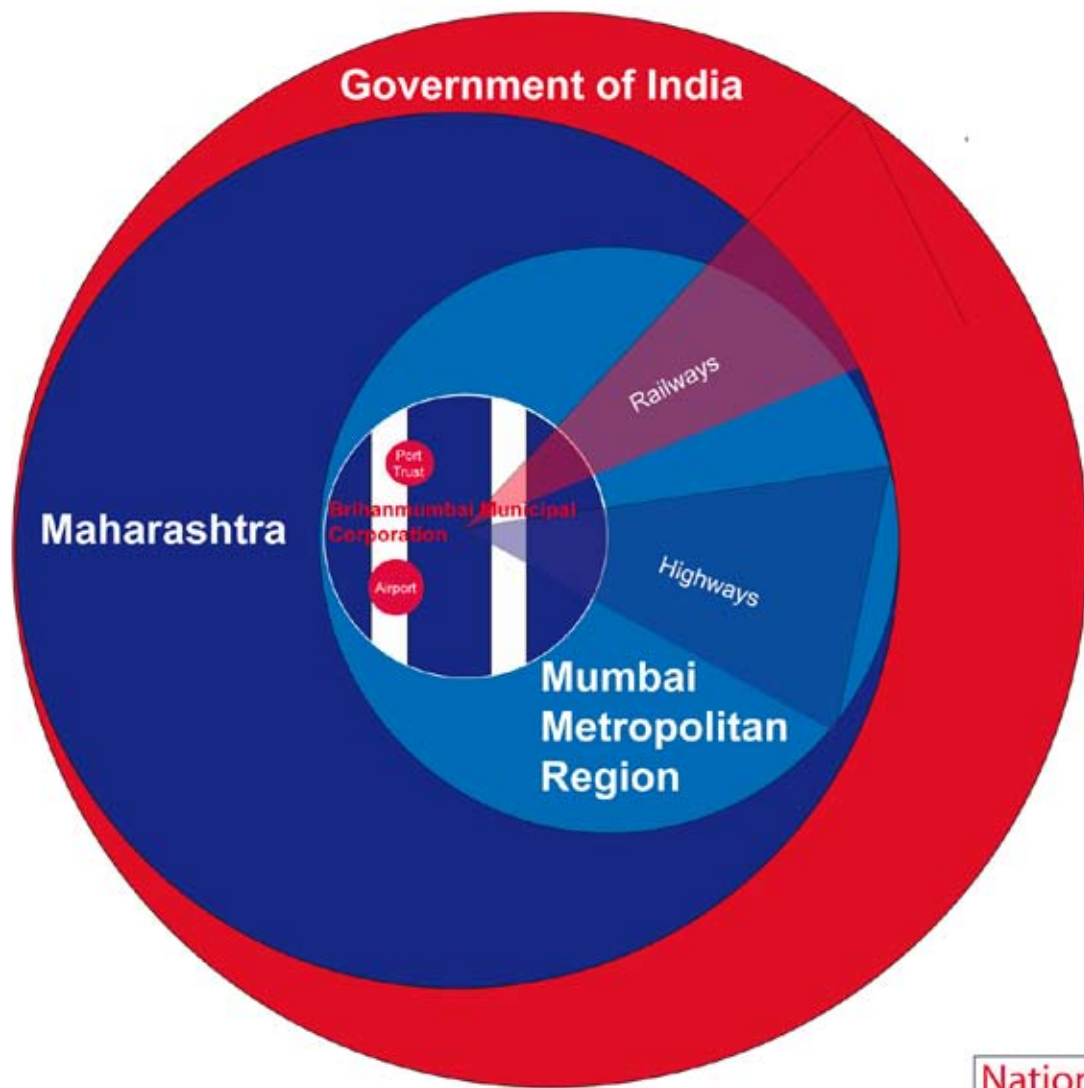
**BMC (Brihanmumbai Municipal Corporation)** 437.715QKm, 13,000,000 population



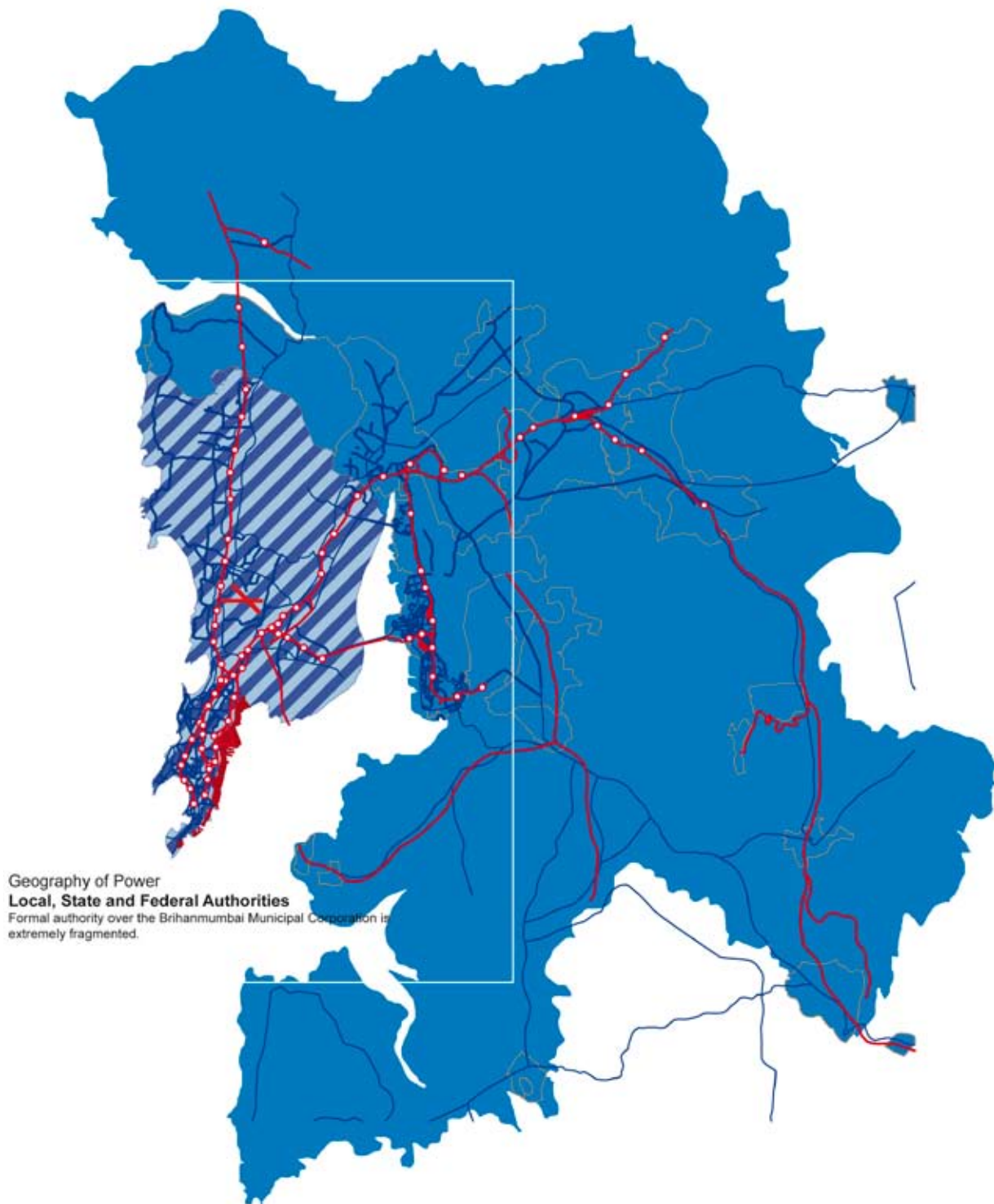
**BMC**  
(Brihanmumbai Municipal Corporation)







National  
State  
Local





#### Geography of Power

##### **Local Authorities**

The locally elected council controls no territory, as the chief executive of the Corporation—the Commissioner—is appointed by the state, and his office is responsible for the service provision which is the local body's main responsibility



#### Geography of Power

##### **State Authorities**

The state government exercises day-to-day authority over a large amount of territory within the Corporation and beyond, including the main highways, as well as public housing, and most planning and development powers



#### Geography of Power

##### **Federal Authorities**

The federal government is—via its ministries' control of Mumbai's airport, ports, and military installations—the single largest landowner in the city

## Mumbai Government Glossary

**BMC:** Brihanmumbai (Greater Mumbai) Municipal Corporation – Name for the official 437 km<sup>2</sup> city limits of Mumbai, including the so-called “island city” and the suburbs incorporated up to 1957; proper name of the official local government, including the Mayor, council, committees and Commissioner; and also used to refer to only the elected council, the democratically elected “legislative branch” of the city government

**Mayor:** Councilor elected by fellow legislators as the city’s ceremonial “First Citizen”

**Commissioner:** State-appointed chief executive and day-to-day manager of the BMC

**Standing Committee:** Most active and powerful of the BMC’s committees, made up of elected councilors and formally responsible for approving most policy

**MMRDA:** Mumbai Metropolitan Region Development Authority – State-appointed planning body for the 435 km<sup>2</sup>, state-designated metropolitan region, which includes the new town of Navi (“new”) Mumbai, other urbanized areas, and much rural land

**MHADA:** Maharashtra Housing and Area Development Authority – State agency which builds and maintains most public housing in Mumbai and the rest of the state

**SRA:** Slum Rehabilitation Authority – State agency with power to build and demolish areas with housing typologies officially designated as slums, in Mumbai and beyond

**MPT:** Mumbai Port Trust – Federally-appointed authority which owns and runs the land and facilities on the city’s docklands, now also referred to as the “Eastern Waterfront”

**SICOM:** State Industrial and Investment Corporation – Maharashtra authority which encourages industrial development and investment; also the parent entity of CIDCO

**CIDCO:** City and Industrial Development Corporation – State-created entity which planned, constructed and today governs the “satellite” city of Navi Mumbai

## References

Bagchi, Soumen. “Myth of Empowering Urban Local Bodies.” *Economic and Political Weekly*. 34:37, 2637 (September 1999).

D’Souza, Deepika, et al., *Bulldozing Rights: A Report on the Forced Evictions and Housing Policies for the Poor in Mumbai*, Mumbai: Indian People’s Tribunal on Environment and Human Rights, 2005.

D’Souza, J.B. “Local Self-Government and Citizens.” *Economic and Political Weekly*. 34:42-43, 2984-2986 (October 1999).

Dahiya, Bharat. “Democracy, Governance and Environmental Management in Contemporary Urban India,” presented at 16th European Conference on Modern South Asian Studies, Edinburgh, UK, Sept. 6-9, 2000, [www.sociology.ed.ac.uk/](http://www.sociology.ed.ac.uk/)

Department of Shipping, Government of India. “Major Port Trusts Act, 1963.” <http://shipping.nic.in/writereaddata/linkimages/THE%20MAJOR%20PORT%20TRUSTS%20ACT,%2019636813785592.htm>

Economic Times. “Port Property Can Give City an Uplift, Say Architects.” February 24, 2004.

———. “Plan for Trade Centres on Waterfront Remains in Limbo.” November 20, 2003.

———. “Task Force Appointed to Look Into Plans for Eastern Waterfront.” November 8, 2002.

India Business Insight. “MMRDA Gets RS2,444 Crore in Its Kitty (For 2007-2008).” April 10, 2007.

———. “Cruise Terminal Plan Gets MbPT Push.” February 26, 2007.

———. “MPT to Develop Cruise Terminal at Mumbai.” April 3, 2007.

Indian Express. “Maharashtra’s Private Port Plan Runs Into Rough Weather.” November 15, 2005.

Karnik, Ajit and Ala Lalvani. “Urban Local Government and the Flypaper Effect: Evidence from Maharashtra, India.” *Publius: The Journal of Federalism*. 35(2): 273-295 (2005).

Kundu, Amitabh. “Institutional innovations for urban infrastructural development: the Indian scenario.” *Development and Cities*. ed. David Westendorff. Oxford: Oxfam 2002.

McKinsey and Bombay First. *Vision Mumbai: Transforming Mumbai into a world-class city*. Mumbai: Bombay First, 2003.

Mohan, Sudha. *Urban Development and New Localism*. Jaipur: Rawat Publications, 2005.

Nallathiga, Ramakrishna. “An Evaluation of the Impact of Density Regulation on Land Markets in Mumbai.” *International Real Estate Review*. 9:1, 132-152 (2006).

Patel, Sheela, et al. "Beyond evictions in a global city: people-managed resettlement in Mumbai." *Environment and Urbanization*. New Delhi: Sage Publications, 2002. <http://eau.sagepub.com/cgi/content/abstract/14/1/159>

Pinto, David A. and Marina R. Pinto. *Municipal Corporation of Greater Mumbai and Ward Administration*. Delhi: Kovark Publishers, 2005.

Pinto, Marina R. *Metropolitan City Governance in India*. New Delhi: Sage Publications, 2000.

Press Trust of India. "Industry expects plan for phase out of octroi in state budget." March 21, 2007.

Risbud, Neelima. "The case of Mumbai, India." *Understanding Slums: Case Studies for the Global Report on Human Settlements 2003*. United Nations Human Settlement Programme, 2003. [http://www.ucl.ac.uk/dpu-projects/Global\\_Report/](http://www.ucl.ac.uk/dpu-projects/Global_Report/)

[sas/papers/panel44\\_dahiya.rtf](#)

Shaw, Annapurna. "The Planning and Development of New Bombay." *Modern Asian Studies*. 33:4, 951-988 (October 1999).

Singh, Gurbir and Rajesh Unnikrishnan. "MMRDA's Caught in a Layrith [sic]." *Economic Times of India*. September 5, 2005.



# Human Settlement Development: the Central Role of Cities in our Environment's Future – Constraints and Possibilities

SASKIA SASSEN, COLUMBIA UNIVERSITY  
AND TORSTEN SCHROEDER, LSE

The massive processes of urbanization under way today are inevitably at the center of the environmental future. Yet they have largely not been at the center of environmental research. It is through cities and vast urban agglomerations that humankind is increasingly present in the world and through which it mediates its relation to the various stocks and flows of environmental capital. The urban hinterland, once a mostly confined geographic zone, is today a global hinterland. This represents a radical transformation in the relation between humans and the rest of the planet.

Having a large number of cities with multimillion populations is a new condition in our history, as is the urbanization of over half the people in the world. Urban agglomerations are today the engines of consumption of the world's environment: they occupy only 2% of the world's land surface, but use over 75% of the world's resources. Humans now consume nearly half of the world's total photosynthetic capacity, and cities are the major factor in this. Cities in the North require an average of 4 to 5 hectares of ecologically productive land per inhabitant. Further, much economic activity that takes place outside cities is geared towards cities. With the expansion of the global economy we have raised our capability to annex growing portions of the world to support a limited number of industries and places. Cities also have a pronounced effect on traditional rural economies and their long-standing cultural adaptation to biological diversity. Rural populations increasingly become consumers of products produced in the industrial economy, one much less sensitive to biological diversity. The rural condition has evolved into a new system of social relations, one that does not work with biodiversity. These developments all signal that the urban condition is a major factor in any environmental future.

Through this enormously distinctive presence that is urbanization, we are changing a growing range of ecological systems from the climate to species diversity and ocean purity and we are creating new environmental conditions of heat islands, desertification, and water pollution. We have entered a new phase in human ecological history. For the first time humankind is the major ecological factor on the planet, in a way it was not in the past. Massive urbanization over the last few decades has created a set of global ecological conditions never seen before. But is it urbanization per se or the particular types of urban systems and industrial processes we have instituted? That is to say, are these global ecological conditions the result of urban agglomeration and density or are they the result of the urban systems for transport, waste disposal, heating and cooling, food provision, and the industrial process through which we extract, grow, make, package, distribute, and dispose of all the foods and services we use?

We can begin by conceptualizing the urban condition as a socio-ecological system in that it creates a whole new set of interrelations between, on the one hand, its constructed features and material practices and, on the other, various ecological systems. In the current stage, the systemic characteristics of this inter-relation are mostly in the form of environmental damage. A growing number of researchers today are calling for the need to use and build upon those features of cities that can make cities into a socio-ecological system with positive outcomes. Specific features of cities with such positive potential are economies of scale, density and the associated potential for greater efficiency in resource use and lower priced options, and dense networks of communication that can serve as facilitators to institute new practices. More theoretically, one can say that in so far as cities are constituted through various processes that

produce space, time, place and nature, cities also contain the transformative possibilities embedded in these same processes.

Because they are at the center of the environmental future, urbanization and the city also must be understood and used as potentially containing the solutions to many of these problems. As has been much documented, cities have long been sites for innovation and for developing and instituting complex physical and organizational systems. It is within the complexity of the city that we must find the solutions to much environmental damage and the formulas for reconfiguring the socio-ecological system that is urbanization. Cities contain the networks and information loops that may facilitate communicating, informing, and persuading households, governments, and firms to support and participate in environmentally sensitive programs and in radically transformative institution building.

Urban systems also entail systems of social relations that support the current configuration. Beyond adoption of practices such as waste recycling, it will take a change in this system of social relations itself to achieve greater environmental sensitivity and efficiency. For instance, a crucial issue is the massive investment around the world promoting large projects that damage the environment. Deforestation and construction of large dams are perhaps among the best known cases. The scale and the increasingly global and private character of these investments suggest that citizens, governments, NGOs, all lack the power to alter these investments patterns. But, as discussed later in this chapter, there are possibilities for acting on these deeply damaging economic operations. The geography of economic globalization is strategic rather than all-encompassing and this is especially so when it comes to the managing, coordinating, servicing and financing of global economic operations. The fact that it is strategic is significant for a discussion about the possibilities of regulating and governing the global economy. There are sites in this strategic geography where the density of economic transactions and top-level management functions come together and represent a strategic geography of decision-making. We can see this also as a strategic geography for demand-

ing accountability about environmental damage. It is precisely because the global economic system is characterized by enormous concentration of power in a limited number of large multinational corporations and global financial markets that makes for concentrated (rather than widely dispersed) sites for accountability and for changing investment criteria. This leaves out a whole range of less central and powerful economic actors responsible for much environmental damage, but are more likely to be controllable through national level regulatory interventions.

A crucial issue raised by all the above is the question of the scales at which damage is produced and intervention or change should occur. These may in turn differ from the levels and sites for responsibility and accountability. The city is, in this regard, an enormously complex entity. Cities are multi-scalar systems where many of the environmental dynamics that concern us are constituted and in turn constitute what we call the city, and where different policy levels, from the supra- to the sub-national, get implemented. Further, specific networks of mostly global cities, also constitute a key component of the global scale and hence can be thought of as a network of sites for accountability of global economic actors.

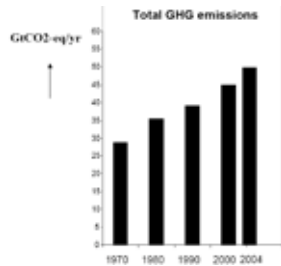
In this brief report we focus on the building and the building process, a key source of environmental damage. The work of connecting the micro-processes of building with the scale of the urban is not developed here, but will be available in the larger report. We also focus briefly on the juxtaposition of geographies of destruction and the geographies of accountability they entail –specifically, the location of the headquarters of some of the most destructive mining operations; we focus on mines, but this is clearly an analysis that can be replicated for many diverse sectors. We argue that both the building process and these geographies of accountability are part of the larger politics of achieving ecologically sound cities.

Note: The following slides are excerpts from the Urban Age Public Lecture, Global Warming and the Political Economy of Cities. These materials are not meant to serve as final conclusions. A further report synthesizing the ideas contained in this essay and lecture will be forthcoming.



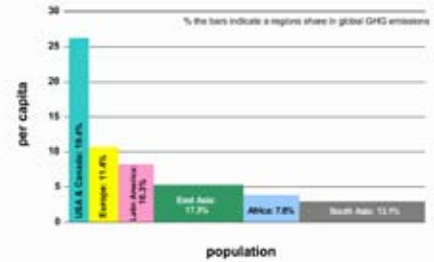
## Energy and Environment

Between 1970 and 2004 global greenhouse gas emissions have increased by 70%



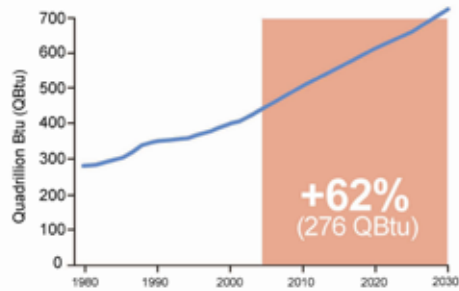
source: IPCC

Regions: share in green house gas emissions



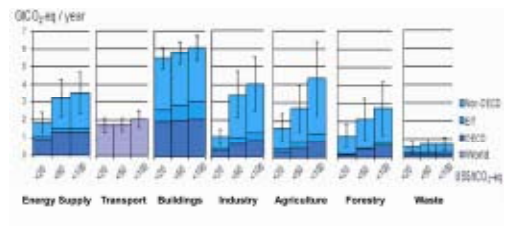
source: Sassen and Schröder based on IPCC

World energy consumption projections



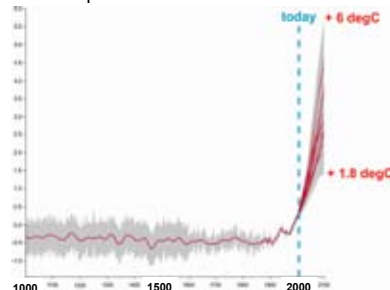
source: Ed Mazria based on U.S. Energy Information Agency Statistics Center

All sectors and regions have the potential to contribute



source: IPCC

Many different models, all predict temperature will rise

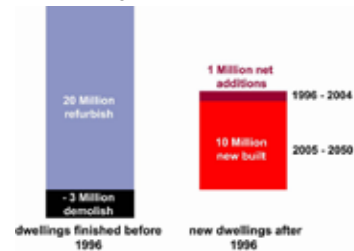


source: Sassen and Schröder based on IPCC

## Buildings: An Environmentally Destructive Force

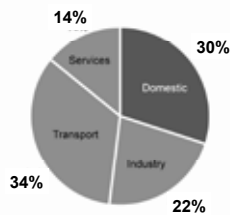
**The energy consumption of buildings depends on their geographical location (climate), their building standards, their function and the behaviour of users**

1996 to 2050 (UK):  
20 Million dwellings to be refurbished  
10 Million dwellings to be built



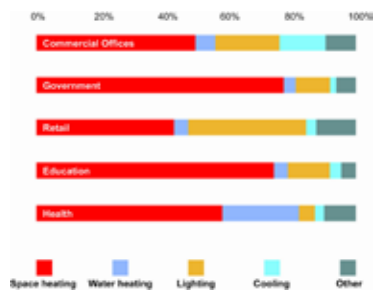
source: Sassen and Schröder based on Environmental Change Institute Oxford

A common energy diagram (UK):  
Does not say anything about buildings



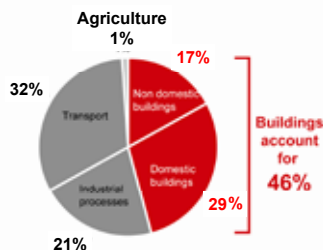
source: Sassen and Schröder based on DTI

Average energy consumption for service sector buildings (UK)



source: Sassen and Schröder based on Building Research Establishment

Bringing in buildings (UK)



source: Sassen and Schröder based on Building Research Establishment

**„Mitigation technologies“ recommended by IPCC for the building sector**

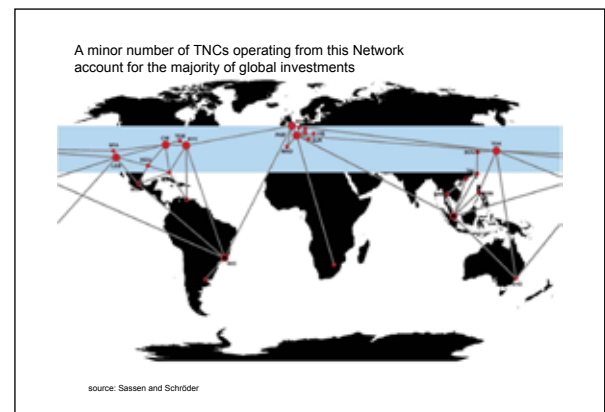
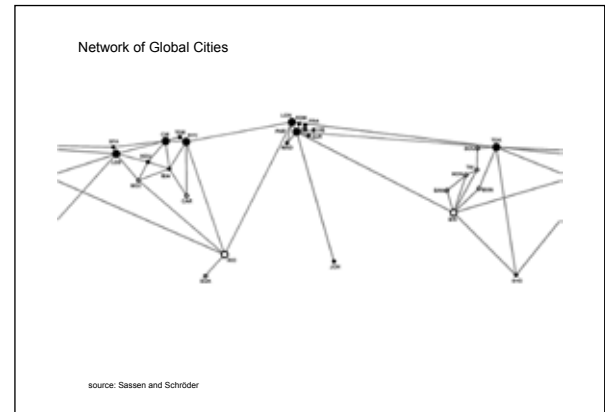
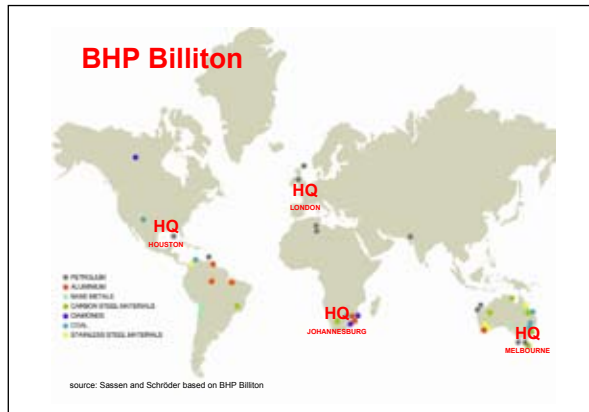
currently commercially available

- efficient lighting and daylighting
- efficient electrical appliances
- improved insulation
- passive and active solar design for heating and cooling

projected to be commercialized before 2030

- Integrated intelligent meters that provide feedback and control
- Solar Photovoltaics

## Geographies of Accountability





# Street Competence: Notes for a Working Definition

CASSIM SHEPARD

*Put on your masks;  
you are again among your brothers.*  
– José Rizal in *Noli Me Tangere*

When observers, Indians and foreigners alike, describe Mumbai with words like “teeming” or “congested” or even “vibrant”, the image they conjure is of the city’s streets. Mumbai’s complexity – its economic dynamism, its ethno-linguistic and religious diversity, its socio-economic polarity, its crush of humanity – is visible on the street. But within a zone of seemingly infinite possibilities of social interaction and co-presence, this complexity remains incomprehensible. Obviously, the street in this context is more than a thoroughfare: it is a space of transaction, dwelling, eating, working, gathering and recreation as well as transportation. And it performs none of these functions exclusively. The same place changes identities many times across various periods and geographies of time. And so must its users. This essay will begin to interrogate how street-users navigate this complexity.

The competence required of most Mumbaikars who engage daily the reality of their streets contains valuable insights into how we might chart a new vision for the city that seeks an alternative to the spatial segregation of the street’s uses and users. The attempt to characterize some of the features of this competence emerges from a position that prioritizes learning from the city’s existing modes of social and spatial organization rather than imposing external models.

Urbanists in the Western tradition tend to fetishize active streets. The land use designation of ‘mixed-use’ has migrated into popular discourse as a normative goal in the search for articulating

the goodness of cities, while Jane Jacobs’ classic formulation of “eyes on the street” has become a mantra. The usefulness of terms like mixed-use disintegrates immediately upon introduction to the Mumbai context, where the proscription against specific activities – such as hawking or pavement-dwelling – is unenforceable and every space has many uses. Mumbai’s overwhelming density does not allow for any space to be wasted, on trains, under bridges, between buildings. Certainly, the city’s overcrowding demands informed intervention, and must not be romanticized. But nor should the rationale of flyovers, ring roads and securitized malls be allowed to seduce Mumbai away from the productive potential of the specific modes of street competence practiced, both individually and collectively, by its residents.

According to Allan Jacobs, in *Great Streets*, “Streets more than anything else are what make the public realm... If we do right by our streets



we can in large measure do right by the city as a whole – and, therefore and most importantly, by its inhabitants” (96:314). The first person plural in his proposition is the community of designers he views as his audience. But the experience of any street is not exclusively a function of its form. To be sure, its form enables, enhances and inhibits certain uses. But the actors who determine and constantly reorganize the life of the street are its users. The co-dependence of built form and social practice is immanent in the street. And this inextricability ramifies in ways specific to each street condition, for the street is, in Mumbai as elsewhere, an irreducible aspect of the physical design and the human experience of cities.

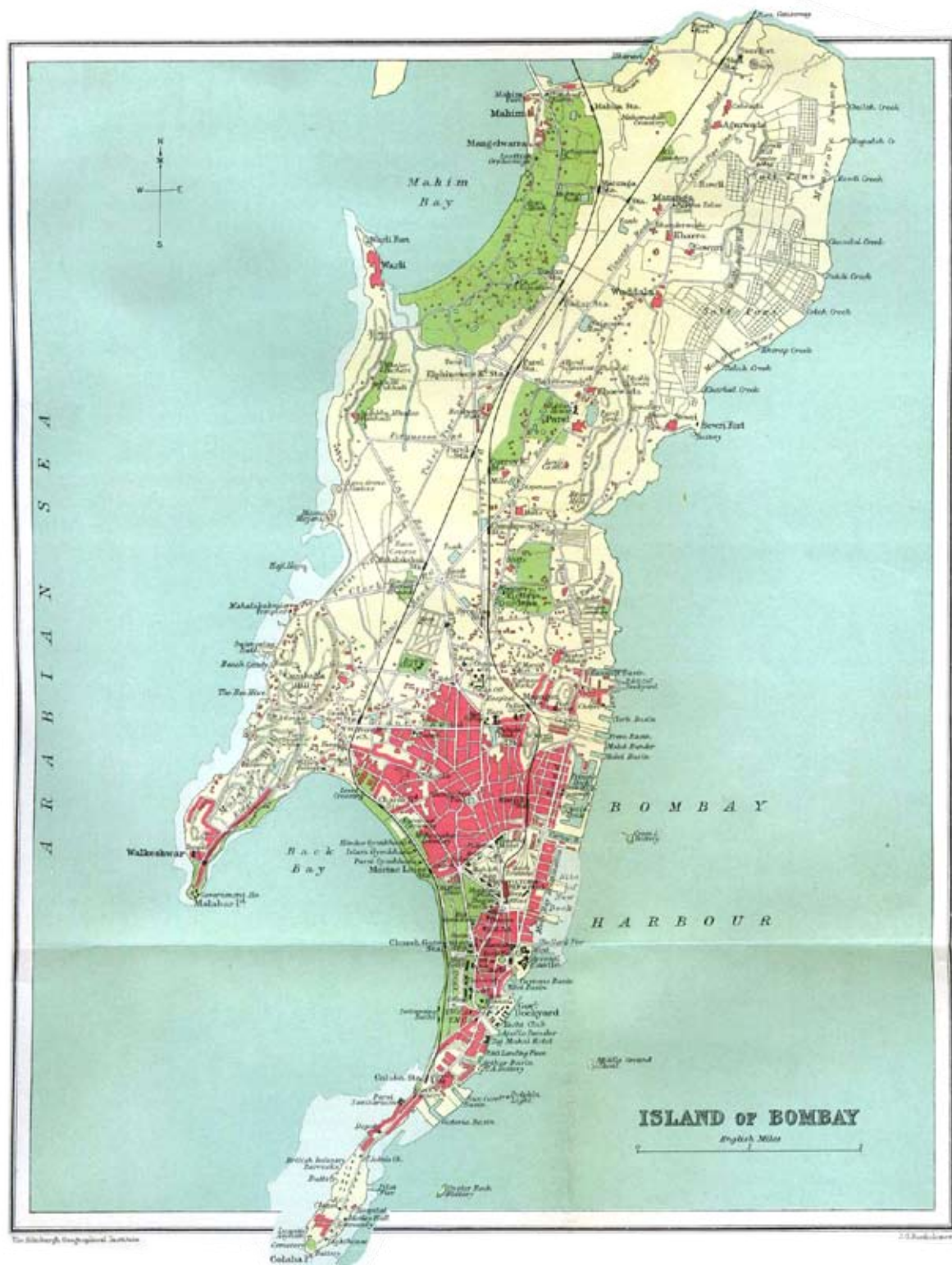
Octavio Paz, upon landing in Bombay en route to his diplomatic post in Delhi in the late 1950s, records his poetic confrontation with the streets of Bombay, with these “streets animated by the twin fevers of vice and money,” as an undeniable attraction to the concert of stimuli that appears at first a cacophony, only to eventually reveal its internal and ineffable rhythmic logic. He reflects on the many hours he has spent walking the streets of Bombay, trying “to make an inventory of all [he] had seen, heard, smelled and felt: dizziness, horror, stupor, astonishment, joy, enthusiasm, nausea, inescapable attraction.” He asks himself what facet of the city’s sensory experience had attracted him and concludes, “*Human kind cannot bear that much reality*. Yes, the excess of reality had become an unreality, but that unreality had turned suddenly into a balcony from which I peered into – what? Into that which is beyond and still has no name ...” (1995:12; emphasis in text). His gaze is self-consciously that of an outsider staring, agape, at Bombay’s complexity. But his fascination bears a potent relationship to the meditative proposition of a more recent chronicler of this city, Suketu Mehta, who concludes, ending his tale among the masses of Churchgate Station, that “the crowd *is* the self.” To deal with the extreme condition of experiential congestion that the streets of Mumbai present requires negotiating between individual and collective forms of identity and embodying legible aspects of the city’s history.

When King John IV of Portugal gave the seven islands of Bombay to King Edward of England as part of his daughter’s dowry in 1661, the islands’ population numbered about twenty thousand. In the early twentieth century, the population within Mumbai’s administrative limits is nearing twenty million. Exponential growth is certainly not unique to Mumbai, but the combination of its economic history and physical geography has posed particular challenges to the management of this growth.

At no point in the modern history of the city has an adequate number of officially recognized jobs or officially recognized housing units been available to Mumbai’s residents. For many, the street is the only place to do business or to live. Coupled with an extreme residential density, the resulting congestion has consistently remained the most cited urban problem to affect the city. While Mumbai’s insular and longitudinal physical geography is the primary determinant of its spatial development, the urban morphology does not emerge from this geography innocently. Rather, it is inscribed within political and economic processes of colonization and decolonization. Indeed, “Bombay’s spatial pattern during the early 20<sup>th</sup> century was a continuation of the basic, Indo-British pattern that had already been laid out by the late nineteenth century” (Jacquemin 1999:79).

The city’s infrastructure corresponds to its north-south axis, and this infrastructure has provided an armature for settlement, both formal and informal, over the past two hundred years. The main Central Business District has remained firmly in the southern tip of Bombay island, resulting in south-north commutes along a narrow corridor of congested roads. For much of the city’s history, the port has been responsible for the city’s explosive growth. When the first Industrial Revolution began in England, Bombay was the closest seaport to the cotton growing areas of what is now Gujarat. When American cotton production fell to a standstill during the American Civil War, Bombay became the world’s leading cotton exporter and trading market. And when the Suez Canal was completed in 1869, Bombay’s seaport became one of the largest on the Indian Ocean (see Jacquemin 1999; Dossal 1991).





The rapid urban development of the mid-nineteenth century, coupled with the formal consolidation of a governmental (as opposed to corporate) imperial order after the First War of Indian Independence in 1857, led to the establishment of an elected city council and the Bombay Municipal Corporation (BMC) in 1873. Even as the Municipal Corporation has grown in the past sixty years to include the entirety of Bombay and Salsette islands, its jurisdiction does not cross Thane Creek to the mainland. Economically, Mumbai has grown into a vast city-region that extends across large swaths of Maharashtra on the mainland to the north and east. Politically, however, Mumbai remains as much an island city as it was in 1873.

1873 also marks the year from which overseas trade, Bombay's most important commercial function, became completely controlled by the Bombay Ports Trust, a largely autonomous and extremely powerful state entity. The trade-based nature of the city's economy is the reason that urban-rural inequality in this part of India has always been more extreme than in other city-regions. Trade concentrated all economic prosperity in the city itself to the exclusion of developing the hinterland (see Jacquemin 1999). The disparities between economic opportunity in the urban as opposed to rural areas therefore accelerated rural-urban migration more quickly than in other Indian cities. The result of constant in-migration bears repeating: at no point in Mumbai's history has a sufficient amount of housing been available. The first census in 1872 states, "The houses of Bombay are really far too few in number to afford proper accommodation for its inhabitants" (Harris 1978:73).

The 1872 census is one of the only times that the challenge posed by Mumbai's rapid growth is articulated as a service deficit rather than a population surplus. Most official literature that seeks a corrective to Mumbai's primary problem refers to 'too many people' rather than, say, 'too few houses' or 'not enough infrastructure.' The state-level legislation intended to redress this problem reflects this characterization: if migrants are flooding the city because of an inflated perception of job opportunity, then the agglomeration of those opportunities in urban areas should be curbed. In other words, if the city has too many people, don't let

any more industry into the city. At the national level, post-Independence industrial policy took on an autarkic slant (see Sujata and Masselos 2003), promoting import-substitution manufacturing capacity instead of relying exclusively on trade. How that manufacturing capacity should be located was largely left to the state governments to determine, but, needless to say, it attracted still more migrants to the city. The policy discourse often casts Mumbai's problems as symptoms of rural economic hardship more than of perceived urban economic opportunity. (Indeed, "the theme that the State is obliged to make all efforts to provide work for the rural unemployed is an older one in Indian economic literature than that of the need to curb urban growth") (Harris 1978:49). In other words, legislators considered the migrants to have been *pushed* from underdeveloped hinterlands, not just *pulled* by Mumbai.

But immigrants to Mumbai are not exclusively jobseekers. In 1947, India's independence meant its Partition and the birth of Pakistan. Hundreds of thousands of refugees from what became Pakistan arrived in Mumbai, and the city's multi-ethnic population grew and diversified further. Indeed, many of the city's immigrants bear the trauma of exile, but many others are drawn to this city of dreams by social opportunities: Mumbai manages to project an emancipatory image. It does this despite the severity of the economic hardships that manifest themselves socially and spatially.

Arguably, overcrowded housing units present a more dangerous symptom of overpopulation than crowded streets. However the problem is defined though, certain profound crises can remain invisible and absent from the collective image of the city while the congestion of the street overwhelms the urban experience and cannot be ignored. And the various scales of governance that bring their power to bear on the street have very few ideas about how to treat the street as a social and physical system. Perhaps looking at the skill with which Mumbaiikars navigate this complex system can provoke new ways to create a vision for Mumbai that builds on the specificities of the socio-spatial practices that have evolved from experiencing the city.



Learning the social code of the street involves more than inuring oneself to its experiential congestion. The spatial and interpersonal negotiation apparent in crowded market streets of South Mumbai offers a profound example. In a condition of extreme density, what enables an individual to feel she will be alright? Does this capacity arise from a selective admission and rejection of sensory inputs? Does it come from a sense of assimilation into the crowd? Or from the maintenance of one's identity and related associations to various individuals and groups amidst a field of otherness? In other words, is it submission to the crowd or mastery over it?

The first time I visited Bombay, I was six years old. My grandmother never let go of my hand. Even then, I was amazed at her ability to navigate the city, switching between languages I did not understand to haggle over prices, issue commands to cab drivers, or ask strangers for directions. She was already elderly and frail, but she was more confident in the streets of her native city than she ever was in the American suburb in which she raised me. Forty years after Partition had wrested her from Bombay and delivered her to Karachi, the energy she drew relied on more than familiarity or nostalgia. Rather, the skill with which she managed the urban scene gave her power. I will never possess her knowledge or memories of Bombay, but when I walk its streets now I realize that this skill arose from neither submission nor mastery, but from something in between. The realization that the application of an isolated, individuated logic to the social life of the street is futile is a vital step towards the ability to navigate its collective logic. This realization resonates with the seeming contradiction of psychological ego-strength in the

mature adult, whereby “although an adult feels no longer wholly the manipulator of the world around him he also feels that that world cannot in turn wholly manipulate him. A certain kind of self-sufficient aloneness and singleness is born, paradoxically, at the moment when a man sees he is not going to be able to be the master of all that occurs in his life” (Sennett 1970: 117). While this self-sufficiency confers power on the individual, it arises from his awareness of the complexity of the social world around him. In the context of street life, one of the key practices of this power involves *reading* that complexity.

As we have seen, the built environment sediments and registers historical forms such that it can be read as a text, rendering movement through the city as a mode of experiencing history and illuminating socio-spatial relations. In any urban context, a city will provide signs of danger or safety. Being street-smart requires knowing where you can go and where you can't. Therefore, does street competence refer exclusively to familiar spaces or customary times of day? Does feeling comfortable in an unfamiliar space or time refer to an advanced state of the same social skill, or an altogether different one?

When I returned to (what was now) Mumbai on my own as a teenager, I had my chance to walk the streets with no one holding my hand. The parental injunction to be “street-smart” reverberated through my head. In the Indian context, I understood such admonitions to refer to a paranoid (and overblown) familial fear that my Urdu-inflected vocabulary would give away the fact that I was Muslim or, worse, Pakistani. A simple solution



would have been to speak only English, but I had an adolescent impulse to ‘pass.’ This desire was anything but street-smart. But perhaps it reflects a reality of the cultural diversity of Mumbai. What are the signs that Mumbaikars use to know when to speak Marathi or Gujarati or Tamil or Hindi in the street? Exploring this question in the field forces us to problematize the benefits of establishing a linguistic commonality with a stranger—a special favor, perhaps, or a better bargain. Does acknowledging the parochial tendencies within a heterogeneous society threaten to reduce street competence by reifying sameness and difference? Or does it celebrate the ways in which Mumbai, as a singular social universe, allows its citizens to move between identities as they move through the city’s spaces and overlapping cultural formations? Perhaps allowing oneself to identify with a range of spatial and cultural scales – *mohalla* or *galli*, neighborhood, province of origin, mother tongue, profession, caste, sect, religion, class – is crucial to the social competencies manifest in Mumbai’s street life. Indeed, the interstices and multiple correlations of identity in the Mumbai context is the essence of its particular habitus.

While Bourdieu refined his classic formulation of the habitus over the course of his career, one of his earliest definitions of the term is the most useful for this discussion, wherein the habitus refers to:

*A system of lasting, transposable dispositions which, integrating past experiences, functions at every moment as a matrix of perceptions, appreciations, and actions and makes possible the achievement of infinitely diversified tasks, thanks to analogical transfers of schemes permitting the solution of similarly shaped problems. (1977:95; emphasis in text)*

On the streets of Mumbai, these ‘similarly shaped problems’ emerge from having to negotiate otherness constantly. But otherness is too monolithic a word to describe the nonself that confronts the walker, buyer, seller or dweller in her infinite interactions on Mumbai’s streets. If the social process of moving between identities is part of what comprises street competence, the explanatory power of the self/other binary is limited. My own nonrepresentative experiences on Mumbai’s streets attest

to the universality of wanting to ‘fit in’. This desire is not unique to outsiders like myself who want to try to experience from within the porous but discrete world of the city’s infinite pluralism and the surprising semblance of its cohesiveness. Assimilating into a parallel social order is an old theme in Indian literatures – from pre-colonial kings dressing up as their subjects and walking among them to the Anglo-Indian boy-spy of Kipling’s *Kim* double-crossing cultures and empires – and refers to a specific social power (much as it does, in Anglophone literatures, for Shakespeare’s *Henry V* or the upwardly mobile bootblacks of Horatio Alger). But ‘passing’ as someone different than oneself is a misleading way to characterize this power. For no one would survive the streets of Mumbai with only one disguise. The poses that make up the city’s choreography of spatial and social negotiations involve multiple and partial masks that reveal as much as they hide.

Phrases such as ‘negotiating otherness’ risk collapsing street competence under this lens of identity. Another inroad to this complex sociological skill is ‘managing proximity’, which introduces the embodied materiality of the city, its visual, physical form. Moreover, the metaphor of the mask evokes social estrangement more than complex networks of intimacy. Yet the presumption of a dichotomy between these modes, too, is false. The seminal urban theorist, Georg Simmel, shows us that self-revelation and self-restraint are qualities equally vital to all social relationships; they are not as discrete categories exclusively applicable to certain categories of relationships and not to others.

Simmel was instrumental in charting a theoretical space for urbanism as a legitimate field of study (See Frisby 2002). In “The Metropolis and Mental Life” (1903), Georg Simmel links the mental condition of the urban citizen to a density of diverse experiences, juxtaposed. While Simmel’s phenomenology of the urban condition refers to all manner of sensory inputs, he articulates his argument in visual terms. He discusses experience via its visual metonyms, ‘the image’ and ‘the glance’, and its psychological one, ‘the impression’:

*Man is a differentiating creature. His mind is stimulated by the difference between a mo-*

*mentary impression and the one which preceded it. [Habitual] impressions use up, so to speak, less consciousness than does the rapid crowding of changing images, the sharp discontinuity in the grasp of a single glance, and the unexpectedness of onrushing conditions which the metropolis creates (Simmel in Miles et al 2000:12; emphasis added).*

Simmel goes on to relate the metropolitan mental condition to the pecuniary culture of urban life. But the risks and opportunities that the capitalist order concentrates in cities continue to manifest themselves, in Simmel's view, through the juxtaposition of impressions related to different rhythms of activity, different networks of economic and cultural transaction, and different images presenting themselves in unexpected ways.

Accommodating the unexpected is as ubiquitous a feature of urban life in Mumbai as accommodating 'the other.' It is part of the competence required of most Mumbaikars who engage the street on a daily basis. But while unforeseen circumstances can interrupt the urban rhythm at any point, the presence and persistence of that rhythm must not be ignored.

How can observation and analysis of that rhythm inform a new ethics of street life? Learning from Mumbai demands the difficult analytical task of gleaning affirmative practices from a condition often portrayed as a crisis without romanticizing or normalizing extreme hardships and difficulties. If we take, as our point of departure, Suketu Mehta's claim "the crowd is the self" then we have more work to do, as urbanists and city residents, to illuminate the ways in which the street is the city. Identifying the rhythm, the hidden core logic, that underscores the constant negotiations between individual and collective forms of identity, between spatial proximity and social distance or intimacy, is a productive first step to finding that city. By city, I mean the aspirational image of a space of practiced citizenship, a space that can marshal the potential energies of a population to its greater good. Mumbai is a good place to start to look.

## References

- Dossal, Mariam Imperial Designs and Indian Realities. The Planning of Bombay City 1845-1875 Delhi: Oxford University Press. 1991
- Harris, Nigel Economic Development, Cities and Planning: the Case of Bombay Mumbai: Oxford University Press. 1978
- Jacobs, Allan Great Streets Cambridge: MIT Press. 1995
- Jacobs, Jane The Death and Life of Great American Cities New York: Vintage Books 1992 [1961]
- Jacquemin, Alain Urban Development and New Towns in the Third World Aldershot: Ashgate 1999
- Mehta, Suketu Maximum City New York: Alfred A Knopf 2004
- Patel, Sujata and Masselos, Jim (eds), Bombay and Mumbai. The City in Transition London: Oxford University Press. 2003
- Paz, Octavio In Light of India New York: Harvest Books 1995
- Simmel, Georg "The Metropolis and Mental Life" (1950 [1903]) in The City Cultures Reader Malcolm Miles, Iain Borden, and Tim Hall, Eds. London: Routledge, 2000



# Spectacle as replacement – Learning or Unlearning from Asian Olympic cities

HIROMASA SHIRAI

## Spectacles for the city

Cities are in competition. In order to attract tourists and investments into their realm, cities are seeking the opportunity to obtain a compelling position on the global stage. This is the common theme for the city in either developed country or developing country. What kind of compelling “weapon” the city should have to enter such a global urban competition is important strategy for the city. Against this backdrop, creating a cultural spectacle in the urban space has become an attractive tool for cities to promote their positive images and attract tourists and investments floating in global market. Harvey (1988) describes that “imaging a city through the organisation of spectacular urban space by, for example, hosting hallmark event, is a mechanism for attracting capital and people (of the right sort) in a period of inter-urban competition and urban entrepreneurialism.”<sup>1</sup>

What is needed for the city to obtain a spectacle? In order to find the essence of the spectacle for the city, let us look at the definition of the word, “spectacle”. It defines the meaning of “spectacle” as follows:<sup>2</sup>

1. A specially prepared or arranged display of a more or less public nature (especially, one on a large scale), forming an impressive or interesting show or entertainment for those viewing it.
2. A person or thing exhibited to, or set before, the public gaze as an object either (a) of curiosity or contempt, or (b) of marvel or admiration.

3. A thing seen or capable of being seen; something presented to the view, especially, of a striking or unusual character; a sight.
4. A sight, show, or exhibition of a specified character or description.

Seeing from the above definition of “spectacle”, the city needs a kind of uniqueness or unusualness in order to create spectacular space in urban space. Uniqueness or unusualness is the important essence for the city to join the inter-urban competition and attract the tourist into the city. Such uniqueness or unusualness can be found in the city space as a permanent phenomenon, and it is also possible to create such a feature in the city as a temporary phenomenon. Spectacle at Times Square in New York City or at Piccadilly Circus in London are created permanently by their unique urban environments on one hand, and other hand hallmark event such as international Expo and the Olympic Games, is a temporary spectacle created in the city. Today, the uniqueness or unusualness required for the creation of urban spectacle need to be more identical or to be more extreme. This comes from the current condition in which the city has to deal with the highly competitive tourism market. As one example of such a severe condition, the economist, Preuss (2004) refers the city’s aspiration of obtaining the uniqueness in order to win the right of hosting the Olympics Games. He argues that such a competition forces the bid cities into “the prisoner’s dilemma”.

*“The high competition of bid cities forces them to follow all requirements the IOC sets....it forces the bid cities into so called ‘prisoner’s dilemma’. That means the cities offer ever more to the Olympic Movement and increase their costs without gaining an advanced posi-*

1 D. Harvey “The condition of Postmodernity”, 1989

2 Oxford University press, “Oxford English Dictionary”, 2007

tion due to the fact that all bid cities offer the same. “<sup>3</sup>

There is no doubt that creating spectacle in urban space is the powerful tool for the city to promote its positive images and attract tourists and investments into its realm, but we have to consider its negative impacts on the city. In particular, creating spectacle for the global targets, it may cause some frictions in the city, that is, the crash between global aspiration and local reality. In other words, by creating spectacle in urban space, we may have to replace something that has existed in local area for long time.

Many cities in the world have experienced such a discrepancy between global aspiration and local reality when they have created a kind of spectacle towards the global audience or tourists. In particular, some experiences by the Olympic cities show such a dilemma clearly. Even though the Olympics is one-off event for the host city, the extreme experience of staging the Olympic Games will give critical suggestions for the city. This will also contribute in considering the critical issue for Mumbai to develop its spectacle further to the global market. What the city should do and what the city should not do?

## Olympic city as a global spectacle city

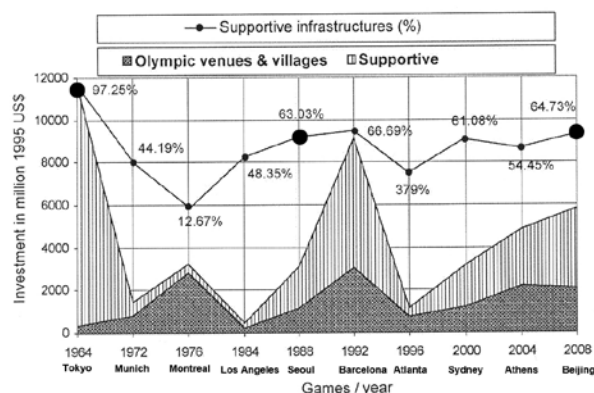
As widely known, the Olympics have been playing the important role to create the spectacle in the city and more and more cities are interested in staging this world's biggest sports event. By hosting the Olympics, the host city can have a opportunity to promote its positive images to the world viewers because the city can be exposed largely to the global media, not only during the Olympic Games but also prior to the opening ceremony of the event. At the same time, the host city also has a risk to expose its negative images to the world. (Sometimes this is more important for the city.) The spectacle that the host city can create is not only the sports spectacles for just 2 weeks. But also the city can have a great possibility to enhance its existing urban spectacles for longer period. Looking back the history of the Olympic cities, many cities have suc-

3 H. Preuss, "the economic of staging the Olympics", p.290, 2004

ceeded to put their names in the destination list of world tourists. For example, Barcelona changed their global position as the tourist destination after the Games.

## Experiences from three Asian Olympic cities, Tokyo, Seoul and Beijing

There are three Asian cities that hosted or is hosting the summer Olympic games; Tokyo in 1964, Seoul in 1988 and Beijing in 2008. The big difference between these three Asian cities and other cities is a "maturity of the city". When they won the right to stage the Olympics, all of the three cities under developed their fundamental urban structures and there were still slum conditions in the city. For these cities, hosting the Olympic brought the great opportunity to transform to the modernised city. Therefore, three Olympic cities in Asia, Tokyo, Seoul and Beijing invested relatively high proportion of the money in non-Olympic facilities, compared to the other Olympic cities. (Tokyo spent 97.25%, Seoul spent 63.03% and Beijing spent 64.73% on non-Olympic related construction.



Investment in Olympic construction, Tokyo 1964 to Beijing 2008. (Source: Liao, H. and A. Pitts (2006))

As a result of hosting the Olympics, they achieved significant urban changes in a short period and succeeded to promote their positive images to the world. At the same time, the city had to face serious problems, which I would describe as "the crush between the global aspiration and local reality" by creating urban spectacle. In the following chapter, I will describe the following aspects of each Olympic city.



1. Replacement of the scale, Tokyo in 1964
2. Controlling (in) visibility of the city, Seoul in 1988
3. Dismissing the locality, Beijing in 2008

The above issues are observed in the Olympic cities but I would consider the same issue for broader discourse on urban spectacle in the global age.

## Replacement of scale, Tokyo, 1964

One of the biggest challenges for the city to host the global hallmark event, such as the Olympic Games is that the city has to prepare for the enormous scale of urban structures for the mega-event. The city needs urban structures which can carry a huge number of athletes, visitors and media attendances. The scale of the global spectacle is so different from the local needs that most of the city has to consider how to deal with this scale discrepancy.

When Tokyo won the right to stage the Olympic Games in 1959, 5 years prior to the opening, there were two significant urban conditions in the city. One is the city was under reconstruction after the city infrastructures were completely destroyed during the World War Two. Another aspect is that the inherited urban scale in Tokyo was relatively small urban scales surrounded by many rivers. The question for Tokyo to prepare urban structures of the Olympics was how the city should prepare the infrastructures for the mega-event and how such a mega scale should be coordinated with existing smaller scale. Constructing the mega-scale expressway was already planned before the Olympics. Therefore, regardless staging the Olympic Games, it had to be built in the city and the Olympics just pushed forward its completion. However, the tragedy for Tokyo was that the city had only five years to construct this massive amount of infrastructures. The time limitation left the unchangeable consequence(failure) in Tokyo. The city simply destroyed the existing urban fabric and built the massive infrastructures on “tabula rasa”. Many rivers were filled with concrete in order to make the foundation for the expressway. Otherwise the highway was built just above the existing rivers. Furthermore, 5 years of time limitation made it extremely difficult to obtain all

the necessary land for the construction of the expressway and eventually the route of the expressway was designed not by the planning ideal but the conditions of available lands. (Therefore, curves in the expressway are so shape and there have been many traffic accidents on this expressway.)



*The expressway constructed during the preparation for the Olympic Games in Tokyo (source: The official report, the Tokyo Olympic (top), unknown (bottom))*

It is true that this newly built expressway contributed smooth and massive transportation for the Olympics Games operation. Even after the Games was over, the expressway running between the buildings are the one of the most impressive spectacle in the city. However, the beauty of the water scape in Tokyo was completely destroyed and hope for co-existing the mega and small urban scale was totally ignored. There is one question to be asked for Tokyo: if Tokyo has enough time to deliberate more appropriate way to co-exist different scale, could the city come with up the solutions?

## Controlling (in)visibility of the city, Seoul, 1988

It is not feasible to make all the part of the city “spectacular”. It is more effective and rationale for the city designates certain part(s) of the city “spectacular” from urban management point of view. Then, each area is designated to show different spectacle. In the case of the Olympics, some area are dedicated for the place of sports spectacle, where the sports venues are located and other area are expected to express other cultural spectacles. Rosch (2000) describes that Olympic city creates the condition of “city within a city”.<sup>4</sup> From the urban management side, this seems to be rationale and effective strategy in order to define where the city should invest. However, from local community side, it seems to be un-fair because they cannot feel that they can obtain the equal benefit from these changes. Regarding the unequal geography of spectacularisation, there is quite different opinion between the management and user side in the city. Furthermore, the Olympic city, as a spectacle city, is highly connected with global media and promote its positive images to the world. On the

4 M.Rosch, “Mega-Event and Modernity, Olympics and Expo in the Growth of Global Culutre”, 2000

contrary, the city try to avoid express its negative images to the world. As a result, in the city, there is a clear categorisation of which area(s) should be visible and should not be visible to the world viewers.

The problem of urban visibility emerged in the Seoul Olympics in 1988. As a part of urban refurbishment, “Conventional sales stands were replaced with showcases at 92 markets and arcade locations with a high potential for use by foreign shoppers.”<sup>5</sup> They are inherent agents in urban space but during the Games they are moved out of visible public spaces, because they are considered as improper figures for the beautification of the city. Furthermore, for the city, the visibility of the torch relay and marathon course was a critical agenda for their Imagineering the spectacle. The torch relay and marathon creates one of the most enthusiastic spectacles among the Olympic Games, huge number of the people in the world witness the scene. For the organizing committee of the Olympic Games, it is ideal that the city’s representative architecture or landscape creates the background of the spectacular scene. This is the

5 The Seoul Olympic Organizing Committee, “Official Report, Organization and Planning, Volume 1”, 1989



City scape in Seoul (source: unknown)



opportunity for the city to advertise its images to the world viewers with free of charge. However, In the case of the Seoul Olympics, there existed slums and poor housings in the course of torch relay and marathon course. According to Hill (1992), the city built the wall in order to hide these areas.<sup>6</sup> This wall was not effective for attendances in the city because the could see it in real space, but it could work well as the scenery for global viewers watching the scene by television. It is the quite modern phenomenon that the urban visibility or invisibility is manipulated according to the media coverage. For the city dwellers, it is quite horrified if their physical environment is designed primary for the media instead of for real experience of the city.

### Dismissing the locality, Beijing, towards 2008

Creating spectacle needs a kind of locality, which is something identical or unusual. (This is also true for the global event, such as the Olympics.) In order to attract global tourists into its realm, the city needs "something exists only in the place". If it is available in anyplace in the world, it cannot trigger a motivation for tourists to decide their destination. It can be historical or cutting-edge architecture, landscape, entertainment, foods etc. However, when such a locality is exposed to the global tourism market, its locality seems to dismiss gradually. The spectacle in the city is not created for the city habitants but mainly for the people from outside the city. They don't need too-much locality and they need locality within their capability. This is quite cynical situation, because it needs strong locality to be compelling in the global market on the one hand, the other hand, such as strong locality may be rejected by the global visitors.

Since the Olympics Games has not staged yet at this time, we don't know how Beijing will show its spectacle to the world. However, it is obvious that winning the right to stage the Olympics in 2008 turned Beijing as a one of the most attractive tourist destinations. As same as previous Olympic cities, attracting more tourists is one of the important aspects to stage the Olympics. Even before staging the Games, more and more visitors are coming to

6 C.R.Hill, "Olympic Politics", 1992

Beijing and see its urban transition as well as its historical heritages. Along with the preparation of the sports venues for the Games, Beijing is re-furbishing its historical part of the city. It is the action to make the areas more spectacular for foreign tourists but these areas also shows dismissing true locality in Beijing. We can see this phenomenon in different types of historical area. One is the Beijing's historical palace, the Forbidden City and another one is the traditional old residence area called Hutong.

**Forbidden City and Starbucks** – the Forbidden City is the one of the most famous world heritage in the word and is one of the most attractive tourist's destinations in Beijing. This is the place where tourists can feel true Chinese-ness; Chinese style



Starbucks in the Forbidden City in Beijing (source, CNN (top) Nikkei BP (bottom))

of architecture, Chinese garden, Chinese shop, Chinese scale etc. The area is highly secured to protect “Chinese-ness” and there is restricted law to prohibit building any types of architecture inside the Forbidden City. Nevertheless, in 2000 (this is before Beijing won the competition for the 2008 Olympics), Starbucks opened in such a sacred place. Inevitably opening of Starbucks triggered huge controversy inside and outside Beijing. People have argued about either Beijing should keep its historical atmosphere or it should increase “the service” for visitors? This is also the battle between the globalisation and localisation. The city wants to make spectacle out of its local heritage and attract global tourists. However, inevitably, the global visitors are comfortable with the global products.

When Starbucks opened its shop in the Forbidden City in 2000, it showed its typical billboard outside the shop (left image) but it was removed quickly and today there is no such a big gesture (right image).

**Hutong** – Another example of dismissing the locality can be found in the local areas called Hutong. (it means “street” in Chinese.) Hutong is the traditional residential area consisted of one story courtyard houses. The street in Hutong is narrow and forms complicated space like labyrinth. In this street, people talk, eat, drink and sometimes watch television. For residents, the street works as both the public space and the extension of their

living space. The tour visiting to Hutong is famous for tourists and they can get on Riki-shya (tricycle) and run through streets in Hutong. However, there are the fundamental problems in this tour. First, this tour is undertaken in certain area of Hutongs. The city has been massively destroyed the Hutong areas in order to make the space for large development and the city preserved certain Hutong(s) in the city, which can be dedicated for the tourist attraction area. Second, in such selected Hutong(s), the spaces for tourist route are cleaned and organized well for visitors. That is, true locality is disappeared and the environment offered to the tourist is almost a “castrated wildness”. Furthermore, there is not sense of smell in the area. (In traditional Hutong, since residents used public toilets, sometimes there is the strong smell in the street)

## Spectacles for Mumbai

In Mumbai, there are several tourists’ destinations such as colonial heritage, Bollywood site, slums... These local areas can provide certain spectacles for the tourist and there is a great potential that these spectacles will become more spectacular. In particular, the colonial heritage area is becoming a famous tourist destination and attracting more and more people from outside city. Then, here again the questions emerged, how the site can maintain its locality? True locality doesn’t mean preserving only colonial architecture but also maintain its surroundings. If only architectural substances are preserved and the surrounding changes com-



Hutong area in Beijing (source, “Big Ban Beijing” Shirai&Schmidt (left&right))



pletely, is looking at the heritage architecture in the atmosphere that is familiar to the tourist, same experience as looking at archaeological treasures in Museum? Why do need to go the city? It is also true for slum tours. The slum tours in Mumbai give the sense of the urban scale and the energy of habitant's daily life. One could say that this is the most spectacular experience for tourist in the city but if this spectacle becomes much more famous than today and much more tourists join this tour, can it be same as today's experience in the tour? It may lose its true locality.

Another critical issue about the spectacle is that the city has to consider the relationship between spectacle space and other space. When the certain area becomes spectacular space, how it can coordinate with other parts of the city? This may trigger uneven economic distribution and create economic polarisation and the spectacle become completely isolated phenomena physically and psychologically for the city habitants, because it cannot contribute their life, even It may make their life worse.

Furthermore, when Mumbai expand the scale of current spectacle in the city or radically bring the hallmark event to the city, to what extend can the city maintain the today's inherited scale? Will the slum disappear from the city? We know that slums have various problem in terms of living conditions, health conditions etc, but it is true that the scale of the slum contributes to the Mumbai as a collection of the diverse scales in urban spaces. If

such diverse scales in the city are destroyed in order to pave a way to the global spectacular space(s), Mumbai will loses one of the most important features in the city and it is hard to bring back such a scale. It is easy to replace from small scale to mega-scale but not other way around.

The above issues about the spectacle in Mumbai are almost same as what we can see from the experiences by three Asian Olympic Cities, which is the difficulty or failure of co-existing the global aspiration and local reality. Using the Olympic opportunity, all of the three cities, Tokyo, Seoul and Beijing, tried to express the impressive spectacles towards global audiences. In this respect, the Olympics turned the city into "showcase". However, in the process of creating such a "showcase", the city has lost many things and it is difficult to bring them back. For these cities, creating "spectacle" to the global stage and replacing inherited localities were undertaken simultaneously. Tokyo lost its inherited human scale and mega-scale infrastructures has become dominant in the centre of the city after the Olympics. Whilst making "spectacle" city, Tokyo has lost the connection with the past in terms of the physical scale. The experience that Seoul had during the Olympics shows the City elite's aspiration of what the city should show and should be not (or hidden). This causes geographical inequality in the city towards the spectacularisation. Beijing has been cynical situations that the city has been losing true locality in order to promote the locality to the global



*Slums in Mumbai (source BBC)*

visitors. This can be the common agenda for the city to create spectacles for their better images and further development. Then, the city should learn from the past experiences of other cities. Urban knowledge should be transferred from the city to city. Mumbai has opportunity to learn from the past and to overcome the gap between the global aspiration and local reality, Furthermore, the new experience of Mumbai can be the model for the following cities in the future. I believe that the one of the mission and advantages of “Urban Age” is enhance such a transfer of urban knowledge.

# Why Mumbai's Slums are Actually Villages

RAHUL SRIVASTAVA

Mumbai's history reflects two distinct phases. One is the south-oriented story that starts with the development of the docks by the British in the seventeenth century. The other is an older, northern-bound story that starts with the Portuguese conquest and domination of the regions around Vasai village in the fifteenth and sixteenth centuries. The essay argues that the point of intersection of these histories is one that can potentially explain the overwhelming presence of poor, infrastructure deprived habitats - often referred to as slums - that dominate the landscape of the city.

Mumbai's slums occupy an unusually large scale - even when compared to other Indian metropolises, with similar economic and political constraints. The essay proposes that the scale and depth of the phenomenon requires a special inquiry into its history. The essay does this by focusing on the story of a small habitat - called Khotachiwadi - that encapsulates many of the issues being debated. Khotachiwadi eventually however, becomes a springboard to discuss other issues to do with the political economy of built-forms in the city - especially with regard to the dialectic of the slum and the village.

It also asserts that a critical examination of the category 'slum' - and its relationship with the 'village' - can challenge take-for-granted notions of urbanism and urban futures for labour-surplus countries like India that have old agrarian histories.

These notions usually render village-like habitats as being inappropriate for modern urban spaces. These spaces are viewed as having a certain kind of density that can only be absorbed by the high-rise form, which, in turn, is presented as antithetical to the village. While critiques of these notions have the potential of moving into radical ideas of the

urban - especially in the realm beyond built-forms - this paper restricts its discussions to the physical dimension of urbanism.

When the Portuguese empire handed over islands in the southern end of the region to the East India Company they did not see this cluster of islands as valuable. They were more interested in the rich fertile lands of the north that supported their trading activities connecting Daman, Vasai, Goa and Calicut. These lands were dotted with villages that went all the way to Mahim and Bandra, perceived to be the southern borders of the Portuguese sphere of influence. The social structure of this space was dominated by a combination of feudal and mercantile practices subsidized by low-caste labour. Large parts of the population were converted to Christianity, a process that preserved the caste divisions by allowing for the emergence of upper caste land-lords and low-caste labour and artisanal groups.

When the East India Company took charge of the southern islands, they forcefully integrated Bandra and Mahim, which they saw as the northern borders of their territory. As the influence of the company increased through the development of the docks, many groups migrated from the Gujarat and Maharashtra regions all through the seventeenth and eighteenth centuries. The Parsee, Hindu and Muslim Gujarathi merchants, shopkeepers and businessmen moved in and around the Fort areas and brought in their urban traditions of built-forms from their city of origin - Surat - an architectural legacy that is still evident in some neighbourhoods of south Mumbai - especially Kalbadevi. On the other hand, the low-caste predominantly labour communities found themselves being absorbed by the villages that existed, in what was then perceived to be, the peripheral regions of the north. The lands were mostly owned

by Christian landlords or occasionally by a member of the Pathare Prabhu community – an old courtly caste that linked its existence to a thirteenth century kingdom nearby.

All through the nineteenth century, poorer migrant groups would pay rents to landlords to set up hamlets that became their homes. Interestingly, richer rural communities, mostly upper caste Catholics, who happened to be educated and got skilled jobs in the docks also reproduced similar hamlets – referred to as wadis. These expressed themselves in newer villages like Khotachiwadi – a hamlet of cottages in Girgaum or a similar one in Matharpakadi at Mazagaon. They looked like the older upper-caste landed villages of Bandra, Mahim, Gorai and Vasai but had actually been built afresh in the nineteenth century.

On the other hand, swampy land around Mahim, particularly in a village called Dharavi (that was occupied primarily by Koli fisherfolk) became the site for the settling down of untouchable communities from different parts of the country. Those regions were seen to be unlivable and peripheral, from the vantage points of both – the fisher community that lived by the sea, as well as the city civic-authorities in the south.

As it turned out, as more low-caste groups arrived from the countryside, attracted by the mills and the docks, the southern city could provide only limited accommodation. Most of the surplus labour lived in the villages, outside the perceived city limits.

As the southern city kept expanding and as dependence on agriculture declined in importance, it became easier for landlords to make more money by renting or selling out land than through agriculture. However, when their lands got integrated into the city they had to give up their control either to the civic authorities or to slumlords. This process got even more complicated in the post-independence period with the development of a local electoral process and the growth of new neighbourhood leaders.

The landscape that thus formed by the middle of the twentieth century in the northern parts of

Mumbai was really a cluster of villages that had become outsize settlements. Even today, the largest slums of Mumbai in that region – Dharavi and Jari-Mari – reflect this village like legacy with their land ownership patterns revealing this quite clearly.

However – villages do not simply become slums because of an awkward growth in population. It helps a certain political economy to view them as slums and this is the main argument being made in the essay. The attempt is to understand the deeper historical basis of slum formation in Mumbai and see it as much as a story of habitats and perceptions about habitats, as about the political economy of scarcity of infrastructure.

To explicate this point – I focus on a small village – called Khotachiwadi in Girgaum.

Khotachiwadi is a cluster of about twenty-eight small cottages and bungalows built in the late 19th and early 20th centuries in the heart of the city. Today it is referred to as an urban heritage precinct mainly because of its distinct architectural flourishes linked to an Indo-Portuguese past.

Right from the start, the homes represented a diverse set of architectural influences – Portuguese villas, Maharastrian coastal cottages, Goan homes and regular cottages and bungalows found in the region. In its hey-day – the early twentieth century – the village boasted of about eighty-eight such individually owned or leased homes.

During the course of my interactions with the villagers, I came across frequent statements by elderly residents mentioning that the wadi used to be referred to as a slum in the early twentieth century. It was called as such by British surveyors who were developing a larger urban plan for the city. Intrigued by the fact that a village now celebrated for its architectural legacy was once referred to as a slum, I continued to explore this observation. In spite of frequent attempts though, I was unable to actually verify this through archival material. The records only mentioned the real name of the village, never the underlying assumed category. However, on inquiring with contemporary architects, urban planners and government officials, I found

most of them agreeing with the residents. Their certainty was based on the awareness that many habitats even today tend to be loosely referred to as slums, though they are historically distinct villages. Some historical accounts of the city even referred to its native towns (immediately outside the Fort precinct), as slums. Referring to Khotachiwadi as such was, thus, quite understandable.

After all, even today, there exist village lands - called 'gaothans' - that are specifically recognized as distinct non-urban habitats, with separate development laws. They are treated by developers - and commonly perceived by neighbouring settlements - as slums.

According to urban historian Rahul Mehrotra, it was in the fifties that one saw the emergence of the simplistic binary - the slum and the multi-storied building dominating rhetoric of built-form in the city. It came to represent a discourse that overwrote the diversity that existed in the earlier experience of Mumbai's built-forms and transformed the perceptions of the future of the city through the aspiration of being a high-rise oriented city. This aspiration eventually started a process that aimed at erasing all ambiguous habitats, especially those that embodied the ethnic elements of built-forms found in the erstwhile "native city" - but more so those structures that seemed rural and therefore inappropriate. Thus till the heritage movement in the city really firmed itself up as some kind of a force to reckon with in the 1980's - much of the old city (that was not protected by the old Rent Act) was destroyed on the grounds that it was part of a back-ward looking colonial experience.

Places like Khotachiwadi were seen to be anachronistic, since they were villages. While most "native" spaces were distinctly urban buildings, this particular habitat's resonances of being "rural" created further trouble for it. The colonial "native" city had quite comfortably absorbed the rural memories that its migrants had brought in. These memories had provided the quaint architectural flourishes of habitats like Khotachiwadi. However, in the long run these very flourishes and characteristics made these hamlets seem inconsistent with the ideals of a modern "urban" present - one,

that wanted to distance it self as much as possible from any rural memory.

This necessitated an inquiry into the category slum itself and brought me to Mike Davis.

Davis uses a large canvas to talk about the future of housing and the rise of slums at a global level. His analysis works brilliantly in analyzing the rise of inequality in terms of a force-feeding of liberal economic policies to developing countries. However, if we accept Davis's vision of slums as being manifestations of certain kinds of economic relations, then we are forced to view slums as an integral rural phenomenon as well. After all, just because the one room huts of landless and poor peasants are not historically seen as slums, does not mean that they have never functioned as such.

By this very fact alone - we move to an observation that seems to contradict Davis's over all argument. The planet is not going to be witnessing an increased presence of slums for the first time in its history at all. It is simply re-arranging resources to suit an economy that is now openly acknowledging the fact that the indicators of development are almost singularly indicators of a certain kind of urban growth. It is not just that the poor migrants are moving to cities and creating slums - they are also bringing in their histories. Slums from rural areas are being transplanted in urban contexts. Conversely, urban contexts are treating the urban poor exactly in the way older feudal agrarian economies treated their rural poor.

However, as Jan Breman in his review of Davis points out, modern slums are emerging in villages as well and are being referred to as such - making the process of urbanization in countries such as India more complicated. In fact, it is becoming particularly difficult to distinguish slums from villages in many parts of the peri-urban areas of the country.

And if one adds to this explanation the special case of Mumbai, then slums are not only a question of developing a critique of the economic policies that the world is choosing for itself - but also about the way the idea of the city functions in this process. Many studies demonstrate how the city

produces more pockets of urban poverty by converting its land-use patterns into real-estate development zones that push the poor to its peripheries. These real-estate development zones subscribe to a certain kind of appropriate built-form – the high-rise – to validate its imposition. In cities like Mumbai – this form itself helps in escalating costs and pushes the poor further into infra-structure deprived regions.

As Linda Clarke and David Harvey demonstrate – capitalism has always operated best within the context of the city. It has not only responded to the rise of the modern city after industrialization but has actively propagated it as the most appropriate human habitat for modern living. Besides, this propagation has a material basis – a certain industry – the construction industry – that benefits most from this process and is constantly looking for new land and new ways of appropriating old modes of land use.

The construction industry, along with its baggage of architects, engineers and urban planners, have a historical advantage in as much as they have been perceived as playing an ideologically neutral role in the process of economic transformations. For long, we were under the impression that they service a foregone economic choice – the logic that industrialization follows urbanization – but as Davis himself demonstrates, they may also lead the process. While doing so they evoke ideological justifications, like all economic interests and use the notion of the city – a specific kind of city – as their ideological anchor. They transform the city from a site where different ideologies play themselves out to becoming an ideology itself.

While theoretically, the high-rise apartment block has been used in Mumbai as a possible solution to the city's problems of density – in reality it has only produced more slums. This happens because the high-rise apartment block comes hand in hand with increased costs of building and a new economy of land – use, one that depends significantly on wider roads, more car-parking space and in the final order of things, fewer people occupying per square feet.

In Mumbai – the earlier colonial mode of monopolistic land use was substituted, in independent India, by an enormously corrupt administration that protected large land-holdings and worked in tandem with corrupt builders. What it used to justify this state of affairs was the argument that land in Mumbai was scarce and people too many. Besides, the image of the city as a modern city meant funneling all resources to the production of appropriate habitats.

This process was recently evident most clearly, when the city's industrial history got re-written. Old defunct mills, with acres and acres of land in them were released into the market even as housing activists cried themselves hoarse saying that a proportion of the land be used for housing the poor. Not only did the authorities not respond to the demand, even the use of land for open space and parks was rejected. Old chawls in the area were then rapidly pulled down to make for shopping malls and high-rise apartment blocks.

However, what is to be noted is that this process and this choice is not new. It continues an older story. The gaze of the British surveyors in the early twentieth century and their categorization of Khotachiwadi as a slum was part of the very same process. The native town even then was constantly being shifted and moved around to make way for imperial projects.

If one looks at the story of slums across the world one is struck by the relativity of the term. In one context it appears as impoverished living in the most basic sense – without water and toilets – while in another it could denote a full fledged – middle class housing complex that is a slum only in relation to the larger story in which it is embedded.

If one builds on this cross-cultural understanding of slums and locates that one common variable that cuts across contexts – I suspect the variable will be this; the slum is simply an inappropriate habitat in contrast to the larger aspiration of the economy in which it is embedded.

One is not de-contextualizing the impoverished slum from the story at all. The fact of the matter is, that the impoverished and the inappropriate habi-



tat are collapsed into one for the overall push in a specific direction – the one that the construction industry aspires for itself.

It is this idealized notion of the high-rise city that is used by builders and urban planners in cities like Mumbai to push forth a land-use pattern that produces more slums.

While so far, the city's poor have responded to the crisis by highlighting their impoverishment - a move that is picked up by Davis to indicate that the problem lies mainly in questions of economic transformation. However, the issue of homelessness and slums also needs to address issues of inappropriate habitats as well.

This can use some well-worked out arguments such as those by Charles Correa in his work 'The New Landscape' as mentioned earlier. According to Correa, the high-density low-rise form that much of Mumbai historically demonstrated is widespread in urban areas not only in India but also much of Asia. In concrete terms, it is the relinquishing of this habitat ideal – in favour of the high-rise apartment complex - that benefits the builder and urban planner lobby the most and contributes to the increasing presence of slums all around the world.

According to Correa, in the Mumbai of the late 19th and early 20th centuries, the relationship of dwellers to architects, builders and living space was extremely different. Dwellers had more control over the process of building homes and memories about building skills played a vital role in the development of these spaces. Villages, clusters of small buildings, colonies of bungalows got built through these negotiations. Even though major architectural and engineering companies shaped the docks, government offices and public buildings – the inhabitants in most of the native city had a greater say in building their own homes. In many cases, and definitely until the early twentieth century, much of the native spaces were surprisingly 'rural'. Orchards and paddy fields accompanied the docks and industries as backdrops for a newly emerging city.

Interestingly, the poor in Mumbai still follow a similar pattern of building habitats. They find cost effective ways of building them and allow for a diversity of skills to converge into the act of building. What causes them to become slums is that the land on which they reside is part of a competitive market. This renders their built-forms illegal and squeezes them into a zone of non-citizenship that traps them further in a spiral of oppression. Almost all their income is eaten up by this status and they become victims of the informal apparatus of the state, which exploits their position and earns massive illegal revenues from these transactions. Creating a context where their growth and the threat of their annihilation is a constant presence.

This story is well known in Mumbai. However even as this knowledge fuels an activist zeal amongst everyone – the non-corrupt dimension of the state, voluntary groups and the media - it often translates itself into a desire to build homes for the poor in the mirror image of the construction industry. Through planners, builders, engineers and architects. The mathematics is worked out to allow for a particular kind of built-form to dominate the city's landscape – most certainly vertical and definitely out of the control of the dwellers. Almost immediately, the question of costs rises and pushes for an acceptable compromise that lets in builders who build for profit into the scene and allow them to subsidize the homes of the poor. The homes for the poor become shadowy and shaky versions of the real thing - built in the image of the modern city – but not only are they never numerically enough to absorb the impoverished millions, there is no guarantee that they will outlive even one generation of the intended inhabitants.

The ineffectiveness of this method is getting more and more clear as slums continue to dominate the landscape and vast tracts of precious (hitherto not even available land) get utilized to create massive apartments for the rich. Defying all logic of use of space, Mumbai sees more tall buildings appearing with lesser people utilizing the floor space index. Where verticality is supposed to absorb more populations, one finds that space is manipulated to produce habitats for the rich and of course these approximate the ideal rich habitats that one finds all over the world – with swimming pools, enor-

mous personal spaces, multi-storied car-parks and lush gardens. However, in poorer economies like India, their horizons are always darkened by the presence of the poor and their shabby habitats.

In conclusion, I would like to evoke the work of anthropologist Anthony Leeds. Leeds understanding lends itself to a powerful anthropology of habitats and helps us to strengthen some of the questions that the paper asks.

According to Leeds, we cannot view urban and rural spaces solely in terms of their geographical and occupational distinctions. He points out that all through human history even though most people have lived in rural habitats these habitats have been shaped and ruled directly or indirectly by the relatively smaller populated urban centers. Agricultural practices have often evolved to produce certain kinds of grains for taxation and farming systems have been linked – through feudal structures – to important urban centers. Thus, the world had been urbanized for a very long time (even though most people did not physically live in cities) and the industrial revolution only marked a quantitative shift of populations into urban spaces. Most importantly, the narratives accompanying modernity, progress and urbanization have been used and re-used in different ways. The ideology of urbanism as presented above is very much part of this narrative and needs to be analytically isolated.

Especially in contexts such as India, with its long history of (urbanized) rural habitats. One needs to reflect upon the remarkable similarities between urban slums in Mumbai and the rural habitats its inhabitants have left behind. One needs to re-think what cities ought to look like in a world, which is becoming increasingly unequal, maybe because it refuses to do so. One needs to reflect upon the anachronistic urban village of Khotachiwadi and one needs to re-think the way in which cities create hardened aspirations for themselves and render inappropriate habitats into ideological wastelands – that we call slums.

## References

- Bhatt, Vikram and Rybonzynski, W. 'How The Other Half Builds. Center for Minimum Cost Housing' McGill University, Montreal, 1984.
- Breman Jan, 'Slumlands' *New Left Review*, 40, July-August 2006.
- Clarke Linda, 'Building Capitalism: Historical Change and the Labour Process in the Production of the Built Environment' Routledge, London 1992
- Correa Charles, 'The New Landscape - Urbanisation in the Third World' London, Butterworth Architecture, 1989.
- Davis, Mike, 'Planet of Slums' *New Left Review*, 26, March-April 2004.
- Davis, Mike, 'Ecology of Fear, Los Angeles and the Imagination of Disaster' Vintage, 1999.
- Dwivedi Sharada and Rahul Mehrotra, 'Mumbai – The Cities Within' India Book House, 1995.
- Echanove Sendoa Matias and Srivastava Rahul: Master-cities and Defiant Villages: Notes from Tokyo, Mumbai and Goa. (Forthcoming, PARMAL, 2007)
- Echanove Sendoa Matias: Towards an Architecture of Participation: Activating Collective Intelligence in Urban Systems. Prepared for the NATIW OpenWeb 2.0 Seminar, Geneva, April 20, 2007
- Government of India (GOI), National Housing Policy. New Delhi: Ministry of Urban Development, 1988.
- Government of Maharashtra (GOM), Guidelines for Implementation of Slum Rehabilitation Schemes in Greater Mumbai. Mumbai: Slum Rehabilitation Authority, Housing and Special Assistance Department, 1997.
- Hart Keith, 'Studying World Society as a Vocation' Goldsmiths Anthropology Research Papers No. 9, Goldsmiths College, London, 2003.
- Harvey David, 'Spaces of Capital, Towards a Critical Geography' Edinburgh University Press, 2001
- Leeds, Anthony, Sanjek, Roger, eds. 'Cities, Classes and the Social Order' Cornell University Press, 1994.
- Mumbai Metropolitan Region Development Authority (MMRDA), Draft Regional Plan for Bombay Metropolitan Region 1991-2011. Mumbai: MMRDA, 1995.
- Patel Shirish, 'Slums mean failed Housing' Mumbai News-line, Indian Express, Thursday, 6 January, 2005.
- Rao Vyjayanthi, Joshi Pankaj and Srivastava Rahul (1994), "Heritage, Habitats and Diversity", A report for UNESCO (to be published)
- Sharma Kalpana, 'Rediscovering Dharavi, Stories from India's Largest Slum' Penguin, Delhi, 2000.
- Srivastava Rahul, 'Digitizing the Sociological Imagination' in Rajan Nalini (ed), Culture and The New Digital Technologies' Routledge, (forthcoming)

Srivastava Rahul, 'The World Next Door' journal Human-scape, August 2002.

Srivastava Rahul, 'Heritage Angst' PARMAL – The Annual Journal of the Goa Heritage Action Group, 2006.

Tindall Gillian, City of Gold, Penguin Books, 1992.

United Nation Centre for Human Settlements (UNCHS). The Istanbul Declaration and Habitat II Agenda. Istanbul: Habitat, 1996.

United Nation Centre for Human Settlements (UNCHS). Cities in the Globalizing World. Nairobi, Habitat, 2001.



# *Appendix*



# List of Reader Materials

## 29 May

### Background and Opening Discussions

- City-building in an age of global urban transformation (Richard Burdett with Miguel Kanai)
- The 21st Century: Asia Becomes Urban (Rakesh Mohan and Shubhagato Dasgupta)
- Vision Mumbai: Transforming Mumbai into a world-class city (A Bombay First – McKinsey Report)
- Transforming Mumbai into a World-Class City (Government of Maharashtra)
- Vision 2031 (Mumbai Times)
- Letter to Shri Manmohan Singh, the Prime Minister of India (Pankaj Joshi and Rahul Mehrotra)
- Learning from Mumbai (Rahul Mehrotra)
- PUKAR: A compilation of articles by Rahul Srivastava published in the Mumbai Mirror (Rahul Srivastava)
- India's Democratic Challenge (Ashutosh Varshney)
- Dharavi: Mumbai's Shadow City (Mark Jacobson)
- The strange allure of the slums (The Economist)
- A cul-de-sac of poverty (The Economist)
- Failures at the top (The Economist)
- The Bomb, Biography and the Indian Middle Class (Sankaran Krishna)
- Tracing a Timeline for Work and Family Research in India (Ujvala Rajadhyaksha and Swati Smita)

## 30 May

### Street Life

- People in the Physical Environment: The Urban Ecology of Streets (Stanford Anderson)
- The Generic Street as a Continuous Built Form (Kenneth Frampton)
- Street Form and Use: A Survey of Principal American Street Environments (Victor Caliendo)
- Street Hawkers and Public Space in Mumbai (Jonathan Shapiro Anjaria)
- National Policy for Street Vendors (Sharit K Bhowmik)
- Living Environment and Health of Urban Poor: A Study in Mumbai (Sunil Kumar Karn, Shigeo Shikura and Hideki Harada)
- Consumption and Urban India: The Poor are only Peeping Toms (Arvind Rajagopal)
- Scavengers: Mumbai's Neglected Workers (P S Vivek)
- Making Markets Work for the Poor: The Small Investors' Fund (Sundar Burra and Devika Mahadevan)

**31 May**

## **Spatial Analysis of Urban Governance**

- The Structure of Local Government in Mumbai (Eli S. Rosenbaum)
- Budget Estimates for the year 2006-2007 (Brihanmumbai Mahanagarpalika)
- Decentering Decentralization (Jerry Frug, from City Making)
- Seeing like a city: urban governance and change (Fran Tonkiss)
- Deep Democracy: urban governmentality and the horizon of politics (Arjun Appadurai)
- Bulldozing Rights (Indian People's Tribunal on Environment and Human Rights)
- Towards a pro-poor framework for slum upgrading in Mumbai, India (Sundar Burra)
- Supreme Court Judgement December 9, 2003 (Mumbai Reader)
- Mumbai Land, Housing Anarchy (Economic and Political Weekly)
- Autoconstruction in Working-Class Brazil (James Holston)
- Plans, habitation and slum redevelopment: The production of community in Dharavi, Mumbai (Roma Chatterji)
- Slumming it: Mike Davis's grand narrative of urban revolution (David Cunningham)
- Globalisation and the Management of Indian Cities (Nigel Harris)
- Old Classes and New Spaces: Urban Poverty, Unorganised Labour and New Unions (Supriya Roy Chowdhary)
- Housing Policies for Mumbai (Shirish B Patel)
- Cities, Slums and Government (R N Sharma and K Sita)
- Regional Distribution of Infrastructure and Basic Amenities in Urban India: Issues Concerning Empowerment of Local Bodies (Amitabh Kundu, Soumen Bagchi and Debolina Kundu)

**1 June**

## **Urban and Social Integration**

- Inclusive mega-cities in globalising Asia (Darshini Mahadevia)
- Globalising at Any Cost (Darshini Mahadevia)
- Cartographic identities: geographical knowledges under globalization (David Harvey, from Spaces of Capital)
- The New Urban Economy (Saskia Sassen, from Cities in a global economy)
- Shifting Cities: Urban Restructuring in Mumbai (Swapna Banerjee-Guha)
- Urban Renewal: At Whose Cost? (Medha Patkar, Simpreet Singh)
- My City, Mumbai (Shirin Bharucha and Nayana Kathpalia)
- Johannesburg: Republic of South Africa (Lindsay Bremner)
- Fortress L.A. (Mike Davis)



## 4 June

### Contested Spaces: Religion, Ethnicity and Gender

- The Origins of the Modern Ghetto (Richard Sennett)
- Secularism and Its Discontents (Amartya Sen, from The Argumentative Indian)
- The Indian Identity (Amartya Sen, from The Argumentative Indian)
- Loathe They Neighbour: The bloody consequences of India's Hindu-Muslim divide (Jo Johnson, from FT Magazine)
- Counterfactual Cases: India and Indonesia (Michael Mann, from The Dark Side of Democracy)
- Gendering Everyday Spaces (from Space, Gender, Knowledge) excerpts include:
  - 'Housing and American Life' by Delores Hayden
  - 'Into the Labyrinth' by Elizabeth Wilson
  - '(Hetero)Sexing Space: Lesbian Perceptions and Experiences of Everyday Spaces' by Gill Valentine
  - 'Femininity, Post-Fordism and the "New Traditionalism"' by D. A. Leslie
- Marriage, Family and Community: A Feminist Dialogue (compiled by Chayanika Shah) excerpts include:
  - 'Revolutions of the Family' by Rohini Hensman
  - 'Feminist Perspectives on Family and Marriage: A Historical View' by Mary E John
  - 'Sexuality and the Family Form' by Anupama Rao
  - 'Querying Marriage and Family' by Rinchin
  - 'You Can Be Lonely in a Crowd': The Production of Safety in Mumbai (Shilpa Phadke)
  - Beyond Public Spaces and Private Spheres: Gender, family, and working-class politics in India (Leela Fernandes)
  - Negotiating the Mohalla: Exclusion, Identity and Muslim Women in Mumbai (Sameera Khan)
  - Dangerous Liaisons (Shilpa Phadke)
  - The Way She Moves (Shilpa Ranade)
  - Gendering the Culture of Building: Case of Mumbai (Neera Adarkar)

## 5 June

### Accessibility and Mobility

- Commuting in Mumbai, 2008: Room for Optimism (Sudhir Badami and Smruti Koppikar)
- City Transport in India: Impending Disaster (Siddhartha Mitra)
- A Time for Change (Urban Task Force)
- Making the Connections (Urban Task Force)
- Community-designed, built and managed toilet blocks in Indian cities (Sundar Burra, Sheela Patel and Thomas Kerr)
- Place making in the context of urban daily mobility practices: actualising time-space mapping as a useful methodological tool (Paola Jirón)

## 6 June

### Typologies and the Permeability of 3D Forms

- The Urban Turn (Ricky Burdett)
- The Architecture of the City (Aldo Rossi)
- What even Happened to Urbanism (Rem Koolhaas)
- Density and Urban Neighbourhoods in London: Extracts (Enterprise LSE)
- Mumbai's Eastern Waterfront and The Necessity of Evoking Social Histories (Rahul Srivastava)
- A Study of the Eastern Waterfront of Mumbai (Rahul Mehrotra, Anirudh Paul and Pankaj Joshi)
- The city as extracurricular space: re-instituting urban pedagogy in South Asia (Anirudh Paul, Prasad Shetty and Shekhar Krishnan)

## 7 June

### Cultural Industries

- Distilleries of Pleasure (excerpts from Maximum City: Bombay Lost and Found by Suketu Mehta)
- Provincializing the Global City: From Bombay to Mumbai (Rashmi Varma)
- The New India: Two Bombay Portraits (William Dalrymple)
- Welcome to Mumbai (Baba Sehgal)
- Cable communications in Mumbai: integrating corporate interests with local media networks (Veena Naregal)
- Women in Call Centres (Preeti Singh and Anu Pandey)
- Part Three: Assemblages of a Global Digital Age (Saskia Sassen, from Territory, Authority, Rights)
- Disjuncture and Difference in the Global Cultural Economy (Arjun Appadurai)
- Photourbanism: Planning the City from Above and from Below (Anthony Vidler)
- The art of rent: globalization and the commodification of culture (David Harvey, from Spaces of Capital)
- Excerpts from The Cultural Economy of Cities by Allan Scott:
- The Mainsprings of Urban Economic Performance
- The Creative Field and the Logic of Innovation in Image Producing Complexes
- French Cinema 1: Structure, Economic Performance, and Social Regulation
- French Cinema 2: Place, Cultural Geography, and Competitive Advantage
- The Recorded Music Industry in the United States

**8 June**

**Global Environmental Crisis**

- Editorial: Reducing risks to cities from disasters and climate change (Saleemul Huq, Sari Kovats, Hannah Reid and David Satterthwaite)
- The rising tide: assessing the risks of climate change and human settlements in low elevation coastal zones (Gordon McGranahan, Deborah Balk and Bridget Anderson)
- The vulnerability of global cities to climate hazards (Alex de Sherbinin, Andrew Schiller and Alex Pulsipher)
- Mumbai and the Global History of Urban Disasters (Shekhar Krishnan)
- Mismanaging Floods (C N Ray)
- Mumbai Floods: Would decentralisation have made a difference? (Vidyadhar K Phatak and Shirish B Patel)
- Our needs, our priorities; women and men from the slums in Mumbai and Pune talk about their needs for water and sanitation (Meera Bapat and Indu Agarwal)
- Executive Summary of the Stern Report on Climate Change (Nicholas Stern)
- Climate Change 2007: The Physical Science Basis Summary for Policymakers (IPCC)
- Climate Change 2007: Impacts, Adaptation and Vulnerability (IPCC)
- Climate Change: Reduce global warming emissions by more than 30% (A Greener, Greater new York, PlaNYC)



# Study of Housing Typologies in Mumbai

CRIT MAY 2007

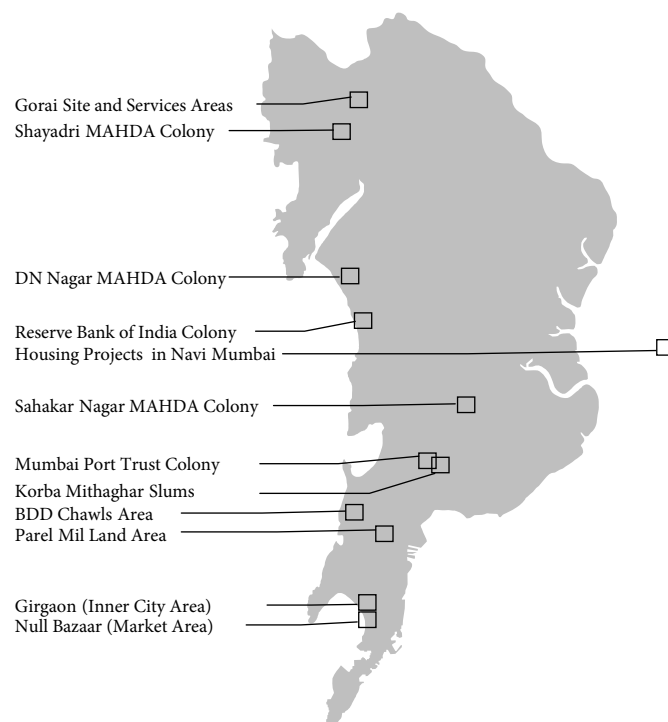
As any other urban area with a dense history, Mumbai has several kinds of house types developed over various stages of its history. However, unlike in the case of many other cities all over the world, each one of its residences is invariably occupied by the city dwellers of this metropolis. Nothing is wasted or abandoned as old, unfitting, or dilapidated in this colossal economy. The housing condition of today's Mumbai can be discussed through its various kinds of housing types, which form a bulk of the city's lived spaces.

This study is intended towards making a compilation of house types in (and wherever relevant; around) Mumbai. House Type here means a generic representative form that helps in conceptualising all the houses that such a form represents. It is not a specific design executed by any important architect, which would be a-typical or unique. It is a form that is generated in a specific cultural epoch/condition. This generic 'type' can further

have several variations and could be interestingly designed /interpreted / transformed by architects.

The focus of this study is on documenting and describing the various house types found in Mumbai with discussions regarding their respective cultural contexts, evolution of form, policies under which they took shape, delivery systems used to generate them, agencies involved, financial mechanisms, uses and occupations, tenure patterns, transformations, etc. It is neither a comprehensive history of housing in the city nor a study of housing conditions, but instead a study of house types. The compilation however would be valuable for undertaking a historical study or describing the present housing condition.

Research Team: Prasad Shetty, Rupali Gupte, Ritesh Patil, Aparna Parikh, Neha Sabnis, Benita Menezes



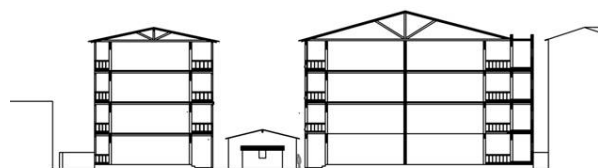
## Wadis from the Mercantile Economy

Several trade settlements came up in northern parts of Mumbai, which had formed important points in the trade routes connecting the hinterlands to the outside world. The colonial governments later capitalised on the natural harbour in the south of the city, which subsequently gave rise to trade-based settlements in the adjoining lands. Incentives were given to Indian traders to act as middlemen in the trade. Several communities like the Parsis, the Bohras, and the Banias came to Bombay and began to settle outside the fort walls in south. This came to be known as the native town, morphologically distinctly different from the low density fabric inside the fort. These settlements have till date worked as large wholesale market areas for the city trading in all commodities passing through the harbour.

Earlier these lands were predominantly agrarian with large plots. These lands specialised in producing certain agrarian products and came to be known after the product produced there or after the name of the family that lived on that land. For example the name Fanas Wadi came from fanas, which means jackfruit or the name Vaidya Wadi comes from Vaidya which is the surname of a physician. When the economy of the city started changing from being agrarian to mercantile, the agrarian plots were hurriedly changed to accommodate the trading community. Land was developed either by the original owner or by a new owner from the trading community. Buildings were built in these plots to house the migrant traders and the trade labourers. Lower floors of these buildings were made into shops. The old names of the places still remain. The Wadis became the predominant type. A wadi is originally a piece of land. But in later developments the suffix wadi is assigned to an area with a group of buildings occupied by several households and with a single owner, who collects rent. Thus mass scale rented houses came into existence in Mumbai during the 18th and 19th centuries. The urban fabric of these settlements is densely structured. It is characterised by small nodes and open spaces with buildings around them. The fabric is essentially mixed use with shops on the ground story and residences above. The 'native' settlers brought with them the

artisans of the regions they came from and the influence is seen primarily in the intricately carved building skins. A building within a wadi consists of single room tenements with common corridors and shared toilets. These corridors generally overlooked a street or an open space. These buildings are generally two to four storied.

Initially it was common practice for traders to have shops in the ground floor and houses above. The buildings in the interiors would be purely residential. Usually traders of the shops stayed in the residences behind. Later years saw an exodus of large sections of the affluent trading community to other parts of the city. These premises were then rented out for residential or commercial use. In many cases traders who moved out maintained their shops. In other cases the houses were sub-let to either the trade labour or to small enterprises. Commercial use slowly percolated from the ground storey to the floors above with people finding tactical ways to use the premises as work places.







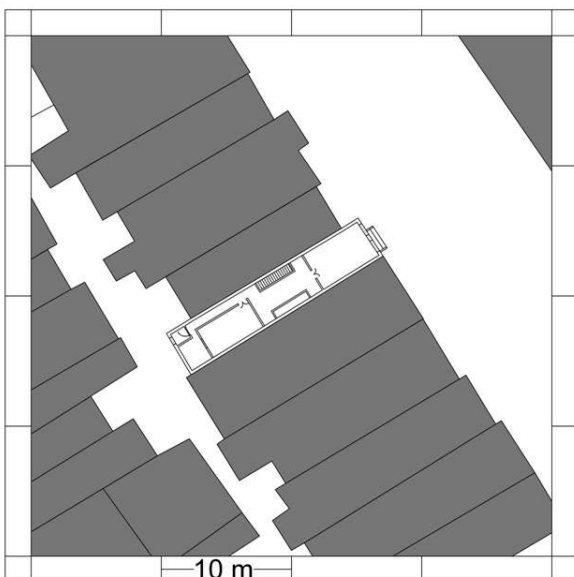


## House from a Market in the Mercantile Economy

The southern part of Mumbai was developed as the colonial fort where the British lived. Immediately outside the fort, grew the large native town. The native town developed into a large market place with entire streets operating as guilds, specialising in various commodities. Even today there are several streets that specialise in single commodities. There are streets that only have textile traders or only jewellers, or glass traders. There is also a street that sells stolen goods called chor bazaar.

Here the densities of people and intensity of activities is extremely high. In case of Null Bazaar, thin types evolved that are three meters wide and twenty meters deep. This was to maximise the number of shop fronts. Houses were located on the rear of the buildings away from the road and on higher floors. These buildings are generally two to four storied. The traders often had shops in the ground floor and houses above. Later one of these used to be rented and the trader moved on to either work or live somewhere else.

Today these areas have twin problems – of highly dilapidated buildings and over burdened infrastructure. Even then, the place commands very high real estate price. On account of such demands we see several of these older typologies being demolished and tall towers coming up in their places. While these new types promise luxurious internal spaces, the questions on overburdened infrastructure remains unanswered.







## Chawls built by private Enterprise

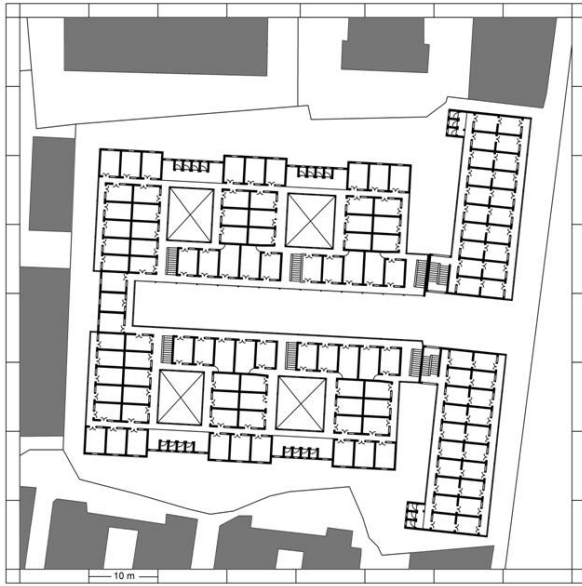
Mid nineteenth century saw the process of industrialisation move to Bombay, with the first spinning mill being set up in 1856. A cotton boom followed as a result of the American Civil War and discontinuation of textile supply from America to Europe. Many more mills were set up during this time. Large capital was poured into the industrialization process. In 1873 the Bombay Port Trust was established. New industries like tramway and railway workshops, ship building, dyes and chemicals and oil and paper mills were set up. Some of the rich and influential traders shifted to owning mills. This created huge job opportunities and brought a steady stream of migrants especially from drought affected interior regions of Maharashtra to the city. Demand for affordable housing stock followed. Private landlords provided a fair share of housing stock to the city. Housing for these migrants were developed by private entrepreneurs who bought agricultural lands around the mills and constructed buildings of one room tenements with common toilets and corridor. This type of housing is called the Chawl. The central areas of the city today are densely packed with these chawls that were developed on all available lands. Open spaces were mostly found inside the cotton textile mills.

The precedents of a chawl could be seen in the army barracks or even in the wadis of the inner city. But these were made for the male migrant labourers of the industries who lived in the city for eight months and went to their villages during the monsoons for agricultural cultivation. Earlier, each tenement of 8 to 15 sqmts was shared between 4-5 labourers. Later on, the labourers, entangled in debt traps sold their ancestral lands and brought their families to the city. Families also came to the city to get better opportunities for their children. The tenements of the chawl came to be later inhabited by families rather than individual migrants. It is now usual to find such a single tenement housing a complete joint family of more than 6 people living in a single room of 10 sqmts and around 30 such households sharing 3 water closets and 3 bathrooms.

The chawl can be described as a typology comprising of several single units of a multipurpose space with a kitchen facility and a wash area (mori), all strung along one common access corridor also leading in to the shared toilet. This typology is known for housing densities as high as 3000 persons/ha. The urban character of these areas gets defined by the corridors flanking the streets. Most chawls on the busy streets have shops on the ground floor. Some times the types also have a courtyard in the center with tenements strung around this courtyard. The building construction is generally load bearing type with wooden frames and pitched roofs. Some later chawls were also constructed with reinforced concrete frames. The corridors become significant for not only climatic reasons but also cultural reasons, when rooms inside are small and time is spent outdoors most of the time. The shared spaces, high densities and a common class helped the area develop a culture that would later on fight vehemently for its land and work.





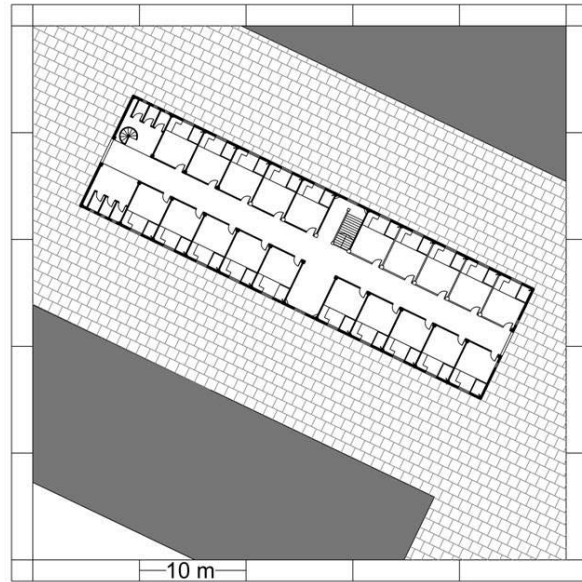
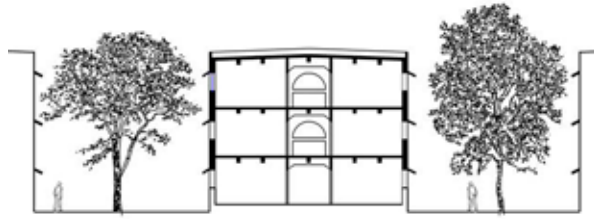


## Chawls built by Government Agencies

The Bombay Improvement Trust (BIT) was set up in the late 19th Century to address the problems of over crowding, dilapidation and infrastructure. BIT also made new plans for several parts in the city for new housing development. Several chawls were constructed by the BIT to house the burgeoning labour groups. Similarly the Bombay Development Department and other government agencies like the Bombay Port Trust and the Railways also constructed several chawls in the city.

While the basic type of single room tenements strung along a common corridor with shared toilets remained similar to the privately developed chawls; the chawls built by the Public agencies ensured a master plan for them with adequate open spaces around them. Spaces between chawls that remained neglected in the privately developed ones became important community open spaces in the chawls developed by public agencies. While in the privately developed types, internal courtyards were common, in the publicly built chawls, one rarely found internal courts. Instead individual buildings sat in an open urban fabric making spaces between buildings work as public and semi public spaces.

Today, the industrial labour does not exist as the industries have shut. But their families still live in one of the densest parts of the city. Their tenement in a chawl in which they live, remains as their only saving and asset. The rents of these tenements have not increased, but it is very difficult to get cheap accommodation in these parts. The large demands of housing and real estate have pushed the price of the rights to occupy one of these tenements very high (Rs 5000 – Rs 10000 per square foot). The chawls on the other hand have become seriously dilapidated on account of overuse and neglect. While they stand to remind one of the industrial might of the city; they simultaneously run a risk of being pulled down to be scavenged for the precious land they hide below them.







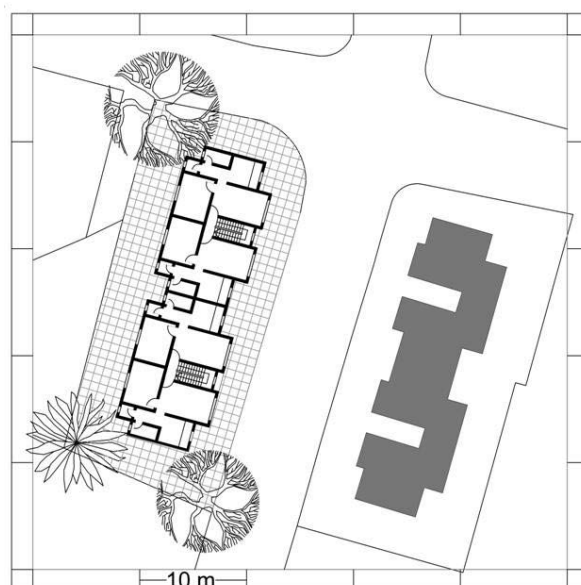
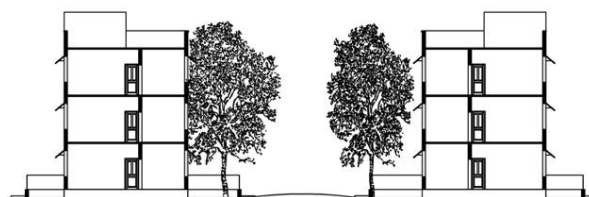
## Mass Housing by the State after Independence

With independence came further migration, both by victims of partition and people seeking opportunities in the city. This raised the housing demands in the city. Rents started spiralling. At the same time the Government took up a stance of providing for the poor and at the same time encouraging capitalist initiatives. To check the spiralling rents, the Rent Control Act was enacted in 1947, which froze rents at 1940 levels. With meagre returns from rented properties, landlords could no longer maintain them. Moreover providing rented accommodation was not a viable business anymore. This saw the demise of the landlord and rented housing stock in the city. In 1967 the Development Plan was sanctioned. Along with this came the concept of FSI (Floor Space Index) which laid restriction on how much one could build according to the infrastructure available. FSI in large parts of the island city were fixed at 1.33, which was lower than that already consumed, by much of the rental housing stock. Hence repairs of dilapidated properties faced a roadblock. New housing stock had to be built in areas that were undeveloped. Land had to be acquired. The state took up the responsibility of providing new housing stock through the Housing Board and later MHADA (Maharashtra Housing and Area Development Board). Land was acquired through enacting the Urban Land Ceiling Act whereby a ceiling was defined for private ownership of land and the state taking over remaining land. With concepts of FSI and Urban Land Ceiling, land became a scarce commodity and very expensive.

The State further made policies for targeting the housing supply to various classes. The concepts of HIG (Higher Income Group), MIG (Middle Income Group), LIG (Lower Income Group) and EWS (Economically Weaker Section) were formulated. State started building rented apartments for these classes. The size of the houses and specification of construction depended upon the income group. However, adequate open spaces, light, ventilation and sanitation arrangements were ensured in these colonies. The typologies also reflected the income group. The Lower income groups had houses that resembled the chawls, but had larger tenement sizes and individual toilet facilities.

Lower income groups were also sometimes given small serviced pitches of land where the families built row houses. As these families grew they added rooms and floors to these houses. In some cases, the state also built houses for cooperatives of working-class, wage-labour and other groups. On the other hand, apartments with bedrooms were made for middle and higher income groups.

All colonies were typically low rise and the densities depended on the class of the inhabitants. Today these colonies, though dilapidated, still are places with maximum amount of open spaces around them. As these colonies invariably consumed lesser FSI, recently, we find a big rush to redevelop these colonies into higher density residential colonies. These redevelopments are undertaken by private developers whereby the existing population is resettled in slightly larger accommodation (as the families had grown larger) and the additional development is sold in the open market.







## Public Sector Employee Housing

After Independence on account of the Rent Control Act rented accommodation became unavailable. Outright buying of houses too became impossible for the working classes due to high prices and expensive loans. On the whole it was very difficult for public sector employees to find accommodation in the city with their meagre salaries. Most of the Public Sector organisations then decided to provide housing for their staff. There were several models of such provisions that were experimented with.

The Mumbai Port Trust for instance, themselves developed housing and rented it out to their employees. The employees would have to vacate their houses after their retirement or in case of early termination of their jobs. These houses would then be given to new employees. The buildings are maintained by the organisations themselves.

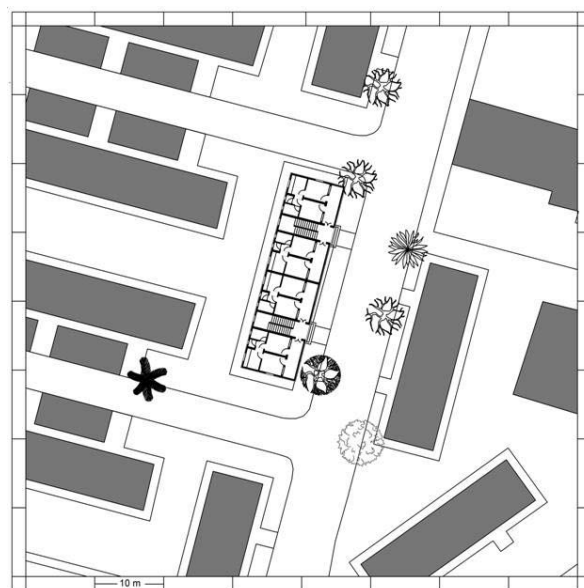
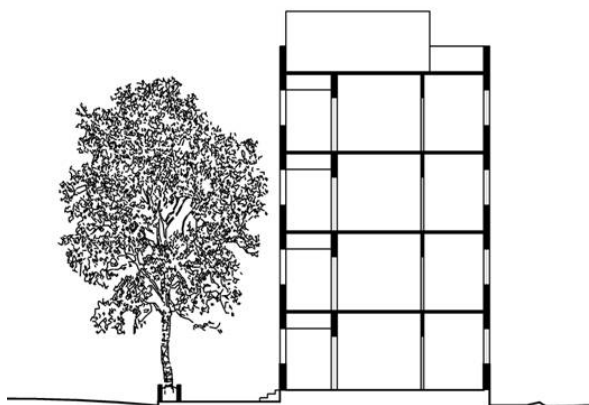
In many cases, like the Bombay Electric Supply and Suburban Transportation, the houses are built by the organisation and the employees pay a monthly premium from their salaries. This premium is the instalment towards the soft loans that the organisation gives to the employees for buying the houses. After some years when the loan is paid back to the organisation, the house becomes the property of the employees. In this case, a cooperative housing society of the employees is formed which undertakes the maintenance of the houses.

In other cases, organisations help the employees to get land whereby the employees have to form a housing society beforehand. The employees either buy the land from the organisation at a nominal rate or the land is given free of cost. The houses are then built with assistance from the organisation, where the organisation provides the employees with soft loans. Here the employees themselves are promoters of the housing wherein they decide their house designs, construction specifications etc.

There are also cases where the organisation buys or rents houses from other agencies in the open market and provides to its employees at subsidised rent rates. Here the organisations themselves maintain the buildings. Many private sector organisations

also provide housing to their employees in this model.

In all cases however, sizes of the houses depend upon the grade of the employee. Hence while a lower grade staff would get a room and a kitchen with toilets; the higher grade officer would get an additional bedroom and more space. The layouts in most of these cases show a generosity of open space planning. The premises are maintained by the organisation itself and today these are some of the best maintained housing in the city. In cases where they are old and dilapidated, like in the case of Mumbai Port Trust, the employees are evacuated and shifted to new buildings.







## Slum

The economic vibrancy of Mumbai attracted people into the city much before independence. The access to housing remained inadequate and people started living in slums since the late 19th Century, providing services to the formal industries and city building activities. These settlements however grew on the outskirts of the city on marshlands and other difficult places. The city grew rapidly since the beginning of the 20th century. Marshlands and outskirts were developed. The slums that were earlier on the outskirts of the city came within. However in spite of the annual housing need for 46,000 dwellings in the 1960s and 60,000 dwellings in the 1970s, the supply of formal housing by the public and private sectors was only 17,600 and 20,600 respectively. The rest fulfilled their shelter need in the slums. But slums only came into real urban concern in the 70's when the real estate prices started climbing. Today about 60 % of Mumbai's Population live in the slums, which exist everywhere - on marshlands, along railway tracks, on open areas, public lands, private lands, between buildings and also on the pavements. The construction type varies from wood to plastic to asbestos construction and to double storey brick and concrete structures. There are slums that have a concentration of ethnic communities, of work based communities, and other such associations. There are slums that come up on construction sites and move on to other construction sites after the work gets completed.

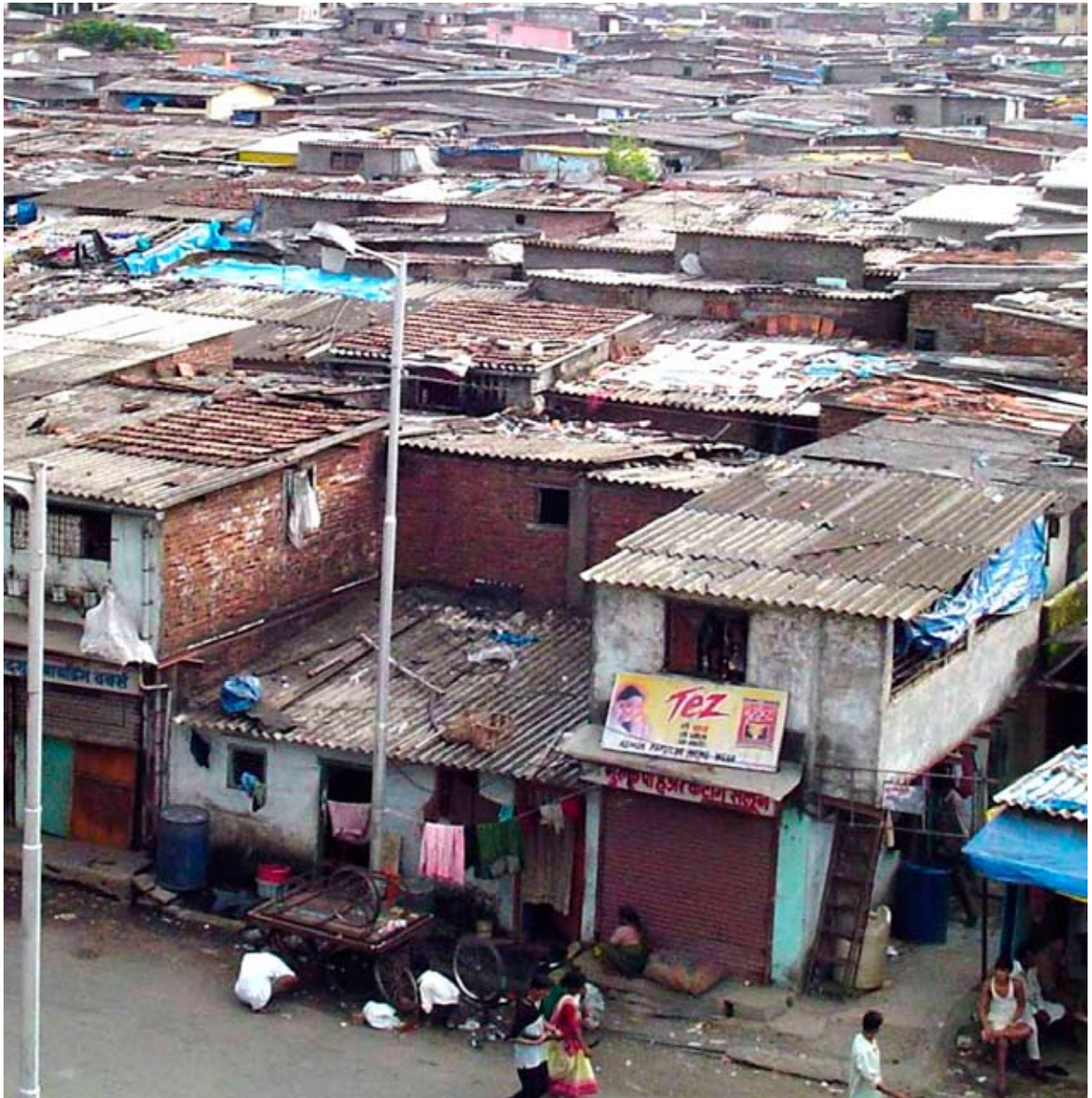
Houses in a slum are generally very small (about 100 sq ft.). But there are instances where large houses of about 1000 – 2000 sq ft could be found. These mostly belong to the slum-lords who control land in the slum. These slum-lords use muscle-power and bribing tactics to squat on free land (generally belonging to the government). They make houses of tin sheets and bamboo (or some times even of brick and concrete). These small houses are then rented to poor people who are in search of housing. There are also houses in the slum that have original squatters. These families also in most cases build an additional room or a floor to accommodate growing families. Sometimes these additional rooms are further rented out bringing about a complex tenure pattern in a slum. A slum

settlement is mostly located along a natural drain which takes care of the sewerage. Electricity and water was generally stolen, but the government makes efforts to provide basic facilities. Water supply in slums is mostly in terms of shared community taps. A slum mostly has a toilet block built by the government, but that remains inadequate. Some houses in a slum have toilets within them.

In the 70s the slums were seen as a disease, and stood for poor living conditions. But perceptions of the slums have changed. A slum dwelling has been a unit of production and a slum dweller, a unit of enterprise. The slum is not only a place for living, but is also a place of work. It has spaces, which accommodate a community washing space, a leather tannery, a ceramic kiln or a food-manufacturing unit. Today, the slum dwellers are considered integral parts of the city contributing to the economy. Their right to live in the city is protected and they cannot be evicted without rehabilitation.







## Site and Service Schemes

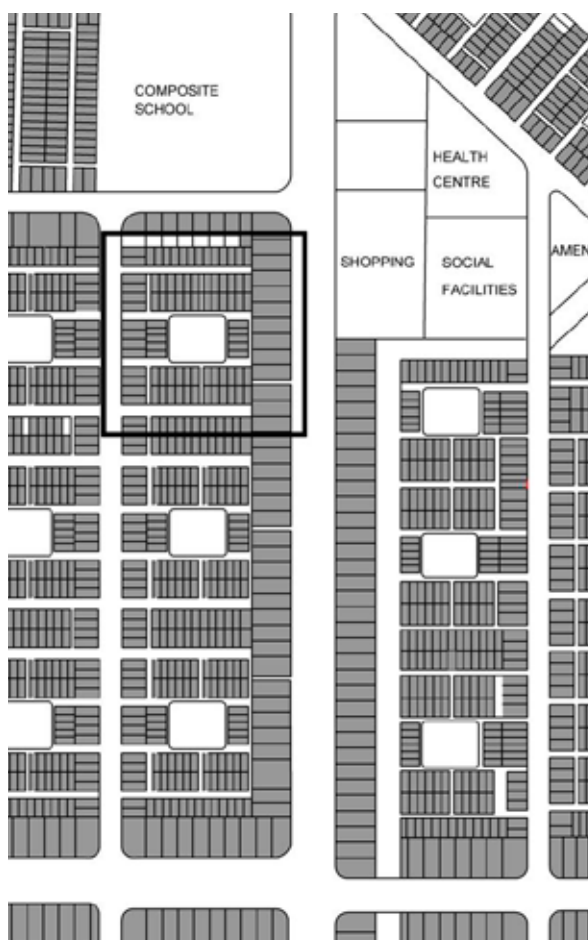
By 1986 the state had provided about 100,000 houses to various income groups out of which 75% were for the lower income groups. However post 1986, the share of high income housing increased as private sector involvement grew in the housing sector. Supply of low income and affordable housing continued to drop abysmally. Subsequently the 80s saw major demolitions with the vision of turning Mumbai into Singapore. However a Supreme court judgement decreed that the evictions would not only result in deprivation of shelter but would also inevitably lead to deprivation of their means of livelihood which means deprivation of life. The Right to Life under article 21 was invoked here. This judgement brought about a major shift in the Government's stance.

The World Bank's Bombay Urban Development Project (BUDP), came into being in 1985, with two programmes – the Slum Up gradation Programme (SUP) and the Low Income Group Shelter Programme (LISP). These were the Mumbai versions of the Site and Services Schemes. In the SUP, the slum lands not reserved for public use were given on a long lease of 30 years to the co-operative societies of slum dwellers at a nominal rent. Government could provide upgraded civic amenities on a cost-recovery basis and soft loans to the slum dwellers for renovation of their structures on an as-is-where-is basis against the mortgage of individual leasehold rights. Under the LISP, the state provided subsidized land to Economically Weaker Sections (EWS) and Low Income Groups (LIG) to build their own houses. The major mantras brought in with the BUDP were regularization of slums, supply of serviced lands to manage slums, granting of secure long term legal tenure and cost recovery.

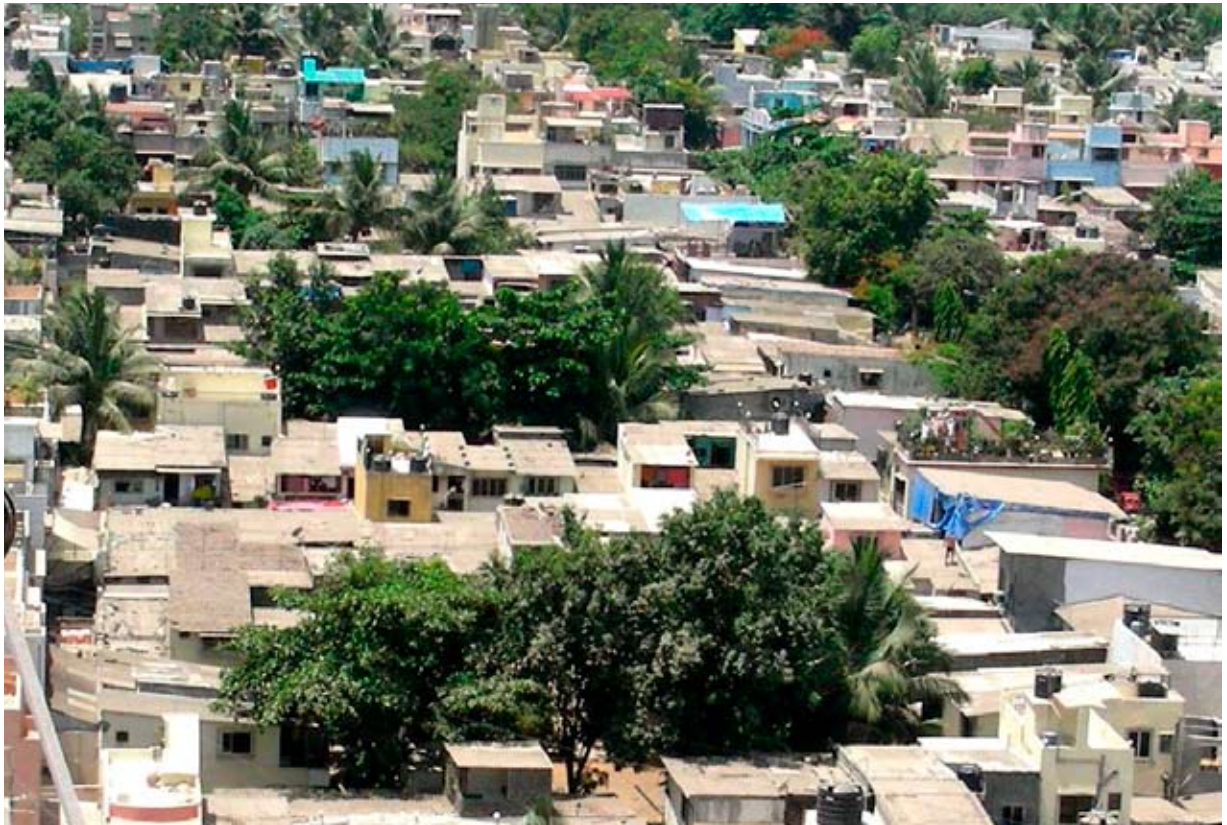
However there were several problems with this scheme, the first being that many were excluded from the scheme as it did not recognize the various complex tenancies that slum areas involve. Further establishing the eligibility of households created serious problems. Secondly, technical problems of extending services and augmenting site infrastructure were faced. The recovery of infrastructure costs failed because of lack of mechanisms

to assess incomes and strengthen systems of disbursements and collection of loans. Further pressures from Real Estate Developers to not transfer land to slum dwellers, the refusal of the Central government to allow the implementation of the scheme on land held by them and perhaps a lack of push from the state government side, caused the demise of this scheme. Only about 22,000 households were covered in this scheme until it was terminated in 1994.

Typologically these schemes had a row of houses strung around a courtyard. These courtyards would be accessed from roads that were then connected to the main roads. The edge of the main roads had higher income group housing. People built their houses as per their capabilities in these schemes. Today, these settlements are showing a degree of transformation as there is a new class moving into these lands. Some houses in these are getting transformed into clinics, design studios, etc.







## New Suburban Township Housing

Economic Liberalisation policies in India in the beginning of the 90's opened up the financial institutions and other sectors for multinational investment. Along with this, the Government also adopted the recommendations of the Fifth Pay Commission which tripled the salaries of formal labour during the mid 90s. On the other hand industries within the city were discouraged and the economy of the city started resting on the magnanimous and ambiguous service sector – including the financial sector. Formal labour suddenly had money that they were not used to spending. This was coupled with introduction of financial products like low interest loans, credit cards, debit cards, personal loans, etc. Affording newer products in the city became easier and people started buying. Real Estate was bought for not only use purposes, but also as investments. Rented real estate was already strangled earlier by the Rent Control Act and the newer loans made owning a property easier than renting it. On the other hand, the new real estate had to be much more than simply a functional space – it had to include elements of high luxury for the population with newer desires. This gave rise to large luxury apartments and townships that promised relaxed and lavish lifestyles.

The townships came about in areas that were earlier protected for environmental purposes - sensitive coastlines with mangroves, or edges of the forest land. Land was mobilised through getting the land use zoning converted on these lands. This required a huge amount of law-twisting and bribes that the developers undertook. The developers who were involved in these developments were large established business houses that could raise money due to their good will in the market. In some cases real-estate was also securitised for raising money from intermediate financiers.

These self contained townships provide greatest luxuries with clubs, swimming pools, gardens, shopping places and entertainment centres. They have generously planned streets with abundant parking spaces. The whole township is extremely well guarded. Individual buildings are maintained by cooperative housing societies formed by the

residences of the buildings. On the other hand, the overall township is maintained by the developer for the first few years. Later on the federation of newly environment-conscious residents took over. The maintenance costs borne by each household is also generally very high. While it is about Rs. 2-3 per sqft in other areas, it is about Rs. 5-7 per sqft in these townships. The housing type is generally 14 to 25 storied towers with two to four large apartments on each floor. The buildings are generally pasted with skins copied from classical Greek or ancient Egyptian embellishments. Some townships themselves resemble a theme park with adequately eclectic skins outside but stacks of flats within. Generally all overhead tanks are made to look like Gothic domes or Greek temples. Apartments in these townships are extremely expensive and can be afforded only by the highly paid executives of multinational companies or large businesspeople. Houses for the other classes with lesser affording capabilities are provided by smaller builders.

