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**THE CASE OF KATHPUTLI COLONY:
Mapping Delhi's First In-situ Slum Rehabilitation
Project**

Subhadra Banda, Yashas Vaidya and David Adler

Centre for Policy Research

Dharma Marg, Chanakyapuri, New Delhi-110021

ABSTRACT

The Delhi Master Plan 2021 introduced the “In-situ rehabilitation” approach to slum redevelopment, in which residents of *JhuggiJhopdi* Clusters transition to temporary housing while the Delhi Development Authority (DDA) reconstructs the settlement, and then shifts the slum-dwellers back onto the original plot and into improved housing. Kathputli Colony, located in West Delhi’s Shadipur region, has been selected by the DDA as the site of Delhi’s first in-situ slum rehabilitation. This paper lays out the trajectory of the Kathputli project thus far, examining the formal, legalistic framework and its relationship to the actual events documented in our research in the colony. We find that, four years after its commencement, there are many aspects of the project which remain unclear, both for researchers and for the residents of Kathputli even moreso. Despite the Master Plan’s attempt to move toward a more inclusive approach to slum redevelopment, the DDA is struggling in its effortsto develop an infrastructure capable of facilitating an informed involvement by the community or civil society organizations in the region.

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I. Introduction

In 2007, the Delhi Development Authority (DDA) began planning for Delhi's first in-situ slum rehabilitation project. It chose the Kathputli Colony (Kathputli), a *jhuggi jhopri* (JJ) cluster tucked into West Delhi's Shadipur region, as the site for this project.

In 2009, Raheja—the private developers chosen to undertake the project—announced the construction of Raheja Phoenix, “Delhi's first true skyscraper,” on the current Kathputli Colony plot. With a planned height of 190 metres, Raheja Phoenix is 54 floors of luxury flats, equipped “with skysclub and helipad,” according to the developers.

The Kathputli in-situ slum rehabilitation is a three-step process. First, the residents of Kathputli who qualify for the project will move from their current settlement in Shadipur to a transit camp. Second, Raheja will raze the JJ cluster and begin the construction of high-rise apartments—and a luxury skyscraper—on site. Finally, within the next three to five years, the transit camp residents will move back into the settlement, next door to Raheja Phoenix

Agencies involved in the administration of JJ Clusters:

The Delhi Development Authority was created in 1957 under the provisions of the Delhi Development Act "to promote and secure the development of Delhi". It is responsible to the central government's Ministry of Urban Development. The DDA is the largest land owning agency in Delhi, currently owning more than 50% of the land that the 685 JJ clusters are on.

Until very recently, the responsibility of providing basic civic amenities and resettlement of squatter settlements used to vest with the Slum and Jhuggi Jhopri (JJ) Department under the Municipal Corporation of Delhi, the urban local body.

The Delhi Urban Shelter Improvement Board (DUSIB) was established in 2010 in place of the Slum and JJ Department at the Municipal Corporation of Delhi (MCD) by way of the DUSIB Act. This body is responsible to the Government of the National Capital Territory of Delhi's Ministry of Urban Development. The DUSIB cannot undertake rehabilitation or relocation on land vested in the Central Government or its agencies, without receiving consent.

One of the Delhi Urban Shelter Improvement Board's (DUSIB) 685 recognized JJs, Kathputli Colony has caught the attention of many in the public representation of Delhi's slums.¹ Home to a vibrant community of puppeteers and performers—immortalised in fiction by Salman Rushdie's portrait in *Midnight's Children*—Kathputli has long been the object of fascination for tourists and Non-Governmental Organizations (NGOs) alike. “You'll find magic in the Kathputli slum,” *TIME* magazine reported in 2008, “if you know where to look.”² According to the Delhi Master Plan 2021, in-situ rehabilitation projects will be intended for “sites to be selected on the basis of specific parameters” not specified in the plan itself. Nonetheless, the current project represents the culmination of a number of attempts by the DDA and other organizations to rehabilitate/relocate the Kathputli settlement. Adjacent to the Shadipur station of the Delhi Metro's Blue Line, Kathputli Colony's vast sprawl currently occupies valuable real estate in Central Delhi. The rehabilitation project offers

¹ “List of JJ Clusters,” Delhi Urban Shelter Improvement Board, last accessed October 2012. *available at* <http://delhishelterboard.in/main/wp-content/uploads/2012/02/list-of-685-JJ-clusters-list-sorted-as-per-land-owning-agencies.xls> (last visited October 2012)

² Heidi J. Shrager, “Magic Abounds in a Delhi Slum,” *TIME* June 20, 2008.

developers the opportunity to consolidate Kathputli's residents into 15-storey high-rise apartments, allowing the developer to use a section of the site for commercial gain.³ The Raheja website states that "The project is located in the heart of the city surrounded by posh commercial and residential localities of Central Delhi, and distance from Connaught Place is just 5 min." Union Housing and Poverty Alleviation Minister Ajay Maken announced in October 2012 that the Kathputli project is "close to his heart."⁴

DDA's Approach

As such, the case study of Kathputli's rehabilitation makes fertile ground for an analysis of the DDA's contemporary approach to slum redevelopment. Many politicians and civil society actors have recently turned their attention to Delhi's urban poor and debated the trajectory of redevelopment. Some, like Delhi Lieutenant-Governor Tejendra Khanna—who serves as the Chairman of the Committee for Periodic Review and Monitoring of the Master Plan for Delhi 2021—argue for partnerships with the private sector. "Big builders like Tata and HUDCO should come forward to take up development of not only unauthorised colonies, but also of areas where buildings are structurally unsafe. They can take up a certain area and can be provided with an alternative piece of land by the government to provide temporary accommodation to people living in these areas while construction is on," the Lieutenant-Governor's office told *The Hindu* in October 2012. On the other hand, Delhi Chief Minister Sheila Dikshit and many others claim that such projects are the responsibility of the state, and should not be used for profit. "This is a human problem, and should be dealt with in a similar approach," Dikshit announced. Citing Kathputli Colony as an example of how such efforts could hit roadbumps, Dikshit said, "The Delhi Development Authority had in 2009 announced the in-situ development for the artists living in Kathputli Colony, but nothing has happened since,"⁵ indicating a clear division of opinion about slum policy between the State government in Delhi and the central agency, the DDA. As Delhi's first substantive experiment in privately developed in-situ slum rehabilitation—and also its first experiment in skyscraper construction—the Kathputli Project is not just an interesting case study for researchers but one that will have significant consequences for the future of Delhi's urban development.⁶

Delhi's strategies for slum rehabilitation

In 1990-91, the GNCTD and DDA adopted a "three-pronged strategy" for dealing with squatter settlements (a) in situ up-gradation (b) relocation of jbuggi-jbompri clusters (c) environmental improvement of urban slums.

Up-gradation was taken up in very few cases and relocation became the predominant method for rehabilitation. The Master Plan 2021, reiterates this three pronged strategy stating that in-situ rehabilitation projects will be intended for "sites to be selected on the basis of specific parameters."

³ As stated by Raheja and recorded by the State Level Expert Appraisal Committee (SEAC) in its 33rd meeting in October 2011.

⁴ Gaurav Vivek Bhatnagar, "Redevelopment of slums critical for planned development of Delhi," *The Hindu* October 31, 2012.

⁵ "L-G says bring in private builders to develop colonies, Sheila disagrees," *The Indian Express* October 22, 2012.

⁶ While the Kathputli project is Delhi's first successfully initiated in-situ slum rehabilitation, the DDA has previously attempted this style of rehabilitation in 1989-1991 at the V.P. Singh Camp in southern Delhi. There, intervention by

The Master Plan 2021, adopted in 2007, states that around 40% of Delhi's housing could be satisfied through redevelopment/up-gradation of existing areas of Delhi.⁷ The Plan also states that the “overall responsibility for provision of land and facilitation of adequate housing to meet the projected demand lies with the DDA.”⁸ With such a great emphasis on the role of the DDA in solving the problems of Delhi slums in the next decade, our understanding of the case of Kathputli at this juncture becomes all the more crucial.

DUSIB framework:

There is, however, recently enacted legislation that deals with slum rehabilitation in Delhi. The Delhi Urban Shelter Improvement Board (DUSIB) was established in 2010 in place of the Slum and JJ Department at the Municipal Corporation of Delhi (MCD), which was previously in charge of providing services and governing in these areas, by way of this legislation. Nonetheless, while the DUSIB Act of 2010 clearly lays out a formal framework for rehabilitation projects, Kathputli's redevelopment remains outside the purview of this legislation on two grounds: first, that the Act was promulgated much after the project started, and second, that the DUSIB Act requires the consent of the landowning agency in order to undertake the project. As the Kathputli Colony property belongs to the DDA—which has initiated and continues to maintain control over the project—the rehabilitation project does not fall under DUSIB jurisdiction. Thus, given the extensive autonomy of the DDA in the project, this case study serves to compare the ground realities of slum rehabilitation and the regulatory aspirations of DUSIB, and as such, to better understand their feasibility.

The first section will provide a brief history of the colony and its relationships to state and civil society actors. We will then provide an outline of the various aspects of the project as they have unfolded so far, paying particular attention to the discrepancies between the formal, legal framework of the DDA and the ground reality in the settlement. Each section in our case study of Kathputli Colony points to several possible areas of further research; our aim is to delineate the rehabilitation process to lay these out clearly. Many other researchers including, especially, Veronique Dupont are engaged in efforts to document the trajectory of Kathputli's rehabilitation, a nascent version of Delhi's Dharavi.⁹

II. A Brief History of Kathputli

In the early 1970s, a handful of itinerant performers from Rajasthan settled in West Delhi's Shadipur region. Such artists—primarily puppeteers and musicians—often migrated through the capital, and Shadipur made a convenient location for commuting to performances across the city. Over time, they were joined by a variety of artists from states like Andhra Pradesh and Maharashtra,

then-Prime Minister V.P. Singh stalled the project. For a detailed description, Véronique Dupont and Tara Saharan, “*Chance2Sustain: Addressing sub-standard settlements.*”

⁷ Master Plan of Delhi, 2021, Section 4.1.

⁸ Master Plan of Delhi 2021, Section 4.2.

⁹ Some other writings on Kathputli: Rohan Kalyan, *The Magicians' Ghetto*, http://academia.edu/1605162/The_Magicians_Ghetto

and together, they began to cohere into a single settlement known as *Kathputli* after the type of string puppet theatre performed by its residents.¹⁰

Over the next two decades, during which many surrounding slums were demolished during the 1975-1977 Emergency, the settlement organized around its artistry, forming the Bhule Bhisre Kalakar Cooperative. With the help of the Asian Heritage Foundation, Kathputli artists found work through the Sangeet Natak Academy, a performing arts council established by the Indian government in Delhi. In the 1980s, the artists in Kathputli gained international recognition through performances at the “Festival of India” in the U.K. in 1982 and in the United States in 1985.

It was around this time that the Delhi Development Authority (DDA) began to push for slum resettlement. In 1986, they proposed the resettlement of Kathputli residents in the South Delhi region of Vasant Kunj. Around 1990, DDA Slum Wing architect Anil Lall drafted more detailed plans for upgradation, according to a duplex-style housing model. And in 1996, they drafted another proposal for resettlement in Mehrauli, also located in South Delhi. All of these proposals were rejected on the grounds that neither location was as centrally located as their current Shadipur settlement.¹¹

In May 2002, a Member of Parliament, Raghunath Jha, during question hour at the Lok Sabha, sought a clarification on the allotment of Janata flats (EWS housing) in Dwarka. In response to the question, then-Minister of Urban Development and Poverty Alleviation, Bandaru Dattatreya stated in Parliament that 1478 Janta flats in Sector 16, Pocket B, Dwarka were reserved for the rehabilitation of residents of Kathputli Colony.¹² This plan, however, failed to materialize.

Finally, following an express inclination toward in-situ rehabilitation of JJ clusters in the Master Plan 2021, the DDA chose Kathputli as the site of its first such project.

III. The Redevelopment Project

The following section details the various processes involved in Kathputli’s rehabilitation project, starting from the selection of developer

In May 2007, the DDA issued a tender calling for “professionally sound” individuals to “explore and adopt innovative, futuristic ideas and cost effective technologies” for slum redevelopment projects.¹³ These individuals would come to form a “Panel of Consultants,” helping the DDA to plan its slum rehabilitation projects. Each project was to be assigned through a process of ‘limited competition’ amongst a group of 5 to 7 consultants from the ‘List of Empanelled Consultants’ found suitable for the particular project. The short-listed group for a particular project would be given a brief on the basis of which each consultant is required to develop a conceptual scheme and submit the same to DDA along with a financial quotation for taking up the project.¹⁴

¹⁰ Based on interview with Mr. Bhagwati of the Asian Heritage Foundation, February 2012.

¹¹ Ibid.

¹² “Vacant DDA flats in Dwarka,” Lok Sabha Un-starred Question No 7160, answered on May 14 2002.

¹³ Delhi Development Authority, “Empanelment of Architects for Slum Upgradation/Redevelopment Projects,” May 2007.

¹⁴ Ibid.

Later that year, the DDA selected Gian P. Mathur & Associates (GPMA), a architecture and planning firm based in Delhi, to consult for the Kathputli project.¹⁵ Together, GPMA and the DDA formulated the details and design of the project that formed an essential part of the developer's contract. One year later, in September 2008, in a two-stage selection process, the DDA invited applications pertaining to the empanelment of Developers for the development of 21 sites identified for In-situ rehabilitation of JJ clusters at different locations in Delhi.¹⁶

Eight developers technically qualified for the financial bid: RA Infra Engineer, M/s Housing Development, M/s Unitech Ltd. B.L. Kashyap and Sons, B. G. Shirke, Raheja Developers (Raheja), JMC, and Akruiti City.¹⁷ From these eight, however, only Raheja entered the financial bid.

On 6 October 2009, DDA awarded its first slum redevelopment project— 5.22 hectares of land allocated for Rs. 6.11 crores and the obligation to rehabilitate the Kathputli Colony—to Raheja Developers, with an expected total cost of Rs. 254.27 crores.¹⁸ Newspapers reported that the move “may see more such projects in the national capital resulting in better living conditions for urban poor and thousands of crores of businesses for builders.”¹⁹ Raheja ironically announced that “strings and puppets are making way for the capital tallest building, with a planned height of 190 metres, and 54 floors.”²⁰

Little, however, beyond the above narrative has been released by the DDA. A full picture of the Kathputli project—one capable of providing insight into how and why the specific dimensions of the redevelopment contract were decided—will require a more detailed understanding of the relationship between the developer, architectural consultant and the DDA.

Contract

This contract laid out a number of specific guidelines for the settlement. According to the consultant's report prepared by GPMA—a project scheme later adopted by the DDA in its agreement with the developers—the number of EWS houses required to be constructed is 2800, each with a composition as follows: the dwelling unit is a minimum of 30.5 sq metres, including one room of 9 sq. m, one multipurpose room of 6.5 sq. m, one bath of minimum area of 1.2 sq m, and one kitchen of 3.3 sq m.²¹ The other amenities that would be constructed at this site is a primary school, senior secondary school, multipurpose community Hall, *Basti Vikas Kendra*, religious site, police station, *Shishu Vatika*, dairy and fair price shop and akerosene store. In addition to these amenities, the developer is expected to lay all internal roads and operate them until “local authorities can assume control.” An electric substation will be provided by concerned authorities, payment for which will remain the responsibility of the developer. Further, the contract demands that the

¹⁵ Correspondence between Engineer Member and LM (WZ), No. EM3 (44)2007/Vol5/1425.

¹⁶ Technical Bid, Empanelment of Developers for Development of 21 sites identified for In-situ rehabilitation of JJ Clusters at different location of Delhi.

¹⁷ Invitation for financial bid from the qualified developers for in-situ development at Kathputli Colony near Shadipur, New Delhi No.F5(21O)W D-51DDA/2008-09/2466, dated January 29, 2009.

¹⁸ Minutes of the 33rd meeting of State Level Expert Appraisal Committee (SEAC) held on 31.10.2011.

¹⁹ “Raheja bags 500 cr Delhi Slum Project,” *Economic Times*, June 10, 2009.

²⁰ A visual representation of the construction is available at <http://www.rahejaphoenixdelhi.com>

²¹ Selection of Project Developers for In-situ Development of Kathputli Colony near Shadipur Depot, Agreement No: 40/EE/WD5/DDA/2009-2010 dated 4.9.2009. The contract also mandates 10% Floor Area Ratio (what is this?) (FAR) as per Delhi Master Plan 2021.

developer provide underground water tanks for domestic water supply, horticultural works, and fire fighting, while also obtaining all clearances from the building section, Delhi Jal Board (DJB), Municipal Corporation of Delhi (MCD), concerned electric supply, Delhi Fire Services, and Delhi Urban Arts Commission (DUAC). Possession of the site would not be granted till a provisional transit camp is built by the developer. Meanwhile, the agreement guarantees that the DDA will provide a project site for construction “free from all encroachment and litigation.”

Apart from the responsibilities relating to Economically Weaker Section (EWS) housing, developers will have the right to construct and sell up to 170 houses at commercial rates with freehold tenure, a the maximum built up area of 19471 sq. metre. This added bonus lies at the centre of the DDA’s incentive scheme for attracting developers and, as such, the anxieties that surround the redevelopment project.

Model images of Raheja Phoenix are telling—lit up from the ground, a soaring glass skyscraper with a pool and a plaza, beside which the hazy outlines of the EWS high-rises are not clearly visible.. As the project progresses, so this relationship between Kathputli Colony and the occupants of Raheja Phoenix becomes an area for further research. As Mr. Navin Raheja, Chairman and MD of Raheja Developers Ltd., himself once said: “Nobody wants poor people to be their neighbour.”²²

According to the contract, time for completion is defined as two years from the date of commencement of project. If the developer exceeds this time limit, the contract states that he shall be liable to pay a sum equivalent to 0.5% of the total project money for a period of five years. This two year limit²³ has been exceeded due to many reasons. In October 2011, the State Level Expert Appraisal Committee (SEAC) ruled that the information submitted by Raheja failed to meet the Environmental Clearance guidelines and hence did not recommend the grant of an environmental clearance.²⁴ In addition, the project faced setbacks initially due to a lack of location for the transit camp; later, due to a “paucity of land” at the transit camp they began to construct at Anand Parbhat.²⁵

IV. The Community & Consent

Although originally a colony of Rajasthani migrants, Kathputli today is comprised of a number of different communities—including Gujaratis, Bihari Muslims, Adivasis from Warangal District in Andhra Pradesh, and Maharastrians—largely stratified along lines of geographical origin of its residents.²⁶ These lines are also economic: some residents of Kathputli live in more developed

²² “From Slum to Skyscraper,” *The Wall Street Journal*, February 17, 2012.

²³ As per Agreement No: 40/EE/WD5/DDA/2009-2010 dated 4.9.2009 the end date was to be 3.9.2011.

²⁴ Minutes of the 33rd meeting of State Level Expert Appraisal Committee (SEAC) held on 31.10.2011 from 10:00 am to 6:00 pm “Based on the information furnished, presentation made and further discussions held, the Committee suggested to the project proponent that the information submitted does not meet the requirement for Environmental Clearance”

²⁵ In September 2012, a DDA official said that “after constructing 1,600 dwelling units the agency’s plans to construct the remaining 1,200 units on an adjacent hillock were frustrated as the area was already encroached upon. Demolishing the encroachments was fraught with political complications.” *The Hindu*, September 8, 2012.

²⁶ A more complete list of communities in the colony include: the Kathputli Community, largely from Churu, Jhunjhun; Gujaratis; Adivasis from Warangal; Maharashtrians; those from Barabanki in Uttar Pradesh; fire-eaters and acrobats from Natt in Rajasthan; those from Qalandar; Kalandars and Magicians from Mewat, Haryana; Bihari Muslims; Gijara

jhuggies—made of brick, with electrical outlets connected to televisions and overhead fans—others reside in more tenuous structures. These economic disparities, we have found, play a role in the determination of community sentiment regarding the project, as relocation represents an improvement of living conditions for some, and a loss for others.

Negotiations with the government have, as per interviews, taken place through 12 “Pradhans” (*heads*) from different communities, who have served as intermediaries between the DDA and Kathputli residents. Interviews reveal that, while there is ambiguity as to whom the community accepts as a *pradhan* in day-to-day activity, most communities have accepted representation by a single *Pradhan* with respect to the redevelopment project.²⁷ In the course of our fieldwork, Kathputli residents have indicated that the DDA has made little effort to speak with the community, but have instead met with *Pradhans*, most often on the latter’s petitioning, to discuss the project. The *Pradhans* also interact with the Chief Minister, Sheila Dikshit and Union Ministers like Ajay Maken and Kamal Nath. Nonetheless, despite these points of access, our fieldwork indicates that most community members remain largely ignorant about the proceedings of these meetings and their results.²⁸

There are multiple Non-Governmental Organizations that are present in the community, most notably the Bhule Bisre Kalakar (closely associated with the Asian Heritage Foundation) and the Kalakar Trust, which works closely with its residents to promote their artistry. These organisations are built into the geography of the colony: Kalakar Trust has a school built at one end of the colony; next door, the Bhule Bisre Kalakar provides space to artisans to pursue their activities.

However, while civil society actors are mentioned in both the Master Plan 2021 and the RAY scheme, our research has found little initiative on the part of the DDA to include these NGOs in the planning process. As late as May 2010, several community based organisations including the *Mohalla Sudhaar Samiti*, *Lok Matha Kusht Ashram*, *Shadipur Bus Depot Colony Jaati Samaj*, *Akhil Bharti Gyaara Samaj Samiti*, *Jatav Samaj Samiti*, *Adivasi Samaj*, *Siddharth Vihar*, *Jan Pukar Sangh* and *Bhule Bisre Kalakar Trust* all sent written representations to the DDA seeking information regarding various aspects of the rehabilitation project. While the DDA attempted to answer queries, they directed petitioners to other Departments for information, indicating a limited capacity for communication with these actors.²⁹

In our own research, we tried to find documentary evidence of involvement between organizations and the DDA within Kathputli. Until now, the files accessed (by way of an RTI filed by the authors) did not record minutes of meetings with the community or any other organizations or their proceedings. The only record found was the mention of the developer’s meeting with the

Samaj from Uttar Pradesh, who traditionally make furniture and utensils from rope; leprosy-cured persons from Nizamabad Andhra Pradesh; and those belonging to the Valmiki caste from Delhi, a nomadic tribe that is involved in ear cleaning from Uttar Pradesh. Though each subgroup represents an individual community within the colony, residents from Masaid and Kalandar Community from Haryana are represented usually by a single *pradhan*. Based on interview with Mr. Zargham, September 24, 2012.

²⁷ The relationship between the DDA, the *Pradhans*, and the Kathputli community at large is highly complex and will require more thorough research in order to examine its dynamics.

²⁸ Veronique Dupont (2012) offers a full account of the *pradhan*-state interactions in “Chance2Sustain—Addressing sub-standards settlements.”

²⁹ F 5(210) WD5/DDA/2010/2642 dated. 11/2/2010

community, by virtue of correspondence between M/s Raheja and the DDA,³⁰ confirmed by our interviews. Meanwhile, our research has shown that communication with the community at large has been limited. In an interview, one member of a Kathputli artisan cooperative revealed that community participation was defined by receipt of information; residents were informed about how the project was envisioned. Other Kathputli residents, when asked how they found out about the DDA rehabilitation project, referred to the event where dignitaries like the Chief Minister gathered to lay a foundation stone was laid at the edge of the colony, thus signifying the commencement of the project.³¹ The failure to involve the community was further established by Delhi's Labour Minister and Member of Legislative Assembly of the area, Ramakant Goswami who stated that "it was a mistake not to take the artisans on board during the planning stage of the project."³²

Meanwhile, the developers suggested to the DDA in June of 2011 that agreements be entered into with each of the beneficiaries.³³ The developers settled on a draft agreement and sent it to the DDA, which then asked its legal department to check the agreement.³⁴ The agreement, currently in the process of being finalised, currently requires "that a period of 7 days be given as notice before shifting to a transit camp and a period of 7 days to be given as notice for the purposes of shifting outside of the transit camp."³⁵ The agreement also requires that the transit accommodation be returned "intact" and prescribes the payment of charges if the damage exceeds normal wear and tear.

Notably, the first clause specifies that a EWS dwelling unit will be transferred to the 'slum dweller' for a yearly rent unspecified in the agreement. It states further that the unit cannot be transferred or leased out for a period of 10 years, after which such transfer can take place only with the consent of the DDA. It requires that the slum dweller, on the termination of lease, peaceably yield up the tenement to the authority, thus leaving the prospect of tenure doubtful. The agreement states that the maintenance of the final EWS accommodation built by Raheja Developers shall be carried out by the DDA until an association of slum dwellers is formed. Most important, it also states that any dispute arising out of the contract would be referred to the sole arbitration of the Vice Chairman of the DDA and that this decision would be final.

³⁰ Representation of M/s Raheja Developers dated 17.6.2011 addressed to Vice-Chairman, DDA (copy enclosed) vide which 'Draft Agreement for Resettlement of Slum Dwellers' has been submitted for vetting by the Legal Department

³¹ The foundation stone was laid in February, 2009. See Dipak Kumar Dash, "Flat sop for slum dwellers", *The Hindu* February 16, 2009. (See *Figures 4, 5*)

³² Pritha Chatterjee 'Can 40 years of heritage fit into single-room flats?', *The Indian Express*, August 2, 2012.

³³ Representation of M/s Raheja Developers dated 17.6.2011 addressed to Vice-Chairman, DDA (copy enclosed) vide which 'Draft Agreement for Resettlement of Slum Dwellers' has been submitted for vetting by the Legal Department

³⁴ Currently, there is much confusion in the DDA as to which department is equipped or has the jurisdiction to vet this draft agreement. While Executive Engineer WD 5's department has been involved in the preliminary stages of tendering and currently in the transit camp, the Land Management (West Zone) office has been involved in the surveying. In August 2011, the AD LM (WZ) wrote to the SLO LM forwarding to what Raheja's draft 'slum dwellers' agreement. On 18th August 2011, wrote to the AD LM (WZ) to CE (NZ) stating that EE WD 5 is the appropriate agency to what the agreement. Forwarding the agreement for slum dwellers drafted by Raheja for whatting. In late September 2011, the EE WD 5 wrote to the Chief Legal Officer of the DDA stating that since the LM WZ had been involved with the Kathputli project from the start, it would in a better position to vet the agreement.

³⁵ Correspondence between Raheja and DDA Chairman, dated June 27, 2011.



Figure 1: Model of EWS High-rise apartment unit, built in Kathputli Colony. Photograph by authors.

For now, however—as the date of the shift to the transit camp is imminent—the agreement remains in draft stage, uncirculated and unsigned, and community members remain unaware of many of the details of their entitlements and liabilities under this project. Knowledge of the project is widespread; with most *jhuggies* having a DDA number painted on the front door after a survey was conducted. The developers have built a small, single-room model to demonstrate how tenements in the final construction will look (*see figure 3*). Yet without a written guarantee of their return to Kathputli, many community members fear their resettlement will not be to Kathputli Colony.

V. Surveying & Eligibility

In its 2007 tender calling for architects to rehabilitate its slums, the DDA stated that, among the responsibilities of the project, contracted firms must conduct a physical survey of the cluster

Gian P. Mathur & Associates (GPMA) claims to have undertaken a ‘physical and socio-economic survey in 2009.’ In their report, they identify 2704 dwellings and 13520 residents.³⁶ However, details of how GPMA conducted the survey are still hazy.³⁷ Regardless, in the aftermath, 2800 households was the number featured in the final report filed by GPMA.³⁸ Since 2009, all official correspondence regarding this project refers to a 2009 ‘preliminary’ survey of Kathputli

³⁶ Consultant’s presentation to the DDA inspected in RTI Response no. No. F8(1799)12/RTI/LMIWZ/71 dated 27.1.2012.

³⁷ Our research indicates that GPMA undertook their 2009 survey, but we have not been able to confirm this outside the formal documentation.

³⁸Ibid.

Colony.³⁹ Subsequent surveys, it appears, were conducted with the intention of verifying details of those covered by the first survey.⁴⁰

The DDA's surveys were conducted in 3 different stages. First, the DDA (LM) conducted an onsite survey over the course of 2010.⁴¹ The summary of the results of the survey, as per 28 November 2010, indicate that Kathputli contained 3100 identified jhuggies.⁴²

The second stage was that of a biometric survey, conducted by the DUSIB with personnel provided by the DDA.⁴³ Since the birth of the Aadhaar project in 2009—in which Unique Identification Authority (UID) of India seeks to distribute identification cards linked to a database of biometric data—this method of biometric surveys has come to the fore as a technique of urban governance.⁴⁴ The DDA's own attempt to take up biometric registration arose from a policy direction to draw from the methods of the Rajiv Awas Yojana (RAY).⁴⁵ The DUSIB wrote to the DDA stating that it proposed to conduct a socio-economic survey of JJ clusters in Delhi, during which biometric data was to be collected as well. It further stated that it would be appropriate that one agency conduct this socio-economic survey, to avoid duplication of efforts and to promote standardization of data.⁴⁶ The DDA in turn wrote back requesting that the DUSIB take up the surveying of 21 clusters marked for in-situ rehabilitation projects, on a priority basis.⁴⁷

In the RAY, mapping of slums assumes a central role in the first phase. The RAY places much stress on biometric surveying.⁴⁸ But the status of these RAY guidelines is unclear. In December 2011, representatives of the Ministry clarified that the RAY is still yet to be finalized and that pilot projects have begun under the scheme.⁴⁹ Nonetheless, despite the ambiguity surrounding the guidelines, the RAY's emphasis on biometric surveying has been adopted in the implementation of

³⁹ Letter dated May 7, 2011 from Raheja Developers to the Executive Engineer, DDA WD 5, Commissioner (LM).

⁴⁰ Correspondence between Executive Engineer WD 5 and Commissioner (LM) 2011/WD5/DDA/345.

⁴¹ Correspondence between the Chief Legal Advisor and Executive Engineer, Mr V.K. Saluja, letter dated 23.9.2011,

⁴² Summary of Survey Report of JJ Clusters in West Zone (LM), DDA, Correspondence between Asst. Dir LM (WZ) and LM (WZ) dated 28.4.2010.

⁴³ Though the formal documentation indicates that Kathputli has undergone a biometric survey, we have not been able to corroborate this claim. Further research will investigate the extent to which the documented surveys have followed through.

⁴⁴ While the UID has come under fire for various reasons—including concerns about how inclusive the project will be and security concerns about data protection—it is yet unclear how central to slum rehabilitation policy this element of the surveying will become. See generally Usha Ramanathan, “The Myth of the Technology Fix,” http://www.india-seminar.com/2011/617/617_usha_ramanathan.htm. The Parliamentary Standing Committee on Finance finds the UID project to be “conceptualised with no clarity” and “directionless.”

⁴⁵ Regarding UID & Bio-Metric Survey Of JJ Clusters on DDA Land. File No.F.10(1)2009/LMC/DDA/424.

⁴⁶ Correspondence between the CEO, DUSIB and Vice-Chairman DDA, No: PS/SO/DUSIB/2010/D-313, 26th October 2010

⁴⁷ Correspondence between the Vice-Chairman DDA and CEO, DUSIB, F 10(1) 2009/LMC/DDA/15, February 09,2011

⁴⁸ Rajiv Awas Yojana (RAY), “Guidelines for Slum Free city planning,” last accessed October 2012. http://mhupa.gov.in/w_new/RAY%20Guidelines-%20English.pdf.

⁴⁹ Aruna Sundarajan, Joint Secretary at the RAY consultation on February 4th, 2012. National Consultation on JnNURM and Rajiv Awas Yojana, Jawahar Lal Nehru National Youth Centre, New Delhi, Delhi People's Alliance.

several schemes in slum re-development. In August 2011, the DUSIB was midway through its biometric surveying in Kathputli.⁵⁰

The third stage is videography and spot photo registration.⁵¹ The DDA called for quotations for commercial videography in March 2010.⁵² One year later, in October 2011, Director (LM) was directed to undertake the photography and videography of each *jbuggi* dweller along with his family in front of his *jbuggi* within 30 days.⁵³ As of 18th January 2013, videography of 2300 households has been conducted.⁵⁴

The DDA is equally vague in its account of criteria for eligibility in the program. According to the DDA, eligibility for placement within the rehabilitation project is decided across several metrics, the most important of which is the residency cut-off date, before which a Kathputli resident has reasonable claim to property in the colony. Possession of documents that correspond to this date is crucial—a ration card, voter's I.D., and a V.P. Singh token have each been identified as documents required for proving residence in the colony.⁵⁵ Over the last four years, the cut-off date for initial residence in Kathputli has been extended twice, currently standing at 31.1.2007.⁵⁶ The reason for the extension was that, initially, only 25% of the total population in JJ clusters in Delhi was eligible for redevelopment.⁵⁷ In fact, even after pushing the cut-off date back to 2007, it has been speculated that a mere 40% of the total population of JJ Clusters in Delhi has become eligible,⁵⁸ indicating that a cut-off date in Kathputli may result in the exclusion of considerable number of people. A response to an RTI filed by the authors stated that the number of beneficiaries and the final list for rehabilitation was 'still under consideration.' While the cutoff date, was extended to June 2009, by way of a cabinet decision in February 2013, there is no clarity of whether this will act retrospectively. (See box)

Cut-off dates

1990: The cut-off date for rehabilitation was stated as January 31, 1990

2000: The policy for relocation of J.J. clusters w.e.f.01.04.2000, increased the cut off date to 31.12.1998

December, 2011 – The cut-off date was extended to 31.1.2007 from 2002.

In February 2013, the GNCTD by way of cabinet decision (No. F18(7)/UD/DUSIB/2011/Vol-I 2350) titled extended the cut-off date for relocation to 4th June 2009.

⁵⁰ Correspondence with Assistant director (LM) WZ, 9.8. 2011. No. EM3(44)2001/Vol5/1425.

⁵¹ Raheja developers had also suggested the need for the use of software to facilitate this spot photo registration.

⁵² File No F6(31)10/LM/102/89, Circulated by Dy. Director LMC on March 17, 2010.

⁵³ "Minutes of Meeting: In-situ development at Kathputli Colony," No: EM 3 (44)12001Nol-VIII dated October 14, 2011.

⁵⁴ Summary report on In-situ rehabilitation in Clusters, filed by the Asst. Director, LM (WZ), filed on 18.1.2012

⁵⁵ See generally Gautam Bhan, "This is no longer the city I once knew," *Evictions, the urban poor and the right to the city in millennial Delhi*, last accessed October 2012.<http://eau.sagepub.com/content/21/1/127.abstract>.

⁵⁶ Circular No. F6 (2) CE/Nz/2598 dated 27.7.2011

⁵⁷ Amarnath, CEO, at DUSIB at IIHS Inclusive Cities Conference, available at http://www.youtube.com/watch?v=GZzN8_mSAkY.

⁵⁸ Ibid.

DDA Guidelines for surveying complicates the survey story even further. Circular F2(1)12001/LMC/pt./296, issued in April 2010, requires that a notice of the surveying be displayed in the vicinity in advance. Our research indicates that many residents were not aware of the DDA visits to Kathputli before the actual day of visit, denying community members another opportunity to express their concerns to the DDA in the surveying process.

The April 2010 circular largely relies on earlier issued vide communication No. F. 2(1)2001/LMC/PI.A18G dated 03.02.2004 for conducting the physical survey of *JJ* clusters. It states that the survey team has to record all relevant information about the *JJ* clusters—area under encroachment, number of *jhuggies*, the family details, proof of residence; nature of *jhuggies* and any other information which seems relevant and meets the requirement of survey. It states further that continuity of residence can be established by way of a ration card or metallic token (provided by the V.P. Singh government) or voter's id before 31.1.1990, after 31.1.1990 but before 31.12.1998 and *jhuggies* beyond 31.12.1998. While it is clear that these dates will no longer apply, an attempt to categorize residents on similar lines is still a possibility.

Our interviews confirmed the collection of these data by the DDA in the Kathputli settlement. However, across the board, community members noted that they are yet to see the final results of the survey. As one resident put it, “the suspense element” is unnecessary. Most residents fear, for example, that the manner in which the DDA has marked the walls of the *jhuggies* is indicative of their methods of counting. Certain upper stories, they noted, have not been counted. Even in cases where they have been counted, they've been looked at as parts of a unit—the ground floor designated as 1343 while the upper storey is assigned 1343A. This has caused great alarm in Kathputli, where a large number of the older residents built upper stories when their children got married, thus inducing the fear that only the older generation will be included in the list of residents eligible for rehabilitation. Without any access to the DDA's findings, Kathputli residents cannot challenge exclusion in the project if they were to be left off of the list.

Meanwhile, the eligible residents will move into the transit camp, located on a DDA plot in the Ramjas Grounds of the Shadipur region.

VI. Transit Camps:

In April 2010, the DDA proposed to use Delhi Cloth Mills (DCM) Area as a transit location,⁵⁹ a region acquired by the DDA in 2003 after an extended legal battle between the Development Authority and the DCM.⁶⁰ It directed that the Supreme Court's permission would have to be sought with respect to the same. However, various circumstances—most notably, resistance from local residents—precluded its use. The second site that was chosen by the DDA for the transit camp was Basai Darapur, approximately three kilometres from the current Kathputli settlement. However, dissent from neighboring communities, who claimed that the DDA had allocated the Basai Darapur

⁵⁹ Delhi Development Authority, “Minutes of Meeting under the Chairmanship of VC,” DDA. No. PS/VC/DDA/2010/HOD'sMfg./L/ 5-nl dated May 5, 2010.

⁶⁰ DDA v. DCM Mills, 1991 SCC (3) 277

lot for a community centre, prevented the development of a transit camp.⁶¹ The third site for the transit camp was Jailorwala Bagh, located in Ashok Vihar, close to ten kilometres north of Kathputli, where the DDA is currently planning a separate slum rehabilitation project.⁶² However, these plans did not materialise. Finally, in January 2011, the DDA indicated that while Jailorwala Bagh had been approved as the site for the transit camp, again, due to resistance from residents and from the MLA of the area, another spot had to be chosen. Three other sites were then identified as possible sites (i) near Ghazipur flyover (ii) Sector 28, Rohini (iii) vacant land at Anand Parbat.⁶³

Finally, Anand Parbat was chosen as the spot for relocation in March 2011, around five kilometers from the original settlement.⁶⁴

In July 2011, the Resident's Welfare Association of East Patel Nagar filed a writ Petition praying "that transit homes for people who are presently residing in the slum in Kathputli colony to reside in a transit camp on the said land on the ground that sports activities may be affected and further there might be misuse by the people after shifting." The Delhi High Court dismissed the writ stating that it was only a temporary measure and in the event any damage is caused to the premises, the developers were to restore it to its original state.⁶⁵ In August 2011, the Vice-Chairman of DDA, directed that the land marked out for the transit camp be fenced on 'a war footing' in fifteen days.⁶⁶

The transit camp itself is situated on an empty DDA plot with a ring of settlements around it. It's a diverse developmental terrain; almost every category of DDA settlement—authorized colony, unauthorized (now regularized) colony, recognized slum, and JJ cluster—is represented in the area. On the Ramjas Grounds landscape, the camp appears starkly out of place. Raheja built ivory, single-story blocks made of gypsum boards, each room with a single fan and a single electricity outlet. Unable to provide water and sewage to the camps, the DDA will also import a number of portable toilets for the residents.⁶⁷

Many of the residents of Kathputli have mixed reactions to the transit housing. For some, even the transit camp provides a marked improvement in living condition from their Kathputli residences. Yet many others emphasise the lack of storage space (especially artisans, puppeteers and performing artists) and sanitation facilities close to the accommodation. The pradhans sought separate water connections and claim that conversations with the DDA and Union Ministers indicate that they shall be provided.

⁶¹ Veronique Dupont. "Access to land and housing for slum dwellers in Delhi: the impact of infrastructure projects and real estate development," *URBAN INDIA: Historical Processes and Contemporary Experience*, April 2011, 21.

⁶² Interview with Dy. Director, LM (WZ), DDA; Jibby Kattakayam, "DDA to redevelop Jailorwala Bagh slum project itself." *The Hindu*, October 1, 2012 .

⁶³ Status Note in respect of in-situ development at Kathputli Colony near Shadipur Depot, Delhi CE (NZ)/ CourtcaseKathputliColony/DDA/21, dated 20.1.2011

⁶⁴ Minutes of Meeting held on 8.3.2011 in the chamber of Engineer Member DDA, in correspondence to the Commissioner (LM).

⁶⁵ Ibid

⁶⁶ No. F. 7(1) 2010/ Lm?WZ/1039, Dated 4.8.2011

⁶⁷ "Transit camps for Kathputli Colony residents coming up at Anand Parbhat," *The Hindu*, February 18, 2012.

The arrival of Kathputli residents poses a number of interesting questions about the nature of the interaction between the transit camp and neighbouring *JJ* clusters, which are left wondering about their own developmental prospects. Interviews with Gayatri Colony residents next door to the transit camp revealed that many were under the impression that such housing would be built for them, as well.⁶⁸

In August 2011, police protection was sought by the DDA to prevent any ‘resistance during transit’ and to protect the transit camp from agitations by from neighbourhoods. In response, the Additional Commissioner of police approved “adequate arrangements, deployment of police force, anti-riot police, fire tenders” for the same.⁶⁹ With potential disapproval by both current residents and that of the transit camp, the possibility of conflict is high. In our interviews, community members remained unaware of the scheme through which they will be assigned housing. Their own dissatisfaction, combined with the probability that the development of the new Kathputli settlement will be delayed past its expected date, presents a problem for the DDA.

⁶⁸ These findings form another area for further research. In 2011, the DDA demolished 600 *jbuggis* in Gayatri Colony without providing significant notice to the community. According to the Abdul Shakeel, a member of HAQ, hundreds were evicted, hundreds arrested, and many were severely injured in the confrontation between police and Colony residents. Given the extreme disparity between the relationship of the DDA to Kathputli Colony and Gayatri Colony, the borderland that will form between the transit camp and the adjacent *JJ* is another key area of the Kathputli’s case.

⁶⁹ SHO Anand Parbat to Executive Engineer WD 5.No. 791 SHO/AP dated 5.5.2011

VII. Environmental Clearance

As per Clause 6 of the Environment Impact Assessment Notification, 2006—issued under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986—projects that require environmental clearance are divided into two categories, Category A and Category B. Category A projects require a clearance at the level of the Central Government; Category B will require environmental clearance from the State/Union Territory's Environment Impact Assessment Authority (SEIAA).⁷⁰ Building and Construction projects exceeding 20,000 sq. meters and 1,50,000 sq. meters in developed area are covered under Category B.

The Kathputli Colony Project thus falls into Category B project, requiring a clearance from the SEIAA. The SEIAA, in turn, bases its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) which is required to be constituted under the notification.⁷¹

The Kathputli project was presented before the State Level Expert Appraisal Committee (SEAC) in June 2011. According to the minutes of that meeting, the SEAC recommended that the information presented by the developers, the project proponent, “does not meet the requirement for Environmental Clearance.”⁷² At the June meeting, the committee asked for more information on the following, among others:

“(ii) Agreement on the project between DDA with M/s Rabeja Developers Ltd.

(iii) Percentage land use demarcation for EWS, premium apartment, commercial block, greenery, common facility etc. in tabular form.

(iv) Area breakup details in tabular form showing each component separately.”⁷³

They added to the above requirements in the October meeting, requiring a “Revised Water balance Chart,” a “Complete Geo-technical report with soil characteristics” and a “Floor wise building plans and Fire fighting/evacuation plans” among others, deciding that “Zero wastewater discharge should be achieved.”⁷⁴

⁷⁰ Environment Impact Assessment Notification, 2006, Ministry of Environment and Forests, S.O. 1533. Clause 4.

⁷¹ Ibid.

⁷² Case No. 119, Minutes of the 32nd meeting of State Level Expert Appraisal Committee, 30.06.2011.

⁷³ Ibid.

⁷⁴ Minutes from the 33rd SEAC meeting provide extensive details on the settlement. “Total expected population will be 17715 persons (14000 persons in EWS Blocks, 690 persons in Premium Apartment and 3025 persons in Commercial Block). Parking provision will be for 1533 ECS (573 ECS in EWS blocks, 547 ECS in commercial block and 413 ECS in premium apartment). Total water requirement for proposed project is 2060.055 KLD, out of which the fresh water requirement is 1347.735 KLD which will be met partly by DJB and partly from groundwater after obtaining necessary permission. The total wastewater generation from the proposed project will be about 1854.05 KLD, which will be treated at an on-site STP of 2225 KLD. The treated wastewater of 1668.645 KLD will be used for Flushing (712.32 KLD), Horticulture (41.44 KLD), and Cooling make-up water requirement (914.885 KLD). The total power requirement for the project will be 8.388 MWh (4.52 MWh in EWS blocks, 1.703 MWh in Premium Apartment and 2.165 MWh in Commercial Block), which will be supplied by NDPL. DG sets proposed for power back up are 2x5000 KVA. Total solid waste generation from the proposed project will be 6231.05 Kg/day (5600 Kg/day from EWS block + 276 Kg/day from premium apartment + 355.05 Kg/day from commercial block.”

The committee also laid down certain conditions during its June meeting that would be imposed in the event an Environmental Clearance was granted, including:

- “(i) The transit camp proposed nearby project site should be demolished” by the proponents after completion of construction phase and the land should be given back to DDA.*
- (ii) The recurring cost of the lifts proposed in EWS towers should be borne by M/s Raheja Developers Ltd. under CSR.”⁷⁵*

The SEAC did not grant environmental clearance in their subsequent meeting in October 2011. Minutes of subsequent meetings until May 2013 do not mention the Raheja project.

VIII. Discussion

In recent years, the Delhi Government and the Delhi Development Authority have moved from an eviction driven approach to acknowledging, at least on paper, the need to incorporate the urban poor into their planning processes. Where the prevalent strategy in Delhi has in the past been the removal of squatter settlements and their residents’ ‘conditional relocation,’ the Master Plan 2021 reflects a deeper commitment to slum-dweller rights.⁷⁶ Yet this shift is just one part of a larger policymaking movement in many parts of India. In this respect, a comparative study involving other contemporary slum rehabilitation might be useful. For instance, all new tenders issued by the DUSIB now require that designs for slum rehabilitation be compliant with the Rajiv Awas Yojana (RAY)—a central scheme that seeks to provide the urban poor with housing and tenure guarantees—despite the fact that the state of Delhi has neither formulated a Slum-Free City Plan nor adopted legislation in pursuance of the Model Property Rights for Slum Dwellers Bill (2011), both of which are required by the RAY scheme. In addition, running parallel to Delhi’s legislative framework is the oft-quoted example of Mumbai’s Slum Rehabilitation Authority (SRA). The Slum Rehabilitation Authority (SRA) acquired the status of a planning authority by way of an amendment to the Maharashtra Town and Country Planning Act in 1991. The motivations for these amendments are found in the Afzalpurkar Committee Report, which stated that there was a need to raise the standard of living of the urban poor, given that the unhygienic conditions they live in were not a result of choice and that they had been an integral part of the cultural and commercial history of the metropolis of Mumbai.⁷⁷

⁷⁵Case No. 119, Minutes of the 32nd meeting of State Level Expert Appraisal Committee, 30.06.2011. The second condition is of interest in that it sees an environmental regulatory body take on social justice concerns in its decision making processes, given that neither the DDA nor Raheja has undertaken a large scale social impact assessment.

⁷⁶ Véronique Dupont, “Slum Demolitions in Delhi Since the 1990s : An appraisal,” *Economic & Political Weekly* (2008).

⁷⁷ In order to formulate a comprehensive rehabilitation scheme for slums, as promised in the election manifesto, a high powered study group under the chairmanship of ex-Chief Secretary Mr. Dinesh Afzalpurkar (IAS) was set up by the SS-BJP Government soon after it came to power. The committee, popularly known as the Afzalpurkar Committee, recommended the Slum Rehabilitation Scheme. The Government of Maharashtra accepted the recommendations made by the Afzalpurkar Committee in the State Legislative Assembly and amended the Maharashtra Slum Area (Improvement, Clearance and Redevelopment) Act, 1971. A Slum Rehabilitation Authority (SRA) was then constituted to put this plan into action by the Government Notification dated 16 December, 1995 to function with effect from 25 December, 1995.

While the RAY is largely in the initial pilot stage,⁷⁸ the SRA rehabilitation schemes—which were the first experiment in this mould—are no longer universally seen as an exemplary model.⁷⁹ Plagued with corruption, vested interests and stories of lack of informed consent, the SRA is also in need of rigorous introspection.⁸⁰ However, it remains the most prominent example of a legislative framework for the involvement of private developers in slum redevelopment projects, and an influential precedent for current DUSIB legislation.

The DDA and the Survey:

Surveys are central to the DDA's approach to slum rehabilitation, collecting all of the data that will factor into the construction of new settlements. A number of contemporary urban theorists have noted the importance of survey data as both a means of surveillance by the state and as a "powerful tool in the internal practice of democracy."⁸¹ On the latter, Arjun Appadurai (2002) has shown that for many slum-dwelling communities in Mumbai, surveys offer the opportunity to take populations that "are socially, legally, and spatially marginal—invisible citizens as it were," and "render them statistically visible." This method of bottom-up self-surveillance can then serve as a bargaining chip in the slum-dwellers' interactions with the state, whose claims it may counter with a wealth of self-knowledge.⁸² In Kathputli, however, surveying is a top-down discourse. Even with a significant presence, Kathputli has neither conducted a comprehensive self-survey nor been involved in the drafting or execution of the DDA/Raheja surveys. As such, they have little with which to counter the statistics produced by the DDA in its own data collection, subject to DDA survey and eligibility guidelines that threaten to dispossess a significant portion of the colony in the rehabilitation process. In the case of Kathputli, then—where we have noted discrepancies between results of various surveys by various development actors—survey data can serve as metrics for dispossession.

The results of the various surveys tell us a conflicting story. The consultant's project report and GPMA's contract with the DDA identify this number as either 2754 or 2800. On completion of the survey, a summary report noted that after the first stage, the DDA had identified 3100 *jhuggies*.⁸³ However, in subsequent summaries, the number reverted back to 2754.⁸⁴ This difference of about 350 households in the spectrum of those eligible for EWS apartments is cause for alarm.

⁷⁸ Ministry of Housing and Urban Poverty Alleviation, "Release of First Installment of Grants-in-aid to 14 State/ UTs Governments for Slum Free City Plan Scheme (SFPS) under Rajiv Awas Yojana during 2010-11," Last accessed October 2012 <http://mhupa.gov.in/ray/SFPS/release.html>

⁷⁹ "Mess in the Slum Capital," *The Hindu*, Last accessed October 2012. <http://www.thehindu.com/opinion/editorial/article3512523.ece>.

⁸⁰ Gurbir Singh and P. K. Das, "Building castles in the air: housing schemes for Bombay's slum-dwellers" *Economic and Political Weekly*, Vol. 30, No. 40 (Oct. 7, 1995), pp. 2477-2481.

⁸¹ Arjun Appadurai, "Deep Democracy: Urban Governmentality and the Horizon of Politics," *Environment and Urbanization* (2002) 13.2, 34-35.

⁸² *Ibid.*

⁸³ Delhi Development Authority, "Summary of Survey Report of JJ Clusters in West Zone (LM)," Correspondence between Asst. Dir LM (WZ) and LM (WZ) dated April 28, 2010.

⁸⁴ "Present Status of The JJ Cluster In-Situ Redevelopment scheme," Signed by AD (LM) WZ dated January 18 2012.

The difference of about 350 households in the various surveys of the DDA reflects the deeper, methodological flaws of the DDA survey system, which “does not rest on ‘mechanically objective’ or ‘scientifically rational’ survey procedures.”⁸⁵ A review of the DDA notes as much:

The information system in the DDA is characterised by a ‘data explosion’ at the lower levels and ‘information starvation’ at the higher levels of management. There is little consolidation or analysis being carried out at any level of the DDA. Even senior officers receive information in the form of raw data. In the absence of the data being processed and presented as information, officials are unable to use it as a decision-making tool, thereby defeating the very purpose for which the data was gathered.⁸⁶

This portrait of bureaucratic failure suggests that the Foucauldian interpretation of slum surveys—as an attempt to ‘conduct the conduct’ of slum populations by developing a ‘knowledge apparatus’ (Foucault, 2007; 2001)—does not provide a full account of the DDA’s contemporary approach. Ghertner does show the DDA’s surveys to be a “consistent governmental technology of shaping and guiding the slum population’s interests.”⁸⁷ While the DDA used to conduct surveys only in anticipation of a slum demolition or relocation, today the vast majority of slums in Delhi today have undergone surveys, even when relocation was not imminent. The Tata review, however, shows that the increase in slum surveys has not been accompanied by an effective reorganization to make use of the incoming data. The state may, as Ghertner suggests, be attempting to make slums “visible, bounded, and calculable,” but the failures of the DDA suggests that in the case of Kathputli, the opacity of the DDA’s survey methodology is possibly less a calculated manoeuvre as it is a failure of communication. Given the mandates of participation in DUSIB and RAY, the DDA is faced with the task of developing a solid infrastructure for slum surveys where the evictionary approach allowed less methodical bookkeeping. The result, according to Ghertner, is that the DDA is “calculating without numbers,” relying far more on qualitative observation than quantitative analysis.⁸⁸

In Mumbai, the Slum Rehabilitation Authority requires that survey results be relayed to the community in order to receive their ‘ratification’; in Kathputli, no such communication has taken place. Currently, the Delhi Urban Shelter Improvement Board hosts a list of eligible and ineligible *JJ* residents for other projects for resettlement on their website, which they hope will provide second opportunity to those residents who were surveyed but either could not fill up their forms or who have been declared ineligible by the eligibility determination committee, so that they might appeal

⁸⁵ Ghertner, D. Asher (2010). ‘Calculating without numbers: aesthetic governmentality in Delhi’s slums,’ *EcEconomic and Society*, 39:2, 206.

⁸⁶ As quoted in Ghertner (2010): Tata Consultancy Services (1986) Delhi Development Authority Organizational Review Study, Vol. 1, Proposed Management Information System, p. 4.6.

⁸⁷ Op. cit.

⁸⁸ Ibid.

the decision of the Board.⁸⁹ The DDA, on the other hand, has been entirely opaque in relaying both the process and results of the survey to the community.

Community Participation and Consent:

Our research indicates that the DDA's aspirational development plan has, on the ground level, translated into a great deal of fear and confusion with respect to the possibility of permanent eviction from a community that Kathputli residents have built over the course of the last 40 years. Despite its attempt at "community participation"—worded in the Master Plan 2021—the DDA and its rehabilitation processes remain opaque to both researchers and more importantly, to the subjects of its ambitious new projects. Aside from limited interaction with a handful of representatives from the community, Kathputli residents have been both excluded from and uninformed about the DDA's planning process.

Nonetheless, the Master Plan 2021, the framework within which this rehabilitation project has been initiated, states that "Community Based Organisations and Non-Governmental Organisations should be closely involved in the resettlement process." DUSIB, too, envisages some level of community involvement, requiring that 'stakeholder analysis' be undertaken to record the concerns of the residents.⁹⁰ Before finalizing and implementing any scheme, the Board is required to publish the scheme in the manner prescribed by regulations and shall invite and consider objections, if any, received from the public.⁹¹

Meanwhile, RAY requires that the State Nodal Agency identify, mobilize and involve several community structures like Neighbourhood Groups (NHGs), Neighbourhood Committees (NHCs), Community Development Societies (CDS) etc. and slum-based Community Based Organisations (CBOs), such as Resident Welfare Associations (RWAs), Self Help Groups (SHGs) and Co-operative organizations of the residents, working in the area along with ward-level officials from the local body.⁹² As per Section 9 (3) of the Model Property Rights to Slum Dwellers Act 2011 (an important component of the RAY), the City Area Slum Redevelopment Committee—required by Section 7 of the Act—is comprised of a range of important actors at different levels of the government. The Bill also details its composition to include members of urban local bodies, development authorities, State departments, central ministries, experts in urban planning and members of community based organizations and NGOs.⁹³

Our research indicates a considerable deficit of community participation and NGO involvement. Communication has been restricted to handful of actors within the community, trusted as representatives. However, this model of trickle-down communication has not translated into high levels of awareness in the community.

⁸⁹ DUSIB, "Present Policies & Strategies," last accessed October 2012. http://delhishelterboard.in/main/?page_id=128

⁹⁰ "RFP For Selection of Agencies For Undertaking Comprehensive Socio-economic Survey of Households in Jhuggi Jhopdi Clusters in Delhi," Delhi Urban Shelter Improvement Board, last accessed October 2012, <http://delhishelterboard.in/main/wp-content/uploads/2012/04/Socio-economic-survey-RFP-Revision-a-20-April-12.pdf>.

⁹¹ DUSIB Act, Section 22.

⁹² "Community Participation Guidelines," Ministry of Housing and Urban Poverty Alleviation, Page 12, July 2012.

⁹³ "Model Property Rights for Slum Dwellers Bill, 2011," Section 8.

In a number of interviews in the settlement, Kathputli's residents from a variety of different ethnic and economic backgrounds have expressed fear about the future of the colony and their place in it. While they welcome a move towards legitimate tenure and hygienic living conditions (promised by the DDA and politicians associated with the area), they fear that they will not return to Kathputli colony once displaced to the transit camps. Consequently, they seek a guarantee that they will receive a spot at the transit camp and further, that they will be guaranteed a spot on their subsequent relocation.

Scholarship on the urban poor in India has increasingly seen the urban as a site of heightened inequality and differential access to rights including basic services and tenure. Arjun Appadurai articulates that these circumstances have led to a situation which has given rise to the phenomenon of "citizens without a city."⁹⁴ Patrick Heller argues that, in the context of such inequality, participation becomes all the more necessary as a means of "deepening of democracy," as the state works to "close the gap between formal legal rights in the civil and political arena, and the actual capability to practise those rights meaningfully."⁹⁵ Charles Tilly emphasises that the state's *binding* consultation with citizens is central as a marker of meaningful citizenship.⁹⁶ Overall, work on citizenship indicates that without active consultation, southern metropolises will remain engulfed in clientelistic politics, which will remain the mode by which the urban poor will gain access to services.

The international human rights framework with regard to the right to adequate housing emphatically reiterates this principle. The Basic Principles and Guidelines on Development Based Evictions and Displacement (A/HRC/4/18) emphasize that 'opportunities for *dialogue and consultation* must be extended effectively to the full spectrum of affected persons.' When India submitted a periodic report in 2008 to the Committee on Economic, Social and Cultural Rights on compliance with the requirements of the ICESCR, the Committee expressed serious concerns with respect to the Indian government's failure to protect and ensure the right to adequate housing for its citizens. The Committee also recommended that, "prior to implementing development and urban renewal projects, sporting events and other similar activities, the State party should undertake open, participatory and meaningful consultations with affected residents and communities."⁹⁷ General Comment 7 on the Committee on Economic, Social and Cultural Rights—with specific reference to the right to adequate housing—emphasizes the need for *genuine* consultation prior to displacement.⁹⁸

Certainly, we need to give meaning to 'community participation' by breaking it into processes beyond a simple consent and signature requirement. However, consent still plays a central role in any meaningful definition of community participation. Without a consent requirement, participation becomes merely a perfunctory exercise, or worse, subject to repeated legislative assertion that

⁹⁴ Arjun Appadurai, "Deep Democracy: Urban Governmentality and the Horizon of Politics," *Environment and Urbanization* (2002) 13.2, 34-35.

⁹⁵ Patrick Heller, "Democratic Deepening in India and South Africa," *Journal of Asian and African Studies*, (2009) 44, 123.

⁹⁶ As in Patrick Heller and Peter Evans, "Taking Tilly south: durable inequalities, democratic contestation, and citizenship in the Southern Metropolis," *Springer Science+Business Media* (2010).

⁹⁷ United Nations Committee on Economic, Social and Cultural Rights, General Comment No.4: the Right to Adequate Housing (1991)

⁹⁸ United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 7: the Right to Adequate Housing (1997)

consent is unnecessary. This is the current trajectory of the DDA. The Master Plan in guideline 4.2.3.1 (viii) says that community-based organisations should be ‘closely involved’ in the rehabilitation process. However, the Kathputli project is a clear example of how under such a broad directive—coupled with no consent requirement—the DDA has little incentive to consult the community, reducing their involvement of residents to a bare minimum.

As we note, developers have drafted a contract that is intended to elicit some measure of consent from the community. Slum-dwellers may, in this scheme, refuse to sign the contract, thus signalling their discontent. Yet this protest offers little recourse for negotiating the terms of the rehabilitation. While recognizing that Raheja’s move to formalize a draft agreement with the Kathputli residents was intended to provide some security in the upheaval of the transition, it is thus crucial to note that the agreement’s authors are the developers themselves. On the one hand, we might read Raheja’s initiative to draft the agreement as a progressive step away from the forced eviction approach to achieve some level of consent. However, the terms of the agreement—albeit in the draft stage—have been established by the developers, without early cooperation of the state, community, or other civil society actors. It is thus unclear how much agency Kathputli residents will actually have when they are presented with the agreement.

Moreover, this document is not comprehensive in its scope. There are no clauses about what would happen to the residents in case the project was abandoned after commencement, i.e. after they had been moved from their residences. Ironically, the only mention of breach of contract is on the part of the ‘slum dweller’: a resident can be dispossessed of the final dwelling unit in the event that a notice issued by the DDA has not been answered or complied with within 7 days. Ultimately, when the final arbiter for the disputes is the DDA Vice-Chairman, the protections afforded to the displaced residents appear insubstantial, and the larger efforts to promote community participation appear to be minimal, at best.

Conclusion

We cannot conclude from these failures, however, that the DDA and the developers operate in a purely extractionary alliance. While Raheja Phoenix may have serious consequences for the livelihoods of the Kathputli residents, the DDA’s role in the rehabilitation project must be read within the context of the larger political climate, in which civil society actors and local political bodies have moved with relative success to assert the rights of the urban poor in policies like the DUSIB and the Right to Information. In the case of Kathputli, while the DDA has fallen short of the goals of DUSIB and RAY, the extensive attempts made by the DDA to survey the region and provide services to Kathputli residents in the transit camp marks a major shift away from the evictionary approach that predominated since the DDA’s inception in 1957. Scholarship on the DDA indicates that the agency suffers from both a number of bureaucratic inefficiencies as well as a “conspicuous absence of accurate and up-to-date statistics.”⁹⁹ The DDA has certainly been opaque in this regard; they have made little attempt to shed light on these bureaucratic and data collection

⁹⁹ Ghertner, D. Asher (2010). ‘Calculating without numbers: aesthetic governmentality in Delhi’s slums,’ *Economic and Society*, 39:2.

processes and explain their slowed progress. Yet the opacity of the DDA is, through this lens, largely the result of intra-agency confusion—producing delays, miscommunication, or no communication at all—rather than a deliberate refusal to communicate. After all, many of the problems and setbacks that we have identified come at the expense of the both the community and the DDA itself.

The major problem from the policy perspective is thus the disconnect between intention and implementation. Much of this resides in the DDA itself, and Ghertner (2010) provides a detailed account of how the various branches of the agency intersect or fail to connect. Yet the Kathputli case study also helps us to understand the consequences of the public-private partnerships on the rehabilitation process. The DDA's current in-house rehabilitation project in Jailorwala Bagh in North-West Delhi, then, will provide an important comparative case study for parsing out the implementation problem.¹⁰⁰

The Kathputli story also sheds light on how the urban poor in Delhi are making use of the larger political climate and the tools it has attempted to provide for their assertion of rights. In this context, it is critical to examine the tools at the disposal of the Kathputli residents themselves, for whom self-representation may be the most effective avenue for promoting their interests. Nikolas Rose (1999) has referred to this process as “self-responsibilization,” in which the process of liberalization has made “the responsibility of ensuring housing and access to services...not the responsibility of the state or the elite but of the poor themselves,” as Bhan (2009) defines it.¹⁰¹ In order to do so, the poor are required to use their tools to amplify their voice and prod the state into action. Of these, the Right to Information Act (RTI) of 2005 has made it easy for slum-dwellers the opportunity to pursue information proactively and check the validity of the DDA's statistics. One Pradhan did file one such RTI an application under the Right to Information Act 2005(RTI), but the response revealed little.¹⁰² Yet our conversations with members of the community indicates that such awareness has not trickled down into the general community, and remains restricted largely to those actors who have extensive contact with civil society actors with whom they can collaborate on such petitions.

Those civil society actors have thus offered much beyond collecting funds for construction of facilities in the settlement. Yet our research shows a distinct bias of the NGOs in the colony toward the Kathputli community, whose artistry has attracted a great deal of attention worldwide, leaving underrepresented many of the other communities in the region. According to Jha et al.'s (2007) statistics on Delhi slums, only around 8% of slum communities “knows and interacts with NGO staff.”¹⁰³ Yet even in Kathputli, where the high concentration of NGOs implies a higher percentage, civil society has had a limited role in the rehabilitation process. The responsibility for this shortcoming lies with both actors: the DDA has failed to follow through with the policy mandates outlined in the Master Plan to involve civil society actors in the rehabilitation process; yet the NGOs

¹⁰⁰ Jiby Kattakayam, “DDA to redevelop Jailorwala Bagh slum project itself,” *The Hindu* October 1, 2012.

¹⁰¹ Nikolas Rose, *Powers of Freedom: Reframing Political Thought*, (Cambridge: Cambridge University Press, 1999); Gautam Bhan, “‘This is no longer the city I once knew,’ Evictions, the urban poor and the right to the city in millennial Delhi” *Environment and Urbanization* 21:127, 2009.

¹⁰² Response no. No. 48/DLM (HQ) AA/ RTI/2012 in Response to RTI appeal filed by Dalip Bhatt.

¹⁰³ Saumitra Jha, Vijayendra Rao and Michael Woolcock. “Governance in the Gullies: Democratic Responsiveness and Leadership in Delhi's Slums,” *World Development* Vol. 35:2, 2007.

have not attempted a comprehensive self-survey in the region, which would provide an effective medium through which to counter or verify the DDA's statistics, criteria for which have not been clearly defined.

For all of the various aspects of this case study, Kathputli Colony is a space to watch. By tracing the redevelopment process from its inception, the Kathputli case study will serve as a base for further research on those various aspects of the project. For now, the project remains in its first stage, and Kathputli residents still occupy the original Shadipur settlement. As Raheja finishes its work in Anand Parbhat, the Kathputli community awaits the imminent relocation to the transit camp, with many questions unanswered.

Subhadra Banda is a Research Associate at the Centre for Policy Research, Delhi; Yashas Vaidya is a Ph.D. candidate in the Sociology Department of Brown University; and David Adler is a Development Studies major at Brown University.

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