

Exclusion, Informality, and Predation in the Cities of Delhi

An Overview of the Cities of Delhi Project

August 2015

citiesofdelhi.cprindia.org

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Introduction

Delhi is India's richest city and as the capital of the nation has long enjoyed favourable treatment from the Centre. As the home to the country's national bureaucracies, it also benefits from a large base of secure, well-paid, government jobs. Over the last decade the city has grown at an average real rate of 10 percent,¹ and has benefitted from a dramatic increase in large-scale infrastructure development. Yet, despite these advantages, Delhi is a deeply divided city marked by layers of social exclusion.

In the modern imaginary, the city represents the promise of freedom and opportunity. It marks a social space that is less constrained by traditional identities and one in which greater social interaction and density support economic dynamism. If development must, as Amartya Sen has so influentially argued, be based on strengthening basic capabilities, then the city can surely be a privileged site of capability-enhancement. Indeed, the migrants who flood the city often come in search of better livelihoods, education, health, and basic services. But as any resident of Delhi knows, the quality of such services varies dramatically across neighbourhoods, and the part of the city one lives in significantly impacts one's ability to take full advantage of what the city has to offer. The *Cities of Delhi* (CoD) project starts with the simple recognition that India's capital is marked by different settlement types,² defined by diverse degrees of formality, legality, and tenure, which taken together produce a highly differentiated pattern of access to basic services.

The motivation of the project was three-fold. The first was to document as carefully as possible the quality and scope of access to basic services in the less privileged areas of the city. We focused on basic services such as electricity, water, sanitation, and solid waste removal because these are clearly constitutive of core capabilities, relatively easy to measure (as compared to health or educational services) and well within the reach of a city like Delhi under current levels of economic development, with a per capita Gross State Domestic Product (GSDP) of more than USD 8,000 in PPP terms. Our second objective was to map the distribution of these services and, in particular, to understand how they are unevenly spread across different settlement types. Of course, inequality of access to basic services is to some degree a result of income differences (class) and social status (community, caste). But we specifically wanted to focus on inequalities that are tied to legal and spatial categories, both because these have generally been less studied in the literature on urban inequality in India, but also because these drivers of inequality are much more amenable to policy interventions than class or status differentials. The third objective of the project was to identify the mechanisms through which inequality across settlement types actually works. This meant trying to understand the histories, the legal frameworks, and the institutional and political arrangements that have produced and reproduced highly unequal settlement types. Through **three sets of reports** the project provides a comprehensive picture of how the city is governed, and especially how this impacts the poor.

The first is a set of carefully selected case studies of slums, known as jhuggijhopri clusters (JJs) in Delhi, unauthorised colonies (UACs), and resettlement colonies (RCs). Each case documents the status and history of the settlement, the level and quality of services, and the various ways in which the community engages and negotiates with government agencies, its elected representatives, and other actors.

¹The growth rate over 2004-05 to 2013-14 in real state gross domestic product was 9.97%

² The Delhi government defines eight types of settlements in the city, including "Planned Colonies". The others are: slum designated areas, jhuggijhopri clusters, unauthorised colonies, regularised unauthorised colonies, resettlement colonies, urban villages, and rural villages.

The second set of studies explores a range of different processes through which the governing institutions of Delhi engage with residents. These focus, for example, on the process of regularising unauthorised colonies or managing slum evictions, examining both the legal and policy prescriptions that govern these interventions, as well as the actual interventions on the ground at selected sites.

The third set of studies focuses on selected institutional agencies of governance in Delhi. These reports document the history, legal framework, structure, policies, functions, and activities of three key agencies: the Delhi Development Authority (DDA), the Delhi Jal Board (DJB), and the Delhi Urban Shelter Improvement Board (DUSIB).

This report provides an overview of the findings from CoD. It builds directly on the place, process, and institution reports available at citiesofdelhi.cprindia.org, but in no way substitutes for these reports, all of which stand on their own as original empirical contributions. This overview is instead a synthesis, an effort to tie together the findings from the reports, to paint a broad picture of patterns of unequal access to basic services in the city and to provide an analysis of how these patterns of inequality are linked to structures and practices of governance.

Methods and Data Collection

As noted above, CoD focuses on three types of ‘unplanned’ settlement: the jhuggijhopri clusters (JJC), the unauthorised colony (UAC), and the resettlement colony (RC). At a very broad level of generalisation, JJC are settlements where tenure is most tenuous, UACs are settlements in which claim to land may be less tenuous, where residents have often purchased land from a third party, but which are built without planning permissions, and RCs are planned and legal developments to which some residents from JJC are relocated, usually after the JJC’s demolition. Here the tenure is granted by the state, but with very impaired ability to transact. Despite being planned, RCs are often without basic services.

Collectively, we refer to these as ‘excluded settlements’. As we explain in detail in the next section, all three are to varying degrees excluded by law and/or practice from full inclusion in the city’s infrastructure and service delivery functions.

There are over a thousand excluded settlements in Delhi but no reliable data on service delivery in these colonies. Selecting cases for study presented a challenge. We started with the assumption that there is a high degree of differentiation in levels of service delivery *across* settlement types but also *within* settlement types. We wanted to capture this variation but also identify the mechanisms at work. In order to balance the trade-off between a large number of cases that would capture variation (and strengthen generalisability) and a small number of cases that would allow for in-depth analysis and capture mechanisms, we selected 10 cases. We selected settlements that captured variation along what we hypothesised to be the most important variables driving levels of exclusion: 1) the size of the settlement, which matters because of its potential leverage as a “vote bank”; 2) the age of a settlement, which matters because of the timing of incorporation as well as the time that might be required to develop local infrastructure; and 3) its spatial location, which matters because of the greater difficulty of linking peripheral areas to bulk infrastructure. Our goal was not to develop a representative sample, but rather maximise our ability to capture a full range of outcomes and practices. Because JJC are the most ‘illegal’ and most marginalised settlements, we assumed they would display the greatest variability and accordingly selected a total of six (and visited five more to collect baseline data) out of an official total, according to the DUSIB, which currently stands at

672.³The selected JJs ranged across our three variables of size, location, and history, and also displayed significant variation in social composition. One was predominantly Muslim, four were predominantly Dalit, and two had a diverse caste composition. As one would expect in Delhi, most tended to be populated by north Indian migrants (a majority of work-related migrants are from Uttar Pradesh and Bihar),⁴ although part of one settlement was settled almost exclusively by Tamil migrants from the South. Out of 55 resettlement colonies,⁵ we selected 3 (and examined 3 more), one from each of the historical waves in which these colonies have been built. The category of unauthorised colony was the most difficult to sample. The heterogeneity here is bewildering, ranging from pockets of unplanned development that are hard to distinguish from JJs to the most exclusive enclaves in Delhi, where elites have built privately serviced, albeit illegal mansions euphemistically known as ‘farm houses’. Outside of these extremes, UACs are widely seen to be where the lower middle classes reside. We accordingly selected Sangam Vihar, generally viewed as the largest UAC in Delhi but in fact composed of at least 30 individually designated unauthorised colonies. We selected three of these, but count this as a single case. Each of the cases with its size, date of foundation, and location is listed in Table 1.

For each of our cases we conducted multiple site visits (160 in total) and extensive interviews. The site visits included a general reconnaissance of the area to examine visible signs of service delivery (drains, toilets, water delivery points, garbage collection points), public facilities (parks, transport nodes, access roads), and attendance at any public meetings we became aware of. During our period of study, three elections were held: two for the assembly of the Government of National Capital Territory of Delhi (GNCTD; in 2013 and 2015) and one for the national parliament (2014). Interviews focused on two sets of respondents: 1) key actors such as the local *pradhans* (elected or self-declared community leaders), local NGO workers, officials of resident welfare associations (where constituted), the local municipal councillor, and the local member of the legislative assembly (MLA); and 2) individuals or groups of residents that we encountered in our field visits. In all three types of settlements, population density is extremely high and finding willing respondents is relatively easy. As is often the case in dense communities, a conversation with an individual, even when carried out in a private setting, often turned into a public conversation with relatives, friends, and strangers who joined in spontaneously. We treated these meetings as quasi-focus groups and used them to address basic questions (e.g. how many hours a day is electricity available) but also, when feasible, to address more contentious issues about politics and the state. But we also balanced these very public meetings with as many private conversations as could be organised. We made a special effort to interview women. For each selected settlement we conducted at least 15 individual and group interviews. Mixed gender teams conducted all interviews and site visits and a mix of teams visited each site. All interviews were based on an open-ended questionnaire. The fieldwork started in November 2012 and is on-going.

³When the project began, this number was 685 (a 2011 estimate). In March 2014, during the course of the project, it rose to 699, before arriving at the current level.

⁴ According to the Census 2001, these two states account for 58% of migrants who arrived more than ten years ago and continue to account for 55.7% of recent (less than one year) arrivals. However, over this time, the share of Bihar has risen from 12.1% to 21.4% and the share of Uttar Pradesh has declined.

⁵While 44 resettlement colonies were established in the first two waves (1960s, 1970s), at least 11 more were established during the third wave in 1990s–2000s. Although the 44 ‘original’ resettlement colonies are usually referred to in policy documents, the current total is 55.

Table 1: Cities of Delhi Case Sites

Settlement Type	Settlement Name	Most recent official size estimate (year)	Estimated population ⁶	Year of foundation	Location (Region of Delhi)	Location (Based on approx. distance from centre of Delhi) ⁷
JJC ⁸	Anantram Dairy Harijan Basti	311 <i>jhuggis</i> (2014)	1,750 – 2,000	1972	South Delhi	Core
JJC	F Block Punjabi Basti	455 <i>jhuggis</i> (2014)	5,000	1975 - 1985	West Delhi	Core
JJC	Indira Kalyan Vihar	2,315 <i>jhuggis</i> (2014)	25,000 – 30,000	1978	South Delhi	Semi-Core/ Semi-Periphery
JJC	Kusumpur Pahari	4,909 <i>jhuggis</i> (2014)	50,000	1974	South Delhi	Semi-Core/ Semi-Periphery
JJC	Sanjay Camp	4,250 <i>jhuggis</i> (2014)	25,000 – 30,000	Late 1970s	South Delhi	Core
JJC	Jai Hind Camp	1,000 <i>jhuggis</i> (2014)	5,000 – 6,000	~ 2000	South Delhi	Semi-Core/ Semi-Periphery
Resettlement Colony ⁹	Savda Ghevra	8,686 plots ¹⁰	50,000	2006	North-West Delhi	Periphery
Resettlement Colony	Mangolpuri	28,478 plots ¹¹	300,000 – 350,000	1975	North-West Delhi	Semi-Core/ Semi-Periphery
Resettlement Colony	Madanpur Khader	10,484 plots ¹²	150,000	2000	South Delhi	Semi-Core/ Semi-Periphery
Unauthorised Colony	Sangam Vihar	No Official Estimate	1,000,000	1979	South Delhi	Periphery

⁶ Based on average household size of five.

⁷ Based on distance from Connaught Place (CP), which can be considered the default centre of Delhi. Distance between 0-10 kilometer from CP = Core; 10-20 km from CP = Semi-Core/ Semi-Periphery; and 20-30 km from CP = Periphery.

⁸ Official estimates of size of JJCs are taken from the excel spreadsheet titled “jj-cluster-672-list”, downloaded from the DUSIB website on 21 October 2014.

⁹ Official estimates of size of resettlement colonies are based on official count of number of plots at the time of resettlement.

¹⁰ Interview with DUSIB executive engineer on 11 June 2013.

¹¹ City Development Plan of Delhi, 2006

¹²Source: http://www.dda.org.in/planning/slums_jj_rehabilitate.htm, accessed on 13 March 2015.

Table 2: Type of Settlement and Population in New Delhi

	Type of settlement	Population in millions (2006)	Percentage of total Delhi population	Legality	Individual Water Supply
1	Jhuggi Jhopri Cluster (JJC)	2.448	14.80%	Illegal and unplanned	No right
2	Slum Designated Area	3.148	19.10%	Legal but unplanned	Right, but restricted for technical reasons
3	Unauthorised Colony	0.874	5.30%	Illegal, unplanned but secure	No right
4	Resettlement Colonies	2.099	12.72%	Legal, planned, and informalized	Right not delivered
5	Rural Village	0.874	5.30%	Zone of exception	Exempt
6	Regularised – Unauthorised Colony	2.099	12.72%	Legal but unplanned	Good
7	Urban Village	1.049	6.35%	Zone of exception	Good
8	Planned Colony	3.909	23.70%	Legal and Planned	Good
10	Total Population	16.5	100.00%		

Source: Delhi Development Report 2008, Column 3 adapted from Bhan (2011), and Column 4 from Maria (2011)

1. Settlement Types and Differentiated Citizenship

The government of Delhi's own estimates place only 23.7 per cent of the city's population in what are designated as 'Planned Colonies' (DUEIP 2001).¹³ The balance of Delhi's population resides in what are either entirely 'illegal' settlements or areas that were never authorised for development and as such never properly planned. The absence of planning means not only that the physical space of the settlement was not laid out in accordance with basic building codes or public space requirements (including road and access grids) but that the settlement is not integrated into the city's bulk infrastructure delivery system.

Table 2 (preceding page) summarises the eight types of settlements found in Delhi, categories differentiated by the degree to which they are legal and planned. The resulting classification represents a grid of *differentiated citizenship*, a system by which the state systematically assigns different levels of services to different categories of citizens based on their tenurial status. The first three columns provide a listing of settlement types and their populations as defined and enumerated by the state of Delhi. The third column is a categorisation, drawing from Bhan (2013), of the legality of each settlement type and the degree to which it is planned. The fourth column, based on work by Maria (2008, 2010), summarises how each category translates into access to a key service, water.

There is a clear pattern of differentiation: the scope and quality of service delivery is both legally, and in terms of official policy, directly mapped onto this grid. The numbered list of settlement types in Table 2 runs from the most illegal (JJC) to the most legal (Planned Colony). Planned colonies (23.7%) are legal and planned and generally have access to a full set of services (reliable electricity supply, piped water, sewage, paved roads, solid waste collection). These are zones of what might be called full citizenship and accommodate Delhi's wealthier classes and public employees in government provided accommodation. This is, in other words, the 'inclusive city' of Delhi, to use the term now favoured in policy circles.

Two other settlement types, the 'urban village' and the 'rural village', represent something of an oddity; these are areas that have been grandfathered into the city, partially exempted from standard planning requirements and legal to a certain extent.¹⁴

'Unauthorised-regularised colonies' (URCs, 12.7%) started illegally as 'unauthorised colonies' but have been subsequently legalised (if not fully planned). Despite their legal incorporation into the city, URCs have poor service levels (Zimmer 2010, Bhan 2013). Slum Designated Areas (SDAs), are the officially recognised 'slums' of Delhi,

¹³The most frequently cited estimates of population housed in each of these categories of settlement first appeared in a document published in 2001 by the Delhi Urban Environment and Infrastructure Improvement Project (DUEIP). The DUEIP, a collaboration between the Planning Department of the GNCTD and the Indian Ministry of Environment and Forest, was a World Bank-funded effort to prepare a plan for improvements in Delhi's urban infrastructure and environment for 2021. This estimate has since been reproduced extensively without updating. See the Cities of Delhi Policy Brief on 'Categorisation of Settlement in Delhi', May 2015.

¹⁴For instance, for "laldora" areas, i.e. those areas within villages that were designated for *abadi* or population in the early 1900s, there are no ownership records in the land revenue records and land is only held by way of possession. Consequently, original landholders and their descendants do not have proof of title and so they cannot apply for building permission. On the other hand, the extended village *abadi*, which was accommodated in the extended laldora (or ELD) areas starting from the early 1950s, was then enclosed between the laldora boundary and a new peripheral boundary called *phirmi*, usually represented by a road at the periphery. Plots in ELD areas are given separate unit numbers in land revenue records and each plot of land is a freehold residential plot with ownership recorded in the land revenue records. This means plots can be bought and sold through registered sale deeds.

formally notified under the 1956 Slum Areas (Improvement and Clearance) Act. The entire area of the walled city¹⁵ and its extension has been notified as SDAs. Once notified, an SDA has improved access to improved basic services and due procedure prior to an eviction must be followed.¹⁶ The last notification of a settlement as a 'slum' in Delhi was in 1994.¹⁷

It is difficult to stress just how varied the quality of life in these first five settlement types actually is. The ordered but not necessarily legal,¹⁸ leafy, fully serviced planned colonies of South Delhi are a world apart from the extraordinary noise, density, chaos, and sheer deprivation of Old Delhi's designated slums. But despite these differences, residents in these first five categories all have secure rights of tenure recognised by the state and a clear claim to the city.

The next three categories – the focus of CoD, and what we collectively label 'excluded settlements'—exist at the margins of citizenship. In jhuggijhopri clusters (14.8%), resettlement colonies (12.7%), and unauthorised colonies (5.3%), residents have at best highly discretionary rights to basic services.

Unauthorised colonies (UACs) are illegal, built outside of development plans and in contravention of zoning regulations. In most cases, UACs emerged when private developers illegally developed land demarcated for agricultural use for residential purposes and sold off individual plots. Because the land has been developed illegally and outside the master plan (it is 'unauthorised'), residents have no formal 'right' to services, but because individual households have bought their plots, they have a claim to tenure and are generally secure from eviction. Periodic waves of regularisation by the city have given this tacit claim to tenure legitimacy, though no UAC was regularised between 1984 and 2012.¹⁹ Perhaps due to this de facto security of tenure, many residents have invested in their properties, and UACs, including Sangam Vihar, are built up.

Jhuggijhopri clusters (JJC)s are squatter settlements. The term 'squatter' – often used by the courts²⁰ and government agencies²¹— emphatically marks these populations in the eyes of the state as temporary sojourners. The category encompasses everything from the shacks of on-site construction workers who remained when a project ended to built-up settlements that are often more than four decades old. Thus, even in the cases we document where JJC households had paid for their plots, the state confers no de facto recognition of property. Indeed, the state has clearly chosen to simply ignore this population. No new slum has been notified since 1994 under the 1956

¹⁵ Popularly known as Old Delhi, this refers to what was the capital of the Mughal dynasty, Shahjahanabad.

¹⁶ Sections 8, 10, and 28 of the 1956 Slum Areas (Improvement and Clearance) Act require the authority to follow due procedure prior to any demolition within designated slums, including notice and compensation.

¹⁷ Gautam Bhan, 'Planned Illegality: Housing and the 'Failure' of Planning in Delhi: 1947-2010', *Economic and Political Weekly* (15 June 2013).

¹⁸ There are a number of violations of building by-laws in planned colonies, including, quite often, the addition of an extra floor or room. For example with respect to DDA apartments of the SFS schemes, the Malhotra Committee condoned "alterations/ additions" made to the flats including adding a "barsati", constructing a terrace etc. The process involves the submission and approval of plans and the payment of specified fees.

¹⁹ *Common Cause v. Union of India*, CWP No.4771/1993

²⁰ The Law commission's report titled, "One hundred thirty-eighth report on Legislative protection for Slum and pavement dweller, 1990" uses the term repeatedly. Even the landmark judgment on rights of pavement dwellers - *Olga Tellis & Ors. Vs. Bombay Municipal Corporation* 1986 AIR 180 and more recently, in the infamous case of *Wazirpur Barton Nirmata Sangh vs Union of India and Ors.*, 2002 103 (2003) DLT 654.

²¹ The Master Plan of Delhi 2021 mentions "squatters" while detailing in-situ upgradation; the Draft Annual Plan 2000–2001 of the Urban Department of the Government of the NCT of Delhi also refers to the "Relocation of JJ Squatters".

Slum Areas (Improvement and Clearance) Act, and it was not until the passage of the DUSIB Act of 2010 that an estimated 1.5 million²² JJC residents received legislative recognition.

Finally, resettlement colonies (RCs) mark the ultimate paradox of the state's power to classify its citizens. RCs are legal and planned, the result of entirely state-driven action and specifically the sites to which evicted JJC households are relocated. Yet, as we shall see, nowhere is the gap between legal designation and policy practice more pronounced and more emblematic of planned state failure. Despite being 'planned, most RCs are actually deprived of basic services.²³

If Table 2 represents the state's classification of citizenship and, as we document in this report, does lead to highly varied levels of basic services, it is important to note that the figures reported in this table are clearly inaccurate. Though this document is routinely reproduced in Delhi government reports²⁴ and commission documents as well as in a number of academic publications (Bhan 2013, Maria 2008), none of these users has ever remarked that the data for two of the settlements types are identical to that of two other settlement types: both 'unauthorised colonies' and 'rural villages' each have a population of 874,000, and resettlement colonies' and 'regularised-unauthorised colonies' 2.09 million each. Moreover, the population for "unauthorised colonies" (0.874 million) is clearly far off the mark. The GNCTD's Unauthorised Colonies Cell puts the figure at 4 million,²⁵ about a quarter of Delhi's population based on the 2011 Census. Similarly, the figure for JJCs is at best a guess. The agency responsible for JJCs, the Delhi Urban Shelter Improvement Board (DUSIB), estimates the JJC population of Delhi at 304,188 *jhuggis*, and for nearly a year it has continued to state that data on which this is based is "tentative and is in the process of being verified".²⁶ The linked dataset,²⁷ when compared with the previous dataset²⁸ of 2011 (as part of which DUSIB estimated that there were 418,282 *jhuggis* in Delhi) reveals large changes in the numbers of *jhuggis* in various JJCs, and in their areas: though minor changes are expected and understandable, large variations are difficult to make sense of.²⁹

Finally, the ambiguity of state's classification exercise is fully exposed by the conflicting estimates of Delhi's slum population. The most recent census numbers (2011) count 14.6 per cent of the city's households in slums. Yet the categories of JJC and designated slum in Table 2 alone show slums housing 34 percent of the population, and that does not even include resettlement colonies and the significant portion of unauthorised colonies that clearly meet the definition of slums.³⁰ This problem of basic enumeration underscores two governance issues that we highlight throughout the report. First, the relative illiteracy of the state applies more to unplanned than planned areas of the city and suggests that the state is generally more indifferent to the state of unplanned settlements. Second, various

²² DUSIB's 2014 dataset of identifies 672 JJCs containing 304,188 *jhuggis*, if we consider an average of five residents per *jhuggi*, we arrive at an estimate of about 1.5 million residents in JJCs.

²³ Usha Ramanathan, 'Illegality and the Urban Poor', Economic and Political Weekly (22 July 2006).

²⁴ Including the Annual Economic Surveys of the GNCTD in 2001-02, 2005-06, and 2008-09.

²⁵ Public communications of the GNCTD prior to Delhi Elections 2013 and various media reports quoting the GNCTD.

²⁶ This is based on an excel spreadsheet titled 'jj-cluster-672-list', available on the DUSIB website and downloaded on 21 October 2014. Elsewhere DUSIB gives a figure that is twice as high: "Quite a substantial chunk of population of about 30 lakh [or 3 million] is living in approximately 6 lakh [or 600,000] *jhuggies* ... It may be clarified here that no authentic door-to door survey to ascertain the slum population has been conducted by the Deptt. These are just the projected figures of population based on purely rough assessment." (http://delhishelterboard.in/main/?page_id=148, accessed 2 May 2013).

²⁷ Ibid

²⁸ Excel spreadsheet titled 'list of 685 JJ clusters', downloaded from the DUSIB website on 1 January 2014.

²⁹ For more details, see Shahana Sheikh and Subhadra Banda, 'Surveying Slums: Process of Survey and Use of Data', Review of Urban Affairs, Economic and Political Weekly (30 May 2015).

³⁰ For the purpose of census, a slum is defined "as residential areas where dwellings are unfit for human habitation by reasons of dilapidation, overcrowding, faulty arrangements and design of such buildings, narrowness or faulty arrangement of street, lack of ventilation, light, or sanitation facilities or any combination of these factors which are detrimental to the safety and health."

reform efforts such as regularisation of unauthorised colonies and rehabilitation of JJs (discussed in section 4) have been undermined by the state's poor level of information about these settlements, a problem that itself stems from the degree to which exercises in classification have become highly politicised.

This parenthetical point about the state's lack of will and capacity should not, however, detract from the fact that this classification grid is in effect a map of highly differentiated social citizenship. To move from category 1 (JJs) to category 8 (planned colonies) is to move up the scale of citizenship from the slum resident evicted from his home, with no rights to the city's services – the resettlement of whom one judge of the Indian Supreme Court equated to rewarding a "pick pocket"³¹ – to a full and proper citizen, who secures services as a matter of rights. In the next section we document the level of services in unplanned colonies. Before doing so, we briefly examine the historical roots of the governance patterns that have produced this classification grid.

As Bhan (2013) has carefully shown, spatial exclusion in Delhi is not a product of failed planning, but of planning itself. The practice begins at the highest level of state development and is driven by the city's most powerful agency, the Delhi Development Authority (DDA). Created in 1957, the DDA is a central government agency that has full responsibility for land management and development, including public housing. It is by far the most powerful agency in the city and like other central government agencies, DDA has exclusive jurisdiction over the land it owns in the NCTD. Successive master plans for Delhi (issued in 1962, 1990, and 2007) prepared by the DDA have both systematically undersupplied the amount of land notified for urban development and undersupplied the estimated required stock of low-cost public housing (Bhan 2013, Sengupta 2007). Despite a consistently high rate of population growth of over 4.2 percent between 1951 and 2001 (it since decreased to 1.9 percent between 2001 and 2011), the city has opened up new land for housing development only in small and irregular increments and at a pace that has lagged behind population growth. By the end of the 1970s the DDA had developed only 13,412 acres of the 30,000 acres it had planned to develop (Datta and Jha, 1983), and the 1980s saw no new land notified for development even as the city's population grew by 3.2 million (Bhan 2013:60). Compounding this problem has been the slow and highly skewed pace of housing construction. A detailed analysis of annual DDA reports reveals that not only has the agency consistently fallen behind in delivering the number of planned housing units, but that the stock of built housing has skewed dramatically in favour of higher income groups.³² This trend has persisted over decades. During the 1960s, the 'high-income group' (HIG) secured 50 per cent of the new stock while the percentage going to the 'low-income group' fell from 55 to 1.9 per cent of the total stock (Datta and Jha, 1983). In the most recent decade, the CoD project found that of the 33,052 houses completed between 2004 and 2013 (a paltry number in itself) fewer than 10 per cent were designated for the 'economically weaker sections'. We calculate that of the 979,073 houses built between 2003 and 2010,³³ fewer than 23,000 (2.3%) were built by the DDA.

The DDA's failure to develop land and housing has been met by the massive construction of 'unauthorised' settlements outside the limits of the plans and occupation of undeveloped land within the city. Bhan (2013) provides graphic proof of these historical patterns of spatial exclusion by mapping the location of unauthorised colonies and shows that they have mushroomed in neat concentric patterns, always on the edge of the outer limits of the planned city.

³¹ In *Almitra Patel vs. Union of India* (2002) 2 SCC 679, the Court equated slum dwellers with pickpockets, and a series of other rulings in the early 2000s challenged the citizenship of "encroachers" ruling the government had no obligation to provide them services (Bhan, 2009; Ramanathan, 2004).

³² Shahana Sheikh and Ben Mandelkern, 'The Delhi Development Authority: Accumulation without Development'. A report of the Cities of Delhi project, Centre for Policy Research, New Delhi (December 2014).

³³ Based on the Housing Census 2001 and Housing Census 2011, and estimated using compound annual growth rate.

Various government documents fully acknowledge that much of the city has gone unplanned (Economic Survey of GNCTD; Master Plan 2021) but the link with policy is rarely acknowledged. More often than not the problem is seen as one of growth and migration simply outstripping the capacities of the local state. Three observations belie this view.

First, as we have seen, the housing that the DDA has provided has a clear class bias to it. While the DDA has been proactive in providing housing to the higher income groups, it has systematically failed to provide for the poorer sections of society.

Second, the language of the DDA itself is one of closure and privilege. In various annual reports, the Authority has addressed the problem of the illegalities of its own making in language that fully justifies exclusion. The 1980-81 Report for example speaks of its efforts to “protect” the city from unplanned settlements through a “vigorous program ... to fence the vacant pockets so that the lands are saved from encroachments”. In its 2003-04 annual report, the DDA reports that the “Land Management Deptt. carried out some major demolition operation during the year which has drawn praise from all sections of society as well as press except the land mafia” (2003-04:50). The DDA sees itself as ensuring “organized and structured development of haphazard growth” (DDA Annual report 2011-12) and celebrates its role in building parks, maintaining sports facilities and golf courses, and preserving the city’s cultural heritage, even going so far as to dub itself, in reference to the 8 historical empires that claimed Delhi as a capital “as the 9th builder of the grand city of Delhi” (DDA 2011-12).

Third, the overall pattern of investment in the city, especially in the past two decades, has clearly favoured upper middle class infrastructure over land development and housing for the poor (Heller and Mukhopadhyay, 2015).

2. Differentiating Citizenship

Because of the pervasive social cleavages that characterise Indian society, one might be tempted to see highly unequal levels of service delivery in the city as little more than extensions of social inequality. CoD reveals that, independently of these social criteria (class, caste, community), settlement types also impact levels of service delivery. Who you are may matter, but where you live clearly matters as well, and probably more.

First, in our own fieldwork we found little evidence of overt caste discrimination.³⁴ In most of the JJs there are large concentrations of Dalits (the proportion of scheduled castes (SCs) in slums is 27%, versus 15.6% in the non-slum population), but even across JJs with similar proportions of Dalits, levels of services vary dramatically. In contrast to the vast literature on the US ghetto that points to specific state policies that have produced a unique, racially defined and spatially concentrated category of “urban outcasts” (Wacquant 2008), we found little evidence that state policies or interventions specifically discriminated against lower castes. Similarly, while settlement types correspond to class almost by definition, many settlements are home to various classes, and most notably, being middle class in Delhi does not in any way guarantee access to decent services, as witnessed in UACs.

In contrast, our ten field cases provide clear and decisive evidence that settlement type *is* the basis for policies and practices that produce highly differentiated levels of service delivery. In Delhi, access to basic services – most notably water, sanitation, and solid waste removal – is a function of the intertwining of space and legality. This section provides an overview of the mechanisms and effects of differentiated citizenship by summarising findings of the CoD case studies.

Although our fieldwork included an assessment of key services (transport, electricity, sanitation, water, solid waste removal, drainage), for this overview we report only the findings on water and sewerage. Not only are these the two most critical services, but they are also the responsibility of the same agency, the DJB.

Because JJs and UACs are illegal, the state is not required to provide them basic services. The courts have in fact ruled that agencies in charge of service delivery are under no obligation to provide services to JJs and UACs, and in one instance explicitly barred service providers from delivering piped water to JJs.³⁵ RCs in contrast are legal and in principle planned (that is, developed within a properly authorised area and in accordance with planning guidelines), but, as we shall see, denied full services in practice. Having said this, in all these excluded settlements, through a highly complex mix of political patronage, department pragmatism,³⁶ and a myriad of community and private solutions, some basic services are delivered, however poor and intermittent. In the following section we describe how this is in effect negotiated. But we begin by briefly describing the quality and nature of the water and sanitation they receive.

³⁴ Though the existing quantitative data on caste segregation is in its infancy in India, three existing studies do support this claim. Vithayathil and Singh (2012), as well as Sidhwani (2015) find that at the ward level, there is evidence of spatial segregation of Dalits. But the reported levels, as measured by the index of dissimilarity, are very modest when compared to levels in the US and South Africa (Schensul and Heller). Singh (2014) also finds that migrant status and neighbourhood, but not caste, explain marked differentials in access to water and sanitation.

³⁵ The Delhi Jal Board Act specifically states that the Board is not required “to provide water supply to any premises which have been constructed in contravention of any law” (Section 9, (1), (a), DJB Act, 1998). The Delhi Master Plan 2021, speaking of unauthorised colonies, also notes that “as per instructions of the Hon’ble High Court, sewer facilities cannot be provided in these colonies”. The case referred to here is Common Cause v. Union of India CWP No. 4771/93).

³⁶ The Delhi Jal Board, for instance, has adopted a policy of delivering water to JJCs on “humanitarian” grounds.

Across the board, the most incessant complaints and demands in excluded settlements are water related. With the exception of the older settled RC (Mangolpuri), none of the ten excluded settlements³⁷ has piped water that comes from the city's bulk water system. The excluded settlements all instead depend on a mix of tanker trucks, borewells (powered by either electric or hand pumps that tap ground water directly) and water purchased in individual containers or from kiosks. Water delivery is, as a result, very uneven, and subject to highly discretionary arrangements and steep price differentials.

For potable water (*meethapani*), settlements rely heavily on tanker trucks delivered mostly by the Delhi Jal Board (DJB), but also by private enterprise. DJB tankers are a ubiquitous sight in these settlements and a source of widespread anger and frustration.

In Kusumpur Pahari JCC, tankers arrive routinely and on time and are carefully directed by an 'elected' *pradhan* to selected points throughout the settlement. We witnessed long lines to collect water, but the process was generally orderly and it was clear that residents knew when and where to queue for water. The *pradhan* keeps a register of tanker truck delivery and communicates regularly with the DJB to solve problems. This arrangement conforms to the system of scheduled and routine delivery that the DJB claims to be implementing as a matter of policy. But this is the exception. In all our other field sites, tanker water delivery is unpredictable and the object of chaotic scrambles as households (usually girls who have stayed home from school) rush to fill plastic containers. Most of these tankers are dispatched by the DJB, but we also recorded many cases of private tankers, part of what the media has reported as a growing 'Tanker Mafia'. But even DJB tankers are subject to discretionary arrangements. For example, in Baljeet Nagar-F Block JJC the arrangement reported by our respondents consisted of a complicated process in which a group of eight to ten households get a tanker 'passed' by making payments of up to Rs 4,000-5,000 to DJB officials, in return for which 'contributing' households are guaranteed 200 litres per week. 'Non-members' are left to pay Rs 15 per 40 litres on delivery. In both cases, it should be emphasised, residents are paying for what is supposed to be a free public service.

In no settlement is tanker truck water sufficient, and communities also rely heavily on borewells (also known as tubewells). The groundwater in Delhi is often salty or contaminated by chemicals or leakage of sewage, so this groundwater is used only for cleaning and washing and referred to by residents as *kharapani* (salty water). Borewells are set up by households, private entrepreneurs, or government agencies. When a government agency provides a borewell it is often through the work and to the credit of the local MLA (member of the Delhi Legislative Assembly), and the borewell often carries an inscription to that effect. But water from public borewells is spotty at best. In our site visits we found as many dried-up government borewells as functioning ones, and most of our respondents report using private borewells. The DJB claims to have installed 4,123 borewells in the city, but with a population now exceeding 18 million, this is clearly insufficient and has been dwarfed by private installations, which one media report in July 2014 put at 465,000.³⁸ Private borewells are expensive, however, with residents paying Rs 1,000-1,500 per month to private operators, whereas they pay only Rs 100 per month to access DJB wells. Private borewells are in principle regulated, but it is widely acknowledged that few have the requisite authorisations.³⁹

³⁷ In a part of Indira Kalyan Vihar JJC, the DJB appears to have made an effort to provide piped water. We observed these water pipes open on the walls of the storm water drain network that runs in this part of the settlement. Residents nevertheless collect and use the water delivered through these pipes.

³⁸ DJB Website, compilation updated on 28 January 2014 and <http://indiatoday.intoday.in/story/borewells-suck-delhi-future-dry/1/370283.html>

³⁹ This unregulated action is exacting a high social cost. Rapidly declining water tables have increased the depth and cost of drilling, and it is now estimated that India extracts more groundwater than any other country in the world, over twice as much as the US, the second highest extractor (Planning Commission, Twelfth Five Year plan, 155:2013).

The situation for toilets is just as stark. Even in the limited situations where sanitation facilities are available, the disposal of faecal matter presents a massive health challenge in densely populated slums.⁴⁰ More than anything else, the marker of the excluded settlements is the complete absence of sewerage systems. With the exception of one of the RCs (Mangolpuri), none of the settlements we studied are linked to bulk sewerage lines. These communities are left with four options for disposing of human waste: building in-house toilets that are not connected to the sewage system but to tanks (these are not necessarily septic tanks, but simply storage tanks which are periodically emptied by private suction trucks) and often to storm water drains (where they exist); using ill-maintained Community Toilet Complexes (CTCs); defecating into plastic bags and disposing of them; or defecating in the open.

The nature of houses in JJs, especially characterised by high density and in many cases a few built-up storeys, does not generally allow for indoor toilets. UAC and RC residents are far more likely to have more permanent forms of housing and often have the space for an indoor toilet. But in sanitation terms these facilities remain deeply problematic. Indoor toilets are either flushed to the outside drains or routinely vacuumed out by privately-contracted 'bowzers'.⁴¹ In the first case, sewage flows into streets, open canals or drainage pipes, which are otherwise meant for 'storm water'. In both cases, the 'sanitation service delivery chain' breaks down, meaning that there is no proper control over how waste is transported, treated, and disposed. Open raw sewage is a common sight (and complaint) in these communities. In Savda Ghevra RC, we found open spaces planned as playgrounds that were submerged by raw sewage and faecal sludge. Here and in another settlement (Indira Kalyan Vihar JJ), we also found that residents had built pit latrines with tarpaulin walls for privacy. In all the settlements we researched we heard the complaint that during the monsoon, sewage spills out into the open, sometimes flooding homes.

Community toilets complexes (CTC) are common in JJs and RCs (but not UACs) and are prone to the same problems. First, the sanitary quality of CTCs depends on good maintenance and a reliable source of water. We only found one instance of a well-managed and well-maintained CTC. All the others were beset by operational problems often tied to inadequate maintenance by the agency that constructed the CTC. A common story is that shortly before elections a local politician gets a CTC built but no one assumes responsibility for maintenance including day-to-day cleaning and periodic cleaning of the linked septic tank. In one JJ, three different CTCs had been provided by three different agencies, but none had running water. Complaints from women that they are harassed when they use the complexes are widespread and most women avoid CTCs altogether at night. Most CTCs charge one rupee per visit, a barrier just high enough that most children forgo CTCs. Further, there appears to be confusion over who owns which CTC.⁴²

From our ten case studies we can draw the following conclusions about basic service delivery in Delhi. First, and as summarised in Table 3 (page 15), access to water and sanitation in excluded settlements is very poor. As one might anticipate, the problem is most acute in JJs. Sangam Vihar, despite being the largest UAC in the city and having

⁴⁰ Based on data from the Demographic Health Survey in 130 countries, Spears found that poor sanitation is more correlated with stunting in urban than rural areas (cited in Hawkins et al. 2013:3).

⁴¹ Different jurisdictions use different jargon to describe the same mechanism (vacutug, exhauster, honeysucker). at <http://www.downtoearth.org.in/coverage/shit-its-profitable-47389> (uses the phrase honeysucker vacuum)

⁴² Highlighted by Women's Rights and Access to Water and Sanitation in Asian Cities (2009-2011), a joint initiative of Jagori and Women in Cities International (WICI) supported by the International Development Research Centre (IDRC). Specifically, the case of Bhagwati Foundation and Others vs. Commissioner of MCD And Others on 31 October, 2006 noted that there is little clarity on who owns which CTCs in Delhi and that MCD had abdicated its responsibilities. Later, in the Ms. Vandana vs Government of NCT of Delhi case on 15 July 2014, the appellant submitted that through her RTI application dt. 31.12.2012, she had sought information about the toilets present in the Jagadamba camp such as the name of the contractor who has been given for their maintenance, the timings, the extra amount to be paid if a family had more than five members, etc. In this case, the Central information Commissioner then ordered that all details should be put up on the walls of CTCs.

two MLAs, is very poorly serviced. Most surprising, though, was the finding that of the three RCs we studied, two (Savda Ghevra and Madanpur Khader) had neither piped water nor sewage systems. Despite the fact that both these colonies were planned, and that site visits confirmed that layouts were designed to accommodate bulk infrastructure, the residents of these colonies must make do without these basic public services. Second, our findings leave little doubt that independently of their class or status, the level at which citizens in Delhi access services is clearly tied to the type of settlement they live in, a finding supported by two important quantitative studies.⁴³ Three, though the legal status of settlements explains part of the exclusion, it does not explain the dramatic difference *within* settlements types. All JJsCs are illegal and not entitled to services, yet across JJsCs the level of actual servicing as provided through second-best solutions (tankers trucks and CTCs) does vary significantly. As we explore in the next section, the difference lies in the nature of locally negotiated arrangements.

In the absence of reliable public provisioning for water and sanitation, communities have little choice but to resort to various market solutions. These market solutions are not, however, those of well-functioning, competitive markets, but rather markets that are based on a range of artificial scarcities that generate high rents captured by strategically positioned elites. Communities thus pay a high premium to secure these basic services, a premium from which the planned settlements of the city are exempt. But the direct financial costs that are imposed on the urban poor almost pale in comparison to the high social and political costs they endure to access the most basic services. Securing water and finding a way to go to the bathroom in excluded settlements is time-consuming, unpredictable, and often humiliating and imposes a particularly high burden on women. It is also subject to constant and costly deal making.

⁴³Sidhwani's (2015) finding that there is much more spatial segregation by level of services (access to water and sanitation) than by caste or class (as measured both by assets and education) provides quantitative support for our finding. Drawing on data from government surveys, he finds that in Delhi the index of segregation by ward for in-house latrines is an astonishing 0.478, meaning that almost half the households in the city would have to be moved to create neighbourhoods with equal levels of access to in-house latrines. In other words, while class and caste are correlated with levels of service access, the spatial location of a household is a much more powerful predictor of service deprivation. For another spatial study with similar findings (location matters more than individual status) see Singh (2014).

Table 3: Basic Services in Cities of Delhi Case Site Services

Settlement Type	Settlement Name	Water	Sewerage and Toilets	Drains	Solid Waste	Electricity
JJC	Anantram Dairy Harijan Basti	NDMC pipeline with six taps in the <i>basti</i> , taps at the CTC, and an NDMC water tank	No individual toilets, all depend on a well-managed CTC	Underground drainage system	One <i>dhalao</i> about 50 meters away, with regular collection	NDMC provided but with <i>kacha</i> (temporary) bills
JJC	F Block Punjabi Basti	DJB tankers, tubewells, and households located in neighbouring colonies	One CTC that is poorly managed, individual toilets with storage pit built in half the houses	No drainage system	No <i>dhalao</i> nearby; an MCD truck passes by and garbage can be thrown in it if it stops	Legal metered connections (BSES Rajdhani); illegal tapping into electric mains; sharing electricity with neighbours
JJC	Indira Kalyan Vihar	Piped water supply (same pipes providing drinking and non-drinking water), tubewells, tapping of main water lines, and water tankers	Four currently functional CTCs, private toilets with outlets into large drain	Narrow storm water drains	One <i>dhalao</i> at a corner of the settlement; collection of garbage does happen but overflow of garbage in areas surrounding the <i>dhalao</i> is a common sight	Legal metered connections (BSES Rajdhani)
JJC	Kusumpur Pahari	Majority depend on DJB tankers, private tubewells within the JJC	Dysfunctional CTCs, many go for open defecation, very few have built individual toilets	Narrow storm water drains	There is one <i>dhalao</i> in the middle of the settlement along the main road that runs through the settlement	Legal metered connections (Reliance-BSES); there are families that still don't have electricity as they cannot afford to pay the bill
JJC	Sanjay Camp	One handpump, public tubewell, public taps in neighbouring market areas, water taps, water tanker	One CTC which is inadequate, many go for open defecation	Only one part of the <i>basti</i> has drains	No <i>dhalao</i> , instead 7 garbage dumpsters placed at different points in and around, garbage also thrown in the open near the railway line	No formal supply, hooking and tapping of formal electricity supply
JJC	Jai Hind Camp	Only tankers: some DJB, others that are paid for; private water tankers for non-drinking water	Open defecation, common constructed toilets and bathrooms for a minority part of the JJC	No drainage system	No <i>dhalao</i> in walking distance, private collection of garbage for minority part of JJC	No formal supply, hooking and tapping of formal electricity supply

Settlement Type	Settlement Name	Water	Sewerage and Toilets	Drains	Solid Waste	Electricity
Resettlement Colony	Savda Ghevra	DJB water tankers for drinking water and private tubewells for non-drinking water	No sewer lines; one CTC per block but inadequate and poorly maintained in most cases; individual private toilets built by residents with 'septic tanks'; open defecation by poorer households	Storm water drains constructed but poorly maintained	NGO-based door-to-door collection of garbage for many blocks; dhalao for disposal; garbage also thrown in the open, uninhabited spaces	Received legal metred connections (TPDDL) a few months after resettlement
Resettlement Colony	Mangolpuri	Piped water supply since about 20-25 years	Sewer lines approximately laid down 10-15 years ago; most households have toilets connected to the sewage system; CTC users are mostly tenants and JJC dwellers within the colony	Underground drainage system; it also has open storm drains	MCD garbage van comes regularly; households have privately appointed cleaners in the inner lanes; there are also a few dhalaos within the colony	Received legal metered connections in early 1980s.
Resettlement Colony	Madanpur Khader	Privately installed hand pumps for non-drinking purposes, DJB tankers and privately purchased water jars for drinking purposes	No sewer lines; CTCs that rely on 'septic tanks'; some CTCs are dysfunctional and residents usually defecate in the open at night; some households have built private toilets with 'septic tanks'	Drains constructed but poorly maintained	MCD designated <i>dhalaos</i> (several of which are being renovated; households have privately appointed cleaners in the inner lanes; NGOs also collect garbage from households for a fee	Legal metered connections (BSES Rajdhani)
Unauthorised Colony	SangamVihar (agglomeration of unauthorised colonies)	Majority depend on government and private tubewells, a few residents procure water from DJB and private water tankers	No sewer lines; individual toilets that empty into "septic tanks", which are often simple cesspools with no protection against seepage; open defecation by poorer households	Storm water drains running along the <i>pucca</i> roads but poorly maintained	Private contractor for door-to-door collection in a few blocks; MCD "tipper" vehicles pass through the main roads and garbage can be thrown in them directly	Formal electrification has happened in stages: 1988 (electric sub-station for electricity provision for area inhabited prior to 1981); 1999 (Single Point Delivery System); late 2000s (legal metered connections from BSES Rajdhani)

3. Negotiating Citizenship

If citizenship in the city is highly differentiated, it is also highly negotiated. The citizens of excluded settlements do not have legal rights to services, but they do, as we have seen, secure some public services through second-best solutions. But within the legal and policy parameters that are defined by settlement types – the state's classification system for service delivery – there are a whole range of political intermediations, legal ambiguities, regulatory gaps, and local practices that give shape to the final set of arrangements. We specifically label these 'political arrangements' to emphasise two points. First, they are indeed political in the sense that the outcome reflects the relative capacity of a community to engage with the state through representatives and negotiate for particular forms of provisioning. Second, we call these 'arrangements' rather than a settlements or a regimes to underscore how tenuous and fragile they are. Unlike a right, a given community's capacity to organise and negotiate with the state represents a delicate equilibrium built on ever-shifting political and institutional alignments. Below, we present four cases that illustrate the range and multiple logics of such political arrangements.

F Block of Punjabi Basti (different from the UAC called F Block Punjabi Basti and also known as Gayatri Colony) is a long established, but highly vulnerable JJC. First settled 50 years ago on the site of a stone mine, the settlement has continued to grow despite repeated evictions, most recently in 2011. At that time, a large number of *jhuggis* were bulldozed, but the eviction drew the attention of Delhi's legal rights NGOs who generated some media publicity and secured a court stay. The settlement was quickly rebuilt but continues to be deprived of services. There is no sewerage system and most residents defecate in the open or operate the most basic dry latrines. The water situation is amongst the most precarious we documented, based entirely on privately purchased water from borewells in adjoining settlements or a tanker delivery system in which different sections of the community have different payoff systems to the DJB (described earlier).

Yet, because of the experience of eviction, the community is well organised, has ties to NGOs and boasts an energetic *pradhan*, who enjoys widespread community support.⁴⁴ In 2008, as part of cultivating political ties to the then MLA, respondents report that the settlement even raised Rs 50,000 to fund a *jagran* (all-night Hindu ritual) in his honour. Despite these displays of loyalty, many residents have had a largely adversarial relationship to their MLA and in particular accuse him of having misled them when they were evicted in 2011. Some claim he was complicit in the eviction, working with an erstwhile central government minister to free the land for developers. The community has nonetheless continued to engage with local authorities, routinely sending petitions and delegations to state agencies and strategically shifting their electoral support to another party in the assembly elections of 2013. But this degree of engagement has had little effect, especially in curtailing the predations of state agencies. In addition to having to pay for public tanker trucks, residents report paying DDA 'officials' for constructing new *jhuggis* (Rs 10,000-20,000) as well as for making any improvements to existing *jhuggis*. We collected similar reports from many other JJCs, but in F Block the practice seems to be especially pernicious and organised. Residents describe a finely tuned system of surveillance in which informants (some of whom are referred to as DDA guards) report to the police, who in turn report to the DDA. One resident summarised the inexorable logic of the arrangement: "If you add two rows of bricks to increase the height of your *jhuggi* and don't pay, four rows of bricks will be demolished".⁴⁵

⁴⁴ We attended a number of community meetings that the *Pradhan* presided over and all our other interviews confirmed his standing in the community.

⁴⁵ "आप घर की ऊँचाई बढ़ाने के लिए दो पंक्ति ईंट डालते हो और पैसे नहीं देते फिर चार पंक्ति ईंट गिरा देंगे"

The residents of F Block do not approach the state as citizens, or even as clients of a patronage regime in which votes are exchanged for benefits. They instead approach the state as supplicants in a highly unbalanced and insecure arrangement where their only point of leverage seems to be their refusal to disappear and their ability to pay fees. The vulnerability of this community is underscored by the state's apparent ability to simply make them invisible. Though the community has been surveyed on numerous occasions and appeared on the DUSIB list of JJs in 2011 with an estimated 455 *jhuggis*, the houses at F Block disappeared in a 2014 dataset released by DUSIB, with a "no *jhuggis*?" label attached to its location on the accompanying map. In the current version, the number has reappeared on the dataset, but the accompanying map continues to say "no *jhuggies* found".

The highly insecure position of F Block's residents can be contrasted with the Anantram Dairy Harijan Basti, a JJ located in the core of the city. As its name implies, Anantram has a large population of Dalits, yet boasts a clean and well-serviced complex of community toilets and showers, open but well maintained drainage systems, and a predictable supply of clean water. Most of the 300+ *jhuggis* are built of brick, some have a second floor, and the vast majority have stone slab roofing. Residents report that they do not fear eviction and this is reflected in the reported price of *jhuggis*, which can reach as high as Rs 1,000,000, by far the highest we recorded in the six JJs we studied. We found that the community enjoyed more or less consistent delivery of all basic services and could engage directly with state agencies to address problems. For example, when the local community water tank is close to empty, a simple call to the local NDMC⁴⁶ (the state agency in charge of that part of Delhi) office brings a tanker to refill the tank. In addition, there are also community standposts.

The location of this community in the jurisdiction of the NDMC – the heart of the city's political and social elite – might provide an obvious answer to why it is better serviced. But this interpretation is contradicted by the extremely poor and highly vulnerable status of two other JJs we studied in the area, Sanjay Camp and Sonia Gandhi camp.⁴⁷ We found that both were at the lowest end of service delivery (similar to F Block), and a part of Sonia Gandhi camp was actually demolished during the course of our fieldwork. If Anantram stands out it is because it has benefitted from a political arrangement that takes the form of community-based clientelism.

For 15 of the past 20 years, this JJ was represented by an MLA who was highly organised and proactive in delivering services for the community.⁴⁸ The MLA not only visited on a regular basis but was also an active ex-officio member of the local neighbourhood committee and presided over a local association of Dalit labourers (the Harijan Mazdoor Sudhaar Sabha, or Dalit Labour Improvement Organisation). Residents praise him widely for his work in the community and he is always invited to weddings and other social functions. In addition to intermediating with government agencies to ensure service delivery, this well-positioned MLA managed, according to respondents, to provide roughly half the residents with municipal corporation jobs. Though the MLA lost his constituency in the last election, which resulted in a landslide victory for the Aam Aadmi Party (winning 67 of 70 seats in Delhi), he has recently been nominated to the NDMC by the Union government.⁴⁹

⁴⁶The New Delhi Municipal Council (NDMC) governs about three percent of Delhi's land area, located in the centre of the city and dominated by planned housing for members of India's parliament and officers of the executive and the judiciary, including the Prime Minister President, Chief Justice, and officers of the judiciary, civil services, etc.

⁴⁷ The slums in the NDMC area have a very low share of in-house toilets (18%) with 66.9 percent using public toilets and 15.1 percent resorting to open defecation. Similarly, only 16 percent have treated tap water within premises, compared to 47 percent for Delhi overall and 83 percent for slums in Central Delhi.

⁴⁸ A day spent in his constituency office revealed that he has no fewer than six assistants to help him in dealing on a daily basis with constituent demands.

⁴⁹ Press Trust of India, "Karan Singh Tanwar sworn in as NDMC Vice-Chairman", Business Standard, 20 July 2015.

In many respects, Anantram represents a classic case of successful political leveraging, precisely the kind that Chatterjee (2004) has influentially argued represents the only means by which the poor in urban India can successfully press claims on the state. The success with which this community has brokered its relationship to the local state by leveraging representation must, however, be carefully qualified. First, the brokerage capacity of this MLA is unusual. In most areas of the city, political representation is divided between municipal councillors and an MLA. But the NDMC area where Anantram sits does not have a municipal councillor. The MLA as such not only wields monopoly representation, but also has much more leverage over the local bureaucracy than is the norm for most MLAs.⁵⁰ Second, as is the case with all patron-client arrangements, the services that the patron provides, however substantial, come at the expense of citizenship. Thus, on the one hand the MLA proudly told us that he has the power to protect the community from eviction. On the other hand, the electricity bills that the community receives provide an unambiguous reminder of their client status. The top of the bill begins with a clear disclaimer (in English): “Purely temporary arrangement without confirming any legal right”. Third, the coherent organisation of the community (the local *pradhan* claimed that they voted as a block⁵¹) and its overall political efficacy masks an underlying power structure marked by caste dominance. Though the community is predominantly Dalit, it is dominated by the Gujjar caste. The *pradhan* is a Gujjar, and the Gujjars exercise control over all construction in the community. A number of Dalit respondents also reported that the police work with the Gujjars in exacting illegal payments for changes to *jhuggis*. Most telling though is the system for water distribution. During our first field visits we were impressed by the calm and orderly fashion in which residents line up to collect water from the taps installed by the NDMC. It was only later that we discovered that the ‘lines’ are in fact hierarchical, with Gujjars having the right to queue up first and to collect as much water as they like while other castes are limited to four buckets.

The four other JJC in our sample all fell somewhere along the spectrum of the acute vulnerability seen in F Block to the organised clientelism of Anantram. But two generalisations about JJC can be made. First, though most have been around for more than three decades, with the exception of Anantram, none has experienced significant improvements in water delivery or sanitation. Second, all display some degree of internal organisation in the form of local associations, but in almost every case local self-organisation is tied to dependence on an elected representative. F Block is an exception here. The local *pradhan* has independent local support and the community has strategically shifted its electoral support. But this relative capacity for self-assertion is itself tied to the fact that F Block is politically excluded with little effective representation. In all the other cases, the local *pradhan* (or *pradhans*) and existing community associations are all closely tied to an elected politician and have little independent engagement with the state. Interestingly, in at least two of the settlements in our sample, residents (excluding community representatives) had little direct interaction with the state, interacting instead with brokers, *ordalaals*. A *dalaalis* typically a person who is a resident of the settlement who knows, in the words of a resident, “how to get work done”. The ‘work’ often does not involve delivery of community-level basic services, but instead meeting individual requirements such as a voter ID card. There is, of course, a payment for this, but residents differentiate between this – a payment for a service efficiently rendered – and a bribe.

It would of course be perfectly reasonable to tie both of these conditions – material exclusion and political dependency – to the highly insecure tenure status of the JJC. Undoubtedly, the threat of eviction looms large over the lives of those who live in *jhuggis* and provides elected representatives with significant leverage. But in examining

⁵⁰By statute, the MLA of this area are ex-officio members of the NDMC.

⁵¹ However, the 2015 Delhi State Assembly Elections data revealed for the polling booth for which the voters were only from this settlement, only 37 percent of the total votes were in favour of the former MLA, whereas 54 percent were in favour of the candidate from the Aam Aadmi Party.

our next two excluded settlement categories – unauthorised colonies and resettlement colonies – it becomes clear that this precariousness is hardly limited to JJsCs.

Unauthorised colonies are also extremely heterogeneous, but in general, because residents actually have some degree of a proprietary claim to tenure, even if the settlement as a whole is unauthorised, they are not as vulnerable as residents of JJsCs. In contrast to JJsC residents, none of our UAC respondents ever expressed concern about eviction, and residents have clearly invested in their homes. Three to four storey structures are common sights in UACs, as are extensive privately installed and controlled borewells and water distribution systems. Nonetheless, according to legal and policy instruments, including the master plan, UACs are not entitled to services, and a history of regularising UACs (which produces the mouthful oxymoron “regularised-unauthorised colonies”) keeps them in a legal and political limbo. Before each election, the government makes noises about regularisation, and in 2008 when there was a call for applications from UACs, 1,639 of them applied. As documented in a CoD report,⁵² the process of regularisation is itself fraught with bureaucratic hurdles, legal gymnastics, and political manipulation, and the outcome is always highly uncertain.

Since regularisation and elevation to full citizenship remains elusive, UACs must also negotiate for services. The cases we selected were all located in Sangam Vihar, a city within the city that residents proudly report is the largest unauthorised colony in Asia. The settlement has a grid-like structure, but the lanes are so narrow and choked that no public buses can enter. Sangam Vihar is partitioned into blocks, and service delivery arrangements vary dramatically across blocks. Most residents rely on private pipes that deliver water to select households from large borewells. Some of the borewells are public, but most are private, and the system of pipes is entirely private, with two or three sets of pipes a common sight in many streets. Households negotiate supply and prices individually with ‘operators’, who are widely reported to work with elected representatives. The resulting rents appear to be significant, as revealed by a natural experiment. In early 2014, when for a brief moment the water system was brought under community control, monthly prices fell from Rs 1,500 to Rs 100.⁵³ The service is expensive and unreliable. Water is only delivered at certain hours, and most residents collect water in plastic buckets. The system is also clearly unsustainable. The electric borewells now in operation replaced handpumps that went dry in the 1980s when the water table dropped. Although the watertable continues to drop, we saw no evidence that the government is taking action. Despite the fact that there is a main trunk water line that links Sangam Vihar to a nearby water treatment plant, as of 2013 there were no plans to link the community through network pipes. So what explains this perniciously low level of services? The answer is clearly not poverty or market forces. The rates that residents pay for water are well above rates in planned colonies. Moreover, countless residents we interviewed insisted that they wanted to be ‘regularised’ so that they can pay taxes and access proper services.

The low-level service equilibrium instead results from a complex web of power relations between residents, elected officials, local entrepreneurs, and state agencies. Residents report that municipal agents, with the help of the police, collect thousands of rupees from residents undertaking new construction, and that they get information about new projects from builders, contractors, and building-supply shopkeepers. This predation is so routinised that residents do not speak of corruption, or theft, or violation of the law, but rather of something that the state just does. Respondents reported this activity by saying that the “police Rs 10,000 – Rs 20,000 maangti hai” (“the police ask for Rs 10,000 – Rs 20,000”), or “Rs 20,000 – Rs 30,000 police ko dena padta hai” (“[One] has to give Rs 20,000 – Rs 30,000 to the police”). A local political representative explained the power equation in simple terms: “If I am strict

⁵²Shahana Sheikh and Subhadra Banda, ‘The Thin Line between Legitimate and Illegal: Regularising Unauthorised Colonies in Delhi’. A report of the Cities of Delhi project, Centre for Policy Research, New Delhi (April 2014).

⁵³ The Aam Aadmi Party, which had run on a platform of providing water as a right, was able to form a coalition government in 2013, but stayed in power only a month.

and I tell the police and MCD not to collect money, they will not allow any construction at all.”⁵⁴ With respect to the water distribution system and the private operators who are protected by politicians, one respondent described the logic of the protection rackets: “Mafia log hain; dabang log hain who aur apnee hee chawate hain” (“They are mafia people, they are powerful people and what they want happens”). In other words, all the key actors benefit from the current equilibrium, except of course, citizens.

But these are hardly passive citizens. In contrast to many JJs, Sangam Vihar has strong associational structures that exist independently of political parties. The primary impetus for organisation has been the hope of regularisation. Going as far back as the mid-1980s, a local welfare association was formed to petition the government for regularisation. The association lobbied its representative who wrote to the relevant minister at the time. Claiming a population of 1 *lakh* (one hundred thousand) the representative noted that “without regularisation the Colony is lacking in basic amenities like water, electricity, Post office, bus Serve (sic), etc. ... I shall be grateful if you kindly get the matter looked into for necessary action”.⁵⁵ Having secured no gains by the mid-1990s, residents started forming resident welfare associations (RWAs) on a block level, and again started organising for regularisation. RWA representatives showed us thick sheaves of paper work they had submitted to various government agencies over the years. At the time of our fieldwork, nearly 30 blocks in Sangam Vihar had formed RWAs. Some RWAs had formal structures, with regular elections supervised by government officials residing in the colony, while others were basically run by those who volunteered. In response to a call by the government in 2008 for regularisation applications, the block-level RWAs formed a colony-wide association, the Mahasangh. The hope was not only that the Mahasangh would give them more clout as a community, but that some of the more experienced and capable blocks could help others with the complex application process. Eventually, most of these blocks of Sangam Vihar submitted applications, which in most cases ran into hundreds of pages complete with block layouts. As of 2013, only five blocks⁵⁶ had been officially ‘regularised’ (although two of these, which we studied in detail, were yet to receive better services), and most of the RWA officials we interviewed were despondent about the prospects for regularisation. Most in fact dismissed the process as a little more than an election stunt, routinely trotted out before each Delhi assembly election, and pointed out that the “regularised” blocks were both well connected to the ruling party at the time of regularisation.

The low-level service equilibrium is sustained by the fact that settlements like Sangam Vihar – despite being home to as many as a million people and an estimated 190,000⁵⁷ voters, despite being fairly well-off compared to JJs, and despite being relatively well organised – are, at the end of the day, ‘unauthorised’. These settlements are, in other words, caught in a legal-political netherworld that fundamentally compromises their citizenship. The MLA captured this democratic paradox of citizens without a city when he noted that by law he was not able to spend special development funds that each MLA receives on Sangam Vihar. As he explained to the Delhi State Assembly, “though my voters are authorised, I am an unauthorised MLA because I speak for an unauthorised community”.⁵⁸

⁵⁴ Interview with MLA of Sangam Vihar Assembly Constituency, 10 May 2013.

⁵⁵ Letter dated January 30, 1987, from Kishan Chand Bainwal, Member of the Standing Committee, Municipal Corporation of Delhi, to Dalbir Singh, Minister of State for Urban development, Nirman Bhavan, New Delhi.

⁵⁶ According to the September 2012 order of the GNCTD, blocks A, B, B-1, G and L-1 of Sangam Vihar, all of which are a part of the Deoli Assembly Constituency, were found “eligible for regularisation”.

⁵⁷ According to the 2012 MCD electoral rolls data, there are 187,730 voters in Sangam Vihar UAC, assuming polling station area marked as Sangam Vihar is Sangam Vihar UAC. Just to give it a perspective, there were 13 million electors in Delhi during this election, which means about 190,000 voters per constituency. Sangam Vihar UAC is equal to one assembly constituency. Source: Data on MCD elections (2012) released by the State Election Commission, Delhi.

⁵⁸ Interview with MLA of Sangam Vihar Assembly Constituency, 10 May 2013.

4. Reproducing Exclusion through Reformist Interventions

Our case studies reveal the extent and the complexity of differentiated citizenship in Delhi. In this final section we explore the policies and governance practices through which these inequalities of service access are maintained. Drawing on three process reports and the agency case studies produced by the CoD project, we attempt to shine a light on the often opaque workings of governance in the city by linking three critical processes that maintain the boundaries that define excluded settlements: the creation of resettlement colonies, evictions and slum rehabilitation, and the regularisation of unauthorised colonies. The report then comes to a somewhat paradoxical conclusion: efforts to address the problems of service and housing exclusion have had little measurable effect and have in subtle ways helped to underwrite the very dynamics by which exclusion is produced.

Resettlement Colonies

The agency that was long responsible for slums in Delhi – the Slum and JJ Department of the MCD – was empowered under the 1956 Slum Areas (Improvement and Clearance) Act. The parenthetical, equal footing given to improvement and clearance is noteworthy. Until fairly recently the default policy response to slums was in fact neglect, and little if any effort was made to improve conditions. When, for various reasons, the ‘problem of slums’ has demanded action, however, the standard response has been ‘clearance’. A first wave of evictions came during the 1960s, followed by a second during the mid-1970s, at the time of Emergency. Then, from the 1990s until the mid-2000s, as Delhi strove to become a ‘World Class City’, evictions escalated. Ghertner (2010) estimates that between 1997–2007 over 700,000 residents were displaced. To manage the displaced populations, or at least those eligible for rehabilitation, the DDA built resettlement colonies (RCs). There are now at least 55 RCs in Delhi. These colonies are *legal* and *planned* developments: the DDA identifies land and sets aside public spaces as per town and planning guidelines, while the Slum and JJ Department (now, the DUSIB) lays out serviceable plots and allocates plots to eligible residents who receive limited period year leases, and then coordinates service delivery with the appropriate agencies. Yet RCs have almost invariably become slum-like.⁵⁹ We trace four general causes.

First, the settlements are almost invariably located on the outer edge of the city and generally only accessible by a single access road. This limits access to the public transportation grid (which is poor to begin with) and exacerbates the overall spatial dislocation of housing from work. Second, though RCs are planned to accommodate basic services and located in low-density areas where the costs of laying basic infrastructure are low, basic water and sanitation have not been delivered. The Master Plan of Delhi 2021 claims that “sewage facilities have been provided in all the Resettlement Colonies” (p. 238),⁶⁰ but in two of the three large RCs (Savda Ghevra and Madanpur Khader) where we conducted fieldwork there was no sewerage or piped water for populations of approximately 50,000 and 150,000 respectively.⁶¹ Residents in both settlements depended either on private borewells or tanker trucks for

⁵⁹Bhan (2013) makes this argument for Delhi. For an extended account of how a planned resettlement colony has been “informalized” and transformed into a slum, see Björkman (2013).

⁶⁰Delhi Development Authority (2007), ‘Master Plan for Delhi – 2021’, 7 February 2007. Available at: <https://dda.org.in/ddanew/pdf/Planning/reprint%20mpd2021.pdf> (Downloaded on 8 August 2014).

⁶¹Population estimates for the newer resettlement colonies are not available in official documents and these estimates were provided to us by residents living in these areas. The exception was Mongolpuri, which has received sewage and piped water over the past decade. Mongolpuri is from the first wave of RCs and was founded over 40 years ago.

water. In the absence of sewerage, spaces that had been planned for public facilities are filled with pools of raw sewage or piles of garbage. Third, residents are allocated plots (now apartments, as mentioned below), but plot sizes have shrunk from between 21 and 80 square yards⁶² in the 1960s and 1970s to between 15 and 21 square yards in the current period. Moreover, construction is entirely private and not subject to any enforced regulations. Multi-storey brick homes are built with inadequate frames and are subject to collapse. Interior latrines are not designed to manage sewage effectively. Informal businesses that produce solid waste and air pollution proliferate in open spaces.⁶³ Fourth, although the developmental state has absconded from its service delivery commitments, the predatory state is in full view. As is the case for all the excluded settlements we studied, RCs are subject to the full range of 'payments' for construction.

In sum, through these processes, what is founded as a planned and legal colony becomes a slum, marked by exclusion, informality, and predation.

Eviction and Rehabilitation

The slum evictions that led up to the Commonwealth Games in 2010 triggered significant social movement activity, fed a revival of rights-based NGOs, and ushered in a series of court rulings that gave slum dwellers new rights. Politicians and policy-makers have come to recognise that 'clearance' does not work and have accepted the idea of rehabilitating slums, a reform logic that marks a significant rupture with the past. The Rajiv Awas Yojana (RAY)⁶⁴ guidelines for a Slum Free City Plan subscribe to an all-inclusive approach to slum redevelopment:

A 'whole city', 'all slums' approach will be adopted, rather than a piecemeal, isolated approach, to ensure that all slums within a city, whether notified or non-notified, in small clusters or large, whether on lands belonging to State/Central Government, Urban Local Bodies, public undertakings of State/Central Government, any other public agency and private land, are covered.⁶⁵

Moreover, in June 2011 the RAY announced that it would "provide financial assistance to states that are willing to assign property rights to slum dwellers for provision of shelter and basic civic and social services for slum redevelopment, and for creation of affordable housing stock".⁶⁶ Delhi authorities in turn took action to comply with the new national policy. The thrust of these policies had two components.

First, slum residents would be relocated only in cases where environmental or health conditions, or extremely important public interests were at stake, and in such cases all displaced residents would be guaranteed alternative housing. Second, wherever possible, slums would be upgraded, both through incremental efforts and by temporarily displacing residents to completely upgrade a slum. These policies were firmly in place by the time the latest Delhi Master Plan was released in 2007. The state of Delhi made a determined commitment by replacing the

⁶² According to the GNCTD (2006): "City Development Plan Delhi," Chapter on Urban Poor and Slum, Department of Urban Development, Prepared by IL&FS Ecosmart, New Delhi, October.

⁶³ In Madanpur Khader, which is located in the vicinity of a large hospital, an open space has been converted into a business that recycles medical waste. Barefoot children wade through heaps of refuse picking out recyclables. Nearby households complain that the waste collects in their drainage pipes.

⁶⁴ This is the central government's slum eradication scheme, overseen by the Ministry of Housing and Urban Poverty Alleviation. The Rajiv Awas Yojana will be undertaken in two phases. The first two-year phase began in 2013.

⁶⁵ Ministry of Housing & Urban Poverty Alleviation, RAY Community Participation Guidelines 2011, Preamble.

⁶⁶ Press Information Bureau, Government of India, Ministry of Housing and Urban Poverty Alleviation, 2 June 2011.

Slum and JJ Department (which had been a department of the Municipal Corporation of Delhi) with the Delhi Urban Shelter Improvement Board (DUSIB) in 2010, an agency that on paper has significant powers to rehabilitate.

Though recent court rulings and administrative orders have given JJC dwellers new rights, the notion that those living in shacks located on 'right of way' have no rights and are not entitled to rehabilitation remains in dispute. In 2010, the Delhi High Court, in a landmark judgment, *Sudama Singh v. GNCT*,⁶⁷ removed this last ambiguity by establishing the eligibility of *jhuggis* sitting on a right of way for relocation. The GNTCD promptly followed up by issuing corresponding orders that among other things provided a long and detailed prescription for the exact steps to be followed proceeding with any eviction, including a detailed survey designed to ensure that "no JJ cluster dweller" is left out of consideration for relocation.⁶⁸ Interviews with DUSIB officials confirmed that in 2013 the standing policy was that JJCs would not be evicted without due cause and process and would be entitled to consideration for relocation.⁶⁹

On 15 April 2013 the CoD research team came to learn by pure coincidence that the Public Works Department (PWD) of the GNCTD had demolished a section of the Sonia Gandhi Camp in South Delhi. About 35 JJC households and a toilet complex were bulldozed. Interviews with the evicted residents revealed that while they had been given notice of eviction they had not been given sufficient time to remove their possessions and that the actual demolition came as a surprise. Visits to the site confirmed this. Subsequent interviews with PWD officials produced conflicting accounts. The PWD engineer who supervised the demolition maintained that it was a necessary step in the Department's road widening process; he emphasised that "right of way" justified the process. But a senior engineer from the same department denied that there was any road widening project underway at that moment and reiterated that the PWD had simply acted to clear the *existing* road of encroachments. He listed several possible uses for the cleared PWD land, including widening the road up to the CPWD land boundary, constructing a footpath, improving the road, or even giving the land to a corporate entity willing to construct a public toilet. A year later, a return visit to the site revealed that the evicted space had been transformed into flowerbeds.

Whatever the motivation of the PWD, two points are salient. First, due process was not followed and no provisions were made for relocation, both in violation of standing court orders and government policy. Although certain mechanisms for eviction and relocation are detailed in various policy and legal documents, residents of Sonia Gandhi Camp fell through the cracks of this due process mosaic.

Second, the PWD acted without informing, much less coordinating with DUSIB, the department responsible for JJCs.⁷⁰ These two agencies failed to coordinate despite answering to the same state government. This is but one incident that illustrates the high human toll of poorly coordinated policies. The Delhi High Court poignantly observed the result of this failure:

It is not uncommon to find a jhuggi dweller, with the bulldozer at the doorstep, desperately trying to save whatever precious little belongings and documents they have, which could perhaps testify to the fact that the jhuggi dweller resided at that place.⁷¹

⁶⁷MANU/DE/0353/2010

⁶⁸Order No. F18(7)/UD/DUSIB/2011/Vol I 2350, Department of Urban Development, Government of NCT of Delhi, February 25, 2013.

⁶⁹ The entire process as culled from Court orders and government orders is laid on in: Subhadra Banda and Shahana Sheikh, 'The Case of Sonia Gandhi Camp: The Process of Eviction and Demolition in Delhi's Jhuggi Jhopri Clusters'. A report of the Cities of Delhi project, Centre for Policy Research, New Delhi (April 2014).

⁷⁰ When we brought the eviction to the attention of a senior functionary of DUSIB at the time, he first denied it was possible, then recognised his department was simply unaware the eviction had taken place.

⁷¹MANU/DE/0353/2010

Rehabilitation

‘Slum rehabilitation’ is a phrase now used by the government to refer broadly to schemes that aim to improve conditions for residents of slums and JJs, including both relocation of these residents and improving conditions in the same place, or ‘in-situ upgradation’. In contrast to the ‘clearance and relocation’ emphasis of the past, current policy prioritises in-situ upgradation, reserving ‘clearance and relocation’ for cases where land is either environmentally unsustainable or required for a public purpose. In the case of relocation, moreover, the previous policy of relocating displaced JJ residents to RCs has been replaced by allocating flats for the Economically Weaker Sections (EWS) in newly built housing blocks, which are meant to be fully serviced. This is clearly stated in the central RAY policies and in Delhi policy pronouncements that are explicitly patterned after RAY. The Master Plan 2021, adopted in 2007, goes so far as to make the ambitious claim that around 40 per cent of Delhi’s housing needs could be satisfied through redevelopment and upgradation of existing areas of Delhi.⁷² Most significantly, DUSIB was created in 2010 as a nodal agency to tackle the problem. Yet, as of the date of this report (August 2015) there has been very limited implementation of this approach.⁷³

There has been one instance in which the city made a concerted effort to rehabilitate a JJ. In 2007, the colony of Kathputli, located in West Delhi’s Shadipur region, was selected by the DDA to be the site of a new model initiative which would have consisted of temporarily moving the JJ residents to a transit camp and then, through a partnership with a private developer, replacing the existing colony with a luxury development, which would also have included affordable housing for the *jhuggi* dwellers.⁷⁴ But as the CoD team has documented in detail, the project has reached an impasse and little progress has been made. Although the DDA did make concerted efforts to survey the community and develop a process, a lack of transparency and genuine community participation translated into fears of permanent eviction and triggered organised resistance.⁷⁵

How can we explain this abject lack of progress on what has been identified as a key solution to Delhi’s housing crisis? To make sense of this failure, we examine the specifics of the established rules and procedures for relocation/rehabilitation and then provide an examination of how this has played out in practice, focusing specifically on the role of the DUSIB.⁷⁶

There is to our knowledge no official document that comprehensively lays out what the due procedure for eviction and relocation/rehabilitation should be. But through a careful reading of court judgments and government orders,

⁷² Master Plan of Delhi, 2021, Section 4.1

⁷³ Under the Basic Services to the Urban Poor (BSUP), a sub-mission of the erstwhile Jawaharlal Nehru National Urban Renewal Mission (JNNURM), Delhi has already completed construction of nearly 23,000 units and more than 32,000 are in progress. But fewer than 3 per cent of these units, or 585, have been occupied. DUSIB itself has rehabilitated 266 households from 8 JJs to such flats in Bawana. Source: http://www.igep.in/live/hrdpmp/hrdpmaster/igep/content/e48745/e49028/e61137/e61739/e61759/Slum-free-14-10-14_DUSIB.pdf

⁷⁴ See report on the In-situ Rehabilitation Project at Kathputli Colony

⁷⁵ A review by DDA came to the following conclusion: “despite all these measures, the shifting of the JJ dwellers to the transit camp did not pick up. On analysis, it was found that prior consent from the Slum dwellers was one of the key elements that was missing in this project. It resulted in the slum dwellers being taken indifferent directions by various interested elements, resulting in the implementation of the project getting slowed down. Hence prior consent of the JJ dwellers, it is visualized, should be the key element in successfully implementing any rehabilitation programmes.” DDA, Office of Pr. Commissioner, Draft Slum Rehabilitation Policy based on Mumbai’s slum Rehabilitation Policy, undated but obtained 15 March 2015.

⁷⁶ See Shahana Sheikh and Subhadra Banda, ‘The Delhi Urban Shelter Improvement Board (DUSIB): The Challenges Facing a Strong, Progressive Agency’. A report of the Cities of Delhi project, Centre for Policy Research, New Delhi (May 2014).

it is possible to construct a basic template of specific, sequential steps.⁷⁷ These are summarised in Table 4. Securing the rights of slum dwellers clearly involves a very long and complex chain. Any break in the chain would subvert those rights. To highlight just how precarious the process of claiming such rights is, we focus on step 3, namely determining the eligibility for relocation of individual households.

Table 4: Due Procedure for an Eviction by a Delhi Government Agency

- 1. Requirement of Land on which a JJ cluster is situated**
 - i. A Land Owning Agency (LOA), which is a department of the GNCTD, requires land on which a JJ cluster is situated for a public purpose - Land cannot be cleared unless required for a special public project as per the NCP (SP) Act, 2011
 - ii. The concerned LOA informs the DUSIB of the requirement to clear the land
- 2. Survey of Households in JJ cluster**
DUSIB and LOA undertake a survey of households during which:
 - i. Issue of Notice for Survey
 - ii. Requirement to inform community of the modalities of the survey including documentation prerequisites
 - iii. Conduct of household survey
- 3. Decision on Eligibility for Relocation**
 - i. DUSIB decides which of the surveyed households are eligible for relocation
- 4. Release of List of Households Found Eligible for Relocation**
 - i. DUSIB releases list due of those eligible for relocation and those who are not and effectively communicates the same to affected parties (through internet and other means)
 - ii. Grievance redressal mechanism provided
- 5. Distribution of Possession Letters**
 - i. Letters for possession of EWS flats distributed by DUSIB to households found to be eligible relocation
- 6. Obligations of the Land Owning Agency**
 - i. Payment to DUSIB as per the number of household found eligible for relocation
 - ii. Issuance of Certificate for Requirement of Land
- 7. Notice for Eviction**
 - i. Date of Eviction and Relocation decided jointly by DUSIB and Land Owning Agency
 - ii. Notice issued and effectively communicated to parties
 - iii. Forum to challenge eviction
- 8. Service Provisioning**
 - i. At the site of eviction
 - ii. Provision of transport for households to relocation site
 - iii. Basic services at relocation site

Source: Subhadra Banda and Shahana Sheikh, 'The Case of Sonia Gandhi Camp: The Process of Eviction and Demolition in Delhi's JhuggiJhopri Clusters'. A report of the Cities of Delhi project, Centre for Policy Research, New Delhi (April 2014).

⁷⁷See Subhadra Banda and Shahana Sheikh, 'The Case of Sonia Gandhi Camp: The Process of Eviction and Demolition in Delhi's JhuggiJhopri Clusters'. A report of the Cities of Delhi project, Centre for Policy Research, New Delhi (April 2014).

The problem begins with the criteria of eligibility, which are governed by 'cut-off dates'. In order for a JJC household to be found eligible for a flat they have to prove that they resided at the JJC prior to the 'cut-off date'. But there are two issues here. First, the cut-off date has been a moving target. In February 2013, the GNCTD extended the cut-off date for relocation to 4 June 2009. Previously, with effect from December 2011, the cut-off date had been 31 January 2007, prior to which it was 1 April 2002. Second, as the cut-off date has moved, so has the documentary basis for proving residence. What would seem to be a straightforward issue has become increasingly complex. The voter ID card is the primary documentation proof, but has to be submitted for three different years: (i) a date prior to 4 June 2009, (ii) the year of survey carried out by DUSIB at the JJC, and (iii) a date prior to the first day of the year of rehabilitation. Apart from the voter ID card, any one of twelve documentation proofs, which satisfy the 2009 cut-off date and the Unique Identification (UID) numbers of the applicant and his or her spouse also have to be submitted. Making the process even more Kafkaesque, in February 2011, a GNCTD order raised the annual income cut-off of Rs 60,000 for a family to Rs 100,000, to be proven through an Income Certificate issued by the Tehsildar. (Since February 2013, the income cut-off has simply been removed, raising the question of why it was established in the first place). Finally, the applicant and their spouse must present themselves in person to the specially constituted Eligibility Determination Committee (EDC), which verifies the documentation by matching submitted photocopies to original documents. The process is complicated, but spelling out the details matters because they constitute a form of triage. With constantly moving 'cut-off' targets and a plethora of points of required data that themselves depend on a whole separate negotiated economy of access to various government documents, the 'right' to be rehabilitated is reduced to a lottery.

The results are not surprising. Keeping in mind that the whole point of this exercise is a 'Slum Free City' (now, 'Housing for All by 2022') and that the targeted population are inhabitants of illegal settlements, the eligibility process has produced the following outcomes. According to information on DUSIB's website, as of July 2012,⁷⁸ in the first eight JJCs that were prioritised for relocation, only 45 per cent households were found to be eligible (507 out of 1124 applicants). In some cases (JJCs from Karam Pura and Wazir Pur), fewer than 30 percent of the applicants were found to be eligible and allotted flats; in other cases (JJCs from Kidwai Nagar and Bharti Nagar), about 75 percent of the applicants were found to be eligible and allotted flats. Further, for the seven JJCs for which eligibility lists had been prepared, out of a total of 1921 applications received, 839 JJC households (44%) were found to be eligible. Incredibly, for a JJC in Nivedita Kunj, only 1 of 64 applicants was found to be eligible. But even when, in a subsequent round, the new cut-off date was used and eligibility criteria were loosened, only 45 percent of 8,000 applicants were found eligible.⁷⁹ In sum, despite a new policy paradigm, the practices of the state continue to arbitrarily deny *jhuggi* dwellers their rights.

Adding to the futility of these reforms is the fact that DUSIB has not been able to build enough flats. By the agency's own calculations, it is responsible under the terms of the Delhi master plan for constructing 240,000 flats by 2021, or an average of 22,000 flats a year starting in 2010.⁸⁰ According to the Delhi government's website⁸¹ DUSIB only constructed 1,024 flats in financial year 2012-13, although our interviews with engineers at the DUSIB indicated the agency did build another 15,000 EWS flats in 2013 and was planning to build another 40,000 by the end of 2014.⁸² But even if DUSIB meets these expected numbers, it will fall short of its planned yearly target. Making matters

⁷⁸ At the time, for the eight JJCs the eligibility lists had been prepared and flats allotted, but for the other seven JJCs only eligibility lists had been prepared.

⁷⁹ Minutes of the Ninth Board Meeting DUSIB, August 16, 2013.

⁸⁰ Interview with a senior functionary of the DUSIB 22 May 2013. The numbers cited were actually based on a memo brought to the official by staff members at the interview.

⁸¹ GNCTD, Annual Plan Document for 2013-14, p. 82-90.

⁸² Interview with DUSIB official, 3 July 2013.

worse, according to media reports, many of the completed flats are vacant, and some have fallen into such disrepair that they are no longer inhabitable.

Adding to the futility of these reforms is the approach taken to resettlement, which has hitherto meant progressively smaller plots of land, and now flats. In-situ upgradation remains a possibility, and has indeed been sanctioned by successive policy documents, but has not been used in the past decade;⁸³ one critical obstacle is the fact that many JJs are on land that the GNCTD does not control, land governed by central government agencies like the DDA. So, despite policy agreement, there is no implementation.

Regularising the Unauthorised

The third process in which we document reformist interventions that have the effect of reproducing inequality is the regularisation of unauthorised colonies (UACs). UACs exist in a liminal legal space: while they are not perceived as encroachments like JJs, they are also not considered part of the 'planned' city. Given the obvious political weight of UACs (as many as 4 million residents) calls for regularisation have become a familiar trope of the election cycle.

The present policy on regularisation of unauthorised colonies in Delhi is set out in the 'The 2007 Revised Guidelines' released on 5 May 2007, and a 24 March 2008 DDA Notification titled 'Regulations for Regularisation of Unauthorised Colonies' (under Section 57 of the DDA Act, 1957).⁸⁴ The process is understandably complex. It includes criteria for eligibility (complete with cut-off dates), a complex application process, and then a series of interventions by various government agencies to review the terms of the application.

Of the 1639 unauthorised colonies that applied for regularisation in 2008,⁸⁵ 1218 received a Provisional Regularisation Certificate (PRC).⁸⁶ It is important to note that these PRCs were distributed just prior to the Delhi state elections in November 2008 with the commitment that formalities for regularisation would be completed within a year. Between 2008 and 2012 no progress was made. But on 4 September 2012 a GNCTD order announced a list of 895 unauthorised colonies that were found "eligible for regularisation", a year before anticipated state assembly elections. Media reports at the time implied that all 895 had been regularised, but a close look at this order reveals that only 312 of the colonies – those located on private land – stood regularised at the time of the order. The order also said that the remaining 583 colonies listed – those partly or fully on public land – would be regularised after the cost of the public land on which they were built had been recovered by the GNCTD, on behalf of the land-owning agency.⁸⁷

Despite these pronouncements, the process of regularisation is an arrested one at best, fraught by uncertainty, ambiguity, and conflicting agency actions. Taking the 2008 drive for regularisation as an example, we identify three problems.

⁸³Shahana Sheikh and Subhadra Banda, 'In-situ Upgradation of Jhuggi/Jhopri Clusters: A Plan for Improvement without Relocation'. A report of the Cities of Delhi project, Centre for Policy Research, New Delhi (December 2014).

⁸⁴Shahana Sheikh and Subhadra Banda, 'The Thin Line between Legitimate and Illegal: Regularising Unauthorised Colonies in Delhi'. A report of the Cities of Delhi project, Centre for Policy Research, New Delhi (April 2014).

⁸⁵List downloaded from: <http://ud.delhigovt.nic.in/1639%20UC%20LIST.pdf> (Accessed 30 September 2013)

⁸⁶List downloaded from:

http://delhi.gov.in/wps/wcm/connect/DOIT_UDD/urban+development/unauthorised+colonies+under+the+jurisdiction+of+government+of+nct+of+delhi/prc+issued (Accessed 30 September 2013)

⁸⁷September 2012 order (Available at: http://delhi.gov.in/DoIT/DOIT/DOIT_UDD/895uc/895uc1.pdf)

First, for the 583 colonies whose regularisation depends on paying various development and land cost recovery charges, it remains entirely unclear how much has to be paid and to whom. The Minister for Urban Development of the GNCTD and the South Delhi Municipal Corporation have reportedly undertaken contradictory steps in this regard.⁸⁸ To date, moreover, there is no cogent explanation for why 774 of the original 1639 applicants were rejected.

Second, despite years of processing these cases there is still no clear determination of the relationship between regularisation and actual service delivery. The process set out in the Master Plan of Delhi 2021 mandates that regularisation precede delivery of improved physical and social infrastructure, and minimum services and community facilities.⁸⁹ But in 2009 the GNCTD issued an order empowering the Department of Urban Development to issue administrative approvals for development work in all 1639 applicant UACs. And in February 2011 the GNCTD wrote to various agencies ordering that services be provided to a “tentative list” of 733 UACs that had been “found to be eligible for regularisation”.⁹⁰ What work has actually been completed and in which settlements is difficult to determine. The website of the GNCTD does provide a summary of the work undertaken by various agencies in the 895 *regularised*⁹¹ UACs as of 31 March 2013, but the data presented are difficult to interpret; it is especially not clear if work has actually been completed. The CAG report (2013) concluded that, “the Urban Development Department, GNCTD has failed to provide basic services like sewer lines, water lines, roads and drainage to all the 895 unauthorized colonies despite incurring an expenditure of 3029.21 crore⁹² up to March 2013” (p. 124). Further complicating the picture, on 28 September 2013 the GNCTD released a list of 532 UACs for which “development work orders” had been issued.⁹³ Many of the UACs mentioned in this list were not mentioned in the list of 895 *regularised* UACs. According to the CAG, basic services remain unavailable in unauthorised colonies, and details of development works were unavailable even to the CAG.⁹⁴

The CAG report added that the “the UDD [Urban Development Department] accepted that there was no monitoring of physical and financial progress of works done by the executing agencies” and thus hinted at the impossibility of verifying the level of work completed (p.132).⁹⁵

There is little data available regarding the present status of this development work, although the website of the GNCTD does provide a summary of the work undertaken by various agencies in the 895 *regularised* UACs as of 31 March 2013.⁹⁶ According to this data, in 461 out of the 895 UACs, nearly 52 percent of the UACs, the GNCTD reports

⁸⁸ The Urban Development Minister of the GNCTD said that the MCDs must collect the charges; then, South MCD passed a resolution waiving the development charges. So, it appears that though the charges had been levied by one level of government, the other (local) decided to waive them.

⁸⁹ DDA, “Master Plan of Delhi 2021,” S.O no. 141 dated 07.02.2007

⁹⁰ Downloaded from:

<http://delhi.gov.in/wps/wcm/connect/e1d0dfoo46e8cadba7adff9611fe9500/revise+733.pdf?MOD=AJPERES&Imod=1266079612&CACHEID=e1d0dfoo46e8cadba7adff9611fe9500&Imod=1266079612&CACHEID=e1d0dfoo46e8cadba7adff9611fe9500>

⁹¹ Italics are used to denote regularisation claimed by the government, as opposed to verifiable changes on the ground.

⁹² 1 crore = 10 million

⁹³ GNCTD Public Notice regarding 532 UACs where Development Works’ Work Orders have been issued on 29 Sept 2013.

⁹⁴ Comptroller and Auditor General of India (2014), “Audit Report: Social, General and Economic Sectors (Non-PSUs) for the year ended 31 March 2013”. Last accessed on 10 August 2015. Link:

http://www.saiindia.gov.in/english/home/Our_Products/Audit_Report/Government_Wise/state_audit/recent_reports/Delhi/2014/20f2014.pdf

⁹⁵ Comptroller and Auditor General of India (2014), “Audit Report: Social, General and Economic Sectors (Non-PSUs) for the year ended 31 March 2013”. Last accessed on 10 August 2015. Link:

http://www.saiindia.gov.in/english/home/Our_Products/Audit_Report/Government_Wise/state_audit/recent_reports/Delhi/2014/20f2014.pdf

⁹⁶ Excel spreadsheet titled ‘895-Status of development work + summary’ downloaded from the GNCTD website on 31 August 2013.

“work completed”, but the definition of “work completed” remains unclear. Further, the information on actual service delivery is also not very clear. For instance, as part of the same data, the GNCTD reported that, as of 31 March 2013, “water has been released” in 606 of the 895 *regularised* UACs. It is unclear what exactly this means: that water pipelines have been laid, that water delivery has been sanctioned, or that supply has begun.

The RWA president from A Block in Sangam Vihar, one of the 895 UACs *regularised* in 2012, reported that no development work had taken place in the area since the September 2012 order.⁹⁷ On the other hand, roads and drains were constructed in October and November 2013 in C, I, and J blocks of Sangam Vihar, colonies that did not appear on the list of 895 UACs.

Third, it remains unclear how regularisation actually translates into property titles for individuals. During our fieldwork, we found that the most common method residents have used to transfer properties in UACs (and in JJs) is a general power of attorney (GPA). The Supreme Court has, however, ruled that GPAs do not convey any title.⁹⁸ GNCTD has instead issued orders on the registration of titles that distinguish between four different categories of land, each of which is associated with a different process of conferring title to individuals.⁹⁹ Our analysis of these orders concludes that out of the 895 colonies found “eligible for regularisation” – or *regularised* according to popular reports in September 2012 – residents in only a fraction of the 312 UACs on private land – those on private land owned by private individuals – can proceed directly to register sale deeds and hence gain clear title. In all other cases, further steps have to be taken by the government to enable individuals to register their property.

On all three of these points – the conditions under which all UACs can be regularised, the extent to which regularisation is associated with or followed up with actual service delivery, and the extent to which regularisation allows residents to secure legal title to their property – the process of regularisation remains very much in limbo, suspended by on going legal ambiguities, conflicting agency imperatives, poor data, lack of transparency, and widespread cynicism on the ground. A member of the RWA of an unauthorised block in Sangam Vihar, which has applied for regularisation, expressed this perception prior to the December 2013 elections: “they [the government] have just made us a vote bank they can rely on. They are just saying all this about regularisation, but nothing will happen”.¹⁰⁰ Just how performative, rather than substantive, years of regularisation have become has only been underscored by recent media reports indicating that the Delhi Government newly formed in 2015 will start the regularisation process *afresh* for Delhi’s unauthorised colonies.¹⁰¹

In this section we have reviewed a range of reformist interventions that have targeted core governance problems in the city, but in the process may very well have reinforced processes that systematically exclude citizens of Delhi. Resettlement colonies, though planned and under the direct regulatory control of the state, are transformed into new slums. Meaningful and genuine efforts to protect the rights of *jhuggi* dwellers have not stopped evictions from taking place, often without due process or a plan for relocation. Significant legislative and institutional investment in a policy for relocation and rehabilitation of JJs has failed to produce substantive results. And the process of regularising UACs has produced little discernible change in the material conditions of most UACs.

⁹⁷Interview with President, RWA, A Block, Sangam Vihar on 5 August 2013.

⁹⁸Suraj Lamps & Industries v. State Of Haryana (2012) 1 SCC 656 (<http://indiankanoon.org/doc/1565619/>)

⁹⁹Order No.F. 1-33/UC/UD/Policy/2007/2173-2189 dated 12 March 2013, which was superseded by another order, Order No. F. 1-33/UC/UD/Policy/2007/2809-2817 dated 11 June 2013.

¹⁰⁰Interview with member of the RWA from K Block, Sangam Vihar 9 May 2013.

¹⁰¹The Indian Express, “Plan to make colonies legal to start all over again,” 3 March 2015

Governance Failures in Delhi

In this report we have documented a range of governance failures. These are tied both to issues of agency objectives – that is what the organisation, its culture and leadership are actually geared to achieving – and also to basic problems of capacity in terms of authority, personnel, and resources.

There is a clear problem of agency objective for the DDA. As we have shown, over the decades it has systematically excluded the majority of Delhi's citizens from inclusion in the planned city. It has done so both through its actions – giving clear preferential treatment to the higher income groups and all but shunning the lower classes – but also through its own stated objectives. In recent decades, it has become far more committed to valorising returns on land than planning for an inclusive city. Thus, even as the agency has systematically failed to develop enough land and housing to accommodate the city's growing population, it has generated vast surpluses from its land dealings, a process that might be summarised as accumulation without development.¹⁰² In 2013-14, the DDA had Rs 202.71 billion in investments in three accounts (Nazul II, GDA and earmarked funds) and a further Rs55.7 billion set aside for pensions, gratuities, provident funds, etc.¹⁰³

The DJB and DUSIB also suffer from the problem of agency objective, but in very different ways. The DJB has been constrained in its ability to deliver services to excluded settlements by legal and policy provisions that have relegated these populations to the status of 'citizens' without rights to services. But it is also beset by its own internal organisational problems. First, even when it has been limited by law to providing second-best solutions, it has done a relatively poor job. It has failed to regulate tubewells, to allocate tanker trucks in a rationalised and routinised manner, though technology-based efforts are being made in this area,¹⁰⁴ and to protect its own assets from being captured by private interests (as in the case of the water mafia). Second, it has completely failed to develop any semblance of a reasonable long-term strategy to meet the city's pressing needs for universal public access. In 2004 the agency issued a detailed 'Roadmap for Reforms' in which it committed itself to "24/7 water supply and wastewater service to the whole of Delhi including slums" and "universal access to water and sanitation" by 2015.¹⁰⁵ The report included extensive appendices with detailed budgets. Yet, judging by a recent CAG report, by 2013 the Board had fallen behind in providing water and sanitation to a growing population and was, if anything, further away from universal delivery.¹⁰⁶

DUSIB's agency problems are related to core problems of lack of authority and power. First, though envisioned as a nodal agency to integrate all the necessary functions for slum rehabilitation, the agency has never held a secure place in the complex distribution of power and authority that defines municipal governance in Delhi. Not only do its own personnel see it as doing what the DDA does – developing housing – but *only for slums*, its own authority is

¹⁰²Shahana Sheikh and Ben Mandelkern, 'The Delhi Development Authority: Accumulation without Development'. A report of the Cities of Delhi project, Centre for Policy Research, New Delhi (December 2014).

¹⁰³https://dda.org.in/tendernotices_docs/jan15/DDA%20Annual%20Report_%2018%20November_2014%20FINAL.pdf

¹⁰⁴The DJB has tried to address the issue of delivery of water tankers by installing GPS systems in their water tankers to monitor their movement. Their website provides real-time information on where a tanker is supposed to be at a given point in time.

¹⁰⁵Page 8, Reform Project - Delhi Water Supply & Sewerage Sector - DJB, July 2004. Downloaded from - http://delhijalboard.nic.in/djbdocs/reform_project/docs/docs/doc_project_prep_docs/introduction/DJB-ReformProject%20-%20Final.doc

¹⁰⁶The CAG report estimates that 4 million people in Delhi don't get piped water, making them dependent on tankers. The Nangloi Jat area gets 225 litres per person per day, while a few miles away the supply is a meagre 3.36 litres per person, per day. There is also massive leakage. According to CAG, the DJB can only account for 37 per cent of the water pumped into the system. Source: Comptroller and Auditor General, Report No. 2, Delhi, 2013, Chapter 2 on Performance audit of Sewage Management in Delhi. Also, the CAG has audited water management in Delhi in a separate section of the same report.

clearly subordinate to the DDA's interests and those of other land-owning departments. Thus, even though it is mandated with providing housing to Delhi's vast population of JJC residents, it can only do so at the request of and with the cooperation of land-owning agencies, which control the majority of land on which JJCs are located.¹⁰⁷ These constraints on its power and authority aside, the agency has also hobbled itself by adopting cumbersome and counter-productive procedures for assisting the very citizens it is charged with helping. Whether this problem is specific to its own internal organisational culture or a product of a larger culture in which city agencies treat residents of slums as the undeserving poor is difficult to say. Finally, it should be emphasised that DUSIB does not have nearly the resources it requires to fulfil its objectives. A simple calculation based on the number of engineers at DUSIB and the population living in JJCs suggest that at present there is only one DUSIB engineer for every 10,000 JJC residents. One might also ask why exclusively engineers staff an agency that is tasked with dealing closely with communities on matters as delicate and consequential as eviction and relocation on the frontlines.

Throughout this report we have also documented a series of clear coordination failures. Resettlement colonies are developed by the DDA, but as we have seen the Authority rarely follows through with service delivery and, in contrast to planned colonies, there are no efforts to coordinate with other service delivery agencies. That the DDA is a central government agency, whereas the DJB and DUSIB answer to the state, is obviously a big part of the problem. In the case of evictions and rehabilitation, court rulings have laid down clear procedures that all agencies should be able to follow. But across the city, land-owning agencies such as the PWD and the DDA are more preoccupied with preserving control over their assets than aligning their actions with government policy. As a result there is a wide gap between the progressive and rights-based thrust of government policy on evictions and relocation and the practice on the ground. In sum, agencies often do not align their action with the law and policy, and they do not align their actions with each other.

Many of these governance problems can also be attributed to democratic deficits. The first and the most glaring is the disempowerment of elected representatives, a key obstacle to vibrant democracy. Across all the cases we studied, we found that municipal councillors have a very limited role to play largely because all of the key governance and delivery functions are located at the state or centre. Indeed, of the basic services that this project surveyed, solid waste disposal is the only service that sits under the jurisdiction of these councillors. MLAs play a much more important role. But here again, institutional constraints produce perverse incentives. First, the average MLA in Delhi represents over 200,000 people, a good-sized city in most countries and a level of aggregation that does not allow for working closely with communities. Second, MLAs in Delhi do not make policy. The state assembly meets only rarely and most policy is made either within powerful bureaucracies¹⁰⁸ or at higher levels of political power, like the Union government, which controls land and the police in the state. In securing their electoral position, MLAs thus are limited to distributing patronage. In other words, rather than promoting the delivery of public goods such as piped water, they have a stake in preserving the delivery of discrete goods such as tanker trucks.

The second democratic deficit consists of the weakness of effective citizenship. As we have seen, in practice the residents of excluded settlements cannot make demands for services based on their rights. Instead, they are limited to negotiating unstable and sub-optimal arrangements for service delivery that are expensive and often socially debilitating. Urban reformers have recognised this problem in India and elsewhere and this has given way to calls for strengthening democratic participation. In virtually all official policy documents on urban governance, ranging

¹⁰⁷As of 2014, only 96 of the 672 JJCs (14.2%) in Delhi were on land owned by the DUSIB. Further, 66.8 percent of all JJCs in Delhi were located on land that belonged to agencies or departments of the central government.

¹⁰⁸ Policy relating to evictions, rehabilitation, etc. is usually articulated through delegated legislation that is made by bureaucrats, not legislators.

from RAY to JNNURM and the DJB's "Roadmap for Reforms", there is a recognition that the complex processes of urban transformation cannot be achieved in a sustainable manner without community participation.

Our findings, however, suggest that these exhortations to work with citizens have not been supported with new practices and institutional designs. In the case of DUSIB, its founding legislation calls for implementing policy through Basti Vikas Samitis (community-based *Basti* Development Councils), but the legislation is entirely silent on specifics. In our research, we found no evidence of any effort on the part of the Board to align its interventions with community participation. The process of ascertaining eligibility for rehabilitation discussed above has at no point involved participation. The process of regularisation of UACs, which in principle affects 4 million people, has been opaque and highly bureaucratic, and at no point has involved any kind of community participation. The complete disengagement of government institutions from communities is also manifest in the area of service delivery. In the excluded settlements where we conducted fieldwork we were often struck by the total absence of the service-delivery state. In sharp contrast to the presence of the predatory elements of the state, none of the service delivery agencies had offices in any of the sites where we conducted research, and we rarely encountered officials from these agencies in our visits. This absence of direct institutional interface between the state and its citizens in excluded settlements is made all the more glaring by the contrast with planned colonies. There, the Bhagidari scheme launched in 2000 by the Chief Minister of Delhi not only directly supports but also empowers RWAs to work with the government in addressing delivery and development challenges.

The nature of involvement of the resident representative bodies such as RWAs in some of the key processes mentioned above and the ever-present struggles over basic services exists largely on paper. Some RWAs rarely talk about the experience of being involved, while others are more critical of the actual nature of such an involvement. One RWA president of a block in Sangam Vihar questioned the effectiveness of forums like Bhagidari, claiming that he once asked the Chief Minister of Delhi, "Bhagidari for what? No one even talks to us." But we also find instances, such as in the case of Kusumpur Pahari JJC, where RWA officials told us that they had had several meetings with an agency like the DDA with regard to in-situ rehabilitation of the settlement.

In contrast to the normal limited interaction between the state and residents of unplanned settlements, the run-up to the 2013 Delhi State Assembly elections saw many community representatives called upon by political parties to help with campaigning. Many of these representatives obliged in the hope of receiving improved service delivery later. But when the time came for actual delivery, in some cases, there was a complete vacuum. In other words, the state that was very accessible at the time of making electoral promises was quite slow and less present when it came to service delivery.

Conclusion

The eight settlement categories into which the city is divided represent, in effect, a form of differentiated citizenship. In law and in practice each settlement type receives a different level of service delivery. Planned colonies represent about a quarter of the city and enjoy a full array of services. In the rest of the city, service levels are highly uneven. Electricity is the only exception: it is now widely available across all settlement categories.¹⁰⁹ Where a citizen lives in Delhi determines the level of basic services to which he or she is entitled. These services are essential to supporting basic core capabilities such as health, education, and economic opportunity. Differentiated citizenship, as such, sustains and amplifies inequality by excluding residents from basic services. What is more, the extent of this exclusion seems to be growing.

These patterns of exclusion do not simply reflect social inequalities of class and caste. The proliferation of excluded settlements is a direct result of planning failures, and in particular the failure to develop enough land and low income housing to accommodate steady population growth. The state has at various times addressed this problem by providing certain services to JJCs, like tanker water and CTCs, or 'regularising' unauthorised colonies. These interventions have been limited in recent decades. Due in part to legal challenges posed by the lack of due process, no new JJCs have been notified for two decades and no unauthorised colonies were regularised between 1984 and 2012.

In this report we focused primarily on water and sanitation, which are critical to household livelihoods. Our case studies focus on the three settlement types that receive the lowest level of services – JJCs, unauthorised colonies, and resettlement colonies – excluded settlements that are together home to at least half of the city's residents. These settlements are outside of the city's piped water system and the water their residents do secure comes either from public or private water tankers— primarily for drinking—and borewells—mostly for non-drinking purposes. When faced with scarcity of water, many residents also purchase water sold privately in containers. Across the board, shortages are endemic, especially for potable water. Residents expend a significant amount of resources and time securing basic supplies. This patchwork system is unstable and highly inefficient. It also makes communities dependent on a host of intermediaries, as well as a range of 'operators' who exploit local scarcities to generate non-competitive rents.

The sanitation problem is just as acute. With the exception of one resettlement colony, none of the settlements we studied are linked to the sewage system. Residents have little choice but to rely on dry latrines that cannot be properly serviced, latrines connected to storm water drains, community toilet complexes (CTCs), or open defecation. In other words, none of the human waste produced in excluded communities is properly processed, with the possible exception of CTCs. But even here, leaking or open sewage is endemic and CTCs are generally so poorly managed that they do not offer a viable alternative.

These shortages in public provisioning exact a high direct cost in terms of money, time, and dignity on residents. For instance, residents have to spend more on sinking deeper, more powerful borewells for private provisioning of non-drinking water, wait for tanker supply, and suffer adverse health outcomes due to unsanitary environmental conditions. This is true not just for JJCs and UACs, but also for RCs, which are supposedly planned.

¹⁰⁹ In JJCs the supply can be limited, allowing only for basic appliances and service is often interrupted. However, compared to all other services we examined electricity does come the closest to being universally available.

The Government of India and the state of Delhi recognise these problems and in the past decade have made some effort to tackle them. For instance, in recent years, the DJB has tried to improve and monitor the supply of water through its tankers; the DUSIB and other agencies have used the Basic Services to the Urban Poor (BSUP) scheme of JNNURM to begin construction on over 55,000 dwelling units, of which over 20,000 have been completed. But actual implementation has been a problem, and, based on our field work, may have reinforced processes that systematically exclude citizens of Delhi. Resettlement colonies, though planned and under the direct regulatory control of the state, are transformed into new slums by poor servicing. New policies designed to protect the rights of JJC residents have not been able to stop evictions from taking place, often without due process or a relocation plan. Indeed, significant legislative and institutional investment in a policy for relocation and rehabilitation of JJCs has failed to produce substantive results. Even for UACs, the process of regularisation appears to have led to little discernible change so far in their material conditions. While there is no simple diagnosis for these governance problems, this report has highlighted four of them.

First, the governance of the city is beset by systemic coordination failures due to multiple government agencies, spread across the Union government – e.g., DDA – the GNCTD – e.g., DUSIB and DJB – and local government. There is little integration of agency activities or objectives, and fuzzy or overlapping jurisdictions often bring agencies into conflict.

Second, elected representatives at the GNCTD and local levels have weak and limited powers. Municipal councillors have no substantive role, other than in solid waste management, and MLAs are limited to constituency service and some minor development work, but have little say in making or implementing policy.

Third, as a result, key government agencies do not have clear goals linked to service delivery to citizens and consequently lack the focus and the commitment required to achieve agency objectives. In part this is an internal organisational problem that stems from hierarchies, structures, and personnel that are poorly adapted to the task. But it is also a problem of the larger political and institutional environment that starves agencies of the necessary resources and operational authority.

Fourth, there is a weak feedback loop since there are few institutionalised opportunities and spaces where citizens can participate. Though many communities are organised and active, existing points of interaction with the state tend to be bureaucratic and localised. Even on a day-to-day basis, most citizens, and especially those in the JJCs, UACs, and RCs, find it difficult to engage with government.

It is not as if these problems have not been recognised before. Indeed, various governments have grappled with them with different degrees of intensity, with the 'informal' part of the city becoming a larger part of daily deliberations. It is clear, however, that in order to begin delivering on the promise of reducing the binaries of legal and illegal, planned and unplanned, and authorised and unauthorised, a much more granular understanding of the processes and mechanisms within these settlements is necessary. This is where this project differs from others – in its thrust to try and describe that granularity so that analysis of policy can be appropriately nuanced. Much remains to be done. This is but a first step.

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Sangam Vihar UAC by Vyasdev Yengkhom



Illustration:

Kusumpur Pahadi JJC by Vyasdev Yengkhom



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