

# State-produced inequality in an Indian city

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THE city is often celebrated as the fullest expression of citizenship, a politico-spatial zone in which traditional rural barriers to participation weaken and public legality is at its strongest. But, concomitantly, cities of the global South are breeding inequality. Much of the hand-wringing on urban poverty and inequality in international and Indian policy documents deals with this tension by treating inequality as a residual problem, i.e., a problem that will go away with time, more growth and of course, the new elixir of ‘good govern-

ance’. But what if this inequality is not residual, but produced? What if inequality is not something that happens to people, but results from what is done to them? What if government policies are producing inequality not because they are bad or inappropriate or corrupt but precisely because that is their purpose; because they reflect how state power is organized and how institutions serve specific interests?

To answer this question, we draw on some of the work from an ongoing research project – the ‘Cities

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of Delhi' – at the Centre for Policy Research.<sup>1</sup> This project was initiated to ask why housing and delivery of basic services such as transport, water and sewerage was so unevenly distributed across the city. The project closely examines the workings of various state agencies, researches the rules, laws and actual practices of a number of key state interventions – in particular regularization of unauthorized colonies and slum removal and relocation – and has gathered extensive field data from twelve settlements of different types, viz. unauthorized colonies (UACs), regularized unauthorized colonies (R-UACs), resettlement colonies (RCs) and *jhuggi jhopdi* colonies (JJC).

Historically, Indian cities were segregated by caste and religion at both residence and work, and colonialism reinforced these exclusions.<sup>2</sup> Independence and democracy ushered in civil and political rights, including full associational freedom, but many of these exclusions have persisted.<sup>3</sup> To an extent they are built upon social and economic inequalities that have long histories, but to treat these exclusions simply as unfortunate legacies of the past is to obscure the ongoing dynamics through which these and newer exclusions are maintained and reinforced. In this paper we identify and illustrate three types of specific state practices, viz., planned exclusions, differentiated citizenship and biased investment, that produce inequality in the city.

1. See <http://citiesofdelhi.cprindia.org/> for detailed reports. We are especially grateful to Subhadra Banda and Shahana Sheikh for their coordination and work on the project.

2. Sunil Khilnani, *The Idea of India*. Penguin Books India, 1999, p. 115.

3. See Trina Vithayathil and Gayatri Singh, 'Spaces of Discrimination', *Economic and Political Weekly* 47(37), 2012, pp. 60-66; and Pranav Sidhwani, 'Spatial Inequalities in Big Indian Cities', *Economic and Political Weekly* 50(22), 2015, p. 55.

Planning in Delhi might best be characterized by Max Weber's concept of social closure<sup>4</sup> whereby a privileged collective restricts access to the social or economic opportunities that exist in a given domain, in this case access to the city itself. This restriction manifests itself in multiple ways.

First, there is unequal access to land for housing. Since 1957 till recently, the Delhi Development Authority (DDA) has monopolized housing development in the city. It has used its authority to acquire land by displacing farmers and developed housing that in absolute terms never kept up with population growth and in relative terms disproportionately benefited the relatively rich. '[N]ot a single EWS flat was constructed by the DDA' over 2005 to 2010. Given that this period saw increasing demolition of JJC to, inter alia, build infrastructure for the Commonwealth Games, one can infer that the DDA did not consider it 'the Authority's responsibility to replace the "illegal" housing stock it demolished.'<sup>5</sup> This provision of subsidized and rationed houses (evidenced by their allocation by lottery, due to excess demand) in a few select planned colonies, transfers land subsidies to the relatively rich. Indeed, given DDA's inadequate supply, even housing stock for the low-income, which is usually in colonies that are not well serviced with public infrastructure, often undergoes a process of 'gentrification'.

Second, people cannot formally develop land for housing, leading to the growth of UACs. These colonies contravene zoning regulations, but since they are built-up and most households

4. Max Weber, *Economy and Society: An Outline of Interpretive Sociology*. University of California Press, 1978.

5. 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.

have some proprietary claim to the land, a *modus vivendi* has developed vis-à-vis the state. At last count, there were over 1,600 UACs. The unauthorized nature of these settlements keeps them in limbo and denies them common trunk infrastructure. It also makes it risky to self-provide this infrastructure.

Third, over time, courts have been somewhat inconsistent with regard to the rights of residents of JJC, settlements where land tenure is usually less clear than UACs. By one reading, courts in Delhi have been demolition machines, using the public interest litigation (PIL) to uproot long-standing settlements like Yamuna Pushta. In other cases, courts afford due process and frame regulations to prevent indiscriminate demolitions.<sup>6</sup> The fragmentation of authority that follows from a city governed at three different levels (the union, state and municipality) adds to this confusion. Even when one agency avers that demolition is prevented by the law, another may have a different understanding leaving JJC residents vulnerable. In one of the study sites, due process for demolition was not followed – resulting in the evicted not even having time to remove their personal belongings – and the eviction itself happened in contradiction of standing policy, without knowledge of the agency responsible for rehabilitating evicted JJC residents.<sup>7</sup>

Fourth, the state uses the law to constrict employment options. In

6. Anuj Bhuwania, 'Public Interest Litigation as a Slum Demolition Machine.' Presentation at the Centre for Policy Research, New Delhi, 26 May 2015 and 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.

7. Banda and Sheikh, *ibid.*, note that 'a top official of the DUSIB... explained that if a public works project requires demolition,

1996 and in 2000, in actions that disproportionately affected the working poor, the Government of the National Capital Territory of Delhi (GNCTD), driven partly by the courts, by some estimates, closed about 100,000 units because they were operating in non-conforming areas not zoned for industry.<sup>8</sup> Originally, these were located around urbanizing villages where land use regulations were lax. Over time, city limits expanded to include many of these villages. A few closed factories were provided alternative sites in peripheral industrial estates. As of 2009-10, 22,749 were allotted sites of which only 13,142 had taken possession.<sup>9</sup>

In 2006, the non-conformity issue came up again when the Supreme Court, in response to PILs from Resident Welfare Associations (RWAs), ruled that shops and businesses operat-

the agency that owns the land in question needs to justify the action, and then must rehabilitate residents after their eviction, providing them some alternative accommodation.<sup>7</sup>

8. Amita Baviskar, 'Between Violence and Desire: Space, Power, and Identity in the Making of Metropolitan Delhi', *International Social Science Journal* 55(175), 2003, pp. 89-98. There is a similar recent story for the movement of abattoirs from Old Delhi to the periphery. See Zarin Ahmad, 'Marginal Occupations and Modernising Cities', *Economic and Political Weekly* 48(32), 2013, p. 121.

9. [http://delhiplanning.nic.in/PD/2009-10/Industries%20\[28-37\].pdf](http://delhiplanning.nic.in/PD/2009-10/Industries%20[28-37].pdf)

10. The RWAs claimed that commercial businesses were causing congestion and strains on civic amenities such as water, electricity and parking. See Diya Mehra, 'Protesting Publics in Indian Cities: The 2006 Sealing Drive and Delhi's Traders', *Economic and Political Weekly* 47(30), 2012, pp. 79-88.

11. [http://jnnurmmis.nic.in/jnnurm\\_hupa/jnnurm/Jnnurm\\_Ray\\_AHP\\_Progress\\_Report/City-wise\\_BSUP.pdf](http://jnnurmmis.nic.in/jnnurm_hupa/jnnurm/Jnnurm_Ray_AHP_Progress_Report/City-wise_BSUP.pdf)

12. In Madanpur Khadar, many residents buy 'filtered water' from several local vendors (widely cited rate was Rs 10 for 20 litres). DJB tankers do supply water but some residents believe it is unsafe, and have reported incidents where dead animals like lizards were found in the tanker.

ing in Delhi's residential areas should be sealed. But, this time, the traders mobilized politically and succeeded in modifying the master plan of Delhi to create new mixed use zones, removing the source of non-conformity.<sup>10</sup>

Thus, across the city, we see a consistent pattern of actions that adversely impact or exclude the poor of Delhi and reinforce inequality.

Excluding settlements from full services based on their legal or planning status has also had the effect of exacerbating existing social and economic inequalities. Since access to these services is constitutive of the most basic of capabilities, this amounts to differentiating citizenship.

Fifth, in housing, by peripheralizing the location and reducing the plot size in RCs, from 60 sq m. to 12 sq m. (on which it is illegal to have a toilet), GNCTD impedes the progress of even the few relocated JJC residents. Future relocations will be to apartments, but even when built, apartments are not allocated. 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 less than 3% of these units, or 585 of them, have been occupied. By contrast, nationally, almost three-fourths are occupied.<sup>11</sup>

Six, in RCs, despite being legal and planned settlements, services remain poor. This is as true in Savda-Ghewra and Madanpur Khadar, as it is for parts of older RCs like Mangolpuri.<sup>12</sup> In a newer RC like Savda-Ghewra, no piped water is available and private supply from water kiosks is officially encouraged at a rate ten times more expensive than the highest metered rate for water supply from Delhi Jal Board (DJB). There is no sewer network even in parts of older RCs like Mangolpuri. Community toilet complexes (CTCs) in Savda-Ghewra and Madanpur Khadar are poorly maintained even when contracted out to NGOs. Given the peripheral location, transport connectivity needed more

#### Differentiated and Negotiated Citizenship

JJCs vary in their access to services. In one of the smaller JJCs with predominantly dalit residents, there are clean and well serviced CTCs, open but well maintained drains and a predictable supply of clean water. The MLA not only visited regularly but is active in the local neighborhood committee. Residents widely praise him for his community work and he is frequently invited to social functions. In a classic and effective form of community-based clientelism, this MLA has helped many residents find government jobs. Concomitantly, in another socio-economically similar JCC with a population that began arriving some 25 years back, there is no reliable service delivery. Residents pay high fees for the little they do get and paint a picture of a predatory state, e.g., complaining that payment is extracted for every modification made to their shacks, like replacing plastic with corrugated iron roofs. A few years ago residents of this JJC were evicted (they have since returned) and their shacks destroyed. It is widely believed that this eviction was at the behest of the local MLA to help a developer. Juxtaposed, these two cases underscore the degree to which service delivery is dependent on community-level regimes of political mediation. Citizenship is not only much differentiated, but also highly negotiated.

attention. Instead, access roads are limited and over-utilized, and public transport is infrequent (especially early morning and late night), thus constraining employment options for residents and increasing their reliance on more expensive para-transit modes.

This lack of service is seen even in R-UACs, many years after regularization, which is promised at repeated intervals. If one looks at R-UACs regularized over 15 years ago, many, such as Rampura Extension, Ravinagar, etc. are still classified as grade 'F' by the municipal valuation committee, indicating poor infrastructure.

Seven, in some UACs, e.g., Sangam Vihar, lack of service has fostered an extensive private piped network, distributing water from borewells.<sup>13</sup> It is more expensive, poorer in quality and limited in supply as compared to DJB's supply elsewhere. It also creates a group with vested interest in continuation of poor public services.

JJCs are formally denied network service and residents expend their limited resources to cope, e.g., relying on DJB or private water tankers or developing their own network of water pipelines.<sup>14</sup> In one JJC, 'residents... approached officials in the nearest DJB office and submitted voter ID cards for groups of... households along with an application form, a process referred to as getting a tanker 'passed'.<sup>15</sup> Further, user fees are charged for what are, in principle,

public services and apparently even nominal fees can add up to a large amount. Residents indicate that 'the accessing CTCs was more expensive than building and using makeshift toilets... a family of six would have to pay a minimum of six rupees every day, a monthly cost that quickly approaches unaffordable.'<sup>16</sup> Wealthier residents also have private toilets, with a storage pit, emptied periodically by private suction operators. Due to limited water, they are mostly used at night or in emergencies.<sup>17</sup> These patterns of inequality are reinforced by skewed patterns of investment that accompany the new discourse of 'world-class infrastructure'.

Eight, JJCs in Delhi are often demolished to ostensibly<sup>18</sup> build infrastructure like roads, flyovers and the Delhi metro rail. But there is a clear class logic at work: while JJC residents, some of whom are resettled in poorly serviced RCs and others left without support, bear the brunt of the costs, the benefits disproportionately accrue to privileged households in planned colonies; in shorter travel times and increased property values, e.g., near metro stations.

15. While DJB tanker supply should be delivered at no cost, residents report giving Rs 4,000 to 5,000 to DJB officials through office staff, money for which they receive no receipt. See Subhadra Banda, Varsha Bhaik, Bijendra Jha, Ben Mandelkern, and Shahana Sheikh, 'Negotiating Citizenship in F Block: A Jhuggi Jhopri Cluster in Delhi.' A report of the Cities of Delhi project, Centre for Policy Research, New Delhi, June 2014.

16. Sheikh, Banda, Jha and Mandelkern, *ibid*.

17. Banda, Bhaik, Jha, Mandelken and Sheikh, *ibid*.

18. Often, the land remains unused. See Véronique Dupont, 'Infrastructure Project, Beautification and Forced Evictions in Delhi: The Exemplary Story of a Cluster of Slum Dwellers Rendered Homeless.' Rethinking Development in an Age of Scarcity and Uncertainty, EADI General Conference, 2011, pp. 19-22.

Recently, DDA has also tried in its Kathputli project to move JJCs to 'unlock land value' based on Mumbai's SRA model. But the process has been comparatively less participatory and DDA has, thus far, been unable to execute the project.<sup>19</sup>

Nine, because of their 'illegal' status, existing UACs and JJCs are bypassed when agencies like DJB plan and invest in water and sewerage networks. This makes it difficult to serve these settlements by extending and modifying the networks, even when they are regularized, as seen in the poor levels of service in R-UACs, noted earlier.

Ten, finally, transport investment in Delhi is skewed towards the metro railway, which accounted for 86% of the plan investment in the transport sector in 2013-14, half for equity and land and the rest for refund of taxes. However, GNCTD's own projection is that, in 2021, only one-fifth of the total daily motorized trips will be by metro, while over one-third will be by bus. Despite this, spending on DTC is largely to pay salaries, which accounted for over 80% of non-plan investment in the sector. Thus, the bus, which is the public transport mode most used by poorer residents, gets short shrift. There is also negligible investment in infrastructure for non-motorized modes, including walking, which comprises the plurality of trips.

These ten state actions and policies identified, inter alia, during the course of the project, systematically undermine the democratic ideal of the 'right to the city'. Arguably, the state first crafts a legal and regulatory framework to impact the poor disproportionately; it then builds on this frame-

19. Veronique Dupont, Subhadra Banda, Yashas Vaidya and M. Shankare Gowda, 'Unpacking Participation in Kathputli Colony', *EPW*, 49(24), 2014, p. 39.

work to restrict quality service delivery to a small group of citizens and finally, it perpetuates these differences by making investments that primarily benefit the better-off. All of this adds up to a set of state practices that benefit the already privileged while people who have limited resources are constantly subjected to additional costs, which restricts their upward mobility and thereby reinforces and increases inequality. This has multiple effects on the city's future capacity to sustain inclusionary growth.

First, insofar as citizens are denied basic services, they are, in effect, denied basic capabilities. Compromising access to water, sanitation and decent housing affects a household's ability to stay healthy, get educated and seize economic opportunity. There is an extensive sociological literature documenting the cumulative effects of inequality in urban America, in particular, how childhood deprivation of basic health and education produces long-term inequality.<sup>20</sup> If this can be true in a country where basic services like water and sanitation are almost universal, one can only imagine the cumulative effects of poor basic services for long-term inequality in India.

Second, the fact that so many citizens and communities have to negotiate for basic services has perverse effects on local democracy. Many argue that this is the nature of democracy—people use the vote in exchange for patronage, and that may well be what many of the urban poor do. But they do this as a second-best solution. Without a right to service, they use the little political power they have to claim what are at best crumbs, with access

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20. Margot I. Jackson, 'Cumulative Inequality in Child Health and Academic Achievement', *Journal of Health and Social Behavior*, 2015.

that is inferior, piecemeal and constantly transacted. This has high opportunity costs, e.g. children away from school and workers spending hours on buses, and can also be very suboptimal, e.g., water tankers instead of piped water. It has an aberrant effect on democracy and good governance. Elections should not be a competition for scarce goods that converts votes into weak bargaining chips. Rather, elections should be a platform to build broad coalitions for widely distributed public goods.

Third, insofar as deficits of service delivery are spatially concentrated, there is a very real danger that such spatially excluded settlements will harden into ghettos. When inequality is spatially clustered, it tends to produce its own deleterious effects such as an erosion of social capital, a weakening of social cohesion and an increase in criminality. For those who would mistake this for a residual effect that will disappear with economic growth, one has but to look at the American ghetto or the French *banlieue*. Given the prevailing levels of inequality in Indian cities, the compounding effects of possible ghettoization should be cause for alarm.

The bad news here is that inequality in the Indian city is not simply a legacy of the past. It is produced and reinforced by the state, a result of active policies and practices that result from its institutional character. With cities having little autonomy and agency, urban politics is dominated by state-level political settlements, lubricated by the distribution of rents generated by the building of infrastructure and the 'land-grab raj.' But, this is also the good news, for what is an effect of politics is always open to the possibility of political transformation, especially in a democratic state. The recent election in Delhi is but one reminder.