THE DWELLER AND THE SLUM-DWELLER

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Introduction: An Actor-Centric Approach to Urban Development

Few cities are as confusing as Mumbai when it comes to land titles and occupancy rights. An array of legislations, policy ordinances, acts and notifications, customary laws, special programmes and schemes collide with local practices, populist politics and public opinion to create a mangrove-like pattern of ownerships in the city. At once deeply rooted and floating on murky grounds, occupancy rights seem to be, at the end of the day, determined by politics rather than the rule of law.

This is epitomized in the relationship of the state with the so-called 'slum-dweller' in Mumbai. One characterized by uncertain emotions – alternatively full of abuse and patronizing benevolence. This is most evident in the spate of moves made during the 1970s[1], when the category slum emerged as a threat to the dominant dwellers in the city, entering their visual sphere on an unprecedented scale. The 80s and 90s[2] continued to see nervous ups and downs in moods and responses, with evictions and concessions representing a tug-of-war that has never transcended the state's ambiguous attitude. The triangularity that developed in the twenty first century, with the entry of the real estate developer, has only complicated the fragile equation[3].

This account draws on four years of work in various parts of Mumbai. We relook at the equations between the 'dweller' (supposedly legitimate urban citizen), the 'slum-dweller' (its illegitimate counterpart), the players involved in construction and housing, including local contractors, NGOs[4], real estate developers and of course the state, in both, its abstract and most concrete, local, manifestations. In the process it explores the unsteady legal foundations on which the whole drama is played out between the concerned actors.

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[1] SIP (Slum Improvement Programme), EIUS (Environment Improvement of Urban Slums), Maharashtra Slum Improvement Board, Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act 1971, The Maharashtra Vacant Lands (Prohibition of Unauthorised Structures and Summary Eviction) Act, 1975

[2] The judgment of the Supreme Court in the case of Olga Tellis. In Olga Tellis v. Bombay Municipal Corpn. (1985) 3 SCC 545,572, Slum Upgrading Programme (SUP) funded by the World Bank, 1985

[3] Slum Redevelopment Scheme (SRD), 1991, Slum Rehabilitation Scheme (1995), Shivshahi Punarvasan Prakalp Ltd (SPPL), (1998)

[4] For example, MUTP, Mumbai Urban Transport and SPARC, Society for the Promotion of Area Resource Centers.

The exposé of different projects that we have been involved with provides an overview of some of the challenges faced by populations, which are settled on land denominated as a slum by the government, the media and the public. It discusses the ambiguous status of Gaothans (villages) in Mumbai, often amalgamated with poorer, younger neighbouring habitats that have grown around them over the years; the struggle of certain Municipal Chawls to assert their autonomy vis-à-vis the institutions that gave them birth; the importance and unpredictability of social networks upon which local builders rely so much, especially in BMC controlled environments; and the confidence that strong populist political parties can give to a neighbourhood 'in formation'.

I. Koliwada, Dharavi: The Slum-Village Amalgamation

Our work in Mumbai started in 2008 with a series of very particular encounters. Within Dharavi, we were invited by the secretary of the Koli Residents Association in a debate about government designs on the redevelopment of their neighbourhood. Activist groups in Dharavi informed us that the Koli community is a difficult one to work with, mainly because its members are fiercely independent. Moreover, they don't represent the poorest of the poor in Dharavi.

For us, their active involvement and desire to be part of the discursive space on Dharavi was the main reason we wanted to work with them, even though we respectfully disagreed with some of the members' approaches and perspectives towards their urban future. Secondly, Dharavi is heterogeneous in terms of class and ethnicity, we did not see upward social mobility and aspiration for middle-class status as disqualifying factors, as long as the space for involvement did not exclude anyone on those grounds.

Our association with the Koli community that started with the Urban Typhoon workshop continues till date. Koliwada has become a conceptual category that is difficult to dismiss when we talk about Mumbai's urban issues. The main reason for this is the special place that the community has in the city's history, contemporary politics and landscape.

The Kolis are essentially the erstwhile fishing communities of Mumbai, living in gaothans or urban villages, that are a legal entity with distinct rules of land use and development rights[5]. In the city's political space they claim to be the original residents, even though

[5] Governed by the Bombay Tenancy and Agricultural Lands Act 1948 and the subsequent legislative modifications under the Gaothan Extension Schemes through the Bombay Village Panchayat Act 1958 and others.

their distinctive voice is diluted by the larger right-wing rhetoric, which often contradicts their affinities. In class terms they occupy a broad spectrum of identities, from the poor to the middle class to the rich, even though their habitats are often perceived to be on the edge of being a slum.

The Urban Typhoon workshop, which took place over a week in March 2008, brought together residents, students, architects, urbanists, artists and activists to brainstorm on the cultural identity and urban future of Dharavi Koliwada. The agenda of the Koli Jaamat which invited us to organize this event was very clear. They wanted to show the government that they had their own plans for redevelopment and didn't want to be included in the Dharavi Redevelopment Project (DRP) initiated by Mumbai's Slum Redevelopment Authority. Challenging the mainstream notion that Koliwada is part of "Asia's largest slum" was thus of strategic importance to the Kolis. The visuals and narratives that emerged from the workshop presented Koliwada and Dharavi in a new light, and may have contributed in a small way in the Kolis successful bid to be excluded from the DRP.

It is our contention that such ambiguities and complexities have spilled over into other histories of marginality in the city. The overwhelming official number of slums – over 60% by recent accounts – in fact share the most diverse forms of socio-economic and ethnic labels possible, including the nature of built-forms as well. They have grown alongside the many different forms of citizenship that the city afforded its diverse citizens. Often designated 'slum dwellers' share these with the Koli community, mainly because of the location of Koliwadas. Almost all these neighbourhoods are on the edge of slums or are mistaken to be slums. By focusing on the Koliwadas and their ambiguous location on the slum-village continuum, we would like to throw open the possibility of looking at officially designated 'slums' as sharing a similar ambiguity of identity and seeing where such an exploration takes us.

OPTION 2

Plots on main road as commercial (shops) on Ground fl

Three upper floors as OFFICES

Plots abutting the rear road, residential for ground and

Plots connecting front and rear plots at the two ends of

developed for community use for 1st – 3rd floors.

mmercial pl

7 nos. of 62

of 6

oped as Ground + 3 upper floors

d as commercial (shops) on Ground floor

s as residential

he rear road, residential for ground and 3 floors above.

g front and rear plots at the two ends of

community use for 1st – 3rd floors.

mmercial plots (shops) – 7 nos. of

ial development is – 439

sidential units – 46

for community use

ial built-up area PROPOSED – 3188

EXISTING – 1765 SQMTS

ial – 1432 SQMTS

a available for SALE (residential) 1432 SQMTS

a available for SALE (commercial) – 439 SQMTS

u to an FSI of 2.34

SHOP

Samples of the output produced during the Urban Typhoon workshop.

II. Vishal Cooperative Housing Society, Dharavi: Human Right to Self-Develop?

प्रस्तावित स्कीम के अनुसार

घरों की गिनती = 30

एक घर का औसतन माप

= 750 sq. ft

FSI = 1.84

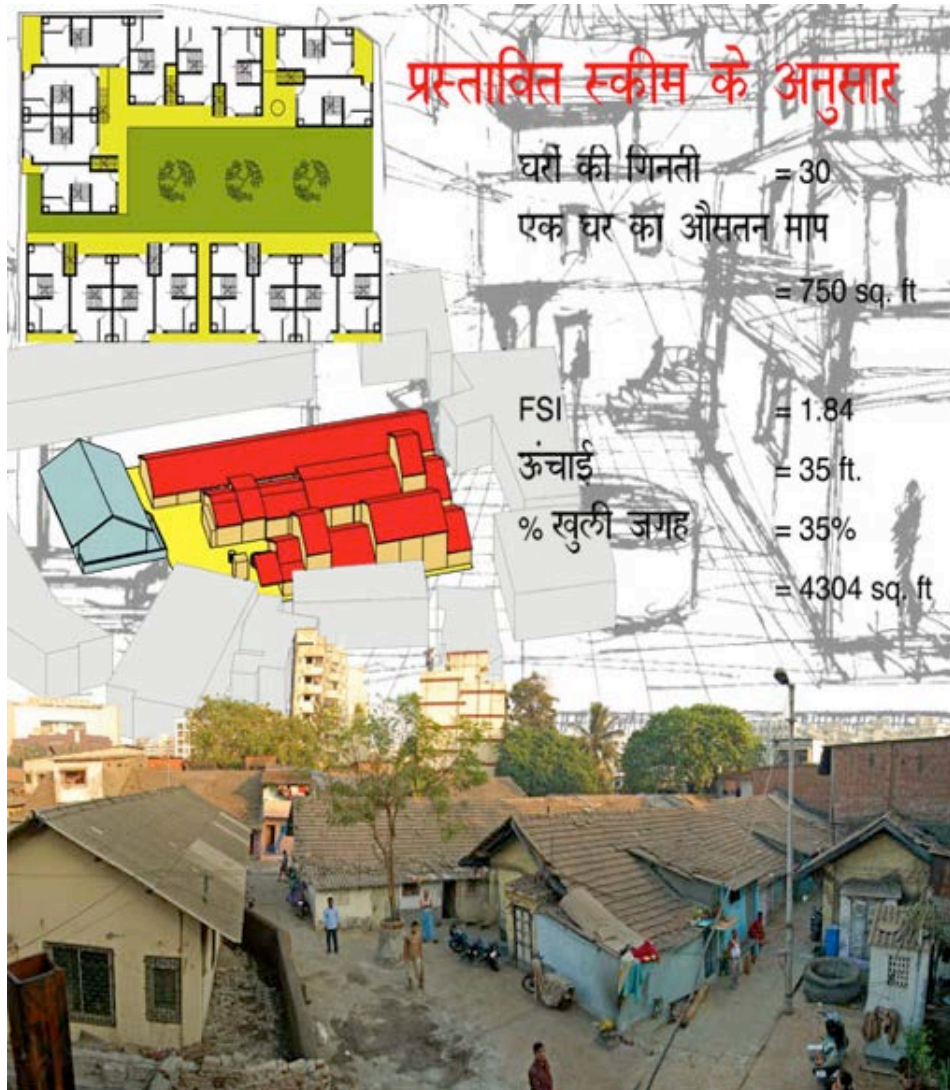ऊंचाई = 35 ft.

% खुली जगह = 35%

= 4304 sq. ft

Photo collage showing Vishal CHS, Dharavi with projection of Columbia/JJ students for its development

The Vishal Cooperative Housing Society (CHS) is a municipal chawl located very close to the Hanuman Mandir on Dharavi Main Road. It was built prior to independence by the then Bombay Municipal Corporation. Its residents point out how they are legitimate citizens and not 'slum-dwellers' since the chawls were created by the municipality and continue to pay rent to the corporation. It is only because of their physical location in Dharavi that they face an identity crisis.

The representatives of the chawl invited us to help create new designs for their homes. This was a strategy to help them in their legal battle with the government in which they were arguing that the right to self-develop was a 'human right'. The chawl residents were claiming a) their chawl was not a slum, since they paid a rent to the corporation. b) Therefore, it could not be included in the DRP that had been envisaged at that time as a major comprehensive juggernaut of a transformation strategy for the whole of Dharavi, in which every eligible resident would be given a small flat. c) The residents of the chawl had a right to develop the structures on their own terms since they were technically co-owners, given the tenancy laws of the city.

Unfortunately, the government was not granting them this right, usually given to all municipal chawls in the city, because the entire area was under a special programme, the DRP, which was de facto depriving all residents of

Dharavi of the rights they would have enjoyed if they were living in any other part of the city.

The lawyer and resident, Mr. Trivedi (name changed) who was our main collaborator was fighting this in the form of a public interest litigation in a 'Human rights' court, asserting the right to self-develop as an inalienable 'human right'. We organized a studio in which students from Columbia University, Graduate School of Architecture, Planning and Preservation (GSAPP) worked with Sir J.J. College of Architecture students on development strategies for the housing society. Mr. Trivedi used them in court.

Unfortunately he lost the case. Though there is a legal provision for chawl residents to form a cooperative society and use the Slum Rehabilitation Scheme to propose their own redevelopment project, it didn't apply in this case since Dharavi was under a special government programme at that time (and still is), i.e. the DRP. The Human Rights Court recognized the right to self-develop but declared that since that right had not been violated yet no case could be made. Thus the Omkar CHS was left to wait for a possible DRP that has not yet materialized and may never happen.

During our own conversations we had also understood the fragile foundations on which he was fighting the case, unfortunately in the wrong court and using a rhetoric that was more political

than legal. His and the entire society's tenancy was not under threat in the DRP – they would each get a 300 square feet flat, smaller than what they already owned.

Even though the corporation itself had built these structures, they would have to make way for the redevelopment plan as if they were a slum. Their own tenancy could not be compared with other tenants in the city, which came under the old rent act for the simple reason that those tenants were not residing in an area that was considered as 'slum'. Thus there was no distinction to specific histories, typologies and capacities.

This entire discussion provided us with an opportunity to understand how distinctions of any kind are useless when the word 'slum' enters the discourse, how strongly it is connected to very specific objectives of urban planning and that certain actors stand very little chance when they express an independent opinion.

Since then Mr. Trivedi has rebuilt his house, doubling its size. This was not a legal move, but he used his political muscle as a prominent BJP member to obtain the necessary approval (or indifference) of the BMC. This neighbourhood occupies a peripheral part of Mumbai, between two marginal spaces – the abattoir and the largest dumping ground in the city. It is a resettlement colony set up in the 1980s to house evicted slum dwellers from other neighbourhoods in Mumbai.

Students presenting their studies and plans to members of the society.

III. Shivaji Nagar, Deonar: Political-Social Networks –Status: 'It's Complicated'
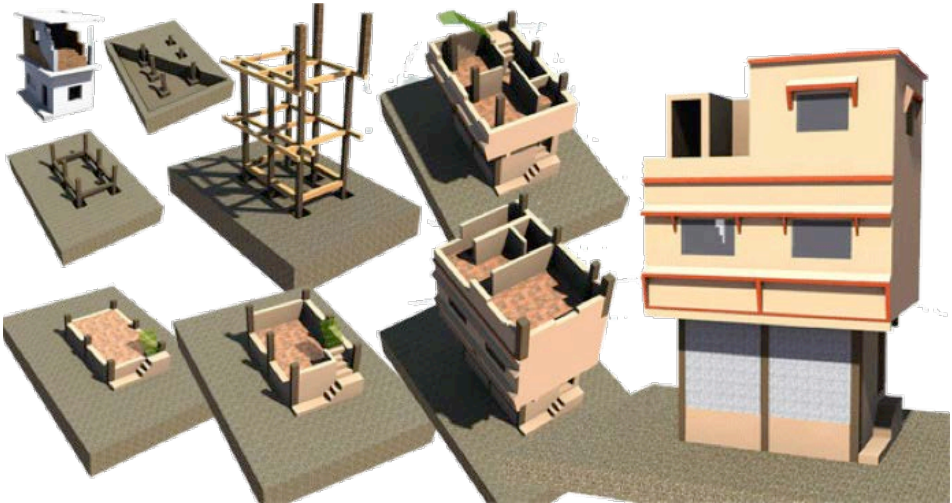
Construction of Agarwal's house in process over 45 days.

Office destroyed by BMC a few weeks after completion of the work.

A walk through Rafique Nagar and Shivaji Nagar gives a good overview of the process of incremental improvement that the entire settlement has been going through for decades. The further one goes from the dumping ground, the more consolidated (pucca) the neighbourhood looks. For its most part, its streets are lined with shops and services. There are many religious establishments and schools of various denominations in the neighbourhood. It has most of the facilities that many Mumbai localities have and almost all of it provided by residents themselves in conjunction with local elected members of the corporation and legislative assembly. Theoretically the residents have to pay a rent of Rs. 50 a month to the local municipal office to validate their status as tenants. In reality the municipality has not systematically collected this rent for years, as many original tenants have moved out and sold their houses to newcomers.

In Shivaji Nagar like in many other 'homegrown' neighbourhoods denominated as slums by the authorities, the BMC is successfully tapping into the proverbial 'fortune at the base of the pyramid' in other ways than collecting small rents from occupants. According to local contractors, a 40% informal tax is imposed on any new construction in the neighbourhood. Most of these are to do with the 14 feet height restriction that is imposed on the entire neighbourhood. As families grow, the residents want to build more rooms. However, since

legal permissions to extend the height cannot be granted, the municipality has designed an elaborate way in which they can collect bribes. They informally encourage the construction to take place. They send in officials to 'check' and demolish whatever has been built. The contractor and the official agree to sign the documents showing that the procedure of construction and destruction has taken place and then the contractor is allowed to 'complete' his job, with the official turning a blind eye to the process. The last touch on a new house is to make it look old and shabby (superficially) so it doesn't attract the attention of other BMC officials and independent whistleblowers.

Most of the neighbourhood is now more than 14 feet high – an open evidence of this complicity. Our main work in this neighbourhood is with one of the most successful young contractors Mr. Neeraj Agarwal (name changed) who explained the entire process to us in the course of our exchanges. He too is on the verge of filing a public-interest litigation and evoking the right to information act. His complaint: why do the officials allow legal violations in the first place, when eventually the resident and the contractor are humiliated even after all the payments and bribes are made? This frequently happens when an arbitrary move by a random official turns the equations completely around to destroy years of hard work. Elections are a particularly tense time

for contractors and residents. An old enemy in a position of power can mean arbitrary destruction or bribe inflation.

Mr. Agarwal, who substantially contributed to the Congress campaign in the last election, recently saw his brand new 10 lakh rupees small building destroyed shortly after the BJP-Shiv Sena Alliance won the elections. Politics is often the only protection that public figures such as him have against the arbitrariness of the bureaucracy. When these networks break down, the situation becomes even more complicated. Mr Agarwal is currently unable to continue building homes in Shivaji Nagar, in spite of the high number of residents that request his services.

Mr. Agarwal has a clear alternative proposal worked out in which he claims the government could officially collect more than Rs. 100 crore a month as rent from the residents and several times more as legal fees when allowing for valid permission to build up structures on a case by case basis. He cannot understand why the government is losing legal revenue and allowing petty officials to get away with huge amounts of bribes.

Mr. Agarwal started off as a labourer and today heads N.T. Traders, a company that is involved in supplying materials and constructing homes and offices in Shivaji nagar. We have facilitated a tie-up between him and a global cement and concrete producer and also provide architectural designs for his construction projects with a tie-up with an Italian firm.

This story is a classic illumination of the unstable foundations of occupancy and tenancy that most of the city's citizens are trapped in. The instability is not sought to be addressed by those affected through demand for legal ownership – since everyone knows the speculatively fuelled prices involved – but through working on the provisions of rental schemes and occupancy rights already granted by the state.

IV. Utkarsh Nagar, Bhandup: The Politics of Homeownership

Construction process of a 2.5 lakhs house in Utkarsh Nagar, Bhandup.

Utkarsh Nagar is a neighbourhood in formation in the north-eastern suburb of Mumbai. Like many of the so-called 'slums' of Mumbai, it was developed incrementally by local residents and contractors over the past 40 to 50 years, with no help whatsoever from the government or professional architects and engineers.

Yet the skills and hands-on experience of the local contractors we met there can easily outmatch the technical knowledge of the best-trained professionals. In peak construction periods of the year, Ajay (name changed) builds up to five houses a month and he has been doing this job for the past 20 years. With him, we studied the construction process of a typical house of about 200 sq ft. on two floors. This house, which costs the owner Rs 2.5 lakhs (about US $5,600) is the most affordable house that he was working on at that time. It was built in 25 days over the debris of the previous house.

The whole locality reveals a security of tenancy that has come about by local political support from Maharashtra Navnirman Sena and Shiv Sena, two parties that have invested more than any other on developing deep local roots in as many localities as

possible. Water supply, electricity and paved roads exist in many parts of the neighbourhood. The quality of homes in many cases reveals the large amounts of expenditure that individual homeowners have given to each structure. The skills of the local contractors, who often work in the same neighbourhood, have been honed and shaped over the years mainly because of the complicity with local political actors and members of the corporation. Interestingly, a large chunk of the neighbourhood comprises of people from the same coastal district of Maharashtra. In some ways they have bought in strong community ties that permeate the local political as well as bureaucratic structures. These provide them with local support that is almost the opposite of what we see in Shivaji Nagar. Of course, the city around, lined by high-rises, offices and malls, has already reached the doorsteps of the neigbourhood. In this case, builders and developers, more than anyone else are expected to approach the residents of the locality and eventually transform the neighbourhood using the Slum Rehabilitation Scheme provided by the state. However, what is evident for the moment is a version of what legitimate support of the state can do to the quality of life of millions of residents of the city if it chooses to – by providing occupancy rights and streamlining the processes of urban development – without looking at settlements as 'slums' or the dwellers as 'slum dwellers'.

V. The Slippery Road to Affordable Housing.

Our own engagements with these neighbourhoods have been caught in a mesh of arguments in which housing, slums and urban planning have been injected with the neutralizing rhetoric of 'affordable housing'.

For the most, affordable housing has been seen as the result of state interventions responding to the needs of the urban poor. More recently, non-state actors (both profit driven and charitable) have entered the market for the provision of affordable housing. The government is now actively encouraging market driven interventions that cross-subsidize the construction of affordable housing stock.

The Slum Rehabilitation Scheme in Mumbai is an example of this approach where land is released from erstwhile occupied lands in officially designated 'slums' through relocating residents in vertical structures, while providing valuable "transferable building rights" to developers. In other cities developers are directly purchasing cheap land wherever possible and targeting new buyers from the lower middle-class sector who were so far unable to afford housing at market rates. There housing

is made affordable by lowering construction costs, minimizing the footprint of individual units and scaling up the size of housing projects.

Yet, expectations are still far from being met, both in terms of quantity and quality of affordable housing. According to some projections India still needs 27 million more units, while managing to produce hardly 1 million in the past 10 years. This need is likely to grow to 35 million units by 2025. Even more dramatic is the poor quality of stock being produced today.[6]

The logic that consists in making housing affordable by reducing the cost of construction has lead to all kinds of malpractices. After a few years in existence, affordable housing blocks typically start crumbling down, leading to rising maintenance cost and lowering real estate value. Very soon they look and function worse than those they were meant to replace, and ready to be redeveloped themselves.

Between 1997 and 2002, the government and the builders built 500 000 houses in urban India, when in the same time, people built 8.5 million units in so-called "slums".

The position we take with regard to affordable housing is this: allow, support, assist incrementally developing neighbourhoods to grow without trapping them in the stunted category of slums. Such a position is of course immediately confounded by arguments about ownership of land.

What we are in the process of doing is to reveal how many kinds of supposedly more stable habitats are also dependent on special grants by the state or through more complex legal provisions. These have been seen in terms of 'ownership' of mills, port areas, traditional rights – like that of the gaothans – or through straightforward, undetected land scams thanks to the complicity of bureaucracies and other state agencies. Within such ambiguity many arrangements emerge that eventually get legal sanction. For many 'slums', paying of rent for right of use of land is something that can easily be worked out. In the examples we came across residents were more than willing to work out a deal where legal rents can be paid for right of use and tenancy arrangements can become workable revenue generating options. Eventually the whole city will benefit with the presence of good quality and affordable neighbourhoods that are inclusive. Along with these we would like to argue that some arms of the state, have actually played a positive role by evoking complex legal arrangements that facilitated the occupancy by populations in need of space.

[6] The National Sample Survey Organisation (NSSO) in the Ministry of Statistics and Programme Implementation, Government of India, reported on housing conditions in India through a nationwide household survey carried out by it during July 2002-December 2002. These are extrapolations from that data.

By doing this they have, together – the state actors as well as the residents – contributed hugely to the development of the neighbourhood and the city. The residents often want to continue to assert their right to occupy and continue to develop which is very different from what actually happens. What happens is that 'slum redevelopment schemes' official plans bestow ownership rights, which inevitably enter into the cycle of speculation with people buying and selling these rights since the economy of real estate pushes for it. At the end of the day, poorly serviced habitats emerge everywhere, another 'slum' pops up in another periphery.

As those dialoguing for better and more inclusive urban planning practices, we see the diverse kinds of localities that are pushed under the category 'slums' as actually playing a valuable role in addressing issues of urban development. We continue our engagement with them in the fields of architecture, design and urban planning and see few viable alternatives to their immense potential for creating dynamic urban spaces. These four stories, that have helped shape our vision continue to demonstrate the immense potential of the efforts of the protagonists to transform and improve the living and civic conditions of their neighbourhoods more than any official or private sponsored scheme. If their energy is harnessed in a creative way, a truly dynamic urban environment can become a reality for Mumbai.