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# Our Home is a Slum: An Exploration of a Community and Local Government Collaboration in a Tenants' Struggle to Establish Legal Residency

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YUVA

## ◆ Contents

◆ Summary/Résumé/Resumen	iii
◆ Abbreviations and Acronyms	xiii
<b>INTRODUCTION</b>	<b>1</b>
<b>1. ORIGINS OF THE HOUSING DISPUTE</b>	<b>4</b>
◆ 1.1 Mumbai: A Dual Economy	4
◆ 1.2 Janata Squatters Colony	6
◆ 1.3 VLT Holders: Conditions Violated	7
◆ 1.4 The Development of <i>Chawls</i> : An Exploitative Arrangement	9
◆ 1.5 Maharashtra Vacant Lands Act: Help or Hindrance?	11
◆ 1.6 Slum Declaration Adds Further Complications	12
◆ 1.7 MVLA Abolished: Rent Arrears	13
◆ 1.8 Harassment of Tenants	14
◆ 1.9 Summary: The Two Processes of Law	16
<b>2. THE COLLABORATION</b>	<b>17</b>
◆ 2.1 The BMC as a Quasi-judicial Authority	18
◆ 2.2 YUVA in Jogeshwari and the Origins of JRS	19
◆ 2.3 Four Common Goals of the Collaboration	19
◆ 2.4 Different Roles and Capacities	20
◆ 2.5 Achievements of the Collaboration: The DMC Judgement	23
◆ 2.6 Reflections on the Collaboration Until 1992	25
<b>3. THE PROCESS OF DISINTEGRATION</b>	<b>26</b>
◆ 3.1 Structural Impediments: The Menace of Bureaucracy	27
◆ 3.2 Unforeseen Events	28
◆ 3.3 Politicization	28
◆ 3.4 Personalization	29
◆ 3.5 Summary of the Collaboration	31

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<b>CONCLUSION</b>	<b>31</b>
◆ Lessons Learned From the Janata Squatters Colony Case	31
◆ A Wider Socioeconomic and Political Context	34
<b>ANNEX 1: MAP OF MUMBAI, INDIA</b>	<b>38</b>
<b>ANNEX 2: MAP OF JOGESHWARI, MUMBAI</b>	<b>39</b>
<b>ANNEX 3: MAP OF JANATA SQUATTERS COLONY</b>	<b>40</b>
<b>ANNEX 4: PUBLIC HOUSING LEGISLATION RELEVANT TO SLUMS</b>	<b>41</b>
<b>ANNEX 5. YUVA AND ITS ACTIVITIES</b>	<b>42</b>
◆ Mission statement	42
◆ Activities	42
<b>ANNEX 6: DIAGRAM OF THE COLLABORATION</b>	<b>44</b>
<b>BIBLIOGRAPHY</b>	<b>45</b>
◆ Newspaper Articles	48

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## ◆ Summary/Résumé/Resumen

### *Summary*

The current literature on urban development, urban management and urban poverty alleviation is rife with paeans to the prospective benefits of partnership between the public, private and community sectors. Properly structured interactions among the three sectors, it is posited, will enhance governance, reduce poverty and protect and renew the urban environment for all. Many recently formed partnerships and collaborations of this kind have already been designated as “best practices”, and have been widely promoted for replication in other communities and countries. To date, studies showing both sustained co-operation among the different sectors and broadly positive outcomes, are rare.

This Discussion Paper, **Our Home is a Slum**, is not one of them. Instead it shows how immensely difficult it is to establish and maintain a configuration of institutional support and social conditions favourable to collaborative relationships that benefit vulnerable groups in a truly globalized city.

At the centre of this study is a conflict between tenants and subtenants in the Janata Squatters Colony, a densely populated slum on publicly owned but officially “vacant” land in the northern suburbs of Mumbai, India’s largest city and commercial capital. Many of the tenants, to whom a second group became illegal subtenants, had been relocated decades before, from another slum in central Bombay.<sup>1</sup> Under the prevailing legislation, the original tenants were given Vacant Land Tenancy (VLT) “deeds” allowing them to rent tiny plots on which to build homes. Many of the tenants, unbeknownst to and without permission from the Municipality, took over vacant space adjacent to their “deeded” property. On these parcels they also built structures and rented them out, illegally, to migrants and residents moving from other slum areas in Bombay. Those with deeds, though tenants in a legal sense, became “landlords” in practice and outlook. But their social and economic status remained precariously low, barely above that of their subtenants, which explains the desperation characterizing the struggle that the two sides were locked into. While some 3,000 households in Mumbai share a similar legal plight with the VLT (sub)tenants in this story, in a city with at least 5 million slum residents, 40 percent of whom live in poverty, the overall status of vulnerability is shared widely.

This study chronicles a long-standing, if intermittent, struggle waged by a community based organization (CBO) comprised largely of subtenants seeking to put an end to eviction threats, verbal and physical harassment, and time-consuming legal proceedings heaped upon them by their tenant-landlords in the Janata Squatters Colony since 1975. Allied in this effort over a period of approximately two years was the local authority, the Municipality of Mumbai. For it, this is a story about implementing slum-upgrading while recouping some costs through user fees and coming to grips with the need to control public lands within its domain. For the landlords, this is a story about protecting property and income that they had established over decades of practice rather than legal sanction.

The tensions between tenants and landlords began in 1975 with the implementation of the Maharashtra Vacant Lands Act (MVLA), and grew quickly

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<sup>1</sup> The name of Mumbai until January 1996.

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thereafter. The MVLA inadvertently nullified the customary tenant-landlord (or, more accurately, subtenant-tenant) relationship that evolved on the Municipality's vacant lands through abuses of the VLT. This freed subtenants of previously accepted obligations to pay rent for the dwellings they occupied or the land on which the dwelling sat. A second flashpoint in the struggle occurred in 1985, when the MVLA was struck down as unconstitutional. With the old tenant-landlord relationships thus re-established, landlords began demanding renewed rent and back payments. However, because of the tangle of other legislation governing the management and development of urban land, as well as a long history of lax enforcement of existing regulations concerning slum areas, very few tenants or landlords had a clear idea of their rights and obligations to each other and the Municipality. While many tenants were often unable to pay arrears, others remained unwilling to do so.

With eviction cases flooding the Small Causes Courts, a local NGO, YUVA, stepped in to organize a community-based organization, the Jogeshwari Rahiwashi Sanghatana (JRS, Jogeshwari Residents Organization), to assist the subtenants with their defense and to inform the community at large of their rights and obligations under the legislation governing their tenancy. In 1990 the Maharashtra High Court assigned the Deputy Municipal Commissioner (DMC) to resolve the cases through an investigation and a quasi-judicial ruling. New to his post and unfamiliar with the history of the conflict, the DMC was keen to work with the NGO, the CBO and the landlords to educate himself on all aspects of the situation. This was the genesis of the collaboration with the local authority.

Over an 18-month period, YUVA and the DMC worked with both landlords and the CBO to clarify points of law, individual tenant and landlord status in respect of the applicable laws, and the extent of threats and abuses suffered by the tenants. On the basis of the fact-finding process, the DMC ruled against the landlords in September 1991. The decision rested on the legal priority of the 1973 Slum Improvement Act, under which the neighbourhoods in question had been declared a "municipal slum" in 1976. Still in force in 1991, this legislation had the effect of nullifying landlord status in all "municipal slums", including the Janata Squatters Colony. All residents in the area, whether formerly legal tenant or illegal subtenant, thence forward held the same status, i.e., tenants of the Municipality.

The decision has yet to be implemented and it is unclear whether it will be. Sensing the legal and administrative vacuum, the former landlords returned to the courts and to extra-judicial harassment of tenants, albeit at significantly reduced levels compared with the period prior to the DMC's decision. This has continued from 1991 to the present.

Why did the collaboration with the DMC come to an end before the decision could be implemented? The rest of the case study tries to answer this question. Some of the reasons identified include: the nature of quasi-judicial rulings in Mumbai; the transfer of the DMC immediately after he announced his decision against the landlords; the incoming DMC's lack of interest in tenant issues; the absence of accountability within the Municipal government; the poor level of legal counsel available to most tenants; the inordinate burden of proof placed on them; the politicization and alleged corruption within the JRS, which sapped its interest in advocacy and education efforts among the tenants; more urgent struggles that diverted the energies of the NGO from the tenants' cases, among them relief

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efforts following highly destructive and divisive sectarian riots, and efforts to reverse the progressive deterioration in the public distribution system; and India's transition from welfare-oriented urban development solutions to those driven by the market.

In addition to shedding light on these crucial questions, this case study is important because, implicitly, it encourages scepticism of "best practices" in urban development. Viewed as a successful collaboration between 1989 and 1991, the joint fact-finding exercise appears worthy of emulation and replication. Nonetheless, when viewed in the context of a lengthy struggle of poor residents for secure tenure and a peaceful community, the collaboration appears less than effective in transforming the status quo. Perhaps, at best, the Municipality's participation can be viewed as a well-intentioned but inadequate effort to achieve justice, while pursuing its own interest in collecting user fees. While the municipality was successful at this, the lasting positive change in the Janata Squatters Colony is harder to see.

Instituting a legislative framework that assures transparency of decision making and accountability of the Municipality to residents and their representatives is one way to move beyond *ad hoc*, opportunistic collaborations. The 74th Amendment to the Indian Constitution, which mandates participation of CBOs and NGOs in Ward Committees, was a move in the right direction. However, the process for determining how organizations will be selected to sit on Ward Committees, and what their powers will be, remain stalled. For civil society organizations in Mumbai this situation gives increasing cause for worry.

This study cannot predict how long the people will have to wait for the rhetoric of good government to be put into practice. But it does suggest areas where progress can be made, by whom and with whose help and pressure.

The present case study is one of some 20 prepared for the joint UNRISD-United Nations Volunteers project on Volunteer Action and Local Democracy. The purpose of the project was to study the achievements and constraints on collaborations between local authorities and community organizations in their efforts to improve living conditions for traditionally excluded groups in large cities. The findings of the case studies and overview papers from each city have been synthesized in a series of city reports, which will be published in the coming months. Full text versions of the case studies will also be available on UNRISD ON-LINE (<http://www.unrisd.org>).

UNRISD is pleased to publish the present Discussion Paper because it represents an excellent and novel example of a grassroots research collaboration between CBOs and NGOs. It is hoped that its wide dissemination may encourage more of the same in India and elsewhere.

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## *Résumé*

La littérature actuelle sur l'aménagement urbain, la gestion des grandes agglomérations et la lutte contre la misère urbaine est dithyrambique au sujet des avantages à attendre d'une association des secteurs public et privé et des collectivités locales. Elle pose comme postulat que des interactions adéquates entre les trois secteurs permettront de mieux gérer les affaires publiques, de réduire la pauvreté et de préserver et de moderniser le milieu urbain pour tous. De nombreuses associations et collaborations récentes de ce type ont déjà été désignées comme exemplaires et largement publiées dans l'espoir de voir d'autres collectivités et pays reproduire le modèle. Jusqu'à présent, rares sont les études qui présentent à la fois une coopération soutenue entre les divers secteurs et des résultats globalement positifs.

Ce *Discussion Paper*, **Our Home is a Slum** (Le bidonville, ma ville) n'en fait pas partie. Cette étude montre au contraire combien il est difficile de réunir et de maintenir des conditions sociales et de soutien institutionnel favorables à des relations de collaboration profitables aux groupes vulnérables dans une ville entrée de plain-pied dans l'ère planétaire.

Au centre de cette étude: un conflit entre locataires et sous-locataires de la Colonie des squatters de Janata. Ce bidonville très peuplé de la banlieue nord de Mumbai, la plus grande métropole et la capitale commerciale de l'Inde, s'étend sur des terrains qui sont propriété de l'Etat mais officiellement "nus". Une grande partie des locataires, dont un deuxième groupe est devenu illégalement sous-locataire, ont été relogés là des décennies auparavant après avoir été transférés d'un autre bidonville du centre de Bombay.<sup>2</sup> Conformément à la législation en vigueur, les premiers locataires ont reçu des baux les autorisant à louer de minuscules lopins de terre pour y construire une habitation. Beaucoup de locataires, à l'insu de la municipalité et sans son autorisation, se sont octroyé du terrain adjacent à la propriété qui leur était louée. Ils ont construit sur ces parcelles et les ont louées illégalement à des migrants et à des habitants venus d'autres bidonvilles de Bombay. Ceux qui étaient titulaires de baux, bien que légalement locataires, sont devenus "propriétaires" dans leur comportement et leur mentalité. Mais leur condition sociale et économique est restée très précaire, à peine supérieure à celle de leurs sous-locataires, ce qui explique le caractère désespéré de la lutte qui oppose les deux parties. Si quelque 3.000 ménages de Mumbai se trouvent dans une situation juridique semblable à celle des (sous-)locataires de cette histoire, dans une ville où cinq millions de personnes au moins vivent dans des bidonvilles, dont 40 pour cent dans la misère, la vulnérabilité est une condition très largement partagée.

Cette étude relate la lutte que mène depuis des années, bien que de façon intermittente, une organisation communautaire surtout composée de sous-locataires désireux de mettre un terme aux menaces d'expulsion et au harcèlement verbal et physique de leurs propriétaires-locataires de la Colonie des squatters de Janata et aux fastidieuses procédures judiciaires que ceux-ci ne cessent d'engager contre eux depuis 1975. L'autorité locale, la Municipalité de Mumbai, a été l'alliée de cette organisation pendant environ deux ans. Il s'agissait pour elle de mettre en oeuvre une politique d'assainissement des bidonvilles tout en rentrant dans une partie de ses frais en faisant payer les usagers et de reprendre le contrôle de

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<sup>2</sup> Le nom de Mumbai jusqu'en janvier 1996.

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terrains publics relevant de sa juridiction. Pour les propriétaires, il s'agit de protéger des biens et des revenus établis, sinon par la loi, du moins par une pratique de plusieurs décennies.

La tension entre locataires et propriétaires remonte à 1975, date de la mise en application de la loi du Maharashtra sur les terrains nus (Maharashtra Vacant Lands Act—MVLA), et a monté rapidement ensuite. Cette loi annulait par mégarde les relations coutumières qui s'étaient instaurées entre propriétaires et locataires (ou plus exactement entre locataires et sous-locataires) sur les terrains nus de la Municipalité à la suite d'abus. Elle libérait les sous-locataires de l'obligation de verser un loyer pour l'habitation qu'ils occupaient ou le terrain sur lequel se trouvait l'habitation, obligation qu'ils avaient précédemment acceptée. La situation devint à nouveau explosive en 1985, lorsque la MVLA fut déclarée inconstitutionnelle. L'ancienne relation propriétaire-locataire ayant été rétablie, les propriétaires se sont mis à réclamer le paiement du loyer et des arriérés. Cependant, en raison de l'existence d'autres lois régissant la gestion et la mise en valeur des terrains urbains et d'une application longtemps laxiste des réglementations en vigueur concernant les bidonvilles, très peu de locataires ou de propriétaires avaient une idée précise de leurs droits et de leurs obligations les uns envers les autres et envers la Municipalité. Si beaucoup de locataires n'étaient souvent pas en mesure de payer des arriérés, d'autres se refusaient à le faire.

Les tribunaux étant submergés d'affaires d'expulsion, une ONG locale, la YUVA, est intervenue pour créer une organisation communautaire, la Jogeshwari Rahiwashi Sanghatana (JRS, Organisation des habitants de Jogeshwari) pour aider les sous-locataires à se défendre et informer de manière générale les habitants de leurs droits et de leurs obligations selon la législation régissant la location de leurs terrains. En 1990, la Haute Cour du Maharashtra a chargé le commissaire municipal adjoint de mener une enquête et de régler ces affaires par une décision parajudiciaire. Nommé depuis peu à ce poste et ne connaissant pas l'historique du conflit, le commissaire adjoint a tenu à travailler avec l'ONG, l'organisation communautaire et les propriétaires pour s'informer de tous les aspects de la situation. Ce fut la genèse de la collaboration avec l'autorité locale.

Pendant 18 mois, la YUVA et le commissaire adjoint ont travaillé avec les propriétaires et l'organisation communautaire pour éclaircir des points de droit, déterminer la situation des différents locataires et propriétaires selon les lois applicables ainsi que l'ampleur des menaces et des abus dont les locataires avaient été victimes. Après avoir mené son enquête, le commissaire adjoint se prononça contre les propriétaires en septembre 1991. Sa décision s'appuyait sur l'antériorité de la Loi de 1973 sur l'aménagement des bidonvilles, en vertu de laquelle les quartiers en question avaient été déclarés "bidonvilles municipaux" en 1976. Encore en vigueur en 1991, cette loi avait pour effet d'invalider le statut de propriétaire dans tous les "bidonvilles municipaux", y compris la Colonie des squatters de Janata. Tous les habitants de la zone, qu'ils aient été auparavant locataires légaux ou sous-locataires illégaux, avaient désormais le même statut, celui de locataires de la Municipalité.

La décision n'a toujours pas été appliquée et l'on peut se demander si elle le sera un jour. Sentant un vide juridique et administratif, les anciens propriétaires sont retournés devant les tribunaux et ont renoué, hors les tribunaux, avec leurs pratiques de harcèlement des locataires, mais en les adoucissant sensiblement par

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rapport à la période antérieure à la décision du commissaire adjoint. Ces pratiques se poursuivent aujourd'hui encore.

Pourquoi la collaboration avec le commissaire adjoint a-t-elle cessé avant que la décision ne soit appliquée? Le reste de l'étude de cas tente de répondre à cette question. Parmi les raisons invoquées, l'auteur cite la nature des décisions parajudiciaires à Mumbai, la mutation du commissaire adjoint immédiatement après l'annonce de sa décision défavorable aux propriétaires, le peu d'intérêt porté par le nouveau commissaire adjoint aux problèmes des locataires, le fait que le gouvernement municipal n'est pas tenu de rendre des comptes, la piètre qualité de l'assistance juridique accessible à la plupart des locataires, la charge de la preuve qui leur incombe et qui est démesurée, la politisation à l'intérieur de la JRS qui serait corrompue et, de ce fait, peu encline à défendre la cause des locataires et à les éduquer, l'urgence d'autres luttes qui a amené l'ONG à se désintéresser des affaires des locataires—notamment les secours qu'elle a dû apporter après des émeutes sectaires dévastatrices qui ont creusé les divisions et son action contre la détérioration progressive du système public de distribution—enfin, le changement de politique de l'Inde en matière d'aménagement urbain, qui l'a conduite à préférer les solutions du marché à celles qui relevaient de la protection sociale.

Outre qu'elle éclaire ces questions cruciales d'un jour nouveau, cette étude de cas est importante parce qu'elle incite implicitement à mettre en doute les pratiques recommandées comme exemplaires en matière d'aménagement urbain. Considérée comme une collaboration réussie entre 1989 et 1991, l'enquête conjointe est un exercice qu'il semble valoir la peine de reproduire ailleurs. Néanmoins, lorsqu'on songe à la longue lutte que les habitants les plus pauvres ont menée pour obtenir la sécurité de jouissance et vivre en paix dans la collectivité, la collaboration ne semble guère avoir réussi à transformer le statu quo. Au mieux, on peut voir dans le rôle joué par la Municipalité une tentative bien intentionnée mais insuffisante pour instaurer la justice tout en poursuivant ses intérêts en percevant des loyers des occupants. Si la municipalité a réussi sur ce plan, un changement durable pour le meilleur à la Colonie des squatters de Janata est plus difficile à constater.

Mettre en place un cadre législatif qui assure la transparence de la prise de décision et oblige la municipalité à rendre des comptes aux habitants et à leurs représentants, c'est une façon de dépasser le stade des collaborations opportunistes ponctuelles. En rendant obligatoire la participation d'organisations communautaires et d'ONG aux comités de quartier, le 74<sup>ème</sup> amendement à la Constitution indienne est allé dans le bon sens. Mais comment déterminer comment s'opérera le choix des organisations qui siègeront dans ces comités et quels en seront les pouvoirs ? Là-dessus, aucun progrès n'a été fait, ce qui préoccupe de plus en plus les organisations de la société civile de Mumbai.

Cette étude ne peut pas prédire combien de temps le peuple devra attendre avant que la rhétorique sur la bonne gouvernance ne trouve un écho dans la pratique. Mais elle indique des domaines dans lesquels des progrès peuvent être accomplis, qui peut les réaliser et qui peut y contribuer à force d'aide et de pressions.

Elle fait partie des 20 études de cas réalisées pour le projet commun de l'UNRISD et des Volontaires des Nations Unies "Action bénévole et démocratie locale". Ce projet avait pour but d'étudier à la fois les succès enregistrés par les organismes communautaires et les autorités locales lorsqu'ils collaborent pour améliorer les

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condiciones de vida de grupos tradicionalmente excluidos en las grandes ciudades, y las restricciones a las que se enfrenta esta colaboración. Un resumen de las conclusiones de los estudios de casos y de los informes generales procedentes de cada ciudad se ha realizado y una serie de informes, dedicados cada uno a una ciudad, se publicará durante los próximos meses. Los textos completos de los estudios de casos estarán también disponibles en UNRISD ON-LINE (<http://www.unrisd.org>).

L'Institut est heureux de publier ce *Discussion Paper* parce que c'est un excellent exemple, inédit de surcroît, d'une recherche menée à la base en collaboration entre organismes communautaires et ONG. En le faisant largement connaître, il espère encourager d'autres collaborations du même type en Inde et ailleurs.

L'auteur, Lalitha R. Charles (M.A. en relations internationales), est consultante à la YUVA où elle travaille sur la gestion des affaires urbaines et la société civile. Ses autres domaines de recherche sont notamment la prévention des conflits, l'urbanisme, la gestion de la communication et de l'information. Le projet de recherche de l'UNRISD sur la gestion des affaires urbaines est coordonné par David Westendorff.

### *Resumen*

La literatura actual sobre desarrollo urbano, gestión urbana y mitigación de la pobreza urbana está plagada de panegíricos a los beneficios eventuales que aportaría la asociación entre los sectores público, privado y comunitario. Se plantea que las interacciones debidamente estructuradas entre los tres sectores, realizarán el ejercicio del poder, reducirán la pobreza y protegerán y renovarán el medio ambiente para beneficio de todos. Muchas de las recién formadas asociaciones y colaboraciones de esta índole, han sido ya calificadas como "prácticas óptimas", y se han difundido ampliamente a fin de repetirlos en otras comunidades y países. Hasta la fecha, son escasos los estudios que entregan ejemplos de una cooperación sostenida entre los diferentes sectores o de resultados positivos de gran alcance.

Este Documento de Discusión, **Our Home is a Slum** (Nuestro hogar es un tugurio), no es uno de ellos. Muestra, en cambio, lo inmensamente difícil que es establecer y mantener una configuración de apoyo institucional y condiciones sociales favorables para que se formen relaciones de colaboración que beneficien a los grupos vulnerables en una ciudad verdaderamente globalizada.

En el centro de este estudio se encuentra un conflicto entre arrendatarios y subarrendatarios en la Colonia de Asentados Ilegales de Janata –un tugurio densamente poblado en terrenos fiscales que oficialmente están "desocupados"- en los suburbios del norte de Mumbai, la ciudad más grande y la capital comercial de la India. Muchos de los arrendatarios, quienes acogieron más tarde a un segundo grupo como subarrendatarios ilegales, habían sido reubicados hacía décadas desde otro tugurio en el centro de Bombay.<sup>3</sup> De acuerdo con la legislación vigente, se otorgó, a los arrendatarios originales, "escritos" de 'Tenencia de las tierras desocupadas' (Vacant Land Tenancy—VLT), que les permitía arrendar diminutas parcelas para construirse sus hogares. Muchos de los arrendatarios, sin el permiso y sin que lo supiera la Municipalidad, ocuparon espacios deshabitados aledaños a sus propiedades concedidas por "escritura". En estas parcelas, montaron también

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<sup>3</sup> El nombre de Mumbai hasta enero de 1996

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construcciones que arrendaban, ilegalmente, a los que migraban o se trasladaban de otros tugurios en Bombay. Aquellos que poseían escrituras, si bien considerados arrendatarios legales, se convirtieron en “terratenedores” en práctica y apariencia. Pero su condición social y económica siguió siendo precaria, apenas un tanto mejor que la de sus subarrendatarios, lo que explica la desesperación que caracteriza la lucha en que se encerraron estos dos grupos. Aunque alrededor de 3.000 familias en Mumbai comparten una situación legal difícil, de orden similar, con los (sub)arrendatarios VLT en este recuento, en una ciudad en la que, por lo menos, 5 millones de personas residen en viviendas insalubres, y de las cuales el 40 por ciento vive en total pobreza, la condición general de vulnerabilidad es ampliamente compartida.

El estudio relata una lucha prolongada, si bien intermitente, librada por una organización de base comunitaria (OBC) compuesta, en gran parte, de subarrendatarios que buscan poner coto a las amenazas de evicción, abusos verbales y físicos, y juicios legales interminables echados encima por sus arrendatarios–terratenedores en la Colonia de Asentados Ilegales de Janata desde 1975. La autoridad local, la Municipalidad de Mumbai, ha actuado como aliada en estos empeños, por un período de aproximadamente dos años. Por ello, ésta es una historia acerca de mejorar las condiciones de los tugurios y recuperar a la vez algunos de los costos, imponiendo ciertos pagos a los usuarios y asumiendo la necesidad de controlar las tierras fiscales dentro de su dominio. En cuanto a los terratenedores, esta es una historia acerca de proteger la propiedad y los ingresos, que ellos han establecido por decenios de práctica más bien que por sanción legal.

Las tensiones entre arrendatarios y terratenedores comenzaron en 1975 con la implementación de la Ley sobre Tierras Desocupadas en Maharashtra (Maharashtra Vacant Lands Act – MVLA), y desde entonces se han intensificado. La ley MVLA inadvertidamente anuló la relación acostumbrada de arrendatario–terratenedor (o, más exactamente, subarrendatario–arrendatario) que se dio y evolucionó en las tierras desocupadas de la Municipalidad con los abusos de los términos de la escritura VLT. Esta medida liberó a los subarrendatarios de las obligaciones anteriormente aceptadas de pagar arriendo por las viviendas que ocupaban o por las tierras en las que habían establecido sus viviendas. Un segundo punto álgido en la lucha ocurrió en 1985, cuando se revocó la ley MVLA tildada de inconstitucional. Habiéndose reanudado la antigua relación arrendatario–terratenedor, estos últimos comenzaron a exigir la renovación del pago de alquiler en forma retroactiva. Sin embargo, debido a la confusión causada por otra legislación que gobernaba la gestión y ordenación de las tierras urbanas, al tiempo que una larga trayectoria de aplicación poco estricta de las reglamentaciones vigentes relacionadas con las zonas de tugurios, muy pocos arrendatarios o terratenedores tenían una idea clara de sus derechos y obligaciones tanto entre ellos como con la Municipalidad. Pese a que muchos arrendatarios simplemente no tenían cómo cumplir con los pagos atrasados, otros no estaban dispuestos a hacerlo.

Los Tribunales de Menores Causas se vieron inundados de casos de evicción. Una ONG local, YUVA, intercedió con el fin de formar una organización de base comunitaria, la Jogeshwari Rahiwashi Sanghatana (Organización de Residentes de Jogeshwari – JRS), para ayudar a los subarrendatarios con sus defensas y para informar a toda la comunidad sobre sus derechos y obligaciones en virtud de la legislación que regía sus tenencias. En 1990, el Tribunal Supremo de Maharashtra

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asignó al Comisario Municipal Adjunto (DMC) la tarea de resolver los casos mediante investigación y fallo cuasi judicial. Nuevo en su puesto y desconociendo la historia del conflicto, el DMC estaba muy dispuesto a trabajar con la ONG, la OBC y los terratenientes con miras a aprender él mismo sobre todos los aspectos de la situación. Esto constituyó el génesis de la colaboración con la autoridad local.

A lo largo de un período de 18 meses, la YUVA y el DMC trabajaron con los terratenientes y la OBC para clarificar las consideraciones jurídicas, las categorías de arrendatarios y terratenientes de modo individual con respecto a las leyes aplicables, y el alcance de las amenazas y abusos sufridos por los arrendatarios. Atendiendo al proceso de indagación, el DMC dictó sentencia contra los terratenientes en septiembre de 1991. La decisión se tomó fundamentándose en la prioridad legal del Decreto para Mejoras de los Tugurios, según el cual las comunidades vecinales en cuestión habían sido declaradas “tugurio municipal” en 1976. Aún vigente en 1991, dicha legislación tenía el efecto de anular la categoría de terrateniente en todos los “tugurios municipales”, incluyendo la Colonia de Asentados Ilegales de Janata. Todos los residentes en esta zona, ya sea un anterior arrendatario legal o subarrendatario ilegal, se clasificaron de ahí en adelante bajo la misma categoría, o sea, arrendatarios de la Municipalidad.

Aún queda por implementarse la decisión y no está muy claro si esto tendrá lugar. Percibiendo el vacío legal y administrativo, los antiguos terratenientes volvieron a los tribunales y a someter a los arrendatarios a amenazas extra judiciales, si bien en medida muy inferior comparada con el período anterior a la decisión del DMC, y desde 1991, no ha habido tregua.

¿Por qué llegó a su fin la colaboración con el DMC antes de que la decisión se llevara a la práctica? El resto del estudio trata de responder a esta pregunta. Se han identificado algunas razones: la naturaleza cuasi judicial que imperaba en Mumbai; la transferencia del DMC inmediatamente después de que anunció su decisión contra los terratenientes; la falta de interés del nuevo DMC en cuestiones relativas a los arrendatarios; la ausencia de rendición de cuentas al interior del gobierno municipal; el reducido nivel de asesoría legal disponible para la mayoría de los arrendatarios; la carga desmesurada de pruebas atribuidas a ellos; la politización y supuesta corrupción dentro de la JRS, que causó la pérdida de su interés en actividades de defensa y educación de los arrendatarios; otras batallas urgentes que desviaron las energías de la ONG puesta en los casos de los arrendatarios, entre ellas, las actividades de mitigación tras los disturbios sectarios tremendamente destructivos y divisorios, así como las actividades para invertir el deterioro progresivo en el sistema de distribución fiscal; y la transición de la India desde soluciones para la ordenación urbana orientadas en el bienestar a aquellas guiadas por el mercado.

Además de esclarecer algunas de estas cuestiones cruciales, este estudio de caso es importante porque, implícitamente, alienta el escepticismo de las “prácticas óptimas” en la ordenación urbana. Si se toma como una colaboración positiva entre 1989 y 1991, el ejercicio de indagación conjunto parece digno de emulación y copia. No obstante, cuando se toma en el contexto de una larga lucha de residentes pobres en busca de una tenencia segura y una comunidad en la que reine la paz, la colaboración parece menos eficaz para transformar el statu quo. Quizás, cuando más, la participación de la Municipalidad puede considerarse como un

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empeño bien intencionado pero inadecuado para lograr justicia, mientras persigue su propio interés de recaudar pagos de los usuarios. Si bien la municipalidad tuvo éxito en esto, el cambio positivo perdurable en la Colonia de Asentados Ilegales de Janata es mucho más imperceptible.

La institución de un marco legislativo que asegure la transparencia de sus decisiones y la rendición de cuentas de la Municipalidad ante los residentes y sus representantes, es una manera de avanzar más allá de las colaboraciones oportunistas ad hoc. La 74ª Enmienda de la Constitución de la India, con mandato de participación de las OBC y las ONG en las reuniones de los ‘Ward Committees’ (subdivisión del municipio para fin administrativo y electoral), fue una medida acertada. Sin embargo, el proceso para determinar cómo se elegirán las organizaciones para participar en los ‘Ward Committees’, y cuál será su autoridad, queda por verse. Para las organizaciones de sociedad civil esta situación es cada vez causa de mayor preocupación.

Este estudio no puede predecir cuánto tiempo tendrá que esperar la gente para que la retórica de un buen gobierno se ponga en práctica. Pero sugiere áreas en las que se puede lograr progreso, quiénes pueden influir en tal y quiénes pueden ayudar y ejercer presión.

Éste es un estudio de caso entre unos veinte estudios preparados por el proyecto conjunto de voluntarios UNRISD-Naciones Unidas sobre Acción Voluntaria y Democracia Local. El proyecto tenía como objetivo estudiar los logros y las restricciones de las colaboraciones entre las autoridades locales y las organizaciones comunitarias en sus empeños para mejorar las condiciones de vida de los grupos tradicionalmente excluidos en las grandes ciudades. Las conclusiones de los estudios de caso y los documentos de exposición general de cada ciudad se han sintetizado en series de informes por ciudad, que se publicarán en los meses venideros. Versiones del texto completo de los estudios de caso estarán también disponibles en el Servicio de Información en Línea de UNRISD (<http://www.unrisd.org>).

UNRISD se complace en publicar el presente Documento de Discusión puesto que representa un ejemplo excelente y novedoso de una colaboración de investigación de nivel popular entre las OBC y las ONG. Se espera que su amplia diseminación sirva para incentivar más de lo mismo en la India y en todas partes.

La autora, Lalitha R. Charles (M.A. International Relations), es consultora en YUVA, donde trabaja en gobierno urbano y sociedad civil. Sus otros campos de investigación incluyen prevención de conflictos, ordenación urbana, gestión de la información y comunicaciones. El proyecto de investigación de UNRISD sobre gobierno urbano está coordinado por David Westendorff.

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## ◆ Abbreviations and Acronyms

BMC	Brihanmumbai Municipal Corporation
CBO	community-based organization
DMC	Deputy Municipal Commissioner
ECOSOC	Economic and Social Council
FSI	floor space index
GDP	gross domestic product
JPMS	Jogeshwari Poorva Madhyavarti Samitee
JRS	Jogeshwari Rahiwashi Sanghatana
KBS	Krantikeri Bhadekeru Sangh
MHADA	Maharashtra Housing and Area Development Authority
MVLA	Maharashtra Vacant Lands Act
NGO	non-governmental organization
OBC	other backward castes
RSCD	Resource and Support Centre for Development
SRA	Slum Rehabilitation Authority
SRS	Slum Redevelopment Scheme
SUP	Slum Up-gradation Programme
UNDP	United Nations Development Programme
UNDPI	United Nations Department of Public Information
UNEP	United Nations Environment Programme
VLT	Vacant Land Tenancy
VLVM	Vidarbha Lok Vikas Manch
WRI	World Resources Institute
YUVA	Youth for Unity and Voluntary Action



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# INTRODUCTION

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India has the second largest urban population in the world, a high proportion of which lives in slums.<sup>4</sup> In Mumbai (formerly known as Bombay), the process of urbanization, both in terms of urban expansion in the region and population growth, is changing the socioeconomic and geographical layout of the city, with consequences for the way people live and work.<sup>5</sup>

The population of Mumbai was last officially recorded in the 1991 Census as 9.9 million. With the steady influx of people from rural areas, coupled with natural population growth, Mumbai is expected to become the seventh largest urban conglomerate, with a population well over 15 million, by the year 2000 (UNRISD, 1995:60). Mumbai is made up of a thin strip of coastal land, with an area of 603 square kilometres, where there is little room for the city to expand. The population density is extremely high, with more than 17,000 people per square kilometre.

Although the economic prosperity of the city has grown, deprivation and marginalization of the poor remains high. Recent statistics indicate that, in Mumbai, approximately 17 per cent of the population lives below the poverty line, half the households do not have connections to water or sewage, infant mortality is at 23 per 1,000 live births, and for every hospital bed there is a demand of 398 people (WRI et al., 1996:15).

Poverty is particularly high in slums, and the slum population in Mumbai is estimated to be at least 55 per cent of the total population.<sup>6</sup> Life in slums can vary considerably. There are those who have access to basic amenities, such as toilets and clean water, and others who live in a hazardous, hostile and insecure environment. However, housing and living conditions in all of Mumbai's slums violate the basic human rights stated in the Universal Declaration of Human Rights.<sup>7</sup>

This paper discusses one of three case studies being carried out in Mumbai as part of a larger international project on Volunteer Action and Local Democracy: A Partnership for a Better Urban Future. The project was initiated in response to the conclusions and recommendations of an international workshop held in 1994.<sup>8</sup> The

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<sup>4</sup> In 1996, India's urban population was estimated to be 256.3 million and China's 377 million (World Bank, 1998:154-155).

<sup>5</sup> "Mumbai" refers to the district of Greater Mumbai and is made up of the island city, the suburbs and extended suburbs

<sup>6</sup> A survey conducted by the Tata Institute of Social Sciences in 1977-78 found that 40 per cent of slum households had incomes below the official poverty line of Rs. 89 per capita per month (at 1977-78 prices). An ORG (Operation Research Group) survey estimated that 45 per cent of slum households had incomes below the poverty line of Rs. 1,290 for 1989 (at 1991 prices). According to 1991 Census data, 15 per cent of the total population lives in unrecognized slums and 40 per cent lives in recognized slums, i.e., those declared under the Maharashtra Slum Areas Improvement Board Act of 1971

<sup>7</sup> Articles 17, 21 and 25 of the Universal Declaration of Human Rights, 1948 (see UNDPI, 1988).

<sup>8</sup> In November 1994, UNRISD and the United Nations Volunteers (UNV) brought community activists, NGO representatives and researchers from 16 major cities (Bombay, Calcutta, Chicago, Johannesburg, Karachi, Kingston, Lima, Los Angeles, Mexico City,

evidence gathered at the workshop, from 16 major cities around the world, made three important observations about urban problems. First, emphasis on free-market policies has contributed to neglect of broad-based social development, leading to further social crises. Second, the state's role in the advancement of social development and strengthening civil society remains crucial. Third, many resident groups already in existence are trying to protect and improve their urban environment, and these groups need to be allowed to develop to their full potential.

Thus the project on Volunteer Action and Local Democracy is based on the premise that solutions to the huge socioeconomic and environmental problems of cities cannot be resolved without the increased participation of residents in decision making concerning the use of local resources. The purpose of the project is to identify methods of expanding local democracy, defined as community participation in urban "governance", and particularly, to consider how community-based organizations (CBOs) and non-governmental organizations (NGOs) can shape local economic and social policy that favours groups which are usually excluded.<sup>9</sup>

As part of an overall educational process and due to the shortfall of existing data and analysis of local governance, the first task of the project has been the worldwide collection and systemization of baseline data in nine cities. This includes case studies on collaborations between CBOs, NGOs and local governments, of which this paper is one part. The latter stages of the project will aim to improve, refine, and test strategies of collaboration that work as effective partnerships. For this paper, *collaboration* is defined as a process of working together, and effective *partnership* is defined as modes of participation that lead to genuine citizen power.

This paper examines the evolution of collaboration between state and municipal agencies, an indigenous non-governmental organization and a community-based organization in Mumbai, to unravel a tangle of legal and social problems stemming from tenancy disputes affecting the life and livelihoods of slum dwellers in Janata Squatters Colony. In so doing, we attempt to better understand the attempts of marginalized groups in Mumbai to assert their voice to govern their community. Based on our analysis, we will recommend ways for enhancing the possibility of effective, socially equitable collaborations between local authorities and community organizations in Mumbai in the future.

To understand the reasons for the successes and failures of this collaboration and how they can be viewed in the wider context of marginalized groups engaging in processes of local governance, we have drawn on a number of indicators. The following have been used as the basis for asking key questions throughout the

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Nairobi, New Delhi, New York, Rio de Janeiro, São Paulo, East St. Louis and Shanghai) together for a workshop on Volunteer Contributions to Social Integration at the Grassroots: An Urban or "Pavement" Dimension, with the aim of contributing to the World Summit for Social Development and establishing a network to carry forward joint action and research into the problems facing cities

<sup>9</sup> "Governance" here refers to the relationship between civil society and the state, and entails the creation or adoption of mechanisms and processes to guide planning, decision making and implementation as well as to identify and organize accountability and responsibility for action undertaken (Chaskin and Garg, 1997:632).

research of this paper and as a measure for deciding what constitutes an effective partnership:

1. the nature of the issue(s) in terms of the complexities, interests, and conflicts involved;
2. connections between the issue(s) and the socioeconomic and political environment;
3. the openness of government to community participation;
4. the type of political processes and administration procedures that exist;
5. the type of links that exist between the legal systems and political processes;
6. how the participating groups affect the collaboration;
7. how the collaboration affects participating groups; and
8. the nature of mediation between the community and the government (including the type and extent of mediation and who is mediating).

Furthermore, while the collaboration is set in 1990s Mumbai, full understanding of the case study requires knowledge of the context in which this collaboration arose, including (i) the growth and development of the city; (ii) the political and legal processes and events prior to and during the collaboration; and (iii) the historical, social and cultural environment of India. While both (i) and (ii) are addressed in detail in this paper, (iii) is beyond its scope.<sup>10</sup>

The first section of this paper explains the circumstances in which the collaboration came about over a period of 25 years: 1956 to 1990. It describes the growth and development of the city, and in particular the area in which the collaboration is located, Janata Squatters Colony in the suburb of Jogeshwari East. It traces legislative developments related to slums and housing in general, which were manifested in the form of a dispute in the community over housing.

The second section presents the collaboration itself; including the main agents involved, and their motivations and stated objectives. It examines the actions and the initial successes of the main agents, which had a direct and positive impact on the community. It spans the period from the beginning of the collaboration in 1990 until 1992, when the collaboration weakened and phased out.

The third section looks at the reasons behind the deterioration of the collaboration from 1992 onwards. It draws out the fundamental weaknesses that plagued the collaboration and ultimately rendered it unsustainable. It also examines the situation in 1998, and some of the latest developments made between the collaborators.

The final section draws out lessons learned from the collaboration in Janata Squatters Colony, and explores some of the options that may lead to effective partnerships for urban development in the future between the government, and non-governmental and community-based organizations in Mumbai.

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<sup>10</sup> To enable the reader to relate to key elements within the case study that stem from the Indian context, the following three relevant and recurring themes are identified for background reading: national identity and the extent of cultural, regional and linguistic diversity; the dominance of Hinduism and the caste system; and the colonial legacy, marked by over 200 years of British rule, which ended in 1947.

The methodology employed for the preparation of this case study was a process of participatory learning between the various actors—government representatives, NGO and CBO workers—and was facilitated by a researcher in the final stages of documentation and analysis. Insights emerged through continuous discussions over a period of three months. This process also contributed to reflections and recommendations for determining coherent strategies for the future and provided a space for re-analysing the current situation, in terms of both slum tenant issues and government and NGO/CBO partnerships.

Data were collected from both primary and secondary sources, including interviews with key resource people, frequent visits to the area and individual plots of disputed land, and documents, maps and surveys provided by the collaborating parties. Other independent sources were used, such as newspaper clippings and reference material, in order to gain an overview of the relevant macro issues and to retain impartiality.

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## 1. ORIGINS OF THE HOUSING DISPUTE

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### ◆ 1.1 Mumbai: A Dual Economy

With the emergence of a railway network and its advantage as a natural port, Mumbai accumulated its initial wealth in the cotton trade in the eighteenth and early nineteenth centuries. It continued to prosper economically through the expansion of capital-intensive manufacturing industries in the mid-twentieth century. The 1960s represented the beginning of a shift from the textile industry, which was starting to lose its competitive edge in the world market, to newer industries like chemicals. For example, between 1961 and 1971 employment in the pharmaceutical industry more than doubled (Joshi and Joshi, 1976:64-65).

At the same time, Mumbai became firmly embedded in the national economy by investing in, and expanding trade and commercial networks throughout, the rest of the country. This contrasted with the mid-nineteenth century, when the city had attracted capital from outside through the cotton trade. By retaining and continuing to forge strong links with both the international and national economies, it came to symbolize India's modern national development.

Mumbai, the commercial capital of India, continues to attract migrants from the rest of India and, in particular, from the surrounding rural regions. Mumbai's population increased by 76 per cent between 1941-1951 as a result of the wartime economic boom and an influx of refugees from districts that are now part of Pakistan.<sup>11</sup> Between 1941 and 1971 two thirds of the inhabitants of Mumbai were migrants (Patel, 1996), which led to an unprecedented increase in the demand for housing.

During the 1980s Mumbai's annual economic growth rate declined dramatically from 4.2 per cent in 1970/71 to only 1.9 per cent in 1980/81. Furthermore, the slowdown was greater than that of Maharashtra and India as a whole. This is

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<sup>11</sup> Subsequent growth was 40 per cent during 1951-1961, 44 per cent during 1961-1971 and 38 per cent during 1981-1991

apparent in growth of GDP per capita from 1970/71 to 1984/5, which decreased in Mumbai from 9 to 6 per cent, but increased from 23 and 18 per cent to 29 and 22 per cent in Maharashtra and India respectively (Deshpande, 1991:25-28). At the same time, while there was a marginal decrease in the city's manufacturing output, there was no substantial increase in the tertiary sector and manufacturing remained predominant. For example, in 1970/71 the industrial sector, including manufacturing, contributed 48.3 per cent of Mumbai's entire GDP compared to the service sector's contribution of 51.7 per cent. By 1988/89, while the service sector increased by .3 per cent, manufacturing declined by .4 per cent.

- For the purpose of this paper, however, a more significant trend to note is the growth of the informal sector. It has been estimated that informal sector employment (Deshpande, 1993) increased from nearly half of total employment in 1961 to about two thirds in 1991, and that it continues to expand.<sup>12</sup> The existence of a dual economy—in terms of informal and formal employment and income—is a reality and needs to be an integral part of city planning and development.

The informal sector is not comprised of a homogeneous group of people. The huge section of the population working on a variety of low paid tasks within the city comes from varying socioeconomic backgrounds. The most significant shared characteristic is that informal sector workers are vulnerable due to unprotected and unregulated labour and capital markets. For example, they do not have access to formal mechanisms of finance, labour protection laws or working benefits.

The majority of slum dwellers work in the informal sector and represent a large segment of the underprivileged in Mumbai. Much informal sector economic activity is carried out within the slums, making them regions of productivity vital to the city's sustainability. This is in stark contrast to the popular image of slums as unproductive, unclean, hazardous places. Although it is difficult to calculate the exact economic contribution of the informal sector to the city, the cheap products and services it provides to the formal sector are only possible because the informal sector survives on low wages and maintains a low cost of living. Moreover, while the city may benefit from these cheap products, services and labour, it is at a cost and detriment to the slum dweller. Table 1 provides some slum statistics for Mumbai.

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**Table 1**  
**Slum figures in Mumbai**

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- The slum population of Mumbai (at least 5 million people) is 55 per cent of the total population.
  - 27 per cent of the slum population lives in unofficial slums.
  - 73 per cent of the slum population lives in official slums.
  - Approximately 40 per cent of all slum households have an income below the poverty line.
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Source: Swaminathan, 1999.

Conditions in slums are so poor that increased wages may not substantially improve the living standard of a slum dweller. Habitat-related deprivation (due to the flimsy construction of dwellings) includes lack of protection against dust, heat, cold, rodents and noise pollution. During the monsoon months, ill-ventilated and

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<sup>12</sup> Informal employment in Mumbai was 68.1 per cent in 1993. See WRI et al., 1996:154.

cramped conditions lead to illness, and in many cases death. Furthermore, the location of slums on uninhabitable land may result in landslides, and the collection of stagnant water or flooding during high tides, with toxic waste from nearby chemical factories frequently left behind after the tide recedes. Inadequate water supplies and the lack of sewage and solid waste disposal facilities make it difficult to maintain personal hygiene and are major health hazards. Housing and living conditions tend to be extremely poor, and some slum dwellers have to move during the monsoon, while others live under the threat of eviction as described in more detail in this paper.

Slum dwellers are thus vulnerable due to their temporary and insecure working and living conditions.<sup>13</sup> Those who work in the informal sector are rarely provided with monetary benefits, such as a pension, medical coverage, insurance, redundancy packages or sickness leave. As slum dwellers are usually a more marginalized sector of society, their needs and rights are frequently not met. Furthermore, their lack of “security” in terms of working and living conditions makes them more susceptible to exploitation by all levels of society and also from within their own community. Therefore they urgently need legal recognition and protection, in addition to resources such as civic amenities (i.e., water and electricity) and social infrastructure (i.e., schools).

## ◆ 1.2 Janata Squatters Colony

The collaboration focuses on resolving land disputes in an area known as Janata Squatters Colony, part of a slum area in Jogeshwari East. Jogeshwari is situated 30 kilometres north of the commercial and political hub of Mumbai. (Annexes 1 and 2 contain maps of Mumbai and Jogeshwari.) The slum area extends east of the railway line that divides Jogeshwari and is spread over an area of 6 square kilometres, with a population of approximately 350,000 (Kothari and Contractor, 1996). Janata Squatters Colony covers an area of less than 2 square kilometres and is made up of approximately 6,341 dwellings, with a population of 71,337.<sup>14</sup> (Annex 3 contains a map of Janata Squatters Colony.)

The slum area, considered to be the second largest in Mumbai and surpassed only by Dharavi Slum,<sup>15</sup> is divided into land holdings with private, municipal, state and central government owners. Security of tenure—in terms of both land and dwelling—depends upon whose land an individual plot is located on, and the year in which it was acquired.<sup>16</sup> This, combined with changing general land and housing legislation (outlined in Annex 4) and illegal practices, led to utter confusion in ownership and tenancy rights and to the wrongful court summons of poor and vulnerable slum tenants. When this occurred, in 1990, the various collaborators became involved. The three collaborating parties were the local city government, the Brihanmumbai Municipal Corporation (BMC); the non-governmental organization, Youth for Unity and Voluntary Action (YUVA); and the community-

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<sup>13</sup> For further information on multiple deprivation, see Swaminathan, 1995 and Satterthwaite, 1997.

<sup>14</sup> The figure for the number of dwellings was taken from the 1976 Census, while the population figure was estimated on 1 January 1995 (see YUVA, 1997b).

<sup>15</sup> Dharavi Slum is the largest slum in Asia.

<sup>16</sup> Slums in Mumbai are situated 50 per cent on private lands, 25 per cent on State Government Lands, 20 per cent on Municipal Corporation Lands and 5 per cent on Central Government Lands and Housing Board Lands (SRA, 1997).

based organization, Jogeshwari Rahiwashi Sanghatana (JRS).<sup>17</sup> Their motivations, objectives and organizational development are examined below.

Janata Colony is distinct from other slum colonies because it comprises a high proportion of resettlements—in other words, people moved by the government from one slum to another in order to develop an area. (This is elaborated further in the next section.) Janata Colony is also distinguishable by the special deeds originally granted to some inhabitants, which have had specific ramifications for the community as a whole. However, over 3,000 similar cases of resettlement and granting of special deeds can be found in other parts of Mumbai.<sup>18</sup> Therefore the findings of this case have a wider significance and application than merely the Janata Squatters Colony.

### ◆ 1.3 VLT Holders: Conditions Violated

From the mid-1950s on, real estate in central and south Mumbai was at a premium. Due to the increasing demand for land for development projects, and the lack of affordable housing in the area, the government moved people to the suburbs.<sup>19</sup> Under various schemes for development, including the 1956 Slum Clearance Scheme, 1,957 families were moved from areas in south and central Mumbai and allotted open pitches of land measuring 15 by 20 feet within the Janata Squatters Colony. Despite its location—at the time, distant and underdeveloped—the land in Janata Squatters Colony was particularly valuable and often preferred to other resettlement areas nearer to the centre of Mumbai, because it had a unique natural water supply.

With its high water table it was possible to dig only 5 feet below the surface to have a supply of fresh water (Mohammad Sami, a 78-year-old VLT holder resettled in the Colony).

The BMC granted the new settlers a legally binding title deed known as a Vacant Land Tenancy (VLT). They had to pay a monthly rent of 3 rupees, 25 paisa<sup>20</sup>, and a “penalty” of 3 rupees for delaying rent payment after 3 days. They were eventually charged an additional 16 rupees per year as property tax.<sup>21</sup>

VLT holders were also bound by other conditions. For instance, they were prevented from expanding beyond their allotted areas. They were not allowed to have sub-tenancies unless the tenancy rights were transferred directly to the BMC. This would mean the sub-tenants would retain the same status and abide under the same regulations as the VLT holders, and be tenants of the BMC and not the VLT holder. They were also prevented from selling their structures or transferring tenancy rights without obtaining the permission of the BMC and following the appropriate legal procedures.

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<sup>17</sup> Jogeshwari Rahiwashi Sanghatana is Hindi for “Jogeshwari Residents Organisation”.

<sup>18</sup> A total of 3,791 original deeds, known as Vacant Land Tenancies (VLTs), were granted by the BMC.

<sup>19</sup> The majority of land in south and central Mumbai belongs to the state. Development projects included building bus terminals, dairies and residential complexes.

<sup>20</sup> Rs. 3.25 is equivalent to approximately US\$ 0.08 (at the rate of 40 rupees to US\$ 1).

<sup>21</sup> According to local VLT holders, property tax did not come into existence immediately, but about five years after they had been allotted plots of land.

The majority of VLT holders violated these conditions in some way, although the reasons why this happened are not entirely clear and there is no documentary evidence available. However, it has been suggested (by JRS and the VLT holders themselves) that due to a combination of factors nearly all VLT holders illegally sold or extended their properties and built tenement structures known as *chawls*.<sup>22</sup> Four reasons have been cited for violating the VLT conditions:

- First, the relatively high rent for that time led VLT holders to extend land and rent out properties to supplement their income.
- Second, the VLT holders were accustomed to their previously larger plots of land and automatically tried to replicate them.
- Third, there was plenty of land available around each allotted plot and therefore it was easy and seemed reasonable to extend onto it.
- Fourth, there was an increased demand for cheap rental accommodation, as new migrants moved into the city.

The influx of migrant labourers to Janata Squatters Colony was high in the late 1960s and early 1970s. Migrants were particularly attracted to this area because of the official government recognition of VLT status, and thus residents felt relatively safe from being evicted. The BMC also provided better basic amenities than the rest of Jogeshwari slum.<sup>23</sup> For example, in 1953 toilets were built, then water pipes were laid. This was virtually unique in slum areas at that time.

The land in Janata Squatters Colony was quickly encroached upon by the original and new VLT holders, whether legally or illegally transferred. Rent was collected from the *chawl* tenants by VLT holders, which would play an important part in the subsequent legal case (described in section 1.7). It is also noteworthy that within the area, private land and land belonging to the Maharashtra Housing and Area Development Authority (MHADA) were also encroached upon by families who required housing and people who wanted to invest and earn money by building and renting tenements.

The irregularity and illegality of the housing situation in the Colony often meant that important official records of ownership and tenancy agreements did not exist or were lost during this long period of time. This continues to create difficulties when trying to prove ownership or tenancy rights.

As the Colony was a slum and of little commercial value at that time, and perhaps due to the recognition that migrants moving into Mumbai needed to live somewhere, VLT conditions were not always enforced. The area was left to grow unchecked until 1975, when the Maharashtra Vacant Lands Act (MVLA) was introduced.<sup>24</sup>

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<sup>22</sup> A *chawl* is a series of single storey tenements with common toilet and water facilities. The word *chawl* means “corridor” and also applies to buildings with a corridor with attached rooms for rent and shared facilities. The term is valid in both contexts but represents two socially and economically distinct groupings with differing status, in which the latter *chawl* is dramatically better off.

<sup>23</sup> This was partially because the Communist Party was predominant in the area at the time and had ensured that basic facilities were provided.

<sup>24</sup> The Maharashtra Vacant Lands (Prohibition of Unauthorized Occupation and Summary Eviction) Act, 1975 (LXVI) came into force on 11 November 1975.

## ◆ 1.4 The Development of *Chawls*: An Exploitative Arrangement

It would be erroneous to say that all VLT holders extended their land to build *chawls*. However, a large majority saw the financial potential of doing so—even if initially some were built for their own family use. A typical *chawl*, as shown in diagrams 1 and 2, would have approximately 15 separate dwellings of one or two rooms, measuring approximately 15 by 7.5 feet (112.5 square feet), although there have been examples of *chawls* with as many as 30 dwellings. Initially each dwelling would be about six feet high, with open windows as low as three feet off the ground. The walls were made of jute bags or reed and the roofs of broken pots and mud. There was no electricity, drainage or water supply. For an average family of four or five members, these conditions were uncomfortable and unhealthy.<sup>25</sup>

In subsequent years, the *chawls* were improved upon, initially with some assistance from the *chawl* owner, but usually through the efforts and continued determination of the tenants.<sup>26</sup> The walls were replaced with brick, and the roofs with corrugated iron. Individual meters eventually replaced the single electricity meters that had served the whole *chawl* (with the owner demanding payment from each tenant for its use). Shared toilets were built and pipes laid for drainage and water supplies. The height of the ceilings was raised to 12 feet in parts, windows were made higher and half floors built to create a second level or sleeping space.

However, not all structures were improved, and currently about 20 per cent are still built with temporary materials—like plastic, bamboo, tin and gunny sheets. The *chawl* owners initially accepted improvements to the dwellings as the tenants' attempt to improve their quality of life. With the introduction of the MVLA in 1975 (described in section 1.5), however, improvements were associated with ownership, directly threatening the perceived property rights of the *chawl* owners.<sup>27</sup>

The VLT holders/*chawl* owners come from similar socioeconomic groups as the tenants and, in some cases, the tenants have better jobs. Predominantly working in the informal and unorganized sectors, and from the “backward castes”, men work as carpenters, masons, painters, artisans, hawkers or labourers in small manufacturing units. A small minority have jobs in the formal sector as government officials, private business owners or factory workers. The women tend to work in home-based industries or as domestic help in middle- and upper-class neighbourhoods.

<sup>25</sup> The average household size in Mumbai is 4.8 (see WRI et al., 1996:154).

<sup>26</sup> The majority of improvements occurred after 1991, with some additional security precautions, such as stronger walls and doors, tin roofs and higher windows, taken after riots in 1993.

<sup>27</sup> As mentioned previously, VLT/*chawl* ownership was illegal. Extension of plots of land and sub-tenancy were not allowed under the conditions of VLT status.

**Diagram 1**

**Diagram 2**

Despite this similar socioeconomic background, an exploitative relationship between the VLT holders/*chawl* owners and tenants has emerged, as described in the following sections. While the *chawl* owners collect significant amounts of money in the form of illegal rent from the tenants, the latter are often struggling to earn enough money for basic subsistence. At the same time, they are being prevented from improving their living conditions.

Hardship is an everyday reality due to poverty for all of the slum dwellers, and in this broader social context the VLT holders are also vulnerable. This is a major reason why the VLT holders/*chawl* owners developed and continue an illegal and exploitative relationship with the tenants. Another reason why the *chawl* owners so vehemently hold onto their landlord status is that they incurred the initial expense of building the structures. Furthermore, for 20 years (until the MVLA was passed in 1975), the illegal VLT landlord-tenant relationship went unchallenged, to the extent that although it was not officially recognized, the lack of regulation by the government reaffirmed the normalcy of the situation. Currently, although the rent money is still significant, the conflict is being sustained by the realization of high housing retail costs and the potential financial benefits of property, which make illegal *chawl* owners unwilling to lose the property.

It should not be assumed that all VLT holders are exploitative and that all tenants are victims. However, there is evidence to suggest that the majority of tenants under these circumstances are particularly vulnerable, and that there are many cases where VLT holders exploit these vulnerabilities.<sup>28</sup>

## ◆ 1.5 Maharashtra Vacant Lands Act: Help or Hindrance?

As the previous sections have shown, the VLT conditions were violated and *chawls* were developed and illegally rented to tenants by the VLT holders. However, until the implementation of housing and slum legislation in the 1970s, the exploitation of tenants was minimal and in many cases non-existent. The combination of complex and poorly implemented laws set off frictions between VLT holders and their tenants. One of these acts was the Maharashtra Vacant Lands Act (1975).

The two stated reasons for the MVLA were the following:

. . . to prohibit unauthorized occupation of ‘vacant lands’ (encroached land on which slums are located) in the urban areas where ‘the number of unauthorized occupants was rapidly increasing and causing grave danger to the public health and sanitation, and peaceful life of the inhabitants of such areas;

. . . to provide for summary eviction of people from these areas.

Under the MVLA, all residents of “vacant lands”, whether originally legal or illegal owners of *chawls*, tenants or sub-tenants, were deemed illegal. Throughout Mumbai people were either evicted from these “vacant lands” or, in the case of much of the BMC land, ordered to pay “compensation” (approximately equivalent

<sup>28</sup> Information collected from surveys conducted by JRS, YUVA and the BMC.

to previous rent amounts) of between 10-35 rupees<sup>29</sup> per month (depending on the area occupied) for residing there.<sup>30</sup>

Although the MVLA was intrinsically against slum dwellers and designed to enable the government to evict anyone residing there; it also served the purpose of nullifying the *illegal* relationship between tenant and owner. Thus, from 1975/6, with the collection of compensation and issuing of photo-passes, the *chawl* tenants stopped paying rent to the VLT holders/*chawl* owners. From this time onward the relationship between the *chawl* owner and tenant, which previously had been non-confrontational, rapidly deteriorated.

## ◆ 1.6 Slum Declaration Adds Further Complications

The case of Janata Squatters Colony is further complicated by the fact that, just prior to the MVLA, parts of the Jogeshwari area were declared official “slums” under the 1973 Maharashtra Slum Improvement Board Act.<sup>31</sup> The Janata Squatters Colony was declared a slum in 1976.

In order for an area to be recognized officially as a slum, it required officers from the Board to assess the area. Once satisfied that it fell within the criteria of a slum, the Board would publish an order in the **Official Government Gazette**, as well as in “conspicuous places” in the area itself.<sup>32</sup> Yet other than publishing notices in the ill-defined “public places”, there was no official requirement to inform individuals that they were now residents in a declared slum improvement area and/or slum. Thus many people were left unaware of their changed residential status and the legal rights associated with it.

The 1973 Act obliged the government to provide basic amenities (water, sanitation, and electricity), in addition to improvements, repairs and upkeep of the area in order to protect the slum dwellers.<sup>33</sup> The slum dwellers, in turn, were expected to pay a service charge of 3 rupees per month for these services/facilities, which was deducted from the compensation amount of the MVLA in the case of BMC land.<sup>34</sup>

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<sup>29</sup> Rs. 10-35 is equivalent to approximately US\$ 0.25-0.88 (at the rate of 40 rupees to US\$ 1).

<sup>30</sup> After the MVLA was passed, a census was carried out in all Mumbai slums (in 1976) and photo-passes (also known as “pitch cards”) were given to 630,000 slum dwellers on state land (but not central government land), and compensation collected from them. A notification was also given that, if for any reason slum dwellers had to be resettled, an alternate pitch would be provided by the BMC.

<sup>31</sup> The Maharashtra Slum Improvement Board Act, 1973 (XXIII) came into force on 26 April 1973 as a response to growing slums and the need to provide basic amenities.

<sup>32</sup> The criteria were defined as “A source of danger to the health, safety, or convenience of the public of that area or of its neighbourhood, by reason of the area having no basic amenities, or being unsanitary, squalid, overcrowded or otherwise” (Act XXIII, Chapter IV, Section S.26, p. 8864).

<sup>33</sup> Improvements included laying water mains, drains, sewers; provision of urinals, latrines, community baths and water taps; widening, realigning or paving existing roads, lanes, and pathways and constructing new roads and lanes; providing street lighting; cutting, filling and landscaping the area; partially developing the area with a view to providing land for purposes such as parks, playgrounds, welfare and community centres, schools, dispensaries, hospitals etc., demolishing obtrusive or dilapidated buildings, etc.

<sup>34</sup> Rs. 3 is equivalent to approximately US\$ 0.08 (at the rate of 40 rupees to US\$ 1).

The VLT holders, like all other slum dwellers, were also requested to pay the BMC service charge (which included a group assessment tax for structures, in lieu of the previous rent/individual assessment tax). On the mistaken premise that this was a compensation demand under the MVLA rather than an order to pay service charges under the 1973 Act, they refused to pay service charges to BMC.<sup>35</sup> As a result the “K” East ward office of the BMC gave them official warnings for eviction.<sup>36</sup> In 1989, as a response to the notices for eviction, the VLT holders filed petitions in the High Court against the BMC and the Government of Maharashtra.

## ◆ 1.7 MVLA Abolished: Rent Arrears

In 1980 the MVLA was deemed unconstitutional<sup>37</sup> by the High Court under Article 14, which states equality before the law.<sup>38</sup> Private landlords had filed the case with property on “vacant land” throughout Bombay and who had legal tenants and a genuine case for recovering rent. It led to MVLA amendments in 1980, and finally to the complete abolition of MVLA by the Supreme Court in 1985.<sup>39</sup>

By renewing and acknowledging vacant land dwellers’ legal status and rights, the overturning of the MVLA was intended to protect them. In principle the government protected all dwellers on vacant land from eviction. For example, the previously legal property owners with property on vacant land were officially recognized and allowed to collect rent.

However, it also resulted in the reintroduction of the illegal relationship between the VLT holder/*chawl* owner and *chawl* tenant. Subsequently the VLT *chawl* owners demanded rent and arrears of rent for the last 10 years from “their tenants”, regardless of the fact that the tenants had been paying compensation to the BMC during the period when the MVLA existed. Individual *chawl* owners filed cases in the Small Causes Court to recover lost rent, and tenants were forced to defend themselves legally on an individual basis.

It was initially suggested that the MVLA would be rewritten as a new Act, which would be constitutionally sound. It would protect the vacant land dwellers as a whole and also protect the tenants against illegal slumlords.<sup>40</sup> However, as slum issues were not considered mainstream concerns and were therefore not a priority, this did not happen and the protection of tenants was left to a few obscure clauses added in 1987 to the Maharashtra Slum Areas (Improvement and Clearance and Redevelopment) Act of 1971, which states that:

<sup>35</sup> The reason behind the confusion and non-payment of service charges by the VLT holders was that, during the same period, the MVLA was abolished (as described in detail in the following section).

<sup>36</sup> Jogeshwari falls under the jurisdiction of the BMC’s “K” East Ward Office.

<sup>37</sup> It granted too much discretion to the government to declare land as “vacant” and it failed to establish a procedure consistent with the Constitution for the making of such a declaration.

<sup>38</sup> “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India” (Article 14, Constitution of India, Edition Thirteen, 1993:6).

<sup>39</sup> The Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980 (XVI) came into force on 6 March 1980.

<sup>40</sup> Chandrachud Judgement, concerning the abolishment of the MVLA in 1985.

no person shall . . . institute any suit for the eviction of an occupier from any building or land in a slum area or for recovery or any arrears of rent or compensation from any such area.<sup>41</sup>

The VLT holders/chawl owners under the Rent Act, which states that tenants must pay rent to owners on the condition that basic facilities are provided, were winning individual cases filed in the Small Causes Court.<sup>42</sup> Though the Rent Act does specify that *chawl* owners on government land are not allowed to collect rent from slum tenants, the *chawl* owners lay emphasis on “ownership” and hid the fact they were on government land. For example, they used the rent receipts collected between approximately 1956 and 1975 to show that they were owners. They also showed copies of the assessment tax that they were paying for the structures to reaffirm that they were owners of the structures. This hard evidence used under the Rent Act was sufficient to mislead the judges, and combined with the inability of tenants to articulate or prove otherwise (as described in section 3.1) tenants were and continue to be evicted.

## ◆ 1.8 Harassment of Tenants

It was also not just on a legal basis that the tenants needed protection, as the VLT *chawl* owners went beyond legal methods to recover lost rent. Their interests in terms of money and status were so high that many resorted to severe harassment themselves or by hiring local thugs. This included lockouts, arson, violent assaults, disconnecting water and electricity supplies, the denial of permission to repair huts rendering them unsafe and uninhabitable, and verbal threats. Throughout, the onus of proving that the VLT owner was demanding rent illegally was left to each tenant. Furthermore, tenants stopped investing in the improvement of their dwellings for fear of imminent eviction.

According to tenant testimonies, examples of which are given below (in case studies 1 and 2), the harassment led to psychological symptoms of stress and anxiety. The vulnerability of the slum dwellers was twofold, first because they did not fully understand all their legal rights and so, despite spending significant amounts of money in the courts and relying on (often inadequate) lawyers, they would not necessarily win their court cases. And second, they were a marginalized sector of society without public visibility and support. Despite the illegal activities of the *chawl* owners, tenants were particularly vulnerable to unsympathetic police, exploitative lawyers and misinformed court judges. Cases have shown that women widowed or living alone were especially vulnerable to harassment.

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<sup>41</sup> The Maharashtra Slum Areas (Improvement and Clearance and Redevelopment) Act, 1971 (XXVIII), p. 8608. “Slum areas” also include areas declared as slum improvement areas under the 1973 Slum Improvement Board Act, Section 4A, p. 8602A.

<sup>42</sup> The Rent Act was enacted in 1947, and while allowing for the collection of rent, fixed limits on the amount of rent at 1940s rates.

**Case study 1**

**The case of Tarabai Narsingh Rao Varma**

I paid Mr. Anant Bhikaji Jadhev, a *chawl* owner, Rs. 300 for permission to build my own hut on this land. I was charged Rs. 12 per month until 1976, just after the land was declared "vacant land" under the MVLA of 1975. Since then I have paid Rs. 11 per month to the Municipality as compensation.

In January 1986, Mr. Jadhev sent me a legal notice regarding the payment of arrears of rent (from 1 January 1976 to 31 December 1985 for Rs. 12 per month), a total of Rs. 1,440. I was also told that my tenancy had been terminated and I should depart from the premises quietly. I was told that if I did not leave a suit would be filed for my eviction at my own "risk and costs".

From 1982 to 1988, I filed over nine complaints of harassment against Mr. Jadhev at the Jogeshwari East Police Station. For example he was verbally abusive, he vandalized my outside wall, and prevented me from making repairs, like the door that needed fixing.

On 17 July 1987 Mr. Jadhev came into my hut and beat me, and later on that year my son Rameshwar was also physically attacked. He was then wrongfully accused of assault by Mr. Jadhev and kept in a lockout overnight where he was again severely beaten. The *chawl* owner's wife, Mrs. Jadhev, also filed a criminal assault case against my son and I, based on false grounds, but this was eventually dismissed in 1989.

In August 1990, I was away from the property, which was broken into and my possessions were stolen. We later found these things hidden within a sari, which Mrs. Jadhev eventually admitted belonged to her.

Due to the constant harassment, and as the property was in such a state of disrepair, I have moved in with my daughter and son-in-law. (Account given by Ms. Varma in 1990.)

The issue of tenant and *chawl* owners divided the community in a way unparalleled by any other social dispute. Unlike a small-scale family or work-related dispute, this issue challenged the *status quo* on a more profound level. It was essentially a struggle between two levels of slum dwellers, those with a small amount of power, money and influence and those without any. This made it particularly difficult for the tenants to gain support from the community's own systems and structures.

For example, the usual mechanism for resolving social disputes within the community would be to call upon local government representatives and members of the legislative committee to fight for a particular cause. However, in this situation the *chawl* owners were connected to or were the actual elected local representatives frequently selected from the more powerful and wealthy sections of the community.

**Case study 2**  
**The Case of Shantaram Laxman Juvekar**

My family and I had been living on the land since 1963. After the land was declared “vacant” in 1975, I was given a photo-pass. The *chawl* owner filed a suit against us on 29 August 1979, and the Small Causes Court issued an order for our eviction. I hired a lawyer to appeal against the eviction, which the Court stayed pending its decision. In 1980 the case was dismissed for default, as my lawyer failed to inform me of court dates and he failed to appear in court himself. Therefore on 27 January 1981, my appeal was dismissed and we were evicted.

From January 1981 until May 1982 my wife and our three children lived on the veranda in front of the hut as the *chawl* owner had locked the door. During this time I filed another application to reverse the eviction decree. The court agreed, and I was entitled to take steps to recover my property. I broke the lock and we returned to the flat in May 1992. The *chawl* owner filed a criminal case against us for “breaking the lock”, but he did not appear in court and the case was dismissed. I have never paid any compensation to the Municipality, as I was confused about who owned the land. (Account given by Mr. Juvekar in 1992.)

◆ **1.9 Summary: The Two Processes of Law**

As this section shows, there were two separate processes of law working simultaneously (see table 2). The first was the implementation of the controversial MVLA in 1975, which inadvertently protected tenants from the VLT holders and others who had built *chawls* and illegally rented them or sold them against the conditions of their VLT status. The MVLA was deemed unconstitutional in 1980, and finally struck down in 1985 by the Supreme Court. Both legal and illegal landlords in Mumbai set about recovering their rent arrears from as far back as 1975. In the case of Janata Squatters Colony, many of the VLT holders (illegal *chawl* landlords) resorted to violent harassment in addition to filing individual cases against *chawl* tenants in the Small Causes Court.

The second process was the recognition by the government that slums were a reality of Mumbai and that they needed to be improved for the benefit and safety of the surrounding areas, as well as the slum dwellers themselves. Pockets of land across Mumbai were declared “slum improvement areas” under the 1973 Slum Board Improvement Act, and in exchange for the provision of facilities and improvements all the occupants were to pay service charges to the local government. The VLT holders refused on the misconstrued notion that they were being asked to pay compensation to the BMC, and not a service charge.<sup>43</sup> Consequently, they filed petitions in the High Court against the BMC under the MVLA, and the case was subsequently directed to the Deputy Municipal Commissioner (DMC) to be resolved.<sup>44</sup>

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<sup>43</sup> *Chawl* owners did not raise this case in 1975 against the MVLA, which would have been a more appropriate time, because it was an expensive process. Only when they were threatened with eviction for refusing to pay service charges did they unite to challenge the BMC.

<sup>44</sup> As part of the legal procedure of the High Court certain cases relevant to the municipality are automatically referred to quasi-judicial bodies to be resolved. In this case the competent authority was the DMC of Zone III of the BMC.

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**Table 2**  
**Two processes of law**

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- The MVLA was implemented in 1975.
  - It inadvertently protected the tenants, as it nullified the tenant-owner relationship.
  - All “vacant land” dwellers were considered to have illegally encroached on the vacant land.
  - They had to pay “compensation” to the BMC.
  - The Supreme Court struck down the MVLA in 1985, deemed unconstitutional.
  - A few inconspicuous clauses were added to the 1971 Maharashtra Slum Areas Act, to protect tenants.
  - *Chawl* owners filed cases against tenants in the Small Causes Court to recover lost rent.
  - The Slum Improvement Board Act was passed in 1973.
  - Pockets of land were declared as Slum Improvement Areas.
  - For services and facilities, a “service charge” had to be paid by all occupants of the land.
  - *Chawl* owners/VLT holders refused to pay service charges and were threatened with eviction.
  - VLT holders filed a petition in the High Court against the BMC in 1989 and the case was referred to the DMC.
- 

At this time, when the latter cases were referred to the DMC in 1989, the BMC began to collaborate with YUVA and JRS (which were already working in the area). The following sections examine the nature of the collaboration between BMC, YUVA and the JRS, and the form it took. This analysis seeks to determine whether the collaboration was a space for dialogue—a forum for discussion and the delegation of tasks—or an equitable partnership, with the combining of capacities and the sharing of skills in decision making, implementation, monitoring and evaluation.

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## 2. THE COLLABORATION

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The collaboration that began in 1990 between the BMC, YUVA and the JRS arose from the confluence of the many interrelated problems described above. *Chawl* owners had united to fight a legal case against the BMC. At the same time, individual *chawl* owners continued to take tenants to the Small Causes Court to recover rent arrears and, frequently, to gain eviction orders. Tenants were living in dilapidated dwellings with inadequate civic amenities and services. They suffered from stress due to fear of imminent eviction, harassment by the *chawl* owners, and the burden of court legislation. There was general confusion and mistrust between *chawl* owners and tenants, and no single person or group had enough information about the history of the area, slum legislation or general housing and land legislation, to be able to elucidate the situation.

Significant events of the collaboration highlighted throughout section 2 are summarized in the following time line.

**Timeline**  
**Significant events of the collaboration**

1985	YUVA starts work in Jogeshwari
1989	JRS set up
1990	DMC case hearing starts (December) Collaboration starts
1991	DMC judgement (September) DMC transferred
1992	Riots break out Collaboration phases out
1993	Riots end (January)
1994	Diversification of JRS and YUVA activities
1997	YUVA and JRS stop working together (August)
1998	Rent act and new JRS wing, KBS, give momentum to tenants issue YUVA and KBS lobby for change

## ◆ 2.1 The BMC as a Quasi-judicial Authority

As mentioned above, in 1990 the BMC was directed by the Maharashtra State High Court to exercise its quasi-judicial powers in resolving the case of the VLT holders who had filed petitions against the BMC. This delegation of judicial power was stipulated in the Maharashtra Slum Areas Clearance and Redevelopment Act, 1971 and was a useful procedure to cut back on the number of cases in the High Court.<sup>45</sup>

The newly appointed DMC of Zone III of the BMC was appointed as the quasi-judicial power and under his authority orders were to be given. There was no formal relationship between the BMC and the cases of individual VLT holders/*chawl* owners versus the *chawl* tenants. However, it is necessary to point out that there were obvious financial benefits in the collection of lost service charges and rent, to be gained by the BMC if disputes between *chawl* tenants and owners were resolved.

The new DMC was keen to engage in a dialogue with the respective parties, as he was made aware of the genuine interests of the JRS and YUVA in the area, as well as the legal and research groundwork that they had done previously. It was also his lack of familiarity with the parameters of his new position which made him open to the vigorous lobbying that was being done by YUVA and the JRS on behalf of the tenants. It is worth emphasizing that, as there were varying levels of authority within the BMC, the co-operation of the DMC was limited and impact was relatively short-lived. This is discussed further in section 3.4. At the same time, it

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<sup>45</sup> Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 p. 8614, Article 40: “No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Competent Authority”; Article 42: “No civil court shall have jurisdiction in respect of any matter which the Administrator, Competent Authority or Tribunal is empowered by or under this Act, to determine; and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act”.

is important not to underestimate the significance of his initiative in calling for the parties to work together.

## ◆ 2.2 YUVA in Jogeshwari and the Origins of JRS

In the late 1970s the Communist Party was very active in Jogeshwari. It had taken up the tenants' cause and set up an organization of tenants, the Badekaru Sangh. This was the predecessor to the JRS. With changes in the political climate in Jogeshwari East and the subsequent disintegration of the Communist Party, the Badekaru Sangh was disbanded. Other people's organizations also existed and new ones were initiated, forming an array of *chawl* committees, *mahila mandals* (women's groups) and youth groups.

YUVA (see Annex 5 for a more detailed description) had been involved in Jogeshwari since 1985, promoting a federation group called Jogeshwari Poorva Madhyavarti Samitee (JPMS, or Jogeshwari East Central Committee), a federation of small youth and women's groups.

In 1989, as part of a separate YUVA initiative in the area, a legal resource centre had been set up. YUVA noticed that the resource centre was overwhelmed by a huge number of similar tenants' cases.

Coincidentally, at the end of 1989 YUVA organized an annual evaluation, in which the winding up of the JPMS was discussed. It had been decided to dismantle this group due to various power struggles among the leaders. It was at this gathering that the parents of the local youth and tenants, who had requested assistance from the legal resource centre, expressed the need to form an organization that would take up the cause of the tenants. Thus, the Jogeshwari Rahiwashi Sanghatana (JRS, or Jogeshwari Residents Organization) was formed.

The JRS served as a platform to bring individual tenants' cases together, forging strength, and to plan a unified strategy. YUVA has been integral to the development of the JRS, from its inception, through the collaboration period, to its full growth. There was a symbiotic relationship between the two organizations that was crucial to their success in the DMC judgement as described in section 2.5.

## ◆ 2.3 Four Common Goals of the Collaboration

The three collaborating parties identified four common goals. These objectives were not officially stated or documented in any concrete form, but were agreed orally at the onset of the collaboration and have been subsequently articulated during the analysis of the collaboration for this paper. These goals were the following:

- To seek clarification on the contradictions in the laws pertaining to the *chawl* tenant/owners, which was a prerequisite for all and without which the collaboration could not go further. All three collaborating parties exchanged information readily so this could be accomplished.
- To dispose of the pending cases in the Small Causes Court regarding rent arrears between the *chawl* owners and the tenants. This was particularly important to both YUVA and the JRS. To what extent the BMC would be

prepared to pursue this goal was always questionable. As described in more detail in section 3, this goal was not achieved and the cases continue eight years after the collaboration began.

- To prevent the harassment of any of the individual parties to the case. YUVA and the JRS were keen for this goal to be achieved on a human rights basis. The motivations of the BMC varied, as they also wanted to maintain order, collect service charges peacefully and continue repairs and services in the area. However, as with the court cases, victimization of the tenants, though to a lesser extent, continues.
- To enable the tenants to access basic services like water and electricity, and to provide an opportunity to exercise control over their environment and its development, including the repair of their houses, and to form co-operative societies so they could benefit from government schemes like the Slum Up-gradation Programme (SUP). Although some goals were met, the partnership never evolved to the stage where such long-term benefits could be achieved.

## ◆ 2.4 Different Roles and Capacities

It is necessary to examine the motivations and capacities of each of the collaborating parties to understand the causes of both the negative and positive aspects of the collaboration.

### 2.4.1 YUVA

YUVA, in its belief that housing is a fundamental right for all, sought to assist the tenants in resolving the dispute. It was opposed to the *chawl* owners' exploitation of the *chawl* tenants. It also believed that when people had access to affordable shelter and the assurance that they would retain it, they would share the responsibility for its development and improvement. YUVA recognized that the tenancy issues in Janata Squatters Colony were common throughout Mumbai and that there were a large number of vulnerable people facing similar harassment cases from illegal slumlords. At the same time, there were no clear provisions in the law to protect these tenants, and those laws that did exist were inadequate or not being effectively enforced.

YUVA believes that the responsibility to fulfil all the basic needs of citizens ultimately lies with the state. However, YUVA also acknowledges that in Mumbai, where there is a huge gap between what the state provides and the actual needs of the people, policies should be implemented by the government that, at the minimum, encourage people to house themselves by providing infrastructural support and security of tenure.

In its capacity as a long-established NGO and with experience on other similar issues in other parts of Mumbai, YUVA had an entirely different role to play than that of the JRS. Utilizing its skills in research and documentation, YUVA initiated a fact-finding study. It gathered and analysed all the policy documents available from the BMC. These clearly indicated the VLT holders had violated the conditions of the VLT agreements of 1956. Having established the existence of violations, YUVA recommended a "character survey", which required plots to be

measured and then compared to the original allotted sites of the area in order to assess the extent of violation of VLT rules.<sup>46</sup>

Often legal documents were written in English only and so, in the first phase of the collaboration, YUVA also set about translating legal documents and analysing and writing reports on the legal implications of the character survey outcome. In addition to the character survey there was a socioeconomic study of Janata Squatters colony.<sup>47</sup> The data was collected by JRS, compiled by YUVA and presented by both organizations to the BMC.<sup>48</sup> YUVA's crucial roles were to serve as impartial mediator between the tenants, the JRS, lawyers and the BMC and to communicate its in-depth knowledge of the relevant laws to the community.

### ***2.4.2 The JRS***

Initially, the JRS was a totally voluntary grassroots organization. Its main strength was that its members were from the community itself, of which a large proportion were tenants. Therefore the JRS had the knowledge and ability to reach out to other tenants with confidence.<sup>49</sup> *Chawl* tenants, who were still being harassed by *chawl* owners and were therefore often wary and fearful of outsiders, knew the JRS was working for the benefit of the community beyond the legal dispute and provided information readily. Within the JRS itself, as most members were *chawl* tenants and the issues affected them directly, motivation and interest came naturally.

The JRS helped individual tenants stand up to harassment by *chawl* owners, by assisting tenants to file police complaints and bring *chawl* owners to court.<sup>50</sup> JRS helped the tenants gather necessary evidence for their cases and collect legal documents from within Janata Colony and elsewhere.

Of the 50 or so initial volunteers, only 40 per cent were literate, but even those who were non-literate had specific skills that were very useful. Thus, shop keepers and carpenters, for example, combined their respective numerical skills and draftsmanship and were able to measure and draw the plots of land accurately. The skills the tenants lacked, such as data analysis and documentation, YUVA could supply. For example, some initial case interviews were carried out in the local language by the JRS and then translated to English and circulated by YUVA to a

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<sup>46</sup> The character survey was carried out on about 40 *chawls* with approximately 15 tenants each.

<sup>47</sup> The socioeconomic survey in December sampled 124 households and examined rent paid, litigation cases and basic amenities.

<sup>48</sup> At the ward level, where rents and compensation issues are dealt with, JRS was present and at the zonal level, where the DMC sits and the hearings took place, both the JRS and YUVA were represented.

<sup>49</sup> Initial JRS membership consisted predominantly of tenants, the majority of whom were elderly males. They were usually Hindus from OBC (other backward castes), and a small number of Muslims.

<sup>50</sup> The Maharashtra Slum Areas Act, 1971 (XXVIII), states that "No person shall collect or attempt to collect from any occupier any rent, compensation or other charges by threatening or causing any injury to his person, reputation or property; evict or attempt to evict any such occupier by force without resorting to the lawful procedure. Whoever contravenes the provisions shall on conviction, be punished with imprisonment for a term which may extend to three years or with fine or with both" (Section 23A p. 8610).

wider readership. YUVA also implemented training workshops for the JRS on organizational, skill and leadership development, and so by 1992 they were able to independently fulfil tasks such as report writing and data analysis.

The JRS also helped tenants in other matters related to the legal dispute. As mentioned earlier, one of the major problems encountered involved *chawl* owners refusing to let the tenants repair their huts, even if tenants had the required permission for repairs from the BMC. The police were reluctant to intervene in such complex legal disputes and would leave the *chawl* tenant and owner to sort it out. Lone tenants would often be too frightened to continue with repairs, knowing the tendency of *chawl* owners to resort to violent harassment. There were cases where the dwellings were left in such a dangerous state of disrepair that tenants would be forced to live elsewhere.

It was under these circumstances that the JRS organized gatherings of about 40-50 people when an individual tenant was making repairs. These repairs, such as connecting pipes and strengthening windows, could go on unhindered and the individual tenant would be protected from harassment. This peaceful show of unity strengthened the movement and encouraged previously terrified tenants to stand up for their rights.

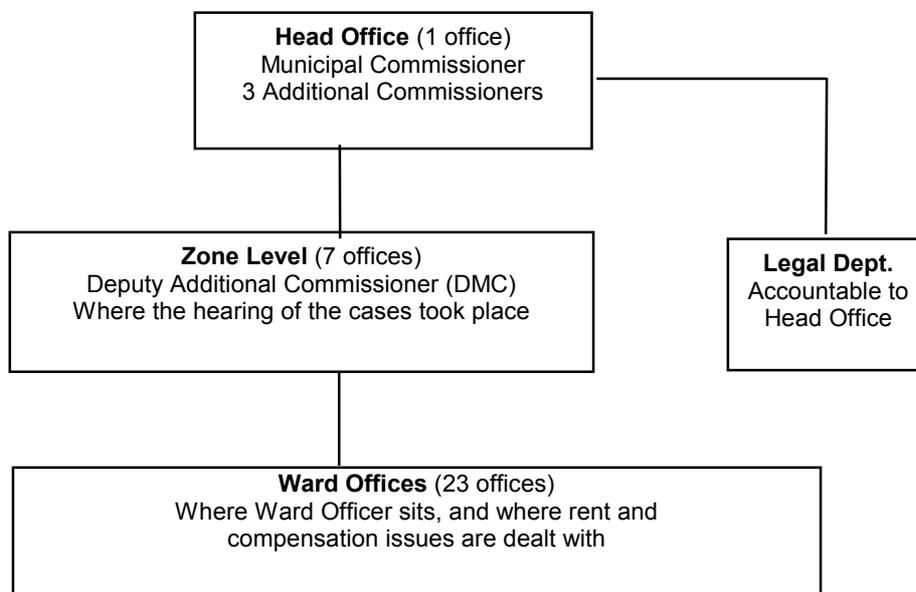
It was also necessary for YUVA and the JRS to train the tenants in legal literacy so that they could interact effectively with their lawyers and participate in the cases. This process had an additional benefit of drawing out further information on case histories and everyday occurrences between *chawl* owners and tenants, subsequently used to strengthen the cases.

### ***2.4.3 The BMC***

The commitment of the BMC to resolve the dispute and bring clarity to the contradictions was explicit in its interest in seeking information from all concerned parties, including the *chawl* owners and their local group representatives. BMC officers and *chawl* owners carried out a similar character survey, measuring the plots of land and comparing them with the original VLT allotment area. Although the results were the same as the YUVA/JRS survey and actually served to strengthen the tenants' case, it was an indication of the BMC's efforts to remain neutral. The BMC also gave adequate time for all the *chawl* owners and tenants to be fairly represented and to collect all the required evidence to substantiate each of their cases.

Most importantly, the BMC cut through the usual bureaucracy, and readily provided YUVA and the JRS with material from government archives. The free flow and sharing of information that occurred during collaboration from 1990 to 1992 significantly accelerated progress. As mentioned in section 2.3, the incentive for this, though never articulated, was that the BMC would be able to continue collecting service charges if the dispute was resolved. Many examples in Mumbai and throughout India demonstrate that access to information is regarded as a privilege rather than a right, and this is reflected in the inability of the public to access information. Control over information is used as a tool, in the form of "granting permission to access information", and is frequently used to maintain the *status quo* or to demonstrate the power and status of an organization or individual. However, the relationship between the BMC, and both YUVA and the JRS, was

such that this tool for wielding power was set aside. This is an indication of the type of co-operation and partnership that existed, and demonstrates both how beneficial access to information can be and how dependent these positive outcomes are on those who control information.



## ◆ 2.5 Achievements of the Collaboration: The DMC Judgement

One of the most significant achievements of the collaboration was the positive outcome of the DMC judgement. The hearing of the case<sup>51</sup> was between the BMC and the VLT holders/*chawl* owners (the plaintiffs).<sup>52</sup> The latter argued that the Corporation could not claim “compensation” from the VLT holders as they were the rightful owners of the land. Subsequently, they were trying to prove that they had legally been given land in the mid-1950s and were now, in accordance with the abolition of the MVLA, collecting rent arrears from their “sub-tenants” (the respondents to the case). They also argued for the *status quo* prior to 1975 to be maintained, which included paying ground rent of 3 rupees 25 paise per month to the BMC, and the continuation of the relationship between *chawl* owner and tenant.<sup>53</sup>

They lost the case on three counts. First, the BMC had not asked for “compensation” but “service charges”, under the term “assessment tax”. Service charges were applicable to all residents who would benefit from the given facilities and services. Therefore tenant and owner alike had to pay service charges in a declared slum improvement area.

<sup>51</sup> The quasi-judicial hearing by the DMC lasted from December 1990-September 1991.

<sup>52</sup> Although individual cases had been brought before the hearing, a joint advocate presented them as one group, and the judgement applied to them all.

<sup>53</sup> Rs. 3.25 is equivalent to approximately \$0.08 (at the rate of 40 rupees to \$1).

Second, the VLT holders had violated their original VLT conditions and were therefore illegal encroachers of land, without permission to rent out property. This in itself was enough to revoke their VLT status.

Third, and ultimately superseding both prior issues, Janata Squatters Colony was declared a municipal slum in 1976, where slum improvement schemes were applicable and the status of all the occupants, whether owner or tenant, the same.<sup>54</sup>

Although the VLT holders/*chawl* owners appealed twice in the High Court against the judgement, they were unsuccessful and the judgement was upheld. The DMC proceeded to instruct the Project and Ward Officer of K/East Ward (responsible for Janata Squatters Colony) to continue building facilities, particularly civic amenities, in the area. At the same time, he ensured that they start the recovery of service charges from the occupants in those cases where the matters were not under litigation in the Small Causes Court.

He also instructed the BMC law office to intervene in the individual cases between tenants and VLT holders/*chawl* owners.<sup>55</sup> Unfortunately, before the order could be effectively implemented, the DMC was transferred. A DMC will usually stay in the position for two years, but in this case the sitting DMC was transferred to a new post after only eight months. Though this transfer had negative repercussions on the collaboration, there was no malicious intent. It was an untimely coincidence due to internal restructuring within the BMC.

As mentioned previously, other achievements of the collaboration up to 1992 included the repair of huts and community amenities. However, as a direct consequence of the DMC judgement, these activities became much easier as it gave the tenants confidence and hope that they would not suddenly be evicted from their dwellings. This in turn smoothed the way for implementing other government schemes, such as the Slum Up-gradation Programme, because the JRS, with its strong sense of identity, had also accumulated skills and confidence to work towards the betterment of the community.

Another positive spin-off from the DMC judgement was that the ward officers of the BMC now clearly understood the situation and recognized the rights of the tenants. They were willing to co-operate on the much-needed permission for repairs, which they readily gave out. They also came forth to give evidence in the Small Causes Court, leading to some individual victories by tenants. Even with the change in staff, the ward officer's support continued. This was because the DMC's

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<sup>54</sup> According to the **Guidelines for the Implementation of Slum Rehabilitation Schemes in Greater Mumbai**, 1.12, on automatic cancellation of Vacant Land Tenure: "If any land or part of any land on which slum is located is under vacant land tenure, the said tenure/lease created by Brihan Mumbai Municipal Corporation or Municipal Commissioner shall stand automatically terminated as soon as slum rehabilitation scheme, which is a public purpose, on such land is prepared and submitted for approval to the Slum Rehabilitation Authority. Any arrears of dues to be collected by Brihan Mumbai Municipal Corporation shall not be linked to the issue of any certificate or NOC (No Objection Certificate) relating to the Slum Rehabilitation Project" (December 1997, p. 19).

<sup>55</sup> There were no specific instructions on how the law department of the BMC should intervene in the Small Causes Court. The DMC can intervene in High and Supreme Court Cases, but can only be invited to give evidence in the small causes court.

judgement was written authoritative evidence that could be passed on by YUVA and JRS to re-educate the new staff and to elicit their support.

Perhaps most importantly, the judgement exposed the VLT holders/*chawl* owners' legal vulnerabilities and had the dual effect of curbing their harassment of tenants and making the police more aware of the situation.

The DMC's order was a success in itself, but it only provided interim relief for the tenants. It was not enough to effectively tackle the individual cases of tenants versus VLT holders/*chawl* owners in the Small Causes Court. This will be discussed further in section 3.1.

## ◆ 2.6 Reflections on the Collaboration Until 1992

One of the reasons given to explain why the DMC was particularly willing to assist YUVA and the JRS, and the lack of usual bureaucratic procrastination in these matters, was that the DMC was new to the position and unaware of "usual procedures".<sup>56</sup> He was also seen to have a "human touch", in addition to his apparent impartiality and desire to approach the case with as much information as possible. These factors contributed to the respect and trust built between the DMC and both YUVA and JRS. This relationship of mutual respect filtered down the BMC hierarchy to the ward level also. A flow diagram of the collaboration is presented in Annex 6.

At the same time, the BMC as an organization stood to gain from the collection of service charges, and it is likely that even a less sympathetic DMC would have been similarly co-operative. Although the judgement was a logical and fair decision, it would have been interesting to observe the levels of co-operation if the BMC were to have lost money or land in a different set of circumstances. In other words, the judgement ran parallel to the interests of the BMC.

Neither YUVA nor the JRS could have achieved their goals independently. As mentioned before, the knowledge of the JRS and its ability to infiltrate the community sensitively were crucial for extracting vital information about the cases. This could not have been achieved merely through interviews carried out by YUVA.

At the same time, JRS lacked analytical skills and legal knowledge, without which the data would have been redundant. YUVA complemented JRS as a professional organization. It had experience in other cases, lobbying skills, knowledge of national and international legislation, and the ability to analyse the data statistically and prepare convincing reports for the government and other parties involved in the proceedings. Perhaps one of YUVA's most useful attributes was its capacity to see the situation in a wider context, in comparison to the JRS, which had a more micro perspective and saw the cases in isolation.

For example, there were occurrences where the JRS would be restricted by its proximity to the political dimensions of the dispute, and refuse to communicate

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<sup>56</sup> The previous DMC was also involved directly with the community and, appreciating the work YUVA and the JRS were known for, was also co-operative. This initial acceptance contributed to subsequent good relations between the parties.

with “opposing sides”, even to achieve common objectives. YUVA, however, had the skills to enable it to continue communicating, even if they agreed to differ in opinions.

As this section shows, the collaborators were three very different kinds of organization, each with its own motivations for involvement. They had distinct roles to play that complemented each other and contributed to the successful outcome of the DMC’s judgement. At the same time, each organization also had varying internal structures, ranging from the flexibility of a new and evolving organization, such as the JRS, to the established and bureaucratic structures of the BMC. Furthermore, because the objectives and processes of the collaboration were not clearly defined, new problems arose as the collaboration continued. These are described in section three.

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### 3. THE PROCESS OF DISINTEGRATION

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This next section explores the events beginning in 1992 that led to the disintegration of the collaboration. It then critically examines the reasons that rendered the collaboration ultimately unsustainable.

Despite the DMC’s judgement in 1992, the harassment of tenants continues, although less violently than before 1992. Tenants are also still being wrongfully evicted and are feeling the burden of long, drawn-out court cases and the insecurities associated with them. This is exasperating for YUVA and members of the JRS who have struggled over many years to improve the situation.

It is also proving detrimental to the BMC. For example, many tenants have to pay the rent demanded by the *chawl* owners to the courts until the legal disputes are resolved. As a consequence, some tenants are refusing to pay the BMC service charges, as this extra amount is proving too expensive. Therefore it is still very much in everyone’s interest to sort out these difficulties, as it was in 1990.

It is also important to recognize that the significance of the *chawl* owner-tenant cases goes far beyond that of the Janata Squatters Colony. Of the 1,000 cases filed each year in one of the two Small Causes Courts in Mumbai, approximately 750 are slum cases. Though the exact nature of each of these cases is unknown, it is estimated that a significant proportion of them are disputes between the tenant and structure-owner.<sup>57</sup>

The collaboration deteriorated during a period of significant change in India’s wider socioeconomic and political context. Since the 1991 liberalization of the state economy, the shift from welfare to market-oriented policies has been reflected in housing legislation. Development Control Regulations (as shown in Annex 4, “Public Housing Legislation”) have led to economically driven solutions to slum issues, such as the Slum Redevelopment Scheme, which was implemented in 1995. The implications of this scheme are discussed further in the concluding section, but it is worth mentioning here that despite its rhetoric the scheme has not

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<sup>57</sup> Estimations according to a lawyer working in the Small Causes Courts of Mumbai on slum issues.

increased the security of tenants. Instead, it has marginalized the issues of illegal slum tenancies even further.

### ◆ 3.1 Structural Impediments: The Menace of Bureaucracy

The DMC's judgement was announced in 1992, along with specific instructions to the BMC law office to intervene in the Small Causes Court (as referred to in section 2.5). It should thus have been straightforward for tenants fighting cases in the Small Causes Courts to use the judgement to prove that they should not have to pay rent to the VLT holders/*chawl* owners. For a variety of reasons, however, this proved—and continues to prove—much more difficult than first envisaged.

Many of the tenants' lawyers have failed to use the DMC judgement effectively.<sup>58</sup> This is due to a combination of factors, including the inadequacy of some of the lawyers, overly bureaucratic systems and the inaccessibility of public information.<sup>59</sup>

An example illustrating this point is the lengthy process in which tenants had to engage to prove their plot of land was situated in a slum area. While 55 per cent of Mumbai's population lives in slums, which cover a considerable proportion of Mumbai's land, many of the official slum areas are small isolated patches around the city, which makes them difficult to identify. For the tenant it is a two stage process: first, knowing if their area is a declared slum; and second, proving it. As already mentioned in section 1.5, there are certain procedures for declaring an area a "slum" and residents are not automatically informed of the procedures of the declaration.

In order for a tenant or group of tenants to utilize the DMC's judgement effectively, they first had to know their city survey number.<sup>60</sup> As this information is not readily available to the public, it involves a special trip to the City Survey Office. Here, officials give information on individual plots freely if precise addresses are given and reasons clearly articulated, but it is harder and regarded with some suspicion if efforts are united to collect a whole area's city survey numbers.

Once the city survey number is obtained, tenants then take this number to the BMC office to ask if the area is a declared slum. If it is, they then require the number of the specific gazette in which the area was declared as an official slum. This vital information is needed as evidence in the court case—but obtaining it involves yet another trip to the Government Information Office. There is no one place in Mumbai where one can simply get information to determine exactly where all the slums are.

The burden on individual slum tenants to provide basic evidence is totally impractical for, and biased against, poorer communities, who can scarcely afford

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<sup>58</sup> About 30 lawyers were given a copy of the judgement. It has been used in approximately five cases.

<sup>59</sup> Complaints from tenants about their lawyers range from not arriving at the courts to not informing clients about the status of their cases.

<sup>60</sup> A city survey number is the number under which a piece of land is registered and accordingly processed in the government systems.

to take the time off work necessitated by the three time-consuming trips to different offices. It is virtually impossible for illiterate tenants without prior knowledge of, or skills to engage in, the procedures involved. Although unintentionally in these cases, the systems in place worked in favour of the VLT holders/*chawl* owners (see section 1.7) and to the detriment of the tenants.

### ◆ 3.2 Unforeseen Events

The total disintegration of the collaboration was catalyzed by two unforeseen events: first, the premature transfer of the DMC; and second, the communal riots that took place throughout the country from December 1992 until January 1993, which were triggered by the demolition of the Babri Masjid in Ayodhya.<sup>61</sup> The anger that was let loose during the riots was frequently manipulated by either *chawl* owner or tenant to oust or intimidate the other. The legacy of the riots remains: the community is divided along communal lines, and single Muslim families in a predominantly Hindu area have gradually moved into a predominantly Muslim area, and visa versa (Kothari and Contractor, 1996).

The riots had ramifications for the collaboration as well. From 1992 to late 1994, the JRS concentrated on supporting the youth in trying to overcome the damaging effects of the riots. For YUVA, the *chawl* owner-tenants issue was superseded by issues deemed more important, including much-needed riot relief, but also efforts to combat problems of alcoholism and the public distribution (rations) system (YUVA, 1998).

The energy and determination that led to the successful outcome of the DMC judgement was consequently lost, as both the JRS and YUVA got distracted from the single issue. If YUVA had been able to give sustained support, especially in lobbying and negotiation, which were the skills that JRS lacked, it is likely that the collaboration would have been much more successful.

Furthermore, if the DMC had not been suddenly transferred from his department the judgement would probably have been converted, due to his personal influence, into a legally binding act. This is discussed further in section 3.4, which explains why the collaboration was too personal and because it worked on an individual rather than an institutional basis, was ultimately unsustainable.

### ◆ 3.3 Politicization

It was not only the diversification into other activities that had an effect on the collaboration. The JRS, as an evolving organization, inevitably underwent important institutional changes. From 1995 until mid-1997, it developed as an independent organization and became a strong political and social movement in the area, with a membership of about 6,000. With this strong mass base behind it, the JRS was able to contest the February 1997 local elections, nominating four JRS members as candidates. Although none of them were voted in it illustrated, to other local political and non-political organizations in the area, that they wielded a significant amount of power.

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<sup>61</sup> The Babri Masjid is a fifteenth century mosque built in Ayodhya. After its destruction by Hindu fundamentalists on 6 December 1992, widespread rioting between Muslims and Hindus swept the country.

However, this also made the JRS susceptible to various offers of support by outside parties who wanted to capitalize on the public credibility that the JRS held within the community. This resulted in difficult decisions having to be made, reconciling the desperate need to achieve developmental objectives and increased funding versus aligning with parties that had policies incongruous with the ethics of the JRS and YUVA.

The JRS also had some internal disputes over the accountability of funds. Like many grassroots organizations, which are frequently dependent on their mass base and where news spreads fast in a small community, the JRS was reluctant to expose key community members in the misuse of funds. These and other problems were not immediately resolved. As a consequence, YUVA, with divided obligations between developing CBOs and transparency and accountability to society at large, was obliged to end the working relationship in August 1997.

However, some of the tenant members from the JRS did not want to give up the tenants' cause and discard the successes they had achieved. When they could not succeed in convincing JRS to resolve its internal problems and continue the collaboration with YUVA, they formed a new wing of the JRS, called Krantikeri Bhadekeru Sangh (KBS).<sup>62</sup> YUVA has been collaborating with this new group since early 1998.

YUVA has frequently encountered this dynamic process of community-based organizations breaking down and evolving. Although this process slowed the collaboration and the progress of the tenants' issue, it also has benefits for the development of CBOs. It raises an important issue about retaining the flexibility of CBOs to develop while ensuring the sustainability of collaborations.

### ◆ 3.4 Personalization

The DMC judgement was used on an *ad hoc* basis for each of the individual cases in the Small Causes Court and without much success (as mentioned above). This would not have been the case if the judgement had been effectively translated into a legally binding document. Because DMC was transferred, he was unable to ensure that his judgement was implemented effectively. Consequently, the opportunity to utilize the judgement within the BMC, and ultimately translate it into a legally binding document, was lost. Although he gave the responsibility to his legal department and the NGOs, this was done informally. There was no official order that gave the legal department instructions or procedures for implementing the judgement. Attempts by YUVA (and the JRS) to convert the DMC judgement into a legally binding act have been unsuccessful for a number of reasons.

There is no official legal recourse for a “quasi-judicial order”, which is regarded as an operational policy or verbal commitment as opposed to a legally binding judgement. Therefore YUVA and the JRS could not demand action on any legal grounds, which meant that they had to rely on sympathetic officials to listen to “their” cause, which it had become. This is in contrast to the joint objectives that

<sup>62</sup> “Krantikeri Bhadekeru Sangh” signifies “Revolutionary Tenants Organisation” in Marathi, the local language.

had been originally expressed by all parties, including the BMC, at the start of the collaboration.

YUVA and its new partner, the KBS, currently find themselves in a situation where the new DMC regards the judgement passed by the previous DMC as the responsibility of the legal department to which it was subsequently passed. This attitude is indicative of the personalization of processes underpinning Mumbai's bureaucratic structures, where there is a lack of institutional accountability and shared responsibility.

The legal department, which is headed by the Additional Commissioner, is stalling implementation due to an unwillingness to address the complexities presented by slum issues, and a combination of other factors, including scepticism that these changes will actually make a difference and preoccupation with other slum initiatives. Unless there is an absolute and definite order, with the consequences of not following it made apparent, or there are obvious benefits to be gained, the legal department has no pressure upon it to take action.

It is apparent that once the BMC's main interest of receiving lost revenue was fulfilled, they lost interest.<sup>63</sup> Even though individual tenants fighting court cases are frequently not paying service charges to the BMC, it is not enough incentive for the BMC to intervene by mainstreaming the DMC judgement. The efforts toward, and the positive outcome of the order in 1991, have steadily eroded as the judgement is not being effectively used or supported by the BMC.

Recent meetings between YUVA, the KBS and the Additional Commissioner, who is in a much higher position than the DMC in the BMC hierarchy, clearly indicates that the collaboration of 1990-1992 was on an individual basis. While the collaboration had positive knock-on effects within the BMC, especially at the ward level, it was never formalized and was therefore unsustainable.

The Additional Commissioner, who was unaware of the efforts of the collaboration, dismissed the previous DMC's judgement. By asking for fresh evidence on the number of tenants per *chawl*, he has implied that if a VLT/*chawl* owner has just a few tenants it is acceptable, but if there is evidence that there are large numbers of tenants he has stated that he will review the situation. He has by purpose or ignorance misunderstood the principals of the judgement.

Although YUVA and the JRS/KBS are carrying out a survey to gather up-to-date evidence on the number of tenants per *chawl*, the fact that this has to be done is a stark reminder of the flaws of the collaboration. It is the beginning of another personal relationship and education (of the Additional Commissioner) on an issue that could have been settled in 1992.<sup>64</sup> YUVA and the JRS/KBS are also approaching the State Assembly to try to make appropriate legislative changes, including a clause in the Rent Act that will protect the slum tenants on government land against litigation by the structure-owner.

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<sup>63</sup> After the DMC judgement in 1991, in the knowledge that they were legally entitled to stay in their dwellings, tenants became more secure and started to pay service charges to the BMC.

<sup>64</sup> YUVA and the JR/KBS have an excellent comprehension of the laws and regulations that have effected the Janata Squatters Colony. Therefore, they frequently find themselves in a position of having to educate individual BMC officials.

### ◆ 3.5 Summary of the Collaboration

The collaboration that started in 1990 and which had successfully resulted in the DMC's judgement of September 1991 subsequently deteriorated. The DMC was transferred, and the momentum and effectiveness of the collaboration were lost due to the lack of shared responsibility within the BMC and formalization of the collaboration itself, which may have ensured the judgement was enforced.

Without the transfer of the judgement into legally binding legislation, the tenants were left to prove each of their cases individually, and to tackle the government's bureaucracy to obtain the basic evidence they required. The communal riots contributed to the diversification of the activities of both the JRS and YUVA, further eroding the momentum that had been achieved up until 1992.

Internally, the JRS was also renegotiating its power structure and support systems. The KBS has begun to work more closely with YUVA, and the tenant issue has been reactivated. Despite fervent lobbying, however, it is apparent that the same drawbacks continue to plague the effectiveness of the collaboration.

Although the collaboration between the BMC, YUVA and the JRS in Janata Squatters Colony was impeded by a particular set of circumstances, this section illustrates the common themes resulting in fundamental drawbacks that could be applied to other collaboration case studies. The Janata Squatters Colony case clearly highlights the value and potential of collaborations. Yet it also illustrates their fragility. This was apparent when various unforeseen events undermined the collaboration process: the "fundamental drawbacks" of bureaucracy, politicization and the personalization of the relationships between the collaborators.

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## CONCLUSION

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The collaborative initiative that took place between the BMC, YUVA and the JRS in Janata Squatters Colony is one example of civil society "participation" in urban governance. Through the lessons of this particular case, and an examination of the socioeconomic and political context in which it is set, one can establish whether this collaboration was an effective partnership<sup>65</sup> and identify common processes that can be applied to the betterment of future partnerships in urban development. The conclusion is divided into two sections: first, a micro-level analysis of lessons learned from the Janata Squatters Colony case itself; second, a macro-level analysis of the wider socioeconomic and political context.

### ◆ Lessons Learned From the Janata Squatters Colony Case

Analysis of the key indicators outlined in the introduction has allowed us to determine the nature of participation in the Janata Squatters Colony case. Varying modes of participation can

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<sup>65</sup> Defined in the introduction as modes of participation that lead to genuine citizens' power.

. . . provide for a range of representational efficacy and degrees of power sharing, from essential non-participation or tokenism to modes of participation that lead to degrees of genuine citizen power through partnership or joint policy boards, by delegating power, or through outright citizen control (Chaskin and Garg, 1997:638).

The findings from the Janata Squatters Colony case lead to the conclusion that the collaboration between the BMC, YUVA and the JRS was a “token partnership” because there was no joint decision making or implementation in any concrete or sustained manner. Though each party had a specific role and carried out particular tasks that led to a successful outcome for the tenants on a temporary basis, the fragility of the partnership was apparent over a longer period of time when there was a need for further implementation and partnership.

The nature and initial strength of the collaboration in Janata Squatters Colony was its dual role as both an “extension of the local government apparatus” and working in “opposition” to it.<sup>66</sup> For example, the ability of YUVA and the JRS to retain their independence from the BMC and continue to lobby and oppose policies is contrasted with the supportive role they played in resolving the *chawl* tenant-owner dispute with the DMC. This dual role was only possible due to the informal and flexible nature of the partnership. At the same time, this informality contributed to the deterioration of the collaboration and raises the important question of how to resolve this sort of contradiction within a partnership.

The case of collaboration in Janata Squatters Colony is useful because it illustrates the potential success of “partnerships” at the local level, and at the same time highlights potential pitfalls, which lead to inevitable long-term failure. The partial success of the collaboration in the Janata Squatters Colony case is shown in the following list of achievements:

- First, the collaboration between the BMC, YUVA and the JRS evolved and succeeded as a mechanism for communication and the sharing of information.
- Second, it was partially successful in (i) making slum issues publicly visible; (ii) resolving the dispute between *chawl* owners and tenants, and (iii) improving slum living and housing conditions.
- Third, the collaboration helped to clarify and influence policies, for the long-term benefit of many slum dwellers outside Janata Squatters Colony itself.

As demonstrated throughout this case study, the potential pitfalls that can lead to the deterioration of a partnership and its long-term instability are *bureaucracy*, *politicization* and *personalization*. Manifestations of these in the Janata Squatters Colony case resulted in the ability for unforeseen events (riots, DMC transfer) to

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<sup>66</sup> One method for examining the nature of the relationship between the formal government and local governance entities (non-governmental and community-based organizations) is to use the following four categories: (i) Those that work in *parallel* to local government, providing alternative mechanisms for the provision of social services. (ii) Those that work *separately but are complementary* to local government, providing services that are not undertaken by the government. (iii) Those that are *incorporated into the local government* as formal extensions of the government apparatus. (iv) Those that work in *opposition* to the local government as advocacy mechanisms to influence policy making, resource allocation and services delivery. The type of relationship that exists will have different implications on the “effectiveness, legitimacy and long-term viability of governance at the local level” (Chaskin and Garg, 1997:639).

totally disrupt the collaboration, and are symptomatic of the underlying structural failings of the collaboration. The question arises of how to respond to these potential pitfalls.

Bureaucracy has been identified as a major drawback to effective partnerships. From examples in the case study two levels of bureaucracy emerge. First, bureaucratic structures exist and function at a subconscious level, for a variety of reasons including the need to provide jobs and to maintain the *status quo* in terms of caste, class and power structures. (For example, in section 1.1 it was suggested that “ensuring the informal sector maintains low wages and a low cost of living” may be a reason.) This has been illustrated throughout the case study, in examples of the complex and lengthy systems to prove land is part of an official slum, losing vital records, not recording or making processes efficient, and lack of incentives or reward.

Second, bureaucratic mechanisms may be used explicitly to support an individual, political or ideological agenda. This has been illustrated through examples such as procrastination to avoid action, and varying levels of access to information depending on the interests of the BMC. This was also described in some detail in section 3.4, on personalization. For example, because the DMC’s judgement relied on an individual’s discretion rather than laws or systematic policies, it was not implemented.

In the Indian context it should be noted that these two levels of bureaucracy are not easily distinguishable and frequently work simultaneously or on a continuum, which means it is harder to challenge injustice. In other words, at what point does an individual’s action shift from being genuinely constrained by a system, to gaining power through manipulation of the system?

Throughout the case study formalization has emerged as an appropriate response to problems of bureaucracy in India. “Formalization”, in terms of practical changes including—even seemingly insignificant—processes such as having clearly written objectives, and continually documenting or recording the collaboration, will be beneficial. This is because it then becomes *marginally harder* for (i) systems to fail if appropriate organizational mechanisms are in place; and (ii) individuals to shirk their responsibilities if their commitments are recorded.

Another issue that emerged from the case study has been *politicization*. As the case study showed, the changing nature of a CBO, in this case the JRS, became problematic. This raises interesting questions about problems of association, when a particular party’s ethics and actions no longer run parallel with the standards of another. This is especially apparent with a collaboration that spans over a long period of time. It is also worth mentioning that while this was the case with the JRS and YUVA, such rigorous criteria were not applied to the BMC, even though some of its policies and ethics were contrary to YUVA’s. This is because the implications and risks of two NGOs (or CBOs) with different values working together are more detrimental, especially when one is integrally linked to the establishment of the other.

Lessening impacts of “politicization” on a collaborative initiative requires better understanding of the collaborators and the relationships between them, enabling them to anticipate and respond to the development of a “collaboration”. For

example, at the start of a collaboration it should be recognized that the original relationship between a well-established NGO or local government, and a new CBO is likely to change over time, and realistic (perhaps short-term) objectives should subsequently be acknowledged and given priority.

The case study also illustrates the need for NGOs directly involved with a CBO to engage in an intensive process of “capacity building” in conjunction with any given collaborative initiative to forge more egalitarian partnerships. Capacity building extends beyond the transfer of skills to increasing opportunities for CBOs to realize their potential by experiencing power through the consequence of their actions, whether failures or successes. Furthermore, while this may ensure that a common basis for work emerges—enabling the collaboration to be sustained for a longer time—there is a need to allow space for the dynamic processes of evolving CBOs as referred to in section 3.3.

A key lesson is that partnerships can be improved through formalization. However, formalizing partnerships in itself is not enough, and alone it cannot ensure that partnerships will be sustained. As the next section explains there is also a need for institutionalizing participatory processes, which is distinct from, though closely related to, formalizing partnerships.

## ◆ A Wider Socioeconomic and Political Context

Further insights can be drawn from the wider socioeconomic and political setting of the collaboration in Janata Squatters Colony. With the implementation in India of structural adjustment policies and liberalization in 1991, there has been a dramatic shift from a “welfare” to a “market-oriented” state. This is exemplified in the changing nature of slum housing policy and partnerships between the government, NGOs and CBOs.

For example, the provision of housing has been left to market forces, increasing the vulnerability of marginalized groups. This can be seen clearly in the shift from welfare-oriented housing policies, such as the Slum Up-gradation Programme (SUP) of the 1980s, to market-oriented and laissez-faire policies, including the Slum Redevelopment Scheme (SRS), of the 1990s.<sup>67</sup> The latter scheme is envisaged as a panacea to resolve all social disputes, including the exploitation of tenants by VLT holders/*chawl* owners, because once it is initiated the status of VLT holders is automatically cancelled (as described in section 2.5).

As a consequence, the resolution of slum housing disputes and the security of tenants have become entirely dependent on the implementation of this scheme. It is used as a rationale for neglecting alternative policies or for not giving slum tenant issues any serious independent consideration. The systematic failure of the

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<sup>67</sup> This was implemented in 1995 after changes in Development Control Regulations, as part of the economic liberalization of 1991. It was designed to provide opportunities for slum dwellers, in conjunction with private developers, to improve slum land by building and selling property on the open market. If 70 per cent of slum dwellers in a particular region agree, the Slum Rehabilitation Authority implements the scheme. The slum dwellers are granted extra floor space index (FSI), so that they can build, sell and make a profit on a structure sold on the open market. With the profits they are expected to gain, they can develop the surrounding slum. This produces the combined effect of freeing up vital land for property development and improving the living conditions of slum dwellers.

scheme, for a variety of reasons including decreasing land prices, has resulted in the total neglect of tenant issues.<sup>68</sup>

There are feasible alternatives for resolving slum housing issues. But these are driven by social considerations, which incorporate viable economic policies, rather than by economic policies alone. For example, the government is constantly being urged to regularize slums, provide proper civic amenities, and give slum dwellers land rights, incentives and soft loans to construct their own houses.

It is worth noting that, in general, government policies tend to have both positive and negative social consequences, which may or may not be intended. For example, in the case of the SRS, the emphasis on market forces has been regarded as sufficient means for resolving social deprivation and inequality—for example, the abolition of the *chawl* owner-tenant relationship. Although this objective is not being fulfilled, the policy does achieve the goal of freeing up vital commercial land in central and south Mumbai, which benefits a segment of Mumbai's population.

In the same way, the MVLA was intrinsically against slum dwellers and designed to enable the government to evict anyone residing in the slums—but it also served the purpose of nullifying the *illegal* relationship between tenant and owner. When it was subsequently abolished, it served the dual purpose of protecting slum residents by restoring their tenants' rights, and simultaneously reintroducing the *illegal* relationship between the *chawl* owner and tenant.

Therefore, in the changed context of a market-oriented state, further recognition is needed of the multi-level and diverse nature of Mumbai's society and the needs, possible contradictions and conflicts that result. This will enable better policies and legislation to be constructed, benefiting Mumbai as a whole and not to the detriment of marginalized groups.

The shift from a welfare to market-oriented state is also reflected in the nature of partnerships between the government, NGOs and CBOs. Governments are increasingly contracting out work in the social sector to non-profit organizations. This presents various problems for NGOs. For example, they are often obliged to retain "professional secrecy", jeopardizing their independence and commitment to transparency and accountability. Rather than participating fruitfully in a "partnership", it is a relationship of convenience, where levels of decision making are limited, there are no rights to future involvement, and relationships and interaction are far from egalitarian.

Cases have been cited where, in this "contractual relationship", wages have not been paid and commitments have been broken. In other words, the contractual relationship between government and NGO/CBOs is either one of co-option or is lacking—at the most basic level—in terms of financial and contractual obligations. The contractual relationship is ultimately limited in its capacity as a mechanism for the "democratic imperative", defined as the "principal that those who will be substantially affected by decisions made by social and political institutions must

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<sup>68</sup> As of 1 October 1997, only 15 projects had been completed, consisting of a mere 20 buildings and 1,648 tenements, addressing the problems of less than 0.1 per cent of the slum population in Mumbai (see "After two years, SRD is a non-starter", **The Sunday Times of India**, 21 December 1997, p. 5).

be involved in the making of those decisions” (Bullock et al., 1988:630). However, while *contractual* relationships are being increasingly forged between the government, NGOs and CBOs, limiting the possibility for successful partnerships, there is a need to distinguish between the pitfalls of contractual relationships and the benefits of formal partnerships with the state.

Therefore, to improve local democracy in an increasingly market-oriented state requires changes in structures that provide a space for interaction and dialogue between local government and civil society. This “space”, which has also been described as the “public sphere”, is created through the processes of both building up local governance (which we have already identified as formalization and capacity building) and institutionalizing participatory processes.

The recognition of the importance of creating a space for community participation through institutionalizing participatory processes is an explanation for the fervent lobbying that has taken place by YUVA and its partners at the policy level. A possible avenue is through the 74th Amendment of the Constitution of India.<sup>69</sup> This was officially promulgated in Maharashtra on 31 April 1994, but until very recently, there have been no concrete steps to implement it.

As part of the devolution process envisaged under the 74th Amendment, NGO and CBO representatives have reserved seats on municipality ward committees. This is a unique opportunity and the first acknowledgment by the government of the importance of expanding local democracy beyond elected representatives, and of the role that NGOs can play in contributing to the government decisions at the ward level. The ward committees are being set up and crucial decisions are being made on the type of criteria for selection of NGO and CBO representatives.<sup>70</sup>

The question remains of the extent to which these ward committees will truly reflect the broad cross section within the NGO and CBO community. Or, will the government merely pay lip service and tolerate only politically congenial and non-confrontational NGO/CBOs? Even if wide-ranging and non-conformist NGO/CBOs are selected, the ward committees allow no voting power and minimum financial clout to the NGO or CBO representatives. Currently, government officials are reluctant to address the issue of power sharing and have made it apparent that the ward committees are no more than forums for dialogue.

While the present situation seems fairly bleak and fraught with political obstacles, especially for organizations like YUVA, which are often at odds with government policy, it is nevertheless a small step in the right direction.<sup>71</sup>

The expansion of ward committees to include NGOs is only the beginning of the process of change. NGO workers have reiterated the importance of keeping alive

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<sup>69</sup> The Constitution (74<sup>th</sup> Amendment) Act, 1992, otherwise known as the Nagarpalika Act (20 April 1993) makes changes to the Constitution of India, to be enacted in the Forty-third year of the Republic of India.

<sup>70</sup> Representatives of the Municipal Administration continue to placate demands by assuring that the ward committee will be set up and functioning in the near future, but as this has not happened yet.

<sup>71</sup> YUVA is now involved in trying to influence the decision makers on the criteria used to select NGOs, in the hope that ward committees will comprise an eclectic mix of members that truly reflect people’s issues in the community.

the “spirit of people participation” stipulated in the 74<sup>th</sup> Amendment beyond that of ward committees. They continue to rigorously monitor developments of the 74<sup>th</sup> Amendment, and lobby for appropriate legislation.

It is also worth observing the connections between changes in legislation that effect citizenship rights, such as the 74<sup>th</sup> Amendment, and the pressures for change that stem directly from the grassroots level, as seen in the case of Janata Squatters Colony.

The expansion (or contraction) of citizenship rights is in part an outcome of the socio-political processes of participatory democracy and is influenced, to a degree, by activity of local interest groups . . . . participatory democracy becomes not an end in itself but also, primarily at the grassroots level, a means to attain social, economic and cultural ends, namely, the enhancement of citizenship rights in the city (Hasson and Ley, 1997:30).

Both the 74<sup>th</sup> Amendment, and the need to change general housing legislation such as the Rent Act to encompass clauses for the protection and benefit of slum dwellers are examples of the interplay between citizens’ rights and the interests and needs of non-governmental and community-based organizations.

Recent discussions at YUVA, which will contribute to the collective learning about local democracy, aim to explore the nature of partnerships with NGOs, CBOs and the government. By sharing both positive and negative experiences and trying to come to a shared understanding of the concept of a mutually beneficial and productive “partnership”, the groundwork will be laid for formalizing partnerships and institutionalizing participatory processes. Eventually, it is hoped that there will be a city-level policy on NGO, CBO and government partnerships that will serve as a framework applicable to a variety of different issues and communities.

This concluding section has identified two main responses to lessons learned from this case study. First, concrete institutional changes that ultimately lead to spaces in which successful partnerships between the government and civil society can flourish are of great importance. Second, the continuation and strengthening of existing collaborative initiatives through formalization and capacity building is a first step and can be pursued in the short run. Such initiatives, including the Janata Squatters Colony case, continue to improve our understanding of what constitutes a successful partnership and instigates and perpetuates the search for ways in which to improve local democracy.

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## **ANNEX 1: MAP LOCATING MUMBAI IN INDIA**

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**ANNEX 2: MAP LOCATING JOGESHWARI  
IN MUMBAI**

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## ANNEX 3: MAP OF JANATA SQUATTERS COLONY

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## ANNEX 4: PUBLIC HOUSING LEGISLATION RELEVANT TO SLUMS

Legislation	Date	Purpose
Bombay Housing Board	1949	Set up for provision of public housing.
Slum Clearance Scheme	Early 50s	Initiated to re-house slum dwellers in subsidized public rental housing.
Centrally sponsored scheme	1958	For clearance and improvement of slum areas and re-housing of slum dwellers.
Slum Areas (Improvement, Clearance and Redevelopment) Act	1971	Enabled improvement of slums on public and private lands, and acquisition of land, and provided for protection to occupants from eviction.
The Maharashtra Slum Improvement Board Act	1973	Established the Board, provided for creation of Slum Improvement Fund and Area Improvement Panchayats, and enabled levy of compensation and services charges from slum dwellers.
The Maharashtra Vacant Lands (Prevention of Unauthorized Occupation and Summary Eviction) Act	1975	Devised to protect lands from encroachment, but was unconstitutional and was challenged in 1980 by the High Court, and struck down in 1985 by the Supreme Court.
Census of Slums	1976	Official photo-passes were given out which gave a sense of security to slum dwellers.
Hut Renovation Scheme	1977	Initiated where Commercial Banks extended loans to slum dwellers surveyed in 1976. These loans were guaranteed by the Controller of Slums based on his power of eviction for non-repayment under the Maharashtra Vacant Lands Act, 1975.
The Task Force on Housing and Urban Development—Shelter for the Urban Poor and Slum Improvement	1983	Constituted by the Planning Commission, which criticized the “brick and mortar” approach of public agencies and called for a regional change in the orientation of public housing agencies.
The Bombay Urban Development Project (BUDP), Slum Up-gradation Programme (SUP)	1985	Slum dwellers were provided with soft loans to undertake up-gradation. Included for the first time, principals of affordability through differential pricing, and full cost recovery and hence replication.
Development Control Regulations	1991	Emphasis on using economic forces of the market in achieving equity objectives through liberalized provisions related to zoning, FSI (Floor Space Index), and densities to promote supply of new affordable housing and redevelopment of slums and old buildings.
Slum Rehabilitation Scheme (SRS) implemented by the Slum Rehabilitation Authority (SRA)	1995	Private builders, with the incentive of additional FSI, were given access to construct on land where slums are located. If 70 per cent of the slum dwellers agree the scheme can be implemented. Profits gained from constructing and selling a single commercial building on the open market was invested into the slum area as a whole.

## ANNEX 5. YUVA AND ITS ACTIVITIES

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Youth for Unity and Voluntary Action (YUVA), is a registered voluntary development organization. It takes up issues of the vulnerable and marginalized poor in urban and rural areas. YUVA's personnel are drawn from a variety of backgrounds, including professionals from social work, management, planning and the humanities as well as field workers. Based in Mumbai since 1984, YUVA has now initiated work in other urban centres.

### ◆ Mission statement

To empower the oppressed and the marginalized by facilitating their organizations and institutions towards building equal partnerships in the development process, ensuring the fulfilment of their human right to live in security, dignity and peace. To also engage in critical partnerships with the government and to forge alliances with other actors of civil society, such as people's movements, trade unions, women's groups, academic institutions and the private sector to enable and strengthen people's empowerment processes.

### ◆ Activities

- YUVA's initiative, **The City Project**, in Mumbai aims to restore, promote and defend the rights of the poor in the process of urbanization. It focuses primarily on street children, youth, women and men residing on pavements and in slums. Comprehensive community work in some areas of the city, namely Jogeshwari (East) and Ghatkopar supports residents in obtaining ration cards, children's birth certificates, voter identity cards and recognition of tenure. Animator Training Programmes are conducted regularly to foster community leadership and facilitate people's organizations (such as area-based organizations) and institutions (such as co-operatives) to advocate their cause and negotiate with the state and the market. People have been mobilized around issues such as forced evictions, the right to work and gender justice. Other initiatives include a revolving fund, which provides credit facilities to those who cannot access formal banking, a night shelter for street children and an open school for pavement children.
- YUVA's urban intervention extends to other urban centres. **Urban Transformation through Humane Intervention** in Pune and Nagpur engage in research, intervention with communities to enable them to access basic rights, and mobilization of women into *mahila mandals* (women's groups) and self-help groups.
- **Anubhav Shiksha Kendra**, a student programme, is part of a national network to mobilize youth for development work. YUVA publishes "Anubhav" in English and Marathi, a monthly journal focusing on issues of human rights, NGO work, and Maharashtra's socioeconomic, political and cultural environment.
- **A Campaign on the 74<sup>th</sup> Amendment to the Constitution**, which aims to make the ward committees functional as per the 74<sup>th</sup> Amendment Act, has been initiated in Maharashtra. A Marathi bi-monthly publication on civic affairs,

“Nagarsatta”, involves citizens in municipal issues and monitors municipal services.

- YUVA’s **Legal Resource Centres** in Mumbai and Nagpur undertake counselling and litigation on women’s issues and human rights.
- YUVA is part of the **Development Collaboration Foundation**, which comprises voluntary organizations working in urban and rural areas in Maharashtra on the rights of marginalized communities to natural resources and their equitable and sustainable use, and social justice for women and backward caste communities.
- YUVA is actively involved in the **Resource and Support Centre for Development (RSCD)**, a forum of regional networks in Maharashtra and Rajasthan with the objective of building a larger network of organizations and individuals who support people-centred development processes. The Vidarbha Lok Vikas Manch (VLVM), a network of community-based organizations, voluntary organizations and individuals from Vidarbha, serviced by YUVA, is RSCD’s regional resource network. VLVM takes up issues of marginalized tribals, women, farmers and landless labourers in Vidarbha, and provides assistance and training to network members.
- YUVA is a member of the campaign to promote a **Domestic Workers Bill** to recognize domestics as workers; **Campaign Against Child Labour**; **Asian Coalition for Housing Rights**; **Asia-Pacific 2000**; **Center on Housing Rights and Evictions**; the **Habitat International Coalition** and **Focus on the Global South**. YUVA is accredited as an NGO with General Consultative Status with the United Nations Economic and Social Council (ECOSOC).

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## ANNEX 6: DIAGRAM OF THE COLLABORATION

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