

IHS Occasional Paper Series

PAPER NO. 8

SLUM REDEVELOPMENT IN MUMBAI - RHETORIC AND REALITY¹

Padma Desai

¹ The case study discussed in this article is part of IHS Ph.D. Research by the author guided by Dr. Peter Nientied. The author's ongoing doctoral research is titled "Institutional context of policy planning and implementation-Four case studies of squatter upgrading policies in the city of Mumbai, India".



Institute for Housing and Urban Development Studies

The Institute for Housing and Urban Development Studies (IHS), established in 1958, is an independent educational foundation based in Rotterdam, The Netherlands. IHS is active in the field of housing, urban management and urban environmental management in Asia, Latin America, Africa and Central and Eastern Europe. IHS offers post-graduate training, research and advisory services to national and local governments, multilateral and bilateral agencies and private companies.

About the Occasional Paper Series:

To stimulate professional debate in the field of urban development, housing and urban environmental management, IHS publishes its Occasional Paper Series. This series is intended to provide an opportunity for IHS staff and their professional associates to document recent work experience and research, and to make these accessible to a wider audience. Feedback to the authors is most welcome and will be considered in further development of the theme of the research. A listing of papers in this and other series can be found in the back of this publication.

The views expressed in IHS Occasional Papers are those of the author(s) concerned and are not necessarily those of the Editors, the publisher or any member of the IHS Editorial Board. Moreover, unless otherwise indicated the views expressed do not necessarily reflect those of any organisation, firm or institution with which the author(s) may have been associated. Any variation in standards of referencing or use of English in the paper are the responsibility of the author(s) and not of the editors, publishers or any member of the IHS Editorial Board.

Editorial Board

Meine Pieter van Dijk
Carla Lepelaars
Monique Peltenburg
Carley Pennink
Paul Rabé
Mike Rodell
Emiel Wegelin

Cover design: Heike Slingerland bNO

Correspondence

Institute for Housing and Urban Development Studies (IHS)
Publications
P.O. Box 1935
3000 BX Rotterdam
the Netherlands
Phone: +31 10 4021564
Fax: +31 10 4045671
E-mail: publications@ihs.nl
Homepage: <http://www.ihs.nl>

ISBN: nl. 90-6433-027-1

© Institute for Housing and Urban Development Studies, Rotterdam, The Netherlands, 1999
Copying with reference to title, author and publisher is permitted

ACKNOWLEDGEMENTS

It is difficult to begin this acknowledgement without remembering Dr. Jan van der Linden. Even though my association with him was relatively brief, it remains very valuable to me. I shall always cherish his prompt and incisive comments to all the research drafts that I sent him and his very motivating feedback. I certainly miss his encouraging presence.

Dr. Peter Nientied's support has been unfailing and steady. He has always been available for numerous thought provoking and interesting discussions, which have greatly helped me in crystallising and refining my concepts and perspectives. I take this opportunity to acknowledge his constant support and inputs in guiding and shaping my research work.

Monique Peltenburg, both in her professional and personal capacity, helped in making my sometimes long stay in the Netherlands quite easy. Monique's comments, along with those of Paul Rabé (also of IHS), helped in giving the paper its final form. Many thanks are due to them too. I also thank IHS for publishing my research case study as one of their occasional series papers.

The case study presented in this paper would not have materialised had a number of people involved with it not readily extended their time, support and insights to me. I take this opportunity to thank the Company officials, especially the Managing Director, India, the Public Relations Officer and the Officer in-Charge of the redevelopment initiative. Unlimited access was granted to me to all their files, court papers, reports and other relevant documents concerning this case.

Senior level officials of MMRDA, MHADA and SRA helped me in gaining insights into the dynamics of this specific case study as well as into the larger issues confronting the city of Mumbai. Our discussions always succeeded in inspiring me and in giving me rare insights into the incredibly volatile city of Mumbai. The residents of the two squatter colonies, initially suspicious of my incessant queries, soon became more comfortable in sharing their views with me, as I was, according to them, "just a harmless researcher".

A lot of the demands of my doctoral research and the long absences from home were made more "manageable" because of the conducive envelope around me of my family. All "adjustments" with my research schedules were unquestioningly done, especially by my little daughter. Though they would not like it, certainly not expect it, I take this opportunity to say "thank you" to them.

Padma Desai

SUMMARY

The Slum Redevelopment Scheme (SRS), launched in 1995, is one of the most ambitious and expansive schemes undertaken by the state government to address the issue of squatter housing in the megalopolis of Mumbai, India. No other past or contemporary programs can match it in its proposed scope and coverage. SRS, *at least in principle*, promises a free housing unit to all the eligible slum dwellers of Mumbai via the redevelopment of squatter land. SRS is based on the concept of land sharing.

This paper discusses the case study of one private plot of encroached land taken up for redevelopment under the SRS. As the paper traces the genesis of this case study, a chronology of events emerges, which weaves a complex web of inter-related decisions, actions and reactions. A simple redevelopment initiative turns into an incredibly complicated case as it gradually gets trapped into a series of counterproductive processes emanating from different sources. The actors as well as agencies that get involved in this case, at different time periods of time, come with overlapping *and* conflicting interests with each other. Each blocks the activities of the other, ultimately thwarting the redevelopment initiative.

The overall policy framework within the SRS fails to acknowledge such complexities on the ground level. It continues to operate as an isolated initiative that is divorced from its institutional, legislative and environmental contexts. Not surprisingly, the wide schism that develops between what was expected within the SRS and its actual performance in reality is very stark. Normative strategies outlined under SRS assume a perfect and ideal condition in the city which is devoid of any conflicts or heterogeneity, in which all actions and decisions originate from official levels and all processes follow a neat, sequential and hierarchical pattern.

Reality, as the case study demonstrates, is drastically different. It is characterised by processes and actions that routinely circumvent officially established channels of decision making, and which deviate from their well defined procedures and follow an evolutionary pattern that is dictated by contradictions and pressures existing in the real world and not by what is prescribed in the formal policy documents. The case study presented attempts to capture this dynamic, unpredictable and diverse environment. It demonstrates that policies such as the SRS fail to accommodate the deviations and mismatches between the strategic and ground levels, ultimately creating a vicious circle of inaction.

TABLE OF CONTENTS

Acknowledgements	iii
Summary	iv
1 Introduction	1
1.1 Background	1
1.2 The slum redevelopment scheme (SRS)	2
2 The case study – background and evolution	5
2.1 The first suit in court	7
2.2 The company’s response	10
2.3 The slum profile	10
2.4 Parallel developments at the local government level	12
2.5 Another Complication	12
3 Finally - a court verdict	15
3.1 The land ownership scenario	15
4 The slum redevelopment scheme – a sign of hope?	19
4.1 SRS and the slum dwellers	20
4.2 The deadlock continues	21
5 The SRS policy framework	23
5.1 The SRS and institutional arrangements	24
5.2 SRS – legislative issues and the external environment	26
6 Conclusion	29
List of References	31

1 INTRODUCTION

India, like many other developing countries, is struggling with acute shortages of land and housing, especially for its low-income groups. For the second most populous country in the world, providing decent housing and basic services to the millions who stay in squatter settlements is one of its most urgent and daunting tasks. Over the years, a gradual change has been witnessed in the housing policies and programs initiated by the Indian government for the urban poor. Slum eradication has given way to slum upgradation and redevelopment, with the public agencies professing to change their role from that of a “provider” to a “facilitator”.

However, there is a very wide chasm between the intended policies and their impact in reality. Policies seem to be designed in an isolated environment in which the complex realities on the ground find little reflection. The rather normative and prescriptive strategies advocated within programs offer little operative clarity, ultimately diminishing the overall impact of the program. The article presented here attempts to link the existing conditions in a squatter settlement to the most ambitious policy initiative of slum redevelopment announced by the present coalition government in the city of Mumbai, in India. What emerges from the case is the complete inability of the “Slum Redevelopment Scheme” to offer guidelines to the existing complicated conditions at the settlement level. What also becomes evident is that, in the fluid and constantly changing conditions of the slum settlement, efforts emanating from different levels and sources remain unresolved, ultimately getting locked in a vicious circle of inaction, for which policies like the slum redevelopment offer no remedy.

1.1 BACKGROUND

Mumbai is like no other Indian city, representing the country’s most cosmopolitan and contemporary face. From a group of seven islands, it has risen to become the commercial and financial capital of India. This island megalopolis of an estimated ten million people also has the dubious distinction of containing Asia’s largest slum. In fact, more than half of its population, an estimated five and half million, are slum dwellers (Revi, 1995; Afzulpurkar Committee Report, 1995). Close to 45,000 families come to this city every year and—finding no other affordable alternative—crowd in existing squatter settlements and tenements (Pugh, 1989).

The formal supply of housing, both public and private, has never been able to keep pace with the burgeoning population, with the result that the housing deficits have increased over time, reaching the present annual deficit level of 45,000 units (MMRDA, 1994). The state government’s policies of internal restructuring, dispersal of land uses and relocation of industrial units, launched in the 1970s, and applied on the city’s narrow wedge shaped land mass, met with very limited success (Banerjee Guha, 1996; Dwivedi and Malhotra, 1995; Sunderam, 1989;

Verma, 1984). On the contrary, these policies exacerbated the situation by causing extreme congestion and imbalanced land uses within the city. In the late 1980s, the real estate boom saw land and housing prices escalating to unimaginable levels, especially at the southern tip of the city where the maximum price of land increased tenfold in the decade of 1985-1995 (Sunderam, 1989), making it unaffordable even to the middle income groups. Given such a scenario, it is not surprising to note that the urban poor have systematically been “priced out” of the formal housing market and forced into illegal slums.

It would be misleading to imply that the government has done little to address the numerous housing problems facing the city. Indeed, over the years it has responded to the fast deteriorating housing situation, especially of the poor, by implementing a wide range of schemes at the local and state levels (Sunderam, 1989; Panwalkar, 1996; Shimpi, 1995). For example, following independence, the state adopted the role of the provider and initiated a number of slum removal and relocation schemes. These graduated to “social” housing schemes and later to the sites and services and slum upgradation schemes. The state has also tried to create an elaborate regulatory framework to facilitate the above¹. Further, many state and local level bodies were created to plan and implement such programs². Important amongst them were the Municipal Corporation of Greater Mumbai (MCGM), the Maharashtra Housing and Area Development Authority (MHADA) and the Mumbai Metropolitan and Regional Development Authority (MMRDA).

The most recent scheme announced by the present coalition government at the state level, for the city of Mumbai, is the “Slum Redevelopment Scheme - SRS”, which promises free housing to all the slum dwellers residing in the city. This scheme is briefly described below.

1.2 THE SLUM REDEVELOPMENT SCHEME (SRS)

On assuming power at the state level in 1994, the coalition government appointed the Afzulpurkar Committee to study the slum situation of the city and to suggest mechanisms to arrest the rapid growth of slums. The Afzulpurkar Committee Report (ACR), which was submitted by this Committee, advocated the land sharing concept to tackle the squatter problem of the city. The state government subsequently endorsed this approach. The SRS was launched amidst much fanfare

¹ There are no less than seven Acts enacted by the state government to acquire and redevelop squatter lands. These are: a) The Land Acquisition Act, 1894; b) Constitutional changes affecting land 1949-1978; c) Maharashtra Regional and Town Planning Act, 1966; d) The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971; e) The Metropolitan Region Development Authority Act, 1974; f) The Urban Land (Ceiling and Regulation) Act, 1976; and lastly, g) The Maharashtra Housing and Area Development Act, 1976 (MMRDA, '94, p. 252-53). At the regional and local levels there are a number of organisations that are, directly or indirectly, involved with squatter housing schemes.

² MMRDA and MHADA are relatively recent additions to the institutional scenario at the state level. Before them a number of agencies, authorities and boards were created, dismantled, merged or expanded to tackle the problem of squatters of the city (Refer MMRDA, 1994, p252-53; IESA, 1986; Sunderam, 1989).

and publicity. Under SRS, an additional floor space index (FSI)³ was to be granted for predominantly residential construction undertaken on slum plots, subject to specific zoning regulations. The facility of extra FSI was expected to give sufficient incentive to any “developer”⁴ to undertake redevelopment on existing squatter lands. Further, the sale of surplus flats in the open market was expected to cross subsidise the slum dwellers who were to be given *free* housing under this scheme. A special “Slum Redevelopment Authority” (SRA) was created for the expeditious planning and implementation of SRS.

Since its inception, however, this scheme has been plagued by controversies and lack of clarity⁵. The exact mechanisms of implementing this scheme remain vague. A comprehensive organisational framework under the SRA, delineating a clear line of power and responsibility, is almost non-existent. In fact, there is a lack of clarity surrounding almost all the critical institutional, legislative and logistical aspects of this scheme. As numerous newspaper reports and comments from experts suggest, the authorities on their part are at a loss to tackle the complicated sequence of events that have been set in motion after the scheme has been announced. They have routinely backtracked on a number of critical issues and have resorted to giving piecemeal solutions to the problems confronting it. At times, key individuals associated with this scheme have gone ahead and announced modifications in SRS. By mid-1997, there was wide acceptance in government circles that the proposed target of one million houses was unrealistic and that in reality the scheme had failed to take off.

SRS is completely isolated from the environment within which it is expected to operate. The coalition government, after having announced the SRS, had conveniently assumed that implementation would smoothly follow, even if there was only a scanty supporting structure put in place to do this.

The case study described subsequently attempts to capture this scenario. It revolves around one slum locality, situated on a private plot of land owned by a multinational Company, which tried to initiate redevelopment under the SRS. In tracing the genesis of this settlement a chronology of events emerges which gradually weaves a multi-layered and complicated pattern. This pattern symbolises the intermingling of many simultaneous processes. Each operates at a different level but is dependent on and gets influenced by other levels. These processes do not always conform to nor follow the formal and clearly outlined procedures as laid

3 Floor space index (FSI) is essentially a density criteria applied to all building constructions in the city, to control and regulate the built form and densities of neighbourhoods.

4 ACR identifies a range of actors who could be the likely developer under this scheme i.e. any developers, builders, contractors, architects, engineers and cooperatives of slum dwellers. Even though there are broad parameter laid down for ascertaining their eligibility, the same remains vague and unclear.

5 SRS is a highly political scheme as is evident from its evolution (MMRDA, 1994; newspaper reports in Times of India and Midday). The chief of a powerful regional party and a partner in the present coalition government, made tall claims of providing free housing to all the city’s slumdwellers if his party was voted to power, in almost all the pre election rallies and meetings. The catchy ‘free housing’ slogan in its election manifesto is widely believed to have brought the coalition to power in 1994. After assuming power a spate of high profile ‘foundation laying’ ceremonies were zestfully undertaken by the chief to demonstrate his commitment to the election promise. Majority of these has not started any concrete work on the site.

down in policy documents. Nor do they originate from well-defined, hierarchical and predictable sources. They routinely circumvent officially established channels of decision making and communication, creating situations on the field which deviate from what was envisaged. These disparities between the formal and the informal, the official and unofficial, eventually give rise to myriad linkages between and across structures and decision centres, ultimately getting trapped in complicated loops of action and reaction.

SRS, as is clear from the present case study, offers no solution to such deadlocks occurring on the disputed land of the Company. Worse still, it does not even seem to take cognisance of the historicity and layers of public-private actions that have contributed to create this complicated scenario at the ground level. This volatile context is described in greater detail in the succeeding sections of the paper.

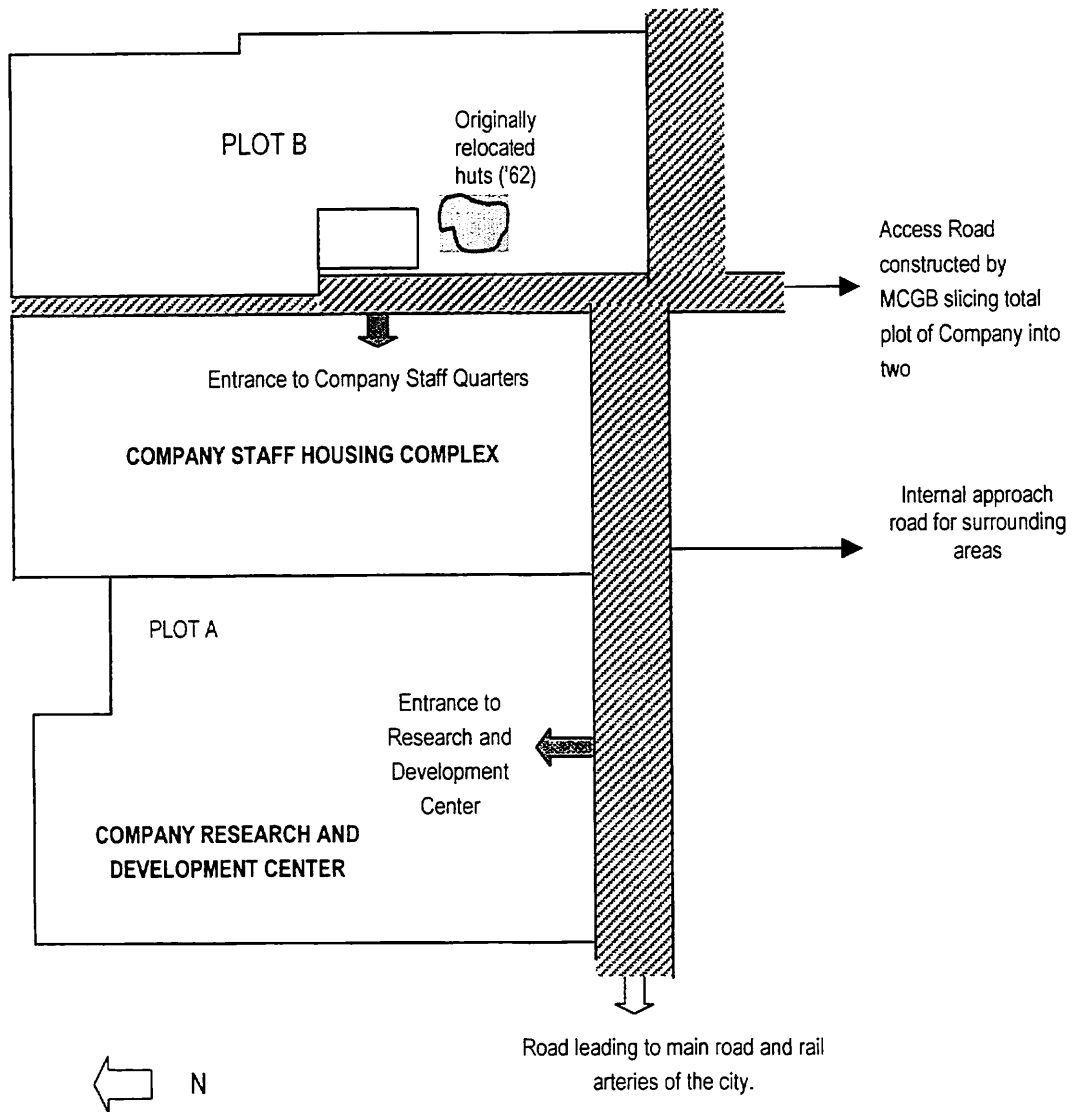
2 THE CASE STUDY – BACKGROUND AND EVOLUTION

The Indian subsidiary of a Swiss-based pharmaceutical multinational (henceforth referred to as “the Company”) opened its operations in India in 1947. Like many other companies, its head office was located on the southernmost commercial tip of Mumbai, close to the local suburban railway and road network. In 1962, it proceeded to buy land from a private landowner, in the north-western region of the Municipal Corporation limits, in the suburb called Goregaon. This land, close to seven acres, was to be utilised for the purpose of constructing its Research and Development (R&D) Centre as well as for the proposed housing quarters for its employees. In 1962, ten families who had illegally encroached on this land by then occupied a small portion of it.

The Company made no attempts to evict these families but in fact, gave them monetary assistance to relocate and reconstruct their huts in the interior, eastern part of the plot which was not needed for immediate development. The R&D centre and housing quarters were built on the section of the plot that was closer to the main road and rail arteries. Subsequently, the Municipal Corporation of Greater Bombay (MCGB) constructed an access road which literally sliced the entire Company plot into two unequal parts, creating with it two distinct sub plots. The bigger one (plot A) contained the R&D centre and housing quarters whereas the smaller (plot B) contained the hutment colony of ten households. Due to the approach road constructed by MCGB, the hutments no longer remained secluded in the interior of the site, but came to directly abut this road, thus gaining strategic locational advantage over time.

Figure 1: Location of hutments on company plot (1962 scenario)

(Figure not to scale)



Plot A remained well maintained and secured whereas the one across the access road, plot B, remained largely neglected and abandoned. The general negligence towards the maintenance of this smaller plot was due to the fact that all the Company's activities were concentrated on the bigger plot. Finding no direct hindrance from the hutments in these activities, the Company did not feel the need to interfere, save for a few attempts at stopping extensions, and thus largely left the hutments alone. However, by 1981, roughly two decades after the original huts had been relocated, the Company's attention was drawn to the fact that the number of hutments had doubled, increasing to twenty-two. There are some verbal reports of the unsuccessful attempts at forceful eviction by the Company in order to clear the site of the additional encroachments (see Figure 1).

2.1 THE FIRST SUIT IN COURT

In 1981 the Company finally filed a representative suit in the Mumbai City Civil Court against the 22 unauthorised occupants occupying an area of roughly 1878 square meters (0.63 percent of the total land), demanding their eviction and the possession of encroached portions for further developments⁶. By filing this suit, the Company had inadvertently got itself entangled in a lengthy and cumbersome process, the repercussions of which it was not aware of at that time, as we shall subsequently note.

Unbeknownst to the Company, the names of 18 of the 22 occupants had already appeared in the property registration cards as “imala maliks” (structure owners)⁷. This was the development coinciding with the slum census operations undertaken in 1976 by the state government in which the names of the eighteen occupants were included⁸. An ad interim order was passed the same year (April, 1981) which stated that a “Court Receiver” be appointed for the disputed site with the direction of not displacing occupants of the hutments. At the same time an injunction restraining occupants from further trespassing was also granted⁹. In effect, the City Civil Court had found a bridging arrangement until such time that any final decision could be taken. Under this, a “status quo” was supposed to be maintained until the court proceeded with the deliberations of the case. The appointed Court Receiver was to act as the final authority on the site, maintaining this status quo. As it turned out, this decision had one of the most disastrous impacts on the case.

After this development, this case proceeded with characteristic lethargy. This was not exceptional, as complicated cases involving land disputes notoriously stretched on for decades. For example, Sunderam (1989) notes cases under the Urban Land Ceiling and Regulations Act which have gone on for as long as eighteen years. Meanwhile, at regular intervals there were hostile scuffles between the Company officials and the residents of the hutments on account of the land issue, which gradually created a slightly antagonistic relationship between the two.

Finally in 1989 the Company applied to the City Civil Court to conduct a survey of the hutments and their occupants. The same was done by an Architect appointed by the Court Receiver under police protection. A detailed inventory was thus created, *for the first time*, listing the names of all the occupants, the dates of their arrival in the settlement, their proof of residence, a rough size of their huts and the total number of household members. The report submitted by the Architect was an eye

⁶ For civil suits in a metropolitan context, the lowest rung of the judicial hierarchy is the City Civil Court. There are clearly delineated powers and jurisdiction areas marked for this level of the judicial machinery.

⁷ This is the most rudimentary form of keeping official records concerning land ownership status in the appropriate departments of the government, dealing with land and estate related issues.

⁸ Note: the 1976 slum census is the only available and authentic data base on slums of the city as no other comprehensive slum census, covering the entire city, has been undertaken since then.

⁹ For properties in which the ‘rightful ownership’ of land is under dispute, the Court Receiver acts as its caretaker, essentially with the objective of supervising developments of such properties and restricting any further developments on it.

opener - it stated that substantial encroachments had already taken place in the form of new additions, extensions and upgradation. The total number of huts had increased from 22 to 169. This tremendous growth had obviously brought more area under encroachment. In fact, along with extensions that had occurred in the portion of the plot in which the original ten residents had been relocated, the subsequent expansions had spilled over to the other portion of the plot B, now creating *two* distinct hutment colonies (see Figure 2).

2.1.1 WHAT ROLE FOR THE COURT RECEIVER?

A number of pertinent issues can be raised concerning the above development, as follows.

First, it is surprising to note that in spite of the matter going to court for a settlement, no detailed information had been collected until the time that the Company felt the need to do so. The City Civil Court, for its part, had felt no need or urgency to do so beforehand. Due to the very nature of the dispute, this omission appears to be very serious. Establishing any kind of “rightful” claim on land and property made it mandatory to have, at least in its most rudimentary form, a list of occupants. Without such a list, the very basis of establishing any form of eligibility of residents is completely lost.

Second, the fact that the encroachments had grown phenomenally was a pointer to the complete inability and ineffectiveness of the role and function of the Court Receiver. The precise duty and power of the Court Receiver had been to maintain a status quo on the disputed site. Whereas the Company had no control on the developments on its own land and could not evict the occupants, the Court Receiver had to stop any further encroachments. This, very clearly, the Court Receiver had failed to do.

Third, at least in principle, the situation in reality was supposed to “freeze” until such a time that an amicable decision could be reached. Very clearly, this was one of the most absurd pre-conditions. Squatter settlements, which had always exhibited almost double the rate of growth as compared to the overall growth rate of the city, were, through a court order, expected to remain stagnant. Considering the innumerable delays that court cases usually got entangled in, this was impossible, even if the natural growth in population was accounted for.

Fourth, another pertinent issue concerns the position of the Company. As the petitioner in the court, it had turned to the City Civil Court to resolve and find a mutually acceptable solution to the deadlock existing on its land. This fundamental aim seems to have been denied it. Not only was it prohibited by the court to take any action against the occupants who were encroaching on its land, but it also had no control over the Court Receiver’s (mis)management of the situation. The Company was, therefore, in a doubly disadvantaged position.

2.1.2 ACCELERATED GROWTH – A REFLECTION OF THE CITY SCENARIO

This accelerated growth of slum hutments on the Company's land was a direct corollary of the overall growth of the entire city. The 1940s had witnessed a "flight" of residents from the Island City¹⁰ towards the suburbs. This exodus was initially restricted to the higher income groups who fled to their beach houses to escape the congested inner city areas. Nevertheless, this exodus only gathered momentum over the years as a direct fallout of the state government's policy of decongestion and dispersal of the Island City. Under this policy framework, there was a total ban on industrial units within the Island City limits. New work areas and industrial units, as a result, automatically got relocated towards the periphery of the suburbs and extended suburbs. With this shift and diversion of opportunities, the development potential of the suburban areas started increasing tremendously.

Capitalising on the need for housing by the shifting population, many large-scale housing projects were initiated by private sector developers, who had bought cheap land on these peripheral suburbs years ago. Initially monopolised by few builders, entire neighbourhoods sprang up in the suburbs that gradually increased the land values in surrounding areas. By the mid-1970s, these suburbs had turned into thriving residential neighbourhoods, though haphazard and chaotic in nature and sometimes lacking in adequate services and infrastructure. Along with this overall growth, the growth of slums also was noted in the suburbs. As the Slum Census of 1976 indicated, 79 percent of slums were in the suburbs, of which 60 percent were on privately owned lands. This intense pace of growth continued all through the 1980s and is only lately showing a decline¹¹.

In such a context, it is not surprising that the same level of hectic construction activity was also witnessed in the suburb of Goregaon where the Company land was located. The demand for cheap labour for the innumerable small-scale factories and unorganised units that were springing up in this suburb also aided in the influx of migrants from the inner city areas as well as the hinterland. Almost all the plots surrounding the Company land were already getting developed in quick succession. Lands that were locked in legal battles were susceptible to faster encroachments as they offered fewer barriers to entry by migrating households. The Company land was thus an ideal land for encroachments. Apparently, it was also controlled by a few slumlords whose operations were strongly entrenched in such fast growing suburbs. They monopolised some slum pockets and controlled the entry of migrating squatters. Around this time, the "imala maliks" (structure owners) were also playing an entrepreneurial role by constructing structures on the spilled-over portion of the plot and renting them out to the new entrants who then became their tenants.

¹⁰ 'Island City' is a terminology used for the original seven islands that constituted the city. Subsequently there were two extensions of the municipal limits to include the suburbs and the extended suburbs within its jurisdiction. This entire area is now called 'Greater Mumbai'.

¹¹ The real estate boom witnessed in the city catapulted land and housing prices of Mumbai to such a level that they were the highest in the world around 1995 (Economic times, March, 1995). However by the end of 1997, they had started falling to as much as forty percent of their 1995 levels.

What is pertinent to note here is that for roughly two decades, from 1961 to 1981—that is, from the time that the Company purchased the land to when it first filed the suit—the growth of households was marginal (from 10 to 22). However, the accelerated growth of households on the plot coincided perfectly with the filing of the first suit in court. In a span of eight years, hundred and forty seven households were added. As noted earlier, this increase was definitely interconnected with the larger shifts in the overall city profile, but it also had a hidden implication. By turning to the legal framework, the Company had unintentionally tied its own hands! It was, in effect, completely powerless to effect any control on its own land, as the matter was “sub judice”. For the residents and imala maliks however, this was a blessing in disguise. A long drawn court battle coupled with a weak enforcement machinery, effectively provided a convenient shield of immunity to their position. As is clear, the situation was not only complicated, it was also counterproductive.

2.2 THE COMPANY’S RESPONSE

In the initial years, there was some indication of the Company’s lack of interest in this case as was evident from the inordinately long delays in pushing it in the courts. However, the Architect’s report propelled the Company into action. It cordoned off the two hutment colonies by physically constructing a fence, thus sealing prospects of any further expansions. The Company also increased its indirect vigilance on these plots to arrest any further encroachments. This urgent reaction of the Company, as its officer recounted, arose also due to the fact that with the spiralling land prices, this land was literally a “goldmine” and if encroachments continued unabated, its enormous potential for development would completely disappear. Moreover, the strategic location of the two hutment colonies on plot B, emerged as its greatest strength. No development initiative could be undertaken on this plot without first tackling the issues of encroachments, as the hutments literally blocked the entire entrance to this plot. Thus, even though a considerable portion of the total plot remained unencumbered, it proved to be of little use because of the critical location of the encroachments.

2.3 THE SLUM PROFILE

Based on the Architect’s report it is possible to get a fair idea of the profile of the two hutment colonies and their inhabitants¹². They are described as follows.

The small corner where the “original” encroachments had been relocated by the Company decades ago, was completely engulfed by the sprawl of huts. In fact, as

¹² The fencing had effectively cordoned off the hutment areas from the remaining open plot as all further spilling of the hutment colonies had been halted. Therefore, even though there has been marginal increase in population, there have been only six subsequent additions of huts on the site. The author’s numerous visits to the site and discussions with the residents also corroborates the information contained in the Architects report, as no drastic change has occurred in the hutment areas since then except for filling of open patches of land and extensions in individuals housing units.

noted earlier, it had spilled over to create two distinct colonies---one predominantly consisting of the original residents and "imala maliks" and the second of their tenants and recent migrants. Both the colonies therefore exhibited different physical and socio-economic characteristics.

The first colony had grown from the initial 10 households to a colony of 67 households, occupying a total area of close to 3420 square meters. The physical pattern of their settlement was haphazard, with individual huts of varying sizes interspersed with many open spaces, which were either used to keep some cattle or to construct makeshift bathrooms. There was a complete lack of any common amenities on this plot. Residents simply discharged the household waste in open pits. Due to the natural undulating topography of this area, most of the waste thus discharged collected at the farthest end of the thickly wooded and open area behind this settlement. A majority of residents had individual electric connections (both legal and illegal).

Residents of this plot were employed in small private units and in the industrial areas of the vicinity. Many were employed in the informal and service sector (as daily wage earners, piecemeal workers, construction workers, drivers, housemaids etc.). Some were also employed in petty trade and in illicit liquor brewing. There was no home based activity noted here. There were only a few, very small grocery shops in this colony.

The other "spilled over" hutment colony contained a more systematic physical pattern, with individual huts laid out in an orderly manner. This rather planned nature was because many such clusters had been specially constructed by the "imala maliks" for the specific purpose of renting out. The total number of huts was 108, occupying a total area of over 2326 square meters. Under a state government scheme, community stand pipes and common water closets had been provided in this part of the settlement. The former had been extended by the residents till their individual huts. Almost all the residents had individual electricity connections (again, both legal and illegal).

The residents of this hutment colony had a steadier source of income than noted in the previous colony as most were engaged in private units as well as in government offices (as drivers, accountants, clerks, lower level government and semi-government employees, industrial workers etc.). A number of small and medium grocery shops were situated here which catered not only to the squatters but also to the middle class residents of surrounding areas.

A range of linguistic, cultural and religious groupings were noted in both the colonies, since the residents had migrated here from the southern, central and western parts of the country. Usually, those who shared a common language, religion or had migrated from the same state tended to form a restricted residential cluster. This had led to a distinct segregation of residents which often lead to frictions among them.

The above profile points to the fact that the residents of the two colonies hardly represented a homogeneous entity. There was diversity in numerous facets of their lives, including income, occupation, place of work, language, religion and customs. At another level, their position in the locality and their association with the land that they occupied was also dictated by the time period they had entered the

locality. This had created three distinct groups of residents: 1) the originally relocated residents and those who had migrated during the very initial years i.e. early settlers; 2) the “imala maliks”; and 3) their tenants. The “status” of residents and their relationship with each other clearly revolved around which group they belonged to. This had important implications for the redevelopment initiative of the Company, as is discussed subsequently.

2.4 PARALLEL DEVELOPMENTS AT THE LOCAL GOVERNMENT LEVEL

Around the early 1980s another complication arose, this time due to the actions of the local Municipal Corporation, the MCGB. Under its revised Draft Development Plan for Greater Mumbai, MCGB proceeded to reserve part of the unencumbered area adjoining the two squatter colonies for public amenities such as a playground, school and municipal staff housing. Because of this, more land owned by the Company got “locked” and essentially went outside its direct control. The only means of contesting this decision was to raise an objection against these reservations within a stipulated period of time, and if no amicable resolution emerged, file a writ petition in the court. Ironically, the same legislative framework that had not been able to pass any satisfactory judgement on the Company’s case for close to a full decade, would have to be approached. The Company did not react to this development on its land and therefore, by default, accepted the reservations by MCGB.

Interestingly, MCGB has not proceeded to acquire this reserved portion of land, which is lying vacant and neglected, to date¹³. The Company, once again, is a silent spectator as it is powerless to initiate any concrete action on the reserved portion of its own plot.

2.5 ANOTHER COMPLICATION

Whilst the case proceeded at a snail’s pace in the City Civil Court, the Deputy Collector-Encroachments¹⁴, in 1990, issued a notification declaring the two hutment colonies as a “slum” under the Maharashtra Slum Areas (Improvement,

¹³ Numerous studies have indicated that land reserved under Development Plans that has remained neglected and unacquired for a long period of time has been susceptible to encroachments (Unpublished workshop findings, KRV, Mumbai, 1998; Desai, 1995; Sunderam, 1989)

¹⁴ The Collector of Mumbai is the designated authority for dealing with matters related to eligibility of slum dwellers and has control over the issue of identity cards to slum dwellers, the collection of service charges from them, the granting of title on government lands, the removal of unauthorised structures on public land etc. (Sunderam, 1989, Deopujari, 1989))

Clearance and Redevelopment)-SA (ICR) Act of 1971¹⁵. As an immediate response, the Company appealed to the Maharashtra Slum Areas Tribunal, challenging the notification of the Deputy Collector. This appeal is still in court for final disposal, as no decision has yet been taken on it. If reports are to be believed, the slum dwellers themselves had approached the Deputy Collector with the request of granting them the “status” of a slum. This was indeed a very tactical move by the slum dwellers as this status further consolidated their position and acted as an effective defence against the threat of future evictions.

¹⁵ Under the SA(ICR) Act, 1971, subject to a specific cut off date, of which there have been several revisions, an area which is likely to be “hazardous to the public health and morals and unfit for habitation” can be notified as a slum and taken over by a competent authority for improvement, clearance or relocation (Deopujari, 1989).

3 FINALLY - A COURT VERDICT

Finally, in 1995, *fourteen years* after the Company had filed the case, the City Civil Court passed its judgement. The verdict of the court was that *“the suit was beyond the pecuniary jurisdiction of the City Civil court and that it should be represented before an appropriate Court”*. Unbelievably, it had taken fourteen years for the City Civil Court to decide that it did not have the power to pass any judgement on cases such as the Company’s. This implied that during the fourteen years that the Company’s case had dragged on in the City Civil Court, the latter had no clear delineation of its own area of decision-making and powers! For the Company, not only was precious time lost, but the situation had grossly deteriorated in the intervening period.

Following this order, the Company approached the next rung of the judicial hierarchy, the Mumbai High Court, in the same year. Until such a time that the High Court proceeded with the case, the ad-interim orders were to be followed in which the Court Receiver would continue overseeing the developments on the disputed site. This order was irrespective of the fact that the same arrangement had proved to be completely ineffective in the past.

3.1 THE LAND OWNERSHIP SCENARIO

At this juncture it is worthwhile to dwell on the land ownership issue. Who actually owned the Company land? This was a hard question to answer. The picture which emerged was incredibly complex. There were no fewer than three overlapping layers of land ownership, as follows:

- the **symbolic and formal possession** of the property was held by the Court Receiver;
- the **physical and actual possession** of the property was held by the resident slum dwellers; and finally,
- the **legal possession** of the property was held by the Company.

Not only was the land ownership status stratified into three layers, but there were three separate public agencies entangled in this settlement, each having entered this plot at a different points in time and with different purposes and powers. These were:

- the **High Court** which was the judicial authority whose role was to resolve the land issue and decide the “eligibility” of slum dwellers who could then be

entitled to get some benefits if this plot of had to be taken up for redevelopment;

- the **District Collector's office** which had granted the "status" of a recognised slum to this settlement and had therefore, de facto, considered the residents of this slum to be "eligible" for benefits; and lastly
- the **MCGB**, by proceeding to reserve part of the plot for public amenities in its Draft Development plan, had got involved in any future development on this site.

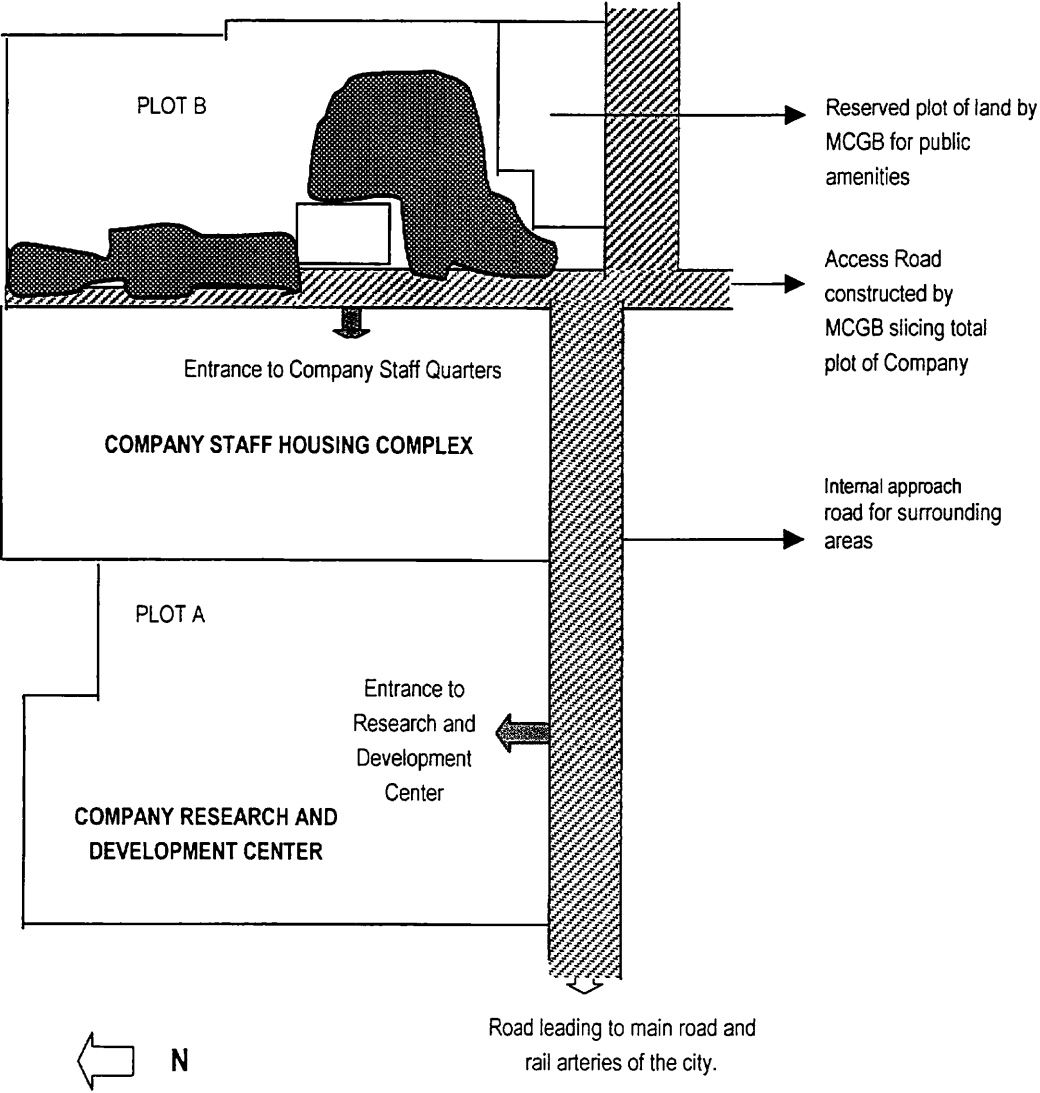
Each of the above-mentioned agencies seemed to be operating in complete isolation *and* conflict with each other. The suit filed in the court against the illegal occupiers of land questioned the very basis of their right to continue staying on the disputed land. Until such a time that this issue could be amicably resolved by the High Court, none of the involved parties could initiate any concrete projects on this land. Technically, the status, role and involvement of each agency or actor willing to initiate development on it would be dependent on the final judgement of the High Court.

In a complete contrast to this, the decision of the District Collector had officially granted the very same squatters a legal position under which they could not be evicted without the provision of alternate accommodation (later changed to alternate "sites"). This decision, very evidently, conflicted with the Court case. Further, the MCGB, by reserving part of the Company land, had once again acted in isolation vis à vis the developments on the site. Its decision had effectively "frozen" more land, which could now be developed only for the some predetermined land uses. However, MCGB, had not proceeded to acquire the land. This remains neglected to date.

The above were essentially parallel and contradictory responses, each originating from a different government agency and at a different time period. It was evident that each agency was operating in vacuum with little or no co-ordination with the other. However, their overlapping powers as well as functions succeeded in creating an environment on the Company land that was highly complex, unpredictable and vague. Each subsequent development had only succeeded in adding another layer of complication to an already complicated scenario, rather than offering a solution. Both policy as well as field level dynamics symbolised inherent conflict and inconsistency. The starkest manifestation of this was in the physical conditions existing on the Company's land. As compared to the situation of this land in 1962 (see Figure 1), the scenario had changed dramatically. The Company had lost a considerable portion of its land either to encroachments or reservations of the MCGB. This is represented in Figure 2.

Figure 2: Location of hutments on company plot (1995 scenario)

(Figure not to scale)



4 THE SLUM REDEVELOPMENT SCHEME – A SIGN OF HOPE?

When the coalition government announced the SRS in 1995, it initially signalled a lot of hope for lands that were locked in time consuming and laborious litigation, such as the Company's. SRS was seen as a means of unlocking land from the deadlock and simultaneously harnessing its commercial potential. The Company viewed the scenario from the following angles:

The overall density noted in the two colonies was not very high, as was the case in some other city slums. The incentive for undertaking redevelopment rested on this density criterion, as it was the central factor that directly influenced the surplus FSI which could be generated. The Company was in an advantageous position as considerable surplus FSI was likely to be generated, which could be sold in the open market, even after rehousing the slum dwellers.

An added advantage of this land was its *potential* for development. As noted earlier, majority of open plots in the surrounding area had already been developed over the years. The only buildable, open plot in this vicinity, was the land owned by the Company. This raised the profitability of land considerably due to its locational advantage.

The encroachments occupied the entrance of the plot. The remaining portion of land located behind the two hutment colonies remained unencumbered. This open portion was given separate plot numbers in the Draft Development Plan of the MCGB. Excluding the plots that were reserved in the Development Plan, the remaining could be used for relocating the hutments. Thus, for the Company the option of redevelopment and relocation existed on the same plot. This may not have been the case for other fully occupied and densely populated slums.

In 1995, the Company approached the residents with the proposal to redevelop the plot under the SRS. The bait was, of course, free housing for the residents. Within the Company too, officials were designated with clear-cut tasks and authority to take up various different activities in the hutment colonies. Subsequently, a high profile "foundation laying" ceremony, attended by very senior executives of the Company was held, in which the intentions of the Company were announced. Following this, a number of goodwill measures were initiated on the site, such as clearing the woods in the unencroached part of the plot, repairing an old well situated on the plot, constructing a temporary water closet and arranging cricket matches between different slums of the locality.

All the above activities represented a confidence building exercise—a mechanism of initiating a mutually beneficial relationship between the Company and the

squatters. The Company was experimenting with different approaches. Being a pharmaceutical multinational, its core competencies obviously did not lie in the area of real estate development, much less in the area of community mobilisation and persuasion. The unique and complicated situation existing on its land demanded skills in which the Company had little prior experience.

4.1 SRS AND THE SLUM DWELLERS

Undoubtedly, the initiative taken by the Company to redevelop the plot and the goodwill measures that followed sent a strong signal of its sincerity of purpose as well as intentions of improving its relationship with the squatters. The Company officer who was specifically given charge of this site was also able to strike a good rapport with some influential leaders of the two colonies.

However, what was the response of the squatters to this altered situation? How did they view their position vis à vis SRS? Did any concrete and positive effort emerge at the site level? If the micro, site level situation was observed closely, three sharp divisions were noted amongst the residents. As mentioned earlier, the heterogeneity in the socio-economic and physical backgrounds of the residents had led to three distinct groupings amongst them. Households belonging to each group perceived the redevelopment opportunity from a different perspective as their stake in, and relationship with, the land they occupied differed greatly. This is described as follows.

The original relocated residents and early settlers: Majority amongst this group strongly opposed the redevelopment initiative. Under the uniform policy of SRS, no distinction was to be made between any group of squatters in the slum and no “special” benefits were to be therefore granted to any group. Those belonging to this group, however, perceived themselves and their position in the settlement as being different than the “imala maliks” or their tenants. Being the earliest occupiers of this land, and having thus stayed there for more than two decades, they could not accept the fact that they would be treated “at par” with all the others in the locality. They demanded “special” privileges and concessions. Their opposition was also based on some physical realities. Most households of this group had bigger houses and open spaces around their huts that they used for a variety of household activities. Under SRS, every household, irrespective of what area it presently occupied, was to be provided with a standard size of housing unit. Further, they were also not assured of any compensation for the investments that they had made in the dwelling units over the years. Thus, this group perceived no real benefit in joining the scheme.

The “imala maliks”: The biggest threat to this group was the loss of income (both rents and deposits) from their tenants. There was also a perceived loss of control that they presently wielded over this land, as many belonging to this group were either local leaders themselves or had close connection with local agents and local “dadas”¹⁶. Moreover, households belonging to this group had constructed a number of units, specifically with the purpose of renting them out. Once again, SRS made

¹⁶ ‘Dada’ is a colloquial term used to describe a petty thug or muscleman.

no distinction between structure owners and their tenants, as both would get only one standard dwelling unit under the scheme. Thus the “imala maliks” would neither get larger sized nor greater number of dwelling units under the SRS. On the other hand, a few members of this group did perceive SRS to be a good opportunity to get a legal, formal *and* free dwelling unit under the SRS. Once the scheme was under construction, they felt that acquiring additional number of units “could be subsequently managed”¹⁷. As is evident, there were clearly two factions amongst the imala maliks.

The tenants and the late settlers: This was the only group with relatively little resistance to the redevelopment effort. The obvious reason for the tenants to support this scheme was the change in their status. From tenants they would change their status to legitimate owners of *free* dwelling units. Thus, there was a double advantage offered by SRS for tenants. Some of the late settlers had remained excluded from the benefits of previous schemes due to their ineligibility. Under SRS the “cut-off” date for eligibility had been extended till January 1995, virtually covering all those who had moved into this settlement before this date and had the requisite documents to prove it. Thus for those households belonging to this grouping, SRS seemed to be quite attractive.

The above segregation of the residents into three distinct divisions created a sense of disunity and apprehension amongst them, sometimes leading to tension and arguments. Capitalising on this, local agents tried to complicate the situation further by either misinforming the residents or by promising them more attractive benefits under their own funds¹⁸. Even though no concrete gains materialised out of these promises, it added another dimension of a lack of clarity and chaos on the ground level. Thus, the situation on the plot did not represent either a homogeneous or a stable character.

4.2 THE DEADLOCK CONTINUES

The Company, aware of these differences amongst the residents of the two colonies and their manipulation by external agents, made concentrated efforts, at least as soon as the scheme was initiated, to convince the unwilling households to join the scheme. As a result, 134 out of the total 169 households expressed a willingness to join the scheme. However, this willingness turned into an apathetic “wait and see” stance since no tangible actions could be initiated within the locality. The reasons for delay were beyond the control of either the Company or the willing slum dwellers. A mere readiness to take up redevelopment alone could do nothing to

¹⁷ Note: Some “imala maliks”, during informal chats with the author, expressed confidence that acquiring extra units from other ‘eligible’ dwellers, once the scheme is underway, would hardly be a problem. This was because, first, the residents would readily agree to sell ‘free’ houses and second, they had enough ‘contacts’ to get this done, in some way or another.

¹⁸ Note: Local corporators and Member of Legislative Assembly have a predetermined amount of funds that they can spend in their constituency. Most of them spend the money on minor projects that are tangible and public works-oriented like building a toilet block. These are fully subsidised and free for the slum dwellers.

alter and resolve the complications which originated at the policy, institutional, and legislative levels and which were more strategic in nature.

Within the Company itself, a major shuffling of senior executives took place sometime in mid-1997, as a result of internal organisational restructuring. Due to this, key individuals who had been involved with this initiative were either shifted to new areas or were no longer in the picture. New executives took charge who brought with them a different perspective and approach towards this redevelopment initiative. They had no previous association with the Company land, nor a long-standing relationship with the squatters who occupied it. This was viewed purely as a real estate development project by them for which they had elaborate financial, technical and structural plans, but no plans for negotiating with the squatters. Moreover, the Company was accustomed to a more controlled and formal environment of functioning, wherein clear-cut and tangible objectives could be set within largely well defined parameters and strategies evolved to meet these objectives. The situation on the site, as the present executive in-charge of this project recounted, “was very sticky”, leaving the Company somewhat confused about its future course of action. For the Company, any development on the site was proving to be a tightrope walk between its corporate priorities and those of the squatter communities. With such changing circumstances, community mobilisation initiatives gradually petered out and finally stopped.

Part of the reason this happened was also because the Company had received a major setback from another quarter. Realising that the most obvious stumbling block was the pending litigation in the High Court, the Company had approached the High Court with the proposal of withdrawing the case in order to proceed with its redevelopment initiative. The High Court had completely overruled this by stating that such an action would amount to “a contempt of the Court”. The logic was that the very same squatters, who were “illegal” in view of the Company, could not be granted “legal” housing units under SRS, as this action was self-contradictory. Unless the Court gave its final judgement, the status quo had to be maintained. Thus, the Company had no alternative but to pursue the case in court.

Even though the most obvious and immediate obstacle was in the form of the pending litigation in court, if this case was placed within the larger framework of SRS and related to the overall city scenario, a more complicated picture emerged.

First, what were the overall policy directives under the SRS and its relationship with cases such as the Company’s? How did SRS tackle and integrate such cases in its overall policy framework? What guidelines had it evolved to respond to such stalemates existing on the ground? Considering that more than half of the squatter population of the city was on privately owned land, what strategies and concrete action plans had it evolved for such lands?

Second, what institutional structures and systems had it created to respond to such situations? What was the form and function of the Slum Redevelopment Authority? Which agency had the power to decide for cases such as the Company’s, in which more than one agency was involved? and

Third, how did SRS tie up with wider environmental and structural realities of the city? What legislative innovations could it propose and initiate to resolve such complicated cases?

5 THE SRS POLICY FRAMEWORK

The overall guidelines for the SRS policy were laid down in the Afzulpurkar Committee Report. The ACR, whilst acknowledging the *enormity* of the slum situation of the city, ignored its inherent *complexities*. It offered no comprehensive and integrated package to deal with the multi-layered conditions, as symbolised in the Company's case, which in fact, existed in reality. Even though the ACR touched upon a number of pertinent issues, such as eligibility criteria, land acquisition mechanisms, construction of transit camps, infrastructure development, finance, role of different government and private agencies, and participation of slum communities, the same appeared to be too broad and vague. There was also a tendency noted within the ACR of viewing existing complexities in a very simplistic manner and suggesting lofty and at times misleading or unrealistic mechanisms of coping with the same.

Following a strictly prescriptive approach to slum redevelopment, the report made extremely generalised recommendations that assumed perfect and ideal conditions in reality that were devoid of any conflicts or disparities. These were expected to neatly adhere to the procedures and scenarios as outlined in the ACR. Even when it did acknowledge complexities existing in the real world, it made little attempt to assess the same in a pragmatic manner, preferring to take recourse to, at times, absurd responses. For example, admitting that the SRS was confronted with a maze of past precedents and previous concepts, it recommended an approach in which “a clear stream of reason had not lost its way into the dreary desert and sand of dead habits¹⁹”. Such a vague and abstract approach was of little practical use, as it offered no operative clarity to resolve complications on the ground. Thus, even though the ACR *appeared* to offer a mechanism to achieve every major task within the SRS, it did so only in theory, not in practice.

In the last four years since the SRS has been announced, there have been countless changes in the overall redevelopment policy to be adopted within it. In almost all critical areas, there has been disagreement and conflict within the coalition partners at the state level. This has reflected in the inconsistent and contradictory responses of the government agencies involved in SRS. For example, the FSI limits have been altered, the financial considerations have undergone change, targets have become elastic, procedures have been constantly modified, new rules have been introduced and more attractive benefits have been incorporated.

¹⁹ (ACR, 1995,pg. iv). This is a verse from the reputed collection of poems titled ‘Geetanjali’ by Rabindranath Tagore, a Nobel laureate and a respected poet and writer of India.

Meanwhile, as a parallel and simultaneous development, the *other* government agencies at the state and local level have continued with their own schemes for the city's squatters, with a complete disregard to SRS²⁰. These schemes are in direct conflict with the policy of total slum redevelopment advocated under the SRS. There have been no attempts, at a more strategic level, to appraise the policy scenario and integrate different approaches in a holistic manner, so as to reduce such inherent conflicts and contradictions. Some slums in which SRS has been announced have also been taken up for other upgradation schemes. In others, slum dwellers have been forcefully evicted even though they may be eligible under the SRS. Thus, SRS, even though professing to be a scheme for the entire city, is truly an initiative isolated from its past and contemporary programs, existing in a cocoon of its own simplistic prescriptions.

In the above-described climate, it is not surprising to note that SRS makes no attempt to offer viable alternatives to a case that has got trapped in a series of overlapping and counterproductive processes, such as the Company's. On the contrary, it does not even *acknowledge* such cases. As per the SRS policy, in the present format, proposals from private developers can be considered for sanction, only *after* all the complications have been resolved, all the prerequisite documents have been produced in their formal order, and all the procedures have been rigorously followed. However, the SRS offers no support to the developers in any way! Thus, for cases such as the Company's, which is entangled in land related disputes, in which a number of governmental agencies are involved, and in which the dynamics at the community level are proving to be complicated, the SRS policy offers very meagre direction or support.

5.1 THE SRS AND INSTITUTIONAL ARRANGEMENTS

Perhaps, the Slum Redevelopment Authority (SRA), created specially for implementing this scheme, was expected to evolve an exhaustive strategy and plug the various loose ends. The ACR, at least in principle, had envisaged a "strong central organisation, having the vision and approach not constrained by past history and precedent, capable of overseeing the implementation and applying corrective measures when necessary" (ACR, 1995). With due amendments in the various relevant Acts, SRA was to be in complete control of the entire scheme and emerge as one of the most powerful state level body in the institutional arena. However, by introducing a new and powerful player in an already fragmented institutional scenario of the city of Mumbai, the need and urgency to clearly delineate the goals, functions, powers and operational boundary of the plethora of already existing organisations, became very critical.

²⁰ For example, the present "Slum Sanitation Program- SSP" financed by the World Bank attempts to create a 'demand' based system in which the slum dwellers are expected to pay for and participate in building and maintaining the toilet blocks to be provided under it. However, technically the very same toilet blocks would be razed to the ground if such slums covered under SSP are also covered under SRS.

Yet, efforts at creating such an integrated and well defined institutional structure are nowhere visible, as has been amply demonstrated in the case of the Company. As noted in it, different governmental organisations, each having a variety of roles to perform *and* a range of powers, have intervened in the slum settlement at different phases of its evolution, and proceeded to create a entangled web of actions and reactions. Each has operated in a seemingly uncoordinated fashion with the other and at times in direct conflict with the others goal and authority.

The SRA was expected to resolve such situations, introduce a “one window” approach and function as the ultimate and final authority on all issues concerning squatters of the city. Thus, in an ideal situation, all decisions and activities would converge under the SRA. Nevertheless, when it was realised that for this to indeed happen in reality, the SRA would have to substitute the roles and functions of a plethora of authorities, notably the MCGB, MHADA, MMRDA and, the Collector’s office, this proposal was changed. In its place, a range of procedures were introduced which had to be complied with *before* any developer could approach the “one window” of the SRA! In effect, the SRA would come into the picture *only after* the numerous loops of overlapping activities had been fully followed. This implied that the wide range of formalities, for example, securing agreements, drawings, permissions, sanctions, certificates, registrations, consent letters, affidavits etc. would have to be fully met before SRA would even admit a redevelopment proposal for sanction. Till such a time that all the laid down procedures were being met, the SRA was invisible from the scene.

Not only were structures, systems and strategies in complete disarray, the SRA had to also contend with political interference and leadership conflicts. The Chief Minister and the Housing Minister of the State, publicly disagreed on the manner in which SRS should be implemented (TOI, July 1997; ADC, August, 1997). Their differences remained unresolved for a long time. Important political leaders of the ruling as well as opposition parties predicted the nemesis of this scheme (TOI, August, 1997). Such dichotomies and frictions amongst the very political party that had grandiosely announced the SRS created a vacillating and unreliable environment.

Further, even though an able and dynamic bureaucrat was acknowledged as being necessary to head SRS, the state government, within months of installing Mr. D.T. Joseph, a bureaucrat known for his integrity and vast experience in the urban development field, gave his transfer orders (S. Deshmukh, Metropolis, 1997). This ex-Chief Executive Officer of SRA summed up his short experience with SRS by saying:

“Too many people (were) interfering with the scheme – MLAs, municipal councillors, local leaders. Naturally, the “invisible” costs are high. These people have to be disciplined. How can I be held responsible for what was happening behind my back? Too much time is wasted on unproductive activities. Outside influences have become too strong. They even tell me which builder should be given a particular project.”

On being accused of being too rigid and unbending with the rules, he stressed the need to be vigilant as *“we have found architects selling “Letters of Intent” in the market”*. These statements are self-explanatory. In the absence of any valid organisational structure within the SRA or a proper outline of its role, functions

and powers, it was clear that a number of informal networks had gradually started controlling the fate of the SRS.

In this scenario, once again, it was evident that the Company could not turn to the SRA with its case, as the SRA displayed little consistency or reliability in its functioning. It seemed to be immersed in resolving its own contradictions to even turn its attention to another complicated case such as the Company's!

5.2 SRS – LEGISLATIVE ISSUES AND THE EXTERNAL ENVIRONMENT

The legislative issues suffered from the same myopia as described in the preceding sections. It is pertinent to note that the ACR acknowledged the “time and energy consuming” litigation in which *other* agencies were involved (Afzulpurkar Committee Report, 1995). As a means of circumventing the same it suggested that non-complying squatters should “compulsorily” accept the scheme. If that failed, the Slum Area (ICR) Act (1971) would be applied and as a last resort, the non-participating squatter households would be forcefully evicted to developed pitches at any available location.

The ACR had proposed sweeping structural amendments in a number of Acts. This was mainly to give SRA all the requisite powers to function as an autonomous organisation. The proposed amendments were in the Bombay Municipal Corporation Act, 1888, The Maharashtra Regional and Town Planning Act, 1966, the Slum Area (Improvement, Clearance and Rehabilitation) Act, 1971, the Maharashtra Housing and Area Development Act, 1976 and finally in the Land Revenue Code. *None of these amendments have been affected to date.* The only movement has been the modification in the Development Control Rules in 1991 under which extra FSI had been granted within different zones of the city.

With no concrete movement in the legislative matters, the case of the Company would inevitably drag for a number of years before any resolution could be amicably reached.

Perhaps the biggest threat to the SRS, however, has come from the land and property markets of the city of Mumbai. In 1995, when SRS was announced, these were reported to be the highest in the world (Economic Times, March, 1995). The city of Mumbai had acute housing shortages amounting to almost 45,000 units per annum (MMRDA, 1994). SRS was announced with the central assumption that in such a market, builders and developers would be eager to exploit the commercial potential of prime but encroached land by undertaking its redevelopment. The provision of extra FSI granted under SRS would assure a high rate of return, even after all the eligible slum dwellers on such lands had been completely rehoused. Once again, this proved to be too simplistic an assumption. With the unexpected restructuring of land markets of Mumbai, the land and property prices plummeted by as much as forty percent in some localities (Accommodation Times, 1997). In this drastically changed scenario, SRS obviously did not hold the same promise as it did during the boom of 1995. The central theme of SRS, the incentive of surplus FSI, seemed to be counterproductive at a time when the market was depressed. However, the SRS was ill prepared to face such a situation. In a seminar on SRS

held in Mumbai in 1995, which was attended by all the important decision makers involved with the scheme, when this precise issue was brought forward for discussion, it remained unaddressed, because such a scenario was found to be too unrealistic (YUVA, 1995).

This restructuring of the land and property markets has had important repercussions on the activities of the Company as well. The predominant reasons for the Company to attempt the redevelopment initiative were 1) to “clear” its land of encroachments and 2) to exploit its commercial potential. On both counts it seemed to be trapped in a vicious circle. With respect to the former point this is due to the laborious and time-consuming litigation as well as the dynamics of the slum locality, whereas in relation to the second point this is due to falling real estate prices. In addition, the highly lucrative proposition of developing its site no longer seems to hold the same potential for the Company. Thus, it is also in a process of reassessing its decisions and taking stock of the situation.

6 CONCLUSION

Is the case of the Company just an isolated aberration in the city's history of policy initiatives? Could it be considered as a solitary example and therefore be disregarded? Unfortunately not. The case may be but one example of the incredibly complicated scenario within which any redevelopment has to take place and is thus illustrative of the numerous similar initiatives which have got trapped in a vicious circle of inaction. By all means it is certainly not the last—the performance of SRS to date is stark testimony to this. Until October 1997, only one redevelopment project, with 128 housing units, has been successfully completed under the SRS (SRA, 1997 quoted by D. Bunsha, December 1997, TOI). In fact, if the chequered history of numerous other programs taken up in the city is studied, it is clear that very few have achieved their intended impact²¹.

As is evident from the case study of the Company, the SRS clearly demonstrates a wide chasm between policy and practice. At the policy level, there is a tendency to start with a “clean slate”, which completely undervalues and therefore ignores the historicity that exists at the field level. The policy directives that emerge from such an attitude assume a ground reality that is idealistic, predictable and highly controllable. Organisational strategies and structures that are designed as a result tend to follow a rigid, predetermined, and linear path with little room to incorporate the constantly changing and non-conforming developments at the field level. However, actors and agencies whose priorities and stakes constantly collide and conflict with each other dictate the field level dynamics. They are also constrained by external situations and decisions that are clearly beyond their direct control. This mismatch only widens over time, creating a highly diversified, chaotic and complicated environment, with loops of action and inaction constantly getting super-imposed on each other.

The Company's case, when placed within the SRS framework, is a good example of this kind of situation. SRS, in principle, had offered hope to lands such as the Company's, by providing an opportunity to develop and exploit their commercial potential as well as rehouse the slum dwellers. However, actual efforts to do this at the field level proved to be absolutely futile as there was no supporting environment that could guide and sustain the same. On the contrary, the environment gave ad hoc, overlapping and conflicting signals. For the Company, a mere decision to redevelop was obviously not enough to actually translate its

²¹ This contention is supported by the study and analysis of three major programs undertaken in the city in the past decade, done by the author as part of the overall Ph.D. research. The contexts as well as performance of each, more or less, mirror characteristics similar to those found within SRS.

actions into reality as its every action seemed to lead to another complication and another deadlock. In the same way, a mere announcement of SRS was obviously not enough to initiate large-scale slum redevelopment in the city of Mumbai. This initiative could hardly be expected to be successful, in the absence of proactive and pragmatic policy, legislative and institutional frameworks to guide and sustain it. The myopia and misleading simplicity surrounding SRS is very aptly summarised in the Draft Development Plan (1991-2011) for Bombay Metropolitan Region prepared by MMRDA, as follows:

*“The Slum Redevelopment Scheme expects **instantaneous transformation** of slums into formal housing stock” (MMRDA, 1994,p.268).*

The Slum Redevelopment Scheme, a scheme which neither owns up to its past nor acknowledges its present, may very well be without a future too.

LIST OF REFERENCES

Afzulpurkar D. (1995) *Program for the Rehabilitation of Slum and Hutment Dwellers in Brihan Mumbai*, Report of Study group appointed by the Government of Maharashtra, India

Banerjee Guha S. (1996) Urban Development Process in Bombay: Planning for whom? in Patel Sujata and Thorner Alice (eds.), *Bombay : Metaphor of Modern India*, Oxford University Press, New Delhi, India.

Bharwada C. (1993) *Slum Reconstruction: Approach and Evaluation - A case study of Dharavi Redevelopment Project*, Unpublished dissertation School of Planning, Centre for Environmental Planning Technology, Ahmedabad, India.

----- (1994) *Draft Regional Plan for Bombay Metropolitan Region-1991-2011*, Mumbai Metropolitan Region Development Authority, Mumbai, India.

Das P.K. (1996) Manifesto of a Housing Activist in Patel Sujata and Thorner Alice (eds.), *Bombay-Metaphor of Modern India*, Oxford university Press, New Delhi, India.

Desai Vandana (1995) *Community Participation in Housing: A Study of Bombay*, Sage Publications, New Delhi. India.

Deopujari U.P (1989) *Slum Legislation in Maharashtra*, Viraj Offset Printers, Nagpur, India.

Dwivedi Sharada and Malhotra Rahul (1996) *Bombay-The Cities Within*, India Book House Pvt. Ltd., Bombay, India.

Jha S.S. (1986) *Structure of Urban Poverty*, Popular Prakashan, Bombay, India

Panwalkar Pratima (1996), Upgradation of Slums: A World Bank Program in Patel Sujata and Thorner Alice (eds.), *Bombay: Metaphor of Modern India*, Oxford University Press, New Delhi, India.

Patel Sujata and Thorner Alice (eds.) *Bombay-Metaphor of Modern India*, Oxford University Press, New Delhi, India.

Pugh Cedric (1989) *The World Bank and the Urban Shelter in Bombay*, Habitat International, Vol. 13, No.3.

Sharma R.N. and Narendra A., _____, *Policies and Strategies for Slum Improvement and Renewal*, unpublished report, Urban Research Centre, Tata Institute of Social Studies, Mumbai, India.

Shimpi Amol (1995) *Institutional Framework for Slum Redevelopment, Mumbai* unpublished dissertation, School of Planning, Centre for Environmental Planning and Technology, Ahmedabad, India.

Sunderam P.S.A.(1989) *Bombay-Can it house its Millions*, Clarion Books, New Delhi.

_____, (1995) report on Seminar on Slum Redevelopment Policy, published by Youth for Voluntary Action (YUVA), Mumbai, India.

_____, (1986) *Population Growth and Policies in Mega Cities: Bombay*, Population Policy Paper no. 6, Department of International Economic and Social Affairs, United Nations, New York, USA.

Verma H.S. (1984) *Bombay, New Bombay and the Metropolitan Region – Growth Processes and Planning lessons*, Concept Publication Company Ltd., New Delhi, India.

_____, (1976), Census of Slums. Government of Maharashtra, India

Newspaper Reports and Interviews

TIMES OF INDIA (TOI)

Aromer Revi, 8-9-1995, *Urban Renewal – Economics of Bombay Blueprint*

_____, 26-7-1995, *State Government firm on Free Houses for the Poor*, Interview with the Chief Minister of Maharashtra, Mr. Manohar Joshi.

Basu Radha. April. 1996, report on the High Court's directive for the State Government to clarify stand on cut off date for eligibility of slum dwellers under SRS.

D'Souza. 4-1-1996, Report on the slow progress of MHADA schemes due to a lack of clarity on various aspects of SRS.

S. Balakrishna. 13-3-1997, Interview with Chief Minister of Maharashtra, Mr. Manohar Joshi.

10-4-1997, Report on Slum Redevelopment Scheme.

24-4-1997, Report on the announcement of a large scale demolition by the state government.

11-7-1997, Report on changes in the SRS regarding the probable permission to sell commercial space within SRS.

9-9-1997, Report on the recent changes in SRS regarding the probable availability of housing finance to buyers of flats in SRS.

BOMBAY TIMES

6-3-1996 Bombay Times Report titled *A Slum Dweller for a neighbour? Forget it*, outlining the difficulties developers are facing, as there are no buyers for flats constructed under SRS.

13-7-1995, Bombay Times, Report titled, *No takers for flats in SRS*.

1-3-1995, Economic Times, Report on the Real Estate prices in major cities of India.

24-6-1997, Bombay Times, Report titled, *From high-rise to Slums-its about politics and crime*.

METROPOLIS

Deshmukh S., 13-4-1996, Interview with the Chief Operating Officer of Slum Redevelopment Authority, Mr. D.T. Joseph.

Deshmukh S., 3-5-1997, Interview with the ex-chief Operating Officer of Slum Redevelopment Authority, Mr. D.T. Joseph.

MID-DAY

D'Souza L., 23-4-1997, Article titled *Home Safe*, rehabilitation of slums close to Central Railway tracks under the SRS.

D'Souza, 18-6-1997, Article titled *Bundles of Confusion*, describing the real estate conditions prevailing in the city.

Mathias L., 23-6-1997, Interview with the ex Chief Operating Officer of Slum Redevelopment Authority, Mr. D.T. Joseph.

Rao S., 23-2-1997, Article titled *Bogus Claims* reporting the difficulties facing the SRS since its announcement.

ACCOMODATION TIMES

16-6-1997, Property Rates.

16-6-1997, Article on the Transferable Development Rights, TDR, under SRS.

AFTERNOON DESPATCH AND COURIER (ADC)

14-8-1997, Interview with the Housing Minister of Maharashtra.

MAGAZINES

OUTLOOK

Lekha Rattanani, 30-4-1997, article titled *Killing Treadmills*.

Lekha Rattanani, 2-4-1997. Article titled, *Politician, Builder-Gangster Nexus*.

SUNDAY

Ranjita Nariar, 26-1-1997, Article titled *Struck Down*.

BUSINESS INDIA

Meera Shenoy, 8-9-1997, Article titled *Pay up...or else*.

Other Papers that have appeared at IHS

Occasional Paper Series

1. Carley Pennink (1997), *Partnerships: A View of Issues and Perspectives through the Brabantse Poort*, Nijmegen, IHS, the Netherlands
2. Peter Nientied (1997), *Local Government and Economic Development in CEE: the Case of Bratislava*, IHS, the Netherlands
3. Meine Pieter van Dijk (1998), *Urban Poverty in the Third World and the Influence of Macro-Economic Policies under Structural Adjustment*, IHS, Rotterdam, The Netherlands
4. Robert-Jan Baken (1998) *Dorra McDonnell's Golden Resorts, Hamburgers, Houses and Politics in Vijayawada, Andhra Pradesh, a reply to stephen malpezzi*, IHS, Rotterdam, The Netherlands
5. Harry Mengers (1999) *The Role of Local Governments in Urban Development in Karnataka, India; Decentralisation Policies, Stakeholders and Progress*, IHS, The Netherlands
6. Florian Steinberg (1999) *Partnerships for the Implementation of Urban Conservation Projects*, IHS, The Netherlands
7. Maria Teresa Corrêa de Oliveira (1999) *Partnership-based instruments for urban policy in Brazil*, IHS, The Netherlands
8. Padma Desai (1999) *Slum Redevelopment in Mumbai -Rhetoric and Reality*, IHS, The Netherlands

Working Paper Series

1. Liliana Marulanda and Florian Steinberg (1991), *Land Management and Guided Land Development in Jakarta*. IHS, the Netherlands
2. Pal Baross (1991), *Action Planning*. IHS, the Netherlands
3. Robert-Jan Baken, Peter Nientied, Monique Peltenburg and Mirjam Zaaier (1991), *Neighbourhood Consolidation and Economic Development of Informal Settlements*. IHS, the Netherlands
4. Marco Vonk (1992) *Institutional Development: Theoretical Aspects in Urban Practice*. IHS, the Netherlands
5. Eliane Faerstein and Maria Teresa Correa de Oliveira (1992), *Illegal Subdivision in Rio de Janeiro: Dimensions, Characteristics and Government Responses*. IHS, the Netherlands
6. Forbes Davidson and Monique Peltenburg (1993), *Government and NGOs/CBOs working together for better cities. Strategies and practical modalities for increased cooperation in human settlements between local, state/provincial and national government institutions and NGOs/CBOs*. IHS, the Netherlands
7. Robert van der Hoff and Florian Steinberg (1993), *The integrated Urban Infrastructure Development Programme and Urban Management Innovations in Indonesia*. IHS, the Netherlands
8. Florian Steinberg (1994), *Development Support Communication for Urban Management in Developing Countries*. IHS, the Netherlands
9. Rosana Denaldi (1994), *Viable Self-Management: The FUNACOM Housing Programme of the São Paulo Municipality*. IHS, the Netherlands
10. Mirjam Zaaier (1995), *Local Economic Development and Urban Management; Experiences of Porto Alegre, Brazil*. IHS, the Netherlands
11. Marielle Snel (1996), *Producer Responsibility in Waste Management - the Dutch Model, with specific reference to packaging*. IHS, the Netherlands

Project Paper Series

- UEM 1. Marina Irigoyen and Russeles Machuca, Peru (1997) '*Inter-institutional Consultation and Urban Environmental Management in San Marcos Cajamarca*'. IHS, The Netherlands
- UEM 2. Silvia Meléndez Kohatsu, Víctor Carrasco Cortez and Ana Granados Soldevilla, Fovida, Peru (1997) '*Environmental Sanitation and Infrastructure: The Case of the Marginal Urban Areas of the Southern Cone of Lima*'. IHS, The Netherlands
- UEM 3. Arnold Millet Luna, Eduardo Calvo, Elsie Guerrero Bedoya and Manuel Glave; Serpar, Peru (1997) '*Defence and Conservation of the Natural Swamp Area Pantanos de Villa, Lima*'; IHS, The Netherlands
- UEM 4. Times Research Foundation, India (1997) '*Power to the People: The Local Government Context*'; IHS, The Netherlands
- UEM 5. Development Associates; India (1997) '*NGOs/Civic Societies and Urban Environmental Advocacy*'; IHS, The Netherlands
- UEM 6. Sulabh International Institute of Technical Research and Training, India (1997) '*Integrated Low-Cost Sanitation: Indian Experience*'; IHS, The Netherlands
- UEM 7. Development Alternatives, India (1997) '*An Approach to Pollution Prevention in Electroplating Sector*'; IHS, The Netherlands
- UEM 8. Institute of Wetlands Management and Ecological Design, India (1997) '*Integrated Study on Wetlands Conservation and Urban Growth: A Case of Calcutta's Wetlands*'; IHS, The Netherlands
- UEM 9. City & Industrial Development Corporation, India (1997) '*Sustainable Urban Development: A Case of Navi Mumbai (New Bombay)*'; IHS, The Netherlands
- UEM 10. Shri Himanshu Parikh, India (1997) '*Community Based Sanitation and Environmental Improvement Programme: Experiences of Indore, Baroda and Ahmedabad*'; IHS, The Netherlands
- UEM 11. National Institute of Urban Affairs, India (1997) '*Carrying Capacity Based Regional Planning*'. IHS, The Netherlands
- UEM 12. HSMI/WMC of UIFW; India (1997) '*City-Wide "Best Practices" in Solid Waste Management in Collection, Transportation and Disposal*'; IHS, The Netherlands
- UEM 13. Ministry of Environment and Forests, India (1997) '*Environmental and Health Improvement in Jajmau Area, Kanpur: Lessons and Experiences for Wider Replication*'; IHS, The Netherlands
- UEM 14. Gastón Mejía (ed.), Bolivia (1997) '*Institutional and Development Framework for Urban Environmental Management in Bolivia*'; IHS, The Netherlands
- UEM 15. HSMI (ed.) India (1997) '*Institutional and Development Framework for Urban Environmental Management in India*'; IHS, The Netherlands
- UEM 16. César Zela Fierro and Cecilia Castro Nureña; Peru (1997) '*Promotion of Employment, Health and the Environment, Lima*'; IHS, The Netherlands
- UEM 17. Julio Prudencio Böhr, Bolivia (1997) '*Urban Agriculture in Community Gardens*'. IHS, The Netherlands
- UEM 18. Doris Balvín, Jose Luis Lopez Follegatti and Mickey Hordijk, Bolivia (1997) '*Innovative urban environmental management in Ilo, Peru*'; IHS, The Netherlands
- UM 1. Mirjam Zaaijer (1998) '*Urban Economic Restructuring and Local Institutional Response: the Case of Bulawayo, Zimbabwe*'. IHS, the Netherlands

Reprint Series

1. Forbes Davidson and Watson, David (1998), Training for IUIDP: Ideas, Integration and Implementation, IHS, Rotterdam, The Netherlands
2. Emiel A. Wegelin (1998), IUIDP in a Comparative International Context, IHS, Rotterdam, The Netherlands
3. Akin L. Mabogunje (1998), Planning Paradigm in the Context of a Newly Emerging State-Society Relations, IHS, Rotterdam, The Netherlands
4. Claudio C. Acioly Jr. (1998), Incremental Land Development in Brasilia: Can the Urban Poor Escape from Suburbanization?, IHS, Rotterdam, The Netherlands
5. Jos Frijns & Marc Jansen (1998), Institutional Requirements for Appropriate Wastewater Treatment Systems, IHS, Rotterdam, The Netherlands
6. Jos Frijns, Jerwin Tholen and Jan Paul van Aken (1998), New Concepts in Integrated Region Oriented Policy; The Rotterdam Rijnmond Case Reviewed, IHS, Rotterdam, The Netherlands
7. Meine Pieter van Dijk (1998), The Urban Informal Sector as New Engine for Development: Theoretical Developments Since 1972, IHS, Rotterdam, The Netherlands

