Lakshmi Raj: Shaping spaces in post industrial Mumbai: Urban regimes, planning instruments and splintering communities
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CHAPTER 10: WHOSE REGIME IS IT ANYWAY?

INTRODUCTION

This chapter has three goals: (1) to recapitulate the findings of this study and answer the key questions; (2) to assess the contribution of this study to the theoretical discussions presented in chapter 2; and finally (3) to develop recommendations for research and policy in the field of urban development.

The key questions of the study were: How did the new urban regime in Mumbai emerge in the early 1990s? What regulatory framework did it set up? and What are its impacts on urban space and inequalities? To answer these questions, I will first list in section 10.1 the necessary characteristics of a regime as outlined by Dowding et al. and then present data from this study corroborating regime formation in Mumbai. In section 10.2 I will examine the factors that led to the emergence of a new regime and explore the role of the relevant actors, their resources, and agency. In section 10.3 the key features of the new regime and its regulatory framework will be analyzed.

In section 10.4 the policy outcomes of the new regulation and their impact on the delivery of public amenities and urban development will be presented. Section 10.5 focuses on the new regulations and their ability to deal with or reduce existing inequalities in the city. Section 10.6 is a reflection on the conceptual framework used in this study and the last section provides a few recommendations for actions that the involved actors can pursue.

10.1 EMERGENCE OF A NEW URBAN REGIME IN MUMBAI

The previous chapters have presented a number of reasons and evidence indicating the emergence of a new urban regime in Mumbai. The adapted model of Dowding et al. (1999) is used as a framework to argue that indeed a new urban regime is emerging in Mumbai. Dowding et al. (1999) suggests that the regime model (referring to regime analysis) has eight characteristics; in order to identify a particular local government coalition as a regime, a subset of these characteristics needs to be present. The first four are particularly important. A regime should have (1) a distinct policy agenda, which is (2) relatively long-lived and (3) sustained by coalitions of interests or personnel not formally or fully embedded in institutional structures, This joining often is in the form of a ‘grand coalition’ or a larger-majority coalition of interests, and often crosses (4) cross-sectoral or institutional boundaries. There are also additional characteristics. The policy agenda should also (5) survive personnel and leadership changes, thus reflecting a specific ideology or agreement over fundamental values for members of the coalition, which can provide continuous electoral success. It should also (6) primarily involve the mobilization of external resources, creating a positive-sum game within the polity and the formation of public-private partnerships, which often transcend partisan divisions. It should (7) be associated with strong or exceptional leadership, capable of creating unusual coalitions and providing a distinctive political vision. Also it tends to (8) bridge institutions and community interests by creating forms of ‘partnership’ between the public and private sectors.

Following the first condition set by Dowding et al., a regime must have a distinctive policy agenda. The policy agenda of the new urban regime was to reduce the control of the state and its agencies over urban land use and its development; i.e. to liberalize urban land planning and its development. The second condition is that a regime must be relatively long-lived. The liberal urban development regime fulfills this requirement; it has been active from the early formulation of the development control plans and rules throughout the implementation of the urban plans. Thus the new liberal urban regime has been fulfilling multiple roles in urban development for the past twenty years.

According to the third and fourth conditions, an urban regime should be sustained over a long time by a coalition of interests or persons who are not formally or fully specified in institutional structures,
often in the form of a ‘grand coalition’ or a larger-majority coalition of interests and often across sectoral or institutional boundaries. The liberal regime in Mumbai also fulfils these two conditions.

The regime is likely to continue as long as real estate remains an attractive investment—i.e. TDR market rates remain high—as this is essential to ensure the cross-subsidy element of the market instrument. The state is likely to continue to support the Liberal coalition as long as some public goods are delivered, and public opinion remains favourable to the politicians in power and the policy.

As earlier chapters of this study have shown, the projects of the Liberal growth coalition ensure that the interests of almost all stakeholders are to be realized by the larger-majority coalition of interests. The market-based instrument of cross-subsidies allowed higher FSI on the condition that the interests of both squatters as well as middle class citizens and local government planners were partially realized—via the construction of public amenities and SRA type of formal housing for the eligible squatter communities. The overlapping interests of so many actors are sustaining the new regime.

The Liberal urban coalition of Mumbai is cross-sectoral. For example, SPARC is an actor from the civil society sector that played an active role in framing the rules governing the Slum Redevelopment Authority, which was established by the Shiv Sena controlled state government. SPARC and SRS are two NGOs active in implementing a number of projects of redevelopment and resettlement that utilize market instruments. Both private developers who work the state sector and civil society organizations of squatter settlers are active project-implementing members of the liberal coalition (Burra 2005; Afzalpurak 1995).

The fifth condition for a networking process to qualify as a coalition is that the policy agenda promoted by the coalition ought to survive personnel and leadership changes or political succession. This reflects agreement among the coalition members on a particular ideology or fundamental values, which allows continuity despite electoral changes. Evidence from the twenty years of the functioning of the liberal regime in urban development shows that it has survived personnel and leadership changes at the level of state government as well as political succession in the city of Mumbai.

Other conditions for being recognized as a coalition, as defined by Dowding et al., require a formation to mobilize external resources, creating a positive-sum game within the polity and the formation of public–private partnerships as instruments of delivery (often transcending partisan divisions). The Liberal growth coalition of Mumbai has utilized primarily two mechanisms for mobilizing external resources: (1) traditional sources such as grants and loans from the Government of India and bilateral agencies, such as the World Bank; and (2) new mechanisms to raise funds, which include partnerships with multinational real estate agencies and multinational corporations. The new mechanisms include participation in international tenders for development contracts, e.g. the redevelopment project of Dharavi (Patel and Arputham 2008).

Public-private partnerships or multi-actor purpose vehicles have replaced earlier models of state and contractor arrangements for delivery of public amenities by the liberal regime. The liberal regime in Mumbai allows non-governmental organizations—such as SPARC, SRS and Nivara Haq Suraksha Samittee (NHSS)—to participate in the provision of public goods. The role of civil society actors has shifted from marginal to more substantive; they actually manage resettlement and rehabilitation processes and have grown from managing single site projects to managing medium- and large-size resettlement townships (Nainan 2008; Bhide and Dabir 2010).

While it may appear that the boundaries between some actors in implementing projects are becoming blurred, some NGOs—notably SPARC and NHSS—have remained critical of several efforts of the liberal coalitions. For example, SPARC and its team of academics and writers have written in Environment and Urbanization on the shortfalls of extreme liberalization, which according to them does not allow for adequate participation of the people who live in these settlements. This relates in particular to the more recent writing of SPARC on Dharavi. These NGO efforts are emerging from the more community-oriented spectrum of the coalition, with the aim to gain entry into the newer
partnerships between state and global capital, which have left the NGO sector out (Patel and Arputham 2008).

Thus it is possible to conclude at this juncture that the liberal coalition has entered a new phase as some of its members are engaged in developing innovative instruments of upscaling the liberalization agenda via global partnerships with the private sector (in other words, for the construction of slum housing). In turn, the NGO members of the coalition are questioning this partnership between private and state actors, and in doing so are looking to secure benefit from these new, multi-actor financial arrangements of urban liberalization. Although efforts to scale up are not a new feature of the coalition, SPARC has also used international network formations to change the rules (World Bank regulations allow NGOs to act as contractors, or even make their participation mandatory, as in the slum sanitation project in Mumbai) and to connect with South African networks of slum dwellers (through the Homeless International Network). With these actions, SPARC is fighting the strong push by private global actors to control slum redevelopment.

The seventh condition is associated with strong or exceptional leadership, capable of gathering unusual coalitions and uniting them under a distinct political vision. This exceptional political leadership was provided by Chief Minister Sharad Pawar in the late 1980s and early 1990s. His unique abilities underscore what is required to create diverse coalitions, namely his ability to relate to and engage with members of all sections of society, including political parties, members of civil society and media outlets as well as all the private sector. His skills as a sharp negotiator were tested during the process of coalitions building in the late 1980s as the rules were being framed for the Development Plan of Mumbai (Nainan 2006).

Once the road map for the liberal regime was paved under Sharad Pawar’s leadership, another leader was needed, in order to ensure the implementation of the plan. This leadership was provided by Shiv Sena’s Bal Thakare, who prior to the state assembly elections promised 40,000 free houses to the slum dwellers of Mumbai. In 1995, when Shiv Sena won the elections they created institutions and provided resources to implement this project of liberalization.

The eighth condition set by Dowding et al. is that the coalition should bridge institutions and community interests by creating ‘partnerships’ across the public-private sector divide. Was the liberal regime of Mumbai able to realize this? Under the new regime the role of the market actors has changed. Landowners who previously resisted development—even lobbying to have their lands declared as ‘no development zones’—were now willing to become partners in the development of their land. They are currently participating in partnerships to redevelop lands utilizing planning instruments (such as TDR, higher FSI and Accommodation Reservation etc.), which increases the profitability of their land. The behaviour of the landowning market actors changed from being non-cooperative to acting as active builders in urban development. Large private landowners and the new commercial sector started playing another role. They became active in setting goals and priorities of urban development, continuously engaging with the state to design new interventions and projects that make specific geographic locations financially attractive for private sector investment.

As a result of the liberalization in urban development, the relationships between the actors have changed along with their changing roles. There is a closer and more open alliance between the private actors and state government. The emerging private sector think-tanks and institutions set up for funding SRA (such as the SSPL) straddle the boundaries between these two sectors.

Formal arrangements of relationships that involve multiple actors beyond the state are novel to India. State-based arrangements are hierarchical and top–down (command-and-control) forms of setting rules and exercising power. Nevertheless they are seen as legitimate via socially agreed conventions of representation, delegation, accountability and control. These new forms of arrangements beyond the state have been labelled ‘governance’ in urban political literature (Pierre and Peters 2000). Schmitter defines governance as a method/mechanism for dealing with a broad range of problems/conflicts in which actors regularly arrive at mutually satisfactory and binding decisions by negotiating with each
other and co-operating in the implementation of these decisions. ‘Governance beyond the state’ is resolutely put forward as presenting an idealized normative model that promises to fulfil the conditions of good government ‘in which the boundary between organizations and public and private sectors has become permeable’ (Schmitter 2002). It implies a common purpose, joint action, a framework of shared values, continuous interaction, and the wish to achieve collective benefits that cannot be gained by acting independently. The evidence and discussion above suggests that under the new regime, urban development in India is making a transition from government-directed and controlled to more diffused and indirect governance arrangement (Stoker 1998; Rakodi 2003).

Slum redevelopment created opportunities for medium and small contractors, who re-entered the urban development arena as builders. Thus it appears that the new urban developmental regime helped scale up market actors, not only in terms of project size or type of work but also in terms of their power relations with sections of the government. The scaling up of market actors is merely an enhancement of earlier ties and relationships that the actors had with sections of the state (officials or elected representatives).

Another section of the actors that joined the coalition included senior state government officers and the section of civil society that agreed to accept partial land reservations for public amenities, i.e. the reduction of those listed in the earlier Development Plan. Thus, one could conclude that the coalition was able to bridge the interests of the urban development organizations and local communities. Although there is broad consensus on liberalizing urban land regulation, concurrently the role of the private sector in delivering public goods within the coalition is being contested by civil society groups. They are asserting that some builders do not follow regulations in delivering public amenities and exclude project residents. As a result, there are confrontations within the broad coalition that culminate in the form of public interest litigations filed in the High Court of Mumbai.

Further, one section of civil society—academic institutions and human rights organizations—has chosen to stay out of the Liberal coalition and has taken on the role of assessing the impact of the liberal coalition’s policies and projects on the squatter community and on city space as a whole.

Thus the Liberal coalition in Mumbai does fulfil all the eight conditions set by Dowding et al. for the emergence of an urban regime. Having established that a new regime has emerged in the urban sector in Mumbai, I will now go on to examine what factors led to the emergence of this regime in the next section.

10.2. HETEROGENEOUS ACTORS AND INTERESTS

The land acquisition stalemate of the early 1980s was frustrating for both landowners and builders. Large sections of private land — almost fifty percent of all land in Mumbai — was practically stuck in litigation over public amenity zoning under the Development Plan. The local government did not have resources to acquire the land, nor the power to change legislation (e.g. the Land Acquisition Act) or to institute measures for raising revenue (e.g. to increase taxes). The competencies of the local government were largely confined to the implementation phase. Under these conditions the formulation of the revised Development Plan for the city provided opportunities to work out some of these problem areas.

The findings of this research show that formulation of a Development Plan, which in theory is a process of state intervention in urban development, in practice opens up the possibility for influence and intervention of other actors. This is not surprising as the plan's scope is vast, dealing with redistributive policies of land development and directly impacting commercial and social needs and other interests of many actors. Furthermore, the process itself is drawn out, complex and conflict ridden. The liberal policy shifts by the Union Government under the rule of Rajiv Gandhi in the mid-1980s, which came into force in the early 1990s, contributed to new market-led strategies in urban transformation.
The private sector played a key role in the formation of the liberal land regime. The private sector can be categorized by the size of firm, the type of work it performed or whether it was a landowning group. In the 1970s, three landowning categories existed; a very small number of large landowners and a very large number of medium- and small-size landowners. Furthermore, very large landowners were at the same time well-established industrialists.

The strong controlling role of the state in the 1970s led counter reactions among the landowning section of the market actors; they predominantly resisted state appropriation of private lands but also developed an appeasement strategy towards state government, requesting of it to allow exceptions under the law in favour of private development. This process of working with the state was undertaken by a chain of actors in which the interests of the landowners overlapped with the interests of the non-landowning class (professional architects, planners, lawyers). Together they formed what has also been called the ‘builders’ lobby’ or the ‘development network’ of the city.

The urban development private sector is well-organized, both internally as well as externally. It is made up of the builders, contractors, masons and other skilled workers as well as producers and suppliers of building materials. Their ties and relationships are based on family, friends and community, some of which can be traced over generations and are village, language, clan or jati specific.

Urban developmental professionals (architects, planners and engineers) organize themselves in the form of a professional association (PEATA). By also allowing builders to join, the regime brought professionals (who worked with private as well as public agencies) together with landowners and builders under one banner. This association proved to be one of the most powerful organized actors in urban development. It worked closely with local government officials to find means to bypass overcoming state controls and in the process experimented with creating new planning instruments. These experiments of jointly planning and designing market instruments have produced positive results as a number of their innovations found their way into the rules framed under the Development Plan and its implementation.

As earlier chapters have shown, civil society has been divided around social class categories—the haves and have-nots. In this situation city dwellers and the building homeowners were pitted against squatters. Within the squatter settlers there are many subcategories, such as the pavement dwellers, the railroad dwellers, and the urban village dwellers. The social class structure of Mumbai is reflected in the location of one’s homes, and the tenure and amenities provided in each location. This explains the concentration of poverty in communities of workers who live in informal squatter communities, with the worst physical infrastructure and housing amenities (Risbud 2009; Baud et al. 2009).

Homeowners have different needs than squatters. Homeowners have achieved their basic personal housing needs and are more interested in fulfilling the needs of their neighbourhood (such as green spaces, solid waste management, good roads etc.). Consequently they organize around such issues of communal interest. Organizations such as Bombay Environmental Action Group and its newer version Citi Space exemplify this type of civil society groups. Among the suburban homeowners there are two sub-categories. The first is made up of persons who live in townships (also called colonies), such as Pestom Sagar residents association, Nagrik Nivara Parishad. These colonies are mostly to be found towards the east side of the city and are made up of middle class housing societies with the majority of the residents being employed fulltime in the government or private sectors. The residents of these colonies were generally organized as workers by unions affiliated to a political party in the 1970s. The other sub-category of suburban homeowners is petty or medium business owners, professionals and cinema artisans. Unlike the housing colonies, here there is a predominance of single building structures, with apartment ownership by the occupying households. These are located predominantly in the western side of the city. Self-organization at the community level has traditionally been low in these communities and dependent on the organizational efforts at building level. Such organizations take the form of housing co-operatives (which the state has made mandatory).
Squatters organize around fulfilling their basic needs connected to housing and the related services, such as water and toilets. As they have been excluded from the urban development process, their demands have concentrated around securing inclusion in these projects. Traditionally shack dwellers organize under political parties, which take up their cause and seek to secure basic amenities and housing.

These two class-based civil society groups—homeowners vs. shack dwellers—are in conflict with each other over the same piece of land on two fronts: the allocated use of the land (park/recreation vs. housing) and the means to influence decision-making. Homeowners use their networks of government officials to implement their projects, while shack dwellers use their voting power and their elected representatives to seek access to services and amenities (Baud and Nainan 2008). Thus civil society is split along social class lines, which in turn is primarily a function of homeownership and geographic location in the city.

Under the new liberal urban development regime a section of the shack dwellers has been included in urban development primarily as ‘squatters’, meaning that they can benefit from housing rehabilitation within redevelopment projects. This requires that squatters give their consent to redevelopment and become participants in their own re-housing, be it on-site or off-site. This process of turning squatter residents into housing development actors was accompanied by a process of formalization of existing social formations amongst shack dwellers (rehavashi sangathnas, i.e. residents’ organizations or Community Based Organisations—CBOs). Most of the organizations of squatter residents were formed to survive demolitions and access services from the state, and, spurred on by the introduction of redevelopment projects by the liberal regime, have been transformed into development agents of builders.

Another change under the new liberal regime has been the entry of a new set of civil society groups called NGOs, distinct from homeowner organizations, a mutual beneficiary group (CBO). These new formations worked with and for the benefit of the shack dwellers, the poor, women and other marginalized group. Their intervention in urban development has been via multiple strategies, including education, organization, protest, demonstrations of viable alternatives, or by advocacy against human rights violations at the local, national and international levels. These organizations secure resources by designing projects and seeking donations and contribution from foundations, charity agencies and universities (both locally and internationally).

Looking at the intervention of NGOs in urban development, three predominant categories are visible. One category of NGOs directly became involved with the delivery of housing under the new regime, essentially becoming builders for the poor (e.g. SPARC, SRS). The second category of NGOs consists of those that continued to pursue social action, organization and advocacy in urban interventions (e.g. YUVA, universities, church groups). A third type of NGOs did a bit of both, pursuing development, action organization and advocacy at the same time (e.g. Nivara Haq Suraksha Samittee).

The conflict between these two sections of civil society—homeowners vs. shack dwellers—is old and based on class struggle. What then is new? The new factor is the entry of NGOs as builders and shack dwellers organizations as participants, as agents and intermediaries of the high-rise renewal of their communities. The key question is whether the entry of NGOs and Community Based Organizations into urban development has brought improved equity in the city. In this section I have analyzed non-state and state actors that intervened in urban development and touched upon some changes in these actors under the liberal regime, in terms of type and activities. What has emerged is that behind the façade of state and non-state actors the age-old struggles fester, rooted in social classes and class based interests.

The analysis of the actors shows that they are more numerous than the literature suggests, as each category has several subcategories. These subcategories are formed on the basis of common resources and interests. So not only are actors more numerous and more heterogeneous than expected, their organizational boundaries are also fuzzy, as they operate from several different roles. Within one
category of actors, the interests differ between subgroups, so that one needs to recognize and
differentiate between their organizational forms. Further, a closer examination of the actors engaged in
the Growth coalition shows that there is overlap between economic and political actors. The
policymaking arena is much more heterogeneous than the literature suggests. There is a strong need to
form networks, associations, coalitions and alliances, in order to exercise influence and to achieve
common goals and interests (Nainan 2006).

10.3 ACTOR’S RESOURCES AND STRATEGIES

A closer look at the policy formulation process shows that, based on the actors’ interests, two
formations appear at the city level and link actors across sectors: one pushing for the de-regulation of
land rules while the other seeks to retain zoning and regulations governing private land reserved for
public amenities, i.e. a continuation of the earlier land regimes (table 10.1).

Thus the pro de-regulation formation can be called an advocacy coalition—it brings together different
social sectors and seeks to influence policies and practices from a liberal ideological angle. The
coalition was constructed on the mutual recognition of the participants’ status and entitlements as well
as the capacity to reach and implement relatively stable compromises in the pursuit of their
overlapping interests and joint projects.

A section of the pro-deregulation (pro-growth) coalition went on to win the state and national elections
in the mid-1990s. BJP and Shiv Sena ruled Maharashtra under Chief Minister Manohar Joshi from
to 2004. Thus, the coalition of the economic class of small and medium landowners, professional
groups of builders and architects and slum residents transformed the old economic and political
regime. The old regime was led by the Congress Party and supported by large landowners and
industrial houses in the manufacturing sector. This was also the section that wanted to retain the old
regime as it allowed for special favours and concessions.

Table 10.1: Comparing strategies and arenas used by the two coalitions

<table>
<thead>
<tr>
<th>Coalition type</th>
<th>Pro-growth coalition</th>
<th>No-growth coalition</th>
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</thead>
<tbody>
<tr>
<td><strong>Policy belief</strong></td>
<td>Pro-state deregulation</td>
<td>Pro-state regulation and delivery</td>
</tr>
<tr>
<td><strong>Strategies</strong></td>
<td>• Snowball the pact process to include all possible landowners and interest groups&lt;br&gt;• Building bridges amongst themselves&lt;br&gt;• Consensus around a vision of transforming Mumbai into a global city</td>
<td>• Raising issues of rule violations and irregularities&lt;br&gt;• Filing litigation against the state and local government&lt;br&gt;• Public mobilization and social action</td>
</tr>
<tr>
<td><strong>Self-selected arenas</strong></td>
<td>• State cabinet of ministers and the improvements committee at the local government</td>
<td>• Print media&lt;br&gt;• High Court—via Public Interest Litigation&lt;br&gt;• The street</td>
</tr>
</tbody>
</table>

Strategies
The predominant strategy used by the pro-deregulation coalition was to snowball the pact process to
include all possible landowners and interest groups. The pact was an attractive accommodative offer.
Part of the reserved land owned by private landowners was surrendered for public use; in exchange the
landowner received part of the land to develop further. It appears that AR landowners also made a
similar pact by which they would be allowed part development provided they resettle the squatters on
the same piece of land. The evidence of these pacts is found in the form of promissory letters issued
by the state government to the landowners whose lands were de-reserved even prior to the passing of
the Development Plan.
The pro-growth coalition overcame fragmentation by constructing a single body to negotiate with the state. In the process they settled the differences between several coalition members and jointly decided on policy areas beneficial for all members. At a later phase, the strategy included building a consensus on the goal of growth—the idea of transforming Mumbai into Singapore or Shanghai. This process is recognized by urban scholars as constructing a global city vision for Mumbai by the elite of the city.

**Arenas**
The pro-growth coalition used various arenas to exercise its strategies. While some of the arenas were reactive arenas to strategies of the no-growth coalition (such as the courts, the assembly or print media) perhaps the most powerful one was the state cabinet of ministers and the Improvements Committee of the local government, responsible for recommending the various planning rules and regulations.

**The no-growth coalition**
This formation pushed for retaining existing land regulation. It appears to be more of a civil society policy network type: their ties are loose and information is the primarily resource they exchange. This network brought together actors with common expertise in environmental matters. The section of society with conflicting interests to the interests of the squatters was the home-owning middle class who lived in the Island City, represented by a section of the civil society groups and environmental groups. They were a loose network that was a part of the traditional regime upheld by the Congress Party and economically supported by the large landowners and industrial houses, many of whom had offices and properties in the Island City of Mumbai.

**Strategies**
These groups sought to block the process of de-reservation of public amenity lands. The resources of the middle class groups were close contacts with several MLAs as well as access to courts and the print media. Public Interest Litigation was extensively used as a strategy to influence the policymaking process.

**Arenas**
The courts, the assembly, street and print media were the primary arenas where the no-growth coalition intervened.

**Negotiations**
Building and landowning entrepreneurs have for long been active in influencing urban development policies at different government levels, with the help of professional associations. Their intervention in urban development via the debates on the Development Plan is only an extension of their earlier role. Thus the actors are not new; the changed environment provided them with an opportunity to come out in the open and directly defend their interests as private builders (not under the guise of professional associations).

For the first time building entrepreneurs made a collective pact with the government to deliver social amenities. On the basis of this pact, the Shiv Sena in 1995 promised squatters 40,000 free housing units in Mumbai. It appears that private entrepreneurs for the first time went beyond their own private interests and collectively took on the responsibility for public works. The political leadership of the new regime, in power in the state government, took on the commitment to provide the environment for private actors to fulfil this new role of delivering public amenities. The state government also set up financial institutions and an independent authority for sanctioning developmental projects—SPPL and SRA.

The findings of this study also show that during the formulation of the Development Plan the state government took on a larger role in negotiations between the elite homeowners (the ‘green brigade’) and the group of building entrepreneurs and squatters. The state government took on the role of policy
broker; this was a new role and vastly different from its earlier role in urban development, as both designer and executor of decisions. While Shiv Sena, enjoying a majority position in local government, struck a pact with middle and small building entrepreneurs and landowners, the Congress Party, in power at the state government level, did the same with large landowners. In a way the political parties dealt with the sections of the private sector that overlapped with their own constituencies.

Another change is observed in the role played by the civil society groups. Groups such as Save Mumbai Committee and BEAG were not very well known civil society groups prior to the negotiations. Through their protests against the policy, they obtained recognition as representatives of special interests of society/the environment. Also Public Interest Litigation was a not well known prior to its extensive utilization during this period.

Thus, it appears that the strategies and interventions made by a group of building entrepreneurs and professionals worked towards securing a broad based consent of all actors towards liberalizing urban development, using the Development Plan of Mumbai as an event. Even environmental groups accommodated the idea of a liberal regime, with the hope that some development of public spaces would take place. It can be observed that a process of value accommodation took place under conditions where the majority of the actors felt that partial acceptance of developmental goals was better than no acceptance, as it was expected to achieve common interests of all actors. The various New Planning Instruments (NPI)—TDR, AR and SRA—are the policy results of these negotiations that spanned over ten years.

The findings of this study are similar to those of Palumbo and Nachmias, who point out that policymakers are not always looking for the best way out of a stalemate; instead they are looking to secure support for action already taken and that serve the interests of their constituencies. The process of governance in Mumbai appears to be a de facto system where earlier practices, experiments and land occupations became legalized rules, changing the predominant planned and rational process of urban development interventions (Palumbo and Nachmias 1983; Nainan 2006).

However, this de facto type of governance is only found in terms of the macro-level inclusion in the Development Plan of practices that were previously labelled as irregular under the earlier regime. At the micro-level of projects the study found that urban interventions are bound by land prices (which are location sensitive) and the ability of actors to generate resources from multiple sources. Space for negotiation is limited at the micro-level interface, unless it is supported by negotiations at the macro-level. In this way, the two interface levels link up, connecting projects and actors of the micro-level interface to policy negotiations and actors at the macro-level interface. The completion and success of individual projects depends on the ability of actors at micro-levels to link up and influence the macro-level policy interface, and thus steer resources and rules to facilitate the achievement of their project goals. In this process each (re)development project becomes commoditized and produces commercially attractive products in the form of TDR or housing units that can be easily marketed. It results in further integration into the land market. The higher the expected price of the unit the closer the integration into the land market, and the better are the chances that the project will be profitable in the real estate sector.

10.3 KEY FEATURES OF THE NEW REGIME AND ITS REGULATORY FRAMEWORK

Whether the current urban regime of Mumbai is liberal or neo-liberal is not yet a topic of discussion among scholars. The regime is often presented as a neo-liberal regime by housing rights and land right activists, as they try to draw parallels between urban and rural phenomena of land alienation and displacement, seen as indicators of the ongoing process of restructuring capitalism in India. Both the use of tradable market instruments as well as the global linkages of coalition actors is indicative of a neo-liberal regime. However, what we also observe today is not a reduction of state sovereignty and planning capacities, but a displacement from formal to informal techniques of government and the
appearance of new actors on the scene of governance. This indicates fundamental transformations in statehood and new types of relationships between state and civil society actors.

Some of the earlier practices of state and citizens—such as clientelism—are carried forward along with some new practices, which are predominantly corporatist. Thus the features of the new regime are a combination of a clientelist and corporatist type regime, while the regulatory framework is drawn from a market-oriented mode and is capitalist in nature. The regulatory framework demands of citizens to act as demand agents and it encourages self-responsibility. This appears as a move to foster a neo-liberal relationship between governmental bodies and citizens. Therefore I argue that the new regime—despite exhibiting elements of earlier regimes—has core values that are closer to the notion of the liberal regime (Baud and de Wit 2008; Lemke 2002).

In table 10.2 below, a comparison is made between the traditional regime and the liberal urban development regime, which is the outcome of efforts undertaken by the growth coalition. I argue in this section that the governance mode has shifted from a predominantly clientelist mode to a corporatist one under the liberal regime. During the process of regime formation, some features of a pluralist mode were visible, with marked dominance of brokering and mediation between competing interests. Once the changes in rules were established, a consensual process has developed within a liberal governance regime, using exclusionary negotiation as its primary method of governing relations amongst actors.

The new liberal regime depends on market instruments to raise funds and provides public goods using a cross-subsidy principle. As a result the regime is based on the market mode of order, utilizing land prices as means of controlling the production of public amenities rather than values of equity and principles of planning. Going from predominantly government control or hierarchical mode to market control of the delivery of public amenities is a shift to the other extreme, making the delivery of public amenities vulnerable to market fluctuations.
Table 10.2: Comparing the traditional and liberal urban regime

<table>
<thead>
<tr>
<th>Features of a regulatory framework</th>
<th>Traditional regime</th>
<th>Liberal regime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mode of governance</td>
<td>Clientelist</td>
<td>Corporatist</td>
</tr>
<tr>
<td>Governing relation</td>
<td>Particularistic personalized exchange</td>
<td>The process of regime formation included features of pluralist mode where in brokering and mediating between competing interests dominated. Exclusionary negotiation is currently in practice.</td>
</tr>
<tr>
<td>Governing logic</td>
<td>Reciprocity</td>
<td>During the process of regime formation, the governing logic was of conflict management. Consensus building is currently in practice.</td>
</tr>
<tr>
<td>Key decision makers</td>
<td>Politicians and clients</td>
<td>Politicians, powerful civic leaders and private sector.</td>
</tr>
<tr>
<td>Political objective</td>
<td>Material</td>
<td>Purposive</td>
</tr>
<tr>
<td>Instruments used for governance</td>
<td>Money in exchange for free and constructed land</td>
<td>Share of development rights in exchange for free and constructed land.</td>
</tr>
<tr>
<td>Security of tenure/Landownership pattern and related rights</td>
<td>Private ownership by few</td>
<td>Private ownership broadened based on condition that newer owners are relocated on locations at the margins of the city.</td>
</tr>
<tr>
<td>Spatial selectivity of the regime</td>
<td>Skewed in favour of western suburbs of the city.</td>
<td>Skewed in favour of high-rise development of squatter settlements.</td>
</tr>
</tbody>
</table>

The new liberal regime is based on the concept of consensus building and accommodation of interests of those actors whose entitlements are recognized by the regime. Entitlement is not natural or given but is created in the process of negotiations; thus, the framework itself is exclusionary in practice. It appears that there is a shift from the earlier clientelist practices at the micro-level, which were an intrinsic part of the delivery of public amenities and services to squatter settlements. Such room for negotiations makes the regulatory framework a political process. Sections of society continue to depend on the ability of political parties, developers and NGOs to ensure their inclusion. This is a surprising continuation from the earlier state controlled regime, where clientelist forms of relationships were the primary means of inclusion for the squatters.

In terms of security of tenure the liberal regime has allowed many more squatter settlements to realize security via the slum rehabilitation and resettlement programme. This came more from development of cheaply acquired lands located on the margins of the city than from In-situ development. The spatial selectivity of the state in the traditional regime appears to continue with the spatial selectivity by the liberal coalition, even though the selected place for development has undergone a change. This strategy of slowly releasing land appears to ensure a continuous supply of opportunities for the building industry.

Land prices and TDR prices are a mechanism of control in the liberal regime; they have not replaced the policymaking responsibility of the state. As a result the land market is jointly controlled and regulated by a combination of factors. However, decision-making on rules in the liberal regime requires a higher level of information on land prices and its spatial impacts, given that TDR is not the only fungible instrument in practice. The regulatory aspect in understanding land markets and fluctuating land prices still suffers from limitations at the level of government bodies, due to absence
of a cadastre and clear land titles. TDR, FSI and real estate prices are going to be key instruments for
designers and planners of urban development. It is imperative that information on these land markets
be analyzed and fed into a regulatory body, which would in turn decide based on this information
rather than perpetuating the current laisser-faire situation.

The stated political objective is to liberate private lands from the control of the state and slums, and to
bring it into the market in the form of private and public goods. Thus the regime can be seen as
deliberate in nature. As mentioned earlier, the spatial selectivity of the regimes is retained, although
the location of the space has changed. In both instances the goal of special selectivity appears to be to
guide growth in specific sections of the city.

10.4 POLICY OUTCOMES OF NEW REGULATIONS AND PLANNING INSTRUMENTS
ON PUBLIC AMENITIES AND URBAN DEVELOPMENT

New Planning Instruments have been successfully used by the private sector and NGOs in
constructing rehabilitation housing for the project affected persons (PAPs) displaced by the city’s
infrastructure projects. A comparative performance analysis of the NPIs shows that the TDR
instrument performs best in terms of sharing land with the public amenity. AR performs better in
actually delivering the public amenity; however, land sharing with the public amenity is average. In-
situ redevelopment has a low performance on all counts (percentage of land plots acquired, percentage
of private land shared with public amenities and ownership of the public amenities) suggesting a need
to review the instrument. Definitely more plots are acquired using New Planning Instruments by state
and local government—and at a quicker rate—than with the Traditional Planning Instruments.

Furthermore, the data also shows that AR and TDR are better performing instruments in terms of plot
acquisition and AR is the best performing instrument in terms of both acquisition as well as delivery
of public amenities. This study calls for a review of the In-situ instrument in its present form, its goal
of accommodating the interests of three sectors (public, private and occupants) is compromised; only
the private sector’s and some occupants’ interests are currently accommodated.

However in terms of delivery of public amenities (transforming land into usable amenities) both the
traditional instruments (LAA) and NPIs (TDR) show a similar performance: 51% of land plots
acquired under LAA are fully developed as a public amenity and 53% in the case of TDR.

Data gathered from a representative sample of public amenities shows that NPIs are effective in
providing an alternative to cash compensation for lands acquired from small and medium landowners.
It is not perceived as an attractive compensation package by large landowners. The problem of
providing public amenities on acquired land is not resolved completely by these instruments, and
several of the acquired plots are still to be developed. Even though NPIs do show improved
performance over traditional instruments, they do not fully meet the goals set by the Development
Plan.

New regulation and space restructuring

The impressive figures on the number of public amenities constructed by the use of NPIs are put in
perspective when the focus of the study shifts to outcomes and impacts of these NPIs. One of the
outcomes of TDR is a spatial preference for developing a certain type of amenity in areas with specific
land prices. The majority of the SRA constructed housing using the TDR instrument takes place in the
ward with the lowest land prices. Further, this ward has already been identified as a ward with one of
the largest squatter settlements as well as high levels of deprivation, as the majority of the squatter
population is from the Dalit community. Thus, the TDR mechanism pushes the poor and project
displaced people (pavement dwellers, railroad dwellers and others) into one pre-selected section of the
city, thus continuing the class and caste-based geographical segregation of the city (Nainan 2008).
A problem with any urban land intervention is the possibility of increasing commercialization of serviced land and other outputs, a process that integrates urban life more closely with the capitalist economy. Some of the mechanisms of integration into markets include packaging, production contracting and internationalization. The general impact of commoditization of urban development provides for a differentiation between urban households, with a tendency to polarize relations between social classes. Within academia the focus has been on the impact of polarization on the weaker members of the working class who live in slum communities. Two outcomes have been identified as a result of the commodification of urban land and development rights: the spatial segregation of classes and welfare polarization, also known as inequity among social classes in urban areas.

In the discussion of outcomes, it is crucial to consider whether the policy or regime increased equality. Is new urban development regime, which includes NGOs and CBOs as development actors and uses NPIs as its prime mechanisms of urban development, able to bring about a fairer distribution of land and related amenities among city dwellers? A key question is to examine which section of the community has benefited from the new planning instruments and whether living conditions have improved for all. In this context, it is important to study physical assets (such as housing and basic amenities), as well as access to public amenities and social and political capital, as these are likely to be impacted by the NPIs (Rakodi and Lloyd-Jones 2002).

On the one hand providing large outputs, such as a large number of housing units for PAPs, can be seen as creating equality for a large number of former shack dwellers who now are homeowner. However, on the other hand, it is accompanied with the negative externality of high-density upper class housing in western coastal suburbs of the city. This has resulted in growing protests from the upper middle class who view this building boom as aggressively reshaping their neighbourhood. There are several key negative externalities of NPIs:

- NPI’s increase the number of amenities produced but simultaneously increase land prices, fragmentation and homelessness in the city.
- Competition among landowners and builders causes conflicts.
- NPIs are strongly exclusionary and shape the character of the city (a point largely overlooked by the literature).
- The new land instrument builds on existing land prices, which in combination with political manipulations of rules, creates clusters of PAP housing in low priced areas of the city, with poor basic environmental services.

Undesirable outputs include increased land prices, concentration of social depravation (ghettoization), additional social class conflicts, more projects stuck in a stalemate, increased privately sponsored violence in slum communities, and increased competition amongst private builders for development of slum areas, resulting in displacement of shack dwellers. The relative ease of generating NPIs (e.g., providing TDR certificates as compensation to the private sector either for land or construction) has made it possible for the elite of the city to realize their vision of the city as a global city. It provided a fungible instrument without disturbing the capital markets or levying new taxes. Relocating PAPs in newly constructed TDR housing has made relocation and displacement an accepted phenomenon of Mumbai; displacing one community to accommodate another is justified by the vision of the city by the political elite (Nainan 2008; Bhide and Dabir 2010).

The Mumbai case shows that, as a result of these new rules, segmented localities have appeared. Class-based polarization has gained ground with the redevelopment of slums and rehabilitation of households ousted by infrastructure/public amenity construction, maintaining class structure and building or earlier spatial segregation along class lines. Spatial selectivity by the state in favour of the upper class is only a continuity of an early path dependency set in colonial times. Even though the specific locations subject to urban renewal have changed with changing regimes, the modern state employs similar strategies as the colonial regime. According to Dossal, during insecure times it opts for a conciliatory strategy with the landed owners or land occupiers; while choosing to act more aggressively during periods when expansion of urban territory is seen as necessary (Dossal 1995).
The results of the study show that the redevelopment processes—regardless whether Insitu or TDR—all have a common difficulty of not including all the residents; thus, a section of the claimants is excluded from benefiting from the project. These excluded claimants cluster together to form another geographic and interest based community. The excluded communities, such as Maharashtra Nagar Slum and Rahul Nagar Slum, exist on the margins of redevelopment projects.

This process of including some and excluding other households of the community or defining the project community on the basis of practice needs or viability of the project is responsible for splintering of the community. This splintering of geographies and habitat has an impact on the social cohesion and collective services in the community. The splintering process is not viewed by the interviewed sections of the community as a positive process.

NGOs and housing rights movements have been able to include those groups of squatters who were not recognized as rightful beneficiaries of the city’s services and amenities, i.e. those living on pavements or railroads. However, as the rules for the resettlement are set by the state (in terms of cut-off dates) and the market (in terms of location of resettlement sites), NGOs have a limited impact. Thus NGOs are able to include a section of those excluded by urban development but still are bound by the rules set by the state and the market. While a section of the homeless did manage to secure land tenure, this study and other studies in Mumbai show that sections of those resettled continue to be excluded by projects of the liberal regime, and the clearing of squatted lands for construction projects of the liberal regime results in additional homeless on the streets (Roy 2009; Vaquier 2010).

NPIs are able to provide housing and land tenure security for a section of the relocated community, but there is an unintended negative consequence of this improvement: a negative impact on employment. Thus, for every gain the households make with regards to housing security, an equal or higher trade-off is made vis-à-vis previous livelihoods activities.

The fragmentation appears in three different sub-groups: (1) those who benefit, (2) those who are in the process or in the transition period of benefiting, and (3) those who have been excluded. These sub-groups appear as different hut clusters located on different plots of land in close proximity to each other. These clusters are not completely exclusive or cut off from each other, but retain old identities of being one community, in one instance even having shared organizations and collective amenities. The degree of fragmentation and its impact on social cohesion and coping mechanisms of households in NPI projects needs further study.

A clear hierarchy of sub-communities is established as a result of the project, with the worst-off excluded people living in nearby shacks. They are followed by those living in transit accommodations, while those who are best-off have secured a housing unit under the project. Findings from this study show that the fragmentation of geographic communities into sub-communities based on class results in a breakdown of community cohesion and has a negative impact on their social and livelihood networks. Graham and Harris discuss urban splintering as a phenomenon in urban supply networks (2001). However, the fragmentation of communities as observed in Mumbai is of a different kind. Vaquier presents a similar pattern of fragmentation of communities among those households relocated from the Sanjay Gandhi National Park in Mumbai. He observed that the size of the new houses allocated to squatters is only 225 square feet. As a result, an implicit selection process takes place; some family members must stay in the slum or find an alternative housing solution. He further finds that those who move back into the slum are mainly men who either have low education levels, are old enough to start their own nuclear families or are highly dependent on the local slum economy for their livelihood (Graham and Harris 2001; Vaquier 2010).
10.6 REFLECTIONS ON THE CONCEPTUAL FRAMEWORK

The framework developed in chapter 3 serves as the base for this study. The findings of this study have contributed to creating a new conceptual framework, which I call the ‘new framework’. The strengths of the author’s original conceptual framework lie in its recognition of sectoral parameters, actors and their resources and the possibility of multiple coalitions that can compete with each other. These aspects brought in sectoral particularities along with the focus on actors and their networks. These aspects lend themselves well to the study of development regimes of Mumbai. Another aspect of the author’s model is the assumption that policymaking is only possible when there is consensus amongst various actors. In doing so the framework accepts the ‘power to’ concept of regime analysis. Thus the framework widens the scope of the research to seek processes that are at the same time both collaborative and competitive, in order to establish a degree of consensus required for urban development.

There are several new features of this model, visible in the new framework (see figure 10.1). First, time-dynamics, spatial scales and cross-social group perspectives have been added to the framework in the bottom left hand corner. Second, outcomes of the negotiations between two or more coalitions are often new formations that allocate or reallocate resources, positions and rules. Thus new spheres of study are created, including new institutions, new instruments, new modes and new regimes (in the centre and to the right in the framework). Third, another addition is the study of policy outputs, policy related projects and policy related programmes (see the left hand corner of the framework). The fourth is the existing institutional parameters/conditions, reflected in the time/scale related axes; this shows how certain functions of the institutions are time and scale bound by law (time axis) and scale levels (scale axis), as shown in the framework figure below. These change only when new institutional parameters are introduced.

Figure 10.1: A new framework for future research

Source: Author
Context features of the new framework

Amongst the contextual parameters of the base framework, which were to have a critical impact in the formation of the new development regime, was the opportunity provided by the formulation of the new Development Plan. While many other factors did not undergo dramatic change, the advent of the next planning stage created new opportunities and political space for actors to intervene and influence the plan making process and the rules that govern it. This suggests that urban regime shifts need a clear transformational moment, such as the requirement to draft a new Development Plan. Such practices need to be studied as separate events; therefore, the context parameters have been placed in a separate domain (see middle of figure 10.1).

Another missing element in terms of context factors is the role of political parties, especially the emergence of two new political parties, one at the city level and another at the state level. Both parties needed a clear agenda to build broad-based coalitions and to generate funds. The interests of these political parties along with the interests of the private landowners and builders created sufficient bargaining strength to alter the formal rules, resulting in the new urban regime. Therefore, analytically speaking, a new framework needs to take into account several dynamics: the dynamics of the transformation momentum within the state; the relations between local, provincial and national levels of government (both among bureaucratic structures and elected officials); and the dynamics of political parties.

Process features

The original conceptual framework presented in chapter 3 ignored the informal process of decision-making, very strong in the hidden arena. Informal networks and process of decision-making exists and provide valuable additions to any study on policy regimes. Policy innovations are developed during these processes, to be turned into formal policies when the opportunity arises. The process of policy innovation and formulation in urban development in Mumbai appears to follow this pattern.

The base framework identifies two possible types of brokers (politicians and government officers) and views them as single functioning neutral actors, as individuals who may not have any direct interest in the outcomes of the policy. The findings of this study on actors and their negotiations on urban policies show that these brokers hold different positions at different levels and also professionals (such as architects) act as brokers at different levels of government. Further, politicians and government officers are not neutral actors; some of them may also be landowners or partners of building entrepreneurs.

The study’s focus on rulemaking of the revised Development Plan was useful as it allowed the author to explore this process in depth. However it was also a limitation: when policy bargaining are struck at the national or state level, bargaining takes place on multiple policies at the same time. This makes the study of policymaking more complex and multi-scalar, as actors sit at the negotiation table looking at multiple policies at the same time.

Similarly there are multiple interfaces among policy actors when interventions and practices are being negotiated: at the community level, at the administrative ward level, at the city and at the state level. The locations for these interfaces include courtrooms, assembly halls, and at election time the entire city becomes an interface space. Even though the study was bound in terms of only focusing on the Development Plan, with special attention on NPIs, it was not envisaged at the beginning that it would also cover so many different interfaces.

Most analytical frameworks completely disregard time as a process feature. This study found that rulemaking—both globally and for specific areas of the city—is rapidly changing and speeding up. Thus, the rulemaking cycle is faster and more dynamic geographically than usually recognized. This requires adding the dimension of time explicitly to the entire framework.
Often studies on policymaking and influence in South Asia point out that decision-making is influenced not only at the policy framing stage but more so at the implementation stage. This makes the study of outcomes of policy influencing processes a very important component of any study. However, the findings from this study show that policymaking and implementation need to be studied as actions of an on-going process of actor interventions. Policies are framed by the actors who participate in their implementation. A snapshot approach to policy studies may be a starting point, but decision-making and implementation processes constitute a continuous process of action and reflection. If policymaking is thus understood as an ongoing dynamic process and includes implementation as well as policymaking, we need to include a larger number of its features in any analysis. Assigning a bigger role to private actors in policy innovation, framing and implementation is not unique to South Asia, as Domhoff demonstrated in his study of elite rule in the American context (Domhoff 1983). Guha too has shown that the landed and industrial elite in India had a large say over the role of the state in the post-independence era, via what is called the Bombay Plan (2008). The most important finding of this study is that private sector actors are all pervasive and hold a large stake in framing and executing urban development policies and projects. No comprehensive study of urban development is complete without understanding their interests and actions at all stages of the policy process (Van der Linde 1993).

A second important finding of this study is that policies are essentially earlier practices that already existed informally, sometimes in violation of earlier policies. The policymaking process formalizes these longstanding informal practices by formulating new regulations and allocating resources to support such practices. This emphasizes the necessity of examining informal processes, experiments and practices in the shadow of official organizations.

**Outcome features**

Policy content analysis was included in the original framework because it views planning instruments as new rules that generate resources and cause shifts in the roles played by different sectors. However, there is the missing element of spatial analysis. It needs to be added to the policy content because it takes into consideration NPI externalities that are spatial in nature. Spatial analysis is currently receiving a lot of attention, specifically the role of the state in shaping urban space and its impact; however, much of the writing is concentrated on studying projects and their spill-overs or the decision-making power of the state. The findings of this study show that a fragmented or project approach to studying outcomes on urban space has limitations as it does not examine the interconnected aspects of urban geographies. Urban land markets on the whole are impacted when policy interventions are made in urban development, impacting land prices and their availability to different classes of urban residents. TDR generation and usage rules combined with existing habitat preferences of elites and land prices have impacts on urban space as a whole (Bhide and Dabir 2010; Brenner 2004; Benjamin 2008).

What is the outcome feature? Which features are essential to study? These are debatable questions. The outputs are rather narrow: identifying the quantities of amenities constructed and delivered, the relevant aspects to study, the policy impact on the geographic distribution of urban interventions, the spatial impact of market instruments (especially for cities that are already fragmented in terms of class/housing types). Further, as it is well established by other empirical studies that market instruments do cause externalities, it is advisable to include the study of externalities and their impact on city spaces. One of the difficulties with studying outcomes of urban land and developmental policies is that their implementation in the context of today’s India takes a long time to realize, given the complexities of land tenure systems and practices. It takes a period of fifteen to twenty odd years to translate policies into projects, which is a lengthy time span for examining outcomes.

Another approach has been to study the impacts of the outcomes on poor households and their communities, as has been done in this study. Although the findings do show interesting features pointing in terms of analyzing the results of the policy implementation process, they do not adequately encapsulate the problems faced by the city as a whole. Further, ‘the poor people’s approach’ is finding
less and less sympathy with policymakers; it is actually having a negative effect on residents receiving benefits (slum dwellers) and encourages discriminatory practices by politicians against slum dwellers. What is required is therefore to study the impacts of planning instruments and regimes on collective goals and visions of the residents of the city, following Kabeer and Subramanian’s suggestion that trends or outcomes of any institutional intervention need to be evaluated in terms of whether they promote human well-being (Kabeer and Subrahmanian 1999).

The outcomes of any policy, therefore, need to be examined from the perspective of common goals held by all residents, not just one section of residents. Thus the uneven geographies approach provides a clearer picture of overall outcomes. Spatial analysis as an outcome variable should be assessed at levels relevant to the issue in question (across social classes, city areas with different land prices or ownership types and other factors).

On the basis of the findings of this study, the author recommends the use of the ACF framework with some additional improvements. The recommended framework for studying urban policy regimes in India ought to include the following features—over and above the ones developed by Sabatier and Jenkins Smith (1999) and the improved version presented in chapter 3 of this study:

1) A time scale should be included as an extra dimension in studying policymaking processes, specifically in its relation to the institutional opportunities that could be provided for including the voice of hitherto excluded social groups. Furthermore, the frequency with which the actors engage in the policy formulation process is another aspect of a time scale. If the cycle is frequently repeated it is more likely that decision-making happens closer to the ground.

2) Other dimensions especially useful for analyzing the outcomes of the policy process are space and institutional scale.

3) The study of institutions formed as a result of policy changes needs to be included as a type of policy outcome.

4) The importance of studying outcomes has already been stated earlier; the only change in this respect is that outcomes should be grounded in a humanistic goal applicable to all residents irrespective of class, caste, citizenship, age or gender.

Suggestions for additional research

A crucial finding of this study is the critical role played by organizations of actors who have common interests. This study has shed more light on these formations (networks, associations and political parties) as well as the roles they play in urban policy formulation and implementation. The literature and empirical research on actor organizations and formations in urban development is meagre. What are the kinds of formations that exist in urban areas? What roles do they play in urban development? What strategies do they use to influence the state? These questions need to be addressed to better understand urban planning in India. Also there are several theoretical questions that need to be addressed requiring additional research. Should class-based vote banks be considered associations? How are political parties different or similar to the associations formed by professionals? How are political parties and their members different or similar to other membership based organizations?

Further, are the findings of this study only applicable to cities that similarly to Mumbai have large-scale private landownership or do similar patterns of coalition formation exist in other large and medium-size cities in India? Mumbai also has the unique characteristic of enjoying an active middle class and civil society, which can build a strong opposition to the pro-growth lobby. Do similar formations take shape in other cities of India, and to what extent does civil society influence the process of liberalization of urban land and development?
10.7 RECOMMENDATIONS FOR PRACTICE

Review of NPIs

Despite lofty expectations, NPIs have not been able to deliver what was envisaged by their promoters. The lack of funds and inability of government agencies to convert acquired lands into collective amenities have left the task unfinished. Their major success is in realizing housing in clusters for PAPs in low priced land areas of the city.

These outcomes and impacts outline several courses of action that have to be considered: the need to review NPIs, in terms of making TDR land-price sensitive; completely doing away with In-situ development as an instrument for delivery of public amenities; using TDR with caution, keeping in view the externalities and poverty hotspots it creates; as well as reactivating some of the Traditional Planning Instrument and schemes (e.g. the Town Planning Schemes), with the objective of reducing current widespread dependence on NPIs for providing public amenities.

Perhaps some of these impacts could be mitigated if the state were impartial and set up regulatory bodies to monitor the role of private markets and actors. However, as the state operates as an involved party—ensuring and maintaining its own interests of accruing benefits from land development—the role of impartial regulator may be difficult to perform. This shift of the state from a development to an entrepreneurial actor is undesirable, especially in a country where inequity among social classes is evident and growing. The state can still focus on many development interventions, especially tasks (such as rental housing) which the market will not perform. The states own land management practices need to be reviewed and it should adopt active approaches to land planning and management. There is a need to review ownership of land by multiple levels of government which adds to fragmented rules governing land and its development in megacities.

From the Mumbai case the conclusion is that NPIs cannot be created for one location with the belief that they will not have an impact on other parts of the city—there is no exclusivity of planning instruments. TDR in one location results in negative externalities in another location; this emphasizes the connectedness of urban policies. Planners need to be more cautious in borrowing models from high-income countries, given the uniqueness and size of cities in India. Furthermore, there is a dire need to include social scientists, economists and land managers in such planning teams.

The approach of planning itself needs to be reviewed; the Indian state operates predominantly from the high modernist approach to planning, which is rather authoritarian and impractical given the varied interests of the actors and high level of informality of the city. There is a need to move away from Le Corbusier’s Chandigarh model of urban planning towards one which is based on practical knowledge of the residents of the city.

Reviewing high-rises as the only development alternative

High-rise buildings or the SRA type of housing model are financially viable in high priced land areas or in exchange of TDR. Other options for redevelopment without high-rises are needed. This is especially so for village or gauthan communities which have large open areas in their neighbourhood. SRA is not a viable alternative, as they are heritage areas and need to be maintained as such.

However, given the need for habitat improvement, other alternatives ought to be considered, such as allowing these communities to trade the TDR they receive, in exchange for foregoing high-rise development. The other possibility is to constitute new development rights for such communities, along the lines of carbon credits earned by environmentally sound villages. These can be earned for not increasing densities and maintaining heritage or/diverse habitats rather than a mono-type of high-rise developments. The current bias in the regulations towards high-rise development as the only alternative needs to be reviewed and replaced by other possibilities of habitat improvement and tenure security.
Although improvements in housing and land tenure security are achieved by the sub-community (the households living in the rehabilitation building), the direct consequence of this improvement is a negative impact on employment. Thus, for every gain the households make with regards to housing security, an equal or higher trade-off is made vis-à-vis previously held livelihoods.

Further, there is insufficient research on the impact of high-rise housing on the livelihoods of slum residents. Livelihood and support networks are essential for the survival and subsistence of low-income households. There is a need to study the impact of changes in housing type on households’ livelihood activities. Longitudinal studies concerning the impact of rehabilitation on household livelihood need to be undertaken. This will also help the development of livelihood strengthening strategies for resettled households and individuals.

MRTP norms apply to any development of one acre and above. Most PAP developments are above this stipulated one acre, and by that virtue these norms should also apply to the PAP townships. This means that by law the relocation site ought to have 4,000 m² of open space and roads as well as all the necessary amenities (such as schools, health centres, police stations), which ought to have been outlined in the blueprint of the plan. However the norms for rehabilitation housing have been reduced, resulting in much higher densities with fewer amenities. Certain regulations—especially on living space area and amenities—need to be respected by all, and monitoring adherence is an essential regulatory role of the state.

Earlier slums are perceived as a problem, which needs to be fixed or moved out, with the SRA high rise development programmes, slums are perceived as new places of urban regeneration. The existing approach to slums appears to be blind to the economic activities, which are carried out in slum communities and the sheer vibrancy of these communities. There is a need to evolve a collective non-problematizing perspective about slums and their symbiotic role in urban development.

Building social bridges

The findings of this study show that the last two decades have resulted in further fragmentation of the urban space and social classes. There is an urgent need to reverse this process, which can only be done by creating mixed communities, in terms of class and social groups.

Further, there is urgent need to ensure that the high-rise housing stock generated with NPIs does not turn into slums. Given that some townships are in complete violation of the MRTP Act, the already live in slum like conditions, high density and small space between tall buildings. Their further deterioration needs to be curtailed, by engaging the project community in solid waste management, maintenance and improved care of their housing townships.

Another way to go about integrating far-flung rehabilitation areas is to improve their connectivity to the city via rapid public transport. Urgent urban intervention is required to integrate ghettos into the city, given the scale of urban fragmentation that NPIs have caused. Beyond these remedial measures, there is a need to bring in knowledge of land prices and land market dynamics into the policymaking process.

Project vs. plans

An important finding of this study is that the revised Development Plan of the city has been overtaken and subverted by the project type of urban intervention, via the NPI mechanism. Furthermore, the central government programme JNNURM is yet another intervention that acts as a parallel process to the Development Plan as it requires an alternative plan called ‘City Plan’ to be produced by urban local bodies. As a result, one finds that these development plans/master plans exist in name only—projects and programs dominate and create a patchwork development in the city. The dilemma is whether to eliminate the master plans or to tie projects, programmes and plans together to improve their effectiveness. Under the 74th Constitutional Amendment the wards committees have a larger role.
in urban planning. It will be quite a challenge to institutionalize a genuine bottom-up process of planning with all stakeholders and therefore remains more of an ideal notion of how planning ought to be.

Currently, there appear to be a number of multi planning process, regional plan, and master plan of the city, programme lead planning and decentralized planning of the city all carried out within the state and its various institutions. On the other hand there is private sector plans such as the Vision Mumbai, process and mega projects. Perhaps, Mumbai suffers from a context of over planning and poor execution. It appears that some of the problems of Mumbai (such as housing, international airport, etc.) will need to be sought outside limits of greater Mumbai in the Mumbai Metropolitan Region, which is only possible if rapid transport reduces distances and develop a genuine polycentric region along with active regional networked organizing capacity. The current political leadership needs to deal with the regions institutional fragmentation and the narrow identification of most of the leadership with the island city as Mumbai before take on the charge of planning for the Mumbai Metropolitan Region.

Further, governance by superficially tight and centralized development control rules in largely informal self-help entrepreneurial cities which are easily changed to cater to the building industries demands needs reflection. Perhaps there is a need to develop codes for neighbourhoods’ or wards rather than development rules for the city. This will keep the unique quality of the neighbourhoods alive and build on existing social capital which has affinity to its architecture and layout as well as in the process institutionalize decentralized planning as envisaged by the 74th Constitutional Amendment.

It is important to stress the need to bring in local knowledge in the formulation of plans, because the land tenure system is complex and not documented. Local knowledge also helps mobilize local resources as well as address constraints and conditions, fundamental elements for the production and reproduction of this heterogeneity. Similar experiences in other areas have found that externally designed and planned interventions that offer tested and standardized solutions are simply unable to build upon local knowledge and experience. As a result, they possess very little mastery over these highly diverse local situations. Furthermore, the importance of consensual development—despite the continuation of conflicts—cannot be stressed enough (Watson 2009; Scott 1998).

**Strengthening actor ties**

The shack dwellers community needs to find different ways to enter into dialogue with the market and state. It has to operate in an ever-changing environment and the stable two party relationship between community and state is a thing of the past. The new era will be marked by three sectors: the market, the state and the civil society.

Civil society in urban India is fragmented along class, caste and other forms of identities. The working class in the past has pressured the state to support its causes by using protests and strikes. The result is a demand-based politics of interest groups and actors that developed in India. During the liberalization era, the approach generally has been to blame the market and the state for joining hands together against civil society. A more desirable and workable approach is for civil society to strengthen its ties within the sector (across classes and groups) and externally with the state on certain programs on which civil society and the state agree. It is the best way to reconcile the interests of the state and civil society. Homeowner’s organizations need to stop demonizing slum dwellers and stop blaming politicians for slum growth. There is a need for middle class homeowners to work along with workers’ organizations to achieve a common minimum programme for the city. This new alliance holds within it the potential of shaping the future of the city and tilting the balance from the market towards society.

The state—despite its internal differences and competing interests of the political and administrative wings—needs to reaffirm the trust of civil society in the state. The state has to commit to the needs of people in society openly and demonstrate that such needs are most important, by acknowledging that without the partnership of civil society redevelopment and growth of the city is impossible. It has to withdraw from pacts made with the market and reaffirm earlier social contract made with the society.
Only after establishing this firm link should it seek ties and projects with market actors, regardless whether national or international.

My approach towards policy is not limited to setting out policy tasks for the state alone; it also traces a path for the empowerment and growth of civil society, as it transforms itself as an equal partner with the state. Their common goal should not be to beat the market but to work with the market to provide common goods and services (public amenities).

I end this study with a reminder of the sanctity of the social contract created between the state and the people. The people give their authority to the state, with an expectation that each individual receives common goods as an indivisible part of the whole. Jawaharlal Nehru on behalf of the new state made such a contract with the people of India; he called it a pledge in a speech he gave on the occasions of Indian Independence on 14th August 1947. The following sections of that speech serve as a reminder to all actors of the challenging task at hand:

At the stroke of midnight when the world sleeps, India will awaken to life and freedom... freedom and power bring responsibility. The responsibility rests upon this Assembly, a sovereign body representing the sovereign people of India. Their service of India means the service of millions who suffer...it means ending poverty...to bring freedom and opportunity to the common man, to the peasants and workers of India, to fight and end poverty; to build up a prosperous democratic and progressive nation, and to create, social economic and political institutions which will ensure justice and fullness of life to every man and woman. And to India, our much loved motherland the ancient, the eternal and the ever-new, we pay our reverent homage and we bind ourselves afresh to her service.