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Is Urban Planning Relevant in Indian Cities?
A Case Study of Housing in Delhi 1947-2010

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“The City was not planned as it is; but the City is an outcome of planning.” *Lisa Peattie*¹

The ‘failure of planning’ has become a ubiquitous and commonsensical refrain uniting voices from across sectors, disciplines and ideological positions in India. In 2006, the Prime Minister inaugurated the Jawahar Lal Nehru Urban Renewal Mission (JNNURM) – India’s largest urban program and policy intervention in her history – saying the cities needed to “re-think planning” because “all previous efforts in city planning have been limited by a narrow-focused project approach” that had failed Indian cities.² Global analysts McKinsey & Co, authors of a highly influential report on Indian urbanization as well as on Mumbai’s urban transformation, root India’s “poor state of urban planning” in urban and regional plans that are “esoteric rather than practical, rarely followed and riddled with exemptions.”³ Members of social movements representing the urban poor go further, describing and protesting what some have called the “total bankruptcy and arrogance of the planning process” that has led to a “systemic failure of modern planning” and deep exclusions in Indian cities (D. Roy 2004).

Academic literature on planning in and on India paints a similar picture. Swamy et al begin their book on urban planning in India with a chapter called “Current Crisis – An Overview” (Swamy, Bhaskara Rao et al. 2008). It is an apt summation – the crisis is eternal, it merely needs to be updated to be “current.” The planners’ desire to “effect a controlled and orderly manipulation of change” has been, argues Amita Baviskar, “continuously thwarted” by the “inherent unruliness of people and places.”⁴ Planning is seen to be “hopelessly inadequate” (Patel 1997) against the “chaos that is urban development” (Verma 2002). Dunu Roy used the twin jaundice and cholera epidemics in Delhi in 1955 and 1988 to argue that the worst aspect of the crisis in planning was that, in fact, “planners did not even understand the implications of what they themselves had done” (D. Roy 2004).

Crisis-ridden as well as crisis-inducing, chaotic, irrelevant, incompetent, exclusionary: planning in India indeed does indeed seem to have failed. This sense of failure extends beyond just systems and processes of urban planning, however, into urbanism itself in cities of the global south. These cities, according to much mainstream urban theory, have “failed.” They are the objects of dystopic “doomsday narratives” of “crisis and catastrophe” as Solomon Benjamin (2008) describes the work of both academics like Mike Davis and Indian planners like Gita Dewan Verma.⁵ Read under the “sign

of underdevelopment” where “capital accumulation and democratic governance happen under special circumstances” (Roy 2008: 2), these are, as Jennifer Robinson argues, megacities that are “big, but not powerful” – “problems” that need “diagnosis and reform” (Robinson 2002). Sometimes one feels, KC Sivaramakrishnan once remarked, they are simply “slums with cities attached.”⁶

In Indian cities, this “failure” has acted as a reason, impetus and justification for a range of diverse urban practices: a basis for eviction of ‘slums’ when used by the higher courts, for increased political action by civil society organizations and resident associations, for new forms of public-private governance mechanisms within urban reform and policy paradigms, as well as being the primary critique of social movements seeking the right to the city. It is here then that we must begin. What does it mean for a plan, or planned development, to *fail* in a city? How does one conceptualize, measure, experience or understand this failure? Of what order and kind is it? Finally but perhaps most critically given the charge of irrelevance leveled in all cities that “do not look like their plans”: does it matter? In other words, is urban planning relevant in Indian cities?

In his recent work, Ravi Sundaram has argued that, “failure is a diagnostic of planning” (Sundaram 2009). This essay takes him seriously. Specifically, it examines the twin charges of failure and irrelevance leveled upon planning within a specific site –the production of shelter and housing – as well with a particular interest: urban inequality. It argues that to understand the production and reproduction of urban inequality, we must understand *how* planning has failed, in general, and failed the poor, in particular. It asks: what is the relationship between the Master Plan, the nature of its single or multiple failures, and the (in)ability of the poor to live, work, survive and even flourish within the city? What are the *traces* of the Plan, either through its presence or absences, in the lives of the urban poor? What are its ‘sticky materialities’?⁷ What do these traces tell us about if and why it matters for the poor that planning has ‘failed’? Finally, but critically, what does an analysis of “failure” tell us about the kind of problem space planning presents for articulations of equality and inclusion in the city?

Taking as its starting point a commonly accepted and frequently used set of categories – specifically, housing typologies – that are the basis of much urban policy thinking in Delhi, this essay constructs a necessarily partial but illuminating history of inhabitation in the city. Using a series of geo-spatial maps, it visualizes – as far as it is accurately possible to do so – where housing of any kind, form, or legal status was built in the city from the issuance of the first Master Plan in 1962. On these maps, it then transposes Delhi’s three Master Plans, using the result along with additional

¹ Peattie, L. (1987). *Planning, Rethinking Ciudad Guayana*. Ann Arbor, University of Michigan Press.

² See the full text of the Speech on the JNNURM website here: jnnurm.nic.in. Accessed September 1st, 2011.

³ McKinsey (2010). *India’s Urban Awakening: Building Inclusive Cities, Sustaining Economic Growth*. New Delhi, McKinsey & Co.

⁴ Baviskar, 2003: 92

⁵ See Verma (2002) and Davis, M. (2006). *Planet of slums*. London ; New York, Verso.

⁶ Remarks made at a conference in Delhi entitled the 21st Century Indian City, March 23rd-25th, 2011.

⁷ I borrow this term from Anna Tsing. See Tsing, A. L. (2005). *Friction: an ethnography of global connection*. Princeton, N.J., Princeton University Press.

housing data to assess the relationship between these Master Plans and the building of actually existing housing stock. It seeks to map, in a sense, the magnitude and textures of the gaps within housing between imagination, intention and actual practice, arguably one of the most commonly understood “failures” of planning.

The essay is structured in three parts. The first presents the housing typologies and categories of settlements within Delhi. The second then uses these frameworks to assess the categories of housing and presents the maps and data on actually built housing in relationship to the Master Plans. The final and concluding part then outlines the diagnosis of planning that failure offers us.

BUILT CATEGORIES AND BUILT ENVIRONMENTS: A HISTORY OF AND THROUGH HOUSING TYPOLOGIES IN DELHI

The Delhi Economic Survey 2008-09 delivers quite faithfully what it promises. Sets of data, indices, metrics and models calculate and render the city legible in tables, figures, and graphs (Government of Delhi 2009). The city must grow and the survey provides both map and milestone. Yet within it, there is a tabulation whose categories are not as easily aligned with the otherwise Census-based categories the survey uses. The chapter on “Urban Development” thus feels compelled to first present a “description” of “types of settlements” in Delhi in order to “explain the situation.”⁸ The table is below.

In an environment where data is hard to get and even harder to verify, this Table appears and re-appears with remarkable consistency across the policy landscape in Delhi. The Delhi Economic Survey (2008-10) shares it with the City Development Plan, the Master Plan of Delhi 2021, the Delhi Urban Environment and Infrastructure Improvement Report 2021 and it is used extensively both academically as well as by social movements. Though its data dates back to 2000, the Table is still the most (and indeed the only) cited set of statistics on the types and relative quantum of housing in the city. It is then both an empiric and an artifact – used as much as for its representation and categories of enumeration as for its numerics. In our assessment of planning’s failures and the particular history of those failures in Delhi through the lens of housing, the Table represents an ideal problem space. Its categories are the terms used to speak about housing in the city – by the courts, planners within the Delhi Development Authority, the city and central governments, the municipal authorities, the media and by city residents themselves.

Within governance and planning, these categories represent the dominant understanding of how settlements are understood within different policy paradigms. They determine how the city is made legible to planners and policy makers thereby determining access to services, political participation and resources.

To cite just one example, Delhi’s award-winning flagship citizen participation scheme called *Bhagidari* is only open to resident associations formed in Planned Colonies, Urban Villages, Slum Designated Areas or Regularised-Unauthorised Colonies, and not to JJ Clusters, Unauthorised Colonies or Resettlement Colonies. Put another way, belonging to the latter three categories implies that no less than one third of the city’s population is denied participation in a scheme intended to promote citizen participation.

Over the past decade, these categories have also become part of an everyday discourse that through its pervasive presence and use has become “an ordinary archive” (Sunderam 2010) of the city, used by print and news media and city residents alike to describe their own and other neighborhoods and settlements. So how has the housing under each of these categories actually come about?

Legal, Formal, Planned, Legitimate: A Clarification on Terms

In the analysis that follows, I use a recognizable but often confusing vocabulary to describe settlements: legal/illegal, formal/informal and planned/unplanned. My use of these terms is strategic. By this I mean that I use them despite knowing their limitations and the lack of clarity in their competing definitions. I do so precisely to make these limitations visible, to highlight implicit and internalized foreclosures, and to show the political work these perform as terms used widely within legal, planning, academic as well as everyday discourse. Specifically, I use the term “planned” only when it is used by the Table itself, i.e. in describing the “Planned Colony.” I limit my use of “legal” to only refer to settlements that are recognized by the Plan to the extent that the owners of the house possess some kind of recognized title or ownership that can be registered with local authorities and is recognized by the government. To describe documented transactions of sale and purchase of property or built housing whether or not the resultant titles are legally recognized, I use the term “formal.” To describe violations of building norms, developmental controls, and layout plans, regardless of the legality or planning status of the settlement, I again use the twin terms “formal/informal.” As I will argue later, this separation in terming the violations of certain norms as “illegal” and others as “informal” is one that emerges from the housing typologies themselves and has significant implications for settlements and their residents alike.

I introduce one additional term to the above vocabulary: *legitimate*. I use legitimate to describe settlements that enjoy a *de facto* or *de jure* security of tenure. I mean by this that they are protected – either explicitly within the Plan or implicitly in actual urban development practice – from arbitrary eviction. Settlements that are legitimate need not, therefore, derive their legitimacy only from law (although some can and do). They can be formal or informal, legal or illegal, in the sense of the terms described above.

⁸ See Government of Delhi (2008)

Table 1: Settlements in Delhi		
Type of Settlement	Est. Population in 2000 (100,000s)	Percentage of Total Population of City
JJ Clusters	20.72	14.8%
Slum Designated Areas	26.64	19.1
Unauthorized Colonies	7.4	5.3
JJ Resettlement Colonies	17.76	12.7
Rural Villages	7.4	5.3
Regularized-Unauthorized Colonies	17.76	12.7
Urban Villages	8.88	6.4
Planned Colonies	33.08	23.7
Total	139.64	100

Source: Statement 14.4 of the Delhi Economic Survey 2008-09 (Government of Delhi, 2009).

Planned Colonies

The penultimate row of the Table is striking: a category called “planned colonies” that is only one of eight types of housing in the city. Even more intriguing is that these planned colonies housed only 23.7% of the population in 2000. Before addressing what seems like a clear failure of planning – what could be a greater sign of a failed plan than 76.3% of the city living in housing that is presumably “unplanned”? – it is important to understand what this category of “planned colony” represents and what it tells us about the “unplanned,” particularly in its relationship to the formal, the legal and the legitimate.

Planned colonies are those that are built on plots marked in the development area of the Master Plan, in concordance with the use allocated to that plot in the Master Plan or the Zonal Plan (if it exists),⁹ and that are presumably laid out according to norms and standards defined in the Master Plan for design, infrastructure and amenities. There is, however, one more critical element: the temporality of *when* all these conditions were met. A “planned colony” fulfills all of these conditions *at the time that it was built*. It is and has always been planned, legal, and legitimate.

The importance of the category of “planned colony” is in its role as a benchmark. It is the ideal type – the

⁹ The first zonal plans were made for the MPD '21. There are now 16 zonal plans completed.

colony that planning imagines as typifying both the norms of the Plan as well as the process for producing housing. The Planned Colony is at the heart of “planned development,” a marker of the imagined chronology and synergy between the temporalities of building, inhabiting and planning that is taught in planning schools globally and especially in India: Plan, Service, Build, then Occupy [PSBO]. It is the housing under the Plan’s control— built where, when and how it was intended.

Yet looking more closely at how, when and where planned colonies were built, and more importantly, those that were intended but not built, this ideal type of planned development begins to unravel. Looking at housing data makes two kinds of failures clear: (a) shortfalls in housing built by the DDA or DDA-approved actors that emerge almost immediately after the Master Plan for Delhi '62 [MPD '62] is issued and proceed to widen till the present day; and (b) the absence of sufficient notified, zoned and development land where planned housing could be built to make up this widening housing shortfall.

Shortfalls in Planned Housing

There is no disagreement in the data that there is a systemic and widening gap between housing needed and that built by the DDA or DDA-approved actors. Estimates of housing shortfalls vary only in the severity of their estimation. Three aspects of the housing shortfall are relevant to our analysis: (a) mistaken population projections and a gross underestimation of

housing need in and of itself; (b) the inability to meet even the inadequate housing targets that were set, and (c) the fact that the gap between need and demand, and then between demand and supply, was highest for the

poor. Table 2 shows projected population growth for Delhi in the first and second plans and actual population levels. These then further translate these into housing shortfalls.

Table 2a
Population Projections and Actuals in the Master Plans

	Projected	Actual
MPD '62 for 1981	4.59mn	6.22 mn
MPD '01 for 2001	12mn	13.78mn

Source: MPD '62, '01 and '21; Government of Delhi (2009); Census of India (1981; 1991; 2001)

Table 2b
Housing Shortfalls by Plan

MPD '62	100,000 dwelling units
MPD '01	300,000 dwelling units
MPD '21	400,000 dwelling units

Source: MPD '62, '01, '21

Table 3a then shows that the DDA failed to create the housing stock even for the underestimated need. This 'failure' was particular: it overbuilt middle and higher income housing while substantially under building housing for what are termed as the Economically Weaker Sections (EWS). Over 88% of housing shortfall

is within the EWS category. The reasons for this are clear if one refers to Table 3b which plots the targeted distribution of housing stock by income category in successive Master Plans and the actual distribution that resulted

Table 3a
Estimated Shortfalls in Housing

	Units (mn)	% of Total Shortfall
EWS	21.78	88.10%
Low Income Group [LIG]	2.89	11.7
Middle Income/High Income Group [MIG/HIG]	0.04	0.2

Source: 11th Plan Working Group on Slums

Table 3b
Housing Stock Allocated vs. Built

	Intended % of Total Built Housing	Actual % of Total Built Housing
EWS	40%	30.32
Low Income Group [LIG]	30	27.99
Middle Income/High Income Group [MIG/HIG]	25	22.94
Self-Financed Schemes/Other	5	18.76

Source: TRIPP Report 2000; Indicates housing built on by DDA or DDA-authorized actors including government agencies, co-operative societies. Does not include privately built housing.

Others have argued that the data itself severely undercounts the extent of bias towards building High Income Group (HIG) and Middle Income Group (MIG) flats. The Self-Financing Scheme (or SFS), started by the DDA in the 1970s, was intended to allow families to expedite the construction of their own DDA flat by paying the entire cost in fewer installments. Needless to say, only middle and higher income families were able

to afford unsubsidized housing and raise the required down payments. SFS housing then simply adds to the HIG housing stock which implies that 41% of all housing stock built by the DDA was either middle or high income.

The second significant underestimation of the inadequacies of building housing stock for the poor is

definition of the EWS. At the time data in Table 3 was tabulated, EWS housing was defined as families Below the Poverty Line (BPL) making incomes of less than Rs 2100 per month. Low income, or LIG households, earn between Rs 2000-4500 a month. Yet the urban poverty line in Delhi at the time was Rs 420 per month, and 9% of the population was seen to live below the poverty line. The last major central statistical sample in Delhi reported an urban poverty line of Rs 612 in 2004-05, arguing that 15% of the city lived below this monthly income. See another way, in 2005, just over 71% of households in Delhi spent less than Rs 2000 as their total Monthly Consumption Expenditure, the proxy used by the National Sample Survey Organisation to measure income classes. The EWS category, therefore, represents no less than 70% of the city's population though it received only 40% of the housing quota.

Shortfalls in Planned Areas

The second type of "failure" that becomes evident when looking at why Planned Colonies house only a third of the city's population is a shortfall in notifying additional land within the development areas of Master Plan. A planned colony can only be built on land notified within the development area of the Master Plan and zoned residential. Yet no new land was notified as an urban development area by the DDA between 1962 (when the MPD '62 was issued) and 1990 (when the Master Plan for Delhi '01 was issued). Though it is true that MPD '62 sought to notify enough land to account for urban expansion up till 1981, this still leaves nearly a decade of urban growth for which no additional land was notified within the Master Plan – a decade in which the city's population increased by 3.2 million people. MPD '01 further added only 4000 hectares to the development area of the MPD '62 – a mere 4.5% of the existing development area in the MPD '62. This extension was the only addition until 2007 when the MPD '21 added 20,000 hectares. In the interim, the city's population had grown by another 6 million people.

This rising population, clearly, could not wait for the Plan to catch-up with the realities of the urban growth and expansion. For these colonies built in between plans, it was impossible to be a Planned Colony as they had no way to meet (rather than violate) the basic classificatory principle of the Table: the building of the colony on land marked and zoned residential within the development area. How then do we understand the "violation" of the Plan? The shortfalls in housing for all categories of residents and the particularly significant shortfall in housing for the poor implied that planned housing stock was, by any estimation, inadequate. The shortfall of notified developed areas within the Plans and the long durations between successive Plans meant that building Planned Colonies, in terms of conforming to layouts, service standards and amenities, was impossible. All shelter that was built became, by implication, a range of "unplanned colonies." There was, in a curious sense, then not a simple violation of the Plan through "illegal" acts, but instead, the impossibility of legal and planned inhabitation for the poor and the rich alike. The consequences of this

illegality, however, as I shall argue later, differ greatly for each.

Unauthorized Colonies and Regularised-Unauthorized Colonies

The primary classification principle for being a "planned colony" within the housing categories is inclusion within the development area of the Plan in a zone marked for residential use. An "unauthorized colony" then is precisely one that is built on land not included in the development area in the Plan or one built on land within the developmental area but not yet zoned for residential use. Before 1975, most of Delhi's unauthorized colonies fell in the latter category as land acquired under the MPD '62 was not fully developed, i.e. infrastructural services were not provided and the land parcels not notified to be ready for planned housing to be built. Since 1975, however, most unauthorized colonies belong to the former category and fall outside the development area of the Plan – precisely in the built-up areas that the MPD '01 and MPD '21 selectively included or continued to leave out of the development area.

These colonies are on land considered "rural" by the Master Plan at the time they were built – land that, crucially, lay outside developed or even "urbanisable" land as notified by the then relevant Master Plan. Rural land belonged either to individual farmers or was common land in the village and belonged to the *gram sabha*, or village council. An unauthorized colony gets created when land is bought by an individual – let us call him an "aggregator" – from either individual farmers or the *gram sabha* and aggregated into the size of a colony that could be large enough to hold as many 200 units or as few as 10. This aggregated land is then divided into plots (without any specific or standardized norms of layouts, public areas or infrastructure, but often in some relationship to prevalent developmental norms for planned colonies in the Master Plan) and sold with written contractual agreements that detail monthly installments and payment schedules undertaken and completed by individual house owners.¹⁰ Densities, size of dwelling units and layouts vary considerably. Unauthorized Colonies range from working poor neighborhoods to elite single-family homes.

What exactly is unauthorized about the Unauthorized Colony? Farmers and the *gram sabha* cannot sell rural land for non-agricultural use – they can only sell to others who will keep the land under agricultural use, ostensibly, to "farmers." Many unauthorized colonies – and in Delhi, the most famous of them all¹¹ – were thus

¹⁰ Personal Interview, Chief Town Planner, MCD, Viresh Bugga and Senior Town Planner, MCD, Sunil Mehra.

¹¹ Arguably the most infamous unauthorized colony in Delhi is Sainik Farms, home to some of the city's richest citizens with an almost private infrastructure. The colony has been the subject of repeated legal battles over the past few decades that have been avidly followed in the media. See, for example: *Government admits Sainik Farms Illegal but Rules out Demolition*. Available at: <http://articles.timesofindia.indiatimes.com/2009-12->

never called as such by their residents through the 1980s. Their homes were “farmhouses.” Yet many other unauthorized colonies do not even make such pretence and look, for all purposes, like residential layouts with no claims to agriculture.

The violation here is not one of squatting – that the residents of these colonies paid for their land is undisputed. The payment and the documents produced therein are proof of a documented and, indeed, formal process of purchase by the buyer. Yet though the purchase is formal, it is not legal. The violation occurs because the farmer and the aggregator did not have the right to sell the land to the house owners in the first place. Housing units within these colonies are thus both with and without ‘titles’ – though all house owners have formal documents that show detailed payments for their flats, none of these can be registered with the local authorities as recognized, legal property titles because the colony does not exist on the Plan. Titles cannot be legally transferred. Municipal services cannot be provided to these colonies since they do not exist on the Plan.

Unauthorized Colonies are illegal, both formal (in transaction) and informal (in building codes and developmental norms), unplanned but they are legitimate. There is no recorded case of an eviction of an Unauthorized Colony, as there is for a JJ Cluster. Unauthorized colonies do, therefore, enjoy a *de facto* security of tenure if not a *de jure* one.

Periodically, however, an Unauthorized Colony is “regularized.” Regularization is a process by which the colony is made *legal* – the property titles are recognized by law and can be registered with the local government. The process involves an attempt to align the Unauthorized Colony as closely with planned norms of the settlement layout as well as individual buildings as well as the payment of a one time “conversion charge.” However, the colony, once regularized can still not be a Planned Colony – for it was not one at the time of its inception. Its journey to legality, via its time as an Unauthorized Colony, is thus eternally enshrined in its new categorical name: Regularised-Unauthorized Colony, or Regularised Colony, as it is colloquially known. Regularised Colonies are legal, legitimate, must attempt to shift from informal to formal in terms of building and developmental codes as part of the layout process, but they are not ‘planned.’

Mapping Unauthorized Colonies and Regularization

What then is the relationship of the Master Plan with the Unauthorized Colony? It is here that spatial analysis of where unauthorized colonies were built becomes particularly illuminating. Data on where unauthorized colonies exist are hard to come by for both definitional reasons and because of the near absence of systematic surveys of where unauthorized colonies are. Like in ‘slums’, the act of the survey by the authorities of the

government represent tricky political moments for unauthorized colonies. On the one hand, surveys are necessary for any possibility of ‘regularization.’ Yet any surveying sheds light on precisely on the extent of illegal building and makes the colony visible to the authority technically responsible for enforcing the plan and, thereby, taking punitive action against the colony. Periodically, schemes for regularization will be announced and invite applications from Unauthorized Colonies – it is at these moments that it becomes possible to map these colonies.

There are three major waves of “regularization” in Delhi’s history. A hundred and two colonies were regularized in the first wave in 1962 itself as part of the first Master Plan. The second wave was in 1975. Map 1 shows 567 unauthorized colonies that were regularized in 1975, plotting them against the boundaries of MPD ’62 that was in force at the time. It is important to note that we have no way, using existing data, to know if more Unauthorized Colonies existed at this point. It is possible that there were many other colonies that were not regularized but existed at this point of time though it is believed that this first wave of “regularization” of these colonies covered most of the existing unauthorized colonies.¹²

What is immediately visible in the map is that the colonies lie within urban extensions imagined by the MPD ’62 Plan but within areas not zoned or notified for residential use. Yet there is a small cluster to the West, clearly outside the development area of the Plan that has caused a ribbon-effect from the furthest colony to the boundaries of the Plan. These colonies were regularized even as they clearly violated the MPD ’62 by being located beyond the urban developmental area. They are then housing that was made legitimate and legal though it violated the primary basis of classification of the Table itself.

This contradiction – where the creator of the system of categories itself violates the primary principle of classification of the categories – repeats itself decades later. In 1993, applications were invited from unauthorized colonies as part of a regularization scheme. A total of 1639 colonies had their application accepted and processed. In their applications, each colony submitted a layout plan, mapping precisely the boundaries of the colony, the number of units and location. Using this data, Map 2 maps these colonies against MPD ’01 which had been issued just a few years before the regularization scheme was announced while Map 3 then shows them against MPD ’62.

The largest clusters of unauthorized colonies clearly do populate areas just beyond the developmental areas of the Plan, i.e. areas still considered “rural” or “urbanisable.” In this sense, the Unauthorized Colony marks the immediate “outside” of the Master Plan. Yet what is striking is that, even in 1993, these colonies are largely outside the plan boundaries of the MPD ’62! When plotted against MPD ’01, a relatively small

04/delhi/28059937_1_affluent-colony-illegal-colonies-unauthorized-colony. Accessed December 12th, 2011.

¹² Personal Interviews, Sunil Mehra (Senior Town Planner, MCD) as well as Viresh Bugga (Chief Town Planner, MCD).

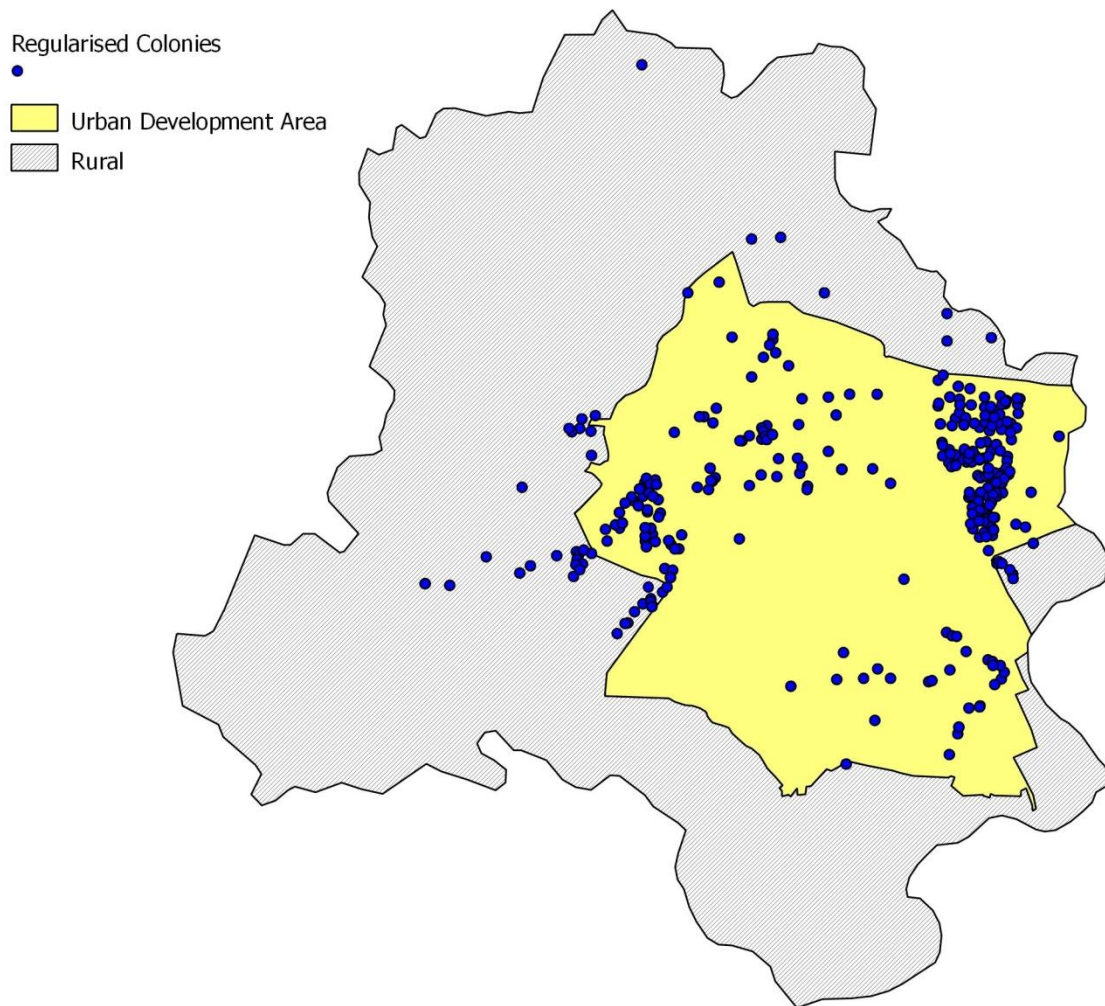
number in the southern extension enter the development area. The DMP '62 remains, therefore, even in 1993, a boundary to the planned city.

In 2009, nearly a decade and a half after the colonies had applied for regularization, 733 of these colonies were regularized in what is considered the third major wave of regularization.¹³ Map 5 shows the regularized colonies within the universe of all the unauthorized colonies that applied, mapped against the Master Plan for Delhi' 21 [MPD '21] that had been issued just a few years earlier in 2007.

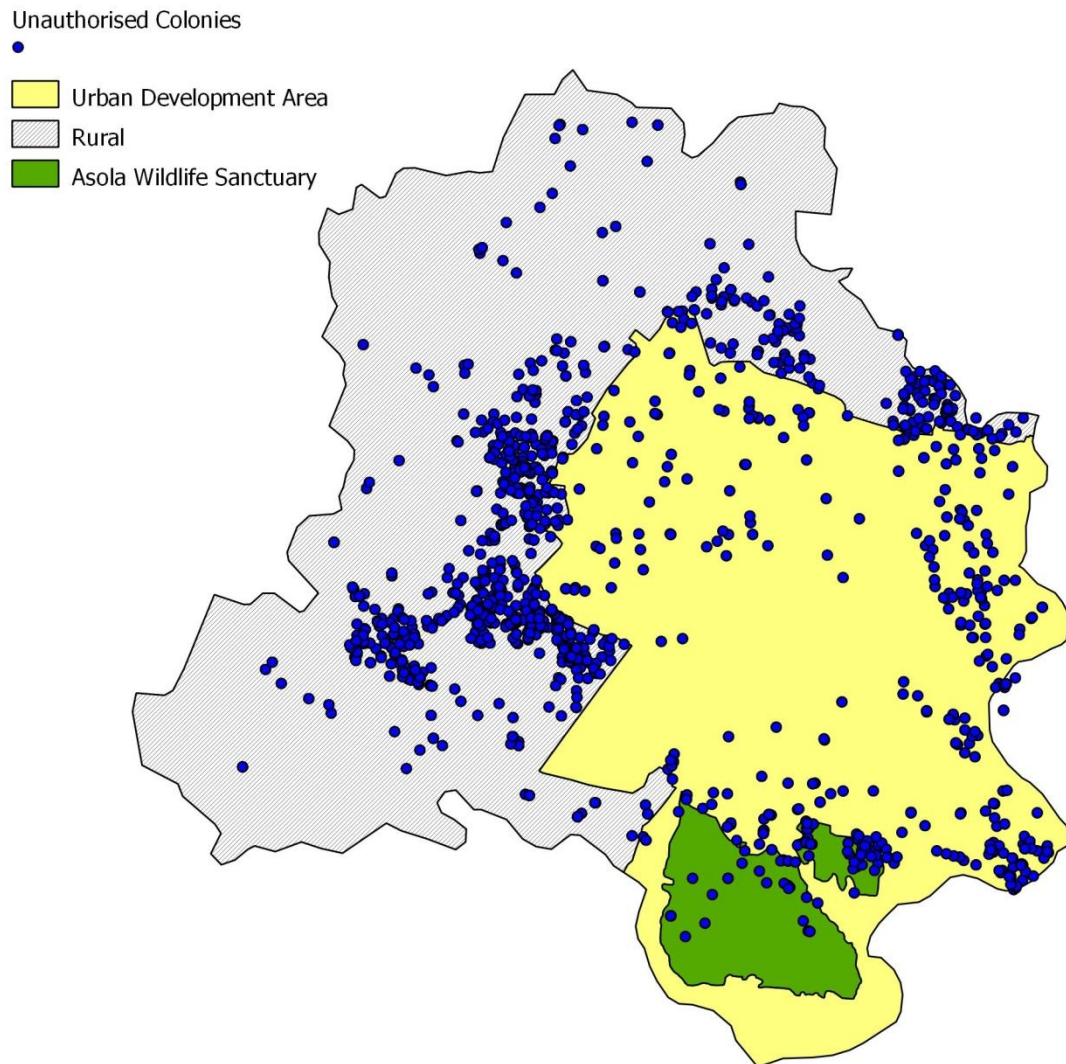
The maps allow us to see another aspect of the relationship of the Plan to both unauthorized colonies and regularization. Since the DMP' 21 had been issued in 2007 itself, and clearly knew of the existence of these colonies given their applications to be regularized. Yet, as Map 5 shows, the DMP '21 stops short of extending the development area to include many (indeed, most) of the unauthorized colonies which remain in what the DMP '21 terms as "urbanisable area" though it is clearly built-up and occupied. What is particularly important is that many of these colonies that lie in this "urbanisable area" are then regularized in 2009 though just as many aren't. Yet again, a colony is made legitimate and legal, but in violation of the primary principle that the idea of the Planned Colony represents: the building of a colony on the development area of the Plan in a zone marked residential.

¹³ The 733 colonies were notified for regularisation in 2009 though the order was finally issued on 7.2.2011 as F. No 438/UC/UD/09/Pt-II/1274-1277.

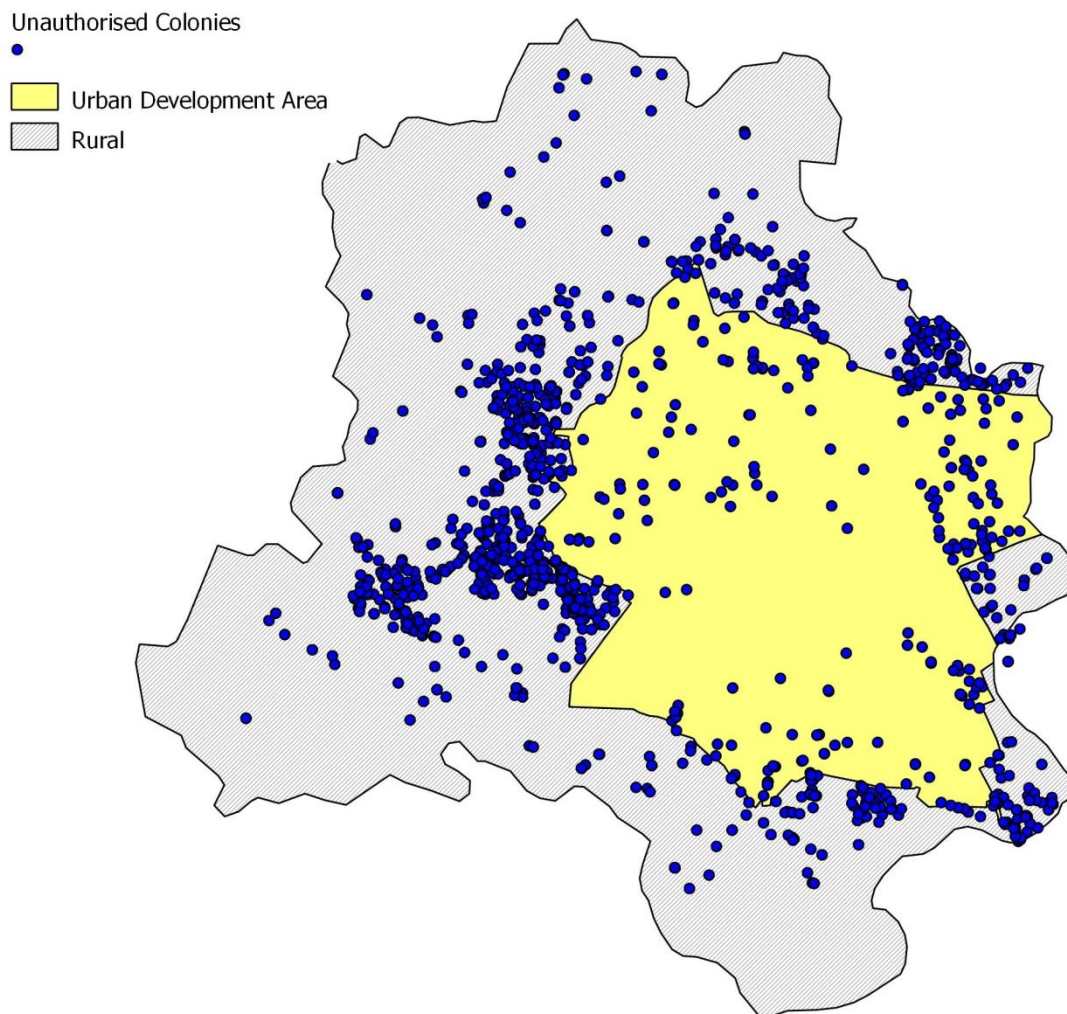
Map 1: *The Second Wave of Regularization: 567 Unauthorized Colonies 1975*



Map 2: *The Third Wave: 1639 Unauthorized Colonies (1993) and the MPD '01*



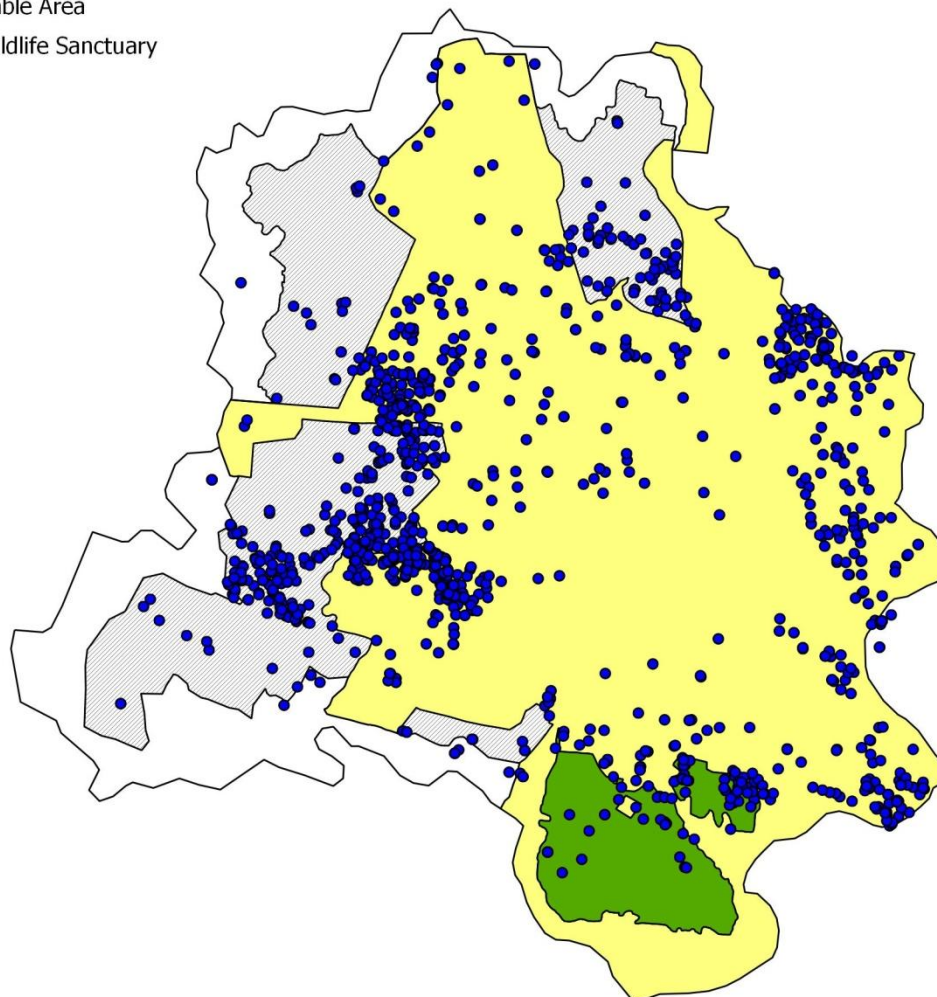
Map 3: *The Third Wave: 1639 Unauthorized Colonies in 1993 mapped against MPD '62*



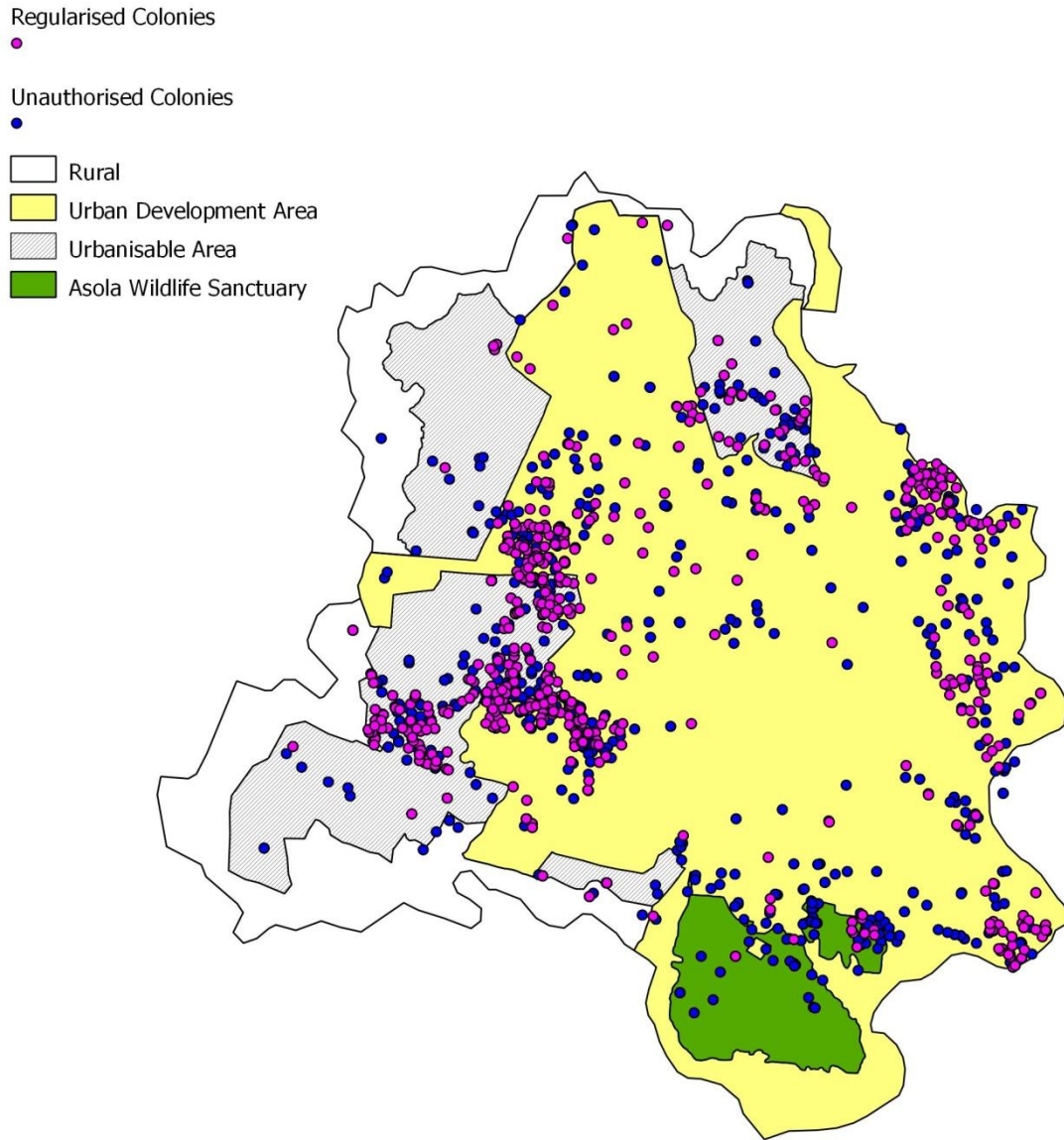
Map 4: *The Third Wave: 1639 Unauthorized Colonies Applying for Regularization, mapped against MPD '21*

Unauthorised Colonies

-
- Rural
- Urban Development Area
- Urbanisable Area
- Asola Wildlife Sanctuary



Map 5: *The Third Wave: Regularised Colonies in 2009, mapped against MPD '21*



Urban and Rural Villages

Urban and rural villages offer a further twist on our understanding of planned, formal and legal. Urban villages are dense settlements located throughout the city which largely consist of previously rural villages that have been incorporated into urban areas as the city expanded. Twenty such villages were included in the MPD '62, 106 in MPD' 01 and 152 in MPD' 21. Rural villages are similar settlements but located in the peripheries of the city and still in areas of the Master Plan marked as "rural."

In one sense, urban and rural villages are planned since they are included explicitly within the Master Plan. This incorporation, however, is on the basis of exceptions: a suspension of the norms and rules of Planning. In order to be able to "retain their character," urban villages are exempt from any building norms, mixed use or single use zoning classifications, or restrictions from any kind of use. In other words, urban villages may build to any height, mix commercial and residential activities, violate developmental controls for setbacks, parking, and street widths. All of these were considered "inapplicable" to urban villages because they were meant to be the locus of "village-trades" that the MPD '62 sought to remove from the planned city.

Urban villages today range from poor neighborhoods still practicing "village trades" including pottery, leather kilns and rearing of cattle to working class neighborhoods providing student housing to some of the cities most chic fashion and arts districts. They take advantage precisely of their status of exemption from planning and developmental controls to create vibrant mixed-use neighborhoods. What is ironic about urban villages is that activities that would be considered informal in any other city neighborhood are permissible in urban villages. The villages are legitimate: residents enjoy security of tenure and cannot be evicted. However, residents of urban villages are meant to be owner-occupiers in perpetuity – no sale or transfer of land or housing is permitted. They are thus legal, in the sense that their property titles are recognized by the government, but within their exceptional status are limitations to their legal property rights. Urban and Rural Villages are, therefore, formal in name though not practice, legitimate, planned by decree of exception and legal though with limitations.

JJ Clusters, Slum Designated Areas and Resettlement Colonies

Images of the "slum" need little introduction. Temporary, fragile and vulnerable housing materials, the absence of sanitation, waste, and sewage services, the poverty of the residents, the overwhelming density of the "slum" can be conjured up by even those that have never actually been to one. I used the term *basti* (in plural, *bastis*) to refer to the typical poor, informal settlement for which the "slum" has become shorthand. I do so because residents of *bastis* in Delhi do not use

the word 'slum' but also because "slum" has a particular legal meaning in Delhi's planning history.

What is colloquially called the *basti* by those who live within it is, in terms of our categories, seen as three distinct categories of settlement: Slum Designated Areas, *Jhuggi-Jhopdi* Clusters (JJ Clusters),¹⁴ or Resettlement Colonies. I take each of these in turn.

Slum Designated Areas

Slums are settlements identified, or "notified," under the Slum Areas Act, 1956. Slums were considered "any area unfit for human habitation" by reason of "dilapidation, overcrowding, faulty arrangement and design of buildings, narrowness or faulty arrangements of streets, lack of ventilation, light or sanitation facilities, or any combination of above factors." Yet no measurable parameters were included in the definition leading to a discretionary rather than objective assessment of which areas would be declared as slums.

This is evident in looking at areas notified as slums under the Act. The last notification under the Act in Delhi was in 1994 – no new slum has been acknowledged legally in the last sixteen years! In fact, most of the Slum Designated Areas in Delhi existed in the Old City – the walled city of Shahjahanabad that was notified as a Slum in the MPD '62. Since then, it has been reclassified first as a heritage zone and in the MPD '01 as a "Special Area" though many parts of it remain notified as a slum in addition to being both a heritage zone and a "special area." What is critical to note is that 97% of notified *katras*, or small neighborhoods, in the Old City areas notified as slums are privately owned and have been so since before Independence and the MPD '62. There are almost no notified slums, therefore, on public land.

Slum Designated Areas are often referred to as Notified Slums, as opposed to *JJ Clusters*. Notification entitles settlements to an element of protection against arbitrary eviction, or eviction without resettlement, and priorities in upgrading. Indeed, several schemes in the 1970s, including the Environmental Improvement in Urban Slums policy, were restricted to notified slums though incremental upgradation policies from the mid-1980s disbanded this practice. Slum-designated Areas are then legal but with restrictions, legitimate, unplanned, and both formal and informal.

JJ Clusters

JJ Clusters are *bastis* that have not been declared slums, or notified under the Slum Areas Act, that are imagined to retain the physical fragility and deprivation of the slum. Ironically, there is little clarity on what makes a community a "JJ Cluster" – there are no strict

¹⁴ In Hindi, *jhuggi-jhompri* refers to temporary, fragile housing shacks typically made of temporary materials like tarp or thatch, though its use can be more general and just refer to poor settlements. Along with *basti*, it is the closest translation of the everyday use of the English word "slum."

cut-off's of infrastructural services, income, or spatial layouts, for example, at which point a settlement becomes a JJ Cluster. The National Sample Survey Organization describes a "non-notified slum" as "a compact settlement with a collection of poorly built tenements, mostly of temporary nature, crowded together usually with inadequate sanitary and drinking water facilities in unhygienic conditions." Yet what is important to note is that unlike a notification under the Slum Areas Act for which a denotification exists, there is no mechanism for a settlement to cease to be a JJ Cluster. There is no metric of density, services or income that they can clear, for example, that will make the surveyors of the NSSO stop including the settlement in the category of slum. This is one reason why actual JJ Clusters vary widely in infrastructural standards, quality of housing and even layouts of settlements.

The categorization process ensures that once a settlement is seen as a JJ Cluster, it remains so in perpetuity. One of the reasons behind this curious practice is that the primary classification principle of our categories is not, in fact, the quality of housing but instead, as I have argued repeatedly, the status of the land the settlement is built on vis-à-vis the Master Plan. These are planning categories. Whether the quality of the housing stock in a JJ Cluster is better or worse than that of an Unauthorized Colony, a Planned Colony or a Regularised Colony, let alone a Slum Designated Area, is then seen as irrelevant.

What then separates a JJ Cluster and an Unauthorized Colony? The focus of the categorical definition remains that residents of *bastis* are seen to be "squatting" on land they do not own. In Delhi, over 95% of JJ Clusters¹⁵ are on public land and the large majority (83%) of them on land owned by the Delhi Development Authority.¹⁶ It is this that is seen to make their illegality clear – the land they occupy has a clear owner. Unlike in the case of Unauthorized Colonies where residents did not have the right to buy rural or private land but the sale itself is seen as a formal, valid transaction, payments made by some residents of *bastis* to "buy" their plots or at least the right to remain on them, are seen as clearly and unambiguously informal. The "aggregator" who creates the Unauthorized Colony in this case becomes the "Slum Lord" for precisely the same set of actions: occupying land, parceling it, and allowing families to settle in defined and marked parcels for a fee. The JJ Cluster, therefore, is unplanned, illegal, informal and not legitimate.

According to the Delhi Urban Shelter Improvement Board [DUSIB], there were 685 JJ Clusters in Delhi in 2010. DUSIB, since its formation in 2009, is now the singular authority responsible for slum housing, upgradation and resettlement in Delhi. Their data is the only systemic survey of existing JJ Clusters undertaken

¹⁵ Estimates range from 95-98%.

¹⁶ See Delhi, G. o. (2006). City Development Plan: Delhi. D. o. U. Development. New Delhi, Government of Delhi.

or commissioned by a public agency and hence represents the most accurate public data available. The DUSIB data lists 685 JJ Clusters in Delhi in 2010. This figure is contested. Other data sources – such as those with the Delhi-based Centre for Urban and Regional Excellence (CURE) – list 905 *bastis* while recent public orders including guidelines for the Delhi Government's resettlement policy refer to (though they do not list) 860 JJ clusters.¹⁷

Map 6 plots all these 685 existing JJ Clusters against the MPD '62. In addition, it plots 208 sites of eviction where between 1990-2007 that represent sites of settlements of the poor that have been demolished. I have described this data in detail elsewhere [see Bhan and Shivanand (2012)]. What is immediately apparent is a curious phenomena to which I will return in the conclusion: nearly five decades after its notification, almost all the *bastis*, including those evicted, fall within the urban development area of the MPD '62.¹⁸

Resettlement Colonies

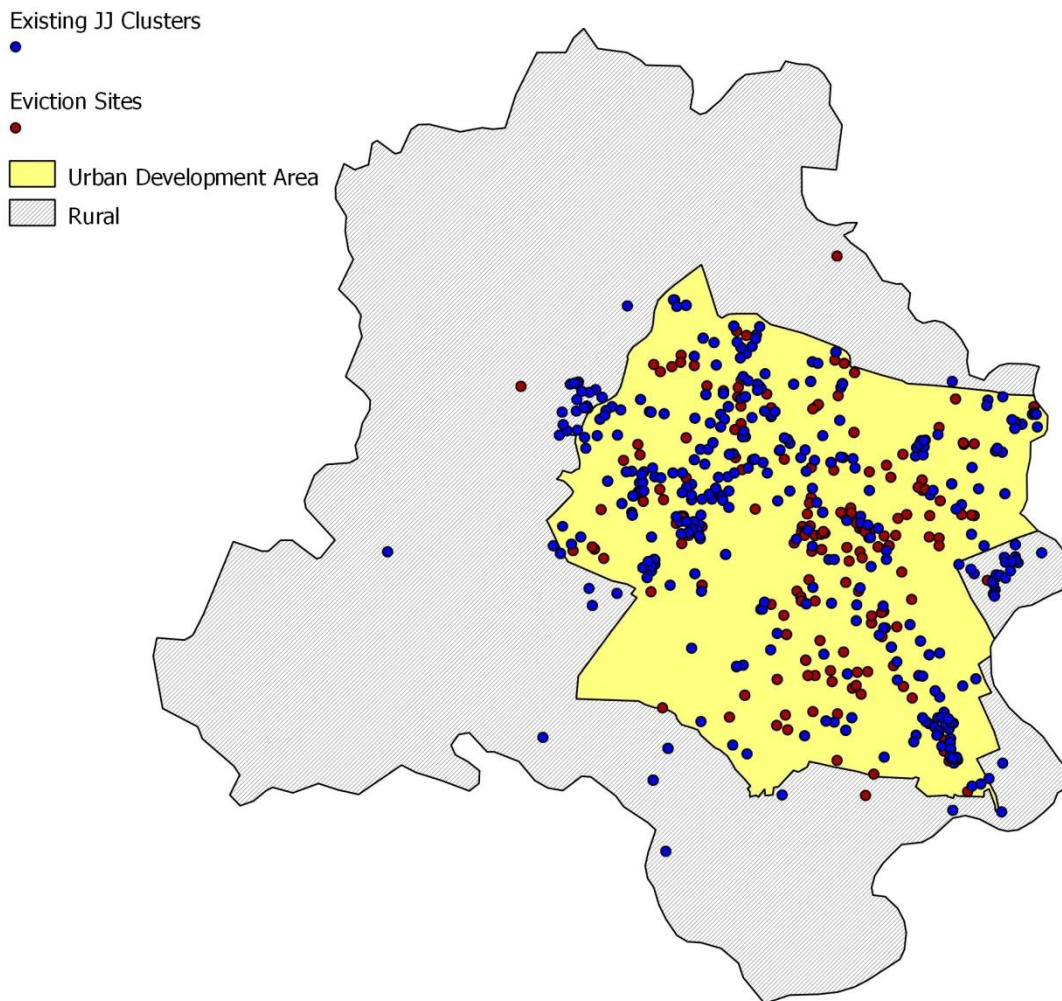
The only way for residents of JJ Clusters to become legitimate is, ironically, to be evicted from the JJ Cluster and resettled into an alternative site called a Resettlement Colony.

Terms of resettlement have shifted through the three Plans. From plot sizes of 80 sq m in the MPD '62 to 25 and 18 sq m in MPD' 01, and back to 25 sq m in MPD' 21. Eligibility criteria have also changed dramatically. Renters are excluded and only plot "owners" are allowed even though the ownership of the latter has no legal recognition. Down payments are demanded before families would be allocated plots and, most importantly, only families that can prove that they have been living in a particular site for a certain number of years are eligible. The year chosen is termed as the 'cut-off date.' In evictions from 1990-2007, estimates of the number of families resettled averaged only about 25-40% of total families at any given site. This offers a further insight into JJ Clusters – the only claim to legitimacy that residents of JJ Clusters have is the number of years that have lived in a particular settlement.

¹⁷Government order dated 19.02.10, Modified Policy Guidelines for implementation of the scheme for relocation/rehabilitation and allotment of 7900 flats to slums and JJ dwellers in the first phase, Government of National Capital Territory of Delhi, Department of Urban Development

¹⁸ If DUSIB estimates are indeed lower, and closer to 905 *bastis* are present in the city, it would still imply, even if all of those additional *bastis* are outside the MPD '62 development area, that a majority of *bastis* are within this area.

Map 6: Evictions 1990-2007 and existing JJ Clusters (2010) mapped against MPD '62



Resettlement Colonies, ironically, are the closest category to planned housing. They are planned in the sense that they are explicitly included within the development area of the Master Plan in a zoned marked for residential use, laid out according to standards and norms for resettlement colonies in the Master Plan and, critically, they fulfill all these conditions at the time they were built. In other words, they are the only other housing category that fulfills all the benchmark conditions of Planned Colonies. The only difference lies in the nature of the title. Families allocated plots in resettlement colonies are imagined as eternal owner-occupiers. They are given licenses rather than titles that are non-transferable, cannot be sold or gifted, and indeed, are often not in perpetuity – licenses have to be renewed every ten years or so. Though there has been no recorded case thus far of licenses not being renewed, the possibility remains. Resettlement Colonies are then

planned, formal, legitimate as well as legal, though with restrictions on the last count.

What separates Slum Designated Areas, JJ Clusters and Resettlement Colonies? The only tenable criteria of difference is their tenurial status and their relationship to the Master Plan. Slum Designated Areas are protected from arbitrary eviction without resettlement and thereby enjoy a certain *de facto* security of tenure though not a *de jure* one. JJ Clusters have no security of tenure at all; resettlement colonies are authorized by the Master Plan but offer security of tenure only to the original allottees of the plot – titles are non-transferable and rentals are illegal though they occur widely in practice. Studies estimate that between 15-40% of all resettlement colonies are inhabited by renters or those that have illegally and informally ‘purchased’ a plot in the colony from the original

allottee. Cancellations of allotments and “recovery” of plots from within Resettlement Colonies is, therefore, not uncommon.

What is important to emphasize is that distinctions between these three categories are impossible to make in terms of either their built environment, housing stock, or of the poverty levels of their residents. Many resettlement colonies are inhabited by residents who may be legal but are poorer and live in housing stock that is more fragile, built of temporary materials and are economically more disadvantaged than those that live in tenurially more precarious JJ Clusters.

Resettlement colonies have often, in fact, been called “planned slums” by activists who argue that it is impossible to create anything other than a “slum” in recent resettlement colonies because of the diminishing size of the plots, the distance from employment and work centers and the abysmal state of infrastructural services (Menon-Sen and Bhan 2008). There can be, in other words, no simple correlation between tenurial security or a settlement, its legal or planned status vis-à-vis the Master Plan and its poverty and vulnerability. Put quite simply: not all *bastis* are poor, not all of the poor live in *bastis*.

The Long Story Short

"Planned and Unplanned Colonies"				
	<i>In the Master Plan?</i>	<i>Conform to Developmental Controls?</i>	<i>Titles?</i>	<i>Formal, Legal, Planned and Legitimate?</i>
JJ Clusters	No	No	No	Informal, illegal, unplanned and without legitimacy
Slum Designated Areas	Yes	Exempted	Yes, but restrictions on sale	Formal by exception, Legal with restrictions, Unplanned but Legitimate
Resettlement Colonies	Yes	Yes	Yes, but restrictions on sale	Formal, Legal, Legitimate and Planned, but restrictions on sale, transfer and rental
Unauthorized Colonies	No	No	No	Informal for building codes, Formal for process of purchase, Illegal and Unplanned but Legitimate
Regularised Colonies	Yes	Modifications required	Yes	Informal for building codes, Legal and legitimate but unplanned
Urban Villages	Yes	Exempted	Yes, but restrictions on sale	Zones of exception – Planned by exemption, legitimate and legal though with limited rights to property, formal by exemption
Rural Villages	Yes	Exempted	Yes, but restrictions on sale; No titles for Common land	Zone of exception – Planned by exemption, Legitimate and legal though with limited rights to property, Formal by exemption
Planned Colonies	Yes	Yes	Yes	Formal, Legal, Legitimate and Planned

DIAGNOSING FAILURE

The Territorial Legitimacy of the ‘Irrelevant’ Plan

The data shows that while most housing is built illegally and termed “unplanned,” where it is built, i.e. the spatial patterns of the location of different kinds of housing, is indeed significantly determined by the MPD ’62. As Maps 4, 5 and 6 showed, in particular, the Plan determines the spatial distribution of Unauthorized Colonies and JJ Clusters respectively. For the former, the Plan acts as a *boundary*, especially after 1975, when colonies cluster at the edges of the development area notified in MPD ’62. For the latter, the Plan represents a *limit* – almost all evictions where some resettlement occurred and all existing JJ Clusters are within the development area of MPD ’62. In both cases, the Plan carries a territorial legitimacy. These are then, the *traces* of planning, markers of how the Plan determines, even if it doesn’t control, where the rich and poor alike have settled in the city.

Particularly in acting as a limit, the MPD ’62 clearly impacts *bastis*. Plans see *bastis* as the result of an absence or incompleteness of planning – the result of “unplanned and unregulated urban growth” (Swamy, Bhaskara Rao et al. 2008). These settlements are assumed to be entirely divorced from planning or to exist despite or outside Plans. Yet what is clear from the data is that planning determines where *bastis* have been built. The locational preferences of the urban poor are not independent of an irrelevant or absent Plan – *bastis* are not “outside” planning even within the context of a “failed” Plan.¹⁹

Such territorial legitimacy of the Plan challenges certain contemporary theories of how the poor settle within cities of the South. Solomon Benjamin argues, for example, for an occupancy urbanism (Benjamin 2008). Taking “land rather than the Economy” as his starting point, he argues for a perspective that, “contests narratives that view cities as passive stage sets, acted upon by a macro-narrative”²⁰ – a critique made often of modernist planning embodied by the MPD ’62. Occupancy urbanism, Benjamin argues, focuses on other materialities and the incremental nature by which land is actually settled. He calls it “the politics of stealth.”

Benjamin’s argument is both correct and insightful. I seek to add to it only a sense of its limits as well as possible new engagements in response to these limits that take us further in thinking about, as Benjamin is

interested and committed to doing, subaltern and micro-politics in the Southern cities. Large-scale evictions in Delhi significantly challenge the narrative and possibility of “occupancy,” “the politics of stealth” or even “the quiet encroachment” suggested by Bayat (2001), whether these work through vote-bank politics, complex negotiations with local and municipal politics, or knowing how to “work” the system. (On Evictions, see Ramanathan 2004; Dupont 2008; Bhan 2009) “Macro-narratives” are indeed unable to control the city, as Benjamin suggests, but this does not mean that they do not determine many aspects of inhabitation in the city by rich and poor alike, or that the political techniques of negotiation, stealth, subversion and resistance are not applicable to these macro-frames just as powerfully. In other words, different Plans fail to control the city at different times in different ways. Understanding these differences is necessary whether one seeks to support or resist planning, and certainly if one believes that planning is “irrelevant” for those who “live outside it.” As argued above, the data suggests that none of these housing categories, and particularly not those considered “unplanned,” are or can be “outside” planning.

Benjamin shows how elite civil society organizations in Indian cities pit “planned development” against “slums” but planning and the Master Plans do not seem to be important sites of engagement or resistance for him. Planners, he argues, are “are duty bound and cajoled into declaring [particular] land settings as illegal.”²¹ What makes planners “duty-bound” other than the terms of the Plan and Planning process? How could challenges to and problematisations of these terms and the categories they work through act as a form of resistance? Can planners not practice occupancy urbanism by focusing on politics, materialities and open-ended complexities? Benjamin’s concern with respect to planning is to show its inability to control the city. Yet his counter-narrative of “failure” is as incomplete as the modernist planning’s claims of success.

This is dangerous ground to cede. Benjamin argues that planning and policies have become the domain of elite engagement – it is business associations like NASSCOM or FICCI and elite city associations like the Bangalore Action Task Force and Mumbai First that are calling for “comprehensive planning.” Yet this is precisely a reason to reclaim planning as a site of urban politics. This essay, in deconstructing the “failure” of planning to show how traces of the Plan continue to impact the city and the lives of the poor within it, has attempted to make a case that Planning is a site that subaltern and urban politics must engage with. It certainly must not dismiss it as a terrain of state rule, as an irrelevant set of archaic and forgotten modernist ambitions or a site of elite capture set in opposition to “complex negotiations at the local level” that are seen as

¹⁹ In the context of Delhi, specifically, *bastis* are tied to planning in a particular way – their locational patterns are determined by public land ownership. The development area of the MPD ’62 is also the site of the Delhi Experiment – the largest urban land acquisition in India. For more on this, see Bhan and Shivanand (2012).

²⁰ Ibid, p. 720

²¹ Ibid, p. 724

the primary domain of engagement for the urban poor. In the final arguments of this essay, I suggest two possible sites of such engagement and re-conceptualisation of planning: a move from legality to legitimacy and challenging the categories of planning.

From Legality to Legitimacy: Re-thinking Planning Theory

Until recently, the bias in urban theory has been to see informality more as “a domain of survival by the poor and marginalized”(Roy 2008). In this reading, it is often quickly reduced to the “slum.” The slum then is read as a “demographic and territorial form” that is the “spatial manifestation of the informal proletariat that has emerged from over a decade of structural adjustment”(Davis 2006). It is the “distorted substance” that changes the “urban into a dysfunctional stage for violence, conflict and the iniquitous distribution of resources” (Rao 2006). It is that out of the reach of the state and of modernization, that which stubbornly refuses to “bow out” of modernity’s way (Nandy 1998).

Roy (2005) makes a different argument. She argues that urban informality is not, in fact, a “bounded” space or sector at all, but a type of governance. She understands it as the state’s ability to suspend order, to “decide what is informal and what is not, to determine which forms of informality will thrive and which will disappear” (Roy 2005: 182). This is a “new spatial vocabulary of control, governance and territorial flexibility” (Roy 2003: 157), a mode of the production of space. In her more recent work, she refines her analysis: “While I wish to maintain the idea of informality as a mode of discipline, power, and regulation, I now seek to reject the designation of extra-legality. That terminology implies that informality is a system that runs parallel to the formal and the legal. Yet, the formal and the legal are perhaps better understood as fictions, as moments of fixture in otherwise volatile, ambiguous, and uncertain systems of planning” (Roy 2009). How does our data respond to this set of debates?

Planned Illegalities

The data shows that “unplanned” growth is not the domain of the poor or the slum. If the “dysfunctional landscapes of Southern cities” are indeed caused by the “dominance of informal, unplanned growth,” as Rao argues, then this dysfunction must take into account not just the ‘slum’ but the production of illegal housing by the middle and upper middle classes as well. In fact, the data reminds us that illegal construction of housing is, in fact, the dominant mode of production of housing and shelter in the city.

The data points to several other instances that challenge the relationship between illegality and planning. Two among them are particularly relevant. First, the MPD ’01 and MPD ’21 were both issued at a time when actually existing built-up areas in the city extended far beyond the notified development areas of

MPD ’62 and MPD ’01 respectively. I have argued already that in the absence of sufficient extensions to urban development areas between the three plans, planned housing was, in fact, an impossibility, and the illegal construction of shelter was the only option for many, rich or poor. This can be read as a failure of planning. Yet, once this failure has occurred, the decision to include or exclude already built-up areas within new plans is one that either allows these built-up areas to become legal or forces them to remain illegal. Both the MPD ’01 and the MPD ’21 deliberately chose not to include certain built-up areas within notified development areas of the Plan while they included others. It was the Plans, therefore, that decided which colonies would remain illegal and which would become legal.

The second instance is of the waves of “regularization” of Unauthorized Colonies to make them legal Regularised Colonies. Here, the discretion is exercised among unplanned settlements as opposed to between planned and unplanned colonies. Which 733 colonies of the 1639 that applied will be regularized and which will remain Unauthorized? On what basis? How can colonies present outside the urban development area of the plan be regularized within the Plan itself? In the absence of objective metrics by which the regularization process functions, it is indeed the discretion of the DDA to decide who will become legal and who will remain illegal, at what time and for how long.

What does this tell us about the relationship of illegality and the Master Plan? It is not a ‘failure’ of planning, or an “implementation problem” that produces and regulates illegality – it the Plans and the process of planning itself. Actors claiming the authority of the Plan determine, through their discretionary ability to notify or not notify parts of the city within the development area, through waves of “Regularization” that include certain colonies but not others, or even in patterns of eviction that evict certain *bastis* but not others, which settlements will be legal and which illegal, which will thrive and which will not be allowed to exist. The production and regulation of illegality is part of, and not outside, planning and planned development. It is a technique of rule, what Roy calls a “a spatial mode of governance.” How then can we challenge this mode of governance?

On Legality and Legitimacy

Two trends in urban and planning theory – the reduction of urban dysfunction to the ‘slum’ in policy, everyday discourse and planning theory and of the “slum question” to one of informal, unplanned and illegal growth parceled together as the failure of planning – have played a key political and intellectual role that is, in David Harvey’s use of the term, “counter-revolutionary”: they have not only has asked the wrong question, but also prevented the real question from being asked.

I suggest a different field of inquiry – if illegality is indeed the dominant mode of production of urban

housing as the data suggests and if it is part of planning and planned development rather than outside it as I have argued above, then urban and planning theory and practice must seek to work *within* illegalities rather than within the false separation of the legal and the illegal. How do we understand and account the management of different kinds of illegalities when exercised by different urban actors? What are the implications of illegality for each of these actors? How are their actions framed, represented and understood in different registers, institutional frames and discourses? This reframing insists that analyses of urban politics be relational, looking at the ways in which particular kinds of urban practices and actors are framed as “illegal” relative to others and what work such a framing is meant to do?

It is useful here then to add the idea of *legitimacy* to legality. The data shows that housing can enjoy *de facto* or *de jure* security of tenure, i.e. be legitimate, both as a planned or unplanned, legal or illegal colony. While the determination of colony’s legality can be located clearly within the planning, what explains why and how illegal and unplanned housing can still be legitimate? While legal status is a significant part of what makes housing legitimate, it is neither a necessary nor sufficient condition for it. Legitimacy is a lens that allows us to see how the patterns within the chaos are produced, reproduced and managed not just in planning but also within law, governance as well as in everyday life. Legitimacy allows us to differentiate within illegalities to see the differential consequences of illegality for different urban actors as well as assess the socio-spatial consequences of informality as a mode of governance and the production of space. In the Chapters to follow, I shall return to this idea and see how evictions are a lens to the multiple processes and spaces through and within which *bastis* and the urban poor were made illegitimate, allowing evictions to take place with the intensity and frequency that they did. For now, however, I illustrate one way in which legitimacy is either gained or lost – systems of naming and categorization such as our housing typologies.

Built Environments and Built Categories

In her study of crime and socio-spatial segregation in Sao Paulo, Teresa Caldeira argues for the “generative symbolism” of what she calls the “talk of crime” (Caldeira 2000). Narratives that tell and retell stories of crime create categories that “attempt to establish order in a universe that seems to have lost coherence.”²² This “symbolic reordering” relies on “simple, clear-cut categories.” The categories are “rigid,” argues Caldeira, “they are meant not to describe the world accurately, but to organize and classify it symbolically.”²³

The categories of the housing typology are planning categories. By this I mean that they take as their primary principle of classification the relationship of housing to the Plan. Yet, as we have seen, a temporal

limit in the very definition of being considered “planned”, housing shortfalls, delays in the notification of Plans, and deliberate exclusion of large urban areas from being notified as development areas where planned housing can either be built or exist, make being “planned” an impossibility in Delhi from almost the inception of planning in the city. How do we understand being “unplanned” in the context of the impossibility of existing as a planned colony? It is here that the categories of housing again play a vital role – they are the site both of the production and reproduction of the impossibility of planning, and, ironically, simultaneously the site that ensures that Plans and planning categories remain deeply relevant in determining inhabitation within the city. They are, in other words, one set of determinants of a colony’s legality as well as legitimacy.

The categories of housing keep the “unplanned” at bay by ensuring that no other form of settlement can acquire the same status. The clearest instance of this is the false distinction between two housing colonies that are formal, planned, legal and legitimate: Planned Colonies and Resettlement Colonies. Why would housing categories not simply call a newly established colony built with explicit inclusion within the Plan, in a zone marked for residential use within the development area at the time it was built as anything other than a Planned Colony? For that matter, why is a colony that is made legal and legitimate still called a Regularised-Unauthorized Colony, rather than simply a Colony, Approved Colony, or a Planned Colony? A series of legal colonies, therefore, are still not termed as “planned.” Their categorization eternally records their “unplanned” origins even as these origins, as argued above, are caused within the impossibility of being planned rather than a deliberate violation of planning and even if these colonies are now legal and illegitimate.

A second example is the relevance of how the categories of the typology are named. *Bastis* are termed JJ Clusters. Yet what is ironic is that if one ever visited a *basti* in Delhi, and asked where to find Ekta JJ Cluster, or Sanjay Camp JJ Cluster, an immediate, perhaps bewildered correction would be issued. There is no such place, one is likely to be told, but there is the Ekta JJ Colony, or the Sanjay Camp JJ Colony. The only housing category not termed a “colony” is, not coincidentally, the JJ Cluster. It is not unknowingly that residents of *bastis* refuse the idea of the “cluster” and replace it with the English word “colony” even when they are not English speaking. A “colony” represents and symbolizes legitimate (even if not legal, not planned) housing. It holds the promise of recognition and security. Refusing to recognize this aspiration is a means by which the settlement, and all those who live within it, are delegitimized.

The definitional manipulations and naming practices of the categories of housing are techniques of rule, exercised in the name of and as part of planning practice. They are critical in determining the distance between the legitimate and the legal. In other words,

²² Ibid., p. 20

²³ Ibid., p. 31

they are part of the calculus – beyond the state and its attempts at governance – that determine whether a legal or illegal colony is legitimate or not, i.e. if it can enjoy a *de facto* security of tenure. Thinking of the Plan as “failed” invisibilizes this work done by planning categories. Categories, Caldeira reminds us, are part of “classificatory thinking concerned [with] the naturalization and legitimization of inequalities.”²⁴ The Resettlement Colony and the Regularised Colony may be legal and legitimate, but they are denied equality in status with Planned Colonies. The JJ Cluster is not a “colony” like other kinds of housing. These inequalities in status are institutionalized and reproduced through norms of planning. The typology of settlements is, in other words, a productive hierarchy. It is a hierarchy that has become one basis of a differentiated urban citizenship and social order.

Conclusion

Foucault, argues Tania Murray Li, readily admitted that nothing happens as laid down in programmers schemes. Yet he insisted that they are not simply utopias “in the heads of a few projectors.” They are not “abortive schemas for the creation of a reality” but “fragments of reality” itself. They “induce a whole series of effects in the real.”²⁵ Planning and Master Plans in Delhi have indeed had a “series of effects in the real,” particularly for the poor. These effects are spatial, social and political. They influence the built form of the city, mediate urban politics and governance as well as impact regimes of belonging and citizenship. They transcend and challenge conventional understandings of the dichotomies of planned-unplanned, formal-informal and legal-illegal. They challenge simple diagnoses of the failure and irrelevance of planning in Southern cities. They argue, most importantly, that for any politics that seeks to foreground concerns of inclusion, equity and the right to the city, planning remains a critical and necessary site of engagement.

My intention here is not to argue for the power of Planning, to advocate for ‘better,’ ‘inclusive’ or ‘participatory’ Plans, to restore modernist or techno-phantic dreams of more effective implementation or control, or even to disagree with the varied diagnosis of the failures of planning in Indian and Southern cities. Instead, I argue only that urban practitioners in a city like Delhi have no choice but to engage with the Plan because precisely of the continuing relevance of its failures. Looking at planning’s failures allows us to find the traces of the Plan – its legacies in the contemporary city either in absence or presence, in failure or success. Plans do not control but they influence, determine, shape and limit. The “chaos that is urban development” that Verma (2002) describes is not planned but it is, to twist Peattie’s phrase, an outcome of planning.

²⁴ Ibid, p. 31

²⁵ As cited in Li (2007). See Li, T. (2007). The will to improve : governmentality, development, and the practice of politics. Durham, Duke University Press.

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