

REVISITING PARTICIPATION: “WIN-WIN” STRATEGY IN NEGOTIATIONS WITH RAILWAY AUTHORITIES AND SQUATTERS, MUMBAI, INDIA

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ABSTRACT

Concomitant with the rapid growth of the Indian city of Mumbai (formerly Bombay) poor migrants established slum dwellings at various locations, including the sides of the railway lines. The presence of these settlements led to reduced operating speeds for commuter trains and prevented the Railways from increasing capacity through the laying of additional tracks.

Every year, discussions were held in an attempt to address the issues. However, no substantive solutions emerged. In 1988 a process was started in which a number of NGOs, the slum dwellers, local government and the Railways joined together to resolve the problem. As a result, some of the slum dwellers have already moved to another area and a model has been established for further relocation of slum dwellers.

As the title suggests, this experience in Mumbai demonstrates that with the participation and cooperation of all stakeholders, commuters and the urban poor can both benefit.

Mumbai (formerly Bombay), the commercial hub of India, is the capital of the state of Maharashtra and has a population of over 10 million people. The suburban railway system of the city is crucial to its daily functioning because of the geographical configuration of the city: most offices are in South Mumbai while most of the population lives towards the north of the city. It is estimated that 7.4 million passenger – trips per day are made on the suburban railway at an average distance of 25 kilometres per trip. The vast majority of the city’s commuters use the railways and the rest use buses. The poorest sections

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of the city's population walk to work as they cannot afford public transport. Over the last decade the number of people who travel by car from home to office has increased substantially. This has arisen as much because of the increasing availability of loans for purchasing cars as because of the present state of public transport which has deteriorated steadily and is in urgent need of improvement.

There are three suburban rail lines in Mumbai: Central, Western and Harbour. Each of these has a very large number of people living in slums within 30 feet of the railway track. The Central line from Victoria Terminus to Thane has about 3,900 families living alongside the track, the Western line from Churchgate to Dahisar has 2,800 families and the Harbour line from Victoria Terminus to Mankhurd 11,400 families. These families have been living along the tracks for more than two decades. In some cases, their huts are hardly three feet away from the tracks. One consequence of their location is the number of accidents that take place, particularly affecting young children. Another consequence is that in many places people from the settlements and the nearby vicinity walk across the tracks frequently. The presence of these settlements has a considerable impact on the speed of trains. The Commissioner of Railway Safety has laid down that trains must not travel at more than 15 kilometres per hour when travelling through these densely inhabited sections, when trains normally are capable of running at more than 40 kilometres per hour. This seriously impacts upon the capacity of the railway system and significantly increases passenger transit times. In addition, encroachment has prevented the laying of additional railway tracks which are necessary to increase capacity. As a result, the railway and the slums dwellers along the track are caught in a war of attrition, in which the plight of the households is as distressing as that of commuters.

Like other poor migrants in Mumbai, the people living in the railway slums could not find affordable housing when they came to the city and consequently were forced to make their homes wherever they could find space. Over the years, many of those who managed to find space to settle on government or privately owned land have gradually obtained informal tenure security as well as some basic services such as water, electricity and sanitation from the state government. But those who squatted on land along the railway tracks or on the pavements have obtained neither tenure security nor amenities since they are occupying land intended for public purposes. The rules state that slums on central

government land (such as the railways) cannot be provided with such amenities without the permission of the landowning department.

For years, the Railways have argued that they had no part of the responsibility to shift slum dwellers. This was considered to be the job of the relevant authorities, such as the Municipal Corporation or the State Government Slum Clearance Board. Every few years some discussions were initiated by either the Railways or the state government but, in the eyes of the communities and the NGOs involved, nothing emerged as an outcome. In 1988, however, Maharashtra's Housing Department suggested that the Railways, the State Government and the Society for the Promotion of Area Resource Centres (SPARC) undertake a joint survey to assess the number of households encroaching on Railways land.

Based on the survey, SPARC produced in 1989 a report entitled "Beyond the beaten track". Along with its publication SPARC also organized the residents of these communities into a Railway Slum Dweller's Federation (RSDF). The rationale for the Federation was simple. Unless all the communities developed the capacity to operate as a united group and felt capable of establishing a leadership that could engage in dialogue with the Railways and the state government, they could not expect any changes. SPARC and its two partners, the National Slum Dweller's Federation and Mahila Milan were the main "trainers" in the process. Along with the 1989 report, they also facilitated a dialogue between the Federation and the State Government of Maharashtra in which communities suggested that if given a secure piece of land with infrastructure, they would be willing to move without other compensation.

In 1989, the Railway Slum Dwellers Federation was able to demonstrate its capacity when it worked in collaboration with the state government to assist in relocating a slum of 900 households in order to lay a railway line which linked the city to Vashi or New Bombay. The alliance of SPARC, Mahila Milan and the National Slum Dweller's Federation also helped 181 households who could not afford the government provided tenement to build their own houses at a lower cost. While this remained a valuable milestone in building credibility and confidence, the alliance did not help any more communities in obtaining amenities or securing housing. However despite that, the Federation worked vigorously, helping communities to form "proposed cooperatives" to save money, plan their own housing and build skills

and capability to face a future challenge when they may need to be engaged in negotiations for secure land with the state or Railways.

The opportunity to use these skills emerged in 1995 with the project popularly known as MUTP II. The Mumbai Urban Transport Project II (MUTP II) engages three agencies, Indian Railways, the Municipal Corporation of Mumbai, and the Public Works Department of the Government of Maharashtra. The project is a huge one which envisages the laying of more railway tracks, creating more railway corridors linking up the city, constructing flyovers over train tracks, improving road signals, parking, and optimizing the management of public transport in the city in general.

In view of estimates that 30,000 households, the majority of whom are slum dwellers with unclear security of tenure, would need to be relocated and rehabilitated to undertake the main MUTP II project, the World Bank required the government of Maharashtra state to formulate a resettlement and rehabilitation policy in mid-1995. D.M. Sukthankar, who had earlier been Chief Secretary to the Government of Maharashtra and also Secretary in the Department of Urban Development in the Government of India and the municipal commissioner of Bombay, was appointed chair of a Task Force for this purpose. The Task Force drew upon the assistance of different departments of the state government, NGOs and people's organizations. SPARC and the National Slum Dwellers' Federation were closely associated with the deliberations of the Task Force and its subcommittees. The recommendations of the Task Force were accepted by the state government and formed the basis of the MUTP II resettlement and rehabilitation project. In so far as this was the first time that the government of Maharashtra had a resettlement and rehabilitation policy in an urban area – even if it was only for the MUTP II project in Mumbai – this could be described as a major advance in securing the entitlement of the urban poor. In view of the huge numbers to be rehabilitated, a parallel MUTP II resettlement and rehabilitation project is being planned by the World Bank.

Between 1995 and 1997, the dialogue between the World Bank, the Railways and the state government broke down. However, by that time some of the prerequisite steps needed for the resettlement and rehabilitation project had already begun. These included a baseline survey and initiation of dialogue between the government, World Bank and NGOs. At the time, the state government was facing commuter

fury at deteriorating train journeys and often encountered law and order crises when irate commuters sought to burn stations or beat up the stationmasters. The Railways had funds for many track laying “projects” within their yearly budgets, however, these remained unutilized because the slums could not be removed. On their part, slum dwellers especially the women, after getting organized and planning for housing options were now ready to enter into negotiations. The challenge was who would design the solution and what would it contain.

When SPARC and the communities offered to explore a solution, the general response of the Railways was that “all this is just talk”. To demonstrate how organized communities were, in late 1997, near Borivalli station, where slums were almost 10 feet from the track, the whole settlement moved back 30 feet, build a wall for a boundary and realigned their houses. This initiative was unexpected and increased the confidence of the Urban Development Department, which was negotiating with the World Bank on the one hand and with the Railways on the other, to bring SPARC and the Federation into the discussions. At this time SPARC and its alliance partners made another offer to the state government. It was suggested that if the state government gave land and the Railways paid to bring in all the infrastructure, SPARC and the Federation would manage the project and the communities would build houses at their own cost, thus making this a tripartite agreement in which all stakeholders made contributions and played their role.

The Railways identified the fifth and sixth corridor where they sought to lay one additional track as their priority and which they could undertake without World Bank resources. On their part, the state government located a piece of land measuring 2.28 hectares at Kanjur Marg in a suburb called Ghatkopar which was considered very acceptable to the communities. This was sufficient to relocate 900 of the 1,980 families living along the railway tracks. Land for the balance of 1,000 odd families is in the process of being identified and when it is done, all the families currently on the land needed by the project will be shifted.

In view of the earlier involvement of SPARC and its general credibility, the government of Maharashtra issued an order in March 1998, appointing SPARC as facilitator for the resettlement and rehabilitation operations. Land was to be formally transferred to cooperative housing societies of slum dwellers in whose name they were registered. However, regulations stipulated that the land could only be

conveyed to the slum dwellers after they lived on the site. Since it would take three years to construct formal housing, it was agreed that the momentum of the initiative would be lost if such a delay occurred. At the same time, the Railways had project funds amounting to 13.8 million rupees to contribute to the land development (infrastructure) but could not give it directly to SPARC. This problem was resolved when the Slum Rehabilitation Authority, which is a regulatory body, agreed to supervise and “hold” the money for infrastructure development to facilitate this process. The conveyance issue was also resolved when the slum dwellers interested in obtaining the land, suggested that they develop a two phase rehabilitation strategy. In phase one it was proposed that as soon as the land was filled and water sanitation and drainage brought to the site, the slum dwellers would voluntarily shift to the site and build a transit tenement at their own cost with 120 sq. feet per family so that all 900 families could be accommodated.

This phase was completed between August 1998 and June 1999. The communities are now working on phase two with SPARC to build structures so that each family will get a 225 square foot house. All additional space which is constructed will be sold in the market to cover the costs of their homes. The communities have 21 cooperatives, have flourishing credit programmes, and have started consolidating their occupations in the new areas. A steering committee comprising of NGOs, the community, the Slum Rehabilitation Authority officials and the Railways met fortnightly throughout the nine-month period to handle all issues emerging from the process.

The experience has had a profound impact in several ways:

First, all the participants, regardless of where they were located within the state, the community or the NGO operated as a team. This was something which was unique and special because everyone felt that they had helped create a “miracle”, a win-win solution, which has been able to take care of the needs of all concerned and improve the situation for all – the city, the commuters, the Railways, and the community. The participants also demonstrated that with such partnerships sharing problem-solving, the crisis actually became easier when each other’s needs and aspirations were respected and problems addressed collectively. All the participants became major champions of the process within their own organization and in turn when they had to deal with opposition to the project they contributed to the solution.

Second, the two step relocation strategy is now one which is proposed in a range of venues when relocation is being discussed. Its advantages are several and very obvious. In the past communities never believed in the promise of relocation in which transit accommodation was available elsewhere because people often languished in those transit accommodations for 10-15 years. Often houses constructed for one group of people in transit were allocated to others who jumped the queue because of political and other considerations. In this case, families moved from their railway dwellings of 60-85 sq. ft. to transit tenements of 120 sq. ft. with all amenities. In addition, they were located on the site where their houses were to be built, while owning the land both formally and de facto by their presence. This process increased their housing incrementally, but because they were in the same location, they could build new roots. And because they were all together their social connections were retained.

Third, agencies such as the Railways and municipalities who wanted the land on which the slums were located, could occupy the land almost two years earlier than would otherwise have been the case. To those institutions, the reduced period of waiting to start the project improved the financial calculations. This was a major incentive to work with the communities. Additionally, when communities move by their own choice, there is no crisis of law and order or delays emerging from those situations.

Fourth, the power of the alliance in these negotiations stemmed from its strong presence in the field since the Railway Slum Dwellers Federation is a local people's organization with a membership that covers almost all the families living along the railway tracks. Coupled with a reliable database and links built up with government agencies and senior officials over the years, the credibility of the alliance was of help in solving problems on the ground. When lower-level officials of any department were not forthcoming in their cooperation, senior officials were contacted in order to instruct the field staff to get the job done. Senior officials of the Railway Board in Delhi have visited Kanjur Marg and were impressed by the approach. They have begun discussions with the alliance to replicate this model at other locations in Mumbai.

Fifth, as is its practice with any project in which the alliance of SPARC, Mahila Milan and the National Slum Dweller's Federation is involved, Kanjur Marg became a training site for its local, national and international networks. Pavement dwellers from Mumbai, slum dwellers

living along the railway tracks in other settlements in Mumbai, slum-dwellers living on the land of the Airports Authority in Mumbai, slum-dwellers from other Indian cities as well have been regularly visiting the site. In addition, government officials from different countries, from Cambodia, South Africa, Thailand and Nepal, have also come and seen the model. As a result, the Bangkok Metropolitan Administration has accepted the strategy of resettlement at Kanjur Marg to deal with slum-dwellers living under its bridges. The transfer and dissemination of these ideas also takes place rapidly in exchange visits and through the publications of SPARC.

In the midst of these processes, the dialogue between the World Bank and the state began once more. The process of developing the whole project created a “team” of all those associated with it, and the World Bank team was invited to come and see how much this process had actually contributed to the creation of a truly valuable experience in a multiple stakeholder managed rehabilitation process. Addressing sensitive minute issues, solving inter-organizational contradictions, and maintaining the centrality of what communities sought for themselves emerged in every shared experience. As a result of that process several outcomes are emerging as this paper goes to press. One of these is that the two step relocation strategy is now accepted as one of the options within MUTP II, and SPARC has been commissioned to document this process in great depth to help share the process for later projects.

Apart from this project, the Slum Rehabilitation Authority now advocates this strategy for the relocation of slums under its jurisdiction and has proposed a rehabilitation plan for 11,000 households on project affected areas in the city of Mumbai.

The value of the model at Kanjur Marg is in how it optimizes the contributions of communities and the way in which it acts to make the communities central to the solution. In so doing, there has been considerable savings of time and money for the Railways as well as a demonstration that a state government can arbitrate between the interests of the city and its poor. The alliance hopes that the precedent of resettlement in this experiment will be accepted for future Railway operations, whether in Mumbai or elsewhere. If slum dwellers get tenure of land and proper housing, that is the pay-off for the urban poor. The acquisition of information by the community, particularly women, and its use to negotiate practical solutions on the ground by building up the

capacities of people's organizations will allow the replicability of the model.

As for any other project, the critical elements are the legal and policy environments, the cooperation of the bureaucracy and a strong, vibrant community network that takes the initiative, turns a situation to its advantage and offers a developmental alternative that works for the people, the government agencies and the city. In this particular game, all the players emerge as winners since people's organizations, NGOs and the state develop and forge new partnerships. The Kanjur Marg experiment exemplifies voluntary urban resettlement which secures the entitlements of the poor even as it benefits the larger society around.