1

INTRODUCTION

Unit Structure:

Urban governance: Meaning and evolution, Urbanization in Maharashtra, changing nature of Urban Demography, migration

1.1. OBJECTIVE

The aim of the module is to familiarize students with the concept of urban governance. After completion of this unit students will be able to

- Explain the concept and meaning of urbanisation and the process of urbanisation in Maharashtra

- Explain the concept of migration and the changing pattern of demography

- Explain institutional arrangement, constitutional provisions and judicial intervention with respect to urban local government and governance

- Explain the role of corporate sector and civil society in urban governance

1.2. URBAN GOVERNANCE

1.2.1. Meaning and evolution

Governance is a broader notion than government. It includes the state but transcends it by taking in the private sector and civil society. Governance involves interaction between these formal institutions and other non-state & informal actors. The state creates a conducive political and legal environment. The private sector generates jobs and income. The civil society facilitates political and social interaction mobilizing groups to participate in economic, social and political activities. Elander , specifically locates the emergence of the concept of decentralised urban governance in the 1990s following the 1992 Earth Summit in Rio and the 1996 Habitat II Conference in Istanbul. Urban governance is the sum of the many ways individuals and institutions -public and private plan and manage the common affairs in the city. It is a ongoing process through which varying and diverse interest are accommodated and cooperative actions are taken in pursuance of urban development. Derived from the concept of governance, urban governance concerns itself with governance with respect urban areas reflecting how various public services deliveries are organised for welfare of the citizens.

De Tocquaville, a noted French writer pronounced "A nation may establish a system of self-government, but without the spirit of municipal institution it cannot have the spirit of liberty"

India has a long tradition of urbanisation dating back to about five thousand years with Indus Valley civilization as the earliest urban settlement in human history. The urban tradition continued in India through centuries and the ancient period witnessed numerous well planned cities in different parts of the country.

Distinguishing the process of urbanisation in developed and developing countries, the process of urbanisation in developed countries is characterized by high level of urbanisation while in the developing countries, the rate of urbanisation is very fast and but instead of being accompanied by industrialization there is rapid growth of service sector in developing countries' economies. Future growth of world's population is presumed to take place in the urban areas of less developed countries. Here the contribution of India in terms of urban population size is substantial.

According to 2011 census 31 percent of the population of India lives in urban areas and according to UN's projections of urban population of India, there will be less than 35 percent people in urban areas in 2020 and approximately 40 percent in 2030 and by 2030 the population will have a further addition of 225 million people making India one of the highest population living in urban areas.

1.2.2. Urbanisation in Maharashtra

In 1951, Maharashtra had 9 million people living in the urban areas. However, today the there are over 51 million people living in urban areas and it is estimated to cross 71 million by 2036 as indicated by the population projection done by the 'national commission on population' (National Commission on Population, 2019).

In Maharashtra the number of urban centres has increased from 266 in 1961 to 534 in 2011 with the growth of urban centres between 1961 and 1981 being 15.41% and a proliferation of urban units from 266 to 307 between 1981 and 2001. The number of towns has increased from 307 to 378 with growth rate of 23.13 per cent. The growth of towns in Maharashtra during 1981-91 was less than 10%, much less than the growth of towns in India as a whole which was at 16.21%. But the share of urban population in the total population of Maharashtra State (42.42%) was much higher than in the entire country (27.8%).

As per the figures from the Census 2011 there are approximately 5.08crore people in Maharashtra living in urban areas making it home to the highest number of people living in urban areas. With an urban population of 45.23%, Maharashtra is now the third most urbanised among major states after Tamil Nadu which has 48.45% urban population and Kerala having 47.72%.

The urban population in the state increased by 24 percent compared to 10 percent in rural areas between 2001 and 2011. Half of this urban growth in the state was contributed by natural increase (51 percent) with net migration to urban areas accounting for 31 percent and an increase in urban population due to reclassification of rural localities into urban areas accounted for 18 percent of the total increase in urban population in the state.

1.2.3. Changing nature of urban demography

In 2011, India's urban population was around 377 million, constituting 31.2% of the country's total population and representing the second largest urban population in the world after China. In the last decade, India's urban population increased by 90 million people.

According to the Census of 2011, India's urban population grew 2.76% per annum between 2001 and 2011 while the rural growth, which declined to 1.15% per annum during the same period.

In 2011, out of a total urban population of 377 million, 70% (264.9 million) were living in towns and urban agglomerations of 100,000 people and above. In contrast, towns of 100,000 and above accounted for only 26% of the total urban population in 1901.

Out of the total population growth in Maharashtra, urban population growth has accounted for 62.8% with Mumbai, Thane, Nagpur and Pune being the most urbanised districts and Gadchiroli, Sindhudurg and Hingoli being the

least urbanised. The highest percentage of urban population in Maharashtra is found in two districts viz., Mumbai and Mumbai (Suburban).

Maharashtra being one of the in-migrating states and having received large inter-state migration, according to 2011 census, the inter-state migration rate in Maharashtra was 2.7 (per 1000 population) which is the second highest in the country.

Maharashtra has the highest number of people living in urban areas. This accounts for 13.5 percent of the total urban population in the country. An estimated 11.8 million population lives in slums which is nearly, one-fourth (23.3 percent) of the total urban population in the state (Office of the Registrar General and Census Commissioner, 2011).

1.2.4. Migration

Movement of people from one place to another city, state or country for education, job, shelter or some other reasons is called migration. Migration from rural areas to urban areas has increased in past few years in India. The causes of migration can be classified into economic, socio-political and ecological factors.

Economic factors can be understood through push and pull factors. Push factors such as   Unemployment or lack of employment opportunities, Rural poverty, Unsustainable livelihood etc. and pull factors such as Job opportunities, better income and prospects for wealth creation, Industrial innovation and technical know-how for a new industry, Pursuit of specialised education etc have been the major cause of migration.

Socio-political factor can be understood through push and pull factors. Push factors such as Political instability, Safety and security concerns (ethnic, religious, racial or cultural persecution), Conflicts or threat of a conflict, Slavery or bonded labour, Inadequate or limited urban services and infrastructure. And pull factors such as family reunification, Independence and freedom, Integration and social cohesion, Food security and Affordable and accessible urban services have also been another major cause of migration.

Ecological factors include environmental factors, such as climate change and the availability of natural resources, that cause individuals to migrate in search of more favourable ecological conditions.

1.3. INSTITUTIONAL ARRANGEMENT

1.3.1. Constitutional Provisions:

The Constitution of India originally delegated the responsibility for urban development to the state governments. In 1992 with the enactment of 74th Constitutional Amendment there was a formal recognition of the urban local bodies as the third tier of government. The amendment mandated that the state governments shall transfer and delegate to local governments certain specified functions under the 12th Schedule. In pursuance to that, the

responsibility and functions assigned to the urban local governments include urban planning, town planning; regulation of land use, construction of buildings, roads; provision of water; public health; and solid waste management. After the passage of 74th CAA of 1993, Maharahstra Municipal Corporation & Municipal Council (Amendment) Act 1994 was passed.

- The 74th Amendment Act has added a new Part IX-A to the Constitution of India. This part is entitled as 'The Municipalities' and consists of provisions from Articles 243-P to 243-ZG.

- Article 243Q provides for the constitution of Municipalities and types of municipalities to be constituted viz. Nagar Panchayat for transitional areas, Municipal Council for small urban areas and Municipal Corporation for large urban areas.

- The Article 243R of constitution deals with elections to the municipalities. It provides that all members of municipality shall be directly elected by the people. Municipal area shall be divided into wards. State government can make provision for manner of election for head of municipality. It may provide representation in the municipality for people of special knowledge, MP / MLA of Lok Sabha Rajya Sabha or state legislative assembly and council.

- Article 243 S mentions about constitution and composition of ward committees. A ward committee shall be formed of two or more wards having population of 3 lakh or more. State govt can specify how these ward committees shall be filled. State govt can also make other committees.

- Article 243 T deals with the reservation of the seats in every municipality with reservation for Schedule Castes and Schedule Tribes in proportion to their population and 1/3rd women reservation at all municipalities and for the post of chairpersons. Reservation for backward caste in municipality and post of chairpersons can also be made.

- Article 243 ZE says that there will be a Metropolitan Planning Committee in every Metropolitan region to set up a draft improvement plan for the Metropolitan region overall. The state legislature can decide composition of committee, functions, manner of election of members and chairperson and representation of centre, state govt and other organisations in it.

- Two-third members shall be elected by elected representatives of municipalities and chairpersons of panchayats in the area of the metropolitan region from amongst themselves. Their ratio shall be the ratio of rural and urban population of the district.

1.3.2. State Municipal Laws

There are three municipal acts in effect in Maharashtra:

Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965:

- It consolidates and amends the law relating to Municipal Councils and provides for constitution of Nagar Panchayats and Industrial Townships in the State of Maharashtra.

- It provide for a unified pattern for thec onstitution, administration and powers of municipalities in the State.

- For this purposes the Government of Maharashtrahad appointed a Committee to advise it on the matters. After considering the Report of the Committeeto unify, consolidate and amend the law relating to municipalities in the State, the Act was enacted.

- It provides that –

    o The State Government may specify, by notification in the Official Gazette, any local area as a smaller urban area according to the factors mentioned in clause (2) of article 243-Q of the Constitution of India

    o For every smaller urban area so specified by the State Government, there shall be constituted a Municipal Council

    o Every smaller urban area shall be classified by the State Government as 'A' Class, 'B' Class or 'C' Class, on the basis of population

    o The municipal authorities charged with carrying out the provisions of this Act for each municipal area are the Council; the President; the Standing Committee; the Subjects Committees, the Wards Committee where constituted and the Chief Officer.

Maharashtra Municipal Corporations Act 1949

- Earlier known as the Bombay Provincial Municipal Corporations Act, 1949, the Act was renamed in 2012

- Provides for the establishment of municipal corporations for all larger urban areas except that of Brihan Mumbaiin the State of Maharashtra

- To ensure a better municipal government of larger urban areas in the state

- Every Corporation shallbe a body corporate and have perpetual succession and a common seal and by such name may sue and be sued.

- The State Election Commissionerwill from time to time, by notification in the Official Gazette, specify for each City the number and boundaries of the wards into which such City shall be divided for the purpose of the ward election of councillors

- In the seats to be filled in by election in a Corporation, there shall be seats reserved for persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women, as may be determined by the State Election Commissioner, in the prescribed manner

- Every Corporation, unless sooner dissolved, shall continue for a period of five years from the date appointed for its first meeting and no longer.

- A Corporation constituted upon the dissolution of a Corporation before the expiration of its duration, shall continue for the remainder of the period for which the dissolved Corporation would have continued.

- The term of office of the Councillors shall be co-terminus with the duration of the Corporation

- A person shall be disqualified for being elected and for being a councillor, if such person has, at any time after the commencement of section 5 of the Maharashtra Municipal Corporations (Amendment) Act, 1970, been convicted of an offence punishable under section 153A or sub-section (2) or (3) of section 505 of the Indian Penal Code, 1860.

Mumbai Municipal Corporation Act, 1888

- The Act provides that –

- The Corporation shall consist of 227 councillors directly elected at ward elections and five nominated councillors having special knowledge or experience in Municipal Administration to be nominated by the Corporation in the prescribed manner

- The Corporation shall by the name of "The Municipal Corporation of Brihan Mumbai" be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued

- The Corporation shall continue for a period of five years from the date appointed for its first meeting and no longer.

- The term of office of the councillors shall be co-terminus with the duration of the Corporation.

- An election to constitute the Corporation shall be completed before the expiry of its duration.

1.3.3. Judicial Interventions

The judiciary in accordance with powers constituted by the Constitution of India has over the years intervened in the conduct of urban governance with motive of ensuring and protecting the rights of urban residents and for enforcement of the provisions of the Constitution with respect to Urban Local Governments.

Recently, referring to rampant illegal constructions across the Mumbai Metropolitan Region (MMR), the Bombay High Court said that the situation has gone "out of hand" and the Maharashtra government must not have policies that "permitted people to die." With reference to the Maharashtra government's slum rehabilitation policies that granted statutory protection against demolition and eviction to slum tenements that have been constructed prior to January 1, 2000, and are not higher than 14 feet, a bench of Chief Justice Dipankar Datta and Justice GS Kulkarni noted the June 9 collapse of a residential building in suburban Malwani was an outcome of "pure greed" and suggested the state authorities should draw inspiration from the "Singapore model" of housing for the poor and that"It is only in Mumbai that one encroaches on government land and in return is given free housing".

With regard to incidents of collapse of the buildings, the Bombay High Court in February 2022 issued directions in sue moto Public interest litigation initiated in September 2020 after the collapse of a building in Bhiwandi, a town outside of Mumbai. The high court emphasised the need for holding BMC and other municipal officials accountable for the sudden collapse of buildings which are categorised as dangerous. The HC also held that the right to livelihood would include the right to live in safe buildings and houses. It gives guidelines to be adhered to such as conducting a periodical audit of the buildings by civic officials, categorising these buildings if they are dangerous or dilapidated and vacating the dangerous or dilapidated structures as soon as possible to avoid loss of lives.

1.3.4. Role of State and Central Financial Bodies

Local government being a state subject and due to the fact that urban local bodies are not sovereign bodies, the state governments are thereby empowered to legislate on varied aspects of local bodies. They determine the powers, functions, structure etc. of the urban local governments. The control can be legislative, judicial, administrative or financial in nature. The state governments and central government regulate and control the finances of the urban local bodies in following ways:

- Taxation – Every resolution of the municipal government to increase, decrease or abolish an existing tax has to be approved by the state government and in certain cases by the central government. The government is empowered to exempt any property or person from the payment of any tax. The state governments may also allow the urban bodies to add supplementary rates to existing government taxes.

- Control over expenditure – state government can regulate the expenditure of municipal government by fixing limits on its expenses and laying down rules and regulations to be followed for incurring expenses.

- Budget – urban local bodies prepare their budget in manner and form as prescribed by the state government. Prior sanction of the state government is necessary for the execution of the budget. State government is also empowered to make any alterations.

- Loans – borrowings by the urban local bodies are regulated under the Local Authorities Loans Act, 1914. The state government before granting approval of any borrowing proposal of the urban local government; examines the proposition, scheme, reviews the local bodies' financial position, repayment period and the mode of borrowing.

- Grants – the state government ensures efficient utilisation of the grants and prevention of its misappropriation to unauthorised uses.

Role of the Central Finance Commission in Urban Governance

- Make recommendations on the measures needed to augment the Consolidated Fund of a State to supplement the resources of Municipalities in the State

- The principles which should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India which are further devolved to the urban local bodies and panchayati raj institutions.

Role of the State Finance Commission in Urban Governance

It recommends –

- Taxes, levies and fees levied or appropriated by urban local bodies

- Grants-in-aid to urban local government from the consolidated fund of a state.

- Ways to improve the financial position of the urban local government.

- Measures for the overall improvement of urban local government finances.

1.3.5. Financing the Urban Local Bodies

Adequate financial resource is a pre-requisite for the success, efficiency and productivity of the urban local bodies, devoid of which the local government are mere subordinate units of the state governments. They are essential to ensure delivery of quality public utility services and to cater the community needs at large.

Following are the sources of finance for the urban local governments –

- Tax revenue – this constitutes the major proportion of income of the urban local government. Main taxes collected are – Tax on trades and professions, tax on advertisements other than those published in newspapers, tax on vehicles, theatres, toll tax, octroi or terminal tax, etc.

- Non-tax revenue – this includes profit from public utility services like transport, electricity supply, receipt of rent of municipal property, interest on investments, fines for offences against municipal bye-laws, fee for issuing licences or permits.

- Grants-in-aid – they are the subsidies given by the state government for certain services rendered by the urban governments. Classified into two types, recurring and non-recurring, the recurring grants are given by the state government to meet the gaps in recurring expenditure while the non-recurring grants are given to municipalities for projects such as school buildings, hospitals, water supply etc.

- Loans – borrowings and loans of the urban local bodies are regulated under the central law Local Authorities Loans Act, 1914. The loans are required to be given prior sanctions from the state government and in some cases from the central government. They can take loans from banks, financial institutions, LIC etc. The mode of payment, rate of interest, term and measures of utilisation vary from case to case.

Challenges to urban local bodies finances:

- The share of municipal own revenue in total municipal revenues has declined from 55% in 2007-08, to 43% in 2017-18.

- Low municipal revenue to GDP Ratio, which has remained stagnant at around 1% of GDP during the period from 2007 to 2017-18

- The share of intergovernmental transfers in municipal revenue has increased since 2010-11 but is still insufficient.

- CAG reports on local governments show deficiencies in preparation of municipal accounts such as lack of budget preparation, updating and timely presentation of accounts by ULBs

- Inefficient functioning of the State Finance Commission.

- Introduction of GST, has taken away critical resources of tax revenue from the urban local bodies such as octroi, local body tax, entry tax and advertisements tax.

- Low diversification of tax resources with property tax being the only major tax having contributed to about 60% to municipal tax revenue in India

Measure to augment finances of urban local bodies –

- State governments should ensure sufficient powers are devolved to the local bodies regarding taxes appropriation and efficient utilisation

- States should device a mechanism to compensate the local governments for their loss of revenue.

- Regular impact studies for projects of municipalities.

- Introducing new transparent and simplified system of taxation.

1.4. ROLE OF NON-STATE ACTORS IN URBAN GOVERNANCE

1.4.1. Role of Corporate Sector

As one of the significant driving forces of the economy, a principal job creator and a major contributor to national income, private sector plays a key role in urban governance and economic development. They play a key role in governance by influencing the inclusivity of development, adoption of means to sustainable development and addressing conflicts and crisis such as instability, exclusion and unemployment.

The private sector is playing a key role in development and urban governance in following ways –

- In many countries they are the main providers of goods and services to the poor.

- By way of Public-Private partnerships as way for development of infrastructure, the private sector assists in providing a public asset or service in which it bears the risk and management responsibility and its remuneration is linked to performance.

- OECD forecasted the global infrastructure investment required to cost $71 trillion by 2030 with much of it required in emerging economies. PPPs have been identified as one possible solution

- Partnering with private sectors can –

  o Boost investment in low-cost housing.

  o Extend services into poorer or informal communities

  o Provide safer work places

  o Help the poor access creditthrough the provision of micro-finance

Given the role of private sector in urban governance and the gap in infrastructural funding, the public sector can take following measures to

increase the engagement of corporate sector in public policy, urban planning and development –

- Incentives to encourage private sector participation

- Implement policies and interventions to complement, coordinate and collaborate with the private sector rather than compete with it.

- Clear vision of objectives and mode of operation of the public private partnership projects.

Significant PPP projects in India with respect to urban governance –

- Mumbai Metro

- DND Link Road

- Yeshasvini Health Scheme In Karnataka

- Uttaranchal Mobile Hospital and Research Centre

1.4.2. Role of Civil Society

According to World Bank, civil society can be understood as wide array of organizations, community groups, non-governmental organizations (NGOs), labour unions, indigenous groups, charitable organizations, faith-based organizations, professional associations and foundation.

They are different from non-governmental organisations (NGOs) as NGOs are only a part of civil society playing a role in activating citizen participation in socio-economic development and politics and influencing policy while civil society, a broader concept, includes all organisations and associations existing outside the state and the market.

Types of civil societies in India –

- Cooperatives

- Local Stakeholders Groups, Microcredit and Thrift Enterprises

- Self-help groups

- Registered Societies formed for specific purposes

- Charitable organisations and Trusts

- Labour unions

- International peace and human rights organizations

Role played by civil society in urban governance –

- Regulating and monitoring state performance and the action and behaviour of public officials;

- Analysing the policies

- Advocacy role by raising the demands of the interests groups they represent

- Educate the citizens regarding their rights

- Carry on development work to improve overall well-being

- Providing services in areas not reached by officials and governments agents

- Ensure proper check and balances on powers of the state

Challenges faced by the civil society that inhibits their role in urban governance –

- Unorganised in nature

- Lack of regulatory framework

- Lack of transparency in functioning

Following measures can be taken to augment the role of civil society in urban governance –

- Mechanism to regulate the financial activities of civil society, NGOs and voluntary organisations

- Implement corporate governance principles

- Increasing accountability and transparency

- Increase civil society's accessibility to data and information

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LAND AND HOUSING

Unit Structure:

2.0   OBJECTIVES

This unit aims to familiarize you with the meaning and significance of land and housing policies in India and Maharashtra. After studying this unit, you should be able :

● To explain the Housing policies and analyze them in detail.

● To comprehend the issue of Slums and the possible measures to overcome them.

● To analyze the Slum Rehabilitation policies.

2.1   INTRODUCTION

The 21st century has often been referred to as the urban century. Approximately 50% of the world's total population today lives in urban areas. The advancement in urbanization has led to increased productivity and offered a better standard of living to the people. This, however, has resulted in serious concerns such as environmental degradation, poverty, substandard living and inequality, conflict, and increased problems with sanitation. In this context, it is vital to understand the concept of urban governance which is today the need of the hour. Urban governance can be described as the process by which the government or the state along with the various stakeholders decide the planning, finances, and management of the urban areas. It is a continuous process of negotiations, consultations, and deliberations over the allocation of social and material resources equally amongst the people.

The process of urban governance depends on various factors. For instance, the interface between the various levels of government, the municipal institutions and their capacity to plan, manage as well as gather funds, the role of the private sector which helps in boosting employment opportunities, and the role played by the citizens. To increase the standard of living of the people, effective urban governance is extremely vital. Moreover, for a developing country like India, along with the formal settlements, the growth of the informal settlements is of vital concern. The informal sector, settlements, and economies have played a crucial role in the growth of urban areas. The poor, marginalized and underprivileged are often dependent on these sectors for their survival.

Urban Governance

Urban governance is defined as "the sum of the many ways individuals and institutions, public and private, plan and manage the common affairs of the city. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action can be taken. It includes formal institutions as well as informal arrangements and the social capital of citizens" as per the UN-Habitat.

Two major components of Urban governance are Housing and Land. The lack of spaces and the continuous influx of people from various regions have led to pressure on urban areas. Due to the lack of affordable housing, slums have increased over the years in urban spaces. In this regard, the further topics in this chapter will focus on the Housing policies in India, the issue of slums, and the slum rehabilitation schemes. Housing has to be understood as a basic human right and does not merely include having four walls to reside in but should be accompanied by supporting infrastructures such as the availability of transportation and employment opportunities. Moreover, it is vital to understand the multiplier effect of housing due to its strong backward and forward linkages which generates employment in the process and thereby helps to alleviate the standard of living of the people. One of the primary factors that are essential for the development of the housing sector is the availability of land. Houses can be only built on land which is considered feasible for both urban use and residential use. Land, on the other hand, consists of 60% of the housing cost. The construction of housing spaces in urban areas is influenced by both government policies and the private sector. Most of the housing norms are based on the principles of developed countries where access to housing is not a major hurdle. However, in the context of developing nations such as India; the organized housing industry has less or no regard for the poor. This leads to the rise of informal settlements and the mushrooming of slums.

Slums in the urban areas are thus a manifestation of urban poverty and urban poor. Largely, the housing industry has been under the control of private players who disregard the poor. This creates issues of affordable housing for the slum dwellers who are forced to live a sub-standard life. The informality of the housing spaces with regard to slums leads to discriminatory policies and evictions of slum dwellers became a routine. We can thus witness a shift from illegality to legitimacy discourse. New

dimensions of class and vulnerabilities come into focus. Urban households are characterized by non-permanent structures and lack access to basic amenities. Informality has a long-lasting impact on the urban spaces in terms of housing and employment which impacts the urban poor. To mitigate the problems of the urban areas it is necessary that decentralized, community-based, and participatory approaches be adopted for designing and implementing urban programs and schemes. This will in turn promote democracy, accountability, and transparency and enhance the participation of people at the local level giving way to quality urban governance.

Urbanization in Maharashtra

The state of Maharashtra is one of the most highly industrialized states in the country. The advent of various foreign powers and the colonial impact are well reflected in the urban spaces in Maharashtra. Urbanization in the state resulted from socio-cultural, political, and military connections. The growth of various urban centers in Maharashtra can be attributed to various reasons. For example, Nashik and Paithan, the two significant cities in the Godavari valley emerged as a result of the initial focus on the development of administration and religious significance. Maharashtra has a large coastal area and so the growth of port cities was widely seen. The Konkan belt consisted of many ports which were primary centers of world trade. Moreover, towns like Sholapur, Aurangabad, and Ahmednagar located at the juncture of north and south were a result of the contribution of Islamic rulers. Middle Eastern Islamic traits such as a citadel, mosque, walls and gates, bazaar, and villages built around a central courtyard are the characteristic features of these towns. The Islamic rulers also contributed to town planning by building kasbas such as the Kolhapur and Poona Kasba. The rule of the Maratha empire and the Peshwas in particular witnessed the development of towns mainly for political purposes. The western region of Maharashtra underwent a change with the development of urban centers like Satara, Miraj, Karad, Sangli, Nasik, Poona, etc. Religious towns like Pandharpur, and Alandi also flourished during this time and port cities like Kalyan and Thane prospered. The advent of the British led to the growth of primate cities such as Bombay. The British planned the urban centers located around the primate city and ensured that connectivity and communication are paid attention to. Roadways, Railways, and Telegraph services constituted the primary feature of the urban spaces. However, the evolution of primate cities resulted in the decline of indigenous manufacturing centers. New categories of towns were brought in such as cantonment areas and hill stations. Urban governance and town planning became the subjects of study and the city-centric growth continued even after India attained independence.

Thus, Maharashtra has witnessed urbanization since the early times. As per the 2001 census of India, the urban population of Maharashtra is 42.4% which is the largest in the country. The growth of the urban population is also an indicator that the rural settlements have been transforming into semi-urban centers.

2.2   HOUSING POLICY

Housing is one of the basic necessities of human life and having an affordable and decent standard of living is a prerequisite to lead a good life. The problems have been in existence on a large scale in the state of Maharashtra which is an urbanized state. Housing has to be understood in urban areas as an activity that goes beyond the shelter needs of the people. Multiple factors such as land, technology, and material play a crucial role in housing. Moreover, since the housing market is highly influenced by the private sector, thus providing affordable housing is of huge concern. Government intervention is visible in the form of regulation of transactions by means of stamp duties and registrations and through Housing boards. Housing has become an organized activity and housing policies today are formed in accordance with the developed nations. However, it is vital to note that housing issues are not prominent in developed nations. But in the context of India and Maharashtra, the housing sector has avoided the poor which has accelerated the rise of informal housing and slums. Urbanization and economic disparities have increased In India concerning housing over the last decade. Since 1991 the focus has been on a service sector-based economy. The government's role thus shifted from being a provider of basic services to being a facilitator. Over the years, various programs have been formulated regarding housing in India. The diversified nature of these housing programs thus led to a lack of interconnectedness and continuity and thus resulted in an urban housing crisis. The migration of people from the rural to the urban areas led to mushrooming of the housing issues.

Since Independence, there has been a shift in policies concerning housing. These phases can be broadly understood in terms of the Legal Market Intervention phase, Extension of Control, and the facilitation of markets phase.

A) Phase I -Legal Market Intervention

In the Post-independence years, the focus of the policies was on public interest by constraining the unscrupulous market. The public sector and the cooperatives were encouraged to invest in the housing sector. The primary intervention was through constraining the ownership and regulation of development through various means, for instance, the Land Ceiling Act. The Maharashtra Regional and Town Planning Act (MRTP) lays down the framework for the preparation of development plans that detail the land use of particular towns and regions. The Act also provides for the acquisition of lands for public purposes, especially those for public amenities and infrastructure. The most critical legislative framework which curtailed ownership in urban areas is Urban Land Ceiling and Regulation Act (ULCRA) which was promulgated in 1976. The ULCRA provided for imposition of a ceiling on both ownership and possession of vacant land; acquisition of excess vacant land by the state government with powers to dispose of the land for the common good; payment of compensation for the acquisition of the excess.

B) Phase II -Extension of Control with considered loosening (1980-95)

The phase witnessed the growth of institutions that were created in the earlier phase and became functional. The Government of Maharashtra evolved a scheme for building houses for Economic Weaker Section (EWS) under section 20. It was based on a formula of 60:40 wherein, it was possible for the land owner to surrender only 60 percent of the land to Government for weaker sections and use the remaining 40 percent of land for the construction of flats for sale in the open market. In 1992, the Mumbai Housing Board was restructured to create Mumbai Housing Board, Building Repairs and Reconstruction Board, and Mumbai Slum Improvement Board. Further, The Amravati and Nashik Boards were also established in 1992. This phase saw tremendous growth in the slum population in the state. In 1983, provisions of the slum act were made applicable to several towns in the state. The greatest policy changes in this period were seen in policies with respect to slums. Towards the beginning of this phase, there were a number of improvement projects in slums through foreign assistance.

C) Phase III - Market Facilitation (1995 onwards)

This phase witnessed a drastic change in the orientation of the state government towards housing. Interventions are seen to be in complement the private sector whose role was incentivized. This is also a phase when there have been rapid changes in policies related to housing. In 2008, the Maharashtra Land Revenue code was amended to facilitate the building approval process which required every development on any land to have the approval of the Collector. The role of the state witnessed a sea change in this phase where the state became the provider. For instance, MHADA symbolizes the provider role of the State. The JNNURM has generated tremendous investment in housing, particularly affordable and low-income housing. The stress is now on doing housing projects through public-private partnerships. A prime focus of MHADA became the implementation of slum development schemes. As the state government moves towards a facilitator role supportive of the market, the need for new institutions that would permit the resolution of issues faced by housing consumers has begun to be felt.

From the 1960s to the 1990s what we witness is the era of populist policies. It focused on the removal of poverty and increased incentives to the agricultural sector. This period saw the government exercising direct control over the market and a lesser role in the private sector. However, the continued opportunities offered by the cities attracted the rural population and led to the proliferation of slums in the urban areas. Thus, it can be understood that the socialist pattern of society failed to generate the required results as a consequence of the inability to create public finances. The annual economic growth was less than 4% till the 1990s. It is attributed to strict government control and regulation. During the same time, in the developed countries of the world, it was believed that privatization and less interference from the government can lead to increased economic outputs which in turn will lead to the eradication of poverty and increased economic benefits. India in the year 1991, adopted the New Economic Policy post

which experienced annual growth of 6%. This resulted in a massive migration to the urban areas as the cities saw a huge increase in opportunities and employment. The economy was henceforth market and cities driven. Government schemes and policies focused on infrastructure development which required more people at work, thus increasing migration. Various schemes like the Jawaharlal Nehru National Mission for Urban Rejuvenation (JNNURM), Rajiv Aawas Yojana (RAY), and Housing for All (Urban) 2015-2022 received an impetus. Moreover, in recent years the government has shifted its focus to developing Smart Cities.

Despite all these efforts, housing issues in India are of prime concern and the issue of Slums has not yet been resolved. Moreover, there has been a demographic shift in India. India's population today stands at 1.22 billion and according to the World Bank, India is the second most populous country in the world. The metropolitan and Class-1 cities have been witnessing huge growth in their population and it has led to the lack of uniform distribution of goods and primary resources and housing remains the most vital of them. It has thus accentuated the problems of homelessness and led to a fall in the living conditions of the people. According to the Planning Commission, the estimated housing shortfall in urban areas in India is 18.78 million as of 2012. It has also highlighted the fact that over the years, the size of the individual household has decreased and people are now forced to live in small homes. (Batra,2021)

The issue of affordable housing is therefore important to comprehend. Especially in slums, the condition of houses has been deteriorating which leads to various other issues of sanitation and increases the chances of diseases. The urban population of Maharashtra has seen tremendous growth since the 1960s. Interstate migration in India is the primary cause of it. The state of Maharashtra has hardly witnessed any outmigration and has historically been an in-migrating state. From 1961-2001, the urban population of Maharashtra saw a growth of 3.2%. In 1961, nearly 66% of the urban population in Maharashtra lived in the cities. Over the 1990s, migration to urban areas saw a huge rise (Khade and Waghmare,2017).

Maharashtra in 1991 had only three corporations namely- Greater Mumbai, Pune, and Nagpur which were million-plus cities. By 2001, four more cities – Thane, Kalyan-Dombivali, Nasik, and Pimpri Chinchwad joined the ranks of million-plus cities. This data reveals how not only the metropolitan cities but also the suburban areas experienced the influx of migrant population. The number of districts in the state has also seen a rise over the years. For instance, till 1981, Maharashtra had 26 districts which increased to 30 and in 2001 it increased to 35. As a consequence of it, the urban population of Maharashtra increased by about 10.5 million between the years 1991-2001. (Tripathi, 2017)

The rapid growth of the cities and the subsequent absence of development and economic opportunities has led to an increase in urban poverty as well as homelessness. This in the long term has resulted in the proliferation of slums. As stated earlier, the 2001 census of India defines slums as a) All areas notified as slums by State/Local government and Union territory

under any act, (b) all areas recognized as slums by State/Local and UT administration which had not been formally notified as slums under any act,(c) a compact area of at least 300 population or about 60-70 households of poorly built congested tenements, in the unhygienic environment usually with inadequate infrastructure and lacking in proper sanitary and drinking water facilities. Based on this definition, the director of census operations, Maharashtra enumerated that 10.6 million people lived in slums in 2001. Nearly 55% of these resided in Greater Mumbai (Yadav et al,2021). Being the richest district in Maharashtra and the financial capital of India, Mumbai has always attracted people. Over the years, formal housing failed to accommodate the increased population. The huge demand led to skyrocketing prices. The Rent Control Act, of 1984, and the Urban land (Ceiling and Regulation) Act, of 1976 further distorted the land market in Mumbai (Acharya,1989). The lack of affordable housing led to the proliferating of slums which deteriorated the standard of living in slums.

In Maharashtra, slums have been an integral part of Mumbai's cityscape for several decades. Metropolitan cities have the potential to employ a vast multitude of people and hence the city of Mumbai attracts a large number of people. Many of them stay in slums for the lack of a better alternative. Slum-dwellers stay in shanty structures in an unhygienic environment, not by choice but by compelling circumstances as having been thrown out of the formal housing sector, the latter being expensive and much beyond their income levels. It is vital to enhance their standard of living and for which an authorized dwelling unit is a first step in the right direction. This, in turn, will bring about a marked improvement in their hygiene and health as well as raise the level of public hygiene which has fallen to a very low ebb. To facilitate the problem of slums and to provide affordable housing to the people, the Union and State governments have introduced many policies and programs which we will discuss in the further sections.

Check Your Progress Exercise 1

Note i) Use the space given below for your answer.

1) Examine in detail the housing policies in India and Maharashtra?

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2.3   ISSUE OF SLUMS

To increase the standard of living of the people; it is imperative that there needs to be good governance. All over the world, we have experienced that cities have been the epicenter of economic and financial growth. This attracts people from different places to migrate to urban spaces in search of a better lifestyle. The employment opportunities make the cities economically vibrant. India grapples with the issue of unbalanced development. The cities have experienced drastic development in terms of both employment and infrastructure. It has thus continuously attracted rural migrants to urban areas. Overpopulation has, in turn, led to an increase in the prices of land, and as a consequence, it has forced the migrant rural poor to live in squatter settlements. It has led to the deterioration of the quality of life of rural migrants and, consequently, has also widened the gap between the demand and supply of essential services and other infrastructure in the areas.

The proliferation of slums adds to the existing woes of the cities and creates hurdles in the socio-economic planning of the cities. The expansion of slums puts tremendous pressure on the existing services and infrastructure. Moreover, the lack of proper data and statistics on the slums in the cities leads to a lack of coordinated policy for the improvement and rehabilitation of the people.

The 2001 Census is exceptional as it attempted to collect detailed demographic data about slum areas across the country in cities and towns having populations of 50,000 and above. Despite these measures, there has been a lacuna in formulating policies for the rehabilitation and improvement of the areas where there are large slum establishments. The concept of slums and their definition vary considerably across the States and regions as there is a vast difference in terms of the socio-economic conditions or local perceptions. This is visible also in different nomenclatures used across India as in Delhi, slums are commonly called 'Jhuggi – Jhompdi', while in Mumbai they are called 'Jhopadpatti or Chawls'. Other familiar nomenclatures are – 'Ahatas' in Uttar Pradesh, 'Bustees' in West Bengal, 'Cheris' in Tamil Nadu, and 'Keris' in Karnataka (Agrawal, 2014). The nomenclatures may be distinct but the physical characteristics of the slums are the same. Slums are mainly a cluster of dilapidated hutments and lack common or no toilet facilities, there is a lack of basic amenities, and there are no or inadequate arrangements for drainage and the scrapping of wastes and garbage. The living conditions in slums thus are suboptimal, which leads to an increase in air and water-borne diseases.

In India, Under Section 3 of the Slum Area Improvement and Clearance Act, 1956, Slums have been defined as mainly those residential areas where dwellings are in any respect unfit for human habitation by reasons of dilapidation, overcrowding, faulty designs of buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities or any combination of these factors which are detrimental to safety, health, and morals. The Cities Alliance Action Plan describes slums as neglected

parts of cities where housing and living conditions are appallingly poor (India Code, 1956). The Census of India 2011 explained slums as residential areas where dwellings are unfit for human residence for reasons of dilapidation, congestion, faulty arrangements, and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light, or sanitation facilities, or any combination of these factors which are detrimental to the safety and health (Ministry of Housing and Urban Poverty Alleviation, Government of India, 2015).

Factors responsible for the growth of slums:

a.   **Demand - Supply of Housing**: The demand for affordable urban housing has been on a constant rise over the years. However, the supply has been low, which has in turn led to the proliferation of slums. The formal housing sector has been unable to meet the demand for houses. This has led to the growth of informal housing settlements, especially in metropolitan cities of India.

b.   **Lack of financial resources:** The lack of spaces in urban areas makes the slum dwellers set up their habitations in areas like dumping grounds. The lack of purchasing power in the formal land markets has accelerated the growth of slums. The lack of employment or the informal nature of employment has further increased the concerns for formal housing. Due to the scarce income, the slum dwellers can barely meet their day-to-day needs. Thus, generating finances for buying a house is not feasible at all, hence they prefer to settle in informal habitations.

c.   **Migration:** The increased number of slums in Indian cities can be attributed to the large-scale migration from rural to urban areas. Urban centers which have limited spaces are not equipped to support the additional population. This leads to the failure to cope with the high influx of people leading to various problems such as housing shortages, unemployment, and the development of slums.

d.   **Urban governance:** The subject of urban governance has not received a major focus in India. A major factor in the growth of slums has been the rigid, often outdated urban planning regulations, which are easily bypassed by slum dwellers to meet their housing needs. Moreover, the failure of the state to incorporate slum dwellers as part of the overall planning process is another cause for serious concern. Ill-designed policies, lack of resources, and corruption contribute to the further growth of slums.

Issues faced by the slum dwellers:

a.   **Absence of amenities:** Due to overcrowding and improper development, basic facilities are absent in the slums. For instance, slums do not have proper sanitation facilities, safe drinking water is unavailable, the waste collection system is not in place, there is a dearth of electricity supply, and the drainage facilities are improper. The lack of surfaced roads, footpaths, and street lighting further adds

to the problems faced by urban slum dwellers. The lack of these basic amenities leads to an increased risk of diseases among slum dwellers. It aggravates their health issues and the absence of financial resources and medical facilities leads to further deterioration of their health.

b. **Congestion:** Due to the presence of a large population in very small spaces, Overcrowding and congestion have led to huge problems for the slum dwellers. The low space per person ratio, high occupancy rates, and cohabitation by different families make the life of slum dwellers miserable.

c. **The vicious cycle of Poverty:** Both low income and poverty largely deteriorate the quality of life in the slums. It creates barriers to human and social development. Low income leads to poor nutrition, elementary or no education, and little or no medical care which undermines human capital development. The vicious cycle of poverty therefore continues and future generations get trapped in it.

Check Your Progress Exercise 2

Note i) Use the space given below for your answer.

1) **Analyze the issue of Slums and suggest possible measures for the same?**

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2.4 SLUM REHABILITATION

As far as the state of Maharashtra is concerned, the largest problem of housing has been prevalent in the city of Mumbai. Since Independence, the official approach adopted towards slums was to clear the hutments and rehabilitate the slum dwellers. To give effect to this, section 354A was introduced to the Bombay Municipal Corporation Act, 1954 to empower the Municipal Corporation of Mumbai to clear slums. In 1956, the union government initiated a Slum Clearance Plan, and subsequently, the development plan for Mumbai was launched in 1967 which resulted in the formation of a slum improvement cell in 1969. However, it was soon noticed that the strategy of demolition did not bear the results as slum dwellers would rebuild their huts. Mumbai thus became the epicenter of slums in Maharashtra.

The Metropolitan area of Mumbai spans an approximate 437 sq. km, having a population of 10-12 million. Out of these, approximately six million people reside in slums in Mumbai alone. Unlike the other areas of Maharashtra, slums in Mumbai are located on private lands, state government lands as well as Municipal corporation lands. It has resulted in

overcrowding, lack of ventilation, electricity, or sanitary facilities. More than one million people are believed to be living on pavements and approximately two million people live in old, worn, and illegal structures. 80% of Mumbai's population thus lives in unsafe and unhygienic conditions and thus faces a constant threat of displacement. The Government of India has taken concrete measures to eradicate the problems of urban slums. In the 19th century, the slum upgradation policy was limited to demolishing and redeveloping the slums.

By the 20th century, the developed nations initiated slum clearance policies. However, they were unsuccessful in resolving the issue of affordable and safe housing in urban areas. In Mumbai, one such program which aimed to ameliorate the problems of slums was 'The Slum Areas (Improvement and Clearance) Act, 1956.' Section 10, Sub-section 4 of the act states: "When a slum clearance order has become operative, the owners of buildings to which the order applies shall demolish the buildings before the expiration of six weeks from the date on which the buildings are required by the order to be vacated or before the expiration of such longer period as in the circumstances of the case the competent authority may deem reasonable." (Ministry of Housing and Urban Affairs,1956)

The act gives powers to the central government to acquire such land if the said land is not used within twelve months after clearance. However, the lack of capital needed to implement the scheme was abysmal. Moreover, the slum dwellers were rehabilitated to remote places and were forced to separate from their communities which increased their difficulties. The scheme was soon severely criticized and was replaced with the Slum Improvement Program, in 1971. In the 1970s there was a realization of the need to come up with a working strategy for the resettlement of slum dwellers. In this regard, the Slum Areas (Improvement, Clearance, and Redevelopment) Act, of 1971 was passed. Subsequently, a Slum Improvement Board, in 1971 was set up in the interest of the slum dwellers. Furthermore, the centrally funded Slum Improvement Program (SIP) was launched with the mandate to provide necessities such as clean drinking water, toilets, drainage, and other amenities. The government also enacted the Maharashtra Vacant Lands (Prohibition of Unauthorised Structures and Summary Eviction Act), in 1975. The 1980s saw a large wave of evictions during the Chief Ministership of A.R. Antulay. However, the Supreme Court's judgment in Olga Tellis v/s Bombay Municipal Corporation is crucial. The Supreme Court upheld that the eviction of slum dwellers would lead to the deprivation of shelter and means of livelihood which would result in the deprivation of life and opined that the Right to Life under Article 21 includes the right to livelihood. (India Kanoon, 1985) By 1989, the scheme had spent Rs.500 million but was unsuccessful in resolving the issues of slums in Mumbai.

In 1985, the Slum Upgrading Program (SUP) funded by the World Bank was launched. It consisted of leasing the slum lands to the existing cooperative groups at affordable rates (Ragheb et al,2016). However, the program's benefits were not evenly distributed and it was thus not receptive.

In the same year, The Prime Minister's Grant Project (PMGP) was passed for a grant of 1 billion. It focused mainly on upgrading the Dharavi slums. The PMGP provided a unique solution to the slum dwellers of Dharavi (Patel & Arputham, 2007). They could either opt for acquiring tenure of their land and acquiring subsidized loans for its development or could opt for an unconventional reconstruction option. Under this option, the existing slums were demolished and the property was redeveloped with residential complexes of higher intensity. The state government has also formulated many schemes over the years to resolve the issues of slums.

By amending the Maharashtra Regional & Town Planning (MR & TP) Act 1956, Slum Rehabilitation Authority has been declared a planning authority in Maharashtra. The Slum Rehabilitation Authority has been empowered to prepare and submit proposals for modification to the Development Plan of Greater Mumbai. According to the parameters of the slum rehabilitation scheme, Slum Rehabilitation Authority can declare any area as a slum rehabilitation area for rehabilitation. All such slum rehabilitation areas where slum rehabilitation schemes are proposed being implemented, come under the jurisdiction of the Slum Rehabilitation Authority.

The powers, duties, and functions of the Slum Rehabilitation Authority are:

1. To survey and review existing positions regarding Slum areas in greater Mumbai.

2. To prepare the schemes for rehabilitation of slum areas

3. To get the slum rehabilitation scheme implemented.

4. To do all such other acts and things may be necessary to achieve the objective of rehabilitation of slums.

Almost 55% of Mumbai's population stays in slums and hence the issue assumed prime importance since the 20th century (United Nations Human Settlement Programme, 2003). To resolve the issues of slum dwellers in Maharashtra, the Government of Maharashtra appointed a committee under the chairmanship of Shri Dinesh Afzulpurkar (Chief Secretary of Maharashtra) in 1995. The primary responsibility of the committee was to devise a scheme to rehabilitate slum dwellers of the state. The Afzulpurkar Committee assessed that for 80% of the slum settlements, in-situ rehabilitations need to be viable. The study group stated: "The slums and hutment dwellers of unauthorized structures form an integral part of this vibrant metropolis". It further suggested that the slum-dwellers have been driven to this option due to the increased prices of land (Bhide & Raj, 2016).

They were thrown out of the formal housing sector, the latter being unaffordable and much beyond their income levels.

In this context, it is noted that it is vital to augment their standard of living and an authorized dwelling unit is a first step in the right direction. This, in turn, will bring about a massive advancement in their hygiene and health as well as raise the level of public hygiene which has fallen to a very low ebb. For lifting the slum dwellers from their present levels, cross-subsidization of the cost of their dwelling units and allotting them free of charge, though not supported by housing philosophy, had become a prerequisite in the given situation.

The committee opined that the slum-dwellers deserve this preferential-probably unequal treatment to bring them into the mainstream of the social, cultural, and economic fabric of this pulsating city. The study group has relied heavily on this philosophy "if inequality has to be removed, there have to be unequal laws". The vision and mission of the Slum Rehabilitation Authority are to create a Slum Free Mumbai.

The Government of Maharashtra amended the Maharashtra Slum Areas (Improvement, Clearance, and Redevelopment) Act, 1971 to provide for the creation of the Slum Rehabilitation Authority (SRA) with a Chairperson, a Chief Executive Officer, and fourteen other members. Slum Rehabilitation Authority was created by the Government Notification dated 16th December 1995 to function with effect from 25th December 1995. The Chief Minister of the state is the Chairperson of SRA and an IAS is a full-time Chief Executive Officer. The fourteen other members include Ministers, elected members of the State Legislature, Secretaries of the concerned State Government Departments, and some non-official members who are experts in the field of Building Construction, Planning, Architecture, Social Services, etc (PRS Legislative Research, 1971).

The year 1991 led to a transition from socialist to liberal policies in India after the adoption of the New Economic Policy, in 1991. It saw the retreat of the government from many industries. The effect was visible in the arena of Slum improvement as well. By 1995, the Afzalpurkar committee modified the Slum Redevelopment Scheme and the then Shiv Sena government launched the new Slum Rehabilitation Scheme (SRS), 1995 (Jagdale, 2013). The scheme notified that every slum dweller accounted in the 1995 electoral roll was eligible to avail of the benefits of the scheme. It took note of the pavement dwellers for the first time. A statewide Slum Rehabilitation Authority was formed to oversee, coordinate and approve the schemes which superseded the existing schemes in the state of Maharashtra. However, despite these efforts and the relaxed provisions, the schemes did not attract many people and ultimately were seen as a failure.

Moreover, one vital factor that has to be understood in the context of slum rehabilitation and redevelopment post-1990s is the role played by civil society organizations. For instance, "The Society for the Promotion of Area Resource Centers" (SPARC) 1986 has been working in partnership with community-based organizations -the National Slum Dwellers Federation (NSDF) and Mahila Milan. Together, they are known as the Alliance and they were successful in introducing necessary modifications to the scheme. They have represented the interest of the slum dwellers and have helped in mediation and reconciliation. Furthermore, they have taken up redevelopment of various projects at their own cost by receiving funding from entities like the Community Led Infrastructure Financing Facility (CLIFF). They have collaborated with various other organizations like the Mumbai Urban Infrastructure Project (MUTP) and have successfully relocated the families living near the railway tracks. Subsequently, the alliance was appointed as the nodal agency for the redevelopment of structures by the Mumbai Urban Infrastructure Project (MUIP) (Patel and Mitlin,2022). In 1998, the Shiv Sena -BJP government launched the Shivshahi Punarvasan Prakalpa Limited (SPLL). Under this scheme, slum land was to be handed over to the builders for constructing commercial complexes wherein the builders would use a part of their profits to construct houses for the slum dwellers. The 2007 Housing Policy highlighted the diverse domains of concerns regarding the housing sector. It pointed out the need for an assessment and human settlement surveys to be conducted. The policy also inculcated the linkage of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) and the Employment Guarantee Scheme (EGS) (Ministry of Housing & Urban Poverty Alleviation, Government of India, 2007). The Housing Policy of 2015 put forward the concept of 'Housing for All' and proposed to create 11 lakh homes in the Mumbai Metropolitan Region. Some of the features of the policy were -a) the continuous creation of land banks, b) an increase in affordable housing, c) creating adequate housing for the Low Income Groups and Economically Weaker Sections of the community, and d) providing shelter for the poorest on a rental basis (Ministry of Housing and Urban Poverty Alleviation, 2015).

Nevertheless, the Slum Rehabilitation Authority remains the pivotal agency that works for the amelioration of slums and has been surveying and reviewing the existing slums in and around Mumbai. Additionally, the authority now functions as a development authority and is empowered to prepare and submit proposals for modification to the development plans of greater Mumbai.

The issue of housing and slum rehabilitation remains a crucial concern as it is one of the necessities to live a dignified life as ushered by Article 21 of

the Indian Constitution. To ameliorate the problems of slums it is of prime concern that key resources need to be mobilized by identifying regional and district-wise housing deficits. A comprehensive study about land availability, infrastructure, and employment generation needs to be undertaken to work towards urban governance. Satellite towns have to be developed and adequate means of communication and transportation have to be ensured. Greater use of state-of-the-art technologies should be undertaken to reduce costs and fasten the governance.

Check Your Progress Exercise 3

Note i) Use the space given below for your answer.

1) Explain the various measures taken for the rehabilitation of Slums.

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2.5 SUMMARY/ CONCLUSION

The proliferation of slums in India and Maharashtra thus has to be looked at in various dimensions. The World Cities Report 2020 released by the UN-Habitat shows that the intrinsic value of sustainable urbanization can and should be harnessed for the well-being of all. It affirms that well-planned, managed, and financed cities and towns create value that can harness to build resilient cities that can bounce back from the devastating impacts of pandemics, improve the quality of life, and can reduce poverty, inequality, unemployment, climate change, and other critical global challenges. In this context, it is crucial that we invest in the urban governance of the cities. In the future, the population of the cities is going to see a rapid rise with more people migrating from the rural to the urban areas. If affordable housing is not met adequately, then the proliferation of slums will see a massive acceleration. The state with the help of civil society organizations and the private sector should formulate and modify various policies to ameliorate the slums and provide safe, affordable housing to the slum dwellers. Moreover, the focus should also be on employment generation and increasing the purchasing power of the people to enhance their standard of living. Thus, with the combined efforts of the government, citizens, and civil society organizations, the cities in India can become safe, and cost-affordable, and can enhance the standard of living of the people.

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3

SELECT UTILITIES

Unit Structure:

3.0   OBJECTIVES

The aim of this unit is to familiarize you with a few important public utilities provided by government of Maharashtra. After studying this chapter, you will be able to

- Explain urban governance of health, water, transport & solid waste management along with its administrative organization, functioning & changes post 74th constitutional amendment to the Indian constitution.

- Explicate schemes and policies adopted in urban areas by the state government and the challenges faced in its implementation.

- Understand a few contemporary issues and reforms undertaken.

3.1 INTRODUCTION

The '74th Constitutional Amendment Act of 1992' is a landmark in the history of Indian constitution for strengthening grassroot democracy. It brought urban development within the remit of state or local governments. City governments were made responsible for eighteen functions. E.g., urban planning, water supply, public health, urban poverty alleviation etc. These services offered by the government to the public are called 'public utilities'. In urban areas, an elected governance body or managers appointed by elected city officials govern utilities. State and local regulatory authorities oversee such public utilities. Urban governance of such utilities refers to "planning, financing, and management of urban areas by government and other stakeholders." Governance aims at effective policy implementation and efficient delivery of utilities like health, education, internal security,

water supply, waste management, law and order etc. A good governance of public utilities must be accountable, inclusive, responsive & transparent. It should be participative, consensus oriented and should strictly adhere to rule of law.

3.2 HEALTH POLICY

WHO defines health governance as "a wide range of steering and rule-making related functions carried out by governments or decisions-makers, as they seek to achieve national health policy objectives that are conducive to universal health coverage." 45% of Maharashtra's population lives in urban areas. As per the NFHS of 2019-20, infant mortality rate in urban Maharashtra is 22.6 per 1000 live births. 52% women in the reproductive age are anaemic. Only 20% households in urban areas have a member covered with health insurance scheme. Total state health expenditure is only around 3.33% of total government expenditure. To analyse the state of urban health, one must study the organizational framework first.

In Indian constitution, 'Public health and sanitation' is a subject in the state list. Article 21 of the Indian constitution ensures right to health and medical assistance. In Directive Principles of State Policy, Article 47 talks about government's responsibility in raising levels of nutrition and improvement of public health. Mental deficiency, food adulteration, population control & family planning, maternity benefits, medical education, disease control, registration of birth and death form a part of concurrent list. Thus, both state and central government can make laws on these subjects. This creates a scope for conflict in a quasi-federal Indian structure.

Public health services are governed by the Ministry of Health and Family Welfare. Chief Minister is the chairperson of State Health Mission. Below this tier, there is a State Health Society administered by Chief Secretary. Below this tier, there is a State Project Management Unit presided by Mission Director. In Maharashtra, the Ministry is divided into i) Public Health Department, which includes Family Welfare, Medical Relief and ESIS, and ii) Department of Medical Education and Drugs. Both the departments have a i) Minister, ii) Minister of State and iii) their Secretariat. They have technical wings called Directorate of Health and Directorate of Medical Education and Research, respectively.

In Maharashtra, State Health Mission was constituted under the chair of the Chief Minister in 2005. Later in 2013, National Urban Health Mission (NUHM) was constituted in Maharashtra. Around 97 cities in Maharashtra are covered under this mission. It primarily focusses on slum dwellers and other marginalized groups. The centre-state funding pattern for Maharashtra is 60:40. The Programme Implementation Plans are sent by the states to Ministry of Health & Family Welfare for approval. At local level, this mission is implemented through either District Health Society or City Urban Health Mission. Funds are disbursed through the State Government or State Health Society.

Under this mission, Urban Public & Community Health Centres have been strengthened and following units have been established. i. State & City Project Management Units, ii. Urban Health planning cell, iii. Mobile medical units, iv. Nutrition rehabilitation centres, v. District health societies to control Non-Communicable Diseases, vi. Camps for women and commercial sex workers, vii. Mobile Primary Health Care Clinics. Mahila Arogya Samiti and Auxiliary Nurse Midwives have been involved for community mobilization. Many services under National Health Programme or schemes were provided free of cost. Government timely updates service delivery data on online portals like Health Management Information Systems.

State government in collaboration with World Bank (WB) has undertaken 'Health Systems Development Project' to strengthen a referral system and improve secondary hospitals, community health centres, sub-divisional hospitals & district hospitals. It is also important to note some remarkable initiatives undertaken by the state government under National Rural Health Mission. E.g., Maher Ghar scheme, Hirakani room, Palakhi, Pada Swayamsevak, Savitribai Phule Kanya Kalyan Yojana, Naav Sanjeevani Yojana, Matritva Anudan Yojana.

Any public policy faces many challenges in its implementation. Following are some challenges in urban health governance:

i.   Urban areas in Maharashtra like Greater Mumbai, Pune, Amravati, and Nagpur have higher bed population ratio and access to inpatient care services while districts like Beed, Bhandara, Dhule, Ratnagiri, Buldhana, Latur and Kolhapur lag in access to inpatient care services. Still, morbidity and increased mortality due to communicable diseases is high in the urban areas.

ii.   Urban health infrastructure in Maharashtra faces a weak system of public outreach and poor sanitation. Rising medical tourism is pressurizing urban health resources. Preventive healthcare is not adequate in urban areas. Life expectancy at birth in urban areas is less as compared to rural areas.

iii.   In case of Maharashtra, public sector plays a major role in preventive healthcare, in providing immunization, in reproduction related services and inpatient care services. State is well endowed in human resources in the health sector, but the use of public health facilities is declining because of poverty. Public health institutions see a long waiting time and non-availability of doctors & medicines. User-charges are increasing in public health facilities

iv.   In urban areas, there is an increased burden of out-of-pocket expenditures of health care. Urban poor are not able to avail the free service from the private hospitals that are registered as trusts which is mandated by law. Private health providers have shown a bit neglect of minimum physical and clinical standards. There is a rampant irrational drug use.

Along with these governance challenges, we should also study implementation of a few public health policies in urban Maharashtra.

i. Disagreements between civic bodies and state health department has adversely affected the implementation of NUHM. Slow recruitment of human resources and poor reporting of expenditure has led to unsatisfactory progress of this mission. A report states that Urban Local Bodies (ULBs) and district authorities have not carried out periodic reviews of the scheme.

ii. Rajmata Jijau Mother-Child Health and Nutrition Mission has witnessed decline in under nutrition. But it is larger in rural areas than urban areas of Maharashtra.

iii. Rashtriya Swasthya Bima Yojana (RSBY) has witnessed less coverage and utilization in urban Maharashtra as compared with rural Maharashtra. Involvement of commercial insurance companies by bypassing public hospitals has led to high administrative cost. It has also led to unequal competition between former and latter to attract beneficiaries. In various parts of Maharashtra, the state government has replaced RSBY with Rajiv Gandhi Jeevandayi Arogya Yojana (RGJAY). Under RGJAY, people are entitled to more amount. But it does not cover primary healthcare which RSBY used to cover. This has deprived urban poor of primary healthcare.

iv. In COVID-19 pandemic, state government adopted a very innovative methodology of 'break the chain' to contain the spread of the corona virus. Metropolitan areas like Mumbai successfully controlled the spread of pandemic during the 2nd and 3rd wave. However, friction between state and central governments over less availability and price of vaccines, short supply of oxygen and non-optimal use of vaccines becomes a challenging task in urban governance.

In urban areas, forums for health care standards are now being set up for quality management and accreditation. In 2005, state government had undertaken an initiative to bring in a drastically amended 'Medical and Clinical Establishment Act' to regulate quality and minimum standards in health care. Union ministry has proposed 'National health rights act' which provides for health as a fundamental right. Maharashtra has recently formed eight Mental Health Review Boards to ensure that patients don't languish in institutions for a long time. As per state government budget of 2022-23, government is planning 'Indrayani Medicity' near Pune city. Besides, it has proposed setting up telemedicine centres in every district hospital through 'Shiv Arogya Yojana'.

Check your progress Exercise 1

Note: i) Use the space given below for answer

1) What do you understand by urban health governance? Explain a few contemporary challenges in Maharashtra.

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3.3 POLICY FOR WATER SECTOR

Water governance facility defines water governance as "a set of political, social, economic and administrative systems in place that influence water's use and management". Water is a human right as protected in Article 21 of the Indian constitution. 74th amendment included 'Water supply for domestic, industrial and commercial purpose' in functions of ULBs. Water comes under state list (Entry 17) of Indian constitution. Union government can deal with Inter-State rivers if Parliament legislates in public interest, via Entry 56 in the Union List. Under Article 262, in case of disputes relating to waters, Parliament can provide for the adjudication.

'Ministry of Water resources' administer policy and inter-state water sector projects at the Central level. At the state level, 'Department of Water Supply and Sanitation' administers water policy and projects. 'Maharashtra Jeevan Pradhikaran' (MJP) (earlier Maharashtra Water Supply and Sewerage Board: MWSSB) and Groundwater Surveys and Development Agency (GSDA) are accountable to the Department of Water supply and Sanitation. At the local level, projects having irrigable command less than one hundred hectares are managed by ULBs. Central government looks after finance for urban water supplies. ULBs, Department of Irrigation, MJP look after building infrastructure and management of retail water supply. LIC, HUDCO, WB have also financed urban water supply infrastructure in Maharashtra. MJP looks after technical and management functions. MPCB, Department of Health, GSDA are responsible for monitoring and surveillance of quality and quantity of water.

MIDC undertakes development of water works and water supply to a few towns. MWRRA determines tariffs, fix entitlements. It promotes equitable allocation, management, and sustainable utilization of water. Government of Maharashtra has established a separate office of 'Chief auditor of water & irrigation' at Aurangabad. State Water Board finalizes water action plans and monitors its implementation. The action plans are approved by State Water Council which also reviews the progress.

Post 74th constitutional amendment (1992), ULBs did not have many policy making powers in urban water sector. Their finance was limited to their own

revenues & loans and their powers till operations and management. Post 1992, local administration was empowered to levy cess to recover dues and enhance profits. Bonds were issued by MWSSB to finance 'tanker-free Maharashtra scheme.' Sukhtankar committee report (2001) recommended setting up of an urban development fund and a regulatory commission. It focused on techno-economic efficiency issues of the sector & provided for division of MJP into multiple units which can tie up with commercial companies. The Maharashtra development report 2009 also recommended setting up of a 'Water and wastewater regulatory commission'.

Maharashtra State Water Policy (2019) provides for water management through a balanced sectoral allocation, a sustainable approach for mitigating demand-supply gap, augmentation of water availability, water quality management & conservation, appropriate regulatory institutional and legal framework. It is based on two principles propounded in 'Dublin conference' namely Institutional principle & Instrument principle. The water policy also provides for water auditing, water tax & water charges.

In the water sector, various reforms and initiatives have been undertaken by the state in the past few decades. Some of the reforms are mentioned below:

i.   State of Maharashtra is selected for the implementation of 'Atal Bhujal Yojana' of sustainable groundwater management. Hiwre bazaar in Maharashtra has undertaken water-budget based holistic water management.

ii.   Nagpur Municipal Corporation invited Veolia, a private multinational water company to invest its own capital investment. Private sector participation in water supply scheme of Shirpur municipal council was appreciated by MWSSB. However, neglect of state-authorities in regulating the rampant extraction of groundwater & political opposition to raise taxes have affected private participation.

iii. JNNURM introduced 24x7 supply-systems as a norm for designing urban water supply systems, with metered water supply. The mission along with MWSSB undertook special pilot projects in Badlapur and Malkapur to convert intermittent supply schemes into 24x7 supply schemes. It introduced 'user-charges' for water supply as a conditionality for accessing funds. It also proposed rainwater harvesting and recycling of water.

iv.   Government has undertaken various initiatives like 'Jalyukta Shivar Abhiyan', 'Magel Tyala-Shettale', 'Gal Mukta Dharan' and 'Gal Yukta Shivar' to mitigate drought. 'Sujal Nirmal Maharashtra abhiyan' is being implemented to ensure universal access to water supply and sanitation services. Maharashtra is also saving scarce water resources through 'Virtual Water' imports embedded in interstate movement of food grains.

v.   River linking projects like 'Par-Tapi-Narmada Link Project' & 'Damanganga-Pinjal-Link Project' are beneficial to Maharashtra.

Severe water scarcity in the state gives rise to various hurdles. Some of them are listed below:

i.   Water scarcity is severe in Marathwada, Buldhana, Jalna, Akola, Chandrapur, Beed, Parbhani, Hingoli, Usmanabad, Dhule, Jalgaon, Washim. Quality and quantity get affected due to inefficiently managed water supply systems, insufficiency & technical flaws of distribution network, neglect towards conservation of local water-resources. E.g., In Alibag, local municipal council need to integrate elevated storage reservoirs in the already constructed pure water distribution network.

ii. Many urban local bodies have failed to recover costs and collect taxes in water supply management. This is due to political protection to defaulters, non-observance by Municipal employees to send tax-bills and rampant illegal connections. Thus, ULBs have not paid back loans on time. Central government has distributed grants meagrely, which forced a slow completion of the infrastructure building. Many towns in Nagpur, Latur, Navi-Mumbai, Mumbai, Pimpri Chinchwad do not have metering and seem to face severe opposition for metering fearing the raise in water taxes.

iii. Provision of water tankers to parched regions is used as a propaganda tool during pre-election phase. In urban Maharashtra, conjunctive use of surface water and groundwater is less. There are losses in urban distribution network due non-revenue water & transit losses.

iv. Inter-state river water disputes of Maharashtra with Narmada, Krishna, Godavari, Mahadayi have led to loss of water. Allocated quota of water is not often achievable due to lack of maintenance of irrigation projects and urban-rural bias. The gap between irrigation potential created and irrigation potential used is huge.

In the recent past, government has undertaken many innovative mechanisms in this sector. In 2014, the Government of Maharashtra and New South Wales Government, Australia signed a MoU for water related issues. Maharashtra government has received the Best State Award in 2018 for its excellent work in Water Management. Participation of ITC Pvt ltd for project of 'Sunehara kal' for command area development in Pune, Ahmednagar, Sangli & Yavatmal is noteworthy. YASHADA is also making efforts in building capacities of the local body officials. State government has also undertaken e-governance initiatives like 'E-jalhami' and 'pravah' for the benefit of the citizens. River restoration work, river walks, and river parliaments are a few examples of participatory urban governance of water sector in Maharashtra.

Check your progress Exercise 2

Note: i) Use the space given below for answer.

1) Explain the institutional framework of urban water governance in Maharashtra and write a few reforms undertaken in the water sector.

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3.4 TRANSPORT SECTOR

National Transport Development Policy Committee defines Transport System Governance as "a combination of market, political, and administrative processes that define options for transport investment and use; prioritise among these options; implement the plans through law, regulation, community action and other means; and undertake research to measure the impacts of the transport investments and policies and provide feedback for system improvement."

According to the Seventh Schedule (Article 246) of the Indian Constitution, 'urban transport' is in the state list. Urban Transport comes under Ministry of Housing and Urban Affairs. At the state level, it is managed either by the Urban Development Department, Municipal Administration, or by the Transport Ministry. In India, transport policy and governance environment are fragmented between modes and level of government. Infrastructure investment planning, policymaking, regulatory oversight, and financing strategies are scattered across and within levels of government. Similarly, in state of Maharashtra, various entities oversee different modes of transport. Road transport is handled by MSRDC, PWD, MSRTC. Indian Railways oversee suburban and long-distance railway transport. AAI, Reliance Airport Developers Pvt Ltd, MADC operate and administer air transport in Maharashtra. MMB and IWAI administer water transport. Municipal Corporation or Council, Zilla Parishad, Cantonment Board, local development corporations (E.g., PMRDA, CIDCO) are also involved in transport administration.

The Ministry of Urban Development's 'National Urban Transport Policy (NUTP)-2006' recommended that each city of more than a million residents should form a Unified Metropolitan Transport Authority (UMTA). Main function of this authority is to facilitate a dialogue among city and state-level transport agencies. Accordingly, 'Unified Mumbai Metropolitan Transport Authority'(UMMTA) was established in 2008 for Mumbai Metropolitan Region. Similarly, there are ongoing discussions to establish such authority for Pune. In many urban areas in Maharashtra, municipality

carries out all the functions. Thus, unless the structure and functions of this authority are clearly delineated, it can lead to over-governance.

Along with establishment of UMTA, draft of Maharashtra State Urban Transport Policy (SUTP) (2017) provides for a SPV to oversee operations of urban transport projects. The Municipal Corporations are supposed to establish a Sustainable Urban Transport Project cell. This cell will consist of transportation planner, an urban designer, and an environmental planner. This cell will prepare Quick Wins Plans & long-term plan. Cities will create Urban Transport Funds to manage financial resources for the transport system. UMTA can allocate these funds for various projects. All cities with a Municipal Corporation are required to develop a Strategic Mobility Plan, which must be approved by Government of Maharashtra.

Draft of Maharashtra SUTP promotes walking, cycling, public transport & mass rapid transit. It aims to manage the use of personal motor vehicles and goods movement. It encourages transit-oriented development. It focusses on sustainable transport goals like universal accessibility, travel safety & emission control. It aims to implement the idea of 'complete streets' which gives priority to pedestrians first, then to the cyclists and at the end to the heavy commercial vehicles. It plans to undertake initiatives like cycle sharing, BRT systems, multimodal transport hub and a formalized paratransit. Policy provides for development plan and local area plan for land use management and transport.

Maharashtra government has undertaken notable initiatives to expand transport network and to integrate various transport modes. Some of them are as follows:

i.   The annual budget of Maharashtra 2022 emphasizes on expansion of roads under Chief Minister Gram Sadak Yojana & Maharashtra Samruddhi Mahamarg. It also aims to expand metrorail network in urban areas like Pune & air transport in areas like Gadchiroli.

ii.   Central government's ambitious transport projects like Bharatmala, Sagarmala, JNNURM, Smart cities, UDAN and a dedicated East-West freight corridor are beneficial for the state. MMB has started water taxis to connect Mumbai with Navi Mumbai in 2022.

iii.   Gati Shakti Master Plan for multi-modal integration aims at integrated and seamless connectivity for movement of people, goods, and services from one mode of transport to another. Under this project, Mumbai port trust will expand cargo related projects like barging of containers between JNPT & Mumbai, establishing Ro-pax terminal & international cruise terminal.

iv.   In 2002, Government of Maharashtra, Indian Railways & MMRDA with financial assistance from the WB, undertook MUTP to find out long term solution to city's transport and communication issues.

COVID-19 pandemic worst hit transport sector in Maharashtra. Challenges in the background of pandemic and few other are listed below:

i. During Covid-19 pandemic, MSRTC faced huge losses and employee salaries were delayed. Several unions in Maharashtra went for a hunger strike in October 2021 demanding allowance hike, salary increment & merger of the corporation with the state government. This state transport corporation basically is a separate registered entity under 'Section 3' of 'Road Transport Corporations Act, 1950'. Minister of transport is chairperson of the corporation. Thus, compensations and allowances to employees of state-owned corporations are not on par with those that the state government offers to its staffers. This created a deadlock situation.

ii. Transport projects get delayed due to multiple approvals from various departments. E.g., Virar-Alibaug multi-modal corridor project conceptualized in 2008 was stalled for a long time because of approvals from MCZMA, MPCB after being handed over from MMRDA to MSRDC.

iii. MRTS in Maharashtra is not integrated with the paratransit leading to traffic congestion. Integrated ticketing is still due. In Mumbai, UMMTA is only in its advisory capacity to MMRDA and thus lacks executive powers.

We need a statutory and more powerful UMTA in Maharashtra. We can look at successful transport authorities like 'transport for London' in United Kingdom, 'Land transport authority' in Singapore. A statutory UMTA can bring more investments in transport corporations. Tax exemptions are necessary since public transport projects and services attract central and state taxes of up to 15 per cent for rail transit projects and up to 19 per cent on bus operations because these services are treated as business ventures. There is also a need to have a comprehensive Urban Mobility Law for effective governance. This will also accelerate multi-modal integration and would bring more uniformity in the urban transport administration of the state.

Check your progress Exercise 3

Note: i) Use the space given below for your answer.

1) What is a Unified Metropolitan Transport Authority? Also explain its role in urban transport governance of Maharashtra.

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3.5 WASTE MANAGEMENT (SOLID WASTE & SEWERAGE)

Solid waste includes commercial and residential waste generated in municipal or notified areas in either solid or semi-solid form excluding industrial hazardous wastes but including treated bio-medical wastes. Governance of Solid Waste Management (SWM) comprises of policies and institutions in the administration of activities like segregation, storage, collection, relocation, processing, and disposal of waste which is generated by households, communities, and hotels. The guiding principle of solid waste management is 'Reduce, Reuse, Recycle, Recover.'

Before 2000, 'Public Health, Sanitation, conservancy and Solid Waste Management' were listed as obligatory functions of urban local bodies. However, 'to set up farm or factory disposal waste' was discretionary function in municipal laws. Local bodies could only spend 42% of revenue on administrative expenditure. Expenditure had to be incurred from the regular budget of the local bodies and it formed a bulk of it. Before 2000, the process of solid waste management and role of local bodies were vaguely discussed in the legal framework. Fines for non-compliance from the generators of waste were low. Also, there was no benchmarking of service.

Post 2000, 'Municipal Solid Waste (Management & Handling Rules), 2000' were published specifying following changes.

i.   It specified procedures for waste collection, segregation, storage, transportation, processing, and disposal. They provided standards of compost quality, health control, management, and closure of landfills. It gave responsibility on the municipal authorities to organize awareness programmes and adopt proper recycling technologies. It also addressed concerns related to collection & segregation.

ii.   Based on these rules, 'Maharashtra Non-biodegradable Garbage (Control) Ordinance, 2006' was enforced by the Governor of Maharashtra. Under this ordinance, 'Maharashtra Non-Biodegradable solid waste rules, 2006' and 'Maharashtra Plastic Carry Bags (Manufacture and Usage) Rules 2006' were published. As per this ordinance, responsibility of waste management rests on the owners and occupiers of land and building. But it does not address waste collection on pavements, nullahs, slums. The role of the municipal authority is reduced in the ordinance. Unlike before, it talks about involvement by other actors like NGOs, rag pickers in collection. The ordinance is also punitive in nature. The ordinance however does not specify any standards of waste management. It only provides for deposit of non-biodegradable garbage. It does not discuss processing and disposal of biodegradable waste as well.

iii. Post 2000, District Collector was made the competent authority to allocate land for sanitary landfills to ULBs. District Committees comprising of eleven members of various departments were created.

The population per worker for each category of sanitation work was upwardly revised which resulted in reduction of staff. For preparation of DPRs for SWM, resolution of ULB was to be scrutinized by administrative authority which was to be further analyzed by scrutiny committee and verified by high level committee.

iv. In SWM, there are two main approaches, i.e., centralization & decentralization. Centralization is beneficial in megacities and facilitates monitoring of SWM facilities. But they are capital and land intensive & provide less scope for community-based participation. Decentralization saves transport costs and increases segregation. But they are not feasible for projects like Waste to energy.

v. Post 2000, MLA funds (up to ten lakhs) and 12th Finance Commission grants (56.5% on SWM projects) became two new sources of finance. The Directorate of Municipal Administration was denoted as the nodal agency for disbursement of this grant. UIDSSMT & JNNURM are providing substantial grant components for SWM. Under the Swachh Bharat Mission, the Centre had released Rs 200 crore for the SWM for Maharashtra for 2017-18.

SWM rules, 2016 extend beyond municipal area. They specify duties of waste generator, of state Urban Development Department, local authorities, secretaries & of Ministry of Urban Development. They provide for collection & disposal of sanitary waste. They talk about promotion of marketing of compost & waste to energy plant. They also provide standards for waste treatment facility.

Along with these rules, we need to also study a few Challenges in implementation of these rules. They are as follows:

i. Citizen participation in segregation of waste is less. Also, it is ddifficult to identify new landfill site selection & there is a resistance of local citizen for notification of landfill site in their locality.

ii. Out of 70% waste collection, only 12.45% waste is scientifically processed, and rest is disposed in open dumps. There is a lack of suitable infrastructure to treat and dispose waste. Frequency & efficiency in waste collection is less and occupational hazards are more. Recycled products are mostly of inferior quality. The processing of waste, compost is neither compliant with regulatory requirements nor financially competitive. There is currently no profitable market for RDF & composting. Potential customers of compost are often located outside the urban areas.

iii. The expenses for collection and transportation of MSW stands for 80-95% of the total budget. Central grants are inadequate. Tipping fees are low and hence this fails to make SWM business profitable and attractive to investors. Burden of paying the tipping fee currently lies solely on the municipality. Banks are generally unwilling to give loans for investments in new SWM facilities. Thus, municipalities can barely recover operating costs.

State government has also undertaken various notable initiatives in SWM. It has registered its own brand "Harit Maha City Compost" as per SWM Rules 2016. Local bodies in Amravati, Phaltan, Ashta, Islampur have assigned the work of solid waste processing to a private operator while those in Kalyan, Matheran, Kagal are doing solid waste processing through NGOs. Under "Slum Adoption Scheme" by MCGM, local CBOs are provided an honorarium for waste collection and cleaning. Akola Municipal Corporation has given a contract on Build Own Operate basis in 2002 for a period of 20 years for establishment of waste management pilot plant of organic manure. However, contracting out municipal functions has hardly any regulation. In 2003, Ramrao Patil, a contractor-builder in Nashik took loans in the names of conservancy workers from the New Panvel branch of the credit society to finance garbage collection contracts elsewhere in the state.

'Sewerage management' deals with processes that involve collection of the sewage, treating, screening, and disposing them in a way that it will not pose any hazards to man environmentally or health wise. Maharashtra adopted its wastewater reuse policy in 2017. Many policies like AMRUT, Swachh Bharat, Waste to energy programme, National Policy on Fecal Sludge & Septage Management and JNNURM provide for sewage management projects. In Maharashtra, only thirty-two cities have at least a partial conventional underground sewerage system. Hence, the reliance on on-site sanitation systems is very high in state of Maharashtra.

All ULBs are required to adopt mechanical processes for cleaning of pits or septic tank. Central Pollution Control Board is promoting decentralized treatment at the local level using technology based on natural processes. However, O&M are not satisfactory due to lack of proper power supply, lack of skilled workforce and lack of proper sewer lines. There is a lack of adequate infrastructure for fecal sludge treatment in most Municipal councils. Functional treatment plants are less. Zero liquid discharge guidelines were introduced for textile, distilleries, pulp and paper and tanneries by CPCB in 2015. But many treatment plants do not meet the discharge standards prescribed under the Environment (Protection) rules, 1986. Untreated wastewater is still flowing into storm water drains.

In 2008, MoU was signed between Nagpur Municipal Council and MahaGenCo for the supply of 110 MLD treated sewage from Bhandewadi STP to be used in the cooling towers of the thermal power plant located in Koradi. Along with such reuse technique, many resource recovery techniques are also useful to reduce operational costs in wastewater treatment plants. Such initiatives mark a shift from 'take-use-waste' approach to a circular water management. Tariff Policy 2016 also mandates thermal power plants located within 50 km radius of STPs to use treated sewage water.

In the sector of sewerage management, however there is a lack of guidelines, legal framework, regulations, and standards from the Central or State Governments for safe reuse of treated wastewater and sewage sludge. Low-cost recovery, lack of technology and finance, lack of rational pricing

in wastewater management are some of the challenges in sewerage management. There is hardly any enforcement of mandatory postprocessing of sewage sludge and its reuse in agriculture by municipalities.

Check your progress Exercise 4

Note: i) Use the space given below for your answer.

1) Discuss the evolution of solid waste management rules in Maharashtra.

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3.6 CONCLUSION

In 2020, Praja Foundation published 'urban governance reforms report' in which Maharashtra ranked second in terms of good governance. The most recent example of such effective governance is COVID-19 pandemic. In the first wave of the pandemic (2020), state government regulated private healthcare pricing for the larger good of the masses and reclaimed its shrinking role in health governance. However, municipal capabilities still need to be strengthened in governance of a few public utilities as following:

- Governance reforms like water user charges have provoked fear of affordability resulting into protests in ULBs of Latur.

- From among 10 million plus cities in Maharashtra, we need a decisive move to establish statutory UMTA.

- State needs a HRM approach in solid waste management where manual scavenging is still practised in urban areas.

Thus, the state needs to act on devolving funds for a more equitable governance. It also needs to delegate functions for more autonomous decision making at the local level. At the end, it should train functionaries for strict enforcement of rules as mandated under 74th constitutional amendment for empowering local self-governance.

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List of abbreviations

AAI: Airports Authority of India

AMRUT: Atal Mission for Rejuvenation and Urban Transformation

BRT: Bus Rapid Transit

CBO: Community Based Organization

CIDCO: City and Industrial Development Corporation of Maharashtra

CPCB: Central Pollution Control Board

COVID-19: Corona Virus Disease in 2019

DPR: Detailed Project Report

ESIS: Employment State Insurance Scheme

HUDCO: Housing and Urban Development Corporation Ltd

HRM: Human Resource Management

ITC: Imperial Tobacco Company of India Ltd

IWAI: Inland Waterways Authority of India

JNNURM: Jawaharlal Nehru National Urban Renewal Mission

JNPT: Jawaharlal Nehru Port Trust

LIC: Life Insurance Corporation of India

MADC: Maharashtra Airport Development Company

MahaGenCo: Maharashtra State Power Generation Company

MCGM: Municipal Corporation of Greater Mumbai

MCZMA: Maharashtra Coastal Zone Management Authority

MIDC: Maharashtra Industrial Development Corporation

MLA: Member of Legislative Assembly

MLD: Mega Litres per Day

MMRDA: Mumbai Metropolitan Region Development Authority

MMB: Maharashtra Maritime Board

MRTS: Mass Rapid Transit System

MPCB: Maharashtra Pollution Control Board

MSRTC: Maharashtra State Road Transport Corporation

MSRDC: Maharashtra State Road Development Corporation

MUTP: Mumbai Urban Transport Project

MWRRA: Maharashtra Water Resources Regulatory Authority

NFHS: National Family Health Survey

NGO: Non-Governmental Organization

O&M: Operations and Management

PMRDA: Pune Metropolitan Region Development Authority

PWD: Public Works Department

RDF: Refuse Derived Fuel

SPV: Special Purpose Vehicle

STP: Sewage Treatment Plant

UDAN: Ude Desh ka Aam Nagrik

UIDSSMT: Urban Infrastructure Development Scheme for Small and Medium Towns

WHO: World Health Organization

YASHADA: Yashwantrao Chavan Academy of Development Administration

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LAW AND ORDER

Unit Structure:

4.0   Introduction

4.1   Main Concerns

4.2   Role of Police

4.3   Community Policing in India

4.4   Conclusion

4.0 INTRODUCTION:

Maintenance of law and order is the most important and crucial function of the state, as the possible collapse of law and order has the potential to destroy the faith of citizens in its govt. & erode its legitimacy. Extreme poverty, crime, terrorism, communal riots can threaten a country's social fabric, endanger national unity & destroy prospects for economic growth & development.

'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India. It is the primary duty of the State Governments to prevent, detect, register and investigate crime and prosecute the criminals. Central Government, however, supplements the efforts of the State Governments by providing them financial assistance for modernization of their Police Forces in terms of weaponry, communication, equipment, mobility, training and other infrastructure under the Scheme of Modernization of State Police Forces.

4.1. MAIN CONCERNS:

4.1.1. Poverty

Poverty is a state or condition in which a person lacks the resources for a minimum standard of living. Traditionally, the term poverty refers to lacking enough resources to provide the basic necessities of life – food, clean water, shelter and clothing. But modern economists extend the term to include access to health care, education and even transportation.

According to World Bank, Poverty is pronounced deprivation in well-being, and comprises many dimensions. It includes low incomes and the inability to acquire the basic goods and services necessary for survival with dignity. Poverty also encompasses low levels of health and education, poor access to clean water and sanitation, inadequate physical security, lack of voice, and insufficient capacity and opportunity to better one's life.

According to 2011 Census, 21.9% of the population lives below the national poverty line in India.

Poverty is a condition in which people or community lack the financial resources and essentials for securing a minimum standard of life. It means that the livelihood or income from the source of employment is so meagre and insufficient to meet basic human needs.

According to World Bank, Poverty is the deprivation in well-being. It comprises of many dimensions. It consists of low-income level and the incapability to accumulate the fundamental items and services vital for survival with dignity. Poverty additionally encompasses low tiers of health and education, poor access to clean drinking water and sanitation, insufficient physical security and inadequate ability and possibility to improve one's life.

According to the United Nations Organisation (UN), poverty is more than the dearth of money and productive assets to ensure sustainable livelihoods. Its manifestations encompass limited access to schooling and formal education, starvation and malnutrition, social discrimination and exclusion and additionally barring from participation in decision-making process.

Thus, it is fair to comprehend that poverty is a multi-dimensional concept. Traditionally, it referred to lack of basic resources and necessities of life such as clean water, food, clothing and shelter. But today, economists have augmented the dimensions of poverty to include access to education, health and access of opportunity,

What is urban poverty?

Urban poverty is the form of poverty that is distinctly present in the urban areas and the megacities. It is characterized by poor conditions of living, lack of utilities essential for basic standard of living and meagre income levels.

The scale and intensity of poverty is often underestimated by most governmental agencies and global organizations. This is further aggravated by ineffective policies, lack of voice for the poverty-stricken urban dwellers and the insufficient influence on governmental agencies.

We are in what is frequently defined as the "urban century". More than half the population of the world and most of the international economy live in the urban regions. As the world continues to urbanize, in the coming years most of the population rise will be in the urban areas especially in the low- and middle-income countries.

Among this rapid urbanization, India has contributed significantly to the growth pattern and rapid urbanization in Asia. India has demonstrated around 8% growth in GDP during the pre-pandemic years and has targeted to achieve a target of over 9% growth in the future years in pursue of achieving the goal of five trillion economy. In this pursuit of development, Indian cities have and will continue to play a major role. India's urban

population is increasing at a faster rate than its total population. The United Nations-Habitat's World Cities Report 2022 has reported that India's urban population is estimated to stand at 675 million in 2035, the second highest behind China's one billion, growing from 48,30,99,000 in 2020 to 54,27,43,000 in 2025 and 60,73,42,000 in 2030. By 2035, the percentage of population in India at mid-year residing in urban area will be 43.2%. It also reported that the large-scale migration in early stages of COVID-19 from major cities to the countryside was a short-term response and will not alter the trajectory of global urbanization.

As population in urban areas increase, inappropriate policy action can also lead to simultaneous rise in urban poverty. According to the report of the Ministry of Housing and Urban Poverty Alleviation (2001) about 23.5% of urban households are slum dwellers. This percentage had decreased to 17% by 2011 even though the total number of households living in slums had gone up from 10.5 million in 2001 to 13.75 million in 2011.

Manifestations of urban poverty

- Lack of safe, readily available, water supplies

- Lack of access to healthcare, emergency services and policing

- Difficulty accessing government schools

- Poor quality, overcrowded housing

- Locations at high risk of disasters and with risk levels increasing because of climate change.

- Risk of forceful eviction

- Poor provision for sanitation, drainage and solid waste collection

Causes of urban poverty

- Lack of infrastructure in rural areas

- Better employment in mega-cities.

- Urban development can't keep up with the growing numbers of informal settlers

- Shortage of adequate investment in education and skills. Thereby, most of the poor are not able to participate in the emerging employment opportunities

- Lack of basic services like health, sanitation, waste management and skill training

- Lack of affordable housing

- A steep rise in the price of food grains and other essential goods further intensifies deprivation

Challenges in eradication of urban poverty

- The budgetary allocation for slum development is inadequate despite the fact that slums constitute a major deprived section of urban areas

- The natural disasters and forced migration due to climate change induced disasters are bound to accentuate the poverty level in urban areas.

- Lack of convergence among different policies and developmental initiatives

- Lack of empowerment of urban local bodies both, politically and economically.

- Slums are not identified as a special problem that requires undivided attention and special efforts

- Lack of inter-department and inter-governmental convergence to address multi-dimensional nature of poverty

Urban poverty in Maharashtra

Maharashtra is an example of the co-existence of both prosperity and poverty at high levels. The per capita income in Maharashtra at ₹ 114,392 in 2013-14 stands second only to Haryana among all the major states. However, its national per capita income is distinctly lower at ₹ 74,380. Additionally, the poverty rate in the state at 18% and shows sharp urban-rural disparity. While the urban poverty rate at 9%, the rural poverty rate at 24%. Despite high income levels on an average, the state has not managed to provide balanced growth to all its regions.

While it is easy to comprehend that rapid economic growth in Maharashtra especially in the urban-centric sectors of industry and services has resulted in a lower level of urban poverty in the state, the reality is starkly different when taken a closer look at the micro level. About 22% of the total poor population in the state of Maharashtra is from the four main urban centers—Mumbai, Pune, Thane and Nagpur. Of this, more than half are living in Mumbai alone. Suffering from high regional inequality, the overall economic growth and generation of wealth in Maharashtra has led to the relative neglect of its distributional aspects.

Poverty Alleviation Programmes

- Atal Mission for Rejuvenation and Urban Transformation (AMRUT): launched in June 2015 to rejuvenate and transform the city. It aims to –

  o Ensure that each residence has access to a water tap with a reliable supply of water.

  o Increase the amenity value of cities by creating greenery and well-maintained open spaces and reduce pollution.

- Deendayal Antyodaya Yojana (National Urban Livelihoods Mission): Created to improve sustainable livelihood prospects for urban disadvantaged people via skill development.

- Jal Jeevan Mission Urban: To offer universal coverage of water supply to all households through operable taps in all 4,378 statutory towns.

- Light House Projects: Model housing projects that feature homes created with alternate technology that is compatible with the region's geo-climatic and hazard circumstances.

- Members of Parliament Local Area Development Scheme: Its goal is to allow MPs to propose developmental projects in their constituencies, with a focus on the establishment of long-term community assets, based on locally perceived needs.

- Pradhan Mantri Awas Yojana: Launched in June 2015 to promote the concept of "Housing for All."

- National Urban Livelihoods Mission (NULM) – It provides financial help to individuals and groups of urban poor to establish profitable self-employment ventures/micro-enterprises that are tailored to their skills, training, aptitude, and conditions of the area.

4.1.2. Crime

A crime is an act forbidden by law and subjected to punishment. It can also be an omission instead of an act such as the failure to act where the law imposes a duty to act. Traditionally, crimes have been restricted to acts and omissions that harm the interests of others. However, sometimes a legislation can be enacted to criminalize an act or omission because it is damaging to the perpetrator himself, or because the conduct is morally deplorable. Such criminal legislations are known as "victimless" crimes.

Thus, there is a central difference between criminal and civil law. A crime is an offense against public welfare, while a civil wrong is an offense against private interests. While in case of a civil wrong, civil damages are awarded to compensate the victim for harm he has suffered at the injurer's hands, in the case of criminal offence, a punishment is inflicted on the perpetrator to allow the state to vindicate its interest in the common good.

Nature of crime in urban areas

research on urban crime has become concerned mainly with explaining why urban crime rates vary, why some social, economic, and spatial characteristics are correlated with variations in urban crime rates, and how certain crime characteristics of urban places affect individual criminality.

Émile Durkheim (1897), Max Weber (1958), Ferdinand Toennies (1887), and other European sociologists wrote about the changes that occurred as a result of the transition of societies from agrarian and village-based forms to industrial and urban-based ones. They proposed that during rapid social

change, growing and expanding cities would be hotbeds of crime (and experience a number of other problems).

American sociologists shared similar beliefs. Social Darwinists at the turn of the century saw pathology in urban life itself (Wirth; Davis).

In the period between 1920 and World War II, sociologists associated with the University of Chicago began to construct explanations concerning why cities might have higher crime rates than the hinterland. As the population increased in urban areas as a result of unencumbered migration, high industrialization has led to rising unorganized settlements. According to population study reports, the percentage of population that lived in the urban areas in 1950 was 30 percent of world population, it was about 47 percent in 2000. It is estimated that by 2030, 60 percent of the entire world population will be living in the urban areas.

Studies have shown that there is a positive correlation between crime rate and size of cities. Bigger the cities are, higher is the rate of crime in the cities. The types of crimes also differ from rural areas to urban areas. For instance, economic offences are more reported in urban areas than in rural areas.

Legal mechanisms to deal with crime

- The Indian Penal Code, 1860 – The IPC is the criminal code of India. It covers all aspects of crimes in the country and is applicable throughout the nation. It was prepared by the First Law Commission that was chaired by Thomas Babington Macaulay. It is divided into 23 chapters and has 511 sections.

- The Criminal Procedure Code, 1974 – This law deals with the procedural aspect of the criminal laws in India. It was passed by the Indian Parliament on January 25, 1975. It was passed based on the recommendation of the Fifth Law Commission of India's forty-first report.

- The Indian Evidence Act, 1872 – The Act originally passed by the Imperial Legislative Council in 1872 is a set of rules and regulations that governs the admissibility of the evidences in Indian court of law. it came into force on 1 September 1872. It has eleven chapters and 167 sections.

- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) act, 2013 – The Act is based on the guidelines given by the Supreme Court of India in a landmark judgement in the Vishakha and others v. State of Rajasthan in 1997, also known as the Vishakha Guidelines.

- The Juvenile Justice (Care and Protection of Children) Act, 2015 – The Act was introduced to deal with child accused of criminal act.

Crime in Urban Maharashtra

Based on the study of National Crime Records Bureau Report for 2021, following observations on crimes in Urban Maharashtra can be made –

- 174 different types of criminal offences are registered under Indian Penal Code sections every day in Mumbai.

- At least 14 cases of violent crimes such as rape, kidnapping and murder are filed in the city daily.

- In terms of cases registered per lakh population-it denotes the crime rate-Mumbai ranks eleventh

- Crime rose in Mumbai by 27% (63,689 cases) in 2021 from 50,158 in 2020 and 40,684 in 2019.

- Among crimes reported in Mumbai in 2021 were 7,820 cases of theft, 4,899 of forgery, cheating or fraud, 2,282 of rash driving, 1,590 of kidnapping or abduction, 401 of sexual harassment, 386 of death by negligence, 303 of rioting, and 162 of murder.

- Number of IPC cases registered in Maharashtra in 2021 dipping by 6.8% to 3,67,000 cases from 3,94,017 in 2020.

- Mumbai has the highest number of cases within Maharashtra, Nagpur and Pune are placed 6th and 14th

4.1.3. Terrorism

Terrorism has been a threat not only to India's democracy but countries worldwide affecting the rights of people. Terrorism has slammed and affected almost every sphere of human life, be it economic or political or social life.

The term terrorism is very broad and there is no one universally accepted definition of the term. Different people and organisations have come up with their own definition of terrorism.

Generally, the term terrorism indicates a criminal and violent activity performed by an individual or group of individuals or an organisation in order to strike terror among the common people and send messages to the public and governments, to fulfil their agenda.

United Nations has defined terrorism as, any criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for a particular purpose are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them.

Terrorism, in all its form, is the greatest violator of human rights and a direct challenge to law and order in the country. The ruthless, barbaric, inhuman killing of innocent people is carried out by the terrorists with a view not

only to challenge the authority of the Government, but also to put the security and sovereignty of the country in jeopardy.

History of Terrorism in Maharashtra

- Mumbai Bus Bombing, 2002

- Mumbai Bombings, January 2003

- Mumbai Bombings, March 2003

- Mumbai Train Bombings, July 2006

- Malegaon Bombings, 2006

- 2008 Mumbai attacks

- Pune Bombings, 2010

- Mumbai Bombings, 2011 – Opera House, Zaveri Bazaar, Dadar West

- 2012 Pune Bombings – 4 low-intensity bombing attacks

4.1.4. Communal Riots

Communalism as a political philosophy has its roots in the religious and cultural diversity of India. It has been used as a political propaganda tool to create divide, differences and tensions between the communities on the basis of religious and ethnic identity leading to communal hatred and violence.

Communal Riot is a phenomenon where people belonging to two different religious communities mobilise and attacks each other with feelings of hatred and enmity against each other. India has been a victim of communalism since its independence.

Divisive politics, Economic Causes, History of communal riots, politics of appeasements, administrative failures, role of media and social media etc had been the major factor responsible for communal violence in India which has been led to matter of law and order in the country.

What is Communalism?

Communalism can be understood as a sense of loyalty and a strong attachment to one's own community. It is an ideology that lay emphasis on unifying the community, bridging the differences within and unifying the community against other communities. It often promotes orthodoxy, intolerance and separatism in the society. While communalism can lead to increase affinity and love for their community and incentivize efforts for social and economic upliftment of the community, it also emphasizes on separate religious identities wherein instead of inclusive thinking, one tends to promote their own interests.

Nature of Communalism in India

Communalism is a blind allegiance to one's community and culture. It is often used as a tool to mobilize people for or against a certain cause or another community. It is often related to religious fundamentalism.

In India, communalism has flourished among both the Hindu and the Muslim community as each desire to further their own interest. Communalism and the consequent violence has become ingrained in the society. The political leaders have often resorted to communalism and gain political momentum.

Communal leaders promote community-specific interest rather than promotion of the national interest. They preach exclusivist approach by promoting interest of one community and creating a sense of inter-community competition. Extreme form of communalism promote elimination and sometimes genocide of the other communities.

The history of communalism in India can be traced back to the two-nation theory supported by Muhammad Ali Jinnah and V.D. Savarkar. After independence and partition, it was anticipated that communalism will die down. However, communalism has been more or less a permanent feature of the Indian politics.

Causes of communalism

Following are some of the causes that are responsible for constancy of communalism in India–

- Historical factors – The colonial rulers propagated the idea that the two communities Hindus and Muslims are fated to be against each other.

- Disaffection among the youth population due to stagnation in jobs, agriculture, industrial development. It is wrongly channeled by the political leaders to their advantage.

- Separatism and isolation among the minorities.

- Rise of fundamentalist parties

- Revivalist movements among the communities

- Administrative failure and weak law and order

- Lack of inter-personal trust and harmony among the communities

- Media sensationalism and fake news

Major incidents of Communalism in India

- 1961 - Jabalpur riots. Due to economic competition between a Hindu and a Muslim bidi manufacturer.

- 1960s – A series of riots in eastern part of India - Rourkela, Jamshedpur and Ranchi in 1964, 1965 and 1967. These were the places where Hindu refugees from the then East Pakistan were being settled.

- September, 1969 - Riots in Ahmedabad. The cause was the Jan Sangh passing a resolution on Indianisation of Muslims.

- February, 1983 – Violence in Nellie. Due to government's decision to hold the controversial state elections in 1983 in the midst of the Assam Agitation, after Indira Gandhi's decision to give 4 million immigrants from Bangladesh the right to vote.

- October, 1984 - Anti-Sikh riots

- 1985 - Shah Bano controversy and the Babri Masjid-Ram Janmabhoomi controversy intensified communal tensions.

- 1992 Decemebr - Communal violence in the aftermath of Babri Masjid demolition. This was followed by riots in Mumbai, Surat, Ahmadabad, Kanpur, Delhi.

- 2002 – Gujarat. Violence triggered by burning of a train in Godhra.

- May 2006 - Vadodara due to the municipal council's decision to remove the dargah (shrine) of Syed Chishti Rashiduddin, a medieval Sufi saint.

- September, 2013 - Uttar Pradesh. Clashes between the Hindu and Muslim communities in Muzaffarnagar district.

History of Communalism in Urban Maharashtra

According to the government report titled Socio-Economic and Educational Status of Muslims in Maharashtra (2011), Maharashtra had recorded 1,192 communal clashes during the 11-year period from 1998 to 2008, the highest in the country.

Between 1908 and 2009 Mumbai had the maximum Hindu-Muslim riots of all cities and towns in the state. Maharashtra accounted for 10% to 23% of the total incidence of communal riots in India. During 2005-06, when 20% of communal incidents in the country took place in Maharashtra.

Major Communal Riots in Maharashtra –

- Bhiwandi Riots, 1984 – Placement of Saffron flag on mosque

- Bombay Riots, 1989 – Protest against the book The Satanic Verses

- Bombay Riots, 1992 – Protest over demolition of Babri Masjid

- Bombay Riots, 1993 – Ramjanmabhoomi Controversy

- Malegaon riots, 2006 – After the Malegaon bombings

Recent communal incidents in Maharashtra –

- 2014 – Murder of Mohsin Shaikh an IT professional who was killed by a mob while he was on his way home after prayers in Hadapsar. This sparked riots in the state.

- In 2014, 99 cases of communal rioting were registered in Maharashtra out of which eight were from Pune.

- In 2015 - 104 deaths from 80 instances of communal riots took place. This was after a man was killed in Harsul area near Nashik.

- In 2016 - 57 riots and 78 deaths were recorded.

- NCRB Report 2021, Maharashtra has seen 474 instances of communal clashes in seven years.

4.2. ROLE OF POLICE

Introduction

The word 'police' is derived from the Greek word 'polis' meaning the state. The police as such can be understood as the manifestation of the powers of the state. Acting as a coercive arm of the state, they are entrusted with the responsibility of maintaining law and order at the Central, State, District and Sub-District level is urban as well as rural regions.

Mishra and Mohanty (1992) observed that the role and function of police in any country is determined by the nature and the authority of the State.

A regular police system in India was established during the reign of the Mughals. Later, after the rebellion of 1857 against the East India Company, the British introduced changes and reforms in the police system. In 1861 they introduced a Police Act that was enacted to regularize the police system of India.

With the rapid increase in population, urbanisation and industrialisation; the societal problems have become more complex viz. communal violence, agrarian protests, labour and student protests, terrorism. In such situations, policemen are the most visible arms of the government. The police functions as the administrative machinery of the government and is responsible for preserving peace, order, tranquillity, prevent and detect crimes and promote public health, morals and safety.

Important statutes in India with respect to Police

Following are some of the important statutes and laws enacted to govern the constitution, functions and duties of the police in India:

1. The Police Act, 1861- It is the primary statute. It provides for the overall administration of police statewise. The Section 2 of this Act provides that the number of officers that are employed in police shall be decided by the respective state government from time to time and the entire administration and working of police force in a particular state will be in the hands of Director-General of Police. The Section 4 of Police Act further provides that the administration in a district will be in the hands of District Superintendent of Police under the directions of District Magistrate.

2. The Police Act, 1888 - Section 2 of this act provides that the Central Government by notification in the Official Gazette create a special police district embracing parts of two or more States, and give powers to the members of the police force belonging to a State in every part of the said district as given in the notification.

3. The Police Act 1949- This Act provides for administration of police force in Union Territories. According to Section 5, superintendence of police throughout general police district is exercised by Central Government.

4. The Delhi Special Police Establishment Act, 1946 – The act provides for a special police force to be established in Delhi

5. The Model Police Act, 2006- This Act lays down the constitution, appointment, powers, role and responsibilities of police officers.

Role of Police

Section 57 of Model Police Act, 2006, lays down role, functions and duties of the police. The role and functions of the police in general are:

* to uphold and enforce the law impartially

* to protect life, liberty, property, dignity and human rights of the people;

* to promote and preserve public order;

* to protect internal security

* to prevent conflicts and promote amity;

* to prevent and control terrorist activities, breaches of communal harmony, militant activities

* to protect public properties

* to prevent crimes

- to apprehendoffenders, and extend requisite assistance in the prosecution of offenders;

- to create and maintain a feeling of security in the community;

- to collect intelligence relating to matters affecting public peace

- to register complaints brought to them and take prompt follow-up action thereafter

- To take charge, as a police officer on duty, of all unclaimed property and take
  action for their safe custody and disposal

- to register and investigate all cognizable offences coming to their notice
  through complaints or otherwise

- to provide help in situations arising out of natural or man-made disasters

- to aid individual, who are in danger of physical harm to their person or
  property;

Social Roles and Responsibilities of Police include:

- behave with the public with courtesy and decorum, particularly with senior citizens, women, and children

- ensure prompt medical aid, irrespective of medico-legal formalities

- guide and assist members of the public, particularly senior citizen, women,
  children, poor and indigent

- prevent harassment of women and children in public places and public transport,;

- making known to persons in custody of provisions of legal aid schemes available from the Government;

- arrange for legally permissible sustenance and shelter to every person in
  custody

- provide all requisite assistance to victims of crime and of road accidents

- ensure that in all situations the conduct of the police is always governed by impartiality and human rights norms;

- Preserve, promote and protect human rights and interests of weaker sections.

Other roles and responsibilities –

- Maintenance of essential services - When the State Government declares any service to be an essential service, it is the duty of the police to maintain these essential services.

- Enforcement of social legislations.

- Election related duties

- Maintenance of Public record

Key Issues concerning police forces

- The Police Act of 1861 was legislated by the British after 1857 rebellion to ensure efficient administration of police and prevent any future revolts. With changed times and increased complexities, the roles and duties of the police have change from government-centric to people-centric. But the laws that govern police continue to be government-centric.

- Infrastructural lacunas.

- Police-public relations have deteriorated with people perceiving them to be corrupt, unresponsive, inefficient and politically partisan

- Thepolitical control over the police forces has been abused by political executive to influence police personnel and make them serve personal or political interests.

- The psychological burden especially on the lower ranks of police personnel due to verbal abused or inhumane working conditions and non-harmonious work environment has affected their efficiency and their relation with the public.

- Overburdened

- High percentage of vacancies within the police forces

Police Reforms

Given the importance of the police system in any country especially in developing countries like India with complex societal structure, comparatively high incidence of conflicts and complications; the police system are in need of change and reforms to better equip them in ensuring maintenance of law and order. Some of the reforms needed are –

(a) The police force needs to be separated from the hold of the political executives and given a greater degree of autonomy and independence in their functioning.

(b) Police must be provided proper training especially to the lower rank officials who are entrusted with the responsibility of directly engaging with the public.

(c) We need to implement Supreme Court's directions in Prakash Singh case in letter and spirit that the police should be service oriented for the citizens. They should be efficient, scientific and respect human dignity.

(d) Police should have operational freedom to carry out their responsibilities.

(e) They should be given satisfactory working conditions.

(f) At the same time police personnel should be individually held accountable for poor performance or misuse of power/

(g) There is urgent need to fill the vacancies in the police forces.

(h) There is need to improve the infrastructural facilities given to police viz. transport, housing, forensics, etc.

(i) 2006 Supreme Court Directive on Police Reforms

    a. Set up Police Establishment Board to decide on transfers, promotions and postings.

    b. Establish National Security Commission at central level for panel for selection of Chief of Central Police Organisation

    c. DGP should be appointed through a transparent and merit based process

    d. "Law and order" and "investigation" functions of the police should be separated.

    e. Fix two year tenure for DGP.

- Recommendations of the NITI Aayog –

o States should be encouraged to enact The Model Police Act of 2015

o Moving Police and Public Order to the Concurrent List.

o Encourage representation of women in police.

o Speedy disposal of criminal cases against politicians and civil servants to retain public trust.

Conclusion

Since the dawn of time, every society in a civilisation has organisations and systems established to protect the life, liberty and rights of the people. As the complexities in society increased, the organisation developed into what we today know as the modern police system. Prevention of crime and maintenance of public order are the main functions of the police. The police are entrusted with protecting the citizens, enforcing law and order and safeguarding the property. They no longer play the restrictive role but rather are expected to play a positive role in social defence in society with the role of police often linked to social service.

4.3. COMMUNITY POLICING IN INDIA

Introduction

As studied in the previous unit 'Role of Police', it can be comprehended that police personnel are indispensable for any society. They ensure law and order, security, aid in times of disaster management; help the district administration in delivery of services among other services. In light of this, to increase efficiency by improving community-police interface, the concept of community policing has been evolved. It seeks to strengthen the ties between the police and the community thereby increasing the police accountability to the public at large. It is closely related to the concept of democratic policing. It advocates promotion of trust and confidence in the police and facilitation of justice and equality in the society.

About Community Policing

Community policing is policing with active consultation, communication, partnership with the community. It advocates for the police to work together with the community to prevent crime, maintain public order and resolve conflicts to provide better quality of life and security among the public. It requires change in the nature, mode of functioning and role of the police in the society. It seeks to arrange the police system in such way that a significant role is accorded to the community while delineating the functions of the police organisation. It does away with the archaic notion that police can alone reduce crime and improve law and order. It is about bringing forth the citizen in the police and the police in every citizen to ensure safety and prevent disorder in society.

John Agnell had used the work "democratic policing" to describe community policing where he called for a change such that citizens will have a role in deciding how the police show should service in the society. The idea behind the concept is that the police system is supported by the taxes that are paid b the citizens. Hence, the citizens should have a role in determining and deciding how the police service should carry out in functions and governance in a community.

Evolution of the concept

Countries like Germany, England and Singapore were seeking to change and bring forth alternatives to the professional bureaucratic model of police system in their countries in 1970s and 1980s. The concept in United States can be traced back to the nineteenth century. They wanted to reduce the increasing gulf between the people and the police that had isolated the police from society at large thereby breeding scepticism and mistrust.

The primary purpose for the inception of community policing was to have the police forces engage with the communities and build communication channels and stronger relationships between the members of society and the law enforcement personnel. Some of the earliest measures engaged in community policing included foot patrols by the officers through the neighborhoods they serve. With changing societal patterns and

technological development, the law enforcement of the modern era have incorporated the use of social media and community engagement systems to disseminate information with the residents.

Basic Elements

Community policing involves the following primary elements:

- Problem solving

- Engagement and Community partnership

- Organizational changes and decentralization of command

- Increased accountability

Objectives of Community Policing

- Main objective of community policing is to decrease the crime rates

- It aims to improvise public and police partnership.

- Solve the neighborhood issues and problems by restoring law and order and preventing crimes.

- Fostering respect for legal process and eliminate fear of police in society.

- Bringing down crimes against women and weaker sections of the society.

- Ensure proper coordination and communication among various departments and agencies to ensure safety and security of the community.

- Better alternative to bureaucratic model of policing given that the latter limits contact and communication between police and community.

- Facilitating community interest groups to organize themselves into problem solving groups in partnership with the police

- Educating people on their rights and responsibilities with respect to criminal law

Community Policing in India

Community policing in India can be traced back to the ancient times wherein one of the key element of our ancient police system was community orientation and participation. The practice of police organization can be traced back to the Mauryan era in India where specific powers and duties were entrusted to the law enforcement personnel such as the preventive, investigative and prosecuting powers.

During medieval India, the village chief called Mukaddamor Sarpanch performed the functions of a police officer and was entrusted with duty of maintaining law and order with the help of village community. The Muhasilor Gumastha at upper levels who were representatives of Fauzdar, Khwaza and Musarif also used to help the community policing.

However policing became secondary during the Sultanate and Mughal era and the primary concerns of the government forces were turned more militaristic and some were redirected towards the function of collection of revenue. The provinces were put under the supervision of hereditary Subedars who had the responsibility of administration including implementation of criminal justice and maintenance of law and order.

The provinces in medieval era were further divided into Sarkars which can be roughly equated to the districts of present times and Fauzdars were appointed in these Sarkars who was responsible for law, order and suppression of crime and rebellions. Further village watchmen or Chowkidars were also employed by the village community to assist in safety, security and maintenance of law and order. In medieval urban areas, the Kotwal was the chief of the city police.

During British era, community policing had lost its relevance. As per the changed made by Lord Cornwallis the function of maintenance of law and order were passed into the hands of Zamindars. Moreover a uniform police system was established with a Darogah in every district who was in turn made responsible to the district judges..

After independence, with adoption of a federal system of governance, the law and order was made a state subject. With this some states attempted to implement the community policing. For instance, the Village Resistance Group was introduced by the West Bengal government to deal with dacoits in the rural areas. Gram Rakshak Dal was established in Gujarat and Maharashtra while Karnataka enacted the *Karnataka Village Defense Parties Act* of 1964, with aim to establish community policing.

Other prominent community policing initiatives in various parts of the country:

- Parivar Paramarsh Kendra, Raigarh district, Madhya Pradesh.

- Janamaithri Suraksha Padhathi, Kerala

- Gram/Nagar Raksha Samiti in Rajnandgaon, Chhattisgarh.

- Friends of Police Movement (FOP), Ramnad district, Tamil Nadu.

- Mohalla Committee Movement trust established in Mumbai to address issues concerning the community such as concerns relating to health, education, environmental issues, issues related to communal harmony etc

- Community Liaison Groups in Uttarakhand.

- Joint Patrolling Committees: Rajasthan

- Meira Paibi: Manipur

- Community Policing Project: West Bengal

- Maithri: Andhra Pradesh

Community Policing in Maharashtra

Maharashtra policing has set up various initiatives to increase the participation of community in policing work. Following are some the initiatives taken in pursuit of this –

- MohollaEkata Committee

- Gram Suraksha Dal

Benefits of Community Policing

- Improved community initiative and response for crime prevention and conflict resolution

- Enhanced community support for policing efforts

- Improved sense of voluntarism in the community to solve common problems through collective approaches

- Improved public safety and sense of security in the community

- Paves way for work satisfaction

- Better flow of information between police and community.

- Improved law abiding nature in the community

- Improved immediate environment.

- Enhanced trust, improved credibility and image of the police

- Easy detection of crimes and effective patrolling

- Reduced fear of crime

- Decrease in police citizen conflict

- Creation of positive attitude towards police

- Improved police-community relationship

- Empowerment of communities and redressal of their grievances.

Challenges in implementation of Community Policing

- Poor perception and public image of the police force among the common people.

- Difficulties in delineating the "community". Question of what constitutes a community and its size.

- Poor coordination among actors.

- Poor customer service and grievance redressal mechanisms within the police force.

- Insufficient strategic planning.

- Poor storage of knowledge and little lessons learning.

- Lack of proper evaluation.

- Inadequate funding.

4.4 CONCLUSION

To ensure the success of community policing, it is necessary to develop awareness among the community about the practice of community policing which can be achieved through awareness campaigns and outreach programs within communities. Community meetings on community policing can be conducted periodically to involve community members in community policing activities and initiatives, as well as, print and electronic media can be used to maximise dissemination of information by distribution of pamphlets containing information on community policing as well as using TV and radio talk shows. There is also a need for continued capacity building programs by conducting workshops and training on community roles and responsibilities among the law enforcement personnel.

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