

# Urban Governance and Right to the City

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The right to the city means more than just access to its resources. It suggests that people, particularly the marginalised, not only have the right to inhabit a city, but also the right to design, reshape and transform it. An analysis of urban governance in our country keeping in mind this overlooked human right.

*Every city is a city of the rich and city of the poor.*

—Plato

Urban governance is a relatively neglected area in governance studies in India. From the point of view of citizenship and rights, it is even less studied. In the following article, we discuss the urban governance issues from the point of view of the concept of the right to the city. In the Indian context, there is some urgency to emphasise this concept, as in many states of the country, the constitutional provisions in regard to urban governance have been inadequately implemented. The right to the city means provision of basic shelter, drinking water, sanitation, and myriad other basic urban facilities, in addition to the larger need to transform the city into a citizen-friendly space. In urban studies, governance has received the least importance, and the existing discussion is limited to governance in metropolitan cities. But there is need to apply the “right to the city” concept to cities at all levels. This article attempts to elucidate this concept and highlight its significance in context of India’s bustling and burgeoning cities.

According to the 2011 Census, there are 377 million urban people in India, who account for 31.6% of the country’s total population (Shaw 2012). India’s 8,000 cities together contributed 62%–63% of the gross domestic product (GDP) in 2007, and this is expected to go up to 75% by 2021 (Zerah et al 2011). In 2011, the number of cities with a population of one million or more was 53, and people living in them accounted for 43% of the total urban population of India. With more and more people migrating to urban areas, questions are being raised regarding the position of the marginalised and their right to the city.

Urbanisation in the country so far has largely been “exclusionary” (Kundu 2003, 2011), where poor migrants from the

rural areas are less welcome, where cities have been captured by the local elite, and urban development is skewed towards big cities and mega urban agglomerations. Another important aspect of this urbanisation has been the poor implementation of urban decentralisation laws. Cities are crowded with migrants, resulting in informal economies, crime, and congestion, causing cities to become dysfunctional.

The elite capture results in the “gentrification of cities,” and urban governance and policies reflect only the concerns of the gentrified part of the city (Shaw 2012). When urbanisation is skewed towards big cities, the small cities and towns suffer serious neglect. The urbanisation process in India is largely governed by the 74th Constitutional Amendment Act, enacted in 1993. However, most studies on urban governance have indicated that the act is largely ignored in practice. This is due to the reluctance of state governments to implement the law, and as a consequence, urban planning, participation, and urban citizenship have been adversely affected.

The non-implementation of 74th Constitutional Amendment Act is particularly glaring in small districts and lower tier cities, where planning and governance is largely bureaucratic and oriented towards the “commissioner system” (Vaddiraju 2013; Zerah et al 2011). Elected representatives are largely dominated by the bureaucracy. In larger cities, the problem is that of coordination between multiple governance bodies and absence of a metropolitan planning committee (MPC) in addition to the inadequate implementation of community participation law (CPL). In both cases, the practice of urban citizenship is largely nominal and limited to voting and at best to juridical litigation. Participation of citizens, particularly in local and urban governance is minimal.

## A Moral Right

In the above context, a discussion on the concept of “right to the city” makes eminent sense. The concept was forwarded by the French social scientist Henri Lefebvre in his book *Right to the City*, written in 1968. The concept

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is used in the context of practice of urban citizenship, governance, and social and political participation. The right to the city is a moral right and has not yet become a juridical right. The concept provides us a lens to view urban governance problems from a fresh perspective. It means the right to reclaim public spaces, public participation in the city, and, more importantly, right to housing and basic amenities. The right signals a fundamentally different approach to the city which is bottoms-up and citizen-centric.

It draws attention to the private and corporate takeover of public spaces. The right also refers to the fact that not only gentrification, but informalisation of the city poor and immigrants also need to be taken seriously. It is both a collective right and an individual right and focuses on enhanced participation in the existing governance structures and expands the scope of democratic participation and deliberation. The right to the city emphasises on the right to habitation

and housing, especially in the face of top-down bureaucratic beautification of cities, which often leads to the dismantling of slums and informal habitation settlements.

In the current context, an excessive focus on managerial governance and technocratic governance and top-down approaches make the right to the city difficult to realise. Further, non-implementation of existing laws for the practice of citizenship such as the creation of ward *sabha*, district planning committee (DPC), and MPC, and poor implementation of CPL also makes the right to the city difficult to realise. Another major threat to this right is the emergence of “land mafias” and “builder lobbies,” who are often patronised by politicians, in all big and even in smaller cities,

**Rights of the Marginalised**

What are the implications of the right to the city concept for urban governance? The right calls for a renewed focus on the rights of the marginalised in the city

and on the expansion of boundaries of urban local governance and citizenship practices. It lays stress on the provision of affordable public housing and basic amenities in the cities such as drinking water, garbage removal, and sanitation. It requires a better implementation of existing laws to improve urban governance via enhanced public participation extending beyond periodic voting, which the urban middle class and upper classes often do not do. The first step towards realisation of the right to the city is proper and effective implementation of the provisions of 74th Constitutional Amendment Act, which the civil society is anyway active in demanding. It implies devolving all resources, personnel and functions to elected local bodies, going beyond top-down governance.

Over and above, the right to city means nothing less than individual and collective determination of the present and future of the city and its spaces. In that it implies the transformation of formal, legal citizenship into substantive

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citizenship and also extends the boundaries of formal citizenship in the city to new entrants. In order to achieve this transformation, some specific issues need to be considered. These are democratic urban governance; women's right to the city and citizenship; caste and class; minorities; urban citizenship; migrants' right to the city; urban spatial exclusion; urban land rights; forced eviction of slums; water and sanitation; urban health-care; and urban transportation. Hence, the right to the city goes beyond the implementation of 74th Constitutional Amendment Act.

Most of the above listed issues have a deep bearing on the governance of cities. Some of the issues involved are structural such as class and caste divisions, gated communities in cities and so on. Some of the issues are social, but politically sensitive such as religious diversity and issues of minority ghettoisation and increasing incidences of communal rioting in cities. Some of the issues require social, attitudinal and policy changes, for example, gender, wherein the city is seen as "city of men" and not particularly friendly towards women. Women have unequal access to city spaces and their safety is a major concern.

### Some Recommendations

For people, particularly the marginalised, to enjoy the right to the city some steps need to be taken. Urban planning should incorporate mixed land use, promote hawkers and night markets, improve infrastructural facilities such as accessibility to public toilets, street lighting and public transport in cities. In terms of urban governance, "more women-friendly police" or more policewomen on the streets are required. Public spaces such as parks should be made safe for women. Also, women need to play a greater role in urban planning and development.

Inadequate and poor quality of water supply is a huge issue. Women bear most of the burden of inadequate water provision. The right to clean drinking water is a universal human right recognised by the United Nations and India is signatory to this. The problem of poor sanitation is another major issue and should be

addressed on a priority basis. Only 63% of urban population have access to sanitation facilities. Sanitation is closely linked to hygiene, public and individual health, and gender issues. Adequate provision of these two facilities is a major governance challenge

The National Urban Transport Policy, 2006 seeks to make cities more pedestrian and bicycle friendly. But the policy has not been implemented in its true spirit. The focus on urban transportation presently is on improving mobility of residents and not their accessibility to public transport facilities. When mobility is prioritised over accessibility, the transport needs of private and upper and upper-middle class people takes precedence over transport needs of the poor. The poor and marginalised who live in the city often do not own private vehicles and are excluded from the urban transport policy. The widening of roads and the shrinking of footpaths make way for more and more private automobiles, thereby reducing the city space for pedestrians and bicyclists.

The introduction of metro rail systems in major cities across the country is not seen as a viable measure by the transport experts to meet the growing need for public transport. The scholars prefer the Bus Rapid Transit System (BRTS), which is surface-based and can reach poorer as well as richer areas of the city. Overall, the metro is seen as one single fallacious solution to the diverse transport needs of people. The future challenge lies in making public transport facilities accessible to all. But the experience so far has been to prioritise transport requirements of the rich over those of the poor.

Internal migration in India for employment purposes, often from poor rural areas to urban areas, is said to be around 52% of the total migration. Migrants' right to the city is important in the sense that they actually benefit the city by bringing in new skills, cheap labour and a willingness to work at low wages. Migrants in most cities are often the ones who subsidise the rich in their lifestyles. Their right to the city is particularly important because they are very vulnerable and subject to ethnic and linguistic

prejudice, discrimination by the law enforcement agencies, and often to violence. They have a constitutional right to settle anywhere in the country and the entitlement to the city is part of this right. Thus both poor and not so poor migrants benefit the city as much as they benefit from the city. Therefore, the right of migrant to the city should be taken seriously in city planning, policy as well as governance.

Thus, as can be seen from the foregoing discussion, the right to the city goes beyond formal issues of governance. The right to the city concept in fact raises questions as to how the urban governance and planning policies are framed, who is framing them, and what is the role of the poor, marginalised, and excluded in the framing of the above. Though the concept goes beyond the 74th Constitutional Amendment Act, the act is the first step towards ensuring participation of the people. In Lefebvre's words, the right to the city means "transforming the city spaces according to one's heart's desire," nothing less. The rich and powerful succeed in achieving this. But what about the poor?

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