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Housing Rights and Decent Work in Maharashtra's Cities

Making SDGs work for the Urban Poor

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HOUSING RIGHTS AND DECENT WORK IN MAHARASHTRA'S CITIES: MAKING SDGs WORK FOR THE URBAN POOR

Abstract

The sustainable development goals (SDGs) offer an opportunity for subnational and national governments to address the growing vulnerabilities of urban poor communities. This paper explores patterns of urban governance in Maharashtra and identifies key challenges linked to informal housing and informal work vis-à-vis the overall ethos of the SDGs. Through an emphasis on the heightened need for inclusive urbanism in the aftermath of the COVID-19 pandemic, this paper draws attention to a few fundamental changes that are necessary for the achievement of the 2030 agenda in its intended spirit. These include advancing government-led action to i. Ensure land and tenure security while addressing the housing question; ii. Enable greater access to social security for informal workers living in cities.

Introduction

I. Urban Inequalities

Unequal realities are increasingly being recognised as a central feature of urbanisation. On the one hand, the changing global political economy is cementing the idea of the city as a space for hope and opportunity. In sharp contrast, however, the neo-liberal restructuring of urban spaces creates major barriers for rights-based approaches to development. The needs of global forces are being translated through smart cities, city beautification, gardens, road widening and an imagination of an Indian city that finds no place for its makers (YUVA, 2016).

In 2020, Oxfam reported that the top 10% of the Indian population holds 77% of the total national wealth. Furthermore, 73% of the wealth generated in 2017 went to the richest 1%, while 67 million Indians who comprise the poorest half of the population saw only a 1% increase in their wealth (Oxfam, 2020). In Indian cities, the urban poor's experience of inequality is not limited to large gaps in wealth - it extends to a severe lack of access to adequate housing, basic services, decent work, social security and much more.

Globally, about 1 billion people live in informal settlements; this number could reach 3 billion by 2050 (UN Statistics, 2019). Meanwhile, 90 percent of India's workforce is employed in the informal sector and despite having the highest GDP as compared to other states in India, Maharashtra's poverty rates remain close to the national average (Sengupta, Jha, 2020). According to the 2011 census, Maharashtra had 364,254 informal settlements (Census, 2011), making it a focal point for extensive research and advocacy linked to urban informality.

II. Sustainable Development Goals and urban governance in India

In 2015, when the Sustainable Development Goals (SDGs) were introduced, they were based on a recognition that the achievement of Agenda 2030 was highly linked to the elimination of the urban poor's vulnerabilities. India committed to adopting a national development plan that would align with the SDGs and also signed the New Urban Development Agenda, which offered a clear pathway for global cities to leave no one behind. These global agreements were highly interlinked in their approach towards advancing decent work and building sustainable cities. As

explained in UNDP's handbook on SDGs, "an important part of economic growth is that people have jobs that pay enough to support themselves and their families" and "to make cities sustainable for all, we can create good, affordable public housing. We can upgrade slum settlements. We can invest in public transport, create green spaces, and get a broader range of people involved in urban planning decisions. That way, we can keep the things we love about cities, and change the things we don't." With global and national-level indicators that focus on the proportion of people living in informal housing settlements and rates of labor force participation, SDG 11 and SDG 8 prioritize key aspects of urban challenges. Additionally, SDG 1 (no poverty), SDG 2 (Zero Hunger), SDG 6 (Clean Water) and SDG 10 (Reduced Inequalities) also play a critical role in responding to the challenges of the urban poor. The SDGs were designed to ensure that issues aren't addressed in silos. Instead, they offered an integrated approach towards understanding the complex vulnerabilities of people who are left behind.

Accordingly, the government of India introduced several schemes that are aligned with the achievement of SDGs. These include the Atal Mission for Rejuvenation and Urban Transformation (AMRUT); Pradhan Mantri Awas Yojana (PMAY) - Housing for All (Urban); Smart Cities Mission (SCM) and the Swachh Bharat Mission (SBM). Though the SDGs are globally agreed upon and being nationally adopted, the success of Agenda 2030 lies in the extent to which they are adapted to address local realities. In India, the 74th Amendment of 1993, based on the principles of a participatory democracy, mandated the devolution of powers to Urban Local Bodies (ULBs) or city governments as the lowest unit of governance in cities and towns, thereby providing the perfect backdrop for the localization of global goals. However, as stated by the Ministry of Housing and Urban Affairs in 2020, "The 74th amendment has brought about decentralization in letter, but not in spirit. There is increasing dependency on grants (from 44 percent in 2007-08 to 51 percent in 2017-18 of ULB's revenue share), due to limited fiscal and financial autonomy of ULBs. Weak institutional and financial capacities of ULBs and other parastatal agencies is affecting service delivery."

The limitations of ULBs in centering the needs of those most left behind was recently illustrated through the impact of the COVID-19 pandemic. The global crisis had devastating implications for the lives of the urban poor who were already living without access to adequate habitats and livelihoods. Meanwhile, the government's relief efforts, though necessary, remained overtly inadequate.

Purpose of the paper

This paper situates itself at the current COVID-19 moment in the story of urban Maharashtra. It identifies key patterns in local governance and explores the urban poor's challenges linked to informal housing and informal work vis-à-vis the overall ethos of the SDGs. It concludes by

addressing the way forward towards ensuring that the global goals remain responsive to the needs of those who are most at risk of being left behind.

Limitations of Urban Planning and Governance in Maharashtra

Some of the key patterns and limitations of contemporary approaches to urban governance and planning include:

I. Performative Decentralization

Though the 74th Amendment is acclaimed for its commitment to restoring community development through local governance, the lived meaning of decentralized governance is yet to be seen. Localizing the awareness and impact of SDGs heavily depends upon urban local bodies and state governments working together to ensure that cities are serving the needs of vast populations living on the margins. However, as Amita Bhide argues through an observation of the implementation of housing and basic services projects in Maharashtra, particularly in the Mumbai Metropolitan region in 2017, "the emerging structure of governance appears to be more centralized than ever. It is a structure where local governments will perhaps be key service providers but under directives of several other institutions. The autonomy of the local governments (town and city-level) is being lost while central government, state government, parastatals have all emerged as more powerful and resourced in this emergent paradigm." She further states that "local bodies have been reduced to vehicles by which state politicians bring projects to the particular towns and to the executors and bearers of impacts of these reforms and projects." Since the urban poor are most directly in contact with their local corporators and similar local level authorities, this shift towards top-down governance models in the name of decentralization further impedes the scope for marginalized communities to experience their needs being centered in public programs.

With a view to strengthen localization efforts through decentralized governance, it is critical for the state of Maharashtra to invest in community participation processes and create robust public platforms for people to hold nodal agencies accountable. Additionally, increased awareness of the SDGs is essential for people to participate in program planning and impact evaluation processes. Bottom-up approaches to collecting disaggregated data with lower margins of error and more qualitative accounts of the urban poor's challenges and aspirations can serve as building blocks to dehomogenize their struggles and identities. Subsequently, such efforts can contribute towards ensuring that the government is painting an authentic picture of progress on programs and policies linked to the SDGs.

II. Exclusion of the most vulnerable

While attempting to understand the urban poor's discomfort and resistance towards projects that completely reimagine the city without first addressing the basic needs of the people who are most left behind, some critical questions come to the forefront: Has the government thought about 'who' will be inhabiting the utopian cities of the future? Who will be most impacted by the redevelopment and reorganization of urban spaces and how? Have the needs of the most marginalized people such as migrants, women, gender minorities and people from oppressed tribes and castes been accounted for while making sweeping promises about the future of the Indian city? In almost all cases, the answer points to the fact that the diverse challenges of the urban poor are regularly overlooked and invisibilized within contemporary approaches to restructuring and reimagining cities.

The government's 100 smart cities project perfectly captures this increasingly normative and technocratic approach to urban development. Arguably, the introduction of smart cities offers potential opportunities for economic growth, more industrialization and innovation as well as a better quality of life. However, these cities will not be sustainable, inclusive or equitable (as stated in SDG 11) unless the needs of those most at risk of facing the negative impacts of displacement or further marginalization are addressed as a matter of utmost priority. As explained by Annapurna Shaw in 2018, "the larger the sizes of the corridors and cities, the greater will be the need for land, and the possibility of loss of homes and livelihood disruption of the pre-existing population. If the latter cannot be absorbed in the dynamic new economy of the emerging corridors, they will be relegated to subsisting in a 'need economy' of minimal living standards and left out of the benefits of the expected upturn in economic growth. Focusing on the upgrading of pre-existing towns and cities along with creating new smart cities from scratch could minimize some of the adverse effects." These risks are not merely theoretical. They have already been realized through a rise in forced evictions, anti-hawker and anti-vendor policies and its resulting uneven development and complete negation of existing land laws and worker protection laws that respond to the nature of informality in India's cities (Bhide, 2017).

III. Privatization of basic services

The policy debate around informality is replete with terms, such as, encroachment, irregular, unauthorized, illegal and unplanned (Bhide, 2015). The resulting neo-liberal approach to urbanization prioritizes market-driven demands over the needs of the people who inhabit these cities. As a result, unaffordable solutions that privatize people's access to their fundamental rights and entitlements have become normative. Most people (outside of the small formal sector) remain dependent on family, community, agriculture and the informal economy for income, livelihood and social protection to cope with life course risks and economic downturns. They also rely on expensive private healthcare and education due to inadequate public services (Sengupta, Jha, 2020). In the corporatized state, everything that is owed to its inhabitants is made available to them through new systems that are significantly more advantageous to those who can pay for their most basic rights.

In the context of smart cities, water and sanitation remains at risk of being privatized. Meanwhile, the design of the governance body of smart cities makes it clear that the urban agenda is being adapted to run cities like businesses. The Special Purpose Vehicles of the Smart Cities program are private limited companies through which the project is being implemented (Residents Watch, 2020). This means that top-down, one-size fits all models that don't address pre-existing inequalities and the heterogenous struggles of marginalized communities will further contribute to making cities unlivable for the poorest of the poor. Privatization of basic services will mean that access to transportation, housing, fair wages, decent work, education, nutrition, health services, environmental justice and inclusive habitats will be offered to the urban poor - but with an attached price tag.

Thus, the onus of ensuring access to human rights is increasingly being placed on communities living on the margins instead of the state. Furthermore, the negative perceptions of the welfare economy held by the urban elite in an increasingly desensitized and capitalistic society creates major roadblocks for communities that advocate for their right to housing, basic services and decent work. At this point, drawing linkages between the SDGs and local realities can play a pivotal role in advancing community-led action for cities that are democratic and equity-focused.

Lived experiences of informality

The status of Maharashtra's urban poor is already characterized by extreme vulnerability to internal displacement, disasters, human rights violations and the constant fear of being silenced or left behind. The COVID-19 crisis and the ensuing humanitarian crisis that hit India's urban poor served to further demonstrate this.

I. Housing Inequalities and the logic of legality

SDG 11, which focuses on sustainable cities and communities, aims to make cities sustainable, safe, inclusive and resilient. However, a glimpse into the long legacies of housing struggles experienced by the urban poor living across Maharashtra's 30 cities with notified slums (see Bhide, 2015) makes it clear that the state has a long way to go towards achieving this goal. As a reflection of asymmetrical social reality, the experiences of people living in informal settlements lays bare the inequitable experiences in accessing housing and essential services (YUVA, 2016). Whether in notified slums that are legally recognized or non-notified slums that continue their struggle to acquire a 'legal' status, the urban poor live with a constant experience of being the most unheard and unseen residents of the city. This erasure of people's unequal realities is extended to people living on streets, footpaths or public spaces (the homeless), those living in semi-permanent structures on footpaths (pavement dwellers), those evicted without any rehabilitation options and hence living in situations akin to the homeless, those living in slums (notified and non-notified) with varied housing conditions ranging from adequate to completely inadequate, those living in rehabilitation and resettlement (R&R) colonies, in gaothans (urban villages), adivasi padas (tribal hamlets) and those living at places of work (markets, construction sites, and work sites) (YUVA, 2020) in cities like Mumbai, Pune, Nashik and Nagpur. It also includes those living in *haddawadh* layouts and *gunthewari* settlements (see Bhide, 2015) that are formed through the conversion of rural land in smaller cities across the Sangli and Vidarbha regions. The divide between notified slums (recognised by the government) and non-notified slums (that lack recognition) is visible in terms of the severity of deprivation noticed in the latter. Settlements which are non-notified, where people lack security of tenure, are less likely to receive municipal services and access to government schemes and carry the tag of illegality with them (YUVA, 2016).

The relationship between slum status (legal versus illegal), access to basic amenities, and entitlements is elaborated upon as follows:

> *Once a slum is "declared" (as legal), through processes that include proving that it existed before the cutoff date, its residents are in theory entitled to receive formal municipal water and electricity services, as well as rehabilitation in case of eviction. Yet the services that accompany "declaration" are not instantaneous or even wholly assured. These entitlements, including postal service, water, electricity, toilets, and drainage, are provided very slowly. Ultimately, declaration is consolidated by politicians with connections to the municipal administration, so securing the entitlements of declaration depends in part on election cycles as well* (Anand, Rademacher, 2011).

Despite the past nine years that were characterized by countless modifications to housing policies, renewed global commitments to sustainable cities and a change in central leadership, the precariousness and uncertainty experienced by the urban poor living within informal housing settlements remains intact. Given the vulnerabilities of the urban poor who often cannot make claims to their citizenship and associated entitlements until they are needed as voters, the implementation of such didactic housing policies normalizes the constant fear of forced evictions (especially for those who don't meet arbitrary cut-off dates). Meanwhile the urban poor continue to live on the margins with severe challenges of access to safe drinking water, lack of water supply in toilets, ineffective drainage systems and inadequate solid waste management services while the state is declared Open Defecation Free (ODF) and congratulated by the global community for its successful delivery on the Swachh Bharat Abhiyaan. During the COVID-19 crisis, this challenge of lack of access to clean water and toilets was magnified for many. As illustrated through pandemic-related lived experiences captured in a recent study by YUVA in 2020, "For Nawaz, living in a slum in Mandala in Mumbai's Eastern Suburbs, water was very expensive. Every day we pay 50 rupees for water which makes it 1,500 rupees per month."

The politics of housing insecurity and denial of basic services in Mumbai can best be understood through the following articulation of the arbitrary nature of neo-liberal housing policies and their influence on the urban poor's scope for collective resistance:

> *magical dates determining their entitlement have been altered several times to accommodate the political pressures as a part of the vote bank politics concerning more than half of the city's population. By bringing a cut-off date in the policy, government practiced old strategy of divide and rule by fixing entitlement for few and leaving out the others. It adversely impacted the housing rights movement in the city by fragmenting the*

community into those who are entitled and those who are not. However, such analysis is the prisoner of governmentality where state decides about the legality and illegality of people's right to movement and settle, a fundamental right under the constitution of India. (Jha, 2011)

Thus, discriminatory housing policies disempower those who are already left behind and create deep divisions within communities by pitting those who have access to 'legal' status against those who will not be deemed eligible for resettlement and rehabilitation. Most importantly, these housing policies, inadvertently creating a sense of misplaced gratitude among the urban poor towards a state that occasionally chooses not to implement laws that permit forced evictions, shifts the focus of the housing debate entirely. Questions of 'eligibility' take over dominant discussions and a rights based approach to safe, adequate and inclusive housing faces the risk of being entirely sidestepped.

Even during the COVID-19 crisis, the pitfalls of unaffordable housing and fears of forced evictions remained intact. As explained in a study by YUVA in 2020, "Many living on rent found themselves unable to, yet forced to pay rent. The homeless and renters were not only prone to being evicted, but also excluded from entitlements and relief because of lack of residential proof."

Knowledge of SDG 11 at the community-level can play a crucial role in ensuring that people's awareness of their right to housing and right to basic services is embedded in their self-understanding. A shared commitment towards strengthening accountability processes for the protection and preservation of the fundamental rights of those most left behind can fuel transformative action for the localization of the SDGs, ultimately altering the lived realities of the urban poor.

II. Informal Workers, Migration and the Impact of the pandemic

The workers engaged in the urban informal workforce form the bulk of the urban poor and they face the lack of housing and shelter, water, sanitation, health, education, social security and livelihood (Jha, 2011). The everyday challenges of informality clearly highlight the need to adopt an integrated approach towards leveraging the SDGs for the advancement of the urban poor. SDG 8 focuses on ensuring access to decent work for all and is highly interlinked with SDG 11 (sustainable cities), SDG 6 (clean water), SDG 3 (health), SDG 4 (education) and SDG 10 (reduced inequalities).

A large number of people living in informal settlements constitute interstate and intrastate migrant workers who move from rural areas to cities in search of better economic opportunities.

Three million people migrated for work from Bihar and Uttar Pradesh to prosperous states like Maharashtra and Punjab in the 1990s (Sengupta, Jha, 2020). Migration was viewed as evidence of ‘economic potential’, migrant preference and pre-condition for national prosperity by the World Bank that advised the governments to facilitate ‘labour mobility’ (YUVA, 2020). However, can cities thrive and grow when such a large majority of its inhabitants are made to live in subhuman conditions with promises of progress that depend upon the invisibilization of the urban poor’s needs?

When the pandemic first hit urban areas in Maharashtra, images of thousands of migrants walking by foot to their villages flooded the media. With no access to livelihoods to survive life in the city, lack of adequate transportation to reach their villages, and with only four hours to prepare for the impact of an indefinite lockdown after a sudden announcement by the nation’s Prime Minister, many people had to leave cities in order to survive. YUVA’s study on the impact of COVID-19 for the urban poor revealed that in 2020, “among 13,801 workers who were traveling between 14 – 30 May 2020, the halt in work, wages and growing financial insecurities led many workers to travel back to their villages.” Furthermore, among the 13,801 travelling workers surveyed by YUVA between 14 – 30 May 2020, “7,001 (50.73 percent) were travelling back by train, followed by 1,416 (10.26 percent) going back by truck, and 1,184 (8.58 percent) workers who were walking home. Four workers were walking from the MMR to Assam, and 24 workers were walking all the way to Nepal!” This mass migration by the nation’s poorest people who left cities because they felt unsafe reflects the heightened precarity and uncertainty that governs the lives of the urban poor. SDG 8 should be viewed with a focus on the denial of social security that is pre-packaged into the lived experience of informal work. Presently, urban governance systems face the pivotal challenge of ensuring that the people who make cities work feel assured that cities will work for them. The COVID-19 migrant crisis shed light on the fact that during the present moment, cities in Maharashtra are nowhere close to being sustainable, inclusive or equitable.

For informal workers who stayed back in the city and continued living in inadequate habitats, the challenges of accessing state-given COVID-19 relief and entitlements were immense. Many people emphasised their dependence on civil society groups and other community members in the absence of adequate support from local governments and elected representatives (YUVA, 2020).

The state provided several COVID-19 relief schemes including cash transfers for women with Jandhan bank accounts, free ration for families in need that could present relevant documentation, cash transfers for construction workers who were registered on the Building and other Construction Workers Welfare Board, social security for domestic workers registered with the Maharashtra Domestic Workers Welfare Board, and capital loans for street vendors who could present a registration certificate. Being ‘ineligible’ for access to relief provisions due to not

being registered on associated welfare boards, lack of identity documents, limited awareness of entitlements or low financial and digital literacy posed key barriers of access for informal workers who needed access to these special relief provisions. For example, Maharashtra is one of the few states that legally recognizes domestic work and has a welfare board for their social security, i.e., the Maharashtra Domestic Workers Welfare Board (MDWWB). However, only 152 (11.89 percent) domestic workers reported being registered with the MDWWB. As per the MDWWB Act, the Board is mandated to ensure registration of domestic workers and provide social security. The Board has been unsuccessful in doing both. In the current situation, it has also not made sure that employers are held accountable to pay wages (YUVA, 2020). Similarly, the plight of construction workers who attempted to access cash transfers was also worsened by eligibility criterias and a dependency on formal mechanisms that remained inaccessible to large sections of the urban poor. As explained in YUVA's 2020 study, "To access social security or relief, registration in the Maharashtra Building and Other Construction Workers (BOCW) Welfare Board is compulsory. This is challenging for multiple reasons. The biggest challenge is furnishing a certificate that proves employment for 90 days from a single employer. Furnishing this certificate is more likely for those working on a single construction site for an extended period. Among the 4,805 workers working on 16 construction sites in the MMR, 963 workers (24.64 percent) are registered with the BOCW–WB as compared to 87 workers (3.32 percent) who worked independently or were dependent on nakas. Being registered, however, has not meant access to relief, i.e., the INR 2,000 one-time cash transfer made by the Maharashtra BOCW–WB. Among the 963 workers who reported being registered, only 284 workers (29.49 percent) received the cash transfer."

Meanwhile, sanitation workers, predominantly belonging to lower castes, were seen suffering with major health risks and no social security benefits. The government extended health insurance to contracted sanitation workers who already faced severe economic and social vulnerabilities on account of no job or wage security, but financial support was not provided for sanitation workers such as waste recyclers who lost business during the pandemic.

Thus, the COVID-19 crisis unveiled the failure of ULBs and the state to i. Provide a sense of safety and security to migrant communities; ii. Strengthen mechanisms for informal workers to access their rights; iii. Remain responsive to the urban poor's diverse needs and challenges of accessing relief. The urban poor's lack of access to basic services, decent work and social security at the peak of a global pandemic further highlighted that India is far behind in terms of its progress towards Agenda 2030.

Conclusion

<u>The Way Forward: Understanding Agenda 2030 through a rights-based lens</u>

What set Agenda 2030 apart from previous attempts to address developmental challenges was its clear recognition of intersecting vulnerabilities and growing inequalities. Current approaches to urban governance, however, fail to resonate with the same ethos. In Maharashtra and broadly in India, implementation of the SDGs overlooks the need to deeply engage with unequal realities. In terms of ensuring access to housing, basic services and decent work for all within the landscape of rapid urbanization, Maharashtra has a long way to go. A few fundamental changes are needed to implement the SDGs in their intended spirit. These include:

- Ensuring access to land and tenure security while addressing the housing question
- Ensuring that governments enable access to social security for informal workers

The assessments of programmes that are designed to meet global goals often remain preoccupied with the rising need to demonstrate a pretty picture of growth and progress without delving into the negative spillover of non-inclusive policies on the lives of the urban poor. At this juncture, it is crucial to raise difficult questions about the intent and limitations of current SDG indicators as well as related policies and programs that address informality within cities. The discussion needs to be redirected towards people’s lived realities and rights - particularly the urban poor’s right to the city. The right to the city legitimates the refusal to allow oneself to be removed from urban reality by a discriminatory and segregative organization (Harvey, 2008). It encompasses the urban poor’s right to inhabit and reside in the city, their right to basic services, their right to work and right to legal entitlements for all.

As the discussion on urban poverty, housing and decent work continues, it is crucial that people’s movements, community-based groups, NGOs and civil society at-large situate the struggles of the urban poor within the context of the current political economy. Through collaboration across communities most impacted by the uneven and underwhelming progress towards building sustainable cities, civil society can foster bottom-up dialogues and drive empirical data collection to communicate progress towards the SDGs through a people-centric and rights-based lens. Civil society can play a vital role in creating and demanding better accountability processes to link SDG indicators to local contexts, thereby advancing community participation in matters of urban governance. Through a deeper understanding of the justice-driven principles that guide global goals, the urban poor must be included in the process of determining how the SDGs can best serve them.

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