

Legitimising Politics of Influence through Participatory Planning Practices in Delhi

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1. Introduction

Participation has become the buzzword currently. Every policy, programme and scheme calls for participation. Public participation is considered to produce better decisions and improved project outcomes. It is a first step to influence decisions. Notion of power and conflict therefore, is inherent to the concept of participation. Arnstein (1969) sees it as a process of redistribution of power amongst the have-nots. It also is linked to the idea of an empowered citizen who can contribute more meaningfully in the society. Benefits of participation can include create a possibility of co-creating learning and shared control, a sense of ownership and thereby better implementation and lesser conflict over the long term (Cohen and Uphoff, 1980, Healey, 1997)

In the present context of reforms, with efficiency of outcomes as primary concern, the World Bank sees it as a process of 'stakeholder participation' (World Bank, 2000). Stakeholder as a term was initially more closely associated with corporate or business entity. Slowly this replaces the term citizen in which the perception of political and power is embedded. Participation has been sanitized into stakeholder participation where 'user participation and marketisation of service delivery' will ensure better outcomes (Kamath and Vijayabaskar, 2013). Next section of the paper explores the idea of stakeholder participation in two interventions by the international agencies in the forms of local area and city development plans.

It is generally agreed that any meaningful participation requires at the least, availability and accessibility of information, some prescribed form of responding to the information and an equal opportunity to all individuals for their views to be considered. It is also vital to understand the process of who participates, in what and for whose benefit (Cornwall, A., 2008)

Authors have pointed to the downside of participation (Cooke, B. and Kothari, U., 2001, Kaza, 2006). There is a huge gap between the universally accepted rhetoric of participation and empowerment and unjust practices of participatory government. It is also seen a highly contested concept, since the idea of singular public interest is a myth and the dynamics of local interests display uneven power dynamics. Individual rationalities in most cases are unlikely to produce a collective outcome which is rational. The answers to the issue of representation, power and process of decision making continue to remain elusive in participatory practices.

In planning, provision for participation has existed in town planning laws in some form. Its practice though has been untidy one (Day, 1997). In India, too the town planning acts provide for citizen participation in plan preparation and its modification. Third section and fourth section of the paper examine the process of participation plan preparation and modification and tries to show that stakeholder participation is not supplementing but gradually substituting rational comprehensive mode of planning. Stakeholder consultation in planning, in its current form, is more prone and open to legitimizing powerful interests rather than creating conditions for deliberation, conflict resolution and consensus building.

2. Mainstreaming 'Stakeholder Participation' - Role of International Agencies

As part of the reforms agenda pushed by the international agencies, one of the main focus areas is the reforms in regulatory mechanisms. This is also seen in propagating amendments in planning and development laws in India. In 2003, the USAID through the Indo-US Financial Institutions Reforms and Expansion Project-Debt Market Component (FIRE(D)), prepared a 'consensus paper' to simplify building byelaws in Delhi. It was based on the premise that illegal developments in Delhi were mainly due to inadequate building and planning regulations, which do not match the 'market potential' of the area. These inadequacies were also due to lack of 'local stakeholder participation' in the plan preparation (FIRE(D), 2009). This consensus paper for more 'flexible planning and building byelaws' recommended amendment to the Delhi Municipal Corporation Act, governing the Municipal Corporation of Delhi (MCD). One of the main amendments was inclusion of provision to prepare local area plans through participationⁱ.

No such amendments has been made till date. FIRE(D), however, was able to develop the local area plan guidelines and supposedly pilot them in five different parts of Delhi for preparation of 'Local Area Plans' in 2005. Out of three phases of the project, one of the phase of the plans required participation for the purpose of developing a vision and feedback. The Project Note (2009) providing an example of one of the areas out of five piloted areas, acknowledged the resistance faced by the consultants during this consultation and phase. However, without examining or documenting the manner of identification of stakeholders, nature of participation, and process of conflict resolution in the pilot projects, it continues with enthusiasm about participation; "Local Area Planning is a FIRE(D) innovation for addressing the unplanned and illegal urban development rampant in India cities. By combining neighbourhood level data with stakeholder participation, a Local Area Plan proposes a more realistic and cohesive development alternatives. (FIRE(D), 2009)".

Efforts to mainstream stakeholder participation were not restricted only to local level. Simultaneous to the agenda of local level participation through 'stakeholders', a major reform agenda in mission mode called Jawaharlal Nehru Urban Renewal mission (JnNURM) at the national level was launched by the Prime Minister of India in December 2005 for sixty three cities with a budget of Rupees 500 billion over a period of seven years. (Government of India, undated). There were various components of the mission but one that is of particular relevance here is the preparation of 'City Development Plans'. City Development Plans (CDP) were to be prepared for all the sixty five cities through stakeholder consultations.

City Development Plans were very similar to City Development Strategies (CDS) promoted by the World Bank and UN Habitat with strong focus on stakeholder analysis and stakeholder workshops (Grant thronton,2011).ⁱⁱ According to the mission guidelines, the CDP was to be a comprehensive document for 'urban perspective framework' for twenty to twenty five years within which detail projects were to be prepared. The guidelines made no reference to the fact that in all the states in India town planning and or Development Acts were in existence for preparation of statutory plans providing urban framework for twenty to twenty five years. City Development Plans for all the sixty five cities were prepared through stakeholder workshops and hardly any reference was made to the statutory plans already in existence in most of these cities.

An appraisal of the JnNURM by Grant Thronton, India (2011) appointed as an appraisal agency has criticised the consultations while preparing the CDPs. According to the report, consultations with the poor were limited even though the reforms were targeted at them. No consultations were held at pre-plan finalisation stage even though the purpose of the consultation was to develop the vision for the city through participation. The report

goes on to state that “the stakeholders had to accept the plan without consultation.” The reports were available only in English and even then it was difficult to comprehend the proposals by whosoever participated. It further highlights the disconnect between master plans which are statutory plans and the CDPs which were seen only as investment plans. The process of these workshops in the form of information made available, identification of stakeholders and who all attended the workshops has been mostly missed in preparation of the city development plans.

From the appraisal of the consultation mechanism, it would seem that each of the CDP report included a chapter on consultation as a requirement and presented the process as neat and depoliticized process without any conflicting and contested interests, providing a unanimous vision of city. Review of the chapter on Community Consultation in the City Development Plan of Delhi shows organization of half day workshops on two days as stakeholder consultation with various technical persons including government officials in which total of one hour each day was spent on sectoral discussions and forty five minutes for open house discussions as inputs to the vision for a city of 15-16 million population. What is more revealing is the identification of issues from the focus group discussions held with selected few of the ‘communities’ like slums, JJ cluster etc. All the issues documented in these discussions relate to service provision. There is no discussion regarding the tenure status, rehabilitation or implementation of their entitlements according to housing provisions in the statutory plan (Department of Urban Development, 2006).

City Development Plans have by now lost their sheen, but the stakeholder consultations have persisted. International organizations like the World Bank, UN-Habitat, USAID etc. have played instrumental role in mainstreaming ‘stakeholder consultation’ form of participation which appear neat and depoliticized. Following sections provide a snapshot of the increasing focus on participatory planning through stakeholder consultation mode. It would seem that this mode is slowly substituting conventional mode of planning in which opportunities for citizen participation were included by law raising some uncomfortable questions. These examples indicate benefits of this mode of participation accrue more to the powerful groups rather than achieving any redistribution of resources or increase in influence of the disadvantaged groups.

3. Statutory Planning Process in Delhi – Provision for Mandated Citizen Participation

Planning in Delhi is currently governed by Delhi Development Act, 1957. Under the DDA Act, the Delhi Development Authority (DDA) is required to prepare master and zonal plans to ‘secure planned development of Delhi’. The first Plan prepared for twenty-year perspective up till 1981 was subsequently revised two times for the perspective year 2001 and 2021. Currently, review of the Master Plan 2021 is ongoing in Delhi. Any modifications to the plan requires a statutory process of issuing of public notice inviting objections/suggestions for a stipulated period of time. All the objections/suggestions are required to be considered. It is only after this process of public participation, modifications to the plan can be made.

Draft Master Plan for Delhi for the perspective 2021 was notified and placed in public domain for a period of ninety days in the first quarter of 2005, inviting objections/suggestions by the public. It received about seven thousand objections/suggestions. A Board of Enquiry and Hearing was constituted for dealing with objections and suggestions received. It held four meeting to hear around six hundred objections/suggestions and held eighteen internal meetings to prepare the report. In April 2007, Delhi Master Plan for 2021 was notified. Example of manner of participation in modification of mix use provisions in the Master Plan 2021 provides interesting insights in the participatory planning process.

3.1. ***Subversion of statutory provisions for participation – Case of Mix Land Use Provisions in Delhi***

Permissibility of commercial activities in residential premises was introduced in restricted manner in the plan of 2001 for the first time. Its intention was to allow particularly low income families to supplement their incomes through limited commercial activity (Government of India, 1990) The draft master plan for 2021 continued with the provisions of mix use for restricted commercial use in residential premises subject to certain conditions. These provisions were to change dramatically within few months of the plan being placed in public domain in early 2005.

In December 2005, on a public interest litigation filed in 1985, Supreme Court ordered sealing of all those commercial activities in residential premises that were in violation of the master plan of 2001. This led to all round protests by trader associations, representatives of political parties and others (The Hindu, 2005). In response to these protests by the traders and amidst the process of finalisation of the MPD 2021, the Ministry of Urban Development, central ministry, announced formation of a committee known as 'Tejinder Khanna Committee' in February 2006 to comprehensively review the issue of mix use. Composition of the committee included two members as experts and both were also consultants in the preparation of the draft master plan for 2021 already in the public domain, thus creating a very interesting situation whereby same experts would be taking two different positions on a same issue.

The terms of reference of the committee were to make an assessment of the magnitude and types of violations and suggest a feasible strategy for the same including changes in the structure and accountability of existing enforcement machinery (Ministry of Urban Development, 2006a). The report in its findings stated that large scale percentage of residential area is under misuse without actually providing data. Details of surveys or sources for various conclusions were missing. Without evaluation of the implementation of earlier mix use provisions in the master plan of 2001 the report recommended up-scaling of mix use provisions on various roads in the city.

'Stakeholder participation' had by now become fashionable and Tejinder Khanna Committee also took recourse to such participation. The committee issued a so called public notice inviting members of the public with special invitation to representative bodies/interest groups/non-governmental organisations in Delhi to share their views on the issues contained in the terms of reference. It received representations of approximately 490 Non-governmental organisations/interest groups/VIPs/Government agencies. Amongst this the committee chose to invite only eighty six persons due to lack of availability of time (Ministry of Urban Development, 2006b). Selection criteria of these representatives were not stated and individual representations were not considered. The report was also silent on methodology adopted for analyzing these suggestions or the manner of consideration.

This created two parallel processes of participation; one through the statutory process under the Delhi Development Act and another in response to the pressure groups of various trader associations and non-governmental organizations In the meanwhile, sealings and demolitions continued. This also set in motion a process where so called representative participation through NGOs and trader groups to an extra constitutional committee resulted in modification of law.

By now, traders and residents were both protesting; traders because of the closure of shops and residents through resident welfare associations for protecting their residential amenity which was being lost to the commercialization of residential areas.

Since process of hearing of objections/suggestions for the MPD 2021 was continuing and would take some time, the Ministry of Urban Development to hasten the process, decided to notify in March 2006 modifications to the 2001 master plan. This modification included the proposed chapter on mix use in the draft MPD 2021. The notification stated that it had considered all objections/suggestions in the matter (MoUD, 2006c).

Apparently this was not the case, because, on the basis of Tejinder Khanna Report, which had recommended something drastically different from the March notification based on representations from groups, the DDA issued two more public notices inviting objection/suggestions for modification of 2001 Plan for development control norms and mix use provisions in July 2006. The notice said that while master plan was modified on 28 March 2006 for mix use provisions, it has since then received several representations and to implement the Tejinder Khanna Committee report it was decided to issue this public notice for inviting objections/suggestions (DDA, 2006). This was despite the fact that the March notification of four months ago had considered all objections/suggestions.

This proposed modification was primarily the outcome of the 'Tejinder Khanna Committee' report, suggesting more permissibility in the residential premises. Localities, which were already stressed for infrastructure and were dense were given more flexibility for commercial activities. It was pointed out at that time that the option of regularization through plan modification was a result of the 'myths' being created about poor traders, fear of lawlessness etc. (Kumar, 2007). This report further paved the way for increased commercialization pointed out in response to an earlier public notice in 2002.

The public notice for proposed modification started with an acknowledgement for the "need for permitting use of land for purposes other than for which it is planned". In the DD Act there existed provisions for consideration on case by case basis for activities not permitted by the Plan. Instead of considering misuse as an aberration, the proposal sought to regularize majority of violations through this notification. More importantly it sought to make as part of the notification of mix use streets consultation with resident welfare associations mandatory. Public hearing for this notice was carried out at frantic pace and within two weeks after the time for filing objections, final notification was issued. Above sequence of fast paced events should be seen not as a simple policy modification but as a part of larger urban reforms agenda that demands 'flexible' land use laws. Participatory planning through 'stakeholder participation' becomes an instrumentality to allow for this 'flexibility'.

Setting up of expert committee at the level of the Central ministry to hear selected representative groups and consequent modifications to the plan (not necessarily based on the survey data) set aside the statutory process in which citizens had participated. A process was set in motion where citizen was replaced with stakeholder and stakeholders were primarily representatives of groups or associations who could lobby at the central level to an extent of getting the laws amended.ⁱⁱⁱ

3.2. Up-scaling Participatory Planning - second round of Local Area Plans

Neither the Delhi Development Act nor Delhi Municipal Corporation Act provide for preparation of Local Area Plans as yet despite the push for the idea in 2003. In 2007,

however, the Delhi Master Plan 2021 introduced preparation of local area plans for a subzone/ward by the local bodies within three years. It also proposed constitution of local level participatory planning group to frame guidelines for participation at the local level and legal framework review group for framing of local planning regulations.

The legal context of the local area plans continues to be ambiguous and so is its scope, interpretation and manner of participation. In January 2009, Municipal Corporation of Delhi was pushed to invite Expression of Interest from consultants for preparation of Local Area Plans through participatory approach. In April 2010, it was decided to re-pilot thirty three wards^{iv} for preparation of local area plans through public sector institutions. The scope of work prepared by the corporation included stages of base map preparation, mapping of master plan and zonal plan data, draft local area plan and final local area plan. A monitoring committee was set up and the scope identified participation through the ward councilor at each stage of the preparation. The work was to be completed within nine months. The work is at present in the final stages of finalisation with very little participation. In a survey conducted of the ward councilors of the thirty wards in September 2010, four months after the award of the pilot projects, majority of them were unaware of the project for their ward (SPA, 2010).

At the beginning of 2012, MCD issued an advertisement inviting comments on the proposals uploaded on the website related to the local area plan. Less than fifty responses were received. There were, of course, various reasons for lack of response. It also seemed that no one really had much clarity about the central idea of the local area plan preparation i.e. participatory planning. Some of the consultants did make a presentation to the ward councilors after so called third stage of the project. So far participation has been very limited. Moreover, the nature of proposals placed in the public domain for some of the wards seem seem arbitrary in proposing removal or retention of an activity and people. (MCD, 2012). The story of local area plans at the moment is moving at a slow pace due to trifurcation of the municipal corporation and lack of clarity about the process, however, it did introduce as part of the statutory planning process, an idea which as of now is an extra statutory participatory mechanism. These participatory mechanisms and their substitution of other technical processes unfold rather interestingly in the next stage

4. Disconcerting tendencies of 'participatory planning' processes - Master Plan Review

The MPD 2021 provided for plan monitoring and review. With monitoring targets and phases of review identified, the document also proposed ten management action groups on different aspects for the purpose of participatory planning. The review was to be based on monitoring data and processed through management action groups. In October 2011, public notice inviting suggestions for the master plan review were invited within forty five days (Fig.1).

In November 2012, most of the newspapers reported, the central minister's declaration that sixty percent of the plan was irrelevant and asked for major changes. This plan was notified by his ministry five years ago. One could argue this as a positive step of keeping pace with the changes but the only problem was there was very little data, on the changes or the monitoring of the plan, available. Population figures for Delhi by Census 2011 were less than the projected population for 2011 in the MPD 2021. There was significant reduction in migrant population, which would perhaps reduce the requirement of land to some extent. But the media continued to report the need for increase in floor

area ratio and densities to meet the housing requirements particularly the poor. No studies of land requirements were available.

In 2012, the DDA announced through advertisement four open house sessions in different parts of the city, where people could come and submit their suggestions. Public was invited to participate without any monitoring data. Most of the suggestions that came in were from property owners and majority of them suggested increase in floor area ration, inclusion of their street in notified mix use street or regularization of their areas. There were very few street vendors or slum residents or villagers.



Fig. 1 Invitation for suggestions for Master Plan Review

The management action groups constituted in 2008 for the purpose of preparing action plans based on monitoring data for different planning indicators never held any meetings. These were reconstituted in 2011 with a transformed purpose. All the suggestions received were now being sent to management action groups. In a truly participatory style, the objections/suggestions were uploaded on the website along with the minutes of the management action groups.

From May 2013, the public notices for modification to the plan are being issued at a rapid pace. The minister has set a target of hundred modifications to be notified by August 2013. The only problem is that the connection between the proposed modifications and suggestions made by the public could not be seen either in the minutes of the management action groups or in the proposed modification. The basis of these modifications are not the suggestions but most of the times representations made to the minister by groups and associations like PHD Chamber of Commerce, real estate developers association, Federation of Indian Chamber of Commerce and Industry. They pushed for more commercialization, lesser housing for economically weaker section, unrestricted mixing of residential in industrial areas, higher floor area ratio etc. Since majority of the proposals are pre-decided, the process of participation remains more of a formality.

5. Conclusions

Idea of stakeholder participation promoted by international agencies is mostly projected as a apolitical process and is documented as such in the city development plans or initial local

area plans. The agenda setting of these workshops is directed towards service delivery and management issues rather than rights or entitlements issues.

From the example of Delhi, it appears that there is very little understanding of participatory planning process and instead of empowering less advantaged groups, planning decisions are steered towards more powerful interests and the role of participatory planning in redistribution of power and resources is not visible.

Participatory planning practices in its current form in Delhi do not fulfill the very basic requirements for participation; availability of relevant information and procedure for consideration of view/suggestions as well as equal opportunity. Moreover, in the absence of explicit criteria for priority setting, stakeholder consultation mode of participation becomes more prone to favor agendas of powerful interests demanding liberal regulations as well as regularization of existing violations through plan modifications while maintaining the façade of participation.

Personal Note

I was part of a group called Master Plan Implementation Support Group that engaged with the Master Plan process from 2002 to 2007. It was started by Gita Dewan Verma, planner who also advised residents of old settlements, slums, group housing residents, street vendors and others. Many of us in the group responded to various public notices for plan modification and have personal experience of participating in many of the hearings as part of the statutory participation process. Many of the details and nuances not captured in this paper can be accessed at the <http://plan.architexturez.org/site/mpisg>.

Endnotes

ⁱ For a detailed critique of the proposal see Verma, Gita.D.(2005) , The Delhi Municipal Corporation (Amendment) Bill, 2005, <http://plan.architexturez.org/site/mpisg/p/051116>.

ⁱⁱ UN-Habitat prepared a 'Toolkit of Participatory Urban Decision Making' as one of the 'flagship products' of Global Campaign on Urban Governance. City Development Strategies (CDS) in several cities in different parts of the world were to improve the capacity of municipal authorities to implement participatory management mechanisms and upscale 'city consultation mechanism'. CDS approach was stated to be based on three important principles of 'enablement, participation and capacity building'. The Good Governance Campaign was launched in India in 2002.

ⁱⁱⁱ In order to avoid implementation of the court order, the parliament enacted "the Delhi Special Law" in 2006 under which no sealings or demolitions could be carried out for an year. Every year, this Act gets extended for another year.

^{iv} Delhi is divided into 272 municipal wards. Last year Municipal Corporation of Delhi was trifurcated into three corporations.

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