Policy Brief

Mumbai in Redevelopment Mode: Implications for Violence and Justice

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Redevelopment schemes have been presented by the state as humanitarian and innovative solutions to rescue Mumbai from disorder and degeneration and set it on a path of 'world class'-ness. However, more than two decades after their formulation, while the state still harps on the schemes' emancipatory potential¹, on-ground research has shown how they have instead perpetuated inequalities and are used as an instrument of violence against the marginalised. This policy brief seeks to debunk the myth of redevelopment as a "pro-poor", "win-win solution" for the city of Mumbai.

In the 1990s, while the state of Maharashtra was incurring rising debts², its capital Bombav (now Mumbai) maintained the status of the richest city with soaring real estate values. The idea of redevelopment first took root during this period as a way to skirt around urban land restrictions and generate real estate by redeveloping dilapidated cess buildings³, chawls and large tracts of land that were seeing great contestations after the decline of mills in central Mumbai. As the number of buildings in need of repair started rising the debt-ridden state involved private builders to take over the responsibility of rehabilitation and redevelopment. In exchange it offered the developers a Floor Space Index⁴ of 2.5 that could be used for constructing profitable sale buildings⁵ on the same plot as the redeveloped building. In cases where complete FSI could not be consumed, the private developer could benefit through transfer of development rights (TDR) to other parts of the suburbs. In 1991 through the formulation of Development Control Regulations and subsequent amendments of DCR 33(7) for cessed buildings, 33(9) for cluster development and 33(10) for slum redevelopment, the state generated a new space for the market to enter the real estate industry (Bhide 2014). Today, TDR and FSI are key instruments through which redevelopment is practiced and implemented.

¹ "The scheme will usher in better health, cleaner environment, a new self respect for the people and last but not the least social justice for the down trodden. In short it is a win-win situation for everyone." (Quoted from The Guidelines for the Implementation of Slum Rehabilitation Schemes in Greater Mumbai (1997))

² Mumbai is the capital of the province of Maharashtra. The state of Maharashtra has the largest debt in the country, the total debt n 2015 amounts to Rs 338,730 crore (\$51 billion). The state views the city as an entity that should minimally be income generating and not one where resources should be sunk in. (Source: http://www.hindustantimes.com/india/maharashtra-most-indebted-tamil-nadu-gathering-debt-fastest/story-Rr60ryvjugtCD0kfLgraPJ.html)

³ https://mhada.maharashtra.gov.in/?q=redevelopment of cessed buildings

⁴ Floor Space Index is the total constructed area permitted on any given plot of land in Mumbai. The FSI in the already built-up south Mumbai is 1.33, whereas extends to 2.5 in the suburbs.

Redevelopment is most commonly cited these days as a way to rid the city of slums through a "zero-cost", "humanitarian" approach as opposed to the earlier route of mass demolitions. The scheme promises the slum-dwellers a right to a free flat of at least 269 sqft⁶ in exchange of the cleared land. The Afzalpurkar Committee report (1997) that formulated the Slum Redevelopment Scheme called it a "preferential, probably unequal treatment" to the slum dwellers. It is for these reasons that redevelopment is framed as "win-win" or "zero-cost solution" by the state -- the developer is handed the land at no cost, the inhabitant is in turn given a free flat and the debt-ridden state of Maharashtra who acts merely as a 'facilitator', incurs no expenses. Hence, putting the city into a 'redevelopment mode' was seen as the only effective way to develop the rapidly expanding commercial capital.

However, on-ground research has unearthed how the regime of redevelopment has produced new inequalities and vulnerabilities, and paved the way for a state-market-politician nexus. (Bhide 2002, Weinstein 2008). It has also failed to curtail state-led evictions that the scheme was said to be an antidote for. The new millennium saw a series of demolitions -- in 2003-2004 alone, the city witnessed the largest destruction of more than 1,00,000 homes at 44 sites, opening up 300 acres of land for redevelopment. In fact reports claim that in the last two decades, the redevelopment schemes have rehabilitated less than 4% of the city's slum dwellers. ⁷

Despite these ground realities the redevelopment is still recognised as a 'best practice' by the state. Furthermore, the slum redevelopment schemes that were first co-formulated, supported and financially backed by the World Bank still acknowledges the model as an innovation (Mukhija 2001). In the 'Management Response Report, 2004', prepared by the World Bank the state government of Maharashtra was lauded for introducing TDR as a "financial mechanism" that was "making the resettlement programme affordable for the government" (Nainan 2008). More recently, in a compilation by the Ministry of Housing & Urban Poverty Alleviation (2015), the Slum Redevelopment Authority (SRA) of Maharashtra was featured as a successful 'best practice' model to be emulated and referred by state governments to

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⁷ http://indianexpress.com/article/cities/mumbai/cut-off-politics-has-hampered-slum-rehab/

⁸ Define 'best practices' as effective, proven models but question whose "best" interests do they have at heart – find an author to cite

⁹ World Bank, 1997. Implementation completion report (Bombay Urban Development Project). Washington, DC: The World Bank.

meet the ambitious Housing For All by 2022 Mission¹⁰. Following its assumed success, there has been a rising demand for similar schemes from new towns and municipal bodies in the metropolitan region and within Maharashtra.¹¹ Over the years it has also evolved as an all-purpose problem solving tool that has been extended to tackle seemingly intractable problems similar urban problems in other areas such as construction and widening of new roads, cluster bases redevelopment of cessed buildings, reconstruction and redevelopment of gaothans etc (Bhide 2002).

This policy brief makes an urgent plea to reconsider the idea of redevelopment as it is practiced and promoted today by revealing how the schemes have restructured the geography of the city, enhanced conflicts over space and produced ghetto-like areas for marginalised, minority groups in particular (Bhide 2002). It makes these claims based on a three-year-long research¹² of four strategically chosen case studies that represent different geographies of the city and highlight the particular facets of redevelopment. More importantly, it questions whose best interests does this 'best practice' have at heart.

M ward: How the state forged the way for real estate market penetration

The M ward is an area which was long treated as a periphery of the city where some of the hazardous activities and people considered undesirable by the state were shifted. It is thus the site where the petrochemical industries and nuclear reactors were situated. It was also the site of the largest dumping ground in the city. The ward has also experienced multiple waves of resettlement. As such, the ward till 1990s was a ward with some of the lowest land values. This meant that the real estate market was not interested or was not able to penetrate the land market in the ward even after the Slum Rehabilitation Scheme took root in several parts of the city.

The advent of Mumbai Urban Transport Project (MUTP) and the resettlement programme changed this situation completely. Seven large Project Affected Persons (PAP) townships for resettlement of project-affected people from MUTP and Mumbai Urban and Infrastructure Project (MUIP) were located in M ward. The resettlement programme used the 'innovative' spatial instrument s of FSI and TDR to finance the same. Thus land from private owners was

¹⁰ http://mhupa.gov.in/writereaddata/03_Compandium_Best_Practice_States.pdf

¹¹ http://www.mid-day.com/articles/sra-may-spread-its-wings-to-thane-district/15420179

¹² This research was undertaken by an IDRC-funded project titled Safe and Inclusive Cities.

acquired using TDR, the construction and the shifting processes were also financed by the use of TDR. A ward wise analysis indicates that 64% of the total TDR generated in the city in lieu of slum rehabilitation was generated in M ward (Nainan 2012). Only 3.5% of the TDR so generated was consumed within the ward itself while 16 and 15 percent was used in H West and K West respectively (Nainan, ibid) The concentration of poverty in M ward enabled the emergence of high end housing in the western suburbs.

These resettlement programmes have enabled the penetration of the real estate market into slums in the ward. Currently, there are over 133 projects at various stages in the ward. This has led to entrenchment of property relations in all slum areas. Stories of land being given gratis or dirt cheap by *bhais* (street-smart dons) are now a thing of the past. A parallel industry of forging documents and proving the existence of households prior to the cut off dates flourishes. Community Based Organisations (CBOs), Non-Governmental Organisations (NGOs), political parties – are caught up in this web of speculative territorial expansion and control, seriously undermining the community spirit and sense of struggle.



The state has sanctioned at least 133 redevelopment projects in M Ward that are currently at various stages of construction.

Kamathipura: Redevelopment Interrupted and its Dangerous Consequences

Located strategically in the heart of the island city of Mumbai, where redevelopment of erstwhile mill lands has created an extremely lucrative and buoyant property market, Kamathipura, a small, congested, crumbling and decrepit working class neighbourhood established as a red light district by the colonial rulers, poses a paradox. Several failed interventions and incomplete insertions into the space by the state to remove, comprehensively renew, partially repair, reconstruct and redevelop the neighbourhood

highlights the precarious and strange durability of the neighbourhood and also the fractured and contradictory nature of the State as a sovereign (Hansen and Stepputat 2005). Yet, the threat of impending redevelopment and the silent processes through which its existing sociospatial arrangements are being ruptured, especially by private developers, fixers, agents of big developers and in recent times by morally driven resident's coalition of landlords and local politicians also point to ways in which the big plans of state-led redevelopment are resisted, modified or appropriated on the ground with serious consequences for the most vulnerable groups of residents in the neighbourhood- the sex workers, the tenants, the migrant workers, the pavement dwellers. Thus while the very talk and rumour of redevelopment in Kamathipura has led to increasing efforts to sanitise the neighbourhood, and commodify the land, it has also whittled away at the claims of various urban poor groups that have incrementally been building their claims to an ever increasingly exclusionary city.

The colonial state and the post colonial state have been responsible for the creation of Kamathipura as a zone of exception by allowing brothel based commercial sex work and other illegal and informal work to flourish in the 16-lane neighbourhood. Colonial policies of housing lower caste, migrant workers in the periphery of the city along with other destitute and unwanted groups has led to a neighbourhood that is incredibly accommodating and inclusive and yet starved of space, especially open spaces as every inch, including streets, underneath stair cases of the old buildings, being divided, subdivided, sold, resold, tenanted, sub-tenanted, used and reused for living and working purposes. The sheer complexity of multiple tenancies and claims, the extreme density and congestion, the influence of the Rent Control Act in deteriorating these buildings (with landlords losing interest due to the rent freeze), and the informal system of Pagri that allows the transfer of the use and rights to property have created an extremely complex situation which the State itself finds impossible to fully penetrate and do away with given the multiple claims it has opened up.

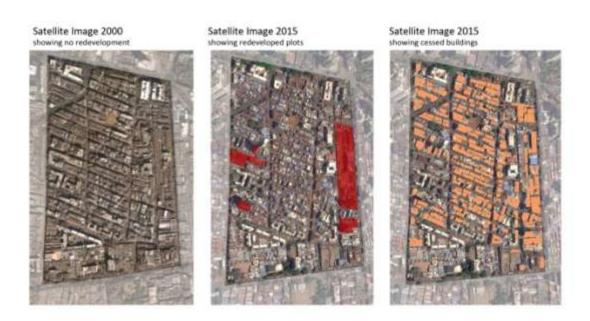


Residential tower overlooking dilapidated dwellings in Kamathipura. Photo: Shivani Satija

With liberalisation and the state enabling the entry of private players into redevelopment (through amendments to regulations such as DCR 33(7) for cessed building sand DCR 33(9) for cluster redevelopment) there has been a deliberate effort to consistently shift, expand and weigh in favour of private developers through marketable instruments such as increasing FSI or allowing TDR in complicated cases such as Kamathipura where buildings are densely packed together on narrow streets, thus consuming the available FSI allowable in the area, or simply by the sheer lived nature of the space which allows for multiple tenants and users and thus makes private development unprofitable.

However, the forces of private redevelopment arise from within Kamathipura itself as the land market and the promise of capital sways over the reluctant land lords in the area by finally uniting them in the common cause of a) proposing a cluster redevelopment plan b) uniting landlords c) negotiating the tenants claims d) "dealing with" the multiple claimants without proper entitlements – from shop keepers, to sex workers without residence proofs, to people from waghri community who use rooms as storage spaces for their livelihoods etc. While plans are being discussed, tenants rallied, threatened or bought over, mechanisms of physical violence, threats, police raids, signature campaigns, media campaigns are being used

to criminalize sex workers, and evict them from Kamathipura, which has been their home for the past 200 years. As small manufacturing units make incursions into the spaces of erstwhile brothels, a moral regime has gripped Kamathipura wherein male migrant workers from Northern and Eastern states are being increasingly vilified, threatened, denied entry to public spaces in Kamathipura. As the state-led plans and work of the MHADA has come to a grinding halt, the lives of tenants are also threatened as they continue to live in dangerously unstable and unsanitary buildings, for fear they will be evicted and never return to Kamathipura which has given them access to an inclusive and tolerant space of living and working in the city.



Nature of development and redevelopment in Kamathipura.

JVLR: The Spectre of Redevelopment

The spectre, more than the accomplished fact, of redevelopment has shadowed most informal settlements along Jogeshwari Vikroli Link Road (JVLR) since its widening between 2006 and 2011. It manifests in different ways, all of which point to an increased precarity for the weakest social groups in multiple ways. On the one hand, there are a number of unauthorized or disputed redevelopment towers within the informal fabric. On the other, all manner of informal settlements (a dalit community with no sanitation facilities along JVLR, or a Muslim dominated settlement to the south) have suddenly seen a spatial infiltration by developers who have set up small offices inside to cultivate 'consent' through persuasion,

bribery, threats, and perhaps most crucially, promises that can unsettle the pragmatism of economically precarious households.

Certain material spatial transformations caused by JVLR have been instrumental in this regard. JVLR has improved the accessibility of land occupied by informal settlements around it enormously, thereby raising the stakes significantly. A seven fold rise in land values around JVLR is reported since the road's construction and ascribed to it. The road has also broken up settlements spatially, thereby fragmenting them socially and enabling spatial and social entry points for market forces that had hitherto found the landscape intractable.

The rise of redevelopment cannot be separated from originally parallel processes that appear to converge with it on the ground today. For instance, as a project, JVLR appears to have instituted intense uncertainty along with dazzling hope into the broader landscape, which together has forged a broader culture of speculation that seems to dominate social and political life in the road-transformed landscape. The uncertainties have revolved around displacements in 2004, the great hopes from an authorized R&R apartment, the uneven realisations of that hope, and the continuing uncertainties around displacements for the as yet unbuilt service road. This culture of speculation has now infiltrated and begun to fragment the micro-solidarities of community life, neighbourliness and even the family, solidarities that have sustained the precarious life of informal settlements for decades.

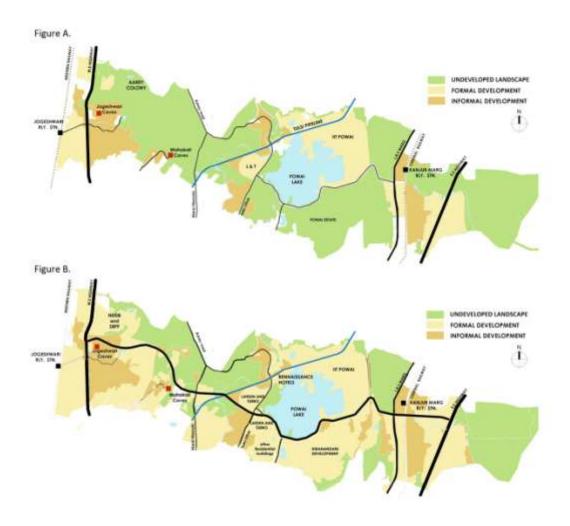


Figure A shows the development in the area prior to the construction of JVLR, while figure B illustrates the scale of formal and informal development that followed the construction of the road.

Vasai-Virar: Speculation, Anxiety and the Promise of Redevelopment

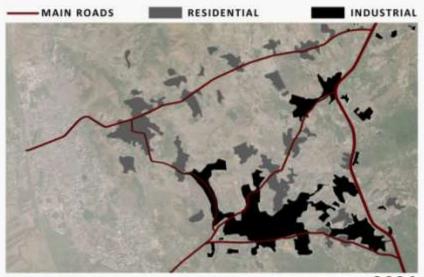
The large scale informal growth in Vasai Virar is closely tied to redevelopment policies in Mumbai that have led to massive slum evictions and moving of populations to the peripheries of the Mumbai Metropolitan Region (MMR). This scale of growth has in turn been harnessed for the production of a political-economic regime in Vasai Virar. The case is thus an example of how 'redevelopment' schemes have not only reproduced old inequalities and pushed out

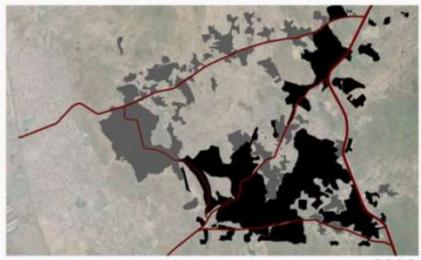
entire populations from Mumbai, but their movement to new frontiers has engendered new forms of violence, inequalities and the construction of informal cities on the peripheries.

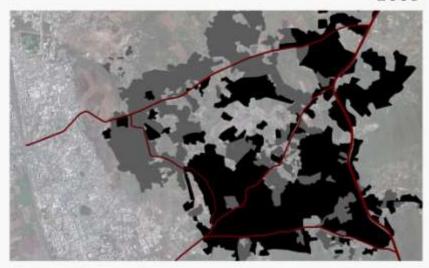
Redevelopment holds all sorts of lures in Vasai-Virar. Often the growth of informal cities is blamed on no proper redevelopment scheme in the municipal corporation by the state actors and there is great demand for schemes like the Slum Rehabilitation Scheme and cluster redevelopment from corporators for the power it confers to disburse contracts and make money. For the informal growth in Vasai-Virar, on the other hand, the prospect of redevelopment is more important than its actual fact. Informal settlements are constructed by small chawl builders in expectation that "SRA ayegaa" ("SRA will come"); this generates a culture of waiting and speculation. For the marginalized, moving to a 'flat' offers an opportunity to gain dignity but the uncertainty of whether they will be evicted and/or receive a flat produces constant anxiety. Some small-time builders, who currently rule through strong networks and violent threats, see state-driven redevelopment as something that might bring in bigger builders and dissolve their authority. Hence, redevelopment is seen by both the state and builders as offering solutions for the "menace" of slums, promising the higher values and security of 'formalization', and individual opportunities of social mobility through the real estate market.

The constant demolition and rebuilding of the informal city in Vasai-Virar, and the uncertainty, violence and speculative culture of this 'redevelopment in practice' has serious consequences. The race to realize real estate profits seems to erode existing community solidarities (of locals or 'sthaniks') and preclude the formation of new community solidarities that can span different (ascriptive) identities and arises out of everyday living in a place over time. This coming together of new communities depends on connections within real estate networks of builders, politicians land mafia, local dalals or brokers who often use muscle power and violence to make land available or see through land deals.

Growth of the Informal Sprawl over the years







The Dark Side of Redevelopment

While the four case studies focus on separate sites with challenges tied to the locality's sociospatial transformations, several common themes emerge. The most prominent is the violence and anxiety that surfaces at the mere prospect of redevelopment. Penetration of the real estate market in a lucrative area is not smooth but often facilitated by brokers and politicians through a series of bribes, threats, coercions and temptations setting in motion a contested governance of informal property relations (Weinstein 2008).

These circuits not only unsettle existing community solidarities but produces new anxieties and tensions related to land ownership. The groups that are deliberately left out are the poorest of the poor -- tenants, religious minorities, lower-caste communities, migrants and as seen in Kamathipura, sex workers who are considered morally unfit for new imaginations of the city. Brutally evicted from lands that these populations have cleared and made available for development, they are often forced to the city's edges.

The unrestrained spurt in growth on peripheral areas such as Vasai-Virar and M ward is a result of this sustained violence. Here, the evicted restart a process of place-making in the absence of basic amenities and social and physical infrastructures. This once again requires fresh risks and negotiations with the local criminal-politician-builder nexus. As the city expands, and new municipalities in the metropolitan region are formulated, the spectre of redevelopment follows these populations to the edges and the vicious cycle resumes.

In cases where populations have been given a flat, the resettled have rarely had a say in the regulation of the development or the nature of flats or buildings. The capacity of the poor as creative agents, capable of imagining their own built and lived environments is grossly undermined. Most housing is thus generated with little attention to livelihood sources especially in the case where inhabitants run informal business or industries that cannot be practiced in a fixed, vertical structure. Hence, buildings assigned to slum dwellers are also often overcrowded with little spatial flexibility, poor access to basic services and dense units with little concern for their quality of life.

On the other hand, the builders are given free reign for their assumed benevolence towards the poor through unfair protections, so much so that the city's transformation and restructuring now depends on the whims of the real estate market.

Redevelopment has thus successfully managed to retrace the geography of the city based on the demands of the market as opposed to the needs of the marginalised. Mumbai was once known as a city where diverse groups across class, caste and religion lived cheek-by-jowl in a web of crowded neighbourhoods. This by no means reduced the persistent inequalities but nonetheless intertwined the lives of varied social groups in a manner that gave the city its particular inclusive character (Bhide 2002). The Hindu-Muslim Bombay riots of 1992-93 shook-up and permanently altered the geography of the city. After the riots, a large number of Muslims migrated to northern suburbs and the peripheries of Mumbai¹³.

The largest relocation of marginalised and religious minorities has taken place in the city's north. As per the 2011 Census, the slum population of south Mumbai in Ward A (Colaba) decreased by a massive 63% whereas it rose by 48.3% in the M East ward¹⁴. This indicates how several areas in the suburbs and the peripheries are now emerging as the "resettlement wards".

The emergence of this regime of redevelopment that followed the riots further invisibilised and locked already segregated and ghettoised religious minorities into either tight, vertical clusters as seen in in-situ development or banished them to the margins. It retraced and fixed the post-riots communal borders within the city with little hope of returning to a cohesive, diverse fabric that Mumbai once prided itself for. This breaking of the tight spatial fabric of the city that spatially segregated the marginalised to the edges also severely hampered the mobility of the poor and added to their woes.

Reviewing Redevelopment Policies

While on the face of it redevelopment may seem like a viable route for the state, a deeper investigation reveals the deliberate informality and inequality produced through planning instruments. TDR, for instance, was first introduced in the city to make space for public gardens and public amenities in a spaceless city. A developer who made room for these public spaces could use the surrendered FSI in another plot, elsewhere in the city. Where this FSI could be transferred was to be regulated by the state on the basis of densities of population in relation to available infrastructure and public space in the area. In practice a simplistic understanding that the northern suburbs of the city had low population density and

 $^{14}\,http://timesofindia.indiatimes.com/city/mumbai/Ghettoisation-of-Mumbai-bodes-ill-for-society/articleshow/10422351.cms$

¹³ Now Muslims account for 80 per cent of Mumbra's population.

hence TDR could be used towards north of the generating plot was employed (Nainan 2012). This, as seen in the case of M ward, generated tremendous TDR for the wards where the rich stay. The sub-human built environment provided for "world-class" apartments for the rich elsewhere¹⁵.

Similar effective manipulations of this tool have allowed developers to transfer this FSI to lucrative property markets. On the other hand, the state having absolved its responsibility is rarely held accountable for the condition of the resettlement buildings. Hence, instead of being "pro-poor", over the years, both TDR and FSI have emerged as pro-market instruments. The fungibility of TDR has further allowed owners to sell it in parts, which inturn has produced a market for TDR that is tied to fluctuations in property prices that the state has no control over.

What further disadvantages the slum dwellers is the process of clarifying entitlements. Initially the slum dweller had to produce an address proof of before January 1, 1995 to be eligible for the redevelopment scheme. The cut-off line has now been extended to January 1, 2000. These "cut-offs" that decide who has the opportunity to enter the redevelopment market and who gets left out are ridden with lack of clarity and are based on arbitrary standards that do not take into account the rights of the marginalised as 'citizens' but depend on who can lay claim or occupy a tenement.

Arbitrary cut-offs such as these not only exclude large populations who have settled after the designated date, but also are applicable only to owners and not those who rent homes -- those who rent account for almost 30% of the slum population. The data of what the slum dwellers will be ensured and what they will be entitled to is also collected and managed by the developer. Hence, those who are powerful within the settlements are able to negotiate for more, while few wait in limbo and the most vulnerable are displaced altogether. This as seen in Kamathipura has produced extreme precarity for tenants who are largely migrants and socially disadvantaged lower castes and religious minorities. Furthermore, a need for eligible entitlements has given rise to a market and economy of fake "official" documents produced by forgers and brokers for a cost.

Redevelopment has also created a situation where entitlements differ from scheme to scheme, creating further instability. For instance, the entitlement conditions for MUTP are different

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¹⁵ This takes place mostly in the Western suburbs

¹⁶ http://indianexpress.com/article/cities/mumbai/cut-off-politics-has-hampered-slum-rehab/

from Slum Rehabilitation Schemes. It also allows informal negotiations of powerful residents who bring in value of land and negotiate for more (often for themselves) or the value is captured through the immense cycle of corruption. The state needs to think of housing in the city in general and not on a per-scheme basis and decide parameters for entitlements for various groups of people. It also needs to examine the 'economics' of particular schemes, reasonability of profits and ways to capture excess gains for public purpose.

Planning is a tool of the state that is used to create order. Through planning, the state can play the arbiter between competing interests. However, planning or the lack of it has the potential of excluding and displacing entire populations. This report argues that the state has distanced itself effectively and deliberately from the planning process, but more importantly from the risks and adverse impacts of redevelopment. "It has been assumed that the entire (planning) process can be reduced to the formulating of "rules" that laissez faire moderated by the Development Control Regulations is all that is needed to produce satisfactory urban development" (Patel 2005). With the withdrawal of the state, FSI and TDR alone play a bigger role in restructuring the city than the entire consolidated development plan. The planning instruments have produced a landscape contrary to the planning imagination.

Hence, there is a need to bring back the state to perform a far more active, committed role in inclusive city planning. First, the state needs to consider the entire built environment while planning so that infrastructure, amenities, residences and livelihood can all be thought of as essential to housing and housing is not planned for in isolation. Second, the state needs to be accountable for the living conditions of those who have been resettled. Third, the state has to re-imagine the land occupied by the slum or buildings in need of redevelopment as not less than "best use". Instead the policy needs to be driven towards giving the inhabitants more choices.

A participatory approach to urban planning that is tailored to the needs of the local communities could produce novel approaches towards developing an inclusive city. However this participation needs to move beyond merely asking for consent from the residents with respect to the developer. Several redevelopment schemes have the clause of consent; however, consent can be engineered and manipulated. Instead it will be meaningful if a participatory process pays closer attention to the nature of redevelopment that suits the particular locality's needs. The current builder-driven approach, simply aims at fragmenting the size of the building or a set of buildings. Furthermore, there is also a need for

participative local engagement at the ward level. Such an approach has the potential of recognising the agency of the marginalised in deciding their own fate.

Finally, this approach must not include only homes owners but also migrants and others living on rent, pavement dwellers, homeless and other marginal lives. On the other hand, stakeholders need to build a resistance and raise voice against the homogenising logic of redevelopment. Multiple needs and multiple voices need to be taken into account to bring together a network of currently fragmented protesting groups. Above all, transparency on all aspects of schemes' progress is required.

Today, more than half of Mumbai's population lives in precarious conditions. The state needs to re-engineer how it addresses the poor, for how the state deals with the poor will eventually decide the fate of the city as well. Hence, redevelopment schemes need immediate revisiting to understand its implication especially on vulnerable social groups. This needs to be assessed in lieu of new grand visions of Smart Cities and 'Housing for All by 2022' that aim to use this "best practice" model in the guise of social justice.

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