THE UNEQUAL ACCESS TO MUNICIPAL SERVICES AND THE ROLE OF LOCAL ELECTED REPRESENTATIVES

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ABSTRACT (Max. 300 words):

This paper examines an effort to use citizen-generated data for advocacy of improved municipal services and examines barriers to improved services for the poor in one city in south India, Chennai. The intervention relied on volunteers and residents of Ward 5, an electoral constituency of the municipality of Chennai, to collect data about garbage collection, water and sanitation, represented it spatially and created public forums for interaction between the residents and the local elected representative, the municipal councillor, to identify ways to improve service provision. The paper draws on the process in the ward and ethnographies of municipal councillors to explain how councillors shape people’s access to municipal services by mediating between citizens and the municipal government.

The paper argues that the differences between the de jure and de facto powers of councillors further reinforce the powerlessness of the urban poor to access basic services in the city. Where wealthier communities are governed by the local body, poorer communities live in spaces that are either ungoverned or governed by parastatal agencies that are answerable to the state government, not to the local body. While the middle-class citizens bypass councillors and directly approach unelected officials in service provision agencies and more powerful elected representatives – members of Parliament and Legislative Assembly- to solve their problems, it is citizens in informal settlements who are forced to rely on councillors to interact with service providers, but because of the limited powers of councillors, this interaction is relegated to the realm of informality. The weak position of councillors is a result of the fractured governance structure in the city, and serves to further disempower the poor.

KEY WORDS:
Urban poverty, Land ownership, Informality, Urban peripheries

1 I would like to acknowledge the efforts of the entire team of Transparent Chennai in helping to write this paper – Srinivasan SP and Agnes Amala for data collection and outreach, Priti Narayan for her field notes and insights from visits to various slums in Chennai, Prabu Raja and Muthukrishnan Kalyanaraman for the digitisation of the data, and to Vinaya Padmanabhan and Nithya Raman for valuable insights and for reviewing the drafts. The errors remain mine.
NEO-LIBERAL URBANISATION, URBAN CITIZENSHIP, AND INFORMALITY

There has been an explosion of urbanisation world over – more than half the world’s population now lives in urban areas, with 77 percent of these in Third World countries. Nearly a third of India’s population resides in urban areas. That there is an urgency to address the strategic importance of cities stems from a combination of their demographic, political and economic importance (Tawa Lama-Reval S. a.-H., 2011). The reforms of the 1990s saw the creation of urban local bodies as a third tier of government accompanying large outlays on urban infrastructure, transportation and communication. Large cities like Delhi, Mumbai, Kolkata and Chennai were earlier called mega cities, and were receiving funds from the Infrastructure Development in Mega Cities scheme, initiated by the Government of India in 1993-94. In the decade since, cities have been narrowly characterised as ‘engines of economic growth’ and are the policy focus of improvements in productivity and urban renewal programmes like the National Urban Renewal Mission (NURM) which tried to make one lakh crore available for addressing problems with urban infrastructure (JnNURM, 2005). Close on the heels of the NURM is the Rajiv Awas Yojana (RAY), another urban restructuring programme launched by the government of India in 2010 as part of its National Urban Poverty Reduction Strategy.

A number of social scientists have attempted to understand the rapid changes happening in the urban sphere in recent years. Most of these theorists find that conflicts between increasingly unequal income groups have defined the nature of these changes, and that this staggering urban transformation has been largely characterised by exclusion of the poor (Roy A., 2005). The current policy environment furthers neoliberal urbanism by attempting to transform Indian cities into ‘world class cities’ with the objective of attracting global capital (Banerjee-Guha, 2009). But these ‘world class Cities’ are being imagined and planned in a homogenised manner with chief ministers claiming to transform “Bangalore into a Singapore, Bombay [Mumbai] into a Shanghai, and Delhi into a London” (Benjamin S., 2008). Urban renewal programmes are trying to tame the informal and bring it into the fold of the formal and legal in ways that have not taken into account the lived realities of the poor.

Research has found that the poor have actually been scapegoated as the source of many urban problems like unregulated growth and environmental damage (Banerjee-Guha, 2009). Resolving these issues required reconstructing the urban space and removing ‘cancerous slums, non-conforming activities, and vote bank politics’ (Benjamin S., 2008). Banerjee-Guha (2009) finds that the redevelopment and renewal of cities has been accompanied by the displacement and dispossession of the poor and the marginalised. Within the framework of neo-liberal urbanism, informal claims to the city, long honoured by politicians and lower level bureaucrats, have been delegitimised.

The relationship between informality and urban restructuring is important to understand because of the implications it has for the debate on the right to the city and urban citizenship (Zerah, 2011). Both Roy (2005) and Benjamin (2008) see insurgent forces at work in the process of urbanisation: the city is created incrementally and by a multitude of actors, and not always in accordance with centralised planning by the state. This finds resonance with Harvey’s appropriation of Lafavbre’s concept of the right to the city: “the right to the city is…the exercise of a collective power to reshape the processes of urbanization” (Harvey, 2008). In contrast, urban citizenship is seen as the legitimate presence in the city (Zerah, 2011, p. 4). Neo-liberal reforms have attempted to transform relationships between the state, the private sector and civil society (ibid: 2) and many neo-

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2 ‘World Urbanisation Prospects’, (2011) United Nations, Department of Economic and Social Affairs, Population Division
3 Centrally Sponsored Scheme for Infrastructure Development in Mega Cities
http://www.urbanindia.nic.in/programme/ud/infr_develop.pdf
liberal reform initiatives have tried to empower citizens by re-casting them as consumers of public services. However, such a re-casting often leaves out the poor, who may not be able to pay for services or who may not have the paperwork needed to be legitimate or legal consumers of these services. In India, the neo-liberal idea of urban citizenship has been largely given voice by neighbourhood associations, who emphasise their legitimacy as citizens who have property titles and pay taxes (ibid). In this conception, residents in squatter settlements or informal consumers of services do not have legitimate claims on access to services. The ‘right to the city’, a concept propounded by urban sociologist Henri Lefebvre, is seen as a counter-narrative to the neo-liberal idea of the citizen as paying consumer.

Ironically, however, both the rich and poor rely on informality to stake claim to the city and to land. Informality is not limited to slums but can be found in the sphere of the rich as well – shopping malls, farmhouses and other buildings that violate zoning and building rules. TNSCB officials admitted that land given to the agency under the Urban Land (Ceiling and Regulation) Act, 1978 was only on paper. 4 This legislation was repealed in 1999 but records showed that the government was still the owner of 1.04 crore square metres in the central parts of the city. This could have been used for development of slums in situ or with resettlement within the city centre. However, recent surveys by the TNSCB revealed that portions of it had been encroached on.5 The difference is that informality by the rich have “come to be designated as ‘formal’ by the state while other forms of informality remain criminalized” (Roy A., 2009). Roy postulates that the current faced-paced urban growth accompanied by social conflicts has resulted in an urban crisis and the reason for it is not a failure of planning but a planning regime that is itself informal. She states that the planning apparatus of the government is characterised by “deregulation, unmapping and exceptionalism”.6 She calls this the “idiom of urbanisation” in India and argues that its central feature is informality. She argues that informality is produced by the state and that the planning apparatus must confront the unplanned and the unplannable (ibid: 155-156).

The ‘right to the city’ contrasted with the ‘right to property’ are central to the understanding on informality and social justice (Roy A., 2005). It is the contention – the right to the city versus the right to property - that is in play in ward 5 in Chennai. This paper hopes to add to this literature with the study of the relationship between land ownership and the ways in which citizens access basic services. This paper presents a case study of one ward on the peripheries of Chennai which was annexed to the city in the recent expansion. Till 2011, Ward 5 was located within Tiruvotiyur Municipality, where only seven percent of all households had access to piped water provided by the government, and the total demand for water exceeded the supply by 16.4 million litres per day. This means that 93 percent of the municipality’s population, both wealthy and poor residents, had to rely on other sources for meeting their water needs, including self-provision through digging bore-wells, and purchase of both drinking water and water for other uses from private providers. The case study is based on experiences gathered during an intervention by Transparent Chennai, a local action-research project, in the ward which worked with residents to generate data that could be used to advocate for better services.

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4 Interview with TNSCB officials in Chennai on November 2, 2012
6 “By informality I mean a state of deregulation, one where the ownership, use, and purpose of land cannot be fixed and mapped according to any prescribed set of regulations or the law” (Roy A., 2009, p. 80)
This paper first gives an overview of governance and governance framework in Chennai before discussing the demographic and socio-economic characteristics of Ward 5. In the third section the paper describes the water and sewerage infrastructure and the informal ways residents access these services. The paper draws on interviews with residents involved in the process of data collection in the ward, with local elected officials, and with officials from the urban local government and other government agencies responsible for service provision to describe the process of how residents of informal settlements navigate the extremely complex and highly fragmented governance environment to improve access to basic services. The study reveals that the governance of informal settlements forced residents to rely on weak political actors to improve their access to the municipal service rather than through more legitimate, formal claims made directly to service provision agencies. By examining the de facto situation in one electoral ward in Chennai, this paper hopes to highlight the implications for urban citizenship and current urban policies.

GOVERNANCE FRAMEWORK AND GOVERNANCE IN CHENNAI

Reforms in the governance framework have been initiated in Tamil Nadu since the 1970s, which saw several changes in the institutional structure and the organisational arrangements for the delivery of municipal services. The origins of the current reform agenda can be traced back to reforms undertaken in Tamil Nadu where the entry of the World Bank in the urban sector in the 1970s saw projects being delivered by parastatal agencies created on the premise of financial sustainability and insulation from political interference (Madras Institute of Development Studies (MIDS), 2011). The slew of new reforms, the most notable being the Jawaharlal Nehru National Urban Renewal Mission (JnNURM) can be traced back to the reforms undertaken in Tamil Nadu. Banerjee-Guha sees these urban development schemes as officially ushering in neo-liberal policies which simultaneously look at cities as the engines of growth and the urban poor as the cause of unplanned urbanisation (Bannerjee-Guha, 2009).

The Chennai City Municipal Corporation Act, 1919 is the legislation that sets out the rules that affect municipal affairs and formally introduces the different municipal authorities. It was first passed in 1919 and has been amended several times since. The Act provides the framework for the powers, functions, composition, and tenure of the local government – the Municipal Corporation of Chennai. The local government comprises of the council, standing committees, wards committees and the commissioner, who oversees the executive arm of the government. They are responsible for all municipal affairs with the functions being vested in the council and exercised by the standing committees and the commissioner. The Corporation of Chennai has two hundred wards, each with a population of approximately 45,000. A ward is the smallest electoral unit for urban areas, each being represented by a single councillor. The Corporation of Chennai is organised such that the de jure powers are assigned to its different arms but in reality it is the state government that controls its actions. The dominant role of the state government in appointments, dismissals, budget allocations, expenditure heads makes it nearly impossible for local elected representatives to have any power or control over the municipality’s staff, which is largely appointed by the state government.

The government of Tamil Nadu created several parastatal agencies for the planning and governance of the metropolitan area, and for the provision of water, sewerage and housing – services that were traditionally provided by the local government. The Tamil Nadu Slum Clearance Board was created in 1970 to clear urban areas of slums and to improve the slums through in situ infrastructure development and resettlement in housing tenements. Under the Tamil Nadu Town and Country
Planning Act, 1971, the Tamil Nadu government created the Madras Metropolitan Development Authority, later re-christened Chennai Metropolitan Development Authority (CMDA), to plan the metropolis. It makes master plans for the metropolitan area and issues development permits. The Tamil Nadu government also created the Tamil Nadu Water and Drainage Board (TWAD) in 1971 to plan and execute water supply and sanitation projects across the state. Local bodies pay for the capital works and are responsible for the maintenance of the infrastructure. In 1978, the state government created the Chennai (Madras) Metropolitan Water Supply and Sewerage Board (CMWSSB) to play the same role as TWAD but in the Chennai Metropolitan Area (CMA). This includes the city of Chennai and areas within the Chennai Urban Agglomeration Area (UAA). Accordingly, the jurisdiction of the TWAD includes all other urban and rural areas in the state. However, since CMWSSB does not have the capacity to implement projects within its stipulated jurisdiction, the TWAD has done so in municipal towns with the CMA, including in Tambaram, Alandur and Tiruvotiyur. These agencies are mandated to be highly specialised and as a result the governance landscape is extremely complex and requires a high amount of coordination for the delivery of basic services.

Despite the seemingly well-organised government, the urban governance structure in Chennai, and in every other Indian city, is extremely fragmented and is supported by several networks of intricate informal relationships between elected representatives, unelected officials and political party workers. The state government maintains control over the day-to-day functioning of urban local bodies and parastatal agencies by making the appointments and dismissals of unelected staff. It also has the power to approve the city budget and expenditure. In this way, the unelected bureaucracy in the Corporation of Chennai and in the parastatals is also bound by formal and informal power wielded by the state government and political parties. This is in contrast to the rationale for setting up independent boards or parastatals which was to eliminate the political interference of local political workers in the daily workings of these bodies. Civic amenities are provided in a myriad of competing ways by innumerable agencies and different actors are instrumental in enabling access. Zainab Bawa demonstrates this in her study on how water is delivered and accessed in Mumbai (Bawa, 2011). Bawa (2011) explains how “the delivery of municipal services is influenced by the institutional and political contexts in which administrative and governance are carried out”.

A councillor represents his electoral constituency in the council and wards committee meetings. These are the formal forums where a councillor can formally question a member of the government about the government’s policy or business. Councillors, despite being elected representatives, have to resort to informal ways of mediating on behalf of their constituents. The 74th Constitutional Amendment Act which mandated the creation of local government also formalised the role of municipal councillors as mediators between citizens and the state (de Wit, 2009). The role of councillors in Chennai can be seen to be a versatile and complex combination of representation and mediation. In his study on municipal councillors in Ahmedabad, Berenschoft distinguishes their roles as *brokerage*, ‘the facilitation of the flow of information between state institutions and citizens’, *patronage*: ‘the practice of exchanging access to state resources for political support and finally *particularisation*; ‘the practice of undermining the uniform application of laws and legislation to the advantage of private interests’ (Berenschoft, 2010).

Councillors can help get a problem fixed by getting the zone and ward-level staff to address it but the relation between them is fraught with power struggles. The wards committees, mandated by the 74th Constitutional Amendment and created at the zone-level in Chennai, are where councillors can draw the attention of the zone staff to gaps in service delivery. In the interviews, councillors
revealed that infrastructure and service gaps were identified by the engineers and other staff in the zone office, who also prepared budget demands which were the basis for allocations from the annual city budget, and that the scope for their participation was narrow and informal. Councillors also lack knowledge about the budget and the budget-making process. Combined with the lack of transparency of the budget-making process, this was identified as a serious limitation of the budget-making process by councillors and civil servants alike. It was evident from interviews that they had almost no idea about the city’s budget and budget making process, and were primarily concerned with the Municipal Councillor Local Area Development Fund (MC LAD).

The only way that councillors can currently participate in the process is by making suggestions but the lack of formality in obtaining and incorporating councillors’ inputs for ward-level needs means that councillors play a nominal role in the process. Moreover, councillors admitted that they do not understand the technical details behind the problems and so are not able to ensure that the problem is fixed permanently. They are able to fix only the smaller problems this way but bigger ones that require larger investment or better technical skills or a solution for an area bigger than a ward are beyond the councillor’s powers. Storm water drains is an example that is quoted often to demonstrate this. As a result, they have found informal ways of fixing civic problems. From the interviews we have had with municipal councillors in Chennai we found that they try to address problems in service delivery but the methods remain individual transactional relationships that are targeted at favoured groups. Often they pay plumbers to fix broken water pipes and buy water tankers when there is no water supply in their wards. Some even think it is their responsibility to use their position to help citizens access medical and education facilities, and helping them when they face law and order problems, services that are delivered by the state government.

In Tamil Nadu, councillors are allowed to use their local area development funds for ‘development works’ in their wards. This includes work that is supposed to be done by different public agencies, including building toilets, providing garbage bins and providing basic amenities such as water and public toilets in hutments. However, this does not mean that councillors are successful in mediating between citizens and the state, or even replacing the state by providing basic services to the poor. Citizens continue to cope with the state’s inability to provide basic services by buying them or illegally tapping in to the formal network. Residents of Saidapet and Kalyanapuram, two slums in Chennai, admitted that the local councillor and member of Legislative Assembly were not able to help get formal electricity connections but ‘supported’ the illegal tapping from nearby street lights. In a fishering community living in ward 6 in Tiruvotiyur, a councillor had paid for twelve large water storage tanks to be installed nearly a decade ago and ensured that water tankers brought water twice a week. The residents said that initially they would call the councillor if the tankers did not come regularly but soon they would go directly to the CMWSSB offices to register a complaint.

De Wit relates the limited role of elected representatives to new forms of governance that are finding prominence across India (de Wit, 2009). Not only are public services being delivered by parastatal agencies that are modelled on the lines of for-profit organisations, they are also being designed to favour the middle and rich classes. They are designed to be apolitical and with commercial orientation, raising issues of accountability and social exclusion. The Tamil Nadu Slum

7 Interviews with N.Gopalaswami, ex-Chief Election commissioner on February 14, 2012 and G. Dattatri, ex-Chief Urban Planner for CMDA on February 2, 2012
8 Interviews with councillors Kokilla (Ward 175) on February 23, 2012 and Kavitha (Ward 117) on February 24, 2012
10 Interview with residents on November 19, 2012
Clearance Board (TNSCB), in its initial years, reflected the inclinations of the two dominant political parties, relied on in situ development of slums. However, this changed with the entry of the World Bank in urban sector financing and it has used evictions and resettlement in tenements on the outskirts of the city as its primary slum development policy (Raman, 2011). Similarly, the CMWSSB, was styled according to the global policy directives - as a profit-making water utility, financially self-sufficient, and free from vested political interests and interference (Coelho K., 2005). While the public utility has been praised for its profitability, it has also marginalised the urban poor in Chennai on account of the costs that access to the service involves (Coelho K., 2006, p. 16). Coelho reports, that by the late 1990s, CMWSSB gradually and unofficially withdrew free supply of water in the form of stand pipes, possibly to encourage low-income households to get private water connections. Coelho sees this as the action of a public utility under the influence of reform and argues that the design of the Board made it inevitable that it prioritised the revenue generation from private connections and marginalised the urban poor.

PROFILE OF WARD 5 (TIRUVOTTIYUR)

Chennai is the fourth largest metropolitan area in India. Chennai has repeatedly expanded by annexing villages on its peripheries. Peripheral urbanisation has been largely unplanned, and infrastructure and governance has been severely inadequate to meet the needs of a growing population. Although Chennai city has a population of 4,681,087, its metropolitan population is 8,696,010 (Census 2011). The Chennai Metropolitan Area extends over 1189 square kilometres with the periphery of the city close to six times the size of the city prior to expansion in 2011. The city of Chennai expanded its boundaries in October of 2011, growing from 176 square km to 461 sq km, making the periphery 1.5 times that of the city. The expansion has further compounded the city’s existing problems with access to water and sanitation.

Till October 2011, Tiruvotiyur was a municipality adjoining Chennai, but parts of it have since been annexed and boundaries re-drawn as Corporation of Chennai’s electoral units or wards. In 2001 the municipality had a population of 0.2 million and it was estimated that fifteen percent of them lived in slums. In 2008 the Tamil Nadu Urban Infrastructure Financial Services (TNUIFSL) commissioned a report that assessed the existing demand-supply gaps in service delivery in order to make a comprehensive infrastructure improvement plan and to develop a financial and operating plan to implement a sustainable infrastructure improvement plan (ICRA Management Consulting Services (2008). Ward 5 of the Corporation of Chennai is an amalgamation of wards 5, 6, 7, 8 and 9 of the Tiruvotiyur municipality. The 2001 Census survey enumerated a total of 4,328 households and a population of 18,983 in these five wards (Figure 1). Assuming a decadal population growth of 26 percent, as it has been in the decades 1981-1991 and 1991-2001, the population in the current ward 5 can be estimated to be 23,919. This roughly corresponds to the total number of households declared by the neighbourhood associations themselves. Since we have not been able to obtain household data from Census 2011 and we did not conduct a precise household survey, we relied on the neighbourhood associations for the information needed for this study (Figure 3).

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<td>5</td>
<td>800</td>
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11 City Corporate Plan cum Business Plan of Tiruvottiyur Municipality
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<td><strong>4,328</strong></td>
<td><strong>18,983</strong></td>
<td><strong>23,919</strong></td>
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[Figure 1]: Population in ward 5 in 2001 and estimates for 2011
Source: Census of India 2001

The Corporation of Chennai’s website provides a list of streets in every ward and we were able to identify 35 distinct neighbourhoods but a map obtained from the Corporation’s GIS department shows only 22. There are several industries located within the ward, including abrasives, ceramic, automotives, cement, cigarette and liquor packaging, pharmaceuticals, tanneries and leather based industries. A thermal power plant is located north of the ward, within the erstwhile municipality’s limits. Many of the residents in informal settlements trace their occupation back to labour for these industries. However, most of them continue to live on land that has been illegally occupied since these industries began, sometimes for two - three generations.

The Municipality of Tiruvotiyur used to get only 22.2 litres of water per capita per day against a demand of 90 litres per capita per day (ICRA Management Consulting Services (IMaCS), 2008). Only seven percent of the households had water connections from CMWSSB and the rest relied on ground water. Less than one-fifth of the municipality had road coverage and only 26 percent of the roads had storm water drains (ibid). The report also stated that there were 21 public toilets in the municipality but we found only two in ward 5, one of which was part of the bus depot! It also noted that more than six percent of the municipality’s population lived in 42 slums.

These numbers correspond to those in our study and reveal the obvious relation between poor access to basic services and its implications on the health of the people living in the ward. A report on health risk of people living in the erstwhile Tiruvotiyur municipality found that 35 percent of the households did not have private toilets and defecated in open grounds (Balakrishnan, 2001). There were three solid waste dumps operated by the municipality and 30 percent of the population lived within 100 metres of a dump. The study also found that faecal contamination of drinking water was the most significant concern of the municipality. A paper on the impact of water pollution of people living close to the Ennore Creek, very close to the case study area, found that the presence of the Ennore Thermal Power Plant and industries adversely affects sea, ground water and a large waterway with disastrous consequences for human and aquatic life (Gajendran, 2009).
[Figure 2]: Map of Ward 5 – Tiruvotiyur
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DISCUSSION

Citizens access services in a variety of ways, which – borrowing from Coelho and Venkat (2009) - include individual, collective, legal, extra-legal, illegal and politically mediated. We observed that there were different ways that residents of ward 5 coped with the lack of formal access to basic services: a) residents petition service providers for formal access which elected representatives sometimes support, b) residents buy services, c) elected representatives pay for services for residents, and d) residents illegally use formal infrastructure and services, sometimes supported by elected representatives. They relied on one or a combination of ways to access services depending on the nature of the service and the status of land ownership or tenure.

For the purpose of the study we focussed on seventeen neighbourhoods across the ward that included those with and without clear property rights to the land they currently occupied. We observed that land that was clearly owned by private institutions, such as ITC, MRF, Royal Enfield and Corborunda Universal Limited had their boundaries clearly marked with walls that prevented encroachment. However, the councillor claimed that some of them had illegally sold land adjoining their boundaries, which is why there were private residences immediately neighbouring industrial plots of land.12 Gandhi nagar, Jeevanlal nagar, Ramakrishna nagar, Thiru nagar, Thiru nagar extention, and Jeevarathinammal nagar are owned by private individuals who have property rights.

Jeevanlal nagar is the only gated community in the entire ward and has its own private security. It is also where the member of Legislative Assembly lives and this is perceived by the other neighbourhood associations as the reason for clear land titles.13 The municipal councillor, who lives in Gandhi Nagar, told us that not more than 25 percent of the ward had land titles and even those have been obtained informally. The entire ward was an industrial zone and only industries located there were allowed to build residences for their employees. However, many of these lands have been sold to private individuals and those who have been able to pay hefty bribes obtained building permission from the CMDA.14 The councillor admitted that he has helped many on his street obtain pattas even though the land used to belong to the Fisheries department.15

Ward 5 also has land owned by different public agencies and government departments but some parts of these have been encroached and occupied, sometimes since several generations. Among these is the Port Trust of India that owns large amounts of land. Ambedkar nagar, Chinna Ernavur, Thirumoorthy nagar and Kalaignar nagar are neighbourhoods that occupy land owned by the Southern Railways. Bharath nagar and Manikam nagar occupy land owned by the Public Works department. Bharathiayar nagar and Vaddaku Bharathiayar nagar, two neighbourhoods built on Port Trust land do not own the land but claimed to pay a penalty to the Corporation of Chennai through what is called a B-memorandum, colloquially known as a beam notice. However, an auditor’s report of land in Tamil Nadu stated that this has been discontinued since 1995! Rajiv Gandhi nagar is built on land that was encroached but has been sold to others via promissory notes on government stamp paper. Neither a ‘beam notice’ nor land sold using promissory notes entails ownership or provides security of tenure.

The entire coast of the ward used to be occupied by fishing communities who were gradually forced to move inland because of a rise in sea level. Palavithotam kuppam is a fisher folk neighbourhood that consisted of houses on both sides of the Ennore Expressway. However, families on the sea shore were affected by the tsunami in 2005 and moved inland. The Tamil Nadu Slum

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12 Interview with municipal councillor, Mr. Shankar, on November 19, 2012
13 http://www.assembly.tn.gov.in/members/profile/010.htm
14 Interview with municipal councillor, Mr. Shankar, on November 19, 2012
15 Incidentally, the councillor is related to Mr. KPP Sami, the minister for Fisheries, Government of Tamil Nadu in 2004-11.
Clearance Board (TNSCB) built 45 houses under a rehabilitation programme but none of the families living in these houses have legal documents to show ownership of the property they occupy. Neidhal nagar comprises of housing tenements built by the Tamil Nadu Housing Board (TNHB) and Netaji nagar is a Tamil Nadu Slum Clearance is a resettlement colony of 3,616 households that were relocated after the tsunami of 2004.

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<tr>
<td>10</td>
<td>Neidhal Nagar</td>
<td>170</td>
<td>TNHB</td>
<td>No patta</td>
</tr>
<tr>
<td>11</td>
<td>Palavithothotam kuppam</td>
<td>150</td>
<td>TNSCB + government</td>
<td>No patta</td>
</tr>
<tr>
<td>12</td>
<td>Rajiv Gandhi Nagar</td>
<td>300</td>
<td>Encroached and sold through promissory note</td>
<td>No patta</td>
</tr>
<tr>
<td>13</td>
<td>Ramakrishna Nagar</td>
<td>400</td>
<td>Private individual</td>
<td>Patta</td>
</tr>
<tr>
<td>14</td>
<td>Thiru Nagar</td>
<td>100</td>
<td>Private individual</td>
<td>Patta</td>
</tr>
<tr>
<td>15</td>
<td>Thiru Nagar Extn</td>
<td>150</td>
<td>Private individual</td>
<td>Patta</td>
</tr>
<tr>
<td>16</td>
<td>Thirumoorthy Nagar</td>
<td>100</td>
<td>Railways</td>
<td>No patta</td>
</tr>
<tr>
<td>17</td>
<td>Vadakku Bharathiyar Nagar</td>
<td>400</td>
<td>Port Trust</td>
<td>No patta</td>
</tr>
</tbody>
</table>

[Figure 3]: Neighbourhoods and the status of land they occupy
Source: Meetings with neighbourhood associations

We found that of the six neighbourhoods that have *pattas* (land titles) only three of them have been connected to the sewerage network. All three - Thiru nagar, Thiru nagar extension, and Jeevarathinamal nagar - were part of ward 9 of the Tiruvotiyur municipality where a partial sewerage system was built and made operational on a pilot basis by the TWAD in 1993. All others, including three with *pattas* use septic tanks and have connected their bathing facilities to the septic tanks or to open drains. All the neighbourhood associations we spoke with said that they relied on bore wells and hand pumps for their primary source of water. There are a total of ten bore wells and 47 hand pumps, but only 10 of these hand pumps are useable. According to the heads of the associations we met, there are a total of 58 taps that connect different streets to the bore wells. All the

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16 Public meeting with neighbourhood association leaders and residents on July 19, 2012
bore wells and hand pumps were paid for and installed by the Municipality of Tiruvotiyur and the residents collectively paid to install taps at different streets within the neighbourhood.

We were unable to estimate the exact number but gathered that many residents have bore wells within their premises that they use as a secondary or alternate source of water. The councillor told us that he and his family, members of which have been councillors earlier, supported residents’ demands for bore wells and hand pumps.17 Though we did not have a way of verifying this with CMWSSB or the erstwhile municipality, the neighbourhood associations, too said that their petitions were strengthened by the councillor’s informal interference in the process. In India, where such instances are common, the success of such actions is not unlikely. Till two – three years ago, residents used to buy water that was delivered by water lorries, which the councillor is also known to have helped pay for. The councillor lives at the end of Gandhi nagar and also owns a plot of land across the street on which his house is. This plot is adjoining Palavithotam kuppam – the fisher folk neighbourhood and is used as a parking space. There are two bore wells in these premises which the councillor allows residents of Palavithotam kuppam to access water from. Palavithotam kuppam itself does not have any bore wells and so rely on the councillor’s bore wells as a primary source of water. The residents also sometimes have to go further to use a hand pump in Gandhi nagar in events when they are unable to gain access to the councillor’s premises. The councillor also claimed that factories located in the area illegally sold groundwater to poor neighbourhoods which did not have bore wells or hand pumps.18

All households had an enclosure for bathing facilities within their premises but nearly fifteen percent had enclosures without roofs. These households were also those that did not connect their bathing facilities to a septic tank but to open drains or gutters. Four neighbourhoods were particularly striking in the lack of access to basic services. These were Chinna Ernavur, Bharathiyar nagar, Vadakku Bharathiyar nagar and Palavithotam kuppam. Almost 70 percent of the households in Chinna Ernavur let their waste water in to open drains or on open grounds. While 60 percent of them have toilets with septic tanks the other 40 percent defecate in the open. Residents in neighbourhood of Chinna Ernavour in Ward 5 said that a sewerage network had been constructed in 2009 – 2010 but their houses were not connected to it. Of the 500 households in the neighbourhood 300 have private toilets with septic tanks. Between twelve and thirteen percent of the households in Vadakku Bharathiyar nagar and Palavithotam kuppam defecate in the open since they do not have toilets. They maintain septic tanks and they collectively hire tankers to empty and clean the septic tanks. To avoid this cost some households broke the sewers to connect their premises to the sewerage network. However, this results in frequent blockages with the sewage overflowing above the ground. Septage is also released into storm water drains which are not always covered and which carry untreated water and waste in to the sea and waterways. These invariably become cesspits and breeding grounds for mosquitoes, adding further to the unsanitary conditions in the ward.

During our mapping exercise we observed that there were piles of garbage along all streets. The Corporation of Chennai is responsible for clearing the garbage but residents complained of irregular and inadequate service provision. Residents of Chinna Ernavur, Thirumoorthy nagar, Kalaigmar nagar and Poompukar nagar dispose their garbage in vacant plots of land adjoining their neighbourhoods.19 In complete contrast, a visit to Jeevanlal nagar revealed another story. Residents

17 Interview with councillor’s brother, Mr. Chockalingam - who had been councillor in Tiruvottiyur Municipality previously, on July 4, 2012
18 Interview with councillor, Mr. Shankar, on November 19, 2012
19 Field visits and meetings with residents on October 24, 25, 26, 2012
paid their neighbourhood association a fee, part of which was used to pay officials from the Corporation of Chennai’s Solid Waste Management department to schedule garbage collection in their neighbourhood twice a day! A resident admitted that they did not find the councillor or the member of Legislative Assembly useful in solving their civic problems, and instead interacted with bureaucrats in the Corporation. Thiru nagar and the neighbouring Thiru nagar-Extension, too, had regular garbage collection, though once every two days. However, in an impromptu street meeting, residents of these two neighbourhoods claimed that they did not rely on the councillor or other elected representatives. Instead, their ‘community representative’ made note of all civic problems and got them addressed either by working with the ward’s conservancy inspector or by reporting it at the Corporation office. Incidentally, the current councillor pays two ‘community representatives’ to play this role.

Mr. Perumal, a resident of Thiru nagar, and the community representative for Jeevarathinammal nagar, Thiru nagar and Thiru nagar-Extension and resolve them by meeting the concerned public official. Street lights are one civic service that residents are forced to rely on public provision for and a recent failure of all street lights in Thiru nagar saw Mr. Perumal visit the local office of the Tamil Nadu Electricity Board to ensure that an engineer was immediately sent to correct the problem. He admitted that his standing as a ‘community representative’ with the weight of the councillor behind him ensured that public officials prioritised his complaints over others. On the face of it, this seems like a way of ensuring improved service delivery. The councillor said that he found the ward office uncooperative at many times and so he had to act informally to address the problem. Such complaints are not uncommon and are often reported in media reports. Berenshoft sees this as a way that political actors institutionalise mediation, thereby undermining the ability of the state – which is often limited – to respond to citizens (Berenshoft, 2010).

CONCLUSION

Ananya Roy posits that the‘right to the city’ contrasted with the ‘right to property’ are central to the understanding on informality and social justice (Roy A., 2005). She brings in to play Krucekeberg’s argument that property deserves as much attention as land in planning, and contends that informality is both a land use issue and one of wealth distribution. Benjamin postulates that land ownership and de facto tenures shape the way the poor engage with the state and access public services (Benjamin S., 2008). He calls this ‘occupancy urbanism’, in contrast to the policy arena, dominated by real estate lobbies and financial institutions, and the reform-oriented elite civil society, dominated by citizen groups and non-governmental organisations. Together, the latter two groups lobby for planned development of slums through public consultations and citizen participation by legitimate citizens. He posits that relegating the poor to the realm of the informal and illegitimate gives rise to vote bank politics, and argues that the poor use their de facto tenures of land to stake claim on infrastructure and services that is usually linked to land (Benjamin S., 2008).

We found that citizens in ward 5 relied on their own form of agency that allowed them to act collectively and to mediate with local politicians and lower levels of bureaucracy. Municipal

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20 Interview with anonymous resident on November 19, 2012
21 Interview with anonymous resident on November 19, 2012
22 Field visits and meetings with residents on October 24, 25, 26, 2012
23 Times of India “Councillor hits corporation engineer, staff protest”, November 8, 2012
councillors operate as brokers in that they mediate between the state and citizens. They enable access to basic services in their wards but they are unable to elevate from individual, transactional relationships. While they are able to intervene at the lower levels of bureaucracy to enable access to basic services, they are not powerful enough to influence issues of land and property. Vote bank politics ensures some forms of citizenship, it is a limited one. Two documents – a voter identity card, which allows a resident to cast votes, and a ration card, that provides access to subsidised food items – are ways in which the local and state governments partly endow citizenship, even to those living in informal settlements. It is significant to note that neither of these documents requires ownership of property. In effect, the state has de-linked right to cast a vote and access to subsidised food from property. Yet, access to basic services of water and sanitation cannot be officially provided without ownership or tenure of land.

These findings have wider implications for urban citizenship and for the slew of new urban reforms. The case decisively demonstrates that urban denizens are not just spatially segregated but also administratively, politically and socially segregated, and all of these have implications on how they access the state’s resources. This segregation particularly negatively impacts the ability of poorer residents in informal or unrecognised settlements to make claims on the government for improved services. Where wealthier communities are governed by the urban local body, poorer communities live in spaces that are either ungoverned or governed by parastatal agencies that are answerable to the state government, not to the local body. We see that urbanisation cannot be easily categorised as the formal and informal; nor would it be correct to say that it is the poor who are in the realm of the informal.
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