RIGHT TO CITY: CITIZENS AND MIGRANTS PERSPECTIVES

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Abstract:

The paper highlights that the fundamental right written or oral with constitutional remedies of writs and litigations provide the citizens right to life, liberty and render freedom to carry their livelihood and settlement at their terms. However, migrants who are the marginalized group experience pull and push forces but still try to build their livelihood in accordance to their scare resources. Despite, having the fundamental rights the migrants are unable to assert their right to city. Further, this problem is aggravated with immigrants who not only are marginalized but also face the crises of their identity. Owing to the economic and social perspectives this paper attempts to suggest integration of migration policies into urban planning and development initiatives which can bridge the gap between have and not-haves and build a cooperative environment where all the stakeholders exercise their right to city.

Key words: Right to city, Fundamental right, migrants, Rehabilitation

Cities are Life + World where the Life is added to the world of brick and mortar, it is the entity by and for its habitants. The definition of livable cities and the parameters varies across many economists and sociologists. Friedmann signifies city as a progress in the social relationships, economic growth and governance. (Friedmann1962). Mike Douglass explained the livable cities in the spheres of livability indexed by personal well-being, environmental well-being and

life-worlds (Mike Douglass 2013). The cities are world where human being develops the structure according to their aspirations and look for satisfaction and collective well-being. When this feeling of contentment is absent or benefits of cities are limited to only few people then the city becomes the locus where the right to shared prosperity is claimed and fought for.

Harvey has stated that the city is more than just merely a 'thing', which can be nurtured in order to create economic growth and prosperity. The city is rather a reflexive outcome of social processes and urban form Harvey (2008). Therefore, considering the transitional development of urban cities we have to understand dynamics, through the impacts and effects on urban institutions as well as urban built environments.

As per UN-HABITAT Report, 2014 the urban population of the world has grown rapidly from 746 million in 1950 to 3.9 billion in 2014. UN-HABITAT (2014) had projected the world's population could add another 2.5 billion people to urban populations by 2050 which means it may increase to 66 per cent by 2050 from 54 percent of the todays urban population. Such rapid urban expansion will be particularly notable in Africa and Asia where the urban population will double between 2000 and 2030.

The rapid urbanization may raise the clash of civilization, especially when the world has scare resources and following the unsustainable developmental policies. Most of the countries are still developing where there is severe structural constrains, due to which they are facing resources crunch. This in turn result into low production giving rise to again a vicious circle of deficits gaps, poverty leading to never ending trap of structural disequilibrium. To rise from this situation a great magnitude of force is needed for growing urbanization.

Under the growing pressure of urbanization and dynamic transformation of cities the urban planning agenda will require attention to multi-dimensional caveats of economic, sociology and polity. Urban planning must give due attention to urban settlements of all sizes where expanding access to basic services, including health care and education, for large numbers of people.

As the economies change so does the social dynamics leading to a new political force. The dynamism of industrial and then services sectors are now tied to the drift of urbanization where the urban– rural divide had widened and deepened. The citizens are more willing to question both how cities capture their identity and how the majority–minority relations undermine the evolution of cities.

Now the urban planning is not only related to the distribution of the benefits of economic growth but also the arena to where stake holders assert their right to city which address the increasing inequality of marginalized ethnic, religious or linguistic groups. This right to city has laid its foundation from the fundamental right of freedom in forms of life, liberty and settlement.

Right to City: Citizens

Fundamental Rights, a charter of rights guarantees civil liberties such that all citizens can lead their lives in peace and harmony. These include individual rights common to adapt freedom to life and liberty, nurturing equality before law and the right to city by giving the freedom to settle.

The significance of the fundamental rights arrives from the provisions of constitutional remedies where protection of civil rights is given in judicial writs and penal codes or other special laws. The Indian Constitution has stated constitutional remedies (Article 32) in the same part III where details of fundamental rights are given, showing that rights without remedies are useless.

In India, Article (19) (1) (e) of the Constitution of India gives the fundamental rights of freedom to reside and settle in any part of the territory of India. The other freedoms mentioned in Article 19 of Indian Constitution provide the essential conditions of free movement, profession etc. which are necessary for a dignified living. But this right to reside is merely residential right it cannot be stated as right to city.

Under the domain of fundamental right, fundamental right to reside converted into right to city when the citizen had the right, know the way to assert the right and assert these rights to decide its livelihood and living condition. This can be seen from the recent incident held in National Capital Region (NCR) of India. As per the Disabilities Act of 1995, in India many public places had to have a sloped ramp leading to the entrance along with trained personnel for the especially abled people. However, cinema halls in different parts of the NCR were neither having the slopes nor provide well trained staff assistance to handle people with disabilities.

The Department of Films and Broadcasting are authorized to supervise the conditions and facilities of cinema halls in the national capital region. It is to consider that the disability

conditions are supervised by Department of Disability and health of state government. The negligence towards the provisions of disability occur due to lack of coordination in two different departments and neglect of state administration towards these special abled people.

It is when few especially abled people gather and filled the petitions against the selected cinema hall like PVR and BIG Cinema Private Ltd for not providing the proper infrastructure for disabled. The two departments (Films and Disability) played a blame game and were looking for each other mistakes. It is the judiciary in India who on the basis of constitutional provision interpreted the fundamental right of life and liberty and freedom to settlement and asked all the cinema halls of National Capital Region (NCR) to follow the rules stipulated under the Disabilities Act of 1995. Social media and Non-Government Organizations (NGOs) all came forward in this drive. Due to their effort, now five of the thirteen BIG Pvt Ltd cinema halls got reconstructed and other cinema halls also followed the same route.

Thus citizen have individual's fundamental rights which remains inert but the forces of oppressions or discriminations bring these rights into light. From the above example it can be underscored that citizen due to the constitutional provision were able to assert their individual right due to feeling of discriminations and problems. It is more important to consider that the individual under oppression comes together to address collective problems by collective right to city.

Fundamental rights in the liberal sense suffice the three tenets of suitability, necessity, and proportionality. However, having of charters of fundamental right is not enough as the greater the degree of non-satisfaction of one are detriment toothier principles. Therefore, the "Law of Balancing" hold primacy where execution ensure an optimization will take place to the extent that public policies, if they are implemented, always increase the total level of interest satisfaction (Alexy 2002).

Thus the principle of balancing had given the stake holders to participate in the development of their cities and livelihood. This participation is not limited to the role of consumers in economic market where demand and willingness to pay determine the supply of goods. As the extension, people are now participating in defining the market and players of markets by actively involving in budgeting process.

Participatory budgeting is a democratic process in which community members directly decide how to spend part of a public budget. It is a process through which citizens present their

demands and priorities for civic improvement, and influence through discussions and negotiations the budget allocations made by their municipalities.

Participatory budgeting involves parallel streams of meetings in forms of neighborhood assemblies and meetings of delegates for citywide coordinating sessions. Neighborhood assemblies discuss fund allocations among neighborhoods of the city for the usual departmental responsibilities, such as water supply and sewage, street paving, parks, and schools. And then the city governments present the accounts from the previous year marks the beginning of events every year along with the investment plan for the current year.

Instance of such began more than a decade ago in Porto Alegre, one of the most populated cities in South Brazil. In USA and Canada, Participatory Budgeting Project (PBP) run as a non-profit organization that create and support participatory budgeting processes that deepen democracy, build stronger communities, and make public budgets more equitable and effective. Recently, New York City Council Members launched New York City's 2015-2016 Participatory Budgeting cycle as the largest and fastest-growing Participatory Budgeting process in the United States.

In India, this can be seen in the form of mohalla sabhas for "Janta ka Budget" run by the Delhi State government as a pilot project in 2015. With an aim to bring governance closer to people, the Delhi government kick-started its first participatory budget exercise in which locals were asked to write down their suggestions and grievances and were asked to vote for development work they wanted the government to undertake in their areas. The residents were given sheets of paper and pens by civil defense volunteers and after going through the suggestions by the locals, including the demand for a library, CCTVs, road repair and a dispensary, the suggestions were put to vote.

Analytically, participatory budgeting is similar to the Toquevillean and Habermasian models of associative democracy where the best state is one that governs less and had enough space to empower local communities to deal with public issues. Under participatory budget exercise residents are now in position to demand and architect the cities in which they live. Now with the participatory approach or bottom up approach of budgeting individuals are able express their individual preference and problems into collective budget. It is a mechanism where one's aspirations becomes groups' aspiration and each member of budget exercise tries to address their individual problems within the limited constrains of finance and resources. Thus, it is a mechanism where individuality merges into collectivism.

Participatory conditions were to bring in the 'conviviality' (Lisa Peattie 1998), of cities where emphasizes is more on social life and participative civil society bring "Life" to "Livable Cities". More importantly participatory budgeting makes individual feel empathic towards other's rights and problems. This budget make people feel that their individual right to city is collective and has limit where one cannot demand so much that it overshadows others aspiration. Thus participatory budgeting is not only grassroots involvement exercise but also is assertion where rights to city come with duties respect others rights.

Right to City: Migrants

The issue of indigenous peoples and urban migration is an ongoing priority of the United Nations (UN). UN has estimated that due to variety of reasons 232 million people currently live outside their country of origin in which the search for protection and opportunity are the prime causes of movement. Yet, migrants contribute to economic growth and human development in both home and host countries and enrich societies through cultural diversity. They face denial of access to fundamental economic and social rights such as the right to education, health and livelihood. These rejections get aggravated due to discriminatory laws and practice in different country.

A human rights approach, places the migrant at the center of one government policies and management, and pays particular attention to their disadvantageous situation. Such an approach will also ensure that migrants are included in relevant national action plans and strategies, such as plans on the provision of public housing or national strategies.

One of the most livable country, Singapore government's open-door immigration policy had led to the country's overcrowding, increasing property prices for housing, suppressed wage level, increased competition for jobs and education, increasing income inequality and other social problems. These issues had been one of the important agenda for the recently held elections. Singapore's largest dormitory for foreign workers had differentiated rule and facilities among migrants and citizens. This differential treated was adopted due to the importance of foreign migrants in Singaporean economy government and recognition of real problems that can affect Singapore society.

In the words of AFL-CIO President John Sweeney "Hard working immigrant workers in country deserve a real path to citizenship as a part of comprehensive immigration reform…." This suggests that the guest labor on short-term or immigrant labor should be encouraged to take root in Singapore through the granting of permanent residency and even citizenship. But

Singaporean adopted the differential treatment as an essential aspect of governance highlighting a different outlook to right-based approach.

Thus the complex question arises whether citizen and immigrant should be given equal stature in cities. Especially when citizenship based rights overshadows the migrant's right or if migrant's rights given more priorities they undermine the citizenship benefits. Further, migrants and refugees of irregular situation are often rendered invisible and their true numbers are only estimates, resulting being left out in policy and decision-making processes. The problem is not limited to citizens and immigrants the question of identity and rights is also associated with migrants and residents.

Thus, achieving a balance between the two is complex question of public policy and urban planning. In urban planning, the issue of migrant is not only limited to the economic infrastructure but also has implication on the social and political dimensions as well. Migrants lacking legal documents are vulnerable to abuse, exploitation, arrest and detention. They face restriction in movement and difficulties accessing justice, livelihoods, adequate housing and services such as health and education. These adverse conditions combined to make it difficult for migrants and refugees to access rights, and reduce their contribution to the sustainable development of host cities.

Despite integrating migration policies into urban planning and development initiatives cities are facing lack of resources and capacities of citizen and other stakeholders like migrants to harness this potential. Without planning for migration and displacement, city urban plans lack the necessary practical approaches to address the challenges that municipalities face.

Public administrations have a responsibility to protect all individuals on their territory and should work to find durable solutions. States with integrated urban planning and migration issues help make cities capable of responding to the physical, social and economic challenges that are a growing part of the 21st century. The rehabilitation polices at SawaiMadhopur, a small suburban district of Rajasthan, northern state of India suggested the learning to the urban planners.

Case Study of SawaiMadhopur: SawaiMadhopurhaving one the national tiger Reserve named Ramthambore with habitants as wild animals and humans living together. In 2002, Indian government started the relocation and rehabilitate tribal (Meenas, Hindwara tribes

predominant) outside the forest with a small compensation packages. This compensation was revised when National Rehabilitation and Resettlement policy was framed in 2007. Subsequently Village Relocation Package was revised from Rs.1.0 lac to Rs.10 lac per family[1].

Considering the economic and social problems where tribes who were residing in the interior of the forest had no proper access to quality education, health, livelihood, water and sanitation facilities. Further, also the social discrimination as people used to ignore and do not want to marry their son and daughters to the people who used to live in jungle. Despite this marginalization and discrimination, the relocation process has been very slow and was considered as failure. The district also suffered worse law and order situation due to aggrieved violence between tribal and non-tribal.

Post 2009, there was a sudden transformation of results from failure to success was seen and rehabilitation and relocation headed to completion by 2012. This transformation came due to change of district administration where the new district collector adopted more participative and consultative approach for relocation. The administration took the work in mission mode by involving people, official and external volunteers. Frequent awareness campaign and several meetings with tribal and non-tribal were held. Each stake holder felt as they a part of the change. Economic and social problem became the opportunities for the process and governance as a Public-Private-Panchayat (PPP) partnership evolved where the whole is more than the sum of parts (P Mohan 2014). They evolved a joint action plan as outlined below Table 1:

Table 1: Villages Planned for Relocation from Critical Tiger Habitat

Year	Core Forest Villages	Buffer Forest Villages
2008-09	1	1
2009-10	6	4
2010-11	5	5
2011-12	5	7
2012-13	2	12
2013-14	2	15
Total	*21*	*44*

[1]Prior to 2007, Village Relocation Package was Rs 1.0 lac only so villagers were not willing to accept it.

Source: P Mohan, M Saxena and S Nath,(2014) Relocation and Rehabilitation at SwaiMadhopur, Case Study, 2014

As targeted the relocation project was completed by 2012 (refer table 2) Further, villagers with their joint effort constructed water tank, water shed development mechanism, primary schools with toilets, community center and stoned road or lanes. More importantly social problems were addressed with a reduction in law order problems and acceptance of tribes in the non-tribal world by marriages.

Table 2: Relocation Chronology

Year	Name of the villages	Total Families	No. of families relocated
2008-09	Indala	33	33
2009-10	Kalibhat	47	29
2009-10	Hindwad	575	287
2009-10	Kathooli	151	73
2009-10	Bhid	164	72
2009-10	Bhimpura	97	68
2009-10	Dangra	79	28
2009-10	UchiGuvadi	141	0
2009-10	Moor Dungri	157	125
2009-10	Munderhedi		62
2011-12	Padra	23	23

Source: P Mohan, M Saxena and S Nath (2014) Relocation and Rehabilitation at SwaiMadhopur, Case Study, 2014

Conclusion and suggestion:

Thus the above mentioned case study showed that the problem of migration should be integrated in urban planning and development initiatives. Considering the factors causing migration the 'push' factors of host regions that includeforceful land dispossession, poverty, militarization, natural disasters and lack of employment opportunities contribute significantly. While among the pull factors recipient country's policies, economic growth and development holds primacy.

All these factors were involved in above case study of SawaiMadhopur. However; the change of attitude of governance had reduced the backwash effects of such negative factors. Pre 2009 people were having the fundamental rights, rules and regulation but they were not involved in the process of development, so social–economic back trap was formed. Post 2009 shows them they have right to city of right to livelihood. The stakeholders accepted each other's co-existence and believed that collective problem have collective solutions.

The paper underscored the difference of the fundamental rights given by country's constitution to the citizen. The fundamental right written or oral with constitutional remedies of writs and litigations provide the citizen right to life, liberty and render freedom to carry their livelihood and settlement at their terms. However, migrants who are the marginalized group experience pull and push forces but still try to build their livelihood in accordance to their scare resources.

Cities are life world, where citizen and non-citizens co-exist with each other. In accordance to human rights migrants must be placed at the center of one government policies and management, and pays particular attention to their disadvantageous situation. Despite, having the fundamental rights the migrants are unable to assert their right to city. Further, this problem is aggravated with immigrants who not only are marginalized but also faces the crises of their identity. As well as don't have the privilege of fundamental rights.

It is understood and seen across the world that cities planning without integrating migration policies into urban planning and development initiatives have faced lack of resources, skyscraper coexists with large slums, declined capacities of citizen and other stakeholders, and wide gap between have and not-haves. It should be adapted that the right to city are collective right. Care needs to be taken to underscore that this right is a collective right enjoyed by individuals. This automatically places it in the realm of governance and public decision making, whether accomplished through direct or indirect processes.

Urban development policies must incorporate area-based understanding of potential migration, displacement patterns, and other vulnerability factors. Urban planning must involve assessment of capacity of communities, infrastructure, administrative structures, and other available resources. Here, migrant required to play a vital role of providing relevant information to administration. On other hand administration must adopt policies which build the capacity of stake holder and develop a feeling of belongings to the cities. Local authorities and other actors should ensure the free, active and meaningful participation of all stake holders.

Here fundamental rights in form of freedom of life and liberty, speech and assembly are important. Further, the right to information and participation in decision making processes and more important the rights to vote are also crucial to sustainable and inclusive urban development.

Thus, integrating migration concerns into development planning and policies offers long-term solutions to large scale displacement, promoting benefits for the displaced as well as their host societies. Urban environments have greater opportunities for economic integration and self-reliance for migrants and local integration alternative to return. If government feels that resident has the right to their city and adopt good governance where each stake holder has the rights and duties to fulfill those rights then the fundamental rights will transform into human rights or right to city.

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