

PRESS RELEASE

New Delhi, 22 June 2018

New Report on India's Smart Cities Mission Highlights the Lack of an Integrated Approach and Focus on Marginalized Groups

As the Smart Cities Mission completes three years on 25 June 2018, at an event in New Delhi, Housing and Land Rights Network, India (HLRN) launched its report titled, **India's Smart Cities Mission: Smart for Whom? Cities for Whom?**

Justice A.P. Shah, former Chief Justice of the High Court of Delhi and former Chairperson of the Law Commission of India, who was to release the HLRN report, could not be present due to exigent circumstances and instead sent a message of support. In particular, he highlighted that, "The report has raised important human rights concerns that the Smart Cities Mission should definitely address."

The report release was followed by a panel discussion at which independent experts discussed diverse dimensions of the Smart Cities Mission, while raising concerns about its challenges.

Stressing the need for a gender equality approach, *Ms Suneeta Dhar, Senior Advisor, Jagori*, elaborated that, "Smart cities should be inclusive of women, in all their diversity. A women's human rights approach would transform the way cities are planned, by addressing structural inequalities and inequities. Women have an autonomous 'right to the city', to its opportunities and services, as equal citizens. They have a right to safety at all times, both at work and public spaces. When cities are built without the voice of women in local governance systems, and without considering age- and gender-specific factors, then girls and women bear huge costs in terms of lack of well-being and unpaid work. There is ample evidence to substantiate these observations."

In his remarks, *Dr Partha Mukhopadhyay, Senior Fellow, Centre for Policy Research* also commented that, "This report is a critical but thorough and extensive examination of the government's Smart Cities Mission. It brings together a wide array of sources, including a valuable compilation of parliamentary questions related to smart cities, to try and answer some very important questions relating to the nature of citizenship and governance in our cities, and provides a perspective on housing and human rights that link to India's international commitments. Regardless of one's position with respect to smart cities, this is a report that should be engaged with."

Housing and Land Rights Network presented the major findings and conclusions of its study, which are described below.

Major Findings and Conclusions of the HLRN Study

- **Exclusionary approach.** By focusing on only 100 cities of the country and on select areas within those cities, the Mission has demonstrated a restrictive approach to urban development. Of the total proposed investment of Rs 2.04 lakh crore (Rs 2,040 billion) in 'smart cities,' 80 per cent will be spent on 'Area-based Development (ABD).' The city area covered by ABD is less than 5 per cent for 49 of the 86 cities for which information is available. The government claims that 99.5 million people will be covered by Mission projects **or only 8 per cent of India's total population or 22 per cent of the urban population.** Disaggregated data on the demographics of the affected population is also not available. The per capita investment on ABD varies from city to city, with Rs 32,159, reportedly, being spent per person in Bengaluru and Rs 43.3 lakh per person in Naya Raipur. The Mission thus lacks consistency and a clear rationale in choice of projects and investment decisions.

- **Absence of a gender equality and non-discrimination approach.** There is a limited focus on marginalized groups, including Scheduled Castes, Scheduled Tribes, and other minorities. In particular, the silence on caste-based discrimination is glaring. While issues related to women, children, persons with disabilities, and older persons find some mention in most Smart City Proposals, the Mission does not incorporate a consistent rights-based or substantive equality approach to address structural discrimination and violence against these groups in cities.
- **Inadequate participation, consultation, and information.** Though every city has reported some form of engagement with residents in the development of Smart City Proposals, people's participation, especially from low-income communities, has not been adequate. There is also no means of ascertaining whether inputs collated during public consultations have been factored into the final proposals and selection of 'smart city' projects in each city.
- **Absence of human rights-based standards and monitoring indicators.** The lack of adequate standards to guide project development and implementation, including for housing, water, sanitation, health, and environmental sustainability, raise questions about whether the Mission will be able to deliver on its aims and ensure the fulfilment of fundamental rights.
- **Threat of forced evictions, land acquisition, and displacement.** While housing for economically weaker sections (EWS) and low-income groups (LIG) has been identified as an area of concern in almost all proposals, none of the cities have recognized housing as a human right or included standards of 'adequate housing' for their projects. The goal of several cities to become 'slum-free' without including concomitant indicators—such as the number of houses demolished or the number of homeless persons recorded in the city every year—to assess realization of this target, could promote evictions and the destruction of low-income settlements under the guise of creating 'cities without slums.' Evictions are being reported in several 'smart cities.' In 2017, HLRN documented forced evictions and demolitions of homes in 32 of the 99 'smart cities.' While some evictions were directly linked to 'smart city' projects, others were carried out for reasons ranging from 'city beautification' to 'slum clearance.' Eight of the 99 cities have proposed greenfield development. This could increase land acquisition, resulting in the loss of farmland and the displacement of farmers and other rural communities.
- **Likelihood of increased segregation and gentrification.** The cost of developing these 'smart enclaves,' will also have to be borne by the city residents living in these areas, not all of whom may be wealthy. Initiatives to increase user charges for essential services, including of water, have already been proposed in cities like Pune. With improved services and amenities in the 'smart city,' housing prices could rise, fuelling the threat of market-led evictions and gentrification of 'smart' neighbourhoods.
- **Dilution of democracy and the privatization of governance.** The Special Purpose Vehicle (SPV) to implement the Mission has been incorporated under the Companies Act 2013. This is a violation of The Constitution (Seventy-fourth Amendment) Act 1992, which divests power in local governments and urban local bodies. The SPV's competing governance mechanism could substantively dilute local democracy with the private sector playing a greater role in city management.
- **Risks of digitalization and threats to privacy.** The rise in digitalization could exacerbate India's already great digital divide if adequate safeguards are not adopted. Furthermore, the tendency of technology to capture personal information and household-level data gives rise to concerns about the smart city's propensity to violate people's right to privacy. In addition, the rights to information and security are also threatened by increased surveillance.
- **Increased corporatization of cities with high dependence on foreign investment.** It is estimated that 80 per cent of total capital outlay for 'smart city' development would be required from the private sector. The selected cities are, thus, raising funds through a variety of Public Private Partnership (PPP) models. Several foreign governments and multilateral agencies have also proposed large amounts of funding for the Mission. However, the actual amount of remittances received and the conditionalities attached to these investments are not known. There is thus a concern about the level of control that local governments will have over decisions and

outcomes related to ‘smart city’ projects. These trends highlight the transition towards the corporatization of Indian cities, with grave potential implications for residents.

- **Environmental concerns.** Though there is a stated focus on environmental sustainability within Smart City Proposals, the paradigm of development being adopted by the Mission could result in the growing ecological footprint of ‘smart cities.’ It could also pose threats of increased e-waste and loss of forest cover in the pursuit of greenfield development and city-based infrastructure projects.
- **Apparent lack of convergence with other schemes.** Urban development in India is also being governed by several other schemes: Atal Mission for Rejuvenation and Urban Transformation (AMRUT), Swachh Bharat Mission, the Pradhan Mantri Awas Yojana (PMAY) or Housing for All–2022 scheme, and the National Urban Livelihoods Mission (NULM), among others. A review of these schemes reveals a multiplicity of targets and overlapping areas of intervention. Ninety-two of the 99 selected ‘smart cities’ are also covered under AMRUT, while most of the housing projects in ‘smart cities’ are PMAY projects and shelters for the homeless are being funded by NULM. The question then is: What is the value added by the Smart Cities Mission?
- **Positive developments have been reported in a few cities.** These include restoration of heritage sites in Gwalior, solar energy achievements in Diu, child-friendly initiatives in Bhubaneswar, a waste management project in Jabalpur, and toilet construction in Kakinada. However, in the absence of a comprehensive assessment framework, it is difficult to ascertain the progress of the Mission, especially with regard to key indicators and outcomes.

Recommendations

The analysis of the Smart Cities Mission—undertaken by HLRN—reveals the glaring absence of a human rights-based approach to the Mission as well as a neglect of the urban poor and marginalized. While it may be too late to reverse the process that the Mission has embarked on, it is not too late to change the direction of its trajectory by implementing measures to ensure a greater focus on human rights, equality, and social justice. Housing and Land Rights Network has, thus, proposed some recommendations to the government as well as other involved actors.

- The Smart Cities Mission needs a **human rights-based implementation and monitoring framework** to assess the achievement of targets and to ensure that all ‘smart city’ projects comply with national and international law and promote human rights and environmental sustainability. While the Liveability Index, announced by the government, is a move in the right direction, it should incorporate human rights indicators, so as to meaningfully assess the quality of life and standard of living in Indian cities, including ‘smart cities.’
- **Implementation of the Mission should align with India’s international commitments**, including under the Sustainable Development Agenda 2030, the Paris Agreement, and the New Urban Agenda. It should also aim to implement recommendations from India’s third Universal Periodic Review.
- The Mission must develop a **special focus on the needs, concerns, and human rights of marginalized** individuals, groups, and communities, including children, women, Scheduled Castes, Scheduled Tribes, migrants, homeless persons, domestic workers, persons with disabilities, religious and sexual minorities, and other excluded groups.
- **Meaningful participation and engagement** should be a priority in the selection and execution of ‘smart city’ projects in all cities. The free, prior, and informed consent of all persons likely to be impacted by ‘smart city’ projects should be obtained prior to project selection.
- **Human rights-based impact assessments and environmental impact assessments should be mandatory** for all ‘smart city’ projects, before they are approved.
- Strict measures must be put in place to ensure that implementation of ‘smart city’ projects **does not result in the violation of any human rights**, including the rights to adequate housing, work/livelihood, security of the person and home, water, sanitation, health, food, privacy, information, must be protected.

- The provision of **adequate affordable housing** in all cities must be strengthened while allying with the targets of PMAY/Housing for All–2022. Cities should define ‘affordable housing’ with clear income-based criteria. ‘Rehabilitation’ and ‘slum-free city’ projects should not be used as an excuse to demolish low-income settlements. Measures must be taken to prevent forced evictions, forced relocation, and displacement.
- Efforts must be made to **protect the right to privacy**, and to prevent surveillance and misuse of big data. India needs appropriately-nuanced data legislation to check against the growing threats of digitalization.
- The body created to implement the Mission, **the Special Purpose Vehicle, must work within the framework of democracy** provided by the Constitution of India and must respect and not circumvent democratically elected local governments and institutions.
- The role of the **corporate sector** associated with ‘smart city’ projects, including multinational companies, **should be regulated** to ensure compliance with national and international laws. Privatization of essential services must be prevented.
- **Improved convergence of all government schemes along with better inter-ministerial coordination is required.** Common core human rights indicators should be developed to ensure harmonized monitoring of all national urban schemes.
- **Progressive court judgments**, including those upholding the rights to privacy and housing, should be complied with. Authorities should also **implement recommendations of UN treaty bodies and Special Procedures**, including those of the Special Rapporteur on adequate housing pertaining to the Smart Cities Mission.

Given the many concerns and challenges related to the Smart Cities Mission, HLRN hopes that all involved agencies—state and non-state—will consider implementing the recommendations presented above.

As *Shivani Chaudhry, Executive Director, Housing and Land Rights Network*, emphasized, “Though some ‘smart city’ projects may have positive outcomes, the question is whether such a super structure of the Smart Cities Mission—with a competing governance model, private consultants, and large funds—was needed to get cities to perform their mandated roles? Are we headed towards creating ‘smart enclaves’ or inclusive cities? Are ‘smart cities’ the way for India to meet its legal and moral obligations, including implementation of the Sustainable Development Goals, or would a more equitable paradigm focusing on the entire country have been a more prudent alternative? The Mission requires a fundamental re-envisioning exercise that places people, not technology and profit, at the centre.”

Housing and Land Rights Network believes that it is important for the Indian government, at both the central and state levels, to adopt a strong human rights approach in all its policies and schemes, including the Smart Cities Mission. A focus on creating ‘human rights habitats’ instead of ‘smart cities’ would ensure that the poor and marginalized are not excluded, their democratic participation in governance is guaranteed, their fundamental rights are upheld, and that improved living spaces are created for all.

The report—**India’s Smart Cities Mission: Smart for Whom? Cities for Whom?**—is available at:
http://hlrn.org.in/documents/Smart_Cities_Report_2018.pdf

This Press Release is also available online at:
http://hlrn.org.in/documents/Press_Release_Smart_Cities_Report_22_June_2018.pdf

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